



Marathon Pipe Line LLC

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Findlay, OH 45840
Tel: 419.422.2121

June 13, 2022

Mr. Gregory Ochs
Director, Central Region
PHMSA, Office of Pipeline Safety
901 Locust Street, Suite 480
Kansas City, Missouri 64106

RE: Operator Response
Warning Letter CPF 3-2022-038-WL

Dear Mr. Ochs:

On March 8, 2022, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a Warning Letter (Warning) to Marathon Pipe Line LLC (MPL) resulting from an inspection of MPL's Northwest Products System (NWPS) located in Oregon and Washington State. The Warning alleged a potential violation of the Pipeline Safety Regulations.

MPL understands that when issuing a Warning, "PHMSA does not make subsequent findings as to whether the factual allegations in the warning were proven by the evidence in the record" and that "PHMSA does not adjudicate the warning to determine if the allegations were proven."¹ Although not required,² MPL is submitting this response to the Warning in order to clarify facts associated with this allegation and provide additional information to demonstrate that MPL has not violated the Pipeline Safety Regulations. MPL understands that PHMSA is not required to take action in response to this letter; however, MPL respectfully requests that this letter become part of the public record associated with this Warning as posted on PHMSA's website.

Herein is MPL's response to PHMSA's allegation:

PHMSA Allegation

As a result of the inspection, it is alleged that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

¹ Pipeline Safety: Administrative Procedures; Updates and Technical Corrections, 78 Fed. Reg. 58897, Pg. 58900 (September 25, 2013).

² 49 CFR §195.205 Warnings.

1. § 195.410 Line Markers.

(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

(1)

(2) The marker must state at least the following on a background of sharply contrasting color:

(i)

(ii) The name of the operator and a telephone number (including area code) where the operator can be reached at all times.

Marathon failed to maintain line markers as required by § 195.410(a)(2)(ii), by not updating the name of the operating company from Tesoro to Marathon Pipe Line, LLC. The PHMSA inspection onsite was completed in August of 2021 giving Marathon sufficient time to update the operator name information. Tesoro known at the time of purchase as Andeavor was purchased by Marathon Pipe Line, LLC on October 1, 2018. To meet the requirements of §195.410 (a)(2)(ii), the operator name listed on the markers should be updated with the current pipeline operator's name.

MPL's Response

MPL would like to correct the factual statement of ownership made in the allegation. Marathon Petroleum Corporation, not MPL, acquired Andeavor on October 1, 2018, but that fact is not relevant to determining compliance with the line marker requirement at issue. Tesoro Logistics Northwest Pipeline LLC (TLNP) has owned the NWPS since 2013. Through an agreement, MPL operates the NWPS on behalf of TLNP.

Section 195.410(a)(2)(ii) requires that “[t]he name of the operator and a telephone number (including area code) where the operator can be reached at all times” be included on the line markers. Section 195.2 defines the *operator* as “a person who **owns or operates** pipeline facilities” (**emphasis added**). PHMSA has recently reaffirmed that “[t]he regulation at issue permits a pipeline operator to include on a line marker the name of the owner or the operator of the pipeline.”³ Therefore, a pipeline marker which identifies either TLNP (owner) or MPL (operator) would be in compliance with the regulation.

As part of its branding efforts, MPL is in the process of updating pipeline markers along the NWPS to identify MPL as the operator. However, until this project is complete, the existing markers identifying TLNP remain acceptable under the regulation, as TLNP is the owner of the NWPS. In addition, PHMSA acknowledged that the emergency telephone numbers on the markers remain operational as required by regulation.⁴

³ See Final Order CPF No. 1-2017-5007, In the Matter of Buckeye Parnters, LP, Respondent (April 1, 2018).

⁴ See “Post-Inspection Written Preliminary Findings”, Pg. 3 of 3 (Transmitted via email on November 23, 2021).

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In conclusion, MPL believes that it remains in compliance with the requirement to list the owner or the operator of the pipeline on each pipeline marker associated with the NWPS. MPL respectfully requests that this letter become part of the public record associated with this Warning as posted on PHMSA's website.

If you have any questions or would like to discuss further, please do not hesitate to contact me at 210.307.0402 or awmartinez@marathonpetroleum.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron W. Martinez", enclosed within a blue oval scribble.

Aaron W. Martinez
Regulatory Compliance Manager
Marathon Pipe Line LLC

Cc: Shawn Lyon, President
Greg Smith, Chief Counsel