

## NOTICE OF AMENDMENT

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 18, 2013

Mr. Shawn Lyon  
Vice President, Operations  
Marathon Pipeline LLC  
539 South Main Street  
Findlay, Ohio 45840

**CPF 3-2013-5016M**

Dear Mr. Lyon:

On October 25, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Marathon Pipeline LLC (MPL)'s procedures for its Public Awareness Program (PAP) in Findlay, Ohio.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Marathon Pipeline's (MPL) Public Awareness Program plans or procedures, as described below:

**1. §195.440 Public awareness**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

MPL's written PAP is inadequate because it does not have a written statement requiring that an effectiveness evaluation of its PAP will be done at least every four years.

MPL's written PAP is inadequate because it does not have a written procedure for verifying that mailing to all required stakeholders have been completed each year for each individual stakeholder audience.

MPL's written PAP is inadequate because it does not have a written procedure for considering supplemental reviews on an annual basis for each area, and by each individual stakeholder audience.

MPL's written PAP is inadequate because it does not have a written procedure to address maintaining liaison capability surveys with emergency responders.

MPL's written PAP is inadequate because the message is not consistent for all emergency responder audience.

MPL's written PAP is inadequate because it does not document changes considered, the decisions made, who will be making the changes and when the start and end dates will be established for the changes being implemented.

MPL's written PAP is inadequate because MPL does not have a written procedure to track specific program outreach per stakeholder audience. MPL knows how much was mailed out, but there is no documentation discussing what was undelivered, what was returned etc.

MPL's written PAP is inadequate because there is no written procedure to make such accurate comparisons are being made across the audiences, and that accurate determinations are being made on the percentage of stakeholders reached.

MPL's written PAP is inadequate because there are no accurate comparisons or percentage of stakeholders reached made across the audiences.

MPL's written PAP is inadequate because MPL needs a written process for determining understandability of the message by stakeholder audience.

MPL's written PAP is inadequate because it does not have a process to determine if appropriate preventive behaviors have been understood, and if those behaviors are what would take place when needed by stakeholder audience.

MPL's written PAP is inadequate because it does not have a process to consider other bottom-line results and the direction to link and relate PAP activities to bottom line measures as part of the PAP. In addition, the PAP does not include Marathon's bottom-line measures.

MPL's written PAP is inadequate because it does not have summarized evaluation activities, results on program changes, action items, tracked decision making, assigned implementation personnel, and implementation start and end dates.

## **2. §195.440 Public awareness**

**(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:**

- (1) Use of a one-call notification system prior to excavation and other damage prevention activities;**
- (2) Possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline facility;**
- (3) Physical indications that such a release may have occurred;**
- (4) Steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release; and**
- (5) Procedures to report such an event.**

MPL's written PAP is inadequate because it does not ensure that all individual stakeholder groups affected by its pipeline systems are considered and accounted for.

MPL's written PAP is inadequate because the operator's baseline brochure does not have contact information, and directions on how to obtain additional information.

**3. §195.440 Public awareness**

- (e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.**

MPL's written PAP is inadequate because there is no written process that advises school programs to avoid the ROW when conducting emergency evacuation activities at their schools.

**4. §195.440 Public awareness**

- (f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports hazardous liquid or carbon dioxide.**

MPL's written PAP is inadequate because they do not ensure Quality Assurance and Quality control (QA/QC) in identification of all individual stakeholder groups.

MPL's written PAP is inadequate because the brochure does not have a definition for "gathering" pipelines.

**5. §195.440 Public awareness**

- (g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.**

MPL's written PAP is inadequate because it does not have a procedure that periodically investigates the need to see if another language is needed for the PAP message. In addition, it does not have the data resources that would be used to determine the language spoken by its stakeholder audience, and it does not have a target percentage that would be relied on to initiate the addition of a new language.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested that Marathon Pipeline LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2013-5016M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett  
Director, Center Region  
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

cc: Terry Riesen, ES&R Compliance, Marathon Pipeline LLC