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Shawn M. Lyon
Vice President, Operations

Marathon Pipe Line LLC

September 17, 2013

Ms. Linda Daugherty
Director, Central Region
Department of Transportation
Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety
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Kansas City, MO 64106-2641

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Findlay, OH 45840
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RE: Marathon Pipe Line LLC Notice of Amendment, CPF 3-2013-5016M

Dear Ms. Daugherty:

Please find enclosed Marathon Pipe Line LLC's (MPL) response to the above-referenced Notice of Amendment (NOA) dated June 24, 2013, concerning MPL's Public Awareness Program (PAP) inspection in December of 2011.

MPL genuinely appreciates the opportunity to learn from the findings of PHMSA's 2011 PAP inspection. MPL's philosophy for every inspection is that there is great value in information exchange and dialogue between PHMSA and MPL and that this dialogue can help drive continuous improvement. In the 2011 inspection, there was a great deal of discussion regarding our PAP including suggestions for improvements and best practices based on what the inspectors had seen in other operators' plans. At no point was MPL's PAP described as inadequate or noncompliant; to the contrary, inspectors were complimentary of the PAP. After the inspection closeout, MPL carefully considered the list of items noted by the inspectors and in response submitted improvements to PHMSA. Despite these efforts, the submitted changes were overlooked and the NOA does not reflect the amendments MPL offered for PHMSA's consideration. Therefore, MPL has endeavored to respond to each item in the NOA even if the item was already described in the existing PAP or the submitted improvements.

MPL shares PHMSA's goal of improving communications with all pipeline stakeholders and ensuring public safety. MPL takes pride in the commitment to continuous improvement and trust that our enclosed response reflects that commitment. We wholeheartedly believe that this response is adequate to demonstrate compliance with the letter and spirit of pipeline safety regulations and that the NOA will be closed accordingly with no further action.

Please contact Randy Bishop at (419) 421-3712 or me at (419) 421-4002 if you have any questions or wish to discuss this matter further. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'S. Lyon'.

Shawn Lyon
Vice President, Operations
Marathon Pipe Line LLC

PHMSA Public Awareness Program (PAP) Audit Findings & Response

- 1) 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.**

The PAP was modified in October of 2011 to address this concern and it was submitted to PHMSA on February 3, 2012.

Section 10 (Program Evaluation) of MPL's Public Awareness Program was modified to include the following language:

"The Communications Specialist is responsible to ensure effectiveness measurements are conducted no more than 4 years apart. MPL will use a variety of methods to measure effectiveness. These include, but are not limited to, interviews, surveys, focus group sessions and third-party hit and near miss events."

- 2) 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.**

Section 8 (Delivery Methods) of MPL's Public Awareness Program was modified to address this concern by including the following language:

"On an annual basis, MPL will verify the accuracy of its mailing list by utilizing the following process:

The Communications Specialist will provide the mailing vendor with a list of stakeholders, by state, that should be included in the annual mailing. The Communications Specialist will review the documentation provided by the vendor to determine if the appropriate stakeholders were mailed.

In the first quarter of every year, the Communications Specialist will obtain a list of landowners and excavators who did not make a one call prior to excavating during the previous year. The list, generated from field incident reports, is maintained by the Field Services & Planning Department. The Communications Specialist will submit the list to the public awareness mailing vendor. The vendor will verify that the addresses were included in the most recent mailing for that stakeholder audience. If any addresses were not included, the vendor will enter the addresses into a MPL database. These addresses will then be included in future MPL mailings for that stakeholder audience.

The Communications Specialist will randomly select a continuous mile section of pipeline to conduct a physical comparison to the vendor mailing list. Within the mile section, a MPL employee or contractor for that area will document the physical addresses within 1/8 of a mile of the pipeline. The employee/contractor will provide the list to the Communications Specialist. The Communications

Specialist will compare the physical listing to the mailing list provided by the mailing vendor. If any physical addresses were not included in the latest mailing, the vendor will enter the addresses into a MPL database. These addresses will then be included in future MPL mailings for that stakeholder audience. The vendor will also mail the most recent communications to any missed addresses. The Communications Specialist will document the verification process.

For non-collaborative mailings, the Communications Specialist will verify that the number of pieces mailed to stakeholders by the vendor matches the number of pieces on the billing invoice. The Communications Specialist will document the verification process.”

3) 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.

Section 9 (Considerations for Supplemental Program Enhancements) of MPL’s Public Awareness Program was modified to include the following language:

“This section provides guidance on how Marathon Pipe Line will enhance its baseline program with supplemental components. The term “program enhancement” refers to MPL’s decision to supplement its Public Awareness Program beyond the baseline.

Three primary forms of enhancement should be considered for all stakeholder audiences in the development and administration of the Public Awareness Program:

Increased Frequency (shorter interval)

Increased frequency refers to providing communications to specific stakeholder audiences on a more frequent basis than the recommended baseline for the intended audience.

Enhanced Message Content and Delivery/Media Efforts

Enhanced message content and delivery/media efforts refer to providing additional or supplemental communications activities beyond those identified in the baseline. This could include customized and/or additional messages, or different delivery methods.

Coverage Areas

Coverage areas refer to broadening or widening the stakeholder audience coverage area beyond those contained in the baseline. It can also be applied to widening the buffer distance for reaching a particular stakeholder audience along the pipeline route.

Regarding program enhancements and possible supplemental activities, Marathon Pipe Line will consider the following factors applied along the entire route of the pipeline system:

- Potential hazards

- High consequence areas
- Population density
- Land development activity
- Farming activity
- Third-party damage incidents (MPL specific and national statistics)
- Environmental considerations
- Pipeline history in an area
- Specific local situations
- Regulatory requirements
- Results from previous public awareness program evaluations
- MPL hit and near miss data
- Effectiveness measurements
- Other relevant factors (PPTS advisories; PHMSA bulletins, etc.)

Marathon Pipe Line will also consider potential program enhancements when the following conditions are present:

Affected Public

- An elevated potential exist for third-party damage.
- The pipeline runs through heavily developed urban areas that are more likely to have a frequently changing population than a more stable, less dense suburban or rural areas.
- Right-of-way encroachments have occurred frequently.
- The potential for concern about consequences of a pipeline emergency is heightened.

Public Officials

- Heightened public sensitivity to pipeline emergencies exists in the area, independent of cause or which operator was involved.
- Significant right-of-way encroachments (such as new construction developments) are occurring.

Emergency Officials

- Emergency officials have heightened sensitivity to pipeline emergencies.
- After post-emergency review or where there's potential for enhanced "liaison activities" between the operator and emergency officials that could have improved the emergency response to a pipeline emergency.
- Emergency officials request additional communications.

Excavators/Contractors and One Call Centers

- There are instances that indicate an elevated potential for third-party damage.
- Developers and contractors are performing a high number of excavations along a pipeline route in developing areas.
- There are instances of problems identified with excavators' use or lack of use of the One Call System.

A summary of program enhancements are included in Appendix F.”

Section 10 (Program Evaluation) of MPL’s Public Awareness Program was modified to include the following language:

Trigger for Supplemental Activity

“After populating the Public Awareness Metrics document, the Communications Specialist will compare MPL effectiveness measurements against industry measurements. If in a given year, MPL ranks below the industry average in two effectiveness measurements for a specific stakeholder audience, a supplemental activity will be required. If only one effectiveness measurement is available, MPL must rank below the industry average by more than the median margin of error for the measurement to trigger a supplemental activity. The required supplemental activity will be conducted in the next calendar year following the annual program review. MPL may choose to conduct a supplemental activity, even if its effectiveness measurements are equal or greater than the industry average.

The Communications Specialist will document the annual program review and any planned supplemental activity in the Summary of Program Modifications document.”

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

Section 8 (Delivery Methods) of MPL’s Public Awareness Program was modified to include the following language:

“Public awareness documentation (including emergency response capability surveys) will be entered into the public awareness database with hardcopies stored and retained for five years.”

MPL has also initiated a pilot program to identify local emergency response agencies that might respond to a pipeline emergency, develop a contact plan and set-up meetings at local agency locations.

Since its inception in April 2012, Marathon Pipe Line has been engaged with a special task group created by API/AOPL Leadership to develop a strategy to proactively address emergency response in an ongoing and systematic manner that aligns all API/AOPL workgroups efforts. The task group researched API/AOPL work group activities and projects, various emergency response issues, identified industry gaps, determined industry priorities and obtained insight from various Federal/State emergency response agencies and trade associations (e.g. USCG, EPA, DOT PHMSA, Louisiana State Police, National Association of State Fire Marshals, the International Association of Fire Chiefs, and the National Emergency Number Association).

This task group has been formalized to a working team to develop several initiatives centered on Communication, Training, Exercises and Learning to align industry with public sector emergency response organizations, including commissioning the development of an API Recommended Practice on emergency response. This Recommended Practice is intended to align industry preparedness and establish expectations for liaison between operators and ER personnel.

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

Section 8 (Delivery Methods) of MPL's Public Awareness Program states the following:

"On an annual basis, local MPL personnel will attend group meetings in their designated area for emergency responders. These meetings are organized and conducted by state one call centers, pipeline associations, or other vendors. The required baseline messages for this stakeholder audience will be shared during the meeting. Agencies that do not attend the group meeting for their area will be sent the meeting materials via mail. In discussions with emergency responders, MPL area personnel should communicate the items listed in the "Public Awareness Talking Points Form". MPL personnel should distribute the "A Guideline for Emergency Responder Agencies" brochure and giveaway items when meeting with emergency officials. Documentation of the meeting can be provided to MPL by the hosting vendor. If attendance at a public awareness meeting is determined not to be feasible or effective, a publication that incorporates the required baseline messages for this audience will be mailed. The publication will be mailed to emergency officials within a county where a MPL operated pipeline exist. Documentation of the mailing can be provided by the vendor conducting the mailing."

API Recommend Practice 1162 recommends that specific messages be shared with this stakeholder audience, but it does not state that the messages have to be presented or delivered in a consistent format presumably so that operators can tailor messages to the receiving audience.

6) 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.

Section 10 (Program Evaluation) of MPL's Public Awareness Program was modified to include the following language:

"The primary purposes of the evaluations are to:

- Assess whether the current program is effective in achieving the defined objectives in Section 1: Program Objectives, and
- Provide MPL with information on implementing improvements in its Public Awareness Program effectiveness based on findings from the evaluations.

Measuring Program Implementation

On an annual basis, the Communications Specialist will be responsible to ensure the Public Awareness Program is reviewed for proper development and implementation. This will be accomplished through an internal self-assessment, third-party audit or regulatory inspection. A Self-Assessment of Program Implementation form will be used when conducting an internal self-assessment. The internal self-assessment will be conducted by an MPL employee, not the Communications Specialist. Documentation of the annual audit will be added to the PAP under Appendix D and recorded in the Summary of Program Modifications document.

Measuring Program Effectiveness

The Communications Specialist is responsible to ensure effectiveness measurements are conducted no more than 4 years apart. MPL will use a variety of methods to measure effectiveness. These include, but are not limited to, interviews, surveys, focus group sessions and third-party hit and near miss events.

MPL will use the following 4 measures to evaluate program effectiveness:

- Measure 1 – Outreach: Percentage of each intended audience reached with the desired messages
- Measure 2 - Understandability of the content of the message
- Measure 3 - Desired behaviors by the intended stakeholder audience
- Measure 4 – Achieving bottom-line results

Findings from effectiveness measurements will be documented and added to the Summary of Program Modifications document. A listing of completed effectiveness measurements is included in Appendix E. Marathon Pipe Line will monitor and evaluate the effectiveness of the PAP and implement enhancements as necessary.

Annual Program Review

By October 1 of every year, the Communications Specialist will have conducted a review of the Public Awareness Program. The Specialist will review the public awareness data from the previous year. This includes review of the annual assessment, any surveys or focus group data, public awareness meeting and mailing data, information from field locations, and any other pertinent data. The Specialist will record effectiveness measurements from mailings, meetings and survey data in the Public Awareness Metrics document. The document will capture the most pertinent information from business reply cards; survey data, meeting attendance, and damage/near-miss statistics.

Triggers for Supplemental Activity

After populating the Public Awareness Metrics document, the Communications Specialist will compare MPL effectiveness measurements against industry measurements. If in a given year, MPL ranks below the industry average in two effectiveness measurements for a specific stakeholder audience, an automatic supplemental activity will be required. If only one effectiveness measurement is available,

MPL must rank below the industry average by more than the median margin of error for the measurement to trigger a supplemental activity. The required supplemental activity will be conducted in the next calendar year following the annual program review. MPL may choose to conduct a supplemental activity, even if its effectiveness measurements are equal or greater than the industry average.

The Communications Specialist will document the annual program review and any planned supplemental activity in a summary document.”

A Self-Assessment form, Public Awareness Metrics spreadsheet and Summary of Program Modifications document were submitted to PHMSA on February 3, 2012.

- 7) MPL’s written PAP is inadequate because it 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.**

The mailing vendor has been supplying MPL with returned mail statistics by stakeholder audience since 2009.

Section 8 (Delivery Methods) of MPL’s Public Awareness Program was modified to include the following language:

“MPL’s mailing vendor is to provide MPL with documentation that includes the total number of pieces mailed, the number of pieces that were returned and the percent of returned mail. The information will be segregated by stakeholder audience group (Affected Public, Excavators, Farmers and Local Public Officials). The Communications Specialist will review the statistics to determine the percentage of stakeholders reached and enter the data into the Public Awareness Metrics document.”

- 8) MPL’s written PAP is inadequate because it does not have a 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.**

See response to #7.

- 9) MPL’s written PAP is inadequate because there are no accurate comparisons or percentage of stakeholders reached made across the audiences.**

See response to #7.

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

Section 10 (Program Evaluation) of MPL's Public Awareness Program was modified to include the following language:

Measuring Program Effectiveness

"The Communications Specialist is responsible to ensure effectiveness measurements are conducted no more than 4 years apart. MPL will use a variety of methods to measure effectiveness. These include, but are not limited to, interviews, surveys, focus group sessions and third-party hit and near miss events.

MPL will use the following 4 measures to evaluate program effectiveness (taken directly from API Recommended Practice 1162):

- Measure 1 – Outreach: Percentage of each intended audience reached with the desired messages
- Measure 2 - Understandability of the content of the message
- Measure 3 - Desired behaviors by the intended stakeholder audience
- Measure 4 – Achieving bottom-line results

Findings from effectiveness measurements will be documented and added to the Summary of Program Modifications document. A listing of completed effectiveness measurements is included in Appendix E. Marathon Pipe Line will monitor and evaluate the effectiveness of the PAP and implement enhancements as necessary to achieve continuous improvement.

Triggers for Supplemental Activity

After populating the Public Awareness Metrics document, the Communications Specialist will compare MPL effectiveness measurements against available industry measurements. If in a given year, MPL ranks below the industry average in two effectiveness measurements for a specific stakeholder audience, an automatic supplemental activity will be required. If only one effectiveness measurement is available, MPL must rank below the industry average by more than the median margin of error for the measurement to trigger a supplemental activity. A required supplemental activity will be conducted in the next calendar year following the annual program review. MPL may choose to conduct a supplemental activity, even if its effectiveness measurements are equal or greater than the industry average.

The Communications Specialist will document the annual program review and any planned supplemental activity in the Summary of Program Modifications document."

Section 6 (Message Type and Content) of MPL's Public Awareness Program was modified to include the following language:

Message Pre-testing

“Whether participating in a collaborative mailing program or a MPL sponsored mailing, the required baseline messages will be pre-tested for understandability before production and mailing. If the program is a collaborative mailing, MPL will require the vendor to conduct message pre-testing and provide documentation of the testing and findings. If the program is a MPL-only mailing, the Communications Specialist will be responsible for pre-testing the messages. This will be accomplished through an internal review, stakeholder focus group or survey. Documentation of the MPL message pre-testing will be added to the PAP and recorded in the Summary of Program Modifications document.”

11) 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.

See response to #10.

12) 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.

See response to #10.

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

Section 10 (Program Evaluation) addresses the process for tracking effectiveness data, determining supplemental activities and documenting changes to the program. MPL created a Public Awareness Metrics spreadsheet that captures relevant data on annual mailings, public awareness meetings, effectiveness surveys, and MPL hit & near miss data. MPL also created a Summary of Program Modifications document that tracks changes to the PAP. These two documents were provided to PHMSA on February 3, 2012 to address this concern.

14) 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.

Section 5 (Stakeholder Audiences) of MPL’s Public Awareness Program was modified to include 911 Dispatch Centers. Section 5 states the following:

“Stakeholder identification is determined by SIC Codes (Appendix B) and through landowner records. The selected SIC Codes generally correspond to the four (4) general stakeholder audiences identified in API RP1162. These stakeholder audiences are:

- **Affected public** – residents, tenants, farmers, places of congregation (businesses, schools, etc.), homeowner associations, and neighborhood organizations along the pipeline right of way.
- **Emergency officials** – fire, police, and sheriff departments, State and County Emergency Management Agencies (EMA) and Local Emergency Planning Committees (LEPCs), 911 Dispatch Centers.
- **Local public officials** – planning and zoning boards, licensing/permitting departments, building code enforcement departments, city and county managers, elected officials and governing councils.
- **Excavators** – contractors, construction companies, excavation equipment rental companies, public works officials, public street, road and highway maintenance and construction departments, timber companies, fence building companies, drain tiling companies, landscapers, well drillers, home builders, land developers, real estate sales agents and one call centers.”

15) 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.

The baseline brochure includes MPL’s emergency number. In 2012, MPL added a toll-free non-emergency number for stakeholders to obtain additional information. The number is included in the annual mailing and is also listed on the MPL website as an additional stakeholder resource.

16) 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.

195.440(e) is the regulation cited for the abovementioned concern. It states that the program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. Schools are included in the MPL’s public awareness mailings. Messaging includes the following: pipeline purpose and reliability, the information on a pipeline marker, markers indicate the approximate location of a pipeline, how to recognize and properly respond to a release, etc.

Below is the section of the school mailer that addresses emergency pre-planning:

PIPELINE EMERGENCY PRE-PLANNING

“Pipelines should be taken into consideration when planning emergency evacuation procedures for any education facility. Items such as location, product, wind direction, and evacuation routes should all be taken into consideration when planning for an emergency. Consult with your local pipeline operator to address any specific needs your location may have regarding their pipeline or facilities.”

MPL believes the priority should be to avoid the hazard, whatever it may be, not necessarily to avoid the ROW when conducting emergency evacuation. MPL remains prepared to address any special needs that a school may have, believes that the current school mailer complies with 195.440(e) and is sufficient.

17) 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.

Section 8 (Delivery Methods) of MPL's Public Awareness Program was modified to include the following language:

Mailing List Verification

"On an annual basis, MPL will verify the accuracy of its mailing list by utilizing the following process:

The Communications Specialist will review the documentation provided by the mailing vendor to determine if appropriate stakeholders were mailed.

In the first quarter of every year, the Communications Specialist will obtain a list of landowners and excavators who did not make a one call prior to excavating during the previous year. The list, generated from field incident reports, is maintained by MPL. The Communications Specialist will submit the list to the public awareness mailing vendor. The vendor will verify that the addresses were included in the most recent mailing for that stakeholder audience. If any addresses were not included, the vendor will enter the addresses into a MPL database. These addresses will then be included in future MPL mailings for that stakeholder audience.

The Communications Specialist will randomly select a mile section of pipeline to conduct a physical comparison to the vendor mailing list. Within the mile section, a MPL employee or contractor for that area will document the physical addresses within 1/8 of a mile of the pipeline. The employee/contractor will provide the list to the Communications Specialist. The Communications Specialist will compare the actual physical listing to the mailing list provided by the mailing vendor. If any physical addresses were not included in the latest mailing, the vendor will enter the addresses into a MPL database. These addresses will then be included in future MPL mailings for that stakeholder audience. The vendor will also mail the most recent communications to any missed addresses. The Communications Specialist will document the verification process and add it to the PAP.

For non-collaborative mailings, the Communications Specialist will verify that the number of pieces mailed to stakeholders by the vendor matches the number of pieces on the billing invoice. The Communications Specialist will document the verification process and add it to the PAP."

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

MPL contacted Paradigm, the mailing vendor, and requested additional language about gathering pipelines be added to the collaborative mailing. The language below was added to the 2012 Affected Public mailing:

"In the United States alone, there are over 200,000 miles of petroleum pipelines and 300,000 miles of natural gas transmission pipelines in use every day. Transmission pipelines are typically larger than gathering and distribution lines. They transport energy products across the country and to storage facilities. Compressor stations and pumping stations are located along transmission and gathering pipeline routes and help push energy products through the line.

Local Distribution Companies deliver natural gas to most homes and businesses through underground main and utility service lines. These lines cover over 800,000 miles of underground pipeline in the United States. Onshore gathering lines are pipelines that transport gas from a current production operation facility to a transmission line or main. Production operations are piping and equipment used in production and preparation for transportation or delivery of hydrocarbon gas and/or liquids."

19) 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.

Section 6 (Message Type and Content) of MPL's Public Awareness Program was modified to include the following language:

"The PAP will be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking people. MPL will use the same criteria as the U.S. Voting Rights Act to determine if communications in a non-English language is required. According to the Act, if more than 5% of all voting citizens are unable to speak or understand English well enough to vote, then ballots must be produced in a language common to that group.

MPL's baseline mailing will be conducted in both English and Spanish. On an annual basis, the mailing vendor will provide MPL a zip code demographic report detailing the percentage of non-English speaking people by county. The Communications Specialist will be responsible for reviewing this data.

If the percentage of non-English (other than Spanish) speaking individuals by county is 5% or greater, MPL will communicate with the Affected Public in the appropriate non-English language in the next mailing cycle. The Communications Specialist will annually document the review of the demographic data and any changes in language for future mailings in the Summary of Program Modifications document."