

March 2, 2021

VIA ELECTRONIC MAIL TO: matt.smorch@countrymark.com

Mr. Matt Smorch
Chief Executive Officer
CountryMark Refining and Logistics, LLC
CountryMark Cooperative Holding Corp.
225 S.E. Street, Suite 144
Indianapolis, Indiana 46202

Re: CPF No. 3-2020-5014

Dear Mr. Smorch:

Enclosed please find the Final Order issued to CountryMark Refining and Logistics, LLC, in the above-referenced case. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Central Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission, as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Gregory Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA
Mr. Blair Currie, Manager of Pipeline Integrity, CountryMark Refining and Logistics
blair.currie@countrymark.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of)	
CountryMark Refining and Logistics, LLC,)	
a division of CountryMark Cooperative Holding Corp.,)	CPF No. 3-2020-5014
Respondent.)	

FINAL ORDER

On September 30, 2020, pursuant to 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to CountryMark Refining and Logistics, LLC (CountryMark or Respondent), a division of CountryMark Cooperative Holding Corp. The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 195. The Notice also proposed that the company take certain measures to correct the violations. Respondent did not contest the allegations of violation or corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 195.264(b)(1) (**Item 1**) — Respondent failed to install impoundment around the above-ground breakout tanks in accordance with section 22.11.2 of [National Fire Protection Association (NFPA)]-30, Flammable and Combustible Liquids Code;

49 C.F.R. § 195.412(a) (**Item 2**) — Respondent failed to adequately inspect the surface conditions on or adjacent to the pipeline right-of-way due to the presence of vegetation and overgrown tree canopy on the right-of-way; and

49 C.F.R. § 195.581 (**Item 4**) — Respondent failed to protect portions of its pipeline at soil-to-air interfaces against atmospheric corrosion by not adequately extending the coating beyond the ground surface in three locations.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, CountryMark is ordered to take the actions proposed in the enclosed Notice to correct the violations. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEM

With respect to Item 3, the Notice alleged a probable violation of 49 C.F.R. § 195.446(h), but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

March 2, 2021

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued