



Marathon Pipe Line LLC

A subsidiary of MPLX LP

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VIA EMAIL TO MR. DUSTIN HUBBARD

September 23, 2021

Mr. Dustin Hubbard
Director, Western Region
PHMSA, Office of Pipeline Safety
12300 W Dakota Avenue, Suite 110
Lakewood, CO 80228

**RE: Request for Hearing
Notice of Amendment
CPF 5-2021-041-NOA**

Dear Mr. Hubbard:

On August 26, 2021, Marathon Pipe Line LLC (MPL) received the above-referenced Notice of Amendment (NOA) alleging inadequacies within MPL's procedures for Class Location and HCA Identification for MPL's Gas Transmission Pipeline Process (MPL-DOT-00671-PRS). The NOA was issued to MPL by the Western Region of the Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Pipeline Safety (OPS) based on PHMSA's inspection of Tesoro Refining & Marketing Company LLC's (TRMC) Los Angeles Refinery T-10 fuel gas line which occurred between June 22 to June 23, 2021.

As a clarification, please note that this line is operated by Tesoro Refining & Marketing Company LLC (32253), not MPL; however, TRMC's safety programs are linked to MPL (OPID 32147) as the primary OPID for the Gas Integrity Management Plan. Therefore, please find MPL's response, on behalf of TRMC, to the NOA. MPL is submitting this response timely and in accordance with 49 C.F.R. Part 190, Subpart B.

MPL contests the NOA on the basis that PHMSA failed to demonstrate that MPL's procedures are "inadequate to assure safe operation of a pipeline facility," as required under 49 C.F.R. 190.206(a), because PHMSA's allegation is not supported by facts. As demonstrated by the information below, the allegation is without merit and therefore should be withdrawn.

MPL requests a hearing pursuant to 49 C.F.R. §190.211. MPL is requesting this hearing to preserve its rights, however, we believe the contested issue can be easily disposed of by PHMSA upon consideration of the information herein. For that reason, MPL is willing to meet and confer with the Western Region to aid in the disposition of the contested issue, as allowed by 49 USC Section 60117(b)(1)(B). Please be advised that MPL intends to have counsel present at any meetings or hearing that is scheduled for this matter.

Statement of Issues

In the NOA, PHMSA makes the following allegation:

§192.905 How does an operator identify a high consequence area?

(a) ...

(c) Newly identified areas. When an operator has information that the area around a pipeline segment not previously identified as a high consequence area could satisfy any of the definitions in §192.903, the operator must complete the evaluation using method (1) or (2). If the segment is determined to meet the definition as a high consequence area, it must be incorporated into the operator's baseline assessment plan as a high consequence area within one year from the date the area is identified:

Marathon Pipe Line's procedures are inadequate to assure safe operation of a pipeline facility. Specifically, Marathon's procedure entitled *Class Location and High Consequence Area (HCA) Identification for MPL Gas Transmission Pipelines Process* does not contain a requirement that all newly identified HCAs be incorporated into its baseline assessment plan within 1 year from the date of identification. Marathon must amend its procedures to explicitly include this requirement.

In connection with our Request for Hearing, and in accordance with the requirements of 49 C.F.R. §190.211(b), MPL intends to raise the following issues at the Hearing:

1. PHMSA's allegation is not supported by facts. Based upon review of a single process document, one not directly relevant to the alleged inadequacy, PHMSA wrongly concludes that MPL's procedures as a whole are inadequate.
2. PHMSA's Post-Inspection Written Preliminary Findings Report (Exhibit A), issued on July 19, 2021, does not raise the specific inadequacy alleged in the NOA. PHMSA's "Issue Summary" relating to the cited code section (§192.905(c)) does not address the requirement to add newly identified HCAs to the integrity assessment plan, which is the focus of the inadequacy alleged in the NOA, but instead addresses agency guidance relating to continuous monitoring for new HCAs. In response, MPL provided its procedure which relates to continuous monitoring for new HCAs.
3. MPL's Natural Gas Integrity Management Plan Governing Standard, Section 4.17.4 (Exhibit B) (Standard) addresses the requirement cited in the NOA. This procedure requires that:
"Newly identified HCA segments will be included in the assessment process within one year from the date the segment is identified. A baseline assessment will be completed within ten years of the date a new HCA is identified."
4. The Standard, which existed at the time of the inspection, contains the requirement PHMSA alleges is lacking and, therefore, PHMSA's alleged inadequacy is unsupported by fact.
5. PHMSA has not met and cannot meet its burden of proof, presentation, and persuasion in demonstrating that MPL's procedures are "inadequate to assure safe operation of a pipeline facility", as required by 49 USC §60117(b)(1)(F), and the NOA should be withdrawn.

Because MPL's procedures do in fact contain the requirement alleged to be lacking, the procedures are adequate to assure safe operation of a pipeline facility and PHMSA should withdraw the NOA without a need to move forward with a hearing. In conjunction with this request for hearing, MPL requests that

PHMSA provide the complete case file associated with this enforcement proceeding, as described in 49 CFR §190.209.

If you would like to meet in order to aid in the disposition of this, or have any additional questions, please do not hesitate to contact Aaron W. Martinez at 210.307.0402 or awmartinez@marathonpetroleum.com.

Sincerely,



Shawn Lyon, President
Marathon Pipe Line LLC

Exhibits

Cc: Greg Smith, Chief Counsel
Aaron W. Martinez, Regulatory Compliance Manager