



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 10 2006

Mr. Craig O. Pierson
Vice President, Operations
Marathon Pipe Line, L.L.C.
539 South Main Street
Findlay, OH 45840-3295

Re: CPF No. 3-2006-5031

Dear Mr. Pierson:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and assesses a civil penalty of \$6,000. The penalty payment terms are set forth in the Final Order. This enforcement action closes automatically upon payment. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Ivan A. Huntoon
Director, Central Region, PHP-300

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590**

In the Matter of)
)
Marathon Pipe Line, L.L.C.,)
)
Respondent)
_____)

CPF No. 3-2006-5031

FINAL ORDER

On April 25-29 and May 2-6, 2005, pursuant to 49 U.S.C § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), inspected Respondent's records in Lima, Heath and Sparta, Ohio, and Respondent's facilities located within the states of Ohio, West Virginia, and Pennsylvania. As a result, the Director, Central Region, PHMSA, issued to Respondent a Notice of Probable Violation and Proposed Civil Penalty (Notice). The Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 195 and proposed assessing a civil penalty of \$6,000 for the alleged violations.

Respondent responded to the Notice by letter dated April 25, 2006. Respondent did not contest the allegations and agreed to pay the proposed civil penalties.

FINDINGS OF VIOLATIONS

In its Response, Respondent did not contest the alleged violations in the Notice. Pursuant to 49 C.F.R. § 190.213 and 49 U.S.C. § 60122, I find that Respondent violated the following sections of 49 C.F.R. Part 195, as more fully described in the Notice:

49 C.F.R. § 195.567(c) (Notice Item 1) – failing to maintain the specified cathodic protection test lead wires; and

49 C.F.R. § 195.573(a)(1) (Notice Item 2) – failing to conduct annual cathodic protection testing at the specified test stations..

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

ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require.

In regard to Item 1, the Notice proposed a civil penalty of \$4,000 for Respondent's failure to maintain cathodic protection test lead wires. Maintaining cathodic protection test lead wires is necessary to obtain electrical measurements for external corrosion control. We acknowledge Respondent's intention to take appropriate action to prevent the occurrence of missed or un-repaired test stations in the future. Respondent, however, has presented no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, I assess Respondent a civil penalty of \$4,000 for violating 49 C.F.R. § 195.567(c).

In regard to Item 2, the Notice proposed a civil penalty of \$2,000 for Respondent's failure to conduct annual test readings on protected pipelines. Conducting annual test readings on protected pipelines is important to monitor external corrosion. Respondent has presented no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, I assess Respondent a civil penalty of \$2,000 for violating C.F.R. §195.573(a)(1).

Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a total civil penalty of \$6,000. Respondent has the ability to pay this penalty without adversely affecting its ability to continue in business.

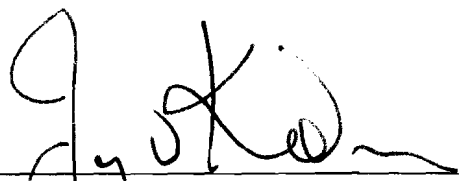
Payment of the civil penalty must be made within 20 days of service. Payment may be made by sending a certified check or money order (containing the CPF Number for this case) payable to "U.S. Department of Transportation" to the Federal Aviation Administration, Mike Monroney Aeronautical Center, Financial Operations Division (AMZ-300), P.O. Box 25082, Oklahoma City, OK 73125.

Federal regulations (49 C.F.R. § 89.21(b)(3)) also permit this payment to be made by wire transfer, through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-300), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; (405) 954-8893.


Failure to pay the \$6,000 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to

those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a United States District Court.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a Petition for Reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The filing of the petition automatically stays the payment of any civil penalty assessed. However if Respondent submits payment for the civil penalty, the Final Order becomes the final administrative decision and the right to petition for reconsideration is waived. The terms and conditions of this Final Order are effective on receipt.



Stacey Gerard
Associate Administrator
for Pipeline Safety



JUL 10

Date Issued