

PUBLIC NOTICE

Marathon Pipe Line LLC

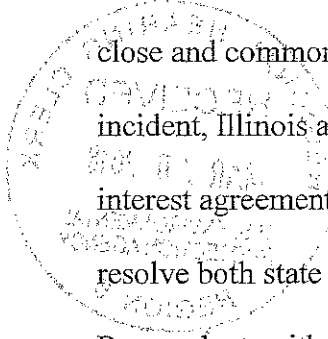
Findlay, Ohio

Case Docket No. CWA-05-2018-0005



The U.S. Environmental Protection Agency, Region 5, is providing notice of intent to file a proposed Consent Agreement and Final Order (CAFO) against Marathon Pipe Line LLC (Respondent) for alleged violations of Section 311 of the Clean Water Act (CWA), 33 U.S.C. § 1321. Specifically, EPA alleges that Respondent violated the CWA by discharging oil into navigable waters of the United States. Respondent operates the Robinson-Mt. Vernon 10-inch pipeline, which transports petroleum products from the Marathon LP refinery in Robinson, Illinois to the MPLX Terminals LLC terminal in Mt. Vernon, Indiana. Beginning April 16, 2016, the Robinson-Mt. Vernon 10-inch pipeline failed where the pipeline crosses the Wabash River near Crawleyville, Indiana, causing the release of 35,868 gallons of ultra-low sulfur diesel fuel into the Wabash River. The CAFO will resolve only Respondent's liability for federal civil penalties for the alleged violations. Pursuant to the CAFO, Respondent has agreed to pay a penalty of \$226,000 to resolve EPA's federal claim for civil penalties.

While states do not have authority to enforce Section 311 of the CWA, Illinois chose to pursue a claim for civil penalties against Respondent for the same incident using its authorities under the



provisions of the Illinois Environmental Protection Act, 415 ILCS 5/12(a) and (f); and under the provisions of the Illinois Pollution Control Board Regulations. Because Illinois and EPA share close and common interests in the enforcement of state and federal environmental laws related to incident, Illinois and EPA consulted with each another and agreed to enter into a common interest agreement to hold joint settlement discussions with Respondent in an effort to settle and resolve both state and federal claims. Illinois and EPA held joint settlement discussions with Respondent, with the understanding that each party would ultimately enter into a separate settlement agreement with Respondent. Illinois and EPA agreed to settle both state and federal claims with Respondent for a total civil penalty of \$335,000. Illinois and EPA further agreed that \$109,000 of the total penalty would be paid pursuant to a state consent order to resolve the state claims, and \$226,000 would be paid pursuant to a CAFO to resolve the federal claim. In accordance with Section 311(b)(8) of the CWA, the penalty amount that will be paid pursuant to the CAFO to resolve the federal claims takes into account the penalty amount that will be paid pursuant to the state consent order to resolve the state claims for the same incident.

A copy of the Proposed CAFO may be viewed online at: www.epa.gov/aboutepa/epa-region-5#events by clicking on the "Proposed Consent Agreement and Final Order" link on the Region 5 events calendar for the docket number identified above. Alternatively, the Proposed CAFO may be received by contacting the Regional Hearing Clerk at the address below.

OPPORTUNITY FOR COMMENT:

Section 311(b)(6)(C)(i) of the CWA, 33 U.S.C. § 1321(b)(6)(C)(i), requires that interested persons be given notice of the proposed penalty and a reasonable opportunity to comment on it. Any person who wishes to comment on this proposed CAFO may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. § 22.45), particularly subpart (c) *comment by a person who is not a party*.

This portion of the code of federal regulations may be accessed at

<https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol1/pdf/CFR-2015-title40-vol1-sec22-45.pdf>

or through <http://www.archives.gov/federal-register/cfr/>. You may also wish to review 40 C.F.R.

Part 22 to learn more about the procedures and rules of practice governing the administrative assessment of civil penalties.

Comments should be made in writing to the Regional Hearing Clerk at:

Docket No. CWA-05-2018-0005

Regional Hearing Clerk

Mail Code E-19J

U.S. EPA, Region 5

77 West Jackson Boulevard

Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk by email to

whitehead.ladawn@epa.gov; by facsimile (fax) to 312-692-2405; or by mail or delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. If you plan to deliver your comments or other documents in person, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions. Comments and documents sent to any EPA employee other than the Regional Hearing Clerk are not assured of consideration in this matter.

Note that the Agency requires your mailing address because we must use the U.S. Postal Service should we need to reply, to request additional information, or to provide a copy of any consent agreement and proposed final order.

All written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Region 5 events calendar page for this docket number: www.epa.gov/aboutepa/epa-region-5#events.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the EPA Regional Office. An appointment for such an inspection may be made by calling (312) 886-3713 or by writing to the Regional Hearing Clerk at the address above.

Should EPA choose to issue the CAFO after considering any comments received, EPA must mail a copy of the CAFO to each commenter. Commenters then have 30 days to petition the Regional

Administrator to set aside the CAFO on the basis that material evidence was not considered.

The specific procedures that apply when a commenter petitions the Regional Administrator include, among other things, an opportunity for complainant to withdraw the CAFO.

If complainant does not withdraw the CAFO, the assigned Petition Officer shall issue written findings as to, among other things, the extent to which the petition states an issue relevant and material to the issuance of the CAFO and whether resolution of the proceeding is appropriate without a hearing. *See* 40 C.F.R. § 22.45(c)(4).