



## Marathon Petroleum Company LP

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SUBMITTED VIA EMAIL TO BPIGOTT@IDEM.IN.GOV AND DELIVERED BY U.S. MAIL  
Department of Environmental Management  
Commissioner's Office

Mr. Brian L. Pigott  
Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

MAR 26 2020

### Re: Request for Regulatory Relief Necessary to Respond to Novel Coronavirus (COVID-19)

On behalf of Marathon Petroleum Corporation ("MPC"), MPLX LP ("MPLX"), and wholly owned subsidiaries Marathon Pipe Line LLC and MPLX Terminals LLC and pursuant to Governor Eric I. Holcomb's March 6, 2020 declaration of a Public Health Emergency as part of the State's effort to respond to the novel coronavirus (COVID-19), this letter requests temporary relief from certain provisions of statutes, rules, orders and permits in an effort to minimize risk of exposure and otherwise respond to COVID-19 without sacrificing the protection of human health and the environment at MPC's Indianapolis Asphalt Terminal, Indianapolis Garage, Mt. Vernon Asphalt Terminal, and MPLX's Evansville Terminal, Hammond Terminal, Huntington Terminal, Indianapolis Terminal, Mt. Vernon LP Terminal, Muncie Terminal, Speedway Terminal, Brownsburg Junction Station, Elwood Station, Griffith Station, Clermont Station, Lebanon Station, Speedway Station, and Indianapolis Construction and Maintenance facility, as well as state-wide permits issued to Marathon Pipe Line LLC.

MPC and MPLX are committed to safe and environmentally responsible operation of their operating sites and fully embrace the emergency actions necessary to protect public health. To protect both their employees, site contractors, and the general public, MPC and MPLX are seeking to temporarily limit certain on-site activities by personnel as part of their larger COVID-19 response to reduce social contact and comport with the "social distancing" guidelines issued by the Indiana State Department of Health, the Centers for Disease Control and Prevention (CDC), and the President of the United States through his "Coronavirus Guidelines for America" issued on March 6. These guidelines recommend avoiding close contact with other individuals (within 6 feet), avoidance of social gatherings of more than 10 people, avoiding discretionary travel, and working from home whenever possible.

As members of a critical infrastructure industry, MPC and MPLX have a special responsibility to continue the safe and environmentally responsible operation of our facilities to ensure fuel

supplies are maintained so that other critical infrastructure continues to function during the ongoing pandemic. We have already instituted a "work-from-home" policy for non-essential personnel consistent with CDC guidance. Despite many of the present actions taken by governments and businesses, the virus continues to spread. Many more cases are being reported daily. We believe that additional restrictions to site personnel will likely be necessary to slow the spread and protect our operations and maintenance personnel essential to running our assets safely and reliably. These steps could include, but are not limited to, restricted access for third party contractors, further restriction of on-site staff to only core operating and maintenance personnel, or reduction of laboratory personnel and thereby analytical capability. As continued restrictions persist, we are also preparing for potential consequences in the supply chain, including inability to transport samples to third-party laboratories and inability to receive consumables.

In order to achieve the common goal of inhibiting the spread of COVID-19, some periodic sampling, testing, recordkeeping and reporting activities can and should be deferred during the present phase of the response in order to protect essential personnel necessary for safe petroleum transport and distribution operations. These actions can be safely and responsibly deferred then resumed as soon as conditions are appropriate, estimated to be after July 1, 2020.

Set forth below is a non-exclusive list of provisions and activities identified to date for which MPC and MPLX are seeking necessary relief to enable their response to COVID-19 at their Indianapolis Asphalt Terminal, Indianapolis Garage, Mt. Vernon Asphalt Terminal, Evansville Terminal, Hammond Terminal, Huntington Terminal, Indianapolis Terminal, Mt. Vernon LP Terminal, Muncie Terminal, Speedway Terminal, Brownsburg Junction Station, Elwood Station, Griffith Station, Clermont Station, Lebanon Station, Speedway Station, and Indianapolis Construction and Maintenance facility, as well as state-wide permits issued to Marathon Pipe Line LLC. This list may be revised as the response develops.

Key to the request is the recognition that many of these activities drive increased social interactions with third party contractors that enter and leave our facilities, and other neighboring facilities, on a daily basis. Some of the functions identified below also require contractors and consultants to engage in significant travel and overnight accommodations, which further increases the chances of spreading the virus. This runs counter to the "social distancing" recommendations from the CDC, the President of the United States, and the State of Indiana. Complicating this further, many contractors and consultants will be not be reporting daily to their normal workplaces and have instituted travel bans for their employees meaning a shortage of qualified personnel to complete certain regulatory requirements. Even though we are prepared to conduct much of our work remotely, it is unprecedented to carry out certain work entirely via remote communications, and indeed impossible to carry out others. As reflected by the list below, the majority of the items reflect a focus on responsibly minimizing onsite activities and social interaction and a lesser access to complete information due to self-isolation (e.g., employee or contractor personnel held home, sick or quarantined).

The following are activities that we are seeking to temporarily defer to allow effective "social distancing" measures to occur, estimated to be after July 1, 2020:

1. Fugitive Leak Detection and Repair (LDAR):
  - a. Deferred periodic LDAR monitoring
  - b. Late repair times
  - c. Late recheck of LDAR component after monitoring
  - d. Delayed reporting
2. Soil or groundwater remediation:
  - a. Delayed sampling and monitoring
  - b. Delayed reporting
3. CEMS and stack tests:
  - a. Late stack test
  - b. Late RATA test
  - c. Missed or late CEMS evaluation / Cylinder Gas Audits
  - d. Unable to repair CEMS due to specialized knowledge vested in personnel
  - e. Unable to repair CEMS due to parts unavailability
  - f. Excessive downtime due to the above
  - g. Delayed reporting
4. Effluent sampling and reporting:
  - a. Deferred inspections (monthly, quarterly, etc.)
  - b. Deferred sampling and WET testing
  - c. Deferred filing of periodic reports
  - d. Late lab turn-around time on sample results
  - e. Missed hold-time on samples
  - f. Improper storage temperature
  - g. Delayed reporting
5. Hazardous waste accumulation:
  - a. Deferred waste weekly inspections
  - b. Deferral of movements past time limits, including 3-day satellite accumulation time limit and 90-day accumulation time limit
  - c. Delayed reporting
  - d. Delayed annual training
  - e. Characterization sampling
6. Deferred permit renewal applications for expiring permits
7. Spill Prevention, Control, and Countermeasures
  1. Deferred daily and monthly inspections
  2. Deferral of annual training and drills
8. Deferred Periodic Inspections (various programs)
  1. Tank seal inspections required by NSPS K, Ka, Kb, and MACT WW
  2. Inspections, readings, and monitoring required by 40 CFR Subparts ZZZZ, IIII, or JJJJ

9. Toxic Release Inventory reporting

10. Emissions inventory reports and submission of fees

In addition, because of the language of 40 CFR Subpart XX, applicable gasoline terminals may only load gasoline into tank trucks which can demonstrate completion of a Method 27 vapor tightness test ("VTT") in the preceding 12 months. Since the closures related to COVID-19 began, it has come to our attention that some tank trucks that are coming upon the expiration of their VTT test are not able to have their required test completed because the businesses that conduct the tests are currently closed. This problem is expected to increase as businesses remain closed because every truck wishing to load gasoline at Subpart XX terminals must complete the test every year. In order to prevent disruptions in gasoline service, a waiver is necessary to allow for NSPS Subpart XX applicable terminals to load gasoline to tank trucks that were compliant with VTT testing requirements at the time of the beginning of COVID-19 closures, but have subsequently exceeded the 12 month VTT testing interval.

We believe that by taking these measures, we can do our part to slow the spread of the COVID-19 virus. This request covers only those provisions requiring activities that are inconsistent with implementation of MPC's and MPLX's COVID-19 response, while maintaining safe and environmentally responsible operations. If you have any questions about this request, please contact me with any questions at 407-788-4854 or [tjpeterkoski@marathonpetroleum.com](mailto:tjpeterkoski@marathonpetroleum.com).



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