

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 20, 2015

Mr. Dave Podratz
Plant Manager
Calumet Superior, LLC
2407 Stinson Avenue
Superior, Wisconsin 54880

CPF 3-2015-5012W

Dear Mr. Podratz:

On August 21, 2012, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the Calumet Superior, LLC's (Calumet's) Public Awareness Program in Superior, Wisconsin.

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation is:

1. § 195.440 Public Awareness

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

Calumet could not produce mailing records as required by API RP 1162 to verify its past mailings to various stakeholders. Calumet has retained a third party to do future mailings to ensure proper documentation is generated.

The results of past annual implementation reviews were not documented as required by API RP 1162.

Calumet last conducted an effectiveness evaluation in October 2007 and had not conducted another effectiveness evaluation within the 4-year interval specified in API RP 1162.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item identified in this letter. Failure to do so will result in Calumet being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 3-2015-5012W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

Allan C. Beshore
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*