

April 28, 2023

VIA ELECTRONIC MAIL TO: wayne.leiker@calumetspecialty.com

Mr. Wayne Leiker
Vice President, Refining Operations
Calumet Montana Refining, LLC
1020 Smelter Avenue, NE
Black Eagle, MT 59414

Re: CPF No. 5-2023-021-NOPV

Dear Mr. Leiker:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order are completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA
Mr. Carlos Centurion, Plant Manager, Calumet Montana Refining, LLC,
carlos.centurion@calumetspecialty.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
Calumet Montana Refining, LLC,)	CPF No. 5-2023-021-NOPV
)	
Respondent.)	
_____)	

FINAL ORDER

On February 6, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Compliance Order (Notice) to Calumet Montana Refining, LLC (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 195. The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation and asked to meet with Western Region to discuss the proposed corrective measures.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 195.406(a) (**Item 2**) — Respondent failed to provide adequate controls and protective equipment to control the pressure of the Bootlegger pipeline within 110 percent of the operating pressure limit established under § 195.406(a).

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

Compliance Actions

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

Warning Item

With respect to Item 1, the Notice alleged a probable violation of 49 C.F.R. § 195.452(j)(3) but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

April 28, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued