



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety Administration**

901 Locust Street, Suite 480
Kansas City, MO 64106

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

VIA ELECTRONIC MAIL TO: Kevin.Burdick@ONEOK.com and
Roger.Thorpe@ONEOK.com

September 30, 2020

Mr. Kevin Burdick
Executive VP and Chief Operating Officer
ONEOK Inc.
100 West Fifth Street,
Tulsa, OK 74103

CPF 3-2020-1003

Dear Mr. Burdick:

From August 13 – 17, 2018, the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS)'s Interstate Agent (Minnesota Office of Pipeline Safety - MNOPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Viking Gas Transmission Company's (Viking) compressor stations in Minnesota.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

- 1. §192.167 Compressor stations: Emergency shutdown.**
 - (a) Except for unattended field compressor stations of 1,000 horsepower (746 kilowatts) or less, each compressor station must have an emergency shutdown system that meets the following:**

(1) ...

(4) **It must be operable from at least two locations, each of which is:**

(i) Outside the gas area of the station;

(ii) Near the exit gates, if the station is fenced, or near emergency exits, if not fenced; and

(iii) Not more than 500 feet (153 meters) from the limits of the station.

Viking failed to provide emergency shutdown (ESD) systems in at least two locations, each of which was outside the gas area of the compressor station and near the exit gates of the fenced station as required by §192.167(a)(4)(ii). Viking has a total of five compressor stations that did not have two separate locations for the ESD systems near exit gates in fenced areas. During the field inspection, MNOPS identified these five compressor stations without proper ESD locations. After notification and a chance to review, Viking noted that compressor stations in Minnesota named Milaca, Cushing, Frazee, Ada, and Angus, had turbines greater than 1000 horsepower added to these stations in 1997-1998. During discussions with Viking, Viking acknowledged that ESD pushbuttons near a second gate were needed at all five stations. Furthermore, in correspondence in January 2019, following the inspection, Viking stated that, "*A plan is being developed to install additional ESD buttons as needed at each Viking compressor station with installations to occur in 2019.*" To date, Viking has not provided documentation to PHMSA showing that it has completed the ESD installations to bring them into compliance with §192.167(a)(4)(ii).

Proposed Compliance Order

With respect to item 1, pursuant to 49 U.S.C. § 60118, the PHMSA proposes to issue a Compliance Order to Viking Gas Transmission. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be 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).

Following the receipt of this Notice, you have 30 days to submit written comments, or request a hearing under 49 CFR § 190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order. If you are responding to this

Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 3-2020-1003** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Gregory A. Ochs,
Director, Central Region,
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Enforcement Proceedings

cc: Mr. Roger Thorpe, Vice President Gas Pipeline Operations, Viking Gas Transmission Company, 100 West Fifth Street, Tulsa, OK 74103

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Viking Gas Transmission Company a Compliance Order incorporating the following remedial requirements to ensure the compliance of Viking Gas Transmission Company with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to the location of emergency shutdowns (ESD) systems at compressor stations (CS), Viking Gas Transmission Company must modify its ESD systems to provide a minimum of two locations operable from outside of the gas areas and near the exit gates at Angus CS, Ada CS, Frazee CS, Cushing CS, and Milaca CS, all located in Minnesota.
2. Viking Gas Transmission Company must make the above noted modifications within six months of issuance of the final order, and provide documentation to PHMSA Central Region to show completion of the work.
3. It is requested (not mandated) that Viking Gas Transmission Company maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Mr. Greg Ochs, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.