

October 14, 2021

VIA ELECTRONIC MAIL TO: jisrael@parpacific.com

Mr. Joseph Israel
President and Chief Executive Officer
Par Petroleum, LLC
825 Town & Country Lane, Suite 1500
Houston, Texas 77024

Re: CPF No. 5-2021-031-NOPV

Dear Mr. Israel:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, assesses a civil penalty of \$72,400, and specifies actions that need to be taken to comply with the pipeline safety regulations. When the civil penalty has been paid and 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 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. Michael Farnsworth, Vice President, Wyoming Refining Company,
mfarnsworth@parpacific.com
Mr. Mathew Ellman, Logistics Manager, Wyoming Refining Company,
mellman@parpacific.com
Mr. William Pate, President and Chief Executive Officer, Par Pacific Holdings, Inc.,
wpate@parpacific.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)

Wyoming Refining Company,)
a subsidiary of Par Pacific Holdings, Inc.,)

Respondent.)

CPF No. 5-2021-031-NOPV

FINAL ORDER

On August 11, 2021, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice) to Wyoming Refining Company¹ (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 199.² The Notice also proposed certain measures to correct the violations. Respondent did not contest the allegations of violation, the proposed civil penalty, or 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. § 40.347 (**Item 2**) — Respondent failed to properly distinguish its DOT/PHMSA covered employees as defined in § 199.3 from its non-covered employees in the random drug test pool.

49 C.F.R. § 199.101 (**Item 3**) — Respondent failed to maintain and follow a written anti-drug plan that conformed to the requirements of Part 199 and the DOT Procedures.³

¹ Par Pacific Holdings, Inc. owns the Wyoming Refining Company [OPID 30756] and the Wyoming Pipeline Company [OPID 32537], which are PHMSA regulated pipeline operators that must meet the PHMSA D&A regulations. Wyoming Refining Company manages the PHMSA D&A program. Wyoming Pipeline Company is included as a business unit in the Wyoming Refining Company PHMSA D&A program.

² Pursuant to § 199.5, violations, as alleged in this Notice, of the DOT Procedures in 49 CFR Part 40 for anti-drug and alcohol programs required by Part 199 are violations of Part 199.

³ Section 199.3 defines the *DOT Procedures* to mean the *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* published by the Office of the Secretary of Transportation in 49 CFR Part 40.

49 C.F.R. § 199.105 (**Item 5**) — Respondent failed to conduct random drug tests for the presence of a prohibited drug at the minimum annual percentage rate of 50 percent of its covered employees.

49 C.F.R. § 199.202 (**Item 8**) — Respondent failed to maintain and follow a written alcohol misuse prevention plan that conformed to the requirements of Part 199 and the DOT Procedures.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, I assess Respondent a total civil penalty of **\$72,400**.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require such payment to be made by wire transfer through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMK-325), Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S MacArthur Blvd, Oklahoma City, Oklahoma 79169. The Financial Operations Division telephone number is (405) 954-8845.

Failure to pay the \$72,400 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a district court of the United States.

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 violations. 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 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 ITEMS

With respect to Items 1, 4, 6, 7, 9, and 10, the Notice alleged probable violations of 49 C.F.R. §§ 40.25, 199.105, 199.117, 199.119, 199.225, and 199.227, respectively, but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation of any of these items 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.

October 14, 2021

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued