

December 5, 2024

VIA ELECTRONIC MAIL TO: matthew.gunn@cenovus.com

Mathew Gunn
General Manager
Superior Refining Company LLC
2407 Stinson Avenue
Superior, Wisconsin 54880

Re: CPF No. 2-2024-001-NOPV

Dear Mr. Gunn:

Enclosed please find the Final Order issued in the above-referenced case to Superior Refining Company LLC, a subsidiary of Cenovus Energy Inc. It makes findings of violation and finds that the civil penalty amount of \$ 68,400 has been paid in full 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, Southern 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. James A. Urisko, Director, Southern Region, Office of Pipeline Safety, PHMSA
Ms. Stacy Myers, Senior Transportation Safety Advisor, Superior Refining Company LLC,
stacy.myers1@cenovus.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

**Superior Refining Company LLC,
a subsidiary of Cenovus Energy Inc.,**

Respondent.

CPF No. 2-2024-001-NOPV

FINAL ORDER

On June 27, 2024, pursuant to 49 C.F.R. § 190.207, the Director, Southern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Superior Refining Company LLC (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 199 and proposed a civil penalty of \$ 68,400. The Notice also proposed certain measures to correct the violations.

Respondent did not contest the allegations of violation or corrective measures and paid the proposed civil penalty on October 2, 2024. In accordance with § 190.208(a)(1), such payment authorizes the entry of this final order.

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. § 199.101 **(Item 1)** — Respondent failed to maintain and follow a written anti-drug plan that conforms to the requirements of Part 199 and the DOT Procedures.

49 C.F.R. § 199.113 **(Item 2)** — Respondent failed to include, in its training for supervisory personnel, a one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

49 C.F.R. § 199.202 **(Item 3)** — Respondent failed to maintain a written alcohol misuse plan that conforms to the requirements of Part 199 and the DOT Procedures concerning alcohol testing programs.

49 C.F.R. § 199.239 **(Item 4)** — Respondent failed to provide educational materials that explain the alcohol misuse requirements and its policies and procedures with respect to meeting those requirements and did not distribute these materials to each covered employee prior to start of alcohol testing.

49 C.F.R. § 199.241 **(Item 5)** — Respondent failed to ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing.

49 C.F.R. § 40.13 **(Item 6)** — Respondent failed to differentiate its PHMSA D&A “covered employees” as defined in §199.3 from its non-DOT employees and conducted drug tests on individuals who were not DOT-regulated employees.

49 C.F.R. § 40.25 **(Item 7)** — Respondent failed to obtain an employee’s written consent and request the information listed in paragraphs (b) through (j) of § 40.25 regarding employees seeking to begin performing safety-sensitive duties.

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, Respondent is assessed the proposed civil penalty amount of \$68,400, which Respondent has already paid in full.

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 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.

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

December 5, 2024

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued