

SENT VIA ELECTRONIC MAIL TO: Gregory.Ochs@dot.gov

May 12, 2021

Mr. Gregory A. Ochs
Director, Central Region
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
901 Locust Street, Suite 462
Kansas City, MO 64106

**Re: CPF No. 3-2021-032-NOPV
Notice of Probable Violation and Proposed Compliance Order
Flint Hills Resources, LC**

Dear Mr. Ochs:

On April 26, 2021, Flint Hills Resources, LC (“FHR” or the “Company”) received a Notice of Probable Violation (NOPV) and a Proposed Compliance Order from PHMSA following its 2017 inspection of FHR’s Minnesota Pipeline (MPL) system and the Woodriver Pipelines (WRPL) system in Minnesota, Iowa, Missouri, and Illinois. PHMSA CPF No. 3-2021-032-NOPV alleges five Probable Violations and advises of one Proposed Compliance Order.

Please see FHR’s response to PHMSA NOPV Item 1 and the Proposed Compliance Order.

PHMSA Item 1 and Proposed Compliance Order:

PHMSA Item 1 Summary:

FHR failed to install the Clearbrook tank impoundment drain valve in compliance with NFPA-30, Section 22.11.2 as required by § 195.264(b)(1). During the inspection, PHMSA/MNOPS observed that, within the impoundment area, there were stairs and a platform to enable drain valve operation from a few feet above the ground level, and that the impoundment wall height was significantly above the level of the drain valve platform. Through these observations, PHMSA confirmed the drain valve was only operable from inside the diked area associated with Tanks 12, 13, 14, and 15 (constructed in 2016). NFPA-30, Section 22.11.2 requires a drain valve to be operable from outside the diked area. FHR therefore failed to comply with the regulatory requirements.

PHMSA Proposed Compliance Order:

Regarding Item Number 1 of the Notice pertaining to the Clearbrook Terminal tank impoundment drain valve, FHR must install an operable drain valve from outside of the impoundment area associated with Tanks 12, 13, 14, and 15, within 12 months from the issuance of the final order. FHR must provide a complete schedule for such installation to the Director, Central Region within 30 days of the final order. FHR must provide documentation of this installation to the Director, Central Region within 30 days of completion.

FHR Response: FHR has completed the installation required in the Proposed Compliance Order and requests that this item be closed.

In May of 2020 FHR removed the handwheel located inside the impoundment area and installed a FlexiDrive manual remote actuator on the identified Clearbrook impoundment drain valve outside the impoundment area (see pictures below). Upon installation, the valve is operatable from outside the impoundment area as per NFPA-30, Section 22.11.2. With the corrective actions that have been completed, FHR considers the proposed compliance order resolved.



Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K Gerold'.

Kimberly Gerold
Flint Hills Resources, LC
Kim.Gerold@fhr.com