

January 24, 2023

VIA ELECTRONIC MAIL TO: troby@bayoumidstream.com

Mr. Travis Roby
Chief Executive Officer
Bayou Midstream Bakken, LLC
820 Gessner Road, Suite 1450
Houston, Texas 77024

Re: CPF No. 3-2022-056-NOPV

Dear Mr. Roby:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation, finds that the civil penalty amount of \$132,100 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, Central 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. Gregory A. Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA
Mr. Spencer Nordgran, Vice President, Engineering and Operations, Bayou Midstream
Bakken, LLC, snordgran@bayoumidstream.com
Mr. Travis Nellermoe, Area Operations Manager, Bayou Midstream Bakken, LLC,
tnellermoe@bayoumidstream.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

**NST Express LLC,
a subsidiary of Bayou Midstream Bakken, LLC,**

Respondent.

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) **CPF No. 3-2022-056-NOPV**
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FINAL ORDER

On November 8, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to NST Express LLC (Respondent), a subsidiary of Bayou Midstream Bakken, LLC. 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 or corrective measures, and submitted information regarding how it is addressing the proposed corrective measures. Respondent paid the proposed civil penalty on December 6, 2022.

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

49 C.F.R. § 195.452(b) **(Item 1)** – Respondent failed to follow its integrity management procedure by not estimating the extent of dispersion of hazardous materials that could result from a failure at Alexander Station and Alexander Junction facilities in Alexander, North Dakota.

49 C.F.R. § 195.563(a) **(Item 3)** — Respondent failed to demonstrate that it had a functional cathodic protection system installed in its buried pipeline at the Alexander Station and Alexander Junction facilities within one year of operation.

49 C.F.R. § 195.573(a)(1) **(Item 4)** — Respondent failed to conduct cathodic protection test as required on its mainline pipeline and breakout tanks in 2019 at its Alexander Station facility.

49 C.F.R. § 195.573(c) **(Item 5)** — Respondent failed to check the proper performance of an electrical bond located in its Alexander Junction facility.

49 C.F.R. § 195.579(b)(2) (**Item 6**) — Respondent failed to monitor the effectiveness of internal corrosion control measures in a segment of pipeline at its Alexander Station facility.

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 \$132,100, 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.

Warning Item

With respect to **Item 2**, the Notice alleged a probable violation of 49 C.F.R. § 195.507 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.

January 24, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued