

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of

Gary Climate Solutions, LLC,

Respondent.

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CPF No. 3-2023-021-NOPV

MODIFICATION TO CONSENT AGREEMENT

From August 30 through September 1, 2022, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of Title 49, United States Code (U.S.C.), conducted an on-site pipeline safety inspection of the facilities and records of Gary Climate Solutions, LLC (GCS or Respondent) in Garden City, Kansas. GCS acquired the pipeline facility from PetroSantander (USA), Inc., on April 30, 2021.

As a result of the inspection, the Director, Central Region, OPS (Director), issued to GCS, by letter dated September 18, 2023, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice).

On July 22, 2024, PHMSA and GCS (the Parties) entered into a Consent Agreement (Agreement) to resolve the Notice. The Agreement was approved by the Associate Administrator for Pipeline Safety, PHMSA, and incorporated by reference into a Consent Order that was issued pursuant to 49 CFR § 190.219 on July 29, 2024.

Paragraph 31 of the Agreement states that the Agreement may be modified by mutual agreement of the Parties and that such modifications must be in writing and signed by both parties.

In accordance with Paragraph 31 of the Agreement, the Parties hereby agree to modify Paragraph 25(b) of the Agreement. The modification to Paragraph 25(b) does not otherwise change any of the other terms of the Agreement, which remain in full force and effect unmodified.

I. Modification:

1. Paragraph 25(b) of the Agreement stated:

Respondent must complete an ECDA on the 14.1 miles of the Garden City carbon

dioxide pipeline subject to 49 C.F.R. § 195.452 reported in the May 13, 2024, Annual Report in accordance with the above-referenced rules and standards and its revised procedures, and provide documentation confirming its completion, within **two years** of the Effective Date. Respondent must submit quarterly updates to the Central Region Director beginning **90 days** from the Central Region's approval of the revised procedures required under this paragraph until the ECDA is completed.

2. Paragraph 25(b) of the Agreement is hereby struck and replaced with the following:

Respondent must complete an In-Line Inspection (ILI) of the 14.1 miles of the Garden City carbon dioxide pipeline, as reported in the June 16, 2025 Annual Report, in accordance with 49 CFR Part 195, including but not limited to 49 CFR §§ 195.452 and 195.591. GCS must provide documentation confirming its successful completion within **two years** of the date PHMSA signs this modification to the Agreement. Until the ILI is completed, GCS must submit quarterly updates to the Central Region regarding the status of the ILI beginning **30 days** from the date PHMSA signs this modification to the Agreement.

II. Ratification:

1. The Parties' undersigned representatives certify that they are fully authorized to enter into the terms and conditions of this modification and to execute and legally bind such party to this document.

2. The Parties hereby agree to all findings, conditions, and terms of this modification.

[Signature Lines on Following Page]

For Gary Climate Solutions, LLC:

Date

For PHMSA:

Acting Director, Central Region, Office of Pipeline Safety

Date