

January 29, 2025

Via e-mail to Gregory.Ochs@dot.gov

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

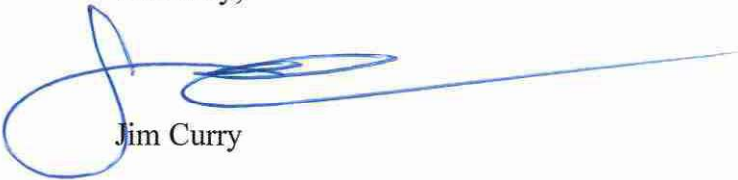
**RE: CPF No. 3-2024-028-NOPV**

Dear Mr. Ochs,

On December 30, 2024, PHMSA issued the above-referenced Notice of Probable Violation to Flint Hills Resources, LC, and Flint Hills Resources Pine Bend, LLC (collectively FHR). As described in the attached, FHR respectfully requests an informal conference to attempt to resolve the above-referenced matter. FHR hopes that that a hearing will be unnecessary, and that the parties can resolve these matters informally.

To preserve its rights, FHR also requests an in-person hearing pursuant to 49 C.F.R. §§ 190.208(a)(4), 190.208(b)(4), and 190.211(b). Regarding its hearing request, FHR has attached a Preliminary Statement of Issues and Request for Documents for the above-referenced case.

Sincerely,



Jim Curry

Enclosures

cc: Ryan McClure, Attorney Advisor, PHMSA

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY**

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**In the Matter of  
Flint Hills Resources, LC and  
Flint Hills Resources Pine Bend, LLC,  
  
Respondent.**

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**CPF No. 3-2024-028-NOPV**

**REQUEST FOR INFORMAL CONFERENCE, REQUEST FOR HEARING,  
PRELIMINARY STATEMENT OF ISSUES and REQUEST FOR DOCUMENTS**

**I. Request for Informal Conference**

Pursuant to 49 U.S.C. § 60117(b)(1)(B), Flint Hills Resources, LC and Flint Hills Resources Pine Bend, LLC, (collectively FHR) respectfully requests an informal conference to discuss the allegation and proposed compliance order in the above-referenced Notice of Probable Violation and Proposed Compliance Order (NOPV). FHR is hopeful that through further discussion of the relevant facts and circumstances this allegation can be resolved without a hearing.

**II. Request for Hearing**

Pursuant to 49 C.F.R. §§ 190.208(a)(4), 190.208(b)(4), and 190.211(b), FHR respectfully requests a hearing to discuss the alleged violations and proposed compliance order in the NOPV. If a hearing is held, FHR will be represented by counsel at the hearing.

**III. Preliminary Statement of Issues**

FHR respectfully contests the allegation contained in Item 1 and proposed compliance order in the NOPV. At the hearing, FHR intends to raise the following issues:

**Item 1 – 49 C.F.R. § 195.446(c)(3)**

- A. Whether the allegation of violation is supported by the facts and the evidence.
- B. Whether the allegation of violation is consistent with the regulations.

- C. Whether the proposed compliance order is appropriate and should be withdrawn or modified.
- D. Whether the Pipeline Safety Act, 49 U.S.C. § 60101 *et seq.* and 49 C.F.R. § 195.446(c)(3) require an operator to maintain pipeline system operations and to continue to flow product to allow the manual delivery and receipt of product during a SCADA system failure, when it is otherwise the operator's policy to not flow product and make receipts and deliveries during a SCADA outage.
- E. The scope of the requirements in 49 C.F.R. § 195.446(c)(3) as applied to a pipeline system experiencing a SCADA outage and the role of the operations and maintenance requirements at 49 C.F.R. Part 195, Subpart F during such an outage.

FHR reserves the right to supplement this preliminary statement of issues in response to any additional information or arguments from PHMSA.

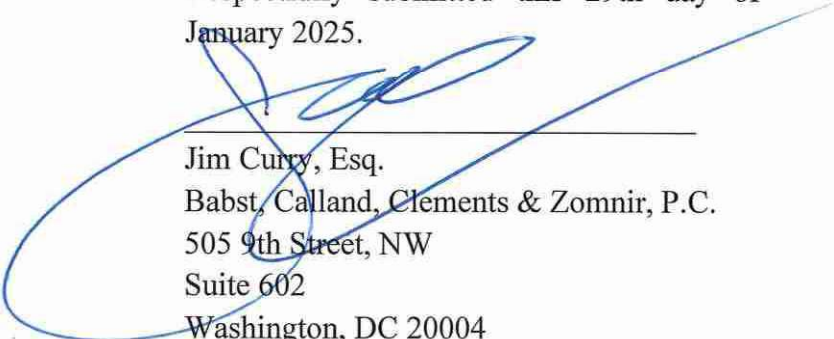
**Item 2 – 49 C.F.R. § 195.505(b)**

FHR does not contest the allegation and warning item contained in Item 2 of the NOPV.

**IV. Request for Documents**

Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3), and (c)(7) and to ensure a full and fair hearing, FHR respectfully requests that PHMSA provide a copy of any notes, documents, or electronic records not otherwise included in the casefile pertaining to the inspection that occurred in this case. These materials are “pertinent to the matters of fact and law” asserted and must therefore be provided pursuant to 49 U.S.C. § 60117(b)(1)(C).

Respectfully submitted this 29th day of  
January 2025.



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