

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

In the Matter of)
)
)

Dakota Gasification Company,)

CPF No. 3-2024-036-NOPV

Respondent.)
_____)

MODIFICATION TO CONSENT AGREEMENT

From August 15 through August 17 and August 22 through 23, 2023, representatives 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.), inspected Dakota Gasification Company's (DGC or Respondent) carbon dioxide pipeline in North Dakota.

As a result of the inspection, the Director, Central Region, OPS (Director), issued to Respondent, by letter dated June 28, 2024, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice).

On June 12, 2025, PHMSA and Respondent (the Parties) entered into a Consent Agreement (Agreement) to resolve the Notice. The Agreement was approved by the Acting Associate Administrator for Pipeline Safety, PHMSA, and incorporated by reference into a Consent Order that was issued pursuant to 49 CFR § 190.219 on June 23, 2025.

Paragraph 28 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. The parties modified the Agreement pursuant to Paragraph 28 on March 31, 2026.

In accordance with Paragraph 28 of the Agreement, the Parties hereby agree to modify Paragraph 22.a. of the Agreement. The modification to Paragraph 22.a does not otherwise change any of the other terms of the Agreement, which remain in full force and effect unmodified. This modification supersedes and replaces the March 31, 2026 modification.

I. Modification:

Paragraph 22.a. of the Agreement is hereby struck and replaced with the following:

DGC must conduct an AC interference study and consider and prioritize the need for AC mitigation in the areas identified as having an elevated AC risk within **15 months** from receipt of the Consent Order. The 15-month deadline may be extended upon mutual agreement by the Parties in writing.

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 Dakota Gasification Company:



6-18-26
Date

For PHMSA:

AMY JO MCKEAN

Digitally signed by AMY JO MCKEAN
Date: 2026.06.18 13:32:28 -05'00'

Director, Central Region, Office of Pipeline Safety

Date