

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 25, 2011

Mike Nelson
Sr. Vice President of Natural Gas Pipelines
ONEOK Partners
100 West Fifth Street
Tulsa, OK 74102-4298

CPF 3-2011-1007

Dear Mr.Nelson:

On April 26-30, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code, conducted an onsite pipeline safety inspection of your records and facilities of Guardian Pipeline, LLC at Channahon, Illinois.

As a result of the inspection, it appears that you have committed probable violations, as noted below, of pipeline safety regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation(s) are:

1. §192.709 (c) Transmission lines: Record keeping.

A record of each patrol, survey, inspection, and test required by subparts L and M of this part must be retained for at least 5 years or until the next patrol, survey, inspection, or test is complete, whichever is longer.

§192.625 Odorization of gas.

§192.625(f) Each operator shall conduct periodic sampling of combustible gases to assure the proper concentration of odorant.

Guardian was unable to produce annual inspection records for the inspection and testing of the domestic odorizer at the Channahon, IL compressor station for the calendar years 2007, 2008, and 2009.

Guardian's operating procedure, OKSop3.080.402 – "Odorization of Gas", specifies that odorizers be sampled and tested once each calendar year. A record of the inspection and testing is required per the requirements of §192.709 (c).

2. §192.709 (c) Transmission lines: Record keeping.

A record of each patrol, survey, inspection, and test required by subparts L and M of this part must be retained for at least 5 years or until the next patrol, survey, inspection, or test is complete, whichever is longer.

§192.731 Compressor stations: Inspection and testing of relief devices.

§192.731(c) Each remote control shutdown device must be inspected and tested at intervals not exceeding 15 months, but at least once each calendar year, to determine that it functions properly.

Guardian could not produce required records for the annual inspection and testing of the discharge pressure transmitter located at the Channahon, IL compressor station for the calendar years 2007, 2008, and 2009.

Guardian's operating procedure, OKSops3.030.301 – "Remote Control Shutdown Devices, Inspection, Maintenance, and Calibration", specifies annual testing and calibration of station shutdown instrumentation and devices. At the Channahon, IL compressor station the discharge pressure transmitter serves as the primary shut down device that requires a record of such testing and calibration per §192.709(c).

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$35,200 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$17,600
2	\$17,600

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

In your correspondence on this matter, please refer to **CPF 3-2011-1007** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*