



U.S. Department
Of Transportation
**Pipeline and
Hazardous Materials
Safety Administration**

820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628
609.989.2171

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

OVERNIGHT EXPRESS MAIL

April 15, 2011

Mr. Jerry Ashcroft
Vice President of Field Operations
Buckeye Partners L.P.
Five TEK Park
9999 Hamilton Blvd.
Breinigsville, PA 18031

CPF 1-2011-5003

Dear Mr. Ashcroft:

From August 11 – 20, 2010, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Buckeye Partners, L.P.'s (Buckeye) pipeline facilities in Boothwyn, PA.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

1. § 195.589 What corrosion control information do I have to maintain?

(c) You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control

measures does not exist. You must retain these records for at least 5 years, except that records related to §§195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

Buckeye failed to maintain records of an annual cathodic protection survey for two (2) test points to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist.

As required under §195.573(a)(1), Buckeye must conduct tests on protected pipeline at least once each calendar year, but not to exceed fifteen (15) months. During the inspection, Buckeye did not provide any records for ML drain unit location # 111 for the calendar year 2008 and M&H XHG location 1274+78 for the calendar year 2009.

2. § 195.589 What corrosion control information do I have to maintain?

(c) You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least 5 years, except that records related to §§195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

Buckeye failed to maintain records of two (2) checks for Rectifier LP-10 STA 152806 BH724SK Warwick during the calendar year 2008 to demonstrate an adequate level of cathodic protection.

In accordance to §195.573(c), Buckeye must electrically check for proper performance each rectifier at least six times each calendar year, but with intervals not exceeding 2½ months. During the inspection, Buckeye provided a record of an electrical check conducted on 1/13/2008, 3/10/2008, 5/25/2008, and 7/13/2008 for Rectifier LP-10 STA 152806 BH724SK. The record provided by Buckeye indicated that electrical checks should also have been performed on 9/9/2008 and 11/9/2008. While these dates were listed on the record, there were no readings entered.

3. §195.573 What must I do to monitor external corrosion control?

(a) Protected pipelines. You must do the following to determine whether cathodic protection required by this subpart complies with Sec. 195.571:

(1) Conduct tests on the protected pipeline at least once each calendar year, but with intervals not exceeding 15 months. However, if tests at those intervals are impractical for separately protected short sections of bare or ineffectively coated pipelines, testing may be done at least once every 3 calendar years, but with intervals not exceeding 39 months.

Buckeye did not conduct tests on the cathodically protected pipeline segments to monitor external corrosion control, at least once each calendar year, but with intervals not exceeding 15 months.

During the inspection, Buckeye provided records that demonstrated that pipelines at 63rd and Lebanon location 848+53, Chester Rd TR 320 location 767+71, T-394 Spohn Rd location 2428+17, and LR 06062 Fritztown Rd location 2490+26 were not tested as required by §195.573(a)(1) to demonstrate

adequate levels of cathodic protection for calendar year 2008 and 2009. Records indicated the test stations at these locations were damaged, which prohibited the collection of cathodic protection data. Associated work order records showed that Buckeye had not corrected identified deficiencies at those test station locations to allow required testing to be satisfactorily completed in calendar years 2008 or 2009.

4. §195.573 What must I do to monitor external corrosion control?

(e) Corrective action. You must correct any identified deficiency in corrosion control as required by Sec. 195.401 (b). However, if the deficiency involves a pipeline in an integrity management program under Sec. 195.452, you must correct the deficiency as required by Sec. 195.452 (h).

Buckeye did not correct deficiencies identified during the annual cathodic protection survey to monitor external corrosion control.

During the inspection, the records reviewed indicated that Buckeye did not take any action to correct the identified deficiencies for the cathodic protection test point readings that showed -5.280 volts on 10/10/2008 and -5.307 volts on 10/29/2009 at 8" TET Crossing 8", also -5.380 volts on 10/10/2008 and -5.354 volts on 10/29/2009 at 8" Allegheny Crossing 10". The Buckeye representative did state that the high cathodic protection test point readings were likely due to unresolved stray current interference at those locations. Buckeye did not produce any records of action taken to correct the deficiency.

5. § 195.589 What corrosion control information do I have to maintain?

(c) You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least 5 years, except that records related to §§195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

Buckeye did not maintain records of atmospheric corrosion inspections conducted on exposed pipe at pipeline facilities in the Booth/Chelsea area as required by §195.583(a) in sufficient detail to demonstrate the adequacy of atmospheric corrosion control measures. Buckeye did demonstrate through Preventive Maintenance (PM) History computer summary records that atmospheric corrosion control inspections were conducted in the calendar year 2009. However, Buckeye provided only blank (uncompleted) *Station & Terminal Visual Inspection Forms* that the Buckeye representative stated are supposed to be completed and used in conjunction with PM History records to demonstrate and document details of the atmospheric corrosion control inspections. The Buckeye representative said that *Station & Terminal Visual Inspection Forms* should have been completed and distributed to the appropriate individual as described at the bottom of the form. Buckeye did not provide any completed *Station & Terminal Visual Inspection* forms for the atmospheric corrosion inspections conducted in the calendar year 2009.

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 violations and has recommended that you be preliminarily assessed a civil penalty of \$85,700 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$11,300
2	\$11,300
3	\$25,900
4	\$25,300
5	\$11,900

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.

Please address your correspondence for this matter to Mr. Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628. Please refer to **CPF 1-2011-5003** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Byron Coy, PE
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

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