



November 17, 2011

Mr. Byron Coy
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
U. S. Department of Transportation
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West Trenton, NJ 08628

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Breinigsville, Pennsylvania 18031
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RE: CPF 1-2011-5010 – Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order

Dear Mr. Coy:

Buckeye Partners, L.P. (Buckeye) received the referenced “Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order” (NOPV) on October 19, 2011 from the Pipeline and Hazardous Materials Safety Administration (PHMSA). This NOPV was issued for an incident that occurred on April 21, 2008 at Buckeye’s Booth station in Boothwyn, PA and PHMSA’s related incident investigation. The following are Buckeye’s responses to each of the items listed in the NOPV.

- 1. Buckeye’s procedural manual for operations and maintenance did not include a process for ensuring that all holes drilled in preparation for tank bottom repair were patched prior to returning the tank to service. An accident occurred due to the failure to patch one hole.**

Buckeye acknowledges that it did not have an adequate procedure for ensuring that all holes drilled in preparation for tank bottom repair were patched. Buckeye relied on the tank contractor to ensure that the holes drilled were repaired. Since this incident, Buckeye revised its procedure to ensure that all tank bottom repairs are patched prior to returning tanks back to service. Attached is Buckeye’s revised procedure and referenced form which were implemented in the first quarter of 2009. Buckeye believes this revised procedure demonstrates full compliance with PHMSA’s Proposed Compliance Order Item 1. Buckeye also requests that the Proposed Civil Penalty for this item be reduced since Buckeye recognized the issue and revised its procedure prior to receiving any notice from PHMSA to do so.

2. Buckeye's Qualification Program failed to ensure through evaluation that an individual performing a covered task was qualified. Buckeye could not produce records or any other documentation to demonstrate compliance with the requirement of section 195.505(b).

Buckeye contends that at the time of this incident in April 2008, welding on out of service breakout tanks was not a covered task as identified in Buckeye's Operator Qualification (OQ) program. Further, Buckeye underwent an OQ program inspection in 2004 and an Integrated Inspection in 2008 during which times Buckeye's OQ covered task list was reviewed by PHMSA representatives. During these inspections and resulting PHMSA actions, at no time was welding on out of service breakout tanks identified by PHMSA to be an OQ covered task and requiring a change to Buckeye's OQ program.

For the reasons stated above, Buckeye requests that the Proposed Civil Penalty for this item be removed in its entirety. Buckeye believes that the addition of welding on out of service breakout tanks as an OQ task should be addressed in a Notice of Amendment. Further, Buckeye agrees to re-evaluate this task and add it to its OQ covered task list.

In conclusion, Buckeye respectfully requests that the Proposed Compliance Order be revised to take into account Buckeye's previously revised procedure for ensuring that all holes drilled in preparation for tank bottom repair were patched and the finding and associated Proposed Civil Penalty for Item Number 2 be withdrawn in favor of a Notice of Amendment.

Buckeye takes very seriously the issues that were raised during this incident investigation and remains fully committed to maintaining a safe operation to provide protection for the public, our employees, and the environment. We look forward to working with PHMSA to continuously improve our compliance programs into the future and to resolve the issues related to this NOPV and Proposed Compliance Order.

If you have any questions, or need additional information, please feel free to contact myself or Mr. Scott Collier, Sr. Director, Performance Assurance & Asset Integrity at 610-904-4922 or by e-mail at tcollier@buckeye.com.

Sincerely,



Jeremiah L. Ashcroft
Sr. Vice President, Global Operations

cc: T.S. Collier
J.B. Reinbold
C.A. Ostach