



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**

UPS OVERNIGHT DELIVERY

November 25, 2013

Thomas Scott Collier
Vice President, Performance Assurance & Asset Integrity
Buckeye Partners, L.P.
Five TEK Park
9999 Hamilton Boulevard
Breinigsville, PA 18031

CPF 1-2013-5028

Dear Mr. Collier:

On August 16, 2013, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code, initiated an investigation of the accident that occurred on Buckeye Partners, L.P.'s (Buckeye) Breakout Tank 91, at Linden Station, in Linden, New Jersey, on August 13, 2013. The accident involved a release of a mix of refined petroleum products.

On April 25, 2013, Buckeye contracted with DJA Inspection Services, Inc. to perform an internal tank inspection on Tank 91, as per API 653. After the inspection and subsequent maintenance and repair work on the tank, Buckeye prepared Tank 91 for return to service on August 13, 2013.

On August 13, 2013, at approximately 2:55 p.m. eastern standard time (EST), Buckeye reported a release of product from Tank 91 located at the Linden Station in Union County, Linden, New Jersey.

The incident occurred when Buckeye was filling Tank 91. During the filling process, a Buckeye employee discovered product spraying from a ½-inch-diameter ball valve located on the top of a 6-inch-diameter nozzle located near the base of Tank 91. Upon further investigation, it was determined that the ½-inch ball valve was inadvertently left in the open position without a plug, thus allowing product to escape during the filling operation. Buckeye's Hazmat team was called to initiate the clean-up process. It is estimated that 1.85 barrels of transmix was released into the containment dike area and approximately 1.83 barrels were recovered as of September 6, 2013. The National Response Center (NRC# 1057004) was notified of the leak at 4:25 p.m. EST on August 13, 2013. There were no fires or injuries reported as a result of this accident.

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

1. **§195.402 Procedural manual for operations, maintenance, and emergencies.**
 - (a) **General.** Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

Buckeye failed to follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies.

Specifically, Buckeye failed to follow their procedure E-12: Tank Isolation, Cleaning, and Repair when they returned Breakout Tank 91 to service. Buckeye Procedure E-12: Tank Isolation, Cleaning, and Repair Work Section 5.12 dated 9/2012 states that “When repair work and the post job has been completed, reassemble the tank”. Paragraph 5.12.10 states... “all valves (including thermal relief systems) and other energy-isolating devices (including blinds) are returned to their normal position as indicated on the Facility Integrity List”. This was not done.

When Buckeye returned Tank 91 to service, a ½” diameter ball valve was not closed and a plug was not installed. The normal position for this valve is closed, and the normal position for the plug is to be installed. This directly led to product being released from the valve as the tank was being filled.

This accident occurred in a tank farm. This accident also occurred in an area that is identified as a high population area¹ and unusually sensitive area.²

On September 6, 2013, Buckeye filed an accident report on DOT Form 7000-1(Accident Report)³ with PHMSA. The stated cause of the accident was “Incorrect Operation”, with a statement that reads, “valve left or placed in wrong position...”

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 3, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a 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 \$83,500 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$83,500

¹ §195.450 Definitions.

The following definitions apply to this section and §195.452: . . .

(2) A *high population area*, which means an urbanized area, as defined and delineated by the Census Bureau, that contains 50,000 or more people and has a population density of at least 1,000 people per square mile;

² §195.450 Definitions.

The following definitions apply to this section and §195.452: . . .

(4) An *unusually sensitive area*, as defined in §195.6.

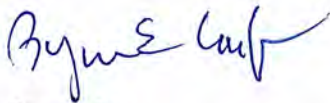
³ This Notice refers to Buckeye’s Accident Report DOT Form 7000-1, No. 20130301 - 18514.

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. All material you submit in response to this enforcement action may be 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 submit all correspondence in this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2013-5028** on each document you submit, and please whenever possible, provide a signed PDF copy in electronic format. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original paper copy to the Eastern Region Office.

Sincerely,



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

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