



**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 18, 2011

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

**CPF 1-2011-5002**

Dear Mr. Ashcroft:

From September 14 to 17, 2010, a representative 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) Duncansville Unit from Sinking Spring to Duncansville, Pennsylvania.

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. §195.428 Overpressure safety devices and overfill protection systems**

**(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7 ½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service for which it is used.**

Buckeye failed to inspect and test two (2) High Pressure Switches at Duncansville Station. The High Pressure Switches are overpressure safety devices which are operated to shut down pumping units and limit the discharge pressure on the pipeline; as such, they should be tested at intervals not exceeding 15 months, but at least once each calendar year.

During the inspection, a review of Buckeye's PM History Log R55PMHIST dated 8/31/2010 showed an inspection on High Pressure Switches DTPSH718 and DTPSH720 was conducted on 12/28/2007 and the next inspection on those same High Pressure Switches were conducted on 2/3/2009. Subsequently, Buckeye did not provide documentation that High Pressure Switches DTPSH718 and DTPSH720 were inspected and tested in 2008. In addition, Buckeye personnel could not definitively confirm that High Pressure Switches DTPSH718 and DTPSH720 had been inspected and tested in 2008.

While Buckeye completed the inspections within the maximum 15 month period, they failed to perform the inspections during the calendar year of 2008. Therefore, Buckeye did not meet the required frequency as prescribed in §195.428 because it could not verify that switches DTPSH718 and DTPSH720 had in fact been inspected in 2008.

**2. §195.420 Valve Maintenance**

**(b) Each operator shall, at intervals not exceeding 7 ½ months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.**

Buckeye failed to inspect the following four mainline valves at intervals not exceeding 7½ months which is required by the regulation:

1. West Susquehanna River Valve JH724JMV94A was inspected on 4/3/2009 and 12/09/2009 – an interval of 8 months and 6 days
2. Mechanicsburg West Valve JM724MTV107A was inspected on 4/2/2009 and 12/09/2009 – an interval of 8 months and 7 days
3. Carlisle Terminal Valve KT720CRV111A was inspected on 11/17/2009 and 7/29/2010 – an interval of 8 months and 12 days
4. Schaffersstown Terminal Valve SK724JHV63A was inspected on 4/22/2009 and 12/28/2009 – an interval of 8 months and 6 days

At the time of the inspection, Buckeye provided records documenting inspections on the mainline valves. Specifically, PM History Log R55PMHIST dated 9/1/2010 showed the inspections having occurred twice in 2009 but four (4) mainline valves, listed above, exceeded the maximum 7½ month period. In addition,

Buckeye personnel confirmed that the four (4) mainline valves were inspected on the date documented on PM History Log R55PMHIST dated 9/1/2010.

As a result, Buckeye did not meet the required frequency as prescribed in §195.420 because the records verified that those four (4) mainline valves had in fact been inspected at intervals exceeding 7½ months.

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 \$81,400 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$35,900
2	\$45,500

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 on this matter to Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628. Please refer to **CPF 1-2011-5002** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

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