



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 PROPOSED COMPLIANCE ORDER**

### **UPS OVERNIGHT DELIVERY**

November 19, 2013  
Thomas S. (Scott) Collier, VP  
Buckeye Partners, L.P.  
Five Tek Park, 9999 Hamilton Boulevard  
Breinigsville, PA 18031

**CPF 1-2013-5026**

Dear Mr. Collier:

From July 30, 2012 through August 3, 2012, 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 inspected Buckeye Partners, L.P.'s (Buckeye) hazardous liquid pipeline facility in the Portland, Maine area.

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 violation(s) are:

- 1. §195.575 Which facilities must I electrically isolate and what inspections, tests, and safeguards are required?  
(c) You must inspect and electrically test each electrical isolation to assure the isolation is adequate.**

Buckeye did not demonstrate through inspection and electrical tests, that electrical isolation is adequate.

During the inspection, the PHMSA inspector noted that at the railroad crossing near Kennebec Road, on the Bangor and Aroostock Railroad at engineering station 6236+14, there were no test leads installed on either side of the railroad.

Buckeye personnel stated that they had just started a project to install additional test leads. Buckeye personnel also stated at the time of the inspection that there were 97 cased crossings without test leads installed.

In order to determine the adequacy of the cathodic protection, these crossings require that test leads be installed so that the operator can obtain the electrical measurements. This requirement was presented on a spreadsheet titled *So. Portland List of Pipeline Road Casings*. The spreadsheet was created by Buckeye due to an analysis performed on the cathodic protection system which occurred early in 2012. Buckeye stated that they plan on installing approximately 30 test leads per year, starting near Portland, Maine and working towards Bangor, Maine.

When the PHMSA inspector asked what other electrical tests are used to determine if electrical isolation is adequate, Buckeye stated that they use Close Interval Surveys (CIS) as an alternate to pipe-to-soil/casing-to-soil electrical measurements. However, at the inspection, Buckeye stated that they had not performed a CIS on this pipeline.

Therefore Buckeye failed to inspect and electrically test each electrical isolation to assure the isolation is adequate.

**2. §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.**

The operator failed to conduct cathodic protection electrical testing on the protected pipeline at intervals not exceeding 15 months.

During this inspection, the PHMSA inspector requested Buckeye to produce records of the Cathodic Protection surveys that were conducted at its facilities in the Maine area. Subsequently, Buckeye presented records titled *Buckeye Partners, L.P. CP Survey Report*. The *Buckeye Partners, L.P. CP Survey Report* showed dates between inspection cycles that exceeded the 15 month maximum.

Therefore, Buckeye failed to monitor external corrosion control on protected pipelines by conducting tests on the protected pipeline at least once per calendar year, but with intervals not exceeding 15 months.

**3. §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.**

The operator failed to follow their procedure for documenting an annual CP survey.

Specifically, Corrosion Manual Procedure A-02: External Corrosion Control Section 5.4 states that “Each reference electrode, including the verification “standard” reference electrode, shall have a serial number. Serial numbers will be assigned by the Corrosion Specialist. The serial number of the “survey” reference electrode shall be recorded in the Header Comments for each survey conducted.” Buckeye failed to record the serial number of the reference electrode used during a CP survey.

Proposed Compliance Order

With respect to item 1 pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Buckeye. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Warning Items

With respect to item 2 and 3, we have reviewed the circumstances and supporting documents involved in this case and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to promptly correct this item. Failure to do so may result in additional enforcement action.

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 1-2013-5026** 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](mailto: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, PE  
Director, Eastern  
Pipeline and Hazardous Materials Safety Administration

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

**PROPOSED COMPLIANCE ORDER**

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Buckeye Partners, L.P.'s (Buckeye) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Buckeye with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice pertaining to failing to demonstrate through inspection and electrical tests, that the electrical isolation is adequate at cased crossings, Buckeye must install test leads at the previously determined locations.
2. Buckeye shall complete the installation of test leads at cased crossings within 600 days of receipt of the Final Order.
3. It is requested (not mandated) that Buckeye maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Byron Coy, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.