



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 AMENDMENT

OVERNIGHT EXPRESS MAIL

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 1-2013-5027M

Dear Mr. Collier:

On August 16, 2013, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code investigated an accident that occurred during the filling process of Breakout Tank 91 at Buckeye Partners, L.P.'s Linden Station in Linden, NJ.

On the basis of the inspection, PHMSA has identified the apparent inadequacy found within Buckeye Partners, LP's plans or procedures, as described below:

1. **§195.402 Procedural manual for operations, maintenance, and emergencies.**
 - (a)...
 - (c) **Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:**
 - (3) **Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.**

The operator's procedures were inadequate in that they failed to provide sufficient guidance in operating the pipeline system safely in accordance with each of the requirements of Subpart F when they returned Breakout Tank 91 to service after maintenance repairs.

Specifically, the operator's procedures were inadequate in that they failed to provide a level of safety required in accordance with §195.401(a) which states, "No operator may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under §195.402(a) of this subpart."

On 8/13/2013, Buckeye Partners, LP (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 returning Tank 91 to service after removing the tank from service for maintenance. 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.

During the field visit, records, and procedure review, it was noted in Maintenance Manual Procedure E-12: Tank Isolation, Cleaning, and Repair Work Section 5.14. states that a qualified person responsible for the operation of the facility shall "... monitor the filling of the tank hourly until the roof is afloat...". When returning a tank to service, tanks should be monitored on a more frequent basis, to allow any possible resulting release to be detected more quickly.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within **60** days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

1-2013-5027M

It is requested (not mandated) that Buckeye maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to, as well as any correspondence relating to this Notice to: Byron Coy, PE, Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, W. Trenton, NJ 08628. Please refer to **CPF 1-2013-5027M** on each document you submit, and please provide a (signed) copy in electronic format whenever possible. Smaller files may be emailed to Byron.Coy@dot.gov. Larger files should be sent on a CD accompanied by the original (signed) paper copy to the Eastern Region Office.

Sincerely,

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

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