



U.S. Department  
Of Transportation  
**Pipeline and  
Hazardous Materials  
Safety Administration**

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
**609.771.7800**

**NOTICE OF PROBABLE VIOLATION  
and  
PROPOSED CIVIL PENALTY**

**OVERNIGHT EXPRESS DELIVERY**

March 16, 2017

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

**CPF 1-2017-5007**

Dear Mr. Collier:

On October 11-14, 2016, 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 your Jet Everglades System in Florida.

As a result of the inspection, it is alleged 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. §195.410 Line markers.**

**(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:**

**(2) The marker must state at least the following on a background of sharply contrasting color:**

**(ii) The name of the operator and a telephone number (including area code) where the operator can be reached at all times.**

Buckeye failed to maintain line markers over each buried pipeline. Specifically, the line markers on the Everglades pipeline in Florida did not include the correct name of the operator.

During the inspection, the PHMSA inspector performed a site visit of the Everglades

Pipeline in Florida. The PHMSA inspector observed 13 pipeline markers along the right of way.

1. All the pipeline markers observed by the PHMSA inspector stated in part "Everglades Pipeline Co., L.P. Warning Petroleum Pipeline before excavating or in emergency call Everglades Pipeline Co., L.P. Port Everglades. . .". The PHMSA inspector asked Buckeye about the Everglades Pipeline Co name on the marker. Buckeye replied, "the name was kept due to everyone knowing Everglades pipeline. The operator is Buckeye."
2. The National Registry lists the operator name for this pipeline as Buckeye Partners, LP.
3. After the inspection, in an email dated 21 November 2016, Buckeye provided a photo of a revised pipeline marker with a sticker stating "Buckeye Partners L.P." that covered "Everglades Pipeline Co., L.P. Port Everglades, FL".

Therefore, Buckeye failed to maintain line markers over each buried pipeline

## 2. §195.434 Signs.

**Each operator must maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and a telephone number (including area code) where the operator can be reached at all times.**

Buckeye failed to maintain signs visible to the public around each pumping station and breakout tank area. Specifically, the signs at Buckeye's Everglades Facility and Miami Terminal did not include the name of the operator, and included a telephone number where the operator was not reachable at all times.

During the inspection, the PHMSA inspector performed a site visit at Buckeye's Everglades Facility (pump station) and Miami Terminal (pump station and breakout tank).

1. The PHMSA inspector observed signs posted along the property which read: "In an emergency phone collect Mt. Belvieu, TX 1-866-514-8380 or Port Everglades, FL 1-800-345-0983". Similar signs were posted in Spanish reading: "En caso de emergencia llamar Mt. Belvieu, TX 1-866-514-8380 or Port Everglades, FL 1-800-345-0983". There were no signs in English along the western side of the Everglades Facility.
  - a. The PHMSA inspector asked Buckeye about the two numbers on the sign. Buckeye stated that the top number is the calling center in Mt. Belvieu, TX (1-866-514-8380), and that the bottom number calls the Everglades Facility directly (1-800-345-0983).
  - b. The PHMSA inspector asked Buckeye if the bottom number reaches Buckeye at all times.
    - i. Buckeye stated that the Everglades Facility is not manned 24/7, and when no one is there to answer the call, the recorded message directs the person to the call center in Texas.
    - ii. The PHMSA inspector called the bottom number (1-800-345-0983).

No one answered the call. A recorded message stated “leave a message, or if this is an emergency contact 1-800-345-0983.”

- iii. The entire recording was in English.
- 2. All the signs observed by the PHMSA inspector stated in part “Everglades Pipeline Co., L.P. Warning Petroleum Pipeline before excavating or in emergency call Everglades Pipeline Co., L.P. Port Everglades. . .”.

  - a. The PHMSA inspector asked Buckeye about the Everglades Pipeline Co name on the signs. Buckeye replied, “the name was kept due to everyone knowing Everglades pipeline. The operator is Buckeye.”
  - b. The National Registry lists the operator name for this pipeline as Buckeye Partners, LP.

Therefore, Buckeye failed to maintain signs visible to the public around each pumping station and breakout tank area.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$205,638 per violation per day the violation persists up to a maximum of \$2,056,380 for a related series of violations. For violations occurring between January 4, 2012 to August 1, 2016, the maximum penalty may not exceed \$200,000 per violation per day, with a maximum penalty not to exceed \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with maximum penalty not to exceed \$1,000,000 for related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$77,000 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$40,400
2	\$36,600

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 submitted 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 address your correspondence on this matter to: Robert Burrough, Acting Director, PHMSA Eastern Region, 820 Bear Tavern Road, Suite 103, West Trenton, NJ 08628. Please refer to **CPF 1-2017-5007** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Robert Burrough  
Acting Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration

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