

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

OVERNIGHT EXPRESS DELIVERY

April 3, 2017

Mr. Thomas Collier
Vice President, Performance Assurance and Asset Integrity
Buckeye Partners LP
Five Tek Park
9999 Hamilton Boulevard
Breinigsville, PA 18031

CPF 1-2017-5009

Dear Mr. Collier:

From September 28 – October 1, 2015, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Buckeye LP construction associated with Toledo Station Line 211 in Toledo OH.

As a result of the inspection, 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. §195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

Buckeye failed to construct each pipeline system in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part. Specifically, Buckeye failed to follow its written construction procedures, for weld quality control and acceptability.

During the inspection, the PHMSA inspector reviewed NDT records associated with the station piping portion of the Toledo L211 project and Buckeye procedure A-01, Introduction to Welding Policies (Revised 1/13). Buckeye procedure A-01, Section 6, Paragraph 6.2.4 states in part that

“Defects in welds that do not meet code requirements for reasons other than 6.2.3 above may be repaired only once...”

NDT records provided by Buckeye show that two (2) girth welds (XR523 and XR527) were:

1. Initially radiographed on 6/16/2015. The item ID’s were XR523 and XR527 and the defect evaluation key stated “Linear indications (B-C, C-A) and (B-C).
2. Repaired for the first time between 6/16/2015 and 6/18/2015.
3. Radiographed for a second time on 6/18/2015. The item ID’s were XR523R1 and XR527R1 and the defect evaluation key stated “Linear indications (B-C, C-A) and (B-C)
4. Repaired for the second time between 6/18/2015 and 6/19/2015. The areas repaired were identical to those requiring repair after the first radiograph.
5. Radiographed for a third time on 6/19/2015. The item ID’s were XR523R2 and XR527R2 and the defect evaluation key was blank, indicating that the weld did not have any defects.

The placement of the letter “R” at the end of each girth weld ID convention signified that a repair was performed. The PHMSA inspector reviewed each radiograph associated with each repair attempt for welds XR523 and XR527 and specifically examined each to determine the areas and extent of repair. The review was performed in the presence of the CWI and Buckeye Project Manager and subsequently confirmed that the same area of each weld was repaired twice.

The PHMSA inspector verbally communicated with the Buckeye Project Manager, on the date of discovery (9/30/2015), conveying that the actions taken were non-compliant with 49 CFR 195.

Buckeye subsequently removed, replaced and re-inspected both girth welds in accordance with their procedures. The work was completed on 10/2/2015.

Thus, Buckeye failed to construct each pipeline system in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

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 \$36,600 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$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 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). Failure to respond within 30 days of receipt of this Notice 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 1-2017-5009**, 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*