

**BUCKEYE PARTNERS, L.P.**

RECEIVED APR 16 2019

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April 15, 2019

Mr. Robert Burrough  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration  
U. S. Department of Transportation  
820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628

RE: CPF 1-2019-5033 Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order – PHMSA 2017 Integrated Inspection

Dear Mr. Burrough:

Buckeye Partners, L.P. (Buckeye) has reviewed the referenced Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (NOPV) received on March 18, 2019 relating to the integrated inspection of Buckeye's East Pipeline System located throughout Pennsylvania, New Jersey and New York.

Buckeye does not contest the alleged probable violations Items No. 1 and No. 3 of the NOPV. Regarding Items No. 2 and No. 4, Buckeye herein provides additional information and requests certain alleged violations be removed and reductions in the proposed civil penalties. In addition, Buckeye requests a review of the calculation worksheet in the areas of History of Prior Offenses, Gravity and Culpability and requests reductions in the proposed remaining civil penalties be granted.

**Item No. 2**

In reference to Item No. 2, Buckeye has reviewed the information regarding the 34 instances of missed annual casing-to-soil potential readings for electrical isolation verification and provides the following information:

1. RG714SN Reading Crest Avenue – noted as 2 missed casing readings (2014 and 2015)

There are casing test stations on both sides of this road and a casing-to-soil measurement was obtained for this casing from at least one of them during each annual survey, which is sufficient to verify electrical isolation from the pipeline. Annual survey data is provided in Attachment A.

2. ZG714RG Topton Road – noted as 2 missed casing readings in 2015

There are casing test stations on both sides of this road and while the casing-to-soil measurement was not obtained, it should not be noted as two missed readings for the same casing. Annual survey data is provided in Attachment A.

3. ZG714RG Mertz Road – noted as 1 missed casing reading (2015)

There are casing test stations on both sides of this road and a casing-to-soil measurement was obtained for this casing from at least one of them during each annual survey, which is sufficient to verify electrical isolation from the pipeline. Annual survey data is provided in Attachment A.

4. ZG714RG Spring Creek Road – noted as 1 missed casing reading (2016)

The test station at this road crossing was found destroyed during the 2016 annual survey but was repaired within one subsequent inspection cycle per Buckeye Corrosion Manual A-02 Section 1.9.7 and a casing-to-soil measurement was obtained and the casing was verified isolated in 2017. Annual survey data is provided in Attachment A.

5. ZR802CY Mohawk Street – noted as 1 missed casing reading (2014)

There is no casing at this location. The IR-drop test leads were inadvertently recorded as a casing lead in the corrosion database. The database has been corrected.

6. BX751AN Colby Road – noted as 1 missed casing reading (2015)

The casing at this location was removed many years ago, but a former casing wire remains in the test station. The corrosion database has been corrected.

Based on the information provided, Buckeye requests that 7 of the violations noted in the Item No. 2 of the NOPV be removed and the associated proposed civil penalty be reduced a commensurate amount.

**Item No. 4**

Regarding alleged violation Item No. 4, the 20 test points identified on the Long Island Pipeline System were not read during the original surveys in 2014, 2015, and 2016 because they had been found paved over or otherwise damaged such that the readings could not be obtained as was planned.

Much of the Lines 601 and 602 pipelines within the Long Island Pipeline System are installed in city streets under wall-to-wall pavement within the boroughs of Staten Island, Brooklyn, and Queens in New York City. The cathodic protection test stations are of the grade-level, flush-mount type, which are routinely paved over or otherwise damaged such that cathodic protection readings cannot be obtained by Buckeye's testing contractor. Use of a third party testing contractor is a requirement of the Fire Department of New York.

Per Buckeye's Corrosion Control Procedure A-02 Section 1.9.7, when a test station is found paved over or otherwise damaged such that readings cannot be obtained, an additional inspection cycle is granted for remediation as long as other test stations locations are available for ensuring adequate levels of cathodic protection. Once information is provided about paved over or otherwise damaged test stations on the Long Island Pipeline System, remedial steps are taken to restore/repair the stations and new readings are taken by the contractor.

Due to this potential for damage, and to more effectively monitor the cathodic protection system performance, there are over 500 cathodic protection test stations installed in the approximately 51.5 miles

of right-of-way, an average of 10 test stations per mile. This spacing allows for many more annual readings than most pipeline systems and provides the ability to assess system performance even when obstructed test stations are not able to be read.

For the reasons stated above, Buckeye has reviewed the specific findings in alleged Item No 4 and requests that 22 instances on the Long Island System be removed and the proposed civil penalty be reduced commensurately. The table below provides a summary of the information discussed above which is supported by documentation in Attachment B.

| Section  | MP No.        | Test Station Location          | Date Tested | Pipe-to-Soil Reading? | NOPV Number of Missed Calendar-Year Tests | Reason for Missed                 | Remediation Date | Buckeye Number of Missed Readings |
|----------|---------------|--------------------------------|-------------|-----------------------|---|-----------------------------------|------------------|-----------------------------------|
| B        | 6.532         | S. Gannon / Wooley Ave         | 6/26/2014   | No reading            | 3   | Could Not Locate (CNL)/Paved over | 6/11/2015        | 0                                 |
|          |               |                                | 8/6/2015    | No reading            |   | Read 6/11/2015                    | N/A              |                                   |
|          |               |                                | 11/1/2016   | No reading            |   | CNL/Paved over                    | 4/24/2017        |                                   |
|          | 6.577         | S. Gannon / Martin Ave.        | 11/1/2016   | No reading            | 1   | CNL/Paved over                    | 4/24/2017        | 0                                 |
|          | 6.916         | Clove Lakes Expwy              | 8/6/2015    | No reading            | 2   | No reading                        |                  | 1                                 |
|          |               |                                | 11/1/2016   | No reading            |   | CNL/Paved over                    | 4/24/2017        |                                   |
|          | 6.998         | S.Gannon / Bradley             | 11/1/2016   | No reading            | 1   | Could not open                    | 4/24/2017        | 0                                 |
| 7.599    | Manor Road    | 6/27/2014                      | No reading  | 2                     | No reading                                |                                   | 1                |                                   |
|          |               | 9/24/2015                      | No reading  |                       | Could not open                            | 10/12/2016                        |                  |                                   |
| 7.683    | Schmidts lane | 11/1/2016                      | No reading  | 1                     | Read 10/12/2016                           | N/A                               | 0                |                                   |
| E        | 0.001         | Long Island City Term.         | 11/9/2016   | No reading            | 1   | Could not open                    | 4/27/2017        | 0                                 |
|          | 0.202         | Kingsland Ave/ N. Henry St     | 9/3/2015    | No reading            | 2   | CNL/Paved over                    |                  | 1                                 |
|          |               |                                | 11/9/2016   | No reading            |   | CNL/Paved over                    | 4/27/2017        |                                   |
|          | 0.219         | Kingsland Ave / N. Henry St    | 9/3/2015    | No reading            | 1   | CNL/Paved over                    | 10/6/2016        | 0                                 |
|          | 0.405         | Kingsland Ave / Greenpoint Ave | 7/10/2014   | No reading            | 2   | Read 4/10/14                      | N/A              | 0                                 |
| 9/3/2015 |               |                                | No reading  | CNL/Paved over        |   | 10/6/2016                         |                  |                                   |

|       |                                 |           |            |   |                  |           |   |
|-------|---------------------------------|-----------|------------|---|------------------|-----------|---|
| 0.428 | Kingsland Ave / Greenpoint Ave  | 9/3/2015  | No reading | 1 | Read 6/11/2015   | N/A       | 0 |
| 0.754 | Kingsland Ave / Noman Ave       | 9/3/2015  | No reading | 1 | Could not open   | 10/6/2016 | 0 |
| 1.056 | Varick Ave / Bridgewater Street | 11/8/2016 | No reading | 1 | CNL/Paved over   | 4/27/2017 | 0 |
| 1.192 | Varick / Meeker Ave             | 9/3/2015  | No reading | 1 | Could not access | 10/6/2016 | 0 |
| 1.262 | Varick / 80 Ft DS MP 1.237      | 7/10/2014 | No reading | 3 | CNL/Paved over   |           | 2 |
|       |                                 | 9/3/2015  | No reading |   | Could not access |           |   |
|       |                                 | 11/9/2016 | No reading |   | CNL/Paved over   | 12/3/2017 |   |
| 1.279 | Varick / Cherry St              | 9/3/2015  | No reading | 2 | Could not access |           | 2 |
|       |                                 | 11/9/2016 | No reading |   | CNL/Paved over   | 8/15/2018 |   |
| 1.329 | Varick / Anthony                | 11/8/2016 | No reading | 1 | Could not access | 7/19/2017 | 0 |
| 1.382 | Varick-284' DS of MP 1.425      | 9/3/2015  | No reading | 1 | Could not access | 10/6/2016 | 0 |
| 1.586 | Varick-208' DS of MP 1.586      | 9/3/2015  | No reading | 1 | Could not access | 10/6/2016 | 0 |
| 1.625 | Varick-155Ft DS of MP 1.644     | 9/3/2015  | No reading | 2 | No reading       |           | 1 |
|       |                                 | 11/9/2016 | No reading |   | CNL/Paved over   | 4/27/2017 |   |

**Proposed Civil Penalty Calculations**

In the matter of proposed assessed civil penalties, the Pipeline Safety Violation Report page 15 (Part E2 – Repeat Violation) indicates that violation 2 is not a repeat violation (Attachment C). Page 25 (Part E2 – Repeat Violation) indicates there was one Civil Penalty under violation 3. Page 34 of the same report (Part E2 – Repeat Violation) indicates that violation 4 is not a repeat violation.

The Proposed Civil Penalty Worksheet under the heading History of Prior Offenses (Attachment D) reflects that violations 2 and 4 have a history of prior offenses of 6 or more. From the information provided above, Buckeye respectfully requests that the Proposed Civil Penalty Worksheet be revised to show that violations 2 and 4 should be zero for History of Prior Offenses.

The Proposed Civil Penalty Worksheet under the heading “History of Prior Offenses” (Attachment D) reflects that violation 3 has a history of prior offenses of 6 or more. Buckeye respectfully requests that the Proposed Civil Penalty Worksheet be revised to show that violation 3 be one. Based on that information,

April 15, 2019

Buckeye respectfully requests that the rating under the heading Other Matters as Justice May Require reflects that there was only one prior offense and the gravity be revised to its lowest denominator. Currently this rating reflects a repeat offense gravity of 40.

For violations 2 and 4, Buckeye respectfully requests that the Proposed Civil Penalty Worksheet under the heading "Gravity" be revised to reflect the submission of Attachments A and B. Thus violation 2 should reflect 27 instances, and violation 4 should reflect 11.

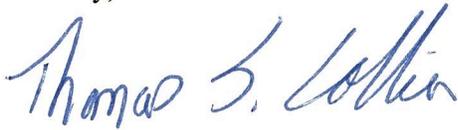
The Proposed Civil Penalty Worksheet under the heading "Culpability" assigns a rating of 2. Based on the information presented in this letter, Buckeye respectfully requests that the rating be changed to -15 for violations 2 and 4.

With the information provided above, regarding the calculation of the proposed civil penalties, Buckeye requests that the proposed civil penalties for alleged violations 2, 3 and 4 be recalculated and reduced.

In summary, Buckeye does not contest the alleged violations in NOPV Items 1 and 3 although it requests that the proposed civil penalty for Item 3 be recalculated and reduced. With regard to alleged violations Items 2 and 4 and the proposed civil penalties calculation for these items, Buckeye is providing additional information and rationale in support of its request that both the number of instances of alleged non-compliance be reduced as well as the associated proposed civil penalties.

If you have any questions, or need additional information, please feel free to contact myself or Claudia Pankowski, Director, Regulatory Compliance at 610-904-4185.

Sincerely,



Thomas S. (Scott) Collier

cc: C. Ostach  
C. Pankowski  
M. Shook