

## WARNING LETTER

### OVERNIGHT EXPRESS DELIVERY

July 12, 2019

Thomas S. (Scott) Collier  
Vice President, Performance Assurance  
Buckeye Partners, L.P.  
9999 Hamilton Boulevard  
Breinigsville, PA 18031

**CPF 1-2019-5008W**

Dear Mr. Collier:

On January 8-10, 2019 and January 29-31, 2019, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected your Broadway 2 Project in Toledo, Ohio.

As a result of the inspection, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violation are:

**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 its pipeline in accordance with its written specifications. Specifically, Buckeye did not follow its specifications for above grade painting of pipelines, Painting Above Grade Piping Systems, dated 6-22-2017 (CS-PL-001).

During the inspection, the PHMSA inspector reviewed Buckeye’s CS-PL-001. Section 12.2 stated in part: “The coating CONTRACTOR will be responsible for taking and recording all readings and recording them on the Buckeye supplied QC-PL-002, Above Grade Installed Paint Test Record.” Section 12.2.4 stated in part regarding dry film thickness (DFT) “...DFT (Measure by SSPC PA-2. The DFT gage will have its calibration checked per SSPC PA-2 before the start of measurement and at least every four hours thereafter.)”

SSPC PA-2, revised August 15, 2016, Sections 5.4 and 10.3 stated:

5. Calibration, Verification of Accuracy and Adjustment...

5.4 Record the serial number of the gage, the reference standard used, the stated thickness of the reference standard as well as the measured thickness value obtained, and the method used to verify gage accuracy. If the same gage, reference standard, and method of verification are used throughout a job, they need to be recorded only once. The stated value of the standard and the measured value must be recorded each time accuracy is verified.

...

10. Report...

10.3 The following items shall be reported: ... 10.2 The thickness of the measured shim(s) used to adjust a Type 2 gage

Upon the inspector’s request for records of the DFT calibration, Buckeye’s response in an email dated February 13, 2019 stated, “There is no documentation associated with using thickness shims. These are designed to do a ‘self-check’ of your DFT gauge, before each shift or at operator’s discretion.”

Therefore, as of the date of the inspection, by not reporting DFT calibration before the start of measurement and at least every four hours as required by CS-PL-001, Buckeye failed to construct the Broadway 2 Project in accordance with its written specification.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$213,268 per violation per day the violation persists, up to a maximum of \$2,132,679 for a related series of violations. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022. For violations occurring prior to November 2, 2015, 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. 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 correct the item(s) identified in this letter. Failure to do so will result in Buckeye Partners, L.P. being subject to additional enforcement action.

Please 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).

No reply to this letter is required. If you choose to reply, please submit all correspondence in this matter to Robert Burrough, Director, PHMSA Eastern Region, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. Please refer to **CPF 1-2019-5008W** on each document you submit, and whenever possible provide a signed PDF copy in electronic format. Smaller files may be emailed to [robert.burrough@dot.gov](mailto:robert.burrough@dot.gov). Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

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