



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 15, 2010

Mr. Jerry J. Ashcroft
Vice President, Field Operations
Buckeye Pipeline Company, L.P.
Five TEK Park
9999 Hamilton Boulevard
Breiningsville, Pennsylvania 18031

CPF 2-2010-6002W

Dear Mr. Ashcroft:

On March 1-3, 2010, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your pipeline facilities in Ft. Lauderdale and Miami, Florida. Records were checked at the Port Everglades Pumping Station in Ft. Lauderdale, Florida.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations, Part 195. The items inspected and the probable violations are:

1. §195.420 Valve maintenance.

(b) Each operator shall, at intervals not exceeding 7 1/2 months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.

Buckeye's Everglades Pipeline main line valve (MLV) maintenance/inspection dates have exceeded the 7½-month interval by 9 days. One of the main line valves, EJ904FCV12A, was maintained on April 11, 2007 with following maintenance date of December 5, 2007. The other main line valve, EJ904FCV17B, was maintained on April 11, 2007 with following maintenance date of December 5, 2007 and also on April 9, 2008 with following maintenance date of December 11, 2008.

2. §195.440 Public awareness.

- (a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).
- (b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.
- (c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

Buckeye's Everglades Pipeline transports jet fuel product. The brochure that is being mailed to members of the Affected Public along the Everglades Pipeline right-of-way is of a very general nature. This brochure contains some very good pipeline safety information that is applicable to a variety of petroleum pipelines but this brochure does not contain information describing the unique attributes and characteristics of a jet fuel pipeline.

API RP1162 requires the baseline message to the Affected Public to contain information on the location of the pipeline. The Affected Public brochure contains some good general information on pipeline markers and the national pipeline mapping system (NPMS) but it does not contain any information on the location of Buckeye's Everglades Pipeline.

There are 24 schools in the Dade and Broward counties which are in the close proximity to the Buckeye Pipeline Company and as such no periodic contacts were made with the schools regarding the eminent danger of the jet fuel product in case of possible spills.

§195.440(c) specifically requires the operator's public awareness program to implement the baseline and supplemental requirements of API RP1162. No supplemental requirements have been implemented for the stakeholder audience of Affected Public. This is of particular concern in the areas of higher population density such as the counties of Dade and Broward, where the pipeline runs between the backyards of houses, schools, and playgrounds.

In addition to the above cited items, Buckeye Pipeline Company failed to record the initial dates when the shorted casings were filled. This information is important in determining the need for future monitoring.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violation. 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 Pipeline Company, L.P. being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 2-2010-6002W**. 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).

Sincerely,



for

Linda Daugherty
Director, Southern Region
Pipeline and Hazardous Materials Safety Administration