



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

January 25, 2011

Mr. Jerry Ashcroft
Vice President
Buckeye Partners, L. P.
Five TEK Park
9999 Hamilton Boulevard
Breiningsville, Pennsylvania 18031

CPF 2-2011-6002W

Dear Mr. Ashcroft:

On November 4 - 5, 2010, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) inspected Buckeye Partners, L. P. (Buckeye) records, procedures, and pipeline facilities in Memphis, Tennessee, pursuant to Chapter 601 of 49 United States Code.

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

1. **§195.403 Emergency response training.**
... (b) At intervals not exceeding 15 months, but at least once each calendar year, each operator shall
(1) Review with personnel their performance in meeting the objectives of the emergency response training program set forth in paragraph (a) of this section;

Buckeye did not review with its personnel their performance in meeting the training objectives of Buckeye's emergency response training program at intervals not exceeding 15 months, but at least once each calendar year.

During the inspection, Buckeye personnel did not identify the procedure they used for conducting the review of emergency response training performance with Buckeye personnel. Moreover, they did not produce any records or other documentation to demonstrate that the performance reviews had actually taken place.

2. **§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:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

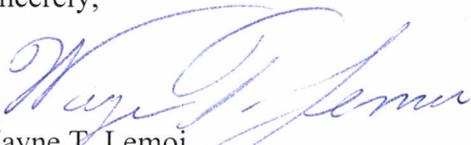
Buckeye did not adequately maintain line markers over its buried pipeline at each public road crossing and in sufficient number along the remainder of the buried line so that the location of the pipeline was accurately known.

During the inspection of Buckeye's pipeline, the PHMSA inspector observed that the pipeline was not marked along Old Horn Lake Road, at the pipeline crossing of Elvis Presley Boulevard, and along Brooks Road west of the Interstate-55 crossing except in the vicinity of where the pipeline crosses the railroad east of 3rd Street. The pipeline was located within the road right-of-way, under the pavement, of Old Horn Lake Road and Brooks Road. Buckeye personnel explained that the pipeline had been marked in these areas with circular pavement markers but the markers had not been replaced after being damaged or destroyed by vehicular traffic.

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 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 items identified in this letter. Failure to do so will result in Buckeye Partners, 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 2-2011-6002W**. 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,



Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region