

BUCKEYE PARTNERS, L.P.

Five TEK Park
9999 Hamilton Boulevard
Breinigsville, Pennsylvania 18031

December 12, 2007

Mr. Ivan Huntoon
Director, Central Region
U. S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
901 Locust Street, Suite 462
Kansas City, MO 64106-2641

Dear Mr. Huntoon:

This letter is in response to your Notice of Probable Violation Proposed Civil Penalty and Proposed Compliance Order, CPF 3-2007-5026, (Notice), dated September 10, 2007, concerning the inspection of Buckeye Partners' (Buckeye) facilities in Illinois, Indiana, Ohio, and Michigan. The following are Buckeye's specific responses to the items listed on the above reference document:

1. 195.402 – Procedural manual for operations, maintenance, and emergencies.

Buckeye's Response

Buckeye purchased this system from Shell Pipeline Company (Shell) in October, 2004. The drawings available were the drawings obtained from Shell with changes made by Buckeye over the short timeframe that Buckeye owned this system. These were the same drawings that Shell had been using during their ownership and operation of this system. Buckeye made revisions to these drawings as items were discovered to be incorrect or additions were needed and continues to do so.

Buckeye believes that an operator who acquires a pipeline system with over 900 miles of pipeline along with pump stations, tank farms, and terminals involving over 1,000 drawings should not be expected to have all drawings up-to-date in such a short time when the previous company had the system for years but had not maintained the same drawings. Buckeye updates all of its drawings whenever changes are made and will continue to do so in a timely manner, per its policy, whenever any discrepancies are discovered.

Enclosed are copies of the drawings in question. The changes were made following this inspection and new copies were sent to our field locations.

2. 195.404 – Maps and records***Buckeye's Response***

- a) Buckeye was missing some of the records listed concerning the monthly breakout tank inspections. However, further investigation revealed that some of the records listed were not missing but were actually entered incorrectly into Buckeye's new work order system, which was installed in 2003. The learning curve required by the new system and the fact that the system provided by the software vendor did not require a completion date resulted in missing or incorrect completion dates in some of Buckeye's Preventive Maintenance (PM) records.

The issue with being able to close a work order without entering a completion date has been resolved by making that a required field. Concerning the incorrect completion date, Buckeye continues to instruct its employees that the date entered into the Completion Date field shall be the date the work was *completed* and not the date that they enter the data into the work order system. Buckeye is also in the process of auditing its entire PM system to verify that all required PMs are in its system.

- b) Buckeye appeared to be missing some of the records concerning mainline valve inspections. This was due to the same issues with the new work order system explained above, and they have been resolved as described.
- c) The relief valve at Buckeye's Bradley Road was not missing the inspection for 2004. The inspection for 2004, however, was conducted in early January, 2005. This issue was brought to the attention of the local Supervisor, and it was made clear that yearly inspections shall be conducted within the year they are scheduled and not more than 15 months from the previous year's inspection. Buckeye also added a person to the compliance staff who will be conducting routine checks on the completion of inspections to prevent this from happening in the future.
- d) Buckeye disagrees with the PHMSA Central Region's interpretation of this portion of the regulations. Buckeye agrees that 195.404 (c) (3) states that a record for each inspection shall be maintained for a period of time. However, it does not stipulate that each inspection record must be for only one tank. Buckeye conducts the monthly tank inspections at its facilities as one inspection and, thus, has one record to document all tanks in that inspection. If anything is discovered during the inspection, the issue is documented on the inspection work order along with the tank number identifying the tank in question.

Buckeye has been documenting its monthly tank inspections this way since monthly inspections were first required under the regulations. Since that time, Buckeye has been inspected by several PHMSA inspectors from several PHMSA regions including the Central Region, and this has never been an issue.

Nevertheless, Buckeye has since revised its monthly tank inspection documentation process and has developed a form for this inspection which has a line to separately document the inspection of each tank. We believe this should resolve any disagreements on interpretation.

3. 195.410 - Line markers

Buckeye's Response

Some of the line markers along the Buckeye right-of-way did have the incorrect phone number and name on them. Most of these were corrected at the time of the inspection. All others discovered during this inspection were corrected shortly following the inspection.

Buckeye continues to inspect its right-of-way, including line markers, and will continue to correct any line markers that are discovered to have either the incorrect name or phone number on them. Buckeye has also revised its policy concerning right-of-way inspections. Enclosed is a draft copy of Buckeye's Maintenance Manual, Section D-02 stating that when Buckeye conducts its triennial line walking, a spreadsheet will be completed to show the location of each line marker. This will also document the need to replace or modify the line marker and will ensure that each line marker is checked to verify that the information is correct.

4. 195.410 - Line markers

Buckeye's Response

There were no line markers at the span located at MP 175 of the Two Rivers System that was purchased from Shell. Line markers were installed shortly after the inspection at this span. Enclosed are photographs showing the line markers that were installed. These photographs were sent to the PHMSA Central Region inspector via e-mail on April 13, 2006.

5. 195.412 – Inspection of rights-of-way and crossings under navigable waters

Buckeye's Response

During the inspection, a 500 foot section of right-of-way was found, due to overgrowth, not to be cleared in a way that would allow air patrol to patrol this section. At the time of the inspection, it was Buckeye's understanding that the issue was the overgrowth and not the patrolling requirements. Buckeye's air patrol pilot flies over this section more than 26 times a year, and Buckeye agrees that at the time of this inspection the air patrol pilot could not see the short section of right-of-way in question. However, this section of

right-of-way meets the requirements of §195.412 as it also gets patrolled weekly by vehicle by Buckeye's local maintenance crew.

Enclosed are the weekly vehicle patrol PM reports for the two pipelines that run through this section. As you can see, this patrol is performed more than the required 26 times a year, not to exceed three weeks as stated in the regulations.

Buckeye would also like to note that this section of right-of-way has been cleared. Enclosed is a photograph showing the cleared right-of-way. This section continues to be vehicle-patrolled weekly along with routine air patrols.

Buckeye feels that the \$35,000 fine for this portion of the proposed civil penalty is not warranted and should be withdrawn since this section of pipeline was and continues to be patrolled more frequently than required under the regulations.

6. 195.452 – Pipeline integrity management in high consequence areas

Buckeye's Response

While February 27, 2004, is the date the final PII report was prepared, Buckeye takes issue with the statement that it had definitive information on which to base an Immediate condition on that date. There is no record on file or mention in the final report that any preliminary reports were issued to bring this condition to its attention before the final report's receipt.

Typically, the date of the report is the date on which the final report was printed and packaged for issue, not the date on which the final report was received by the customer. In this instance, February 27, 2004, was a Friday, which means that this report would not have been received by Buckeye any earlier than Monday, March 1, 2004.

It is important to acknowledge that, while Buckeye's timing was not optimal, the feature was indeed identified, evaluated, and remediated within 45 days of receipt of the final report. Buckeye believes that a number of factors could have contributed to the initial delay in identifying and issuing this feature to the Field.

First, the Executive Summary and associated printed listings did not sufficiently identify these features, given the magnitude of their integrity implications. The feature summary did not list the dent's depth nor did it reference a possible metal loss feature. Those omissions may have led to an assumption that the features were not an Immediate integrity concern. Second, due to the manner in which Buckeye performs its in-line inspections, it is possible that a number of reports arrived simultaneously. In this situation, the prudent course of action would have been to triage the reports as received to issue the Immediate and 60-Day conditions to the field before conducting the full review of the report. Since the report did not flag the features in question as an Immediate integrity threat, it is likely that the features were not identified until the full review was

performed to address the 180-Day and Buckeye IMP conditions. Lastly, when the features were investigated, the Field could not locate the dent that the vendor's tool identified nor did the metal loss component conform to the conditions found in the field.

Still, Buckeye recognizes that there are areas for improvement and has taken steps to address them. First, the Integrity Engineer's role has been more clearly defined through the job description to ensure compliance with DOT regulatory guidance. Second, a full-time position for a Records Specialist was created and filled in 2006 to support the Pipeline Integrity Department with its documentation and regulatory requirements. Third, the current Integrity Engineer; Records Specialist; and Manager, Pipeline Integrity have all participated in the "In-Line Inspection Engineering Training" course presented by CC Technologies, Inc.

Additionally, Buckeye has changed its process to ensure that ILI data is more thoroughly reviewed upon receipt. The ILI raw data is loaded into its vendor's software within one business day of its receipt. The report is also reviewed for potential Immediate and 60-Day conditions within that same timeframe. Any potential Immediate and 60-Day conditions identified are then cross-referenced with the prior tool run results, if available, to determine if the conditions were previously investigated and remediated, as necessary. If no prior tool run is available or the feature has changed since the prior tool run, the HCA status is verified before issuing the dig sheet and supporting documentation. Once the Immediate and 60-Day conditions are issued to the field, the Integrity Engineer performs a more comprehensive review of the ILI results to identify any 180-Day conditions as well as any conditions established in the Buckeye IMP.

7. 195.452 - Pipeline integrity management in high consequence areas

Buckeye's Response

Buckeye believes this situation was the result of a lack of clarity regarding the expectations and has since changed two processes to prevent it from recurring.

First, when an Immediate condition has been identified and verified against other record sets (e.g., prior tool runs, GIS records, prior repairs) as a valid condition, the Integrity Engineer (or Manager, Pipeline Integrity) gathers the previous 60-days worth of pressure data for the affected line section, performs the pressure reduction calculation, and initiates the Management of Change (MOC) work order to effect the pressure reduction. This pressure reduction remains in effect until all Immediate conditions are addressed and supporting documentation is received. The Integrity Engineer also monitors 60-Day conditions to ensure that the evaluations are made within the allotted timeframe. Should the feature not be investigated within five days of its due date, the Integrity Engineer, with concurrence from the District Engineer, takes the necessary actions to initiate a pressure reduction until such time as the feature is investigated and remediated, as necessary.

On a related note, at the time of this investigation, there was some ambiguity regarding the correct pressure value to use to calculate pressure reductions. Buckeye contends that the Maximum Operating Pressure (MOP) was available and acceptable per regulation to determine if pressure reduction was warranted. As the DS301CG MOP was (and is) 1440 psi, a 20 percent reduction would equal 1152 psi. Since the line operated at pressures that did not exceed 1152 psi during the previous 30 days and the 12 days between discovery and remediation, a pressure reduction did not appear to be warranted.

However, since then, the PHMSA FAQs have clarified that normal operating pressures are the more appropriate measures upon which to base pressure reduction calculations. Buckeye had previously amended its IMP to reflect this change and is currently revising its IMP to reflect the revisions found in the final rule, effective August 16, 2007.

The second process alteration relates to the issuance of dig sheets to the Field to eliminate confusion about priorities. In this instance, all of the digs were issued in a single e-mail message, without specifically identifying the Immediate condition. This oversight left the field with the impression that the first dig sheet was the highest priority of the six digs issued.

Buckeye has been segregating the digs by condition since early 2006. By this, Buckeye means that all of the Immediate conditions on a line are sent in one message, the 60-Day conditions in a separate message and so on until all of the DOT and Buckeye IMP conditions for a line are issued. In addition, the file name for each dig sheet displays the interval for the condition. Lastly, the discovery date, condition interval, and due date are either incorporated into the dig sheet file itself or as an attachment to the dig sheet for ready reference by Field personnel.

These actions will ensure Buckeye's compliance with regulatory guidance.

8. 195.452 - Pipeline integrity management in high consequence areas

Buckeye's Response

The Notice is correct with respect to the error in recording data regarding the subject anomaly. Since the discrepancies were brought to Buckeye's attention in 2006, a full-time Records Specialist position was created and filled. One aspect of that position's duties is to review the Nondestructive Inspection (NDT) reports for completeness, adherence to repair criteria, and accuracy of location data. The Records Specialist works with the responsible District to correct any noted discrepancies and to ensure that the records are updated to reflect the revisions. It is relevant to note that subsequent reports from the inspector in this matter have dramatically improved in the interim.

Each District is reminded during monthly teleconferences about the importance of timely completion and submission of NDT reports. The Pipeline Integrity Department also

plans to highlight the importance of accurate field data collection and reporting at Buckeye's Pipeline Integrity and Engineering Conference scheduled for March, 2008.

9. 195.583 – What must I do to monitor atmospheric corrosion control?

Buckeye's Response

- a) The Two Rivers Pipeline System was purchased by Buckeye from Shell in October, 2004 and the inspection by the PHMSA Central Region of this system was conducted in 2005. Under the regulations, pipelines shall inspect exposed pipe every three years. However, at the time of the inspection Buckeye had only owned and operated this section for one year. Therefore, we understood that Buckeye still had two years to inspect any exposed pipe to meet the Federal requirements.

Since the inspection conducted by the PHMSA Central Region office, Buckeye has conducted the inspection of all exposed pipe on the Two Rivers Pipeline System. Enclosed are the reports that cover the four exposures mentioned in your letter. Copies of these inspections were sent to the PHMSA Central Region inspector via e-mail on April 12, 2006. These reports show that Buckeye is in compliance with the three-year inspection requirement under the Federal regulations.

- b) Buckeye agrees that it did not have the documentation for inspecting the exposure located in a concrete block vault at stake number 20+59. Since the inspection by the PHMSA Central Region, the pipe and coating have been inspected and the pipeline buried. This was an old connection to another company's terminal that had not been in use for years. The connection was eliminated years ago, but the vault and exposed pipe remained. Enclosed are photographs, as well as work order number 237395, covering the work performed at this site. The photographs show a sleeve that was installed on the pipeline along with backfilling of dirt over the pipeline. These items were sent to the PHMSA Central Region inspector via e-mail on April 12, 2006.

Proposed Compliance Order

Buckeye's Response

1. Buckeye believes that this item of the Proposed Compliance Order is not necessary in the final compliance order. All Buckeye employees have access to all maps (alignment drawings) Buckeye retains for all of its systems. Drawings are sent to the field whenever they are revised and any employee can request maps at any time by contacting Buckeye's Central Engineering Department.

The maps that were available at the time of the inspection were the most current maps that Buckeye had obtained from Shell at that time. Buckeye continues to update the Two Rivers Pipeline System maps along with all the maps for systems Buckeye operates as new changes are made or whenever an item is discovered to be incorrect.

After the PHMSA Central Region inspection of this system, Buckeye requested that the local Supervisors of this system review the current maps and forward any needed changes needed to Buckeye's Central Engineering Department. All changes received have been made. Following the revisions, new copies of the maps were provided to the field per Buckeye's policy.

2. After this inspection Buckeye made it clear to all of its field Supervisors that all line markers shall be inspected when the right-of-way is inspected, and that all line markers found to have any incorrect information shall either be replaced or corrected. As mentioned above under item number 2, Buckeye has revised its policy concerning right-of-way inspections. The addition of the new required spreadsheet will ensure that all markers during each inspection are checked to verify that the correct information appears on each line marker. Buckeye believes that it has already complied with this portion of the Proposed Compliance Order.
3. Buckeye believes that this item of the Proposed Compliance Order is also unnecessary. Buckeye's local supervisors were aware of these exposures, and the exposures have been inspected within the three-year time period of the regulations.
4. Buckeye agrees to document all costs associated with any final compliance order and submit those costs as required.

Buckeye believes that the proposed Civil Penalty of \$202,000 is excessive. We believe that an amount no greater than \$27,000 is more appropriate, since we do not believe the Company committed any violations with regard to items 5, 6, and 7 in your letter and that other items had mitigating circumstances. Buckeye also believes that the Proposed Compliance Order is not necessary at this point since all issues listed were completed promptly by Buckeye following the inspection.

In closing, I would like to emphasize that Buckeye strives to be counted among the very best pipeline operators. We are proud of our record. We maintain a comprehensive risk-based program of ensuring pipeline integrity, and we apply it consistently throughout our system. We regret that records for some newly acquired facilities were found to be deficient, but we firmly believe that our recent acquisitions have resulted in improved levels of risk for the assets involved, and we continue to commit significant resources to ensure continuous improvement. We hope that PHMSA recognizes this commitment and the effort that goes into it.

If you have any questions or need further information with regard to our responses, please contact Donald Hankey at 610-904-4410 or me at 610-904-4557.

Very truly yours,

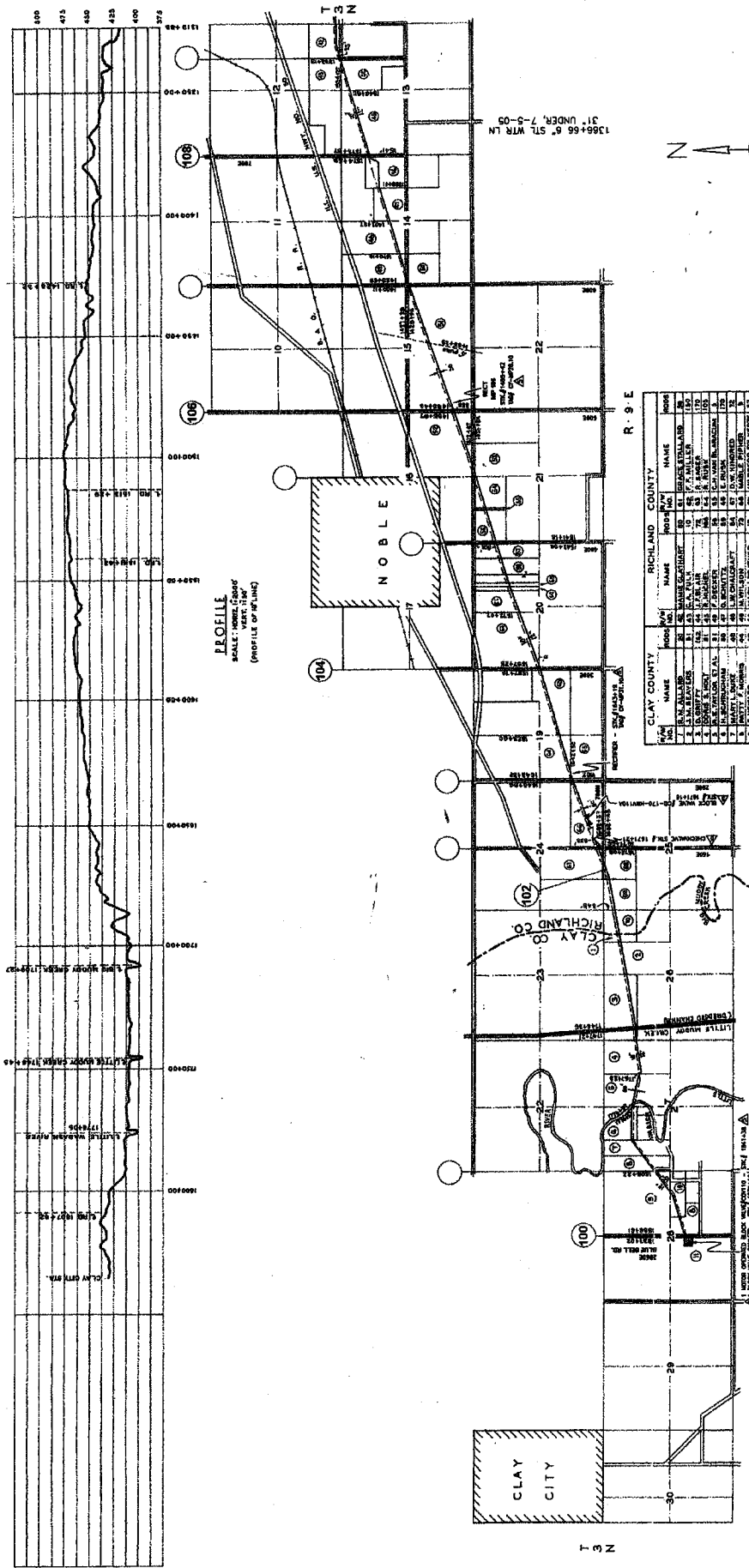
A handwritten signature in black ink, appearing to read 'L. M. Shelton', with a large, sweeping flourish extending to the right.

Lawrence M. Shelton
Vice President, Field Operations

LMS:jml

Enclosures

cc: D. E. Hankey



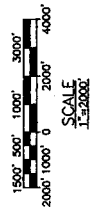
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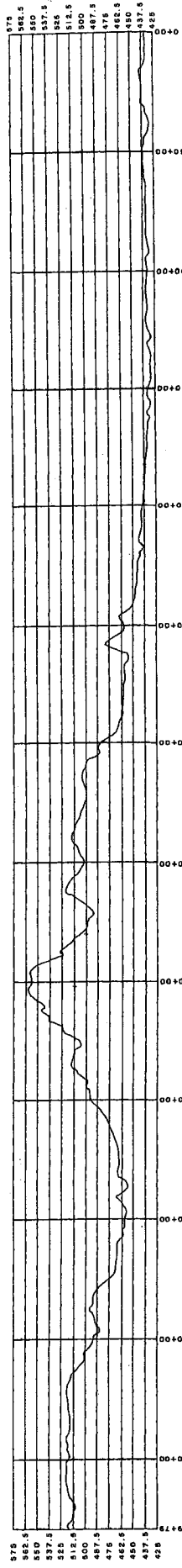
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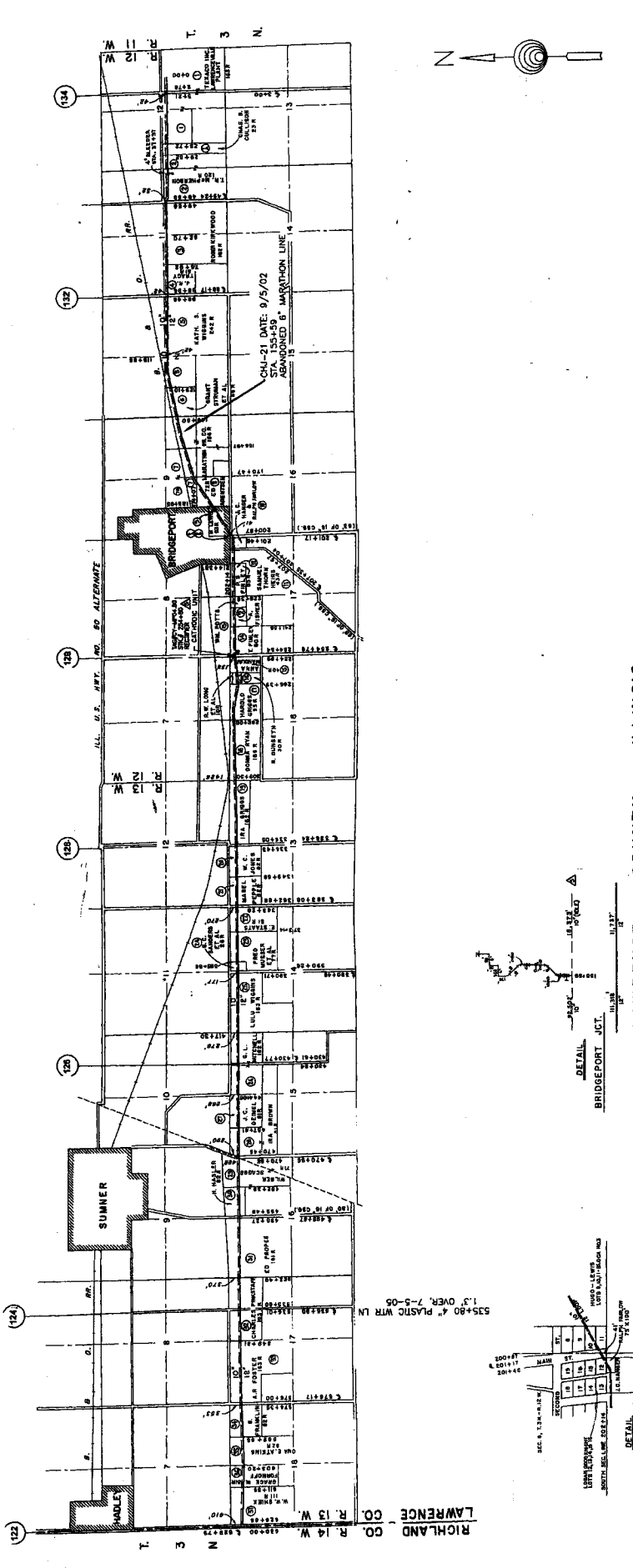
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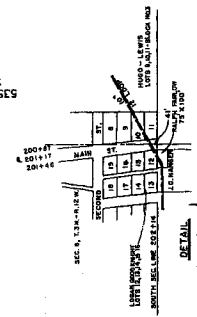
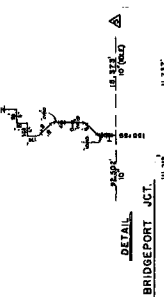
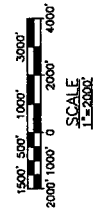


LAWRENCE COUNTY, ILLINOIS

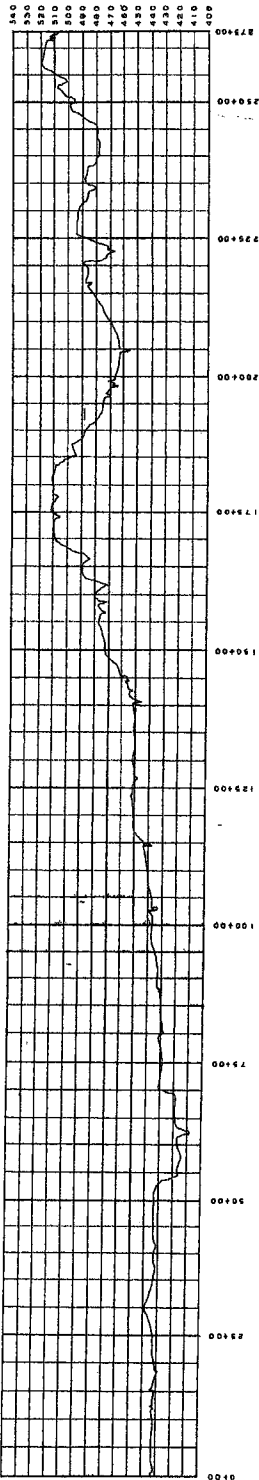
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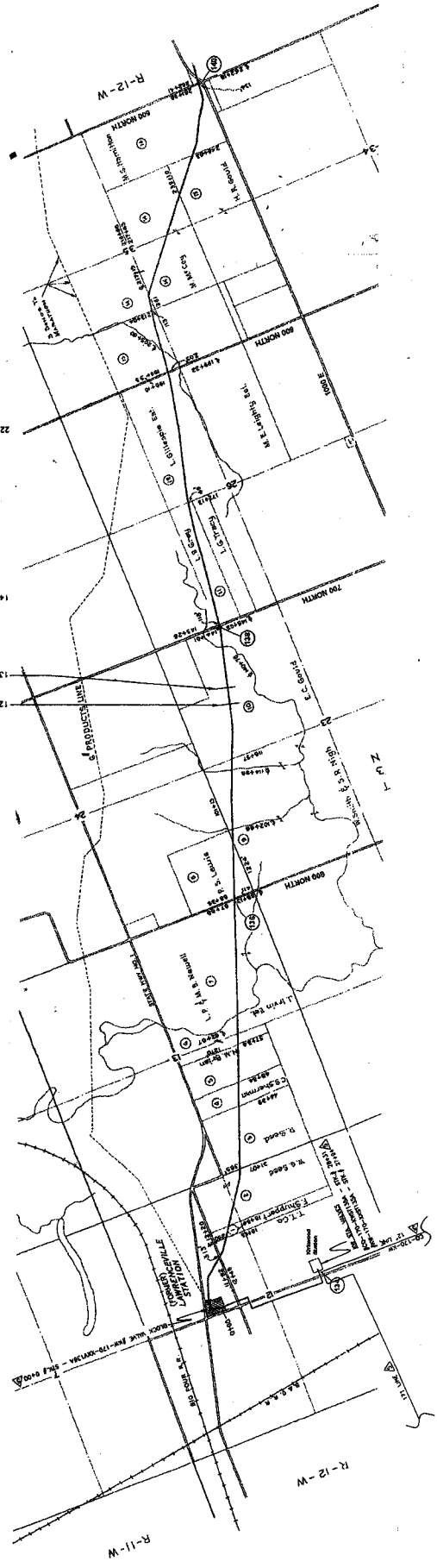


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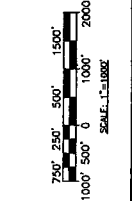
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LAWRENCE COUNTY, ILLINOIS

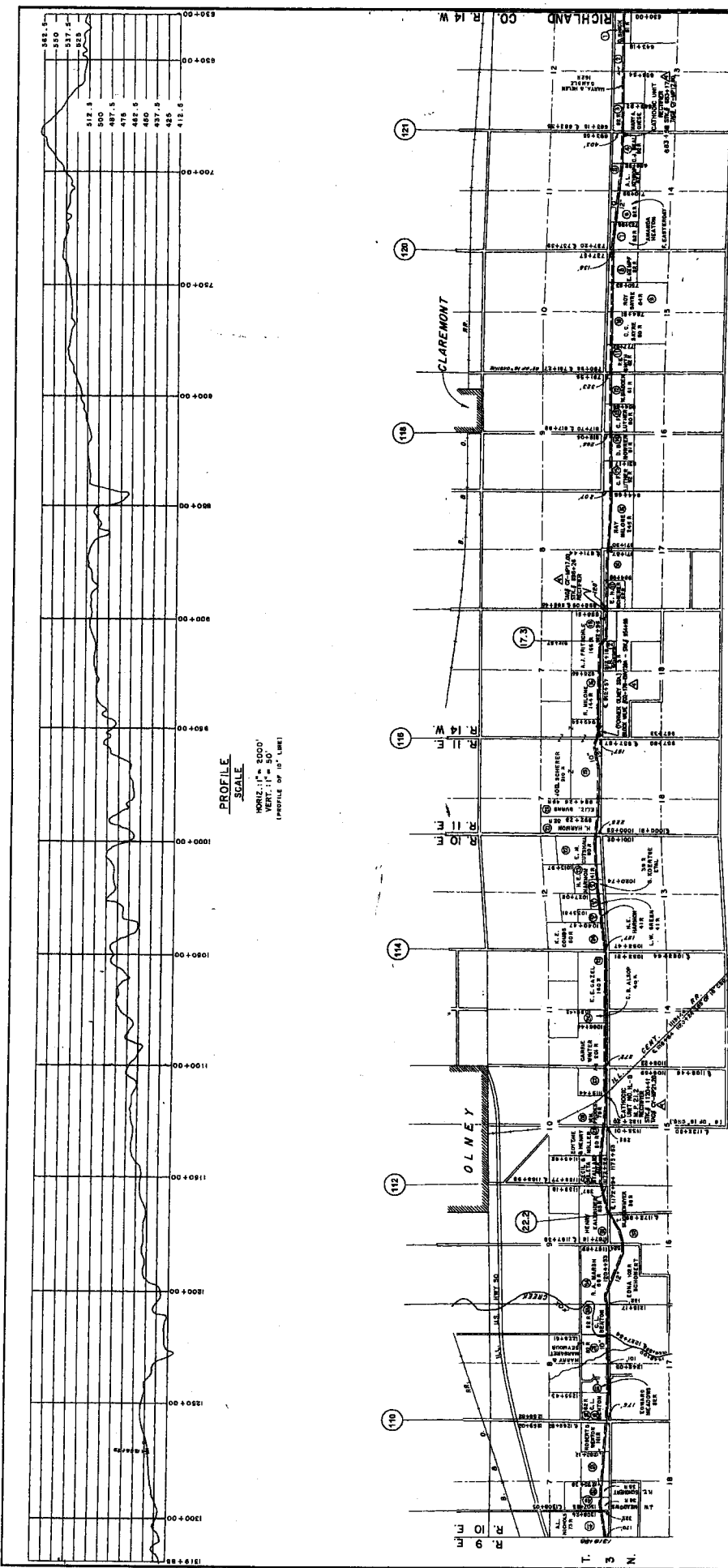
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6		ADD CROSSING



WOOD RIVER PIPE LINE CO.
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RICHLAND COUNTY, ILLINOIS

WOOD RIVER PIPE LINE CO

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RICHLAND CO., ILL.

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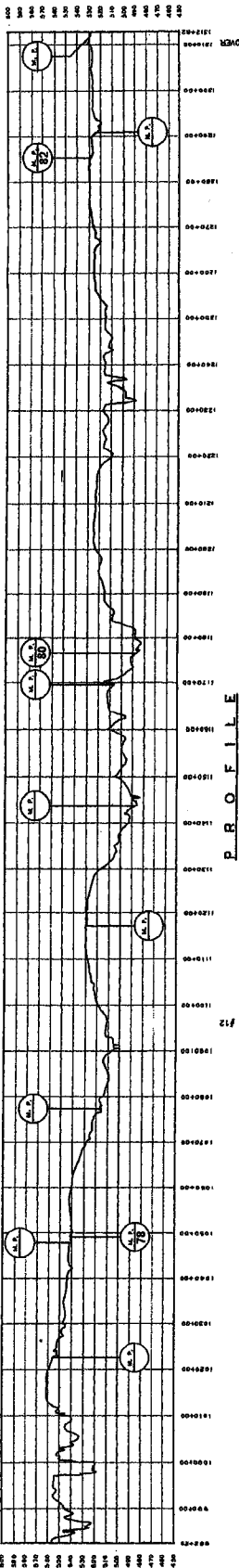
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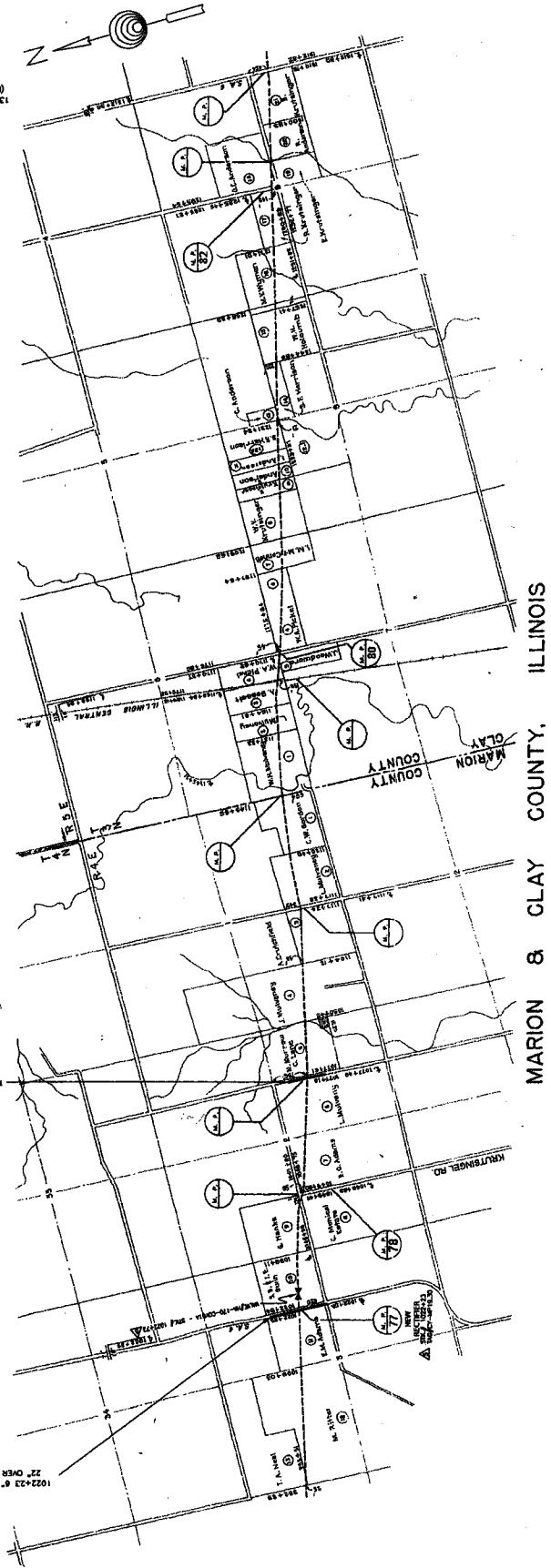
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PROFILE
VERTICAL SCALE 1" = 10'

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22" OVER W.P.L. 9-20-89, LOT #14

1077+18 4" PVC WATER LINE
HAER PLUMBING & HEATING
9-13-90, LOT #12

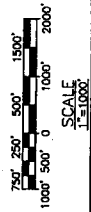


MARION & CLAY COUNTY, ILLINOIS

NOTES:
1. THE DRAWING IS ON ARCH. D PAPER

NO.	DATE	DESCRIPTION OF REVISION	BY	CHECKED	APPROVED	SCALE	DATE	REVISION NUMBER
14	NO LOC							
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WOOD RIVER PIPE LINE CO.
ALIGNMENT & PROFILE
HARTFORD TO CLAY CITY
HA 170 CO
SHEET 4 OF 7
DATE 10/07/06
SCALE N/A
REVISION N/A
REVISION NUMBER 5



INVENTORY DRAWING
CORRECT ONLY TO DATE
OF LAST REVISION
4/7/06

D-02 – Pipeline Right of Way

Issued: DRAFT

1. Policy

1.1 The surface condition of each pipeline right-of-way, active and idle, shall be inspected within the time frequency listed on the Comprehensive Scheduling Chart in Section D-01.

Field Code Changed

1.2 All rights-of-way are divided into the following:

- Vegetation Management
- Property Owner Awareness (POA)
- Paved Public Roadways

1.2.1 Vegetation Management

- This program covers all rights-of-way not included in POA or under paved public roads. They shall have vegetation controlled by a qualified, licensed contractor.
- All rights-of-way shall be walked once every three years to identify soil erosion, maintenance requirements, encroachments, and unauthorized excavations.

1.2.2 Property Owner Awareness (POA)

- This program covers all rights-of-way that are located in High Consequence Areas (HCAs) described as High-Populated and Other Populated areas in Buckeye's Integrity Management Program (IMP).
- These rights-of-way shall be walked every year to deliver Buckeye's Public Education Program brochure and to identify any soil erosion, maintenance requirements, encroachments, and unauthorized excavations.

1.2.3 Paved Public Roadways

- Where the pipeline is under paved public roadways and is not located in HCAs as described in 1.2.2 the residents on both sides of the road shall be mailed general information about our pipelines (See Public Education Program Manual). These areas do not fall into Vegetation Management or POA.

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- 1.3 In the event of any natural or manmade force that may cause ground movement that could affect the support, protection, or general integrity of a pipeline, the specific areas of rights-of-way either known or suspected to be affected shall be patrolled during and after the event as soon as safety and practicality allow. Personnel dispatched for such patrols should consider High Consequence Areas in prioritizing the areas to be checked for ground movement. If any condition is discovered that may place the pipeline at risk of damage, it shall be reported to the local Supervisor. If a condition is discovered that presents an immediate and obvious threat of pipeline failure, notify the local Supervisor and the appropriate Buckeye Control Center to shut the pipeline down..

Events that could affect the ground supporting and covering the pipeline include, but are not limited to:

- Flooding
- Sinkholes
- Unusually heavy rains of short duration causing erosion
- Light rains of long duration causing saturated and unstable soil on steep slopes
- Sudden collapse of underground mining cavities
- Earthquakes
- Unplanned blasting or explosions
- Train derailment

2. Definitions

- 2.1 Encroachment – An encroachment is any unauthorized building, structure, object, material, tree, or activity on or across our pipeline rights-of-way that interferes with our rights, jeopardizes the integrity of our pipelines, or substantially impedes the safe and effective operation and maintenance of pipeline facilities and the identification of pipeline rights-of-way.

3. General

- 3.1 The rights-of-way should be kept free of debris, obstructions, and overgrowth. Only Buckeye can determine what buildings, structures, objects, materials, vegetation, or activities interfere with its rights.

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- 3.2 Methods of inspection include air patrol, vehicle patrol, or traversing the pipeline route by walking, All-Terrain vehicle (ATV) or other mechanical method (e.g., boat, swamp buggy).
- 3.3 The Company should arrange for an employee to accompany the air patrol pilot annually to inspect the condition of each line section and to verify the pilots reporting procedures and pipeline location.
- 3.4 Residents along the pipeline rights-of-way should be encouraged to report any irregular or adverse conditions.
- 3.5 A clearly marked pipeline is essential to protecting against encroachments and third party damage.
- 3.6 Areas deemed physically hazardous by the local supervisor for employees to conduct the POA Program shall be identified and a description of those areas sent to the Public Education Program Administrator for documentation. These areas shall be exempt from the POA Program.

4. Procedure

4.1 Vegetation Management

- 4.1.1 Local Supervisors and Right of Way Agents shall determine which sections of the rights-of-way shall be included in the Vegetation Management Program.
- 4.1.2 The vegetation maintenance contractor shall notify property owners along the rights-of-way of the impending work. After contacts are made, the vegetation contractor shall start vegetation maintenance operations along the rights-of-way.
 - If approval to perform vegetation maintenance is not obtained, the contractor shall notify the Right of Way Agent and submit all information pertaining to those properties.
 - The Right of Way Agent shall contact the property owner to negotiate maintenance of the vegetation.
 - If approval is obtained while the contractor is in the area, the information shall be given to the contractor for further action.

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- If approval is not obtained, the Right of Way Agent shall consult with the Legal Department to determine the next steps.
- After negotiations, all appropriate information shall be sent to the Manager, Rights of Way and Permits.

4.1.3 After the vegetation maintenance contractor has completed the contract, all property owner notification forms shall be sent to the Manager, Rights of Way and Permits.

4.1.4 Every year, Field Operations shall inspect one third of the rights-of-way that are in the vegetation management program by walking, riding an ATV, or using another applicable method (boat, swamp buggy).

- Check for signs of a pipeline release: discolored vegetation or soil, oil slicks, or rainbows on adjacent waterways.
- Check for type of construction, excavation, or subsidence on, near, or across the rights-of-way.
- Check for encroachments such as structures with or without subsurface foundations, swimming pools, etc. within ten (10) feet on either side of the pipeline. Any such encroachments shall be recorded on the tri-annual Line Inspection Report form (Form B - Line Inspection Report).
- Check for fence posts, sign posts, utility poles, or guy anchors that are within three (3) feet on either side of the pipeline. Any such encroachments shall be recorded on the tri-annual Line Inspection Report form (Form B - Line Inspection Report).
- Check for soil erosion caused by heavy rains or natural drainage along the rights-of-way.
- Check creek crossings, river crossings, and adjacent fields for soil erosion (washout) which has reduced cover, exposed the pipeline, or washed away line markers.
- Check for any unusual excavation or discolored vegetation, which indicate unauthorized activity by a third party.
- Check road crossings for adequate drainage and proper cover over the pipeline.

Field Code Changed

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