



BUCKEYE PARTNERS

4200 Westheimer Road · Suite 975 · Houston, TX 77027

June 2, 2023

Mr. Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
U. S. Department of Transportation
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

RE: CPF 1-2023-011-NOPV - Notice of Probable Violation and Proposed Civil Penalty

Director Burrough:

Buckeye Partners, L.P. (Buckeye) received the referenced Notice of Probable Violation and Proposed Civil Penalty (NOPV) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on May 5, 2023. PHMSA performed the inspection underlying the NOPV from March 16, 2021 – May 30, 2021 in response to an accident that occurred on Buckeye's Line 602 on March 15, 2021 in Linden, New Jersey. Buckeye is committed to pipeline safety and appreciates PHMSA's coordination in response to this accident.

As provided below, Buckeye is – without admission and in the spirit of cooperation – not contesting the NOPV and will under separate cover submit payment of the proposed civil penalty of \$441,151. Buckeye provides this response to clarify the facts underlying the NOPV allegations for the record and to provide PHMSA with an update on the implementation of relevant lessons learned from this accident.

NOPV Item No. 1 (49 C.F.R. § 195.452(b)(5))

Without admission, Buckeye does not contest the allegation under NOPV Item 1, including the proposed civil penalty of \$218,647. PHMSA alleges that Buckeye did not follow its integrity management data integration procedure, Appendix G-11, Data Integration Procedure, in analyzing inline inspection (ILI) tool runs performed in 2014 and 2019. As it relates to the allegation, Buckeye clarifies that the 2019 ILI tool analysis report did not accurately size and cluster the anomalies which occurred within an area of pipe wall thinning, as set forth in the Root Cause Failure Analysis performed by a third-party expert of the failure and Buckeye's supplemental lessons learned.

In response to this accident, Buckeye has implemented five lessons learned into its Integrity Management Program procedures relevant to improving ILI tool selection and data integration. Specifically, Buckeye revised its ILI assessment procedures to (1) preferentially use ultrasonic ILI tools instead of magnetic flux leakage ILI tools where there is evidence or threat of general wall thinning and (2) consider the use of alternating or multiple technologies for a more thorough integrity assessment program. In addition, Buckeye has reviewed and confirmed ILI performance specifications for detection and sizing with its ILI vendors relative to areas of wall thinning. Lastly, Buckeye continues to consider the integration of raw ILI signal reviews after ILI runs to assess for changing conditions and to compare differences in boxing and clustering of anomalies, where appropriate.

NOPV Item No. 2 (49 C.F.R. § 195.446(a); issued as a Warning Item)

Buckeye does not contest the alleged warning item, without admission, which alleges that Buckeye failed to follow its procedure for shift change documentation in its Control Room Management Manual.

Consistent with the documentation provided to PHMSA during the inspection, Buckeye clarifies that prior to identification of the release the outgoing controller mistakenly believed that the SCADA alarm that appeared was related to a valve failure. At the shift change, the outgoing controller (1) documented the event in the shift change documentation as an abnormal event in the STAR shift notes section (See attachment) and (2) communicated it at shift change with the incoming controller.

As a result of this accident, Buckeye comprehensively reviewed this accident and the associated controller actions with all of its pipeline controllers. In addition, Buckeye has provided additional refresher training to all of its pipeline controllers in regards to this incident and the subsequent revisions to procedures.

NOPV Item No. 3 (49 C.F.R. § 195.446(a))

In the spirit of cooperation and without admission, Buckeye does not contest the allegation set forth in NOPV Item 3, including the proposed civil penalty of \$222,504. PHMSA alleges that Buckeye's outgoing controller failed to follow its Control Room Management procedure (O&M Appendix A, Automated Abnormal Operating Event (AOE) Workflow and the Control Room Operating Manual) and that the AOE workflow was not followed until the changeover occurred.

In response to the accident, Buckeye revised its Control Room Operating Manual, Section 14.1.2 Unexpected Pipeline Imbalance Detected, to eliminate the ability for a controller to restart the pipeline for any leak alarm in a time window of one hour or less. Completion of the imbalance checklist is now required following this type of shut down. Pipeline controllers were informed of this change and its has been included in mandatory controller training and qualification. As noted above, all Buckeye pipeline controllers participated in a comprehensive review of this accident and associated controller actions.

Thank you for the Agency's coordination in response to this accident. If you have any questions, or need additional information, please feel free to contact Claudia Pankowski, Director of Regulatory Compliance at 610-904-4113.

Sincerely,



Evan B. Hofmann
Senior Vice President, General Counsel & Secretary

Attachment

cc: C. Brown
J. Burdett
P. Monaghan
C. Pankowski
B. Serra
M. Shook