

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

VIA ELECTRONIC MAIL TO: trusso@buckeye.com

May 30, 2025

Mr. Todd Russo
Chief Executive Officer
Buckeye Partners, LP
4200 Westheimer Road, Suite 975
Houston, Texas 77027

CPF 1-2025-001-NOPV

Dear Mr. Russo:

From July 10, 2023, to January 18, 2024, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Buckeye Partners, LP's (Buckeye) construction records, as part of the first integrated inspection of the Tampa Pipelines L931 and L932 (Tampa Pipelines), in Allentown, Pennsylvania, and Tampa, Florida.

As a result of the inspection, PHMSA's Office of Pipeline Safety, Eastern Region, alleges that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The items inspected and the probable violations are:

- 1. § 195.214 Welding procedures.**
 - (a) Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, *see* § 195.3), or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, *see* § 195.3). The quality of the test welds used to qualify the welding procedures must be determined by destructive testing.**

Buckeye failed to perform welding in accordance with welding procedures qualified under section 5 of American Petroleum Institute (API) Standard 1104, 20th Edition, Section 5 (API Standard 1104) in accordance with section 195.214(a). Specifically, Buckeye failed to perform post-weld heat treatment

(PWHT) on all welds as required by its qualified welding procedure for the 1.6-mile Tampa Pipeline (Tampa Pipeline L931).

During the inspection, PHMSA reviewed Daily Weld Logs (Weld Logs) and Radiographic Grader Sheets (NDE Reader Sheets) provided by Buckeye for its Tampa Pipelines L931 and L932. PHMSA also reviewed Buckeye's Weld Procedure Specification (WPS) P16 PWHT, which, according to Buckeye, was the qualified welding procedure used to produce all the girth welds of the Tampa Pipelines L931 and L932. WPS P16 PWHT is a fixed-position butt weld procedure qualified under section 5 of API Standard 1104 and requires a PHWT consisting of heating at $1,200^{\circ}\text{F} \pm 20^{\circ}\text{F}$ for a one hour minimum, and heating and cooling above 700°F controlled at 400°F per hour. However, neither the Weld Logs nor the NDE Reader Sheets specifically recorded WPS P16 PWHT as the welding procedure that was followed to produce the welds. Also, while the NDE Reader Sheets recorded post-weld heat treatment applied to welds of Pipeline L932, they did not record post-weld heat treatment for any of the three-hundred seven (307) welds produced to construct Pipeline L931. Buckeye did not provide any other evidence of post-weld heat treatment applied to welds of Pipeline L932. Furthermore, Buckeye stated that all girth welds of Pipelines L931 and L932 were produced using WPS P16 PWHT, but that it only performed post-weld heat treatment on Pipeline L932 welds (see Exhibit D-03). Post-weld heat treatment was part of the welding procedure P16 PWHT, which was qualified pursuant to the requirements of § 195.214(a). However, Buckeye acknowledged that it failed to perform the required PWHT on all three-hundred seven (307) welds produced to construct Tampa Pipeline L931.

Therefore, Buckeye failed to perform welding in accordance with welding procedures qualified under section 5 of API Standard 1104 in accordance with section 195.214(a).

2. § 195.222 Welders and welding operators: Qualification of welders and welding operators.

(a) Each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, *see* § 195.3), or section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC), (incorporated by reference, *see* § 195.3) except that a welder or welding operator qualified under an earlier edition than listed in § 195.3, may weld but may not requalify under that earlier edition.

Buckeye failed to qualify each welder in accordance with section 195.222(a). Specifically, Buckeye failed to qualify eight (8) welders in accordance with API Standard 1104, or Section IX of ASME International (ASME) Boiler and Pressure Vessel Code (BPVC), as required by section 195.222(a) (and incorporated by reference in sections 195.3(b)(20) and 195.3(c)(7), respectively).

During the inspection, PHMSA reviewed the qualification records for nine (9) welders who completed production welds during construction of Tampa Pipelines L931 and L932 from 2018 to 2020. Two (2) of the welders, with welder ID symbols EA and ND, had welding certificates issued by Buckeye dated 12/19/19, and signed by an American Welding Society (AWS) certified welding inspector (CWI). The welding certificates stated, in part, that the welders had passed Buckeye's welder qualification Test A. According to Section A-02_3.1 of Buckeye's Welding Manual 04-02.WELDM.0001, Revision 4, 7/24/23 (Welding Manual), Test A is a single qualification test to conduct production butt welding in accordance with API Standard 1104 and, to weld in all positions, each welder should make a butt weld

using Buckeye's Form A - Welder Single Qualification (WE A-02 Form A), updated 5/21/18 (see Exhibit A-01). Section A-02_4 of Buckeye's Welding Manual states, in part, that all information pertaining to the welder qualification test is to be recorded on the Company's "Welders Qualification Report" Form A - Welder Single Qualification (Test A). However, Buckeye was unable to furnish Form A for welder ID symbols EA or ND, or any other record as evidence adequately detailing the results of each welder's qualifying test, in accordance with Section 6 of API Standard 1104.

For three (3) other welders, with ID symbols PH/1297, ALN/0089, and LS/2938, Buckeye provided welder qualification test reports in accordance with Section IX of the ASME BPVC dated 7/23/2019 and signed by a CWI. However, according to the Weld Logs and a list of welds (see Exhibits B-03, B-04, and B-05) provided by Buckeye, these three welders (PH/1297, ALN/0089, and LS/2938) completed their first production welds on 5/23/2019, 4/6/2019, and 5/21/2019, respectively, or before obtaining the qualifications on 7/23/2019. Buckeye did not present any other qualification records for the welders by the time they started to produce welds. In addition, these three welders produced welds using Buckeye's Weld Procedure Specification P16 PWHT, Rev. 1, dated 10/01/2018, which was qualified and written in accordance with the requirements of API Standard 1104 and not section IX of the ASME BPVC. Thus, these three welders' qualifications were not consistent with Buckeye's welding procedure P16 PWHT in that they did not obtain their qualifications by following welding procedures qualified according to API Standard 1104. Further, the qualification records provided by Buckeye for the welders indicated that procedure QW-461-4(d) was used for the qualification test, which is not a Buckeye qualified welding procedure (rather a test position as described in Section IX of the ASME BPVC). Therefore, the qualification records provided by Buckeye failed to demonstrate that these welders were qualified prior to the production of welds and that a qualified welding procedure was used for their qualification tests.

Buckeye also provided welder qualification test reports in accordance with Section IX of the ASME BPVC for three (3) welders with ID symbols AN/5905, JF/1260, and WZ/301. The qualification reports for welders AN/5905 and JF/1260 were dated 3/16/2018, while welder WZ/301's qualification report was dated 10/21/2019. All three (3) welder qualification reports were signed by a CWI. The qualifications records for the welders AN/5905 and JF/1260 indicated that the procedure QW-461-4(d) was used for the qualification test, which is not a Buckeye qualified welding procedure, but instead is a test position as described in Section IX of the ASME BPVC. The qualification report provided for the welder WZ/301 indicated that the procedure PW02SM1-1 was used for the qualification test. However, PW02SM1-1 is not a Buckeye qualified welding procedure or a procedure for which Buckeye had qualification records. Therefore, Buckeye failed to demonstrate that a qualified welding procedure was used for the qualification test of the welders AN/5905, JF/1260, and WZ/301.

In summary, Buckeye failed to provide qualification records or any other evidence of adequate qualification, pursuant to the requirements of Section 6 of API Standard 1104 or Section IX of the ASME BPVC, for eight (8) welders who completed production welds during construction of the Tampa Pipelines L931 and L932.

Therefore, Buckeye failed to qualify each welder in accordance with section 195.222(a).

3. **§ 195.222 Welders and welding operators: Qualification of welders and welding operators.**
 - (a) ...

(b) No welder or welding operator may weld with a welding process unless, within the preceding 6 calendar months, the welder or welding operator has –

(1) Engaged in welding with that process; and

(2) Had one weld tested and found acceptable under section 9 or Appendix A of API Std 1104 (incorporated by reference, *see* § 195.3).

Buckeye failed to qualify its welders in accordance with section 195.222(b). Specifically, for a welder who completed production welds with a welding process, Buckeye failed to provide any records to ensure that, within the preceding 6 calendar months, the welder had engaged in welding with the same process and had a weld tested and found acceptable according to the requirements of section 195.222(b).

During the inspection, Buckeye provided a multiple qualification test report dated 2/5/19 and signed by an AWS CWI for a welder with ID symbol SW/9744. This welder's first production weld, as shown on the Weld Logs, was completed on 2/15/2020. However, Buckeye failed to provide records indicating that welder SW/9744 engaged with that welding process or had a weld tested and found acceptable under Section 9 or Appendix A of API Standard 1104 within the six (6) calendar months preceding the weld completion date of 2/15/2020.

Therefore, Buckeye failed to qualify its welders in accordance with section 195.222(b).

4. § 195.228 Welds and welding inspection: Standards of acceptability.

(a) Each weld and welding must be inspected to insure compliance with the requirements of this subpart. Visual inspection must be supplemented by nondestructive testing.

Buckeye failed to inspect each weld and welding in accordance with section 195.228(a). Specifically, Buckeye failed to visually inspect forty-one (41) of the production welds completed for the construction of its Tampa Pipelines L931 and L932.

During the inspection, PHMSA reviewed the Weld Logs, Pipeline Weld Maps (Weld Maps), and a list of welds (see Exhibit B-05) provided by Buckeye for its Tampa Pipelines L931 and L932. According to Buckeye, the Weld Logs recorded the visual inspection of the production welds completed during the construction of the Tampa Pipelines L931 and L932.¹ However, Buckeye failed to provide both the Weld Logs and any visual inspection records for forty-one (41) production welds for the Pipelines L931 and L932.²

Therefore, Buckeye failed to inspect each weld and welding in accordance with section 195.228(a).

5. § 195.234 Welds: Nondestructive testing.

(a) ...

¹ The Weld Logs were not signed by an AWS CWI, or a person for whom Buckeye had provided any records of being trained and qualified to perform inspection either, pursuant to the requirements of section 195.204.

² Weld numbers: 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1570, 1571, 1573, 1574, 1575, 1576, and 1577.

(e) All girth welds installed each day in the following locations must be nondestructively tested over their entire circumference, except that when nondestructive testing is impracticable for a girth weld, it need not be tested if the number of girth welds for which testing is impracticable does not exceed 10 percent of the girth welds installed that day:

(1) ...

(5) Within populated areas, including, but not limited to, residential subdivisions, shopping centers, schools, designated commercial areas, industrial facilities, public institutions, and places of public assembly.

Buckeye failed to nondestructively test all girth welds over their entire circumference installed within populated areas in accordance with section 195.234(e)(5). Specifically, Buckeye failed to nondestructively test four (4) welds³ over their entire circumference all of the production girth welds completed within populated areas during the construction of its Tampa Pipeline L931.

During the inspection, PHMSA reviewed the Weld Logs, the Weld Maps, and the nondestructive examination (NDE) Reader Sheets provided by Buckeye for its Tampa Pipeline L931. The NDE Reader Sheets recorded the nondestructive test of production girth welds over their entire circumference for the Tampa Pipeline L931, which was constructed within a high consequence area. However, there were four (4) welds (weld numbers 1513, 1514, 1515, and 1562) on the Weld Logs and Weld Maps for which Buckeye failed to provide any non-destructive test records or an engineering justification as to why nondestructive testing was impracticable for those girth welds.

Therefore, Buckeye failed to nondestructively test all girth welds over their entire circumference installed within populated areas in accordance with section 195.234(e)(5).

Proposed Civil Penalty

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$272,926 per violation per day the violation persists, up to a maximum of \$2,729,245 for a related series of violations. For violation occurring on or after December 28, 2023 and before December 30, 2024, the maximum penalty may not exceed \$266,015 per violation per day the violation persists, up to a maximum of \$2,660,135 for a related series of violations. For violation occurring on or after January 6, 2023 and before December 28, 2023, the maximum penalty may not exceed \$257,664 per violation per day the violation persists, up to a maximum of \$2,576,627 for a related series of violations. For violation occurring on or after March 21, 2022 and before January 6, 2023, the maximum penalty may not exceed \$239,142 per violation per day the violation persists, up to a maximum of \$2,391,412 for a related series of violations. For violation occurring on or after May 3, 2021 and before March 21, 2022, the maximum penalty may not exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations.

³ Weld numbers: 1513, 1514, 1515, and 1562.

We have reviewed the circumstances and supporting documentation involved in this case, and have decided not to propose a civil penalty assessment at this time.

Proposed Compliance Order

With respect to items 1, 2, 3, 4, and 5, pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Buckeye Partners, LP. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Enforcement Proceedings*. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be 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).

Following your receipt of this Notice, you have 30 days to respond as described in the enclosed *Response Options*. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. The Region Director may extend the period for responding upon a written request timely submitted demonstrating good cause for an extension.

In your correspondence on this matter, please refer to **CPF 1-2025-001-NOPV** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

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

Enclosures: *Proposed Compliance Order*
 Response Options for Pipeline Operators in Enforcement Proceedings

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Buckeye Partners, LP (Buckeye) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Buckeye with the pipeline safety regulations:

- A. In regard to Items 1-5 of the Notice pertaining to Buckeye's failure to follow a qualified welding procedure, failure to use qualified welders in certain instances, and failure to inspect welds as required, within 90 days of receipt of the Final Order, Buckeye must take the following corrective actions on Tampa Pipelines L931 and L932:
1. Remove and destructively test a minimum of 5% of the production welds completed during the construction of Tampa Pipelines L931 and L932. Selection of the welds to be removed, destructively tested and replaced, must include any weld without records of visual inspection or nondestructive testing and incorporate at least one (1) weld completed by each welder not qualified pursuant to the requirements of section 195.222(a) or section 195.222(b).
 2. Re-examine a minimum of 5% of the radiographs obtained as part of the nondestructive evaluation of the production welds completed during the construction of Tampa Pipelines L931 and L932 per Buckeye procedures. Any weld rejected as a result of the re-examination shall be removed and replaced, unless two (2) or more independent NDE subject matter experts (SME), qualified as Level III under ASNT SNT-TC-1A certification, determine that the weld should not be rejected.
 3. If removal and replacement of any weld is not feasible within the 90-day period of the Final Order, Buckeye must notify the Director, Eastern Region, Office of Pipeline Safety (Director) and explain how it will address the weld(s) in question.
 4. Remedial actions required by this Compliance Order shall be performed in accordance with the requirements of all applicable subparts of 49 CFR Part 195.
 5. Notify the Director at least 15 days in advance of starting any of the testing and construction activities required by this Compliance Order.
 6. Provide copies of any records pertaining to the corrective actions described in this Compliance Order, as required by the Director, including, but not limited to the updated weld maps for the Tampa Pipelines L931 and 932, and an updated list of the welds produced for both pipelines, indicating for each weld: a) the welders used to complete it; b) the welding procedure followed; and, c) the detailed record of its visual inspection and nondestructive testing/evaluation (*e.g.*, name, number, page, date, etc.).

7. Submit a final report to the Director, describing in detail the results of all corrective actions taken to ensure Tampa Pipelines L931 and L932 comply with the requirements of Part 195.
- B. It is requested (not mandated) that Buckeye Partners, LP maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.