



U.S. Department  
Of Transportation  
**Pipeline and  
Hazardous Materials  
Safety Administration**

820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628  
**609.989.2171**

## **NOTICE OF PROBABLE VIOLATION and PROPOSED CIVIL PENALTY**

### **UPS OVERNIGHT DELIVERY**

September 27, 2010

Mr. Jerry Ashcroft, Vice President of Field Operations  
Buckeye Partners L.P.  
Five TEK Park  
9999 Hamilton Blvd.  
Breinigsville, PA 18031

**CPF 1-2010-5009**

Dear Mr. Ashcroft:

On November 17, 2009, State Inspectors from the New York State Department of Public Service (NY DPS) acting as Agents for the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code conducted an investigation into an accident that occurred on November 17, 2009 on your pipeline facility located along Skillman Avenue in Queens, New York.

As a result of the investigation, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation(s) are:

**1. §195.402 Procedural manual for operations, maintenance, and emergencies.**

**(a) General. Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies.**

Buckeye failed to locate their pipeline along Skillman Avenue in accordance with their written procedures as outlined in Buckeye procedure A-03, Section 2.2, Line Location.

Buckeye's procedure Section 2.2 requires that a line locator be used when locating a pipeline. In addition, this procedure also requires that a conductive or inductive method be utilized. On November 12, 2009, a Buckeye employee failed to use a line locator device and failed to use

either a conductive or inductive method to locate Buckeye’s pipeline along Skillman Avenue. As a result of Buckeye’s failure to properly locate the 12 inch diameter pipeline, the line was damaged resulting in a release of approximately 110 gallons jet fuel. This caused an interruption of fuel supply to La Guardia airport.

This violation is based upon a review of the Buckeye’s Procedure A-03, Section 2.2- Line Locating and the NYS DPS Investigation of this accident.

Proposed Civil Penalty

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. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$100,000 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$100,000

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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). 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.

In your correspondence on this matter, please refer to **CPF 1-2010-5009** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Byron E. Coy, PE  
 Director, Eastern Region  
 Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*

cc: NYS DPS