



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

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

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

May 1, 2015

Steve Pankhurst
Business Unit Leader
BP USFO/Logistics
150 W. Warrenville Rd
Naperville, IL 60563

CPF 1-2015-5005W

Dear Mr. Pankhurst,

During the week of October 27, 2014, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your breakout tank facility in Carteret, NJ.

As a result of the inspection, 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 is:

1. **195.404 Maps and Records.**
 - (c) **Each operator shall maintain the following records for the periods specified;**
 - (3) **A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.**

BP/USFO Logistics did not maintain adequate records for the inspection of fire extinguishers.

During the inspection, a PHMSA inspector reviewed BP's monthly fire extinguishers records, including those from January to August 2014. The records, titled "Fire Extinguisher Inspection Check List," did not accurately capture information related to the inspection such as: the location, pressure reading, seal condition, physical damage / corrosion information, whether the extinguisher was charged and the expiration date for fire extinguishers located in the facility.

The Terminal Manager stated that documentation of fire extinguisher inspection records was lacking and BP/USFO Logistics could have done better.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a 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 item identified in this letter. Failure to do so will result in BP USFO/Logistics 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 120155005W**. 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,

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