



BUCKEYE PARTNERS, L.P.

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March 8, 2012

Mr. Byron Coy
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
U. S. Department of Transportation
820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628

**RE: New Haven, Connecticut Inspection
Notice of Probable Violation and Proposed Compliance Order CPF 1-2012-5002**

Dear Mr. Coy:

Buckeye Partners, L.P. (Buckeye) received the referenced "Notice of Probable Violation and Proposed Compliance Order" (NOPV) on February 8, 2012 from the Pipeline and Hazardous Materials Safety Administration (PHMSA). This NOPV was the result of a standard inspection conducted from June 15 to 19, 2009 on Buckeye's New Haven, CT pipeline and facilities. The following are Buckeye's responses to each of the items listed in the NOPV.

- 1. Buckeye failed to maintain records of each atmospheric corrosion inspection, as required by 195.583(a), for at least 5 years.
During the inspection, a PHMSA representative requested Buckeye personnel to provide records of atmospheric corrosion inspections for the New Haven facility.
However, Buckeye personnel could not provide any records of atmospheric corrosion inspections at the time of the inspection.**

Buckeye did provide records at the time of the inspection. These records show that atmospheric corrosion inspections were performed on the New Haven facility on 10/27/03 and again on 10/24/06. Attached Exhibit 1 (dated 5/19/09) is the report that was provided at the time of the inspection. The atmospheric corrosion inspections for New Haven Station are included on this report. Buckeye requests that this item be removed from the NOPV along with the associated Proposed Civil Penalty.

- 2. Buckeye failed to maintain records of each overpressure safety device inspection and test as required by 195.428(a), for at least 2 years from 2007 through the PHMSA inspection performed in 2009.
During the field inspection at Ludlow Tank Farm, a PHMSA representative observed that there were three (3) breakout tanks. Each of these breakout tanks has a thermal relief valve at an inlet and at the outlet, totaling six (6) thermal relief valves. The PHMSA representative requested Buckeye personnel to provide records of the overpressure safety device inspection and test pursuant to 195.428(a). However, Buckeye personnel could not produce any records or documentation at the time of the inspection.**

To correct the record, there are only five active tank lines relating to these three tanks. Tanks 1 and 2 each have an incoming and outgoing line. Tank 3 only has one line that is used for both incoming and outgoing movements.

On each of the incoming tank lines for tanks 1 and 2, there are no thermal relief valves. In addition, there are no thermal relief valves on the outgoing tank lines for tanks 1 & 2. These tank lines join together into one line and the thermal relief protection is located in the pump house. It is inspected once per calendar year (not to exceed 15 months). See attached Exhibit 2 for a photograph of this configuration. Tank 3 has a thermal relief valve on the incoming/outbound line at the tank. See attached Exhibit 3 for a photograph of this configuration. It is inspected once per calendar year (not to exceed 15 months). Attached Exhibit 4 is the report that documented the inspection of both thermal relief valves mentioned above (Equipment Tag Numbers LDTSV16-tank 3 and LDTSV29-tanks 1 & 2). LDTSV29 only has one inspection listed on the report because it was installed in 2008 as a result of a facility risk assessment, so the first inspection was completed on 5/8/09.

Buckeye requests that this item be removed from the NOPV along with the associated Proposed Civil Penalty

3. Buckeye failed to maintain firefighting equipment in proper operating condition at all times at the Ludlow Tank Farm.

During the field inspection at Ludlow Tank Farm, a PHMSA representative observed that the lever on the nozzle of a foam hose was in a peculiar position. The lever was used to start and stop flow from the nozzle. The PHMSA representative requested a Buckeye representative to demonstrate how to operate the firefighting equipment for the purpose of fighting fires. The Buckeye representative could not move the lever because it was jammed, which made the firefighting equipment inoperable.

Buckeye agrees with this finding. After the inspection, the nozzle was examined and it was determined that it needed to be lubricated. After the nozzle was lubricated, it functioned properly. Since then, the nozzle gets lubricated every other month to ensure its operability.

4. Buckeye failed to maintain a record of an internal inspection, required by 195.579(c), or a record control measures or that corrosion requiring control measures does not exist. A pipeline replacement project was conducted on September 18, 2008, at Waterfront Street. Under 195.579(c), whenever you remove pipe from a pipeline, you must inspect the internal surface of the pipe for evidence of corrosion. Buckeye did not have written documentation that an inspection had been performed. Buckeye indicated that an internal inspection was performed and that the existing pipe was in good condition, but provided no records.

Buckeye agrees with this finding. Even though Buckeye completed the internal visual inspection, it was not properly documented. Buckeye has conducted additional training to educate its employees as to the importance of completing the documentation for this type of activity.

5. Buckeye failed to maintain records of Right-of-Way (ROW) inspections, required by 195.412(a), for at least 2 years.

Buckeye's procedures for ROW inspections, *D-02-Pipeline Right of Way*, established several methods (primarily walking and flying) to inspect the ROW. Additionally, *D-02-*

***Pipeline Right of Way* refers to ROW inspections shall be inspected within the time frequency listed on the Comprehensive Scheduling Chart in *Section D-01*. The chart recites the requirement prescribed in 195.412(a).**

A PHMSA representative requested a Buckeye representative to provide records of ROW inspections for the entire pipeline from New Haven, Connecticut, to Ludlow Station in Massachusetts, in accordance to its procedure, *D-02-Pipeline Right of Way*. The Buckeye representative produced an incomplete work order list from 2/18/2009 to 5/21/2009 for walking the line that had no information regarding the surface conditions on or adjacent to each pipeline ROW. Furthermore, the aforementioned list showed a segregated section of the facility rather than the entire facility.

PHMSA found this list to be inadequate for ROW inspection records; therefore, Buckeye did not comply with 195.404(c)(3).

As required by 195.412(a), Buckeye used air patrols (flying) to perform Right-of-Way (ROW) inspections at least 26 times per year, not to exceed 3 weeks. Buckeye believes that these records were made available during the inspection. Attached Exhibit 5 is a spreadsheet listing the dates of the air patrols for the two years prior to the inspection and the year of the inspection. Attached Exhibit 6 includes samples of the actual pilot reports for the same time period. The rest of the pilot reports are available, upon request.

The work order list from 2/18/2009 to 5/21/2009 that was provided during the inspection was only a summary listing of the work orders for additional ROW walking patrols. These patrols are in addition to the 26 required during the calendar year. Inasmuch as the required patrols were performed and documented, Buckeye requests that this item be removed from the NOPV along with the associated Proposed Civil Penalty.

Buckeye considers its damage prevention program and regular equipment inspections to be critical activities in maintaining a safe operation of this pipeline system. As discussed above, Buckeye believes that the required inspections and patrols were performed in accordance with Part 195 regulations and respectfully requests the proposed violations and associated penalties for Items 1, 2 and 5 be removed

Please direct all future communications concerning this NOPV to my attention. If you have any questions, or need additional information, please feel free to contact myself or John Reinbold, Manager, Compliance at 610-904-4185 or by e-mail at jreinbold@buckeye.com.

Sincerely,



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