

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
FINAL ENVIRONMENTAL ASSESSMENT
and
FINDING OF NO SIGNIFICANT IMPACT

Special Permit Information:

Docket Number:	PHMSA-2020-0003
Requested By:	Buckeye Partners, LP
Operator ID:	1845
Original Date Requested:	December 19, 2019
Effective Dates:	October 18, 2021 to October 18, 2031
Code Section(s):	49 CFR 195.116, 195.118, 195.228, 195.230, and 195.234

I. Background

The National Environmental Policy Act (NEPA), 42 United States Code (USC) 4321 – 4375, Council on Environmental Quality Regulations, 40 Code of Federal Regulations (C.F.R. or CFR) 1500-1508, and U.S. Department of Transportation (DOT) Order 5610.1C, requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Pipeline Safety (OPS)¹ to analyze a proposed action to determine whether the action will have a significant impact on the human environment. PHMSA analyzes special permit requests for potential risks to public safety and the environment that could result from our decision to grant, grant with additional conditions, or deny the request. As part of this analysis, PHMSA evaluates whether a special permit would impact the likelihood or consequence of a pipeline failure as compared to the operation of the pipeline in full compliance with the federal pipeline safety regulations. PHMSA’s environmental review associated with the special permit application is limited to impacts

¹ References to PHMSA in this document mean PHMSA OPS.

that would result from granting or denying the special permit. PHMSA developed this assessment to determine what effects, if any, our decision would have on the environment.

Pursuant to 49 U.S.C. 60118(b) and 49 CFR 190.341, PHMSA may only grant special permit requests that are not inconsistent with pipeline safety. PHMSA will impose conditions in the special permit if the Agency concludes that they are necessary for safety, environmental protection, or are otherwise in the public interest. If PHMSA determines that a special permit would be inconsistent with pipeline safety or is not justified, the application will be denied.

The purpose of this Final Environmental Assessment (FEA) is to comply with the NEPA in reference to the Buckeye Partners, LP (Buckeye) Tampa North Terminal Piping Application for a special permit to waive compliance of the following design, construction, and welding regulations for the newly constructed 2,700 feet of aboveground terminal piping located in the Tampa North Terminal, Hillsborough County, Florida, herein referred to as the *special permit segment*.

- 49 CFR 195.116 – Valves
- 49 CFR 195.118 – Fittings
- 49 CFR 195.228 – Welds and welding inspection: Standards of acceptability
- 49 CFR 195.230 – Welds: Repair or removal of defects
- 49 CFR 195.234 – Welds: Nondestructive testing

The FEA and Finding of No Significant Impact (FONSI) have been prepared to assess the pipeline special permit request in accordance with 49 CFR 190.341, and is intended to specifically analyze any environmental impact associated with the waiver of certain federal pipeline safety regulations found in 49 CFR Part 195. This special permit, as granted, requires Buckeye to implement safety measures and integrity testing of the *special permit segment* which meets or is of equivalent safety as that required by the 49 CFR Part 195 regulations.

As explained in this FEA and FONSI, granting the special permit to Buckeye will result in virtually no additional environmental impacts. Denying the special permit will result

in a decrease of vital product resources in, and reliability for, the Tampa and Orlando, Florida areas and disturbance at an otherwise settled site.

II. Introduction

Pursuant to 49 U.S.C. 60118(b) and 49 CFR 190.341, Buckeye initially submitted a special permit request to PHMSA on December 19, 2019, requesting that it waive certain requirements pertaining to design and construction under 49 CFR Part 195, for approximately 2,700 feet of aboveground piping, all of which is located entirely within its Tampa North Terminal.

Upon review of the potential risks to the human environment PHMSA may issue a special permit to waive certain regulatory requirements where it is not inconsistent with pipeline safety. Special permits are typically conditioned on the performance of measures beyond those required by federal pipeline safety regulations, in accordance with 49 CFR 190.341.

III. Regulatory Background

The PHMSA regulations listed below set forth the minimum requirements for design, construction, and welding of jurisdictional pipeline systems and establish weld testing criteria, to which Buckeye seeks relief under the special permit for 2,700 feet of aboveground terminal piping.

- 49 CFR 195.116 – Valves
- 49 CFR 195.118 – Fittings
- 49 CFR 195.228 – Welds and welding inspection: Standards of acceptability
- 49 CFR 195.230 – Welds: Repair or removal of defects
- 49 CFR 195.234 – Welds: Nondestructive testing

The 49 CFR Part 195 regulations incorporate by reference certain sections of American Society of Mechanical Engineers (ASME) and American Petroleum Institute (API) industry standards in 49 CFR 195.3.

The aboveground terminal *special permit segment* piping was designed and constructed according to ASME B31.3-2016 industry standard for materials, components, design,

fabrication, and assembly of piping that is typically found in petroleum refineries, chemical, pharmaceutical, textile, paper, semiconductor, and cryogenic plants, and related processing plants and terminals. Part 195 sets forth pipeline facility design and construction requirements that differ in certain respects from ASME B31.3-2016, including provisions which incorporate by reference certain sections of ASME B31.4-2006 standards for construction of hazardous liquid pipelines.

The basis of Buckeye's Special Permit Application, FEA and FONSI, is to waive the PHMSA design and construction regulations where they differ from ASME B31.3-2016 for the 2,700 feet of aboveground terminal piping in consideration of the special permit conditions. In support, Buckeye engaged a third-party consultant, DNV GL USA, Inc. (DNV GL) to perform a comparative analysis of the relevant provisions of 49 CFR Part 195, ASME B31.3-2016, Process Piping, and ASME B31.4-2006, Pipeline Transportation Systems for Liquids and Slurries (Appendices 1 and 2 in Docket PHMSA-2020-0003 at www.regulations.gov).

IV. Purpose and Need

The Port of Tampa supplies all the petroleum fuel needs to western and central Florida primarily through four fuel terminals that are connected to the Port of Tampa primary docks. In order to utilize a newly constructed 1.3-mile hazardous liquid jurisdictional pipeline to link the Tampa North and Tampa South Terminals in Tampa, Hillsborough County, Florida, to better serve the Tampa and Orlando, Florida markets, the 1.3-mile pipeline needs to connect with the 2,700-foot *special permit segment*. Because the *special permit segment* was constructed to standards that differ in certain respects from the above PHMSA design and construction regulations, a special permit is required for operation in compliance with 49 CFR Part 195.

The 1.3-mile hazardous liquid pipeline was designed and constructed to 49 CFR Part 195 regulatory requirements (including ASME B31.4-2006 standards) to flow bidirectionally between the Tampa South and Tampa North Terminals to allow, at minimum, one additional fuel terminal to store and distribute fuel delivered through the docks and enable this additional fuel oil terminal to deliver fuel from its private dock back to the

other terminals. This redundancy is in the public interest by adding resiliency and continuing to serve the fuel needs of western and central Florida from the Port of Tampa docks in the event they are impacted by mechanical issues, electrical issues, hurricanes, floods, or other natural disasters outside of human control.

The new 1.3-mile pipeline will connect with 2,700 feet of terminal piping that was constructed to a different standard and is not compliant with all of 49 CFR Part 195 design and construction requirements. If the 1.3-mile pipeline is operated from the Tampa North Terminal to the Tampa South Terminal, the 2,700-feet of terminal piping also becomes subject to 49 CFR Part 195. Thus, Buckeye is requesting a special permit to waive compliance with certain design and construction requirements of 49 CFR Part 195 for 2,700 feet of terminal piping (*special permit segment*) to support the bidirectional pipeline flow from the Tampa North Terminal to Tampa South Terminal.²

If the permit is denied, and the 2,700-foot *special permit segment* cannot be used in DOT service, Buckeye will be unable to provide product from the Tampa North Terminal to the Tampa South Terminal, and thus unable to utilize the bidirectional functionality of the 1.3-mile hazardous liquids pipeline. The loss of this flexible product flow between the two terminals will hinder product availability in, and reliability for, the Tampa and Orlando area markets. Buckeye would be required to replace the *special permit segment* causing further disturbance to an otherwise settled site and delays in service.

V. Site Description

The Tampa North Terminal is a bulk petroleum storage and transfer facility located on approximately 29-acres within Tampa, Hillsborough County, Florida, which has been in operation since the 1960s. The Tampa North Terminal address is 504 North 19th Street, Tampa, Florida. It is located along the extreme northeast side of the Ybor Channel in the

² All approvals and environmental permitting relevant to the construction and use of the 1.3-mile hazardous liquid pipeline have been granted and include Florida Department of Environmental Protection (FDEP) permit number 29-0372933-002-EI dated May 6, 2019, Environmental Protection Commission of Hillsborough County Folio numbers 1901230000 and 1992950000 dated March 15, 2019, as well as applicable air permits.

Ybor City area within the industrial peninsula of Tampa and the commercial port area.

Principal terminal components include:

- Fully fenced terminal with additional fencing encircling the tank area;
- Aboveground storage tanks encompassed by secondary containment dikes:
 - Dike Capacity of the Tampa North Terminal: approximately 444,000 barrels
 - High Fill Capacity of the largest tank in the Tampa North Terminal: 154,643 barrels;
- Truck loading rack and associated transfer pipelines from storage tanks;
- Office building;
- Warehouse/maintenance facility; and
- Marine dockage.

The Tampa North Terminal receives product by vessel and offers product by truck.

Transportation at the Tampa North Terminal is currently regulated by the US Coast Guard (USCG). Surrounding land use consists of industrial and commercial development. The terminal is located in Hillsborough County, within the city of Tampa due east of the Gulf of Mexico. **Figure A** below depicts a map of the terminal and the *special permit segment*.



Figure A

High Consequence Area and Unusually Sensitive Area information: Tampa North Terminal

The Tampa North Terminal is situated within the Tampa city limits and is therefore located entirely within in a high population, high consequence area (HCA). The Tampa North Terminal is also located in a direct impact ecological, unusually sensitive area (USA). Although the Tampa North Terminal is adjacent to the Ybor ship channel commercially navigable waterway (CNW) HCA, the Ybor ship channel is considered an indirect impact “could affect” HCA.

The Tampa North Terminal is located along the eastern side of an industrial peninsula in the Port of Tampa (Ybor Shipping Channel), which is located 3.5 miles from Hillsborough Bay and approximately 10 miles from Tampa Bay, in an area that is primarily zoned for industrial use. There is limited recreational activity in the immediate

coastal area due to the high volume of commercial ship traffic. The Port of Tampa Bay statistical data from 2017 to 2019 shows that nearly 10,000 barge, cruise, and tug vessels utilized the waters and dockage in the area of the Ybor Ship Channel during the 2-year period.³ In addition to the heavy vessel traffic, the peninsula is also utilized by several other hazardous liquid pipeline and terminal operators as well as chemical and industrial industries of various types.

Tampa North Terminal Proximity to Recreation, Boating, and Angling

The nearest recreational park, Desoto Park, is located approximately 0.66 miles from the center of the Tampa North Terminal facility. Desoto Park is situated on the far eastern side of the peninsula measured by land across the peninsula. The Bermuda Boulevard recreation area is located approximately 0.72 miles from the center of the Tampa North Terminal measured over land. The Davis Island recreational angling and boating area is located approximately 3.20 miles from the center of the Tampa North Terminal, measured along the Ybor ship channel, Garrison ship channel, and the western side of Davis Island. The Spoil Island boating and angling area 2D is located 4.25 miles from the center of the Tampa North Terminal, accessible by navigating through the Ybor and Sparkman Channels and Hillsborough Bay.⁴ **Figure A** above depicts the distances to the various recreational locations described herein.

VI. Special Permit Segment

This special permit, as granted, applies to the *special permit segment* described below which is located in the HCA, USA, and CNW impact areas (described in Section V, Site Description above). The *special permit segment* includes approximately 2,600 feet of 12-inch grade API 5L X-52 (52,000 pounds per square inch (psi) strength) steel pipe with a wall thickness of 0.375 inches, and approximately 100 feet of 8-inch grade API 5L X-52 (52,000 psi strength) steel pipe with a wall thickness of 0.322 inches. The *special permit segment* was constructed between 2018 and 2020 and has had no history of leaks. It is located aboveground and is coated for atmospheric corrosion protection utilizing

³ Total Port – Port Tampa Bay -Fiscal Year Summaries, FY06 – FY19.

⁴ Boating and Angling Guide to Tampa Bay, Version 4.2, 2011.

Buckeye Procedure CS-PL-001 (Carboline multi coat and Sherwin Williams applications). The *special permit segment* is situated within the Tampa North Terminal tank dike, with a 500-foot section of 12-inch piping located outside of dike containment. There are no welded supports, brackets, or braces along the *special permit segment*. **Figure B** depicts a close up view of the terminal and the *special permit segment*.

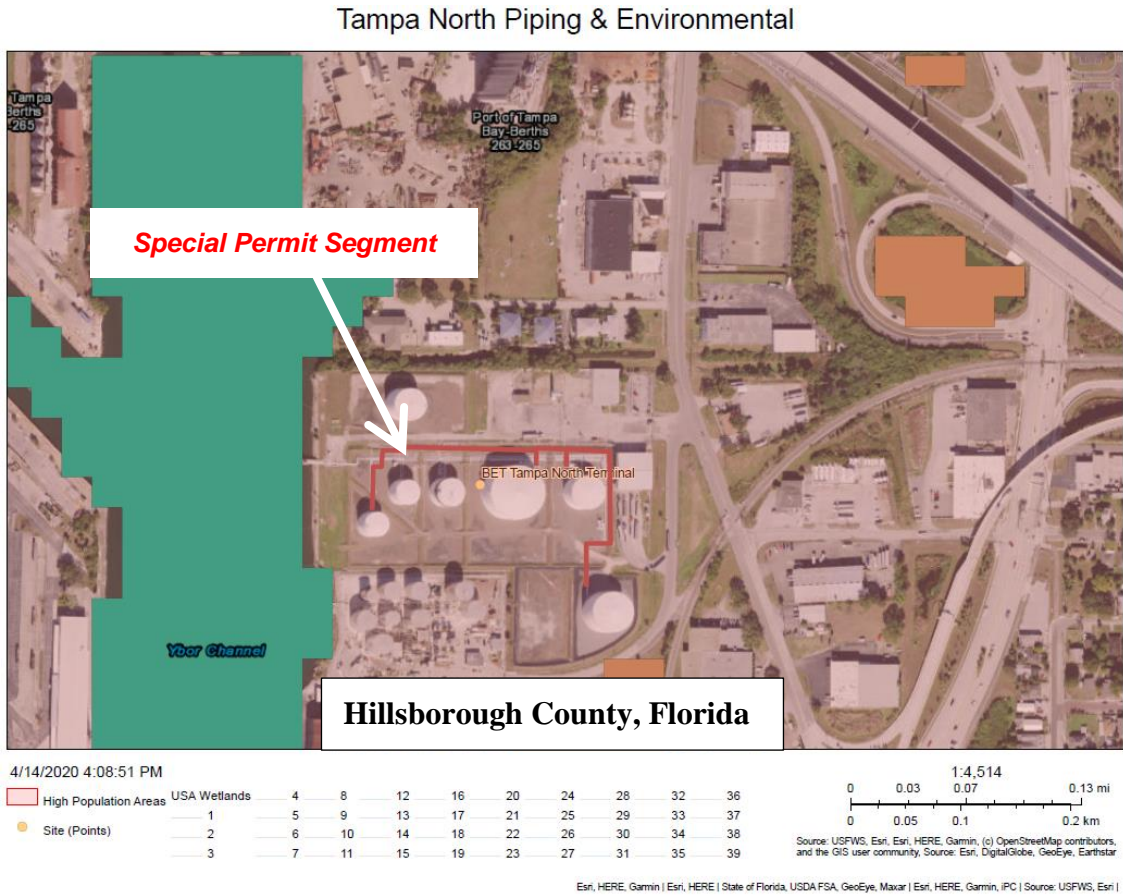


Figure B

The *special permit segment* is constructed with butt-weld fittings and American National Standards Institute (ANSI) 150 flanges with a working pressure of 285 pounds per square inch gauge (psig). Fittings (elbows and tees) are Wrought Pipe-High Yield (WPHY) grade 52 steel manufactured to ASME B16.9 2013 or Manufacturers Standardization Society of the Valve and Fittings Industry (MSS) SP75 2014 edition standards as appropriate to the steel. The *special permit segment* includes sixteen 12-inch diameter valves and thirteen 8-inch diameter ANSI 150, 285 psig rated valves. All of the valves

were manufactured to ASME B16.34, which incorporates the requirements of API 600/598.

The maximum operating pressure (MOP) of the *special permit segment* is 220 pounds psig. The *special permit segment* will be operated at a normal operating pressure of 180 psig, which is less than 20% specified minimum yield strength (SMYS) on the entire *special permit segment*. The piping is designated as could affect HCA piping under 49 CFR 195.452. The aboveground *special permit segment* is located entirely within Buckeye's Tampa North Terminal in Hillsborough County, Florida. The *special permit segment* does not cross any federal, state, county, or city roadways.

VII. Special Permit Conditions and Mitigation Measures: Additional Design, Construction, Operations and Maintenance Requirements

To provide an equivalent level of safety for the *special permit segment*, the special permit conditions and mitigation measures include safety and integrity testing and daily operational monitoring which meet or exceed the regulatory requirements. These measures include **(1)** hydrostatically testing the *special permit segment* in accordance with 49 CFR Part 195, Subpart E, **(2)** performing 100% radiography of the welds along the segment, as well as repair of welds that do not meet the approval standards in accordance with 49 CFR Part 195.234, and **(3)** enhanced daily monitoring of the 2,700-foot of aboveground terminal piping. PHMSA requires Buckeye to implement these measures, which are designed to prevent leaks and ruptures or timely identify them should they occur, will ensure that the special permit is not inconsistent with pipeline safety.

Provided below is: **(1)** a summary of the five (5) 49 CFR Part 195 regulatory requirements from which Buckeye seeks relief through issuance of a special permit (as identified in the third-party comparative analysis of ASME B31.3-2016, ASME B31.4-2006, and 49 CFR Part 195 that was prepared for Buckeye by DNV GL, as Appendices 1 (weld acceptance criteria) and 2 (design requirements) in Docket PHMSA-2020-0003 at www.regulations.gov), and **(2)** the mitigative measures and special permit conditions necessary to meet or exceed pipeline safety regulation contained in 49 CFR Part 195.

- **Item 1 – 49 CFR 195.116(d) Valves**

Regulatory Text 49 CFR 195.116(d): Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in Section 11 of ANSI/API Specification 6D (incorporated by reference).

Summary of Difference: Several valves installed along the *special permit segment* were not factory tested to ANSI/API Specification 6D as required by the regulations. Specifically, one 12-inch diameter valve and thirteen 8-inch diameter valves installed on the *special permit segment* were manufactured to API 600/598 requirements. As set forth in Appendix 2, ASME B31.3-2016 incorporates API 600/598 requirements for testing which differ from ANSI/API Spec 6D and ASME B31.4-2006 regarding the time durations for pressure testing of valves. Existing valves were factory pressure tested for 2 minutes rather than between 2 and 15 minutes as required by API 6D. Further, API 600/598 requirements only require a low-pressure closure (seat) test – which was performed – and do not require a high-pressure closure (seat) test. That said, the valves are all gate valves and a low-pressure seat test can be a more difficult test for a gate valve to pass in that the valve has to be able to seal without the aid of a large differential pressure across the gate. Specifics are available in the third-party comparative analysis prepared by DNV GL, Appendix 2 in Docket PHMSA-2020-0003 at www.regulations.gov.

Special Permit Condition: By way of performing the special permit condition of conducting a successful 4-hour hydrostatic pressure test of the *special permit segment* as required by 49 CFR Part 195, Subpart E, the integrity of the valves along the *special permit segment* has been demonstrated to provide an equivalent level of safety as that required by ANSI/API Spec 6D and API 600/598 requirements. The hydrotest was inclusive of all piping, valves, fittings, and equipment, using water with a minimum test pressure of 275 psig for a MOP of 220 psig.

- **Item 2 – 49 CFR 195.118 Fittings**

Regulatory Text 49 CFR 195.118: Butt-weld type fittings must meet the marking, end preparation, and the bursting strength requirements of ASME/ANSI B16.9 or MSS SP-75 (incorporated by reference).

Summary of Difference: The butt-weld type fittings installed along the *special permit segment* were manufactured in accordance with the most recent editions of ANSI B16.9 – 2012 (2013) and MSS-SP-75 2014 respectively, not to the ANSI B16.9 -2007 edition and MSS-SP-75 2008 edition which are currently incorporated by reference in 195.118. The difference between editions of the standards relates to the manufacturer proof test procedure and test pressure, which is more conservative in the more recent ANSI B16.9 – 2012 (2013) edition. The more recent versions require a test pressure of 1.10 times the design pressure if only one prototype proof test is conducted, a test pressure of 1.05 time the design pressure if two prototype proof tests are conducted, and 1.00 times the design pressure if three prototype proof tests are conducted. The 2007 versions only required 1.00 times the design pressure for a prototype proof test regardless of how many were tested. Specifics are available in the third-party comparative analysis prepared by DNV GL, Appendix 2 in Docket PHMSA-2020-0003 at www.regulations.gov.

Special Permit Condition: The more recent editions of ANSI B16.9 and MSS-SP-75 require more rigorous testing with regard to the number of prototypes tested and test pressures used to measure the fitness of a butt-weld type fitting than the editions of ANSI B16.9 and MSS-SP-75 currently incorporated by reference into 195.118. Therefore, no additional measures are required to meet the safety requirements of 49 CFR 195.118.

- **Item 3 – 49 CFR 195.228 Welds and welding inspections: Standards of acceptability**

Regulatory Text 49 CFR 195.228: The acceptability of a weld is determined according to the standards in ASME Boiler and Pressure Vessel Code Section IX

(ASME BPVC) or Appendix A of API Std 1104 (incorporated by reference). Appendix A of API Std 1104 may not be used to accept cracks.

Summary of Difference: Welds along the *special permit segment* were inspected in accordance with, and the acceptability determined to, ASME BPVC Section V criteria. This standard is not incorporated by reference in 195.228. More specifics are available in the third-party comparative analysis prepared by DNV GL, Appendix 1 in Docket PHMSA-2020-0003 at www.regulations.gov.

Special Permit Condition: To satisfy the regulations and provide an equivalent level of safety, Buckeye performed 100% radiography along the *special permit segment* to ASME B31.4 and API 1104 acceptance criteria. Radiography was performed by the American Society for Non-destructive Testing (ASNT) Level II Technicians, which meets the requirements of API 1104. Examinations were performed on 100% of the previously completed welds using the wire type image quality indicators (IQI) method. No cracking was found, which is compliant with API 1104 and 49 CFR Part 195. Based on the results of the 100% radiography, Buckeye completed repairs to a small portion of welds (17 of the 103 welds) which needed repair to meet ASME B31.4 requirements using Buckeye weld procedure P-2A (which meets the requirements of 49 CFR 195.214 and 195.222). Performing 100% radiographic weld inspection exceeds current 49 CFR Part 195 regulatory requirements, which requires that 10% of welds are inspected per day (49 CFR 195.234(d)). Further, initial welds were made by a welder that was fully qualified to perform welds under Buckeye's P-2A Weld Procedure in accordance with API 1104 requirements and 49 CFR 195.222.

- **Item 4 – 49 CFR 195.230 Welds: Repair or removal of defects**

Regulatory Text 49 CFR 195.230: Each weld that is unacceptable under Part 195.228 must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than 8 percent of the weld length.

Summary of Difference: Welds along the *special permit segment* were originally welded to ASME BPVC Section IX standards and inspected in accordance with ASME BPVC Section V standards. ASME BPVC Section V testing criteria is not recognized in 49 CFR Part 195. More specifics are available in the third-party comparative analysis prepared by DNV GL, Appendix 1 in Docket PHMSA-2020-0003 at www.regulations.gov.

Special Permit Condition: To satisfy the regulations and provide an equivalent level of safety, (1) 100% of welds were radiographically tested in order to meet the criteria of 49 CFR 195.228, and (2) a small percentage of welds along the *special permit segment* that did not meet API 1104 acceptability standards were repaired by a qualified welder, in compliance with 49 CFR 195.214 and 195.222, using Buckeye Weld Procedure P-2A. As noted above, the welds were initially made by a welder that was fully qualified to perform welds under Buckeye's P-2A weld procedure in accordance with API 1104 requirements and 49 CFR 195.222.

- **Item 5 – 49 CFR 195.234(c) Welds: Non-destructive testing**

Regulatory Text 49 CFR 195.234(c): Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under 195.228.

Summary of Difference: Procedures for weld inspection interpretation allowed for hole type IQI, according to ASME B31.3 requirements. More specifics are available in the third-party comparative analysis prepared by DNV GL, Appendix 1 in Docket PHMSA-2020-0003 at www.regulations.gov.

Special Permit Condition: To satisfy the regulations and provide an equivalent level of safety, 100% of welds were re-inspected using radiography and wire type IQIs in accordance with 49 CFR 195.228, 195.230, and 195.234, as well as API 1104 incorporated by reference by the PHMSA regulations.

- **Enhanced Daily Monitoring**

Special Permit Condition: Buckeye must perform enhanced monitoring of the *special permit segment* piping once the piping is operational. Specifically, Buckeye must (1) staff the North Tampa Terminal 24 hours a day, 7 days a week, and (2) perform visual monitoring of the *special permit segment* by walking the property 3 times a day to ensure timely identification of any potential leaks or integrity conditions and notification of same to the Control Center and local operations. These patrols will be documented on Buckeye's Secondary Containment Inspection Form.

VIII. Alternatives

The PHMSA review of the potential alternatives is limited to the review of the special permit application as well as the associated impacts of the *special permit segment*.

Regarding the potential alternatives for PHMSA action, the options include:

- (1) Do nothing, where PHMSA denies the requested special permit. In this case, the resiliency of supply to western and central Florida would be impaired, and the *special permit segment* would have to be entirely replaced in order to obtain full compliance to ASME B31.4-2006 standards and 49 CFR Part 195.116 (valves), 195.118 (fittings), 195.228 (girth weld inspection), 195.230 (girth weld repair and removal of defects), and 195.234 (non-destructive testing of girth welds); or
- (2) Grant the requested special permit and impose the additional special permit conditions, which go beyond the requirements of 49 CFR Part 195.

Alternative 1: “No Action” Alternative

If PHMSA were to select the “no action” alternative, PHMSA would deny the special permit request, restricting the associated pipeline to one-direction flow and impeding delivery of vital products from the Tampa North Terminal private dock back to the other terminals. This capability is in the public interest by continuing to serve the products

needs of western and central Florida from the Port of Tampa docks and to provide increased resiliency to the supply of those products.

Alternative 2: Granted Alternative

Buckeye must implement special permit conditions for waiving the specified construction and weld qualification standards of certain sections of 49 CFR Part 195. This option allows for Buckeye to operate the bidirectional hazardous liquids pipeline and utilize the *special permit segment* in 49 CFR Part 195 regulated service, thereby providing additional capacity and increased resiliency to product supply needs of western and central Florida.

To provide an equivalent level of safety for the *special permit segment*, the special permit includes safety and integrity testing which meets or exceeds the regulatory requirements. An overview of the special permit conditions is provided in Section VII above.

IX. Affected Resources and Environmental Consequences – Environmental Assessment

Neither the granted action nor the “no action” alternative would have an adverse or substantial impact on affected resources, as set forth below.

A. Affected Resources and Environmental Consequence of the Granted Action and No Action Alternatives

Aesthetics: If the special permit is approved and the *special permit segment* of the Tampa North Terminal is permitted to operate in DOT regulated 49 CFR Part 195 service there would be no resulting impact to the visual character of the surrounding area. To the extent the *special permit segment* is denied, there would be no impact on aesthetics as construction of replacement piping would occur within existing Tampa North Terminal.

Agricultural Resources: The *special permit segment* is located in an area of Tampa, Hillsborough County, Florida, primarily used for storage and warehousing. Approval or denial of the special permit would have no impact on agricultural resources.

Air Quality: Operation of the *special permit segment* under the special permit will have

no impact on the air quality in the vicinity of the Tampa North Terminal. Buckeye received an air permit on December 18, 2017 from the Florida Department of Environmental Protection (FDEP) to construct a pipeline and update the flanges, and other fittings.⁵ This permit accounts for the updated equipment counts inside the terminal, and approval or denial would have no impact on air quality.

Granting of the *special permit segment* will allow bidirectional flow of hazardous liquid from the Tampa North Terminal to the Tampa South Terminal, trucking of hazardous liquids for the purposes of this movement will be greatly diminished, thus avoiding the emissions associated with trucking the same product that could be safely transferred by pipeline. From this standpoint, air quality could improve slightly as a result of the permit.

Biological Resources: If the special permit is approved and the *special permit segment* is permitted to operate in DOT regulated 49 CFR Part 195 service, or if the special permit were denied and replacement piping constructed, there would be no impact to biological resources in the surrounding area. As described in Section V, Site Description, the *special permit segment* is located in a commercially utilized area of Tampa. The Tampa North Terminal is located in a high-population HCA as well as an unusually sensitive area and could affect a commercially navigable waterway. The Terminal directly abuts the Ybor Shipping Channel which is approximately 3.5 miles from Hillsborough Bay, the waters of which support fishing and marine habitats. On the basis of field surveys conducted for the construction of the 1.3-mile intrastate pipeline between the Tampa North and Tampa South Terminals, there are no known threatened, proposed threatened, or endangered species or critical habitat areas in or near the *special permit segment* or the Tampa North Terminal which has been in operation since the 1960s and is located in a heavily industrial area.

In order to demonstrate Buckeye's preparedness to respond to a potential worst case oil discharge to the Terminal area, Buckeye maintains facility responses plans for the

⁵ Florida Department of Environmental Protection, Project Number 0570123-038-AC, New VRU and Pipeline, <https://fldep.dep.state.fl.us/air/emission/apds/listpermits.asp>.

Terminal that have been approved by the Environmental Protection Agency (EPA), USCG, and PHMSA. The current emergency response plan (ERP) was approved by the USCG and the EPA on March 5, 2019 and is in effect for 5 years. PHMSA approved Buckeye's facility response plan prepared in compliance with 49 CFR Part 194 on February 1, 2021.

For the purposes of this document, the term "worst-case probable discharge" is used to describe a discharge scenario from the Tampa North Terminal which has considered measurable factors of PHMSA, USCG, and the EPA. When solely considering PHMSA determining factors under 49 CFR Part 194, Buckeye's "worst-case discharge" scenario in the Southern Zone would occur on a separate pipeline system in El Paso, Texas. By considering PHMSA, EPA, and USCG parameters in this scenario, Buckeye has accounted for all relevant agencies and has provided release projections inclusive of all affected Terminal resources regardless of the prevailing regulating body.

The Tampa North Terminal's current ERPs account for small, medium, and "worst-case probable discharge" scenarios. A "worst-case probable discharge" volume would consist of 171,153 barrels, which is 110% of the capacity of the largest tank at the Tampa North Terminal. In the event that the *special permit segment* should fail resulting in the drainage of the largest tank in the Tampa North Terminal facility, the incremental release volume of 360 barrels will be contained within the 444,000-barrel capacity containment dike with no impact on the current "worst-case probable discharge" in the ERP.

The Tampa North Terminal dike containment area is regulated under EPA regulation 40 CFR 112 (Oil Pollution Prevention), including the required Spill Prevention, Control and Countermeasure (SPCC) Plan. 40 CFR 112 and the SPCC Plan include information on mandatory inspection and maintenance procedures for the tank dike area of the Terminal. In addition to 40 CFR and the SPCC governance, the Tampa North Terminal containment area is regulated under Florida Administrative Code (FAC) 62-762 (Florida Above Ground Storage Tank Regulation) and the FDEP. These agencies work together with the Hillsborough County Environmental Protection Commission (HC EPC) to routinely inspect the Tampa North Terminal to ensure compliance.

If the special permit is approved and the *special permit segment* is permitted to operate in DOT 49 CFR Part 195 regulated service, there would be no additional impact to biological resources in the surrounding area.

Climate Change: The infrastructure and operations associated with the *special permit segment* will not have an impact on climate change, as there will be no change to air emissions or air quality associated with the grant or denial of this special permit application. All products at the Tampa North Terminal are stored in existing aboveground storage tanks that are incorporated into the current facility air permits. The entire facility inclusive of the *special permit segment* utilizes Buckeye facility vapor recovery technology. The vapor recovery technology used at the Tampa North Terminal is emission control technology with the lowest greenhouse gas (GHG) emission potential for controlling emissions.

Additionally, if the special permit is granted and the *special permit segment* is permitted to operate as a 49 CFR Part 195 pipeline for use in facilitating the bidirectional flow of hazardous liquid from the Tampa North Terminal to the Tampa South Terminal, trucking of hazardous liquids for the purposes of this movement will be greatly diminished, thus avoiding the GHG emissions associated with trucking the same product that could be safely transferred by pipeline.

Cultural Resources: If the special permit is approved and the *special permit segment* is permitted to operate as a 49 CFR Part 195 pipeline, or if it were denied and replacement piping were constructed, there would be no impact to cultural resources in the surrounding area. The *special permit segment* is located in a commercially utilized area of Tampa, and – as confirmed by field surveys conducted for the construction of the 1.3-mile intrastate pipeline between the Tampa Terminals – there are no cultural or historic sites eligible for listing on the National Register of Historic Places in or near the *special permit segment*.

Environmental Justice: If the special permit is approved and the *special permit segment* is permitted to operate in DOT 49 CFR Part 195 regulated service, or if it were denied and replacement piping were constructed, there would be no adverse impact or disparate impact to safety or environmental conditions to minority and low-income populations.

The *special permit segment* is entirely confined to Terminal property. The geographical area encompassing the *special permit segment* in Tampa, Hillsborough County, Florida, is largely industrial and non-residential. Further, the Tampa North and South Terminals have been in existence since the 1960s. According to Census.gov, census tracts are small subdivisions of a county and generally have population densities between 1,200 and 8,000 people. Hillsborough County is made up of 405 census tracts totalling 1.8 million residents. Of these 1.8 million residents, about 1,900 (619 per square mile) reside in tract 53.02, which includes the Tampa North Terminal. The same Census data provides the following information on the demographics of the population of Hillsborough County, Florida, overall: White 47.6%, Hispanic or Latino 29.6%, Black or African American 18.0%, Asian 4.3%, and other races 0.5%. In Tract 53.02, the census data shows that demographics consist of White 25%, Hispanic or Latino 67%, Black or African American 7%, and other races 1% and the percentage of households with children age 5-17 where a language other than English is spoken at home is 77% (Spanish); the percentage of households with children age 18 and above where a language other than English is spoken at home is 58% (Spanish). The per capita income is \$17,848, with the median household income \$34,250, and the percentage of persons below the poverty line is 31.8%, more than 1.5 times the rate in Tampa (18.6%) and more than double the rate in Hillsborough County (14.6%).

Although there is a higher minority population in the *special permit segment* area, the preferred action does not increase the safety risk in the area and presents no disparate impact or negative impact to the surrounding communities because (1) there is no change in footprint of the existing facilities, (2) compliance of the special permit conditions is intended to assure safety along the *special permit segment*, and (3) the bidirectional use of the 1.3-mile pipeline between the North and South Tampa Terminals that will be facilitated by the *special permit segment* will result in decreased trucking of product and associated noise, congestion, and air quality impacts between the facilities.

Geology, Soils, and Mineral Resources: If the special permit is approved and the *special permit segment* is permitted to operate in DOT regulated service, or if it were denied and replacement piping constructed, there would be no adverse impact to the geology, soils,

and mineral resources of the surrounding area because there would be no change to the footprint of the facility.

Indian Trust Assets or Federally recognized Tribal Reservation or Village: No Native American assets have been identified or reported in the vicinity of the *special permit segment*. Approval or denial of the special permit would have no impact on any Indian Trust Assets or a Federally recognized Tribal Reservation or Village.

Land Use: The area surrounding the *special permit segment* is comprised primarily of warehouses and industrial use facilities. Approval or denial of the special permit would result in no impact to future land use planning.

Noise: Noise pollution is regulated by the HC EPC.⁶ Maximum allowable sound levels at the property line of receiving land shall be no more than 70 dBA. New potentially noise-generating equipment, consisting of pumps and electric motors, will be installed within the boundaries of the existing Tampa North Terminal in the vicinity of existing pumps and motors. Harbour facilities, highways, and rail facilities to the east, south, and west of the Tampa North Terminal as shown in *Figure A* are exempt from noise requirements. Properties to the north of the terminal are separated from the *special permit segment* by Buckeye office and maintenance buildings, parking, and a buffer strip. No additional noise impacts are anticipated in connection with this special permit request or the bidirectional operation of the pipeline. In fact, some noise impacts that resulted from transporting product from Tampa North facility to Tampa South facility by truck will be eliminated with the north to south pipeline flow capability.

Recreation: In the event of a hazardous liquid spill, recreational activities including boating and angling could be impacted. However, as described throughout this document the existing design standards along with the special permit conditions are intended to ensure that the issuance of the special permit would not result in an increase in the risk of failure of the *special permit segment*.

⁶ Rules of the Environmental Protection Commission of Hillsborough County, Chapter 1-10, Noise Pollution.

Safety: Change of terminal piping service from one directional to bidirectional flow will have no impact on site safety.

(a) Would operation under the special permit change the risk of rupture or failure?

Implementing the special permit conditions of hydrostatic testing, 100% weld radiography and weld acceptance, and enhanced daily monitoring meets or exceeds 49 CFR Part 195 requirements and confirms the integrity of the **special permit segment**. Except for the design and construction regulations from which Buckeye is requesting waiver, the **special permit segment** complies with all of 49 CFR Part 195 design and construction requirements. Once operational, the **special permit segment** will comply with all applicable 49 CFR Part 195 regulations. As such, operating under a special permit will have no impact on the risk of rupture or failure of the **special permit segment**. Moreover, Buckeye operates its DOT-regulated facilities in the area of the **special permit segment**, including the **special permit segment**, in compliance with 49 CFR Parts 194 and 195 and complies with other applicable laws as needed in the vicinity, such as EPA and USCG regulations.

(b) If a failure occurred would consequence and spill or release volumes be different if PHMSA granted the permit? Would granting this permit increase, decrease, or have a change on the risk of failure?

If a failure occurred, consequences and spill or release volumes would be no different from a separate spill if the **special permit segment** were in use as terminal piping. The spill would be detected and mitigated by the existing terminal safeguards, including secondary containment and the vapor monitoring devices currently installed.

(c) Would operation under the special permit have any effect on pipeline longevity or reliability? Would there be any life cycle maintenance issues?

Operation under the special permit is not anticipated to have an effect on terminal piping longevity or reliability. Additional valve and pump life cycle and

maintenance requirements are addressed through Buckeye's standard operating and maintenance procedures.

In addition, provided in Section VII above are (1) a summary of the differences identified in the third-party comparative analysis of ASME B31.3-2016, ASME B31.4-2006, and 49 CFR Part 195 that was prepared for Buckeye by DNV GL (attached as Appendix 1 (weld acceptance criteria) and Appendix 2 (design requirements) in Docket PHMSA-2020-0003 at www.regulations.gov); and (2) the mitigative measures and special permit conditions necessary to meet or exceed pipeline safety regulation contained in 49 CFR Part 195.

Socioeconomics: If the special permit is approved or denied there would be no change to socioeconomics in the vicinity of the *special permit segment*.

Topography: Approval or denial of the special permit will have no effect on the topography in the vicinity of the *special permit segment*.

Transportation: Surface waters of the Ybor Ship Channel are directly adjacent to the Tampa North Terminal. A pipeline failure could pose risk to vessel traffic. Buckeye's current ERPs for the Tampa North Terminal – approved by PHMSA, EPA, and the USCG – recognizes this potential risk and includes appropriate booming and mitigative measures to minimize the impediment to vessel traffic. Use of the existing plan does not change based on the use of the *special permit segment* in a DOT 49 CFR Part 195 regulated operation. Therefore, if the special permit is approved and the *special permit segment* operates in a DOT-regulated capacity, or if the special permit is denied, there would be no change to transportation in the vicinity of the *special permit segment*.

Water Resources: Surface waters of the Ybor Ship Channel are directly adjacent to the Tampa North Terminal. Surface waters leading to Tampa Bay are approximately 10 miles from the center point of the Tampa North Terminal accessible by navigating through the Ybor Ship Channel, Sparkman Ship Channel, as well as through Hillsborough Bay in order to reach Tampa Bay. A pipeline failure of the *special permit segment* could pose risk to water quality and the biological, commercial, and recreational interests the navigational waters support. In the event of a failure of the 360-barrel

capacity *special permit segment*, Buckeye would implement the existing ERPs pursuant to PHMSA 49 CFR Part 194, EPA and USCG requirements, which includes booming strategies and mitigative measures intended to minimize the impact of a spill to water resources. Should the special permit be granted, PHMSA anticipates that the implementation of the special permit conditions will ensure that there will be no additional impact on water resources in the vicinity of the *special permit segment*.

X. CONSULTATION AND COORDINATION

Buckeye personnel involved in preparation of this document: Personnel from parent owner and operator of Buckeye:

- Claudia Pankowski, Director, Regulatory Compliance, Buckeye Partners, L.P.
- Hope Sandler, Manager, Pipeline Safety and DOT Compliance, Buckeye Partners, L.P.
- Neal McHugh, Manager, Environmental Project Support, Buckeye Partners, L.P.

PHMSA personnel involved in the preparation of this document:

- Steve Nanney, PHMSA, US DOT
- Amelia Samaras, PHMSA, US DOT
- Joshua Johnson, PHMSA, US DOT

XI. REQUEST FOR PUBLIC COMMENTS PLACED ON DOCKET PHMSA-2020-0003

PHMSA published the special permit request in the Federal Register (FR) for a 30-day comment period. PHMSA sought comments on any potential environmental impacts that could result from the selection of either alternative, including the special permit conditions. The special permit application from Buckeye, special permit, special permit analysis and findings, and all other pertinent documents are available in Docket No. PHMSA-2020-0003 at www.regulations.gov for public review. The FR notice was published at 86 FR 28184 on May 25, 2021. The public notice comment period ended on June 24, 2021, with no comments received.

XII. FINDING OF NO SIGNIFICANT IMPACT

In consideration of the special permit conditions explained above, PHMSA finds that no significant negative safety or environmental impact will result from the issuance of the special permit to waive the requirements of 49 CFR 195.116, 195.118, 195.228, 195.230, and 195.234 for the *special permit segment*. Buckeye must implement the above-described special permit conditions for the *special permit segment* that links the Buckeye Tampa North and Tampa South Terminals in Tampa, Hillsborough County, Florida.

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