

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

2018 Hazardous Liquid State Program Evaluation

for

RAILROAD COMMISSION OF TEXAS

Document Legend

PART:

- O -- Representative Date and Title Information
- A -- Progress Report and Program Documentation Review
- B -- Program Inspection Procedures
- C -- Program Performance
- D -- Compliance Activities
- E -- Accident Investigations
- F -- Damage Prevention
- G -- Field Inspections
- H -- Interstate Agent State (if applicable)
- I -- 60106 Agreement State (if applicable)



2018 Hazardous Liquid State Program Evaluation -- CY 2018
Hazardous Liquid

State Agency: Texas

Agency Status:

Date of Visit: 07/15/2019 - 09/20/2019

Agency Representative: Stephanie Weidman, Pipeline Safety Director

PHMSA Representative: Agustin Lopez, State Liaison
Michael Thompson, State Liaison

Commission Chairman to whom follow up letter is to be sent:

Name/Title: Wayne Christian, Chairman

Agency: Railroad Commission of Texas

Address: 1701 N. Congress

City/State/Zip: Austin, Texas 78711-2967

Rating:

60105(a): Yes **60106(a):** No **Interstate Agent:** No

INSTRUCTIONS:

Complete this evaluation in accordance with the Procedures for Evaluating State Pipeline Safety Program. The evaluation should generally reflect state program performance during CY 2018 (not the status of performance at the time of the evaluation). All items for which criteria have not been established should be answered based on the PHMSA representative's judgment. A deficiency in any one part of a multiple part question should be scored as needs improvement. Determine the answer to the question then select the appropriate point value. If a state receives less than the maximum points, include a brief explanation in the space provided for general comments/regional observations. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and OBJECTIVELY reflect state program performance. Increasing emphasis is being placed on performance. This evaluation together with selected factors reported in the state's annual progress report attachments provide the basis for determining the state's pipeline safety grant allocation.

Scoring Summary

PARTS

Possible Points Points Scored

A Progress Report and Program Documentation Review
B Program Inspection Procedures
C Program Performance
D Compliance Activities
E Accident Investigations
F Damage Prevention
G Field Inspections
H Interstate Agent State (if applicable)
I 60106 Agreement State (if applicable)

10
13
42
15
11
8
12
0
0

9
13
36
13
11
8
12
0
0

TOTALS

111 102

State Rating

91.9

PART A - Progress Report and Program Documentation Review

Points(MAX) Score

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|----------|---|---|---|
| 1 | Accuracy of Jurisdictional Authority and Operator/Inspection Units Data - Progress Report Attachment 1 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

RRC tracks the inspection types and days in their database, PES (Pipeline Evaluation System). PES tracks the inspections from inspector packages and weekly work reports. Verified inspections for 2018 and seem to be accurate.

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| 2 | Review of Inspection Days for accuracy - Progress Report Attachment 2 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

RRC tracks the inspection days in their database, PES (Pipeline Evaluation System). Verified inspections days and they seem to be accurate

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| 3 | Accuracy verification of Operators and Operators Inspection Units in State - Progress Report Attachment 3 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Verified operators in Attachment 3 with PDM annual reports. The number of operators seem accurate.

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| 4 | Were all federally reportable incident reports listed and information correct? - Progress Report Attachment 4 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Yes, verified federally reportable incidents in PDM with Attachment 4 and they all seem to be accurate.

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| 5 | Accuracy verification of Compliance Activities - Progress Report Attachment 5 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Reviewed PES and verified compliance activities submitted in Attachment 5 .The numbers seem to be accurate. There is a concern on the increased number of carry over compliance actions from previous years. The RRC needs to improve the processing of open compliance actions specifically on the cases carried over multiple years. (SEE QUESTION D.2 FOR POINT DEDUCTIONS)

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| 6 | Were pipeline program files well-organized and accessible? - Progress Report Attachment 6 Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
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Evaluator Notes:

All program files are kept electronically in PES and are easily accessed. There seems to be a tracking issue in identifying pipeline pipelines after they are transferred from one unit to another or sold to another operator. While reviewing inspections in PES, there were several systems that had changed units and were difficult to track where the system had transferred. The RRC needs to improve in the way pipeline transfers are documented.

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| 7 | Was employee listing and completed training accurate and complete? - Progress Report Attachment 7 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Verified training with T&Q Blackboard and there's seems to be missing qualified inspectors in Blackboard. The problem seems to be only with more veteran inspectors. RRC will contact T&Q to check on the discrepancies.

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| 8 | Verification of Part 195,198,199 Rules and Amendments - Progress Report Attachment 8 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

All regulations and amendments adopted for Parts 195, 198, and 199

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| 9 | List of Planned Performance - Did state describe accomplishments on Progress Report in detail - Progress Report Attachment 10 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

During calendar year 2018, the Commission continued to fill the inspector FTE positions that were approved by the 83rd Texas Legislature effective September 1, 2015. These additional positions raised the total number of Pipeline Safety Inspector FTEs to 63. While the department has continued to experience turnover, largely as a result of industry and PHMSA demand for skilled workers, RRC hired 11 inspectors last year ending the year fully staffed for the first time since receiving these positions in 2015. Additionally, the 85th Texas legislature approved \$8.7M for enhanced pipeline safety inspections effective September 1, 2017. These additional funds have been used to implement a new salary retention program. RRC will continue with our hiring strategy that focuses on retention of employees by hiring those qualified individuals looking for stable employment.

In 2018, Pipeline Safety inspectors completed approximately 613 hazardous liquid safety evaluations of 126 operators, for which they sent 55 violation letters citing 163 alleged violations. Also during 2018, RRC reported 142 violations as corrected; this number includes violations that were cited in previous years. Also, the Commission collected a total of \$18,000.00 in enforcement penalties for hazardous liquid enforcement cases.

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| 10 | General Comments: Info Only = No Points |
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Info OnlyInfo Only

Evaluator Notes:

A.5-There is a concern on the increased number of carry over compliance actions from previous years. The RRC needs to improve the processing of open compliance actions specifically on the cases carried over multiple years. (SEE QUESTION D.2 FOR POINT DEDUCTIONS)

A.6-All program files are kept electronically in PES and are easily accessed. There seems to be a tracking issue in identifying pipeline pipelines after they are transferred from one unit to another or sold to another operator. While reviewing inspections in PES, there were several systems that had changed units and were difficult to track where the system had transferred. The RRC needs to improve in the way pipeline transfers are documented.

Total points scored for this section: 9
Total possible points for this section: 10



PART B - Program Inspection Procedures

Points(MAX) Score

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| 1 | Standard Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 2 | 2 |
|---|--|---|---|

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Standard Operating Procedure (SOG) 3: Routine Comprehensive Evaluation Procedures give guidance to the inspectors to perform standard inspections. Procedures include pre and post inspection procedures. 3.1 - Pre inspection, 3.2 DATA Collection for pre and post inspections.

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|---|---|---|---|
| 2 | IMP Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
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Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

The IMP inspection procedures are in Section 6.1 of the SOG. The procedures give guidance to inspectors on conducting IMP inspections which include pre and post inspection activities.

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| 3 | OQ Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
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Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

SOG 6.3 has OQ Inspection procedures which has details for performing OQ inspections. OQ inspections are proposed to be on a five year inspection cycle.

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| 4 | Damage Prevention Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
|---|---|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

SOG 6.7 has details for Damage Prevention Inspections. Procedures give guidance to state inspectors that insure consistency in all inspections conducted by the state addressing pre-inspection activities, inspection activities, and post-inspection activities. Jim Ousterhaus retired in 2018. Stephanie is the Director for the Damage Prevention Section of RRC. Damage Prevention has 2.86 person years dedicated to DP for the Hazardous Liquid Program.

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| 5 | Any operator training conducted should be outlined and appropriately documented as needed. | 1 | 1 |
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Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 5 of SOG has operator training and how it is conducted and documented.

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| 6 | Construction Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
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Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

SOG 6.6 New Construction Evaluation has procedure for conducting new construction inspections. TAC 8.115 is Texas law that requires operators to report any new construction 30 days prior to constructing more than 1 mile of pipe. Law is changing to 60 day notice and .1 miles of new pipe. The New Construction Lead Inspector must successfully complete required TQ

courses prior to conducting any new construction inspections.

Recommend to add OQ verification of technicians while performing covered tasks. The RRC will add the verification of OQ of technicians into the inspection forms.

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| 7 | Does inspection plan address inspection priorities of each operator, and if necessary each unit, based on the following elements? Yes = 6 No = 0 Needs Improvement = 1-5 | 6 | 6 |
| a. | Length of time since last inspection (Within five year interval) | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| b. | Operating history of operator/unit and/or location (includes leakage, incident and compliance activities) | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| c. | Type of activity being undertaken by operators (i.e. construction) | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| d. | Locations of operators inspection units being inspected - (HCA's, Geographic area, Population Density, etc) | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| e. | Process to identify high-risk inspection units that includes all threats - (Excavation Damage, Corrosion, Natural Forces, Outside Forces, Material and Welds, Equipment, Operators and any Other Factors) | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| f. | Are inspection units broken down appropriately? | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

The RRC has developed a risk based formula in which PES uses to prioritize inspections. The risk base formula uses all of the following elements:

- a. Inspection intervals are at 5 year intervals.
- b. Operating history is included in their unit inspection risk ranking
- c. Procedures include activities undertaken by operator.
- d. HCA's and population are part of the unit risk ranking.
- e. SOG 3 was amended last year to include the tracking of incidents and causes which include Excavation damage. corrosion, natural outside forces, material and welds, equipment, operators and other factors.
- f. Units are broken down mostly by operating area and by mileage for Transmission.

8 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

The RRC is mainly complying with Part B of the Evaluation.

B.6- Need to add to procedures that during construction inspections, OQ of technicians while performing construction covered tasks will be verified.

Total points scored for this section: 13
Total possible points for this section: 13



PART C - Program Performance

Points(MAX) Score

- 1** Was ratio of Total Inspection person-days to total person days acceptable? (Director of State Programs may modify with just cause) Chapter 4.3 5 5
Yes = 5 No = 0
- A. Total Inspection Person Days (Attachment 2):
2288.00
- B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
220 X 12.47 = 2742.67
- Ratio: A / B
2288.00 / 2742.67 = 0.83
- If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0
Points = 5

Evaluator Notes:

Verified inspection days submitted in the Progress Report to verify inspection person days to total person days ratio. Ratio meets the required of .38.

- 2** Has each inspector and program manager fulfilled the T Q Training Requirements? (See Guidelines Appendix C for requirements) Chapter 4.4 5 5
Yes = 5 No = 0 Needs Improvement = 1-4
- a. Completion of Required OQ Training before conducting inspection as lead? Yes ☒ No ☐ Needs Improvement ☐
- b. Completion of Required IMP Training before conducting inspection as lead? Yes ☒ No ☐ Needs Improvement ☐
- c. Root Cause Training by at least one inspector/prgram manager Yes ☒ No ☐ Needs Improvement ☐
- d. Note any outside training completed Yes ☒ No ☐ Needs Improvement ☐
- e. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector. Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

- a. Yes, all OQ lead inspectors have completed all required courses.
- b. Yes, all IMP/DIMP lead inspectors have completed all required courses.
- c. Yes, there are several inspectors who have completed the Root Cause Course.
- d. New inspectors attend a training provided at an operators facility. Working on providing additional training to inspectors.
- e. Yes, reviewed inspection reports to assure qualified inspectors are leading inspection types in which they are qualified to lead.

- 3** Did state records and discussions with state pipeline safety program manager indicate adequate knowledge of PHMSA program and regulations? Chapter 4.1,8.1 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, Stephanie Weidman is knowledgeable of the pipeline safety rules and regulations.

- 4** Did state respond to Chairman's letter on previous evaluation within 60 days and correct or address any noted deficiencies? (If necessary) Chapter 8.1 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, the Chairman responded within the 60 days, letter was sent on February 8, 2019 and response was received on March 28, 2019.

- 5** Did State conduct or participate in pipeline safety training session or seminar in Past 3 Years? Chapter 8.5 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the RRC conducts Pipeline Safety Seminars once a year. The last seminar was August 21-22, 2018

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| 6 | Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1 Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 2 |
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Evaluator Notes:

No, the RRC is still behind on their inspection cycles on CRM, IMP, PAPEI and OQ inspections. There are many operators that have not been inspected within their established intervals of 5 years. The RRC is improving and with the retention of inspectors and growth they expect to be in compliance in the near future.

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| 7 | Did inspection form(s) cover all applicable code requirements addressed on Federal Inspection form(s)? Did State complete all applicable portions of inspection forms? Chapter 5.1 Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
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Evaluator Notes:

In reviewing inspection reports, (example: Flint Hills Inspection Package #120037) the Hazardous Liquid inspection Form does not address all questions in the PHMSA Federal Inspection Forms. It was found that the RRC Form did not have break out tank (BOT) questions as addressed in PHMSA forms. RRC needs to update inspection forms to cover all applicable code requirements addressed in the federal form.

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| 8 | Did the state review operator records of previous accidents and failures including reported third party damage and leak response to ensure appropriate operator response as required by 195.402(c)(5)? Yes = 1 No = 0 | 1 | 1 |
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Evaluator Notes:

Accidents and failures are reviewed during inspections to assure operator response is appropriate as required by 195.402. The RRC also conducts accident/incident investigations to assure the operator complied with the regulations.

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| 9 | Has the state reviewed Operator Annual reports, along with Incident/Accident reports, for accuracy and analyzed data for trends and operator issues? Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Their procedures state that they will review annual reports and accident report for accuracy and analyze for trends. The RRC reviews the reports and analyzes for issues, trends or concerns. They utilize this data as part of their risk ranking of inspections.

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| 10 | Has state confirmed intrastate operators have submitted information into NPMS database along with changes made after original submission? Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Review and verify NPMS data during standard inspections. The question is included in the standard inspection forms.

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| 11 | Is the state verifying operators are conducting drug and alcohol tests as required by regulations? This should include verifying positive tests are responded to in accordance with program. 49 CFR 199 Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
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Evaluator Notes:

Yes, conduct Drug and Alcohol inspections on a yearly basis. Reviewed Drug and Alcohol inspections to verify the RRC is assuring operators are complying with CFR 199. Only issue is that the RRC is not conducting D&A inspections within their established inspection cycles, which per their procedures is every 5 years.

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| 12 | Is state verifying operators OQ programs are up to date? This should include verification of any plan updates and that persons performing covered tasks (including contractors) are properly qualified and requalified at intervals determined in the operators plan. 49 CFR 195 Part G Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
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Evaluator Notes:

Yes, the RRC is conducting OQ Program inspections on a yearly basis. Reviewed OQ inspections to verify the RRC is

assuring operators are complying with CFR 195 Part G. Only issue is that the RRC is not conducting OQ inspections within their established inspection cycles, which per their procedures is every 5 years.

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| 13 | Is state verifying operator's hazardous liquid integrity management (L IMP) Programs are up to date? This should include a previous review of LIMP plan, along with monitoring progress on operator tests and remedial actions. In addition, the review should take in to account program review and updates of operators plan(s). (Are the State's largest operators programs being contacted or reviewed annually? Are replies to Operator IM notifications addressed? (formerly part of Question C-10)). 49 CFR 195.452 Appendix C Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Yes, the RRC is conducting IMP inspections on a yearly basis. Reviewed IMP inspections to verify the RRC is assuring operators are complying with CFR 195.452. Only issue is that the RRC is not conducting IMP inspections within their established inspection cycles, which per their procedures is every 5 years. This issue is identified in question C.6 as a point deduction.

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| 14 | Is state verifying operators Public Awareness programs are up to date and being followed. State should also verify operators have evaluated Public Awareness programs for effectiveness as described in RP1162. PAPEI Effectiveness Inspections should be conducted every four years by operators. 49 CFR 195.440 Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Yes, the RRC is conducting Public Awareness (PAPEI) program inspections on a yearly basis. Only issue is that the RRC is not conducting PAPEI inspections within their established inspection cycles, which per their procedures is every 5 years. This issue is identified in question C.6 as a point deduction.

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| 15 | Does the state have a mechanism for communicating with stakeholders - other than state pipeline safety seminar? (This should include making enforcement cases available to public). Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Communicate with stakeholders by a subscription email service provide to public to receive information on seminars, meetings, etc. Also posts enforcement cases online for the public to view.

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| 16 | Did state execute appropriate follow-up actions to Safety Related Condition (SRC) Reports? Chapter 6.3 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Yes, the RRC has a dedicated person to track the submittals of SRCR. Reviewed their datasheet which demonstrates the tracking of the SRCR.

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| 17 | Did the state participate in/respond to surveys or information requests from NAPSRS or PHMSA? Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Yes, the RRC responds to surveys from NAPSRS or PHMSA.

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| 18 | If the State has issued any waivers/special permits for any operator, has the state verified conditions of those waivers/special permits are being met? This should include having the operator amend procedures where appropriate. Needs Improvement = .5 No = 0 Yes = 1 | 1 | NA |
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Evaluator Notes:

There are no waivers issued to hazardous liquid operators.

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| 19 | Did the state attend the NAPSRS National Meeting in CY being evaluated? Needs Improvement = .5 No = 0 Yes = 1 | 1 | 1 |
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Evaluator Notes:

Alan Mann attended the National meeting due to the program manager being on maternity leave.

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| 20 | Discussion on State Program Performance Metrics found on Stakeholder Communication site ? http://primis.phmsa.dot.gov/comm/states.htm Needs Improvement = 1 No = 0 Yes = 2 | 2 | 2 |
| a. | Discussion of Potential Accelerated Actions (AA's) based on any negative trends | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| b. | NTSB P-11-20 Meaningful Metrics | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

Damages per 1,000 locates is gathered by the Damage Prevention section of the RRC. Their damages per 1,000 is 2.57. Discussed the steady increase of leaks repaired, hazardous leaks repaired and scheduled leaks to be repaired with Stephanie Weidman. Increase is due to more advanced leak survey equipment being utilized by operators. Inspector training has been trending in a positive way.

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| 21 | Discussion with State on accuracy of inspection day information submitted into State Inspection Day Calculation Tool (SICT) Has the State updated SICT data? No = 0 Yes = 1 | 1 | 1 |
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Evaluator Notes:

Discussed SICT calculation with Stephanie Weidman and there is no issues or concerns in meeting the inspection days in the future. Reviewed numbers and there does not seem to be any issues with the numbers submitted in the SICT.

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| 22 | Did the State verify Operators took appropriate action regarding Pipeline Flow Reversals, Product Changes and Conversions to Service? See ADP-2014-04 Needs Improvement = .5 No = 0 Yes = 1 | 1 | 1 |
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Evaluator Notes:

Discussed with RRC the verification of flow reversals. Recommend to the RRC add question to their Inspection Form to verify that the operator takes appropriate action during flow reversals.

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| 23 | General Comments: Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

C.6- The RRC is still behind on their inspection cycles on CRM, IMP, and PAPEI inspections. There are many operators that have not been inspected within their established intervals of 5 years. The RRC is improving and with the retention of inspectors and growth they expect to be in compliance in the near future.

C.7- In reviewing inspection reports, (example: Flint Hills Inspection Package #120037) the Hazardous Liquid inspection Form does not address all questions in the PHMSA Federal Inspection Forms. It was found that the RRC Form did not have break out tank (BOT) questions as addressed in PHMSA forms. RRC needs to update inspection forms to cover all applicable code requirements addressed in the federal form.

C.11-C.12 RRC is not conducting Drug and Alcohol and OQ inspections per their procedures. Procedures state they will conduct each type of inspection every 5 years.

Total points scored for this section: 36
Total possible points for this section: 42

PART D - Compliance Activities

Points(MAX) Score

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| 1 | Does the state have written procedures to identify steps to be taken from the discovery to resolution of a probable violation? Chapter 5.1 Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 4 |
| a. | Procedures to notify an operator (company officer) when a noncompliance is identified | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| b. | Procedures to routinely review progress of compliance actions to prevent delays or breakdowns | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| c. | Procedures regarding closing outstanding probable violations | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

- a. Procedures states that all compliance notifications are sent to company officers.
- b. Section 11, addresses the review of open compliance cases to avoid breakdowns. If no response or plan of correction is received, the RRC issues a delinquent letter to the operator. PES calculates the due date and keeps track of delinquent cases.
- c. Lead inspectors review the Plan of Corrections to assure the operator has responded to all probable violations.

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| 2 | Did the state follow compliance procedures (from discovery to resolution) and adequately document all probable violations, including what resolution or further course of action is needed to gain compliance? (Incident Investigations do not need to meet 30/90 day requirement) Chapter 5.1 Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 2 |
| a. | Were compliance actions sent to company officer or manager/board director if municipal/government system? | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| b. | Document probable violations | Yes <input type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" type="radio"/> |
| c. | Resolve probable violations | Yes <input type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" type="radio"/> |
| d. | Routinely review progress of probable violations | Yes <input type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" type="radio"/> |
| e. | Within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| f. | Within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection. | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

- a. Reviewed many inspection reports and found that compliance actions are being sent to company officers.
- b. Reviewed inspection reports and found Drug and Alcohol inspections that did not document probable violations found during the inspection.
- c. There seems to be some delay in resolving or closing out compliance actions. The number of carry over have increased in the last several years. There are some open compliance actions dating back to 2017.
- d. The review of the progress of probable violations needs to improve. There are open compliance actions dating back to 2017.
- e. Yes, the RRC conducts and documents post inspection briefings after each inspection.
- f. Yes, the RRC provides the operator written notice of all preliminary findings. In addition, all compliance letters reviewed were issued within 90 days.

Recommend to add the civil penalty amounts to be addressed in each compliance letter sent to operators.

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|----------|--|---|---|
| 3 | Did the state issue compliance actions for all probable violations discovered? Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, reviewed many inspection reports and found no issues.

- | | | | |
|----------|---|---|---|
| 4 | Did compliance actions give reasonable due process to all parties? Including "show cause" hearing if necessary. Yes = 2 No = 0 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes the RRC gives due process to all parties. SOG 11.2 has Pleading proceedings for operators to contest cases which is addressed in their state code under TAC Chapter 1

- | | | | |
|---|---|---|---|
| 5 | Is the program manager familiar with state process for imposing civil penalties? Were civil penalties considered for repeat violations (with severity consideration) or violations resulting in incidents/accidents? (describe any actions taken) Yes = 2 No = 0 | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

Yes, Stephanie Weidnman is familiar with the civil penalty process. TAC 8.135 is state rules which has civil penalty process and explains amounts of civil penalty based on severity of violations.

Recommend to reference the TAC code in their SOG.

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- | | | | |
|---|---|---|---|
| 6 | Can the State demonstrate it is using their enforcement fining authority for pipeline safety violations? Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|---|---|---|---|

Evaluator Notes:

Yes, the RRC issued Civil Penalties in 2018. Reviewed inspections which Civil Penalties were issued.

-
- | | | | |
|---|--|-----------|-----------|
| 7 | General Comments: Info Only = No Points | Info Only | Info Only |
|---|--|-----------|-----------|

Evaluator Notes:

- D.2-
- b. Reviewed inspection reports and found Drug and Alcohol inspections that did not document probable violations found during the inspection.
 - c. There seems to be some delay in closing out compliance actions. The number of carry over have increased in the last several years. There are some open compliance actions dating back to 2017.
 - d. The review of the progress of probable violations needs to improve. There are open compliance actions dating back to 2017.

Total points scored for this section: 13
Total possible points for this section: 15



PART E - Accident Investigations

Points(MAX) Score

- | | | | |
|---|---|---|---|
| 1 | Does the state have written procedures to address state actions in the event of an incident/accident? Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

SOG Section 8 has procedures for addressing incident/accident actions and investigations. Section 8.1.1.2 addresses the need for documentation to verify there's sufficient data gathered if no onsite investigation was made

- | | | | |
|---|---|---|---|
| 2 | Does state have adequate mechanism to receive and respond to operator reports of accidents, including after-hours reports? And did state keep adequate records of Incident/Accident notifications received? Chapter 6 Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|---|---|---|

- | | | | | |
|----|--|--------------------------------------|--------------------------|---|
| a. | Acknowledgement of MOU between NTSB and PHMSA (Appendix D) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Acknowledgement of Federal/State Cooperation in case of incident/accident (Appendix E) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

Yes, the RRC has a 24 hour answering system that transfers calls to on-call inspector. Section 18 has incident procedures. On site investigation will be conducted on all PHMSA reportable incidents.

- a. Have acknowledgement of MOU between NTSB and PHMSA.
- b. Have acknowledgement of MOU and of federal/state cooperation in case of an incident/accident.

- | | | | |
|---|--|---|---|
| 3 | If onsite investigation was not made, did state obtain sufficient information from the operator and/or by other means to determine the facts to support the decision to not go on-site? Chapter 6 Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|---|--|---|---|

Evaluator Notes:

Most reportable incidents were investigated on-site. There was enough information gathered on the incidents that were not investigated on-site.

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|---|---|---|---|
| 4 | Were all accidents investigated, thoroughly documented, and with conclusions and recommendations? Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
|---|---|---|---|

- | | | | | |
|----|--|--------------------------------------|--------------------------|---|
| a. | Observations and document review | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Contributing Factors | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Recommendations to prevent recurrences where appropriate | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

- a. The RRC documents all incident investigations in the Incident Form and is uploaded to PES. Reports that were reviewed were well documented.
- b. Yes, incident investigations had contributing factors in the report.
- c. The RRC reviews the operators recommendations and plans of action to prevent recurrence of the incidents.

- | | | | |
|---|---|---|---|
| 5 | Did the state initiate compliance action for violations found during any incident/accident investigation? Yes = 1 No = 0 | 1 | 1 |
|---|---|---|---|

Evaluator Notes:

Yes, there were several incident investigations that resulted in the issuance of compliance actions.

- 6 Did the state assist Region Office or Accident Investigation Division (AID) by taking appropriate follow-up actions related to the operator accident reports to ensure accuracy and final report has been received by PHMSA? (validate report data from operators concerning incidents/accidents and investigate discrepancies) Chapter 6 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

The RRC assists the Accident Investigation Division (AID) when they ask for information or assistance.

- 7 Does state share lessons learned from incidents/accidents? (sharing information, such as: at NAPSAR Region meetings, state seminars, etc) 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the RRC shares lessons learned during the NAPSAR SW Region meeting.

- 8 General Comments: Info Only Info Only
Info Only = No Points

Evaluator Notes:

The RRC is mainly complying with Part E of the Evaluation.

Total points scored for this section: 11
Total possible points for this section: 11



PART F - Damage Prevention

Points(MAX) Score

- | | | | |
|---|---|---|---|
| 1 | Has the state reviewed directional drilling/boring procedures of each pipeline operator or its contractor to determine if they include actions to protect their facilities from the dangers posed by drilling and other trench less technologies? | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, the RRC has modified their inspection forms to included the review of directional/boring procedures of each pipeline operator.

- | | | | |
|---|--|---|---|
| 2 | Did the state inspector verify pipeline operators are following their written procedures pertaining to notification of excavation, marking, positive response and the availability and use of the one call system? | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, the RRC has modified their inspection forms to included the review their damage prevention procedures which include notification of excavation, making, and one call system.

- | | | | |
|---|--|---|---|
| 3 | Did the state encourage and promote practices for reducing damages to all underground facilities to its regulated companies? (i.e. such as promoting/adopting the CGA Best Practices encouraging adoption of the 9 Elements, etc.) | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Attend 46 damage prevention events in Texas during 2018, including DP council meetings that consists of utilities, contractors throughout the state. There are about 23 councils in Texas. They also attend mock drills with operators, contractors and excavators. Rules and statistics are posted on RRC website to educate the public and stakeholders.

- | | | | |
|---|--|---|---|
| 4 | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests? (This can include DIRT and other data shared and reviewed by the pipeline safety program) | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

They collect data o all damages in Texas thru mandatory reporting by operators and excavators. They analysis the data to focus on areas that have the most issues. Their damages per 1000 locate tickets dropped from 2.86 in 2017 to 2.57 in 2018.

- | | | | |
|---|-----------------------|-----------|-----------|
| 5 | General Comments: | Info Only | Info Only |
| | Info Only = No Points | | |

Evaluator Notes:

The TX RRC is mainly complying with Part F of the Evaluation.

Total points scored for this section: 8
Total possible points for this section: 8

PART G - Field Inspections

Points(MAX) Score

1 Operator, Inspector, Location, Date and PHMSA Representative Info OnlyInfo Only
Info Only = No Points

Name of Operator Inspected:

Magellan Midstream Partners, L.P.

Name of State Inspector(s) Observed:

Peter Morka, RRC of Texas

Location of Inspection:

Pasadena, TX (Houston Area)

Date of Inspection:

May 28-30, 2019

Name of PHMSA Representative:

Agustin Lopez, PHMSA State Programs

Evaluator Notes:

Evaluated Mr. Peter Morka while conducting an inspection on Magellan's hazardous liquid pipelines. He reviewed partial procedures and made sure the operator had certain plans (Emergency Plan, Drug and Alcohol Plan, OQ, IMP, etc). In addition he reviewed operations and maintenance records and concluded with field inspection of the facilities.

2 Was the operator or operator's representative notified and/or given the opportunity to be present during inspection? 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the operator was notified with enough time to allow a representative to be present.

3 Did the inspector use an appropriate inspection form/checklist and was the form/checklist used as a guide for the inspection? (New regulations shall be incorporated) 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes ,the inspector was utilizing PES and inspection form to guide him during the inspection.

4 Did the inspector thoroughly document results of the inspection? 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, the inspector documented results in PES, which is their database and also on the inspection form.

5 Did the inspector check to see if the operator had necessary equipment during inspection to conduct tasks viewed? (Maps, valve keys, half cells, etc) 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, Mr. Morka verified that the technicians had the proper equipment to perform the tasks.

6 Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) 2 2
Yes = 2 No = 0 Needs Improvement = 1

a. Procedures ☒

b. Records ☒

c. Field Activities ☒

d. Other (please comment) ☐

Evaluator Notes:

Yes, Mr. Morka reviewed the operators procedures and records. He also performed a field inspection of the operators facilities.

- | | | | |
|---|---|---|---|
| 7 | Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

Yes, for only being with the RRC for a couple of years, Mr. Morka showed a lot of knowledge of the pipeline safety regulations.

- | | | | |
|---|---|---|---|
| 8 | Did the inspector conduct an exit interview? (If inspection is not totally complete the interview should be based on areas covered during time of field evaluation) Yes = 1 No = 0 | 1 | 1 |
|---|---|---|---|

Evaluator Notes:

Yes, Mr. Morka concluded the inspection with an exit briefing with the operator.

- | | | | |
|---|---|---|---|
| 9 | During the exit interview, did the inspector identify probable violations found during the inspections? (if applicable) Yes = 1 No = 0 | 1 | 1 |
|---|---|---|---|

Evaluator Notes:

Mr. Morka discussed issues identified during the inspection to the operator during the exit briefing.

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|----|--|-----------|-----------|
| 10 | General Comments: 1) What did the inspector observe in the field? (Narrative description of field observations and how inspector performed) 2) Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices) 3) Other Info Only = No Points | Info Only | Info Only |
|----|--|-----------|-----------|

- | | | |
|----|-----------------------------------|-------------------------------------|
| a. | Abandonment | <input type="checkbox"/> |
| b. | Abnormal Operations | <input type="checkbox"/> |
| c. | Break-Out Tanks | <input checked="" type="checkbox"/> |
| d. | Compressor or Pump Stations | <input type="checkbox"/> |
| e. | Change in Class Location | <input type="checkbox"/> |
| f. | Casings | <input type="checkbox"/> |
| g. | Cathodic Protection | <input checked="" type="checkbox"/> |
| h. | Cast-iron Replacement | <input type="checkbox"/> |
| i. | Damage Prevention | <input checked="" type="checkbox"/> |
| j. | Deactivation | <input type="checkbox"/> |
| k. | Emergency Procedures | <input checked="" type="checkbox"/> |
| l. | Inspection of Right-of-Way | <input checked="" type="checkbox"/> |
| m. | Line Markers | <input checked="" type="checkbox"/> |
| n. | Liaison with Public Officials | <input checked="" type="checkbox"/> |
| o. | Leak Surveys | <input checked="" type="checkbox"/> |
| p. | MOP | <input checked="" type="checkbox"/> |
| q. | MAOP | <input type="checkbox"/> |
| r. | Moving Pipe | <input type="checkbox"/> |
| s. | New Construction | <input type="checkbox"/> |
| t. | Navigable Waterway Crossings | <input type="checkbox"/> |
| u. | Odorization | <input type="checkbox"/> |
| v. | Overpressure Safety Devices | <input checked="" type="checkbox"/> |
| w. | Plastic Pipe Installation | <input type="checkbox"/> |
| x. | Public Education | <input type="checkbox"/> |
| y. | Purging | <input type="checkbox"/> |
| z. | Prevention of Accidental Ignition | <input type="checkbox"/> |
| A. | Repairs | <input type="checkbox"/> |
| B. | Signs | <input checked="" type="checkbox"/> |
| C. | Tapping | <input type="checkbox"/> |

- | | | |
|----|-----------------------------|-------------------------------------|
| D. | Valve Maintenance | <input checked="" type="checkbox"/> |
| E. | Vault Maintenance | <input type="checkbox"/> |
| F. | Welding | <input type="checkbox"/> |
| G. | OQ - Operator Qualification | <input type="checkbox"/> |
| H. | Compliance Follow-up | <input type="checkbox"/> |
| I. | Atmospheric Corrosion | <input checked="" type="checkbox"/> |
| J. | Other | <input type="checkbox"/> |

Evaluator Notes:

Mr. Morka reviewed the Magellan's O&M procedures and records to assure compliance. He also performed a field inspection of the operator's facilities. He conducted a very thorough inspection and documented the inspection results.

Total points scored for this section: 12
Total possible points for this section: 12



PART H - Interstate Agent State (if applicable)**Points(MAX) Score**

- | | | | |
|----------|--|---|----|
| 1 | Did the state use the current federal inspection form(s)? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

- | | | | |
|----------|---|---|----|
| 2 | Are results documented demonstrating inspection units were reviewed in accordance with "PHMSA directed inspection plan"? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

- | | | | |
|----------|--|---|----|
| 3 | Did the state submit documentation of the inspections within 60 days as stated in its latest Interstate Agent Agreement form? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

- | | | | |
|----------|---|---|----|
| 4 | Were probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

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|----------|---|---|----|
| 5 | Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

- | | | | |
|----------|--|---|----|
| 6 | Did the state give written notice to PHMSA within 60 days of all probable violations found? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

- | | | | |
|----------|---|---|----|
| 7 | Did the state initially submit documentation to support compliance action by PHMSA on probable violations? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC is not an interstate agent.

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|----------|--|--|-----------|
| 8 | General Comments: Info Only = No Points | | Info Only |
|----------|--|--|-----------|

Evaluator Notes:

The RRC is not an interstate agent.

Total points scored for this section: 0
Total possible points for this section: 0

PART I - 60106 Agreement State (if applicable)**Points(MAX) Score**

- | | | | |
|----------|--|---|----|
| 1 | Did the state use the current federal inspection form(s)? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|--|---|----|
| 2 | Are results documented demonstrating inspection units were reviewed in accordance with state inspection plan? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|---|---|----|
| 3 | Were any probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|---|---|----|
| 4 | Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|--|---|----|
| 5 | Did the state give written notice to PHMSA within 60 days of all probable violations found? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|--|---|----|
| 6 | Did the state initially submit adequate documentation to support compliance action by PHMSA on probable violations? Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

- | | | | |
|----------|--|-----------|-----------|
| 7 | General Comments: Info Only = No Points | Info Only | Info Only |
|----------|--|-----------|-----------|

Evaluator Notes:

The RRC does not have a 60106 Agreement.

Total points scored for this section: 0
Total possible points for this section: 0