



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

1200 New Jersey Avenue SE  
Washington DC 20590

# 2019 Gas State Program Evaluation

for

Delaware PSC

## Document Legend

### PART:

- O -- Representative, Dates and Title Information
- A -- Progress Report and Program Documentation Review
- B -- Program Inspection Procedures
- C -- State Qualifications
- D -- Program Performance
- E -- Field Inspections
- F -- Damage prevention and Annual report analysis
- G -- Interstate Agent/Agreement States



# 2019 Gas State Program Evaluation -- CY 2019

Gas

**State Agency:** Delaware

**Agency Status:**

**Date of Visit:** 06/22/2020 - 06/25/2020

**Agency Representative:** Wayne Ericksen, P.E.

Engineer IV/Pipeline Safety Program

**PHMSA Representative:** Glynn Blanton, US DOT/PHMSA State Evaluator

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

**Name/Title:** Dallas Winslow, Chair

**Agency:** Delaware Public Service Commission

**Address:** 861 Silver Lake Blvd., Cannon Building, Suite 100

**City/State/Zip:** Dover, Delaware 19904

**Rating:**

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

## INSTRUCTIONS:

Complete this evaluation in accordance with the Evaluator Guidance for conducting state pipeline safety program evaluations. The evaluation should generally reflect state program performance during CY 2019 (not the status of performance at the time of the evaluation). 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 appropriate notes/comments section. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and they OBJECTIVELY reflect the state's program performance for the question being evaluated. Increasing emphasis is being placed on how the state pipeline safety programs conduct and execute their pipeline safety responsibilities (their 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 State Qualifications
- D Program Performance
- E Field Inspections
- F Damage prevention and Annual report analysis
- G Interstate Agent/Agreement States

0  
15  
10  
50  
15  
4  
0

0  
14  
10  
50  
15  
1  
0

### TOTALS

**94** **90**

**State Rating** ..... **95.7**

## PART A - Progress Report and Program Documentation Review

Points(MAX)    Score

**1**    Were the following Progress Report Items accurate?

Info Only    Info Only

Info Only = No Points

- a.    Stats On Operators Data - Progress Report Attachment 1
- b.    State Inspection Activity Data - Progress Report Attachment 2
- c.    List of Operators Data - Progress Report Attachment 3\*
- d.    Incidents/Accidents Data - Progress Report Attachment 4\*
- e.    Stats of Compliance Actions Data - Progress Report Attachment 5\*
- f.    List of Records Kept Data - Progress Report Attachment 6 \*
- g.    Staff and TQ Training Data - Progress Report Attachment 7
- h.    Compliance with Federal Regulations Data - Progress Report Attachment 8
- i.    Performance and Damage Prevention Question Data - Progress Report Attachment 10\*

**Evaluator Notes:**

- a. Reviewed progress report and Data Mart. DE PSC is a 60105 certificated state and has total jurisdictional authority on all natural gas, propane, LNG and gathering systems. They have 31 operators and 133 inspection units. All inspection units were inspected in CY2019.
- b. A review of DE PSC CY 2019 PLS Inspection spreadsheet confirm the number of inspection days for each type of inspection matched attachment 2.
- c. Compared operators listed in Attachment 3 to inspection spreadsheet provided by program manager. No issues.
- d. No incidents occurred in CY2019. A review of PDM confirm this information.
- e. A review of program manager's spreadsheet to information in attachment 5 matched. The number of carry-over from previous year is less than in previous years.
- f. Based on last year's review of inspection files and folders and discussion with program manager confirm the information listed in attachment 6 is correct.
- g. TQ Blackboard records confirm the two inspectors have completed all mandatory training for a Gas Standard Inspector.
- h. DE PSC has automatic authority to adoption all regulations when they become effective at PHSMA. DE PSC civil penalty amount is the same as PHMSA (\$213,268/\$2,132,268)
- i. Attachment 10 was detailed and not a copy paste from previous years. In CY2019 DE PSC was given authority to enforce the state's damage prevention law. Previously this was conducted by the Deputy Attorney General. Action is being taken to develop regulation and damage penalties with the executive committee member of Miss Utility of Delmarva and others.

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



## PART B - Program Inspection Procedures

Points(MAX) Score

- |   |   |   |   |
|---|---|---|---|
| 1 | Do written procedures address pre-inspection, inspection and post inspection activities for each of the following inspection types: Chapter 5.1<br>Yes = 5 No = 0 Needs Improvement = 1-4   | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Standard Inspections, which include Drug/Alcohol, CRM and Public Awareness Effectiveness Inspections</li><li>b. TIMP and DIMP Inspections (reviewing largest operator(s) plans annually)</li><li>c. OQ Inspections</li><li>d. Damage Prevention Inspections</li><li>e. On-Site Operator Training</li><li>f. Construction Inspections (annual efforts)</li><li>g. LNG Inspections</li></ul> |   |   |

### Evaluator Notes:

- a. The standard inspection information is in Delaware Public Service Commission (DE PSC) Pipeline Safety Program Procedures 26th revision, November, 2019 on page 5. Additionally, all types of inspections performed are listed on pages 3-7. The pre-inspection & post-inspection is on page 4 and actual inspection types begin on page 5.
- b. TIMP & DIMP inspections are in DE PSC Pipeline Safety Program Procedures page 6. The pre-inspection, actual inspection, and post-inspection requirements are treated in a generic fashion for all types of inspection and listed on page 4 & 6.
- c. OQ inspections are in DE PSC Pipeline Safety Program Procedures page 6. They use the Federal Protocol Elements form in conducting the inspection. The form is in Appendix C of their plan.
- d. Damage prevention inspection procedures are in DE PSC Pipeline Safety Program Procedures page 6.
- e. On-Site Operator Training are in DE PSC Pipeline Safety Program Procedures page 6.
- f. Construction inspection procedures are in DE PSC Pipeline Safety Program Procedures page 5.
- g. All LNG facilities will be inspected each year as stated in DE PSC Pipeline Safety Program Procedures page 5. The type of inspection will be a standard. However, the written procedures do not list the specific details of the inspection. Improvement is needed in adding this information in the pipeline safety program procedures.

- |   |   |   |   |
|---|---|---|---|
| 2 | Do written procedures address inspection priorities of each operator, and if necessary each unit, based on the following elements and time frames established in its procedures? Chapter 5.1<br>Yes = 4 No = 0 Needs Improvement = 1-3  | 4 | 4 |
|   | <ul style="list-style-type: none"><li>a. Length of time since last inspection</li><li>b. Operating history of operator/unit and/or location (includes leakage, incident and compliance activities)</li><li>c. Type of activity being undertaken by operators (i.e. construction)</li><li>d. Locations of operator's inspection units being inspected - (HCA's, Geographic area, Population Centers, etc.)</li><li>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)</li><li>f. Are inspection units broken down appropriately?</li></ul> |   |   |

### Evaluator Notes:

Yes, DE PSC Pipeline Safety Program Procedures 26th revision, list on page 2. Sub-title, "Inspection Priorities" list all potential risks that will be used in establishing an inspection. Additionally, Appendix B is used to assist in prioritizing inspections. No issues of concern with prioritization of inspection and units are broken down correctly.

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|---|---|---|---|
| 3 | (Compliance Procedures) Does the state have written procedures to identify steps to be taken from the discovery to resolution of a probable violation? Chapter 5.1<br>Yes = 3 No = 0 Needs Improvement = 1-2  | 3 | 2 |
|   | <ul style="list-style-type: none"><li>a. Procedures to notify an operator (company officer) when a noncompliance is identified</li><li>b. Procedures to routinely review progress of compliance actions to prevent delays or breakdowns</li><li>c. Procedures regarding closing outstanding probable violations</li></ul> |   |   |

### Evaluator Notes:

- a. Yes, DE PSC Pipeline Safety Program Procedures under sub-title, "Enforcement and Violations" list on page 9, "Written compliance action shall be sent to a company officer or the operator." Review of CY2019 compliance action letters confirm this is being followed.
- b. No. A review of DE PSC Procedures found this item is not provided. This item was listed as, "Needs Improvement" in CY2018 State Program Evaluation in Part D - Compliance, question D.1 (b). Improvement is needed in adding this item to the procedures document. A loss of half point occurred.
- c. No. A review of DE PSC Procedures found this item is not provided. This item was listed as, "Needs Improvement" in CY2018 State Program Evaluation in Part D - Compliance, question D.1 (c). Improvement is needed in adding this item to the procedures document. A loss of half point occurred.

- 4** (Incident/Accident Investigations) Does the state have written procedures to address state actions in the event of an incident/accident? 3 3  
 Yes = 3 No = 0 Needs Improvement = 1-2
- a. Mechanism to receive, record, and respond to operator reports of incidents, including after-hours reports
  - b. If onsite investigation was not made, do procedures require on-call staff to obtain sufficient information to determine the facts to support the decision not to go on-site.

Evaluator Notes:

- a. Yes, this item is listed in DE PSC Procedures on page 7, under sub-title, "Incidents".
- b. Yes, this item was added from last year's review and is listed on page 8. "If the PSC Staff are unable to respond as soon as practical or decide not to respond, those on the List are emailed with the latest available particulars along with reasons and facts to support delayed or non-response by PSC Staff."

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

Evaluator Notes:

A loss of one point occurred on question B.3

Total points scored for this section: 14  
 Total possible points for this section: 15



## PART C - State Qualifications

Points(MAX) Score

- |   |   |   |   |
|---|---|---|---|
| 1 | Has each inspector and program manager fulfilled training requirements? (See Guidelines Appendix C for requirements) Chapter 4.4<br>Yes = 5 No = 0 Needs Improvement = 1-4  | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Completion of Required OQ Training before conducting inspection as lead</li><li>b. Completion of Required DIMP/IMP Training before conducting inspection as lead</li><li>c. Completion of Required LNG Training before conducting inspection as lead</li><li>d. Root Cause Training by at least one inspector/program manager</li><li>e. Note any outside training completed</li><li>f. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector (Reference State Guidelines Section 4.3.1)</li></ul> |   |   |

Evaluator Notes:

TQ Blackboard data was reviewed and indicated both inspectors have met the requirements to qualify as a Gas Inspector. One inspector has completed all training to lead the DIMP/IMP inspection. Two of the inspectors have completed the LNG/OQ courses and one inspector has completed the root cause course. Program Manager has completed three required courses as of 05-13-2020. No outside training occurred during this evaluation period.

- |   |  |   |   |
|---|--|---|---|
| 2 | Did state records and discussions with state pipeline safety program manager indicate adequate knowledge of PHMSA program and regulations? Chapter 4.1,8.1<br>Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
|---|--|---|---|

Evaluator Notes:

Yes, Wayne Ericksen has made great strides in managing the pipeline safety program in the last year. He has completed and successfully passed three TQ courses.

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|---|--|-----------|-----------|
| 3 | General Comments:<br>Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

No loss of points occurred in this section of the review.

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



## PART D - Program Performance

Points(MAX) Score

- |   |   |   |   |
|---|---|---|---|
| 1 | Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1<br>Yes = 5 No = 0 Needs Improvement = 1-4  | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Standard (General Code Compliance)</li><li>b. Public Awareness Effectiveness Reviews</li><li>c. Drug and Alcohol</li><li>d. Control Room Management</li><li>e. Part 193 LNG Inspections</li><li>f. Construction (did state achieve 20% of total inspection person-days?)</li><li>g. OQ (see Question 3 for additional requirements)</li><li>h. IMP/DIMP (see Question 4 for additional requirements)</li></ul> |   |   |

### Evaluator Notes:

Reviewed Program Manager's spreadsheets of inspections performed from CY2015 to CY2019. The frequency of inspections was listed in DE PSC Pipeline Safety Procedures, Appendix C. The list identified each type of inspection under each type of operator. A review found standard inspections were being performed annually on LNG, every two years on transmission, distribution, master meter & LPG. Public awareness reviews were being performed every 3 years. Drug & Alcohol being performed annually on all operators. Control room management was being performed every 3 years. Construction inspections were 60% of all inspections performed by DE PSC. OQ were being performed annually and IMP/DIMP within a five-year time schedule. The random generated operators to be checked for this evaluation period consisted of 29 inspection units. A review of records and reports confirm all inspections were being performed in accordance to DE PSC procedures listed in Appendix C.

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|---|---|----|----|
| 2 | 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. Do inspection records indicate that adequate reviews of procedures, records and field activities, including notes and the appropriate level of inspection person-days for each inspection, were performed?<br>Yes = 10 No = 0 Needs Improvement = 1-9 | 10 | 10 |
|   | <ul style="list-style-type: none"><li>a. Standard (General Code Compliance)</li><li>b. Public Awareness Effectiveness Reviews</li><li>c. Drug and Alcohol</li><li>d. Control Room Management</li><li>e. Part 193 LNG Inspections</li><li>f. Construction</li><li>g. OQ (see Question 3 for additional requirements)</li><li>h. IMP/DIMP (see Question 4 for additional requirements)</li></ul>  |    |    |

### Evaluator Notes:

Yes, DE PSC uses the federal and state forms for all types of inspections. The forms are listed in DE PSC Pipeline Safety Procedures in Appendix D. A random generated review of 29 inspection reports found the information enter in each report was complete and accurate. All inspection person-days were entered and located on Program Manager's inspection report spreadsheet.

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|---|---|---|---|
| 3 | 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 established in the operator's plan. 49 CFR 192 Part N<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|---|---|---|

### Evaluator Notes:

Yes, DE PSC performs every 3 years an OQ inspection on the distribution operators. Additionally, each Master Meter and LPG operators are inspected every 5 years. A review of spreadsheet provided by program manager confirmed operators OQ plans were reviewed and found up to date.

- 4 Is state verifying operator's integrity management Programs (IMP and DIMP)? This should include a review of plans, along with monitoring progress. In addition, the review should take into account program review and updates of operator's plan(s). 49 CFR 192 Subpart P 2 2
- Yes = 2 No = 0 Needs Improvement = 1
- a. Are the state's largest operator(s) plans being reviewed annually?
  - b. Are states verifying with operators any plastic pipe and components that have shown a record of defects/leaks and mitigating those through DIMP plan?
  - c. Are the states verifying operators are including low pressure distribution systems in their threat analysis?

Evaluator Notes:

- a. Review of Program Manager spreadsheet found the last IMP inspection of Delmarva was on November 26, 2019. Verification of the updated plan was part of the many items reviewed during the standard inspection.
- b. & c. Information is being provided to DE PSC from Delmarva Gas Company on leakage and low-pressure issues that may affect their risk ranking factors.

- 5 Did the state review the following (these items are NTSB recommendations to PHMSA that have been deemed acceptable response based on PHMSA reviewing these items during the evaluation process): Chapter 5.1 2 2
- Yes = 2 No = 0 Needs Improvement = 1
- a. Operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken;
  - b. Operator procedures for surveillance of cast iron pipelines, including appropriate action resulting from tracking circumferential cracking failures, study of leakage history, or other unusual operating maintenance condition? (Note: See GPTC Appendix G-18 for guidance);
  - c. Operator emergency response procedures for leaks caused by excavation damage near buildings and determine whether the procedures adequately address the possibility of multiple leaks and underground migration of gas into nearby buildings Refer to 4/12/01 letter from PHMSA in response to NTSB recommendation P-00-20 and P-00-21;
  - d. Operator records of previous accidents and failures including reported third-party damage and leak response to ensure appropriate operator response as required by 192.617;
  - e. 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;
  - f. Operator procedures for considering low pressure distribution systems in threat analysis?
  - g. Operator compliance with state and federal regulations for regulators located inside buildings?

Evaluator Notes:

- a. & b.) Delmarva Power Light Company is the only operator that has cast iron pipelines. During DE PSC audits, they review the companies records relative to exposed cast iron pipe and crack failures.
- c. thru g; These items are separate questions listed in the standard inspection form and checked during all standard inspections.

- 6 Did the State verify Operators took appropriate action regarding advisory bulletins issued since the last evaluation? (Advisory Bulletins Current Year) 1 1
- Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

- Yes, this is reviewed with the operator and listed as a separate question in the PHMSA Standard Inspection form.

- 7 (Compliance Activities) 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? Chapter 5.1 10 10
- Yes = 10 No = 0 Needs Improvement = 1-9



- a. Were compliance actions sent to company officer or manager/board member if municipal/government system?
- b. Were probable violations documented properly?
- c. Resolve probable violations
- d. Routinely review progress of probable violations
- e. Did state issue compliance actions for all probable violations discovered?
- f. Can state demonstrate fining authority for pipeline safety violations?
- g. Does Program Manager review, approve and monitor all compliance actions? (note: Program Manager or Senior Official should sign any NOPV or related enforcement action)
- h. Did state compliance actions give reasonable due process to all parties? Including "show cause" hearing, if necessary.
- i. Within 30 days, conduct a post-inspection briefing with the owner or operator outlining any concerns
- j. Within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection. (Incident investigations do not need to meet 30/90-day requirement)

Evaluator Notes:

- a. Yes. Reviewed the five NOPV letters and found them sent to company officer.
- b. Yes, probable violations were documented correctly.
- c. Follow-up correspondence between operator and inspector in resolving areas of concerns were documented in a separate file folder. Program manager monitors the follow-up inspection and action to resolve violation.
- d. Yes, each inspector monitors the corrective action taken by the operator.
- e. Yes, five compliance actions were taken in CY2019.
- f. Yes, CY2019 agency assessed 3 civil penalties in the amount of \$33,500.
- g. Yes, Program Manager does approve and monitor all NOPV letters. He does sign all warning and NOPV letters. Information about civil penalty amounts are listed in the letter.
- h. Yes, DE PSC rules allow for a "Commission Order" to be issued.
- i. A post inspection briefing with the owner is conducted by email correspondence from the inspector to the operator within 30 days. A copy of the email is provided to the Program Manager. A review of files confirms this action.
- j. Yes, compliance action letters are send to the operator within 90 days. A review of NOPV letters confirms this action was being taken.

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8	(Incident Investigations) Were all incidents investigated, thoroughly documented, with conclusions and recommendations?	10	10
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Yes = 10 No = 0 Needs Improvement = 1-9

- a. Does state have adequate mechanism to receive and respond to operator reports of incidents, including after-hours reports?
- b. Did state keep adequate records of Incident/Accident notifications received?
- c. If onsite investigation was not made, did the state obtain sufficient information from the operator and/or by means to determine the facts to support the decision not to go on site?
- d. Were onsite observations documented?
- e. Were contributing factors documented?
- f. Were recommendations to prevent recurrences, where appropriate, documented?
- g. Did state initiate compliance action for any violations found during any incident/accident investigation?
- h. Did state assist Region Office or Accident Investigation Division (AID) by taking appropriate follow-up actions related to the operator incident reports to ensure accuracy and final report has been received by PHMSA?
- i. Does state share any lessons learned from incidents/accidents?

Evaluator Notes:

- a. Yes, DE PSC procedures in sub-title "Incidents" address a mechanism to receive and respond to operator reports of incidents.
- b. Yes, records of previous incident/accident notification are maintained in DE PSC Underground Facility Damage Report database.
- c. Yes, DE PSC procedures address this requirement on page 8.
- d. No accidents occurred in CY2019 but DE PSC personnel are aware of the requirements in documenting all incident

investigation factors.

e.-h. No incidents/accidents occurred in CY2019.

i. Information on incident/accident investigation and findings are shared at the NAPSR Eastern Region Meeting.

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| <b>9</b> | 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<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Yes, Chairman Dallas Winslow letter to Zach Barrett was received on November 22, 2019 and within the 60-day required response time.

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| <b>10</b> | Did State conduct or participate in pipeline safety training session or seminar in Past 3 Years? Chapter 8.5<br>Info Only = No Points | Info Only | Info Only |
|-----------|---|-----------|-----------|
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Evaluator Notes:

Last seminar was conducted in CY2018. They are scheduled to have a seminar in CY2021 in Dover, DE.

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| <b>11</b> | Has state confirmed transmission operators have submitted information into NPMS database along with changes made after original submission?<br>Info Only = No Points | Info Only | Info Only |
|-----------|--|-----------|-----------|
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Evaluator Notes:

Yes, this is reviewed during the inspection. This item is in the Federal Transmission Inspection form under Performance and Records Review - Reporting question 8.

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| <b>12</b> | 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).<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|--|---|---|
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Evaluator Notes:

DE PSC website is the mechanism used to provide information about the pipeline safety program and Commission regulations. However, the website has limited information only about the 2018 Pipeline Safety Seminar. It is suggested additional information be added to the Pipeline Safety site a link to PHMSA website, operators under safety jurisdiction and names of pipeline safety staff members. This action will allow the public to be aware of the pipeline safety program. Improvement is needed in this area of communication to stakeholders.

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|-----------|---|---|---|
| <b>13</b> | Did state execute appropriate follow-up actions to Safety Related Condition (SRC) Reports? Chapter 6.3<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|---|---|---|
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Evaluator Notes:

A review of Pipeline Datamart on 06-16-2020 found no safety related reports were submitted in CY2019.

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| <b>14</b> | Was the State responsive to:<br>Yes = 1 No = 0 Needs Improvement = .5<br>a. Surveys or information requests from NAPSR or PHMSA;<br>b. Operator IM notifications; and<br>c. PHMSA Work Management system tasks? | 1 | 1 |
|-----------|---|---|---|
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Evaluator Notes:

Email to Robert Clarillos on 06-16-2020 confirm the following. "I checked each survey and Delaware participated in four surveys. Three of those were NAPSR internal surveys and one was a survey requested by Zach. Total of 4. So, yes, DE responded to some of them." No operator IM notifications or WMS tasks were requested in CY2019.

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|-----------|--|---|---|
| <b>15</b> | 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.<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|--|---|---|
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Evaluator Notes:

No waivers or special permits have been issued.

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- 16** Were pipeline program files well-organized and accessible? Info Only Info Only  
Info Only = No Points

Evaluator Notes:

Yes, file folders were accessible and organized during the CY2018 evaluation review. In discussion with program manager it was determined the filing system has not changed in the last twelve months.

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- 17** Discussion with State on accuracy of inspection day information submitted into State Inspection Day Calculation Tool (SICT). Has the state updated SICT data? 3 3  
Yes = 3 No = 0 Needs Improvement = 1-2

Evaluator Notes:

DE PSC SICT inspection person days for CY2020 is 137. Program Manager is working on submitting the 2021 number by July 31, 2020. He understands the importance of reviewing the data and submitting information before the due date.

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- 18** Discussion on State Program Performance Metrics found on Stakeholder Communication site.\ <http://primis.phmsa.dot.gov/comm/states.htm?nocache=4805> Info Only Info Only  
Info Only = No Points

Evaluator Notes:

Reviewed Metrics information in PHMSA Portal with Program Manager. The number of damages per 1,000 locate tickets continues to show a downward trend along with leaks scheduled for repair.

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- 19** Did the state encourage and promote operator implementation of Pipeline Safety Management Systems (PSMS), or API RP 1173? This holistic approach to improving pipeline safety includes the identification, prevention and remediation of safety hazards. Info Only Info Only  
Info Only = No Points  
a. <https://pipelinesms.org/>  
b. Reference AGA recommendation to members May 20, 2019

Evaluator Notes:

Reviewed this item with Program Manager and inspectors Bob Schaeffgen and Chavis Bianco on 06-24-20. Several operators are aware of the PSM system and plan to use it in the future.

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- 20** General Comments: Info Only Info Only  
Info Only = No Points

Evaluator Notes:

No loss of points occurred in this section of the review.

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Total points scored for this section: 50  
Total possible points for this section: 50

## PART E - Field Inspections

Points(MAX) Score

- 1 Operator, Inspector, Location, Date and PHMSA Representative (enter specifics into the comments box below) Info Only Info Only

Info Only = No Points

- What type of inspection(s) did the state inspector conduct during the field portion of the state evaluation? (i.e. Standard, Construction, IMP, etc)
- When was the unit inspected last?
- Was pipeline operator or representative present during inspection?
- Effort should be made to observe newest state inspector with least experience

### Evaluator Notes:

A standard inspection was conducted on Brandywine Hills Apartments in Wilmington, DE on August 18th using FaceTime. This unit was last inspected on June 12, 2019 and is a master meter operator. The operator was notified by email and phone call on August 13th. Operator representative present was Michael Bullock, Maintenance Supervisor. Natural gas service is provided from Delmarva Power & light Company.

- 2 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, Mr. Chavis Bianco utilized DE PSC Master Meter Standard Inspection and PHMSA Protocol 9 forms. He completed the form based on responses provided by the operator representative.

- 3 Did the inspector adequately review the following during the inspection 10 10

Yes = 10 No = 0 Needs Improvement = 1-9

- Procedures (were the inspector's questions of the operator adequate to determine compliance?)
- Records (did the inspector adequately review trends and ask in-depth questions?)
- Field Activities/Facilities (did inspector ensure that procedures were being followed, including ensuring that properly calibrated equipment was used and OQ's were acceptable?)
- Other (please comment)
- Was the inspection of adequate length to properly perform the inspection?

### Evaluator Notes:

Yes, inspector had reviewed and familiar with the operator's procedures. He had copies of the procedures and referred to them when asking detailed questions to the operator representative. The field and records review inspections were of appropriate length in determining compliance with pipeline safety regulations. In this regard, a sniff test to check the odor level was performed in building 4304 unit 208. Service regulators were checked at buildings 4304, 4310, 4312 & 4308.

- 4 From your observation did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) 2 2

Yes = 2 No = 0 Needs Improvement = 1

### Evaluator Notes:

Yes, Mr. Chavis Bianco has completed all TQ required training courses within 3 years and is listed as a qualified inspector. He was very thorough in his inspection and demonstrated a good working knowledge of the pipeline safety regulations.

- 5 Did the inspector conduct an exit interview, including identifying probable violations? (If inspection is not totally completed the interview should be based on areas covered during time of field evaluation) 1 1

Yes = 1 No = 0 Needs Improvement = .5

### Evaluator Notes:

Yes, Mr. Bianco conducted an exit interview with the operator representative. Mr. Bianco mentioned the previous issues pertaining to the MAOP, regulator vent located in close proximity to building vents and low cathodic protection readings. Operator agreed to contact its representative to take action to correct the low cathodic protection readings within the next two weeks.

6 Was inspection performed in a safe, positive, and constructive manner ?

Info Only Info Only

Info Only = No Points

- a. No unsafe acts should be performed during inspection by the state inspector
- b. What did the inspector observe in the field? (Narrative description of field observations and how inspector performed)
- c. Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices)
- d. Other

Evaluator Notes:

No unsafe conditions were observed during the field portion of the inspection. The inspector complied with the current DE COVID-19 safety guidelines, wearing a mask and practicing safe distance communications. Mr. Bianco conducted himself in a professional and courteous matter during the field inspection.

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7 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

No loss of points occurred in this section of the review.

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



**PART F - Damage prevention and Annual report analysis****Points(MAX) Score**

- |   |  |   |   |
|---|--|---|---|
| 1 | Has the state reviewed Operator Annual reports, along with Incident/Accident reports, for accuracy and analyzed data for trends and operator issues.<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 0 |
|---|--|---|---|

**Evaluator Notes:**

No, Program Manager nor staff have reviewed operator annual reports for accuracy and analyzed data for trends and operator issues.

- |   |  |   |    |
|---|--|---|----|
| 2 | Has the state verified that the operators analyze excavation damages for the purpose of determining root causes and minimizing the possibility of a recurrence? (? 192.617)<br>Has the state verified that the operators have appropriately identified excavators who have repeatedly violated one-call laws and damaged their facilities. Have the operators taken steps to mitigate that risks? (? 192.1007)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | NA |
|---|--|---|----|

**Evaluator Notes:**

New question and no points will be scored during this evaluation period. Reviewed this item with Program Manager and discussed email from David Appelbaum. Stressed the importance to have each inspector reviewed with the operator the root cause of damages to their facilities that is reported in their annual report.

- |   |   |   |    |
|---|---|---|----|
| 3 | Has the state reviewed the operator's annual report pertaining to Part D ? Excavation Damage?<br>Yes = 4 No = 0 Needs Improvement = 1-3 <ol style="list-style-type: none"><li>a. Is the information complete and accurate with root cause numbers?</li><li>b. Has the state evaluated the causes for the damages listed under "One-Call Notification Practices Not Sufficient" (Part D.1.a)?</li><li>c. Has the state evaluated the causes for the damages listed under "Locating Practices Not Sufficient" (Part D.1.b)? For each operator, does the state review the following?</li><li>d. Is the operator or its locating contractor(s) qualified and following written procedures for locating and marking facilities?</li><li>e. Is the operator appropriately requalifying locators to address performance deficiencies?</li><li>f. What is the number of damages resulting from mismarks?</li><li>g. What is the number of damages resulting from not locating within time requirements (no-shows)?</li><li>h. Is the operator appropriately addressing discovered mapping errors resulting in excavation damages?</li><li>i. Are mapping corrections timely and according to written procedures?</li><li>j. Has the state evaluated the causes for the damages listed under "Excavation Practices Not Sufficient" (Part D.1.c)?</li></ol> | 4 | NA |
|---|---|---|----|

**Evaluator Notes:**

New question and no points will be scored during this evaluation period. Reviewed this item with Program Manager and discussed email from David Appelbaum. Stressed the importance to have each inspector reviewed with the operator the root cause of damages to their facilities that is reported in their annual report.

- |   |  |   |   |
|---|--|---|---|
| 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?<br>Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none"><li>a. What stakeholder group is causing the highest number of damages to the pipelines? Operator, contractor, locating company or public.</li><li>b. Has the state verified the operator is appropriately focusing damage prevention education and training to stakeholders causing the most damages?</li><li>c. Has the state evaluated which of the following best describes the reason for the excavation damages; i.e., operator or contractor not following written procedures, failure to maintain marks, failure to support exposed facilities, failure to use hand tools were required, failure to test-hole (pot hole), improper backfilling practices, failure to maintain clearance or insufficient excavation practices.</li></ol> | 2 | 1 |
|---|--|---|---|

- d. Has the state verified the operator is appropriately focusing damage prevention education and training to address the causes of excavation damages?

Evaluator Notes:

- a. Yes, data from Miss Utility of Delmarva is provided to DE PSC at the end of the year. Information is tracked by Samantha (Sam) Hemphill, Ombudsman External Affairs at the agency. However, identifying stakeholder group that is causing the damages is not being monitored.
- b. No, Unable from discussion with Program Manager and review of written procedures verify this is being performed.
- c.& d. No action has been taken in addressing this issue. A loss of one point occurred.

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**5** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

A loss of points occurred on questions F.1 & F.4

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Total points scored for this section: 1  
Total possible points for this section: 4



## PART G - Interstate Agent/Agreement States

Points(MAX) Score

- 1 Were all inspections of interstate pipelines conducted using the Inspection Assistant program for documenting inspections. Info Only Info Only  
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

- 2 If inspections were conducted independent of a PHMSA team inspection was notice of all identified probable violations provided to PHMSA within 60 days. Info Only Info Only  
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

- 3 If inspections were conducted independent of a PHMSA team inspection was PHMSA immediately notified of conditions which may pose an immediate safety hazard to the public or environment? Info Only Info Only  
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

- 4 If inspections were conducted independent of a PHMSA team inspection did the state coordinate with PHMSA if inspections not were not included in the PHMSA Inspection Work Plan? Info Only Info Only  
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

- 5 Did the state take direction from and cooperate with PHMSA for all incident investigations conducted on interstate pipelines? Info Only Info Only  
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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