



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

MAINE PUBLIC UTILITIES COMMISSION

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: Maine

Agency Status:

Date of Visit: 07/13/2020 - 07/15/2020

Agency Representative: Gary Kenny
Gas Safety Manager

PHMSA Representative: Clint Stephens

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

Name/Title: Mr. Philip L. Bartlett II, Chairman

Agency: Maine Public Utilities Commission

Address: 26 Katherine Drive

City/State/Zip: Hallowell, Maine 04347

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
15
10
50
15
4
0

TOTALS

94 94

State Rating **100.0**

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. The data in Attachment 1 ? Progress Report seems accurate.
- b. The data for Inspection Activity in Attachment 2 ? Progress Report was verified for accuracy.
- c. Operator Data for Attachment 3 ? Progress Report seems accurate with consolidation of some of the LPG units into one for each operator.
- d. There were no reportable incidents in Attachment 4 ? Progress Report.
- e. The information in Attachment 5 ? Progress Report seems accurate.
- f. Records are maintained mostly electronically for inspection records for Attachment 6 ? Progress Report.
- g. Staff and TQ Training Data in Attachment 7 ? Progress Report is Accurate.
- h. Compliance with Federal Regulations Data in Attachment 8 ? Progress Report is accurate.
- i. Performance and Damage Prevention Data has been updated with present and past information, along with the implementation of the damage prevention program nine elements. Northern Utilities replaced 9.2 miles of cast iron and bare steel pipe in 2019.

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



PART B - Program Inspection Procedures

Points(MAX) Score

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

Evaluator Notes:

Appendix C, ?C of the MPUC Gas Safety Program Procedures includes the general Pre-Inspection, Inspection, and Post Inspection Activities which are incorporated for all inspection types.

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|---|---|---|---|
| 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
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 4 |
| | <ul style="list-style-type: none">a. Length of time since last inspectionb. Operating history of operator/unit and/or location (includes leakage, incident and compliance activities)c. Type of activity being undertaken by operators (i.e. construction)d. Locations of operator's inspection units being inspected - (HCA's, Geographic area, Population Centers, etc.)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)f. Are inspection units broken down appropriately? | | |

Evaluator Notes:

The process for developing the inspection plan is located in Appendix C of the MPUC Gas Safety Program Procedures. Section A of Appendix C provides the background and foundation of the inspection program. Section B of the Appendix discusses both planned and risk-based inspections, including the elements considered when planning inspections annually. Appendix A of the Procedures includes a breakdown of inspection units.

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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
Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
| | <ul style="list-style-type: none">a. Procedures to notify an operator (company officer) when a noncompliance is identifiedb. Procedures to routinely review progress of compliance actions to prevent delays or breakdownsc. Procedures regarding closing outstanding probable violations | | |

Evaluator Notes:

The steps to resolve a probable violation, from the time of discovery, are included in the Enforcement Procedures which are located in Appendix D of the MPUC Gas Safety Program Procedures.

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|---|--|---|---|
| 4 | (Incident/Accident Investigations) Does the state have written procedures to address state actions in the event of an incident/accident?
Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
| | <ul style="list-style-type: none">a. Mechanism to receive, record, and respond to operator reports of incidents, including after-hours reportsb. 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:

Accident investigation procedures are located in Appendix E of the MPUC Gas Safety Program Procedures.

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

There were no issues identified in Part A of the program evaluation.

Total points scored for this section: 15
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
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
| | <ul style="list-style-type: none">a. Completion of Required OQ Training before conducting inspection as leadb. Completion of Required DIMP/IMP Training before conducting inspection as leadc. Completion of Required LNG Training before conducting inspection as leadd. Root Cause Training by at least one inspector/program managere. Note any outside training completedf. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector (Reference State Guidelines Section 4.3.1) | | |

Evaluator Notes:

Reviewed TQ blackboard training records for the MPUC staff and each inspector and program manager had fulfilled training requirements. Gary was speaker at AGA conference in Reno, NV on September 25 ? 26, 2019. Sean Watson is an Associate instructor for TQ's Welding course.

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| 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
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
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Evaluator Notes:

Yes. The State Pipeline Safety Program Manager indicated adequate knowledge of PHMSA program and regulations.

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| 3 | General Comments:
Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

There were no issues identified in Part B of the program evaluation.

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



PART D - Program Performance**Points(MAX) Score**

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|----------|--|---|---|
| 1 | 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 <ol style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Part 193 LNG Inspectionsf. Construction (did state achieve 20% of total inspection person-days?)g. OQ (see Question 3 for additional requirements)h. IMP/DIMP (see Question 4 for additional requirements) | 5 | 5 |
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Evaluator Notes:

Reviewed inspection interval records for Summit Natural Gas of Maine, Inc., Maine Natural Gas, Northern Utilities, Inc, Fieldings Oil, JP Carroll Fuel, Valley Gas Oil, Fabian Oil, Suburban Propane, and Maritime Energy. All inspections met the time interval established in the MPUC written procedures.

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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?
Yes = 10 No = 0 Needs Improvement = 1-9 <ol style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Part 193 LNG Inspectionsf. Constructiong. OQ (see Question 3 for additional requirements)h. IMP/DIMP (see Question 4 for additional requirements) | 10 | 10 |
|----------|--|----|----|

Evaluator Notes:

Yes. Reviewed 2019 inspection records for Summit Natural Gas of Maine, Inc (DIMP, CRM), Maine Natural Gas (Standard and CRM), Northern Utilities, Inc (Standard ? Records), Fieldings Oil (Standard), and JP Carroll Fuel (Standard). The MPUC utilizes Inspection Assistant for its inspections, with the exception of LPG operator inspections.

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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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Yes. The state is verifying operators OQ program are up to date, along with verifying persons performing covered tasks are properly qualified and requalified at intervals established in the operator's plan.

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| 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 in to account program review and updates of operator's plan(s). 49 CFR 192 Subpart P
Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none">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? | 2 | 2 |
|----------|--|---|---|

- c. Are the states verifying operators are including low pressure distribution systems in their threat analysis?

Evaluator Notes:

Yes. Northern Utilities is their largest operator that has a cast iron main replacement program which is part of their DIMP program and they are required to update MPUC on an annual basis. Reviewed Summit Natural Gas' DIMP inspection for 2019 and the MPUC is utilizing Inspection Assistant for their DIMP inspections. The plan was reviewed, along with monitoring progress of plan updates. The MPUC has an issue with Summit Natural Gas and Maine Natural Gas with the installation of plastic couplings and bolt on clamps that may not have been installed properly. These issues have been included in their DIMP plans. MPUC met with Northern Utilities to discuss plans in place for their low gas distribution system. The operator has a plan in place to upgrade low pressure system through the cast iron main replacement program.

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| 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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|
- 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. - Only one operator in Maine ? Unitil (Northern Utilities) ? has cast iron pipe in their system. Their O&M Procedures states the following regarding Cast Iron Piping:

Check cast iron pipe for graphitic corrosion. Look for soft black spots underneath the scale and tightly bonded soil or corrosion product. This type of corrosion is attributed to the iron being selectively dissolved, leaving a porous mass consisting largely of graphite. The material remaining may appear intact but is relatively soft, and may be scraped or indented easily with a sharp instrument.

Each segment of cast iron or ductile iron pipe on which general graphitization is found to a degree where a fracture or leakage might result must be replaced.

Each segment of cast iron or ductile pipe on which localized graphitization is found to a degree where leakage might result, must be replaced, repaired, or sealed by internal sealing methods adequate to prevent or arrest any leakage.

c. - This is part of O&M inspections. d. - MPUC Rule Chapter 420 ? E.3 requires that operators provide monthly reports to the MPUC of the response times to emergency calls. Any responses exceeding 60 minutes, without an adequate explanation, are investigated. e. - This is a requirement of MPUC Rule Chapter 420 and its incorporation in Operators' O&M Procedures is verified during inspections. Likewise, Ch. 420 includes the requirement to have procedures to prevent cross bores. The latter requirement resulted in a 2014 NOPV to Summit Natural Gas with a recommended penalty of \$150,000. It was settled at \$100,000. A similar NOPV was issued to Summit, in 2016, with a recommended penalty of \$250,000. The full amount was collected. A third NOPV, for a pneumatic punch damage to a sewer lateral, was issued to Summit on December 21, 2017 with a recommended penalty of \$150,000. This is still in the adjudicatory process. A Summit review of locations where HDD was utilized has recently been completed. f. - Only one operator, Unitil, has low pressure distribution and it's being phased out with the replacement of cast iron and bare steel. The associated threats are considered in their DIMP. g.

The MPUC needs to verify with operators if they have any regulators located inside buildings, and if so, are they vented to the outdoors. Documentation should be kept from operators to determine the number of regulators in State that are indoors.

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

Yes. The MPUC is utilizing IA for their inspections, and the ADBs are included as guidance material which has been documented in their IA question comments.

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 Yes = 10 No = 0 Needs Improvement = 1-9	10	10
	<ul style="list-style-type: none"> 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:

Yes. Reviewed 2019 inspection records for Summit Natural Gas of Maine, Inc (DIMP, CRM), Maine Natural Gas (Standard and CRM), Northern Utilities, Inc (Standard ? Records), Fieldings Oil (Standard), and JP Carroll Fuel (Standard). The MPUC followed compliance procedures from discovery to resolution and adequately documented all probable violations, including resolution or further course of action if needed to gain compliance. Letters were sent to company officials, state demonstrated fining authority for pipeline safety violations. The MPUC met the 30/90-day post inspection requirements for 2019.

8	(Incident Investigations) Were all incidents investigated, thoroughly documented, with conclusions and recommendations? Yes = 10 No = 0 Needs Improvement = 1-9	10	10
	<ul style="list-style-type: none"> 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:

All incidents were investigated, thoroughly documented, with conclusions and recommendations. The state assisted the Accident Investigation Division with follow-up actions related to operator incident reports to ensure accuracy and final report has been received by PHMSA. The state shares lessons learned from incidents/accidents during the NAPSRS Regional meeting.

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| 9 | 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
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

There was no response needed from Chairman for the 2018 program evaluation.

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

The MPUC attended their last pipeline safety seminar in 2018.

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

The NPMS Public Viewer has been verified for Bangor Gas, Maine Natural Gas, Summit Natural Gas, and Woodland Pulp on annual basis.

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| 12 | 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:

Yes. The following methods of communication are utilized: Dissemination of Federal Register notices and other pertinent information to operators via e-mail. The Program Manager maintains operator distribution lists (LPG and Natural Gas) for dissemination of these notices; and Information concerning gas safety regulations and contact information is available on the Commission website. Enforcement cases are available to the public through the Commission's Case Management System.

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| 13 | 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:

There were no open SRCRs for the MPUC in 2019.

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

Upon numerous occasions, through e-mail with NAPSRS and PHMSA. All such correspondence is archived in the Program Managers e-mail folders for NAPSRS and PHMSA. In response to IM notifications, the MPUC Gas Safety staff has inspected previous verification digs. The only Work Management Task for 2019 was the verification of an OPID request.

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| 15 | 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.
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

A waiver to the MPUC Chapter 420 Rule regarding regulator vents (?5(B)(4)(b)(2) was issued to Unitil via Docket 2014-00135. The waiver exempts the operator from compliance with the Rule section in cases where a building opening is situated at least 8' vertically from an installed regulator vent. Regular field inspections verify compliance with this waiver requirement. A waiver of Chapter 420 of the Commission's Rules and 49 C.F.R. ?? 192.619(a)(1) and 192.621(e)(1) with regard to MAOP of portions of Unitil's natural gas distribution system in 2014 via Docket 2011-00360. Its conditions are monitored through correspondence with the Operator, reporting by the Operator, and periodic inspections.

16 Were pipeline program files well-organized and accessible?

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Yes. The majority of the pipeline program's files are on the MPUC's common G drive in a folder titled, "Pipeline Safety". There are subfolders for Natural Gas and LPG and are further subdivided by year, operator, etc. Only a few documents are maintained in paper format.

17 Discussion with State on accuracy of inspection day information submitted into State Inspection Day Calculation Tool (SICT). Has the state updated SICT data?

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3

Yes = 3 No = 0 Needs Improvement = 1-2

Evaluator Notes:

Discussed with MPUC 2019 SICT (208) and Attachment 2 ? Progress Report (241) indicates near accuracy of inspection day information into SICT.

18 Discussion on State Program Performance Metrics found on Stakeholder Communication site.\ <http://primis.phmsa.dot.gov/comm/states.htm?nocache=4805>

Info Only = No Points

Evaluator Notes:

Discussed performance metrics with MPUC and found there were negative trends. Program Manager is evaluated this information on an annual basis.

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:

Yes. On 10/4/18, the Program Manager (NAPSR Vice Chair) provided the opening remarks at the Northeast Gas Association's (NGA) Fall Operations Conference. All Maine LDCs were present. Part of that presentation included discussion of NAPSR's support of PSMS and the Program Manager's opinion personally supporting it. Through a 12/4/2018 e-mail from the NGA, the MPUC Gas Safety program became aware of the NGA's plan to develop a PSMS program for their members. At this time, MPUC is aware of one Operator, Unitil, that is in the process of implementing a PSMS program.

20 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

There were no issues identified in Part D of the program evaluation.

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:

Type Inspection: OQ Protocol 9

Operator: Downeast Energy

Inspector: Sean Watson

Location: Virtual

Date: 7/14/2020

PHMSA Rep.: Clint Stephens

- 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. The inspector used Inspection Assistant to perform OQ Protocol 9 inspection. The inspector used the IA question set on their IPAD and used it as guide for the inspection.

- 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. The inspector checked operator's OQ card and procedures before the technician performed cathodic protection readings.

- 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. Based on my observation, the inspector had adequate knowledge of the pipeline safety program and 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. The inspector conducted an exit interview with no probable violations.

- 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:

Yes. The inspection was performed in a safe, positive, and constructive manner. The inspector observed the operator perform cathodic protection survey.

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

Evaluator Notes:

There were no issues identified in Part E of the program evaluation.

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**

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| 1 | 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 |
|---|--|---|---|

Evaluator Notes:

Yes. The MPUC has reviewed operator annual report, for accuracy and analyzed the data for trends and operator error. The data is recorded for each operator, along with excavation damages, pipe material, leaks, number of services, etc? There were no reportable incidents in the previous year.

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| 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)
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)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | NA |
|---|--|---|----|

Evaluator Notes:

Yes. In working with the MPUC damage prevention team the pipeline safety office has analyzed excavation damage for the purposes of determining root causes. Letters from the MPUC was sent to Unitil, largest operator in the State of Maine, concerning issues with the cause of excavation damages. Also, Unitil has in its O&M manual, page 23, Section 10.1 a policy on evaluating excavators with repeat violations of damages of their facilities.

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

Evaluator Notes:

Yes. Reviewed data from the damage prevention team which works closely with the pipeline safety office when communicating information pertaining to damages caused locator mismarks, locating within time requirements, mapping errors, and correcting mapping errors. The state in conjunction with damage prevention team has evaluated the causes for damages under "One-Call Notification Practices Not Sufficient" and "Locating Practices Not Sufficient". The damage prevention team provides training to operators, excavators, and locators on an annual basis.

- | | | | |
|---|---|---|---|
| 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?
Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none">a. What stakeholder group is causing the highest number of damages to the pipelines? Operator, contractor, locating company or public.b. Has the state verified the operator is appropriately focusing damage prevention education and training to stakeholders causing the most damages? | 2 | 2 |
|---|---|---|---|

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

Evaluator Notes:

Yes. The stakeholder group causing the highest number of damages is being collected by the damage prevention team. Based on data for 2019, data has been broken down into excavators (contractors, operator, public) and operators, with excavators having caused the most damages to pipelines. Data is being recorded in the excavation damage investigation form. The data from this form is stored in the damage incident investigation tracker spreadsheet. Managing Underground Safety Training is being utilized for the training of excavators in the State of Maine.

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

There were no issues identified in Part F of the program evaluation.

Total points scored for this section: 4
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:

The MPUC is not an interstate agent.

- 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:

The MPUC is not an interstate agent.

- 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:

The MPUC is not an interstate agent.

- 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:

The MPUC is not an interstate agent.

- 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:

The MPUC is not an interstate agent.

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

Evaluator Notes:

The MPUC is not an interstate agent.

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