



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

RAILROAD COMMISSION OF TEXAS

## 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:** Texas

**Agency Status:**

**Date of Visit:** 09/01/2020 - 09/04/2020

**Agency Representative:** Stephanie Weidman

Carrie Ebbinghaus

Kendall Smith

**PHMSA Representative:** Agustin Lopez

Michael Thompson

Rex Evans

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

**Name/Title:** Christi Craddick, Chairman

**Agency:** Railroad Commission of Texas

**Address:** 1701 N. Congress

**City/State/Zip:** Austin, Texas 78701

**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

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

### Possible Points Points Scored

0	0
15	15
10	10
50	41
15	15
4	4
0	0
<b>94</b>	<b>85</b>

### TOTALS

**State Rating** ..... **90.4**

## 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. Number of operators does not correspond to Annual Reports submitted to PHMSA. Need to verify operators submit annual reports and assure PHMSA operators with annual reports are in the RRC operator list.
- b. Reviewed TX RRC person days data provided and data seems to be accurate. There was an issue with the program not adding certain days but seems to have been corrected.
- c. Number of operators does not correspond to Annual Reports submitted to PHMSA. Need to verify operators submit annual reports and assure PHMSA operators with annual reports are in the RRC operator list.
- d. Verified reportable incidents in PDM with Attachment 4. There were no issues identified.
- e. Verified compliance actions submitted on Attachment 5.
- f. TX RRC keeps all records electronically in their PES database.
- g. Reviewed qualifications and verified with Blackboard. No issues identified. The RRC is on a 3 year waiver due to growth on the Category Qualification levels. Currently they are below the PHMSA required category level. Will need to qualify inspectors in the near future to avoid future point deductions.
- h. TX RRC has adopted all the regulations within the 2 year requirement.
- i. TX RRC listed their planned and past performance activities and damage prevention initiatives.

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



- |   |   |   |   |
|---|---|---|---|
| 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:

Evaluator Notes:

Yes, Section 3 addresses pre and post inspection activities for each type of inspection.

a. Yes, Section 3 has comprehensive inspection procedures which give guidance to inspectors on conducting comprehensive procedures.

b. Yes Section 6.1 and 6.2 has IMP and DIMP inspection procedures which give guidance to inspectors on how to conduct inspections. The procedures include pre and post inspection activities.

c. Yes Section 6.3 has OQ inspection procedures which give guidance to inspectors on how to conduct inspections. The procedures include pre and post inspection activities.

d. Yes Section 6.7 has Damage Prevention inspection procedures which give guidance to inspectors on how to conduct inspections. The procedures include pre and post inspection activities.

e. Section 5 has On-Site Training procedures which includes documentation of training on PES.

f. Section 6.6 which gives guidance to inspectors on how to conduct construction inspections.

g. Section 3.3.12 mentions LNG facility inspections. No mention of 3 year inspection cycle. Need to include in 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, Section 3 has a risk based inspection priority. PES generates an inspection schedule each calendar year based on risk factors for each system. The risk factors include; previous violations, customer count, leaks, type of pipe, inspection frequency, incidents, HCAs, class location and unevaluated systems. Inspection units are broken down into systems which vary in size.

- |   |   |   |   |
|---|---|---|---|
| 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 | 3 |
|   | <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:

Section 3.6, 4 and 11 has procedure to notify operator of alleged violations. See 3.2.2 that states contact must be an officer of the company. 3.4 states the RRC conducts a closing and send an executive closing summary to the operator.

---

- 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. Section 7 has On-Call procedures included after hours response. Inspectors rotate on call duties. During operating hours, the Accident Coordinator receives calls and routes them to the corresponding on-call inspector.
  - b. Section 7.2.3 has requirements for on-site investigation. Procedure states that all incidents that meet their requirements must have an on-site investigation on regulated intrastate and non-regulated intrastate pipelines.
- 

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

Evaluator Notes:

The TX RRC is mainly complying with Part B of the 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<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:

- a. Yes lead inspectors are qualified to conduct inspections. The Program Manager has procedure to allow inspectors be qualified to conduct comprehensive inspections without completing the required T&Q courses.
- b. Yes, verified all lead inspectors are qualified to lead IMP inspections.
- c. Yes, there are RRC inspectors who have completed the Root Cause training course.
- d. RRC inspectors attend outside training. e. Verified during records review that all inspectors are qualified before leading any type of inspection.

- |   |  |   |   |
|---|--|---|---|
| 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, the Program Manager has been with the RRC for awhile and has completed T&Q courses. She demonstrates knowledge of the PHMSA program and regulations.

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

Evaluator Notes:

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

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



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

- |          |   |   |   |
|----------|---|---|---|
| <b>1</b> | 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 | 0 |
|          | <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 inspection reports and found that all types of inspections are not being completed within the required 5 year inspection cycle. The RRC has units broken down into many systems. The RRC procedures state that each system must be inspected within 5 years. PHMSA's State Guidelines require that each unit, not each system must be inspected every 5 years. The RRC needs to re-evaluate their unit and system breakdown/definition and assure that each unit meets the State Guidelines description and are inspected on a 5 year cycle.

- |          |   |    |    |
|----------|---|----|----|
| <b>2</b> | 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, the TXRRC utilizes a PHMSA equivalent form for all of their inspections that cover all the applicable code sections. Reviewed inspection reports to verify that inspectors are completing all applicable portions of the inspection. There were no issues identified. Reports reviewed had adequate notes and inspection days documented.

- |          |   |   |   |
|----------|---|---|---|
| <b>3</b> | 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 | 1 |
|----------|---|---|---|

**Evaluator Notes:**

The RRC is not reviewing all operator OQ Programs to verify plans are meeting the regulations. Reviewed inspection reports and there are operators who have not had an OQ Plan inspection.

- |          |   |   |   |
|----------|---|---|---|
| <b>4</b> | 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<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
|          | <ul style="list-style-type: none"><li>a. Are the state's largest operator(s) plans being reviewed annually?</li></ul>   |   |   |

- 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:

The RRC is not reviewing all operator DIMP and IMP to verify programs are meeting the regulations. Reviewed inspection reports and there are operators who have not had an IMP Plan inspection. Discussed with RRC that IMP programs on larger operators have to be reviewed annually for any changes or updates. In addition, it was discussed the need to conduct field verification inspections while operators are conducting assessments.

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
	<ul style="list-style-type: none"> <li>a. Operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken;</li> <li>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);</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>f. Operator procedures for considering low pressure distribution systems in threat analysis?</li> <li>g. Operator compliance with state and federal regulations for regulators located inside buildings?</li> </ul>		

Evaluator Notes:

Yes, the TX RRC PES form has incorporated the NTSB recommendations and ADB questions.

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
---	--	---	---

Evaluator Notes:

Yes, the TX RRC PES form has incorporated the NTSB recommendations and ADB questions.

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	8
	<ul style="list-style-type: none"> <li>a. Were compliance actions sent to company officer or manager/board member if municipal/government system?</li> <li>b. Were probable violations documented properly?</li> <li>c. Resolve probable violations</li> <li>d. Routinely review progress of probable violations</li> <li>e. Did state issue compliance actions for all probable violations discovered?</li> <li>f. Can state demonstrate fining authority for pipeline safety violations?</li> <li>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)</li> </ul>		

- 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:**

While there has been improvement, during the records review, it was noted that there are some cases that have taken extended time to resolve. There is also still a large number of carry over violations from year to year. Improvement is still needed in this area, although as noted there has been progress since previous evaluations.

The state appears to be issuing compliance actions, they are demonstrating fining authority and due process is no issue.

The RRC needs to amend their procedures to add the 30 day and 90 day requirements for a post-inspection briefing and operator preliminary findings notice.

---

<b>8</b>	(Incident Investigations) Were all incidents investigated, thoroughly documented, with conclusions and recommendations?	10	10
----------	---	----	----

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, 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.
- B. Yes, records were adequate.
- C. Yes, Most reportable incidents were investigated on-site. There was enough information gathered on the incidents that were not investigated on-site.
- D. Yes, onsite observations were documented.
- E. Yes, contributing factors were documented.
- F. Yes, incident investigations had contributing factors in the report.
- G. Yes, there were several incident investigations that resulted in the issuance of compliance actions.
- H. Yes, the state assists the Accident Investigation Division (AID) when they ask for information or assistance.
- I. Yes, the state shares lessons learned at the annual NAPS region meeting.

\* All incidents reported on the states progress report were checked against the reports on the PHMSA PDM and then each incident investigation package for the state was reviewed and compliance actions verified for all PVs noted.

---

<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	1	1
----------	--	---	---

Yes = 1 No = 0 Needs Improvement = .5

**Evaluator Notes:**

Yes the TX RRC requested an extension and responded within the time frame. The RRC addressed the deficiencies noted in last year's evaluation.

- 10** Did State conduct or participate in pipeline safety training session or seminar in Past 3 Years? Chapter 8.5  
Info Only = No Points

Evaluator Notes:

Yes, the RRC conducts a pipeline safety seminar on a yearly basis.

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

Evaluator Notes:

Yes, the inspection form addresses the NPMS database changes question.

- 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

Evaluator Notes:

Yes, website has pipeline safety section which provides information to stakeholders.

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

Evaluator Notes:

Reviewed SRCR in WMS and the TX RRC is responding to notifications. All SRCR were reviewed by the RX RRC and most are closed.

- 14** Was the State responsive to:  
Yes = 1 No = 0 Needs Improvement = .5
- Surveys or information requests from NAPSR or PHMSA;
  - Operator IM notifications; and
  - PHMSA Work Management system tasks?

Evaluator Notes:

Yes, the RRC responded to surveys by NAPSR and PHMSA.

- 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

Evaluator Notes:

No waivers issued which require verification of special conditions by the state.

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

Evaluator Notes:

It is difficult to follow the tracking of transferred pipelines due to change in ownership specifically in PES. When pipelines are transferred only the system type inspections are carried over to the new operator but not "specialized" inspections which makes it hard to verify the pipelines have been inspected.

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

Evaluator Notes:

Discussed SICT data and it seems to be accurate. Only issue is not having 20% of inspection time dedicated to construction. This shouldn't be a problem on the hazardous liquid with the large number of hazardous liquid pipelines/operators in Texas.

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

Evaluator Notes:

Discussed performance metrics with the RRC and there seems to be no issues on the hazardous liquid portion of the performance metrics.

---

- 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:

Discussed the need to have discussions with operators on PSMS. Maybe have guest speakers who are experts on SMS present during seminars.

---

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

Evaluator Notes:

Issues Identified:

D.1- Reviewed inspection reports and found that all types of inspections are not being completed within the required 5 year inspection cycle. The RRC has units broken down into many systems. The RRC procedures state that each system must be inspected within 5 years. PHMSA's State Guidelines require that each unit, not each system must be inspected every 5 years. The RRC needs to re-evaluate their unit and system breakdown and assure that each unit meets the State Guidelines description and are inspected on a 5 year cycle.

D.3-The RRC is not reviewing all operator OQ Programs to verify plans are meeting the regulations. Reviewed inspection reports and there are operators who have not had an OQ Plan inspection.

D.4-The RRC is not reviewing all operator IMP to verify programs are meeting the regulations. Reviewed inspection reports and there are operators who have not had an IMP Plan inspection.

D.7-While there has been improvement, during the records review, it was noted that there are some cases that have taken extended time to resolve. There is also still a large number of carry over violations from year to year. Improvement is still needed in this area, although as noted there has been progress since previous evaluations.

The RRC needs to amend their procedures to add the 30 day and 90 day requirements for a post-inspection briefing and operator preliminary findings notice.

---

Total points scored for this section: 41  
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:

1.Centerpoint Energy

Mark Herrin, Lead Inspector

February 24-28, 2020

Agustin Lopez- State Evaluator

Comprehensive Inspection

Evaluated Mr. Mark Herrin conduct an inspection of Centerpoint's Houston South Unit.

2. Flint Hills Resources

Kennedy Kiprotich, TX RRC Pipeline Inspector

Houston, TX

September 14-17, 2020

Agustin Lopez, PHMSA State Liaison

Evaluated Mr. Kennedy Kiprotich while conducting an O&M Inspection of Flint Hills Maintenance Manual. The evaluation/ inspection was conducted virtually via TEAMS due to the ongoing pandemic.

3. Boardwalk Texas Intrastate

William Dean - Lead Inspector

September 21-22, 2020

Glynn Blanton - State Evaluator

Evaluated Mr. William Dean who conducted an Drug & Alcohol inspection at Boardwalk's Headquarters in Houston, TX. Inspection was performed using WebEx virtual connection.

- 
- 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 utilized PES Form which is equivalent to the PHMSA form.
- Yes, Mr. Kiprotich utilized the TX RRC PES form while conducting the inspection.
- Yes, Mr. Dean utilized TX RRC Drug & Alcohol Protocol form in conducting 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)

- e. Was the inspection of adequate length to properly perform the inspection?

Evaluator Notes:

1. Centerpoint Energy Inspection

- a. Yes the inspector reviewed the O&M procedures during the inspection.
- b. Yes records were reviewed during the inspection.
- c. Yes, Mr. Mark Herrin conducted a field inspection of Centerpoint's facilities. He randomly selected to locations to inspect. He observed the condition of the pipeline facilities during the field inspection.
- c. Yes, the inspection last four days which was adequate to complete a thorough review of the Unit.

2. Flint Hills Resources Inspection

- a. Inspection thoroughly reviewed the O&M Manual as part of the inspection
- b. No records were reviewed during this inspection.
- c. No field activities were performed during this inspection.
- d. No other type of activity was performed.
- e. Yes the inspection was about 4 days which was enough time to thoroughly conduct an inspection.

3. Boardwalk Texas Intrastate

- a. Yes, Mr. Williams asked a lot of questions during the review of the operator's drug & alcohol plan. He used the questions to verify the operator's plan was in compliance.
- b. Several in-depth questions were asked about the testing of individuals for drugs prior to employment and post accident.
- c. No field activities were performed due to the inspection being conducted virtual.
- d. The inspection was of adequate length for the two days this observer witnessed.

- 
- |   |   |   |   |
|---|---|---|---|
| 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:

- 1. Yes, the inspector had adequate knowledge of the pipeline safety program and regulations.
  - 2. Yes, Mr. Kiprotich has adequate knowledge of the pipeline safety program and regulations.
  - 3. Yes, Mr. Williams demonstrated excellent knowledge of the drug & alcohol regulations and 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:

1. Centerpoint Energy Inspection

Yes, an exit briefing was performed at the end of the inspection. The following were the issues identified during the inspection:

- 1. Regulation: 49 CFR 192.465(b)

Violation Note:

Operator did not perform rectifier inspections between 12/08/2017 and 04/16/2018 within the two and one-half month interval for Rectifier ID RECTR 3820 BROCK. Operator did not perform rectifier inspections between 12/06/17 and 04/16/2018 within the two and one-half month interval for Rectifier ID RECTR 8403 MANCHESTER ST. Operator did not perform rectifier inspections between 12/06/17 and 04/16/2018 within the two and one-half month interval for Rectifier ID RECTR 8403 MANCHESTER ST. Operator did not perform rectifier inspections between 12/08/17 and 04/16/2018 within the two and one-half month interval for Rectifier ID RECTR 7815 DALHIA ST.

- 2. Regulation: 16 TAC 8.230 (c)

Violation Note:

Operator records show that school pipe tests were conducted under city municipal code, but did not have any municipal code for Pasadena school pipe test. Operator did not perform school pipe test in accordance with 16 TAC 8.230(c) for the following schools:

- o Parks Elementary ? 3302 San Augustine, Pasadena ? Record Date 6-7-2019
- o Bailey Elementary School ? 2707 Lafferty Rd, Pasadena ? Record Date 6-13-2019

- o School Maintenance Building ? 3135 Westside Dr, Pasadena ? Record Date 6-24-2019
- o Miller Intermediate ? 1002 Fairmont Pkwy ? Record Date 6-27-2019
- o Jackson Intermediate ? 1020 Thomas Ave, Pasadena ? Record Date 6-4-2019

## 2. Flint Hills Inspection

Yes, Mr. Kiprotich completed the inspection with an exit briefing. No probable violations were noted during the inspection.

3. Yes, Mr. Williams at the end of each day reviewed any areas of concern with the two operator representatives, Ms. Jackie Emmers, DER and Mr. Darral Ward, Manager of Pipeline Safety.

## 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:

1. Yes, the inspector performed the inspection in a safe and positive manner. He conducted himself professionally. He observed the condition of the pipeline facilities to assure compliance with the regulations.

2. Yes, the inspector performed the inspection in a safe and positive manner. He conducted himself professionally.

3. Yes, Mr. Williams conducted himself in a professional manner and was courtesies to each individual when a question was asked.

## 7 General Comments: Info Only Info Only

Info Only = No Points

### Evaluator Notes:

1. The inspector performed an excellent job. He started the inspection with records and procedures review and then a field inspection. He concluded the inspection with an exit briefing with the operator.

2. The inspector performed an excellent job. He started the inspection with records and procedures review and then a field inspection. He concluded the inspection with an exit briefing with the operator.

3. Mr. Williams contacted the two Boardwalk Pipeline representatives on April 13, 2020 to schedule the inspection. The inspection was thorough and no loss of points occurred on this section of the review.

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 | 2 |
|---|--|---|---|

**Evaluator Notes:**

The RRC reviews annual and incident reports to complete the yearly risk assessment for their work plan. The RRC needs to assure all operators submit annual reports in order to thoroughly and completed analyze the entire data for trends and 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:**

Discussed with the RRC to assure that Part D of the annual reports are reviewed and analyzed for any issues. The RRC provided feedback to PHMSA on current issues related to excavation damages reported on certain operators.

- |   |   |   |    |
|---|---|---|----|
| 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:**

The RRC has a dedicated damage prevention department who analyzes data and provides support to pipeline safety related to excavation damages. Discussed with the RRC the need to review and analyze Part D data provided in Annual Reports. (for gas operators)

- |   |   |   |   |
|---|---|---|---|
| 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><li>d. Has the state verified the operator is appropriately focusing damage prevention education and training to address the causes of excavation damages?</li></ol> | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

Yes their damage prevention personnel and 811 collect damage data which includes damages per 1,000 locates. The damage prevention personnel analyze data and encourage the utilization of best practices.

---

**5** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

The RRC is mainly complying with Part D of the 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 RRC is not an Interstate Agent nor has a 60106 Agreement.

- 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 RRC is not an Interstate Agent nor has a 60106 Agreement.

- 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 RRC is not an Interstate Agent nor has a 60106 Agreement.

- 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 RRC is not an Interstate Agent nor has a 60106 Agreement.

- 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 RRC is not an Interstate Agent nor has a 60106 Agreement.

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

Evaluator Notes:

The RRC is not an Interstate Agent nor has a 60106 Agreement.

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