



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

1200 New Jersey Avenue SE
Washington DC 20590

2020 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



2020 Gas State Program Evaluation -- CY 2020

Gas

State Agency: Delaware

Agency Status:

Date of Visit: 08/09/2021 - 08/13/2021

Agency Representative: Wayne Ericksen, P.E. Engineer IV/Pipeline Safety Program

Robert Schaeffgen, Engineer III

Chavis J. Bianco, Engineer III

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 2020 (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
10
0

0
15
10
50
15
5
0

TOTALS

100 95

State Rating

95.0

PART A - Progress Report and Program Documentation Review

Points(MAX) Score

- 1 Were the following Progress Report Items accurate? (*items not scored on progress report) Info Only Info Only
Info Only = No Points
- Stats On Operators Data - Progress Report Attachment 1
 - State Inspection Activity Data - Progress Report Attachment 2
 - List of Operators Data - Progress Report Attachment 3*
 - Incidents/Accidents Data - Progress Report Attachment 4*
 - Stats of Compliance Actions Data - Progress Report Attachment 5*
 - List of Records Kept Data - Progress Report Attachment 6 *
 - Staff and TQ Training Data - Progress Report Attachment 7
 - Compliance with Federal Regulations Data - Progress Report Attachment 8
 - Performance and Damage Prevention Question Data - Progress Report Attachment 10*

Evaluator Notes:

- Jurisdictional authority, number of operators and unit inspected were found and verified via PHMSA Portal. No issues. DE is a 60105 certificated state with jurisdiction authority for pipeline safety over the gas and LPG operators in Delaware.
- Number of inspection person days 211 exceeded the minimum requirement of 137 as identified in the State Calculation Inspection Tool. Construction days were 92.7 that exceeded the 20% required construction days established by PHMSA for all States.
- Reviewed list of operators and conducted verification of operators in attachments 1 & 3. No issues with each attachment.
- No incidents reported for CY2020. Reviewed PHMSA Portal and confirmed no incidents occurred in Delaware for CY2020. No issues.
- Number of carryover violations is 13. One compliance action was taken and civil penalty in the amount of \$4,500.00 was collected.
- A good list of records was provided in attachment 6. Office verification confirm reports are maintained in Program Manager's office along with reports submitted by operators.
- Reviewed TQ training records and verified 2 inspectors have attended classes in meeting the requirements for Gas Safety Inspector. One Inspectors is qualified to be the lead inspector on DIMP/TIMP inspections. Program Manager has attended and completed three required courses.
- Delaware has automatic adoption of the Federal penalty amounts. Therefore, their civil penalty amount is the same as the Federal Government \$222,505/\$2,225,034.
- Good description was provided in each sections of attachment 10.

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
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:

- a. Yes, this information is located in Delaware Public Service Commission (DE PSC) Pipeline Safety Program Procedures 28th revision April, 2021, on page 5. All types of inspections are listed on pages 3-7. The pre-inspection, inspection and post inspection activities are listed in pages 4-6.
- b. Yes, TIMP/DIMP inspections are listed on page 6.
- c. Yes, OQ inspections are listed on page 6. They use the Federal Protocol Elements form when conducting this inspection. Plan reviews are conducted during a Headquarters' audit.
- d. This inspection is listed on page 6 of DE PSC Pipeline Safety Program Procedures.
- e. On-site operator training is listed on page 6.
- f. Construction inspections are listed on page 5.
- g. LNG inspections are conducted annually and listed on page 5.

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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:

Yes, Delaware Public Service Commission (DE PSC) Pipeline Safety Program Procedures 28th revision April, 2021, list on page , Subtitle, "Inspection Priorities" all potential risks that will be used in preparing for an inspection. Appendix B, is additionally used to assist in prioritizing inspections.

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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:

- a. Yes, this is located in DE PSC Pipeline Safety Procedures under "Enforcement & Violations" page 9. Written compliance actions shall be sent to a company officer of the operator. In the case of Master Meter Operators (MMO's), written compliance actions shall be sent to the property owner, as well as the Registered Agent, if the property owner address is outside of the state.

- b. Yes, this is accomplished under the same section above.
- c. Yes, this is accomplished under the same section above.

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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 |
| | 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 is located in DE PSC Pipeline Safety Procedures, page 7, under "Incidents".
- b. b. Yes, this item is listed on page 8.

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

Evaluator Notes:

No loss of points occurred in this section 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

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

A review of TQ Blackboard data found the two inspectors have met the requirements to qualify as a Gas Inspector. One inspector has completed all training to be the lead in DIMP/TIMP inspections. Both inspectors have completed the LNG course along with the OQ course. Program Manager has completed three courses and scheduled to attend other courses in 2021.

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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, Mr. Ericksen has been the program manager for two years and attended three TQ courses at Oklahoma City, OK. He has a good understanding about the responsibilities and duties as a program manager.

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

No loss of points occurred in this section of the state program evaluation review.

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 | 5 | 5 |
| | <ul 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) | | |

Evaluator Notes:

Yes, the random generated operators to be checked for this evaluation period consisted of twenty eight inspection units, eight distribution operators, one transmission & one LNG operators. A review of inspections reports provided by Program Manager on inspections performed on each unit found the time intervals were met in accordance to DE PSC procedures. Number of construction inspections performed exceeded the 20% inspection person-day requirement.

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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 | 10 | 10 |
| | <ul 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) | | |

Evaluator Notes:

Yes, DE PSC continues to use the federal and state forms for all types of inspections performed. The forms are listed in Appendix D of DE PSC procedures. A review of inspection reports performed in CY2020 confirm the forms were complete with required information and data. Additionally, all inspection person days are recorded in the Program Manager's spreadsheet.

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| 3 | Is state verifying monitoring (Protocol 9/Form15) of operators OQ programs? 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, DE PSC conducted an OQ inspection on each distribution operator every three years. All Master Meter and LPG operators are inspected every 5 years. A review of Program Manager's spreadsheet confirm plans are reviewed in accordance to the schedule.

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

- a. Are the state's largest operator(s) plans being reviewed annually to ensure they are completing the full cycle of the DIMP/IMP process?
- 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. Yes, a review of program manager's spreadsheet and inspection report confirm Delmarva DIMP Plan was reviewed on September 24, 2020. This was part of the standard inspection.
- b. Yes, DE PSC is verifying with the operators during their standard inspections any plastic that shows a record of defects/leakage.
- c. Yes, this is reviewed and discussed with the operator during the review of integrity management plan

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
	<ol style="list-style-type: none"> 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. Yes, DE PSC has reviewed during their standard inspection audit the operator's procedures for exposed cast iron. This only applies to Delmarva Power Light Company due to having cast iron pipelines in their system. In CY2020, Delmarva Company during a Teams meeting before the DE PSC provided an update on the cast iron and steel replacement program.
- Items c thru g: These items are listed and reviewed as separate questions on the standard inspection form.

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, this is addressed in the PHMSA Standard Inspection form used reviewed with the operator during the audit.

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
	<ol 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:

- a. Yes, a review of two NOPV letters sent in CY2020 were checked. Each of the letters were mailed to the company officer.
- b. Yes, all probable violations were well documented.
- c. A review of letters indicate correspondence between operators and Program Manager in resolving violations were conducted.
- d. Yes, Program Manager and inspectors review monthly progress being performed by the operator to correct the violations.
- e. Yes, two compliance letters contained eleven violations were issued.
- f. Yes, the civil penalty assessed against Dover Housing Authority in the amount of \$4,500 in CY2020.
- g. Yes, Program Manager reviews, approves and monitors all compliance action monthly. A review of the two compliance action letters confirm Program Manager signed each letter.
- h. Yes, DE PSC rules allows for "show cause" if operator fails to not comply with the compliance letter.
- i. Yes, this is performed during the exit interview or correspondence between the inspector and operator's representatives.
- j. Yes, all compliance letters are mailed to the operator within 90 days of the inspection date.

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|----------|---|----|----|
| 8 | (Incident Investigations) Were all federally reportable incidents investigated, thoroughly documented, with conclusions and recommendations?
Yes = 10 No = 0 Needs Improvement = 1-9 | 10 | 10 |
|----------|---|----|----|
- 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, this item is addressed in DE PSC Pipeline Safety Procedures, Incident pages 7-8.
- b. Yes, DE PSC maintains records of incidents in the Underground Facility Damage Report Database.
- c.-h. N/A A review of PHMSA portal found no incidents or accidents occurred in CY2020.
- i. Yes, DE PSC Program Manager provides lessons learned on incidents and other related safety issues at NAPSRR Eastern Region 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 |
|----------|---|---|---|

Evaluator Notes:

- Yes, Chairman Winslow response letter to Zach Barrett on October 21, 2020 was received within the 60 day response time.

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

Evaluator Notes:

The last seminar was conducted in CY2018 in Dover, DE. They plan to have a seminar in 2021 but undecided if the meeting will be in-person or virtual..

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

Evaluator Notes:

Yes, this item is checked during the standard inspection and located under the PHMSA Federal Transmission form, Performance and Records Review, question 8.

- 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). 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, this is accomplished via DE PSC website. Improvements were made last year to the website to include more information about the pipeline safety program functions and responsibilities.

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

Evaluator Notes:

A review of PHMSA data mart confirmed no safety related conditions reports were found or submitted in CY2020.

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

Evaluator Notes:

Yes, Robert Clarillos confirmed the Program Manager did participate in NAPSRS survey monkey questions.

- 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. 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

No waivers or special permits have been issued in the current evaluation period under review.

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

Evaluator Notes:

Yes, a review of files in the Program Manager's office found them to be accessible and organized. No areas of concern.

- 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:

A detailed review was conducted with Program Manager about the current inspection day numbers submitted into the SICT program for calendar year 2022. Program Manager has a good understanding of how to submit the data and was successful in submitting the information prior to July 30, 2020.

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- 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:

DE performance metric site was reviewed with Program Manager. The review found the number of damages per 1,000 tickets shows an upward trend from previous year. The number of leaks scheduled for repair continues to shown an upward trend. Program Manager continues to monitor the trends.

- 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:

Program Manager and inspectors continue to encourage and promote PSMS to their operators during meetings, audits and seminars. Due to COVID-19 they were limited to contact with their operators on sharing this information.

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

Evaluator Notes:

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

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 Info Only Info Only comments box below)

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. Two separate construction inspections were conducted with each inspector over a two day period. The first inspection was conducted on August 11 with Robert Schaeffen. This was a service line renewal due to retirement of the cast iron main. The inspection was conducted in Wilmington, DE with Delmarva Gas Company. Company representative were present during the inspection. The second construction inspection was conducted by Chavis J. Bianco in Dover, DE and the operator was Chesapeake Utilities. Operator representatives were present at each site.

- 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, it was observed each inspector used a construction checklist form along with recording information about the construction site on a work pad.

- 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, each inspector reviewed the operator's procedures and asked questions relative to the construction work being performed.
- Yes, in-depth questions about AOC's and review of operator's OQ records for individuals at the site were asked and reviewed.
- Inspectors were observed checking the calibration dates of the pressure testing gauges, temperature dials gauges and qualifications of task being performed by construction crews.
- The length of the inspection was adequate based on the work being performed.

- 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, both inspectors have completed the required courses at TQ and met the requirements to be listed as a Gas Safety Inspector.

- 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, both inspectors conducted an exit interview with each of the company representatives prior to leaving the site.

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- 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, both inspectors conducted the inspections in a professional manner and observed all safety rules and regulations. In this regard, hard hats, safety shoes and safety vest were wore during each of the construction sites. Information on best practices on maintaining safety distance between locate wire and pipeline was shared with construction site crews.

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

Evaluator Notes:

No loss of points occurred in this section of the program evaluation 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**

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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, Program Manager and DE PSC inspectors had a meeting in CY2020 with Miss Utility representative to discuss the operator's annual report data relative to trends and damages to underground facilities. After the meeting with Miss Utility, DE PSC staff reviewed the operator's annual reports and checked the accuracy of the information submitted. They compared the items in the reports to the previous year documents.

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

Evaluator Notes:

- a. No, The state has not verified or performed an analyze of the operator's damages to determine the root causes and minimizing recurrence of those damages. Failure to not perform this requirement resulted in a loss of one point.
- b. Yes, all operators are required by state law to submit a damage report when damages occurred on their facilities. The report identifies the excavator who caused the damage, location, cost & other factors pertaining to the damages. The report is reviewed by each inspector and discussed with the operator in what steps they are taken to mitigate risk to 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
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 | 0 |
|----------|--|---|---|

Evaluator Notes:

a to j. No, DE PSC did not check or verify the information in the operator's annual reports pertaining to the root cause, One-Call Notification Practices Not Sufficient, locating contractors qualified, requalification of locators, number of mismarks, not locating the facilities within the time requirements, mapping errors and following excavation practices. A loss of four points occurred on this question for failure to not review these items.

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

- a. Yes, Miss Utility of Delmarva continues to provide data on damages that are occurring in the State of Delaware from outside forces. Information provided show the contractor is causing the highest number of damages.
- b -d. Yes, on a limited scale the agency monitors the operator's damage prevention training meetings and operator's efforts in focusing on contractors who cause excavation damages.

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

A loss of points occurred on questions F.2 (one point) and F.3 (four points).

Total points scored for this section: 5
Total possible points for this section: 10



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