



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

1200 New Jersey Avenue SE  
Washington DC 20590

# 2020 Hazardous Liquid State Program Evaluation

for

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

## 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 Hazardous Liquid State Program Evaluation -- CY 2020  
Hazardous Liquid

**State Agency:** West Virginia

**Agency Status:**

**Date of Visit:** 10/12/2021 - 10/14/2021

**Agency Representative:** Mary Friend, Director Gas Pipeline Safety

**PHMSA Representative:** Agustin Lopez, State Liaison

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

**Name/Title:** Charlotte R. Lane, Chairman

**Agency:** Public Service Commission of West Virginia

**Address:** 201 Brooks St.

**City/State/Zip:** Charleston, WV 25301

**Rating:**

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

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**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.

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**Scoring Summary**

<b>PARTS</b>		<b>Possible Points</b>	<b>Points Scored</b>
A	Progress Report and Program Documentation Review	0	0
B	Program Inspection Procedures	15	15
C	State Qualifications	10	10
D	Program Performance	50	49
E	Field Inspections	15	15
F	Damage prevention and Annual report analysis	6	6
G	Interstate Agent/Agreement States	0	0
<b>TOTALS</b>		<b>96</b>	<b>95</b>
<b>State Rating</b> .....			<b>99.0</b>

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## 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:

- Verified operators with Annual Reports and PDM. Recommend that WVPSC to include each system type(distribution, transmission, gathering, Master meter) as a unit (See Attachment 3 comments) and not combine as one unit. Currently, if an operator has both a gas transmission and a gas gathering pipeline system, WV combines the systems in some instances and counts as only a transmission unit or gathering unit, depending on the amount of pipeline each system contains. The comments in Attachment 3 explains the combining of different systems but in the future the units should be counting separately. See the Glossary of "Guidelines for States Participating in the Pipeline Safety Program" for the definition of type of units.
- Reviewed WV tracking spreadsheet to verify inspection activity.
- Verified operators with PDM and Annual Reports. Some operators have different types of pipeline systems(Transmission and gathering) that come under one unit so only count as one type of system. See comments on section "a" above.
- Verified Attachment 4 incident investigated with PDM.
- The number of carry over are increasing. Need to improve on the progress of issuing and closing compliance actions.
- The WVPSC lists all records kept by the state.
- Verified qualifications with Blackboard.Ed Clarkson retired June 1, 2021. Jim Searls and David Hancock have completed the Gas inspector path in 2021, the failure path in 2021, as well as all the IM classes (including a temporary waiver for the ECDA class). Have added two new inspectors in 2021, Keith Knowles and Mike Brown
- WV PSC has adopted all federal regulations.
- The WV PSC lists accomplishments and initiatives in 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<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. IMP Inspections</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></ul> |   |   |

### Evaluator Notes:

- GPSD Inspector Procedures addresses inspection activities to guide inspectors. Section A-6.2 has pre inspection activities and Section C addresses Post Inspection activities.
- a. Section B has types of inspections which include standard, D&A, CRM and PAPEI
  - b. Section B-5 addresses IMP and DIMP inspections which give guidance to inspectors on how to conduct IMP plan inspections.
  - c. Section B-4 and 5 addresses Operator Qualification inspections which gives guidance to inspectors when conducting OQ inspections. Section 5 addresses OQ Plan reviews.
  - d. Section 5 addresses PAPEI and damage prevention inspections.
  - e. Section 7.2 addresses the need for Operator Training.
  - f. Section B-3 addresses construction inspections which gives guidance to inspectors to perform construction inspections.

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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<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:

- Section B-1 address inspection priorities which include
- a. Length of time since last inspection. Have a 5 year interval preferably 2 year for standard inspections.
  - b. Operating History of operator.
  - c. Type of activities undertaken by the operator(i.e. Construction, replacements, etc)
  - d. Location of operator units is taken into consideration.
  - e. Annual report data and information which include damages, age of pipe, materials, etc.
  - f. Yes, units are broken down appropriately

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

- Yes, Section C Post Inspection Activities addresses compliance activities undertaken by WV PSC after completion of an inspection. The procedures address 30 and 90 day requirements and step by step actions to complete compliance actions.

Appendix A addresses the timeline for processing cases.

- a. Section C-2 addresses the issuance of a compliance letter must go to a company official.
- b. Section C-3 specifically addresses the tracking of compliance actions.
- c. Section C addresses the closing of probable violations which may include follow up inquiries/inspections

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

Evaluator Notes:

Section D has detailed procedures for accident/incident investigations and a mechanism to receive incident notifications. The WVPSC has an emergency number which is monitored 24/7 by the on call GPSD inspector, which is rotated on a monthly basis(generally) Procedures include the gathering of sufficient information to make decision to go onsite or not.

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|----------|--|-----------|-----------|
| <b>5</b> | General Comments:<br>Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

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

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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 IMP Training before conducting inspection as lead</li><li>c. Root Cause Training by at least one inspector/program manager</li><li>d. Note any outside training completed</li><li>e. 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:

All inspectors have fulfilled training requirements, many have had additional advanced training. Jim Searls and David Hancock have completed the Gas inspector path, the failure path, as well as all the IM classes (including a temporary waiver for the ECDA class). They will move up to Category IIC for the 2021 progress report. Have added two new inspectors, Keith Knowles and Mike Brown. Both have attended their first classes, and anticipate that they should be fully trained by the end of 2022. Mr. Brown will also be training on the liquid inspector path in addition to the gas path. Keith will be rated as a Category III, while Mike will be a Category V.

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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<br>Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
|---|--|---|---|

Evaluator Notes:

Yes, Ms. Mary Friend is very knowledgeable of the pipeline safety program and regulations. She has many years of pipeline safety experience.

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

Evaluator Notes:

The WV PSC 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

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|----------|---|---|---|
| <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 <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. Construction (did state achieve 20% of total inspection person-days?)</li><li>f. OQ (see Question 3 for additional requirements)</li><li>g. IMP (see Question 4 for additional requirements)</li></ul> | 5 | 5 |
|----------|---|---|---|

**Evaluator Notes:**

Reviewed randomly selected inspection reports and WV PSC Multi Year Inspection Plan to determine if all units have been inspected within the time interval established in procedures. There is a great improvement in inspecting units within the time limits established in the procedures not to exceed 5 years per State Guidelines.

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| <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 <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. Construction</li><li>f. OQ (see Question 3 for additional requirements)</li><li>g. IMP (see Question 4 for additional requirements)</li></ul> | 10 | 9 |
|----------|---|----|---|

**Evaluator Notes:**

Reviewed randomly selected inspection reports to confirm inspection reports cover all applicable codes. During the review there were comprehensive inspections that were conducted in 2020 that did not have a field inspection documented. For example, the inspection of Williams which was conducted in 2020 but no field portion was conducted due to the pandemic restrictions. Past inspection records could not be provided to demonstrate that the field portion of an inspection was ever completed. There was a one point deduction for not completing the inspection form in it's entirety to demonstrate a field inspection was performed.

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| <b>3</b> | 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<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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**Evaluator Notes:**

Yes, the WVPSC utilizes IA to perform and document most inspections. Reviewed randomly selected OQ inspections to verify that OQ Programs are being reviewed for compliance.

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| <b>4</b> | Is state verifying operator's integrity management Programs (IMP)? 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 <ul style="list-style-type: none"><li>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?</li></ul> | 2 | 2 |
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**Evaluator Notes:**

Reviewed randomly selected inspection reports to verify IMP inspections are conducted by the WVPSC. IMP is also discussed through the year with quarterly meetings with larger operators or during meetings.

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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<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|   | a. Operator records of previous accidents and failures including reported third-party damage and leak response to ensure appropriate operator response as required by 195.402; and   |   |   |
|   | b. 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;                        |   |   |

Evaluator Notes:

NTSB questions are documented in the operator description form which is periodically sent to operators for updating. NTSB questions are also discussed with operators during quarterly meetings and seminars.

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

NTSB and ADB questions are documented in the operator description form which is periodically sent to operators for updating. NTSB and ADB questions are also discussed with operators during quarterly meetings and seminars.

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|---|---|----|----|
| 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<br>Yes = 10 No = 0 Needs Improvement = 1-9 | 10 | 10 |
|   | 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, compliance actions are sent to company officials. Reviewed inspection files and compliance action letters to verify company officials.
  - b. Reviewed inspection reports and probable violations are being documented.
  - c. Reviewed randomly selected inspection reports and no issues were found to resolve probable violations.
  - d. Reviewed randomly selected inspection reports and no issues found in progress or probable violations.
  - e. Reviewed randomly selected inspections and the WV PSC is issuing probable violations discovered
  - f. Yes, the WV PSC issues civil penalties.
  - g. Yes, all compliance action correspondence is signed by the Program Manager.
  - h. Yes, the compliance process gives due process to all parties.
  - i. Yes, the WVPSC inspectors conduct an exit briefing with the operator after completing each inspection.
  - j. Yes, the WVPSC inspectors email the operator after completing the inspection with any issues identified during the inspection. The findings are discussed during the exit briefing.
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<b>8</b>	(Accident Investigations) Were all federally reportable incidents investigated, thoroughly documented, with conclusions and recommendations?	10	10
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Yes = 10 No = 0 Needs Improvement = 1-9

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

**Evaluator Notes:**

There were no reportable incidents in 2020. The WVPSC has investigated incidents in the past and have procedures for conducting incident investigations.

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

**Evaluator Notes:**

Yes, letter received on November 30, 2020 and response sent January 6, 2021

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

**Evaluator Notes:**

Conducted in-person seminars in 2018 and 2019. The 2020 was cancelled due to Covid pandemic. Had a virtual seminar covering regulatory updates on March 23, 2021.

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

**Evaluator Notes:**

Review operator's procedures to document submission and records as required during inspections.

<b>12</b>	Does the state have a mechanism for communicating with stakeholders - other than state pipeline safety seminar? (This should include making enforcement cases available to public).	1	1
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Yes = 1 No = 0 Needs Improvement = .5

**Evaluator Notes:**

Hold quarterly meetings with our larger operators. May also use email or industry organizations for communication purposes.

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

**Evaluator Notes:**

No SRCR in 2020.

<b>14</b>	Was the State responsive to:	1	1
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Yes = 1 No = 0 Needs Improvement = .5

- a. Surveys or information requests from NAPS or PHMSA; and
- b. PHMSA Work Management system tasks?

Evaluator Notes:

Yes, respond to surveys and WMS tasks.

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|-----------|---|---------------------------------------|---|
| <b>15</b> | If the State has issued any waivers/special permits for any operator, has the state verified conditions of those waivers/special permits are being met? This should include having the operator amend procedures where appropriate. | 1                                     | 1 |
|           |   | Yes = 1 No = 0 Needs Improvement = .5 |   |

Evaluator Notes:

Dow HL assets were issued a waiver for installation of valves in 2016. No additional conditions exist. Reviewed Waiver, there are no special provisions.

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| <b>16</b> | Were pipeline program files well-organized and accessible? | Info Only             | Info Only |
|           |  | Info Only = No Points |           |

Evaluator Notes:

Yes, reviewed inspection reports electronically with no issues

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|-----------|---|--|---|
| <b>17</b> | 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:

SICT data is reviewed and updated each year prior to submittal. Currently building some historical data to further analyze our inspection data. Inspection days and number of inspections are updated after the end of each pay period.

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

Evaluator Notes:

Discussed performance metrics with WV PSC and the analysis of the data. Annual reports are reviewed in addition to verify data and trends.

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|--|--|-----------------------|-----------|
| <b>19</b>  | 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 |           |
| <ol style="list-style-type: none"><li>a. <a href="https://pipelinesms.org/">https://pipelinesms.org/</a></li><li>b. Reference AGA recommendation to members May 20, 2019</li></ol> |  |                       |           |

Evaluator Notes:

Try to get experts in PSMS to give presentations in Seminars. May make request to PHMSA's SME in PSMS to participate in seminars in future.

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|-----------|-------------------|-----------------------|-----------|
| <b>20</b> | General Comments: | Info Only             | Info Only |
|           |                   | Info Only = No Points |           |

Evaluator Notes:

Issues Found:

D.2- Reviewed randomly selected inspection reports to confirm inspection reports cover all applicable codes. During the review there were comprehensive inspections that were conducted in 2020 that did not have a field inspection documented. For example, the inspection of Williams which was conducted in 2020 but no field portion was conducted due to the pandemic restrictions. Past inspection records could not be provided to demonstrate that the field portion of an inspection was ever completed. There was a one point deduction for not completing the inspection form in it's entirety to demonstrate a field inspection was performed.

Total points scored for this section: 49  
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:

Union Carbide Corp  
Girinja S. Bajpayee- WV PSC Lead Inspector  
Virtual Inspection  
April 20-22, 2021  
Agustin Lopez- PHMSA State Evaluator

- Mr. Bajpayee conducted an OQ Plan inspection of Union Carbide Corp.
- The last time an OQ was conducted was in 2017.
- Yes, the operator representative was present during the inspection.
- WV PSC has only two HL inspectors so evaluated inspector which last was evaluated in 2019.

- 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 inspectors utilized IA as a guide and to document the results of 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 thoroughly reviewed the OQ Plan procedures to assure compliance.
- Yes, the inspector reviewed OQ Plan records and asked in-depth questions.
- There were no field activities associated with this inspection.
- no other activities.
- Yes, the length of the inspection was adequate to complete a thorough review.

- 4 From your observation did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) 2 2  
Yes = 2 No = 0 Needs Improvement = 1

### Evaluator Notes:

Yes, Mr. Bajpayee demonstrated excellent 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, Mr. Bajpayee concluded the inspection with an exit interview to discuss issues and probable violations. He discussed the following issues:

199.3 No procedure to exclude non-covered employees.

199.105 (b) (2). Operator could not exhibit any transcribed procedure pertaining to the code statement specifically not documenting reason for not testing following an accident.

?40.123 Procedures did not include some of the responsibilities of the MRO.

Operator has no prescribed procedure complying with 199.223.

199.225 The phrase "after the accident" has not been mentioned in the procedure

199.225(2) Follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions. (Missing)

?40.255(a)(5)(i) You may transmit the results using Copy 1 of the ATF, in person, by telephone, or by electronic means. In any case, you must immediately notify the DER of any result of 0.02 or greater by any means (e.g., telephone or secure fax machine) that ensures the result is immediately received by the DER. You must not transmit these results through C/TPAs or other service agents. --> not detected

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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:

- a. No unsafe acts were performed. The inspection was conducted virtually due to the pandemic and to limit exposure.
- b. No field portion was part of this inspection.
- c. Mr. Bajpayee explains the code very detailed when the operator has questions or issues. He is very knowledgeable of the code.

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**7** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Mr. Bajpayee conducted himself professionally and performed an excellent inspection. In reviewing the inspection report, the inspector notes to explain the findings/issues identified during the inspection need to have more detail. In reading the notes it is difficult to know what exactly the issues are the operator is not meeting to be in compliance with the regulation.

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

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

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

Evaluator Notes:

David Hancock reviews and gathers Annual Report data and analyzes trends. Apply data findings during inspections.

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

Evaluator Notes:

Data analysis is available in the sharedrive which all inspectors have access and review to prepare for inspections. Data is the annual report reviews with the excavation date in Part D.

- |   |  |           |           |
|---|--|-----------|-----------|
| 3 | Has the state reviewed the operator's annual report pertaining to Part D - Excavation Damage?<br>Info Only = No Points <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> | Info Only | Info Only |
|---|--|-----------|-----------|

Evaluator Notes:

Part D data is reviewed and analyzed by David Hancock and Data analysis is available in the sharedrive which all inspectors have access and review to prepare for inspections.

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

Data is available but the data on annual reports is more accurate due to WV 811 not requiring to report damages. David Hancock gathers damages from the annual reports as well.

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**5** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

The WVPSC is mainly complying with Part F of the Evaluation

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Total points scored for this section: 6  
Total possible points for this section: 6



## 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 WV PSC 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 WV PSC 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 WV PSC 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 WV PSC 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 WV PSC is not an interstate agent nor has a 60106 Agreement.

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

Evaluator Notes:

The WV PSC is not an interstate agent nor has a 60106 Agreement.

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