



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

1200 New Jersey Avenue SE  
Washington DC 20590

# 2021 Gas State Program Evaluation

for

NORTH DAKOTA PUBLIC SERVICE COMMISSION

## Document Legend

### PART:

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



# 2021 Gas State Program Evaluation -- CY 2021

Gas

**State Agency:** North Dakota

**Agency Status:**

**Date of Visit:** 06/14/2022 - 06/16/2022

**Agency Representative:** Caleb Simburger, Kevin Schmidt, Lakken Paulsrud

**PHMSA Representative:** Joe Subsits

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

**Name/Title:** Julie Fedorchak, Chair

**Agency:** North Dakota Public Service Commission

**Address:** 600 E Boulevard Ave, 12th floor, Dept 408

**City/State/Zip:** Bismarck, North Dakota 58505-0480

**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 2021 (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  
49  
15  
10  
0

### TOTALS

100 99

**State Rating** ..... 99.0

## 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:

- The Progress Report lists 4 private operators and 5 units, 1 LPG system and 1 unit, 10 transmission operators and 10 units and 7 gathering systems and 7 units. Progress Report attachment items are populated from the inspection frequency spreadsheet which is used to track many of the progress report items.
- Attachment 2 lists 190 inspection days and 32 design and construction days. 30.4 construction days were required. This was calculated from 20% of 152 days. 152 days represented the 2021 SICT day calculation.
- The operator list in attachment 1 was consistent with the attachment 3 list.
- No incidents were listed in Pipeline Data Mart or North Dakota's progress report.
- 2 Compliance actions were carried over from 2020. These items were corrected in 2021 and there were no items carried over from 2021. Compliance items are tracked in "case user" which is a Commission application. The tracker is checked periodically.
- The records list in attachment 6 identifies electronic records supported by commission data systems.
- North Dakota had 1.2 inspectors in 2021. Supervisor and inspector time balance out in attachment 7. The Inspector was fully qualified but retired at the end of the year. Caleb needs to take IMP classes. He is scheduled to take the required IMP classes at T&Q.
- North Dakota is up to date with required rule amendments. The State is in the process of taking steps to adopt the 2/13/21 regulatory reform amendment.
- The program manager completed his training to be core qualified. The LNG operator moved to Texas so there is no longer an LNG facility in North Dakota. Civil penalties were issued in 2021. Liberty had multiple violations for records violations. These were record violations for atmospheric corrosion, inspection intervals and contractor oversight issues.

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:

- Pre- inspection, inspection and post inspection activity are covered in the inspection protocol section on page 3-4.
- a. Records review is covered in Section A page 5. Field standard inspection is covered in Section B page 8. Plan inspections are covered in Section C page 10. Drug/Alcohol, CRM and public awareness are covered on page 10 under the Plan Inspection section.
  - b. Integrity management inspections are covered in Section E Integrity Program Inspections on page 16.
  - c. Operator Qualifications are covered under Section C Plan inspection section on page 10.
  - d. Damage Prevention inspections are covered in Section C, Plan Inspections on page 10.
  - e. Operator training is covered under the Operator Training section on page 25.
  - f. Construction inspections are covered under Section D Design, Testing and Construction Inspections. Caleb eliminated the requirement for a 7 day notification of inspection requirement.
  - g. LNG inspections frequencies are covered under section C Plan Inspections page 10. There is no more LNG in North Dakota.

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

Inspection priorities are addressed in section A Record Audits page 6. Baseline inspection frequencies are found on page 10 in Section C Plan Inspections. Priority criteria in found on page 6 in Section A records Audit. Standard Inspections are on a two year cycle. Operator can be bumped to yearly interval under certain circumstances.

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

Enforcement procedures are found in the Enforcement section starting on page 21. Page 24 states the at an operator may

request a hearing when there is an enforcement case.

a. Page 22 requires that compliance notices be sent to the chief executive office. The exit interview is mentioned on page 3 of the manual. Inspection section on page 4 clarifies 30 day exit interview requirement. This section also addresses the 90 day written notification requirements. Page 2 requires notification of violations within 5 days of inspection completion. Page 22 requires that a NOPV letter be submitted within 30 days of the inspection.

b. Recently added procedure requires use of a quarterly compliance tracker to track items such as compliances follow up, annual integrity review, part D annual report. These revisions require commissioner approval.

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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?	3	3
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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:

Incidents are addressed in Section F of North Dakota's procedure. Procedure requires observations, contributing factors and recommendations in investigation report. This is found on page 19 of the incident investigation section.

a. Information on receiving calls after hours is in Section F p 18.

b. Documentation to support a no go decision is addressed on section F page 19 of North Dakota's procedure.

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

Evaluator Notes:

No issues in Part B

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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 4.3<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:

Aaron Morman was qualified to to perform all inspections: core, integrity management, failure , Operator Qualification, LNG and root cause. Aaron Retired at the end of 2021. Two new inspectors were hired and are currently taking T&Q classes

- a. Caleb has completed the OQ training.
- b. Currently no body is qualified to conduct IMP inspections. Caleb needs to take IMP class DIMP and ECDA. Caleb has a July TIMP class scheduled, DIMP class is scheduled in Aug, and he is wait listed for the ECDA class. Caleb anticipates that this will nor be problematic for meeting inspection commitments.
- c. There is no LNG plant in North Dakota any longer. Caleb is qualified to perform LNG inspections.
- d. Caleb completed root cause training.
- e. No outside training was performed in 2021.
- f. Qualified inspectors conducted 2021 inspections.

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

### Evaluator Notes:

Caleb listed 22 % of his time performing inspections in the 2021 progress report. With Aaron's retirement, this number will go up. He is qualified to perform all inspections except for TIMP/DIMP inspections. He is scheduled to take these classes in July and August and is wait listed for the ECDA class. Caleb was hired Sept 2019 as the program manager. Prior to working for the Commission, Caleb was an Operations Manager for an Non Destructive Testing company.

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

### Evaluator Notes:

There were no issues associated with section C though there are concerns that Caleb will be responsible for performing all inspection work until his two new hires become qualified. Caleb also needs to get qualified to perform TIMP/DIMP inspections. He stated he does not anticipated missing any inspection deadlines for IMP inspections as he is scheduled to take two IMP classes this year.

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

- |   |  |   |   |
|---|--|---|---|
| 1 | Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1<br>Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
|---|--|---|---|
- a. Standard (General Code Compliance)
  - b. Public Awareness Effectiveness Reviews
  - c. Drug and Alcohol
  - d. Control Room Management
  - e. Part 193 LNG Inspections
  - f. 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:

- Inspection intervals were checked for all inspections for all operators. No exceedances of time intervals were noted.
- a. Standard inspections were within the required five years. Inspections are completed within two years.
  - b. Public awareness inspection were conducted within the required interval.
  - c. Drug and Alcohol inspections were conducted within the required time interval.
  - d. Control room inspections were within the required frequency.
  - e. There are no LNG operators in North Dakota.
  - f. 20% of original SICT days were construction days.
  - g. OQ inspections were within the required time intervals.
  - h. IMP/DIMP inspections were conducted within the required time interval.

- |   |   |    |    |
|---|---|----|----|
| 2 | Did inspection form(s) cover all applicable code requirements addressed on Federal Inspection form(s)? Did State complete all applicable portions of inspection forms? Chapter 5.1. Do inspection records indicate that adequate reviews of procedures, records and field activities, including notes and the appropriate level of inspection person-days for each inspection, were performed?<br>Yes = 10 No = 0 Needs Improvement = 1-9 | 10 | 10 |
|---|---|----|----|
- a. Standard (General Code Compliance)
  - b. Public Awareness Effectiveness Reviews
  - c. Drug and Alcohol
  - d. Control Room Management
  - e. Part 193 LNG Inspections
  - f. Construction
  - g. OQ (see Question 3 for additional requirements)
  - h. IMP/DIMP (see Question 4 for additional requirements)

## Evaluator Notes:

- North Dakota uses IA equivalent forms. All inspections were filled completely and in a satisfactory manner.
- a. The IA equivalent form is used for standard inspections.
  - b. The IA equivalent form is used for public awareness inspections.
  - c. The IA equivalent form is used for drug and alcohol inspections.
  - d. The IA equivalent form is used control room inspections.
  - e. There are no LNG operators in North Dakota.
  - f. North Dakota uses a Construction form developed by Indiana. This looked like a modified IA equivalent form.
  - g. The IA equivalent is used for operator qualification inspections.
  - h. The IA equivalent form is used for IMP/DIMP inspections.

- |   |  |   |   |
|---|--|---|---|
| 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<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|

## Evaluator Notes:

OQ inspection dates were checked and found to be within required intervals. Protocol 9 Field evaluations are performed during standard inspections.

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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 Subparts O and P<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|
- a. Are the implementation plans of the state's large/largest operators(s) being reviewed annually to ensure they are completing full cycle of the 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:

- IMP/DIMP inspections were performed within the appropriate timeframe.
- a. Questionnaires were sent to largest operators. Largest is based on the number of services and transmission mileage. Questionnaire responses are reviewed by Caleb.
  - b. This question is asked in the DIMP form.
  - c. MDU is the only operator with a low pressure system, Appendix D of their procedures addresses this issue.

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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 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. There is no cast iron in North Dakota
- b. There is no cast iron in North Dakota
- c. A supplemental checklist is used to address this issue.
- d. A supplemental checklist is used to address this issue.
- e. A supplemental checklist is used to address this issue.
- f. MDU is the only operator with low pressure systems. MDU procedure addresses this issue.
- g. A supplemental checklist is used to address this issue.

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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 |
|---|--|---|---|

Evaluator Notes:



7 (Compliance Activities) Did the state follow compliance procedures (from discovery to resolution) and adequately document all probable violations, including what resolution or further course of action is needed to gain compliance? Chapter 5.1 10 9

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

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

Evaluator Notes:

Inspection reports and resulting correspondence was reviewed for 2021 inspections. No compliance actions were taken in 2021.

- a. N/A, no compliance actions were taken in 2021
- b. N/A, no compliance actions were taken in 2021
- c. There were no unsatisfactory issues found during the 2021 inspection review.
- d. Two compliance issues from 2020 were properly closed
- e. N/A, No compliance issues were found during 2021
- f. Penalties were collected in 2020
- g. He would, but no compliance issues were raised in 2021. A violation tracker identifies what issues are still open. The violation tracker is available to engineers. Caleb goes through all violations and compliance letters. Caleb signs compliance letters.
- h. The operator has the option of requesting a hearing during enforcement proceedings. The NOPV letter shows identifies response options to the operator.
- i. There was no documentation proving that an exit interview was performed. 1 pt deduction
- j. No finding letters were submitted since there were no compliance issues identified in 2021. A closure letter is not sent when the inspection is completed.

8 (Incident Investigations) Were all federally reportable 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:

There were no federally reportable incidents in North Dakota for 2021.

- a. The state has a mechanism in place to receive reports of federally reportable incidents.
- b. N/A there were no federally reportable incidents in 2021. Mechanisms are in place to document incident notifications.
- c. Procedures require documentation when the decision is made to not go on site.
- d. N/A there were no incidents in 2021.
- e. N/A there were no incidents in 2021.
- f. N/A there were no incidents in 2021.
- g. N/A there were no incidents in 2021.
- h. AID has not requested help on 2021 incident investigations.
- i. Incident lessons are shared at regional NAPSRS meetings and state seminars.

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

Evaluator Notes:

There were no point deductions in 2020 so a Commissioner response was not required.

- 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:

A safety seminar was conducted on 10/21/2020. Seminars are combined with South Dakota. A seminar is scheduled for the 2023 which South Dakota.

- 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:

NPMS submissions are checked during records review. This is question 17 on the IA equivalent form.

- 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:

Safety seminar presentations, information on one call, rules, laws, links, siting information' notices, orders, interpretations and consumer information are on the web page. Dockets can be accessed on a public viewer on the web page.

- 13** Did state execute appropriate follow-up actions to Safety Related Condition (SRC) Reports? Chapter 6.7 1 1  
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

There were no Safety Related Conditions in North Dakota in 2021. This was confirmed by Caleb and the Pipeline Data Mart.

- 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:

Caleb responds to NAPSRS surveys. North Dakota also responds to IMP notification's in WMS. There are not many notices to WMS.

- 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:**

There is one active waiver dated 2/6/2008. The waiver allows for atmospheric corrosion monitoring every 4 years. This requirement is monitored by the Public Service Commission.

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

**Evaluator Notes:**

Most Information was electronic and readily accessible.

- 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:**

North Dakota had 152 inspection days for 2021. There were no concerns with the risk assessment. 2022 SICT tool requires inspection 167 days. The 2022 review noted that risk concerns should have more detail. Caleb working on correcting that concern.

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

**Evaluator Notes:**

Inspection days per 1000 miles are trending upward. Master meter/LPG days have have trended downward though they are consistent with three exceptions in 2014-2016. Excavation damage per 1000 hits is trending downward to about 2.4 hits per 1000 miles. Enforcement evaluation has maxed out at 100 % since 2013. Incident evaluation has also maxed out at 100%. Inspector qualifications core training, additional training and %5 year retention have decreased since 2017 . Leaks eliminated and repaired per 1000 miles, hazardous leaks eliminated per 1000 miles and leaks scheduled for repair per 1000 miles have been trending down.

- 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:**

Safety management systems are promoted by pipeline staff.

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

**Evaluator Notes:**

There is a point deductions for not documenting exit interview date.

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:

MDU was replacing a block valve in Dickenson ND.

- This was a construction inspection.
- Construction inspections are performed periodically.
- MDU representatives were on-site during the inspection.
- Caleb Simburger was North Dakota's inspector for this project. He is currently the only qualified inspector for North Dakota.

- 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:

The state uses a form shared by Indiana. This looked like a modified IA equivalent construction form. The form appeared complete.

- 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:

This was a construction inspection. Equipment specifications were checked, Caleb followed the checklist in the field, he interviewed construction personnel and supervisors.

- 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:

Caleb had adequate knowledge to carry out the inspection. He trained two new inspectors while performing the inspections.

- 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:

Caleb conducted an exit interview before leaving the site. No compliance issues were found.

- 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:

- The inspection was conducted in a safe positive and professional manner.
- a. Proper PPE was worn. A safety briefing was conducted. The inspection was performed in a safe manner.
  - b. Caleb inspected equipment specifications, qualifications and procedures.
  - c. N/A
  - d. Caleb conducted the inspection in a professional manner

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7 General Comments:

Info Only = No Points

Info Only Info Only

Evaluator Notes:

No issue noted in Part E.

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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:

A spread sheet was developed for inputting damage prevention information from the annual report. Only two years of data has been inputted to date.

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

This is covered in the States Damage Prevention inspection checklist, This is a North Dakota form. Operators are expected to have damage prevention causal information.

- |   |   |   |   |
|---|---|---|---|
| 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 | 4 |
|---|---|---|---|

Evaluator Notes:

The State reviews annual report Part D data. This data is entered in a spreadsheet for trending. Damage Prevention inspections are conducted to oversee management of data and management of the damage prevention program.

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

There is a damage prevention group within the commission. This group provides this data.

- a. Excavators cause most damage to pipeline facilities.
- b. This question is asked on the damage Prevention checklist.
- c. This information is currently being trended. This issue is addressed in the damage prevention checklist.
- d. This issue is addressed in the damage prevention checklist.

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**5** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

There are no issues with Part F.

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Total points scored for this section: 10

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:

North Dakota is not an interstate agent.

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

Evaluator Notes:

North Dakota is not an interstate agent.

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

Evaluator Notes:

North Dakota is not an interstate agent.

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

Evaluator Notes:

North Dakota is not an interstate agent.

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

Evaluator Notes:

North Dakota is not an interstate agent.

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

Evaluator Notes:

There are no issues with Part G - North Dakota is not an interstate agent.

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