



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

1200 New Jersey Avenue SE
Washington DC 20590

2021 Hazardous Liquid State Program Evaluation

for

NEW YORK DEPARTMENT OF PUBLIC SERVICE

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 Hazardous Liquid State Program Evaluation -- CY 2021
Hazardous Liquid

State Agency: New York

Agency Status:

Date of Visit: 07/25/2022 - 08/12/2022

Agency Representative: Kevin Speicher, Chief, Pipeline Safety and Reliability
Brett Mahan, Utility Supervisor
Jeffrey Kline, Utility Engineering Specialist 3
Max Mueller, Assistant Engineer
Claude Semexant, Assistant Engineer
Suresh Thomas, Utility Supervisor

Rating:

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

PHMSA Representative: Glynn Blanton, State Liaison, PHMSA State Program

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

Name/Title: Rory M. Christian, Chair
Agency: New York Department of Public Service
Address: 3 Empire State Plaza
City/State/Zip: Albany, NY 1223-1350

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	0	0
B Program Inspection Procedures	15	15
C State Qualifications	10	10
D Program Performance	50	50
E Field Inspections	15	15
F Damage prevention and Annual report analysis	6	6
G Interstate Agent/Agreement States	0	0
TOTALS	96	96
State Rating		100.0



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
- a. Stats On Operators Data - Progress Report Attachment 1
 - b. State Inspection Activity Data - Progress Report Attachment 2
 - c. List of Operators Data - Progress Report Attachment 3*
 - d. Incidents/Accidents Data - Progress Report Attachment 4*
 - e. Stats of Compliance Actions Data - Progress Report Attachment 5*
 - f. List of Records Kept Data - Progress Report Attachment 6 *
 - g. Staff and TQ Training Data - Progress Report Attachment 7
 - h. Compliance with Federal Regulations Data - Progress Report Attachment 8
 - i. Performance and Damage Prevention Question Data - Progress Report Attachment 10*

Evaluator Notes:

- a. Reviewed jurisdictional authority in PHMSA Portal to information listed. No issues with listing. NY DPS has an interstate agent status with PHMSA. This agent status applies to 7 Interstate HL operators in NY. No issues with the number of operators inspected.
- b. Reviewed Attachment 2 and found total number inspections were 68.6. This is a lower number from previous year. However, the number meets the SICT requirement.
- c. No issues with unit types and they match PHMSA Portal data.
- d. No incidents/accidents occurred or reported in 2021.
- e. One carryover violation was listed and one to be corrected at end of calendar year. Two compliance actions were taken and no civil penalties assessed in 2021.
- f. No issues with records listed.
- g. Reviewed Attachment 7 to TQ records and found 16 inspectors listed correctly. 13- Category I, 1 category II & 2 category III.
- h. State Agency civil penalty amount is \$100,000 with no upper limit.
- i. No issues with Attachment 10.

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



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|---|---|---|---|
| 1 | Do written procedures address pre-inspection, inspection and post inspection activities for each of the following inspection types: Chapter 5.1
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
|---|---|---|---|
- a. Standard Inspections, which include Drug/Alcohol, CRM and Public Awareness Effectiveness Inspections
 - b. IMP Inspections
 - c. OQ Inspections
 - d. Damage Prevention Inspections
 - e. On-Site Operator Training
 - f. Construction Inspections (annual efforts)

Evaluator Notes:

- a. Yes, NY DPS Staff Guideline Manual, provides in Chapter 4. Intrastate Natural Gas and Hazardous Liquid Inspection and Compliance Program, Section 4, page 32 the pre and post inspection activities for standard inspections.
- b. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 4, section 4.5, Program Audits, page 38. Comprehensive distribution integrity management plan inspections have been completed and their results documented using Inspection Assistant (IA). The recommendation letters, any associated findings, and audit documentation are located in r:\division\gaswater\Safety (1) or r:\division\gaswater\safety.
- c. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 4, section 4.5, Program Audits, page 39. Comprehensive operator qualification inspection plan inspections have been completed and their results documented using Inspection Assistant (IA). Documentations are located in r:\division\gaswater\Safety (1) or r:\division\gaswater\safety.
- d. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 8. Damage Prevention, page 65.
- e. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 1. 1.5 Training, page 12-13.
- f. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 6. Construction, page 52.

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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 |
|---|--|---|---|
- a. Length of time since last inspection
 - b. 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:

- a. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 4. page 31.
- b. thru e. This is listed in Chapter 4, section 4.2 General Provisions: operator data, general provisions, record audits, field audits, program audits, operations and maintenance procedure audits, verification audits, special audits, probable violations, letters to operators, audit correspondence and documentation, operator training, total state field inspection activity, and national transportation safety board recommendations. Process to identify high-risk inspection units that includes all threats (excavation, corrosion, natural forces, outside forces, materials and welds, equipment and other related factors. They currently have a "5 Year Record Audit Plan" that identifies the high, medium and low risk functions broken down on a five year schedule. High risk are performed annually, medium risk function every other year and low-risk function on a five year basis.
- f. A review of Appendix 4A confirm inspection units are broken down correctly.

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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 |
|---|--|---|---|
- a. Procedures to notify an operator (company officer) when a noncompliance is identified



- b. Procedures to routinely review progress of compliance actions to prevent delays or breakdowns
- c. Procedures regarding closing outstanding probable violations

Evaluator Notes:

- a. Yes, this information is provided in NY DPS Staff Guideline Manual, Chapter 4. Section 4.9 to 4.11 pages 45-47.
- b. This is addressed in NY DPS Staff Guideline Manual, Chapter 4. Section 4.10 . Letters to Operator, page 46
- c. This is addressed in NY DPS Staff Guideline Manual, Chapter 4. Section 4.11 Audit Correspondence and Documentation page 47

4 (Incident/Accident Investigations) Does the state have written procedures to address state actions in the event of an incident/accident? 3 3

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

- a. Mechanism to receive, record, and respond to operator reports of incidents, including after-hours reports
- b. If onsite investigation was not made, do procedures require on-call staff to obtain sufficient information to determine the facts to support the decision not to go on-site.

Evaluator Notes:

- a. Yes, this is addressed in NY DPS Staff Guideline Manual, Chapter 9. ACCIDENT INVESTIGATION pages 70-76.
- b. Yes, this item is found in NY DPS Staff Guideline Manual, Chapter 9, section 9.3.2 Notification During Non-Business Hours

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

Evaluator Notes:

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

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 4.3 5 5
Yes = 5 No = 0 Needs Improvement = 1-4
- a. Completion of Required OQ Training before conducting inspection as lead
 - b. Completion of Required IMP Training before conducting inspection as lead
 - c. Root Cause Training by at least one inspector/program manager
 - d. Note any outside training completed
 - e. 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 report found 14 individuals have completed the required basis courses and qualified hazardous liquid inspectors. Twelve inspectors are HL IMP qualified, five have completed the LNG course and six have completed the root cause course.

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

Evaluator Notes:

Yes, Kevin Speicher, Chief Safety and Reliability Division, has been the program manager for 10 years. He has completed all required courses at TQ and has over 27 years of experience in Gas & HL pipeline safety.

- 3** 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: 10
Total possible points for this section: 10



PART D - Program Performance

Points(MAX) Score

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|----------|---|---|---|
| 1 | Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1
Yes = 5 No = 0 Needs Improvement = 1-4 <ol style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Construction (did state achieve 20% of total inspection person-days?)f. OQ (see Question 3 for additional requirements)g. IMP (see Question 4 for additional requirements) | 5 | 5 |
|----------|---|---|---|

Evaluator Notes:

Yes, the random generated operators to be checked for this evaluation period consisted of 3 hazardous liquid operators (NORTHVILLE INDUSTRIES CORP, NRG OSWEGO HARBOR POWER & CONSOLIDATED EDISON CO OF NY). A review of inspections reports provided on inspections performed on each operator found the time intervals were met in accordance to NY DPS procedures to at least once every 5 calendar years.

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| 2 | Did inspection form(s) cover all applicable code requirements addressed on Federal Inspection form(s)? Did State complete all applicable portions of inspection forms? Chapter 5.1. Do inspection records indicate that adequate reviews of procedures, records and field activities, including notes and the appropriate level of inspection person-days for each inspection, were performed?
Yes = 10 No = 0 Needs Improvement = 1-9 <ol style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Constructionf. OQ (see Question 3 for additional requirements)g. IMP (see Question 4 for additional requirements) | 10 | 10 |
|----------|---|----|----|

Evaluator Notes:

Yes, NY DPS inspection forms cover all federal and state code requirements. They use the Federal IA forms when conducting inspections. A review of inspection reports for this evaluation period found them to be complete with all applicable sections filled out on items reviewed and checked for compliance with HL pipeline safety regulations. No areas of concern with inspection reports.

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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 Part 195 Subpart G
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, NY DPS is using the Federal IA form to monitor the operators OQ programs.

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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 Part 195 Subpart F & G
Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none">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? | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes, comprehensive integrity management plans on the HL operators are being reviewed using the Federal IA forms. NY DPS conducts quarterly meetings with all operators on IMP/DIMP.

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

- a. Yes, incidents and accident notifications are reviewed and documented in NY DPS Pipeline Audit System (PAS).
 - b. Directional drilling/boring procedures are submitted by each pipeline operator or its contractors to NY DPS. They are reviewed by NY DPS staff members. Any suggested comments or changes are provided back to the operator.
-

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

Evaluator Notes:

Yes, advisory bulletins are sent to all operators and discussed at quarterly meetings with the operators.

- 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 10
 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:

- a. Two compliance actions were taken in CY2021. A review of compliance letters to Sunoco LP & Con Edison found the information was sent to the company officers.
 - b. Yes, probable violations were listed and documented correctly in the letter.
 - c. Yes, information on resolving violation(s) was contained in the letters.
 - d. Yes, Program Manager and Supervisors routinely review all compliance letters to insure response from operators have been received.
 - e. Yes, a review of letters confirm compliance action for violations have been issued.
 - f. Yes, the civil penalty assessed in CY2019.
 - g. Yes, Program Manager and Supervisors routinely review compliance letters.
 - h. Yes, compliance action is provided in the letter and prior to a exit interview with the operator.
 - i. Yes, a review of letters and inspection reports confirm a post inspection briefing was performed.
 - j. Yes, compliance letter were send within 90 days after the inspection audit.
-

8 (Accident 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:

- a. Yes, this item is covered in NY DPS Staff Guideline Manual, Chapter 9. During normal business hours, all incident notifications are received by Staff. The person receiving the notification will record the information given on Form GW-1 Safety Section Incident Notification Report. Staff will determine if further investigation is required and, if necessary, contact local supervision that covers the area of the incident for any required follow-up action, which may include dispatching Staff for an on-site investigation, or contacting the utility for updated information. Each business day, Staff will verify that all reports of incidents that warrant field investigation have been dispatched to local supervision.
- b. Yes.
- c. Yes. After hour incident notifications will be received by those employees designated. The notification lists will be updated annually (January) and will be provided to the operators. In addition, Staff will notify the utilities as necessary to remove names of Staff who leave the Section. When taking a non-business hour notification, all information received shall be recorded on Form GW-1 Section Incident Notification Report. Staff is advised to keep a supply of the forms at home and/or have an electronic version. Staff receiving an off-hours notification should judge whether an immediate investigation is warranted based on the information obtained. Factors to consider include reported fatalities or injuries, property damage, or media attention. If Staff determines that an investigation is warranted, Staff shall, regardless of the time of day, attempt to contact their direct supervisor, or the Section Chief. If unable to make contact, Staff shall decide whether to commence an immediate investigation. When in doubt, Staff should opt to self-dispatch to the incident location and inform supervision as soon as practicable by leaving a voice-mail and/or e-mail correspondence.
- d thru f. Yes, information on incidents were recorded in NY DPS data base.
- g. Yes compliance action was taken when a violation was found pertaining to an incident.
- h. Yes, information received from PHMSA AID confirmed NY DPS responded and provided follow-up information on all incidents that occurred in NY.
- i. Information on incidents or accidents are presented at the NAPS Eastern Region Meeting.

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:

No response was required from the letter sent to Chair John Howard on October 4, 2021.

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 Cooperstown, NY on September 16-20, 2019. The seminar was both a gas and hazardous liquid program. The next schedule seminar is scheduled the first week of October, 2022 at the same location.

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, they periodically review this information with the operator during their inspection audits.

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

Evaluator Notes:

Yes, this is accomplished via their website and communications with the public.

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

Evaluator Notes:

A review of PHMSA Portal found no safety related condition reports in CY2021.

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

Evaluator Notes:

Yes, a response to NAPSR Survey and WMS system tasks were provided by Program Manager.

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

Evaluator Notes:

No waiver or special permits were issued in CY2021.

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

Evaluator Notes:

Yes. No issues with pipeline safety files or records.

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

Evaluator Notes:

Program Manager is familiar with SICT and has recently submitted the data into the 2023 form.

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

Evaluator Notes:

Conducted a review of NY performance metrics with Program Manager. He is familiar with the site and information shown on the charts.

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| 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 = No Points | Info Only | Info Only |
|-----------|---|-----------|-----------|



- a. <https://pipelinesms.org/>
- b. Reference AGA recommendation to members May 20, 2019

Evaluator Notes:

Yes, this item is in all enforcement agreements.

20 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

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

Total points scored for this section: 50
Total possible points for this section: 50



- 1** Operator, Inspector, Location, Date and PHMSA Representative (enter specifics into the Info Only Info Only comments box below) Info Only Info Only
 Info Only = No Points
- a. What type of inspection(s) did the state inspector conduct during the field portion of the state evaluation? (i.e. Standard, Construction, IMP, etc)
 - b. When was the unit inspected last?
 - c. Was pipeline operator or representative present during inspection?
 - d. Effort should be made to observe newest state inspector with least experience

Evaluator Notes:

Consolidated Edison Company of New York, Inc., New York City, New York, August 9-10,2022, PHMSA Representative, Glynn Blanton.

- a. This was a OQ Plan & O&M records review inspection at the offices of Con Edison in New York City, NY. The inspection was performed on August 9-11, 2022.
- b. This inspection unit was last inspected on February 16, 2018.
- c. Yes, the following Con Edison Representative was present: Francis A Dumkwu, Pipeline Supervisor. Other individuals present include NYS DPS Engineer Claude Semexant & Suresh Thomas NYS DPS Supervisor who were present to assist in the inspection with Max Mueller.
- d. Yes, Max Mueller, NYS DPS Utility Engineer Specialist, has not been observed before in a state program evaluation inspection review.

- 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, Max Mueller was using the Federal IA form questions to conduct the operator qualification plan inspection review. He was observed recording down answers to the twenty-five questions asked of the operator into his laptop computer IA software program.

- 3** Did the inspector adequately review the following during the inspection 10 10
 Yes = 10 No = 0 Needs Improvement = 1-9
- a. Procedures (were the inspector's questions of the operator adequate to determine compliance?)
 - b. Records (did the inspector adequately review trends and ask in-depth questions?)
 - c. Field Activities/Facilities (did inspector ensure that procedures were being followed, including ensuring that properly calibrated equipment was used and OQ's were acceptable?)
 - d. Other (please comment)
 - e. Was the inspection of adequate length to properly perform the inspection?

Evaluator Notes:

- a. Yes, Max Mueller twenty-five questions were very detailed and addressed compliance issues.
- b. Yes, Con Ed records were reviewed and trends on the OQ Plan checked from previous inspection reviews and compliance to the pipeline safety regulations.
- c. Field activities include the observation of Con Ed employees performing a covered task.
- d. N/A
- e. Yes, the length of the inspection was adequate and conducted in a professional manner.

- 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, Max Mueller has been with the NYS DPS for six years and completed all courses to meet the State Qualified Active Liquid Inspector requirement.



- 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, an exit interview was conducted at the end of each day. Max Mueller provided a review of the items discussed and areas of concern or weakness in the operator's OQ Plan. A few areas of concerns were found and mentioned to the operator representative. It was requested additional information on how individuals are trained in the covered task functions be provided.

- 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. Yes, safety practices were observed during the field portion of the review of employees performing covered tasks.
- b. A field inspection was conducted of the operator's fuel line that carries number four fuel oil. This review consisted of a walk along the fuel line that is located in a tunnel under the Manhattan river.
- c. Information on best practices is shared with other state inspectors at the NAPS Eastern Region meeting.

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

Evaluator Notes:

No loss of points occurred in this section of the state program evaluation. The inspection was performed in a professional manner.

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



PART F - Damage prevention and Annual report analysis

Points(MAX) Score

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

Evaluator Notes:

Yes, the operator's annual reports are reviewed in-office by staff engineers. They continue to review data and included this information in their NY DPS Performance Measures Report that is released to the Commissioners and general public each year.

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|----------|--|---|---|
| 2 | Has the state verified that the operators analyze excavation damages for the purpose of determining root causes and minimizing the possibility of a recurrence? (192.617)
Has the state verified that the operators have appropriately identified excavators who have repeatedly violated one-call laws and damaged their facilities. Have the operators taken steps to mitigate that risks? (192.1007)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, companies are continuing to report damages and investigate the root causes of their damages to their facilities. Operators are maintaining a list of contractors or other individuals that have damaged their facilities. They are using this information to meet with the contractor to increase their awareness of their facilities to prevent future damages. Efforts continue to be used by NY One Call and NY DPS to promote the adoption of the Common Ground Alliance Best Practices and included damages in the CGA Dirt program.

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

Evaluator Notes:

- a. Yes, each report is reviewed by NY DPS staff for accuracies and entered their Performance Measures Report.
 - b. & c. Yes, this is reviewed by NY DPS staff and entered their Performance Measures Report.
 - d. Yes, this is reviewed during the construction inspection and when a damage report has been submitted.
 - e. No, the operator uses a contractor firm for personnel to locate facilities. The contractor does not requalify an individual if they mismark a facility. They release the individual from employment.
 - f. In CY2021 the number was 358.
 - g. Unknow due to NY Dig Law does not allow the contractor to dig until the operator has located their facilities.
 - h. Yes, this has been found to have occurred and NY DPS has issued fines. These fines have encourage the operator to make corrections to their mapping errors.
 - i. Yes. This is reviewed during an office or field inspection or incident investigation.
 - j. Yes, this is reviewed and reported in the 2021 Performance Measures Report.
-



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? 2 2

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?
- 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. Excavators continue to cause the highest number of damages.
- b. Yes, this is accomplished via training and enforcement action taken by NY DPS. Anyone doing work for a municipality or local government must obtain training from the One Call Center before excavating.
- c. "Failure to maintain clearance " is the main reason for excavation damages in the State of New York for calendar year 2021.
- d. Yes, this is reviewed and checked during office/field inspections.

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

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

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:

On July 21, 2022 an email was sent to PHMSA Eastern Region Director requesting information on this and the other questions in Section G.

Listed in each evaluator note section is answers to the questions.

Yes, all inspections were conducted using IA: all planned questions were answered, and required forms complete within IA.

- 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:

Yes, inspections were conducted both with a PHMSA team and independently for Inspection System is located entirely in NY. Probable violations were identified and notice was provided with PHMSA within 15 days; documentation of the probable violations was provided within 60 days.

- 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:

Independent inspections were conducted, no immediate safety hazards conditions were identified.

- 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:

Yes, inspections not specifically noted in the 2021 Work Plan were coordinated prior to NY taking action.

- 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:

PHMSA AID coordinated with NY on incidents. NY provided updates as requested and copied Eastern Region. Eastern Region did not direct NY to perform failure investigations.

- 6 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: 0
Total possible points for this section: 0

