



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

1200 New Jersey Avenue SE
Washington DC 20590

2022 Gas State Program Evaluation

for

Delaware PSC

Document Legend

PART:

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



2022 Gas State Program Evaluation -- CY 2022

Gas

State Agency: Delaware

Agency Status:

Date of Visit: 06/26/2023 - 06/30/2023

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

PHMSA Representative: David Appelbaum, PHMS PHP50

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

Name/Title: Dallas Winslow, Chairman

Agency: Delaware Public Service Commission

Address: 861 Silver Lake Blvd., Cannon Building, Suite 100

City/State/Zip: Dover, DE 19904

Rating:

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

INSTRUCTIONS:

Complete this evaluation in accordance with the Evaluator Guidance for conducting state pipeline safety program evaluations. The evaluation should generally reflect state program performance during CY 2022 (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
39
15
8
0

TOTALS

100

87

State Rating

87.0

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:

Generally speaking, the PR was properly filled out and complete.

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



PART B - Program Inspection Procedures

Points(MAX) Score

- | | | | |
|---|---|---|---|
| 1 | Do written procedures address pre-inspection, inspection and post inspection activities for each of the following inspection types: Chapter 5.1
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
| | <ul style="list-style-type: none">a. Standard Inspections, which include Drug/Alcohol, CRM and Public Awareness Effectiveness Inspectionsb. TIMP and DIMP Inspections (reviewing largest operator(s) plans annually)c. OQ Inspectionsd. Damage Prevention Inspectionse. On-Site Operator Trainingf. Construction Inspections (annual efforts)g. LNG Inspections | | |

Evaluator Notes:

- a. Yes, this information is located in Delaware Public Service Commission (DE PSC) Pipeline Safety Program Procedures 29th revision December, 2022, on page 5. All types of inspections are listed on pages 3-7. The pre-inspection, inspection and post inspection activities are listed in pages 4-6.
- b. Yes, TIMP/DIMP inspections are listed on page 6.
- c. Yes, OQ inspections are listed on page 6. They use the Federal Protocol Elements form when conducting this inspection. Plan reviews are conducted during a Headquarters' audit.
- d. This inspection is listed on page 6 of DE PSC Pipeline Safety Program Procedures.
- e. On-site operator training is listed on page 6.
- f. Construction inspections are listed on page 5.
- g. LNG inspections are conducted annually and listed on page 5.

- | | | | |
|---|---|---|---|
| 2 | Do written procedures address inspection priorities of each operator, and if necessary each unit, based on the following elements and time frames established in its procedures? Chapter 5.1
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 4 |
| | <ul style="list-style-type: none">a. Length of time since last inspectionb. Operating history of operator/unit and/or location (includes leakage, incident and compliance activities)c. Type of activity being undertaken by operators (i.e. construction)d. Locations of operator's inspection units being inspected - (HCA's, Geographic area, Population Centers, etc.)e. Process to identify high-risk inspection units that includes all threats - (Excavation Damage, Corrosion, Natural Forces, Outside Forces, Material and Welds, Equipment, Operators and any Other Factors)f. Are inspection units broken down appropriately? | | |

Evaluator Notes:

Yes, Delaware Public Service Commission (DE PSC) Pipeline Safety Program Procedures 29th revision December, 2022, list on page , Subtitle, "Inspection Priorities" all potential risks that will be used in preparing for an inspection. Appendix B, is additionally used to assist in prioritizing inspections.

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|---|---|---|---|
| 3 | (Compliance Procedures) Does the state have written procedures to identify steps to be taken from the discovery to resolution of a probable violation? Chapter 5.1
Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
| | <ul style="list-style-type: none">a. Procedures to notify an operator (company officer) when a noncompliance is identifiedb. Procedures to routinely review progress of compliance actions to prevent delays or breakdownsc. Procedures regarding closing outstanding probable violations | | |

Evaluator Notes:

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

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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 |
|---|--|---|---|
- 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 located in DE PSC Pipeline Safety Procedures, page 7, under "Incidents".
 - b. Yes, this item is listed on page 8.
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|---|-------------------|-----------|-----------|
| 5 | General Comments: | Info Only | Info Only |
|---|-------------------|-----------|-----------|
- Info Only = No Points

Evaluator Notes:

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

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



PART C - State Qualifications

Points(MAX) Score

- | | | | |
|---|---|---|---|
| 1 | Has each inspector and program manager fulfilled training requirements? (See Guidelines Appendix C for requirements) Chapter 4.3
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
| | <ul style="list-style-type: none">a. Completion of Required OQ Training before conducting inspection as leadb. Completion of Required DIMP/IMP Training before conducting inspection as leadc. Completion of Required LNG Training before conducting inspection as leadd. Root Cause Training by at least one inspector/program managere. Note any outside training completedf. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector (Reference State Guidelines Section 4.3.1) | | |

Evaluator Notes:

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

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

Yes, Mr. Ericksen has been the program manager for four years and has three TQ courses he still needs to take. He has a sufficient understanding about the responsibilities and duties as a program manager.

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

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. Part 193 LNG Inspectionsf. Construction (did state achieve 20% of total inspection person-days?)g. OQ (see Question 3 for additional requirements)h. IMP/DIMP (see Question 4 for additional requirements) | 5 | 5 |
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Evaluator Notes:

A review of inspections reports provided by Program Manager on inspections performed on each unit found the time intervals were met in accordance to DE PSC procedures. Number of construction inspections performed exceeded the 20% inspection person-day requirement.

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| 2 | Did inspection form(s) cover all applicable code requirements addressed on Federal Inspection form(s)? Did State complete all applicable portions of inspection forms? Chapter 5.1. Do inspection records indicate that adequate reviews of procedures, records and field activities, including notes and the appropriate level of inspection person-days for each inspection, were performed?
Yes = 10 No = 0 Needs Improvement = 1-9 <ol style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Part 193 LNG Inspectionsf. Constructiong. OQ (see Question 3 for additional requirements)h. IMP/DIMP (see Question 4 for additional requirements) | 10 | 10 |
|----------|--|----|----|

Evaluator Notes:

Yes, DE PSC continues to use the federal and state forms for all types of inspections performed. The forms are listed in Appendix D of DE PSC procedures. A review of inspection reports performed in CY2022 confirm the forms were complete with required information and data. Additionally, all inspection person days are recorded in the Program Manager's spreadsheet.

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| 3 | Is state verifying monitoring (Protocol 9/Form15) of operators OQ programs? This should include verification of any plan updates and that persons performing covered tasks (including contractors) are properly qualified and requalified at intervals established in the operator's plan. 49 CFR 192 Part N
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Yes, they are conducting OQ Program evaluations in accordance with their procedures, and check employee certifications during filed 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
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?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? | 2 | 2 |
|----------|--|---|---|

- c. Are the states verifying operators are including low pressure distribution systems in their threat analysis?

Evaluator Notes:

Compliance with this question was verified through email exchanges the PSC had with their operators. Full credit issued, but PHMSA recommends IMP verification processes be included in the procedures manual recorded by way of inspection form.

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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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
| | <p>a. Operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken;</p> <p>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);</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>f. Operator procedures for considering low pressure distribution systems in threat analysis?</p> <p>g. Operator compliance with state and federal regulations for regulators located inside buildings?</p> | | |

Evaluator Notes:

a. & b. Yes, DE PSC has reviewed during their standard inspection audit the operator's procedures for exposed cast iron. This only applies to Delmarva Power Light Company due to having cast iron pipelines in their system.
Items c thru g: These items are listed and reviewed as separate questions on the standard inspection form.

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

Evaluator Notes:

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

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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
Yes = 10 No = 0 Needs Improvement = 1-9 | 10 | 0 |
| | <p>a. Were compliance actions sent to company officer or manager/board member if municipal/government system?</p> <p>b. Were probable violations documented properly?</p> <p>c. Resolve probable violations</p> <p>d. Routinely review progress of probable violations</p> <p>e. Did state issue compliance actions for all probable violations discovered?</p> <p>f. Can state demonstrate fining authority for pipeline safety violations?</p> <p>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)</p> <p>h. Did state compliance actions give reasonable due process to all parties? Including "show cause" hearing, if necessary.</p> | | |

- 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:

In last year's evaluation, PHMSA indicated that the PSC had a handful of inspections conducted in Q3 and Q4 of CY 2021 that had NOPVs that had never been processed according to procedures or PHMSA guidance. In response to PHMSA's finding, PSC Chairman Winslow stated in his December 6, 2022, letter that the PSC would "commit to fully processing all NOPV initial notices within the next three months." These initial NOPV notices have not been processed and the NOPV letters have never been given to the pertinent operators.

Additionally, in CY 2022, the PSC identified several probable violations during inspections that have not been properly processed, and again, compliance actions have not been communicated the affected operators according to procedures. Related to these discovered probable violations, the PSC was unable to provide evidence that these issues have been properly resolved, evidence that probable violations have been routinely reviewed for progress, or that the program has monitored the compliance action process.

These concerns are seemingly systemic; 10-point deduction.

8	(Incident Investigations) Were all federally reportable incidents investigated, thoroughly documented, with conclusions and recommendations? Yes = 10 No = 0 Needs Improvement = 1-9	10	10
	<ol style="list-style-type: none"> 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:

Delaware had no reportable incidents in CY 2022

9	Did state respond to Chairman's letter on previous evaluation within 60 days and correct or address any noted deficiencies? (If necessary) Chapter 8.1 Yes = 1 No = 0 Needs Improvement = .5	1	0
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Evaluator Notes:

In last year's evaluation, a point was taken on question D.7. because there were NOPVs from CY 2021 that were not processed. The Chairman's December 6, 2022, response stated, in part, "...we commit to fully processing all NOPV initial notices with the next three months." As of June 28, 2023 the PSC has not promulgated these initial notices. One point deduction

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

Yes, seminar conducted in the Fall of 2021

- 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:

No issues

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

Evaluator Notes:

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

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

Evaluator Notes:

No issues

- 14** Was the State responsive to: 1 1
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:

No issues noted

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

Evaluator Notes:

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

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

Evaluator Notes:

No. This is a repeat problem from last year.

Program has changed its filing methodology and staff struggled to find case information when asked. In some cases portions of the inspection process were filed by inspector name, while other portions of the same case were filed elsewhere. There appears to be a deficiency in the filing logic.

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

Evaluator Notes:

A review was conducted with Program Manager about the current inspection day numbers submitted into the SICT. Program Manager has a good understanding of how to submit the data and was successful in submitting the information in the past.

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

Evaluator Notes:

No issues

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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 Info Only
Info Only = No Points
- a. <https://pipelinesms.org/>
 - b. Reference AGA recommendation to members May 20, 2019

Evaluator Notes:

Program Manager and inspectors continue to encourage and promote PSMS to their operators during meetings, audits and seminars.

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

Evaluator Notes:

Total points scored for this section: 39
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:

On 6/28/2023, Chavis Bianco, who is a full qualified inspector, conducted an OQ (Protocol 9) inspection of Cato Gas Co in Laurel, DE. An inspection of this system was previously conducted in June 2022.

- 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, inspector used an IA equivalent of Protocol 9.

- 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, inspector reviewed the operator's procedures and asked questions relative to the construction work being performed.
- Yes, appropriate questions about AOC's and review of operator's OQ records for individuals at the site were asked and reviewed.
- Inspector was observed checking the calibration dates of the pressure testing gauges.
- The length of the inspection was adequate based on the work being performed.

- 4 From your observation did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) 2 2

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Inspector was competent with the pipeline safety regulations and inspection protocols. He conducted the inspection in a professional manner. Additionally, he asked excellent questions and insured the operator's records, procedures, and alike, reflected compliance with the pipeline safety regulations.

- 5 Did the inspector conduct an exit interview, including identifying probable violations? (If inspection is not totally completed the interview should be based on areas covered during time of field evaluation) 1 1

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, the inspector conducted an exit interview with the company representative prior to leaving the site.

- 6 Was inspection performed in a safe, positive, and constructive manner ? Info Only Info Only
Info Only = No Points

- a. No unsafe acts should be performed during inspection by the state inspector
- b. What did the inspector observe in the field? (Narrative description of field observations and how inspector performed)
- c. Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices)
- d. Other

Evaluator Notes:

Yes, the inspector conducted the inspections in a professional manner and observed all safety rules and regulations.

7 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Inspector Bianco was very thorough and clearly competent performing field inspections.

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, PM created an Excel spreadsheet that reflects several years of data, specific to Parts C&D of the distribution annual reports. This is a best practice.

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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 | 0 |
|---|--|---|---|

Evaluator Notes:

This is a repeat from the previous two years. In 2022, 14% of the 275 excavation damages were attributed to the apparent root cause "Other." Again, the Program could not identify what any of these "other" damages were for. Two-point deduction.

Last year's answer to question F.2 read, "No. Program provided no evidence that this question was satisfied. In 2021, 11% of the 264 excavation damages were attributed to the apparent root cause "Other." The National average for this category is 2% and the Program could not identify what any of the "Other" excavation damages were for. Same concern was identified last year with a point deduction. Two point deduction for this evaluation."

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|---|---|---|---|
| 3 | Has the state reviewed the operator's annual report pertaining to Part D - Excavation Damage?
Yes = 4 No = 0 Needs Improvement = 1-3 <ol style="list-style-type: none">a. Is the information complete and accurate with root cause numbers?b. Has the state evaluated the causes for the damages listed under "One-Call Notification Practices Not Sufficient" (Part D.1.a.)?c. Has the state evaluated the causes for the damages listed under "Locating Practices Not Sufficient" (Part D.1.b)? For each operator, does the state review the following?d. Is the operator or its locating contractor(s) qualified and following written procedures for locating and marking facilities?e. Is the operator appropriately requalifying locators to address performance deficiencies?f. What is the number of damages resulting from mismarks?g. What is the number of damages resulting from not locating within time requirements (no-shows)?h. Is the operator appropriately addressing discovered mapping errors resulting in excavation damages?i. Are mapping corrections timely and according to written procedures?j. Has the state evaluated the causes for the damages listed under "Excavation Practices Not Sufficient" (Part D.1.c.)? | 4 | 4 |
|---|---|---|---|

Evaluator Notes:

The Program has started capturing their own data, nor longer relying on Miss Utility. They have sufficiently satisfied the requirements of this question.

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|---|---|---|---|
| 4 | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests?
Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none">a. What stakeholder group is causing the highest number of damages to the pipelines? Operator, contractor, locating company or public.b. Has the state verified the operator is appropriately focusing damage prevention education and training to stakeholders causing the most damages? | 2 | 2 |
|---|---|---|---|

- c. Has the state evaluated which of the following best describes the reason for the excavation damages; i.e., operator or contractor not following written procedures, failure to maintain marks, failure to support exposed facilities, failure to use hand tools were required, failure to test-hole (pot hole), improper backfilling practices, failure to maintain clearance or insufficient excavation practices.
- d. Has the state verified the operator is appropriately focusing damage prevention education and training to address the causes of excavation damages?

Evaluator Notes:

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

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Total points scored for this section: 8
Total possible points for this section: 10



PART G - Interstate Agent/Agreement States

Points(MAX) Score

- 1 Were all inspections of interstate pipelines conducted using the Inspection Assistant program for documenting inspections? Info Only Info Only
Info Only = No Points

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

DE PSC is not an interstate agent and does not have a 60106 agreement with PHMSA.

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