



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

MA DEPT. OF PUBLIC UTILITIES

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: Massachusetts

Agency Status:

Date of Visit: 06/12/2023 - 06/16/2023

Agency Representative: Richard Enright, Director, Pipeline Safety Division

Justin Evans, Assistant Director

Phillip Denton, Assistant Director

Janine Vargas, Assistant General Council

Daniel Taylor, Auditor

Ashley Baker, Auditor

Deborah Hampton, Administrative Assistant

Jennifer Cabrera, Damage Prevention Manager

Michael Daoust, Public Utilities Engineer

Mike Lenane, Public Utilities Engineer

Rating:

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

PHMSA Representative: Glynn Blanton, US DOT/PHMSA State Evaluator

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

Name/Title: James Van Nostrand, Chair

Agency: Massachusetts Department of Public Utilities

Address: One South Station

City/State/Zip: Boston, MA 02110

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

- 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

Possible Points Points Scored

0	0
15	15
10	10
50	50
15	15
10	10
0	0

TOTALS

100	100
------------	------------

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
- 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 number of master meter operators has changed from 132 to 74 in CY 2022. Total operators are 116 compared to previous year of 174. All inspection units for private, municipal, master meter & LNG facilities were 100% completed in CY 2022. MA DPU is a 60105-certification state agency with PHMSA.
- Number of inspection person days 1684 exceed the requirement of 1248. Construction person days were 368 and again exceed the 20% requirement.
- Operator's names and ID numbers match Attachment 1 & 3. No issues.
- One incident occurred in CY2022 at the Eversource Gas Company LNG facility. The incident was related to electric arc at a junction box in the pump area. No fire or gas was released.
- Number of carryover violations is 3 and number to be corrected at end of year is 75. This is an increase from previous year. Number of compliance actions taken is 88, number assessed 15 and civil penalties collected was \$2.055 M. Notes show \$10.56 M is from enforcement action for telecommunication companies. Need clarification on this item. Gas only not telecom should be listed.
- A very extensive list of records appears to be complete.
- A review of TQ training records confirm 23 inspectors have attended classes. Inspector categories are as follows: 7 Cat I, 4 Cat II, 8 Cat III & 1 Cat V. Six damage prevention personnel are listed in Attachment 7.
- They have adopted civil penalties in the amount of \$200,000/\$2 M.
- Excellent information provided in attachment 10 on planned performance and long-term goals for the pipeline safety program.

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
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 Inspections b. TIMP and DIMP Inspections (reviewing largest operator(s) plans annually) c. OQ Inspections d. Damage Prevention Inspections e. On-Site Operator Training f. Construction Inspections (annual efforts) g. LNG Inspections | | |

Evaluator Notes:

Yes, Massachusetts Department of Public Utilities (MDPU), General Inspection, Enforcement & Incident Investigation Procedures Manual, revision 3.4, February 1, 2022, address the pre-inspection, inspection, and post inspection activities for each type of inspection in Section 9, Conducting Pipeline Inspections. The detail of each inspection is listed in Sections 9.18 to 9.36, pages 50-120.

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

Yes, MDPU General Inspection, Enforcement & Incident Investigation Procedures Manual, revision 3.4, February 1, 2022, address this item in Section 8, Annual Inspection Work Plans, part 8.9 page 35. Additionally, MPUC Appendix A provides a template they used in the risk base inspection prioritization to identify high-risk inspection units, page 148.

- | | | | |
|---|---|---|---|
| 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 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, MDPU General Inspection, Enforcement & Incident Investigation Procedures Manual, revision 3.4, February 1, 2022, address this item in Section 10, The Enforcement Process. Sub-Section 10.9.7.1 page 125.
- b. Yes, this is listed in Section 10.11 Monitoring Status and Documentation of Enforcement Actions page 131.
- c. Yes, Section 10.12 page 131.

- | | | | |
|---|--|---|---|
| 4 | (Incident/Accident Investigations) Does the state have written procedures to address state actions in the event of an incident/accident?
Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
| | <ul style="list-style-type: none"> 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:

Yes, this item is found in Section 12, Investigation of Incidents pages 139-142. Additionally, MDPU has an incident form listed in Appendix L that is used by the inspector on the investigation of the incident.

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

No loss of points occurred in this section of review.

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 training records and progress report found the following. Total number of inspectors are twenty-three. Fifteen inspectors have completed the TQ courses and qualified Active Gas Inspectors. Two inspectors have completed the required DIMP/TIMP training courses and are Active Gas IM qualified inspectors. Fourteen inspectors have completed the required LNG training course. Three inspectors have completed the Root Cause training course at TQ. Program Manager is qualified active gas inspector and been with the agency five years. All lead inspectors are qualified in accordance with Section 4.3.1 of the State Guidelines. Outside training consisted of Northeast Gas Association School. Four individuals attended the school on June 8, 2022, in Smithville, RI.

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

Evaluator Notes:

Yes, a discussion with Richard Enright, Director confirms his knowledge and understanding of the State Guidelines, pipeline safety regulations and responsibilities of submitting documents to maintain a 60105 certification with PHMSA.

- | | | | |
|---|--|-----------|-----------|
| 3 | General Comments:
Info Only = No Points | Info Only | Info Only |
|---|--|-----------|-----------|

Evaluator Notes:

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

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



PART D - Program Performance

Points(MAX) Score

- | | | | |
|---|---|---|---|
| 1 | Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1
Yes = 5 No = 0 Needs Improvement = 1-4 | 5 | 5 |
| | <ul style="list-style-type: none">a. Standard (General Code Compliance)b. Public Awareness Effectiveness Reviewsc. Drug and Alcohold. Control Room Managemente. Part 193 LNG Inspectionsf. Construction (did state achieve 20% of total inspection person-days?)g. OQ (see Question 3 for additional requirements)h. IMP/DIMP (see Question 4 for additional requirements) | | |

Evaluator Notes:

Yes, a review of random selected operators and other operators during CY2022 were reviewed. The review found all intervals scheduled for the calendar year were found to be met in accordance with their procedures. Additionally, construction inspections exceeded the 250-inspection person day requirement. No issues were found.

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

Evaluator Notes:

A review of the random selected operators for this evaluation was conducted. Each inspection report type, standard, public awareness, drug and alcohol, control room management, LNG, construction, OQ and TIMP/DIMP were reviewed. The forms were found complete with required information and covered all pipeline safety regulations.

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

Evaluator Notes:

Yes, a review of OQ inspections performed in CY2022 found the documents were complete with verification of the operator's updated plans. Additionally, covered tasks are checked by the inspector during all construction inspections.

- | | | | |
|---|---|---|---|
| 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 | 2 | 2 |
| | <ul 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? | | |

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

Evaluator Notes:

- a. Yes, a review of records found an annual letter is mailed to each of the larger operators and distribution companies requesting information on their IMP plan. A check of files found the letters were mailed on August 8, 2022, to the state's largest operators.
- b & c. Yes, this is accomplished on the five-year inspection schedule. This item is listed in the question set of their inspection form.

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. Yes, verification of this requirement was checked by reviewing of the following inspections performed by Mr. Downs-Eversource inspection on 10-14-22, Mr. Daquist -Berkshire inspection on 10-26-22 & Mr. Fonseca inspection on 10-20-22.
- b. Yes, verification of this requirement was checked by reviewing of the following inspections performed by, Mr. Downs-Eversource inspection on 10-14-22, Mr. Fonseca inspection on 10-22-22.
- c. Yes, verification of this requirement was checked by reviewing of the following inspections performed by Mr. Maurer-Middleboro inspection on 11-18-22, Mr. Maurer - Holyoke inspection on 11-18-22; Mr. Degon-Unitil inspection on 12-08-22.
- d. Yes, verification of this requirement was checked by reviewing of the following inspections performed by Mr. Maurer-Nat Grid inspection on 01-06-22, Mr. Macinnis-National Grid inspection on 3-4-22; Mr. Degon- Egma inspection on 5-2-22.
- e. Yes, verification of this requirement was checked by reviewing of the following inspections performed by Mr. Fournier Unitil inspection on 11-19-21, Mr. Fournier NG inspection on 11-30-21; Mr. Cyr -Eversource inspection on 11-23-21.
- f. Yes, DIMP Tracker - Duduch
- g. Yes, Jannie- States allows meters & regulators to be moved outside. Reviewed Berkshire workplan agreement, inside leak surveys, Nat Grid plan and found it met this requirment.

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:

An annual letter is sent to all operators regarding this item. The letter was mailed on November 28, 2022.

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:

Yes, in CY2022, eighty compliance actions were taken against operators. A review of records found letters were sent to the Vice-President or company officer. Also, Pipeline Safety Director and Associate Directors routinely review inspection reports and compliance action letters. Yes, the agency does provide an opportunity to request informal hearing to resolve the violations cited.

They have demonstrated the ability to issue a fine as reflected in the \$1,600,000 against National Grid in CY2022.

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

One incident was reported on the 2022 MDPU Progress report. The operator was Eversource Gas Company and involved a electric arc on a junction box in the pump area at the base of the LNG tank. No fire or gas released occurred. The investigation was performed, and all items listed above were completed in accordance with MDPU procedures.

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

Yes, Mr. Zach Barrett's letter to Chair Matthew Nelson was emailed on July 21, 2022. Chair Nelson's response letter was sent on August 29, 2022, and within the 60-day time requirement.

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

Yes, the last pipeline safety seminar was conducted virtual on April 27-29, 2021, with the New England Pipeline Safety Representatives. MDPU will be hosting a pipeline safety seminar on October 23, 2023. Multiple Dig Safe Training sessions were held in CY 2022 throughout the state. Number of participants were 142 contractors.

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

Evaluator Notes:

Yes, this item is performed by the inspector during their inspection. This item is listed on the form and a review of reports indicated this was completed.

-
- | | | | |
|-----------|--|---|---|
| 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, MA website is used to communicate with the operator and general public about their program and actions taken against operators for non-compliance with safety regulations.

-
- | | | | |
|-----------|---|---|---|
| 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 pertaining to Safety Related Condition reports for CY2022 found no reports were submitted. Therefore, no executed actions were required.

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

Evaluator Notes:

An email from Robert R. Clarillos, NAPSRS Administrative Manager, confirmed 6 NAPSRS survey questions were answered.

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

Three existing waivers continue. No new waivers have been issued.

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

Evaluator Notes:

Yes, files were well organized. Information requested by this writer was provided electronically without delay.

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

They have a good understanding of the SICT program and will continue to update the risk ranking due to the reduction in the number of master meter operators.

- 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:

An upward trend in the number of damages per 1,000 tickets have increased. Number of leaks continues to show a downward trend.

- 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:

Yes, this item is presented and discussed at the Northeast Gas Association.

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

Evaluator Notes:

No loss of points occurred in this section.

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



PART E - Field Inspections

Points(MAX) Score

- 1 Operator, Inspector, Location, Date and PHMSA Representative (enter specifics into the 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:

- This was a construction inspection to observe the installation of new 4" PE main line to replace and existing cast iron operating a low pressure. The construction site was Reland Street in Middleborough. The operator was Middleborough Gas & Electric Department.
- This inspection unit was last inspected on January 25, 2023
- Yes, the following individuals were present: Dave Bernat, Operations Manager & Dustin Soule
- Mike Lenane, Public Utilities Engineer, is the newest state inspector that has not been observed previously.

- 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, Mike Lenane used the agency's service line inspection and plastic main construction forms in performing the field inspection. He was observed asking questions and following the guidelines listed in the forms. Excellent questions were asked, and verification and calibration of equipment being used by the operator was checked.

- 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:

- Mike Lenane downloaded the operator's procedures prior to the inspection and was observed checking the procedures as the construction work was conducted.
- Yes, previous records were reviewed prior to the inspection.
- Yes, a detailed review of records and procedures were checked. Mr. Lenane performed the inspection in a very professional manner.
- Yes, the inspection was of adequate length to observe the installation of the main.

- 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, Mike Lenane demonstrated an adequate knowledge of the pipeline safety regulations. He is a PE and has experience in construction work. he has completed two of the seven required courses at TQ.

- 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, Mike Lenane performed an exit interview with David Bernat at the end of the day. No violations or areas of concerns were found or noted.

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, safety practices were followed. In this case, safety vest, steel toe boots, hard hats and eye protection was worn by all personnel. There was a police detail on site to direct traffic and the street was kept closed from the North Main Street end. A fire extinguisher was charged, calibrated, and in the vicinity of the trenchwork in case of an emergency.

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.

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.
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|

Evaluator Notes:

Yes, MDPU has an extensive process of reviewing the annual reports submitted by the operators. Staff members review the annual reports along with Damage Prevention database and Dig Safe Violation reports to determine trends on the root causes of damages. Additionally, incident reports are included in the review in determining the overall damages per one thousand locate tickets. The results of the data are posted on MDPU website to indicate the root causes of damages and offenders. Training sessions are offered to encourage the filing the State's Dig Safe Violation Reports by the utility and excavator community. In addition, efforts to stress and demonstrate MDPU is the enforcement authority have recently been added to the training sessions.

- | | | | |
|---|--|---|---|
| 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, a quarterly report is filed by the operator to the agency on all damages that have occurred on their facilities. They use this data to perform an analysis on who has caused the highest percentage of damages along with a review of the operator's adverse action reports related to contractors who have repeated violations of the State's Dig Safe Law. Operators continue to take steps to reduce risk to their facilities by having informal meetings with the contractor community.

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

- a. Yes
- b. Yes, the causes are due: 1. Not calling or using the Dig Safe Center. 2. No Dig Safe or valid Dig Safe Ticket.
- c. Most damages continue to occur due to operator's mapping errors.
- d. Companies do not use outside contractor for locating facilities in MA.
- f. The number of damages from mismark is 80% and 20% are from not located within the time required.
- g. The number of damages resulting from not locating within the time requirement is 20%.
- h. Yes, the operators are aware of this item and working on improvements in the future.
- i. Yes, several operators are aware of this item and have implemented a program for improvement.
- j. Yes, they are continually reviewing this root cause item in their data collect 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? | 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. Contractors are causing the highest number of damages to pipelines.
 - b. Yes
 - c. Yes, The State has determined the best reason for excavation damages is failure to use hand tools were required.
 - d. Yes.
- The MA DPU Dig Safe program continues to collect data to determine the causes of excavation damages in their State. Massachusetts 2021 damages per 1000 locates was 1.8 and below the National Average of 2.4 and clearly demonstrates an effective program for other State Agencies to follow.

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

Evaluator Notes:

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

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:

MA DPU 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:

MA DPU 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:

MA DPU 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:

MA DPU 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:

MA DPU 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:

MA DPU 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