



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

NORTH DAKOTA PUBLIC SERVICE COMMISSION

Document Legend

PART:

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



2022 Gas State Program Evaluation -- CY 2022

Gas

State Agency: North Dakota

Agency Status:

Date of Visit: 05/02/2022 - 05/04/2022

Agency Representative: Caleb Simburger

PHMSA Representative: Joe Subsits

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

Name/Title: Randy Christmann, Chair

Agency: North Dakota Public Service Commission

Address: 600 E. Boulevard, Dept 408

City/State/Zip: Bismark, North Dakota 58505-0480

Rating:

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

INSTRUCTIONS:

Complete this evaluation in accordance with the Evaluator Guidance for conducting state pipeline safety program evaluations. The evaluation should generally reflect state program performance during CY 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
50
15
10
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:

North Dakota scored 50 of 50 points on their progress report.

- The Progress Report lists 4 private operators and 5 units, 1 LPG system and 1 unit, 9 transmission operators and 9 units and 7 gathering systems and 7 units. Progress Report attachment items are populated from an inspection frequency spreadsheet which is used to track many of the progress report items.
- Attachment 2 lists 195 inspection days and 49 design and construction days. 33 construction days were required. 167 days was the SICT requirement for 2022.
- The operator list in attachment 1 is consistent with the attachment 3 list.
- No incidents were listed in Pipeline Data Mart or North Dakota's progress report.
- No Compliance actions were carried over from 2021. The one compliance item found in 2022 was corrected. Compliance items are tracked in "case user" which is a Commission application. The tracker is checked periodically.
- The records list in attachment 6 identifies electronic records supported by commission data systems.
- North Dakota had 2 qualified inspectors in 2022 and had two inspectors in training. Caleb supervision time is 66.4% and inspection time is 33.6. Caleb needs to take the ECDA class to be IMP qualified. The new inspectors are progressing through the T&Q training process.
- North Dakota is up to date with required rule amendments.
- Accomplishments include hiring of two new inspectors. One inspector left and was replaced. The new inspectors completed four required training classes. Aaron Mormon was brought back temporarily to help complete the workplan.

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. 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:

Pre- inspection, inspection and post inspection activity are covered in the inspection protocol section on page 3-4.

- a. Records review starts in Section A page 5. Field standard inspection is covered in Section B page 8. Plan inspections are covered in Section C page 10. Drug/Alcohol, CRM and public awareness frequencies are covered on page 10 under the Plan Inspection section.
- b. Integrity management inspections are covered in Section E Integrity Program Inspections starts on page 17.
- c. Operator Qualifications are covered under Section C Plan inspection section on page 10.
- d. Damage Prevention inspections are covered in Section C, Plan Inspections on page 10.
- e. Operator training is covered under the Operator Training section starts on page 26.
- f. Construction inspections are covered under Section D Design, Testing and Construction Inspections on page 12.
- g. LNG inspections frequencies are covered under section C Plan Inspections page 10. There is no more LNG in North Dakota.

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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:

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

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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:

Enforcement procedures are found in the Enforcement section starting on page 22. Page 25 states the at an operator may request a hearing when there is an enforcement case. The exit interview is mentioned on page 3 of the manual. This section also addresses the 90 day written notification requirements. Page 22 requires that a NOPV letter be submitted within 30 days

of the inspection.

- a. Page 23 requires that compliance notices be sent to the chief executive office.
- b. evaluation of outstanding violations is addressed in the program evaluation section on page 1.
- c. Violation closure is addressed in the enforcement section on page 26.

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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:

Incidents are addressed in Section F of North Dakota's procedure. This is found on page 19 of the incident investigation section.

- a. Information on receiving calls after hours is in Section F p 19.
- b. Documentation to support a no go decision is addressed on section F page 20 of North Dakota's procedure.

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|----------|-------------------|-----------|-----------|
| 5 | General Comments: | Info Only | Info Only |
|----------|-------------------|-----------|-----------|

Info Only = No Points

Evaluator Notes:

There were no issues with part B

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:

Aaron Morman was qualified to perform all inspections: core, integrity management, failure, Operator Qualification, LNG and root cause. Aaron Retired at the end of 2021 but came back temporarily to help complete the 2023 work load. Two new inspectors were hired and are currently taking T&Q classes. Caleb is qualified to perform all inspection except integrity management.

- a. Caleb and Aron are qualified to perform OQ inspections.
- b. Only Aaron is qualified to conduct IMP inspections. Caleb needs to take the ECDA class to be IMP qualified. Caleb is wait listed for the ECDA class. Caleb anticipates that meeting inspection commitments will not be problematic.
- c. There is no LNG plant in North Dakota any longer. Caleb is qualified to perform LNG inspections.
- d. Caleb completed root cause training.
- e. No outside training was conducted in 2022.
- f. Inspectors were qualified to conduct 2022 inspections.

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

Evaluator Notes:

Caleb listed 34% of his time performing inspections in the 2022 progress report. Caleb is qualified to do perform all inspections except for TIMP/DIMP inspections. He took all the IMP class except the ECDA class which he is waitlisted. Caleb was hired Sept 2019 as the program manager. Prior to working for the Commission, Caleb was an Operations Manager for a Non-Destructive Testing company.

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

There were no issues with part C.

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

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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 | 5 | 5 |
|---|--|---|---|
- a. Standard (General Code Compliance)
 - b. Public Awareness Effectiveness Reviews
 - c. Drug and Alcohol
 - d. Control Room Management
 - e. Part 193 LNG Inspections
 - f. Construction (did state achieve 20% of total inspection person-days?)
 - g. OQ (see Question 3 for additional requirements)
 - h. IMP/DIMP (see Question 4 for additional requirements)

Evaluator Notes:

Inspection frequencies were determined for all types of inspections and found to be within the required inspection intervals. The current and previous inspection frequencies were checked.

- a. Standard inspections were conducted within the required inspection frequencies.
- b. Public Awareness inspections were conducted within the required inspection frequencies.
- c. Drug and Alcohol inspections were conducted within the required inspection frequencies.
- d. Control Room Management inspections were conducted within the required inspection frequencies.
- e. There are no LNG operators in North Dakota.
- f. The twenty percent construction day requirement was met.
- g. Operator Qualification Inspections were conducted within the required inspection frequencies.
- h. IMP/DIMP inspections were conducted within the required inspection frequencies.

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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 | 10 | 10 |
|---|---|----|----|
- a. Standard (General Code Compliance)
 - b. Public Awareness Effectiveness Reviews
 - c. Drug and Alcohol
 - d. Control Room Management
 - e. Part 193 LNG Inspections
 - f. Construction
 - g. OQ (see Question 3 for additional requirements)
 - h. IMP/DIMP (see Question 4 for additional requirements)

Evaluator Notes:

North Dakota uses IA equivalent forms for all inspections except construction inspections. Forms that were reviewed were filled out completely with appropriate comments.

- a. An IA Equivalent form was used for standard inspections.
- b. An IA Equivalent form was used for Public Awareness Inspections.
- c. An IA Equivalent form was used for Drug and Alcohol inspections.
- d. An IA Equivalent form was used for Control Room Management Inspections.
- e. There are no LNG facilities in North Dakota.
- f. North Dakota uses a construction form that was developed by Indiana.
- g. An IA Equivalent form was used for Operator Qualification Inspections.
- h. An IA Equivalent form was used for IMP/DIMP Inspections

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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:

Protocol nine Operator Qualification evaluations are performed every two years. Operator Qualification programmatic inspections and inspection frequencies were checked and found to be acceptable.

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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 | 2 | 2 |
| | a. Are the implementation plans of the state's large/largest operators(s) being reviewed annually to ensure they are completing full cycle of the IMP process? b. Are states verifying with operators any plastic pipe and components that have shown a record of defects/leaks and mitigating those through DIMP plan? c. Are the states verifying operators are including low pressure distribution systems in their threat analysis? | | |

Evaluator Notes:

IMP/DIMP inspections were performed within the appropriate timeframe.

a. Questionnaires were sent to largest operators. Largest is based on the number of services and transmission mileage. MDU, Great Plains, Northern States Power Co (xcel) are the largest operators. Questionnaire responses are reviewed and addressed by Caleb.

b. This question is asked in the DIMP form. The only problematic pipe is Great Plains Adyl-A in Wahpeton, North Dakota. There is no cast iron or bare steel in North Dakota.

c. MDU is the only operator with a low-pressure system, Appendix D of MDU's procedures addresses this issue. This question is asked during the standard inspections on the state's supplemental checklist.

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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 |
| | a. Operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken; b. Operator procedures for surveillance of cast iron pipelines, including appropriate action resulting from tracking circumferential cracking failures, study of leakage history, or other unusual operating maintenance condition? (Note: See GPTC Appendix G-18 for guidance); c. Operator emergency response procedures for leaks caused by excavation damage near buildings and determine whether the procedures adequately address the possibility of multiple leaks and underground migration of gas into nearby buildings Refer to 4/12/01 letter from PHMSA in response to NTSB recommendation P-00-20 and P-00-21; d. Operator records of previous accidents and failures including reported third-party damage and leak response to ensure appropriate operator response as required by 192.617; e. Directional drilling/boring procedures of each pipeline operator or its contractor to determine if they include actions to protect their facilities from the dangers posed by drilling and other trench less technologies; f. Operator procedures for considering low pressure distribution systems in threat analysis? g. Operator compliance with state and federal regulations for regulators located inside buildings? | | |

Evaluator Notes:

a. There is no cast iron in North Dakota.

b. There is no cast iron in North Dakota.

c. A supplemental checklist is used to address this issue.

d. A supplemental checklist is used to address this issue.

e. A supplemental checklist is used to address this issue.

f. MDU is the only operator with low pressure systems. MDU procedure addresses this issue. This question is also asked in a supplemental checklist.

g. A supplemental checklist is used to address this issue.

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

The geological movement advisory bulletin is addressed in the supplemental checklist.

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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 | 10 |
| | <ul style="list-style-type: none"> a. Were compliance actions sent to company officer or manager/board member if municipal/government system? b. Were probable violations documented properly? c. Resolve probable violations d. Routinely review progress of probable violations e. Did state issue compliance actions for all probable violations discovered? f. Can state demonstrate fining authority for pipeline safety violations? g. Does Program Manager review, approve and monitor all compliance actions? (note: Program Manager or Senior Official should sign any NOPV or related enforcement action) h. Did state compliance actions give reasonable due process to all parties? Including "show cause" hearing, if necessary. i. Within 30 days, conduct a post-inspection briefing with the owner or operator outlining any concerns j. Within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection. (Incident investigations do not need to meet 30/90-day requirement) | | |

Evaluator Notes:

Inspection reports and resulting correspondence was reviewed for 2022 inspections. One compliance action was taken in 2022.

- a. The compliance letter was sent to the VP of Engineering.
- b. The violation was documented properly. The violation was a failure to check pressure relieving capacity.
- c. The compliance issue was properly resolved.
- d. N/A, this issue did not require a review of progress. This was the only open violation.
- e. A compliance action was issued for all discovered probable violations.
- f. A penalty was assessed for the 2022 violation.
- g. All compliance actions are approved monitored and reviewed by the program manager.
- h. Due process is identified as an option in compliance letters.
- i. Exit interviews were conducted within 30 days.
- j. Written finding letters were sent within 90 days of the inspection.

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| 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 |
| | <ul 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:

There were no federally reportable incidents in North Dakota for 2022. This is confirmed in North Dakota's progress report and WMS.

- a. The state has a mechanism in place to receive reports of federally reportable incidents.
- b. N/A there were no federally reportable incidents in 2022. Mechanisms are in place to document incident notification activities.
- c. N/A there were no federally reportable incidents in 2022. Mechanisms are in place to document No go decisions.
- d. N/A there were no incidents in 2022.
- e. N/A there were no incidents in 2022.
- f. N/A there were no incidents in 2022.
- g. N/A there were no incidents in 2022.
- h. There was no interaction from AID last year but historically AID has consulted with the State.
- i. Incident lessons are shared at regional NAPSRS meetings and state seminars.

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| 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:

A Letter went out to chair Fedorchak on 7/21/22. The only issue was a to provide evidence that a 30 day post briefing was conducted. An 8/30/22 response from Commissioner Sheri Haugan-Hoffart stated that this issue was corrected. Commissioner Haugan -Hoffart is still the portfolio holder. The new chair Randy Christmann

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

Evaluator Notes:

A safety seminar was conducted on 10/21/2020. It was Hosted by South Dakota. Seminars are combined with South Dakota. A seminar is scheduled for the 2023 that North Dakota is hosting.

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

Evaluator Notes:

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

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

Evaluator Notes:

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

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

Evaluator Notes:

There were no Safety Related Conditions in North Dakota in 2022. This was confirmed by Caleb and the Pipeline Data Mart.

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- | | | | |
|---|------------------------------|---------------------------------------|---|
| 14 | Was the State responsive to: | 1 | 1 |
| | | Yes = 1 No = 0 Needs Improvement = .5 | |
| <ul style="list-style-type: none">a. Surveys or information requests from NAPSRS or PHMSA; andb. PHMSA Work Management system tasks? | | | |

Evaluator Notes:

- a. Caleb responds to NAPSRS surveys.
- b. North Dakota responds to IMP notification's in WMS. There were no WMS notices in 2022.
- c. There was a notification for a change in ownership. Crestwood absorbed Oasis. These are gathering systems. MPLX requested that two op ids be merged. WMS is up to date.

- 15 If the State has issued any waivers/special permits for any operator, has the state verified conditions of those waivers/special permits are being met? This should include having the operator amend procedures where appropriate. 1 1

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

There is one active waiver dated 2/6/2008. The waiver allows MDU to monitor atmospheric corrosion every 4 years with leak surveys. Business Districts are done annually along with atmospheric survey. This requirement is monitored by the Public Service Commission. Caleb sends annual notice to MDU to inquire about the need to maintain the special permit. This is tracked and documented by Caleb.

- 16 Were pipeline program files well-organized and accessible? Info Only Info Only

Info Only = No Points

Evaluator Notes:

Information was electronic and readily accessible.

- 17 Discussion with State on accuracy of inspection day information submitted into State Inspection Day Calculation Tool (SICT). Has the state updated SICT data? 3 3

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

Evaluator Notes:

North Dakota met SICT inspection and construction days for 2022. The 2023 SICT review did not identify any concerns to address.

- 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:

Caleb was referred to state metrics web site. Inspection days have gone up even with low number of staff. Contracting with Aaron appears to make an impact. Inspectors in training should help alleviate this workload next year.

- 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:

The supplemental checklist addresses this issue.

- 20 General Comments: Info Only Info Only

Info Only = No Points

Evaluator Notes:

There are no issues with part D

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:

- The inspection was a construction inspection of Northern Minnesota Power Company in Fargo ND. MP Technologies was the contractor doing the actual construction work. The project was a main replacement. The drilling operation was inspected.
- This operator was last inspected in 2022.
- The compliance officer for Northern Minnesota Power was at the inspection.
- Caleb Simburger performed the inspection. He is the only qualified inspector for the Public Service Commission. Aaron is also on contract to perform inspections for the state.

- 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:

A state construction form was used during the inspection. A hard copy of the form was followed during the visit.

- 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:

- Fusion procedures were reviewed during the visit.
- Calibration and operator qualifications records were reviewed.
- Fusing, drilling and damage prevention activities were observed.
- N/A
- inspection length was adequate.

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

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Caleb showed good knowledge of pipeline safety issues and regulation. He used the inspection form as a guide. He observed the appropriate portions of the construction, he asked good questions and good follow up questions. He had good rapport and interacted well with the contractors and company officials.

- 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:

An exit interview was conducted before Caleb left the inspection. He requested additional OQ records and did not find any probable violations.

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. Inspectors complied with the safety briefing, wore proper PE and were alert for job hazards.
 - b. Caleb Checked locates, locate paperwork, PE pipe specifications, fusing, fusing procedures, temperature gauge calibration records, and operator qualifications.
 - c. Caleb used a pipe identification app which allowed him to scan the bar code on pe pipe and he is immediately supplied detailed specifications for the pipe which had been scanned.
 - d. N/A, No additional observations
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7 General Comments: Info Only Info Only

Info Only = No Points

Evaluator Notes:

There were no issues with part E.

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:

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

- | | | | |
|---|--|---|---|
| 2 | Has the state verified that the operators analyze excavation damages for the purpose of determining root causes and minimizing the possibility of a recurrence? (192.617) 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:

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

- | | | | |
|---|---|---|---|
| 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 State reviews annual report Part D data. This data is entered in a spreadsheet for trending. Damage Prevention inspections are conducted to oversee management of data and management of the damage prevention program. The Appendix D summary matrix was presented to the State. They were instructed on how to use the matrix to influence improvement of the operators third party damage statistics.

- | | | | |
|---|--|---|---|
| 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?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. | 2 | 2 |
|---|--|---|---|

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

5 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

There are no issues with part F.

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:

ND 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:

ND 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:

ND 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:

ND 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:

ND 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:

ND 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