



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

NEBRASKA PIPELINE SAFETY DIVISION

## 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:** Nebraska

**Agency Status:**

**Date of Visit:** 05/08/2023 - 05/12/2023

**Agency Representative:** David Levering, Chief Deputy State Fire Marshal

**PHMSA Representative:** Agustin Lopez, State Liaison

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

**Name/Title:** Scott Cordes, State Fire Marshal

**Agency:** Nebraska State Fire Marshal's Office

**Address:** 246 South 14th Street, Suite 1

**City/State/Zip:** Lincoln, NE 68508

**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

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
<b>100</b>	<b>100</b>

### TOTALS

**State Rating** ..... **100.0**

## PART A - Progress Report and Program Documentation Review

Points(MAX)    Score

- 1    Were the following Progress Report Items accurate? (\*items not scored on progress report)    Info Only    Info Only
- Info Only = No Points
- a.    Stats On Operators Data - Progress Report Attachment 1
  - b.    State Inspection Activity Data - Progress Report Attachment 2
  - c.    List of Operators Data - Progress Report Attachment 3\*
  - d.    Incidents/Accidents Data - Progress Report Attachment 4\*
  - e.    Stats of Compliance Actions Data - Progress Report Attachment 5\*
  - f.    List of Records Kept Data - Progress Report Attachment 6 \*
  - g.    Staff and TQ Training Data - Progress Report Attachment 7
  - h.    Compliance with Federal Regulations Data - Progress Report Attachment 8
  - i.    Performance and Damage Prevention Question Data - Progress Report Attachment 10\*

### Evaluator Notes:

- a. Verified operator data with PDM and state files and database.
- b. Reviewed state files of inspector recorded time to verify inspector days.
- c. Reviewed PDM along with state data to verify operator data.
- d. There were no reportable incidents in Nebraska in 2022.
- e. Compliance carry over have cases open dating back to 2017. Due to a change in Attorney General there was a delay. Current AG is working to close out older cases.
- f. NE SFM keeps records of inspection reports and operator data.
- g. Verified inspector training with TQ Blackboard.
- h. Did not adopt 125-84 FR 52180 within two years due to covid delays. Are in process of adopting all new amendments up to 2023. Only issue is not having the required civil penalty amounts.
- i. Performance and damage prevention initiatives are listed in attachment 10. Plan to have two inspectors fully trained. Converted inspection forms into new program APX.

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<br>Yes = 5 No = 0 Needs Improvement = 1-4   | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Standard Inspections, which include Drug/Alcohol, CRM and Public Awareness Effectiveness Inspections</li><li>b. TIMP and DIMP Inspections (reviewing largest operator(s) plans annually)</li><li>c. OQ Inspections</li><li>d. Damage Prevention Inspections</li><li>e. On-Site Operator Training</li><li>f. Construction Inspections (annual efforts)</li><li>g. LNG Inspections</li></ul> |   |   |

### Evaluator Notes:

Sections E and F of Inspection Plan address inspection procedures which include pre and post inspection activities. The procedures give guidance to inspectors on how to perform each type of inspection.

- a. Yes, standard, Drug and Alcohol, and Public Awareness inspections are included in the procedures. Sections F.5-1, F.5-2, F.5-3, F.5-11, F.5-12 and F.5-13.
- b. Yes, TIMP and DIMP inspections are included in the procedures. Sections F.5-4 and F.5-5
- c. Yes, OQ Inspections are included in the procedures. Section F.5-7
- d. Damage Prevention inspections are included in the procedures. Section F.5-9
- e. On-site training inspections are included in the procedures. Section F.5-10
- f. Construction inspections are included in the procedures. Section F.5-8
- g. Yes, LNG inspections are included in the procedures. Section F.5-5

- |   |   |   |   |
|---|---|---|---|
| 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<br>Yes = 4 No = 0 Needs Improvement = 1-3  | 4 | 4 |
|   | <ul style="list-style-type: none"><li>a. Length of time since last inspection</li><li>b. Operating history of operator/unit and/or location (includes leakage, incident and compliance activities)</li><li>c. Type of activity being undertaken by operators (i.e. construction)</li><li>d. Locations of operator's inspection units being inspected - (HCA's, Geographic area, Population Centers, etc.)</li><li>e. Process to identify high-risk inspection units that includes all threats - (Excavation Damage, Corrosion, Natural Forces, Outside Forces, Material and Welds, Equipment, Operators and any Other Factors)</li><li>f. Are inspection units broken down appropriately?</li></ul> |   |   |

### Evaluator Notes:

Yes, Section E.2 and E.3 of NE SFM Pipeline Safety Section-Inspection Plan has procedures that address the frequency of each type of inspection. Risk based analysis is established to prioritize inspections based on length of time since last inspection, history of unit, significant events, size of operator, HCAs, and compliance history. Units are broken down appropriately to be able to conduct a through inspection.

- a. Section E.3 Inspection frequency is not to exceed 5 years and 3 years for LNG operators.
- b. -e. Section E.2 has inspection priority which takes risks into account including inspector knowledge of operator, compliance history, annual report reviews, time since last inspection, system expansion/construction.
- f. Section C.5-2 addresses how units are broken down.

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

- c. Procedures regarding closing outstanding probable violations

Evaluator Notes:

Section H addresses Compliance Action procedures and the steps from discovery to resolution of a probable violation. Monitoring of Pending Actions gives guidance for tracking compliance actions to prevent breakdowns or delays.

- 
- |   |  |   |   |
|---|--|---|---|
| 4 | (Incident/Accident Investigations) Does the state have written procedures to address state actions in the event of an incident/accident?<br>Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | 3 |
|   | 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:

Section G.3 has mechanism to receive any damages to a pipeline structure or component from operators that are required to report any unintentional release of gas. A dedicated phone number is used by operators to notify all deputies and the Chief.

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

Evaluator Notes:

The NE SFM is mainly complying with Section B of the 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<br>Yes = 5 No = 0 Needs Improvement = 1-4  | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Completion of Required OQ Training before conducting inspection as lead</li><li>b. Completion of Required DIMP/IMP Training before conducting inspection as lead</li><li>c. Completion of Required LNG Training before conducting inspection as lead</li><li>d. Root Cause Training by at least one inspector/program manager</li><li>e. Note any outside training completed</li><li>f. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector (Reference State Guidelines Section 4.3.1)</li></ul> |   |   |

Evaluator Notes:

Verified training in TQ Blackboard. Root Cause course has been taken by inspectors. Reviewed randomly selected inspection reports to verify lead inspectors are qualified to lead each type of inspection.

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

Evaluator Notes:

Yes, David Levering is knowledgeable of the pipeline safety program and regulations.

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

Evaluator Notes:

The NE SFM is mainly complying with Part C of the Evaluation.

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<br>Yes = 5 No = 0 Needs Improvement = 1-4  | 5 | 5 |
|   | <ul style="list-style-type: none"><li>a. Standard (General Code Compliance)</li><li>b. Public Awareness Effectiveness Reviews</li><li>c. Drug and Alcohol</li><li>d. Control Room Management</li><li>e. Part 193 LNG Inspections</li><li>f. Construction (did state achieve 20% of total inspection person-days?)</li><li>g. OQ (see Question 3 for additional requirements)</li><li>h. IMP/DIMP (see Question 4 for additional requirements)</li></ul> |   |   |

**Evaluator Notes:**

Reviewed randomly selected inspection reports to verify inspection cycles. Reports indicated that inspection cycles are being met per the NESFM procedures and not exceeding 5 years and 3 years for LNG.

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

**Evaluator Notes:**

Use state forms that mirror the IA equivalent questions. Reviewed randomly selected inspection report and verified completion and that forms cover all compliance sections appropriate for each type of inspection.

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

**Evaluator Notes:**

Recommend to conduct OQ Protocol 9 on maintenance tasks during field inspections. Most OQ Protocol 9 are performed during construction inspections and mostly involve line locating and construction activities.

- |   |   |   |   |
|---|---|---|---|
| 4 | Is state verifying operator's integrity management Programs (IMP and DIMP)? This should include a review of plans, along with monitoring progress. In addition, the review should take in to account program review and updates of operator's plan(s). 49 CFR 192 Subparts O and P<br>Yes = 2 No = 0 Needs Improvement = 1  | 2 | 2 |
|   | <ul style="list-style-type: none"><li>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?</li><li>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?</li></ul> |   |   |

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

Evaluator Notes:

NESFM conducts IMP inspections to verify compliance with regulations. BRD was found to have HCA so will conduct IMP inspection. Also need to conduct an IMP Protocol A on Lincoln Electric to assure operator has HCA identification procedures.

- |   |   |   |   |
|---|---|---|---|
| 5 | <p>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</p> <p>Yes = 2 No = 0 Needs Improvement = 1</p> <ul style="list-style-type: none"> <li>a. Operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken;</li> <li>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);</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>f. Operator procedures for considering low pressure distribution systems in threat analysis?</li> <li>g. Operator compliance with state and federal regulations for regulators located inside buildings?</li> </ul> | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

Questions are in inspection forms and on Form 15.5 Annual Report Review.

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

Evaluator Notes:

Discuss advisory bulletins during seminars. PHMSA provided update during February 8-10,2022 Seminar. Two operators with low pressure systems. MUD and Northwestern Energy are working to eliminate low pressure systems and converting to higher pressure.

- |   |  |    |    |
|---|--|----|----|
| 7 | <p>(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</p> <p>Yes = 10 No = 0 Needs Improvement = 1-9</p> <ul style="list-style-type: none"> <li>a. Were compliance actions sent to company officer or manager/board member if municipal/government system?</li> <li>b. Were probable violations documented properly?</li> <li>c. Resolve probable violations</li> <li>d. Routinely review progress of probable violations</li> <li>e. Did state issue compliance actions for all probable violations discovered?</li> <li>f. Can state demonstrate fining authority for pipeline safety violations?</li> <li>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)</li> <li>h. Did state compliance actions give reasonable due process to all parties? Including "show cause" hearing, if necessary.</li> </ul> | 10 | 10 |
|---|--|----|----|

- 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:**

There are several compliance cases that are still open dating back to 2017. The cases are in the Attorney General office so NE SFM is waiting for decision on cases in order to close. Need to expedite closing these older cases since they are 7 years old. Delays were due to change in AG, so new AG is working on closing older cases.

<b>8</b>	(Incident Investigations) Were all federally reportable incidents investigated, thoroughly documented, with conclusions and recommendations? Yes = 10 No = 0 Needs Improvement = 1-9	<b>10</b>	<b>10</b>
	<ul style="list-style-type: none"> <li>a. Does state have adequate mechanism to receive and respond to operator reports of incidents, including after-hours reports?</li> <li>b. Did state keep adequate records of Incident/Accident notifications received?</li> <li>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?</li> <li>d. Were onsite observations documented?</li> <li>e. Were contributing factors documented?</li> <li>f. Were recommendations to prevent recurrences, where appropriate, documented?</li> <li>g. Did state initiate compliance action for any violations found during any incident/accident investigation?</li> <li>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?</li> <li>i. Does state share any lessons learned from incidents/accidents?</li> </ul>		

**Evaluator Notes:**

There were no reportable incidents in Nebraska in 2022 on intrastate pipelines. Verified in PDM. SFM does have procedures to investigate incidents.

<b>9</b>	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	<b>1</b>	<b>1</b>
----------	---	----------	----------

**Evaluator Notes:**

Yes, the NE SFM responded within the required 60 days.

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

**Evaluator Notes:**

Yes the last seminar was held on Feb 8-10, 2022. PHMSA was present at the seminar.

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

**Evaluator Notes:**

Yes, the question is part of the inspection form which was verified during the inspection report review.

<b>12</b>	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	<b>1</b>	<b>1</b>
-----------	--	----------	----------

**Evaluator Notes:**

Attend pipeline related seminars and Excavation Safety Summit on a yearly basis. Also communicate with operators thru emails.

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

Evaluator Notes:

There was one SRCR in PDM that was closed by PHMSA. NE SFM conducted inspection of Nebraska City Utilities pipe replacement.

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

Evaluator Notes:

Yes, respond to NAPSRS surveys and respond to PHMSA requests.

- 
- |           |  |   |   |
|-----------|--|---|---|
| <b>15</b> | 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.<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|--|---|---|

Evaluator Notes:

There are no open waivers which require follow up actions.

- 
- |           |   |           |           |
|-----------|---|-----------|-----------|
| <b>16</b> | Were pipeline program files well-organized and accessible?<br>Info Only = No Points | Info Only | Info Only |
|-----------|---|-----------|-----------|

Evaluator Notes:

Yes, there is a new database/ inspection tracking system, APX. Files are organized and can be accessed very easily.

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

Evaluator Notes:

SICT is completed every year and reviewed to assure data is accurate and reflects the NE SFM inspections days. There are no issues or concerns with the SICT.

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

Evaluator Notes:

Damages per 1,000 have decreased to 1.6 and is below the national average of 2.5. System leaks are on a downward trend in the last several years.

- 
- |           |  |           |           |
|-----------|--|-----------|-----------|
| <b>19</b> | 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.<br>Info Only = No Points<br>a. <a href="https://pipelinesms.org/">https://pipelinesms.org/</a><br>b. Reference AGA recommendation to members May 20, 2019 | Info Only | Info Only |
|-----------|--|-----------|-----------|

Evaluator Notes:

Have had presentations on PSMS during seminar on how to implement on small municipalities.

---

**20** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

The NESFM is mainly complying with Part D of the Evaluation.

---

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:

Black Hills Energy

Scott Peterson, NESFM Pipeline Safety Deputy

Lincoln Unit-Cortland

May 10, 2023

Agustin Lopez, PHMS Evaluator

- Field inspection of Cortland Unit
- Field inspections are conducted on Black Hills units every year.
- Operator representative was not present during inspection.
- Scott Peterson has not been evaluated in the past.

- 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, the inspector utilized the NESFM Pipeline Safety Section Inspection Report.

- 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:

- Procedures were not part of this inspection.
- Records were not part of this inspection.
- Field inspection of pipeline facilities was performed. Inspector checked for atmospheric corrosion, cathodic protection level, ROW signs and condition, facility signs, and piping condition.
- No other type of inspection was performed.
- Yes, the inspection was adequate in length. Inspector inspected the entire town and visited multiple meters, TBS and road crossings.

- 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, Mr. Scott Peterson was knowledgeable of the pipeline safety program and 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:

An email is was sent to the operator with any issues or probable violations found during the inspection at the end of the day.  
Issues identified were: low cp readings, no ROW markers at highway crossing, open piping not in compliance with procedures, stress on piping due to growing tree.

---

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 inspection was conducted in a safe, positive and constructive manner.

---

7 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Scott Peterson performed and excellent field inspection of Black Hills Lincoln Unit- Cortland. He was very observant and identified several issues. He is a great asset to the NESFM.

---

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



**PART F - Damage prevention and Annual report analysis****Points(MAX) Score**

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

Evaluator Notes:

Yes, analyze and review annual reports for accuracy and trends. Document Annual Report reviews.

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

Evaluator Notes:

New rule requires operator's to report any pipeline damages within 1 hour of confirmed discovery. Rule became effective in 2019. This helps in investigating every damage that occurs in the state for violations of one call laws.

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

Evaluator Notes:

Yes, NE SFM reviews Annual Reports which include Part D. Along with the requirement of operator's to report any damage to their facilities helps in investigating the cause and to find violations of the one call laws.

- |   |   |   |   |
|---|---|---|---|
| 4 | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests?<br>Yes = 2 No = 0 Needs Improvement = 1 <ol style="list-style-type: none"><li>a. What stakeholder group is causing the highest number of damages to the pipelines? Operator, contractor, locating company or public.</li><li>b. Has the state verified the operator is appropriately focusing damage prevention education and training to stakeholders causing the most damages?</li><li>c. Has the state evaluated which of the following best describes the reason for the excavation damages; i.e., operator or contractor not following written procedures, failure to maintain marks, failure to support exposed facilities, failure to use hand tools were required, failure to test-hole (pot hole), improper backfilling practices, failure to maintain clearance or insufficient excavation practices.</li><li>d. Has the state verified the operator is appropriately focusing damage prevention education and training to address the causes of excavation damages?</li></ol> | 2 | 2 |
|---|---|---|---|

Evaluator Notes:

Annual Report submittals form has questionnaire asking total damages due to excavation damages to the operator's system.  
Data is also available by one call center and in PHMSA website.

---

**5** General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

The NESFM is mainly complying with Part F of the evaluation.

---

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:

NE SFM/PSD 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:

NE SFM/PSD 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:

NE SFM/PSD 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:

NE SFM/PSD 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:

NE SFM/PSD 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:

NE SFM/PSD 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