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

1200 New Jersey Avenue SE
Washington DC 20590

2023 Gas State Program Evaluation

for

ARKANSAS 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

2023 Gas State Program Evaluation -- CY 2023

Gas

State Agency: Arkansas
Rating:
Agency Status:
60105(a): Yes **60106(a):** No **Interstate Agent:** No
Date of Visit: 09/10/2024 - 09/12/2024
Agency Representative: Jason Dunham, Jerry Harris, Keith Price
PHMSA Representative: Joe Subsits, Sean Mayo
Commission Chairman to whom follow up letter is to be sent:

Name/Title: Doyle Webb, Chairman
Agency: Arkansas Public Service Commission
Address: PO Box 400, 1000 Center Street
City/State/Zip: Little Rock, Arkansas 72203-0400

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 2023 (not the status of performance at the time of the evaluation). A deficiency in any one part of a multiple-part question should be scored as "Needs Improvement." Determine the answer to the question then select the appropriate point value. If a state receives less than the maximum points, include a brief explanation in the appropriate notes/comments section. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and they OBJECTIVELY reflect the state's program performance for the question being evaluated. Increasing emphasis is being placed on how the state pipeline safety programs conduct and execute their pipeline safety responsibilities (their performance). This evaluation, together with selected factors reported in the state's annual progress report attachments, provide the basis for determining the state's pipeline safety grant allocation.

Scoring Summary

PARTS		Possible Points	Points Scored
A	Progress Report and Program Documentation Review	0	0
B	Program Inspection Procedures	15	15
C	State Qualifications	10	10
D	Program Performance	50	49
E	Field Inspections	15	15
F	Damage prevention and Annual report analysis	10	10
TOTALS		**100**	**99**
State Rating			**99.0**

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 = 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*	Info Only	Info Only

Evaluator Notes:

a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Satisfactory, Original submission showed an incorrect calculation of outstanding compliance issues. This was corrected.
f. Satisfactory
g. Satisfactory
h. Satisfactory
i. Satisfactory

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

PART B - Program Inspection Procedures

		Points(MAX)	Score
1	Do written procedures address pre-inspection, inspection and post inspection activities for each of the following inspection types: Chapter 5.1 Yes = 5 No = 0 Needs Improvement = 1-4 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	5	5

Evaluator Notes:
a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Satisfactory
f. Satisfactory
g. N/A, No LNG in Arkansas

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 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?	4	4

Evaluator Notes:
a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Satisfactory
f. Satisfactory

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 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	3	3

Evaluator Notes:
a. Satisfactory
b. Satisfactory
c. Satisfactory

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 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.	3	3

Evaluator Notes:

a. Satisfactory

b. Satisfactory

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

Evaluator Notes:

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 a. Completion of Required OQ Training before conducting inspection as lead b. Completion of Required DIMP/IMP Training before conducting inspection as lead c. Completion of Required LNG Training before conducting inspection as lead d. Root Cause Training by at least one inspector/program manager e. Note any outside training completed f. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector (Reference State Guidelines Section 4.3.1)	5	5

Evaluator Notes:

a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Staff attended a one call conference
f. Satisfactory

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:

Satisfactory

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

Evaluator Notes:

No Issues with Part C

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 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)	5	4

Evaluator Notes:
a. Satisfactory
b. Satisfactory
c. Unsatisfactory, three previous drug and alcohol inspections exceeded the fie year frequency.
d. Unsatisfactory, one previous inspection exceeded the required five-year frequency.
e. N/A, No LNG in Arkansas
f. Satisfactory
g Unsatisfactory, three OQ inspection previous inspection frequencies were exceeded.
h. Unsatisfactory, two previous inspection frequencies were exceeded.

		Points(MAX)	Score
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 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)	10	10

Evaluator Notes:
a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
c. Satisfactory
d. Satisfactory
e. N/A, no LNG in Arkansas
f. Satisfactory
g. Satisfactory
h. Satisfactory

		Points(MAX)	Score
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:

Satisfactory

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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 — 2 — 2

Yes = 2 No = 0 Needs Improvement = 1

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. Satisfactory

b. Satisfactory

c. N/A, State is unaware of any low-pressure systems in state

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5 Did the state review the following (these items are NTSB recommendations to PHMSA that have been deemed acceptable response based on PHMSA reviewing these items during the evaluation process): Chapter 5.1 — 2 — 2

Yes = 2 No = 0 Needs Improvement = 1

a. Operator 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-b. No cast iron in system

c. Satisfactory

d. Satisfactory

e. Satisfactory

f. Satisfactory

g. Satisactory

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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) — 1 — 1

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

There were no 2023 advisory bulletins.

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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 — 10 — 10

Yes = 10 No = 0 Needs Improvement = 1-9

a. Were compliance actions sent to company officer or manager/board member if municipal/government system?

b. Were probable violations documented properly?

c. Resolve probable violations

d. Routinely review progress of probable violations

e. Did state issue compliance actions for all probable violations discovered?

f. Can state demonstrate fining authority for pipeline safety violations?

g. Does Program Manager review, approve and monitor all compliance actions? (note: Program Manager or Senior Official should sign any NOPV or related enforcement action)

h. Did state compliance actions give reasonable due process to all parties? Including "show cause" hearing, if necessary.

i. Within 30 days, conduct a post-inspection briefing with the owner or operator outlining any concerns

j. Within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection. (Incident investigations do not need to meet 30/90-day requirement)

Evaluator Notes:

a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Satisfactory
f. Satisfactory
g. Satisfactory
h. Satisfactory
i. Satisfactory
j. Satisfactory

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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:

a. Satisfactory
b. Satisfactory
c. Satisfactory
d. Satisfactory
e. Satisfactory
f. Satisfactory

g. Satisfactory
h. Satisfactory
i. Satisfactory

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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:
Satisfactory

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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:
Satisfactory

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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:
Satisfactory

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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:
Satisfactory

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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:
Satisfactory

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14 Was the State responsive to: — 1 — 1

Yes = 1 No = 0 Needs Improvement = .5

a. Surveys or information requests from NAPSR or PHMSA; and
b. PHMSA Work Management system tasks?

Evaluator Notes:
a. Satisfactory
b. Satisfactory

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

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:
Satisfactory

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

Info Only = No Points

Evaluator Notes:

Satisfactory

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

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

Evaluator Notes:

Satisfactory

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18 Discussion on State Program Performance Metrics found on Stakeholder Communication site.\ http://primis.phmsa.dot.gov/comm/states.htm?nocache=4805 Info Only Info Only

Info Only = No Points

Evaluator Notes:

Satisfactory

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19 Did the state encourage and promote operator implementation of Pipeline Safety Management Systems (PSMS), or API RP 1173? This holistic approach to improving pipeline safety includes the identification, prevention and remediation of safety hazards. Info Only Info Only

Info Only = No Points

a. https://pipelinesms.org/

b. Reference AGA recommendation to members May 20, 2019

Evaluator Notes:

Satisfactory

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20 General Comments: Info Only Info Only

Info Only = No Points

Evaluator Notes:

One point was deducted because previous inspection frequencies did not meet the 5-year minimum frequency for several inspections.

Total points scored for this section: 49
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 = No Points a. What type of inspection(s) did the state inspector conduct during the field portion of the state evaluation? (i.e. Standard, Construction, IMP, etc) b. When was the unit inspected last? c. Was pipeline operator or representative present during inspection? d. Effort should be made to observe newest state inspector with least experience	Info Only	Info Only

Evaluator Notes:

a. The inspection was the field portion for a standard inspection of the Hot Springs District.
b. This unit was last inspected in 2022.
c. Summit Utility representatives were on-site during the inspection.
d. Jerry Harris was inspected. Jerry has 12 years of experience.

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) Yes = 2 No = 0 Needs Improvement = 1	2	2

Evaluator Notes:

Arkansas used their state form electronically in an iPad.

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

Evaluator Notes:

a. N/A, Standard inspection was done
b. Satisfactory
c. Satisfactory
d. N/A, No other inspection type conducted
e. Satisfactory

4	From your observation did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) Yes = 2 No = 0 Needs Improvement = 1	2	2

Evaluator Notes:

Satisfactory

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

Evaluator Notes:

Satisfactory

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

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. Satisfactory
b. Jerry reviewed the pressure control team. Relief, regulator set points were evaluated. Equipment capacity was reviewed. Supports were inspected, atmospheric corrosion was checked. OQs were checked including protocol 9.
c. N/A, No Best Practices
d. N/A, No other

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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:
Satisfactory

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:
Satisfactory

3	Has the state reviewed the operator's annual report pertaining to Part D - Excavation Damage? Yes = 4 No = 0 Needs Improvement = 1-3 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:
Satisfactory

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 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?	2	2

Evaluator Notes:
a. Excavators
b. Satisfactory

c. Satisfactory

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5 General Comments: Info Only Info Only

Info Only = No Points

Evaluator Notes:

No issues with Part F

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