



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

MAINE PUBLIC UTILITIES 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: Maine

Agency Status:

Date of Visit: 08/26/2024 - 08/30/2024

Agency Representative: Nathan Dore, Gas Safety Manager
Brandon Plourde, Pipeline Safety Inspector
Sean Watson, Pipeline Safety Inspector
Derek Davidson, Director Consumer Assistance & Safety
Hattie Trask, Administrative Assistant

PHMSA Representative: Glynn Blanton, State Liaison PHP-50 State Programs
Drew Eaken, General Engineer PHP-50 State Programs

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

Name/Title: Philip L. Bartlett II, Chairman
Agency: Maine Public Utilities Commission
Address: 26 Katherine Drive
City/State/Zip: Hallowell, Maine 04347

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 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 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. Jurisdictional authority, number of operators and units inspected were found correct.
 - b. Number of inspection person days 234 exceeded the minimum requirement of 226. Construction days of 45 met the required days.
 - c. Operator's names and ID numbers in PHMSA Portal match attachment 1 & 3.
 - d. No incidents were reported.
 - e. Number of carry over violations is 19 and number to be corrected at end of year is 34. Eighteen compliance actions were issued. One civil penalty assessed \$30,000.
 - f. A review of records appears to be correct.
 - g. A review of TQ Blackboard crystal report found two inspectors are Gas & IM qualified and category II. One inspector is category III. Two inspectors have completed the root cause course.
 - h. All federal regulations and civil penalty is \$223,000/\$2.227 million.
 - i. Information was provided on planned and past performance.
- 2023 Progress Report score was 50 points.

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



PART B - Program Inspection Procedures

Points(MAX) Score

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

Evaluator Notes:

- a. Yes, Standard Inspection continue to be listed in section 5 and Appendix C of MPUC Gas Safety Program Procedures.
- b. Yes, TIMP & DIMP Inspections procedures are listed in Appendix C.
- c. Yes, OQ Inspection procedures are listed in Appendix C chart.
- d. Yes, Damage Prevention Inspection procedures are included in the Standard Inspection.
- e. Yes, this is listed in Appendix C chart.
- f. Yes, Construction Inspection procedures are listed in Appendix C chart.
- g. Yes, LNG Inspection procedures and scheduling is listed in Appendix C chart.

All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

- a to e: These items are listed in Section 5, Appendix C of MPUC Gas Safety Program Procedures.
- f. Yes

All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

All requirements for this question were found satisfied. No loss of points.

- a. Yes, written procedures to identify notification of non-compliances are located in Appendix D. Enforcement Procedures.
- b. & c. Yes, written procedures to routinely review progress of compliance action and closing violations are found in Appendix D, section, Compliance Tracking and Follow-up.

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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:

All requirements for this question were found satisfied. No loss of points.

- a. Yes, mechanism to receive and respond to incidents reported by the operator are located in Appendix E, Accident Investigation Procedures, section C. Initial Notification.
- b. Yes, this item is described in Appendix E, Accident Investigation Procedures D. Follow-up Response. However, improvement is needed to include a note in the procedures a note to file if they were unable to conduct the investigation.

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

Evaluator Notes:

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

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



PART C - State Qualifications

Points(MAX) Score

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

Evaluator Notes:

A review of TQ Blackboard crystal report found two inspectors are category II, gas qualified and completed the root cause and LNG courses. Two inspectors are IMP qualified. One inspector is category III and has three courses to complete at TQ. No outside training occurred in CY2023.

Yes, two of the inspectors are qualified to lead an IM inspection.

All requirements for this question were found satisfied. No loss of points.

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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:

Mr. Nathan Dore has completed all basic required training at TQ to be an active gas inspector. He has demonstrated a working knowledge of the responsibilities of the Gas Safety Manager position in the last year since his appointment on April 26, 2022. He was previously a gas pipeline safety inspector and with MPUC for ten years.

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

Evaluator Notes:

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

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



PART D - Program Performance**Points(MAX) Score**

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

Evaluator Notes:

Randomly selected operators to be checked for this evaluation period consisted of one distribution (Maine Gas), one transmission (Summit Natural Gas Company), seven LPG (Osterman Properties, P. Gagnon Sons, Colby Gate, CN Brown, Branch Brook Fuels, Estes Oil Burner Service, Champagnes Energy) and one LNG (Northern Utilities) operator. A review of data on inspections performed on each operator was checked and found time intervals were not met on all inspections.

A review of the LNG inspection for Northern Utilities found it was not performed in accordance with the 3-year interval schedule. Dates performed were 12-28-2017 and 06-23-2021. A review of Maine Natural Gas PAPEI inspection found it was not performed within the four-year interval. Dates performed were 12/19/2013 and 11/17/2021. A loss of one point occurred on this question.

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

Evaluator Notes:

MPUC uses IA to perform their inspections. A review of standard, public awareness, D&A, control room management, LNG, OQ and IMP/DIMP inspections for those operators selected for this review found all information was entered correctly. The documents were complete, and all N/A items were provided with a comment. All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

All requirements for this question were found satisfied. No loss of points occurred.

- 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:

All requirements for this question were found satisfied. No loss of points.

- a. Yes, a meeting with Northern Utilities representative Meggan Pena, Director of Pipeline Safety, on June 20-21, 2023, was conducted. Information on the review of their plan is listed in the Maine Public Utilities letter to the company dated September 14, 2023. Additionally, MPUC has a rule requirement that all distribution operators are required to submit their plan to the MPUC by May 1st each calendar year for review.
- b. Yes, this is completed by a review of Until Company legacy plastic pipe of the engineering target replacement plan. The review was November 7, 2023, by Program Manager.
- c. Yes, only one operator Unutil has a low-pressure system. They continue to rank risk this item into their DIMP program. Their cast iron replacement program was filed and reviewed on March 31, 2023, by Program Manager.

- 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:

All requirements for this question were found satisfied. No loss of points.

MPUC continues to use the IA form to address the NTSB recommendations. A review of inspections conducted on Unutil, Summit and Bangor Gas companies confirm this was completed in CY2023.

- e. This was accomplished via the MPUC rule change Chapter 420.Subsection 3. D, "Location of Underground Facilities Where Trenchless Technology is Used".
- f. MPUC continues to conduct meetings with Unutil officials about their low-pressure system and ensure this item is included in their DIMP.
- g. MPUC provides an annual E-mail to all operators about inside regulators and meter sets located inside a building or home. Bangor Natural Gas Company has seven inside regulators in their system. The regulators are vented outside of the building.

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:

No advisory bulletins were issued in CY2023.

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:

- a. Yes. A review of 2023 MPUC Progress Report found 18 compliance actions taken and 1 civil penalty assessed in the amount of \$30,000. Conducted a review of the compliance letters to verify they were sent to company officers. The following letters were reviewed: Augusta Fuel Company, Colby & Gale, Superior Plus Propane, Dead River Company, Eastern Propane, Irving Oil, Haffner Energy, Maritime Energy, P.G. Willey and Company & AE Robertson. No issues with letters being sent to company officers.
- b. Yes, each letter listed probable violations and corrected action to be taken. No issues were found.
- c. Yes, no issues.
- d. Yes, violations are reviewed by the Gas Safety Manager and staff on a bi-weekly schedule.
- e. Yes, compliance actions were taken on non-compliance letters.
- f. Yes, civil penalty has been assessed against Superior Plus in the amount of \$30,000.
- g. Yes, Gas Safety Manager routinely reviews all compliance letters.
- h. Yes, due process is provided in accordance with MPUC rules and regulations, Chapter 420 Section 8 of the rules.
- i. A review of inspection report demonstrated an exit interview was conducted at each inspection.
- j. Yes, a review of inspection reports and compliance letters demonstrated written findings were documented and provided to the operator within 90 days from the inspection date.

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:

Yes, these items are listed in their written procedures. No incidents or accidents occurred in CY2023. This information was validated in PHMSA Portal.

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

Evaluator Notes:

No response was required from the previous evaluation.

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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 = No Points | Info Only | Info Only |
|-----------|---|-----------|-----------|

Evaluator Notes:

Yes, pipeline safety training seminar was conducted with New England Pipeline Safety Representative on October 25, 2023, in Westborough, MA. One hundred and nine individuals attend the seminar. Also, MPUC hosted a 2023 training seminar for all propane operators on May 3-4, 2023. Number of attendees were 76.

- | | | | |
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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 = No Points | Info Only | Info Only |
|-----------|--|-----------|-----------|

Evaluator Notes:

Yes, this is reviewed during their IA inspection.

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

Evaluator Notes:

Yes, this is accomplished via their website.

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

Evaluator Notes:

No safety related condition reports were issued in CY2023.

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

Evaluator Notes:

- a. Yes, Program Manager continues to participate in all surveys from NAPSAR and PHMSA.
- b. Yes, Program Manager is familiar with WMS and was provided information on accessing the training videos in Appendix T of the guidelines document.

All requirements for this question were found satisfied. No loss of points.

- 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:

The open waiver with Unitil Gas Company, which was amended as of May 8, 2014, pertaining to MAOP continues.

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

Evaluator Notes:

All requirements for this question were found satisfied. No loss of points.

- 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:

All requirements for this question were found satisfied. No loss of points. They filed their report on July 28, 2023.

- 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:

All requirements for this question were found satisfied. No loss of points.

- 19** Did the state encourage and promote operator implementation of Pipeline Safety Management Systems (PSMS), or API RP 1173? This holistic approach to improving pipeline safety includes the identification, prevention and remediation of safety hazards. Info Only Info Only
Info Only = No Points
a. <https://pipelinesms.org/>
b. Reference AGA recommendation to members May 20, 2019

Evaluator Notes:

Yes, this is presented at their pipeline safety seminar. Until Gas Company has implemented this program into their organization. All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

A loss of one point occurred in question D.1.

Total points scored for this section: 49
Total possible points for this section: 50

- 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:

- Operator Qualification inspection (OQ Protocol 9)
- April 2023
- Yes. The operator is Maine Natural Gas and operator personal present was Mr. Allen Berry, supervisor, and Mr. Kevin Chase, Lead Technician. Protocol 9 performed on Mr. Chase.
- Three state inspectors were present which were Nathan Dore (Program Manager), Sean Watson, and Brandon Plourde. Mr. Dore was the lead for this inspection. Glynn Blanton & Drew Eaken PHMSA State Programs Representatives.

All requirements for this question were found satisfied. No loss of points occurred.

- 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, Nathan Dore was using the Federal Inspection Assistant operator qualification form electronically on an IPAD for compliance to pipeline safety regulations.

All requirements for this question were found satisfied. No loss of points occurred.

- 3 Did the inspector adequately review the following during the inspection 10 10

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

- Procedures (were the inspector's questions of the operator adequate to determine compliance?)
- Records (did the inspector adequately review trends and ask in-depth questions?)
- Field Activities/Facilities (did inspector ensure that procedures were being followed, including ensuring that properly calibrated equipment was used and OQ's were acceptable?)
- Other (please comment)
- Was the inspection of adequate length to properly perform the inspection?

Evaluator Notes:

- Yes, Nathan Dore was observed asking questions of the Lead Technician about his operator qualifications and tasks that were being performed for a weekly regulator station inspection at the 896 Elmwood Road Station in Pownal, ME.
- Yes, Maine Natural Gas records were checked on Mr. Kevin Chase to perform weekly regulator station inspection and other related work.
- Yes, observed Nathan Dore checked operator's procedure available electronically and operator qualification records.
- & e. Yes, the OQ Protocol 9 inspection was performed in a professional manner and was of adequate length to observe the inspector.

All requirements for this question were found satisfied. No loss of points occurred.

- 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, Nathan Dore has completed all required courses at TQ to be an active gas inspector.

All requirements for this question were found satisfied. No loss of points occurred.

- 5 Did the inspector conduct an exit interview, including identifying probable violations? (If inspection is not totally completed the interview should be based on areas covered during time of field evaluation) 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, Nathan Dore conducted an exit interview at the end of the day with Mr. Allen Berry and Mr. Kevin Chase. No violations nor safety concerns were found. Crew members were following safety procedures and practices.

All requirements for this question were found satisfied. No loss of points occurred.

- 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, safe practices were followed, and a review of the Job Safety Analysis was performed prior to inspection beginning. Mr. Allen Berry and Mr. Kevin Chase were wearing safety vests and hard hats along with safety glasses. Inspector observed Mr. Chase performing a weekly regulator station inspection. Safety practices were followed by all representatives of Maine Natural Gas.

All requirements for this question were found satisfied. No loss of points occurred.

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

Evaluator Notes:

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

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



PART F - Damage prevention and Annual report analysis

Points(MAX) Score

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

Evaluator Notes:

Yes, annual reports are reviewed by Gas Safety Manager. The inspector prior to performing an inspection continue to check the annual report for trends. Information is entered into "Summary of Distribution System for Calendar Year" spreadsheet each year. The spreadsheet provides information on the utility companies and leaks eliminated and damage prevention root causes.

All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

Yes, MPUC continues to have an active damage prevention group of two Damage Prevention Investigators who check each required filed reports by the company or contractor on damages that have occurred. Information on root causes is provided in the reporting document or Investigator independent report. Yes, repeated violations are listed in a separate report and reviewed by the pipeline safety staff. Yes, operators have taken steps to mitigate risk by conducting an outreach program and meeting with the excavator.

All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

a, b & c. Yes, this is reviewed in the operator's annual report and root cause numbers are listed in MPUC spreadsheet section entitled, "Excavation Damages by Apparent Root Cause".
d & e. Yes, this item is reviewed during the OQ Inspections.
f. Number of damages resulting from mismarks in CY2023 was 6.
g. Number of damages from "Not locating within required time" is zero for CY2023.
h. Yes, this is reviewed with the operators and have asked them to include this item into their GIS.
i. Yes, operators are taking action to correct mapping errors when found in a timely manner.
j. Yes, this is reviewed during the annual review of operator's annual reports. The largest cause of damages in Maine continues to be "Excavation Practices".

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- | | | | |
|---|--|---|---|
| 4 | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests?
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|
- a. What stakeholder group is causing the highest number of damages to the pipelines? Operator, contractor, locating company or public.
 - b. Has the state verified the operator is appropriately focusing damage prevention education and training to stakeholders causing the most damages?
 - c. Has the state evaluated which of the following best describes the reason for the excavation damages; i.e., operator or contractor not following written procedures, failure to maintain marks, failure to support exposed facilities, failure to use hand tools were required, failure to test-hole (pot hole), improper backfilling practices, failure to maintain clearance or insufficient excavation practices.
 - d. Has the state verified the operator is appropriately focusing damage prevention education and training to address the causes of excavation damages?

Evaluator Notes:

- a. Excavators continue to cause the highest number of damages in Maine.
 - b. Yes, this is accomplished via the Damage Prevention Enforcement program.
 - c. Yes, the best description of the reason for excavation damages in Maine: Operator and contractor are not following Chapter 895 of Maine's Damage Prevention Law.
 - d. Yes
- Yes, MPUC continues to have an active damage prevention group of two Damage Prevention Investigators who check each required filed reports by the company or contractor on damages that have occurred. Information on root causes is provided in the reporting document or Investigator independent report. Yes, repeated violations are listed in a separate report and reviewed by the pipeline safety staff. Yes, operators have taken steps to mitigate risk by conducting an outreach program and meeting with the excavator.

All requirements for this question were found satisfied. No loss of points.

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

Evaluator Notes:

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

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

