



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

1200 New Jersey Avenue SE
Washington DC 20590

2010 Natural Gas State Program Evaluation

for

NEW YORK PUBLIC SERVICE COMMISSION

Document Legend

PART:

- O -- Representative Date and Title Information
- A -- General Program Qualifications
- B -- Inspections and Compliance - Procedures/Records/Performance
- C -- Interstate Agent States
- D -- Incident Investigations
- E -- Damage Prevention Initiatives
- F -- Field Inspection
- G -- PHMSA Initiatives - Strategic Plan
- H -- Miscellaneous
- I -- Program Initiatives



2010 Natural Gas State Program Evaluation -- CY 2010
Natural Gas

State Agency: New York

Agency Status:

Date of Visit: 08/08/2011 - 08/26/2011

Agency Representative: Gavin Nicoletta, P.E.

PHMSA Representative: Dino N.Rathod, P.E.

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

Name/Title: Garry A. Brown, Chairman

Agency: State of New York Department of Public Service

Address: Three Empire Plaza

City/State/Zip: Albany, New York 12223-1350

Rating:

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

INSTRUCTIONS:

Complete this evaluation in accordance with the Procedures for Evaluating State Pipeline Safety Program. The evaluation should generally reflect state program performance during CY 2010 (not the status of performance at the time of the evaluation). All items for which criteria have not been established should be answered based on the PHMSA representative's judgment. 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 space provided for general comments/regional observations. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and OBJECTIVELY reflect state program performance. Increasing emphasis is being placed on performance. This evaluation together with selected factors reported in the state's annual certification/agreement attachments provide the basis for determining the state's pipeline safety grant allocation.

Field Inspection (PART F):

The field inspection form used will allow different areas of emphasis to be considered for each question. Question 13 is provided for scoring field observation areas. In completing PART F, the PHMSA representative should include a written summary which thoroughly documents the inspection.

Scoring Summary

PARTS

Possible Points Points Scored

A	General Program Qualifications	26	24
B	Inspections and Compliance - Procedures/Records/Performance	24.5	24
C	Interstate Agent States	7	7
D	Incident Investigations	7	7
E	Damage Prevention Initiatives	9	9
F	Field Inspection	11	11
G	PHMSA Initiatives - Strategic Plan	10	10
H	Miscellaneous	3	3
I	Program Initiatives	9	9

106.5 104

TOTALS

State Rating 97.7

PART A - General Program Qualifications

Points(MAX) Score

- | | | | |
|----------|--|-------------------------------------|---|
| 1 | Did the state submit complete and accurate information on the attachments to its most current 60105(a) Certification/60106 (a) Agreement? (NOTE: PHMSA Representative to verify certification/agreement attachments by reviewing appropriate state documentation. Score a deficiency in any one area as "needs improvement". Attachment numbers appear in parenthesis) Previous Question A.1, Items a-h worth 1 point each
Yes = 8 No = 0 Needs Minor Improvement = 3-7 Needs Major Improvement = 2 | 8 | 7 |
| <hr/> | | | |
| a. | State Jurisdiction and agent status over gas facilities (1) | <input checked="" type="checkbox"/> | |
| b. | Total state inspection activity (2) | <input checked="" type="checkbox"/> | |
| c. | Gas facilities subject to state safety jurisdiction (3) | <input checked="" type="checkbox"/> | |
| d. | Gas pipeline incidents (4) | <input checked="" type="checkbox"/> | |
| e. | State compliance actions (5) | <input checked="" type="checkbox"/> | |
| f. | State record maintenance and reporting (6) | <input checked="" type="checkbox"/> | |
| g. | State employees directly involved in the gas pipeline safety program (7) | <input checked="" type="checkbox"/> | |
| h. | State compliance with Federal requirements (8) | <input checked="" type="checkbox"/> | |

SLR Notes:

1. Attachment 5- Verify number of Probable Violations to be corrected at end of Cy 2010. Recheck Number of carryover, found, corrected etc. Numbers as shown do not add-up(Point loss for this item)
- 2) Review and provide explanatory notes for Number of Operators in Attachments 1 & 3.
- 3). Attachment- 8 NY DPS indicated that "Steps were being taken to Adopt". However NY State did not adopt federal pipeline safety amendments within timeline (24 months or two general sessions of legislature). NY DPS agreed to take actions to get it resolved to avoid loss of points.

- | | | | |
|----------|---|---|---|
| 2 | Did the state have an adequate mechanism to receive operator reporting of incidents to ensure state compliance with 60105(a) Certification/60106(a) Agreement requirements (fatality, injury requiring hospitalization, property damage exceeding \$50,000 - Mechanism should include receiving "after hours" reports)? (Chapter 6) Previous Question A.2
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

- | | | | |
|----------|---|---|---|
| 3 | Has the state held a pipeline safety TQ seminar(s) in the last 3 years? (NOTE: Indicate date of last seminar or if state requested seminar, but T&Q could not provide, indicate date of state request for seminar. Seminars must be held at least once every 3 calendar years.) (Chapter 8.5) Previous Question A.4
Yes = 2 No = 0 | 2 | 2 |
|----------|---|---|---|

SLR Notes:

NY DPS hosted T&Q seminar in Sept 2010 in Saratoga Spring, NY

- | | | | |
|----------|--|---|---|
| 4 | Were pipeline safety program files well-organized and accessible?(NOTE: This also includes electronic files) (Chapter 5) Previous Question A.5
Yes = 1 No = 0 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

DPS maintains hard copies and electronic database accessible by all regional staff.

- | | | | |
|----------|---|---|---|
| 5 | Did state records and discussions with the state pipeline safety program manager indicate adequate knowledge of PHMSA program and regulations? (Chapter 4.1, Chapter 8.1) Previous Question A.6
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

SLR Notes:

Gavin Nicoletta has extensive pipeline safety regulatory experience. He has completed required T&Q courses. He works closely with PHMSa & NAPSR and actively participates in various committees. He also provides guidance to DPS inspection staff.

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|----------|---|---|---|
| 6 | Did the state respond in writing within 60 days to the requested items in the Chairman's letter following the Region's last program evaluation? (No response is necessary if no items are requested in letter and mark "Yes") (Chapter 8.1) Previous Question A.8
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

PSC Chairman letter response of Feb 4, 2011 was received within 60 days.

7	What actions, if necessary, did the State initiate as a result of issues raised in the Chairperson's letter from the previous year? Did actions correct or address deficiencies from previous year's evaluation? (No response is necessary if no items are requested in letter and mark "Yes") (Chapter 8.1) Previous Question A.8/A.9	1	0
	Yes = 1 No = 0		

SLR Notes:

NY Efforts to strengthen penalty provisions of the Public Service Law and possible changes to 16NY CR Part 753 did not materialize. These issues have been discussed with NY DPS for several years but no successful resolution, resulted in loss points and reduction of PHMSA grant funding

Personnel and Qualifications

8	Has each inspector fulfilled the 3 year TQ training requirement? If No, has the state been granted a waiver regarding TQ courses by the Associate Administrator for Pipeline Safety? (NOTE: If the State has new inspectors who have not attended all TQ courses, but are in a program which will achieve the completion of all applicable courses within 3 years of taking first course (5 years to successfully complete), or if a waiver has been granted by the applicable Region Director for the state, please answer yes.) (Chapter 4.4) Previous Question A.10	3	3
	Yes = 3 No = 0		

SLR Notes:

- 1) Two DPS inspectors have "Incomplete" for PL 3306 External Corrosion Course (ECDA) since 10/25/2007. It was noted that these are not part of mandatory courses.
- 2) One DPS inspector has "Unsuccessful" for PL 3252 Corrosion Course since 02/04/2000. However eventually this inspector finally was able to complete PL 3293 Corrosion Control Course in 06/25/2010.

9	Brief Description of Non-TQ training Activities:	Info Only	Info Only
	Info Only = No Points		
	For State Personnel:		
	For Operators:		
	For Non-Operator Entities/Parties, Information Dissemination, Public Meetings:		

SLR Notes:

10	Did the lead inspectors complete all required T&Q OQ courses and Computer Based Training (CBT) before conducting OQ Inspections? (Chapter 4.4.1) Previous Question A.12	1	1
	Yes = 1 No = 0		

SLR Notes:

11	Did the lead inspectors complete all required TQ Integrity Management (IMP) Courses/Seminars and CBT before conducting IMP Inspections? (Chapter 4.4.1) Previous Question A.13	1	1
	Yes = 1 No = 0		

SLR Notes:

12	Was the ratio acceptable of Total inspection Person-days to Total Person-days charged to the program by state inspectors? (Region Director may modify points for just cause) (Chapter 4.3) Previous Question B.12	5	5
	Yes = 5 No = 0		
	A. Total Inspection Person Days (Attachment 2): 4146.00		
	B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7): 220 X 21.28 = 4681.05		
	Ratio: A / B 4146.00 / 4681.05 = 0.89		
	If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0		
	Points = 5		

SLR Notes:

13	Have there been modifications or proposed changes to inspector-staffing levels? (If yes, describe) Previous	Info Only	Info Only
	Question B.13		
	Info Only = No Points		

SLR Notes:

1. In 2010-three DPS inspectors resigned (K desai, R. Jenkins) and inspector Al Saraceni retired.
2. DPS hired five inspectors.

14	Part-A General Comments/Regional Observations	Info Only	Info Only
	Info Only = No Points		

SLR Notes:

Total points scored for this section: 24
Total possible points for this section: 26



PART B - Inspections and Compliance - Procedures/Records/ Performance

Points(MAX) Score

Inspection Procedures

- 1** Does the State have a written inspection plan to complete the following? (all types of operators including LNG) 6.5 6
(Chapter 5.1) Previous Question B.1 + Chapter 5 Changes + Incorporate LNG
Yes = 6.5 No = 0 Needs Improvement = 50% Deduction
- | | | | | |
|---|---|--------------------------------------|--------------------------|---|
| a | Standard Inspections (Including LNG) (Max points = 2) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b | IMP Inspections (Including DIMP) (Max points = .5) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c | OQ Inspections (Max points = .5) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| d | Damage Prevention (Max points = .5) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| e | On-Site Operator Training (Max points = .5) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| f | Construction Inspections (Max points = .5) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| g | Incident/Accident Investigations (Max points = 1) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| h | Compliance Follow-up (Max points = 1) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

SLR Notes:

Discussed with DPS issue of no visible progress and slower pace to revise State Guideline Manual (SGM). I emphasized the need for SGM to cover all pertinent requirements including PHMSA's Guidelines for States (Dec 2010) or a newer version and streamline to make it user-friendly for specific pipeline safety requirements. Suggested that DPS consider segregating non-pipeline safety related items in separate section of SGM. DPS will address this issue and resolve in a timely manner.

- 2** Did the written Procedures for selecting operators adequately address key concerns? (Chapter 5.1) Previous Question B.2, items a-d are worth .5 point each 2 2
Yes = 2 No = 0 Needs Improvement = 50% Deduction
- | | | | | |
|---|--|--------------------------------------|--------------------------|---|
| a | Length of time since last inspection | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b | History of Operator/unit and/or location (including leakage , incident and compliance history) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c | Type of activity being undertaken by operator (construction etc) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| d | For large operators, rotation of locations inspected | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

SLR Notes:

Inspection Performance

- 3** Did the state inspect all types of operators and inspection units in accordance with time intervals established in its written procedures? (Chapter 5.1) Previous Question B.3 2 2
Yes = 2 No = 0

SLR Notes:

- 4** Did the state inspection form cover all applicable code requirements addressed on the Federal Inspection forms? (Chapter 5.1 (3)) Previous Question B.4 1 1
Yes = 1 No = 0

SLR Notes:

- 5** Did state complete all applicable portions of inspection forms? (Chapter 5.1 (3)) Previous Question B.5 1 1
Yes = 1 No = 0

SLR Notes:

- 6** Did the state initiate appropriate follow-up actions to Safety Related Condition Reports? (Chapter 6.3) Previous Question B.6 .5 NA
Yes = .5 No = 0

SLR Notes:

No SRC in CY 2010

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- | | | | |
|---|--|----|----|
| 7 | Did the state review operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken? (NTSB) Previous Question B.7
Yes = .5 No = 0 | .5 | .5 |
|---|--|----|----|

SLR Notes:

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| 8 | Did the state review 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) (NTSB) Previous Question B.8
Yes = .5 No = 0 | .5 | .5 |
|---|---|----|----|

SLR Notes:

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|---|--|----|----|
| 9 | Did the state review 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? (NTSB) Previous Question B.9
Yes = .5 No = 0 | .5 | .5 |
|---|--|----|----|

SLR Notes:

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- | | | | |
|----|--|---|---|
| 10 | Did the state review 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? (NTSB) Previous Question B.10
Yes = 1 No = 0 | 1 | 1 |
|----|--|---|---|

SLR Notes:

Compliance - 60105(a) States

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|----|--|---|---|
| 11 | Did the state adequately document sufficient information on probable violations? (Chapter 5.2) Previous Question B.14
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----|--|---|---|

SLR Notes:

2011 Certification Attachment 5 listed information. In additoin, NY DPS maintains records with adequarw level of details.

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- | | | | |
|----|--|---|---|
| 12 | Does the state have written procedures to identify the steps to be taken from the discovery to the resolution of a probable violation as specified in the "Guidelines for State Participating in the Pipeline Safety Program"? (Chapter 5.1) Previous Question D(1).1
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----|--|---|---|

SLR Notes:

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- | | | | |
|----|--|---|---|
| 13 | Does the state have written procedures to notify an operator when a noncompliance is identified as specified in the "Guidelines for States Participating in the Pipeline Safety Program"? (Chapter 5.1(4)) Previous Question D(1).2
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----|--|---|---|

SLR Notes:

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- | | | | |
|----|--|---|---|
| 14 | Does the state have a written procedure for routinely reviewing the progress of compliance actions to prevent delays or breakdowns of the enforcement process, as required by the "Guidelines for States Participating in the Pipeline Safety Program"? (Chapter 5.1(5)) Previous Question D(1).3
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----|--|---|---|

SLR Notes:

15	Has the State issued compliance actions for all probable violations discovered? (Note : PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation) Previous Question D(1).4 Yes = 1 No = 0	1	1
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SLR Notes:

16	Did the state follow its written procedures for reviewing compliance actions and follow-up to determine that prompt corrective actions were taken by operators, within the time frames established by the procedures and compliance correspondence, as required by the "Guidelines for States Participating in the Pipeline Safety Program"? Previous Question D(1).5 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

17	If compliance could not be established by other means, did state pipeline safety program staff request formal action, such as a "Show Cause Hearing" to correct pipeline safety violations? (check each states enforcement procedures) Previous Question D(1).6 No = 0 Yes = 1	1	1
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SLR Notes:

18	Did the state adequately document the resolution of probable violations? (Chapter 5.1 (6)) Previous Question D(1).7 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

19	Were compliance actions sent to a company officer? (manager or board member if municipal/government system) (Chapter 5.1(4)) Previous Question D(1).8 Yes = .5 No = 0	.5	.5
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SLR Notes:

20	Did the compliance proceedings give reasonable due process to all parties? (check each states enforcement procedures) Previous Question D(1).9 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

Compliance - 60106(a) States

21	Did the state use the current federal inspection form(s)? Previous Question D(2).1 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

22	Are results adequately documented demonstrating inspection units were reviewed in accordance with state inspection plan? Previous Question D(2).2 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

23	Were any probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) Previous Question D(2).3 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

24	Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Previous Question D(2).4 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

25	Did the state give written notice to PHMSA within 60 days of all probable violations found? Previous Question D(2).5 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

26	Did the state initially submit adequate documentation to support compliance action by PHMSA on probable violations? Previous Question D(2).6 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

27	Is the program manager familiar with state process for imposing civil penalties? Were civil penalties considered for repeat violations (with severity consideration) or violations resulting in incidents/accidents? (describe any actions taken) Info Only = No Points	Info Only	Info Only
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SLR Notes:

yes; NY DPS Program Manager is very familiar with process of imposing civil penalties as one of effective tools for achieving compliance.

28	Part B: General Comments/Regional Observations Info Only = No Points	Info Only	Info Only
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SLR Notes:

Total points scored for this section: 24
Total possible points for this section: 24.5



PART C - Interstate Agent States

Points(MAX) Score

1	Did the state use the current federal inspection form(s)? Previous Question D(3).1 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

2	Are results documented demonstrating inspection units were reviewed in accordance with "PHMSA directed inspection plan"? Previous Question D(3).2 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

3	Did the state submit documentation of the inspections within 60 days as stated in its latest Interstate Agent Agreement form? Previous Question D(3).3 Yes = 1 No = 0	1	1
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SLR Notes:

4	Were any probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) Previous Question D(3).4 Yes = 1 No = 0	1	1
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SLR Notes:

5	Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Previous Question D(3).5 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

6	Did the state give written notice to PHMSA within 60 days of all probable violations found? Previous Question D(3).6 Yes = 1 No = 0	1	1
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SLR Notes:

7	Did the state initially submit documentation to support compliance action by PHMSA on probable violations? Previous Question D(3).7 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

8	Part C: General Comments/Regional Observations Info Only = No Points	Info Only	Info Only
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SLR Notes:

NY DPS has worked closely with ER and provided required documentation in a timely manner.

Total points scored for this section: 7
Total possible points for this section: 7

PART D - Incident Investigations

Points(MAX) Score

- | | | | |
|----------|--|---|---|
| 1 | Are state personnel following the procedures for Federal/State cooperation in case of an incident? (See Appendix in "Guidelines for States Participating in the Pipeline Safety Program") (Chapter 6.1) Previous Question E.1
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

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|----------|---|----|----|
| 2 | Are state personnel familiar with the jurisdictional authority and Memorandum of Understanding between NTSB and PHMSA? (See Appendix in "Guidelines for States Participating in the Pipeline Safety Program") (Chapter 6 ? Appendix D) Previous Question E.2
Yes = .5 No = 0 | .5 | .5 |
|----------|---|----|----|

SLR Notes:

All field inspections and construction monitoring which involve excavation are checked for mark-outs. Specific methods of inspection include staff issuing 753 citations, conducting site visits, contractor/excavator visits

- | | | | |
|----------|--|---|---|
| 3 | Did the state keep adequate records of incident notifications received? Previous Question E.3
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

PS maintains records of incoming information regarding possible incidents.

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|----------|--|---|---|
| 4 | If an onsite investigation of an incident was not made, did the state obtain sufficient information by other means to determine the facts and support the decision not to go on-site? Previous Question E.4
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

- | | | | |
|----------|---|--------------------------------------|--|
| 5 | Were investigations thorough and conclusions and recommendations documented in an acceptable manner? Previous Question E.5, comprehensive question worth 2 points total
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
| a. | Observations and Document Review | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| b. | Contributing Factors | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| c. | Recommendations to prevent recurrences where appropriate | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

SLR Notes:

DPS reported two incidents in CY 2010. May 20- Con Edison (CENY) and Oct 15 RG&E.

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|----------|---|---|---|
| 6 | Did the state initiate enforcement action for violations found during any incident investigation(s)? Previous Question E.6 Variation
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

- | | | | |
|----------|--|----|-----|
| 7 | Did the state assist region office by taking appropriate follow-up actions related to the operator incident reports to ensure accuracy and final report has been received by PHMSA? (validate annual report data from operators concerning incidents/accidents and investigate discrepancies) (Chapter 6) Previous Question E.7/E.8
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

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|----------|---|-----------|-----------|
| 8 | Part D: General Comments/Regional Observations
Info Only = No Points | Info Only | Info Only |
|----------|---|-----------|-----------|

SLR Notes:

Total points scored for this section: 7
Total possible points for this section: 7



PART E - Damage Prevention Initiatives

Points(MAX) Score

- | | | | |
|----------|--|---|---|
| 1 | Has the state reviewed 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? Previous Question B.11
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

DPS met with operators during safety meetings to discuss need for enhanced drilling/boring procedures. Staff reviewed operator procedures through normal audits. I've attached the procedures from National Grid, which has subsidiaries in New York City, Long Island and upstate New York

- | | | | |
|----------|--|---|---|
| 2 | Did the state inspector check to assure the pipeline operator is following its written procedures pertaining to notification of excavation, marking, positive response and the availability and use of the one call system? New 2008
Yes = 2 No = 0 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

All field inspections and construction monitoring which involve excavation are checked for mark-outs. Specific methods of inspection include staff issuing 753 citations, conducting site visits, contractor/excavator visits

- | | | | |
|----------|---|---|---|
| 3 | Did the state encourage and promote the adoption of the Common Ground Alliance Best Practices document to its regulated companies as a means of reducing damages to all underground facilities? Previous Question A.7
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

SLR Notes:

All field inspections and construction monitoring which involve excavation are checked for mark-outs. Specific methods of inspection include staff issuing 753 citations, conducting site visits, contractor/excavator visits

- | | | | |
|----------|---|---|---|
| 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? New 2008
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

DPS requires all operators to submit quarterly performance reports on metrics that include damages per 1000 requests (see "2011 RGE Damage data.xls" for example of reporting metrics). The performance is summarized in the 2010 Performance Report. (See Performance report Press Release.doc which was publicly distributed and 2010 performance report.pdf)

- | | | | |
|----------|--|---|---|
| 5 | Did the state review operators' records of accidents and failures due to excavation damage to ensure causes of failure are addressed to minimize the possibility of recurrence as required by 192.617?
Yes = 2 No = 0 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

DPS receives operator Performance reports, no call reports (all damages associated with "no-call" are required to be reported to Albany and citations issued), we conduct random excavation site visits, issue 753 citations, etc. All incidents meeting minimum thresholds are reported to staff (24/7) and where appropriate and warranted, investigated.

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|----------|---|-----------|-----------|
| 6 | Part E: General Comments/Regional Observations
Info Only = No Points | Info Only | Info Only |
|----------|---|-----------|-----------|

SLR Notes:

DPS has strong damage prevention program with enforcement of dig safe violations.

Total points scored for this section: 9
Total possible points for this section: 9

PART F - Field Inspection

Points(MAX) Score

- 1** Operator, Inspector, Location, Date and PHMSA Representative Info Only Info Only
Info Only = No Points

Name of Operator Inspected:
Con Edision of New York (CENY); National Grid (NG)

Name of State Inspector(s) Observed:
M. Mahammed/ S. Thomas

Location of Inspection:
Bronx/ Hicksville

Date of Inspection:
08/10/2011 thru 08/11/2011

Name of PHMSA Representative:
Dino N.Rathod

SLR Notes:

Aug 10- Con Edison- observe remedial activities on 24-inch transmission pipeline in Bronx. DIMP implementation status- Overview
Aug 11- National Grid- DIMP implementation status- Overview.
Also discuss current PHMSA Advisories related to San Bruno, CA and proactive measures by LDCs

- 2** Was the operator or operator's representative notified and/or given the opportunity to be present during inspection? New 2008 1 1
Yes = 1 No = 0

SLR Notes:

LDC Reps were present.

- 3** Did the inspector use an acceptable inspection form/checklist and was the form/checklist used as a guide for the inspection? (New regulations shall be incorporated) Previous Question F.2 2 2
Yes = 2 No = 0

SLR Notes:

Inspector used acceptable check List/ Inspection forms.

- 4** Did the inspector thoroughly document results of the inspection? Previous Question F.3 2 2
Yes = 2 No = 0

SLR Notes:

DPS Inspectors documented various inspection observations /results in a satisfactory manner.

- 5** Did the inspector check to see if the operator had necessary equipment during inspection to conduct tasks viewed? (Maps, pyrometer, soap spray, CGI, etc.) New 2008 1 1
Yes = 1 No = 0

SLR Notes:

- 6** What type of inspection(s) did the state inspector conduct during the field portion of the state evaluation? (i.e. Standard, Construction, IMP, etc) New 2008 Info Only Info Only
Info Only = No Points

SLR Notes:

Aug 10- Con Edison- observe remedial activities on 24-inch transmission pipeline in Bronx. DIMP implementation status- Overview
Aug 11- National Grid- DIMP implementation status- Overview.
Also discuss current PHMSA Advisories related to San Bruno, CA and proactive measures by LDCs

- 7** Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) New 2008, comprehensive question worth 2 points total 2 2
Yes = 2 No = 0 Needs Improvement = 1
- a. Procedures ☒
 - b. Records ☒
 - c. Field Activities/Facilities ☒

d. Other (Please Comment)



SLR Notes:

Aug 10- Con Edison- observe remedial activities on 24-inch transmission pipeline in Bronx. DIMP implementation status- Overview
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Also discuss current PHMSA Advisories related to San Bruno, CA and proactive measures by LDCs

8	Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Liaison will document reasons if unacceptable) Previous Question F.8	2	2
Yes = 2 No = 0			

SLR Notes:

Both PSC inspectors were knowledgeable of pipeline safety issues.

9	Did the inspector conduct an exit interview? (If inspection is not totally complete the interview should be based on areas covered during time of field evaluation) Previous Question F.10	1	1
Yes = 1 No = 0			

SLR Notes:

Each inspectors conducted a brief overview of activities and conveyed observation.

10	During the exit interview, did the inspector identify probable violations found during the inspections? Previous Question F.11	1	NA
Yes = 1 No = 0			

SLR Notes:

No probable violations were found during this two day trip

11	What did the inspector observe in the field? (Narrative description of field observations and how inspector performed)	Info Only	Info Only
Info Only = No Points			

SLR Notes:

Aug 10- Con Edison- observe remedial activities on 24-inch transmission pipeline in Bronx. DIMP implementation status- Overview
Aug 11- National Grid- DIMP implementation status- Overview.
Also discuss current PHMSA Advisories related to San Bruno, CA and proactive measures by LDCs

12	Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices)	Info Only	Info Only
Info Only = No Points			

SLR Notes:

13	Field Observation Areas Observed (check all that apply)	Info Only	Info Only
Info Only = No Points			
a.	Abandonment	<input type="checkbox"/>	
b.	Abnormal Operations	<input type="checkbox"/>	
c.	Break-Out Tanks	<input type="checkbox"/>	
d.	Compressor or Pump Stations	<input type="checkbox"/>	
e.	Change in Class Location	<input type="checkbox"/>	
f.	Casings	<input type="checkbox"/>	
g.	Cathodic Protection	<input type="checkbox"/>	
h.	Cast-iron Replacement	<input type="checkbox"/>	
i.	Damage Prevention	<input type="checkbox"/>	
j.	Deactivation	<input type="checkbox"/>	
k.	Emergency Procedures	<input type="checkbox"/>	
l.	Inspection of Right-of-Way	<input type="checkbox"/>	
m.	Line Markers	<input type="checkbox"/>	
n.	Liaison with Public Officials	<input type="checkbox"/>	
o.	Leak Surveys	<input type="checkbox"/>	
p.	MOP	<input type="checkbox"/>	

q.	MAOP	<input checked="" type="checkbox"/>
r.	Moving Pipe	<input type="checkbox"/>
s.	New Construction	<input type="checkbox"/>
t.	Navigable Waterway Crossings	<input type="checkbox"/>
u.	Odorization	<input type="checkbox"/>
v.	Overpressure Safety Devices	<input type="checkbox"/>
w.	Plastic Pipe Installation	<input type="checkbox"/>
x.	Public Education	<input type="checkbox"/>
y.	Purging	<input type="checkbox"/>
z.	Prevention of Accidental Ignition	<input type="checkbox"/>
A.	Repairs	<input checked="" type="checkbox"/>
B.	Signs	<input type="checkbox"/>
C.	Tapping	<input type="checkbox"/>
D.	Valve Maintenance	<input type="checkbox"/>
E.	Vault Maintenance	<input type="checkbox"/>
F.	Welding	<input checked="" type="checkbox"/>
G.	OQ - Operator Qualification	<input type="checkbox"/>
H.	Compliance Follow-up	<input type="checkbox"/>
I.	Atmospheric Corrosion	<input type="checkbox"/>
J.	Other	<input checked="" type="checkbox"/>

SLR Notes:

Aug 10- Con Edison- observe remedial activities on 24-inch transmission pipeline in Bronx. DIMP implementation status- Overview
Aug 11- National Grid- DIMP implementation status- Overview.
Also discuss current PHMSA Advisories related to San Bruno, CA and proactive measures by LDCs

14 Part F: General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

Total points scored for this section: 11
Total possible points for this section: 11



PART G - PHMSA Initiatives - Strategic Plan

Points(MAX) Score

Risk base Inspections - Targeting High Risk Areas

- | | | | |
|----------|---|-----|-----|
| 1 | Does state have process to identify high risk inspection units?
Yes = 1.5 No = 0 | 1.5 | 1.5 |
|----------|---|-----|-----|

Risk Factors (criteria) to consider may include:

Miles of HCA's, Geographic area, Population Density

Length of time since last inspection

History of Individual Operator units (leakage, incident and compliance history, etc.)

Threats - (Excavation Damage, Corrosion, Natural Forces, Other Outside Forces, Material or Welds, Equipment, Operations, Other)

SLR Notes:

DPS uses a low, medium, high risk ranking for all audit functions. All inspections are based on the risk rankings, with high risk functions audited every year, medium risk every 2-3 years, and low risk function at least once every 5 years. These rankings were consensus ranking and were developed with regional input (at least one person from each NY DPS geographical region)

- | | | | |
|----------|--|----|-----|
| 2 | Are inspection units broken down appropriately? (see definitions in Guidelines)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

DPS has listed inspection units in document "2010 OHQ's". This is updated on an annual basis to reflect any changes in operators

- | | | | |
|----------|--|-----------|-----------|
| 3 | Consideration of operators DIMP Plan? (if available and pending rulemaking)
Info Only = No Points | Info Only | Info Only |
|----------|--|-----------|-----------|

SLR Notes:

- | | | | |
|----------|--|----|-----|
| 4 | Does state inspection process target high risk areas?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

Designated High risk areas are audited on an annual basis. In addition, the local supervisor can elevate a medium or low risk item to "high" risk based on local knowledge or results of previous audits, incident investigations, etc.

Use of Data to Help Drive Program Priority and Inspections

- | | | | |
|----------|--|----|-----|
| 5 | Does state use data to analyze effectiveness of damage prevention efforts in the state? (DIRT or other data, etc)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

NY state gas pipeline Operators submit quarterly performance metrics that include damage prevention activities. In addition, DPS staff prepares an annual Performance Report that outlines operator performance and requires them to critique current practices and present ways to assure better performance

- | | | | |
|----------|---|----|-----|
| 6 | Has state reviewed data on Operator Annual reports for accuracy?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

NY DPS Staff reviews annual reports for accuracy and to reconcile reported pipe and service inventory versus the previous year(s) and what was supposed to be replaced in each operators rate agreement. For example, if an operator is required to replace 500 bare steel services per year, we would compare the current annual report with prior reports to be sure that the bare steel service line numbers decreased by at least 500 services

- | | | | |
|----------|--|----|-----|
| 7 | Has state analyzed annual report data for trends and operator issues?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

NY DPS staff reviews LDC data for possible trends.

- | | | | |
|----------|---|----|-----|
| 8 | Has state reviewed data on Incident/Accident reports for accuracy?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

9	Does state do evaluation of effectiveness of program based on data? (i.e. performance measures, trends, etc.)	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

2010 NY Gas Safety Program Performance report evaluates trends in outstanding leaks, emergency response times, damage prevention efforts, etc

10	Did the State input all operator qualification inspection results into web based database provided by PHMSA in a timely manner upon completion of OQ inspections? Previous Question B.15	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

NY DPS performed 85 OQ inspections and uploaded to database .

11	Did the State submit their replies into the Integrity Management Database (IMDB) in response to the Operators notifications for their integrity management program? Previous Question B.16	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

12	Have the IMP Federal Protocol forms been uploaded to the IMDB? Previous Question B.17	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

NY DPS performed IMP inspections during CY2007-2008 and continues to perform IMP inspections (also part of PHMSA ER Annual Inspection Plan for interstate pipelines

13	Did the State ask Operators to identify any plastic pipe and components that has shown a record of defects/leaks and what those operators are doing to mitigate the safety concerns? Previous Question B.18	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

DPS operates a plastic pipe failure database. All operators report failures to NY DPS and failure data entered into the database.

14	Has state confirmed transmission operators have submitted information into National Pipeline Mapping System (NPMS) database along with any changes made after original submission?	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

Empire and Millenium have been updated. These are the only lines that had significant "new" pipe installed since 2008. There were no extensions that we're aware of during 2010. Others had lift/place replacements that did not necessitate updates.

Accident/Incident Investigation Learning and Sharing Lessons Learned

15	Has state shared lessons learned from incidents/accidents? (i.e. NAPSIR meetings and communications)	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

DPS shares lessons learned during quarterly safety meetings with operators. Lessons learned also shared through NGA and NAPSIR meeting/workshops.

16	Does the State support data gathering efforts concerning accidents? (Frequency/Consequence/etc)	.5	0.5
	Yes = .5 No = 0		

SLR Notes:

NY state Gas Operators required to submit reports and make telephonic reports of incidents. These are entered into a database that is available for office review. Also, collect/distribute data during NGA and NAPSIR meetings

17	Does state have incident/accident criteria for conducting root cause analysis?	Info Only	Info Only
	Info Only = No Points		

SLR Notes:

DPS receives notifications, including staff updates from field investigations

18 Does state conduct root cause analysis on incidents/accidents in state?

Info Only Info Only

Info Only = No Points

SLR Notes:

19 Has state participated on root cause analysis training? (can also be on wait list)

.5

0.5

Yes = .5 No = 0

SLR Notes:

DPS Staff has been wait-listed in all attempts to take training offered through T&Q. There were several DPS staff successfully completed Root Cause Analysis training course in 2010, with additional DPS staff attended training during 2011.

Transparency - Communication with Stakeholders

20 Other than pipeline safety seminar does State communicate with stakeholders? (Communicate program data, pub awareness, etc.)

.5

0.5

Yes = .5 No = 0

SLR Notes:

2010 State Performance Reports. In addition, all information, including audit results and incident investigations, is subject to FOIL. This year there has been a large volume of information released as part of press inquiries following the San Bruno incident. These included all audit findings for NYC and other areas.

21 Does state share enforcement data with public? (Website, newsletters, docket access, etc.)

.5

0.5

Yes = .5 No = 0

SLR Notes:

2010 State Performance Reports (attached as part of part E answers.). In addition, all information, including audit results and incident investigations, is subject to FOIL. This year there has been a large volume of information released as part of press inquiries following the San Bruno incident. These included all audit findings for NYC and other areas.

22 Part G: General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

Total points scored for this section: 10

Total possible points for this section: 10

PART H - Miscellaneous

Points(MAX) Score

- | | | | |
|----------|---|----|-----|
| 1 | What were the major accomplishments for the year being evaluated? (Describe the accomplishments, NAPSR Activities and Participation, etc.)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

 2010 State Performance Report. This is a report that analyzes and reports 2009 data gathered from gas operators with respect to damage prevention, leak management, and infrastructure enhancement (replacement of cast iron and bare/ineffectively coated steel). This report also offers area for improvement.

 Steve Blaney was on CGA committee during 2010. He received the "Ron Olitsky Award" for the member of the year.

 DPS Staff participated in CGA meetings, local Damage prevention meetings (8+ statewide councils) and addressed CGA topics at safety meeting with operators.

 DPS staff participated in Major Rate cases (Rochester Gas and Electric, Central Hudson Gas and Electric). All cases included continuation and enhancements to emergency response time benchmarks, damage prevention, infrastructure enhancements (cast iron and bare/ineffectively coated steel replacement programs), and leak management programs. Staff uses these opportunities to begin to implement measures that should improve individual operator's performance detailed in the 2008, 2009, and 2010 Performance Reports.

 DPS Staff from each office participated in local Dig-Safely NY damage prevention councils

- | | | | |
|----------|--|----|-----|
| 2 | What legislative or program initiatives are taking place/planned in the state, past, present, and future? (Describe initiatives (i.e. damage prevention, jurisdiction/authority, compliance/administrative, etc.)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

The Department (PSC) continues its ongoing efforts to enact damage prevention initiatives and increase penalties and efforts to enhance capabilities for civil penalties for repeat code violations

- | | | | |
|----------|--|----|-----|
| 3 | Any Risk Reduction Accomplishments/Projects? (i.e. Cast iron replacement projects, bare steel, third-party damage reductions, etc.)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

 DPS published the Performance Report and surely helps reduce risk in several key areas, including damage prevention, emergency response, and leak management.

 DPS staff worked with the operators to enhance their leak investigation procedures to incorporate best practices including, dispatching of multiple personnel based on initial reporting, checks of nearby buildings, building evacuations based on gas readings, calling the FD for assistance, etc.

 In addition, DPS continues to reduce risk through rate case initiatives ? which are continued and enhanced based on the above report. Some of the risk reduction areas include focus on elimination of cast iron, bare and ineffectively coated steel (mains and services), and reduction in the significant leaks that operators have at the end of the year

- | | | | |
|----------|--|---|---|
| 4 | Did the state participate in/respond to surveys or information requests from NAPSR or PHMSA?
Yes = 1 No = 0 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

DPS actively participates in survey requests (NAPSR/ PHMSA)

- | | | | |
|----------|---|----|-----|
| 5 | Sharing Best Practices with Other States - (General Program)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

NY DPS attends NAPSR ER and National meetings and share pipeline safety related issues.

- | | | | |
|----------|---|-----------|-----------|
| 6 | Part H: General Comments/Regional Observations
Info Only = No Points | Info Only | Info Only |
|----------|---|-----------|-----------|

SLR Notes:

Total points scored for this section: 3

Total possible points for this section: 3



PART I - Program Initiatives

Points(MAX) Score

Drug and Alcohol Testing (49 CFR Part 199)

- | | | | |
|----------|---|---|---|
| 1 | Has the state verified that operators have drug and alcohol testing programs?
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

During the normal course of audits staff observes that required notices are posted within all utilities and barns. Staff has, in the past, reviewed all D&A programs and begun a comprehensive review during 2008. This process is ongoing and started in the western part of the State

- | | | | |
|----------|--|----|-----|
| 2 | Is the state verifying that operators are conducting the drug and alcohol tests required by the operators program (random, post-incident, etc.)
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

All incident investigations involving possible operator error include Drug & Alcohol testing. Also, spot checks are conducted on all personnel, including contractors

- | | | | |
|----------|---|----|-----|
| 3 | Is the state verifying that any positive tests are responded to in accordance with the operator's program?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

Qualification of Pipeline Personnel (49 CFR Part 192 Subpart N)

- | | | | |
|----------|---|---|---|
| 4 | Has the state verified that operators have a written qualification program?
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

Upon implementation of the OQ rule, DPS staff conducted reviews of all operator programs (2004-2006). Staff conducted field verification (OQ protocol # 9) inspections. These required both review of specific portions of the operator's program and review of personnel qualifications. These were uploaded into the OQDB

- | | | | |
|----------|--|----|-----|
| 5 | Has the state reviewed operator qualification programs for compliance with PHMSA rules and protocols?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

- | | | | |
|----------|--|----|-----|
| 6 | Is the state verifying that persons who perform covered tasks for the operator are qualified in accordance with the operator's program?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

- | | | | |
|----------|--|----|-----|
| 7 | Is the state verifying that persons who perform covered task for the operator are requalified at the intervals specified in the operator's program?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

Gas Transmission Pipeline Integrity Management (49 CFR Part 192 Subpart O)

- | | | | |
|----------|--|---|---|
| 8 | Has the state verified that all operators with transmission pipelines have either adopted an integrity management program (IMP), or have properly determined that one is not required?
Yes = 1 No = 0 | 1 | 1 |
|----------|--|---|---|

SLR Notes:

All NGA companies with transmission lines were reviewed. In addition, all transmission operators have had reviews, where applicable. Ref: NY DPS Excel Spreadsheet ("IMP - Small LDC-Intrastate Gas and Liquid Operator-Schedule Rev-12-31-2010.xls")

- | | | | |
|----------|--|----|-----|
| 9 | Has the state verified that in determining whether a plan is required, the operator correctly calculated the potential impact radii and properly applied the definition of a high consequence area?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

NY DPS Spreadsheet plus protocol forms. DPS Staff reviewed Talisman Energy in 2010. This is technically a gathering line, but through its permit, NYS required it to adhere to IMP requirements. This operator had not HCA's. Also, conducted a preliminary review of Corning Natural Gas, who did not have any 20% pipelines at the time, but was acquiring a pipeline that operated over 20%. Again, there were no HCA's and no IMP plan was needed.

10	Has the state reviewed operator IMPs for compliance with Subpart O? (In accordance with State Inspection plan) Yes = .5 No = 0	.5	0.5
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SLR Notes:

11	Is the state monitoring operator progress on the inspections, tests and remedial actions required by the operator's IMP, including that they are being done in the manner and schedule called for in its IMP? Yes = .5 No = 0	.5	0.5
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SLR Notes:

DPS Staff is housed in operator barns and receives daily location sheets. Also, engineering departments are in regular contact with staff regarding IMP work. Staff has done extensive field monitoring of EPCO (formerly TEPPCO) during 2010 with respect to integrity digs. These have all been submitted to the PHMSA ER Team Leader for NYS (Mark Wendorf).

12	Is the state verifying that operators are periodically examining their transmission line routes for the appearance of new HCAs? Yes = .5 No = 0	.5	0.5
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SLR Notes:

Class location studies appear on the five year audit plan. In addition, DPS staff spot checks appearance through both record and field audits pertaining to pipeline patrolling. Extensive checks on EPCO during 2010.

IMP Documents ? All IMP program protocols for distribution operators completed in '05-'07 and loaded to IMDB. IMP folder holds tracking document for gathering lines and transmission line (no services ? just supply) operators.

Public Awareness (49 CFR Section 192.616)

13	Has the state verified that each operator has developed a continuing public awareness program? (due date was 6/20/06 for most operators, 6/20/07 for certain very small operators, 6/13/08 for master meters) Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

DPS staff monitored: clearinghouse notices, rate case allocations, etc

14	Has the state reviewed the content of these programs for compliance with 192.616 (by participating in the Clearinghouse or by other means)? Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

Clearing house notifications, rate cases, participation in damage prevention seminars sponsored by the operators (NYSEG, NIMO) and Paradigm meeting attendance. DPS performed a targeted review of major operators public awareness programs to come up with a recommended a list of "best practices" which would establish a new model for utility gas safety customer education programs across the State.

15	Is the state verifying that operators are conducting the public awareness activities called for in its program? Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

During 2010, staff regularly attended meetings, safety breakfasts, etc.

Public Awareness Documents ? Sample operator program documents in "Public Awareness" folder. Also included in PA folder is excel spreadsheet from one staff listing programs he attended "DSNY - NG Sponsored Public Awareness Events.xls".

16	Is the state verifying that operators have evaluated their Public Awareness programs for effectiveness as described in RP1162? Info Only = No Points	Info Only	Info Only
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SLR Notes:

17	Part I: General Comments/Regional Observations	Info Only	Info Only
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SLR Notes:

Total points scored for this section: 9

Total possible points for this section: 9

