



2010 Hazardous Liquid 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 -- Accident Investigations
- E -- Damage Prevention Initiatives
- F -- Field Inspection
- G -- PHMSA Initiatives - Strategic Plan
- H -- Miscellaneous
- I -- Program Initiatives



2010 Hazardous Liquid State Program Evaluation -- CY 2010
Hazardous Liquid

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 Public Service Commission
Address: Three Empire State Plaza
City/State/Zip: Albany, New York 12223-1350

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	25
B Inspections and Compliance - Procedures/Records/Performance	24.5	24
C Interstate Agent States	7	7
D Accident 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
TOTALS	106.5	105
State Rating		98.6

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	8
	a. State Jurisdiction and agent status over Hazardous Liquid and CO2 facilities (1)		<input checked="" type="checkbox"/>
	b. Total state inspection activity (2)		<input checked="" type="checkbox"/>
	c. Hazardous Liquid facilities subject to state safety jurisdiction (3)		<input checked="" type="checkbox"/>
	d. Hazardous Liquid 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 Hazardous Liquid pipeline safety program (7)		<input checked="" type="checkbox"/>
	h. State compliance with Federal requirements (8)		<input checked="" type="checkbox"/>

SLR Notes:

Attachment 8: 1) Cite Specific NY Law/ Reg for applicable pipeline safety and also Dig safe. 2) NY DPS indicated that "Steps were being taken to Adopt". However NY state did not adopt applicable federal pipeline safety amendments within timeline (24 months or two general sessions of legislature). NY DPS agreed to take appropriate actions to get it resolved to avoid possible loss of points in next year's pipeline safety Program Evaluation.

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 (accident criteria as referenced in 195.50? - 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 T & Q 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.5 Yes = 2 No = 0	2	2
----------	--	---	---

SLR Notes:

NY hosted Pipeline Safety T&Q seminar Sept 2010.

4	Were pipeline safety program files well-organized and accessible?(NOTE: This also includes electronic files) (Chapter 5) Previous Question A.6 Yes = 1 No = 0	1	1
----------	--	---	---

SLR Notes:

DPS maintains electronic database as well as hard copies of certain records. Records are accessible and organized.

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.7 Yes = 2 No = 0 Needs Improvement = 1	2	2
----------	---	---	---

SLR Notes:

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

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.9 Yes = 1 No = 0	1	1
----------	---	---	---

SLR Notes:

PSC Chairman letter 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? (Chapter 8.1) Previous Question A.10 Yes = 1 No = 0	1	0
----------	---	---	---

SLR Notes:

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

Personnel and Qualifications

- | | | | |
|----------|---|---|---|
| 8 | Has each inspector fulfilled the 3 year T&Q training requirement? If No, has the state been granted a waiver regarding T&Q courses by the Associate Administrator for Pipeline Safety? (NOTE: If the State has new inspectors who have not attended all T&Q 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.11
Yes = 3 No = 0 | 3 | 3 |
|----------|---|---|---|

SLR Notes:

- | | | | |
|----------|---|-----------|-----------|
| 9 | Brief Description of Non-T&Q training Activities
Info Only = No Points

For State Personnel:

For Operators:

For Non-Operator Entities/Parties, Information Dissemination, Public Meetings: | Info Only | Info Only |
|----------|---|-----------|-----------|

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.13
Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

- | | | | |
|-----------|---|---|---|
| 11 | Did the lead inspectors complete all required T&Q Integrity Management (IMP) Courses/Seminars and CBT before conducting IMP Inspections? (Chapter 4.4.1) Previous Question A.14
Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

Haz Liquid IMP course PL 2294 has been completed by DPS inspectors

- | | | | |
|-----------|--|---|---|
| 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.14
Yes = 5 No = 0

A. Total Inspection Person Days (Attachment 2):
262.00

B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
220 X 1.28 = 281.60

Ratio: A / B
262.00 / 281.60 = 0.93

If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0
Points = 5 | 5 | 5 |
|-----------|--|---|---|

SLR Notes:

Ratio is acceptable since > 0.38

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

SLR Notes:



in CY 2010 three (3) DPS inspectors resigned and one inspector retired. DPS hired five (5) inspectors.

14 Part-A General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

Total points scored for this section: 25

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) (Chapter 5.1) Previous Question B.1 + Chapter 5 Changes 6.5 6
Yes = 6.5 No = 0 Needs Improvement = 50% Deduction
- a Standard Inspections (Including LNG) (Max points = 2) Yes No Needs Improvement
 - b IMP Inspections (Including DIMP) (Max points = .5) Yes No Needs Improvement
 - c OQ Inspections (Max points = .5) Yes No Needs Improvement
 - d Damage Prevention (Max points = .5) Yes No Needs Improvement
 - e On-Site Operator Training (Max points = .5) Yes No Needs Improvement
 - f Construction Inspections (Max points = .5) Yes No Needs Improvement
 - g Incident/Accident Investigations (Max points = 1) Yes No Needs Improvement
 - h Compliance Follow-up (Max points = 1) Yes No Needs Improvement

SLR Notes:

Discussed with DPS on no visible progress and slower pace to revise State Guideline Manual (SGM). I emphasized 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 a separate section(s) 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 No Needs Improvement
 - b History of Operator/unit and/or location (including leakage , incident and compliance history) Yes No Needs Improvement
 - c Type of activity being undertaken by operator (construction etc) Yes No Needs Improvement
 - d For large operators, rotation of locations inspected Yes No Needs Improvement

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.5 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.6 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.7 .5 NA
Yes = .5 No = 0



SLR Notes:

NO SRC in CY 2010

7	Did the state review operator procedures for determining areas of active corrosion on liquid lines in sufficient detail? (NOTE: PHMSA representative to describe state criteria for determining areas of active corrosion) Previous Question B.8 Yes = .5 No = 0	.5	0.5
----------	---	----	-----

SLR Notes:

DPS uses federal liquid pipeline carrier inspection form (#3). Parts 195.573 and .581

8	Did the state adequately review for compliance operator procedures for abandoning pipeline facilities and analyzing pipeline accidents to determine their causes? (NOTE: PHMSA representative to describe state criteria for determining compliance with abandoning pipeline facilities and analyzing pipeline accidents to determine their causes) Previous Question B.9 Yes = .5 No = 0	.5	0.5
----------	--	----	-----

SLR Notes:

DPS uses federal liquid pipeline carrier inspection form (#3). Abandoning pipeline facilities Part 195.59

9	Is the state aware of environmentally sensitive areas traversed by or adjacent to hazardous liquid pipelines? (reference Part 195, review of NPMS) Previous Question B.16 Yes = .5 No = 0	.5	0.5
----------	--	----	-----

SLR Notes:

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 195.402(c)(5)? Previous Question B.11 Yes = 1 No = 0	1	1
-----------	---	---	---

SLR Notes:

Compliance - 60105(a) States

11	Did the state adequately document sufficient information on probable violations? (Chapter 5.2) Previous Question B.13 Yes = 1 No = 0 Needs Improvement = .5	1	1
-----------	--	---	---

SLR Notes:

CY 2010 DPS found 2 NOPV and 1 submitted to PHMSA.

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 C(1).1 Yes = 1 No = 0 Needs Improvement = .5	1	1
-----------	--	---	---

SLR Notes:

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 C(1).2 Yes = 1 No = 0 Needs Improvement = .5	1	1
-----------	--	---	---

SLR Notes:

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 C(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 C(1).4 Yes = 1 No = 0	1	1
-----------	--	---	---

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 C(1).5 Yes = 1 No = 0 Needs Improvement = .5	1	1
-----------	--	---	---

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 C(1).6 No = 0 Yes = 1	1	1
-----------	---	---	---

SLR Notes:

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

SLR Notes:

DPS maintains adequate records of probable violation resolutions.

19	Were compliance actions sent to a company officer? (manager or board member if municipal/government system) (Chapter 5.1(4)) Previous Question C(1).8 Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

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

SLR Notes:

Compliance - 60106(a) States

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

SLR Notes:

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

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 C(2).3 Yes = 1 No = 0 Needs Improvement = .5	1	NA
-----------	--	---	----

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 C(2).4 Yes = 1 No = 0 Needs Improvement = .5	1	NA
-----------	--	---	----

SLR Notes:

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

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
-----------	---	---	----

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	NA
-----------	--	-----------	----

SLR Notes:

28	Part B: General Comments/Regional Observations Info Only = No Points	Info Only	NA
-----------	---	-----------	----

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 an inspection form that was approved by the Regional Director? Previous Question C(3).1 1 1
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

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

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 C(3).3 1 1
Yes = 1 No = 0

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 C(3).4 1 1
Yes = 1 No = 0

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 C(3).5 1 1
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

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

SLR Notes:

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

SLR Notes:

NY DPS inspectors have worked with PHMSA and have provided adequate documentation in a timely manner.

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

SLR Notes:

NY DPS has worked closely with PHMSA ER staff and provided necessary documentation in a timely manner.

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



PART D - Accident Investigations

Points(MAX) Score

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

SLR Notes:

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 D.2
 Yes = .5 No = 0

SLR Notes:

3 Did the state keep adequate records of accident notifications received? Previous Question D.3
 Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

4 If an onsite investigation of an accident 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 D.4
 Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

5 Were investigations thorough and conclusions and recommendations documented in an acceptable manner? Previous Question D.5, , comprehensive question worth 2 points total
 Yes = 2 No = 0 Needs Improvement = 1

- a. Observations Yes No Needs Improvement
- b. Contributing factors Yes No Needs Improvement
- c. Recommendations to prevent recurrences where appropriate Yes No Needs Improvement

SLR Notes:

DPS staff worked closely with PHMSA for accident dated 08/27/2010 Enterprise Products

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

SLR Notes:

7 Did the state assist region office by taking appropriate follow-up actions related to the operator accident (and forward to PHMSA within 10 Days per 195.58) 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 D.7/D.8 and A.4
 Yes = .5 No = 0

SLR Notes:

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

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.12
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

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

- | | | | |
|----------|--|---|---|
| 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:

NY DPS Staff met with operators during safety meetings to discuss need for enhanced drilling/boring procedures. DPS Staff reviewed operator procedures through normal audits. Reviewed sample procedures from National Grid, which has subsidiaries in NYC, LI and upstate NY

- | | | | |
|----------|---|---|---|
| 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.8
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

SLR Notes:

All NY DPS 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:

NY 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 195.402 (c)(5)?
Yes = 2 No = 0 | 2 | 2 |
|----------|---|---|---|

SLR Notes:

It is handled through the 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.

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

SLR Notes:

NY State has a mature Dig Safe program. DPS promotes and supports dig safe activities.

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:
 Northville Pipeline (intrastate haz. liquid pipeline)
 Name of State Inspector(s) Observed:
 Brian Kildorff
 Location of Inspection:
 Mellville
 Date of Inspection:
 08/09/2011
 Name of PHMSA Representative:
 Dino N.Rathod, P.E.

SLR Notes:
 Briefly Discussed NTSB Recomendations, PHMSA advisories; Selected Records Review, Status of IMP review from last inspection , field inspection- Valve maintenance/ ROW mainenance

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:

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 E.2 2 2
Yes = 2 No = 0

SLR Notes:
 DPS inspector used inspection form (# _____) for documenting field inspecionobservations.

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

SLR Notes:

5 Did the inspector check to see if the operator had necessary equipment during inspection to conduct tasks viewed? (Maps, valve keys, half-cells, 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:
 Briefly Discussed NTSB Recomendations, PHMSA advisories; Selected Records Review, Status of IMP review from last inspection , field inspection- Valve maintenance/ ROW mainenance

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:

Briefly Discussed NTSB Recommendations, PHMSA advisories; Selected Records Review, Status of IMP review from last inspection , field inspection- Valve maintenance/ ROW mainenance

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

SLR Notes:

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 E.10 1 1
Yes = 1 No = 0

SLR Notes:

DPS inspector Brian conducted a brief exit interview and discussed his concerns and observations. Records Review: Test Leads- time frame for repairs; CP Records (Pipeline & Breakout tanks in Terminal); ILI updated reports; OQ records and plan for a separate Public Awareness Inspection later in 2011

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

SLR Notes:

No probable violations noted at exit interview. However DPS may follow-up on several items discussed during this field activity.

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:

Briefly Discussed NTSB Recommendations and PHMSA advisories; DPS inspector performed selected Records Review, status of IMP review from last inspection; Performed field inspection- Valve maintenance/ ROW mainenance

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
- b. Abnormal Operations
- c. Break-Out Tanks
- d. Compressor or Pump Stations
- e. Change in Class Location
- f. Casings
- g. Cathodic Protection
- h. Cast-iron Replacement
- i. Damage Prevention
- j. Deactivation
- k. Emergency Procedures
- l. Inspection of Right-of-Way
- m. Line Markers
- n. Liaison with Public Officials
- o. Leak Surveys
- p. MOP
- q. MAOP
- r. Moving Pipe
- s. New Construction



- t. Navigable Waterway Crossings
- u. Odorization
- v. Overpressure Safety Devices
- w. Plastic Pipe Installation
- x. Public Education
- y. Purging
- z. Prevention of Accidental Ignition
- A. Repairs
- B. Signs
- C. Tapping
- D. Valve Maintenance
- E. Vault Maintenance
- F. Welding
- G. OQ - Operator Qualification
- H. Compliance Follow-up
- I. Atmospheric Corrosion
- J. Other

SLR Notes:

Status of IMP updates based on last inspection.

14 Part F: General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

Briefly Discussed NTSB Recommendations, PHMSA advisories; Selected Records Review, Status of IMP review from last inspection , field inspection- Valve maintenance/ ROW mainenance

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? 1.5 1.5
Yes = 1.5 No = 0

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:

NY DPS utilizes 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 geographical region)

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

SLR Notes:

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

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

SLR Notes:

Based on annual review by DPS, history of operator, construction activities etc, helps determination of high risk areas.

Use of Data to Help Drive Program Priority and Inspections

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

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.

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

SLR Notes:

Pipeline Operators submit quarterly performance metrics that include damage prevention activities. In addition, DPS 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 analyzed annual report data for trends and operator issues? .5 0.5
Yes = .5 No = 0

SLR Notes:

NY DPS Staff reviews annual reports for accuracy and to reconcile reported pipe and service inventory versus the previous year(s)

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

SLR Notes:

NY DPS Staff reviews annual reports for accuracy and to reconcile reported pipe and service inventory versus the previous year(s)

8 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:

All operator reports are reviewed for accuracy and consistency. DPS has a multiple layer review for each report.



9 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? .5 0.5
Yes = .5 No = 0

SLR Notes:

NY DPS has uploaded results in OQDB.

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

SLR Notes:

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

SLR Notes:

12 Did the State use the Federal Protocols to conduct IMP Inspections? (If the State used an alternative inspection form(s) please provide information regarding alternative form(s)) Previous Question C(2).6 .5 0.5
Yes = .5 No = 0

SLR Notes:

13 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:

Accident/Incident Investigation Learning and Sharing Lessons Learned

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

SLR Notes:

NY DPS shares with various stakeholders and NAPSRS states.

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

SLR Notes:

Pipeline operators required to submit reports and make telephonic reports of accidents. These are entered into a database that is available for office review. Also, collect/distribute data during NGA and NAPSRS meetings

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

SLR Notes:

17 Does state conduct root cause analysis on incidents/accidents in state? Info Only Info Only
Info Only = No Points

SLR Notes:

18 Has state participated on root cause analysis training? (can also be on wait list) .5 0.5
No = 0 Yes = .5

SLR Notes:

Multiple DPS inspectors have successfully completed Root Cause Analysis Training.

Transparency - Communication with Stakeholders

19 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:

NY DPS has weblink:

www.dps.state.ny.us

20 Does state share enforcement data with public? (Website, newsletters, etc.) .5 0.5
Yes = .5 No = 0

SLR Notes:

21 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, NAPS
Activities and Participation, etc.) Previous Question A.15 .5 0.5
Yes = .5 No = 0

SLR Notes:

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

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

 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 .5 0.5
initiatives (i.e. damage prevention, jurisdiction/authority, compliance/administrative, etc.) A.16
Yes = .5 No = 0

SLR Notes:

The Department 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. Replacement projects,bare steel,third-party damage .5 0.5
reductions, HCA's/USA mapping, internal corrosion, etc.)
Yes = .5 No = 0

SLR Notes:

NY PSC Performance Report helps reduce risk in several key areas, including damage prevention, emergency response, and leak management.

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

SLR Notes:

yes. DPS participates in surveys/ information requests

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

SLR Notes:

DPS shares with various stakeholders and NAPS states.

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

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:

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

- | | | | |
|----------|---|----|-----|
| 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 195 Subpart G)

- | | | | |
|----------|---|---|---|
| 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 regularly conducts protocol 9 inspections, which require 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:

Hazardous Liquid Pipeline Integrity Management (49 CFR Part 195.452)

- | | | | |
|----------|---|---|---|
| 8 | Has the state verified that all operators with hazardous liquid pipelines have adopted an integrity management program (IMP)?
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

Haz liquid transmission lines were reviewed. In addition, all transmission operators have had reviews, where applicable. 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 properly applied the definition of a high consequence area? | .5 | 0.5 |
|----------|---|----|-----|

Yes = .5 No = 0

SLR Notes:

10 Has the state reviewed operator IMPs for compliance with 195.452? .5 0.5

Yes = .5 No = 0

SLR Notes:

11 Is the state monitoring operator progress on the inspections, tests and remedial actions required by the operator's IMP, which includes the manner and schedule called for in its IMP? .5 0.5

Yes = .5 No = 0

SLR Notes:

12 Is the state verifying operators are periodically examining their hazardous liquid pipelines for the appearance of new HCAs? .5 0.5

Yes = .5 No = 0

SLR Notes:

Public Awareness (49 CFR Section 195.440)

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)? .5 0.5

Yes = .5 No = 0

SLR Notes:

14 Has the state reviewed the content of these programs for compliance with 195.440 (by participating in the Clearinghouse or by other means)? .5 0.5

Yes = .5 No = 0

SLR Notes:

15 Is the state verifying that operators are conducting the public awareness activities called for in its program? .5 0.5

Yes = .5 No = 0

SLR Notes:

NY DPS-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 Info Only

Info Only = No Points

SLR Notes:

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

Info Only = No Points

SLR Notes:

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

