



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

1200 New Jersey Avenue SE
Washington DC 20590

2013 Hazardous Liquid State Program Evaluation

for

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

Document Legend

PART:

- O -- Representative Date and Title Information
- A -- Progress Report and Program Documentation Review
- B -- Program Inspection Procedures
- C -- Program Performance
- D -- Compliance Activities
- E -- Accident Investigations
- F -- Damage Prevention
- G -- Field Inspections
- H -- Interstate Agent State (if applicable)
- I -- 60106 Agreement State (if applicable)

2013 Hazardous Liquid State Program Evaluation -- CY 2013
Hazardous Liquid

State Agency: West Virginia

Agency Status:

Date of Visit: 09/08/2014 - 09/12/2014

Agency Representative: David Hippchen, Manager, Gas Pipeline Safety
Girija Bajpayee, Engineer

PHMSA Representative: Glynn Blanton, DOT PHMSA State Programs

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

Name/Title: Michael A. Albert, Chairman

Agency: Public Service Commission of West Virginia

Address: 201 Brooks Street, PO Box 812

City/State/Zip: Charleston, West Virginia 25323

Rating:

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

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 2013 (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 progress report attachments provide the basis for determining the state's pipeline safety grant allocation.

Field Inspection (PART G):

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 G, the PHMSA representative should include a written summary which thoroughly documents the inspection.

Scoring Summary

PARTS		Possible Points	Points Scored
A	Progress Report and Program Documentation Review	10	10
B	Program Inspection Procedures	15	15
C	Program Performance	40	35
D	Compliance Activities	7	7
E	Accident Investigations	9	9
F	Damage Prevention	8	6
G	Field Inspections	12	12
H	Interstate Agent State (if applicable)	0	0
I	60106 Agreement State (if applicable)	0	0
TOTALS		101	94
State Rating			93.1

PART A - Progress Report and Program Documentation Review

Points(MAX) Score

- | | | | |
|----------|---|---|---|
| 1 | Accuracy of Jurisdictional Authority and Operator/Inspection Units Data - Progress Report Attachment 1 (A1a)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Reviewed 2013 Public Service Commission of West Virginia Attachment 1 found data to be correct with the number of operators, inspection units and percentage inspected during CY2013.

- | | | | |
|----------|--|---|---|
| 2 | Review of Inspection Days for accuracy - Progress Report Attachment 2 (A1b)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Reviewed 2013 Public Service Commission of West Virginia Attachment 2 found information listed in each column was correct to the activities performed in CY2013.

- | | | | |
|----------|--|---|---|
| 3 | Accuracy verification of Operators and Operators Inspection Units in State - Progress Report Attachment 3 (A1c)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Reviewed 2013 Public Service Commission of West Virginia Attachment 3 and found natural gas facilities under state jurisdiction was correct and each inspection unit was provided. No issues.

- | | | | |
|----------|--|---|---|
| 4 | Were all federally reportable incident reports listed and information correct? - Progress Report Attachment 4 (A1d)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

One reportable incident occurred in CY2013. A review of the information on Markwest Liberty Midstream and Resources LLC found the incident occurred due to natural forces. PSC WV is currently investigating the incident but the report has not been released. No issues.

- | | | | |
|----------|--|---|---|
| 5 | Accuracy verification of Compliance Activities - Progress Report Attachment 5 (A1e)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

A review of 2013 Public Service Commission of West Virginia Attachment 5 found compliance actions were entered correctly. No compliance violations or civil penalties were cited or collected in CY2013.

- | | | | |
|----------|---|---|---|
| 6 | Were pipeline program files well-organized and accessible? - Progress Report Attachment 6 (A1f, A4)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

A review of inspection reports and violations cited by PSC WV on the agency's S drive found the information was accessible.

- | | | | |
|----------|--|---|---|
| 7 | Was employee listing and completed training accurate and complete? - Progress Report Attachment 7 (A1g)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Reviewed Attachment 7 with a list of courses completed by PSC WV staff listed in SABA and determined all individuals have not met the requirements for the Hazardous Liquid Safety Program. Ed Clarkson, Engineer, has not completed the Hazardous Liquid Safety Evaluation Course PL2258.

- | | | | |
|----------|---|---|---|
| 8 | Verification of Part 195,198,199 Rules and Amendments - Progress Report Attachment 8 (A1h)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

PSC of West Virginia has automatic adoption of regulations. No issues.

- | | | | |
|----------|---|---|---|
| 9 | List of Planned Performance - Did state describe accomplishments on Progress Report in detail - Progress Report Attachment 10 (H1-3)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Reviewed Attachment 10 and found the information was detailed and informative.

- | | | | |
|-----------|--|-----------|-----------|
| 10 | General Comments:
Info Only = No Points | Info Only | Info Only |
|-----------|--|-----------|-----------|

Evaluator Notes:

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

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

PART B - Program Inspection Procedures

Points(MAX) Score

- | | | | |
|----------|--|---|---|
| 1 | Standard Inspections (B1a)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, Same as Natural Gas Program (NG). This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.2 Standard, page 2.

- | | | | |
|----------|--|---|---|
| 2 | IMP Inspections (B1b)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Yes, Same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.8 Transmission Integrity Management (IMP), page 3.

- | | | | |
|----------|---|---|---|
| 3 | OQ Inspections (B1c)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Yes, same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.9 Operator Qualification Program, page 3.

- | | | | |
|----------|--|---|---|
| 4 | Damage Prevention Inspections (B1d)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Yes, same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.13 Damage Prevention, page 4.

- | | | | |
|----------|--|---|---|
| 5 | On-Site Operator Training (B1e)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Yes, same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions 2.15 Operator Training, page 4.

- | | | | |
|----------|---|---|---|
| 6 | Construction Inspections (B1f)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.7 Design, Testing and Construction, page 3.

- | | | | |
|----------|--|---|---|
| 7 | Incident/Accident Investigations (B1g)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 2. Inspection Descriptions, 2.6 Incident or Accident Investigations, page 3.

- | | | | |
|----------|---|---|---|
| 8 | Does inspection plan address inspection priorities of each operator, and if necessary each unit, based on the following elements? (B2a-d, G1,2,4)
Yes = 6 No = 0 Needs Improvement = 1-5 | 6 | 6 |
|----------|---|---|---|

- | | | | | |
|----|---|--------------------------------------|--------------------------|---|
| a. | Length of time since last inspection | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Operating history of operator/unit and/or location (includes leakage, incident and compliance activities) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Type of activity being undertaken by operators (i.e. construction) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

- d. Locations of operators inspection units being inspected - (HCA's, Geographic area, Population Density, etc) Yes ☒ No ☐ Needs Improvement ☐
- e. Process to identify high-risk inspection units that includes all threats - (Excavation Damage, Corrosion, Natural Forces, Outside Forces, Material and Welds, Equipment, Operators and any Other Factors) Yes ☒ No ☐ Needs Improvement ☐
- f. Are inspection units broken down appropriately? Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

Same as NG. This information is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section, Inspection and Enforcement Procedures, Section 3. Priority of Inspections, section 3.2.6, page 5

9 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

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

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

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

- 1** Was ratio of Total Inspection person-days to total person days acceptable? **5** **5**
Yes = 5 No = 0

A. Total Inspection Person Days (Attachment 2):
13.00

B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
 $220 \times 0.12 = 25.85$

Ratio: A / B
 $13.00 / 25.85 = 0.50$

If Ratio ≥ 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0
Points = 5

Evaluator Notes:

A. Total Inspection Person Days (Attachment 2) = 13

B. Total Inspection Person Days Charged to the program (220 * Number of Inspection person years (Attachment 7)) = 25.85

Formula:- Ratio = A/B = $13/25.85 = 0.5$

Rule:- (If Ratio ≥ 0.38 then points = 5 else Points = 0.)

Thus Points = 5

- 2** Has each inspector and program fulfilled the T Q Training Requirements? (See Guidelines for requirements) Chapter 4.4 (A8-A11, G19) **5** **5**
Yes = 5 No = 0 Needs Improvement = 1-4

- | | | | | |
|----|--|--------------------------------------|--------------------------|---|
| a. | Completion of Required OQ Training before conducting inspection as lead? | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Completion of Required IMP Training before conducting inspection as lead | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Root Cause Training by at least one inspector/prgram manager | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| d. | Note any outside training completed | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

A. All staff members have completed the OQ training course PL3OQ except for Corey Boggess. B. All DIMP/IMP courses have not been completed By David Hippchen. C. David Hippchen has completed the Root Cause Training on 9/17/2010. D. William Youse and Corey Boggess are scheduled for TQ training courses in CY2014 and anticipate completing all required course by year end. No issues. Ed Clarkson will be attending the Hazardous Liquid Safety Evaluation Course in CY2015 to meet the requirement to complete the course before performing an inspection as the lead inspector.

- 3** Did state records and discussions with state pipeline safety program manager indicate adequate knowledge of PHMSA program and regulations? Chapter 4.1,8.1 (A5) **2** **2**
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, Chairman Albert response letter to Zach Barrett was received on February 20, 2014. No issues.

- 4** Did state respond to Chairman's letter on previous evaluation within 60 days and correct or address any noted deficiencies? (If necessary) Chapter 8.1 (A6-7) **2** **2**
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, Chairman Albert response letter to Zach Barrett was received on February 20, 2014. No issues.

- 5** Did State hold PHMSA TQ Seminar in Past 3 Years? Chapter 8.5 (A3) **2** **2**
Yes = 2 No = 0

Evaluator Notes:

Yes, TQ Seminar was held in Charleston, West Virginia on February 20-21, 2013. The number of participants was 146 which included the hazardous liquid operators. No issues.

6	Did state inspect all types of operators and inspection units in accordance with time intervals established in written procedures? Chapter 5.1 (B3) Yes = 5 No = 0 Needs Improvement = 1-4	5	5
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Evaluator Notes:

Yes, a review of inspection files found all inspection units and operators were inspected in accordance to West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedure Inspection Intervals time schedule listed on page 1, Inspection Intervals.

7	Did inspection form(s) cover all applicable code requirements addressed on Federal Inspection form(s)? Did State complete all applicable portions of inspection forms? Chapter 5.1 (B4-5) Yes = 2 No = 0 Needs Improvement = 1	2	2
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Evaluator Notes:

Yes, Public Service of West Virginia uses the federal forms for their inspection program. A review of files and reports indicated all sections of the federal form were completed and filled out correctly.

8	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) (B7) Yes = 1 No = 0	1	0
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Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2013. Note, this same loss of points occurred last year in the state program evaluation. Recommend to program manager this question or item be added to each inspection form used by the inspector. A loss of one point occurred.

9	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) (B8) Yes = 1 No = 0	1	0
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Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2013. Note, this same loss of points occurred last year in the state program evaluation. Recommend to program manager this question or item be added to each inspection form used by the inspector. A loss of one point occurred.

10	Is the state aware of environmentally sensitive areas traversed by or adjacent to hazardous liquid pipelines? (reference Part 195, review of NPMS) (B9) Yes = 1 No = 0	1	0
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Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2013. Note, this same loss of points occurred last year in the state program evaluation. Recommend to program manager this question or item be added to each inspection form used by the inspector. A loss of one point occurred.

11	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)? (B10,E5) Yes = 1 No = 0	1	1
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Evaluator Notes:

Yes, this information is reviewed by verifying excavation damage reports and trends on third party damage reports.

12	Has the state reviewed Operator Annual reports, along with Incident/Accident reports, for accuracy and analyzed data for trends and operator issues? Data Initiative (G5-8,G15) Yes = 2 No = 0 Needs Improvement = 1	2	2
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Evaluator Notes:

Yes, PSC WV staff reviewed the CY2013 Annual Reports on July, 2013. No issues.

13	Did state input all applicable OQ, IMP inspection results into federal database in a timely manner? This includes replies to Operator notifications into IMDB database. Chapter 5.1 (G9-12) Yes = 2 No = 0 Needs Improvement = 1	2	1
Evaluator Notes: Same as NG. Improvement is needed by PSC WV staff by entering input of all No OQ inspections were conducted in CY2013. An IMP inspection was conducted on Union Carbide on September 17, 2013. A review of data base on September 2, 2014 found the results in the federal database was not submitted in a timely manner. Improvement is needed; therefore a loss of one point occurred.			
14	Has state confirmed intrastate operators have submitted information into NPMS database along with changes made after original submission? (G13) Yes = 1 No = 0 Needs Improvement = .5	1	0
Evaluator Notes: Same as NG. No. A review of files and discussion with state program manager confirm this item was not discussed or listed on the intrastate transmission operator inspection review documents. Improvement is needed and this item was cited in the previous state program evaluation. Therefore, a loss of one point occurred.			
15	Is the state verifying operators are conducting drug and alcohol tests as required by regulations? This should include verifying positive tests are responded to in accordance with program. 49 CFR 199 (I1-3) Yes = 2 No = 0 Needs Improvement = 1	2	2
Evaluator Notes: Yes, this is reviewed during the IA inspection.			
16	Is state verifying operators OQ programs are up to date? This should include verification of any plan updates and that persons performing covered tasks (including contractors) are properly qualified and requalified at intervals determined in the operators plan. 49 CFR 195 Part G (I4-7) Yes = 2 No = 0 Needs Improvement = 1	2	NA
Evaluator Notes: NA. No OQ inspections were performed in CY2013.			
17	Is state verifying operator's hazardous liquid integrity management (L IMP) Programs are up to date? This should include a previous review of LIMP plan, along with monitoring progress on operator tests and remedial actions. In addition, the review should take in to account program review and updates of operators plan(s). 49 CFR 195.452 Appendix C (C8-12) Yes = 2 No = 0 Needs Improvement = 1	2	2
Evaluator Notes: Yes, Union Carbide was inspected on September 17, 2013. During the review their integrity management program was checked for updates and remedial actions taken by the operator.			
18	Is state verifying operators Public Awareness programs are up to date and being followed. State should also verify operators have evaluated Public Awareness programs for effectiveness as described in RP1162. 49 CFR 195.440 (I13-16) PAPEI Effectiveness Inspections should be complete by December 2013 Yes = 2 No = 0 Needs Improvement = 1	2	2
Evaluator Notes: Yes. Note to file, Markwest Liberty Midstream & Resources LLC and Williams Ohio Valley Midstream LLC are new operators. Their PAPEI inspections will be conducted in the future on these new operators.			

- 19** Does the state have a mechanism for communicating with stakeholders - other than state pipeline safety seminar? (This should include making enforcement cases available to public). (G19-20) 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, they use their website to communicate to the operators changes and updates to the regulations. No issues.

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- 20** Did state execute appropriate follow-up actions to Safety Related Condition (SRC) Reports? Chapter 6.3 (B6) 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

NA. No safety related condition reports in 2013.

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- 21** Did the state participate in/respond to surveys or information requests from NAPS or PHMSA? (H4) 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, they participated in all surveys requested from NAPS or PHMSA. No issues.

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- 22** If the State has issued any waivers/special permits for any operator, has the state verified conditions of those waivers/special permits are being met? This should include having the operator amend procedures where appropriate. Info OnlyInfo Only
Info Only = No Points

Evaluator Notes:

NA. No waivers or permits have been issued or granted to hazardous liquid operators.

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- 23** General Comments: Info OnlyInfo Only
Info Only = No Points

Evaluator Notes:

A loss of points occurred in questions C.2, C.6, C.8, C.9, C.10, C.13 & C.14.

Total points scored for this section: 35
Total possible points for this section: 40

PART D - Compliance Activities**Points(MAX) Score**

- | | | | |
|----------|---|---|---|
| 1 | Does the state have written procedures to identify steps to be taken from the discovery to resolution of a probable violation? Chapter 5.1 (B12-14, B16, B1h)
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 4 |
| a. | Procedures to notify an operator (company officer) when a noncompliance is identified | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Procedures to routinely review progress of compliance actions to prevent delays or breakdowns | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

Improvement has been made since last state program evaluation. In this regard, a review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures Section 6 Compliance, section 6.2 Written Formal Notice of Violations found notification to company officer or board member was listed. Additionally, procedures to routinely review progress of compliance action were also listed.

- | | | | |
|----------|--|---|---|
| 2 | Did the state follow compliance procedures (from discovery to resolution) and adequately document all probable violations, including what resolution or further course of action is needed to gain compliance? Chapter 5.1 (B11,B18,B19)
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | NA |
| a. | Were compliance actions sent to company officer or manager/board director if municipal/government system? | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Were probable violations documented? | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Were probable violations resolved? | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| d. | Was the progress of probable violations routinely reviewed? | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

NA. No violations or compliance action was taken against an operator.

- | | | | |
|----------|--|---|----|
| 3 | Did the state issue compliance actions for all probable violations discovered? (B15)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | NA |
|----------|--|---|----|

Evaluator Notes:

NA. State did not issue compliance action to an operator in CY2013.

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|----------|--|---|----|
| 4 | Did compliance actions give reasonable due process to all parties? Including "show cause" hearing if necessary. (B17, B20)
Yes = 2 No = 0 | 2 | NA |
|----------|--|---|----|

Evaluator Notes:

NA. No compliance action was taken by the State against an operator in CY2013.

- | | | | |
|----------|---|---|---|
| 5 | 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) (B27)
Yes = 2 No = 0 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes, in CY2013 a civil penalty in the amount of \$5,200 was assessed against Standard Gas Company.

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|----------|---|---|---|
| 6 | Can the State demonstrate it is using their enforcement fining authority for pipeline safety violations?
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Yes, the civil penalty assessed against Standard Gas Company clearly demonstrates enforcement fining authority.

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

Evaluator Notes:

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

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

PART E - Accident Investigations

Points(MAX) Score

- 1 Does state have adequate mechanism to receive and respond to operator reports of accidents, including after-hours reports? And did state keep adequate records of Incident/Accident notifications received? Chapter 6 (A2,D1-3) 2 2
Yes = 2 No = 0 Needs Improvement = 1

- a. Acknowledgement of MOU between NTSB and PHMSA (Appendix D) Yes ☒ No ☐ Needs Improvement ☐
b. Acknowledgement of Federal/State Cooperation in case of incident/accident (Appendix E) Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

A. Improvement has been noted in a review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement procedures Section 4 & 5 found a written description on receiving and responding to Incident/Accidents was added. Additionally, information on receiving notifications, during normal and after hours from the operator was provided. It was suggested, additional inspectors names and telephone numbers been added to the procedures.

B. Procedures contain acknowledgment of Federal/State Cooperation of incident/accident. This information is listed in Section 4. No issues of concern.

- 2 If onsite investigation was not made, did state obtain sufficient information from the operator and/or by other means to determine the facts to support the decision to not go on-site? Chapter 6 (D4) 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, a review of files located the onsite investigation of Markwest Liberty Midstream & Resources, LLC accident. All sufficient information was obtained from the operator. No issues.

- 3 Were all accidents investigated, thoroughly documented, and with conclusions and recommendations? (D5) 3 3
Yes = 3 No = 0 Needs Improvement = 1-2

- a. Observations and document review Yes ☒ No ☐ Needs Improvement ☐
b. Contributing Factors Yes ☒ No ☐ Needs Improvement ☐
c. Recommendations to prevent recurrences where appropriate Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

Yes, a review of Markwest Liberty Midstream & Resources, LLC accident clearly demonstrates a thorough review.

- 4 Did the state initiate compliance action for violations found during any incident/accident investigation? (D6) 1 1
Yes = 1 No = 0

Evaluator Notes:

No violations or areas of concern were found from their investigation of the Markwest Liberty Midstream & Resources, LLC incident.

- 5 Did the state assist region office by taking appropriate follow-up actions related to the operator accident reports to ensure accuracy and final report has been received by PHMSA? (validate report data from operators concerning incidents/accidents and investigate discrepancies) Chapter 6 (D7) 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes.

- 6 Does state share lessons learned from incidents/accidents? (sharing information, such as: at NAPS Region meetings, state seminars, etc) (G15) 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, at NAPS Region Meeting information is shared with other state program managers.

7 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

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

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

PART F - Damage Prevention**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? (E1)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 0 |
|----------|--|---|---|

Evaluator Notes:

No. A review of files found this question was not asked during an inspection of the hazardous liquid operators. Improvement is needed in adding this item to the inspection form or IA document to monitor the operator's compliance. A loss of two points occurred.

- | | | | |
|----------|--|---|---|
| 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? (E2)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, a review of files found this item was checked during the IA inspection performed on the hazardous liquid operators.

- | | | | |
|----------|---|---|---|
| 3 | Did the state encourage and promote practices for reducing damages to all underground facilities to its regulated companies? (i.e. such as promoting/adopting the CGA Best Practices encouraging adoption of the 9 Elements, etc.) (E3)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes, in CY2013, PSC WV promoted "Safe Digging Month" April via their web site.

- | | | | |
|----------|--|---|---|
| 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? (This can include DIRT and other data shared and reviewed by the pipeline safety program) (E4,G5)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, PUC WV request and tabulate damages per 1,000 locate requests from the hazardous liquid operators. No issues.

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

Evaluator Notes:

Loss of points occurred in question F.1.

Total points scored for this section: 6
Total possible points for this section: 8

PART G - Field Inspections

Points(MAX) Score

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

Name of Operator Inspected:

Dominion Transmission, Inc.

Name of State Inspector(s) Observed:

Girija Bajpayee, Engineer & David Hippchen, Manager, Gas Pipeline Safety

Location of Inspection:

Clarksburg, West Virginia

Date of Inspection:

September 10, 2014

Name of PHMSA Representative:

Glynn Blanton, State Evaluator

Evaluator Notes:

This was an Inspection Assistant (IA) inspection conducted at their office located in Clarksburg, WV. The following operator representatives were present and answered questions from the PSC WV inspectors.

Eric Taylor, Compliance Engineer

Kirk Wissmar, Compliance Engineer

Doug Thomas, Corrosion Specialist

Melissa Rush, Compliance Coordinator

Christine Lengsters, Compliance Supervisor

Derek Hughes, Manager of Operations

Nick Chaplin, Operations Supervisor

Jim Shafer, Manager Pipeline Integrity Management

Jeff Burdette, Compliance Coordinator

- | | | |
|----------|---|----|
| 2 | Was the operator or operator's representative notified and/or given the opportunity to be present during inspection? (F2)
Yes = 1 No = 0 | 11 |
|----------|---|----|

Evaluator Notes:

Yes, Jim Shafer, Manager Pipeline Integrity Management was notified by Girija Bajpayee, PSC WV prior to the inspection. No issues.

- | | | |
|----------|--|----|
| 3 | Did the inspector use an appropriate inspection form/checklist and was the form/checklist used as a guide for the inspection? (New regulations shall be incorporated) (F3)
Yes = 2 No = 0 Needs Improvement = 1 | 22 |
|----------|--|----|

Evaluator Notes:

Yes, a review of the IA form was conducted and found to contain fifty-nine questions. The questions addressed maintenance and corrosion control. No issues.

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|----------|---|----|
| 4 | Did the inspector thoroughly document results of the inspection? (F4)
Yes = 2 No = 0 Needs Improvement = 1 | 22 |
|----------|---|----|

Evaluator Notes:

Yes, it was observed the inspector asking questions and reviewed documentation provided by the operator on maintenance work and cathodic protection readings.

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|----------|--|----|
| 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) (F5)
Yes = 1 No = 0 | 11 |
|----------|--|----|

Evaluator Notes:

Yes, operator had available electronic records and other documentation to demonstrate compliance with pipeline safety regulations.

6	Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) (F7) Yes = 2 No = 0 Needs Improvement = 1	2	2
	a. Procedures	<input checked="" type="checkbox"/>	
	b. Records	<input checked="" type="checkbox"/>	
	c. Field Activities	<input type="checkbox"/>	
	d. Other (please comment)	<input type="checkbox"/>	
Evaluator Notes: No issues in the review of the records was found or noted.			
7	Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) (F8) Yes = 2 No = 0 Needs Improvement = 1	2	2
Evaluator Notes: Yes, Girija Bajpayee, PSC WV has over twenty-four years of experience in pipeline safety and has completed all required training courses at TQ.			
8	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) (F9) Yes = 1 No = 0	1	1
Evaluator Notes: Yes.			
9	During the exit interview, did the inspector identify probable violations found during the inspections? (if applicable) (F10) Yes = 1 No = 0	1	1
Evaluator Notes: No violations were found or cited.			
10	General Comments: What did the inspector observe in the field? (Narrative description of field observations and how inspector performed) Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices) Other Info Only = No Points	Info Only	Info Only
	a. Abandonment	<input checked="" 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 checked="" type="checkbox"/>	
	g. Cathodic Protection	<input checked="" type="checkbox"/>	
	h. Cast-iron Replacement	<input type="checkbox"/>	
	i. Damage Prevention	<input checked="" 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 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 type="checkbox"/> |
| B. | Signs | <input type="checkbox"/> |
| C. | Tapping | <input type="checkbox"/> |
| D. | Valve Maintenance | <input checked="" type="checkbox"/> |
| E. | Vault Maintenance | <input type="checkbox"/> |
| F. | Welding | <input type="checkbox"/> |
| G. | OQ - Operator Qualification | <input checked="" type="checkbox"/> |
| H. | Compliance Follow-up | <input type="checkbox"/> |
| I. | Atmospheric Corrosion | <input checked="" type="checkbox"/> |
| J. | Other | <input type="checkbox"/> |

Evaluator Notes:

This was an office records review. No outside field inspection was performed.

Total points scored for this section: 12
Total possible points for this section: 12

PART H - Interstate Agent State (if applicable)**Points(MAX) Score**

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- | | | | |
|----------|---|---|----|
| 1 | Did the state use the current federal inspection form(s)? (C1)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|--|---|----|
| 2 | Are results documented demonstrating inspection units were reviewed in accordance with "PHMSA directed inspection plan"? (C2)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|---|---|----|
| 3 | Did the state submit documentation of the inspections within 60 days as stated in its latest Interstate Agent Agreement form? (C3)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|--|---|----|
| 4 | Were 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.) (C4)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

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|----------|--|---|----|
| 5 | Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? (C5)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|---|---|----|
| 6 | Did the state give written notice to PHMSA within 60 days of all probable violations found? (C6)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

NA

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|----------|--|---|----|
| 7 | Did the state initially submit documentation to support compliance action by PHMSA on probable violations? (C7)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

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|----------|--|-----------|-----------|
| 8 | General Comments:
Info Only = No Points | Info Only | Info Only |
|----------|--|-----------|-----------|

Evaluator Notes:

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

PART I - 60106 Agreement State (if applicable)**Points(MAX) Score**

- | | | | |
|----------|--|---|----|
| 1 | Did the state use the current federal inspection form(s)? (B21)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|--|---|----|
| 2 | Are results documented demonstrating inspection units were reviewed in accordance with state inspection plan? (B22)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|---|---|----|
| 3 | 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.) (B23)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

NA

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|----------|---|---|----|
| 4 | Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? (B24)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|--|---|----|
| 5 | Did the state give written notice to PHMSA within 60 days of all probable violations found? (B25)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

NA

- | | | | |
|----------|--|---|----|
| 6 | Did the state initially submit adequate documentation to support compliance action by PHMSA on probable violations? (B26)
Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
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Evaluator Notes:

NA

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|----------|--|-----------|-----------|
| 7 | General Comments:
Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

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