



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

1200 New Jersey Avenue SE
Washington DC 20590

2012 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)



2012 Hazardous Liquid State Program Evaluation -- CY 2012
Hazardous Liquid

State Agency: West Virginia

Agency Status:

Date of Visit: 09/16/2013 - 09/20/2013

Agency Representative: David Hippchen, Manager, Gas Pipeline Safety
Girija Bajpayee, Engineer
Julia Caton, Office Assistant 2

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: 210 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 2012 (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

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)

Possible Points Points Scored

9	7
15	11
40	32
15	13
2	1
8	4
12	12
0	0
0	0

TOTALS

101 80

State Rating **79.2**

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:

A review of 2012 Public Service Commission of West Virginia Attachment 1 found the data correct with the number of operators, inspection units and percentage inspected during CY2012.

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

Evaluator Notes:

A review of 2012 Public Service Commission of West Virginia Attachment 2 found the information listed in each column was correct to the activities performed in CY2012.

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

A review of 2012 Public Service Commission of West Virginia Attachment 3 found the 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 | NA |
|---|--|---|----|

Evaluator Notes:

No reportable incident occurred in CY2012.

- | | | | |
|---|--|---|---|
| 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 2012 Public Service Commission of West Virginia Attachment 5 found compliance actions were entered correctly. No compliance violations were cited during CY2012.

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

Evaluator Notes:

A review of Attachment 6 found the information to be correct. However, unable to retrieve all information requested in a reasonable time on the number of inspections performed, individual conducting the inspection, date of inspections, violations found or corrected. Information on the inspections were not in a official central location. In this regard, part of the information on inspections conducted in CY 2012 was being entered in a new data base that was delivered in February 2013. This item was mentioned in the last two state program evaluation reviews. A loss of two points occurred due to failure to correct this item.

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

A review of Attachment 7 with a check of the courses completed in SABA determined all individuals have met the requirements for the Hazardous Liquid Safety Program. No issues.

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|---|--|---|---|
| 8 | Verification of Part 195,198,199 Rules and Amendments - Progress Report Attachment 8 (A1h) | 1 | 1 |
|---|--|---|---|



Yes = 1 No = 0 Needs Improvement = .5

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) | 1 | 1 |
|----------|--|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

A review of Attachment 10 found the information was detailed and informative. No issues.

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

Evaluator Notes:

Loss of points occurred in A 6.

Total points scored for this section: 7
Total possible points for this section: 9



PART B - Program Inspection Procedures

Points(MAX) Score

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

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6.2 Standard provides a description of this inspection. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected into the procedures.

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

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6.8 Integrity Management Program provides a description of this inspection. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected into the procedures.

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

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6.9 Operator Qualification Program provides a description of this inspection. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected would enhance the procedures..

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

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6.12 Damage Prevention provides a description of this inspection. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected into the procedures.

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

Evaluator Notes:

A review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures found no procedures pertaining to on-site operator training. A loss of one point occurred.

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

Evaluator Notes:

A review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures Section 11.6.7 provides a description of this inspection. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected into the procedures.

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

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6.6 Incidents addresses this item. However, the description does not mention the hazardous liquid operator. Consider adding information about the hazardous liquid operators that are inspected into the procedures.

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) 6 3
 Yes = 6 No = 0 Needs Improvement = 1-5

- | | | | |
|--|--------------------------------------|-------------------------------------|---|
| 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 type="radio"/> | No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| c. Type of activity being undertaken by operators (i.e. construction) | Yes <input type="radio"/> | No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| d. Locations of operators inspection units being inspected - (HCA's, Geographic area, Population Density, etc) | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| 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 <input type="radio"/> | No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| f. Are inspection units broken down appropriately? | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures, section 11.6 Inspection of the Operator only describes the types of inspections and does not rank risk by operating history, type of activities being undertaken and a process to identify high-risk inspection units by threats. Therefore, a loss of three points occurred.

9 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Loss of points occurred in Questions B.5 & B.8.

Total points scored for this section: 11
 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):
23.00

B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
 $220 \times 0.21 = 45.28$

Ratio: A / B
 $23.00 / 45.28 = 0.51$

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)= 23

B.Total Inspection Person Days Charged to the program($220 \times$ Number of Inspection person years(Attachment 7)=45.28326

Formula:- Ratio = A/B = $23/45.28326 = 0.51$

Rule:- (If Ratio $\geq .38$ 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 ☒ No ☐ Needs Improvement ☐
- b. Completion of Required IMP Training before conducting inspection as lead? Yes ☒ No ☐ Needs Improvement ☐
- c. Root Cause Training by at least one inspector/prgram manager? Yes ☒ No ☐ Needs Improvement ☐
- d. Note any outside training completed? Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

A review found all staff members assigned to the hazardous liquid program has completed the required HL courses before conducting an inspection.

- 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, David Hippchen has been with the Public Service Commission of West Virginian for 32 years serving in several different roles in Engineering Utilities. The last 16 years of experience has been in the Pipeline Safety Program. 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 September 10, 2012. 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, the TQ Seminar was held in Charleston, West Virginia on February 17-18, 2010. The number of participants was 100 gas and 4 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) 5 5

Yes = 5 No = 0 Needs Improvement = 1-4

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.

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

Evaluator Notes:

Yes, Public Service of West Virginia uses the federal forms for their inspection program. The federal form section is completed but an entire review of the operator using the federal form was not found in the inspection files. Improvement is needed in having the federal form entirely completed when performing a pipeline safety inspection. A loss of one point occurred.

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- | | | | |
|---|---|---|---|
| 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) | 1 | 0 |
| | Yes = 1 No = 0 | | |

Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2012. A loss of one point occurred.

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- | | | | |
|---|--|---|---|
| 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) | 1 | 0 |
| | Yes = 1 No = 0 | | |

Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2012. A loss of one point occurred.

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

Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2012. A loss of one point occurred.

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- | | | | |
|----|---|---|---|
| 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) | 1 | 0 |
| | Yes = 1 No = 0 | | |

Evaluator Notes:

No. A review of files and other information confirm this requirement was not covered during inspections performed in CY2012. A loss of one point occurred.

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

Evaluator Notes:

Yes, a review of 2012 Annual Report Data spreadsheet demonstrated the annual reports were reviewed. Recommend adding the trends of incidents and other related data to the spreadsheet in the future.

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

Evaluator Notes:

Yes, a review of the PHMSA Operator Qualification Database found the state agency entered the OQ inspection performed on Union Carbide on April 4, 2012. No issues

- 14** Has state confirmed intrastate operators have submitted information into NPMS database along with changes made after original submission? (G13) 1 0
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

State agency could not provide documentation that it has confirmed the intrastate operators have submitted their required information into the NPMS database during CY2012. 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) 2 NA
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

NA. No drug and alcohol inspections were performed in CY2012.

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

Evaluator Notes:

Yes, a review of Union Carbide inspection found this item was checked and reviewed. No issues.

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

Evaluator Notes:

Yes, this has been performed on Dominion Transmission and Union Carbide Corporation. Access Midstream, Ciman Eastern Midstream and Markwest Liberty will be scheduled in CY2014.

- 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) 2 0
PAPEI Effectiveness Inspections should be complete by December 2013

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

No Public Awareness inspections were performed in CY2012. Therefore, a loss of points occurred.

- 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 and TQ seminar to communicate changes and updates to the regulations. No issues.

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

NA. No Safety Related Condition reports were submitted in CY2012.

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

Yes, they participated in all surveys and information requested from NAPSIR or PHMSA. No issues

22	General Comments: Info Only = No Points	Info Only	Info Only
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Evaluator Notes:

Loss of points occurred in Question C.7, C.8, C.9, C.10, C.14 & C.18

Total points scored for this section: 32
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 | 2 |
| a. | Procedures to notify an operator (company officer) when a noncompliance is identified | Yes <input type="radio"/> No <input type="radio"/> | Needs Improvement <input checked="" type="radio"/> |
| b. | Procedures to routinely review progress of compliance actions to prevent delays or breakdowns | Yes <input type="radio"/> No <input type="radio"/> | Needs Improvement <input checked="" type="radio"/> |

Evaluator Notes:

A review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures Section 11.8 Written Formal Notice of Violations found notification to company officer was not listed. Additionally, procedures to routinely review progress of compliance action were not listed. Improvement is needed in adding these requirements to the procedures. Therefore, a loss of two points occurred.

- | | | | |
|----------|--|---|---|
| 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 | 4 |
| a. | Were compliance actions sent to company officer or manager/board director if municipal/government system? | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Were probable violations documented? | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Were probable violations resolved? | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| d. | Was the progress of probable violations routinely reviewed? | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

- a. Yes, a review of compliance action against Union Carbide found the letter was sent to a company officer, Michael Brightwell.
- b. Yes, the violations were well documented in the letter.
- c. Yes, the company took action to correct the violation.
- d. Staff member monitored the progress of the operator until the violation was corrected.

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

Evaluator Notes:

Yes, a review of files found compliance action for all probable violations were issued. No issues.

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

Evaluator Notes:

Yes, this is listed in the West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures sections 11.9 - Options Open to the Operator.

- | | | | |
|----------|---|---|---|
| 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 CY2012 a civil penalty in the amount of \$2,000 was assessed against a natural gas operator, Mountaineer Gas Company. Since 1997, the Hazardous Liquid safety program has not issued any civil penalties against an operator.

- | | | | |
|----------|---|---|---|
| 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 Mountaineer Gas Company in CY2012.

7 General Comments:

Info Only = No Points

Info OnlyInfo Only

Evaluator Notes:

Loss of points occurred in Question D.1

Total points scored for this section: 13
Total possible points for this section: 15



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)
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 1 |
| a. | Acknowledgement of MOU between NTSB and PHMSA (Appendix D) | Yes <input type="radio"/> No <input type="radio"/> | Needs Improvement <input checked="" type="radio"/> |
| b. | Acknowledgement of Federal/State Cooperation in case of incident/accident (Appendix E) | Yes <input type="radio"/> No <input type="radio"/> | Needs Improvement <input checked="" type="radio"/> |

Evaluator Notes:

A review of West Virginia Public Service Commission Gas Pipeline Safety Section Inspection and Enforcement Procedures did not indicate a written procedure on receiving and responding to Incident/Accidents has been established. The agency needs to include in its procedures information on receiving notifications, during normal and after hours from the operator. The last notification send to the operators was dated May1, 2009. Improvement is needed. Therefore, a loss of one point occurred.

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

Evaluator Notes:

No incidents or accidents occurred in CY2012. NA.

- | | | | |
|----------|--|---|---|
| 3 | Were all accidents investigated, thoroughly documented, and with conclusions and recommendations? (D5)
Yes = 3 No = 0 Needs Improvement = 1-2 | 3 | NA |
| a. | Observations and document review | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Contributing Factors | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Recommendations to prevent recurrences where appropriate | Yes <input type="radio"/> No <input checked="" type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

No incidents or accidents occurred in CY2012. NA.

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

Evaluator Notes:

No incidents or accidents occurred in CY2012. NA.

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

Evaluator Notes:

No incidents or accidents occurred in CY2012. NA.

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

Evaluator Notes:

No incidents or accidents occurred in CY2012. NA..

7 General Comments:

Info Only = No Points

Info OnlyInfo Only

Evaluator Notes:

A loss of points occurred in Question E.1

Total points scored for this section: 1
Total possible points for this section: 2



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:

A review of files and discussion with state program manager resulted in no documentation to confirm this requirement was covered during inspections performed in CY2012. Therefore, 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 | 0 |
|---|--|---|---|

Evaluator Notes:

State Program Manager was unable to show where they asked this question or review this item on their inspection form in CY2012. Therefore, a loss of two points occurred.

- | | | | |
|---|---|---|---|
| 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, this was accomplished at the TQ seminar and excavator meetings. David Hippchen services as an associate member on the West Virginia One Call organization.

- | | | | |
|---|--|---|---|
| 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, the state agency request and receives from their operators damages per 1,000 locate request. They review the data and trends by tracking the information on a spreadsheet. No issues.

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

Evaluator Notes:

Loss of points occurred in Questions F.1 & F.2.

Total points scored for this section: 4
Total possible points for this section: 8

PART G - Field Inspections

Points(MAX) Score

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

Name of Operator Inspected:

Union Carbide Corporation

Name of State Inspector(s) Observed:

David Hippchen, Senior Engineer

Location of Inspection:

Charleston, WV

Date of Inspection:

September 17, 2013

Name of PHMSA Representative:

Glynn Blanton, PHMSA State Programs

Evaluator Notes:

This was a follow-up inspection pertaining to Integrity Management, Smart pigging and pressure testing. Mr. Michael Brightwell, Cross-country Pipeline Coordinator with Union Carbide Corporation was the contact individual.

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

Evaluator Notes:

The operator was notified on August 8, 2013 pertaining to the scheduled inspection.

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

Evaluator Notes:

Yes, PHMSA Standard Inspection Report of a Hazardous Liquid Pipeline Integrity Assessment Record worksheet was used during the review. No issues.

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

Evaluator Notes:

Yes, information from the operator representative on the integrity management program was entered into the PHMSA form. No issues.

- 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) 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the operator representative provided the results of Quest Integrity Groups review of their pipeline system. No issues.

- 6 Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) (F7) 2 2
Yes = 2 No = 0 Needs Improvement = 1

a. Procedures ☒

b. Records ☒

c. Field Activities ☐

d. Other (please comment) ☐

Evaluator Notes:

Yes, the inspector reviewed the report and other associated documents on the integrity management program. No issues.

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
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Evaluator Notes:

Yes, the inspector demonstrated good working knowledge about the pipeline safety program and regulations. No issues.

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
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Evaluator Notes:

Yes, an exit interview was conducted and no areas of concerns were found or mentioned.

9	During the exit interview, did the inspector identify probable violations found during the inspections? (if applicable) (F10) Yes = 1 No = 0	1	1
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Evaluator Notes:

No areas of concern or violations were found or noted.

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
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- | | | | |
|----|-----------------------------------|--------------------------|--|
| 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 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 type="checkbox"/> | |
| E. | Vault Maintenance | <input type="checkbox"/> | |

- | | | |
|----|-----------------------------|-------------------------------------|
| F. | Welding | <input 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"/> |

Evaluator Notes:

This was a records review of the company's action on the Integrity management program. A review of pressure test and in line pigging results from Quest Integrity Group on the pipeline was checked. No issues were found or noted.

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



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

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

- | | | | |
|----------|--|---|----|
| 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 |
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Evaluator Notes:

NA

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

Evaluator Notes:

NA

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

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

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

Evaluator Notes:

NA

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

Evaluator Notes:

NA

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