



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

1200 New Jersey Avenue SE
Washington DC 20590

2015 Gas State Program Evaluation

for

Public Service Commission, State of Wyoming

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 -- Incident Investigations
- F -- Damage Prevention
- G -- Field Inspections
- H -- Interstate Agent State (If Applicable)
- I -- 60106 Agreement State (If Applicable)



2015 Gas State Program Evaluation -- CY 2015

Gas

State Agency: Wyoming

Agency Status:

Date of Visit: 09/12/2016 - 09/15/2016

Agency Representative: David Piroutek, Engineering Supervisor, Wyoming Public Service Commission (WYPSC)

PHMSA Representative: Don Martin

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

Name/Title: Alan B. Minier, Chairman

Agency: Wyoming Public Service Commission

Address: 2515 Warren Avenue, Suite 300

City/State/Zip: Cheyenne, Wyoming 82002

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 2015 (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	Incident Investigations
F	Damage Prevention
G	Field Inspections
H	Interstate Agent State (If Applicable)
I	60106 Agreement State (If Applicable)

Possible Points Points Scored

10	10
13	13
47	47
15	14
4	4
8	8
12	12
0	0
0	0

TOTALS

109 108

State Rating

99.1

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

Evaluator Notes:

GPLS Trip Record Database contains all of the information for operators, units and which ones were inspected. Also Annual Reports data is entered into a spreadsheet which provides additional verification of the information.

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

Evaluator Notes:

GPLS Trip Record Database contains all of the information for inspection person days. Inspection person days are accounted for on half hour increments.

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

Evaluator Notes:

Records supported the listing of operators and units on Attachment 3. The tally of units on Attachment 1 matched the unit totals on Attachment 3.

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

Evaluator Notes:

Attachment 4 of the WYPSC's 2015 Progress Report did not list any reportable incidents. A review of incident data in the Pipeline Data Mart also showed that no reportable incidents were reported during CY2015 in Wyoming.

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

Evaluator Notes:

GPLS database inspection follow up spreadsheet accounts for probable violations by operator and inspection. It is then tallied from the spreadsheets. No issues with accuracy for 2015.

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

Evaluator Notes:

No issues. Most files are electronic.

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

Evaluator Notes:

All information on Attachment 7 was accurate and supported by documentation.

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|---|---|---|---|
| 8 | Verification of Part 192,193,198,199 Rules and Amendments - Progress Report Attachment 8
Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|---|---|---|---|

Evaluator Notes:

No issues with Attachment 8.

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

Evaluator Notes:

No issues for improvement on Attachment 10.

10 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

The WYPSC generally complied with the requirements of Part A of this evaluation.

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



PART B - Program Inspection Procedures

Points(MAX) Score

- | | | | |
|---|--|---|---|
| 1 | Standard Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 2 | 2 |
|---|--|---|---|

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on what the Standard Inspection should entail on Pages 10 and 11. Pre-inspection activities, inspection activities, post-inspection activities are described in the document on pages 5 -7. The procedures meet expectations.

- | | | | |
|---|--|---|---|
| 2 | IMP and DIMP Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
|---|--|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on what the IMP and DIMP should entail on page 11. Pre-inspection activities, inspection activities, post-inspection activities are described in the document on pages 5 -7. The procedures meet expectations.

- | | | | |
|---|--|---|---|
| 3 | OQ Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
|---|--|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on what the OQ should entail on page 11. Pre-inspection activities, inspection activities, post-inspection activities are described in the document on pages 5 -7. The procedures meet expectations.

- | | | | |
|---|---|---|---|
| 4 | Damage Prevention Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities. | 1 | 1 |
|---|---|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on what the Damage Prevention Inspections should entail on page 12. Pre-inspection activities, inspection activities, post-inspection activities are described in the document on pages 5 -7. The procedures meet expectations.

- | | | | |
|---|--|---|---|
| 5 | Any operator training conducted should be outlined and appropriately documented as needed. | 1 | 1 |
|---|--|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on when operator training will be provided on page 12. Operator training is not an inspection. Pre-inspection activities, inspection activities, post-inspection is not applicable. The procedures meet expectations.

- 6 Construction Inspection procedures should give guidance to state inspectors that insure consistency in all inspections conducted by the state? The following elements should be addressed at a minimum - pre-inspection activities, inspection activities, post-inspection activities.
- Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on when the Construction Inspections will be conducted on page 12. Pre-inspection activities, inspection activities, post-inspection activities are described in the document on pages 5 -7. The procedures meet expectations.

- 7 Does inspection plan address inspection priorities of each operator, and if necessary each unit, based on the following elements?

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

- | | | | |
|--|--------------------------------------|--------------------------|---|
| a. Length of time since last inspection (Within five year interval) | 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 areas, 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 checked="" type="radio"/> | No <input 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:

"INSPECTION PROCEDURES FOR THE FACILITIES ENGINEERING STAFF OF THE PUBLIC SERVICE COMMISSION OF WYOMING" revised as of 9/9/2016 was reviewed. Guidance is given on what considerations will be involved to schedule inspections on Page 3. The procedures cover the Elements (a through (e above. Inspection units appear to be appropriate.

- 8 General Comments:

Info Only = No Points

Info OnlyInfo Only

Evaluator Notes:

The WYPSC generally complied with the requirements of Part B of this evaluation.

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

PART C - Program Performance

Points(MAX) Score

- 1 Was ratio of Total Inspection person-days to total person days acceptable? (Director of State Programs may modify with just cause) Chapter 4.3 5 5
Yes = 5 No = 0

A. Total Inspection Person Days (Attachment 2):
179.36

B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
 $220 \times 1.22 = 268.40$

Ratio: A / B
 $179.36 / 268.40 = 0.67$

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

Evaluator Notes:

The WYPSC's ratio of Inspection Person Days to Inspection Person Years was 0.67 which exceeded the minimum required ratio of 0.38.

- 2 Has each inspector and program manager fulfilled the T Q Training Requirements? (See Guidelines Appendix C for requirements) Chapter 4.4 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 DIMP*/IMP Training before conducting inspection as lead? *Effective Evaluation CY2013 | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Root Cause Training by at least one inspector/program 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"/> |
| e. | Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector. | Yes <input checked="" type="radio"/> | No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

All required courses have been completed within established deadlines. The recently hired inspector, Jacob Kilmurray, is on track to complete the courses within the timeframe.

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

Evaluator Notes:

David Pitourek has been the program manager for 12 years. He has completed all of the required courses at PHMSA's Training and Qualifications Division. No issues with David's knowledge.

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

Evaluator Notes:

The WYPSC responded in 50 days. The Chairman responded on Item 3 that there are two separate NOPV issues which could result in civil penalties. They are still under review at this time.

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

Evaluator Notes:

Last was 2016 and previous was 2013 with ND and SD.

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

Evaluator Notes:

The WYPSC states that it will inspect operators and units once every two years. No issues identified where the WYPSC did not meet its inspection frequency.

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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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|
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Evaluator Notes:

Except for Construction Inspections, the WYPSC utilizes PHMSA inspection forms (MSWord format) for all inspection types. Upon a review of randomly selected inspection reports there were no instances identified where the WYPSC did not complete all applicable questions on the inspection forms.

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|---|---|---|----|
| 8 | Did the state review operator procedures for determining if exposed cast iron pipe was examined for evidence of graphitization and if necessary remedial action was taken? (NTSB) Chapter 5.1
Yes = 1 No = 0 | 1 | NA |
|---|---|---|----|
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Evaluator Notes:

There is no Cast Iron pipelines in the state of Wyoming. Pipeline Datamart confirms this.

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- | | | | |
|---|--|---|----|
| 9 | Did the state review operator procedures for surveillance of cast iron pipelines, including appropriate action resulting from tracking circumferential cracking failures, study of leakage history, or other unusual operating maintenance condition? (Note: See GPTC Appendix G-18 for guidance) (NTSB) Chapter 5.1
Yes = 1 No = 0 | 1 | NA |
|---|--|---|----|
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Evaluator Notes:

There is no Cast Iron pipelines in the state of Wyoming.

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|----|---|---|---|
| 10 | Did the state review operator emergency response procedures for leaks caused by excavation damage near buildings and determine whether the procedures adequately address the possibility of multiple leaks and underground migration of gas into nearby buildings Refer to 4/12/01 letter from PHMSA in response to NTSB recommendation P-00-20 and P-00-21? (NTSB) Chapter 5.1
Yes = 1 No = 0 | 1 | 1 |
|----|---|---|---|
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Evaluator Notes:

The WYPSSC utilizes PHMSA's Standard Inspection forms. These forms cover this requirement.

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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 192.617? Chapter 5.1
Yes = 1 No = 0 | 1 | 1 |
|----|--|---|---|
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Evaluator Notes:

The WYPSSC utilizes PHMSA's Standard Inspection forms. These forms cover this requirement.

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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?
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----|--|---|---|
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Evaluator Notes:

The WYPSC enters the data from Annual Reports into a large spreadsheet. The spreadsheet is reviewed for possible inaccuracies. Damages per 1000 locate tickets is analyzed and trended over multiple years. Miles, leaks (and types of leaks), age of infrastructure, percent of unknown vintage, cathodically unprotected mains and service lines and lost and unaccounted for gas.

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|----|--|---|---|
| 13 | Did state input all applicable OQ, DIMP/IMP inspection results into federal database in a timely manner? This includes replies to Operator notifications into IMDB database. Chapter 5.1 | 2 | 2 |
|----|--|---|---|
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Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Upon a review of the OQ, IMP and DIMP databases it appears the WYPSC entered the inspection results. Some OQ Field (Protocol 9) results from 2016 inspections have not been entered as of this date; however, this evaluation is for CY2015.

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

Evaluator Notes:

The WYPSSC utilizes PHMSA's Standard Transmission Inspection form. This form cover this requirement.

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

Evaluator Notes:

The WYPSC did not conduct a Drug and Alcohol inspection during 2016. However, it has conducted them in the past, CY2014.

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- | | | | |
|-----------|---|---|---|
| 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 192 Part N
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

The WYPSC conducted two full OQ Plan inspections in CY2015. The remaining OQ activity was OQ field inspections.

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| 17 | Is state verifying operator's gas transmission integrity management programs (IMP) are up to date? This should include a previous review of IMP 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 192 Subpart 0
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

The WYPSC conducted three IMP Plan inspections (Williams Field Services, Devon Gas Services and Lower Valley Energy) during CY2015.

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- | | | | |
|-----------|---|---|---|
| 18 | Is state verifying operator's gas distribution integrity management Programs (DIMP)? This should include a review of DIMP plans, along with monitoring progress. In addition, the review should take in to account program review and updates of operators plan(s). 49 CFR 192 Subpart P DIMP ? First round of program inspections should have been complete by December 2014
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|---|---|---|

Evaluator Notes:

The WYPSC completed all DIMP Plan Inspections in 2012. The WYPSC plans to start the second round in 2017.

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- | | | | |
|-----------|---|---|---|
| 19 | 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 192.616 (I13-16) PAPEI Effectiveness Inspections should be conducted every four years per RP1162
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|---|---|---|

Evaluator Notes:

The WYPSC has completed the first of round of PAPEI Inspections. The WYPSC reviews public awareness requirements during Standard Inspections.

- 20 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). 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, the WYPSC forwards advisory bulletins to all operators. The WY PSC website has a section on Pipeline Safety. Information is constantly updated in this section.

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

Evaluator Notes:

There were no SRC Reports filed by operators in the state of Wyoming. This was confirmed in the Pipeline DataMart.

- 22 Did the State ask Operators to identify any plastic pipe and components that has shown a record of defects/leaks and what those operators are doing to mitigate the safety concerns? 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

The WYPSC utilizes the PHMSA Standard Inspection Form. This requirement is covered on the form.

- 23 Did the state participate in/respond to surveys or information requests from NAPSRS or PHMSA? 1 1
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

There were no known surveys that the WYPSC did not respond to.

- 24 If the State has issued any waivers/special permits for any operator, has the state verified conditions of those waivers/special permits are being met? This should include having the operator amend procedures where appropriate. 1 1
No = 0 Needs Improvement = .5 Yes = 1

Evaluator Notes:

The WYPSC is aware of the special permits (waivers) and has followed up to make sure they are being met. The WYPSC should communicate to PHMSA Regulations those waivers listed on PHMSA's web site that are not valid so they can be removed.

- 25 Did the state attend the National NAPSRS Board of Directors Meeting in CY being evaluated? 1 1
No = 0 Needs Improvement = .5 Yes = 1

Evaluator Notes:

Mr. Piroutek attended the National Meeting during 2015 in Phoenix.

- 26 Discussion on State Program Performance Metrics found on Stakeholder Communication site - <http://primis.phmsa.dot.gov/comm/states.htm> 2 2
No = 0 Needs Improvement = 1 Yes = 2

- a. Discussion of Potential Accelerated Actions (AA's) based on any negative trends Yes ☒ No ☐ Needs Improvement ☐
b. NTSB P-11-20 Meaningful Metrics Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

The WYPSC is aware of the Performance Metrics on the PRIMIS Website. The WYPSC monitors these metrics plus other metrics that have been identified as important for pipeline safety in Wyoming.

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

Evaluator Notes:

The WYPSC generally complied with the requirements of Part C of this evaluation.

Total points scored for this section: 47
Total possible points for this section: 47



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
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:

The WYPSC has in its procedures the requirement that notifications be sent to a company officer when it involves a private company. The WYPSC requires operators to provide written responses within 30 days. Compliance actions are monitored to ensure operators respond and take corrective action.

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|----------|--|---|---|
| 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
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 4 |
| a. | Were compliance actions sent to company officer or manager/board member if municipal/government system? | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| b. | Document probable violations | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| c. | Resolve probable violations | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| d. | Routinely review progress of probable violations | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |
| e. | Were applicable civil penalties outlined in correspondence with operator(s) | Yes <input checked="" type="radio"/> No <input type="radio"/> | Needs Improvement <input type="radio"/> |

Evaluator Notes:

Upon a review of randomly selected inspection reports completed in 2015 there were no instances identified where the WYPSC did not adequately document probable violations. The WYPSC requires operators to respond to non-compliance notifications. There were no reports found where the operator did not respond within thirty days. If corrective actions are not completed within 30 days evidence was available that showed the WYPSC continued to follow-up until corrective action was completed. The WYPSC, in the last paragraph of each non-compliance notice, provides a statement providing the civil penalties that could be levied regarding non-compliance.

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

Evaluator Notes:

Upon a review of randomly selected inspection reports completed in 2015 there were no instances identified where the WYPSC did not issue a non-compliance letter to the operator.

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

Evaluator Notes:

Upon a review of randomly selected inspection reports completed in 2015 there were no instances identified where the WYPSC did not give reasonable due process. According to Commission rules operators are allowed to request show cause proceedings to argue their case.

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

Evaluator Notes:

Yes, the program manager is aware of the process and the criteria that would justify seeking a civil penalty from the Commission.

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

Evaluator Notes:

Needs improvement. As identified in previous evaluations the WYPSC has not demonstrated the use of civil penalties. It was noted in the Chairman's letter for 2014 evaluation. The Chairman's response letter stated there two non-compliance cases that would be reviewed for possible civil penalties. As of the date of this evaluation no final conclusion has occurred in these two cases.

7 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

Question D.6 - Needs improvement. As identified in previous evaluations the WYPSC has not demonstrated the use of civil penalties. It was noted in the Chairman's letter for 2014 evaluation. The Chairman's response letter stated there two non-compliance cases that would be reviewed for possible civil penalties. As of the date of this evaluation no final conclusion has occurred in these two cases.

Otherwise, the WYPSC generally complied with the requirements of Part D of this evaluation.

Total points scored for this section: 14
Total possible points for this section: 15



PART E - Incident Investigations

Points(MAX) Score

- 1 Does the state have written procedures to address state actions in the event of an incident/accident? 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, the WY PSC has the procedures in Commission Rule, Chapter 3 - Section 27 (d).

- 2 Does state have adequate mechanism to receive and respond to operator reports of incidents, including after-hours reports? And did state keep adequate records of Incident/Accident notifications received? Chapter 6 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:

See Question E.1 comments for mechanism to receive operator reports. Yes, the acknowledgement is confirmed in the WYPSC procedures, Section 3(g).

- 3 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 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

There were no reportable incidents during CY2015.

- 4 Were all incidents investigated, thoroughly documented, and with conclusions and recommendations? 3 NA
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 when appropriate Yes ☒ No ☐ Needs Improvement ☐

Evaluator Notes:

There were no reportable incidents during CY2015.

- 5 Did the state initiate compliance action for violations found during any incident/accident investigation? 1 NA
Yes = 1 No = 0

Evaluator Notes:

There were no reportable incidents during CY2015.

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

Evaluator Notes:

There were no reportable incidents during CY2015.

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

Evaluator Notes:

There were no reportable incidents during CY2014 or CY2015 to share at the NAPSRR Region Meeting in 2015 and 2016.

8 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

The WYPSC generally complied with the requirements of Part E of this evaluation. Several questions were not applicable since there were no reportable incidents during CY2015.

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



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? NTSB
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|---|--|---|---|

Evaluator Notes:

The WYPSC covers this requirement when O&M procedures are inspected under 192.614 (c).

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

Evaluator Notes:

The WYPSC reviews operator records documenting their 811 calls for their excavation activities. This is covered in a Standard Inspection when reviewing requirements for 192.614.

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

Evaluator Notes:

The WY PSC participates in the PHMSA One Call Grant program. The grant purchases advertising around the state to promote the use of the One Call system. The WYPSC attends the annual state One Call meeting. The WYPSC on occasion meets with excavators in local town meetings across the state.

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

Evaluator Notes:

The WYPSC collects and trends information obtained from operators' Annual Reports. See comments on Question C.12.

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

Evaluator Notes:

The WYPSC generally complied with the requirements of Part F of this evaluation.

Total points scored for this section: 8
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:

Black Hills Gas Distribution, LLC

Name of State Inspector(s) Observed:

David Pitourek

Location of Inspection:

Laramie, WY

Date of Inspection:

9/13/2016

Name of PHMSA Representative:

Don Martin

Evaluator Notes:

The WYPSC inspector conducted a Standard Inspection of a Gas Distribution Operator for the operator's facilities in Laramie, WY. O&M Procedures were not covered since they were completed in a separate inspection. PHMSA Form 2 Inspection Form was utilized by the inspector. Records were reviewed during the morning and field testing was observed in the afternoon. The last inspection of this unit occurred in December of 2015. The operator was represented by Rod Howe, Compliance Coordinator.

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

Evaluator Notes:

David Pitourek contacted the operator by email in late July. The operator had five representatives present during the 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) 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

The inspector utilized PHMSA Form 2, Standard Inspection of a Distribution Operator. The O&M Procedures portion of the form was not applicable since those were reviewed at another time. The inspector progressed through the form as he conducted the inspection. Records were reviewed during the morning and field testing was performed in the afternoon.

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

Evaluator Notes:

The inspector completed the Word version of Form 2 as he progressed through the inspection. No issues were identified with documentation.

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

Evaluator Notes:

Equipment check met expectations.

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

a. Procedures ☐

b. Records ☒

c. Field Activities ☒

d. Other (please comment)

☐

Evaluator Notes:

O&M Procedures were reviewed in a separate inspection of the operator. Operation and maintenance records were reviewed to confirm that inspection deadlines were complied with. Cathodic Protection tests, valve inspections, overpressure protection facilities were reviewed in the field. Above ground piping was checked for atmospheric corrosion.

7 Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable)

2

2

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Mr. Pitourek has several years experience inspecting pipeline operators. He has completed all of the required training at PHMSA's Training and Qualifications Division. Mr. Pitourek is also the manager of the WYPSC's pipeline safety program.

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)

1

1

Yes = 1 No = 0

Evaluator Notes:

Yes.

9 During the exit interview, did the inspector identify probable violations found during the inspections? (if applicable)

1

1

Yes = 1 No = 0

Evaluator Notes:

The inspector explained an area of concern related to proper form documentation for the inspection of buried pipe when it had been excavated and exposed.

The inspector notified the operator of a pipe running from the gas heater in the North Town Border Station. Cathodic protection readings did not meet the requirements; however, the operator has to confirm the recent installation date and communicate to the inspector before a final determination can be made.

10 General Comments: 1) What did the inspector observe in the field? (Narrative description of field observations and how inspector performed) 2) Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices) 3) Other.

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

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

Evaluator Notes:

The WYPSC generally complied with the requirements of Part G of this evaluation.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYPSC is not an interstate agent.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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

Evaluator Notes:

The WYSPC does not have a 60106 agreement with PHMSA.

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