



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

1200 New Jersey Avenue SE
Washington DC 20590

2017 Gas State Program Evaluation

for

NEW YORK PUBLIC SERVICE COMMISSION

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)



2017 Gas State Program Evaluation -- CY 2017

Gas

State Agency: New York

Agency Status:

Date of Visit: 07/17/2018 - 07/19/2018

Agency Representative: Kevin Speicher, Program Manager

PHMSA Representative: Agustin Lopez, State Evaluator (Office Evaluation)

Jim Anderson, State Evaluator (Field Evaluation)

Don Martin, Program Coordinator (Field Evaluation)

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

Name/Title: Mr. John B. Rhodes, Chairman

Agency: New York Department of Public Service

Address: Empire State Plaza, Agency Building 3

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

Rating:

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

INSTRUCTIONS:

Complete this evaluation in accordance with the Procedures for Evaluating State Pipeline Safety Program. The evaluation should generally reflect state program performance during CY 2017 (not the status of performance at the time of the evaluation). All items for which criteria have not been established should be answered based on the PHMSA representative's judgment. A deficiency in any one part of a multiple part question should be scored as needs improvement. Determine the answer to the question then select the appropriate point value. If a state receives less than the maximum points, include a brief explanation in the space provided for general comments/regional observations. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and OBJECTIVELY reflect state program performance. Increasing emphasis is being placed on performance. This evaluation together with selected factors reported in the state's annual progress report attachments provide the basis for determining the state's pipeline safety grant allocation.

Field Inspection (PART G):

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

Scoring Summary

PARTS

	Possible Points	Points Scored
A Progress Report and Program Documentation Review	10	10
B Program Inspection Procedures	13	13
C Program Performance	49	49
D Compliance Activities	15	15
E Incident Investigations	11	11
F Damage Prevention	8	8
G Field Inspections	11	11
H Interstate Agent State (If Applicable)	7	7
I 60106 Agreement State (If Applicable)	0	0

TOTALS

124 124

State Rating **100.0**

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:

Reviewed operator and inspection database and compared with annual reports. The progress report seems to be accurate.

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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:

There is a high number of inspection person days for standard comprehensive inspections (1712,67) for the total number of units (64). This averages out to about 26 days per unit. This is due to inspectors conducting inspections on risk based data samples. The NYDPS has a sampling calculator that calculates the number of records to review during inspections.

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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 |
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Evaluator Notes:

Verified operators with database and annual reports. There was only 5 Gathering operators that filed annual reports with PHMSA but the NY DPS has 41 operators in their Progress Report. This may be due to the NY DPS investigating and finding new gathering operators in the state. NY DPS is verifying with operators to see if they are required to file annual reports. During evaluation Mr. Kevin Speicher contacted supervisor to assure gathering operators submit annual reports.

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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 |
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Evaluator Notes:

There were 7 incidents in PDM and the NY Progress Report included all of the NRC reports. Each reportable incident was investigated.

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

Verified compliance actions with previous years for carry over number. Compliance actions are kept track by the NY DPS in their database.

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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:

Most files are kept electronically. If needed copies of correspondence can be printed for review. Construction files are kept in the office and are secured and accessible.

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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 |
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Evaluator Notes:

Yes, verified training with SABA and with NY DPS training records.

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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 |
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Evaluator Notes:

State has adopted the rules and regulations. Adopt rules within 2 years of amendments.

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

Damage prevention laws raised the penalty amounts from \$1000 with max of \$2500 to a minimum of \$2500.

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

Evaluator Notes:

The NY DPS is mainly complying with Part A of the Evaluation.

A.3- Verified operators with database and annual reports. There was only 5 Gathering operators that filed annual reports with PHMSA but the NY DPS has 41 operators in their Progress Report. This may be due to the NY DPS investigating and finding new gathering operators in the state. NY DPS is verifying with operators to see if they are required to file annual reports. During evaluation Mr. Kevin Speicher contacted supervisor to assure gathering operators submit annual reports. Check during next year's evaluation to assure operators are submitting annual reports.

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:

Reviewed NY DPS State Guidance Manual and inspection procedures are detailed and give guidance to inspector on how to conduct inspections.

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

Reviewed procedures which include IMP and DIMP inspection procedures in section 4.5. Section 4.4 and 4.4.1 covers field audits and field observation audits which should include IMP field verifications.

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

Section 4 of Procedures covers OQ Plan inspections and OQ Field Verification inspections.

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

Chapter 8 of Guidance Manual has damage prevention procedures to give inspectors guidance in performing inspections.

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

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 4.12 has Operator Training procedures that gives inspectors guidance in performing operator training.

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|---|--|---|---|
| 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. | 1 | 1 |
|---|--|---|---|

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Chapter 6 of the Guidance Manual has procedures for Construction Inspections. The procedures has details that give guidance to inspector in performing construction inspections.

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|---|---|---|---|
| 7 | Does inspection plan address inspection priorities of each operator, and if necessary each unit, based on the following elements? | 6 | 6 |
|---|---|---|---|

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

- a. Length of time since last inspection (Within five year interval)

Yes ☒ No ☐ Needs Improvement ☐

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

Section 4 of Guidance Manual has inspection procedures which include a five year inspection interval and risk based inspection priorities. Special audits are also conducted if there are areas of concern of an operator.

8 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

The NY DPS is mainly in compliance with Part B of the 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):
2877.74

B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
220 X 27.10 = 5962.73

Ratio: A / B
2877.74 / 5962.73 = 0.48

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

Evaluator Notes:

The Total inspection person days to total person days ratio is acceptable. Verified inspection days in progress report with NY DPS data.

- 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:

- a. Yes, all lead inspectors have required OQ training.
- b. Yes, all lead inspectors have required IMP/DIMP training.
- c. Everyone who has been here more than five years has taken the Root Cause Training.
- d. No additional training in 2017.
- e. Verified that all lead inspectors have minimum qualifications.

- 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:

Yes, Mr. Speicher is knowledgeable of the PHMSA program and regulations.

- 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 letter was received past the 60 days due to there being a change in personnel and miscommunication. The issue was discussed with program manager to assure response in not delayed in the future.

- 5** Did State conduct or participate in pipeline safety training session or seminar in Past 3 Years? Chapter 8.5 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the last seminar was in 2016.

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

Evaluator Notes:

Reviewed inspection reports and seems that all inspection types are being conducted within the established interval. The NYDPS uses a risk rank to establish the interval of each part of the standard inspection. Intervals are not to exceed 4 years for each code section which assures that the entire standard inspection is entirely completed in 4 years.

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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:

Yes. The NYDPS uses an excel workbook to track the all the inspections conducted. The workbook has all the code requirements and are asked during the inspections.

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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 | 1 |
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Evaluator Notes:

Workbook has cast iron procedures question as part of the inspection plan.

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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 | 1 |
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Evaluator Notes:

Yes, the inspection workbook covers surveillance of casts iron pipelines.

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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:

Emergency Plan reviews are conducted on operators to check appropriate response to leaks and damages.

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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:

Review 30 day reports and incident reports to assure appropriate response is made by the operators.

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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:

Yes, the NYDPS reviews Annual Report for accuracy along wit incident reports and analyze for trends.

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| 13 | Has state confirmed intrastate transmission operators have submitted information into NPMS database along with changes made after original submission? | 1 | 1 |
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Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes, review NPMS submittals during inspections.

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| 14 | 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 | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, conduct Drug and Alcohol inspections per their procedures.

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|-----------|---|---|---|
| 15 | 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 | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, reviewed inspection report and the NYDPS conducts OQ program inspections within their intervals established in their procedures.

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|-----------|---|---|---|
| 16 | 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). (Are the State's largest operators programs being contacted or reviewed annually? Are replies to Operator IM notifications addressed? (formerly part of Question C-13)). 49 CFR 192 Subpart O | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, reviewed inspection files and IMP inspections are performed on operators in intervals established in their procedures.

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| 17 | 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). (Are the State's largest operators programs being contacted or reviewed annually?). 49 CFR 192 Subpart P | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

Yes, reviewed inspection reports and the NYDPS conducts DIMP inspections per their procedures

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| 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. PAPEI Effectiveness Inspections should be conducted every four years by operators. 49 CFR 192.616 | 2 | 2 |
| | Yes = 2 No = 0 Needs Improvement = 1 | | |

Evaluator Notes:

PAPEI inspections are documented in IA and are conducting within the inspection intervals.

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

Evaluator Notes:

Yes, NY DPS website has inspection reports available and cases open to the public.

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

Evaluator Notes:

The NYDPS had followup report for the SRCR. The operator performed corrective action and the NYDPS closed the reports.

- 21 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:

Operators have to report any fusion problems in the state due to order issued by the Commission. Work with PPDC to gather data on defects/failures on plastic pipelines.

- 22 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:

Yes, Mr. Speicher responds to requests from NAPSRS and PHMSA.

- 23 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:

There are no open waivers currently requiring follow-up action from the state.

- 24 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:

Yes, Mr. Speicher attended the 2017 NAPSRS National Meeting.

- 25 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 NYDPS writes an annual report for their major operators performance metrics. "Performance Measures Report". (Case 18-G-0260) was conducted for 2017. The report analysis leaks, damages per 1000, damager per operator, and other safety related measures. LDC's with above average are contacted to improve their performance. Improved LDC are also encouraged to share their best practices to other LDC's.

- 26 Discussion with State on accuracy of inspection day information submitted into State Inspection Day Calculation Tool (SICT) Has the State updated SICT data? 1 1
No = 0 Yes = 1

Evaluator Notes:

In discussion with Mr. Speicher there is no foreseeable trouble in meeting the new SICT inspector-person days. The new inspector totals are in line with previous years required days.

- 27 Did the State verify Operators took appropriate action regarding Pipeline Flow Reversals, Product Changes and Conversions to Service? See ADP-2014-04 1 1
Needs Improvement = .5 No = 0 Yes = 1

Evaluator Notes:

Have quarterly meeting with operators and part of discussion is advisory bulletins.

28 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

The NY DPS is mainly complying with Part C of the Evaluation.

Total points scored for this section: 49
Total possible points for this section: 49



PART D - Compliance Activities

Points(MAX) Score

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|----------|--|--------------------------------------|--|
| 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"/> |
| c. | Procedures regarding closing outstanding probable violations | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

Yes there are procedures for steps to follow from the discovery to resolution of a probable violation. Section 4.9.4.10 and 4.11 are the Compliance Procedures giving guidance on how to accumulate violations, evidence, and correspondence and documentation.

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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. | Within 30 days, conduct a post-inspection briefing with the owner or operator of the gas or hazardous liquid pipeline facility inspected outlining any concerns; and | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| f. | Within 90 days, to the extent practicable, provide the owner or operator with written preliminary findings of the inspection. | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

- a. Yes compliance actions are sent to company officers.
- b. Yes, reviewed compliance letters and inspection reports and probable violations are documented.
- c. Yes, reviewed compliance letters to check for resolution of probable violations.
- d. Yes, the NYDPS monitors the progress of probable violations.
- e. Yes, the inspector conducts an exit interview and provides a copy of the probable violation.
- f. Yes, the inspector provides the operator usually at the end of the inspection the preliminary findings.

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

Evaluator Notes:

Yes, compliance actions were issued for all probable violations discovered during inspections. Reviewed inspection reports to assure all probable violations were addressed. Per rate case agreements, enforcement protocols have been established to address the instances of non-compliances identified. Any associated penalties will be documented and tracked through the rate case proceedings.

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

Yes, the NYDPS gives reasonable due process to all parties. The operators can contest findings and have hearing if requested.

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|----------|---|---|---|
| 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, Mr. Speicher is familiar with the civil penalty process. The operators are also assessed penalties thru rate cases in which the NYDPS instructs the operator on what to spend it on to make their system safer.

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

Evaluator Notes:

Yes, the NYDPS has demonstrated their fining authority for violations of the pipeline safety rules either by rate cases or enforcement cases.

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

Evaluator Notes:

The NYDPS is mainly complying with Part D of the Evaluation.

Total points scored for this section: 15
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, Chapter 9 of the Guidance Manual. This chapter provides guidance for media contact, notifications for both business and non-business hours, investigations and documentations, internal notifications, accident investigation guidelines, field investigation reports, reports to the Commission, incident report files, and incidents on interstate facilities.

- 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:

Yes, Chapter 9 of the Guidance Manual has details of procedures on how to handle incident notifications. During business hours the Albany office receives notifications and are routed accordingly to each region. After hours incident notifications are received by designated inspectors for each region.

- 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 1

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

The NYDPS investigates all incidents that meet the PHMSA requirements. Reviewed reports in PDM and compared with NYDPS reports to verify investigations of all PHMSA reportable incidents.

- 4 Were all incidents investigated, thoroughly documented, and with conclusions and recommendations? 3 3

Yes = 3 No = 0 Needs Improvement = 1-2

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

Evaluator Notes:

Yes, reviewed incident reports and all seem to be thoroughly documented. Some investigations are still on going.

- a. NYDPS document incident investigations.
- b. An investigation is made by the NYDPS to find contributing factors and for pipeline safety violations.
- c. The NYDPS if appropriate will issue recommendations to operators to prevent recurrences.

- 5 Did the state initiate compliance action for violations found during any incident/accident investigation? 1 1

Yes = 1 No = 0

Evaluator Notes:

Yes, reviewed incident reports and found some 3rd party damage in which compliance actions were sent through their damage prevention laws. One incident is still open in which there may be a compliance issued.

- 6 Did the state assist Region Office or Accident Investigation Division (AID) 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 1

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Yes. Contact for PHMSA Eastern Region office is Mike Yazenboski. In 2017 this changed to Accident Investigation Division.

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

Evaluator Notes:

Yes. All pertinent details of incidents are shared at the NAPS SR Region Meetings and state Training and Qualification Seminars.

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

Evaluator Notes:

The NYDPS is mainly complying with Part E of the Evaluation.

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



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:

Boring/drilling Procedures are reviewed by inspectors. When operator makes changes to their procedures they must submit to the NYDPS for review.

- | | | | |
|---|--|---|---|
| 2 | Did the state inspector verify pipeline operators are following their 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:

Yes, review procedures on a 4 year rotation which demonstrates the inspectors are reviewing one call procedures which include marking and notifications. Also during incident investigations involving third party damage, the inspectors verify procedures were followed by the operator.

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

Yes, the NYDPS promotes CGA best practices. In addition, the NYDPS has incorporated performance measures into the rate cases for several jurisdictional pipeline operators.

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

Yes the NYDPS collects and evaluates the data associated with pipeline damages per 1,000 locate request. NY published the 2016 Gas Safety Performance Measures Report on June 14, 2017, in Case 18-G-0260.

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

Evaluator Notes:

The NYDPS is mainly complying with Part F of the 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:

(1-5) Coned (6) National Grid (7) National Grid (8) New York State Electric and Gas (9) Corning Natural Gas

Name of State Inspector(s) Observed:

(1-5) Arpit Mehta (6) Randy Chow (7) Will Koch (8) Will Koch (9) Paul Smura

Location of Inspection:

(1-5) Bronx, NY (6) Inwood, NY (7) Syracuse, NY and Mattydale, NY (8) Auburn, NY (9) Corning, NY

Date of Inspection:

(1-5) June 26, 2018 (6) June 28, 2018 (7) August 7, 2018 (8) August 8, 2018 (9) August 9, 2018

Name of PHMSA Representative:

Jim Anderson (1-6) Don Martin (7), (8) and (9)

Evaluator Notes:

- (1) Webb & Kingsbridge - 6" plastic installation
- (2) 124 Eames Pl. - Valve maintenance
- (3) 925 E229 Street - leak monitoring
- (4) 4026 Murdock Ave - leak monitoring
- (5) 3371 E. Treemont Ave. - odorant check
- (6) 25 Sheridan - regulator station inspection
- (7) Regulator and Overpressure Protection inspection @ Taunton Regulator Station and Construction Inspection of Main Replacement Tie-In Work in Mattydale, NY
- (8) Odorizer injection point inspections and odorant concentration tests in Auburn, NY
- (9) Leak monitoring tests on distribution system in Corning, NY and Construction Inspection of a transmission pipeline replacement project.

- 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:

- (1-6) Yes
- (7, 8 and 9) Yes. Operator was provided ample notification.

- 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:

- (1-6) Yes
- (7, 8, and 9) Yes.

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

Evaluator Notes:

- (1-6) Yes
- (7, 8, 9) No deficiencies were noted in 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:

- (1-6) Yes
- (7, 8, and 9) Yes and calibration of all testing equipment was verified if applicable.

6	Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) Yes = 2 No = 0 Needs Improvement = 1	2	2
a.	Procedures	<input checked="" type="checkbox"/>	
b.	Records	<input checked="" type="checkbox"/>	
c.	Field Activities	<input checked="" type="checkbox"/>	
d.	Other (please comment)	<input type="checkbox"/>	

Evaluator Notes:

(1-6) Yes

(7, 8, and 9) Most inspection activities were in the field; however, Operator Qualification Records were reviewed for operator or contractor personnel performing covered tasks.

7	Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) Yes = 2 No = 0 Needs Improvement = 1	2	2
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Evaluator Notes:

(1-6) Yes

(7, 8 and 9) Yes

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) Yes = 1 No = 0	1	1
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Evaluator Notes:

(1-6) Yes

(7, 8 and 9) Yes

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

(1-6) None found

(7, 8 and 9) No probable violations were found during the inspections.

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 = No Points	Info Only	Info Only
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 checked="" type="checkbox"/>	
h.	Cast-iron Replacement	<input checked="" 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 checked="" type="checkbox"/>	
m.	Line Markers	<input checked="" type="checkbox"/>	
n.	Liaison with Public Officials	<input type="checkbox"/>	
o.	Leak Surveys	<input checked="" 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 checked="" type="checkbox"/> |
| v. | Overpressure Safety Devices | <input checked="" type="checkbox"/> |
| w. | Plastic Pipe Installation | <input checked="" type="checkbox"/> |
| x. | Public Education | <input type="checkbox"/> |
| y. | Purging | <input checked="" type="checkbox"/> |
| z. | Prevention of Accidental Ignition | <input type="checkbox"/> |
| A. | Repairs | <input checked="" type="checkbox"/> |
| B. | Signs | <input checked="" type="checkbox"/> |
| C. | Tapping | <input checked="" 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 checked="" type="checkbox"/> |
| H. | Compliance Follow-up | <input type="checkbox"/> |
| I. | Atmospheric Corrosion | <input type="checkbox"/> |
| J. | Other | <input type="checkbox"/> |

Evaluator Notes:

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



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 | 1 |
|----------|--|---|---|

Evaluator Notes:

NY utilizes IA and PIMs as directed by the Region.

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

Evaluator Notes:

Results are documented in IA and concerns are detailed in PIM including necessary exhibits.

- | | | | |
|----------|--|---|---|
| 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 | 1 |
|----------|--|---|---|

Evaluator Notes:

Documentation were submitted typically within 30 days.

- | | | | |
|----------|---|---|---|
| 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 | 1 |
|----------|---|---|---|

Evaluator Notes:

Probable violations were identified and detailed in PIMs. CPFs were sent regarding 4 probable violations.

- | | | | |
|----------|---|---|---|
| 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 | 1 |
|----------|---|---|---|

Evaluator Notes:

No conditions occurred that required reporting, however NY continuously notifies PHMSA of activities on Interstate pipelines.

- | | | | |
|----------|--|---|---|
| 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 | 1 |
|----------|--|---|---|

Evaluator Notes:

Documentation were submitted typically within 30 days.

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

Evaluator Notes:

NY submitted documentation to support compliance and supported PHMSA during hearings.

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

Evaluator Notes:

NY continued to provide thorough IA inspections and details on probable violations in PIMs within required timeframe. NY is mainly complying with the requirements of Part H of the Evaluation.

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

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:

State does not have a 60106 Certification.

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

State does not have a 60106 Certification.

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

State does not have a 60106 Certification.

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

State does not have a 60106 Certification.

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

State does not have a 60106 Certification.

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

State does not have a 60106 Certification.

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

Evaluator Notes:

State does not have a 60106 Certification.

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