

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

2018 Gas State Program Evaluation

for

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

Document Legend

PART:

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



2018 Gas State Program Evaluation -- CY 2018

Gas

State Agency: West Virginia

Agency Status:

Date of Visit: 10/21/2019 - 10/25/2019

Agency Representative: Mary S. Friend, Director

PHMSA Representative: Agustin Lopez, State Evaluator

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

Name/Title: Charlotte R. Lane, Chair

Agency: Public Service Commission of West Virginia

Address: 201 Brooks St

City/State/Zip: Charleston, WV 25301

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 2018 (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.

Scoring Summary

PARTS	Possible Points	Points Scored
A Progress Report and Program Documentation Review	10	9
B Program Inspection Procedures	13	13
C Program Performance	47	46
D Compliance Activities	15	12
E Incident Investigations	11	11
F Damage Prevention	8	8
G Field Inspections	11	11
H Interstate Agent State (If Applicable)	0	0
I 60106 Agreement State (If Applicable)	0	0
TOTALS	115	110
State Rating		95.7



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:

Verified Attachment 1 with operator list with PDM, annual reports and inspection data. The numbers seem 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:

Verified Attachment 2 data with WV time sheet and inspection days data sheet. The numbers seem to be accurate on Attachment 2.

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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:

Verified Attachment 3 operator list with Annual Report and the attachment seems to be accurate. There are some Cooperative Operators that are not jurisdictional due to an interpretation issued in the past. Need to verify and investigate further to assure operators are non jurisdictional. It is our interpretation that Interpretation issued by PHMSA only apply to that individual circumstance.

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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:

There were no reportable incidents in 2018. There was one incident that occurred on Welch Gas Cooperative Association distribution system which was investigated by the WVPSC but was not reported to PHMSA. WVPSC issued a violation to Welch for not reporting the incident.

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

The numbers submitted in Attachment 5 were not accurate. The carry over from 2017 showed 142 carry over compliance actions but there were only 29. The PSC needs to verify and submit the correct number of compliance actions.

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

Evaluator Notes:

Yes, keep all records electronically. Assign a Case Tracking Number to each inspection. This is a new process which was implemented in 2019.

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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:

Yes, verified training in SABA to assure qualifications were correct.

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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:

Verified that all rules and amendments have been adopted.

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:

Yes, the WVPSC described their past accomplishments and planned performance with detail on Attachment 10.

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

Only issue identified:

A.5-The numbers submitted in Attachment 5 were not accurate. The carry over from 2017 showed 142 carry over compliance actions but there were only 29. The WV PSC needs to verify and submit the correct number of compliance actions.

Total points scored for this section: 9
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.

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Section A 6.2 addresses pre inspection activities. Section B. 2 has standard inspection procedures that outline how to conduct standard inspections.

- 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.

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 2.3(b) of Manual has IMP/DIMP procedures. The procedures have enough detail to give enough guidance to state inspectors on how to conduct IMP/DIMP inspections.

- 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.

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 2.2(e) has OQ inspection procedures and give guidance to state inspectors.

- 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.

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 2.1(l) has Damage Prevention/one-call procedures that give guidance to state inspectors.

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

Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

Section 3.2 of has procedures which outline Operator Training.

- 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:

Section 2.2 (b) of procedures outlines in detail construction inspection procedures. The procedures give guidance to state inspectors on how to conduct construction inspections. Pre and post inspection procedures are outlined in the procedures.

- 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 No Needs Improvement

- b. Operating history of operator/unit and/or location (includes leakage, incident and compliance activities) Yes No Needs Improvement
- c. Type of activity being undertaken by operators (i.e. construction) Yes No Needs Improvement
- d. Locations of operators inspection units being inspected - (HCA's, Geographic areas, Population Density, etc) Yes No Needs Improvement
- e. Process to identify high-risk inspection units that includes all threats - (Excavation Damage, Corrosion, Natural Forces, Outside Forces, Material and Welds, Equipment, Operators and any Other Factors) Yes No Needs Improvement
- f. Are inspection units broken down appropriately? Yes No Needs Improvement

Evaluator Notes:

Section B page 12 of Manual has procedures which account for the above criteria when scheduling and prioritizing inspections. The WV PSC developed a multiyear inspection plan that takes into account:

- length of last inspection
- Operator history
- Annual reporting data; type of pipe, leaks, etc
- type of activity undertaken by operator
- HCA and population

8 General Comments:
Info Only = No Points

Info Only Info Only

Evaluator Notes:

The WVPSC is mainly complying with the requirements of 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):
 404.00
 B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):
 220 X 3.28 = 722.15
 Ratio: A / B
 404.00 / 722.15 = 0.56
 If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0
 Points = 5

Evaluator Notes:

Yes, the WVPSA met their required inspection person-days to total person days ratio. Verified inspection time and days with their data and time sheet tracking.

- 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 No Needs Improvement
 - b. Completion of Required DIMP*/IMP Training before conducting inspection as lead? *Effective Evaluation CY2013 Yes No Needs Improvement
 - c. Root Cause Training by at least one inspector/program manager Yes No Needs Improvement
 - d. Note any outside training completed Yes No Needs Improvement
 - e. Verify inspector has obtained minimum qualifications to lead any applicable standard inspection as the lead inspector. Yes No Needs Improvement

Evaluator Notes:

There are no Breakout tanks in W. Virginia so the inspectors have not taken the TQ course so it shows them as not qualified as LIMP inspectors in TQ Blackboard. The inspectors have taken all other required courses.

- a. Yes, lead OQ inspectors have required training to lead OQ inspections.
- b. Yes all DIMP/IMP leads have required courses.
- c. Four inspectors have taken the Root Cause course.
- d. Appalachian underground corrosion short course was taken by an inspector.
- e. Yes verified that each lead is qualified to lead each type of inspection.

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

Evaluator Notes:

Yes, Mary Friend has over 25 years of pipeline safety experience and has been program manager for over 5 years.

- 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:

Yes, the Chairman responded within the 60 day requirement.

- 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:



Had two seminars in April 10 and 12, 2018, one on each part of the state, north and south.

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:

Reviewed several inspection to verify that all inspection types are being inspected within their inspection cycle per their procedures. They track the inspection in their Multi year inspection plan.

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

Evaluator Notes:

Yes, use IA for all inspections except construction, Drug and Alcohol and Type B Gathering line inspections.

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 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, Cardinal South is the only operator with cast iron. The PSC has reviewed their procedures.

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 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, Cardinal South is the only operator with cast iron. The PSC has reviewed their procedures.

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 1 1
Yes = 1 No = 0

Evaluator Notes:

Yes, the PSC sent out an email asking operators to verify if their procedures address emergency response procedures for leaks caused by excavation damage.

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 1 1
Yes = 1 No = 0

Evaluator Notes:

Accident investigation and response procedures are reviewed during O&M inspections.

12 Has the state reviewed Operator Annual reports, along with Incident/Accident reports, for accuracy and analyzed data for trends and operator issues? 2 2
Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Review annual reports and incident/accident for accuracy and analyze for risks. There is a risk analysis performed by Jim Searls.

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| 13 | 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 |
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Evaluator Notes:

Yes, question is in IA and is asked during appropriate 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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|---|---|---|

Evaluator Notes:

Yes, reviewed inspection reports to assure Drug and Alcohol inspections are being conducted by the WVPSC in accordance with 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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|---|---|---|

Evaluator Notes:

Yes, reviewed inspection reports to assure OQ Plan inspection are being conducted by the WVPSC in accordance with their time intervals. OQ Plan are inspected every 5 years per 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
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
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Evaluator Notes:

Yes, IMP inspections are being performed in accordance with their procedures. Reviewed inspection reports to assure IMP inspections are being performed.

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

Evaluator Notes:

Yes, the state is conducting DIMP inspections to assure the operator is in compliance with CFR 192 Subpart P.

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

Evaluator Notes:

Yes, the WVPSC conducts PAPEI inspections to assure operators are in compliance.

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

Evaluator Notes:



WVPSC emails operators with issues or to share information. Have links on website to pipeline safety information. Have online portal for operators to submit information to the WVPSC.

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

Evaluator Notes:

There were no SRCR filed in 2018.

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?
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

During DIMP inspections the WVPSC verifies what type of pipe operators have in their system.

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

Evaluator Notes:

Yes, Mary Friend responds to surveys 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.
No = 0 Needs Improvement = .5 Yes = 1

Evaluator Notes:

There are no waivers for gas operators.

24 Did the state attend the NAPSRS National Meeting in CY being evaluated?
No = 0 Needs Improvement = .5 Yes = 1

Evaluator Notes:

Yes, Mary Friend attended the NAPSRS National in Santa Fe, NM.

25 Discussion on State Program Performance Metrics found on Stakeholder Communication site - <http://primis.phmsa.dot.gov/comm/states.htm>
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:

Discussed performance metrics with PSC and the trending of each metric. There seems to be a positive trend on the damages per 1,000 tickets which is due to education and public awareness of underground facilities. The leaks on distribution systems seem to be steady.

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

Evaluator Notes:

The number of inspection days performed by the WVPSC did not meet the inspection days calculated by the SICT. The inspection days required was dropped to the CY 2019 calculated days which was about 418. The PSC needs to improve on submitting the correct numbers in the SICT in order to have the correct calculation of inspection days required.

27 Did the State verify Operators took appropriate action regarding Pipeline Flow Reversals, Product Changes and Conversions to Service? See ADP-2014-04



Needs Improvement = .5 No = 0 Yes = 1

Evaluator Notes:

The question is in IA under reporting which is checked during inspections.

28 General Comments:

Info Only Info Only

Info Only = No Points

Evaluator Notes:

Issues identified:

C.26-The number of inspection days performed by the WV PSC did not meet the inspection days calculated by the SICT. The inspection days required was dropped to the CY 2019 calculated days which was about 418. The PSC needs to improve on submitting the correct numbers in the SICT in order to have the correct calculation of inspection days required.

Total points scored for this section: 46
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"/> |
| c. | Procedures regarding closing outstanding probable violations | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

Section C of the Gas Pipeline Safety Division Inspector Duties and Responsibilities manual include procedures for notifying an operator and how to issue and track compliance actions.

- a. yes the procedures manual references that a notification will be sent to a company official.
- b. Section C has steps to routinely review the progress of compliance actions to avoid breakdowns.
- c. Section C has procedures on how to close open cases.

- | | | | |
|----|--|--------------------------------------|---|
| 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? (Incident Investigations do not need to meet 30/90 day requirement) Chapter 5.1
Yes = 4 No = 0 Needs Improvement = 1-3 | 4 | 2 |
| 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 type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" type="radio"/> |
| d. | Routinely review progress of probable violations | Yes <input type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" 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 type="radio"/> | No <input type="radio"/> Needs Improvement <input checked="" type="radio"/> |

Evaluator Notes:

- a. Yes, reviewed inspection reports to assure compliance actions are sent to company officials.
- b. Probable violations are documented but some probable violations are not being issued to operators.
- c. The WVPSC is resolving probable violations but in some instances the WVPSC is not issuing NOPV or compliance actions.
- d. The PSC needs to improve on reviewing the progress of probable violations. There seems to be a breakdown in following up on open cases.
- e. Have procedure(Section C. 1.2) but the WVPSC needs to be consistent in how a 30 day exit interview will be conducted and documented.
- f. The procedures do not mention the 90 day preliminary findings notification requirement to the operator. There were some instances which the notification exceeded 90 days.

In reviewing inspection reports there are some probable violations that are being resolved or closed out with the operator but are not being issued as probable violations. For example, during the Welch incident investigation the inspector found that there was no cathodic protection on the risers and documented the probable violation on his report. There was a meeting which documents that the risers would be replaced but there was no compliance action issued.

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

Evaluator Notes:

In some instances the PSC is not issuing probable violation notifications for violations. Specifically when the operator fixes the probable violations or an inspector documents violations in the wrong question of the form. The WV PSC needs to assure all probable violations are being addressed with compliance actions.

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

Yes there is due process on every compliance action. The operator can contest compliance actions and have a hearing.

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
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Evaluator Notes:

Yes, the Program Manager is aware of the civil penalties. Civil penalties were issued in 2018 and years in the past.

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

Yes, have issued enforcement findings in the last several years.

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

Issues identified:

D.2 -

- a. Yes, reviewed inspection reports to assure compliance actions are sent to company officials.
- b. Probable violations are documented but some probable violations are not being issued to operators.
- c. The PSC is resolving probable violations but in some instances the PSC is not issuing NOPV or compliance actions.
- d. The PSC needs to improve on reviewing the progress of probable violations. There seems to be a breakdown in following up on open cases.
- e. Have procedure(Section C. 1.2) but the PSC needs to be consistent in how a 30 day exit interview will be conducted and documented.
- f. The procedures do not mention the 90 day preliminary findings notification requirement to the operator. There were some instances which the notification exceeded 90 days.

In reviewing inspection reports there are some probable violations that are being resolved or closed out with the operator but are not being issued as probable violations. For example, during the Welch incident investigation the inspector found that there was no cathodic protection on the risers and documented the probable violation on his report. There was a meeting which documents that the risers would be replaced but there was no compliance action issued.

D.3- In some instances the PSC is not issuing probable violation notifications for violations. Specifically when the operator fixes the probable violations or an inspector documents violations in the wrong question of the form. The WV PSC needs to assure all probable violations are being addressed with compliance actions.

Total points scored for this section: 12
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:

Section D of Inspector Duties and Responsibilities Manual addresses accident/incident investigation procedures. There is an inspector on call 24 hrs a day every on a monthly rotation. There is an emergency number that is assigned to each inspector who is on call.

- 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, the PSC WV has an inspector on call on a monthly rotation who is on call 24 hrs a day. The emergency number is assigned/forwarded to the on call inspector's cell phone. After gathering enough information the inspector uses guidelines to weather contact Director and to decide to go on site.

- 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:

There were no reportable incidents in 2018 but the PSCWV has procedures that include that enough information will be gathered if decision is made not to go on site. The WV PSC conducted an investigation on an explosion which was not reported to NRC. The WVPSC investigated the incident and issued probable violation for not reporting the incident.

- 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:

There was one incident on Welch Gas Co-op distribution system which was investigated by the PSCWV (CTN 2018-0111). The incident was not reported to PHMSA due to not knowing if it was on jurisdictional piping. PSC sent NOPV w/CP for not reporting and for not grading leaks.

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

Evaluator Notes:

Yes, there was a NOPV w/CP issued to Welch Gas Co-Op due to an incident investigation.

- 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:

The PSC assists the AID whenever they ask for assistance or requests updates.



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

Evaluator Notes:

Yes, the PSC shares lessons learned during their state of the state address at the NAPS Region Meeting.

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

Evaluator Notes:

The WVPSC 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:

Yes, an email was sent to operators to respond to the question. Inspectors also review during construction inspections which is included in the construction inspection form.

- | | | | |
|----------|--|---|---|
| 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 during their inspection and construction inspections.

- | | | | |
|----------|--|---|---|
| 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, during seminars and during inspections.

- | | | | |
|----------|--|---|---|
| 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 PSC gathers information from distribution annual reports.

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

Evaluator Notes:

The PSC of WV 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:
 Peoples' Gas
 Name of State Inspector(s) Observed:
 Bob Weiford, Manager Gas Pipeline Division
 Location of Inspection:
 Pittsburgh, PA (Fairmont Unit)
 Date of Inspection:
 1)September 16-17, 2019
 Name of PHMSA Representative:
 Agustin Lopez, PHMSA State Programs

Evaluator Notes:
 1)Evaluated Mr. Bob Weiford while he conducted an inspection of People's Gas Fairmont unit. He reviewed records and specific procedures during the inspection.

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:
 Yes, the operator was notified in advance to have any representative present.

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:
 Yes, Bob Weiford used IA to use as a guide during his inspection.

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

Evaluator Notes:
 Yes, Mr. Weiford documented his inspection results in IA.

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 NA
Yes = 1 No = 0

Evaluator Notes:
 I did not witness or evaluate Mr. Weiford do a field inspection of the facilities. The field portion will be conducted at another date.

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:
 Yes, Mr Weiford reviewed procedures, records and performed a field inspection of the pipeline facilities.



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:

Yes, Mr. Weiford is very knowledgeable of the pipeline safety program and regulations.

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, Mr. Weiford concluded the inspection with a partial exit interview since the inspection would be completed the next day.

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:

There were no probable violations identified.

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
- u. Odorization
- v. Overpressure Safety Devices
- w. Plastic Pipe Installation
- x. Public Education
- y. Purging
- z. Prevention of Accidental Ignition
- A. Repairs
- B. Signs
- C. Tapping



- D. Valve Maintenance
- E. Vault Maintenance
- F. Welding
- G. OQ - Operator Qualification
- H. Compliance Follow-up
- I. Atmospheric Corrosion
- J. Other

Evaluator Notes:

Mr. Weiford conducted an inspection of People's Gas distribution system. He reviewed records ,procedures and inspected pipeline facilities. He performed an excellent job and is a great asset to the Commission.

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

Evaluator Notes:
The WVPSC is not an Interstate Agent.

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

Evaluator Notes:
The WVPSC 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? 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:
The WVPSC 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.) 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:
The WVPSC 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? 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:
The WVPSC is not an Interstate Agent.

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

Evaluator Notes:
The WVPSC is not an Interstate Agent.

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

Evaluator Notes:
The WVPSC is not an Interstate Agent.

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

Evaluator Notes:
The WVPSC 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)? 1 NA
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

3 Were any probable violations identified by state referred to PHMSA for compliance? 1 NA
(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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

Evaluator Notes:
The WVPSC does not have a 60106 Agreement.

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

