



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

1200 New Jersey Avenue SE  
Washington DC 20590

# 2013 Natural Gas State Program Evaluation

for

**KANSAS CORPORATION 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)

# 2013 Natural Gas State Program Evaluation -- CY 2013

## Natural Gas

**State Agency:** Kansas  
**Agency Status:**  
**Date of Visit:** 04/07/2014 - 04/11/2014  
**Agency Representative:** Leo Haynos, Chief of Gas Operations & Pipeline Safety  
    Dave McCann, Pipeline Safety Inspector  
    Barry Flohrschutz, Pipeline Safety Inspector  
**PHMSA Representative:** Glynn Blanton, USDOT/State Programs  
**Commission Chairman to whom follow up letter is to be sent:**  
**Name/Title:** Shari Feist Albrecht, Chair  
**Agency:** Kansas Corporation Commission  
**Address:** 1500 SW Arrowhead Road  
**City/State/Zip:** Topeka, Kansas 66604-4027

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### INSTRUCTIONS:

Complete this evaluation in accordance with the Procedures for Evaluating State Pipeline Safety Program. The evaluation should generally reflect state program performance during CY 2013 (not the status of performance at the time of the evaluation). All items for which criteria have not been established should be answered based on the PHMSA representative's judgment. A deficiency in any one part of a multiple part question should be scored as needs improvement. Determine the answer to the question then select the appropriate point value. If a state receives less than the maximum points, include a brief explanation in the space provided for general comments/regional observations. If a question is not applicable to a state, select NA. Please ensure all responses are COMPLETE and ACCURATE, and OBJECTIVELY reflect state program performance. Increasing emphasis is being placed on performance. This evaluation together with selected factors reported in the state's annual progress report attachments provide the basis for determining the state's pipeline safety grant allocation.

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### Field Inspection (PART G):

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

### Scoring Summary

PARTS	Possible Points	Points Scored
A Progress Report and Program Documentation Review	10	10
B Program Inspection Procedures	15	15
C Program Performance	46	45
D Compliance Activities	15	15
E Incident Investigations	9	9
F Damage Prevention	8	8
G Field Inspections	12	12
H Interstate Agent State (If Applicable)	0	0
I 60106 Agreement State (If Applicable)	0	0
<b>TOTALS</b>	<b>115</b>	<b>114</b>
<b>State Rating</b> .....		<b>99.1</b>

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# PART A - Progress Report and Program Documentation Review

Points(MAX) Score

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

Evaluator Notes:

Performed a review on information entered into Attachment 1 and found it correct. A review of KSCC office records and computer spreadsheets indicated all inspection units match records listed in the 2013 Progress report attachment 1. Totals on inspection units in Attachment 3 is consistent with the operator unit totals on Attachment 1. No areas of concerns were found or noted.

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

Evaluator Notes:

Conducted a review of the 2013 KSCC Progress Report and found the number of inspection days entered matched the office files. Verified the 58 Protocol 9 inspections were uploaded into the PHMSA Operator Qualification database. No issues were found or noted.

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

Evaluator Notes:

Verified the number of operators and inspection units on Attachment 3 matched the office records maintained by Kansas Corporation Commission (KSCC) by reviewing office files. No issues and information is correct.

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

Evaluator Notes:

Verified the two incidents listed on Attachment 4 were correct by accessing Pipeline Data Mart and downloading the incident reports from Atmos Energy and Kansas Gas Service. We found the property amounts listed on Attachment 4 were different. We discussed this item with Program Manager. No loss of points occurred but encouraged property damage amounts need to be checked and listed correctly.

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

Evaluator Notes:

A review of Attachment 5, Stats on Compliance Actions, found the number of compliance actions, violations found and corrected were reported correctly. The last civil penalty assessed was CY 2009 in the amount of \$500 against an operator for non compliance with responding to a violation issued. The penalty was not collected due to an agreement with the City of Havensville.

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

Evaluator Notes:

File folders were accessible and well-organized. Each file contained the inspection report and letter to the operator pertaining to the inspection or violations found. All reports reviewed support the safety program activities and inspections performed. Additionally, all records listed on Attachment 6 match documents maintained in the KSCC office. No areas of concern.

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

Evaluator Notes:

Yes, a detailed review of employees listed on Attachment 7 was conducted and compared to the SABE training transcript. One inspector, Andrew Frost, was found listed in the Inspector/Investigator category but has not attended TQ courses. Other information listed on employee training was found correct. No areas of concern.

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- 8** Verification of Part 192,193,198,199 Rules and Amendments - Progress Report Attachment 8 (A1h) 1 1  
Yes = 1 No = 0 Needs Improvement = .5

Evaluator Notes:

A review of PHMSA State Program rules and regulations in SharePoint indicated civil penalty amount for a single violation is below the required amount of \$100,000. KSCC amount is \$25,000. We discussed increasing the amount to the federal level in the future. All rules and amendments listed in Attachment 8 have been adopted within the required time schedule of three years after the effective date. No issues.

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

Evaluator Notes:

A review of Attachment 10 found a good summary of planned and past performances by KSCC. No issues of concern.

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

Evaluator Notes:

No loss of points occurred in this section. KSCC has generally met the requirements of Part A.

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

## PART B - Program Inspection Procedures

Points(MAX) Score

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<b>1</b>	<b>Standard Inspections (B1a)</b> Yes = 2 No = 0 Needs Improvement = 1	<b>2</b>	<b>2</b>
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Evaluator Notes:

A review of KSCC Pipeline Safety Section Procedures, Section 5.1.3.1 found the following: Gas Pipeline Safety Section inspectors shall perform a formal standard audit of each inspection unit at least once every two years or as determined by the Risk Model. No issues.

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<b>2</b>	<b>IMP Inspections (including DIMP) (B1b)</b> Yes = 1 No = 0 Needs Improvement = .5	<b>1</b>	<b>1</b>
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Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Sections 5.1.3.2 and 5.1.3.3.1 address these items as listed below:

(IMP) All transmission inspection units will be audited for changes in the HCA mileage as part of the formal standard inspection.

(DIMP) All distribution operators will have initial audits for compliance with integrity management requirements by December 31, 2014. All DIMP inspection results will be uploaded into the PHMSA DIMP database. Within three years of the initial inspection, each identified segment in a distribution operator's DIMP plan will be evaluated to assure an adequate evaluation of the effectiveness of its DIM plan is complete and the risk ranking is appropriate.

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<b>3</b>	<b>OQ Inspections (B1c)</b> Yes = 1 No = 0 Needs Improvement = .5	<b>1</b>	<b>1</b>
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Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Section 5.1.3.4. address this item as listed below:

Protocol 9 field inspections for OQ will be completed as part of each formal standard inspection. All Protocol 9 results will be recorded on PHMSA inspection form 15\_GT\_OQ\_Inspection\_IA and loaded into the PHMSA OQ database.

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<b>4</b>	<b>Damage Prevention Inspections (B1d)</b> Yes = 1 No = 0 Needs Improvement = .5	<b>1</b>	<b>1</b>
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Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Section 7.1. address this item as listed below:

Damage prevention inspections or "One Call" inspections are driven by complaints. Staff will try to facilitate resolution of the complaint by getting the two parties, (excavator and utility), to communicate. If violations of the statute persist or are egregious, Staff will issue a Probable Noncompliance to the party believed to have violated the statutes or the regulations. Procedures for completion of the Notice of Probable Noncompliance process can be found in Section 5.1.5 of this manual.

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<b>5</b>	<b>On-Site Operator Training (B1e)</b> Yes = 1 No = 0 Needs Improvement = .5	<b>1</b>	<b>1</b>
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Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Section 5.1.3.5. address this item as listed below.

Municipal operator training will be coordinated with the Flint Hills group and Kansas Municipal Utilities. If available, inspectors will participate as observers in the training exercises and load the results in the PHMSA database as Protocol 9 inspections if applicable.

1. Any municipal operator in need of training will be directed to one of the municipal groups that provide such training. If possible, the inspector will attend a portion of the training session to verify that personnel are effectively trained in emergency response requirements.

2. Pipeline Safety and Damage Prevention inspectors will also provide training on excavator awareness and utility locator issues as appropriate. This includes onsite training after a damage occurs or when other organized opportunities are available for presenting to larger groups.

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

Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Section 5.1.3.8. This item is listed below.  
 Construction inspections will be done on a random basis. The Gas Pipeline Section will review at least 30% of those construction activities that are submitted to the department pursuant to K.A.R. 82-11-7. If appropriate, and depending on the availability of procedures, construction inspections will include an OQ inspection using the PHMSA form 15. All Protocol 9 inspections will be loaded into the PHMSA OQ database.

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

Evaluator Notes:

Yes, KSCC Pipeline Safety Section Procedures, Section 6.1. This action is listed below:  
 KCC Pipeline Safety Staff will conduct an investigation of each reportable incident involving jurisdictional pipeline facilities. The primary objective of the investigation will be to minimize the possibility of recurrence and to institute enforcement action where noncompliance with the safety standards has occurred.

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

- a. Length of time since last inspection 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:

Yes, this information is listed in KSCC Pipeline Safety Section Procedures, Section 5.1.2.1.  
 For formal standard inspections, inspections for each inspection unit will be derived based on a risk ranking. Factors to be included and their rationale are:  
 ? Date of last inspection  
 ? All inspection units are scored such that each unit is inspected at least once every two years.  
 ? Noncompliance history for last three years  
 ? More than 4 pnc will require annual follow up; more than 1 pnc may require annual followup  
 ? Percentage of Lost & Unaccounted for gas  
 ? L&U greater than 5% increases risk and may require followup; usually accounting error but it indicates a possible lack of understanding and recordkeeping shortcomings.  
 ? Percentage of miles of unprotected bare steel pipe  
 ? More than 5% UPBS increases risk and may require inspection.  
 ? Percentage of miles of bare pipe  
 ? More than 35% BS (protected and unprotected) will require annual inspection; more than 5% Bare steel increases risk and may require annual inspection.  
 ? Number of meters located at inspection unit  
 ? Surrogate for population density since almost all distribution is Class 3. If more than 10,000 meters will require annual inspection as towns of that size will also have the most Class 4 piping if any or a larger business district therefore higher risk..  
 ? Employee attrition/ experience level for small operators (assigned by KCC Staff)  
 ? Subjective assignment based on operators abilities as observed by Staff. Special considerations/Confidence level (assigned by KCC Staff. This also includes the type of activity being undertaken by operator)  
 ? Subjective assignment based on knowledge of staff regarding the experience level of the operator. Also considers the operator's compliance culture.

9 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

No loss of points occurred in this section. KSCC has generally met the requirements of Part B.

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Total points scored for this section: 15

Total possible points for this section: 15

## PART C - Program Performance

Points(MAX) Score

- 1** Was ratio of Total Inspection person-days to total person days acceptable? (Director of State Programs may modify with just cause) Chapter 4.3 (A12) 5 5  
 Yes = 5 No = 0
- A. Total Inspection Person Days (Attachment 2):  
 630.00
- B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):  
 220 X 5.92 = 1301.67
- Ratio: A / B  
 630.00 / 1301.67 = 0.48
- If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0  
 Points = 5

Evaluator Notes:

A/B = 630/1301.66652 = 0.48

Rule: (If Ratio >=.38 then points = 5 else Points = 0.)

The ratio meets and exceeds the minimum requirement of 0.38. Therefore, a point score of 5 was awarded.

- 2** Has each inspector and program manager fulfilled the T Q Training Requirements? (See Guidelines for requirements) Chapter 4.4 (A8-A11, G19) 5 4  
 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

Evaluator Notes:

a. Barry Flohrschutz, Douglas Fundis, Kent Pribil, Daniel Ostahowski & David McCann have completed the Mandatory Training for Natural Gas Inspectors and OQ Course.

b. Kent Pribil, Daniel Ostahowski, Douglas Fundis & David McCann have completed the DIMP training. A review of SABA transcripts indicated the following courses need to be completed for each individual.

1. Barry Flohrschutz: PL1245, PL3267, PL1297, PL3291, PL3292, PL3306, PL31C, PL3600

2. Daniel Ostahowski: PL3267, PL1297, PL3306, PL31C

3. Douglas Fundis: PL3306

4. Kent Pribil: PL3267

c. Leo Haynos, Douglas Fundis & Kent Pribil have completed the Root Cause PL3600 course.

d. No outside training was completed by KSCC inspectors.

Kent Pribil has not completed all Gas Integrity Management (GIM) training courses within the five year period. Doug Fundis was on schedule to attend the PL3306 ECDA course in CY2013 to meet the required GIM training requirement, but the class was rescheduled due to TQ moving their training center.

A loss of one point occurred due to inspector not completing all Gas Integrity Management training courses within the five year required period.

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

Evaluator Notes:

Yes, Leo Haynos has over 16 years of experience in pipeline safety, understands the requirements in submitting a grant application and payment agreement documents.

- 4** Did state respond to Chairman's letter on previous evaluation within 60 days and correct or address any noted deficiencies? (If necessary) Chapter 8.1 (A6-7) 2 2

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, Chairman Sievers response letter to Zach Barrett was received on July 8, 2013. The response was within the 60 day time requirement. In the letter, Chairman Sievers addressed the five areas of concern. No issues.

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<b>5</b>	Did State hold PHMSA TQ Seminar in Past 3 Years? Chapter 8.5 (A3) Yes = 2 No = 0	2	2
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Evaluator Notes:

Yes, the last seminar was conducted in October 22-23, 2013 in Salina, KS. The number of participants who attend was over two hundred.

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

Yes, operators are inspected in accordance with KSCC Pipeline Safety Procedures Section 5.1.3.1 " a formal standard audit of each inspection unit will be performed at least once every two years or as determined by the Risk Model. The Chief of Pipeline Safety will approve any variance to the inspection schedule.." A review of files and data base confirmed each unit is inspected every two years, No issues.

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

Yes, KSCC uses the PHMSA standard inspection form. A review of files indicated all applicable portions of the form was completed correctly. No issues.

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<b>8</b>	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 (B7) Yes = 1 No = 0	1	1
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Evaluator Notes:

Yes, this item is question 167 on the Standard Inspection Report of a Municipal or Small Gas Distribution Operator form.

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<b>9</b>	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 (B8) Yes = 1 No = 0	1	1
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Evaluator Notes:

Yes, this item is question number 9, under Continue Surveillance Procedures, in the Standard Inspection Report of a Municipal or Small Gas Distribution Operator form.

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<b>10</b>	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 (B9) Yes = 1 No = 0	1	1
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Evaluator Notes:

Yes, this item is question 32, under Emergency Procedures, in the Standard Inspection Report of a Municipal or Small Gas Distribution Operator form.

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|-----------|---|---|---|
| <b>11</b> | 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 (B10,E5)<br>Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

Evaluator Notes:

Yes, this item is questions 41 & 152, under Failure Investigation & Operations and Maintenance Procedures, in the Standard Inspection Report of a Municipal or Small Gas Distribution Operator form.

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|-----------|---|---|---|
| <b>12</b> | Has the state reviewed Operator Annual reports, along with Incident/Accident reports, for accuracy and analyzed data for trends and operator issues? Data Initiative (G6-9,G16)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|---|---|---|

Evaluator Notes:

Yes, operator's annual reports are reviewed when submitted to KSCC and prior to the inspector performing the standard inspection. KSCC includes this report data in the risk model program they use in establishing their inspection visits.

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|-----------|--|---|---|
| <b>13</b> | Did state input all applicable OQ, IMP inspection results into federal database in a timely manner? This includes replies to Operator notifications into IMDB database. Chapter 5.1 (G10-12)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|--|---|---|

Evaluator Notes:

A review of PHMSA OQ data base found 14 OQ inspections results were entered by three staff members in CY2013. Additionally, 2 IMP inspection results were recorded for Gardner Energy and Morland by staff members in PHMSA's Gas Transmission Integrity Management data base.

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|-----------|---|---|---|
| <b>14</b> | Has state confirmed intrastate transmission operators have submitted information into NPMS database along with changes made after original submission? (G14)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|---|---|---|

Evaluator Notes:

Yes, KSCC Pipeline Safety Procedures require each inspector to check this item prior to performing an inspection. No issue.

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|-----------|--|---|---|
| <b>15</b> | Is the state verifying operators are conducting drug and alcohol tests as required by regulations? This should include verifying positive tests are responded to in accordance with program. 49 CFR 199 (I1-3)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|--|---|---|

Evaluator Notes:

Yes, this item is addressed in the KS CC's Pipeline Safety Procedures Manual page 8, section 5.1.3.9. No issues.

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| <b>16</b> | 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 (I4-7)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|--|---|---|

Evaluator Notes:

Yes, this is checked during a review of the operator's O&M Plan. This is also addressed in the KS CC's Pipeline Safety Procedures Manual page 7, section 5.1.3.4. No issues

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|-----------|--|---|---|
| <b>17</b> | Is state verifying operator's gas transmission integrity management programs (IMP) are up to date? This should include a previous review of IMP plan, along with monitoring progress on operator tests and remedial actions. In addition, the review should take in to account program review and updates of operators plan(s). 49 CFR 192 Subpart 0 (I8-12)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|-----------|--|---|---|

Evaluator Notes:

Yes, these items are reviewed and checked against the operator's Operations and Maintenance Procedures during IMP inspection. Additionally, verification is described and addressed in the KS CC's Pipeline Safety Procedures Manual page 6, section 5.1.3.2. No issues

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|-----------|--|---|---|
| <b>18</b> | Is state verifying operator's gas distribution integrity management Programs (DIMP)?<br>This should include a review of DIMP plans, along with monitoring progress. In addition, the review should take in to account program review and updates of operators plan(s). 49 CFR 192 Subpart P<br>DIMP ? First round of program inspections should be complete by December 2014 | 2 | 2 |
|-----------|--|---|---|

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, this is reviewed and checked against the operator's Operations and Maintenance Procedures during the DIMP inspection. Additionally, verification is described and addressed in the KS CC's Pipeline Safety Procedures Manual page 7, section 5.1.3.3. No issues

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| <b>19</b> | Is state verifying operators Public Awareness programs are up to date and being followed. State should also verify operators have evaluated Public Awareness programs for effectiveness as described in RP1162. 49 CFR 192.616 (I13-16)<br>PAPEI Effectiveness Inspections should be complete by December 2013 | 2 | 2 |
|-----------|--|---|---|

Yes = 2 No = 0 Needs Improvement = 1

Evaluator Notes:

Yes, a review of records indicated all 84 operators were inspected for PAPEI on or before December, 2013. Results were submitted into PHMSA's data base starting on August 26 to October 3, 2013 by KSCC staff members. No issues.

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|-----------|---|---|---|
| <b>20</b> | 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). (G20-21)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
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Evaluator Notes:

Yes, KSCC web site located at <http://www.kcc.state.ks.us/pipeline/index.htm> provides information about their enforcement procedures and regulations to the public. No issues.

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|-----------|--|---|---|
| <b>21</b> | Did state execute appropriate follow-up actions to Safety Related Condition (SRC) Reports? Chapter 6.3 (B6)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|--|---|---|

Evaluator Notes:

Yes, a review of Pipeline Data Mart found no safety related condition reports were submitted by operators under KSCC jurisdiction. No issues.

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|-----------|---|---|---|
| <b>22</b> | 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? (G13)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|---|---|---|

Evaluator Notes:

Yes, this is listed in questions 153 & 176 on KSCC Standard Inspection form.

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| <b>23</b> | Did the state participate in/respond to surveys or information requests from NAPS or PHMSA? (H4)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | 1 |
|-----------|---|---|---|

Evaluator Notes:

Yes, they have responded to NARUC and NAPS on all requests pertaining to cast iron, leakage and damages per 1,000 ticket requests. No issues.

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| <b>24</b> | 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.<br>Info Only = No Points | Info Only | Info Only |
|-----------|--|-----------|-----------|

Evaluator Notes:

No waivers or special permits were issued in CY2013.

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**25** General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

C. 2 A loss of one point occurred due to inspector not completing all Gas Integrity Management training courses within the five year required period.

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Total points scored for this section: 45  
Total possible points for this section: 46

## PART D - Compliance Activities

Points(MAX) Score

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

Evaluator Notes:

Yes. KSCC Pipeline Safety Procedures Manual page 10, section 5.1.5 entitled, "Procedures for notifying an operator when noncompliance is identified" addresses these two items. No issues.

- |          |  |                                      |  |
|----------|--|--------------------------------------|--|
| <b>2</b> | Did the state follow compliance procedures (from discovery to resolution) and adequately document all probable violations, including what resolution or further course of action is needed to gain compliance? Chapter 5.1 (B11,B18,B19)<br>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.       | Were probable violations documented?   | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| c.       | Were probable violations resolved?   | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |
| d.       | Was the progress of probable violations routinely reviewed?  | Yes <input checked="" type="radio"/> | No <input type="radio"/> Needs Improvement <input type="radio"/> |

Evaluator Notes:

Yes, a random review of 2013 inspection reports indicated correspondence is being sent to the City Mayor, Board Member or company officer. All probable violations are reviewed during the exit interview with the operator's representatives who acknowledge the discussion by his or her signature. KSCC maintains and annually updates a data base of company officers or managers. This information is also reviewed and checked with the operator during their field inspection visits. No issues.

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

Evaluator Notes:

Yes. A review of files and data base indicated compliance action was taken in accordance with KSCC pipeline safety procedures. In this regard, 98 violations were issued in CY2013.

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

Evaluator Notes:

Yes, KSCC Pipeline Safety Procedures Manual describe their due process in section 5.1.9. No issues.

- |          |   |   |   |
|----------|---|---|---|
| <b>5</b> | Is the program manager familiar with state process for imposing civil penalties? Were civil penalties considered for repeat violations (with severity consideration) or violations resulting in incidents/accidents? (describe any actions taken) (B27)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes, an example of action is the civil penalty against Kansas Gas Service which was use in CY2012 in the amount of \$25,000 for failure to call emergency responders when the pipeline was found to be leaking. Docket 12-GIMG-584-GIP.

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

Evaluator Notes:

Yes this has been demonstrated in the past. In CY2012, enforcement action and a civil penalty against Kansas Gas Service for failure to call emergency responders when a pipeline was found to be leaking was assessed.

7 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

No loss of points occurred. KSCC has generally met the requirements of Part D.

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Total points scored for this section: 15

Total possible points for this section: 15

## PART E - Incident Investigations

Points(MAX) Score

- 1** 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 (A2,D1-3) 2 2  
Yes = 2 No = 0 Needs Improvement = 1
- a. Acknowledgement of MOU between NTSB and PHMSA (Appendix D) Yes  No  Needs Improvement
- b. Acknowledgement of Federal/State Cooperation in case of incident/accident (Appendix E) Yes  No  Needs Improvement

Evaluator Notes:

Yes, KSCC Pipeline Safety Procedures Manual in Section 6, Failure Investigation and Safety-Related Conditions, address both of these items.

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

Evaluator Notes:

KSCC Pipeline Safety Procedures Manual, Section 6 states, KCC Pipeline Safety Staff will conduct an investigation of each reportable incident involving jurisdictional pipeline facilities. They respond to all incidents.

- 3** Were all incidents investigated, thoroughly documented, and with conclusions and recommendations? (D5) 3 3  
Yes = 3 No = 0 Needs Improvement = 1-2
- a. Observations and document review Yes  No  Needs Improvement
- b. Contributing Factors Yes  No  Needs Improvement
- c. Recommendations to prevent recurrences when appropriate Yes  No  Needs Improvement

Evaluator Notes:

Yes, a review of the two incident reports pertaining to the Kansas Gas Service in Wichita, Kansas and Atmos Energy in Overland Park, Kansas accidents indicated KSCC performed a thorough investigation and documented their findings of facts.

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

Evaluator Notes:

Yes, KSCC staff has recommend compliance action Atmos Energy pertaining to the Overland Park incident on 09/20/2013 and is awaiting approval from Commissioners.

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

Evaluator Notes:

Yes, KSCC continues to response to PHMSA Central Region about operator incident reports. Recently, they had Atmos Energy updated their incident report at Overland Park to show the operator's employees were not drug tested in accordance to the company's written plan. No issues.

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

Evaluator Notes:

Yes, at the NAPS Region Central Region Meeting.

7 General Comments:

Info OnlyInfo Only

Info Only = No Points

Evaluator Notes:

No loss of points occurred. KSCC has generally met the requirements of Part E.

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

## PART F - Damage Prevention

Points(MAX) Score

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- |          |   |   |   |
|----------|---|---|---|
| <b>1</b> | 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 (E1)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

Evaluator Notes:

Yes, this question is listed as number 148 on the standard inspection form.

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- |          |  |   |   |
|----------|--|---|---|
| <b>2</b> | Did the state inspector check to assure the pipeline operator is following its written procedures pertaining to notification of excavation, marking, positive response and the availability and use of the one call system? (E2)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, a review of inspection reports indicate this item was checked and reviewed with the operator. The question is number 146.

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

Evaluator Notes:

Yes, this is accomplished at the CGA, Kansas One Call, and Underground Coordinating committee meetings.

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|----------|--|---|---|
| <b>4</b> | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests? (This can include DIRT and other data shared and reviewed by the pipeline safety program) (E4,G5)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, the natural gas companies are required to file with KSCC information on their locate request. KSCC has a virtual dirt program they use to review the damages per 1,000 locate request and they upload the data from the operators into CGA's Virtual Dirt Program.

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|----------|--|-----------|-----------|
| <b>5</b> | General Comments:<br>Info Only = No Points | Info Only | Info Only |
|----------|--|-----------|-----------|

Evaluator Notes:

No loss of points occurred. KSCC has generally met the requirements of Part F.

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

# PART G - Field Inspections

Points(MAX) Score

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

Name of Operator Inspected:  
 Black Hills Energy

Name of State Inspector(s) Observed:  
 Dave McCann, Gas Safety Inspector and Barry Flohrschutz, Gas Safety Inspector

Location of Inspection:  
 Lawrence, Kansas

Date of Inspection:  
 April 8-9, 2014

Name of PHMSA Representative:  
 Glynn Blanton

**Evaluator Notes:**

This was a standard inspection and field verification of Black Hills Energy distribution system. Number of active meters is 33,757 and services 25,728. The system has 68 miles of coated, 12 miles of bare and 313 miles of polyethylene pipelines. Total miles is 393. The supplier is Southern Star Transmission & Panhandle Eastern Transmission.

The following Black Hills Energy representatives were present: Charles Hoag, Jerry Watkins, Larry Claycomb, Tommy Johnson & David Bellinder & Carmen Shultz.

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

**Evaluator Notes:**

Yes, Black Hills Energy representatives were notified prior to the inspection by an email sent by KSCC Dave McCann on March 11 and April 7, 2014. No issues.

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

**Evaluator Notes:**

Yes, Dave McCann used the Kansas Corporation Commission 2014 Annual Inspection Distribution form as a guide during his review of Black Hills Energy records.

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

**Evaluator Notes:**

Yes, Dave McCann was very thorough in reviewing documentation provided from Larry Johnson and Jerry Watkins about Black Hills Energy's OQ records, construction procedures, valve maintenance, regulator stations, odorization, leakage surveys and casings.

**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.) (F5) 1 1  
 Yes = 1 No = 0

**Evaluator Notes:**

Yes, Dave McCann checked the operator's equipment prior to inspecting the regulator and odorization stations, and taking pipe-to-soil potential readings.

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

- a. Procedures
- b. Records

- c. Field Activities
- d. Other (please comment)

Evaluator Notes:

Yes, Dave McCann reviewed Black Hills Energy procedures and operation records in the company's office. The following field work was observed: checked casings on Packard Street at Railroad tracks and river crossing on Kansas River Bridge. Checked valves at Haskell and southwest corner of 23rd street. Observed company representative using CGI to recheck a class 2 leak.

- |          |  |   |   |
|----------|--|---|---|
| <b>7</b> | Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Evaluator will document reasons if unacceptable) (F8)<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

Evaluator Notes:

Yes, Dave McCann demonstrated a working knowledge of the pipeline safety regulations. No issues.

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|----------|--|---|---|
| <b>8</b> | Did the inspector conduct an exit interview? (If inspection is not totally complete the interview should be based on areas covered during time of field evaluation) (F9)<br>Yes = 1 No = 0 | 1 | 1 |
|----------|--|---|---|

Evaluator Notes:

Yes, a thorough exit interview was conducted with Black Hills Energy representatives.

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| <b>9</b> | During the exit interview, did the inspector identify probable violations found during the inspections? (if applicable) (F10)<br>Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

Evaluator Notes:

Yes, one potential violation was cited against Black Hills Energy. The violation was section 192.605 failure to not follow the company's procedures in completing reports on the percentage of corrosion found on above ground structures.

- |           |  |           |           |
|-----------|--|-----------|-----------|
| <b>10</b> | General Comments: What did the inspector observe in the field? (Narrative description of field observations and how inspector performed) Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices) Other.<br>Info Only = No Points | Info Only | Info Only |
|-----------|--|-----------|-----------|

- 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:

This was a two day inspection with the first day spend in Black Hills Energy office reviewing company records. The second day was spend reviewing the odorization station, regulator stations, emergency valves, follow-up on one Class 2 leak, cathodic protection readings taken at river casings and test points and other random locations in the system. Observed excellent note recording by Dave McCann in the review of the items listed above.

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

**PART H - Interstate Agent State (If Applicable)****Points(MAX) Score**

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

Evaluator Notes:

KSCC is not an interstate agent.

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

Evaluator Notes:

KSCC is not an interstate agent.

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

Evaluator Notes:

KSCC is not an interstate agent.

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| <b>4</b> | Were probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) (C4)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|--|---|----|

Evaluator Notes:

KSCC is not an interstate agent.

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

Evaluator Notes:

KSCC is not an interstate agent.

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

Evaluator Notes:

KSCC is not an interstate agent.

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

Evaluator Notes:

KSCC is not an interstate agent.

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- |          |  |           |           |
|----------|--|-----------|-----------|
| <b>8</b> | General Comments:<br>Info Only = No Points | Info Only | Info Only |
|----------|--|-----------|-----------|

Evaluator Notes:

KSCC is not an interstate agent.

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

**PART I - 60106 Agreement State (If Applicable)****Points(MAX) Score**

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

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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|----------|---|---|----|
| <b>3</b> | Were any probable violations identified by state referred to PHMSA for compliance? (NOTE: PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation.) (B23)<br>Yes = 1 No = 0 Needs Improvement = .5 | 1 | NA |
|----------|---|---|----|

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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

Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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|----------|--|-----------|-----------|
| <b>7</b> | General Comments:<br>Info Only = No Points | Info Only | Info Only |
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Evaluator Notes:

KSCC does not have a Section 60106 agreement with PHMSA.

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