



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

1200 New Jersey Avenue SE  
Washington DC 20590

# 2010 Hazardous Liquid State Program Evaluation

for

MARYLAND PUBLIC SERVICE COMMISSION

## Document Legend

### PART:

- O -- Representative Date and Title Information
- A -- General Program Qualifications
- B -- Inspections and Compliance - Procedures/Records/Performance
- C -- Interstate Agent States
- D -- Accident Investigations
- E -- Damage Prevention Initiatives
- F -- Field Inspection
- G -- PHMSA Initiatives - Strategic Plan
- H -- Miscellaneous
- I -- Program Initiatives



2010 Hazardous Liquid State Program Evaluation -- CY 2010  
Hazardous Liquid

**State Agency:** Maryland

**Agency Status:**

**Date of Visit:** 04/12/2011 - 04/29/2011

**Agency Representative:** John Clementson

**PHMSA Representative:** Dino N. Rathod, P.E.

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

**Name/Title:** Mr. Douglas Nazarian, Chairman

**Agency:** Maryland Public Service Commission

**Address:** 6 St. Paul Street

**City/State/Zip:** Baltimore, MD 21022-6806

**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 2010 (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 certification/agreement attachments provide the basis for determining the state's pipeline safety grant allocation.

**Field Inspection (PART F):**

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 F, the PHMSA representative should include a written summary which thoroughly documents the inspection.

**Scoring Summary**

<b>PARTS</b>	<b>Possible Points</b>	<b>Points Scored</b>
A General Program Qualifications	26	25
B Inspections and Compliance - Procedures/Records/Performance	20	18.5
C Interstate Agent States	0	0
D Accident Investigations	2.5	2.5
E Damage Prevention Initiatives	9	9
F Field Inspection	11	11
G PHMSA Initiatives - Strategic Plan	9.5	9
H Miscellaneous	3	3
I Program Initiatives	9	9
<b>TOTALS</b>	<b>90</b>	<b>87</b>
<b>State Rating</b> .....		<b>96.7</b>

# PART A - General Program Qualifications

Points(MAX) Score

<b>1</b>	Did the state submit complete and accurate information on the attachments to its most current 60105(a) Certification/60106 (a) Agreement? (NOTE: PHMSA Representative to verify certification/agreement attachments by reviewing appropriate state documentation. Score a deficiency in any one area as "needs improvement". Attachment numbers appear in parenthesis) Previous Question A.1, Items a-h worth 1 point each Yes = 8 No = 0 Needs Minor Improvement = 3-7 Needs Major Improvement = 2	8	7
	a. State Jurisdiction and agent status over Hazardous Liquid and CO2 facilities (1)		<input checked="" type="checkbox"/>
	b. Total state inspection activity (2)		<input checked="" type="checkbox"/>
	c. Hazardous Liquid facilities subject to state safety jurisdiction (3)		<input checked="" type="checkbox"/>
	d. Hazardous Liquid pipeline incidents (4)		<input checked="" type="checkbox"/>
	e. State compliance actions (5)		<input checked="" type="checkbox"/>
	f. State record maintenance and reporting (6)		<input checked="" type="checkbox"/>
	g. State employees directly involved in the Hazardous Liquid pipeline safety program (7)		<input checked="" type="checkbox"/>
	h. State compliance with Federal requirements (8)		<input checked="" type="checkbox"/>

**SLR Notes:**

Minor correction- Attachment 8- PSC to review/check date of Automatic Adoption 1/1999 current limits became effective much later. PSC to clarify.

<b>2</b>	Did the state have an adequate mechanism to receive operator reporting of incidents to ensure state compliance with 60105(a) Certification/60106(a) Agreement requirements (accident criteria as referenced in 195.50? - Mechanism should include receiving "after hours" reports) (Chapter 6) Previous Question A.2 Yes = 1 No = 0	1	1
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**SLR Notes:**

<b>3</b>	Has the state held a pipeline safety T & Q seminar(s) in the last 3 years? (NOTE: Indicate date of last seminar or if state requested seminar, but T&Q could not provide, indicate date of state request for seminar. Seminars must be held at least once every 3 calendar years.) (Chapter 8.5) Previous Question A.5 Yes = 2 No = 0	2	2
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**SLR Notes:**

PSC hosted T&Q seminar Mar 5-7, 2010 in Linthicum Heights, MD.

<b>4</b>	Were pipeline safety program files well-organized and accessible?(NOTE: This also includes electronic files) (Chapter 5) Previous Question A.6 Yes = 1 No = 0	1	1
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**SLR Notes:**

PSC maintains inspection records and (hard copies and computerized files) in accessible location.

<b>5</b>	Did state records and discussions with the state pipeline safety program manager indicate adequate knowledge of PHMSA program and regulations? (Chapter 4.1, Chapter 8.1) Previous Question A.7 Yes = 2 No = 0 Needs Improvement = 1	2	2
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**SLR Notes:**

John Clementson has extensive pipeline regulatory experience. He has completed T&Q training. He provides guidance to PSC inspection staff. He works closely with PHMSA and NAPSRS.

<b>6</b>	Did the state respond in writing within 60 days to the requested items in the Chairman's letter following the Region's last program evaluation? (No response is necessary if no items are requested in letter and mark "Yes") (Chapter 8.1) Previous Question A.9 Yes = 1 No = 0	1	1
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**SLR Notes:**

Yes; PSC responded to Chairman letter.

<b>7</b>	What actions, if necessary, did the State initiate as a result of issues raised in the Chairperson's letter from the previous year? Did actions correct or address deficiencies from previous year's evaluation? (Chapter 8.1) Previous Question A.10 Yes = 1 No = 0	1	1
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**SLR Notes:**

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## Personnel and Qualifications

- |          |   |   |   |
|----------|---|---|---|
| <b>8</b> | Has each inspector fulfilled the 3 year T&Q training requirement? If No, has the state been granted a waiver regarding T&Q courses by the Associate Administrator for Pipeline Safety? (NOTE: If the State has new inspectors who have not attended all T&Q courses, but are in a program which will achieve the completion of all applicable courses within 3 years of taking first course (5 years to successfully complete), or if a waiver has been granted by the applicable Region Director for the state, please answer yes.) (Chapter 4.4) Previous Question A.11<br>Yes = 3 No = 0 | 3 | 3 |
|----------|---|---|---|

SLR Notes:

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- |          |   |           |           |
|----------|---|-----------|-----------|
| <b>9</b> | Brief Description of Non-T&Q training Activities<br>Info Only = No Points<br>For State Personnel:<br><br>For Operators:<br><br>For Non-Operator Entities/Parties, Information Dissemination, Public Meetings: | Info Only | Info Only |
|----------|---|-----------|-----------|

SLR Notes:

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- |           |   |   |   |
|-----------|---|---|---|
| <b>10</b> | Did the lead inspectors complete all required T&Q OQ courses and Computer Based Training (CBT) before conducting OQ Inspections? (Chapter 4.4.1) Previous Question A.13<br>Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

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- |           |   |   |   |
|-----------|---|---|---|
| <b>11</b> | Did the lead inspectors complete all required T&Q Integrity Management (IMP) Courses/Seminars and CBT before conducting IMP Inspections? (Chapter 4.4.1) Previous Question A.14<br>Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

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|-----------|--|---|---|
| <b>12</b> | Was the ratio acceptable of Total inspection Person-days to Total Person-days charged to the program by state inspectors? (Region Director may modify points for just cause) (Chapter 4.3) Previous Question B.14<br>Yes = 5 No = 0<br><br>A. Total Inspection Person Days (Attachment 2):<br>56.70<br><br>B. Total Inspection Person Days Charged to the Program (220 X Inspection Person Years) (Attachment 7):<br>220 X 0.56 = 123.20<br><br>Ratio: A / B<br>56.70 / 123.20 = 0.46<br><br>If Ratio >= 0.38 Then Points = 5, If Ratio < 0.38 Then Points = 0<br>Points = 5 | 5 | 5 |
|-----------|--|---|---|

SLR Notes:

- A.Total Inspection Person Days (Attachment 2)= 56.7
  - B.Total Inspection Person Days Charged to the program(220\*Number of Inspection person years(Attachment 7)=123.2
  - Formula:- Ratio = A/B = 56.7/123.2 = 0.46
  - Rule:- (If Ratio >=.38 then points = 5 else Points = 0.)
  - Thus Points = 5
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|-----------|---|-----------|-----------|
| <b>13</b> | Have there been modifications or proposed changes to inspector-staffing levels? (If yes, describe) Previous Question B.13 | Info Only | Info Only |
|-----------|---|-----------|-----------|

Info Only = No Points

**SLR Notes:**

In April 2011, PSC inspector Kalu Emeaba resigned and left. PSC intends to fill vacancy caused by his departure.

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**14** Part-A General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

**SLR Notes:**

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Total points scored for this section: 25  
Total possible points for this section: 26



**PART B - Inspections and Compliance - Procedures/Records/ Performance** Points(MAX) Score

**Inspection Procedures**

- 1** Does the State have a written inspection plan to complete the following? (all types of operators) (Chapter 5.1) 6.5 6.5  
 Previous Question B.1 + Chapter 5 Changes  
 Yes = 6.5 No = 0 Needs Improvement = 50% Deduction
- a Standard Inspections (Including LNG) (Max points = 2) Yes  No  Needs Improvement
  - b IMP Inspections (Including DIMP) (Max points = .5) Yes  No  Needs Improvement
  - c OQ Inspections (Max points = .5) Yes  No  Needs Improvement
  - d Damage Prevention (Max points = .5) Yes  No  Needs Improvement
  - e On-Site Operator Training (Max points = .5) Yes  No  Needs Improvement
  - f Construction Inspections (Max points = .5) Yes  No  Needs Improvement
  - g Incident/Accident Investigations (Max points = 1) Yes  No  Needs Improvement
  - h Compliance Follow-up (Max points = 1) Yes  No  Needs Improvement

SLR Notes:

- 2** Did the written Procedures for selecting operators adequately address key concerns? (Chapter 5.1) Previous Question B.2, items a-d are worth .5 point each 2 1.5  
 Yes = 2 No = 0 Needs Improvement = 50% Deduction
- a Length of time since last inspection Yes  No  Needs Improvement
  - b History of Operator/unit and/or location (including leakage , incident and compliance history) Yes  No  Needs Improvement
  - c Type of activity being undertaken by operator (construction etc) Yes  No  Needs Improvement
  - d For large operators, rotation of locations inspected Yes  No  Needs Improvement

SLR Notes:

PSC agreed to review State Inspection Procedures and include particular details to address "Risk BAsed Process".

**Inspection Performance**

- 3** Did the state inspect all types of operators and inspection units in accordance with time intervals established in its written procedures? (Chapter 5.1) Previous Question B.3 2 2  
 Yes = 2 No = 0

SLR Notes:

- 4** Did the state inspection form cover all applicable code requirements addressed on the Federal Inspection forms? (Chapter 5.1 (3)) Previous Question B.5 1 1  
 Yes = 1 No = 0

SLR Notes:

- 5** Did state complete all applicable portions of inspection forms? (Chapter 5.1 (3)) Previous Question B.6 1 0  
 Yes = 1 No = 0

SLR Notes:

Discussed with PSC need for filling-in inspection forms/ check lists "Completely" and have it done consistently by all inspection staff members.

- 6** Did the state initiate appropriate follow-up actions to Safety Related Condition Reports? (Chapter 6.3) Previous Question B.7 .5 NA  
 Yes = .5 No = 0

SLR Notes:

NO SRC in CY 2010

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<b>7</b>	Did the state review operator procedures for determining areas of active corrosion on liquid lines in sufficient detail? (NOTE: PHMSA representative to describe state criteria for determining areas of active corrosion) Previous Question B.8 Yes = .5 No = 0	.5	0.5
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SLR Notes:

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<b>8</b>	Did the state adequately review for compliance operator procedures for abandoning pipeline facilities and analyzing pipeline accidents to determine their causes? (NOTE: PHMSA representative to describe state criteria for determining compliance with abandoning pipeline facilities and analyzing pipeline accidents to determine their causes) Previous Question B.9 Yes = .5 No = 0	.5	0.5
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SLR Notes:

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<b>9</b>	Is the state aware of environmentally sensitive areas traversed by or adjacent to hazardous liquid pipelines? (reference Part 195, review of NPMS) Previous Question B.16 Yes = .5 No = 0	.5	0.5
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SLR Notes:

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<b>10</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 195.402(c)(5)? Previous Question B.11 Yes = 1 No = 0	1	1
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SLR Notes:

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## Compliance - 60105(a) States

<b>11</b>	Did the state adequately document sufficient information on probable violations? (Chapter 5.2) Previous Question B.13 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

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<b>12</b>	Does the state have written procedures to identify the steps to be taken from the discovery to the resolution of a probable violation as specified in the "Guidelines for State Participating in the Pipeline Safety Program"? (Chapter 5.1) Previous Question C(1).1 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

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<b>13</b>	Does the state have written procedures to notify an operator when a noncompliance is identified as specified in the "Guidelines for States Participating in the Pipeline Safety Program"? (Chapter 5.1(4)) Previous Question C(1).2 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

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<b>14</b>	Does the state have a written procedure for routinely reviewing the progress of compliance actions to prevent delays or breakdowns of the enforcement process, as required by the "Guidelines for States Participating in the Pipeline Safety Program"? (Chapter 5.1(5)) Previous Question C(1).3 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

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<b>15</b>	Has the State issued compliance actions for all probable violations discovered? (Note : PHMSA representative has discretion to delete question or adjust points, as appropriate, based on number of probable violations; any change requires written explanation) Previous Question C(1).4 Yes = 1 No = 0	1	NA
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010

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<b>16</b>	Did the state follow its written procedures for reviewing compliance actions and follow-up to determine that prompt corrective actions were taken by operators, within the time frames established by the procedures and compliance correspondence, as required by the "Guidelines for States Participating in the Pipeline Safety Program"? Previous Question C(1).5 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010

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<b>17</b>	If compliance could not be established by other means, did state pipeline safety program staff request formal action, such as a "Show Cause Hearing" to correct pipeline safety violations? (check each states enforcement procedures) Previous Question C(1).6 No = 0 Yes = 1	1	NA
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010

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<b>18</b>	Did the state adequately document the resolution of probable violations? (Chapter 5.1 (6)) Previous Question C(1).7 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010

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<b>19</b>	Were compliance actions sent to a company officer? (manager or board member if municipal/government system) (Chapter 5.1(4)) Previous Question C(1).8 Yes = .5 No = 0	.5	NA
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010

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<b>20</b>	Did the compliance proceedings give reasonable due process to all parties? (check each states enforcement procedures) Previous Question C(1).9 Yes = 1 No = 0 Needs Improvement = .5	1	1
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SLR Notes:

No Compliance Actions issues for liquid operators in CY 2010. However PSC procedures allow reasonable due process to all parties.

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## Compliance - 60106(a) States

<b>21</b>	Did the state use the current federal inspection form(s)? Previous Question C(2).1 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

<b>22</b>	Are results adequately documented demonstrating inspection units were reviewed in accordance with state inspection plan? Previous Question C(2).2 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:

<b>23</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.) Previous Question C(2).3 Yes = 1 No = 0 Needs Improvement = .5	1	NA
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SLR Notes:



**24** Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Previous Question C(2).4 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

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**25** Did the state give written notice to PHMSA within 60 days of all probable violations found? Previous Question C(2).5 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

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**26** Did the state initially submit adequate documentation to support compliance action by PHMSA on probable violations? Previous Question D(2).6 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

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**27** 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) Info Only Info Only  
Info Only = No Points

SLR Notes:

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**28** Part B: General Comments/Regional Observations Info Only NA  
Info Only = No Points

SLR Notes:

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Total points scored for this section: 18.5  
Total possible points for this section: 20



# PART C - Interstate Agent States

Points(MAX) Score

**1** Did the state use an inspection form that was approved by the Regional Director? Previous Question C(3).1 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

MD is not an Interstate Agent State

**2** Are results documented demonstrating inspection units were reviewed in accordance with "PHMSA directed inspection plan"? Previous Question C(3).2 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

MD is not an Interstate Agent State

**3** Did the state submit documentation of the inspections within 60 days as stated in its latest Interstate Agent Agreement form? Previous Question C(3).3 1 NA  
Yes = 1 No = 0

SLR Notes:

MD is not an Interstate Agent State

**4** 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.) Previous Question C(3).4 1 NA  
Yes = 1 No = 0

SLR Notes:

MD is not an Interstate Agent State

**5** Did the state immediately report to PHMSA conditions which may pose an imminent safety hazard to the public or to the environment? Previous Question C(3).5 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

MD is not an Interstate Agent State

**6** Did the state give written notice to PHMSA within 60 days of all probable violations found? Previous Question C(3).6 1 NA  
Yes = 1 No = 0

SLR Notes:

MD is not an Interstate Agent State

**7** Did the state initially submit documentation to support compliance action by PHMSA on probable violations? Previous Question C(3).7 1 NA  
Yes = 1 No = 0 Needs Improvement = .5

SLR Notes:

MD is not an Interstate Agent State

**8** Part C: General Comments/Regional Observations Info Only Info Only  
Info Only = No Points

SLR Notes:

MD is not an Interstate Agent State

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



# PART D - Accident Investigations

Points(MAX) Score

**1** Are state personnel following the procedures for Federal/State cooperation in case of an accident? (See Appendix in "Guidelines for States Participating in the Pipeline Safety Program") (Chapter 6.1) Previous Question D.1  
 Yes = 1 No = 0 Needs Improvement = .5

**SLR Notes:**

No Reportable liquid Accidents in 2010

**2** Are state personnel familiar with the jurisdictional authority and Memorandum of Understanding between NTSB and PHMSA? (See Appendix in "Guidelines for States Participating in the Pipeline Safety Program") (Chapter 6 ? Appendix D) Previous Question D.2  
 Yes = .5 No = 0

**SLR Notes:**

No Reportable liquid Accidents in 2010

**3** Did the state keep adequate records of accident notifications received? Previous Question D.3  
 Yes = 1 No = 0 Needs Improvement = .5

**SLR Notes:**

No Reportable liquid Accidents in 2010. PSC does keep track of incoming information.

**4** If an onsite investigation of an accident was not made, did the state obtain sufficient information by other means to determine the facts and support the decision not to go on-site? Previous Question D.4  
 Yes = 1 No = 0 Needs Improvement = .5

**SLR Notes:**

No Reportable liquid Accidents in 2010

**5** Were investigations thorough and conclusions and recommendations documented in an acceptable manner? Previous Question D.5, , comprehensive question worth 2 points total  
 Yes = 2 No = 0 Needs Improvement = 1

- a. Observations Yes  No  Needs Improvement
- b. Contributing factors Yes  No  Needs Improvement
- c. Recommendations to prevent recurrences where appropriate Yes  No  Needs Improvement

**SLR Notes:**

No Reportable liquid Accidents in 2010

**6** Did the state initiate enforcement action for violations found during any accident investigation(s)? Previous Question D.6 Variation  
 Yes = 1 No = 0 Needs Improvement = .5

**SLR Notes:**

No Reportable liquid Accidents in 2010

**7** Did the state assist region office by taking appropriate follow-up actions related to the operator accident (and forward to PHMSA within 10 Days per 195.58) reports to ensure accuracy and final report has been received by PHMSA? (validate annual report data from operators concerning incidents/accidents and investigate discrepancies) (Chapter 6) Previous Question D.7/D.8 and A.4  
 Yes = .5 No = 0

**SLR Notes:**

No Reportable liquid Accidents in 2010

**8** Part D: General Comments/Regional Observations Info Only Info Only  
 Info Only = No Points

**SLR Notes:**

No Reportable liquid Accidents in 2010



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Total points scored for this section: 2.5  
Total possible points for this section: 2.5



# PART E - Damage Prevention Initiatives

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? Previous Question B.12<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

**SLR Notes:**

PSC requested the LDC's Directional Drilling/Boring procedures back in October 2008. The procedures were reviewed for damage prevention actions for their facilities as well as the facilities of other utilities. They were also reviewed to see if the procedures called for a "swivel and a weak link" during the pull-back process.

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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? New 2008<br>Yes = 2 No = 0 | 2 | 2 |
|----------|--|---|---|

**SLR Notes:**

2)PSC plastic pipe and steel main construction inspection forms have a space for the Miss Utility ticket number, the date it was called in on and the date the excavation started

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- |          |   |   |   |
|----------|---|---|---|
| <b>3</b> | Did the state encourage and promote the adoption of the Common Ground Alliance Best Practices document to its regulated companies as a means of reducing damages to all underground facilities? Previous Question A.8<br>Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|---|---|---|

**SLR Notes:**

PSC at several GOAC (Gas Operators Advisory Committee) meetings has stressed the need for the pipeline operators to adopt and follow the CGA's Best Practices document. The CGA Best Practice document was also used by the stakeholder group when it revised the "Miss Utility" law in MD

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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? New 2008<br>Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

**SLR Notes:**

- 4) The Commission requested the LDC's Damages per Thousand Locate Tickets for years 2006 thru 2010. The Engineering Division also requested the number of damages according to the three following categories;
  - ? Failure to call Miss Utility,
  - ? Damage occurred as a result of an error made by the operator, and
  - ? Damage occurred even though the utility was marked correctly
- 

- |          |   |   |   |
|----------|---|---|---|
| <b>5</b> | Did the state review operators' records of accidents and failures due to excavation damage to ensure causes of failure are addressed to minimize the possibility of recurrence as required by 195.402 (c)(5)?<br>Yes = 2 No = 0 | 2 | 2 |
|----------|---|---|---|

**SLR Notes:**

PSC does go out and investigate incidents/accidents that are the result of third part damage along with other events (line strikes) to determine the cause of the third party damage as to whether it is operator error or excavator error and does make recommendations based on those finding

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- |          |   |           |           |
|----------|---|-----------|-----------|
| <b>6</b> | Part E: General Comments/Regional Observations<br>Info Only = No Points | Info Only | Info Only |
|----------|---|-----------|-----------|

**SLR Notes:**

PSC is working to enhance Miss Utility re-write efforts

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



# PART F - Field Inspection

Points(MAX) Score

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

Name of Operator Inspected:  
 Petroleum Fuel & Terminal (PF&T)  
 Name of State Inspector(s) Observed:  
 Carlos Acosta  
 Location of Inspection:  
 Baltimore, MD  
 Date of Inspection:  
 04/20/2011  
 Name of PHMSA Representative:  
 Dino N. Rathod

SLR Notes:  
 PF&T- an intrastate liquid operator

**2** Was the operator or operator's representative notified and/or given the opportunity to be present during inspection? New 2008 1 1  
Yes = 1 No = 0

SLR Notes:  
 PSC conducted field evaluation at PF&T office. PFT Compliance coordinator and terminal manager were present during this trip.

**3** Did the inspector use an acceptable inspection form/checklist and was the form/checklist used as a guide for the inspection? (New regulations shall be incorporated) Previous Question E.2 2 2  
Yes = 2 No = 0

SLR Notes:  
 PSC inspector Carlos used inspection check list EN-53

**4** Did the inspector thoroughly document results of the inspection? Previous Question E.3 2 2  
Yes = 2 No = 0

SLR Notes:  
 Carlos has documented inspection observations in EN-53

**5** Did the inspector check to see if the operator had necessary equipment during inspection to conduct tasks viewed? (Maps, valve keys, half-cells, etc.) New 2008 1 1  
Yes = 1 No = 0

SLR Notes:

**6** What type of inspection(s) did the state inspector conduct during the field portion of the state evaluation? (i.e. Standard, Construction, IMP, etc) New 2008 Info Only Info Only  
Info Only = No Points

SLR Notes:  
 Records Review:  
 ROW maintenance and valve records per part 195.412 and 195.420. He reviewed selected records for 2008-2010 period. He also checked selected Operator Qualification (OQ)

**7** Did the inspector adequately review the following during the field portion of the state evaluation? (check all that apply on list) New 2008, comprehensive question worth 2 points total 2 2  
Yes = 2 No = 0 Needs Improvement = 1

- a. Procedures
- b. Records
- c. Field Activities/Facilities



d. Other (Please Comment)

SLR Notes:

Records Review:

ROW maintenance and valve records per part 195.412 and 195.420. He reviewed selected records for 2008-2010 period. He also checked selected Operator Qualification (OQ). Observed and walked portion of ROW. Also observed valve maintenance at Terminal.

8 Did the inspector have adequate knowledge of the pipeline safety program and regulations? (Liaison will document reasons if unacceptable) Previous Question E.8 2 2  
Yes = 2 No = 0

SLR Notes:

9 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) Previous Question E.10 1 1  
Yes = 1 No = 0

SLR Notes:

Carlos shared his field observations. No possible violations were noted during this field trip

10 During the exit interview, did the inspector identify probable violations found during the inspections? Previous Question E.11 1 NA  
Yes = 1 No = 0

SLR Notes:

No possible violations were discovered during this field evaluation

11 What did the inspector observe in the field? (Narrative description of field observations and how inspector performed) Info Only Info Only  
Info Only = No Points

SLR Notes:

Operator: PF&T

PSC inspector: Carlos Acosta

Carlos reviewed selected records for a period 2008-2010 for Operator Qualification, ROW (195.412) and Valve maintenance (195.420). He also performed brief walking tour of ROW. He also observed Valve maintenance by PF&T person within Terminal facility.

He did not find any probable violations. He conducted a brief exit interview to discuss his observation.

12 Best Practices to Share with Other States - (Field - could be from operator visited or state inspector practices) Info Only Info Only  
Info Only = No Points

SLR Notes:

13 Field Observation Areas Observed (check all that apply) 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

SLR Notes:

**14** Part F: General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

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



**Risk base Inspections - Targeting High Risk Areas**

- |          |  |     |     |
|----------|--|-----|-----|
| <b>1</b> | Does state have process to identify high risk inspection units?<br>Yes = 1.5 No = 0<br><br>Risk Factors (criteria) to consider may include:<br>Miles of HCA's, Geographic area, Population Density<br>Length of time since last inspection<br>History of Individual Operator units (leakage, incident and compliance history, etc.)<br>Threats - (Excavation Damage, Corrosion, Natural Forces, Other Outside Forces, Material or Welds, Equipment, Operations, Other) | 1.5 | 1.5 |
|----------|--|-----|-----|

**SLR Notes:**

PSC indicated that there is no formalized documented process for identifying high risk inspection units. However, when an item of interest arises the Commission and its Engineering Staff place additional interest and effort into watching those areas more. In regards to the length of time between inspections, that is spelled out in state inspection procedures. According to my discussions with Prog Mgr. John, this process will be reviewed, revised and formalized. PSC will document beginning 2011 evaluation cycle

- |          |  |    |     |
|----------|--|----|-----|
| <b>2</b> | Are inspection units broken down appropriately? (see definitions in Guidelines)<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

**SLR Notes:**

- |          |  |    |     |
|----------|--|----|-----|
| <b>3</b> | Does state inspection process target high risk areas?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

**SLR Notes:**

**Use of Data to Help Drive Program Priority and Inspections**

- |          |  |    |     |
|----------|--|----|-----|
| <b>4</b> | Does state use data to analyze effectiveness of damage prevention efforts in the state? (DIRT or other data, etc)<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

**SLR Notes:**

PSC continues to collect Damage Prevention data- such as damages per 1000 ticket requests for several years.

- |          |   |    |     |
|----------|---|----|-----|
| <b>5</b> | Has state reviewed data on Operator Annual reports for accuracy?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

**SLR Notes:**

PSC reviews operator Annual Reports for Accuracy, completeness and consistency.

- |          |  |    |     |
|----------|--|----|-----|
| <b>6</b> | Has state analyzed annual report data for trends and operator issues?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

**SLR Notes:**

PSC routinely shares data with various stakeholders at meetings.

- |          |   |    |     |
|----------|---|----|-----|
| <b>7</b> | Has state reviewed data on Incident/Accident reports for accuracy?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

**SLR Notes:**

PSC reviews accident data regularly.

- |          |  |    |   |
|----------|--|----|---|
| <b>8</b> | Does state do evaluation of effectiveness of program based on data? (i.e. performance measures,trends,etc.)<br>Yes = .5 No = 0 | .5 | 0 |
|----------|--|----|---|

**SLR Notes:**

PSC does not have any formalized process to document evaluation process. I discussed and encouraged PSC to modify State Inspection Procedures manual



and include key steps and maintain appropriate level of supporting documents with a brief summary (provide data/ charts, graphs to show possible trends etc)

**9** Did the State input all operator qualification inspection results into web based database provided by PHMSA in a timely manner upon completion of OQ inspections? .5 0.5  
Yes = .5 No = 0

SLR Notes:

PSc performed OQ inspections in 2010 and uploaded inspection data in OQDB.

**10** Did the State submit their replies into the Integrity Management Database (IMDB) in response to the Operators notifications for their integrity management program? .5 NA  
Yes = .5 No = 0

SLR Notes:

**11** Have the IMP Federal Protocol forms been uploaded to the IMDB? Previous Question B.17 .5 0.5  
Yes = .5 No = 0

SLR Notes:

PSC has performed intrastate liquid IMP inspections and plans to upload results in IMDB. PSC intended to upload ASAP and was to advise of progress.

**12** Did the State use the Federal Protocols to conduct IMP Inspections? (If the State used an alternative inspection form(s) please provide information regarding alternative form(s)) Previous Question C(2).6 .5 0.5  
Yes = .5 No = 0

SLR Notes:

Yes

**13** Has state confirmed transmission operators have submitted information into National Pipeline Mapping System (NPMS) database along with any changes made after original submission? .5 0.5  
Yes = .5 No = 0

SLR Notes:

As a part of Integrity Management inspection process the Engineering staff has checked to see that the operators have submitted the proper information into NPMS.

## Accident/Incident Investigation Learning and Sharing Lessons Learned

**14** Has state shared lessons learned from incidents/accidents? (i.e. NAPSRS meetings and communications) .5 0.5  
Yes = .5 No = 0

SLR Notes:

PSC shares what it learns from incident/accident investigations with its jurisdictional pipeline operators at the GOAC meetings and it also share this information with NAPSRS at the regional meetings

**15** Does the State support data gathering efforts concerning accidents? (Frequency/Consequence/etc) .5 0.5  
Yes = .5 No = 0

SLR Notes:

PSC has supported data gathering by other States and PHMSA in regards to incidents and accidents. However, in 2010 the Engineering Division does not recall any specific requests.

**16** Does state have incident/accident criteria for conducting root cause analysis? Info Only Info Only  
Info Only = No Points

SLR Notes:

**17** Does state conduct root cause analysis on incidents/accidents in state? Info Only Info Only  
Info Only = No Points

SLR Notes:



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<b>18</b>	Has state participated on root cause analysis training? (can also be on wait list) No = 0 Yes = .5	.5	0.5
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SLR Notes:

PSC Staff have received Root Cause Analysis training (Feb. 2010).

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## Transparency - Communication with Stakeholders

<b>19</b>	Other than pipeline safety seminar does State communicate with stakeholders? (Communicate program data, pub awareness, etc.) Yes = .5 No = 0	.5	0.5
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SLR Notes:

PSC communicates with its jurisdictional operators on individual basis and in a group setting at the quarterly GOAC meetings.

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<b>20</b>	Does state share enforcement data with public? (Website, newsletters, etc.) Yes = .5 No = 0	.5	0.5
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SLR Notes:

MD PSC website:

<http://webapp.psc.state.md.us/home.cfm>

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<b>21</b>	Part G: General Comments/Regional Observations Info Only = No Points	Info Only	Info Only
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SLR Notes:

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Total points scored for this section: 9  
Total possible points for this section: 9.5



**PART H - Miscellaneous**

**Points(MAX) Score**

- 1** What were the major accomplishments for the year being evaluated? (Describe the accomplishments, NAPSR Activities and Participation, etc.) Previous Question A.15 .5 0.5  
Yes = .5 No = 0

**SLR Notes:**

?John Clementson hosted 2011 Eastern Region meeting as Chair. He is a member of Liaison Committee and is also a member of the NARUC Staff Subcommittee on Gas Safety

- 2** What legislative or program initiatives are taking place/planned in the state, past, present, and future? (Describe initiatives (i.e. damage prevention, jurisdiction/authority, compliance/administrative, etc.) A.16 .5 0.5  
Yes = .5 No = 0

**SLR Notes:**

PSC has two members on the stake holders group that is charged with the re-write of Title 12 ? Damage Prevention law in MD. In 2010, the revised "Miss Utility" law was sent to Annapolis to be made into law. The revisions made through the legislature and were signed by the Governor in May, 2010. The revisions to the law became effective in October of 2010

- 3** Any Risk Reduction Accomplishments/Projects? (i.e. Replacement projects,bare steel,third-party damage reductions, HCA's/USA mapping, internal corrosion, etc.) .5 0.5  
Yes = .5 No = 0

**SLR Notes:**

PSC actively supports enhancement of Miss Utility Law and provide support

- 4** Did the state participate in/respond to surveys or information requests from NAPSR or PHMSA? 1 1  
Yes = 1 No = 0

**SLR Notes:**

PSC participated in several survey or information requests from NASPR and PHMSA. A couple are listed below:  
? Gathering Line Survey  
? NAPSR Strategic Plan  
? Indirect Cost Questions

- 5** Sharing Best Practices with Other States - (General Program) .5 0.5  
Yes = .5 No = 0

**SLR Notes:**

PSC has shared information with the Eastern Region with regards to the revisions that have been made to the State's "Miss utility" law

- 6** Part H: General Comments/Regional Observations Info Only Info Only  
Info Only = No Points

**SLR Notes:**

Total points scored for this section: 3  
Total possible points for this section: 3



# PART I - Program Initiatives

Points(MAX) Score

## Drug and Alcohol Testing (49 CFR Part 199)

- |          |   |   |   |
|----------|---|---|---|
| <b>1</b> | Has the state verified that operators have drug and alcohol testing programs?<br>Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

PSC conducts two types of D&A inspections. They are the EN10 ? Comprehensive Drug & Alcohol Inspection and the EN11 - Anti-Drug and Alcohol Misuse Prevention. The EN10 is a comprehensive program and records inspection and the EN11 is a self-assessment inspection that the operator completes. These inspections are done with each operator on alternating years. As part of these inspections, staff reviews positive results to ensure that they are being dealt with accordingly

- |          |  |    |     |
|----------|--|----|-----|
| <b>2</b> | Is the state verifying that operators are conducting the drug and alcohol tests required by the operators program (random, post-incident, etc.)<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

- |          |   |    |     |
|----------|---|----|-----|
| <b>3</b> | Is the state verifying that any positive tests are responded to in accordance with the operator's program?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

## Qualification of Pipeline Personnel (49 CFR Part 195 Subpart G)

- |          |   |   |   |
|----------|---|---|---|
| <b>4</b> | Has the state verified that operators have a written qualification program?<br>Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

PSC conducts an inspection of an Operator's OQ program every three years. We also conduct OQ field inspections throughout the year. Also, as part of other types of field inspections, the qualifications of individuals performing covered tasks are checked and documented on the inspection form

- |          |  |    |     |
|----------|--|----|-----|
| <b>5</b> | Has the state reviewed operator qualification programs for compliance with PHMSA rules and protocols?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

- |          |  |    |     |
|----------|--|----|-----|
| <b>6</b> | Is the state verifying that persons who perform covered tasks for the operator are qualified in accordance with the operator's program?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

- |          |  |    |     |
|----------|--|----|-----|
| <b>7</b> | Is the state verifying that persons who perform covered task for the operator are requalified at the intervals specified in the operator's program?<br>Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

## Hazardous Liquid Pipeline Integrity Management (49 CFR Part 195.452)

- |          |   |   |   |
|----------|---|---|---|
| <b>8</b> | Has the state verified that all operators with hazardous liquid pipelines have adopted an integrity management program (IMP)?<br>Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

PSC conducts an inspection of an Operator's Transmission Integrity Management Program every other year. On a yearly basis, the Engineering Division's Staff inspect the operators when they are making their IMP required inspections in the field, including possible digs. The Commission is currently using the liquid Trans. IMP inspection form created by PHMSA. The results of the comprehensive inspections are then uploaded into the IMDB.

- |          |   |    |     |
|----------|---|----|-----|
| <b>9</b> | Has the state verified that in determining whether a plan is required, the operator properly applied the definition of a high consequence area? | .5 | 0.5 |
|----------|---|----|-----|

Yes = .5 No = 0

SLR Notes:

**10** Has the state reviewed operator IMPs for compliance with 195.452? .5 0.5

Yes = .5 No = 0

SLR Notes:

**11** Is the state monitoring operator progress on the inspections, tests and remedial actions required by the operator's IMP, which includes the manner and schedule called for in its IMP? .5 0.5

Yes = .5 No = 0

SLR Notes:

**12** Is the state verifying operators are periodically examining their hazardous liquid pipelines for the appearance of new HCAs? .5 0.5

Yes = .5 No = 0

SLR Notes:

### Public Awareness (49 CFR Section 195.440)

**13** Has the state verified that each operator has developed a continuing public awareness program (due date was 6/20/06 for most operators, 6/20/07 for certain very small operators)? .5 0.5

Yes = .5 No = 0

SLR Notes:

As a part of records inspection, the operator's records are checked to ensure that they are sending out notices to their customers as well as communicating with emergency response officials. PSC plans to perform additional Public Awareness inspections for 2011-2012

**14** Has the state reviewed the content of these programs for compliance with 195.440 (by participating in the Clearinghouse or by other means)? .5 0.5

Yes = .5 No = 0

SLR Notes:

**15** Is the state verifying that operators are conducting the public awareness activities called for in its program? .5 0.5

Yes = .5 No = 0

SLR Notes:

**16** Is the state verifying that operators have evaluated their public awareness programs for effectiveness as described in RP1162? Info Only Info Only

Info Only = No Points

SLR Notes:

**17** Part I: General Comments/Regional Observations Info Only Info Only

Info Only = No Points

SLR Notes:

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

