



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

1200 New Jersey Avenue SE
Washington DC 20590

2009 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
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2009 Hazardous Liquid State Program Evaluation -- CY 2009
Hazardous Liquid

State Agency: Maryland

Agency Status:

Date of Visit: 04/13/2010 - 04/30/2010

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, 19th Fl

City/State/Zip: Baltimore, Maryland 21202-6806

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 2009 (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

PARTS	Possible Points	Points Scored
A General Program Qualifications	26	26
B Inspections and Compliance - Procedures/Records/Performance	24.5	23.5
C Interstate Agent States	0	0
D Accident Investigations	1.5	1.5
E Damage Prevention Initiatives	7	7
F Field Inspection	12	11
G PHMSA Initiatives - Strategic Plan	8.5	7.5
H Miscellaneous	2.5	2.5
I Program Initiatives	9	9
TOTALS	91	88
State Rating		96.7



PART A - General Program Qualifications

Points(MAX) Score

1	<p>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</p> <p>Yes = 8 No = 0 Needs Minor Improvement = 3-7 Needs Major Improvement = 2</p> <ul style="list-style-type: none"> 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"/> 	8	8
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SLR Notes:

Attachments 2 and 7- Discussed with John need for accurate accounting of his Time Spent in inspection activities XX %, and Time spent in Program Management/ Supervision YY %, say both totals to 15 % for liquid program. This allows a better picture of time spent as an Inspector and Program Manager/ Supervisor for Intrastate Haz Liquid Program. PHMSA State Guideline instructions will be revised to emphasize this issue hence no points deducted

2	<p>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</p> <p>Yes = 1 No = 0</p>	1	1
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SLR Notes:

3	<p>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</p> <p>Yes = 2 No = 0</p>	2	2
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SLR Notes:

MD hosted a State T&Q seminar May 5-7, 2010 in Linthicum Heights, MD.

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

MD maintains hard copies and computerized electronic files in a secure bldg. Files are easily accessible.

5	<p>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</p> <p>Yes = 2 No = 0 Needs Improvement = 1</p>	2	2
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SLR Notes:

John Clementson has gained valuable and extensive regulatory in pipeline safety. In addition, he has completed required T&Q (TSI) training. He provides guidance to PSC inspectors. He works closely with ER and PHMSA.

6	<p>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</p> <p>Yes = 1 No = 0</p>	1	1
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SLR Notes:

MD PSC Chairman response dated Jan 11, 2010 was sent to ER RD within 60 days..

7	<p>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</p> <p>Yes = 1 No = 0</p>	1	1
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SLR Notes:

MD PSC working to Title 12 re-write with many stakeholders. Modifications are expected to be effective during summer this year.

Personnel and Qualifications

- | | | | |
|----------|---|---|---|
| 8 | 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
Yes = 3 No = 0 | 3 | 3 |
|----------|---|---|---|

SLR Notes:

- | | | | |
|----------|---|-----------|-----------|
| 9 | Brief Description of Non-T&Q training Activities
Info Only = No Points
For State Personnel:

For Operators:

For Non-Operator Entities/Parties, Information Dissemination, Public Meetings: | Info Only | Info Only |
|----------|---|-----------|-----------|

SLR Notes:

- | | | | |
|-----------|---|---|---|
| 10 | 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
Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

- | | | | |
|-----------|---|---|---|
| 11 | 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
Yes = 1 No = 0 | 1 | 1 |
|-----------|---|---|---|

SLR Notes:

- | | | | |
|-----------|---|---|---|
| 12 | 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
Yes = 5 No = 0

A. Total Inspection Person Days (Attachment 2):

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

Ratio: A / B

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

SLR Notes:

A= Atch 2 50.25 person days;
 B= Total Person Days= 00
 Ratio=A/B= 50.25/99=> 0.38
 5 Points ok

- | | | | |
|-----------|---|-----------|-----------|
| 13 | 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:

14 Part-A General Comments/Regional Observations

Info Only Info Only

Info Only = No Points

SLR Notes:

Total points scored for this section: 26
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) Previous Question B.1 + Chapter 5 Changes 6.5 6.5
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 2
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:

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:

PSC performs haz liquid opeartor inspections per Written Procedures.

- 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:

PSC utilizes PHMSA Haz Liquid Inspection forms (STD, OQ and IMP protocols) and various State inspection check lists (EN #s) described in Appendix B Written Procedures.

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

SLR Notes:

- 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:



7	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:

PSC reviews these as a part of liquid operator inspection Part 195.581 (EN#s 38, 41, 53 and 65)

8	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:

9	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.10 Yes = .5 No = 0	.5	0.5
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SLR Notes:

10	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:

Compliance - 60105(a) States

11	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	0
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SLR Notes:

Discussed with PSC- Waring Letter to Mirant April 3, 2009. I noticed a wrong Code reference (Part 192 instead of Part 195) and citation for non-applicable OQ. Person not performing OQ Covered Task. PSC agreed to implement a suggested change so inspectors will prepare necessary draft of compliance actions with supporting documents to John for this review and concurrence. I suggested that all Compliance and Enforcement letters should be reviewed by PSC and should be sent under signature of Program Manager or higher, as appropriate.

12	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:

13	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:

14	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:

15	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	1
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SLR Notes:

16	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	1
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SLR Notes:

17	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	1
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SLR Notes:

18	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	1
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SLR Notes:

19	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	0.5
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SLR Notes:

20	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:

Compliance - 60106(a) States

21	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:

22	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:

23	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:

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:

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:

27 Part B: General Comments/Regional Observations Info Only Info Only
Info Only = No Points

SLR Notes:

MD PSC is a 60105(a) Haz Liquid Program State

Total points scored for this section: 23.5
Total possible points for this section: 24.5



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 PSC is not an interstate agent for hza liquid program.

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 PSC is not an interstate agent for hza liquid program

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 PSC is not an interstate agent for hza liquid program

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 PSC is not an interstate agent for hza liquid program

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 PSC is not an interstate agent for hza liquid program

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 PSC is not an interstate agent for hza liquid program

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 PSC is not an interstate agent for hza liquid program

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

SLR Notes:

MD PSC is not an interstate agent for hza liquid program

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:

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:

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 Haz liquid Accidents in 2009

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 Haz liquid Accidents in 2009

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 Haz liquid Accidents in 2009

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 Haz liquid Accidents in 2009

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 Haz liquid Accidents in 2009

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

SLR Notes:

No Reportable Haz liquid Accidents in 2009



Total points scored for this section: 1.5
Total possible points for this section: 1.5



PART E - Damage Prevention Initiatives

Points(MAX) Score

- | | | | |
|----------|--|---|---|
| 1 | Has the state reviewed directional drilling/boring procedures of each pipeline operator or its contractor to determine if they include actions to protect their facilities from the dangers posed by drilling and other trench less technologies? Previous Question B.12
Yes = 2 No = 0 Needs Improvement = 1 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

PSC snet Specific Information Request (SIR) to operators for Directional Drilling procedures in 2008. PSC received and reviewed responses.

- | | | | |
|----------|--|---|---|
| 2 | Did the state inspector check to assure the pipeline operator is following its written procedures pertaining to notification of excavation, marking, positive response and the availability and use of the one call system? New 2008
Yes = 2 No = 0 | 2 | 2 |
|----------|--|---|---|

SLR Notes:

As part of verificaiton, the PSC inspector can fill in Miss Utility ticket number and pertinent dig safe information in MD State inspsection Check List.

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

SLR Notes:

MD PSC participated in GOAC (GAs Operators Advisory Committee) during CY 2009

- | | | | |
|----------|---|---|---|
| 4 | Has the agency or another organization within the state collected data and evaluated trends on the number of pipeline damages per 1,000 locate requests? New 2008
Yes = 1 No = 0 | 1 | 1 |
|----------|---|---|---|

SLR Notes:

PSC recieved Dig Safe Data and reviewed it for possible trends

- | | | | |
|----------|---|---|----|
| 5 | 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)?
Yes = 2 No = 0 | 2 | NA |
|----------|---|---|----|

SLR Notes:

No Reportable Haz liquid Accidents in 2009

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

SLR Notes:

PSC indicated that Title 12 re-write to strengthen and enhance damage prevention activities was signed iinto law by Maryland Governor on May 20, 2010. PSC agreed to to keep me informed of status and subsequently sent additional information to me by e-mail dated June 14, 2010

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



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:
Mirant Piney Point
Name of State Inspector(s) Observed:
Adesina Jaiyeola
Location of Inspection:
Mechanicsville
Date of Inspection:
04/14/2010
Name of PHMSA Representative:
Dino N. Rathod, P.E.

SLR Notes:

Follow-up to Breakout Tank Inspection and Field verificaton OQ# 9 inspection by Inspector S. Jaiyeola

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:

Mirant personnel were at Mechanicsville office for this audit.

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 noted his field observations of Follow-up Breakout Tank inspection and provided finalized hard copy to me subsequently.

4 Did the inspector thoroughly document results of the inspection? Previous Question E.3 2 1
Yes = 2 No = 0

SLR Notes:

Review of Finalized copies- I requested addition/ missing l information. I emphasized need for timely updated information for field evaluation activities

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:

1. Follow-up Breakout Tank Inspection and Field Verificaiton of OQ Mirrant personnel.

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:

Breakout Tank Follow-up inspection (April 2009) . I pointed out to Jaiyeola that Tank information was not kept up-to-date. Mirant was requested for providing pertinent details of new surge tanks installed in 2008/2009. PSC still needs to reflect this information in 2010 inspection Check List EN -65 dated 4-13-2010.

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:

PSC inspector conducted a brief exit interview and conveyed his observations/ concerns to Mirant. PSC was to follow-up and obtain additional information.

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

SLR Notes:

PSC inspector conducted a brief exit interview and conveyed his observations/ concerns to Mirant. PSC was to follow-up and obtain additional information

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:

Maryland Field Evaluation April 13,
 2010
 Operator: Mirant Piney Point
 PSC Inspector: Adesina Jaiyeola
 Location: Mechanicsville
 Review Breakout Tanks- Follow-up Inspection issues
 PSC inspector A. Jaiyeola performed Follow-up review of previous inspection of Breakout Tanks (MD Form EN 65). Mirant indicated that two surge tanks (12,000 gal capacity) were added in fall of 2009. Mirant added these as a result of lightening strike of 2003 and detailed review analysis. Tanks and associated instrumentation were tested per API 650 requirements prior to bringing in service. He also performed a brief review of Mirant Procedures and CP records. A new rectifier was provided for Breakout tank #3. Mirant discovered external corrosion due to water getting collected /trapped behind horizontal insulation panels. As a result, Mirant completely changed insulation to vertical rib panels. Baker Consulting performed external corrosion survey. In addition, major repair to tank bottom. Two coats of new coating were applied to product side of tank bottom.
 PSC inspector also observed cathodic protection at Tank rectifier and 12-inch pipeline. CP readings were also taken at tank perimeter.
 He conducted a brief exit interview and discussed his observations and concerns. Jaiyeola will follow-up with Mirant on updating O&M and related documentation to reflect changes resulting from addition of two breakout tanks.

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:

PSC shares best practices etc at GOAS, NAPS ER and T&Q- State joint seminar.

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: 12



PART G - PHMSA Initiatives - Strategic Plan

Points(MAX) Score

Risk base Inspections - Targeting High Risk Areas

- | | | | |
|----------|--|-----|-----|
| 1 | Does state have process to identify high risk inspection units?
Yes = 1.5 No = 0

Risk Factors (criteria) to consider may include:
Miles of HCA's, Geographic area, Population Density
Length of time since last inspection
History of Individual Operator units (leakage, incident and compliance history, etc.)
Threats - (Excavation Damage, Corrosion, Natural Forces, Other Outside Forces, Material or Welds, Equipment, Operations, Other) | 1.5 | 1.5 |
|----------|--|-----|-----|

SLR Notes:

PSC Written Inspection Procedures cover these as part of planned liquid IMP inspection Protocols as part of detailed review. IMP protocols provided a detailed process to evaluate may important factors for high risk considerations

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

SLR Notes:

PSC has identified three intrastate liq operators In Certificaion Atttch 3. Mirant Piney Point, Nu Star and PFT Co.

- | | | | |
|----------|--|----|-----|
| 3 | Does state inspection process target high risk areas?
Yes = .5 No = 0 | .5 | 0.5 |
|----------|--|----|-----|

SLR Notes:

As part of liquid IMP inspection process, PSC evaluates: High Risk Areas- densely populated areas, environmentally sensitive areas, type of product transfer and history of pipeline/operatro etc/

Use of Data to Help Drive Program Priority and Inspections

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

SLR Notes:

PSC actively participates and share damage prevention data analyis with various stakeholders

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

SLR Notes:

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

SLR Notes:

- | | | | |
|----------|---|----|----|
| 7 | Has state reviewed data on Incident/Accident reports for accuracy?
Yes = .5 No = 0 | .5 | NA |
|----------|---|----|----|

SLR Notes:

No Reportable Accidents in CY 2009 and preceeding years.

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

SLR Notes:

PSC does not evaluate effectiveness



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:

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
 Yes = .5 No = 0

SLR Notes:

PSC did not upload liquid IMP protocols in federal IMDB.

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:

PSC used federal protocols to conduct liquid IMP inspection in Feb 2009. PSC agreed to finalize and upload in IMDB.

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:

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 shared with various stakeholders and NAPSRS.

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

SLR Notes:

No reportable liquid accidents in 2009 and preceding years.

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:

18 Has state participated on root cause analysis training? (can also be on wait list) .5 0.5
 No = 0 Yes = .5



SLR Notes:

PSC had 3 inspectors take Root Cause Analysis Training in NJ. Feb 2010

Transparency - Communication with Stakeholders

- 19** Other than pipeline safety seminar does State communicate with stakeholders? (Communicate program data, pub awareness, etc.) .5 0.5
 Yes = .5 No = 0

SLR Notes:

- 1 Rule Making COMAR Title 20, Sub Title 55, 56, 57 & 58
2. Weblink for Call You Before Dig

- 20** Does state share enforcement data with public? (Website, newsletters, etc.) .5 0.5
 Yes = .5 No = 0

SLR Notes:

Available thru Public Information Act. Also Maryland State webpage also provides access to Gas Cases. (Typial example: Case 9035 Gas Leaks- Coupling Issues with Washington Gas
<http://webapp.psc.state.md.us>

- 21** Part G: General Comments/Regional Observations Info Only Info Only
 Info Only = No Points

SLR Notes:

Total points scored for this section: 7.5
 Total possible points for this section: 8.5



PART H - Miscellaneous

Points(MAX) Score

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

SLR Notes:

1. Program Manager John Clementson was nominated and selected as Vice Chair of NASPR ER. In addition, he is a NAPSRS Liaison Committee member.

- 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 actively participated in a Stakeholder Group re-write Title 12 Damage Prevention to strengthen. MD legislature passed these changes and awaiting MD Governor's signature.

- 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:

See Item H-2 above for Title 12 Rewrite for Damage Prevention strengthening efforts in MD

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

SLR Notes:

PSC participated in several survey information request from NAPSRS / PHMSA.

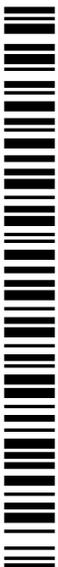
- 5** Sharing Best Practices with Other States - (General Program) .5 NA
Yes = .5 No = 0

SLR Notes:

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

SLR Notes:

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



PART I - Program Initiatives

Points(MAX) Score

Drug and Alcohol Testing (49 CFR Part 199)

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

SLR Notes:

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

SLR Notes:

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

SLR Notes:

Qualification of Pipeline Personnel (49 CFR Part 192 Subpart N)

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

SLR Notes:

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

SLR Notes:

PSC reviewed OQ Program and used OQ Protocols to document OQ inspections

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

SLR Notes:

PSC reviewed OQ Program and used OQ Protocols to document OQ inspections

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

SLR Notes:

PSC reviewed OQ Program and used OQ Protocols to document OQ inspections

Hazardous Liquid Pipeline Integrity Management (49 CFR Part 195.452)

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

SLR Notes:

PSC conducted IMP inspection of Mirant and PF&T

- | | | | |
|----------|---|----|-----|
| 9 | Has the state verified that in determining whether a plan is required, the operator properly applied the definition of a high consequence area?
<small>Yes = .5 No = 0</small> | .5 | 0.5 |
|----------|---|----|-----|

SLR Notes:

PSC used IMP protocols and performed verification

10	Has the state reviewed operator IMPs for compliance with 195.452? Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

PSC conducted IMP inspection to review compliance with PArt 195.452

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? Yes = .5 No = 0	.5	0.5
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SLR Notes:

PSC closely followed up IMP related remedial acitons by Mirant

12	Is the state verifying operators are periodically examining their hazardous liquid piplines for the appearance of new HCAs? Yes = .5 No = 0	.5	0.5
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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)? Yes = .5 No = 0	.5	0.5
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SLR Notes:

14	Has the state reviewed the content of these programs for compliance with 195.440 (by participating in the Clearinghouse or by other means)? Yes = .5 No = 0	.5	0.5
-----------	--	----	-----

SLR Notes:

15	Is the state verifying that operators are conducting the public awareness activities called for in its program? Yes = .5 No = 0	.5	0.5
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SLR Notes:

16	Is the state verifying that operators have evaluated their public awareness programs for effectiveness as described in RP1162? Info Only = No Points	Info Only	Info Only
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SLR Notes:

17	Part I: General Comments/Regional Observations Info Only = No Points	Info Only	Info Only
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SLR Notes:

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

