

2011 South Dakota Pipeline Safety Inspection
Summary of Deficiencies
Operator: Montana-Dakota Utilities
Inspection Types: Public Awareness Effectiveness
Inspection Dates: December 12-13, 2011

Notices of Probable Violation

Code Section	Code Description	Deficiency Noted	Proposed Correction Due Date	Penalty Proposed	Maximum Allowable Penalty	Compliance Order Proposed
PAPE Protocol 2.02 & 192.616 d And PAPE Protocol 2.04 & 192.616 c	<p>2.02 Message Type and Content</p> <p>Did the messages the operator delivered specifically include provisions to educate the public, emergency officials, local public officials, and excavators on the:</p> <ul style="list-style-type: none"> • Use of a one-call notification system prior to excavation and other damage prevention activities; • Possible hazards associated with unintended releases from a gas, hazardous liquid, or carbon dioxide pipeline facility; • Physical indications of a possible release; • Steps to be taken for public safety in the event of a gas, hazardous liquid, or carbon dioxide pipeline release; and • Procedures to report such an event (to the operator)? (Reference: § 192.616 (d); (f); § 195.440 (d), (f)) • Verify all required information was delivered to each of the primary stakeholder audiences. • Verify the phone number listed on message content is functional and clearly identifies the operator to the caller. <p>2.04 Baseline Message Delivery Frequency</p> <p>Did the operator's delivery for materials and messages meet or exceed the baseline frequencies specified in API RP 1162, Table 2-1 through Table 2.3? If not, did the operator provide justification in its program or procedural manual? (Reference: § 192.616 (c); § 195.440 (c))</p> <ul style="list-style-type: none"> • Identify message delivery (using the operator's last five years of records) for the following stakeholder audiences: 	Non-customer residents not being covered with all required messages for affected public; Mass media message for 811 is only message they are receiving.	6-30-12	\$800.00	\$10,000/\$500,000	No

Warnings

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PAPE Protocol 1.03 & 192.616 & API RP 1162	<p>1.03 Unique Attributes and Characteristics</p> <p>Does the operator's program clearly define the specific pipeline assets or systems covered in the program and assess the unique attributes and characteristics of the pipeline and facilities? (Reference: § 192.616 (b); § 195.440 (b); API RP 1162 Section 2.7 and Section 4)</p> <ul style="list-style-type: none"> • Verify the PAP includes all of the operator's system types/assets covered by PAP (gas, liquid, HVL, storage fields, gathering lines etc). • Identify where in the PAP the unique attributes and characteristics of the 	More detail needs to be added to description of assets.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12

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	pipeline and facilities are included (i.e. gas, liquids, compressor station, valves, breakout tanks, odorizer).			
PAPE Protocol 1.04 & 192.616 d, e & API RP 1162 sect 2.2, 3	<p>1.04 Stakeholder Audience Identification</p> <p>Does the operator's program establish methods to identify the individual stakeholders in the four affected stakeholder audience groups: (1) affected public, (2) emergency officials, (3) local public officials, and (4) excavators, as well as affected municipalities, school districts, businesses, and residents?</p> <p>(Reference: § 192.616 (d), (e), (f); § 195.440 (d), (e), (f); API RP 1162 Section 2.2 and Section 3)</p> <ul style="list-style-type: none"> Identify how the operator determines stakeholder notification areas and distance on either side of the pipeline. Determine the process and/or data source used to identify each stakeholder audience. Select a location along the operator's system and verify the operator has a documented list of stakeholders consistent with the requirements and references noted above. 	Buffer zones not identified.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 1.05 & 192.616 & API RP 1162	<p>1.05 Message Frequency and Message Delivery</p> <p>Does the operator's program define the combination of messages, delivery methods, and delivery frequencies to comprehensively reach all affected stakeholder audiences in all areas in which the operator transports gas, hazardous liquid, or carbon dioxide?</p> <p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Sections 3-5)</p> <ul style="list-style-type: none"> Identify where in the operator's PAP the combination of messages, delivery methods, and delivery frequencies are included for the following stakeholders: 	<p>Add to Table 6 in Plan: Transmission affected public message missing required NPMS message.</p> <p>Add to Table 8 in Plan: Emergency officials – add printed materials as delivery method since used by PAPA.</p>	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 1.06 & 192.616 c, i	<p>1.06 Written Evaluation Plan</p> <p>Does the operator's program include a written evaluation process that specifies how the operator will periodically evaluate program implementation and effectiveness? If not, did the operator provide justification in its program or procedural manual?</p> <p>(Reference: § 192.616 (c), (i); § 195.440 (c), (i))</p> <ul style="list-style-type: none"> Verify the operator has a written evaluation plan that specifies how the operator will conduct and evaluate self-assessments (annual audits) and effectiveness evaluations. Verify the operator's evaluation process specifies the correct frequency for annual audits (1 year) and effectiveness evaluations (no more than 4 years apart). Identify how the operator determined a statistical sample size and margin-of-error for stakeholder audiences' surveys and feedback. 	Sample size methodology not described in plan or affected public survey. Operator has requested from vendor and will send to inspector.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 2.01 & 192.616 g & API RP 1162 sect 2.3.1	<p>2.01 English and other Languages</p> <p>Did the operator develop and deliver materials and messages in English and in other languages commonly understood by a significant number and concentration of non-English speaking populations in the operator's areas?</p> <p>(Reference: § 192.616 (g); § 195.440 (g); API RP 1162 Section 2.3.1)</p> <ul style="list-style-type: none"> Determine if the operator delivers material in languages other than English and if so, what languages. Identify the process the operator used to determine the need for additional languages for each stakeholder audience. Identify the source of information the operator used to determine the need for 	Operator must justify the use of English only by reviewing Census data or other data to determine the level of non-English speaking people in their area.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12

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	additional languages and the date the information was collected.			
PAPE Protocol 2.02 & 192.616 d	<p>2.02 Message Type and Content</p> <p>Did the messages the operator delivered specifically include provisions to educate the public, emergency officials, local public officials, and excavators on the:</p> <ul style="list-style-type: none"> • Use of a one-call notification system prior to excavation and other damage prevention activities; • Possible hazards associated with unintended releases from a gas, hazardous liquid, or carbon dioxide pipeline facility; • Physical indications of a possible release; • Steps to be taken for public safety in the event of a gas, hazardous liquid, or carbon dioxide pipeline release; and • Procedures to report such an event (to the operator)? <p>(Reference: § 192.616 (d); (f); § 195.440 (d), (f))</p> <ul style="list-style-type: none"> • Verify all required information was delivered to each of the primary stakeholder audiences. • Verify the phone number listed on message content is functional and clearly identifies the operator to the caller. 	<p>Bill insert covering affected public required messages missing MDU phone # for obtaining more information.</p> <p>Transmission affected public brochure missing NPMS required message.</p>	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 2.06 & 192.616 c & API RP 1162 sect 4.4	<p>2.06 Maintaining Liaison with Emergency Response Officials</p> <p>Did the operator establish and maintain liaison with appropriate fire, police, and other public officials to: learn the responsibility and resources of each government organization that may respond, acquaint the officials with the operator's ability in responding to a pipeline emergency, identify the types of pipeline emergencies of which the operator notifies the officials, and plan how the operator and other officials can engage in mutual assistance to minimize hazards to life or property?</p> <p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 4.4)</p> <ul style="list-style-type: none"> • Examine the documentation to determine how the operator maintains a relationship with appropriate emergency officials. • Verify the operator has made its emergency response plan available, as appropriate and necessary, to emergency response officials. • Identify the operator's expectations for emergency responders and identify whether the expectations are the same for all locations or does it vary depending on locations. • Identify how the operator determined the affected emergency response organizations have adequate and proper resources to respond. • Identify how the operator ensures that information was communicated to emergency responders that did not attend training/information sessions by the operator. 	<p>No documentation provided on MDU operator specific information provided.</p> <p>No documentation that emergency response plan was discussed/ made available to emergency responders.</p>	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 4.01 & 192.616 & API RP 1162 sect 8.4	<p>4.01 Evaluating Program Effectiveness</p> <p>Did the operator perform an effectiveness evaluation of its program (or no more than 4 years following the effective date of program implementation) to assess its program effectiveness in all areas along all systems covered by its program? If not, did the operator provide justification in its program or procedural manual?</p> <p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4)</p> <ul style="list-style-type: none"> • Verify the operator conducted an effectiveness evaluation of its program (or no more than 4 years following the effective date of program implementation). • Document when the effectiveness evaluation was completed. • Determine what method was used to perform the effectiveness evaluation (in- 	<p>PAPA surveys reviewed but not documented as part of evaluation.</p> <p>Sample size methodology not described. Operator will send to inspector when received from vendor.</p> <p>No formal documentation of affected public survey results/conclusions and the</p>	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12

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	house, by 3rd party contractor, participation in and use the results of an industry group or trade association). <ul style="list-style-type: none"> Identify how the operator determined the sample sizes for audiences in performing its effectiveness evaluation. 	changes planned.		
PAPE Protocol 4.02 & 192.616 & API RP 1162 sect 8.4.1	4.02 Measure Program Outreach In evaluating effectiveness, did the operator track actual program outreach for each stakeholder audience within all areas along all assets and systems covered by its program? If not, did the operator provide justification in its program or procedural manual? (Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4.1) <ul style="list-style-type: none"> Examine the process the operator used to track the number of individuals or entities reached within each intended stakeholder audience group. Determine the outreach method the operator used to perform the effectiveness evaluation (e.g., questionnaires, telephone surveys, etc). Determine how the operator determined the statistical sample size and margin-of-error for each of the four intended stakeholder audiences. 	No method to measure out-reach to non-customer residents along pipeline system. Currently mass media is used but only message is 811. Actual counts for each audience were not made. No method in place to check returns of bills to determine exact reach to customers.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 4.03 & 192.616 & API RP 1162 sect 8.4.1	4.03 Measure Percentage Stakeholders Reached Did the operator determine the percentage of the individual or entities actually reached within the target audience within all areas along all systems covered by its program? If not, did the operator provide justification in its program or procedural manual? (Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4.1) <ul style="list-style-type: none"> Document how the operator determined the statistical sample size and margin-of-error for each of the four intended stakeholder audiences. Document how the operator estimated the percentage of individuals or entities actually reached within each intended stakeholder audience group. 	PAPA survey information reviewed but not documented. Percentages not estimated. No method in place to check returns of bills to determine exact reach to customers. No method to measure percentage of non-customer residents along pipeline system reached. Currently mass media is used but only message is 811.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 4.04 & 192.616 & API RP 1162 sect 8.4.2	4.04 Measure Understandability of Message Content In evaluating effectiveness, did the operator assess the percentage of the intended stakeholder audiences that understood and retained the key information in the messages received, within all areas along all assets and systems covered by its program? If not, did the operator provide justification in its program or procedural manual? (Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4.2) <ul style="list-style-type: none"> Examine the operator's evaluation results and data to assess the percentage of the intended stakeholder audience that understood and retained the key information in each PAP message. Verify the operator assessed the percentage of the intended stakeholder audience that (1) understood and (2) retained the key information in each PAP message. Determine if the operator pre-tests materials. 	Poor documentation on interpretation of survey results. Messages not pre-tested.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 4.05 & 192.616 & API RP 1162 sect 8.4.3	4.05 Measure Desired Stakeholder Behavior In evaluating its public awareness program effectiveness, did the operator attempt to determine whether appropriate preventive behaviors have been understood and are taking place when needed, and whether appropriate response and mitigative behaviors would occur and/or have occurred? If not, did the operator provide justification in its program or procedural manual?	Evaluation done but documentation on interpretation of results not done.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to	6-30-12

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	<p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4.3)</p> <ul style="list-style-type: none"> Examine the operator's evaluation results and data to determine if the stakeholders have demonstrated the intended learned behaviors. Verify the operator determined whether appropriate prevention behaviors have been understood by the stakeholder audiences and if those behaviors are taking place or will take place when needed. 		an enforcement action.	
PAPE Protocol 4.06 & 192.616 & API RP 1162 sect 8.4.4	<p>4.06 Measure Bottom-Line Results</p> <p>In evaluating its public awareness program effectiveness, did the operator attempt to measure bottom-line results of its program by tracking third-party incidents and consequences including: (1) near misses, (2) excavation damages resulting in pipeline failures, (3) excavation damages that do not result in pipeline failures? Did the operator consider other bottom-line measures, such as the affected public's perception of the safety of the operator's pipelines? If not, did the operator provide justification in its program or procedural manual?</p> <p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.4.4)</p> <ul style="list-style-type: none"> Examine the operator's process for measuring bottom-line results of its program. Verify the operator measured bottom-line results by tracking third-party incidents and consequences. Determine if the operator considered and attempted to measure other bottom-line measures, such as the affected public's perception of the safety of the operator's pipelines. If not, determine if the operator has provided justification in its program or procedural manual for not doing so. 	Operator has not chosen bottom-line measurement but plans to develop review of damages per 1000 one call tickets and document using DIRT data.	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12
PAPE Protocol 4.07 & 192.616 & API RP 1162 sect 2.7 step 12, 8.5	<p>4.07 Program Changes</p> <p>Did the operator identify and document needed changes and/or modifications to its public awareness program(s) based on the results and findings of its program effectiveness evaluation? If not, did the operator provide justification in its program or procedural manual?</p> <p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 2.7 Step 12 and 8.5)</p> <ul style="list-style-type: none"> Examine the operator's program effectiveness evaluation findings. Identify if the operator has a plan or procedure that outlines what changes were made. Verify the operator identified and/or implemented improvements based on assessments and findings. 	<p>Changes identified include:</p> <ul style="list-style-type: none"> Target 18-34 year olds with school program for their kids Training all employees in public awareness Field personnel cohost SDPA emergency responder meetings DIRT for bottom-line results Public awareness layer to GIS <p>None of these changes are formally documented as part of the evaluation.</p>	MDU may be in violation of the code section listed in the first column. MDU is advised to correct this or be subject to an enforcement action.	6-30-12

Notices of Concern

Code Section	Code Description	Comment
PAPE Protocol 3.03 & 192.616 & RP 1162 sect	<p>3.03 Program Changes and Improvements</p> <p>Did the operator make changes to improve the program and/or the implementation process based on the results and findings of the annual audit? If not, did the operator provide justification in its program or procedural manual?</p>	Recommend that summary sheet be added to binder containing documentation that summarizes findings for the year and improvements to be implemented.

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8.3	<p>(Reference: § 192.616 (c); § 195.440 (c); API RP 1162 Section 8.3)</p> <ul style="list-style-type: none">• Determine if the operator assessed the results of its annual PAP audit/review then developed and implemented changes in its program, as a result.• If not, determine if the operator documented the results of its assessment and provided justification as to why no changes were needed.	