

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 4, 2023

Mark Williams (mw7300@aol.com)
President
West Coast Gas
9203 Beatty Drive
Sacramento, CA 95826

GI-2023-06-WCG-34-04-05

Subject: SED's Closure Letter for General Order (GO) 112-F Inspection of West Cost Gas's Emergency Response, Public Awareness, and Anti-Drug and Alcohol Misuse Programs

Dear Mr. Williams:

The Safety and Enforcement Division (SED) of the California Public Utilities Commission reviewed West Coast Gas's (WCG) response letter dated September 6, 2023, for the findings identified during the General Order 112-F inspection of WCG's Emergency Response (ER), Public Awareness (PAP), and Anti-Drug and Alcohol Misuse (D&A) Programs which was conducted from June 5 and June 9, 2023.

A summary of the inspection findings documented by SED, WCG's response to our findings, and SED's evaluation of WCG's responses taken for each identified Violation and Area of Concern is attached.

This letter serves as the official closure of the 2023 GO 112-F inspection of WCG's ER, PAP, and D&A programs and any matters that are being recommended for enforcement will be processed through the Commission's Citation Program or a formal proceeding. SED will follow-up on certain items as detailed in the conclusions attached.

Thank you for your cooperation in this inspection. If you have any questions, please contact Victor Muller at (415) 940-4352 or by email at victor.muller@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Lee".

Dennis Lee, P.E.
Program and Project Supervisor
Gas Safety and Reliability Branch
Safety and Enforcement Division

Enclosure: Post-Inspection Written Findings

CC: Cynthia Morris, WCG (westgas@aol.com)
Victor Muller, SED/GSRB
Terence Eng, SED/GSRB
Jason McMillan, SED/GSRB
Claudia Almengor, SED/GSRB

Post-Inspection Written Findings

Dates of Inspection: 06/05/2023 – 06/09/2023

Operator: WEST COAST GAS CO INC

Operator ID: 31267 (primary)

Inspection Systems: West Coast Gas Distribution

Assets (Unit IDs) with results in this report: West Coast Gas (88675)

System Type: GD

Inspection Name: 2023 WCG, ERP, PAP, and D&A

Lead Inspector: Victor Muller

Operator Representative: Mark Williams

Unsatisfactory Results

Public Awareness and Damage Prevention: Public Awareness (PD.PA)

Question Title, ID Evaluation Plan, PD.PA.EVALPLAN.P

Question 1. Does the program include a process that specifies how program implementation and effectiveness will be periodically evaluated?

References 192.616(i) (192.616(c), API RP 1162 Section 8, API RP 1162 Appendix E)

Assets Covered West Coast Gas (88675 (34))

Issue Summary Title 49 CFR §192.616(c) states:

"(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety."

API RP 1162, Section 7.1 states in part:

"Each operator of a hazardous liquid pipeline system, natural gas transmission pipeline system, gathering pipeline system or a natural gas distribution pipeline system should establish (and periodically update) a written Public Awareness Program designed to cover all required components of the program described in this RP."

The written program should include:

g. The program evaluation process including the evaluation objectives, methodology to be used to perform the evaluation and analysis of the results, and criteria for program improvement based on the results of the evaluation."

API RP 1162, Section 8.4 states in part:

"Operators should assess progress on the following measures to assess whether the actions undertaken in implementation of this RP are achieving the intended goals and objectives:

**Whether the information is reaching the intended stakeholder audiences*

**If the recipient audiences are understanding the messages delivered*

**Whether the recipients are motivated to respond appropriately in alignment with the information provided*

**If the implementation of the Public Awareness Program is impacting bottom-line results (such as reduction in the number of incidents caused by third-party damage)"*

API RP 1162, Section 8.4.1 states in part:

"This is a basic measurement indicating whether the operator's public awareness messages are getting to the intended stakeholders. A baseline evaluation program should establish a methodology to track the number of individuals or entities reached within an intended audiences (e.g., households, excavating companies, local government, and local first responder agencies)."

The sections on Program Assessment and Program Effectiveness in WCG's Public Awareness Program procedures state:

"Program Assessment

The Operations Manager will assess the plan's effectiveness every year but not to exceed 15 months.

Program Effectiveness

Every 4 years, WCG will distribute a survey to determine the effectiveness of the program by measuring:

- 1) Whether the information is reaching the intended audience.
- 2) Estimating the percentage of target audience reached.
- 3) Estimating the level of comprehension of the materials."

WCG's Public Awareness Procedures do not include the methodology to be used to perform the program effectiveness evaluation or the methodology to be used to analyze the results of a program effectiveness evaluation. The procedures also do not include what criteria will be used to determine what program improvements need to be made. SED finds WCG in violation of Title 49 CFR §192.616(c) for failing to include these elements in their procedures and practices as required by API RP 1162, Section 7.1.

WCG's Public Awareness Procedures and practices do not provide for measurement of desired behaviors by the intended stakeholders or the measurement of the public awareness program's impact on bottom-line results. SED finds WCG in violation of Title 49 CFR §192.616(c) for failure to include these elements in their procedures and practices as required by API RP 1162, Section 8.4.

WCG's Public Awareness Procedures and practices do not provide for the consideration of each stakeholder group during program effectiveness evaluations. WCG provided SED with a copy of the data from WCG's program effectiveness evaluations from 2022 and 2016. For both evaluations, the data did not include responses from excavators, public officials, or first responders. SED finds WCG in violation of Title 49 CFR §192.616(c) for failure to track the number of individuals or entities reached within each intended audience as required by API RP 1162, Section 8.4.1.

WCG's Response: WCG has updated their OME to include designated roles for assessment and effectiveness. We believe that these procedures are ambiguous and have tried to resolve the ambiguity. See Attachment A, Normal Operations 616, pages 138 & 139.

WCG meets with first responders and public officials within our territory annually to update contact information and public awareness.

WCG also reaches out annually to excavators with our knowledge pamphlets. See Attachment B for mailing list.

SED's Conclusion: SED has reviewed WCG's responses and determined that WCG has sufficiently addressed the violation of Title 49 CFR §192.616(c) pertaining to section 7.1 of API RP 1162.

The changes made by WCG to their OME do not address the requirements in API RP 1162, section 8.4 to assess, "Whether the recipients are motivated to respond appropriately in alignment with the information provided", or "If the implementation of the Public Awareness Program is impacting bottom-line results (such as reduction in the number of incidents caused by third-party damage)".

Also, the changes made by WCG to their OME do not address the requirements of API RP 1162 section 8.4.1 to consider each stakeholder group during program effectiveness evaluations (particularly local government and first responder agencies). WCG noted in their response that they meet with first responders and public officials annually, but that does not constitute an effectiveness assessment as described by API RP 1162 section 8.4.

SED maintains that WCG's procedures are not in compliance with Title 49 CFR §192.616(c). WCG's revised procedures do not provide for the evaluation of WCG's PAP's impact on bottom-line results per the requirements of API RP 1162, Section 8.4., nor do the revised procedures provide for the evaluation of whether WCG's PAP's effectiveness messages are getting to each stakeholder group per the requirements of API RP 1162, Section 8.4.1. SED will be following-up with WCG to ensure that WCG's procedures and practices can be brought into compliance.

To provide some clarification as requested by WCG in their responses: meeting the requirements regarding bottom-line impacts typically includes a review of data that is impacted by stakeholder behavior. SED understands from this inspection and from WCG's response letter, that WCG tracks all USA tickets and incidents of third-party damage. SED recommends that WCG gather and review data from USA tickets, incidents, near misses, other damage prevention activities, etc. over long periods of time to show trends in stakeholder behaviors.

Question Title, ID Evaluating Program Effectiveness, PD.PA.EVALEFFECTIVENESS.R

Question 2. Do records indicate program effectiveness evaluation(s) have been performed and cover all program requirements and all systems covered by the program?

References 192.616(c) (API RP 1162 Section 8.4)

Assets Covered West Coast Gas (88675 (34))

Issue Summary Title 49 CFR §192.616(c) states:

"(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety."

API RP 1162, Section 7.2 states, in part:

"The operator should maintain records of key program elements to demonstrate the level of implementation of its Public Awareness Program. Record keeping should include:

c. All program evaluations, including current results, follow-up actions and expected results."

API RP 1162, Section 8.1 states, in part:

"The primary purposes of the evaluation of the Public Awareness Program are to:

- *Assess whether the current program is effective in achieving the objectives for operator Public Awareness Programs as defined in Section 2.1 of this RP, and*

- *Provide the operator information on implementing improvements in its Public Awareness Program effectiveness based on findings from the evaluation(s)."*

WCG's Public Awareness Program effectiveness evaluations lacked records to show that evaluation and analysis of program effectiveness had occurred. Program improvements had also not been recommended or justified as unnecessary. SED finds WCG in violation of Title 49 CFR §192.616(c) for failing to maintain records detailing a program effectiveness evaluation as required by API RP 1162, section 7.2.

SED also finds WCG in violation of Title 49 CFR §192.616(c) for failing to recommend program improvements or justify improvements as unnecessary as required by API RP 1162, section 8.1.

WCG Response: WCG has updated their OME to include designated roles for assessment and effectiveness. We believe that these procedures are ambiguous and have tried to resolve the ambiguity. See Attachment A, Normal Operations 616, pages 138 & 139.

WCG meets with first responders and public officials within our territory annually to update contact information and public awareness.

WCG also reaches out annually to excavators with our knowledge pamphlets. See Attachment B for mailing list.

SED Conclusion: It is SED's understanding of WCG's response letter that WCG's responses to these violations were intended to respond to the first question due to a copy-and-paste error, and that WCG did not respond to these violations as a result. Therefore, SED will be following-up with WCG to receive clarification on these two violations of Title 49 CFR §192.616(c) and to ensure compliance.

Question Title, ID Measure Program Outreach, PD.PA.MEASUREOUTREACH.R

Question 3. In evaluating effectiveness, was actual program outreach for each stakeholder audience tracked?

References 192.616(c) (API RP 1162 Section 8.4.1)

Assets Covered West Coast Gas (88675 (34))

Issue Summary Violation detailed under question 1. (PD.PA.EVALPLAN.P.)

WCG Response: WCG has updated their OME to include designated roles for assessment and effectiveness. We believe that these procedures are ambiguous and have tried to resolve the ambiguity. See Attachment A, Normal Operations 616, pages 138 & 139.

Yes. See Attachments B Excavator Mailing List & Attachment C Survey Results

SED Conclusion: SED conclusion detailed under question 1. (PD.PA.EVALPLAN.P.)

Question Title, ID Measure Understandability of Message Content, PD.PA.MEASUREUNDERSTANDABILITY.R

Question 4. In evaluating program effectiveness, was the percentage of each stakeholder audience that understood and retained the key information from the messages determined?

WCG Response: WCG has updated their OME to include designated roles for assessment and effectiveness. We believe that these procedures are ambiguous and have tried to resolve the ambiguity. See Attachment A, Normal Operations 616, pages 138 & 139.

Yes. See Attachment C, Survey Results

SED Conclusion: SED conclusion detailed under question 1. (PD.PA.EVALPLAN.P.)

References 192.616(c) (API RP 1162 Section 8.4.2)

Assets Covered West Coast Gas (88675 (34))

Issue Summary Violation detailed under question 1. (PD.PA.EVALPLAN.P.)

Question Title, ID Measure Desired Stakeholder Behavior, PD.PA.MEASUREBEHAVIOR.R

Question 5. In evaluating program effectiveness, was evaluation made of whether appropriate preventive, response, and mitigative behaviors were understood and likely to be exhibited?

References 192.616(c) (API RP 1162 Section 8.4.3)
Assets Covered West Coast Gas (88675 (34))
Issue Summary Violation detailed under question 1. (PD.PA.EVALPLAN.P.)

WCG Response: WCG would like SED clarification on what exactly, and how exactly are we to evaluate the response and mitigative behaviors that are likely to be exhibited?

SED Conclusion: SED conclusion detailed under question 1. (PD.PA.EVALPLAN.P.)

Question Title, ID Measure Bottom-Line Results, PD.PA.MEASUREBOTTOM.R

Question 6. Were bottom-line results of the program measured 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?

References 192.616(c) (API RP 1162 Section 8.4.4)
Assets Covered West Coast Gas (88675 (34))
Issue Summary Violation detailed under question 1. (PD.PA.EVALPLAN.P.)

WCG Response: WCG tracks all 811 USANs and tracks Third Party incidents via our Form 615-4: Damage to Facilities.

SED Conclusion: SED conclusion detailed under question 1. (PD.PA.EVALPLAN.P.)

Question Title, ID Program Changes, PD.PA.CHANGES.R

Question 7. Were needed changes and/or modifications to the program identified and documented based on the results and findings of the program effectiveness evaluations?

References 192.616(c) (API RP 1162 Section 2.7 (Step 12), API RP 1162 Section 8.5)
Assets Covered West Coast Gas (88675 (34))
Issue Summary Violation detailed under question 1. (PD.PA.EVALPLAN.P.)

WCG Response: WCG has updated their OME to include designated roles for assessment and effectiveness. We believe that these procedures are ambiguous and have tried to resolve the ambiguity. See Attachment A, Normal Operations 616, pages 138 & 139.

Yes. See Attachment D, PAP Review

SED Conclusion: SED conclusion detailed under question 1. (PD.PA.EVALPLAN.P.)

Drug and Alcohol: Anti-Drug Program (DA.DRUG)

Question Title, ID MRO Drug Test Reports to the Operator, DA.DRUG.MROTESTREPORTS.P

Question 8. Does the process ensure the MRO reports all drug test results to the DER as required?

References 199.109(d) (Part 40 Subpart G, 40.345(a), 40.345(b), 40.345(c), 40.355(b), 40.355(c))
Assets Covered West Coast Gas (88675 (34))
Issue Summary Title 49 CFR §40.11(b) states:

"(b) [Operators] are responsible for all actions of [their] officials, representatives, and agents (including service agents) in carrying out the requirements of the DOT agency regulations."

Title 49 CFR §40.321(a) states:

"Except as otherwise provided in this subpart, as a service agent or employer participating in the DOT drug or alcohol testing process, [operators] are prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent."

(a) A "third party" is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process."

Title 49 CFR §40.167(a) states:

"As the MRO or C/TPA who transmits drug test results to the employer, you must comply with the following requirements:

(a) You must report the results in a confidential manner."

The definition of Designated Employee Representative (DER) from Title 49 CFR §40.3 states:

"Designated employer representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs."

WCG uses encrypted email to receive test results from the Medical Review Officer (MRO). That email and the sent test results are accessible by an administrator and an office assistant, in addition to WCG's DER. Title 49 CFR Part 40 explicitly requires the transmission of drug or alcohol test results sent by the MRO to the DER, and prohibits releasing an employee's test results or medical information to third parties without written consent from the employee. WCG's administrator and office assistant are "third parties" as defined by Title 49 CFR §40.321(a). SED finds WCG in violation of Title 49 CFR §40.167(a) for failure to report results in a confidential manner and in violation of Title 49 CFR §40.321 for releasing individual test results to third parties without employees' specific written consent.

WCG Response: With WCG having only 7 employees and each employee doing multiple tasks, WCG has updated its Drug & Alcohol plan to better divide and address each person's responsibility. See Attachment E, Drug & Alcohol 199.1-9.

SED Response: SED has reviewed the response from WCG and determined that the response sufficiently addresses SED's violation.

Concerns

Drug and Alcohol: Anti-Drug Program (DA.DRUG)

Question Title, Follow-Up Drug Testing, DA.DRUG.FOLLOWUPTTEST.P
ID

Question 1. Does the process ensure that follow-up drug testing is conducted as required?

References 199.105(f) (40.67(b), 40.307, 40.309)

Assets Covered West Coast Gas (88675 (34))

Issue Summary WCG's Drug & Alcohol Procedures state that the number and frequency of follow-up tests will be determined by their MRO, and that the MRO will perform an evaluation of the employee (pages 220, 238, and 244 of WCG's OM&E Procedural Manual). Title 49 CFR §40.307 requires a Substance Abuse Professional (SAP) to perform these tasks. Recently, WCG had correctly used an SAP to carry out these tasks.

SED recommends that WCG revise their procedures to correctly describe the role of SAPs and MROs to align with code requirements and WCG's practices.

WCG Response: See Attachment E, Drug & Alcohol 199.1-9, page 214.

SED Response: SED has reviewed the response from WCG and determined that the response sufficiently addresses SED's concern.