



Pipeline Safety

2010 Natural Gas Certification\Agreement

for

Please follow the directions listed below:

1. Review the entire document for completeness.
2. Review and have an authorized signatory sign and date the following pages:
 1. **Main application pages for Certification and/or Agreement, which follow this cover page**
 2. **Second to last page, Attachment 9**
3. Fasten all pages with a paper or binder clip - no staples please as this package will be scanned upon it's arrival at PHMSA.
4. Mail the entire document, including this cover page to the following:

**ATTN: Gwendolyn M. Hill
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Pipeline Safety, PHP-50
1200 New Jersey Avenue, SE Second Floor E22-321
Washington, D.C. 20590**



FedSTAR Information

Electronic Submission Date:



Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

NATURAL GAS PIPELINE SAFETY PROGRAM

CERTIFICATION FOR CALENDAR YEAR 2010

This certificate (including attachments) is submitted by the (the state agency) to the secretary of Transportation (the Secretary) under Section 60105 of Title 49, United States Code.)

Pursuant to Section 60105(a) of this Title, the state agency hereby certifies to the secretary that:

1. Except as set forth in Attachment 1, under the Constitution and laws of it has regulatory jurisdiction over the safety standards and practices of all intrastate pipeline transportation within as summarized on Attachment 1.
2. It has adopted, as of the date of this certification, each federal safety standard established under this Title that is applicable to the intrastate pipeline transportation under its jurisdiction as set forth in paragraph 1, or, with respect to each such federal safety standard established within 120 days before the date of the certification, is taking steps pursuant to state law to adopt such standard. (The adoption by a state agency of a safety standard that is additional to or more stringent than the applicable federal standard is compatible with the federal standards [see Section 60102(a)(1) of this Title] does not prohibit that state agency from certifying to the actions described in this paragraph.)
3. It is enforcing each standard referred to in paragraph 2.
4. It is encouraging and promoting programs designed to prevent damage to pipeline facilities as a consequence of demolition, excavation, tunneling, or construction activity.
5. It has authority to require each person who engages in the transportation of Natural Gas or who own or operates pipeline facilities subject to its jurisdiction as set forth in paragraph 1, to establish and maintain records, to make reports, and to provide information, and that this authority is substantially the same as the authority provided under Section 60117 of this Title.
6. It has authority to require each person who engages in the transportation of Natural Gas who owns or operates intrastate pipeline transportation facilities, subject to its jurisdiction as set forth in paragraph 1, to file with it for approval a plan for inspection and maintenance substantially as described under Section 60108(a) and (b) of this Title.
7. The laws of provide for the enforcement of the safety standards referred to in paragraph 2 by injunctive and monetary sanctions substantially the same as those provided under Sections 60120 and 60122(a)(1) and (b)-(f) of this Title.

The state agency furthermore agrees to cooperate fully in a system of federal monitoring of the state program to assure the program is being carried out in compliance with this certification. The terms intrastate pipeline transportation, pipeline facilities, transportation of Natural Gas, and state, are used in certification as defined in this Title. This certification is subject to termination by the Secretary in accordance with Section 60105(f) of this Title if the Secretary Under Section 60105(f), the Secretary, on reasonable notice and after opportunity for hearing, may reject the certification or take such other action as deemed appropriate to achieve adequate enforcement including assertion of federal jurisdiction. Pipeline and Hazardous Materials Safety Administration, Pipeline Safety, 1200 New Jersey Ave, SE , Washington DC 20590.

In witness whereof, the hand and seal of the is hereby affixed on _____.

Signature

Title

Date





Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

NATURAL GAS PIPELINE SAFETY PROGRAM

AGREEMENT FOR CALENDAR YEAR 2010

This agreement (including attachments) is submitted by the (the state agency) to the Secretary of Transportation (the Secretary) under Section 60106 of Title 49, United States Code.

In accordance with Section 60106(a) of this Title, the Secretary hereby authorizes the state agency to assume responsibility for and carry out, on behalf of the Secretary, as they relate to intrastate pipeline transportation, the necessary actions to:

- 1. Establishment of an adequate program for record maintenance, reporting, and inspection designed to assist compliance with federal safety standards.
2. Establishment of procedures for approval of plans of inspection and maintenance substantially the same as those required under Section 60108(a) and (b) of this Title.

The state agency hereby agrees to carry out the program and procedures enumerated above in accordance with any applicable regulations issued by the Secretary and in a manner acceptable to the secretary, and to notify the Secretary of any violation or probable violation of a federal safety standard which it discovers as a result of its program. In addition, the state agency agrees to submit to the Secretary, annual reports on the implementation of this agreement and to cooperate fully in a system of federal monitoring of the state program to assure that the program is being carried out in compliance with this agreement.

This agreement is subject to termination by the Secretary in accordance with Section 60106(d) of this Title if, after notice and opportunity for a hearing, the Secretary finds that the state agency has failed to comply with any provision of this agreement.

The state agency agrees to give the Secretary at least 90 days notice of its intention to terminate this agreement.

In witness whereof, the hand and seal of the is hereby affixed on _____, and of the Secretary is hereby affixed on _____, effective as of the date signed by the state agency.

BY _____
(offical signature)

SECRETARY OF TRANSPORTATION

BY _____
(Associate Administrator for Pipeline Safety)





Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington DC 20590

NATURAL GAS PIPELINE SAFETY PROGRAM

AGREEMENT FOR CALENDAR YEAR 2010

This agreement (including attachments) is submitted by the (the state agency) to the Secretary of Transportation (the Secretary) under Section 60106 of Title 49, United States Code.

In accordance with Section 60106(a) of this Title, the Secretary hereby authorizes the state agency to assume responsibility for and carry out, on behalf of the Secretary, as they relate to intrastate pipeline transportation, the necessary actions to:

- 1. Establishment of an adequate program for record maintenance, reporting, and inspection designed to assist compliance with federal safety standards.
2. Establishment of procedures for approval of plans of inspection and maintenance substantially the same as those required under Section 60108(a) and (b) of this Title.

The state agency hereby agrees to carry out the program and procedures enumerated above in accordance with any applicable regulations issued by the Secretary and in a manner acceptable to the secretary, and to notify the Secretary of any violation or probable violation of a federal safety standard which it discovers as a result of its program. In addition, the state agency agrees to submit to the Secretary, annual reports on the implementation of this agreement and to cooperate fully in a system of federal monitoring of the state program to assure that the program is being carried out in compliance with this agreement.

This agreement is subject to termination by the Secretary in accordance with Section 60106(d) of this Title if, after notice and opportunity for a hearing, the Secretary finds that the state agency has failed to comply with any provision of this agreement.

The state agency agrees to give the Secretary at least 90 days notice of its intention to terminate this agreement.

In witness whereof, the hand and seal of the is hereby affixed on _____, and of the Secretary is hereby affixed on _____, effective as of the date signed by the state agency.

BY _____
(offical signature)

SECRETARY OF TRANSPORTATION

BY _____
(Associate Administrator for Pipeline Safety)



INSTRUCTIONS:

These attachments request information either for the entire calendar year (CY 2009: January 1 through December 31, 2009) or as of (or on) December 31, 2009. Please report actual as opposed to estimated numbers on the attachments. Be careful to provide complete and accurate information since the PHMSA State Programs will be validating the attachments during the state's next annual evaluation.

- **Attachment 1: State Jurisdiction and Agent Status Over Natural Gas Facilities.** Requires the state to indicate those pipeline operator types over which the state agency has jurisdiction under existing law. If the state does not have jurisdiction over an operator type, indicate why not in the column designated No, using the one alpha code (A or B) which best describes the reason. If the state agency has jurisdiction over an operator type, place an X in the column designated Yes and provide information on the number of operators, the number and percent of operators inspected, the number of inspection units, and the number and percent of inspection units inspected. If the jurisdiction over a type of operator is under a Section 60106 Agreement, indicate X/60106 in the column designated Yes. [If the same operator/inspection unit is visited more than once during the year, count only once under number of operators inspected/number of inspection units inspected on Attachment I. The multiple visits would, however, be reflected under total inspection person-days in Attachment 2.]
- **Attachment 2: Total State Field Inspection Activity.** Requires the state to indicate by operator type the number of inspection person-days spent during CY 2009 on inspections; standard comprehensive; design, testing, and construction; on-site operator training; integrity management; operator qualification; investigating incidents or accidents; damage prevention activities; and compliance follow-up. Attachment 2 should include drug and alcohol inspections. Counting In Office Inspection Time - An inspector may choose to review pipeline company procedure manuals or records away from the company facility in order to effectively use onsite inspection time. The amount of time spent reviewing procedures and records may be counted as part of the inspection process. It is important that an inspector only record time for activities that normally would be completed as part of an onsite inspection. For example, an inspector may attribute the three hours he or she spent reviewing a pipeline operator's procedure manual and records prior to an on site inspection towards the total inspection time. Each supervisor must carefully review the reported time to ensure the time attributed is consistent with the activity completed and is carefully delineated from normal office duties.
- **Attachment 3: Natural Gas Facility Subject to State Safety Jurisdiction.** States should only list the facilities that are jurisdictional under Part 192 of which the state has safety authority over. This attachment requires the business name and address of each person subject to the pipeline safety jurisdiction of the state agency as of December 31, 2009. Also indicate the operator type (e.g., intrastate transmission) consistent with the listing in Attachment I and include the number of inspection units in each operator's system.
- **Attachment 4: Natural Gas Pipeline Incidents.** Requires a list of incidents investigated by or reported to the state agency that involved personal injury requiring hospitalization, a fatality, property damage exceeding \$50,000, and other incidents otherwise considered significant by the state agency. Please also make an effort to clearly identify the cause of the incident using the one most appropriate alpha code footnoted in the attachment. We summarize this information for Congress by classifying the cause into one of eight categories: (A) corrosion failure; (B) natural force damage; (C) excavation damage; (D) other outside force damage; (E) material failure of pipe or weld; (F) equipment failure; (G) incorrect operation; (H) other accident cause. Please provide a summary of incident investigations.



- **Attachment 5: State Compliance Actions.** This requires a summary of state pipeline inspection and compliance actions. [In the Number of Compliance Actions Taken column, keep in mind one compliance action can cover multiple probable violations.]
- **Attachment 6: State Record Maintenance and Reporting.** Requires a list of records and reports maintained and required by the state agency.
- **Attachment 7: State Employees Directly Involved in the Natural Gas Pipeline Safety Program.** This attachment requires a list by name and title of each employee directly involved in the Natural Gas pipeline safety program. Be sure to include the percentage of time each employee has been involved in the Natural Gas pipeline safety program during 2009. If an employee has not been in the Natural Gas pipeline safety program the full year of 2009, please note the number of months working on the program. Indicate a Qualification Category for each of the state's inspectors (see Attachment 7a). The categories are shown in descending order of education and experience. Please enter the number of the highest description applicable to each inspector. For each inspector and supervisor, indicate the month and year he/she successfully completed the training courses at the Pipeline Safety Office of Training and Qualifications in Oklahoma City, OK. Finally, provide in summary form the number of all staff (supervisors, inspectors/investigator, damage prevention/technical and clerical/administrative) working on the Natural Gas pipeline safety program and the person-years devoted to Natural Gas pipeline safety. Person-years should be reported in hundreds (e.g., 3.25).
- **Attachment 8: State Compliance with Federal Requirements.** This requires the state to indicate whether it is in compliance with applicable federal requirements. If a particular requirement is not applicable to the state (e.g., offshore inspections), indicate NA in the column designated Y/N/NA. If a regulation has been adopted, indicate the date adopted (e.g., 05/01/04) in the appropriate column. If the regulation is applicable but has not been adopted, indicate N in the Y/N/NA column and explain why not in the appropriate column (e.g., requires legislative action). [If the state has not adopted the maximum please indicate civil penalty levels in effect in the state as of December 31, 2009. Note that at the end of Attachment 8 we are requesting each state to indicate the frequency its legislature meets in general session. This information will be taken into account when determining if applicable federal regulations have been adopted within 24 months of the effective date or two general sessions of the state legislature.
- **Attachment 9: Certification Regarding Drug-Free Workplace Requirements.** This requires each state to certify that it will maintain a drug-free workplace as a precondition to receiving a federal grant. The certification requires signature by an authorized official.
- **Attachment 10: Performance and Damage Prevention Questions.** This attachment requires a narrative of each states goals and accomplishments. In addition it requires a narrative on each states progress toward meeting the nine elements of an effective damage prevention program as described in the PIPES Act of 2006.



DEFINITIONS

- **Inspection Unit.** An inspection unit is all or part of an operator's pipeline facilities that are under the control of an administrative unit that provides sufficient communication and controls to ensure uniform design, construction, operation, and maintenance procedures for the facilities. (See Glossary of Terms in Guidelines for States Participating in the Pipeline Safety Program for application of the inspection unit concept to transmission and hazardous liquid pipeline systems, distribution systems, liquefied natural gas systems, municipality, master meter system, regulated gathering pipeline systems, and propane-air systems/petroleum gas systems.)
- **Inspection Person-Day.** An inspection person-day is all or part of a day spent by a state agency representative including travel in an on site examination or evaluation of an operator or his system to determine if the operator is in compliance with federal or state pipeline safety regulations, in an on site investigation of a pipeline incident, or in job-site training of an operator. Time expended on such activities should be reported as one inspection person-day for each day devoted to safety issues, regardless of the number of operators visited during that day.
- **Probable Violation.** A probable violation is a non-compliance with any section or, where a section is divided into subsections (a), (b), (c), etc., any subsection of federal or state pipeline regulations. Each numbered section should be counted separately. Multiple non-compliances of a numbered section discovered on the same inspection should be counted as one probable violation with multiple pieces of evidence.
- **Compliance Action.** A compliance action is an action or series of sequential actions taken to enforce federal or state pipeline regulations. One compliance action can cover multiple probable violations. A compliance action may take the form of a letter warning of future penalties for continued violation, an administratively imposed monetary sanction or order directing compliance with the regulations, an order directing corrective action under hazardous conditions, a show-cause order, a criminal sanction, a court injunction, or a similar formal action.



Attachment 1 - Stats on Operators

STATE JURISDICTION AND AGENT STATUS OVER NATURAL GAS FACILITIES AS OF DECEMBER 31, 2009

Operator Type	State Agency Jurisdiction/ Agent Status		No. of Operators	Operators Inspected		No. of Inspection Units	Units Inspected	
	No ¹	Yes		#	%		#	%
Distribution								
Private				0				
Municipal				0				
Master Meter				0				
LPG				0				
LNG				0				
Other (See note below)				0				
Transmission								
Intrastate				0				
Interstate (Interstate Agent Only)				0				
Interstate LNG (Interstate Agent Only)				0				
Other								
Gathering Lines (Jurisdictional)				0				
Offshore Facilities (State Waters)				0				
Total								

¹Codes: A - None in state and does not have jurisdiction;

B - State does not have jurisdictional authority (Provide current status or action being taken to obtain authority in notes section below)

Distribution "Other" - ie Co-ops, Public Utility Districts, etc.

States should explain any special circumstances

General Instructions - All above facilities should only include facilities as defined by federal pipeline regulations and should not include extended jurisdiction by state regulation.

Attachment 1 Notes:



Attachment 2 - State Inspection Activity

TOTAL STATE FIELD INSPECTION ACTIVITY AS OF DECEMBER 31, 2009

Operator Type	Standard Comprehensive	Design, Testing and Construction	On-Site Operator Training	Integrity Management	Operator Qualification	Investigating Incidents or Accidents	Damage Prevention Activities	Compliance Follow-up	Total
Distribution									
Private	0	0	0	0	0	0	0	0	0
Municipal	0	0	0	0	0	0	0	0	0
Master Meter	0	0	0	0	0	0	0	0	0
LPG	0	0	0	0	0	0	0	0	0
LNG	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
Transmission									
Intrastate	0	0	0	0	0	0	0	0	0
Interstate	0	0	0	0	0	0	0	0	0
Interstate LNG	0	0	0	0	0	0	0	0	0
Other									
Gathering Lines (Jurisdictional)	0	0	0	0	0	0	0	0	0
Offshore Facilities (State Waters)	0	0	0	0	0	0	0	0	0
Total									

Drug and Alcohol

Total Count of Drug and Alcohol Inspections

Attachment 2 Notes

Attachment 3 - List of Operators

NATURAL GAS FACILITIES SUBJECT TO STATE SAFETY JURISDICTION AS OF DECEMBER 31, 2009

Operator Business Name Operator ID Address	Distribution (Operator type & Inspection Units)						Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)	
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)



	Distribution (Operator type & Inspection Units)					Transmission (Operator type & Inspection Units)			Other (Operator type & Inspection Units)		
	Private	Municipal	Master Meter	LPG	LNG	Other	Intrastate	Interstate	Interstate LNG	Gathering Lines (Juris- dictional)	Offshore Facilities (State Waters)
Inspection Unit totals by type											

Total Operators

Attachment 3 Notes:



Attachment 4 - Incidents/Accidents

SIGNIFICANT⁴ NATURAL GAS INCIDENTS/ACCIDENTS JANUARY 1, THROUGH DECEMBER 31, 2009

Date of Incident	Location - City/County/etc.	Injuries #	Fatalities #	Property Damage ³ \$	Cause Code ¹
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Name of Operator:

Cause Reported by Operator (Describe)²

¹Cause Codes: A - Corrosion failure; B - Natural Force Damage; C - Excavation Damage; D - Other Outside Force Damage; E - Pipe, Weld or Joint Failure; F - Equipment Failure; G - Incorrect Operation; H - Other Incident Cause

²Please attach a summary or report of the state agency's investigation of each of the above incidents.

³Interstate agents should use the 191.3 Incident definition for listing incidents investigated on interstate facilities.

⁴Significant: Investigated by or reported to the state agency, involving personal injury requiring hospitalization, fatality, property damage exceeding \$50,000 and other incidents otherwise considered significant which involved jurisdictional facilities.

Attachment 4 Notes



Attachment 5 - Stats on Compliance Actions

STATE COMPLIANCE ACTIONS -- CALENDAR YEAR (CY) 2009

Probable Violation Categories

Intrastate

Interstate

Number carried over from previous CY (including carryover and long term)

Number found during CY

Number submitted for DOT action (60106 Agreement agent only)

Number corrected during CY (including carryover from previous year)

Number to be corrected at end of CY (including carryover and long term)

Number of Compliance Actions Taken ¹

(see definition)

Civil Penalties

Number assessed during CY

Dollars assessed during CY

Number collected during CY

Dollars collected during CY

¹Do not double count for a related series of actions.

Attachment 5 Notes



Attachment 6 - List of Records Kept

**NATURAL GAS STATE RECORD MAINTENANCE AND REPORTING DURING CY
2009**

Attachment 6 Notes



Attachment 7 - Staffing and TQ Training

**STATE EMPLOYEES DIRECTLY INVOLVED IN HE NATURAL GAS PIPELINE
SAFETY PROGRAM DURING CY 2009**

Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course													
				PL1250	PL4253	PL3254	PL1255	PL3256	PL3257	PL2284	PL3291	PL3292	PL3293	PL30Q	PL3306		
Manager																	

Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course													
				PL3251	PL3252	PL2258	PL3275	PL2288	PL2294	PL3295	PL3296	PL1297	PL00305	PL31C	PL00311		

Name/Title	% Time	# Months	Qual. Cat.	MM/YYYY Successfully Completed TQ Course													
				PL3600													

Summary

<u>Employee Type</u>	<u>No. of Staff</u>	<u>Person-Years</u>
Supervisor		
Inspectors/Investigators		
Damage Prevention/Technical		
Clerical/Administrative		
Total		

SAMPLE FILE



Attachment 8 - Compliance with Federal Regulations

STATE COMPLIANCE WITH FEDERAL REQUIREMENTS AS OF DECEMBER 31, 2009

No.	Effective Date	Impact	Adoption Date	AdoptionStatus
1		Maximum Penalties Substantially Same as DOT (\$100,000/\$1,000,000); Indicate actual amount in note.		
Note ¹				
2		191.23 and 191.25 Safety-Related Conditions(through current amendment 191-14)		
3		Part 192 Amendments		
01-90	Pre 2002	[All applicable amendments prior to and including 2002]		
91	4/23/2004	Definition of high consequence areas for gas transmission lines		
92	9/4/2003	Procedures for Producer-operated outer continental shelf natural pipelines that cross directly into state waters		
93	10/15/2003	various changes to gas pipeline safety standards from NAPSR recommendations		
94	5/6/2005	Modification to the definition of a Transmission Line		
95	5/26/2004	Pipeline integrity management for transmission lines in HCAs		
96	9/14/2004	Pressure limiting and regulating stations		
97	7/28/2004	Passage of internal inspection devices on new and retrofitted transmission pipelines		
98	9/9/2004	Performance of periodic underwater inspections		
99	6/20/2005	API RP 1162 Public awareness campaign		
100	7/15/2005	PSIA Statuory changes to Operator Qualification Program		
101	11/25/2005	Adoption of Nace Standard as a direct assesment standard		

102	4/14/2006	Definition of a Gathering Line
103	7/10/2006	Incorporate by Reference various Standards
103a	2/1/2007	Update Incorporated by Reference and Correction
72 FR 20055	4/23/2007	Design and Construction Standards to Reduce Internal Corrosion in Gas Transmission Pipelines
104	5/23/2007	Integrity Management Program Modifications and Clarifications
105	12/13/2007	Applicability of Public Awareness Regulations to Certain Gas Distribution Operators
106	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)
107	10/17/2008	Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines (73 FR 62147)
108	12/24/2008	PA-11 Design Pressures (73 FR 79005)
4	Part 193 Amendments (applicable only where state has jurisdiction over LNG)	
01-17	Pre 2002	[All applicable amendments prior to and including 2002]
18	4/9/2004	Updated LNG standards by section
19	7/10/2006	Incorporate by Reference various Standards
20	3/28/2008	Administrative Procedures, Updates and Technical Amendments (73 FR 16562)
5	Part 199 - Drug Testing	
6	Part 199 Amendments	
01-19	Pre 2002	[All applicable amendments prior to and including 2002]
20	3/12/2003	Definition of Administrator
21	12/31/2003	Instructions for Single Use Form for MIS
22	7/14/2004	New address for reporting
23	3/8/2005	Administration name change

24 3/28/2008 Administrative Procedures, Updates and Technical Amendments (73
FR 16562)

7 State Adoption of Part 198 State One-Call Damage Prevention Program

- a. Mandatory coverage of areas having pipeline facilities
- b. Qualification for operation of one-call system
- c. Mandatory excavator notification of one-call center
- d. State determination whether calls to center are toll free
- e. Mandatory intrastate pipeline operator participation
- f. Mandatory operator response to notification
- g. Mandatory notification of excavators/public
- h. Civil penalties/injunctive relief substantially same as DOT (\$25000/
\$500000)

1If Adoption Status is No, Please provide an explanation

State Attendance at 2009 NAPSR Regional Meeting:

Frequency of General Legislative Session:

Attachment 8 Notes



Attachment 9 - Drug Free Workplace

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

INSTRUCTIONS FOR CERTIFICATION

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

- A. The grantee certifies that it will provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantees workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about—
 - (1)The danger of drug abuse in the workplace;
 - (2)The grantees policy of maintaining a drug-free workplace;
 - (3)Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4)The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1)Abide by the terms of the statement; and
 - (2)Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions within 30 days of receiving notice under subparagraph (d) (2) with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street address, city, county, state, zip code).

SIGNATURE

TITLE

DATE

Attachment 9 Notes

Attachment 10 - Performance and Damage Prevention Questions

CALENDAR YEAR (CY) 2009

Planned Performance: What are your Planned Annual and Long-term goals for your Pipeline Safety Program?

Past Performance: What did the Pipeline Safety Program accomplish during the subject year (to this document) to contribute toward the program's annual and long-term goals?

1. Has the state or agency reviewed the Damage Prevention Assistance Program (DPAP) document in the last twelve months?
2. Has the state or agency developed or is in the process of developing a plan to address the nine elements contained in the PIPES Act of 2006 for an effective State Damage Prevention Program?

If yes to question 2, where does the state or agency stand on implementation of the nine elements contained in the PIPES Act of 2006? Please provide a description of how the state or agency has or will meet each element. If not, please provide a brief passage explaining the reasons why the state or agency has not.

Attachment 10 Notes

