

Service Date: December 13, 2023



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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December 13, 2023

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By January 12, 2024)

and

NOTICE OF OPPORTUNITY TO RESPOND TO SMALL BUSINESS
ECONOMIC IMPACT STATEMENT (SBEIS) QUESTIONNAIRE
(By January 12, 2024)

Re: Rulemaking to Revise WAC 480-93-015 Relating to Odorization and Sniff Test Requirements,
Docket PG-230896

TO ALL INTERESTED PERSONS:

On November 8, 2023, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser an Emergency Rulemaking Order (CR-103E), amending WAC 480-93-015 to create an exemption for the odorization and sniff test requirements in certain pipeline facilities for circumstances where sniff tests would be hazardous to human health.

On December 13, 2023, the Commission filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider permanent revisions to WAC 480-93-015 to preserve the exemption beyond the 120 day effective period of the emergency rule amendment and add the requirement that when the exemption applies, operators must be able to otherwise demonstrate impurity levels.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <http://www.utc.wa.gov/casedocket/2023/230986>. If you are unable to access the Commission's web page and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234 or at records@utc.wa.gov.

WRITTEN COMMENTS

Written comments on the CR-101, pursuant to WAC 480-07-250(3), must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket PG-230896);
- The commenting party's name; and
- The title and date of the comment or comments.

The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/casedocket/2023/230896>.

SMALL BUSINESS ECONOMIC IMPACT QUESTIONNAIRE

The Commission requests that affected companies provide information concerning whether the draft revised rules create additional costs for your company. The cost information you provide concerning these draft rules will assist the Commission to assess the possible costs of the rules and to determine whether a Small Business Economic Impact Statement (SBEIS) is required.

Washington's Regulatory Fairness Act, chapter RCW 19.85, is intended to focus an agency's attention on the economic impact of proposed rules on affected businesses, involve affected businesses in developing rules, and minimize any disproportionate impact of the rules on small businesses.

Before adopting a rule that will impose more than minor costs on an industry, the Commission must analyze the compliance costs for **both large and small** businesses (including lost sales or revenue), involve small businesses in the development of the rule, take feasible steps to reduce the economic impact of the rule on small businesses, and prepare an SBEIS. A "small business" is any profit-making entity that has 50 or fewer employees.

The Commission requests that companies submit to the Commission **no later than 5 p.m. on January 12, 2024**, their analysis of whether the draft rules impose an additional cost impact on the company other than what the company already incurs to comply with WAC 480-07-510(6). Please be sure to include your company name; company contact person, including that person's contact phone number and email address; and the number of people your company employs. For each draft rule for which you identify an additional cost impact, please provide, at a minimum, the following information:

1. Identify the rule number, *i.e.*, WAC 480-100-XXX, of the draft proposed rule that you identify as having a cost impact.
2. Explain why there will be an additional cost impact on the company;
3. Provide a detailed analysis of how you calculated the additional cost impact of each draft rule you identify as having an additional cost impact; and
4. Identify any draft proposed rule that may create a cost savings to the company compared to the current rule.

Pursuant to WAC 480-07-250, responses to the SBEIS questionnaire must be submitted to the Commission in electronic format, specifically in .pdf format (using Adobe Acrobat or similar software). As provided in WAC 480-07-140(5), you must submit those responses via the

Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit them via email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket PG-230896).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post all responses and other comments on its website at www.utc.wa.gov/casedocket/2023/230896.

If you are unable to file your comments electronically, the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact Scott Rukke at (360) 870-4923, or by email at scott.rukke@utc.wa.gov.

KATHY HUNTER
Acting Executive Director and Secretary