



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 14-05-089; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or          | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).                 | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** (Describe Subject)

WAC 480-75-250, Civil penalty for violation of chapter 81.88 RCW, Docket PL-140104.

**Hearing location(s):**

Commission's Hearing Room 206  
Second Floor, Richard Hemstad Building  
1300 S. Evergreen Park Dr. S.W.  
Olympia, WA 98504-7250

Date: July 2, 2014 Time: 10:30 a.m.

**Date of intended adoption:** July 2, 2014

(Note: This is NOT the effective date)

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: P. O. Box 47250  
Olympia, WA 98504-7250  
e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov) Please include  
Docket PL-140104 in your communication.

fax (360) 586-1150 by June 9, 2014

**Assistance for persons with disabilities:**

Contact Debbie Aguilar by June 18, 2014

TTY (360) 586-8203 or (360) 664-1132

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

This rulemaking would consider changes to a section of Chapter 480-75 WAC. "Hazardous Liquids Pipelines – Safety" rules governing hazardous liquids pipeline operators to increase the maximum civil penalties for violations of the gas pipeline safety laws and regulations from \$100,000 to \$200,000 per violation, and a maximum penalty for a related series of violations from \$1,000,000 to \$2,000,000. The changes reflect amendments to federal rules by the Pipeline and Hazardous Materials Safety Administration (PHMSA), 49 C.F.R. 190.223 effective October 25, 2013, that increased maximum administrative civil penalties in conformance with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90).

**Reasons supporting proposal:**

The rules of the State agency must provide for the enforcement of pipeline safety standards by injunctive and monetary sanctions that are at a minimum, as stringent as those set out at the federal level under the Code of Federal Regulations. State agency participation in the federal pipeline safety program requires the agency to adopt each federal safety standard applicable to intrastate pipelines under its jurisdiction.

**Statutory authority for adoption:**

RCW 80.01.040(4), RCW 81.04.160, and  
RCW 81.88.040

**Statute being implemented:**

N/A

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 07, 2014**

**TIME: 8:43 AM**

**WSR 14-10-082**

**DATE**

May 7, 2014

**NAME** (type or print)

Steven V. King

**SIGNATURE**

**TITLE**

Executive Director and Secretary

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	David D. Lykken	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1219
Implementation	Steven V. King	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1115
Enforcement	Steven V. King	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1115

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed rule will not result in or impose more than minor costs. Because there will not be more than minor increases in costs resulting from the proposed rule change, an SBEIS is not required under RCW 19.85.030(1).

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: The Commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).