

Summary of Written Comments
Hazardous Liquids Pipeline Safety Rulemaking
Reporting Rules
Docket No. TO-000712

Revised: March 21, 2002

ISSUE	INTERESTED PERSON	COMMENTS	STAFF RESPONSE
<p>1) WAC 480-75-036 Maps, Drawing, and Records of Hazardous Liquid Facilities.</p>	<p>Lynn Carman, Community Activist Clark County, WA</p>	<p>This I'm sorry should be done not upon request but should be public record and kept current for all parties of record. Why isn't this being done now? I find it very dishearten that local agencies do not even have this information or know what the Federal standards are when allowing new development to go in where there is a pipeline in the area. When developers are allowed to submit plans for a development that show home being built directly on top of said pipeline, the system is failing us all. What are the easements allowed by federal law? How about a roadway being built directly on top the full length of the pipeline? These should be public records and the WUTC should have all of this information on hand. All SEPA for building should also be sent to the WUTC so they know what is being built in said pipeline areas, do not leave this to the local agencies. I shake when local citizens are just told these are the pipelines to hook up their homes to gas. This information needs to be put on plat maps on the local levels and a safety plan in place before development occurs.</p>	<p>Staff disagrees. The information on maps, drawings, and records should only be available to the public upon request. Information that the WUTC has are public documents. The county and city planners should consult with pipeline companies when planning new housing to ensure all federal and state regulations have been complied with. This comment addresses siting issues which are under FERC. The Commission is beginning a GIS project that will take into account local government needs for maps.</p>

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2) WAC 480-75-037 Reporting Requirements for Proposed Construction.	David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America	Due to concerns on the part of industry and the general public surrounding facility security and availability of information, BP has provided revision to the draft language. Please keep in mind that information concerning pipelines is available to the WUTC during inspection, but would not necessarily be “provided” to the Commission as proposed. We would also appreciate further discussion on the safety benefit that would be derived from such changes and any differences from the WUTC draft language, and the requirements defined in 49 CFR 195.404.	WAC 480-75-036 is a statutory requirement. RCW 81-88-080.
	Alan Cabodi, President McChord Pipeline Co.	The term “major reconstruction or reconditioning” needs to be clearly defined. It is recommended that a “Definition” section be established for WAC 480-75 similar to 49 CFR 195.2 to include this item and numerous other items mentioned in previous public comments by others to date.	Staff agrees. This will be defined in the definition section.
	Lynn Carman, Community Activist Clark County, WA	(1) If this isn't being done already than we have a serious problem with the WUTC and copies need to be sent to the Department of Ecology so they are aware of these for environmental concerns to be addressed. An over all plan needs to be in place for safety of the environment in case of a disaster.	All companies are required by law to have an emergency plan.

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3) WAC 480-75-038 Pressure Testing Reporting Requirements	David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America	BP would welcome further discussion on this issue. 49 CFR 195.1 “Applicability” provides guidance on the subject of notification for construction activities. We would also request further clarification of the draft language describing “major reconstruction (or reconditioning)”. To help simplify the process of such information submission, BP offers the attached form (PS-48) as one possible method of providing such information, streamlining such processes and minimizing any burden on the Commission or the operator. Use of this type of tool would also address security concerns about making facility location and design public. As always, further more detailed information would be available for review during facility and records inspections performed by the WUTC and Office of Pipeline Safety.	Staff agrees. Major reconstruction and reconditioning will be defined in the definition section. Please provide PS-48 for staff to review.
	Lynn Carman, Community Activist Clark County, WA	45 days are not enough and is the Commission going to notify the local areas where this is going to be tested? 60 to 75 days for notification of all parties.	Staff believes that 45 days is sufficient.
	David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America	No specific comments are offered at this time. We would, however, welcome the opportunity to discuss and understand this proposed requirement.	

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5) WAC 480-75-040 Depth of Cover Survey.	David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America	The Office of Pipeline Safety has recently issued new requirements for incident reporting. BP would propose that the WUTC use this new criteria for incident reporting. In our comments, we offer language that would include WUTC in the reporting of intrastate incidents using the new DOT Form 7000-1. This method of reporting would provide the WUTC with more in-depth information than is proposed in the draft language, and limit any confusion on the distribution of information in the reporting process.	Staff finds that Form 7000-1 is a checklist type form and does not provide the opportunity for text type information. Staff believes that a narrative in a chronological order is needed. To be discussed further at the April 3, 2002 stakeholder workshop.
	Alan Cabodi, President McChord Pipeline Co.	The term “subsoiling” needs to be clearly defined. Methods for acceptable depth of cover verification should also be elaborated upon. Frequency of readings or potholing requirements should be defined.	This has been defined in the definition section.
	Lynn Carman, Community Activist Clark County, WA	Would like to see this a shorter period due to land movement in certain areas and should be tied into the GMA information on local levels. Does the Washington Utilities and Transportation Commission have access to all the GMA information and know where the unstable land is located in WA state? Especially when the local agencies are having problems with storm water erosion in certain areas that are causing slide to happen within feet of said pipelines? The Felida area in Clark County is one example.	These comments are best addressed with a siting authority. Comments will be sent to FERC. WUTC has addressed landslides and earthquakes in WAC 480-75-043.
	David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America	BP would welcome the opportunity to discuss this proposed requirement. We would like to better define and understand the term “subsoiling” and discuss the reasoning for the scope and rationale of the 5-year survey requirement.	Subsoiling has been defined in the definition section. Discussion at the April 3, 2002 Stakeholder workshop.

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	<p>David O. Barnes, Engineering Manager Olympic Pipeline Co. BP Pipelines-North America</p>	<p>(8) If said plans are evaluated annually than they should be submitted annually to the Commission and not every 5 years. An educated annual Commission will benefit the public than one that sees the changes every 5 years. Then we must ask if this Commission will be cut due to budget cuts. We need to seriously look at the overall big picture when we look at regulations and make sure all parties of record come to the table.</p> <p>As stated in the WUTC draft language, Operations Safety Plans are incorporated in existing plans required under 49 CFR 195.402. Because the information required by such a rule already exists in many forms, we would like to understand the safety related benefits that would be derived by the public, the operator or the Commission through such administrative requirements. BP is also concerned that such redundancy would cause confusion and greatly impact our ability to comply with pipeline safety regulations. The information described in the proposed rule would, of course, remain available for review during routine WUTC or OPS inspection.</p>	<p>Evaluation of a plan does not necessary mean that there are changes have to be made to the plan. Requiring annual submission could be burdensome to companies. If no changes have been made to the plan, the 5 year requirement is sufficient and consistent with federal regulation.</p> <p>WAC 480-75-042 is requiring enhancement to the existing O&M plans. The intent of this rule is to address gaps in the existing O&M requirements. This is addressed in RCW 81-88-060.</p> <p>Submittal of plans is to allow the WUTC to do a thorough review of the plan. The plan is used as a tool to evaluate incidents.</p>