



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

- Preproposal Statement of Inquiry was filed as WSR 14-05-090; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

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

Chapter 480-93-223 WAC, Civil penalty for violation of RCW 80.28.210 and commission gas safety rules, Docket PG-140105.

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.

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 Please include Docket PG-140105 in your communication.

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

Assistance for persons with disabilities:

Contact Debbie Aguilar by June 18, 2014

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

Date of intended adoption: July 2, 2014

(Note: This is NOT the effective date)

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

This rulemaking would consider changes to a section of Chapter 480-93 WAC. "Gas Companies – Safety" rules governing natural gas 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 80.04.160, and RCW 81.88.040

Statute being implemented:

N/A

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

May 7, 2014

NAME (type or print)

Steven V. King

SIGNATURE

TITLE

Executive Director and Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 07, 2014

TIME: 8:45 AM

WSR 14-10-083

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 increase 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).