



# **Gas Companies-Safety Rulemaking**

## **Chapter 480-93 WAC**

### **UG-011073**

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#### **Minutes from December 9, 2003 Workshop**

**Present:**

Edward Finklea, Northwest Industrial Gas Users  
Kaaren Daugherty, Puget Sound Energy  
Jim Hogan, Puget Sound Energy  
Roque Bamba, Puget Sound Energy  
Bruce Paskett, Northwest Natural  
Bill Baker, Avista Utilities  
Michael Faulkenberry, Avista Utilities  
Linda Burger, Avista Utilities  
Keith Meissner, Cascade Natural Gas  
Steve King, WUTC  
Sondra Walsh, WUTC  
Alan E. Rathbun, WUTC  
Don Trotter, WUTC  
Kim West, WUTC  
Patti Johnson, WUTC  
Sam Hicks, WUTC  
Scott Rukke, WUTC  
David Lykken, WUTC

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Steve King welcomed everyone attending the Commission workshop on Gas Safety Rules, Docket UG-011073. For reference, copies of the rules and other comments can be accessed from WUTC website with the address of [www.wutc.wa.gov/011073](http://www.wutc.wa.gov/011073). Steve King began the workshop by introducing himself as Director of Safety and Consumer Protection and his role as a facilitator in the workshop.

The purpose of the workshop was to discuss the issues relating to the draft rules that the Commission issued on October 9, 2003 and the written comments received from interested parties.

The rules will be in numerical order throughout the workshop. Pipeline staff will describe what they intended the rule to accomplish and describe any changes to the existing rule. As for the rules that received written comments, staff will ask the commenter to clarify if staff has any questions.

1. **WAC 480-93-005**

**Business District** - Scott Rukke explained that staff researched several other states' definitions of a "business district." The current definition of a business district in the draft rule is identical to the state of Arizona. Since there are so many different interpretations as to what a business district is, staff is still struggling on defining the meaning. Staff is willing to take suggestions because it would be a big impact on the leak survey.

Staff is also looking at the definitions of "buildings of public assembly" and "places of public assembly" to combine them into one definition. Scott Rukke will review the definitions of business district area, places of public assembly and buildings of public assembly and believes they need to be redrafted at the same time since there are conflicts with the distances that staff needs to clarify.

Staff will attempt to redraft the definition to come up with a better description and the redraft rules will be sent out to the stakeholders.

**Confined Space** - Sondra Walsh asked NWN to clarify why the company believes that the proposed definition creates an "infinite" number of confined space issues. NWN has concerns about the issue related to open top spaces at the end of the definition. Bruce Paskett explained that it was very typical for operators, especially NWN, to excavate tie-in holes, service bar holes, bell holes and ditches at a depth of four feet, one-inch and etc. Mr. Paskett believes the definition has been an attempt to identify spaces that are restricted as far as a movement. Mr. Paskett is concerned that the WUTC definition would introduce OSHA or WISHA issues. With this broad definition (which in this case is an OSHA type of definition) not a DOT definition, there will be a confined space issue every time operators dig a ditch and every time operators put in a main, if the construction ditches is four feet or higher in depth.

Staff will revise the definition of "confined space" and remove language relating to excavation.

**Active Corrosion** - Staff will be reviewing WAC 480-93-110 and remove the definition of active corrosion.

**Covered Task** - Staff had no questions from the comments received from the stakeholders. Sondra Walsh notified the stakeholders that since staff's position has not changed from the last set of comments, staff is going to continue to propose this rule that includes "new construction."

**Main and Service Line**– Sondra Walsh informed the stakeholders that the proposed draft rules were sent to stakeholders prior to 10/15/03 release of the Federal revision. Staff has reviewed the definition and proposes to eliminate both the definition of "Main" and "Service Line" from the state rule and adopt the federal rule.

**Gathering Line** – Staff proposes to eliminate the definition.

**Prompt Action** – Staff agrees with PSE's recommendation to delete the word "consistently."

**Operator** – PSE disagrees with the broad definition for "operator" as proposed. Don Trotter explained to the stakeholders the reason the "gas company" was changed to "operator", is because a gas company is a defined term in Title 80, which means almost exclusively public service company. In RCW Title 80.28.210, the definition is broader. The word operator was changed because the Commission's jurisdiction is not limited to public service companies.

Sondra Walsh asked Edward Finklea of NWIGU to explain what is the proposed language that needs to be added to the definition as Mr. Finklea recommended in his written comment, which stated "add the following parenthetical to the last sentence of section iii, except as otherwise excluded by WAC 480-93-007". Mr. Finklea requested to re-review his comment.

Staff believes the definition is largely a recitation of the statutory language. For clarification, Staff will look at the exclusion that a contractor could be covered by the compliance of the gas company for which it's doing construction. The rule is not meant to expect every construction company that installs gas pipelines to also have all the other requirements met that a gas company has to have.

2) **WAC 480-93-007**

Staff will make the changes on subsection 2, from "customer-owned transmission facilities" to "customer-owned transmission lines". In continuance of the application of rules and also to address compliance with federal standards at the same time, Sondra Walsh stated that new language has been redrafted which is

WAC 480-93-999 (adoption by reference rule). Ms. Walsh believes the new language will address all CNG, PSE and NWN comments. The companies agreed with the new language.

3) **WAC 480-93-010**

No comments were made regarding this rule at the workshop.

4) **WAC 480-93-017**

Kim West stated that this rule was re-written to clarify the existing language as well as making it more readable by separating them into paragraphs. Jim Hogan suggested the old language needs to be kept the way it was. Staff will review the old language as suggested.

Staff clarified that they will look at the major changes such as the kind of product. Staff will also review Mr. Meissner's comment.

5) **WAC 480-93-018**

Staff agrees with PSE's written comments. The rule will be redrafted to incorporate the changes. No other comments were received from the stakeholders regarding this rule during the workshop.

6) **WAC 480-93-020**

Staff agrees to make most of the changes from the written comments received with the exception that staff will not change on the distances. On item 1 subsection (b)(i), staff will remove "intended for human occupancy" from the first sentence.

7) **WAC 480-93-040**

Staff agrees to make changes suggested by PSE in the written comments for clarity.

8) **WAC 480-93-080**

Staff has agreed to make the following changes with respect to the title, which will read "Welder and Plastic Joiner Identification and Qualification." Staff will take the comments into consideration about subsection 2 and clarify that it relates to plastic joining. PSE requested staff to review the size of pipe to which branch fittings can be fitted. In the draft proposed language, staff will change the typo error to Part 192 instead of Part 190.

9) **WAC 480-93-005 Master Meter**

**Definitions**

Staff will strike out the word “underground” in first sentence of section (A) and will strike out the entire section (B) and adopt the federal master meter definition.

**WAC 480-93-WWW**

Staff will delete this entire rule. Staff will seek some guidance and work with the building code council to make it more efficient.

**WAC 480-93-XXX**

Staff is deleting the last sentence starting with “Gas companies....” Staff will work to clarify this rule.

**WAC 480-93-YYY**

Staff will look at the suggestion of splitting this rule so it makes a distinction between what the companies may do when they find a problem, and also what the Commission would do when a problem is found. Staff will clarify the distinction between a hazardous condition and a potentially hazardous condition. Staff will delete the word “pipeline” and change it to “master meter system” and make it consistent throughout the rule. As indicated in the written comment by Avista, staff agrees to end the last sentence after the word “repaired.”

**WAC 480-93-ZZZ**

Staff will combine the rules YYY and ZZZ into one rule addressing both shutting down and restarting or reinitiating service.

10) **WAC 480-93-100**

Staff will continue to work on this rule.

11) **WAC 480-93-110**

In addition to the staff changes noted in the summary of written comments, staff will clarify in section 3 that there are extenuated circumstances, which could take an operator beyond the 90 days. In section 7, staff will redraft the opening paragraph and delete subsection 7(a), (b) and (c) and will renumber this section. In section 8, staff will remove the word “active” before corrosion in the first line. Staff will also look at making subsection 8(a) and (b) and combine them into one paragraph. Staff will correct all the numbering errors.

- 12) **WAC 480-93-115**  
Staff will accept and/or consider the companies' suggestion to seal casings near buildings, at the building's end.
- 13) **WAC 480-93-124**  
Staff is still reviewing the reference to Part 192.707(b). The new draft language on this section will be sent to all interested parties once it's completed. Staff will consider reviewing Avista and CNGs' suggestion about timing the survey of markers with leak surveys rather than with the corrosion survey.
- 14) **WAC 480-93-130**  
Staff agrees with the NWN suggestion to delete the term "maximum". No comments were made from other stakeholders regarding this issue.
- 15) **WAC 480-93-140**  
Staff agrees with the companies' comments in the summary of written comments. The suggested changes will be made in the new draft rule.
- 16) **WAC 480-93-155**  
Subsection 1(d) will be clarified that the available leaks records must be submitted. Staff will look at subsection 1(h) to see if this section is necessary considering that the Commission already has general authority to request additional information. If the Commission has the general authority, staff will redraft the rule by adding language to section 2 or creating a new section 3 which would include "if additional records are needed, Commission staff may need to evaluate the pressure increase" or some language similar to this. Section 2 will be clarified for uprates that exceed 60 psig.
- 17) **WAC 480-93-160**  
Staff agrees to include emergency repairs and replacements or new construction less than 100 feet exemption as proposed by NWN.
- 18) **WAC 480-93-170**  
Sondra Walsh informed the stakeholders that staff suggested deleting the word "thereof" from the title. Staff will make the changes that PSE suggested from the comments summary. Staff will review Part 192 and determine if the language is redundant with the rule. In the last sentence of section 2(c), staff will add, "on the day the test is performed."

- 19) **WAC 480-93-175**  
Scott Rukke explained to the stakeholders that the intent of this rule applies to steel pipe not plastic pipe. Staff is willing to look at any documentation that Avista can provide to support the points raised by Mr. Faulkenberry in his written comment.
- 20) **WAC 480-93-yyy**  
Staff agrees to look at section 4, which are different ways to handle plastic pipe above ground for 30 days or longer. NWN will also submit language to the Commission including considering a telephonic reporting or monitoring program as an alternative.
- 21) **WAC 480-93-180**  
Staff agrees with CNG's comments and will make the suggested changes in the new draft rule. Staff will also continue to work on this rule.
- 22) **WAC 480-93-185**  
Staff will continue to work on this rule. Staff will clarify section 2, regarding "authority" on incident investigation, which was a concern raised by Mr. Bruce Paskett of NWN. Scott Rukke informed the stakeholders that staff will work on the clarity of section 3 as proposed by CNG, by possibly separating the paragraphs so that the record keeping requirements for "leak investigations on pipeline facilities" and "leak investigations on foreign sources" are clearer.
- 23) **WAC 480-93-186**  
PSE will submit further comments with alternate language for section 3(d) to Staff for review. Staff will look at section 2 and 5 and change the format to be more consistent with the first sentence in section 2, "Gas leak classification and repair" and the first sentence in section 5, "Follow-up inspections."
- 24) **WAC 480-93-18601**  
Staff will change the title to possibly "Leak Classification and Action Criteria." Keith Meissner of CNG recommends staff to remove the "confined space" definition and eliminate the word "confined space" entirely from the rule. Staff will also evaluate this rule to determine if it needs to be eliminated as proposed by Bruce Paskett of NWN. Kaaren Daugherty of PSE has more editorial comments and will submit those to staff.
- 25) **WAC 480-93-187**  
Staff informed the stakeholders that the title of this rule will be changed to "Gas Leak Records." In the first paragraph, staff agrees to remove the RSPA forms

reference. In section 4, staff explained that the word “follow-up” and “recheck” are used interchangeably. Staff agrees to remove section 15 as proposed by PSE.

26) **WAC 480-93-188**

Staff will clarify “business district” and “public assembly.” Staff will have a separate discussion with PSE to discuss the language in section 3(f) on the bare steel replacement program. Staff will evaluate if 1(f) is redundant.

27) **WAC 480-93-200**

David Lykken notified the stakeholders that staff has proposed that companies must report to the commission within two hours of the incidents that resulted from subsection 1(a), (c), (d), (g), (i) and elements of 1(l) with respect to 25 or more distribution customers. The 24 hours notification to the commission are resulted from subsection 1(b), (e), (f), (h), (j), (k) and elements of 1(l) which is the unscheduled interruption to the service furnished by any operator to an industrial customer. Staff will clarify if master meter customers as referenced in 1(l) will fall under master meter reporting requirement. However, staff will re-evaluate the reporting requirement. Staff also proposes to delete section 1(m). Within the sentence of section 1, staff will change the word “occurrence” to “discovery.”

Staff will review this rule again and resend the draft proposed language to all interested parties.

Sondra Walsh explained that after this meeting, staff would re-review and work on the rules as discussed. Ms. Walsh asked companies to submit further comments on the issues discussed today and to submit them to the commission within 30 days.