

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of Adopting)	
WAC 480-075-005 And)	DOCKET NO. UG-010816
WAC 480-093-010)	
)	
Relating to Incorporating by Reference)	GENERAL ORDER NO. R-487
Current Federal Standards set forth in)	
49 CFR Parts 191, 192, 193, 195, and)	ORDER ADOPTING RULE ON AN
199 pertaining to Pipeline Safety)	EMERGENCY BASIS
.....		

1 This is an emergency rulemaking proceeding to adopt rules that will become effective when filed. The emergency rules that are the subject of this rulemaking change the adoption by reference dates from September 24, 1999 to June 13, 2001 in WAC 480-75-005 and WAC 480-93-010. This change will incorporate by reference current federal standards set forth in 49 CFR Parts 191, 192, 193, 195, and 199 pertaining to Pipeline Safety.

2 The Washington Utilities and Transportation Commission is conducting this rulemaking pursuant to RCW 80.01.040 and RCW 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

3 The emergency rule process set forth in RCW 34.05.350 permits agencies to dispense with the requirements of notice and opportunity to comment in certain situations including situations where rules are necessary for the receipt of federal funds.

4 The reasons requiring emergency action are as follows:

Chapter 480-75 WAC governing Petroleum Pipeline Companies and Chapter 480-93 WAC governing Gas Companies Safety adopt by reference federal rules governing pipeline safety. Several recent federal rulemakings have adopted new pipeline safety standards that need to be incorporated into the Commission's pipeline safety rules. It is critical to the Commission's Pipeline Safety program to adopt these new rules to protect the public health and safety. Failure to adopt the emergency rules and to incorporate current standards into the Commission's Pipeline Safety rules would jeopardize the Commission's eligibility for federal funding.

5 The Washington Utilities and Transportation Commission finds that an emergency exists. The Commission finds that immediate adoption of a June 13, 2001, adoption by reference date is necessary to incorporate recent changes to 49 CFR into the Commission's Pipeline Safety rules. This change incorporates federal rules that have been adopted since September 24, 1999 as follows:

❖ **49 CFR Parts 192 and 195, Pipeline Safety: Qualification of Pipeline Personnel**
Effective: October 26, 1999 (Docket No. RSPA-98-3783)

This rule requires pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities.

❖ **49 CFR Part 192: Determining the Extent of Corrosion on Gas Pipelines**
Effective: November 22, 1999 (Docket No. PS-107)

This rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipeline was exposed, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

❖ **49 CFR Part 193, Pipeline Safety: Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations**
Effective: March 31, 2000 (Docket No. RSPA-97-3002)

This rule incorporates by reference an industry consensus standard for liquefied natural gas (LNG) facilities subject to the pipeline safety regulations. This standard, developed by the National Fire Protection Association (NFPA), specifies siting, design, construction, equipment, and fire protection requirements that apply to new LNG facilities and to existing facilities that have been replaced, relocated, or significantly altered. This standard will allow the LNG industry to use the latest technology, materials, and practices while maintaining the current level of safety.

❖ **49 CFR Parts 192 and 195, Pipeline Safety: Underwater Abandoned Pipeline Facilities**
Effective: October 10, 2000 (Docket No. RSPA-97-2094)

This rule will require the last operator of an abandoned natural gas or hazardous liquid pipeline facility that is located offshore or crosses under,

over or through a commercially navigable waterway to submit a report of the abandonment to the Secretary of Transportation.

- ❖ **49 CFR Parts 192 and 195, Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair**
Effective: January 13, 2000 (Docket No. RSPA-98-4733)

This rule adopts a safety performance standard for the repair of corroded or damaged steel pipe in gas or hazardous liquid pipelines. The performance standard is likely to encourage technological innovations and reduce repair costs without reducing safety.

- ❖ **49 CFR Part 199, Pipeline Safety: Notice of Random Drug Testing**
Effective: January 1, 2001 (Docket No. RSPA-97-2995)

Each year, a minimum percentage of covered pipeline employees must be randomly tested for illegal drugs. The percentage, either 50 percent or 25 percent, depends on the positive rate of random testing reported to RSPA in the previous year. In calendar year 2001, the minimum annual percentage rate for random drug testing is 25 percent of covered employees.

- ❖ **49 CFR Part 195, Pipeline Safety: Areas Unusually Sensitive to Environmental Damage**
Effective: April 21, 2001 (Docket No. RSPA-99-5455)

This rule defines drinking water and ecological areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline release. This rule does not require specific action by pipeline operators but will be used in other federal regulations.

- ❖ **49 CFR Part 195: Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines)**
Effective: May 29, 2001 (Docket No. RSPA-99-6355)

This rule requires operators of hazardous liquid pipelines to assess the integrity of pipelines where failure could impact certain populated and environmentally sensitive areas.

ORDER

Utilities and Transportation Commission pursuant to RCW 34.05.350 and RCW 34.05.380(2), to be effective when filed.

- 7 THE COMMISSION FURTHER ORDERS That this Order and the rules set forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this day of June, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner