



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 24-01-063 ; 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); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject)

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b> (be specific)	<b>Comment:</b>
March 1, 2024	1:30 p.m.	Zoom: <a href="https://utc-wa-gov.zoom.us/j/85624363395?pwd=U519MiuuhqbG1COYTpPxCC0x87KE89.1">https://utc-wa-gov.zoom.us/j/85624363395?pwd=U519MiuuhqbG1COYTpPxCC0x87KE89.1</a> To participate by phone, call (253) 215-8782 and use Meeting ID: 856 2436 3395 and Passcode: 311911	Public hearing to consider adoption of the proposed rules.

**Date of intended adoption:** March 1, 2024 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Executive Director and Secretary

Address: P.O. Box 47250, Olympia, WA 98504-7250

Email: [records@utc.wa.gov](mailto:records@utc.wa.gov)

Fax:

Other:

By (date) February 28, 2024

**Assistance for persons with disabilities:**

Contact Human Resources

Phone: (360) 664-1160

Fax:

TTY: (360) 586-8203

Email: [human\\_resources@utc.wa.gov](mailto:human_resources@utc.wa.gov)

Other:

By (date) February 20, 2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of these proposed revisions is to make permanent exemptions to the odorization requirements of WAC 480-93-015 for operators of class 1 and 2 renewable natural gas (RNG) transmission facilities (pipelines) with hydrogen sulfide (H<sub>2</sub>S) present in the gas. These exemptions were added by emergency rulemaking at WSR 23-23-059. WAC 480-93-015(2) previously required all gas pipeline operators, without exception, to odorize their lines and perform a sniff test to detect odorization. Because H<sub>2</sub>S is toxic to humans, class 1 and 2 transmission pipelines where H<sub>2</sub>S is present should be exempt from the odorization and sniff test requirements to prevent injuries that would be incurred by meeting the sniff test requirement.

**Reasons supporting proposal:** To meet the odorization requirements of WAC 480-93-015 prior to the emergency rule amendment, operators of class 1 and 2 RNG transmission pipeline facilities were required to put employees at significant risk of injury. Performing a sniff test when H<sub>2</sub>S is present in the pipeline exposes the tester to a substance that is toxic and hazardous. Exempting odorization of these lines, in addition to exempting the sniff test, is necessary because the addition of odor without confirmation via a sniff test makes the effectiveness of odorization questionable. Additionally, if odorization is not being checked via a sniff test, this may result in under-odorization which could cause leaks to go unnoticed. Unodorized lines are required under the WAC to be checked each month via a gas leak survey. The proposed permanent revisions include the requirement that under the exempted circumstances, operators must be able to otherwise demonstrate impurity levels.

**Statutory authority for adoption:** RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, and RCW 80.24.020

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

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

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Scott Rukke	621 Woodland Square Loop SE Lacey, Washington 98503	(360) 870-4923
Implementation:	Kathy Hunter	621 Woodland Square Loop SE, Lacey, Washington 98503	(360) 701-1612
Enforcement:	Kathy Hunter	621 Woodland Square Loop SE, Lacey, Washington 98503	(360) 701-1612

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**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:  
TTY:  
Email:  
Other:

No: Please explain: The Utilities and Transportation Commission is not an agency to which RCW 34.05.328 applies

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The UTC is proposing to revise rules to add an exemption to the odorization and sniff test requirements for pipelines where such tests would be hazardous to human health. The exemption does not impose new or additional obligations on pipeline operators. Additionally, on December 13, 2023, the UTC mailed a notice to all persons interested in or effected by the rulemaking, providing a copy of the draft rules and an opportunity to respond to an SBEIS questionnaire. The notice requested that entities affected by the proposed rules provide information about possible cost impacts of the rules with specific information for each rule that the entity identified as causing an impact. The UTC did not receive any information in response to the questionnaire. Based on the information available to it, the UTC determined that the proposed rule does not impose additional costs on businesses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** January 23, 2024

**Name:** Kathy Hunter

**Title:** Acting Executive Director and Secretary

**Signature:**

