

June 24, 2002

Carole J. Washburn  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Comments on Docket No. TO-000712

Dear Ms. Washburn:

The Washington Department of Ecology (Ecology), Spill Prevention, Preparedness and Response Program (SPPR) offers the following comments on the Washington Utilities and Transportation Commission (WUTC) proposed rules for Hazardous Liquids Pipeline Safety, Chapter 480-75 WAC Docket No. TO-000712.

As background, it is stated in the CR-102 (7/22/01) that the purpose of the proposed rules is to implement the requirements of Chapter 81.88 RCW which requires the Commission to develop a comprehensive program of hazardous liquid pipeline safety. In addition, the proposal would implement the Governor's Executive Order 97-02 by reviewing the rules for need, effectiveness and efficiency, clarity, intent and statutory authority, and cost and fairness.

One overall comment that Ecology would like to stress is the importance of using terminology that makes the rules more objective than subjective. Using quantifiable terms, such as "3 minutes" is preferable to qualitative terms, such as "rapidly".

Specific comments are as follows:

### **Design**

#### **WAC 480-75-300 Leak detection.**

Ecology believes that the current requirement that operators of new pipelines must be able to detect a leak equal to eight percent of maximum flow within fifteen minutes or less is inadequate. An 8% leak from Olympic Pipe Line Company's 14" Renton line, at maximum flow for 15 minutes would result in a spill of 6800 gallons. This means that

with the new rule, releases at rates below this level in the Renton line would go undetected. We find that unacceptable, when there is equipment widely available today that can detect a 2% leak in 15 minutes. This technology can also be used to retrofit existing pipelines without intrusion or modification of the pipeline.

We also would like to see language in this section that elaborates on the procedures for responding to leak alarms. We suggest requiring the procedures to be included in the Emergency Operations Manual for each pipeline. A statement requiring operations to be shut down if a leak is detected should be included as well.

**WAC 480-75-310 Geological considerations.**

Ecology feels that the word “landslides” should be replaced by “earth movement”. It is a more inclusive term.

**WAC 480-75-330 Overfill protection.**

Break out tanks must have an independent high level alarm that is monitored by a qualified operator at all times when in operation. Ecology recommends that WUTC reference Uniform Fire Code (1997 Ed.), which has been adopted by the State Fire Marshal. In that code, break out tanks should have spill containment of at least 100% of the volume of the largest tank in the containment area.

**WAC 480-75-360 Class locations.**

Class locations are based upon high pressure natural gas pipeline regulations. We applaud the effort of the UTC to include this type of requirement on hazardous liquid pipelines. However, the class location definitions developed for high pressure natural gas lines do not give consideration to environmental impacts due to the localized effects of ruptures. Hazardous liquid pipelines, on the other hand, can have devastating and long-lasting environmental impacts. Ecology would like to see proximities to Unusually Sensitive Areas (USAs) and crossings of navigable waterways included in either a Class 3 or Class 4 location.

**WAC 480-75-380 Location of pump stations and breakout tanks for hazardous liquid pipelines.**

Ecology feels that the 500 foot distance between a pump station and a building intended for human occupancy does not take into consideration the ability of a liquid release to quickly travel away from the release point. Topography should be an important consideration. A building 500 feet downhill from a valve failure is at higher risk than a building 500 feet uphill. There should also be a larger buffer distance between hazardous liquid pipelines and pre-existing hazards such as high pressure natural gas pipelines. In

addition, the words “landslide” should be replaced by “earth movement” and “geologic faults” replaced by “seismic activity”.

**WAC 480-75-390 Valve spacing and rapid shutdown.**

The use of the word “rapidly” is too subjective. If possible give an absolute time, or require each operator to submit to the WUTC their minimum achievable time to locate and isolate any release, subject to WUTC approval. Sub-section (3) of this section is awkward to read and it should be reworded.

**Construction And Repairs**

**WAC 480-75-400 Backfill requirements.**

Sub-section (2) conflicts with sub-section (6), which does not allow for rocks in the bedding in the immediate vicinity of the pipeline. Ecology suggests that the phrase “Where the backfill material contains rocks and hard lumps that could damage the coating,” be replaced with “When backfilling.”

**WAC 480-75-420 Hydrostatic test requirements.**

The rules should state that hydrostatic tests must be conducted with water. We recommend a new sub-section (9) that states, “Prior to testing, operators will have a disposal plan in place for oil contaminated water consistent with Chapter 173-303 WAC, Dangerous Waste Regulations and with RCW 90.48 Water Pollution Control Regulations.

**Operation And Maintenance**

**WAC 480-75-500 Moving and lowering hazardous liquid pipelines.**

Ecology would like to stress that the person reviewing the study should have some type of minimum qualifications, which should be included in the regulation. We also believe that the company should be required to submit the study to the WUTC for approval.

**WAC 480-75-510 Remedial action for corrosion deficiencies.**

Ecology feels that this section is too vague. The term “as necessary” should be removed. A more objective standard for determining what deficiencies warrant remedial action should be included.

**WAC 480-75-520 Inspections during excavation.**

Please define the terms, “active corrosion, general corrosion, or corrosion that has caused a leak.” Add the statement, “When the pipeline is exposed, a company representative must be present on site at all times.”

**WAC 480-75-530 Right of way inspections.**

Ecology believes that records of inspections should be prepared and retained for a period of five years.

**WAC 480-75-540 Above ground facilities.**

Ecology believes that records of inspections should be prepared and retained for a period of five years.

**WAC 480-75-550 Change in class location.**

A review of existing pipelines should be conducted and class locations determined. Additionally, geologic risk analysis should be conducted on existing pipelines and they should be de-rated if necessary. This offers comparable protection for those persons living near existing pipelines as to those persons living near proposed pipelines.

**Reporting**

**WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities.**

Ecology feels that the words “provide” and “make available” do not give the Commission the proper authority to require pipeline companies to hand over the records that may be needed to administer this regulation. The word “submit” requires the pipeline companies to give documentary evidence to the Commission, if the Commission so chooses. Therefore, in sub-section (1) the word “provide” should be replaced by “submit.” In sub-section (2) replace “make” with “submit”, remove the word “available” and add “upon request” before the word “so”.

**WAC 480-75-620 Pressure testing reporting requirements.**

There are no procedures or prerequisites provided on what conditions allow a company to re-rate their pipeline. There appears to be a potential for conflict with the class location designation. Ecology would like to see the prerequisites to use this procedure be specific and included in the rule. Will the WUTC have final approval authority on the re-rating?

**WAC 480-75-630 Incident reporting.**

In sub-section (1) remove the word “prompt” and replace the two hour requirement with one hour. In sub-section (2) (c) add “and root cause analysis”.

**WAC 480-75-640 Depth-of-cover survey.**

Sub-section (2) (a) uses the word “impracticable.” Who determines what is impracticable? Sub-section (2) (b) uses the word “equivalent.” How is that determined? Does the WUTC have approval authority on these modifications? Ecology understands that the wording is identical to the same section in 49CFR Pt. 195, but we feel it is not specific enough. Unless these terms are better defined, we recommend that these two sections be removed.

**WAC 480-75-660 Operations safety plan requirements.**

Replace the word “landslides” with “geological hazards” in sub-section (2) (a) (vii). In this same sub-section elaborate more on the procedures for ensuring that pipeline integrity is maintained by stipulating the applicability for areas currently known to have these hazards as well as newly discovered areas. Give a time table as to when these procedures need to be in place. In sub-section (3) a plan is required to be submitted to the WUTC. Does the WUTC have approval authority for the plan? If a plan is submitted that is deficient, how will the WUTC ensure that a quality plan is created? In sub-section (5) the requirements for training need to be more specific. The personnel that are required to receive the training must be identified, there should be an initial and an ongoing training plan and records should be maintained for a minimum of 3 years that document what training has been completed.

**WAC 480-75-999 Adoption by reference.**

Ecology suggests that this section include a statement that allows the WUTC to approve an alternative standard, such as an update or an older version that may offer more protection than a newer version.

Finally, Ecology would like to comment on **RCW 81.88.060 Comprehensive safety program – Commission’s duties – Rules – Standards – Safety plan approval.** Although not a part of this docket, section (2) (c) of the RCW above, addresses training and certification of personnel who operate pipelines and the associated systems. Ecology is concerned with the absence of operator training standards throughout these proposed rules. Ecology believes that it is advisable for the text of 49CFR 195.403 to be incorporated in this regulation, with any suitable enhancements deemed necessary by the WUTC. Given that a significant percentage of pipeline accidents can be attributed to

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human error or lack of training, a strong statement about training should be included in these rules.

The Department of Ecology hopes that these comments will help the WUTC develop rules that ensure a comprehensive safety program for hazardous liquid pipelines. Thank you for your consideration.

If you have any questions or need elaboration of our comments, please contact Rebecca Post at (360) 407-7114.

Sincerely,

Stan Norman  
Acting Program Manager  
Spill Prevention, Preparedness, and Response

Enclosure

cc: Linda Pilkey-Jarvis  
Rebecca Post