Summary of Written Comments
Hazardous Liquids Pipeline Safety Rulemaking
CR-102
TO-000712

Rev: July 18, 2002

ISSUE	INTERESTED PERSON	COMMENTS	STAFF RESPONSE
1) WAC 480-75-100 Definitions.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	"New Pipeline" requires further discussion. Including replacement of existing pipelines in this definition would require excessive administrative burden on the part of the operator, while inadvertently incorporating line segments, including mainlines, into other sections (class locations, pump station location, and valve spacing sections) of the proposed regulations. Such rules would undoubtedly impact system operations and throughput without direct improvement in public and operational safety.	Staff agrees. The definition of "New Pipeline" has been redrafted deleting the phrase suggested by Olympic. This also addresses comment 6,7 and 18.
2) WAC 480-75-200 Application of rules.	Allen J. Fiksdal, EFSEC Manager	The first sentence of WAC 480-75-200 indicates that the provisions of the chapter apply only to hazardous liquid pipelines that are subject to the jurisdiction of the UTC under Chapter 81.88 RCW. However, the last sentence implies that the new rules apply to all hazardous liquid pipeline facilities except those under federal jurisdiction. Does the third sentence imply that hazardous liquid pipelines under EFSEC jurisdiction (Chapter 80.50 RCW) would also be under these proposed rules?	Staff agrees. The rule language has been redrafted for clarification.

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		A suggested modifications is as follows (added language is underlined): These rules apply to the design, construction, operation, maintenance, and safety of hazardous liquids pipeline facilities except those hazardous liquids pipeline facilities exclusively under <u>jurisdiction of the energy facility site evaluation council as prescribed by Chapter 80.50 RCW and</u> federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.	
3) WAC 480-75-300 Leak Detection.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. The 14 inch Renton line is an interstate line not covered by this rule. There are no intrastate lines of this magnitude being regulated. We concur that leak detection capabilities are 1-2% for mass balance systems. However, running a leak detection system at this level also picks up transient conditions that will increase alarm frequency. The greater the amount of alarms the less confidence the control room operator will have in the leak detection system. Actual experience has shown that

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			the greatest risk associated with leak detection systems is not with the system's capabilities but with the control room operators' level of confidence in the leak detection system. Detection of leaks at 8% of maximum flow gives the operator the flexibility to operate the equipment to account for transient conditions.
4) WAC 480-75-310 Geological Considerations.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	Ecology feels that the word "landslides" should be replaced by "earth movement". It is a more inclusive term.	Staff agrees with DOE. The proposed change has been made.
5) WAC 480-75-330 Overfill Protection.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. This proposed change requiring a qualified operator is already a requirement in CFR 49 Part 195. The Commission adopts CFR 49 Part 195.

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6) WAC 480-75-360 Class Locations.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	We would reiterate our concern that there are no equivalent requirements in CFR 49 Part 195 for liquid pipelines. Class locations as described in the proposed rule are normally reserved for gas pipeline service. Liquid pipeline design is based on sound engineering practice specific to the properties of liquids pipelines, such as those described in ASME B31.4 and referenced in proposed WAC 480-75-350. We ask that the Commission revisit this section with special sensitivity to its application to the liquid pipelines industry and pipeline systems that are currently designed and operated in a manner compliant with 49 CFR Part 195. While BP has not thoroughly evaluated the impacts of this requirement, such a rule would impact our ability to operate without direct benefit to safe and environmentally sound operations. It is recommended that the Commission take into consideration the newly promulgated regulations concerning High Consequence Areas and Integrity Management as the vehicle for improving pipeline integrity.	See response to comment 1. By redrafting the definition of "New Pipeline", this comment is addressed.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. This requirement is in CFR 49, Part 195.

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7) WAC 480-75-370 Design Factor (F) for Steel Pipe.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	**WAC 480-75-370** This proposed requirement diverges significantly from the standard set forth in CFR 49 Part 195. As stated in our letter concerning economic impacts of this rule, the proposed class-location and associated design-factor criteria could require a reduction in the pipeline system pressures and throughput having major economic impact and supply disruption. This proposed requirement also appears to conflict with the ASME B31.4 requirements imposed in other sections of the proposed regulations.	See response to comment 1. By redrafting the definition of "New Pipeline", this comment is addressed.
	Alan Cabodi, President McChord Pipeline Co.	**WAC 480-75-370, WAC 480-75-550** Clarification is required as to whether the intent is for existing pipeline operators to evaluate their pipelines every 5 years using these factors. McChord Pipeline Co. believes that the intent as discussed during the stakeholder meetings was for the design factor to be used in the design of new pipelines only and the 5 years assessment would apply to new pipelines designed and constructed after adoption of the rule. McChord Pipeline Co. proposes that the first sentence of WAC 480-75-550 be changed to read "For pipelines designed and constructed after the adoption date of this rule, the maximum operating pressure shall be reevaluated when there is a change in class location.	Staff agrees. WAC 480-75-370 has been redrafted to clarify the intent. The new language reads "….for new pipelines is determined in accordance…."

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8) WAC 480-75-380 Location of Pump Stations and Breakout Tanks for Hazardous Liquid Pipelines.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	As previously stated, this requirement could be a severe and extremely onerous requirement causing route selection, pipeline length and cost-to-build to increase by orders of magnitude without appreciable benefit to public and environmental safety. The 500' limitation imposed by this regulation could result in significant different route selection and pipeline length and therefore increase the cost to build by orders of magnitude. It also depreciates the value of the property within the delineated corridor. We urge the Commission to revisit this proposed rule.	Staff agrees. The rule language has been redrafted.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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".	Staff disagrees. This requirement applies to construction of new pump stations or break out tanks not on the pipeline right-of-way. The integrity Management Plan rule in CFR 49m Part 195 covers consideration of other high consequence areas that may be affected by pipeline segments or facilities is covered by the Integrity Management Plan rule in CFR 49, Part 195.

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9) WAC 480-75-390 Valve Spacing for Rapid Shutdown.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	Additional information is needed to fully understand the implications of the proposed section. Based on historical data and current budget, any required valve installations would average $150,000 per site and involve other administrative costs. Valves also require maintenance and protection from vandalism. This is a conservative average for constructing such facilities.	This rule is not proposed for adoption at this time. Staff proposes to continue to work with stakeholders on draft rule language. This rule will be adopted at a later date.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	
10) WAC 480-75-400 Backfill Requirements.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	Needs to be clarified. One-line states "rock and hard lumps" may be acceptable provided a "mechanical shield material" is used to "protect the pipe and coating". It is recommended this section be shortened to include paragraph 1 and 6.	Staff agrees. The title of the rule now reads "Backfill and Bedding Requirements" and the first sentence of the rule has been redrafted to include the word bedding. The sentence now reads "….for existing pipelines backfilling and bedding must be provided…."

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	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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."	After discussing this comment with DOE, DOE agrees that there is no conflict.
11) WAC 480-75-420 Hydrostatic Test Requirements.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	As written, this regulation appears to dictate procedural parameters that are most often engineering decisions based on the specific location, facilities, topography and environmental factors of the particular hydrotest. The current version of the proposed rule could make achievement of successful testing of piping very difficult. For example, requirements for valving in hydrotest equipement setup should also allow for isolation means such as blinds or end caps to minimize in service line modifications. Pipeline operators are required to have specifications and procedures for hydrotesting. Developing the content of such procedures is an engineering function that needs to be performed for the specific environment and situation. Under the proposed rule the costs for performing such tests, as well as system downtime, could be greatly increased. Administrative costs could also be significant.	Staff agrees. The rule has been redrafted with performance based language that is achievable for the various types of company regulated by Chapter 480-75 WAC.

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	Alan Cabodi, President McChord Pipeline Co.	6) Notification of the public when performing a pipeline hydrotest is not a present requirement in 49 CFR 195. Hydrotesting with a non-compressible inert fluid represents little, if any, danger to the general public due to the small amount of energy that would be released in the event of a failure. This is very different in the case of a 49 CFR 192 line that is tested with a compressible gas that has a high amount of potential energy. Posting a warning signs along freeways, schools and shopping malls would not improve safety and would create a level of concern that is unwarranted. McChord Pipeline recommends eliminating this requirements.	Staff agrees. The proposed rule language has been redrafted. The proposed language now reads " Precautions such as warning signs must be posted indicating a pipeline is under test conditions".
		7) This is also a requirement that is not presently requirement in 49 CFR 195. We see no reason to notify the public officials for the same reasons as in #2 above. McChord Pipeline recommends eliminating this requirement.	Staff disagrees. Staff believes that good communication with local governments is important for enhancing pipeline safety.

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	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. These rules apply to various types of companies including anhydrous ammonia pipelines. Water cannot be used in pipelines that transport anhydrous ammonia. As for other companies transporting other types of liquids CFR 49, Part 195 addresses the use of water. Staff agrees to include language in WAC 480-75-420 that requires companies to dispose of oil contaminated water in accordance with Washington State Department of Ecology rules.

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12) WAC 480-75-460 Welding Inspection Requirements.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	As written, applying a 100% weld inspection criteria to *existing systems* would be impractical. Most pipelines are buried underground, and satisfaction of this requirement would mean additional permitting, excavation and construction to unearth and inspect the existing system. For this reason, no cost estimate could be provided in our SBEIS. This section should be written to apply to *new* pipeline systems. 49 CFR 195.234 currently specifies non-destructing testing criteria and requires pipeline operators to develop procedures for performing such inspections.	Staff agrees. The rule language has been redrafted.
	Alan Cabodi, President McChord Pipeline Co.	We recommend changing the first part of the section to read "For new and **repaired segments of** existing hazardous liquids pipelines, companies…". As presently worded, the section could be interpreted to have existing pipelines inspect 100% of their existing girth welds. The intent as discussed in the stakeholder meeting was to 100% inspect all new welds.	Staff agrees. The proposed language has been changed to clarify that the requirement is for 100 percent of all new girth welds. The new language reads "For new pipeline or repaired sections of a pipeline, hazardous liquid pipeline companies must perform 100 percent inspection of all new girth welds by radiography…."
13) WAC 480-75-500 Moving and Lowering Hazardous Liquid Pipelines.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. This requirement is covered in the Operator Qualifications rules, CFR 49, Part 195.

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14) WAC 480-75-510 Remedial Action for Corrosion Deficiencies.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. The remediation of cathodic protection systems resulting from monitoring data is often done by a trial and error process. In addition, the data may indicate a potential problem which may not be a problem after further evaluation. Further, the operation of cathodic protection systems is greatly dependent on the specific site conditions and environment of the pipeline location. Consequently, it is impractical to develop a "more objective standard". Staff has also checked the NACE code which is the most comprehensive code for monitoring cathodic protection systems. Staff believes the term "as necessary" is appropriate to give the operator the flexibility needed to operate the cathodic protection system effectively.

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15) WAC 480-75-520 Inspections During Excavation.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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."	Staff disagrees. These terms are defined in CFR 49, Part 195. Also, these terms are common terms used in the pipeline industry.
16) WAC 480-75-530 Right of Way Inspections.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	Ecology believes that records of inspections should be prepared and retained for a period of five years.	Staff disagrees. The Commission inspectors review these records at each annual inspection. Companies maintain these records from one inspection period to the next. Staff does not agree that there is a need to retain records for five years.
17) WAC 480-75-540 Above Ground Facilities.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	Ecology believes that records of inspections should be prepared and retained for a period of five years.	Staff disagrees. The Commission inspectors review these records at each annual inspection. Companies maintain these records from one inspection period to the next. Staff does not agree that there is a need to retain records for five years.

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18) WAC 480-75-550 Change in Class Location.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	We would appreciate further explanation and discussion of this section. The proposed section of this rulemaking governing class locations (WAC 480-75-360) is of particular concern given the effects of such changes to integrally connected interstate and lateral systems. Industry standards and practices for existing systems make commingling of 49 CFR Part 192 and 195 regulation designed systems extremely problematic, if not prohibitive. The effects on upstream and associated equipment are, at this time, not quantifiable if subject to the proposed changes. BP believes that this issue deserves extensive review prior to adopting of such requirements.	See response to comment 1. By redrafting the definition of "New Pipeline", this comment is addressed.
	Alan Cabodi, President McChord Pipeline Co.	The WAC references should be changed from **WAC 480-75-014 and WAC 480-75-015** to **WAC 480-75-360 and 480-75-370.**	Staff agrees. The error has been corrected.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. The proposed rule is for the construction of new pipelines only. Applying this requirement to all existing pipelines would place undue financial hardship on the companies.

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19) WAC 480-75-600 Maps, Drawings and Records.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	Due to concerns on the part of industry and the general public surrounding facility security and availability of information, BP has provided revision to the draft language. Please keep in mind that information concerning pipelines is available to the WUTC during inspection, but would not necessarily be "provided" to the Commission as proposed. This recommended change would also be consistent with paragraph 2 of this section. If provided to the WUTC, this information is readily available to the general public through the Freedom of Information Act and could pose a threat to state lifeline security. We would also appreciate further discussion on the safety benefit that would be derived from such changes and request that the information stay as it is now, available for WUTC review at company facilities.	Staff disagrees. The Commission has authority to request records from companies under RCW 80.04.070 and RCW 81.88.100.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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".	Staff disagrees. The Commission has authority to request records from companies per RCW 80.04.070 and RCW 81.88.100. The words "provide" and "make available" are standard language throughout the Commission's rules.

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20) WAC 480-75-610 Reporting Requirements for Proposed Construction.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	BP would welcome further discussion on this issue. 49 CFR 195.1 "Applicability" provides guidance on the subject of notification for construction activities. We would also request further discussion of the draft language describing "major reconstruction (or reconditioning)". To help simplify the process of such information submission, BP previously offered "Form (PS-48)" as one possible method of providing such information, streamlining such processes and minimizing any burden on the Commission or the operator. We would welcome the opportunity to discuss this option. Use of this type of tool would also address security concerns about making facility location and design public. More detailed information would be available for review during facility and records inspections.	Staff agrees. The rule language has been redrafted.
21) WAC 480-75-620 Pressure Testing Reporting Requirements.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	No specific comments are offered at this time. We would, however, still welcome the opportunity to discuss and further understand this proposed requirement.	
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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?	Staff disagrees. Determining Maximum Operating Pressure (MOP) is described extensively in 49 CFR 195. The reason we have reviews in class location is to re-rate the pipeline based on class location change.

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			Also the proposed rule requires companies to notify the Commission 45 days prior to pressure testing. This requirement ensures that the Commission has the time to review the proposal and determine if the increase in MOP is justified.
22) WAC 480-75-630 Incident Reporting.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	The Office of Pipeline Safety has recently issued new requirements for incident reporting. BP would propose that the WUTC consider the new criteria for incident reporting. In our previous comments, we offered language that would include WUTC in the reporting of intrastate incidents using the new DOT Form 7000-1. This method of reporting would provide the WUTC with more in-depth information (as it becomes available) than is proposed. This would also streamline the process for interstate pipeline operators and limit duplicity and potential confusion in the reporting process.	Staff disagrees. Form 7000-1 is used by the Federal Government for reporting spills of five gallons or more. Currently, the Commission's statutory authority requires companies to report spills of 42 gallons or more. Staff is concerned that if form 7000-1 were adopted for reporting spills, companies would not report spills on this form because it is titled "for spills of five gallons or more." Also, Form 7000-1 provides a checklist approach for reporting spills and the proposed rule requires companies to include a narrative pertaining to the incident.

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	Alan Cabodi, President McChord Pipeline Co.	1f) Prior to establishing this rule, incident reporting requirements for hazardous liquid pipelines provided some opportunity for the Commission to be left uninformed until hearing through the media. WAC 480-75-630 (1) (a)-(e) is an inclusive list that covers any incident of significance. Television, newspaper, internet websites, etc. have differing timelines for reporting news that could make the 2-hour reporting impossible to achieve. The media's report may be purely arbitrary and dependant upon the media's focus. Verification prior to notifying WUTC would be advisable to avoid false notifications. We recommend eliminating this sub-section since the other sections require notifications of any "significant occurrence".	Staff disagrees. Staff believes that any and all reports via the media are important. The Commission prefers to be notified of all incidents and have the ability to follow up with the company if the media reported. The rule language requires companies to notify the Commission within two hours of discovery of the incident.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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".	Staff disagrees. The word prompt is used in conjunction with the two hour requirement. This proposed language requires companies to notify the Commission promptly but no later than two hours. One hour is not sufficient time for a company to investigate an incident and report the incident to the Commission. The two hour requirement is consistent with CFR 49, Part 195.

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23) WAC 480-75-640 Depth-of-cover survey.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	BP would welcome the opportunity to discuss this proposed requirement. We would like to better define and understand the term "subsoiling" and discuss the reasoning for the scope and rationale of the 5 year survey requirement, with 3 year requirement for areas subject to erosion and subsoiling. Another area of concern is the definition of "level of cultivation" as many excavating activities such as installation of drain tile, deep tilling and terracing could be considered part of "cultivation". A differentiation between new and existing pipelines must also be considered when discussing this topic.	Staff agrees. The term subsoiling is defined in WAC 480-75-100 Definitions.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. All the questions asked by DOE are covered in CFR 49, Part 195. As for the use of the word "impracticable", it is consistent with federal regulations. Moreover, Commission inspectors are able to determine what is impracticable. The rule also requires that in instances where the correct cover cannot be attained, additional protection be provided. There are many options for doing this and it would be limiting to specify all the options.

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24) WAC 480-75-650 Annual Reports	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	BP would like to better understand how the inclusion of already performed federal reporting for interstate systems would positively impact pipeline safety standards. As stated in our SBEIS letter, this would only increase administrative costs and public health and safety benefits should be better understood.	Company is currently submitting FERC Form 6. This satisfies this requirement.
25) WAC 480-75-660 Operations Safety Plan.	David O. Barnes, Engineering Manager Olympic Pipe Line Co BP Pipelines (North America), Inc.	As stated in the WUTC draft language, Operations Safety Plans are incorporated in existing plans required under 49 CFR 195.402. Because the information required by such a rule already exists in many forms, we would like to understand the safety related benefits that would be derived by the public, the operator or the Commission through such administrative requirements. BP is also concerned that such redundancy would cause confusion and greatly impact our ability to comply with pipeline safety regulations. The information described in the proposed rule would, of course, remain available for review during routine WUTC or OPS inspection.	Staff disagrees. The proposed rule language incorporates the requirements of WAC 480-75-660 into a companies current Operation and Maintenance manual. The proposed rule language does not require companies to produce and maintain a separate manual.
	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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.	Staff disagrees. Staff believes that the suggested term "geological hazards" is a vague term. The purpose of the O & M Manual is for the operator to identify company procedures, not for the Commission to specify the procedures to be followed.

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			We do not approve plans but ensure that the plan requirements are appropriate and written in the O & M Manual. The procedures are verified during annual inspections.
		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?	Staff Disagrees. The Commission has copies of all the intrastate hazardous liquid companies. These manuals are reviewed by Commission staff prior to each annual inspection. The plan must adhere to both Federal and State rules.
		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.	Staff disagrees. These requirements are explicit in CFR 49, Part 195, Operator Qualifications.

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26) WAC 480-75-999 Adoption by Reference.	Stan Norman, Acting Program Manager Spill Prevention, Preparedness, and Response. WA Dept. of Ecology	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 human error or lack of training, a strong statement about training should be included in these rules.	Staff disagrees. The Commission policy is to review each year all references used in its rules. Each current version of a standard is reviewed yearly and it is determined if the current requirement needs to be updated.