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January 10, 2007

Carole J. Washburn,
Executive Secretary
Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive, S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Subject: Comments on Draft Rules Amending 480-93 WAC, Gas Companies – Safety. Docket PG-061027

Dear Ms. Washburn:

Thank you for the opportunity to comment on the draft rules developed to effect corrections and changes to selected rules in Chapter 480-93 WAC.

The Northwest Gas Association (NWGA) is a trade organization representing the natural gas industry in the Pacific Northwest. NWGA members that operate in Washington State and that are subject to the regulatory jurisdiction of the Washington Utilities and Transportation Commission include Avista Utilities, Cascade Natural Gas Corp., NW Natural and Puget Sound Energy. The comments that follow characterize the collective view of those members. For ease of review, our specific and comprehensive comments are inserted into the text of the attached draft rule. Where we propose specific drafting changes, our suggested text is highlighted within the comment box.

In general, we disagree with the characterization of this rulemaking by Staff as "minor" corrections and clarifications. Some of our comments are substantive. We take issue in a number of places with what appear to be broad extensions of authority. Other of our comments stem from our inability to discern the necessity or benefit of a proposed change.

In both cases, the entire process will benefit from a more direct interaction between Staff and affected parties. Therefore, **we request a stakeholder meeting** prior to the adoption hearing in order to better understand the objectives of the proposed changes to 480-93 WAC. Furthermore, we may seek a Small Business Economic Impact Statement for this rulemaking in the future.

On a related note, we strongly encourage supplementing the existing review process by including a summary of the context and purpose for each suggested change. Under the current scheme, our members are left to guess why a particular change is being suggested and/or what it is supposed to achieve. By including a context and purpose statement with each proposed change, stakeholders will be better equipped to provide objective comments and the possibility of misunderstandings will be minimized.

In conclusion, our members strive to operate their respective natural gas systems to ensure public safety and in full compliance with applicable state and federal pipeline safety regulations. That is why we very much appreciate the opportunity to participate in the process of writing clear and concise code language.

Sincerely,

DAN S. KIRSCHNER
Executive Director

NWGA Comments on Draft Rule Amending 480-93 WAC

WAC 480-93-005 Definitions.

(1) "**Bar hole**" means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "**Building**" means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) "**Business district**" means an area where the public regularly congregates or where the majority of the buildings on either side of the street are regularly utilized, for financial, commercial, industrial, religious, educational, health, or recreational purposes.

(4) "**CFR**" means the Code of Federal Regulations.

(5) "**Combustible gas indicator**" (CGI) means a device capable of detecting and measuring gas concentrations in air.

(6) "**Commission**" means the Washington utilities and transportation commission.

(7) "**Enclosed space**" means any subsurface structure of sufficient size that could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, and manholes.

(8) "**Follow-up inspection**" means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(9) "**Gas**" means natural gas, flammable gas, or gas that is toxic or corrosive.

(10) "**Gas associated substructures**" means those devices or facilities utilized by an operator which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(11) "**Gas company**" means, as defined in RCW 80.04.010, every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

(12) "**High occupancy structure or area**" means a building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(13) "**Indication**" means a response indicated by a gas detection instrument that has not been verified as a reading.

(14) "**LEL**" means the lower explosive limit of the gas being transported.

(15) "**MAOP**" means maximum allowable operating pressure.

(16) "**Master meter~~s~~ system**" ~~is~~ as defined ~~as set forth~~ in 49 CFR § 191.3.

(17) "**Operator**":

(a) For purposes of chapter 480-93 WAC, the term "operator" means:

(i) Every gas distribution company that has tariffs on file with the commission;

(ii) Every city or town that owns, controls, operates, or manages any gas plant in this state; and

(iii) Every other person or corporation transporting ~~natural~~ gas by pipeline, or having for one or more of its principal purposes the construction, maintenance, or operation of pipelines for transporting ~~natural~~ gas in this state; even though such person or corporation does not deliver, sell, or furnish any such gas to any person or corporation within this state. The terms "person" and "corporation" are defined in RCW 80.04.010. "Transporting ~~natural~~ gas by pipeline" means transmission or distribution of ~~natural~~ gas through a pipe.

(b) A single entity may qualify as an operator under one or more of the provisions of this subsection.

(c) The term "operator" includes operators of master meter systems, as ~~that term is~~ defined in ~~WAC 480-93-005~~ this section.

(18) "**Prompt action**" means to dispatch qualified personnel without undue delay for the purpose of evaluating and, where necessary, abating an existing or probable hazard.

(19) "**Psig**" means pounds per square inch gauge.

(20) "**Public service company**" is defined in RCW 80.04.010.

(21) "**Reading**" means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(22) "**Record(s)"** means any electronic or paper document, map, database, report or drawing created by or kept by an operator.

It is unclear why a definition for a commonly used term such as "record" is necessary. It is customary to define terms that are industry specific, unique to the body of regulations, and/or more specific than a similar common term (as in "gas" or "operator"). Is the objective to broaden the definition beyond what would be normally understood?

(~~22~~23) "**Sniff test**" means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(~~23~~24) "**Transmission line**" means a gas pipeline as defined in 49 CFR § 192.3 on the date specified in WAC 480-93-999.

(~~24~~25) "**Weak link**" means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(~~25~~26) Other terms that correspond to those used in 49 CFR Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

WAC 480-93-013 Covered tasks.

(1) Background. 49 CFR §§ 192.803 through 192.809 prescribe the requirements associated with qualifications for operator personnel to perform "covered tasks." 49 CFR § 192.801 defines a "covered task." In WAC 480-93-999, the commission adopts 49 CFR §§ 192.801 through 192.809.

(2) In this section, the commission includes "new construction" in the definition of "covered task." Accordingly, for the purpose of this chapter, the commission defines a covered task that will be subject to the requirements of 49 CFR §§ 192.803 through 192.809 as an activity, identified by the operator, that:

(a) Is performed on a pipeline facility;

(b) Is an operations, maintenance, or new construction task;

(c) Is performed as a requirement of Part 192 CFR; and

(d) Affects the operation or integrity of the pipeline.

(3) In all other respects, the requirements of 49 CFR §§ 192.801 through 192.809 apply to this chapter.

(4) Individuals shall be trained, tested and qualified to perform covered tasks on facilities applicable to the operator's gas pipeline system. Examples of such facilities include, but are not limited to, regulator stations, overpressure protection devices and rectifiers.

The addition of subsection (4) in this rule appears to duplicate the requirements in 192 Subpart N. If the objective is to impose additional requirements on operators above and beyond the existing Operator Qualification requirements, these additional requirements are unclear to NWGA members.

Additionally, this is one of the proposed new subsections that addresses specificity (i.e. "applicable to the operator's gas pipeline system"). If a particular operator's procedure manual is not compliant, the Commission already has the authority to request amendments to such procedures therefore additional regulation is unnecessary.

WAC 480-93-015 Odorization of gas.

(1) ~~All natural~~ Operators transporting gas ~~that is transported~~ by pipeline must ~~be odorized~~ odorize the gas at a concentration in air of at least one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Operators must use an odorant testing instrument~~ation~~ when conducting sniff tests. Sniff tests must be performed at least once monthly. Master meter operators who comply with 49 CFR § 192.625(f) are exempt from this requirement.

(3) Operators must take prompt action to investigate and remediate odorant concentrations that do not meet the minimum requirements of subsection (1).

(4) ~~Instruments used to conduct odorant sniff tests must be maintained, tested for accuracy, calibrated, and operated in accordance with~~ Operators must follow the instrument manufacturer's recommendations for maintaining, testing for accuracy, calibrating and operating odorant testing instruments. When ~~there are no~~ the manufacturer's~~s~~ does not provide a recommendation~~s~~, operators must conduct accuracy checks and calibrate instruments if outside specified tolerances, at least once annually.

(5) Operators must keep all records of odorant usage, sniff tests performed, and ~~equipment~~ odorant testing instrument calibration for five years.

(6) Exception. This rule does not apply to pipelines that transport hydrogen gas for use as a feedstock in a manufacturing process. Operators of such pipelines must perform monthly leak surveys.

NWGA members suggest the following drafting change to subsection (6):

(6) …pipelines that transport hydrogen or natural gas for use as a feedstock…

WAC 480-93-017
Filing requirements for design, specification, and construction procedures.

(1) Any operator intending to operate a gas pipeline facility in this state must file ~~with the commission~~ all applicable construction procedures, designs, and specifications used for each pipeline facility ~~prior to operating the pipeline~~ with the commission at least forty-five days prior to beginning construction activity. All procedures must detail the acceptable types of materials, fittings, and components for the different types of facilities in the operator's system.

(2) With the exception of emergency situations, any construction plans that do not conform with a gas company's existing and accepted construction procedures, designs, and specifications on file with the commission, must be submitted to the commission for review at least forty-five days prior to the initiation of construction activity.

WAC 480-93-018 ~~Maps, drawings, and records of gas facilities~~ Records.

(1) ~~In addition to any document required to be maintained by this chapter, each operator must also prepare, maintain, and make available to the commission, any record, map or written procedure required by federal law to be kept by an operator concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.~~ Operators must maintain records sufficient to demonstrate compliance with all requirements of 49 CFR Parts 191, 192 and WAC 480-93.

(2) Operators must give the commission access to such records upon request.

Proposed subsection (2) could be interpreted broadly if taken out of context. In addition, proposed subsection (4) essentially duplicates proposed subsection (2). For clarity, the following drafting change is recommended to subsection (2):

(2) Operators must give the commission access to and/or copies of ~~such~~ the records required to be kept under subsection (1) upon request.

(3) Operators must maintain such records in a format and location that makes them easily accessible and easy to review and inspect.

The requirements set forth in subsection (3) are vague and subjective. NWGA members are unclear about the need for or objectives of this change. Depending upon the response thereto, NWGA members suggest the following drafting changes:

(3) Operators must maintain such records in a format and location that makes them ~~easily~~ readily accessible ~~and easy to review and~~ for inspection.

(4) Operators must provide copies of any such records to the commission upon request.

As stated above, proposed subsection (4) essentially duplicates proposed subsection (2). NWGA members recommend combining the two subsections for clarity.

(5) The operator must record and maintain a record of the actual value of any required reads, tests, surveys or inspections performed. The record must be signed and dated by the person performing the work. The record must also contain information sufficient to determine the location and facilities involved. Examples of the values to be recorded include, but are not limited to, pipe to soil potential reads, rectifier reads, pressure test levels, and combustible gas indicator reads. A range of values may not be recorded unless the measuring device provides only a range of values.

The purpose of proposed subsection (5) is unclear. In general, the requirements of this subsection are unnecessary given proposed subsection (1). In particular, the signature requirements in the second sentence will restrict or limit the use of paperless technology by operators to document tests and inspections. The last sentence in proposed subsection (5) contains a requirement that is unique and specific; NWGA members do not object to retaining the requirement in this sentence in the proposed rule.

(~~3~~6) Operators must update all records within six months of ~~completion of~~ completing any construction activity and make them available to appropriate company operations personnel.

~~(2~~7) ~~Nothing in subsection (1) of this section limits the commission's right to inspect any other accounts, books, papers or documents of any public service company, pursuant to RCW 80.04.070.~~

WAC 480-93-100 Valves.

(1) Each operator must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program must also outline how the operator will monitor and maintain valves during construction projects to ensure accessibility. The following criteria and locations must be ~~considered~~ incorporated in the written program and used when selecting which valves require annual inspections and maintenance under 49 CFR § 192.747:

(a) Each pressure regulating station.

(b) Principal feeds into business districts.

(c) Geographical size of the area to be isolated.

(d) Number of potential customers affected.

(e) Pipeline size and operating pressures.

(f) Class locations.

(g) Potential threats including, but not limited to, earthquakes, floods, and landslides.

(h) Emergency response time.

(i) High occupancy structures or areas.

(j) Pipeline material (for example steel, polyethylene, or cast iron),

(2) Each operator must have a written service valve installation and maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which new services will be required to have service valves installed and maintained under this section. Preexisting ~~services with valves~~ service valves already installed, and meeting the same inspection criteria established for new service valve installation, must be maintained in accordance with subsection (3) of this section. The following criteria and/or locations must be ~~considered~~ incorporated in the written program and used when selecting which services will have valves installed and/or maintained under this section.

(a) Services to churches, schools, hospitals.

(b) Service line length and size.

(c) Service line pressure.

(d) Services to buildings occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.

(e) Services to commercial or industrial buildings or structures.

(f) Services to high occupancy structures or areas.

(3) All service valves selected for inspection in the program required in subsection (2) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

(4) Operators must select valves for inspection based on the unique operating conditions of each system. Operators must install valves in a manner that minimizes shutdown time in an emergency.

(5) Operators must conduct a risk based analysis to support any justification for not selecting valves listed under subsections (1) and (2) or one hundred percent of the valves currently installed

in the operators' system. The operator must review this analysis periodically as system changes are made.

(~~4~~6) Operators must fully implement the requirements of subsections (2) and (3) of this section within one year of the adoption date of this rule.

In the view of NWGA members, the proposed revisions to this rule constitute significant changes and have material economic impacts. The purpose of the changes is unclear. Subsection (4) duplicates the requirements set forth in subsection (1). In subsection (5), it appears that Staff is proposing that operators inspect all valves unless a risk analysis determines that this is unnecessary. NWGA members request the opportunity to discuss the proposed revisions with staff.

WAC 480-93-124 Pipeline markers.

~~(1) Operators must place pipeline markers at all railroad, road, irrigation, and drainage ditch crossings, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed.~~

(1) Pipeline markers must be placed at the following locations:

~~(2)(b)(i)~~ (a) Where practical, on ~~all mains~~ pipelines operating ~~above two hundred fifty psig~~ at 250 psig or above;

In new subsection (1)(a), the change from "main" to pipeline and "above two hundred fifty" to "at 250 or above" constitute substantial changes. These changes result in the requirement for pipeline markers on all mains and services operating at 250 psig or greater rather than the current requirement for markers on mains operating above 250 psig. NWGA members request the opportunity to discuss with Staff the purpose of these additional requirements.

~~(2)(b)(ii)~~ (b) On both sides of crossings of navigable waterways; (may require custom signage to ensure visibility)

~~(2)(b)(iii)~~ (c) On both sides of river, creek, drainage ditch or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline;

It appears that "drainage ditch" was added to proposed subsection (1)(c) due to the deletion of existing subsection (1). However, from a practical standpoint, placing markers on both sides of a drainage ditch is unnecessary as these ditches are typically only 2 – 3 feet wide. NWGA members recommend that a separate subsection be created to cover the requirement to have a pipeline marker at drainage ditch crossings.

~~(2)(b)(iv)~~ (d) On both sides of railroad crossings;

It is unclear whether proposed subsections (1)(b), (1)(c), and (1)(d) apply to both mains and services.

(e) On above ground pipelines and pipeline facilities. Structures such as homes or businesses having meter set assemblies are exempt from this requirement;

Proposed subsection (1)(e) exceeds the requirements of 192.707. This language appears to require that all services, mains, and transmission lines that are above ground, whether they are accessible to the public or not, have a pipeline marker. The only exception is service risers and meter set assemblies. NWGA members request clarification on the objective of this change. In addition, the following drafting change is recommended:

(e) On above ground pipelines and pipeline facilities. ~~Structures such as homes or businesses having~~ Service risers and meter set assemblies are exempt from this requirement;

(f) On mains in areas of unusual activity where it is necessary to identify the location of the pipeline to reduce the possibility of damage;

The objective of proposed subsection (1)(f) is unclear. The term "unusual activity" is vague and broad. This proposed new requirement somewhat duplicates the requirements of 192.707 and therefore the NWGA members recommend deleting this proposed subsection.

(g) Over mains located in class 1 and 2 locations;

Proposed subsection (1)(g) is new and would require additional markers beyond what is already required where mains cross certain features as indicated in the above subsections or operate above a certain pressure. NWGA members request the opportunity to discuss the objective of these additional requirements with Staff.

(h) Over all transmission lines where feasible;

Proposed subsection (1)(h) is new and potentially conflicts with 192.707. This would require additional markers on transmission lines beyond what is already required where transmission lines cross certain features as indicated in the above subsections. NWGA members request the opportunity to discuss the objective of these additional requirements with Staff.

(i) At fence lines over mains crossing private property; and

(j) On both sides of interstate, U.S. and state route crossings.

~~(2)(a) For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.~~

~~(b) The following pipelines must have pipeline markers installed, not withstanding any exceptions in 49 CFR § 192.707(b):~~

(2) Where markers are required on buried pipelines, operators must, if practical, place them approximately five hundred yards apart and at points of horizontal deflection of the pipeline. Operators must make every effort to ensure that markers are visible from any point of the pipeline.

(3) Where gas pipelines are attached to bridges or otherwise span an area, operators must place pipeline markers at both ends of the suspended pipeline. ~~Each operator~~ Operators must conduct inspections at least annually, but not to exceed fifteen months between inspections, ~~and maintain the markers~~ to ensure that ~~they~~ markers are visible and legible.

(4) Operators must replace markers that are reported damaged or missing within forty-five days.

(5) Surveys of pipeline markers not associated with subsection (3) of this section must be conducted as frequently as necessary, to maintain the markers to ensure that they are visible and legible, but at intervals not to exceed five years. ~~The survey records must be kept for a minimum of ten years.~~

(a) The operator must keep on file the last two surveys, or all surveys for the past five years, whichever number of surveys is greater.

(b) Survey records must include a description of the system and area surveyed.

(6) Operators must have maps, drawings or other sufficient records indicating class locations and other areas where pipeline markers are required.

WAC 480-93-170 Tests and reports for pipelines.

(1) Operators must notify the commission in writing at least two business days prior to the commencement of any pressure test of a gas pipeline that will have a MAOP that produces a hoop stress of twenty percent or more of the specified minimum yield strength of the pipe used.

(a) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations, as defined in 49 CFR § 192.5, or within one hundred yards of a building, must be at least eight hours in duration.

(b) When the test medium is to be a gas or compressible fluid, each operator must notify the appropriate public officials so that adequate public protection can be provided for during the test.

(c) In an emergency situation where it is necessary to maintain continuity of service, the requirements of subsection (1) of this section and subsection (1)(a) of this section may be waived by notifying the commission by telephone prior to performing the test.

(d) The operator must provide pressure test procedures to the commission for review at least three business days prior to beginning any pressure test.

Does the new requirement in proposed subsection (1)(d) to provide the pressure test procedure constitute the notification that is required under subsection (1)? NWGA Members request clarification of the expectations of this proposed change if an operator has procedures on file with the commission. At a minimum, we recommend aligning the notification timing in these two subsections.

(2) The minimum test pressure for any steel service line or main, regardless of the intended operating pressure, must be determined by multiplying the intended MAOP by a factor determined in accordance with the table located in 49 CFR § 192.619 (a)(2)(ii).

(3) Operators must perform pressure tests for all new or replacement pipeline installations.

(4) All service lines that are broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, must be pressure tested from the point of damage to the service termination valve (generally the meter set) prior to being placed back into service.

(5) Operators may only use pretested pipe when it is not feasible to conduct a pressure test.

(6) Operators must perform soap tests at the tie-in joints at not less than the current operating pressure of the pipeline.

(7) Operators must keep records of all pressure tests performed for the life of the pipeline and must document the following information:

(a) Operator's name;

(b) Employee's name;

(c) Test medium used;

(d) Test pressure;

(e) Test duration;

(f) Pipe size and length;

(g) Dates and times; and

(h) Test results.

(8) Where feasible, operators must install and backfill plastic pipe prior to pressure testing to expose any potential damage that could have occurred during the installation and backfill process.

(9) Where multiple pressure tests are performed on a single installation, operators must maintain a record of each test. An example of a single installation with multiple tests would be any continuous on-going job or installation such as a new plat or long main installation where more than one pressure test was conducted during construction.

(10) Pressure testing equipment must be maintained, tested for accuracy, or calibrated, in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, then pressure testing equipment must be tested for accuracy at an appropriate schedule determined by the operator. Test equipment must be tagged with the calibration or accuracy check expiration date. The requirements of this section also apply to equipment such as pressure charts, gauges, dead weights or other devices used to test, monitor or check system pressures or set-points.

WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements.

(1) Each operator must have and follow a gas pipeline plan and procedure manual (manual) for operation, maintenance, inspection, and emergency response activities that is specific to the operator's system. ~~The manual must comply with the provisions of the "Pipeline Safety Improvement Act of 2002."~~ The manual must include plans and procedures for meeting all applicable requirements of 49 CFR Parts 191, 192 and ~~chapter~~ WAC 480-93 ~~WAC~~, and any plans or procedures used by an operator's associated contractors.

(2) ~~Plans must be filed~~ Operators must file the manual with the commission forty-five days prior to the operation of any gas pipeline. ~~as soon as practical for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety.~~ Operators must file revisions to the manual with the commission as soon as practical. The commission may, after notice and opportunity for hearing, require that a manual be revised or amended. Applicable portions of the manual related to a procedure being performed on the pipeline must be retained on-site where the activity is being performed.

The phrase "as soon as practical" is subjective. NWGA Members are constantly updating procedures. Having to regularly transmit revisions as they are adopted would be exceptionally burdensome and would not contribute to pipeline safety. NWGA Members request the following drafting change to the second sentence of subsection (2):

(2) Operators must file revisions to the manual with the commission ~~as soon as practical~~ annually.

(3) The manual must have a list specifying the records the operator maintains, as well as the databases and paper forms on which the records are kept.

NWGA members disagree with the proposed new requirements outlined in subsection (3). An operator's Operations and Maintenance (O&M) manual should not have to specify administrative processes that are in place to support the implementation of the plans and procedures. Business processes are dynamic and this specificity would be quickly outdated. The effort to add this level of detail to the plans and procedures would be burdensome and costly without improving pipeline safety. The requirements in 480-93-017 that allow Staff access to operator compliance records is sufficient to support deleting this proposed subsection.

(4) The manual must be written in detail sufficient for a person with adequate training to perform the tasks described. For example, a manual should contain specific, detailed, step-by-step instructions on how to maintain a regulator or rectifier, conduct a leak survey or conduct a pressure test. The commission does not consider a quote from a provision of WAC 480-93 or 49 CFR Part 192 to be an adequately detailed description of a task.

The objective of proposed new subsection (4) is unclear. If a particular operator's procedure manual is not specific enough for compliance, the Commission already has the authority to request amendments to such procedures therefore additional regulation is unnecessary. NWGA members recommend deleting this proposed subsection.

WAC 480-93-188 Gas leak surveys.

(1) Operators must perform gas leak surveys using a gas detection instrument covering the following areas:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving and sidewalks;

(c) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(d) Where a gas service line exists, a survey must be conducted at the building wall at the point of entrance, using a bar hole if necessary; and

(e) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Gas detection instruments must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. If there are no written manufacturer's recommendations or schedules, then instruments must be tested for accuracy at least monthly, but not to exceed forty-five days between testing, and include testing at least twelve times per year. Any instrument that fails its applicable tolerances must be calibrated or removed from service. Operators must maintain records of accuracy checks, calibration and other maintenance performed for five years.

(3) Gas leak surveys must be conducted according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys. All mains in the right of way adjoining a business district must be included in the survey;

(b) High occupancy structures or areas - at least once annually, but not to exceed fifteen months between surveys;

(c) Mains operating at or above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys; and

(d) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys.

(4) Special leak surveys must be conducted under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas facilities are under the area to be paved, and where damage could have occurred to gas facilities;

(b) In areas where substructure construction occurs adjacent to underground gas facilities, and damage could have occurred to the gas facilities, operators must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, operators must perform a gas leak survey from the point of damage to the service tie-in.

(5) Survey records must be kept for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the employee who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each operator must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Operators must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits. At a minimum, self audits should ensure that:

(a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) Consistent evaluations of leaks are being made throughout the system;

(c) Repairs are made within the time frame allowed;

(d) Repairs are effective; and

(e) Records are accurate and complete.

(7) Operators must fully implement subsection (3)(a) of this section within two years of the adoption of this rule.

WAC 480-93-200 Reporting requirements for operators of gas facilities.

(1) Every operator must give notice to the commission by telephone within two hours of discovering an incident or hazardous condition arising out of its operations that:

(a) Results in a fatality or personal injury requiring hospitalization;

(b) Results in damage to the property of the operator and others of a combined total exceeding fifty thousand dollars;

(c) Results in the evacuation of a building, or high occupancy structures or areas;

(d) Results in the unintentional ignition of gas;

(e) Results in the unscheduled interruption of service furnished by any operator to twenty-five or more distribution customers;

(f) Results in a pipeline or system pressure exceeding the MAOP plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020;

(g) Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (~~e~~f) of this subsection; or

(h) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (~~e~~f) of this subsection.

(2) Operators must give notice to the commission by telephone within twenty-four hours of occurrence of every incident or hazardous condition arising out of its operations that results in:

(a) The uncontrolled release of gas for more than two hours;

(b) The taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;

(c) A pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or

(d) A pipeline or system pressure exceeding the MAOP.

(3) Routine or planned maintenance and operational activities of the operator that result in operator-controlled plant and equipment shut downs, reduction in system pressures, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) Operators must provide to the commission a written report within thirty days of the initial telephonic report required under subsections (1) and (2) of this section. At a minimum, written reports must include the following:

The proposed revision to subsection (4) constitutes a significant change. This would require operators to submit written reports to follow all telephonic notifications. NWGA members request the opportunity to discuss the objectives of these proposed additional reporting requirements.

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A detailed description of the incident or hazardous condition including the date, time, and place; and reason why the incident occurred;

The objective of the proposed revision to subsection (4)(c) is unclear. 'Why' the incident occurred is usually only determined by claims personnel in the event that an effort is made to recover costs. These investigations are often not completed within 30 days – the time required under this rule to provide a written report. From Staff comments made in previous rulemaking, it is the understanding of NWGA members that the purpose of the notification requirements set forth in this rule that exceed the federal regulations is so that pipeline safety staff is kept informed on a 'real-time' basis in order to appropriately manage external inquiries. The additional requirements proposed by Staff do not seem to support that purpose.

(d) A description of the gas facilities involved in the incident or hazardous condition, the system operating pressure at that time, and the MAOP of the facilities involved;

(e) The date and time the operator was first notified of the incident;

(f) The date and time the operators' first responders arrived on site;

(~~e~~g) The date and time the gas facility was made safe;

(~~f~~h) The date, time, and type of any temporary or permanent repair made; ~~and~~

(~~g~~i) The cost of the incident to the operator;

(j) Line type;

NWGA Members seek a clarification as to the meaning of "line type". Does this refer to material type, or usage such as main, transmission or service

(k) City and County of incident;

(l) MAOP of the line involved;

(m) Any other information deemed necessary by the commission; and

Operators are unclear on what "additional information deemed necessary by the commission" entails, but will provide additional information upon request. NWGA members request the following drafting change for clarity:

(m) Any other information ~~deemed necessary~~ as requested by the commission;

(n) A description of each incident or hazardous condition listed in subsections (1) and (2) that occurred. An example would be a single incident that involved a fire, an evacuation, media coverage, and blowing gas would require a description of the fire, a description of the evacuation, a description of the media coverage and a description of the blowing gas.

The objective of the proposed new subsection (4)(n) is unclear. How is this subsection different than the requirement for a description of the incident required under subsection (4)(c)? NWGA members request the opportunity to discuss the proposed changes.

(5) Operators must provide to the commission ~~a written report~~ within ~~forty~~ five days a copy of each ~~of receiving the~~ failure analysis report completed or received by the operator, concerning ~~of~~ any incident or hazardous condition ~~that was~~ due to construction defects or material failure.

NWGA member request the following drafting change to the proposed revision to sub (5):

(5) Operators must provide to the commission ~~a written report within forty five days~~ a copy of each ~~of receiving the~~ failure analysis report completed or received by the operator, concerning ~~of~~ any incident or hazardous condition ~~that was~~ due to construction defects or material failure within 5 days of completion or receipt of such report.

(6) Operators must file with the commission the following annual reports no later than March 15 for the preceding calendar year:

(a) A copy of every Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(b) A report titled, "Damage Prevention Statistics." The Damage Prevention Statistics report must include in detail the following information:

(i) Number of gas-related one-call locate requests completed in the field;

(ii) Number of third-party damages incurred; and

(iii) Cause of damage, where cause of damage is classified as either:

(A) Inaccurate locate;

(B) Failure to use reasonable care; or

(C) Excavated prior to a locate being conducted.

(c) A report detailing all construction defects and material failures resulting in leakage. Operators must categorize the different types of construction defects and material failures anticipated for their system. The report must include the following:

(i) Types and numbers of construction defects; and

(ii) Types and numbers of material failures.

(7) Operators must file with the commission, and with appropriate officials of all municipalities where operators have facilities, the names, addresses, and telephone numbers of the responsible officials of the operator who may be contacted in the event of an emergency. In the event of any changes in operator personnel, the operator must notify immediately the commission and municipalities.

(8) Operators must send to the commission, by e-mail, daily reports of construction and repair activities. ~~electronically to the commission~~. ~~Operators may send reports either by facsimile or e-mail to the commission.~~ Reports may be faxed only if the operator does not have e-mail capability. ~~The~~ Reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities. Report information must be broken down by individual crews and the scheduled work must be listed by address, as much as practical, in the order of construction. To the extent possible the reports will only contain construction and repair activity scheduled for that day, but it may include a reasonable allowance for scheduling conflicts or disruptions.

The additional requirements proposed in subsection (8) may not be achievable. This subsection creates significant burden to operators and NWGA members request an opportunity to discuss this proposed change.

(9) When an operator is required to file a copy of a DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the operator must simultaneously submit a copy of the form to the commission.

WAC 480-93-XXX Damage prevention.

(1) Each operator must comply with the provisions of RCW 19.122, to the extent those provisions apply to that operator. A failure to comply with any provision of RCW 19.122 is a violation of this rule. Each day a violation persists is a separate violation of this rule. In determining whether an operator has complied with the provisions of RCW 19.122, the definitions contained in that chapter will apply. The definitions in WAC 480-93 (other than the definition of "operator") do not apply.

(2) When an operator has been notified by an excavator that excavation work will uncover any portion of a pipeline operating above 100 psig, the operator shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.

The proposed new rule 480-93-XXX is significant. NWGA members request the opportunity to discuss the objective of this proposed rule and the impact to operators.