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November 27, 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 Proposed Revisions to 480-93 WAC, Gas Companies – Safety; Docket PG-070975

Dear Ms. Washburn:

Thank you for the opportunity to comment on revisions to 480-93 WAC implementing the provisions of SSB 5225 as passed by the Legislature and signed into law.

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.

In developing these comments, we found it most expeditious to make revisions to a clean version of the draft rule as provided by staff. There are two types of edits included in the attached:

1) Revisions to the text that provide clarity, consistency and/or that reflect the understanding of the NWGA regarding requirements of the existing rule. We provide a text box immediately following each of these comments explaining our interpretation and objective in proposing the change.
2) Minor text changes to ensure definitional consistency or to correct typos, etc. No comments are provided for these comments.

Our objective in offering the comments and edits in the attached is to arrive at language that implements the provisions of SSB 5225 without otherwise changing the effect of 480-93 WAC and that preserves staff's stated intentions. Broadly, we offer two final observations:

1. We are concerned that in a number of places it appears an older version of 480-93 WAC may have been used as the basis for staff's draft rule. This is worrisome because the Commission should not be in the position of potentially adopting old language.
2. We request a workshop to work through any remaining differences of opinion or understanding between staff and the NWGA.

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. In that regard, we 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, Docket PG-070975
Chapter 480-93 WAC: Gas Companies – Safety

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 a gas pipeline company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(11) “Gas pipeline” means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies. “Gas pipeline” does not include any pipeline facilities, other than a master

meter system, owned by a consumer or consumers of the gas, located exclusively on the consumer or consumers' property, and none of the gas leaves that property through a pipeline.

(12) "Gas pipeline company" means a person or entity constructing, owning or operating a gas pipeline for transporting gas. "Gas pipeline company" includes a person or entity owning or operating a master meter system. "Gas pipeline company" does not include excavation contractors or other contractors that contract with a gas pipeline company.

(13) "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.)

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

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

(16) "Line pipe" or "pipe" means a tube, usually cylindrical, through which a hazardous liquid or gas is transported from one point to another.

(17) "MAOP" means maximum allowable operating pressure.

(18) "Master meter system" is defined as set forth in 49 CFR § 191.3.

The NWGA suggests retaining the current language defining "master meter system" since the definition in the RCW is identical to 49 CFR §191.3 and since the draft language utilizes the term "operator" which is no longer defined in the WAC rules.

(19) "Emergency notification line" means 1-888-321-9146.

The NWGA suggests using the term "Emergency notification line" since this is the term used by the Commission in the line's recorded greeting and because this term more accurately reflects the type of events that require reporting.

(20)" Prompt action" means to dispatch qualified personnel without undue delay.

(21) "Psig" means pounds per square inch gauge.

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

(23) "Record(s)" means any electronic or paper document, map, data base, report or drawing created by or kept by a gas pipeline company.

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

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

(26) "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.

(27) 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.

480-93-007 Application of rules; responsibility for contractors.

(1) This chapter applies to the following activities of each gas pipeline company: The construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state.

(2) This chapter, with the exception of 480-93-240, does not apply to gas pipeline systems exclusively under federal jurisdiction for compliance with pipeline safety regulations.

The NWGA suggests deleting the last sentence of the above paragraph since it is out of context with the rest of the section and in order to remain consistent with the Commission's stated objective of neutrality with regard to effect.

(3) The commission's gas pipeline safety statutes and rules impose obligations on each gas pipeline company. If a gas pipeline company contracts with a person to do tasks that are subject to these rules, such as excavation, construction, and maintenance, and the gas pipeline company's contractor (or any of its subcontractors) engages in conduct that violates commission rules applicable to the gas pipeline company, the gas pipeline company is subject to penalties and all other applicable remedies, as if the gas pipeline company itself engaged in that conduct.

The NWGA proposes the above changes for clarity and consistency with SB 5225, Section 5(1).

480-93-008 Additional requirements.

(1) These rules do not relieve any gas pipeline company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any gas pipeline company in appropriate circumstances, consistent with the requirements of law.

WAC 480-93-013 Covered tasks.

(1) Background. 49 CFR §§ 192.803 through 192.809 prescribe the requirements associated with qualifications for gas pipeline company personnel to perform "covered tasks." 49 CFR § 192.801 contains a definition of "covered task." In WAC 480-93-999, the commission adopts 49 CFR §§ 192.801 through 192.809. However, in this section, the commission includes "new construction" in the definition of "covered task."

(2) 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 gas pipeline company, that:

(a) Is performed on a gas pipeline;

(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 gas pipeline.

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

(4) The equipment and facilities used by a gas pipeline company for training and qualification of employees must be similar to the equipment and facilities on which the employee will perform the covered task.

WAC 480-93-015 Odorizing gas.

(1) Each gas pipeline company must odorize the gas in its pipeline 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) Each gas pipeline company must use an odorant testing instrument when conducting sniff tests. Sniff tests must be performed at least once monthly. Master meter systems that comply with 49 CFR § 192.625(f) are exempt from this requirement.

(3) Each gas pipeline company must take prompt action to investigate and remediate odorant concentrations that do not meet the minimum requirements of subsection (1) of this section.

(4) Each gas pipeline company must follow the odorant testing instrument manufacturer's recommendations for maintaining, testing for accuracy, calibrating and operating such instruments. When the manufacturer does not provide a recommendation, each gas pipeline company must conduct accuracy checks and calibrate such instruments at least once annually, if the instrument is outside specified tolerances.

(5) Each gas pipeline company must keep all records of odorant usage, sniff tests performed, and odorant testing instrument calibration for five years.

(6) Exception. This rule does not apply to gas pipelines where the odorant would make the gas unfit for its intended purpose.

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

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

(2) Except in an emergency, a gas pipeline company must submit to the commission for review at least forty-five days prior to construction any construction plans that do not conform with a gas pipeline company's existing and accepted construction procedures, designs, and specifications on file with the commission.

WAC 480-93-018 Records.

(1) Each gas pipeline company must maintain records sufficient to demonstrate compliance with all requirements of 49 CFR §§ 191, 192 and chapter 480-93 WAC.

(2) Each gas pipeline company must give the commission access to records for review during an inspection, and must provide the commission copies of records upon request by the commission.

(3) Each gas pipeline company must maintain a list of forms and data bases, including examples where applicable, that specify what records the company maintains. Each gas pipeline company must make this list available to the commission upon request.

(4) Each gas pipeline company must record and maintain records of the actual value of any required reads, tests, surveys or inspections performed. The records must include the name of the person who performed the work and the date the work was performed. The records 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 gas pipeline company shall not record a range of values unless the measuring device being used provides only a range of values.

(5) Each gas pipeline company must update its records within six months of when it completes any construction activity and make such records available to appropriate company operations personnel.

(6) If a gas pipeline company believes a record provided to the commission is confidential as that term is defined in WAC 480-07-160(2), the gas pipeline company must follow the procedures in WAC 480-07-160 for designating and treating that record as confidential.

480-93-020 Proximity considerations.

(1) Each gas pipeline company must submit a written request and receive commission approval prior to:

(a) Operating any gas pipeline at greater than five hundred psig, if the gas pipeline is within five hundred feet of any of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, if the building is not owned and used by the petitioning gas pipeline company in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission; or

(iii) A public highway, as defined in RCW 81.80.010(3).

(b) Operating any gas pipeline at greater than two hundred fifty psig, up to and including five hundred psig, that is operated within one hundred feet of either of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, if the building is not owned and used by the petitioning gas pipeline company in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission.

The NWGA proposes retaining the current language in (1)(a)(i) and (ii) and in (1)(b)(i) and (ii) since the draft changes would create a material change in the effect of the rule.

(2) For proposed new construction of pipelines having the characteristics listed in subsection (1) (a) or (b) of this section, each gas pipeline company must demonstrate to the commission that it is not practical for the gas pipeline company to select an alternate route that will avoid such locations and that the gas pipeline company has considered the possibility of the future development of the area and has designed its gas pipeline accordingly.

(3) During the review process, each gas pipeline company must provide maps and records to the commission showing the exact location of the gas pipeline and the shortest direct distance to the places described in subsection (1)(a) and (b) of this section. Upon request of the commission, the gas pipeline company must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the gas pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

480-93-040 Location of gas compressor stations on gas pipelines.

(1) Each gas pipeline company must locate gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity equal to or greater than one thousand horsepower, at least five hundred feet away from any existing buildings that are not under the gas pipeline company's control.

(2) Each gas pipeline company must locate gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity of less than one thousand horsepower, at least two hundred fifty feet away from any existing buildings that are not under the control gas pipeline company's control.

480-93-080 Welder and plastic joiner identification and qualification.

(1) Each gas pipeline company shall qualify its welding procedures and welders (except welders listed in (a) of this subsection), to meet API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code.

(a) A gas pipeline company may qualify its welders that use oxyacetylene under 49 CFR § 192 Appendix C, but welders qualified exclusively under this criteria may only weld the following size pipe:

The NWGA proposes language which is consistent with the current rule and clarifies that the limitation is based upon the qualification test rather than the type of welding.

(i) Nominal two-inch or smaller branch connections to nominal six-inch or smaller main or service pipe.

(ii) Nominal two-inch or smaller below ground butt welds.

(iii) Nominal four-inch or smaller above ground manifold and meter piping operating at 10 psig or less.

(b) A gas pipeline company who qualifies any welder under 49 CFR § 192 Appendix C must requalify such welder(s) at least twice annually, but not to exceed seven and one-half months between qualification tests.

(c) When testing welders or qualifying procedures, each gas pipeline company must use the testing equipment necessary to measure the amperage, voltage, and speed of travel. Each gas pipeline company must record all essential variables, as defined by the applicable procedure, during the welder and procedure testing to demonstrate qualification of the welder or procedure.

The NWGA's proposed language retains the active voice while clarifying intent and ensuring consistency with the current rule and with API 1104.

(d) For the purposes of subparagraph (c) of this subsection, "essential variable" means any variable in the welding procedure, which, according to the procedure being used, would require the re-qualification of the procedure if it is changed from or is performed outside a specified range. "Speed of travel" means the actual per pass welding time in minutes divided by the length of the weld in inches.

(e) Each gas pipeline company must have qualified written welding procedures on-site where the welding is being performed.

(2) Each gas pipeline company who has any person qualified to join plastic pipe must re-qualify such person(s) at least once annually, but not to exceed fifteen months between qualifications.

(a) Each gas pipeline company must have qualified written plastic joining procedures on-site where plastic joining is being performed.

(b) Each gas pipeline company must re-qualify a plastic joiner under a specific procedure, if during any twelve-month period that person has not made any joints using that procedure.

(c) In order to ensure compliance with (b) of this subsection and Title 49 CFR Part 192.285(c), each gas pipeline company must either have a method of tracking production joints or re-qualify each person qualified to join plastic pipe at a frequency not to exceed twelve months. The method used to track production joints must be outlined in the gas pipeline company's procedures manual.

The NWGA's proposed changes are intended to retain the active voice; to simplify the language and to clarify the intent based upon the current rule.

(3) Welders and plastic joiners working for any gas pipeline company must carry appropriate identification and qualification cards or certificates showing the name of the welder or joiner, their qualifications, the date of qualification and the gas pipeline company whose procedures were followed for the qualification. Welder and plastic joiner qualification cards are subject to commission inspection at all times when qualified personnel are working on facilities subject to commission jurisdiction.

WAC 480-93-100 Valves.

(1) Each gas pipeline company must have a written valve maintenance program detailing the procedures by which the company selects, inspects, maintains, and operates valves. The written program must detail which valves the company will maintain under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program must outline how the gas pipeline company will monitor and maintain valves during construction projects to ensure accessibility. The following criteria and locations must be incorporated in the written program. The written program shall

explain how the gas pipeline company considers each of the following in 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) Line pipe 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) Line pipe material: For example steel, polyethylene, or cast iron.

(2) Each gas pipeline company must have a written service valve installation and maintenance program detailing the procedures by which the company selects, inspects, maintains, and operates service valves. The written program must detail which new services will be required to have valves installed and maintained under this section. Service valve installation requirements do not apply to existing services (they are not retroactive). Existing service valves that historically have not been maintained but are deemed necessary for maintenance by the written valve maintenance program must be maintained in accordance with subsection (3) of this section. The written program shall explain how each gas pipeline company selected and considered the following criteria and/or locations in selecting which services will have valves installed and/or maintained

The NWGA believes the draft language changes the meaning and effect of the rule and proposes to retain existing rule language (with minor modifications to retain active voice and provide additional clarity). The language of the current rule was submitted by NWGA members during the last rulemaking to clarify that additional valves are not required on existing services even if an operator's standards would require a valve to be installed on a new service.

(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) Each gas pipeline company shall operate and maintain each service valve it selects for inspection in the program required in subsection (2) of this section at least once annually, but not to exceed fifteen months.

NWGA proposes deleting the text after "…fifteen months" for clarity.

(4) Each gas pipeline company must select which valves to inspect based on the unique operating conditions of the company's pipeline system.

(5) Each gas pipeline company must install and maintain valves for the purpose of minimizing the hazards resulting from a gas pipeline emergency and to aid in the timely control of an uncontrolled release of gas. In determining the minimum number and spacing of valves, the gas pipeline company's primary objective shall be the protection of life and property. The gas pipeline company must consider this objective in conjunction with the criteria listed in subsections (1) and (2) of this section. Each gas pipeline company must also incorporate its valve programs established in subsections (1) and (2) of this section into its emergency plan and other plans and procedures designed to protect life and property in the event of an emergency.

(6) Each gas pipeline company must fully implement the requirements of this section within one year of the adoption date of this rule.

480-93-110 Corrosion control.

(1) Each gas pipeline company must record and retain a record of each cathodic protection test, survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. Each gas pipeline company must keep all records of each test, survey, or inspection for a minimum of five years, except those records specified in 49 CFR § 192.491(c), which the gas pipeline company must retain for the life of the facility.

(2) Each gas pipeline company must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection. An additional thirty days may be allowed for remedial action if, due to circumstances beyond the gas pipeline company's control, the company cannot complete remedial action within ninety days. Each gas pipeline company must be able to provide documentation to the commission indicating that remedial action was started in a timely manner and that all efforts were made to complete remedial action within ninety days. (Examples of circumstances allowing each gas pipeline company to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

The NWGA suggests this change because "non-availability" is an explicit term which does not account for other relevant circumstances. For instance, certain materials may in fact be "available" but require extremely long lead times to acquire.

(3) Each gas pipeline company must maintain, test for accuracy, calibrate, and operate cathodic protection equipment and instrumentation in accordance with the equipment manufacturer's recommendations. When there are no manufacturer's recommendations, the gas pipeline company must test the equipment for accuracy at an appropriate schedule determined by the gas pipeline company.

(4) Each gas pipeline company's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include how to determine IR drop (as defined in 49 CFR § 192 Appendix D), how to conduct electrical surveys, how to test casings for electrical isolation, how to test casings for shorted conditions, and how to measure and interpret the criteria in 49 CFR § 192 Appendix D.

(5) Each gas pipeline company must conduct inspections or tests for electrical isolation between metallic pipeline casings and metallic pipelines at least once annually, but not to exceed fifteen months between inspections or tests. The test or inspection must also determine whether the pipeline has adequate levels of cathodic protection at the casing to pipeline interface. These requirements do not apply to unprotected copper inserted in ferrous pipe.

(a) For each casing installed prior to September 5, 1992, and that does not have test leads, the gas pipeline company must be able to demonstrate that other test or inspection methods are acceptable and that test lead wires are not necessary to monitor for electrical isolation and adequate cathodic protection levels.

(b) Whenever electrical isolation tests or inspections indicate that a possible shorted condition exists between a casing and a pipeline, the gas pipeline company must conduct a follow-up test within ninety days to determine whether an actual short exists. The gas pipeline company's procedures manual must have a level or threshold that would indicate a potential shorted condition and must also detail the method of determining whether the casing is actually shorted to the pipeline.

(c) The gas pipeline company must clear the shorted condition where practical.

(d) Whenever a short exists between a line pipe and casing, the gas pipeline company must perform a leak survey within ninety days of discovery and at least twice annually thereafter, but not to exceed seven and one-half months between leak surveys, until the shorted condition is eliminated.

(6) Each gas pipeline company must record the condition of all underground metallic facilities each time the facilities are exposed.

(7) Each gas pipeline company must have a written program to monitor for indications of internal corrosion. The program must also have remedial action requirements for areas where internal corrosion is detected.

(8) On all cathodically-protected pipelines, the gas pipeline company must take a cathodic protection test reading each time an employee or representative of the gas pipeline company exposes the facility and the protective coating is removed.

(9) Each gas pipeline company must have a written atmospheric corrosion control monitoring program. The program must have time frames for completing remedial action.

480-93-115 Casing of pipelines.

(1) Whenever a gas pipeline company installs a steel line pipe in a casing, the casing must be bare steel.

(2) For casings installed after September 5, 1992, each gas pipeline company must attach separate test lead wires to each casing without vents, and to the steel gas pipeline to verify that no electric short exists between the two, and that an adequate level of cathodic protection is applied to the steel line pipe.

(3) Whenever a gas pipeline company installs a main or transmission line in a casing or conduit of any type material, the gas pipeline company must seal the casing ends to prevent or slow the migration of gas in the event of a leak.

(4) Whenever a gas pipeline company installs a service line in a casing or conduit, the gas pipeline company must seal the casing at the end nearest the building wall to prevent or slow the migration of gas towards the building in the event of a leak.

WAC 480-93-124 Pipeline markers.

(1) Each gas pipeline company must place pipeline markers at the following locations:

(a) Where practical, over pipelines operating above two hundred fifty psig;

(b) Over mains and transmission lines crossing navigable waterways (custom signage may be required to ensure visibility);

(c) Over mains and transmission lines at river, creek, drainage ditch, or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline (custom signage may be required to ensure visibility);

(d) Over gas pipelines at railroad crossings;

(e) At above ground gas pipelines, except service risers, meter set assemblies, and gas pipeline company-owned piping downstream of the meter set assembly. The minimum lettering size requirements located in 49 CFR § 192.707(d)(1) do not apply to services;

(f) Over mains located in Class 1 and 2 locations;

(g) Over transmission lines in Class 1 and 2 locations, and where practical, over transmission lines in Class 3 and 4 locations and;

(h) Over mains and transmission lines at interstate, U.S. and state route crossings where practical.

(2) If practical, the gas pipeline company must place markers on both sides of any crossing listed in subsection (1),

(3) If practical, the gas pipeline company must place markers when required on buried gas pipelines approximately five hundred yards apart, and at each point of horizontal deflection of the pipeline.

The NWGA proposes adding the word "when" in order to avoid any misinterpretation that this section might otherwise require markers every five hundred yards everywhere on the system.

(4) Where gas pipelines are attached to bridges or otherwise span an area, each gas pipeline company must place pipeline markers at both ends of the suspended pipeline. Each gas pipeline company must conduct surveys of pipeline markers described in this section at least annually, not to exceed fifteen months.

The NWGA proposes to add language for clarity.

(5) Each gas pipeline company must replace markers that are reported damaged or missing within forty-five days.

(6) Each gas pipeline company must survey pipeline markers not associated with subsection (4) of this section at least every five calendar years but not to exceed sixty-three months, to ensure that markers are visible and legible.

The NWGA believes the draft language changes the effect of the rule and suggests retaining the original language. Also, the erroneous reference to subsection (3) in subsection (6) appears to come from a prior version of the rule giving rise to concerns that the current rule was not in every case the basis used to develop the draft for this rulemaking.

(a) Each gas pipeline company 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.

7) Each gas pipeline company must have records such as maps or drawings sufficient to indicate class locations and other areas where pipeline markers are required.

480-93-130 Multi-stage pressure regulation.

Where gas pressures are reduced in two or more stages, each gas pipeline company must install the necessary regulators and equipment in such a manner as to provide protection between regulator stages. The purpose of this rule is to minimize the potential dangers of failures of one stage of regulator equipment resulting from fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Each gas pipeline company must ensure, when practical to do so, that there is a minimum of fifty feet of separation between regulator stages.

480-93-140 Service regulators.

(1) To ensure proper operation of service regulators, each gas pipeline company must install, operate, and maintain service regulators in accordance with federal and state regulations, and in accordance with the manufacturer's recommended installation and maintenance practices.

(2) Each gas pipeline company must inspect and test each service regulator and associated safety devices during its initial turn-on, and when a customer experiences a pressure problem. When testing a service regulator, the gas pipeline company must determine the gas regulator's outlet set pressure at a specified flow rate. Each gas pipeline company must use pressure gauges downstream of the regulator during testing. The gas pipeline company is not required to test safety devices such as fracture discs as part of the test of a service regulator.

The NWGA believes the addition of the phrase “at a minimum” could be misinterpreted to imply that additional tests exist that should be performed. Since the rule specifies minimum requirements, the addition may in fact broaden the effect of the rule.

480-93-155 Increasing maximum allowable operating pressure.

(1) If a gas pipeline company wants to uprate to a MAOP greater than sixty psig, the company must submit to the commission for review, at least forty-five days before uprating, a written plan of procedures including all applicable specifications with drawings of the affected pipeline systems. At a minimum, the plan must include the following:

(a) A list of all affected gas pipelines, including pipes, fittings, valves, and other affected equipment, with the manufacturer's specified maximum operating pressure limits, their specified minimum yield strength (SMYS) at the intended MAOP, and any other applicable specifications or limitations;

(b) Original design and construction standards;

(c) Original pressure test records;

(d) Previous operating pressures identifying the dates and lengths of time at that pressure;

(e) Records of all leaks, regardless of cause, and the dates and methods of repair;

(f) Where the pipeline is being uprated to a MAOP that produces a hoop stress of twenty percent or more of the SMYS, records of the original welding standards and welders;

(g) Maintenance records of all affected regulator stations and system relief valves for the past three years or three most recent inspections, whichever is longer;

(h) Where applicable, relief valve capacities at the proposed MAOP compared to regulator flow capacities, with calculations;

(i) Cathodic protection readings of the affected gas pipeline, including rectifier readings, for the past three years or three most recent inspections, whichever is longer; and

(j) Any additional information that the commission may deem necessary to evaluate the pressure increase.

(2) Uprates must be based on a previous or current pressure test that will substantiate the intended MAOP.

480-93-160 Reporting requirements of proposed construction.

(1) Each gas pipeline company must file a proposed construction report with the commission at least forty-five days prior to construction or replacement of any segment of a gas transmission pipeline equal to or greater than one hundred feet in length. Emergency repairs are exempt from this section.

2) The report must describe the proposed route and the specifications for the pipeline and must include the following items:

(a) Description and purpose of the proposed gas pipeline;

(b) Route map showing the type of construction to be used throughout the length of the line, and delineation of class location as defined in 49 CFR Part 192.5, and incorporated boundaries along the route;

(c) Location and specification of principal valves, regulators, and other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(d) MAOP for the gas pipeline being constructed;

(e) Location and construction details of all river crossings or other unusual construction requirements encountered en route, e.g., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways, including encroachments, and any other areas requiring special or unusual design and construction considerations;

(f) Proposed corrosion control program to be followed including specifications for coating and wrapping, and the method to ensure the integrity of the coating using holiday detection equipment;

(g) Welding specifications; and

(h) Bending procedures to be followed if needed.

(3) The gas pipeline company must submit aerial photographs upon request.

For clarity, the NWGA proposes a separate section requiring the submission of aerial photographs upon request.

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

(1) Each gas pipeline company must notify the commission in writing at least three 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.

The NWGA suggests removing this requirement here since it is already required by WAC 480-93-017 and is therefore redundant.

(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 gas pipeline company must notify the appropriate public officials so that adequate public protection can be provided during the test.

The NWGA suggests retaining the current language because "sufficient time" is undefined and because 49 CFR § 192.515 requires operators to provide protection.

(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 do not apply. However, the company shall notify the commission using the emergency notification line prior to the test.

The NWGA proposes alternate language in order to avoid the implication that certain procedures not appropriate to the situation may be required. Also, utilized the term "emergency notification line" consistent with prior comment.

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

(3) Each gas pipeline company must perform pressure tests for all new or replacement pipeline installations.

(4) For each service line that is broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, the gas pipeline company must pressure test the service line before

placing it back into service. The company must conduct the pressure test from the point of damage to the service termination valve (generally the meter set).

(5) Each gas pipeline company may only use pre-tested pipe when it is not feasible to conduct a pressure test.

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

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

(a) Gas pipeline company's name;

(b) Employee's name;

(c) Test medium used;

(d) Test pressure;

(e) Test duration;

(f) Line pipe size and length;

(g) Dates and times; and

(h) Test results.

(8) Where feasible, each gas pipeline company 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) When a gas pipeline company performs multiple pressure tests on a single installation, the gas pipeline company 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) Each gas pipeline company must maintain, test for accuracy, and calibrate pressure testing equipment in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendation, then the gas pipeline company must test the pressure testing equipment for accuracy at an appropriate schedule determined by the gas pipeline company. The gas pipeline company must tag test equipment 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.

480-93-175 Moving metallic gas pipelines.

(1) A gas pipeline company shall not move or lower cast iron pipe or metallic pipe with mechanical or threaded joints.

(2) Except for pipe referenced in subsection (1) of this section, a gas pipeline company may move or lower metallic line pipe, including copper pipe, with an MAOP of sixty psig or less, which has a nominal diameter of two inches or less, if the gas pipeline company determines that no undue stresses will be placed on the pipeline and that it can be moved or lowered in a safe manner. The gas pipeline company must consider factors such as the type of materials, proximity to fittings, joints, and welds, and any other factors that could place undue stress on the pipeline or create an unsafe condition.

(3) Before moving line pipe other than the pipe described in subsection (2) of this section, each gas pipeline company must prepare a study to determine whether moving will cause an unsafe condition. Moving the line pipe includes lowering the line pipe. The gas pipeline company's engineering department must review, approve and retain the study for the life of the pipeline. The study must analyze the following factors:

(a) The required deflection of the pipe;

(b) The diameter, wall thickness, and grade of pipe;

(c) The characteristics of the pipeline;

(d) The terrain and class location;

(e) The present condition of the pipeline;

(f) The anticipated stresses of the pipeline including the safe allowable stress limits; and

(g) The toughness of the steel.

(4) The gas pipeline company must conduct a leak survey within thirty days from the date the company moves any pipeline under the provisions of subsection (2) of this section.

The NWGA proposes simplifying language that helps to clarify staff's intent.

480-93-178 Protection of plastic pipe.

(1) Every gas pipeline company must have detailed written procedures for the storage, handling, and installation of plastic pipelines. Except for joining procedures, and unless the gas pipeline company has more stringent procedures, the company must store, handle, and install plastic pipe in accordance with the latest applicable manufacturer's recommended practices.

(2) The gas pipeline company must follow the manufacturer's recommendation for maximum cumulative ultraviolet light exposure limit for plastic pipe. If there is no such recommendation, the gas pipeline company shall not expose plastic pipe to ultraviolet light for more than two years. Each gas pipeline company shall include the applicable ultraviolet exposure time limit in its procedures manual.

(3) Each gas pipeline company shall install a weak link on each plastic pipe that is pulled through the ground by mechanical means, to ensure the pipe will not be damaged by excessive tensile forces.

(4) When a gas pipeline company installs plastic pipelines parallel to other underground utilities, it must ensure there is a minimum of twelve inches of separation from the other utilities. Where a minimum twelve inches of separation is not possible, a gas pipeline company must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities.

(5) When a gas pipeline company installs plastic pipelines perpendicular to other underground utilities, it must ensure there is a minimum of six inches of separation from the other utilities. Where a minimum six inches of separation is not possible, a gas pipeline company must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities.

(6) Except for approved steel-encased plastic pipe, and except where allowed by part (b) of this subsection, a gas pipeline company may temporarily install plastic pipe above ground for no longer than thirty days.

The NWGA proposes to state the above requirement in the positive rather than the negative. There is no change to the meaning.

(a) During such temporary installations, the gas pipeline company must monitor and protect above ground plastic pipe from potential damage.

(b) A gas pipeline company may install above ground plastic pipe for periods longer than thirty days if it has a written monitoring program and if it notifies the commission by telephone using the pipeline safety incident notification telephone number prior to exceeding the thirty-day time limit.

(7) Each gas pipeline company must bed plastic pipe in a material as recommended by the pipe manufacturer. Unless otherwise permitted by the manufacturer, or if there are no manufacturer's recommendations, a gas pipeline company must bed plastic pipe in an essentially rock-free material.

The NWGA believes the draft language changes the effect of the rule and suggests retaining the language of the existing rule.

(8) A gas pipeline company shall not squeeze plastic pipe more than one time in the same location.

(9) A gas pipeline company shall not squeeze plastic pipe within twelve inches or three pipe diameters, whichever is greater, from any joint or fitting.

WAC 480-93-180 Plans and procedures.

(1) Each gas pipeline company must have and follow a gas pipeline plan and procedure manual (manual) that is specific to the gas pipeline company's system, and covers operating, maintaining, and inspecting the company's pipeline system, and responding to emergencies involving that system. The manual must include plans and procedures for meeting all applicable requirements of 49 CFR §§ 191, 192 and chapter 480-93 WAC, and any plans or procedures used by a gas pipeline company's contractor(s).

(2) Each gas pipeline company must file the manual with the commission forty-five days prior to the operation of any gas pipeline. Each gas pipeline company must file revisions to the manual with the commission annually. The commission may, using appropriate procedures, require a gas pipeline company to revise or amend its manual. When a gas pipeline company is performing a procedure on the pipeline pursuant to the manual, the persons conducting the procedure must have the manual, or the applicable portions of the manual, on-site where the procedure is being performed.

(3) Each gas pipeline company must write the manual in detail sufficient for a person with adequate training to perform the tasks described. For example, the 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.

480-93-185 Gas leak investigation.

(1) When a gas pipeline company is notified of any leak, explosion, or fire, which may involve its gas pipeline, the company shall promptly investigate. The notification may come from an outside source such as a police or fire department, other utility, contractor, customer, or the general public. If the investigation reveals a leak, the gas pipeline company must grade the leak in accordance with WAC 480-93-186, and take appropriate action. The gas pipeline company must retain the leak investigation record for the life of the pipeline.

(2) If there is an explosion, fire, death, or injury involving a gas pipeline company's pipeline, the company must not remove any of the facilities involved, or suspected of being

involved, until the commission or the lead investigative authority has designated the release of the gas facility. Once the situation is made safe, the gas pipeline company must keep the gas pipeline intact until directed by the lead investigative authority.

(3) When a gas pipeline company finds that a leak may originate from a foreign source or facility such as by means of gasoline vapors, sewer, marsh gas, or from customer-owned piping, the gas pipeline company must take appropriate action to protect life and property. Leaks that represent an on-going, potentially hazardous situation must be reported promptly to the owner, operator or adult person occupying the premises of the source facility and, where appropriate, to the police department, fire department, or other appropriate governmental agency. If the property owner, operator or adult person occupying the premises is not available, the gas pipeline company must, within twenty-four hours of the leak investigation, send by first-class mail, addressed to the person occupying the premises, a letter explaining the results of the investigation. The gas pipeline company must keep a record of each letter sent for five years.

480-93-186 Leak evaluation.

(1) Based on its evaluation of the location and/or magnitude of a leak, the gas pipeline company must assign one of the leak grades defined in WAC 480-93-18601 to establish the leak repair priority. A gas pipeline company may use an alphabetical grade classification, i.e., Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically used such a grading designation. When a leak is reevaluated, each gas pipeline company must apply the same criteria for grading as when the leak was first discovered.

The NWGA believes the draft language changes the effect of the rule and proposes language that simplifies the verbiage, maintains the requirements of the existing rule and is consistent with GPTC guide material.

(2) Each gas pipeline company must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the gas pipeline company must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the gas pipeline company must extend its investigation inside the building. Where the reading is in an

unvented, enclosed space, the gas pipeline company must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) The gas pipeline company must check the perimeter of the leak area with a combustible gas indicator. The gas pipeline company must perform a follow-up inspection on all leak repairs with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) A gas pipeline company may downgrade a Grade 1 or Grade 2 leak only once to a Grade 3 leak, without repairing the leak. A leak that has been downgraded once to a Grade 3 and subsequently upgraded must be repaired within twenty-one months of the date the company upgraded that leak.

The NWGA believes the draft language is a material change to the rule and proposes language that clarifies the operator's understanding of the current rule requirements while preserving staff's stated objective.

480-93-18601 Leak classification and action criteria — Grade — Definition — Priority of leak repair.

(1) A "Grade 1 leak" is a leak that represents an existing or probable hazard to persons or property and requiring immediate repair or prompt continuous action until the conditions are no longer hazardous

As worded, the draft language in subsection (1) is unnecessary since it is meant only to define a Grade 1 leak. It is also redundant with that of subsection (1)(a) which more fully spells out requirements in the case of a Grade 1 leak.. The NWGA proposes to use language from the GPTC guide material; "prompt action" is defined in section 480-93-005 (20).

(a) Continuous action by a gas pipeline company in response to a Grade 1 leak may require one or more of the following:

(i) Implementing the gas pipeline company's emergency plan developed pursuant 49 CFR § 192.615;

(ii) Evacuating the premises;

(iii) Blocking off an area;

(iv) Rerouting traffic;

(v) Eliminating sources of ignition;

(vi) Venting the area;

(vii) Stopping the flow of gas by closing valves or other means; or

(viii) Notifying police and fire departments.

(b) Examples. Grade 1 leaks requiring prompt action include:

(i) Any leak, which is regarded as an immediate hazard by operating personnel at the scene,;

(ii) Escaping gas that has ignited unintentionally;

(iii) Any indication of gas that has migrated into or under a building or tunnel;

(iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building;

(v) Any reading of eighty percent Lower Explosive Limit (LEL) or greater in an enclosed space;

(vi) Any reading of eighty percent LEL or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or

(vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

(2) A "Grade 2 leak" is a leak that is recognized as being not hazardous at the time of detection but justifies scheduled repair based on the potential for creating a future hazard.

(a) Each gas pipeline company must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for such a repair. In determining the repair priority, the gas pipeline company should consider the following criteria:

(i) Amount and migration of gas;

(ii) Proximity of gas to buildings and subsurface structures;

(iii) Extent of pavement; and

(iv) Soil type and conditions, such as frost cap, moisture and natural venting.

(b) Each gas pipeline company must reevaluate Grade 2 leaks at least once every six months until the leak is cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

(c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Other Grade 2 leaks may require repair within thirty days. The gas pipeline company must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks, because of their location and magnitude, can be scheduled for repair on a normal, routine basis, with periodic reevaluation as necessary.

(d) When evaluating a Grade 2 leak, the gas pipeline company should consider adverse changes in venting conditions, such as the ground freezing, as well as the potential for leaking gas to migrate to the outside wall of a building, under frozen or other adverse soil conditions.

(e) Examples. Grade 2 leaks requiring action within six months include:

(i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(iii) Any reading less than eighty percent LEL in small substructures not associated with gas pipelines and where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in an enclosed space;

(v) Any reading on a gas pipeline operating at thirty percent of the specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or

(vi) Any leak that operating personnel at the scene judge is of sufficient magnitude to justify a scheduled repair.

(3) A "Grade 3 leak" is a leak that is not hazardous at the time it is detected and can reasonably be expected to remain non-hazardous.

(a) Each gas pipeline company must reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is re-graded or no longer results in a reading.

(b) Examples. Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to:

(i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or

(ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.

480-93-187 Gas leak records.

Each gas pipeline company must prepare and maintain permanent gas leak records. The leak records must contain sufficient data and information to permit the commission to assess the adequacy of the gas pipeline company’s leakage program. Gas leak records must contain, at a minimum, the following information:

(1) Date and time the leak was detected, investigated, reported, and repaired, and the name of the person conducting the investigation;

2) Location of the leak (sufficiently described to allow ready location by other qualified personnel);

(3) Leak grade;

(4) Pipeline classification (e.g., distribution, transmission, service);

(5) If reported by an outside party, the name and address of the reporting party;

(6) Component that leaked (e.g., pipe, tee, flange, valve);

(7) Size and material that leaked (e.g., steel, plastic, cast iron);

(8) Pipe condition;

(9) Type of repair;

(10) Leak cause;

(11) Date pipe installed (if known);

(12) Magnitude and location of Combustible Gas Indicator readings left; and

(13) Unique identification numbers (such as serial numbers) of leak detection equipment.

480-93-188 Gas leak surveys.

(1) Each gas pipeline company must perform gas leak surveys using a gas detection instrument covering the following areas and circumstances:

(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, the gas pipeline company must conduct a leak survey 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) Each gas pipeline company must maintain, test for accuracy, calibrate and operate gas detection instruments in accordance with the manufacturer's recommendations. If there are no written manufacturer's recommendations or schedules, then the gas pipeline company must test such instruments for accuracy at least monthly, but not to exceed forty-five days between testing, but at least twelve times per year. The gas pipeline company must recalibrate or remove from service any

such instrument that does not meet applicable tolerances. Each gas pipeline company shall maintain records of its gas detection instrument maintenance, including accuracy checks and calibrations, for five years.

(3) Each gas pipeline company must conduct gas leak surveys according to the following minimum frequencies:

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

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

(c) Pipelines 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 non-cathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys.

(e) Unodorized pipelines – at least monthly.

(4) Each gas pipeline company must conduct special leak surveys under the following circumstances:

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

(b) In areas where substructure construction occurs adjacent to underground gas pipeline, and damage could have occurred to the pipeline, each gas pipeline company 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, each gas pipeline company must perform a gas leak survey from the point of damage to the service tie-in.

(5) Each gas pipeline company shall keep leak survey records 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 person who performed the survey;

(e) Survey dates; and

(f) Survey instrument tracking or identification number.

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

(a) The company's leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) The company's leak evaluations are being performed consistently throughout the system;

(c) The company is making leak repairs within prescribed time limits;

(d) Repairs are effective; and

(e) The company's records are accurate and complete.

480-93-200 Reporting requirements.

(1) Each gas pipeline company must give notice to the commission by telephone using the pipeline safety incident notification telephone number within two hours of discovering an incident or hazardous condition arising out of its operations that results in:

(a) A fatality or personal injury requiring hospitalization;

(b) Property damage valued at more than fifty thousand dollars;

(c) The evacuation of a building, or a high occupancy structure or area;

(d) The unintentional ignition of gas;

(e) The unscheduled interruption of service furnished by any gas pipeline company to twenty-five or more distribution customers;

(f) 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) The news media reporting the occurrence; or

(h)A significant occurrence, in the judgment of the gas pipeline company, even though it does not meet the criteria of (a) through (g) of this subsection

The NWGA proposes the phrase “valued at” in place of “worth” as a more objective term. In subsection (1)(h) we found another artifact from a previous version of the rule.

(2) Each gas pipeline company must give notice to the commission by telephone using the emergency notification line within twenty-four hours of each incident or hazardous condition arising out of its operations that results in:

See previous NWGA comments.

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

(b) A high pressure supply or transmission pipeline or a major distribution supply pipeline being taken out of service;

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

(d) A pipeline pressure exceeding the MAOP.

(3) A gas pipeline company is not required to report under this section routine or planned maintenance and operational activities of the pipeline that result in operator-controlled plant and equipment shut downs, reduction in system pressures, flaring or venting of gas, and normal leak repairs.

(4) Each gas pipeline company 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, the written report must include the following:

The omission of the reference to subsection (2) in subsection (4) of this section is another instance of the apparent use of a previous version of the rule

(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 description of the incident or hazardous condition including the date, time, and place, and reason why the incident occurred. Each reportable condition arising from the incident must be included in the report;

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

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

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

(g) The date and time the gas pipeline was made safe;

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

(i) The cost of the incident to the gas pipeline company.

(j) Line type;

(k) City and county of incident; and

(l) Any other information deemed necessary by the commission.

(5) Each gas pipeline company must submit a supplemental report if required information becomes available after the thirty-day report is submitted.

(6) Each gas pipeline company must provide to the commission a copy of each failure analysis report completed or received by the operator concerning any event described in subsection (1) or (2) of this section, which was caused or exacerbated by pipeline construction defects or pipeline material failure within five days of completion or receipt of the report.

The NWGA proposes to use the term "event" in this section in order to avoid confusion with the federally defined term "incident.

(7) Each gas pipeline company 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 entitled, "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 occurrences where third-party damage to the pipeline occurred; and

(iii) Cause of damage, where cause of damage is classified as one of the following:

(A) Locate markings of the pipeline were inaccurate;

(B) Excavator failed to use reasonable care; or

(C) Excavation occurred prior to the placement of locate marks; or

(D) Excavator failed to call for a locate.

(c) A report detailing all pipeline construction defects and pipeline material failures that result in a leak of gas. Each gas pipeline company 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 pipeline construction defects; and

(ii) Types and numbers of pipeline material failures.

(8) Each gas pipeline company must file with the commission, and with appropriate officials of all municipalities where each gas pipeline company has facilities, the names, addresses, and telephone numbers of the responsible officials of the gas pipeline company who may be contacted in the event of an emergency. In the event of any changes in such personnel, the gas pipeline company must notify immediately the commission and municipalities.

(9) Each gas pipeline company must send to the commission, by e-mail, a daily report of construction and repair activities. The report must include both gas pipeline company and contractor construction and repair activities. The commission must receive the reports no later than 10:00 a.m. each day of the scheduled work. Report information must be broken down by individual crews and the schedule work must be listed by address, as much as practical. To the extent possible the reports will only contain construction and repair activity scheduled for that day, but they may include a reasonable allowance for scheduling conflicts or disruptions.

(10) When a gas pipeline company 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 gas pipeline company must simultaneously send the commission a copy of the form.

480-93-223 Civil penalty for violation of Chapter 81.88 RCW and commission gas safety rules.

(1) Any pipeline company that violates any pipeline safety provision of any commission order or any rule in this chapter including those rules adopted by reference, or chapter 81.88 RCW is subject to a civil penalty not to exceed one hundred thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is one million dollars.

The NWGA proposes to strike all of subsection (2) as it restates only a part of RCW 80.88.040 (2)(c). Alternatively, the Commission may wish to consider including all of the elements of the aforementioned RCW (position of person responsible, gravity of the violation and good faith in attempting to comply after notification)

480-93-230 Exemptions from rules in chapter 480-93 WAC.

The commission may grant an exemption from the provisions of any rule in this chapter. The standards and procedures for seeking an exemption are set forth in WAC 480-07-110 ("Exceptions from and modifications to the rules in this chapter; special rules.")

480-93-240 Annual pipeline safety fee methodology.

(1) This rule sets forth the commission's fee methodology for the annual regulatory fee paid by gas pipeline companies as that term is defined in RCW 81.88.010, and hazardous liquid pipeline companies as that term is defined in RCW 81.88.010. For purposes of this section, these pipelines are called "such company" or "such companies," and the "commission's pipeline safety program" means the pipeline safety program that includes each such company.

(2) Each such company will pay an annual pipeline safety fee as established in the methodology set forth in subsection (3) below.

(3) The fee will be set by general order of the commission entered before September 1 of each year and will be collected in four equal installments payable on the first day of each quarter as listed below:

1st quarter fee installment due September 1;

2nd quarter fee installment due December 1;

3rd quarter fee installment due March 1;

4th quarter fee installment due June 1.

(a) The total of pipeline safety fees will be calculated to recover no more than the costs of the legislatively authorized workload represented by current appropriations for the commission's pipeline safety program, less the amount received in total base grants through the Federal Department of Transportation and less any amount received from penalties collected under RCW 19.122.050. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by such grants be considered a cost for purposes of calculating such fees. To the extent that the actual base grant proceeds are different than the amount credited, the difference will be applied in the following year.

(b) Total pipeline safety fees as determined in (a) of this subsection will be calculated in two parts:

(i) The commission's annual overhead charge to the pipeline safety program will be allocated among such companies according to each pipeline company's share of the total of all pipeline miles within Washington as reported by such companies in their annual reports to the commission.

(ii) After deducting the commission's annual overhead charge, the remainder of the total pipeline safety fee commission's annual pipeline safety program allotment will be allocated among such companies in proportion to each such company's share of the program staff hours that are directly attributable to particular companies. The commission will determine each company's share by dividing the total hours directly attributable to the company during the two preceding calendar years (as reflected in the program's timekeeping system) by the total of directly attributable hours for all such companies over the same period.

(iii) For fee setting purposes, any program hours related to a commission investigation of an incident attributed to third-party damage that results in penalties collected under RCW 19.122.055 will not be directly attributed to the owner of the damaged pipeline.

(c) The commission general order setting fees pursuant to this rule will detail the specific calculation of each such company's pipeline safety fee including the allocations set forth in (b) of this subsection.

(4) By August 1 of each year the commission staff will mail an invoice to each such company an invoice.

(5) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For each gas pipeline company subject to RCW 80.24.010, their portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(6) Any such company wishing to contest the amount of the fee imposed under this section must pay the fee when due and, within 6 months after the due date of the fee, file a petition in writing with the commission requesting a refund. The petition must state the name of the petitioner, the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; all reasons why the commission may not impose the fee in that amount; and a calculation and explanation of the fee amount the petitioner contends is appropriate, if any. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

WAC 480-93-250 Damage Prevention.

Each gas pipeline company must comply with chapter 12.122 RCW, including:

(1) Subscribe to the appropriate one-number locator service;

(2) Provide, upon receipt of locate notice, reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities;

(3) Respond with locate markings within two business days after the receipt of the notice or within a time mutually agreed upon between the operator and the excavator requesting the utility locate information.

480-93-999 Adoption by reference.

In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each such regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, place within the commission's rules the regulation or standard is referenced, and where to obtain the publication.

(1) Parts 191, 192, 193, and 199 of Title 49, Code of Federal Regulations, including all appendices and amendments thereto, as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2007, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CFR § 192.801(b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (19th edition).

(a) The commission adopts the 19th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.