

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED  
**DATE: March 07, 2024**  
**TIME: 3:50 PM**  
**WSR 24-07-012**

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending  
WAC 480-93-015

Relating to Odorization and Sniff Test  
Requirements

DOCKET PG-230896

GENERAL ORDER R-608

**ORDER AMENDING AND  
ADOPTING RULES  
PERMANENTLY**

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 24-03-143, filed with the Code Reviser on January 23, 2024. The Commission has authority to take this action pursuant to RCW 80.01.040, RCW 80.04.160, and RCW 34.05.310.
- 2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).
- 3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.
- 4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.
- 5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order as its concise explanatory statement. This Order provides a

complete but concise explanation of the agency's actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

**Amend WAC 480-93-015 Odorization of gas.**

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**

The Commission filed a Preproposal Statement of Inquiry (CR-101) on December 13, 2023, at WSR # 24-01-063.

8 The statement advised interested persons that the Commission was considering entering a rulemaking to permanently incorporate exemptions to odorization and sniff test requirements for WAC 480-93-015 for operators of class 1 and 2 renewable natural gas (RNG) transmission facilities (pipelines) with hydrogen sulfide (H<sub>2</sub>S) present in the gas. These exemptions were added by emergency rulemaking at WSR # 23-23-059. WAC 480-93-015(2) previously required all gas pipeline operators, without exception, to odorize their lines and perform a sniff test to detect odorization. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered pipeline operators in Washington and to the Commission's list of known utility company attorneys Pursuant to the notice, the Commission invited comments on the exemptions. The Commission received one comment from Puget Sound Energy that did not oppose the rule change.

9 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on January 25, 2024, at WSR #24-03-143. The Commission scheduled this matter for oral comment and adoption under Notice WSR #24-03-143 at 1:30 p.m. on March 1, 2024, in the Commission's Richard Hemstad Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission. The Commission received no comments in response to this Notice.

10 **SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS):** The proposed rule adds an exemption to the odorization and sniff test requirements for pipelines where such tests would be hazardous to human health. The exemption does not impose new or additional obligations on pipeline operators. Accordingly, no small business economic impact statement is required. The Commission nevertheless undertook an analysis of the proposed rules' economic impact on small businesses. On December 13, 2023, the

Commission mailed a notice to all persons interested in or effected by the rulemaking, providing a copy of the draft rules and an opportunity to respond to an SBEIS questionnaire. The notice requested that entities affected by the proposed rules provide information about possible cost impacts of the rules with specific information for each rule that the entity identified as causing an impact. The Commission did not receive any information in response to the questionnaire. Based on the information available to it, the Commission determined that the proposed rule does not impose additional costs on businesses.

- 11 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Friday, March 1, 2024, before Chairman David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Milton H. Doumit. The Commission heard oral comments from Scott Rukke, representing commission staff.
- 12 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rule as proposed in the CR-102 at WSR # 24-03-143.
- 13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-93-015 should be amended and adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect immediately .

## ORDER

### THE COMMISSION ORDERS:

- 14 The Commission amends and adopts WAC 480-93-015 to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect immediately.
- 15 This Order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, March 7, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner

*Note: The following is added at Code Reviser request for statistical purposes:*

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rulemaking: New 0, amended 0, repealed 0; Pilot Rule making: New 0, amended 0, repealed 0; or Other Alternative Rulemaking: New 0, amended 1, repealed 0.

**Appendix A**  
**[REVISED RULES]**