PUGET SOUND ENERGY

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January 28, 2005

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Subject: Docket UG-011073

Dear Secretary Washburn:

Thank you for the opportunity to submit written comments on proposed rules for Chapter 480-93 WAC.

In accordance with the CR-102 Notice filed under this docket, the Commission initiated the review of WAC chapter 480-93 pursuant to Executive Order 97-02. This order requires agencies to review existing rules for readability and content with attention being paid to clarity, intent, statutory authority, need, effectiveness, efficiency, coordination, cost and fairness.

Through the rulemaking process, PSE personnel spent a significant amount of time reading and reviewing the draft rules in order to prepare written comments to the docket. We are discouraged that in many cases our comments that were intended to add clarity to the rule language were not incorporated into the latest draft. PSE understands from conversation with Staff that there are code reviser rules governing certain aspects of the format and language. However, PSE believes that, to the extent possible, the rules require further revision. Once again, PSE is offering suggested language for certain rules that will improve readability, add clarity, and solidify the rule intent. These changes would assist operators in complying with the rules by eliminating confusing language and minimizing the opportunity for multiple interpretations of a given rule.

PSE appreciates the collaborative nature of this process and trusts that commission staff will give further due consideration to PSE's comments so together we can produce rules that promote operator compliance.

Sincerely,

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PSE COMMENTS ON PROPOSED WAC CHAPTER 480-93
DOCKET UG-011073
January 2005

PSE submits comments on the following sections:

1. WAC 480-93-005(15) "Operator"
2. WAC 480-93-017 Filing requirements for design, specification, and construction procedures
3. WAC 480-93-018 Maps, drawings, and records of gas facilities.
4. WAC 480-93-020 Proximity considerations.
5. WAC 480-93-080 Welder and plastic joiner identification and qualification.
6. WAC 480-93-110 Corrosion control.
7. WAC 480-93-124 Pipeline markers.
8. WAC 480-93-130 Multistage pressure regulation.
9. WAC 480-93-155 Increasing maximum allowable operating pressure.
10. WAC 480-93-170 Tests and reports for pipelines.
11. WAC 480-93-178 Protection of plastic pipe.
12. WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements
13. WAC 480-93-186 Leakage classification and action criteria.
    WAC 480-93-18601 Leak classification and action criteria –Grade—Definition—Priority of leak repair
14. WAC 480-93-187 Gas leak records.
15. WAC 480-93-188 Gas leak surveys.
16. WAC 480-93-200 Reports associated with operator facilities and operations.
17. WAC 480-93-999 Adoption by reference.

Where suggested revisions to sections of the rule are included, added text is shown with an underline and deleted text is shown with a strikethrough. Shading highlights both additions and deletions.

1. WAC 480-93-005 (15) "Operator"

Based upon Staff's written response to PSE's previous written comments, PSE understands that the definition of operator in no way shall be construed to mean that a person or corporation performing construction or maintenance activities under contract with an operator will be considered an operator under this rule or for the purposes of chapter 480-93 WAC.

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

PSE understands from discussion at the stakeholder workshops in February 2003 and December 2003 that subsection (2) of this rule does not preclude an operator from conducting day to day operations without making notification to the Commission. These daily activities may include purchasing new brands or models of gas components such as valves, regulators, gaskets, and other pipe fittings and granting variances or waivers to standard construction practices that are not mandated by state or federal regulations. This intent is not clear in the proposed rule language.

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

In Appendix A of the CR-102 Notice filed in June 2004, the rule summary for 480-93-018 identified only one addition to the rule. However, other requirements, found in subsection (2), were added to the rule. It appears that this new subsection came, in part, from existing language in 480-93-180. As stated in previously submitted comments to the docket, PSE believes the language in subsection (2) is contrary to the statutory authority provided in RCW 80.28.207 and opposes the inclusion of "reports" in this subsection. Staff has not sufficiently addressed PSE's comments nor did staff identify this rule modification in the CR-102 filing.

This requirement may discourage operators from preparing reports that are not required by the regulations. Therefore, PSE proposes language be added to the rule to clarify that the reports that shall be made available are limited to those that are specifically required by WAC 480-93 and 49 CFR Part 192. In addition, PSE requests that the duplicative language found in subsection (1) and (2) be deleted from subsection (1).

Based upon the above comments, the following changes should be made to WAC 480-93-018:

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

(1) Each operator must prepare~~,~~ and maintain~~, and make available to the commission, all~~ maps, drawings, and records of the operator's gas facilities. The maps, drawings, and records must show the size and type of material for all facilities, the corrosion control systems, and the maximum allowable operating pressures. The maps and drawings must indicate the location of all district regulators, gate stations, and emergency valves specified in the operator's emergency plan.

(2) Each operator must make books, records, reports, and other information required by WAC 480-93 and 49 CFR Part 192 available to the commission upon request, so the commission can determine whether the operator is in compliance with state and federal regulations.

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

4. WAC 480-93-020 Proximity considerations.

PSE previously submitted comments regarding the clarity of this rule. Staff indicated in their written response that they agreed with PSE's comments and redrafted the rule. However, it appears the only change was to delete "intended for human occupancy" from (1)(a)(i) and (1)(b)(i) and to substitute "an outside area" in subsections (1)(a)(ii) and (1)(b)(ii) with "high occupancy structure or area". This rule requires additional changes for clarity and readability. The leading sentence structure in (1) is grammatically incorrect and confusing. In addition, as stated previously, "pounds per square inch gauge" is used when "psig" is a defined term under section –005 of this chapter and "building" is used unnecessarily in (a)(ii) and (b)(ii) because it is already covered in (a)(i) and (b)(i). Furthermore, "high occupancy structure" is not necessary in (a)(ii) or (b)(ii) because a structure would be covered by the inclusion of building in (a)(i) and (b)(i). Removing the reference to the high occupancy structure clarifies that the focus of this subsection is high occupancy areas.

The following changes should be made to WAC 480-93-020:

WAC 480-93-020 Proximity considerations.

(1) Each operator must submit a written request and receive commission approval prior to: ~~operating any gas pipeline facility that has the following characteristics:~~

(a) Operating or intending to operate any gas pipeline facility at greater than five hundred ~~pounds per square inch gauge (~~psig~~)~~ that 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, and that is not owned and used by the petitioning operator in its gas operations; or

(ii) A ~~building or~~ high occupancy ~~structure or~~ area, which 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 or intending to operate any gas pipeline facility 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, and that is not owned and used by the petitioning operator in its gas operations; or

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

(2) For proposed new construction of pipelines having the characteristics listed in subsection (1)(a) or (b) of this section, operators must provide documentation proving that it is not practical to select an alternate route that will avoid such locations and further provide documents that demonstrate that the operator has considered the possibility of the future development of the area and has designed their pipeline facilities accordingly.

(3) During the review process, operators must provide maps and records to the commission showing the exact location of the 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 operator must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

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

PSE understands that the requirements in subsections (2)(b) and (2)(c) are intended to ensure compliance with the requirements in 49 CFR §192.285.

6. WAC 480-93-110 Corrosion control.

PSE understands that subsection (2) of this proposed rule only applies to tests, surveys and inspections required by 49 CFR Subpart I. This clarification should be added to the rule language so that it cannot be interpreted that this WAC rule covers tests, surveys and inspections that might be performed in conjunction with an integrity management assessment conducted in accordance with 49 CFR Subpart O. Subsection (2) also contains a grammatical error that PSE noted previously but no change was made.

PSE also recommends that an additional 30 days for remediation may not be sufficient because of the permitting environment operators face in many regions of their service territory. PSE recommends an additional 60 days be allowed with the documentation of the justification still a required element of the rule.

PSE requests the following revisions to 480-93-110:

WAC 480-93-110 Corrosion control.
(1) Operators 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. Records of each test, survey, or inspection must be kept for a minimum of five years except those specified in 49 CFR § 192.491(c) requiring retention for the life of the facility.

(2) Each operator must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. An additional ~~thirty~~ sixty days may be allowed for remedial action if, due to circumstances beyond the operator's control, ~~if~~ it is not possible to complete remedial action within ninety days. Each operator 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 operators to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

(3) Operators must have written procedures for the proper use, maintenance, accuracy check and where feasible the calibration of cathodic protection equipment and instrumentation. At a minimum, each

operator must follow the manufacturer's recommended practices for equipment and instrument maintenance, accuracy checks and calibration. If there are no manufacturer's recommendations, then instruments must be tested for accuracy at an appropriate schedule determined by the operator.

(4) Each operator's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include, but are not limited to, 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 49 CFR § 192 Appendix D criteria.

(5) Operators 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, that does not have test leads, the operator 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 operator must conduct a follow-up test within ninety days to determine whether an actual short exists. The operator'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 operator must clear the shorted condition where practical.

(d) Whenever a short exists between a pipeline and casing, the operator 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) Operators must record the condition of all underground metallic facilities each time the facilities are exposed.

(7) Operators 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 operator must take a cathodic protection test reading each time an employee or representative of the operator exposes the facility and the protective coating is removed.

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

7. WAC 480-93-124 Pipeline markers.

PSE previously recommended revising the language in this section for clarity and ease of understanding by operators. However, the proposed rule language in subsection (1) is still confusing and unclear.

This subsection contains unrelated topics and PSE does not believe it was Staff's intent to change the existing rule requirements relating to separation of pipeline markers. As noted in previous comments, when referring to railroad, road, and other crossings or at single point locations such as fence lines, the requirement to place markers approximately five hundred yards apart does not make sense. The **current** language in WAC 480-93-124 is more clear. It specifically states that markers required by 192.707(a) shall be placed 500 yards apart. This requirement would apply to long sections of a pipeline where damage or interference could possibly occur [192.707(a)(2)]. This clarity was lost during the revision of this rule.

PSE is requesting that the requirement for pipeline markers to be placed approximately 500 yards apart be deleted from subsection (1) and put in a separate subsection that includes clarification on when this requirement applies.

The following changes should be made to 480-93-124 for clarity and readability. These changes do not alter the intent of the rule.

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. ~~For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.~~ Exceptions to this rule must conform with 49 CFR § 192.707(b).

(a) Pipeline markers installed in accordance with 49 CFR § 192.707(a)(2) and WAC 480-93-124(2)(a)shall be placed approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.

(2) The following pipelines are not exempted by 49 CFR § 192.707(b) and must have pipeline markers installed:

(a) Where practical, on all mains operating above two hundred fifty psig;

(b) On both sides of crossings of navigable waterways;

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

(d) On both sides of ~~all~~ railroad crossings.

(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 must conduct inspections at least annually, but not to exceed fifteen months between inspections, and maintain the markers to ensure that they are visible and legible.

(4) Operators must replace markers that are reported damaged ~~and~~ 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.

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

8. WAC 480-93-130 Multistage pressure regulation.

In Attachment A to the CR-102 notice filed in June 2004, WAC 480-93-130 was listed as being deleted. Because of this error, Staff's intent in making the revision to the rule that changes "when practical to do so" to "where feasible" is not stated.

As previously stated in written comments, PSE believes that this seemingly minor word change could be interpreted very broadly. PSE is concerned that it is not always practical for installations to meet the separation requirement although it might be feasible to do so.

PSE again requests that, at a minimum the term "feasible" be removed and replaced with existing rule language.

The following revisions to WAC 480-93-130 should be made:

WAC 480-93-130 Multistage pressure regulation.
(1) Where gas pressures are reduced in two or more stages, an operator must install the necessary regulators and equipment in such a manner as to provide protection between regulator stages. The purpose is to minimize the potential dangers from the failure of one stage of regulator equipment due to fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Operators must ensure ~~where feasible,~~ there is a minimum of fifty feet of separation between regulator stages when practical to do so.

9. WAC 480-93-155 Increasing maximum allowable operating pressure.

In Attachment A to the CR-102 notice filed in June 2004, WAC 480-93-155 was identified as being revised for clarity. However, the proposed language affects the intent of the rule.

PSE previously asked for clarification on the change under subsection (1). Staff's response indicates that Staff believes the proposed rule language clearly identifies what is required from an operator prior to an uprate. PSE agrees that the listed items must be reviewed prior to performing an uprate and that the plan should include a summary of this review. PSE also agrees with the rule language that permits Staff to request any documentation necessary for them to assess the uprate. This provision eliminates the administrative burden and costly reproduction of documents. However, the rule as most recently proposed would require a significant amount of documents to be submitted with the written plan of procedures and a new subsection (1)(f) was added to the list of items previously required to be reviewed. This is a significant change from the existing rule language and the reason for this change has not been sufficiently communicated to operators. PSE has performed numerous uprates under the requirements of the existing rule and we do not believe it was Staff's intent to change the these requirements.

Regarding the last subsection, PSE understands that staff would allow the pressure to be raised during an uprate using natural gas as an alternate to a pressure test conducted in accordance with 49 CFR subpart J. The proposed language is very confusing and unclear as to what pressure is required to substantiate a higher MAOP. It is also unclear if this rule provision complies with the requirements of 49 CFR § 192.555. PSE has provided alternate language that would more clearly convey the intended requirements.

In addition to utilizing terms that are defined in –005 (psig and MAOP), the following revisions would add clarity and readability to WAC 480-93-155 without changing the intent of the existing rule (with the exception of (1)(f) and (3) added by Staff):

WAC 480-93-155 Increasing maximum allowable operating pressure.

(1) At least forty-five days before uprating to a ~~maximum allowable operating pressure (~~MAOP~~)~~ greater than sixty ~~pounds per square inch gauge (~~psig~~)~~, each operator must submit to the commission for review a written plan of procedures including all applicable specifications ~~with drawings~~ and a map of the affected pipeline systems. At a minimum, the plan must include a review of the following:

(a) ~~A list of all~~ All affected gas facilities, 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 an MAOP that produces a hoop stress greater than ~~of over~~ twenty percent of the SMYS, records of the original welding standards and welders;

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

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

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

~~(j)~~ (2) Each operator shall provide, upon request, ~~A~~any ~~additional~~ records that commission staff may deem necessary to evaluate the pressure increase.

~~(2)~~ (3)Uprates must be based on a previous pressure test that will substantiate the intended MAOP. When there is no documented history of a pressure test or where the original pressure test would not substantiate the intended MAOP, an operator must either conduct a new pressure test, or, where allowed by 49 CFR § 192.503(c), increase the pressure during the final pressure increment of the uprate to a pressure that complies with 49 CFR § 192.619(a)(2)(ii).~~conduct a pressure test in conjunction with the uprate~~.

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

In subsection (1), PSE is repeating comments submitted previously regarding reference to the percent of specified minimum yield strength. The proposed language is technically incorrect. PSE made similar comments elsewhere in these rules and requests Staff makes this change universal.

In subsection (2), PSE is repeating comments submitted previously regarding the modifier "intended for human occupancy" because the definition of building in –005 makes this unnecessary.

Regarding subsection (10) of this section, PSE acknowledges that the language was revised, but it is inconsistent with the other calibration language found elsewhere in these rules and would require accuracy checks only when calibration is not required. PSE believes this is not Staff's intent and requests clarification to the language.

The following revisions should be made to 480-93-170. These revisions add clarity without changing the intent of the rule.

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 an MAOP that produces a hoop stress in excess of twenty percent 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 ~~Part~~ § 192.5, or within one hundred yards of a building ~~intended for human occupancy~~, 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.

(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~~,~~ checked for accuracy, and calibrated~~, or where calibration is not possible, checked for accuracy~~ according to the manufacturer's recommended schedule. If no manufacturer's schedule is available, each operator must determine an accuracy or calibration test schedule and include it in the operations and maintenance procedures manual. 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.

11. WAC 480-93-178 Protection of plastic pipe.

PSE reiterates comments previously submitted regarding subsection (4) of this section. PSE strongly opposes the minimum twelve-inch parallel separation from all utilities. Staff's response to previously submitted comments indicates operators have the opportunity to provide other means of protection if they identify that it is not possible to install facilities with the required clearance. However, PSE understands from the proposed rule language that in all cases where it *is possible* to install with 12-inches clearance, an operator is required to do so or would be out of compliance.

PSE believes this rule is technically unwarranted and will have significant negative impact on joint trench construction and our builder community. As stated previously, the requirement is far more stringent than the Common Ground Alliance approved Best Practice 2-12. In addition, PSE's existing operating standards on file with the Commission already include very stringent and well-accepted clearance requirements.

In the spirit of cooperation and alignment with industry best practices, PSE believes subsection (4) should be limited to mains and the language revised as follows:

(4) When installing plastic ~~pipelines~~ mains parallel to other underground utilities, operators 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, operators must take adequate precautions to minimize any potential hazards resulting from the close proximity to the other utilities.

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

Upon further review, PSE believes the phrase "and general intent" should be deleted from this rule. This phrase adds unintended ambiguity to the rule and is unnecessary.

PSE recommends the following revisions to WAC 480-93-180:

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

(1) Each operator must have a plan and procedure manual for operation, maintenance, inspection, and emergency response activities. The manual must comply with the provisions ~~and general intent~~ of the "Pipeline Safety Improvement Act of 2002." The manual must include plans and procedures for all requirements of 49 CFR § 192 and chapter 480-93 WAC, and any plans or procedures used by an operator's associated contractors.

(2) Plans must be filed with the commission as soon as practical for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. 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.

13. WAC 480-93-186 Leakage classification and action criteria
WAC 480-93-18601 Leak classification and action criteria –Grade—Definition—Priority of leak repair

PSE reiterates comments previously submitted on this section. The suggested changes are necessary for clarity, consistency and intent.

In the proposed language, terms such as reinspect, reevaluate, and follow-up inspection are used inconsistently. "Follow-up inspection" is defined in –005 but is then not used where intended in this rule. In addition, some of the subsections contain a heading that seems to be a carryover from the existing rules but is inconsistent with the remaining sections within this chapter.

This section and the following section, 480-93-18601, contain duplicate information. Namely, (4)(a), (b), and (c) of –186 are repeated in (10), (2) and (3) of –18601. The other information in –18601 specifically refers to action that an operator shall take in response to a certain leak grade. This is "action criteria" and fits right in with the existing title of section –186. Given this, PSE again recommends combining the information in –18601 into –186 for clarity, to eliminate redundancy of information, and for ease of use by operators. Staff's proposed change to the title of 480-93-18601 supports this suggestion and the existing title of 480-93-186 supports inclusion of the 'action criteria' from –18601 into this section. This change supports the mandate set forth in Executive Order 97-02 and significantly streamlines the rules without changing the content or intent. PSE believes that Staff would agree that rules should be written in a clear manner that promotes compliance.

The proposed language in subsection (4)(d) does not clearly convey Staff's intent as documented in Appendix A of the CR-102 notice filed in June 2004 and as discussed at the December 2003 stakeholder workshop. The intent was clearly noted as, "when a leak has been regraded and the same leak is later found at a more severe grade, the leak must be repaired".

In summary, PSE recommends that Staff combine WAC 480-93-186 and 480-93018601 under one section, revise certain text for consistency, and that proposed subsection (4)(d) be renumbered as a separate subsection and revised to clarify the intent.

WAC 480-93-186 Leakage classification and action criteria.

(1) Based on an evaluation of the location and/or magnitude of a leak, the operator must assign one of the leak grades in subsections ~~(3)~~ (4) through (6) of this section, thereby establishing the leak repair priority. An operator 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. Operators must apply the same criteria used for initial leak grading ~~to reinspected~~ when reevaluating leaks.

(2) ~~Gas leak classification and repair.~~ Each operator must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the operator must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the operator must extend the investigation inside the building. Where the reading is in an unvented, confined space, the operator must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) ~~Follow-up inspections.~~ The adequacy of leak repairs shall be checked by acceptable methods while the excavation is open. The operator must check the perimeter of the leak area with a combustible gas indicator. The operator must ~~reinspect~~ perform a follow up inspection on all leak~~s~~ repairs with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) ~~Leak grades.~~

~~(a)~~ A Grade 1 ~~means a~~ leak is a leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until conditions are no longer hazardous.

(a) Prompt action in response to a Grade 1 leak may require one or more of the following:

(i) Implementation of the operator's emergency plan pursuant to 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) (h) Notifying police and fire departments.

(b) Examples of Grade 1 leaks requiring prompt action include, but are not limited to:

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

(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 LEL or greater in a confined 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.

~~(b)~~ (5) A Grade 2 ~~means a~~ leak is a leak that is recognized as not being hazardous at the time of detection but requiring scheduled repair based on potential future hazard.

(a) Operators 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 repair provided above. In determining the repair priority, operators 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) Operators must reevaluate Grade 2 leaks at least once every six months until 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. Others in (a) of this subsection require repair within thirty days. The operator 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 reinspection as necessary.

(d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside of a building, under frozen or other adverse soil conditions.

(e) Examples of Grade 2 leaks requiring action within six months include, but are not limited to:

(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 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 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 facilities where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in a confined space;

(v) Any reading on a pipeline operating at thirty percent 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 which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.

~~(c)~~ (6) A Grade 3 ~~means a~~ leak is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

(b) Examples of 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.

~~(d)~~ (7)Grade 1 and 2 leaks can only be downgraded once to a Grade 3 leak without a physical repair. After a leak has been downgraded once, if the same leak is later regraded to a more severe grade, the maximum repair time for that leak is twenty-one months.

~~(5) Leakage classification and control requirements are provided in WAC 480-93-18601.~~

~~**WAC 480-93-18601 Leak classification and action criteria--**~~
~~**Grade--Definition--Priority of leak repair**~~

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

~~(a)Prompt action in response to a Grade 1 leak may require one or more of the following:~~

~~(i) Implementation of the operator's emergency plan pursuant to 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. Examples of Grade 1 leaks requiring prompt action include, but are not limited to:~~

~~(i) Any leak, which in the judgment of operating personnel at the scene, is regarded as an immediate hazard;~~

~~(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 LEL or greater in a confined 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) Grade 2 leak. 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 potential future hazard.~~

~~(a) Operators 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 repair provided above. In determining the repair priority, operators 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) Operators must reevaluate Grade 2 leaks at least once every six months until 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. Others in (a) of this subsection require repair within thirty days. The operator 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 reinspection as necessary.~~

~~(d) When evaluating Grade 2 leaks, operators should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside of a building, under frozen or other adverse soil conditions.~~

~~(e) Examples. Grade 2 leaks requiring action within six months include, but are not limited to:~~

~~(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 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 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 facilities where gas could potentially migrate creating a probable future hazard;~~

~~(iv) Any reading between twenty percent LEL and eighty percent LEL in a confined space;~~

~~(v) Any reading on a pipeline operating at thirty percent 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 which in the judgment of operating personnel at the scene is of sufficient magnitude to justify scheduled repair.~~

~~(3) Grade 3 leak. A "Grade 3 leak" is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.~~

~~(a) Operators should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded 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.~~

14. WAC 480-93-187 Gas leak records

PSE is confused by the latest draft of this rule. In previous discussions and response to comments, Staff indicated that they would maintain the term "repair" for the records requirements of this section to maintain the intent of the existing rule. The last draft included "repair" in the first sentence but not in the second. PSE requested that "repair" be repeated in the second. Staff's response to PSE comments were that the rule was redrafted. What PSE finds is that the word "repair" has been completely removed. In Appendix A to the CR-102 notice filed in June 2004, this rule was listed as being re-written for clarity. This proposed language in fact changes the rule intent. PSE requests that the language be revised to match the language of the existing rule.

In addition, as previously noted, this rule refers to a follow-up inspection (defined in –005) as a recheck. "Recheck" should be replaced with the correct and defined term of "follow-up inspection".

WAC 480-93-187 Gas leak records.

Each operator must prepare and maintain permanent gas leak repair records. The leak repair records must contain sufficient data and information to permit the commission to assess the adequacy of the operator'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 the name of the employee(s) conducting the investigation;

(2) Date and time the leak was reevaluated before repair, and the name of the employee(s) ~~involved~~ performing the reevaluation;

(3) Date and time of repair and the name of the employee(s) in charge of the repair;

(4) Date and time of any ~~rechecks~~ follow-up inspections performed, and the name of the employee(s) ~~involved~~performing the follow-up inspection;

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

(6) Leak grade;

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

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

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

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

(11) Pipe condition;

(12) Type of repair;

(13) Leak cause;

(14) Date pipe installed (if known);

(15) Magnitude and location of CGI readings left;

(16) Magnitude and location of CGI readings as found (showing spread of gas); and

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

15. WAC 480-93-188 Gas leak surveys.

Since the previous draft, Staff revised subsection (1)(c) of this section. PSE is concerned that this proposed language is unclear because of the inclusion of "area". PSE recommends deleting this for clarity. PSE believes the definition of "high occupancy structure or area" allows for separation of these terms in the rules where appropriate to do so (i.e. 'high occupancy structure' in –188 and 'high occupancy area' in -020).

PSE finds the requirements set forth in subsection (2) to be too restrictive for practical purposes and inconsistent with other rule sections that pertain to instrument calibration and accuracy checks. PSE believes it is appropriate for operators to determine a suitable frequency if none is specified by the manufacturer.

In June 2004, RSPA/OPS amended 49 CFR § 192.723(b)(2) to allow up to 63 months for leakage surveys outside business districts (69 FR 32886, June 4, 2004). PSE previously discussed this with Staff and was of the understanding that if the federal rule granted a 'grace' period for leak survey frequency that Staff would incorporate this into this WAC rule. Therefore, PSE requests that subsection (3)(b) of this section be revised accordingly.

Regarding subsections (4)(a) and (b), PSE agrees with Staff's proposal to change the language from the current requirement to perform special surveys if there is "substantial probability". However, PSE is concerned that if special surveys are required whenever there is any "potential" for damage that special surveys could be required every time any construction occurs regardless of how remote the potential for damage might be. PSE does not believe this is Staff's intent and requests that the language be modified such that special surveys are required when there is "reasonable potential" for damage.

Based upon the above comments, PSE recommends the following revisions to 480-93-188:

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) Walls of businesses and high occupancy structures ~~or areas~~ that are within one hundred feet of an active pipeline facility;

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

(e) Where a gas service line exists, at the building wall point of entrance, using a bar hole where necessary; and

(f) 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 recommendation. If there is no manufacturer's recommendation, then instruments must be tested for accuracy at an appropriate schedule determined by the operator ~~but 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.

(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;

(b) Residential areas - as frequently as necessary, but at least once every 5 calendar years at intervals not to exceed 63 months ~~not to exceed five years~~ between surveys;

(4)Special leaks 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 there is reasonable potential that damage could have occurred to gas facilities;

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

16. WAC 480-93-200 Reports associated with operator facilities and operations.

PSE previously noted that the title of this section is incorrect as printed in the docket. Staff disagreed with this comment. The table of contents is not included in the draft rules posted with the CR-102 notices. However, in previous drafts that included the table of contents, this section was titled as follows:

WAC 480-93-200 Reports associated with operator ~~gas company~~ facilities and operations.

The title of this rule as printed in the docket in July 2004 and January 2005 is as follows:

WAC 480-93-200 Reports associated with operator gas company facilities and operations.

PSE continues to oppose certain provisions of this proposed rule. PSE believes the following requirements are contrary to the mandate set forth in Executive Order 97-02 for need, effectiveness and fairness in rules:

1. Reporting media coverage within 2 hours [(1)(g)];
2. The addition to the rule of reporting evacuations of dwellings [(1)(c)], and construction defects or material failures not causing an incident or hazardous condition [(2)(a)];
3. Maintaining a reporting threshold of $5,000; and,
4. Regulating the submission of daily reports of construction and repair activities.

The CR-102 summary for this rule states that telephonic incident reporting requirements for more serious incidents is changed from six to two hours. PSE strongly disagrees that news media coverage of some event that involves a gas facility is a serious incident. Staff's response to PSE's previous comments is that this requirement is not burdensome to operators and therefore should remain. PSE disagrees. Reporting media coverage to the Commission accounted for 55% of PSE's reportable 'incidents' in 2004. As stated previously, PSE believes the reporting requirement should be deleted from this rule altogether because a serious incident will be reported under other provisions of the rule. The choice by news media to cover an event is not based on any sound technical evaluation of the event, but rather on the whims of the media. The role of the WUTC and these WAC rules is to regulate gas pipeline operators. We have no control or influence over what news media does and monitoring media for a large geographic area is burdensome and has no bearing on pipeline safety.

PSE and other operators agree that subsection (1)(c) regarding evacuation of dwellings should be deleted. As stated in previous comments, local emergency response officials frequently evacuate structures as a precautionary measure, even

though the actual risk to occupants may be insignificant. A legitimate evacuation of a building due to an incident caused by the operation of the gas facilities is likely to trigger a separate requirement under this section, which then reduces or eliminates the importance of reporting all evacuations. Additional reporting requirements subject to how a third party (emergency responders and/or media) responds to an incident are not warranted since we agree with and will continue to report per the technical criteria for reportable incidents.

PSE understands from Staff's response to PSE's comments regarding subsection (2)(a) that Staff considers incidents or hazardous conditions to include leaks. In accordance with WAC 480-93-186, operators must classify leaks according to severity. Not all leaks are hazardous and not all leaks warrant repair. If a construction defect or material failure causes a leak, this does not automatically constitute an incident or hazardous condition. Inclusion of this provision in the rule is contrary to Staff's intent of rewriting the rule for consistency with federal regulations as stated in the CR-102 notice.

PSE requests clarification on Staff's disagreement for raising the reporting threshold to a dollar amount greater than $5,000. This threshold is not commensurate with today's dollars.

PSE understands from Staff's response to PSE's comments regarding the requirements to send daily reports of construction and repair activities electronically to the commission that Staff believes inclusion of this requirement is warranted because it is not burdensome. Sending the reports is in fact burdensome, but this is not PSE's disagreement. Rather, it is the burden of additional, unwarranted, and non-safety related regulations that PSE opposes. Operators, including PSE, already submit these reports voluntarily and in fact are compelled to under other provisions of these rules. This subsection is not necessary and PSE requests it be deleted from this section.

PSE understands from Staff's response to comments that there are two different reporting requirements due to exceeding an MAOP. One has a 2-hour reporting requirement (subsection (4)) and one has a 24-hour reporting requirement (subsection (2)(e)). In addition, a written report is required for incidents reported under subsection (4). The telephonic reporting time frame and the written report requirement stated in subsection (4) are identical to the requirements under subsection (1) and (5). For clarity, readability, and consistency, the proposed subsection (4) should be incorporated into subsection (1) because the 2-hour reporting requirements are covered under section (1) and the 30-day follow-up written report required under subsection (5) would also cover this.

PSE also previously commented on subsection (7) because this subsection includes multiple, unrelated requirements. For clarity and readability, PSE requests that the damage prevention report be included under a separate

subsection as noted previously and again below. In addition, PSE requests correction of the grammar as indicated.

Finally, Staff indicated that subsection (5) would be re-written for clarity and subsection (1)(e) would be corrected to reflect a 25 customer reporting threshold in "the next version of the draft rules". PSE assumes that this is a version that will be printed after the January 28, 2005 deadline for filing written comments.

PSE requests the following revisions to WAC 480-93-200:

WAC 480-93-200 Reports associated with operator facilities and operations.

(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 five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);

~~(c) Results in the evacuation of a dwelling, building, or area of public assembly;~~

~~(d)~~ (c)Results in the unintentional ignition of gas;

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

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

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

~~(g) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (e) 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:

~~(a) Results from construction defects or material failure;~~

~~(b)~~(a) Results in the uncontrolled release of gas for more than two hours;

~~(c)~~(b) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;

~~(d)~~(c) Results in a pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or

~~(e)~~(d) Results in ~~When~~ a pipeline or system pressure exceeding~~s~~ the maximum allowable operating pressure.

(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 except as noted in subsection ~~(1)~~ (2) of this section, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

~~(4) When a pipeline or system pressure exceeds the maximum allowable operating pressure plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020, the operator must notify the commission by telephone within two hours, to be follow up the telephonic notification with a written explanation within thirty days;~~

(5) Operators must provide to the commission a written report ~~the reports required in subsection (1) of this section, verified in detail in writing~~ within thirty days of the initial telephonic report required under subsection (1)of this section. At a minimum, written reports must include the following:

(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;

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

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

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

(g) The cost of the incident to the operator.

(6) Operators must provide to the commission a written report within forty-five days of receiving the failure analysis of any incident or hazardous condition that was due to construction defects or material failure.

(7) Operators must file with the commission a copy of every Research and Special Programs Administration (RSPA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(8)~~In addition to the above required forms, o~~Operators must file with the commission the report titled, "Damage Prevention Statistics," with the corresponding RSPA fiscal year. The Damage Prevention Statistics report must include ~~in detail~~ the following information:

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

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

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

(i) ~~A locate is not accurate~~ Inaccurate locate;

(ii) ~~The operator failed~~ Failure to use reasonable care; or

(iii) Excavated prior to a locate being conducted.

~~(8)~~ (9) 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.

~~(9) Operators must send daily reports of construction and repair activities electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. 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.~~

(10) Operators must file with the commission a copy of every ~~When an operator is required to file a copy of a~~ RSPA Drug Testing and Alcohol Testing Management Information System (MIS) "EZ" 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.

17. WAC 480-93-999 Adoption by reference.

49 CFR has been amended 10 times since October 1, 2003. PSE understands that Staff will incorporate the most recent version of 49 CFR Part 192 into this section and that this section will be updated as frequently as necessary to keep up with the numerous changes that occur in the federal rules.

Staff disagreed with PSE's comment that the incorporation of the 18th edition of API 1104 is outdated. On June 4, 2004, RSPA/OPS amended 49 CFR Part 192 (69 FR 32886) to update the adoption by reference of industry consensus standards. In this amendment, RSPA/OPS adopted the 19th edition of API 1104.

PSE continues to oppose the inclusion of new construction under the definition of covered task. PSE believes it is counter-productive to national pipeline safety improvement efforts for Washington State to ignore the collaborative efforts underway to develop comprehensive and effective rules at the federal level. Operator Qualification activity continues to move forward with the draft industry consensus standard (B31Q) scheduled for release in early February 2005.

PSE understands from Staff's response that they believe including this provides additional safety to pipelines in Washington State. As such, PSE believes this requirement is inappropriately included in this section –999. In addition, this requirement could have significant impact on operators and sufficient time for implementation of changes necessary to comply with this requirement should be granted. PSE recommends two years from the date of adoption of these rules.