



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

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DATE: October 21, 2024

TIME: 2:55 PM

WSR 24-21-121

**Agency:** Washington Utilities and Transportation Commission

**Subject of possible rule making:** This rulemaking concerns potential changes to current rules in Washington Administrative Code (WAC) Chapter 480-93 applicable to the provision of gas company pipeline safety, including gas leak surveys, and reporting requirements.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 80.01.040, RCW 80.04.160, RCW 81.01.010, RCW 81.04.160, RCW 81.88.040, RCW 81.88.065 and RCW 81.88.160

**Reasons why rules on this subject may be needed and what they might accomplish:** RCW 81.04.160, RCW 81.88.040, RCW 81.88.065, and RCW 81.88.160 task the Commission with regulating the area of gas company pipeline safety. The Commission has enacted rules regarding the provision of gas company pipeline safety in WAC 480-93.

The Commission received a request to amend two sections of WAC 480-93.

1. WAC 480-93-188(1) pertains to leak surveys and how they are to be performed.
2. WAC 480-93-200(1) pertains to reporting requirements and what must be reported to the Commission in pipeline emergencies.
3. In addition, redundant and outdated language found in WAC 480-93-200(1) is proposed to be removed.

The Commission evaluated the request to amend WAC 480-93-200 and WAC 480-93-188 and determined it was in the best interest of public safety to make the following amendments.

The proposed WAC 480-93-200(1) amendments are to remove redundant requirements that are also found in the Federal Pipeline Safety rules under Title 49, Code of Federal Regulations (CFR) Parts 192 and 191, and to clarify what type of evacuations will be reportable during gas pipeline emergencies. Currently, WAC 480-93-200(1)(a) and (b) are also reportable under Title 49, CFR, Part 191.5 where they fall under the definition of an Incident (CFR Part 191.3). We propose to remove these two requirements from the WAC and replace them with a single requirement to report "Incidents" as defined in CFR Part 191.3. Currently CFR Part 191.3 defines what an "Incident" is and under CFR Part 191.5, incidents are required to be reported to the National Response Center which in turn contacts the Pipeline and Hazardous Materials Administration (PHMSA) and the Commission to investigate. The PHMSA definition of an incident captures the requirements to report a fatality and damages over \$50,000, so the current Commission rules are redundant with federal reporting requirements. Currently, WAC 480-93-200(1)(c) requires the reporting of all evacuations. When this rule went into effect in 2003, evacuations were a rare occurrence. After the 2011 amendments to RCW 19.122, it became a requirement to call first responders (Fire Departments) each time third party damage resulted in a gas leak. This increase in fire department response resulted in a dramatic increase in evacuations, and an increase in the required reporting to the Commission. Currently, evacuation reports account for approximately 80-percent or more of incident notifications that our on-call engineers receive. This has been burdensome on both Commission staff and on pipeline operator staff with no benefit to pipeline safety, or public safety, and no gain of any useful statistical data used to monitor pipeline incidents. We propose to more narrowly define what evacuations should be reported to include a High Occupancy Structure or Area as defined in WAC 480-93-005(14).

The proposed WAC 480-93-188(1) amendments are to revise the current leak survey language to allow alternative technology to be utilized in conducting leak surveys. Current language states that leak surveys must be conducted "over" all pipeline facilities, next to other utilities, and in cracks in paving. This language was based on older technology where the leak detection instrument had to be placed on the surface of the ground over the pipeline in order to detect the leak. Current technology allows atmospheric sampling near pipelines and does not have to be placed over pipeline facilities. Alternative technology provides for a comparable level of safety and, in some circumstances, a more thorough and economical leak survey. We propose to remove the word "over" all pipeline facilities that currently limits the type of leak detection instrumentation that can be utilized.

The Commission finds that making these changes to Pipeline Safety rules is warranted and in the interest of public safety. These changes will allow the use of alternative technologies in conducting leak surveys that provide comparable or better leak detection which ultimately improves public safety. In addition, these changes will allow better utilization of pipeline safety staff and operator personnel time by not

having to report and assimilate data on all evacuations regardless of cause or affect. Most evacuations are conducted out of an abundance of caution and there is no need to track or report this type of event.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** N/A

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The UTC uses a collaborative rulemaking process that includes stakeholder workshops, formal comments, and draft rules

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Additional comments:

**Date:** October 21, 2024

**Name:** Jeffrey Killip

**Title:** Executive Director and Secretary

**Signature:**

