

Summary of Written Comments Draft Rules
Gas Safety Rulemaking - PG-061027
February 16, 2007

ISSUE	INTERESTED PERSON	COMMENTS	RESPONSE
<p>1) WAC 480-93-005 (22) Definitions</p>	<p><u>Northwest Gas Association (NWGA)</u> Dan Kirschner representing Avista Utilities, Cascade Natural Gas Corp., and Puget Sound Energy.</p> <p><u>Northwest Industrial Gas Users – (NWIGU)</u> Paula Pyron representing Industrial Users of Natural Gas in the State of Washington</p>	<p>1.) It is unclear why a definition for a commonly used term such as "record" is necessary. It is customary to define terms that are industry specific, unique to the body of regulations, and/or more specific than a similar common term (as in "gas" or "operator". Is the objective to broaden the definition beyond what would be normally understood?</p> <p>2.) NWIGU is uncertain what the proposed new definition for operator records is intended to include given the corresponding revision to WAC 480-93-018 (1) (which revision requires an operator to maintain records sufficient to demonstrate compliance with both federal and state pipeline safety regulation).</p>	<p>1.) The rule is written broadly to include all forms of records. WAC 480-93-018 provides that operators must maintain records sufficient to show compliance. The UTC is not prescribing the precise form of all records an operator must use to do so. WAC 480-93-018 makes clear to operators that any and all records maintained by an operator that are sufficient to show compliance must be made available during a compliance inspection. This includes records that the rules specifically require an operator keep, but it may also include other records . In past inspections it appeared to be unclear to some operators that the pipeline safety program had jurisdictional authority to review and get copies of pipeline records needed to verify compliance. Rewriting the definition of "record" provides a list of types of records an operator may be asked for and must make available during an inspection</p> <p>2.) Same reply as above</p>

2) WAC 480-93-013 Covered Task	NWGA	<p>1.) The addition of subsection (4) in this rule appears to duplicate the requirements in 192 Subpart N. If the objective is to impose additional requirements on operators above and beyond the existing Operator Qualification requirements, these additional requirements are unclear to NWGA members.</p> <p>Additionally, this is one of the proposed new subsections that addresses specificity (i.e. “applicable to the operator’s gas pipeline system”). If a particular operator’s procedure manual is not compliant, the Commission already has the authority to request amendments to such procedures therefore additional regulation is unnecessary.</p>	<p>1.) This rule is not associated with problems encountered in procedure manuals. It is related to training and qualification conducted by third party consortiums. (For example during an OQ inspection an employee was qualified by a third party consortium on a task that allowed him to do annual regulator station inspection and maintenance. During the course of the inspection it became apparent that the employer was not comfortable having the qualified employee conduct the task in which he was qualified because the type of regulator the employee was qualified on by the third party consortium was different than the ones in operation in the system where the employee worked.) An employee must be qualified on the same type of equipment that is in operation where the covered task will be performed. The addition of subsection 4 clarifies employee requirements prior to performing covered task.</p>
WAC 480-93-015 Odorization of Gas	NWIGU NWGA	<p>1.) WAC 480-93-015 (4) – Is this provision intended to add requirements above the existing Operator Qualification requirements (192 Subpart N?) Its insertion appears duplicative of existing requirements, and accordingly unnecessary.</p> <p>2.) NWGA members suggest the following drafting change to subsection (6): (6) ...pipelines that transport hydrogen <u>or natural</u> gas for use as a feedstock...</p>	<p>1.) Your comment is not clear. 192 Subpart N is not associated with odorization of gas.</p> <p>2.) We disagree with the suggested change. We propose the following language: (6) Exception. This rule does not apply to pipelines that transport gas where the odorant would make the gas unfit for its intended purpose. In addition to this proposed change we suggest moving the second sentence of subsection (6) “Operators of such pipelines must perform monthly leak surveys” to WAC 480-93-188 (3) (e), and redrafting it to say “Operators of un-odorized pipelines must perform monthly leak surveys.”</p> <p>1.) The context of subsection (2) is clear: it refers to records sufficient to demonstrate compliance. Nothing in the draft rules</p>

WAC 480-93-018 Records	NWGA	<p>1.) Proposed subsection (2) could be interpreted broadly if taken out of context. In addition, proposed subsection (4) essentially duplicates proposed subsection (2). For clarity, the following drafting change is recommended to subsection (2):</p> <p>(2) Operators must give the commission access to and/or copies of such the records required to be kept under subsection (1) upon request.</p>	<p>suggest the commission would apply the rule out of that context. In response to your comment on subsection (4) we disagree that it is duplicative. Providing “access” to a record for review during an inspection is different than providing a “copy” of a record. We do agree that subsection (2) and (4) can be combined. Proposed change: (2) Operators must give the commission access to records for review during an inspection and provide copies of requested records.</p>
	NWGA	<p>2.) The requirements set forth in subsection (3) are vague and subjective. NWGA members are unclear about the need for or objectives of this change. Depending upon the response thereto, NWGA members suggest the following drafting changes:</p> <p>(3) Operators must maintain such records in a format and location that makes them easily readily accessible and easy to review and for inspection.</p>	<p>2 and 3.) This rule is a performance-based rule that allows an operator the flexibility to determine how records are kept with the understanding that certain records need to be in such a format that an inspector can perform an audit of the record. The re-drafting of this rule is based on experiences during past inspections where records have not been maintained in a way that they can be audited. The commission has the authority in RCW 80-04-090 to require a company to use a form provided by the commission for record keeping. We prefer that an operator decide its record keeping method. This rule clarifies that records must be “accessible, in a format that can be audited and provide a copy if requested.”</p>
	NWIGU	<p>4.) WAC 480-93-018 (3) - NWIGU has concern with a requirement that records must be “easy” to review and inspect as it suggests a most subjective standard. This rule would seem more appropriately worded if it required records to be “readily” accessible.</p>	<p>4.) Same reply as (2-3) above.</p> <p>5.) We agree with combining section (2) and (4) and suggest language in reply (1) to 480-93-018 above.</p>

WAC 480-93-100 Valves	NWGA	5.) As stated above, proposed subsection (4) essentially duplicates proposed subsection (2). NWGA members recommend combining the two subsections for clarity.	
	NWGA	6.) The purpose of proposed subsection (5) is unclear. In general, the requirements of this subsection are unnecessary given proposed subsection (1). In particular, the signature requirements in the second sentence will restrict or limit the use of paperless technology by operators to document tests and inspections. The last sentence in proposed subsection (5) contains a requirement that is unique and specific; NWGA members do not object to retaining the requirement in this sentence in the proposed rule.	6.) The re-drafted rule addresses the following example: A rule may require an operator to perform a survey and keep a record of the survey. A rule written in this manner would not necessarily require the operator to record the values of any reads taken during the surveys, only that they have a record of the survey having been performed. In addition, there was a comment made by an operator stating this exact scenario during the 2005 gas safety seminar we held in Yakima. The rule revision attempts to make it clear that we expect operators to record all of the individual reads and values taken during the various surveys they perform.
	NWIGU	7.) WAC 480-93-018 (5) seems to suggest something specific beyond the compliance requirement of 480-93-018 (1). The new rule change also requires actual physical signature, and this seems counterproductive to any efficiencies for record retention and storage in electronic media.	7.) For the first sentence of this comment our reply is the same as (6) above. For the second part of the comment concerning the term “physical signature,” we agree to remove that requirement and suggest the following re-drafted language for the second sentence in subsection (5): “The record must include the name of the person who performed the work and the date the work was performed.”
	NWIGU	1.) WAC 480-93-100 Valves: NWIGU understands from its own preliminary discussions with the local distribution companies (LDCs) that the costs of compliance for the LDCs with the written program requirement changes appear quite significant, coupled with the risk analysis/valve inspection requirement of	1.) Associated costs to industrial gas users would be minimal since this rule change is written as it relates to operators with distribution systems. For the most part, staff has found in its inspections that Industrial gas users have a sufficient number of valves. 2. a) We disagree that subsection (4) is duplicative of subsection (1) and will discuss this further at the stakeholder workshop.

	<p>NWGA</p>	<p>subsection 5.</p> <p>2. a.) In the view of NWGA members, the proposed revisions to this rule constitute significant changes and have material economic impacts. The purpose of the changes is unclear. Subsection (4) duplicates the requirements set forth in subsection (1).</p> <p>2.b) In subsection (5), it appears that Staff is proposing that operators inspect all valves unless a risk analysis determines that this is unnecessary. NWGA members request the opportunity to discuss the proposed revisions with staff.</p>	<p>2.b) Since the current rule was adopted with the language “must be considered” inspectors have been given replies by operators that “we decided it was not necessary.”, The operators’ responses do not meet the rule requirement. Operators must identify valves, for example: serving a daycare, nursing home, or school, that would warrant increased inspection frequency due to the end user. The current rule as written defines the criteria an operator must use to identify valves. There have been several instances where operators have misinterpreted the rule. For example: (Operators stating that they have considered the listed criteria but not incorporated any of the criteria into their valve programs. For example, based on the size of service, operators should have valve maintenance requirements for certain size lines based on their unique system characteristics such as, emergency response times, proximity to local features or populations etc.) In addition there has been increased shut down time in emergencies due to inadequate valve spacing. Most operators have additional valves that have been installed that are not maintained as emergency valves. It is found that during emergencies operators are using valves that have been installed and not maintained as emergency valves. The reliance on valves that may or may not be accessible and the increased shut down time makes it clear that more valves are necessary for the safe operation of many systems. This reason substantiates the need for a required risk-based analysis. Staff does not believe that this would incur a huge cost impact. If an operator has an adequate number of valves then the shutdown</p>
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<p>WAC 480-93-124 Pipeline Markers</p>	<p>NWGA</p>	<p>1.) In new subsection (1) (a), the change from “main” to pipeline and “above two hundred fifty” to “at 250 or above” constitute substantial changes. These changes result in the requirement for pipeline markers on all mains and services operating at 250 psig or greater rather than the current requirement for markers on mains operating above 250 psig. NWGA members request the opportunity to discuss with Staff the purpose of these additional requirements.</p> <p>2.) It appears that “drainage ditch” was added to proposed subsection (1) (c) due to the deletion of existing subsection (1). However, from a practical standpoint, placing markers on both sides of a drainage ditch is unnecessary as these ditches are typically only 2 – 3 feet wide. NWGA members recommend that a separate subsection be created to cover the requirement to have a pipeline marker at drainage ditch crossings.</p> <p>3.) Proposed subsection (1) (e) exceeds the requirements of 192.707. This language appears to</p>	<p>time during an emergency is minimized. If an operator already has an adequate number of valves to minimize shutdown time then the only cost would be the risk-based analysis. If an operator does not have an adequate amount of valves then additional costs would be incurred.</p> <p>1.) We disagree with the proposal to add the term “main” to the draft rule. The draft language should capture all pipelines that operate above 250 psig, not just the “mains”. We do agree to remove the word “at” 250 from the draft rule.</p> <p>2.) It may not always be clear that the pipeline crosses a ditch or runs parallel to it if only one marker is used. Some ditches may be 2-3 feet as mentioned here but some may be 30-40 feet as is common in certain locations. It doesn’t seem feasible to place width restrictions on the rule. There is a history of damage caused to facilities at drainage ditches due to the fact that they are mechanically cleaned out. The rule is currently written to allow an operator to determine if there is a risk to the pipeline then markers are required on both sides of the drainage ditch.</p> <p>3.) Yes, the rule is written to exceed the requirements of the federal rule. The rewrite of the rule requires markers on all above ground facilities except service risers and meter set assemblies. Please provide an example where an operator would have an</p>
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		<p>require that all services, mains, and transmission lines that are above ground, whether they are accessible to the public or not, have a pipeline marker. The only exception is service risers and meter set assemblies. NWGA members request clarification on the objective of this change. In addition, the following drafting change is recommended:</p> <p style="padding-left: 40px;">(e) On above ground pipelines and pipeline facilities. Structures such as homes or businesses having Service risers and meter set assemblies are exempt from this requirement;</p> <p>4.) The objective of proposed subsection (1) (f) is unclear. The term “unusual activity” is vague and broad. This proposed new requirement somewhat duplicates the requirements of 192.707 and therefore the NWGA members recommend deleting this proposed subsection.</p> <p>5 a.) WAC 480-93-124 – The proposed revisions are not entirely clear. Do all above ground pipelines and pipeline facilities, except meter set assemblies, require a pipeline marker?</p> <p>b)Both sides of a drainage ditch no matter how wide?</p> <p>5 c.) New subsection f is difficult for accountability for the operator with the best of intentions (a marker required where there is “unusual activity” is just too</p>	<p>above ground facility that is not accessible to the public? We can discuss the example at the stakeholder workshop and determine if the suggested “accessible to the public” clause is needed.</p> <p>We agree with your proposed language, and make an additional suggestion: We suggest removing the word “structures” as follows: (e) On above ground pipelines and pipeline facilities, such as service risers and meter set assemblies serving homes or businesses are exempt from this requirement.</p> <p>4.) Agree to delete section (1) (f).</p> <p>5 a.) Yes</p> <p>5 b.) The rule is currently written to allow an operator to determine whether there is a risk to the pipeline and whether markers are required on both sides of the drainage ditch.</p> <p>5 c.) Agree to delete section (1) (f).</p>
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<p>WAC 480-93-170 (1) Tests and reports for pipelines.</p>	<p>NWGA</p>	<p>vague). NWIGU members that are direct connects adhere to the Commission’s requirements for their regulated facilities, but recommend this subsection f be deleted.</p> <p>6.) Proposed subsection (1)(g) is new and would require additional markers beyond what is already required where mains cross certain features as indicated in the above subsections or operate above a certain pressure. NWGA members request the opportunity to discuss the objective of these additional requirements with Staff.</p>	<p>6.) Draft section (1)(g) of the rule clarifies that markers are required in class 1 and 2 locations.</p>
	<p>NWGA</p>	<p>7.) Proposed subsection (1) (h) is new and potentially conflicts with 192.707. This would require additional markers on transmission lines beyond what is already required where transmission lines cross certain features as indicated in the above subsections. NWGA members request the opportunity to discuss the objective of these additional requirements with Staff.</p>	<p>7.) Draft section (1)(h) of the rule clarifies that markers are required over all transmission lines regardless of class locations.</p>
	<p>NWGA</p>	<p>8.) It is unclear whether proposed subsections (1) (b), (1) (c), and (1) (d) apply to both mains and services.</p>	<p>8.) Section (1) uses the term “pipeline” and applies to services, mains and transmission lines.</p>
	<p>NWIGU</p>	<p>1.) WAC 480-93-170 (1) requires two business days notice with a review of three business days for the pressure test procedures now added in new subsection d. It would seem more appropriate to require two business days in new subsection d by meshing the notice and procedures review.</p>	<p>1. and 2) It makes sense to combine subsection (d) with section (1). Any pressure test procedure on pipelines at 20% SMYS or greater should be submitted with sufficient time to review the test procedure prior to pressurizing to 20% SMYS or greater. Procedures must be on file with the commission or submitted at the time of notification.</p>
	<p>NWGA</p>	<p>2.) Does the new requirement in proposed subsection</p>	

<p>WAC 480-93-180 Plan of operations and maintenance procedures; emergency policy; reporting requirements.</p>	<p>NWGA</p> <p>NWIGU</p> <p>NWGA</p>	<p>(1)(d) to provide the pressure test procedure constitute the notification that is required under subsection (1)? NWGA Members request clarification of the expectations of this proposed change if an operator has procedures on file with the commission. At a minimum, we recommend aligning the notification timing in these two subsections.</p> <p>1.) The phrase “as soon as practical” is subjective. NWGA Members are constantly updating procedures. Having to regularly transmit revisions as they are adopted would be exceptionally burdensome and would not contribute to pipeline safety. NWGA Members request the following drafting change to the second sentence of subsection (2): (2) Operators must file revisions to the manual with the commission as soon as practical annually.</p> <p>2.) WAC 480-93-180 (2) NWIGU views the new proposed requirement for an operator to transmit all manual revisions to the WUTC “as soon as practical” to be most burdensome. A requirement to file revisions on at least an annual basis would be much more reasonable.</p> <p>3.) NWGA members disagree with the proposed new requirements outlined in subsection (3). An operator’s Operations and Maintenance (O&M) manual should not have to specify administrative processes that are in place to support the implementation of the plans and procedures. Business processes are dynamic and this specificity would be quickly outdated. The effort to add this</p>	<p>1. and 2.) Agree with the suggested change.</p> <p>3. and 4.) Record keeping is a requirement of federal and state rules and is an important aspect of compliance. Most operators have the minimum record keeping requirements in their manual and they also reference the form numbers and in many cases have examples. Manuals should contain examples of all forms. The knowledge of what forms are available and what data is recorded on them is a very important factor in conducting an inspection</p>
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	<p>NWIGU</p> <p>NWGA</p> <p>NWIGU</p>	<p>level of detail to the plans and procedures would be burdensome and costly without improving pipeline safety. The requirements in 480-93-017 that allow Staff access to operator compliance records is sufficient to support deleting this proposed subsection.</p> <p>4.) WAC 480-93-180 (3) NWIGU does not think a record listing requirement belongs in an operator’s manual for operations and maintenance and recommends striking this addition.</p> <p>5.) The objective of proposed new subsection (4) is unclear. If a particular operator’s procedure manual is not specific enough for compliance, the Commission already has the authority to request amendments to such procedures therefore additional regulation is unnecessary. NWGA members recommend deleting this proposed subsection.</p> <p>6.) WAC 480-93-180 (4) NWIGU is concerned with what level of detail is required by a manual written “for a person with adequate training” as this seems vague and question whether this provision is needed.</p>	<p>5. and 6.) This rule is based on the fact that during inspections we have found many operators who have either used the existing code language as their procedure or have procedures that do not have enough detail to ensure repeatable performance when conducting operations or maintenance. This rule does not impose any additional requirements above that already required. It merely makes it clear to operators what they must include or reference in their procedures manual.</p> <p>Having step-by-step instructions for procedures when it comes to performing tasks on a pipeline is vitally important. We feel it is better to make the requirements clear upfront rather than find deficient procedures which result in non-compliance and potential safety issues.</p> <p>In addition, we propose to change the title of this rule: The new title will read “WAC 480-93-180 Plan and procedure manual”</p> <p>Section 1 of the rule will read: “Each operator must have and follow a gas pipeline plan and procedure manual (manual). The manual must include plans and procedures for meeting all applicable requirements of 49 CFR Parts 191, 192 and WAC 480-93, and any plans or procedures used by an operator’s associated contractors.”</p>
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<p>80-93-188 Gas leak surveys</p>	<p>Mr. Ronald N. Richards</p>	<p>7.) The standard schedules for performing leak surveys are generally once every year in business areas, and once every five years outside of business areas. These schedules were first developed with a balancing of safety considerations, leak detection equipment capabilities, available manpower, and budgetary considerations. They have not recently been amended to increase the frequency of surveys despite vast improvements in leak detection equipment that very significantly decreases the time, cost, and labor intensity of performing surveys.</p>	<p>7.) At this time we are not planning to increase the frequency of leak surveys. There have been no documented instances where increasing the frequency of leak surveys would contribute substantially to public safety and the associated cost of conducting increased leak surveys on thousands of miles of pipelines would be prohibitive.</p> <p>We will move from WAC 480-93-015 to WAC 480-93-188 (3) (e) “Operators of un-odorized pipelines must perform monthly leak surveys.”</p> <p>In section (3) (c) we will delete the word “Mains” and replace it with “Pipelines” Our basis for this change is to assure that all pipelines at or above 250 psig will be surveyed for leaks at least once annually but not to exceed fifteen months between surveys.</p>
<p>480-93-200 Reporting</p>	<p>NWGA</p> <p>NWGA</p>	<p>1.) The proposed revision to subsection (4) constitutes a significant change. This would require operators to submit written reports to follow all telephonic notifications. NWGA members request the opportunity to discuss the objectives of these proposed additional reporting requirements.</p> <p>2.) The objective of the proposed revision to subsection (4)(c) is unclear. ‘Why’ the incident occurred is usually only determined by claims personnel in the event that an effort is made to recover costs. These investigations are often not completed within 30 days – the time required under this rule to provide a written report. From Staff comments made in previous rulemaking, it is the</p>	<p>1.) All information received applicable to a state reportable incident is entered into a database. Not all information is available at the time of the telephonic report. The follow-up written report provides that data. The database information provides the ability to track historical trends in pipeline incidents.</p> <p>2.) We have found that, in most cases, operators have all of the required information needed to submit a follow up report within 30 days. The detailed description information should be available immediately. If not all information is available to submit in the 30 day follow-up report, an operator can submit a supplemental report.</p> <p>We are proposing a new subsection (n) that states “an operator may submit a supplemental report if information is received following the submittal of the 30 day follow-up report.”</p>

	<p>NWGA</p> <p>NWGA</p> <p>NWGA</p>	<p>understanding of NWGA members that the purpose of the notification requirements set forth in this rule that exceed the federal regulations is so that pipeline safety staff is kept informed on a ‘real-time’ basis in order to appropriately manage external inquiries. The additional requirements proposed by Staff do not seem to support that purpose.</p> <p>3.) NWGA Members seek a clarification as to the meaning of “line type”. Does this refer to material type, or usage such as main, transmission or service</p> <p>4.) Operators are unclear on what “additional information deemed necessary by the commission” entails, but will provide additional information upon request. NWGA members request the following drafting change for clarity: (m) Any other information deemed necessary as requested by the commission;</p> <p>5.) The objective of the proposed new subsection (4)(n) is unclear. How is this subsection different than the requirement for a description of the incident required under subsection (4) (c)? NWGA members request the opportunity to discuss the proposed changes.</p>	<p>3.) “Line Type” refers to main, transmission or service.</p> <p>4.) The suggested change is appropriate.</p> <p>5.) We have deleted subsection (n) and incorporated language into section (c). Section (c) will read “A detailed description of the incident or hazardous condition including the date, time, and place; and reason why the incident occurred; if more than one reportable condition arises from a single incident each must be included in the report.” Section (n) will include new language as follows: “If any required information is unavailable within 30 days operators may submit a supplemental report when the information becomes available.”</p> <p>In addition, we propose to delete subsection (l).</p>
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	<p>NWGA</p> <p>NWGA</p>	<p>6.) NWGA member request the following drafting change to the proposed revision to sub (5):</p> <p>(5) Operators must provide to the commission a written report within forty-five days a copy of each of receiving the failure analysis report completed or received by the operator, concerning of any incident or hazardous condition that was due to construction defects or material failure within 5 days of completion or receipt of such report.</p> <p>7.) The additional requirements proposed in subsection (8) may not be achievable. This subsection creates significant burden to operators and NWGA members request an opportunity to discuss this proposed change.</p>	<p>6.) The suggested change is appropriate.</p> <p>7.) We disagree that this requirement is not achievable. The majority of this information is already being sent. It does not seem realistic that operators would not have the remaining information readily available. As was explained in 2000 when this information was first requested, it us used for two primary purposes. One, to respond to public inquiries and two, to conduct field inspections. It has been difficult if not impossible to use the information to conduct field inspection when it is not in order of construction and when the number of crews is unknown. This has resulted in our staff wasting time going to addresses where there is no work being performed. Operators pay for this time through their annual pipeline safety fees.</p> <p>1. and 2) The objective of this new rule is to make requirements of RCW 19.122 enforceable by the commission. In particular, 1)</p>
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<p>480-93-XXX Damage prevention</p>	<p>NWGA</p> <p>NWIGU</p>	<p>1.) The proposed new rule 480-93-XXX is significant. NWGA members request the opportunity to discuss the objective of this proposed rule and the impact to operators.</p> <p>2.) WAC 480-93-XXX suggests that the new Damage prevention provisions be discussed at a stakeholders' workshop as the changes appear significant.</p>	<p>subscription to one call; 2) Provide timely locates; and 3) Provide reasonably accurate surface markings. Other areas we would eventually like to address include: 1) examination of uncovered pipeline and a reporting requirement of companies who repeatedly hit and damage pipelines</p>
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