

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending) DOCKET PL-070974
)
WAC 480-75) GENERAL ORDER R-548
)
Relating to Hazardous Liquid, Gas, Oil) ORDER AMENDING AND
and Petroleum Pipeline Companies -) ADOPTING RULES
Safety) PERMANENTLY
)
.....)

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 08-07-080, filed with the Code Reviser on March 19, 2008. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.060, and RCW 81.88.040.

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission's responses to the comments reflecting the Commission's consideration of them.

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: May 30, 2008 TIME: 3:18 PM</p> <p>WSR 08-12-045</p>

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-102 proposal and the adoption hearing. Together, these documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

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

Amend	480-75-100	Definitions.
Amend	480-75-200	Application of rules.
Amend	480-75-210	Additional requirements.
Amend	480-75-240	Annual pipeline safety fee methodology.
Amend	480-75-250	Civil penalty for violation of chapter 81.88 RCW.
Amend	480-75-260	Exemption for rules in chapter 480-75 WAC.
Amend	480-75-270	Damage prevention.
Amend	480-75-300	Leak detection.
Amend	480-75-310	Geological considerations.
Amend	480-75-320	Overpressure protection.
Amend	480-75-330	Overfill protection.
Amend	480-75-340	Cathodic protection test station location.
Amend	480-75-350	Design specifications for new pipeline.
Amend	480-75-360	Class locations.
Amend	480-75-370	Design factor (<i>F</i>) for steel pipe.
Amend	480-75-380	Location of pump stations and breakout tanks for pipelines.
Amend	480-75-390	Valve spacing and rapid shutdown.
Amend	480-75-400	Backfill and bed requirements.
Amend	480-75-410	Coatings.
Amend	480-75-420	Hydrostatic test requirements.
Amend	480-75-430	Welding procedures.
Amend	480-75-440	Pipeline repairs.
Amend	480-75-450	Construction specifications.
Amend	480-75-460	Welding inspection requirements.
Amend	480-75-500	Moving and lowering hazardous liquid pipelines.

Amend	480-75-510	Remedial action for corrosion deficiencies.
Amend	480-75-520	Inspections during excavation.
Amend	480-75-530	Right of way inspections.
Amend	480-75-540	Pipeline markers and above ground facilities.
Amend	480-75-550	Change in class locations.
Amend	480-75-600	Maps, drawings, and records of hazardous liquid facilities.
Amend	480-75-610	Reporting requirements for proposed construction.
Amend	480-75-620	Pressure testing reporting requirements.
Amend	480-75-630	Incident reporting.
Amend	480-75-640	Depth-of-cover survey.
Amend	480-75-650	Annual reports.
Amend	480-75-660	Procedural manual for operations, maintenance, and emergencies.
Amend	480-75-999	Adoption by reference.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed Preproposal Statements of Inquiry (CR-101) on July 26, 2007, at WSR # 07-16-059 and on October 24, 2007, at WSR# 07-21-146.

8 The statements advised interested persons that the Commission was considering entering a rulemaking for WAC 480-75 Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies – Safety amending the rules to reflect changes in RCW Title 81 resulting from the passage of Substitute Senate Bill 5225 during the 2007 legislative session. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notices to all regulated pipeline companies and the Commission's list of regulatory attorneys. Pursuant to the notices, the Commission received written comments.

- 9 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on March 19, 2008, at WSR #08-07-080. The Commission scheduled this matter for oral comment and adoption under Notice WSR #08-07-080 at 1:30 P.M., Thursday, May 15, 2008, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.
- 10 **WRITTEN COMMENTS:** The Commission received no written comments on the proposed rules.
- 11 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on May 15, 2008, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. No person made oral comments.
- 12 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rules as proposed in the CR-102 at WSR # 08-07-080.
- 13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-75 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

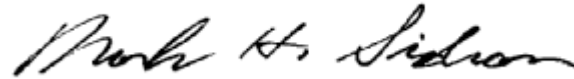
ORDER

- 14 **THE COMMISSION ORDERS:**
- 15 The Commission amends WAC 480-75 to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

16 This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, on May 29, 2008.

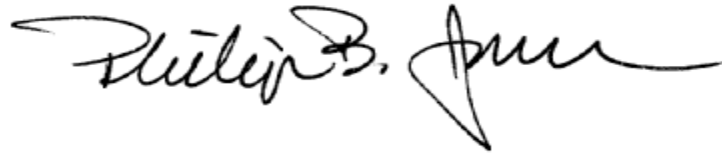
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



MARK H. SIDRAN, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, Commissioner

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

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 2, repealed 0; or Recently Enacted State Statutes: New 0, amended 35, repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

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