



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 08, 2023

TIME: 11:42 AM

WSR 23-23-059

Agency: Washington Utilities and Transportation Commission

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rulemaking is to create an exemption to the odorization requirements of WAC 480-93-015 for operators of renewable natural gas (RNG) pipelines with hydrogen sulfide (H₂S) present in the gas. WAC 480-93-015(2) currently requires all gas pipeline operators to odorize their lines and perform a sniff test to detect odorization. Because H₂S is toxic to humans, RNG pipelines where H₂S is present need to be exempt from the odorization and sniff test requirements to prevent injuries that would be incurred by meeting the sniff test requirement. Through this emergency rulemaking, to be followed by a permanent rulemaking, the Commission amends WAC 480-93-015 to include the necessary exemption.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 480-93-015
- Suspended:

Statutory authority for adoption: RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, and RCW 80.24.020

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: To meet the current odorization requirements of WAC 480-93-015, RNG pipeline operators would need to put employees at significant risk of injury. Performing a sniff test when H₂S is present in the pipeline exposes the tester to a substance that is toxic and hazardous. Because these tests must be performed on a monthly basis, the delay required by the full notice and comment rulemaking procedure would continue to place pipeline operators in the position of choosing between exposing their employees to a hazardous substance or failing to meet their regulatory obligations. Exempting odorization of the lines, in addition to exempting the sniff test, is necessary because the addition of odor without confirmation via a sniff test makes the effectiveness of odorization questionable. Additionally, if odorization is not being checked via a sniff test, this may result in under-odorization which could cause leaks to go unnoticed. Unodorized lines are required on the WAC to be checked each month via a gas leak survey. The Commission therefore finds that providing the exemption for odorization and the sniff test immediately through an emergency rulemaking, to be followed by a permanent rulemaking, is in the public interest and necessary for the preservation of public health and safety.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:


New	___	Amended	<u>1</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>1</u>	Repealed	___

Date Adopted: November 8, 2023	Signature: 
Name: Kathy Hunter	
Title: Acting Executive Director and Secretary	