



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

October 25, 2024

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By November 25, 2024)**

Re: *Rulemaking to amend WAC 480-93-188 (1) Gas Leak Surveys, and 480-93-200 (1) Reporting Requirements,*
Docket PG-240560

TO ALL INTERESTED PERSONS:

On October 21, 2024, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider potential changes to current rules in Washington Administrative Code (WAC) 480-93 applicable to leak surveys and how they are to be performed, reporting requirements and what must be reported to the Commission in pipeline emergencies, and removal of redundant outdated language found in the reporting rule. The Commission filed the CR-101 under Docket PG-240560.

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. Presently, 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.

The Commission invites initial written comments in response to these questions and will conduct a workshop to address the relevant issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission’s website at <http://www.utc.wa.gov>. If you are unable to access the Commission’s web page and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234.

WRITTEN COMMENTS

Written comments on the CR- Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission’s web portal at www.utc.wa.gov/e-filing. If you are unable to submit

documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket PG-240560).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact staff lead Scott Anderson at (360) 481-6978, or by email at Scott.anderson@utc.wa.gov.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1139
- Email the Commission at records@utc.wa.gov
- Mail written comments to the address below
- Visit utc.wa.gov/contact-us

When contacting the Commission, please refer to Docket PG-240560 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop
Lacey, WA 98503

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket PG-240560. If you do not do this, you might not receive further information about this rulemaking.

Jeffery Killip
Executive Director and Secretary