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Carole J. Washburn,
Executive Secretary
Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive, S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

**Subject: Comments on Draft Rules Amending 480-93 WAC, Gas Companies – Safety.
Docket PG-061027**

Dear Ms. Washburn:

Thank you for the opportunity to comment on the latest iteration developed to effect corrections and changes to selected rules in Chapter 480-93 WAC.

The Northwest Gas Association (NWGA) is a trade organization representing the natural gas industry in the Pacific Northwest. NWGA members that operate in Washington State and that are subject to the regulatory jurisdiction of the Washington Utilities and Transportation Commission include Avista Utilities, Cascade Natural Gas Corp., NW Natural and Puget Sound Energy. The comments that follow characterize the collective view of those members.

For ease of review, we have included only those sections in the attached upon which we are commenting. We have inserted general comments in a text box preceding the section to which they relate. Where we propose specific drafting changes, our suggested edits are highlighted in yellow within the text of the draft rule.

We are generally satisfied and appreciate that Staff understood and responded to the concerns we raised in our previous written comments and discussed during the workshop held on March 6, 2007. The edits we suggest in the attached are offered to provide clarity and to minimize the need for rule interpretations in the future.

In conclusion, our members strive to operate their respective natural gas systems to ensure public safety and in full compliance with applicable state and federal pipeline safety regulations. We appreciate the opportunity to participate in the process of writing clear and concise code language.

Sincerely,

DAN S. KIRSCHNER
Executive Director

In this document, NWGA's general comments are provided preceding each section. Where NWGA suggests specific edits to the text of the proposed rule, those edits are highlighted in yellow and distinguished by standard text editing convention: strikethrough indicates delete; underline denotes new language. We have not included the entire text of the proposed rule herein; only those sections upon which we have comments.

1. WAC 480-93-013 Covered Task

COMMENT: NWGA suggests this rule should apply to all operators regardless of the method of training and qualifying of employees to perform covered tasks. For clarification NWGA suggests the following revision to the proposed subsection.

WAC 480-93-013 Covered Task

(1) Background. 49 CFR §§ 192.803 through 192.809 prescribe the requirements associated with qualifications for operator personnel to perform "covered tasks." 49 CFR § 192.801 defines a "covered task." In WAC 480-93-999, the commission adopts 49 CFR §§ 192.801 through 192.809.

(2) In this section, the commission includes "new construction" in the definition of "covered task." Accordingly, for the purpose of this chapter, the commission defines a covered task that will be subject to the requirements of 49 CFR §§ 192.803 through 192.809 as an activity, identified by the operator, that:

- (a) Is performed on a pipeline facility;
- (b) Is an operations, maintenance, or new construction task;
- (c) Is performed as a requirement of Part 192 CFR; and
- (d) Affects the operation or integrity of the pipeline.

(3) In all other respects, the requirements of 49 CFR §§ 192.801 through 192.809 apply to this chapter.

(4) ~~Individuals shall be trained, tested and qualified to perform covered tasks on facilities applicable to the operator's gas pipeline system. Examples of such facilities include, but are not limited to, regulator stations, overpressure protection devices and rectifiers. If an operator uses a third party to train and qualify employees on covered tasks, †~~ The equipment and facilities used for training and qualification must be similar to the equipment and facilities the employee will perform the covered task on.

2. WAC 480-93-100 Valves.

COMMENT: The suggested edits for this rule are based on the discussion and clarification that staff provided at the workshop regarding their intent in revising the existing rule language. NWGA believes this language would clarify the intent of the rule making it clear how companies can achieve compliance with the regulation and eliminating the need for additional rule interpretations. For clarification NWGA suggests the following revision to the proposed subsection.

WAC 480-93-100 Valves

(1) Each operator must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program must also outline how the operator will monitor and maintain valves during construction projects to ensure accessibility. The following criteria and locations must be ~~considered~~ incorporated in the written program. ~~and used when~~ The written program shall explain how each of the following are considered in selecting which valves require annual inspections and maintenance under 49 CFR § 192.747:

- (a) Each pressure regulating station.
- (b) Principal feeds into business districts.
- (c) Geographical size of the area to be isolated.
- (d) Number of potential customers affected.
- (e) Pipeline size and operating pressures.
- (f) Class locations.
- (g) Potential threats including, but not limited to, earthquakes, floods, and landslides.
- (h) Emergency response time.
- (i) High occupancy structures or areas.
- (j) Pipeline material: for example steel, polyethylene, or cast iron,

(2) Each operator must have a written service valve installation and maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which new services will be required to have service valves installed and/or maintained under this section. ~~Preexisting services with valves service valves already installed, and meeting the same inspection criteria established for new service valve installation,~~ Service valve installation requirements do not apply to existing services (they are not retroactive). Existing services valves that have not historically been maintained but are deemed necessary for maintenance by the written valve maintenance program must be maintained in accordance with subsection (3) of this section (service valve maintenance requirements are retroactive). The following criteria and/or locations must be ~~considered~~ incorporated in the written program ~~and used when~~. The written program shall explain how each of the following are considered in selecting which services will have valves installed and/or maintained under this section.

- (a) Services to churches, schools, hospitals.
- (b) Service line length and size.
- (c) Service line pressure.
- (d) Services to buildings occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.

- (e) Services to commercial or industrial buildings or structures.
- (f) Services to high occupancy structures or areas.

(3) All service valves selected for inspection in the program required in subsection (2) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

- (4) ~~The selection of valves must be based on the unique operating conditions of each system.~~

~~Valves must be installed so as to minimize shutdown time in an emergency. The Each operator must select which valves to inspect based on the unique operating conditions of the operator's pipeline system. The operator must install and maintain valves for the purpose of minimizing the hazards resulting from a gas pipeline emergency. When an operator determines the minimum number and spacing of valves, the operator's primary objective shall be the protection of life and property by reducing the amount of time that a pipeline has an uncontrolled release of gas. The operator must consider this objective in conjunction with the criteria listed in subsections 1 and 2 of this rule. Operators must also incorporate their valve programs established in subsections (1) and (2) into their emergency plan and other plans and procedures designed to protect life and property in the event of an emergency.~~

~~(5) A risk based analysis must be conducted to support any justification for not selecting valves listed under subsections (1) and (2) or 100% of the valves currently installed in the operators system. The analysis must be reviewed periodically as system changes are made.~~

(465) Operators must fully implement the requirements of subsections (2) and (3) of this section within one year of the adoption date of this rule.

3. 480-93-124 Pipeline markers.

COMMENT: Regarding subsection (1)(e) there may be additional aboveground piping beyond the meter set that is owned and maintained by the operator. NWGA understands it is not Staff's intent to require a pipeline marker at these locations. For clarification NWGA is suggesting that subsection (1)(e) be revised as follows.

Regarding subsection (5) NWGA suggests that the compliance time frame for surveying pipeline markers be consistent with other compliance time frames in state and federal rules. NWGA is suggesting that subsection (5) be revised as follows.

480-93-124 Pipeline markers

~~(1) Operators must place pipeline markers at all railroad, road, irrigation, and drainage ditch crossings, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed.~~

(1) Pipeline markers must be placed at the following locations:

~~(2)(b)(i) (a) Where practical, on all mains pipelines operating above two hundred fifty psig at above 250 psig or above;~~

~~(2)(b)(ii) (b) On both sides of crossings of navigable waterways; (custom signage may be required to ensure visibility)~~

~~(2)(b)(iii) (c) On both sides of river, creek, drainage ditch or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline; (custom signage may be required to ensure visibility)~~

~~(2)(b)(iv) (d) On both sides of railroad crossings;~~

~~(e) On above ground pipelines and pipeline facilities. Structures such as homes or businesses Service risers and having meter set assemblies, and operator owned piping downstream of the meter set assembly are exempt from this requirement;~~

~~(f) On mains in areas of unusual activity where it is necessary to identify the location of the pipeline to reduce the possibility of damage;~~

~~(g) Over mains located in class 1 and 2 locations;~~

(h) Over ~~all~~ transmission lines in class 1 and 2 locations, and where feasible, over transmission lines in class 3 and 4 locations;

(i) At fence lines over mains crossing private property; and

(j) On both sides of interstate, U.S. and state route crossings.

~~———— (2)(a) For buried pipelines, operators must place pipeline markers approximately five hundred yards apart, if practical, and at points of horizontal deflection of the pipeline.~~

~~———— (b) The following pipelines must have pipeline markers installed, notwithstanding any exceptions in 49 CFR § 192.707(b):~~

~~(2) Where markers are required on buried pipelines, operators must, if practical, place them approximately five hundred yards apart and at points of horizontal deflection of the pipeline. **All attempts must be taken to ensure that markers are visible from any point of the pipeline.**~~

(3) Where gas pipelines are attached to bridges or otherwise span an area, operators must place pipeline markers at both ends of the suspended pipeline. ~~Each operator~~ Operators must conduct inspections at least annually, but not to exceed fifteen months between inspections, ~~and maintain the markers~~ to ensure that ~~they~~ markers are visible and legible.

(4) Operators must replace markers that are reported damaged or missing within forty-five days.

(5) Surveys of pipeline markers not associated with subsection (3) of this section must be conducted ~~as frequently as necessary at least every five years but not to exceed 63 months, to maintain the markers to ensure that they are visible and legible, but at intervals not to exceed five years.~~ The survey records must be kept for a minimum of ten years.

~~(a) The operator must keep on file the last two surveys, or all surveys for the past five years, whichever number of surveys is greater.~~

~~(b) Survey records must include a description of the system and area surveyed.~~

(6) Operators must have maps, drawings or other sufficient records indicating class locations and other areas where pipeline markers are required.

4. 480-93-188 Gas leak surveys.

COMMENT: NWGA suggests the following edits to subsection (2)(c) to maintain consistency with other state rules as well as to eliminate possible confusion for pipelines that have a maximum operating pressure (MOP) of 250 psig but actually operate below the MOP.
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480-93-188 Gas leak surveys.

(1) Operators must perform gas leak surveys using a gas detection instrument covering the following areas:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving and sidewalks;

(c) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(d) Where a gas service line exists, a survey must be conducted at the building wall at the point of entrance, using a bar hole if necessary; and

(e) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Gas detection instruments must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. If there are no written manufacturer's recommendations or schedules, then instruments must be tested for accuracy at least monthly, but not to exceed forty-five days between testing, and include testing at least twelve times per year. Any instrument that fails its applicable tolerances must be calibrated or removed from service. Records of accuracy checks, calibration and other maintenance performed must be maintained for 5 years.

(3) Gas leak surveys must be conducted according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys. All mains in the right of way adjoining a business district must be included in the survey;

(b) High occupancy structures or areas - at least once annually, but not to exceed fifteen months between surveys;

(c) Mains Pipelines operating ~~at or~~ above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys; ~~and~~

(d) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys; ~~and~~

(e) Un-odorized pipelines - at least monthly.

(4) Special leak surveys must be conducted under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas facilities are under the area to be paved, and where damage could have occurred to gas facilities;

(b) In areas where substructure construction occurs adjacent to underground gas facilities, and damage could have occurred to the gas facilities, operators must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas lines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, operators must perform a gas leak survey from the point of damage to the service tie-in.

(5) Survey records must be kept for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the employee who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each operator must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Operators must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits.

At a minimum, self audits should ensure that:

- (a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;
- (b) Consistent evaluations of leaks are being made throughout the system;
- (c) Repairs are made within the time frame allowed;
- (d) Repairs are effective; and
- (e) Records are accurate and complete.

~~(7) Operators must fully implement subsection (3)(a) of this section within two years of the adoption of this rule.~~

5. WAC 480-93-200 Reporting requirements for operators of gas facilities.

COMMENT: In the February 16, 2007 "Summary of Written Comments to Draft Rules" matrix Staff's response to the written comments submitted by operators indicated that revisions would be made to subsections (4)(m) [shown below as the new subsection (4)(l)] and (5). At the stakeholder workshop on March 6, 2007 Staff also stated that these revisions would be made. Based on Staff's previous suggested revisions NWGA requests that these subsections be revised as indicated below.

WAC 480-93-200 Reporting requirements for operators of gas facilities.

(1) Every operator must give notice to the commission by telephone within two hours of discovering an incident or hazardous condition arising out of its operations that:

- (a) Results in a fatality or personal injury requiring hospitalization;
- (b) Results in damage to the property of the operator and others of a combined total exceeding fifty thousand dollars;
- (c) Results in the evacuation of a building, or a high occupancy structures or areas;
- (d) Results in the unintentional ignition of gas;
- (e) Results in the unscheduled interruption of service furnished by any operator to twenty-five or more distribution customers;

(f) Results in a pipeline or system pressure exceeding the MAOP plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020;

~~(g) Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (ef) of this subsection;~~ Results in the news media reporting the occurrence: or

~~(h) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (ef) of this subsection.~~ Is significant, in the judgment of the operator, even though it does not meet the criteria of (a) through (g) of this subsection

(2) Operators must give notice to the commission by telephone within twenty-four hours of occurrence of every incident or hazardous condition arising out of its operations that results in:

- (a) The uncontrolled release of gas for more than two hours;
- (b) The taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service;
- (c) A pipeline or system operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or
- (d) A pipeline or system pressure exceeding the MAOP.

(3) Routine or planned maintenance and operational activities of the operator that result in operator-controlled plant and equipment shut downs, reduction in system pressures, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) Operators must provide to the commission a written report within thirty days of the initial telephonic report required under subsections (1) and (2) of this section. At a minimum, written reports must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) 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.

(d) A description of the gas facilities involved in the incident or hazardous condition, the system operating pressure at that time, and the MAOP of the facilities involved;

~~(e) The date and time the operator was first notified of the incident;~~

~~(f) The date and time the operators' first responders arrived on site;~~

~~(g) The date and time the gas facility was made safe;~~

~~(h) The date, time, and type of any temporary or permanent repair made; and~~

~~(i) The cost of the incident to the operator;~~

~~(j) Line type;~~

~~(k) City and County of incident;~~

~~(l) MAOP of the line involved;~~

~~(m) Any other information deemed necessary as requested by the commission; and~~

~~(n) A description of each incident or hazardous condition listed in subsections (1) and (2) that occurred. An example would be a single incident that involved a fire, an evacuation, media coverage, and blowing gas would require a description of the fire, a description of the evacuation, a description of the media coverage and a description of the blowing gas.~~

(5) Operators must submit a supplemental report if information becomes available after the 30 day report is submitted. If any required information is unavailable within 30 days operators may submit a supplemental report when the information becomes available.

~~(6) 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 five days of completion or receipt of such report.~~

~~(7) Operators must file with the commission the following annual reports no later than March 15 for the preceding calendar year:~~

(a) A copy of every Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(b) A report titled, "Damage Prevention Statistics." The Damage Prevention Statistics report must include in detail the following information:

(i) Number of gas-related one-call locate requests completed in the field;

- (ii) Number of third-party damages incurred; and
- (iii) Cause of damage, where cause of damage is classified as one of the following either:
 - (A) Inaccurate locate;
 - (B) Failure to use reasonable care; ~~or~~
 - (C) Excavated prior to a locate being conducted; ~~or~~
 - (D) Excavator failed to call for a locate.
- (c) A report detailing all construction defects and material failures resulting in leakage.

Operators must categorize the different types of construction defects and material failures anticipated for their system. The report must include the following:

- (i) Types and numbers of construction defects; and
- (ii) Types and numbers of material failures.

~~(78)~~ Operators must file with the commission, and with appropriate officials of all municipalities where operators have facilities, the names, addresses, and telephone numbers of the responsible officials of the operator who may be contacted in the event of an emergency. In the event of any changes in operator personnel, the operator must notify immediately the commission and municipalities.

~~(89)~~ Operators must send to the commission, by e-mail, daily reports of construction and repair activities. ~~electronically to the commission. Operators may send reports either by facsimile or e-mail to the commission. Reports may be faxed only if the operator does not have e-mail capability. The Reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both operator and contractor construction and repair activities. Report information must be broken down by individual crews and the scheduled work must be listed by address, as much as practical, in the order of construction.~~ To the extent possible the reports will only contain construction and repair activity scheduled for that day, but it may include a reasonable allowance for scheduling conflicts or disruptions.

~~(910)~~ When an operator is required to file a copy of a DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the operator must simultaneously submit a copy of the form to the commission.