BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Amending)	DOCKET PG-070975
WAC 480-93)	GENERAL ORDER R-549
Relating to Gas Companies - Safety)	ORDER AMENDING AND
relating to Gas Companies Surety)	ADOPTING RULES
)	PERMANENTLY

- STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 08-07-081, filed with the Code Reviser on March 19, 2008. The Commission brings this proceeding pursuant to RCW 80.01.040 and 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.
- 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.

DATE: May 30, 2008 TIME: 3:20 PM

FILED

WSR 08-12-046

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

Amend	480-93-005	Definitions.
Amend	480-93-007	Application of rules.
Amend	480-93-008	Additional requirements.
Amend	480-93-013	Covered tasks.
Amend	480-93-015	Odorization of gas.
Amend	480-93-017	Filing requirements for design, specification, and
		construction procedures.
Amend	480-93-018	Records.
Amend	480-93-020	Proximity considerations.
Amend	480-93-040	Location of gas compressor stations on gas pipelines.
Amend	480-93-080	Welder and plastic joiner identification and qualification.
Amend	480-93-100	Valves.
Amend	480-93- 110	Corrosion control.
Amend	480-93-115	Casing of pipelines.
Amend	480-93-124	Pipeline markers.
Amend	480-93-130	Multistage pressure regulation.
Amend	480-93-140	Service regulators.
Amend	480-93-155	Increasing maximum allowable operating pressure.
Amend	480-93-160	Reporting requirements of proposed construction.
Amend	480-93-170	Tests and reports for pipelines.
Amend	480-93-175	Moving and lowering metallic gas pipelines.
Amend	480-93-178	Protection of plastic pipe.
Amend	480-93-180	Plans and procedures.
Amend	480-93-185	Gas leak investigation.
Amend	480-93-186	Leak evaluation.
Amend	480-93-1860	Leak classification and action criteria—Grade—
		Definition—Priority of leak repair.
Amend	480-93-187	Gas leak records.
Amend	480-93-188	Gas leak surveys.
Amend	480-93-200	Reporting requirements for operators of gas facilities.
Amend	480-93-223	Civil penalty for violation of RCW 80.28.210 and
		commission gas safety rules.

Amend	480-93-230	Exemptions from rules in chapter 480-93 WAC.
Amend	480-93-240	Annual pipeline safety fee methodology.
Amend	480-93-250	Damage prevention.
Amend	480-93-999	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 # 07-16-060 and on October 24, 2007, at WSR# 07-21-147.

- The statements advised interested persons that the Commission was considering entering a rulemaking for WAC 480-93 Gas 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.
- Proposed Rulemaking (CR-102) on March 19, 2008, at WSR #08-07-081. The Commission scheduled this matter for oral comment and adoption under Notice WSR #08-07-081 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.
- WRITTEN COMMENTS: The Commission received written comments from the Northwest Gas Association suggesting several clerical changes and questioning the retention of a cross-reference to a federal regulation. The Commission finds these suggested changes appropriate and includes the changes in the rules contained in Appendix A, attached to, and made part of, this Order.
- **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 oral comments were made at the hearing.

- 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 with changes from the text noticed at WSR # 08-07-081, as discussed in this Order.
- 13 **CHANGES FROM PROPOSAL:** The Commission adopts the proposal with the following changes from the text noticed at WSR #08-07-081:
 - WAC 480-93-005 Definitions: Revised the last sentence of the definition of "Gas Pipeline Company" as follows: "that contract with a gas pipeline company"
 - WAC 480-93-185 Gas leak investigation: Revised Section 3 as follows: When leak indications are found to originate from a foreign source (for example, a gasoline tank, a sewer, a marsh, or customer-owned piping), and the situation is ongoing and potentially hazardous, the gas pipeline company must: 1) take appropriate action regarding its own facilities to protect life and property; and 2) report the leak promptly to the source facility owner or operator and, where appropriate, to the police department, fire department, or other appropriate governmental agency.
 - WAC 480-93-240 Annual pipeline safety fee: Revised section 1) as follows: This rule sets forth the commission's fee methodology for the annual regulatory fee paid by a gas pipeline company as that term is defined in RCW 81.88.010 and hazardous liquid pipelines as that term is defined in RCW 81.88.010. For the purposes of this section, a gas pipeline company is called "company" or "companies" and the "commission's pipeline safety program" means the pipeline safety program that includes each company.
- 14 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the Commission determines that WAC 480-93 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

15 THE COMMISSION ORDERS:

- The Commission amends WAC 480-93 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).
- 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, May 29, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

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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 30, 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.