

MEMORANDUM

July 11, 2007

To: Mark Sidran, Chairman
Patrick Oshie, Commissioner
Phil Jones, Commissioner

FROM: Sondra Walsh

SUBJECT: Rulemaking Docket PG-061027 – Gas Companies - Safety.

RE: Adoption Hearing, July 11, 2007

Background

On July 19, 2006, the commission initiated this rulemaking to review the rules in 480-93 WAC, Gas Companies - Safety. The rulemaking is intended to address changes in federal rules and issues that have been found since the commission last adopted rules governing gas pipelines. In addition, the commission suggested a new rule requiring that gas pipeline companies comply with the damage prevention requirements of RCW 19.122. This rule would allow the commission to assess penalties for the failure to comply with the statutory requirements.

The commission received three comment letters on this rulemaking from the Northwest Gas Association (NWGA), Northwest Industrial Gas Users (NWIGU) and Ronald Richards (a private citizen). These written comments were summarized into a matrix and the changes agreed to reflected in rule language.

The commission held a workshop on March 6, 2007, to discuss the stakeholder comments to the draft rules. After the workshop a second draft of the rules was developed and sent to participants for comment.

Discussion

The commission filed proposed rules, i.e., a CR-102, with the Code Reviser on May 2, 2007, and circulated the proposal to stakeholders. The commission received comments on the proposed rules from NWGA. The proposed rules have been revised to reflect some of the suggested changes.

1. **WAC 480-93-100 (5) Valves** - NWGA suggests deleting the language “by reducing the amount of time that a pipeline has an uncontrolled release of gas.” Staff agrees with this language, which describes in part the intent of the rule: to protect the public and minimize hazard conditions.
2. **WAC 480-93-100 (5) Valves** – NWGA suggests deleting this subsection . Staff disagrees as the subsection defines the intent of the rule that an operator must include in the emergency response plans an emergency valve program.
3. **WAC 480-93-124 (1)(d) Pipeline Markers** – NWGA suggests deleting this subsection which would require operators to place markers over service lines at railroad crossings.
4. **WAC 480-93-124 (1)(h) Pipeline Markers** – NWGA suggests deleting this subsection which requires that markers be placed at fence lines. We agree and have deleted subsection (1) (h)
5. **WAC 480-93-124 Pipeline Markers** – NWGA suggests adding a new subsection (7) that would reference 49 CFR § 192.707 which applies to lettering size requirements. We disagree with adding this new section but have added to subsection (1)(e) language that will address the requested exemption.

The revised proposed rules and a matrix of comments filed are attached to this memorandum for your review.

Conclusion

The commission may consider adoption of the proposed rules in WAC 480-93 with the changes proposed by stakeholders, to modify rules in the chapter by addressing changes in federal rules and issues discovered since the commission last adopted rules governing hazardous liquid pipelines.

Attachments