

Summary of Written Comments
Rulemaking to Consider Amending WAC 480-93-200, Relating to Gas Companies Safety
For November 26, 2012 Comments
Docket PG-120345

ISSUE	INTERESTED PERSON	COMMENTS	STAFF RESPONSE
General Comments	Northwest Gas Association (NWGA)	<p>1) In order to ensure that the information operators are required to be disseminate to excavators in subsection 8 related to RCW 19.122 is consistent regardless of location or parties involved, the Commission should provide guidance as to the form this material should take.</p> <p>2) The Commission should provide guidance in the rule concerning how an operator is to demonstrate compliance with subsection 8. For instance, would documenting the distribution of the Recommended Digging Guidelines booklet designed and written by the Washington Utilities Coordinating Council (or</p>	<p>Staff Response: Operators should make their own decisions on what form the guidance material should take as long as material adequately describes 1) The excavator’s responsibilities under RCW 19.122.050 and RCW 19.122.053 and 2) The process for filing a complaint with the Safety Committee. The next edition of the WUCC Recommended Digging Guidelines, projected to be published by the end of CY 2012, is expected to contain sufficient details to allow operators to comply with the proposed rule requirements.</p> <p>Staff Response: Documenting the distribution of the Recommended Digging Guidelines or other form of guidance material the operator</p>

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		<p>similar resource) constitute compliance?</p> <p>3) Subsection (c) of Section 8 requires the operator to provide information about the Safety Committee including its process for filing complaints. The Adoption Hearing for this rule is scheduled for December 19, 2012 yet the Safety Committee has not yet published its process for filing complaints. This creates a timing misalignment and the potential for noncompliance.</p>	<p>chooses to use would be sufficient to demonstrate compliance. It should be stressed however that any process the operator chooses to adopt for the distribution of materials, and documentation of these actions should be incorporated into their Operations and Maintenance Plans and Procedures, or Public Awareness plans.</p> <p>Staff Response: Staff understands that the Safety Committee has committed to provide this information by early 2013. Rules adopted by the commission typically go into effect on the 31st day after adopted rules are filed with the Code Reviser's office. Staff agrees with the NWGA that there could be a timing issue for operators in their efforts to comply with the proposed rules. Staff will propose that adopted rules have an effective date of April 1, 2013.</p> <p>Staff Response: Please refer to</p>

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		<p>4) The DIRT website does not yet allow for all of the information requested in the RCW 19.122.053 thereby creating another timing misalignment. NWGA requests that the Commission consider postponing adoption until such a time that:</p> <ul style="list-style-type: none"> • The Commission has advised pipeline operators on what form the notification to excavators should take and how to demonstrate compliance with the requirement; • The Safety Committee has published procedures by which a party may submit a complaint; • The DIRT website is able to receive all of the damage data as stated in RCW 19.122.053. <p>5) NWGA suggests that the rule could be adopted with an effective date of June 30, 2013 to provide adequate time to work through the issues note above.</p>	<p>staff's responses to the first three issues you raised.</p> <p>Regarding the DIRT website, staff disagrees with NWGA that the DIRT website does not allow for the collection of this information. Data required under these proposed rules can be readily entered under Part J - Additional Comments of the DIRT report form without requiring additional modification to the reporting form.</p> <p>Staff Response: Staff agrees with the NWGA that there could be timing issue for operators but only with respect to excavator notification requirements. Staff will propose that adopted rules have an effective date of April 1, 2013.</p>
General Comments	Avista Corp.	"Avista is supportive of the rule as it is written and appreciates Commission staff incorporating input from previous comments and the workshop to appease the Company's previous concerns."	

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