

Agenda Date: June 13, 2001
Item Number: 2C

Docket: **UG-010816**
Emergency Rulemaking to Incorporate by Reference Current Federal Standards set forth in 49 CFR Parts 191, 192, 193, 195, and 199 Pertaining to Pipeline Safety.
WAC 480-75-005 Compliance with federal standards
WAC 480-93-010 Compliance with federal standards

Staff: Kim Dobyms, Policy Research Specialist
Karen Caille, Administrative Law Judge

Recommendation:

Staff recommends that the Commissioners adopt emergency rules changing the adoption by reference date to June 13, 2001 in WAC 480-75-005 and WAC 480-93-010 to incorporate recent changes to 49 CFR into the Commission's Pipeline Safety rules.

Discussion:

Chapter 480-75 WAC governing Petroleum Pipeline Companies and Chapter 480-93 WAC governing Gas Companies Safety are the Commission's rules that adopt by reference federal rules governing pipeline safety. Several recent federal rulemakings have adopted new pipeline safety standards that need to be incorporated into the Commission's pipeline safety rules.

It is critical to the Commission's Pipeline Safety program to adopt these new rules to protect the public health and safety. In addition, there is a risk of reduced federal funding if the most current standards are not incorporated into the Commission's Pipeline Safety rules.

Proposed Rule:

The proposed rule language changes the adoption by reference dates in WAC 480-75-005 and WAC 480-93-010 from September 24, 1999, to June 13, 2001. By changing the adoption by reference dates, the following final federal rules will be incorporated into Commission standards.

- ❖ **49 CFR Parts 192 and 195, Pipeline Safety: Qualification of Pipeline Personnel Effective: October 26, 1999 (Docket No. RSPA-98-3783)**

This rule requires pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities.

❖ **49 CFR Part 192: Determining the Extent of Corrosion on Gas Pipelines**
Effective: November 22, 1999 (Docket No. PS-107)

This rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipeline was exposed, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

❖ **49 CFR Part 193, Pipeline Safety: Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations**
Effective: March 31, 2000 (Docket No. RSPA-97-3002)

This rule incorporates by reference an industry consensus standard for liquefied natural gas (LNG) facilities subject to the pipeline safety regulations. This standard, developed by the National Fire Protection Association (NFPA), specifies siting, design, construction, equipment, and fire protection requirements that apply to new LNG facilities and to existing facilities that have been replaced, relocated, or significantly altered. This standard will allow the LNG industry to use the latest technology, materials, and practices while maintaining the current level of safety.

❖ **49 CFR Parts 192 and 195, Pipeline Safety: Underwater Abandoned Pipeline Facilities**
Effective: October 10, 2000 (Docket No. RSPA-97-2094)

This rule will require the last operator of an abandoned natural gas or hazardous liquid pipeline facility that is located offshore or crosses under, over or through a commercially navigable waterway to submit a report of the abandonment to the Secretary of Transportation.

❖ **49 CFR Parts 192 and 195, Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair**
Effective: January 13, 2000 (Docket No. RSPA-98-4733)

This rule adopts a safety performance standard for the repair of corroded or damaged steel pipe in gas or hazardous liquid pipelines. The performance standard is likely to encourage technological innovations and reduce repair costs without reducing safety.

❖ **49 CFR Part 199, Pipeline Safety: Notice of Random Drug Testing**
Effective: January 1, 2001 (Docket No. RSPA-97-2995)

Each year, a minimum percentage of covered pipeline employees must be randomly tested for illegal drugs. The percentage, either 50 percent or 25 percent, depends on the positive rate of random testing reported to RSPA in the previous year. In calendar year

2001, the minimum annual percentage rate for random drug testing is 25 percent of covered employees.

- ❖ **49 CFR Part 195, Pipeline Safety: Areas Unusually Sensitive to Environmental Damage**
Effective: April 21, 2001 (Docket No. RSPA-99-5455)

This rule defines drinking water and ecological areas that are unusually sensitive to environmental damage if there is a hazardous liquid pipeline release. This rule does not require specific action by pipeline operators but will be used in other federal regulations.

- ❖ **49 CFR Part 195: Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines)**
Effective: May 29, 2001 (Docket No. RSPA-99-6355)

This rule requires operators of hazardous liquid pipelines to assess the integrity of pipelines where failure could impact certain populated and environmentally sensitive areas.

Adopting Permanent Rules

The statute requires that the emergency rules remain in effect only until permanent rules are adopted. A rulemaking has been initiated under Docket No. A-010827 and Staff anticipates that the Preproposal Statement of Inquiry (CR-101) will be filed on June 20, 2001.

Conclusion

Staff recommends that the Commissioners adopt emergency rules changing the adoption by reference date to June 13, 2001 in WAC 480-75-005 and WAC 480-93-010 to incorporate recent changes to Title 49, Code of Federal Regulations into the Commission's Pipeline Safety rules.

Attachments:

Appendix A: WAC 480-75-005
WAC 480-93-010

Attachment A

Amend

WAC 480-75-005 Compliance with federal standards.

Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on ~~September 7, 1999~~ June 13, 2001. The provision in this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

Amend

WAC 480-93-010 Compliance with federal standards.

Gas companies' gathering, storage, distribution, and transmission facilities must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on ~~September 7, 1999~~ June 13, 2001. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.