

**Summary of Written Comments
Hazardous Liquids Pipeline Safety Rulemaking
For October 13, 2000 Comments
TO-000712**

November 13, 2000

ISSUE	INTERESTED PERSON	COMMENTS	STAFF RESPONSE
1) General Comments	Daniel T. Riley Northwest Regional Manager, Western States Petroleum Association (WSPA)	<p>WSPA supports the use of 49 CFR 195 for pipeline design and construction.</p> <p>To ensure safe, reliable performance the pipeline operator must integrate all of the operational, environmental, and technical variables into decisions related to the design and construction of the pipeline. Prescriptive detailed requirements could result in a false sense of security, since the most effective design and construction for one section of pipeline, may increase safety risks in another section of pipeline.</p> <p>A robust inspection and enforcement program would strengthen consistently safe design and construction practices. Well-trained inspectors are needed to ensure an effective inspection program.</p>	<p>Staff agrees with comments submitted.</p> <p>Staff agrees.</p>
2) General Comments	Robert C. Batch President, Olympic Pipe Line Company BP Pipelines – North America	BP supports WUTC's use of 49 CFR 195 for pipeline design, construction, and operations.	No Response Necessary.

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3) General Comments	Dulane Crist Bothell, WA	<p>Detailed, prescriptive detailed requirements can result in a false sense of security, since the most effective design and construction for one section of pipeline, may be less effective in another section of pipeline.</p> <p>Ongoing pipeline integrity management programs, effective damage programs, and proper community planning are necessary to maintain pipeline safety.</p> <p>WUTC’s support of a comprehensive inspection and enforcement program would further enhance safe design and construction practices. Well-trained inspectors should continue to be a priority to ensure an effective inspection program.</p> <p><u>Design and Construction</u></p> <p>a) Could we insist on NTSB recommendations? Which OPS has not implemented.</p> <p>b) Could we update our studies and research of new ‘Best Technology’ in the industry?</p>	<p>Staff recognizes that these are regulations that are prescriptive and there may be terms when performance regulations are more appropriate.</p> <p>Staff agrees.</p> <p>Staff agrees.</p> <p>The Commission is required to review the NTSB recommendation in relations to this rulemaking.</p> <p>Staff is continually updating, studying and researching “Best Technology” in the industry.</p>

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		<p>c) Can we better define ‘Sensitive Areas’ such as aquifers and why we choose not to have petroleum products there?</p> <p>d) Could we enforce double-wall systems in ‘Sensitive Areas’?</p> <p>e) We need seismic sensors in some areas.</p> <p><u>Operation and Maintenance</u></p> <p>a) Third Party Construction or Disturbance Procedures need to be implemented, and documentation and inspection must be a high priority.</p> <p>b) Retro-fitting out-of-date pipeline to be able to use modern safety sensors.</p>	<p>The definition of “Sensitive Areas” is defined in the newly released Federal Rules 49 CFR 195.6. Staff is reviewing this rule.</p> <p>Staff has questions and concerns pertaining to this issue.</p> <p>Staff agrees that an evaluation of seismic risk and mitigation measures is appropriate.</p> <p>Staff would like to further discuss at the Nov. 16, 2000 stakeholder workshop.</p> <p>Third Party Excavation is addressed in RCW 19.122.</p>

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4) General Comments	Dennis Dowdy City Engineer, City of Auburn	<p><u>Penalties and Enforcement</u></p> <p>a) Stiff penalties for not reporting should be considered.</p> <p>b) I'm afraid that \$1,000 per barrel will not pass through regulation, but maybe \$500 would.</p> <p>c) Strict liability should be enforced, and the oil company's ability to be reimbursed from 3rd party incidents should be implemented, as long as the maps and locations are well documented.</p> <p>I did not see addressed in this outline is Citizen's Right to Know.</p> <p>Pipeline Companies should submit maps of their pipelines.</p> <p>Another concern is that 'abandoned' pipelines (across the nation) have been allowed to corrode and collapse and pollute because they are underground, and no one has kept records.</p>	<p>Staff would like to further discuss this at the Nov. 16, 2000 stakeholder workshop.</p> <p>Third Party Excavation is addressed in RCW 19.122.</p> <p>Staff is unclear of what is referred to as "Citizens Right to Know". What do Citizens need to know?</p> <p>This requirements is in RCW 81.88.</p> <p>Companies are required to develop procedures to properly abandon a pipeline in 195.402, which includes purging all hazardous materials. Staff has concerns pertaining to maintaining records of abandoned pipelines facilities.</p>

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		<p>The design, construction, operation and management of a pipeline involves a host of safety concerns which require the objective professional services of a certified engineer who is registered with the Washington State Board of Professional Engineers. Such a registered engineer should be on contract with the Board to assist you in rulemaking.</p> <p>Very little is being done to “Prevent” future incidents like we experienced in Bellingham. The State seems to be reactive to incidents but appears to do nothing to prevent such incidents. I would hope that a “Public Workshop” agenda would have “Prevention Rules” as a key topic.</p> <p>Public Trust demands that the WUTC require stringent and objective pipeline safety tests on a routine basis.</p> <p>We need to realize that much of the current pipeline stock in approaching the end of it’s expected life for structures in a seismic area and that much of the present stock has endure 20-30 years of fatigue stress due to normal environmental stresses created by seismic events. Fatigue failure is not limited to the airline industry.</p> <p>The main reason for this is that fatigue stress can cause cumulative weakness in the materials, which are being continually stressed on a repetitive basis. The tremendous energy that is absorbed by underground pipelines during a single seismic event can cause stresses well beyond the elastic limit of the pipeline materials.</p>	<p>Staff would like to further discuss at the Nov. 16, 2000 stakeholder workshop.</p>

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		<p>The Bellingham incident is symptomatic of a much wider insidious problem that only an objective expert in the field of petroleum pipelines can adequately help you scope and identify the safety improvements required to meet your Public Trust mandate.</p> <p>I would expect to see such an expert hired by the board to represent the public.</p> <p>I would hope that the expert has no professional conflict with the industry being regulated.</p> <p>I might suggest that one of your rules would be that the Board will establish and utilize a subcommittee of Public Works Officials and the services of a Professional Pipeline Engineer to review the adequacy of Board rules and to establish New rules for annual testing, performance criteria, and operating constraints for pipelines in services to assure that all pipelines are either properly certified or taken out of services until they can be certified by an independent expert.</p>	