

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and)	DOCKET PG-061027
Adopting Rules in)	
)	GENERAL ORDER R-544
WAC 480-93)	
)	ORDER AMENDING AND
Relating to Gas Companies - Safety)	ADOPTING RULES
)	PERMANENTLY
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under CR-101 Notice WSR #06-15-124, filed with the Code Reviser on July 19, 2006, and CR-102 Notice WSR #07-10-124, filed with the Code Reviser on May 2, 2007. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 81.01.010, and RCW 81.88.060.

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 these rules on the date that 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 provide to commenters a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the Commission’s responses to the comments reflecting the Commission’s consideration of them.

5 In this docket, to avoid unnecessary duplication, 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, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends and adopts the following sections of the Washington Administrative Code:

Amend	WAC 480-93-005	Definitions.
Amend	WAC 480-93-013	Covered task.
Amend	WAC 480-93-015	Odorization of gas.
Amend	WAC 480-93-017	Filing requirements for design, specification, and construction procedures.
Amend	WAC 480-93-018	Records.
Amend	WAC 480-93-100	Valves.
Amend	WAC 480-93-124	Pipeline markers.
Amend	WAC 480-93-170	Tests and reports for pipelines.
Amend	WAC 480-93-180	Plans and procedures.
Amend	WAC 480-93-188	Gas leak surveys.
Amend	WAC 480-93-200	Reporting requirements for operators of gas facilities.
Adopt	WAC 480-93-250	Damage prevention.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on July 19, 2006, at WSR # 06-15-124.

8 The statement advised interested persons that the Commission was considering entering a rulemaking to address possible corrections and clarifications to selected sections of WAC 480-93, Gas Companies - Safety, specifically rules governing operators of gas facilities. In addition, the statement advised interested persons that the Commission was considering a new rule to address compliance with the damage prevention requirements of RCW 19.22.

- 9 The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by a notice to all gas companies, to the Commission's lists of persons interested in intrastate and interstate pipeline issues, pipeline safety, rulemakings generally, rulemakings related to gas companies, pipeline companies and pipeline safety, and to the Commission's lists of regulatory attorneys. The Commission posted the relevant rulemaking information on its Internet Web site at <http://www.utc.wa.gov/061027>.
- 10 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on May 2, 2007, at WSR #07-10-124. The Commission scheduled this matter for oral comment and adoption under Notice WSR #07-10-124 at 1:30 p.m. on July 11, 2007, 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.
- 11 **WRITTEN COMMENTS:** The Commission received written comments from the Northwest Gas Association (NWGA). A summary of these written comments and Commission responses are presented below.
- 12 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on July 11, 2007, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. The Commission heard oral comments from Dan S. Kirschner, the Executive Director of NWGA.
- 13 **SUGGESTIONS FOR CHANGE THAT ARE ACCEPTED:** NWGA submitted written comments suggesting changes to the proposed rules. NWGA suggested that the Commission modify WAC 480-93-100(5) by deleting the language "by reducing the amount of time that a pipeline has an uncontrolled release of gas." NWGA also suggested the Commission delete the requirement in subsection (5) that an operator include in its emergency response plan a section addressing its emergency valve program. NWGA also suggested deleting requirements in WAC 480-93-124 for placing pipeline markers over service lines at railroad crossings and the placement of markers at fence lines.

- 14 **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 at WSR # 07-10-124 with the changes described below.
- 15 **CHANGES FROM PROPOSAL:** The Commission adopts the proposal with the following changes from the text noticed at WSR #07-10-124:
- 16 NWGA suggested deleting language in WAC 480-93-100 (5). We revised the rule language to delete “by reducing the amount of time that a pipeline has an uncontrolled release of gas.” We disagree with deleting the requirement in (5) that an operator include in its emergency response plan a section addressing its emergency valve program to ensure that operators understand that valve programs are designed as part of, and integrated into, emergency response plans.
- 17 We agree to delete the requirement in WAC 480-93-124 that requires operators to place markers over service lines at railroad crossings and at fence lines. The rule has been redrafted to eliminate this language. Pipeline markers are needed primarily to mark high-pressure lines or mains. This rule requires that mains be marked and the majority of lines at railroad crossings and fence lines are main lines. Those service lines at railroad crossings and fence lines are low-pressure lines that do not require marking.
- 18 We disagree that a new subsection should be added to WAC 480-93-124 to address the lettering size requirements for pipeline markers. This requirement is well defined in 49 CFR Part 192.707.
- 19 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-93-005, WAC 480-93-013, WAC 480-93-015, 480-93-017, 480-93-018, 480-93-100, 480-93-124, 480-93-170, 480-93-180, 480-93-188, and 480-93-200 should be amended, and WAC 480-93-250 should be adopted 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

20 **THE COMMISSION ORDERS:**

21 The Commission amends WAC 480-93-005, WAC 480-93-013, WAC 480-93-015, WAC 480-93-017, WAC 480-93-018, WAC 480-93-100, WAC 480-93-124, WAC 480-93-170, WAC 480-93-180, WAC 480-93-188, and WAC 480-93-200, and adopts WAC 480-93-250 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).

22 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, RCW 34.05 RCW and WAC 1-21.

DATED at Olympia, Washington, August 22, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

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 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, 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 1, amended 11, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, 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.