



Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

March 20, 2003

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *WUTC v. Basin Frozen Foods, Inc.*
Docket Nos. UG-020230 & UG-020232

Dear Ms. Washburn:

Enclosed for filing are the original and 14 copies of the Amended Settlement Agreement in the above docket.

The Amended Agreement is intended to be responsive to the concerns outlined in the Commission's Second Supplemental Order (February 23, 2003) in this docket.

In that Order, the Commission gave the parties until this week to file another settlement agreement if they wished, taking into account the concerns of the Commission identified in that Order. In that regard, Paragraph 31 of the enclosed Amended Agreement contains admissions of violations by Basin Frozen Foods. Paragraph 12 of the Amended Agreement contains a specific and enforceable provision relating to the situation if Cascade Natural Gas ceases to be the pipeline operator of Basin's pipeline.

In other respects, the Amended Agreement is the same as the Agreement previously filed and considered by the Commission. Paragraphs 1, 8, 10, 38 and 39 of the Amended Agreement contain some editorial changes compared to the prior Agreement, but these changes are not substantive. They update the document or

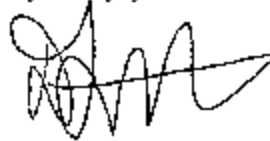
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COMMISSION

Carole Washburn
March 20, 2003
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eliminate some potentially confusing language.

Given that one hearing has already taken place, the Parties have no specific recommendation as to the appropriate procedure for Commission consideration of this Amended Agreement. According to Paragraph 38 of the Amended Agreement, the Parties request the Commission to establish whatever procedures it deems necessary in order to properly process this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Trotter', with a stylized flourish extending to the right.

DONALD T. TROTTER
Senior Counsel

DTT:jjj
Enclosures
Cc: Basin Frozen Foods

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
 COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NOS. UG-020230
)	UG-020232
Complainant,)	
)	
vs.)	AMENDED SETTLEMENT
)	AGREEMENT
BASIN FROZEN FOODS, INC.)	
)	
Respondent.)	
.....)	

1 This Amended Settlement Agreement is entered into for the purpose of resolving all issues raised in these dockets. This Agreement is subject to approval by the Washington Utilities and Transportation Commission ("Commission"), and is not effective before such approval. The documents constituting the agreement of the Parties are this "Amended Settlement Agreement" and Appendices A, B and C attached hereto, collectively called the "Agreement" herein.

2 Appendix A is a letter from Cascade Natural Gas Company ("Cascade") regarding its status as the pipeline operator. Appendix B is a copy of the Violation Report issued to Basin Frozen Foods, Inc. Appendix C contains copies of relevant federal rules that have been adopted by reference by the Commission, and are referred to in this Agreement.

I. PARTIES

3 The Parties to this Agreement are Basin Frozen Foods, Inc. ("Basin"), and
the Staff of the Commission ("Staff" or "Commission Staff") (individually, a
"Party;" collectively, "the Parties").

II. BACKGROUND

4 Basin owns a six-inch (6") natural gas pipeline, approximately 3.8 miles
long, with a maximum operating pressure of 250 pounds per square inch gauge
(psig). This pipeline, which includes all related pipeline facilities owned by
Basin, is called "Basin's pipeline" herein. Basin's pipeline serves Basin's potato
processing facility located in or near the city of Warden, in Grant County,
Washington.

5 In Docket No. UG-020230, Staff conducted a Standard Natural Gas
Transmission Pipeline Inspection of Basin's pipeline. In Docket No. UG-020232,
Staff conducted a Standard Drug and Alcohol Inspection. Both inspections took
place on April 15-17, 2002, and included a review of operations, maintenance,
procedures, records, and pipeline facilities. As a result of these inspections, Staff
issued a Violation Report (Appendix B) listing allegations that Basin violated
WAC 480-93-018, WAC 480-93-082, WAC 480-93-120, WAC 480-93-124, WAC 480-
93-180, WAC 480-93-184, WAC 480-93-200 and WAC 480-03-010, some sections of
which adopt and incorporates Title 49 of the Code of Federal Regulations
("CFR"), Parts 191, 192, and 199. Specific violations of portions of 49 CFR 191,
192, and 199 were alleged. This action was taken in Docket Nos. UG-020230 and
UG-020232.

6 On August 28, 2002, the Commission, based on the Violation Report
(Appendix B), issued its Complaint in Docket Nos. UG-020230 and UG-020232.
The Complaint summarized the violations in the following areas:

- a. Not establishing an adequate emergency plan;
- b. Not establishing the basis for and then maintaining safe
pipeline operating pressures;

- c. Not maintaining a qualified anti-drug and alcohol misuse program;
- d. Not establishing and maintaining a third-party damage prevention plan; and
- e. Not having a qualified individual to oversee all aspects of Basin's natural gas transportation operations.

7 A prehearing conference was held on October 24, 2002. The only two parties to appear in these dockets are Basin and the Commission

8 On February 21, 2003, the Commission issued its Second Supplemental Order rejecting a prior settlement agreement between the Parties, dated November 25, 2002. Since February 21, 2003, Staff has been discussing with Basin other ways to resolve the issues now presented in these dockets, in a manner that assures present and future compliance with applicable Commission laws, rules and that is consistent with the Second Supplemental Order. Both Parties share the goal that Basin's pipeline be operated in compliance with Commission laws and rules related to the safe operation of Basin's pipeline.

III. AGREEMENT

9 The Parties have reached agreement on how to resolve the issues raised in these dockets and wish to present their agreement for the Commission's consideration and approval. The Parties voluntarily enter this Agreement without hearing or adjudication of any issues of fact or law to resolve the matters in dispute between them in what each Party believes is an appropriate manner, and to avoid the expense, time and uncertainty of litigation.

10 This Agreement addresses each section of the Violation Report (Appendix B). The most relevant sections of the CFR described herein are included in Appendix C to this Agreement.

New Operator

11 From as late as November 25, 2002 forward, Basin's pipeline will be operated by Cascade Natural Gas Company. Appendix A to this Agreement is a

letter from Cascade indicating Cascade's understanding that it is the operator of Basin's pipeline. Basin remains the pipeline owner.

12 As operator, Cascade will be responsible for operating and maintaining Basin's pipeline in full compliance with all Commission laws and rules. If Cascade ceases to operate Basin's pipeline, or if for any other reason Basin does not have a qualified operator to operate the pipeline, Basin will shut off its pipeline until it has a qualified operator to operate the pipeline. Basin will notify the Commission within twenty-four (24) hours of the time Cascade ceases to be the operator of Basin's pipeline, or within two working days of receiving any notice from Cascade that Cascade will cease to be the operator, whichever notice would be provided to the Commission first. Basin will notify the Commission by calling the Commission's toll free number: 1-888-321-9146. If that number should change, the Commission will notify Basin in writing of the new number. After receiving that notification, Basin will be responsible to call new number. If Basin does not timely shut off its pipeline, or if Basin does not timely notify the Commission, as described in this paragraph, Basin shall pay the Commission an additional penalty amount of \$3,000.

13 This addresses Item 21 in the Violation Report (Appendix B).

O&M Manual

14 Basin agrees that Cascade has an Operations and Maintenance (O&M) Manual applicable to operating Basin's pipeline, and the O&M Manual complies with 49 CFR 192.605. In Docket No. UG-020706, the 2002 standard inspection of one of Cascade's facilities was conducted. The 2002 standard inspection included review of Cascade's O&M manual and Staff determined that Cascade's O&M manual includes qualified individuals. These individuals will oversee all aspects of Basin's pipeline.

15 In addition to all of the requirements for an O&M manual, Cascade's manual includes specific information for operating Basin's pipeline. Some of those items are identifying the designated blow down valves and including their relief calculations, providing a means of receiving and recording notification of planned excavation activities, welding procedures, welders qualification, numbering emergency operating valves, a description of Basin's warning and

marker signs, public education requirements, and investigation of failures. Staff has reviewed Cascade's O&M manual pertinent to Basin's pipeline requirement items. Based on that review, Staff believes Basin complies with 49 CFR 192.605.

16 This addresses Items 1, 5, 6, 7, 9, 10, 14, 15, 21, 22, 24, and 25 in the Violation Report (Appendix B).

Emergency Plan

17 Basin agrees that Cascade has an emergency plan in effect that includes written procedures to minimize the hazards resulting from a gas pipeline emergency regarding Basin's pipeline. This plan includes all parts of 49 CFR 192.615 applicable to operation of Basin's pipeline. Staff has reviewed the emergency plan. Based on that review, Staff believes the emergency plan complies with 49 CFR 192.615.

18 This addresses Item 13 in the Violation Report (Appendix B).

Pipeline Design Specifications and As-Built Records

19 Basin now has in its possession, in one place, and available for convenient review upon request, the comprehensive written design specifications for Basin's pipeline, including the material list and drawings. These specifications are necessary to determine a safe pipeline operating pressure. Staff has reviewed the records. Based on that review, Staff believes Basin is in compliance with 49 CFR 192.303.

20 Basin now also has in its possession, in one place, and available for convenient review upon request, all "as-built records" indicating the current construction detail of the Basin pipeline in accordance with Basin's 2001 Operations and Maintenance Manual and with 49 CFR 192.13. The as-built records are necessary to determine a safe pipeline operating pressure. The as-built records are used to determine the weakest component of the pipeline. The weakest component information is used in calculations that determine the Maximum Allowable Operating Pressure (MAOP) of Basin's pipeline. Staff has reviewed such records. Based on that review, Staff believes Basin is in compliance with 49 CFR 192.13.

21 This addresses Items 2, 3, 4, 8, 16, and 20 in the Violation Report
(Appendix B).

Anti-Drug Program and Alcohol Misuse Prevention Plan

22 Basin agrees that Cascade has in effect an Anti-Drug Program and Alcohol
Misuse Prevention Plan applicable to operation of Basin's pipeline and the Anti-
Drug Program and The Alcohol Misuse Prevention Plan complies with 49 CFR
Part 199. Cascade's drug and alcohol plan was inspected by Commission Staff in
November of 2000 under Docket No. UG-001704 and was found to be adequate.
Staff conducted a review of Cascade's drug and alcohol plan in November of
2002 and confirmed the plan, as applicable to operation of Basin's pipeline, is
consistent with existing requirements.

23 This addresses Item 19 in the Violation Report (Appendix B).

Damage Prevention Plan

24 Basin agrees that Cascade has established a written plan to prevent
damage to Basin's pipeline by excavation activities, in accordance with 49
CFR192.614. Staff has reviewed such records. Based on that review, Staff
believes the plan complies with 49 CFR 192.614.

25 This addresses Item 12 in the Violation Report (Appendix B).

Surveillance Plan

26 Basin agrees that Cascade has in effect a continuing surveillance plan that
includes procedures for continuing surveillance of Basin's facilities to determine
and take appropriate action concerning changes in class location, failures,
leakage history, corrosion, substantial changes in cathodic protection
requirements and other unusual operating and maintenance conditions. The
written procedures for and documentation of continuing surveillance includes all
parts of 49 CFR 192.613 applicable to operation of Basin's pipeline. Staff has
reviewed the plan. Based on that review, Staff believes the emergency plan
complies with 49 CFR 192.613.

27 Basin agrees that Cascade has in effect Patrolling procedures applicable to operating Basin's pipeline, and the Patrolling procedure complies with 49 CFR 192.705. Staff has reviewed Cascade's Patrolling procedures. Based on that review, Staff believes the patrolling procedures comply with 49 CFR 192.705.

28 This addresses Items 11 and 17 in the Violation Report (Appendix B).

Other Issues

29 Basin has provided Commission Staff with documentation that a public education plan has been established; that the bridge crossing warning sign at the bridge on "U" Road has been replaced; that there is a warning sign on the Williams Pipeline and Basin pipeline regulator station; that the missing pipeline markers along Basin's pipeline have been replaced; that documentation has been provided that indicates that regulators on Basin's pipeline facilities inside the Williams gate station have the ability to limit pressure on the pipeline; and that the appropriate information has been filed with Grant County and Warden police, fire and emergency response centers.

30 This addresses Items 18, 22, 23 and 26 in the Violation Report (Appendix B).

Admissions of Violations and Sanctions

31 Basin concurs with the findings of the Violation Report set forth in Appendix B. Basin will pay to the Commission penalties totaling forty thousand dollars (\$40,000.00). This amount shall be due and payable on eleven equal installment payments of \$3,333.33, and one installment payment of \$3,333.34. The payments will begin May 15, 2003. Payments are due by the 15th of each successive month. Final payment will be made on or before April 15, 2004. Payments shall be made by check sent to the Commission offices in Olympia, Washington. If Basin is untimely in its payments, or if full payment is not made by Basin by April 15, 2004, this Agreement will be terminated and the matter will be set for hearing. If the Agreement is terminated due to Basin's non-payment or untimely payment, Basin will be give a credit for the amount it paid as an offset

for any monetary sanction the Commission may issue after hearing, but in no event would any sums paid by Basin be returned to Basin.

IV. GENERAL PROVISIONS

Nature of the Agreement.

32 The Parties agree that this Agreement is an appropriate settlement of all contested issues between them in this proceeding. The Parties understand that this Agreement is subject to Commission approval and it is not effective unless and until it is approved by the Commission.

33 Nothing in this Agreement is intended to limit or bar any other entity from pursuing legal claims, or to limit or bar Basin's ability to assert defenses to such claims.

34 Nothing in this Agreement limits or bars the Commission from pursuing penalties for violations of Commission statutes and rules unrelated to the subject matter of this Agreement. Nothing in this Agreement limits or bars the Commission from pursuing penalties for violations of Commission statutes and rules that are related to the subject matter of this Agreement, but which violations occurred after the date this Agreement was executed.

35 The Parties have entered into this Agreement to avoid further expense, inconvenience, uncertainty, and delay. The Parties recognize that this Agreement represents a compromise of the Parties' positions. As such, conduct, statements, and documents disclosed during negotiations of this Agreement shall not be admissible as evidence in this or any other proceeding, except in any proceeding to enforce the terms of this Agreement or any Commission Order fully adopting those terms. This Agreement shall not be construed against either Party because it was a drafter of this Agreement.

Integrated Terms of Settlement

36 The Parties have negotiated this Agreement as an integrated document to be filed with the Commission only upon execution. Once the Agreement is executed, the Parties agree to support the Agreement in its entirety. This

Agreement supersedes all prior oral and written agreements on issues addressed herein, if any.

Manner of Execution

37 This Agreement is considered executed when all Parties sign the Agreement. A designated and authorized representative may sign the Agreement on a Party's behalf. The Parties may execute this Agreement in counterparts. If the Agreement is executed in counterparts, all counterparts shall constitute one agreement. An Agreement signed in counterpart and sent by facsimile is as effective as an original document. Each Party shall indicate the date of its signature on the Agreement. The date of execution of the Agreement will be the latest date indicated on the signatures.

Procedure

38 Once it is executed, the Parties agree to cooperate in promptly filing this Agreement with the Commission for approval. The Parties agree to support approval of this Agreement in any proceedings before the Commission, through oral testimony and/or briefing. Since the Commission has already held one hearing on a prior settlement agreement, the Parties will request the Commission to review this Agreement, and to establish whatever further procedures the Commission deems appropriate.

39 At any hearing on the Agreement, each Party shall make available a witness or witnesses to answer questions and to support the Agreement. The Parties will cooperate in good faith to comply with any procedures the Commission may employ in its evaluation of the proposed Agreement.

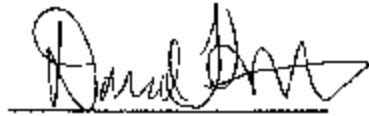
40 In the event that the Commission rejects all or any portion of this Agreement, each Party reserves the right to withdraw from this Agreement by written notice to the other Party and the Commission. Written notice must be served within 10 business days of the date of the Commission order rejecting all or any portion of this Agreement. In such event, neither Party will be bound or prejudiced by the terms of this Agreement. The Parties will jointly request a prehearing conference for purposes of establishing a procedural schedule to complete the case.

No precedent

41 No Party shall be deemed to have agreed that this Agreement is precedent for resolving any issues in any other proceeding, other than a proceeding for enforcement of this Agreement.

For Commission Staff:

Donald T. Trotter
Assistant Attorney General



Date signed: 3/20/03

For Basin Frozen Foods, Inc.

Kevin Weber
President

See next page

Date signed:

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For Commission Staff:

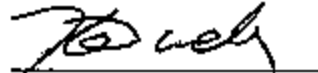
Donald T. Trotter
Assistant Attorney General

See prior page

Date signed:

For Basin Frozen Foods, Inc.

Kevin Weber
President



Date signed: *20 March 2003*

APPENDIX A

November 20, 2002

Kevin Weber
President
Basin Frozen Foods
PO Box 747
Warden, WA 98857

Subject: Basin Frozen Foods Pipeline Operation & Maintenance Contract

Dear Mr. Weber:

The signature of the September 10, 2002 contract between Basin Frozen Foods (BFF) and Cascade Natural Gas Corporation (CNG) establishes CNG as the operator of BFF's natural gas transmission pipeline along Road 6 and U Road in Grant County that supplies your processing plant.

As of September 11, 2002, CNG has taken responsibility for operating, and maintaining the pipeline to the minimum requirements of 49 CFR Part 191, 192, and 199, as well as Washington Administrative Code 480-93 (WAC 480-93). These responsibilities include maintaining an Operator Qualification program.

If this contract is ever terminated, BFF should seek another qualified operator for this pipeline. Otherwise, BFF will become responsible for operating and maintaining the pipeline to the minimum requirements of 49 CFR 192, 192, and 199 as well as WAC 480-93. If BFF is responsible, but not qualified, you may be in violation of the aforementioned pipeline safety codes.

If you have any questions, please contact me at (206) 381-6734.

Sincerely,
Cascade Natural Gas Corporation

Keith A. Meissner
Pipeline Safety Engineer

APPENDIX B

**Washington Utilities and Transportation Commission
Pipeline Safety Division**

**Basin Frozen Foods, Inc. Six Inch Natural Gas Pipeline
Docket Numbers UG-020230 & UG-020232
VIOLATION REPORT**

The following report summarizes the violations of Title 49, Code of Federal Regulations (CFR) Parts 191, 192 and 199 and WAC 480-93 that were noted as a result of the 2002 standard natural gas pipeline inspection (UG-020230) and the drug and alcohol inspection (UG-020232) of the Basin Frozen Foods, Inc. six inch natural gas pipeline in Warden, Washington. The inspection was conducted on April 15, 16, and 17, 2002, which included a review of operations, maintenance, procedures, records, and pipeline facilities. All violations were noted at the time of the inspection.

1. **CFR 191.17 (a) Transmission and Gathering Systems: Annual Report**
Except as provided in paragraph (b) of this section, each operator of a transmission or a gathering pipeline system shall submit an annual report for that system on Department of Transportation Form F RSPA 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

VIOLATION

1A.

The Commission did not receive an annual report from Basin, nor did Basin submit an annual report for 2001 to the RSPA (Research & Special programs Administration).

2. **CFR 192.13 General**
Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

VIOLATIONS

2A.

Basin's operation and maintenance (O&M) manual, section CP 870 As Built Requirements states, "This CP is to provide the Maps and Records Department with a record, which reflects a true picture of a completed facility." CP 870.011 states "This procedure shall apply to the following: construction programs, replacement programs, odorizers, regulators, regulator stations, construction of large main extensions which are beyond the scope of the Distribution Line Report and M & R Sets." CP 870.015 states, "When fittings are added or deleted the drawing will be changed as well as any material list. Change in material list only is not acceptable." Basin did not provide an as built copy of the drawing or material list of Basin's pipeline system as required in Basin's O&M manual. Basin did not follow the plans Basin established under CFR Part 192.13.

2B.

Basin's O&M manual, section CP 690.042.b Monthly Odorization Report (form 314) states, "Report shall be completed monthly for each of the Company's odorizers." Basin did not provide documentation of completed monthly odorant tests. Basin did not follow the plans Basin established under CFR Part 192.13.

2C.

Basin's O&M manual, section CP 740.071 Valve Maintenance and Inspection Records states, "All operational valves are to be shown and numbered V-1, V-2, etc. on the Operating Maps, High Pressure Line Sheets and Company area maps". Basin did not provide an operational map with numbered valves. Basin did not follow the plan Basin established under CFR Part 192.13.

3. **CFR 192.53 General**

Materials for pipe and components must be:

- (a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;
- (b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and,
- (c) Qualified in accordance with the applicable requirements of this subpart.

VIOLATION

3A.

Basin did not provide documentation that the material specification for the pipe and components in Basin's transmission pipeline were qualified in accordance with CFR 192.53.

4. **CFR 192.150 Passage of Internal Inspection Devices**

- (a) Except as provided in paragraphs (b) and (c) of this section, each new transmission line and each line section of a transmission line where the line pipe, valve, fitting, or other line component is replaced must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

VIOLATION

4A.

Basin did not provide documentation that the natural gas transmission pipeline was designed and constructed to accommodate the passage of instrumented internal inspection devices in accordance with CFR Part 192.150.

5. **CFR 192.179 (c) Transmission Line Valves**

Each section of a transmission line, other than offshore segments, between main line valves must have a blow down valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable in accordance with CFR Part 192.179 (c).

VIOLATION

5A.

Basin did not provide documentation that Basin had a designated blow down system with enough capacity to allow the transmission line to relieve the pressure as rapidly as possible in an emergency or when performing operations and maintenance tasks on the pipeline system in accordance with CFR Part 192.179 (c).

6. CFR 192.225 Welding - General

- (a) Welding must be performed by a qualified welder in accordance with welding procedures qualified to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify the procedures shall be determined by destructive testing.
- (b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

VIOLATION

6A.

Repeat violation of the 2001 Commission compliance Order (UG-010499)

Basin's O&M manual, section CP 760 Welding Standards, includes welding procedures for pipe from 2- $\frac{3}{4}$ inches to 12- $\frac{3}{4}$ inch. Basin did not provide documentation of the destructive test results qualifying the welding procedures in accordance with CFR Part 192.225.

7. CFR 192.227 Qualification of Welders

Except as provided in paragraph (b) of this section, each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code. However, a welder qualified under an earlier edition than listed in Appendix A may weld but may not requalify under that earlier edition. American Petroleum Institute (API) Standard 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994) is incorporated by reference in Section II of Appendix A in CFR 49 Part 192.

VIOLATION

7A.

Repeat Violation of the 2001 Commission compliance Order (UG-010499)

Basin's O&M manual, section CP 760 Welding Standards, adopts and references API Standard 1104 "Welding of Pipelines and Related Facilities" (17th Edition, 1988). Basin did not use a qualified welder to qualify its welding procedures as required under CFR Part 192.227.

8. CFR 192.303 Compliance with Specifications or Standards

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

- (7) Starting, operating and shutting down gas compressor units.
- (8) Periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance and modifying the procedure when deficiencies are found
- (9) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.
- (10) Systematic and routine testing and inspection of pipe-type or bottle-type holders including -
 - (i) Provision for detecting external corrosion before the strength of the container has been impaired;
 - (ii) Periodic sampling and testing of gas in storage to determine the dew point of vapors contained in the stored gas which, if condensed, might cause internal corrosion or interfere with the safe operation of the storage plant; and,
 - (iii) Periodic inspection and testing of pressure limiting equipment to determine that it is in safe operating condition and has adequate capacity.

(c) Abnormal operation. For transmission lines, the manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:

- (1) Responding to, investigating, and correcting the cause of:
 - (i) Unintended closure of valves or shutdowns;
 - (ii) Increase or decrease in pressure or flow rate outside normal operating limits;
 - (iii) Loss of communications;
 - (iv) Operation of any safety device; and,
 - (v) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error, which may result in a hazard to persons or property.
- (2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.
- (3) Notifying responsible operator personnel when notice of an abnormal operation is received.
- (4) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.
- (5) The requirements of this paragraph (c) do not apply to natural gas distribution operators that are operating transmission lines in connections with their distribution system.

- (d) Safety-related condition reports. The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of §191.23 of this subchapter.
- (c) Surveillance, emergency response, and accident investigation. The procedures required by §§192.613(a), 192.615, and 192.617 must be included in the manual required by paragraph (a) of this section

VIOLATIONS

10A.

Basin's contractor did not have Basin's procedures to perform pressure tests on a regulator inside William's Gate Station.

10B.

Basin does not have written procedures for making transmission line repairs to Basin's pipeline, as required by CFR Part 192.605 (a). Basin's O&M manual, section CP 766 Transmission Line Repairs states, "This procedure applies to the following CNG lines identified by district in section CP 640." Section CP 766 identifies 3 Cascade Natural Gas transmission lines. There is not a section CP 640 in Basin's O&M manual. There is not a section pertaining to transmission line repairs on Basin's transmission pipeline.

10C.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin's O&M manual, section CP 600 Start Up/Shut Down Procedure referred to starting up and shutting down the pipeline. The manual did not have detailed written procedures for starting up and shutting down the pipeline in accordance with CFR Part 192.605(b)(5).

10D.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin O&M manual, section CP 730, Abnormal Operations, did not include written procedures for responding to, investigating, and correcting the cause of unintended closure of valves or shutdowns, increase or decrease in pressure or flow rate outside normal operating limits, loss of communications, operation of any safety device, and any other foreseeable malfunction of a component, deviation from normal operation, or personnel error which may result in a hazard to persons or property.

10E.

Basin O&M manual, section CP 730 Abnormal Operations, did not include written procedures for checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation in accordance with CFR Part 192.605 (c)(2).

10F.

Basin's O&M manual, section CP 730 Abnormal Operations, did not include written procedures for notifying responsible operator personnel when notice of an abnormal operation is received in accordance with CFR Part 192.605 (c)(3).

10G.

Basin's O&M manual, section CP 730 Abnormal Operations, did not include written procedures for periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found in accordance with CFR Part 192. (c)(4).

10H.

Basin's O&M manual, section CP 925 Emergency Policy, did include written procedures for making telephonic notice to the Commission nor did it include written procedures for telephonically notifying the National Response Center of incidents in accordance with CFR Part 191.1.

10I.

Basin's O&M manual did not include written procedures for making construction records, maps, and operating history available to appropriate operating personnel in accordance with CFR Part 192.605 (b)(3).

10J.

Basin's O&M manual, section CP 925 Emergency Policy, did not include adequate written procedures for emergency response. Basin's emergency plan did not include written procedures for Basin and its contractor to communicate and manage an emergency. Basin's emergency plan did not include written procedures for an alternate plan if Basin's contractor cannot be available or available in a reasonable amount of time. The manual did not include adequate emergency response procedures in accordance with CFR Part 192.605 (a).

10K.

Basin's O&M manual did not include procedures for public education in accordance with CFR Part 192.605 (a).

10L.

Basin did not have written procedures to maintain transmission line records in accordance with CFR Part 192.605.

10M.

CFR Part 192.605, (d) safety-related condition reports, requires the O&M manual to "include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of CFR Part 191.23." Basin's O&M manual did not have written procedures for safety-related conditions in accordance with CFR Part 192.605 (a).

11. **CFR 192.613 Continuing Surveillance**

Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

VIOLATION

11A.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin did not have a procedure for continuing surveillance of its facilities to determine class location, failures, leakage history, cathodic protection requirements or other usual operating maintenance conditions in accordance with CFR Part 192.613. The procedure would require Basin to combine all inspections and testing information that had been done on the pipeline and review it to see if any unusual operating or maintenance conditions existed.

12. **CFR 192.614 Damage Prevention Program**

The damage prevention program required by paragraph (a) of this section must, at a minimum:

- (1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.
- (2) Provides for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program.
- (3) Provide a means of receiving and recording notification of planned excavation activities.
- (4) If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings.
- (5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.
- (6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:
 - (i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and
 - (ii) in the case of blasting, any inspection must include leakage surveys.

VIOLATIONS

12A.

Basin did not provide documentation that Basin's program had a means of receiving and recording notifications of planned excavations in accordance with CFR Part 192.614 (3). Commission staff investigated and was informed by the local one-call notification center that Basin had received 25 locate requests in 2001.

12B.

For the 25 located requests made in 2001, Basin did not provide documentation that Basin had either located their buried pipeline or notified the excavator that Basin did not have buried pipeline in the area of excavation.

12C.

Basin did not provide documentation that Basin's program had identified the persons who normally engage in excavation activities in the area in which Basin's pipeline is located in accordance with CFR Part 192.614 (c)(1).

12D.

Basin did not provide documentation that Basin's program had notified the public in the vicinity of the pipeline and actual notification of the persons who normally engage in excavation activities in the area in accordance with CFR Part 192.614 (2).

13. CFR 192.615 Emergency Plans

Each operator shall establish written procedures to minimize the hazards resulting from a gas pipeline emergency.

VIOLATIONS

13A.

Basin did not provide documentation that Basin had established and maintained an adequate means of communication with appropriate fire, police, and other public officials in accordance with CFR Part 192.615 (a)(2).

13B.

Basin's O&M manual, section CP 925 Emergency Policy (a) states, "Notify Cascade Natural Gas of emergency and request response team." Basin does not have a procedure to ensure that personnel, equipment, tools, and materials are provided as needed at the scene of an emergency in accordance with CFR Part 192.615 (a) (4).

13C.

Basin's employee did not have a key to access William's and Basin's Regulator Station (the station is known as the Warden Meter Station on Basin's cathodic map). If Basin's contractor could not immediately respond to an emergency, Basin would not have access to its own facility inside the William's and Basin Regulator Station in accordance with CFR Part 192.615 (a)(4).

13D.

Basin's emergency plan did not have written procedures identifying Basin's emergency valves necessary to minimize the hazard resulting from a gas pipeline emergency. Emergency valves are required in emergency situations for shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property in accordance with CFR Part 192.615 (a)(6).

13E.

Basin did not provide procedures to notify appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned and actual responses during an emergency in accordance with CFR Part 192.615 (a) (8).

13F.

Basin had not furnished its contractor supervisors, who are responsible for emergency action, a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of CFR Part 192.615.

13G.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin did not provide documentation that Basin's natural gas employee or Basin's representatives had been trained to assure that they were knowledgeable of the emergency procedures and to verify that the contractor's training is effective in accordance with CFR Part 192.615 (b)(2).

13H.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin did not provide documentation that Basin had established and maintained a liaison with appropriate fire, police, and other public officials in accordance with CFR Part 192.615 (c) (1).

13I.

Basin did not provide documentation that Basin had acquainted local emergency response officials with Basin's ability to respond to a gas pipeline emergency in accordance with CFR Part 192.615 (c)(2).

13J.

Basin did not provide documentation that Basin had identified the types of gas pipeline emergencies of which the operator notifies local emergency response officials in accordance with CFR Part 192.615 (c)(3).

13K.

Basin did not provide a plan describing how the operator and officials will engage in mutual assistance to minimize hazards to life or property in accordance with CFR Part 192.615 (c)(4).

14. CFR 192.616 Public Education

Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a

significant number and concentration of the non-English speaking population in the operator's area.

VIOLATION

14A.

Basin did not provide documentation that Basin provided public education information to the public, appropriate government organizations or persons engaged in excavation in the area in which they transports gas in accordance with CFR Part 192.616.

15. **CFR 192.617 Investigation of Failures**

Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

VIOLATION

15A.

Basin did not have a procedure for analyzing accidents and failures in accordance with CFR Part 192.617.

16. **CFR 192.619 (a) Maximum Allowable Operating Pressure: Steel or Plastic Pipelines**

- (a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:
- (i) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part.

VIOLATION

16A.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin did not provide documentation of an established maximum allowable operating pressure (MAOP). Basin did not identify the weakest element in the pipeline and did not provide the material specifications of the actual materials used in the construction of the natural gas pipeline system in order to determine the MAOP.

17. **CFR 192.705 (b) Transmission Lines: Patrolling**

- (a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.
- (b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:
...In class 4 locations 4 ½ months, but at least four times each calendar year.

VIOLATION

17A.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Basin did not provide documentation that the pipeline had been patrolled in accordance with CFR Part 192.705.

18. **CFR 192.739 (c) Pressure Limiting and Regulating Stations: Inspection and Testing**

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is:

- (a) In good mechanical condition;
- (b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;
- (c) Set to function at the correct pressure; and,
- (d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

VIOLATION

18A.

Repeat Violation from 2001 Follow up Inspection (UG-011593)

Basin's contractors Facility Maintenance and Inspection Record Cascade Natural Gas (CNG) form, dated 4-15-2002, indicated that the regulator was set at 145 pounds per square inch gauge (psig) and set to lock up the pressure at 150 psig. A 600-pound pressure gauge was used to conduct a test on the regulator lock up pressure. The gauge showed the pressure climbed to 170 psig. The regulator failed the lock up test. Staff was provided a copy of Basin's contractor Operation and Maintenance Request form showing that maintenance had been done on the regulator. The CNG form stated, "rebuilt pilot, cleaned valve and reversed position of diaphragm. Took test."

On 4-17-2002 (after the repair), Staff witnessed a pressure lock up test on Basin's regulator. A 600-pound gauge was used for the second test. The regulator did not lock up at the set pressure; it continued to climb to 170 psig. At that point, the lock up test had failed and the test was terminated.

19. **Title 49 CFR Part 199/Part 40 Drug and Alcohol**

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol in accordance with all of CFR Part 199/Part 40.

VIOLATION

19A.

Basin did not provide an anti-drug program or an alcohol misuse prevention program in accordance with CFR Part 199.

20. **WAC 480-93-018 Maps, Drawings, and Records of Gas Facilities**

All gas companies shall prepare, maintain, and provide to the Commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

VIOLATION

20A.

Staff was provided a copy of Basin's cathodic protection map. The map did not show the size and type of material of all facilities, the maximum operating pressure, the emergency valves, the regulator station at U Road, the regulator station at Basin Road or the cathodic protection test stations in accordance with WAC 480-93-018.

21. **WAC 480-93-082 Qualification of Employees**

Every gas company that operates a gas facility in this state shall have one or more employees working in this state that are collectively knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations. Every gas company shall prepare, maintain, and provide to the Commission, upon request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of personnel qualified by training and experience, in a company-certified, company-sponsored training program, may satisfy the requirements of this section.

VIOLATION

21A.

Basin did not provide documentation that Basin had an employee that was knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations.

22. **WAC 480-93-120 Exposed Pipelines**

Proper warning signs shall be placed and other adequate protective measures taken at any point where gas pipelines and any associated equipment and facilities are exposed, and where their location presents an unusually hazardous situation. All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs, which are reported, damaged and missing shall be replaced promptly.

VIOLATIONS

22A.

Repeat Violation of the 2001 Commission Compliance Order (UG-010499)

Staff discovered that one bridge crossing warning sign was missing on the bridge on 7th Road.

22B.

Basin did not have a warning sign posted at the Williams and Basin regulator station where the natural gas pipe is exposed.

23. WAC 480-93-124 Pipeline Markers

All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Offset pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform to Title 49, CFR Part 192.707(b).

VIOLATION

23A.

Basin provided a map with the line marker placements. Staff's field investigation discovered line markers on U Road were missing.

24. WAC 480-93-180 Plan of Operations and Maintenance Procedures, Emergency Policy, Reporting Requirements

In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the Commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The Commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the Commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the Commission shall consider:

- (1) relevant available pipeline safety data;
- (2) whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest.

VIOLATION

24A.

Basin's O&M manual was modeled after a natural gas distribution system's O&M manual. Basin's natural gas transmission pipeline O&M manual does not accurately reflect Basin's operations, maintenance, and emergency response. Parts of the manual are procedures designated only for distribution mains and services, gas customers and extra procedures that do not apply to Basin's current or future transmission pipeline operations. Many of Basin's plans and procedures are not appropriate for the particular type of pipeline operations being performed by Basin.

Basin is a transmission natural gas pipeline, not a distribution natural gas pipeline. The unnecessary distribution pipeline information makes finding the correct transmission pipeline information difficult and confusing. In both normal operating and emergency conditions the inappropriate and confusing O&M manual creates an unsafe condition for Basin's personnel and contractors. The plans and procedures required by the Commission require the O&M manual to be practicable and designed to meet the needs of safety. Basin is not operating in accordance with WAC 480-93-180.

25. WAC 480-93-184 Gas Leak Responsibility

Each gas company shall designate personnel who shall be responsible for pipeline and service line patrolling; leak survey practices, procedures, and operations; and leak classification and repairs within its respective areas of operation (i.e. division, district, etc.).

VIOLATION

25A.

Basin did not have a designated employee or contract employee to be responsible for pipeline patrolling, leak survey practices, procedures and operations in accordance with WAC 480-93-184.

26. WAC 480-93-200 Reports Associated with Gas Company Facilities and Operations

All gas companies shall file with the Commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the Commission and municipalities.

VIOLATION

26A.

Basin did not provide documentation that Basin had filed the names, addresses and telephone numbers of responsible Basin officials with the Grant County and Warden police, fire, and emergency response centers within which the gas company has facilities in accordance with WAC 480-93-200.

APPENDIX C

Violation 1A

191.1 Scope.

(a) This part prescribes requirements for the reporting of incidents, safety-related conditions, and annual pipeline summary data by operators of gas pipeline facilities located in the United States or Puerto Rico, including pipelines within the limits of the Outer Continental Shelf as that term is defined in the Outer Continental Shelf Lands Act [43 U.S.C. 1331].

(b) This part does not apply to-

(1) Offshore gathering of gas upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; or

(2) Onshore gathering of gas outside of the following areas:

(i) An area within the limits of any incorporated or unincorporated city, town, or village.

(ii) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

(3) On the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

[Amdt. 191-5, 49 FR 18960, May 3, 1984; Amdt. 191-6, 53 FR 24949, July 1, 1988;

Amdt. 191-11, 61 FR 27789, June 3, 1996; Amdt. 191-12, 62 FR 61692, Nov. 19, 1997]

Violation 2A-2C

192.13 General.

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless:

(1) The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part; or

(2) The pipeline qualifies for use under this part in accordance with §192.14.

(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part.

(c) Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-27, 41 FR 34598, Aug. 16, 1976; Amdt. 192-30, 42 FR 60146, Nov. 25, 1977]

Violation 3A

192.53 General.

Materials for pipe and components must be:

(a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

(b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and,

(c) Qualified in accordance with the applicable requirements of this subpart.

Violation 4A

192.150 Passage of internal inspection devices.

(a) Except as provided in paragraphs (b) and (c) of this section, each new transmission line and each line section of a transmission line where the line pipe, valve, fitting, or other line component is replaced must be designed and constructed to accommodate the passage of instrumented internal inspection devices.

(b) This section does not apply to:

- (1) Manifolds;
- (2) Station piping such as at compressor stations, meter stations, or regulator stations;
- (3) Piping associated with storage facilities, other than a continuous run of transmission line between a compressor station and storage facilities;
- (4) Cross-overs;
- (5) Sizes of pipe for which an instrumented internal inspection device is not commercially available;
- (6) Transmission lines, operated in conjunction with a distribution system which are installed in Class 4 locations;
- (7) Offshore pipelines, other than transmission lines 10 inches (254 millimeters) or greater in nominal diameter, that transport gas to onshore facilities; and,
- (8) Other piping that, under §190.9 of this chapter, the Administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices.

(c) An operator encountering emergencies, construction time constraints or other unforeseen construction problems need not construct a new or replacement segment of a transmission line to meet paragraph (a) of this section, if the operator determines and documents why an impracticability prohibits compliance with paragraph (a) of this section. Within 30 days after discovering the emergency or construction problem the operator must petition, under §190.9 of this chapter, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable. If the petition is denied, within 1 year after the date of the notice of the denial, the operator must modify that segment to allow passage of instrumented internal inspection devices.

Amdt. 192-72, 59 FR 17275, April 12, 1994, Amdt. 192-85, 63 FR 37500, July 13, 1998]

Violation 5A

192.179 Transmission line valves.

(a) Each transmission line, other than offshore segments, must have sectionalizing block valves spaced as follows, unless in a particular case the Administrator finds that alternative spacing would provide an equivalent level of safety:

- (1) Each point on the pipeline in a Class 4 location must be within 2 1/2 miles (4 kilometers) of a valve.
- (2) Each point on the pipeline in a Class 3 location must be within 4 miles (6.4 kilometers) of a valve.
- (3) Each point on the pipeline in a Class 2 location must be within 7 1/2 miles (12 kilometers) of a valve.

(4) Each point on the pipeline in a Class 1 location must be within 10 miles (16 kilometers) of a valve.

(b) Each sectionalizing block valve on a transmission line, other than offshore segments, must comply with the following:

(1) The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage.

(2) The valve must be supported to prevent settling of the valve or movement of the pipe to which it is attached.

(c) Each section of a transmission line, other than offshore segments, between main line valves must have a blowdown valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blowdown discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

(d) Offshore segments of transmission lines must be equipped with valves or other components to shut off the flow of gas to an offshore platform in an emergency.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-27, 41 FR 34598, Aug. 16, 1976, Amdt 192-78, 61 FR 28770, June 6, 1996; Amdt. 192-85, 63 FR 37500, July 13, 1998]

Violation 6A

192.225 Welding - General.

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify the procedures shall be determined by destructive testing.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-18, 40 FR 10181, March 5, 1975; Amdt. 192-22, 41 FR 13590, March 31, 1976; Amdt. 192-3746 FR 10157, Feb. 2, 1981; Amdt. 192-52, 51 FR 20297, June 4, 1986]

Violation 7A

192.227 Qualification of welders.

(a) Except as provided in paragraph (b) of this section, each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code. However, a welder qualified under an earlier edition than listed in Appendix A may weld but may not requalify under that earlier edition.

(b) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of Appendix C of this part. Each welder who is to make a welded service line connection to a main must also first perform an acceptable test weld under section II of Appendix C of this part as a requirement of the qualifying test.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-18, 40 FR 10181, March 5, 1975; Amdt. 192-22, 41 FR 13590, March 31, 1976; Amdt. 192-37, FR 10157, Feb. 2, 1981; Amdt. 192-52, 51 FR 20297, June 4, 1986, Amdt 192-78, 61 FR 28770, June 6, 1996]

Violation 8A

192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

Violation 9A

192.475 Internal corrosion control: General.

(a) Corrosive gas may not be transported by pipeline, unless the corrosive effect of the gas on the pipeline has been investigated and steps have been taken to minimize internal corrosion.

(b) Whenever any pipe is removed from a pipeline for any reason, the internal surface must be inspected for evidence of corrosion. If internal corrosion is found-

(1) The adjacent pipe must be investigated to determine the extent of internal corrosion;

(2) Replacement must be made to the extent required by the applicable paragraphs of §§192.485, 192.487, or 192.489; and,

(3) Steps must be taken to minimize the internal corrosion.

(c) Gas containing more than 0.25 grain of hydrogen sulfide per 100 standard cubic feet (5.8 milligrams/m³) at standard conditions (4 parts per million) may not be stored in pipe-type or bottle-type holders.

[Amdt. 192-4, 36 FR 12297, June 30, 1971, as amended by Amdt. 192-33, 43 FR 39389, Sept. 5, 1978, Amdt 192-78, 61 FR 28770, June 6, 1996; Amdt. 192-85, 63 FR 37500, July 13, 1998]

Violation 10 A-10M

192.605 Procedural manual for operations, maintenance, and emergencies

Each operator shall include the following in its operating and maintenance plan:

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

(b) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.

- (2) Controlling corrosion in accordance with the operations and maintenance requirements of Subpart I of this part.
- (3) Making construction records, maps, and operating history available to appropriate operating personnel.
- (4) Gathering of data needed for reporting incidents under Part 191 of this chapter in a timely and effective manner.
- (5) Starting up and shutting down any part of the pipeline in a manner designed to assure operation within the MAOP limits prescribed by this part, plus the build-up allowed for operation of pressure-limiting and control devices.
- (6) Maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service.
- (7) Starting, operating and shutting down gas compressor units.
- (8) Periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance and modifying the procedure when deficiencies are found
- (9) Taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.
- (10) Systematic and routine testing and inspection of pipe-type or bottle-type holders including -
 - (i) Provision for detecting external corrosion before the strength of the container has been impaired;
 - (ii) Periodic sampling and testing of gas in storage to determine the dew point of vapors contained in the stored gas which, if condensed, might cause internal corrosion or interfere with the safe operation of the storage plant; and,
 - (iii) Periodic inspection and testing of pressure limiting equipment to determine that it is in safe operating condition and has adequate capacity.
- (c) Abnormal operation. For transmission lines, the manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:
 - (1) Responding to, investigating, and correcting the cause of:
 - (i) Unintended closure of valves or shutdowns;
 - (ii) Increase or decrease in pressure or flow rate outside normal operating limits;
 - (iii) Loss of communications;
 - (iv) Operation of any safety device; and,
 - (v) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error which may result in a hazard to persons or property.
 - (2) Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.
 - (3) Notifying responsible operator personnel when notice of an abnormal operation is received.
 - (4) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

(5) The requirements of this paragraph (c) do not apply to natural gas distribution operators that are operating transmission lines in connections with their distribution system.

(d) Safety-related condition reports. The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of §191.23 of this subchapter.

(e) Surveillance, emergency response, and accident investigation. The procedures required by §§192.613(a), 192.615, and 192.617 must be included in the manual required by paragraph (a) of this section

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-59, 53 FR 24942, July 1, 1988; Amdt. 192-59C, 53 FR 26560, July 13, 1988; Amdt. 192-71, 59 FR 6579, Feb. 11, 1994; Amdt. 192-71A, 60 FR 14381, Mar. 17, 1995]

Violation 11A

192.613 Continuing Surveillance.

(a) Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with §192.619 (a) and (b).

Violation 12A-12D

192.614 Damage prevention program.

(a) Except for pipelines listed in paragraphs (d) and (e) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations. An operator may perform any of the duties required by paragraph (b) of this section through participation in a public service program, such as a "one-call" system, but such participation does not relieve the operator of responsibility for compliance with this section.

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system is a qualified one-call system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a

qualified one-call system where there is one in place. For the purpose of this section, a one-call system is considered a "qualified one-call system" if it meets the requirements of section (b)(1) or (b)(2) of this section.

(1) The state has adopted a one-call damage prevention program under Sec. 198.37 of this chapter; or

(2) The one-call system:

(i) Is operated in accordance with Sec. 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities;

and

(iii) Assesses a participating pipeline operator a fee that is proportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) The damage prevention program required by paragraph (a) of this section must, at a minimum:

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

(2) Provides for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program:

(3) Provide a means of receiving and recording notification of planned excavation activities.

(4) If the operator has buried pipelines in the area of excavation activity, provide for actual notification of persons who give notice of their intent to excavate of the type of temporary marking to be provided and how to identify the markings.

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

(6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(ii) In the case of blasting, any inspection must include leakage surveys.

(d) A damage prevention program under this section is not required for the following pipelines:

(1) Pipelines located offshore.

(2) Pipelines, other than those located offshore, in Class 1 or 2 locations until September 20, 1995.

(3) Pipelines to which access is physically controlled by the operator.

(e) Pipelines operated by persons other than municipalities (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

(1) The requirement of paragraph (a) of this section that the damage prevention program be written; and

(2) The requirements of paragraphs (c)(1) and (c)(2) of this section.

[Amdt. 192-40, 47 FR 13818, Apr. 1, 1982; Amdt. 192-57, 52 FR 32798, Aug. 31, 1987; Amdt. 192-73, 60 FR 14646, Mar. 20, 1995, Amdt 192-78, 61 FR 28770, June 6, 1996,

Amdt 192-82 , 62 FR 61695, November 19, 1997 Amdt. 192-84 , 63 FR 7721, Feb. 17, 1998; Amdt 192-84A, 63 FR 38757, July 20,1998;]

Violation 13A-13K

192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

- (1) Receiving, identifying, and classifying notices of events which require immediate response by the operator.
- (2) Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials.
- (3) Prompt and effective response to a notice of each type of emergency, including the following:
 - (i) Gas detected inside or near a building.
 - (ii) Fire located near or directly involving a pipeline facility.
 - (iii) Explosion occurring near or directly involving a pipeline facility.
 - (iv) Natural disaster.
- (4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.
- (5) Actions directed toward protecting people first and then property.
- (6) Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.
- (7) Making safe any actual or potential hazard to life or property.
- (8) Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.
- (9) Safely restoring any service outage.
- (10) Beginning action under §192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall:

- (1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.
- (2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.
- (3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

- (1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;
- (2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
- (3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and,

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

[35 FR 13257, Aug. 19, 1970 as amended by Amdt. 192-24, 41 FR 13586, Mar. 31, 1976; Amdt. 192-71, 59 FR 6585, Feb. 11, 1994]

Violation 14A

192.616 Public education

Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

[Amdt. 192-71, 59 FR 6575, Feb. 11, 1994]

Violation 15A

192.717 Transmission lines: Permanent field repair of leaks.

Each permanent field repair of a leak on a transmission line must be made by-

- (a) Removing the leak by cutting out and replacing a cylindrical piece of pipe; or
- (b) Repairing the leak by one of the following methods:

- (1) Install a full encirclement welded split sleeve of appropriate design, unless the transmission line is joined by mechanical couplings and operates at less than 40 percent of SMYS.

- (2) If the leak is due to a corrosion pit, install a properly designed bolt-on-leak clamp.

- (3) If the leak is due to a corrosion pit and on pipe of not more than 40,000 psi (267 Mpa) SMYS, fillet weld over the pitted area a steel plate patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half of the diameter of the pipe in size.

- (4) If the leak is on a submerged offshore pipeline or submerged pipeline in inland navigable waters, mechanically apply a full encirclement split sleeve of appropriate design.

- (5) Apply a method that reliable engineering tests and analyses show can permanently restore the serviceability of the pipe.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-11, 37 FR 21816, Oct. 14, 1972; Amdt. 192-27, 41 FR 34598, Aug. 16, 1976; Amdt. 192-85; 63 FR 37500, July 13, 1998; Amdt 192-88, 64 FR 69660, Dec 14, 1999]

Violation 16A

192.619 Maximum allowable operating pressure: Steel or plastic pipelines.

(a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

- (1) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part. However, for steel pipe in pipelines being converted under §192.14 or updated under subpart K of this part, if any variable necessary to

determine the design pressure under the design formula (§192.105) is unknown, one of the following pressures is to be used as design pressure:

(i) Eighty percent of the first test pressure that produces yield under section N5.0 of Appendix N of ASME B31.8, reduced by the appropriate factor in paragraph (a)(2)(ii) of this section; or

(ii) If the pipe is 12¼ inches (324 mm) or less in outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa) gage.

(2) The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe operated at 100 p.s.i. (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Factors * segment		
	Installed before(Nov 12, 1970)	Installed after (Nov 11, 1970)	Converted under 192.14
1	1.1	1.1	1.25
2	1.25	1.25	1.25
3	1.4	1.5	1.5
4	1.4	1.5	1.5

* For offshore segments installed, uprated or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, uprated or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970 (or in the case of offshore gathering lines, July 1, 1976), unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965 (or in the case of offshore gathering lines, July 1, 1971), or the segment was uprated in accordance with Subpart K of this part.

(4) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressure.

(b) No person may operate a segment to which paragraph (a)(4) of this section is applicable, unless overpressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with §192.195.

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, or in the case of offshore gathering, July 1, 1976, subject to the requirements of §192.611.

35 FR 13257, Aug. 19, 1970 as amended by Amdt. 192-3, 35 FR 17559, Nov. 17, 1970; Amdt. 192-27, 41 FR 34598, Aug. 16, 1976; Amdt. 192-27A, 41 FR 47252, Oct. 28, 1976; Amdt. 192-30, 42 FR 60146, Nov. 25, 1977, Amdt 192-78, 61 FR 28770, June 6, 1996; Amdt. 192-85, 63 FR 37500, July 13, 1998]

Violation 17A

192.705 Transmission lines: Patrolling

- (a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.
- (b) The frequency of patrols is determined by the size of the line, the operating pressures, on, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Maximum interval between patrols

Class Location of line	At highway and railroad crossings	At all other places
1,2	7 1/2 months; but at least twice each calendar year	15 months; but at least once each calendar year
3	4 1/2 months; but at least four times each calendar year	7 1/2 months; but at least twice each calendar year
4	4 1/2 months; but at least four times each calendar year	4 1/2 months; but at least four times each calendar year

- (c) Methods of patrolling include walking, driving, flying or other appropriate means of traversing the right-of-way.

192.739 Pressure limiting and regulating stations: Inspection and testing.

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is-

- (a) In good mechanical condition;
- (b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

- (c) Set to function at the correct pressure; and,
- (d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-43, 47 FR 46850, Oct. 21, 1982]

Violation 18A

192.739 Pressure limiting and regulating stations: Inspection and testing.

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is-

- (a) In good mechanical condition;
- (b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;
- (c) Set to function at the correct pressure; and,
- (d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-43, 47 FR 46850, Oct. 21, 1982]

Violation 19A

199.1 Scope

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.

[53 FR 47084, Nov. 21, 1988 as amended by Amdt. 199-1, 54 FR 14923, Apr. 13, 1989; Amdt. 199-3, 54 FR 53290, Dec. 27, 1989; Amdt. 199-5, 56 FR 18987, Apr. 24, 1991; Amdt. 199-7, 57 FR 31280, July 14, 1992; Amdt. 199-8, 58 FR 68260, Dec. 23, 1993; Amdt. 199-16, 62 FR 67293, Dec. 24, 1997; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

Violation 20A

WAC 480-93-018 Maps, drawings, and records of gas facilities.

All gas companies shall prepare, maintain, and provide to the commission, upon request, copies of maps, drawings, and records of the company's gas facilities. The maps, drawings, and records shall be of such scale and detail as is necessary to show the size and type of material of all facilities, whether or not the facilities are cathodically-protected, and the maximum operating pressure. The maps and drawings shall indicate all district regulator stations and gate stations and the approximate location of all valves, identifying those valves classified as emergency valves in the company's emergency procedures. The gas company shall provide key sheets for ready reference as needed.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-018, filed 8/5/92, effective 9/5/92.]

Violation 21A

WAC 480-93-082 Qualification of employees.

Every gas company that operates a gas facility in this state shall have one or more employees working in this state that are collectively knowledgeable and qualified in all aspects of gas company construction, operation, maintenance, and state and federal gas safety rules and regulations. Every gas company shall prepare, maintain, and provide to the commission, upon request, evidence of the qualifications of employees to perform all duties assigned in the operation, maintenance, inspection, and construction of gas facilities. This evidence of an employee's qualifications shall specify the type of all training received, when and where such training was received, and the length of time the employee has performed the specific duties assigned. On the job training, under the supervision of personnel qualified by training and experience, in a company-certified, company-sponsored training program, may satisfy the requirements of this section. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-082, filed 8/5/92, effective 9/5/92.]

Violation 22A-22B

WAC 480-93-120 Exposed pipelines.

Proper warning signs shall be placed and other adequate protective measures taken at any point where gas pipelines and any associated equipment and facilities are exposed, and where their location presents an unusually hazardous situation. All gas pipelines attached to bridges or otherwise spanning an area shall have proper warning signs at both ends of the suspended pipeline. The gas company shall keep these signs visible and readable, and inspect all signs annually; signs which are reported damaged and missing shall be replaced promptly.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-120, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-120, filed 7/15/71; Order R-5, § 480-93-120, filed 6/6/69, effective 10/9/69.]

Violation 23A

WAC 480-93-124 Pipeline markers.

All buried gas pipelines shall have pipeline markers placed and maintained as close as practical over each main and transmission line as required by 49 CFR, Part 192.707. Offset pipeline markers may be used only if they indicate the distance from and direction to the pipeline. The pipeline markers shall be double-faced or single-faced signs. Single-faced signs may be used on posts of distinctive color and shall meet the requirements of 49 CFR, Part 192.707(d). Pipeline markers shall be placed at all railroad crossings, road crossings, irrigation and drainage ditch crossings, and at all fence lines where a pipeline crosses private property. Pipeline markers required by 49 CFR, Part 192.707(a), shall be placed approximately five hundred yards apart if practical and at points of deflection of the pipeline. Exceptions to this rule must conform with 49 CFR, Part 192.707(b).

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-124, filed 8/5/92, effective 9/5/92.]

Violation 24A

WA WAC 480-93-180 Plan of operations and maintenance procedures, emergency policy, reporting requirements.

In compliance with the provisions and general intent of the federal "Natural Gas Pipeline Safety Act," 49 CFR, Part 192, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:

- (1) Relevant available pipeline safety data;
- (2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;
- (3) The reasonableness of the plans and procedures; and
- (4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

[Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-180, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-180, filed 7/15/71; Order R-5, § 480-93-180, filed 6/6/69, effective 10/9/69.]

Violation 25A

WAC 480-93-184 Gas leak responsibility.

Each gas company shall designate personnel who shall be responsible for pipeline and service line patrolling; leak survey practices, procedures, and operations; and leak classification and repairs within its respective areas of operation (i.e. division, district, etc.).

[Order R-101, § 480-93-184, filed 5/18/77.]

Violation 26A

WAC 480-93-200 Reports associated with gas company facilities and operations.

- (1) Every gas company shall give prompt telephonic notice to the commission, within six hours of occurrence, of every accident, incident, or hazardous condition, arising out of its operations which:

- (a) Results in a fatality or personal injury requiring hospitalization;
- (b) Results in damage to the property of the company and others of a combined total exceeding five thousand dollars (automobile collisions and other equipment accidents not involving gas or gas handling equipment need not be reported under this rule);
- (c) Is significant, in the judgment of the company, even though it does not meet the criteria of (a) and (b) of this subsection;
- (d) Results in the taking of a high pressure supply or transmission pipeline or a major distribution supply pipeline out of service or lowering its pressure fifty percent or more below its normal operating pressure; or
- (e) Results in the news media reporting the occurrence, even though it does not meet the criteria of (a) through (d) of this subsection.

(2) Such reports shall be verified in detail in writing if not so reported initially and shall include at least the following:

- (a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;
- (b) The extent of such injuries and damage;
- (c) A description of the accident, incident, or hazardous condition to include date, time, and place;
- (d) A description of the gas facilities implicated in the accident, incident, or hazardous condition and the system operating pressure at that time, and the maximum operating pressure of the facilities implicated;
- (e) The date and time the gas facility was made safe;
- (f) The date, time, and type of any temporary or permanent repair made; and
- (g) A report shall be available to the commission within three months, upon request, of the failure analysis of any accident, incident, or hazardous condition which was due to construction or material failure.

Routine or planned maintenance and operational activities of the company which result in company controlled plant and equipment shut downs, reduction in system pressures except as noted above, flaring or venting of gas, and normal leak repairs are not to be considered reportable items under this section.

(3) Every gas company shall file a copy of every required RSPA F-7100.1-1 and F-7100.2-1 leak report with the commission. Names and telephone numbers of commission personnel authorized to take telephonic leak reports will be furnished and kept current under a separate letter to every company.

(4) All gas companies shall file with the commission, and with appropriate officials of all municipalities within which such gas companies have facilities, the names, addresses, and telephone numbers of responsible officials of such gas companies who may be contacted in the event of an emergency. In the event of any changes in gas company personnel, immediate notification thereof shall be given to the commission and municipalities.

[Statutory Authority: RCW 80.01.040, 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-200, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-200, filed 7/15/71; Order R-5, § 480-93-200, filed 6/6/69, effective 10/9/69.]