

Citizens Advisory Committee on Pipeline Safety  
Meeting Minutes Summary  
Location: Olympia, WA - WUTC  
**August 19, 2004**

**Present**

Shirley Olson, Chair  
George Hills  
Richard Kuprewicz  
Les Olson  
Duane Henderson  
Carl Weimer  
Grant Jensen

**Absent**

Chuck Mosher  
Ken Thomas  
Pete Kmet

**Public present at the meeting**

Don Evans, Former Committee Member  
Bob Archey, Roundtable Associates  
Marianna Archey, Roundtable Associates  
Dorothy Bracken, Puget Sound Energy  
Rebecca Post, Department of Ecology  
Garry Scott, Lewis County Public Works  
Nate Moxley, Community Coalition for Environmental Justice  
Earl Tower, BP Olympic Pipeline Company  
Katie Hansen, Citizen  
Ken Meyer, Citizen  
Alan Rathbun, WUTC Pipeline Safety  
Tim Sweeney, WUTC Public Affairs  
Lindsay Marquez, WUTC Pipeline Safety  
Steve King, WUTC Safety & Consumer Protection Division

**Agenda:**

1. Welcome & adoption of June 15, 2004 Meeting Minutes
2. Public Comment
3. Presentation on the Williams Capacity Replacement Project
4. Office of Pipeline Safety Notice of Proposed Rulemaking on Public Awareness Recommended Practice 1162
5. Report on Land Use Workshops
6. Proposed classification waiver for natural gas transmission pipelines issued by OPS
7. WUTC Pipeline Safety Section Update
8. Review of fee methodology and creation of a regulatory incentive program
9. WUTC inspection results and reporting process
10. Agenda Items for the Next Meeting

1. **Welcome** – Substitute Chairperson Shirley Olson welcomed everyone to the meeting of the Washington State Citizens Committee on Pipeline Safety. The June 15, 2004 meeting minutes were approved as amended. Chairperson Olson informed the committee that Don Evans and Pat Morgan had resigned from the Committee since the June 15, 2004 meeting.

2. **Public Comment** – Don Evans attended the meeting to let the committee know that he has enjoyed serving on the committee since it’s inception in October 2000. Mr. Evans stated that he will attend meetings as a part of the public and is willing to be called upon as a resource to the committee.
3. **Presentation on the Williams Capacity Replacement Project** – Committee member Grant Jensen, representing Williams Northwest Pipeline, presented information to the committee on the pipeline replacement project that Williams is undertaking as a part of the compliance with the federal Office of Pipeline Safety Corrective Action Order issued in 2003. In accordance with the Order, Williams commenced hydrostatic pressure testing program. Through successful hydrostatic pressure test, in June 2004, Williams returned to service 111 miles of the 26-inch pipeline. The re-established service is only temporary until the replacement conditions of the Order are satisfied. The replacement schedule is as follows:

- ?? Replace all High Consequence Areas no later than December 18, 2006.
- ?? Replace all Class 2 areas no later than December 18, 2008.
- ?? Replace remaining segments no later than December 18, 2013.

Williams preliminary plan calls for replacing the 268 miles of 26-inch pipeline with approximately 80 miles of 36-inch pipeline. A series of “open houses” for local residents and other interested parties were held in June and July from Bellingham to Yelm. FERC also held three NEPA/SEPA scoping meetings in Arlington, Redmond and Yelm. Construction on the project will not begin until the FERC siting process is complete and all the necessary permits are received. Construction is scheduled for completion in December 2006.

4. **Office of Pipeline Safety Notice of Proposed Rulemaking on Public Awareness Recommended Practice 1162** – Tim Sweeney with the WUTC, spoke to the committee about the Office of Pipeline Safety’s notice of proposed rulemaking (Docket Number RSPA-03-15852) titled: “Pipeline Safety: Public Education Programs for Hazardous Liquid and Gas Pipeline Operator”. Mr. Sweeney informed the committee that the Commission had written draft comments to submit to RSPA. The committee reviewed the draft comments of the Commission and gave Mr. Sweeney feedback. Furthermore, the committee directed a letter be sent to OPS concurring with the comments of the WUTC. The deadline for comments is August 23, 2004.
5. **Report on Land Use Workshops** – The Commission contracted with the Association of Washington Cities (AWC) to conduct four workshops throughout Washington on pipeline safety. The workshops targeted key leadership and staff responsible for city and county land use planning and practices. Cosponsors of the workshops included the Washington State Association of Counties, Department of Trade and Economic Development, City/County Consortium on Pipeline Safety and the Municipal Research and Services Center. Workshops were held in Spokane, Pasco, Bellevue and Vancouver. The workshops were designed to provide information concerning hazardous liquid and natural gas transmission pipelines, including providing city and county governments with information essential to consider in land use practices around hazardous liquid and natural gas transmission pipelines; facilitating a discussion of existing and alternative approaches to land use around pipelines; and providing direction for modifications to model setback ordinances. Presenters at the workshop included:
  - Kimbra Davis, USDOT, Office of Pipeline Safety
  - Alan Rathbun, Pipeline Safety Director, WUTC
  - Jim Doherty, Municipal Research and Services Center
  - Robert G. Beaumier, Jr., Spokane Assistant City Attorney
  - Rick Kuprewicz, Accufacts, Inc.
  - Pipeline Company Representatives (BP/Olympic, Chevron, Gas Transmission Northwest)

Attendance at the workshops was good and generally the feedback was very positive from the both local government attendees and pipeline company representatives. The workshop presenters will be meeting in the coming weeks to draft a strategy for going forward.

**6. Proposed classification waiver for natural gas transmission pipelines issued by OPS –**

Committee member Rick Kuprewicz informed the committee that OPS had issued a notice of waiver on June 29, 2004 (Docket number RSPA-04-17401 “Pipeline Safety: Development of Class Location Change Waiver”). Mr. Kuprewicz gave background information as to what the current rule states and then gave a description of the proposed change to the current class location regulation.

He also explained that OPS will continue to follow the same case by case waiver approval process and that OPS can retract a waiver. This OPS waiver process could change with experience. [To learn more about this topic, click on this link to view the Mr. Kuprewicz presentation.](#) Mr. Kuprewicz stated that the waiver is moving in the right direction. He will be sending his own comments and merely wanted to inform the committee. No committee action was required.

**7. WUTC Pipeline Safety Section Update – Alan Rathbun, WUTC Pipeline Safety Director, gave an update on the current events in the pipeline safety section.**

**BP Olympic Update:**

The WUTC is still awaiting release of the final root cause failure analysis on the leak and fire at the Renton facility on May 23. Olympic staff has said a release of the report to OPS, WUTC and the City of Renton should occur within two weeks.

**WUTC Natural Gas Safety Rulemaking**

The notice of proposed rulemaking (CR-102) was filed by the Commission following a public meeting on June 30. The public comment period on this proposal closes on August 27 with an adoption hearing scheduled for October 27, 2004.

**JLARC Follow-Up Review**

As discussed at our June meeting, JLARC was briefed by their staff on June 16 relative to the WUTC’s progress in meeting the recommendations included in their June 2003 findings. The staff reported that the WUTC has made progress in meeting JLARC’s recommendations, however, JLARC Chairman, Senator Jim Horn, wanted to know about the Olympic Renton incident and why it happened. The Committee was given a brief summary of staff’s knowledge of the incident at that point and that an investigation into the root cause of the leak and fire was pending. Senator Prentice was also interested because the Renton facility was within her legislative district.

Senator Horn was especially interested in whether the WUTC had identified the ½ inch sampling line as a “risk” in our inspections. Staff responded that this sort of piping internal to Olympic’s facility was not an item of review in our inspections. Senator Horn was very insistent that the WUTC needed to assess “all risks” in our review of pipeline facilities. Once the final failure analysis is completed and reviewed, WUTC staff plans to meet with both Senators Horn and Prentice.

**Damage Prevention L&I Meeting**

In order to further the goal of damage prevention awareness, WUTC staff along with Don Evens and Roundtable Associates met with representatives of L&I’s Specialty Compliance Division. This division is responsible for the licensing and regulation of contractors in Washington, including excavators that present a significant risk to the damage of underground utilities. The purpose of the meeting was to establish a partnership with L&I staff in communicating awareness of “call before you dig”. While specific attention was drawn to pipeline safety, protection of all underground utilities is the overall focus. Patrick Woods, Assistant Director for Specialty Compliance was very supportive of the safety goals and promised support in such a partnership. WUTC staff together with ULCC will need to take the lead.

OPS Final Order Issued to Puget Sound Energy

A member of the Committee requested more information on the Order issued by OPS, which was referenced in a press release. This Order relates to the Jackson Prairie facility and the standard inspection conducted by WUTC and OPS staff in 2001. A Notice of Probable Violation and Proposed Civil Penalty was issued in March 2002 and following a time extension granted by OPS, a hearing was held in March 2003.

The Final Order resulted in a civil penalty of \$275,000 and made several findings of inadequate procedures and required amendments to PSE operating and maintenance procedures. A majority of the civil penalty (\$260,000) relates to violations of the OPS drug and alcohol regulations over an extended time period.

PSE has paid the civil penalty and WUTC staff is working with PSE to verify compliance with the technical provisions of the Order.

8. **Review of fee methodology and creation of a regulatory incentive program** – Alan Rathbun presented information to the committee on the WUTC’s plan to review the pipeline fee methodology by conducting a rulemaking and hiring an independent consultant to do a study. The Commission hopes to adopt the amended rules, if necessary, before June 2005.

The other aspect of the review of the fee methodology would involve some input from the committee. Staff distributed to the committee RCW 81.24.090 (Liquids) and RCW 80.24.060 (Natural Gas) which states in subsection (8):

*“After establishing the fee methodology by rule as required in subsection (2) of this section, the commission shall create a regulatory incentive program for pipeline safety programs in collaboration with the citizens committee on pipeline safety. The regulatory incentive program created by the commission shall not shift costs among companies paying pipeline safety fees and shall not decrease revenue to pipeline safety programs. The regulatory incentive program shall not be implemented until after the review conducted according to RCW 81.88.150.”*

The committee stated that they would like to spend significant time on this topic during the October and December meetings.

9. **WUTC inspection results and reporting process** – Alan Rathbun and Lindsay Marquez spoke to the committee about the intrastate and interstate documentation and reporting process for pipeline safety inspections conducted by the WUTC. On the intrastate side, Staff explained that after the fieldwork is completed and an exit interview is conducted with the company, the inspector returns to the office to write-up their findings. If no violations were found in the field, staff writes a letter to the company informing them. If probable violations were found, staff writes a letter and probable violation report. The company then had 30 days to respond to the commission in writing explaining their intent to resolve the probable violations noted. Staff would then follow-up with the company in the field to ensure the items were completed per the company’s letter of intent.

For interstate inspections, after the fieldwork and exit interview is conducted, the inspector returns to the office to complete several federal forms that are required by OPS. These documents are forwarded onto the OPS Western Region office, where they are reviewed further. If OPS concurs that probable violations exist, they pursue action by notifying the company through a letter called a notice of probable violations (NOPV). Final action on all interstate inspections lies with OPS.

10. **Agenda Items for the Next Meeting** – The next meeting of the Washington State Citizens Committee on Pipeline Safety will be held on October 19th. The meeting location will most likely be in Olympia. Agenda items requested for the next meeting were:

- ?? October 19<sup>th</sup> meeting, Presentation from Kim Karmil – Farwest Corrosion
- ?? Dept of Ecology, Update on Spill Contingency Rulemaking from Linda Pilkey-Jarvis and Rebecca Post