

Citizens Advisory Committee on Pipeline Safety  
Meeting Minutes Summary  
**February 21, 2001**

**Present**

Chuck Mosher, Chair  
Bill Hinkle  
Susan Harper  
Sarah Spence  
Lee A. James  
Grant Jensen  
Duane Henderson  
Richard Gilda  
Brad Rosewood  
Laura L. Parsons  
Alan J. Cabodi

**Absent**

Harry "Jay" Follman  
Don Evans

**Agenda:**

1. Welcome and Approval of January 10<sup>th</sup> Minutes
2. Discussion with Legislators
3. Congressional Pipeline Bill Update from Inslee and Larsen
4. Update of Federal Rulemaking
5. General Committee Discussion
6. Public Comments
7. Future Meeting Dates
8. Adjournment

**1. Welcome**

Chairman Chuck Mosher welcomed the Citizens Advisory Committee on Pipeline Safety. He also welcomed the Washington State Legislatures that were present. Those legislatures in attendance were: Senator Karen Fraser, Representative Kelli Linville, Representative Mike Cooper, Representative Doug Erickson and also staff representatives for Senator Debbie Regala and U.S. Senator Patty Murray.

**2. Discussion with Legislators**

Chuck Mosher explained to the Legislators the role of the committee, which is to provide suggestions on improving pipeline safety. He also mentioned the subcommittees that have been formed by the committee. He stated that the current focus of the committee is to assure that the state pipeline safety program continues.

Senator Karen Fraser asked a question regarding the definition of an inspection unit. Doug Kilpatrick, Washington Utilities and Transportation Commission (WUTC) Pipeline Safety Director answered. Doug explained that the WUTC uses inspection units as a way to break up the inspection workload into manageable chunks. The WUTC attempts to establish the units in a manner consistent with how the companies have their facilities divided into divisions or other management segments. He also explained that different types of pipeline facility operations require different levels of work.

Rep. Linville asked the committee to share their opinions on the committee's value and purpose and any thoughts on the WUTC fee bill. Bill Hinkle stated that he wants to make sure there is real pipeline safety achieved in this state and not just a situation that amounts to a "feel good" forum. He said he believes the pipeline industries and WUTC need to continue to work together on the proposed fee size and structure. Rep. Linville assured the committee that a bill would be passed through the house into rules that would fund a pipeline safety program.

Rep. Linville then asked if the committee had any comments regarding the size and/or the scope of the WUTC program. Sarah Spence stated that she believed the program was well described at the last committee meeting on January 10<sup>th</sup> by WUTC staff. She stated that her concern was that the Department of Ecology (DOE) and the WUTC are not up to full staff needed for the added authority of interstate inspections. She stated that Washington State needs to start somewhere and the current proposal is a good one. Lee James stated that from his standpoint as an engineer the program is proportionately sized. He got the impression from meeting with the WUTC engineers that there is a good deal of work for the engineers to accomplish. Alan Cabodi stated that the WUTC has inspected his company, McChord Pipeline (intrastate), for a number of years. He expressed that the WUTC has done a very thorough job and is extremely detailed in their work. He feels that the basis of the intrastate program is very strong and that it would be a good example for the expansion to cover the interstate pipelines. He also added that he couldn't see where the program could be expanded. Committee Chair Chuck Mosher summed up the feelings of the committee by saying that he hadn't heard anyone say that they felt that there should not be a pipeline safety program, and the committee members were in agreement that a bill should be passed to fund the program. Mosher stated that a basic pipeline safety program should be put into place and that figuring out how many employees could be figured out later. Grant Jensen explained that he believed other states' programs should be looked at and could provide an example to the State of Washington. Richard Gilda stated that he is concerned about the citizens committee becoming a lobbying group. Richard said that he was under the impression that there'd been a lack of input from the industry (regarding the WUTC bill), and was surprised to learn from Carole Washburn that the industry and the WUTC have met repeatedly on the issue of the fee. Richard mentioned that he believed other states' pipeline safety programs should be looked at so we could learn from their mistakes. Duane Henderson stated that he thought the number of inspection days the WUTC is proposing sounds large. Rep. Cooper noted that one has to factor in the inspection days in the field and the follow-up time spent in the office to account fully for the number of days the WUTC is proposing. Laura Parsons added that the communication between the committee, the

WUTC, and the industry needs to be improved. She also added that the pipeline safety program should not be set at the minimum.

Bill Hinkle asked the legislators present if some methodology language will be put into statute rather than relying on rule? Rep. Linville answered by saying that at a meeting with WUTC and industry representatives on Sunday February 18, 2001, it was agreed that the legislatures would look at such language. Her co-chair, Rep. Gary Chandler would like to see a number in the statute, but she disagrees with that. She said she would rather see a methodology description. Rep. Linville also recommended a program review in two years and to include an incentive program for those pipeline companies that go above and beyond what state and federal regulations require. Susan Harper told the legislators that she would like to see a staff person for the citizens committee added to the budget or the bill. She said that not having a staff person is the reason why communication is poor. She mentioned her belief that the committee is a benefit to the legislators regarding pipeline safety issues. Rep. Cooper agreed that a program must be approved and feels that a basis for the program should be established and the fee set up later. He said that he is also concerned with having methodology language in the bill.

Senator Karen Fraser let the committee know that the pipeline bill would be passed out of the state Senate at 8:00 a.m. February 22, 2001 and that the House will do the same by Tuesday the 27<sup>th</sup> of February. Susan Harper asked what the implications were if the bill was not passed out of the legislative committees. Carole Washburn answered her question by saying if the bill does not move out of the House committee that the Senate would propose a bill, then it will go to rules, and then to the floor. Then the Senate will move to hold a committee hearing.

3. **Congressional Pipeline Bill Update from Rep. Rick Larsen and Rep. Jay Inslee** – Chuck Mosher introduced Congressmen Rick Larsen and Jay Inslee and thanked them for attending the meeting. Congressman Larsen explained that there are three key legislative pieces entered into Congress so far in regards to pipeline safety: 1) the Oberstar bill (HR 459), 2) the Larsen bill, co-sponsored by Congressman Inslee (HR 144), and 3) the McCain bill in the Senate (S 235). He said that the most effective thing the committee can do is to contact Congressional Representatives in other states and encourage them to support the Larsen and Oberstar bills. Larsen believes that passing a bill in the house is an important step to moving pipeline safety forward in Congress. Next, Congressman Inslee stated that he believes there is a fair chance that this Congressional session will produce a reasonable pipeline bill. He noted how state programs are very important, no matter what happens in Congress. He believes that states can help push matters forward at the federal level with good state infrastructure. Inslee thanked the committee for their leadership in Washington State. He also thanked the families involved in the Bellingham tragedy for their work to improve safety and BP/Olympic for its industry leadership and focus on safety.

Rachelle Hein, representing Senator Patty Murray, was in attendance to say that Senator Murray is very supportive of pipeline safety and the Larsen bill. She also assured those present that the Senator has been working hard on the Senate Appropriations committee

to make sure there is adequate funding for the federal Office of pipeline Safety (OPS). She recommended Senator Murray's website to obtain more pipeline safety information.

Richard Gilda asked Congressmen Inslee and Larsen what they thought were the most important issues that pipeline safety should address? Congressman Inslee answered by saying he thought regular inspection schedules and operator certification and training were very important.

Lee James asked if they could provide an overview of the three congressional bills and their differences. Congressman Larsen spoke about the Larsen bill which would require implementation of the recommendations from the National Transportation Safety Board (NTSB) to OPS. In addition, more state authority is spelled out in the bill. Susan Harper asked why the Oberstar bill had an advisory committee specified in it and the other two bills did not. Congressman Inslee stated that there has been resistance from the industries to fund state advisory committees on the level now set in Alaska.

#### **4. Update on Federal Rulemaking**

Doug Kilpatrick provided information on an OPS meeting he attended in mid-February on federal rulemaking for natural gas operator integrity management plans and public right-to-know issues. He said that the WUTC would be tracking this rulemaking and would provide the Committee with any input that WUTC submits to OPS. The federal registers for these rulemakings have been posted to the WUTC pipeline safety website. Susan Harper asked Doug if he knew anything regarding the effect of the Bush Administration 60 day review of federal rules. Doug let her know that according to the February 8, 2001 Federal Register, the Bush Administration's hold on new regulations means that:

- a. The effective date of the final rule titled "Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or More Miles of Pipelines)" published in the 1 December 2000 Federal Register is delayed from March 31, 2001 to May 29, 2001

and

- b. The Effective Date of the final rule entitled "Pipeline Safety: Areas Unusually Sensitive to Environmental Damage." published in the Federal Register on December 21, 2000 is delayed from February 20, 2001 to April 21, 2001.

Doug said that he understood that due dates within the rules for compliance on particular actions are unaffected

#### **5. General Committee Discussion**

Brad Rosewood expressed concern that he believed no recommendation from the industry representatives was asked for regarding the WUTC workplan at the last committee meeting. Grant Jensen stated that a counter proposal was asked for by Governor's Office representative Carol Jolly and Grant did research on four different

states' natural gas interstate programs. Mr. Rosewood expressed concern about the committee letter that was sent to our congressional delegation and stated that we need more open communication on the committee. Richard Gilda asked if there were a summary or minutes of the fee meetings that have been ongoing between the industry and the WUTC. Carole Washburn told him that there has been a great deal of detail discussed during these meetings and she thought it would be very difficult to take minutes. Carole stated that there are varying opinions on the fee issue and some ambiguous terminology. Legislators have asked the WUTC to compose language that includes methodologies that could be used in a bill. Carole let the committee know that the Governor is very concerned with the issue of pipeline safety and a bill to support those efforts. Bill Hinkle expressed that it is very important to be involved in any communications between the WUTC, OPS and the pipeline companies in order for the committee to be informed enough to meet with legislators. Brad Rosewood said that the industry representatives on the Committee would work collaboratively to come up with an opinion on the workplan.

**6. Public Comment** – Chuck Mosher opened the floor for public comment.

**Greg Hanon** – *Washington State Petroleum Association*. Mr. Hanon believes there are three certainties with regard to pipeline safety: 1) There will be a bill to establish the program, 2) The program will be paid by fees, and 3) The pipeline companies will pay the fees. Mr. Hanon went on to mention he believed that the current methodologies proposed by the WUTC are inequitable because interstate companies represent only 12 percent of total pipeline miles in the state but are being asked to fund 50 percent of the program. Mr. Hanon asked why the fees proposed in Washington are two times greater than fees in other states. Mr. Hanon asked why staffing for the Olympic anomalies is “built into the program” when the anomaly testing and replacement will end in a year. Chuck Mosher asked Mr. Hanon and Grant Jensen to simplify the meaning of their comments about the fee bill. Should it pay for four or three field inspectors? They agreed the state should have field inspectors but their comments were intended to focus on what’s needed. They will try to clarify the meaning of their comments.

**Ken Meyer** – *citizen* Mr. Meyer endorses good communication within the committee. Mr. Meyer suggested that the committee needs to solicit more public involvement through methods such a website mailing server, a discussion database on the web page, or broadcasting the meetings through TVW real audio. Mr. Meyer stated that he believes this would get the citizens on the east side of the state more involved.

**Dan Cummings** – *Spokesman for BP/Olympic*. Mr. Cummings handed out copies of the February 10<sup>th</sup> 2001, Seattle Times Article titled, “Pipeline that ruptured had many gouges” by Steve Miletich. Mr. Cummings reminded the committee that since the last meeting in January the northern section of the Olympic pipeline was restarted. He stated that BP/Olympic strongly supports the pipeline safety bill and is looking for equity between the interstate and intrastate company fees. His company would like to see a fee methodology that provides incentives for good performance. Mr. Cummings indicated that BP/Olympic was currently working with the WUTC to achieve a greater

understanding of how the OPS workplan fits into the WUTC workplan. Mr. Cummings extended an open offer for the committee to visit additional sections of the pipeline as a means of learning more about the industry. Mr. Cummings announced a community meeting that would be held in Renton from 6:00 – 8:00 on February 22<sup>nd</sup>. He expressed the company’s concern about excavation damage prevention and believed this was an issue the committee could take on. Mr. Cummings stated that BP/Olympic supports a damage prevention program similar to the one currently operated in New Jersey. He said he was aware that further meetings sponsored by the WUTC on excavation damage prevention were being postponed until spring and he stated that BP/Olympic would like to be very active in those meetings

**Richard Kuprewicz** – *citizen* Mr. Kuprewicz believes that everyone is spending too much time on the details of the pipeline program/workplan. He believes that four engineers is an adequate program for Washington and believes the current staffing represents the minimum. Mr. Kuprewicz worked on the system review for the Olympic pipeline and feels confident about BP restarting the line.

**7. Summary Comments and Future Meeting Dates**

Chuck Mosher agreed with several comments about more open communication and asked all committee members, both voting and non-voting, to send information, ideas and opinions to all committee members. The voting members need to keep the non-voting members informed of all actions and the industry non-voting members need to share their opinions and legislative testimony with the full committee. The committee is intended to be an open forum for ideas on how to improve pipeline safety. Also, more should be done now on damage prevention. Regarding meeting dates and topics, we’ve tried to remain flexible to meet legislative timetables, but will try to quickly set future dates and topics in advance. Meeting information will be coordinated and communicated through e-mails.

**8. Adjournment**

The Citizens Committee on Pipeline Safety adjourned at noon.