

Citizens Advisory Committee on Pipeline Safety
Meeting Minutes Summary
Location: WUTC - Olympia, WA
July 15, 2003

Present

Chuck Mosher, Chair
Shirley Olson
Les Olson
George Hills
Richard Kuprewicz
Ken Thomas
Don Evans
Duane Henderson
Haywood Johnson

Absent

Pat Bahor
Grant Jensen

Public Attendees

Darlene Maurer, Northwest Natural Gas
Ed Ashbridge, Chevron Pipeline
Matt Bowin, Chevron Pipeline
Katie Hansen, City/County Pipeline Safety Consortium
Jim Clark, Olympic Pipeline
Mike Torpey, BP

Agenda:

1. Welcome & Adoption of May 20, 2003 Meeting Minutes
2. Common Ground Alliance Best Practices Report Summary
3. Discussion of Public Right-to-Know About Pipelines
4. WUTC Pipeline Safety Update
5. Subcommittee Reports
6. Items for September 16, 2003 Agenda

*** NOTE: There was no public comment at the July 15, 2003 meeting.**

1. **Welcome & Adoption of May 20, 2003 Meeting Minutes** - Chairman Chuck Mosher welcomed everyone to the meeting of the State of Washington Citizens Committee on Pipeline Safety. The May 20th meeting minutes were adopted with some modifications from Committee members Chuck Mosher and Rick Kuprewicz.
2. **Common Ground Alliance Best Practices Report Summary** - Committee member Don Evans summarized the Common Ground Alliance (CGA) Best Practices Report as

requested by the Committee. Mr. Evans particularly pointed out the areas in the report where he feels Washington State is lacking.

First Don gave the history of how the Best Practices report was created. He explained how some accidents occurred on the east coast in the 1990's. Legislators began wondering why excavation damage was still occurring even with the Call-Before-You-Dig programs in place. This brought together a large national team of experts on the subject to study this issue and come up with best practices for one-call systems and damage prevention programs. The team was called the Common Ground Alliance (CGA) and they published the "Study of One-Call Systems and Damage Prevention Best Practices" report in August of 1999. (The report can be accessed at www.commongroundalliance.com). Mr. Evans explained that every best practice contained in the report was not published in the report unless it was reached by consensus. He also mentioned that the foreword of the report explains that the report does not supersede state laws. Furthermore, the federal Pipeline Safety Improvement Act of 2002 encourages everyone to embrace the Common Practices in the CGA report ([Pipeline Safety Improvement Act of 2002 part 6105 "Implementation of Best Practices Guidelines"](#)).

Mr. Evans said that federal legislators and policy makers require feedback about the effectiveness of the best practices. One sure way to track success is to track damages associated with excavating near buried utilities. The big issue in Washington State is the reporting and evaluation of the statistics relating to damage prevention and the best practices. Baseline information is needed and the data needs to be collected.

Mr. Evans plans to help form a regional CGA in the Northwest. Industry leaders from Idaho, Montana, Washington, and Oregon have expressed interest. Mr. Evans client, the Operating Committee of Utilities Underground Location Center has expressed their full support; he also foresees support from the WUCC, WUTC, Roundtable Associates and other interested parties. The Northwest region CGA members will be proactive in encouraging northwest stakeholders to implement the CGA best practices, even if it leads to changes in one-call laws, such as [RCW 19.122](#). Committee member Rick Kuprewicz supported the idea, but expressed his concern that not all the best practices are well defined (inconsistently interpreted from state to state).

Mr. Evans asked for the Citizens Committee on Pipeline Safety to support the best practices and the efforts of the regional CGA. He stated that he would report back to the Committee as needed. The Committee agreed to support Mr. Evans and the regional CGA.

- Discussion of Public Right-to-Know About Pipelines** – Committee member Rick Kuprewicz wanted to discuss with the Committee the issue of pipeline public right-to-know. He explained that this issue has gained more focus and momentum in light of the September 11th tragedies and national security issues that followed. Mr. Kuprewicz stressed that the issue of public right-to-know would not be resolved at the meeting today, but he wanted to present the facts from his perspective, which would then allow the Committee to initiate the dialogue so that everyone may form their own opinions on the subject. He introduced the white paper he wrote for the Washington City/County Consortium on Pipeline Safety on the same issue ("[Pipelines – National Security and the Public's Right-to-Know](#)"). Mr. Kuprewicz also noted that his comments

in the white paper and during the presentation relates to the pipeline industry, specifically hazardous liquid, natural gas, transmission and distribution lines.

Mr. Kuprewicz stated that well-meaning people have been trying to improve national security. He notes that energy infrastructure information is easily obtainable outside the United States. When pipeline companies are unwilling to give out general information about their pipeline to a citizen living near the pipeline, this causes a credibility gap between the company and/or government and the public. Mr. Kuprewicz feels that pipeline companies, regulators and local government should use common sense on what everyone needs to know about pipelines. The rule of thumb is to maintain a middle ground by not giving out too much information and not giving out too little information. In Mr. Kuprewicz's opinion, regular citizens do not need to know everything there is to know about the

day-to-day operation of the pipeline or other highly detailed technical information.

Mr. Kuprewicz expressed concern that the claim of "trade secret" myth is misapplied. The location and age of the pipe can be obtained from the Internet or other public sources. The pipeline companies must use the term "trade secret" wisely and not use it as a shield.

Finally, local issues are also important and are very critical to maintaining credibility about a pipeline operation. For instance, local first responders are the first to the scenes of a pipeline incident; therefore, giving them information about pipelines is very important.

Mr. Kuprewicz stated that the FERC guidelines ([Order No. 630](#)) are adequate to follow in the issue of public right-to-know, but can be misapplied. He suggests four conditions to go along with the guidelines:

- 1) Don't allow these guidelines to interfere with the intervenor process by not giving the intervening party enough timely information;
- 2) Companies determine what is critical energy infrastructure information (CEII), which is then screened by a CEII government officer who then determines what can be released. Mr. Kuprewicz cautions the pipeline companies not to abusively utilize the CEII shield to prevent release of certain information.
- 3) Do not allow CEII declaration to prevent information disclosure in civil, criminal, or other legal actions.
- 4) Do not prevent information flow to certain independent pipeline reviewers (i.e. regulators or local emergency responders). Mr. Kuprewicz also suggests not circumventing the purpose of the Freedom of Information Act (FOIA).

In conclusion, Mr. Kuprewicz acknowledged that the best terrorism defense is an informed public. Most companies operate their pipelines prudently and have best management practices in place. Chairman Mosher thanked Rick for presenting the information to the Committee.

4. **WUTC Pipeline Safety Update** – Steve King with the WUTC informed the Committee of the recent events in the pipeline safety section at the WUTC.
 - Mr. King mentioned that the final JLARC report was presented to the Joint Legislative Audit and Review Committee on June 19th. He noted that the final draft was very similar to the previous draft of the report. The WUTC gave comments to the report at the hearing on the 19th of June. Mr. King reminded the

committee of the JLARC's four recommendations to the WUTC, which were 1) Create an inspection strategy based on risk assessment, 2) Identify and integrate best practices, 3) Coordinate GIS with other government agencies, and 4) Recommendation regarding the fee methodology. Mr. King reported that the first three recommendations are currently being implemented and/or reviewed by the WUTC and the fourth recommendation would not be implemented as suggested. The WUTC will base the fee methodology on actual inspection days.

- Kim West, Senior Pipeline Engineer with the WUTC reported that Avista Utilities (based in Spokane) has improved its pipeline operations. Commission inspectors found no violations during the 2003 natural gas standard inspection. The 2002 standard inspection indicated several repeat violations, which caused the Commission to bring a complaint against the company. The 2002 violations were system wide and were related to cathodic protection, odorization, and record keeping. The Commission approved a settlement proposed by WUTC staff, which included a penalty and the assurance that Avista would review the problems system-wide in order to come into compliance.
- Ms. West also gave an update of the May 1st Williams Gas Pipeline Lake Tapps incident. Ms. West reported that the WUTC and OPS have been continuing the investigation of the event. OPS amended its corrective action order asking that the company to provide additional information. The metallurgic reports indicated that cracking of the pipe was what caused it to fail. The cause of the cracks is still being investigated. Ms. West stated that when she received further information she would pass it along to the Committee.
- Steve King gave an update and some history of the disagreement between the City of Seattle and Olympic Pipeline Company over the need for a hydrotest of the "Seattle" lateral, which runs from Olympic's Renton terminal to a tank farm on Harbor Island in Seattle. The City of Seattle's franchise agreement with Olympic expired at the end of 2000. In late May, the President of Olympic, Bobby Talley, met with Seattle regarding the agreement. Among the issues discussed at the meeting was Seattle's request that BP provide additional financial guarantees for the Seattle lateral pipeline. On June 26th, Olympic received a letter from the City demanding that Olympic hydrostatically test the lateral or the City would shut it down on August 26th. On July 11th, Olympic responded to the City by stating the reasons they felt they did not need to do the hydrostatic test. The same day, the Office of Pipeline Safety sent the City a letter stating that the company had met the requirements of the federal safety rules and that a hydrostatic test was not necessary. At a press conference on July 14th, the City threatened to not open two public schools adjacent to the pipeline. Olympic filed suit in Federal District Court seeking an injunction to block the City from shutting down the line. Mr. King explained that it is difficult to determine where the line is between federal law, which preempts states and local governments from imposing restrictions on interstate pipelines, and the City's obligation to protect the health and safety of its citizens. The City of Seattle will hold a public meeting on Tuesday July 29th at 6:30 p.m. in the Holly Park Gathering Center. Chairman Mosher offered to contact Seattle Mayor, Greg Nickels, to talk to him informally about the issue. Chairman Mosher knows the Mayor and stated that he

would urge him to consult with experts on this issue. The Committee gave their approval for the Chair to call Mayor Nickels. The Chair felt that the hydrostatic tests may or may not be the answer and is not the only way to ensure the safety of the pipeline. The Chairman stated that he would notify the rest of the Committee the outcome of the conversation by e-mail.

5. **Subcommittee Reports** - During this time, the Committee split up into their subcommittees for discussion. The following information was reported back from the subcommittees:

Governmental Input and Monitoring subcommittee – Chair, Chuck Mosher. Members, Grant Jensen (Absent) and Rick Kuprewicz

- Subcommittee member Rick Kuprewicz stated that he is still reviewing the federal natural gas integrity management rulemaking. He noted that the Office of Pipeline Safety has allowed interested parties to comment. Any Committee suggestions about the rulemaking should be sent to Chairman Mosher.
- The subcommittee felt it was time to draft a Committee status report to the Governor. The report would also be sent to key legislators and interested parties and would highlight the accomplishments of the Committee from July 2002 to July 2003. The subcommittee hoped to have a draft report to the rest of the Committee members by the September 16th meeting.

Damage Prevention subcommittee - Chair, Don Evans. Members, Ken Thomas, Duane Henderson, Haywood Johnson

- Subcommittee asked for support for them to move forward with the meetings of the Northwest regional Common Ground Alliances. Support was given to the subcommittee during Don Evans presentation earlier in the meeting.
- As the subcommittee participates in the regional CGA meetings they will report back to the Committee. They will especially take note of those groups not participating and may ask the Committee to send a letter to those groups to encouraging them to participate.

Public Awareness subcommittee – Chair, Pat Bahor. Members, Les Olson, George Hills and Shirley Olson

- Subcommittee plans to put the idea of the pipeline education day on hold until the results of the Frause Group study of pipeline public awareness.
- Would like to educate people about pipelines by setting up a booth at the Puyallup Fair.
- After the results of the phone call to Mayor Nickels, the subcommittee stated that they might possibly send a letter to the editor (of several newspapers) or the Mayor himself. This would be decided at the next meeting in September.

5. **Items for September 16, 2003 Agenda** – The Committee requested an update of the issue of Olympic Pipeline and the City of Seattle. They would also like to review and discuss the draft Committee status report, which will be sent to the Governor, legislators and other interested parties.

The meeting adjourned at 3:25 p.m.

