



Committee Members

Bob Archey, Chair • VaNessa Duplessie, Vice-Chair
Pete Kmet • Bill Rickard • Art Coulombe
Carl Weimer • Ron Schmitt Duane Henderson
Grant Jensen • George Hills • Dave Knoelke

Washington State Citizens Committee on Pipeline Safety Meeting Minutes

Washington State Investment Board
2100 Evergreen Park Drive, Olympia, WA 98504
November 12, 2009

Present members:

Bob Archey, Chair
VaNessa Duplessie, Vice-Chair
Carl Weimer
George Hills
Pete Kmet
Bill Rickard
Duane Henderson
Grant Jensen
Art Coulombe
Ron Schmitt

Absent members:

Dave Knoelke

Other attendees:

Jim Fernald, UTC Pipeline Safety Program
Marina Woodard, UTC Pipeline Safety Program
Kelli Gustaf, Dept. of Ecology
Corey Herrick, McChord Pipeline
Brad Tower, Olympic Pipeline
Dick Goldsmith, Pipeline Safety Trust

Agenda Items:

1. **Welcome, Introduction and Adoption of September 24, 2009 Meeting Minutes**
 - The meeting was brought to order by Bob Archey who welcomed all attendees. In a unanimous vote, the committee adopted the September 24, 2009 meeting minutes as written.
 - **Quick Update on Action Task List Status**
Bob Archey briefly summarized the document distributed to all members. (*This document is posted on the committee's website at www.utc.wa.gov/pipeline/ccops/workpapers&presentation*).

Status of the letter to Secretary of Dept. of Transportation-request to waive the three year average requirement.

Bob noted that he had not included this item into the 9/24/09 task list. Bob planned on accomplishing this task and finalizing the letter by the end of this meeting. The committee unanimously agreed. See item #10, Other Business.

Committee's bylaw

Bob briefed the committee that the committee's bylaw revision is now completed. Marina requested that Bob email her the final version so that it can be posted to the committee's website.

2. **Damage Prevention – PHMSA Pipeline Damage Prevention Programs-Advance Notice of Proposed Rulemaking – Impact on WA Program and CCOPS Input to UTC and PHMSA.**

On October 29, 2009, PHMSA published the advance notice of proposed rulemaking of the Pipeline Damage Prevention Programs with the purpose of establishing the criteria for determining adequate state enforcement of the state damage prevention laws. Alan Lundeen gave a slide presentation and overview of the PHMSA's notice. The deadline for comment submission is December 14, 2009.

The committee discussed the pre-proposal at length in consideration of the items committee should be focused on. Jim Fernald believed sending comments on the same issue by different parties will have a greater influence on PHMSA. VaNessa moved for the committee to submit comments on item *IV A (Federal Register/Vol. 74, No. 208) – Considerations for Determining the Adequacy of State Damage Prevention Enforcement Programs*, consistent with what the committee had done in the past. Carl seconded and motion passed. Bob volunteered to act as the contributing role. Bob will send out the draft comments to the committee for review and comment prior submission to PHMSA.

Comments should reference to Docket ID: PHMSA 2009-0192 and may be submitted online at www.regulation.gov, via fax, mail or hand delivery. *(The materials for this presentation are posted on the committee's website at www.utc.wa.gov/Pipeline/ccops/workpapers&presentation).*

3. **UTC Update**

Jim Fernald provided an overview of recent events that have impacted the pipeline safety section.

- Anne Soiza offered the position at L&I - Anne Soiza had accepted the position with the L&I as the Deputy Director of the Occupational Safety and Health (OSHA). Her last day with the commission was on November 6, 2009. Bob suggested the committee send their best wishes to Anne Soiza either individually or as a group. Bob requested Marina forward Anne Soiza's new email address to him.
- Recruitment for the Pipeline Safety Director Position –The announcement for the Pipeline Safety Director's position will be posted on the UTC's website. The recruitment closes on November 23, 2009. Interviews are expected to be conducted in December 2009 with the

anticipation of the position to be filled by January 2010. David Lykken will be the Acting Pipeline Director until this position is filled.

4. **Public Comments**

No comments from public.

5. **Committee Vacancies and Status Update**

Bob reported that there is no new update from the Governor's office.

6. **Committee Education – Continuation of Damage Prevention Discussion**

See item # 2.

7. **2008-2009 CCOPS Report to Legislature**

This item (item #11 in the published agenda) was moved to item #7.

Bob estimated that the 2008-2009 stakeholder report will be completed by the end of December 2009 and to be sent out to legislators by January 2010. A draft letter to the Governor supporting the retention of the Citizens Committee group will be sent out to members for review by the end of the month.

Further, the committee decided to begin producing this report annually instead of every two years. The final draft report will be available at every March meeting from the previous year activities for review and adoption.

8. **Land use**

• **Pipeline Safety Trust New Orleans Meeting Report**

Carl reported on the Pipeline Safety Conference held in New Orleans on November 5 & 6, 2006. Members attending were Carl and Bob Archey. The conference was mainly focused on the new Community Technical Assistance Grant (TAG) awarded by PHMSA in August and September 2009. Various presentations made during the conference included overviews from PHMSA on the intention of their grant, and presentations from entities/groups that received the grants. The TAG recipients discussed the goals and objectives of their proposed projects. Presentations made at the conference will be posted on the Pipeline Safety Trust website at www.pstrust.org.

• **Association of WA Cities (AWC) grant application including work plan and timeline (New Orleans presentation)**

Bob provided an outline and summary of the AWC's grant that was awarded by PHMSA. This was presented at the Pipeline Trust Conference in New Orleans. (*The material for this presentation is posted on the committee's website at www.utc.wa.gov/pipeline/ccops/workpapers&presentation*).

Carl reported that PHMSA will soon be announcing an additional one million dollar Technical Assistance Grant. Notice and solicitation are estimated to be issued by PHMSA by the end of November. Carl thought that the UTC dig law group could apply.

- La Center Ordinance proposal (New Orleans presentation)
Dick Goldsmith of the Pipeline Safety Trust gave a slide presentation relative to an ordinance proposed by the City of La Center. This presentation was also presented during the Pipeline Trust Conference in New Orleans. (*The material for this presentation is posted on the committee's website at www.utc.wa.gov/Pipeline/ccops/workpapers&presentation*).
- SEPA checklist update
Bill Rickard clarified that the committee's intention is to propose language changes to the guidance document for the SEPA checklist, not necessarily to propose language changes to the SEPA rule. Bill will discuss this further with Kelli Gustaff of DOE and will get back to the committee with the draft language.

Related to the proposed ordinance in La Center, a question was raised as to whether the City is preparing a modified SEPA checklist to address pipelines. Carl and/or Dick will follow up with the City on this.

9. **Public Comment**

No comments from the public.

10. **Other Business**

Letter to U.S. Secretary of Transportation requesting to waive the 3 year average requirement

- Bob distributed the draft letter composed by Ron for committee's comments. Jim distributed a copy of a letter sent by NAPSRS to PHMSA dated October 15, 2009.

After reviewing the NAPSRS letter and the draft prepared by Ron, the committee suggested the following additions:

- Using the same subject reference as NAPSRS's letter.
- Requesting U.S. DOT to reply within 60 days, per the Pipeline Safety Improvement Act of 2002.
- Representative Brian Baird to be copied on the letter.

Marina will mail the letter to Bob for his signature and Bob estimated the day of mailing to the Secretary of Transportation as Wednesday, November 18, 2009.

11. **New Business**

Bob summarized issues that the committee had considered in the past and may wish to open for further discussion.

- One was public awareness in Washington and another was Recommended Practice (RP) 1162. RP 1162 required companies to provide public awareness and this requirement is up for renewal through PHMSA.
- Damage Prevention.
- Land use.

Bob expressed his belief that the greatest value of the committee would be a resource to citizens that are looking for help concerning pipeline issues. Grant and Ron commented that the committee could serve as a champion of proposed amendments to dig law (RCW 19.122). Pete

requested the UTC Pipeline Program provide topics where the Committee could assist in meeting their mission.

Bob offered to draft a brief summary of possible direction for the Committee in the upcoming years.

12. **Future Meeting Locations and Agendas**

- January 14, 2010 (placeholder) in Olympia;
- March 11, 2010 in Southwest Washington (maybe La Center). Possible visit to One-Call Center or pipeline facilities. VaNessa offered to look for a possible meeting facility.
- May 13, 2010 in Eastern Washington (maybe Tri-Cities). Bob requested Bill Rickard to look for a possible meeting facility.

Adjourn

The meeting adjourned at 2:30 p.m.