



Committee Members

Bob Archey, Chair • Carl Weimer, Acting Vice-Chair
Pete Kmet • Shirley Olson • Bill Rickard
Art Coulombe • VaNessa Duplessie • 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
May 28, 2009

Present members:

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

Absent members:

Shirley Olson

Other attendees:

Anne F. Soiza, UTC Pipeline Safety Program
David Lykken, UTC Pipeline Safety Program
Jim Fernald, UTC Pipeline Safety Program
Marina Woodard, UTC Pipeline Safety Program
Dan McDonald, Dept. of Ecology
Rick Kuprewicz

Agenda Items:

1. **Welcome and Adoption of April 17, 2009 Meeting Minutes**

- The meeting was brought to order by Bob Archey who welcomed all attendees. The draft minutes is proposed to be amended as follows:
Item 1 – Ron Schmitt is the fire fighter and paramedic with Snohomish County Fire District #1.
Item 2 – Within the third bullet, remove the phrase in parenthesis (0.8 wall loss thickness).
Item 6 – Within the seventh bullet, under the “Committee’s position”, add Pete Kmet as one of the position that will be vacant by July 31, 2009.

Committee moved to adopt the April 17, 2009 minutes as amended. Motion passed unanimously.

- **Quick Update on 4/17/09 Action Task List Status**

Bob Archey briefly summarized the document that was distributed to all members. *(This document is posted on the committee's website at www.utc.wa.gov/pipeline/ccops/workpapers&presentation).*

2. **Land Use**

Carl Weimer and Bob Archey gave an update on the land use issue.

- **Technical Assistance Grant Application**

A group has drafted a grant application to be submitted to PHMSA related to land use planning around transmission pipelines. Seven partners involved in this effort include Association of Washington Cities (AWC) acting as the lead, Pipeline Safety Trust (PST), Citizens Committee (CCOPS), Municipal Research and Services Center (MRSC), WA State Association of Counties and Northwest Gas Association (NWGA) and UTC. The total dollar request of this grant is approximately \$50,000. Money will be spent to raise awareness among local governments of land use practices around pipelines and to provide technical assistance to those local governments who show interest. The grant submission is due at noon on May 29, 2009.

Pete moved to support the grant application submission including active participation by the UTC. Motion approved unanimously.

- **State Environmental Protection Act (SEPA) checklist**

The committee discussed at length the addition of a question related to the existence of transmission pipelines to the SEPA checklist. The state SEPA checklist items are contained in the Dept. of Ecology (DOE) rule. The Pipeline Safety Trust is considering a petition to DOE to add such questions. Anne suggested the committee write a letter to DOE requesting the change. Dan McDonald of DOE offered to research the status of DOE's current work on SEPA. Carl is to get draft questions to the committee for review. Agreed upon language will be forwarded to Dan McDonald so he can research further. Dan promised to get a response to Anne before the September meeting.

3. **UTC Update**

Anne Soiza provided an overview of recent events that have impacted the pipeline safety section.

- **Advisory Notice on Certain High Grade Pipe** – Anne distributed the Advisory Notice that was issued by PHMSA on May 21, 2009. The Advisory pertains to potential manufacturing defects in some grade X-70 and above steel pipe. Anne further explained how the UTC distribute this importance notices from PHMSA.
- **Status on PHMSA's Anomaly Evaluation** – This is a follow up from the April 17, 2009 meeting. PHMSA is initiating project to investigate the accuracy of anomaly evaluation. No conclusion or final reports have been issued. Bob Archey requested this item be placed on September's agenda.

- Damage Prevention - Governor signed a Proclamation recognizing May as Damage Prevention month. Alan Lundeen has expanded his outreach efforts together with Consumer Affairs's Outreach staff.
- PHMSA Audit – We are anticipating a score on the audit of 98 on both gas and liquid. Our loss in points in part resulted from our inspection checklist not including items related to directional drilling and operator damage prevention program.
- State Budget – Pipeline Safety Program was not adversely impacted by the budget that was passed and signed by the Governor. While reductions in spending are required, no staff reductions will take place.

4. **Public Comments**

Rick Kuprewicz commented the issue of pipeline right-of-way and siting of pipelines. There are no federal regulations that restrict the location of a pipeline in reference to a building or structure. However, the pipeline operator is responsible for any activity that will result in abnormal loading on the pipeline which results in failure. Also, Rick highlighted that siting and safety are the responsibility of two different agencies (FERC and PHMSA) and therefore not always in agreement.

Dan Kirshner commented on the Northwest Gas Association's participation in the Technical Assistance Grant. The Association wants to assure that the good work already accomplished in land use planning is made available to the local jurisdictions who need it.

5. **Committee Education – API Recommended Practice 1162**

Bob Archey briefly outlined the background of the API 1162 which is a public awareness initiative first adopted by the American Petroleum Institute and later adopted by reference into the Code of Federal Regulation (CFR) by PHMSA. Each of the industry members gave an overview of how their companies are meeting the requirements of API 1162. Each also talked about how they are measuring the effectiveness of their communication.

Carl commented on the effectiveness of 1162 from the Pipeline Trust's perspective. For them, it's not only raising awareness, but changing behavior. The question is can pipeline operators demonstrate that their awareness program is changing behavior related to pipeline safety.

6. **One-Call Law/Damage Prevention-Update from UTC**

- Anne distributed and discussed a presentation on an update of UTC Damage Prevention program. The program is collecting data utilizing the Virtual DIRT program created by Common Ground Alliance. *(This document is posted on the committee's website at www.utc.wa.gov/pipeline/ccops/workpapers&presentation).*
- Anne distributed the UTC press release sent out on April 29, 2009 with Governor's Proclamation declaring May 2009 as "Damage Prevention Month."

Discussion on the next steps on damage prevention for the Committee

- Ron is the committee liaison with the Dig Law Work Group.
- Bob recommended that the previously created sub-committee on damage prevention meet to review their past findings and recommendations. They will present their thoughts and recommendations at the Dig Law Work Group August 18th meeting. The committee will be updated at the September 24th committee meeting.
- Bob will distribute the sub-committee past findings to the current committee members.

7. **By-laws – Final Review and Vote on Adoption**

The final draft By-laws were distributed to members for review. *(This document is posted on the committee's website at www.utc.wa.gov/pipeline/ccops/workpapers&presentation).*

The committee moved to adopt the final draft By-laws with exception to item 13.

Anne briefed the committee the UTC Attorney General's (AG) opinion on item 13 (Internal Communication) within the By-laws.

- 1) The committee is subject to the Open Public Meeting Act.
- 2) Correspondence between Committee members outside a scheduled committee meeting constitutes "a meeting" when that interaction can reasonably be considered a discussion and involves committee business.
 - a) A meeting is subject to notice and public attendance requirements if a majority of the committee's voting members participate in the discussion.
 - b) Type and scope of communication makes a difference, passive receipt of an email does not make a meeting.
 - c) If less than a quorum participates in an email discussion, then the public notice does not apply.
- 3) Committee is not subject to Public Records Act.

Bob Archey will send the draft revision to the committee for review relative to item 13. This matter will be considered at September 24th meeting for final vote. Motion passed unanimously.

8. **Election of the Vice-Chair**

VaNessa stated that she was asked by Bob Archey to serve as a Vice-Chair. She agreed to serve if no other members interested. Bill Rickard moved to elect VaNessa as the Vice-Chair. Ron seconded and the motion approved unanimously.

9. **Public Comment**

- Carl announced that some events have been planned for the tenth anniversary of the pipeline tragedy in Bellingham on June 10th. The events include a tour to Whatcom Creek, memorial walk and a community gathering. The story and history of this tragedy are available in Pipeline Trust website. Carl will email committee members the event information and members are welcome to attend.
- A resolution was introduced in the U.S. House of Representative by WA State Congressman Larsen to designate June 10th as National Pipeline Safety Day.

10. **New Business**

Committee Vacancies – Anne briefly summarized the members’ original appointment date and date of term expiration. Pete questioned if this is his final term as he was appointed in April 2005 and felt that he served only a partial time during his first appointment. Marina will contact the Governor’s office and respond to Pete with the answer.

11. **Future Meeting Locations and Agendas – Other Business**

- The next meeting is scheduled for Thursday, September 24, 2009 at the WA State Investment Board, Olympia, WA.
- Based on the new by-laws, Bob and VaNessa will propose the meeting dates for 2010 at the September meeting for possible vote. The committee agreed to pick the second Thursday of the month.
- The committee discussed potential future meeting locations:
 - Bellingham or Eastern WA;
 - Tour the One-Call Center in Portland;
 - Tour the Cedar Hill pipeline facility in Maple Valley, WA (King County).

Adjourn

The meeting adjourned at 2:35 p.m.