



Committee Members

Carl Weimer, Chair • Leo Bowman, Vice Chair
Duane Henderson • Grant Jensen • George Hills
Pete Kmet • Dave Barnes • Katie Hansen
Richard Kuprewicz • Shirley Olson
Bill Rickard • Jean Buckner • Bob Bandarra



Washington State Citizens Committee on Pipeline Safety

Meeting Minutes

Spokane Fire Department Training Center, Spokane, WA

September 13, 2006

Present

Carl Weimer, Chair
Leo Bowman, Vice Chair
George Hills
Richard Kuprewicz
Duane Henderson
Grant Jensen
Shirley Olson
Bill Rickard
Bob Bandarra
Jean Buckner, telephonically present

Absent

David Barnes
Katie Hansen
Pete Kmet

Public present at the meeting

Steve King, Washington Utilities and Transportation Commission (UTC)
Alan Rathbun, Washington Utilities and Transportation Commission (UTC)
Tim Sweeney, Washington Utilities and Transportation Commission (UTC)
Ilyne Lawson, Washington Utilities and Transportation Commission (UTC)
Rebecca Post, Washington State Department of Ecology (DOE)
Bob Hanna, Spokane Fire Department
Lisa Jones, Spokane Fire Department
Bob Beaumier, City of Spokane
Wil Ricard, Chevron Pipeline Company
Pete Lundgreen, Chevron Pipeline Company
Tom Grant, Williams Gas Pipeline
Mike Faulkenberry, Avista Utilities Corporation
Rob Latimer, TransCanada GTN System
W. Carter Hope, Agrium U.S. Inc.
Dan Kirschner, Northwest Gas Association
Earl Tower, BP Olympic Pipeline Company
Kevin Davis, Inland Empire Paper Company

Kathy Boykin, Inland Empire Utility Coordinating Council
Chuck Boykin, Citizen, Spokane
Luann Young, Citizen, Spokane
David Young, Citizen, Spokane

Agenda:

1. Welcome, Introduction of Members and Visitors, Adoption of July 19, 2006 meeting minutes
2. Local operators, government officials, and public interest groups present their issues
3. Ecology Briefing
4. UTC Update
5. Stakeholder Report
6. Land Use Guidelines Presentation
7. Staff Feedback on "Public Right to Know"
8. UTC Proposed Legislation 2007
9. Future Meeting Locations and Agendas – Other Business

1. **Welcome and Adoption of July 19, 2006 Meeting Minutes**

The meeting was brought to order and the vice chair welcomed all attendees. The committee discussed the July 19, 2006 meeting minutes and moved to adopt the minutes as written.

2. **Local operators, government officials, and public interest groups present their issues**

- Lisa Jones, Fire Marshall for the City of Spokane welcomed the committee members and meeting attendees to the Fire Training Center Facility and provided the group with general idea of the role of the Spokane Fire Department.
- Robert G. Beaumier, Jr., Attorney for the City of Spokane spoke to the committee as a concerned citizen, rather than as a city official. Mr. Beaumier discussed the location of a petroleum product pipeline in proximity to water wells in Spokane. The City is in franchise negotiations with the operator and moving a portion of the pipeline has been discussed. Mr. Beaumier's question is whether this issue is "siting" or "safety" related. If it is a safety issue, then the City is pre-empted by federal law.
- Mike Faulkenberry, P.E., Chief Gas Engineer for Avista Utilities provided the committee with an overview of Avista Utilities. Mr. Faulkenberry also outlined one of Avista's simulated emergency exercises and the relationship the company has with first responders.
- Wil Ricard, Maintenance Coordinator for Chevron Pipe Line Company gave a presentation about the company's area of operation. In addition, Mr. Ricard provided the committee with a summary of operations around the Pasco, Washington area.
- Robert S. Latimer (Rob), Supervisor of Community Relations for TransCanada Gas Transmission Northwest (GTN) discussed the history of TransCanada GTN & North Baja Pipeline (NBP) Systems. Mr. Latimer talked about TransCanada GTN & NBP Systems' public awareness programs (RP1162).

- Tom Grant, District Manager for Williams Gas Pipeline in Spokane briefly explained the company's operations in Spokane. Mr. Grant also informed the meeting attendees of safety programs that the company is implementing.

3. **Ecology Briefing**

Rebecca Post, DOE Pipeline Coordinator, provided the history and an overview of the oil spill contingency plan.

The Oil Pollution Act of 1990 emerged in response to the March 29, 1989 Exxon Valdez Oil Spill. One of the effects of the Oil Pollution Act of 1990 was the implementation of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Under the NCP, companies transporting hazardous substances are required to participate in the National Preparedness for Response Exercise Program (NPREP). Each vessel is required to adhere to a specific title under the Code of Federal Regulations (CFR) which contingent upon the transportation mechanism moving the hazardous substance in, or around a waterway. In Washington State, RCW 90.56 (Oil & Hazardous Substances Spill Prevention and Response) is the law that ensures that the waterways are protected from oil spills. DOE is working towards introducing WAC 173-182. The new rule should be established by September 25th, 2006.

Under the current rules, pipeline operators are required to have a plan, a response contractor, and equipment. All pipeline operators are required to participate in drills that require an annual table top exercise once a year that employs the incident command system (ICS). Pipeline operators are also required to execute deployment drills twice a year, using facility and contractor equipment. DOE performs the evaluation of the table top exercises and oil spill drill and coordinates with companies on the design of the exercises.

Public Comment

A citizen who resides 500 feet from a pipeline and a former industry employee commented. Pipeline companies, the industry, and the regulators were encouraged to be vigilant. The citizen expressed a concern over the perception of safety issues being compromised due to cost cutting measures by pipeline operators.

4. **UTC Pipeline Safety Update**

Alan Rathbun, UTC Pipeline Safety Director, provided an update from the pipeline safety section.

Williams NW Capacity Replacement Project

Construction crews are moving into the final phase of the replacement project. Hydrostatic testing of the pipeline has already been completed on the Ft. Lewis segment with clean up and restoration work now in progress. Testing of the three remaining segments, Snohomish, Mt. Vernon and Sumas are estimated to be completed by the end

of this week. Work continues on the installation of additional horsepower and piping modifications at three existing compressor stations.

UTC Damage Prevention Initiative

Staff has reviewed data supplied by all operators and have selected some excavators for possible prosecution by the Attorney General's Office. From the data received, only local distribution companies appear to experience significant numbers of instances where locates are not requested prior to excavation.

Northern Star (Bradwood Landing LNG) files with FERC

Staff awaits the distribution of a Draft Environmental Impact Statement (DEIS) on the proposed LNG import facility and related transmission pipeline. The UTC along with several other Washington agencies, local governments and citizens has intervened in the FERC process. Similarly, Oregon jurisdictions and residents have also intervened.

PHMSA Conducts Yearly Audit of Pipeline Safety Program

The PHMSA-Office of Pipeline Safety recently completed its calendar year 2005 audit of the commission's hazardous liquid and gas pipeline safety programs. Unofficial results indicate a score of 100% for the liquid program and 100% for the gas program. This is the first time a score of 100 has been achieved by both programs within the same year. The evaluation consisted of an examination of the programs' policies, plans, procedures, and inspection records. Field observations of pipeline staff performing inspections of both a natural gas and hazardous liquid operator were conducted during the second week of the program audit.

Small Gas System Study Distributed for Comment

Our consultant's report was distributed to stakeholders on September 12. A public workshop is scheduled for October 4 in Olympia. Copies of the report were made available for the committee members to review.

Request for Interpretation

Committee members asked about the status of the Department of Transportation (DOT) Interpretation Request letter that was sent on August 10, 2006. The letter was addressed to The Honorable Maria Cino, Acting Secretary of DOT and copies were sent to Thomas Barrett, PHMSA Administrator; Ted Wilke, Deputy Associate Administrator; and WA Utilities and Transportation Commission. Committee members asked to be informed once a response to the letter is received.

5. Stakeholder Report

Tim Sweeney initiated a discussion about the 2004-2005 Stakeholder Report draft by explaining that the report intended to provide a summary of the committee's accomplishments during the 2004-2005 timeframe.

At the July 19 meeting, members were asked to review the report draft and proposed distribution list. The committee members did not suggest any modifications in August 2006; therefore, to follow-up, staff asked members if they had any comments. One committee member addressed the length of the report, indicating that the size of the document may make it less appealing if it is mailed or e-mailed to recipients; yet, the member also recognized that the document could not be condensed without leaving out important information. Staff suggested that both committee members and staff should consider taking opportunities to hand deliver the report to recipients. Staff implied that this personal touch would direct attention away from the length of the report and increase the recipient's interest in the content. The Chair asked if committee members had any comments about the content of the report. One member pointed out that input that had been provided was not included in the current report, but suggested the committee should move forward and focus on getting the document out. Leo Bowman agreed that the committee should move forward and made a motion to submit the 2004-2005 Stakeholder Report, in its current format, to the proposed list of legislators; however, Carl Weimer added a friendly amendment to the motion to have the document reformatted. Tim Sweeney offered to reach out to the UTC's graphics specialist for her assistance with redesigning the document. Once the UTC finishes designing the final version of the report, the finished product could be sent to committee members in hardcopy and .pdf format. The Chair suggested making the report available nationally and staff mentioned that the report could be posted to the committee's website. Bob Bandarra seconded the amended motion and the committee passed the vote unanimously.

Reappointment Letters

An inquiry about reappointment letters was made in regard to committee members having terms that expired in the summer. Committee members may contact the Governor's office directly.

6. Land Use Guidelines Presentation

Alan Rathbun presented a summary of the land use guidelines. These guidelines are a consensus product of an adhoc work group. The workgroup included UTC staff, pipeline operators, local governments, and members of the citizens committee.

The UTC's Pipeline Safety Program provides operational oversight over pipeline safety by inspecting pipelines, enforcing regulations, investigating incidents, providing technical assistance and mapping support, staffing the citizen's committee, and promoting public awareness. Although the UTC performs many tasks to ensure the safety of pipelines in Washington State, land use around natural gas and hazardous liquid transmission pipelines is ultimately controlled by city and county governments. During the land use study, the work group invited local governments and pipeline operators to participate in workshops to discuss the appropriate land use activities around pipelines. The results of the workshop have been published in the "Land Use Planning in Proximity to Natural Gas and Hazardous Liquid Transmission Pipelines in Washington State" report dated June 2006. In its conclusion, the report recommends the

implementation of a consultation process that would increase the awareness of pipelines, ensure that the resulting land development did not adversely impact the pipeline's integrity.

7. **Staff Feedback on "Public Right to Know"**

Tim Sweeney, UTC Pipeline Safety Staff, provided committee members with an update on the committee's website modifications. All pipeline companies, with the exception of the Liquid Distribution Companies (LDCs), have been added to the website.

The committee discussed what type of emergency information should be posted on the committee's website and determined that anyone who may encounter emergency situations should not be encouraged to browse the web for instructions. The committee agreed that the emergency information on the website should advise the public leave the area by foot, immediately and may include a list of activities that the public should avoid such as use of a cell phone, starting a vehicle, or doing anything that will cause a spark to ignite. Committee members decided that the website should direct the public to contact 911 in order to provide the location and the name of the pipeline company affected, if available. The committee also agreed that the website should provide the public with instructions for a non-emergency situation. The non-emergency instructions would advise the public to call the number listed on the pipeline or to call the company's preferred emergency contact number which would be listed on the website.

8. **UTC Proposed Legislation 2007**

Supplemental to the proposed legislation update provided during the July 19 meeting, Tim Sweeney and Alan Rathbun discussed the most recent version of the UTC's legislative proposal for 2007.

UTC Pipeline Safety Bill Draft

The purpose of the UTC Pipeline Safety Bill draft is to update statutory authority to comply with federal pipeline safety program certification requirements and eliminate both inconsistencies and obsolete references. As stated during the July 19, 2006 meeting, this proposed Bill has not been approved by the three-member commission or by the Governor. Since July, staff has made additional changes to the bill to ensure that the references are valid and the language is clear. Staff informed the committee of recent amendments to the draft and provided members with hard copy drafts of the Bill dated September 5. Staff informed the committee that this final draft version of the Bill is expected to be submitted by the end of September and Staff would like committee members to provide feedback on the current draft.

Shirley Olsen made a motion to support the content of UTC Pipeline Safety Bill Draft dated September 5, 2006. Before Leo seconded the motion and the motion was put to a vote, committee members asked questions about the content of the draft. In a vote of 6 to 1, the committee passed the motion to support content the UTC Pipeline Safety Bill.

RCW 81.88.080 and RCW 42.56.330

Staff provided committee members with a draft of potential amendments to RCW 81.88.080 and 42.56.330 (Public Records Act). This proposal is an alternative version of the legislative amendment proposed in 2006 by the Northwest Gas Association. The intent of these amendments is to clearly state what data is to be provided to first responders and local governments. Further, while access to GIS data is limited, public access to maps of line pipe location at a scale no greater than 1:24,000 guaranteed.

After the committee agreed that the wording in the document should be consistent by replacing "may" with "shall" throughout the document, Shirley Olsen made a motion, seconded by Rick Kuprewicz, to support the concept of the draft amendments to RCW 81.88.080 and RCW 42.56.330. The committee engaged in a discussion about the perception of the amended language imposing restrictions on the availability of GIS map data for the general public. The motion passed by a split vote. Four committee members (Carl Weimer, Shirley Olsen, Rick Kuprewicz, and Bob Bandarra) voted for the motion while three committee members (Bill Rickard, Jean Buckner, and Leo Bowman) voted against the motion.

9. Future Meeting Locations and Agendas – Other Business

Next Meeting

Committee members will meet at Plese Flats at noon on September 14, 2006. The next Citizens Committee meeting is scheduled for Thursday October 12, 2006 at the Washington State Investment Board in Olympia. Committee members were encouraged to contact staff to request travel arrangements for the meeting in Olympia if necessary. Committee members were reminded that the last meeting of the year is on November 9, 2006, and the 2007 meeting scheduled should be an upcoming agenda item.

Chief Bob Hanna, Fire Marshall Lisa Jones, committee member Bill Rickard and DOE's Rebecca Post were thanked for all of their assistance in helping make the meeting in Spokane possible.

The meeting adjourned at 4:00 PM.