



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

Sent via email

August 11, 2023

Esteban (Steve) Martinez
HSES Manager
Nouryon Pulp and Performance Chemicals LLC
1775 W Oak Commons Ct
Marietta, Georgia 30062

RE: 2023 Hydrogen Pipeline Public Awareness Program Plan and Procedure Review – Nouryon Pulp and Performance Chemicals LLC- Moses Lake, WA – (Insp. No. 8612)

Dear Mr. Martinez:

Staff from the Washington Utilities and Transportation Commission (staff) conducted an Public Awareness Program Plan and Procedure Review of Nouryon Pulp and Performance Chemicals LLC (Nouryon)- Moses Lake, Wa facility on August 1, 2023. The inspection included a review of Nouryon’s Public Awareness Program Plan, procedures, and records.

Our inspection indicates one probable violation as noted in the enclosed report.

Your response needed

Please review the attached report and respond in writing by September 11, 2023. The response should include how and when you plan to bring the probable violations into full compliance.

What happens after you respond to this letter?

The attached report presents staff’s decision on probable violations and does not constitute a finding of violation by the commission at this time.

After you respond in writing to this letter, there are several possible actions the commission, in its discretion, may take with respect to this matter. For example, the commission may:

- Issue an administrative penalty under [RCW 81.04.405](#); or
- Issue a complaint under [RCW 81.88.040](#), seeking monetary penalties, changes in the company’s practices, or other relief authorized by law, and justified by the circumstances. Any pipeline company that violates any pipeline safety provision of any commission order, or any rule in this chapter including those rules adopted by reference, or chapter

81.88 RCW is subject to a civil penalty not to exceed \$239,142 for each violation for each day that the violation persists. The maximum civil penalty for a related series of violations is \$2,391,412; or

- Consider the matter resolved without further commission action.

We have not yet decided whether to pursue a penalty or complaint in this matter. Should the commission decide to assess a penalty or initiate a complaint, your company will have an opportunity to respond and formally present its position.

If you have any questions or if we may be of any assistance, please contact Dave Cullom at (360) 339-3848. Please refer to the subject matter described above in any future correspondence pertaining to this inspection.

Sincerely,

Scott Rukke
Pipeline Safety Director

Enclosure
cc: Michael Bradley, Everline Compliance Director, Utility Services

UTILITIES AND TRANSPORTATION COMMISSION
2023 Hydrogen Pipeline Safety Public Awareness Program Inspection
Nouryon Pulp and Performance Chemicals LLC- Moses Lake, WA – (Insp. No. 8612)

The following probable violation of Title 49 CFR Part 192 were noted as a result of the 2023 inspection of the Nouryon Pulp and Performance Chemicals LLC- Moses Lake, WA – (Insp. No. 8612). The inspection included a review of Nouryon’s Public Awareness Program Plan, procedures, and records.

PROBABLE VIOLATIONS

1. **49 CFR §192.705 Transmission Line Patrolling**

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Maximum interval between patrols

Class location of line 1 or 2. At highway and railroad crossings 7 1/2 months; but at least twice each calendar year. At all other places 15 months; but at least once each calendar year.

Finding(s):

The operator was not performing ROW patrols in 2020 and 2021 at the railroad crossing twice per year not to exceed 7.5 months. The patrol was being performed once a year for 2020 and 2021.