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## State of Washington Citizens Committee On Pipeline Safety

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**Date: October 14, 2008**

**To: Sally Toteff  
Director, Southwest Regional Office  
Department of Ecology  
PO Box 47775  
Olympia, WA 98504-7775**

**Re: Comments on FERC Final Environmental Impact Statement dated June 2008 (“EIS”), and FERC Order issued 9/18/08 (“Order”) pertaining to Bradwood Landing Project – Washington Pipeline Segment<sup>1</sup>**

The Washington State Citizens Committee on Pipeline Safety issued an Advisory Letter to FERC following a review of draft EIS issues related to the proposed approximately 17 miles of 30-inch pipeline segment in Cowlitz, County, Washington for the above project.<sup>2</sup> The Washington Utilities and Transportation Commission (“WUTC”), responsible for pipeline safety in this state, also issued a letter to FERC identifying pipeline concerns.<sup>3</sup> It is our understanding that the Washington State Department of Ecology (“WDE”) plays a crucial role in the State Environmental Policy Act (“SEPA”) process that is so critically important in protecting Washington State citizens and entrusted environmental assets. Based on a review of these letters and the above FERC documents, we have determined FERC’s responses to be inadequate, inappropriate, even dismissive, in four critical pipeline areas that WDE should pay particular attention to in the SEPA process:

**1) Landslide area routing plans and alternatives are not sufficiently defined, nor appropriate.**

The proposed route for the Washington pipeline segment is in some of the most difficult and challenging terrain for pipelines in the country. Steep terrain gradients, very high rainfall, soil permeability, and many unstable slopes, all work to raise the risk of pipe rupture failure from serious landslide.

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<sup>1</sup> FERC stands for the Federal Energy Regulatory Commission which is chartered, under the Energy Policy Act of 2005 and various Natural Gas Acts, to be the lead agency for siting of land based LNG facilities and interstate natural gas transmission pipelines.

<sup>2</sup> Washington State Citizens Committee On Pipeline Safety Advisory Letter dated 12/15/08 to FERC, EIS, Appendix K, page K-497 to K-500.

<sup>3</sup> WUTC letter to FERC dated 12/7/07, EIS, Appendix K, pages K-516 to K-519.

FERC is proposing to mitigate landslide areas “by one or more of the following: relocation of the pipeline route; HDD crossing of the feature to place the pipeline below potential failure surfaces; and instrumentation of the pipe and/or the surrounding rock or soil to monitor strain in the pipe and movement of the surrounding ground.”<sup>4</sup>

For various reasons, many planned pipeline horizontal directional drills, or HDDs, do not go forward successfully and must be aborted. FERC’s response to the Citizens Committee’s Advisory Letter concern about aborting an HDD in a landslide area are inadequate.<sup>5</sup> **The only safe alternative to aborting an HDD designated for a landslide risk area is to relocate the pipeline out of the landslide area.** No pipeline can withstand abnormal loading from a serious landslide. Instrumentation, such as strain gauges, to signal or prevent catastrophic pipe failure from land movement associated with this particular area does not deal with the risk associated with rapid break-away landslides. Break-away landslides occur when land suddenly, and usually without warning, gives way from high water saturation in steep slope environments, such as that encountered in this pipeline proposed right-of-way.

The EIS states “that in the event of HDD total failure the Commission would be notified and approval sought for an alternative crossing.”<sup>6</sup> This tactic is fraught with danger that the process will be rushed or “short circuited” as construction or scheduling activities may be well underway under the misguided perception of federal preemption on state critical environmental issues. WDE should demand and require WDE approval of reroute possible alternatives up front for any HDD site, well before granting any state permits.

**2) Response to frac-outs associated with HDD’s in these highly sensitive environments are not sufficiently detailed or defined.**

The EIS states that “To minimize any potential impacts of frac-outs during HDD stream crossings we are requiring that NorthernStar submit a final *HDD-Contingency Plan* for the review and approval of the Director of OEP prior to construction (environmental condition 24).”<sup>7</sup> WDE must play a critical role in reviewing and approving the *HDD-Contingency Plan* well prior to construction to ensure processes are properly in play to protect sensitive habitat, especially given the highly unusual and very challenging terrain. Special attention should be paid to insure that the *HDD-Contingency Plan* addresses the need for rapid and timely response to frac-outs, such as pre-staging of containment equipment in such high flow, high-gradient terrains where frac-outs can quickly get away from the operator.

FERC’s response to the Citizens Committee’s concerns related to frac-outs, “response to frac-outs would occur as soon as possible,” are not adequately definitive to instill confidence.<sup>8</sup> The *HDD-Contingency Plan* needs to commit in sufficient detail for each

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<sup>4</sup> Order, page 32, paragraph 94.

<sup>5</sup> EIS Appendix K, page K-499, FERC response SA3-5.

<sup>6</sup> Order, Appendix B, page 50, paragraph 153.

<sup>7</sup> Order, Appendix B, page 36, paragraph 107.

<sup>8</sup> EIS, Appendix K, page K-499, State Agencies - FERC response SA3-8.

site to allow proper evaluation and understanding that frac-out will be contained and not leave the HDD site in these sensitive environmental areas.

**3) FERC's response to girth weld inspection in this terrain are seriously inadequate.**

There are long standing risks associated with FERC and Pipeline and Hazardous Material Safety Administration ("PHMSA") poor oversight of pipeline construction in this country. PHMSA is the organization charged with administrating federal pipeline safety regulations once a pipeline has gone operational. This is especially problematic concerning pipeline inspection of girth welds in PHMSA regulations. The FERC response to the Citizens Committee's concerns in this area, FERC citing federal pipeline safety regulation Title 49, Part 192 Subpart E § 192.241 and § 192.243, is inappropriate as these regulations do not provide for 100% radiographic inspection of girth welds.<sup>9</sup> For example, class 1 area locations, the majority of this pipeline, only require 15% radiographic inspection. Given the unique highly challenging terrain, its environment, and the highest potential for abnormal loading on the pipeline that could lead to rupture, FERC has the authority to require full radiographic inspection of such welds as a condition of siting to assure pipeline integrity is maintained. Meeting minimum pipeline safety standards as referenced by FERC are inappropriate for this pipeline segment. For the record, hydrotesting and/or smart pig inspection of girth welds are very poor substitute tools for 100% radiographic inspection of girth welds during construction. Many new pipelines have chosen to radiographic inspect all their pipeline girth welds during construction as part of a prudent lifecycle integrity management program.<sup>10</sup>

**4) The WUTC's various requests for pipeline integrity management are not unreasonable, are based on much experience in Washington State, and should not be denied by FERC.**

The WUTC has made several safety recommendation in their letter specifically addressing major risks associated with this pipeline proposed in this high risk environment.<sup>11</sup> FERC in their responses have apparently dismissed these important WUTC safety recommendations. The WUTC's recommendations are based on much wisdom garnered by this state pipeline safety agency very familiar with pipeline operations in this highly unique and risky environment. FERC repeatedly states, "The FERC does not typically impose additional safety conditions other than DOT standards."<sup>12</sup> Our advisement to FERC is that this pipeline is not placed in a typical pipeline environment and additional precautions related to insuring pipeline integrity proposed by the WUTC, in excess of minimum federal pipeline safety standards, are warranted and justified. Imposing one-size-fits all Department of Transportation, or DOT/PHMSA, standards to site-specific hazards and risks is not managing the risks

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<sup>9</sup> EIS, Appendix K, page K-498, State Agencies - FERC response SA3-2.

<sup>10</sup> The author can provide a long list of pipeline construction projects that have accepted 100% girth weld inspection as their practice.

<sup>11</sup> WUTC letter to FERC dated 12/11/08, EIS Appendix K, pages K-516 through K-519, WUTC items No 3, 4, and 5 related to pipeline integrity management.

<sup>12</sup> Ibid, FERC SA5-4, SA5-6, and SA5-7 responses to WUTC letter.

associated with pipeline siting and construction, and does not serve the best interest of the public.



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Chairman