

Washington State Citizens Committee on Pipeline Safety

Meeting Minutes

Washington Utilities & Transportation Commission

1300 S. Evergreen Park Drive S.W., Olympia, WA 98504

March 14, 2012

Present members:

Tim Sweeney, Chair
David Taylor, vice-chair
Bill Rickard
Andrew Martonick
Art Coulombe
Terrill Briere
Bob Beaumier
Corey Herrick
Rosalie Ann Lopez
Ruth Mabrey
Jody Morehouse

Absent members:

Carl Weimer
Ron Schmitt

Other attendees:

David Lykken, UTC Pipeline Safety Program
Joe Subsits, UTC Pipeline Safety Program
Marina Woodard, UTC Pipeline Safety Program
Anna Gill, UTC Pipeline Safety Program
Sean Orr, Dept. of Ecology
Duane Henderson, Puget Sound Energy

Agenda Items:1. **Welcome, Introduction and Adoption of November 10, 2011 Meeting Minutes**

The meeting was brought to order by Tim Sweeney who welcomed all attendees. In a unanimous vote, the Committee adopted the November 10, 2011 meeting minutes as written.

Tim asked members for any other topics that are not in the agenda needing to be addressed.

- Tim suggested that Art provide a land use update during “item 8- Land use update.”
- Bob expressed his continuing interest in coordinating the Pipeline Safety issue with local regulatory policy, particularly identifying water and sewer line and municipal obligation. Tim suggested discussing this issue further during the “Item 10-Future Agenda Review (FAR).”

Tim announced his position as a chair ends after today’s meeting and Dave Taylor, vice-chair will be the new chair at the next meeting. The election of a new vice-chair will be part of the May 17th meeting agenda.

Tim reminded members whose term expires by July 31, 2012 to reapply through the Governor’s office if interested in serving the second term. Marina will email members a link to the online application form (*Application for Gubernatorial Appointment to a Board or Commission*).

2. **Damage Prevention Update**

Dave Lykken provided updates on damage prevention:

- The 2012 UTC request legislation (*House Bill 2223 - An Act relating to modifying the effective date of RCW 19.122.130*) was passed by the legislature in February 2012, and signed by the Governor on March 29, 2012. Under this Act, the UTC is authorized to contract with a statewide, nonprofit entity to create a Safety Committee before the effective date of the Damage Prevention law. HB 2223 is effective June 7, 2012. The UTC will issue a RFQ (Request for Qualifications) for an organization to manage the safety committee in the next 90 days. The new Damage Prevention law (RCW 19.122), passed on May 5, 2011 (HB 1634), will be effective January 1, 2013.
- The UTC has initiated an outreach program to local governments concerning their responsibility under the new act.
- An enforcement process is being established for any matters referred to the UTC by the safety committee.
- Relative to damage reporting requirement, UTC is working on developing an online form for those parties who choose not to use the Virtual DIRT reporting website.
- Five damage prevention seminars were held around the state with improved attendance.
- The Governor will be issuing a proclamation naming April as Damage Prevention Month.
- Staff attended the Industrial Safety & Health conference sponsored by WA State Dept. of L&I.
- UTC attended three Home & Garden shows to distribute information on damage prevention.
- Alan Lundeen has left the UTC for a position at L&I. Anna Gill has been appointed as a Communications Consultant and is helping to lead damage prevention outreach efforts. Rhonda Huynh has joined the Pipeline Program as an Office Assistant.

3. **Follow-up on ANPRM (Advanced Notice of Proposed Rulemaking)**

Dave Lykken reported that CCOPS submitted a comment to PHMSA on 1/19/2012 relating safety of Gas Transmission pipeline. This PHMSA notice is prior to any proposed rulemaking but is intended to solicit comments on the NTSB recommendations resulting from the San Bruno incident. PHMSA has not yet responded to CCOPS's request for a definition of transmission pipeline. Dave hopes to obtain further information at the NAPSR meeting in April.

Bob Beaumier expressed his desire for commenting further on this rulemaking by working together between industry representatives, UTC and the public (including CCOPS and Pipeline Safety Trust) in preparing meaningful recommendations to PHMSA.

Tim suggested narrowing the topics for discussion from the broad issues included in the ANPRM.

Action(s):

- Marina was asked to establish a new page on the CCOPS website for notice and comments submitted by INGAA, Pipeline Safety Trust, CCOPS, AGA and NAPSR.
- Bob Beaumier, Carl and Tim will utilize the summary of comments to select a narrow list of topics for discussion on May 17th.

4. **2011 Inspection Process in General**

Joe Subsits, UTC Pipeline Safety Program, Chief Engineer provided a PowerPoint presentation on the Washington State Pipeline Program inspection process. (*This document is posted on CCOPS website*).

5. **UTC Penalty Policy, Docket A-120061**

Dave Lykken reported that on February 20, 2012, the UTC issued a notice of opportunity to comment on a proposed UTC Penalty policy. The intent of this policy is to provide guidance to the UTC on imposing penalties. Steve King explained that a policy on penalties would give guidance to both staff and the commissioners, but may limit their discretion. Therefore, it is not certain that a policy will be issued. This is a complex topic due to the wide variety of industries and practices regulated by the UTC. If CCOPS wishes to provide comments on this topic they are due by 3/27/2012.

At the request of Corey Herrick, Dave Lykken explained the process of notifying an intrastate company of probable violations and potential complaint.

The committee decided not to respond to the notice of opportunity to comment on the proposed UTC Penalty policy.

6. **UTC Update**

Lowthian letter update – Dave Lykken gave background related to Mr. Lowthian’s letter of complaint to Governor Gregoire concerning an assessment by PSE resulting in damage of a plastic service line. However, there was no evidence that PSE violated any rules in the installation of the gas service line. Pipeline staff had a phone conversation with Mr. Lowthian and an apology was offered for the miscommunication. Dave also explained that he was communicating with the LDCs (Local Distribution Company) on the issue of care in digging around the plastic pipe.

CNG settlement – UTC & CNG reached a settlement agreement on August 11, 2011 from a complaint filed under docket PG-110443. The settlement includes payment of \$425,000 and commitment by CNG to make substantial changes in their operations.

PSE PIP Rate Case (UG-110723) – No decision yet. The matter is pending the commissioners’ review and disposition.

Other updates

- The Pipeline Safety Trust published a second survey on the transparency of pipeline safety programs, including PHMSA. The Washington state pipeline program was rated at the top of the survey with the highest possible score in each category. Washington has made improvements since the last survey in the area of enforcement and damage prevention data.
- UTC will be updating the damage reporting requirements for both gas and liquid pipelines in accordance with new damage prevention law, RCW 19.122. This may require more timely reporting by pipeline companies.
(Ref: Docket PG-120345-Gas WAC 480-93, Docket PG-120350-Liquid WAC 480-75).

7. **Dept. of Ecology (DOE) Update**

Sean Orr provided an Ecology update to members. (*This document is posted on CCOPS website*). Sean explained that he is currently filling in for Kelli Gustaf’s position as the DOE Pipeline Coordinator. Kelli left DOE and is now employed with Olympic Pipe Line. Recruitment is in process and they anticipate having her position filled by mid April 2012.

8. **Land use update**

Dave Lykken reported:

- Skagit County adopted a land use ordinance that included consultation zone.
- Yakima County is working on its land use ordinance.
- Terri Briere reported that Renton is also working on an ordinance relating to land use.

Art Coulombe provided a PowerPoint presentation on his experience in dealing with the City of College Place concerning land use around pipelines. *(This document is posted on CCOPS website).*

9. **Public Comment and Other Business**

No public comments.

Dave Lykken presented a Certificate of Appreciation to Andrew Martonick for his time and dedication on CCOPS. Andrew decided not to re-apply to serve a second term and today would be his last meeting with the committee.

10. **Future Agenda Review (FAR) – 2012 Meetings**

Members were provided a 2011-2012 FAR document and agreed to add the following topics:

May 2012

- Update on ANPRM – reviewing priority issues
- WA State Rules (presentation by Joe Subsits)

September 2012

- Industries presentation on “Gas Control Center”

Adjourn

The meeting adjourned at 1:55 pm.