



Committee Members

Bob Archey, Chair • VaNessa Duplessie, Vice-Chair
Pete Kmet • Bill Rickard • Art Coulombe
Carl Weimer • 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

March 25, 2010

Present members:

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

Absent members:

Pete Kmet
Bill Rickard

Other attendees:

David Lykken, UTC Pipeline Safety Program
Jim Fernald, UTC Pipeline Safety Program
Joe Subsits, UTC Pipeline Safety Program
Marina Woodard, UTC Pipeline Safety Program
Kelli Gustaf, Dept. of Ecology
Gaylee Kilpatrick, Dept. of Ecology
Ryan Paulsen, Dept. of Ecology
Corey Herrick, McChord Pipeline
Ruth Mabrey, Williams Northwest Pipeline

Agenda Items:

1. **Welcome, Introduction and Adoption of November 12, 2009 and January 14, 2010 Meeting Minutes**

- The meeting was brought to order by Bob Archey who welcomed all attendees.

David Lykken asked relative to November 12, 2009 meeting minutes, Item 7, status of the 2008-2009 CCOPS Report to Legislature. Bob stated the report has not been sent out and the status will be discussed during the “Quick Update on Action Task List Status.”

In a unanimous vote, the committee adopted the November 12, 2009 and January 14, 2010 meeting minutes as written.

- **Quick Update on Action Task List Status**

- a) Letter to U.S. Secretary of Transportation requesting to waive the 3 year average requirement – *Letter was sent on November 18, 2009. No response from U.S. DOT received to date.*
- b) CCOPS bylaw new revision – *completed and posted to the CCOPS website.*
- c) Damage Prevention Programs Advanced Notice of Proposed Rulemaking – *CCOPS did not submit comments to PHMSA. The deadline for comment submission was December 14, 2009.*
- d) SEPA Checklist – *Part of the agenda today (Item # 5).*
- e) Letter to Governor supporting the retention of the CCOPS – *Letter was sent on November 23, 2009. In January 2010, CCOPS was removed from the elimination list (HB 2617).*

2. **Filing Vacancies on CCOPS**

Bob announced that he submitted a letter in February 2010 to the Governor's office with his decision not to reapply to serve on a second term. This will be his last meeting and will not be able to attend May meeting due to personal conflict. However, he will provide any needed support to the future chair and vice-chair.

Bob reported that there is no new update from the Governor's office. UTC sent an email of recommendation to the Governor's office on July 10, 2009. David Lykken offered to inquire as to the status of the appointments with the Governor's office after the legislative session ends.

Committee's position – The following positions are now or will be expired by July 31, 2010.

- Position # 1 – Bob Archey (Term expires: July 31, 2010) – Will not reapply
- Position # 2 – Pete Kmet (Term expired: July 31, 2009)
- Position # 4 – *Vacant (previously held by Shirley Olson)*
- Position # 5 – Ron Schmitt (Term expires: July 31, 2010) – Requested to be reappointed
- Position # 7 – *Vacant (previously held by Bob Bandarra)*
- Position # 8 – Bill Rickard (Term expired: July 31, 2009) – Requested to be reappointed
- Position # 9 – Carl Weimer (Term expires: July 31, 2010)
- Position # 10 – George Hill (Term expired: July 31, 2009)
- Position # 11 – Duane Henderson (Term expired: July 31, 2009)
- Position # 12 – David Knoelke (Term expires: July 31, 2010)
- Position # 13 – Grant Jensen (Term expires: July 31, 2010)

3. **UTC Update**

- Joe Subsits was appointed as the Pipeline Program Chief Engineer. Joe has been with the pipeline safety program for over ten years.

- Dave Cullom has filled the vacant Pipeline Safety Engineer position. Dave was part of the Pipeline Safety Program as a GIS Specialist, but then transferred to the UTC Information Services.
- UTC Pipeline Program PHMSA Annual Audit – The audit will be conducted during the week of April 19, 2010. The field portion of the audit will be conducted during the week of May 17, 2010.
- Legislative Update – The provisions of E2SHB 2617, encourage class 1 groups such as this committee to reduce travel, lodging and other costs associated with their meetings. As a result, for the remainder of this biennium, there will be no tours or travel to other locations for committee meetings.

4. **Damage Prevention**

- RCW 19.122 Work Group Progress-consensus to date, open issues, and timeline to 2011 legislative session

Alan and Ron briefed the committee on the progress of the Dig Law Group. The group appears to recognize that some agency will need to enforce any new statute. Dig Law Work group (members) heard from Michael Thompson, Oregon State PUC who reported that they enforce the Dig Law in Oregon. At present, several members have been identified to start working on draft bill language. It is planned that a draft bill will be ready for distribution to stakeholders by July 1, 2010. By December 1, 2010, the group hopes to have a bill that is either supported by all members or at minimum no one will oppose the proposal. At that point, work will begin with legislative staff.

The committee discussed at length how enforcement of the dig law works in Oregon. The Oregon PUC utilizes a stakeholder advisory group to recommend potential enforcement action. This model appears to be supported by work group.

The next dig law meeting will be April 7, 2010 at the UTC. The April 13, 2010 meeting will be held at the Olympic Renton facility.

5. **Land Use**

- Implementation of Association of Washington Cities Technical Assistance Grant
Carl gave a brief update on the Pipeline Trust's work related to the Technical Assistance Grant. A more extensive PowerPoint presentation has been developed to help local governments understand this issue.
- Whatcom County Ordinance Proposal
Bob drafted a letter on behalf of the committee in support of the Whatcom County Pipeline Safety & Development Changes as proposed in Docket # ZON2007-00014. Bob would like the letter to be reviewed, adopted and sent out today as the hearing will be held tonight.

Carl summarized his PowerPoint presentation that will be presented to the Whatcom County Planning Commission. (*This document is posted on the CCOPS website*).

Marina pointed out within the first sentence, the docket number was written in error, (Docket #ZON207-00014). VaNessa moved to approve the letter with the following changes: 1) Remove the draft, and 2) correct the Docket number. Art seconded and motion approved unanimously. (*Note: During the meeting, Carl sent this letter via email on behalf of the Committee to Whatcom County Planning Commission*).

- SEPA Checklist Update

Kelli Gustaff of DOE reported that Bill Rickard is still working on proposed language to be added to the guidance document for the SEPA checklist. Kelli read a paragraph that Bill intends to add to the guidance document that addresses Environmental Hazards.

“Describe pre-existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous materials pipeline located within the project area and within 660 feet of the project area. For example, location of the petroleum pipeline within 660 feet of the project site poses a potential hazard during planning development and operating life of the project.”

Both UTC and NPMS websites were also added as additional information to this draft language.

Carl stated that the draft language was good, but suggested including natural gas in the proposed language. Kelli and Bill will continue working on this draft language. Bob suggested sending it out to members for review once it's finalized. The final proposed language will be reviewed and adopted at the next meeting.

6. Future Direction and Action Plan for CCOPS

Bob summarized the details of the recent meeting that he attended with VaNessa, Carl and UTC senior management representatives. The meeting included discussion of the committee's purpose and past accomplishments. In addition, they discussed the committee's future direction, and the need to select goals having tangible and measurable outcomes.

Marina reminded the committee of their commitment at the November meeting that the 2008-2009 annual report will be drafted for distribution. Carl moved and Ron seconded that the information prepared for the defense of the committee before the 2010 legislature be utilized for development of this annual report. The draft is to be reviewed and adopted at the May 2010 meeting. Motion passed unanimously.

The CCOPS Focus paper was distributed to members. Carl summarized the elements in the paper. (*This document is posted on the CCOPS website*).

- Community & Committee Education & Involvement

There was considerable discussion regarding the possibility of a Washington Pipeline Safety Conference in cooperation with the Pipeline Safety Trust. Bob said this item

needs to be considered and discussed further in a future meeting. Bob appointed Carl, Ron and Grant to explore the possibility of a damage prevention conference this year.

Bob talked about the collection of local pipeline issues by contacting key individuals in different regions of the state. Perhaps the first effort would be to contact local planning officials in attempt to gain interest in land use around pipelines. The following local authority assignments were agreed upon:

- Bob A. – King County
- Carl - Whatcom and Skagit Counties
- Ron – Snohomish and Pierce Counties
- Art – Tri-Cities
- VaNessa – Skamania, Clark and Cowlitz Counties
- Bill – Spokane, Grant and Lincoln Counties
- Grant – Mason and Grays Harbor Counties

Carl will provide brief talking points for use by the members when they make contact with the local planning officials.

- Pipeline Safety Oversight

Bob asked Kelli Gustaf with the DOE to provide the Spill Drill Update. Kelli will send a website link to Marina to be forwarded to the members.

The UTC will continue providing updates on the inspection program, PHMSA's audit and other items of interest.

Operators were asked to develop topic areas for possible consideration at future meeting.

- Committee Policy Initiatives

Bob discussed an initiative the committee needs to be focused on. Damage Prevention appears to be the primary focus at present. This will be especially important if legislative amending RCW 19.122 is proposed. Land use may be another initiative that will demand some attention. Bob will update the CCOPS focus and distribute it to members.

Members discussed whether four meetings a year is adequate. Bylaws state meetings are conducted four times a year, and additional meeting may be held if needed. Members agreed that if additional meetings are needed, perhaps they can be more focused and held via conference call.

VaNessa expressed concern that there isn't sufficient orientation of new members highlighting expectation as to the time commitment necessary. Bob suggested VaNessa draft a one page document outlining the committee's expectation of members.

7. **Public Comment**

Carl reported the National Conference hosted by Pipeline Safety Trust will be held in New Orleans on November 4 and 5, 2010.

Carl also reported that he had heard that DOE was no longer going to attend the Spill Drills because of budget cuts. Kelli responded that they were not intending to attend Table Top Spill Drills, but would continue to attend and evaluate Equipment Deployment Drills. Carl wondered why this cut has occurred, when it appears that the funding for these drills comes from pipeline money and not state funds. Kelli said that she will check on this issue and respond to Carl.

8. **Next Meeting Location and Agenda Items**

- The next meeting is scheduled for Thursday, May 13, 2010. VaNessa felt the meeting should not be held until the new committee members are appointed due to the problem of achieving a quorum. Committee members unanimously agreed to move the meeting to June 10, 2010 if the new members are not yet appointed. Marina will reserve the meeting facility for both May 13, 2010 and June 10, 2010 in Olympia.
- Future agenda items include:
 - Report to legislature
 - Status on SEPA guidance

Adjourn

The meeting adjourned at 2:30 p.m.