



STATE OF WASHINGTON  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

**CERTIFIED MAIL**

May 11, 2012

Mayor Pat Johnson  
City of Buckley  
PO Box 1960  
933 Main Street  
Buckley, WA 98321

Dear Mayor Johnson:

**RE: 2012 Natural Gas Public Awareness Inspection – City of Buckley**

Staff from the Washington Utilities and Transportation Staff (staff) conducted a Public Awareness effectiveness inspection from March 26-27, 2012 of the City of Buckley (Buckley). The inspection included a review of your Public Awareness Program and associated records.

Our inspection indicates 22 probable violations as noted in the enclosed report which unless corrected, could potentially lead to future violations of state and/or federal pipeline safety rules.

**Your response is needed**

Please review the attached report and respond in writing by June 13, 2012. 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 81.88.040, or
- Institute a complaint, seeking monetary penalties, changes in the company's practices, or other relief authorized by law, or
- Consider the matter resolved without further commission action.

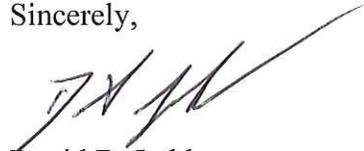


City of Buckley  
2012 Public Awareness Effectiveness inspection  
May 11, 2012  
Page 2

We have not yet decided whether to pursue a complaint or penalty in this matter. Should an administrative law judge decide to pursue a complaint or penalty, your company will have an opportunity to present its position directly to the commissioners.

If you have questions or if we may be of any assistance, please contact Stephanie Zuehlke at (360) 664-1318.

Sincerely,



David D. Lykken  
Pipeline Safety Director

cc. David Schmidt, City Administrator

Enclosure

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**2012 Public Awareness Effectiveness Inspection**  
**City of Buckley**

The following probable violations of Title 49 CFR Part 192 were noted as a result of the 2012 Public Awareness Program (PAP) Inspection of the City of Buckley. The inspection included a review of both your records and Public Awareness Program.

**PROBABLE VIOLATIONS**

1. **49 CFR §192.616 Public Awareness.**
  - (a) *Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).*
    - a. **Finding(s) - Management Support:**  
Buckley failed to identify the implementation roles of employees listed in the PAP.
    - b. **Finding(s) – Management Support:**  
Buckley failed to provide evidence or indication of management participation in the development and implementation of the PAP.
    - c. **Finding(s) – Management Support:**  
Buckley failed to provide oversight of external support resources regarding implementation and evaluation efforts of PAP.
2. **49 CFR §192.616 Public Awareness.**
  - (b) *The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.*
    - a. **Finding(s) - Unique Attributes and Characteristics:**  
Buckley failed to define the specific pipeline assets or systems covered in the program and assess the unique attributes and characteristics of the pipeline and facilities.
3. **49 CFR §192.616 Public Awareness.**
  - (d) *The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:*
    - (1) *Use of a one-call notification system prior to excavation and other damage prevention activities;*

- (2) Possible hazards associated with unintended releases from a gas pipeline facility;
- (3) Physical indications that such a release may have occurred;
- (4) Steps that should be taken for public safety in the event of a gas pipeline release, and;
- (5) Procedures for reporting such an event.
- (e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.
- (f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.

a. **Finding(s) - Stakeholder Audience Identification:**

Buckley's Program Administration failed to provide evidence of a plan that effectively identifies stakeholder audiences including recordkeeping and oversight.

b. **Finding(s) - Stakeholder Audience Identification:**

Buckley failed to provide comprehensive records used to determine each stakeholder audience.

c. **Finding(s) - Stakeholder Audience Identification:**

Buckley failed to verify and review the accuracy of their stakeholder audience lists.

1. Emergency Officials

- i. Local Emergency Planning Commission (LEPC), but there is no LEPC organization identified in this list.
- ii. List includes Homeowners Associations/Groups, but there are no Homeowners Associations/Groups identified in this list.
- iii. Neighborhood Organizations, but there are no Neighborhood Organizations identified in this list.
- iv. Sheriff's Department is not included as a stakeholder in this list.
- v. City of Enumclaw is considered an emergency official by Buckley but it is not identified as a stakeholder in this list.

2. Public Officials – Buckley identified that the neighboring City of Enumclaw was included in their public officials stakeholder audience but PAP did not identify as such.

4. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

- a. **Finding(s) - Message frequency and message delivery:**  
Buckley failed to implement and deliver their baseline and supplemental message information in accordance with their written program for all stakeholder audiences.
- b. **Finding(s) - Message frequency and message delivery:**  
Buckley failed to define the combination of message, delivery method, and delivery frequency to comprehensively reach all stakeholders. Buckley failed to remove template language from their PAP, such as reference to language in Frequencies of Supplemental Message “as necessary” uses the language “Examples” in Section #2.
- c. **Finding(s) - Message frequency and message delivery:**  
Buckley failed to provide records for delivery method and delivery frequencies for:
  - 1. Affected Public
  - 2. Public Officials
  - 3. Excavators

5. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*
- (i) *The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.*

**Finding(s) - Written Evaluation Plan:**

Buckley failed to evaluate their program implementation and effectiveness including required evaluation frequency.

- a. Buckley failed to provide records showing completion of annual evaluations.
- b. Buckley’s written program evaluation plan is ineffective and missing procedures for completion of activities. Buckley does not have a process to complete recordkeeping and oversight activities in their plan.
- c. Buckley failed to document their sample size and margin-of-error for stakeholder audience surveys and feedback for baseline and effectiveness evaluations.
- d. Buckley failed to provide records regarding continual improvements as a result of their self-assessment tasks.

6. **49 CFR §192.616 Public Awareness.**

- (g) *The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.*

**Finding(s) – English and other languages:**

Buckley's plan failed to identify the threshold and frequency process by which they will determine the need for an alternate language review.

7. **49 CFR §192.616 Public Awareness.**

- (d) *The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:*
- (1) *Use of a one-call notification system prior to excavation and other damage prevention activities;*
  - (2) *Possible hazards associated with unintended releases from a gas pipeline facility;*
  - (3) *Physical indications that such a release may have occurred;*
  - (4) *Steps that should be taken for public safety in the event of a gas pipeline release; and*
  - (5) *Procedures for reporting such an event.*
- (f) *The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.*

a. **Finding(s) – Message type and content:**

Buckley failed to provide records to verify all information was delivered to each of the stakeholder audiences.

b. **Finding(s) – Message type and content:**

Buckley failed to provide evidence that all required message type and content were delivered to each of the primary stakeholder audiences.

8. **49 CFR §192.616 Public Awareness.**

- (e) *The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.*
- (f) *The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.*

**Finding(s) – Messages on pipeline facility locations:**

Buckley failed to provide evidence that they delivered Buckley's emergency plan to Public Officials, Emergency Officials (including Sheriff's Department), and Excavator stakeholders as identified in the PAP.

9. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

- a. **Finding(s) - Baseline Message Delivery Frequency:**  
Buckley failed to provide records evidencing *what* they provided to all stakeholders in each and every identified message that they were to deliver.
- b. **Finding(s) - Baseline Message Delivery Frequency:**  
Buckley failed to provide records evidencing *when* they provided information to all stakeholders in each and every identified message that they were to deliver.

10. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) - Considerations for Supplemental Program Enhancements:**

Buckley considered relevant factors for supplemental enhancements but failed to effectively address them.

- a. Buckley failed to provide documentation that audiences were provided all of the information content described in their plan.
- b. Buckley failed to address supplemental messages and activities with the required frequency for all stakeholders.

11. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

- a. **Finding(s) - Maintaining Liaison with Emergency Response Officials:**  
Buckley's plan failed to identify how they will maintain their liaison relationship with all required emergency officials. (Buckley identifies the City of Enumclaw as a Public Official stakeholder – if Enumclaw complete emergency response for the City of Buckley, they should be added to Buckley's emergency response officials stakeholder listing).

- b. **Finding(s) - Maintaining Liaison with Emergency Response Officials:**  
Buckley failed to provide records evidencing the maintaining of a liaison relationship with all required emergency officials.

- c. **Finding(s) - Maintaining Liaison with Emergency Response Officials:**  
Buckley failed to provide records evidencing what/whether emergency response organizations have adequate and proper resources to respond. Buckley's PAP does not include any mutual assistance information.

12. **49 CFR §192.615 Emergency plans.**

- (c) *Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:*
- (1) *Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;*
  - (2) *Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;*
  - (3) *Identify the types of gas pipeline emergencies of which the operator notifies the officials; and,*
  - (4) *Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.*

a. **Finding(s):**

Buckley failed to provide records evidencing they have established and maintained liaison with appropriate fire, police, and other public officials.

b. **Finding(s):**

Buckley failed to provide records evidencing that they learned the responsibility and resources of each government organization that may respond to a gas pipeline emergency. (Buckley's PAP identifies they will also provide a copy of their emergency plan to public officials).

13. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*
- (i) *The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.*

a. **Finding(s) – Measuring program implementation:**

Buckley failed to include a process for the completion of self-audits.

b. **Finding(s) – Measuring program implementation:**

Buckley's PAP failed to include methodologies used to measure their program implementation.

14. **49 CFR §192.616 Public Awareness.**

- (c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Acceptable methods for program implementation audits:**

Buckley failed to identify the method used to complete the PAP annual audit/review of its program implementation.

15. **49 CFR §192.616 Public Awareness.**

*(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

a. **Finding(s) – Program Changes and Improvements:**

Buckley failed to develop and implement changes in its program as a result of their annual assessment audit.

b. **Finding(s) – Program Changes and Improvements:**

Buckley's plan failed to identify a timeframe for changes/improvements/corrective action documented in their annual audit/review.

16. **49 CFR §192.616 Public Awareness.**

*(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Evaluating program effectiveness:**

Buckley failed to complete an effectiveness evaluation of their program that meets with regulatory requirements.

17. **49 CFR §192.616 Public Awareness.**

*(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Measure program outreach:**

Buckley failed to measure program outreach by tracking actual program outreach for each stakeholder audience within all areas along all assets and systems covered by their program.

18. **49 CFR §192.616 Public Awareness.**

*(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance*

*with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Measure percentage stakeholder reached:**

Buckley failed to demonstrate how they measure the percentage of stakeholders reached.

19. **49 CFR §192.616 Public Awareness.**

(c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Measure understandability of message content:**

Buckley failed to evaluate effectiveness and assess the percentage of intended stakeholder audiences that understood and retained the key information in messages received, within all assets and systems covered by its program.

20. **49 CFR §192.616 Public Awareness.**

(c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Measure Desired Stakeholder Behavior:**

Buckley failed to evaluate effectiveness and examine results to determine if the stakeholders have demonstrated the intended learned prevention behaviors.

21. **49 CFR §192.616 Public Awareness.**

(c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

**Finding(s) – Measure Bottom-Line Results:**

Buckley considered but failed to evaluate effectiveness and examine bottom-line results of its program.

22. **49 CFR §192.616 Public Awareness.**

(c) *The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.*

- a. **Finding(s) – Program changes:**  
Buckley’s PAP failed to include procedures for implementation of program changes.
  
- b. **Finding(s) – Program changes:**  
Buckley failed to address why no improvements for stakeholder groups are included in bottom line results for changes.
  
- c. **Finding(s) – Program changes:**  
Buckley’s PAP failed to include a definition, recordkeeping, and procedure associated with the program language “Targeted distribution of print materials.”