

Washington State Citizens Committee on Pipeline Safety

Meeting Minutes

Whatcom County Public Works
Garden Level Conference Room
322 N Commercial Street
Bellingham WA 98225**Present members:**David Taylor, Chair
Ron Bowen, Vice-chair
Bob Beaumier
Greg Baruso
Juliana Williams
Randy Tarter
Carl Weimer
Ron Schmitt
Jody Morehouse**Absent members:**Nick Peelo
Janet Alderton**Other attendees:**Alan Rathbun, UTC Pipeline Safety Program
Joe Subsits, UTC Pipeline Safety Program
Marina Woodard, UTC Safety and Consumer Protection Division
Denise Crawford, UTC Pipeline Safety Program
Lynda Holloway, UTC Pipeline Safety Program
Debbie Becker, UTC Pipeline Safety Program
Anna Gill, UTC Media and Communications
Vicki Ganow, Cascade Natural Gas Corporation
Scott Zimmerman, Dept. of Ecology**Agenda Items:**

- 1) **Welcome, Meeting Protocols, Introduction and Adoption of May 5, 2016 Minutes**
The meeting was brought to order by Dave Taylor who welcomed all attendees. In a unanimous vote, the Committee adopted the May 5, 2016 meeting minutes as written.
- 2) **Observations of Sept. 22, 2016 Tour**
Witnessing a pipeline that ran through homeowners' back yards was very concerning. In some instances there was construction of a patio or gazebo over the pipeline. Most of the areas are patrolled aerially because of the difficulty in accessing the homeowners' property, per Randy Tarter. Members engaged in a land use discussion.

Randy Tarter discussed the concern in urban areas and the lack of awareness. How does one make the developer aware of the pipeline before they have invested money in the property? Typically the developer finds out about the pipeline after the plat has been engineered. Whatcom County developed a consultation zone that works out very well where conversation is initiated before engaging in extensive planning/engineering.

Bob Beaumier discussed the need to increase awareness of local government and the presence of pipelines right away so it is included in the earliest stages of planning.

Alan Rathbun discussed an option to have Ecology include pipeline information on the State Environmental Policy Act (SEPA) checklist. He further explained that while not aware of current requirements this may require a change in the administrative code.

Juliana Williams remarked on the geological aspect of the tour. She was amazed that there haven't been more incidents given that the land is always moving due to weather and construction.

Member activities, information update since last meeting

Dave Taylor participated in a Call Before You Dig conference in Renton. There were about 40-50 people in attendance, including stakeholders, contractors, first responders and several members of the commission. Proposed legislation for modifying the Dig Law was discussed.

Dave also attended a conference for the Association of Washington Cities (AWC) last June, in Renton. He had hoped to be placed on the agenda for a break out session to discuss underground infrastructure within their cities.

Carl Weimer reported that Petrogas, out of Calgary, has recently taken over the Alcoa aluminum pier at Cherry Point in Whatcom County. Petrogas currently uses that pier to export LPG out of Cherry Point, and has recently begun bringing additional LPG into the facility by rail, which has raised concerns about the extent of any planned expansion of that facility. Williams is proposing a pipeline through Whatcom County that would go from Cherry Point and end on Vancouver Island and used to fuel two LNG export facilities.

A huge pipeline expansion is occurring just north of the border. Kinder Morgan is in the permitting stage which would bring the line into Burnaby, making it larger than the Keystone Pipeline, and would be used to export crude oil to China. Some in British Columbia have suggested that a safer route would be to cross the U.S. border at Sumas and export the crude oil from facilities at Cherry Point in Whatcom County.

Whatcom County recently passed a temporary moratorium on the permitting of the export of unrefined fuels out of the county. The moratorium was written so that it would not affect any of the current interstate commerce. The moratorium is granting the county time to determine the level of authority available to them when reviewing permits that might

expand the export of fossil fuels out of Cherry Point. Carl Weimer reported he has received 4,000 letters in the last week, thanking the county for the moratorium.

Randy Tarter expanded on the proposal for the Williams pipeline that would move natural gas from Sumas to an LNG facility on Vancouver Island, and stated it is still in preliminary stages.

Bob Beaumier announced that the AWC city attorney conference will be held the first week in October. This is a twice a year opportunity for him to talk to the attorneys about land use. He would like to have some resources for model ordinances.

Carl Weimer responded that the Municipal Research and Services Center (MRSC) website is good resource and Jim Doherty would be a good contact person.

3) **Potential CCOPS role in land planning and pipelines**

Carl Weimer reported that there are currently only 8-10 local government agencies that are actively involved in land use planning around pipelines. About eight years ago, the committee members were actively involved in talking to local government officials about land use planning issues.

Juliana Williams requested information about the actions committee members took in engaging their local government officials, which counties/cities have adopted ordinances, and what resources exist to assist in the process.

Action(s)

Carl Weimer sent the members a link (during the meeting) with information requested by Juliana. The link provides information on model ordinances, federal information, and land use discussions. <http://pstrust.org/trust-initiatives-programs/planning-near-pipelines/> Carl Weimer suggested that the members review this information and discuss options available during the next meeting.

Alan Rathbun reminded the committee that if there was interest, it can be placed on the next agenda for discussion and planning further activities.

Juliana Williams agreed that the committee members need to review the information and during the next meeting determine next steps and who the committee needs to contact for further involvement. Julianna Williams asked the committee who is going to do some of the background research for the committee and who can gather the information about what the committee did eight years ago?

Action(s)

Staff will gather the documents and provide links for the committee to read and research. A full hour discussion can be set aside on the next agenda for planning.

4) **Update on potential UTC request legislation on the Dig Law - RCW 19.122**

Debbie Becker provided the following update:

A stakeholder meeting was held in May to discuss several updates to RCW 19.122. After the meeting, UTC staff redrafted the law and added the comprehensive updates that were discussed at the meeting. The UTC's Policy Planning and Research staff conducted another round of stakeholder outreach and found that there is a need for a larger stakeholder process and that it would be best to wait until next session to submit legislation on the comprehensive changes. UTC senior management staff decided to move forward with a limited bill that would eliminate the expiration provisions of the Dig Law, which expires in December 2020. This request was submitted to OFM on Sept. 16, 2016.

Alan Rathbun reported that there were a couple of changes to the law where stakeholder consensus was not achieved. One of the proposed changes was related to "positive response." This requires the excavator receive a "positive response" from the utility indicating locates have been completed.

5) **UTC Update**

Alan Rathbun provided the following UTC updates:

Annual PHMSA Audit for 2015

Staff from PHMSA performed an audit of the UTC Pipeline Safety Program during the week of Sept. 12-16. The audit consisted of a records review of the 2015 work year and a field audit that will be performed during the week of Sept. 26. UTC staff feels it was a successful audit. It will be a several months before we receive formal findings of the audit.

Damage Prevention Program Audit by PHMSA

The Damage Prevention Program has not received the official results from the PHMSA audit completed in April. The program was informally notified by PHMSA that it received an "adequate" rating. The rating scale is "adequate" or "inadequate." Montana and Idaho have received "inadequate" ratings due to the lack of an enforcement mechanism in their Dig Law statutes. When a state receives an "inadequate" rating, PHMSA could step in and enforce the Dig Law under federal code. PHMSA can also reduce the federal funding to the state by 5% if it is found to be "inadequate." One of the recommendations PHMSA had for Washington's program is to show a balance in enforcement and consider action against operators for inaccurate locates.

Bob Beaumier asked if the UTC could take action against local municipalities under the Dig Law? Alan Rathbun responded by explaining UTC's direct enforcement authority is very limited. Action can be taken under three circumstances:

1. When a pipeline is damaged and there are no locates
2. Digging within 35 feet of a transmission pipeline, without a locate
3. Destruction of pipeline markers

Any other violation of RCW 19.122 must go before the Washington State Dig Law Safety Committee, comprised of 13 members who evaluate complaints and refer them to the UTC for enforcement action.

UTC website Update

Update provided by Anna Gill.

The commission's website is in the process of being upgraded to a newer version of SharePoint. The upgrade will allow the information to be streamlined and making information easier to find. Links not being used were removed from the website and more popular links were made more visible.

Report on US DOT Significant Rulemakings

Alan Rathbun provided an update on DOT rulemakings (*this document posted on CCOPS website*).

Reauthorization of Pipeline and Hazardous Materials Safety Administration (PHMSA) – 2016 PIPES Act

A few of the major elements of the federal statute unanimously passed last June. The items discussed:

1. Directing PHMSA to define and adopt safety statutes for underground gas storage.
2. PHMSA was granted the ability to issue emergency orders.
3. Congress also directed that both PHMSA and the States have to conduct a post inspection briefing with the operator, within 30 days of the inspection and provide written comments within 90 days.

National Association of Pipeline Safety Representative (NAPSR) National Meeting – Sept 26-30, 2016

Alan Rathbun and Joe Subsits will be attending the NAPSR National Meeting next week. NAPSR has meetings twice a year, one at a regional level and another at the national level. The 2017 regional meeting will be held in Idaho and Washington State will be the host in 2018.

PG-150120 Complaint against Cascade Natural Gas Corporation (CNGC)

Pipeline safety regulators filed a complaint against CNGC on July 12, 2016, for violating state and federal pipeline safety regulations. The commission alleges that the company failed to maintain records and documentation on the Maximum Allowable Operating Pressure for at least 116 pipeline segments. Pipeline safety staff requested that the commission impose the maximum penalty of \$4 million. (*This document posted on CCOPS website*)

Greenwood Incident

On September 20, 2016, the UTC released the investigation report on the March 9, 2016 natural gas explosion in the Greenwood neighborhood of Seattle. As a result of the investigation, UTC filed a formal complaint against PSE alleging the company committed 17 violations of the pipeline safety regulations and recommended a penalty of up to \$3.2 million. (*This document posted on CCOPS website*)

Damage Prevention Update

Lynda Holloway provided the following Damage Prevention Updates:

Q2 2016 DIRT Analysis

PHMSA recommended UTC change how damages are reported under the Damage Prevention program. Previously, damages were reported per 100 locates. The national standard is to report based upon the number of damages per 1,000 locates. The current program evaluation was reviewed by Lynda Holloway. *(This document posted on CCOPS website.)*

PHMSA Damage Prevention Grant

The UTC Damage Prevention Program applied for a \$100,000 grant. PHMSA awarded \$71,350. The program is going to use the money for enhanced outreach and 811 brand awareness.

Washington Dig Law Safety Committee

The Safety Committee reviewed two excavator complaints September 21, 2016. The complaints were filed by the City of Lacey. There were a total of four complaints filed against each excavator. The committee sent penalty recommendations to the UTC for consideration.

Utilities Coordinating Council (UCC) Joint States Meeting – Coeur D’Alene, ID – Sept. 26-30, 2016

Lynda Holloway will be attending the meeting. Sam Hall from PHMSA will be giving a presentation on the federal damage prevention law. Jody Morehouse of Avista will also be a presenter at the meeting.

6) **Update on Pipeline Safety Trust Conference – New Orleans, LA**

Carl Weimer reported that the Pipeline Safety Trust Conference will be held on October 20-21, 2016. Ron Schmidt, Joe Subsits, and Debbie Becker will be attending the conference this year.

7) **Department of Ecology Update**

Scott Zimmerman provided the Department of Ecology update. *(This document posted on CCOPS website)*

8) **Public Comments**

No public comments.

9) **Other Business and Next Agenda Items**

Land use planning – Julianna Williams would like to address preparation, prevention, detection, and response.

Washington Dig Law Safety Committee – a review of the role in enforcement.

Adjourn

The meeting adjourned at 11:35am