



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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Sent via email

8/12/2022

Brent Snow
Property Manager
The New Roche Harbor
292 Reuben Memorial Drive
Friday Harbor WA 98502

RE: 2022 Liquefied Petroleum Gas Standard Inspection – The New Roche Harbor -Roche Harbor Resort – (Insp. No. 8446)

Dear Mr. Snow:

Staff from the Washington Utilities and Transportation Commission (staff) conducted a liquefied petroleum gas standard inspection of The New Roche Harbor – Roche Harbor Resort (NRH) from 06/08 to 06/09/22. This inspection included a procedures and records review, as well as a field inspection of the container and pipeline facilities.

Our inspection indicates 12 probable violation(s) as noted in the enclosed report.

Your response needed

Please review the attached report and respond in writing by September 13, 2022. 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 81.04.405](#); or
- Issue a complaint under [RCW 81.88.040](#), seeking monetary penalties, changes in the company's practices, or other relief authorized by law, and justified by the circumstances. Any pipeline company that violates any pipeline safety provision of any commission order, or any rule in this chapter including those rules adopted by reference, or chapter [81.88](#) RCW is subject to a civil penalty not to exceed \$239,142 for each violation for

each day that the violation persists. The maximum civil penalty for a related series of violations is \$2,391,412; or

- Consider the matter resolved without further commission action.

We have not yet decided whether to pursue a penalty or complaint in this matter. Should the commission decide to assess a penalty or initiate a complaint, your company will have an opportunity to respond and formally present its position.

If you have any questions or if we may be of any assistance, please contact Anthony Dorrough at (360) 481-4035. Please refer to the subject matter described above in any future correspondence pertaining to this inspection.

Sincerely,

Sean C. Mayo
Pipeline Safety Director

cc: Jason Miniken, Facilities Manager, Roche Harbor Resort
Mike Sims, Principal, M.L. Sims LP Gas Consulting, LLC

UTILITIES AND TRANSPORTATION COMMISSION
2022 Liquefied Petroleum Gas Standard Pipeline Safety Inspection
The New Roche Harbor – Roche Harbor Resort

The following probable violations of Title 49 CFR Part 192 and WAC 480-93 and NFPA 58 were noted as a result of the 2022 inspection of the The New Roche Harbor-Roche Harbor Resort (NRH). The inspection included a review of all operation and maintenance (O&M), emergency response, inventory records, and a field inspection of the container and pipeline facilities.

PROBABLE VIOLATIONS

1. 49 CFR §192.383(e)(5) Excess flow valve installation.

(e) Operator notification of customers concerning EFV installation. Operators must notify customers of their right to request an EFV in the following manner:

(5) Operators of master-meter systems and liquefied petroleum gas (LPG) operators with fewer than 100 customers may continuously post a general notification in a prominent location frequented by customers.

Finding(s):

There were no records to support that existing private/residential customers before 2017 were ever notified. This would not apply to any commercial NRH services as they would not be considered customers as it pertains to this pipeline system.

2. 49 CFR §192.605(a) Procedural manual for operations, maintenance and emergencies.

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

Finding(s):

There were no records to support that procedures were established for prevention of accidental ignition.

3. 49 CFR §192.615(a) Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(1) Receiving, identifying, and classifying notices of events which require immediate response by the operator.

(2) Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials.

(3) Prompt and effective response to a notice of each type of emergency, including the following:

- (i) Gas detected inside or near a building.*
- (ii) Fire located near or directly involving a pipeline facility.*
- (iii) Explosion occurring near or directly involving a pipeline facility.*
- (iv) Natural disaster.*
- (4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.*
- (5) Actions directed toward protecting people first and then property.*
- (6) Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.*
- (7) Making safe any actual or potential hazard to life or property.*
- (8) Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.*
- (9) Safely restoring any service outage.*
- (10) Beginning action under § 192.617, if applicable, as soon after the end of the emergency as possible.*
- (11) Actions required to be taken by a controller during an emergency in accordance with § 192.631.*

Finding(s):

There were no records to support that any emergency procedures have been established.

4. 49 CFR §192.615(B)(1) and (b)(2) Emergency plans.

(b) Each operator shall:

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

Finding(s):

No emergency procedures have been established. There were no records to support that operating personnel received any training on emergency procedures or verification of the training effectiveness.

5. 49 CFR §192.616(j) Public awareness.

(j) Unless the operator transports gas as a primary activity, the operator of a master meter or petroleum gas system is not required to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section. Instead the operator must develop and implement a written procedure to provide its customers public awareness messages twice annually. If the master meter or petroleum gas system is located on property the operator does not control, the operator must provide similar messages twice annually to persons controlling the property. The public awareness message must include:

- (1) A description of the purpose and reliability of the pipeline;*
- (2) An overview of the hazards of the pipeline and prevention measures used;*
- (3) Information about damage prevention;*
- (4) How to recognize and respond to a leak; and*

(5) *How to get additional information.*

Finding(s):

There were no records to support the development and implementation of a written procedure to provide public awareness messages twice annually to customers/users.

6. WAC 480-93-015(4) Odorization of gas

(4) Each gas pipeline company must follow the odorant testing instrument manufacturer's recommendations for maintaining, testing for accuracy, calibrating and operating such instruments. When the manufacturer does not provide a recommendation, each gas pipeline company must conduct accuracy checks and calibrate such instruments at least once annually, if the instrument is outside specified tolerances.

Finding(s):

There were no records to support compliance with this requirement.

7. WAC 480-93-015(5) Odorization of gas

5) Each gas pipeline company must keep all records of odorant usage, sniff tests performed, and odorant testing instrument calibration for five years.

Finding(s):

There were no records to support compliance with this requirement.

8. WAC 480-93-140(2) Service regulators

(2) Each gas pipeline company must inspect and test service regulators and associated safety devices during the initial turn-on, and when a customer experiences a pressure problem. Testing must include determining the gas regulator's outlet set pressure at a specified flow rate. Each gas pipeline company must use pressure gauges downstream of the regulator during testing. Safety devices such as fracture discs are not required to be tested.

Finding(s):

There were no records to support that there was a procedure for testing and that services regulators had been tested during the initial turn-on.

9. WAC 480-93-188(2) Gas leak surveys

(2) Each gas pipeline company must maintain, test for accuracy, calibrate and operate gas detection instruments in accordance with the manufacturer's recommendations. If there are no written manufacturer's recommendations or schedules, then the gas pipeline company must test such instruments for accuracy at least monthly, but not to exceed forty-five days between testing, and at least twelve times per year. The gas pipeline company must recalibrate or remove from service any such instrument that does not meet applicable tolerances. Records of accuracy checks, calibration and other maintenance performed must be maintained for five years.

Finding(s):

There were no records to support compliance with this requirement.

10. 49 CFR §192.11(b) Petroleum gas systems.

(b) Each pipeline system subject to this part that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this part and of ANSI/NFPA 58 and 59.

NFPA 58 5.7.5.1 Materials

Pipe or tubing used to vent regulators shall be one of the following:

- (1) Metal pipe and tubing in accordance with 5.8.3*
- (2) PVC meeting the requirements of UL 651, Schedule 40 or 80 Rigid PVC Conduit*

Finding(s):

Staff noted that at multiple locations on services, some of the PVC was the wrong type.

11. 49 CFR §192.11(b) Petroleum gas systems.

(b) Each pipeline system subject to this part that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this part and of ANSI/NFPA 58 and 59.

NFPA 58 6.10.9 Emergency shutoff valves

Emergency shutoff valves and backflow check valves required by the code shall be tested annually for the functions required by 5.10.4. The results of the tests shall be documented.

Finding(s):

There were no records to support compliance with this requirement.

12. 49 CFR §192.11(b) Petroleum gas systems.

(b) Each pipeline system subject to this part that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this part and of ANSI/NFPA 58 and 59.

NFPA 58 6.11 Hydrostatic relief valve installation

A hydrostatic relief valve or a device providing pressure-relieving protection shall be installed in each section of piping and hose in which liquid LP-Gas can be isolated between shutoff valves so as to relieve the pressure that could develop from the trapped liquid to a safe atmosphere or product-retaining section.

Finding(s):

Staff found that a critical section of piping at the newly installed regulator station/pressure relief which was designed to be isolated between shutoff valves needs to have a hydrostatic relief valve per code instead of a normal valve which is what NRH installed.