



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 24, 2022

Via Email

Mr. David W. Danner
Chairman
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Dear Chairman Danner:

On April 7, 2022, the Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the pipeline safety program activities carried out by the Washington Utilities and Transportation Commission (WUTC) in Calendar Year (CY) 2021. This evaluation included a review of annual Progress Report documents and pipeline program procedures and records. Observation of pipeline operator inspections by WUTC staff was conducted on May 24-26, and June 6-8, 2022.

PHMSA conducted our evaluation pursuant to Sections 60105(e) and 60106(d) of Title 49 of the United States Code, which authorizes PHMSA to monitor state pipeline safety programs. This annual evaluation is designed to ensure compliance with the Pipeline Safety Act requirements and to provide information that will allow PHMSA to determine the state's total pipeline safety grant score for the upcoming year.

PHMSA assesses the overall performance of a state's pipeline safety program by scoring information contained in the pipeline safety program Progress Report and by conducting a Program Evaluation. Detailed results are below.

I. Progress Report Review

For CY 2021, the WUTC Gas Pipeline Safety Program scored 50 out of a possible 50 points. The WUTC Hazardous Liquid Pipeline Safety Program scored 50 out of a possible 50 points.

II. Program Evaluation Review

For CY 2021, the WUTC Gas Safety Program scored 100 out of a possible 100 points and the WUTC Hazardous Liquid Safety Program scored 91 out of a possible 96 points.

1. Inspections of pipeline operators must be made in a positive, constructive, and comprehensive manner. The effectiveness of the state agency's pipeline safety efforts depends on information obtained through inspections and evaluation of operator compliance.

Our observation of WUTC staff's June 6-8, 2022, inspection of the BP-Olympics' Intrastate Crude Oil and Butane Pipeline facilities revealed that the inspector failed to review records related to right-of-way (ROW) patrolling performed including ROW conditions, markers, crossings, and possible mitigation efforts performed. Only a cursory review of Public Awareness and Damage Prevention elements was conducted and did not encompass calendar years 2019, 2020, and 2021 as intended. Questions, where the record review was not adequate, were marked with a satisfactory result on the inspection form and were communicated as such to the operator during the exit interview. Five points were deducted for not conducting an adequate records review to properly determine operator compliance.

As you may be aware, PHMSA and the National Association of Pipeline Safety Representatives developed a set of performance metrics that are available to the public on PHMSA's stakeholder communication website, <http://primis.phmsa.dot.gov/comm/states.htm>. These metrics relate to the state's leak management, incident investigations, and damage prevention program, as well as its inspector qualification, inspection, and enforcement activities. PHMSA expects each state pipeline safety program to review these metrics and take action, as necessary, to continuously improve performance trends, thereby supporting enhanced pipeline safety.

Please provide your response to the item above within 60 days of your receipt of this letter to avoid losing performance points on next year's evaluation. The response should be addressed to me at 3700 S. MacArthur Blvd., Suite B, Oklahoma City, Oklahoma 73179-7612. Additionally, please email a PDF of your signed response to zach.barrett@dot.gov and don.martin@dot.gov.

I appreciate your continuing commitment to the pipeline safety program. Thank you for your continued support of pipeline safety.

Sincerely,



Zach Barrett
Director, State Programs

cc: Mr. Sean Mayo, Director of Pipeline Safety, WUTC
Mr. Dustin Hubbard, Director, PHMSA Western Region, PHP-500
Mr. David Lykken, PHMSA State Evaluator, PHP-50