

2420-S2

Sponsor(s): House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire)

Brief Description: Providing for oil and gas pipeline safety.

HB 2420-S2.E - DIGEST

(DIGEST AS ENACTED)

Declares an intent to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington.

Finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

Recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

Declares an intent that the governor work with the state congressional delegation in seeking: (1) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(2) state authority to administer and enforce federal requirements related to pipeline safety; and

(3) higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

Acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, and recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

Directs the commission to develop, in consultation with representatives of hazardous liquid pipeline companies, gas pipeline companies, local governments, and the excavation and construction industries: (1) A curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas pipelines; and

(2) a plan for distribution of the curricula.

Directs the commission to require hazardous liquid pipeline companies, and gas pipeline companies with interstate pipelines, gas transmission pipelines, or gas pipelines operating over two hundred fifty pounds per square inch gauge, to provide accurate maps of their pipeline to specifications developed by the

commission sufficient to meet the needs of first responders including installation depth information when known.

Transfers all powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 81.88, 80.24, and 81.24 RCW, to the department of ecology effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines, or upon such earlier date as the office of financial management may determine in the event that federal law is amended to remove all or part of the federal preemption of state regulation of hazardous liquid pipelines.

Establishes the citizens committee on pipeline safety to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance.

Provides that, before commencing any excavation, excluding agricultural tilling less than twelve inches in depth, an excavator shall notify pipeline companies of the scheduled commencement of excavation through a one-number locator service in the same manner as is required for notifying owners of underground facilities of excavation work under RCW 19.122.030.

Directs the chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, to, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations: (1) Evaluate the preparedness of local first responders in meeting emergency management demands under this act; and

(2) conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

Directs the chief of the Washington state patrol, through the director of fire protection or his or her deputy, to develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents.

Declares that any person who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

Declares that any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

Declares that all civil penalties recovered under this section relating to hazardous liquid pipelines shall be deposited into the hazardous liquid pipeline safety account created in this act. All civil penalties recovered under this act relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.

VETO MESSAGE ON HB 2420-S2

March 28, 2000

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Engrossed Second Substitute House Bill No. 2420 entitled:

"AN ACT Relating to oil and gas pipeline safety;"

This bill authorizes the state to strengthen its pipeline safety programs and to assume responsibility for inspection of interstate hazardous liquid and natural gas pipelines. The federal Office of Pipeline Safety (OPS) has a policy that such inspection should not be delegated to states and, in fact, has recently revoked delegations to other states. In spite of that policy, I have convinced OPS that the state of Washington can do a better job of making certain that these pipelines are safe, and that inspection authority should be delegated to the state.

Our state's ability to implement this bill will be affected by the delegation proposal from OPS. OPS has expressed strong reservations about its delegation if the pipeline safety program is divided between two different agencies. Parts of this bill could be read to transfer inspection authority of both intrastate and interstate hazardous liquid pipelines from the Utilities and Transportation Commission (UTC) to the Department of Ecology (DOE), while leaving authority for natural gas pipelines with UTC. It is essential that we not jeopardize our opportunity to assume oversight responsibility for interstate pipelines by ignoring OPS's concerns.

It is my legal interpretation that the bill does not mandate such a transfer to DOE if OPS delegates inspection authority to UTC. In signing this bill, I anticipate that UTC will regulate all pipelines "intrastate and interstate, hazardous liquid and natural gas" in Washington as an agent of OPS. If problems appear in our implementation of the law, or in our relationship with OPS because of provisions in the bill, the prime sponsors have committed to amending it in the next legislative session.

In order to assume delegation of inspection authority, we will need to hire highly qualified inspectors and provide them with the necessary equipment. I have asked the Legislature to grant a one-time appropriation in the 2000 supplemental budget to allow us to begin work as soon as possible. However, for the longer term we expect to pay for this program with a fee charged to pipeline operators. I expect to work with legislative leadership to address this funding issue.

Section 25 of the bill would have exempted from inspection petroleum pipelines that are wholly owned by an individual and are located wholly on the individual's property. Because the general public may visit such private property or other property in close proximity to such pipelines, section 25 may have allowed unsuspecting citizens to enter sites where hazardous liquid pipelines may be inadequately operated or maintained.

We have learned all too painfully the dangers that can result from a pipeline failure, and cannot allow such a prospect by precluding all government oversight of any pipeline in Washington.

For these reasons, I have vetoed section 25 of Engrossed Second Substitute House Bill No. 2420.

With the exception of section 25, Engrossed Second Substitute House Bill No. 2420 is approved.

Respectfully submitted,
Gary Locke
Governor