

**WSR 23-23-059**  
**EMERGENCY RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed November 8, 2023, 11:42 a.m., effective November 8, 2023, 11:42 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule making is to create an exemption to the odorization requirements of WAC 480-93-015 for operators of renewable natural gas (RNG) pipelines with hydrogen sulfide (H<sub>2</sub>S) present in the gas. WAC 480-93-015(2) currently requires all gas pipeline operators to odorize their lines and perform a sniff test to detect odorization. Because H<sub>2</sub>S is toxic to humans, RNG pipelines where H<sub>2</sub>S is present need to be exempt from the odorization and sniff test requirements to prevent injuries that would be incurred by meeting the sniff test requirement. Through this emergency rule making, to be followed by a permanent rule making, the commission amends WAC 480-93-015 to include the necessary exemption.

Citation of Rules Affected by this Order: Amending WAC 480-93-015.

Statutory Authority for Adoption: RCW 80.01.040, 81.01.010, 81.04.160, and 80.24.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To meet the current odorization requirements of WAC 480-93-015, RNG pipeline operators would need to put employees at significant risk of injury. Performing a sniff test when H<sub>2</sub>S is present in the pipeline exposes the tester to a substance that is toxic and hazardous. Because these tests must be performed on a monthly basis, the delay required by the full notice and comment rule-making procedure would continue to place pipeline operators in the position of choosing between exposing their employees to a hazardous substance or failing to meet their regulatory obligations. Exempting odorization of the lines, in addition to exempting the sniff test, is necessary because the addition of odor without confirmation via a sniff test makes the effectiveness of odorization questionable. Additionally, if odorization is not being checked via a sniff test, this may result in under-odorization which could cause leaks to go unnoticed. Unodorized lines are required under the WAC to be checked each month via a gas leak survey. The commission therefore finds that providing the exemption for odorization and the sniff test immediately through an emergency rule making, to be followed by a permanent rule making, is in the public interest and necessary for the preservation of public health and safety.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 8, 2023.

Kathy Hunter  
Acting Executive Director and Secretary

### OTS-5067.1

AMENDATORY SECTION (Amending WSR 08-12-046, filed 5/30/08, effective 6/30/08)

**WAC 480-93-015 Odorization of gas.** (1) Each gas pipeline company must odorize the gas in its pipeline at a concentration in air of at least one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Each gas pipeline company must use an odorant testing instrument when conducting sniff tests. Sniff tests must be performed at least once monthly. Master meter systems that comply with 49 C.F.R. § 192.625(f) are exempt from this requirement.

(3) Each gas pipeline company must take prompt action to investigate and remediate odorant concentrations that do not meet the minimum requirements of subsection (1) of this section.

(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.

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

(6) Exceptions. This rule does not apply to gas pipelines where the odorant would make the gas unfit for its intended purpose or where sniff tests would be hazardous to human health due to impurities in the gas stream such as hydrogen sulfide.