

WSR 24-07-012
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket PG-230896, General Order R-608—Filed March 7, 2024, 3:50 p.m., effective March 7, 2024, 3:50 p.m.]

In the matter of amending WAC 480-93-015 relating to odorization and sniff test requirements.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 24-03-143, filed with the code reviser on January 23, 2024. The commission has authority to take this action pursuant to RCW 80.01.040, 80.04.160, and 34.05.310.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's responses to the comments reflecting the commission's consideration of them.

5 To avoid unnecessary duplication in the record of this docket, the commission designates the discussion in this order as its concise explanatory statement. This order provides a complete but concise explanation of the commission's actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This order amends WAC 480-93-015 Odorization of gas.

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on December 13, 2023, at WSR 24-01-063.

8 The statement advised interested persons that the commission was considering entering a rule making to permanently incorporate exemptions to odorization and sniff test requirements for WAC 480-93-015 for operators of class 1 and 2 renewable natural gas (RNG) transmission facilities (pipelines) with hydrogen sulfide (H₂S) present in the gas. These exemptions were added by emergency rule making at WSR 23-23-059. WAC 480-93-015(2) previously required all gas pipeline operators, without exception, to odorize their lines and perform a sniff test to detect odorization. The commission also informed persons of this inquiry by providing notice of the subject and the CR 101 to everyone on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered pipeline operators in Washington and to the commission's list of known utility company attorneys. Pursuant to the notice, the commission invited comments on the exemptions. The commission received one comment from Puget Sound Energy that did not oppose the rule change.

9 NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on January 25, 2024, at WSR 24-03-143. The com-

mission scheduled this matter for oral comment and adoption under notice No. WSR 24-03-143 at 1:30 p.m. on March 1, 2024, in the commission's Richard Hemstad Hearing Room, 621 Woodland Square Loop S.E., Lacey, WA. The notice provided interested persons the opportunity to submit written comments to the commission. The commission received no comments in response to this notice.

10 SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS): The proposed rule adds an exemption to the odorization and sniff test requirements for pipelines where such tests would be hazardous to human health. The exemption does not impose new or additional obligations on pipeline operators. Accordingly, no SBEIS is required. The commission nevertheless undertook an analysis of the proposed rules' economic impact on small businesses. On December 13, 2023, the commission mailed a notice to all persons interested in or affected by the rule making, providing a copy of the draft rules and an opportunity to respond to an SBEIS questionnaire. The notice requested that entities affected by the proposed rules provide information about possible cost impacts of the rules with specific information for each rule that the entity identified as causing an impact. The commission did not receive any information in response to the questionnaire. Based on the information available to it, the commission determined that the proposed rule does not impose additional costs on businesses.

11 RULE-MAKING HEARING: The commission considered the proposed rules for adoption at a rule-making hearing on Friday, March 1, 2024, before Chairman David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Milton H. Doumit. The commission heard oral comments from Scott Rukke, representing commission staff.

12 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission finds and concludes that it should amend and adopt the rule as proposed in the CR-102 at WSR 24-03-143.

13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-93-015 should be amended and adopted to read as set forth in Appendix A, as a rule of the Washington utilities and transportation commission, to take effect immediately.

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 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 Rulemaking: New 0, amended 0, repealed 0; Pilot Rule making: New 0, amended 0, repealed 0; or Other Alternative Rulemaking: New 0, amended 1, repealed 0.

ORDER

THE COMMISSION ORDERS:

14 The commission amends and adopts WAC 480-93-015 to read as set forth in Appendix A, as a rule of the Washington utilities and transportation commission, to take effect immediately.

15 This order and the rule set out below, after being recorded in the register of the Washington utilities and transportation commis-

sion, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, March 7, 2024.

Washington Utilities and Transportation Commission
David W. Danner, Chairman
Ann E. Rendahl, Commissioner

Appendix A

[REVISED RULES]

OTS-5067.3

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. Operators must be able to demonstrate the level of impurity through tests or records. Nothing in this section is intended to preclude the application of federal regulatory requirements applicable to any facility.