

WSR 24-03-143
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 23, 2024, 2:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-01-063.

Hearing Location(s): On March 1, 2024, at 1:30 p.m., via Zoom
[https://utc-wa-gov.zoom.us/j/85624363395?](https://utc-wa-gov.zoom.us/j/85624363395?pwd=U519MiuuhqbG1COYTPxCC0x87KE89.1)

To participate by phone, call 253-215-8782 and use Meeting ID 856 2436 3395 and Passcode 311911.
Public hearing to consider adoption of the proposed rules.

Date of Intended Adoption: March 1, 2024.

Submit Written Comments to: Executive Director and Secretary,
P.O. Box 47250, Olympia, WA 98504-7250, email records@utc.wa.gov, by
February 28, 2024.

Assistance for Persons with Disabilities: Contact human resources, phone 360-664-1160, TTY 360-586-8203, email human_resources@utc.wa.gov, by February 20, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these proposed revisions is to make permanent exemptions to the odorization requirements of 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. Because H₂S is toxic to humans, class 1 and 2 transmission pipelines where H₂S is present should be exempt from the odorization and sniff test requirements to prevent injuries that would be incurred by meeting the sniff test requirement.

Reasons Supporting Proposal: To meet the odorization requirements of WAC 480-93-015 prior to the emergency rule amendment, operators of class 1 and 2 RNG transmission pipeline facilities were required to put employees at significant risk of injury. Performing a sniff test when H₂S is present in the pipeline exposes the tester to a substance that is toxic and hazardous. Exempting odorization of these 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 WAC to be checked each month via a gas leak survey. The proposed permanent revisions include the requirement that under the exempted circumstances, operators must be able to otherwise demonstrate impurity levels.

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

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission (UTC), governmental.

Name of Agency Personnel Responsible for Drafting: Scott Rukke, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-870-4923; **Implementation and Enforcement:** Kathy Hunter, 621 Woodland Square Loop S.E., Lacey, WA 98503, 360-701-1612.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. UTC is not an agency to which RCW 34.05.328 applies.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. UTC is proposing to revise rules to add 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. Additionally, on December 13, 2023, UTC 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 a small business economic impact statement 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. UTC did not receive any information in response to the questionnaire. Based on the information available to it, UTC determined that the proposed rule does not impose additional costs on businesses.

January 23, 2024

Kathy Hunter

Acting Executive Director and Secretary

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.