

Agriculture & Ecology Committee

SSB 5126

Brief Description: *Regarding technical and clarifying amendments to the pipeline safety act of 2000.*

Sponsors: *By Senators Spanel, Patterson, Morton, McDonald, Regala, Gardner, Fraser, Rasmussen and Oke.*

Brief Summary of Bill

- *Repeals provisions transferring powers, duties, and functions related to hazardous liquid pipeline safety from the Washington Utilities and Transportation Commission to the Department of Ecology.*
- *Repeals the hazardous liquid pipeline safety account and provides for civil penalties to be deposited into the public service revolving fund.*

Hearing Date: *3/23/01.*

Staff: *Caroleen Dineen (786-7156).*

Background:

The United States Department of Transportation (USDOT) has authority under federal law to regulate pipeline transportation of natural gas and hazardous liquids. The federal Office of Pipeline Safety (OPS) administers the federal pipeline safety program. Federal pipeline safety regulations address, among other issues, the design, construction, inspection, operation, and maintenance of pipeline facilities and the administration of the pipeline safety program.

The OPS may certify a state to assume the federal regulatory, inspection, and enforcement responsibilities for intrastate natural gas and hazardous liquid pipelines. The OPS also may enter into agreements with states not meeting the intrastate certification criteria to assume certain aspects of the federal intrastate pipeline safety program. According to information from the OPS, 47 states participate in the natural gas pipeline safety program,

and 15 states participate in the intrastate hazardous liquid pipeline safety program. Washington participates in both intrastate programs, with the state program administered by the Washington Utilities and Transportation Commission (UTC).

The OPS also may authorize a state to act as its agent for inspection of interstate pipelines. However, the OPS retains enforcement authority in all states, including those with authorized agents. As of 1999, nine states had received authorization to act as interstate agents for natural gas pipelines, and four had received federal authority for hazardous liquid pipelines. Last year the UTC received authorization to inspect interstate natural gas and hazardous liquid pipelines during construction, operation, and after incidents.

The Washington State Pipeline Safety Act of 2000 required the UTC to develop and implement a comprehensive hazardous liquid pipeline safety program consistent with federal law. In addition to other requirements, the 2000 legislation:

- Required the UTC and the Department of Ecology (DOE) to seek federal authority to act as federal agents to inspect and enforce federal law and to seek authority to adopt safety standards over interstate hazardous liquid pipelines;*
 - Required the UTC to transfer all powers and duties related to hazardous liquid pipelines to the DOE if either the federal interstate pipeline preemption was lifted or the interstate pipeline authority was granted to the DOE;*
 - Allowed the UTC to collect fees after obtaining authority to act as a federal agent;*
 - Created a new hazardous liquid pipeline safety account for use by the DOE in performing pipeline inspections; and*
- Established the Citizens Committee on Pipeline Safety, a 13-member committee to advise state agencies and appropriate federal and local agencies on matters relating to hazardous liquid and natural gas pipeline safety, routing, construction, operation, and maintenance.*

Summary of Bill:

Provisions transferring powers, duties, and functions related to hazardous liquid pipeline safety from the Washington Utilities and Transportation Commission (UTC) to the Department of Ecology (DOE) upon federal delegation of authority are repealed.

The hazardous liquid pipeline safety account is repealed. Civil penalties for failure to notify the one-number locator service and causing pipeline damage are to be deposited into the public service revolving fund and to be used for enforcing pipeline safety laws.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *The bill contains an emergency clause and takes effect immediately.*

