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Department of Ecology, Spills Program
Attn: Sonja Larson
PO Box 47600
Olympia, WA 98504-7600
By email to: sonja.larson@ecy.wa.gov

Dear Ms. Larson:

Thank you for the opportunity to comment on the preliminary draft changes to the spill response planning rule.

For the most part, the Pipeline Safety Trust sees the preliminary draft language as improvements to the existing regulatory scheme. There are a few areas we'd like to provide specific comments about.

Calculation of worst case discharges

The proposed language establishing 20 minutes as a minimum time to shut off is an improvement to the existing language in that it provides a reasonable floor for those calculations. We would ask that if this language is ultimately adopted, that it be accompanied by language indicating that if the operator has an incident history with times to isolation that exceed 20 minutes, the actual time of the incident response should be used for the calculations. Without some additional language, the 20 minute isolation time will be the automatic choice and become a de facto maximum, rather than operators identifying a true worst case scenario taking into account the possibilities of human error, and inclement weather.

Air Quality Monitoring

The air quality monitoring section is also an improvement to the existing regulations. This is an area the Trust has had concern about for some time because of the number of incidents where members of the public have reported health impacts from exposure to fumes from spills nationally. However, while the preliminary draft includes language requires the operator to have a plan and identify the equipment and air quality standards it intends to use for monitoring for worker and public safety, there is no

exposure standard identified as one that is so high that Ecology would require a change to the plan to make the plan acceptable. We understand that for some contaminants, like benzene, there is a range of standards used by multiple agencies to protect various segments of the public in specific situations. We also understand the probable reluctance to be the agency to impose a single exposure standard or a set of them, where there is no apparent regulatory consensus on exposure standards for the public. However, absent a standard against which to measure the adequacy of the plans submitted to Ecology, the language leaves the choice of a standard to the operators, and provides the public no assurance that the standard chosen will be adequate to protect worker and public health.

National Academies of Sciences study recommendations

We also urge the Department to enact some of the practices recommended for PHMSA by the recent National Academies of Sciences study on the environmental effects of spills of dilbit. For example, we urge Ecology adopt the recommendations including the use of industry standard names for products in the pipelines, providing that information and a sample of the product to the on scene coordinator within 24 hours, along with making clear that there should be additional consideration of the vulnerability assessments for lines carrying dilbit to make sure that wetlands, water bodies, and other sensitive areas are appropriately identified and planned for a spill of a non-floating oil.

GIS planning tools

We are very pleased to see the preliminary language requiring a GIS planning tool in each of the plans. That being said, we want to insure that the new language does not result in a net loss of information to the public. For example, the maps currently included in the vulnerability assessment are likely to be included in the GIS tool. If those systems are not going to be functionally available to the public, we urge that static maps continue to be made available to the public. So long as no less information is available to the public as a result of a transition to GIS planning tools, we think the GIS tools will be huge improvements, not only in spill response, but also in all sorts of other interactions pipelines have with their surroundings.

Thanks again for the opportunity to comment. We look forward to the proposed rule language.

Rebecca

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