



## Committee Members

Bob Archey, Chair • VaNessa Duplessie, Vice-Chair  
Pete Kmet • Bill Rickard • Art Coulombe  
Carl Weimer • Ron Schmitt Duane Henderson  
Grant Jensen • George Hills • Dave Knoelke

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### Washington State Citizens Committee on Pipeline Safety

Meeting Minutes  
Telephone Conference Call  
January 14, 2010

#### Present members:

Bob Archey, Chair  
VaNessa Duplessie, Vice-Chair  
Carl Weimer  
George Hills  
Bill Rickard  
Grant Jensen  
Ron Schmitt  
Dave Knoelke  
Duane Henderson

#### Absent members:

Pete Kmet  
Art Coulombe

#### Other attendees:

David Lykken, UTC Pipeline Safety Program Director  
Steve King, UTC Safety and Consumer Protection Director  
Jim Fernald, UTC Pipeline Safety Program  
Marina Woodard, UTC Pipeline Safety Program  
Kelli Gustaf, Dept. of Ecology  
Dick Goldsmith, Pipeline Safety Trust  
Rick Kuprewicz, Accufacts Inc.

#### Agenda Items:

#### **Welcome, Introduction and Chairman's Meeting Protocol on Call Process. (Items I, II, III & IV)**

The meeting was brought to order by Bob Archey who welcomed all attendees. Bob described the agenda and the conference call process as a reminder to all participants.

Carl commented on the meeting protocol where the public comments are limited to three minutes only. Since there are only a few public participating, the restriction should be lifted. Bob concurred with Carl's suggestion and reminded public to keep the comments as close to the limit as possible.

#### V. **Overview from the WUTC about the actual cost to the UTC for the Committee and where that money comes from.**

This item (item #VI in the published agenda) was moved to item #V.

Dave Lykken explained for the FY 07-09 biennium, the UTC expended \$33,545 related to Citizens Committee on Pipeline Safety (CCOPS) meetings and support. Of this amount, \$14,800 went to travel and per diem for committee members, and \$2,500 to goods and

services. Historically, the money for the committee is a combination of pipeline fees received from regulated pipeline companies, and the Federal Grant received from PHMSA. During the financial audit conducted in 2008, PHMSA noted that the cost of CCOPS activities is not to be reimbursed from the Federal Grant funding. Therefore, going forward, CCOPS cost will come from the pipeline fees. Currently, state law doesn't identify which fund covers the CCOPS activities.

Steve King explained that the money funding the CCOPS is a dedicated account restricted only to pipeline safety function. The Pipeline Safety fund is very similar to the public service revolving fund that pays for most of the agency operations. This money is similarly dedicated to the agency operations paid for by the regulated firms. When the Governor released her budget, OFM stated that they will take \$11 million from the public revolving fund to help with the state deficit. For that purpose, the law will need to be changed in order for them to sweep the dedicated fund. If the legislature wishes to take pipeline safety money from that dedicated account, the law would also need to be revised. It is unknown at this point, if the UTC and Pipeline Program fund balance will be reduced. The legislature is looking at all dedicated fund balances for a possible sweep to help the general fund.

VaNessa requested UTC to provide her the document that shows the breakdown cost related to CCOPS activities.

VI. **Report from WUTC on what they will tell the legislature about the Committee when asked, and/or how they intend to incorporate the functions of the committee into their regular operations as the Governor's staff has implied.**

This item (item #VII in the published agenda) was moved to item #VI.

Steve King explained the commission's role in this executive request legislation. The UTC and its chair are members of the executive branch and therefore must support the Governor's decision. The UTC does not believe the legislature will ask the UTC any questions about this legislation, but if asked, the UTC must support the Governor's position.

VII. **Citizens Committee Governor's proposed elimination from Boards and Commissions.**

This item (item #V in the published agenda) was moved to item #VII.

There was considerable discussion around the pipeline fees and an alternative of forming an adhoc committee if needed. Carl noted that loss of the CCOPS would result in an inability to have direct impact on the U.S DOT. The CCOPS has that influence because they are a Governor appointed committee that is recognized under federal law. The committee also discussed the challenge faced in educating and getting the new members up to speed. VaNessa spoke from her experience that it takes significant time and knowledge to become effective.

Industry members spoke on the value of the CCOPS. It provides an opportunity for citizens to learn about pipeline operations from the operators. For the operators, it gives them feedback and citizens perspective on how their operations are managed.

Public Comments

- Kelli Gustaff commented that she has learned a lot in attending the meetings and finds the committee adds value.
- Rick Kuprewicz spoke of approximately 30 advisory letters issued by the committee in nine years. Relative to the thought that the committee's work is done, Rick listed several important issues that are currently under consideration.
  - Damage Prevention;
  - Integrity Management and DIMP (Distribution Integrity Management Program);
  - Pipeline safety construction standards;
  - Application and misapplication of risk management; and
  - Right-to-know by the public.

Rick also disagreed with the concept that the UTC can fulfill the CCOPS role if the committee is eliminated. He gave the following reasons:

- Much of the UTC and PHMSA's work is not in the public domain;
- CCOPS has standing in Federal law that the UTC does not have; and
- Elimination of the committee will have no benefit to state's general fund.

In conclusion, Rick feels this decision is reckless in a time when transparency and open public decision making is vital.

Bob requested Rick to send his prepared comments directly to himself, VaNessa and Carl.

- Dick Goldsmith discussed a strategy on how to oppose this legislation. Rather than spending great effort in giving testimony, it is best to gain support of individual legislative committee (State Government Committee) members that will amend the bill to remove CCOPS from the list.

Carl moved to direct the chair or vice-chair to testify at the scheduled hearing on Thursday, January 21, 2010 and to send letters expressing the committee's position to all members of both senate and house committee together with all bills' sponsors. Motion passed unanimously. Dick will share an issue paper he has prepared for the Trust to Bob and VaNessa for their use in preparing correspondence to the legislators.

Bob requested the industry members to contact Brad Tower and Dan Kirschner about potential support of the CCOPS position. Dave Knoelke will contact Brad Tower and Duane Henderson will contact Dan Kirschner.

**VIII. Update on the La Center Sensitive Overlay District Ordinance.**

VaNessa and Dick Goldsmith attended recent meeting of the La Center City Council. At this meeting, the Council unanimously approved the Sensitive Overlay District Ordinance. This ordinance was discussed during the November 12, 2009 CCOPS meeting.

**Adjourn**

The meeting adjourned at 11:00 am.