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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

IN RE APPLICATION NO. 96-1 )  
 )  
OLYMPIC PIPE LINE COMPANY: )  
CROSS CASCADE PIPELINE PROJECT )  
 )  
 )

EXHIBIT \_\_\_\_\_ (WAM-T )  
REBUTTAL TESTIMONY OF WILLIAM A. MULKEY  
ISSUE: SPILL RESPONSE AND SPILL HISTORY  
SPONSOR: OLYMPIC PIPE LINE COMPANY

1 **Q. Please reintroduce yourself to the Council.**

2 A. My name is William Mulkey and I am the Manager of Health, Safety and Regulatory  
3 Affairs for Olympic Pipe Line Company (“Olympic”). My educational and professional  
4 background is described in some detail in my direct prefiled testimony dated August 28,  
5 1999.

6  
7 **Q. Very generally, what was the subject of your earlier direct testimony?**

8 A. First, I generally described Olympic’s approach to health, safety and environmental  
9 issues. Second, I described the design of the Cross Cascade Pipeline from the standpoint  
10 of preventing the accidental release of petroleum products. Third, I discussed the  
11 maintenance and inspection procedures that Olympic will implement during the operation  
12 of the pipeline. Fourth, I described the methods Olympic will use to monitor the  
13 pipeline’s operation and to detect any accidental releases. Fifth, I described the spill  
14 response plan that Olympic will develop for the pipeline. In short, four of the areas of my  
15 prior testimony related to spill prevention while the fifth addressed Olympic’s response in  
16 the event that an accidental release actually occurred.

17  
18 **Q. What is the subject matter of this rebuttal testimony?**

19 A. I will focus on the last issue addressed in my direct testimony, Olympic’s spill response  
20 capability and, more specifically, the questions and areas of concern raised by other  
21 witnesses regarding that subject. I will also address issues raised by other witnesses on  
22 the subject of Olympic’s spill history.

23  
24 **Q. You have indicated that your rebuttal testimony will focus on spill response rather  
25 than spill prevention. That said, are the two issues related?**

1 A. Very much so. Put simply, the best spill response plan is one that is never implemented.  
2 The importance of preventing and detecting potential accidental releases cannot be  
3 overstated. From a public policy and economic standpoint, prevention is the primary goal  
4 of any project of this nature. For that reason, Olympic is committed to engineering design  
5 features in the pipeline that will greatly minimize the risk of accidental release. While I  
6 addressed these areas generally in my direct testimony, other more technically qualified  
7 witnesses will offer specific rebuttal testimony on the subjects of leak detection and  
8 prevention. That said, Olympic's leak detection capability greatly enhances its spill  
9 response capability because the key to prompt response is early detection.  
10

11 **Q. Do Olympic's efforts on spill detection and prevention eliminate the need for an**  
12 **adequate spill response plan?**

13 A. Of course not. Although Olympic will devote considerable attention and resources to  
14 spill prevention, there will never be an absolute guarantee against accidental release.  
15 Olympic is required to implement a spill contingency plan that meets regulatory  
16 requirements and will do so. It is not just a legal requirement, but an economic  
17 imperative. Any spill will be costly to Olympic. No one desires to prevent a spill more  
18 than Olympic. Olympic realizes that failing to promptly and properly respond to spills  
19 will increase the cost and financial exposure substantially. Olympic has every  
20 motivation, legal, economic and otherwise to develop and implement a suitable spill  
21 response contingency plan.  
22

23 **Q. Whose testimony will you address in this rebuttal testimony?**

24 A. Given my position with Olympic, I have reviewed a wide variety of the testimony  
25 submitted by the various parties. Several witnesses commented generally on issues

1 relating to spill response. That said, my rebuttal testimony will largely focus on issues  
2 raised in the prefiled testimony of Elin A. Storey of the Department of Ecology.

3  
4 **Q. Outside of your review of her testimony, are you familiar with Ms. Storey?**

5 A. Very much so. I have worked directly with Ms. Storey for over 8 years in connection  
6 with Olympic's existing North-South pipeline. Although we have not always agreed on  
7 every issue, I do appreciate her input and have enjoyed, I think, a very good working  
8 relationship with her and her colleagues at Ecology.

9  
10 **Q. Will Olympic prepare and submit an "approvable" spill response plan for the Cross  
11 Cascade Pipeline Project?**

12 A. Yes. If the project is approved, Olympic will be required to submit, and obtain approval  
13 of, a complete contingency response plan that satisfies all applicable regulations.  
14 Olympic is committed to preparing an approvable response plan, with the consultation,  
15 assistance and approval of the Washington State Department of Ecology ("Ecology")  
16 and/or EFSEC, which are the agencies primarily responsible for overseeing the  
17 development of the plan.

18  
19 **Q. As of this date, has Olympic submitted a detailed spill response plan for the Cross  
20 Cascade project to Ecology or EFSEC?**

21 A. No.

22  
23 **Q. Why not?**

24 A. For several reasons. First, Olympic is not yet required to submit or have its contingency  
25 plan in place at this early stage in the process. Given the regulatory requirements for a

1 plan and the nature of this particular project, developing and implementing a response  
2 plan will be an enormous undertaking. As noted in the testimony sponsored by Ecology,  
3 these plans are very detailed and include a number of Geographic Response Plans  
4 (“GRPs”) to address specific response and clean up scenarios for specific sections of the  
5 pipeline. The bulk of the work on the plan will commence immediately upon approval of  
6 the project and will proceed in earnest during the construction of the project, in  
7 consultation with Ecology. The plan also may be subject to conditions imposed by  
8 EFSEC. Olympic will submit a plan to EFSEC and/or Ecology for approval at least six  
9 months before the pipeline’s scheduled completion.

10  
11 The second reason is closely related to the first. Put simply, Olympic cannot formulate its  
12 spill response plan until it learns the exact route of the pipeline. A number of respondents  
13 have objected to portions of the proposed route or have suggested alternate routes. The  
14 ultimate siting of the pipeline route may be different than the one Olympic has proposed.

15  
16 For the reasons discussed above Olympic is, as a practical matter, not yet in a position to  
17 respond to each and every question concerning its response plan. However, as outlined in  
18 my direct testimony, Olympic can and will prepare an adequate spill response, which will  
19 be subject to review by the appropriate regulatory bodies, including Ecology and EFSEC.

20 Olympic has outlined the type of spill response plan it will develop, which is all that is  
21 required or possible at this stage of the project.

22  
23 **Q. Given that Olympic is not yet required to submit its response plan, do you have**  
24 **testimony to offer that can assist the Council in considering the application or the**  
25 **testimony of other witnesses on this subject?**

1 A. Yes. Although the plan has not yet been developed, I believe that I can address questions  
2 and concerns raised by other witnesses with regard to Olympic's spill response intentions  
3 and capabilities.

4  
5 **Q. Are you familiar with contingency response plans for the operation of petroleum**  
6 **pipelines and the regulations that govern them?**

7 A. Yes. As Olympic's Manager of Health Safety and Regulatory Affairs, I have an intimate  
8 working knowledge of contingency response planning and the unified incident command  
9 governing regulatory framework.

10  
11 **Q. What is the purpose of the contingency plan regulations?**

12 A. As Ms. Storey indicated in her testimony, the intent of the regulations is to protect human  
13 health and safety and the environment, in that order, by maximizing the effectiveness and  
14 timeliness of oil spill response by generating "a [contingency] plan that, when  
15 implemented, is capable of protecting the natural resources of Washington state".  
16 Olympic will prepare such a plan.

17  
18 **Q. Are you familiar with the standards that must be met for Ecology's approval of a**  
19 **contingency plan?**

20 A. Yes. As pointed out in Ms. Storey's testimony, the Ecology standards involve a multi-  
21 step process that includes consideration of the following criteria:

- 22 (1) To the maximum extent practicable, provide for prompt and proper response to,  
23 and the cleanup of, a variety of spills, including small and chronic spills, and the  
24 maximum worst case spills;

- 1 (2) To the maximum extent practicable, provide for prompt and proper protection of
- 2 the environment from oil spills;
- 3 (3) Provide for immediate notification and mobilization of resources upon discovery
- 4 of a spill;
- 5 (4) Provide for the initial control center pipeline shut down and then deployment of
- 6 response equipment and personnel at the site of the spill within 1 hour of the plan
- 7 holder's awareness that a spill has occurred, given suitable safety conditions.
- 8 WAC 173-181-065(3).
- 9

10 **Q. A great deal of Ms. Storey's testimony consists of stating the regulations that will**  
11 **govern Olympic's contingency response plan. Does Olympic dispute the**  
12 **applicability of the regulations to this project?**

13 A. Not at all. Ms. Storey's testimony addresses, among other things, the regulatory  
14 requirements for various aspects of the contingency plan, including prompt and proper  
15 response, prompt and proper protection of the environment, the requirements of  
16 immediate notification and mobilization of resources, the one hour benchmark for initial  
17 deployment of equipment and personnel, the need to develop and integrate Geographic  
18 Response Plans ("GRPs"), the need for detailed containment and removal plans,  
19 consideration of seasonal hydrographic and climatic conditions, the need for estimates of  
20 spill movement and reconnaissance for each area, and the need to establish "a unified  
21 central command post" for spill responses. Olympic agrees that these regulations  
22 currently apply to Olympic's existing response plan for the north-south line and that they  
23 will govern Olympic's preparation of a contingency plan for the proposed Cross Cascade  
24 line. Given that and the fact that Olympic has yet to prepare or submit a proposed  
25

1 response plan, there is much in Ms. Storey's testimony with which Olympic has no  
2 disagreement.

3  
4 **Q. Has Olympic provided the Council with a summary of the basic contents of a**  
5 **response plan for the Cross Cascade line?**

6 A. As Ms. Storey of Ecology indicates, these response plans are, by their nature, very  
7 voluminous and detailed. The nature and operational goals of the Cross Cascade spill  
8 response plan is described in Section 7.2 of Olympic's Application. For an illustration of  
9 the level of detail covered by spill response plans, I would refer the Council to the Table  
10 of Contents of Olympic's spill response plan for the existing north-south line, a copy of  
11 which is included in Appendix E to the Application. The spill response plan for the  
12 Cross Cascade project will be similar to the plan for the north-south line, and be equally  
13 comprehensive both in nature and scope.

14  
15 **Q. Regarding the North-South line, Ms. Storey has testified that Olympic is, in her**  
16 **opinion, "generally good" about spill response efforts , "ramping up response**  
17 **efforts quickly and effectively." She also testified that Olympic's spill response**  
18 **capability on the North-South line has improved over time and that Olympic is in**  
19 **compliance with its contingency plan. Do you agree with those characterizations?**

20 A. Olympic is in compliance with its current plan. I also agree that Olympic's response  
21 capability has improved over time which, of course, is the goal. We are required to  
22 update and refine our contingency plan on a yearly basis. As a result, we do attempt to  
23 improve the plan, with the assistance and cooperation of Ecology. As Ms. Storey notes,  
24 Olympic has followed many of Ecology's suggestions for improvement, including  
25 purchasing additional equipment and pre-staging additional personnel in remote

1 locations. These changes have improved Olympic's response capability. We do attempt  
2 to work cooperatively with Ecology and welcome its input.

3  
4 **Q. Ms. Storey testified that, with regard to spill response, "Olympic has not established**  
5 **the most aggressive response organization" in comparison to the refinery facilities**  
6 **on the pipeline route and that Olympic's progress on developing an "approvable"**  
7 **response plan was "slow" compared to other facility operators. Do you agree with**  
8 **her assessment?**

9 A. I do not agree completely with her assessment and for a number of reasons. First, as I can  
10 discuss in greater detail later, the requirements for what is an adequate response plan are  
11 defined by regulations, as implemented by Ecology, and not by what other facility  
12 operators have done with their own plans. The regulatory scheme provides for flexibility  
13 and a case-by-case approach, given the unique circumstances of the particular facility and  
14 contingencies. It is not surprising that it took longer for Olympic to develop our pre-  
15 existing plans into an approved plan for a pipeline operation, which is materially different  
16 and far more comprehensive than response plans for other types of fixed facilities, such as  
17 refineries. Given that, it is not necessarily accurate to compare the time of development,  
18 or the specifics, of Olympic's existing plan with that of other facility operators.

19  
20 **Q. Why not? If other operators achieved the regulatory standards or Ecology's**  
21 **"benchmarks" in a certain time frame or in certain way, does that not in some sense**  
22 **establish standards for Olympic in terms of timeliness, feasibility or reasonableness?**

23 A. Not necessarily. Again, this goes back to the regulatory framework and standards, which  
24 are somewhat flexible and take into account the varying circumstances of different  
25 facilities and what is practicable under the circumstances. For instance, most of the

1 facilities to which Ms. Story compares Olympic are refinery or receipt facilities located  
2 along Olympic's pipeline route. Again, refineries and pipelines are fundamentally  
3 different "facilities".  
4

5 **Q. How are they different?**

6 A. Pipelines and fixed facilities are different in many ways. For instance, a refinery occupies  
7 a limited defined site. If there is a spill or release, it will occur within a relatively  
8 confined area. With refineries, the site of the potential accidental release is, by  
9 definition, identified in advance. Also, with refineries, spill response equipment and the  
10 primary spill response personnel are, literally, already on the site of any potential incident  
11 24 hours a day. Given the proximity of refineries to population centers, secondary  
12 responders are in the immediate vicinity and have the benefit of easy access and ready  
13 additional equipment and personnel. By contrast, pipelines are linear in nature.  
14 Olympic's existing north-south pipeline "facility" stretches approximately 300 miles and  
15 contains approximately 400 miles of pipeline (there are two pipelines in the northern  
16 segment). Similarly, Olympic's proposed Cross Cascade pipeline will cover 231 miles.  
17 The linear nature of the pipeline makes it different in almost every way. With regard to  
18 stationed personnel, equipment, access to primary and secondary responders, and  
19 response time, those differences are obvious. Although Ms. Storey acknowledges early in  
20 her testimony that "Ecology staff recognize that the linear nature of the pipeline makes it  
21 more complicated to come into compliance with regulatory requirements stated in the  
22 WAC," she does not seem to recognize that distinction when comparing Olympic's  
23 response capability, with other non-pipeline facilities. The circumstances, or the spill  
24 response capability of a facility cannot be directly compared to a pipeline nor should they  
25

1 establish an interpretation of a “standard” under which to evaluate a pipeline response  
2 plan.

3  
4 **Q. Refineries and other facilities aside, Ms. Storey’s testimony also suggests that**  
5 **Olympic’s response capability should meet or exceed that of another pipeline, the**  
6 **one operated by the Trans Mountain Pipe Line Company of Canada. Are you**  
7 **familiar with the operations of Trans Mountain?**

8 A. Not as much as Olympic’s but, yes, I am familiar with it. It is a Canadian crude oil  
9 delivery pipeline connected to the U.S. Northwest refineries.

10  
11 **Q. Should Trans Mountain’s spill response plan or its experience operating its existing**  
12 **pipeline form the minimum standard for Olympic’s proposed Cross Cascade**  
13 **pipeline?**

14 A. I believe and, as recognized by the regulations, each facility is unique. The operations  
15 and experience of another pipeline certainly provides helpful information both to  
16 Olympic and regulatory bodies, which should be considered and analyzed. In some  
17 respects, the Trans Mountain pipeline may not have the same advanced level of leak  
18 detection and prevention that the Cross Cascade pipeline would have. There are many  
19 ways in which the Cross Cascade line will differ from Trans Mountain’s. Consequently,  
20 the Trans Mountain spill response plan, while appropriate for its circumstances, may not  
21 directly translate to another project. That said, we believe that the features and effective  
22 capabilities of Olympic’s response plan should equal or, perhaps, be better than, that of  
23 Trans Mountain’s.

1 **Q. Unlike Trans Mountain’s crude oil pipeline, Olympic currently operates an existing**  
2 **refined products pipeline. Does Olympic have a spill response plan for the existing**  
3 **north-south line that complies with Ecology regulations?**

4 A. Yes. As noted in Ms. Storey’s testimony, Olympic is in compliance with regard to the  
5 spill response plan for the north-south line.  
6

7 **Q. Are there any differences between Olympic’s approved response plan for its existing**  
8 **pipeline and that of Trans Mountain’s?**

9 A. I’m sure that they are different in many particulars. Again, although the plans for both  
10 pipelines meet the standards of the regulations and have been approved by Ecology, the  
11 particular features of the plan are designed to account for the unique products,  
12 circumstances and practicalities of the two facilities. That is the very nature of the  
13 process.  
14

15 **Q. Has Olympic considered entering into joint response agreements with other facility**  
16 **operators?**

17 A. Yes, Olympic is always looking for opportunities to pursue joint response agreements  
18 with other facility operators. Potential candidates have included refineries and other  
19 pipeline operators, including Trans Mountain. Such joint response agreements can  
20 improve the response capabilities of all parties to the agreements.  
21

22 **Q. Let’s turn to the Ecology’s one hour benchmark for responding to a spill incident.**  
23 **Are you familiar with the benchmark?**

24 A. Yes. Per the case-by-case benchmark, which is not a regulation as such, Olympic’s plan  
25 will need to “[p]rovide for initial deployment of response equipment and personnel at the

1 site of any spill within 1 hour of the [Olympic's] awareness that a spill has occurred given  
2 suitable safety conditions." WAC 173-181-065(3)(d).

3  
4 **Q. In terms of a pipeline, what does that mean?**

5 A. As Ms. Storey's points out in her testimony, for linear transmission pipelines, the one  
6 hour benchmark is evaluated on a case-by-case basis, in recognition of the fact that  
7 geography, weather, traffic and other conditions vary greatly over the length of the line.  
8 As a practical matter, it means that Olympic will need to pre-stage equipment and  
9 personnel at various points along the pipeline route so that all areas of the pipeline are  
10 reachable with personnel and equipment within the one hour benchmark. The particular  
11 equipment in a pre-staged equipment cache will be a function of the geography and other  
12 conditions of the particular sections of the pipeline. Although the precise placement of  
13 the pre-staged equipment will be subject to the spill response planning process, I do agree  
14 with Ms. Storey's estimate that Olympic will probably need up to four equipment staging  
15 areas along the pipeline.

16  
17 **Q. Who will be Olympic's primary spill responders on the pipeline corridor?**

18 A. Ideally, they will be Olympic employees trained in spill response activities.

19  
20 **Q. Will Olympic utilize others in addition to its own employees for primary or  
21 secondary spill responses?**

22 A. Probably, at least to a certain extent. For instance, we intend to pursue joint response  
23 agreements with other facility operators. In addition, we may rely upon assistance from  
24 other outside contractors or local fire departments that are trained in spill response.  
25

1 **Q. Ms. Storey opined that Olympic should not rely on local fire departments along the**  
2 **pipeline route because some of those rural fire districts have “volunteer” fire**  
3 **departments? Do you agree with Ms. Storey’s assessment of the reliability of**  
4 **volunteer fire departments?**

5 A. In Olympic’s experience, rural volunteer fire districts have been very reliable and  
6 responsive. Existing pipeline operations in Washington, including those of Trans  
7 Mountain, rely in part on volunteer fire districts for primary response. Many fire districts  
8 are eager to participate in spill response planning due to the fact that Olympic’s provision  
9 of funding for training and equipment bolsters the response capabilities of those fire  
10 districts for all purposes. Again, Olympic will evaluate the appropriateness of including  
11 particular fire districts in its plan, in consultation with Ecology.

12  
13 **Q. Some of the respondents have commented that it will be difficult to access portions**  
14 **of the Cross Cascade pipeline during the winter months due to the presence of heavy**  
15 **snowfall in the mountain passes. Will Olympic’s spill response plan address this**  
16 **issue?**

17 A. Yes. As required by the regulations, Olympic’s plan must take into consideration  
18 “seasonal hydrographic and climactic conditions.” There is no question that heavy winter  
19 snow in the Snoqualmie Pass area will present Olympic with response challenges not  
20 found in other sections of the pipeline route. However, as Ms. Storey indicates, those  
21 challenges do not excuse Olympic from preparing and implementing a response plan that  
22 meets regulatory standards. Providing the means to access all sections of the pipeline  
23 route is not an aspirational goal, it is a requirement. Olympic’s plan will contain specific  
24 response protocols, including procedures for accessing and responding to emergency  
25 situations involving cold weather, ice and heavy snow. Clearly, such conditions will be

1 present on the Snoqualmie Pass section of the pipeline during the winter months. Given  
2 the heavy snowfall, primary ground access to those sections of the line will require  
3 snowcats or other snowmachines capable of transporting adequate personnel and  
4 equipment to any prospective site. Helicopters also may be suitable to transport  
5 additional equipment or personnel, weather and terrain permitting. The circumstances  
6 will also necessitate that spill response personnel in those areas receive special training  
7 for operating in severe winter conditions. Olympic will work closely with EFSEC,  
8 Ecology and Parks personnel to develop a spill response plan with confidence in  
9 Olympic's ability to timely respond to mountain pass incidents and minimize impacts to  
10 wintertime recreational use of those areas.

11  
12 **Q. Do you agree with Ms. Storey's opinion regarding the need for Olympic to utilize**  
13 **helicopters as a response method?**

14 A. I do disagree with her opinion that Olympic is required to utilize helicopters as opposed  
15 to fixed wing aircraft in its surveillance and response efforts. Ms. Storey testified that it  
16 is her "strong recommendation" that Olympic utilize helicopters, which she believes  
17 should be "preferred" both for surveillance of the pipeline and, in the event of a spill, for  
18 response activities. However, she then goes on to state that primary, if not exclusive,  
19 reliance on helicopters is a requirement and that "Olympic must either purchase a  
20 helicopter or have one on contract 24 hours a day." This directive goes far beyond a  
21 recommendation or a preference. I do not believe that exclusive use of helicopters is  
22 required by the circumstances or the regulations.

23  
24 **Q. Did Ms. Storey provide the basis for her opinion that helicopters are a requirement?**  
25

1 A. Yes. Ms. Storey states that the basis for her opinion that Olympic “must” use helicopters  
2 is WAC 173-181-050(19)(a).

3  
4 **Q. Do you agree that the regulation cited supports her interpretation that helicopters  
5 are required?**

6 A. That regulation simply provides that “Response methods covered must include:  
7 Surveillance methods used to detect and track the extent of movement of the spill.” The  
8 regulation says nothing about helicopters or any particular method. Like the entire  
9 regulatory scheme, it allows for environmental flexibility, especially with regard to  
10 (linear) pipelines, where the circumstances vary greatly over the length of the line. I  
11 believe the regulation allows for the use of other means of aerial surveillance, including  
12 fixed-wing aircraft.

13  
14 **Q. Do you agree with Ms. Storey’s assessment that helicopters are better than fixed  
15 wing aircraft because they can safely operate at lower altitudes?**

16 A. Not necessarily. In good weather, fixed wing aircraft, in our experience, are more than  
17 adequate to conduct surveillance given the clear visibility that accompanies good weather.  
18 In bad weather, low visibility situations, the relative surveillance capabilities of  
19 helicopters and fixed wing aircraft may be comparable. Moreover, if the visibility/cloud  
20 ceiling drops below 1,000 feet, flights of any kind may cease because flying under those  
21 conditions would threaten human safety.

22  
23 **Q. You indicated that Olympic currently utilizes fixed wing aircraft to conduct  
24 surveillance of the north-south pipeline. Are fixed wing aircraft better than  
25 helicopters for surveillance and response?**

1 A. Again, not necessarily. It is not a question of whether one method is “better” than the  
2 other in an absolute sense. It all depends on the circumstances. Fixed wing aircraft do  
3 have advantages over helicopters in certain circumstances. For instance, low flying  
4 helicopter surveillance is much noisier to humans and wildlife compared to less intrusive  
5 fixed wing overflights. Some experts believe that fixed wind aircraft are generally better  
6 than helicopters for surveillance purposes. Access to a helicopter may indeed be  
7 preferable under certain conditions and terrain, but that does not mean that other methods  
8 are inappropriate. To illustrate, Olympic currently utilizes fixed wing aircraft to survey  
9 its north-south line, under the same regulation quoted by Ms. Storey, with the approval of  
10 Ecology. Again, Olympic does not oppose the use of helicopters as part of its response  
11 planning. In fact, Olympic does have a helicopter under contract as part of its spill  
12 response effort on the north-south line. Olympic’s spill response plan for the Cross  
13 Cascade line will certainly take into account the desirability and feasibility of helicopter  
14 use for particular aspects of its planned response to particular scenarios. However, it does  
15 dispute that it is required by regulation to purchase a helicopter or to use them  
16 exclusively.

17  
18 **Q. Are you aware that Ms. Storey of Ecology has criticized the spill scenarios set forth**  
19 **in Olympic’s application?**

20 A. Yes. Ms. Storey indicated that the spill and response scenarios set forth in the application  
21 document contained inaccurate and/or incomplete information and were not of level of  
22 detail required by the regulations for a spill response plan.

23  
24 **Q. How do you respond to that criticism?**  
25

1 A. Put simply, the application did not contain Olympic's spill response plan for the Cross  
2 Cascade Pipeline project, which is not yet drafted. As I noted before, the spill response  
3 plan is a substantial undertaking and will not proceed or be completed unless the project  
4 is approved. The spill response scenarios in the application were not intended to serve as  
5 Olympic's spill response plan. These were illustrative spill scenarios for purposes of the  
6 application. Olympic, by submitting an application, did not purport to have completed a  
7 spill response plan sufficient to fulfill the regulatory requirements. If the project is  
8 approved, Olympic will proceed with the plan in consultation with Ecology. Olympic's  
9 spill response plan, unlike its application, will contain all information and detail required  
10 by regulation. Olympic will prepare and work with Ecology to submit its spill response  
11 plan at least six months in advance of the expected date of operation so that EFSEC and  
12 Ecology can evaluate it. There should be no surprises with this cooperative effort.

13  
14 **Q. Some witnesses have criticized Olympic's record of operating the existing pipeline**  
15 **system. How do you respond to that criticism?**

16 A. Olympic has operated a refined petroleum product pipeline system in Washington State  
17 for almost thirty-five years. I have been with the company for more than 25 of those  
18 years and I am proud of Olympic's record. Olympic transports over one hundred million  
19 barrels of product through the pipeline annually yet less than 0.0001% of that annual  
20 throughput is released inadvertently from the line.

21  
22 **Q. Does that statistic tell the whole story?**

23 A. No. It is important to understand that most of the product inadvertently released from the  
24 pipeline system has been released at Olympic's own facilities (pump stations or block  
25 valves) and has been released within containment structures or on to gravel or asphalt

1 pads. In most instances, Olympic was able to clean up the product without it ever being  
2 released to the general environment.

3  
4 **Q. There is a “spill history” provided in Section 2.9 of the Application. Can you**  
5 **explain how that was prepared?**

6 A. Since Olympic began operating the pipeline system in Western Washington, Olympic has  
7 maintained records regarding product releases. Over the past thirty years, Olympic has  
8 maintained this spill history table, which includes product releases whether or not  
9 Olympic was required to report them to regulatory agencies, and whether or not product  
10 was actually released into the environment. When Olympic prepared its Application for  
11 Site Certification, it included a copy of this table in the Application.

12  
13 **Q. You mentioned records regarding product releases in addition to this spill history**  
14 **table. Do you know whether Olympic made those records available to the parties to**  
15 **these proceedings?**

16 A. Yes. During the informal discovery process, several parties requested those documents. I  
17 worked with Olympic’s attorneys to gather them and make them available for inspection.

18  
19 **Q. Charles Batten testified that the spill history provided in the Application excluded 5**  
20 **releases that were listed in the Office of Pipeline Safety (OPS) database. What is**  
21 **your response to that allegation?**

22 A. Mr. Batten’s allegation is largely incorrect. I have gone back and reviewed the  
23 documentation regarding the releases identified in the spill history, and I have been able  
24 to determine that four of the five releases at issue were in fact listed on the spill history,  
25 although they may have been identified by close but different dates. The last incident

1 mentioned by Mr. Batten, which involved two barrels, does appear to have been  
2 inadvertently omitted from the spill history table. Let me address each of the five releases  
3 Mr. Batten identifies in turn.

4  
5 First, Mr. Batten refers to a November 28, 1985 release of jet fuel at Sea-Tac. This  
6 release is included in the Application's spill history table, but it is dated November 24,  
7 1985. November 24<sup>th</sup> was the date on which the release occurred. November 28<sup>th</sup>  
8 appears to be the date that Olympic filed a supplemental report with OPS.

9  
10 Second, Mr. Batten refers to a May 8, 1986 release of diesel fuel at Tukwila. This release  
11 is included in the Application's spill history table, but it is incorrectly dated July 17,  
12 1986. I cannot explain the difference in dates, other than to assume that the information  
13 must have been entered incorrectly at some point, perhaps many years ago.

14  
15 Third, Mr. Batten refers to a September 25, 1986 release of gasoline in Renton. This  
16 release was identified in the Application as occurring on September 30, 1986. Based on  
17 my review of the documentation, it appears that the release did occur on the 25<sup>th</sup>, but that  
18 Olympic sent an updated notification to OPS on the 30<sup>th</sup>. For some reason, the latter date  
19 was entered into the spill table.

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21 Fourth, Mr. Batten refers to a August 30, 1988 release of diesel fuel at Allen Station in  
22 Skagit County. This release was identified in the Application, but it was mistakenly  
23 listed as occurring on August 23, 1988. I am not able to explain the discrepancy in the  
24 dates.  
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1 Finally, Mr. Batten refers to a January 17, 1991 incident involving two barrels of diesel  
2 fuel. Mr. Batten is correct that this incident is not included in the spill history provided in  
3 the Application.  
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1 I declare under penalty of perjury under the Laws of the State of Washington for that the above  
2 testimony is true and correct to the best of my knowledge and belief.

3 DATED this \_\_\_\_ day of March, 1999.

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6 William A. Mulkey  
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