

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JULY 6, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1420

Introduced by Assembly Member Salas
(Coauthor: Senator Vidak)

February 27, 2015

An act to add Section 101042 to the Health and Safety Code, and to add Sections 3270.5 and 3270.6 to the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as amended, Salas. Oil and gas: pipelines.

Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal. Under the division's regulations, an owner or operator of an active environmentally sensitive gas pipeline that is a gathering line is required to perform a mechanical integrity test on the pipeline, unless it is less than 10 years old.

This bill would require *the division, commencing January 1, 2018, to require* a mechanical integrity test every 2 years for all active gas

~~pipelines of any diameter within sensitive areas, as defined. in sensitive areas that are 10 years old or older, except as provided. The bill would require the division to maintain a list of active gas pipelines in sensitive areas. The bill would define active gas pipelines as inservice gas pipelines of any diameter within the division's jurisdiction. The bill would require the division, by January 1, 2018, to identify all active gas pipelines within sensitive areas. operators of active gas pipelines in sensitive areas, by January 1, 2018, to submit to the division maps identifying the location of those pipelines and other locational information, as provided. The bill would require the division to perform random periodic spot check inspections to ensure that the submitted maps are accurately reported.~~

Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public health.

This bill would require a local health officer or his or her designee, if he or she is notified of a leak in an active gas pipeline within a sensitive area and makes certain determinations, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the local public health officer or his or her designee to direct the responsible party to notify residents affected by the leak if he or she determines that the leak poses a serious threat to public health and safety. Because the bill would require a local health officer or his or her designee to provide a higher level of service to the public, this bill would impose a state-mandated local program.

~~This bill would require owners or operators of pipelines under the division's jurisdiction, an owner or operator of an active gas pipeline in a sensitive area, upon discovery of a leak from the pipeline, to notify the division and the appropriate local health officer or his or her designee of the leak. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101042 is added to the Health and Safety
2 Code, to read:

3 101042. (a) If the local health officer or his or her designee is
4 notified of a leak in an active gas ~~pipeline~~ *pipeline, that is within*
5 *the jurisdiction of the Division of Oil, Gas, and Geothermal*
6 *Resources and within a sensitive-area area, pursuant to Section*
7 *3270.6 of the Public Resources Code and the local health officer*
8 *or his or her designee determines that the leak poses a risk to public*
9 *health or safety and that the response to the leak has been*
10 *inadequate to protect the public health or safety, the local health*
11 *officer or his or her designee shall, working collaboratively with*
12 *the division and the owner or operator of the pipeline, do both of*
13 *the following:*

14 (1) Direct the responsible party to test, to the satisfaction of the
15 agency overseeing the testing, the soil, air, and water in the affected
16 area for contamination caused by the leak and disclose the results
17 of the tests to the public.

18 (2) Make a determination, based on the result of the tests, on
19 whether the leak poses a serious threat to the public health and
20 safety of residents affected by the leak, and require the responsible
21 party to provide assistance, including temporary relocation, to
22 those residents if the local health officer or his or her designee so
23 determines.

24 (b) If the local health officer or his or her designee determines,
25 based on the results of the test, that the leak poses a serious threat
26 to public health and safety, the local health officer or his or her
27 designee shall direct the responsible party to notify all residents
28 affected by the leak.

29 (c) The responsible party shall be liable for the costs incurred
30 by the local health officer or his or her designee pursuant to this
31 section.

1 (d) Providing resident assistance and reimbursement for local
2 health officer expenses shall not relieve a responsible party from
3 liability for damages, and a responsible party shall not condition
4 assistance or request a waiver of liability from the recipient of the
5 assistance.

6 SEC. 2. Section 3270.5 is added to the Public Resources Code,
7 to read:

8 3270.5. (a) ~~The~~*(1) Commencing January 1, 2018, the* division
9 shall require a mechanical integrity test, as described in subdivision
10 (e) of Section 1774.1 of Title 14 of the California Code of
11 Regulations, or any successor regulation, every two years for all
12 active gas pipelines ~~of any diameter within sensitive areas. in~~
13 *sensitive areas that are 10 years old or older.*

14 *(2) The division shall maintain a list of active gas pipelines in*
15 *sensitive areas.*

16 ~~(b) By January 1, 2018, the division shall identify all active gas~~
17 ~~pipelines of any diameter subject to this section.~~

18 *(b) (1) By January 1, 2018, an operator of an active gas*
19 *pipeline in a sensitive area shall submit to the division, as part of*
20 *compliance with pipeline management plan requirements pursuant*
21 *to Section 1774.2 of Title 14 of the California Code of Regulations,*
22 *an up-to-date and accurate map identifying the location of the*
23 *pipeline and other up-to-date and accurate locational information*
24 *of the pipeline as determined and in a format specified by the*
25 *division.*

26 *(2) The division shall perform random periodic spot check*
27 *inspections to ensure that the information submitted pursuant to*
28 *paragraph (1) is accurately reported.*

29 (c) For purposes of this section, ~~“sensitive~~ *the following terms*
30 *are defined as follows:*

31 *(1) “Active gas pipeline” means an inservice gas pipeline*
32 *regardless of diameter that is within the division’s jurisdiction.*

33 *(2) “Sensitive area” means any of the following:*

34 ~~(1)~~

35 *(A) An area containing a building intended for human*
36 *occupancy, such as a residence, school, hospital, or business, that*
37 *is located within 300 feet of an active gas pipeline and that is not*
38 *necessary to the operation of the pipeline.*

39 ~~(2)~~

1 (B) An area determined by the supervisor to present significant
2 potential threat to life, health, property, or natural resources in the
3 event of a leak from an active gas pipeline.

4 (3)

5 (C) An area determined by the supervisor to have an active gas
6 pipeline that has a history of chronic leaks.

7 (d) (1) *On a case-by-case basis, the supervisor, at his or her*
8 *discretion or upon the request of an operator, may allow testing*
9 *performed to satisfy the requirements of other regulatory entities*
10 *to satisfy the requirements of mechanical integrity testing pursuant*
11 *to subdivision (a).*

12 (2) *The supervisor shall make a written finding of his or her*
13 *decision pursuant to this subdivision.*

14 (3) *For purposes of paragraph (1), the testing requirements of*
15 *the other regulatory entities must meet or exceed the testing*
16 *requirements pursuant to subdivision (a).*

17 (e) *This section does not affect or limit the authority of the*
18 *supervisor pursuant to Section 3106, 3270, or any other section*
19 *of the Public Resources Code.*

20 SEC. 3. Section 3270.6 is added to the Public Resources Code,
21 to read:

22 3270.6. Upon the discovery of a leak from an active gas
23 pipeline ~~under the jurisdiction of the division~~ that is within a
24 sensitive area, as defined in Section 3270.5, the owner or operator
25 of the pipeline shall promptly notify the division and the local
26 health officer, or his or her designee, of the jurisdiction in which
27 the leak is located.

28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution for certain
30 costs that may be incurred by a local agency or school district
31 because, in that regard, this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty for a crime
33 or infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime within the
35 meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 However, if the Commission on State Mandates determines that
38 this act contains other costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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