

AMENDED IN SENATE SEPTEMBER 4, 2015  
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**

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**Introduced by Assembly Member Salas**  
(Coauthor: Senator Vidak)

February 27, 2015

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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 *or an urban pipeline over 4 inches in diameter*

is required to perform a mechanical integrity test on the ~~pipeline,~~ *pipeline every 2 years*, unless it is less than 10 years old.

This bill would require the division, ~~commencing by January 1, 2018,~~ *to require a mechanical integrity test every 2 years for review and evaluate, and update as appropriate, its existing regulations regarding all active gas pipelines that are 4 inches or less in diameter, in sensitive areas that are areas, and 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. older, as specified.* The bill would define active gas pipelines as inservice gas pipelines of any diameter within the division's jurisdiction. The bill would require 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. *The bill would require the division to maintain a list of active gas pipelines in sensitive areas.*

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 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. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) In March 2014, a gas leak was detected beneath the*  
4     *community of Arvin, California. Families were evacuated from*  
5     *their homes and unable to return for several months.*

6     *(b) Existing regulations for the regular testing and evaluation*  
7     *of smaller diameter pipelines like the one that leaked in Arvin,*  
8     *California were insufficient to protect that community from a*  
9     *serious gas leak.*

10    *(c) In view of the Arvin, California leak, the Division of Oil,*  
11    *Gas, and Geothermal Resources should review and reassess its*  
12    *existing regulations for active gas pipelines that are four inches*  
13    *or less in diameter and update its regulations to ensure the integrity*  
14    *of those active gas pipelines and to prevent, as far as possible,*  
15    *damage to life, health, property, and natural resources.*

16    *(d) Given its jurisdiction and expertise, the Division of Oil, Gas,*  
17    *and Geothermal Resources has the authority to determine the*  
18    *appropriate methods for assessing the integrity of active gas*  
19    *pipelines.*

20    ~~SECTION 1.~~

21    *SEC. 2. Section 101042 is added to the Health and Safety Code,*  
22    *to read:*

23    101042. (a) If the local health officer or his or her designee is  
24    notified of a leak in an active gas pipeline, that is within the  
25    jurisdiction of the Division of Oil, Gas, and Geothermal Resources  
26    and within a sensitive area, pursuant to Section 3270.6 of the Public

1 Resources Code and the local health officer or his or her designee  
 2 determines that the leak poses a risk to public health or safety and  
 3 that the response to the leak has been inadequate to protect the  
 4 public health or safety, the local health officer or his or her designee  
 5 shall, working collaboratively with the division and the owner or  
 6 operator of the pipeline, do both of the following:

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

11 (2) Make a determination, based on the result of the tests, on  
 12 whether the leak poses a serious threat to the public health and  
 13 safety of residents affected by the leak, and require the responsible  
 14 party to provide assistance, including temporary relocation, to  
 15 those residents if the local health officer or his or her designee so  
 16 determines.

17 (b) If the local health officer or his or her designee determines,  
 18 based on the results of the test, that the leak poses a serious threat  
 19 to public health and safety, the local health officer or his or her  
 20 designee shall direct the responsible party to notify all residents  
 21 affected by the leak.

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

25 (d) Providing resident assistance and reimbursement for local  
 26 health officer expenses shall not relieve a responsible party from  
 27 liability for damages, and a responsible party shall not condition  
 28 assistance or request a waiver of liability from the recipient of the  
 29 assistance.

30 ~~SEC. 2.~~

31 *SEC. 3.* Section 3270.5 is added to the Public Resources Code,  
 32 to read:

33 ~~3270.5. (a) (1) Commencing~~ *By January 1, 2018, the division*  
 34 ~~shall require a mechanical integrity test, as described in subdivision~~  
 35 ~~(e) of Section 1774.1 of Title 14 of the California Code of~~  
 36 ~~Regulations, or any successor regulation, every two years for~~  
 37 ~~review and evaluate, and update as appropriate, its existing~~  
 38 ~~regulations regarding all active gas pipelines that are four inches~~  
 39 ~~or less in diameter, located in sensitive areas that are areas, and~~

1 10 years old or older. *The division shall make a written finding of*  
2 *its review and evaluation of these pipelines.*

3 ~~(2) The division shall maintain a list of active gas pipelines in~~  
4 ~~sensitive areas.~~

5 (2) *In its review and evaluation, the division shall consider*  
6 *existing pipeline integrity, pipeline leak detection, and other*  
7 *pipeline assessment requirements imposed by other regulators to*  
8 *determine which of these forms of assessment meet the division's*  
9 *needs.*

10 (3) *The regulations shall ensure the integrity and operation of*  
11 *these active gas pipelines pursuant to Sections 3106 and 3270.*

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

20 (2) The division shall perform random periodic spot check  
21 inspections to ensure that the information submitted pursuant to  
22 paragraph (1) is accurately reported.

23 (3) *The division shall maintain a list of active gas pipelines in*  
24 *sensitive areas.*

25 (c) For purposes of this section, the following terms are defined  
26 as follows:

27 (1) "Active gas pipeline" means an inservice gas pipeline  
28 regardless of diameter that is within the division's jurisdiction.

29 (2) "Sensitive area" means any of the following:

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

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

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

39 ~~(d) (1) On a case-by-case basis, the supervisor, at his or her~~  
40 ~~discretion or upon the request of an operator, may allow testing~~

1 performed to satisfy the requirements of other regulatory entities  
2 to satisfy the requirements of mechanical integrity testing pursuant  
3 to subdivision (a).

4 (2) ~~The supervisor shall make a written finding of his or her~~  
5 ~~decision pursuant to this subdivision.~~

6 (3) ~~For purposes of paragraph (1), the testing requirements of~~  
7 ~~the other regulatory entities must meet or exceed the testing~~  
8 ~~requirements pursuant to subdivision (a).~~

9 (e)

10 (d) This section does not affect or limit the authority of the  
11 supervisor pursuant to Section 3106, 3270, or any other section of  
12 ~~the Public Resources Code. this code, or any regulation~~  
13 ~~implementing those sections.~~

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 3270.6 is added to the Public Resources Code,  
16 to read:

17 3270.6. Upon the discovery of a leak from an active gas  
18 pipeline that is within a sensitive area, as defined in Section 3270.5,  
19 the owner or operator of the pipeline shall promptly notify the  
20 division and the local health officer, or his or her designee, of the  
21 jurisdiction in which the leak is located.

22 ~~SEC. 4.~~

23 *SEC. 5.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution for certain  
25 costs that may be incurred by a local agency or school district  
26 because, in that regard, this act creates a new crime or infraction,  
27 eliminates a crime or infraction, or changes the penalty for a crime  
28 or infraction, within the meaning of Section 17556 of the  
29 Government Code, or changes the definition of a crime within the  
30 meaning of Section 6 of Article XIII B of the California  
31 Constitution.

32 However, if the Commission on State Mandates determines that  
33 this act contains other costs mandated by the state, reimbursement  
34 to local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.