

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2773

Introduced by Assembly Member Quirk

February 19, 2016

An act to amend Section ~~884~~ of the Public Utilities 25421 of the Health and Safety Code, relating to ~~broadband services~~: *biomethane*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2773, as amended, Quirk. ~~Broadband services~~. *Biomethane*.

Existing law requires the Public Utilities Commission, by rule or order, to adopt standards for biomethane that is to be injected into a common carrier pipeline that specify, for constituents that may be found in that biomethane, concentrations that are reasonably necessary to ensure the protection of human health, and pipeline and pipeline facility integrity and safety. Pursuant to this requirement, the commission has adopted standards to ensure the protection of human health, and pipeline and pipeline facility integrity and safety, in part by establishing a biomethane minimum heating value, which is a measure of the energy content, a biomethane siloxane trigger level, which gives rise to a monitoring requirement, and a biomethane siloxane lower action level, which is used in screening gas supplies.

This bill would require the commission to modify the minimum heating value and the siloxane trigger and lower action levels, as specified.

~~Existing law establishes the California Teleconnect Fund Administrative Committee Fund in the State Treasury, requires that moneys from the fund only be expended upon appropriation in the annual Budget Act or upon supplemental appropriation, and requires that the moneys appropriated be utilized exclusively by the commission~~

~~for authorized teleconnect programs. Existing law authorizes the commission to expend up to \$2,000,000 of the unencumbered amount of those funds for the nonrecurring installation costs for high-speed broadband services for community organizations that are eligible for discounted rates, as specified. Existing law defines “high-speed broadband services” for these purposes to mean a system for the digital transmission of information over the Internet at a speed of at least 384 kilobits per second.~~

~~This bill would change the minimum speed in that definition from 384 kilobits per second to 500 kilobits per second.~~

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

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

1 SECTION 1. Section 25421 of the Health and Safety Code is
2 amended to read:
3 25421. (a) On or before May 15, 2013, all of the following
4 shall be completed:
5 (1) The office, in consultation with the board, the department,
6 CalRecycle, and the California Environmental Protection Agency,
7 shall compile a list of constituents of concern that could pose risks
8 to human health and that are found in biogas at concentrations that
9 significantly exceed the concentrations of those constituents in
10 natural gas. The office, in consultation with the board, the
11 department, CalRecycle, and the California Environmental
12 Protection Agency, shall update this list at least every five years.
13 (2) The office shall determine health protective levels for the
14 list of constituents of concern identified pursuant to paragraph (1).
15 In determining those health protective levels, the office shall
16 consider potential health impacts and risks, including, but not
17 limited to, health impacts and risks to utility workers and gas end
18 users. The office shall update these levels at least every five years.
19 (3) The board shall identify realistic exposure scenarios and, in
20 consultation with the office, shall identify the health risks
21 associated with the exposure scenarios for the constituents of
22 concern identified by the office pursuant to paragraph (1). The
23 board shall update the exposure scenarios, and, in consultation
24 with the office, the health risks associated with the exposure
25 scenarios, at least every five years.

1 (4) Upon completion of the responsibilities required pursuant
2 to paragraphs (1) through (3), the board, in consultation with the
3 office, the department, CalRecycle, and the California
4 Environmental Protection Agency shall determine the appropriate
5 concentrations of constituents of concern. In determining those
6 concentrations, the board shall use the health protective levels
7 identified pursuant to paragraph (2) and the exposure scenarios
8 identified pursuant to paragraph (3). The concentrations shall be
9 updated at least every five years by the board in consultation with
10 the office, the department, CalRecycle, and the California
11 Environmental Protection Agency.

12 (5) The board, in consultation with the office, the department,
13 CalRecycle, and the California Environmental Protection Agency,
14 shall identify reasonable and prudent monitoring, testing, reporting,
15 and recordkeeping requirements, separately for each source of
16 biogas, that are sufficient to ensure compliance with the health
17 protective standards adopted pursuant to subdivision (d). The
18 board, in consultation with the office, the department, CalRecycle
19 and the California Environmental Protection Agency shall update
20 the monitoring, testing, reporting, and recordkeeping requirements
21 at least every five years.

22 (b) Actions taken pursuant to subdivision (a) shall not constitute
23 regulations and shall be exempt from the administrative regulations
24 and rulemaking provisions of the Administrative Procedure Act
25 (Chapter 3.5 (commencing with Section 11340) of Division 2 of
26 Title 2 of the Government Code).

27 (c) (1) On or before December 31, 2013, for biomethane that
28 is to be injected into a common carrier pipeline, the commission
29 shall, by rule or order, adopt standards that specify, for constituents
30 that may be found in that biomethane, concentrations that are
31 reasonably necessary to ensure both of the following:

32 (1)

33 (A) The protection of human health. In making this specification,
34 the commission shall give due deference to the determinations of
35 the board pursuant to paragraph (4) of subdivision (a).

36 (2)

37 (B) Pipeline and pipeline facility integrity and safety.

38 (2) *On or before June 1, 2017, the commission shall, for the*
39 *injection of biomethane into common carrier pipelines, do both of*
40 *the following:*

1 (A) *Modify the minimum heating value requirement of*
2 *biomethane to allow for the injection of biomethane without first*
3 *being blended upstream with other fuel to account for the*
4 *downstream blending occurring naturally in the pipeline. The*
5 *commission shall consider modifying the minimum heating value*
6 *for biomethane from 990 British thermal units per standard cubic*
7 *foot (Btu/scf) to 970 Btu/scf.*

8 (B) *Modify the siloxane trigger level and lower action level to*
9 *reflect a reasonable standard that can be met by siloxane*
10 *processing equipment manufacturers and suppliers and for which*
11 *those manufacturers and suppliers are willing to provide*
12 *performance guarantees. The commission shall consider modifying*
13 *the siloxane trigger level to 1.0 milligram of silicon per square*
14 *meter (mg Si/m²) and the lower action level to 2.5 mg Si/m³.*

15 (d) To ensure pipeline and pipeline facility integrity and safety,
16 on or before December 31, 2013, the commission, giving due
17 deference to the board's determinations, shall, by rule or order,
18 adopt the monitoring, testing, reporting, and recordkeeping
19 requirements identified pursuant to paragraph (5) of subdivision
20 (a).

21 (e) Every five years, or earlier if new information becomes
22 available, the commission shall review and update the standards
23 for the protection of human health and pipeline integrity and safety
24 adopted pursuant to subdivision (c), as well as the monitoring,
25 testing, reporting, and recordkeeping requirements adopted
26 pursuant to subdivision (d).

27 (f) (1) A person shall not inject biogas into a common carrier
28 pipeline unless the biogas satisfies both the standards set by the
29 commission pursuant to subdivision (c), as well as the monitoring,
30 testing, reporting, and recordkeeping requirements of subdivision
31 (d).

32 (2) The commission shall require gas corporation tariffs to
33 condition access to common carrier pipelines on the applicable
34 customer meeting the standards and requirements adopted by the
35 commission pursuant to subdivisions (c) and (d).

36 (g) (1) A person shall not knowingly sell, supply, or transport,
37 or knowingly cause to be sold, supplied, or transported, biogas
38 collected from a hazardous waste landfill to a gas corporation
39 through a common carrier pipeline.

1 (2) A gas corporation shall not knowingly purchase gas collected
2 from a hazardous waste landfill through a common carrier pipeline.

3 ~~SECTION 1. Section 884 of the Public Utilities Code is~~
4 ~~amended to read:~~

5 ~~884. (a) It is the intent of the Legislature that any program~~
6 ~~administered by the commission that addresses the inequality of~~
7 ~~access to high-speed broadband services by providing those~~
8 ~~services to schools and libraries at a discounted price, provide~~
9 ~~comparable discounts to a nonprofit community technology~~
10 ~~program.~~

11 ~~(b) Notwithstanding any other law or existing program of the~~
12 ~~commission, but consistent with the purposes for which those funds~~
13 ~~were appropriated from the California Teleconnect Fund~~
14 ~~Administrative Committee Fund in Item 8660-001-0493 of Section~~
15 ~~2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of~~
16 ~~2003), and reappropriated in Item 8660-491 of Section 2.00 of the~~
17 ~~Budget Act of 2006 (Chapter 47 of the Statutes of 2006), the~~
18 ~~commission may expend up to two million dollars (\$2,000,000)~~
19 ~~of the unencumbered amount of those funds for the nonrecurring~~
20 ~~installation costs for high-speed broadband services for community~~
21 ~~organizations that are eligible for discounted rates pursuant to~~
22 ~~Section 280.~~

23 ~~(c) For the purpose of this section:~~

24 ~~(1) "High-speed broadband services" means a system for the~~
25 ~~digital transmission of information over the Internet at a speed of~~
26 ~~at least 500 kilobits per second.~~

27 ~~(2) "Nonprofit community technology program" means a~~
28 ~~community-based nonprofit organization that is exempt from~~
29 ~~taxation under Section 501(c)(3) of the Internal Revenue Code~~
30 ~~and engages in diffusing technology into local communities and~~
31 ~~training local communities that have no access to, or have limited~~
32 ~~access to, the Internet and advanced telecommunications~~
33 ~~technologies.~~