

AMENDED IN ASSEMBLY AUGUST 18, 2015

AMENDED IN ASSEMBLY JUNE 24, 2015

SENATE BILL

No. 295

Introduced by Senator Jackson
(Principal coauthor: Assembly Member Williams)

February 23, 2015

An act to ~~amend Section 51013.5 of, and to add Section 51015.1 to,~~ to the Government Code, relating to pipeline safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 295, as amended, Jackson. Pipeline safety: inspections.

Under the Elder California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous or highly volatile liquid substances. The act authorizes the State Fire Marshal to exercise safety regulatory jurisdiction over portions of interstate pipelines located within the state and subject to an agreement between the United States Secretary of Transportation and the State Fire Marshal. The act ~~requires those pipelines over 10 years of age to be hydrostatically tested every 3 or 5 years, as provided, except that high-risk pipelines, as designated by the State Fire Marshall, are to be tested every 2 years or annually, as provided.~~ *authorizes the State Fire Marshal to enter, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of any pipeline operators that are required to be inspected and examined to determine whether the pipeline operator is in compliance with the act.*

This bill would require the State Fire Marshal, or an officer or employee authorized by the State Fire Marshal, to annually inspect all *intrastate pipelines and operators of intrastate pipelines* under the

jurisdiction of the State Fire Marshal. ~~The bill would require pipelines over 5 years of age to be hydrostatically tested every 2 or 3 years, as provided, and would require all designated high-risk pipelines to be tested annually. The bill would require the State Fire Marshall, *Marshal*, to the maximum extent possible, to become an inspection agent by entering into an agreement with the federal Pipeline and Hazardous Materials Safety Administration, as specified. The bill would require the State Fire Marshall *Marshal* to revise specified fees assessed to cover the costs associated with this measure. The bill would also delete obsolete provisions.~~

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 51013.5 of the Government Code is~~
2 ~~amended to read:~~
3 ~~51013.5. (a) Every newly constructed pipeline, existing~~
4 ~~pipeline, or part of a pipeline system that has been relocated or~~
5 ~~replaced, and every pipeline that transports a hazardous liquid~~
6 ~~substance or highly volatile liquid substance, shall be tested in~~
7 ~~accordance with Subpart E (commencing with Section 195.300)~~
8 ~~of Part 195 of Title 49 of the Code of Federal Regulations.~~
9 ~~(b) Every pipeline not provided with properly sized automatic~~
10 ~~pressure relief devices or properly designed pressure limiting~~
11 ~~devices shall be hydrostatically tested annually.~~
12 ~~(c) Every pipeline over five years of age and not provided with~~
13 ~~effective cathodic protection shall be hydrostatically tested every~~
14 ~~two years, except for those on the State Fire Marshal's list of higher~~
15 ~~risk pipelines, which shall be hydrostatically tested annually.~~
16 ~~(d) Every pipeline over five years of age and provided with~~
17 ~~effective cathodic protection shall be hydrostatically tested every~~
18 ~~three years, except for those on the State Fire Marshal's list of~~
19 ~~higher risk pipelines which shall be hydrostatically tested annually.~~
20 ~~(e) Piping within a refined products bulk loading facility served~~
21 ~~by pipeline shall be tested hydrostatically at 125 percent of~~
22 ~~maximum allowable operating pressure utilizing the product~~
23 ~~ordinarily transported in that piping if that piping is operated at a~~
24 ~~stress level of 20 percent or less of the specified minimum yield~~
25 ~~strength of the pipe. The frequency for pressure testing these~~

1 pipelines shall be every five years for those pipelines with effective
2 cathodic protection and every three years for those pipelines
3 without effective cathodic protection. If that piping is observable,
4 visual inspection may be the method of testing.

5 (f) ~~The State Fire Marshal shall study indicators and precursors~~
6 ~~of serious pipeline accidents, and, in consultation with the Pipeline~~
7 ~~Safety Advisory Committee, shall develop criteria for identifying~~
8 ~~which hazardous liquid pipelines pose the greatest risk to people~~
9 ~~and the environment due to the likelihood of, and likely seriousness~~
10 ~~of, an accident due to corrosion or defect. The study shall give due~~
11 ~~consideration to research done by the industry, the federal~~
12 ~~government, academia, and to any other information which the~~
13 ~~State Fire Marshal shall deem relevant, including, but not limited~~
14 ~~to, recent leak history, pipeline location, and materials transported.~~
15 ~~Beginning January 1, 1992, using the criteria identified in that~~
16 ~~study, the State Fire Marshal shall maintain a list of higher risk~~
17 ~~pipelines, which exceed a standard of risk to be determined by the~~
18 ~~State Fire Marshal, and which shall be tested as required in~~
19 ~~subdivisions (c) and (d) as long as they remain on the list.~~

20 (g) ~~In addition to the requirements of subdivisions (a) to (e),~~
21 ~~inclusive, the State Fire Marshal may require any pipeline subject~~
22 ~~to this chapter to be subjected to a pressure test, or any other test~~
23 ~~or inspection, at any time, in the interest of public safety.~~

24 (h) ~~Test methods other than the hydrostatic tests required by~~
25 ~~subdivisions (b), (c), (d), and (e), including inspection by~~
26 ~~instrumented internal inspection devices, may be approved by the~~
27 ~~State Fire Marshal on an individual basis. If the State Fire Marshal~~
28 ~~approves an alternative to a pressure test in an individual case, the~~
29 ~~State Fire Marshal may require that the alternative test be given~~
30 ~~more frequently than the testing frequencies specified in~~
31 ~~subdivisions (b), (c), (d), and (e).~~

32 (i) ~~The State Fire Marshal shall adopt regulations to establish~~
33 ~~what the State Fire Marshal deems to be an appropriate frequency~~
34 ~~for tests and inspections, including instrumented internal~~
35 ~~inspections, which, when permitted as a substitute for tests required~~
36 ~~under subdivisions (b), (c), and (d), do not damage pipelines or~~
37 ~~require them to be shut down for the testing period. That testing~~
38 ~~shall in no event be less frequent than is required by subdivisions~~
39 ~~(b), (c), and (d). Each time one of these tests is required on a~~
40 ~~pipeline, it shall be approved on the same individual basis as under~~

1 ~~subdivision (h). If it is not approved, a hydrostatic test shall be~~
2 ~~carried out at the time the alternative test would have been carried~~
3 ~~out, and subsequent tests shall be carried out in accordance with~~
4 ~~the time intervals prescribed by subdivision (b), (c), or (d), as~~
5 ~~applicable.~~

6 ~~SEC. 2.~~

7 *SECTION 1.* Section 51015.1 is added to the Government Code,
8 to read:

9 51015.1. (a) The State Fire Marshal, or an officer or employee
10 authorized by the State Fire Marshal, shall annually inspect all
11 *intrastate pipelines and* operators of intrastate pipelines under the
12 jurisdiction of the State Fire Marshal to ensure compliance with
13 applicable laws and regulations.

14 (b) For portions of interstate pipelines that are not under the
15 jurisdiction of the State Fire Marshal pursuant to Section 51010.6,
16 the State Fire Marshal shall, to the maximum extent possible,
17 become an inspection agent through entering into an interstate
18 inspection agent agreement with the federal Pipeline and Hazardous
19 Materials Safety Administration.

20 (c) The State Fire ~~Marshal~~ *Marshal* shall revise the fee assessed
21 pursuant to Section 51019 to a level sufficient to cover the costs
22 associated with the implementation of this ~~section and Section~~
23 ~~51013.5, as amended by the act adding this section.~~