

AMENDED IN ASSEMBLY APRIL 4, 1995
AMENDED IN ASSEMBLY MARCH 22, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 204

Introduced by Assembly Member Cannella

January 30, 1995

An act to amend Sections 8589.7 and 51018 of the Government Code, and to amend Sections 25270.8 and 25359.4 of the Health and Safety Code, relating to disasters.

LEGISLATIVE COUNSEL'S DIGEST

AB 204, as amended, Cannella. Hazardous substances and material spills: reporting requirements.

Under existing law, the Office of Emergency Services is the central point in state government for the emergency reporting of spills, unauthorized releases, or accidental releases of hazardous materials. Upon receiving a report, as prescribed, the office is required to notify designated public agencies of the incident, as specified.

This bill would impose specified additional reporting requirements on the office for specified incidents and make various conforming and technical changes.

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 8589.7 of the Government Code
2 is amended to read:

3 8589.7. (a) In carrying out its responsibilities
4 pursuant to subdivision (b) of Section 8574.17, the Office
5 of Emergency Services shall serve as the central point in
6 state government for the emergency reporting of spills,
7 unauthorized releases, or other accidental releases of
8 hazardous materials and shall coordinate the notification
9 of the appropriate state and local administering agencies
10 that may be required to respond to those spills,
11 unauthorized releases, or other accidental releases. The
12 Office of Emergency Services is the only state agency
13 required to make the notification required by subdivision
14 (b).

15 (b) Upon receipt of a report concerning a spill,
16 unauthorized release, or other accidental release
17 involving hazardous materials, as defined in Section 25501
18 of the Health and Safety Code, or concerning a rupture,
19 explosion, or fire involving a pipeline reportable pursuant
20 to Section 51018, the Office of Emergency Services shall
21 immediately inform the following agencies of the
22 incident:

23 (1) For an oilspill reportable pursuant to Section
24 8670.25.5, the Office of Emergency Services shall inform
25 the administrator for oilspill response, the State Lands
26 Commission, the California Coastal Commission, and the
27 California regional water quality control board having
28 jurisdiction over the location of the discharged oil.

29 (2) For a rupture, explosion, or fire involving a
30 pipeline reportable pursuant to Section 51018, the Office
31 of Emergency Services shall inform the State Fire
32 ~~Marshal and any agency that has fire suppression~~
33 ~~responsibilities with regard to the incident.~~ *Marshal.*

34 (3) For a discharge in or on any waters of the state of
35 a hazardous substance or sewage reportable pursuant to
36 Section 13271 of the Water Code, the Office of
37 Emergency Services shall inform the appropriate
38 California regional water quality control board.



1 (4) For a spill or other release of petroleum reportable
2 pursuant to Section 25270.8 of the Health and Safety
3 Code, the Office of Emergency Services shall inform the
4 local administering agency that has jurisdiction over the
5 spill or release.

6 (c) This section does not relieve a person who is
7 responsible for an incident specified in subdivision (b)
8 from the duty to make an emergency notification to a
9 local agency, or the 911 emergency system, under any
10 other law.

11 (d) A person who is subject to Section 25507 of the
12 Health and Safety Code shall immediately report all
13 releases or threatened releases pursuant to that section to
14 the appropriate local administering agency and each
15 local administering agency shall notify the Office of
16 Emergency Services and businesses in their jurisdiction
17 of the appropriate emergency telephone number that
18 can be used for emergency notification to the
19 administering agency on a 24-hour basis. The
20 administering agency shall notify other local agencies of
21 releases or threatened releases within their jurisdiction,
22 as appropriate.

23 (e) No facility, owner, operator, or other person
24 required to report an incident specified in subdivision (b)
25 to the Office of Emergency Services shall be liable for any
26 failure of the Office of Emergency Services to make a
27 notification required by this section or to accurately
28 transmit the information reported.

29 SEC. 2. Section 51018 of the Government Code is
30 amended to read:

31 51018. (a) Every rupture, explosion, or fire involving
32 a pipeline, including a pipeline system otherwise
33 exempted by subdivision (a) of Section 51010.5, and
34 including a pipeline undergoing testing, shall be
35 immediately reported by the pipeline operator to the
36 Office of Emergency Services *and the local agency that*
37 *has fire suppression responsibilities*. In addition, the
38 pipeline operator shall within 30 days of the rupture,
39 explosion, or fire file a report with the State Fire Marshal
40 containing all the information that the State Fire Marshal



1 may reasonably require to prepare the report required
2 pursuant to subdivision (d).

3 (b) (1) Upon notification by the Office of Emergency
4 Services pursuant to paragraph (2) of subdivision (b) of
5 Section 8589.7, the State Fire Marshal shall immediately
6 dispatch his or her employees to the scene. The State Fire
7 Marshal or his or her employees, upon arrival, shall
8 provide technical expertise and advise the operator and
9 all responding agencies on activities needed to mitigate
10 the incident.

11 (2) For purposes of this subdivision, the Legislature
12 does not intend to hinder or disrupt the workings of the
13 “incident commander system,” but does intend to
14 establish a recognized element of expertise and direction
15 for the incident command to consult and acknowledge as
16 an authority on the subject of pipeline incident
17 mitigation. Furthermore, it is expected that the State Fire
18 Marshal will recognize the expertise of the pipeline
19 operator and any other emergency agency personnel
20 who may be familiar with the particular location of the
21 incident and respect their knowledgeable input
22 regarding the mitigation of the incident.

23 (c) For purposes of this section, “rupture” includes
24 every unintentional liquid leak, including any leak that
25 occurs during hydrostatic testing, except that a crude oil
26 leak of less than five barrels from a pipeline or flow line
27 in a rural area, or any crude oil or petroleum product leak
28 in any in-plant piping system of less than five barrels,
29 when no fire, explosion, or bodily injury results or no
30 waterway is contaminated thereby, does not constitute a
31 rupture for purposes of the reporting requirements of
32 subdivision (a).

33 (d) The State Fire Marshal shall, every fifth year
34 commencing in 1999, issue a report identifying pipeline
35 leak incident rate trends, reviewing current regulatory
36 effectiveness with regard to pipeline safety, and
37 recommending any necessary changes to the Legislature.
38 The report shall include all of the following items:

- 39 (1) Total length of regulated pipelines.
40 (2) Total length of regulated piggable pipeline.



- 1 (3) Total number of line sections.
- 2 (4) Average length of each section.
- 3 (5) Number of leaks during study period.
- 4 (6) Average spill size.
- 5 (7) Average damage per incident.
- 6 (8) Average age of leak pipe.
- 7 (9) Average diameter of leak pipe.
- 8 (10) Injuries during study period.
- 9 (11) Cause of the leak or spill.
- 10 (12) Fatalities during study period.
- 11 (13) Other information as determined to be
- 12 appropriate by the State Fire Marshal.

13 (e) This section does not preempt any other
14 applicable federal or state incident reporting
15 requirement.

16 (f) Except as otherwise provided in this section and
17 Section 8589.7, a notification made pursuant to this
18 section shall satisfy any immediate notification
19 requirement contained in any permit issued by a
20 permitting agency.

21 ~~(g) This section shall not relieve a pipeline operator~~
22 ~~from the duty to make an emergency notification to the~~
23 ~~local responding agency or to the 911 emergency system~~
24 ~~when emergency response assistance is required.~~

25 SEC. 3. Section 25270.8 of the Health and Safety Code
26 is amended to read:

27 25270.8. Each owner or operator of a tank facility shall
28 immediately, upon discovery, notify the Office of
29 Emergency Services of the occurrence of a spill or other
30 release of one barrel (42 gallons) or more of petroleum
31 which is required to be reported pursuant to subdivision
32 (a) of Section 13272 of the Water Code. The owner or
33 operator shall notify the local responding agency or the
34 911 emergency system when *the operator determines*
35 *that* emergency response assistance is required.

36 SEC. 4. Section 25359.4 of the Health and Safety Code
37 is amended to read:

38 25359.4. (a) A person shall not release, or allow or
39 cause a release of, a reportable quantity of a hazardous



1 substance into the environment which is not authorized
2 or permitted pursuant to state law.

3 (b) Any release of a reportable quantity of hazardous
4 substance shall be reported to the department or to an
5 agency designated by the department in writing within
6 30 days of discovery, unless any of the following apply:

7 (1) The release is permitted or in the permit process.

8 (2) The release is authorized by state law.

9 (3) The release requires immediate reporting to the
10 Office of Emergency Services pursuant to Section 11002
11 or 11004 of Title 42 of the United States Code, or pursuant
12 to Section 25507.

13 (4) The release has previously been reported to the
14 department or an agency designated by the department
15 or the Office of Emergency Services.

16 (5) The release occurred prior to January 1, ~~1996~~ 1994.

17 (c) For the purposes of this section, “reportable
18 quantity” means either of the following:

19 (1) Any reportable quantity of a hazardous substance
20 established in Sections 302.3, 302.4, 302.5, and 302.6(a) of
21 Title 40 of the Code of Federal Regulations.

22 (2) Any quantity of a hazardous substance that is not
23 reportable pursuant to paragraph (1), but that may pose
24 a significant threat to public health and safety or to the
25 environment. The department may establish guidelines
26 for determining which releases are reportable under this
27 paragraph.

28 (d) The owner of property on which a release of a
29 reportable quantity, as defined in Section 302.6 of Title 40
30 of the Code of Federal Regulations, has occurred and any
31 person who releases, or causes a release of, a reportable
32 quantity and who fails to make the written report
33 required by subdivision (b), shall be liable for a penalty
34 not to exceed twenty-five thousand dollars (\$25,000) for
35 each separate violation and for each day that a violation
36 continues. Each day on which the released hazardous
37 substance remains is a separate violation unless the
38 person has either filed the report or is in compliance with
39 an order issued by a local, state, or federal agency with
40 regard to the release.



1 (e) Liability under this section may be imposed in a
2 civil action or may be administratively imposed by the
3 department pursuant to Section 25359.3.

4 (f) If the violation of subdivision (b) results in, or
5 significantly contributes to, an emergency, including, but
6 not limited to, a fire, to which a county, city, or district is
7 required to respond, the responsible party may be
8 assessed the full cost of the emergency response by the
9 city, county, or district.

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