

AMENDED IN ASSEMBLY JANUARY 3, 1996

AMENDED IN ASSEMBLY APRIL 4, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1376

Introduced by Assembly Member Bustamante

February 24, 1995

An act to amend Section 51018 of the Government Code, and to add Section 3233 to the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, as amended, Bustamante. Oil spill reporting requirements.

Under existing law, every rupture, explosion, or fire involving a pipeline is required to be immediately reported by the pipeline operator to the fire department having fire suppression responsibilities and to the Office of Emergency Services, and is subject to additional specified reporting requirements.

This bill would ~~prescribe special~~ *vest in the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation, the State Water Resources Control Board, and the Department of Fish and Game, exclusive authority to develop, and would require the division to implement, field rules to determine the volumetric thresholds for reporting and notification* requirements for crude oil spills ~~from~~ *associated with* onshore drilling, production, and injection

operations for onshore wells regulated by the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation, as prescribed, and would exempt pipeline ruptures involving specified nonreportable crude oil spills from the above and other specified reporting requirements unless the spill involves a fire or explosion.

~~The bill would require the Division of Oil, Gas, and Geothermal Resources to adopt regulations implementing the bill and would make the bill operative only if those regulations are adopted and take effect. The bill would prescribe related matters.~~

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 51018 of the Government Code
2 is amended to read:

3 51018. (a) Every rupture, explosion, or fire involving
4 a pipeline, including a pipeline system otherwise
5 exempted by subdivision (a) of Section 51010.5, and
6 including a pipeline undergoing testing, shall be
7 immediately reported by the pipeline operator to the fire
8 department having fire suppression responsibilities and
9 to the Office of Emergency Services. In addition, the
10 pipeline operator shall within 30 days of the rupture,
11 explosion, or fire file a report with the State Fire Marshal
12 containing all the information that the State Fire Marshal
13 may reasonably require to prepare the report required
14 pursuant to subdivision (d).

15 (b) (1) The Office of Emergency Services shall
16 immediately notify the State Fire Marshal of the incident,
17 who shall immediately dispatch his or her employees to
18 the scene. The State Fire Marshal or his or her employees,
19 upon arrival, shall provide technical expertise and advise
20 the operator and all public agencies on activities needed
21 to mitigate the hazard.

22 (2) For purposes of this subdivision, the Legislature
23 does not intend to hinder or disrupt the workings of the
24 “incident commander system,” but does intend to



1 establish a recognized element of expertise and direction
2 for the incident command to consult and acknowledge as
3 an authority on the subject of pipeline incident
4 mitigation. Furthermore, it is expected that the State Fire
5 Marshal will recognize the expertise of the pipeline
6 operator and any other emergency agency personnel
7 who may be familiar with the particular location of the
8 incident and respect their knowledgeable input
9 regarding the mitigation of the incident.

10 (c) For purposes of this section, “rupture” includes
11 every unintentional liquid leak, including any leak that
12 occurs during hydrostatic testing, except that a crude oil
13 leak of less than five barrels from a pipeline or flow line
14 in a rural area, or any crude oil or petroleum product leak
15 in any in-plant piping system of less than five barrels,
16 when no fire, explosion, or bodily injury results or no
17 waterway is contaminated thereby, does not constitute a
18 rupture for purposes of the reporting requirements of
19 subdivision (a).

20 (d) The State Fire Marshal shall, every fifth year
21 commencing in 1999, issue a report identifying pipeline
22 leak incident rate trends, reviewing current regulatory
23 effectiveness with regard to pipeline safety, and
24 recommending any necessary changes to the Legislature.
25 This report shall include all of the following: total length
26 of regulated pipelines, total length of regulated piggable
27 pipeline, total number of line sections, average length of
28 each section, number of leaks during study period,
29 average spill size, average damage per incident, average
30 age of leak pipe, average diameter of leak pipe, injuries
31 during study period, cause of the leak or spill, fatalities
32 during study period, and other information as deemed
33 appropriate by the State Fire Marshal.

34 (e) This section does not preempt any other
35 applicable federal or state reporting requirement.

36 (f) Except as otherwise provided in this section and
37 Section 8589.7, a notification made pursuant to this
38 section shall satisfy any immediate notification
39 requirement contained in any permit issued by a
40 permitting agency.



1 (g) This section does not apply to pipeline ruptures
2 involving nonreportable crude oil spills under Section
3 3233 of the Public Resources Code, unless the spill
4 involves a fire or explosion.

5 SEC. 2. Section 3233 is added to the Public Resources
6 Code, to read:

7 ~~3233. Crude oil spills from onshore drilling,~~
8 ~~production, and injection operations for onshore wells~~
9 ~~regulated by the division shall be subject to the following~~
10 ~~spill reporting requirements:~~

11 ~~(a) Crude oil spills of less than five barrels in an area~~
12 ~~with engineered containment or less than one barrel in~~
13 ~~areas without engineered containment, that do not enter~~
14 ~~waters of the state, as defined in subdivision (c) of Section~~
15 ~~13050 of the Water Code, are not reportable by the owner~~
16 ~~or operator. Crude oil spills greater than one barrel and~~
17 ~~less than five barrels that occur in areas without~~
18 ~~engineered containment that do not pose an imminent~~
19 ~~threat to waters of the state are not reportable by the~~
20 ~~owner or operator.~~

21 ~~(b) Crude oil spills of between five barrels and 25~~
22 ~~barrels, in areas with engineered containment, that do~~
23 ~~not enter waters of the state, are not reportable by the~~
24 ~~owner or operator. The owner or operator shall~~
25 ~~semi-annually make a written report of those spills to the~~
26 ~~division.~~

27 ~~(c) Nonreportable crude oil spills as described in~~
28 ~~subdivisions (a) and (b) are exempt from the reporting~~
29 ~~requirements, and any penalties provided for~~
30 ~~nonreporting, under Sections 13260 and 13272 of the~~
31 ~~Water Code, Sections 25270.8 and 25507 of the Health and~~
32 ~~Safety Code, Sections 8670.25.5 and 51018 of the~~
33 ~~Government Code, and subdivision (h) of Section 1722 of~~
34 ~~Title 14 of the California Code of Regulations. Crude oil~~
35 ~~spill reporting requirements under Section 51018 of the~~
36 ~~Government Code shall be applicable if a spill involves a~~
37 ~~fire or explosion.~~

38 ~~(d) This section shall not affect existing reporting~~
39 ~~requirements under federal law.~~



1 ~~(c) The division shall adopt, in a timely manner,~~
2 ~~regulations implementing this section that ensure the~~
3 ~~remediation of crude oil spills. In developing regulations~~
4 ~~implementing this section, the division shall consult with~~
5 ~~appropriate state agencies.~~

6 ~~(f) The division shall review individual onshore~~
7 ~~drilling, production, and injection operations and~~
8 ~~determine, in consultation with appropriate state~~
9 ~~agencies, whether oil spills subject to subdivisions (a) and~~
10 ~~(b) pose a significant threat to waters of the state or the~~
11 ~~environment in any particular oil field and should be~~
12 ~~reportable. The division may incorporate those~~
13 ~~individual reporting requirements into field rules.~~

14 ~~(g) This section shall become operative only if the~~
15 ~~regulations are adopted pursuant to subdivision (e) and~~
16 ~~take effect.~~

17 *3233. (a) The division, the State Water Resources*
18 *Control Board, and the Department of Fish and Game*
19 *shall have the exclusive authority to develop, and the*
20 *division shall implement, field rules as authorized under*
21 *subdivision (k) of Section 1722 of Title 14 of the California*
22 *Code of Regulations to determine the volumetric*
23 *thresholds for reporting and notification requirements*
24 *for crude oil spills associated with onshore drilling,*
25 *production, and injection operations. Field rules*
26 *containing volumetric thresholds shall be developed for*
27 *Central Valley oil fields, as defined by the division, by*
28 *January 1, 1997, and for the remainder of the state by*
29 *January 1, 1998. When sufficient information becomes*
30 *available, the reporting requirements in the field rules*
31 *may be revised by the division, the State Water Resources*
32 *Control Board, and the Department of Fish and Game,*
33 *and implemented by the division, to accommodate new*
34 *conditions. When establishing field rules for reporting*
35 *crude oil spills, the following factors shall be considered:*

36 *(1) Whether the spill will be in an area with*
37 *engineered containment, as defined in the field rules.*

38 *(2) For areas outside of engineered containment, the*
39 *probability that a spill will enter waters of the state, as*



1 *defined in subdivision (e) of Section 13050 of the Water*
2 *Code.*

3 *(b) In no case shall the reporting thresholds for any*
4 *crude oil spill to land occurring within the boundary of an*
5 *onshore oil field regulated by the division be less than one*
6 *barrel of oil.*

7 *(c) Crude oil spills determined to be nonreportable by*
8 *the division, the State Water Resources Control Board,*
9 *and Department of Fish and Game shall be exempt from*
10 *the reporting requirements, and any penalties provided*
11 *for nonreporting, established under paragraph (1) of*
12 *subdivision (a) of Section 13260 of the Water Code,*
13 *subdivisions (a), (c), and (e) of Section 13272 of the*
14 *Water Code, Section 25507 of the Health and Safety Code,*
15 *Sections 8670.25.5 and 51018 of the Government Code,*
16 *and subdivision (h) of Section 1722 of Title 14 of the*
17 *California Code of Regulations. Crude oil spill reporting*
18 *requirements under Section 51018 of the Government*
19 *Code shall be applicable if a spill involves a fire or*
20 *explosion.*

21 *(d) This section shall not affect existing reporting*
22 *requirements under federal law.*

23 *(e) Compliance with reporting requirements*
24 *contained in field rules shall be deemed to constitute*
25 *compliance with all state spill reporting and notification*
26 *requirements.*

