S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 22, 2014

Introduced by M. of A. PAULIN, BRENNAN, ENGLEBRIGHT, ROSENTHAL, BUCHWALD, GALEF, MOSLEY, OTIS, COOK, GOTTFRIED, JACOBS, LIFTON, STECK -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, LUPARDO, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to reporting of natural gas leaks by gas corporations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public service law is amended by adding a new section 67-b to read as follows:

S 67-B. NATURAL GAS LEAK REPORTING REQUIREMENTS. 1. THE DEPARTMENT SHALL ESTABLISH A UNIFORM NATURAL GAS LEAK CLASSIFICATION SYSTEM AS SET FORTH IN THIS SECTION.

2. ALL LEAKS SHALL BE ASSESSED A CLASS BASED ON THE FOLLOWING SYSTEM:

(A) TYPE 1 CLASSIFICATION. (1) A TYPE 1 LEAK IS ONE WHICH, DUE TO ITS LOCATION AND/OR RELATIVE MAGNITUDE, CONSTITUTES A POTENTIALLY HAZARDOUS CONDITION TO THE PUBLIC OR BUILDINGS. IN THE EVENT OF A TYPE 1 LEAK CLASSIFICATION THE FOLLOWING REQUIREMENTS APPLY:

(I) THE LEAK SHALL REQUIRE AN IMMEDIATE EFFORT TO PROTECT LIFE AND PROPERTY;

(II) CONTINUOUS ACTION SHALL BE THEREAFTER TAKEN UNTIL THE CONDITION IS NO LONGER HAZARDOUS; AND

(III) COMPLETION OF REPAIRS SHALL BE SCHEDULED ON A REGULAR DAY-AFTER-DAY BASIS, OR THE CONDITION KEPT UNDER DAILY SURVEILLANCE UNTIL THE SOURCE OF THE LEAK HAS BEEN CORRECTED.

(2) TYPE 1 LEAKS INCLUDE, BUT ARE NOT LIMITED TO:

(I) DAMAGE BY CONTRACTORS OR OUTSIDE SOURCES RESULTING IN LEAKAGE;

(II) ANY INDICATION ON A COMBUSTIBLE GAS INDICATOR (CGI) OF NATURAL GAS ENTERING BUILDINGS OR TUNNELS;

(III) ANY READING ON A CGI WITHIN FIVE FEET (1.5 METERS) OF A BUILDING WALL;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(IV) ANY READING OF FOUR PERCENT OR GREATER GAS-IN-AIR ON A CGI WITHIN MANHOLES, VAULTS OR CATCH BASINS (SAMPLING WILL BE CONDUCTED WITH THE STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS PHYSICALLY POSSIBLE); OR

(V) ANY LEAK WHICH, IN THE JUDGMENT OF THE OPERATING PERSONNEL AT THE SCENE, IS REGARDED AS POTENTIALLY HAZARDOUS.

(B) TYPE 2A CLASSIFICATION. (1) A TYPE 2A LEAK DOES NOT PRESENT AN IMMEDIATELY HAZARDOUS CONDITION TO THE PUBLIC OR BUILDINGS, BUT IS OF A NATURE THAT REQUIRES FREQUENT SURVEILLANCE AND SCHEDULED REPAIR. IN THE EVENT OF A TYPE 2A LEAK CLASSIFICATION THE FOLLOWING REQUIREMENTS APPLY:

(I) THE LEAK SHALL BE REPAIRED WITHIN A PERIOD NOT TO EXCEED SIX MONTHS; AND

(II) THE LEAK SHALL BE MAINTAINED UNDER SURVEILLANCE WITH A FREQUENCY NOT TO EXCEED TWO WEEKS UNTIL REPAIRED.

(2) TYPE 2A LEAKS INCLUDE, BUT ARE NOT LIMITED TO:

(I) ANY READING OF TEN PERCENT OR GREATER GAS-IN-AIR IN ANY AREA CONTINUOUSLY PAVED FROM THE CURB TO THE BUILDING WALL, WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN THIRTY FEET (9.1 METERS) OF THE BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD;

(II) ANY READING, IN AN UNPAVED AREA, OF TWENTY PERCENT OR GREATER GAS-IN-AIR WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET (6.1 METERS) OF THE BUILDING AND INSIDE THE CURB OR SHOULDER OF THE ROAD; OR

(III) ANY LEAK, OTHER THAN TYPE 1, WHICH, UNDER FROST OR OTHER CONDITIONS, IN THE JUDGMENT OF THE OPERATING PERSONNEL AT THE SCENE SHOULD BE CLASSIFIED AS A TYPE 2A.

(C) TYPE 2 CLASSIFICATION. (1) A TYPE 2 LEAK DOES NOT PRESENT AN IMMEDIATE HAZARDOUS CONDITION TO THE PUBLIC OR BUILDINGS, BUT IS OF A NATURE REQUIRING SCHEDULED REPAIR. IN THE EVENT OF A TYPE 2 LEAK CLASSIFICATION THE FOLLOWING REQUIREMENTS APPLY:

(I) THE LEAK SHALL BE REPAIRED WITHIN A PERIOD NOT TO EXCEED ONE YEAR, EXCEPT THAT LEAKS CLASSIFIED UNDER CLAUSE (V) OF SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE REPAIRED WITHIN SIX MONTHS; AND

(II) THE LEAK SHALL BE MAINTAINED UNDER SURVEILLANCE WITH A FREQUENCY NOT TO EXCEED TWO MONTHS, EXCEPT THAT LEAKS CLASSIFIED UNDER CLAUSE (V) OF SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE SURVEILLED EVERY TWO WEEKS.

(2) TYPE 2 LEAKS INCLUDE, BUT ARE NOT LIMITED TO:

(I) ANY READING LESS THAN TEN PERCENT GAS-IN-AIR BETWEEN THE BUILDING AND THE CURBLINE IN ANY AREA CONTINUOUSLY PAVED WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN THIRTY FEET (9.1 METERS) OF THE BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD; OR

(II) ANY READING LESS THAN TWENTY PERCENT GAS-IN-AIR IN ANY UNPAVED AREA WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET (6.1 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD; OR

(III) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN AN UNPAVED AREA WHICH IS MORE THAN TWENTY FEET (6.1 METERS) BUT WITHIN FIFTY FEET (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD; OR

(IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD; OR

(V) ANY READING ABOVE ONE PERCENT BUT BELOW FOUR PERCENT GAS-IN-AIR, WITHIN MANHOLES, VAULTS OR CATCH BASINS (SAMPLING WILL BE CONDUCTED WITH

THE STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS IS PHYSICALLY POSSIBLE).

(D) TYPE 3 CLASSIFICATION. A TYPE 3 LEAK IS NOT IMMEDIATELY HAZARDOUS AT THE TIME OF DETECTION AND CAN BE REASONABLY EXPECTED TO REMAIN THAT WAY.

(1) A TYPE 3 LEAK IS ANY LEAK NOT CLASSIFIED AS TYPE 1, 2A OR 2.

(2) TYPE 3 LEAKS SHALL BE REEVALUATED DURING THE NEXT REQUIRED LEAKAGE SURVEY OR ANNUALLY, WHICHEVER IS LESS.

3. BEGINNING MARCH FIRST, TWO THOUSAND FIFTEEN, EACH GAS CORPORATION SHALL REPORT ANNUALLY TO THE DEPARTMENT THE LOCATION OF EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK EXISTING AS OF THAT DATE CLASSIFIED BY THE CORPORATION, THE DATE EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK WAS CLASSIFIED AND THE DATE OF REPAIR PERFORMED ON EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK AS PART OF ITS REQUIRED GAS SURVEILLANCE PROGRAM AS REQUIRED UNDER ITS APPROVED OPERATIONS AND MAINTENANCE PROGRAMS. EACH GAS CORPORATION SHALL ALSO INCLUDE IN SUCH REPORT A STATEMENT INDICATING (A) WHETHER IT HAD OR HAS A SUFFICIENT NUMBER OF EMPLOYEES, IN ITS OWN EMPLOY, TO SUCCESSFULLY COMPLETE THE REPAIRS IDENTIFIED IN THE REPORT WITHIN THE TIMEFRAMES SET FORTH IN THIS SECTION, (B) A LIST OF PIPELINE REPLACEMENT OR OTHER SIMILAR SAFETY PROJECTS UNDERTAKEN DURING THE REPORTING PERIOD AND WHETHER IT HAS A SUFFICIENT NUMBER OF EMPLOYEES, IN ITS OWN EMPLOY, TO SUCCESSFULLY COMPLETE SUCH PROJECTS, AND (C) THE NUMBER OF EMPLOYEES REQUIRED FOR SUCH REPAIR AND PIPELINE REPLACEMENT PROJECTS AND THEIR RESPECTIVE CLASSIFICATIONS. SUCH GAS LEAK INFORMATION SHALL BE MADE AVAILABLE TO ANY MUNICIPAL OR STATE PUBLIC SAFETY OFFICIAL AND ANY MEMBER OF THE LEGISLATURE UPON REQUEST TO THE DEPARTMENT.

4. THE DEPARTMENT SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE UNIFORM LEAK CLASSIFICATION STANDARDS AS SPECIFIED IN THIS SECTION, AND SHALL OVERSEE AND MONITOR COMPANY RESPONSE AND REPORTING.

5. THE COMMISSION SHALL COMMENCE A PROCEEDING TO INVESTIGATE WHETHER NEW YORK STATE SHOULD REQUIRE THE WINTER SURVEILLANCE AND PATROL OF CAST IRON OR DUCTILE IRON PIPELINES IN THE STATE AND SHALL DETERMINE WHETHER THE PRESENCE OF EXTENDED FROST CAP CONDITIONS MAY RESULT IN ADDITIONAL STRESS ON CAST IRON OR DUCTILE IRON PIPE SEGMENTS, REQUIRING ENHANCED SURVEILLANCE AND PATROL. THE DEPARTMENT IS AUTHORIZED TO ESTABLISH MINIMUM UNIFORM PROCEDURES FOR CAST IRON AND DUCTILE IRON SURVEILLANCE AND PATROLS. GAS COMPANIES ARE AUTHORIZED TO ESTABLISH PROCEDURES THAT EXCEED ANY MINIMUM STANDARDS AT THEIR DISCRETION.

S 2. This act shall take effect immediately.