

S. 7010

A. 9336

S E N A T E - A S S E M B L Y

April 11, 2014

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IN SENATE -- Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

IN ASSEMBLY -- Introduced by M. of A. RODRIGUEZ -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to requiring liquid petroleum pipeline facilities to accelerate the repair, rehabilitation, and replacement of equipment or pipelines that are leaking or at a high-risk of leaking

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

1     Section 1. The public service law is amended by adding a new section  
2     63-gg to read as follows:  
3     S 63-GG. PIPELINE MODERNIZATION AND CONSUMER PROTECTION. 1. DEFINITION. AS USED IN THIS SECTION, THE FOLLOWING TERM SHALL HAVE THE  
4     FOLLOWING MEANING:  
5     " GAS PIPELINE FACILITY " MEANS (A) A DISTRIBUTION FACILITY, AND (B) A  
6     GAS UTILITY.  
7     2. EACH OPERATOR OF A GAS PIPELINE FACILITY SHALL ACCELERATE THE  
8     REPAIR, REHABILITATION, AND REPLACEMENT OF GAS PIPING OR EQUIPMENT THAT  
9     IS:  
10    (A) LEAKING; OR  
11    (B) MAY POSE HIGH RISKS OF LEAKING, OR MAY NO LONGER BE FIT FOR  
12    SERVICE, BECAUSE OF: (I) INFERIOR MATERIALS, (II) POOR CONSTRUCTION  
13    PRACTICES, (III) LACK OF MAINTENANCE, OR (IV) AGE.  
14    3. IN COMPLYING WITH SUBDIVISION TWO OF THIS SECTION, THE COMMISSION  
15    SHALL: (A) DEVELOP PRIORITIZED TIMELINES TO REPAIR ALL LEAKS BASED ON  
16    THE SEVERITY OF THE LEAK, INCLUDING NON-HAZARDOUS LEAKS, OR REPLACE  
17    IDENTIFIED LEAKING OR HIGH-RISK PIPING OR EQUIPMENT, INCLUDING LEAKS  
18    IDENTIFIED AS PART OF AN INTEGRITY MANAGEMENT PLAN DEVELOPED UNDER THIS  
19    SECTION IF APPLICABLE;  
20    (B) ADOPT A COST-RECOVERY PROGRAM THAT INCLUDES (I) REPLACEMENT PLANS  
21    WITH TARGETS AND BENCHMARKS FOR LEAKING OR HIGH-RISK INFRASTRUCTURE  
22

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

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1 REPLACEMENT, (II) CONSIDERATION OF THE ECONOMIC, SAFETY, AND ENVIRON-  
2 MENTAL BENEFITS OF REDUCED GAS LEAKAGE, INCLUDING CONSIDERATION OF  
3 REDUCED OPERATION AND MAINTENANCE COSTS AND REDUCED COSTS ATTRIBUTABLE  
4 TO LOST OR UNACCOUNTED-FOR NATURAL GAS, AND (III) REPORTING ON THE  
5 REDUCTIONS IN LOST OR UNACCOUNTED-FOR GAS AS A RESULT OF PIPELINE  
6 REPLACEMENTS;

7 (C) ADOPT A STANDARD DEFINITION AND METHODOLOGY FOR CALCULATING AND  
8 REPORTING UNACCOUNTED-FOR GAS TO IMPROVE DATA QUALITY;

9 (D) ADOPT LIMITS ON COST RECOVERY FOR THE LOST AND UNACCOUNTED-FOR  
10 GAS; AND

11 (E) REQUIRE USE OF BEST AVAILABLE TECHNOLOGY TO DETECT GAS LEAKS.

12 4. NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,  
13 THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY SHALL,  
14 AFTER NOTICE AND OPPORTUNITY TO COMMENT, ISSUE NON-BINDING GUIDELINES  
15 IDENTIFYING BEST PRACTICES FOR IDENTIFYING AND CLASSIFYING HIGH-RISK  
16 PIPELINE INFRASTRUCTURE AND LEAKS FOR REPAIR OR REPLACEMENT.

17 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO  
18 LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE NEW  
19 YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND THE COMMISSION  
20 SHALL WORK JOINTLY TO ESTABLISH AND PUBLISH FORMS THAT ADOPT A STANDARD  
21 DEFINITION AND METHODOLOGY FOR CALCULATING AND REPORTING UNACCOUNTED-FOR  
22 GAS, INCLUDING, WHEN POSSIBLE, INFORMATION ON THE CAUSES OF UNACCOUNT-  
23 ED-FOR GAS AND THE QUANTITIES ASSOCIATED WITH EACH CAUSE, FOR USE BY  
24 APPLICABLE STATE AGENCIES TO STANDARDIZE THE DATA COLLECTED ON UNAC-  
25 COUNTED-FOR GAS.

26 6. OPERATORS OF GAS PIPELINE FACILITIES IN CITIES WITH A POPULATION OF  
27 ONE MILLION OR MORE SHALL ESTABLISH A DATABASE OF PIPELINE INFRASTRUC-  
28 TURE THAT INCLUDES ITS AGE AND STATE OF REPAIR AND SHALL SHARE THIS  
29 INFORMATION WITH THE COORDINATED BUILDING INSPECTION DATA ANALYSIS  
30 SYSTEM.

31 S 2. This act shall take effect immediately.