

7430--A

Cal. No. 925

I N S E N A T E

May 14, 2014

Introduced by Sens. MAZIARZ, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. The public service law is amended by adding a new section  
2 67-b to read as follows:  
3 S 67-B. NATURAL GAS LEAK REPORTING REQUIREMENTS. 1. THE DEPARTMENT  
4 SHALL ESTABLISH A UNIFORM NATURAL GAS LEAK CLASSIFICATION SYSTEM AS SET  
5 FORTH IN THIS SECTION.  
6 2. ALL LEAKS SHALL BE ASSESSED A CLASS BASED ON THE FOLLOWING SYSTEM:  
7 (A) TYPE 1 CLASSIFICATION. (1) A TYPE 1 LEAK IS ONE WHICH, DUE TO ITS  
8 LOCATION AND/OR RELATIVE MAGNITUDE, CONSTITUTES A POTENTIALLY HAZARDOUS  
9 CONDITION TO THE PUBLIC OR BUILDINGS. IN THE EVENT OF A TYPE 1 LEAK  
10 CLASSIFICATION THE FOLLOWING REQUIREMENTS APPLY:  
11 (I) THE LEAK SHALL REQUIRE AN IMMEDIATE EFFORT TO PROTECT LIFE AND  
12 PROPERTY;  
13 (II) CONTINUOUS ACTION SHALL BE THEREAFTER TAKEN UNTIL THE CONDITION  
14 IS NO LONGER HAZARDOUS; AND  
15 (III) COMPLETION OF REPAIRS SHALL BE SCHEDULED ON A REGULAR DAY-AFT-  
16 ER-DAY BASIS, OR THE CONDITION KEPT UNDER DAILY SURVEILLANCE UNTIL THE  
17 SOURCE OF THE LEAK HAS BEEN CORRECTED.  
18 (2) TYPE 1 LEAKS INCLUDE, BUT ARE NOT LIMITED TO:  
19 (I) DAMAGE BY CONTRACTORS OR OUTSIDE SOURCES RESULTING IN LEAKAGE;  
20 (II) ANY INDICATION ON A COMBUSTIBLE GAS INDICATOR (CGI) OF NATURAL  
21 GAS ENTERING BUILDINGS OR TUNNELS;  
22 (III) ANY READING ON A CGI WITHIN FIVE FEET (1.5 METERS) OF A BUILDING  
23 WALL;

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

LBD15044-02-4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (II) ANY READING LESS THAN TWENTY PERCENT GAS-IN-AIR IN ANY UNPAVED  
43 AREA WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET  
44 (6.1 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE  
45 ROAD; OR

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

50 (IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED  
51 AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET  
52 (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE  
53 ROAD; OR

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

1 THE STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS IS PHYSICALLY POSSI-  
2 BLE).

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

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

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

9 3. BEGINNING MARCH FIRST, TWO THOUSAND FIFTEEN, EACH GAS CORPORATION  
10 SHALL REPORT ANNUALLY TO THE DEPARTMENT THE LOCATION OF EACH TYPE 1,  
11 TYPE 2A, TYPE 2 AND TYPE 3 LEAK EXISTING AS OF THAT DATE CLASSIFIED BY  
12 THE CORPORATION, THE DATE EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK  
13 WAS CLASSIFIED AND THE DATE OF REPAIR PERFORMED ON EACH TYPE 1, TYPE 2A,  
14 TYPE 2 AND TYPE 3 LEAK AS PART OF ITS REQUIRED GAS SURVEILLANCE PROGRAM  
15 AS REQUIRED UNDER ITS APPROVED OPERATIONS AND MAINTENANCE PROGRAMS.  
16 EACH GAS CORPORATION SHALL ALSO INCLUDE IN SUCH REPORT A STATEMENT INDI-  
17 CATING (A) WHETHER IT HAD OR HAS A SUFFICIENT NUMBER OF EMPLOYEES, IN  
18 ITS OWN EMPLOY, TO SUCCESSFULLY COMPLETE THE REPAIRS IDENTIFIED IN THE  
19 REPORT WITHIN THE TIMEFRAMES SET FORTH IN THIS SECTION, (B) A LIST OF  
20 PIPELINE REPLACEMENT OR OTHER SIMILAR SAFETY PROJECTS UNDERTAKEN DURING  
21 THE REPORTING PERIOD AND WHETHER IT HAS A SUFFICIENT NUMBER OF EMPLOY-  
22 EES, IN ITS OWN EMPLOY, TO SUCCESSFULLY COMPLETE SUCH PROJECTS, AND (C)  
23 THE NUMBER OF EMPLOYEES REQUIRED FOR SUCH REPAIR AND PIPELINE REPLACE-  
24 MENT PROJECTS AND THEIR RESPECTIVE CLASSIFICATIONS. SUCH GAS LEAK INFOR-  
25 MATION SHALL BE MADE AVAILABLE TO ANY MUNICIPAL OR STATE PUBLIC SAFETY  
26 OFFICIAL AND ANY MEMBER OF THE LEGISLATURE UPON REQUEST TO THE DEPART-  
27 MENT.

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

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

40 S 2. This act shall take effect immediately.