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I N S E N A T E

May 14, 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (II) ANY READING LESS THAN TWENTY PERCENT GAS-IN-AIR IN ANY UNPAVED
40 AREA WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET
41 (6.1 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE
42 ROAD; OR

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

47 (IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED
48 AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET
49 (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE
50 ROAD; OR

51 (V) ANY READING ABOVE ONE PERCENT BUT BELOW FOUR PERCENT GAS-IN-AIR,
52 WITHIN MANHOLES, VAULTS OR CATCH BASINS (SAMPLING WILL BE CONDUCTED WITH
53 THE STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS IS PHYSICALLY POSSI-
54 BLE).

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

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

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

7 3. BEGINNING MARCH FIRST, TWO THOUSAND FIFTEEN, EACH GAS CORPORATION
8 SHALL REPORT ANNUALLY TO THE DEPARTMENT THE LOCATION OF EACH TYPE 1,
9 TYPE 2A, TYPE 2 AND TYPE 3 LEAK EXISTING AS OF THAT DATE CLASSIFIED BY
10 THE CORPORATION, THE DATE EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK
11 WAS CLASSIFIED AND THE DATE OF REPAIR PERFORMED ON EACH TYPE 1, TYPE 2A,
12 TYPE 2 AND TYPE 3 LEAK AS PART OF ITS REQUIRED GAS SURVEILLANCE PROGRAM
13 AS REQUIRED UNDER ITS APPROVED OPERATIONS AND MAINTENANCE PROGRAMS. SUCH
14 GAS LEAK INFORMATION SHALL BE MADE AVAILABLE TO ANY MUNICIPAL OR STATE
15 PUBLIC SAFETY OFFICIAL AND ANY MEMBER OF THE LEGISLATURE UPON REQUEST TO
16 THE DEPARTMENT.

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

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

29 S 2. This act shall take effect immediately.