

5083--D

2015-2016 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. PAULIN, BRENNAN, ENGLEBRIGHT, ROSENTHAL, BUCHWALD, GALEF, MOSLEY, OTIS, COOK, GOTTFRIED, LIFTON, STECK, HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, 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 -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- ordered to a third reading -- committed to the Committee on Corporations, Authorities and Commissions in accordance with Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- 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:

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 CLASSIFICATIONS. 1. THE DEPARTMENT SHALL  
4 ESTABLISH A UNIFORM NATURAL GAS LEAK CLASSIFICATION SYSTEM AS SET FORTH  
5 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (II) ANY READING LESS THAN TWENTY PERCENT GAS-IN-AIR IN ANY UNPAVED  
54 AREA WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET  
55 (6.1 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE  
56 ROAD; OR

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

5 (IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED  
6 AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET  
7 (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE  
8 ROAD; OR

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

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

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

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

19 3. BEGINNING MARCH FIRST, TWO THOUSAND SEVENTEEN, EACH GAS CORPORATION  
20 SHALL REPORT ANNUALLY TO THE DEPARTMENT THE LOCATION OF EACH TYPE 1,  
21 TYPE 2A, TYPE 2 AND TYPE 3 LEAK EXISTING AS OF THAT DATE CLASSIFIED BY  
22 THE CORPORATION, THE DATE EACH TYPE 1, TYPE 2A, TYPE 2 AND TYPE 3 LEAK  
23 WAS CLASSIFIED AND THE DATE OF REPAIR PERFORMED ON EACH TYPE 1, TYPE 2A,  
24 TYPE 2 AND TYPE 3 LEAK AS PART OF ITS REQUIRED GAS SURVEILLANCE PROGRAM  
25 AS REQUIRED UNDER ITS APPROVED OPERATIONS AND MAINTENANCE PROGRAMS. A  
26 GAS CORPORATION SHALL SPECIFY ANY RECLASSIFICATION OF PREVIOUSLY IDENTI-  
27 FIED LEAKS IN ITS REPORT. SUCH GAS LEAK INFORMATION SHALL BE MADE AVAIL-  
28 ABLE TO ANY MUNICIPAL OR STATE OFFICIAL WITH RESPONSIBILITY FOR PUBLIC  
29 SAFETY AND ANY MEMBER OF THE LEGISLATURE UPON REQUEST TO THE DEPARTMENT.

30 4. UPON THE UNDERTAKING OF A SIGNIFICANT PROJECT EXPOSING CONFIRMED  
31 NATURAL GAS INFRASTRUCTURE, AND WITH SUFFICIENT NOTICE, A MUNICIPALITY  
32 OR THE STATE SHALL SUBMIT NOTIFICATION OF THE PROJECT TO THE RELEVANT  
33 GAS CORPORATION. THE GAS CORPORATION SHALL SURVEY THE PROJECT AREA FOR  
34 THE PRESENCE OF TYPE 1, TYPE 2A, OR TYPE 2 LEAKS AND SET REPAIR AND  
35 REPLACEMENT SCHEDULES FOR ALL KNOWN OR NEWLY DETECTED TYPE 1, TYPE 2A,  
36 OR TYPE 2 LEAKS. THE GAS CORPORATION SHALL ENSURE THAT ANY SHUT OFF  
37 VALVE IN THE SIGNIFICANT PROJECT AREA HAS A GATE BOX INSTALLED UPON IT  
38 OR A REASONABLE ALTERNATIVE THAT WOULD OTHERWISE ENSURE CONTINUED PUBLIC  
39 SAFETY AND THAT ANY CRITICAL VALVE THAT HAS NOT BEEN INSPECTED AND TEST-  
40 ED WITHIN THE PAST TWELVE MONTHS IS VERIFIED TO BE OPERATIONAL AND  
41 ACCESSIBLE. THE GAS CORPORATION SHALL PROVIDE THE REPAIR AND REPLACEMENT  
42 SCHEDULE OF GAS LEAKS TO THE MUNICIPALITY OR THE STATE.

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

52 6. THE DEPARTMENT, UPON THE REQUEST OF A MUNICIPAL OR STATE OFFICIAL  
53 WITH RESPONSIBILITY FOR PUBLIC SAFETY, MAY REQUIRE A REEVALUATION OF A  
54 TYPE 3 LEAK PRIOR TO THE NEXT SCHEDULED SURVEY, OR SOONER THAN TWELVE  
55 MONTHS OF THE DATE LAST EVALUATED, IF THE OFFICIAL HAS A REASONABLE  
56 BELIEF THAT THE TYPE 3 LEAK POSES A THREAT TO PUBLIC SAFETY.

1 7. THE COMMISSION SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT  
2 THE UNIFORM NATURAL GAS LEAK CLASSIFICATIONS AS SPECIFIED IN THIS  
3 SECTION AND SHALL OVERSEE AND MONITOR EACH GAS CORPORATION'S RESPONSE  
4 AND REPORTING.

5 S 2. This act shall take effect on the ninetieth day after it shall  
6 have become a law.