

5083--C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (III) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN AN  
56 UNPAVED AREA WHICH IS MORE THAN TWENTY FEET (6.1 METERS) BUT WITHIN

1 FIFTY FEET (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOUL-  
2 DER OF THE ROAD; OR  
3 (IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED  
4 AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET  
5 (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE  
6 ROAD; OR  
7 (V) ANY READING ABOVE ONE PERCENT BUT BELOW FOUR PERCENT GAS-IN-AIR,  
8 WITHIN MANHOLES, VAULTS OR CATCH BASINS (SAMPLING WILL BE CONDUCTED WITH  
9 THE STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS IS PHYSICALLY POSSI-  
10 BLE).

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

14 (1) A TYPE 3 LEAK IS ANY LEAK NOT CLASSIFIED AS TYPE 1, 2A OR 2.  
15 (2) TYPE 3 LEAKS SHALL BE REEVALUATED DURING THE NEXT REQUIRED LEAKAGE  
16 SURVEY OR ANNUALLY, WHICHEVER IS LESS.

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

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

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

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

55 7. THE COMMISSION SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT  
56 THE UNIFORM NATURAL GAS LEAK CLASSIFICATIONS AS SPECIFIED IN THIS

1 SECTION AND SHALL OVERSEE AND MONITOR EACH GAS CORPORATION'S RESPONSE  
2 AND REPORTING.  
3 S 2. This act shall take effect on the ninetieth day after it shall  
4 have become a law.