

5206--C

2015-2016 Regular Sessions

I N S E N A T E

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- 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;
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:

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

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- 1 (I) DAMAGE BY CONTRACTORS OR OUTSIDE SOURCES RESULTING IN LEAKAGE;
2 (II) ANY INDICATION ON A COMBUSTIBLE GAS INDICATOR (CGI) OF NATURAL
3 GAS ENTERING BUILDINGS OR TUNNELS;
4 (III) ANY READING ON A CGI WITHIN FIVE FEET (1.5 METERS) OF A BUILDING
5 WALL;
6 (IV) ANY READING OF FOUR PERCENT OR GREATER GAS-IN-AIR ON A CGI WITHIN
7 MANHOLES, VAULTS OR CATCH BASINS (SAMPLING WILL BE CONDUCTED WITH THE
8 STRUCTURE IN ITS NORMAL CONDITION AS NEARLY AS PHYSICALLY POSSIBLE); OR
9 (V) ANY LEAK WHICH, IN THE JUDGMENT OF THE OPERATING PERSONNEL AT THE
10 SCENE, IS REGARDED AS POTENTIALLY HAZARDOUS.
- 11 (B) TYPE 2A CLASSIFICATION. (1) A TYPE 2A LEAK DOES NOT PRESENT AN
12 IMMEDIATELY HAZARDOUS CONDITION TO THE PUBLIC OR BUILDINGS, BUT IS OF A
13 NATURE THAT REQUIRES FREQUENT SURVEILLANCE AND SCHEDULED REPAIR. IN THE
14 EVENT OF A TYPE 2A LEAK CLASSIFICATION THE FOLLOWING REQUIREMENTS APPLY:
15 (I) THE LEAK SHALL BE REPAIRED WITHIN A PERIOD NOT TO EXCEED SIX
16 MONTHS; AND
17 (II) THE LEAK SHALL BE MAINTAINED UNDER SURVEILLANCE WITH A FREQUENCY
18 NOT TO EXCEED TWO WEEKS UNTIL REPAIRED.
19 (2) TYPE 2A LEAKS INCLUDE, BUT ARE NOT LIMITED TO:
20 (I) ANY READING OF TEN PERCENT OR GREATER GAS-IN-AIR IN ANY AREA
21 CONTINUOUSLY PAVED FROM THE CURBLINE TO THE BUILDING WALL, WHICH IS MORE
22 THAN FIVE FEET (1.5 METERS) BUT WITHIN THIRTY FEET (9.1 METERS) OF THE
23 BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD;
24 (II) ANY READING, IN AN UNPAVED AREA, OF TWENTY PERCENT OR GREATER
25 GAS-IN-AIR WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY
26 FEET (6.1 METERS) OF THE BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF
27 THE ROAD; OR
28 (III) ANY LEAK, OTHER THAN TYPE 1, WHICH, UNDER FROST OR OTHER CONDI-
29 TIONS, IN THE JUDGMENT OF THE OPERATING PERSONNEL AT THE SCENE SHOULD BE
30 CLASSIFIED AS A TYPE 2A.
- 31 (C) TYPE 2 CLASSIFICATION. (1) A TYPE 2 LEAK DOES NOT PRESENT AN IMME-
32 DIATE HAZARDOUS CONDITION TO THE PUBLIC OR BUILDINGS, BUT IS OF A NATURE
33 REQUIRING SCHEDULED REPAIR. IN THE EVENT OF A TYPE 2 LEAK CLASSIFICATION
34 THE FOLLOWING REQUIREMENTS APPLY:
35 (I) THE LEAK SHALL BE REPAIRED WITHIN A PERIOD NOT TO EXCEED ONE YEAR,
36 EXCEPT THAT LEAKS CLASSIFIED UNDER CLAUSE (V) OF SUBPARAGRAPH TWO OF
37 THIS PARAGRAPH SHALL BE REPAIRED WITHIN SIX MONTHS; AND
38 (II) THE LEAK SHALL BE MAINTAINED UNDER SURVEILLANCE WITH A FREQUENCY
39 NOT TO EXCEED TWO MONTHS, EXCEPT THAT LEAKS CLASSIFIED UNDER CLAUSE (V)
40 OF SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL BE SURVEILLED EVERY TWO
41 WEEKS.
42 (2) TYPE 2 LEAKS INCLUDE, BUT ARE NOT LIMITED TO:
43 (I) ANY READING LESS THAN TEN PERCENT GAS-IN-AIR BETWEEN THE BUILDING
44 AND THE CURBLINE IN ANY AREA CONTINUOUSLY PAVED WHICH IS MORE THAN FIVE
45 FEET (1.5 METERS) BUT WITHIN THIRTY FEET (9.1 METERS) OF THE BUILDING
46 AND INSIDE THE CURBLINE OR SHOULDER OF THE ROAD; OR
47 (II) ANY READING LESS THAN TWENTY PERCENT GAS-IN-AIR IN ANY UNPAVED
48 AREA WHICH IS MORE THAN FIVE FEET (1.5 METERS) BUT WITHIN TWENTY FEET
49 (6.1 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE
50 ROAD; OR
51 (III) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN AN
52 UNPAVED AREA WHICH IS MORE THAN TWENTY FEET (6.1 METERS) BUT WITHIN
53 FIFTY FEET (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOUL-
54 DER OF THE ROAD; OR
55 (IV) ANY READING OF THIRTY PERCENT OR GREATER GAS-IN-AIR IN A PAVED
56 AREA WHICH IS MORE THAN THIRTY FEET (9.1 METERS) BUT WITHIN FIFTY FEET

1 (15.2 METERS) OF A BUILDING AND INSIDE THE CURBLINE OR SHOULDER OF THE
2 ROAD; OR

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

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

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

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

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

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

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

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

51 7. THE COMMISSION SHALL PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT
52 THE UNIFORM NATURAL GAS LEAK CLASSIFICATIONS AS SPECIFIED IN THIS
53 SECTION AND SHALL OVERSEE AND MONITOR EACH GAS CORPORATION'S RESPONSE
54 AND REPORTING.

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