

STATE OF NEW YORK

467

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PAULIN, ENGLEBRIGHT, ROSENTHAL, BUCHWALD, MOSLEY, OTIS, COOK, GOTTFRIED, LIFTON, STECK, HOOPER, ABINANTI -- Multi-Sponsored by -- M. of A. ARROYO, LUPARDO, THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

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 § 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:

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.

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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 curblineline 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 curblineline 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 curblineline or shoulder of
22 the 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 diately 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 curblineline 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 curblineline 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 curblineline 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 curblineline 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 curblineline 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 eighteen, 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. A
16 gas corporation shall specify any reclassification of previously identi-
17 fied leaks in its report. Such gas leak information shall be made avail-
18 able to any municipal or state official with responsibility for public
19 safety and any member of the legislature upon request to the department.

20 4. Upon the undertaking of a significant project exposing confirmed
21 natural gas infrastructure, and with sufficient notice, a municipality
22 or the state shall submit notification of the project to the relevant
23 gas corporation. The gas corporation shall survey the project area for
24 the presence of Type 1, Type 2A, or Type 2 leaks and set repair and
25 replacement schedules for all known or newly detected Type 1, Type 2A,
26 or Type 2 leaks. The gas corporation shall ensure that any shut off
27 valve in the significant project area has a gate box installed upon it
28 or a reasonable alternative that would otherwise ensure continued public
29 safety and that any critical valve that has not been inspected and test-
30 ed within the past twelve months is verified to be operational and
31 accessible. The gas corporation shall provide the repair and replacement
32 schedule of gas leaks to the municipality or the state.

33 5. The commission shall commence a proceeding to investigate whether
34 New York state should require the winter surveillance and patrol of cast
35 iron or ductile iron pipelines in the state and shall determine whether
36 the presence of extended frost cap conditions may result in additional
37 stress on cast iron or ductile iron pipe segments, requiring enhanced
38 surveillance and patrol. The commission is authorized to establish mini-
39 mum uniform procedures for cast iron and ductile iron surveillance and
40 patrols. Gas corporations are authorized to establish procedures that
41 exceed any minimum standards at their discretion.

42 6. The department, upon the request of a municipal or state official
43 with responsibility for public safety, may require a reevaluation of a
44 Type 3 leak prior to the next scheduled survey, or sooner than twelve
45 months of the date last evaluated, if the official has a reasonable
46 belief that the Type 3 leak poses a threat to public safety.

47 7. The commission shall promulgate regulations necessary to implement
48 the uniform natural gas leak classifications as specified in this
49 section and shall oversee and monitor each gas corporation's response
50 and reporting.

51 § 2. This act shall take effect on the ninetieth day after it shall
52 have become a law.