

By: Davis

S.B. No. 2401

A BILL TO BE ENTITLED

AN ACT

relating to detecting and repairing leakage from natural gas pipelines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. REMEDIATING GRADE 1 GAS LEAKAGE

Sec. 91.301. DEFINITION. In this subchapter, "operator" means an operator of a gas distribution system, a regulated plastic gas gathering line, or a plastic gas transmission line.

Sec. 91.302. OPERATOR RESPONSE TO GAS LEAKAGE; GRADING.

(a) An operator shall promptly respond to any notification it receives of:

(1) a gas leak or gas odor emanating from any of its pipeline facilities; or

(2) damage to the facilities caused by excavators or other outside sources.

(b) A response under Subsection (a) must include a grading of any gas leakage, performed only by individuals who possess training, experience, and knowledge in the field of leak classification and investigation, including extensive association with actual leakage work.

(c) The assessment made by individuals described by Subsection (b), based on all pertinent information and a complete

1 leakage investigation at the scene, shall form the basis for the  
2 leak grade determination.

3 (d) If the leak is determined to be Grade 1, as described by  
4 Section 912.303, the operator shall immediately take any of the  
5 appropriate actions prescribed by Subsection (b) of that section.

6 (e) An operator shall ensure that its leak detection  
7 equipment is properly calibrated.

8 Sec. 912.303. GRADE 1 LEAK. (a) A Grade 1 leak is an  
9 existing or a probable hazard to persons or property and requires  
10 the operator to take immediate action to eliminate the hazard and  
11 make repairs. A Grade 1 leak includes:

12 (1) any leak which, in the judgment of operating  
13 personnel at the scene, is regarded as an immediate hazard;

14 (2) escaping gas that has ignited;

15 (3) any indication of gas that has migrated into or  
16 under a building or into a tunnel;

17 (4) any reading at the outside wall of a building, or  
18 where gas would likely migrate to an outside wall of a building;

19 (5) any reading of 80 percent lower explosive limit or  
20 greater in a confined space;

21 (6) any reading of 80 percent lower explosive limit or  
22 greater in small substructures, other than gas-associated  
23 substructures, from which gas would likely migrate to the outside  
24 wall of a building; or

25 (7) any leak that can be seen, heard, or felt and that  
26 is in a location that may endanger property or the public.

27 (b) A Grade 1 leak requires that the operator take prompt

1 action to eliminate the hazardous conditions. The prompt action  
2 may require one or more of the following:

3 (1) implementing an emergency plan, as described by 49  
4 C.F.R. Section 192.615;

5 (2) evacuating premises;

6 (3) blocking off an area;

7 (4) rerouting traffic;

8 (5) eliminating sources of ignition;

9 (6) venting the area by removing manhole covers,  
10 barholing, installing vent holes, or other means;

11 (7) stopping the flow of gas by closing valves or other  
12 means; or

13 (8) notifying emergency responders.

14 Sec. 912.304. REPORTING OF GRADE 1 LEAKS. An operator shall  
15 submit to the commission a list of all Grade 1 leaks:

16 (1) repaired on its pipeline facilities; and

17 (2) identified on any of its pipeline facilities.

18 (c) The operator shall submit leak reports, using the  
19 commission's online reporting system, by July 15 and January 15 of  
20 each calendar year, in accordance with the Form PS-95 semiannual  
21 leak report electronic filing requirements.

22 (d) The report to be submitted on July 15 shall include  
23 information from the previous January 1 through the previous June  
24 30. The report to be submitted on January 15 shall include  
25 information from the previous July 1 through the previous December  
26 31.

27 (e) The report shall include:

- 1           (1) leak location;
- 2           (2) facility type;
- 3           (3) pipe size;
- 4           (4) pipe type;
- 5           (5) leak cause; and
- 6           (6) leak repair method.

7           Sec. 912.305. COMMISSION VERIFICATION OF GRADE 1 LEAK  
8 REPAIR. (a) The commission shall verify, within a reasonable time  
9 after a report is submitted under Section 912.304, that all repairs  
10 to Grade 1 leaks were performed as reported.

11           (b) The commission shall adopt rules specifying the time  
12 frame during which the commission will perform a verification under  
13 this section.

14           Sec. 912.306. RESULTS OF VERIFICATION REPORTED TO LOCAL  
15 ENTITIES. The commission shall report its findings in connection  
16 with the verification performed under Section 912.305 to:

17           (1) the city councilperson and county commissioner who  
18 represent the area in which the Grade 1 leak is located; and

19           (2) the operator of the pipeline facility where the  
20 leak occurred.

21           SECTION 2. The Railroad Commission of Texas shall develop  
22 rules required under Subchapter I, Chapter 91, Natural Resources  
23 Code, as added by this Act, as soon as practicable after the  
24 effective date of this Act.

25           SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.