

By: Davis

S.B. No. 107

A BILL TO BE ENTITLED

AN ACT

relating to the detection and repair of natural gas pipeline leakages.

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. GAS LEAKAGES

Sec. 91.301. DEFINITIONS. In this subchapter:

(1) "Grade 1 leak" includes a gas leak:

(A) that is determined by personnel present at the scene of the leak to be an immediate hazard to property or the public;

(B) that results in the ignition of escaping gas;

(C) in which gas may have migrated into or under a building or tunnel;

(D) in which gas is present or may be present at the outside wall of a building;

(E) that presents at least an 80 percent lower explosive limit in:

(i) a confined space; or

(ii) a small substructure, other than a gas-associated substructure, from which gas is likely to migrate to the outside wall of a building; or

(F) that can be seen, heard, or felt, and that is

1 in a location that may endanger property or the public.

2 (2) "Operator" means a person who operates:

3 (A) a gas distribution system;

4 (B) a regulated plastic gas gathering line; or

5 (C) a plastic gas transmission line.

6 Sec. 91.302. OPERATOR RESPONSE TO GAS LEAKAGE. An operator  
7 shall:

8 (1) promptly respond to any notification received by  
9 the operator relating to:

10 (A) a gas leak or gas odor emanating from any of  
11 the operator's pipeline facilities; or

12 (B) damage to any of the operator's pipeline  
13 facilities caused by an excavator or other outside source; and

14 (2) ensure that the operator's leak detection  
15 equipment is properly calibrated.

16 Sec. 91.303. RESPONSE TO GRADE 1 LEAK. (a) In responding to  
17 a gas leak under Section 91.302, an operator shall determine  
18 whether the leak is a grade 1 leak. The determination must be made  
19 by a person with training, experience, and knowledge in the field of  
20 leak classification and investigation, and must be based on all  
21 pertinent information and a complete investigation by the person at  
22 the scene of the leak.

23 (b) On a determination that a leak is a grade 1 leak, the  
24 operator shall make necessary repairs and take immediate action to  
25 eliminate hazardous conditions, including:

26 (1) implementing an emergency plan described by 49  
27 C.F.R. Section 192.615;

- 1           (2) evacuating premises;
- 2           (3) blocking off an area;
- 3           (4) rerouting traffic;
- 4           (5) eliminating any source of ignition;
- 5           (6) venting the area;
- 6           (7) stopping the flow of gas; or
- 7           (8) notifying emergency responders.

8           Sec. 91.304. REPORTING OF GRADE 1 LEAK. (a) Not later than  
9 January 15 and July 15 of each year, each operator shall submit to  
10 the commission through the commission's online reporting system a  
11 list of all gas leaks identified and repaired in any of the  
12 operator's pipeline facilities. The report to be submitted by July  
13 15 must include leaks that occurred on or after the previous January  
14 1, but not later than the previous June 30. The report to be  
15 submitted by January 15 must include leaks that occurred on or after  
16 the previous July 1, but not later than the previous December 31.

17           (b) Each report required by Subsection (a) must include:

- 18           (1) the location of each leak;
- 19           (2) the facility type affected by each leak;
- 20           (3) the size and type of the pipe in which each leak  
21 occurred;
- 22           (4) the cause of each leak; and
- 23           (5) the method used to repair each leak.

24           Sec. 91.305. VERIFICATION OF GRADE 1 LEAK REPAIR. (a)  
25 Within a reasonable time after a report is submitted under Section  
26 91.304, the commission shall verify that each repair of a grade 1  
27 leak was performed as stated in the report. The commission shall

1 adopt rules regarding the scheduling of verifications under this  
2 section.

3 (b) For each grade 1 leak, the commission shall report its  
4 findings regarding its verification of repairs under Subsection (a)  
5 to:

6 (1) the member or members of a municipality's  
7 governing body and county commissioner who represent the area in  
8 which the leak occurred; and

9 (2) the operator of the pipeline facility in which the  
10 leak occurred.

11 SECTION 2. The Railroad Commission of Texas shall adopt  
12 rules as necessary to implement this Act as soon as practicable  
13 after this Act takes effect.

14 SECTION 3. This Act takes effect September 1, 2011.