

By: Davis

S.B. No. 749

A BILL TO BE ENTITLED

AN ACT

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

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 LEAKS

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 in a location that may endanger property or the public.

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

2 (A) a gas distribution system;

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

4 (C) a plastic gas transmission line.

5 Sec. 91.302. OPERATOR RESPONSE TO GAS LEAK. An operator
6 shall:

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

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

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

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

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

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

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

27 (2) evacuating premises;

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

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

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

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

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

1 section.

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

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

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

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

13 SECTION 3. This Act takes effect September 1, 2013.