

SENATE BILL 864

E4, C5

3lr1370
CF 3lr2558

By: **Senator Zirkin**

Introduced and read first time: February 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gas Pipelines – Gas Leak Response**

3 FOR the purpose of requiring the Public Service Commission to adopt regulations to
4 classify certain gas leaks and to require certain gas transmission companies to
5 remediate and monitor those leaks in a certain manner; requiring the
6 Commission to adopt regulations to establish a certain penalty; requiring a gas
7 transmission company to respond to a report of certain gas leaks in a certain
8 manner; requiring a gas transmission company to receive and investigate
9 reports of suspected leaks within a certain time frame; requiring the
10 Commission to impose a certain penalty if a gas transmission company fails to
11 respond to a report of a suspected gas leak within a certain time frame;
12 requiring a gas transmission company to receive and investigate a report of a
13 suspected gas leak from certain persons in the same manner as the gas
14 transmission company would respond to an internally generated report;
15 providing for the jurisdiction and enforcement authority of the Commission;
16 defining certain terms; and generally relating to gas leaks.

17 BY adding to

18 Article – Public Safety

19 Section 15–101 through 15–104 to be under the new title “Title 15. Gas Pipeline
20 Safety”

21 Annotated Code of Maryland

22 (2011 Replacement Volume and 2012 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Public Safety**

26 **TITLE 15. GAS PIPELINE SAFETY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-101.

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "CLASS 1 LEAK" MEANS A GAS LEAK THAT REPRESENTS AN
5 EXISTING OR IMMINENT HAZARD TO PERSONS OR PROPERTY.

6 (C) "CLASS 2 LEAK" MEANS A GAS LEAK THAT IS NOT HAZARDOUS AT
7 THE TIME OF DETECTION BUT MAY BECOME HAZARDOUS.

8 (D) "CLASS 3 LEAK" MEANS A GAS LEAK THAT IS NOT HAZARDOUS AT
9 THE TIME OF DETECTION AND IS NOT EXPECTED TO BECOME HAZARDOUS.

10 (E) "COMMISSION" MEANS THE PUBLIC SERVICE COMMISSION.

11 (F) "GAS" MEANS NATURAL GAS, FLAMMABLE GAS, OR TOXIC OR
12 CORROSIVE GAS.

13 (G) "GAS PIPELINE" MEANS AN INTRASTATE TRANSMISSION LINE OR
14 ANY PORTION OF AN INTERSTATE TRANSMISSION LINE LOCATED WITHIN THE
15 STATE THAT:

16 (1) TRANSPORTS GAS FROM A GATHERING LINE, OR STORAGE
17 FACILITY TO A DISTRIBUTION CENTER, STORAGE FACILITY, OR LARGE VOLUME
18 CUSTOMER THAT IS NOT DOWNSTREAM FROM A DISTRIBUTION CENTER;

19 (2) OPERATES AT A HOOP STRESS OF 20% OR MORE OF THE
20 SPECIFIED MINIMUM YIELD STRENGTH OF THE PIPELINE; OR

21 (3) TRANSPORTS GAS WITHIN A STORAGE FIELD.

22 (H) (1) "GAS TRANSMISSION COMPANY" MEANS A PERSON THAT
23 OWNS OR OPERATES A GAS PIPELINE REGULATED UNDER THIS TITLE.

24 (2) "GAS TRANSMISSION COMPANY" DOES NOT INCLUDE A
25 PERSON THAT IS PRIMARILY IN THE BUSINESS OF LOCAL GAS DISTRIBUTION.

26 15-102.

27 (A) THE COMMISSION SHALL ADOPT REGULATIONS:

1 **(1) ESTABLISHING CLASSES OF GAS LEAKS BASED ON THE**
2 **POTENTIAL HAZARD A LEAK POSES TO AN INDIVIDUAL, A STRUCTURE, OTHER**
3 **PROPERTY, AND THE ENVIRONMENT IN ACCORDANCE WITH THIS SUBTITLE; AND**

4 **(2) REQUIRING A GAS TRANSMISSION COMPANY TO:**

5 **(I) REMEDIATE EACH CLASS OF LEAK WITHIN A**
6 **PRESCRIBED TIME FRAME; AND**

7 **(II) CONDUCT FOLLOW-UP MONITORING ON A PRESCRIBED**
8 **BASIS.**

9 **(B) THE REGULATIONS ADOPTED BY THE COMMISSION SHALL:**

10 **(1) REQUIRE A GAS TRANSMISSION COMPANY TO REMEDIATE:**

11 **(I) A CLASS 1 LEAK IMMEDIATELY;**

12 **(II) A CLASS 2 LEAK WITHIN 6 MONTHS; AND**

13 **(III) A CLASS 3 LEAK WITHIN 12 MONTHS;**

14 **(2) ESTABLISH A PENALTY FOR FAILING TO COMPLY WITH THE**
15 **GAS LEAK REMEDIATION SCHEDULE PRESCRIBED IN THE REGULATIONS; AND**

16 **(3) ESTABLISH OTHER REQUIREMENTS FOR INSPECTION,**
17 **MAINTENANCE, AND RELATED MATTERS THAT THE COMMISSION CONSIDERS**
18 **NECESSARY OR PRUDENT TO CARRY OUT THIS SUBTITLE.**

19 **15-103.**

20 **(A) (1) WITHIN 1 HOUR AFTER RECEIVING A REPORT OF A**
21 **SUSPECTED GAS LEAK, INCLUDING A REPORT OF A GAS ODOR OR DAMAGE TO A**
22 **PERSON, A STRUCTURE, OR OTHER PROPERTY FROM A GAS LEAK, A GAS**
23 **TRANSMISSION COMPANY SHALL:**

24 **(I) RESPOND TO THE REPORT;**

25 **(II) CONDUCT AN INITIAL INVESTIGATION OF THE**
26 **SUSPECTED LEAK; AND**

1 **(III) IF THE GAS TRANSMISSION COMPANY CONFIRMS THE**
2 **EXISTENCE OF A LEAK, CLASSIFY THE LEAK IN ACCORDANCE WITH**
3 **REGULATIONS ADOPTED UNDER § 15-102 OF THIS TITLE.**

4 **(2) AFTER LAPSE OF THE 1-HOUR RESPONSE PERIOD REQUIRED**
5 **UNDER THIS SUBSECTION, THE COMMISSION SHALL IMPOSE A PENALTY OF**
6 **\$100,000 FOR EVERY 30 MINUTES OF FAILURE BY THE GAS TRANSMISSION**
7 **COMPANY TO RESPOND TO A REPORT OF A SUSPECTED LEAK.**

8 **(B) A GAS TRANSMISSION COMPANY SHALL RECEIVE AND INVESTIGATE**
9 **A REPORT OF A SUSPECTED LEAK FROM A GOVERNMENTAL UNIT, THE OWNER**
10 **OF AFFECTED PROPERTY, OR THE AGENT OF THE OWNER IN THE SAME MANNER**
11 **AS THE GAS TRANSMISSION COMPANY WOULD RESPOND TO AN INTERNALLY**
12 **GENERATED REPORT.**

13 **15-104.**

14 **THE COMMISSION HAS JURISDICTION OVER AND MAY ENFORCE THIS**
15 **TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE TO THE SAME**
16 **EXTENT AND IN THE SAME MANNER AS ANY PROVISION OF DIVISION I OF THE**
17 **PUBLIC UTILITIES ARTICLE, AS PROVIDED IN TITLE 13 OF THE PUBLIC**
18 **UTILITIES ARTICLE.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2013.**