

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 258 Session of 2019

INTRODUCED BY DINNIMAN, KILLION, BREWSTER, SCHWANK, COSTA, YUDICHAK, KEARNEY, HAYWOOD, MUTH, TARTAGLIONE AND LEACH, FEBRUARY 7, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 19, 2019

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in service and facilities, providing
3 for pipeline emergency management information.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 15 of Title 66 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 PIPELINE EMERGENCY MANAGEMENT INFORMATION

10 Sec.

11 1541. Definitions.

12 1542. Pipeline emergency management information.

13 1543. Penalties.

14 § 1541. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

1 "ENTITY." AN ENTITY, IDENTIFIED BY A PUBLIC UTILITY, WHICH <--  
2 IS OPERATING A FACILITY ENUMERATED UNDER SUBSECTION (C) OF THE  
3 DEFINITION OF "IDENTIFIED SITE" IN 49 CFR 192.903 (RELATING TO  
4 WHAT DEFINITIONS APPLY TO THIS SUBPART?).

5 "Gas." As defined in 49 CFR 192.3 (relating to definitions).

6 "Gas high consequence area." A "high consequence area" as <--  
7 defined in 49 CFR 192.903 (relating to what definitions apply to  
8 this subpart?).

9 "Hazardous liquid." As defined in 49 CFR 195.2 (relating to  
10 definitions).

11 "Hazardous liquid high consequence area." Any of the <--  
12 following:

13 (1) A commercially navigable waterway where a  
14 substantial likelihood of commercial navigation exists.

15 (2) A high population area or urbanized area, defined  
16 and delineated by the United States Census Bureau, that  
17 contains 50,000 or more people and has a population density  
18 of at least 1,000 people per square mile.

19 (3) Another populated area, defined and delineated by  
20 the United States Census Bureau, as containing a concentrated  
21 population, including, but not limited to, an incorporated or  
22 unincorporated city, town, village or other designated  
23 residential or commercial area.

24 (4) An unusually sensitive area as defined in 49 CFR  
25 195.6 (relating to Unusually Sensitive Areas (USAs)),  
26 including a Class 1b aquifer, a lithology of which includes  
27 limestone, dolomite and locally evaporitic units that contain  
28 documented karst features or solution channels, regardless of  
29 size.

30 "Potential impact radius." The radius of a circle within

1 ~~which the potential failure of a pipeline could have significant~~  
2 ~~impact on people or property.~~

3 ~~"IDENTIFIED SITE." AS DEFINED IN SUBSECTION (C) OF THE~~ <--  
4 ~~DEFINITION OF "IDENTIFIED SITE" IN 49 CFR 192.903.~~

5 ~~"Transmission." The transportation, other than gathering, of~~  
6 ~~gas through a transmission line as that term is defined in 49~~  
7 ~~CFR 192.3 or of hazardous liquids through a pipeline as that~~  
8 ~~term is defined in 49 CFR 195.2.~~

9 ~~§ 1542. Pipeline emergency management information.~~

10 ~~(a) Local organization notice. At least twice each calendar~~ <--  
11 ~~year, a public utility operating facilities for the transmission~~  
12 ~~of gas or hazardous liquids shall meet with each local emergency~~  
13 ~~management organization in the area in which the facilities are~~  
14 ~~located. The public utility shall provide to each local~~  
15 ~~emergency management organization the following information at a~~  
16 ~~minimum:~~

17 ~~(1) Identification of any gas high consequence area or~~  
18 ~~hazardous liquid high consequence area and potential impact~~  
19 ~~radius located within the jurisdictional limits of the local~~  
20 ~~emergency management organization.~~

21 ~~(2) The public utility's current emergency operating~~  
22 ~~procedures.~~

23 ~~(b) Local coordinator responsibilities. The local emergency~~  
24 ~~management organization coordinator shall consider the~~  
25 ~~information received under subsection (a), as appropriate, when~~  
26 ~~planning, administering and operating the local organization~~  
27 ~~under 35 Pa.C.S. Ch. 75 (relating to local organizations and~~  
28 ~~services).~~

29 ~~(A) COUNTY EMERGENCY PLANNING NOTIFICATION.--AT LEAST~~ <--  
30 ~~ANNUALLY, A PUBLIC UTILITY OPERATING A FACILITY FOR THE~~

1 TRANSMISSION OF GAS OR HAZARDOUS LIQUIDS SHALL MEET WITH THE  
2 COUNTY EMERGENCY MANAGEMENT DIRECTOR OF THE COUNTY IN WHICH EACH  
3 FACILITY IS LOCATED. THE PUBLIC UTILITY SHALL PROVIDE TO EACH  
4 COUNTY EMERGENCY MANAGEMENT DIRECTOR THE FOLLOWING INFORMATION  
5 AT A MINIMUM:

6 (1) IDENTIFICATION OF EACH FACILITY.

7 (2) A LIST OF PRODUCTS AND PRESSURE TRANSPORTED IN EACH  
8 FACILITY.

9 (3) EMERGENCY CONTACTS AND NUMBERS FOR THE OPERATOR OF  
10 EACH OPERATING FACILITY.

11 (4) INFORMATION ON HOW TO RECOGNIZE, REPORT AND RESPOND  
12 TO A PRODUCT RELEASE SPECIFIC TO AN IDENTIFIED SITE.

13 (B) COUNTY EMERGENCY MANAGEMENT DIRECTOR RESPONSIBILITIES.--

14 (1) A COUNTY EMERGENCY MANAGEMENT DIRECTOR MAY INCLUDE  
15 EMERGENCY MANAGEMENT PERSONNEL FROM EACH IMPACTED POLITICAL  
16 SUBDIVISION IN THE ANNUAL MEETING UNDER SUBSECTION (A) AND  
17 SHALL CONSIDER THE INFORMATION RECEIVED UNDER SUBSECTION (A),  
18 AS APPROPRIATE, WHEN PLANNING, ADMINISTERING AND OPERATING AN  
19 EMERGENCY PLANNING AND RESPONSE UNDER 35 PA.C.S. (RELATING TO  
20 HEALTH AND SAFETY).

21 (2) A COUNTY EMERGENCY MANAGEMENT DIRECTOR SHALL NOTIFY  
22 THE FOLLOWING THAT INFORMATION IS AVAILABLE FOR EMERGENCY  
23 PLANNING UNDER SUBSECTION (A):

24 (I) EACH POLITICAL SUBDIVISION IN THE COUNTY.

25 (II) EACH ENTITY IN THE COUNTY.

26 (3) A COUNTY EMERGENCY MANAGEMENT DIRECTOR SHALL NOTIFY  
27 EACH POLITICAL SUBDIVISION IN THE COUNTY OF EACH ENTITY IN  
28 THE POLITICAL SUBDIVISION.

29 § 1543. Penalties.

30 The commission may, after notice and opportunity to be heard,

1 impose civil penalties under section 3301 (relating to civil  
2 penalties for violations) and other appropriate remedies for  
3 violations of this subchapter and the regulations and orders of  
4 the commission.

5 Section 2. This act shall take effect in 60 days.