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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 584 Session of  
2019

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INTRODUCED BY DINNIMAN, LEACH, SCHWANK, MUTH, KILLION AND  
TARTAGLIONE, APRIL 25, 2019

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 25, 2019

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AN ACT

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

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 SAFETY

10 Sec.

11 1541. Definitions.

12 1542. Pipeline leak detection technology.

13 1543. Pipeline incident notification and reporting.

14 1544. Pipeline hydrostatic testing notification.

15 § 1541. Definitions.

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

1 "Commercially navigable waterway." A waterway where a  
2 substantial likelihood of commercial navigation exists.

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

4 "Hazardous liquid." As defined in 49 CFR 195.2 (relating to  
5 definitions).

6 "Hazardous liquid high consequence area." An area that is:

7 (1) A commercially navigable waterway.

8 (2) A high population area.

9 (3) An other populated area.

10 (4) An unusually sensitive area.

11 "High consequence area." As defined in 49 CFR 192.903  
12 (relating to what definitions apply to this subpart?).

13 "High population area." An urbanized area, as defined and  
14 delineated by the United States Census Bureau, that contains  
15 50,000 or more people and has a population density of at least  
16 1,000 people per square mile.

17 "Other populated area." A place, as defined and delineated  
18 by the United States Census Bureau, that contains a concentrated  
19 population, such as an incorporated or unincorporated city,  
20 town, village or other designated residential or commercial  
21 area.

22 "Reportable incident." The following:

23 (1) A release of gas from the facilities of a public  
24 utility that result in a reportable incident under 49 CFR  
25 191.5 (relating to immediate notice of certain incidents).

26 (2) A release of hazardous liquids from the facilities  
27 of a public utility that result in a reportable accident  
28 under 49 CFR 195.52 (relating to immediate notice of certain  
29 accidents).

30 (3) An occurrence of an unusual nature that is a

1 physical or cyber attack, including attempts against cyber  
2 security measures as defined in 52 Pa. Code Ch. 101 (relating  
3 to public utility preparedness through self certification)  
4 which causes an interruption of service or over \$50,000 in  
5 damages, or both.

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

10 "Unusually sensitive area." As defined in 49 CFR 195.6  
11 (relating to unusually sensitive areas (USAs)). The term  
12 includes Class 1b aquifers, a lithology of which includes  
13 limestone, dolomite and locally, evaporitic units that contain  
14 documented karst features or solution channels, regardless of  
15 size.

16 § 1542. Pipeline leak detection technology.

17 (a) New or replacement pipelines.--By January 1, 2022, all  
18 new or replacement facilities of a public utility engaged in the  
19 transmission of gas located near a high consequence area or  
20 engaged in the transmission of hazardous liquids located near a  
21 hazardous liquid high consequence area shall have the best  
22 available leak detection technology installed, based on a risk  
23 analysis conducted by the public utility and approved by the  
24 commission to reduce the threat of gas or hazardous liquid leaks  
25 to the public.

26 (b) Existing pipelines.--By July 1, 2022, all existing  
27 facilities of a public utility engaged in the transmission of  
28 gas located in a gas high consequence area or engaged in the  
29 transmission of hazardous liquids located in a hazardous liquid  
30 high consequence area shall submit a plan to retrofit, by

1 January 1, 2024, the best available leak detection technology  
2 installed, based on a risk analysis conducted by the public  
3 utility and approved by the commission to reduce the risk of gas  
4 or hazardous liquid leaks to the public.

5 (c) Duties of commission.--The commission shall adopt  
6 regulations to implement this section. The commission may  
7 consult with the Department of Environmental Protection or any  
8 other agency it deems necessary in developing the regulations.  
9 The regulations shall address, at a minimum, the following:

10 (1) The process by which public utilities shall submit  
11 risk analyses and plans prepared under subsections (a) and  
12 (b) for the commission's approval and how the commission will  
13 assess the adequacy of any risk analysis or plan.

14 (2) A determination of how near to a gas high  
15 consequence area or hazardous liquids high consequence area  
16 the facilities of the public utility must be in order to be  
17 subject to the requirements of this section based on the  
18 likelihood of the facilities impacting those areas.

19 (3) A determination of what constitutes the best  
20 available leak detection technology required under this  
21 section, which shall include consideration of technologies,  
22 including technologies currently in use, that provide the  
23 most immediate detection and notification of an impact or  
24 leak along a pipeline, swift detection of any abnormal  
25 stress, movement or temperature conditions that are present  
26 and the greatest degree of accuracy in pinpointing the  
27 precise location of an impact or leak.

28 § 1543. Pipeline incident notification and reporting.

29 (a) Commission notification.--A public utility operating  
30 facilities for the transmission of gas or hazardous liquids

1 shall notify the commission:

2 (1) Immediately following the discovery of a reportable  
3 incident.

4 (2) Within 24 hours of an emergency situation, including  
5 emergency shutdowns, material defects or physical damage that  
6 impairs the serviceability of the facilities and is not a  
7 reportable incident.

8 (b) Local organization notification.--In the event a  
9 reportable incident poses an immediate health or safety risk to  
10 the public, a public utility operating facilities for the  
11 transmission of gas or hazardous liquids shall notify by  
12 electronic data transmission, or by telephone if electronic data  
13 transmission is not available or practicable, a local emergency  
14 management organization for any area likely to be affected by  
15 the incident:

16 (1) Immediately following the discovery of a reportable  
17 incident.

18 (2) Within 24 hours of an emergency situation, including  
19 emergency shutdowns, material defects or physical damage that  
20 impairs the serviceability of the facilities and is not a  
21 reportable incident.

22 (c) Means of commission notification.--The commission shall  
23 establish, by regulation or order, the appropriate means of  
24 communication for a notification required under subsection (a).

25 (d) Contents of notification.--The notification required  
26 under this section shall include all of the following:

27 (1) The name of the public utility, name of the person  
28 making the report and name, address and telephone number of  
29 the person or persons representing the public utility to be  
30 contacted for further information.

1       (2) A general description of the incident, including the  
2 date, time and location.

3       (3) The extent of injuries and damage, including the  
4 number of fatalities and personal injuries, if any.

5       (4) The initial estimate of the quantity of product  
6 released, if applicable.

7       (5) All other significant facts that are known by the  
8 public utility that are relevant to the cause of the incident  
9 or extent of the damages.

10       (6) Any immediate health or safety risks to the public  
11 associated with the emergency that are known or anticipated  
12 by the public utility and, where appropriate, advice  
13 regarding necessary medical attention and proper precautions  
14 for exposed individuals.

15       (7) For commission notification required under  
16 subsection (a), any other information required by the  
17 commission.

18       (e) Written reports.--Within 30 days of the notification  
19 under this section, the public utility shall file a written  
20 report with the commission in a form and manner prescribed by  
21 the commission that includes all of the following:

22       (1) The name of the public utility, name of the person  
23 making the report and name, address and telephone number of  
24 the person or persons representing the public utility to be  
25 contacted for further information.

26       (2) A general description of the incident, including the  
27 date, time and location.

28       (3) The extent of injuries and damage, including the  
29 number of fatalities and personal injuries, if any.

30       (4) The initial estimate of the quantity of product

1 released, if applicable.

2 (5) All other significant facts that are known by the  
3 public utility that are relevant to the cause of the incident  
4 or extent of the damages.

5 (6) Any immediate health or safety risks to the public  
6 associated with the emergency that are known or anticipated  
7 by the public utility and, where appropriate, advice  
8 regarding necessary medical attention and proper precautions  
9 for exposed individuals.

10 (7) The date, time and type of any repair or corrective  
11 action taken before the written report is filed and any  
12 planned follow-up or future corrective action, including the  
13 anticipated schedule for starting and concluding the  
14 corrective action.

15 (8) Any other information required by the commission.  
16 § 1544. Pipeline hydrostatic testing notification.

17 (a) Commission notification.--At least three working days  
18 prior to the date on which a public utility begins conducting  
19 hydrostatic pressure testing of a pipeline, the public utility  
20 operating facilities for the transmission of gas or hazardous  
21 liquids shall notify the commission. The commission shall  
22 establish, by regulation or order, the appropriate means of  
23 communication for the notification.

24 (b) Local organization notification.--At least three working  
25 days prior to the date on which a public utility begins  
26 conducting hydrostatic pressure testing of a pipeline, the  
27 public utility operating facilities for the transmission of gas  
28 or hazardous liquids shall notify, by electronic data  
29 transmission or by telephone if electronic data transmission is  
30 not available or practicable, a local emergency management

1 organization for any area in which the hydrostatic testing is to  
2 be conducted.

3 (c) Contents of notification.--The notification required  
4 under this section shall include all of the following:

5 (1) The name of the public utility and the name, address  
6 and telephone number of the person or persons representing  
7 the public utility to be contacted for further information  
8 regarding the hydrostatic pressure testing and in the event  
9 of a leak during testing.

10 (2) The name and contact information of any hydrostatic  
11 test company used.

12 (3) The specific location of the pipeline segment to be  
13 hydrostatically tested and the location of the test  
14 equipment.

15 (4) The date and time the hydrostatic test is to be  
16 conducted and the test duration.

17 (5) The test medium to be used.

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