

**OFFICE OF THE STATE FIRE MARSHAL
Pipeline Safety Division**

P.O. Box 944246
SACRAMENTO, CA 94244-2460

(916) 445-8477
Fax: (916) 445-8526
Website: www.fire.ca.gov

**MINUTES****PIPELINE SAFETY ADVISORY COMMITTEE**

Meeting Date: October 9, 2002
Meeting Location: Sheraton Gateway Hotel
Los Angeles, CA

Members Present:

Glenn Tong, Committee Chair
Jerry Engelhardt, Pipeline Operator
Chuck Samo, Pipeline Safety Consultant
Stephan Johnson, Bureau of Land Management
Kevin Olson, CDF-San Luis Obispo County FD
Keith Richter, Fire Chief, Contra Costa County FD

Members Absent:

Tom Lael, Pipeline Operator
Hap Patch, Morongo FD
Tony Semenza, Fire Protection Consultant

Guests:

Nancy Wolfe, Assistant State Fire Marshal
Chris Hoidal, Director, Western Region, OPS
Bob Gorham, Supervising Pipeline Safety Engineer
Doug Allen, GIS Mapping Analyst
Linda Zigler, Pipeline Safety Engineer

CALL TO ORDER:

Glenn Tong called the meeting to order at 1:20 PM at the Sheraton Gateway Hotel meeting room in Los Angeles, CA

APPROVAL OF MINUTES:

The meeting minutes from May 7, 2002 were not reviewed at this time.

OPEN FORUM:

1. Glenn Tong passed out copies of the California Government Code Chapter 5.5 and Title 19, CCR, Chapter 14 (with alterations) to members that did not already have them. Chapter 14 contains California regulations that parallel Federal Regulations regarding pipeline safety. Glenn had rewritten Chapter 14 by underlining new parts of the regulations and striking out the old in order to put it more in line with California language. Note that the CSFM legal staff has not looked at this rewritten document yet.

Jerry Engelhardt brought up that striking out the word “probable” in front of the word “violation” might change the intent. He used as an example a request for a meeting to discuss a probable violation. At such a meeting, facts could be supplied that could result in rescinding the “probable violation” so that at the end of the meeting, there would no longer be a violation. He wondered if this was just a matter of semantics. Glenn said it would not matter – that even if the language were changed to just read “violation” in lieu of “probable violation”, and a pipeline operator had a hearing that brought up new facts – in the end the violation would still be removed whatever it had originally been called. Glenn stated that this is just the beginning of the process of changing the wording. Regarding regulations, an agency makes appropriate changes and then the legal staff reviews them. Glenn wanted to make sure industry realized that he is not trying to change any appeals process. That having only the word “violation” would not constitute the final step for a pipeline operator.

Removing those words does not make our regulations inconsistent with the Office of Pipeline Safety – it just allows them to be more in line with California regulations.

Dropping the Federal Register under note would not affect our legal authority because we get our authority as a state entity from the California Government Code.

Stephan Johnson asked under state law, where was Part 195 of 49 CFR adopted and if the date is stated. The date is not stated because then, every time we would have to go back to the state legislature to get our regulations changed. Nancy Wolfe added that the OPS certification asks if we at CSFM are up to date on adopting OPS regulations.

2. Glenn referred to the California Government Code Section 51017.1, which has to do with “utilizing GIS-based location information furnished by the State Department of Health Services and the State Water Resources Control Board”. The State Fire Marshal has to determine which petroleum pipelines or pipeline segments are located within 1000 feet of a public drinking water well. According to this section, identification must be made at least once every two years.

CSFM has received some wellhead location information. Doug has taken the water well layers and put them over the CSFM jurisdictional pipelines. Another handout

entitled, "Wellhead Protection", shows which pipelines fall within 1000 feet of a drinking well. (Note that the total length or mileage at the far right column is not correct because this was not broken down to the pipeline segment length. If any portion of pipeline came within 1000 feet of a drinking well, the entire length of the pipeline was added). Now the CSFM needs to talk with local water boards to see if a meeting can be set up. We need to determine if they are aware of this statute.

3. The next section of the California Government Code that was discussed was Section 51017.2, which has very specific wording in it that states that "the State Fire Marshal shall adopt regulations for wellhead protection plans that provide guidelines to be used by the pipeline operator as specified in Section 51017.1 to protect the public drinking water well from contaminations should a pipeline rupture or leak". Nancy stated that this code was put into effect before the Integrity Management Program regulations. She asked if the Federal regulations now protect adequately, and, regarding IMP's analysis and performance tests, is that enough? PSAC needs to determine if the Integrity Management Program is enough.

Kevin Olson asked what more can we do? Bob Gorham answered by saying that pipeline operators will have to go through the entire IMP process first. Only then can one evaluate whether the IMP regulations are enough. The main emphasis is protecting water – a slow petroleum leak that goes undetected could get you into trouble. Glenn stated that rather than sending out a letter asking the pipeline operators for a plan, he would rather come up with some guidelines because some plans would be much better than others.

4. Doug gave a synopsis of his GIS Mapping Program. The information for program operations, identification of water wells, and emergency response is about 95% complete. His goal is to be done at the end of this year. Our computers have allowed us to capture and view various "layers" of information, including railroads, water wells, pipelines, street maps, etc. We need to acquire information from various water resources. How accurate will their information be that they give us? The error margin has not been given.

Regarding the "Wellhead Protection" handout, Jerry asked what the letters J, S, and H stand for. Doug explained "J" was for "Jurisdictional" (in other words, it did not contain abandoned or Out of Service pipelines). "S" stands for "Status" (whether a pipeline is Active or Inactive) and finally, "H" stands for "High Risk" (the criteria for a High Risk pipeline can be found in the California Government Code Section 51013.5 (f)). The effect is that a "higher risk" pipeline would go to a two-year test cycle instead of a five-year cycle. Another item that needs consideration is to define the word "buffer".

Pipeline companies are merging or buying out each other at such a high rate that any plan or report they submit would soon become obsolete.

Keith asked if the Wellhead Program was preventative only, or if there were an incident, if the program also involves the clean up. What is the intention? Glenn stated that as far as the regulations go, it appears to state only the minimum standard, i.e., prevention only.

Nancy asked what the difference would be between responding to a water well contamination leak and responding to any other High Consequence Area (HCA) type leak? It seems the 1000-foot distance around a drinking well was picked arbitrarily. We don't want to have to get into huge geological surveys. Surface flow into water aquifers was originally the main problem. Petroleum pipelines were not established as part of this problem – it was mainly underground storage tanks, but in the end, the pipeline industry got pulled into this issue.

It was brought up that “wellhead” was not clearly defined, but it seems the intent was mostly intended to include municipal water departments. The California Government Code is statute; therefore, it is not subject to any interpretation from CSFM. Only the State Attorney General can interpret these laws.

“Public Drinking Water Wellhead” is defined from the Health and Safety Code Section 25299.97 which states that it is a “wellhead that provides drinking water to a public water system, as that term is defined in Section 116275 that is regulated by the State Department of Health Services and that is subject to Section 116455.

Senator Escutia had studied older pipelines with the intent to determine if there was a higher risk of failure associated with older pipelines. The final report found that age was not a significant factor.

5. Integrity Management Program – new regulations from the Office of Pipeline Safety. The way this program is implemented may affect us in California. OPS looks at a pipeline operator from the top down (a company's headquarters) and we at CSFM review from the bottom up (inspecting the pipeline segment itself). Their way seems to take more time. California implemented hydrostatic testing in 1984. IMP builds upon what California already does. The new IMP inspection checklist is 177 pages long and takes weeks to complete it. Inspections will take longer at the larger companies, but the OPS expects the smaller operators to meet the same program standards.

What is OPS doing to expedite permits through all of the agencies? New federal pipeline safety legislation presently being considered may include wording that encourages cooperation among federal agencies in expediting the permitting process for maintenance associated with operator's IMP. One example that was discussed by the PSAC was that if an operator was to declare a need for emergency repairs, CSFM could validate that and US Fish & Wildlife could allow the emergency work to be done. Right now, the Army Corp of Engineers' paperwork is quite delayed for getting a permit file forwarded to US F & W. Unfortunately, Office of

Pipeline Safety is not an authorized agency in the eyes of US Fish & Wildlife because OPS does not cite, fund, or permit. One item that might ease the pressure of obtaining the necessary permits is the Federal "CATS" (Community Assistance Tech Services) – each region gets one CATS person who is involved with permitting and community awareness.

6. API 1162 will be a "Recommended Practice" – Jerry will be giving a presentation on it at tomorrow's Pipeline Safety Seminar. This not only covers hazardous liquid product pipelines, but also crude pipelines, natural gas pipelines, and gas distribution systems. The first draft of the new RP suggests a two-year maximum interval for communication with landowners along the pipeline right-of-way. This RP could become regulation if adopted by DOT.

Chris Hoidal asked if this RP included providing internal inspection test results and raw data to the public – Jerry answered no, this RP does not address that. Is there a way to measure if there has been improvement? Measuring improvement will be difficult to do. Among many options under consideration for measuring improved communications is conducting periodic surveys. It was noted that the process for developing the RP includes opportunity for public input.

7. The National Association of Fire Marshals and Office of Pipeline Safety are to develop "first responder" training. For this purpose, they have been given \$500,000. This is only in the conception stage right now – there needs to be an exchange of information between the various agencies.
8. PSAC needs at least one and possibly two new committee members as Hap Hatch is no longer a member and we are not sure about Tom Lael's status. Let Glenn know if you have any suggestions for new members.

NEXT MEETING:

Sometime next Spring in 2003

ADJOURNMENT:

The meeting was adjourned at 3:30 PM.