

OFFICE of the STATE FIRE MARSHAL
Pipeline Safety Advisory Committee Meeting
OSFM – Pipeline Safety Division Office – Lakewood, CA
December 5, 2013
1:00 pm to 3:00 pm
MINUTES

MEMBERS PRESENT:

Bob Gorham, OSFM-Pipeline Safety Division (Chairperson)

Ronald Morones, Kinder Morgan Energy Partners

Robert Pace, Shell and Western States Petroleum Association

Robert Distaso, Orange County Fire Authority

Mark Reese, Beacon Energy Services, Inc.

Ken Johnson, Paso Robles Department of Emergency Services

Bill Reardon, City of Huntington Beach Fire Department

MEMBER NOT PRESENT:

Todd Letterman, Hughes Associates, Inc.

GUESTS

Dave Montgomery, Orange County Fire Authority

OSFM STAFF:

Linda Zigler, OSFM-Pipeline Safety Division

Doug Allen, OSFM-Pipeline Safety Division

Tommy Flores, OSFM-Pipeline Safety Division

I. CALL TO ORDER:

Bob Gorham called the meeting to order at 1:00 pm.

II. INTRODUCTIONS:

Each attendee introduced him or herself and what organization he or she represented.

Bob Gorham reminded the committee that a Local Agency seat is still vacant.

III. APPROVAL OF MINUTES:

Copies of the November 28, 2012 PSAC meeting minutes were reviewed. Bob Gorham moved to approve the minutes as they were and Mark Reese seconded the motion. A vote was taken by the committee and the minutes were passed and will be posted on the OSFM website.

IV. Purpose of the committee:

Charter was reviewed.

V. GENERAL DISCUSSION:

Bob Gorham opened the meeting by discussing state and federal legislative and regulatory updates.

Advisory Bulletin-2013-01 Accident Notification Time limit

Background: The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 was signed into law by President Obama on January 3, 2012. Section 9 of the Act requires PHMSA to require a specific time limit for telephonic or electronic reporting of pipeline accidents and incidents. The Secretary of Transportation shall revise regulations issued under 191.5 and 195.52 of Title 49, Code of Federal Regulations to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities.

In revising these regulations the Secretary shall establish time limits for telephonic or electronic reporting of pipeline accidents and incidents such as notifications are required at the earliest practicable moment following confirmed discovery, and not later than 1 hour following the time of confirmation.

In addition, review procedures for owners and operators of pipeline facilities and the NRC to provide thorough and coordinated notification to all relevant State and local emergency response officials including 911 emergency call centers.

Discussion: Advisory Bulletins are highly recommended but not enforceable. The committee informed Ken Johnson that 5 gallons of hazardous liquid is the reportable amount for pipeline accidents, and any amount of petroleum spilled into a navigable waterway is the reportable amount for other state and federal agencies.

Robert Distaso (Orange County Fire Authority) pointed out that “911” emergency calls are not automatically linked to the California Office of Emergency Services (Cal OES) and or the National Response Center (NRC).

Final Rule-September 25, 2013-Administrative Procedures

Discussion: The status of the Final Rule on Administration Procedures on third party inspections was discussed. The issuance of the Federal Final Rule is currently at a standstill.

California Legislation and maximum Civil Penalty Limits

Background: The maximum penalty per violation was \$10,000 per day per violation up to a maximum of \$500,000. The Federal penalty level was increased last year to \$100,000 to \$200,000 a day per violation up to a maximum of \$2 million.

Discussion: California State Governor Jerry Brown signed AB 2201 raising the California pipeline civil penalties to a level equal to those in federal law. This will increase civil penalty amounts from \$10,000 per day per violation up to a maximum of \$500,000 to \$200,000 a day per day per violation up to a maximum of \$2 million for any related series of violations.

VI. Pipeline program update:

Civil Penalty Enforcement and Schedule of Fines

Discussion: Bob Gorham informed the committee that assessing civil penalties cannot be random or arbitrary. The OSFM will create a violation and penalty matrix schedule to follow in the future. OSFM will use the Federal 7000-1 Accident Reports and will tie in violation amounts using the pipeline operator investigation data. One of the criteria in assessing violation amounts is to take into account the operators' ability to pay. Robert Distaso offered to share the Orange County Fire Authority's current cost recovery matrix as an example for Bob to use when developing the OSFM civil penalty matrix. The committee discussed that accidents involving fatalities or accidents that leak into a navigable waterway causing pollution, would bring on heavier penalties.

Mark Reese mentioned that the OSFM Pipeline Safety Engineers (PSEs) have been auditing the Pipeline Operator Operations and Maintenance (O&M) Manuals closer to the federal regulations than in the past. Mark stated that the OSFM PSE's are looking for the required information to be word for word per the federal regulations. The OSFM response to that is the O&M Manuals should not simply parrot the federal regulations, but should elaborate on pipeline operations specific to their company procedures.

Emergency Responder Training

The Office of the State Fire Marshal (OSFM) Training Division has conducted Emergency Response Training to local volunteer fire departments. Also, Shell Pipeline is providing training to about 12 counties throughout California. The OSFM Training Division will meet with Shell Pipeline to organize a joint training schedule. Bill Reardon offered to provide a training location in the Orange County area if needed.

Pipeline Industry One Day Training Seminars

The OSFM will conduct three one-day training seminars throughout California in calendar year 2014. The tentative dates are March 27, April 3 and May 1, 2014. The proposed training locations will be in Long Beach, Bakersfield and Concord. The OSFM is currently surveying pipeline industry for topics and speakers.

OSFM Mapping System update

Doug Allen and Amy Klug of the OSFM-Pipeline Safety Division provided an update of the OSFM Mapping System. CAL FIRE is developing "Cal Mapper" which will be kept on a secure website. The goal is to allow fire departments access to this website which will contain the jurisdictional intrastate hazardous liquid pipelines in our GIS Mapping program. Also, this website will provide additional information to pipeline operators on emergency contacts and fire assets.

PSAC member comments on the idea of using the GIS Mapping program included "the data might be useful to some first responders", "a quick reference document for immediate use rather than a thick manual with way too much information is favorable", "small volunteer firefighter units may need to have this knowledge of pipeline locations since they do not possess the information sharing with larger fire fighter units", and "Google Earth can be a quicker and more effective tool for first responders rather than using GIS and its problematic issues of using it as a quick resource".

Rob Pace reminded the committee that the GIS Mapping program does not include gathering lines and old abandoned pipelines. He suggested that we visit the various pipeline operators' mapping staff to calibrate their mapping data with ours. The OSFM does keep accurate data by sending "Annual Questionnaires" to all pipeline operators in California. We ask them to confirm the lengths of each line (this data is used in determining the annual fee) and we ask each operator to provide the current "shape file" for their lines so that we have in our GIS mapping system exactly what each operator has.

It was also discussed that the OSFM Pipeline Safety Division should provide a GIS Mapping program presentation at the 2014 OSFM “Pipeline Safety Training Seminars”. This would allow local fire fighters and pipeline operators to view what is in their areas and is an excellent opportunity for further discussion.

OSFM staffing Status-Exams and Retirement

Bob Gorham informed the committee that the OSFM has one Supervising Pipeline Safety Engineer (SPSE) vacancy and five Pipeline Safety Engineer (PSE) vacancies. The PSE application filing period expired on 10-25-2013. We received a total of 21 applications for the five PSE vacant positions. Currently the OSFM has announced an open exam for the SPSE position and will be accepting applications until December 30, 2013.

Bob Gorham, Linda Zigler, and office technician, Rachel Vasquez are scheduled to retire in 2014.

PHMSA Program Audit results

The 2012 PHMSA Program Audit resulted in the OSFM losing points and having Federal grant dollars held back due not having sufficient staff to meet minimum inspection day requirements.

Permitting issues

The division assisted two operators in expediting stream crossing permits from the California Department of Fish and Wildlife (CDFW).

Shell Pipeline received approval of their permit at least two months earlier than anticipated due to Linda Zigler’s phone call CDFW. She explained to them the gravity of the situation and the possible consequences of a spill if Shell was not able to make the required integrity repairs in a timely fashion.

Phillips 66 (P-66) Pipeline was also experiencing permit problems and asked Bob Gorham for assistance. Bob contacted the CDFW and informed them that the P-66 pipeline is near a high consequence area that could be impacted if repair of this pipeline is delayed.

VII. New business:

Robert Distaso informed the committee that Wickland is proposing to construct a pipeline from a Kinder Morgan pipeline to John Wayne Airport. The project will include two 200K barrels above ground storage tanks. The project is still in the CEQA and EIR approval process.

Rob Pace informed the committee that he will have a new job assignment and will recommend a replacement to represent Shell and WSPA on the committee.

VIII. NEXT PSAC MEETING:

The next meeting should be scheduled for either June or July 2014. Time and location was not decided and will be determined at a later date.

IX. MEETING ADJOURNED:

1510 hours