



# AB 864

## Oil Spill Response: Environmentally And Ecologically Sensitive Areas

April 18, 2017  
Pipeline Safety Conference  
Long Beach

***CAL FIRE***

Office of the State Fire Marshal  
Pipeline Safety Division

# OVERVIEW

- PURPOSE
- BACKGROUND
- DEFINITION OF PIPELINE
- REMOVAL OF SECTION 2034
- NEXT STEPS



# PURPOSE

- The Office of the State Fire Marshal (OSFM) held three public workshops to present and solicit comments on draft regulation text and associated materials developed pursuant to AB 864.
- The OSFM reviewed the comments received and engaged in further discussion and research.
- Today's presentation focuses on two (2) changes made following OSFM review. The changes are:
  1. The addition of a definition for the term "Pipeline"
  2. The removal of Section 2034 titled "Future Releases Impacting Environmentally and Ecologically Sensitive Areas in the Coastal Zone"



# BACKGROUND - AB 864

## Requirements

- By January 1, 2018 – Any new or replacement pipeline near Environmentally and Ecologically Sensitive Areas (EESA) in the coastal zone shall use best available technologies (BAT)... to reduce the amount of oil released in an oil spill to protect state waters and wildlife.
- By July 1, 2018 – An operator of an existing pipeline near EESAs in the coastal zone shall submit a plan to retrofit, by January 1, 2020, existing pipelines near EESAs in the coastal zone with BAT...based on a risk analysis conducted by the operator to reduce the amount of oil released in an oil spill to protect state waters and wildlife.



# DEFINITION OF “PIPELINE”

- The term “Pipeline” is defined under Section 2004(a)(10) of the Draft Regulations and reads:
  - (10) “Pipeline” means the same as defined in Section 51010.5(a) of the California Government Code
- Section 51010.5 provides a definition for “Pipeline” as well as a what is not included:
  - (a) "Pipeline" includes every intrastate pipeline used for the transportation of hazardous liquid substances or highly volatile liquid substances, including a common carrier pipeline, and all piping containing those substances located within a refined products bulk loading facility which is owned by a common carrier and is served by a pipeline of that common carrier, and the common carrier owns and serves by pipeline at least five such facilities in the state. "Pipeline" does not include the following:
    - (1) An interstate pipeline subject to Part 195 of Title 49 of the Code of Federal Regulations.
    - (2) A pipeline for the transportation of a hazardous liquid substance in a gaseous state.
    - (3) A pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe.
    - (4) Transportation of petroleum in onshore gathering lines located in rural areas.
    - (5) A pipeline for the transportation of a hazardous liquid substance offshore located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.
    - (6) Transportation of a hazardous liquid by a flow line.
    - (7) A pipeline for the transportation of a hazardous liquid substance through an onshore production, refining, or manufacturing facility, including a storage or inplant piping system associated with that facility.
    - (8) Transportation of a hazardous liquid substance by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids between those modes of transportation.



# REMOVAL OF SECTION 2034

- Section 2034 was removed from the Draft Regulation language for additional review and research. This section as originally drafted reads:

**§ 2034. Future Releases Impacting Environmentally and Ecologically Sensitive Areas in the Coastal Zone**

**(a) After July 1 2017, if there is a release from a pipeline not subject to regulation under this chapter that impacts an Environmentally and Ecologically Sensitive Area in the Coastal Zone, that pipeline shall become subject to this regulation and will be required to comply with Sections 2000 - 2036.**



# NEXT STEPS

- Steps in the process
  - Organize workgroup
  - Develop Draft Regulations
  - Pre Administrative Procedures Act (APA) public workshops seeking comments on Draft Regulations
  - Review comments from public workshops and revise Draft Regulations where appropriate – **WE ARE HERE**
  - Initiate APA public notice and comment period
  - Review and respond to comments on Draft Regulations



# ADDITIONAL CONSIDERATIONS

- The regulation development process is dynamic and complex
- As we have seen today, draft regulation language as originally proposed may not be what is finally adopted
- Changes to the Draft Regulations and accompanying materials will be available on the OSFM Code Development Webpage (see next slide)





# Contacts And Resources

- Please check this web address for updates to draft regulation language and related documents:  
[http://osfm.fire.ca.gov/codedevelopment/codedevelopment\\_title19development](http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development)
- If you have not already signed up for regulation development notifications, please contact Daniel Hastert via email at [daniel.hastert@fire.ca.gov](mailto:daniel.hastert@fire.ca.gov).
- For questions about the draft AB 864 regulations, please contact the following:

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