AB 864 REGULATION UPDATE
Prevention First Symposium
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Prevention First Symposium

Overview
- History
- Goals and requirements of AB 864
- Draft regulation development process
- Draft regulation language requirements
- Where are we today?
- Where can I find AB 864 rulemaking documents?
History

In May 2015 a pipeline in Santa Barbara County failed and released over 100,000 gallons of crude oil. Some of that oil reached a culvert that acted as a conduit and transported the oil to Refugio Beach where it entered the Pacific Ocean. The consequences from the release were devastating to both the environment and the economy with over 25 miles of coastline and ocean impacted.

Release Near Refugio Beach
Goals of AB 864

- Protection of:
  - Environmentally and Ecologically Sensitive Areas
  - State waters and wildlife
  - Coastal Zone

- By using:
  - Risk Analyses
  - Best Available Technology
    - That provides the greatest degree of protection
    - Considering effectiveness and engineering feasibility

Goals of AB 864

- With the purpose of:
  - Reducing the amount of product released in the event of a spill

- Applicable to:
  - new, replacement, and existing pipelines
  - near environmentally and ecologically sensitive areas in the coastal zone
Goals of AB 864

- Based on:
  - Fire Marshal assessment of an operator’s risk analysis
  - A determination of how near a pipeline must be to an environmentally and ecologically sensitive area
  - The likelihood of a release impacting those areas
  - Fire Marshal determination of what is best available technology

Regulatory Development

- Beginning in January 2016 the State Fire Marshal convened a stakeholder workgroup comprised of non-governmental organizations, local government, and industry with expertise in hazardous liquid pipelines.
- The workgroup worked to define terms, identify standards, and draft language.
- Consulted with other State agencies.
Draft Requirements

The draft regulations include the adoption of:

- Definitions
- Standards incorporated by reference
- Identification of and exemption of pipelines
- Timing for compliance
- Use of best available technology
- Best available technology determinations
- Risk analysis requirements and assessment
- Implementation plans
- Testing and training requirements
- Risk analysis update and review
- Enforcement

Draft Requirements

- Within the proposed regulatory language:
  - Definitions provide added clarity to essential elements, such as: automatic shutoff systems, coastal zone, near, oil, and pipeline
  - Describe how operators identify pipelines subject to or exempt from the proposed regulations
  - Explains risk analysis submission requirements and considerations
  - Provides deadlines and dates for deliverables
Draft Requirements

- Within the proposed regulatory language (cont.):
  - Reporting requirements following spills
  - Evaluation and documented justification for best available technologies
  - Local environmental features, geography, hydrology, etc.
  - Spill trajectories and worst case discharges
  - Processes for confirming acceptable risk analyses
  - Testing and training time frames and procedures
Where are we today?

- The proposed rulemaking package is going through internal review.
- Next steps:
  - The official rule making process required by the Administrative Procedures Act will commence.
  - Notice will be provided to interested parties.
  - Draft regulation will be open for public comment.
  - Changes may or may not be made.
  - Rule is finalized and becomes effective – January 1, 2019
AB 864 Resources

- AB 864 is codified in section 51013.1 of Title 5, Chapter 5.5 of the Government Code
- [http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development](http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development)

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