

**State of California
Office of Administrative Law**

In re:
Office of the State Fire Marshal

Regulatory Action:

Title 19, California Code of Regulations

APPROVED:

Adopt sections: 2020, 2021, 2030

Amend sections: 2000

Repeal sections:

WITHDRAWN:

Adopt sections: 2021(b)(1)

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2017-0110-02

OAL Matter Type: Regular (S)

This action adopts regulations implementing statutorily mandated annual inspections of intrastate hazardous liquid pipelines and operators thereof to ensure compliance with applicable safety laws.

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 2/9/2017.

The section(s) listed as WITHDRAWN above were withdrawn from OAL review pursuant to Government Code section 11349.3(c).

Please contact me at (916) 323-4217 or mark.storm@oal.ca.gov, or the OAL Reference Attorney at (916) 323-6815, if you have any questions about the resubmittal process. You may request the return of your rulemaking record by contacting the OAL Front Desk at (916) 323-6225.

Date: February 9, 2017



Mark Storm
Senior Attorney

Original: Tonya Hoover
Copy: Diane Arend

For: Debra M. Cornez
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0110-025	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2017 JAN 10 P 4: 01
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 9 2017
3:31 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
OFFICE OF THE STATE FIRE MARSHAL

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2016, 32-2	PUBLICATION DATE 8/5/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Hazardous Liquid Pipelines Annual Inspection	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 2020, 2021 and 2030
	AMEND 2000
TITLE(S) 19, CCR	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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per agency request

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

Diane Arend	TELEPHONE NUMBER (916) 324-9592	FAX NUMBER (Optional) (916) 445-8458	E-MAIL ADDRESS (Optional) diane.arend@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/9/16
TYPED NAME AND TITLE OF SIGNATORY Michael Richwine, Assistant State Fire Marshal	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 09 2017

Office of Administrative Law

TEXT OF REGULATIONS (Final)
California Code of Regulations
Title 19 Public Safety
Division 1
Chapter 14 Hazardous Liquid Pipeline Safety

Article 1. Scope

§ 2000.

Title 49 of the Code of Federal Regulations, Part 195 is hereby adopted by reference as it relates to hazardous liquid pipelines.

Note: Authority cited: Sections 51010.6 and 51011, Government Code. Reference: Sections 51010.6 and 51011, Government Code.

Article 2. Annual Inspection of Intrastate Hazardous Liquid Pipelines and Operators of Intrastate Hazardous Liquid Pipelines

§ 2020. Annual Inspection.

In order to implement Section 51015.1 (a) of the Government Code, the Office of the State Fire Marshal shall conduct an annual inspection of every intrastate hazardous liquid pipeline and every operator of an intrastate hazardous liquid pipeline. The inspection shall include the following:

(a) Evaluation of the risks to each intrastate hazardous liquid pipeline based upon the operator history, integrity testing results, preventative and mitigative measures, construction activities, leak history, and compliance history.

(b) An annual inspection of each operator of an intrastate hazardous liquid pipeline in accordance with California State Fire Marshal Annual Inspection Procedures (dated July 1, 2016) which is hereby incorporated by reference.

(c) An annual inspection of each intrastate hazardous liquid pipeline in accordance with California State Fire Marshal Annual Inspection Procedures (dated July 1, 2016) which is hereby incorporated by reference.

Note: Authority cited: Section 51015.1, Government Code. Reference: Section 51015.1, Government Code.

§ 2021. Form PSD-101 Requirements

(a) The following forms, in the format developed by the Office of the State Fire Marshal, which are hereby incorporated by reference, shall be used for hazardous liquid pipeline annual inspections:

1. California Intrastate Pipeline Operator Annual Report, PSD-101 (dated July 1, 2016).
2. Instructions for Form PSD-101 (dated July 1, 2016).

(b) Each operator of an intrastate hazardous liquid pipeline shall complete and submit to the Office of the State Fire Marshal Form PSD-101 for each intrastate hazardous liquid pipeline no later than July 1st annually.

~~1. Exception:~~

~~When written approval is granted by the Office of the State Fire Marshal, a 30-day extension may be granted. This written request must be submitted to the Pipeline Safety Division Lakewood Office no later than June 1st.~~

(c) Each operator of an intrastate hazardous liquid pipeline shall have available for review by the Office of the State Fire Marshal documentation to substantiate the information provided in the Form PSD-101.

Note: Authority cited: Section 51015.1, Government Code. Reference: Section 51015.1, Government Code.

§ 2030. Violations

Failure to comply with any of the above provisions of this chapter shall be subject to enforcement action under Section 51018.6 of the Government Code.

Note: Authority cited: Section 51015.1, Government Code. Reference: Sections 51015.1 and 51018.6.

DOCUMENTS INCORPORATED BY REFERENCE

- PSD 101 Annual Report (July 1, 2016)
- PSD 101 Instructions (July 1, 2016)
- Annual Inspection Procedures (July 1, 2016)

Notice: This report is required by Government Code §51015.1(a) and Title 19, California Code of Regulations, Chapter 14, Article 2. Failure to report may result in a civil penalty of not more than two hundred thousand dollars (\$200,000) for each day that violation persists, except that the maximum civil penalty shall not exceed two million dollars (\$2,000,000) for any related series of violations.

Important: Please read the instructions for completing this form before you begin. You can download a copy of the instructions from the CAL FIRE - Office of the State Fire Marshal Pipeline Safety website: <http://osfm.fire.ca.gov/>



CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL
Form PSD-101 (July 1, 2016)
CALIFORNIA INTRASTATE PIPELINE OPERATOR ANNUAL REPORT

Data submitted on this form represents operation and inspection information from January 1, 2016 to December 31, 2016. Proposed projects and new construction referenced in this form include those approved by the operator at the time of submission.

Page 1 of 5

COMPANY NAME:

Company (Billing) ID#

Address

City

State

Zip

Form Completed by:

Title:

Phone

Email:

Date Submitted:



CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL
Form PSD-101 (July 1, 2016)
CALIFORNIA INTRASTATE PIPELINE OPERATOR ANNUAL REPORT

COMPANY NAME

Page 2 of 5

COMPANY OPERATIONS	YES or NO
Have there been any asset acquisitions or divestitures in the last calendar year?	
Are there any new construction projects scheduled for the next calendar year?	
Are there any spill drills planned/scheduled for the next calendar year?	

Annual Project
Code

CO.01

CO.02

CO.03

COMPANY NAME	Inspection Unit:
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PIPELINE OPERATIONS	
PIPELINE SPECIFICATIONS	Line Number
Total length of pipeline (miles)	Line Number
Could the pipeline affect High Consequence Areas (HCA)? If Yes, what is the total miles that could affect HCA's?	Line Number
What is the maximum temperature of the product being transported?	Line Number
What is the highest Maximum Operating Pressure (MOP) on the pipeline?	Line Number
What is the limiting factor for the MOP?	Line Number
What commodities are transported or contained in this pipeline?	Line Number
Commodity #1	Line Number
Commodity #2	Line Number
Commodity #3	Line Number
Commodity #4	Line Number
Are there any Breakout Tanks associated with this pipeline?	Line Number
MILES OF PIPE BY TYPE	Line Number
Buried pipe	Line Number
Aboveground pipe	Line Number
Coated pipe	Line Number
Bare pipe	Line Number
Insulated pipe	Line Number
Pre-1970 Electric Resistances Welded (ERW) Pipe	Line Number
Operating at greater than 20% Specified Minimum Yield Strength (SMYS)	Line Number
Operating at less than or equal to 20% SMYS	Line Number
Operating at an unknown stress level	Line Number

INTEGRITY TESTING	
ASSESSMENT INFORMATION	Line Number
What is the continual Integrity Assessment method for the prior calendar year?	Line Number
When is the next Integrity Inspection due?	Line Number
IN-LINE INSPECTIONS	Line Number
When was the most recent in-Line Inspection (ILI) completed?	Line Number
Has the final ILI evaluation report been received from the most recent ILI?	Line Number

Annual Report
Code

PS.01

PS.02

PS.03

PS.04

PS.05

PS.06

PS.07

PS.08

PS.09

PS.10

PS.11

MP.01

MP.02

MP.03

MP.04

MP.05

MP.06

MP.07

MP.08

MP.09

IM.01

IM.02

IL.01

IL.02

Page 4 of 5			
IL.03	If No, answer the remainder of the questions in this section based on this previous ILI tool run and its associated evaluation report.		
IL.04	When was the previous ILI completed?		
IL.05	Type(s) of ILI tool(s) used: <i>Use the fields below for multiple tool types</i>	Tool Type #1	
IL.06		Tool Type #2	
IL.07		Tool Type #3	
IL.08		Tool Type #4	
IL.09	Were there any external corrosion anomalies identified from the last validated ILI evaluation based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA?		
IL.10	Were there any internal corrosion anomalies identified from the last validated ILI evaluation based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA?		
IL.11	Were there any dent/gouge anomalies identified from the last validated ILI evaluation based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA?		
IL.12	Were there any cracks or crack-like anomalies identified from the last validated ILI evaluation based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA?		
IL.13	Were there any manufacturer defect anomalies identified from the last validated ILI evaluation based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA?		
IL.14	Are the same repair criteria utilized in HCA and non-HCA's?		
IL.15	Total number of anomalies excavated in the previous calendar year because they met the operator's criteria for excavation.		
IL.16	Total number of anomalies repaired in the previous calendar year that were identified by ILI based on the operator's repair criteria, both within a segment that could affect an HCA and outside of a segment that could affect an HCA.		
IL.17	Was a pressure reduction taken or the pipeline shut down in response to remediating a condition identified from an integrity assessment.		
IL.18	Total number of conditions repaired WITHIN A SEGMENT THAT COULD AFFECT AN HCA meeting the definition of:		
IL.19	1. "immediate repair conditions" [195.452(h)(4)(i)]		
IL.20	2. Other repair conditions required by 195.452		
IL.21	is the operator waiting for permits to remediate anomalies?		
IL.22	If yes:		
	1. How many days has the permitting process been in progress?		
	2. Has the pressure reduction exceeded 365 days?		
	If Yes:		
	1. Has the operator notified PHMSA (Pipeline and Hazardous Materials Safety Administration) and OSFM (Office of the State Fire Marshal)?		