



**OFFICE OF THE STATE FIRE MARSHAL  
Pipeline Safety Advisory Committee (PSAC)  
Meeting Minutes**

Thursday, September 27, 2018  
01:00 P.M. to 03:30 P.M. (Pacific Standard Time)  
Pipeline Safety Division  
3950 Paramount Blvd., Suite 210,  
Lakewood, California 90712

**MEMBERS PRESENT**

Ben Ho, OSFM - Pipeline Safety Division (Chairperson)  
Alan Elliott, Shell Pipeline Company  
Ron Morones, Kinder Morgan Energy Partners  
Robert Distaso, Orange County Fire Authority  
\*Bill Reardon, Huntington Beach Fire Department  
\*Errin Briggs, County of Santa Barbara  
Mark Reese, Beacon Energy Services, Inc.

*\*Via teleconference*

**MEMBERS NOT PRESENT**

Wolfgang Knabe, Cities of Brea and Fullerton

**GUESTS**

Mike Richwine, Assistant State Fire Marshal, OSFM  
Kevin Chan, Special Assistant to the State Fire Marshal, OSFM

**OSFM STAFF**

Doug Allen, OSFM - Pipeline Safety Division  
James Hosler, OSFM - Pipeline Safety Division  
Huy Nguyen, OSFM - Pipeline Safety Division  
Joshua Cleaver, CAL FIRE - Legal Office  
Jim Clemson, OSFM - Pipeline Safety Division

## **I. CALL TO ORDER AND INTRODUCTION**

Committee Chair Ben Ho called the meeting to order at 01:10 P.M. (PST) and attendees gave self-introductions. Roll call was taken and it was determined that the meeting had quorum at 01:11 P.M.(PST).

## **II. APPROVAL OF MINUTES**

The January 31, 2017 PSAC meeting minutes were reviewed. Member Robert Distaso made a motion to approve the minutes as written and Member Allan Elliott seconded the motion. The Committee took a vote and the meeting minutes were approved at 01:12 P.M.(PST). The approved minutes will be posted on the CAL FIRE-Office of the State Fire Marshal (OSFM) website at the following link:

[http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees\\_psac](http://osfm.fire.ca.gov/advisorycommittees/advisorycommittees_psac)

## **III. PIPELINE SAFETY DIVISION UPDATE**

Committee Chair Ben Ho informed the Committee that the Pipeline and Hazardous Materials Safety Administration (PHMSA) had conducted an annual program evaluation and financial audit of the Pipeline Safety Division. The Pipeline Safety Program achieved a total score of 96.8% which is up from last year 88.4%.

Committee Chair Ben Ho also introduced Huy Nguyen, the Division's new Supervising Pipeline Safety Engineer, who recently joined the Division from PHMSA Western Region. Finally, he briefed the Committee on the Division's upcoming relocation of the office, the 2<sup>nd</sup> year of "annual inspection" required by Senate Bill 295 and the Division's expected staffing update.

Assistant State Fire Marshal Mike Richwine provided an update on upcoming legislation to prevent wildlands fire and talked about the fiscal impact of recent pipeline safety regulations. He also thanked the stakeholders, emergency responders, industry and all attendees for their participation in the Pipeline Safety Advisory Committee.

## **IV. UPDATE ON THE PROPOSED RULEMAKING FOR ASSEMBLY BILL 864 (WILLIAMS, CHAPTER 592, STATUTES OF 2015) REQUIRING THE BEST AVAILABLE TECHNOLOGY ON PIPELINES NEAR ENVIRONMENTALLY AND ECOLOGICALLY SENSITIVE AREAS**

Staff Attorney Josh Cleaver presented an update on pending regulations under Assembly Bill 864 (AB 864). He discussed the history of the bill and its origins in the 2015 Refugio Spill where over 100,000 gallons of crude oil were spilled into the Pacific Ocean.

The proposed rules under AB 864 will require use of Best Available Technology (BAT) that provides the greatest degree of protection while considering its effectiveness and engineering feasibility. This is required on any new, replacement, or existing pipeline

near (within ½ mile) environmentally and ecologically sensitive areas (EESAs) in the Coastal Zone.

The Committee discussed risk assessment under the proposed regulations. As part of the proposed regulations, each pipeline operator will be required to conduct a risk assessment to determine the risk each of their pipelines pose to the Coastal Zone and EESAs. The risk assessment will take into consideration the operator's risk mitigation efforts. OSFM Pipeline Safety Engineers will review the risk assessment and determine the adequacy of each operator's efforts. Operators may be required to install BAT should the risk mitigation fail to adequately protect the Coastal Zone and EESAs.

Operators are allowed to develop their own risk assessment analyses which are then reviewed for compliance and adequacy by OSFM Pipeline Safety Engineers. AB 864 also requires OSFM to have policies to address private data and trade secrets. There are additional requirements under existing state law that also require OSFM to protect private data.

Under the current proposed draft regulations, pipeline operators will be required to complete their risk analyses by July 1, 2019, develop a plan to mitigate risks identified by January 1, 2020, and have that plan complete by January 1, 2021. These dates are deadlines proposed under the draft language and subject to change during the rulemaking process.

The proposed regulations were developed in consultation with non-governmental organizations, local government, other State agencies, industry with experience in hazardous material pipelines and other state agencies. The regulations have not been released for comment, but when they are the public and stakeholders will be notified and invited to comment. The final rules are expected to become effective January 1, 2019.

Questions regarding the proposed regulations under AB 864 can be sent to [AB864@fire.ca.gov](mailto:AB864@fire.ca.gov). A copy of this presentation is available at: [http://osfm.fire.ca.gov/codedevelopment/codedevelopment\\_title19development](http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development)

## **V. OPPORTUNITY FOR MEMBERS OF THE PSAC TO COMMENT ON MATTERS OF INTEREST**

No Committee members or members of the public brought up open items.

## **VI. NEXT MEETING AND LOCATION**

The next Pipeline Safety Advisory Committee meeting is scheduled for February 20<sup>th</sup>, 2019 at the new OSFM, Pipeline Safety Division office in Long Beach. Jim Clemson will send out a notice to the PSAC members with details.

## **IX. ADJOURNMENT**

Member Ron Morones motioned to adjourn at 02:55 P.M.(PST) and Member Robert Distaso seconded the motion. The meeting was adjourned at 02:55 P.M.(PST)

**END OF MINUTES**