



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

Wednesday, November 6, 2019
09:00am to 11:00am (Pacific Standard Time)
Pipeline Safety Division
3780 Kilroy Airport Way #500, Long Beach, CA 90806

MEMBERS PRESENT

Jim Hosler, OSFM - Pipeline Safety Division (Chairperson)
Alan Elliott, Shell Pipeline Company
Ron Morones, Kinder Morgan Energy Partners
Robert Distaso, Orange County Fire Authority
Errin Briggs, County of Santa Barbara¹
Ed Hadfield, Rincon Fire Department
Kevin Lynn, Public Member

MEMBERS NOT PRESENT

Jeff Carmen, Public Member

OSFM STAFF

Kevin Chan, Special Assistant to the State Fire Marshal, OSFM
Joshua Cleaver, CAL FIRE - Legal Office
Jim Clemson, OSFM - Pipeline Safety Division
Bob Gorham, OSFM – Pipeline Safety Division

PUBLIC ATTENDEES

Mike Pitta, Kinder Morgan Energy Partners

I. CALL TO ORDER AND INTRODUCTION

Committee Chair Jim Hosler called the meeting to order at 09:05 P.M. (PST) and attendees gave self-introductions. Roll call was taken, and it was determined that the meeting had quorum at 09:06 P.M.(PST).

¹ Errin Briggs attended via conference line but because teleconference requirements under Government Code Section 11123 weren't met, his attendance does not count toward quorum and he did not participate in any committee votes.

II. APPROVAL OF MINUTES

The September 27, 2018 PSAC meeting minutes were reviewed. Member Ron Morones 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 09:10 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:

<https://osfm.fire.ca.gov/boards-committees/pipeline-safety-advisory-committee/>

III. PIPELINE SAFETY DIVISION UPDATE

Committee Chair Jim Hosler informed the Committee that the Pipeline Safety Division was almost fully staffed, and that the division is in the process of hiring 4 new Pipeline Safety Engineers and a new Supervising Pipeline Safety Engineer following the retirement of Hossein Monfared in October.

Committee Chair Hosler also said that existing staff had 85% of federally required training complete.

The OSFM is not currently pursuing any major enforcement actions but continue to identify minor infractions that need to be corrected. This represents a commitment on the part of OSFM to engage in preventative enforcement to prevent major problems in the future.

Committee Member Ron Morones asked Chief Hosler when the pipeline fees would be raised. Chief Hosler said that the new fees would likely take effect in January 2021 following completion of a formal rulemaking process.

IV. New Members

Chief Hosler introduced the new members of the Pipeline Safety Advisory Committee; Kevin Lynn and Chief Ed Hadfield.

Committee Member Kevin Lynn asked about the work the committee performed. Chief Hosler answered that the Committee is an informal advisory committee but that there may be future opportunities for sub-committees or work groups if specific issues need to be worked on.

Committee Member Ed Hadfield said that Cal Chiefs appreciates notice of new legislation and requirements. He also emphasized that online training is important to smaller fire departments because it reduces the cost of sending personnel. Chief Hosler stated that funds collected from violations are used for local fire agency training and that the OSFM is working with the National Association of State Fire Marshals and the Federal Department of Transportation to develop training opportunities. Staff Counsel Josh Cleaver said that CAL FIRE values committee member comments on existing

statutes or regulations or on any new statutes the legislature is considering but CAL FIRE does not comment on pending legislation.

Committee Member Ron Morones announced his retirement from the Committee in December 2019. OSFM will be requesting applications to fill his position as a representative of pipeline operators on the Committee.

V. 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 Initial Statement of Reasons (available at the link below) has the justification and reasoning for each of the rules proposed.

The draft regulations require hazardous liquid pipeline operators to develop a risk analysis for their pipelines to reduce the amount of oil spilled within the coastal zone. The risk analyses will be used to identify instances where BAT can be installed on pipelines to reduce the amount of oil spilled into EESAs and the coastal zone during an incident. The risk analyses will be reviewed by the OSFM for compliance with state law.

The OSFM has revised the draft regulations in response to public comments received during prior comment periods and has re-released the draft regulations for comment as required by the Administrative Procedures Act (APA). This current public comment period ends November 7th at 5pm. Comments will be reviewed, responded to, and draft regulations may be amended depending on comments received. Changes to draft regulations may require an additional 15-day comment period as required under the APA. The effective date of the new rules depends on when the regulations are approved by the Office of Administrative Law.

Committee Member Errin Briggs asked why there was a difference between the inspection interval of one year and three years for testing. Mr. Cleaver said that inspections will occur annually to make sure operators are compliant with California law. And the testing schedule under proposed 19 CCR 2115 is more frequent than those required under federal regulations and provides a greater degree of oversight than is currently required. Pipeline operators may be required to test more frequently than every three years if they need to show that their system is compliant should one of their systems fail.

Committee Member Alan Elliot said the guidance document for download of the Ecologically and Environmentally Sensitive Sites in the Coastal Zone GIS data (as required by Government Code 51013.1) is unclear. Mr. Cleaver said that the guidance document is meant to assist operators but ultimately it is up to them to decide how to determine if their pipeline is subject to these requirements and therefore cannot be made more specific.

Committee Member Alan Elliot asked what the next step would be. Mr. Cleaver said that it depends on the comments that are received. If no changes are made, the rule making package will be submitted to the Office of Administrative Law for approval. If approved, operators will be notified via the California Register and by email.

Committee Member Robert Distaso asked if the risk analyses under these regulations required operators to consider fire risk in addition to spills. These regulations deal solely with spill prevention and mitigation. Fire response is covered under emergency plans.

Committee Member Ed Hadfield asked if OSFM examines fire risk during regular inspections. Fire risk is covered under federal rules. These rules do not cover wildfire risk that arises from construction activities. That risk may be covered by local jurisdictions or by local permitting.

Committee Member Kevin Lynn asked what “flow characterization” means, it meant the flow characterization of a river or of a pipeline. Mr. Cleaver said that the regulations refer to the flow of a body of water. The regulations are meant to be performative and not prescriptive. This allows an operator to develop a substantive analysis of the conditions found around a specific pipeline and to respond to the unique conditions surrounding that pipeline.

Questions regarding the proposed regulations under AB 864 can be sent to AB864@fire.ca.gov. A copy of the rulemaking documents can be found at: <https://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>

VI. OPPORTUNITY FOR MEMBERS OF THE PSAC TO COMMENT ON MATTERS OF INTEREST

The committee discussed the public safety power shutdowns (PSPS) that were initiated to prevent wildfires in areas with extreme fire danger. OSFM worked with the California Energy Commission to coordinate operations and mitigate the impacts. He proposed that the Committee create a work group to coordinate information dispersal between pipeline operators, CAL FIRE, the Governor’s Office of Emergency Services and other state agencies during times of emergencies. Committee Member Hadfield suggested a best practices approach for fire agencies to respond to PSPS when related to pipelines and that the information dispersal needs to be consistent and effective throughout the state.

Committee Member Distaso asked about statewide risk analysis for fires related to pipelines. Chief Hosler said that the operators are required to coordinate with local fire agencies for emergency response and conduct spill drills annually. Committee Member Hadfield suggest that a statewide procedure be developed to assist with emergency response. Chief Hosler said that there may also be training opportunities for fire agencies.

VII. NEXT MEETING AND LOCATION

The next Pipeline Safety Advisory Committee meeting is scheduled for April 16, 2020 at the location of the OSFM, Pipeline Safety Seminar in Long Beach (location to be announced). OSFM Associate Governmental Program Analyst Jim Clemson will send out a notice to the PSAC members with details.

IX. ADJOURNMENT

Member Ed Hadfield motioned to adjourn at 11:15am (PST) and Member Alan Elliot seconded the motion. The meeting was adjourned at 11:16am (PST).

END OF MINUTES