

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

6/23/16

2. Department

Forestry and Fire Protection (CAL FIRE)

3. Organizational Placement (Division/Branch/Office Name)

Office of the State Fire Marshal/ Pipeline Safety Division

4. CEA Position Title

Program Manager, Pipeline Safety Division

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The CEA position will serve as the Program Manager of the Pipeline Safety Division (PSD) at the Office of the State Fire Marshal (OSFM), within CAL FIRE. The Program Manager develops and administers statewide policies and programs that directly impact the PSD program, OSFM strategic plan, and the CAL FIRE mission. The Program Manager will be responsible for administering the PSD's Hazardous Liquid Pipeline Safety Program in accordance with the U.S. Department of Transportation's Pipeline and Hazardous Materials Administration (PHMSA)'s "Guidelines for States Participating in the Pipeline Safety Program" as necessary to maintain a Section 61015 certification agreement.

6. Reports to: (Class Title/Level)

State Fire Marshal

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Program Manager will have ongoing communication with the Executive Team regarding strategic planning and policy creation and integration related to pipeline safety.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Program Manager's primary objective is to monitor, evaluate, and direct the OSFM PSD's statewide inspection and enforcement work and statewide statutory and regulatory programs. OSFM's PSD is responsible for inspection and enforcement of pipeline safety laws and regulations on hazardous liquid pipelines, operated by 40 pipeline operators, throughout 27 counties in California. Oversight of this program directly impacts the protection of life and property, as defined in the department's mission.

The Program Manager's duties will include the following: implement and enforce the Department's laws, rules, regulations, policies, and procedures; implement, monitor, and evaluate policies to ensure compliance; make independent judgments to enlarge or narrow policy applications beyond standard operational procedures to assure mission attainment; secure, train, and evaluate the performance of staff and take or recommend appropriate action; serve as second level reviewer on grievances; coordinate the work of the division with other OSFM divisions, State Departments, Federal Government, fire and law enforcement authorities, local jurisdictions, and industry representatives; conduct meetings, conferences, and training sessions; serve as chair or staff for various advisory committees; prepare material for, and testify before administrative, judicial, and legislative hearings, to include Congressional hearings. This position will initiate, prepare, and/or analyze legislative or regulatory proposals for State and program impact; assist in the preparation of legal actions; prepare and/or review technical articles for publications; prepare workload and related personnel, fiscal, management, and systems analyses; develop annual divisional goals and objectives; research and develop budget change proposals; represent the State Fire Marshal at critical meetings; enforce hazardous liquid pipeline safety codes; review and evaluate pipeline safety codes and standards analyses; investigate complaints (may personally conduct informal or formal hearings when necessary to obtain compliance with pipeline safety standards); review pipeline design and construction drawings and specifications; conduct pipeline facility inspections; manage inspection of intrastate hazardous liquid pipelines for public safety and pipeline operators' activities for compliance with State and Federal requirements; provide emergency response to, and investigations of, pipeline accidents; review legislative bill analysis.

The Program Manager is knowledgeable of pipeline safety technology, enforcement applications, and administrative procedures (i.e. Pipeline Hazardous Materials Safety Administration Grant-in-aid process, etc.). The Program Manager shall obtain the necessary knowledge by completing the mandatory technical courses listed below:

- PHMSA-PL3242 Welding and Welding Inspection of Pipeline Materials course
- PHMSA-PL3256 Failure Investigation Pipeline Failure Investigation Techniques course
- PHMSA-PL3293 Corrosion Control of Pipeline Systems course
- PHMSA-PL3257 Pipeline Safety Regulation Application and Compliance Procedures course
- PHMSA-PL2258 Safety Evaluation of Hazardous Liquid Pipeline Systems course
- PHMSA-PL3275 / PHMSA-PL2284 Current HAZWOPER Certification

Appointees to this position will have a period of five years from the date of their appointment to complete the required training courses.

The Program Manager is required to attend and participate in national and regional meetings of the National Association of Pipeline Safety Representatives (NAPSR).

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description:

The PSD supports CAL FIRE's mission to protect life and property through fire prevention engineering programs, law and code enforcement and education. There are over 6,500 miles of hazardous liquid pipelines running through heavily populated and environmentally sensitive areas in California; the PSD's inspection, testing and enforcement program mission is to reduce and prevent the number and severity of pipeline releases that could impact public safety and the environment.

The transportation of hazardous liquid pipeline that contains gasoline, diesel, jet fuel, butane and/ or other chemicals through densely populated areas (Los Angeles, Long Beach, Orange County, San Diego, Sacramento, etc.) and environmentally sensitive areas (coastal communities of Santa Barbara, Huntington Beach, Long Beach, Oakland, San Francisco, Los Angeles National Forest etc.) poses tremendous risk. California's pipeline must be inspected and tested using the correct methods and frequencies on an annual basis. Failures or errors can cause loss of life, damage to property, and negatively impact the environment.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Department has an obligation to adhere to the new mandates contained in California Senate Bill 295 (SB 295) and California Assembly Bill 864 (AB 864) that the Governor signed into law last year. SB 295 contains requirements that the OSFM perform annual inspection on all intrastate pipelines and operators of intrastate pipelines. In addition to the annual inspection, the OSFM is required to adopt regulations to implement this provision by January 1, 2017. AB 864 requires new technology to be utilized to create new or replace pipeline near coastal environmentally and ecologically sensitive areas to reduce the impact of oil spills on state waters and wildlife. Operators will be required to submit plans to retrofit any existing pipeline by January 1, 2020. With these new regulations, the Program Manager will be required to create regulations to ensure the implementation of the mandates by July 1, 2017.

Additionally, the Pipeline Safety Engineer (PSE) and Supervising Pipeline Safety Engineer (SPSE) classifications were revised in July 2015. This was done to address a long running recruitment and retention problem in the PSE classification. The reclassification resulted in moving these positions from Bargaining Unit 7 (California Statewide Law Enforcement Association) to Bargaining Unit 9 (Professional Engineers in California Government) and included a salary increase in excess of 50 percent. The Division Chief (DC, class code 8966) did not receive this salary adjustment resulting in a severe salary disparity. This proposal is to create a CEA B / Program Manager position to replace the DC position that is necessary to manage the PSD. The SPSE and PSE's salaries are now 38 percent and 20 percent, respectively, higher than the DC position. The DC classification is generic to several other programs in the OSFM (State Fire Training, Fire Engineering, Fire and Life Safety and Codes Development and Analysis) and was not included in the salary compensation request. The incumbent DC, who demoted to SPSE to take advantage of the higher compensation, is planning to retire this year. The duties and responsibilities of the DC have been assigned to the Assistant State Fire Marshal and SPSEs.

The lack of this Program Manager position has created an operational burden to the Department, especially with a substantial number of new PSEs starting this July, and the implementation of the mandates contained in SB 295 and AB 864. This is a critical position that's necessary during a time of significant program expansion that's occurring in order to comply with the new mandates and that will increase the PSD staffing level to more than double the size of the current program over the next two years. This increased staffing level is necessary to complete the myriad of aggressive prevention, inspection and enforcement activities that are designed to reduce the risk of pipeline-related leaks and spills and to protect California's environment.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

This Program Manager will be the principal policy maker for the State of California on issues relating to hazardous liquids pipeline. The Program Manager is required to have extensive leadership skills to provide decision-making on strategic planning, program development, program management, budgeting, legislation, inter-agency consultation, code interpretation and regulatory compliance, engineering, investigation/enforcement, policy and procedures development, public affairs, public education, and community relations issues.

1. The Program Manager will chair the Pipeline Safety Advisory Committee to set statewide policies on issue relating to hazardous liquids pipeline.
2. The Program Manager will serve as the lead principle policy advisor in all matters relating to the regulation of the Hazardous Liquid Pipeline Safety Acts. This position reviews and approves the final proposed regulations.
3. The Program Manager will be responsible for overseeing the expansion of statewide leak detection research and the integrity management process. The Program Manager will also manage risk analysis to reduce potential leaks/spills and the California new mandated "annual inspection of pipeline".
4. The Program Manager will manage and set statewide enforcement and civil penalty policy on violations relating to the Hazardous Liquid Pipeline Safety Acts. This position will also attend hearings, appeals and other meetings related to enforcement of Hazardous Liquid Pipeline Safety Acts.
5. The Program Manager will serve on the Federal Management Committee and industry conferences to ensure that laws and regulations are fully implemented.
6. The Program Manager will be responsible for the program audits required by Pipeline and Hazardous Materials Safety Administration (PHMSA), grant management and budget change proposals, legislation and regulations development and implementation.
7. The Program Manager will provide executive management advice and recommendations on a wide range of complex and sensitive issues relating to pipeline safety.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Program Manager will have regular involvement in the development and implementation of laws and regulations on both State and National levels and integrate into CAL FIRE policies intended to protect and preserve the safety of California's inhabitants. The Program Manager plays a vital role in evaluating and directing PSD's statewide statutory and regulatory programs.

On a National level, the Program Manager is responsible for serving as a representative for California and the department. While attending annual national conferences, such as PHMSA and NAPS, the Program Manager will be required to report on the status of the state's pipelines and, on occasion, present on complex and sensitive issues related to pipeline safety. The Program Manager will be a representative of the state and will provide input on proposed legislation nationwide. When necessary, the incumbent will prepare materials for, and testify before administrative, judicial, and legislative hearings, including Congressional hearings.

At the state level, the Program Manager will be required to implement the mandates outlined in SB 295 and AB 864. Within the department, this position will be required to review and update existing policy to align with new legislation and updated practices. The Program Manager will proactively engage constituents to better inform them on new and existing laws and provide consultation on pipeline safety issues to external individuals as well as internal government constituents.

Within the OSFM, the Program Manager will also lead the annual audit, manage federal grants and state funding while ensuring ongoing financial support as well as the oversight of hiring and training management while providing leadership to new employees within the PSD; and ongoing implementation of the unit's strategic plan to ensure that it aligns with the department's strategic plan.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Due to OSFM's independent authority and mandates established through legislation and regulatory action, the State Fire Marshal (or its designee) has sole responsibility for existing statutes, policies and procedures that address OSFM's pipeline safety programs, and which now must be considered, modified, expanded and/or replicated. The State Fire Marshal has designated this position as the authority for developing, modifying, and implementing new and existing policies. The Program Manager will be constantly assessing changes to federal and state pipeline safety laws and will be required to modify the Program's policies and procedures accordingly, working in conjunction with executives within CAL FIRE and other agencies.