

114TH CONGRESS
1ST SESSION

S. 2080

To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2015

Mr. PETERS (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to enhance pipeline safety, to provide communities with access to improved information concerning the equipment and operations of pipeline facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pipeline Improvement and Preventing Spills Act of
6 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INFORMATION TRANSPARENCY

Sec. 101. References to title 49, United States Code.

Sec. 102. Notice to property owners and residents.

Sec. 103. Facility operation information standards.

Sec. 104. Availability of industry standards and procedures adopted in regulations by reference.

Sec. 105. Considerations for identification of high-consequence areas.

TITLE II—PIPELINE SPILL PREVENTION

Sec. 201. Assessment of oil spill impacts and response in the Great Lakes.

Sec. 202. Great Lakes Basin water crossing study and alternatives assessment.

Sec. 203. Prohibition on transport of crude oil on Great Lakes.

Sec. 204. Definition of worst case discharge.

1 **TITLE I—INFORMATION**
2 **TRANSPARENCY**

3 **SEC. 101. REFERENCES TO TITLE 49, UNITED STATES CODE.**

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or a repeal of, a section or other
7 provision, the reference shall be considered to be made to
8 a section or other provision of title 49, United States
9 Code.

10 **SEC. 102. NOTICE TO PROPERTY OWNERS AND RESIDENTS.**

11 Section 60102(c)(4) is amended by adding at the end
12 the following:

13 “(C) NOTICE TO PROPERTY OWNERS AND
14 RESIDENTS.—

15 “(i) IN GENERAL.—Not later than 1
16 year after the date of enactment of this
17 subparagraph, the Secretary shall prescribe
18 minimum standards to require the owner

1 or operator of a pipeline facility to notify
2 all owners and residents of property lo-
3 cated within 2,000 feet of a transmission
4 line of the facility of—

5 “(I) the proximity of the property
6 to the transmission line; and

7 “(II) in the case of a trans-
8 mission line located on private resi-
9 dential property, the specific location
10 of the line on the property.

11 “(ii) REQUIRED INFORMATION.—The
12 notice under clause (i) shall include, at a
13 minimum—

14 “(I) a method for electronic ac-
15 cess to the information described in
16 clause (i) through the Geospatial Plat-
17 form or such other Federal data ar-
18 chive as the Secretary considers ap-
19 propriate;

20 “(II) information on how to ob-
21 tain a map of the pipeline system
22 through the National Pipeline Map-
23 ping System; and

24 “(III) such other information as
25 the Secretary considers appropriate.

1 “(iii) DEADLINES.—The notice under
2 clause (i) shall be provided not later than
3 2 years after the date of enactment of this
4 subparagraph and at least once every 3
5 years thereafter.”.

6 **SEC. 103. FACILITY OPERATION INFORMATION STANDARDS.**

7 Section 60102(d) is amended—

8 (1) in paragraph (2), by redesignating subpara-
9 graphs (A) and (B) as clauses (i) and (ii), respec-
10 tively, and indenting appropriately;

11 (2) in paragraph (3), by redesignating subpara-
12 graphs (A) and (B) as clauses (i) and (ii), respec-
13 tively, and indenting appropriately;

14 (3) in paragraph (5), by redesignating subpara-
15 graphs (A) through (C) as clauses (i) through (iii),
16 respectively, and indenting appropriately;

17 (4) by designating paragraphs (1) through (6)
18 as subparagraphs (A) through (F), respectively, and
19 indenting appropriately; and

20 (5) by striking “The Secretary” and all that
21 follows through “shall include—” and inserting the
22 following:

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 not later than 1 year after the date of enactment of
25 the Pipeline Improvement and Preventing Spills Act

1 of 2015, the Secretary shall prescribe minimum
2 standards under this section requiring an operator
3 of a pipeline facility subject to this chapter—

4 “(A) to maintain information related to
5 operating the facility as required by the stand-
6 ards prescribed under this chapter; and

7 “(B) to provide that information, including
8 any updates and changes, to the Secretary,
9 State regulatory officials, State and local emer-
10 gency responders, and such other entities as the
11 Secretary considers appropriate.

12 “(2) LOCAL EMERGENCY RESPONDERS.—In the
13 case of a local emergency responder, the Secretary
14 shall provide the information described in subpara-
15 graphs (A), (B), (E), and (F) of paragraph (4) only
16 to the extent applicable to the local district.

17 “(3) MAINTENANCE.—The Secretary shall keep
18 on file the information submitted to the Secretary
19 under paragraphs (1) and (2).

20 “(4) INFORMATION.—The information shall in-
21 clude—”.

1 **SEC. 104. AVAILABILITY OF INDUSTRY STANDARDS AND**
 2 **PROCEDURES ADOPTED IN REGULATIONS BY**
 3 **REFERENCE.**

4 Section 60102 is amended by adding at the end the
 5 following:

6 “(q) AVAILABILITY OF INDUSTRY STANDARDS AND
 7 PROCEDURES ADOPTED IN REGULATIONS BY REF-
 8 ERENCE.—

9 “(1) IN GENERAL.—The Secretary shall ensure
 10 that industry standards and procedures adopted by
 11 reference as part of the Federal pipeline safety regu-
 12 latory program under this chapter are easily avail-
 13 able to the public free of charge.

14 “(2) APPLICATION.—This subsection shall
 15 apply to regulations issued before, on, or after the
 16 date of enactment of this subsection.”.

17 **SEC. 105. CONSIDERATIONS FOR IDENTIFICATION OF HIGH-**
 18 **CONSEQUENCE AREAS.**

19 Section 60109 is amended by adding at the end the
 20 following:

21 “(g) CONSIDERATIONS FOR IDENTIFICATION OF
 22 HIGH-CONSEQUENCE AREAS.—In identifying high-con-
 23 sequence areas under this chapter, the Secretary shall con-
 24 sider—

25 “(1) the age of the pipe;

1 “(2) whether the pipe at issue can be inspected
2 using the most modern instrumented internal inspec-
3 tion devices;

4 “(3) whether the pipe at issue crosses open
5 waters of the Great Lakes; and

6 “(4) the type of commodity (including the type
7 and grade of petroleum product) being transported
8 through the pipe.”.

9 **TITLE II—PIPELINE SPILL**
10 **PREVENTION**

11 **SEC. 201. ASSESSMENT OF OIL SPILL IMPACTS AND RE-**
12 **SPONSE IN THE GREAT LAKES.**

13 (a) ASSESSMENT.—

14 (1) IN GENERAL.—The Interagency Coordi-
15 nating Committee on Oil Pollution Research, in con-
16 sultation with the Secretary of the department in
17 which the Coast Guard is operating, the Adminis-
18 trator of the Environmental Protection Agency, and
19 the heads of other relevant agencies, shall—

20 (A) identify measures to respond to spills
21 or leaks of oil in the Great Lakes; and

22 (B) conduct an assessment of the effective-
23 ness of such measures in preventing significant
24 or substantial harm to the public health or wel-
25 fare, including fish, shellfish, wildlife, public

1 and private property, shorelines, and beaches of
2 the Great Lakes system.

3 (2) ELEMENTS.—The assessment required
4 under paragraph (1) shall include—

5 (A) new scientific research on the impacts
6 of a spill or leak of oil or a hazardous substance
7 in fresh water under a wide range of meteorolo-
8 gical and hydrological conditions, including an
9 evaluation of the impacts of different types of
10 petroleum, including synthetic oil from tar
11 sands;

12 (B) an evaluation of oil spill or leak pre-
13 vention and response plans (including tech-
14 niques to address submerged oil recovery and
15 recovery in ice-choked waters) in order to iden-
16 tify vulnerabilities and existing threats to the
17 Great Lakes system; and

18 (C) recommendations to foster improve-
19 ments to safety technologies, spill response
20 planning, clean-up techniques, and environ-
21 mental protection systems.

22 (b) REPORT TO CONGRESS.—Not later than 1 year
23 after the date of enactment of this Act, the Interagency
24 Coordinating Committee on Oil Pollution Research shall

1 submit to Congress a report on the results of the assess-
2 ment required under subsection (a).

3 **SEC. 202. GREAT LAKES BASIN WATER CROSSING STUDY**
4 **AND ALTERNATIVES ASSESSMENT.**

5 (a) SURVEY REQUIRED.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation, working with pipeline facility owners, operators,
8 and State governments, shall conduct a comprehensive
9 water crossing survey of all intrastate and interstate haz-
10 ardous liquid pipeline facilities that cross waterways in the
11 Great Lakes Basin in the waters of the United States (as
12 defined in the final rule of the Corps of Engineers and
13 the Environmental Protection Agency entitled “Clean
14 Water Rule: Definition of ‘Waters of the United States’ ”
15 (80 Fed. Reg. 37054; June 29, 2015)).

16 (b) ELEMENTS.—The survey required under sub-
17 section (a) shall—

18 (1) produce a comprehensive map of all haz-
19 ardous pipeline waterway crossings in the Great
20 Lakes Basin, including lakes, rivers, and streams;

21 (2) evaluate the condition and structural integ-
22 rity of pipelines at each crossing, considering factors
23 that include pipeline thickness, diameter, weld integ-
24 rity, internal and external corrosion, age, pressure,

1 control and shut-off valves, burial depths, water
2 depths, currents, and ice cover;

3 (3) identify risks of leak and rupture resulting
4 from pipeline integrity failures, or any other vulner-
5 ability at the pipeline water crossings;

6 (4) identify gaps in data and information that
7 exist in the pipeline network in the Great Lakes
8 Basin, and request information related to pipeline
9 integrity or risks from owners and operators with fa-
10 cilities that cross lakes, rivers, and streams; and

11 (5) produce recommendations to prevent future
12 leaks, ruptures, and failures that could result in
13 damage to waterways and natural resources in the
14 Great Lakes Basin.

15 (c) NATIONAL RESEARCH COUNCIL STUDY.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Secretary of
18 Transportation shall enter into a joint agreement
19 with the National Research Council of the National
20 Academies of Sciences to conduct a study in connec-
21 tion with the survey under this section.

22 (2) ELEMENTS.—The study conducted under
23 this subsection shall include—

1 (A) a study covering the elements de-
2 scribed under paragraphs (4) and (5) of sub-
3 section (b);

4 (B) consideration of ways in which review
5 of facility response plans as required by the Oil
6 Pollution Act of 1990 (33 U.S.C. 2701 et seq.)
7 and approval of permits under section 404 of
8 the Federal Water Pollution Control Act (33
9 U.S.C. 1344) in accordance with the National
10 Environmental Policy Act of 1969 (42 U.S.C.
11 4321 et seq.) of future and existing pipelines
12 that cross waterways in the Great Lakes Basin
13 would help prevent spills in the Great Lakes;
14 and

15 (C) a risk assessment analysis for alter-
16 native transportation options to the hazardous
17 liquid pipeline facility that crosses from the
18 Upper Peninsula of Michigan to the Lower Pe-
19 ninsula of Michigan through the Straits of
20 Mackinac, including—

- 21 (i) no action (status quo);
22 (ii) rerouting;
23 (iii) decommissioning and abandoning;
24 (iv) replacing;

1 (v) modifying operations (such as lim-
2 iting pipeline product transport to only
3 natural gas liquids); and

4 (vi) other transportation means.

5 **SEC. 203. PROHIBITION ON TRANSPORT OF CRUDE OIL ON**
6 **GREAT LAKES.**

7 Section 108 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1258) is amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) PROHIBITION ON TRANSPORT OF CRUDE OIL ON
14 GREAT LAKES.—Notwithstanding any other provision of
15 law, effective beginning on the date of enactment of the
16 Pipeline Improvement and Preventing Spills Act of 2015,
17 crude oil (as that term is defined in section 2101 of title
18 46, United States Code) and crude oil derived from oil
19 sands may not be transported on the Great Lakes by ves-
20 sel (as that term is defined in section 3 of title 1, United
21 States Code).”.

22 **SEC. 204. DEFINITION OF WORST CASE DISCHARGE.**

23 Section 311(a)(24)(B) of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1321(a)(24)(B)) is amended
25 by inserting before the semicolon at the end the following:

- 1 “, including conditions in which waters that may receive
- 2 a discharge are covered in whole or in part by ice”.

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