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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To impose additional requirements on portions of petroleum pipelines that cross the waters of the Great Lakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Michigan introduced the following bill; which was referred to the Committee on _____

A BILL

To impose additional requirements on portions of petroleum pipelines that cross the waters of the Great Lakes, 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.**

4 This Act may be cited as the “Great Lakes Oil Spill
5 Prevention Act”.

1 **SEC. 2. ADDITIONAL REQUIREMENTS FOR GREAT LAKES**
2 **PIPELINES.**

3 Chapter 601 of title 49, United States Code, is
4 amended by adding at the end the following:

5 **“§ 60142. Standards for Great Lakes pipelines**

6 “(a) **ADDITIONAL OVERSIGHT.**—

7 “(1) **BIANNUAL PHMSA REPORT.**—Not later
8 than 12 months after the date of enactment of this
9 section, and every 6 months thereafter, the Adminis-
10 trator of PHMSA shall provide a status report on all
11 Great Lakes pipelines to the Secretary.

12 “(2) **ANNUAL PHMSA REPORT.**—Not later than
13 12 months after the date of enactment of this sec-
14 tion, and on an annual basis thereafter, the Admin-
15 istrator of PHMSA shall make available to the pub-
16 lic a status report on all Great Lakes pipelines.

17 “(3) **ANNUAL DEPARTMENT OF TRANSPOR-**
18 **TATION REPORT.**—Not later than 12 months after
19 the date of enactment of this section, and on an an-
20 nual basis thereafter, the Secretary shall provide to
21 Congress a status report on all Great Lakes pipe-
22 lines, including recommendations on additional
23 standards that may be necessary to improve the
24 safety of such pipelines.

25 “(4) **AVAILABILITY OF MATERIALS TO STATE**
26 **AND LOCAL AGENCIES.**—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law and subject to subpara-
3 graph (B), the Administrator of PHMSA shall
4 provide access to the Governor of the State with
5 jurisdiction over the relevant portion of such
6 pipeline and any additional entities of such
7 State designated by such Governor to receive
8 such a notification all information in the pos-
9 session of PHMSA concerning such portion.

10 “(B) EXCEPTION FOR SENSITIVE INFOR-
11 MATION.—Pursuant to subparagraph (A), the
12 Administrator may not provide access to secu-
13 rity-sensitive information, including information
14 described in section 1520.5(a) of title 49, Code
15 of Federal Regulations.

16 “(b) ADDITIONAL STANDARDS.—

17 “(1) MAINTENANCE REQUIREMENTS.—The
18 owner and operator of a Great Lakes pipeline shall
19 adhere to the following requirements with respect to
20 a Great Lakes pipeline:

21 “(A) Maintain a functional anchor every
22 75 feet, at minimum, for every section of such
23 pipeline that is at least 30 feet below the sur-
24 face of the water.

1 “(B) Maintain at least 1 functional com-
2 putational pipeline monitoring system in every
3 1,500-foot section of such pipeline that is at
4 least 10 feet below the surface of the water.

5 “(C) Install cathodic wrapping on such
6 pipeline.

7 “(D) No holiday in cathodic wrapping may
8 exceed 3 square inches.

9 “(E) Install enamel coating on such pipe-
10 line.

11 “(F) No holiday in enamel coating may ex-
12 ceed 3 square inches.

13 “(G) Maintain such pipeline without any
14 corrosion.

15 “(H) Install and maintain the functional
16 ability to shut off the pressure of such pipeline
17 in case of an emergency.

18 “(2) TESTING REQUIREMENTS.—An operator of
19 a Great Lakes pipeline shall, at least once every 12
20 months, perform the following actions with respect
21 to a Great Lakes pipeline:

22 “(A) Conduct at least one in-line test, also
23 known as a ‘smart pig’, to determine the integ-
24 rity of the interior of such pipeline.

1 “(B) Conduct at least one Remote Oper-
2 ated Vehicle (ROV) inspection to determine the
3 structural integrity of the exterior of such pipe-
4 line.

5 “(C) Conduct at least one hydrostatic test
6 to determine the integrity and ability of such
7 pipeline to sustain pressure.

8 “(3) COMPANY REPORTING REQUIREMENTS.—
9 The operator and owner of a Great Lakes pipeline
10 shall—

11 “(A) immediately, but in no event more
12 than 1 business day, after the date of discovery
13 of a violation of paragraph (1) report any such
14 known violation to—

15 “(i) the Administrator of PHMSA;
16 and

17 “(ii) the Governor of the State with
18 jurisdiction over the relevant portion of
19 such pipeline and any additional entities of
20 such State designated by such Governor to
21 receive such a notification; and

22 “(B) provide notification of any tests con-
23 ducted pursuant to paragraph (2) to—

24 “(i) the Administrator of PHMSA;
25 and

1 “(ii) the Governor of the State with
2 jurisdiction over the relevant portion of
3 such pipeline and any additional entities of
4 such State designated by such Governor to
5 receive such a notification.

6 “(4) CORRECTIVE ACTION TIMELINES.—The
7 Administrator of PHMSA shall issue to the owner or
8 operator of a Great Lakes pipeline a corrective ac-
9 tion timeline for each violation of paragraph (1),
10 during which such violation shall be remedied, as fol-
11 lows:

12 “(A) A corrective action timeline for a vio-
13 lation of subparagraphs (A), (B), (G), or (H) of
14 paragraph (1) may be for a period of not more
15 than 365 days.

16 “(B) A corrective action timeline for a vio-
17 lation of subparagraph (C) or (E) of paragraph
18 (1) may be for a period of not more than 180
19 days.

20 “(C) A corrective action timeline for a vio-
21 lation of subparagraph (D) or (F) of paragraph
22 (1) may be for a period of not more than 90
23 days.

24 “(5) RUNNING OF CORRECTIVE ACTION
25 TIMELINE.—A corrective action timeline described in

1 paragraph (4) shall begin to run from the date on
2 which it is issued to the owner or operator of the
3 pipeline.

4 “(6) SPECIAL RULE FOR CORROSION.—

5 “(A) IN GENERAL.—An owner or operator
6 of a Great Lakes pipeline who learns of corro-
7 sion in such pipeline shall immediately pursue
8 steps to ensure such pipeline ceases to transmit
9 petroleum until such corrosion is repaired.

10 “(B) OPTION TO RESTART TRANS-
11 MISSION.—The Administrator of PHMSA may
12 inspect a pipeline described in subparagraph
13 (A) and permit such pipeline to resume trans-
14 mission if the Administrator makes a deter-
15 mination that such pipeline can operate safely.

16 “(7) SPECIAL RULE FOR AGING PIPELINES.—

17 “(A) IN GENERAL.—The owner or operator
18 of a Great Lakes pipeline may not operate such
19 a pipeline (and may replace such a pipeline with
20 a new pipeline in accordance with this chapter)
21 after the conclusion of the time period described
22 in subparagraph (B).

23 “(B) TIME PERIOD.—The time period de-
24 scribed in this subparagraph is—

1 “(i) for a Great Lakes pipeline that
2 first transported petroleum or a petroleum
3 product earlier than the date that is 50
4 years before the date of enactment of this
5 section, the 5-year period commencing on
6 the date of enactment of this section; and

7 “(ii) for any other Great Lakes pipe-
8 line, the 52-year period commencing on the
9 date such pipeline first transported petro-
10 leum or a petroleum product.

11 “(c) ADDITIONAL PENALTIES.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, an owner or operator of a Great
14 Lakes pipeline shall be liable for a civil penalty for
15 each day during which a repair has not been com-
16 pleted following the conclusion of the applicable pe-
17 riod of the corrective action timeline issued pursuant
18 to subsection (b)(4) as follows:

19 “(A) A penalty for a violation of subsection
20 (b)(1)(A) may not be less than \$2,000 and not
21 more than \$20,000 a day.

22 “(B) A penalty for a violation of sub-
23 section (b)(1)(B) may not be less than \$1,000
24 and not more than \$10,000 a day.

1 “(C) A penalty for a violation of subsection
2 (b)(1)(C) may not be less than \$1,000 and not
3 more than \$10,000 a day.

4 “(D) A penalty for a violation of sub-
5 section (b)(1)(D) may not be less than \$100
6 and not more than \$1,000 a day.

7 “(E) A penalty for a violation of sub-
8 section (b)(1)(E) may not be less than \$1,000
9 and not more than \$10,000.

10 “(F) A penalty for a violation of subsection
11 (b)(1)(F) may not be less than \$100 and not
12 more than \$1,000.

13 “(G) A penalty for a violation of sub-
14 section (b)(1)(G) may not be less than \$5,000
15 and not more than \$30,000 a day.

16 “(H) A penalty for a violation of sub-
17 section (b)(1)(H) may not be less than \$500
18 and not more than \$1,000 a day

19 “(2) FAILURE TO SUBMIT REQUIRED RE-
20 PORTS.—An owner or operator of a Great Lakes
21 pipeline that knowingly violates subsection (b)(3)(A)
22 shall be liable for a civil penalty of not less than
23 \$50,000 and not more than \$500,000.

24 “(3) CONTINUED OPERATION OF AGING PIPE-
25 LINE.—A civil penalty for a violation of subsection

1 (b)(7) may not be less than \$100,000 and not more
2 than \$500,000 a day after the conclusion of the ap-
3 plicable period described in such subsection.

4 “(4) TREATMENT OF PENALTIES.—Amounts
5 collected under this section shall be deposited in the
6 Oil Spill Liability Trust Fund established under sec-
7 tion 9509 of the Internal Revenue Code of 1986 (26
8 U.S.C. 9509).

9 “(d) REGULATIONS; EFFECTIVE DATE.—

10 “(1) REGULATIONS.—The Secretary shall issue
11 regulations to implement the requirements of this
12 section not later than 90 days after the date of en-
13 actment of this section.

14 “(2) EFFECTIVE DATE.—The requirements of
15 paragraphs (1) through (6) of subsection (b) shall
16 be effective on the day that is 1 year after the date
17 of enactment of this section.”.

18 **SEC. 3. ADDITIONAL LIABILITY FOR SPILLS.**

19 (a) DEFINITIONS.—Section 1001 of the Oil Pollution
20 Act of 1990 (33 U.S.C. 2701) is amended—

21 (1) by redesignating paragraphs (9), (10), (11),
22 (12) through (15), (16) through (24), (25), (26),
23 (27), (28), (29), (30), (31), (32), (33), (34) through
24 (37), (38), (39), (40), (41), (42), (43), and (44) as
25 paragraphs (10), (13), (14), (17) through (20), (22)

1 through (30), (32), (33), (36), (35), (37), (39), (38),
2 (40), (41), (43) through (46), (34), (9), (11), (12),
3 (21), (31), and (42), respectively; and

4 (2) by inserting after paragraph (14) (as redес-
5 igned) the following:

6 “(15) ‘Great Lakes pipeline’ has the meaning
7 given such term in section 60101(a) of title 49,
8 United States Code;

9 “(16) ‘Great Lakes system’ has the meaning
10 given such term in section 60101(a) of title 49,
11 United States Code;”.

12 (b) LIABILITY FOR GREAT LAKES PIPELINES.—Sec-
13 tion 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C.
14 2704(a)) is amended—

15 (1) in paragraph (3), by striking “and” at the
16 end;

17 (2) in paragraph (4), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(5) for a Great Lakes pipeline, the total of all
21 removal costs plus \$75,000,000.”.

22 (c) FINANCIAL RESPONSIBILITY REQUIREMENT FOR
23 GREAT LAKES PIPELINES.—Section 1016(c) of the Oil
24 Pollution Act of 1990 (33 U.S.C. 2716(c)) is amended—

1 (1) in the subsection heading, by inserting
2 “AND GREAT LAKES PIPELINES” after “FACILI-
3 TIES”; and

4 (2) by adding at the end the following:

5 “(3) GREAT LAKES PIPELINES.—A responsible
6 party with respect to a Great Lakes pipeline shall
7 establish and maintain evidence of financial respon-
8 sibility in the same manner as described in para-
9 graph (1).”.

10 **SEC. 4. DEFINITIONS.**

11 Section 60101(a) of title 49, United States Code, is
12 amended—

13 (1) by striking “and” in paragraph (25);

14 (2) by striking the period at the end of para-
15 graph (26) and inserting “;”; and

16 (3) by adding at the end the following:

17 “(27) ‘Great Lakes pipeline’ means the portion
18 of any pipeline that—

19 “(A) is used in transporting petroleum or
20 a petroleum product; and

21 “(B) crosses the navigable waters of the
22 Great Lakes system;

23 “(28) ‘Great Lakes system’ means Lake On-
24 tario, Lake Erie, Lake Huron (including Lake St.
25 Clair), Lake Michigan, and Lake Superior, and the

1 connecting channels (Saint Mary's River, Saint Clair
2 River, Detroit River, Niagara River, and Saint Law-
3 rence River to the Canadian Border); and
4 “(29) ‘PHMSA’ means the Pipeline and Haz-
5 ardous Materials Safety Administration.”.