To restore public trust in pipeline safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

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

A BILL

To restore public trust in pipeline safety, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Rivers Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMIT-
tees.—The term “appropriate congressional com-
mittees” means—
(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(2) GATHERING LINES.—The term “gathering lines” has the meaning given the term pursuant to section 60101(b) of title 49, United States Code.

(3) HAZARDOUS LIQUID PIPELINE FACILITY.—The term “hazardous liquid pipeline facility” has the meaning given the term in section 60101(a) of title 49, United States Code.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 3. REVIEW OF PIPELINE RIVER CROSSINGS.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall complete a review of the adequacy of the Administration’s regulations with
respect to pipelines regulated by the Administration
that cross inland bodies of water with a width of at
least 100 feet from high water mark to high water
mark.

(2) Scope.—The review required under para-
graph (1) shall include data about the geomorpholo-
gy of individual rivers, including flood hydraulics,
riverbed mobility, and channel migration, with re-
spect to—

(A) existing depth of cover requirements;

(B) existing requirements for pipeline op-
erators to inspect the conditions of river cross-
ings during extraordinary events irrespective of
periodic inspection requirements;

(C) existing requirements for Integrity
Management Plans to include evaluations of the
probability and consequences of flooding at
river crossings;

(D) existing requirements for installing
crossings with respect to horizontal directional
drilling; and

(E) issuance by the Administration of
emergency orders to address unsafe conditions
or practices posing an imminent hazard.
(3) CONSULTATION.—In conducting the review required under paragraph (1), the Administrator shall consult with—

(A) Federal entities with relevant data and expertise, including the United States Geological Service, the Army Corps of Engineers, the National Transportation Safety Board, the Bureau of Reclamation, and the Environmental Protection Agency; and

(B) regional, state, Tribal, and local entities with relevant data and expertise, including State and regional conservation district councils.

(b) REPORT REQUIRED.—Not later than 30 days after completing the review required under subsection (a), the Administrator shall submit to the appropriate congressional committees a report on the findings of the review, including any recommendations for changes in laws or regulations.

(c) REGULATIONS.—Not later than one year after submittal of the report required under subsection (b), the Administrator shall prescribe regulations to incorporate the findings of the review conducted under subsection (a) and the recommendations included in the report submitted under subsection (b).
SEC. 4. INCREASED TRANSPARENCY.

(a) River Crossings Database.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall establish and maintain on a publicly available Internet Web site of the Administration a database of all pipeline water crossings in the United States, searchable nationally, by State, and by pipeline, including, with respect to each crossing—

(1) the pipeline operator;

(2) the classification of crossing design;

(3) the estimated depth of cover;

(4) the date of pipeline installation;

(5) the dates of in-line inspections;

(6) a summary of past actionable anomalies resulting from in-line inspections; and

(7) the operational status of the pipeline during flows higher than 10-percent probability of exceedance.

(b) National Statistics.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall establish and maintain on a publicly available Internet Web site of the Administration a listing of national and state statistics on pipeline safety, including—
(1) the percentage of pipeline crossings inspected by in-line inspection within the last 6 months, year, five years, and greater than five years;

(2) the percentage of pipeline miles inspected by in-line inspection within the last 6 months, year, five years, and greater than five years;

(3) the percentage of pipeline crossings designated High Consequences Areas;

(4) the percentage of pipeline miles designated High Consequence Areas;

(5) the percentage of total pipelines in compliance as of the last date of in-line inspection;

(6) the percentage of pipeline miles in compliance as of the last date of in-line inspection;

(7) the percentage of pipeline crossings which are bored crossings;

(8) the percentage of pipeline crossings which are cut crossings;

(9) the percentage of pipeline crossings which are aerial crossings; and

(10) any other relevant statistics the agency determines.

(e) Oil Spill Response Plans.—Not later than one year after the date of the enactment of this Act, the Administrator shall post on a publicly available Internet
Web site of the Administration the following information about hazardous liquid pipeline response plans required of each pipeline operator under part 194 of title 49, Code of Federal Regulations:

(1) A status indication of the review and approval of each plan.

(2) A comprehensive description of the requirements for such plans.

(3) A detailed summary of each approved plan written by the operator that includes the key elements of the plan, but which may exclude—

(A) proprietary information;

(B) security-sensitive information, including as referenced in section 1520.5(a) of title 49, Code of Federal Regulations;

(C) specific response resources and tactical deployment plans; and

(D) the specific location of worst-case discharges.

(d) Consultation on Oil Spill Response Plan.—The Administrator shall prescribe regulations requiring pipeline operators—

(1) in constructing oil spill response plans, to consult with local first responders and emergency services operators;
(2) to file approved oil spill response plans with all local first responders and emergency services operators that are listed in the plan; and

(3) to provide updated oil spill response plans to local first responders and emergency services operators as necessary.

SEC. 5. LEAK DETECTION PERFORMANCE STANDARDS.

Not later than one year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall review the need for performance standards for leak detection systems used by operators of hazardous liquid pipeline facilities, including specific standards with respect to—

(1) determining the size of leak a system is capable of detecting; and

(2) the time required for the system to issue an alarm in the event that a leak is detected.

SEC. 6. EMERGENCY FLOW RESTRICTING DEVICES.

Not later than one year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall review the adequacy of regulations on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device.
SEC. 7. ONSHORE GATHERING LINES.

Not later than one year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to the appropriate congressional committees a report summarizing a review of all onshore gas and hazardous liquid gathering lines not regulated by the Administration, including recommendations with respect to—

(1) the sufficiency of existing laws and regulations to ensure pipeline safety;

(2) the economical and technical practicability of applying existing regulations to unregulated onshore gathering lines; and

(3) the modification or revocation of existing statutory or regulatory exemptions, subject to a risk-based assessment.

SEC. 8. EXPANDED LOCAL INVOLVEMENT IN NATIONAL CONTINGENCY PLAN RESPONSE MANAGEMENT STRUCTURE.

(a) In General.—The National Contingency Plan for removal of oil and hazardous substances shall be revised to provide for the greater involvement of local authorities in the basic framework for the response management structure.

(b) Rule of Construction.—Nothing in this section shall be construed as limiting, reducing, or otherwise
modifying the controlling role of the On-Scene Coordinator
in the response management structure referred to in sub-
section (a).

SEC. 9. TRIBAL CONSULTATION.

(a) IN GENERAL.—Not later than one year after the
date of enactment of this Act, the Administrator of the
Pipeline and Hazardous Materials Safety Administration
shall establish a protocol for consulting with Indian tribes
to provide technical assistance for regulation of pipelines
under the jurisdiction of Indian tribes.

(b) REQUIREMENT FOR OPERATORS.—The operator
of a pipeline that is located, wholly or partially, on land
under the jurisdiction of an Indian tribe shall file with
the Pipeline and Hazardous Materials Safety Administra-
tion a copy of any oil spill response plan required under
this Act for the pipeline.