

114TH CONGRESS
2D SESSION

H. R. 5078

To require the Secretary of Transportation to conduct a study on the economic and environmental risks to the Great Lakes of spills or leaks of oil, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2016

Mrs. MILLER of Michigan (for herself, Mr. BENISHEK, Mrs. DINGELL, and Mr. TROTT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Transportation to conduct a study on the economic and environmental risks to the Great Lakes of spills or leaks of oil, 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 Pipeline
5 Safety Act of 2016”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Great Lakes are an invaluable national
4 resource, containing one-fifth of the world’s fresh
5 surface water and 95 percent of the United States
6 freshwater supply;

7 (2) over 40,000,000 people depend on the Great
8 Lakes for fresh drinking water;

9 (3) the Great Lakes provide 56,000,000,000
10 gallons of water per day for municipal, agricultural
11 and industrial use;

12 (4) there are more than 3,500 species of plants
13 and animals within the Great Lakes ecosystem;

14 (5) hundreds of thousands of jobs, tied to the
15 \$7,000,000,000 recreational fishing and
16 \$16,000,000,000 recreational boating industries, di-
17 rectly depend on the Great Lakes;

18 (6) currently, several million gallons per day of
19 hazardous liquids are transported by pipeline across
20 various points along the Great Lakes;

21 (7) modeling studies by the University of Michi-
22 gan in 2014 and 2016 have concluded that an oil
23 spill originating from a pipeline under the Straits of
24 Mackinac would present particularly severe con-
25 sequences, potentially impacting over 700 miles of
26 Great Lakes shoreline;

1 (8) a joint NOAA–U.S. Coast Guard guidebook
2 on oil spill response planning in marine environ-
3 ments states that, during the first 24 to 48 hours
4 of open water exposure, most oil spills become dif-
5 ficult to recover, burn, or chemically disperse;

6 (9) swift currents beneath the straits and wa-
7 terways which connect the Great Lakes could rapidly
8 disperse oil spill contaminants following a pipeline
9 breach;

10 (10) certain pipelines on the Great Lakes are
11 located in close proximity to municipal drinking
12 water collection intakes for millions of people; and

13 (11) the United States should seek to protect
14 the Great Lakes, as a unique national asset, from
15 unreasonable risk of environmental and economic
16 harm.

17 **SEC. 3. STUDY ON ECONOMIC AND ENVIRONMENTAL RISKS**
18 **TO THE GREAT LAKES.**

19 (a) STUDY.—Notwithstanding a pipeline integrity
20 management program, integrity management assessment
21 schedule, or considerations by the Secretary of Transpor-
22 tation resulting in a corrective action order pursuant to
23 section 60112 of title 49, United States Code, not later
24 than 18 months after the date of enactment of this Act,
25 the Secretary shall, in consultation with the United States

1 Coast Guard, the Environmental Protection Agency, the
2 Federal Energy Regulatory Commission, and other agen-
3 cies as appropriate, conduct a study to determine the eco-
4 nomic and environmental risks to the Great Lakes of spills
5 or leaks of oil or other hazardous liquids in the Straits
6 of Mackinac from a rupture, breakage, or other failure of
7 onshore, underwater pipeline facilities within the Straits.

8 (b) CONTENTS.—The study required under sub-
9 section (a) shall—

10 (1) meet the content requirements of an envi-
11 ronmental impact statement as described in part
12 1502 of title 40, Code of Federal Regulations;

13 (2) describe the potential impacts of such spills
14 or leaks to the public health or welfare, wildlife pop-
15 ulations, ecosystems, shorelines, public and private
16 property, economic activity, and water quality in the
17 Great Lakes and connecting waterways;

18 (3) include an assessment of spill responses in
19 a variety of likely and worst-case spill scenarios in
20 those waters; and

21 (4) include the supplemental study conducted
22 under subsection (c).

23 (c) SUPPLEMENTAL STUDY.—The Secretary of
24 Transportation shall conduct, in collaboration with pipe-
25 line facility operators and any necessary agencies, a sup-

1 plemental study to evaluate the condition and structural
2 integrity of onshore, underwater pipeline facilities in the
3 Straits of Mackinac, taking into consideration the age,
4 construction materials, external and internal corrosion,
5 weld integrity, pressure, underwater currents, possible ex-
6 ternal damage caused by anchor strikes or dragging by
7 recreational or cargo vessels, and the presence of in-line
8 shutoff valves. Such supplemental study shall utilize both
9 internal inspection technology and pipeline route surveys,
10 depth of cover surveys, pressure tests, external corrosion
11 direct assessment, or other technology that the operator
12 demonstrates can further the understanding of the condi-
13 tion of the pipeline facility.

14 (d) TERMINATION OF OPERATION.—Not later than
15 18 months after the date of enactment of this Act, the
16 Administrator of the Pipeline and Hazardous Materials
17 Safety Administration shall terminate the operations of an
18 onshore, underwater pipeline facility located in the Straits
19 of Mackinac if the Administrator determines that, based
20 on the studies conducted under subsections (a) and (c),
21 such facility poses a sufficient risk of hazard to life, prop-
22 erty, or the environment to necessitate the termination.

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