

115TH CONGRESS  
2D SESSION

# H. R. 4787

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2018

Mr. BISHOP of Michigan 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

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## 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 redese-  
5 ignated) 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.”.

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