

115TH CONGRESS
1ST SESSION

S. 1226

To amend the Oil Pollution Act of 1990 to equalize liability and financial assurance requirements for onshore pipeline facilities that could discharge oil into the Great Lakes system with such requirements for offshore pipelines, to authorize the Secretary of Transportation to issue an emergency order directing pipeline owners to comply with existing pipeline operating agreements or acquire sufficient resources to appropriately respond to possible oil spill incidents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2017

Mr. PETERS (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Oil Pollution Act of 1990 to equalize liability and financial assurance requirements for onshore pipeline facilities that could discharge oil into the Great Lakes system with such requirements for offshore pipelines, to authorize the Secretary of Transportation to issue an emergency order directing pipeline owners to comply with existing pipeline operating agreements or acquire sufficient resources to appropriately respond to possible oil spill incidents, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Liability Insurance in
3 Event of Spill Act” or the “LINES Act”.

4 **SEC. 2. DEFINITIONS.**

5 Section 1001 of the Oil Pollution Act of 1990 (33
6 U.S.C. 2701) is amended—

7 (1) by redesignating paragraphs (9), (10), (11),
8 (12) through (15), (16) through (24), (25), (26),
9 (27), (28), (29), (30), (31), (32), (33), (34) through
10 (37), (38), (39), (40), (41), (42), (43), and (44) as
11 paragraphs (10), (13), (14), (17) through (20), (22)
12 through (30), (32), (33), (36), (35), (37), (39), (38),
13 (40), (41), (43) through (46), (34), (9), (11), (12),
14 (21), (31), and (42), respectively; and

15 (2) by inserting after paragraph (14) (as redес-
16 igned) the following:

17 “(15) GREAT LAKES PIPELINE.—The term
18 ‘Great Lakes pipeline’ means any pipeline that
19 crosses the navigable waters of the Great Lakes sys-
20 tem.

21 “(16) GREAT LAKES SYSTEM.—The term
22 ‘Great Lakes system’ means—

23 “(A) Lake Ontario, Lake Erie, Lake
24 Huron (including Lake St. Clair), Lake Michi-
25 gan, and Lake Superior, and the connecting
26 channels (Saint Mary’s River, Saint Clair River,

1 Detroit River, Niagara River, and Saint Lawrence River to the Canadian border); and

2
3 “(B) any tributary of a lake or connecting
4 channel described in subparagraph (A).”.

5 **SEC. 3. LIABILITY FOR GREAT LAKES PIPELINES.**

6 Section 1004(a) of the Oil Pollution Act of 1990 (33
7 U.S.C. 2704(a)) is amended—

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

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

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

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

15 **SEC. 4. FINANCIAL RESPONSIBILITY REQUIREMENT FOR**
16 **GREAT LAKES PIPELINES.**

17 Section 1016(c) of the Oil Pollution Act of 1990 (33
18 U.S.C. 2716(c)) is amended—

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

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

23 “(3) GREAT LAKES PIPELINES.—A responsible
24 party with respect to a Great Lakes pipeline shall
25 establish and maintain evidence of financial respon-

1 sibility in the same manner as described in para-
2 graph (1).”.

3 **SEC. 5. EMERGENCY ORDER AUTHORITY.**

4 Section 60117(o) of title 49, United States Code, is
5 amended—

6 (1) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) IN GENERAL.—The Secretary may issue
9 an emergency order described in paragraph (3) to
10 impose emergency restrictions, prohibitions, and
11 safety measures on owners and operators of haz-
12 ardous liquid pipeline facilities, without prior notice
13 or an opportunity for a hearing, to the extent nec-
14 essary to abate an imminent hazard described in
15 subparagraph (A), comply with the conditions re-
16 ferred to in subparagraph (B), or acquire the nec-
17 essary insurance or other resources needed to re-
18 spond to an oil spill referred to in subparagraph (C)
19 if the Secretary—

20 “(A) determines that an unsafe condition
21 or practice, or a combination of unsafe condi-
22 tions and practices, constitutes or is causing an
23 imminent hazard;

24 “(B) discovers reliable evidence that the
25 pipeline is violating conditions required for its

1 operation that were previously agreed upon be-
2 tween the responsible party and a State, tribal,
3 or local government; or

4 “(C) after consultation with the Adminis-
5 trator of the Environmental Protection Agency
6 and the Commandant of the Coast Guard, de-
7 termines that—

8 “(i) inadequate resources are available
9 to respond to and clean up an oil spill dur-
10 ing seasonal conditions or conditions ex-
11 pected or caused by an extreme weather
12 event; or

13 “(ii) the responsible party cannot
14 demonstrate, through any of the methods
15 described in section 1016(e) of the Oil Pol-
16 lution Act of 1990 (33 U.S.C. 2716(e))
17 that it has sufficient financial resources to
18 satisfy the liability limits described in sec-
19 tion 1004 of such Act (33 U.S.C. 2704) in
20 the event of an oil spill incident.”; and

21 (2) in paragraph (3)—

22 (A) in subparagraph (A)—

23 (i) by inserting “(i)” before “the vio-
24 lation”; and

1 (ii) by adding at the end the fol-
2 lowing:

3 “(ii) evidence that the pipeline is vio-
4 lating required operating conditions; or

5 “(iii) the reasons that responsible par-
6 ty’s existing resources are inadequate to
7 remedy either of the situations described in
8 paragraph (1)(C);” and

9 (B) in subparagraph (E)—

10 (i) by inserting “(i)” before “how the
11 order”; and

12 (ii) by striking “and” at the end and
13 inserting the following:

14 “(ii) what the responsible party shall
15 be required to do to ensure that the pipe-
16 line complies with applicable operating con-
17 ditions; or

18 “(iii) the resources that the respon-
19 sible party shall be required to acquire to
20 remedy either of the situations described in
21 paragraph (1)(C); and”.

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