

116TH CONGRESS
1ST SESSION

S. 1097

To amend title 49, United States Code, to improve pipeline safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

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

A BILL

To amend title 49, United States Code, to improve pipeline safety, 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 “Leonel Rondon Pipe-
5 line Safety Act”.

6 **SEC. 2. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.**

7 (a) IN GENERAL.—Section 60109(e) of title 49,
8 United States Code, is amended by adding at the end the
9 following:

10 “(7) IN GENERAL.—

1 “(A) EVALUATION OF RISK.—Not later
2 than 1 year after the date of enactment of this
3 paragraph, the Secretary shall promulgate regu-
4 lations that ensure that each distribution integ-
5 rity management plan developed by an operator
6 of a distribution pipeline includes an evaluation
7 of—

8 “(i) the risks resulting from the pres-
9 ence of cast iron pipes and mains in the
10 distribution system; and

11 “(ii) the risks that could lead to or re-
12 sult from the operation of a distribution
13 pipeline above the maximum allowable op-
14 erating pressure (as described in section
15 192.619 of title 49, Code of Federal Regu-
16 lations (or successor regulations)).

17 “(B) CONSIDERATION.—In the evaluations
18 required in a plan under subparagraph (A), the
19 regulations promulgated by the Secretary shall
20 ensure that the distribution integrity manage-
21 ment plan evaluates future potential threats in
22 a manner that considers factors other than past
23 observed abnormal operating conditions (as de-
24 fined in section 192.803 of title 49, Code of
25 Federal Regulations (or successor regulations))

1 in ranking risks and identifying measures to
2 mitigate those risks under that subparagraph,
3 so that operators avoid using a risk rating of
4 zero for low probability events unless otherwise
5 supported by engineering analysis.

6 “(C) DEADLINES.—

7 “(i) IN GENERAL.—Not later than
8 180 days after the date of enactment of
9 this paragraph, each operator of a dis-
10 tribution pipeline shall submit to the Sec-
11 retary or to the relevant certified State au-
12 thority, if applicable, a copy of—

13 “(I) the distribution integrity
14 management plan of the operator;

15 “(II) the emergency response
16 plan under section 192.615 of title 49,
17 Code of Federal Regulations (or suc-
18 cessor regulations); and

19 “(III) the procedural manual for
20 operations, maintenance, and emer-
21 gencies under section 192.605 of title
22 49, Code of Federal Regulations (or
23 successor regulations).

24 “(ii) UPDATES.—Each operator of a
25 distribution pipeline shall submit to the

1 Secretary an updated plan or manual de-
2 scribed in clause (i) by not later than 60
3 days after the date of the update.”.

4 (b) MONITORING.—Section 60105(e) of title 49,
5 United States Code, is amended—

6 (1) in the second sentence, by striking “A
7 State” and inserting the following:

8 “(2) COOPERATION.—A State”;

9 (2) by striking “The Secretary” and inserting
10 the following:

11 “(1) IN GENERAL.—The Secretary”; and

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

13 “(3) AUDIT PROGRAM.—Not later than 1 year
14 after the date of enactment of this paragraph, the
15 Secretary shall promulgate regulations to update the
16 annual State Program Evaluations to—

17 “(A) ensure that a State authority has the
18 capability to sufficiently review and evaluate the
19 adequacy of the plans and manuals described in
20 section 60109(e)(7)(C)(i); and

21 “(B) require that a State authority has a
22 sufficient number of inspectors to ensure safe
23 operations, as determined by a formula that
24 takes into account factors including but not
25 limited to—

1 “(i) the number of miles of cast iron
2 pipe in the State;

3 “(ii) the number of customers in the
4 State;

5 “(iii) population density in areas with
6 gas distribution pipeline;

7 “(iv) the age of the gas distribution
8 system in the State; and

9 “(v) environmental factors, including
10 relevant geological issues.”.

11 **SEC. 3. EMERGENCY RESPONSE PLANS.**

12 Section 60102 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(q) EMERGENCY RESPONSE PLANS.—Not later
15 than 1 year after the date of the enactment of this sub-
16 section, the Secretary shall promulgate regulations to en-
17 sure that each emergency response plan under section
18 192.615 of title 49, Code of Federal Regulations (or suc-
19 cessor regulations), developed by an operator of a distribu-
20 tion pipeline includes written procedures for—

21 “(1) establishing communication with fire, po-
22 lice, and other relevant public officials as soon as
23 practicable, but not later than 30 minutes, after a
24 gas pipeline emergency that—

1 “(A) includes fires, explosions, or one or
2 more fatalities; or

3 “(B) results in the shutdown of gas service
4 to more than 100 customers;

5 “(2) establishing public communication as soon
6 as practicable and in consultation with fire, police,
7 and other public officials after a gas pipeline emer-
8 gency that—

9 “(A) includes fires, explosions, or one or
10 more fatalities; or

11 “(B) results in the shutdown of gas service
12 to more than 100 customers; and

13 “(3) the development and implementation of a
14 voluntary, opt-in system that would allow operators
15 of distribution pipelines to rapidly communicate with
16 customers in the event of an emergency.”.

17 **SEC. 4. OPERATIONS AND MAINTENANCE MANUALS.**

18 Section 60102 of title 49, United States Code (as
19 amended by section 3), is amended by adding at the end
20 the following:

21 “(r) OPERATIONS AND MAINTENANCE MANUALS.—

22 Not later than 1 year after the date of enactment of this
23 subsection, the Secretary shall promulgate regulations to
24 ensure that each procedural manual for operations, main-
25 tenance, and emergencies under section 192.605 of title

1 49, Code of Federal Regulations (or successor regula-
2 tions), developed by an operator of a distribution pipeline
3 includes written procedures for—

4 “(1) responding to overpressurization alarms,
5 including a clear timeline and order of operations for
6 shutting down portions of the gas distribution sys-
7 tem, if necessary; and

8 “(2) a detailed procedure for a management of
9 change process, which shall be applied to all changes
10 to the distribution system, and which shall ensure
11 that relevant employees of an operator of a distribu-
12 tion pipeline, as determined through the regulations,
13 review construction documents for accuracy, com-
14 pleteness, and correctness.”.

15 **SEC. 5. PIPELINE SAFETY MANAGEMENT SYSTEMS.**

16 Section 60102 of title 49, United States Code (as
17 amended by section 4), is amended by adding at the end
18 the following:

19 “(s) PIPELINE SAFETY MANAGEMENT SYSTEMS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this subsection, the Sec-
22 retary shall promulgate regulations directing each
23 operator of a distribution pipeline to develop and im-
24 plement a pipeline safety management systems
25 framework in accordance with Recommended Prac-

1 tice 1173 of the American Petroleum Institute (API
2 RP 1173).

3 “(2) UPDATES.—The Secretary may periodi-
4 cally revise such regulations to adopt new best in-
5 dustry practices for promoting safety management
6 systems, as appropriate.

7 “(3) SUBMISSION.—Each operator of a dis-
8 tribution pipeline shall submit to the Secretary or
9 the relevant State authority, as certified under sec-
10 tion 60105 of title 49, United States Code—

11 “(A) a copy of the pipeline safety manage-
12 ment systems framework developed under para-
13 graph (1) by not later than 2 years after the
14 date of enactment of this subsection; and

15 “(B) any updates to the framework de-
16 scribed in subparagraph (A) by not later than
17 3 years after the date of enactment of this sub-
18 section after the update.

19 “(4) EVALUATION AND CERTIFICATION.—
20 Under a timeline established by the Secretary
21 through regulation, the Secretary or the relevant
22 State authority, as certified under section 60105 of
23 title 49, United States Code, shall—

24 “(A) evaluate pipeline safety management
25 systems frameworks developed under paragraph

1 (1), including by using independent third-party
 2 evaluators if necessary; and

3 “(B) certify that—

4 “(i) those frameworks are effective
 5 and complete; and

6 “(ii) operators of distribution pipe-
 7 lines are in compliance with those frame-
 8 works.”.

9 **SEC. 6. PIPELINE SAFETY PRACTICES.**

10 Section 60102 of title 49, United States Code (as
 11 amended by section 5), is amended by adding at the end
 12 the following:

13 “(t) OTHER PIPELINE SAFETY PRACTICES.—

14 “(1) RECORDS.—Not later than 180 days after
 15 the date of enactment of this subsection, the Sec-
 16 retary shall promulgate regulations to require an op-
 17 erator of a distribution pipeline—

18 “(A) to develop and maintain traceable, re-
 19 liable, complete, and up-to-date records of the
 20 gas distribution system in each region of oper-
 21 ation that depict high-, medium-, and low-gas
 22 pressure systems, including maps and other
 23 drawings; and

24 “(B) to ensure that the records described
 25 in subparagraph (A) are accessible to all em-

1 employees of the operator and provided to the Sec-
2 retary or the relevant State authority.

3 “(2) APPROVAL OF CERTAIN ACTIVITIES.—

4 “(A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this subsection,
6 the Secretary shall promulgate regulations to
7 require that, before carrying out any covered
8 task (as defined in section 192.801(b) of title
9 49, Code of Federal Regulations (or successor
10 regulations)), the covered task is approved by a
11 professional engineer licensed to practice in the
12 State in which it is to be carried out.

13 “(B) INCLUSION.—In promulgating regula-
14 tions under subparagraph (A), the Secretary
15 shall ensure that professional engineers are pro-
16 vided access to all relevant records and prior
17 work plans needed to certify the safety of the
18 covered task.

19 “(C) APPLICATION.—The following provi-
20 sions shall not apply to a standard promulgated
21 under subparagraph (A):

22 “(i) Subsections (c) and (d) of section
23 60118.

24 “(ii) Section 60131(e)(5).

25 “(3) PRESENCE OF QUALIFIED EMPLOYEES.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this sub-
3 section, the Secretary shall promulgate regula-
4 tions to require that not less than 1 employee
5 of an operator of a distribution pipeline who is
6 qualified to perform relevant covered tasks (as
7 defined in section 192.801(b) of title 49, Code
8 of Federal Regulations (or successor regula-
9 tions)), shall monitor gas pressure and have the
10 capability to shut down the flow of gas at a dis-
11 trict regulator station during any construction
12 project that has the potential to cause a haz-
13 ardous over-pressurization at that station, in-
14 cluding tie-ins and abandonment of distribution
15 lines and mains, based on an evaluation of
16 threats that could result in unsafe operation
17 conducted by the operator.

18 “(B) EXCLUSION.—In promulgating regu-
19 lations under subparagraph (A), the Secretary
20 shall ensure that those regulations do not apply
21 to a district regulating station that has a moni-
22 toring system and the capability for remote or
23 automatic shutoff.

24 “(4) DISTRICT REGULATOR STATIONS.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this subsection,
3 the Secretary shall promulgate regulations to
4 require that each operator of a distribution
5 pipeline assesses and upgrades, as appropriate,
6 each district regulator station of the operator to
7 ensure that—

8 “(i) there is no possibility for a com-
9 mon mode of failure in the regulator tech-
10 nology of the station that could lead to an
11 operating pressure that is greater than the
12 maximum allowable operating pressure (as
13 described in section 192.619 of title 49,
14 Code of Federal Regulations (or successor
15 regulations));

16 “(ii) the station has monitoring tech-
17 nology that provides constant awareness of
18 gas pressure at the station; and

19 “(iii) the station has additional pres-
20 sure-relieving safety technology, such as a
21 relief valve or automatic shutoff valve, as
22 appropriate for the configuration and
23 siting of the station.

24 “(5) MINIMUM STAFFING REQUIREMENTS.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this subsection,
3 the Secretary shall promulgate regulations to
4 promote sufficient staffing for monitoring and
5 regulating gas pressure levels by each operator
6 of a distribution pipeline.

7 “(B) INCLUSIONS.—Regulations promul-
8 gated under subparagraph (A) shall consider—

9 “(i) the total miles of gas main and
10 service pipeline within the service area of
11 the operator of the distribution pipeline;

12 “(ii) the age and material of the pipes
13 within the service area of the operator of
14 the distribution pipeline; and

15 “(iii) the number and density of cus-
16 tomers within the service area of the oper-
17 ator of the distribution pipeline.”.

18 **SEC. 7. CIVIL PENALTIES.**

19 Section 60122(a)(1) of title 49, United States Code,
20 is amended—

21 (1) in the first sentence, by striking
22 “\$200,000” and inserting “\$20,000,000”;

23 (2) in the third sentence, by striking
24 “\$2,000,000” and inserting “\$200,000,000”; and

1 (3) by adding at the end the following: “The
2 Secretary shall annually adjust the penalties under
3 this paragraph for inflation.”.

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