

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**A BILL**

To restore public trust in 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 “Clean Rivers Act of  
5 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—The term “appropriate congressional com-  
10 mittees” means—

1 (A) the Committee on Commerce, Science,  
2 and Transportation and the Committee on Ap-  
3 propriations of the Senate; and

4 (B) the Committee on Transportation and  
5 Infrastructure, the Committee on Energy and  
6 Commerce, and the Committee on Appropria-  
7 tions of the House of Representatives.

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

11 (3) HAZARDOUS LIQUID PIPELINE FACILITY.—  
12 The term “hazardous liquid pipeline facility” has the  
13 meaning given the term in section 60101(a) of title  
14 49, United States Code.

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

19 **SEC. 3. REVIEW OF PIPELINE RIVER CROSSINGS.**

20 (a) REVIEW REQUIRED.—

21 (1) IN GENERAL.—Not later than 180 days  
22 after the date of the enactment of this Act, the Ad-  
23 ministrator of the Pipeline and Hazardous Materials  
24 Safety Administration shall complete a review of the  
25 adequacy of the Administration’s regulations with

1       respect to pipelines regulated by the Administration  
2       that cross inland bodies of water with a width of at  
3       least 100 feet from high water mark to high water  
4       mark.

5           (2) SCOPE.—The review required under para-  
6       graph (1) shall include data about the  
7       geomorphology of individual rivers, including flood  
8       hydraulics, riverbed mobility, and channel migration,  
9       with respect to—

10           (A) existing depth of cover requirements;

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

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

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

22           (E) issuance by the Administration of  
23       emergency orders to address unsafe conditions  
24       or practices posing an imminent hazard.

1           (3) CONSULTATION.—In conducting the review  
2           required under paragraph (1), the Administrator  
3           shall consult with—

4                   (A) Federal entities with relevant data and  
5                   expertise, including the United States Geologi-  
6                   cal Service, the Army Corps of Engineers, the  
7                   National Transportation Safety Board, the Bu-  
8                   reau of Reclamation, and the Environmental  
9                   Protection Agency; and

10                   (B) regional, state, Tribal, and local enti-  
11                   ties with relevant data and expertise, including  
12                   State and regional conservation district coun-  
13                   cils.

14           (b) REPORT REQUIRED.—Not later than 30 days  
15           after completing the review required under subsection (a),  
16           the Administrator shall submit to the appropriate congres-  
17           sional committees a report on the findings of the review,  
18           including any recommendations for changes in laws or reg-  
19           ulations.

20           (c) REGULATIONS.—Not later than one year after  
21           submittal of the report required under subsection (b), the  
22           Administrator shall prescribe regulations to incorporate  
23           the findings of the review conducted under subsection (a)  
24           and the recommendations included in the report submitted  
25           under subsection (b).

1 **SEC. 4. INCREASED TRANSPARENCY.**

2 (a) RIVER CROSSINGS DATABASE.—Not later than  
3 180 days after the date of the enactment of this Act, the  
4 Administrator of the Pipeline and Hazardous Materials  
5 Safety Administration shall establish and maintain on a  
6 publicly available Internet website of the Administration  
7 a database of all pipeline water crossings in the United  
8 States, searchable nationally, by State, and by pipeline,  
9 including, with respect to each crossing—

- 10 (1) the pipeline operator;
- 11 (2) the classification of crossing design;
- 12 (3) the estimated depth of cover;
- 13 (4) the date of pipeline installation;
- 14 (5) the dates of in-line inspections;
- 15 (6) a summary of past actionable anomalies re-
- 16 sulting from in-line inspections; and
- 17 (7) the operational status of the pipeline during
- 18 flows higher than 10 percent probability of exceed-
- 19 ance.

20 (b) NATIONAL STATISTICS.—Not later than 180 days  
21 after the date of the enactment of this Act, the Adminis-  
22 trator of the Pipeline and Hazardous Materials Safety Ad-  
23 ministration shall establish and maintain on a publicly  
24 available Internet website of the Administration a listing  
25 of national and state statistics on pipeline safety, includ-  
26 ing—

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

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

7           (3) the percentage of pipeline crossings des-  
8           ignated High Consequences Areas;

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

11          (5) the percentage of total pipelines in compli-  
12          ance as of the last date of in-line inspection;

13          (6) the percentage of pipeline miles in compli-  
14          ance as of the last date of in-line inspection;

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

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

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

21          (10) any other relevant statistics the agency de-  
22          termines.

23          (c) OIL SPILL RESPONSE PLANS.—Not later than  
24          one year after the date of the enactment of this Act, the  
25          Administrator shall post on a publicly available Internet

1 website of the Administration the following information  
2 about hazardous liquid pipeline response plans required of  
3 each pipeline operator under part 194 of title 49, Code  
4 of Federal Regulations:

5 (1) A status indication of the review and ap-  
6 proval of each plan.

7 (2) A comprehensive description of the require-  
8 ments for such plans.

9 (3) A detailed summary of each approved plan  
10 written by the operator that includes the key ele-  
11 ments of the plan, but which may exclude—

12 (A) proprietary information;

13 (B) security-sensitive information, includ-  
14 ing as referenced in section 1520.5(a) of title  
15 49, Code of Federal Regulations;

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

18 (D) the specific location of worst-case dis-  
19 charges.

20 (d) CONSULTATION ON OIL SPILL RESPONSE  
21 PLAN.—The Administrator shall prescribe regulations re-  
22 quiring pipeline operators—

23 (1) in constructing oil spill response plans, to  
24 consult with local first responders and emergency  
25 services operators;

1           (2) to file approved oil spill response plans with  
2           all local first responders and emergency services op-  
3           erators that are listed in the plan; and

4           (3) to provide updated oil spill response plans  
5           to local first responders and emergency services op-  
6           erators as necessary.

7 **SEC. 5. LEAK DETECTION PERFORMANCE STANDARDS.**

8           Not later than one year after the date of the enact-  
9           ment of this Act, the Administrator of the Pipeline and  
10          Hazardous Materials Safety Administration shall review  
11          the need for performance standards for leak detection sys-  
12          tems used by operators of hazardous liquid pipeline facili-  
13          ties, including specific standards with respect to—

14                 (1) determining the size of leak a system is ca-  
15                 pable of detecting; and

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

18 **SEC. 6. EMERGENCY FLOW RESTRICTING DEVICES.**

19          Not later than one year after the date of the enact-  
20          ment of this Act, the Administrator of the Pipeline and  
21          Hazardous Materials Safety Administration shall review  
22          the adequacy of regulations on the circumstances under  
23          which an operator of a hazardous liquid pipeline facility  
24          must use an emergency flow restricting device.

1 **SEC. 7. ONSHORE GATHERING LINES.**

2 Not later than one year after the date of the enact-  
3 ment of this Act, the Administrator of the Pipeline and  
4 Hazardous Materials Safety Administration shall submit  
5 to the appropriate congressional committees a report sum-  
6 marizing a review of all onshore gas and hazardous liquid  
7 gathering lines not regulated by the Administration, in-  
8 cluding recommendations with respect to—

9 (1) the sufficiency of existing laws and regula-  
10 tions to ensure pipeline safety;

11 (2) the economical and technical practicability  
12 of applying existing regulations to unregulated on-  
13 shore gathering lines; and

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

17 **SEC. 8. EXPANDED LOCAL INVOLVEMENT IN NATIONAL**  
18 **CONTINGENCY PLAN RESPONSE MANAGE-**  
19 **MENT STRUCTURE.**

20 (a) **IN GENERAL.**—The National Contingency Plan  
21 for removal of oil and hazardous substances shall be re-  
22 vised to provide for the greater involvement of local au-  
23 thorities in the basic framework for the response manage-  
24 ment structure.

25 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
26 tion shall be construed as limiting, reducing, or otherwise

1 modifying the controlling role of the On-Scene Coordinator  
2 in the response management structure referred to in sub-  
3 section (a).

4 **SEC. 9. TRIBAL CONSULTATION.**

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

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