



The House Committee on Transportation & Infrastructure

Chairman Peter A. DeFazio
Ranking Member Sam Graves

H.R. 5120, THE SAFER PIPELINES ACT OF 2019

SUMMARY OF LEGISLATION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

The title of this Act is the “Safe, Accountable, Fair, and Environmentally Responsible Pipelines Act of 2019” or the “SAFER Pipelines Act of 2019.”

SECTION 2. AUTHORIZATION OF APPROPRIATIONS.

Renews and increases expiring authorizations of appropriations for pipeline safety activities overseen by the Pipeline and Hazardous Materials Safety Administration (PHMSA), including research and development, emergency response grants, state pipeline safety grants, the State Damage Prevention Program, and One-Call Notification Program.

SECTION 3. PURPOSE AND GENERAL AUTHORITY.

Removes the duplicative statutory cost-benefit requirement imposed solely on PHMSA and no other federal agency. Ensures that local and tribal emergency response entities have access to safety-related condition reports upon request. Requires the Secretary to issue regulations requiring all transmission pipelines located in high-consequence areas to have automatic or remote-controlled shut-off valves. Directs the Secretary to issue regulations requiring operators to address and repair cracks in both natural gas and hazardous liquid pipelines located in high-consequence areas.

SECTION 4. STATE PIPELINE SAFETY PROGRAM CERTIFICATIONS.

Authorizes PHMSA to access state pipeline safety records and to participate in state-led pipeline safety inspections or investigations.

SECTION 5. STATE PIPELINE SAFETY GRANTS.

Authorizes PHMSA to reimburse states for costs incurred when assisting other states in the response to natural disasters or major pipeline incidents.

SECTION 6. INSPECTION AND MAINTENANCE.

Allows PHMSA to request information about the construction of pipelines from pipeline owners or operators, including information on when construction is stopped.

SECTION 7. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

Requires PHMSA to issue a rulemaking that prioritizes inspection methods for transmission pipelines that provide a greater level of safety than direct assessment, including the use of internal inspection devices or pressure testing. Also requires a report on methods of assessment of distribution pipelines other than direct assessment to determine whether any such methods are feasible and would provide a greater level of safety.

SECTION 8. COMMUNITY RIGHT-TO-KNOW AND EMERGENCY PREPAREDNESS.

Requires owners and operators of gas or hazardous liquid pipeline facilities to carry out and review a continuing public education program on pipeline safety. Operators must also establish liaison with state, local, and tribal emergency response entities. The Secretary must consider whether such entities have sufficient access to pipeline emergency response information.

SECTION 9. COST RECOVERY FOR DESIGN REVIEWS.

Expands PHMSA's ability to collect costs incurred for performing a facility design safety review of a proposed gas or hazardous liquid facility, or a liquefied natural gas pipeline facility.

SECTION 10. MANDAMUS

Amends the right of action for third-parties to seek a court order compelling PHMSA to issue regulations required by statute.

SECTION 11. CIVIL PENALTIES.

Raises the statutory cap for civil penalties for operators who violate Federal pipeline safety statutes or regulations from \$200,000 to \$20,000,000 per violation. Also removes the cap for a related series of violations, enhancing PHMSA's ability to hold operators responsible for particularly egregious violations.

SECTION 12. CRIMINAL PENALTIES.

Changes PHMSA's criminal penalty standard from "knowingly and willfully" to "knowingly or recklessly."

SECTION 13. EMERGENCY RESPONSE GRANTS

Reauthorizes emergency response grants and expands eligible recipients to include tribal governments and nonprofit organizations providing pipeline emergency response training. Also eliminates language that previously limited use of funds to high consequence areas.

SECTION 14. VERIFICATION OF PIPELINE QUALIFICATION PROGRAMS

Expands current statute to require pipeline operators to conduct operator qualification programs on construction tasks.

SECTION 15. NATIONAL PIPELINE MAPPING SYSTEM

Expands the National Pipeline Mapping System to include information on regulated gathering lines and distribution pipelines. Operators of distribution pipelines must also provide the Secretary specific additional safety information. The Secretary must consider whether the inclusion of additional information would benefit emergency response efforts.

SECTION 16. CONGRESSIONAL ACCESS TO OIL SPILL RESPONSE PLANS.

Allows for Members of Congress to view pipeline operators' unredacted oil spill response plans.

SECTION 17. LEAK DETECTION TECHNOLOGY.

Requires the Secretary to issue regulations requiring operators to install and use advanced leak detection technology on all gas pipelines, including existing pipelines and segments that are constructed or entirely replaced.

SECTION 18. GAS PIPELINE REPAIR CRITERIA.

Requires the Secretary to issue regulations requiring operators of a gas pipeline facility to immediately repair a leak that results in a 'large loss event' of 300,000 cubic feet of gas or more. Requires operators to report to the Secretary information with respect to a large loss event, including the location of the event, the total estimated volume of gas released, the cause of failure, and the time until repair completion.

SECTION 19. METHANE RELEASE MITIGATION.

Requires the Secretary to issue regulations requiring gas pipeline operators to use the best available technology to capture gas released during routine operations and maintenance.

SECTION 20. UNUSUALLY SENSITIVE AREAS.

Provides statutory definitions for ‘coastal beaches’ and ‘coastal waters’ in order for PHMSA to fulfill a 2016 mandate that addressed pipeline rights-of-way in unusually sensitive areas.

SECTION 21. USER FEES FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.

Provides PHMSA the ability to collect fees for underground natural gas storage facility reviews.

SECTION 22. SEISMICITY.

Requires the National Academy of Sciences to prepare a report on seismicity, land subsidence, and related issues that evaluates current Federal requirements and industry practices.

SECTION 23. PIPELINE SAFETY TESTING.

Directs PHMSA to study the establishment of a pipeline safety research and testing facility that would support product evaluation, research and development, and practices to improve the safety, security, efficiency, and environmental impacts of pipelines.

SECTION 24. WORKFORCE.

Instructs the Secretary to increase hiring and retention to address deficiencies in safety inspection and enforcement. Directs the Secretary to pursue, as necessary, certain recruitment and retention authorities to meet these mandates.

SECTION 25. HIRING REPORT.

Requires PHMSA to report annually to Congress on its efforts to hire women, minorities, and veterans as inspectors.

SECTION 26. PLAN TO COMBINE STATE DAMAGE PREVENTION AND ONE-CALL NOTIFICATION PROGRAMS.

Requires the Secretary to submit to Congress a plan to combine the State Damage Prevention and One-Call Notification programs.

SECTION 27. GAS GATHERING.

Directs the Secretary to issue final regulations on gas gathering lines based on its April 2016 notice of proposed rulemaking. The regulations must cover all gas gathering lines in populated areas, and cover lines with diameters measuring at least 8 inches in rural areas.

SECTION 28. REGULATORY UPDATES.

Requires comprehensive reporting on the status of all unmet pipeline safety rulemaking mandates.

SECTION 29. COMPONENT VERIFICATION.

Requires pipeline operators to maintain documentation that verifies pipe and related components meet standards, related to such pipe and related components, that are incorporated by reference. Requires the GAO to review the compliance of pipeline facility flanges and fittings with federal requirements.

SECTION 30. CODIFICATION OF FINAL RULE.

Reinstates a 2016 EPA final rule that set limitations on methane pollution for certain new, modified, and reconstructed equipment, processes, and activities across the natural gas and hazardous liquid source category. The 2016 rule, which curbed emissions from the oil and gas industry, was rolled back by the Trump Administration earlier this year despite methane being a highly potent greenhouse gas and major contributor to climate change.