



THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

September 19, 2011

TO: Members, Committee on Energy and Commerce

FROM: Committee Staff

RE: Amendment in the Nature of a Substitute to H.R. 2937, the “Pipeline Infrastructure and Community Protection Act of 2011.”

Beginning on Tuesday (opening statements only), September 20, 2011, at 4:30 p.m. and continuing on Wednesday, September 21, 2011, at 10:00 a.m., in 2123 Rayburn House Office Building, the Committee on Energy and Commerce will mark up H.R. 2250, the “EPA Regulatory Relief Act of 2011,” H.R. 2681, the “Cement Sector Regulatory Relief Act of 2011,” and H.R. 2937, the “Pipeline Infrastructure and Community Protection Act of 2011.”

The Majority anticipates that the attached Amendment in the Nature of a Substitute (AINS) will be offered to H.R. 2937. The purpose of this memorandum is to explain the differences between H.R. 2937, as introduced, and AINS.

I. AINS to H.R. 2937

AINS makes the following changes to H.R. 2937.

Sec. 3 Pipeline Damage Prevention

The AINS removes “mechanized excavation” as an activity that cannot be exempted from State one-call notification programs. In addition, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is directed to conduct an extensive study of third-party damage to pipelines and the role of one-call exemptions in pipeline incidents.

Sec. 4 Offshore Gathering Lines

The AINS clarifies that PHMSA has the authority to regulate offshore gathering lines by applying the same standards and regulations as other hazardous liquid gathering lines. The AINS also changes the provision’s U.S. Code reference from Section 60102(k)(1) to Section 60108(c)(8).

Sec. 7 Integrity Management

The AINS adds several factors that PHMSA must take into account when performing its evaluation of expanded integrity management requirements while eliminating redundant class location requirements. The AINS also places this provision into the U.S. Code as Section 60109(g).

Sec. 10 Hazardous Liquid Pipeline Leak Detection

The AINS changes the title of this section (with the addition of another leak detection study in Sec. 31) and clarifies that PHMSA has the authority to promulgate a single set of leak detection standards for liquid lines.

Sec. 11 Incident Notification

The AINS includes an “effective date” provision which allows the one-hour reporting requirement to only take effect once PHMSA has, by rulemaking, defined the words “small,” “medium,” “large,” and “very large” for purposes of incident reporting.

Sec. 13 Pipeline Infrastructure Data Collection

The AINS also allows PHMSA to collect data from pipeline operators on the depth to which their pipelines are buried for purposes of pipeline mapping.

Sec. 20 Carbon Dioxide Pipelines

The AINS includes new language which allows PHMSA to promulgate new safety regulations on pipelines carrying carbon dioxide in a gaseous state. Currently, PHMSA only maintains safety standards for pipelines carrying carbon dioxide in a liquid state. The new language also allows PHMSA to apply existing liquid standards to gaseous carbon dioxide pipelines.

Sec. 25 Maintenance of Effort

The AINS allows PHMSA to take into account States’ economic condition when waiving pipeline safety program funding requirements.

Sec. 27 Maximum Allowable Operating Pressure

The AINS makes technical corrections to all references of “high consequence areas” and specifies that individual pipeline segments are not subject to MAOP testing.

Sec. 28 Cover Over Buried Pipeline

The AINS gives PHMSA authority to issue regulations on the depth of pipelines buried under waterways if the results of PHMSA’s evaluation find current regulations are insufficient.

Sec. 29 Onshore Gathering Lines

The AINS clarifies factors PHMSA must take into account in evaluating the safety of currently unregulated gathering lines.

Sec. 30 Gas Pipeline Leak Detection Study

The AINS includes a new study which directs PHMSA to evaluate the status of leak detection technology for natural gas pipelines.

Sec. 31 Minority-Owned Business Evaluation

The AINS includes a new study which directs PHMSA to evaluate the amount of pipeline operators or contractors that are minority-, woman-, disadvantaged business enterprises.

II. STAFF CONTACT

If you have any questions regarding the legislation, please contact Garrett Golding at 5-2927.