To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M._________ introduced the following bill; which was referred to the Committee on ________

A BILL

To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation’s energy products by pipeline, 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,
SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Pipeline Infrastructure and Community Protection Act of 2011”.

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Gas and hazardous liquid gathering lines.
Sec. 5. Automatic and remote-controlled shut-off valves.
Sec. 6. Excess flow valves.
Sec. 7. Integrity management.
Sec. 8. Public education and awareness.
Sec. 9. Cast iron gas pipelines.
Sec. 10. Leak detection.
Sec. 11. Incident notification.
Sec. 12. Transportation-related onshore facility response plan compliance.
Sec. 13. Pipeline infrastructure data collection.
Sec. 15. Transportation-related oil flow lines.
Sec. 16. Alaska project coordination.
Sec. 17. Cost recovery for design reviews.
Sec. 18. Special permits.
Sec. 20. Carbon dioxide pipelines.
Sec. 21. Study of the transportation of diluted bitumen.
Sec. 22. Study of non-petroleum hazardous liquids transported by pipeline.
Sec. 23. Clarifications.
Sec. 24. Additional resources.
Sec. 25. Maintenance of effort.
Sec. 26. Administrative enforcement process.
Sec. 27. Authorization of appropriations.

1 SEC. 2. CIVIL PENALTIES.

(a) PENALTY CONSIDERATIONS; MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended—

(1) by striking “the ability to pay,” in subsection (b)(1)(B);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

“(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

“(1) IN GENERAL.—A person that the Secretary of Transportation decides, after written notice and an opportunity for a hearing, has knowingly and willfully committed a major consequence violation of section 60114(b), 60114(d), or 60118(a) of this title or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $250,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of major consequence violations is $2,500,000.
“(2) Penalty Considerations.—In determining the amount of a civil penalty for a major consequence violation under this subsection, the Secretary shall consider the factors prescribed in subsection (b).

“(3) Major Consequence Violation Defined.—In this subsection, the term ‘major consequence violation’ means a violation that contributed to a pipeline incident resulting in—

“(A) 1 or more deaths;

“(B) 1 or more injuries or illnesses requiring in-patient hospitalization; or

“(C) environmental harm exceeding $250,000 in estimated damages to the environment including property loss, other than the value of natural gas or hazardous liquid lost and damage to pipeline equipment.”.

(b) Penalty for Intentional Obstruction of Inspections and Investigations.—Section 60118(e) is amended by adding at the end the following: “The Secretary may impose a civil penalty under section 60122 on a person who intentionally obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.”.
(c) **Administrative Penalty Caps Inapplicable.**—Section 60120(a)(1) is amended by adding at the end the following: “The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”.

(d) **Judicial Review of Administrative Enforcement Orders.**—Section 60119(a) is amended—

(1) in the subsection heading by striking “AND WAIVER ORDERS” and inserting “, ORDERS, AND OTHER FINAL AGENCY ACTIONS”; and

(2) by striking “about an application for a waiver under section 60118(c) or (d) of” and inserting “under”.

**SEC. 3. PIPELINE DAMAGE PREVENTION.**

(a) **Minimum Standards for State One-Call Notification Programs.**—Section 6103(a) is amended to read as follows:

“(a) Minimum Standards.—

“(1) In general.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

“(A) appropriate participation by all underground facility operators, including all government operators;
“(B) appropriate participation by all excavators, including all government and contract excavators; and

“(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(2) EXEMPTIONS PROHIBITED.—A State one-call notification program may not exempt mechanized excavation, municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) by striking “and” after the semicolon in paragraph (1);

(2) by striking “(b).” in paragraph (2)(B) and inserting “(b); and”; and

(3) by adding at the end the following:

“(3) does not provide any exemptions to mechanized excavation, municipalities, State agencies, or their contractors from its one-call notification system requirements.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.
SEC. 4. GAS AND HAZARDOUS LIQUID GATHERING LINES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete a review of all exemptions for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico. Based on this review the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce containing the Secretary’s recommendations with respect to—

(1) the sufficiency of existing regulations and exemptions to ensure pipeline safety;

(2) the economical and technical practicability of applying existing regulations on currently unregulated gathering lines; and

(3) the modification or revocation of existing exemptions.

SEC. 5. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended by adding at the end the following:

“(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.—Not later than 2 years after the date of enactment of the Pipeline Infrastructure and Community

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July 7, 2011 (5:24 p.m.)
Protection Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipelines constructed or entirely replaced after the date on which the Secretary issues a final rule.”

SEC. 6. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Infrastructure and Community Protection Act of 2011, the Secretary shall by regulation, after notice and an opportunity for a hearing, require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.”.
SEC. 7. INTEGRITY MANAGEMENT.

(a) Evaluation.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall evaluate whether integrity management system requirements, or elements thereof, should be expanded beyond high consequence areas (as described in section 60109(a) of title 49, United States Code) for natural gas and hazardous liquid transmission lines.

(b) Recommendations.—Based on the evaluation conducted under subsection (a), the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce containing the Secretary’s recommendations concerning expansion of integrity management system requirements beyond high consequence areas.

(c) Factors.—The evaluation conducted under subsection (a), and the recommendations made under subsection (b), shall be based on an examination of the following factors:

(1) The continuing priority to reduce risks in currently defined high consequence areas.

(2) A comparison of the relative benefits of expanding integrity management principles, or elements thereof, in a manner that emphasizes reduc-
ing risks for an increasing number of people living
or working in close proximity to pipelines, versus an
emphasis on expanding the number of pipeline miles
covered absent such a risk evaluation.

(3) The need to undertake integrity manage-
ment assessments and repairs in a manner which is
achievable and sustainable, and which does not dis-
rupt pipeline service.

(d) **CLASS LOCATION REGULATION REDUNDANCY.**—

Not later than 2 years after the date of enactment of this
Act, the Secretary shall prescribe regulations, after notice
and opportunity for hearing, that eliminate class location
regulations for gas transmission pipeline facilities that are
regulated under the integrity management program (as
defined in section 60109(c)(2) of title 49, United States
Code).

(e) **DATA REPORTING.**—The Secretary shall collect
any relevant data necessary to complete the evaluation re-
quired by subsection (a) and the recommendations re-
quired by subsection (b), and may collect additional data
pursuant to regulations promulgated under subsection (c)
as necessary.

(f) **TECHNICAL CORRECTION.**—Section
60109(c)(3)(B) is amended to read as follows:
“(B) Subject to paragraph (5), periodic re-
assessments of the facility, at a minimum of
once every 7 calendar years (not to exceed 90
months), using methods described in subpara-
graph (A).”.

SEC. 8. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 601 is amended by add-
ing at the end the following:

“§ 60138. Public education and awareness

“(a) IN GENERAL.—Not later than 1 year after the
date of enactment of the Pipeline Infrastructure and Com-
munity Protection Act of 2011, the Secretary shall—

“(1) maintain a monthly updated summary of
all completed and final natural gas and hazardous
liquid pipeline inspections conducted by or reported
to the Pipeline and Hazardous Materials Safety Ad-
ministration that includes—

“(A) identification of the operator in-
spected;

“(B) the type of inspection;

“(C) the results of the inspection, includ-
ing any deficiencies identified; and

“(D) any corrective actions required to be
taken by the operator to remediate such defi-
ciencies; and
“(2) excluding any proprietary or security-sensitive information, as part of the National Pipeline Mapping System maintain a map of all currently designated high consequence areas in which pipelines are required to meet integrity management safety regulations, and update the map annually.

“(b) Public Availability.—The requirements of subsection (a) shall be satisfied if the information required to be made public is made available on the Pipeline and Hazardous Materials Safety Administration’s public Web site.

“(c) Relationship to FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.”.

(b) Clerical Amendment.—The table of sections for chapter 601 is amended by inserting after the item relating to section 60137 the following:

“60138. Public education and awareness.”.

SEC. 9. CAST IRON GAS PIPELINES.

(a) Survey Update.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a follow-on survey to the survey conducted under section 60108(d) of title 49, United States Code, to determine—
(1) the extent to which each operator has
adopted a plan for the safe management and re-
placement of cast iron pipelines;

(2) the elements of the plan, including the an-
ticipated rate of replacement; and

(3) the progress that has been made.

(b) **Survey Frequency.**—Section 60108(d) is
amended by adding at the end the following new para-
graph:

“(4) The Secretary shall conduct a follow-up survey
to measure progress of plan implementation biannually.”.

**SEC. 10. LEAK DETECTION.**

(a) **Leak Detection Study Update.**—Not later
than 1 year after the date of enactment of this Act, the
Secretary of Transportation shall submit to the Senate
Committee on Commerce, Science, and Transportation
and the House of Representatives Committee on Trans-
portation and Infrastructure and Committee on Energy
and Commerce an updated report on leak detection sys-
tems utilized by operators of hazardous liquid pipelines
and transportation-related flow lines. The report shall in-
clude an analysis of the technical limitations of current
leak detection systems, including the systems’ ability to
detect ruptures and small leaks that are ongoing or inter-
mittent, and what can be done to foster development of better technologies.

(b) **LEAK DETECTION STANDARDS.**—Not later than 2 years after completion of the report, the Secretary shall, based on the study in subsection (a), prescribe regulations, after notice and an opportunity for a hearing, requiring an operator of a hazardous liquid pipeline to use leak detection technologies, particularly in high consequence areas.

**SEC. 11. INCIDENT NOTIFICATION.**

(a) **REVIEW OF PROCEDURES.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall review procedures for the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials and revise such procedures as appropriate.

(b) **TELEPHONIC NOTICE OF CERTAIN INCIDENTS.**—

(1) **IN GENERAL.**—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

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§60139. Telephonic notice of certain incidents
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“(a) **IN GENERAL.**—An owner or operator of a pipeline facility shall provide immediate telephonic notice of—
“(1) a release of hazardous liquid or another substance regulated under this chapter, resulting in an event for which notice is required under this chapter; and

“(2) a release of gas resulting in an incident, as defined in section 191.3 of title 49, Code of Federal Regulations.

“(b) Immediate Telephonic Notice Defined.—In subsection (a), the term ‘immediate telephonic notice’ means telephonic notice, as described in section 191.5 of such title, to the National Response Center at the earliest practicable moment following discovery of a release of gas or hazardous liquid and not later than one hour following the time of such discovery.

“(c) Estimates of Release Volumes.—When providing immediate telephonic notice under subsection (a), the owner or operator of a pipeline facility shall estimate the general volume of a release using ranges such as ‘small,’ ‘medium,’ ‘large,’ and ‘very large,’ with the volume of such ranges, but shall not be required to provide a numerical estimate of the size of the release. The owner or operator shall be allowed to revise an estimate to provide more specific information, including, but not limited to, a numerical estimate of the size of the release.
“(d) REFERENCES.—Any reference to a regulation in this section means the regulation as in effect on the date of enactment of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 601 is amended by inserting after the item relating to section 60138 the following:

“60139. Telephonic notice of certain incidents.”.

(c) STANDARDS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall prescribe regulations, after notice and an opportunity for comment, defining the meaning of the terms “discovery”, “small”, “medium”, “large”, and “very large” as used in section 60139(c) of title 49, United States Code, as added by subsection (b) of this section.

SEC. 12. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are amended to read as follows:

“(A) RECORDKEEPING.—Whenever required to carry out the purposes of this section, the Administrator, the Secretary of Transportation, or the Secretary of the department in which the Coast Guard is operating shall require the owner or operator of a facility to
which this section applies to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment and methods, and provide such other information as the Administrator, the Secretary of Transportation, or Secretary of the department in which the Coast Guard is operating, as the case may be, may require to carry out the objectives of this section.

“(B) ENTRY AND INSPECTION.—Whenever required to carry out the purposes of this section, the Administrator, the Secretary of Transportation, or the Secretary of the Department in which the Coast Guard is operating or an authorized representative of the Administrator, the Secretary of Transportation, or Secretary of the department in which the Coast Guard is operating, upon presentation of appropriate credentials, may—

“(i) enter and inspect any facility to which this section applies, including any facility at which any records are required to be maintained under subparagraph (A); and
“(ii) at reasonable times, have access
to and copy any records, take samples, and
inspect any monitoring equipment or meth-
ods required under subparagraph (A).

“(C) ARRESTS AND EXECUTION OF WAR-
RANTS.—Anyone authorized by the Adminis-
trator, the Secretary of Transportation, or the
Secretary of the department in which the Coast
Guard is operating to enforce the provisions of
this section with respect to any facility may—

“(i) with or without a warrant, arrest
any person who violates the provisions of
this section or any regulation issued there-
under in the presence or view of the person
so authorized; and

“(ii) execute any warrant or process
issued by an officer or court of competent
jurisdiction.”.

(b) CONFORMING AMENDMENT.—Section
311(b)(6)(A) of the Federal Water Pollution Control Act
(33 U.S.C. 1321(b)(6)(A)) is amended by striking “oper-
ating or” and inserting “operating, the Secretary of
Transportation, or”.

SEC. 13. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) In General.—Section 60132(a) is amended by adding at the end the following:

“(4) Any other geospatial or technical data, including design and material specifications of currently regulated pipelines, that the Secretary determines is necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.”.

(b) Disclosure Limited to FOIA Requirements.—Section 60132 is amended by adding at the end the following:

“(d) Public Disclosure Limited.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.”.

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION.

Section 60117 is amended by adding at the end the following:

“(o) International Cooperation and Consultation.—

“(1) Information exchange and technical assistance.—If the Secretary determines that it would benefit the United States, subject to guidance from the Secretary of State, the Secretary may en-
gage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

“(2) Consultation.—To the extent practicable, subject to guidance from the Secretary of State, the Secretary may consult with interested authorities in Canada, Mexico, and other interested authorities, as needed, to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

“(3) Differences in International Standards and Requirements.—Nothing in this section requires that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by a foreign or international authority.”.
SEC. 15. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

“(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

“(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the well where it originated across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

“(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities, or through oil production flow lines located on the grounds of wells.”.

SEC. 16. ALASKA PROJECT COORDINATION.

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:
§ 60140. Alaska project coordination

“The Secretary may provide technical assistance to the State of Alaska for the purpose of achieving coordinated and effective oversight of the construction and operation of new and prospective pipeline systems in Alaska. The assistance may include—

“(1) conducting coordinated inspections of pipeline systems subject to the respective authorities of the Department of Transportation and the State of Alaska;

“(2) consulting on the development and implementation of programs designed to manage the integrity risks associated with operating pipeline systems in the unique conditions of Alaska;

“(3) training inspection and enforcement personnel and consulting on the development and implementation of inspection protocols and training programs; and

“(4) entering into cooperative agreements, grants, or other transactions with the State of Alaska, the Joint Pipeline Office, other Federal agencies, and other public and private agencies to carry out the objectives of this section.”.
(b) CLERICAL AMENDMENT.—The table of sections for chapter 601 is amended by inserting after the item relating to section 60139 the following:

“60140. Alaska project coordination.”.

SEC. 17. COST RECOVERY FOR DESIGN REVIEWS.

(a) Section 60117(n) is amended to read as follows:

“(n) COST RECOVERY FOR DESIGN REVIEWS.—

“(1) IN GENERAL.—

“(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a new gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person or entity proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this section, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this section. The Secretary shall not collect design safety review fees under this chapter or section 60301.
“(B) PROJECTS TO WHICH APPLICABLE.—

Subparagraph (A) applies to any project that—

“(i) has design and construction costs totaling at least $4,000,000,000, as adjusted for inflation; or

“(ii) uses new or novel technologies or design.

“(2) NOTIFICATION.—For any new pipeline construction project in which the Secretary will conduct design reviews, the person or entity proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. Within 60 days of receiving such design specifications, construction plans and procedures, the Secretary shall provide written comments, feedback, and guidance on such project.

“(3) DEPOSIT AND USE.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States. The Secretary shall deposit funds paid under this subsection into the Fund. Funds deposited under this subsection are authorized to be appropriated for the purposes set forth in this chapter. Fees authorized under this subsection
shall be available for obligation only to the extent and in the amount provided in advance in appropri-
ations Acts.”.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term “new or novel technologies or design” as used in section 60117(n) of title 49, United States Code, as amended by subsection (a) of this section.

SEC. 18. SPECIAL PERMITS.

Section 60118(c)(1) is amended to read as follows:

“(1) ISSUANCE OF WAIVERS.—

“(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secre-

tary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on terms the Secretary considers appropriate, if the Secretary determines that the waiver is not inconsistent with pipeline safety.

“(B) CONSIDERATIONS.—In determining whether to grant a waiver, the Secretary shall consider—

“(i) the applicant’s compliance his-
tory; and
“(ii) the applicant’s accident history.

“(C) EFFECTIVE PERIOD.—A waiver of one or more pipeline operating requirements shall be reviewed by the Secretary 5 years after its effective date. In reviewing a waiver, the Secretary shall consider any change in ownership or control of the pipeline, any change in the conditions around the pipeline, and other factors as appropriate. The Secretary may modify, suspend, or revoke a waiver after such review in accordance with subparagraph (E).

“(D) PUBLIC NOTICE AND HEARING.—The Secretary may act on a waiver under this subsection only after public notice and an opportunity for a hearing, which may consist of publication of notice in the Federal Register that an application for a waiver has been filed and providing the public with the opportunity to review and comment on the application. If a waiver is granted, the Secretary shall state in the order and associated analysis the reasons for granting it.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a holder of a waiver and opportunity to
show cause, the Secretary may modify, suspend, 
or revoke a waiver issued under this subsection 
for failure to comply with its terms or condi-
tions, intervening changes in Federal law, a ma-
terial change in circumstances affecting safety, 
including erroneous information in the applica-
tion, or any other reason. If necessary to avoid 
a significant risk of harm to persons, property, 
or the environment, the Secretary may waive 
the show cause procedure and make the action 
immediately effective.”.

SEC. 19. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) by striking “and” after the semicolon in 
subparagraph (A); 

(2) by redesignating subparagraph (B) as sub-
paragraph (C); and 

(3) by inserting after subparagraph (A) the fol-
lowing:

“(B) non-petroleum fuels, including 
biofuels, that are flammable, toxic, or corrosive 
or would be harmful to the environment if re-
leased in significant quantities; and”.

SEC. 20. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended to read as follows:
“(i) Pipelines Transporting Carbon Dioxide.—

The Secretary may, after public notice and opportunity for a hearing, prescribe minimum safety standards to regulate as a hazardous liquid the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.”.

SEC. 21. STUDY OF THE TRANSPORTATION OF DILUTED BITUMEN.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline regulations to determine whether these regulations are sufficient to regulate pipelines used for the transportation of diluted bitumen. In conducting this review, the Secretary shall conduct an analysis of whether any increase in risk of release exists for pipelines transporting diluted bitumen. The Secretary shall report the results of this review to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure and Committee on Energy and Commerce.

SEC. 22. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent
to which pipelines are currently being used to transport
non-petroleum hazardous liquids, such as chlorine, from
chemical production facilities across land areas not owned
by the producer that are accessible to the public. The anal-
ysis should identify the extent to which the safety of the
lines is unregulated by the States and evaluate whether
the transportation of such chemicals by pipeline across
areas accessible to the public would present significant
risks to public safety, property, or the environment in the
absence of regulation. The results of the analysis shall be
made available to the Senate Committee on Commerce,
Science, and Transportation and the House of Represent-
atives Committee on Transportation and Infrastructure
and Committee on Energy and Commerce.

SEC. 23. CLARIFICATIONS.

(a) Amendment of Procedures Clarification.—Section 60108(a)(1) is amended by striking “an
intrastate” and inserting “a”.

(b) Owner and Operator Clarification.—Section
60102(a)(2)(A) is amended by striking “owners and
operators” and inserting “any or all of the owners or oper-
ators”.

SEC. 24. ADDITIONAL RESOURCES.

(a) In General.—To the extent funds are appro-
priated, the Secretary of Transportation shall increase the
personnel of the Pipeline and Hazardous Materials Safety Administration by a total of 39 full-time employees to carry out the pipeline safety program and the administration of that program, of which—

(1) 9 employees shall be added in fiscal year 2011;

(2) 10 employees shall be added in fiscal year 2012;

(3) 10 employees shall be added in fiscal year 2013; and

(4) 10 employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall hire employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and
(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training of pipeline enforcement personnel.

SEC. 25. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

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“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program and that the total State amount spent for a safety program (excluding grants of the United States Government) will at least equal the average amount spent for gas and hazardous liquid safety programs for fiscal years 2004 through 2006, except when the Secretary waives the requirements of this subsection. The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.”.
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SEC. 26. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 to arrange for a transcript of that hearing, at the expense of the requesting person;

(C) ensuring an order issued under 60112(e) provides an opportunity for a hearing within 20 calendar days after the order is issued, unless good cause is shown; and

(D) implementing a separation of functions between personnel involved with investigative and prosecutorial activities and advising the Secretary on findings and determinations.

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance
orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) Standards of Judicial Review.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

(a) Gas and Hazardous Liquid.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) For fiscal year 2011, $92,206,000, of which $9,200,000 is for carrying out such section 12 and $36,958,000 is for making grants.
“(B) For fiscal year 2012, $96,144,000, of which $9,600,000 for carrying out such section 12 and $39,611,000 is for making grants.

“(C) For fiscal year 2013, $99,876,000, of which $9,900,000 is for carrying out such section 12 and $41,148,000 is for making grants.

“(D) For fiscal year 2014, $102,807,000, of which $10,200,000 is for carrying out such section 12 and $42,356,000 is for making grants.”.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) For fiscal year 2011, $18,905,000, of which $7,562,000 is for carrying out such section 12 and $7,864,000 is for making grants.

“(B) For fiscal year 2012, $19,661,000, of which $7,864,000 is for carrying out such section 12 and $7,864,000 is for making grants.

“(C) For fiscal year 2013, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.

“(D) For fiscal year 2014, $20,000,000, of which $8,000,000 is for carrying out such section 12 and $8,000,000 is for making grants.”.
(b) **Emergency Response Grants.**—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2011 through 2014”.

(c) **One-Call Notification Programs.**—Section 6107 is amended—

1. by striking “2007 through 2010.” in subsection (a) and inserting “2011 through 2014.”;
2. by striking “2007 through 2010.” in subsection (b) and inserting “2011 through 2014.”; and
3. by striking subsection (c).

(d) **State Damage Prevention Programs.**—Section 60134 is amended by adding at the end the following:

“(i) **Authorization of Appropriations.**—There are authorized to be appropriated to the Secretary to provide grants under this section $2,000,000 for each of fiscal years 2011 through 2014. The funds shall remain available until expended.”.

(e) **Community Pipeline Safety Information Grants.**—Section 60130 is amended—

1. by striking “$50,000” in subsection (a)(1) and inserting “$100,000”; and
2. by striking “2003 through 2010. Such amounts shall not be derived from user fees collected under section 60301.” in subsection (d) and inserting “2011 through 2014.”.
(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”;

and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2011 through 2014.”.