

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 143

BY REPRESENTATIVES STOKES AND LEOPOLD

MINERALS: Urges and requests the commissioner of conservation and the secretary of the Department of Natural Resources to conduct a comprehensive assessment and evaluation of hazards posed by certain pipelines

1 A CONCURRENT RESOLUTION

2 To urge and request the commissioner of conservation and the secretary of the Department
3 of Natural Resources to conduct a comprehensive assessment and evaluation of the
4 hazards posed to the public health, safety, and welfare, specifically including hazards
5 to recreational and commercial maritime navigation, from pipelines inadequately
6 covered, marked, or protected and no longer buried as originally designed or as
7 permitted and to make recommendations for any necessary statutory, rule, regulation,
8 or policy change in order to abate or mitigate such hazards.

9 WHEREAS, the coastal zone of Louisiana supports numerous natural and economic
10 resources, including nationally important energy and maritime infrastructure and resources
11 and commercial and recreational fisheries; is home to a large percentage of the state's
12 population; and generates over fifty percent of the state's annual revenues; and

13 WHEREAS, there are many pipeline segments that transport natural gas, other types
14 of gas, and hazardous liquids, including petroleum, petroleum products, and anhydrous
15 ammonia, that traverse the many waterways within the coastal zone where recreational and
16 commercial maritime navigation occurs; and

17 WHEREAS, where these pipelines are inadequately covered, marked, or protected,
18 or are no longer buried as originally designed or as permitted they present significant hazards
19 to the public health, safety and welfare, specifically including hazards to recreational and
20 commercial navigation; and

1 WHEREAS, the coastal zone of Louisiana has experienced significant land loss
2 historically and continues to lose land from erosion at an alarming rate; and

3 WHEREAS, many pipeline segments currently in operation in the coastal zone were
4 initially installed, designed, and permitted to be constructed on land within the coastal zone
5 and, due to coastal erosion, are now beneath water where recreational and commercial
6 maritime navigation occurs; and

7 WHEREAS, in accordance with R.S. 30:4, 501 et seq., and 701 et seq., and the rules
8 and regulations promulgated pursuant thereto, the commissioner of conservation is primarily
9 responsible for the regulation of intrastate pipelines and pipeline safety in Louisiana; and

10 WHEREAS, in accordance with the State and Local Coastal Resources Management
11 Act of 1978, R.S. 49:214.21 et seq., and the rules and regulations promulgated pursuant
12 thereto, the secretary of the Department of Natural Resources through the coastal use
13 permitting program has authority to regulate certain uses in the coastal zone, including uses
14 which may lead to coastal impacts associated with the installation and operation of a
15 pipeline; and

16 WHEREAS, the risks and gravity of harm to the public health, safety, and welfare,
17 specifically including hazards to recreational and commercial maritime navigation, posed
18 by pipelines in the coastal zone that are inadequately covered, marked, or protected and no
19 longer buried as originally designed or permitted, are significant and an immediate
20 comprehensive assessment and evaluation is necessary to assist the legislature in
21 determining what actions are necessary.

22 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
23 urge and request the commissioner of conservation and the secretary of the Department of
24 Natural Resources to conduct a comprehensive assessment and evaluation of the hazards
25 posed to the public health, safety, and welfare, specifically including hazards to recreational
26 and commercial maritime navigation, from pipelines inadequately covered, marked, or
27 protected and no longer buried as originally designed or permitted and to make
28 recommendations for any necessary statutory rule, regulation, or policy change in order to
29 abate or mitigate such hazards.

1 BE IT FURTHER RESOLVED that this comprehensive assessment and evaluation
2 of interstate and intrastate pipelines transporting hazardous liquids, including carbon
3 dioxide, as provided for in 49 CFR Part 195 and R.S. 30:701 et seq., and natural gas as
4 provided for in 40 CFR Parts 191 and 192 and R.S. 30:501 et seq., include the following:

5 A. An inventory of all such pipeline segments in the coastal zone, the range of the
6 depth of water where each pipeline segment is located taking into consideration high and low
7 tides, the current depth of burial, and the consistency of the material covering the pipeline.
8 To the extent necessary, the commissioner of conservation should request and, to the extent
9 authorized, require pipeline owners and operators to provide such information.

10 B. An assessment and evaluation of the hazards to public health, safety, and welfare,
11 including hazards to recreational and commercial maritime navigation, currently posed by
12 pipelines determined to be inadequately covered, marked, or protected and no longer buried
13 as originally designed or permitted.

14 C. An assessment and evaluation of the currently required depths of cover over
15 pipelines to determine if such depths of cover, considering the material used for cover, are
16 adequate considering the risk and gravity of harm to the public health, safety, and welfare.

17 D. An assessment and evaluation of the adequacy of the statutory and regulatory
18 requirements for:

19 (1) Permitting, inspections, and maintenance of pipelines to ensure they remain
20 safely covered and do not become a hazard to recreational and commercial maritime
21 navigation.

22 (2) A pipeline owner or operator to provide notice to the appropriate regulatory
23 agencies and others of conditions that may present a hazard to recreational and commercial
24 maritime navigation.

25 (3) Signage provided by pipeline owners and operators for pipelines that traverse
26 waterways within the coastal zone.

27 (4) Marking any pipelines determined to have insufficient cover to warn recreational
28 and commercial maritime navigation of such hazards.

29 E. An assessment and evaluation of the adequacy of statutory and regulatory
30 authorities of the commissioner of conservation and the secretary of the Department of

1 Natural Resources to conduct inspections, obtain records, and take appropriate enforcement
2 action to compel compliance with the requirements necessary to protect recreational and
3 commercial maritime navigation from inadequately covered, marked, or protected pipelines.

4 F. An assessment and evaluation of the adequacy of funding of the programs related
5 to pipeline safety.

6 G. Recommendations to abate or mitigate hazards posed by inadequately covered,
7 marked, or protected pipelines.

8 BE IT FURTHER RESOLVED that the commissioner of conservation and the
9 secretary of the Department of Natural Resources outline a plan to assess and evaluate flow
10 lines and gathering lines, including abandoned flow lines and gathering lines, in the coastal
11 zone in the future.

12 BE IT FURTHER RESOLVED that all state agencies are hereby authorized and
13 encouraged to assist, as requested by the commissioner or the secretary, in conducting the
14 comprehensive assessment and evaluation, specifically including the attorney general to
15 evaluate and assess the legal and regulatory authorities of the commissioner, the secretary,
16 and other relevant state and federal agencies.

17 BE IT FURTHER RESOLVED that the comprehensive assessment and evaluation
18 report and recommendations for any necessary statutory rule, regulation, or policy changes
19 be submitted to the House Committee on Natural Resources and Environment and the Senate
20 Committee on Natural Resources no later than March 1, 2015.

21 BE IT FURTHER RESOLVED that suitable copies of this Resolution be transmitted
22 to the secretary of the Department of Natural Resources and the commissioner of
23 conservation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stokes

HCR No. 143

Urges and requests the commissioner of conservation and the secretary of the Dept. of Natural Resources to conduct a comprehensive assessment and evaluation of the hazards from interstate and intrastate hazardous liquid and natural gas pipelines inadequately covered, marked, or protected and no longer buried as originally designed or permitted, and

to make recommendations for any necessary statutory rule, regulation, or policy change in order to abate or mitigate such hazards.

Resolves that the commissioner and the secretary outline a plan to assess and evaluate flow lines and gathering lines, including abandoned flow lines and gathering lines, in the coastal zone in the future.

Requests the report of the assessment and evaluation and recommendations be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than March 1, 2015.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Changes that the assessment and evaluation be conducted in consultation with the attorney general with assistance from the legislative auditor to authorizing all state agencies to assist including the attorney general.
2. Limits the assessment and evaluation to interstate and intrastate hazardous liquid and natural gas pipelines.
3. Adds a plan to assess and evaluate flow lines and gathering lines, including abandoned flow lines and gathering lines, in the coastal zone in the future.