

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 143

BY REPRESENTATIVES STOKES, BILLIOT, 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
4 pipelines inadequately covered and no longer buried as originally designed or
5 permitted and to make recommendations for any necessary statutory, rule, regulation,
6 or policy change.

7 WHEREAS, the coastal zone of Louisiana supports numerous natural and economic
8 resources, including nationally important energy and maritime infrastructure and resources;
9 and

10 WHEREAS, there are many pipeline segments that transport natural gas, other types
11 of gas, and hazardous liquids, including petroleum, petroleum products, and anhydrous
12 ammonia, that traverse the many waterways within the coastal zone and are no longer
13 adequately covered or no longer buried as originally designed or as permitted; and

14 WHEREAS, the coastal zone of Louisiana has experienced land loss; and

15 WHEREAS, many pipeline segments currently in operation in the coastal zone were
16 initially installed, designed, and permitted to be constructed on land within the coastal zone
17 and, due to coastal erosion, are now beneath water; and

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

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

7 WHEREAS, the risks posed by pipelines in the coastal zone that are inadequately
8 covered and no longer buried as originally designed or permitted, are significant and an
9 immediate comprehensive assessment and evaluation is necessary to assist the legislature
10 in determining what actions are necessary.

11 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
12 urge and request the commissioner of conservation and the secretary of the Department of
13 Natural Resources to conduct a comprehensive assessment and evaluation of pipelines
14 inadequately covered and no longer buried as originally designed or permitted and to make
15 recommendations for any necessary statutory rule, regulation, or policy change in order to
16 abate or mitigate such hazards.

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

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

26 B. An assessment and evaluation of the currently required depths of cover over
27 pipelines to determine if such depths of cover, considering the material used for cover, are
28 adequate.

29 C. An assessment and evaluation of the statutory and regulatory requirements for the
30 following:

1 (1) Permitting, inspections, and maintenance of pipelines to ensure they remain
2 safely covered.

3 (2) Notice to the appropriate regulatory agencies of conditions that may present a
4 hazard.

5 (3) Signage for pipelines that traverse waterways within the coastal zone.

6 (4) Marking any pipelines determined to have insufficient cover.

7 D. An assessment and evaluation of the adequacy of statutory and regulatory
8 authorities of the commissioner of conservation and the secretary of the Department of
9 Natural Resources to conduct inspections, obtain records, and take appropriate enforcement
10 action to compel compliance with the statutory and regulatory requirements.

11 E. An assessment and evaluation of the adequacy of funding of the programs related
12 to pipeline safety.

13 F. Recommendations to abate or mitigate hazards posed by inadequately covered,
14 marked, or protected pipelines.

15 BE IT FURTHER RESOLVED that the commissioner of conservation and the
16 secretary of the Department of Natural Resources outline a plan to assess and evaluate flow
17 lines and gathering lines, including abandoned flow lines and gathering lines, in the coastal
18 zone in the future.

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

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

28 BE IT FURTHER RESOLVED that suitable copies of this Resolution be transmitted
29 to the secretary of the Department of Natural Resources and the commissioner of
30 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 interstate and intrastate hazardous liquid and natural gas pipelines inadequately covered 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 HouseCommittee 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.

House Floor Amendments to the engrossed bill.

1. Removes from the assessment and evaluation pipelines that are inadequately marked or protected.
2. Removes references to recreational and commercial maritime navigation.
3. Makes technical corrections.