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Congress of the United States
House of Representatives
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October 30, 2013

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The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Foxx:

As you know, on January 3, 2012, President Obama signed into law the Pipeline Safety, Regulatory Certainty, and Job Creation Act (Pipeline Safety Act) which is a bipartisan, industry-supported law. As a key author of that law, I know what happens when a natural gas pipeline explodes or an oil pipeline leaks in waterways. The effects can be catastrophic on nearby communities, families, businesses, and wildlife as well as air and water quality.

During the recent government shutdown, there were two major incidents. One was a natural gas pipeline explosion outside of Rosston, Oklahoma and the other an oil pipeline leak of an estimated 865,000 gallons of oil in northwestern North Dakota. The North Dakota spill represents one of the worst oil spills ever in the U.S. and, but for the luck of a layer of clay underneath the pipeline, there could have been serious detrimental effects on groundwater. A similarly-sized spill near Marshall, Michigan of 843,000 gallons in 2010 is still being cleaned up and the Environmental Protection Agency estimates that well over 100,000 gallons are still in the river bottom sediment.

I am concerned with recent pipeline tragedies and what's being done to prevent future events and that implementation of the Pipeline Safety Act and its associated regulations is taking far too long. As oil and gas exploration and production continues to grow in the Bakken, Marcellus, and Eagle Ford shale fields, more and more pipelines will be needed to take advantage of these domestic sources of energy. The rapid growth of pipelines serving shale oil and gas production and the continued degradation of existing pipelines likely will outpace your department's ability to develop and oversee new and existing safety requirements.

Please respond to the following questions by December 31, 2013:

1. The Department issued Federal Register notices announcing its comprehensive review of both its hazardous liquid (49 *Code of Federal Regulations* Part 195) and natural gas (49 *Code of Federal Regulations* Part 192) transmission pipeline regulations on October 18, 2010 and August 25, 2011, respectively. Since those dates, there have been no follow-up notices of rulemakings or any further action of any kind. The lack of action on this front is not only disturbing to a public that is concerned about the safety of our quickly

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growing system of pipelines, but it is also unsettling to the industry, which has no certainty as to what the rules will be going forward.

- a. Will the Department be issuing a proposed rule with comprehensive updates to its hazardous liquid transmission pipeline regulations?
 - b. When do you anticipate that proposed rule's issuance?
 - c. Will the Department be issuing a proposed rule with comprehensive updates to its natural gas transmission pipeline regulations?
 - d. When do you anticipate that proposed rule's issuance?
2. Section 23(d) of the Pipeline Safety Act of 2011 requires that the Secretary issue regulations on how to conduct tests confirming the material strength of certain previously untested natural gas transmission pipelines.
 - a. Has your office issued this regulation?
 - b. If not, why has it not been completed and when do you anticipate issuance of the final regulation?
3. Under Section 23(b) of the Pipeline Safety Act of 2011, not later than 18 months after the Pipeline Safety Act took effect, the Secretary was required to gather data from owners and operators of pipelines who could not confirm the maximum allowable operating pressure for segments of their pipelines. Section 23(c) requires those pipeline owners and operators to reconfirm the maximum allowable operating pressure and take safety precautions until the maximum allowable operating pressure can be reconfirmed.
 - a. Did your office receive the required data within the 18 month timeframe from owners and operators?
 - b. Have owners and operators conducted tests to reconfirm the maximum allowable operating pressure?
 - c. If not, are they taking the required precautions in operating pipelines until such tests can occur?
 - d. Has your office received information on when those tests will occur by all required owners and operators?
4. Section 4 of the Pipeline Safety Act of 2011 requires the Secretary of Transportation to require the use of automatic or remote-controlled shut-off valves, or equivalent technology, where technically, economically and operationally feasible on new or replaced transmission pipelines by January 3, 2014.
 - a. Will the department be issuing a rule covering automatic or remote-controlled shut-off valves by the deadline in the law?
 - b. If the deadline will not be met, why is that the case?
5. Section 5 of the Pipeline Safety Act of 2011 requires the Secretary of Transportation to evaluate within 18 months whether integrity management system requirements should be

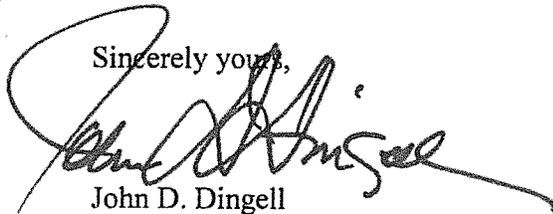
expanded and where application of integrity management program requirements to more areas would mitigate the need for class location requirements.

- a. Has your office completed this evaluation and, if so, what were the results?
 - b. If you have not completed the evaluation, why has it not been completed and when do you anticipate completion?
6. Section 5 of the Pipeline Safety Act of 2011 covers a Leak Detection report and follow-up actions.
- a. Will the department be issuing a proposed rule covering leak detection?
 - b. When do you anticipate that proposed rule's issuance?
7. Section 6 of the 2011 Act requires that the Secretary maintain, within the National Pipeline Mapping System, maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information. To date, only areas identified as "highly populated areas" are identified in that system.
- a. When will the Department be updating the NPMS system, including the public viewer, to include identification of high consequence areas that subject pipelines to the integrity management rules?
8. Please provide the current status of any National Transportation Safety Board "open" or "closed unacceptable" recommendations. Additionally, please list any recommendations resulting from PHMSA incident investigations and their implementation status.

I appreciate your prompt response to these questions and look forward to receiving your responses by the end of this year. Should you have any questions, please have your staff contact Neal Ullman in my office at 202-225-4071.

With every good wish,

Sincerely yours,



John D. Dingell
Member of Congress