

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 143

BY REPRESENTATIVES STOKES, BILLIOT, AND LEOPOLD

A CONCURRENT RESOLUTION

To urge and request the commissioner of conservation and the secretary of the Department of Natural Resources to conduct a comprehensive assessment and evaluation of 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.

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the commissioner of conservation and the secretary of the Department of Natural Resources to conduct a comprehensive assessment and evaluation of 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.

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the commissioner of conservation and the secretary of the Department of Natural Resources 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.

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

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

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

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE