

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

924P0521

HOUSE STATE AFFAIRS

ENGROSSED NO. **SB 190** - 2/22/2008

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Hanson (Gary), Abdallah, Bartling, Heidepriem, Kloucek, Maher, Nesselhuf, Peterson (Jim), and Smidt (Orville) and Representatives Moore, Dennert, Gassman, Gillespie, Halverson, Nelson, Noem, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to provide for regulatory oversight of oil pipelines and to
2 create a task force.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

- 5 (1) "Crude oil," any unrefined liquid petroleum;
6 (2) "Crude oil pipeline operator," any person that is transporting crude oil via a pipeline;
7 (3) "Department," the South Dakota Department of Environment and Natural Resources.

8 Section 2. Each crude oil pipeline operator which is issued a permit from the South Dakota
9 Public Utilities Commission under the Energy Conversion and Transmission Facilities Act shall
10 prepare an oil spill response plan. An oil spill response plan must plan for resources for
11 responding, to the maximum extent practicable, to a worst case discharge, and to a substantial
12 threat of such a discharge. Each response plan must include, but not be limited to:

- 13 (1) Immediate notification procedures;



- 1 (2) Spill detection and mitigation procedures;
- 2 (3) The name, address, and telephone number of the oil spill response organization, if
- 3 appropriate;
- 4 (4) Response activities and response resources;
- 5 (5) Names and telephone numbers of federal, state, and local agencies which the operator
- 6 expects to have pollution control responsibilities or support;
- 7 (6) Training procedures;
- 8 (7) Equipment testing;
- 9 (8) Drill types, schedules, and procedures; and
- 10 (9) Plan review and update procedures.

11 No oil spill response plan is effective until it is approved by the department.

12 Section 3. Each crude oil pipeline operator shall update its response plan to address new or

13 different operating conditions or information. Each operator shall review its response plan in

14 full at least every five years from the date of the last submission.

15 Section 4. Each crude oil pipeline operator shall consult the department during the

16 preparation of its oil spill response plan.

17 Section 5. Each crude oil pipeline operator shall submit its initial oil spill response plan to

18 the department prior to putting a pipeline in operation.

19 Section 6. Each crude oil pipeline operator shall review its oil spill response plan at least

20 every five years from the date of the last submission to the department.

21 Section 7. Each crude oil pipeline operator shall submit any modifications to its response

22 plan to the department within thirty days of making such a change.

23 Section 8. Each crude oil pipeline operator shall implement its oil response plan in the event

24 of an oil spill regardless of the cause of the spill or the party responsible for the spill.

1 Section 9. Each crude oil pipeline operator that experiences a spill shall file a written report
2 with the department, within thirty days of discovery of the spill, if the spill:

- 3 (1) Is of five gallons or more; or
- 4 (2) Causes an explosion or fire; or
- 5 (3) Causes the injury or death of any person.

6 Section 10. There is established the South Dakota Underground Pipeline Task Force. The
7 task force shall consist of seven members to be appointed by the Governor, not all of the same
8 political party. The members shall be knowledgeable of existing federal statutes and regulations
9 and state statutes and rules which govern underground pipeline facilities for the transmission
10 and distribution of water, natural gas, crude oil, ethanol, and refined petroleum products. The
11 task force shall review the status of existing and proposed pipelines in South Dakota and assess
12 the adequacy of state laws and regulations relating to pipelines in South Dakota. The task force
13 is attached to the Department of Environment and Natural Resources for administrative
14 purposes, and will report its findings to the Governor no later than December 1, 2008.