

AN ACT

ENTITLED, An Act to provide for regulatory oversight of oil pipelines and to create a task force.

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

Section 1. Terms used in this Act mean:

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

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

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

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

Section 3. Each crude oil pipeline operator shall update its response plan to address new or different operating conditions or information. Each operator shall review its response plan in full at least every five years from the date of the last submission.

Section 4. Each crude oil pipeline operator shall consult the department during the preparation of its oil spill response plan.

Section 5. Each crude oil pipeline operator shall submit its initial oil spill response plan to the department prior to putting a pipeline in operation.

Section 6. Each crude oil pipeline operator shall review its oil spill response plan at least every five years from the date of the last submission to the department.

Section 7. Each crude oil pipeline operator shall submit any modifications to its response plan to the department within thirty days of making such a change.

Section 8. Each crude oil pipeline operator shall implement its oil response plan in the event of an oil spill regardless of the cause of the spill or the party responsible for the spill.

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

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

Section 10. There is established the South Dakota Underground Pipeline Task Force. The task force shall consist of seven members to be appointed by the Governor, not all of the same political party. The members shall be knowledgeable of existing federal statutes and regulations and state statutes and rules which govern underground pipeline facilities for the transmission and distribution of water, natural gas, crude oil, ethanol, and refined petroleum products. The task force shall review the status of existing and proposed pipelines in South Dakota and assess the adequacy of state laws

and regulations relating to pipelines in South Dakota. The task force is attached to the Department of Environment and Natural Resources for administrative purposes, and will report its findings to the Governor no later than December 1, 2008.

An Act to provide for regulatory oversight of oil pipelines and to create a task force.

I certify that the attached Act
originated in the

SENATE as Bill No. 190

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 190

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State