In Wisconsin, the federal government is primarily responsible for regulating oil pipelines, also known as hazardous liquid pipelines. Pursuant to the federal Pipeline Safety Act (PSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), an agency of the U.S. Department of Transportation, establishes safety standards for the design, construction, inspection, testing, operation, and maintenance of oil pipelines. The PSA also prohibits state and local governments from enacting their own laws regulating pipeline safety. The PHMSA Office of Pipeline Safety inspects pipelines to ensure compliance, although most inspections are performed by pipeline operators.

Emergency Plans, Oil Spill Response Plans, and Emergency Orders

PHMSA pipeline safety standards require pipeline operators to prepare and annually review a procedural manual that includes a plan for responding to emergency conditions. While these emergency plans are not subject to PHMSA approval or public input, they may be reviewed during inspections and operators may be required to revise their plans in order to achieve compliance with PHMSA regulations. Additionally, these manuals must include procedures for operators to coordinate with fire, police, and other government agencies to learn each other’s emergency response capabilities. These agencies may also use this requirement to inquire about an operator’s emergency response plan and ensure that it is robust and up to date.

Operators of pipelines that could harm the environment by discharging oil into navigable waters or onto adjoining shorelines are required to submit oil spill response plans, sometimes referred to as facility response plans. Here, “navigable waters” refers to: (1) waters of the United States, as defined federally; (2) waters used for recreating; and (3) waters used for harvesting fish or shellfish sold in interstate commerce. Most importantly, these plans must specify procedures for responding to a worst case discharge of oil and to a substantial threat of such a discharge. While there are no opportunities for public involvement in the development of oil spill response plans, they must be approved by PHMSA at least once every five years and updated within 30 days of any changes in operating conditions.

When there is an imminent hazard to an oil pipeline, PHMSA can supplement any emergency plans or oil spill response plans by issuing an emergency order that imposes emergency restrictions and safety measures on pipeline owners and operators. PHMSA must first consult with any relevant federal agencies, state agencies, and other entities knowledgeable in pipelines to consider how an emergency order will impact public health and safety, the economy, national security, and the ability of pipeline operators to maintain reliability and continuity of service to customers.
High Consequence Areas and Integrity Management Plans

PHMSA’s safety standards also require pipeline operators to identify high consequences areas (HCAs) within the potential impact zones of all new and existing pipelines. Operators of pipelines that can affect HCAs are responsible for developing integrity management (IM) programs and performing integrity assessments at five-year intervals, prioritizing segments that pose the greatest risk to HCAs. If any portion of a pipeline is greater than 150 feet underwater, the operator must complete integrity assessments every twelve months. Operators of pipelines not subject to IM program requirements do not need to complete an initial assessment until 2029 and must only complete subsequent assessments at ten-year intervals.

Accident and Safety-Related Condition Reporting Requirements

Pipeline operators are required to file accident reports with PHMSA for pipeline system failures that result in the release of hazardous liquids. Depending on the severity of the accident, the operator may be required to immediately notify the U.S. Coast Guard’s National Response Center, which coordinates oil spill responses by notifying the appropriate federal, state, local, and private agencies.

Operators are also required to report the existence of safety-related conditions, such as general corrosion that reduces the operating capacity of the pipeline or leaks in the pipeline that constitute an emergency. PHMSA’s safety standards regulate both the internal and external corrosion of hazardous liquid pipelines by requiring specific corrosion control technologies to be installed on new or substantially altered pipelines. However, older pipelines only require correction once corrosion is discovered and reported to PHMSA in a safety-related condition report. Although pipeline operators are responsible for regularly inspecting their pipelines, the public also regularly observes and reports signs of pipeline corrosion or leaks to local public safety officials or PHMSA. Regardless of their construction date, all pipelines must have a leak detection system. When deemed necessary to protect an HCA, pipeline operators are also responsible for installing emergency flow restricting devices that reduce the volume of oil discharged in the event of a pipeline failure.

Enforcement and Public Participation

If PHMSA finds that an operator has violated a safety standard, it will issue an order imposing a timeline on the operator to achieve compliance. This timeline will depend on the risks that the violation poses to public safety, property, or the environment. Depending on the severity of the violation and the culpability of the operator, PHMSA may issue a civil penalty or pursue a criminal penalty.

The PSA provides limited opportunity for public involvement in public safety. But the PSA does include a citizen suit provision that allows for private persons to bring civil actions against pipeline operators who are believed to be in violation of PHMSA regulations. Before bringing an action, one must give 60 days’ notice of the alleged violation to both PHMSA and the operator. Once a private person has brought an action, PHMSA or the U.S. Attorney General may choose to intervene in that action.

To learn more about the pipeline safety program and related policy developments in Wisconsin, contact a Community Liaison for the Central Region of the PHMSA Office of Pipeline Safety:

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