2022 South Dakota Legislature

Senate Bill 40

AMENDMENT 40D FOR THE SENATE COMMERCE AND ENERGY ENGROSSED BILL

An Act to to establish safety standards regarding biogas gathering lines.

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

Section 1. That a NEW SECTION be added to title 49:

Terms used in this chapter mean:

(1) "Biogas gathering line," new and existing gathering pipeline facilities in South Dakota that transport gas from a bio-methane producer to an interstate or intrastate gas pipeline;

(2) "Commission," the Public Utilities Commission;

(3) "Gas," natural gas, liquefied natural gas, flammable gas, gas which is toxic or corrosive, or liquefied petroleum gas in distribution systems.

Section 2. That a NEW SECTION be added to title 49:

Any person who operates an intrastate biogas gathering line shall prior to operation provide written notice of the location and existence of the biogas gathering line to:

(1) Any county and township where the biogas gathering line is located;

(2) The county emergency management office or county equivalent~~Any municipality located~~ in those counties~~ and townships~~;

(3) Any fire department or ambulance service located within ten miles of the biogas gathering line;

(4) South Dakota One-Call;

~~(4)~~(5) The Commission;

~~(5)~~(6) All landowners of record who own land within~~ one-quarter mile~~ six hundred and sixty feet of the biogas gathering line.

All notices must warn of the hazards and dangers associated with the biogas gathering line and its contents.

Section 3. That a NEW SECTION be added to title 49:

Any person who operates a biogas gathering line on an easement or in public right of way must place and maintain signage marking the biogas gathering line for the life of the biogas gathering line. Signage must be in the rights-of-way and placed at all public road crossings and railroad crossings and in sufficient numbers so that the biogas gathering line location is accurately and easily known. Signage must prominently display the operator's name, a twenty-four-hour emergency telephone number for the operator, the word, warning, or danger, and the phrase, biogas pipeline. Prior to commencement of operation, the operator shall certify to the Commission that the operator has completed the requirements of this chapter.

Section 4. That a NEW SECTION be added to title 49:

If the Commission finds, after notice and opportunity for hearing, that a person has failed to comply with any requirement of this chapter, the Commission may suspend or restrict the operation of the pipeline and may order the person to comply with this chapter. The Commission may issue a temporary ex parte order to suspend or restrict operation if the Commission determines a likelihood of immediate serious harm to life, health, environment, or property exists. The operator has the right of appeal from such decisions as provided by chapter 1-26. The Commission may apply to the circuit court in any county in which the biogas gathering line operates for orders that enjoin operation.

Section 5. That a NEW SECTION be added to title 49:

Any person who operates a biogas gathering line other than in compliance with this chapter is guilty of a Class 1 misdemeanor and is subject to a civil penalty of not more than ten thousand dollars.

AMENDMENT