

HOUSE BILL 953

E4, C5

3lr2535
CF 3lr1356

By: **Delegates Morhaim, Cardin, and Stein**

Introduced and read first time: February 7, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Pipeline Safety and Community Protection Act**

3 FOR the purpose of requiring the Public Service Commission to act under a certain
4 certification or agreement with the U.S. Secretary of Transportation as an
5 interstate authority agent for the purpose of implementing certain federal
6 pipeline safety laws; requiring the Commission to take certain actions necessary
7 to carry out its responsibilities under the certification or agreement; authorizing
8 the Commission to accept grants-in-aid, cash, and reimbursements to
9 implement certain federal pipeline safety laws; requiring the Commission to
10 adopt certain federal regulations as minimum standards for gas pipelines in the
11 State; requiring a gas transmission company and the Commission to notify the
12 National Response Center of the U.S. Coast Guard of certain errors and new
13 information relating to a gas pipeline; authorizing the Commission to enter,
14 inspect, and examine certain records and property of a gas transmission
15 company for a certain purpose and under certain circumstances; requiring the
16 Commission to inspect a gas pipeline with a certain frequency; authorizing the
17 Commission to assess and collect a certain inspection fee; requiring a gas
18 transmission company to submit a certain report containing certain information
19 on the state of its gas pipelines to the Commission and to certain owners of real
20 property; requiring the Commission to make certain reports available to the
21 public, including by publication on its Web site; requiring a gas transmission
22 company to identify and provide a certain notice to certain owners of real
23 property; requiring a gas transmission company to provide to the Commission a
24 current list of certain property owners; requiring the Commission to adopt
25 regulations to classify certain gas leaks and to require certain gas transmission
26 companies to remediate and monitor those leaks in a certain manner; requiring
27 a gas transmission company to respond to a report of certain gas leaks in a
28 certain manner; requiring a gas transmission company to receive and
29 investigate reports of suspected leaks within a certain time frame; requiring a
30 gas transmission company to receive and investigate a report of a suspected gas
31 leak from certain persons in the same manner as the gas transmission company

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 would respond to an internally generated report; prohibiting a person from
2 beginning construction in the State on a gas pipeline without first obtaining a
3 certain construction permit; identifying certain information that a certain
4 construction permit application must contain; establishing certain procedures
5 for public comment, public hearings, and the evaluation of a certain
6 construction permit application; authorizing the Commission to take certain
7 actions on a certain construction permit application only under certain
8 circumstances; requiring an applicant for a certain construction permit to
9 complete and submit to the Commission an environmental impact assessment
10 including certain information; requiring the Commission to develop certain
11 guidelines for evaluating the suitability of proposed sites, corridors, and routes
12 for gas pipelines; requiring the Commission to develop criteria for identifying
13 certain exclusion and avoidance areas; prohibiting the Commission from
14 authorizing construction of a gas pipeline that will affect an exclusion or
15 avoidance area, except under certain circumstances; establishing a certain
16 setback distance and a certain minimum depth for certain gas pipelines;
17 prohibiting a gas transmission company from beginning construction on a gas
18 pipeline before certain legal proceedings become final; requiring a gas
19 transmission company to prepare and submit to the Commission a valve
20 location plan and certain related recommendations; requiring the Commission
21 to examine and take certain actions on a valve location plan; requiring the
22 Commission to establish certain standards, procedures, and requirements
23 relating to automatic shutoff and remote-controlled sectionalized block valves;
24 requiring a gas transmission company to prepare and submit to the Commission
25 a comprehensive pressure testing implementation plan including certain
26 information; requiring the Commission to establish a certain deadline for the
27 pressure testing and replacement of all gas pipelines in the State; requiring the
28 Maryland Emergency Management Agency (MEMA), in consultation with
29 certain persons, to establish emergency response standards for certain gas
30 transmission companies; requiring a gas transmission company to submit to
31 MEMA an emergency response plan that meets certain minimum federal
32 standards; requiring MEMA to review the emergency response plan of a gas
33 transmission company and to require certain amendments or updates as needed
34 to protect public safety; requiring a gas transmission company to meet with a
35 certain local fire department to discuss and review emergency response plans;
36 authorizing the Commission to adopt certain regulations implementing this Act;
37 authorizing the Commission to seek a certain relief; authorizing the
38 Commission to impose certain civil penalties; defining certain terms; and
39 generally relating to gas pipeline safety.

40 BY adding to
41 Article – Public Safety
42 Section 15–101 through 15–403 to be under the new title “Title 15. Pipeline
43 Safety and Community Protection Act”
44 Annotated Code of Maryland
45 (2011 Replacement Volume and 2012 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Public Safety**

4 **TITLE 15. PIPELINE SAFETY AND COMMUNITY PROTECTION ACT.**

5 **SUBTITLE 1. IN GENERAL.**

6 **15-101.**

7 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “COMMISSION” MEANS THE PUBLIC SERVICE COMMISSION.

10 (C) “GAS” MEANS NATURAL GAS, FLAMMABLE GAS, OR TOXIC OR
11 CORROSIVE GAS.

12 (D) “GAS PIPELINE” MEANS AN INTRASTATE TRANSMISSION LINE OR
13 ANY PORTION OF AN INTERSTATE TRANSMISSION LINE LOCATED WITHIN THE
14 STATE THAT:

15 (1) TRANSPORTS GAS FROM A GATHERING LINE OR STORAGE
16 FACILITY TO A DISTRIBUTION CENTER, STORAGE FACILITY, OR LARGE-VOLUME
17 CUSTOMER THAT IS NOT DOWNSTREAM FROM A DISTRIBUTION CENTER;

18 (2) OPERATES AT A HOOP STRESS OF 20% OR MORE OF THE
19 SPECIFIED MINIMUM YIELD STRENGTH OF THE PIPELINE; OR

20 (3) TRANSPORTS GAS WITHIN A STORAGE FIELD.

21 (E) (1) “GAS TRANSMISSION COMPANY” MEANS A PERSON WHO OWNS
22 OR OPERATES A GAS PIPELINE REGULATED UNDER THIS TITLE.

23 (2) “GAS TRANSMISSION COMPANY” DOES NOT INCLUDE A
24 PERSON THAT IS PRIMARILY IN THE BUSINESS OF LOCAL GAS DISTRIBUTION.

25 (F) “NATIONAL RESPONSE CENTER” MEANS THE NATIONAL RESPONSE
26 CENTER OF THE U.S. COAST GUARD AUTHORIZED TO RECEIVE REPORTS OF
27 INCIDENTS INVOLVING THE TRANSPORTATION BY PIPELINE OF OIL, HAZARDOUS
28 LIQUIDS, AND GAS.

29 **15-102.**

1 (A) THE COMMISSION, THROUGH CERTIFICATION OR AGREEMENT WITH
2 THE U.S. SECRETARY OF TRANSPORTATION UNDER 49 U.S.C. CHAPTER 601,
3 SHALL ACT FOR THE U.S. SECRETARY OF TRANSPORTATION TO IMPLEMENT 49
4 U.S.C. CHAPTER 601 WITH RESPECT TO GAS PIPELINES LOCATED WITHIN THE
5 STATE.

6 (B) THE COMMISSION SHALL:

7 (1) MAKE PERIODIC CERTIFICATIONS AND REPORTS TO THE
8 FEDERAL DEPARTMENT OF TRANSPORTATION AS MAY BE REQUIRED UNDER 49
9 U.S.C. CHAPTER 601; AND

10 (2) TAKE ANY OTHER ACTIONS NECESSARY TO CARRY OUT ITS
11 RESPONSIBILITIES UNDER A CERTIFICATION OR AGREEMENT WITH THE U.S.
12 SECRETARY OF TRANSPORTATION UNDER THIS TITLE.

13 (C) THE COMMISSION MAY ACCEPT GRANTS-IN-AID, CASH, AND
14 REIMBURSEMENTS MADE AVAILABLE TO THE STATE TO IMPLEMENT FEDERAL
15 PIPELINE SAFETY LAWS OR OTHER FEDERAL LAW.

16 15-103.

17 (A) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH
18 SAFETY STANDARDS AND PRACTICES APPLICABLE TO THE DESIGN,
19 CONSTRUCTION, OPERATION, AND MAINTENANCE OF GAS PIPELINES.

20 (B) FOR ANY PIPELINE REGULATORY PROGRAM THAT THE COMMISSION
21 ESTABLISHES UNDER THIS TITLE, THE COMMISSION SHALL ADOPT AS MINIMUM
22 STANDARDS THE FEDERAL SAFETY STANDARDS IN TITLE 49, C.F.R. PART 192.

23 (C) (1) IN COLLABORATION WITH THE AMERICAN SOCIETY OF
24 MECHANICAL ENGINEERS, THE COMMISSION SHALL:

25 (I) ESTABLISH AND ADOPT BY REGULATION METHODS AND
26 BEST PRACTICES FOR GAS PIPELINES; AND

27 (II) REQUIRE INTRODUCTION OF THESE METHODS AND
28 BEST PRACTICES AS SOON AS PRACTICABLE.

29 (2) THE REGULATIONS SHALL INCLUDE:

1 **(I) QUANTITATIVE CRITERIA, BASED ON ENGINEERING**
2 **EVALUATIONS, TO DETERMINE WHETHER A WRINKLE OR OTHER DEFORMITY**
3 **MAY REMAIN IN A GAS PIPELINE OR SHOULD BE REMEDIED;**

4 **(II) A REQUIREMENT THAT A GAS TRANSMISSION COMPANY**
5 **USE BEST AVAILABLE TECHNOLOGY, INCLUDING IN-LINE INSPECTION DEVICES,**
6 **TO MONITOR THE CONDITION AND SAFETY OF EACH GAS PIPELINE OWNED OR**
7 **OPERATED BY THE GAS TRANSMISSION COMPANY; AND**

8 **(III) A REQUIREMENT THAT A GAS TRANSMISSION COMPANY**
9 **ODORIZE GAS SO THAT THE GAS IS READILY DETECTABLE BY AN INDIVIDUAL**
10 **WITH A NORMAL SENSE OF SMELL.**

11 **(D) THE COMMISSION SHALL REQUIRE A GAS TRANSMISSION COMPANY**
12 **TO PREPARE, MAINTAIN, AND CARRY OUT A WRITTEN PLAN FOR THE OPERATION**
13 **AND MAINTENANCE OF EACH GAS PIPELINE OWNED OR OPERATED BY THE GAS**
14 **TRANSMISSION COMPANY.**

15 **15-104.**

16 **(A) A GAS TRANSMISSION COMPANY SHALL IMMEDIATELY NOTIFY THE**
17 **COMMISSION AND THE NATIONAL RESPONSE CENTER OF ANY SIGNIFICANT:**

18 **(1) ERROR IN INFORMATION THAT THE GAS TRANSMISSION**
19 **COMPANY HAS PREVIOUSLY SUBMITTED TO EITHER UNIT; AND**

20 **(2) NEW INFORMATION THAT RELATES TO REPORTING CRITERIA**
21 **OR OTHER INFORMATION THAT THE GAS TRANSMISSION COMPANY IS REQUIRED**
22 **TO SUBMIT UNDER THIS TITLE.**

23 **(B) THE COMMISSION SHALL NOTIFY THE NATIONAL RESPONSE**
24 **CENTER OF ANY ERROR AND NEW INFORMATION THAT THE COMMISSION OR AN**
25 **AGENT OF THE COMMISSION DISCOVERS WHILE:**

26 **(1) PROVIDING TRAINING FOR GAS PIPELINES;**

27 **(2) DEVELOPING METHODS AND BEST PRACTICES UNDER §**
28 **15-103(C) OF THIS SUBTITLE; OR**

29 **(3) INSPECTING A GAS PIPELINE.**

30 **15-105.**

1 **(A) EACH YEAR A GAS TRANSMISSION COMPANY SHALL SUBMIT A**
2 **REPORT ON THE STATE OF ITS GAS PIPELINES TO THE COMMISSION AND TO**
3 **EACH OWNER OF REAL PROPERTY:**

4 **(1) ON WHICH THE GAS PIPELINE IS LOCATED; OR**

5 **(2) ADJACENT OR CONTIGUOUS TO REAL PROPERTY ON WHICH**
6 **THE GAS PIPELINE IS LOCATED.**

7 **(B) THE REPORT SHALL INCLUDE:**

8 **(1) A SUMMARY DESCRIPTION OF THE TRANSMISSION SYSTEM**
9 **THAT INCLUDES THE GAS PIPELINE;**

10 **(2) STATE AND LOCAL EMERGENCY RESPONSE LIAISON**
11 **INFORMATION;**

12 **(3) A DESCRIPTION OF THE LEAK DETECTION SYSTEM IN USE FOR**
13 **THE GAS PIPELINE;**

14 **(4) A DESCRIPTION OF PERIODIC TESTING METHODS USED ON**
15 **THE GAS PIPELINE AND A SUMMARY OF RESULTS OF THE TESTING; AND**

16 **(5) ANY OTHER INFORMATION THAT THE COMMISSION REQUIRES.**

17 **(C) THE COMMISSION SHALL MAKE THE REPORTS AVAILABLE TO THE**
18 **PUBLIC, INCLUDING BY PUBLICATION ON THE COMMISSION'S WEB SITE.**

19 **(D) AT LEAST ONCE EVERY 5 YEARS, A GAS TRANSMISSION COMPANY**
20 **SHALL:**

21 **(1) IDENTIFY EACH OWNER OF REAL PROPERTY ON WHICH A GAS**
22 **PIPELINE IS LOCATED;**

23 **(2) NOTIFY EACH PROPERTY OWNER OF THE PRESENCE OF THE**
24 **GAS PIPELINE ON THE OWNER'S PROPERTY;**

25 **(3) VERIFY THAT EACH PROPERTY OWNER HAS RECEIVED THE**
26 **NOTICE; AND**

27 **(4) PROVIDE TO THE COMMISSION A CURRENT LIST OF ALL**
28 **PROPERTY OWNERS.**

1 **15-106.**

2 (A) THE COMMISSION MAY ENTER, INSPECT, AND EXAMINE, AT
3 REASONABLE TIMES AND IN A REASONABLE MANNER, THE RECORDS AND
4 PROPERTY OF A GAS TRANSMISSION COMPANY TO DETERMINE WHETHER THE
5 GAS TRANSMISSION COMPANY IS ACTING IN COMPLIANCE WITH THIS TITLE,
6 FEDERAL PIPELINE SAFETY REGULATIONS, AND REGULATIONS ADOPTED BY
7 THE COMMISSION UNDER THIS TITLE.

8 (B) THE COMMISSION SHALL INSPECT EACH GAS PIPELINE AT LEAST
9 ONCE EACH YEAR.

10 (C) THE COMMISSION MAY ASSESS AND COLLECT FROM A GAS
11 TRANSMISSION COMPANY AN INSPECTION FEE THAT MAY BE USED BY THE
12 COMMISSION FOR ADMINISTERING THE REGULATORY PROGRAM ESTABLISHED
13 BY THE COMMISSION UNDER THIS TITLE.

14 **15-107.**

15 THE COMMISSION MAY BRING AN ACTION FOR INJUNCTIVE RELIEF IN A
16 CIRCUIT COURT TO:

17 (1) ENJOIN A VIOLATION OF THIS TITLE;

18 (2) ENJOIN THE OPERATION OF A GAS PIPELINE; OR

19 (3) ENFORCE A STANDARD ESTABLISHED BY THE COMMISSION
20 UNDER THIS TITLE.

21 **15-108.**

22 (A) THE COMMISSION MAY IMPOSE ON A PERSON WHO VIOLATES THIS
23 TITLE OR A REGULATION ADOPTED IN ACCORDANCE WITH THIS TITLE A CIVIL
24 PENALTY THAT DOES NOT EXCEED THE MAXIMUM PENALTIES PROVIDED IN 49
25 U.S.C. CHAPTER 601.

26 (B) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION
27 UNDER THIS SECTION.

28 (C) TO DETERMINE THE AMOUNT OF A PENALTY IMPOSED UNDER THIS
29 SECTION, THE COMMISSION SHALL CONSIDER:

1 (1) THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE
2 VIOLATION;

3 (2) WITH RESPECT TO THE VIOLATOR:

4 (I) THE DEGREE OF CULPABILITY;

5 (II) ANY HISTORY OF PRIOR VIOLATIONS;

6 (III) THE ABILITY TO PAY;

7 (IV) ANY EFFECT ON THE ABILITY TO CONTINUE DOING
8 BUSINESS; AND

9 (V) GOOD FAITH IN ATTEMPTING TO COMPLY; AND

10 (3) OTHER MATTERS THAT JUSTICE REQUIRES.

11 **15-109.**

12 THE COMMISSION HAS JURISDICTION OVER AND MAY ENFORCE THIS
13 TITLE AND ANY REGULATION ADOPTED UNDER IT TO THE SAME EXTENT AND IN
14 THE SAME MANNER AS ANY PROVISION OF DIVISION I OF THE PUBLIC
15 UTILITIES ARTICLE, AS PROVIDED IN TITLE 13 OF THE PUBLIC UTILITIES
16 ARTICLE.

17 **SUBTITLE 2. GAS LEAK RESPONSE.**

18 **15-201.**

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) “CLASS 1 LEAK” MEANS A GAS LEAK THAT REPRESENTS AN
22 EXISTING OR IMMINENT HAZARD TO PERSONS OR PROPERTY.

23 (C) “CLASS 2 LEAK” MEANS A GAS LEAK THAT IS NOT HAZARDOUS AT
24 THE TIME OF DETECTION BUT MAY BECOME HAZARDOUS.

25 (D) “CLASS 3 LEAK” MEANS A GAS LEAK THAT IS NOT HAZARDOUS AT
26 THE TIME OF DETECTION AND IS NOT EXPECTED TO BECOME HAZARDOUS.

27 **15-202.**

1 **(A) THE COMMISSION SHALL ADOPT REGULATIONS:**

2 **(1) ESTABLISHING CLASSES OF GAS LEAKS BASED ON THE**
3 **POTENTIAL HAZARD A LEAK POSES TO AN INDIVIDUAL, A STRUCTURE, OTHER**
4 **PROPERTY, AND THE ENVIRONMENT IN ACCORDANCE WITH THIS SUBTITLE; AND**

5 **(2) REQUIRING A GAS TRANSMISSION COMPANY TO:**

6 **(I) REMEDIATE EACH CLASS OF LEAK WITHIN A**
7 **PRESCRIBED TIME FRAME; AND**

8 **(II) CONDUCT FOLLOW-UP MONITORING ON A PRESCRIBED**
9 **BASIS.**

10 **(B) THE REGULATIONS ADOPTED BY THE COMMISSION SHALL:**

11 **(1) REQUIRE A GAS TRANSMISSION COMPANY TO REMEDIATE:**

12 **(I) A CLASS 1 LEAK IMMEDIATELY;**

13 **(II) A CLASS 2 LEAK WITHIN 6 MONTHS; AND**

14 **(III) A CLASS 3 LEAK WITHIN 12 MONTHS;**

15 **(2) ESTABLISH A PENALTY FOR FAILING TO COMPLY WITH THE**
16 **GAS LEAK REMEDIATION SCHEDULE PRESCRIBED IN THE REGULATIONS; AND**

17 **(3) ESTABLISH OTHER REQUIREMENTS FOR INSPECTION,**
18 **MAINTENANCE, AND RELATED MATTERS THAT THE COMMISSION CONSIDERS**
19 **NECESSARY OR PRUDENT TO CARRY OUT THIS SUBTITLE.**

20 **15-203.**

21 **(A) (1) WITHIN 1 HOUR AFTER RECEIVING A REPORT OF A**
22 **SUSPECTED GAS LEAK, INCLUDING A REPORT OF A GAS ODOR OR DAMAGE TO A**
23 **PERSON, A STRUCTURE, OR OTHER PROPERTY FROM A GAS LEAK, A GAS**
24 **TRANSMISSION COMPANY SHALL:**

25 **(I) RESPOND TO THE REPORT;**

26 **(II) CONDUCT AN INITIAL INVESTIGATION OF THE**
27 **SUSPECTED LEAK; AND**

1 (III) IF THE GAS TRANSMISSION COMPANY CONFIRMS THE
2 EXISTENCE OF A LEAK, CLASSIFY THE LEAK IN ACCORDANCE WITH
3 REGULATIONS ADOPTED UNDER § 15-202 OF THIS SUBTITLE.

4 (2) AFTER LAPSE OF THE 1-HOUR RESPONSE PERIOD REQUIRED
5 UNDER THIS SUBSECTION, THE COMMISSION SHALL IMPOSE A PENALTY OF
6 \$100,000 FOR EVERY 30 MINUTES OF FAILURE BY THE GAS TRANSMISSION
7 COMPANY TO RESPOND TO A REPORT OF A SUSPECTED LEAK.

8 (B) A GAS TRANSMISSION COMPANY SHALL RECEIVE AND INVESTIGATE
9 A REPORT OF A SUSPECTED LEAK FROM A GOVERNMENTAL UNIT, THE OWNER
10 OF AFFECTED PROPERTY, OR THE AGENT OF THE OWNER IN THE SAME MANNER
11 AS THE GAS TRANSMISSION COMPANY WOULD RESPOND TO AN
12 INTERNALLY GENERATED REPORT.

13 15-204.

14 (A) A GAS TRANSMISSION COMPANY MAY NOT PASS ON TO CUSTOMERS
15 A PENALTY ASSESSED FOR A VIOLATION OF THIS SUBTITLE OR ANY
16 REGULATIONS ADOPTED UNDER THIS SUBTITLE.

17 (B) THE PENALTIES AUTHORIZED UNDER THIS SUBTITLE ARE IN
18 ADDITION TO THE PENALTIES AND ENFORCEMENT PROVISIONS OF TITLE 13 OF
19 THE PUBLIC UTILITIES ARTICLE.

20 SUBTITLE 3. PIPELINE CONSTRUCTION.

21 15-301.

22 IN THIS SUBTITLE, "CONSTRUCTION":

23 (1) MEANS:

24 (I) ANY PHYSICAL CHANGE AT A SITE, INCLUDING
25 FABRICATION, ERECTION, INSTALLATION, OR DEMOLITION; OR

26 (II) THE ENTRY INTO A BINDING AGREEMENT OR
27 CONTRACTUAL OBLIGATION TO PURCHASE EQUIPMENT EXCLUSIVELY FOR USE
28 IN CONSTRUCTION IN THE STATE OR TO UNDERTAKE A PROGRAM OF ACTUAL
29 CONSTRUCTION IN THE STATE THAT CANNOT BE CANCELED OR MODIFIED
30 WITHOUT SUBSTANTIAL LOSS TO THE OWNER OR OPERATOR OF THE PROPOSED
31 GAS PIPELINE; AND

1 **(2) DOES NOT INCLUDE A CHANGE THAT IS NEEDED FOR THE**
2 **TEMPORARY USE OF A SITE OR ROUTE FOR NONUTILITY PURPOSES OR FOR USE**
3 **IN SECURING GEOLOGICAL DATA, INCLUDING ANY BORING THAT IS NECESSARY**
4 **TO ASCERTAIN FOUNDATION CONDITIONS.**

5 **15-302.**

6 **(A) A PERSON MAY NOT BEGIN CONSTRUCTION IN THE STATE ON A GAS**
7 **PIPELINE UNLESS THE PERSON FIRST OBTAINS A PIPELINE CONSTRUCTION**
8 **PERMIT FROM THE COMMISSION.**

9 **(B) (1) THE COMMISSION SHALL ADOPT REGULATIONS PRESCRIBING**
10 **THE FORM OF AN APPLICATION FOR A PIPELINE CONSTRUCTION PERMIT UNDER**
11 **THIS SECTION.**

12 **(2) THE REGULATIONS SHALL REQUIRE AT A MINIMUM:**

13 **(I) A MAP OF THE LOCATION OF THE PROPOSED PIPELINE,**
14 **INCLUDING ANY KNOWN EXCLUSION OR AVOIDANCE AREAS;**

15 **(II) A DESCRIPTION OF THE DESIGN AND CAPACITY OF THE**
16 **PIPELINE;**

17 **(III) IDENTIFICATION OF THE EXPECTED SOURCES OF GAS**
18 **FOR THE PIPELINE;**

19 **(IV) AN EXPLANATION OF THE NEED FOR THE PIPELINE;**

20 **(V) AN ENVIRONMENTAL IMPACT ASSESSMENT MEETING**
21 **THE REQUIREMENTS OF § 15-303 OF THIS SUBTITLE; AND**

22 **(VI) A DESCRIPTION OF REASONABLE ALTERNATIVE**
23 **LOCATIONS FOR THE PIPELINE.**

24 **(C) ON RECEIPT OF AN APPLICATION FOR A PIPELINE CONSTRUCTION**
25 **PERMIT UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE TO**
26 **THE BOARD OF PUBLIC WORKS AND FORWARD THE APPLICATION TO EACH**
27 **APPROPRIATE UNIT OF LOCAL GOVERNMENT FOR REVIEW, EVALUATION,**
28 **COMMENT, AND THE COMMENCEMENT OF ANY OTHER PERMIT OR LICENSING**
29 **PROCEEDINGS REQUIRED UNDER STATE OR LOCAL LAW.**

1 **(D) (1) THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR**
2 **PUBLIC COMMENT AND HOLD A PUBLIC HEARING ON AN APPLICATION FOR A**
3 **PIPELINE CONSTRUCTION PERMIT IN EACH COUNTY AND MUNICIPAL**
4 **CORPORATION IN WHICH ANY PORTION OF THE CONSTRUCTION OF A GAS**
5 **PIPELINE IS PROPOSED TO BE LOCATED.**

6 **(2) THE COMMISSION SHALL HOLD THE PUBLIC HEARING**
7 **JOINTLY WITH THE GOVERNING BODY OF THE COUNTY OR MUNICIPAL**
8 **CORPORATION IN WHICH ANY PORTION OF THE CONSTRUCTION OF THE GAS**
9 **PIPELINE IS PROPOSED TO BE LOCATED, UNLESS THE GOVERNING BODY**
10 **DECLINES TO PARTICIPATE IN THE HEARING.**

11 **(3) ONCE IN EACH OF THE 2 SUCCESSIVE WEEKS IMMEDIATELY**
12 **BEFORE THE HEARING DATE, THE COMMISSION SHALL PROVIDE NOTICE OF THE**
13 **PUBLIC HEARING AND AN OPPORTUNITY FOR PUBLIC COMMENT BY**
14 **ADVERTISEMENT IN A NEWSPAPER OF GENERAL DISTRIBUTION IN THE COUNTY**
15 **OR MUNICIPAL CORPORATION AFFECTED BY THE APPLICATION.**

16 **(E) THE COMMISSION SHALL TAKE FINAL ACTION ON AN APPLICATION**
17 **FOR A PIPELINE CONSTRUCTION PERMIT ONLY AFTER DUE CONSIDERATION OF:**

18 **(1) THE RECOMMENDATION OF THE GOVERNING BODY OF EACH**
19 **COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE**
20 **CONSTRUCTION OF THE GAS PIPELINE IS TO BE LOCATED; AND**

21 **(2) ANY PUBLIC COMMENTS SUBMITTED TO THE COMMISSION.**

22 **(F) THE COMMISSION SHALL RENDER A DECISION BASED ON THE**
23 **RECORD AND MAY:**

24 **(1) GRANT THE PIPELINE CONSTRUCTION PERMIT;**

25 **(2) DENY THE PIPELINE CONSTRUCTION PERMIT; OR**

26 **(3) GRANT THE PIPELINE CONSTRUCTION PERMIT BASED ON**
27 **SUCH TERMS, CONDITIONS, LIMITATIONS, OR MODIFICATIONS THAT THE**
28 **COMMISSION DEEMS APPROPRIATE.**

29 **(G) THE COMMISSION SHALL APPROVE AN APPLICATION FOR A**
30 **PIPELINE CONSTRUCTION PERMIT ONLY IF IT ISSUES A WRITTEN FINDING THAT:**

31 **(1) A SIGNIFICANT NEED EXISTS WITHIN THE STATE FOR GAS**
32 **THAT THE PROPOSED GAS PIPELINE WILL MEET;**

1 **(2) THE CONSTRUCTION AND OPERATION OF THE PROPOSED GAS**
2 **PIPELINE WILL NOT POSE A SIGNIFICANT RISK TO THE SAFETY OF**
3 **NEIGHBORING POPULATIONS OR THE ENVIRONMENT;**

4 **(3) THE CONSTRUCTION AND OPERATION OF THE PROPOSED GAS**
5 **PIPELINE WILL NOT AFFECT ANY KNOWN EXCLUSION OR AVOIDANCE AREA,**
6 **EXCEPT AS AUTHORIZED UNDER § 15-304 OF THIS SUBTITLE; AND**

7 **(4) IF ANY PORTION OF THE PROPOSED PIPELINE IS IN OR NEAR**
8 **WATER, THE CONSTRUCTION AND OPERATION OF THE PROPOSED GAS PIPELINE**
9 **WILL NOT ADVERSELY AFFECT THE COMMERCIAL OR RECREATIONAL USE OF**
10 **WATERS OF THE STATE.**

11 **(H) THE COMMISSION SHALL MAKE PUBLIC, INCLUDING THROUGH**
12 **PUBLICATION ON ITS WEB SITE, ALL MATERIALS RELATING TO AN APPLICATION**
13 **FOR A PIPELINE CONSTRUCTION PERMIT.**

14 **(I) NO FINAL ACTION MAY BE TAKEN ON A PIPELINE CONSTRUCTION**
15 **PERMIT WITHOUT THE APPROVAL OF THE BOARD OF PUBLIC WORKS.**

16 **15-303.**

17 **(A) AN APPLICANT FOR A PIPELINE CONSTRUCTION PERMIT SHALL**
18 **COMPLETE AND SUBMIT WITH THE APPLICATION AN ENVIRONMENTAL IMPACT**
19 **ASSESSMENT THAT ADDRESSES ANY POTENTIAL HAZARDS TO THE HEALTH AND**
20 **WELFARE OF HUMAN, PLANT, AND ANIMAL COMMUNITIES POSED BY THE**
21 **CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE PROPOSED GAS**
22 **PIPELINE.**

23 **(B) THE ENVIRONMENTAL IMPACT ASSESSMENT SHALL INCLUDE, AT A**
24 **MINIMUM:**

25 **(1) EFFECTS ON THE PHYSICAL ENVIRONMENT;**

26 **(2) INFORMATION RELATING TO THE HYDROLOGY IN THE AREA**
27 **OF THE PROPOSED CONSTRUCTION PROJECT;**

28 **(3) EFFECTS ON TERRESTRIAL AND AQUATIC ECOSYSTEMS;**

29 **(4) INFORMATION ON THE PRESENT AND ANTICIPATED USE OF**
30 **LAND SURROUNDING THE PROPOSED CONSTRUCTION PROJECT;**

1 **(5) EVIDENCE THAT THE PROPOSED GAS PIPELINE WILL COMPLY**
2 **WITH APPLICABLE AIR AND WATER QUALITY STANDARDS; AND**

3 **(6) AN ANALYSIS OF THE EFFECTS THE CONSTRUCTION,**
4 **OPERATION, AND MAINTENANCE OF THE PROPOSED GAS PIPELINE WILL HAVE**
5 **ON HUMAN COMMUNITIES IN THE AFFECTED AREA, INCLUDING A FORECAST OF:**

6 **(I) THE IMPACT ON COMMUNITY AND GOVERNMENT**
7 **FACILITIES AND SERVICES;**

8 **(II) THE IMMEDIATE AND LONG-RANGE IMPACT ON**
9 **PROPERTY AND OTHER TAXES;**

10 **(III) THE IMPACT ON AGRICULTURAL PRODUCTION AND**
11 **USES;**

12 **(IV) THE IMPACT ON POPULATION, INCOME, OCCUPATIONAL**
13 **DISTRIBUTION, AND INTEGRATION AND COHESION OF COMMUNITIES; AND**

14 **(V) THE IMPACT ON LANDMARKS AND CULTURAL**
15 **RESOURCES OF HISTORIC, RELIGIOUS, ARCHAEOLOGICAL, SCENIC, NATURAL,**
16 **OR OTHER SIGNIFICANCE.**

17 **(C) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF**
18 **THE ENVIRONMENT, SHALL ADOPT REGULATIONS IMPLEMENTING THIS**
19 **SECTION.**

20 **15-304.**

21 **(A) THE COMMISSION SHALL DEVELOP GUIDELINES FOR EVALUATING**
22 **THE SUITABILITY OF PROPOSED SITES, CORRIDORS, AND ROUTES FOR GAS**
23 **PIPELINES.**

24 **(B) (1) GUIDELINES DEVELOPED UNDER THIS SECTION SHALL**
25 **INCLUDE CRITERIA FOR IDENTIFYING EXCLUSION AND AVOIDANCE AREAS.**

26 **(2) THE COMMISSION MAY NOT AUTHORIZE CONSTRUCTION OF**
27 **ANY GAS PIPELINE THAT WILL AFFECT AN EXCLUSION AREA.**

28 **(3) THE COMMISSION MAY AUTHORIZE CONSTRUCTION OF A GAS**
29 **PIPELINE THAT WILL AFFECT AN AVOIDANCE AREA ONLY IF:**

1 **(I) THE APPLICANT PROVIDES INFORMATION ON THE**
2 **SPECIFIC AVOIDANCE AREA EXPECTED TO BE IMPACTED;**

3 **(II) THE APPLICANT EXPLAINS THE REASONS THAT THE**
4 **IMPACT CANNOT BE AVOIDED; AND**

5 **(III) THE COMMISSION DETERMINES THAT THERE IS NO**
6 **REASONABLE ALTERNATIVE TO THE EXPECTED IMPACT.**

7 **(C) THE COMMISSION MAY NOT AUTHORIZE CONSTRUCTION OF ANY**
8 **GAS PIPELINE INTENDED TO OPERATE AT 500 PSIG OR GREATER WITHIN 1,000**
9 **FEET OF ANY STRUCTURE OR PUBLIC HIGHWAY.**

10 **(D) THE COMMISSION SHALL REQUIRE ANY NEW GAS PIPELINE TO BE**
11 **BURIED AT A MINIMUM DEPTH OF 4 1/2 FEET.**

12 **15-305.**

13 **A PERSON MAY NOT BEGIN CONSTRUCTION ON A GAS PIPELINE UNTIL ALL**
14 **LEGAL PROCEEDINGS RELATING TO THE CONSTRUCTION BECOME FINAL,**
15 **INCLUDING:**

16 **(1) PERMIT AND LICENSE APPLICATIONS;**

17 **(2) CONDEMNATION PROCEEDINGS;**

18 **(3) EASEMENT NEGOTIATIONS; AND**

19 **(4) APPEALS TO ANY JUDGMENTS OR DETERMINATIONS**
20 **RELATING TO THE CONSTRUCTION OF THE PROPOSED GAS PIPELINE.**

21 **SUBTITLE 4. EMERGENCY RESPONSE PLANNING.**

22 **15-401.**

23 **(A) (1) THE COMMISSION SHALL REQUIRE A GAS TRANSMISSION**
24 **COMPANY TO PREPARE AND SUBMIT TO THE COMMISSION A VALVE LOCATION**
25 **PLAN FOR EACH GAS PIPELINE OWNED OR OPERATED BY THE GAS**
26 **TRANSMISSION COMPANY.**

27 **(2) A VALVE LOCATION PLAN SUBMITTED IN ACCORDANCE WITH**
28 **THIS SUBSECTION SHALL INCLUDE RECOMMENDATIONS FOR NEW VALVE**
29 **LOCATIONS.**

1 **(B) THE COMMISSION SHALL EXAMINE THE VALVE LOCATION PLAN OF**
2 **A GAS TRANSMISSION COMPANY AND SHALL:**

3 **(1) REQUIRE THE GAS TRANSMISSION COMPANY TO INSTALL**
4 **AUTOMATIC SHUTOFF OR REMOTE CONTROLLED SECTIONALIZED BLOCK**
5 **VALVES WHEREVER THE COMMISSION DETERMINES THAT THE VALVES ARE**
6 **NECESSARY TO PROTECT THE PUBLIC; AND**

7 **(2) ESTABLISH ACTION TIME LINES FOR THE INSTALLATION OF**
8 **AUTOMATIC SHUTOFF AND REMOTE-CONTROLLED SECTIONALIZED BLOCK**
9 **VALVES BY THE GAS TRANSMISSION COMPANY.**

10 **(C) THE COMMISSION SHALL:**

11 **(1) ESTABLISH STANDARDS FOR PRIORITIZING THE**
12 **INSTALLATION OF AUTOMATIC SHUTOFF AND REMOTE-CONTROLLED**
13 **SECTIONALIZED BLOCK VALVES;**

14 **(2) ENSURE THAT AUTOMATIC SHUTOFF AND**
15 **REMOTE-CONTROLLED SECTIONALIZED BLOCK VALVES ARE INSTALLED AS**
16 **QUICKLY AS IS REASONABLY POSSIBLE; AND**

17 **(3) ESTABLISH PROCEDURES FOR MONITORING EACH GAS**
18 **TRANSMISSION COMPANY'S PROGRESS IN MEETING THE REQUIREMENTS OF**
19 **THIS SECTION.**

20 **15-402.**

21 **(A) THE COMMISSION SHALL REQUIRE A GAS TRANSMISSION COMPANY**
22 **TO PREPARE AND SUBMIT TO THE COMMISSION A COMPREHENSIVE PRESSURE**
23 **TESTING IMPLEMENTATION PLAN FOR EACH GAS PIPELINE OWNED OR**
24 **OPERATED BY THE GAS TRANSMISSION COMPANY.**

25 **(B) THE COMPREHENSIVE PRESSURE TESTING IMPLEMENTATION PLAN**
26 **SHALL:**

27 **(1) PROVIDE FOR THE PRESSURE TESTING OR REPLACEMENT OF**
28 **EVERY SECTION OF GAS PIPELINE OWNED OR OPERATED BY THE GAS**
29 **TRANSMISSION COMPANY;**

1 **(2) DESCRIBE THE CRITERIA USED BY THE GAS TRANSMISSION**
2 **COMPANY TO IDENTIFY A SECTION OF GAS PIPELINE FOR REPLACEMENT**
3 **RATHER THAN PRESSURE TESTING;**

4 **(3) INCLUDE A TIME LINE THAT IS AS SHORT AS PRACTICABLE**
5 **FOR PRESSURE TESTING OR REPLACING EVERY SECTION OF GAS PIPELINE**
6 **OWNED OR OPERATED BY THE GAS TRANSMISSION COMPANY;**

7 **(4) PRIORITIZE THE PRESSURE TESTING OR REPLACEMENT OF**
8 **ANY SECTION OF GAS PIPELINE THAT MUST RUN AT OR NEAR THE PIPELINE'S**
9 **MAXIMUM ALLOWABLE OPERATING PRESSURE VALUE; AND**

10 **(5) INCLUDE INTERIM SAFETY ENHANCEMENT MEASURES**
11 **INCLUDING:**

12 **(I) INCREASED PATROLLING AND SURVEYING OF A GAS**
13 **PIPELINE;**

14 **(II) STRATEGIC PRESSURE REDUCTIONS; AND**

15 **(III) ANY OTHER MEASURES THAT WILL ENHANCE PUBLIC**
16 **SAFETY WHILE THE GAS TRANSMISSION COMPANY COMPLETES PRESSURE**
17 **TESTING AND REPLACEMENT OF GAS PIPELINES.**

18 **(C) (1) THE COMMISSION SHALL ESTABLISH A DEADLINE THAT IS AS**
19 **SOON AS PRACTICABLE FOR THE PRESSURE TESTING AND REPLACEMENT OF**
20 **ALL GAS PIPELINES IN THE STATE.**

21 **(2) THE COMMISSION SHALL ENSURE THAT ON OR BEFORE THIS**
22 **DEADLINE, EACH PIPELINE OPERATOR:**

23 **(I) COMPLETES PRESSURE TESTING OR REPLACEMENT OF**
24 **EACH SECTION OF GAS PIPELINE OWNED OR OPERATED BY THE GAS**
25 **TRANSMISSION COMPANY;**

26 **(II) WHERE FEASIBLE, MODIFIES OR UPGRADES GAS**
27 **PIPELINES TO ACCOMMODATE IN-LINE INSPECTION DEVICES; AND**

28 **(III) MAKES TRACEABLE, VERIFIABLE, AND COMPLETE**
29 **PRESSURE TESTING RECORDS FOR EACH GAS PIPELINE AVAILABLE TO THE**
30 **PUBLIC.**

31 **15-403.**

1 **(A) IN THIS SECTION, "MEMA" MEANS THE MARYLAND EMERGENCY**
2 **MANAGEMENT AGENCY.**

3 **(B) (1) MEMA SHALL ESTABLISH EMERGENCY RESPONSE**
4 **STANDARDS FOR GAS TRANSMISSION COMPANIES THAT OWN OR OPERATE GAS**
5 **PIPELINES IN THE STATE.**

6 **(2) IN ESTABLISHING EMERGENCY RESPONSE STANDARDS UNDER**
7 **THIS SUBSECTION, MEMA SHALL CONSULT WITH:**

8 **(I) THE COMMISSION;**

9 **(II) THE STATE FIRE MARSHAL; AND**

10 **(III) MEMBERS OF THE FIRST RESPONDER COMMUNITY,**
11 **INCLUDING THE MARYLAND FIRE CHIEFS ASSOCIATION.**

12 **(C) (1) MEMA SHALL REQUIRE A GAS TRANSMISSION COMPANY TO**
13 **DEVELOP AND SUBMIT TO BOTH MEMA AND THE COMMISSION AN EMERGENCY**
14 **RESPONSE PLAN THAT MEETS, AT A MINIMUM, THE FEDERAL STANDARDS IN**
15 **TITLE 49, C.F.R. PART 192.**

16 **(2) MEMA SHALL REVIEW THE EMERGENCY RESPONSE PLAN OF**
17 **A GAS TRANSMISSION COMPANY AND SHALL REQUIRE THE GAS TRANSMISSION**
18 **COMPANY TO AMEND OR UPDATE THE PLAN AS MEMA DETERMINES**
19 **NECESSARY TO PROTECT PUBLIC SAFETY.**

20 **(D) AT LEAST ONCE EACH YEAR, A GAS TRANSMISSION COMPANY SHALL**
21 **MEET WITH EACH LOCAL FIRE DEPARTMENT THAT HAS FIRE SUPPRESSION**
22 **RESPONSIBILITIES IN AN AREA IN WHICH A GAS PIPELINE OWNED AND**
23 **OPERATED BY THE GAS TRANSMISSION COMPANY IS LOCATED TO DISCUSS AND**
24 **REVIEW EMERGENCY RESPONSE PLANS.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2013.**