

1 A bill for an act  
2 relating to the environment; providing for issuance of  
3 pipeline routing permits by the environmental quality board;  
4 ratifying the authority of the board to impose conditions,  
5 to suspend permits, and to pursue enforcement of permits;  
6 amending and renumbering Minnesota Statutes 2002, section 116I.015  
7

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA**  
9

10 **116C.70 ROUTING OF CERTAIN PIPELINES**  
11

12 Subdivision 1. **Definitions.** For purposes of this section and notwithstanding section 116I.01,  
13 subdivision 3, the terms defined in this section shall have the meanings given them, unless  
14 otherwise provided or indicated by the context.  
15

16 (A) “Pipeline” means:  
17

18 (i) pipe with a nominal diameter of six inches or more that is designed to  
19 transport hazardous liquids, but does not include pipe designed to transport a hazardous liquid by  
20 gravity, and pipe designed to transport or store a hazardous liquid within a refining, storage, or  
21 manufacturing facility; or  
22

23 (ii) pipe designed to be operated at a pressure of more than 275 pounds per  
24 square inch and to carry gas.  
25

26 (B) “Gas” means natural gas, flammable gas, or gas that is toxic or corrosive.  
27

28 (C) “Hazardous Liquid” means petroleum, petroleum products, or anhydrous ammonia..  
29

30 (D) “Construction” means any clearing of land, excavation, or other action that would  
31 adversely affect the natural environment of a pipeline route but does not include changes needed  
32 for temporary use of a route for purposes other than installation of a pipeline, for securing survey  
33 or geological data, for the repair or replacement of an existing pipeline within the existing right-  
34 of-way, or for the minor relocation of less than three quarters of a mile of an existing pipeline.  
35

36 **116C.701. PIPELINE ROUTING PERMIT.**  
37

38 Subdivision 1. Permit requirement. A person may not construct a pipeline without a pipeline  
39 routing permit issued by the environmental quality board unless the pipeline is exempted from  
40 the board’s routing authority under section 116C.70 or rules adopted under section 116C.702. A  
41 pipeline requiring a permit may only be constructed on a route designated by the board.  
42

43 Subd. 2. Other requirements. For pipelines that do not require a pipeline routing permit from  
44 the environmental quality board but meet the definition of “pipeline” in section 116I.01,  
45 subdivision 3, the requirements of chapter 116I. shall apply.  
46

1           116C.702.   **RULES.**

2           Subdivision 1. Authority. The Environmental Quality Board shall adopt rules governing the  
3 routing of pipelines. The rules apply only to the route of pipelines and may not set safety  
4 standards for the construction of pipelines.

5  
6           Subd. 2. Content of rules. The rules must:

7  
8           (1) require that a person proposing construction of a pipeline submit to the board one preferred  
9 route for the pipeline and evidence of consideration of alternatives;

10  
11           (2) provide for notice of proposed pipeline routes to local units of government and to owners  
12 and lessees of property along the routes being considered;

13  
14           (3) provide for public hearings on proposed pipeline routes, which may follow the board's  
15 procedures for public hearings on proposed power line routes and electrical generating plant  
16 sites;

17  
18           (4) provide criteria that the board will use in determining pipeline routes, which must include  
19 the existence of populated areas, consideration of local government land use laws including  
20 ordinances adopted under section 299J.05, and the impact of the proposed pipeline on the natural  
21 environment;

22  
23           (5) provide a procedure that the board will follow in issuing pipeline routing permits and  
24 require the board to issue the permits within nine months after the permit application is received  
25 by the board, unless the board extends this deadline for cause;

26  
27           (6) provide for the payment of fees by persons proposing to construct pipelines to cover the  
28 costs of the board in implementing this section, including the cost of inspection of the pipeline  
29 during construction;

30  
31           (7) allow the board to provide exemptions from all or part of the pipeline routing permit  
32 application process in emergencies or if the board determines that the proposed pipeline will not  
33 have a significant impact on humans or the environment;

34  
35           (8) require exemption determinations to be made within 90 days after an application;

36  
37           (9) require that a person who has constructed a pipeline, to the extent possible, restore the area  
38 affected by the pipeline to the natural conditions that existed immediately before construction of  
39 the pipeline, provided that this restoration is compatible with the safe operation, maintenance,  
40 and inspection of the pipeline;

41  
42           (10) provide for Environmental Quality Board monitoring of compliance by permittees with  
43 all requirements of the permit; and

44  
45           (11) provide for the inclusion of other reasonable conditions in any pipeline routing permit  
46 issued by the board.

1  
2 Subd. 3. Exclusions. The rules do not apply to temporary use of a route for purposes other  
3 than installation of a pipeline, to securing survey or geological data, to repair or replacement of  
4 an existing pipeline within the existing right-of-way, or to minor relocation of less than three-  
5 quarters of a mile of an existing pipeline. The rules do not apply to construction of new pipeline  
6 in a right-of-way in which pipeline has been constructed before July 1, 1988, or in a right-of-way  
7 that has been approved by the board after July 1, 1988, except when the board determines that  
8 there is a significant chance of an adverse effect on the environment or that there has been a  
9 significant change in land use or population density in or near the right-of-way since the first  
10 construction of pipeline in the right-of-way, or since the board first approved the right-of-way.  
11

12 Subd. 4. Preemption. The issuance of a pipeline routing permit under this section and  
13 subsequent purchase and use of the route locations is the only site approval required to be  
14 obtained by the person owning or constructing the pipeline. The pipeline routing permit  
15 supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances  
16 promulgated by regional, county, local, and special purposed governments.  
17

18 Subd. 5. **Termination of board jurisdiction over pipeline.** The board’s jurisdiction over a  
19 pipeline shall terminate upon a determination by the board that the pipeline has been installed  
20 and is in operation and the permittee has complied with all permit conditions, including the  
21 obligation to restore the land to its natural condition to the extent possible. A permittee may  
22 request the board to determine that it no longer has jurisdiction over a pipeline. The board may  
23 require a permittee to provide information in the permittee’s possession to assist the board in  
24 determining whether the permittee has complied with all permit conditions.  
25

26 **116C.703 REVOCATION OR SUSPENSION; ENFORCEMENT.**

27 Subdivision 1. **Revocation or suspension.** The environmental quality board may revoke or  
28 suspend a pipeline routing permit in accordance with the requirements of Minnesota Statutes  
29 section 116C.645.

30 Subd. 2. **Enforcement.** The authorities and requirements of Minnesota Statutes section  
31 116C.68 shall apply to the environmental quality board with respect to pipeline routing permits.  
32

33 **116C.704 JUDICIAL REVIEW.**

34 Any applicant, party, or person aggrieved by the issuance or denial of a route permit by the board  
35 or by a final order issued by the board, may appeal to the Court of Appeals in accordance with  
36 the requirements of section 116C.65.  
37

38 Section 7. ]EFFECTIVE DATE]

39 This act is effective the day following final enactment.  
40  
41