

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2376

(SENATE AUTHORS: DIBBLE)

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to pipelines; providing for the disposition of abandoned pipelines; requiring
1.3 filing of a pipeline abandonment plan and its approval by the commissioner of
1.4 public safety; amending Minnesota Statutes 2016, section 216G.02, by adding
1.5 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216G.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 216G.02, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety.

1.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.11 Sec. 2. Minnesota Statutes 2016, section 216G.02, is amended by adding a subdivision to
1.12 read:

1.13 Subd. 1b. **Pipeline abandonment.** "Pipeline abandonment" means the permanent
1.14 cessation of service along a portion of or the entire route of a pipeline in this state.

1.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.16 Sec. 3. **[216G.095] PIPELINE ABANDONMENT; RESPONSIBILITIES.**

1.17 Subdivision 1. **Removal of abandoned pipeline.** (a) Except as provided in subdivision
1.18 3, a pipeline owner whose easement interests have reverted to the landowner under section
1.19 216G.09, or who has otherwise ceased operations of the pipeline and notified the landowner
1.20 of the cessation, is responsible for removing any and all abandoned property, including
1.21 remaining pipelines, pumping, metering or compressor stations, and all other infrastructure

2.1 and ancillary equipment, from the landowner's property. The pipeline owner bears the
2.2 financial responsibility for the removal and is liable for any environmental cleanup and
2.3 remediation costs required under chapter 115B.

2.4 (b) A landowner who wants a pipeline or other ancillary infrastructure and equipment
2.5 removed from the landowner's land must submit a notarized written removal request
2.6 stipulating the specific infrastructure and equipment to be removed to the pipeline owner.
2.7 The landowner must submit a copy of the request to the Public Utilities Commission, the
2.8 Pollution Control Agency, the Department of Natural Resources, the Board of Soil and
2.9 Water Resources, and the appropriate county recorder and soil and water conservation
2.10 district.

2.11 (c) Within 60 days of receiving a request to remove an abandoned pipeline under
2.12 paragraph (b), a pipeline owner must purge the pipeline of all materials transported by the
2.13 pipeline. The pipeline owner must certify the pipeline has been purged in a written notice
2.14 sent to the landowner and the agencies listed in paragraph (b).

2.15 (d) A pipeline owner must begin removal of an abandoned pipeline and other
2.16 infrastructure the landowner requested to be removed within 30 days of the date of the
2.17 certification notice. The pipeline owner must complete removal within 90 days of the date
2.18 of the certification notice.

2.19 (e) A pipeline owner is liable for any releases or damages that result from removal of
2.20 an abandoned pipeline or other infrastructure and equipment.

2.21 Subd. 2. **Land restoration.** The pipeline owner is responsible for all reasonable costs
2.22 associated with the restoration of the land on which pipeline operations were conducted.
2.23 Restoration includes, but is not limited to:

2.24 (1) restoration of land contour to control soil erosion, minimize adverse effects on water
2.25 quality, complement nearby terrain, and facilitate the prompt conversion of the land to the
2.26 use desired by the landowner;

2.27 (2) replacement of topsoil to a depth equal to or greater than the average depth of topsoil
2.28 on adjoining land of the landowner;

2.29 (3) establishment of a permanent vegetative cover that is self-sustaining and regenerating,
2.30 and that protects soil and water quality; and

2.31 (4) removal of invasive plant species listed by the Department of Natural Resources,
2.32 the Department of Agriculture, or the county weed inspector of the county where the land
2.33 is located. The control of invasive plant species must be effective for five consecutive years,

3.1 as determined by inspection of the county weed inspector, after which the pipeline owner's
3.2 responsibility for controlling invasive plant species is terminated.

3.3 Subd. 3. **Abandoned pipeline left in place.** (a) A landowner may relieve a pipeline
3.4 owner of the requirement to remove an abandoned pipeline that is subject to section 216G.09
3.5 or has otherwise been abandoned by submitting a notarized written request to the pipeline
3.6 owner that the pipeline be left in place. The written request may also address the disposition
3.7 of other abandoned property, including pumping, metering or compressor stations, and other
3.8 infrastructure and ancillary equipment, remaining on the landowner's property. A landowner
3.9 must submit a copy of the request to the Public Utilities Commission, the Pollution Control
3.10 Agency, the Department of Natural Resources, the Board of Soil and Water Resources, and
3.11 the appropriate county recorder and soil and water conservation district where the land is
3.12 located.

3.13 (b) A pipeline owner must comply with all federal regulations required of an abandoned
3.14 pipeline, including the requirement to purge the pipeline of all materials transported by the
3.15 pipeline. Within 90 days of receiving notice under paragraph (a), a pipeline owner must
3.16 submit written certification of compliance with federal regulations regarding abandoned
3.17 pipelines to the landowner and to the agencies listed in paragraph (a).

3.18 (c) A landowner who requests that the pipeline be left in place under this subdivision
3.19 assumes all future liabilities associated with the pipeline and any other infrastructure left
3.20 in place, including subsequent costs of pipeline and infrastructure removal, land restoration,
3.21 and environmental remediation under chapter 115B, except that a pipeline owner is
3.22 responsible for the costs of future monitoring and inspection of both the pipeline left in
3.23 place and its surrounding environment.

3.24 Sec. 4. **[216G.13] ABANDONMENT PLAN.**

3.25 Subdivision 1. **Approval required.** No pipeline may be abandoned in Minnesota without
3.26 commissioner approval of a pipeline abandonment plan that meets the requirements of this
3.27 section. In approving a pipeline abandonment plan, the commissioner may establish
3.28 conditions that apply to the abandonment process and to the abandoned pipeline for the
3.29 duration of time the pipeline remains in the ground.

3.30 Subd. 2. **Consultation; public hearing required.** In developing a pipeline abandonment
3.31 plan, a pipeline owner must contact and consult with interested stakeholders, including but
3.32 not limited to owners of land where the pipeline is located, state and local government
3.33 agencies responsible for land development and maintaining the quality of water bodies near
3.34 the pipeline, and environmental organizations. The pipeline owner must hold at least one

4.1 public hearing to afford input on the abandonment plan to stakeholders and members of the
4.2 public.

4.3 Subd. 3. **Plan content.** A pipeline abandonment plan must contain:

4.4 (1) a general description of the pipeline and its ancillary facilities, including a history
4.5 of its operation and the products it has carried;

4.6 (2) a schedule of the proposed abandonment process;

4.7 (3) a map identifying the location of the pipeline; right-of-way; pumping stations, storage
4.8 areas, and other ancillary facilities; water bodies along and near the pipeline route; road,
4.9 rail, and utility crossings; and environmentally sensitive resources on or near the pipeline
4.10 route;

4.11 (4) a detailed description of the facilities to be abandoned, including:

4.12 (i) the pipeline, including its composition, diameter, thickness, and coatings;

4.13 (ii) ancillary pipeline facilities; and

4.14 (iii) other facilities on pipeline-owned land;

4.15 (5) a detailed description of the land adjacent to the pipeline, including:

4.16 (i) land uses;

4.17 (ii) natural features, including water bodies, wetlands, karst areas, rare vegetation, and
4.18 animal species; and

4.19 (iii) landowners and land administration agencies;

4.20 (6) a history of pipeline ruptures and leaks, and repairs undertaken;

4.21 (7) a description of the facilities to be left in place, including:

4.22 (i) locations;

4.23 (ii) reasons for leaving the facilities in place;

4.24 (iii) mitigation measures to reduce environmental and safety risks, including cleaning
4.25 and plugging pipe, segmenting pipe, and efforts to prevent water movement; and

4.26 (iv) an estimation of risks from soil subsidence, pipe collapse, pipe corrosion, soil erosion,
4.27 and contamination removal;

4.28 (8) a description of the facilities to be removed, including:

4.29 (i) locations;

- 5.1 (ii) reasons for removal;
- 5.2 (iii) cleaning and removal procedures; and
- 5.3 (iv) recycling and reuse plans;
- 5.4 (9) a description of land reclamation activities;
- 5.5 (10) a description of performance measures that enable the abandonment process to be
- 5.6 evaluated, including but not limited to:
- 5.7 (i) contamination cleanup;
- 5.8 (ii) sensitive environmental area protection;
- 5.9 (iii) utility and transportation crossings protection; and
- 5.10 (iv) management of the long-term effects of the pipeline on the land;
- 5.11 (11) a statement of responsibility for facilities left in place;
- 5.12 (12) a postabandonment monitoring and maintenance schedule;
- 5.13 (13) the abandonment costs and the adequacy of the pipeline's financial assurance funds
- 5.14 to pay for both initial and ongoing costs; and
- 5.15 (14) any additional information required by the commissioner.
- 5.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.