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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4360

03/17/2022 Authored by Becker-Finn, Keeler, Jordan, Hollins and Hansen, R., The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to pipelines; providing for the disposition of abandoned pipelines; requiring
1.3 a pipeline abandonment plan; amending Minnesota Statutes 2020, section 216G.02,
1.4 by adding subdivisions; proposing coding for new law in Minnesota Statutes,
1.5 chapter 216G.

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

1.7 Section 1. Minnesota Statutes 2020, 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 2020, section 216G.02, is amended by adding a subdivision to
1.12 read:

1.13 Subd. 3a. Pipeline abandonment. "Pipeline abandonment" means the permanent
1.14 cessation of service along a portion of or the entirety of a pipeline route in Minnesota.

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. Notice. No later than 60 days before the date pipeline operations are
1.18 scheduled to cease, a pipeline owner must provide each landowner whose land the pipeline
1.19 traverses written notice of the pipeline owner's intent to cease pipeline operations. The
1.20 notice must contain the language of this section and section 216G.13.

2.1 Subd. 2. **Removal of abandoned pipeline.** (a) Except as provided in subdivision 3, a
2.2 pipeline owner whose easement interests have reverted to the landowner under section
2.3 216G.09 or who has otherwise ceased operating the pipeline is responsible for removing:
2.4 (1) any and all abandoned property from the landowner's property, including pipelines,
2.5 pumping, metering, or compressor stations; and (2) all other infrastructure and ancillary
2.6 equipment remaining on the landowner's property. The pipeline owner bears the financial
2.7 responsibility for the removal and is liable for any environmental cleanup and remediation
2.8 costs required under chapter 115B.

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

2.16 (c) Within 60 days of the date a pipeline owner receives a request to remove an abandoned
2.17 pipeline under paragraph (b), the pipeline owner must purge the abandoned pipeline of all
2.18 materials transported by the pipeline. The pipeline owner must certify the abandoned pipeline
2.19 has been purged in a written notice sent to the landowner and the agencies listed in paragraph
2.20 (b).

2.21 (d) A pipeline owner must begin removing an abandoned pipeline and other infrastructure
2.22 the landowner requested to be removed within 30 days of the date the certification notice
2.23 under paragraph (a) is sent. The pipeline owner must complete removal within 90 days of
2.24 the date the certification notice is sent.

2.25 (e) A pipeline owner is liable for any releases or damages that result from removing an
2.26 abandoned pipeline or other infrastructure and equipment.

2.27 Subd. 3. **Land restoration.** The pipeline owner is responsible for all reasonable costs
2.28 associated with the restoration of the land on which an abandoned pipeline's operations
2.29 were conducted. Restoration includes but is not limited to:

2.30 (1) restoring the land contour to control soil erosion, to minimize adverse effects on
2.31 water quality, complement nearby terrain, and facilitate the prompt conversion of the land
2.32 to the use desired by the landowner;

2.33 (2) replacing topsoil to a depth equal to or greater than the average depth of topsoil on
2.34 adjoining land of the landowner;

3.1 (3) establishing a permanent vegetative cover that is self-sustaining and regenerating,
 3.2 and that protects soil and water quality; and

3.3 (4) removing invasive plant species listed by the Department of Natural Resources, the
 3.4 Department of Agriculture, or the county weed inspector of the applicable county. Activities
 3.5 undertaken to control invasive plant species must be effective for five consecutive years,
 3.6 as determined from inspection by the county weed inspector, after which the pipeline owner's
 3.7 responsibility to control invasive plant species is terminated.

3.8 Subd. 4. **Abandoned pipeline left in place.** (a) A landowner may relieve a pipeline
 3.9 owner of the requirement to remove an abandoned pipeline that is subject to section 216G.09
 3.10 or has otherwise been abandoned by submitting a notarized written request to the pipeline
 3.11 owner that the pipeline be left in place. The written request may also address the disposition
 3.12 of other abandoned property, including pumping, metering, or compressor stations, and
 3.13 other infrastructure and ancillary equipment remaining on the landowner's property. A
 3.14 landowner must submit a copy of the request to the Public Utilities Commission, the Pollution
 3.15 Control Agency, the Department of Natural Resources, the Board of Soil and Water
 3.16 Resources, and the appropriate county recorder and soil and water conservation district.

3.17 (b) A pipeline owner must comply with all federal regulations governing an abandoned
 3.18 pipeline, including the requirement to purge the abandoned pipeline of all materials
 3.19 transported by the pipeline. Within 90 days of the date a pipeline owner receives notice
 3.20 under paragraph (a), the pipeline owner must submit written certification of compliance
 3.21 with federal regulations regarding abandoned pipelines to the landowner and to the agencies
 3.22 listed in paragraph (a).

3.23 (c) A landowner who requests that an abandoned pipeline be left in place under this
 3.24 subdivision assumes all future liabilities associated with the abandoned pipeline and any
 3.25 other infrastructure left in place, including subsequent costs of abandoned pipeline and
 3.26 infrastructure removal, land restoration, and environmental remediation under chapter 115B,
 3.27 except that a pipeline owner is responsible for paying the costs of future monitoring and
 3.28 inspection of both the abandoned pipeline left in place and the abandoned pipeline's
 3.29 surrounding environment.

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

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

3.32 Subdivision 1. **Approval required.** A pipeline must not be abandoned in Minnesota
 3.33 unless the commissioner approves a pipeline abandonment plan that meets the requirements

4.1 of this section. When approving a pipeline abandonment plan, the commissioner may
4.2 establish conditions that apply to the abandonment process and to the abandoned pipeline
4.3 for the duration of the time that the abandoned pipeline remains in the ground.

4.4 Subd. 2. **Consultation; public hearing required.** When developing a pipeline
4.5 abandonment plan, a pipeline owner must contact and consult with interested stakeholders,
4.6 including but not limited to: (1) owners of land or Tribal governments having jurisdiction
4.7 through treaty rights for land on which the abandoned pipeline is located; (2) state and local
4.8 government agencies responsible for land development and maintaining the quality of water
4.9 bodies near the pipeline; and (3) environmental organizations. The pipeline owner must
4.10 hold at least one public hearing, as determined by the commissioner, to allow stakeholders
4.11 and members of the public to provide input on the abandonment plan.

4.12 Subd. 3. **Plan content.** A pipeline abandonment plan must contain the following
4.13 information:

4.14 (1) a general description of the pipeline and the pipeline's ancillary facilities, including
4.15 a history of the pipeline's operation and the products the pipeline has carried;

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

4.17 (3) a map showing the location of the pipeline; right-of-way; pumping stations, storage
4.18 areas, and other ancillary facilities; water bodies along and near the pipeline route; road,
4.19 rail, and utility crossings; and environmentally sensitive resources on or near the pipeline
4.20 route;

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

4.22 (i) the pipeline's composition, diameter, thickness, and coatings;

4.23 (ii) ancillary pipeline facilities; and

4.24 (iii) other facilities on nearby land owned by the pipeline owner;

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

4.26 (i) land uses;

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

4.29 (iii) the identity of landowners and land administration agencies and the land parcels
4.30 each owns or administers;

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

- 5.1 (7) facilities to be left in place, including:
- 5.2 (i) locations;
- 5.3 (ii) reasons for leaving the facilities in place;
- 5.4 (iii) mitigation measures that the pipeline owner commits to take in order to reduce
- 5.5 environmental and safety risks, including cleaning and plugging pipe, segmenting pipe, and
- 5.6 efforts to prevent water movement; and
- 5.7 (iv) an estimate of risks from soil subsidence, pipe collapse, pipe corrosion, soil erosion,
- 5.8 and contamination removal;
- 5.9 (8) facilities to be removed, including:
- 5.10 (i) facility locations;
- 5.11 (ii) reasons for removal;
- 5.12 (iii) cleaning and removal procedures; and
- 5.13 (iv) pipeline recycling and reuse plans;
- 5.14 (9) land reclamation activities;
- 5.15 (10) performance measures that enable the abandonment process to be evaluated,
- 5.16 including but not limited to:
- 5.17 (i) removing soil and water contamination;
- 5.18 (ii) protecting sensitive environmental areas;
- 5.19 (iii) protecting utility and transportation crossings; and
- 5.20 (iv) managing the long-term effects of the abandoned pipeline on the land;
- 5.21 (11) a statement of responsibility for facilities left in place;
- 5.22 (12) a postabandonment monitoring and maintenance schedule;
- 5.23 (13) abandonment costs and the adequacy of the pipeline's financial assurance funds to
- 5.24 pay for both initial and ongoing costs; and
- 5.25 (14) any additional information required by the commissioner.
- 5.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.