

2022 South Dakota Legislature

Senate Bill 40**AMENDMENT 40C FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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

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

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

4 Terms used in this chapter mean:

- 5 (1) "Biogas gathering line," new and existing gathering pipeline facilities in South
6 Dakota that transport gas from a bio-methane producer to an interstate or
7 intrastate gas pipeline;
8 (2) "Commission," the Public Utilities Commission;
9 (3) "Gas," natural gas, liquefied natural gas, flammable gas, gas which is toxic or
10 corrosive, or liquefied petroleum gas in distribution systems.

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

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

- 14 (1) Any county and township where the biogas gathering line is located;
15 (2) Any municipality located in those counties and townships;
16 (3) South Dakota One-Call;
17 (4) The Commission;
18 (5) All landowners of record who own land within one-quarter mile of the biogas
19 gathering line.

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

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

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

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

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

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

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