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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1735 Session of  
2019

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INTRODUCED BY OTTEN, ULLMAN, BARRAR, VITALI, HILL-EVANS,  
McCLINTON, FREEMAN AND WILLIAMS, JULY 24, 2019

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JULY 24, 2019

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AN ACT

1 Establishing the Pipeline Early Detection and Warning Board in  
2 the Department of Community and Economic Development;  
3 establishing the Pipeline Early Detection and Warning System  
4 Fund; providing for grants to municipalities; and imposing a  
5 fee.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pipeline  
10 Early Detection and Warning System Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Board." The Pipeline Early Detection and Warning Board  
16 established under section 3.

17 "Department." The Department of Community and Economic  
18 Development of the Commonwealth.

19 "Early detection and warning system." A pipeline facility

1 monitoring system, including, but not limited to, a fiber-optic  
2 system, supervisory control and data acquisition (SCADA) system,  
3 FLIR camera or other appropriate detection device, providing  
4 real-time information on the condition of transmission pipelines  
5 and directly linked to local first responders enabling  
6 dissemination of a public warning providing information via  
7 radio, siren, television and the emergency broadcasting system.

8 "Fund." The Pipeline Early Detection and Warning System Fund  
9 established under section 5.

10 "Grant." A grant awarded under section 5(d).

11 "Municipality." A borough, city, town or township.

12 "Pipeline facility." New and existing pipelines, rights-of-  
13 way and any equipment, facility or building used in the  
14 transportation of gas, oil or other materials or in the  
15 treatment of those products during the course of transportation.

16 "Pipeline operator." A person who regulates the flow of oil,  
17 gases and other materials from pipes into and out of storage  
18 tanks, monitors instruments and communicates with other  
19 operators and technicians.

20 "Secretary." The Secretary of Community and Economic  
21 Development of the Commonwealth.

22 "Setback." The distance from a wellhead to a certain  
23 structure or body of water as provided under 58 Pa.C.S. § 3215  
24 (relating to well location restrictions).

25 Section 3. Board.

26 (a) Establishment.--The Pipeline Early Detection and Warning  
27 Board is established within the department.

28 (b) Members.--The board shall consist of the following  
29 members:

30 (1) The secretary or a designee.

1           (2) The Secretary of Environmental Protection or a  
2           designee.

3           (3) The Director of the Pennsylvania Emergency  
4           Management Agency or a designee.

5           (4) The Chairman of the Pennsylvania Public Utility  
6           Commission or a designee.

7           (5) Two members appointed by the Governor, by and with  
8           the advice and consent of the Senate, including:

9                 (i) a public official currently holding a municipal  
10                office; and

11               (ii) a school superintendent or elected school board  
12                member.

13           (6) Five members appointed by the Governor, by and with  
14           the advice and consent of the Senate, for a term of six  
15           years.

16           (c) Initial appointments.--Within 180 days of the effective  
17           date of this section, the Governor shall nominate the members  
18           under subsection (b) (6) as follows:

19                (1) two members to serve a two-year term;

20                (2) two members to serve a four-year term; and

21                (3) one member to serve a six-year term.

22           (d) Qualifications for appointed members.--Each member  
23           appointed by the Governor under subsection (b) (6) must meet all  
24           of the following requirements:

25                (1) Be a resident of this Commonwealth.

26                (2) Have been a qualified elector in this Commonwealth  
27                for a period of at least one year prior to appointment.

28                (3) Be at least 25 years of age.

29           (e) Restrictions on appointed members.--The following apply:

30                (1) No person may be appointed as a member who has

1 within eight years occupied any official relation to any oil,  
2 gas or natural gas company or organization, including trade  
3 and lobbying organizations.

4 (2) No member may hold any office or position, the  
5 duties of which are incompatible with the duties of the  
6 board.

7 (f) Expiration of terms.--

8 (1) The Governor shall submit the nomination of a member  
9 under subsection (b) (5) or (6) to the Senate no later than 90  
10 days prior to the expiration of the term or the effective  
11 date of the resignation of the member whom the nominee would  
12 replace.

13 (2) A member appointed by the Governor may continue to  
14 hold office for a period not to exceed six months beyond the  
15 expiration of the member's term if the successor has not been  
16 duly appointed and qualified according to law.

17 (3) The Governor may remove an appointed member of the  
18 board for cause upon written notice to the board.

19 (g) Chairperson.--The secretary or the secretary's designee  
20 shall serve as the chairperson for the board.

21 (h) Quorum.--A majority of the members shall constitute a  
22 quorum. No vacancy in the board may impair the right of a quorum  
23 of the members to exercise the rights and perform the duties of  
24 the board.

25 (i) Meetings.--The board shall meet at least four times a  
26 year in Harrisburg and at other times and places as the board  
27 shall determine is necessary to conduct board business.

28 (j) Open proceedings.--The proceedings of the board shall be  
29 conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7  
30 (relating to open meetings).

1 Section 4. Powers and duties of board.

2 The board shall have all of the following powers and duties:

3 (1) To accept and review an application submitted to the  
4 board by a municipality for a grant for the cost of  
5 installation of an early detection and warning system on the  
6 pipeline facility within the municipality.

7 (2) To make a determination on awarding a grant to a  
8 municipality that meets the requirements set forth by the  
9 board for the installation of an early detection and warning  
10 system on a pipeline facility within the municipality.

11 (3) To determine the qualifications for and requirements  
12 of an application for a grant from the board.

13 (4) To conduct risk assessments of pipeline facilities  
14 as provided in section 6.

15 (5) To promulgate regulations to administer and enforce  
16 the provisions of this act.

17 Section 5. Pipeline Early Detection and Warning System Fund and  
18 fee.

19 (a) Establishment of fund.--The Pipeline Early Detection and  
20 Warning System Fund is established within the State Treasury.

21 (b) Fee.--The board shall impose a fee on a pipeline  
22 operator within this Commonwealth in accordance with a formula  
23 established by the board. The formula shall take into  
24 consideration:

25 (1) Size of the pipeline within the municipality.

26 (2) Miles of pipeline.

27 (3) Pressure in the pipeline.

28 (4) Volume of product flowing through the pipeline.

29 (5) Population density within potential impact radii.

30 (6) Setbacks.

1           (7) Report of the pipeline operator on pressure,  
2 contents and location of pipes to other pipes in the  
3 easement.

4           (c) Collection of fees.--Pipeline construction is prohibited  
5 until the fees due under this section are collected. The fees  
6 are due at the time the pipeline operator applies for the  
7 tariff. The tariff may not be approved until the fees have been  
8 collected.

9           (d) Deposit.--The fees collected under subsection (b) shall  
10 be deposited into the fund upon first online/in-service date.

11           (e) Grants.--The board shall distribute money from the fund  
12 to municipalities meeting the qualifications and application  
13 requirements established by the board for a grant.

14           (f) Use of grants.--A municipality having been awarded a  
15 grant under subsection (e) shall use the grant to create an  
16 early detection and warning system within the municipality.

17           (g) Reporting.--

18           (1) The board shall prepare an annual report on all  
19 money in the fund, including a detailed listing of all  
20 deposits and expenditures of the fund. The board shall submit  
21 the report to the chairperson and minority chairperson of the  
22 Appropriations Committee of the Senate and the chairperson  
23 and minority chairperson of the Appropriations Committee of  
24 the House of Representatives. The report shall be submitted  
25 no later than 90 days after the conclusion of each fiscal  
26 year in which the board imposes a fee on pipeline operators  
27 or approves and disburses grants from the fund.

28           (2) Any municipality that receives a grant from the  
29 board under subsection (e) shall submit information to the  
30 board on a form prepared by the board that sets forth the

1 amount of the grant and use of the funds received in the  
2 prior calendar year.

3 Section 6. Risk assessments.

4 (a) Risk assessment.--Upon application by a municipality for  
5 an early detection and public warning system grant, the board  
6 shall conduct a risk assessment on the pipeline facility within  
7 the municipality to determine the risk associated with the  
8 pipeline to guide the appropriate early detection and warning  
9 system for the pipeline facility.

10 (b) Regulations.--The regulations under subsection (a) shall  
11 require the board to do the following:

12 (1) Cooperate with the Federal Government and any public  
13 or private agency or entity in implementing plans for  
14 pipeline facility disaster prevention, preparation and  
15 recovery.

16 (2) Administer a grant program to municipalities for  
17 pipeline facility disaster prevention and management.

18 (3) Accept and coordinate assistance provided by Federal  
19 agencies in major pipeline facility disasters or emergencies  
20 in accordance with the provisions of The Robert T. Stafford  
21 Disaster Relief and Emergency Assistance Act (Public Law 93-  
22 288, 42 U.S.C. § 5121 et seq.).

23 (c) Reporting.--The board shall submit risk assessment  
24 results under subsection (a) to the department, the Pennsylvania  
25 Emergency Management Agency, the Pennsylvania Public Utilities  
26 Commission and the Department of Environmental Protection.

27 Section 7. Prohibition.

28 A pipeline facility may not operate until a functioning early  
29 detection and warning system for the pipeline is in use.

30 Section 8. Appropriation.

1       The sum of \$350,000, or as much thereof as may be necessary,  
2 is appropriated to the fund for the fiscal year July 1, 2019, to  
3 June 30, 2020, to carry out the provisions of this act.

4 Section 9. Inconsistent repeal.

5       All acts and parts of acts are repealed insofar as they are  
6 inconsistent with this act.

7 Section 10. Effective date.

8       This act shall take effect in 60 days.