

**SECTION 23: PIPELINE STANDARDS FOR TRANSPORT OF NATURAL GAS OR  
PETROLEUM-HYDROCARBONS**

**Subdivision 1. Purpose.**

1. The purpose of this ordinance is to protect the Health, Welfare, and Safety of the citizens of Cottonwood County. This ordinance applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before July 1, 1991.
2. Buildings and places of public assembly subject to this ordinance shall not be constructed closer to the pipeline than the boundary of the pipeline easement.

**Subdivision 2. Definitions.**

The following definitions are pertinent to this section only:

**Building:** A structure designed primarily for human use or occupancy including business, offices, educational facilities, medical facilities, residences, and institutions, decks, overhangs, porches, or similar attached structures are considered part of the building. Building does not include appurtenances required to operate or maintain pipeline systems.

**Commissioner:** In this section, "Commissioner" means the commissioner of public safety.

**Other development:** Commercial, industrial, or agricultural development when it results in the construction of a building or place of public assembly.

**Pipeline:** 1) A pipe with a nominal diameter of six inches or more, that is used to transport hazardous liquids, but does not include pipe used to transport a hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refining storage, or manufacturing facility;

**OR** 2) A pipe operated at a pressure of more than 275 pounds per square inch that carries gas.

**Pipeline Easement:** The existing easement or a subsequent easement resulting from the negotiation of a change in the boundaries of the existing easement.

**Place of public assembly:** A site that is occupied by 20 or more persons on at least five days a week for ten weeks in any 12-month period. The days and weeks need not be consecutive.

**Subdivision 3. Procedure.**

1. The applicant shall submit to the County Environmental Officer the following in duplicate:
  - A. Maps indicating location, and type of service proposed, together with the status of any applications made or required to be made under State or Federal law to any State or Federal Agency.
  - B. The name, address and telephone number of a contact person to which post-construction inquiries related to exact location and depth of the pipeline may be addressed.
  - C. An outline of a contingency plan including steps to be taken in the event of a failure, leak, or explosion occurring during operation of the pipeline. The operator of the pipeline shall demonstrate its capability and readiness to execute the contingency plan.
2. One set of the information provided in SECTION 23, Subdivision 3, 1 - A, B & C, page 107, shall be furnished to the County Engineer, who shall review the information and forward comments and recommendations to the Board of County Commissioners.

3. The Board of County Commissioners may require the applicant to post a bond, in such form and sum as the Board shall determine, with surety running to the County.
4. The County shall have sixty (60) days from the date of initial application to accept, reject, or modify the application. In the event the application is rejected or modified the County shall set forth the reasons for such action.

#### **Subdivision 4. Standards for Construction.**

The Board of County Commissioners establishes the following Standards for construction and are hereby made a part of this Ordinance.

1. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after disturbance and in any event within ten (10) days.
2. Rocks, in excess of three (3) inches in diameter, slash and other construction debris shall be removed from each individual section of land where construction takes place within forty-five (45) working days of the commencement on that individual section of land. For purposes of this subsection, working days are defined as; all days except days between November 15 and April 15 (Winter). For purposes of this subsection, a section of land is defined as a numbered section as defined by the Government Land Survey, or a portion thereof.
3. Shelterbelts, windbreaks, fences and vegetation shall be restored and maintained for one complete growing season to pre-construction conditions with the following exceptions:
  - 1) Shelterbelt and windbreak replacement shall be to pre-construction density and may allow for operation and maintenance.
  - 2) Critical areas (slopes greater than twelve (12) percent, drainage ditch banks and areas subject to severe erosion) shall be seeded and mulched as soon as possible after disturbance and in any event within thirty (30) days after disturbance. Drainage ditch banks shall be seeded and mulched a minimum of sixteen and one-half (16-1/2) feet in width from the top of the ditch spoil banks on each side of the ditch. Sodding may be required at the discretion of the County Board for areas subject to extreme erosion.
4. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
5. Construction activities shall be conducted in such a manner as to minimize impacts on livestock, and access to agricultural fields.

#### **Subdivision 5. Inspections.**

1. The Ordinance requires that a qualified inspector or inspectors be on the site of pre-construction, construction, and/or post-construction activities.
2. Before beginning construction, a person proposing to construct a pipeline shall pay an inspection fee to the County Environmental Office. The fee shall be in the amount of five hundred dollars (\$500.00) for each mile or fraction of a mile of pipeline that will be constructed in the County. The Board of County Commissioners shall designate an inspector, or inspectors, who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Ordinance. The inspector shall promptly report to the County Board any failure or refusal to comply with the provisions of this Ordinance and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply. During on-site inspection, the Inspector shall maintain a written

log which shall include a record of comments, any complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed with the County Inspector by any owner or lessee of failure to comply with the terms of an easement agreement. The log, reports and other records of the Inspector shall be preserved by the County Board.

PIPELINES		
STANDARD REQUIREMENTS	NATURAL GAS	PETROLEUM-HYDROCARBONS
MINIMUM DEPTH UNDER AGRICULTURAL LAND	30 inches	4-1/2 feet
MINIMUM DEPTH UNDER PUBLIC ROAD RIGHT-OF-WAYS	4 feet	4 feet
MINIMUM DEPTH UNDER PUBLIC ROAD SURFACES	4 feet	4 feet
MINIMUM CLEARANCE FOR DRAINAGE TILE	12 inches over or under	12 inches over or under
MINIMUM DEPTH BENEATH AUTHORIZED DEPTH OF OPEN DRAINAGE DITCH	4-1/2 feet	4-1/2 feet
DRAINAGE TILE REPLACEMENT STANDARDS	To Pre-construction Condition	To Pre-construction Condition
REQUIRED COMPACTING AROUND DRAINAGE TILE	To Ensure Proper Functioning	To Ensure Proper Functioning
SOIL RESTORATION	Restore Pre-construction Productivity	Restore Pre-construction Productivity

**Subdivision 6. Exempt from Regulations.**

The following are exempt from regulations.

1. Required maintenance or rebuilding of any pipeline, when such maintenance or rebuilding does not change or expand the capacity, or change the capability of the existing facility, shall be exempt from the regulation of THIS SECTION.
2. Distribution lines intended for enroute consumption of natural gas.