AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

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

"Early detection and warning system." A pipeline facility
monitoring system, including, but not limited to, a fiber-optic system, supervisory control and data acquisition (SCADA) system, FLIR camera or other appropriate detection device, providing real-time information on the condition of transmission pipelines and directly linked to local first responders enabling dissemination of a public warning providing information via radio, siren, television and the emergency broadcasting system. "Fund." The Pipeline Early Detection and Warning System Fund established under section 5.

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

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

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

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

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

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

Section 3. Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   (1) Be a resident of this Commonwealth.

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

   (3) Be at least 25 years of age.

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

   (1) No person may be appointed as a member who has
within eight years occupied any official relation to any oil, gas or natural gas company or organization, including trade and lobbying organizations.

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

(f) Expiration of terms.--

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

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

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

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

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

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

(j) Open proceedings.--The proceedings of the board shall be conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).
Section 4. Powers and duties of board.

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

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

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

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

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

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

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

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

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

(1) Size of the pipeline within the municipality.

(2) Miles of pipeline.

(3) Pressure in the pipeline.

(4) Volume of product flowing through the pipeline.

(5) Population density within potential impact radii.

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

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

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

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

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

(g) Reporting.--

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

(2) Any municipality that receives a grant from the board under subsection (e) shall submit information to the board on a form prepared by the board that sets forth the
amount of the grant and use of the funds received in the
prior calendar year.

Section 6. Risk assessments.

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

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

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

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

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

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

Section 7. Prohibition.

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

Section 8. Appropriation.
The sum of $350,000, or as much thereof as may be necessary, is appropriated to the fund for the fiscal year July 1, 2019, to June 30, 2020, to carry out the provisions of this act.

Section 9. Inconsistent repeal.

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

Section 10. Effective date.

This act shall take effect in 60 days.