

# *South Carolina Petroleum Pipeline Siting*

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*Shannon Bowyer Hudson  
Deputy Chief Counsel  
South Carolina Office of Regulatory Staff*



# Petroleum Pipeline Siting

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What are South Carolina's current statutory duties?

*None*



# Petroleum Pipeline Siting

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## Comparable SC Statutory Duties:

- Siting for Major Electric Facilities
- Monitoring
  - Natural Gas Pipelines
  - Electric Generation Operations
  - Nuclear Generation Construction



# SC Utility Facility Siting & Environmental Protection Act ("Siting Act")

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Applies to Construction of a  
Major Utility Facility



# Siting Act

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What is a “Major Utility Facility?”

- Facility with generating capacity of at least 75 MW or
- Transmission line with at least 125 kV.



# Siting Act

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## What must an Applicant do under the Siting Act?

1. File with the Public Service Commission (“PSC”) an Application for a “Certificate of Environmental Compatibility and Public Convenience and Necessity,”
2. Provide public notification of the Application, &
3. Receive approval from the PSC prior to commencing construction.



# Siting Act

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## What must an Application contain?

1. Description of the location and major utility facility to be built;
2. Summary of studies on the environmental impact of the facility;
3. Statement explaining the need;
4. Other information Applicant considers relevant; and,
5. Proof that public notice was provided through publication of an application summary in newspapers of general circulation in the area.



# Siting Act

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## Who must receive a copy of the Application?

1. Office of Regulatory Staff
2. Department of Health and Environmental Control
3. Department of Natural Resources
4. Department of Parks, Recreation and Tourism
5. Within the county the facility is to be located
  - a) CEO of each municipality
  - b) Head of each state and local government agency charged with the duty of protecting the environment or of planning land use.





# Siting Act

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## Who are the required parties?

1. Office of Regulatory Staff
2. Department of Health and Environmental Control
3. Department of Natural Resources
4. Department of Parks, Recreation and Tourism
5. Each state or local government agency that received a copy of the Application and files notice of intervention with the Public Service Commission



# Siting Act

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## What about a hearing?

- Hearing must be scheduled to take place between 60 and 90 days after the Application was filed. No due date for decision.
- Notice and hearing requirements may be waived on an emergency basis.
- Applicant can proceed with initial clearing, excavation, dredging and construction with permission of the PSC prior to receiving Certificate. Applicant proceeds at its own risk.



# Siting Act

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To receive a Certificate, the PSC must find:

1. Need for the facility.
2. Nature of the probable environmental impact.
3. Environmental impact is justified.
4. Facilities will serve the interests of system economy & reliability.
5. Facility will conform to State and local laws & regulations.
  - Commission may refuse to apply any local law or local regulation if it finds that such law or regulation is unreasonably restrictive.
6. Public convenience & necessity require the construction.



# Siting

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- That concludes an overview of the SC Siting Act that applies to electricity generation and facilities.
- Now, let's look at states that do have a petroleum/hazardous liquids siting law.



# Southeastern Petroleum Pipeline Siting

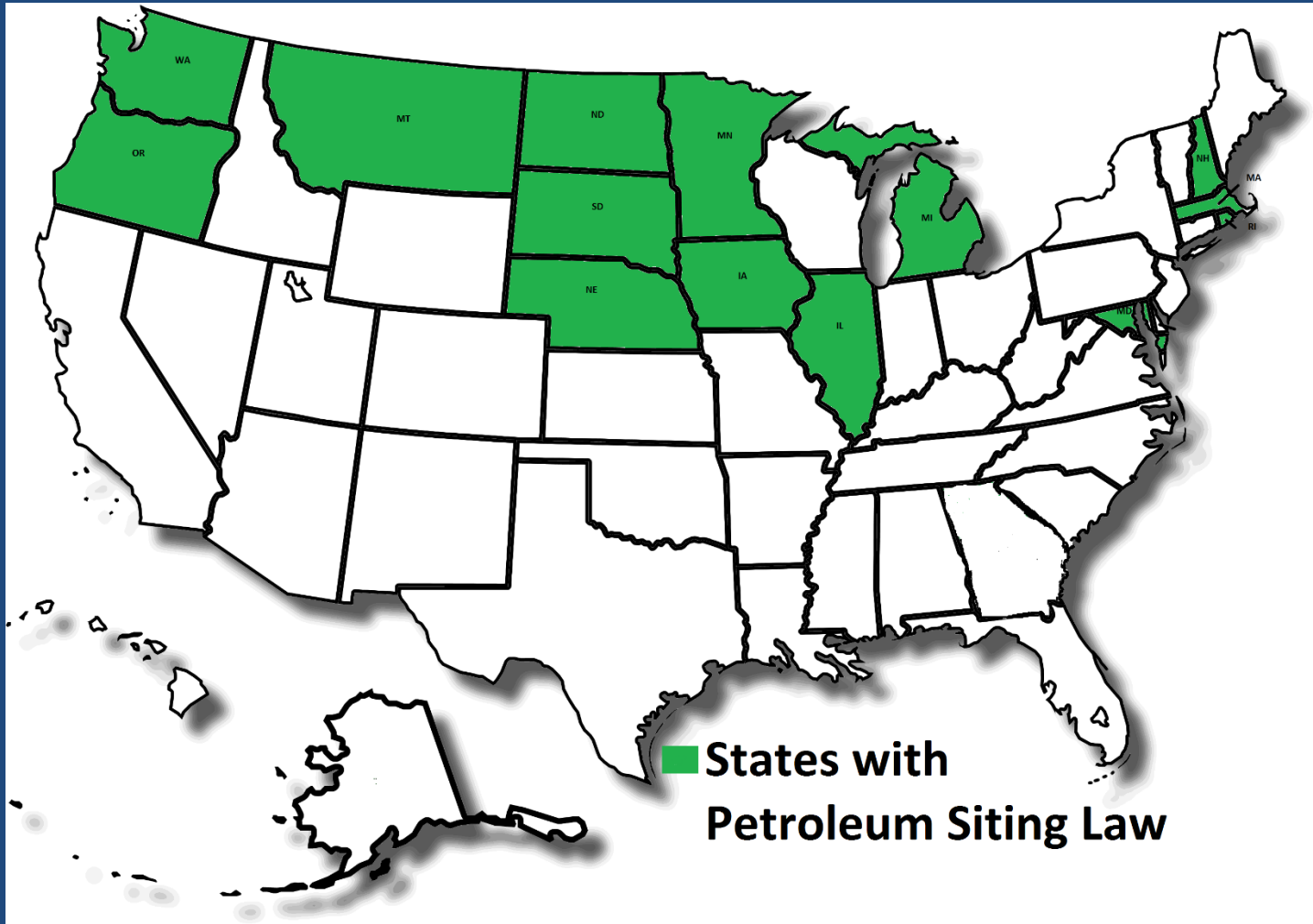
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No Southeastern State has a  
Petroleum Siting Law.

Georgia has Eminent Domain  
Moratorium through June 30, 2017



# Petroleum Pipeline Siting Law in 14 States



# Petroleum Pipeline Siting Considerations

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1. Notice
2. Public Input and Participation
3. Decision Maker
4. Timeline for Decisions
5. Benefits to the State
6. Eminent Domain vs. Certificate Approval
7. Detailed Maps of Routes
8. Deviations from Routes
9. Reporting During and After Construction
10. Filing Fees/Administrative Costs



# Questions?

Much Appreciation to the Pipeline Safety Trust's 2014 Edition of  
*"Local Government Guide to Pipelines,"*

<http://pstrust.org/wp-content/uploads/2013/10/PST-Govt-Guide-Pipelines-2014-web.pdf>

