

**Comparison of Rulemaking Requirements in RSA 162-H:10-b with Criteria and Procedures Established in Site 300,
FERC and DOT Regulations***
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Statutory Requirement	Current Rule Citation	Federal Regulation	Proposed Rule Citation
<p>RSA 162-H:10-b, I—It is in the public interest for the SEC to establish criteria and standards for the siting of high pressure gas pipelines to ensure that the potential benefits are considered and unreasonable adverse effects are avoided. When establishing any criteria, standard, or rule or when specifying the type of information that an applicant shall provide, the SEC shall rely upon the best available evidence.</p>	<p>Site 301.03(a)-(d), specifies the information required to be submitted in an application for all energy facilities. Site 301.03(e)(1)-(7), specifies the information required to be submitted for an energy facility, including an energy transmission pipeline that is not an electric generation facility or an electric transmission line. Specifically, Site 301.03(e)(7) requires that for a pipeline, the applicant must provide the location of each compressor station, pumping station, storage facility, other ancillary facilities, and the corridor width in the case of a proposed new route or widening along an existing route. Site 301.14(a)-(f), establishes the criteria that the committee shall consider relative to findings of unreasonable adverse effects. Site 301.16(a)-(j), establish the criteria that the committee will use to determine whether a proposed energy facility will serve the public interest.</p>	<p>18 CFR 380.04(a), requires that the proposal for an energy project contain an environmental report. Specific criteria for natural gas pipelines are contained in 18 CFR 380.12 and App. A. Environmental reports for Natural Gas Act applications require 13 resource reports, 3 of which do not apply to new natural gas pipelines. See Attachment A. 18 CFR 380.15 contains siting and maintenance requirements.</p>	<p>Amendments to Site 301.03(e)(6) would require information on blowdown emissions, and amendments to Site 301.03(e)(7) would require that the application contain the length of the pipeline. New subsections Site 301.03(e)(8)-(12) would require the applicant to provide additional information regarding construction, operation, and maintenance, as well as a copy of the FERC application and environmental report.</p>

*FERC regulations are in title 18, and DOT regulations are in title 49, of the Code of Federal Regulations (CFR).

Statutory Requirement	Rule Citation	Federal Regulation	Proposed Rule Citation
<p>RSA 162-H:10-b, II—For the adoption of rules, the SEC shall address the following:</p> <p>(a) Impacts to natural, scenic, recreational, visual, and cultural resources;</p>	<p>Site 301.05, requires each application to provide specific information regarding the effects of the proposed facility on aesthetics that includes: a visual impact assessment; the impact on the scenic resources; and a description of the historic and cultural features of the landscape. Site 301.06, requires the applicant to identify the effects on historical sites and the potential archaeological sensitivity located in the area of potential effects. See also Site 301.07 (discussed below).</p>	<p>18 CFR 380.15(a), (e)(2) require that the siting, construction, and maintenance of facilities be undertaken in a way that avoids or minimizes effects on scenic, historic, wildlife, and recreational values. Resource Report 8 (18 CFR 380.12(j)(8)-(9)) requires the applicant to describe the impact the project will have on uses of the affected area, including commercial uses, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features, and any proposed mitigation measures. Resource Report 4 (18 CFR 380.12(f)) requires the application to include documentation of cultural resources. See Attachment A, Resource Report 8 and Resource Report 4, for a complete list of all impacts the applicant must consider.</p>	<p>No changes proposed. Existing requirements in Site 301.05 and 301.06, together with the requirements of 18 CFR 380.12, are extensive and meet the statutory requirement.</p>

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<p>(b) Health and safety impacts, including but not limited to, proximity to high pressure gas pipelines that could be mitigated by appropriate setbacks from any high pressure gas pipeline;</p>	<p>Site 301.08(c)(1)-(5), requires each application to provide specific information regarding the effects on public health and safety that includes: an assessment of operational sound; a decommissioning plan; a fire safety plan; an emergency response plan; and a description of any additional measures taken or planned, to avoid, minimize, or mitigate public health and safety impacts that would result from the construction and operation of the proposed facility, and the alternative measures considered but rejected by the applicant. Site 301.14(f)(1), specifies the criteria the committee will use to determine whether a proposed energy facility will have an unreasonable adverse effect on public health and safety. Site 301.17(g), provides that the committee can include conditions that the facility be sited subject to setbacks or operate with designated safety zones in order to avoid, mitigate, or minimize potential adverse effects on public health and safety.</p>	<p>18 CFR 380.12(j)(8) requires the applicant to describe the project’s impact on health and safety. 18 CFR 380.15(d) affirms that the applicant is obligated to comply with DOT’s safety rules and recognized safe engineering practices. 49 CFR 192 establishes minimum safety standards for natural gas pipelines. These standards cover pipeline design, the design of pipeline components, welding, general construction requirements, operation of the pipelines, including emergency plans and public awareness, and maintenance of the pipelines. See Attachment B for the Table of Contents for 49 CFR 192.</p>	<p>New Site 301.08(c) would require each application to include a Comprehensive Health Impact Assessment (CHIA), a sound and vibration study, a description of planned setbacks from nearby landowner buildings and electric transmission lines and why these are sufficient to protect public health, and a description of outdoor lighting at any compressor station such that there is no light “trespass.”</p> <p>Insert a new subsection (c) for pipelines, renumbering the existing subsection (c) as (d).</p>

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<p>(c) Project-related sound and vibration impact assessment prepared in accordance with professional standards by an expert in the field;</p>	<p>Site 301.08(c)(1), requires each application to provide an assessment of operational sound associated with the proposed facility.</p>	<p>18 CFR 380.12(c)(4) - For new or expanded compressor stations, maps and plot plans must identify the location of the nearest noise-sensitive areas (schools, hospitals, or residences) within 1 mile of the compressor station, existing and proposed compressor and auxiliary buildings, access roads, and the limits of areas that would be permanently disturbed. 18 CFR 380.12(k) requires that the requirements in Resource Report 9 must be included in applications involving compressor stations. This includes identifying the effects of the project on the existing air quality and noise environment and a description of the proposed measures to mitigate the effects. See Attachment A. 18 CFR 380.15(g) provides that noise potential should be considered in locating compressor stations or other aboveground facilities.</p>	<p>New Site 301.08(c)(2) would require a sound and vibration impact study of the entire project, not just the compressor station as required by FERC. New Site 301.14(f)(5) would require that sound not exceed a day- night sound level (Ldn) of 55 dBA at any pre-existing noise-sensitive area (such as schools, hospitals, or residences) for interstate pipelines. Further provides that a compressor station shall not result in a perceptible increase in vibration at any noise-sensitive area. These requirements are consistent with 18 CFR 380.12. Intrastate pipelines would be required to meet the same sound standards as wind energy systems. Also requires pipelines to be constructed in accordance with Class 4, high consequence area standards.</p>

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(d) Impacts to the environment, air and water quality, plants, animals, and natural communities;	Site 301.07(a)-(c) , requires each application to provide specific information regarding the effects of, and plans for avoiding, minimizing or mitigating potential adverse effects of, the proposed facility on air and water quality, and the natural environment, including: identification of fish and wildlife species; rare plants; rare natural communities; exemplary natural communities; wildlife habitat; and significant habitat resources. Site 301.14(c)-(e) , specifies the criteria the committee will use to determine whether a proposed facility will have an unreasonable adverse effect on air quality, water quality and the natural environment.	18 CFR 380 is entitled “Regulations Implementing the National Environmental Policy Act.” Part 380 describes the environmental report that the applicant must submit, as well as any other information that FERC deems necessary, so that FERC can prepare an Environmental Assessment and, if necessary, an Environmental Impact Statement. The information required for natural gas pipeline applications is found in 18 CFR 380.12 and is provided in Appendix A .	No changes proposed. Existing requirements in Site 301.07 and 301.14 , together with the requirements of 18 CFR 380 , are extensive and meet the statutory requirement.
(e) Site fire protection plan requirements;	Site 301.08(c)(3) , requires each application to provide a plan for fire safety prepared by or in consultation with a fire safety expert. Site 301.08(c)(4) , requires each application to provide a plan for emergency response to the proposed facility site.	49 CFR 192.167 requires each compressor station to have an emergency shutdown system for gas fires. 49 CFR 192.171 requires that each compressor station have adequate fire protection facilities. 49 CFR 192.615 requires a pipeline operator to have a written plan to minimize the hazards of a pipeline emergency. 49 CFR 192.751 requires each operator to take steps to minimize the danger of the accidental ignition of gas.	No changes proposed. Existing requirements in Site 301.08 , together with the requirements of 49 CFR 192 , are extensive and meet the statutory requirement.

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(f) Best practical measures to ensure quality construction that minimizes safety issues;	Site 301.04(b) , requires that each application include technical information, including: the applicant’s qualifications in constructing and operating similar projects; and the experience of any contractors or consultants engaged or to be engaged by the applicant to provide technical support for the construction or operation of the proposed facility. Site 301.13 contains criteria to be used in determining if the applicant has the necessary financial, managerial and financial capability.	49 CFR 192, Subpart G , contains general construction requirements for pipelines. In addition, other subparts prescribe standards for pipeline design, components, materials, welding, and corrosion control. 49 CFR 192.317 requires each operator to take all practicable steps to protect each transmission line or main from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads. See Appendix B	New Site 301.14(f)(5)e. would require compliance with the construction and safety rules of PUC 506 and PUC 508.
(g) Best practical measures to avoid, minimize, or mitigate adverse effects; and	Site 301.05-Site 301.08 , require each application to include information on plans for avoiding, minimizing, or mitigating potential adverse effects of the proposed facility on aesthetics, historic sites, the environment, and public health and safety. Site 301.14(a)-(g) , establishes the criteria that the committee shall consider relative to findings of unreasonable adverse effects.	18 CFR 380.12(j)(1)-(12) (Resource Report 8) require each application to describe proposed mitigation measures, including the protection and enhancement of existing land use as it relates to a number of different. Resource Report 10 requires that each application must also describe alternatives to the project and compare the environmental impacts of such alternatives to those of the proposal.	In addition to the existing requirements in Site 301.05-Site 301.08, Site 301.14 , and the requirements of 18 CFR 380.12 , proposed Site 301.14(f)(6) would require the SEC to consider the results of the CHIA study, the proximity of electric transmission lines to the pipeline, and the proximity of any compressor station to schools, hospitals, residences, and farms, and the effectiveness of measures undertaken or planned to avoid, minimize, or mitigate potential adverse effects resulting from the project, and the extent to which such measures represent best practical measures.

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<p>(h) Criteria to maintain property owners' ability to use and enjoy their property.</p>	<p>Site 301.09(a)-(c), requires each application to provide specific information on orderly development of the region, including: land use; the economy; the effect on economic activity; the effect on State and tax revenues; the effect on real estate values; the effect on tourism and recreation; employment in the region; and the effect on community services and infrastructure. Site 301.16(c), requires the SEC to consider private property when determining whether the energy facility will serve the public interest.</p>	<p>18 CFR 380.12 requires each application to describe how residential property, including for example, fences, driveways, stone walls, sidewalks, water supply, and septic systems, would be restored, and to describe compensation plans for temporary and permanent rights-of-way and the eminent domain process for the affected areas. The application must describe measures proposed to mitigate the aesthetic impact of the facilities especially for aboveground facilities such as compressor or meter stations. In addition, the application must identify the cumulative effects resulting from existing or reasonably foreseeable projects.</p>	<p>In addition to the existing requirements in Site 301.09 and Site 301.16(c), and the requirements of 18 CFR 380.12, proposed Site 301.08(c)(4) and Site 301.14(f)(5)c. would require the applicant to describe the exterior lighting at any compressor station, which would not be allowed to leave the compressor station property. Proposed Site 301.03(e)(10) would require a description of measures to be taken by the applicant to notify adjacent landowners and to minimize sound during blowdown events at pipelines and compressor stations.</p>