

House File 704 - Introduced

HOUSE FILE 704

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 238)

A BILL FOR

1 An Act providing for the transportation of biogas using a
2 gathering line system constructed within a secondary road
3 right-of-way, providing fees, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 306E.1 **Finding and declaration.**

2 The state of Iowa finds and declares that the establishment
3 and expansion of the biogas and renewable natural gas industry
4 promises to be a vital part of Iowa's future economy.

5 Sec. 2. NEW SECTION. 306E.2 **Definitions.**

6 As used in this chapter, unless the context otherwise
7 requires:

8 1. "*Anaerobic digester system*" means the same as defined in
9 section 459.102.

10 2. "*Construct*" means to install, expand, maintain, or
11 repair.

12 3. "*Gathering line system*" or "*system*" means those gathering
13 lines, as defined in 49 C.F.R. §192.3, that operate at or
14 under one hundred twenty-five pounds per square inch gauge and
15 that transport biogas from an anaerobic digester system to a
16 facility for further processing to produce renewable natural
17 gas.

18 4. a. "*Owner or operator*", except as provided in paragraph
19 "b", means a person that owns or operates a gathering line
20 system.

21 b. "*Owner or operator*" does not mean a person owning or
22 operating a public utility, as defined in section 476.1.

23 5. "*Secondary road right-of-way*" means a public road
24 right-of-way the possession of which is secured or reserved by
25 a county as part of the county's jurisdiction over a secondary
26 road.

27 Sec. 3. NEW SECTION. 306E.3 **Construction requirements.**

28 Prior to constructing a gathering line system to be located
29 in a secondary road right-of-way, an owner or operator shall
30 comply with all of the following:

31 1. Any permitting requirements of, including the payment
32 of any applicable fees to, the county which has secured
33 or reserved the right to possession of the secondary road
34 right-of-way, as necessary to construct the gathering line
35 system. As part of a county permitting process, a county may

1 require the owner or operator to send a written notice of the
2 construction to the last known address of each present owner of
3 the secondary road right-of-way where the gathering line system
4 will be constructed.

5 2. Applicable requirements of chapter 480.

6 Sec. 4. NEW SECTION. 306E.4 Construction and operation.

7 An owner or operator complying with the requirements
8 of section 306E.3 may construct and operate a gathering
9 line system in a secondary road right-of-way. The owner or
10 operator shall not construct or operate the system in a manner
11 that causes permanent interference with the public use of a
12 secondary road or secondary road right-of-way.

13 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
14 importance, takes effect upon enactment.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 GENERAL. This bill declares that the establishment and
19 expansion of a biogas and renewable natural gas industry
20 in this state promises to be a vital part of Iowa's future
21 economy (new Code section 306E.1). The bill regulates the
22 transportation of biogas from an anaerobic digester system
23 (ADS) to a processing facility for the production of renewable
24 natural gas.

25 TERMINOLOGY. An ADS is connected to a confinement feeding
26 operation housing livestock that stores liquid manure on
27 site using a storage structure (Code section 459.206). The
28 ADS processes liquid manure by utilizing bacteria to break
29 down organic matter in the absence of oxygen for purposes
30 of producing, collecting, and transporting biogas (Code
31 section 459.102). A gathering line as a type of pipeline
32 used to transport gas from its point of production to another
33 facility for processing (i.e., refinement). The bill defines a
34 "gathering line system" (GLS) as gathering lines of a certain
35 capacity used to transport biogas from an ADS to a facility

1 used to produce natural gas (new Code section 306E.2). The
2 bill allows the owner or operator of a GLS to install, expand,
3 maintain, or repair (construct) or operate a GLS within the
4 public road right-of-way of a secondary road possessed by a
5 county (secondary road right-of-way) (Code section 306.4). An
6 owner or operator of a GLS does not include a public utility
7 (regulated under Code chapter 476).

8 AUTHORIZATION TO CONSTRUCT GATHERING LINE SYSTEMS WITHIN A
9 SECONDARY ROAD RIGHT-OF-WAY — REQUIREMENTS. The bill requires
10 the owner or operator to comply with certain requirements prior
11 to constructing or operating the GLS within a secondary road
12 right-of-way (new Code section 306E.3). The owner or operator
13 must comply with any permitting requirements of, including
14 the payment of any applicable fees to, the county possessing
15 the secondary road right-of-way. In addition, the county may
16 require the owner or operator to send a written notice of
17 the construction to the last-known address of the owner of
18 the secondary road right-of-way. The owner or operator must
19 also notify the statewide notification center of any planned
20 excavation (Code chapter 480). Finally, the owner or operator
21 cannot construct or operate a GLS in a manner that causes
22 permanent interference with public use of the secondary road or
23 secondary road right-of-way (new Code section 306E.4).

24 The bill takes effect upon enactment.