

Easement FAQ

Operations

How deep will the pipe be buried?

The standard depth is 4 feet to the top of the pipeline.

What is the size of the pipe?

The size of the pipe will vary dependent on a number of factors, including pressure and the product carried in the line. This should be identified on the summary page of the easement agreement. Generally, low pressure poly will range from 8-20" in diameter, and steel will range from 6-20" in diameter.

How thick is the pipe?

The wall thickness of a pipeline will vary, depending on the diameter of the pipeline. This should be identified on the summary page of the easement agreement.

For poly used to transport natural gas or natural gas liquids:

6" diameter = .491" thickness

10" diameter = .769" thickness

14" diameter = 1.037" thickness

For steel used to transport natural gas or natural gas liquids:

If laid pipeline, the wall thickness would be approximately .250".

If bored pipeline, the wall thickness would be approximately .375".

What pressure is the product under?

This should be identified on the summary page of the easement agreement.

Natural gas or natural gas liquids in a poly pipeline will typically range from 30-80 psi.

Natural gas or natural gas liquids in a steel pipeline will typically range from 800-1440 psi.

What product is going through the pipelines?

This will vary and should be identified on the summary page of the easement agreement.

Who do we call in case of an emergency?

In all emergency situations, please remain a safe distance away from the pipeline and contact the operating company's 24 hour emergency number posted on the pipeline marker or the damage prevention information supplied to the landowner on an annual basis.

How many pipelines and trenches are included in the right of way?

The number of pipelines or trenches included within a right of way is dependent on the agreement. This should be identified on the summary page of the easement agreement.

Typically, easements are negotiated for a single line, although some agreements are negotiated for multiple lines in corridor or high volume areas.

Can other pipelines be built in the same easement?

If the easement agreement is for multiple pipelines, yes. If the agreement is for a single line, the company will need to renegotiate the original easement or negotiate a new easement to lay additional lines within the existing right of way.

What is the procedure if more pipelines or larger pipes are to be installed later?

The procedures for installing more pipelines or larger pipelines at a later date from the signing of the easement will be governed by the terms of the easement as determined at the time of signature.

Reclamation

Is the pipeline company required to remove the line after it is no longer in service and clean up my property?

At the time of abandonment of a pipeline, the requirement of the company to remove or to purge and leave the line in place is governed by the terms of the easement agreement determined at signing. Common practice is to purge and leave the line in place as the removal of the line causes additional disruption to the land.

To what standards does the company have to reclaim the land?

The reclamation standards are determined during the negotiation of the easement agreement, but most standard agreement language defines performance as “to like condition prior to entering property”.

How do I remove the easement once the pipeline is abandoned?

If the easement has expired under the terms established at signing, the landowner may request a release from the operating company which would result in a title action to remove the easement.

Regulation

Who has jurisdiction over the pipeline?

This will vary dependent on the type of pipeline and type of product carried within the pipeline. Below is general explanation of pipeline regulatory jurisdiction in North Dakota:

		Hazardous Liquids			Natural Gas		
		Construction	Safety	Emergency Response	Construction	Safety	Emergency Response
Interstate (crosses state borders)	Gathering	IC*	IC*	EPA DOH*	IC*	IC*	EPA DOH*
	Transmission	PSC*	PHMSA	EPA DOH*	FERC	PHMSA	EPA DOH*
Intrastate (within North Dakota)	Gathering	IC	IC	EPA DOH	IC	IC	EPA DOH
	Transmission	PSC	PHMSA	EPA DOH	PSC	PSC	EPA DOH
	Distribution	N/A	N/A	N/A	PSC	PSC	EPA DOH

*North Dakota portion only

DOH: North Dakota Department of Health
 EPA: Environmental Protection Agency
 FERC: Federal Energy Regulatory Commission
 IC: North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division
 PHMSA: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety
 PSC: North Dakota Public Service Commission

Source: North Dakota Water, Special Edition 2014

What are the federal, state and local rules regulating the pipeline?

This will vary dependent on the type of pipeline and type of product carried within the pipeline. For more information on rules regulating pipelines, please see the summary prepared by the North Dakota Legislative Management for the Interim Energy Development and Transmission Committee (3/4/14):

<http://www.legis.nd.gov/files/resource/committee-memorandum/15.9191.02000.pdf>

What are the rules for construction, mitigation and reclamation?

This will vary dependent on the type of pipeline and type of product carried within the pipeline. Many operating companies construct all poly and steel pipelines per federal Department of Transportation regulation 192 to ensure the line meets all federal standards, should the line ever become regulated.