

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1817 Session of  
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INTRODUCED BY SCHRODER, CREIGHTON, DENLINGER, GROVE, KORTZ,  
McILVAINE SMITH, MILNE AND MURT, JULY 1, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 1, 2009

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the Mid-  
2 Atlantic Area Natural Gas Corridor Compact; providing for the  
3 form of the compact; imposing additional powers and duties on  
4 the Governor and the Secretary of the Commonwealth; and  
5 making an appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Mid-Atlantic  
10 Area Natural Gas Corridor Compact Act.

11 Section 2. Execution of compact.

12 The Governor of Pennsylvania, on behalf of this Commonwealth,  
13 is authorized to and shall execute the Mid-Atlantic Area Natural  
14 Gas Corridor Compact, hereinafter referred to as the "compact,"  
15 with two or more of the party states. The General Assembly  
16 signifies in advance its approval and ratification of the  
17 compact and the compact is hereby adopted and entered into with  
18 all states joining therein. The compact shall be in  
19 substantially the following form:

Mid-Atlantic Area Natural Gas Corridor Compact

1 Article I

2 Statement of Purpose

3 Section 1. Purpose of compact.

4 The purpose of this compact is to promote regional  
5 cooperation in the location, approval and construction of cross-  
6 borders natural gas pipelines in the Mid-Atlantic region of the  
7 United States by the development of a regional pipeline siting  
8 council to facilitate the siting of cross-borders natural gas  
9 pipelines within the compact states and to perform the  
10 interstate pipeline siting responsibilities of such states.

11 Article II

12 Definitions

13 Section 1. Definitions.

14 For the purpose of this compact and of any supplemental or  
15 concurring legislation enacted pursuant hereto, the following  
16 words and phrases shall have the meanings given to them in this  
17 section, except as may be otherwise required by the context:

18 "Affected Federal agency." The United States Department of  
19 Energy, the Federal Energy Regulatory Commission, and the United  
20 States Environmental Protection Agency and any other agency of  
21 the United States Government affected by the Natural Gas Act of  
22 1938.

23 "Associated facilities." Facilities essential to the  
24 transport of natural gas through interstate commerce, including,  
25 but not limited to, pipelines, substations and terminals.

26 "Compact." The Mid-Atlantic Area Natural Gas Corridor  
27 Compact established pursuant to this act.

28 "Council." The Mid-Atlantic Area States Council as  
29 established in this compact.

30 "Cross-borders natural gas pipeline." A proposed interstate

1 natural gas pipeline and any associated facilities.

2 "Distribution corridor." A geographic area proposed for the  
3 location, construction and operation of one or more cross-  
4 borders natural gas pipelines.

5 "DOE." The United States Department of Energy.

6 "Eligible state." Any state contiguous to a party state that  
7 elects to become a signatory to this compact.

8 "FERC." The Federal Energy Regulatory Commission.

9 "Federal acts." Any applicable requirement of:

10 (1) The National Forest Management Act of 1976 (Public  
11 Law 94-588, 16 U.S.C. § 472a et seq.).

12 (2) The Endangered Species Act of 1973 (Public Law  
13 93-205, 16 U.S.C. § 1531 et seq.).

14 (3) The Federal Water Pollution Control Act (62 Stat.  
15 1155, 33 U.S.C. § 1251 et seq.).

16 (4) The National Environmental Policy Act of 1969  
17 (Public Law 91-190, 42 U.S.C. § 4321 et seq.).

18 (5) The Federal Land Policy and Management Act of 1976  
19 (Public Law 94-579, 43 U.S.C. § 1701 et seq.).

20 (6) The Natural Gas Act (52 Stat. 821, 15 U.S.C. § 717  
21 et seq.).

22 "Indian tribe." Any Indian or Alaska Native tribe, band,  
23 nation, pueblo, village or community that the Secretary of the  
24 United States Department of the Interior acknowledges to exist  
25 as an Indian tribe.

26 "Interested party." The term shall include the governmental  
27 bodies of any political subdivision of a party state, state  
28 agencies of a party state, Indian tribes domiciled within the  
29 party states and persons residing or owning property in each  
30 such party state through which a distribution corridor or

1 natural gas pipeline is proposed.

2 "Natural gas." Gas issuing from the earth's crust through  
3 natural openings or bored wells and which is typically a  
4 combustible mixture of methane and other hydrocarbons used  
5 chiefly as a fuel and raw material. The term includes both  
6 compressed and liquefied forms of natural gas.

7 "Natural gas pipeline." A pipeline used for the  
8 transportation, distribution, and/or sale of natural gas in  
9 interstate commerce.

10 "Party state" or "compact state." Any states situated within  
11 the mid-Atlantic area national corridor that are signatories of  
12 this compact and any eligible state.

13 "Political subdivision." Any county, city, borough,  
14 incorporated town, township or any equivalent unit of local  
15 government of a party state.

16 "Secretary." The Secretary of the United States Department  
17 of Energy.

### 18 Article III

#### 19 Mid-Atlantic Area States Council

#### 20 and Compact Administrators

21 Section 3.1. Establishment of council.

22 (1) There is hereby established a council to be known as  
23 the Mid-Atlantic Area States Council, which shall be a body  
24 politic and corporate, with succession for the duration of  
25 this compact, as an agency and instrumentality of the  
26 governments of the party states that are signatories of this  
27 compact.

28 (2) The Council shall consist of persons holding  
29 similarly situated positions in party states. If no such  
30 persons in similarly situated positions exist in a party

1 state, the Governor of that state, or Mayor as in the case of  
2 the District of Columbia, shall appoint an individual with  
3 expertise related to the field for which there is no  
4 similarly situated person. Members of the council shall be:

5 (i) The Secretary of Environmental Protection, or a  
6 designee.

7 (ii) The Secretary of Conservation and Natural  
8 Resources, or a designee.

9 (iii) The chairman of the utility commission or  
10 public service commission, or a designee.

11 (iv) One representative from county conservation  
12 districts appointed by the State Conservation Commission.

13 (v) Three representatives from local government,  
14 whereby one shall be selected by the Pennsylvania State  
15 Association of Boroughs, one shall be selected by the  
16 Pennsylvania State Association of Township Supervisors,  
17 and one shall be selected by the County Commissioners  
18 Association of Pennsylvania.

19 (vi) One representative of the housing industry  
20 chosen by the Pennsylvania Builders Association.

21 (vii) One representative selected by The  
22 Pennsylvania Chamber of Business and Industry.

23 (viii) The Chairman of the Environmental Resources  
24 and Energy Committee of the House of Representatives.

25 (ix) The minority Chairman of the Environmental  
26 Resources and Energy Committee of the House of  
27 Representatives.

28 (x) The Chairman of the Environmental Resources and  
29 Energy Committee of the Senate.

30 (xi) The minority Chairman of the Environmental

1 Resources and Energy Committee of the Senate.

2 (3) If no such persons in similarly situated positions  
3 exist in a party state, the Governor of that state, or Mayor  
4 as in the case of the District of Columbia, shall appoint two  
5 individuals with expertise in energy policy as it relates to  
6 protection of the environment, conservation and natural  
7 resources and land use as that state's representatives on the  
8 council, provided, however, that a person so appointed shall  
9 not have any pecuniary interest in any corporation, natural  
10 gas utility or other person operating or interested in  
11 establishing a cross-borders natural gas pipeline in a party  
12 state or in any affiliate, intermediary, subsidiary or  
13 holding company of such corporation, natural gas utility or  
14 other person.

15 (4) The council shall elect annually from among its  
16 members a chairperson, a vice-chairperson and a treasurer  
17 whose offices shall rotate annually among the party states,  
18 with such powers and duties as the council shall in its  
19 bylaws prescribe. At no time shall any such office be held by  
20 council members from the same party states.

21 (5) A member of the council may designate a deputy or  
22 assistant to act in the place of such member, with full  
23 authority to attend meetings of the council and with power to  
24 discharge the duties and functions of such member either for  
25 the duration of membership of the appointing member or for  
26 any lesser time, unless otherwise provided by law of the  
27 party state of such member. A designee so appointed shall  
28 serve only at the direction and during the term of the  
29 appointing member and shall be subject to removal at the  
30 pleasure of such appointing member.

1           (6) The council shall appoint an executive director who  
2 shall serve at the pleasure of the council and who shall have  
3 such powers and duties as the council shall in its bylaws  
4 impose. The executive director shall serve as secretary of  
5 the council and, together with the treasurer, shall be bonded  
6 in such amounts as the council may in its bylaws require. The  
7 executive director, on behalf of, as trustee for, and with  
8 approval of the council as its bylaws shall require, may  
9 borrow, accept or contract for the services of personnel from  
10 any party state, any other state government or any political  
11 subdivision or agency thereof, from any intergovernmental  
12 agency, or from any institution, person, firm or corporation,  
13 and may accept for any of the council's purposes and  
14 functions under this compact any and all donations, gifts and  
15 grants of money, equipment, supplies, materials and services  
16 from any party state, any other government or political  
17 subdivision or agency thereof, or intergovernmental agency,  
18 or from any institution, person, firm or corporation, and may  
19 receive and utilize the same.

20           (7) The council may, without regard to the civil service  
21 or other laws of any party state relative to public officers  
22 and employees, create and abolish offices, employment and  
23 positions as it deems necessary for the purposes of the  
24 council, affix and provide for the duties, conditions for  
25 employment, qualifications, appointment, removal, term,  
26 compensation and other rights and benefits of the council's  
27 officers and employees. The council shall appoint the  
28 principal officers of the council and allocate among them  
29 administrative functions, powers and duties necessary to  
30 carry out its purposes under this compact.

1           (8) The council may maintain one or more offices for the  
2 transaction of its business and shall meet as often as it  
3 requires at such time and place as it shall determine. Each  
4 council member shall be reimbursed for travel expenses in  
5 accordance with the laws, regulations or policies of the  
6 council member's party state.

7           (9) The organizational meeting of the council shall be  
8 held within six months of the effective date of this compact.

9 Section 3.2. Council bylaws.

10           (1) The council shall adopt bylaws for the conduct of  
11 its business by a two-thirds vote and shall have the power by  
12 the same vote to amend and rescind its bylaws. The council  
13 shall publish its bylaws in convenient form with the  
14 Secretary of the Commonwealth or, in the case of other party  
15 states, with the appropriate agency or officer of each  
16 participating party state. The bylaws shall, among other  
17 things, provide for the powers and duties of the executive  
18 director of the council and for adequate notice to the  
19 council members and the general public of all meetings and  
20 hearings, and of the business to be transacted at such  
21 meetings and hearings of the council. Adequate notice of all  
22 meetings and hearings of the council shall be provided to the  
23 public and to other agencies and officers of party states in  
24 accordance with the laws and regulations of such states or in  
25 accordance with the requirements of this compact.

26           (2) The council shall have a seal.

27 Section 3.3. Voting.

28           (1) Each party state shall be entitled to one vote in  
29 the conduct of the business of the council.

30           (2) All actions taken by the council, except for actions

1 to designate a distribution corridor and approve the location  
2 construction of a cross-borders natural gas pipeline proposed  
3 to be sited in party states, shall be by majority vote of the  
4 members present.

5 (3) Any actions of the council to designate a  
6 distribution corridor or approve the location and  
7 construction of a cross-borders natural gas pipeline proposed  
8 to be sited in party states shall require an affirmative vote  
9 by two-thirds of all members of the council in whose states  
10 the distribution corridor is proposed to be designated or a  
11 cross-borders natural gas pipeline is proposed to be located  
12 and constructed.

13 (4) Except as provided in paragraph (3), no action of  
14 the council shall be binding unless taken at a meeting at  
15 which a majority of all party states are represented and  
16 unless a majority of the total number of votes are cast in  
17 favor thereof.

18 (5) In addition to the powers and duties elsewhere  
19 prescribed in this compact, the council shall have the power  
20 to make and enforce rules and regulations as it deems  
21 necessary to implement the provisions of this compact or to  
22 effectuate in any other respect the purposes of this compact.

23 Section 3.4. Compact administrators.

24 (1) The chairman of each party state's public utility  
25 commission or public service commission, as the case may be,  
26 or the person holding an equivalent position who is  
27 responsible for regulating natural gas utilities in each such  
28 party state shall act as compact administrator for that  
29 state. The compact administrator shall consult with like  
30 officials of the party states, and shall foster cooperation

1 between such states in the designation of distribution  
2 corridors and the location and construction of any cross-  
3 borders natural gas pipelines.

4 (2) The compact administrators and other members of the  
5 council shall organize to negotiate and establish a regional  
6 process to be adopted by the party states for the designation  
7 a distribution corridor or approval, location and  
8 construction of cross-borders natural gas pipeline in  
9 accordance with the requirements of this compact.

10 (3) In negotiating the terms of the compact, the compact  
11 administrators shall assure that the compact incorporates  
12 procedures to ensure appropriate adjudicative proceedings,  
13 mitigate environmental impacts and ensure that the compact is  
14 in the public interest of the party states.

#### 15 Article IV

#### 16 Powers and Duties of Council

#### 17 Section 4.1. Powers and duties.

18 (1) The council shall, after notice and public hearings,  
19 develop, negotiate and promulgate rules and regulations  
20 establishing a regional process to govern the designation of  
21 a distribution corridor and approval, location and  
22 construction of cross-borders natural gas pipelines.

23 (2) To carry out its powers and duties under this  
24 compact, it shall be the further duty of the council to:

25 (i) Conduct and prepare, independently or in  
26 cooperation with academia, energy economists and other  
27 energy experts and analysts or other persons as  
28 determined by the council, studies, investigations,  
29 research and programs relating to all aspects of the site  
30 selection of cross-borders natural gas pipelines.

1           (ii) Adopt standards, rules and regulations to  
2 perform its functions and enforce the terms of this  
3 compact, including standards, rules and regulations to  
4 govern the location and construction of cross-borders  
5 natural gas pipelines.

6           (iii) Exercise any authority consistent with this  
7 compact authorized by Congress under Federal law.

8           (iv) Advise, consult and encourage voluntary  
9 cooperation from other agencies of the party states and  
10 political subdivisions thereof, industries, other states,  
11 the Federal Government, interested parties and other  
12 persons in furtherance of its duties under this compact.

13           (v) Submit to the Governor of each party state an  
14 annual report covering the activities of the council for  
15 the preceding calendar year. The report shall be  
16 submitted on or before December 31 of each year, shall  
17 include such standards, rules, regulations and bylaws as  
18 may have been adopted by the council, and shall be  
19 transmitted to the Senate and the House of  
20 Representatives or State Assembly, as the case may be, of  
21 each party state. The council may issue such additional  
22 reports as it may deem necessary.

23           (vi) Conduct informational meetings and public  
24 hearings to disseminate information, receive comment or  
25 take testimony with respect to the designation of a  
26 distribution corridor or the location and construction of  
27 cross-borders natural gas pipelines.

28           (vii) Consider and present recommendations, policies  
29 and programs designed to facilitate the location and  
30 construction of cross-borders natural gas pipelines.

1           (viii) Recommend such changes in, or amendments or  
2 additions to, the laws, rules, regulations, policies or  
3 guidelines of the party states that, in the judgment of  
4 the council, may be appropriate.

5           (ix) Work with the DOE and FERC or any successor  
6 agency thereto, any other officer or agency of the United  
7 States and the party states and any other governmental  
8 unit or agency or officer thereof, and with any other  
9 persons, entities or agencies, including energy or power  
10 authorities, in matters related to the approval, location  
11 and construction of cross-borders natural gas pipelines.

12           (x) Advise and assist the Governor and the  
13 legislature of each party state with the development and  
14 implementation of policies and procedures relating to the  
15 designation of distribution corridors and the location  
16 and construction of cross-borders natural gas pipelines.

17           (xi) Require and receive from any agency of a party  
18 state, or any political subdivision thereof, assistance  
19 and data.

20           (xii) Compile, publish and distribute, with or  
21 without fee, any reports, bulletins, newsletters or other  
22 documents as it may deem appropriate.

23           (xiii) Work with stakeholders, affected Federal,  
24 state and local agencies, power or energy authorities and  
25 the public to study alternatives to cross-borders natural  
26 gas pipelines and distribution corridors.

27           (xiv) Designate a cross-borders natural gas  
28 distribution corridor or corridors on its own motion or  
29 by application of a person proposing to construct a  
30 cross-borders natural gas pipeline. The council's

1 designation of a distribution corridor shall serve to  
2 identify a feasible corridor where one or more future  
3 cross-borders natural gas pipelines may be located and  
4 constructed that are consistent with the needs of this  
5 Commonwealth and the party states.

6 (xv) Develop and adopt, in consultation with  
7 appropriate agencies of the party states, energy or power  
8 authorities, natural gas distribution companies, and  
9 consumers a strategic plan for the Mid-Atlantic region's  
10 natural gas needs. The strategic plan shall identify and  
11 recommend activities needed to ensure reliability, future  
12 growth, new natural gas wells, renewable resources, and  
13 energy efficiency. In developing the strategic plan, the  
14 council shall confer with state agencies and political  
15 subdivisions in the party states and Federal agencies to  
16 identify appropriate areas within their jurisdictions  
17 that may be suitable for a distribution corridor or  
18 natural gas pipeline.

19 (xvi) Coordinate, to the extent feasible, efforts to  
20 identify long-term natural gas needs of the party states  
21 with the land use plans of the party states, political  
22 subdivisions thereof and Federal agencies.

23 (xvii) Accept, review and approve or disapprove  
24 applications from persons proposing to locate and  
25 construct a cross-borders natural gas pipeline. The  
26 application shall be in the form required by the council  
27 and shall be accompanied by any supportive data and other  
28 information, including, but not limited to, the  
29 following:

30 (A) The name of the applicant, address of its

1 principal place of business and state or states in  
2 which it is incorporated to do business.

3 (B) A statement of need and general description  
4 of the proposed route. The general description shall  
5 not be a legal or metes and bounds description but  
6 shall include the proposed route of the cross-borders  
7 natural gas pipeline, including the number of route  
8 miles, the right-of-way width and the location of  
9 such facility within each political subdivision  
10 traversed.

11 (C) Supporting exhibits, such as maps, including  
12 topographic maps; a system map depicting in  
13 sufficient detail the location and volume of existing  
14 pipelines of the applicant and the location and  
15 volume of the proposed natural gas pipelines, aerial  
16 photographs and other engineering materials as the  
17 council shall by regulation prescribe.

18 (D) The names and addresses of known persons,  
19 Indian tribes, corporations, small businesses and  
20 other entities of record owning property within the  
21 proposed right-of-way, together with an indication of  
22 the rights-of-way acquired or the rights-of-way  
23 needed to be acquired by the applicant.

24 (E) A statement of the safety considerations,  
25 including public health and safety, that will be  
26 incorporated into the design, construction and  
27 maintenance of the proposed natural gas pipeline and  
28 require this statement to be submitted to all county  
29 and local government units where the proposed natural  
30 gas pipeline will be located.

1 (F) A description of any studies, including any  
2 third-party studies, that have been made or will be  
3 made concerning the projected environmental impact of  
4 the proposed cross-borders natural gas pipeline and  
5 of the efforts that have been or will be made to  
6 minimize the impact of the proposed natural gas  
7 pipeline on the environment, scenic rivers and  
8 waterways, including, but not limited to, impacts,  
9 where applicable, on land use, soil and  
10 sedimentation, plant and wildlife habitats, terrain,  
11 hydrology and landscape.

12 (G) A description of the efforts of the  
13 applicant to locate and identify archaeological,  
14 geologic, historic, scenic and wilderness areas of  
15 significance within two miles of the proposed right-  
16 of-way and the location and identity of areas  
17 discovered by the applicant, and of the efforts that  
18 have been or will be made to minimize the impact of  
19 the proposed natural gas pipeline on such areas.

20 (H) A description of the efforts of the  
21 applicant to locate and identify preserved land,  
22 farmland, land subject to agricultural conservation  
23 easements and other conservation easements, and of  
24 the efforts that have been or will be made to  
25 minimize the impact of the proposed natural gas  
26 pipeline on such areas.

27 (I) A description of rights-of-way obtained or  
28 to be obtained and efforts made to minimize the size  
29 of any rights-of-way.

30 (J) A description of any developed areas within

1 two miles of the proposed natural gas pipeline, the  
2 impacts of the proposed natural gas pipeline on these  
3 areas, the efforts made to avoid such areas, and the  
4 efforts that have been or will be made to minimize  
5 the impact of the proposed natural gas pipeline on  
6 such areas.

7 (K) A general description of reasonable  
8 alternative routes, including a description of the  
9 distribution corridor planning, methodology, a  
10 comparison of the merits and detriments of each  
11 route, and a statement of the reasons for selecting  
12 the proposed route.

13 (L) A list of local, state and Federal agencies  
14 that have requirements which must be satisfied in  
15 connection with the construction, maintenance and  
16 operation of the proposed cross-borders natural gas  
17 pipeline, and a list of all required documents which  
18 have been or will be filed with a local, state or  
19 Federal agency in connection with the location,  
20 construction and operation of the proposed cross-  
21 borders natural gas pipeline.

22 (M) The estimated cost of construction of the  
23 proposed cross-borders natural gas pipeline and the  
24 projected date of completion.

25 (xviii) Upon receipt of an application or upon its  
26 own motion for the designation of a distribution corridor  
27 or upon receipt of an application for the location and  
28 construction of a cross-borders natural gas pipeline,  
29 arrange for the publication of a summary of the  
30 application in two newspapers of general circulation in

1 each county where the proposed distribution corridor or  
2 cross-borders natural gas pipeline is proposed to be  
3 located and constructed and notify all property owners  
4 within, or adjacent to, the proposed distribution  
5 corridor or cross-borders natural gas pipeline. The  
6 council shall transmit a copy of the application for  
7 designation of a distribution corridor or for the  
8 location and construction of a cross-borders natural gas  
9 pipeline to all political subdivisions, and state and  
10 Federal agencies having an interest in the proposed  
11 distribution corridor or cross-borders natural gas  
12 pipeline.

13 (xix) Publish applications for designation of a  
14 distribution corridor or location and construction of a  
15 cross-borders natural gas pipeline on its Internet  
16 website, and provide for public notification of the  
17 availability of the application on the council's Internet  
18 website through appropriate media outlets.

19 (xx) Notify appropriate agencies of party states,  
20 and political subdivisions thereof, Federal agencies and  
21 Indian tribes in whose jurisdiction the proposed  
22 distribution corridor or cross-borders natural gas  
23 pipeline will be located regarding the application to  
24 designate a distribution corridor or locate and construct  
25 a cross-borders natural gas pipeline. Such notice shall  
26 solicit information from, and the council shall confer  
27 with, all affected political subdivisions of party  
28 states, Indian tribes and affected state and Federal  
29 agencies regarding their land use plans, existing land  
30 uses and other factors in which they have expertise or

1 interest with respect to the proposed distribution  
2 corridor or proposed cross-borders natural gas pipeline.  
3 The council shall provide any affected political  
4 subdivision, state or Federal agency, Indian tribe and  
5 any property owner within or adjacent to the proposed  
6 distribution corridor or cross-borders natural gas  
7 pipeline and other interested parties ample opportunity  
8 to participate in the council's review of a proposed  
9 distribution corridor or cross-borders natural gas  
10 pipeline.

11 (xxi) Permit agencies of party states and affected  
12 political subdivisions thereof, Federal agencies, energy  
13 authorities, Indian tribes and members of the public,  
14 including any property owner within or adjacent to the  
15 proposed distribution corridor or proposed natural gas  
16 pipeline, to provide comment on the need and suitability  
17 of the proposed distribution corridor or proposed cross-  
18 borders natural gas pipeline with respect to  
19 environmental, public health and safety, land use,  
20 economic impact or other factors on which they may have  
21 expertise or desire to comment.

22 (xxii) Require applicants to submit a statement of  
23 the safety considerations, including public health and  
24 safety and necessary safety devices and procedures that  
25 will be incorporated into the design, construction and  
26 maintenance of the proposed natural gas pipeline to all  
27 county and local government units where the proposed  
28 natural gas pipeline will be located.

29 (xxiii) Adopt standards for the construction and  
30 operation of cross-borders natural gas pipelines.

1           (xxiv) Prescribe the form and content of  
2 applications for the designation of distribution  
3 corridors and the location and construction of natural  
4 gas pipelines; conduct public hearings and take other  
5 actions to secure adequate evaluation of applications;  
6 and formally act to approve, disapprove or modify  
7 applications, including specifying conditions under which  
8 approval of a distribution corridor or cross-borders  
9 natural gas pipeline will be permitted.

10           (xxv) Issue permits for the location and  
11 construction of cross-borders natural gas pipelines.

12           (xxvi) Present state concerns and interests to party  
13 states, other states, energy authorities, and the Federal  
14 Government on any proposed distribution corridor or the  
15 location and construction of any natural gas pipeline  
16 which may affect the environment, health or safety of the  
17 citizens of the Commonwealth of Pennsylvania and other  
18 party states.

19           (xxvii) Establish, maintain and manage a data  
20 collection system for obtaining and storing information  
21 necessary to perform its functions under this compact.

22           (xxviii) Adopt rules and regulations, or take any  
23 action, it deems reasonable and necessary to:

24                   (A) ensure the free and open participation of  
25 the public and interested parties; and

26                   (B) protect the confidentiality of information  
27 it may receive in performing its function under this  
28 compact.

29 Section 4.2. Advisory Committees.

30 The council may establish such advisory, technical or

1 regional committees as it may deem necessary to carry out its  
2 duties under this compact. The membership of such advisory  
3 committees shall include, but not be limited to, private  
4 citizens; representatives of Indian tribes; expert and lay  
5 personnel; representatives of industry, labor, commerce,  
6 agriculture, civic organizations, environmental organizations,  
7 health professions, voluntary health agencies and academia; and  
8 officials of local, state and Federal government. The council  
9 may cooperate with and use the assistance and services of any  
10 such committees and the organizations they represent in  
11 furthering any of its activities or carrying out its functions  
12 and duties under this compact.

13 Section 4.3. Rules and regulations.

14 (1) The council shall, after public notice and public  
15 hearing, promulgate, adopt and enforce such rules and  
16 regulations as may be necessary and appropriate for the  
17 implementation and enforcement of this compact. Such rules  
18 and regulations shall, among other things, provide for the  
19 following:

20 (i) Cooperation and consultation between the party  
21 states and affected Federal agencies of the United States  
22 Government.

23 (ii) Processes and procedures for developing a  
24 comprehensive inventory of all existing and planned  
25 natural gas pipelines in each party state, including all  
26 natural gas pipelines under construction. Notwithstanding  
27 any other provision of law or regulation, all providers  
28 of natural gas distribution services, all power or energy  
29 authorities or successors to such providers in each party  
30 state shall cooperate with the council in developing the

1 inventory of existing and natural gas pipelines.

2 (iii) Processes and procedures to receive assistance  
3 and data from any agency of a party state or political  
4 subdivisions thereof.

5 (iv) Adoption of an annual budget.

6 (v) Standards for the review and approval of  
7 applications to locate and construct natural gas  
8 pipelines. Such standards shall address, but need not be  
9 limited to, the following:

10 (A) The financial ability and qualifications of  
11 the applicant.

12 (B) The organizational, managerial and technical  
13 expertise of the applicant to construct and operate  
14 the proposed cross-borders natural gas pipeline.

15 (C) The need for the proposed distribution  
16 corridor or proposed cross-borders natural gas  
17 pipeline.

18 (D) Protection of public health and safety,  
19 including necessary safety devices and procedures.

20 (E) Areas designated for protection or  
21 conservation by a party state, an agency of the  
22 Federal Government, county, or local government unit,  
23 including, but not limited to, agricultural land,  
24 monuments, historic sites, wilderness areas, scenic  
25 rivers and waterways, wildlife refuges and similar  
26 areas.

27 (F) Impact of the proposed cross-borders natural  
28 gas pipeline on the environment.

29 (G) Effect of the proposed cross-borders natural  
30 gas pipeline, taking into account mitigation on fish

1 and wildlife, including threatened and endangered  
2 fish, wildlife or plant species.

3 (H) Soil protection.

4 (I) Impact of the proposed cross-borders natural  
5 gas pipeline on historic, cultural or archaeological  
6 resources listed on or determined pursuant to  
7 historic preservation or land conservation laws of  
8 the party states, the Federal Government, County, or  
9 local government unit to be eligible for listing on  
10 the National Register of Historic Places or any  
11 similar laws of the party states concerned with the  
12 protection, preservation and conservation of historic  
13 places in such party states.

14 (J) Potential impact of the proposed cross-  
15 borders natural gas pipeline on recreation, scenic  
16 and aesthetic values.

17 (K) Rights-of-way obtained or to be obtained and  
18 efforts made to minimize the size of any rights-of-  
19 way with the intent of restricting rights-of-ways to  
20 a minimum necessary size.

21 (L) Impact on developed areas within two miles  
22 of the proposed natural gas pipeline, the efforts  
23 made to avoid such areas, and of the efforts that  
24 have been or will be made to minimize the impact of  
25 the proposed natural gas pipeline on such areas with  
26 the intent of avoiding siting natural gas pipelines  
27 in or directly adjacent to populated areas.

28 (M) Any other conditions, requirements or  
29 standards the council may prescribe by rule or  
30 regulation.

1 (vi) The form and content of applications for  
2 designation of a distribution corridor or construction of  
3 a cross-borders natural gas pipeline.

4 (vii) Confidentiality of data and information  
5 received by the council and maintained in its data  
6 collection system, including security measures to ensure  
7 that data or information it has designated as  
8 confidential or received with a confidential designation  
9 from a governmental agency, energy authority or other  
10 person is protected against disclosure. The council may,  
11 by regulation, designate certain categories of data and  
12 information as confidential. Any confidential information  
13 pertinent to the functions of the council under this  
14 compact that is obtained by another state agency or  
15 person shall be available to the council and shall be  
16 treated as confidential. Confidential information shall  
17 be aggregated or masked to the extent necessary to assure  
18 confidentiality if public disclosure of the specific  
19 information would result in unfair competitive  
20 disadvantage to the person supplying the information.

21 (viii) Procedures to govern cost-sharing between the  
22 party states.

23 Section 4.4. Duties of party states.

24 It shall be the duty of the Public Utility Commission or  
25 similar situated agency of each party state to establish a  
26 natural gas pipeline siting council and take such measures as  
27 shall be necessary and appropriate to promulgate and adopt the  
28 regional process for the location and construction of natural  
29 gas pipelines established by this compact. Each party state's  
30 natural gas pipeline siting council is hereby designated as the

1 state authority for the purpose of siting natural gas pipelines  
2 under the Natural Gas Act of 1938, and shall work with the  
3 council to carry out the intent and purpose of this compact.  
4 Each such council's authority regarding natural gas pipelines  
5 shall be limited to those natural gas pipelines that are subject  
6 to the Natural Gas Act of 1938 and this compact.

7 Article V

8 Public Hearing, Meetings, and Records of Council

9 Section 5.1. Informational meetings.

10 (1) The council may conduct informational meetings in  
11 the counties where the distribution corridor is proposed to  
12 be designated or where a natural gas pipeline is proposed to  
13 be located and constructed. Such informational meetings shall  
14 be convened as soon as practicable but not later than 60 days  
15 after a vote of the council to designate a distribution  
16 corridor and not later than 60 days after receipt of an  
17 application for the designation of a distribution corridor or  
18 the location and construction of a cross-borders natural gas  
19 pipeline. The purpose of the informational hearings shall be  
20 to:

21 (i) Provide information about the proposed  
22 distribution corridor or natural gas pipeline to ensure  
23 that the public and interested parties have a clear  
24 understanding of the proposal.

25 (ii) Receive initial comments about the proposed  
26 distribution corridor or natural gas pipeline.

27 (iii) Explain the relationship of the proposed  
28 distribution corridor or natural gas pipeline to any  
29 strategic plan regarding natural gas for the Mid-Atlantic  
30 area.

1           (iv) Solicit suggestions and information on  
2           reasonable alternatives to the proposed transmission  
3           corridor or natural gas pipeline.

4           (2) Informational meetings shall be convened in each  
5           party state, and the place or places of such meetings shall  
6           be as close as possible to the proposed route of the  
7           distribution corridor or natural gas pipeline.

8 Section 5.2. Public hearings.

9           (1) Subsequent to the informational meetings, the  
10          council shall convene public hearings to determine whether  
11          the proposed location of the distribution corridor or natural  
12          gas pipeline is consistent and in compliance with land use  
13          plans and zoning ordinances of affected political  
14          subdivisions and regional planning authorities. If it is  
15          determined that the proposed location conforms with existing  
16          land use plans or zoning ordinances in effect as of the date  
17          of the application, the affected political subdivision or  
18          regional planning authority shall not thereafter change or  
19          modify such land use plans or zoning ordinances so as to  
20          affect the proposed location.

21          (2) Additional public hearings shall be held as deemed  
22          necessary and appropriate by the council in the exercise of  
23          its functions under this compact, and to ensure participation  
24          by landowners and other individuals who may be impacted by  
25          the location and construction of a natural gas pipeline.

26 Section 5.3. Public participation.

27          (1) All meetings and public hearings convened by the  
28          council shall be open to the public, except with respect to  
29          meetings concerned with personnel issues, with at least 30  
30          days' advance notice. The chairman may convene an emergency

1 meeting with less advance notice.

2 (2) The council shall ensure public accessibility to all  
3 documents, exhibits or other materials related to the  
4 designation of a distribution corridor or the location and  
5 construction of a natural gas pipeline.

6 (3) All meetings of the council shall be conducted in a  
7 manner that substantially conforms to the Administrative  
8 Procedure Act (5 U.S.C. Ch.5, Subch.II, and Ch.7).

9 (4) The council may, by two-thirds vote of the members  
10 present, hold an executive session closed to the public for  
11 the purpose of discussing legally privileged or proprietary  
12 information; to consider dismissal, disciplining of or  
13 hearing complaints or charges brought against an employee or  
14 other public official unless such person requests a public  
15 hearing; or to consult with its attorney regarding  
16 information or strategy in connection with specific  
17 litigation. The reason requiring an executive session shall  
18 be announced at least 14 days prior to the executive session,  
19 except that the chairman may convene an emergency executive  
20 session with less advance notice, provided that the reason  
21 for the emergency executive session is announced at the  
22 public meeting immediately subsequent to the executive  
23 session. All actions of the council taken in violation of the  
24 requirements of this section shall be null and void.

25 Section 5.4. Tribal participation.

26 (1) In addition to all other opportunities to comment  
27 and participate in proceedings of the council under this  
28 compact, the council shall consult with and ensure  
29 participation by federally recognized Indian tribes in its  
30 proceedings.

1           (2) All federally recognized Indian tribes within a  
2 party state shall receive reasonable notice informing the  
3 tribe that they may participate in the proceeding before the  
4 council. The notice and subsequent notices shall inform the  
5 tribe of any informational or public hearing to be convened  
6 by the council and of the tribe's right to submit written  
7 comments or otherwise participate in such meetings and  
8 hearings. The council shall consider the comments submitted  
9 by an Indian tribe before approving, approving with  
10 modification or disapproving any proposal subject to review,  
11 approval or disapproval by the council.

12           (3) The council shall consult with federally recognized  
13 Indian tribes for the establishment of a mutually agreed upon  
14 mechanism or process for the purpose of facilitating dialogue  
15 with and participation by such tribes in its proceedings. The  
16 council may include tribal participation on advisory  
17 committees authorized under this compact or such other  
18 mutually agreed to processes.

19 Section 5.5. Minutes.

20 Detailed written minutes shall be kept of all meetings and  
21 hearings of the council. All decisions, files, records and data  
22 of the council, except for information privileged against  
23 introduction in judicial proceedings, including proprietary  
24 information, personnel records and minutes of a properly  
25 convened executive session, shall be open to public inspection  
26 subject to a procedure that substantially conforms to the  
27 Freedom of Information Act (Public Law 89-554, 5 U.S.C. § 552)  
28 and applicable Pennsylvania law or laws of other party states,  
29 and may be copied upon request and payment of a fee as  
30 established by regulation of the council and which shall be no

1 higher than necessary to recover copying costs.

2 Article VI

3 Finances

4 Section 6.1. Annual budget.

5 (1) The council shall annually adopt and submit a budget  
6 of its estimated expenditures for administration and  
7 operation to the principal budget officer of each party state  
8 at such time and in such manner as may be required by the  
9 laws of the party states for presentation to the legislatures  
10 thereof. Each such budget shall contain specific  
11 recommendations of the amount or amounts to be appropriated  
12 by each party state. The council shall not pledge the credit  
13 of any party state. The council may meet any of its  
14 obligations in whole or in part with funds available to it  
15 under Article III of this compact, provided that the council  
16 take specific action to set aside such funds prior to the  
17 incurring of any obligations to be met in whole or in part by  
18 the use of such funds. Except where the council makes use of  
19 funds available to it under Article III hereof, the council  
20 shall not incur any obligations prior to the allocation of  
21 funds by the party states sufficient to meet such  
22 obligations.

23 (2) In calculating its annual budget, the council shall  
24 balance total expenses against the council's estimate of  
25 revenues from all sources, either previously appropriated by  
26 a party state or receivable from any person, political  
27 subdivision or governmental agency.

28 (3) The chairman of the council shall certify to the  
29 respective party states and may, if applicable, submit to  
30 persons in other governmental agencies statements of the

1 amounts requested from them in accordance with any existing  
2 cost-sharing agreement established by the party states  
3 pursuant to this compact.

4 Section 6.2. Apportionment of cost.

5 The amount required for the council's current budget shall be  
6 apportioned equally among the party states unless a different  
7 apportionment is agreed to by unanimous vote of the council.

8 Section 6.3. Accounts of council.

9 (1) The council shall keep accurate accounts of all  
10 receipts and disbursements. The receipts and disbursements of  
11 the council shall be subject to the audit and accounting  
12 procedures established by the council under its bylaws,  
13 except that all receipts and disbursements of funds handled  
14 by the council shall be audited annually by a qualified  
15 public accountant and the report of the audit shall be  
16 included in and become a part of the annual report of the  
17 council.

18 (2) The accounts of the council shall be open at any  
19 reasonable time for inspection by such agency, representative  
20 or representatives of the party states as may be duly  
21 constituted for that purpose and by others who may be  
22 authorized by the council.

23 Article VII

24 Enforcement

25 Section 7.1. Power to enforce.

26 (1) The council shall have the power to implement and  
27 enforce the provisions of this compact.

28 (2) Any person aggrieved by an action or decision of the  
29 council shall:

30 (i) Be entitled to an administrative hearing before

1 the council.

2 (ii) Have the right to judicial review of a council  
3 decision or action in the United States District Court  
4 for the District of Columbia or in such district court  
5 that has jurisdiction in the state or states where the  
6 council maintain offices, provided that a petition for  
7 judicial review is filed within 90 days after all  
8 administrative remedies have been exhausted.

9 Section 7.2. Actions to compel compliance.

10 The council may by majority vote initiate actions to compel  
11 compliance with this compact and the rules and regulations  
12 adopted and promulgated pursuant to this compact. The United  
13 States District Court for the District of Columbia or the United  
14 States District Court that has jurisdiction in the state or  
15 states where the council maintains offices shall have  
16 jurisdiction over any actions filed by the council.

17 Section 7.3. Liability.

18 Liabilities of the council shall not be deemed liabilities of  
19 the party states. Members of the council shall not be personally  
20 liable for actions taken in their official capacity.

21 Article VIII

22 Eligibility, Entry into Effect, Amendments  
23 and Withdrawal

24 Section 8.1. Eligibility.

25 Any or all of the states of Delaware, Maryland, New Jersey,  
26 New York, Ohio, Pennsylvania, Virginia, West Virginia and the  
27 District of Columbia shall be eligible to become a party state,  
28 and any state contiguous to a party state if affirmed by  
29 unanimous vote of the council shall be eligible to become a  
30 party to this compact.

1 Section 8.2. Entry into effect.

2 This compact shall become operative and effective between the  
3 Commonwealth of Pennsylvania and such other party states when  
4 the following occur:

5 (i) The Governor executes the Mid-Atlantic Area  
6 Natural Gas Compact on behalf of the Commonwealth of  
7 Pennsylvania and files a verified copy of this compact  
8 with the Secretary of the Commonwealth.

9 (ii) The compact is ratified through the enactment  
10 of concurring legislation by two or more of the party  
11 states.

12 (iii) The Congress of the United States confers its  
13 consent or approval to this compact.

14 Section 8.3. Filing.

15 This compact shall be signed and sealed in as many original  
16 copies as necessary by the respective Governors of the party  
17 states. One such copy shall be filed with the Secretary of State  
18 of each party state in accordance with the laws or regulations  
19 of each such state in which the filing is effectuated, and one  
20 copy shall be filed and retained in the archives of the council  
21 upon its organization. The signatures shall be affixed and  
22 attested in a form similar to the following:

23 In witness whereof, and in evidence of the adoption and  
24 enactment into law of this compact by the legislatures of the  
25 party states and consent by the Congress of the United States,  
26 the respective Governors do hereby, in accordance with the  
27 authority conferred by law, sign this compact in six duplicate  
28 original copies, attested by the respective Secretaries of State  
29 of each party state, and have caused the seals of the respective  
30 party states to be hereunto affixed this day of (month), (year).

1 Section 8.4. Amendments to compact.

2 This compact shall not be amended or modified except with the  
3 concurrence of the General Assembly of the Commonwealth of  
4 Pennsylvania and the legislatures of the party states.

5 Amendments shall not become effective until adopted in the same  
6 manner as the original compact.

7 Section 8.5. Withdrawal.

8 Any party state may withdraw from this compact by enacting a  
9 statute repealing the same, but no such withdrawal shall become  
10 effective until one year after the Governor of the withdrawing  
11 party state forwards formal notice in writing to the Governor of  
12 each other party state informing said Governors of the action of  
13 the legislature in repealing the compact and declaring the  
14 intention to withdraw, provided, however, that the withdrawal of  
15 a party state shall not affect any liability already incurred by  
16 or chargeable to a party state prior to the time of such  
17 withdrawal.

## 18 Article XI

### 19 Severability and Construction

20 Section 9.1. Construction.

21 (1) Nothing in this compact shall be construed to:

22 (i) Limit, repeal or supersede any law, rule or  
23 regulation of any party state.

24 (ii) Displace existing laws or regulations of the  
25 party states that govern the location and construction of  
26 intrastate natural gas pipelines proposed to be located  
27 and constructed within the geographic borders of any such  
28 states.

29 (iii) Permit or require any person or other entity  
30 to avoid or refuse to comply with any law, rule,

1 regulation, order or ordinance of a party state, or  
2 political subdivision thereof, now or hereafter made,  
3 enacted or in force.

4 (iv) Limit, diminish or otherwise impair  
5 jurisdiction exercised by the DOE or any successor  
6 agency, or any other Federal department, agency or  
7 officer pursuant to and in conformity with any valid and  
8 operative act of Congress.

9 (v) Alter the relations between and respective  
10 internal responsibilities of the government of a party  
11 state and its political subdivisions.

12 (vi) Abrogate or derogate the rights held by any  
13 federally recognized Indian tribe.

14 (2) This compact shall be construed liberally in order  
15 to achieve the purposes and intent enunciated herein. It is  
16 the intent of this compact to establish a basic structure by  
17 which the council may achieve such purposes through the  
18 development and adoption of uniform policies, rules and  
19 regulations and strategic plans to facilitate the designation  
20 of distribution corridors and the location and construction  
21 of cross-border natural gas pipelines.

22 Section 9.2. Severability.

23 The provisions of this compact are severable. If any  
24 provision of this compact or its application to any person or  
25 circumstance is held invalid, the invalidity shall not affect  
26 other provisions or applications of this compact which can be  
27 given effect without the invalid provision or applications.

28 Section 3. Policy of Commonwealth and legal effect.

29 The policy of the Commonwealth and the effect on laws and  
30 regulations generally are as follows:

1           (1) It is hereby declared to be the policy of the  
2 Commonwealth to perform and carry out the compact and to  
3 accomplish the purposes thereof. All officers and agencies of  
4 this Commonwealth are authorized and directed to do all  
5 things falling within their respective jurisdictions  
6 necessary or incidental to the carrying out of the compact in  
7 every particular. All officers, employees, departments,  
8 bureaus, boards, commissions, authorities and other such  
9 agencies of the Commonwealth are authorized and directed at  
10 reasonable times and upon request of the council to furnish  
11 the council with information and data possessed by them or  
12 any of them and to aid the council by loan of personnel or  
13 other means lying within their legal powers respectively.

14           (2) If any provision of the compact conflicts with any  
15 other provision, limitation or restriction which is now in  
16 effect under any other law of this Commonwealth or any rule,  
17 regulation, order or policy promulgated thereunder, this act  
18 shall govern and control any such other law or rule,  
19 regulation, order or policy promulgated thereunder shall be  
20 deemed superseded for the purposes of this act.

21 Section 4. Submission of council budgets.

22           The budget of the estimated expenditures of the council shall  
23 be submitted to the Governor for such period and in such form as  
24 shall be requested by the Governor.

25 Section 5. Appropriation.

26           The sum of \$2,000,000, or as much thereof as may be  
27 necessary, is hereby appropriated to the council as the  
28 Commonwealth of Pennsylvania's pro rata share of the expenses of  
29 the council for the fiscal year beginning July 1, 2009, to June  
30 30, 2010, provided, however, that no such appropriation shall be

1 allocated until the compact becomes operative and effective in  
2 accordance with section 8.2(1) of the compact.

3 Section 6. Expiration.

4 (a) Publication of failure to consent.--If the Congress of  
5 the United States fails to confer its consent to and approval of  
6 the compact by June 30, 2010, the Secretary of the Commonwealth  
7 shall publish a notice in the Pennsylvania Bulletin within 30  
8 days of June 30, 2010, declaring such failure of the Congress to  
9 consent to the compact.

10 (b) Effect of publication.--This act shall expire  
11 immediately upon publication of the notice under subsection (a).

12 (c) Effect of repeal.--If the President of the United States  
13 signs a subsequent act of the Congress of the United States  
14 providing for the repeal of the Natural Gas Act of 1938, this  
15 act shall expire immediately upon the effective date of the  
16 repeal.

17 (d) Dissolution.--In the event that this act is terminated  
18 by the operation of subsection (b) or (c), the council shall be  
19 dissolved, its assets and liabilities transferred and its  
20 affairs suspended in accordance with the unanimous agreement of  
21 the party states or, failing unanimous agreement, in such manner  
22 that the assets and liabilities of the council shall be shared  
23 by the respective party states.

24 Section 7. Administrative duties.

25 (a) Governor.--The Governor is hereby authorized and  
26 directed to take such action as may be necessary to complete the  
27 exchange of official documents between the Commonwealth of  
28 Pennsylvania and any other state ratifying the compact.

29 (b) Secretary of the Commonwealth.--The Secretary of the  
30 Commonwealth shall publish a notice in the Pennsylvania Bulletin

1 when the conditions set forth in subsection (a) of this section  
2 are satisfied. The notice shall include the date on which the  
3 Mid-Atlantic Area Natural Gas Compact became effective and  
4 operative between this Commonwealth and any other state in  
5 accordance with this act.

6 Section 8. Effective date.

7 This act shall take effect immediately.