



SUMMIT CARBON SOLUTIONS

March 8, 2023

SENT VIA EMAIL TO:
burleighcobuilding@nd.gov

Burleigh County Planning Dept
PO Box 5518
Bismarck, ND 58501

RE: Amendment of the Burleigh County Zoning Ordinance
Article 8, Section 27 | Hazardous Liquid Pipelines

Dear Commissioners:

We are in receipt of the proposed Amendment to the Burleigh County Zoning Ordinance Article 8, Section 27 (Hazardous Liquid Pipelines) and respectfully request that Burleigh County Planning and Zoning reject the same. Pipelines are the safest mode of transportation of fluids, due in large part to existing regulations. The federal government establishes minimum pipeline safety standards under U.S. Code of Federal Regulations (CFR), Title 49 "Transportation", parts 190-199.¹ The United States Department of Transportation's Pipeline and Hazardous Material Safety Administration (PHMSA) has established regulatory authority over pipelines and the transportation of hazardous materials, and by doing so has preempted other state agencies from doing the same. Current PHMSA regulations already address Burleigh County citizens' concerns. If Burleigh County passes and implements the proposed hazardous liquid pipeline ordinance it is currently considering, those regulations would be preempted by PHMSA regulations and be held by a court of competent jurisdiction to be invalid. It is for these reasons that we respectfully request that you reject the proposed county ordinance and rely on the extensive expertise of PHMSA.

Sincerely,

Jeffrey L. Skaare, J.D., C.P.L.
Summit Carbon Solutions, LLC

W120
PU-22-391

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¹ https://primis.phmsa.dot.gov/comm/FactSheets/States/ND_State_PL_Safety_Regulatory_Fact_Sheet.htm?nocache=4164