

County	Section	Summary	SCS Notes
Brown	4.0606/4.0706/4.1507/4.1607	<p>1) All structures shall be built on parcels adjacent to regular maintenance roads, improved roads, or if the Township and Emergency Management approve site as an accessible road location.</p> <p>2) Front Yard: All structures shall be set back not less than one hundred (100) feet measured from the road right-of-way line or property lines.</p> <p>3) Side Street on Corner Lot: All structures shall be set back not less than one hundred (100) feet measured from the road right-of-way line or property lines.</p> <p>4) Side Yard: All structures shall be set back not less than twenty (20) feet measured from side yard property lines.</p> <p>5) Rear Yard: All structures shall be set back not less than twenty (20) feet measured from rear yard property lines.</p>	N/A to SCS
Brown	4.0606/4.0706/4.1507/4.1607	<p>6) A Pipeline Facility shall be setback a minimum of 1500 feet from the following "cautionary uses" (when used in this section) of schools, daycares, churches, residential dwelling, or any structure that has residential living quarters within.</p> <p>A. The setback distance shall be measured from the center line of the proposed pipeline to the closest measurement of a parcel property line of the "cautionary uses" above.</p> <p>ii. The Zoning BOA may approve or deny each individual submittal of a setback waiver based on project location, area, size, and the properties use</p> <p>B. The Zoning BOA may reduce minimum setbacks of a pipeline facility after a review of setback waivers and submission of project plans to the Zoning BOA in conjunction with an application for a conditional use permit.</p>	SCS is requesting pre-emption
Edmunds	"Hazardous Liquid Pipeline (HLP)"	<p>Conditional Use Permit Required. A Pipeline Company that has filed a verified petition with the PUC, Public Utility Commission, asking for a permit to construct, maintain, and operate a new HLP along, over, or across land in Edmunds County shall submit an Application to the County Zoning Administration for a Conditional Use Permit</p>	SCS is requesting pre-emption from the Conditional Use Permit
Edmunds	"Minimum Setback Requirements." 1	<p>1. An HLP Shall be setback a minimum 2,640 feet from the following: schools, daycares, churches, residential dwellings, livestock facilities, or any structure that has residential living quarters within. Measurement is taken from the dwelling/structure.</p>	SCS is requesting pre-emption

Edmunds	"Minimum Setback Requirements." 2	The setback distance for High Consequences Areas shall be a minimum of one (1) mile measured from the center line of the proposed HLP to the parcel  HCA: All Municipalities as defined in SDCL 9-2-1, Lake Front Residential, and Town Districts	SCS is requesting pre-emption
Edmunds	"Minimum Setback Requirements." 3	An HLP shall be setback a minimum of 500 feet from the following: Wells, which are not located or adjoining any of the structures or areas listed hereinbefore.	SCS is requesting pre-emption
Edmunds	"Pipeline Depth of Cover" 1	The Depth of Cover of any HLP shall meet all local, state, and federal requirements.	SCS can comply
Edmunds	"Pipeline Depth of Cover" 3a	On County ROW and County Property: Minimum DOC set to 6'	SCS can comply
Edmunds	"Pipeline Depth of Cover" 3b	On County ROW and County Property: Maintained Drivable Surfaces: Depth of Pipeline shall be at least eight (8) feet from the ground surface to the top of the Pipeline. It is required that the pipeline be bored under any maintained drivable surface, and not cut or trenched in.	SCS can comply
Edmunds	"Pipeline Depth of Cover" 3c	On County ROW and County Property: Non-Maintained Drivable Surfaces: Depth of the Pipeline shall be at least (8) feet from the ground surface to the top of the Pipeline.	SCS can comply
Edmunds	"Pipeline Depth of Cover" 4a	Pipeline must be not less than two (2) feet below all tile lines and drainage pipes and equipment on any cultivated agricultural land.	SCS can comply
Edmunds	"Pipeline Depth of Cover" 4b	Pipeline must not be less than four (4) feet below the surface of all cultivated and non-cultivated agricultural land.	SCS can comply
Edmunds	"Permit Application Requirements for HLP" 1.a	The information required for a Conditional Use Permit as described in Section 6.05.01	SCS can comply
Edmunds	"Permit Application Requirements for HLP" 1.b	Provide copy of PUC permit to County	SCS can comply with the publicly available PUC permit.  SCS is waiting for discovery responses from the County on confidential information requirements
Edmunds	"Permit Application Requirements for HLP" 1.c	Map identifying each proposed crossing of any road or property located in County	SCS can comply
Edmunds	"Permit Application Requirements for HLP" 1.d	Map of directly impacted landowners in County. (names & addresses). Shall include anyone who has executed an easement, signed a waiver from setback, or who have/will be approached about a setback waiver	SCS can comply

Edmunds	"Permit Application Requirements for HLP" 1.e	Facility and above-ground structure map associated with pipeline	SCS can comply
Edmunds	"Permit Application Requirements for HLP" 1.f	All permit/county related fees to be paid at time of filing.	SCS can comply with reasonable fees
McPherson	2607.1.a	Requires submission prior to construction of: a. all associated project plans b. State/Federal approval documentation c. MSDS Sheets d. Proposed County Road and/or County ROW crossings e. Facility Response Plan f. County-wide economic risk analysis g. County-wide economic benefit analysis h. county-wide water risk analysis i. county carbon pollution estimate j. county-wide water testing schedule k. Proposed haul routes l. voluntary submittal of other information m. list of permits required before construction start n. Applications submitted to adjoining counties	a. SCS can provide public PUC permit documentation and McPherson County construction alignment sheets b. SCS can provide requirements to construct in McPherson County c. SCS can provide d. SCS can provide for McPherson County e. SCS can provide prior to Operations in McPherson County f. Information available through SCS PUC Docket (see Section 6.1 and Appendix 23 of the Application) and expert testimony at PUC hearing g. Information available through SCS PUC Docket (see Section 6.1 and Appendix 23 of the Application) and expert testimony at PUC hearing h. Information available through SCS PUC Docket (see Section 5.2 of the Application) and expert testimony at PUC hearing i. SCS can provide j. SCS will follow SD DANR
McPherson	2607.1.b	File pipeline location with county and send notice to all affected land owners and adjoining landowners	SCS can comply
McPherson	2607.1.c.i	Dimension/Location	SCS can comply post-construction via as-built
McPherson	2607.1.c.ii	Related items/facilities in ROW	SCS can comply post-construction via as-built

McPherson	2607.1.c.iii	Proposed above/below ground structures	SCS can comply post-construction via as-built
McPherson	2607.1.c.iv	Location/type/size of all existing utilities/drainage/ROW/roadway improvements	SCS can comply post-construction via as-built
McPherson	2607.1.c.v	Cross-section drawings for all public street/raod ROW and easement crossings	SCS can comply post-construction via as-built
McPherson	2607.1.c.vi	maximum operation pressure	Information available through SCS PUC Docket (see Section 2.2.1 of the Application)
McPherson	2607.1.d	Application Fee Per September 2023 meeting minutes: \$15,000 base fee	SCS is waiting for discovery responses from the County
McPherson	2607.1.d	Fee: annually 1% of any tax credit and/or subsidy amount company receives	SCS is requesting pre-emption as the amount is unreasonably restrictive and arbitrary
McPherson	2607.1.e	Pipeline will cover any fees above the \$15,000 permit fee	SCS is waiting for discovery responses from the County
McPherson		2608 CUP Hearings and hearing requirements	SCS is requesting pre-emption from the Conditional Use Permit
McPherson		2609 Confidential Information must be provided - McPherson County will determine if it remains confidential	SCS is waiting for discovery responses from the County
McPherson		2610.1 County supervision of roads	SCS can comply
McPherson		2610.2 Road Haul Agreement	SCS can comply
McPherson		2610.3 Road Crossing Application	SCS can comply
McPherson		2610.4 SCS and McPherson County joint pre-construction/post-construction review of roads	SCS can comply
McPherson		2610.5 All proposed haul roads shall be inspected by 3rd party engineer pre/post construction - paid for by Pipeline	SCS will comply and agrees to compensate the county for reasonable expenses
McPherson		2610.6 Pipeline is responsible for restoring roads back to pre-construction condition	SCS can comply
McPherson		2610.7 County Road and ROW Application fee for Hazardous Material Pipeline Permit Application	SCS can comply with reasonable road use agreement fees  No fees have been set by resolution at this time

McPherson	2610.8	County Road and ROW Annual fee for in-service Hazardous Material Pipeline	This annual fee serves no purpose and SCS is requesting pre-emption  The PUC sets a bond for road use.  SCS is waiting for discovery responses from the County
McPherson	2611.1	Pipeline shall not pass within (1) mile of occupied dwelling, mobile home, or manufactured home	SCS is requesting pre-emption
McPherson	2611.2	The Pipeline shall not pass within (500) feet from any adjoining property line of a non-participating loandowner	SCS is requesting pre-emption
McPherson	2611.4.a	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: Pipeline must coordinate construction start with residents	SCS can comply
McPherson	2611.4.b	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: Pipeline must maintain access to residence at all time unless previously agreed	SCS can comply
McPherson	2611.4.c	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: Pipeline shall install temporary safety fencing to control access	SCS can comply
McPherson	2611.4.d	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: Pipeline shall notify affected residents of any schduled disruption of utilities	SCS can comply
McPherson	2611.4.e	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: final repairs shall be completed in residential areas within 10 days	SCS can comply
McPherson	2611.4.f	If pipeline passes within 250 ft of occupied dwelling, mobile home, or manufactured home: If water wall/water supply is damaged, Pipeline must provide equivalent water immediately and repair water source	SCS can comply
McPherson	2611.5	Pipeline shall not pass within 1,000 ft of a water well tht is documented and/or mapped with the SD DNR Water Well Completion Reports	SCS is requesting pre-emption
McPherson	2611.7	Pipeline shall not pass thru any water source designated as "sole source aquifer" by the EPA	SCS can comply

McPherson	2611.8	Baseline water testing for water wells within 1,000 ft of the pipeline and reimbursement for county to	SCS will comply with one time pre and post construction testing with landowner approval.  SCS is requesting pre-emption on re-imbursing the County for any future water testing expenses.
McPherson	2611.9	Pipeline to provide alternate water supply and take necessary steps to repair if Pipeline damages water well	SCS can comply
McPherson	2612.3a	Pipeline depth of cover (DOC) in County Road Right of Ways: Must be six feet from the bottom of the road ditch to the top of the Pipeline	SCS can comply
McPherson	2612.3b	Pipeline depth of cover (DOC) in County Road Right of Ways: Must be eight feet from the ground surface to the top of the Pipeline on maintained drivable surfaces  Pipeline must be bored under any maintained drivable surface	SCS can comply
McPherson	2612.3c	Pipeline depth of cover (DOC) in County Road Right of Ways: Must be eight feet from the ground surface to the top of the Pipeline on non-maintained drivable surfaces	SCS can comply
McPherson	2613.1	Pipeline will give information on pump or compressor stations	Information available through SCS PUC Docket (see Section 2.2.2 and Appendix 3 of the Application)
McPherson	2613.2	Pump stations and any related facilities must be located 1,000 ft from any public ROW, and at least 500 ft from any property line.	SCS is requesting pre-emption
McPherson	2613.4	Screening Fence/landscape substations, control equipment or other related facilities	SCS is requesting pre-emption  SCS is open to discussing but currently does not have enough information. SCS is waiting for discovery responses from the County
McPherson	2613.5	Pipeline facility systems shall not exceed 60 decibels using the "A" scale at the nearest property line or ROW	SCS is requesting pre-emption. Contradicts with previous conditions imposed by the PUC in other dockets
McPherson	2613.6	Third-party engineer will perform the sound level analysis	SCS can comply

McPherson			SCS can comply with reasonable one time fencing inspection fees
	2613.7	Screening Fence Initial Inspection Fee	
McPherson			This annual fee serves no purpose and SCS is requesting pre-emption  SCS is waiting for discovery responses from the County
	2613.8	Screening Fence Annual Inspection Fee	
McPherson		Pipeline shall provide copy of project description, site plan, and any other pertinent documents to County Emergency Manager (EM).	SCS can comply prior to operations
	2614.1	Pipeline shall coordinate with local entities to develop Emergency Response Plan (ERP)	
McPherson		ERP shall include description of numbers, locations, and training of personnel necessary to respond to a worst-case discharge.	SCS can comply prior to operations
	2614.2	Include Safety Data Sheet	
McPherson			SCS can comply with PHMSA required annual training and equipment requirements
	2614.3	Pipeline must provide/pay for necessary training and equipment for first responders	
McPherson			SCS can comply
	2614.4	ERP should comply with state and federal standards for spill response	
McPherson			SCS is requesting pre-emption SCS can comply prior to operations but it will not be completed prior to construction
	2614.5	ERP shall be submitted no less than 60 days before construction start	
McPherson			SCS can comply
	2614.6	ERP should list all equipment, type, capability and location	
McPherson			SCS can comply
	2614.7	Equipment shall be accessible to first responders	
McPherson		Pipeline must maintain publicly available phone number and responsible person for the public to contact with inquiries and complaints. Database of complaints must be maintained and available	SCS can comply
	2615.1		
McPherson			SCS is requesting pre-emption as it contradicts decommissioning standards set by PHMSA
	2616	Decommissioning, Restoration, or Abandonment of Pipeline	

McPherson	2617.1	Construction debris will be promptly removed. Trash and debris will not be burned or buried.	SCS can comply
McPherson	2618.1	As-builts required to County within 6 months	SCS can comply
McPherson	2619.1	Pipeline must restore land back to preconstruction conditions	SCS can comply
McPherson	2619.2	Must comply with US Natural Resource Conservation Service and Reclamation Plan	SCS can comply
McPherson	2619.2.a	Topsoil separation requirements	SCS can comply
McPherson	2619.3	Pipeline is response for all reclamation costs	SCS can comply
McPherson	2619.4.a	Pipeline shall complete final grading within 30 days after backfill - except when weather conditions, extenuating circumstances including landowner preference of delay, or unforeseen developments.	SCS can comply
McPherson	2619.4.b	Follow Federal Seed Act, 7 USC 1551 et seq., SDCL Chapter 38 and other applicable state and federal law during final restoration	SCS will adhere to all reclamation plans outlined in the PUC application, noted in the Agricultural Impact Mitigation Plan (Appendix 6 of the Application), Environmental Construction Plan (Appendix 4 of the Application), and all PUC imposed conditions
McPherson	2619.4.c	Genetically appropriate and locally adapted native plant materials and seeds are used during final restoration	SCS will adhere to all reclamation plans outlined in the PUC application, noted in the Agricultural Impact Mitigation Plan (Appendix 6 of the Application), Environmental Construction Plan (Appendix 4 of the Application), and all PUC imposed conditions



McPherson	2619.4.d	Mulch is installed as required by site contours, seeding methods, or weather conditions or when requested by the landowner	SCS will adhere to all reclamation plans outlined in the PUC application, noted in the Agricultural Impact Mitigation Plan (Appendix 6 of the Application), Environmental Construction Plan (Appendix 4 of the Application), and all PUC imposed conditions
McPherson	2619.5	Pipeline has obligation for reclamation and maintenance of the pipeline ROW until pipeline is permanently decommissioned	SCS can comply
McPherson	2621.1	Indemnification	SCS is requesting pre-emption to the extent that it contradicts with any PUC imposed condition  SCS is waiting for discovery responses from the County
Minnehaha	12.18.A.1	Submit notice to County within 30-days of PUC submission	SCS can comply
Minnehaha	12.18.B.1	All required forms prescribed by the Planning Director, in addition to all survey data indicating the center line of the transmission pipeline.	SCS can comply
Minnehaha	12.18.B.2	Provide copy of PUC permit to County	SCS can comply
Minnehaha	12.18.B.3	Map identifying each proposed crossing of any road or property located in County	SCS can comply
Minnehaha	12.18.B.4	Map of directly impacted landowners in County. (names & addresses).	SCS can comply
Minnehaha	12.18.B.5	Plans and specifications showing dimension/location of pipeline and above-ground structures	SCS can comply
Minnehaha	12.18.B.6	Copy of emergency response plan and hazard mitigation plan as required by PHMSA	SCS can comply prior to operations
Minnehaha	12.18.B.7	Confidential information	SCS is requesting pre-emption to the extent that it contradicts with any PUC imposed condition  SCS is waiting for discovery responses from the County
Minnehaha	12.18.B.8	CUP	SCS can comply
Minnehaha	12.18.B.9	PUC denial = CUP denial	SCS can comply
Minnehaha	12.18.c	Dwellings, Churches, and Businesses - 330' (measured from property line)	SCS is requesting pre-emption

Minnehaha	12.18.c	Public Parks and Schools - 1,000' (measured from property line)	SCS can comply
Minnehaha	12.18.c	Municipal Boundaries: First Class (Population of 5,000 and over) - 5,280'	SCS can comply
Minnehaha	12.18.c	Municipal Boundaries: Second Class (Population between 500 and 5,000) - 3,960'	SCS is requesting pre-emption
Minnehaha	12.18.c	Municipal Boundaries: Third Class (Population of less than 500) - 2,640'	SCS can comply
Minnehaha	12.18.G.1	CO2 substance data requested	SCS can comply
Minnehaha	12.18.G.2	Copy of emergency response plan and hazard mitigation plan as required by PHMSA	SCS can comply prior to operations
Minnehaha	12.18.G.3	SCS emergency response personnel contact information provided	SCS can comply prior to operations
Minnehaha	12.18.G.4	SCS to notify Minnehaha County EM within 10 days if any data changes.	SCS can comply
Minnehaha	24.05	Fee: \$25,000 submitted at filing Fee: \$300 per linear mile in the County paid each year.	SCS can comply
Sanborn	523	CUP permit required PUC permit and all associated information required to be submitted to county 30 days after PUC submission.	SCS can comply
Sanborn	523.1.a	All required forms prescribed by the County, in addition to all proposed surveyed route information prepared by a professional land surveyor licensed in South Dakota clearly indicating the center line of the transmission pipeline.	SCS can comply
Sanborn	523.1.b	Provide copy of PUC permit to County	SCS can comply with the publicly available PUC permit. SCS is waiting for discovery responses from the County on confidential information requirements
Sanborn	523.1.c	Map identifying each proposed crossing of any road or property located in County	SCS can comply
Sanborn	523.1.d	Map of directly impacted landowners in County. (names & addresses).	SCS can comply
Sanborn	523.1.e	Copy of Easement	SCS can comply
Sanborn	523.1.f	Facility and above-ground structure map associated with pipeline.	SCS can comply
Sanborn	523.1.g	ERP & HMP required depending on PHMSA	SCS can comply prior to operations

Sanborn	523.1.h	Confidential info identification to County	SCS is waiting for discovery responses from the County
Sanborn	523.1.i	PUC denial = County denial	SCS can comply
Sanborn	523.1.j	All data associated with CO2 as a substance.	SCS can comply
Sanborn	523.1.k	Repeat of 523.1.g	SCS can comply prior to operations
Sanborn	523.1.l	SCS emergency response personnel contact information provided	SCS can comply prior to operations
Sanborn	523.1.m	10-day notice to county for any changes in information required in this section.	SCS can comply
Sanborn	523.1.n	Road haul agreement to be submitted/approved.	SCS can comply
Sanborn	523.1.o	Roads to be inspected upon project completion by Board of Adjustment.	SCS can comply
Sanborn	523.1.p	48" depth of cover minimum	SCS can comply
Sanborn	523.1.q	Lifetime drain tile repair is responsibility of the Pipeline	SCS can comply
Sanborn	523.1.r	Indemnification	SCS is requesting pre-emption to the extent that it contradicts with any PUC imposed condition  SCS is waiting for discovery responses from the County
Sanborn	523.2a	Setback : 1,500' (Dwellings (livable per DOE standards), Churches, Businesses, Public Parks, and Schools	SCS can comply with (2) waivers which will be requested.
Sanborn	523.2b	Setback: 1,500' (Cities, towns, and Unincorporated areas)	SCS can comply
Sanborn	523.2c	Setback" 1,500' (Animal confinement facilities of no less than 999 animal units)	SCS can comply
Sanborn	523.3	\$25,000 for CUP application due at filing	SCS can comply
Sanborn	523.3	Surcharge of \$1.00 per linear foot of installed HLP each year to County as long as company claims a tax credit pursuant to 26 U.S.C. 45Q.	This provision is no longer consistent with state law
Spink	17.2904	CUP submission required	SCS is requesting pre-emption from the Conditional Use Permit
Spink	17.2906.1	1. An HLP shall be setback a minimum of half a mile or 2,640 feet from the following: schools, daycares, churches, residential dwelling, livestock facilities, or any structure that has residential living quarters within. Measured from property line of the parcel.	SCS is requesting pre-emption

Spink	17.2906.2	<p>2. The setback distance for a HCA shall be a minimum of two (2) miles measured from the center line of the proposed HLP to the parcel property line of the HCA.</p> <p>HCA: Structures containing 10 or more persons with limited mobility, such as nursing homes, and hospitals, and for structures with permitted occupancies of 100 or more persons, such as schools, churches, shopping, and entertainment facilities.</p>	SCS is requesting pre-emption
Spink	17.2908.1.a	<p>The information required for a CUP as described in APPLICATION FOR CONDITIONAL USE form, including all required forms listed in 17.2907</p> <p>17.2907:  1. Stake the new building  2. Have a hearing  3. Fees may be assessed</p>	<p>SCS is requesting pre-emption from the Conditional Use Permit.</p> <p>It is burdensome to ask landowners for SCS to enter their property to stake for a conditional use hearing prior to pipeline construction</p>
Spink	17.2908.1.a	Provide copy of PUC permit to County	<p>SCS can comply with the publicly available PUC permit.</p> <p>SCS is waiting for discovery responses from the County on confidential information requirements</p>
Spink	17.2908.1.a	Map identifying each proposed crossing of any road or property located in County	SCS can comply
Spink	17.2908.1.a	Map of directly impacted landowners in County. (names & addresses). Shall include anyone who has executed an easement, signed a waiver from setback, or who have/will be approached about a setback waiver.	SCS can comply
Spink	17.2908.1.a	Facility and above-ground structure map associated with pipelin	SCS can comply
Spink	17.2908.1.a	All permit/county related fees to be paid at time of filing.	SCS can comply with reasonable fees