

H.612

An act relating to Gas Pipeline Safety Program penalties

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 2816 is amended to read:

§ 2816. CIVIL PENALTY FOR VIOLATION OF GAS SAFETY

STANDARDS

(a) Gas Pipeline Safety Program. Any person who violates any statute, rule, regulation, or order of the ~~public service board~~ Public Service Board relating to safety standards or safety practices applicable to transportation of gas through gas pipeline facilities subject to the jurisdiction of the ~~public service board~~ Public Service Board is subject to a civil penalty of not more than ~~\$100,000.00~~ \$200,000.00 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed ~~\$1,000,000.00~~ \$2,000,000.00 for any related series of violations. The penalty may be imposed by the ~~board~~ Board after notice to the offending person of the alleged violations and opportunity for hearing.

(b) Any civil penalty may be compromised by the ~~public service board~~ Public Service Board. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally

determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the ~~state~~ State to the person charged or may be recovered in a civil action based upon this section.

Sec. 2. GAS PIPELINE SAFETY RULES; BEST PRACTICES

The Public Service Board shall review and consider amending Board Rule 6.100 (Enforcement of Safety Regulations Pertaining to Intrastate Gas Pipelines and Transportation Facilities) to include additional measures or best practices, if any, that exceed the minimum federal safety standards, provided the Board determines such measures or practices are appropriate for Vermont.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.