

## The Risks of Pipeline Easements

*A commentary from Ohio resident(s) who allowed pipeline easements:*

Knowing what I know now, if I wanted to live there beyond the point of the pipeline being laid on my property, I wouldn't allow it. You never know if or when they will build a plant nearby, and then when you finally get settled and in a happy place, this happened to us and it ran us off. So I would never, ever allow or sign on our current property to allow anything. If you do, make certain of this, that it's only for one line and one line only, and in a designated place. Know the size of the line and conditions of what all comes with it. ,like regulators, check points, right a way road clearance. powerlines, polls, etc. Most leases give them rights to put as many lines in where ever they want on land once the owner/Lessor signs., so if you build anything near it, they can tear it down for the rest of the life of the contract, which doesn't expire in all of the cases I've known. If you allow them and they put a line in, they can take all of your trees and clear the land to put more line in where ever they want. Then you can't ever build in that area again, but you will pay all the taxes for that land that they control which causes a great loss in value of your land. You can never block or put anything up within 25feet of both sides of the pipeline in most cases. They will clear all trees no matter how long they've been there, and they will level the land to keep it clear in that 50ft+ span, but they will not take care of it in between the cuttings, so maybe every other year, or once every 5yrs they will cut and leave a mess for the remainder. Several companies come in and spray chemicals to clear the land and kill everything growing in the right of way/above the pipeline. Not one pays royalties for cu.ft. from what's traveling in the pipeline. When one cracks and leaks, It's often hard to get someone to show up and fix it, we've dealt w/ that many times too first hand. This mostly applies to the older lines that are just left above ground and split open over time. If they allow a regulator or check station, this will be a point of gas release or a place for them to put a holding tank for drainage and or releasing gases. You also never know if the line you gave rights to leads to a compressor plant soon to be built next door which will drive you insane and off your land.

### **When related gas facilities/plants are built along the pipeline next door, who protects you?**

There was no help for us, the EPA told us many times they had no jurisdiction. ODNR said they had no jurisdiction and couldn't help us, PUCO said they had no jurisdiction and said they couldn't help us. It was more preaching about why it was our fault because we lived next door. **We were told it was also our fault because we allowed gas lines thru our land years ago.** The people in charge of the permitting for the natural gas facilities were also pals with employees of the gas company, so they as well gave info to the gas company and vice versa to make it harder for us to get help, well impossible.. This was so unreal I would have passed it off as fiction if we didn't live it. FERC didn't have jurisdiction on the compressor stations involved, so in a sense, not one agency oversaw them for noise and air quality in Ohio, it was up to us to take them to court. Zoning was the only hope and we didn't have that in our rural township either. Get your community together and get zoning regulations in order before anyone comes in. No amount of money is worth it unless you plan on leaving the area.

### **UPDATE. March 2012 Order from the Governor Limits Community Control/Zoning**

Ohio law was updated in 2012<sup>1</sup> to exempt major gas related facilities from the jurisdiction of locals. Safety and siting is now controlled by the Ohio Department of Commerce, Division of Industrial Complex, not the local building department authority: **Ohio Administrative Code 4101:1-1 Administration 102.11 Building department jurisdictional limitations.** *A municipal, township, or county building department that has been certified by the board of building standards, pursuant to section 103.2, shall enforce provisions of the rules of the board and of Chapters 3781. and 3791. of the Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the board in accordance with the certification except as follows..... 5.3 The construction of buildings or structures within the scope of the building code on the premises of, and directly related to the operation of, natural gas liquids fractionation or natural gas processing facilities.*

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<sup>1</sup> <http://governor.ohio.gov/Portals/0/EO%202012-03K.pdf>

