§ 23-1709. Criteria for siting.

1. The department shall, after investigation and opportunity for public comment, within one year from the effective date of this section, adopt, and file with the secretary of state, regulations establishing criteria for the siting of liquefied natural and petroleum gas facilities. Such siting criteria shall be designed to insure the maximum safety of the public from hazards associated with liquefied natural or petroleum gas storage, transportation and conversion. The department shall also within one year from such effective date adopt regulations prescribing the form and content of applications for environmental safety permits to construct a liquefied natural or petroleum gas facility.

2. The regulations issued pursuant to subdivision one of this section for the siting of liquefied natural or petroleum gas facilities shall take into account, among other factors:

(a) The density of population in areas neighboring the liquefied natural or petroleum gas facility;

(b) The density of population in areas neighboring delivery routes of liquefied natural or petroleum gas to a liquefied natural or petroleum gas facility, if delivery is by water-borne vessel, rail or motor vehicle;

(c) The risk of accident during the transportation of liquefied natural or petroleum gas to or from a liquefied natural or petroleum gas facility which could result in a release of liquefied natural or petroleum gas from containment and the safeguards necessary to reduce such risk;

(d) The physical properties of liquefied natural or petroleum gas, including: (i) the effect of cryogenic temperatures upon containers of liquefied natural or petroleum gas; (ii) the maximum distance that a liquefied natural or petroleum gas vapor cloud is projected to expand and pose a threat to the public; and, (iii) the flammability or explosiveness of such a cloud formed by vaporizing liquefied natural or petroleum gas.

3. The regulations issued by the department pursuant to subdivision

one prescribing the form of an application for an environmental safety permit to construct a liquefied natural or petroleum gas facility shall require the applicant to supply detailed information regarding:

(a) The location of the proposed facility;

(b) A description of the design and capacity of the facility;

(c) The expected sources of natural gas or liquefied natural or petroleum gas for the facility, the proposed methods of transporting natural gas or liquefied natural or petroleum gas to and from the facility, and the routes which deliveries will traverse;

(d) The need for the facility;

(e) The environmental impacts of the proposed facility;

(f) A description of reasonable alternative locations for the proposed facility;

(g) Such other information as the department shall prescribe to allow it to render a decision as to whether the proposed liquefied natural or petroleum gas facility is necessary and compatible with the surrounding environment and with the safety of neighboring populations.

4. The rules and regulations adopted by the department to implement this title and the provisions of article 70 of this chapter and rules and regulations adopted thereunder shall govern environmental safety permit applications, renewals, modifications, suspensions and revocations under this title.