

**Final Report per Article X, Section 10.03, of Grant Agreement:
#DTPH56-13-G-PHPT19, “Technical Assistance Grant (TAG) 2013”
West Pikeland Township, 1645 Art school Road, Chester Springs, PA 19425-1506**

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Article X. Deliverables:
Final Report
Final Federal Financial Report (SF-425)
with one attachment.

Submission Date: December 18, 2014

West Pikeland Township Final Report
Technical Assistance Grant Number: DTPH56-13-G-PHPT19

The Specific Objectives of this technical assistance grant (TAG) were:

1. to reach out to municipalities in Chester County to develop a systematic approach for gaining access to pipeline safety information and promoting public participation in official proceedings, and
2. to introduce to municipalities in Northern Chester County and neighboring counties PIPA land use planning guidelines and model ordinances.

The nine milestones set forth in the TAG are as follows:.

1. Raise public awareness of pipeline procedures and promote shared responsibility for pipeline safety.
2. Seek input from stakeholders regarding access to information, communicating with pipeline companies, and mitigation of risks. Discuss with stakeholders possible Best Practices that could be developed to promote safe, reliable and environmentally sound pipelines.
3. Raise awareness of pipeline companies to exchange current and accurate information with communities on pipeline projects with the goal of seeking common ground on pipeline matters.
4. Outline steps for developing a systematic approach to gain access to information and to seek greater public participation in official pipeline proceedings. Discuss with local officials use of ADR as a means of opening lines of communication.
5. Develop potential Best Practices for damage prevention and risk management in existing and proposed pipelines.
6. Conduct a survey of municipalities in Chester and Berks Counties to determine areas of interest in land planning and pipeline safety.
7. Introduce municipalities to informed land use planning safety guidelines developed by PIPA and promote model ordinances designed to advance pipeline safety and minimize environmental impact of new and expanding pipelines.
8. Meet with municipal officials in Northern Chester County and Berks County to promote and build on the multi-pronged municipal regulatory approach to informed land use planning initially begun in Southern Chester County through prior TAG funding.
9. Act as a liaison with local, state, and federal agencies and officials to keep public updated on proposed legislation and regulations designed to improve greater access to pipeline information.

Milestones 1 through 3 focused on raising public awareness of pipeline procedures, promoting shared responsibility for pipeline safety, and raising the awareness of pipeline operators to exchange current and accurate information with communities on pipeline projects.

In working toward achieving these three milestones, the West Pikeland Township TAG held three forums. The first forum took place on December 2013. It focused on Increasing Communication with Pipeline Companies. In attendance were representatives from municipalities and conservation organizations in Chester County as well as representatives from the Chester County Planning Commission and the Chester County Conservation District. The primary concern that was voiced during this meeting was the difficulty of communicating with pipeline operators early in the planning stages of pipeline projects as well as the lack of access to mapping for proposed projects.

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Discussion at the December 2013 forum then focused on how we might proceed to facilitate transparent communications with pipeline operators which would also foster a shared sense of responsibility for pipeline safety. This was the beginning of discussions to explore possible Best Practices to promote safe, reliable and environmentally sound pipelines.

It was agreed at the December forum to hold a meeting in January to which representatives from the pipeline operators, FERC and PHMSA as well as state and county representatives would be invited to join in the continuing discussion. That meeting occurred in January 2014 with more than 20 participants. A detailed summary of this meeting, Enhancing Communication about Pipeline Development, is included in the Mid-Term Report filed by West Pikeland Township in April 2014. Representatives from Spectra Energy, Columbia/NiSource, Williams/Transco and Sunoco Logistics talked briefly about their outreach plans. Municipal officials, county representatives and state legislators voiced their concern about the transparency and timeliness of information provided by pipeline operators to officials and communities.

The issue of the role of land agents was raised at the January meeting. County and municipal officials expressed to the pipeline operator representatives the need for improved transparency and communication of accurate information on the part of land agents as they are often a landowner's first introduction to a pipeline project.

As part of this TAG, we researched possible training programs that might be available for land agents, and how municipalities might provide some input into such programs. We reached out to FERC through which we learned of a possible training module for pipeline personnel being developed by the International Right of Way Association (IRWA). General reference to such a model can be found on the IRWA website. Attempts were made to contact IRWA to find out specifics about the module, but to date there has been no response from IRWA. When contact is made, it will be suggested that IRWA consider having a meeting in the Chester County area to inform the public about the training module and provide the opportunity for public input.

Stakeholders appreciated the opportunity to discuss with pipeline operator representatives the need for increased communication and exchange of information about pipeline projects. By participating in the January meeting, pipeline operator representatives showed their willingness to engage in an informal conversation. They were made aware of stakeholders' interest in the early and accurate exchange of information prior to pre-filing with FERC. However, it appeared that, at least at this time, pipeline operators were not prepared to engage with municipalities in developing a process for the exchange of information prior to pre-filing with FERC.

We then focused the TAG project on Milestones 4 and 6, researching other approaches to municipalities developing a systematic approach to gaining early and accurate access to pipeline information.

Milestone 4: outline steps for developing a systematic approach to gaining access to information and greater public participation in pipeline proceedings and Milestone 6: prepare and circulate a survey to municipalities to determine level of awareness and interest in land planning and pipelines.

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A primary step in working toward developing an approach to gaining access to information was the drafting of a survey to be sent to the municipalities in Chester County to gauge their knowledge of existing pipelines in their communities, to determine whether municipalities had a liaison within their townships designated as the point-of-contact with pipeline companies, and to what extent pipelines were considered in a municipality's land use regulation.

In collaboration with the Chester County Association of Township Officials (CCATO), we proceeded to reach out to the 73 municipalities in Chester County with the survey.

We had a 52% response to the survey entitled Pipelines and Land Planning Issues. Approximately 65% of the respondents believed that pipelines are important in their municipalities and that drilling in the Marcellus Shale formation will result in more pipelines in Chester County. 83% of respondents said that they have one or more pipelines in their community, but only a third of those identified a liaison person as point-of-contact with pipeline companies. Half of the respondents consider pipelines during land development reviews, but only 17% address pipelines in their comprehensive plans.

Over 52% of the municipalities that responded to the survey support land use regulations to address pipelines and pipeline land uses. 56% believed ordinances would be of interest to their community, and the same percentage expressed an interest in reviewing proposed ordinances.

Overall, respondents to the survey believed they were moderately informed about pipeline issues and concepts. Municipalities were given the opportunity to provide their contact information should they wish to learn more about land planning and pipelines.

In addition to seeking input from municipalities through the survey, further outreach efforts included inviting municipalities to attend a third public forum on March 2013 which focused on Land Planning and Pipelines. The topics of this forum included: Pipelines, Communities and Safety as well as Pipelines and the Role of Municipalities in Zoning and Land Planning.

Collaborating with the Chester County Association of Township Officials (CCATO) as well as the Chester County Planning Commission, access to the Power Point presentations from the March forum were made available to the public at the CCATO website: <http://ccato.org>, and at the Chester County Pipeline Information Center (PIC) website at: <http://www.chescopagreen.org>.

In response to the TAG outreach including the March forum, copies of proposed ordinances were sent to at least fifteen municipalities and county planning departments in Chester and Delaware Counties. Requests for the proposed ordinances were also received from the League of Women Voters of PA and its Water Resources Education Network (WREN) as well as the New England Gas Workers Association. Several municipalities are now in the process of discussing adopting ordinances based on the proposed models.

Milestone 5 sought to explore development of Best Practices for damage prevention and risk management in pipelines.

Originally, we worked on developing a meeting to focus on pipeline safety and emergency management. We contacted and met with emergency management personnel in Pennsylvania to gauge their interest in attending a program focused on the sharing of information and coordination of safety protocol between pipeline companies and local emergency management and first responders. The general response to our inquiries was that currently there was sufficient information available and opportunities for training on this subject matter.

It may be that it is necessary for agencies and pipeline operators to reach out to emergency management personnel to raise their awareness of current, additional resources available that address damage prevention and risk management..

If agencies and pipeline operators were to provide emergency management personnel with information about additional resources and programs easily accessible for training and damage prevention, this could act as an incentive to engage emergency personnel in exploring additional avenues for damage prevention and mitigation of risks.

It was then decided that the better practice at this time in raising awareness for damage prevention and risk management would be to continue the effort to promote the concept of a shared responsibility for pipeline safety.

After evaluating feedback from the three public meetings and from the surveys, we turned to developing a presentation on the role of regulatory agencies in relation to pipelines and pipeline safety.

On June 19, 2014 we presented our fourth public program entitled Pipelines, the Regulatory Process, and You. Representatives from the Pennsylvania Public Utility Commission (PUC), PHMSA, Natural Lands Trust, and the Williams Company presented their viewpoints.

Topics covered at the June 19 presentation included: the role of the PUC in regulating the transportation of natural gas and the safety of pipelines and pipeline facilitates; how PHMSA interacts with FERC and the PUC; the process of how and when Williams Company as a pipeline operator communicates pipeline information, and a land trust's perspective as viewed by the Natural Lands Trust on the pipeline planning process. The Williams presentation focused its communication efforts on following regulatory milestones in a pipeline application to FERC beginning with the pre-filing process.

The representative from Natural Lands Trust explained that land trusts are holders of the rights of conservation easements and may also be owners of open space property. Some land trusts have made substantial commitments to protecting large areas with important natural resources, such as the Hopewell Big Woods which is a 73,000-acre woodland located in northern Chester County.

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From the perspective of land trusts as holders of the rights of conservation easements and owners of open space property, it was expressed that early notification and communication of detailed information is needed to improve the pipeline planning process. The sharing of information with all stakeholders early in the planning process was seen as key to strong pipeline planning and safety.

The PowerPoint presentations from the June 2014 are available for viewing by the public at the Chester County PIC website: <http://www.chescopagreen.org>.

In addition, articles detailing each of the public meetings held during the TAG period appeared in the Chester County newspaper, the *Daily Local News*.

Having provided four public forums to raise public awareness of pipeline procedures and to promote shared responsibility for pipeline safety as well as introducing municipalities and the public to pipelines, communities and safety, the TAG then addressed Milestones 7 and 8.

Milestones 7 and 8 included introducing municipalities to the PIPA informed land use planning safety guidelines, and meeting with county and municipal officials as well as community organizations to promote the multi-pronged municipal regulatory approach to land planning and pipelines outlined in the proposed ordinances.

Following up on the interest expressed by municipalities in response to the survey and the Program Evaluation Forms handed out at the end of the March and June forums, meetings with several municipalities and planning organizations were scheduled and formal presentations made regarding land planning and pipelines.

Currently in Pennsylvania, Sunoco Logistics has a Petition before the Pennsylvania Public Utility Commission (PUC) seeking exemption from complying with local zoning laws regarding pump stations and valve stations for its Mariner East Project to transport liquid natural gas (NGL). The proposed route of this project will impact East Goshen, West Goshen, Wallace and Upper Uwchlan townships in Chester County. The Sunoco project has sparked considerable interest in the relationship of municipal zoning to pipelines and in the PIPA informed land use planning safety guidelines.

Throughout September, 2014, we were able to reach out to communities in Berks, Bucks and Lehigh Counties by contributing to presentations through another TAG recipient, the League of Women Voters of Pennsylvania, in conjunction with the Center for Excellence in Local Government of Albright College which is located in Berks County. The September programs included discussions of municipal planning code considerations in relation to the PIPA guidelines, pipeline planning to mitigate risks, and the ordinances proposed under this TAG.

In addition, we began a dialogue with the Pennsylvania State Association of Township Supervisors (PSATS) to discuss further development of the ordinances. PSATS agreed to review the ordinances under consideration and to provide comments which have now been taken into consideration in providing municipalities with guidance on land use planning and pipelines.

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During the period of performance of this TAG, municipalities throughout Pennsylvania have shown significant interest in having guidance regarding municipal planning in relation to pipelines and surface land uses affiliated with pipelines. Communication and meetings with municipalities regarding a municipal regulatory approach to land planning and pipelines have begun the conversation in and among municipalities of addressing a systematic approach to gaining greater access to pipeline information and greater public participating in pipeline proceedings.

Milestone 9 objective was to act as a liaison with local, state, and federal agencies and officials to keep the public updated on proposed legislation and regulations designed to improve greater access to pipeline information.

Throughout this TAG project we have reached out to local, state and federal agencies and officials to keep them informed about issues that were raised during the four meetings that we conducted and to keep the public updated on legislation under consideration.

On April 10, 2014 a public hearing of the Pennsylvania Joint Legislative Air and Water Pollution Control and Conservation Committee (JCC) was held in West Pikeland Township. The focus of this hearing was Interstate Pipeline Construction in Southeastern, PA. Municipal and county officials as well as community leaders and representatives from conservation organizations were invited to speak. Ernie Holling, Chairman of the West Pikeland Board of Supervisors and President of CCATO, gave a PowerPoint presentation, and Eileen Juico, Principal Investigator of this TAG, provided testimony.

Mr. Holling recommended inter-entity information sharing with information flowing among Commonwealth agencies, the County through its PIC and municipalities. This recommendation reflects the objective of Milestone 9. We have acted on this by sharing information throughout the TAG with our County and State representatives as well as PSATS and the County PIC.

Building on the development of inter-entity information sharing continues to be an on-going process of communication with our local, state and federal representatives and agencies.

It became apparent through the discussions that took place at the meetings attended by local and state officials, stakeholders, pipeline operators and representatives from regulatory agencies that a framework for improved communication and information sharing between shareholders and pipeline operators needs to be in place prior to having any meaningful discussions with local officials about the possible use of Alternate Dispute Resolution (ADR) as a tool for resolving disagreements regarding pipeline projects and proceedings.

We continued the inter-entity information sharing process acting as a liaison with federal agencies. Karen Gentile, CATS representative from PHMSA, was invited to and attended our TAG meetings. She was very supportive of our efforts, giving presentations, providing handouts, and making herself available to answer questions from the audience after the meetings.

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As was mentioned earlier in this Report, representatives from FERC attended two of our meetings. Follow up communication was made with them to seek information about updates on better stakeholder involvement in pipeline proceedings including scoping meetings, and to inquire about possible requirements that pipeline operators submit more comprehensive environmental data in their filings with FERC. No additional information was gained about FERC requiring earlier submittal of environmental data by pipeline operators. However, it is our understanding that a publication on best practices for stakeholder outreach throughout the FERC process is expected in early 2015.

During the period of performance for the West Pikeland TAG project, we communicated regularly with community leaders and organizations including the Federation of Northern Chester County communities to keep them informed about our public meetings, provide them with links to websites addressing land planning and pipelines, and to share current information about pipeline projects and developments. In May, 2014, we attended the annual conference of the Pennsylvania Land Trusts Association to exchange information about transmission pipeline safety and planning.

Summary:

The meetings presented under this TAG and availability of Power Point presentations on both the CCATO and PIC websites succeeded in raising the awareness of pipeline procedures and contributed to promoting a shared responsibility for pipeline safety. The reoccurring theme that appeared throughout the period of performance of the TAG was the critical importance of early notification and the exchange of accurate information about pipeline planning and projects with input from all stakeholders prior to pre-filing with FERC.

Distribution of the survey and the resultant feedback from municipalities coupled with the introduction of PIPA land use planning guidelines and proposed ordinances has raised the awareness of municipalities to the importance of developing a systematic approach to gaining access to pipeline information and greater public participation in pipeline proceedings.

In beginning the exploration of a systematic approach to pipeline safety and planning, municipalities are now more aware of the need for discussion within their communities of the relation of land planning to pipeline safety and planning. They have begun reviewing their land use regulations in relation to pipelines, and discussing development of inter-entity information sharing with local and state agencies and organizations. These initiatives all contribute toward a balancing of interests in promoting safe, reliable and environmentally sound pipelines.

Thank you for providing a grant to West Pikeland Township to develop this project.

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US DEPARTMENT OF TRANSPORTATION PHMSA

TECHNICAL ASSISTANCE GRANT (TAG) 2013

#DTPH56-13-G-PHPT19

West Pikeland Township

1645 Art School Road

Chester Springs, PA 19425-1506

TOTAL PROJECT BUDGET

Final expenditures for this project were as follows:

	<u>Budget</u>	<u>Actual</u>
1. Personnel		
Township Secretary attendance at and assistance with public meetings and taking of notes.	\$500.00	\$500.00
2. Supplies		
Printing of hard copy materials handed out at public meetings.	\$500.00	\$500.00
3. Contractual		
Eileen Juico	\$38,000.00	\$37,000.00
John Gaadt, Gaadt Perspectives	<u>\$11,000.00</u>	<u>\$12,000.00</u>
TOTAL:	\$50,000.00	\$50,000.00