

Submission Date: December 30, 2010

ARTICLE X, SECTION 10.01: FINAL REPORT

GRANT AGREEMENT: DTPH56-09-G-PHPT07

TITLED:

**EDUCATION & OUTREACH ON PIPELINE SAFETY INVOLVING
THE EXISTING COLUMBIA AND PROPOSED CO-LINEAR AES
SPARROWS POINT MID-ATLANTIC LNG PROJECT PIPELINES**

GRANTEE: Safety, Agriculture, Villages, & Environment (S.A.V.E.) Inc.

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Article IV: Deliverables:

☛ Final Report (pages 1-10)

☛ Exhibits (pages 11-22)

☛ Federal Financial Report (page 23)

☛ Federal Financial Form 425 – attached separately

FINAL REPORT

The Grantee has fulfilled expected program outputs under Article III by providing technical assistance, informational resources and outreach to all stakeholders in communities through that existing Columbia gas line and proposed AES Mid-Atlantic pipeline and has informed the public regarding the safety and reliability of pipeline operations. The Grantee has done so through completion of stated project components, “*Land Use Review and Coordination*” and “*Outreach, Education and Engagement*.” In accordance with Article X, Section 10.01, the Grantee herein submits this Final Report.

Land Use Review and Coordination:

Our statement of work provided for a review of ordinances in the seven municipalities of the proposed Mid-Atlantic pipeline path, the preparation of customized reports for each of these seven municipalities, the documentation of differences between existing ordinances and land use/safety management in pipeline best practices, and the submission of those findings to municipalities so as to create a guided dialog on recommended changes.

By sub-contracting with Mr. John Gaadt, AICP, Gaadt Perspectives, LLC, S.A.V.E. took advantage of Gaadt Perspectives twenty years of professional experience in environmental and land use planning. His review of municipal ordinances and GIS mapping of the proposed Mid-Atlantic pipeline focused on municipal and environmental impacts, options to the proposed Mid-Atlantic pipeline path, and the creation of model land use ordinances to enhance safety.

The services of Mr. Vincent M. Pompo, Esq. were employed to compliment Mr. Gaadt’s work and provide an ancillary scope of expertise. As Partner and Chairman of the Municipal Law Department and the Environmental Law Practice Group of Lamb McErlane, Mr. Pompo specializes in municipal, land use and environmental law thus addressing the legal aspects in drafting the model ordinances.

The team completed a four pronged municipal regulatory approach to proactively address pipelines within the current legislative and regulatory climate. The approach includes: *Surface Land Uses Affiliated with Transmission Pipelines*, otherwise not provided for in most ordinances (Exhibit I, page 11); *Street Opening Model Ordinances* (Exhibit II, page 14); *New Development Standards* in proximity to pipelines (Exhibit III, page 18); and *Recommended Comprehensive Plan Language to Reflect Existing and Proposed Transmission Pipelines*, revisions to municipal comprehensive plans that provide the nexus between the comprehensive plan and code of ordinances. (Exhibit IV, page 20).

The Grantee contacted each municipality via letter to introduce the TAG project and the availability of technical assistance to the seven municipalities impacted by the AES Sparrows Point Mid-Atlantic pipeline expansion project. Mr. Gaadt’s services were offered in two venues: One-on-one meetings with each municipality were offered to review existing ordinances in comparison to the newly drafted model ordinances and a public workshop was scheduled to provide additional technical support and outreach to the wider community.

Between October and mid-December, Mr. Gaadt met with six of the seven municipalities. Meetings were intended for outreach & technical assistance under the terms of the grant and included Lower Oxford Township, Upper Oxford Township, Londonderry Township, East Fallowfield Township, Newlin Township, and West Bradford Township. West Marlborough township has been scheduled for February 2011.

All seven municipalities were contacted several times and in multiple ways by Mr. Gaadt, including phone conversations, emails, letters and hard copy information packets. Mr. Gaadt provided technical assistance to the participating municipalities, aiding in choosing a course of action (i.e. where to place the ordinances in their codes), determining what districts apply standards to, as well as satisfying respective solicitors, boards and planning commissions. Brief summaries of the meetings follow:

Londonderry Township: Meeting date: October 25, 2010. Meeting held with township Board of Supervisors and several Planning Commission members. Description of the genesis of this project and the four-prong approach was followed by a general question and answer period and discussion.

General consensus: The ordinances and comprehensive language discussed held merit. The Township's planning consultant and Planning Commission will add this information to their work program for 2011. Gaadt Perspectives was asked to assist as needed.

Newlin Township: Meeting date: October 27, 2010. Meeting held with township Board of Supervisors and Planning Commission. Description of the genesis of this project and the four-prong approach was followed by a general question and answer period and discussion.

General consensus: The ordinances and comprehensive language discussed held merit. The Township's Planning Commission will work towards tailoring the ordinances and comprehensive plan language for the Township and move towards adoption in 2011. Gaadt Perspectives, LLC was asked to assist as needed.

Lower Oxford Township: Meeting date: October 29, 2010. Meeting held with two township Board of Supervisors members and was more informal than preceding meetings. Description of the genesis of this project and description of the four-prong approach was followed by a more informal conversation with the two Board members.

No commitments were made to amend the Township's ordinances or Comprehensive Plan, however the Board members present did commit to further consideration. Additional outreach to the Township is recommended in early 2011.

Upper Oxford Township: Meeting date: November 1, 2010. Meeting held with the township Planning Commission. Description of the genesis of this project and description of the four-prong approach was followed by a general question and answer period and discussion.

Consensus: The ordinances and comprehensive language discussed held merit. The Township will want to carefully consider their applicability to Upper Oxford Township. While no commitments were made, the Township agreed to further consider the ordinances and comprehensive plan language. Gaadt Perspectives, LLC was asked to assist as needed. Additional outreach to the Township is recommended in early 2011.

West Bradford Township: Meeting date: November 5, 2010. Meeting held with the Township Manager. Description of the genesis of this project and description of the four-prong approach was followed by a more informal conversation with the Township Manager.

The Township Manager expressed merit in the ordinances and comprehensive language and the intention to recommend the Planning Commission work in conjunction with the Board of Supervisors to tailor the ordinances and comprehensive plan language to their needs and move towards adoption in 2011. Gaadt Perspectives, LLC was asked to assist as needed.

East Fallowfield Township: Meeting date: December 14, 2010. Meeting was scheduled to be held with the township Board of Supervisors but was canceled by the township due to a lack of quorum. It has subsequently been rescheduled for February 2011.

West Marlborough Township: A meeting could not be scheduled before the end of 2010. It is anticipated that such a meeting will be held in early 2011.

Reaction to the six meetings was positive, with most municipalities committing to further in-house discussions regarding local adoption of the draft ordinances. Most municipalities requested additional assistance as they move forward with adoption in 2011.

A September 23, 2010 workshop “*Pipelines, Communities & Safety: Land Use and Model Ordinances*” was scheduled and held to provide technical support and provide the ability for municipalities to discuss cooperative efforts. Municipal participation in the workshop and their responses to the workshop included requests for copies of power point presentations, and the four model ordinances. Requests came from six municipalities beyond the original seven delineated in this project. Having drawn an audience beyond our statement of work, the Grantee was able to create cooperative interaction with adjacent and non adjacent municipalities within and beyond the scope of this project, reaching a known population of thirteen (13) municipalities.

By providing reviews of ordinances in of the proposed Mid-Atlantic pipeline path, the preparation of customized reports for the seven municipalities, documenting differences between existing ordinances and best practices regarding land use, safety and emergency management regarding pipeline(s) and submission of those findings to municipalities, a dialog on recommended changes was created to enhance safety beyond TAG expectations.

Outreach, Education and Engagement:

Our statement of work provided for two major outreach and resource components: web design and public workshops. Implicit in both was the need to gather, develop and enhance mailing lists and databases. A database for mailing informational pieces and workshop notices was compiled, utilized and then honed into an electronic database for web resources, more cost efficient notifications, promotion of public meetings and enhancing partnership relationships.

Website software, design and content development was centered on statement of work objectives to create a resource for citizens, municipalities, residents, elected officials, pipeline company representatives and regulatory agencies in order to foster communication on best practices, model ordinances, emergency response procedures, and other resources that promote a more informed community and therefore a safer community.

Hendrik-Jan Francke & Bright Orange Thread (BOT) was contracted for their expertise in developing state-of-the-art web sites for non-profit organizations. BOT created a wireframe skeleton design, structure and a web-based “boot camp” for instruction and document loading. Content development proved to be time consuming and laborious in the analysis and reduction of the volumes of information available to the public into a concise, logical format for novices to pipeline issues. Ease of use was determined to be the key to success of the site, therefore restructuring occurred on several levels, requiring an extension for completion of work product.

Content development included the gathering of information regarding how current and proposed pipeline projects might affect safety, land use planning, and the health and well-being of our citizens and the environment. The goal has been to create a web resource as an informational “gathering place” for Chester County stakeholders regarding pipeline issues, but also to allow for the website to reach beyond, enabling more timely and concise distribution of educational information. Web design is complete and launch of the site is scheduled for January 2011. The Grantee will continue to foster communication to/from area residents, and between residents, elected officials, pipeline company representatives and regulatory agencies through continuing efforts and ongoing site development.

Overall, distribution of educational information was an ongoing process with monthly e-blasts and newsletters provided to the Grantee’s aforementioned collaborative database. Perhaps the most palpable component of continuing education occurred through public workshops, where feedback was gleaned from attendance numbers and evaluation forms.

Centrally based in Chester County, Octorara School District’s Primary Learning Center was chosen as the appropriate and consistent location for TAG educational workshop presentations. Public workshops included power point presentations with educational material made available to all attendees in hard and electronic formats. The two workshops created and facilitated by The Grantee were evaluated by attendees prior to departing these meeting. Evaluation Reports enabled the Grantee to gauge the quality of location, practicality of information to individual needs, organizational success or failure, quality of the level of understanding in presentations, speaker knowledge, degree to which material covered was useful, degree to which questions were answered and/or more questions raised, level of understanding of attendees of Pipeline Community and Safety Issues before and after each

workshop, and finally the overall evaluation of each workshop. Evaluation Report results are discussed in the specific public workshop synopsis.

Public workshop announcements and presentation schedules were provided via post card "Save The Date" announcements, e-blast and partnering organization email notices. Partners in workshop presentations are provided in *Additional Grant Benefits*, (page 10)

Outreach to legislators, public servants, government and non government organizations was received with gratitude for an opportunity to learn more about this expanding issue in Chester County and all of Pennsylvania. Education outreach was achieved by participation in public workshops and through consulting provided by the Grantee and its consultants. Legislators, public servants, Non Government and Government Organizations participating in The Grantee's TAG programs is provided in *Additional Grant Benefits*, (page 10)

The first TAG sponsored workshop conducted by The Grantee resulted in partnerships formed with organizations seeking unbiased, factual information for their members. The Grantee organized and facilitated two (2) workshops and partnering and/or providing a guest speaker in an additional three (3) workshops. A total of five (5) public workshops were provided through grant work:

1) ***"Pipelines, Communities & Safety: The Current and Future State of Affairs for Chester County"***
Date: April 27, 2010. Attendance: 120.



Think gas pipeline issues don't impact you?
You might want to think again . . .

S.A.V.E. presents a free
PUBLIC FORUM
made possible through a U.S. Department of Transportation Technical Assistance Grant
Tuesday, April 27th: 7:00 p.m. - 9:30 p.m.
***"Pipelines, Communities & Safety:
The Current and Future State of Affairs for
Chester County"***

Guest Speakers:
John Quigley, Secretary, PA Department of Conservation & Natural Resources
John Hines, Deputy Secretary for Water Management, PA Department of Environmental Protection
Matt Royer, Attorney, Chesapeake Bay Foundation

As gas pipelines become an increasing presence in Chester County's communities, landscapes & watersheds, our speakers will discuss regulatory processes and the information you need in order to participate in fostering safety and reliability of pipeline operations in your community. We will connect the dots from drilling Marcellus Shale to transporting fuel through Chester County and the foreseeable impacts to our region.

A welcome will be provided by:
Senator Andy Dinniman
Representative Curt Schroder

The Chester County legislative delegation and elected officials have been invited with attendance confirmed by **Commissioner Kathi Cazzone**, Representatives **Chris Ross** and **Tom Houghton**.

Brandywine Conservancy Sr. Planner Teddy Price will provide an update on the AES Mid-Atlantic Express LNG project affecting our region and the forum will provide guidance on how citizens, municipalities, agencies and legislators can work together to enhance private, public and environmental safety in pipeline operations.

Registration and Exhibits at 6:15 p.m. - Program promptly at 7:00 p.m.
(Exhibitors include: Brandywine Conservancy, League of Women Voters, Penn Future, Pennsylvania from Below, CFACE, S.A.V.E. & more)

Held across the street from the Octorara High School at the Octorara Primary Learning Center
Get directions
87 Highland Road (at Route 41 & Highland Road intersection), Atglen, PA 19310
There is no cost to attend, but space is limited, so pre-registration is recommended. Click here, OR Call: 610-925-0041

1971 Amendment to the Pennsylvania Constitution:
"The people have a right to clean air, water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

A prime objective of this grant work was to improve the public's understanding of pipeline issues in the AES Sparrows Point & Columbia pipelines and to thereby enhance pipeline safety in our community.

This workshop focused on regulatory processes and information needed in order for local governments and citizens to participate in fostering the safety and reliability of pipeline operations.

Cognizant of a disconnect between the public and Pennsylvania government organizations, the Grantee determined the need to begin the workshop series with an intensive program spot lighting the Pennsylvania Department of Environmental Protection (PA DEP) and the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) with focus on their roles in public, landscapes, watersheds and environmental safety.

Our speakers discussed regulatory processes and provided both public and legislative attendees with the information needed to participate in creating safety and reliability in the pipeline operations within our community. They connected the dots from drilling Marcellus Shale to transporting fuel through Chester County and foreseeable impacts to our region. These speakers firmly recommended early, proactive participation

in pipeline projects to achieve a long term goal of safer communities.

The "bi-partisan workshop" was opened by PA Senator Andy Dinniman, PA Representative Curt Schroder, PA Representative Chris Ross, and Chester County Commissioner Kathi Cazzone. Acting Secretary John Quigley

presented his first speech as Pennsylvania’s *confirmed* Secretary of PA Department of Conservation and Natural Resources and urged continued proactive participation in AES Sparrows Point negotiations as well as early, proactive participation in all pipeline projects. The Secretary expounded on the connection between safety of natural resources and public safety and pointed to the connection between Marcellus Shale drilling and the potential for AES to reverse current plans in order to provide exportation lines for Pennsylvania’s Marcellus Shale fuel. Secretary Quigley noted the expansive capability of existing infrastructure in Southeast Pennsylvania as an additional reason for public education and proactive participation in pipeline issues so that community safety might be addressed subjectively by the impacted public.

PA Department of Environmental Protection (DEP) Deputy Secretary John Hines sent eleventh hour regrets and a replacement in Mr. Jim Newbold, Water Management Program Manager, DEP Southeast Regional Office. Mr. Newbold discussed the role PA DEP plays in regulation, compliance and state permitting in pipeline placement. Invited attendees from the Chester County Conservation District were introduced and asked to explain their role as “on the ground” representatives for PA DEP so that both the public and legislators had a clearer picture of the chain of command and therefore the hierarchy needed to follow in the pipeline construction process.

As the forum intended to lay a foundation for providing citizens the information needed to participate in personal, public and environmental safety issues, the Chesapeake Bay Foundation was invited to provide insights into their involvement and proactive approach to pipeline safety in watersheds. Mr. Matt Royer, Pennsylvania Attorney for the Chesapeake Bay Foundation, noted the crossing of 30+ watersheds in the AES Sparrows Point Project and provided guidance to proactive public participation by working with legislators and agencies to enhance community safety and encourage damage prevention to property, Chester County’s landscapes and watersheds. His knowledge and passion for achieving a balance for Pennsylvania in gas exploration processes and ensuing pipeline infrastructure prompted the audience to become interested in learning more about preserving the safety in Chester County watersheds.

Brandywine Conservancy Sr. Land Planner, Teddy Price, Esq. offered an update on the AES Sparrows Point Project and answered questions related to the project and the active involvement of Brandywine Conservancy and S.A.V.E. in promoting an approach of environmental and public safety in the project.

The professional and personal passion demonstrated by these esteemed speakers achieved our goal of creating an environment in which the public and legislators feel a need to become more informed and better educated in local pipeline issues and processes.

Evaluation forms revealed overall satisfaction with the workshop with excellence noted for the workshop as a whole and speaker knowledge. Information provided was deemed to be at an understandable level, useful and having

answered questions while raising additional questions. A need for extension of the Question and Answer period was noted.

Evaluation Report

*“Pipelines, Communities & Safety:
Land Use and Model Ordinances”
September 23, 2010*

Your input helps us to always improve! Please tell us how you feel & leave this form at the registration table:

Name (Optional)	Send me notices of future Pipeline issue events: (1)				
Contact Information (Optional):					
8 responses: All questions were not answered					
		Needs			
	Excellent	Good	Improvement	N/A	
Location of Forum (Good)	3	4	0	0	Thanks for having this!
Practical to My Needs and Interests (Good)	2	4	0	0	
Well Organized (Excellent)	4	3	0	0	Want copy of power point.
Information Presented at Level I could Understand (Excellent)	4	2	0	0	
Material covered was useful (Excellent)	4	3	0	0	
Speakers Knowledge (Excellent)	5	2	0	0	Follow up focusing on: 1) who pays for functional safety measures. 2) how
My Questions were answered (Excellent)	3	2	1	2	"make it so" (legislation and at what level etc)
More Questions were Created (Excellent)	3	2	0	2	
Question and Answer Time was (Good)	2	0	2	0	
My level of understanding Before Forum (Needed improvement)	1	1	4	0	
My level of understanding After Forum (Good)	3	2	2	0	
Overall Evaluation of Workshop (Good)	3	3	1	0	I learned a lot but need to learn more.
CONSULTANT OBSERVATIONS:					
The Forum was rated Good to Excellent					
Highest rating of Excellence: Speaker Knowledge					
Lowest rating of Excellence: Level of Understanding Before Forum					
Highest rating in Need for Improvement: Level of Understanding Before Forum					
Thank you, very useful.					
6 requests for power point presentations					

The level of understanding in pipeline community safety issues improved as a result of the workshop and recommendations were noted to “Follow up with more workshops.” The frequent remark “The more you know the more you realize how little you know” was echoed both in evaluations and in general conversation post workshop.

It was from this workshop experience, that a partnership developed with the West Vincent TAG for this Grantee to participate in the next West Vincent TAG program.

Session III

Evening's Topic: FERC Guidelines

Pipelines and People

Putting Them Together

May 20, 2010

6:30 – 8:30 PM

West Whiteland Township

101 Commerce Drive, Exton, PA 19341

Speaker:

Carolyn Elefant, Esquire

a Washington-based attorney with extensive experience in the area of federal energy practices and policy including pipeline siting. Carolyn started her legal career at the Federal Energy Regulatory Commission (FERC) in 1988, and has been in private practice since 1990. She has represented municipalities, conservation groups and landowners in siting procedures, both before FERC and in federal court.

Through a technical Assistance Grant awarded by the United States Department of Transportation, West Vincent Township in partnership with West Pikeland Township, S.A.V.E. and the Green Valleys Association invites you to an educational series concerning the numerous pipelines and their operations in our communities. **Mark your calendars and plan to attend.**

You must register in advance.

Call: 610 458 1601



An Informed Community is a Stronger Community.

2) “Pipelines & People - Putting Them Together”

Date: May 20, 2010. Attendance: 50. Sponsored by West Vincent Township TAG and in partnership with the S.A.V.E. TAG, West Pikeland Township, and the Green Valleys Association, a welcome was provided by PA Representative Curt Schroder. Guest speaker Carolyn Elefant, Esq., a Washington based attorney, provided the audience with her extensive knowledge and experience in Federal Energy policy. A former Federal Energy Regulation (FERC) employee, Ms. Elefant is currently legal counsel to Brandywine Conservancy in the AES Sparrows Point proceedings. Ms Elefant was able to address questions related to updates on the proceedings and the current status of the Project.

Ms. Elefant’s power point presentation focused on the FERC process with a tutorial on siting, pre-filing, filing, the processes of intervening and of eminent domain. Her power point was distributed to the audience in hard copy and is available on her website www.carolynelefant.com, the West Vincent

website: www.westvincentwp.org and the soon to be launched website created by the Grantee.

As result of participation in The Grantee’s April 27, 2010 workshop, “*Pipelines, Communities & Safety: The Current and Future State of Affairs for Chester County*,” Pennsylvania Sierra Club’s Chester County Chapter asked the Grantee for TAG representation as a speaker in their program:

3) “*Pennsylvania’s Marcellus Shale & Chester County Gas Pipelines: What are they about & how might they impact your life*”

Date: June 17, 2010. Attendance: 48.

Pennsylvania Sierra Club Chapter Director, Jeff Schmidt opened the workshop and discussed issues of concern to Sierra Club. S.A.V.E. TAG consultant, Lynda Farrell of Blue Heron Consulting & Honeysuckle Hill Farms, LLC provided the power point: “*Chester County Gas Pipelines: Current & Future Impacts of Expanding Gas Lines in Chester County. Why an informed community is a safer community*” and discussed current pipeline mapping, future impacts of expanding pipelines and ways in which early and active public participation fosters a safer community in pipeline expansions. The session closed with PA Senator Andy Dinniman who discussed, “*What Can YOU Do? Legislation in Harrisburg.*”

A fourth workshop resulted from “*Pipelines, Communities & Safety: The Current and Future State of Affairs for Chester County*”:

4) “*League of Women Voters of Central Delaware County Annual Fall Meeting*”

Date: September 17, 2010. Attendance: 45.

Grantee TAG consultant, Lynda Farrell, was an invited guest speaker addressing, "Chester County Gas Pipelines: What they are, Where they are and Why an informed community is a safer community." The presentation spawned a volume of questions requiring they be addressed after the workshop. Many attendees were not aware of the existing infrastructure in South East Pennsylvania. The workshop resulted in an expanded partnerships with the League of Women Voters, potential for future speaking requests from the League of Women Voters in Pennsylvania and expanded partnerships with new organizations.



Think gas pipeline issues don't impact you?
You might want to think again...



**S.A.V.E. presents a free Workshop
for Municipalities & Citizens**

Thursday, September 23, 2010
Registration at 5:30 p.m.
Program promptly at 6:00 p.m.

**"Pipelines, Communities & Safety:
Land Use & Model Ordinances"**

Guest Speakers:

Vince Pompo, Attorney, Lamb, McErlene, PC

A municipal and environmental law perspective into Pennsylvania regulations, opportunities, constraints
John M. Gaadt, AICP, Principal, Gaadt Perspectives, LLC
New development standards, comprehensive planning and recommended approaches
for municipalities in existing and proposed transmission pipelines
Paul Metro, Chief, Gas Safety Division, Pennsylvania Public Utility Commission
PUC's role in pipeline safety, Now and in the future

As gas pipelines become an increasing presence in Chester County's communities, landscapes & watersheds, our speakers will discuss Land Use Planning and Model Municipal Ordinances created by S.A.V.E. to foster safety in the siting of pipeline projects in southern Chester County municipalities and beyond.
"An informed community is a Safer Community"

Who Should Attend:

Municipal Officials, Planning Commission Members, Citizens, Land Planners, Lawyers, Elected Officials, Conservation and Environmental Organizations representatives

Field at the Octorara Primary Learning Center, 87 Highland Road, Abingon, PA 19310
(Past & opposite side from the Octorara High School at the intersection of PA-8 & Highland Road)

There is no cost to attend, but space is limited, so pre-registration is recommended.
Email info@savempa.org, go to www.savempa.org, OR call 810-925-0941

1971 Amendment to the Pennsylvania Constitution:

"The people have a right to know the contents of the provisions of the national constitution and shall not be subject to the unreasonable searches, seizures, and invasions of their privacy."
to search the constitution, click on the link in the top right corner, and download the full text of the page.

in relation to U.S. Department of Transportation Federal Assistance Grants West Chester Township & Brandywine Creek BAs

5) "Pipelines, Communities & Safety: Land Use and Model Ordinances for Municipalities in Pipeline Projects" Date: September 23, 2010, Attendance: 40.

The Grantee organized and facilitated this workshop with a target audience of the municipalities of Lower Oxford, Upper Oxford, Londonderry, West Marlborough, East Fallowfield, Newlin and West Bradford Townships. Additionally, municipalities adjacent to the Octorara, Elk and Brandywine Creek watersheds, land planners, citizens, county agencies and elected officials were invited.

The workshop was again opened with bipartisan legislative representation but was also supplemented by a growth in participation by legislative aides, indicating an increase in legislative awareness. Panelists included land use planning consultant Mr. John Gaadt, AICP, land use attorney Mr. Vince Pompo, and Pennsylvania Public Utilities Commission (PA PUC) Chief of Gas Safety, Paul Metro.

As discussed in *Land Use Planning* (Page 4), Mr. Gaadt and Mr. Pompo discussed the methodology used in municipal ordinance reviews, a four pronged municipal regulatory approach used to proactively address pipelines, and the advisability of the use of these Model Ordinances in adjacent municipalities and/or in any municipality which may face ordinance issues in relationship to pipeline placement.

Mr. Paul Metro, PA PUC Chief of Gas Safety, walked the audience through an introduction to the PA PUC Safety Division, who they are and what they do, what they regulate, and what they do not regulate. He provided statistics to bring home a clearer picture of the numbers of pipelines in Pennsylvania and the future of increased infrastructure. Mr. Metro fielded questions regarding the current status of the AES Sparrows Point Project and future possibilities, citing a potential of the reversal of this proposed project to an exportation rather than import line. The audience realized the importance of becoming more informed and better educated on pipeline issues so that they might become proactively involved early in that process and hope to achieve a greater level of public and environmental safety.

Analysis of the evaluation reports suggest an overwhelming approval rate, interest in municipality participation in 6 out of 8 respondents and requests for electronic copies of presentation material. As with the first workshop evaluation, the greatest need for improvement is noted as attendee level of knowledge.

Over the course of grant work, The Grantee reached 303 attendees directly in five workshops, additional attendees at municipal meetings, educated a bipartisan community of elected officials at all levels, gained a network of partnerships for continued education, and built support of our project philosophy that an educated community is a safer community.

Other Public Outreach Activities

Evaluation Report
*"Pipelines, Communities & Safety:
 Land Use and Model Ordinances"*
 September 23, 2010

Your input helps us to always improve! Please tell us how you feel & leave this form at the registration table.

Name (Optional)	Send me notices of future Pipeline issue events: (1)				
Contact Information (Optional):					
8 responses: All questions were not answered					
			Needs		
	Excellent	Good	Improvement	N/A	
Location of Forum (Good)	3	4	0	0	Thanks for having this!
Practical to My Needs and Interests (Good)	2	4	0	0	
Well Organized (Excellent)	4	3	0	0	Want copy of power point.
Information Presented at Level I could Understand (Excellent)	4	2	0	0	
Material covered was useful (Excellent)	4	3	0	0	
Speakers Knowledge (Excellent)	5	2	0	0	Follow up focusing on: 1) who pays for functional safety measures. 2) how "make it so" (legislation and at what level etc)
My Questions were answered (Excellent)	3	2	1	2	
More Questions were Created (Excellent)	3	2	0	2	
Question and Answer Time was (Good)	2	0	2	0	
My level of understanding Before Forum: (Needed improvement)	1	1	4	0	
My level of understanding After Forum (Good)	3	2	2	0	I learned a lot but need to learn more.
Overall Evaluation of Workshop (Good)	3	3	1	0	
CONSULTANT OBSERVATIONS:					
The Forum was rated Good to Excellent					
Highest rating of Excellence: Speaker Knowledge					
Lowest rating of Excellence: Level of Understanding Before Forum					
Highest rating in Need for Improvement: Level of Understanding Before Forum					
Thank you, very useful.					
6 requests for power point presentations					

☛ Grantee TAG consultant, Lynda Farrell met with PA PUC Chief of Gas Safety, Paul Metro in Harrisburg to develop awareness of the project goals and to learn more about PA PUC’s role in pipeline regulations. Mr. Metro continues to provide guidance throughout the scope of the grant project and participated in the September 23, 2010 TAG public workshop as a result of this outreach.

☛ On August 10, 2010 an industry Pipeline Public Awareness Program was held at the West Chester Holiday Inn. The focus was pipeline safety in the counties of Chester, Delaware, Philadelphia and New Castle and was held in compliance with APR 1162. The Grantee provided public notification to

its database and partnering organizations along with an explanation that the meeting was open to the public, and geared toward farmers, state and local emergency response and planning officials, local and public officials, school districts and excavators. A link for registration was provided. In order to facilitate a broad dissemination of the work being done by The Grantee under the U.S. D.O.T. PHSMA TAG. Grantee TAG consultant, Lynda Farrell attended the program and met with each of the represented pipeline companies as well as the South East 811 representative and the program facilitator, Paradigm.

☛ A result of participation at this APR 1162 Public Awareness workshop, the Grantee learned of “Farmer Forums,” currently only provided in Texas and Louisiana. In efforts to decrease 3rd party damages a collaborative program has been implemented to notify farmers in all counties within the State of Texas as a supplemental program to baseline RP1162 Programming. This program is in its third year in Texas with promising results. Ms. Farrell spoke with Paradigm, industry representatives and later met with the Secretary of the Department of Agriculture (PDA), PA DEP and the Chester County Commissioners to lay the ground work to bring “Farmer Forums” to the Pennsylvania agricultural community.

☛ The Grantee worked with PA State Representative Curt Schroder and representatives from the DCNR and the PA PUC to make government and community liaisons aware of the pipeline safety attributes of a Mid-Atlantic Area Natural Gas Corridor Compact. Representative Schroder is the prime sponsor of House Bill 1817 which would create and authorize Pennsylvania to join an interstate compact. The Grantee provided and continues to provide safety consultation to Representative Curt Schroder.

☛ On September 8, 2010, the Pennsylvania House of Representatives Consumer Affairs Committee held a Public Hearing on House Bill 1817. S.A.V.E. TAG Consultant Lynda Farrell was invited to present testimony at this public hearing because of her expertise and experience in pipeline safety issues in Chester County. Also invited to testify were: Electric Power Generation Association President, Douglas L. Biden, Marcellus Shale Coalition President & ED, Kathryn Zuberbuhler Klaber, PA PUC Chairman, James Cawley, FERC Acting Director Mary O’Driscoll, UGI Utilities, Inc. Vice President-Government Affairs, J. Michael Love, Department of Conservation and Natural Resources Secretary, John Quigley, Pennsylvania Department of Environmental Protection Secretary, John Hanger.

Additional Grant Benefits

In carrying out its grant-funded activities, The Grantee has enhanced its partnerships with a wide range of groups and people at the local, state, and national levels. Among the relationships that have been strengthened are those with:

1. U.S. Senator Bob Casey
2. U.S. Senator Arlen Specter
3. U.S. Congressman Jim Gerlach
4. PA State Senator Andy Dinniman
5. PA State Senator John Rafferty
6. PA State Senator Dominic Pileggi
7. PA State Representative Curt Schroder
8. PA State Representative Chris Ross
9. PA State Representative Barbara McIlvaine Smith
10. PA State Representative Thomas Houghton
11. Chester County Commissioners
12. Chester County municipal Boards of Supervisors
13. Chester County Planning Commission
14. Daily Local News
15. Philadelphia Inquirer
16. Bradford Glen Home Owners Association
17. West Vincent Township
18. Pennsylvania Department of Agriculture
19. PA DCNR
20. PA DEP
21. PA PUC
22. PA PDA
23. Pipeline Safety Trust
24. Pennsylvania League of Women Voters
25. Brandywine Conservancy Environmental Management Center
26. Green Valleys Association
27. Chester Countians for a Clean Environment
28. FRAC Action Coalition of Chester County
29. PennFuture
30. Clean Water Action
31. Pennsylvania from Below
32. Valley Forge Chapter of Trout Unlimited
33. PennEnvironment
34. Protecting Our Waters
35. Earthworks
36. Sunoco, Inc.
37. Spectra Energy

EXHIBIT I

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES

Note: This ordinance is intended to be enacted as part of a Township's Zoning Ordinance, preferably within a "Supplementary Regulations" section.

AN ORDINANCE PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER ___ OF THE CODE OF ORDINANCES OF _____ TOWNSHIP, BEING THE ZONING ORDINANCE BY PROVIDING FOR THE REGULATION OF SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Zoning Ordinance, as amended (the "Zoning Chapter"), Article ___, Supplementary Regulations, Section ___, is amended by adding a new section ___, to read as follows:

- A. Purposes. The purpose of surface land uses affiliated with transmission pipelines shall be to:
- (1) Accommodate the need for surface land uses affiliated with transmission pipelines consistent with the desire to protect the health and welfare of the citizens of the Township.
 - (2) Minimize aesthetic, nuisance and visual impacts of surface land uses affiliated with transmission pipelines through proper design, siting and vegetative screening.
 - (3) Ensure the location of surface land uses affiliated with transmission pipelines in compliance with applicable industry standards and requirements, among them the Federal Energy Regulatory Commission (FERC), and the Pennsylvania Oil and Gas Act.
 - (4) Preserve the rural, suburban and urban character of neighborhoods adjacent to surface land uses affiliated with transmission pipelines.
- B. Use provisions.
- (1) Surface land uses affiliated with transmission pipelines shall be permitted as a principal use by right in the *Industrial District* where underground pipelines exist or are proposed. Such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the *Industrial District*. Applicants are required to demonstrate to the satisfaction of the Township that the requirements of Section C, Standards for surface land uses affiliated with transmission pipelines, can be met.

Note: Municipalities may wish to designate other areas where surface uses are permitted by right, such as zoning districts within which existing pipeline corridors already exist, or other special use districts appropriate for such uses.

- (2) Except as otherwise designated in Subsection (3) below, surface land uses affiliated with transmission pipelines shall be permitted as a principal use in all other zoning districts where underground pipelines exist when authorized as a conditional use pursuant to Section C, Standards for surface land uses affiliated with transmission pipelines and (*insert reference to municipal Conditional Use Approval Standards*). In addition, such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the underlying district.

- (3) Surface land uses affiliated with transmission pipelines shall be prohibited in the *Historic Preservation Overlay District*.

Note: Municipalities may also wish to prohibit such uses in other special districts such as scenic corridor overlay districts, etc.

- (4) All other uses ancillary to surface land uses affiliated with transmission pipelines are prohibited unless otherwise permitted in the zoning district in which the use is located.

C. Standards for surface land uses affiliated with transmission pipelines. The following standards will be considered by the Township prior to permitting surface land uses affiliated with transmission pipelines:

- (1) **Setbacks.** Unless otherwise approved by the Board of Supervisors upon recommendation of the Township Planning Commission, the applicant shall demonstrate that the setbacks for surface land uses affiliated with transmission pipelines and all supporting equipment and structures to any property line or right-of-way shall be consistent with the minimum setback in the underlying zoning district. In addition, surface land uses affiliated with transmission pipelines and all supporting equipment and structures shall be setback a minimum of one-hundred (100) feet of the property line of an existing dwelling unit, commercial, industrial, or institutional use, and no proposed dwelling unit, commercial, industrial, or institutional use shall be within one-hundred (100) feet of the property line of an existing surface land use affiliated with transmission pipelines.
- (2) **Landscaping.** The applicant shall provide a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with transmission pipelines. The landscape plan shall incorporate the use of an eight-foot decorative fence surrounded by a mix of native vegetation, including evergreens, shrubbery and trees, which shall not be less than the height of the fence and shall be of sufficient density to screen the facility. Existing vegetation in proximity to surface land uses affiliated with transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Township's Subdivision and Land Development Ordinance (or substitute the location of any landscaping provisions of the Township Code). Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.
- (3) **Noise.** Sound produced by the surface land use affiliated with transmission pipelines shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line; in no case shall the sound pressure level exceed 55 dB(A) (according to the American National Standards Institute (ANSI) "a" weighted scale) at the property line closest to the land use.
- (4) **Odors.** Odor, vapors or particulate matter produced by the surface land use affiliated with transmission pipelines shall not exceed the average emission of such substances occurring from other causes at the property line. Specific contaminants shall be regulated by PA Code, Title 25, Environmental Protection, Part 1, Subpart C, Article III, Air Resources.
- (5) **Signage.** All signs, other than utility identification signs, appropriate warning signs, or owner identification signs, shall be prohibited. There shall be no antennae, advertising, or other items or material affixed to or otherwise placed on surface land uses affiliated with transmission pipelines, except as permitted by the Township.
- (6) **Parking.** If the surface land use affiliated with transmission pipelines is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall be equal to the number of people on the largest shift.

- (7) Lighting. No surface land use affiliated with pipeline utilities shall be artificially lighted except as required for emergency night time access. Any such lights shall be shielded so as to reduce intrusion upon nearby properties.
- (8) Engineered drawing submission. Applications for a land use affiliated with pipeline utilities shall be accompanied by engineering drawings prepared by an engineer licensed in Pennsylvania. The applicant shall show that all applicable Commonwealth of Pennsylvania and U.S. standards for the construction, operation, and maintenance of the proposed facility have been met.
- (9) Design. The applicant proposing a surface land use affiliated with transmission pipelines must demonstrate that the structure has been designed to blend in with or mimic existing structures in the landscape such as residential outbuildings, farm structures, or other uses permitted in the underlying districts.
- (10) Visual impact. Any surface land use affiliated with transmission pipelines shall be designed and constructed so as to mitigate the visual impact from public roads and nearby uses. In addition, the color and other visual features of the land use affiliated with pipeline utilities shall be designed and installed in such a manner so as to create the least visual impact practicable. The applicant shall demonstrate compliance with this section, by among other things, providing photographic perspectives of the proposed site from all sides of the property, adjacent road ways and neighboring properties (with permission of the owners).
- (11) Need. The applicant for a surface land use affiliated with transmission pipelines is required to demonstrate, using scientific and technological evidence, that the facility must be located where it is proposed in order to satisfy its function in the company's pipeline system and demonstrate that there is a need for this facility at the location where it will be located.
- (12) Licensing. If the applicant is a commercial pipeline company, it must demonstrate that it is licensed by the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Department of Environmental Protection (PADEP).
- (13) Removal of surface land uses affiliated with transmission pipelines. Any surface land uses affiliated with transmission pipelines that are no longer licensed and active shall be removed and the site restored to its original condition at the owner's expense within 60 days of the last date that the facility was licensed by the PADEP and FERC. A bond or escrow account shall be posted with the Township in an amount sufficient to ensure such removal and site restoration prior to the construction of the facility.

Section 2. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Zoning Ordinance, as amended (the "Zoning Ordinance"), Article __, Section __, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission pipelines – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

EXHIBIT II

STREET OPENING MODEL ORDINANCE

Note: This free-standing ordinance is intended to be enacted as part of a township's Code of Ordinances. It could also be incorporated into a Township's Subdivision/ Land Development Ordinance.

AN ORDINANCE PURSUANT TO SECTION 2322 OF THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, PROVIDING FOR THE REGULATION OF STREET OPENINGS AND INSTALLATIONS AND PROVIDING FOR THE REGULATION OF DRIVEWAYS WITHIN _____ TOWNSHIP. EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. **Title.** This ordinance shall be cited to as the “_____ Township Street Opening Ordinance”.

Section 2. **Permit Required.** No opening, cutting, excavating, grading, boring, crossing, installation or disturbance of any kind shall be allowed upon, in, under, or across any portion of a Township road or any Township road right of way without a permit granted by the Township.

Section 3. **Application for Permit; Fee.** The application for a permit shall be on a form provided by the Township and submitted to the Township in triplicate. The Township Engineer shall be responsible for review and administration of the permit. The application shall be accompanied by a fee for processing the application in accordance with the Schedule of Fees set forth by the Department of Transportation for highway occupancy permits and restoration charges, and another fee for review by the Township Engineer and for making the inspection. In addition, the applicant shall submit three copies of a sketch showing the location of the intended work, width of the traveled roadway, right-of-way lines, an address, and a dimension to the nearest intersecting road or other nearby landmark, so as to ascertain the location of the work.

Section 4. **Decision on the Permit.** The permit application shall be approved or denied within 30 calendar days of submission of a complete application to the Township. If the application and required documents do not conform to the requirements of this Ordinance and applicable ordinances, rules, and regulations, the Township Engineer shall deny the application in writing, stating the reasons. If the Township Engineer is satisfied that the proposed work conforms to the aforesaid requirements, the Township Engineer shall issue a permit.

Section 5. **PA One-Call.** At least 3 working days prior to the proposed start of work, the applicant or his representative shall contact the PA One-Call system at 1-800-242-1776, report the proposed work, and obtain a serial number, and provide such serial number to the Township. No work shall begin until such date and time as authorized by PA One-Call.

Section 6. **Maintenance of Traffic.** At least one lane of traffic shall be maintained at all times. The applicant shall comply with the provisions of PennDOT Publication 203, “Work Zone Traffic Control”.

Section 7. **Detours.** Under extremely unusual circumstances, the Township may allow a road to be closed and traffic to be detoured. No road shall be closed without giving the Township at least 72 hours prior notice, to allow time to notify 911, police, fire departments, emergency services and school districts. No road shall be closed without the applicant submitting a detour plan to the Township and having it approved by the Township. No road shall be closed without proper detour signs, as approved by the Township, having been installed by the applicant. All detour signs shall be maintained for the entire work period.

Section 8. **Erosion Control.** All proper erosion control measures shall be taken to ensure compliance with applicable laws. If necessary, the applicant shall obtain erosion and sedimentation control plan approval from the County Conservation District prior to starting work.

Section 9. **OSHA Requirements.** The applicant shall comply with all OSHA safety requirements and procedures, including without limitation all enclosed space requirements. All trenches over five (5) feet in depth shall be shored or protected with a trench box.

Section 10. **Notification.** The applicant shall notify the Township 24 hours in advance of starting work and upon completion of temporary restoration and permanent restoration.

Section 11. **Backfill.** All backfill within the Township right-of-way shall be 2A crushed stone of optimum moisture content. There shall be a minimum two (2) inches of bedding under the pipe or utility line. Crushed stone backfill shall be mechanically compacted in maximum six (6) inch lifts. Where work is done outside the paved cartway or shoulder, the last six (6) inches of backfill shall be topsoil.

Section 12. **Overnight Requirements.** If the work cannot be completed in one work- day, proper barricades, flashing lights, steel plates or other methods shall be used to secure the site and insure the safety of travelers on the roads in the Township until the next workday. The applicant shall comply with the provisions of PennDOT Publication 203, "Work Zone Traffic Control".

Section 13. **Clean-up.** The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each workday and at the end of the project. Mud shall not be tracked onto the streets at any time. All mud shall be cleaned up within one (1) hour of verbal or written notice from the Township or its agents. All loads shall be tarped.

Section 14. **Installation.** Conduits and pipes shall be installed with a minimum of eighteen (18") inches of cover. In no case shall conduits or pipes be allowed to be placed in or bond to the bottom of the paving, especially in the case of concrete paving. Separation shall be obtained by at least three (3) inches of screenings, to allow paving to be milled in the future without damage to utilities.

Section 15. **Temporary Restoration.** The last two (2) inches of the excavation shall be backfilled with compacted "cold patch" or similar permeable asphalt material to allow percolation of water into the excavation while preventing dust and stone chip nuisances. All excavations shall be temporarily restored prior to allowing traffic on them. All settlement shall be brought back to grade within four (4) hours of verbal or written notice from the Township or its agents. The temporary restoration shall remain in place for a minimum of two (2) months to allow for final settlement to occur through the actions of rain and traffic, but in no case shall it remain in place more than four (4) months. The person issued the permit shall send a postcard to the Township indicating the date of completion of the temporary restoration.

Section 16. **Permanent Restoration.** All ragged or broken edges and undermined areas shall be saw-cut straight; the minimum cutback shall be one (1) foot and the minimum depth shall be six and one half (6½) inches. Permanent restoration shall match existing thicknesses and materials, except in the case of asphalt paving where the minimum requirements shall be five (5) inches of BCBC and one and one half (1½) inches of ID-2, or equivalent Superpave. All edges shall be sealed a minimum of twelve (12) inches wide with GP64-22 liquid asphalt. All non-paved areas shall be restored with six (6) inches of topsoil, seeded and strawed. The person issued the permit shall send a postcard to the Township indicating the date of completion of the permanent restoration.

Section 17. **Identification.** All excavations shall be marked after both temporary and permanent restoration. The following information shall be spray-painted on the existing road surface (not on the patch where it will quickly soak in): name of applicant, complete, exact date of restoration, and emergency telephone number to be called in case of problems day or night. This information shall be painted in six (6) inch letters in the direction of travel, prior to the excavation, and in the proper APWA color (yellow for gas, green for sanitary sewers, etc.). The dates of temporary restoration and permanent restoration shall both appear. If the markings become worn prior to the end of the 1-year guarantee period, they shall be re-painted by the applicant.

Section 18. **Guarantee.** All work shall be guaranteed for a period of one (1) year from the date of final inspection and certification by the Township Engineer that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within four (4) hours of verbal or written notice from the Township or its agents.

Section 19. Security Deposit. At the time of permit application, the applicant shall deposit with the Township financial security in an amount equal to 110% of the cost of completion of the work required to comply with this ordinance estimated as of 90 days following the date scheduled for completion provided that the cost exceeds \$25,000.00. The form, amount and administration of the financial security shall be in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10509. The financial security shall be held by the Township until the end of the 1-year guarantee period and shall be used by the Township as liquidated damages in case of default or non-performance by the applicant.

Section 20. Prohibited Locations. No utilities, except for transverse laterals, shall be placed in the planting area between the face of curb and the sidewalk, or within five (5) feet of the edge of cartway or paved shoulders. This area is reserved for Township use for storm sewers, traffic signs, streetlights, etc.

Section 21. Recently-Paved Streets. Except for emergencies, excavations will not be permitted in streets that have been built or overlaid within the previous three (3) years, unless the applicant agrees to overlay the full width of the excavated section with one and one half (1½) inches of ID-2 or similar Superpave. In the case of transverse crossings, the overlay shall extend a distance of 100 feet on either side of the excavation. Overlays shall be placed within one (1) week of permanent restoration of the excavation.

Section 22. Driveway Permits. Permits shall be required for all new or widened driveways within the Township. Driveway permits for Township roads shall be obtained from the Township. The application shall be accompanied by a fee in accordance with the Township Schedule of Fees adopted from time to time by the Board of Supervisors. Driveway permits for State roads shall be obtained from PennDOT. The provisions of Section 19, security deposit, and Section 33, insurance, shall not apply to an applicant for a driveway permit serving an existing single family residence.

Section 23. Driveway Dimensions. The minimum width of a driveway shall be ten (10) feet. In areas where a driveway is approved for access to multiple lots or uses, the minimum width of the driveway shall be sixteen (16) feet. The maximum width of residential driveways shall be twenty (20) feet. The maximum width of commercial and industrial driveways shall be determined by engineering analysis.

Section 24. Driveway Locations. The centerline of driveways shall be located at least fifty (50) feet from the continuation of the right-of-way line of the closest intersection, or directly across from 3-way intersections.

Section 25. Number of Driveways. Not more than two (2) driveways shall be permitted to any single property, tract or business establishment. Residential lots and lots with frontages of one hundred (100) feet or less shall be limited to one driveway.

Section 26. Visibility. All driveways shall meet the visibility requirements of PennDOT Chapter 201. The clear-sight triangle shall be maintained clear of all obstructions at all times.

Section 27. Drainage. Driveways shall be depressed to match the existing roadside swale or shoulder so as to allow above-ground drainage over the driveway and to direct driveway runoff into said swale or shoulder. Pipes shall not be installed under driveways, except under unusual circumstances and with prior Township approval.

Section 28. Grades. The portion of a driveway within the street right-of-way shall not exceed four (4) percent grade. The remainder of the driveway shall not exceed fifteen (15) percent grade. Driveways shall be paved from the cartway to a minimum of twenty-five (25) feet back from the right-of-way line. Paving shall consist of six (6) inches of 2A crushed stone and two (2) inches of ID-2 per PennDOT Publication 408, latest edition.

Section 29. Erosion. Driveways shall be designed to avoid erosion and excessive runoff by grading, interception swales and/or drainage systems. If erosion products are deposited on the cartway, shoulders or swales, the property owner shall remove them within four (4) hours of verbal or written notice from the Township or its agents. In addition, the property owner shall take necessary measures to avoid reoccurrence of the problem.

Section 30. **Private Streets.** Driveways serving as private streets shall not be dedicated to the Township nor does the Township assume any responsibility for their maintenance.

Section 31. **Flag Lots.** When flag lots abut each other at a common street line, or in other situations considered appropriate by the Board of Supervisors, a common driveway shall be utilized for access to the lots.

Section 32. **Unnatural Water Sources.** Discharge from any roof drains, downspouts, sump pumps, foundation drains, disposal fields, etc., shall not be permitted onto a right-of-way or onto a driveway or driveway drainage system that directs runoff toward a street. Such discharge may be connected to underground drainage systems in the street if available, preferably into an inlet for accessibility.

Section 33. **Insurance.** As part of the permit application, the applicant shall provide the Township with insurance certificates for the following policies of insurance in full force and effect with an insurance company(ies) admitted by the Pennsylvania Insurance Commissioner to do business in the Commonwealth of Pennsylvania and rated not less than A in Best Insurance Key rating Guide:

1. Commercial general liability insurance, including property damage liability and personal injury liability of not less than \$1,000,000 for each occurrence and a \$2,000,000 minimum aggregate amount.
2. Automobile bodily injury liability insurance of not less than \$500,000 each person; \$500,000 each occurrence.
3. Statutory Workman's Compensation and employer's liability insurance.

All policies of commercial general liability insurance required hereunder shall name the Township, its supervisors, engineer and employees as additional insureds. Specifically, commercial general liability insurance policy shall name the Township, its officers, agents, supervisors, elected officials and employees as an additional insured under ISO endorsement CG 20 26 07 04 or non ISO equivalent. Any policy or policies of insurance shall be primary and non-contributory to insurance coverage maintained by the Township. Certificates of insurance shall state that coverage shall not be cancelled by either party except after thirty (30) days' prior to written notice by U.S. certified mail, return receipt requested, has been given to the Township. In addition, the applicant shall indemnify and hold harmless the Township and shall assume the defense and all costs of lawsuits and awards.

Section 34. **Emergencies.** In the case of emergencies threatening property or lives, the applicant may proceed with the work after notifying the Township and 911. The applicant shall still be responsible for applying and obtaining the permit and satisfying all requirements. The application shall be made within twenty-four (24) hours of the verbal or written notice to the Township and 911. If the emergency occurs over a holiday, a weekend, or at night, the application shall be filed the morning of the next working day.

Section 35. **Other Regulations.** In addition to the requirements of this Ordinance, all work is subject to all applicable federal, state and local laws, ordinances and regulations.

Section 36. **Violations and Penalties.** Any person or utility which shall violate or permit the violation of the provisions of this ordinance shall, upon being found liable therefore in a criminal enforcement proceeding, pay a fine of not more than \$1,000 nor less than \$25, together with court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding 90 days. Such fines, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.

Section 37. **Definitions.** As used in this ordinance, the following terms shall have the meanings indicated:

PERSON -- Any natural person, municipal authority, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.

Section 38. **Severability.** If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 39. **Effective date.** This ordinance shall be effective five (5) days from the date of enactment.

EXHIBIT III

AN ORDINANCE PURSUANT TO ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER ___ OF THE CODE OF ORDINANCES OF _____ TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR PLAN SUBMISSION, BUFFER, SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.

Section 1. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article ___, Plan Requirements and Procedures, Sections ___, Plan Content for Preliminary and Final Plan Submissions, is amended by adding a new subsection ___, to read as follows:

(___) The location, center line right-of-way, and limits of easements for all transmission pipelines on the tract or on any abutting property.

Section 2. The Code of the Township of _____, Chapter ___ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article ___, Design Standards, Section ___, is amended by adding a new section ___, to read as follows:

Section _____. Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.
- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of one hundred (100) feet from any existing or proposed transmission pipeline right-of-way. Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within fifty (50) feet of any pipeline right-of-way. No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

- (2) Consultation zone. Any application for new residential structures and all commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines proposed within two hundred (200) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that :
- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
 - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
 - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within five hundred (500) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-of-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

Section 3. The Code of the Township of _____, Chapter ____ thereof, being the _____ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article __, Section ____, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

Pipeline – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

Surface land uses affiliated with transmission pipelines – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Transmission Pipelines – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

EXHIBIT IV

**Recommended Comprehensive Plan Language to
Reflect Existing and Proposed Transmission Pipelines**

Amend chapters/sections dealing with Community Facilities and Services to reflect the following:

The Township recognizes the existence of the Columbia Gas Pipeline running through portions of the Township and acknowledges a proposal to run an AES Mid-Atlantic Express Liquid Natural Gas (LNG) pipeline concurrently with the Columbia line, originating from Sparrows Point Maryland. Such transmission pipelines provide opportunities to meet the energy demands of the Atlantic seaboard but also pose tremendous risk for those communities potentially affected should a pipeline failure occur. Under normal circumstances, underground pipelines are relatively benign; however, where emergencies such as failures do occur, varied threats to public health and welfare can be significant, from direct impacts such as contaminated soils and groundwater pollution to indirect impacts associated with cleanup (expanded access points, groundwater recovery and remediation facilities, expanded soil disturbance, etc.). As such, the Township should continue to monitor existing and future pipeline activity and enact, where feasible, regulations complimentary to the Pennsylvania Oil and Gas Act and the Federal Energy Regulatory Commission designed to protect the public health and welfare and regulate land uses in conformance with the Pennsylvania Municipalities Planning Code, Act 247, as amended. Among the needs to address are those surface land uses affiliated with transmission pipelines, appropriate access provisions for pipeline rights-of-way, and buffering and setback standards appropriate to reduce adverse impacts to residents of new development should a pipeline failure occur. In addition to buffers and setbacks, the Township should examine the feasibility of increased communication with pipeline operators, particularly as related to new development proposals within proximity of transmission pipelines, and investigate measures to protect new land uses with high on-site populations. Regulations should also comply with other applicable policies of this plan, Chester County's Landscapes 2, and applicable statewide planning goals designed to meet the needs of the citizen's of the Commonwealth. The Township should also continue to coordinate its activities with those of the County and State as the AES pipeline proceeds through the permit review and construction phases.

Federal Financial Report:

Grant Agreement: DTPH56-09-SN-0003

EDUCATION & OUTREACH ON PIPELINE SAFETY INVOLVING THE EXISTING COLUMBIA AND PROPOSED
CO-LINEAR AES SPARROWS POINT MID-ATLANTIC LNG PROJECT PIPELINES

<u>Project components:</u>	<u>Proposed Project Budget</u>
Land Use Review and Coordination	\$25,000
Outreach, Education and Engagement	
Content development, hard copy materials, printing, mailings	\$10,000
Web graphic design, content development	\$7,500
Hard cost: software/hardware/web	\$15,000
Public workshops with speakers	\$7,500
TOTAL PROJECT BUDGET (including add'l non-federal matching funds)	\$65,000

PROVIDE BREAK DOWN OF ACTUAL COSTS FOR EACH OBJECT CLASS CATEGORY – THE FOLLOWING PROVIDED FOR THE FEDERAL GRANT FUND COMPONENT ONLY (\$50,000):

<u>Project components:</u>	<u>Expenditures</u>
Organizational Personnel	\$3,518.85
Sub-contracted consulting (outreach, web & print copywriting, web site coordination, educational programming, municipal review & ordinances) (Blue Heron, Gaadt Perspectives, & Lamb McErlane)	\$32,697.50
Travel & Mileage	\$36.40
Equipment (computer technician – public presentation)	\$157.50
Hard copy materials, printing, mailings	\$1,154.52
Web graphic design, software – sub-contracted (Bright Orange Thread, LLC)	\$12,000.00
Additional insured policy for public events	\$206.00
Web site costs (domain, hosting)	\$175.83
Other – purchase documents, media	\$53.40
TOTAL PROJECT BUDGET	\$50,000.00