

**Mid-Term Report per Article X 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:
Mid-Term Report with (4) attachments
Mid-Term Federal Financial Report (SF-425)

Submission Date: April 24, 2014

West Pikeland Township in its Project Abstract for the TAG presented the following Statement of Objectives:

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 pipeline proceedings,
2. To introduce to municipalities in Northern Chester County and neighboring counties to the Pipelines and Informed Planning Alliance (PIPA) land use planning guidelines and model ordinances.

The proposed project scope, goals and objectives of the TAG were described as follows:

1. to educate communities regarding the role of local, state, and federal agencies in development of safe and reliable pipeline operations.
2. to advance open communication of communities with pipeline companies to promote safe, reliable and environmentally sound pipelines.
3. to provide factual information to communities in and near the proposed path of Commonwealth pipeline and the NiSource/Columbia East Side Expansion project.
4. to research and evaluate efforts of pipeline stakeholders in Chester County, Pennsylvania including municipalities, landowners and conservation organizations to raise public awareness of pipeline matters. With the results of this research, West Pikeland will communicate with other municipalities and community organizations to develop an outline of steps for developing a systematic approach to assist in gaining access to pipeline information and participating in pipeline proceedings.
5. to reach out to municipalities particularly in Northern Chester County and Berks County to introduce and expand on model ordinances that focus on informed land use planning, pipelines and pipeline safety. These ordinances may serve as models for municipalities throughout Pennsylvania.
6. to act as a liaison with local, state and federal agencies and officials to gain greater public access to information and greater public participation in official pipeline proceedings.

In working toward achieving its objectives, the West Pikeland TAG through its Principal Investigator, Eileen Juico, developed the content for, coordinated speakers, facilitated and promoted two workshops focusing on advancing open communication and educating communities regarding the role of local, state and federal agencies in developing safe and reliable pipeline operations.

In December, Eileen Juico and John Gaadt, Consultant on the TAG, met with members of the Chester County Planning Commission (CCPC) to introduce them to the scope of the TAG project. At the meeting, we learned of the work of the CCPC on a proposed website called the Pipeline Information Center (PIC). We discussed how we might collaborate in our mutual interests of increasing interaction with pipeline companies and improving notification to Chester County communities.

During the meeting, we discussed plans of the West Pikeland TAG for its workshops and invited representatives from the CCPC to participate in the workshops. John Gaadt also mentioned that he will be working on model land planning ordinances to introduce to municipalities at a later date.

The first meeting for the TAG project was held on December 18, 2013 at West Pikeland Township. It focused on **Increasing Communication with Pipeline Companies**. A copy of the December Agenda is attached to this Report.

The meeting consisted of a panel comprised of representatives from four Chester County municipalities, four conservation organizations and a representative from the Federation of Northern Chester County Communities, a representative from the Chester County Planning Commission, and a representative from the Chester County Conservation District as well as Ernie Holling, Chairman of the West Pikeland Board of Supervisors, and Eileen Juico.

At the December 18 workshop, representatives from the conservation organizations discussed their concern about the lack of opportunity in pipeline proceedings for input from non-profit organizations that hold easements on land proposed to be impacted by pipeline development. In 2013, when Commonwealth Pipeline announced its intention to construct a pipeline through Berks and Northern Chester County, the proposed route was to run through the Hopewell Big Woods, the largest remaining contiguous forest in southeastern Pennsylvania. Tens of millions of dollars in federal, state, county, local and private investments have been made in the preservation of this land.

Municipal officials in Northern Chester County and Berks County were finding it increasingly difficult to communicate with the pipeline company and to gain access to information about the proposed route for the Commonwealth Pipeline. Six of the municipalities requested a report summarizing the important natural, cultural and recreational resources of the Hopewell Big Woods and the potential impact of pipeline development on this landscape. Representatives from the conservation organizations that developed the Report; Natural Lands Trust, French and Pickering Creeks Conservation Trust, and Green Valleys Association discussed the Report at the December meeting. As this comprehensive Report states, the organizations' interest is to seek a balanced approach to conservation and economic development that minimizes negative impacts on the most important natural, cultural, and recreation resources of the Hopewell Big Woods. But a critical element in reaching this objective is the early and accurate exchange of information with pipeline companies.

Representatives from municipalities in Chester County spoke of the lack of adequate notification about pipeline projects. When and how notice of pipeline projects is received by municipalities was discussed. From the discussion, it appeared that the pipeline companies have no systematic approach to notification.

The difficulty in communicating with pipeline companies early in the planning stages of pipeline projects was mentioned several times. Without the early exchange of information, municipalities are unable to communicate to pipeline companies the particular characteristics of their communities, Municipalities and pipeline companies do not have the opportunity to determine if the information that pipeline companies have about a community is current and adequate.

The lack of access to mapping was mentioned by several municipal representatives. One municipal representative stated that she has been waiting a year for a pipeline company to provide mapping for a pipeline project that is to be routed through her municipality.

David Ward, Assistant Director of the Chester County Planning Commission (CCPC), began his opening remarks with the observation that notification of pipeline projects is a disjointed, ad hoc process. Pennsylvania does not have legislation that requires a specific notification procedure.

Notification given to the County by pipeline companies is not copied to municipalities. Mr. Ward went on to say that providing information to all interested parties in a timely manner is key: the earlier the better, and today that is not mandated.

Recognizing the need for a central source for gaining information, the CCPC has been working on developing a website, the Pipeline Information Center (PIC), as a focal point for the sharing of information. PIC would be a source of information for municipalities and landowners regarding pipeline safety and planning. Mr. Ward also stressed the importance of having communications and an open dialogue with pipeline companies early in the planning of proposed projects.

Joe Sofranko, Resource Conservationist at the Chester County Conservation District (CCCD), provided a brief summary of which projects require permits and review in Pennsylvania. He mentioned that the CCCD reviews all Erosion and Sediment Control General Permits (ESCGP-2) for transmission facilities, and that the public can review plans at the CCCD office. He also noted that the CCPC reviews permits of pipelines that cross waterways or wetlands.

We then discussed what could be done to facilitate transparent communication with pipeline companies. To lead off the discussion, Eileen Juico suggested that the next meeting in January include representatives from pipeline companies, FERC and PHMSA, again in a panel format, so that we could explore with them concerns raised during the December meeting.

To further the objectives of the West Pikeland TAG:

1. to educate communities regarding the role of local, state and federal agencies in development of safe and reliable pipeline operations.
2. to advance open communication of all stakeholders with pipeline companies, and
3. to provide factual information to municipalities about proposed pipeline projects,

It was agreed that the topic agreed upon for the January meeting would be: **Enhancing Communication about Pipeline Development**. All who participated in the December meeting were invited to participate in the January meeting.

To begin development of the program for the January 22 workshop at West Pikeland, Eileen Juico contacted more than 20 representatives from municipalities, county agencies and pipeline companies, FERC, and PHMSA to invite them to participate. State senators and representatives were also invited to participate. Ernie Holling, Eileen Juico, and John Gaadt would host the event. A copy of the January 22, 2014 workshop Agenda is attached to this Report.

Despite a challenging snow storm that day, all invited panelists were able to participate. State senators and representatives opened the meeting sharing their concerns about the importance of open and transparent communication with pipeline companies. Senator Andy Dinniman noted that Chester County has the third-highest number of pipelines in the Commonwealth and that residents and local government officials need ways to get more information about pipelines.

Senator Dinniman mentioned Senate Bill 504, the Public Notification and Access to Information Act, of which he is the lead sponsor. This Bill would require pipeline companies seeking air quality permits, water allocation permits, water obstruction permits or water quality permits from the PA DEP to provide written notification to landowners and residents in the area of concern.

State representatives Becky Corbin and Duane Milne also spoke about the need for pipeline companies to work together with local communities to improve communication.

Community Outreach representatives from Spectra Energy, Columbia/NiSource, Williams/Transco and Sunoco Logistics were then provided the opportunity to present their outreach plans.

Municipal officials, county representatives and state legislators commented about the importance of transparency, with officials voicing their opinion that getting timely access to information on projects proved to be frustrating.

This led to a discussion of the companies' use of land management contractors often referred to as "land agents". Municipal officials and Chairman of the Chester County Commissioners, Ryan Costello, stated that these contractors are often the landowners' first introduction to a pipeline project. Yet, the information provided by these individuals to landowners is often conflicting, resulting in the proliferating of rumors rather than facts about a proposed project. Residents then contact their municipal officials complaining about the conduct of the land management contractors.

Doug Sipe, Outreach Manager for FERC, said that pipeline companies' transparency and community outreach is becoming more and more of a priority.

Ronald Bailey, Executive Director of the CCPC, mentioned the agency's efforts to create a website on pipeline information, and that the agency was working toward the end of March, 2014 as the date to have the first phase of the website up and running. The website, the PIC, would provide information to landowners on how to get copies of their deeds, pipeline maps and information regarding pipeline projects, including the location.

Representatives from the conservation organizations commented that as holders of easements on thousands of acres of land in Chester County they needed to be provided information about pipeline projects early in the planning process. Handouts of the Hopewell Big Woods Report mentioned earlier in this Mid-Term Report were made available to those who participated in the workshop.

Representatives from the pipeline companies said they will continue to work to communicate more effectively with communities on pipeline projects.

Questions were asked about the Sunoco Mariner East Project which is a NGL project to deliver propane and ethane from the Marcellus Shale area to Marcus Hook. The proposed route of this project will impact East Goshen, West Goshen, Wallace and Upper Uwchlan townships in Chester County. Panelists learned that this NGL project does not come under FERC regulation. Since the January workshop, many questions are being asked about oversight of such a project and the role of the regulatory agencies in reviewing and approving NGL projects. Communities are asking for more information about procedures that apply to NGL projects.

Karen Gentile, CATS representative from PHMSA, summarized the role of PHMSA in pipeline safety and provided a handout for contact information at PHMSA.

All who participated in the January 22 workshop agreed that coming together to share concerns and to talk about improving communication in a non-adversarial atmosphere was productive.

Eileen Juico received very positive comments from the panelists at the conclusion of the meeting about the West Pikeland TAG providing the opportunity to discuss gaining greater access to information, and advancing communication between pipeline companies and all stakeholders.

In preparing the topics for discussion for the December and January workshops, and in speaking to panel participants, it became clear that more research and outreach was necessary to begin to explore a systematic approach to gaining early and accurate information about pipelines and the early exchange of information between pipeline operators and stakeholders.

Eileen Juico attended two FERC scoping meetings in Chester County which were preceded by a one-half hour opportunity for interested parties to talk informally with pipeline representatives stationed around the room. After attending these two sessions, Eileen Juico contacted several municipalities, community organizations, and landowners to discuss their experiences in gaining information about pipeline projects prior to a company pre-filing with FERC. Ms. Juico also reached out to representatives of the pipeline operators and FERC to inquiry about increasing early access to information by stakeholders. In addition, Ms. Juico contacted municipal representatives to discuss current municipal approaches to communicating with pipeline operators.

Eileen Juico and Ernie Holling discussed the value of reaching out to the Chester County Association of Township Officials (CCATO) to get input from its members as to current municipal approaches to gaining access to pipeline information. Ernie Holling is President of CCATO and offered to talk with Board members to get some insight into their concerns. We also realized the need to keep our state and county representatives informed about issues that were being brought to our attention in planning the TAG workshops and at the workshops themselves.

On April 10, 2014 at West Pikeland Township, the Pennsylvania Joint Legislative Air and Water Pollution Control and Conservation Committee (JCC) held a public hearing on Interstate Pipeline Construction in Southeastern, PA. Ernie Holling and Eileen Juico were two of seven individuals asked to provide testimony.

Ernie Holling gave a PowerPoint presentation in which he observed that municipal approaches to communication with pipeline companies range from no formal approach to defined structured approaches. Since the same approach is not duplicated, this creates a “relationship” management issue for pipeline companies.

Mr. Holling recommends inter-entity information sharing with information flowing among commonwealth agencies, the County through its PIC, and municipalities. He also encourages pipeline companies to participate in models for communication that are being developed. Ernie Holling’s PowerPoint presentation is attached to the electronic submittal of this Report.

Eileen Juico in her testimony at the April 10 JCC hearing noted that she first became aware of how little she knew about pipelines and pipeline procedures in 2008 when she heard of a pipeline project proposed to run through West Pikeland, and very possibly her property where there is an existing pipeline. Although that particular project was put on hold while Ms. Juico was a consultant on a West Vincent Township TAG, she has continued from 2008 until the present to advocate for greater access to pipeline information and greater public participation in pipeline proceedings.

At the April 10 hearing, Ms. Juico testified that a “structured framework is necessary in Pennsylvania that addresses early notification of pipeline projects, access to information, and increased communication with pipeline operators. Such a framework needs to include legislation and the active participation of County and municipal officials.”

After the April 10 hearing, Ernie Holling was encouraged to consider presenting a Resolution at the annual conference of the Pennsylvania State Association of Township Supervisors (PSATS) which would reflect testimony presented at the hearing. The PSATS conference was to begin on April 13.

Ernie Holling and Eileen Juico worked diligently on a draft Resolution. Ernie Holling submitted the final Resolution for consideration by PSATS members at the conference. On April 15, 2014, PSATS members adopted the following Resolution:

RESOLVED, that PSATS seek legislation to provide a regulatory environment for siting pipelines not presently administered by the Federal Energy Regulatory Commission or the Pennsylvania Public Utilities Commission including a notification framework that would require pipeline companies giving written notice to municipalities, counties, easement holding non-government entities, and property owners where pipeline activities are planned. Written notice shall be provided prior to submittal to a regulatory agency for review or approval.

At the conclusion of testimony for the April 10 hearing, panel members who testified were asked if they had any suggestions for consideration by the JCC committee. Eileen Juico commented that one of the key points raised by municipal and county officials during the December and January TAG workshops was the manner and method of communication between “land agents” of pipeline companies and landowners. Ms. Juico questioned what training and experience these “land agents” or land management consultants were required to have; what oversight process might be put in place, and whether a Point of Contact could be designated for landowners to contact and register their concerns about the “land agents”.

What is communicated to landowners regarding proposed pipeline projects; who is the messenger; when it is communicated, and how it is communicated could be an area for development of Best Practices. This will be further explored as we move through the West Pikeland TAG project.

The second major focus of the West Pikeland TAG is to introduce to municipalities PIPA land use planning guidelines and model ordinances. John Gaadt of Gaadt Perspectives, LLC has prepared a series of model ordinances and comprehensive plan language for consideration by municipalities that address land planning and pipelines.

In addition to the model ordinances, John Gaadt worked on a draft survey which was revised with suggestions from Eileen Juico and Ernie Holling and sent to the 73 municipalities in Chester County to ascertain their knowledge of pipeline issues and interest in hearing more about the model ordinances.

The third West Pikeland TAG meeting was planned for March 20 with the public including municipal officials invited to learn about **Land Planning and Pipelines**.

Eileen Juico promoted the March 20 meeting through outreach to municipal representatives and community organizations as well as preparing Save the Date notices which were sent to the CCATO membership, participants in the previous workshops, and landowner organizations. A copy of the Agenda for the March 20 meeting is attached.

John Gaadt prepared a PowerPoint presentation for the March meeting to introduce pipeline issues related to safety and planning, and to discuss the role of municipalities in land use planning related to pipelines. The PowerPoint also provided an overview of the model ordinances.

Mr. Gaadt reached out to Vince Pompo, Esq., partner in the law firm of Lamb McErlane, PC in West Chester, PA and township solicitor for a number of townships in Chester County, and to Ronald Bailey, Executive Director of CCPC to engage them as speakers.

The subject of Mr. Pompo's presentation, also a PowerPoint, was Pipelines, Communities and Safety – Land Use Issues and Act 13. His presentation included a discussion of the recent Pennsylvania Supreme Court decision on Act 13.

Ronald Bailey introduced to the public Chester County's new website, the Pipeline Information Center (PIC), with a PowerPoint presentation. The link to that website is: www.chescopagreen.org. John Gaadt's model ordinances can be viewed on this website.

All three PowerPoint presentations from the West Pikeland TAG March meeting are available for viewing on the CCATO website: <http://ccato.org>.

At the end of the March 20 meeting, Program Evaluation forms were handed out to audience members.

At present, responses to the Surveys prepared by John Gaadt, questions asked during the Question and Answer period following the presentations, as well as comments noted on the Evaluation forms are being reviewed and discussed. Several municipalities have requested copies of the model ordinances, and several requests have been received from regional planning bodies to meet for further discussion. Additional speaking requests and municipal outreach meetings are anticipated throughout the remainder of the grant period.

Karen Gentile, CATS representative from PHMSA, attended both the March 20 TAG workshop and the April 10, 2014 JCC hearing on Interstate Pipeline Construction at which she gave a brief explanation of the role of PHMSA in reference to pipeline safety. We appreciate the effort that Ms. Gentile has made to attend our workshops. After the March meeting, several audience members engaged her in conversation to find out more about the role of PHMSA.

As Chester County continues to be a focus for increased pipeline activity, educating communities about pipeline safety and planning is more important and challenging than ever.

Sunoco Pipeline L.P., as part of its Mariner East Phase 1 project, wants to build above-ground facilities including pumping stations in 31 municipalities along the route of its proposed Mariner East project. One of the municipalities in which it proposes to build above-ground facilities is West Goshen Township in Chester County. The pump station site in West Goshen is zoned residential.

Sunoco Pipeline L.P. (“SPLP”) has filed Petitions with the Pennsylvania PUC for a finding that “(1) SPLP is a public utility corporation, and (2) the situation of SPLP’s buildings to shelter pump stations and valve control stations in 31 Pennsylvania municipalities is reasonably necessary for the convenience and welfare of the public and, therefore that the buildings are exempt from any local zoning, subdivision, and land development regulations.”

This development has municipal officials and communities wanting more information and explanations as to what the existing process is for pipeline planning and oversight; what regulatory agencies are responsible for review, approval and oversight, and what procedures municipalities can put in place to gain early and accurate access to information about NGL projects?

The West Pikeland TAG is exploring the possibility of developing a meeting where speakers would be able to inform the public about the role of regulatory agencies and municipalities in reviewing and approving such projects.

To address the objective of the TAG project regarding the potential for learning by other groups and communities, West Pikeland Township has reached out to CCATO and the Chester County Planning Commission to work collaboratively on efforts to increase access to information and early notification of pipeline proceedings. Each of these organizations has posted on its website materials and PowerPoints developed through the TAG project. This has made pipeline information accessible not only to communities in Chester County but to communities throughout Pennsylvania and in other states.

Summary:

To date, work conducted under the West Pikeland TAG has focused on expanding public education and awareness regarding pipeline safety and planning by addressing each of the nine points listed in its Milestones. As we move forward with this work, we will continue our efforts to advance open communication with pipeline companies, early notification of pipeline projects, a proactive approach to land planning and pipelines with introduction of model ordinances, and greater public participation in pipeline processes. This project is well under way in achieving these objectives and thus furthering the goal of PHMSA in promoting safe, reliable and environmentally sound pipelines.

Respectfully submitted by:

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