

1 COMMONWEALTH OF PENNSYLVANIA  
2 JOINT LEGISLATIVE AIR AND WATER POLLUTION  
3 CONTROL AND CONSERVATION COMMITTEE

4 WEST PIKELAND TOWNSHIP BUILDING  
5 1645 Art School Road  
6 Chester Springs, Pennsylvania

7 Thursday, April 10, 2014  
8 10:00 A.M.

9 PUBLIC HEARING on  
10 INTERSTATE PIPELINE CONSTRUCTION  
11 IN SOUTHEASTERN PENNSYLVANIA

12 BEFORE:

13 HONORABLE SCOTT E. HUTCHINSON, SENATOR  
14 HONORABLE ANDREW E. DINNIMAN, SENATOR  
15 HONORABLE JOHN RAFFERTY, JR., SENATOR  
16 HONORABLE DOMINIC PILEGGI, SENATOR  
17 HONORABLE BECKY CORBIN, REPRESENTATIVE  
18 HONORABLE TIM HENNESSEY, REPRESENTATIVE

19 ALSO PRESENT:

20 Justin Leventry,  
21 Senator Hutchinson's Chief of Staff

22 COMMITTEE STAFF PRESENT:

23 Craig D. Brooks,  
24 Executive Director

25 Tony Guerrieri,  
Research Analyst

Denise M. Plummer,  
Administrative Assistant

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1 WRITTEN TESTIMONY SUBMITTED BY:

2 1. Department of Environmental Protection  
3 Policy on Public Participation in the  
4 Permit Review Process

5 2. Commonwealth of Pennsylvania, Department of  
6 Environmental Protection, Office of  
7 Water Management, Office of Oil and Gas  
8 Management

9 3. Marcellus Shale Coalition

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## P R O C E E D I N G S

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2  
3 CHAIRMAN HUTCHINSON: Hello. We are  
4 going to get things started here. So if everyone can  
5 find a seat. Before we start, I would ask all of  
6 those who are able to please stand and Pledge  
7 Allegiance.

8 (Pledge of Allegiance).

9 CHAIRMAN HUTCHINSON: Thank you. Thank  
10 you and good morning. Welcome to today's public  
11 hearing. My name is State Senator Scott Hutchinson.  
12 I represent the 21st Senatorial district, which  
13 includes Clarion, Erie, Forest and Vebango counties  
14 and also parts of Butler and Warren Counties.

15 So I am a couple miles from home. But  
16 today I am serving in my capacity as Chairman of the  
17 Joint Legislative Air and Water Pollution Control and  
18 Conservation Committee better known as the Joint  
19 Conservation Committee, which is conducting this  
20 hearing today.

21 First, I want to provide some  
22 information on the committee, which for the sake of  
23 brevity, as I said before, we normally refer to  
24 ourselves as the Joint Conservation Committee.

25 The committee is a bipartisan, bicameral

1 group consisting of 18 members of the State House and  
2 State Senate. The committee conducts research, holds  
3 hearings, collects information, and offers  
4 recommendations to the Pennsylvania General Assembly  
5 on a wide variety of issues relating to air and water  
6 quality, mining, land reclamations, and natural  
7 resource conservation.

8 Today's hearing comes as a request of  
9 State Senator Dom Pileggi, John Rafferty, and Andy  
10 Dinniman. Senator Dinniman, a member of our Joint  
11 Conservation Committee, has graciously agreed to host  
12 this hearing here in the 19th Senatorial District of  
13 Chester County.

14 This hearing will focus on issues  
15 relating to interstate natural gas pipeline  
16 construction and more specifically the residential  
17 notification process, the impact of pipeline  
18 construction on the local population here in  
19 southeastern Pennsylvania.

20 At this point, I would like to recognize  
21 Senator Dinniman who has been working on this issue in  
22 his district for quite some time. And I now invite  
23 the Senator to offer any opening remarks he may have  
24 regarding background and importance of this hearing.

25 Senator Dinniman, thank you for hosting

1 us today and bringing this situation to our light and  
2 giving us some brief opening remarks and background  
3 for today's hearing.

4 SENATOR DINNIMAN: Thank you. Good  
5 morning, everyone. And thank you, Senator Hutchinson.  
6 You know we are here today. I am a member of this  
7 committee, but we want to thank Senator Hutchinson.

8 He's from the other end of the earth  
9 here in Pennsylvania. But he really makes an effort  
10 to make sure that all voices are heard throughout the  
11 Commonwealth. And we are deeply appreciative of his  
12 leadership of this committee and being here.

13 Let me give you a little background to  
14 put this in context, if I may. And if I could stand  
15 up for a second, I can give that background. Let's  
16 start by noticing these are all the pipelines that are  
17 going through Chester County.

18 These are the townships. Of the 72  
19 townships, right? How many? Seventy-three townships  
20 in Chester County, almost every township is going to  
21 have a pipeline through it.

22 And these are just a sample in the  
23 recent press of some of the headlines that have been  
24 in our newspapers. This is a major issue. Chester  
25 County -- some of you might not know this -- has the

1 third largest number of pipelines in the Commonwealth  
2 behind I believe it's Green County and one other  
3 county in the southwest, which makes sense because  
4 they are the center of the Marcellus Shale.

5           The truth of the matter is the Marcellus  
6 Shale industry, there's no profit unless it gets to  
7 market. A key market is to get to the Port of  
8 Wilmington and the Port in Philadelphia. To do so,  
9 they need to go through the counties. That's part of  
10 the context.

11           The second part of the context goes back  
12 to some work that Senator Rafferty and I were doing.  
13 In this situation, what occurred is when Trasco, when  
14 Williams was putting pipe through this county, we  
15 wanted some information.

16           We wrote to DEP and asked them if they  
17 would tell Williams to provide us the information.  
18 We, despite a letter from two Senators and many of the  
19 citizens, DEP didn't provide us with information until  
20 48 hours before a hearing, which, in essence, disabled  
21 our ability to get things done.

22           I then put in a Bill. I then went to  
23 the Joint Conservation Committee to talk about this  
24 Bill. And, hopefully, our hearing today will give  
25 some more substance, will get the momentum that's

1 necessary to get the Bill forward.

2           So if I may for a second let me read you  
3 a summary of the Bill and then I think we have covered  
4 the context. Senator Hutchinson, is a person of few  
5 words, but he knows, unfortunately, I am a person of  
6 many words. So I don't want to test his patience too  
7 much.

8           It's Senate Bill 504, under my Bill,  
9 public notification, and it's called Public  
10 Notification and Access Information Act. DEP would  
11 require pipeline operators to notify pipeline owners  
12 affected by their proposed pipelines, which, by the  
13 way, is what FERC does anyway.

14           And We just want the state to do the  
15 same thing. You see, FERC has made the information  
16 visible on the application. DEP needs some  
17 improvement in notification.

18           For those seeking a specified list of  
19 DEP permits, my Bill would require notification to  
20 residents who live within a half mile of the project  
21 in which there's a DEP permit such as crossing of the  
22 Brandywine or other streams.

23           My Public Notification and Access to  
24 Information Act will also require DEP to post on its  
25 web site permit applications and supporting public



1 documents, engineering studies, etc.

2 In last year, the pipeline permit  
3 process, Senator Rafferty and I had to make a last  
4 minute request for supporting documents prior to a  
5 scheduled hearing.

6 Additionally, the DEP only provided  
7 permit application supporting documents in hard cover  
8 form. In other words, what this Bill simply does --  
9 and I hope today that -- we are all struggling, aren't  
10 we?

11 The counties, I am glad to see you are  
12 struggling too. I think the townships -- Ernie  
13 Holling is present. You are struggling to figure out  
14 a notification system. And we have to. Look at every  
15 township. Look at that map.

16 We are just struggling to get some  
17 answers. And all my Bill says is that DEP has to tell  
18 people what is going on. We need to know ahead of  
19 time so we can do the appropriate thing. And,  
20 finally, we should be able to get documents online.

21 This is the 21st century. So we are not  
22 begging for information. So we have access to that  
23 information. And if DEP can't, the county I know --  
24 our county has volunteered to put it online. I  
25 volunteered and Senator Rafferty, Senator Pileggi has

1 volunteered to put it online.

2 So let's solve this problem. Scott,  
3 thanks for coming down. We really appreciate it.

4 CHAIRMAN HUTCHINSON: Thank you,  
5 Senator. Next, I would like to recognize State  
6 Senator John Rafferty for his opening remarks and  
7 welcome to the committee meeting also.

8 SENATOR RAFFERTY: Thank you, Scott. I  
9 want to thank Chairman Hutchinson for having the  
10 committee here on this very vital issue, very  
11 important issue to us.

12 Pipeline intercepting Chester County and  
13 southeastern Pa., and I believe more to come in the  
14 future. So it's good we get a handle on it now.  
15 We require local government, townships under the  
16 Municipalities Planning Code to follow certain  
17 regulations and laws in order to advertize zoning  
18 hearing board meetings and changes to land development  
19 plans.

20 Yet, we have a difficult time getting  
21 our own state agencies to follow that same course of  
22 action. So with Andy's legislation we worked on  
23 together, and Andy is the prime sponsor. I am he  
24 co-sponsor. We are hoping to make sure that we can go  
25 forward with the proper notification and input for not

1 only the municipalities, but the people they  
2 represent. Sometimes we need to remind our colleagues  
3 in Harrisburg of it and our owe colleagues in  
4 Washington, DC about of that, that people have to be  
5 and should be notified and involved with the process.

6           And one last tip. When Andy and I both  
7 spoke at the hearing for Transco -- two of the elected  
8 officials who did speak -- we had arranged with  
9 then-DEP secretary who played hard ball with us to  
10 have Transco go underneath the Brandywine and not  
11 disrupt the flow of the Brandywine.

12           And FERC really disagreed with us on  
13 that and tried to pull these supremacy situations and  
14 supremacy arguments, but we were able to buttress that  
15 with the help of the DEP secretary. Not the present  
16 one. Someone else.

17           So we are going to achieve the pressure  
18 of our colleagues in Harrisburg and make sure that we  
19 pass just laws to allow the townships, local  
20 governments, and the people who live within the  
21 borders have a say of the placement of the pipeline  
22 recognizing the impact on everyone lives. Thank you  
23 have much.

24           CHAIRMAN HUTCHINSON: We have also been  
25 joined by several of our colleagues in the state

1 legislature. I am going to start to my far left. I  
2 will ask members to introduce themselves and if they  
3 want to give a few brief remarks, we welcome that. Go  
4 ahead.

5 REPRESENTATIVE HENNESSEY: Thank you,  
6 Scott. My name is Tim Hennessey. I represent the  
7 26th District in the House including Chester County in  
8 the House of Representatives in Harrisburg. It's  
9 nearby. It's a hop, skip, and jump from where we sit  
10 right now.

11 The 26th District extends from Spring  
12 City over to Elverson and from Elverson down to  
13 Coatesville. So I cover the northern and northwestern  
14 parts of Chester County. Thank you.

15 REPRESENTATIVE CORBIN: Good morning. I  
16 am State Representative Becky Corbin. I represent the  
17 155th District, which is right near where we are  
18 holding this hearing.

19 Thank you, Chairman Hutchinson, for  
20 having this meeting in my district. I appreciate it.  
21 And I will reiterate what some of my colleagues have  
22 said. One thing we need to be cognizant of during  
23 these hearings, during the pipeline proceedings, the  
24 notification process is public safety. And that's my  
25 big concern in this issue.

1                   CHAIRMAN HUTCHINSON: Thank you. Again,  
2 I want to thank Senator Dinniman, Representative  
3 Corbin for inviting us down today and hosting us in  
4 their district.

5                   We are also expecting at some point  
6 Senator Pileggi, Senator of the 9th Senatorial  
7 District, to join us. He had another engagement. He  
8 will be here a little bit later.

9                   Allow me also to say a few ground rules  
10 before we begin our testimony. Number one,  
11 testifiers, we will remind you we do have a  
12 stenographer here. Please speak clearly and slow  
13 enough for her to capture the remarks.

14                   Before you begin your remarks, please  
15 reiterate your name, your title, and the organization  
16 you represent. We have arranged this hearing in three  
17 groups of panelists. We will ask all three panelists  
18 in each panel to give their testimony and then at the  
19 end of all three of the remarks, then questions can  
20 come from us up here.

21                   So, hopefully, that will help keep us on  
22 time. We do have a strict time limit. And I ask the  
23 presenters, again, to try to keep your remarks within  
24 the allotted time so we have a chance to ask some  
25 questions and a chance to end this hearing in a

1 reasonable time.

2           If there are others in the audience who  
3 would like to submit comments later, the record will  
4 remain open for 30 days and you can submit written  
5 comments to the committee. And can be sent to  
6 committee offices in Harrisburg.

7           Our executive director Craig Brooks is  
8 here. And staff will be happy to provide an e-mail  
9 address or mailing address, if you want to forward  
10 something to us after today's hearing.

11           So, with that, we are ready to begin.  
12 The first panel will consist of Mr. Ernie Holling,  
13 Mr. Ronald Bailey, and Mr. Guy Ciarrocchi. As I said,  
14 before you give your testimony, please tell us who you  
15 represent and speak clearly for the stenographer.

16           Thank you for coming. Ernie, we will  
17 start with you.

18           MR. ERNIE HOLLING: Thank you, Chairman.  
19 Thank you members and honored guests as well as ladies  
20 and gentlemen of the audience.

21           My name is Ernie Holling. I serve in  
22 two roles. I am Chairman of the Board of Supervisors  
23 here in West Pikeland Township as well as President of  
24 the Chester County Association of Township Officials.

25           It is from that perspective that I am

1 bringing you my comments for this hearing.

2 And if I can figure out how to do this  
3 electronic stuff, we will be okay.

4 CHAIRMAN HUTCHINSON: We heard you were  
5 the tech guy today.

6 MR. HOLLING: Which speaks a lot to my  
7 capabilities and skill sets. West Pikeland is 10  
8 square miles, 1,440 homes, population of 4,064. We  
9 have five supervisors, a township manager, police,  
10 public works, and our office staff consists of one  
11 full-time person and two part-time people. So you can  
12 tell we are one of the large communities in Chester  
13 County.

14 West Pikeland waterways are all  
15 classified -- this is speaking to the environmental  
16 concerns of West Pikeland. All of our waterways are  
17 considered high value waterways. We have one stream,  
18 the Pickering, which has been at the DEP for  
19 redesignation as exceptional values since 2008. That  
20 was submitted by Green Valley Association then.

21 Sixty-two percent of our households all  
22 use well water. We formed a land trust in 1999 and we  
23 also passed an Open Space Referendum in 2007 to create  
24 an earned income tax of about 25 percent of EIT.

25 By the way, 30 percent of the

1 municipalities in Chester County have enacted similar  
2 legislation to raise funds for conserving lands.  
3 Conservation easements here are actually 329 acres. I  
4 missed one parcel when I was counting. There are 67  
5 acres in the White Farm we just acquired. Actually,  
6 used a grant to help fund that. Plus, we have  
7 existing 89 acres of parkland.

8                   We have one pipeline in West Pikeland  
9 Township from Williams. It's the Pottstown Lateral.  
10 It's a little more than 50 years old plus. It's about  
11 100 yards from here and contains natural gas. A  
12 hundred yards from here -- here is the pipeline and we  
13 are right there (indicating).

14                   The Chester County of Association of  
15 Township Officials, for those that don't know, was  
16 created under the second-class township code. So it's  
17 governed under the same laws that created second-class  
18 townships.

19                   There are 56 townships as formal voting  
20 members of it. It's comprised of four officers and  
21 four board members with two alternates for its  
22 executive board. And our mission is promoting  
23 excellence in local government by advocating,  
24 educating, and facilitating communications for the  
25 betterment of the quality of life for the citizens of



1 Chester County.

2 Our focus is on education and business  
3 sessions. We have them in April and November. We  
4 also maintain a networking. Pennsylvania State  
5 Association of Township Officials annual conference,  
6 which comes up starting Sunday.

7 We also are planning micro sessions as  
8 breakfast meetings for issues during the year. We  
9 also reach out to members using electronic tools,  
10 e-mail, web and things of that nature to keep our  
11 members informed. And we also conduct surveys of the  
12 membership.

13 Some observations. West Pikeland has no  
14 formal program for dealing with pipelines. I don't  
15 believe that make us atypical. But it doesn't make us  
16 the common denominator. Communication is limited to a  
17 letter we get from Williams every year that says, hey,  
18 we are going to come out and mow the grass and we are  
19 going to look and see if we can see some signs and do  
20 that kind of stuff. It's going to happen sometime in  
21 2014.

22 And then, all of the sudden, the company  
23 is out there walking through somebody's yard and we  
24 start getting calls saying, Who is that? So that's  
25 the kind of notification we get.

1                   We have no reports about maintenance,  
2 proposed repairs, or replacement that come our way on  
3 any basis. So it's very clear we do not have  
4 effective communication with the utility company.

5                   In a prior life, I was with a utility  
6 company. And one of the things that we did  
7 consistently was reach out to property owners, home  
8 owners, businesses along the pathways and communicated  
9 very effectively with them or at least tried to be  
10 extremely effective.

11                   Throughout the county, the municipal  
12 approach with pipeline companies go from ours, which  
13 is none, to others where there is a highly structured  
14 comfortable environment. Upper Uwchlan, for example,  
15 they feel they don't have a communication problem.  
16 Others do.

17                   The same approach, though, is not  
18 duplicated amongst those who say they have a good  
19 relationship. It's different, and it's a unique  
20 situation. And that creates a little bit of a problem  
21 for the pipeline companies themselves because if you  
22 deal in different ways with every municipality, the  
23 logistics of doing it becomes cumbersome.

24                   And we need to work to get a common  
25 model so that we all talk to one another using the

1 same protocol.

2           The county, as Senator Dinniman said  
3 earlier, has 56 townships, 16 boroughs, 1 city, and 59  
4 of those presently have pipelines. There are 56  
5 linear miles of pipelines within the county. So you  
6 can tell it is a very impactful thing for us.

7           The regulatory climate, the interstate  
8 methane pipelines are regulated by the Federal Energy  
9 Regulatory Commission known as FERC. I will try not  
10 to use acronyms anywhere else in this conversation.

11           Non-methane, interstate pipelines are  
12 not within their scope. They met with us here as part  
13 of a West Pikeland Technical Assistance Grant. And  
14 they said, hey, guys, we don't regulate anything  
15 except this. And when asked, well, who does regulate  
16 that? They said, the state should.

17           So that's something that needs to be  
18 there. One set of regulations that appears to apply  
19 universally is the Pipeline and Hazardous Materials  
20 Safety Agency, which is a federal agency that deals  
21 with those issues.

22           Intrastate pipelines have no  
23 Commonwealth regulations for siting, to the best of my  
24 knowledge. So figuring out where they are going to go  
25 and how they are going to go, there's no one defined

1 for that role.

2 With limited exception, pipeline  
3 activities begins with resident contact. I think some  
4 people in the audience has recognized that.  
5 Basically, a guy comes knocking on your door and says  
6 he wants to do a survey on your land. That is the  
7 first thing you heard.

8 And this is by way of a retained agent  
9 for the pipeline company referred to as a land agent.  
10 When the Federal Energy Regulatory Commission was in  
11 this room, their representative said land agents are  
12 the single largest problem they have in terms of  
13 complaints.

14 And it may not be the agents themself.  
15 But if I talk to Fred, Fred hears one thing. If I  
16 talk to Billy Joe, Billy Joe hears another thing.  
17 When they get together, the stories are inconsistent.

18 And it may not be the fault of the  
19 agent, but the effect is there. So they tend to be  
20 very inconsistent.

21 Action items and recommendations. I  
22 mentioned earlier to the committee members, CCATO is  
23 applying for a Technical Assistance Grant. We filed  
24 that at the end of March. And our goal is to educate  
25 municipalities about pipeline activity and naturally

1 produce a guide. This is, essentially, a one-year  
2 project that would be funded by a federal grant.

3 The Pipeline Information Center is a  
4 product of another tag study, which the county has  
5 deployed and is not up on the web site maintained by  
6 the Chester County Planning Commission.

7 I put the long way to get there. I know  
8 there's a shorter way to get there. That's phase one  
9 is getting that page up. Phase two is applying for  
10 grants. I believe you are after the same grant funds  
11 we are.

12 Of course, I would urge any of you to  
13 work toward getting grants on the local level to help  
14 the county do that. We see both of these things as  
15 models for going ahead that could apply to the  
16 Commonwealth in toto.

17 So the Pipeline Information Center is  
18 something which could be duplicated in those counties  
19 that can achieve that effect as could the guide and  
20 things like that nature could continue to support  
21 other areas.

22 And our goal in producing the guide is  
23 to produce a model form of it so that it can migrate  
24 from county to county and municipality to  
25 municipality. Technical recommendations for you as a

1 committee is to support these models.

2           The Pipeline Information Center. We  
3 also provided as part of a current grant under West  
4 Pikeland some model ordinances. I believe you posted  
5 those on your site. So they are on the county site as  
6 well, which speak to some of the holes at the local  
7 level. As I mentioned, we have submitted for this  
8 municipal guide and will find out soon I hope whether  
9 we get that grant.

10           Speaking to Senator Dinniman's Bill, in  
11 essence, we need to communicate between agencies at  
12 all levels. And whenever any information comes into  
13 the pipeline, it should be natural to share it.

14           And so hopefully we can get to the point  
15 either by legislation or by the pulpit, which you guys  
16 have much stronger than we do; although when 56 us all  
17 get together, it sometime works.

18           So we also encourage companies to  
19 participate in the development of these models. It's  
20 a team effort. And we need to work at it together as  
21 a team. We don't see them as adversarial. We see  
22 them with different viewpoints. We should be able to  
23 work with them.

24           One of the things that I was looking for  
25 -- maybe you can tell me where it is -- is where is

1 the single point of contact at the Commonwealth level  
2 for all pipeline activities regardless of nature and  
3 character?

4 SENATOR DINNIMAN: There's none.

5 MR. HOLLING: We spoke to DEP when it  
6 involves wetland and streams of that nature, but what  
7 if it's not? Where does it go at one level? In  
8 terms of the communication, right now, I think the  
9 process is upside down.

10 Because we start with a landowner,  
11 essentially, and one community recently got a letter  
12 and let me say it was on Monday they received the  
13 letter. And, on Wednesday morning, people were  
14 knocking on people's doors.

15 This doesn't give the township time to  
16 respond, time to ask questions, time to learn, time  
17 to be able to respond to the residents that are  
18 looking for guidance and information.

19 So one of the suggestions is, again, it  
20 came up in the West Pikeland Study, is that these  
21 projects are multi-year in nature. But we don't seem  
22 to get notice until the last minute.

23 And there are a couple of milestones.  
24 One, in application before the Federal Energy  
25 Regularly Commission there is a pre-filing period.

1 And we would like to see information get to the  
2 municipalities in the pre-filing period.

3 It was also mentioned by the operator  
4 companies that they appoint project managers a year or  
5 two or three prior to that point.

6 Because these projects may last five or  
7 six years. As soon as the project is funded, they  
8 appoint somebody to run it. When they appoint  
9 somebody to run it, how soon should that individual  
10 communicate to the people that are impacted by it?

11 We urge them to think about how do you  
12 do that early on in the process so we all become  
13 aware. And, after that, they have a municipal  
14 meeting. And it could be hosted by Penn State or by  
15 CCATO or any of these type of organizations where the  
16 pipeline companies come in and do a normal briefing.  
17 That's quickly followed by public meetings where all  
18 affected landowners have the opportunity to be present  
19 and listen to a common presentation and then go knock  
20 on the doors.

21 That way, everybody that wants has a  
22 sense of what is going on and can deal with it.  
23 So that, basically -- we are also saying there needs  
24 to be a Commonwealth agency somewhere that speaks to  
25 these issues. Right now, I am not aware of one.



1                   SENATOR DINNIMAN: There isn't.

2                   MR. HOLLING: There isn't. So we urge  
3 you to think about that. This isn't something that's  
4 going to happen by tomorrow afternoon at 4. But I  
5 would like to see it within the next 24 months to  
6 start finding something like that, but much more  
7 strategic.

8                   Also, strategically, move the Pipeline  
9 Information Center and model ordinance and things of  
10 that out to other counties and build that model out so  
11 that everybody has got it. And that's it.

12                  CHAIRMAN HUTCHINSON: Thank you. We  
13 will next move to Mr. Ronald Bailey.

14                  MR. RONALD BAILEY: Good morning. I am  
15 Ronald Bailey, the Executive Director of the Chester  
16 County Planning Commission. I want to thank you for  
17 holding this meeting this morning and giving us the  
18 opportunity to share with you some of the perspectives  
19 that we have here in Chester County.

20                  I also want to acknowledge and thank all  
21 the people in the audience that are demonstrating to  
22 you the real interest that exists here in Chester  
23 County over this issue and the need to move forward.

24                  I have prepared written remarks, which I  
25 have submitted to the committee. So, in the interest

1 of time, I am going to abbreviate my verbal comments.

2 CHAIRMAN HUTCHINSON: Thank you for  
3 that.

4 MR. BAILEY: And I have two points in  
5 there. One is I have tried to document the problems  
6 that we have in communication. So I ask that after  
7 the hearing you look at that because it will help you  
8 understand, I think, some of the nuances of why we  
9 have communication problems.

10 The second thing I talk about in my  
11 remarks is the Pipeline Information Center that Ernie  
12 mentioned. This came about as a result of the  
13 leadership of the Chester County Board of Supervisors.

14 And Commissioner Cozzone is here in the  
15 audience. I really want to acknowledge it has been  
16 her leadership in moving this forward with the Board  
17 of Supervisors partnering with the Pipeline Safety  
18 Coalition, Lynda Farrell, to develop a concept  
19 protocol for increasing notification about pipeline  
20 issues. That's the big problem is that we do not have  
21 information.

22 The Pipeline Information Center, I am  
23 going to briefly describe, is the first step of our  
24 implementation of this protocol. And it is designed  
25 really to do three things. It is designed by the

1 source of information for residents, for your  
2 constituents as to what this whole complex world of  
3 pipelines is all about.

4           Where are the pipeline, who owns them,  
5 who operates them, what are they involved, what agency  
6 regulates them, for instance? One of the things that  
7 just came out in Ernie's commentary is the fact that  
8 you know, in Pennsylvania, the Federal Energy  
9 Regulatory Commission regulates the siting of  
10 intrastate pipelines, but it does not regulate  
11 interstate pipelines. Pipelines that begin and end  
12 with the Commonwealth of Pennsylvania.

13           There is no state agency. Pennsylvania  
14 is only one of two states in the entire nation that  
15 does not regulate interstate pipelines. While DEP has  
16 been a major focus of concern, it is very important to  
17 understand that DEP only gets involved when there is a  
18 stream or wetland crossing. They are not an overall  
19 regulatory agency with pipelines.

20           So any information that DEP would have  
21 would be pretty much, you know, concentrated on the  
22 issue of the stream crossing rather than be the  
23 general line, the pipeline, or impacts to the  
24 community elsewhere.

25           We do not in Pennsylvania have an agency

1 that has regulatory responsibility for the siting of  
2 pipelines that begin and end within the state.

3 Now, saying that I really want to  
4 emphasis, and we try to make this clear in our  
5 Pipeline Information Center. There's a distinction  
6 between the issue of siting pipelines and the safety  
7 of pipelines.

8 Representative Corbin mentioned safety  
9 as being very important. And I want to assure you  
10 that the pipeline transmission industry and the means  
11 of transportation materials by pipelines is properly  
12 the safest form of transportation that we have. Their  
13 record is outstanding. And they are regulated for  
14 safety.

15 Safety is regulated by the U.S.  
16 Department of Transportation and by the Pennsylvania  
17 Public Utility Commission, which operates on a  
18 contract basis with the Pipeline Hazardous Material  
19 Safety Agency Administration of the Department of  
20 Transportation.

21 So the safety aspects are regulated and  
22 are taken into account very well, both by the federal  
23 government and by the state government. It's in this  
24 world of where the pipelines are located, how they are  
25 developed, how many pipelines there are, that's the

1 area where we don't have good information and we don't  
2 have a good process.

3 That's what the Pipeline Information  
4 Center is intended to do, is to help people understand  
5 that and to help people be able to find information.

6 It's also designed to help municipal  
7 officials such as Ernie said. Because municipal  
8 government does have a potential authority or has some  
9 authority with respect to the impacts that pipelines  
10 produce in their community.

11 However, what authority they have is  
12 somewhat limited. We have to recognize that pipelines  
13 are a form of transportation. They are like a road.  
14 Like a railroad. They are like a power line. They  
15 are not a use.

16 So they are not regulated as uses, but  
17 the impacts of the pipeline may be within the  
18 regulatory jurisdiction of local government. So we  
19 are going to try and provide information that will  
20 help both government design appropriate and reasonable  
21 forms of regulation.

22 And there's two parts to that. One is  
23 the regulation has to be reasonable. And, two, it has  
24 to be timely. One of the worst problems we have is  
25 that when pipeline companies are in the process of

1 developing a concept or a line through a pipeline,  
2 they are ready to move right now.

3           They are moving quickly. Whereas, as  
4 they encounter regulatory processes at the  
5 municipality, county level it takes months and months  
6 and months of hearings.

7           That timeline is what is scheduled to  
8 this. So they need to find a way of being able to  
9 deal with pipelines in an expeditious manner at the  
10 same time to provide appropriate standards to ensure  
11 that the critical resources of our community are  
12 protected.

13           The third aspect of this Pipeline  
14 Information Center that we have developed is to  
15 provide information to the pipeline companies  
16 themselves.

17           One of the problems we have is that  
18 pipeline companies are located all over the United  
19 States. They run pipelines through Chester County  
20 going to and from somewhere else. And the information  
21 they have is based on national data. But that  
22 national data may not reflect the information that we  
23 actually have here in Chester County or we have in  
24 Pennsylvania.

25           So we are trying to provide on this web

1 site a source of information that a pipeline company  
2 in Texas if they think, well, we want to run a  
3 pipeline through Chester, they can go there and find  
4 out where the critical resources are in Chester  
5 County, where has the county made investments in  
6 preserving land, where are the cultural and nationally  
7 significant historical and cultural sites in this  
8 township that need to be protected. That type of  
9 information we hope to add within this program as  
10 well.

11 As Ernie also mentioned, this is the  
12 first phase of a project which we hope will be able to  
13 do more in the future. But, again, it's a matter of  
14 resources. And one of the things I think is very  
15 important for this, you know, committee to consider is  
16 that in the Municipalities Planning Code, which is the  
17 state and I believe legislation that provides for  
18 municipal planning, zoning, and land development, the  
19 code requires municipalities to plan for utility  
20 corridors.

21 It is in reality almost impossible to do  
22 so because we don't have the information. And to be  
23 perfectly honest, the Commonwealth of Pennsylvania has  
24 not encouraged municipal governments to plan  
25 effectively for utility corridors.

1                   Very simply, Chester County Board of  
2 County Commissioners provides more financial  
3 assistance to the 73 municipalities in Chester County  
4 for planned development and ordinance development than  
5 the Commonwealth of Pennsylvania provides to all 2,650  
6 municipalities statewide. Is that an appropriate  
7 balance?

8                   So getting to conclusion real quickly  
9 here, I think the point I would like to make is that  
10 there is a real issue with communication.

11                   We hope to be doing something about this  
12 positive with the Pipeline Information Center. I put  
13 a card at your table there. Down in the corner, it  
14 say [chesterpagreen.org](http://chesterpagreen.org). That is the web site.

15                   So if you go to [chesterpagreen.org](http://chesterpagreen.org), you  
16 will find the Pipeline Information Center. I hope you  
17 will take a look at it. I have plenty of cards.  
18 Anybody that wants one of them, I would be glad to  
19 give them to you and let you take a look at that.

20                   And so, again, in conclusion, I thank  
21 you for coming here this morning and listening to us  
22 and sharing with us and allowing us to share with you  
23 the concerns we have.

24                   This is a real issue. Pipelines are  
25 important to us, but they also have tremendous impact



1 on our community. And they don't have to be as  
2 disruptive as they are right now, if we did better  
3 planning for really where they are going to go located  
4 and how they are going to be developed.

5 Thank you very much.

6 CHAIRMAN HUTCHINSON: Thank you. Next,  
7 we will turn to Guy Ciarrocchi.

8 MR. GUY CIARROCCHI: Good morning,  
9 everyone. Members of the JCC, my name is Guy  
10 Ciarrocchi. I serve as President and CEO of the  
11 Chester County Chamber of Business & Industry.

12 I want to welcome you and the members to  
13 Chester County. As I am sure the legislators from  
14 this area have told you, Chester County is a great  
15 place to live, raise a family, and start a business.

16 As members of the committee may know,  
17 since 2005 businesses have been extracting and  
18 shipping natural gas across Pennsylvania for use in  
19 our state, across our nation and to trading partners  
20 around the world.

21 Decades ago, the Marcellus Shale, this  
22 amazing natural resource, was discovered to be  
23 thousands, even tens of thousands of feet beneath the  
24 surface of Pennsylvania and neighboring states by Penn  
25 State Geo-Scientist Dr. Terry Engelder.

1           I commend this committee for coming to  
2   our county to discuss the pipeline safety and the  
3   appropriate roles of community input in the regulatory  
4   process. Not only are these important issues to  
5   discuss, but this hearing will afford residents in and  
6   around Chester County with an opportunity to engage in  
7   the types of conversation that have taken place for  
8   years for communities across the state, particularly  
9   in northern and southwestern Pennsylvania, places  
10   where gas extraction and transportation are now a  
11   cornerstone of their economies and their way of life.

12           Our Chamber strongly supports the  
13   extraction and use of the Marcellus Shale, and someday  
14   the Utica Shale, because of the jobs that have been  
15   created and will be created, because of the tax  
16   revenue that has been received and will be received,  
17   and because of the air quality improvements from a  
18   lower dependence on oil.

19           All of these benefits will improve the  
20   quality of life across Pennsylvania and here in our  
21   county as well.

22           When discussing how to regulate this  
23   industry, our Chamber respectfully believes that it's  
24   important to discuss the positive benefits that have  
25   come to our state and our county since we have begun

1 to tap into the Marcellus Shale.

2 Here are just a few: Since 2008,  
3 according to the Department of Revenue, natural gas  
4 businesses have paid over \$2.1 billion in corporate  
5 and personal income tax.

6 Through the newly created impact fee, an  
7 additional \$630 million has been collected and shared  
8 throughout our state. Even here in Chester County,  
9 while we have no drilling taking place in our county,  
10 we will soon pass the \$1 million mark in receiving  
11 impact fees for a local community.

12 In addition, through competitive grants,  
13 we have received over \$810,000, including a grant here  
14 in West Pikeland to help purchase open space.

15 According to the U.S. Department of  
16 Labor, the number of natural gas jobs have quadrupled  
17 since Marcellus Shale has been tapped. Here in  
18 Chester County, 19 different businesses, 19 different  
19 local businesses from heavy industry, manufacturing to  
20 engineering and lab technician to title clerks have  
21 all benefited from the exploration and extraction of  
22 natural gas.

23 Lastly, and just as important, the  
24 Department of Environmental Protection's most recent  
25 study on air quality in our state have found the

1 following air quality benefits that have taken place  
2 in recent years in our state due to the use of natural  
3 gas and less dependence on burning oil.

4 First, sulfur dioxide emissions in our  
5 state have been reduced 73 percent since 2011.  
6 Particulate matter in our air has been reduced by 46  
7 percent.

8 Together, what does that mean?  
9 According to the EPA's analytical model, this results  
10 in billions of dollars -- billions of dollars in home  
11 health benefit savings.

12 Mr. Chairman, our Chamber respectfully  
13 submits that any discussion of regulation of any part  
14 of this industry must be mindful of these facts, of  
15 these benefits, and the potential that lies ahead.

16 But, Mr. Chairman, however, I must  
17 convey to you and the members of the JCC that our  
18 Board feels equally strong in this point as well: No  
19 amount of economic revenue, no amount of jobs, no  
20 amount of otherwise generated tax revenue, no matter  
21 how great, no matter how vast would ever justify doing  
22 anything to harm the quality of life in our state or  
23 in our county.

24 The vast majority of our Chamber members  
25 not only work here in the county, but they also live

1 here in our county as I do. We care deeply about the  
2 quality of our air, our water, and our land. Not only  
3 are they essential for our well-being, but it's what  
4 makes Chester County so special.

5           However, as members of this committee  
6 have seen over the last ten years with Marcellus  
7 Shale, you can encourage growth in this industry and  
8 protect the environment. It is not an "either or"  
9 proposition.

10           According to the PUC, there are 5,000  
11 miles of various pipeline running across our county  
12 including natural gas into the homes and businesses in  
13 our county and through to our neighbors in the  
14 Philadelphia region. In fact, my home is supplied by  
15 natural gas with pipes running under my property and  
16 into my home.

17           As more natural gas is tapped here in  
18 Pennsylvania, more and more gas will move across our  
19 state and into our home and businesses keeping energy  
20 costs below market.

21           Therefore, our existing pipelines here  
22 in Chester County will see increased use and we will  
23 likely see more pipelines coming to our county.

24           Common sense and logic dictate you  
25 cannot get natural gas from southwestern Pennsylvania

1 into homes in Paoli or the refineries in Marcus Hook  
2 without pipelines running through our county.

3 We simply cannot walk over to  
4 thermostats and turn on the heat or walk into our  
5 showers and turn on the water and pretend we do not  
6 care where it comes from or how it gets to our homes  
7 and businesses.

8 Here in our county, we commend our  
9 County Commissioners. And we commend Mr. Bailey for  
10 undertaking a project to map all the pipelines in our  
11 county and to have that information accessible to our  
12 elected officials like Mr. Holling and the citizens  
13 here.

14 Our Chamber defers to the elected  
15 officials and the experts as to how to properly  
16 regulate these pipelines. People of good will can  
17 debate the roles of the PUC, DEP, federal government,  
18 and local officials.

19 Yes, Mr. Chairman, this industry must be  
20 regulated. Must be subject to oversight. But this  
21 industry is entitled to know the rules of the game and  
22 here in our state and in our community as well.

23 The Chamber suggests three guiding  
24 principles when regulating this industry: The best  
25 agencies to regulate the pipelines are those with the

1 training, the equipment, and the expertise in our  
2 state in order to handle this important duty.

3 Second, any agency fulfilling this  
4 important role must have a fair and transparent  
5 process that allows for public awareness and public  
6 input and also presents that information to the  
7 industry as well.

8 Lastly, the regulations must not be so  
9 overly burdensome or layered so as to impede the use  
10 of natural gas either by the businesses or the  
11 residents here in Pennsylvania that will benefit from  
12 it.

13 There is no doubt that Marcellus Shale  
14 and Utica Shale have made Pennsylvania the largest  
15 player of natural gas in the United States, if not the  
16 world.

17 To put it into concept and to put that  
18 concept into reality, we have more BTUs in our state  
19 than Saudi Arabia. Therefore, we must use this  
20 important natural resource. But we must do so safely.  
21 We must do this. The benefit to our economy, our air  
22 quality, and our county are too great to pass up.

23 Thank you again for coming to our county  
24 and the opportunity to discuss this important issue.

25 CHAIRMAN HUTCHINSON: Thank you. We

1 will now go to questions. I will start with Senator  
2 Dinniman.

3 SENATOR DINNIMAN: Guy, the hearing is  
4 not about whether it's good or bad, you know, the  
5 reality. Our hearing is focusing on one topic, just  
6 so we are all clear. And that topic is how we can  
7 make sure our municipalities, how we make sure our  
8 citizens have the information that's necessary.

9 We are not here to debate natural gas.  
10 We are not here to debate whether it's good or it's  
11 bad. We are here to focus on that. With that being  
12 said, I want to praise and thank all of you because,  
13 in essence, as we develop the Bill that I am  
14 proposing, everyone including, you know, Guy and Ron  
15 and Ernie, you have all given more information of how  
16 we can produce a better Bill.

17 The question is: Do you have any  
18 specifics as we try to push forward S.B. 504? And, by  
19 the way, you know, if someone else comes up with a  
20 Bill in majority, I am happy too. I want to get the  
21 concept done.

22 What would you want to see in it?  
23 Remember, our focus is on notification. What more do  
24 you want to see in this Bill? Specifically, what  
25 would you like to see, whether it's my Bill or someone



1 else's?

2 MR. HOLLING: I am going to have to go  
3 back and re-read it to answer that question. I  
4 promise you that, by Saturday, I will go through the  
5 Bill and send you notes about my comments.

6 SENATOR DINNIMAN: I appreciate that,  
7 and I know, Ernie, you will. And you will send me a  
8 large page of notes. By the way, I agree with Guy  
9 that we have to have the transparency and be fair to  
10 all.

11 So the whole Bill denotes the notion  
12 that we are transparent, but to the township as well  
13 as to the industry.

14 MR. BAILEY: I would say the key to that  
15 Bill is making the information available early in the  
16 process, that we would then be able to share it with  
17 parties that would be affected so that people could  
18 participate in the process in an informed manner.

19 MR. CIARROCCHI: Well, I think the  
20 underlying point is something that everyone agrees  
21 with. That is, through the various levels of  
22 government, all the information is there. Somehow it  
23 has to be consolidated into one location. Whether  
24 that ultimately is the federal government or the PUC,  
25 the DEP, it has to be in one place where both

1 businesses can go to learn where existing pipelines  
2 are and know what the rule are if they want to expand  
3 and the citizens can go and know where it is.

4 That's why I say, we defer on that. I  
5 just think it's important and all of you have  
6 expertise.

7 There are areas where the lead entity is  
8 the state government. There are areas where the  
9 federal government is. Whether it's the federal  
10 government with the lead and the state communicating  
11 the information with the local government or the  
12 state.

13 As you know, there are many issues where  
14 the federal government has standards, but the federal  
15 government delegates to the state and allows you to be  
16 the enforcement agency. So there are many ways to do  
17 this.

18 At the end of this, there should be a  
19 central repository of information, a central set of  
20 rules that afford public input so that no one is ever  
21 surprised, whether you are a resident, the local  
22 government, or business that you suddenly find out  
23 this is happening or that there is an added step that  
24 you didn't know about.

25 SENATOR DINNIMAN: The key is that

1 currently in Pennsylvania, there is no central point  
2 of contact. I think that we were very surprised to  
3 find that out when we were dealing with Transco. So  
4 we need that central point of contact. That's what we  
5 need to add to our Bill too.

6 I mean, this is a problem, especially  
7 for us in the southeast. But I think solving it with  
8 our colleagues across the Commonwealth, I think we are  
9 going to make some progress. I am just delighted as I  
10 was listening to the comments. I learned so much.

11 You know, how we could solve this and  
12 how we have to beef up the Bill and perhaps change it.  
13 I am really looking forward to the report that comes  
14 from this committee because this committee is the  
15 think tank on environmental questions and we can use  
16 it to get the best possible legislation.

17 SENATOR RAFFERTY: I'll make a comment.  
18 I do agree with Andy. I think notification certainly  
19 is a key concept for looking at transparency and the  
20 information.

21 Ernie, you are going to the Township  
22 Supervisors Association. We actually read and listen  
23 to the resolutions of the organization. So you may  
24 want to debate and discuss this issue to come up with  
25 ideas that you would have, townships would have

1 regarding any legislation you may need going forward.

2 And, additionally, any ideas you may  
3 have as to the agencies it falls under. It could be  
4 DEP. It could Transportation. It could be Commerce.  
5 So we need to have those discussions and to figure out  
6 -- I have some idea. I know Andy has some idea.

7 But what agency would best be suited to  
8 handle the information and management of the pipelines  
9 as we go forward. If you can do that, that would be  
10 great.

11 MR. HOLLING: I can definitely do that  
12 and follow-up as best I can. Resolutions were due a  
13 month and a half ago, but let me see what I can do to  
14 stimulate some interest while we are there and talk  
15 with the leadership about this.

16 We do have a couple of meetings set up  
17 with key executives to talk about things like this.  
18 So I will bring that up.

19 SENATOR RAFFERTY: It would be very  
20 helpful to the Chairman and to Senator Dinniman and  
21 myself as we move forward.

22 MR. HOLLING: I would be happy to add  
23 PennDOT to that list of possibilities.

24 SENATOR RAFFERTY: I know somebody who  
25 has something to do with that.

1                   CHAIRMAN HUTCHINSON: Representative  
2 Hennessey.

3                   REPRESENTATIVE HENNESSEY: Thank you,  
4 Scott. Gentlemen, thank you all for your testimony.  
5 Ron, the one thing that struck me from your testimony  
6 was the concept of utility corridors.

7                   At a community forum about a year ago, I  
8 asked whether or not utilities had thought of the  
9 possibility of sharing easements, for example, you  
10 know, a pipeline going over an the electric easement  
11 that already exists on somebody's property or across  
12 the township.

13                   And, frankly, the people who were  
14 leading the forum seemed to be stunned with the  
15 concept. They seemed to operate under the theory that  
16 if one utility has an easement, that that becomes  
17 sacrosanct and no one else can even think about  
18 sharing. And it struck me as odd that a utility can  
19 come in and condemn a farmer's land or homeowners'  
20 land to create a first easement, but then somehow they  
21 were given a status that allows them to have their  
22 easement be totally immune from anybody else's use of  
23 eminent domain or, you know, agreeing to talk to  
24 someone about agreeing to an easement.

25                   That's why I am struck by your idea of

1 utility corridor. How wide would it be? Is it  
2 possible? The initial reaction was you can't share  
3 that easement because if a pipeline were to have a  
4 problem, they could take down the electrical system  
5 and more people would be affected. So you can't place  
6 any of the utilities close to each other.

7                   You seem to come from the other  
8 direction, saying put them all in a narrow corridor.  
9 How narrow? What would we need to do? And are there  
10 dangers that would be created in this corridor?

11                   MR. BAILEY: This is, in fact, one of  
12 the differences between Pennsylvania and virtually  
13 every state in the nation. I mentioned that we do not  
14 have a regulatory authority over the location of  
15 pipelines.

16                   In other states, other states routinely  
17 require pipelines to co-locate within doors. In  
18 Pennsylvania, we are dealing with companies that are  
19 competitors. And they want to control their own  
20 property, their own pipelines. They don't want to  
21 have to coordinate with their competitors. They don't  
22 want to facilitate the ability of their competitors to  
23 build a competitive facility. So they won't  
24 voluntarily typically allow co-location.

25                   Now, the co-location with power line

1 companies is a different story. And there is some  
2 movement there.

3           There is -- you step on the part of most  
4 of the electric utilities to allow pipelines to be  
5 located within their right of way. Of course, it's a  
6 matter of negotiation between two private companies.  
7 But we, in Pennsylvania, have no way of encouraging  
8 that. And that's one of the issues I think that we  
9 need to look at.

10           REPRESENTATIVE HENNESSEY: This is a  
11 follow-up. You are not seeing the dangers they were  
12 talking about in terms of sharing those easements  
13 between different types of utilities?

14           MR. BAILEY: Well, again, as I said, you  
15 are dealing with an industry that from the safety  
16 standpoint is highly regulated and very regulated.  
17 And you are also dealing with an industry that's  
18 applying the latest technology.

19           And these things are very safe. Many of  
20 the pipelines across Chester County date back to World  
21 War II. What is being built today is vastly superior  
22 to what was constructed during the second World War  
23 here.

24           So there are issues, obviously, with  
25 safety. But I would say that those are dealt with

1 very effectively.

2 REPRESENTATIVE HENNESSEY: Thank you.

3 CHAIRMAN HUTCHINSON: Thank you to our  
4 three member panel. We will call the next panel. And  
5 that will be Ms. Teddy Price, Ms. Eileen Juico, and  
6 Ms. Lynda Farrell, and Mr. Scott Piersol.

7 As those panel members come forward, I  
8 would like to recognize that we have been joined, as I  
9 said earlier, by Senator Pileggi. And I will allow  
10 the Senator a minute to say a few brief remarks as the  
11 panel is being seated.

12 SENATOR PILEGGI: Thank you,  
13 Mr. Chairman. I am happy to be here. I apologize for  
14 being late. I had a previously scheduled event this  
15 morning. I look forward to hearing the testimony.

16 SENATOR DINNIMAN: Mr. Chairman, I would  
17 like to say I am delighted that Senator Pileggi has  
18 joined us. Because with Senator Pileggi's assistance  
19 and leadership, I know we can get things done. And he  
20 has worked with Senator Rafferty and I. So that,  
21 together, we can complete this task.

22 CHAIRMAN HUTCHINSON: Thank you. Start  
23 with Ms. Price.

24 MS. TEDDY PRICE: Thank you. Good  
25 morning. My name is Teddy Price. I am a senior



1 planner for Land Stewardship at the Brandywine  
2 Conservancy where my primary role is to acquire and  
3 defend conservation easements.

4 Thank you for the invitation and  
5 opportunity to testify this morning on behalf of the  
6 Brandywine Conservancy and as a representative of the  
7 land trust and conservation community in Chester  
8 County.

9 I submitted written testimony. And this  
10 will be an abbreviated version of that.

11 SENATOR HUTCHINSON: Thank you.

12 MS. PRICE: I do not have a PowerPoint.  
13 So it's going to be remarks. Founded in 1967 with the  
14 headquarters in Chadds Ford, the Conservancy's mission  
15 is to conserve the natural and cultural resources of  
16 the Brandywine River watershed and other selected  
17 areas with a primary emphasis on the conservation of  
18 water quality and quantity.

19 The Conservancy holds over 440 easements  
20 on more than 35,000 acres and owns over 2,000 acres of  
21 preserved land. We have also worked directly with  
22 hundreds of farmers to facilitate placing agricultural  
23 conservation easements on over 16,000 acres. In  
24 total, the Conservancy has been instrumental in  
25 protecting over 59,000 acres of land in Chester County

1 and New Castle County, Delaware.

2 Landowners who place conservation  
3 easements on their property have given up value in  
4 order to ensure that these lands and their natural  
5 resources are permanently protected.

6 Public investment in preserving these  
7 lands has been made directly through easement  
8 purchases using public funds such as the county  
9 agricultural easement purchase program and there is  
10 also a public investment in easements that are  
11 donated, either in whole or in part, when a landowner  
12 receives a federal tax deduction for the charitable  
13 deduction of the easement's value.

14 In the past few years, the Brandywine  
15 Conservancy has been faced with threats posed by  
16 several proposed pipeline projects to the land and  
17 water in which we have invested so much to preserve.

18 One such project, the AES/Mid-Atlantic  
19 Express pipeline, was slated to cut through the heart  
20 of our core area of 20,000 acres of preserved land in  
21 the Brandywine watershed.

22 Another, the Williams Transco  
23 replacement project, which has been mentioned here  
24 earlier, threatened to cross the Brandywine Creek in  
25 an environmentally harmful manner. In both cases, we

1   mustered resources and dedicated considerable amounts  
2   of time to stave off these projects to the extent  
3   possible.

4                   The foremost project that demands our  
5   attention was the AES/Mid-Atlantic pipeline. Proposed  
6   to run from an LNG import terminal at Sparrows Point,  
7   Maryland to Eagle, Pennsylvania. The pipeline would  
8   have crossed roughly seven linear miles transecting  
9   2,500 acres of property protected by conservation  
10  easements granted by individual landowners to the  
11  Brandywine Conservancy and contiguous to over 20,000  
12  additional acres of Conservancy easements.

13                   Almost 90 acres of our eased land would  
14  have been directly impacted by the construction of the  
15  proposed pipeline. We appealed the Federal Regulatory  
16  Commission's (FERC) approval certificates for this  
17  project in federal court. Fortunately, the company  
18  ultimately abandoned the project due to lack of  
19  required permits.

20                   We found it challenging to cull  
21  information for each affected parcel in order to be  
22  able to analyze the potential affects to the  
23  conservation values our easements protect. The 700  
24  plus page draft FERC Environmental Impact Statement or  
25  EIS with several hundred pages of supporting documents

1 for this project was basically written to allow FERC  
2 to evaluate the overall impact of the proposed  
3 pipeline to various environmental resources. So the  
4 document was organized by type of resource affected  
5 and cross-referenced to other documents filed with  
6 FERC.

7 Many landowners commented at public  
8 meetings that they were not made aware of the impacts  
9 the pipeline would have on their property. Landowners  
10 should be aware early and often of the proposed  
11 pipeline's specific affects on their property,  
12 especially when the company has the power of eminent  
13 domain.

14 Ideally, site specific maps and plans  
15 with all supporting documents should be sent to each  
16 affected landowner and made available online early in  
17 the process and with each revision to the plans.

18 We were ultimately -- the Conservancy  
19 was ultimately able to get a more detailed data layer  
20 of the pipeline's planned route directly from the  
21 company and its environmental consultant. Our GIS  
22 staff was able to overlay the data onto aerial  
23 photograph maps and show each affected landowner the  
24 new permanent and temporary pipeline right-of-ways and  
25 staging areas.

1                   This information should be made readily  
2 available to all affected landowners. Using this  
3 data, we were able to quantify the impacts to each  
4 protected resource, including soils, woodlands,  
5 wetlands, streams, and steep slopes.

6                   With this information, we were able to  
7 comment, for example, that placing staging areas in  
8 woodlands was not appropriate, which sometimes the  
9 plans called for.

10                  FERC recommended that Mid-Atlantic  
11 consult with the Conservancy regarding the stream  
12 crossings in the Brandywine Creek system. However,  
13 when we met with company representatives, we were told  
14 that the stream crossing methods had already been  
15 determined.

16                  So to the extent that the FERC is  
17 requested consultation with local conservation  
18 organizations, that consultation should be a  
19 productive discussion where the conservation  
20 organization and the local representatives, community  
21 representatives, actually have the opportunity for  
22 substance input that can affect the project.

23                  It is important to note the  
24 ever-mounting watershed challenges here in the  
25 Brandywine and the rapidly increasing competition for

1 watershed uses. The Brandywine is known for both the  
2 abundance of Special Protection Waters and its  
3 impaired waters.

4 Our GIS analysis in 2012 showed 1,047  
5 crossings for USGS perennial streams by existing and  
6 proposed pipelines in Chester County. In balancing  
7 the Brandywine watershed opportunities and watershed  
8 problems, it is critical that the utmost care be taken  
9 when DEP considers new permits that lead to more  
10 impacts.

11 In the case of the Williams/Transco  
12 replacement project, the company, as was mentioned by  
13 Senator Dinniman, originally planned to cross the East  
14 Branch of the Brandywine through horizontal direct  
15 drilling, which would likely have had the least  
16 potential impact on water quality.

17 The public was unable, as Senator  
18 Dinniman explained, to get information from PA DEP  
19 about why the decision was made to change the method  
20 of crossing, the permit application or comparative  
21 destination analyses and engineering studies  
22 supporting the choice.

23 We were conferring with our experts on  
24 water quality to try to analyze the differences, but  
25 we were not able to get adequate information in order

1 to be able to do so.

2                   These items should be made available  
3 online for public review. We support Senate Bill 504,  
4 the Public Information and Access to Information Act  
5 introduced by Senator Dinniman and co-sponsored by  
6 Senator Rafferty, which would require PA DEP to post  
7 on their website permit applications related to  
8 pipeline projects and supporting documents such as  
9 engineering studies in order to be able to give the  
10 public the opportunity to analyze these and make  
11 informed comments on the projects.

12                   In light of these experiences with  
13 proposed pipelines, when the Commonwealth pipeline  
14 project was supposed to run through the Hopewell Big  
15 Woods, the largest contiguous forest in southeastern  
16 Pennsylvania, Natural Land Trust, Friendship Pickering  
17 Creek Conservation Trust, local townships, and other  
18 conservation organizations joined forces to compile a  
19 compelling comprehensive report in 2013 documenting  
20 outstanding natural and cultural resources and the  
21 millions of dollars in public investment and the  
22 millions of dollars in public investment that would be  
23 jeopardized by this project.

24                   If you haven't reviewed that report, I  
25 highly recommend that you do. It's very comprehensive

1 and compelling. This is exactly the kind of special  
2 place that should be avoided as a pipeline path. The  
3 project's fate is presently unclear.

4 A large gap in standard recommended FERC  
5 remediation plan is that no replanting of trees is  
6 required except possibly for riparian buffers.  
7 Woodland trees cleared for construction should be  
8 replanted except for the minimum width necessary to  
9 maintain the pipeline, perhaps a maximum of 20 feet.

10 When trees cannot be replanted, we  
11 believe that offsite mitigation should be required  
12 within the same watershed, similar to the mitigation  
13 protocol for wetlands. We also recommend that  
14 forested riparian buffers in Pennsylvania should be  
15 treated similarly to Maryland's Forest Conservation  
16 Act, which prioritize areas adjacent to streams or  
17 wetlands, on steep or erodible soils and within or  
18 adjacent to large contiguous blocks of forest or  
19 wildlife corridors.

20 In conclusion, hundreds of miles of  
21 pipelines already exist in Chester County. At the  
22 same time, millions of public dollars have been  
23 invested in protecting land, water, and natural and  
24 cultural resources in Pennsylvania overall and in  
25 Chester County in particular.



1                   Almost a quarter of the land in Chester  
2 County is preserved as open space through agricultural  
3 easements held by the county, easements held by the  
4 land trusts, or government units or public parks and  
5 preserves. Preserved open space adds billions of  
6 dollars to the local economy.

7                   The Chester County Planning Commission  
8 has numerous awards for its innovative planning work.  
9 With the department's guidance and the contribution  
10 of other planners such as the Conservancy, land is  
11 being preserved, development occurs in the context of  
12 county and municipal comprehensive plans and  
13 developers usually follow the rules.

14                   Also led by Chester County Board of  
15 Commissioners, the county's latest effort in  
16 coordination with Lynda Farrell is the Pipeline  
17 Notification Protocol initiative to establish the  
18 Pipeline Information Center on the county website.

19                   We applaud this effort and sincerely  
20 hope that all pipeline companies will make the county  
21 their first place to post contemplated information as  
22 early in the process as well so that this information  
23 can be posted online and available to the public.

24                   We believe that the information would be  
25 most helpful if it is as detailed as possible, as I

1 explained, and shows tax parcels on maps and on lists  
2 so that all potentially affected landowners and  
3 parties to a new project can proceed and participate  
4 with full knowledge.

5 We also support CCATO'S effort that we  
6 heard about earlier to create a universal municipal  
7 guide.

8 Early in the process of laying out the  
9 proposed route for a new pipeline, affected local  
10 stakeholders should participate and local resource  
11 data should be used to choose the best route location  
12 to avoid and protect natural resources to the greatest  
13 extent possible.

14 In order to facilitate this dialogue,  
15 landowners and local officials need to be involved,  
16 again, as early in the process as possible. This  
17 ideally would be during the FERC pre-filing process  
18 and when a project manager is identified.

19 And we also agreed with the suggestion  
20 that was made earlier that the pipeline companies  
21 should hold a public hearing to communicate all of the  
22 information to the public simultaneously at public  
23 hearings so that each landowner isn't getting  
24 different information from land representatives.

25 To have pipeline companies notify the

1 county and the municipalities when the route is being  
2 initially planned or even considered would be very  
3 helpful to achieving this goal.

4 Thank you again for the opportunity to  
5 testify and for your attention to this important  
6 issue.

7 MS. EILEEN JUICO: Good morning. I am  
8 Eileen Juico. I am a resident of West Pikeland  
9 Township. My husband, Jose, and I live at 1439 Yellow  
10 Springs Road in Chester Springs. And we have a  
11 pipeline on our property, the Pottstown Lateral.

12 I practiced law for a number of years in  
13 Montgomery County. I am now a federal mediator in the  
14 area of Alternate Dispute Resolution, and currently I  
15 am a consultant developing the program for the West  
16 Pikeland Technical Assistance Grant that was awarded  
17 by PHMSA.

18 I am pleased that the Joint Legislative  
19 Conservation Committee is having this hearing today in  
20 Chester County on interstate pipeline construction in  
21 southeastern Pennsylvania.

22 My comments will be briefly. I would  
23 like to focus on the importance of increasing  
24 communication and planning between pipeline companies  
25 and local government, planning officials and

1 landowners, including conservation organizations that  
2 hold easements on land in Chester County.

3 I first became aware of how little I  
4 knew about pipelines and pipeline procedures in 2008  
5 when I heard of a meeting that occurred in Chester  
6 County about the proposed Dominion Keystone pipeline  
7 project.

8 In talking with other residents of West  
9 Pikeland, I then found out that areas in West Pikeland  
10 and very possibly my property, would be impacted by  
11 this proposed pipeline. I quickly realized that I  
12 needed to find out how to get more information about  
13 this project and what opportunities there were for  
14 public participation in pipeline proceedings.

15 I learned that the proposed route for  
16 this pipeline was going to cross highly sensitive  
17 wetlands, exceptional value streams, and lands  
18 preserved from development. I also learned that  
19 municipalities which would be impacted by this  
20 pipeline such as West Vincent and West Pikeland were  
21 finding it extremely difficult to communicate with the  
22 pipeline company.

23 Landowners were being contacted by land  
24 agents who were representing the pipeline companies  
25 and the landowners were receiving different and often

1 conflicting information as to the pipeline company's  
2 plans.

3           The landowners would then contact their  
4 local officials who themselves were not being provided  
5 with accurate and current information. This lack of  
6 communication and transparency created a lack of trust  
7 between communities and the pipeline company and often  
8 a hostile atmosphere.

9           West Vincent and West Pikeland Township  
10 and the West Pikeland Land Trust, as partners, applied  
11 for a Technical Assistance Grant to receive funding in  
12 order to develop a program for meetings to inform the  
13 public about the pipeline regulatory process and to  
14 try to gain greater access to information about  
15 pipeline projects.

16           As a result, I assisted West Vincent in  
17 carrying out its TAG program. Between the time that  
18 West Vincent submitted its application for a grant and  
19 the awarding of the grant, Dominion put the project on  
20 hold.

21           However, the AES project that Teddy  
22 talked about was moving forward and this project was  
23 to terminate at the Columbia Gas compressor station  
24 located in West Vincent.

25           The public meetings that we developed

1 under the grant helped to raise the awareness of  
2 communities about pipeline and pipeline procedures.  
3 However, comments from the audience at the meetings  
4 again and again raised the issue of lack of early  
5 notification about pipeline projects and lack of  
6 communication and pipeline companies.

7 Lack of communication and notification  
8 on the pipeline construction continues to be a major  
9 issue on pipeline projects in Chester County. In  
10 2012, communities became aware of the application of  
11 Williams/Transco to DEP for a permit to cross the  
12 Brandywine, which has been talked about here today.

13 In 2009, DEP had denied the company's  
14 proposal for this replacement project due to the  
15 proposed method of construction. State  
16 Representatives, County Commissioners, the township in  
17 which the stream crossing as well as four local  
18 environmental groups, a public water company, and a  
19 local business requested a public hearing with the  
20 pipeline company to discuss the company's plans.

21 That request was denied. Notice of the  
22 company's application to DEP for a permit was  
23 published in the April 28, 2012 Pennsylvania Bulletin  
24 with the public comment period set to expire on June  
25 4th. There was no notice of the public meeting or

1 hearing.

2                   Senator Dinniman invited representatives  
3 from the Williams/Transco to a meeting on May 15, 2012  
4 hosted by the Brandywine Conservancy to give the  
5 company an opportunity to present its plans for the  
6 pipeline replacement project to a panel of local  
7 elected environmental leaders.

8                   This was the first opportunity for the  
9 public to hear from the pipeline company. The  
10 pipeline company was asked to provide supporting data  
11 for its statement that the proposed methods of  
12 crossing the Brandywine was "the most practical"  
13 method. The company responded that it would present  
14 the information only if DEP were to seek it.

15                   In the late 2012, early to 2013,  
16 communities in Chester County became aware of the  
17 proposed Commonwealth Pipeline project that could  
18 impact the Hopewell Big Woods. Again, efforts to  
19 communicate with the pipeline company proved  
20 dissatisfactory with very little exchange of  
21 information.

22                   In March 2013, on behalf of West  
23 Pikeland Township, I submitted a grant application to  
24 PHMSA to continue the efforts to gain information  
25 about pipeline projects and to receive early

1 notification of such projects including maintenance,  
2 repair, and replacement of existing pipelines.

3 Accompanying the application was a  
4 letter of support from the Federation of Northern  
5 Chester County Communities. Notification and access  
6 to information applies not only to the construction of  
7 new pipelines, but also to the aging infrastructure of  
8 pipelines that exist in Chester County.

9 The pipeline on my property is more than  
10 50 years old. In the spring of 2012, I noticed stakes  
11 on my property in the pipeline area indicating that  
12 work was to be done on the pipeline.

13 The letters "anom" on one of the stakes  
14 was the first notice that I received of repair work  
15 was that was going to be done. Anom as in anomaly.

16 Notification about these pipelines  
17 construction projects and access to information about  
18 what work is to be done, how it is to be done, and  
19 what reports are generated to describe the work  
20 performed is another important aspect of pipeline  
21 construction projects.

22 I must say that I went through several  
23 phone calls and several emails to Williams to try to  
24 get a better sense of what was going to be done on the  
25 project.



1           They termed it a verification project,  
2 including sending me an alignment sheet dated April  
3 1950, which supposedly depicted where the pipeline was  
4 on my property. It did not.

5           And then Williams sent a survey team  
6 from Texas who spent the day on the property finding  
7 out where the pipeline is in relation to the house and  
8 the existing quarter acre pond, which didn't show up  
9 on the alignment sheet.

10           As part of the West Pikeland TAG, we  
11 have conducted two workshops in which panels of local  
12 officials, representative from pipeline companies,  
13 FERC, and PHMSA as well as the Chester County Planning  
14 Commission, the Chester County Conservation District  
15 have begun to discuss increasing communication about  
16 pipeline construction prior to a pipeline company  
17 filing with FERC.

18           At a third workshop, Land Planning and  
19 Pipelines was discussed with model ordinances  
20 introduced. However, it has become clear from the  
21 work began in 2008 and continuing through today that a  
22 structured framework is necessary in Pennsylvania that  
23 addresses early notification of pipeline projects,  
24 access to information and increased communication with  
25 pipeline operators.

1           Such a framework needs to include  
2 legislation and the active participation of county and  
3 municipal officials. An important first step in  
4 establishing this framework is to enact the Bills that  
5 have been introduced by Senators Dinniman and  
6 Rafferty, Senate Bills 504, 506, and 507.

7           I hope that the testimony provided at  
8 this hearing will facilitate the enactment of these  
9 Bills. And I thank you for the opportunity to provide  
10 comments to you today.

11           CHAIRMAN HUTCHINSON: Thank you. Next  
12 is Lynda Farrell.

13           MS. LYNDA FARRELL: I do have a  
14 PowerPoint. Thank you for convening this public  
15 meeting. My name is Lynda Farrell. I have lived in  
16 Chester County for over 40 years.

17           And I come to this hearing as both a  
18 landowner, a former farmer directly impacted by  
19 pipeline infrastructure, and as executive director of  
20 the Pipeline Safety Coalition. So a little of my  
21 testimony is going to be history as well as  
22 observation.

23           As a landowner involved in that 2008  
24 Williams pipeline project, I learned how hard it was  
25 to find out information about my rights, the pipeline

1 siting process, and regulatory process, and who to  
2 turn to for answers.

3           Senator Dinniman was a leader in our  
4 efforts. And he too found that systems created by  
5 industry for industry are not public user friendly.

6           Unable to continue farming on the  
7 pipeline right-of-way, I ultimately initiated the 2011  
8 formation of the Pennsylvania non-profit Pipeline  
9 Safety Coalition.

10           Our relationships focus on improving  
11 public, personal, and environmental safety by  
12 providing high level of equal access to information,  
13 providing community mentoring and facilitating  
14 respectful, productive communication between citizens  
15 and environmental organizations, federal, state, and  
16 local governments and pipeline operators.

17           We believe safety includes control of  
18 recognizable hazards in order to achieve acceptable  
19 level of risk in the protection of people,  
20 possessions, and the environment.

21           During the 2008 Williams construction, I  
22 witnessed firsthand what happens without public  
23 participation. Environmental degradation -- let's see  
24 if we can get this to work -- deforestation in areas  
25 defined as temporary rights-of-ways that, in fact,

1 resulted in very permanent removal of mature tree  
2 stands in which had provided soil and erosion control  
3 on steep.

4 (Indicating) and this, by the way, is  
5 the current Williams/Transco construction underway.  
6 To the left is before construction. And to the right  
7 is construction as we speak. These are in areas where  
8 any other construction would have been prohibited by  
9 PA DEP.

10 I am going to show a couple of others.  
11 These are also Williams construction back in 2009.  
12 This is during construction after one inch rainfall,  
13 during which all of the stormwater, the county  
14 stormwater required -- help me out Teddy. What are  
15 those called?

16 MALE VOICE: Silk fences.

17 MS. FARRELL: Thank you. Silk fences  
18 failed. And, yet, a fine was not issued because the  
19 company voluntarily fixed the problem.

20 So I learned that right-of-ways dissuade  
21 prospective environmental and agricultural  
22 preservations and that land values fall. I learned  
23 that without public, county and state participation,  
24 the potential for the quality of life lost as we know  
25 it in Chester County may be exponential to the numbers

1 of pipelines and pipeline infrastructure that span  
2 communities, waterways, and environmentally sensitive  
3 or preserved lands.

4 Our concerns are reverberated across the  
5 country in a need for national regulatory reform that  
6 provides enumerable community access to information  
7 and that enhances public information.

8 In regard to notification and siting  
9 protocols, one must consider the pipeline siting  
10 systems are created for the industry by the industry.  
11 And the regulations can be, as we have heard today,  
12 very confusing.

13 In general, siting of pipelines is  
14 determined by where the product is going, what the  
15 product is that is being transported. An interstate  
16 pipeline crosses state or national boundaries.  
17 Intrastate remains solely within a state. But  
18 pipelines are also categorized by what they carry,  
19 whether it's natural gas, petroleum, oil, liquefied  
20 gas products.

21 As you heard, an interstate pipeline  
22 that transports natural gas is regulated for siting by  
23 the FERC and the operator is obligated to submit  
24 siting plans for needs assessment and environment  
25 review. But an intrastate natural gas pipeline is not

1 regulated for siting.

2 Both interstate and intrastate pipelines  
3 that transport oil, petroleum, and hazardous liquids  
4 are not regulated for siting by the FERC or any other  
5 agency. So, in order to really know who regulates  
6 what, one must know the product being transported.  
7 Yet, pipelines are generally dubbed to the public as  
8 pipelines. Again, it's very confusing.

9 In the current Sunoco Mariner East  
10 application to the POC for public status, these lines  
11 transport hazardous liquids such as propane, methane,  
12 and natural gas liquids.

13 FERC considers methane and propane as  
14 oil lines. While FERC does not regulate siting of oil  
15 lines, FERC does regulate tariffs. Therefore, under  
16 Pennsylvania law, Sunoco is considered to be federally  
17 regulated, albeit for tariffs and not siting and  
18 qualifies to apply for consideration of public  
19 utility.

20 With public utility status comes private  
21 business power of eminent domain and exemption from  
22 municipal zoning. There's no federal, state, or local  
23 zoning standard for pipeline density to prevent  
24 overpopulation of pipeline infrastructure. And  
25 infrastructure, by the way, includes not only the out

1 of sight pipelines below the ground as well as  
2 compressor stations, pump stations, valves, smart pig  
3 launchers, city gates, and other above ground  
4 facilities necessary to move fuel through pipelines  
5 from well head to consumer.

6           Regarding notification, while interstate  
7 gas pipelines require federal siting approval, there  
8 are no standards for notification to landowner, county  
9 or municipalities until an operator has pre-filed with  
10 the FERC. And, at this juncture, the operator has  
11 invested substantial of time and money in their  
12 proposed route.

13           Additionally, landowners whose domicile  
14 is in excess of 500 feet from a proposed gas pipeline  
15 right-of-way are not required to be notified of intent  
16 to construct. There are no standards for notification  
17 to the county or municipalities in intrastate pipeline  
18 siting and there are no requirements or standard  
19 notifications to the county or municipalities for  
20 hazardous liquids products.

21           Pennsylvania houses the highest number  
22 of new gas and oil wells in the nation. We rank  
23 fourth for existing wells. And over 75 percent of  
24 Pennsylvania sits above Marcellus Shale with Utica  
25 Shale lying below Marcellus with an even larger

1 footprint.

2           The maps up here indicate the existing  
3 wells on the top left. The infrastructure of oil and  
4 gas pipelines, which gives you a pretty good  
5 indication of where Chester County is in relationship  
6 to existing infrastructure and, therefore, the logical  
7 expansion of existing infrastructure.

8           The map on the bottom right needs  
9 acknowledgment to the Chester County Planning  
10 Commission. This is one of the maps that they created  
11 in relationship to the pipeline notification protocol  
12 and the Pipeline Information Center.

13           So Chester County, as you can see, is  
14 home to one of the most developed infrastructures in  
15 Pennsylvania. It's the nexus of interstate gas  
16 transportation and oil lines and spans from the gulf  
17 to the east coast. It's poised to transport oil and  
18 gas and other fuels to export markets through pipeline  
19 infrastructure.

20           So the concerns of social and  
21 environmental degradation resulting from a system that  
22 deprives the public of equal participation in a  
23 process that facilitates for profit entities through a  
24 hodgepodge of regulations and notification shall be  
25 addressed through regulatory reform and landowner



1 rights initiatives that circumvent protracted  
2 legislative processes.

3 In Chester County, Senator Dinniman led  
4 an effort, as we heard, with Williams/Transco for  
5 voluntary participation between landowners, Transco,  
6 county and local officials. And Williams noted that  
7 was a culture change that would require time.  
8 We are still waiting.

9 So a little history. Subsequently, the  
10 Pipeline Safety Coalition began research which  
11 verified that, apart from PHMSA and Pipelines and  
12 Informed Planning Alliance, there are no national  
13 standardized notification protocols.

14 We initiated a collaborative effort  
15 between the County Commissioners, East Brandywine  
16 Township, and the Pipeline Safety Coalition. We  
17 applied for one of those technical assistance grants  
18 for the purpose of research and development of an  
19 established notification program protocol.

20 Chester County was selected as its  
21 status as an area that exemplifies a region in which  
22 -- this is quote -- a pipeline incident could pose  
23 significant risk to people in environmentally  
24 sensitive area.

25 The Chester County pipelines constructed

1 in the '50s followed paths of railroad and Route 30,  
2 though sparsely populated and often remote areas of  
3 Chester County are now intertwined with suburban  
4 populations.

5           Although Chester County only represents  
6 one percent of Pennsylvania's total square miles, we  
7 rank third highest in Pennsylvania in our percentage  
8 of gas miles.

9           As you have heard, 59 of our 73  
10 municipalities are impacted by pipeline  
11 infrastructure. This is interesting too. While  
12 population growth in Chester County has slowed to  
13 1.278 percent, pipeline infrastructure has increased  
14 by 6.07 percent and may be contributing to the  
15 increased High Consequence Areas.

16           So the Pipeline Notification Protocol  
17 shares PIPA's goals of fostering early communication  
18 in the land development processes among all  
19 stakeholders and establishes a standardized  
20 notification process for operators and local entities  
21 to use early on in land use planning.

22           We sought to fill the gaps of currently  
23 varied planning notifications that, based on study  
24 survey results, are unclear to both operators, county  
25 and local officials.

1                   The key to the PNP is the use of PIPA  
2 Consultation Zones. This is kind of a metamorphosis  
3 as well of the mapping from 2006 to 2008 and the  
4 current mapping thanks to the Commissioners and the  
5 Planning Commission with a much more detailed and  
6 intricate overlay of residential, recreational areas,  
7 agricultural, waterways, wooded areas and what the  
8 impact to a community would be in these consultation  
9 zones.

10                   So the consultation zone that we are  
11 using in Chester County is defined as an area  
12 extending 1,000 feet from each side of a transmission  
13 pipeline or proposed transmission pipeline to describe  
14 when an operator or a property developer or an owner,  
15 property owner who is planning land use activity  
16 should initiate dialogue with the county through the  
17 PIC or the Pipeline Notification Protocol.

18                   Two is the recommendation for the  
19 operator to notify the county in what the industry  
20 calls their General Route Evaluation and Project  
21 Feasibility Analysis.

22                   That's when the operator begins to  
23 evaluate their potential route from A to B or far  
24 earlier than the pre-filing. And we would recommend  
25 that this is the appropriate time for notification,

1 before the pre-filing. Once at the pre-filing stage  
2 when FERC begins, it's often too late to make too many  
3 changes.

4 At that stage, the county, through the  
5 PIC, is able to afford regional input on route  
6 planning and land use planning. This promotes  
7 pipeline safety in the county.

8 So the Pipeline Notification Protocol  
9 is, in fact, a recommended protocol. It is not  
10 mandated by any entity, but it is a transferable  
11 prototype and it is intended to facilitate  
12 collaborative risk assessment.

13 Currently, a PHMSA TAG is facilitating  
14 the Pipeline Safety Coalition introduction of PNP to  
15 all Pennsylvania counties for adaption and adoption.  
16 We welcome the opportunity for further review of the  
17 PNP by the committee and appreciate the committee's  
18 recommendations and support of this effort to  
19 encourage better planning for pipelines and to make  
20 sure the communities and local governments have equal  
21 access to accurate and timely information in the  
22 pipeline planning process.

23 Finally, in the words of Margaret Mead,  
24 "Never doubt that a small group of thoughtful,  
25 committed citizens can change the world. Indeed, it

1 is the only thing that ever has."

2 As a land owner and as executive  
3 director of the Pipeline Safety Coalition, my greatest  
4 honor has been in working with the Chester County  
5 community that is willing to learn, share knowledge,  
6 and fight fiercely for the preservation of the quality  
7 of life Chester County affords us all.

8 As a reflection of this dedication,  
9 Pipeline Safety Coalition and citizens who have been  
10 already impacted by pipeline projects through the  
11 county.

12 We talked about that Commonwealth  
13 project. We are in the infancy right now of producing  
14 a community advocacy network. And the idea is that we  
15 want to pay it forward for the lessons learned from  
16 the individual communities so that other communities  
17 do not have to struggle through the efforts that have  
18 been already experienced.

19 A confluence of societal growth and  
20 expanding gas exploration in Pennsylvania necessitates  
21 proactive support of review and modernization of  
22 regulations, support of the Pipeline Notification  
23 Protocol and landowner to operator collective  
24 communities such as Community Advocacy Networks.

25 As a landowner and on behalf of the

1 Pipeline Safety Coalition, we appreciate your interest  
2 and efforts in upholding Section 27 of the  
3 Pennsylvania Constitution which states, "The people  
4 have a right to clean air, pure water, and to the  
5 preservation of natural, scenic, historic, and  
6 esthetic values of the environment. And that  
7 Pennsylvania's public natural resources are the common  
8 property of all of people, including generations yet  
9 to come".

10 CHAIRMAN HUTCHINSON: Thank you. Last  
11 panelist, Scott Piersol.

12 MR. SCOTT PIERSOL: Thank you very much.  
13 I appreciate the opportunity to participate in the  
14 hearing this morning on behalf of the Board of  
15 Supervisors of East Brandywine Township and the  
16 residents and business owners of the community.

17 My name is Scott Piersol. I have the  
18 pleasure to serve as township manager for the last 19  
19 and a half years. And, as Ms. Farrell said, I have  
20 been a long time resident of the community as well. I  
21 actually lived in East Berlin Township for 57 of my 58  
22 years. So I know it like the back of my hand.

23 We are in the middle of I think five of  
24 the pipelines that crisscross our community --  
25 Columbia, Williams/Transco, Sunoco I believe has two,

1 and there's a third.

2                   So we are very well aware of the issues.  
3 Sunoco Logistics contacted us about their proposed  
4 routing of a new pipeline through our community on  
5 March 14th to access the Marcellus Shale in the  
6 western part of the state to their Marcus Hook  
7 facility in Delaware County.

8                   The reason they were contacting us was  
9 because of congestion in Delaware County where they  
10 have rights-of-way somewhere in the neighborhood of 15  
11 to 20 feet wide, which would not permit a second  
12 pipeline.

13                   The proposed pipeline jogs through our  
14 community crossing various open spaces within two  
15 developments, two large areas of prime farmland, the  
16 township community park, which we consider the jewel  
17 of East Brandywine Township. It is a very, very  
18 active park. There is very few times, unless you go  
19 there at midnight, when there is no one there.

20                   Also, our Bondsville Mill Park and land  
21 that we purchased within the last two years, which is  
22 prime woodland. And we have concerns. As has been  
23 said throughout this morning's hearing, communication  
24 is a big problem.

25                   I met with Sunoco Logistics

1 representatives on March 14th, asked a variety of  
2 questions and have yet to get answers to some of those  
3 questions. Very limited information. Mapping was  
4 terrible. It's very difficult to react to information  
5 that's being provided to you when you can't understand  
6 it.

7 I also asked for a copy of the state  
8 law, which allegedly provides Sunoco with a right to  
9 enter prime properties to conduct surveys. And  
10 received an excerpt of that law from Sunoco just  
11 yesterday along with a note that said Sunoco suspended  
12 their surveying activities within the township and  
13 also within the other municipalities to its north and  
14 south over which this potential routing is proposed to  
15 cross.

16 In closing, East Brandywine Township is  
17 willing to listen and cooperate when a project makes  
18 sense for the greater good. However, speaking from  
19 our Board of Supervisors, the investment that our  
20 taxpayers have made in the community, particularly our  
21 community park and our own properties, should not be  
22 subject to the whim of the company looking for routes  
23 for pipeline, which served their substantial needs, in  
24 our opinion, and provides no benefit, no direct  
25 benefit for the community in which is being impacted



1 by this facility.

2 And thank you very much for your  
3 consideration of our concerns.

4 CHAIRMAN HUTCHINSON: Thank you all. We  
5 will now turn to questions from the members. Start on  
6 my left this time. Representative Hennessey, do you  
7 have a question?

8 REPRESENTATIVE HENNESSEY: I do. Thank  
9 you. Lynda, with regard to the recommendation of  
10 notice being given to people a thousand feet -- well,  
11 I guess it's a thousand feet on either side of the  
12 pipeline?

13 MS. FARRELL: From the center point of a  
14 pipeline or a proposed pipeline. So, for example, if  
15 there's a 30 inch pipeline proposed or laying in the  
16 ground, from the center of that 30 inch pipeline, a  
17 thousand feet to either side.

18 REPRESENTATIVE HENNESSEY: What would  
19 the normal width of the easement be?

20 MS. FARRELL: That varies.

21 REPRESENTATIVE HENNESSEY: A hundred  
22 feet? Two hundred feet? Do we have an idea?

23 MS. FARRELL: It does vary. The operator  
24 would prefer to have the largest easement possible to  
25 either side. It can be as -- I have seen them as low

1 as 20 feet and as large as 75 feet.

2 REPRESENTATIVE HENNESSEY: I am trying  
3 to see if I can coordinate this. What kind of swath  
4 would that entail across a map? Trying to think about  
5 to Ron Bailey's testimony that we should have utility  
6 corridors, which I didn't get the impression we were  
7 going to be anywhere near that he was recommending,  
8 anywhere near that type of width. So can you put that  
9 in some sort of context for us?

10 MS. FARRELL: Yes. To be clear, if you  
11 look at the map on the right-hand side up top here,  
12 those consultation zones are not areas that will be  
13 hard in fact on the ground. That is a width of a  
14 thousand feet from the center point at which point the  
15 operator should say we are going to consult with  
16 landowners and the county to find out what is in that  
17 thousand feet from center point of that line that may  
18 be creating a safety hazard.

19 We may have a situation where  
20 Williams/Transco -- I hate to keep coming back to  
21 them. We had that situation in which there was a  
22 route through a farmer's market, which they had become  
23 a Home Depot.

24 In discussing consultation zones, the  
25 operator would be able to go to the county and

1 citizens and say, this is where we are planning our  
2 pipe. A thousand feet to each side, what exists?  
3 What exists within that thousand feet to each side of  
4 that proposed pipeline that could be a problem in  
5 which we need to make a change in our proposal?

6                   And I know that Sunoco is working very  
7 closely with the county. And they are finding that  
8 this is very helpful to them and realizing that there  
9 are areas that -- as Mr. Bailey referred to this  
10 earlier.

11                   There are areas where a company that's  
12 located in Texas who has mapping specific to what they  
13 are able to pull up does not have the advantage of  
14 being able to access the mapping that the county has  
15 and is able to say to the operator, gee, there's a  
16 Home Depot there. The farmer's market ceased to exist  
17 five years ago.

18                   Or there is now a hospital within that  
19 thousand feet corridor. So the idea is to examine what  
20 is within that thousand foot corridor on either side  
21 of the pipeline or proposed pipeline that could  
22 present an environment risk or a safety risk.

23                   REPRESENTATIVE HENNESSEY: Thank you.

24                   CHAIRMAN HUTCHINSON: Representative  
25 Corbin.

1                   REPRESENTATIVE CORBIN: Well,  
2 unfortunately, he stole my thunder. I was going to  
3 repeat -- well, I am going to repeat what he said.  
4 Not only is it timely in information that we need, but  
5 we need current, up-to-date mapping overlays.

6                   Many of us sitting here remember not  
7 only the farmer's market that was involved with the  
8 project, but also the old Exton Drive-in Theatre. Who  
9 could forget that? It was shown on the maps. That  
10 probably disappeared 20 or 25 years ago, yet, was used  
11 as part of the siting process in one of the pipeline  
12 projects.

13                   So one of the things, in addition to  
14 timely, needs to be up-to-date, current information  
15 made available to any of these companies so they can  
16 get accurate proposals, even not definite sitings, but  
17 accurate proposals put into place.

18                   CHAIRMAN HUTCHINSON: Questions from my  
19 right.

20                   SENATOR RAFFERTY: Quickly. Andy and I  
21 had some discussion based on the testimony doing this  
22 Bill. I thank you. It's been fabulous testimony  
23 today.

24                   I want to give a shout-out to all of  
25 land trusts who do a lot of work in preservation,

1 different groups. It's up to us to work with you to  
2 get them to see some of the improvements.

3 I think that it's time that we, after we  
4 share the information we gathered here today, in  
5 Harrisburg that we may consider. We did bring in one  
6 the legislators to try to help us with the FERC and  
7 didn't get too far with that either.

8 So they have to remember who they are  
9 responsible to. So we will bring the federal  
10 legislators in on this. We may ask you to help  
11 influence that.

12 The last piece of information that I  
13 want to share, I introduced before Andy and I,  
14 riparian buffer legislation. I am going to share it  
15 with you, especially you, Teddy. Take a look at it,  
16 see if there are any recommendations you want to make.

17 MS. PRICE: Sure. Thank you.

18 SENATOR DINNIMAN: Again, thank you for  
19 giving us all of this information. And just so we  
20 understand, while we go about this process, we also  
21 recognize that the resources in Chester County where  
22 we can environmentally assist the Commonwealth of  
23 Pennsylvania.

24 After this meeting, the legislators and  
25 the panel is invited to meet with the mushroom growers

1 of Chester County. Because it turns out that if we  
2 use organic compost along the pipelines and at the  
3 well sites, we are going to be able to create a  
4 greater growth of vegetation without the chemical  
5 compounds and, therefore, we all win.

6 We win in the sense of maintaining our  
7 environment and we have a product, believe it or not,  
8 compost is Pennsylvania preferred product. And I am  
9 happy to see my buddy Buster too today.

10 So do you see -- I just wonder your  
11 response in how we can deal with that as well as the  
12 rest of the panel, you know, the buffers, the run-off  
13 that we saw, what you thought of the use of organic  
14 compost and that as an environmental approach?

15 MS. PRICE: Well, we need to know a  
16 little bit more about it. Obviously, farmers do  
17 spread organic compost on their field as fertilizer.  
18 When it's not appropriately applied, when it's over  
19 applied or when it's just stockpiled, it can pose  
20 environmental problems.

21 And I would be hesitant to recommend  
22 this application on steep slopes unless we knew  
23 exactly about the plants because it could face the  
24 same run-off issues into waterways.

25 SENATOR DINNIMAN: Understanding all of

1 that, the reason we have -- it's unfair to throw that  
2 at you. What I am really saying, and to the panel as  
3 well, I just wanted to say that we are looking for  
4 whether it's mushrooms, ways to protect the  
5 environment in using non-chemical fertilizers.

6 Anything we use we are going to have to  
7 figure out the appropriate way to do it. And the  
8 committee -- I have invited and the Chairman has  
9 accepted -- to a lunch today so that we can talk about  
10 this.

11 So we are going to be -- I am going to  
12 forwarn you. We will come back to you asking your  
13 advice, asking suggestions on how we can achieve this  
14 in the best way.

15 My final question is, just as we had  
16 asked the first panel, are there anything specific in  
17 terms of 504, 506, 507, those Senate Bills, some  
18 dealing with notification, some dealing with buffers,  
19 some dealing with conservation, as you know, is there  
20 anything specific you want us to look at, for me to  
21 understand, John to understand, Dom to understand or  
22 for the committee to realize?

23 MS. PRICE: Well, one of the key things,  
24 as I mentioned, is the woodland reforest requirements,  
25 which is lacking in the FERC remediation requirements

1 right now.

2                   It's funny because they say, as I think  
3 was mentioned here, they say those areas will be left  
4 to naturally revegetate, which we know what happens  
5 around here. It just gets overgrown with evasive  
6 rows. And the natural forest does not naturally  
7 revegetate without help around here anymore.

8                   The other thing is we would like to see,  
9 you know, a mitigation protocol if they do have to cut  
10 through forest and oftentimes the cut through the  
11 forest is not just a permanent right-of-way, which is  
12 normally maybe 30 to 50 feet.

13                   The cut through the forest can be up to  
14 100 feet for temporary working right-of-ways and  
15 stockpiling of a pipeline. So you can have a huge  
16 swamp through the forest that adds up to a lot of area  
17 very quickly. There have been studies that document  
18 very well the negative affect.

19                   So we would ask that there be a  
20 mitigation protocol similar to the wetland mitigation  
21 protocol that would require placement of forest that  
22 are cut through because they are not going to  
23 naturally revegetate or even with replanting it's  
24 going to take a long, long time for that forest to  
25 revegetate.



1                   SENATOR DINNIMAN: Thank you. And that  
2 adds to Lynda's concern, what you saw, all of what  
3 happened with Transco/Williams. It went into  
4 Downingtown Borough, down the hill because there's no  
5 retention basins that would take care of it. And  
6 retention basins that were built never assumed that  
7 there would be pipeline or development above them.

8                   MS. PRICE: Right. And we also support  
9 -- one of your Bills, Andy, requires that the  
10 stormwater run-off be no greater than prior to the  
11 installation of the pipeline. And we are supportive  
12 of that definitely.

13                   MS. JUICO: I would reinforce what was  
14 said in an earlier panel of the importance of early  
15 notification. Prior to when the company is planning  
16 the project, prior to pre-filing with FERC.

17                   It's just so key for them to sit down  
18 with municipal and county officials as well as  
19 landowners to find out, as Representative Corbin was  
20 saying, how accurate and up-to-date is their  
21 information and to get feedback from the community.  
22 It makes sense. It makes good sense to them, and it  
23 makes good sense for the community.

24                   I would also add -- I am curious about  
25 what has come up with the West Pikeland meetings that

1 we have been having, what sort of training and  
2 experience these land agents have who come to the  
3 door.

4 That is such a key part of the beginning  
5 of the friction that starts in Chester County. And  
6 can they be required by the state to have some sort of  
7 training or oversight of them? Because they are -- we  
8 call them land agents. They are independent  
9 contractors as the company will tell you.

10 Is there some way for the state to know  
11 what kind of education, experience they have? And is  
12 there some point of contact in the state where  
13 municipalities can notify the state if they are having  
14 problems with the land agents?

15 SENATOR DINNIMAN: Very good. That was  
16 the key thing in earlier hearings, that they are the  
17 first to interact with the citizens. And many of  
18 these land agents are rough. They don't know what the  
19 other one is saying down the street. So that is  
20 something that we need to consider. Thank you.

21 MS. FARRELL: I would recommend that the  
22 committee avail themselves of the very expert Karen  
23 Gentile, who I believe will be speaking shortly.  
24 PHMSA did come up with a set of recommendations that  
25 were created by stakeholders that included the

1 industry, PIPA, which I referred to earlier. And  
2 Karen may or may not remember the exact statute, B-5.

3 But in the recommendations, -- and I did  
4 refer to this in my testimony -- the industry has a  
5 set of protocol that they use when they are deciding  
6 how to get from A to B.

7 And, in that general assessment stage,  
8 they have not invested any time or money into where a  
9 proposed pipeline might be. At that point, they are  
10 looking at a concept and at the concept of where a  
11 pipeline project might be routed.

12 That is the state of which pipeline  
13 operators should be contacting our Chester County  
14 Planning Commission and the PIC and the Pipeline  
15 Notification Protocol. That is the stage at which all  
16 counties should be notified and, therefore, the  
17 municipalities as well.

18 And I would suggest that the committee  
19 work with PHMSA in those recommendations and the  
20 county and Pipeline Notification Protocol as well.

21 MR. PIERSOL: I seem to be the one  
22 sweeping up after everyone. The communication I found  
23 whether it's Williams, whether it's Columbia, Sunoco,  
24 is the issue.

25 As I said, we are willing to work and

1 cooperate for the greater good, but it's difficult for  
2 municipalities to do that when you don't have the  
3 information.

4                   So, as everybody has said, communication  
5 is the key. And we are the ones that know our area.  
6 And we would appreciate being brought in early so that  
7 there's not this constant friction through the  
8 process.

9                   These pipeline companies should  
10 appreciate that. They seem to want to muscle up and  
11 do their own things. That doesn't help matters.

12                   SENATOR DINNIMAN: By the way, muscling  
13 up, what they have to understand is that citizens of  
14 Chester County muscled up too. And then nothing, you  
15 know, and we reached a stalemate. So it's in  
16 everyone's interest.

17                   SENATOR PILEGGI: Thank you members of  
18 panel potential for your testimony. Very informative.  
19 I have heard and I want to check this -- I certainly  
20 support the work of my colleagues Senator Rafferty and  
21 Senator Dinniman and the Bills that are introduced in  
22 the Senate.

23                   I heard a recommendation to register or  
24 certify licensed land agents, some effort in that  
25 regard. I heard about re-forestation or remediation

1 of the pipeline. I am not sure whether that was a  
2 recommendation. I thought someone said FERC. Maybe  
3 it was in the federal, maybe state level there.

4 My question is: Are there any other  
5 legislative remedies that you would propose at the  
6 state level? Is there a state in this country that  
7 you think has the right balance of statutory framework  
8 that we in Pennsylvania could look to that you think  
9 is established, that works well, addresses concerns  
10 that you testified about today?

11 Or if not enacted, is there a model  
12 framework that you would recommend that maybe the land  
13 trust organizations nationally have put together?

14 MS. FARRELL: I would say there is not a  
15 national standard for us to go by. That's one of the  
16 problems. We work with folks across the country. We  
17 all battle with the same issue.

18 One of the problem is that we battle  
19 with different issues state to state. So it's very  
20 difficult to help each other because we are all very  
21 much on a state by state basis dealing with different  
22 regulations.

23 So I would say that in Pennsylvania, per  
24 se, the committee mentioned earlier and I think the  
25 first panel mentioned a need for a state-based POC,

1 point of contact, for pipeline and for pipeline  
2 issues. And I would say that it should be perhaps a  
3 committee such as yourself.

4 But an entity at least that is not  
5 constrained by DEP or any other entities, particular  
6 duties as an entity. So that you get that flushed out  
7 right from the beginning.

8 But, yes, a Department of -- in the  
9 federal situation, federally the Department of  
10 Transportation oversees pipelines because pipelines  
11 transport materials.

12 And, in Pennsylvania, perhaps a  
13 department such as that, Department of Transportation.  
14 I am not suggesting that our PA Department of  
15 Transportation be the entity. I am making the analogy  
16 that, federally, pipelines are regulated by one entity  
17 which is the Department of Transportation for safety.

18 MS. PRICE: Also, just to follow-up on  
19 what Lynda was saying to answer your question, I  
20 personally haven't done the research to be able to  
21 recommend a model state pipeline siting statute.

22 Lynda knows more about that. And there,  
23 apparently, really isn't one. But I do agree with the  
24 recommendation that was made during the first panel  
25 testimony which pointed out that Pennsylvania is one

1 of only two states that doesn't have oversight over  
2 siting -- state oversight of pipelines within  
3 Pennsylvania. And just to follow up on Lynda's  
4 recommendation, that needs to be created  
5 legislatively.

6 CHAIRMAN HUTCHINSON: Thank you.  
7 The final testifier is Karen Gentile. While Karen is  
8 coming forward, I would like to recognize Mr. Ed  
9 Schmeer is here on behalf of Congressman Gerlach.  
10 We appreciate your attendance today also.

11 So we are a few minutes behind schedule,  
12 but I think we have heard some good information today,  
13 and so that's fine.

14 But we are now to our final testifier.  
15 And, Karen, thank you for coming today. I look  
16 forward to hearing from you. If you could introduce  
17 yourself and begin your testimony.

18 MS. KAREN GENTILE: Good morning. I am  
19 Karen Gentile. I am one of the Community Assistance  
20 and Technical Services Managers for the Pipeline and  
21 Hazardous Material Safety Administration commonly  
22 referred to as PHMSA, an agency that falls, as we  
23 heard, under the United States Department of  
24 Transportation.

25 I am not here to formally testify, but

1 instead to provide you with a little information about  
2 PHMSA. I would like to thank you for the invitation  
3 to be here today, to have this opportunity to do so.

4           While I did prepare a slide for today, I  
5 will leave them as a reference instead. I will  
6 briefly describe PHMSA's, mission, if I may. PHMSA's  
7 mission is to ensure the safe, reliable and  
8 environmentally sound operation of hazardous liquid in  
9 natural gas pipeline transportation system.

10           We work closely with state pipeline  
11 safety programs such as the Pennsylvania Public  
12 Utility Commission to ensure that pipelines are  
13 conducted, operated and maintained in compliance with  
14 the federal pipeline safety regulations.

15           The federal safety regulations for the  
16 transportation of natural gas are covered under Title  
17 49 code of the federal regulation part 192. And the  
18 regulations pertaining to hazardous liquids are  
19 covered under part 195.

20           PHMSA's authority is limited by the  
21 pipeline safety regulations. We don't have the  
22 authority to approve pipelines and we don't issue any  
23 permits for new construction projects.

24           The Federal Energy Regulatory Commission  
25 is the federal agency that has exclusive authority to



1 regulate the siting of interstate natural gas  
2 pipelines. And they have jurisdiction for approving  
3 the location, construction, and operation of those  
4 pipelines used in intrastate commerce.

5 State and local agencies are responsible  
6 for approving and permitting new construction of  
7 intrastate natural gas and hazardous liquid pipelines.

8 Upon request from FERC, our office  
9 provides support to the national environmental policy  
10 analysis. Generally, FERC requests that PHMSA  
11 participate as a cooperating agency if there's been a  
12 lot of questions regarding pipeline safety. While  
13 participating in public meetings hosted by FERC as  
14 well as review project documentation as it relates to  
15 safety.

16 We try to educate people about PHMSA's  
17 roles and responsibilities and do our best to address  
18 people's questions and concerns regarding the pipeline  
19 safety regulations.

20 PHMSA launched the Pipeline and Informed  
21 Planning Alliance referred to as PIPA that Lynda  
22 Farrell referred to to help all pipeline safety  
23 stakeholders to include local governments, developers,  
24 and pipeline operators to define their various roles  
25 relating to land use, transmission pipelines and to

1 follow that best practices.

2           Once a project is approved, the pipeline  
3 will need to be constructed, operated, and maintained  
4 in compliance with the Federal Pipeline Safety  
5 Regulations. Our office conducts construction  
6 inspections as well as system inspections, looking at  
7 pipeline facilities as well as pipeline operator  
8 documentation, record management, systems to make sure  
9 that they are complying with the federal state  
10 regulations.

11           Our web site has a wealth of information  
12 on it. And I brought some brochures with me that  
13 contain information on our website, links to the  
14 national pipeline mapping system.

15           They have information on the grant that  
16 PHMSA offers as well as reminders to promote calling  
17 8-1-1 before you dig to have the utility marked, not  
18 just by pipelines, but other utilities as well to have  
19 marked before construction takes place.

20           And it also contains my contact  
21 information as well. And I would just say please do  
22 not hesitate to contact PHMSA if you do have any  
23 questions related to pipelines, pipeline safety or the  
24 regulations. And, again, thank you for the invitation  
25 to be here today.

1                   CHAIRMAN HUTCHINSON: Thank you very  
2 much. Start on my right this time. Senator Pileggi,  
3 questions?

4                   SENATOR PILEGGI: No questions.

5                   SENATOR DINNIMAN: No questions other  
6 than to thank the Chair, Senator Hutchinson, for  
7 allowing this hearing to take place and his  
8 understanding and sensitivity of how we can solve our  
9 problems here so that we can work together in the  
10 Commonwealth to utilize a natural resource in the  
11 safest and best way. Thank you.

12                  SENATOR RAFFERTY: Scott, I will join  
13 Andy in thanking you for taking the time out to be  
14 here today, to hear the testimony on this very  
15 important issue here in Chester County and also  
16 Pennsylvania.

17                  One question for Karen. Within the  
18 Department of Transportation, -- I'm somewhat familiar  
19 with the Department of Transportation. I am trying to  
20 figure out their role.

21                  MS. GENTILE: Our administrator is  
22 Cynthia Quarterman, and she is the administrator of  
23 the -- there's two offices. She oversees the Office  
24 of Pipeline Safety as well as the Hazardous Materials  
25 and Transportation Office, which is associated with

1 the transportation of hazardous materials above ground  
2 via rail, air, sea.

3 SENATOR RAFFERTY: Radioactive as well?

4 MS. GENTILE: I believe they touch on  
5 that as well.

6 SENATOR RAFFERTY: Thank you very much.  
7 I appreciate your time.

8 SENATOR HUTCHINSON: Representative  
9 Hennessey.

10 REPRESENTATIVE HENNESSEY: Thank you,  
11 Scott. Karen, early in the testimony we heard that  
12 FERC controls methane pipelines. It doesn't control  
13 non-methane pipelines. FERC controls interstate  
14 pipelines. It does not control intrastate pipelines.

15 If a pipeline is interstate and does not  
16 transport methane, is FERC overseeing it at all? And  
17 rather than trying to confuse you -- and I don't want  
18 to put you on the spot. If you could help our  
19 committee by just giving us an indication as to when  
20 FERC does get involved.

21 As I understand it, some of the  
22 pipelines, they might transport methane. And by the  
23 use of these smart pigs, they start the product, the  
24 volume and, you know, after so many gallons or  
25 hundreds of thousands, they put another smart pig on.

1 They ship back out. That might be methane, and the  
2 next product might be some non-methane product.

3 Is the same pipeline transporting  
4 methane and sometimes not? Does that fall under  
5 FERC? Does it not fall within FERC? Does it fall  
6 within FERC when they are transporting methane?

7 It can be rather confusing. That's why  
8 I would like to ask you, in your capacity with the  
9 U.S. Department of Transportation, can you put that  
10 down in some concise fashion so we have something to  
11 refer to to know when FERC is involved and when it  
12 isn't involved?

13 MS. GENTILE: The interstate natural gas  
14 pipelines are regulated by FERC, and they are involved  
15 in the siting process for those pipelines. When it  
16 comes to non-methane pipelines, you refer to, for  
17 example, a hazardous liquid pipeline would be a  
18 non-methane pipeline, transporting petroleum products,  
19 crude oil products. Those lines are not regulated by  
20 FERC, when it comes to siting.

21 REPRESENTATIVE HENNESSEY: Are they the  
22 ones used by multi products?

23 MS. GENTILE: Those liquid pipelines are  
24 generally pipelines that are referred to as  
25 multi-product pipelines. They might control --

1 contain, for example, different petroleum within the  
2 same pipeline where you have -- like, a railcar. So  
3 we have a train car that might be carrying unleaded  
4 gasoline and then the next one might have your high  
5 test. You know, they are all stacked.

6                   It's really just the pressure and the  
7 line keeping the separation amongst the line.

8 And those have those various products in them. I am  
9 not aware of a line that carries both natural gas  
10 that's regulated under 192 and then a pipeline that's  
11 carrying a liquid product under 195.

12                   Those pipelines that are regulated by  
13 FERC, FERC does not have jurisdiction over siting of  
14 those hazardous liquid pipelines that are regulated  
15 under our part 195 for safety. But they do have, as  
16 somebody mentioned earlier, a tariff, they oversee the  
17 tariff on those pipelines, but not siting.

18                   The siting for the hazardous liquid  
19 pipelines as well as intrastate gas pipelines are  
20 regulated at the state and local level for siting. So  
21 if it's involved interstate commerce, I guess, with  
22 natural gas, then it's generally regulated by FERC.

23                   REPRESENTATIVE HENNESSEY: I was trying  
24 to let you off the hook. Is it fair to say that  
25 methane pipelines are always dedicated just for

1 transporting methane natural gas? A methane pipeline  
2 is never a multiple pipeline?

3 MS. GENTILE: From what I have seen,  
4 typically, -- I am not going to say this is the same  
5 across the board -- a natural gas pipeline carries  
6 methane for further distribution and breakout to  
7 distributions, to supply local residents and  
8 communities. Typically, your methane product, natural  
9 gas.

10 There are other gases covered under the  
11 regulation. If a gas was transported, for example,  
12 that's considered hazardous under the regulation and  
13 it is involved in interstate commerce, it is covered  
14 under part 192 as well. But, typically, my  
15 familiarization is with the natural gas pipeline.

16 REPRESENTATIVE HENNESSEY: Okay. I am  
17 going to repeat my question. Can you give it to us in  
18 writing, break it down so we can understand it better  
19 weeks from now and months from now as far as what FERC  
20 regulates, if it's interstate and non-methane? Even  
21 though it's interstate, I guess, because it's  
22 non-methane, it doesn't get involved?

23 MS. GENTILE: I guess I would -- I could  
24 provide a contact for FERC. I don't want to answer  
25 for FERC, specifically what they regulate.

1 REPRESENTATIVE HENNESSEY: Sure.

2 MS. GENTILE: But I will provide you  
3 with a contact for FERC.

4 REPRESENTATIVE HENNESSEY: Provide that  
5 to Craig. That would be super.

6 SENATOR HUTCHINSON: Thank you.  
7 Representative Corbin.

8 REPRESENTATIVE CORBIN: I would just  
9 like to thank the Chairman for hosting this hearing in  
10 my district and welcome the opportunity to be here and  
11 participate.

12 Thank you, all panelists, for your  
13 information. Any time we can share information like  
14 this is extremely helpful to us as legislators.

15 CHAIRMAN HUTCHINSON: Thank you,  
16 Ms. Gentile, for your testimony. This will conclude  
17 the formal hearing for today. As mentioned earlier,  
18 if anybody wants to submit written comments, they can  
19 do those over the next 30 days.

20 I want to thank all of the testifiers  
21 today as well as my colleagues who have joined with me  
22 in hearing some very important information today, both  
23 about the vital need for information and dissemination  
24 within the community as well as some of the best  
25 practices and models that I have heard about today,



1 the models of how communities have organized  
2 themselves and trying to make a better process for the  
3 future of pipelines.

4                   So, with that, I thank everyone who has  
5 been involved. Senator Dinniman, Representative  
6 Corbin for hosting us today. And this meeting is now  
7 adjourned. Thank you very much.

8                   (The hearing adjourned at 12:16 p.m.)

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CERTIFICATE

I hereby certify that I was present upon the hearing of the above-entitled matter and reported stenographically the proceedings and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.

\_\_\_\_\_  
Michelle S. Parke, Notary  
Court Reporter