

## **Chester County Pipeline Task Force**

**Mission:** To facilitate a fair, accurate, comprehensive and timely technical review of all pipeline projects proposed in or impacting Chester County and to act as a liaison between FERC, pipeline companies, and affected County residents, municipalities and organizations on such projects.

### **Participants:**

**Jim Gerlach**

Member of Congress

**Nicholas Cammauf**

District Representative

Congressman Joe Pitts

**Susan Heppler**

District Representative

Congressman Joe Sestak

**James Newbold** (Advisory Role)

PA DEP Southeastern Region

**Dan Greig** (Advisory Role)

Chester County Conservation District

**Jan Bowers**

Executive Director

Chester County

Water Resources Agency

**Ronald Bailey**

Director of Planning

Chester County

**Mary Lou Doyle**

State Representative Duane Milne

Commonwealth of Pennsylvania

**Ed Dymek**

Supervisor

East Caln Township

**Joseph E. Toner**

Supervisor

Uwchlan Township

**Teddy Price**

Brandywine Conservancy

Environmental Management Center

**John Hoekstra**

Director of Watershed Advocacy

Green Valleys Association

**Thomas Chiomento**

Director of Government Affairs

Exelon Corporation

**Nick Everhart**

Brandywine Valley Association

**Lisa Van Houten**

AES Sparrows Point Impacted Resident

**Lynda Farrell**

Williams Transco Impacted Resident

**Eileen Quinn Juice**

Dominion Impacted Resident

## Meeting Minutes – February 17, 2009

### Previous Action Items:

- **The Task Force requested and received contact information for a liaison from all of the pipeline companies operating within the county.**
- **Congressman Gerlach requested a Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) oversight hearing by the House Transportation and Infrastructure Committee to examine safety issues in and around high consequence areas**
- **Congressman Gerlach sent a letter to Congressman Pitts requesting a FERC oversight hearing by the House Energy and Commerce Committee to examine problems with existing approval process and the need for greater property owner and environmental protections.**

### New Business:

**Conference call w/ Carolyn Elefant Esq., attorney and former FERC employee to discuss the potential role of the Task Force in the FERC process and determine the most effective actions that the community as a whole can take to protect property owners, environmental resources and overall quality of life, as current and future expansion projects are considered.**

**Jim Gerlach (JG):** Carolyn what role can the Task Force play in the FERC process?

**Carolyn Elefant (CE):** Get involved early in the process by intervening. The rules unfortunately tend to be structured in a way that makes it difficult for property owners to intervene. By intervening early it gives a little bit of leverage right up front.

The Task Force should ask that FERC provide more structure and order within the process especially after the certificate is approved. It is mostly disorganized and disjointed and there aren't clear timetables or deadlines for local stakeholders to follow when submitting comments.

In other regions FERC has set up workshops that help guide municipal, county, and state officials through the process and explain the ways in which they can be a part of the process and influence FERC's decisions.

It would likely be beneficial to open a dialogue with FERC on ways to improve the process and especially the sharing of information. There are probably ways to incorporate local agencies and resources with valuable information into the FERC process.

**Lisa Van Houten (LVH):** When does DOT (PHMSA) take over jurisdiction from FERC with regards to safety? Why aren't they cooperating from the very beginning?

**CE:** Most of the time federal agencies don't share jurisdiction or cooperate because they don't want to sacrifice any their funding to do so. A cooperating agency would also no longer have the ability to challenge or intervene in the process.

**Jan Bowers (JB):** When does DOT (PHMSA) enter the process?

**CE:** FERC is always involved but they're responsible for the construction and expansion and PHMSA is responsible for the safety and inspection of the pipeline once it is built and operational.

**Ron Bailey (RB):** Chester County is an intervener both on the Williams Transco project and on the AES Sparrows Point project, does that prevent the County from being a cooperating agency?

**CE:** They would be more of a consulting agency, but yes they would still have a role to play.

**Ed Dymek (ED):** As a matter of health and safety issues, if a township sewer line falls under the new permanent right of way, how does a township get in there for sewer maintenance? Does it now require the township to fund inspectors and pay for certain equipment?

**CE:** Health and safety issues can be raised with FERC in crystal clear terms as you described and you should absolutely send a letter asking them to address them. FERC has had a tendency to want to wash their hands once a certificate is issued, but they should still be allowing comments from both sides. In addition to sending letters you should absolutely call the FERC Hotline with complaints about the actions or lack of cooperation from the pipeline companies on important issues such as this.

**ED:** With the expansion they're seeking, obviously we're concerned that a future pipeline might be added right over our sewer line.

**CE:** That would require a new certificate by approved and whole new proceedings take place.

**LVH:** Why can't they simply replace the existing pipeline with the new one instead of abandoning it?

**ED:** Why can't they do vertical digging instead of the wider channeling?

**CE:** I would suggest taking issues such as these and develop best practices for county pipeline projects that companies should follow.

**John Hoekstra (JH):** Shouldn't that be a function of FERC?

**CE:** Ideally yes, but it's not set up that way. Chester County is unique because of the existing infrastructure and burden that has on the community which should help justify better practices despite the potential for higher project costs.

**JH:** Are multi-state coalitions helpful?

**CE:** FERC would be more likely to coalesce if multi-state best practices were proposed.

**JG:** What are your thoughts on an Office of Consumer / Public Advocate? Oversight hearing on the FERC process?

**CE:** Outstanding idea, something similar to the taxpayer advocate which helps citizens work with the IRS, and it is timely because there is increasing demand right now for pipeline expansion projects. Broad scope hearing that includes other communities to demonstrate wide spread problems with the current process, not just the problems in Chester County.

**Mary Lou Doyle (MLD):** How can we further explore your idea about having a FERC workshop?

**CE:** FERC would likely send the Director for the Office of Energy Projects, it would be somewhat ad hoc but it could serve to educate all the local stakeholders on the process.

**Action Items:**

Invite FERC to participate at next meeting to discuss hosting a workshop for local stakeholders and also begin a dialogue to establish best practices for companies seeking project approvals in the County.

Congressman Gerlach to further explore legislation creating an Office of Consumer / Public Advocate

John Hoekstra and Lisa Van Houten at the recommendation of Carolyn Elefant will further explore opportunities for multi-state cooperation with regards to pipeline projects and the FERC process.

Supervisors Ed Dymek, and Joe Toner, and Bryan Kendro of Congressman Gerlach's office will discuss with Chester County members of the State Association of Township Supervisors the role the townships impacted by these projects can play in the FERC process. Most importantly encourage them to file as interveners early on.