

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
WEDNESDAY, MAY 16, 2018
FINAL APPROVED MINUTES**

Present: Chairman Marty Shane; Vice Chairman Carmen Battavio; Supervisors David Shuey, Janet Emanuel and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager & Finance Director Jon Altshul; Conservancy Board Chairman Erich Meyer. Also present were Mark Freed (Curtin & Heefner LP), Eric Friedman (Middletown Coalition for Public Safety), Lynda Farrell (Pipeline Safety Coalition), Caroline Hughes (Goshen United for Pipeline Safety), Bernie Greenberg (Sierra Club), Eve Miari (Middletown Coalition for Public Safety), Lex Pavlo (East Goshen Safety and Environmental Advocates) and Bill Wegemann (East Goshen Safety and Environmental Advocates).

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

Moment of Silence

Carmen called for a moment of silence to honor our troops and emergency responders.

Recording

Eric Friedman, Thornbury Township, recorded the meeting.

Accept input from representatives from various citizens advocacy groups on the Sunoco Mariner 1, 2 and 2X Pipeline Projects

David provided an overview of what the Township has done since late 2013 to oppose and make residents aware of the Sunoco pipelines, including filing petitions to intervene with the Public Utility Commission (PUC), adopting resolutions opposing pipelines, citing Sunoco for nine violations of the Township's noise ordinance, continuously corresponding with state and federal legislators, authorizing a Chapter 5 filing with the PUC proposing pipeline operation regulations, and hiring an attorney to pursue legal action against Sunoco for violations of federal statutes. He stressed that all five members of the Board of Supervisors are opposed to NGL pipelines in East Goshen. David added that the purpose of the meeting tonight is to listen to the representatives of the various citizen advocacy groups and ask questions in order to further develop a strategy for dealing with pipelines in the Township.

David acknowledged members of the audience, including Rep. Carolyn Comitta, Adam Cirucci (Sen. Dinniman's office) and Sean McNichol (Sen. Killion's office). David then asked the panelists what municipalities can do to regulate and oppose pipelines moving forward.

Eric Friedman stated that one strategy that municipalities can employ is to “lean into” the Chapter 102 (Erosion and Sediment Control) and 105 (Waterway Management) permits that DEP issues to pipeline operators. He noted that DEP declared Sunoco’s application to be complete despite the fact that the application did not include Act 167 letters from all the impacted municipalities.

Eric observed that earlier today a federal appellate court had halted work on the Atlantic Coast Pipeline in Virginia based on concerns about the impact on wildlife. David inquired whether Pennsylvania state law requires pipeline operators to limit negative impacts on wildlife habitats.

Mark Freed observed that federally-regulated interstate pipelines have stricter environmental requirements than intra-state pipelines, but that there are state requirements in Chapter 105 about animal habitats, including bog turtles.

Eric also observed that Thornbury Township (Delco) pulled Sunoco’s soil and erosion permit due to multiple violations and suggested that other municipalities might pursue this strategy.

Lynda Ferrell stated that opportunities exist for municipalities to partner with environmental nonprofits. She explained how grassroots “community advocacy networks” consisting of local advisory groups, like East Goshen Safety and Environmental Advocates, are ideal partners for municipalities to collaborate with. She suggested that the Township form an official pipeline group that meets monthly like any other Township ABC group. These groups can effectively share information and use municipal resources like websites and communications platforms to educate and inform residents. These types of partnerships in turn facilitate other municipalities working together. David asked if East Goshen could be better about sharing information with and from advocacy groups, to which Lynda replied that it could.

Bernie Greenberg raised concerns about Sunoco’s honesty and environmental record. He stressed that the elimination of a safety valve in West Goshen was a source of concern. He recommended that the Township hire an inspector to inspect the pipeline and report directly to the Board of Supervisors.

Caroline Hughes stated that Bernie’s comment underscored the need for the risk assessment study that was discussed at a BOS meeting in April. She stated that she recently attended a hearing in Harrisburg where she heard Matt Gordon, Sunoco’s project manager, testify that the Mariner East pipeline route was selected because it was the safest pipeline route and was done “for the good of the community”. She expressed incredulity about this statement and stated that Sunoco only selected the route because they already had existing easements in place and therefore it was the easiest and cheapest location to install new pipes. She added that municipalities should make comments to DEP during its various public comment periods and,

moreover, that municipalities should encourage residents to make comments as well.

Eve Miari stated that she gets frustrated when she hears municipalities say “our hands are tied” when discussing pipelines. She stated that area residents are the real experts on the pipeline, as many of them have first-hand experience dealing with Sunoco and its land agents. Therefore, she implored the Board to listen to its residents. She also stressed the need for municipalities to protect the First Amendment rights of their constituents. She also stressed the importance to stakeholders portraying Sunoco as a “rogue” pipeline operator and of not believing that other operators would be any better.

Bernie asked how other area Townships feel about the pipeline.

David stated that he would be attending a “Table Top” scenario training on Thursday at the Chester County Public Safety Training Center. Eric observed that the emergency responders seem to know how to handle a pipeline emergency, but that residents do not. Specifically, he stated that “self evacuation” is the only emergency action plan that Sunoco seems to have in place. He recommended that the municipalities be more honest with residents about any response plans in place. Mark relayed an anecdote about a Sunoco expert testifying in Harrisburg about an evacuation plan that recommended that people walk upwind from the leak, but not recognizing that not all Pennsylvanians are able-bodied or mobile or that pipeline emergencies might occur during snowstorms or other weather events that might complicate an orderly evacuation.

David asked whether any of the panelists were aware of any legislation regarding pipeline density. Bill Wegemann stated that he is not aware of any legislation around density and speculated that this is due to the fact that there is no pipeline siting authority in Pennsylvania. He observed that Sunoco almost certainly has long-term plans for future pipelines in Chester County and that these plans need to be stopped now. He raised concerns about the pressure, i.e. Pounds per Square Inch (PSI) of the natural gas liquids in the pipelines, particularly in the older Mariner 1 pipeline and recommended that Sunoco report in real time what the PSI is along the pipeline route. He also stated that the PUC has 21 inspectors for 81,000 miles of pipelines in Pennsylvania, with plans to only add two more despite tens of thousands of new miles of pipeline expected to come on line soon. He also asked why Sunoco won’t add odorants to the NGLs, which would help alert people if there were a leak. He stated that the odorants could be removed relatively easily at the facilities that processed the NGLs. Finally, Bill observed that he recently power-washed his siding and it had never been this dirty until the drilling near his home. He stated that residents should know about the chemicals that are being used at the drilling sites.

Lex Pavlo stated that East Goshen Safety and Environmental Advocates was working hard to get the word out about the pipeline and get residents involved. He suggested

that the Township appoint a sort of pipeline “czar” to coordinate the activities of the Township and interested residents regarding pipelines. He suggested that one other thing the Township could do would be to create checklists for various scenarios (e.g. if approached about an easement).

Caroline stated that one common issue for all residents is that they will have to be responsible for their safety when Sunoco makes mistakes, which it inevitably will. She stated that Sunoco has been slow to respond to questions about pipeline safety from interested parties, such as the West Chester Area School District. She also observed that a large portion of the Township doesn’t really care about the pipeline, so it’s important to educate the community. She noted that the Township has a powerful platform to educate the public about potential dangers and that it essential that residents understand that these pipelines are different than the ones that have come before them. She added that the Township should file a motion to intervene with the PUC in Senator Dinniman’s petition for emergency relief.

David asked Mark about Caroline’s suggestion, since he is representing the Senator and Mark recommended that East Goshen should focus on issues specific to East Goshen when it petitions the PUC. Responding to Bernie’s earlier suggestion that the Township hire a pipeline expert, Mark noted that it would really need to hire multiple experts, with expertise in geology, engineering and public safety, among other subjects. He also observed that traditionally regulators require that pipelines be as far from structures as possible, but that Sunoco flips this logic on its head and argues that colocation of pipelines should be the guiding principal for pipeline siting.

David asked the panelists to summarize the main points that had been made about what the Township should do. Eve summarized these points as follows:

- 1) Work with nonprofits (Lynda)
- 2) Form pipeline ABC group that meets monthly (Lynda)
- 3) Revoking local soil and erosion permits (Eric)
- 4) Fund the risk assessment (Caroline)
- 5) Hire pipeline safety inspector reporting to the Board of Supervisors (Bernie)
- 6) Filing complaints/motions to intervene as appropriate (Caroline)

Bill added that the Township could explore whether supplying NGLs for European plastic met the legal requirements for being declared a public utility.

Mark observed that DEP suspended Mariner 1 for only 32 days, which he felt showed that DEP wasn’t serious about holding Sunoco accountable. Eric observed that DEP’s public notice showed that it was already negotiating with Sunoco within one day after the shutdown order. He also observed that Sunoco is actively engaged in a campaign of misinformation and disinformation regarding pipeline safety and the benefits of the Mariner East pipelines. Accordingly, he was bothered that some municipalities post Sunoco’s marketing materials uncritically on their websites, which imply that Sunoco’s claims are true. Lynda described Sunoco’s marketing

materials as the “artful omission of facts.” Bill observed that Sunoco decides the pipeline route, monitors the pipeline for leaks, performs risk assessments and emergency management studies and asked whether residents realize “the fox is guarding the hen house.”

Caroline raised concerns about the potential damage that the pipeline could cause to utility infrastructure, including the Township’s infrastructure. She noted that there had recently been a water main break on Boot Road and wondered whether it may have been related to the pipeline work. Therefore, the Township needs to be vigilant about the safety of its infrastructure.

Eric stated that it is a fiction that Sunoco did not condemn some greenfields when siting the pipeline. He also stated that Sunoco pipelines have averaged about 2 leaks per month nationwide since 2006. He also observed that while Sunoco was testifying in Harrisburg, news broke about a Sunoco pipeline leak in Oklahoma. Eric stated that in January alone, Sunoco received three federal notices of violation including one about Mariner East. He added that in June 2016, a Sunoco pipeline failed in Texas due to improper welding, and that the pipeline continued to operate for 11 days after the deficiencies were discovered before it was finally shut down.

Public Comment

Charney Williams, Middletown Township, stated that “it’s not the pipeline, it’s the product”. He observed that if Sunoco converted the ethane to ethanol, the product could be significantly less risky and that the product could be very easily and cheaply converted into back to ethane later.

Everett Warren, 540 Beaumont Circle, stated that he has a beautiful backyard and that he’s concerned about what will happen to it when Sunoco resumes drilling. Marty observed that it’s his understanding that Sunoco will resume drilling in June. Mark indicated that Sunoco expects to be finished by mid-2019.

Christy Marshall, Hershey’s Mill Villages, stated that the emergency responders seem to know what to do in the event of a pipeline emergency, but that residents don’t. She suggested that if the Township forms a pipeline ABC group, emergency response should be a part of that group’s work.

Nick Batista, 1428 Quaker Ridge, suggested that the Township should monitor air quality, in addition to just noise. He stated that he is starting to have respiratory problems that may be due to the proximity of his house to the pipeline route. He also raised concerns about whether evacuation plans might negatively affect property values.

Melissa DiBerdardino, 1602 Old Orchard Lane, suggested that the Township file a formal complaint with the PUC regarding Sunoco’s safety record. She added that she supports the citizens risk assessment.

Donna Shuey, 1547 Millrace Lane, suggested that the Township conduct air quality monitoring around the valves. She added that odorizing the NGLs may be worth looking into as well.

Elaine McLaughlin, 615 Marydell, asked whether any bill had been introduced in Harrisburg about creating a state siting authority. Bill responded that legislation had been discussed, but that nothing had come of it. She added that all the affected townships need to band together on this issue.

Kay Whittle, 1626 E. Strasburg Road, stated that she wants the Township to support the risk assessment and hiring inspectors. She also asked why the Township can't communicate the evacuation plans to Township residents. Eric observed that the terms "safe" and "safer" are meaningless in the context of an NGL emergency, given how dangerous it would be.

John Fetscher, 229 Cheshire Circle, observed that the Township needs to be more proactive and less reactive. He stated that he expects more pipelines to be constructed in Chester County soon.

Bernie Ebersole, 210 North Chester Road, suggested that a dropbox be created for interested parties to share information about the pipeline. Mark observed that he and Marty serve on a pipeline committee with the Chester County Association of Township Officials.

Debbie Fetscher, 229 Cheshire Circle, stated that none of her neighbors want to say that they're opposed to the pipeline. She observed that White Chimneys was built on natural springs that have caused foundations to crack. She thinks that there's a lot of misinformation about the pipeline in her development.

Linda Ries, 433 Beaumont Circle, stated that while meetings like this are helpful, the Township could communicate about the pipeline better. She stated that she would be willing to serve on a pipeline committee and that she personally has started boycotting Sunoco gas stations.

Marty stated that the Township will begin livestreaming public meetings in June.

Eve observed that FERC will be holding a hearing about the Adelpia pipeline at the Clarion Hotel in Essington on May 31st and that there will be an anti-pipeline rally at the Chester County Courthouse on June 9th.

Respectfully submitted,
Jon Altshul
Recording Secretary