

**East Goshen Township
Pipeline Task Force
Meeting Agenda**
Thursday, April 25, 2019
5:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Ask if anyone is recording the meeting
5. Approval of Minutes
 - a. March 28, 2019
6. Chairman's Report
7. Reports
 - a. Legislative Update – **Tabled until May meeting**
 - b. Current Pipeline Events Impacting East Goshen - **Tabled until May meeting**
8. Old Business
 - a. Newsletter Article Review (Due by May 1st)
 - b. Pipeline Coating Degradation
 - c. Review Pipeline legislation - Bills: 40, 257, 259, 261, 262
9. New Business
 - If time allows:
 - a. Discuss the noise levels with the new equipment that ETP/Sunoco
10. Public Comment
12. Adjournment

**EAST GOSHEN TOWNSHIP
PIPELINE TASK FORCE WORKSHOP MEETING
1580 PAOLI PIKE
THURSDAY, March 28, 2019
DRAFT MINUTES**

Present: Chair Caroline Hughes; Vice Chair Bill Wegemann; Members: Judi DiFonzo, Russ Frank, Christina Morley, Gerald Sexton; David Shuey (Liaison, Township Supervisor); Mike Lynch (Township Supervisor), Township Manager Rick Smith

Call to Order & Pledge of Allegiance

Caroline called the meeting to order at 5:00 p.m. and led the pledge of allegiance.

Moment of Silence

Caroline called for a moment of silence to honor our first responders and troops.

Recording

Caroline asked if anyone was recording the meeting. No one was recording.

Approval of Minutes

The minutes were approved as amended.

Reports

1. Legislative Updates and Reports

- a. Caroline called attention to the news that Sunoco's ME2 permit applications had a discrepancy in the maximum operating pressure. The permit states 1480 psi instead of 2100 psi. Russ pointed out that Sunoco's spokesperson, Lisa Dillinger, confirmed the maximum operating pressure of 2100 psi, but she insisted that is not a change. David stated that the 2100 psi operating pressure now increases the evacuation zone and the EMS needs to be made aware.
- b. **Safety Over Sunoco (SOS) Rally (3/19/19)** - Caroline reported there were about 100-150 attendees. There were 3 breakout sessions: 1) with the Governor's Office 2) PUC Office and 3) Attorney General's Office. Bill also reported that the speakers were good and that there was a bipartisan representation from representatives and senators.
- c. Bill and Judi reported they attended the Know Your Rights Meeting held on 3/27/19. Caroline will share with the Task Force (TF) the video from the meeting. The 3 main points for easement owners were: 1) obtain a home inspection, which should be paid for by Sunoco, and owners should not sign a waiver 2) hire legal representation and 3) provide the Chester County DA any supporting information if available. There was continued discussion that the Hankin group in East Goshen, settled their easement dispute. Bow Tree property owners signed easement agreements beginning in 3/2016. Some of these agreements became effective when construction began. How to determine when construction began is uncertain. Caroline will share additional articles.

2. Current Events Impacting EG

- a. Rick stated that Sunoco will begin drilling in West Goshen (Boot and 202), the Quaker Site, Bow Tree to Matlack, and drilling both ways between SS. Simon and Jude and Matlack. Rick stated that drilling can take place between 7 am and 10 pm and that Sunoco has not requested 24 x 7. They normally drill Monday through Saturday. Russ questioned whether the noise level will increase since the equipment being used is now bigger. It was noted that the new barriers seem more substantial.
- b. Russ asked if the pipeline companies notify the Township prior to any work that is done. Rick replied that letters are normally sent out informing of maintenance work; however, there is no requirement for them to do so.

Old Business

- a. Public Communication & Newsletter Article - The TF reviewed the mailings from Energy Transfer Partners and Interstate Energy. The general consensus was that while the mailers were helpful on how to determine a leak, more information still could be provided. Rick explained that the mailings are sent out several times a year to residents that live in close proximity to the pipeline. Christina explained that she compared these flyers to the information that Kinder Morgan sends out. She stated that Kinder Morgan refers to their Integrity Management Program. She continued that Kinder Morgan proudly states that they participate in the Pipeline Safety Management System (SMS) group. The SMS is voluntary participation for pipeline companies. Caroline stated that as the TF advocates for Sunoco to operate safer, the TF could question them about participation in SMS.

Rick asked the TF how they want to communicate these flyers to the residents. It was agreed that these mailing would be put on the Township website's Featured News and a corresponding Constant Contact email will be sent out.

The TF discussed providing a newsletter article. David stated that the article should also introduce the TF and explain their goals. Rick stated that the article should provide an easy-to-read summary about identifying leaks, calling 911 etc. David reiterated that emphasis on what happens before a call is made to 911 is as important as what happens after 911 is called. Caroline will set up a google doc for the newsletter article for the TF to edit, and the article will need to be reviewed at the next meeting for the May 1st deadline.

- b. Air Quality Monitoring – Caroline stated that the Downingtown Area School District is looking at air quality monitoring. It was agreed to table this discussion for a future meeting.
- c. Pipeline Legislation Review – Bill W. provided a worksheet listing all the Bills and their supporting Senator or House Representative. Old Bill #652 has not been issued a new Bill number and has not been reintroduced to date. Bill W. also stated that Don V. informed him that the Bills most likely to pass are: 257,

259, 261, & 262 and the Bills that possibly can pass are: 258 & 260. It was agreed that each member of the Task Force would be assigned bills to track progress and provide comments.

<u>Member</u>	<u>Bill #</u>	<u>Bill#</u>	<u>Bill#</u>	<u>Bill #</u>
Judi	156	242	283	
Russ	187	261	263	282
Caroline	260	492	652	
Karen	257	280		
Christina	40	259		
Gerry	258	264		
Bill	262	281	323	

Bill will add a column for Status. This column will contain one of 4 values:

- *In Committee*
- *Out of Committee*
- *Passed by House*
- *Passed by Senate*

Bill and Christina stated that the next TF meeting on 4/25/19 should be devoted to reviewing these Bills. It was agreed that the bills to be focused on are: 257, 259, 261, 262 and 40. After, the TF can then compose a letter to the Board of Supervisors encouraging them to support the bills.

- d. Pipeline Coating Degradation – Gerry explained that he was researching the materials that are used to coat the existing Sunoco pipeline. There is concern because the pipelines have been exposed in the sun and elements for the last year or so. Melissa DiBernardino, 1602 Old Orchard Lane, stated that the material used is Dura-bond. She has filed a complaint regarding the pipeline coatings that is currently in discovery. David explained that he was informed by Sunoco workers that the pipes go through an “x-ray” process prior to being buried. If they find a gap in the coating, a field repair takes place. Rick stated that Melissa’s case and the Flynn case are to be put together and the TF can make a recommendation to the BOS regarding this issue. Gerry will research more knowing that the material is Dura-bond and Russ will gather information from his contacts. Time will need to be allotted for this at the next meeting.

New Business

- a. Dust Concerns at HDD sites - Bill stated that he was contacted by a DEP rep who told him that DEP does not conduct baseline testing for fugitive dust. Bill continued that the rep does not know who handles fugitive dust complaints. Bill motioned and Caroline seconded the motion to recommend that the Board of Supervisors have Pennoni conduct fugitive dust testing as needed at the HDD sites. Melissa questioned how does anyone know what is contained in the dust. Bill amended his motioned to include testing to determine the composition of the dust and Caroline agreed to the amendment. The motion passed unanimously.

1
2 **Action Items for TF**

- 3 • Newsletter Article
4 • Bill Review
5

6 **Public Comment**

7 None
8

9 The next regular meeting is Thursday, April 25, 2019 at 5:00 pm.
10

11 **Adjournment**

12 The meeting was adjourned at 7:05 pm.
13

14 Respectfully submitted,
15 *Susan D'Amore*
16

17 *F:\Data\Shared Data\Minutes\Pipeline Task Force\2019\Pipeline TF Mins 03-28-19 DRAFT.docx*

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 40

Session of
2019

INTRODUCED BY SCHWANK, FONTANA, SANTARSIERO, FARNESE, DINNIMAN,
HUGHES AND COSTA, JANUARY 11, 2019

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 11, 2019

AN ACT

Providing for the protection of water supplies.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pipeline
Impact Water Resource Protection Act.

Section 2. Definitions.

The following words and phrases when used in this act shall
have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Board." The Environmental Quality Board established under
section 1920-A of the act of April 9, 1929 (P.L.177, No.175),
known as The Administrative Code of 1929.

"Common carrier." As the term is defined under 66 Pa.C.S. §
102 (relating to definitions).

"Department." The Department of Environmental Protection of
the Commonwealth.

"Natural gas." A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, which may include ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

"Operator." An operator or owner of a pipeline.

"Pipeline." Any of the following:

(1) A pipeline used for transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products for the public for compensation which is operated or owned by a common carrier that is regulated by one or both of the following:

(i) the Pennsylvania Public Utility Commission, as a public utility, as the term is defined in paragraph (1)(v) of the definition of public utility under 66 Pa.C.S. § 102; or

(ii) the Federal Government under the Interstate Commerce Act of 1887 (49 U.S.C § 10101 et seq.).

(2) A pipeline subject to regulation under the act of December 22, 2011 (P.L.586, No.127), known as the Gas and Hazardous Liquids Pipelines Act.

"Pipeline construction." The term includes the use of horizontal directional drilling technology and the use of trench or ditch techniques.

"Water purveyor." Any of the following:

(1) The owner or operator of a public water system as

defined under section 3 of the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act.

(2) A person subject to the act of June 24, 1939

(P.L.842, No.365), referred to as the Water Rights Law.

Section 3. Protection of water supplies.

(a) Restoration or replacement.--An operator that affects a public or private water supply by pollution or diminution during pipeline construction shall restore or replace the affected supply with an alternate source of water adequate in quantity or quality for the purposes served by the supply.

(b) Duties of department.--The department shall ensure that the quality of a restored or replaced water supply meets the standards established under the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, or is comparable to the quality of the water supply before it was affected by the operator if the water supply exceeded those standards. The board shall promulgate regulations necessary to meet the requirements of this section.

Section 4. Pollution or diminution of water supply.

(a) Notification and request.--A landowner or water purveyor affected by pollution or diminution of a water supply during pipeline construction may notify the department of the pollution and request that an investigation be conducted. The department shall notify the operator of the investigation.

(b) Investigation.--Within 10 days of notification, the department shall investigate the claim and make a determination within 45 days following notification.

(c) Findings.--If the department finds that the pollution or diminution was caused by the pipeline construction or if the

department presumes the operator responsible for pollution under section 5, the department shall issue orders to the operator necessary to ensure compliance with section 3(a), including orders requiring temporary replacement of a water supply if it is determined that pollution or diminution may be of limited duration.

Section 5. Presumption of liability.

Unless rebutted by a defense established under section 7, it shall be presumed that an operator is responsible for pollution or diminution of a water supply if:

- (1) the water supply is within 2,500 feet of a pipeline;
and
- (2) the pollution or diminution occurred within 12 months after completion of the pipeline construction.

Section 6. Temporary water supply.

If the affected water supply is within 2,500 feet of a pipeline and the rebuttable presumption applies, the operator shall provide a temporary water supply if the water user is without a readily available alternative source of water. The temporary water supply provided under this subsection shall be adequate in quantity and quality for the purposes served by the supply.

Section 7. Defenses.

To rebut the presumption established under section 5, an operator must affirmatively prove one of the following:

- (1) the pollution existed prior to the pipeline construction as determined by a preconstruction survey;
- (2) the landowner or water purveyor refused to allow the operator access to conduct a preconstruction survey;

(3) the water supply is not within 2,500 feet of the pipeline;

(4) the pollution or diminution occurred more than 12 months after completion of the pipeline construction; or

(5) the pollution or diminution occurred as the result of a cause other than the pipeline construction.

Section 8. Preconstruction survey.

(a) Requirement.--An operator electing to preserve a defense under section 7(1) shall retain an independent certified laboratory to conduct a preconstruction survey of the water supply. For the purposes of this subsection, the term survey means all of the water supply samples associated with a single private or public water supply taken before pipeline construction.

(b) Preconstruction survey.--A person that wishes to document the quality of a water supply to support a future claim that the drilling or alteration of the well affected the water supply by pollution may conduct a preconstruction survey in accordance with this section.

(c) Independent Pennsylvania-accredited laboratory.--The survey shall be conducted by an independent Pennsylvania-accredited laboratory. A person that is not the operator or an employee of the independent Pennsylvania-accredited laboratory may collect the sample and document the condition of the water supply if the laboratory affirms that the sampling and documentation is performed in accordance with the laboratory's approved sample collection, preservation and handling procedure and chain of custody.

(d) Sample results.--An operator electing to preserve a

defense under section 7 shall provide a report containing a copy of all sample results taken as part of the survey to the department within 10 business days of receipt of the results. The operator shall provide a copy of any sample results to the landowner or water purveyor within 10 business days of receipt of the sample results. Survey sample results not received by the department within 10 business days may not be used to preserve the operator's defenses under section 7.

(e) Report.--A report containing the survey sample results must contain the following information:

(1) The location of the water supply and the name of the landowner or water purveyor.

(2) The date of the survey.

(3) The name of the independent Pennsylvania-accredited laboratory performing the survey.

(4) The individual who conducted the survey.

(5) A description of where and how the samples were collected.

(6) A description of the type and age, if known, of the water supply and, if any, treatment.

(7) The name of the well operator, name and number of the well to be drilled and the permit number, if known.

(8) The results of the laboratory analysis.

(9) A measurement of the quantity of water produced from the water source prior to pipeline construction.

Section 9. Notice.

(a) Written notice required.--

(1) An operator must provide written notice to the landowner or water purveyor indicating that the presumption

established under section 5 may be void if the landowner or water purveyor refused to allow the operator access to conduct a preconstruction survey. Proof of written notice to the landowner or water purveyor must be provided to the department for the operator to preserve the defenses under section 7. Proof of written notice to a landowner or water purveyor shall be presumed if provided in accordance with paragraph (2).

(2) A well operator that wishes to preserve the defense under section 7(2) must issue a notice to the landowner or water purveyor by certified mail. The notice must include the following:

(i) The operator's intention to drill or alter a well.

(ii) The operator's desire to conduct a preconstruction survey.

(iii) The name of the person who requested and was refused access to conduct the survey and the date of the request and refusal.

(iv) The name and address of the well operator.

(v) The address of the department should the landowner or water purveyor wish to respond.

(b) Presumption.--Receipt of notice by a landowner or water purveyor under subsection (a) shall be presumed to have occurred 15 days from the date of the certified mailing if the operator submits a copy of the certified mail receipt sent to the landowner or water purveyor and an affidavit certifying that the address to which notice was sent is the same as the address listed in the assessment books in the county where the property

is located.

Section 10. Other remedies preserved.

Nothing in this act shall be construed to prevent a landowner or water purveyor claiming pollution or diminution of a water supply from seeking any other remedy at law or in equity.

Section 11. Regulations.

(a) Duties of board.--In order to facilitate the prompt implementation of this act, the board shall have the authority to promulgate temporary regulations which shall expire not later than two years following the publication of the temporary regulation in the Pennsylvania Bulletin and on the board's publicly accessible Internet website.

(b) Temporary regulations.--The board may promulgate temporary regulations not subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(c) Publication.--The board shall begin publishing temporary regulations within 45 days of the effective date of this subsection.

(d) Expiration.--The board's authority to adopt temporary regulations under subsection (b) shall expire two years after publication of the temporary regulations. Regulations adopted after this period shall be promulgated as provided by law.

Section 12. Effective date.

This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 257 Session of
2019

INTRODUCED BY DINNIMAN, KILLION, SCHWANK, KEARNEY AND HAYWOOD,
FEBRUARY 7, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 7, 2019

AN ACT

Amending the act of February 19, 1980 (P.L.15, No.9), entitled "An act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen," in definitions, further providing for definitions; in application of act and penalties, further providing for unlawful to conduct business without license or registration certificate, for criminal penalties and for exclusions; in powers and duties of the State Real Estate Commission in general, further providing for administration and enforcement; in qualifications and applications for licenses and registration certificates, providing for land agent registration certificate; and, in duties of licensees, further providing for prohibited acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "broker" in section 201 of the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, is amended and the section is amended by adding a definition to read:

Section 201. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Broker." Any person who, for another and for a fee, commission or other valuable consideration:

(1) negotiates with or aids any person in locating or obtaining for purchase, lease or an acquisition of interest in any real estate;

(2) negotiates the listing, sale, purchase, exchange, lease, time share and similarly designated interests, financing or option for any real estate;

(3) manages any real estate;

(4) represents himself to be a real estate consultant, counsellor, agent or finder;

(5) undertakes to promote the sale, exchange, purchase or rental of real estate: Provided, however, That this provision shall not include any person whose main business is that of advertising, promotion or public relations;

(5.1) undertakes to perform a comparative market analysis; or

(6) attempts to perform any of the above acts.

The term "broker" does not include a land agent.

* * *

"Land agent." A person who, in the course and scope of the person's business in this Commonwealth and on acting on the person's own behalf or on behalf of a prospective lessee or buyer, engages primarily in:

(1) negotiating the acquisition or divestiture of oil, gas or mineral rights, including the acquisition or divestiture of land or oil, gas or mineral rights for a pipeline;

(2) negotiating business agreements that provide for the exploration for or development of oil, gas or minerals;

(3) determining ownership of oil, gas or minerals through research of public and private records;

(4) reviewing the status of title, curing title defects, and otherwise reducing title risk associated with ownership of oil, gas or minerals;

(5) managing rights or obligations derived from ownership of interests and oil, gas or minerals; or

(6) activities to secure the unitization or pooling of interests in oil, gas or minerals.

* * *

Section 2. Sections 301, 303 and 304(3) of the act are amended to read:

Section 301. Unlawful to conduct business without license or registration certificate.

It shall be unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself out as engaging in or conducting the business, or acting in the capacity of a broker or salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson, rental listing referral agent ~~[or]~~, cemetery company or land agent within this Commonwealth without first being licensed or registered as provided in this act, unless he is exempted from obtaining a license or registration certificate under the provisions of section 304.

Section 303. Criminal penalties.

Any person who shall engage in or carry on the business, or

act in the capacity of a broker, salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson, rental listing referral agent [or], cemetery company or land agent, within this Commonwealth, without a license or registration certificate, or shall carry on or continue business after the suspension or revocation of any such license or registration certificate issued to him, or shall employ any person as a salesperson or cemetery salesperson to whom a license has not been issued, or whose license or registration certificate as such shall have been revoked or suspended, shall be guilty of a summary offense and upon conviction thereof for a first offense shall be sentenced to pay a fine not exceeding \$500 or suffer imprisonment, not exceeding three months, or both and for a second or subsequent offense shall be guilty of a felony of the third degree and upon conviction thereof, shall be sentenced to pay a fine of not less than \$2,000 but not more than \$5,000 or to imprisonment for not less than one year but not more than two years, or both.

Section 304. Exclusions.

Except as otherwise provided in this act, the provisions of this act shall not apply to the following:

* * *

(3) The officers or employees of a partnership or corporation whose principal business is the discovery, extraction, distribution or transmission of energy or mineral resources, provided that the purchase, sale or lease of real estate is a common and necessary transaction in the conduct of such principal business, unless otherwise provided under

Subchapter K of Chapter 5.

* * *

Section 3. Section 406 of the act is amended by adding a paragraph to read:

Section 406. Administration and enforcement.

The commission shall have the power and its duty shall be to administer and enforce the laws of the Commonwealth relating to:

* * *

(4) Those activities involving land agents for which registration is required under this act to instruct and require its agents to bring prosecutions for unauthorized and unlawful practice.

Section 4. Chapter 5 of the act is amended by adding a subchapter to read:

SUBCHAPTER K

LAND AGENT REGISTRATION CERTIFICATE

Section 596.1. Requirements for registration certificate.

Each applicant shall as a condition precedent to obtaining a land agent registration certificate:

(1) Be at least 18 years of age.

(2) Submit to the commission the following information:

(i) In accordance with 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to the applicant. The report of criminal history record information shall be no more than one year old.

(ii) If the applicant has not been a resident of this Commonwealth for the two years immediately preceding the date of application, the applicant shall submit a report of Federal criminal history record information obtained under 28 CFR Pt. 16, Subpt. C (relating to production of FBI identification records in response to written requests by subjects thereof).

Section 596.2. Application and fee for registration certificate.

(a) Each applicant for a land agent registration certificate shall submit an application for a registration certificate, in writing to the department, on a form provided by the department, which shall include, at a minimum, all of the following information:

(1) The name of the applicant or, if the applicant is not an individual, the names and addresses of all principals of the applicant.

(2) The business address, telephone number and electronic mail address of the applicant.

(3) The Social Security number of the applicant or, if the applicant is not an individual, the Federal employer identification number of the applicant.

(4) A list of any other state or other jurisdiction in which the applicant holds or has held a similar registration or license.

(5) A list of any other state or other jurisdiction in which the applicant has had a similar registration or license suspended or revoked.

(6) A statement whether a pending judgment or tax lien

exists against the applicant.

(b) A registration certificate shall be renewed biennially.

(c) The commission shall establish an initial application fee and a biennial renewal fee by regulation.

Section 596.3. Establishment of registry.

The commission shall establish and maintain a registry of land agents with registration certificates operating in this Commonwealth. The registry shall:

(1) Be available for public inspection on the commission's publicly accessible Internet website.

(2) Display the land agent's name, business address and registration certificate.

Section 596.4. Proof of registration certificate prior to obtaining any mineral rights.

Upon first contact with a property owner, a land agent shall provide to the property owner proof that the land agent is registered under this act.

Section 5. Section 604(a)(30) of the act is amended to read:
Section 604. Prohibited acts.

(a) The commission may upon its own motion, and shall promptly upon the verified complaint in writing of any person setting forth a complaint under this section, ascertain the facts and, if warranted, hold a hearing for the suspension or revocation of a license or registration certificate or for the imposition of fines not exceeding \$1,000, or both. The commission shall have power to refuse a license or registration certificate for cause or to suspend or revoke a license or registration certificate or to levy fines up to \$1,000, or both, where the said license has been obtained by false

representation, or by fraudulent act or conduct, or where a licensee or registrant, in performing or attempting to perform any of the acts mentioned herein, is found guilty of:

* * *

(30) Having been disciplined under a real estate licensing law of another jurisdiction or, in the case of a land agent, under a similar registration or licensing law of another jurisdiction, including, but not limited to, having a license or registration certificate suspended or revoked, a fine or penalty imposed or being censured or reprimanded publicly or privately, except that the commission shall not have the authority to levy a fine solely on the basis of this paragraph.

* * *

Section 6. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 259 Session of
2019

INTRODUCED BY DINNIMAN, FOLMER, K. WARD, SCHWANK, COSTA AND
MENSCH, FEBRUARY 7, 2019

REFERRED TO JUDICIARY, FEBRUARY 7, 2019

AN ACT

Amending Title 26 (Eminent Domain) of the Pennsylvania
Consolidated Statutes, in general provisions, providing for
property owner's bill of rights statement.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Title 26 of the Pennsylvania Consolidated
Statutes is amended by adding a section to read:

§ 104. Property owner's bill of rights statement.

(a) General rule.--The Attorney General shall prepare a
written statement that includes a bill of rights for an owner
whose property may be condemned by an acquiring agency through
the use of the agency's eminent domain authority under this
title.

(b) Bill of rights.--The property owner's bill of rights
must notify the property owner of the right to:

(1) notice of the proposed acquisition of the owner's
property;

(2) just compensation and other damages for the property

condemned;

(3) a hearing under Chapter 5 (relating to procedure for determining damages) to determine just compensation and measure of damages; and

(4) an appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages.

(c) Written statement.--The written statement shall include all of the following:

(1) The title, "Property Owner's Bill of Rights."

(2) A description of each of the following:

(i) The procedure to condemn under Chapter 3 (relating to procedure to condemn).

(ii) The procedure for determining damages under Chapter 5.

(iii) The acquiring agency's obligations to the property owner.

(iv) The property owner's rights during a condemnation, including the right of appeal.

(d) Construction.--The written statement shall:

(1) Be in plain language easily understood by the average property owner.

(2) Be provided by the acquiring agency with the written notice required under section 305(a) (relating to notice to condemnee).

(3) Be available on the Office of Attorney General's publicly accessible Internet website.

Section 2. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 261 Session of
2019

INTRODUCED BY DINNIMAN, KILLION AND KEARNEY, FEBRUARY 7, 2019

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 7, 2019

AN ACT

Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, providing for pipeline emergency response fee and establishing the Pipeline Emergency Response Fund.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 58 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 28

PIPELINE EMERGENCY RESPONSE FEE

Sec.

2801. Definitions.

2802. Pipeline emergency response fee.

2803. Administration.

2804. Pipeline information.

2805. Powers and duties of commission.

2806. Enforcement.

2807. Enforcement orders.

2808. Administrative penalties.

2809. Recordkeeping.

(i) the commission as a public utility as defined in paragraph (1)(v) of the definition of public utility in 66 Pa.C.S. § 102 (relating to definitions); or

(ii) the Federal Government under the Pipeline Safety Act of 1992 (Public Law 102-508, 49 U.S.C. § 60101 et seq.).

(2) A pipeline subject to regulation under the act of December 22, 2011 (P.L.586, No.127), known as the Gas and Hazardous Liquids Pipelines Act.

§ 2802. Pipeline emergency response fee.

(a) General rule.--The governing body of a county that has a pipeline located within the county's borders may elect to impose a fee on the pipelines located in the county.

(b) Passage of ordinance.--Within 60 days of the effective date of this section, the governing body of a county under subsection (a) may adopt an ordinance to impose a fee. The governing body of a county shall notify the commission and give public notice of the county's intent to adopt the ordinance.

(c) County ordinance.--The ordinance imposing a fee under subsection (b) shall be clear and in language that is readily understandable by a layperson and shall be in the following form:

The county of (insert name) hereby imposes a pipeline emergency response fee on pipelines located in this county.

(d) Prohibition.--

(1) A county subject to this section in which the governing body does not adopt an ordinance imposing a fee shall be prohibited from receiving money under section 2811

(3) The transmittal of resolutions by governing bodies under paragraph (2) shall constitute an imposition of the fee in the county. The population of a municipality that is located in more than one county shall be determined separately for each county on the basis of the municipality's population within each county.

(4) Resolutions adopted under this subsection shall be framed in the following form:

The (insert name of municipality) in the County of (insert name) hereby resolves to have the county impose a pipeline emergency response fee on pipelines located in the county.

(5) A municipality that is located in a county that does not adopt an ordinance imposing a fee and does not adopt a resolution under paragraphs (2), (3) and (4) shall be prohibited from receiving money under section 2811(c).

(f) Fee and amount.--

(1) The fee adopted under subsection (b) or (e) shall be imposed on every operator and applies to pipelines located in this Commonwealth.

(2) The fee shall be calculated by multiplying 5% by an operator's total gross intrastate operating revenues for the transportation of natural gas through a pipeline within this Commonwealth for the immediately preceding calendar year.

§ 2803. Administration.

(a) Fee due date.--The fee imposed under this chapter shall be due by April 1, 2020, and each subsequent April 1. The fee shall become delinquent if not remitted to the commission on the reporting date.

(d) Time period.--Except as specified in subsection (e), the commission may challenge the amount of a fee paid within three years after the date the report under section 2803(b) (relating to administration) is submitted.

(e) Intent.--If no report is submitted or an operator submits a false or fraudulent report with the intent to evade the fee, an assessment of the amount owed may be made at any time.

\$ 2806. Enforcement.

(a) Assessment.--The commission shall assess interest on a delinquent fee at a rate determined by the commission.

(b) Penalty.--In addition to the assessed interest under subsection (a), if an operator fails to make timely payment of the fee, a penalty in the amount of 5% of the amount of the fee shall be added to the amount of the fee due if failure to file a timely payment is for not more than one month, with an additional 5% penalty for each additional month, or fraction of a month, during which the failure continues, not to exceed 25% in the aggregate.

(c) Timely payment.--If the commission determines that an operator has not made a timely payment of the fee, the commission shall send written notice of the amount of the deficiency to the operator within 30 days from the date of determining the deficiency.

(d) Remedies.--The remedies provided under this chapter are in addition to any other remedies provided by law.

(e) Lien.--

(1) Fines, fees, interest and penalties shall be collectible as authorized by law for the collection of debts.

§ 2808. Administrative penalties.

(a) Civil penalties.--

(1) In addition to any other proceeding authorized by law, the commission may assess a civil penalty not to exceed \$2,500 per violation upon an operator for a violation of this chapter.

(2) In determining the amount of the penalty, the commission shall consider the willfulness of the violation and other relevant factors.

(b) Separate offense.--Each violation for each separate day and each violation of this chapter shall constitute a separate offense.

(c) Limitation of actions.--Notwithstanding any limitation under 42 Pa.C.S. Ch. 55 Subch. B (relating to civil actions and proceedings), an action under this section must be brought within three years of the violation.

(d) Procedure.--A penalty under this chapter is subject to 66 Pa.C.S. Ch. 3 Subch. B (relating to investigations and hearings).

§ 2809. Recordkeeping.

(a) General rule.--An operator liable for the fee under this chapter shall keep records, make reports and comply with regulations of the commission.

(b) Power of commission.--The commission may require an operator to make reports, render statements or keep records as the commission deems sufficient to determine liability for the fee.

§ 2810. Examinations.

(a) Access.--The commission or the commission's authorized

(b) Deposit.--All fees imposed and collected under this chapter shall be deposited into the fund. The money in the fund is appropriated to the commission on a continuing basis for the purpose specified under this section.

(c) Distribution.--Except as provided in sections 2802(d) and (e) (relating to pipeline emergency response fee) and 2803(c) (relating to administration) from fees collected:

(1) Eighty-five percent of the revenue in the fund from fees collected for the prior year shall be distributed to counties and municipalities for purposes authorized under subsection (d)(1). The money shall be distributed under the following formula:

(i) Sixty percent shall be distributed to counties where pipelines are located. The amount for each county to which money will be distributed shall be determined using a formula that:

(A) Divides the cumulative linear feet of pipelines located within the county by the cumulative linear feet of pipelines contained in this Commonwealth.

(B) Multiplies the resulting percentage by the amount available for distribution under this paragraph.

(ii) Forty percent shall be distributed to municipalities where pipelines are located. The amount for each municipality to which money will be distributed shall be determined using a formula that:

(A) Divides the cumulative linear feet of pipelines located within the municipality by the

for the county or municipality.

(e) Reporting.--

(1) The commission shall submit an annual report on all money in the fund. The report shall include a detailed listing of all deposits into and expenditures from the fund and shall be submitted to the chairperson and the minority chairperson of the Appropriations Committee of the Senate, the chairperson and the minority chairperson of the Environmental Resources and Energy Committee of the Senate, the chairperson and the minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and the minority chairperson of the Environmental Resources and Energy Committee of the House of Representatives. The report shall be submitted by December 30, 2020, and by September 30 of each subsequent year.

(2) Counties and municipalities receiving a distribution from the fund under this section shall submit information to the commission on a form prepared by the commission that specifies the amount and use of money received from the fund in the prior calendar year. The form shall state if the money received was used as authorized in this section. The reports shall be published annually on the county's or municipality's publicly accessible Internet website.

(f) Availability of money.--Distribution of money under this section shall be contingent on the availability of money in the fund. If sufficient money is not available for a distribution, the commission shall disburse the money on a pro rata basis.

Section 2. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 262 Session of
2019

INTRODUCED BY DINNIMAN, KILLION, SCHWANK, KEARNEY AND HAYWOOD,
FEBRUARY 7, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 7, 2019

AN ACT

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in powers and duties of commission, providing for pipeline siting review.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 531. Pipeline siting review.

(a) Commission duties.--The commission shall, within 18 months of the effective date of this section, adopt regulations regarding the siting of the new construction of pipelines.

(b) Pipeline siting application.--Prior to the new construction of pipelines or pipeline construction projects described under subsection (a), a public utility shall submit an application to the commission for authorization regarding the siting of the pipeline to be constructed.

(c) Application contents.--Applications submitted under subsection (b) shall include:

(1) The name and address of the public utility proposing the pipeline and the name and contact information for the pipeline's representative for purposes of communication regarding the application.

(2) A general description of the proposed route of the pipeline, to include the number of route miles, the right-of-way width and the location of the proposed pipeline within each city, borough, town and township traversed.

(3) The names of known persons, corporations and other entities of record owning property within the proposed right-of-way, together with an indication of the pipeline rights-of-way acquired by the public utility.

(4) A statement of the safety considerations that will be incorporated into the design, construction and maintenance of the proposed pipeline.

(5) A description of studies that have been made as to the projected environmental impact of the pipeline as proposed and of the efforts which have been and which will be made to minimize the impact of the pipeline upon the environment and scenic and historic areas, including, but not limited to, impacts, where applicable, upon land use, soil and sedimentation, plant and wildlife habitats, terrain, hydrology and landscape.

(6) A description of the efforts of the public utility to locate and identify archeologic, geologic, historic, scenic or wilderness areas of significance within two miles of the proposed right-of-way and the location and identity of the areas discovered by the public utility.

(7) A general description of reasonable alternative

routes to the proposed pipeline, including a description of the corridor planning methodology, a comparison of the merits and detriments of each route and a statement of the reasons for selecting the proposed pipeline route.

(8) A list of the Federal, State and local governmental agencies that have requirements to be met in connection with the construction or maintenance of the proposed pipeline and a list of documents that have been or are required to be filed with those agencies in connection with the siting and construction of the proposed pipeline.

(9) A list of the governing bodies of the municipalities through which the proposed pipeline will be located.

(10) A description of the product or material to be transported through the proposed pipeline.

(11) The estimated cost of construction of the proposed pipeline and the projected date for completion.

(12) A general statement of the need for the proposed pipeline in meeting identified present and future demands for service and of how the proposed pipeline will meet that need and of the engineering justifications for the proposed pipeline.

(13) Any other information, documentation, exhibits or maps required by the commission.

(d) Service of application and notice of filing.--

(1) A public utility shall file the original application under subsection (b) with the commission accompanied by an affidavit of service showing the identity of those served under paragraphs (2) and (3).

(2) At the time of filing, the public utility shall

serve a copy of the application upon the following:

(i) The chief executive officer, the governing body and the body charged with the duty of planning land use in each municipality in which any portion of the pipeline is proposed to be located.

(ii) The Secretary of Environmental Protection.

(iii) The local coordinators of any local emergency management organizations in the areas in which the proposed pipeline route will be located.

(3) At the time of filing, the public utility shall serve a notice of filing and a map of suitable detail showing the proposed route of the proposed pipeline upon the following:

(i) The Secretary of Transportation.

(ii) The Chairman of the Historical and Museum Commission.

(iii) Other Federal, State and local agencies designated in subsection (c) (8).

(iv) The persons, corporations and other entities designated in subsection (c) (3).

(4) The notice of filing shall contain a statement identifying the filing, the date on which the filing was or is to be made, a description of the proposed pipeline, a description of the product or material to be transported through the proposed pipeline, the number of route miles, the right-of-way width and the location of the proposed pipeline within each municipality traversed and a statement that a copy of the application is available for public examination as provided in paragraph (5).

(5) On the day of filing of the application, the public utility shall make a copy of the application available for public examination on the public utility's publicly accessible Internet website or during ordinary business hours at a convenient location within any county in which a part of the proposed pipeline will be located.

(e) Hearing and notice.--

(1) Upon filing of an application, the commission shall set the time and place for at least two public hearings in each county in which a portion of the pipeline is proposed to be located.

(2) The public utility shall publish for two consecutive weeks a notice of hearings in a newspaper of general circulation within each municipality in which the pipeline is proposed to be located. The publication of the notice of hearings shall begin at least 45 days before the date set for the commencement of the hearings. The notice of hearing for publication shall contain a brief description of the proposed pipeline, the pipeline's location, a statement of the date, time and place of the hearing and of the hearing's purpose and a statement as to where and when a copy of the application will be available for public examination.

(3) The commission shall notify, and allow the timely intervention of, each person or agency designated in subsection (d)(2) and (3) of the time and place of the hearings on the application and shall notify any other parties granted leave to intervene in accordance with commission rules or regulations.

(4) At hearings held under this section, the commission

shall accept evidence upon, and in the commission's determination of the application the commission will consider the following matters in consultation with the persons or agencies listed in subsection (d) (2), where applicable:

(i) The present and future necessity of the proposed pipeline in furnishing service to the public.

(ii) The safety of the proposed pipeline.

(iii) The impact and the efforts which have been and will be made to minimize the impact, if any, of the proposed pipeline upon the following:

(A) Land use.

(B) Soil and sedimentation.

(C) Plant and wildlife habitats.

(D) Terrain.

(E) Hydrology.

(F) Landscape.

(G) Archeologic areas.

(H) Geologic areas.

(I) Historic areas.

(J) Scenic areas.

(K) Wilderness areas.

(L) Scenic rivers.

(iv) The availability of reasonable alternative routes.

(f) Commission determination.--

(1) The commission shall grant or deny the application, in whole or in part, as filed or upon the terms, conditions or modifications of the location, construction, operation or maintenance of the line as the commission deems appropriate.

(2) The commission may not grant the application, either as proposed or as modified, unless the commission finds and determines as to the proposed pipeline that:

(i) There is a need for the proposed pipeline.

(ii) The proposed pipeline will not create an unreasonable risk of danger to the health and safety of the public.

(iii) The proposed pipeline is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.

(iv) The proposed pipeline will have minimum adverse environmental impact, considering the needs of the public for the pipeline, the state of available technology and the available alternatives.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Pipeline." Includes:

(1) A pipeline of a public utility defined in paragraph (1)(v) of the definition of "public utility" in section 102 (relating to definitions).

(2) A pipeline of a public utility defined in paragraph (1)(i) of the definition of "public utility" in section 102 carrying natural or artificial gas, which pipeline has a nominal inside diameter of eight inches or greater.

(3) Pipeline construction projects of a public utility with total costs of \$5,000,000 or more.

Section 2. This act shall take effect in 60 days.

PA Senate/House Bills - 2019 & 2018 for Bill #652 (print #2020)

Research Task Force Member														
Bill #					Cristina	Judy	Russ	Judy	Karen	Gerry	Christina	Caroline	Russ	Bill
Status	check status at : https://www.legis.state.pa.us/cfdocs/legis/home/bills/				40	156 (242)	187 (282)	242 (156)	257	258	259	260	261	262
Senator					Protection of water supplies	Appropriations fund PUC	Impact Fee	Appropriations fund PUC	Land Agent Registration	Emergency Mgt. Information	Eminent Domain	Haz. Liquids near schools	Emergency Response Fee	Pipeline Siting
House Rep.	Party	New	District	New Member										
Dinniman	Democrat		19		40				257	258	259	260	261	262
Killion	Republican		9						257	258		260	261	262
Schwank	Democrat		11		40				257	258	259	260		262
Kearney	Democrat	YES	26						257	258		260	261	262
Haywood	Democrat		4						257	258		260		262
Brewster	Democrat		45							258		260		
Costa	Democrat		43		40					258	259	260		
Yudichak	Democrat		14							258				
Folmer	Republican		48								259			
K. Ward	Republican		39								259			
Mensch	Republican		24								259			
Regan	Republican		31											
Martin	Republican		13											
Scarnati	Republican		25											
Reschenthaler	Republican	OPEN	37	OPEN										
Rafferty	Republican	LOST	44	Muth - Dem.										
Yaw	Republican		23											
Hutchinson	Republican		21											
Stefano	Republican		32											
Bartolotta	Republican		46											
Scavello	Republican		40											
Vogel	Republican		47											
Fontana	Democrat		42		40									
Santarsiero	Democrat		10		40									
Farnese	Democrat		1		40									
Hughes	Democrat		7		40	156								
Quinn	Republican - H		168				187							
Neilson	Democrat - H		174				187							
Barrar	Republican - H		160				187							
Brown	Republican - H		189					242						
Aument	Republican		36											
J. Ward	Republican		30											
Boback	Republican - H		117											
Krueger	Democrat - H		161											
Rabb	Democrat - H		200											
Pickett	Republican - H		110											
Ullman	Democrat - H	YES	143											
Isaacson	Democrat - H	YES	175											
Freeman	Democrat - H		136											
Millard	Republican - H		109											
McNeill	Democrat - H	YES	133											
DeLuca	Democrat - H		32											
Murt	Republican - H		152											
Hill-Evans	Democrat - H		95											
Otten	Democrat - H	YES	155											
Schweyer	Democrat - H		22											
Davidson	Democrat - H		164											

									Status Options	
Russ	Gerry	Karen	Bill	Russ	Judy	Bill	Caroline	Caroline	IC	In Committee
263	264	280	281	282 (187)	283	323	492	652	OC	Out of Committee
			IC			IC			PH	Pass House
Pipeline	Local	Aquifer	Start up	Impact	Oversight	Liability of	Telephone	Crimes and	Senator	
Safety Valves	Taxation	Investigation	Notification	Fee	Commission	Response Cost	Hotline	Offenses	House Rep.	Party
263	264	280	281	282	283				Dinniman	Democrat
263		280	281	282	283				Killion	Republican
263	264	280	281	282	283				Schwank	Democrat
263		280	281	282	283				Kearney	Democrat
		280	281	282	283				Haywood	Democrat
									Brewster	Democrat
263	264		281	282					Costa	Democrat
			281	282				652	Yudichak	Democrat
			281						Folmer	Republican
						323			K. Ward	Republican
								652	Mensch	Republican
						323		652	Regan	Republican
						323		652	Martin	Republican
						323		652	Scarnati	Republican
								652	Reschenthaler	Republican
								652	Rafferty - lost	Republican
								652	Yaw	Republican
						323		652	Hutchinson	Republican
								652	Stefano	Republican
								652	Bartolotta	Republican
								652	Scavello	Republican
								652	Vogel	Republican
									Fontana	Democrat
			281						Santarsiero	Democrat
									Farnese	Democrat
									Hughes	Democrat
									Quinn	Republian - H
							492		Neilson	Democrat - H
							492		Barrar	Republian - H
									Brown	Republian - H
		280	281						Aument	Republican
						323			J. Ward	Republican
							492		Boback	Republian - H
							492		Krueger	Democrat - H
							492		Rabb	Democrat - H
							492		Pickett	Republian - H
							492		Ullman	Democrat - H
							492		Isaacson	Democrat - H
							492		Freeman	Democrat - H
							492		Millard	Republian - H
							492		McNeill	Democrat - H
							492		DeLuca	Democrat - H
							492		Murt	Republian - H
							492		Hill-Evans	Democrat - H
							492		Otten	Democrat - H
							492		Schweyer	Democrat - H
							492		Davidson	Democrat - H