

AGENDA
EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS
Tuesday, February 18, 2020
7:00 PM

1. Call to Order (7:00 PM)
2. Pledge of Allegiance
3. Moment of Silence
4. Announce that the meeting is being livestreamed
5. Chairman's Report (7:05 PM to 7:10 PM)
 - a. The Board met in Executive Session prior to tonight's meeting for a personnel matter.
 - b. [The Boot Road Geophysical Survey \(dated 1/2/2020\) is available for review on the Township website.](#)
 - c. The Zoning Hearing Board hearing for the Malvern Institute has been scheduled for April 23, 2020 at 7:00PM.
6. Public Comment on non-agenda items – 30 minutes - (7:10 PM to 7:40 PM)
7. Emergency Services Reports
 - a. WEGO – Chief Brenda Bernot
 - b. [Goshen Fire Co – January 2020](#)
 - c. [Malvern Fire Co – January 2020](#)
 - d. [Good Fellowship – Year End 2019](#)
 - e. [Fire Marshal – Carmen Battavio](#)
8. [Financial Report – January 2020](#)
9. Approval of Minutes and Treasurer's Report (7:40 PM to 7:45 PM)
 - a. [Minutes – January 28, 2020](#)
[February 4, 2020](#)
 - b. [Treasurers Report – February 13, 2020](#)
10. Public Hearings - None
11. Old Business - None
12. New Business
 - a. [Consider recommendation for Community Day 2020 \(7:45 to 7:50\)](#)
 - b. [Consider request to support redistricting legislation. \(7:50 PM to 8:00 PM\)](#)
 - c. [Consider Construction Ordinance \(8:00 PM to 8:10 PM\).](#)
 - d. [Review ABC Goals for 2020 and relationship with the Comp Plan. \(8:10 PM to 8:20 PM\)](#)
 - e. [Consider applying for grant for gas leak detectors. \(8:20 PM to 8:25 PM\)](#)
 - f. [Consider recommendation for Tri-Axle Dump Truck Rental. \(8:25 PM to 8:30 PM\)](#)
13. Any Other Matter
14. Public Comment
15. Liaison Reports – none
16. Correspondence, Reports of Interest (8:30 PM to 8:35 PM)
 - a. [Green Region Letter of January 28, 2020, regarding grant application.](#)
 - b. [PHMSA February 6, 2020, Notice of Proposed Rule Making, comments due April 6, 2020.](#)
17. Adjournment (8:35 PM)

Meetings & Dates of Importance

Feb 24, 2020	Sustainability Advisory Committee	07:00pm
Feb 27, 2020	Pipeline Task Force	05:00pm
Mar 03, 2020	Paoli Pike Groundbreaking Segment C-E Reservoir Road and Paoli Pike	05:00pm
Mar 03, 2020	Board of Supervisors	07:00pm
Mar 04, 2020	Planning Commission	07:00pm
Mar 05, 2020	Park & Rec Commission	07:00pm
Mar 09, 2020	Municipal Authority	07:00pm
Mar 11, 2020	Conservancy Board	07:00pm
Mar 12, 2020	Historical Commission	07:00pm
Mar 17, 2020	Board of Supervisors	07:00pm
Mar 19, 2020	Futurist Committee	07:00pm
Mar 23, 2020	Sustainability Committee	07:00pm
Mar 24, 2020	Sustainability Workshop Event	06:00pm
Mar 25, 2020	Pipeline Task Force	05:00pm

Newsletter Deadline for Summer 2020: May 1, 2020

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda accommodate the needs of other board members, the public or an applicant.

Public Comment – Pursuant to Section 710.1 of the Sunshine Act the Township is required to include an opportunity for public comment agenda which is intended to allow residents and/or taxpayers to comment on matters of concern, official action or deliberation which are or may be before the Board of Supervisors. Matters of concern which merit additional research will be placed on the agenda for the next meeting. The Board of Supervisors will allocate a maximum of 30 minutes for public comment at the beginning of each meeting. If necessary, there will be a second period for public comment prior to the end of the meeting.

Constant Contact - Want more information about the latest news in the Township and surrounding area? East Goshen Township and Chester County offer two valuable resources to stay informed about important local issues. East Goshen communicates information by email about all Township news through Constant Contact. To sign up, go to www.eastgoshen.org, and click the “E-notification & Emergency Alert” button on the left side of the homepage.

ReadyChesco - Chester County offers an emergency notification system called ReadyChesco, which notifies residents about public safety emergencies in the area via text, email and cell phone call. Signing up is a great way to keep you and your loved ones safe when disaster strikes. Visit www.readychesco.org to sign up today!

Smart 911 – Smart 911 is a new service in Chester County that allows you to create a Safety Profile at www.smart911.com that includes details you want the 9-1-1 center and public safety response teams to know about your household in an emergency. When you dial 9-1-1, from a phone associated with your Safety Profile that information automatically displays to the 9-1-1 call taker allowing them to send responders based on up-to-date location and emergency

information. With your Safety Profile, responders can arrive aware of many details they would not otherwise know. Fire crews can arrive knowing exactly how many people live in your home and where the bedrooms are located. EMS personnel can know family members' allergies or specific medical conditions. And police can access a photo of a missing family member in seconds rather than minutes or hours, helping the search start faster.

F:\Data\Shared Data\Agendas\Board of Supervisors\2019\2019-12-17_Board of Supervisors Agenda with time.doc

October 22, 2019
Revised January 3, 2020

Mr. Larry J. Gremminger
Sunoco Pipeline, LP
535 Fritztown Road
Sinking Spring, PA 19608

RE: Geophysical Survey
Sunoco Pipeline, LP Pipeline Project
S3-0460 Greenhill Road GPR Survey at Wilson Drive
East Goshen Township, Chester County, PA
RETTEW Project No. 096303003

Engineers
Environmental
Consultants
Surveyors
Landscape
Architects
Safety
Consultants
Geophysicists

Dear Mr. Gremminger:

RETTEW Associates, Inc. completed a Ground Penetrating Radar (GPR) geophysical survey along a 980-foot section of the S3-0460, Greenhill Road horizontal directional drill (HDD) site. The purpose of the survey was to detect and delineate subsurface voids or low-density zones adjacent to an HDD path where inadvertent returns (IRs) emerged near the intersection of Wilson Drive with East Boot Road and through a saw-cut in the roadway near the intersection of Greenhill Road with Carriage Drive on May 29, 2019. A multi-technique geophysical survey along a 250-foot section of the Greenhill Road HDD was completed on June 22, 2019. A copy of the report of the June 22nd survey is included as **Attachment 1**. The work reported here is an expansion of the previous survey to cover an earlier IR location, and to repeat the GPR survey with integrated Global Positioning System (GPS) location control. The following report, figures, and attachments describe the method and results of the investigation.

EXECUTIVE SUMMARY

The expanded survey was completed on October 8 and 9, 2019. GPR scanning detected several underground utilities (previously marked by others on the road surface) as well as four anomalous areas of high-amplitude GPR reflectors characteristic of disturbed or settled soils, possibly from movement or compaction of backfill material in the shallow utility trenches. Three anomalous areas encompass multiple water lines and valves, while the other (larger) area is devoid of any known utilities. The four areas displayed anomalous GPR reflection patterns but did not display the very high-amplitude “ringing” typically associated with open voids.

SITE DESCRIPTION

The S3-0460, Greenhill Road HDD is located at the intersection of East Boot Road and both Wilson Drive and Carriage Drive in Chester County, Pennsylvania (see **Figure 1**). A geophysical survey was conducted along a 980-foot section of the east- and west-bound lanes of Boot Road, which parallels the HDD alignment (see **Figure 2**). Portions of all lanes of Boot Road were sequentially closed (for approximately 4 to 6 hours each) to complete the survey.



GPR SURVEY

The GPR survey was completed using a GSSI GPR digital controller and dual-frequency 300/800 MegaHertz (MHz) scanning antenna. GPR systems produce cross-sectional images of subsurface features and layers by continuously emitting pulses of radar-frequency energy from a scanning antenna as it is towed along a survey profile. The radar pulses are reflected by interfaces between materials with differing dielectric properties. The reflections return to the antenna are displayed on a video monitor as a continuous cross section in real time. Since the electrical properties of air and clay mud are distinctly different from undisturbed soils, such features produce characteristic reflections. In particular, air and mud typically produce very high-amplitude reflections, with air-filled voids also often displaying reverberating or “ringing” reflections.

GPR scanning was performed along survey profiles spaced approximately 2 feet apart, as well as several additional diagonal transects (see **Figure 2**, red lines). The GPR data were integrated in real time with a Topcon Hiper Lite Plus DGPS GNSS system. The profiles were recorded for post-processing with both Radan by GSSI and GPR-Slice by Geophysical Archaeometry Laboratory, Inc. GPR-Slice was used to filter the individual profiles before combining them into a three-dimensional model of the subsurface. Seven horizontal slices were then extracted between 0 and 6 feet below grade. **Figure 3** shows three of the seven horizontal slices and a composite of the seven slices combined. The shades of red represent the relative amplitude of the GPR signal increasing from white (minimum) to red (maximum).

Figure 4 summarizes the results of the GPR survey with an annotated slice and two vertical GPR cross-sectional profiles showing samples of the anomalous features identified in the 3D model. The vertical profile colors represent relative amplitude of the GPR signal. Shades of light blue to white indicate the highest amplitude signal, while black and red represent the lowest amplitudes. **Appendices I through V** include every other GPR profile performed in a southwest direction across the survey area. The profiles are a fusion of the data from both antenna frequencies (300 and 800 MHz) into a single cross section.

RESULTS

The GPR results show multiple high-amplitude reflectors across the survey area. Most of the reflections are associated with the numerous underground utility lines beneath the survey area, as well as related metallic surface features such as valve and utility hole covers and storm drains. Utility lines appear as hyperbolas or “chevrons” where the GPR profile crosses them at a high angle, and as continuous reflections when the profile runs parallel and close to the trace. On **Figure 2**, water lines (blue) are shown only where they were clearly visible on the GPR records. Metallic surface features produce reflections that “ring” all the way down through the record. These are actually multiple returns of the transmitted pulse as it bounces back and forth in the air between the antenna and the metal target (see **Figure 4** and **Appendices**). The labels on the GPR features in **Figure 4** and the **Appendices** are interpretive, not definitive. None of the identified anomalies resemble the expected reflection pattern for voids beneath the roadway.

Three adjacent anomalous areas are located beneath the west-bound lane (near 15318+00), between several suspected water lines and multiple water valves (hatched in **Figure 4**). These areas show high-amplitude GPR reflectors, including downward-dipping reflectors possibly consistent with settlement of utility trench backfill materials. The two westernmost areas were identified in the June 2019

GPR survey by RETTEW. The third is coincident with a known backfilled excavation area. This GPR reflection pattern is characteristic of settlement or subsidence, as opposed to most of the GPR reflectors across the site that are associated directly with utility lines or disturbed soils around and above the buried utilities. The three anomalous areas (near 15318+00) are located between water lines and water valves and therefore may be related to settlement of the water line trench materials or associated with other past events not related to the recent IR. A larger area of high-amplitude reflectors (near 15320+00) was observed in the eastbound lane, southeast of the Carriage Drive intersection (Figure 4). These GPR reflectors also show characteristics of settlement or subsidence, but do not appear to be associated with observed underground utility lines. These reflectors may be related to pre-road construction or pre-road land use and do not appear to have had an impact the current roadway condition. None of the anomalies display reverberation of the type commonly associated with air-filled voids. No subsurface voids were identified by GPR in the survey area.

LIMITATIONS

The survey described above was completed using standard and/or routinely accepted practices of the geophysical industry, and the equipment employed represents, in RETTEW's professional opinion, the best available technology. RETTEW does not accept responsibility for survey limitations due to inherent technological limitations or unforeseen site-specific conditions. We will notify you of such limitations or conditions, when they are identifiable.

Please also note that the survey is based on observation of current subsurface conditions. Therefore, while the results of this survey can be used to guide further investigations, RETTEW cannot make any warranties concerning future subsidence occurrence — particularly under the influence of altered surface and subsurface drainage patterns due to grading and construction activities.

We have enjoyed and appreciated the opportunity to have worked with you. If you have any questions, please do not hesitate to contact the undersigned.



Charles H. Rhine, MSc, PG
Senior Project Manager



Felicia Kegel Bechtel, MSc, PG
Director of Geophysics

Enclosures

Figure 1: Topographic Basemap

Figure 2: Data Coverage Map

Figure 3: GPR Horizontal Slice Maps

Figure 4: Data Summary Map

Appendices I-V: GPR Profiles

Attachment 1 – June 2019 S3-0460 Boot Road GPR Survey at Wilson Drive Report

AVAILABLE ON WEBSITE



Notes:
 Basemap extracted from USGS US Topographic WMS Server, extracted 01/2019.

Geophysical Survey Legend

- Proposed 16" HDD Alignment
- Geophysical Survey Area
- HDD Entry/Exit Point



Figure 1: Topographic Basemap

East Boot Road/Greenhill Road
 S3-0460

RETTEW INC. | **ENVIROSCAN**

RETTEW Field Services, Inc.
 3020 Columbia Avenue, Lancaster, PA 17603
 Phone 1-800-738-8395

SURVEY DATE:	09/25/2019
RETTEW No.:	096303003
REVIEWED BY:	FKB
DRAWN BY:	CHR
DATE:	10/17/2019
SCALE:	1" = 2000'
FIGURE NO.:	1 of 4

Goshen Fire Company Monthly Operations Report

January 2020



Fire Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	25	72	25	72
West Goshen	27	78	27	78
Westtown	7	22	7	22
Willistown	6	12	6	12
Other	9	71	9	71
Total - Fire	74	255	74	255

Fire Police Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	10	29	10	29
West Goshen	18	63	18	63
Westtown	3	2	3	2
Willistown	2	1	2	1
Other	3	9	3	9
Total - Fire Police	36	104	36	104

EMS Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	177	273	177	273
West Goshen	108	131	108	131
Westtown	23	34	23	34
Willistown	16	42	16	42
Other	9	14	9	14
Total - EMS	333	494	333	494

Total Responses per Municipality	Monthly Responses	Monthly Manhours	YTD Responses	YTD Manhours
East Goshen	212	374	212	374
West Goshen	153	272	153	272
Westtown	33	58	33	58
Willistown	24	55	24	55
Other	21	94	21	94
Total - Goshen Fire Company	443	853	443	853

Goshen Fire Company Monthly Operations Report

January 2020



Monthly Updates

Key Indicators

Automatic Fire/CO Alarms	30	41%
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Major Incidents

Assist WCFD House Fire 250 Blue Rock Rd E Bradford	1/1/2020
Assist WWFC House Fire 1514 Grovenor Ct W Whiteland	1/3/2020
Assist Delco House Fire 67 Vineyard La Middletown	1/8/2020
Search - 934 Aronomink Drive East Goshen	1/23/2020
Assist WCFD Bldg Fire 500 Willowbrook La W Goshen	1/23/2020
Minor Bldg Fire 1301 West Chester PK East Goshen	1/29/2020

Fundraising Activities

Annual Subscription Drive	Underway
Annual Business Contribution Drive	Underway

Personnel Updates

Fire Chief Appointment - Chris O'Neill
EMS Chief Appointment - Gary Weigel
Fire Police Chief Appointment - Phil Salas
Relief Association President - Ted Harrison IV

Apparatus Updates

New Braun Ambulance due for delivery	Feb. 14
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Rick Smith

From: Keith Johnson <kjohnson@malvernfireco.com>
Sent: Thursday, February 6, 2020 12:04 PM
To: Rick Smith
Subject: Malvern EMS January Statistics
Attachments: EGT 2020.docx; Jan 2020 EMS Call Statistics.pdf

Rick,

Attached are Malvern's EMS stats for January. Please let me know if you have any questions.

Thanks,
Keith

Keith Johnson ATC, NRAEMT
EMS Chief
Malvern Fire Company



Malvern Fire Company

424 East King Street
Malvern, PA 19355

Main 610-647-0693
Fax 610-647-0249
www.malvernfireco.com

East Goshen Township 2020 EMS Statistics

January:

30 Calls; 5 BLS (4 Transports); 25 ALS (16 Transports)
1 Fire; 29 Medical

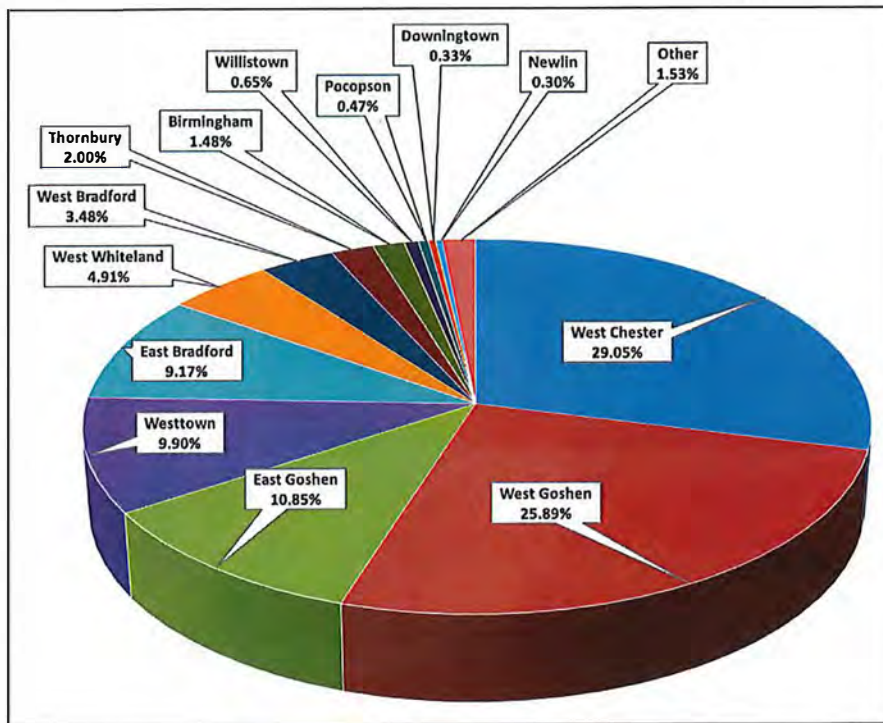


2019

OPERATIONS REPORT

CALL VOLUME

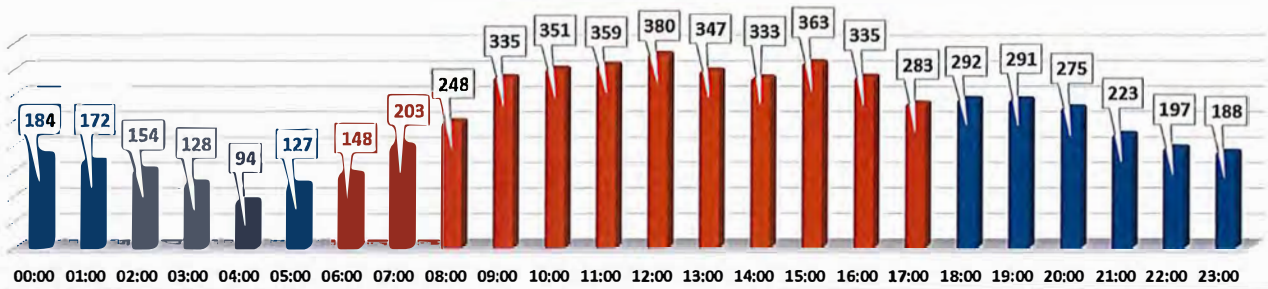
Municipality	Count	% of Calls
West Chester	1746	29.05%
West Goshen	1556	25.89%
East Goshen	652	10.85%
Westtown	595	9.90%
East Bradford	551	9.17%
West Whiteland	295	4.91%
West Bradford	209	3.48%
Thornbury	120	2.00%
Birmingham	89	1.48%
Willistown	39	0.65%
Pocopson	28	0.47%
Downingtown	20	0.33%
Newlin	18	0.30%
Caln	14	0.23%
East Whiteland	14	0.23%
Pennsbury	14	0.23%
Uwchlan	10	0.17%
Kennett	6	0.10%
Chadds Ford, DelCo	4	0.07%
East Marlborough	4	0.07%
Coatesville	3	0.05%
Concord, Delco	3	0.05%
East Caln	3	0.05%
Kennett Square	3	0.05%
Easttown	2	0.03%
Middletown, DelCo	2	0.03%
Tredyffrin	2	0.03%
Edgmont, DelCo	1	0.02%
Elverson	1	0.02%
Honey Brook	1	0.02%
Malvern	1	0.02%
New Garden	1	0.02%
Sadsbury	1	0.02%
Valley	1	0.02%
West Vincent	1	0.02%
6010		



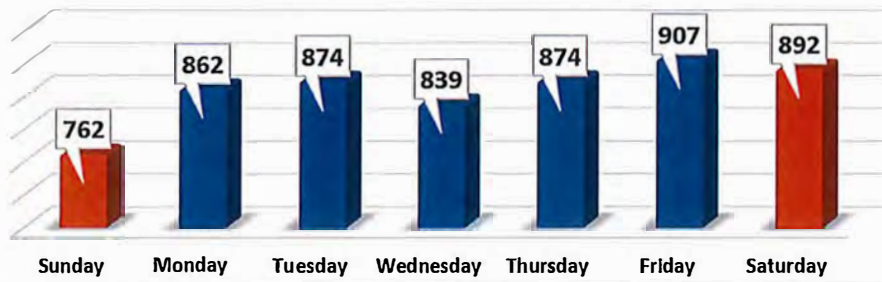
Non-Transport Breakdown	
Refusal	523
Recalled Enroute	329
Recalled On Scene	481
No Services	416
Lift Assist	124
DOA	40
Released to BLS	37
External ALS Assist	1
1951	

Total Calls Comparison		
2018	2019	+/-
6250	6010	-240
Total Transports Comparison		
2018	2019	+/-
4278	4059	-219

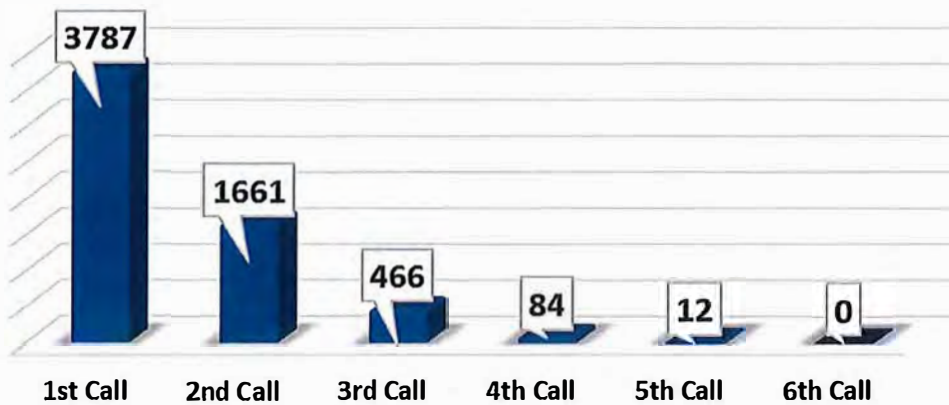
Call Volume By Hour



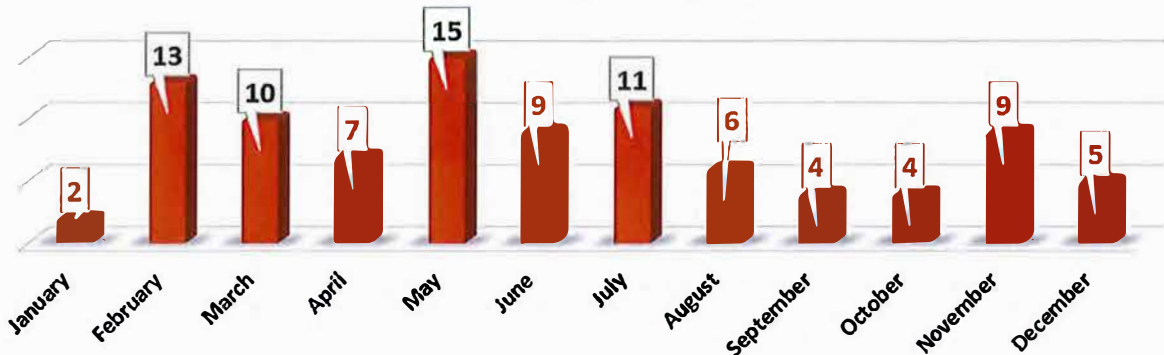
Call Volume By Day of Week



Call Sequence



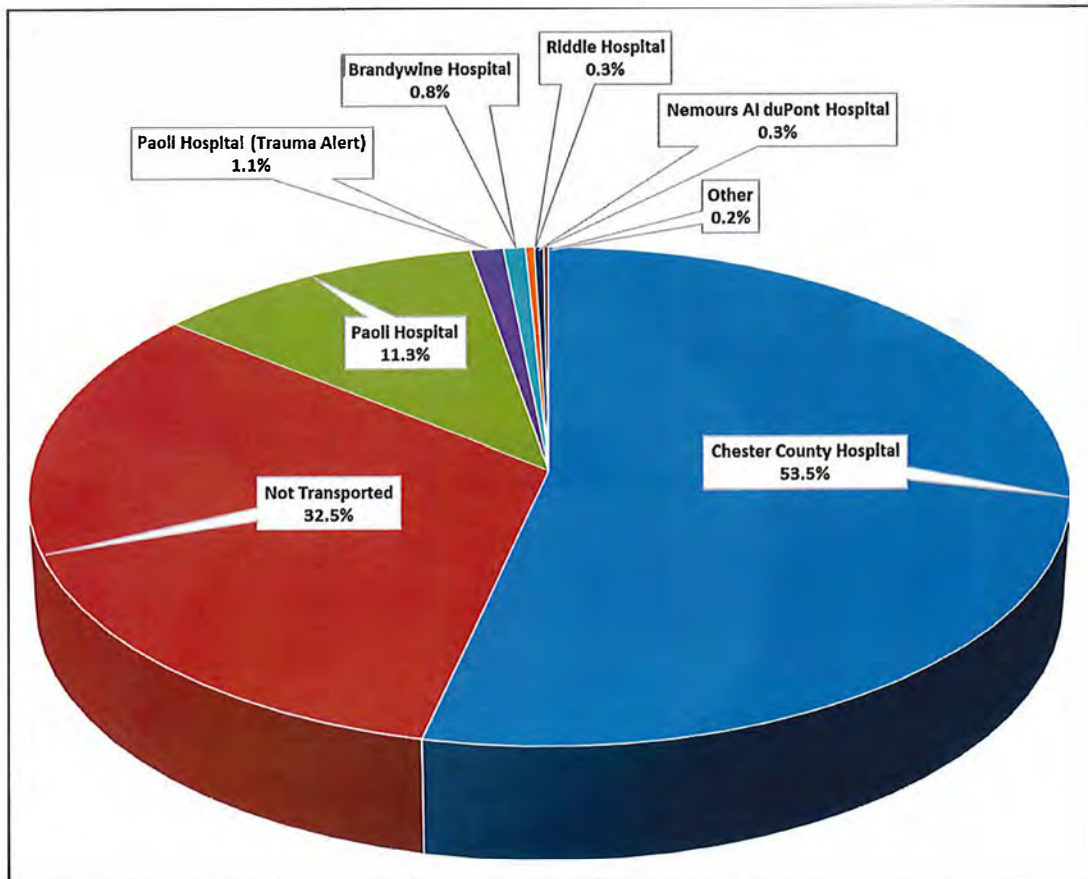
Interfacility Transports



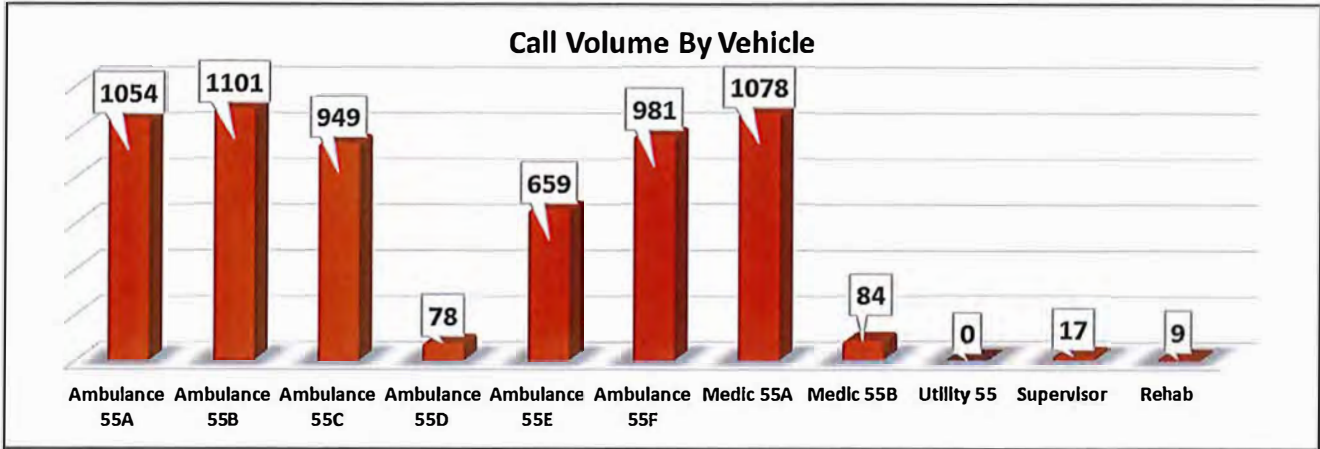
Total Interfacility Transports: 95

HOSPITAL DESTINATION INFORMATION

Receiving Hospital	Total	%
Chester County Hospital	3218	53.5%
Not Transported	1951	32.5%
Paoli Hospital	679	11.3%
Paoli Hospital (Trauma Alert)	69	1.1%
Brandywine Hospital	46	0.8%
Riddle Hospital	18	0.3%
Nemours Al duPont Hospital	19	0.3%
Christiana Hospital	3	0.0%
Crozer-Chester Medical Center	3	0.0%
Bryn Mawr Hospital	2	0.0%
Children's Hospital of Philadelphia	1	0.0%
Jennersville Hospital	1	0.0%
	6010	
Transported:	4059	67.5%
Not Transported:	1951	32.5%
	6010	



VEHICLES

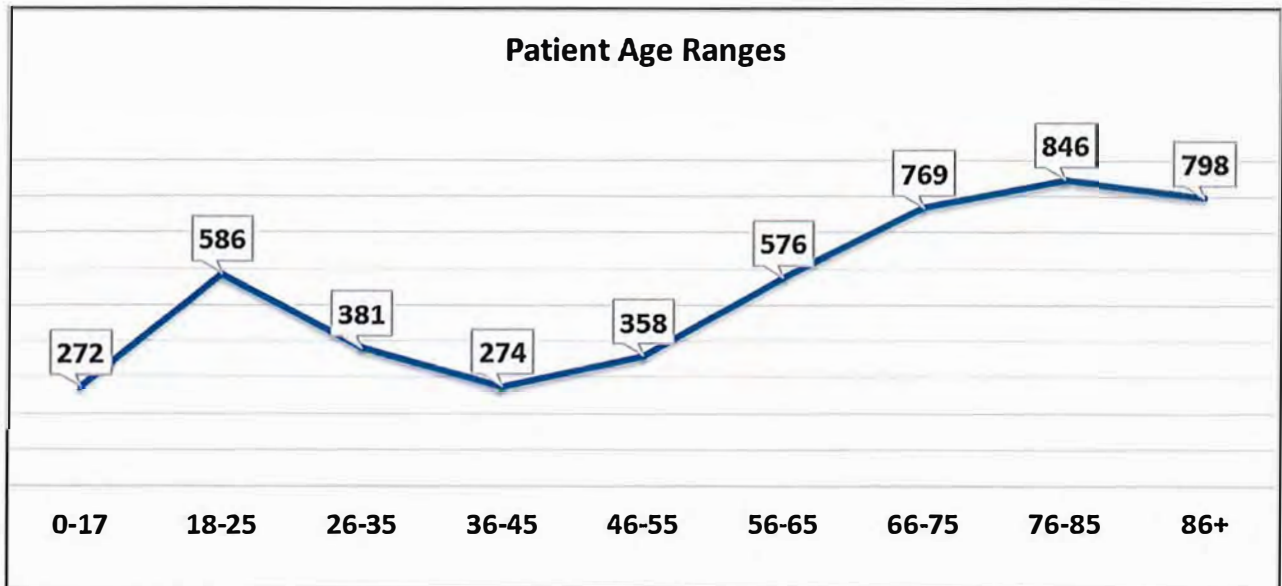


Notes:

Ambulance 55D – Used as spare ambulance only in early 2019. Replaced in Fall 2019.

Utility 55 – New vehicle added to fleet in Fall 2019.

PATIENT DEMOGRAPHICS



MISCELLANEOUS CALL INFORMATION

Average Times	
Dispatch To Enroute	1.41
Enroute To On Scene	6.59
On Scene Time	14.20
Transport Time	10.21
Dispatch To Available	41.81

Covering Other Agencies	
Goshen Fire Co	254
Uwchlan Ambulance	62
Longwood Fire Co	56
Minquas Fire Co	42
Malvern Fire Co	39
Concordville Fire Co	22
East Whiteland Fire Co	6
Washington Hose Co	3
Berwyn Fire Co	3
Brandywine Medic 93	2
Riddle Hospital EMS	2
Avondale Fire Co	1
Elverson-Honey Brook Area EMS	1
	493

Calls Covered By Other Agencies	
BLS Covered Calls	11
ALS Covered Calls	15
BLS & ALS Covered Calls	6
	32

Responses By Station	
Main Station (Station 55)	5667
East Goshen (Station 155)	173
East Bradford (Station 255)	170

Call Types		
BLS - Fall / Lift Assist	673	11.2%
BLS - Sick Person	653	10.9%
ALS - Respiratory Difficulty	590	9.8%
ALS - Cardiac Problems	531	8.8%
Accident - BLS	289	4.8%
BLS - Emotional Disorder	286	4.8%
ALS - Overdose	250	4.2%
Injured Person	222	3.7%
ALS - CVA/Stroke	189	3.1%
EMS - Stand By - Fire	189	3.1%
BLS - Syncope	148	2.5%
Abdominal Pain	146	2.4%
ALS - Diabetic Emergency	125	2.1%
Seizures	125	2.1%
Hemorrhaging	120	2.0%
ALS - Unresponsive Person	119	2.0%
BLS - Injured Person	104	1.7%
ALS - Unconscious Person	100	1.7%
ALS - Hypotension	78	1.3%
ALS - Syncope	69	1.1%
ALS - Cardiac/Resp Arrest	64	1.1%
Alarm - BLS Medical	63	1.0%
Allergic / Medication Reaction	62	1.0%
BLS - Overdose	61	1.0%
BLS - Unknown Nature	61	1.0%
Accident - ALS	58	1.0%
ALS - Fall	52	0.9%
ALS - Seizures	47	0.8%
Back Pain	47	0.8%
BLS - DOA	40	0.7%
Hyper Tension	32	0.5%
Assault	30	0.5%
BLS - Abdominal Pain	28	0.5%
ALS - Injured Person	28	0.5%
Accident - Entrapment	27	0.4%
Accident - Pedestrian	24	0.4%
Exposure to Heat / Cold	24	0.4%
ALS - Choking	23	0.4%
Maternity / Labor Pain	21	0.3%
ALS - Hemorrhaging	19	0.3%
BLS - Seizures	18	0.3%
BLS - Back Pain	17	0.3%
Laceration	16	0.3%
BLS - Hemorrhaging	15	0.2%
Fractures	12	0.2%
Alarm - Carbon Monoxide	11	0.2%
ALS - Allergic/Med Reaction	11	0.2%
Fire - Water Rescue	11	0.2%
Standby	11	0.2%
ALS - Abdominal Pain	10	0.2%
ALS - Emotional Disorder	9	0.1%
BLS - Assault w/Injury	9	0.1%
ALS - Shooting	6	0.1%
Accident - Involving Fire	5	0.1%
Fire - Hazmat	4	0.1%
ALS - Assault w/Injury	3	0.0%
ALS - Poisoning	3	0.0%
BLS - Exposure to Heat/Cold	3	0.0%
ALS - Back Pain	2	0.0%
ALS - Exposure to Heat/Cold	2	0.0%
BLS - Allergic/Med Reaction	2	0.0%
BLS - Maternity/Labor Pain	2	0.0%
Burns - Scalding / Other	2	0.0%
EMS - Stand By - Event	2	0.0%
ALS - Burns - Chemical	1	0.0%
ALS - Burns - Misc	1	0.0%
ALS - Maternity/Labor Pains	1	0.0%
ALS - Stabbing	1	0.0%
BLS - Burns - Misc	1	0.0%
Burns - Chemical	1	0.0%
Fire - Other Type Rescue	1	0.0%
	6010	

GOSHEN FIRE MARSHALL INCIDENT REPORT

ALARM # N/A

STATION See below	DATE 02/07/20	DAY Friday	WEATHER Rain cold	BOX # 5655	MUNICIPALITY EG
LOCATION Bellingham Longwood building					ALARM TYPE BUILDING <input checked="" type="checkbox"/> DWELLING <input type="checkbox"/> VEHICLE <input type="checkbox"/> TRASH <input type="checkbox"/> BRUSH <input type="checkbox"/> AUTO ALARM <input type="checkbox"/> FALSE ALARM <input type="checkbox"/> HAZMAT <input type="checkbox"/> SMOKE INVEST. <input type="checkbox"/> ODOR INVEST. <input type="checkbox"/> RESCUE <input type="checkbox"/> MUTUAL AID <input type="checkbox"/> MISC <input checked="" type="checkbox"/> PUBLIC SERV. <input type="checkbox"/>
CONDITION ON ARRIVAL Smoke					
RESPONSE 54-1 <input type="checkbox"/> 54-2 <input type="checkbox"/> L-54 <input type="checkbox"/> R-54 <input type="checkbox"/> SQUAD <input type="checkbox"/> 154-3 <input type="checkbox"/> TAC <input type="checkbox"/> 54A1 <input type="checkbox"/> 54A2 <input type="checkbox"/> 154A3 <input type="checkbox"/>					
MUTUAL AID					
STRUCTURE FIRES COMPLETE FOR EACH ADDRESS OR BUILDING	OCCUPANT NAME		PHONE #		
	OWNER NAME		ADDRESS		
			PHONE #		
	OCCUPANCY TYPE		STORIES		
		CONSTRUCTION	ROOF		
VEHICLE FIRES	OWNER NAME		ADDRESS		
			PHONE #		
	OPERATOR NAME		ADDRESS		
		PHONE #			
		MAKE	MODEL	YEAR	LICENSE
COMPLETE FOR ALL FIRES	AREA OF ORIGIN				
	Third floor air handler				
	METHOD OF IGNITION				
Motor short					
EXTENT OF DAMAGE					
Slight smoke damage in area of short					
INSURANCE ALL FIRES WITH LOSS	INSURANCE CO. NAME		POLICY #		
	BLDG COVERAGE \$		CONTENTS COVERAGE \$		
REMARKS Companies dispatched. 54-56-51-52-03-04-05					
REPORT SUBMITTED BY: CRB					

COMPANY TIMES
 DISPATCH 1331
 ON SCENE _____
 UNDER CONTROL _____
 TIME IN 1432
 TOTAL 1188

FIREFIGHTERS

LOSS VALUE
 FD ESTIMATE ONLY
 BLDG VALUE \$ 10m
 BLDG LOSS \$ 5000.00
 CONTENTS LOSS \$ 0
 TOTAL \$ _____

FIRE RELATED INJURIES
 CIVILIAN _____
 FIRE SERVICE _____

FIRE RELATED DEATHS
 CIVILIAN _____
 FIRE SERVICE _____

ATTACH EMS REPORT

-----Original Message-----

From: Carmen Battavio <cbattavio@eastgoshen.org>

Sent: Tuesday, February 11, 2020 9:18 PM

To: Rick Smith <rsmith@eastgoshen.org>; Marty Shane <emshane@aol.com>; Jon Altshul <jaltshul@eastgoshen.org>

Cc: Mark Miller <miller@eastgoshen.org>; Mike Holmes <mholmes@eastgoshen.org>

Subject: Bellingham FD connections

Good morning, I did a follow up this morning on fire department connection at Park Lane and Brookside. This was sent to the code department for a follow up and to notify Bellingham of corrected changes needed. The sprinkler stand pipes are very hard to see and would create a potential problem when fire departments arrives and need to supplement the sprinkler systems.

Mark Miller was also involved with me. I also copied Goshen fire company so that they would know of the corrected actions

>>
>> Brookside (the kitchen area) Will need a minimum of two, I recommend three approved signs
>>
>> Park lane needs a recommendation of at least two signs
>>
>> I will be happy to meet anyone to see but should be done ASAP
>>

Carmen R. Battavio

Memo

To: Board of Supervisors
From: Jon Altshul
Re: January 2020 Financial Report
Date: February 7, 2018

As of January 31st, the general fund had revenues of \$289,479 and expenses of \$971,226 for a year-to-date deficit of \$681,968. Because January is a slow month for revenues and some key annual expenses are front-loaded, this is not an unusual position for the first month of the year. However, relative to the year to date budget, there is a positive budget variance of \$57,859. As of January 31st, the general fund balance is \$4,771,907.

On the expense side, Public Works is well under budget (-\$39,960) to the lack of snow this winter. Codes is also under-budget due to a strong start to permitting activity. Other departments are more or less where they should be.

On the revenue side, Earned Income Tax (+\$21,730) and Local Services Tax (+\$2,245) had a strong January. Real Estate Property Tax bills were mailed out on January 30th, and we began to receive receipts in early February. Real Estate Transfer Tax, reflecting sales in December, was \$9,180 under budget, but this is simply a reflection of the traditionally slow holiday real estate market.

Other funds

- The **State Liquid Fuels Fund** had \$2 in revenues (the annual payment is usually received in late February) and \$0 in expenses. The fund balance was 1,150.
- The **Capital Reserve Fund** had \$82,653 in revenues and \$18,527 in expenses. The fund balance was \$5,474,661.
- The **Transportation Fund** had \$698 in revenues and \$305,342 in expenses. The fund balance was \$607,080.
- The **Sewer Operating Fund** had \$342,930 in revenues and \$135,767 in expenses. The fund balance was \$1,183,597.
- The **Refuse Fund** had \$89,762 in revenues and \$100,305 in expenses. The fund balance was \$618,651.
- The **Bond Fund** had \$6,658 in revenues and \$36,969 in expenses. The fund balance was \$3,685,329.
- The **Sewer Capital Reserve Fund** had \$1,216 in revenues and \$15,376 in expenses. The fund balance is \$2,323,628.
- The **Operating Reserve Fund** had \$7,707 in revenues and no expenses. The fund balance is \$2,603,831.

**EAST GOSHEN TOWNSHIP
GENERAL FUND SUMMARY
As of January 31, 2020**

Account Title	2020 Annual Budget	2020 YTD Budget	2020 YTD Actual	\$ Variance	% Variance
EMERGENCY SERVICES EXPENSES	4,379,933	413,490	413,874	384	0.1%
PUBLIC WORKS EXPENSES	2,774,562	205,312	181,583	(23,729)	-11.6%
ADMINISTRATION EXPENSES	1,886,456	250,855	270,453	19,598	7.8%
CODES EXPENSES	522,011	47,073	50,608	3,535	7.5%
PARK AND RECREATION EXPENSES	881,005	40,890	49,677	8,787	21.5%
TOTAL CORE FUNCTION EXPENSES	10,443,967	957,620	966,195	8,575	0.9%
EMERGENCY SERVICES REVENUES	72,000	2,458	2,357	(101)	-4.1%
PUBLIC WORKS REVENUES	1,000,284	508	16,739	16,231	3195.2%
ADMINISTRATION REVENUES	318,829	14,447	30,436	15,989	110.7%
CODES REVENUES	272,870	14,132	24,024	9,892	70.0%
PARK AND RECREATION REVENUES	132,620	9,545	15,722	6,177	64.7%
TOTAL CORE FUNCTION REVENUES	1,796,603	41,090	89,278	48,188	117.3%
NET EMERGENCY SERVICES	4,307,933	411,032	411,517	485	0.1%
NET PUBLIC WORKS	1,774,278	204,804	164,844	(39,960)	-19.5%
NET ADMINISTRATION	1,567,627	236,408	240,017	3,609	1.5%
NET CODES	249,141	32,941	26,584	(6,357)	-19.3%
NET PARK AND RECREATION	748,385	31,345	33,955	2,610	8.3%
CORE FUNCTION NET SUBTOTAL	8,647,364	916,530	876,917	(39,613)	-4.3%
DEBT - PRINCIPAL	349,999	-	-	0	0.0%
DEBT - INTEREST	203,872	5,197	5,251	54	1.0%
TOTAL DEBT	553,871	5,197	5,251	54	1.0%
TOTAL CORE FUNCTION NET	9,201,235	921,727	882,168	(39,559)	-4.3%
NON-CORE FUNCTION REVENUE					
EARNED INCOME TAX	5,130,800	119,115	140,845	21,730	18.2%
REAL ESTATE PROPERTY TAX	2,042,779	1,066	1,216	150	14.0%
REAL ESTATE TRANSFER TAX	650,000	45,000	35,820	(9,180)	-20.4%
CABLE TELEVIS.FRANCHISE	457,200	-	-	-	0.0%
LOCAL SERVICES TAX	345,000	7,853	10,098	2,245	28.6%
OTHER INCOME	575,456	8,866	12,222	3,356	37.9%
TOTAL NON CORE FUNCTION REVENUE	9,201,235	181,900	200,201	18,301	10.1%
NET RESULT	0	(739,827)	(681,968)	57,859	

SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")
 ALL FUNDS JANUARY, 2020
 * NOTE: GENERAL FUND INCLUDES PASS-THROUGH ACCOUNTS

	GENERAL FUND*	LIQUID FUELS STATE FUND	CAP RESV FUND	TRANSPORT. FUND	SEWER OP. FUND	REFUSE FUND	SEWER CAP RESV FUND	OPERATING RESERVE	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY	BOND FUND	
01/01/20 BEGINNING BALANCE	\$5,625,871	\$1,148	\$5,410,535	\$911,724	\$976,435	\$629,194	\$2,337,788	\$2,596,124	\$18,488,820	\$24,873	\$3,715,640	\$22,229,332
RECEIPTS												
310 TAXES	\$188,089	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$188,089	\$0	\$0	
320 LICENSES & PERMITS	\$696	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$696	\$0	\$0	
330 FINES & FORFEITS	\$5,657	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,657	\$0	\$0	
340 INTERESTS & RENTS	\$19,594	\$2	\$4,285	\$698	\$963	\$401	\$1,216	\$7,707	\$34,867	(\$14)	\$6,658	
350 INTERGOVERNMENTAL	\$0	\$0	\$78,368	\$0	\$0	\$0	\$0	\$0	\$78,368	\$0	\$0	
360 CHARGES FOR SERVICES	\$45,536	\$0	\$0	\$0	\$341,967	\$89,361	\$0	\$0	\$476,863	\$0	\$0	
380 MISCELLANEOUS REVENUES	\$14,464	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$14,464	\$0	\$0	
390 OTHER FINANCING SOURCES	\$15,983	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,983	\$15,376	\$0	
	\$290,019	\$2	\$82,653	\$698	\$342,930	\$89,762	\$1,216	\$7,707	\$814,987	\$15,362	\$6,658	
EXPENDITURES												
400 GENERAL GOVERNMENT	\$139,511	\$0	\$10,378	\$0	\$0	\$0	\$0	\$0	\$149,888	\$0	\$0	
410 PUBLIC SAFETY	\$607,722	\$0	\$6,500	\$0	\$0	\$0	\$0	\$0	\$614,222	\$0	\$0	
420 HEALTH & WELFARE	\$15,511	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$15,511	\$0	\$0	
426 SANITATION & REFUSE	\$0	\$0	\$0	\$0	\$110,390	\$100,305	\$0	\$0	\$210,696	\$17,600	\$0	
430 HIGHWAYS,ROADS & STREETS	\$141,204	\$0	\$600	\$305,342	\$0	\$0	\$0	\$0	\$447,146	\$0	\$0	
450 CULTURE-RECREATION	\$41,647	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$41,647	\$0	\$36,969	
460 CONSERVATION & DEVELOPMENT	\$99	\$0	\$1,049	\$0	\$0	\$0	\$0	\$0	\$1,148	\$0	\$0	
470 DEBT SERVICE	\$5,414	\$0	\$0	\$0	\$25,377	\$0	\$0	\$0	\$30,791	\$0	\$0	
480 MISCELLANEOUS EXPENDITURES	\$208,087	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$208,087	\$0	\$0	
490 OTHER FINANCING USES	\$0	\$0	\$0	\$0	\$0	\$0	\$15,376	\$0	\$15,376	\$0	\$0	
	\$1,159,195	\$0	\$18,527	\$305,342	\$135,767	\$100,305	\$15,376	\$0	\$1,734,513	\$17,600	\$36,969	
2020 SURPLUS/(DEFICIT)*	(\$869,176)	\$2	\$64,126	(\$304,644)	\$207,162	(\$10,543)	(\$14,160)	\$7,707	(\$919,525)	(\$2,238)	(\$30,311)	
CLEARING ACCOUNT ADJUSTMENTS	\$15,211											
01/31/20 ENDING BALANCE	\$4,771,907	\$1,150	\$5,474,661	\$607,080	\$1,183,597	\$618,651	\$2,323,628	\$2,603,831	\$17,584,506	\$22,634	\$3,685,329	

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**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
TUESDAY, FEBRUARY 4, 2020
DRAFT MINUTES**

Present: Chairman Marty Shane; Vice-Chairman David Shuey; Members Michele Truitt, John Hertzog and Mike Lynch; Township Manager Rick Smith; Assistant Township Manager and Finance Director Jon Altshul; Erich Meyer (Conservancy Board); Fire Marshal Carmen Battavio

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 7:00 p.m. and led the pledge of allegiance. Carmen called for a moment of silence in honor of our troops and first responders.

Recording

Marty reported that the meeting was being livestreamed on the Township's YouTube channel.

Chairman's Report

Marty reported that the Board met in Executive Session prior to tonight's meeting for a personnel matter and that the Zoning Hearing Board will conduct a public hearing concerning the Malvern Institute on February 10, 2020, at 7pm. David clarified that the purpose of the hearing was not to render a decision on Judge Tunnell's order, but to establish a process for moving forward.

Public Comment on Non-Agenda Items

Bill Guyer, 1560 Tanglewood Drive, expressed concerns about what he called "misrepresentations" about the noise ordinance expressed by his neighbors at the last Board meeting. He stated that the concerts at his neighbor's house are very loud and frequently last until after 7pm. He stated that limiting the number of noise permits to two per year is reasonable, that the decibel level should be lowered and that the Township should levy a fee for a noise permit.

Joe Reed, 248 Chatham Way, asked about the Township's plans to construct a building with a 15-inch setback. Marty stated that there were no such plans. Rick explained that Mr. Reed may be thinking of the TND ordinance that was proposed last year for Paoli Pike, but was not adopted. Jon noted that the front yard set backs in that proposal were 15 feet, not 15 inches.

Fire Marshal Report

Carmen reported about a minor fire that occurred at 1301 West Chester Pike in a storage garage caused by a halogen light burning a box. Four fire companies responded to the call, and the fire was quickly extinguished.

Approval of Minutes and Treasurer's Report

1 David made a motion to approve the minutes of January 21, 2020. John seconded. The
2 motion passed 5-0. Mike made a motion to approve the Treasurer's Report of January 30,
3 2020. Michele seconded. The motion passed 5-0.
4

5 **Consider Code of Ethics**

6 Mike provided background on the proposed Code of Ethics for Township staff, ABC
7 members, including BOS members and appointed officials. He noted that there is no
8 penalty for Township officials who do not sign the Code of Ethics, but it is an important
9 reminder to all of us about our responsibility to our constituents. Michele indicated that she
10 would prefer the document to be called a "Code of Conduct" and perhaps go a little further,
11 but that she was supportive of the document as written. Mike made a motion to adopt the
12 Code of Ethics for East Goshen Township staff, appointed officials and ABC members,
13 including the Board of Supervisors. David seconded. The motion passed 5-0.
14

15 **Consider Escrow Release #8 for 1420 E. Strasburg Road**

16 David made a motion to release the final \$6,706 in escrow for 1420 E. Strasburg Road.
17 Michele seconded. The motion passed 5-0.
18

19 **Acknowledge Receipt of Michele Truitt's Notice of Intention to Participate in the**
20 **Township's Health Insurance Program**

21 Michele indicated that she would be participating in the Township's health and dental
22 insurance plan, as is permitted in Section 606(c)(1) of the PA Second Class Township
23 Code. Mr. Reed asked how much this policy would cost the Township. Michele responded
24 that a family plan costs slightly less than \$2,000 per month.
25

26 **Consider Authorizing the Chairman to Execute the Declaration of Restrictive**
27 **Covenant for Hershey's Mill Dam**

28 Rick explained that a restrictive covenant for the Hershey's Mill Dam was a condition for
29 the DCNR grant. John made a motion to approve the Chairman's signature on the
30 declaration of Restrictive Covenant. Michele seconded. The motion passed 5-0.
31

32 **Consider Recommendation to Submit a RTK Request to PennDOT about the**
33 **Geophysical Survey of Boot Road and Hiring of a Professional Geologist**

34 Rick explained that the Pipeline Task Force had requested that the Township hire a
35 geologist to review the Boot Road Geophysical Survey reports and that Pennoni has a
36 geologist on staff who can do this work. Michele made a motion to submit a right-to-know
37 request to PennDOT for information about the Boot Road Geophysical Survey and to hire
38 a professional geologist from Pennoni to review the materials and forward their findings to
39 the Board. David seconded. The motion passed 5-0.
40

41 **Any Other Matter**

42 Mike made a motion to appoint Dana Pizzaro to the Stormwater Appeals Board. John
43 seconded. The motion passed 5-0.
44

45 Michele made a motion to appoint Leo Sinclair to the Conservancy Board. Mike seconded.
46 The motion passed 4-1, with Marty opposed.

1
2 **Correspondence, Reports of Interest**

3 The Board acknowledged the following correspondence and report of interest:

- 4 • PA DEP Letter of January 23, 2020 regarding HDD S3-0471
5 • PA DEP Letter of January 23, 2020 regarding HDD S3-0500
6

7 Rick explained that DEP had lifted its permit bar for drilling the 20" line and is now
8 issuing permits to Sunoco again. David noted that the Pipeline Task Force feels that
9 DEP handled the release of the permit bar inappropriately.

10
11 **Public Comment (Continued)**

12 Mr. Guyer continued with his public comment about the noise ordinance. Rick
13 discussed the draft changes that he's made to the ordinance since it was discussed
14 on January 21, specifically how it is now targeting construction work after 10pm,
15 rather than noise generally.

16
17 Michele asked Mr. Guyer for clarification on the number of attendees at his
18 neighbor's concerts and whether there are parking issues along Tanglewood Drive.
19 Margie Guyer, 1560 Tanglewood Drive, stated that their primary concern was about
20 noise from the concerts, not parking issues.

21
22 Marty encouraged the Guyers to review the existing noise ordinance to identify any
23 potential changes for the Board's consideration. Mr. Guyer stated that there should
24 be a formal limit on the number of noise permits issued per property per year and
25 more lead time between the issuance of a permit and the date of an event.

26
27 Michele asked about the direction that the speakers were facing and whether
28 changing that direction could mitigate some noise.
29

30 **Adjournment**

31 Mike made a motion to adjourn at 8:15. John seconded. The motion passed 5-0.
32

33 Respectfully submitted,
34 *Jon Altshul*
35 *Recording Secretary*
36

37 Attached: January 30, 2020 Treasurer's Report
38

TREASURER'S REPORT
 RECEIPTS AND BILLS

January 16, 2020 - January 30, 2020

GENERAL FUND

Real Estate Tax	\$35.00
Earned Income Tax	\$67,300.00
Local Service Tax	\$3,400.00
Transfer Tax	\$0.00
General Fund Interest Earned	\$0.00
Total Other Revenue	\$47,051.36
Total General Fund Receipts:	\$117,786.36

Accounts Payable	\$55,678.70
Electronic Pmts:	
Credit Card	\$1,751.70
Postage	\$0.00
Debt Service	\$5,413.95
Payroll	\$143,891.43
Total Expenditures:	\$206,735.78

STATE LIQUID FUELS FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total State Liquid Fuels Receipts:	\$0.00

Accounts Payable	\$0.00
Total Expenditures:	\$0.00

CAPITAL RESERVE FUND

Receipts	\$78,368.00
Interest Earned	\$0.00
Total Capital Reserve Fund Receipts:	\$78,368.00

Accounts Payable	\$16,009.85
Total Expenditures:	\$16,009.85

TRANSPORTATION FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Transportation Fund Receipts:	\$0.00

Accounts Payable	\$4,742.56
Total Expenditures:	\$4,742.56

SEWER OPERATING FUND

Receipts	\$188,965.55
Interest Earned	\$0.00
Total Sewer Operating Fund Receipts:	\$188,965.55

Accounts Payable	\$26,547.60
Electronic Pmts:	
Credit Card	\$0.00
Debt Service	\$25,377.21
Total Expenditures:	\$51,924.81

REFUSE FUND

Receipts	\$68,760.18
Interest Earned	\$0.00
Total Refuse Fund Receipts:	\$68,760.18

Accounts Payable	\$12,285.97
Total Expenditures:	\$12,285.97

BOND FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Bond Fund Receipts:	\$0.00

Accounts Payable	\$13,000.00
Total Expenditures:	\$13,000.00

SEWER CAPITAL RESERVE FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Sewer Capital Reserve Fund Receipts:	\$0.00

Accounts Payable	\$0.00
Total Expenditures:	\$0.00

OPERATING RESERVE FUND

Receipts	\$0.00
Interest Earned	\$0.00
Total Operating Reserve Fund Receipts:	\$0.00

Accounts Payable	\$0.00
Total Expenditures:	\$0.00

1

1 1. Keep East Goshen Beautiful Day was held on April 13th. The weather was
2 good this year. We had a good number of volunteers on the actual day along with
3 some groups that picked up trash during the following week.

4 2. Fall Planting – In November we planted 6 trees in the
5 wetlands/boardwalk area along East Boot Road. Public Works assisted us with
6 digging the holes using an auger. The trees were procured from Sam Brown’s
7 Nursery in Malvern. The following trees were planted:

8 a. 1 each – Taxodium D Falling Waters – 6 ft (Common Name: Bald Cypress)
9 b. 2 each – Betula N Dura Heat – 8 – 10 ft (Common Name: River Birch)
10 c. 1 each – Magnolia Virginiana – 8 ft (Common Name: Sweet Bay Magnolia)
11 d. 1 each – Metasequoia Glyptostrobodies – 7 ft (Common Name: Dawn
12 Redwood)

13 e. 1 each – Cercis Canadensis – 8 ft (Common Name: Eastern Redbud)

14 3. Work continued with the Township and the Marydell Pond Committee on
15 the restoration of Marydell Pond.

16 4. Continued invasive species control.

17 5. Continued maintenance of the blue bird houses in Applebrook.

18 19 Goals for 2020

20 1. Keep East Goshen Beautiful Day will be held on April 18, 2020.

21 2. Continue maintenance of the blue bird houses in Applebrook

22 3. Continue maintaining Clymer’s Woods – replacing dead trees and
23 reapplying wood chips around the trees.

24 4. Maintain the riparian buffer along the creeks

25 5. Continue invasive species control.

26 6. Continue assisting with the pond restoration projects as needed.

27
28 4. Maintain the riparian buffer along the creeks.

29 5. Continue invasive species control.

30 6. Continue assisting with the pond restoration projects as needed.

31 Erich mentioned that Michele Truitt is the Board’s Liaison. They need 1 new
32 member.

33 34 Futurist Committee

35 Brian Sweet commented on the Commission’s Vision Statement: Nearly 6 years ago,
36 the East Goshen Board of Supervisors established a Futurist Committee to assess
37 future challenges and opportunities for our township. After evaluating the unique
38 needs of our community, as well as determining the attributes which have made
39 other community vibrant, the committee’s long-range strategic recommendation for
40 the township is to differentiate East Goshen Township in positive ways compared to
41 other townships in eastern Chester County, in a way that;

42 • creates welcoming key road portals with attractive landscaping, warm
43 lighting and signage that reflects the township’s history and future hopes.

44 • connects our neighborhoods and town center with a network of multi-use
45 trails.

46 • expands our already acclaimed recreational and activities programs.

1 • creates a town center with a strong sense of identity as a “gathering place”.
2 This would include green space and public plazas, restaurants and specialty shops,
3 and a modest amount of housing that appeals to buyers seeking a variety of new
4 housing options.

5 ...So that the township will have a bright future, because it will always be viewed as
6 a premier community with excellent housing, public amenities and excellent schools
7 for families seeking a new house.

8
9 2019 Results

- 10 1. Supporting the TND overlays with dialogue between ABCs
11 2. Outreach to other ABCs for alignment on our Vision Statement
12 3. Discussions on things that make Business Parks successful and how EGT
13 can provide them.

14
15 2020 Objectives

- 16 1. Community outreach meetings and resident communications to gather
17 feedback on what residents want to see or not see in East Goshen.
18 2. Business Park Strategic Plan
19 3. Revisit the Futurist Committee Vision statement with the Board of
20 Supervisors to ensure alignment.

21
22 Jon Altshul commented that all ABCs are expected to provide articles for the
23 newsletter. Also, the township has a Welcome Packet for new residential. He can
24 provide one if the Futurist Committee wants to design one for Commercial
25 companies.

26 Mike Lynch mentioned that there are opening for new members on the FC.

27
28 Municipal Authority

29 Dana Pizarro explained that the Municipal Authority, which is a legally separate
30 entity for the Township, is responsible for financing the construction, expansion and
31 upgrade of the Township’s sewage collection and treatment infrastructure.

32 Beginning in 2019, all sewer capital purchases are made through the Municipal
33 Authority, with transfers from the Sewer Operating Fund for both general operating
34 costs and new capital assets and the Sewer Capital Reserve for replacement capital
35 assets. Previously only the MA’s operating costs and selected capital expenses were
36 borne by the Municipal Authority.

37
38 2019 GOALS/ACCOMPLISHMENTS

- 39 1. Continued to monitor the upgrades at the West Goshen Sewer Authority.
40 Members attended meetings.
41 a. East Goshen is responsible for 16.7% of the costs of any capital
42 improvements at the WGSa plant. Total project estimated at \$21
43 million; total EGT share paid approximately \$3.5 million. 2017 EGT
44 Bond issued.
45 b. The EGMA actively monitored and tracked costs of the construction
46 project by attending WGSa meetings and conducting periodic site

- 1 visits to the plant to view the work in progress with support from Jon
2 Altshul and Mark Miller.
- 3 2. Continue to implement the inflow/infiltration Plan – ongoing
4 a. Asset Management Program/Indicator of Extraneous Flows to
5 Treatment Plants from Groundwater Rainwater into Sewer System
6 from Pipe and structural issues to Ridley Creek and Chester Creek
7 systems.
8 b. In concert with Public Works cleaning and televising.
- 9 3. Continue to operate the Ridley Creek Sewage Treatment Plant in
10 compliance with DEP permit requirements.
11 a. In compliance January, February, March, April, May, June, July,
12 October, November and December.
13 b. August/September in compliance except total P (limit=0.5 mg/l)
14 marginally above at 0.58 and 0.54 mg/l due to equipment failure of
15 actuator and decanter pressure relief valve. SBR 2 removed from
16 service and SBR 3 placed in service remained within mass loading rate
17 in permit.
- 18 4. Completion/acceptance of Tallmadge Drive sewer main replacement
19 carried into 2019.
- 20 5. Ongoing critical infrastructure – preparation for 2020 CIP.

21
22 2020 GOALS

- 23 1, Continue to monitor the upgrades at West Goshen Sewer Treatment Plant
24 and Westtown Way Pump Station. Members to attend meetings.
25 a. Westtown Way Pumping Station – EGT share estimated at \$1.65
26 million.
- 27 2. Continue to implement the Inflow and Infiltration Plan for the Sewer
28 System – ongoing.
- 29 3. Continue to operate the Sewer Treatment Plant in compliance with PADEP
30 permit requirement.
- 31 4. Implement Planned Projects Program:
32 a. Ridley Creek Sewer Treatment Plant
33 * Emergency Generator Replacement \$150,000 deferral
34 * Caustic Soda Project to improve worker safety and efficiency
35 for chemical addition at the plant - \$160,000
36 b. Pump Stations
37 * Hershey’s Mill Pump Station generator replacement- \$45,000
38 deferral
39 * Hunt Country Pump Station Mag Meter replacement -
40 \$15,000 deferral
41 * Hunt Country Pump Station Muffin Monster replacement -
42 \$67,000 deferral
43 * Hunt Country Pump Station Bypass Pump - \$99,435
44 carryover
45 c. Sewer System

1 * Two (2) new Ridley Creek Sewer System Permanent Flow
2 Meters - \$55,000 carryover.

3 Dana mentioned that Mike Lynch is the MA's liaison.

4 Mike Lynch asked for a description of the Muffin Monster. Dana explained that it
5 has teeth like a shredder which eliminates trash that gets into the system.

6 John Hertzog asked if there will be a rate change. Jon Altshul responded yes but not
7 severe. Dana is a wastewater engineer and he spoke about West Goshen's problems.

8 Kevin Cummings mentioned that there is a list of rates in the surrounding area and
9 East Goshen's rates are pretty low. Jon Altshul mentioned that the Municipal

10 Authority owns the system and leases it back to the Township. Public Works does
11 the maintenance along with Big Fish.

12
13 **Park and Recreation Commission**

14 Danny Liecht commented that Jason Lang is the most dedicated, caring and best
15 Park and Rec Director this side of the Mississippi. Jason spoke about how well the
16 Commission and he work together.

17 **2019 Accomplishments:**

18 1. All Park Commission accomplishments are shared with the Public Works
19 Department. They work early, late and tirelessly in support of park operations.

20 2. New events: Diamond Earrings Scavenger Hunt, Goshenville Ghost Walk,
21 Chesco Teen Filmmakers Showcase, Santa at the Blacksmith Shop.

22 3. Hosted 185 parties, 3,300 hours of sports in the park, offered EGT
23 managed 725 programming hours and 400 hours of volunteering opportunities.

24 4. Successfully added beer/wine garden to the Food Truck Festival, 4500 in
25 attendance.

26 5. Created multi-municipal fall Spotted Lanternfly Smash a Thon, won by
27 East Bradford Twp. Special thanks to Gabrielle Long for coordination.

28 6. East Goshen named 2019 PRPS Agency of the Year

29 7. East Goshen named NRPA Gold Medal Finalist community, first in
30 Pennsylvania.

31 **2020 Goals**

32 1. Develop marketing, programming and trail rules for the Paoli Pike Trail
33 (CP, PROS, MP). The section from Rte. 352 to Reservoir Road will be started in the
34 Spring. It should be open to the public in the Fall.

35 2. Develop plan for 2021 Full Day summer camp program at East Goshen
36 Elementary (PROS).

37 3. Finalize design elements for the amphitheater band shell in preparation
38 for 2021 grant applications (PROS, MP)

39 4. Offer nature and art focused programming. Will partner with West
40 Chester Garden Club to offer Nature Warrior Program (25 kids will be in the pilot
41 program led by Kishor); Photography Shop to offer filmmaking and photo camps;
42 Young Rembrandts to offer youth art programming (PROS).

43 5. Host West Chester University's Carnival of Ruin – a theatrical performance
44 with sustainability at its core.

45 6. Fellow ABCs – consider yourself challenged at this year's Pumpkin
46 Festival!!! Each ABC will design a pumpkin and the public will select a winner!

1 7. CP=Comprehensive Plan; PROS= Open Space Plan; MP= EGT Park Master
2 Plan
3 Marty mentioned the great job Jason does to apply for grants to cover many of the
4 programs.
5

6 **Pipeline Task Force**

7 Bill Wegemann mentioned that there are 9 pipelines in East Goshen Township now.
8 When Mariner 2 is done there will be 11. Marty explained that the Task Force is an
9 advocacy group. People who interviewed for a position were told they have to do
10 what is good for East Goshen. He thanked them very much for what they've done in
11 this first year.

12 **2019 Accomplishments**

13 1. Established routine operation of task force. Elected a Chairperson and
14 Vice Chairperson. Held 13 meetings in 2019.

15 2. Reviewed and provided comments on relevant pipeline legislation.
16 Members followed 19 bills that went to the PA. legislature.

17 3. Provided recommendations to BOS on environmental assessment for
18 Adelphia Gateway Project. BOS subsequently filed comments to FERC.

19 4. Provided detailed comments for ANPRO on safety regulations regarding
20 hazardous liquids public utility standards (Docket No. L-2019-301267). BOS
21 included these comments in their letter to PUC.

22 5. Provided detailed comments on several HDD Re-Evaluation Reports to
23 PADEP.

24 6. Investigated UV resistance of pipeline coating systems.

25 7. Provided a representative to the Chester County Environment Alliance.

26 8. Connected with Planning Commission to incorporate pipeline safety into
27 future planning projects.

28 9. Recommended that East Goshen Township request a cease and desist
29 order for Bow Tree/Strasburg HDD site based on Notice of Violation issued for
30 Noncompliance.

31 **2020 Objectives**

32 Note: Many of these objectives are ongoing or continuation of efforts already under
33 way.

34 1. Review and assess regulatory and technical aspects of pipeline
35 infrastructure projects. Provide comments to BOS on relevant pipeline legislation
36 (State and Federal) and regulatory documentation (PUC, FERC, PHMSA, DEP).

37 2. Advise BOS regarding pipeline incidents such as inadvertent returns
38 during drilling, sinkhole formation, ground water issues, noise ordinance violations,
39 spills, leaks and any other environmental violations.

40 3. Recommend securing services of a licensed professional geologist for
41 consultation on relevant documentation, legislation and issues.

42 4. Address questions and concerns from residents regarding pipeline
43 activities.

44 5. Provide input to BOS on communications (i.e. Newsletters, Constant
45 Contact Notifications) to residents regarding pipeline issues and activities.

46 6. Continue investigation of Boot Road Geophysical Survey Reports.

1 7. Provide recommendations to BOS and Planning Commission regarding
2 pipeline setbacks and consultation zones for zoning ordinances.

3 8. Fill vacancy on Task Force. Currently there are only six members. Full staff
4 is seven members.

5 9. Meet with state representatives, state senators, and county commissioners
6 on pipeline issues.

7 10. Provide input to Chester County Pipeline Safety Advisory Board.
8 Contribute to development of an emergency response plan.

9 11. Continue investigation of air quality monitoring and leak detection
10 systems for areas surrounding pipelines.

11 12. Continue investigation of dust monitoring and dust control measures at
12 pipeline construction areas.

13 13. Interact with the Sustainability Advisory Committee.

14 Bill encouraged people to come to the Task Force meetings so they know what's
15 going on.

16 Rick gave an update on the pipeline:

17 1. They will start pulling the 16" line from Bow Tree to Ss. Simon and Jude
18 Church. The 16" line will be done in East Goshen. They will start to drill for the 20"
19 line.

20 Marty gave credit to David Shuey and Mike Lynch for starting the Task Force.

21 **Historical Commission**

22 Chuck Proctor spoke about meetings they had at Hershey's Mill about adding the
23 Sullivan House to the East Goshen township inventory of historic properties. They
24 were very excited to join and asked that the next ornament be about the Sullivan
25 House.
26

27 **2019 Review and 2020 Outlook**

28 **Historical Commission Ornament** – In 2019 we released the second ornament
29 featuring the Sullivan House on the Hershey Mill campus. Ornaments were received
30 in time this year to offer at both Township events and the Sullivan House venues
31 over the holidays.

32 Holiday Sales: 63 of the Sullivan House and 32 Blacksmith Shop. Of 600 ornaments
33 ordered we have 129 in the public's hands. 34 Blacksmith Shop ornaments were
34 sold last year.

35 Of greater concern looking at the buyers, only about 20 people have both. As we
36 move forward, we have to consider setting the base order at 100. This nearly
37 doubles our cost and we net \$2-3. But until we have a base supporting the series
38 300 is too many.

39 We will continue to offer the ornaments for sale through the Sullivan House
40 Committee, Blacksmith Shop, Reception Desk and Township events.

41 **Historical Events** – Thanks to the support of Jason Lang and the P&R Commission,
42 two events were held at the Blacksmith Shop in 2019.

43 1. Escape Room – Bringing to life the escape of several Civil War soldiers
44 imprisoned in the area.

45 2. Ghost Walk – Featuring local tales of witchery and Hessian ghosts. And a
46 local paranormal group sharing their findings in the Blacksmith Shop.

1 Great feedback to have more of these events and at a larger scale. Requires more
2 people and planning to execute. The Ghost Walk alone could draw hundreds of
3 people and wander through the entire park. Will begin planning this with P&R in
4 late Spring.

5 Our Members – We had two resignations in 2019 and are operating with 5
6 members. Of greatest need is to develop or recruit a new board member to take a
7 very active role in the CCHPN. This is our primary source for education and
8 program support at the state level. Collectively we only attended 2 events in 2019.

9 The Blacksmith – We cannot thank our resident Blacksmiths enough. They have
10 engaged with countless folks traveling the area to tell the story of our Township’s
11 beginning. The passion they deliver is excellent. Their passion of their work, the
12 shop, and the tale is beyond what we could ask for. Think they will have a story/bio
13 soon coming in the spring newsletter as they emerge from their winter off.

14 2020 – Need to get some of the local scouting troops in for a tour. Would love to see
15 if we could have a blacksmith challenge to see who could win the title making an
16 18th century knife or tool. Would invite the other regional historical commissions
17 and interact with them. Would like to do The Battle of the Clouds presentation
18 again.

19 Chuck mentioned that they would like to have a trail to connect the Blacksmith Shop
20 with the Paoli Pike Trail. They would like to reorganize the HC office in the
21 township building.

22 Marty thanked Ed Lendrat for all he has done to record East Goshen’s history.

23 Michele mentioned that she took the Boy Scouts to the Blacksmith Shop for
24 meetings and they were very excited about it.

25 Mike Lynch appreciates wanting to work with other municipalities. East Bradford
26 did some interviews of long-time residents and put a presentation together which
27 was very successful.

28 Chuck has talked to Ted about having our area open when there are other events in
29 the area. Michele suggested the Willistown Sugartown Festival.

30 31 **Planning Commission**

32 Mike Koza mentioned that Chairman Brad Giresi has moved and Ernest Harkness is
33 the new Chairman and the one who wrote the report for this meeting. Mike gave the
34 following report:

35 Planning Commission significant accomplishments for 2019:

36 1. Developed and submitted to BOS Zoning Ordinance (TND Overlay District)
37 to support Comprehensive Plan Strategy

- 38 • 6.1 Transforming the Town Center into a viable, walkable, visit able
39 place
- 40 • 6.2 Transforming the Paoli Pike Corridor into a walkable, connected
41 artery

42 2. Developed and submitted to BOS, Incubator Use ordinance changes Comp.
43 Plan 7.3 allowing for new uses and smaller incubator businesses in the corporate
44 parks and the industrial park.

1 3. Supported review of several requests for Home Based Businesses. Comp.
2 Plan 7.7 Continuing No-impact Home-Based Business, Home occupations and Home
3 related Businesses.

4 4. Reviewed and submitted to BOS request for Duckling Early Development
5 Center, PECO modification to Conditional Use for pumping station, CTDI conditional
6 use amendment for change of use, ZEKS request for modification to conditions
7 approval.

8 5. Reviewed and submitted to BOS Ordinance Change in Business Park to
9 support request for Apartment development.

10
11 Planning Commission Goals for 2020:

12 1. Continue support for following Comprehensive Plan implementing
13 strategies:

- 14 • Objective 6.1 & 6.2 to develop the Town Center and Paoli Pike
15 Corridor
- 16 • Objective 6.3 transforming the West Chester Pike Corridor into a
17 more functional and attractive artery.
- 18 • Objective 7.2 promoting the enhancement of business opportunities
19 along the West Chester Pike Corridor.
- 20 • Objective 9.1 maintaining and expanding the Open Space,
21 Recreation, and Trails Network.
- 22 • Objective 9.2 developing the Paoli Pike Trail to create the linkage
23 between West Chester and Malvern through East Goshen from West
24 Goshen to Willistown.

25 2. Suggest New Goals for BOS approval

- 26 • Business Park Vitalization – review BP ordinance for possible
27 enhancements to promote Business Park Longevity
- 28 • Support BOS request for any review of Zoning Ordinance to support
29 Pipeline Safety
- 30 • Support BOS request to review existing township Zoning
31 Ordinances for possible revision and updates.

32
33 Marty commented that the Comprehensive Plan has a schedule of projects, listing
34 what they are and when they should be done. He encouraged all ABCs to review
35 what is in the Comp Plan for them. He appreciates everything the Planning
36 Commission does.

37 Mike Lynch mentioned that the PC keeps up to date with the latest trends.

38
39 Sustainability Advisory Committee

40 Christi Supple, Chairman, showed a new sign they had made to use at events. She
41 thanked the BOS for starting the Committee to encourage more environmentally
42 sustainable practices here in East Goshen.

43 Let me introduce our Vice Chair, Kipp Happ, a talented architect and project
44 manager, who brings a wealth of expertise with green building initiatives to our
45 work. We are privileged to include Tom Kilburn, East Goshen's guru for new growth
46 initiative; Monica Close who served admirably on the Planning Commission and

1 brings wonderful ideas to our meetings. Jeff O'Donnell a media expert extraordinaire,
2 who is leading our soon to be unfolding media roll out. Mary McCloskey, a dynamo
3 with a wealth of educational and community activist experience and Angela
4 Macchiata, an engineer we dearly hope to keep onboard despite her busy work
5 schedule. I'm just the one who turns the lights on and off for the meetings!
6 Our Committee is barely a year old. What we've accomplished to date has more to
7 do with choosing from a long list of potential projects we've discussed to plow
8 forward with this year, than what we can register in the accomplished column
9 already.

10 We introduced ourselves to the East Goshen public at the park last summer with an
11 interactive booth illustrating sustainable suggestions and hands on projects for
12 children. We're working on a number of other programs for the children and East
13 Goshen residents in the park this year 2020. These include working with the Boy
14 and Girl Scouts to help our youngest residents become future environmentalists.
15 Car charging stations for current owners of electric and hybrid vehicles is a goal of
16 our committee. These can be available for East Goshen township vehicles purchased
17 in the future.

18 We are working on a proposal for an East Goshen Community Garden which we
19 hope will lead to a home grown Farmer's Market by 2021. A special component of
20 this will be a designated section of plots for children and teens with training
21 sessions to help them.

22 A parallel program of educational modules for elementary students at our 2 schools
23 is another work in progress. These will be offered as in classroom opportunities,
24 before and after school programs, and assembly presentations.

25 Don't worry! The adults are not forgotten! Starting this March, we are offering at
26 least 4 sessions with experts, including our own East Goshen staff experts. The first
27 will focus on Solar and Geothermal options for homeowners and businesses. The
28 second will provide information on Composting, pesticide free lawns and gardens
29 and advice on buying organic products and produce. The third subject will
30 concentrate on water management, to cover storm drains, watering lawns and
31 gardens sustainably, and the purchase and utilization of rain barrels. East Goshen
32 already models this to our community with a rain barrel prominently displayed
33 right out front of the Township building. The fourth presentation will cover how to
34 recycle everything we possibly can to responsibly help protect our environment.
35 Out of these sessions we hope to glean additional ideas to pass along as suggestions
36 to our Supervisors. Perhaps a community compost site where residents can come to
37 enrich their gardens without resorting to fertilizers.

38 If you are caught up on your East Goshen Newsletters, you know we are initiating an
39 email chain to provide regular suggestions and elicit ideas from residents who are
40 most passionate about sharing in this way. We've had a great response so far and
41 would love to have you all join us as well!

42 Our intrepid Supervisors have already approved allowing our Committee extra
43 pages in an upcoming Newsletter to share sustainable suggestions. Hopefully this
44 will be in the May Newsletter.

1 We'd welcome collaboration with other East Goshen ABCs on potential joint
2 projects. For instance, we'd like to work to see many more trees planted to begin to
3 counteract the destruction inflicted on East Goshen by the pipeline juggernaut.
4 Once we have a number of workshops under our belts for young people in our
5 elementary schools and park, we aim for a joint program with adjacent townships
6 for the junior and high schools in our area. We also look forward to working with
7 the other Environmental and Sustainability Advisory Committees from adjacent
8 townships and have already begun this collaboration with the West Chester SAC.
9 In summation, we are overflowing with ideas, so talk to us if you have any
10 suggestions and projects we can help carry forward for our dearly loved East
11 Goshen township. Thanks for listening.

12
13 Marty pointed out the difference between the Futurist and Sustainability
14 Committees. He commented again about the importance of getting information to
15 the residents through the Newsletter.

16 Jon mentioned that the Council of Governments will meet tomorrow in West
17 Whiteland Township at 7:00 p.m. COG is comprised of 7 municipalities in Chester
18 County and the West Chester Area School District. He spoke about a study on
19 renewable energy and the local Sierra Club will give suggestions.

20 Mike Lynch feels it is ground-breaking and ambitious and it is time for local
21 governments to work together on renewable energy. It was formed 1 year ago and
22 is a great start at a very important time.

23 Marty thanked Susan D'Amore, staff member, for the refreshments.

24 Mike thanked everyone for attending. He spoke about the hours volunteers put in
25 and what it would be if converted to consultant fees.

26 Rick mentioned that in 2015 the average per hour was \$28.00 with a total hours of
27 about 100,000.

28 Marty commented that a survey was taken to change this meeting from Saturday
29 morning to a week night. For those here, is Tuesday better than Saturday. All
30 answered yes. He asked if anyone has suggestions to enhance the meeting please let
31 him or Rick know. This meeting is important so everyone knows what the others
32 are doing.

33 Marty also mentioned that the Hershey's Mill dam should be done this year and they
34 should have permits for the Milltown Dam this year.

35 Jon thanked everyone for what they do.

36 Michele commented that no organization can exist without volunteers.

37

38 Michele moved to adjourn the meeting. Mike Lynch seconded the motion. The
39 meeting was adjourned at 8:00 p.m.

40

41 Respectfully submitted

42

43

44 Ruth Kiefer, Recording Secretary.

45

46

**TREASURER'S REPORT
RECEIPTS AND BILLS**

January 30, 2020 - February 13, 2020

GENERAL FUND

Real Estate Tax	\$255,571.11
Earned Income Tax	\$797,850.54
Local Service Tax	\$70,600.26
Transfer Tax	\$50,101.02
<i>General Fund Interest Earned</i>	\$5,559.34
Total Other Revenue	\$76,154.60

Total General Fund Receipts: \$1,255,836.87

Accounts Payable	\$572,791.34
<u>Electronic Pmts:</u>	
Credit Card	\$0.00
Postage	\$1,000.00
Debt Service	\$0.00
Payroll	\$132,594.95

Total Expenditures: \$706,386.29

STATE LIQUID FUELS FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$1.67
Total State Liquid Fuels Receipts:	<u>\$1.67</u>

Accounts Payable	\$0.00
Total Expenditures:	<u>\$0.00</u>

CAPITAL RESERVE FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$4,228.90
Total Capital Reserve Fund Receipts:	<u>\$4,228.90</u>

Accounts Payable	\$280,855.61
Total Expenditures:	<u>\$280,855.61</u>

TRANSPORTATION FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$737.66
Total Transportation Fund Receipts:	<u>\$737.66</u>

Accounts Payable	\$0.00
Total Expenditures:	<u>\$0.00</u>

SEWER OPERATING FUND

Receipts	\$234,660.70
<i>Interest Earned</i>	\$956.55

Total Sewer Operating Fund Receipts: \$235,617.25

Accounts Payable	\$295,576.21
<u>Electronic Pmts:</u>	
Credit Card	\$0.00
Debt Service	\$0.00
Total Expenditures:	<u>\$295,576.21</u>

REFUSE FUND

Receipts	\$45,431.66
<i>Interest Earned</i>	\$394.55
Total Refuse Fund Receipts:	<u>\$45,826.21</u>

Accounts Payable	\$67,029.29
Total Expenditures:	<u>\$67,029.29</u>

BOND FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$6,657.96
Total Bond Fund Receipts:	<u>\$6,657.96</u>

Accounts Payable	\$70,309.00
Total Expenditures:	<u>\$70,309.00</u>

SEWER CAPITAL RESERVE FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$1,216.34
Total Sewer Capital Reserve Fund Receipts:	<u>\$1,216.34</u>

Accounts Payable	\$0.00
Total Expenditures:	<u>\$0.00</u>

OPERATING RESERVE FUND

Receipts	\$0.00
<i>Interest Earned</i>	\$808.24
Total Operating Reserve Fund Receipts:	<u>\$808.24</u>

Accounts Payable	\$0.00
Total Expenditures:	<u>\$0.00</u>

**EAST GOSHEN TOWNSHIP
MEMORANDUM**

TO: BOARD OF SUPERVISORS
FROM: JON ALTSHUL
SUBJECT: PROPOSED PAYMENTS OF BILLS
DATE: FEBRUARY 13, 2020

Attached please find the Treasurer's Report for the weeks of January 30, 2020 – February 13, 2020.

The General Fund revenues reflect disbursements from 2019 Q4 EIT returns, while expenses reflect the February payment to WEGO in the amount of \$350,818.

Capital Reserve Fund expenses reflect the cost of the chassis for the two new Dump trucks (\$102,826 x 2).

Sewer Fund expenses reflect the Q1 payment for operations and maintenance to West Goshen (\$132,099), as well as quarterly payments to Westtown for sewer flows from Cider Knoll (\$19,680) and Summit House (\$87,330)

Recommended motion: Mr. Chairman, I move that we graciously accept the receipts and approve the expenditures as presented in the Expenditure Register and as summarized in the Treasurer's Report.

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 1

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
1777				ADVANCED ELECTRONIC SECURITY						
	61068	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS	6675	02/11/20		02/11/20		1,385.00
				ANNUAL PINNACLE CARD MAINTENANCE						
										1,385.00
1903				ALTHOUSE, GARY						
	61069	1	01487 4600	TRAINING & SEMINARS-EMPLY	010820	02/11/20		02/11/20		10.00
				WEBINAR PCCA - 1/8/20						
	61070	1	01487 4600	TRAINING & SEMINARS-EMPLY	012220	02/11/20		02/11/20		30.00
				WEBINAR PCCA - 1/22/20						
										40.00
68				AMS APPLIED MICRO SYSTEMS LTD.						
	61071	1	01403 2200	R.E. TAX COLLECT - MISC EXPENSE	66453	02/11/20		02/11/20		130.00
				2020 CASS CERTIFICATION - TAX						
	61072	1	01401 3120	CONSULTING SERVICES	66365	02/11/20		02/11/20		215.30
				W2'S AND LABOR						
	61073	1	01401 3120	CONSULTING SERVICES	66404	02/11/20		02/11/20		1,097.00
				JANUARY 2020						
	61073	2	01414 5001	ZONING IT CONSULTING	66404	02/11/20		02/11/20		28.00
				JANUARY 2020 - GEO-PLAN						
										1,470.30
4217				AQUA PA						
	61075	1	01411 3630	HYDRANT & WATER SERVICE	020320 279	02/11/20		02/11/20		4,809.96
				310033 0310033 12/31/19-1/31/20 186						
	61075	2	01411 3631	HYDRANTS - RECHARGE EXPENSE	020320 279	02/11/20		02/11/20		2,404.98
				310033 0310033 12/31/19-1/31/20 93						
	61076	1	01411 3630	HYDRANT & WATER SERVICE	020320 HY6	02/11/20		02/11/20		155.16
				309987 0309987 12/31/19-1/31/20 HY6						
										7,370.10
82				ASSOCIATED TRUCK PARTS						
	61077	1	01430 2330	VEHICLE MAINT AND REPAIR	379217	02/11/20		02/11/20		279.60
				LAMP KITS						
										279.60
102				B&D COMPUTER SOLUTIONS						
	61078	1	01401 3120	CONSULTING SERVICES	00003283	02/11/20		02/11/20		2,000.00
				JANUARY 2020						
	61078	2	01407 2130	COMPUTER EXPENSE	00003283	02/11/20		02/11/20		462.00
				REFURBISH COMPUTER FOR SUSAN D.,						
				IPAD CASE FOR RCSTP						

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
										2,462.00
3518	61079	1 01401	3740	BANCTEC INC. MAINTENANCE & REPAIRS FEED ROLLER & BASE PAD - FOLDER MACHINE	92035570	02/11/20		02/11/20		318.00
										318.00
139	61080	1 01403	2200	BFMC INC. R.E. TAX COLLECT - MISC EXPENSE EAST GOSHEN TAX BILLS (8K)	21666	02/11/20		02/11/20		684.72
										684.72
1198	61084	1 01410	5400	BRANDYWINE VALLEY SPCA S.P.C.A. CONTRACT JANUARY 2020 STRAY PICK-UP/ACTIVITY	3517	02/11/20		02/11/20		2,134.28
										2,134.28
4226	61190	1 01454	3707	CHESTER CNTY CONSERVATION DISTRICT CLEAN BOW TREE POND 1 BOW TREE POND NPDES PERMIT	021120	02/11/20		02/11/20		1,500.00
										1,500.00
263	61189	1 01454	3707	CHESTER COUNTY CONSERVATION DISTRICT BOW TREE POND 1 BOW TREE POND PERMIT	021120	02/11/20		02/11/20		2,250.00
										2,250.00
242	61085	1 01403	2200	CHESTER COUNTY TREASURER R.E. TAX COLLECT - MISC EXPENSE DATA FILE ASSMT. - 2020	DCIS20200018	02/11/20		02/11/20		361.83
										361.83
3488	61086	1 01409	3740	CINTAS CORPORATION #287 TWP. BLDG. - MAINT & REPAIRS WEEK END 1/22/20 CLEAN MATS	4040634803	02/11/20		02/11/20		70.92
	61086	2 01487	1910	UNIFORMS WEEK END 1/22/20 CLEAN UNIFORMS	4040634803	02/11/20		02/11/20		547.56
	61087	1 01409	3740	TWP. BLDG. - MAINT & REPAIRS WEEK END 1/15/20 CLEAN MATS	4040073577	02/11/20		02/11/20		70.92
	61087	2 01487	1910	UNIFORMS WEEK END 1/15/20 CLEAN UNIFORMS	4040073577	02/11/20		02/11/20		547.56
	61088	1 01409	3740	TWP. BLDG. - MAINT & REPAIRS WEEK END 2/05/20 CLEAN MATS	4041882700	02/11/20		02/11/20		70.92

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
3488				CINTAS CORPORATION #287						
	61088	2	01487 1910	UNIFORMS	4041882700	02/11/20		02/11/20		547.56
				WEEK END 2/05/20 CLEAN UNIFORMS						
	61089	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS	4041272448	02/11/20		02/11/20		70.92
				WEEK END 1/29/20 CLEAN MATS						
	61089	2	01487 1910	UNIFORMS	4041272448	02/11/20		02/11/20		547.56
				WEEK END 1/29/20 CLEAN UNIFORMS						
										2,473.92
296				COMCAST 8499-10-109-0028306						
	61092	1	01401 3210	COMMUNICATION EXPENSE	012220	02/11/20		02/11/20		128.40
				0028306 FEBRUARY 2020						
										128.40
317				CONTRACTOR'S CHOICE						
	61093	1	01430 2330	VEHICLE MAINT AND REPAIR	00244583	02/11/20		02/11/20		119.22
				ENGINE OIL & ELASTA START						
	61094	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS	00244506	02/11/20		02/11/20		58.45
				AIR FILTER, REED VALVES, COMPRESSOR						
				OIL & SHOP SUPPLIES						
										177.67
3613				DELAWARE VALLEY HEALTH TRUST						
	61095	1	01486 1560	HEALTH, ACCID. & LIFE	17927	02/11/20		02/11/20		55,240.00
				FEBRUARY 2020 - MEDICAL & RX						
	61095	2	01213 1000	DENTAL INSURANCE W/H	17927	02/11/20		02/11/20		1,971.29
				FEBRUARY 2020 - DENTAL						
										57,211.29
3941				DISCOVERY BENEFITS INC.						
	61096	1	01487 1500	MISC. EMPLOYEE BENEFITS	000117904-IN	02/11/20		02/11/20		50.00
				JANUARY 2020 - FSA						
										50.00
418				EAGLE POWER AND EQUIPMENT						
	61097	1	01430 2330	VEHICLE MAINT AND REPAIR	P06054	02/11/20		02/11/20		125.00
				BATTERY 700CC						
	61098	1	01430 2330	VEHICLE MAINT AND REPAIR	P06152	02/11/20		02/11/20		151.18
				FUEL & AIR FILTERS						
										276.18

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 4

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2228	61100	1	01409 4300	EAST GOSHEN TWP. - TAX COLLECTOR WIRELESS TOWER TAX PAYMENTS 2020 CELL TOWER R/E TAX	020120	02/11/20		02/11/20		265.41
										265.41
3752	61099	1	01432 2460	EASTERN SALT COMPANY INC. SNOW - MATERIALS & SUPPLIES 192.45 TONS ROCK SALT	INV095744	02/11/20		02/11/20		11,933.82
										11,933.82
4225	61102	1	01401 3000	ENGINEERING NEWS-RECORD GENERAL EXPENSE 1 YEAR DIGITAL SUBSCRIPTION C.BOYLA	021120	02/11/20		02/11/20		58.00
										58.00
473	61103	1	01401 2100	FASTSIGNS MATERIALS & SUPPLIES ENGRAVED PLATE - MIKE PAGNANELLI	368-61081	02/11/20		02/11/20		33.26
										33.26
4136	61104	1	01401 3210	FIRSTNET - #287290606505 COMMUNICATION EXPENSE DECEMBER 2019	505X02082020	02/11/20		02/11/20		852.90
	61104	2	01401 3210	COMMUNICATION EXPENSE JANUARY 2020	505X02082020	02/11/20		02/11/20		927.08
										1,779.98
4137	61105	1	01401 3210	FIRSTNET - #287290608802 COMMUNICATION EXPENSE JANUARY 2020	802X02082020	02/11/20		02/11/20		636.87
										636.87
2999	61106	1	01414 3100	FITZPATRICK, CARA M. COURT REPORTERS ATTEND & TRANSCRIBE 12/17/19 MTG. - ORDINANCE AMENDMENT OF 1997	012420	02/11/20		02/11/20		100.00
										100.00

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1876				FOLEY INC.						
	61107	1	01430 2330	VEHICLE MAINT AND REPAIR	PS200041745	02/11/20		02/11/20		300.00
				TRANSPORT CHARGE - PARTS						
	61108	1	01432 3840	SNOW - EQUIPMENT RENTAL	A6448403	02/11/20		02/11/20		5,261.00
				WHEEL LOADER & BUCKET RENTAL 1/7 - 2/4/20						
										5,561.00
1970				GANNETT FLEMING INC.						
	61113	1	01408 3130	ENGINEERING SERVICES	060466.15*88610	02/11/20		02/11/20		3,300.00
				MILLTOWN DAM ANNUAL INSPECT. 10/26- 11/22/19						
										3,300.00
3000				GARNET FORD						
	61114	1	01430 2330	VEHICLE MAINT AND REPAIR	C81261	02/11/20		02/11/20		624.83
				REPAIR TRUCK #11 - FORD 2011 F-350						
										624.83
1849				HICKS BROTHERS LLC						
	61115	1	01438 2450	MATERIALS & SUPPLIES-HIGHWAYS	50478	02/11/20		02/11/20		212.50
				25 SMALL BALES STRAW						
										212.50
2717				HIGGINS & SONS INC., CHARLES A.						
	61116	1	01433 2500	MAINT. REPAIRS.TRAFF.SIG.	51215	02/11/20		02/11/20		4,970.00
				TRAF.LIGHT MAINT. 2020 INSPECTIONS & REPORTS FOR ALL LIGHTS, FLASHERS & SCHOOL SIGNAL						
										4,970.00
2739				KEEPER OF THE STATIONERY						
	61117	1	01454 3000	GENERAL EXPENSE	013020	02/11/20		02/11/20		35.20
				SHIPPING FEE FOR 4 5X8 NYLON FLAGS						
										35.20
3838				KNIGHT BROS. INC.						
	61118	1	01438 2460	TREE REMOVAL	14513	02/11/20		02/11/20		1,920.00
				TREE REMOVAL 12/20/19 ALLEY OFF CENTRAL						
	61118	2	01438 2460	TREE REMOVAL	14513	02/11/20		02/11/20		1,920.00
				TREE REMOVAL 12/23 & ALLEY OFF CENTRAL & BROAD STREET						
	61118	3	01438 2460	TREE REMOVAL	14513	02/11/20		02/11/20		2,450.00
				MISC.TREE SERVICE 12/24/19 LOG PICK -UP VARIOUS STREETS						

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
3838				KNIGHT BROS. INC.						
	61118	4	01438 2460	TREE REMOVAL	14513	02/11/20		02/11/20		2,120.00
				MISC.TREE SERVICE 12/26/19 STUMPS -VARIOUS STREETS						
	61118	5	01438 2460	TREE REMOVAL	14513	02/11/20		02/11/20		2,590.00
				MISC.TREE SERV. - ALLEY OF CENTRAL						
										11,000.00
739				KNOX EQUIPMENT RENTALS INC.						
	61119	1	01438 3840	EQUIPMENT RENTAL	49813.1.3	02/11/20		02/11/20		772.75
				EXCAVATOR & HYDRAULIC BREAKER RENTL 1/13 - 1/14/20						
										772.75
2813				LAYFIELD, RUBY						
	61120	1	01452 3711	PILATES	012920	02/11/20		02/11/20		273.70
				PILATE INSTRUCTION 1/8-1/29/20						
										273.70
2861				LITTLE INC., ROBERT E.						
	61121	1	01430 2330	VEHICLE MAINT AND REPAIR	03-704772	02/11/20		02/11/20		207.36
				JDC STAND						
	61122	1	01430 2600	MINOR EQUIP. PURCHASE	03-702781	02/11/20		02/11/20		111.96
				STIHL BG 50 - HAND HELD BLOWER						
	61123	1	01430 2330	VEHICLE MAINT AND REPAIR	03-703911	02/11/20		02/11/20		420.58
				JW GUARD & CARBINER MULTI-TOOL						
										739.90
813				MAIN LINE CONCRETE						
	61124	1	01454 3740	EQUIPMENT MAINT. & REPAIR	456457	02/11/20		02/11/20		564.00
				3 YDS CONCRETE 4000 PSI						
	61125	1	01454 3740	EQUIPMENT MAINT. & REPAIR	455165	02/11/20		02/11/20		102.00
				4 GALS. ACRYL 60 - APPLEBROOK						
										666.00
864				METROPOLITAN COMMUNICATIO						
	61127	1	01437 2460	GENERAL EXPENSE - SHOP	IN000110239	02/11/20		02/11/20		645.00
				UNIFICATION G5 PAGER						
	61128	1	01430 2330	VEHICLE MAINT AND REPAIR	IN000110240	02/11/20		02/11/20		1,185.00
				INSTALL 2 SIREN SWITCHES & SPEAKERS						
										1,830.00

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 7

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
1641				NAPA AUTO PARTS						
	61129	1	01430 2330	VEHICLE MAINT AND REPAIR 6 GALS. HYD/OIL	2-804127	02/11/20		02/11/20		110.94
	61130	1	01430 2330	VEHICLE MAINT AND REPAIR 4 GALS. HYD/OIL	2-804198	02/11/20		02/11/20		73.96
	61131	1	01430 2330	VEHICLE MAINT AND REPAIR 2 5G R&O HYD OIL	6-101704	02/11/20		02/11/20		97.90
	61132	1	01430 2330	VEHICLE MAINT AND REPAIR OIL, AIR & HYD FILTERS	2-804060	02/11/20		02/11/20		116.28
	61133	1	01430 2330	VEHICLE MAINT AND REPAIR V-BELT	2-803707	02/11/20		02/11/20		46.70
	61134	1	01430 2330	VEHICLE MAINT AND REPAIR BULBS & BEAMS	2-804174	02/11/20		02/11/20		25.00
										470.78
3548				OFFICE BASICS						
	61136	1	01401 2100	MATERIALS & SUPPLIES INDEX SHEETS, BINDERS & REPT. COVER SHEETS	I-440339	02/11/20		02/11/20		63.17
	61137	1	01401 2100	MATERIALS & SUPPLIES BINDER CLIPS, TABLE CLOTHES & REPT. COVERS	I-1436320	02/11/20		02/11/20		31.37
	61138	1	01401 2100	MATERIALS & SUPPLIES INK CARTRIDGES	I-1431380	02/11/20		02/11/20		198.72
	61141	1	01401 2100	MATERIALS & SUPPLIES EXPANDING POCKETS, BINDER CLIPS & TABLETS	429666561001	02/11/20		02/11/20		119.78
	61142	1	01401 2100	MATERIALS & SUPPLIES TONER & LABELS	432892330001	02/11/20		02/11/20		749.51
										1,162.55
1554				OFFICE DEPOT						
	61139	1	01401 2100	MATERIALS & SUPPLIES LABELER TAPE	411490806001	02/11/20		02/11/20		8.39
	61140	1	01401 2100	MATERIALS & SUPPLIES STORAGE POUCHES	429620306001	02/11/20		02/11/20		25.49
										33.88
2876				P T EQUIPMENT LLC.						
	61161	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS REPLACE BLOCK HEATER AT ADMIN. BLDG.	EA40-23-SI-01	02/11/20		02/11/20		207.50
										207.50

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 8

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2352				PECO - 99193-01400						
	61144	1	01434 3610	STREET LIGHTING	020320	02/11/20		02/11/20		700.40
				99193-01400 12/26/19-1/28/20						
	61144	2	01433 2470	UTILITIES - TRAFFIC LIGHTS	020320	02/11/20		02/11/20		600.73
				99193-01400 12/26/19-1/28/20						
										1,301.13
3153				PECO - 01360-05046						
	61147	1	01409 7505	BOOT & PROLI LED SIGN	013120	02/11/20		02/11/20		44.47
				01360-05046 12/30/19-1/30/20 BOOT						
				RD.LED						
										44.47
1555				PECO - 45168-01609						
	61145	1	01409 3840	DISTRICT COURT EXPENSES	012820	02/11/20		02/11/20		2,304.98
				45168-01609 12/18/19 - 1/27/20 GAS						
	61145	2	01409 3605	PW BLDG - FUEL,LIGHT,SEWER & WATER	012820	02/11/20		02/11/20		931.56
				45168-01609 12/18/19 - 1/27/20 ELEC						
										3,236.54
2591				PECO - 59500-35010						
	61146	1	01454 3600	UTILITIES	012820	02/11/20		02/11/20		36.10
				59500-35010 12/23/19-1/27/20 POND						
				PUMP						
										36.10
1052				PENNONI ASSOCIATES INC.						
	61148	1	01408 3130	ENGINEERING SERVICES	1010901	02/11/20		02/11/20		10,205.75
				SERVICES THRU 12/29/19 SUNOCO NOISE						
	61149	1	01408 3131	ENGINEER.& MISC.RECHARGES	1010902	02/11/20		02/11/20		486.50
				SERVICES THRU 12/29/19 SUNOCO E&S						
	61150	1	01454 3707	BOW TREE POND 1	1010903	02/11/20		02/11/20		27,487.00
				SERVICES THRU 12/29/19 BOW TREE #1						
	61151	1	01408 3131	ENGINEER.& MISC.RECHARGES	1010904	02/11/20		02/11/20		254.25
				SERVICES THRU 12/29/19 E.G.ELEM.SCH						
	61152	1	01408 3131	ENGINEER.& MISC.RECHARGES	1010905	02/11/20		02/11/20		1,196.50
				SERVICES THRU 12/29/19 DUCKLINGS						
				1302 WILSON						
	61153	1	01413 3130	ENGINEERING SERVICES	1010906	02/11/20		02/11/20		95.25
				SERV. THRU 12/29/19 1344 MORSTEIN						
	61154	1	01408 3130	ENGINEERING SERVICES	1010907	02/11/20		02/11/20		3,773.50
				SERVICE THRU 12/29/19 FOREST LANE						
	61155	1	01414 3131	537 PLAN-ENGINEERING	1010908	02/11/20		02/11/20		94.00
				SERVICE THRU 12/29/19 227 ELLIS						
	61156	1	01414 3131	537 PLAN-ENGINEERING	1010909	02/11/20		02/11/20		1,331.75
				SERVICE THRU 12/29/19 DIXON-LINE RD						

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 9

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
										44,924.50
1087				PIPE XPRESS INC.						
	61157	1	01432 2500	SNOW - MAINTENANCE & REPAIRS	103441	02/11/20		02/11/20		33.15
				BANJO - MANIFOLD FLANGED COUPLING						
										33.15
1201				SAFETY SOLUTIONS INC.						
	61162	1	01437 2460	GENERAL EXPENSE - SHOP	51509	02/11/20		02/11/20		597.90
				MEDICAL SUPPLIES - PW						
	61163	1	01409 2400	TWP. BLDG. - MATERIALS & SUPPLIES	51510	02/11/20		02/11/20		54.65
				MEDICAL SUPPLIES - OFFICE/ADMIN						
	61164	1	01437 2460	GENERAL EXPENSE - SHOP	51511	02/11/20		02/11/20		94.40
				MEDICAL SUPPLIES - SHOP						
										746.95
4172				SERVICEMASTER SERVICES						
	61165	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS	2317	02/11/20		02/11/20		1,039.50
				JANITORIAL SERVICE - TWP						
	61165	2	01409 3840	DISTRICT COURT EXPENSES	2317	02/11/20		02/11/20		310.50
				JANITORIAL SERVICE - DIST.CT.						
										1,350.00
2108				SIDELINES SPORTSWEAR & PROMOTIONS						
	61166	1	01487 1910	UNIFORMS	7079	02/11/20		02/11/20		128.80
				FLEECE JACKET & JERSEYS - M.TRUITT						
										128.80
3120				STTC SERVICE TIRE TRUCK CTRS INC.						
	61167	1	01430 2330	VEHICLE MAINT AND REPAIR	535269-17	02/11/20		02/11/20		895.16
				4 GOODYEAR TIRES - TRUCK #10						
	61168	1	01430 2330	VEHICLE MAINT AND REPAIR	546265-17	02/11/20		02/11/20		531.90
				CROP MAX TIRES - JOHN DEERE						
	61169	1	01430 2330	VEHICLE MAINT AND REPAIR	545100-17	02/11/20		02/11/20		1,551.80
				4 GOODYEAR TIRES TRUCK #42						
	61170	1	01430 2330	VEHICLE MAINT AND REPAIR	543785-17	02/11/20		02/11/20		1,359.80
				4 GOODYEAR TIRES TRUCK #41						
										4,338.66

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1340	61171	1	01409 3745	TINARI & SON, PHILIP PW BUILDING - MAINT REPAIRS CONCRETE FLOOR REPAIR	12025	02/11/20		02/11/20		2,040.00
										2,040.00
1423	61176	1	01438 2450	VIMCO MATERIALS & SUPPLIES-HIGHWAYS CHAPIN SPRAYER & L&M DRESS & SEAL	637287	02/11/20		02/11/20		181.00
										181.00
2815	61180	1	01437 2460	WOODCRAFT 537 GENERAL EXPENSE - SHOP MISC. ITEMS & SHIPPING	267272	02/11/20		02/11/20		95.98
										95.98
550	61181	1	01430 2330	XYLEM DEWATERING SOLUTIONS INC. VEHICLE MAINT AND REPAIR LIGHT WEIGHT HELIX HOSES	400981483	02/11/20		02/11/20		2,880.00
										2,880.00
1983	61185	1	01409 3740	YALE ELECTRIC SUPPLY CO TWP. BLDG. - MAINT & REPAIRS PHI 379024 ALTO 20 PACK	S114900812.001	02/11/20		02/11/20		294.68
	61186	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS BLINE STRAPS	S114995037.001	02/11/20		02/11/20		3.41
	61187	1	01409 3745	PW BUILDING - MAINT REPAIRS PHI 236851 PLUS ALTO 25 PACK	S114992479.001	02/11/20		02/11/20		213.30
	61188	1	01433 2450	MATERIALS & SUPPLIES - SIGNS SUREWAY BATTERY	S114995176.001	02/11/20		02/11/20		26.27
										537.66

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARP05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05				SEWER OPERATING						
151				BLOSENSKI DISPOSAL CO, CHARLES						
61081	1	05422	4502	R.C. SLUDGE-LAND CHESTER SWITCH 20 YDS W/LINER 1/20/20	176083	02/11/20		02/11/20		181.00
61082	1	05422	4502	R.C. SLUDGE-LAND CHESTER SWITCH 20 YDS W/LINER 1/13/20	176086	02/11/20		02/11/20		181.00
61083	1	05422	4502	R.C. SLUDGE-LAND CHESTER SWITCH 20 YDS W/LINER 1/27/20	176713	02/11/20		02/11/20		181.00
										543.00
497				COLLIFLOWER INC.						
61090	1	05420	3706	BARKWAY -MAINT.& REPR. HOSE ASSEMBLIES & MALE ELBOWS	01094880	02/11/20		02/11/20		913.06
										913.06
293				COLONIAL ELECTRIC SUPPLY						
61091	1	05420	3702	C.C. COLLEC.-MAINT.& REPR. DUCT SEALERS	13275956	02/11/20		02/11/20		14.90
										14.90
1747				EAST WHITELAND TOWNSHIP						
61101	1	05429	4520	CONTR. SERV. MALVERN INSTITUTE QTR.4 2019 SEWER PYMT.	012220	02/11/20		02/11/20		2,486.20
										2,486.20
813				MAIN LINE CONCRETE						
61126	1	05420	3702	C.C. COLLEC.-MAINT.& REPR. 3 YDS 4000 PSI CONCRETE	456264	02/11/20		02/11/20		534.00
										534.00
1087				PIPE XPRESS INC.						
61158	1	05420	3702	C.C. COLLEC.-MAINT.& REPR. PVC TERMINAL ADAPTER & CONDUIT LOCK	103437	02/11/20		02/11/20		9.19
61159	1	05420	3702	C.C. COLLEC.-MAINT.& REPR. ROLLS OF BUTYL SEALANT	103491	02/11/20		02/11/20		140.04
61159	2	05422	3701	R.C. COLLEC.-MAINT.& REPR. ROLLS OF BUTYL SEALANT	103491	02/11/20		02/11/20		140.04
										289.27

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 12

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2914				TOWLER, SCOTT A.						
	61173	1	05422 4500	R.C. STP-CONTRACTED SERV. SERVICE RE: RCSTP DECEMBER 2019	19-120131-1	02/11/20		02/11/20		14,764.45
	61174	1	05422 4500	R.C. STP-CONTRACTED SERV. SERVICE RE: RCSTP JANUARY 2020	20-013120-1	02/11/20		02/11/20		16,617.28
										31,381.73
3529				VERIZON - 442069312 MODEMS						
	61175	1	05420 3601	C.C. INTERCEPTOR-UTILITIES 12/26/19 - 1/25/20 MODEMS	9847080505	02/11/20		02/11/20		100.40
										100.40
1431				WEST GOSHEN TOWNSHIP						
	61177	1	05420 3850	C.C. WEST GOSHEN OPER/MAINT QTR.4 2019 OPERATIONS & MAINTENANCE	020220	02/11/20		02/11/20		132,099.10
										132,099.10
1470				WESTTOWN TOWNSHIP						
	61178	1	05429 4500	CONTR. SERV. SUMMIT HOUSE QTR.1 2020 SEWER - SUMMIT	010920-S	02/11/20		02/11/20		87,330.00
	61179	1	05429 4510	CONTR. SERV. CIDER KNOLL QTR.1 2020 SEWER - CIDER	010920 C	02/11/20		02/11/20		19,680.00
										107,010.00
1983				YALE ELECTRIC SUPPLY CO						
	61182	1	05420 3702	C.C. COLLEC.-MAINT.& REPR. PVC FITTING & BLACK MASTER REEL	S114914040.002	02/11/20		02/11/20		8.78
	61183	1	05420 3702	C.C. COLLEC.-MAINT.& REPR. SLOTTED HOLES, BRACKETS, CIRCUIT BREAKERS, ADAPTERS & OTHER ELECTRIC SUPPLIES	S114914040.001	02/11/20		02/11/20		205.74
	61184	1	05420 3702	C.C. COLLEC.-MAINT.& REPR. CIRCUIT BREAKER & 3 CIRCUIT LOAD CENTER	S114927943.001	02/11/20		02/11/20		166.34
										380.86

Report Date 02/12/20

Expenditures Register
GL-2002-72464

MARF05 run by BARBARA 9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
06				REFUSE						
4081				TOTAL RECYCLE INC.						
	61172	1	06427 4504	RECYCLING FEES	0000008809	02/11/20		02/11/20		2,905.52
				JANUARY 2020 RECYCLING FEES						
										2,905.52

Report Date 02/12/20

Expenditures Register
GL-2002-72464

PAGE 14

MARP05 run by BARBARA

9 : 22 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
08		BOND FUNDS (CAPITAL PROJECTS)								
4118				APPRAISAL REVIEW SPECIALISTS						
	61074	1	08459 6000	MISC TRAIL EXPENSES PAOLI PK. TRAIL SEG. A - PARCEL 2 & 3	4-A	02/11/20		02/11/20		2,800.00
										2,800.00
1970				GANNETT FLEMING INC.						
	61109	1	08454 6050	HERSHEY'S MILL ENGINEERING SERVICE 8/4-12/27/19 H.M.DAM - FULL BREACH	060466.05*88605	02/11/20		02/11/20		7,000.00
	61110	1	08454 6010	MILLTOWN DAM ENGINEERING SERVICE 8/3-12/27/19 MILLTOWN DAM - HAZARD REDUCTION	060466.06*88607	02/11/20		02/11/20		6,920.00
	61111	1	08454 6010	MILLTOWN DAM ENGINEERING SERVICE 8/3-12/27/19 MILLTOWN DAM - RESERVOIR ENHANCEMENTS	060466.11*88608	02/11/20		02/11/20		18,490.00
	61112	1	08454 6050	HERSHEY'S MILL ENGINEERING SERVICE 8/3-12/27/19 H.M DAM RESERV ENHANCEMENTS	060466.12*88609	02/11/20		02/11/20		23,314.00
										55,724.00
										526,298.20
										0 Printed, totaling 526,298.20

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	189,116.16	GENERAL FUND
05	05	275,752.52	SEWER OPERATING
06	06	2,905.52	REFUSE
08	08	58,524.00	BOND FUNDS (CAPITAL PROJECTS)
		526,298.20	

PERIOD SUMMARY

Period	Amount
2002	526,298.20
	526,298.20

Report Date 02/13/20

Procurement Card Entries

PAGE 1

Per	Budget #	Sub#	Description	Vendr	Vendor Name	Invoice #	Inv Date	Credit	Srcce Trx #	#	U
2002			CREDIT CARD PAYMENT								
	05420	3702	PORTABLE TOILETS - MORSTEIN &	3140	ACE PORTABLES INC.	158806	01/21/20	160.00	PC 72478	1	Y
	05422	4500	LAB TESTING RCSTP 12/24/19 - 1/14/20	2918	ALS ENVIRONMENTAL	40-2384478	01/27/20	432.00	PC 72478	2	Y
	06427	4502	WEEK 1/23/20 - 1/31/20	241	C.C. SOLID WASTE AUTHORITY	56194-R	01/31/20	6,030.19	PC 72478	3	Y
	05422	4502	WEEK 1/23/20 - 1/31/20	241	C.C. SOLID WASTE AUTHORITY	56194-S	01/31/20	595.47	PC 72478	4	Y
	01430	2320	462.1 GALS. DIESEL	1161	REILLY & SONS INC	179896-531	01/29/20	932.52	PC 72478	5	Y
	01430	2320	94.40 GALS. GASOLINE	1161	REILLY & SONS INC	179368-530	01/22/20	178.23	PC 72478	6	Y
	01430	2320	452.8 GALS. DIESEL	1161	REILLY & SONS INC	180530-531	02/05/20	887.04	PC 72478	7	Y
	01401	3210	1/28/20 - 2/27/20	2829	VERIZON - TWP.FIOS 0001-74	5527634-12720	01/27/20	109.99	PC 72478	8	Y
	05422	3601	1/28/20 - 2/27/20	2773	VERIZON - PW FIOS 0001-15	7528031-12720	01/27/20	111.99	PC 72478	9	Y
								9,437.43			

GENERAL LEDGER SUMMARY

GL Account #	Debit	Credit	Description
014XX-XXXX	2,107.78		GENERAL FUND Expense Account
01107-1010		2,107.78	GENERAL FUND Bank Account
054XX-XXXX	1,299.46		SEWER OPERATING Expense Account
05100-1005		1,299.46	SEWER OPERATING Bank Account
064XX-XXXX	6,030.19		REFUSE Expense Account
06100-1005		6,030.19	REFUSE Bank Account

Report Date 02/13/20

Expenditures Register
GL-2002-72500

PAGE 1

MARP05 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01	GENERAL FUND									
197	BUCKLEY BRION MCGUIRE & MORRIS									
61204	1	01404	3140	LEGAL - ADMIN	21675	02/13/20		02/13/20		1,151.50
				LEGAL SERVICE 1/03 - 1/30/20						
61204	2	01413	3140	LEGAL - TWP CODE	21675	02/13/20		02/13/20		20.00
				LEGAL SERVICE 1/03 - 1/30/20						
61204	3	01414	3110	LEGAL - CODES	21675	02/13/20		02/13/20		986.85
				LEGAL SERVICE 1/03 - 1/30/20						
61204	4	01414	3141	LEGAL - ZONING HEARING BOARD	21675	02/13/20		02/13/20		134.00
				LEGAL SERVICE 1/03 - 1/30/20						
										2,292.35
3490	COMCAST 8499-10-109-0111284									
61205	1	01401	3210	COMMUNICATION EXPENSE	020420	02/13/20		02/13/20		34.77
				0111284 2/9-3/8/20 PW SPEC.VIDEO						
										34.77
3941	DISCOVERY BENEFITS INC.									
61206	1	01487	1500	MISC. EMPLOYEE BENEFITS	0001092618-IN	02/13/20		02/13/20		50.00
				FSA - NOVEMBER 2019						
										50.00
1876	FOLEY INC.									
61207	1	01430	2330	VEHICLE MAINT AND REPAIR	W0200130684	02/13/20		02/13/20		594.09
				REPAIR TIRE - NAIL IN TIRE						
61208	1	01432	3840	SNOW - EQUIPMENT RENTAL	A6448402	02/13/20		02/13/20		5,261.00
				WHEEL LOADER & BUCKET RENTAL -						
				12/10/19 - 1/7/20						
										5,855.09
633	HODGSON'S AUTOMOTIVE INC.									
61211	1	01430	2330	VEHICLE MAINT AND REPAIR	84984	02/13/20		02/13/20		32.47
				EMISSIONS INSPECT.-2012 FORD ESCAPE						
61212	1	01430	2330	VEHICLE MAINT AND REPAIR	85027	02/13/20		02/13/20		32.47
				EMISSIONS INSPECT.-2019 FORD EXP.						
										64.94
739	KNOX EQUIPMENT RENTALS INC.									
61213	1	01438	3840	EQUIPMENT RENTAL	50092.1.2	02/13/20		02/13/20		176.00
				STONE BUGGY RENTAL 1/20-1/22/20						
										176.00

Report Date 02/13/20

Expenditures Register
GL-2002-72500

MARP05 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2876				P T EQUIPMENT LLC.						
	61217	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS ANNUAL SERVICE AGREEMENT 2020	012820	02/13/20		02/13/20		936.00
	61217	2	01409 3745	PW BUILDING - MAINT REPAIRS ANNUAL SERVICE AGREEMENT 2020	012820	02/13/20		02/13/20		936.00
										1,872.00
1032				PECO - 99193-01302						
	61220	1	01409 3600	TWP. BLDG. - FUEL, LIGHT, WATER 99193-01302 12/26/19 - 1/28/20	020720	02/13/20		02/13/20		4,013.10
	61220	2	01454 3600	UTILITIES 99193-01302 12/26/19 - 1/28/20	020720	02/13/20		02/13/20		320.46
										4,333.56
1783				STATE WORKERS INSURANCE FUND						
	61224	1	01411 6000	VOLUNTEER FIREFIGHTER WORKERS COMP INSTALLMT. 3 OF 11 POL.#05918452	013120	02/13/20		02/13/20		3,082.00
										3,082.00
2933				TRANS-FLEET CONCRETE						
	61225	1	01438 2450	MATERIALS & SUPPLIES-HIGHWAYS 20 CYDS. OFFSEASON 4000 CONCRETE	166227	02/13/20		02/13/20		1,968.00
										1,968.00
1470				WESTTOWN TOWNSHIP						
	61226	1	01410 5310	REGIONAL POLICE BLDG INTEREST FEBRUARY 2020 - INTEREST	021320	02/13/20		02/13/20		837.29
	61226	2	01410 5320	REGIONAL POLICE BLDG PRINCIPAL FEBRUARY 2020 - PRINCIPAL	021320	02/13/20		02/13/20		9,583.33
										10,420.62

Report Date 02/13/20

Expenditures Register
GL-2002-72500

PAGE 3

MARP05 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
03				SINKING FUND						
1876				FOLEY INC.						
	61209	1	03430 7400	CAPITAL REPLACEMENT - HWY EQUIP CATERPILLAR - MODEL 272D3XEHF	M3800201	02/13/20		02/13/20		69,000.00
										69,000.00
3551				MCMAHON ASSOCIATES INC.						
	61216	1	03460 7406	PAOLI PK.TRAIL - SEGMENT F PROF.SERVICE 11/30-12/31/19 PAOLI PIKE TRAIL SEGMENTS F & G	169501	02/13/20		02/13/20		1,170.00
										1,170.00
4140				REISINGER INC., DONALD E.						
	61221	1	03409 7400	CAPITAL REPLACEMENT-TWP BLDG APPLIC. 3 - VESTIBULE MODIFICATION	APP.#3	02/13/20		02/13/20		5,033.61
										5,033.61
1212				SAYRE INC., G.L.						
	61222	1	03430 7400	CAPITAL REPLACEMENT - HWY EQUIP 2021 PETERBILT CAB & CHASSIS #49	08294	02/13/20		02/13/20		102,826.00
	61223	1	03430 7400	CAPITAL REPLACEMENT - HWY EQUIP 2021 PETERBILT CAB & CHASSIS #48	08295	02/13/20		02/13/20		102,826.00
										205,652.00

Report Date 02/13/20

Expenditures Register
GL-2002-72500

MARP05 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05				SEWER OPERATING						
40				ALLIED CONTROL SERVICES						
	61201	1	05420 3702	C.C. COLLEC.-MAINT.& REPR. REMOTE LOGGER INSTALLATIONS	313998	02/13/20		02/13/20		352.00
	61201	2	05420 3704	C.C. COLLECT.-MAINT & REP - I&I REMOTE LOGGER INSTALLATIONS	313998	02/13/20		02/13/20		352.00
										704.00
197				BUCKLEY BRION MCGUIRE & MORRIS						
	61203	1	05429 3140	ADMIN - LEGAL LEGAL SERVICE 1/15 - 1/30/20	21676	02/13/20		02/13/20		183.55
										183.55
563				GRAINGER						
	61210	1	05422 3700	R.C. STP-MAINT.& REPAIRS SOLENOID VALVE FOR SLUDGE ROOM	9419607628	02/13/20		02/13/20		1,790.20
										1,790.20
598				HANSON AGGREGATES PENNSYLVANIA LLC						
	61214	1	05420 3702	C.C. COLLEC.-MAINT.& REPR. 55.54 TONS 1/4" STONE	3668596	02/13/20		02/13/20		1,124.69
										1,124.69
2876				P T EQUIPMENT LLC.						
	61217	3	05422 3700	R.C. STP-MAINT.& REPAIRS ANNUAL SERVICE AGREEMENT 2020	012820	02/13/20		02/13/20		936.00
	61217	4	05422 3701	R.C. COLLEC.-MAINT.& REPR ANNUAL SERVICE AGREEMENT 2020	012820	02/13/20		02/13/20		936.00
	61217	5	05420 3702	C.C. COLLEC.-MAINT.& REPR. ANNUAL SERVICE AGREEMENT 2020	012820	02/13/20		02/13/20		936.00
										2,808.00
2827				PECO - 04725-43025						
	61218	1	05420 3603	ASHBRIDGE - UTILITIES 04725-43025 1/3-2/4/20 WYLPN PUMP	020520	02/13/20		02/13/20		724.92
										724.92
1031				PECO - 99193-01204						
	61219	1	05420 3602	C.C. COLLECTION -UTILITIES 99193-01204 12/26/19 - 1/31/20	020720	02/13/20		02/13/20		529.82
	61219	2	05420 3604	MILL VAL./BARKWAY UTILITIES 99193-01204 12/26/19 - 1/31/20	020720	02/13/20		02/13/20		421.47
	61219	3	05420 3600	C.C. METERS - UTILITIES 99193-01204 12/26/19 - 1/31/20	020720	02/13/20		02/13/20		10.28

Report Date 02/13/20

Expenditures Register
GL-2002-72500

MARPO5 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05				SEWER OPERATING						
1031				PECO - 99193-01204						
	61219	4	05422 3601	R.C. COLLEC.-UTILITIES	020720	02/13/20		02/13/20		369.59
				99193-01204 12/26/19 - 1/31/20						
	61219	5	05422 3600	R.C STP -UTILITIES	020720	02/13/20		02/13/20		9,857.71
				99193-01204 12/26/19 - 1/31/20						
										11,188.87

Report Date 02/13/20

Expenditures Register
GL-2002-72500

MARPO5 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
06				REFUSE						
197	61203	2	06427 3140	BUCKLEY BRION MCGUIRE & MORRIS LEGAL SERVICES LEGAL SERVICE 1/15 - 1/30/20	21676	02/13/20		02/13/20		183.55

Report Date 02/13/20

Expenditures Register
GL-2002-72500

PAGE 7

MARP05 run by BARBARA 1 : 18 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
08				BOND FUNDS (CAPITAL PROJECTS)						
197	61202	1	08459 6000	BUCKLEY BRION MCGUIRE & MORRIS MISC TRAIL EXPENSES LEGAL SERVICE 1/7-1/23/20 PAOLI PK TRAIL	21682	02/13/20		02/13/20		120.00
										303.55
3551	61215	1	08459 6001	MCMAHON ASSOCIATES INC. SEGMENTS A&B ENGINEERING PROF.SERVICE 11/30-12/31/19 PAOLI PIKE TRAIL SEGMENTS A & B	169491	02/13/20		02/13/20		11,665.00
										11,665.00
										341,497.72
0 Printed, totaling										341,497.72

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	30,149.33	GENERAL FUND
03	03	280,855.61	SINKING FUND
05	05	18,524.23	SEWER OPERATING
06	06	183.55	REFUSE
08	08	11,785.00	BOND FUNDS (CAPITAL PROJECTS)
		341,497.72	

PERIOD SUMMARY

Period	Amount
2002	341,497.72
	341,497.72

Report Date 02/13/20

Procurement Card Entries

PAGE 1

Per	Budget #	Sub#	Description	Vendr	Vendor Name	Invoice #	Inv Date	Credit	Srce Trx #	#	U
2002			CREDIT CARD PAYMENT								
	06427	4500	RESIDENTIAL PICK-UP FEBRUARY 2020	2762	AJB A.J. BLOSENSKI INC.	02100656	02/01/20	57,910.03	PC 72499	1	
	01430	2330	TARP STRAPS	2442	KENT AUTOMOTIVE	9307324665	01/22/20	600.04	PC 72499	2	
								58,510.07			
								58,510.07			

GENERAL LEDGER SUMMARY

GL Account #	Debit	Credit	Description
014XX-XXXX	600.04		GENERAL FUND Expense Account
01107-1010		600.04	GENERAL FUND Bank Account
064XX-XXXX	57,910.03		REFUSE Expense Account
06100-1005		57,910.03	REFUSE Bank Account

Memo

To: Board of Supervisors
From: Park and Recreation Commission
Re: Community Day Activities
Date: February 14, 2020

Community Day has been scheduled for Saturday, June 27th with a rain date of Sunday, June 28th. Per Township procurement standards; the Director of Parks and Recreation has received the following price quotes to be reviewed by the Park and Recreation Commission. Quotes were for the exact type, quality and quantity of service. It is important to note, the Friends of East Goshen 501c3 anticipates financially supporting the event in its entirety.

Name	Service Provided	Service Fee
D & M Fireworks	Fireworks Demonstration	\$12000
Skyshooter Displays	Fireworks Demonstration	\$8500
International	Fireworks Demonstration	\$8750
Bixler Pyrotechnics	Fireworks Demonstration	\$8450

Name	Service Provided	Service Fee
One Stop Party Shop -	Inflatables and Carnival Games	\$3667.75
Circus Time -	Inflatables and Carnival Games	\$6560
Bette's Bounces -	Inflatables and Carnival Games	\$3832.80
	Inflatables and Carnival Games	\$2695*

*Does not include: trackless train plus staff, mini-striker, high striker (\$995)

After reviewing the above price quotes, the Park Commission recommends selecting Bixler Pyrotechnics Fireworks and One Stop Party Shop for Community Day.

Bixler Pyrotechnics is the fireworks recommendation because:

- Price quote is the lowest.
- Bixler Pyrotechnics comes highly recommended from other special event organizers in the parks and recreation community and have done impressive shows with a fully computer controlled firing system. This firing system improves timing of shells and increases on site safety.

One Stop Party Shop is the inflatables recommendation because:

- Price quote is the lowest
- Customer service (determined at events) has been among the best for the above vendors.
- One Stop Party Shop will provide staff for the trackless train and gas; additional Township cost savings

Motion:

I move to select Bixler Pyrotechnics and One Stop Party Shop for the above listed Community Day services.

Rick Smith

From: Patricia Rooney <patroon3@gmail.com>
Sent: Thursday, February 6, 2020 2:19 PM
To: Rick Smith; MShane@eastgoshen.org
Cc: Carole Rubley
Subject: Fair Districts PA Resolution Request
Attachments: FDPA About Us 200126.pdf; FDPA-Research-Highlights-2019-Survey-of-PA-Sentiment-on-Legislative-Redistricting-Home-Print-Version.pdf; Two Bills Summary 200130.pdf; SelectionProcess 190610 (2).pdf; FAQ Handout 190214 (2).pdf; Resolutions List 2020-01-29.pdf; Resolution East Goshen Twp Feb2020.Word.docx

Manager Smith and Chairman Shane,

Several residents of East Goshen would like the East Goshen Township Board of Supervisors to sign a resolution in support of redistricting reform and therefore would like to make that request in the public comment section of the regularly-scheduled meeting BoS meeting Feb 18. Many nearby townships and boros have already come out in support of fair districting and the Chester County commissioners have also passed this resolution. Representative Comitta cosponsors House bills 22/23 that Fair Districts PA endorses, and Senator Killion is the lead sponsor of Senate bills matching the House bills, SB 1022/1023.

By signing a resolution in support of an independent redistricting commission at this time East Goshen Township performs an important duty of education of township residents of this critical discussion about PA's legislative and congressional districting, and it also helps townships still struggling with this issue understand that it is indeed the place of local townships and boroughs to weigh in on issues that so clearly affect residents and the municipality's own ability to govern well.

Below please find several documents that offer detailed information about the redistricting reform supported by Fair Districts PA. You will note Fair Districts PA does not insist you endorse specific legislation, just that you consider past mapping practices and acknowledge we can and must improve upon those methods by creating an independent redistricting commission to draw district lines in a nonpartisan transparent manner open to scrutiny. To date, 354 governing bodies including 22 county commissions have declared support for fair districting practices through this resolution. Below please also find a list of the actual townships and municipalities who support change.

Please also find attached some information about Fair Districts PA, a nonpartisan nonprofit project of the League of Women Voters and composed entirely of concerned volunteers within Pennsylvania. Attached also find the resolution template that other municipalities and townships have used for this initiative. Much more information can be found on [our website](#), and through the links at the bottom of the website's landing page.

Thank you for acknowledging democracy-in-action,

Patricia Rooney
Volunteer, Fair Districts PA
P.O.Box 193
Honey Brook, PA 19344
patroon3@gmail.com
617-347-3946 (cell)

Two Bills/One Commission

Summary of Bills

House Bill 23 (HB 23) & Senate Bill 1023 (SB 1023)

Will create an independent citizens commission to draw federal congressional districts.
Does not require a constitutional amendment.



11 registered voters
4 Republicans, 4 Democrats,
3 unaffiliated or third-party voters



No politicians or lobbyists
No partisan favoring for anyone!



Diversity required
Reflect Pennsylvania's racial,
geographic and gender diversity



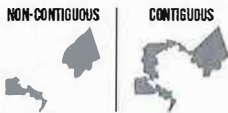
Transparency
Including public input before and
after the maps are drawn



Voting Rights Act
Maps must comply with this
federal law



Failsafe: Elimination voting
If commission deadlocks, elimination
voting is used to resolve it



Compact and contiguous districts
No cracking! A county may not contain
more districts than the number required by
population plus one. Written explanations
required for exceptions

Commissioners vote to rank the
maps. The map receiving the lowest
rank is dropped following each
round of voting until one map
remains

House Bill 22 (HB 22) & Senate Bill 1022 (SB 1022)

Will define how to draw state legislative districts.

Requires a constitutional amendment. That means HB 22/SB 1022 must pass two consecutive sessions of the General Assembly and then be approved by voters in May 2021.

- Same commission as created by HB 23/SB 1023
- Same safeguards as HB 23/SB 1023
- Same failsafe in the event of a deadlock
- Different approval timeline

2019

HB 22 & 23
Introduced.



2020

SB 1022 & 1023 Introduced.
HB 22/SB 1022 passed by both chambers -
early summer.
HB 23/SB 1023 passed by both chambers
- early summer - and signed
into law by Governor.

COMMISSION CREATED!

2021

Introduce & pass HB 22/SB 1022
(second time).

Commission holds public
hearings and begins work
on federal congressional
districts.

May 21 - referendum passes



**May 21 Primary
referendum vote**

After
referendum
passes,
commission
begins work
on
state
districts.



2019 Survey of PA Sentiment on Legislative Redistricting

RESEARCH HIGHLIGHTS

THE BACKGROUND

First-of-its-kind information reveals the attitudes behind Pennsylvania voters' overwhelming support for redistricting reform. Pennsylvania voters are clear that the current redistricting process is designed to maximize party influence, minimize accountability and reduce competition. **Sixty-seven percent (67%) of voters support an independent commission to draw state and federal districts, including majorities of Democrats (66%), Independents (78%), and Republicans (63%)** along with support across all demographic groups and the state's diverse geographic regions.

Today, congressional and state legislative voting districts are redrawn every 10 years following the census and based on changes to the state's population. In the current process, state legislative districts are drawn by four state legislators and a fifth commissioner chosen by those four, or, if they can't agree, by a majority of the PA Supreme Court. Congressional districts are passed as a bill by the General Assembly and approved or vetoed by the governor.

THE SURVEY

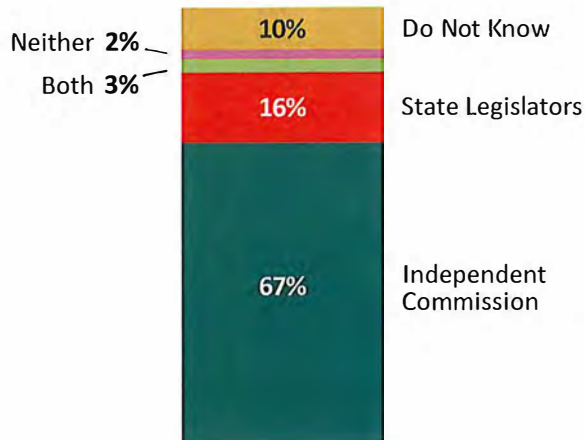
In September 2019, the Center for Opinion Research at Franklin & Marshall College conducted a statewide survey* of registered voters on the topic of government reform, with an emphasis on redistricting reform. The survey was sponsored by the League of Women Voters of Pennsylvania Citizens Education Fund and Fair Districts PA (FDPA), a nonpartisan, statewide coalition of volunteers from all walks of life and political stripes. FDPA seeks a redistricting process that is transparent, impartial and fair — one that benefits all PA citizens. This summary provides an overview of the key findings from the research.

*Methodology: The survey was designed and administered by staff at the Center for Opinion Research at Franklin & Marshall College. 901 phone interviews were conducted from August 20 to September 10, 2019. The research was sponsored by Fair Districts PA and the League of Women Voters of Pennsylvania Citizens Education Fund. The full report, along with more detailed methodology, is available at FairDistrictsPA.com.

67% of Pennsylvania-registered voters support an independent commission to draw state legislative districts.

REDISTRICTING PREFERENCES, PA-REGISTERED VOTERS

State legislative districts are currently re-drawn every 10 years based on changes to the state’s population. New legislative districts are re-drawn by state legislators and the state supreme court. Do you think state legislative districts should be created by an independent commission or do you think these districts should continue to be drawn by state legislators?



A call for change cuts across geographic regions and party lines including majorities of Democrats (66%), Independents (78%), and Republicans (63%).

REDISTRICTING PREFERENCES, PA-REGISTERED VOTERS

Do you think state legislative districts should be created by an independent commission or do you think these districts should continue to be drawn by state legislators?

	Independent Commission	State Legislative Leaders	Both	Neither	Do Not Know
PARTY					
Republican	63%	19%	7%	3%	8%
Democrat	66%	14%	12%	2%	6%
Independent or something else	78%	7%	6%	4%	6%
REGION					
Philadelphia	69%	14%	11%	3%	4%
Northeast	65%	13%	8%	3%	11%
Allegheny	70%	19%	5%	3%	3%
Southwest	57%	18%	18%	3%	5%
Northwest	59%	22%	7%	0%	13%
Central	71%	12%	10%	4%	4%
Southeast	68%	15%	7%	2%	8%

Voters overwhelmingly support redistricting reform because the current system puts party interests ahead of voter interests, creates gridlock and polarization, and ultimately allows officials to choose their own voters instead of voters choosing their elected officials.

FEELINGS ABOUT REDISTRICTING OUTCOMES, PA-REGISTERED VOTERS

Do you agree or disagree with each of the following statements about the current system of drawing legislative districts in Pennsylvania?

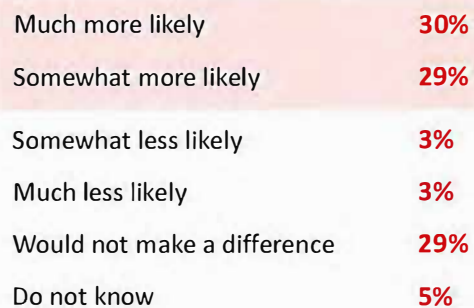
The current system of drawing legislative districts in Pennsylvania ...



59% of voters would be more likely to vote for a legislator who supports use of an independent commission for redistricting.

VOTE

Would you be more likely or less likely to vote for a state legislator who supports the use of an independent commission to draw legislative districts in the state or wouldn't it make much difference in how you voted? Is that much [more / less] likely or somewhat [more / less] likely?



Source: Survey conducted August 20 – September 10, 2019

The survey reinforces that the
**CALL FOR CHANGE CUTS
ACROSS PARTY LINES AND
GEOGRAPHIC REGIONS.**

—— *Not red, not blue, just fair.* ——

Visit FairDistrictsPA.com today to learn more.
Find out how you can support redistricting reform
that includes an independent commission.



226 Forster Street
Harrisburg, PA 17102
(800) 313-1597



FAIR DISTRICTS PA IS A PROJECT OF
LEAGUE OF WOMEN VOTERS'
OF PENNSYLVANIA

Independent Citizens Redistricting Commission Selection Process

1. Voters Apply

Open application is available to all registered voters



2. Collect & Verify

Secretary of Commonwealth (SoC) verifies each that applicant meets the qualifications



3. Pools of Qualified Applicants

SoC separates qualified applicants into three pools: Republican, Democrat, and unaffiliated or third party voters



4. Applicants Randomly Selected

SoC selects 120 applicants, 40 from each pool, using a weighted selection process to ensure racial, gender, and demographic diversity



40:40:40

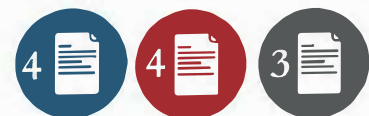
5. Strikes by Each Party

Republican and Democratic party leaders can each remove up to two applicants from each pool (no more than six total)



6. Final Random Selection

SoC randomly selects from pools: 4 Republicans, 4 Democrats, 3 unaffiliated or third party commissioners



Independent Citizens Redistricting Commission

Who Can Serve?

Commission Members

- 11 registered voters: 4 Republicans, 4 Democrats, 3 three unaffiliated or third party voters
- **No politicians or lobbyists**
- Reflect Pennsylvania's racial, geographic and gender diversity



Qualifications

- Same political affiliation for three years
- Voted in two of the last three elections
- No insider connections
- No federal or state job or elected office for five years
- No lobbying for five years
- Not a candidate for election for five years
- No political party, committee or PAC job for five years



Restrictions

While serving and for at least three years after, commissioners can't:

- Be paid staff or consultant to Congress or the General Assembly
- Be appointed to a paid or unpaid position by the Governor
- Register as a federal or state lobbyist
- Be paid by a political party, committee or PAC



While serving and for at least five years after, commissioners and spouses can't:

- Hold federal or state office (appointed or elected)
- Be nominated as a candidate for elected office
- Be an officer of a political party, committee or PAC





Working to Ensure **FAIR DISTRICTS & FAIR ELECTIONS**

Pennsylvania Redistricting Reform: House Bills 22 and 23

Frequently Asked Questions

Q1. Do voters care enough to make redistricting reform an election issue?

A1. Many do care, and they're paying attention to the details. In a Franklin & Marshall College survey in March 2018, two-thirds of voters (67 percent) said they were aware of the state Supreme Court ordering a new map of congressional districts, and of those who were aware, 9 out of 10 said they believed the old map had been drawn unfairly. That included a majority (52 percent) of registered Republicans.

Q2. Why should the General Assembly pass House Bills 22 and 23 rather than any of the other redistricting reform bills?

A2. HB 22 and HB 23 are similar in many ways to HB 722 from the 2017-18 session of the General Assembly. The bills were drafted after talks between supportive lawmakers and various civic groups interested in meaningful reform, with input from election reform analysts and citizens involved in successful reform efforts in other states. The bills include these key reforms:

1. Creation of an independent redistricting commission for both congressional and state legislative redistricting, with members to be chosen at random from lists of citizen-applicants meeting criteria to be set by the Legislature;
2. A prohibition against commission service by lobbyists, government officials or their family members;
3. A transparent redistricting process, encouraging public input; and
4. Strict criteria for drawing district boundaries and prohibitions against maps designed to protect incumbents or to unfairly discriminate against individuals or groups.

Q3. Why is it necessary to enact two bills to reform the redistricting process?

A3. Changing the redistricting process for state House and Senate districts requires changing the state constitution, a process which requires the Legislature to pass a constitutional amendment (HB 22) in two consecutive two-year sessions followed by a voter referendum. The earliest that could occur would be at the Primary Election in May of 2021. However, changing the process for redistricting of congressional districts does not require a constitutional amendment and can be accomplished during the 2019-20 session of the General Assembly. HB 23 provides a vehicle to do that. Once HB 23 is enacted into law, an independent redistricting commission will be formed and begin taking steps necessary to be ready for redistricting after the 2020 federal census is completed. By the time HB 22 is

approved by the voters at the May 2021 Primary, the new commission will already be in place and ready to handle both congressional and state legislative redistricting.

Q4. Gerrymandering has been around a long time. Why are we just hearing about this now?

A4. Gerrymandering has been part of the political process for centuries, but by any measure it has become far worse in recent decades. New mapping and data-mining technologies allow mappers to predict district outcomes with great precision in a way that increasingly deprives voters of choice. While squiggly lines are not the problem, districts that unnecessarily divide counties and townships or wrap around each other in odd ways are clear indicators of partisan intent. Voters believe these districts undermine accountability and protect unresponsive incumbents. While some reform organizations have been working on this since the 1990s, many more citizens are just now becoming aware of the need for reform before the 2020 census.

Q5. Relative to other states, just how badly is Pennsylvania gerrymandered?

A5. Very badly indeed. The Electoral Integrity Project, a global election watchdog organization, gave PA's redistricting process an 11 on a scale of 1 - 100, third worst of all the states by this measure. Until the congressional district map was redrawn in 2018, Pennsylvania's congressional district plan ranked as the most, or among the three most, gerrymandered states in the nation.

Q6. You can't take politics out of the redistricting process. Even the courts have recognized that political motivation doesn't make a redistricting plan invalid.

A6. HB 22 and HB 23 are designed to minimize the influence of political motivations and to create districts that respect existing county and municipal boundaries. When you look at what gerrymandering has done to state legislative and congressional districts in Pennsylvania, the status quo is indefensible. An independent citizens commission could not possibly do worse. No other advanced democracy in the world allows partisan politicians to draw their own political boundaries.

Q7. Why is the proposed legislation better than the current system? Legislators are accountable to the voters, while the commission members would not be.

A7. Under the current system, redistricting plans are developed by a small number of legislative leaders from each caucus, dominated by whichever party is in the majority. Those leaders are not accountable to voters in the districts being gerrymandered. HB 22 and HB 23 allow the General Assembly to determine the necessary qualifications of members of the independent commission, and the commission's decisions can be appealed to state courts.

Q8. Is it true that gerrymandering is only a problem for congressional redistricting and not for state House and Senate district maps?

A8. No. Pennsylvania's legislative districts are among the worst gerrymanders in the nation, according to the Princeton Gerrymandering Project. In the November 2018 election, Democrats received 55% of the statewide vote, but they won only 45% of the 203 House seats. This discrepancy is not explained simply by the reality that more Democrats live in densely populated urban areas.

More significant is the fact that Republicans won their seats with a smaller percentage of the vote in each district (64.4 percent on average) compared with the share of the vote Democrats received in the districts they won (69.9 percent). This did not happen by accident. Rather, the 2011 House

redistricting plan used highly sophisticated mapping technology to pack Democrats into districts where their votes were not needed for a Democrat to win and moved smaller blocks of Democrats into districts that remained “safe” for Republicans. The so-called “blue wave” of Democratic voters had limited impact on the state House because gerrymandering caused large numbers of Democratic votes to be “wasted.”

By another measure, vote-to-seat skew, Pennsylvania’s legislative districts showed a 9 percent gap between votes cast and seats won, compared to a 6 percent gap in the two next-most gerrymandered states, Michigan and North Carolina. In November 2018, Michigan’s voters overwhelmingly approved an independent redistricting commission, while North Carolina’s legislative districts have been the focus of continuing litigation.



Q9. How will the commission be independent if the Secretary of State – a political appointee – is involved in the process?

A9. The Department of State is already charged with numerous responsibilities having to do with our electoral process. As the head of that department, the Secretary of the Commonwealth – who is a constitutional officer – has a constitutional duty to promote the integrity of the electoral process. Other states have chosen to assign some of the responsibility for selecting commissioners to other agencies or appointees and there may be various options in Pennsylvania as well.

Q10. What would happen if the redistricting commission is unable to agree on new maps in time for the next election?

A10. In the unlikely event that the commission deadlocks on a redistricting plan, the bills provide for an elimination-voting process. Each commissioner or group of commissioners would propose maps for congressional and state legislative districts. The commissioners would rank the maps in order of preference and the maps receiving the lowest combined ranking in each round of voting would be

eliminated, until only one map remains in each category. This keeps the redistricting process within the independent commission until the process is completed rather than allowing the Legislature or the courts to draw the maps as some other reform proposals would do if the commission cannot reach consensus.

Q11. Have independent citizen commissions in other states resulted in more even election results?

A11. Several states have enacted laws to create redistricting commissions, including four (Colorado, Ohio, Michigan and Utah) in just the past year. The laws differ in the degree of independence from the legislature and the criteria they would apply in drawing district lines. In general, voters have been pleased with the results. The best measure of success is that voters believe their votes count and that the number of seats won reflects more closely the wishes of voters.

Q12. Weren't there problems with the California redistricting process? There was a ProPublica article that said Democrats hijacked it.

A12. While HB 22 and HB 23 have similarities to California's legislation, the bills do not include language about "communities of interest" that opened the door to the problems addressed in the ProPublica article. Even though the California process wasn't perfect, most analysts agree it dramatically changed the tone of elections, opened the door to new voices and restored confidence in elections. Harvard's Kennedy School of Government recently awarded the California Citizens Redistricting Commission a \$100,000 grant to support similar initiatives elsewhere, noting "the California Citizens Redistricting Commission shows how citizens can take the lead in redistricting efforts to construct maps that respect communities and citizens and are fair to political parties. It is an innovation that other states should consider emulating."

Q13. Why would a Republican legislator vote to change our redistricting procedures?

A15. Gerrymandering has hurt the nation's capacity for problem-solving, with negative consequences for economic growth. In Pennsylvania, that's evident in a low state credit rating, in poor workforce development and in the kind of legislative uncertainty that deters corporate investment.

Also, Republicans will not control the next round of legislative redistricting, as they did in 2011. The current PA Supreme Court now has a majority of justices elected as Democrats. It will be the final authority on the legality of any of the legislative or congressional maps drawn after the 2020 census. The state Constitution sets a high standard for legislative maps, stating that no counties or municipalities shall be divided "unless absolutely necessary." This provides the court with a strong basis to assert itself in any redistricting disputes that reach the court.

Under the current redistricting rules in the state Constitution, the five-person Legislative Reapportionment Commission includes four elected leaders of the state House and Senate, two Democrats and two Republicans, plus a fifth person to be chosen by those four. If the four can't agree on their fifth member, as usually occurs, the Constitution says the appointment shall be made by the Supreme Court. That could permit Democratic Party leaders to take control of the next round of legislative redistricting even though Republicans may still have majority control of both chambers of the General Assembly.

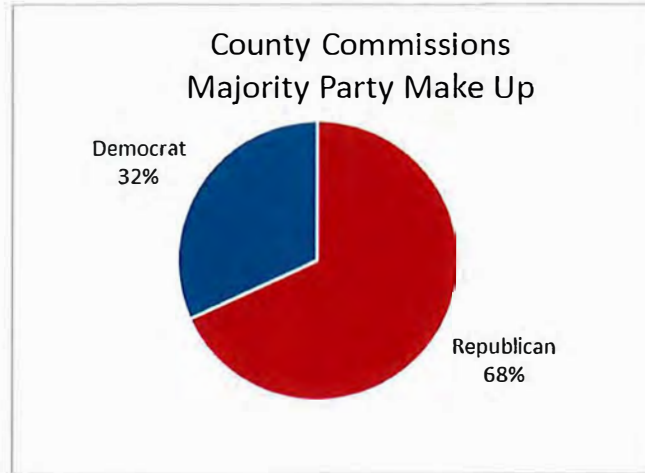


Resolutions of support

for fair redistricting practices adopted by PA Municipalities, Counties and Associations

22 County Commissions that adopted a resolution in support:

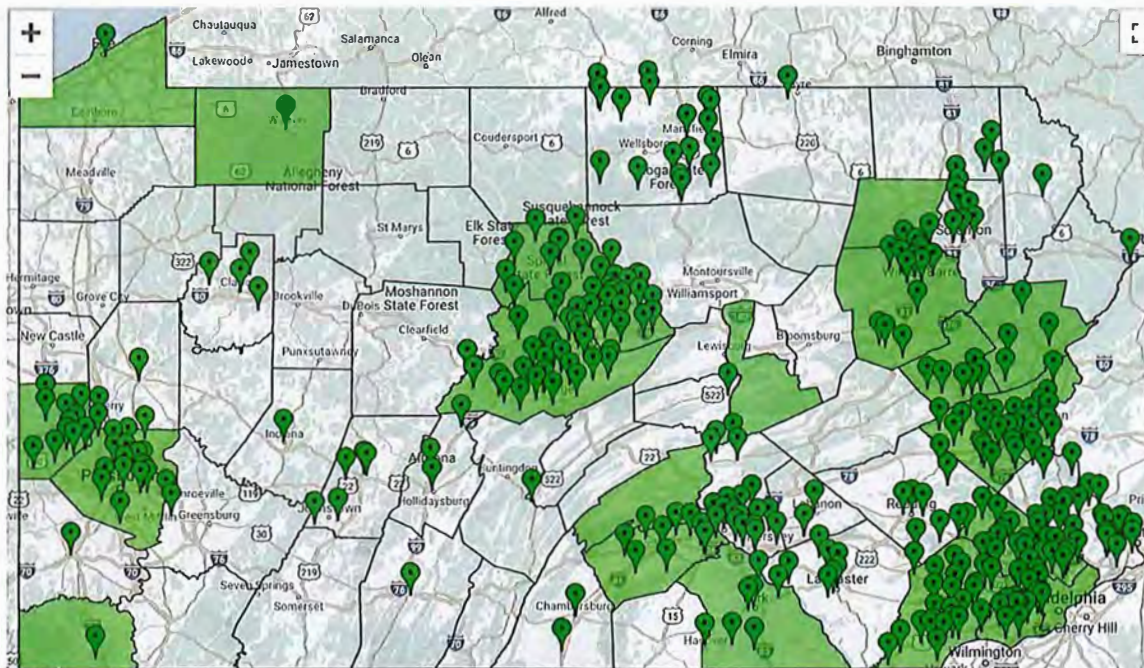
Allegheny	15	With Republican Majorities	3,465,000 population
Beaver*	7	With Democratic Majorities	4,432,000 population
Carbon*			
Centre*			
Chester* ¹			
Clinton*			
Cumberland*			
Dauphin			
Delaware*			
Erie*			
Greene*			
Lehigh			
Luzerne			
Monroe*			
Montgomery ¹			
Northampton*			
Northumberland*			
Perry			
Philadelphia*			
Warren			
Wyoming*			
York*			



*15 unanimous
¹Letter of Support

Associations that adopted resolution in support
 Bucks County Boroughs Association
 PA State Association of Boroughs
 Capital Region Council of Governments

332 Municipalities, representing more than 3,800,000, have adopted a resolution in support:



- Allegheny**
- Aspinwall Boro
 - Bell Acres Boro
 - Crafton Boro
 - Forest Hills Boro
 - Hampton Twp
 - Heidelberg Boro
 - Marshall Twp
 - Mccandless Twp
 - Millvale Boro
 - O'Hara Township
 - Pittsburgh City
 - Ross Township
 - Shaler Township
 - Sharpsburg Boro
 - South Park Twp
 - Swissvale Boro
 - West Deer Twp
 - Wilkinsburg Boro

Beaver

Aliquippa City
Baden Boro
Brighton Township
Chippewa Township
Hanover Township
Hopewell Township
Independence Township
Monaca Boro
New Sewickley Township
South Heights Boro

Bedford

Bedford Boro

Berks

Kutztown Boro
New Morgan Boro
Reading City
Rockland Township
Saint Lawrence Boro
Union Township
Wyomissing Boro

Blair

Altoona City
Hollidaysburg Boro
Tyrone Boro

Bradford

Athens Township

Bucks

Bristol Township
Buckingham Township
Doylestown Boro
Doylestown Township
Falls Township
Haycock Township
Langhorne Boro
Langhorne Manor Boro
Lower Makefield Township
Middletown Township
Morrisville Boro
New Britain Township
New Hope Boro
Newtown Boro
Newtown Township
Riegelsville Boro
Solebury Township
Springfield Township
Tinicum Township
Warminster Township
Warrington Township
Yardley Boro

Butler

Butler City
Cranberry Township

Cambria

Cambria Township
Ebensburg Boro
Nanty Glo Boro
Stonycreek Township
Upper Yoder Township

Carbon

Bowmanstown Boro
Lower Towamensing Twp
Mahoning Township
Nesquehoning Borough
Palmerton Boro
Summit Hill Boro
Towamensing Township

Centre

Bellefonte Boro
Benner Township
Burnside Township
Centre Hall Boro
College Township
Curtin Township
Ferguson Township
Gregg Township
Halfmoon Township
Harris Township
Howard Boro
Howard Township
Liberty Township
Marion Township
Milesburg Boro
Millheim Boro
Patton Township
Penn Township
Philipsburg Boro
Port Matilda Boro
Potter Township
Rush Township
Snow Shoe Boro
Spring Township
State College Boro
Unionville Boro
Walker Township

Chester

Downingtown Boro
East Marlborough Township
East Pikeland Township
East Whiteland Township
Honey Brook Boro
Kennett Square Boro

Chester, continued

Kennett Township
London Britain Township
London Grove Township
Malvern Boro
New Garden Township
Oxford Boro
Penn Township
Phoenixville Boro
Pocopson Township
Schuylkill Township
South Coatesville Boro
Upper Uwchlan Township
Uwchlan Township
West Bradford Township
West Brandywine Township
West Chester Boro
West Goshen Township
West Grove Boro
West Marlborough Twp
West Nottingham Township

Clarion

Clarion Boro
Highland Township
Knox Boro
Limestone Township

Clinton

Allison Township
Avis Boro
Bald Eagle Township
Beech Creek Boro
Beech Creek Township
Castanea Township
Chapman Township
Colebrook Township
Crawford Township
Dunnstable Township
East Keating Township
Flemington Boro
Gallagher Township
Greene Township
Grugan Township
Lamar Township
Leidy Township
Lock Haven City
Logan Township
Loganton Boro
Mill Hall Boro
Noyes Township
Pine Creek Township
Porter Township

Clinton, Continued

Renovo Boro
South Renovo Boro
Wayne Township
West Keating Township
Woodward Township

Cumberland

Camp Hill Boro
Carlisle Boro
East Pennsboro Township
Lower Frankford Township
Mechanicsburg Boro
Middlesex Township
Mount Holly Springs Boro
Newville Boro
Penn Township
Silver Spring Township
Upper Allen Township

Dauphin

Conewago Township
Derry Township
Elizabethville Boro
Harrisburg City
Highspire Boro
Hummelstown Boro
Lower Paxton Township
Middletown Boro
Mifflin Township
Millersburg Boro
Paxtang Boro
Penbrook Boro
Royalton Boro
Steelton Boro
Susquehanna Township
Swatara Township
Upper Paxton Township
West Hanover Township

Delaware

Chadds Ford Township
Chester City
Chester Heights Boro
East Lansdowne Boro
Haverford Township
Lansdowne Boro
Media Boro
Middletown Township
Nether Providence Twp
Radnor Township
Rose Valley Boro
Rutledge Boro

Delaware, continued

Swarthmore Boro
Upper Chichester Township
Yeadon Boro

Erie

Erie City

Franklin

Chambersburg Boro
Greencastle Boro

Greene

Perry Township

Huntingdon

Mount Union Boro

Indiana

Indiana Boro

Lackawanna

Benton Township
Dickson City Boro
Dunmore Boro
North Abington Township
Scranton City
South Abington Township
Taylor Boro
Vandling Boro
Waverly Township

Lancaster

East Petersburg Boro
Lancaster City
Lancaster Township
Manheim Boro
Manheim Township
Marietta Boro
Millersville Boro

Lebanon

Lebanon City
Mount Gretna Boro

Lehigh

Allentown City
Coopersburg Boro
Fountain Hill Boro
Lower Macungie Township
Lowhill Township
Lynn Township
Macungie Boro
North Whitehall Township
Salisbury Township
South Whitehall Township
Upper Milford Township
Upper Saucon Township
Weisenberg Township
Whitehall Township

Luzerne

Conyngham Boro
Dallas Township
Edwardsville Boro
Exeter Township
Forty Fort Boro
Hazleton City
Jackson Township
Kingston Township
Lehman Township
Plains Township
Plymouth Boro
Sugarloaf Township
Swoyersville Boro
Wilkes-barre City
Wright Township

Monroe

Chestnuthill Township
Eldred Township
Mount Pocono Boro
Stroud Township

Montgomery

Abington Township
Ambler Boro
Bryn Athyn Boro
Cheltenham Township
Collegeville Boro
East Norriton Township
Jenkintown Boro
Lansdale Boro
Lower Frederick Township
Lower Merion Township
Montgomery Township
Narberth Boro
New Hanover Township
Norristown Boro
North Wales Boro
Pottstown Boro
Skippack Township
Springfield Township
Upper Dublin Township
Upper Moreland Township
Upper Providence Township
West Conshohocken Boro
West Norriton Township
West Pottsgrove Township
Whitemarsh Township
Whitpain Township

Northampton

Bethlehem City (& Lehigh Cnty)
Bethlehem Township
Easton City
Forks Township
Hanover Township
Lower Saucon Township
Palmer Township
Washington Township
Williams Township

Pike

Milford Boro

Snyder

Selinsgrove Boro

Susquehanna

Clifford Township
Herrick Township

Tioga

Bloss Township
Blossburg Boro
Brookfield Township
Chatham Township
Elk Township
Farmington Township
Liberty Boro
Liberty Township
Mansfield Boro
Morris Township
Nelson Township
Roseville Boro
Rutland Township
Sullivan Township
Union Township
Ward Township
Westfield Boro
Westfield Township

Warren

Warren City

Washington

Washington City

Wayne

Honesdale Boro

Westmoreland

North Huntingdon Township

Trafford Boro

York

Glen Rock Boro

Hallam Boro

Hanover Boro

Jefferson Boro

Mt. Wolf Boro

West York Boro

York City

A RESOLUTION IN SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

WHEREAS, the citizens of **East Goshen Township of Chester County** and the Commonwealth of Pennsylvania deserve a fair, fully transparent, impartial and depoliticized process of the decennial drawing of state legislature and congressional districts of near equal population; and

WHEREAS, legislative and congressional redistricting has at times resulted in gerrymandered districts that favor one political party over others; and

WHEREAS, such gerrymandering of legislative and congressional districts has worked at times to the detriment of our representative democracy; and

WHEREAS, the creation of a truly independent citizens redistricting commission devoid of political motivation or partisanship will: ensure a fair, transparent, and accurate legislative and congressional redistricting process that respects political subdivisions; prohibit districts from being drawn to favor or discriminate against a political party or candidate; require the use of impartial and sound methodology when setting district boundaries; require public input; and fully comply with the constitutional requirement that “no county, city, incorporated town, borough, township or ward” be divided “unless absolutely necessary,” and

WHEREAS, legislation to amend the Pennsylvania Constitution to reform the decennial legislative and congressional redistricting process with the intent of using fairness and sound methodology in a non-partisan fashion is required to ensure these reforms.

NOW, THEREFORE, BE IT RESOLVED that **East Goshen Township of Chester County** does hereby support legislative efforts to amend the Pennsylvania Constitution to assign the decennial task of both legislative and congressional redistricting to an independent citizens redistricting commission; and

BE IT FURTHER RESOLVED that we call upon all those elected officials and party leaders in the Commonwealth of Pennsylvania who represent the citizens of **East Goshen Township of Chester County** (see list below) to publicly announce their support of and commitment to work towards passage of such legislative efforts, and that a copy of this resolution be delivered to each of them.

Governor Tom Wolf

Lieutenant Governor John Fetterman

Attorney General Josh Shapiro

Acting Secretary of Commonwealth Kathy Boockvar
United States Senator Bob Casey
United States Senator Pat Toomey
United States Representative Chrissy Houlahan
Pennsylvania Senator Thomas Killion
Pennsylvania Representative Carolyn Comitta
Michele Kichline, County Commissioner
Marian Moskowitz, County Commissioner
Josh Maxwell, County Commissioner
Chair, Democratic Party of Pennsylvania, Nancy Patton Mills
Chair, Republican Party of Pennsylvania, Lawrence Tabas

RESOLVED AND APPROVED this _____ day of _____, 2020

BOARD OF SUPERVISORS of EAST GOSHEN TOWNSHIP:

Secretary

Memo

Date: February 7, 2020
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: Construction Ordinance

The attached ordinance would prohibit construction and/or demolition between the hours of 10 PM and 7 AM. This would eliminate the need to have the Township Engineer to take noise readings if a contractor was working after 10 PM.

N:\Data\Shared Data\Admin Dept\Township Code\Construction\Memo to BoS 020720.doc

1 EAST GOSHEN TOWNSHIP
2
3 CHESTER COUNTY, PENNSYLVANIA
4

5 ORDINANCE NO. _____
6
7

8 AN ORDINANCE OF THE TOWNSHIP OF EAST GOSHEN,
9 CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EAST
10 GOSHEN TOWNSHIP CODE, BY ADDING A NEW CHAPTER
11 122 ENTITLED "CONSTRUCTION & DEMOLITION" IN ORDER
12 TO REGULATE SUCH ACTIVITIES WITHIN THE TOWNSHIP TO
13 PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.
14

15
16 BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen
17 Township that the East Goshen Township Code shall be amended as follows:
18

19 **SECTION 1.** The East Goshen Township Code is hereby amended to include a
20 new Chapter 122 which shall be entitled "Construction & Demolition" and read as
21 follows:

22 **"Chapter 122 Construction and Demolition**
23

24 **§ 122-1. Definitions.** As used in this chapter, the following terms shall have the
25 meanings indicated:
26

27 **CONSTRUCTION**
28

29 Any of the following activities;

- 30
- 31 1) Site preparation, including but not limited to clearing, grubbing, earthmoving,
32 excavation or grading.
33
 - 34 2) The installation of any type of pipe or appurtenances, including but not limited
35 to storm sewer, sanitary sewer, water main, gas line, pipeline, inlets, valves, fire
36 hydrants, service lines or manholes.
37
 - 38 3) The erection, repair, alteration of any building or structure or part thereof.
39
 - 40 4) The assembly, erection, repair, alteration of any, wire, cable, pole, conduit,
41 fixture, light standard or cabinet or part thereof.
42
 - 43 5) The repair, alteration or addition of any driveway, parking lot, curbing, paving,
44 parking area, sidewalk, patio.
45

1 **DEMOLITION**

2
3 Any of the following activities;

- 4
- 5 1) The dismantling, intentional destruction or removal of any type of pipe or
- 6 appurtenances, including but not limited to storm sewer, sanitary sewer, water
- 7 main, gas line, pipeline, inlets, valves, fire hydrants, service lines or
- 8 manholes.
- 9
- 10 2) The dismantling, intentional destruction or removal of any building or structure
- 11 or part thereof.
- 12
- 13 3) The dismantling, intentional destruction or removal of any wire, cable, pole,
- 14 conduit, fixture, light standard or cabinet or part thereof.
- 15
- 16 4) The intentional destruction or removal of any type any driveway, parking lot,
- 17 paving, parking area, sidewalk, patio,

18 **EMERGENCY**

19
20 Any occurrence or set of circumstances involving actual or imminent physical
21 trauma or injury or property damage which demands immediate action.

22 **EMERGENCY WORK**

23
24 Any work performed for the purpose of preventing or alleviating the physical trauma
25 or property damage threatened or caused by an emergency.

26
27 **PERSON**

28
29 Any individual, association, partnership or corporation, including any officer,
30 employee, department or agency.

31
32 **§ 122-2. Prohibitions.**

33 No person shall permit any construction and/or demolition to occur on any private or
34 public property, easement, road or street within the boundaries of East Goshen
35 Township, Chester County, Pennsylvania between the hours of 10:00 PM and 7:00 AM.

36
37 **§ 122-3. Exemptions**

38
39 The following activities are exempt from the provisions of this ordinance:

- 40
- 41 A. Emergency work to provide or restore electricity, water or other public utilities^[KC1].
- 42
- 43 B. Work or activities performed or sponsored by governmental agencies or their
- 44 contractors in the performance of public service.

- 1
2 C. A snowplow, snow blower or other similar device, salt truck, or loader used to
3 remove snow or ice.
4
5 D. Construction or demolition for which a building permit has been issued that are
6 completely contained within an existing building or in a new building or part thereof,
7 which is complete with walls, windows and doors. The decision as to whether or not
8 a new building or part thereof is complete shall be made by the Building Code
9 Official. [KC2]

10
11 **§ 122-4. Violations and penalties.**

12
13 Any person who violates or permits the violation of any provision of this chapter shall,
14 upon conviction thereof in a summary proceeding brought before a District Justice
15 under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense,
16 and shall be subject to the payment of a fine of not less than \$100 and not more than
17 \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may
18 be sentenced to imprisonment in the county prison for a term of not more than 30 days.
19 Each section of this chapter violated shall constitute a separate offense, and each day
20 or portion thereof in which a violation of this chapter is found to exist shall constitute a
21 separate offense, each of which violations shall be punishable by a separate fine
22 imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the
23 costs of prosecution, or upon default of payment thereof, the defendant may be
24 sentenced to imprisonment in the county prison for a term of not more than 30 days. All
25 fines and penalties collected for the violation of this chapter shall be paid to the
26 Township Treasurer.
27

28 **SECTION 2. Severability.** If any sentence, clause, section, or part of this
29 Ordinance is for any reason found to be unconstitutional, illegal or invalid, such
30 unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining
31 provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the
32 intent of the Board of Supervisors of East Goshen Township that this Ordinance would
33 have been adopted had such unconstitutional, illegal or invalid sentence, clause,
34 section or part thereof not been included herein.
35

36
37 **SECTION 3. Repealer.** All Ordinances or parts of Ordinances conflicting with
38 any provisions of this Ordinance are hereby repealed insofar as the same affects this
39 Ordinance.
40

41
42 **SECTION 4. Effective Date.** This Ordinance shall be effective five (5) days
43 following enactment as by law provided.
44

45 **ENACTED AND ORDAINED** this ____ day of _____, 2020.
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Louis F. Smith, Secretary

E. Martin Shane, Chairman

David E. Shuey, Vice Chairman

Michael P. Lynch, Member

John F. Hertzog, Member

Michele D. Truitt, Member

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Memo

East Goshen Township

Date: February 11, 2020
To: Board of Supervisors
From: Rick Smith, Township Manager
Re: ABC Goals and Comp Plan Objectives

Attached is a matrix of the 2015 Comp Plan Objectives with comments on what steps have been taken to achieve each objective.

It might be useful for the Board to keep these objectives in mind when reviewing the minutes for the January 28, 2020 Planning Session, in order to determine if there is a specific goal or goals that they would like each ABC to focus on in 2020..

Objective	Priority	Completion Time Frame (1)	Responsibility (2)		Method of Implementation (3)	Potential Funding Sources (2)	COMMENTS	
			Primary	Other				
5. Housing Plan								
5.1.	Encouraging the maintenance and improvement of the existing housing stock	*	on-going	PS		Development, Plan Review	PS	Township has adopted the Property Maintenance Code
5.2.	Continuing to provide opportunities for a variety of housing types.	*	on-going	BOS	PC	ZO	PS	PC recommended residential units over commercial units in TND-1 in 2019
5.3.	Encouraging infill opportunities by providing for additional dwelling units, without adversely impacting the character of existing neighborhoods.	*	on-going	PC	BOS, FC	ZO, SLDO, Plan Review	PS	Board considered allowing semi-detached dwellings, with no increase in density under Open Space section of the Zoning Ordinance in 2019. Not approved PC recommended residential units over commercial units in TND-1 in 2019. No decision as of this report
5.4.	Redeveloping selected properties along West Chester Pike in order to provide for new housing opportunities.	3	2 to 10 years	PS		Development, Plan Review	PS	Presented LERTA to WCASD in 2016 2017 - WCASD is not interested in LERTA
5.5.	Encouraging mixed uses and mixed housing types where appropriate.	*	on-going	BOS	PC	ZO	PS	Board accepts proposal from Comitta to update Open Space zoning provisions to allow for other housing type with no increase in density on 6/19/18. BOS held informational meeting on 10/25/18 BOS held second informational meeting at East High School on 1/22/19. BOS decides not to proceed with ordinance on 2/2/19
5.6.	Encouraging the Redevelopment of vacant and/or underperforming lots to create new housing opportunities.	3	5 to 10 years	PC	PS	Development, Plan Review	PS	Presented LERTA to WCASD in 2016 2017 – WCASD is not interested in LERTA Board considered allowing apartments in BP District in 2019. Not approved
5.7.	Fostering opportunities for aging in place.	2	2 to 10 years	BOS	PC	ZO	PS, CCC	
6. Land Use Plan								
6.1.	Transforming the Town Center into a viable, walkable, visitable Place.	1	1 to 10 years	PS	BOS, PC	Plan Review, Development	PS, PT	Obtained grant for Paoli Pike Master Corridor Plan in 2016 Adopted Paoli Pike Master Corridor Plan 12/19/17 Accepted proposal from Comitta in April 2018. Sent letter to residents on 5/9/18 Comitta presentation to BoS on 6/25/19 Joint BoS & PC meeting on 7/30/19 Public info meeting on 10/22/19 Public hearing to adopt ordinance scheduled for 12/17/19 Public hearing canceled – To many people Paoli Pike Trail started construction in 2019.

6.2.	Transforming the Paoli Pike Corridor into a walkable, connected, artery.	1	1 to 10 years	BOS	PC, PT, CCC	Special Study	PT, DVRPC	Obtained grants for Paoli Pike Trail Segments C to G in 2016 Obtained grants for all Segments except B. 2019 – started engineering for Segments A & B Started construction on Segments F&G 9/16/19 Signal at Hibberd Lane in service 11/1/19 PennDOT opened bids for Segments C, D & E 11/15/19. BoS concurred with bid award for C, D & E on 1/6/20 Pre-con meeting at Penn Dot on 1/30/20
6.3.	Transforming the West Chester Pike Corridor into a more functional and attractive artery.	2	2 to 20 years	PS	BOS, PC, PT	Special Study	PT, PS, DVRPC	
6.4.	Continuing to receive guidance from the Authorities, Boards and Commissions (ABC's).	*	on-going	BOS	PC, ABC's	Meetings, Workshops	GF	Conducted Annual ABC Sessions in 2016, 17, 18, 19 & 20.
6.5.	Continuing effective governance by the East Goshen Township Board of Supervisors.	*	on-going	BOS		Meetings, Hearings	GF	
6.6.	Continuing to accommodate a diverse mix of residential, commercial, institutional, light industrial, and recreational uses.	*	on-going	BOS	PC, FC	ZO, Plan Review	PS	Approved new Day Care facility on Wilson Drive in 2019

Objective	Priority	Completion Time Frame (1)	Responsibility (2)		Method of Implementation (3)	Potential Funding Sources (2)		
			Primary	Other				
7. Economic Development Strategy								
7.1.	Promoting the enhancement of business opportunities in the Town Center.	*	on-going	BOS	PC, CC, FC	ZO, SLDO, Plan Review	PS, GF	Adopted Paoli Pike Master Plan 12/19/17 Accepted proposal from Comitta in April 2018. Sent letter to residents on 5/9/18 Comitta presentation to BoS on 6/25/19 Joint BoS & PC meeting on 7/30/19 Public info meeting on 10/22/19 Public hearing to adopt ordinance scheduled for 12/17/19 Public hearing canceled – To many people
7.2.	Promoting the enhancement of business opportunities along the West Chester Pike Corridor.	*	on-going	BOS	PC, CC, FC	ZO, SLDO, Plan Review	PS, GF	Presented LERTA to WCASD in 2016 2017 WCASD is not interested in LERTA
7.3.	Allowing for new uses and smaller incubator businesses in the corporate parks and the industrial park.	1	1 to 10 years	BOS	PC, CC, FC	ZO, Plan Review, Development	PS	BoS Adopted Incubator Ordinance on 10/1/19

7.4.	Continuing the use of East Goshen Park for the Farmers Market and other context-sensitive enterprises and activities.	*	on-going	BOS	PR	Programs, Development	GF	Farmers Market canceled in 2019 Started Food Truck Festival in 2017 Added alcohol sales to Food Truck Festival in 2019
7.5.	Utilizing the Commerce Commission with the business community, in order to identify and address needs pertaining to business growth and expansion.	*	on-going	CC	BOS	Workshops, Newsletter, Website	PS	Commerce Commission was disbanded on 1/4/2016
7.6.	Providing opportunities for shared parking opportunities for smaller commercial establishments.	2	2 years	BOC	PC	ZO, SLDO	PS	Draft TND-1 Ordinance allowed for shared uses. No decision as of this report.
7.7.	Continuing No-Impact Home-Based Businesses, Home Occupations, and Home-Related Businesses.	*	on-going	BOS	PC, PS	ZO, SLDO	PS	
8. Transportation & Circulation Systems Plan								
8.1.	Continuing to provide safe, well-maintained roads throughout the Township.	*	on-going	BOS	PT	Maintenance	GF, PT	Re decked Bridge on East Boot Road in 2016 Rebuilt abutments and installed new guide rail at Forest Lane Bridge in 2019/20 Continuing with 17 year paving cycle program
8.2.	Identifying and implementing regional highway improvement projects that enhance mobility, safety, and reduce congestion.	1	1 to 10 years	BOS	PT, DVRPC	Special Study	PT, DVRPC	Adaptive Signal Project for West Chester Pike was let on 1/12/18 PreCon meeting at PennDOT 4/2/18 Signal Project was completed on 12/4/19 2/19/19 accepted proposal from McMahon for traffic study for King Road and 352, EWT decided not to proceed with project on 12/12/19 BoS adopted joint resolution to proceed with Boot Road Restriping on 4/23/19. WG BoS adopted joints resolution on 6/18/19 HOP Plan submitted to PennDOT on 1/17/20 WG will bid project in 2020.
8.3.	Minimizing speeding vehicular traffic on the local roadways and minimizing cut-through vehicular traffic within neighborhoods.	*	on-going	BOS	PT	Maintenance, Development	PT, PS	January 2018 – Installed temporary speed humps in Wylpen Farms during Dutton Mill Road Bridge closure Installed additional Speed Limit signs in Lockwood Chase to address "cut thru" traffic in November 2019

8.4.	Implementing vehicular traffic flow and traffic calming improvements for select roads and intersections.	2	2 to 10 years	BOS	PT	Plan Review, Maintenance	PT, GF	Installed additional Speed Limit signs in Lockwood Chase to address "cut thru" traffic in November 2019
8.5.	Reducing vehicular traffic by supporting public transportation opportunities and travel demand management techniques.	*	on-going	BOS	DVRPC	Special Study	DVRPC, PT	

Objective	Priority	Completion Time Frame (1)	Responsibility (2)		Method of Implementation (3)	Potential Funding Sources		
			Primary	Other				
8. Transportation & Circulation Systems Plan (continued)								
8.6.	Increasing pedestrian circulation along Paoli Pike, especially in the form of a "Paoli Pike Promenade" with Sidewalks and Crosswalks, as well as increasing pedestrian circulation and pedestrian safety along Greenway, with Trails, Walkways, and Crosswalks.	1	1 to 10 years	BOS	PC, PR	Special Study, ZO, SLDO	GF, CCC, DVRPC, DCNR	Obtained grants for Paoli Pike Trail Segments C to G in 2016 Obtained grants for all Segments except B 2019 – started engineering for Segments A & B Started construction on Segments F&G 9/16/19 Signal at Hibberd Lane in Service 11/1/19 PennDOT opened bids for Segments C, D & E 11/15/19. BoS concurred with bid award for C, D & E on 1/6/20 Pre-con meeting at Penn Dot on 1/30/20
8.7.	Implementing the East Goshen Township Act 209 Transportation Plan	*	on-going	BOS	PC	Plan Review	PS	
9. Community Facilities and Services Plan								

9.1.	Maintaining and expanding the Open Space, Recreation, and Trails Network.	2	2 to 20 years	BOS	PC, PR, CB	Special Study	GF, CCC, DCNR	
9.2.	Developing the Paoli Pike Trail to create the linkage between West Chester and Malvern, through East Goshen, from West Goshen to Willistown.	1	1 to 10 years	BOS	PC, PR, PT, CCC	Special Study	GF, PT, CCC, DCNR	Obtained grants for Paoli Pike Trail Segments C to G in 2016 Obtained grants for all Segments except B 2019 – started engineering for Segments A & B Started construction on Segments F&G 9/16/19 PennDOT opened bids for Segments C, D & E 11/15/19. BoS concurred with bid award for C, D & E on 1/6/20 Pre-con meeting at Penn Dot on 1/30/20
9.3.	Maintaining and upgrading East Goshen Park.	*	on-going	BOS	PR	Maintenance, Rec Fee in Lieu	GF, DCNR	Obtained grants for Playground Renovations in 2016 Started construction in Fall of 2017 Completed construction of Destination Playground in 2018 Completed Serpentine Project in 2019
9.4.	Continuing to provide high quality Recreation Services.	*	on-going	BOS	PR	Programs	GF, DCNR	Added additional programs for seniors in 2019.
9.5.	Continuing to provide high quality Police, Fire and EMS services.	*	on-going	BOS		Maintenance	GF, DCED	1/2/18 - Updated Emergency Services resolution to address change in Advance Life Support provider.
9.6.	Continuing the provisions of effective administrative, public works, and related services.	*	on-going	BOS	MA	Maintenance	GF	Created position of Office Manager in 2019
9.7.	Continuing to support important and viable Community Facilities.	*	on-going	BOS	PR	Maintenance	GF	
10. Utilities Plan								
10.1.	Continuing to provide effective sewage disposal and wastewater treatment with oversight of the Municipal Authority.	*	on-going	BOS	MA	Development	PS	Updated West Goshen Sewer Agreement approved on 8/16/17 West Goshen Sewer Project is ongoing 2018, 2019
10.2.	Continuing to provide effective solid waste disposal, and recycling services.	*	on-going	BOS	MA	Maintenance	GF	Rebid refuse and recycling contract in 2016
10.3.	Maintaining the role of the East Goshen Township Municipal Authority for evaluating sewer and unsewered areas.	*	on-going	BOS	MA	Special Study, Plan Review	PS	

Objective	Priority	Completion Time Frame (1)	Responsibility (2)		Method of Implementation (3)	Potential Funding Sources (2)
			Primary	Other		

10. Utilities Plan (continued)								
10.4.	Cooperating with Aqua on Public Water Supply	*	on-going	PS		Development	PS	
10.5.	Maintaining effective Stormwater Management	*	on-going	BOS	DEP	Plan Review	PS	BoS adopted "high tunnels" amendment to Stormwater Ordinance in 2019.
10.6.	Regulating pipelines to protect land uses and the environment.	*	on-going	BOS	DEP	Plan Review	CCC, PS	Determined that pipelines are regulated by PHMSA and the PA PUC. Created Pipeline Task Force in 2018.
11. Natural Resource Protection Plan								
11.1.	Protecting the Riparian Areas along Ridley and Chester Creeks and their tributaries.	*	on-going	BOS	PC, DEP, DCNR	CB, DCNR, DEP	PS, DCNR, DEP	Milltown Dam and Hershey Mill Dam Park Projects are in progress. Milltown Dam Project Pre Application meeting 8/6/19 Accepted proposal from GF for floodplain study in 2019 Hershey Mill Dam Project All easements obtained 2/28/19. DEP Permit issued 11/7/19 U.S. ACOE permit issued 11/20/19 Accepted proposal for GF for Bidding Services 1/21/20
11.2.	Considering opportunities for a Greenway Network along Chester and Ridley Creeks.	*	on-going	BOS	PC, PR, DCNR	Special Study, Plan Review	DCNR, GF	HM Dam and Milltown Dam projects support this objective.
11.3.	Preserving and enhancing Street Trees.	*	on-going	BOS	PC, CB	Plan Review	PS	
11.4.	Continuing the advocacy role of the Conservancy Board.	*	on-going	CB	BOS	Website, Plan Review	GF	
11.5.	Continuing riparian buffer plantings throughout the Township.	1	1 to 20 years	CB	DCNR	Planting	GF, DCNR	CB planted trees on East Boot Road in 2016 CB planted trees in Marydell in 2017 CB planted wetland plant by Blacksmith Shop in 2018 CB Planted on East Boot Road in 2019
11.6.	Continuing to control invasive species.	*	on-going	CB	DCNR	DEP, Plan Review	PS	
11.7.	Improving woodland protection standards.	2	2 to 5 years	BOS	PC, CB	ZO, SLDO	GF, CCC	
11.8.	Reviewing and updating tree replacement standards as needed.	2	2 to 5 years	BOS	PC, CB	ZO, SLDO, Plan Review	GF, CCC	

11.9.	Reviewing and updating criteria for non-buildable areas.	2	2 to 5 years	BOS	PC, CB	ZO, SLDO, Plan Review	GF, CCC	
11.10.	Improving and enhancing Green Infrastructure	*	on-going	BOS	PC, PS	ZO, SLDO, Plan Review	GF, DCNR	
12. Energy Conservation Strategy								
12.1.	Creating more compact, mixed-use, walkable places.	*	on-going	PS	BOS, PC, FC	Plan Review, Development	PS, DCED	TND1 and TND 2 Ordinances support this objective
12.2.	Advocating energy conservation for residents, businesses, and institutions.	*	on-going	BOS	PC, CB, FC	Website, Newsletter	GF, DEP	BoS created Sustainability Advisory Committee on 9/4/18
12.3.	Advocating green building and site development practices.	*	on-going	BOS	PC, CB, FC	ZO, SLDO, Special Study	GF, DEP, DVRPC	BoS agreed to fund WCACOG Energy Transition Plan on 3/5/19. Cadmus presented Plan on 1/29/20
12.4.	Promoting and enhancing the protection of Woodlands.	*	on-going	BOS	PC, CB, DCNR	ZO, SLDO, Plan Review	PS, DCNR	

Objective	Priority	Completion Time Frame (1)	Responsibility (2)		Method of Implementation (3)	Potential Funding Sources		
			Primary	Other				
12. Energy Conservation Strategy (continued)								
12.5.	Designating areas for compact car parking, in order to reduce the size of off-street parking lots.	2	2 to 5 years	BOS	PC	ZO, SLDO, Plan Review	PS	
12.6.	Encouraging park and ride facilities, shared parking, and increased public transportation.	*	on-going	BOS	PT, CCC, DVRPC	BOS, DVRPC, CCC, PT	PT, DVRPC, BOS	
12.7.	Providing conservation tips on the Township website.	*	on-going	BOS	CB	Website	GF	
13. Historic Resources Protection Plan								

13.1.	Continuing the East Goshen Historical Commission (EGHC) programs at the Blacksmith Shop and Plank House, and refinement of the Township Historic Property Inventory.	*	on-going	HC	BOS	HC Programs, Special Study	GF	Both the Plank House and Blacksmith Shop are open on selected days.
13.2.	Continuing to have the EGHC comment on applications for subdivision and land development involving and adjacent to Historic properties.	*	on-going	HC	PC	SLDO	PS	
13.3.	Continuing to have the EGHC provide educational information for the Township website and Newsletter.	*	on-going	HC		Website, Newsletter	GF	
13.4.	Utilizing the characteristics of Goshenville and Rocky Hill to guide the character of nearby development.	3	5 years	HC	PC, BOS	ZO, SLDO	CCC, GF	
13.5.	Reviewing Historic Preservation requirements.	1	1 to 5 years	HC	PC	ZO, SLDO	CCC, GF	
13.6.	Considering simplified Historic Preservation Standards.	2	2 to 5 years	HC	PC	ZO, SLDO	CCC, GF	

Memo

To: Board of Supervisors

From: Jon Altshul

Re: Consider grant application for gas leak detectors through Energy Transfer First Responder Fund

Date: February 13, 2020

Energy Transfer has a First Responder Fund that provides grants for first responder organizations. While East Goshen Township is not technically a first responder organization, given the unique role that our Public Works Department plays for the Goshen Fire Company, as well as the length of the Mariner East pipelines in the Township and the proximity of those lines to densely populated areas, we believe that we may be competitively positioned to receive a grant.

Specifically, this fund could provide funding for two gas leak detectors and calibration equipment. Based on his conversations with area fire companies, Mark Miller believes the handheld Sensit Gold G2 leak detection system, which can detect butane, propane and ethane, is appropriate for our needs. We have received a quote of \$6,487.05 for the equipment.

Recommended motion: Mr. Chairman, I authorize staff to apply for funding through the Energy Transfer First Responder Fund for two gas leak detectors and calibration equipment.

Energy Transfer First Responder Fund

With more than 85,000 miles of pipelines and associated assets in 38 states, Energy Transfer is fully committed to the safe, environmentally sound and efficient operation of our pipeline systems.

This commitment to operational excellence is enhanced by increasing public awareness, training and supporting first responders, implementing understanding of pipeline locations and operations, and supporting first responder organizations to ensure safe operations and emergency preparedness throughout our operational area.

The Energy Transfer First Responder Fund will provide grants on a biannual basis to assist the primary mission of first responder organizations. Grants will be determined based on a competitive application and review process.

Are You Eligible to Apply?

Eligible first responder organizations include local fire departments, emergency medical services, county emergency management agencies, county, regional and local police departments, and other agencies.

Eligible Funding Requests

- Firefighter, emergency responder equipment
- Modifications to stations and facilities
- Training including:
 - First responder/emergency medical responder training
 - National Incident Management System (NIMS)-Incident Command (ICS)
 - Utility protection
 - Vehicle rescue
 - Hazardous materials (hazmat)
- Firefighter personal protective equipment including:
 - Boots, pants, coats, gloves, hoods, goggles, helmets and coveralls
 - American National Standards Institute (ANSI-approved retro-reflective gear)
 - PPE for hazardous materials and other specialized incidents
 - EMS activities (coats, trousers and jumpsuits must meet NFPA or OSHA standards)



Energy Transfer First Responder Fund

212 North Third Street,
Suite 201
Harrisburg, PA 17101
717.236.1731



How to Apply

For us to assess your organization's request, we ask that you submit a detailed written request via certified mail with the following information:

1. Requesting organization — name, address and operational service area.
2. A detailed description of equipment, personal protective equipment, modifications to facilities and/or training to be procured with funding.
3. A detailed quote/estimate from third party vendor for any equipment, personal protective equipment, modifications to facilities and/or training to be procured with funding.
4. A detailed description of how funding would improve the applicant's ability to perform its primary mission or expand critical capabilities.
5. A detailed description of Energy Transfer assets within your organization's service area.
6. Detailed mapping of applicant's service area.
7. Funding amount requested.
8. Any obtained matching funds and project fundraising deadlines.
9. Any organizational minutes or resolutions authorizing fundraising for said project. A completed form W-9 "Request for Taxpayer Identification Number" (TIN) and Certification Form.

Not sure if your request is eligible? Call Energy Transfer at 717-236-1731.

Approval Process

Awards are determined by priorities and competitiveness by the selection committee on a biannual basis. Applicants will be notified of the approval decision in writing in a timely manner subsequent to committee review. Approved applicants will receive personal notification from an Energy Transfer representative who will work with the organization to process the grant.

Awardees are not eligible for funding in consecutive calendar years.

Terms and Conditions

- By accepting an award of funds, the applicant acknowledges that the funds will be used for the purposes identified in the application.
- By accepting an award of funds, the applicant verifies that the statements made in its application are true and correct.
- By accepting an award of funds, the applicant verifies that all required authorizations and approvals from the applicant's leadership (i.e. board of directors or officers), for project fundraising and the application to Energy Transfer for funding, have been obtained.
- In the event that any of the above are determined to be inaccurate, Energy Transfer reserves the right to seek repayment of the funds so that the funds can be used for purposes consistent with the Energy Transfer First Responder Fund.
- In the event the applicant is awarded, Energy Transfer reserves the right to publicize at its discretion.

Energy Transfer First Responder Fund

212 North Third Street,
Suite 201
Harrisburg, PA 17101
717.236.1731



BOARD OF SUPERVISORS

EAST GOSHEN TOWNSHIP

CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

February 12, 2020

To: Board of Supervisors
From: Mark Miller
Re: Group Bids 2020

We have solicited bids Tri-Axle Dump Trucks. On January 12, 2020 at 10:00am all group bids were opened.

The results are as follows:

<u>Tri-Axle Dump Truck Rental</u>	<u>Per Hour</u>
Ethan Patton Transport, LLC	\$100.00 per hour

We recommend that Ethan Patton be awarded the bid for Tri-Axle Dump Truck.



January 28, 2020

East Goshen Township
Jon Altshul, Assistant Township Manager and Finance Director
1580 Paoli Pike
West Chester, PA 19380

Dear Mr. Altshul:

Thank you for submitting an application on behalf of East Goshen Township to the 2019 PECO Green Region Open Space Program for funding for the open space project entitled Marydell Pond.

While your application was well-crafted, the project was not selected at this time to receive funding. For the 2019 Regular Round we received over 60 applications, which unfortunately means there were several compelling projects we were unable to fund. That said, I strongly encourage you to re-apply this fall as the field of applicants and proposed projects varies every round.

We are sorry that our response could not have been more favorable. We wish East Goshen Township success in moving forward with this endeavor.

Sincerely,

Estelle Wynn Dolan
PECO Green Region Open Space Program Administrator

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2013–0255]

RIN 2137–AF06

Pipeline Safety: Valve Installation and Minimum Rupture Detection Standards

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: PHMSA is proposing to revise the Pipeline Safety Regulations applicable to newly constructed and entirely replaced onshore natural gas transmission and hazardous liquid pipelines to mitigate ruptures. Additionally, PHMSA is revising the regulations regarding rupture detection to shorten pipeline segment isolation times. These proposals address congressional mandates, incorporate recommendations from the National Transportation Safety Board, and are necessary to reduce the consequences of large-volume, uncontrolled releases of natural gas and hazardous liquid pipeline ruptures.

DATES: Persons interested in submitting written comments on this NPRM must do so by April 6, 2020.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2013–0255 by any of the following methods:

Comments should reference Docket No. PHMSA–2013–0255 and may be submitted in the following ways:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. This site allows the public to enter comments on any Federal Register notice issued by any agency. Follow the online instructions for submitting comments.

- *Fax:* 1–202–493–2251.

- *Mail:* U.S. DOT Docket Operations Facility (M–30), West Building, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* DOT Docket Operations Facility, West Building, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2013–0255, at the beginning of your comments. If you mail your comments, submit two copies. To confirm receipt of your comments, include a self-addressed, stamped postcard.

Note: All comments are posted electronically in their original form, without changes or edits, including any personal information.

Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Robert Jagger at U.S. DOT, PHMSA, PHP–30, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT: Technical questions: Steve Nanney, Project Manager, by telephone at 713–272–2855. General information: Robert Jagger, Senior Transportation Specialist, by telephone at 202–366–4361.

SUPPLEMENTARY INFORMATION:

- I. Executive Summary
 - A. Purpose of Regulatory Action
 - B. Summary of the Major Provisions of the Regulatory Action
 - C. Costs and Benefits

II. Background

- A. General Authority
 - B. Major Pipeline Accidents
 - C. National Transportation Safety Board Recommendations
 - D. Advance Notices of Proposed Rulemaking (ANPRM)
 - E. Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 and Related Studies
 - i. Section 4—Automatic and Remote-Controlled Shut-Off Valves
 - a. GAO Report GAO–13–168
 - b. ORNL Report ORNL/TM–2012/411
 - ii. Section 8—Leak Detection
 - F. PHMSA 2012 R&D Forum, “Leak Detection and Mitigation”
- III. Proposed Rupture Detection and Mitigation Actions and Analysis of ANPRM Comments
- A. Definition of Rupture
 - B. Accident Response and Mitigation Measures
 - i. Installing Remote Control Valves (RCVs) and Automatic Shutoff Valves (ASVs)
 - ii. Standards for Rupture Identification and Response Times
 - iii. Using RCVs and ASVs in All Cases
 - C. Drills to Validate Valve Closure Capability
 - D. Maximum Valve Spacing Distance
 - i. Gas Transmission Pipelines
 - ii. Valve Spacing in Response to Class Location Changes
 - iii. Hazardous Liquid Pipelines
 - E. Protection of High Consequence Areas (HCAs)
 - i. Gas Transmission Pipelines
 - ii. Hazardous Liquid Pipelines
 - F. Failure Investigations
- IV. Section-by-Section Analysis of Changes to 49 CFR Part 192 for Gas Transmission Pipelines
- V. Section-by-Section Analysis of Changes to 49 CFR Part 195 for Hazardous Liquid Pipelines
- VI. Regulatory Analyses and Notices

I. Executive Summary

A. Purpose of the Regulatory Action

PHMSA seeks notice and comment on proposed revisions to the Pipeline Safety Regulations for both gas transmission and hazardous liquid pipelines. PHMSA is proposing regulations to meet a congressional mandate calling for the installation of remote-control valves (RCV), automatic shutoff valves (ASV), or equivalent technology, on all newly constructed and fully replaced gas transmission and hazardous liquid lines. However, consistent with the mandate, PHMSA recognizes that there may be locations where it is not economically, technically, or operationally feasible to install RCVs, ASVs, or equivalent technology. Therefore, PHMSA is proposing to allow operators to install manual valves at these locations, provided operators have a sufficient justification for using a manual valve instead of an RCV, an ASV, or

equivalent technology, and provided that operators appropriately station personnel to ensure that a manual valve can be closed within the same 40-minute timeframe PHMSA is proposing in this rulemaking for RCVs, ASVs, and equivalent technology. This will help to ensure that a consistent level of safety is provided whether operators use manual valves, RCVs, ASVs, or equivalent technology.

This rulemaking (NPRM) is proposing to apply this installation requirement to those newly constructed or fully replaced pipelines that are greater-than-or-equal-to 6 inches in nominal diameter. PHMSA is also proposing regulations to improve pipeline operators' responses to large-volume, uncontrolled release events that may occur during the operation of certain onshore gas transmission, hazardous liquid, and carbon dioxide pipelines of particular diameters and in specific locations.¹ This NPRM would define a "rupture" event through certain metrics or observations, require operators of applicable lines to meet new regulatory standards to identify ruptures more quickly, respond to them more effectively, and mitigate their impacts. PHMSA's existing regulations require that operators take several steps to reduce the risk of potential leaks and failures, including testing and assessments, continuous monitoring of operations, and physical surveys and patrols of their pipelines' right-of-ways. Based on congressional direction, National Transportation Safety Board (NTSB) safety recommendations from accident investigations, recommendations from the Government Accountability Office (GAO), and PHMSA's analysis of incidents and evolving technology, this rule proposes to define large-volume, uncontrolled releases of both natural gas and hazardous liquids as pipeline "ruptures" and proposes standards to mitigate those ruptures.

One such rupture occurred on July 25, 2010, in Marshall, Michigan, resulting in the spill of approximately 800,000 gallons of crude oil into the Kalamazoo River and approximately \$1 billion in damages. The operator took 18 hours to confirm the pipeline rupture. Following confirmation of the rupture, the failed segment of the pipeline was immediately isolated using remote-controlled valves.

Another incident occurred on September 9, 2010, in San Bruno,

California, when a gas pipeline ruptured, causing a fire. This incident involved the uncontrolled release of natural gas for 95 minutes, severely hampering firefighting efforts, before the operator closed the mainline valves. The incident resulted in 8 deaths, 51 injuries requiring hospitalization, the destruction of 38 homes, damage to 70 other homes, and the evacuation of approximately 300 houses.

These two incidents are examples of release events where consequences can be significantly aggravated by some combination of missed opportunities by operators, including: (1) identifying that a rupture has occurred; (2) failing to take appropriate and prompt action(s) once a rupture has been identified, including calling 911 following the rupture, activating emergency response protocols, and notifying first responders and public officials; and (3) failing to promptly access and close available segment isolation valves that would be most beneficial for mitigating the impact of the rupture.

Following those incidents, Congress issued the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (2011 Pipeline Safety Act), which contained several mandates to improve pipeline safety. Section 4 of the 2011 Pipeline Safety Act requires PHMSA to issue regulations, if appropriate, requiring the use of automatic or remote-controlled shut-off valves, or equivalent technology, on newly constructed or replaced natural gas or hazardous liquid pipeline facilities.

PHMSA is proposing these regulations to improve operational practices related to rupture mitigation and to shorten rupture-segment isolation times by requiring operators of applicable lines to identify a rupture quickly, implement response procedures, and fully close pipeline mainline valves to terminate the uncontrolled release of commodity as soon as practicable. PHMSA is also requiring operators to install automatic shutoff, remote-controlled, or equivalent valves on newly constructed and entirely replaced pipelines to meet the section 4 mandate. PHMSA seeks comment from the public on these proposals.

Enbridge, the pipeline operator responsible for the incident near Marshall, MI, had remote-control technology installed on the ruptured pipeline. However, a failure to identify the rupture within a short amount of time rendered the technology essentially useless. Therefore, PHMSA believes a regulation requiring the installation of rupture-mitigating valves should be paired with a standard delineating when

an operator must identify a rupture and actuate those valves. PHMSA also believes that this standard will be most cost-effective when applied to onshore hazardous liquid and natural gas transmission pipelines of certain diameters in high-consequence areas (HCA), areas that could affect HCAs (for hazardous liquid pipelines), and Class 3 and 4 locations (for natural gas transmission pipelines),² where a release could have the most significant adverse consequences on public safety or the environment.

In developing these proposed regulations, PHMSA considered other mandates in the 2011 Pipeline Safety Act, as well as NTSB safety recommendations that followed the San Bruno incident;³ GAO recommendations on the ability of operators to respond to commodity releases in HCAs;⁴ technical reports commissioned by PHMSA on valves and leak detection from Oak Ridge National Laboratory (ORNL) and Kiefner and Associates, respectively;⁵ comments received on related topics through advance notices of proposed rulemaking (ANPRM); and information gathered at public meetings and workshops.

PHMSA believes this approach, as detailed in this NPRM, will help reduce the consequences of ruptures through

² A gas pipeline's class location broadly indicates the level of potential consequences for a pipeline release based upon population density along the pipeline. Class locations are determined as specified at § 192.5(a) by using a "sliding mile" that extends 220 yards on both sides of the centerline of a pipeline. The number of buildings within this sliding mile at any point during the mile's movement determines the class location for the entire mile of pipeline contained within the sliding mile. Class 1 locations contain 10 or fewer buildings intended for human occupancy, Class 2 locations contain 11 to 45 buildings, Class 3 locations contain 46 or more buildings, and Class 4 locations have a prevalence of 4-or-more-story buildings.

³ "Pacific Gas and Electric Company; Natural Gas Transmission Pipeline Rupture and Fire; San Bruno, CA; September 9, 2010; NTSB Accident Report PAR-11/01; Adopted August 30, 2011. <https://www.ntsb.gov/investigations/AccidentReports/Reports/PAR1101.pdf>.

⁴ "Pipeline Safety: Better Data and Guidance Needed to Improve Pipeline Operator Incident Response," Government Accountability Office Report to Congressional Committees, January 2013. <https://www.gao.gov/assets/660/651408.pdf>.

⁵ "Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves and Hazardous Liquids and Natural Gas Pipelines with Respect to Public and Environmental Safety," Oak Ridge National Laboratory; ORNL/TM-2012/411; October 31, 2012. <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/16701/finalvalvestudy.pdf>.

⁶ "Leak Detection Study—DTPH56-11-D-000001," Kiefner and Associates, Inc.; Final Report No. 12-173; December 10, 2012. <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/16691/leak-detection-study.pdf>.

¹ For brevity, reference to "hazardous liquid pipelines" through the remainder of this NPRM will include carbon dioxide pipelines as well, unless otherwise stipulated.

improving both rupture identification and rupture mitigation, including more rapid and effective isolation of failed pipeline segments.

B. Summary of the Major Provisions of the Proposed Regulatory Action

This NPRM will require the installation of automatic shutoff valves, remote-control valves, or equivalent technology, on all newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines that have nominal diameters of 6 inches or greater.⁷ For the purposes of this NPRM, PHMSA considers pipelines to be “entirely replaced” when 2 or more contiguous miles are being replaced with new pipe. PHMSA requests comments on this definition of “entirely replaced” in the context of the Section 4 valve installation mandate and whether it is reasonable or should be modified in the future. Additionally, for gas transmission pipelines, when a pipeline’s class location changes and results in pipe replacement to meet the maximum allowable operating pressure (MAOP) requirements of the new class location, an operator would be required to install or otherwise modify valves as necessary to comply with valve spacing requirements and the proposed rupture identification and mitigation requirements.

The NPRM also would establish Federal minimum standards for the identification of ruptures and the initiation of pipeline shutdowns, segment isolation, and other mitigative actions, which are designed to reduce the volume of commodity released due to a pipeline rupture and thereby minimize potential adverse safety and environmental consequences. This NPRM also would establish standards for improving the effectiveness of emergency response. Specifically, the proposed rupture identification and mitigation regulations include: (1) Defining the term “rupture” as an event that results in an uncontrolled release of a large volume of commodity that can be determined according to specific criteria or that has been observed and reported to the operator; (2) a requirement to establish procedures for responding to a rupture; (3) a requirement to declare a rupture as soon as practicable but no longer than 10 minutes after initial notification or indication; (4) a requirement to immediately and directly notify the appropriate public safety answering point (9–1–1 emergency call

⁷ “Nominal” pipe size is the standard size used to refer to pipe in non-specific terms and identifies the approximate inner diameter of the pipe with a non-dimensional number.

centers) for the jurisdiction in which the rupture is located; and (5) a requirement to respond to a rupture as soon as practicable by closing rupture-mitigation valves, with complete valve shut-off and segment isolation within 40 minutes after rupture identification.

The term “rupture-mitigation valve,” as it pertains to this proposal, means the specific valve(s) that the operator would use to isolate a pipeline segment that experiences a rupture—the applicable “shut-off segment” as those are specified in this rulemaking. These valves can be any combination of automatic shutoff valves (ASVs), remote-control valves (RCVs), or equivalent technology. A “shut-off segment,” for the purposes of this NPRM, is the segment of applicable pipe between the rupture-mitigation valves closest to the upstream and downstream endpoints of a high-consequence area, a Class 3 location, or a Class 4 location so that the entirety of these areas is between rupture-mitigation valves. Multiple high-consequence areas, Class 3 locations, or Class 4 locations can be contained in a single shut-off segment, and all valves installed on a shut-off segment are rupture-mitigation valves. Additionally, operators would be required to perform post-accident reviews of any ruptures or other release events involving the closure of rupture-mitigation valves to ensure these proposed performance objectives are met and to apply any lessons learned system-wide. The new rupture mitigation requirements in this NPRM would take effect 12 months after the final rule is published.

In this NPRM, PHMSA is only allowing operators to install or use manual valves if they can demonstrate to PHMSA that it would be economically, technically, or operationally infeasible to install or use an ASV, RCV, or equivalent technology. Examples of where an ASV, RCV, or equivalent technology might be infeasible include locations that may have issues with communication signals, power sources, space for actuators, or physical security.

PHMSA is not proposing additional valve requirements for smaller diameter pipelines or leaks that don’t meet the proposed definition of rupture in this rulemaking. PHMSA is also not requiring leak detection equipment on gas transmission and distribution pipelines as specifically recommended by NTSB Recommendation P–11–10. Pursuant to the findings in the Kiefner Leak Detection study that is referenced later in this rulemaking, it is typically more challenging to detect smaller leaks in an operationally, technically, and

economically feasible manner. However, this proposed rule, for both hazardous liquid and gas transmission pipelines, requires the installation of pressure monitoring equipment at all rupture mitigation valves on both the upstream and downstream locations of the valve, which will help operators better detect ruptures and which can be used for leak detection.

PHMSA continues to address the effectiveness of leak detection systems for other non-rupture type leaks through its rulemaking on the safety of hazardous liquid pipelines;⁸ research and development projects, including work on external-based leak detection sensors and acoustic pipeline leak detection systems;⁹ and engagement in new or updated standards being developed by standard developing organizations, including API recommended practices 1130 and 1175.¹⁰ The requirements in this NPRM of adding pressure detection and communication equipment at rupture mitigation valves are expected to drive further development and installation of leak detection technology and may help drive operators to make decisions to improve the capabilities of their leak detection systems to detect non-rupture-type events.

C. Costs and Benefits

Consistent with Executive Order 12866, PHMSA has prepared an assessment of the benefits and costs of the NPRM, as well as reasonable alternatives. Per the Preliminary Regulatory Impact Analysis (PRIA), PHMSA estimates the annual costs of the rule to be approximately \$3.1 million, calculated using a 7 percent discount rate. The costs reflect the installation of valves on newly constructed and entirely replaced gas transmission and hazardous liquid pipelines, as well as incremental programmatic changes that operators will need to make to incorporate the proposed rupture detection and response procedures. PHMSA elected not to quantify the benefits of this rulemaking and instead discusses them qualitatively in the PRIA.

PHMSA is posting the PRIA for this proposed rule in the public docket. In the PRIA, costs are aggregated by compliance method to estimate total

⁸ <https://www.regulations.gov/docket?D=PHMSA-2010-0229>.

⁹ Details on all of PHMSA’s leak detection research and development projects can be found at: <https://primis.phmsa.dot.gov/matrix/PrjQuery.rdn?text1=leak&btn=Modern+Search>.

¹⁰ Computational Pipeline Monitoring for Liquids and Pipeline Leak Detection Program Management, respectively.

costs, by year, for the baseline and NPRM. The incremental effect of this rulemaking is estimated by taking the difference in total costs relative to the baseline. Costs are then aggregated across all years in the analysis period and annualized.

II. Background

A. General Authority

Congress has authorized Federal regulation of the transportation of gas and hazardous liquids by pipeline in the Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*), a series of statutes that are administered by PHMSA. Congress established the current framework for regulating pipelines transporting gas in the Natural Gas Pipeline Safety Act of 1968 (Pub. L. 90–481) and the safety of hazardous liquid pipelines in the Hazardous Liquid Pipeline Safety Act of 1979 (Pub. L. 96–129). These laws give PHMSA the authority and responsibility to develop, prescribe, and enforce minimum Federal safety standards for the transportation of gas and hazardous liquids by pipeline. PHMSA prescribes and enforces comprehensive minimum safety standards for the transportation of gas and hazardous liquids by pipeline in 49 Code of Federal Regulations (CFR) parts 190–199. Among those standards, PHMSA has codified safety standards for the design, construction, testing, operation, and maintenance of gas and hazardous liquid pipelines in 49 CFR part 192, Transportation of Natural and Other Gas by Pipeline, and 49 CFR part 195, Transportation of Hazardous Liquids by Pipeline.

Part 192 prescribes minimum safety requirements for the transportation of gas by pipeline, including ancillary facilities and within the limits of the outer continental shelf as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331). Part 195 prescribes minimum safety requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide, including pipelines on the Outer Continental Shelf.

B. Major Pipeline Accidents

Although transmission pipelines are generally considered to be a very safe means of transporting natural gas and hazardous liquids,¹¹ they can experience large-volume, uncontrolled releases that can have severe consequences. For example, and

according to PHMSA hazardous liquid pipeline accident reports from 2006 to 2016, there were 91 reported incidents on pipelines within HCAs that would have been reported as “ruptures” per this proposed rulemaking and would have triggered this NPRM’s rupture-mitigation response provisions. Such accidents can be aggravated by some combination of: Missed opportunities by the operator to identify that a rupture has occurred; failure of operating personnel to take appropriate action(s) once a rupture is identified; delays in accessing and closing available segment isolation valves; and an inability to quickly close isolation valves that would have the most significant impact in mitigating the consequences of a rupture. Typically, these types of incidents (*i.e.*, failure events that result in rapidly occurring, large-volume releases) have been the most serious in terms of monetary and environmental damages and safety consequences—the aforementioned 91 hazardous liquid “ruptures” resulted in \$1.21 billion dollars in damage and 88,506 bbls spilled. The Marshall, MI, and San Bruno, CA, accidents are examples of failure events that resulted in rapidly occurring, large-volume releases on high-pressure, large-diameter pipelines.

The intent of this NPRM is to improve operational practices that in turn will improve rupture mitigation and shorten rupture isolation times for certain onshore gas transmission and hazardous liquid pipelines. “Rupture isolation time,” as it is discussed in this NPRM, is the time it takes an operator to identify a rupture, implement response procedures, and fully close the appropriate mainline valves to terminate the uncontrolled flow of commodity from the ruptured pipeline segment.

In accident investigations, PHMSA and the NTSB have identified issues relating to the timeliness of rupture identification and the appropriateness and timeliness of operators’ responses to ruptures. Typically, no single aspect contributes to the deficiencies in rupture identification and response. Instead, there were multiple contributing factors associated with the technology, equipment, procedures, and human elements that resulted in inadequate rupture identification and response efforts. In some incidents, certain aspects of an operator’s rupture identification or response efforts appeared adequate, but other issues, such as delayed access to isolation valves, resulted in an inadequate response overall. For instance, in the incident near Marshall, MI, the pipeline operator had in place leak detection

systems (LDS) and supervisory control and data acquisition (SCADA) systems that notified the controller of a potential rupture within minutes of the actual event, but issues related to the operator’s procedures, training, and personnel response resulted in an excessive amount of time—18 hours—before the operator confirmed the rupture and initiated mitigative actions. In the incident in San Bruno, CA, the operator effectively identified there was a leak through LDS or SCADA systems but took 95 minutes to isolate the gas pipeline rupture, which caused the fire to continue to burn unabated. The NTSB noted that the operator, Pacific Gas & Electric (PG&E), lacked a detailed and comprehensive procedure for responding to large-scale emergencies such as a transmission pipeline break, and that the use of ASVs or RCVs would have reduced the amount of time taken to stop the flow of gas.

Prior to these incidents, the NTSB noted similar issues related to rupture response in its report on an incident occurring on March 23, 1994, in Edison Township, New Jersey.¹² In the Edison incident, the operator took nearly 2½ hours to stop the flow of gas. The fire that followed the rupture destroyed 8 buildings, caused the evacuation of approximately 1,500 apartment residents, and caused more than \$25 million worth of property damage. The director of the operator’s Gas Control division stated in the NTSB accident report that the operator could typically notify employees to close valves within 5 to 10 minutes after identifying a rupture and that the time it took to close a valve depended on the employee’s travel time to the valve site. In his experience, he found that employees could usually arrive at a valve site within 15 to 20 minutes, but in some instances it took more than 1 hour for employees to arrive at certain valves after being dispatched. In its accident report, the NTSB concluded that the lack of automatic- or remote-operated valves on the ruptured line prevented the company from promptly stopping the flow of gas to the failed pipeline segment, which exacerbated damage to nearby property. Subsequently, the NTSB recommended to PHMSA’s predecessor, the Research and Special Programs Administration (RSPA), that it expedite establishing requirements for installing automatic- or remote-operated mainline valves on high-pressure

¹¹ Energy products being shipped through the nation’s 2.7 million miles of pipelines reach their destinations without incident 99.997 percent of the time. <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/69671/aopl-api-speech.pdf>.

¹² National Transportation Safety Board Pipeline Accident Report; Texas Eastern Transmission Corporation Natural Gas Pipeline Explosion and Fire; Edison, New Jersey; March 23, 1994. <https://www.ntsb.gov/investigations/AccidentReports/Reports/PAR9501.pdf>.

pipelines in urban and environmentally sensitive areas to provide for rapid shutdown of failed pipeline systems (P-95-1).

As recognized by Congress and several other stakeholders, these high-consequence rupture events deserve special consideration and regulatory treatment. Accordingly, PHMSA is proposing a combination of standards that focus on achieving the congressional objective of more timely rupture detection and mitigation in important areas while also requiring a broader installation of rupture-mitigating valves on newly constructed and entirely replaced pipeline infrastructure.

C. National Transportation Safety Board Recommendations

On August 30, 2011, the NTSB issued its report on the gas transmission pipeline accident that occurred in San Bruno, CA, on September 9, 2010.¹³ In its report, the NTSB issued safety recommendations P-11-8 through P-11-20 to PHMSA; safety recommendations P-11-24 through P-11-31 to PG&E, the operator of the failed line; and several recommendations to other entities, including the Governor of the State of California, the California Public Utilities Commission (CPUC), the American Gas Association (AGA), and the Interstate Natural Gas Association of America (INGAA). NTSB safety recommendations P-11-9, P-11-10, and P-11-11 recommended that PHMSA require operators to immediately and directly notify the appropriate public safety answering point (9-1-1 emergency call centers) in the communities and jurisdictions where a pipeline rupture is indicated; equip their SCADA systems with tools, including leak detection systems and appropriately spaced flow and pressure transmitters along covered transmission lines, to identify leaks (and ruptures); and require automatic shut-off valves (ASV) or remote-control valves (RCV) be installed in HCAs and Class 3 and 4 locations with the valves spaced considering risk analysis factors, respectively.¹⁴

PHMSA determined that, although the NTSB directed these recommendations to onshore gas transmission pipelines in response to a natural gas transmission accident, certain aspects of these recommendations are also applicable to

hazardous liquid pipelines, particularly as they relate to ruptures.

D. Advance Notices of Proposed Rulemaking

PHMSA published two ANPRMs seeking comments regarding the revision of several topic areas in the Pipeline Safety Regulations that are applicable to the safety of hazardous liquid pipelines (October 18, 2010; 75 FR 63774) and gas transmission pipelines (August 25, 2011; 76 FR 53086).¹⁵ This NPRM addresses issues that were raised in the ANPRMs related to rupture detection and mitigation, including leak detection, valve spacing, valve installation, and method of valve actuation.

In response to the questions in the ANPRMs, a variety of parties representing interests from the natural gas and hazardous liquid industries, citizen groups, regulators, and local governments, provided comments. PHMSA considered these comments as discussed in Section III of this NPRM. Separately, PHMSA is addressing several other topics considered in the hazardous liquid and gas transmission ANPRMs, specifically in NPRMs titled "Safety of Hazardous Liquid Pipelines" (October 13, 2015; 80 FR 61610) and "Safety of Gas Transmission and Gathering Pipelines" (April 8, 2016; 81 FR 20722).

E. Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 and Related Studies

Public Law 112-9, known as the "Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011" (2011 Pipeline Safety Act), was enacted on January 3, 2012. Several of the 2011 Pipeline Safety Act's statutory requirements relate directly to the topics addressed in the ANPRMs, which have an impact on this proposed rulemaking. This NPRM is, in part, a response to the mandates of section 4 and section 8 of the 2011 Pipeline Safety Act.

i. Section 4—Automatic and Remote-Controlled Shut-Off Valves

Section 4 of the 2011 Pipeline Safety Act directs the Secretary of Transportation (Secretary), if appropriate, to require by regulation the use of ASVs or RCVs, or equivalent technology, where it is economically, technically, and operationally feasible, on hazardous liquid and natural gas transmission pipeline facilities that are constructed or entirely replaced after

the date on which the Secretary issues the final rule containing such requirements. PHMSA is proposing to address this mandate by establishing the minimum standards described in this NPRM. These standards were also developed in consideration of NTSB Recommendations P-11-10 and P-11-11, the GAO Report GAO-13-168, "Better Data and Guidance Needed to Improve Pipeline Operator Incident Response,"¹⁶ and ORNL Report/TM-2012/411, "Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves on Hazardous Liquids and Natural Gas Pipelines With Respect to Public and Environmental Safety," which was performed in response to the 2011 Pipeline Safety Act.¹⁷

a. GAO Report GAO-13-168

Section 4 of the 2011 Pipeline Safety Act also required the development of a study by the Comptroller General on the ability of pipeline operators to respond to a hazardous liquid or gas release from a pipeline segment located in an HCA. This study was published by the GAO in January 2013 and recommended PHMSA take the following two actions:

1. Improve the reliability of incident response data to improve operators' incident response times, and use this data to evaluate whether to implement a performance-based framework for incident response times, and
2. Assist operators in determining whether to install automated valves by using PHMSA's existing information sharing mechanisms to alert all pipeline operators of inspection and enforcement guidance that provides additional information on how to interpret regulations on automated valves, and share approaches used by operators for making decisions on whether to install automated valves.

The GAO report noted that defined performance-based goals, established with reliable data and sound agency assessments, could result in improved operator response to incidents, with ASV and RCV installation and use being one of the determining factors. The GAO further noted that, although the current PHMSA regulations for incident response and the installation and use of ASVs and RCVs are performance-based, they are very general, currently requiring operators to respond to incidents in a "prompt and effective

¹³ NTSB/PAR-11/01, PB2011-916501, *Pacific Gas and Electric Company Natural Gas Transmission Pipeline Rupture and Fire*.

¹⁴ NTSB Safety Recommendation addressed to PHMSA; September 26, 2011; <https://www.ntsb.gov/safety/safety-recs/recreletters/P-11-000-020.pdf>.

¹⁵ See www.regulations.gov, dockets PHMSA-2010-0229 and PHMSA-2011-0023, respectively, for both the ANPRMs and NPRMs.

¹⁶ Published January 2013; www.regulations.gov (Docket ID PHMSA-2013-0255-0002).

¹⁷ Published October 31, 2012; www.regulations.gov (Docket ID PHMSA-2013-0255-0004).

manner,"¹⁸ and requiring operators to install ASVs, RCVs, or emergency flow restricting devices (EFRD) if an operator determines, through risk analysis, such valves are necessary to protect HCAs.¹⁹

More clearly defined goals can help operators identify actions that could improve their ability to respond to certain types of incidents consistently and promptly, though identical incident response actions are not appropriate for all circumstances due to pipelines having variable locations, equipment needs, configurations, and operating conditions. PHMSA agrees with the GAO's conclusions that a more specific standard, in conjunction with carefully selected requirements, could be more effective in improving incident response times, particularly when ruptures are involved.

The GAO report also concluded that the primary advantage of installing and using automated valves is that operators can respond more quickly to isolate the affected pipeline segment and reduce the amount of commodity released. Although the report suggested that using automated valves can have certain disadvantages, including the potential for accidental closures, which makes it appropriate for operators to decide whether to install automated valves on a case-by-case basis, the report recognized that a faster incident response time could reduce the amount of property damage from secondary fires (after an initial pipeline rupture) by allowing fire departments to extinguish the fires sooner. In addition, for hazardous liquid pipelines, a faster incident response time could result in lower costs for environmental remediation efforts and less commodity loss.

PHMSA applied these principles and the GAO's findings and recommendations in developing the standards proposed in this NPRM. The proposed amendments in this NPRM would also include new, specific, post-incident review requirements in §§ 192.617(a) and 195.402(c)(5)(i) and (ii). Operators would make those post-incident reviews available for PHMSA to inspect, and PHMSA could use those reviews in disseminating lessons learned to other operators and to better inform future rulemakings. The GAO report may be reviewed at <http://www.regulations.gov> by searching for Docket No. PHMSA-2013-0023.

b. ORNL Report ORNL/TM-2012/411

In March 2012, PHMSA requested assistance from ORNL to perform a study to address the issues outlined in Section 4 of the 2011 Pipeline Safety Act and those raised by the NTSB in its accident report for the September 9, 2010, Sau Bruno natural gas pipeline incident. The ORNL study assessed the effectiveness of valve-closure swiftness in mitigating the consequences of natural gas and hazardous liquid pipeline releases on public and environmental safety. It also evaluated the technical, operational, and economic feasibility and potential benefits of installing ASVs and RCVs in newly constructed and fully replaced pipelines. The study concluded that:

1. In general, installing ASVs and RCVs on newly constructed and fully replaced natural gas transmission and hazardous liquid pipelines is technically feasible, provided sufficient space is available for the valve body, actuators, power source, sensors and related electronic equipment, and personnel required to install and maintain the valve; and is operationally feasible, provided the communication links between the RCV site and the control room are continuous and reliable.

2. There is evidence that it is economically feasible to install ASVs and RCVs on newly constructed and fully replaced natural gas transmission and hazardous liquid pipelines and the benefits would exceed the costs for the release scenarios considered in the study. However, it is necessary to consider site-specific variables in determining whether installing ASVs or RCVs on newly constructed or fully replaced pipelines is economically feasible in a particular situation.

3. Installing ASVs and RCVs on newly constructed and fully replaced natural gas and hazardous liquid pipelines can be an effective strategy for mitigating potential fire consequences resulting from a release and subsequent ignition. Adding automatic closure capability to valves on newly constructed or fully replaced hazardous liquid pipelines can also be an effective strategy for mitigating potential socioeconomic and environmental damage resulting from a release that does not ignite.

4. For hazardous liquid pipelines, installing ASVs and RCVs can be an effective strategy for mitigating potential fire damage resulting from a pipe opening-type breaks²⁰ and subsequent ignition, provided the leak is detected

and the appropriate ASVs and RCVs close completely so that the damaged pipeline segment is isolated within 15 minutes after the break.

PHMSA used the conclusions of the ORNL Report in developing this NPRM and as a basis for proposing to implement standards for valve installation per Section 4 of the 2011 Pipeline Safety Act. The report may be reviewed at <http://www.regulations.gov> by searching for Docket No. PHMSA-2013-0255-0004.

ii. Section 8—Leak Detection

Section 8 of the 2011 Pipeline Safety Act required the Secretary to submit to Congress a report on leak detection systems (LDS) utilized by operators of hazardous liquid pipeline facilities, including transportation-related flow lines, and to establish technically, operationally, and economically feasible standards for the capability of leak detection systems to detect leaks.

PHMSA responded to the 2011 Pipeline Safety Act's Section 8 mandate by contracting with Kiefner and Associates, Inc. to prepare a leak detection study. The Kiefner study examined LDS used by operators of hazardous liquid and natural gas transmission pipelines and included an analysis of the technical limitations of current LDS, the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies. It also reviewed the practicality of establishing technically, operationally, and economically feasible standards for LDS capabilities. The study addressed five tasks defined by PHMSA:

- Assess past incidents to determine if additional LDS may have helped to reduce the consequences of the incident;
- Review installed and currently available LDS technologies, along with their benefits, drawbacks, and their retrofit applicability to existing pipelines;
- Study current LDS operational practices used by the pipeline industry;
- Perform a cost-benefit analysis of deploying LDS on existing and new pipelines; and
- Study existing LDS standards to determine what gaps exist and if additional standards are needed to cover LDS over a larger range of pipeline categories.

The authors of the Kiefner study were tasked only to report data and technical and cost aspects of LDS. Although the Kiefner study did not provide any specific conclusions or recommendations related to leak

¹⁸ For natural gas and hazardous liquid pipelines, §§ 192.615(a)(3) and 195.402(e)(2), respectively.

¹⁹ Requirements for ASV and RCV installation are at § 192.335(c), and requirements for EFRD installation are at § 195.452(i)(4).

²⁰ A break in the pipeline that involves the opening of the pipe in either the circumferential or longitudinal direction.

detection system standards, its content did inform this NRPM, acknowledging that pressure/flow monitoring (leak detection techniques) will consistently and reliably catch large volume, uncontrolled release events such as ruptures. Therefore, PHMSA has proposed that valves designated as rupture-mitigation valves for this rulemaking be outfitted with equipment or other means to monitor valve status, commodity pressures, and flow rates. Also, the report noted that operator procedures may have allowed ignoring alarms, restarting pumps, or opening valves during large releases.

The standard PHMSA is proposing in this rulemaking intends to reduce the frequency of these errors by requiring an operator to determine a rupture is occurring within 10 minutes following the first notification to the operator or following specific criteria involving throughput. PHMSA is considering alternate timeframes for rupture confirmation for this rulemaking. PHMSA notes that a 10-minute confirmation standard would be consistent with certain industry practices. For example, in its report following the incident near Marshall, MI, the NTSB noted that the operator had procedures in its operations manual that restricted the operation of a pipeline for longer than 10 minutes when the pipeline was operating under unknown circumstances. This procedure was adopted following a 1991 rupture and release by the same operator. PHMSA welcomes comments from stakeholders on the feasibility, reasonableness, and adequacy of the proposed 10-minute rupture confirmation standard.

The proposed accident review following these ruptures can also help drive operators to implement lessons learned system-wide and assist PHMSA in providing industry-wide guidance regarding overarching performance issues. The report may be reviewed at <http://www.regulations.gov> by searching for Docket No. PHMSA-2013-0018.

PHMSA is not proposing specific metrics to address smaller, non-rupture-type leaks in this rulemaking. PHMSA is also not proposing to require leak detection equipment on gas transmission and distribution pipelines as expansively as recommended by NTSB recommendation P-11-10, which recommended that all operators of natural gas transmission and distribution pipelines equip their supervisory control and data acquisition systems with tools to assist in recognizing and pinpointing the location of leaks, including line breaks. Pursuant to the findings in the Kiefner

Leak Detection study, it is typically more challenging to detect smaller leaks in an operationally, technically, and economically feasible manner. Further, the report notes that LDS with the same technology, when applied to two different operating pipeline systems, can have very different results. In short, one size does not fit all, and determining a reasonable, minimum Federal standard for safety comes with several challenges. However, this NPRM, for both onshore hazardous liquid and gas transmission pipelines, would require the installation of pressure monitoring equipment at all rupture mitigation valves on both the upstream and downstream locations of the valve. This requirement incorporates an aspect of NTSB Recommendation P-11-10 that will help operators to better detect ruptures, which should drive further development and installation of leak detection technology, and may help drive operators to make decisions to improve the capabilities of their current leak detection systems to detect non-rupture type events. PHMSA continues to address the effectiveness of LDS for other non-rupture type leaks through a rulemaking,²¹ engagement in new or updated standards being developed by standard developing organizations, and through the development of research and development projects.²²

F. PHMSA 2012 R&D Forum, "Leak Detection and Mitigation"

PHMSA sponsored a workshop on leak detection and expanded EFRD use, in Rockville, MD, on March 27-28, 2012. Additionally, a Government and Industry Pipeline Research and Development (R&D) Forum was held in Arlington, VA, on July 18-19, 2012.²³ PHMSA periodically holds 2-day R&D forums to generate a national research agenda that fosters solutions for the many challenges facing pipeline safety and environmental protection. The R&D forum allowed public, government, and industry pipeline stakeholders to develop a consensus on the technical gaps and challenges for future research. It also enabled stakeholders to discuss

²¹ Pipeline Safety: Safety of Hazardous Liquid Pipelines; 80 FR 61609; October 13, 2015.

²² Improving Leak Detection System Design Redundancy and Accuracy, DTPH56-14-H-00007 (End: April 2017); Emissions Quantification Verification Process, DTPH5615T00012L (End: December 2017); Framework for Verifying and Validating the Performance and Viability of External Leak Detection Systems for Liquid and Natural Gas Pipelines, DTPH5615T00004L (End: March 2018)

²³ <https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=77>. For details on the meeting, please see the summary report at https://primis.phmsa.dot.gov/rdr/mrgs/071812/2012_RD_ForumSummaryReport.pdf.

ways to reduce duplication of programs, consider ongoing research efforts, and leverage resources to achieve common objectives. Participants discussed the development of leak detection technology for all pipeline types (from any deployment platform) and the capabilities and limitations of current leak-detection technologies. A working group convened for the meeting for the topic of leak detection identified four gaps for future research, which were: (1) To reduce false alarms of leak detection systems; (2) leak detection technology, standards, and knowledge for new and existing systems; (3) smart system development; and (4) mobile-based leak detection system testing.

III. Proposed Rupture Identification and Mitigation Actions and Analysis of ANPRM Comments

In response to the congressional mandates contained in the 2011 Pipeline Safety Act, recommendations from the NTSB and GAO, comments received to both ANPRMs, discussions at PHMSA's public workshops, and the results of the studies and analyses described above, PHMSA is proposing standards for valve installation, rupture recognition and timely mitigation, and valve shut-off and location requirements for segment isolation. These actions are intended to minimize consequences from ruptured pipeline segments and improve the effectiveness of emergency response.

The proposed valve installation requirement applies to all newly constructed and entirely replaced gas transmission and hazardous liquid pipelines with nominal diameters of 6 inches or greater. For the purposes of this rulemaking, PHMSA proposes to define "entirely replaced" pipelines as those pipelines where 2 or more contiguous miles are being replaced with new pipe. Operators of these lines would be required to install automatic shutoff valves, remote-control valves, or equivalent technology at the valve spacing intervals or locations already specified in the current regulations. In the case of "entirely replaced" pipelines, valves that are directly associated with or are otherwise impacted by the replacement project would need to be upgraded to automatic shutoff, remote control, or equivalent valve technology. In the May 1, 1998, final order to Viking Gas Transmission,²⁴ PHMSA notes that § 192.13(b) states "no person may operate a segment of pipeline [. . .] that is replaced, relocated, or otherwise

²⁴ *In the Matter of Viking Gas Transmission*, Final Order, C.P.F. No. 32102 (May 1, 1998).

changed [. . .], unless the replacement, relocation, or change has been made according to the requirements in [part 192].” In that final order, PHMSA stated it expected the operator to ensure that any future pipeline replacements comply with the valve spacing requirements at § 192.179. Therefore, even if a replaced segment does not have a valve, operators would need to ensure that the replaced segment meets the spacing requirements at § 192.179 and would need to ensure, per this rulemaking, that any valves installed for compliance also meet the standard of being automatic shut-off, remote-control, or equivalent technology. In the case of hazardous liquid pipelines, maximum valve spacing mileages are not specified under the current regulations, and PHMSA has proposed valve spacing for those pipelines constructed following the issuance of the final rule. The valves installed per the NPRM’s provisions for both gas transmission and hazardous liquid pipelines would also be subject to the 40-minute rupture-mitigation closure requirement and the monitoring requirements of the rulemaking.

These proposed rupture identification and mitigation regulations include: (1) Defining the term “rupture” as a significant breach of a pipeline that results in a large-volume, uncontrolled release of commodity that can be determined according to specific criteria or that has been observed and reported to the operator; (2) a requirement to establish procedures specifically for responding to a rupture based on the definition; (3) a requirement to declare a rupture as soon as practicable but no longer than 10 minutes after initial notification or indication; (4) a requirement to immediately and directly notify the appropriate public safety answering point (9–1–1 emergency call centers) for the jurisdiction in which the rupture is located; and 5) a requirement to respond to a rupture as soon as practicable by closing rupture-mitigation valves, with complete valve shut-off and segment isolation within 40 minutes after rupture identification. Rupture identification occurs when a rupture is reported to, or observed by, pipeline operating personnel or a controller.

The term “rupture-mitigation valve,” as it pertains to this proposal, means the specific valve(s) that the operator would use to isolate a pipeline segment that experiences a rupture—the applicable “shut-off segment” as specified in this NPRM. These valves can be any combination of ASVs, RCVs, or equivalent technology upon review by PHMSA, and they would be required to

comply with the proposed new rupture mitigation timing, testing, communication, maintenance, and inspection requirements of this NPRM. PHMSA is also proposing operators periodically verify, through drills, that their rupture-mitigation valves can reliably meet the standard outlined above and that any communications equipment necessary for valve actuation functions as needed. Additionally, operators would be required to perform post-accident reviews of any ruptures or other release events involving the closure of rupture-mitigation valves to ensure these proposed performance objectives are met and that any lessons learned can be applied system-wide.

Regarding the proposal for immediately and directly notifying the appropriate public safety answering point (PSAP) for the jurisdiction in which the rupture is located, per PHMSA’s Advisory Bulletin published on October 11, 2012 (77 FR 61826), PHMSA believes that immediate communication should be established between pipeline facility operators and PSAP staff when there is any indication of a pipeline rupture or other emergency condition that may have a potential adverse impact on public safety or the environment. PHMSA recommends that pipeline facility operators ask their applicable PSAP(s) if there are any other reported indicators of possible pipeline emergencies such as odors, unexplained noises, product releases, explosions, fires, etc., as these reports may not have been linked to a possible pipeline incident by the callers contacting the 9–1–1 emergency call center. This early coordination will facilitate the timely and effective implementation of the pipeline facility operator’s emergency response plan and coordinated response with local public safety officials.

PHMSA is not proposing specific metrics to address smaller, non-rupture-type leaks in this NPRM. PHMSA is also not proposing to require leak detection equipment on gas transmission and distribution pipelines as specifically recommended by NTSB recommendation P–11–10. Pursuant to the findings in the Kiefner Leak Detection study, it is typically more challenging to detect smaller leaks on pipelines in an operationally, technically, and economically feasible manner. However, this NPRM, for both hazardous liquid and gas transmission pipelines, requires the installation of pressure monitoring equipment at all rupture mitigation valves on both the upstream and downstream locations of the valve, which will help operators to better detect ruptures and which can be used for leak detection when leak

detection technology becomes further developed. PHMSA continues to address the effectiveness of leak detection systems for other non-rupture type leaks through other rulemakings, R&D projects, and engagement in new or updated standards being developed by standard developing organizations.

The rupture-mitigation provisions of this NPRM, and the related comments to the major topic areas of this NPRM, are discussed below:

A. Definition of Rupture

Section 4 of the 2011 Pipeline Safety Act requires PHMSA to, if appropriate, issue regulations requiring the use of ASVs or RCVs, or equivalent technology, where economically, technically, and operationally feasible, on newly constructed or entirely replaced transmission pipeline facilities. PHMSA notes, though, that there may be little benefit to the installation of these valves if there is not a threshold requiring their use to mitigate the consequence of large releases.

While some individual operators have installed ASVs and RCVs in response to recent high-profile incidents, and existing regulations require operators to consider these types of valves as additional mitigative measures in HCAs, the continued occurrence of incidents with unnecessarily slow response times suggests that operators may not be fully accounting for the social costs of unmitigated large-scale release events in their risk analysis, emergency planning, and valve automation decisions. PHMSA is proposing a new definition for the term “rupture” for both natural gas and hazardous liquid pipelines in parts 192 and 195, respectively, that operators must properly identify and subsequently take mitigative action against as proposed in this NPRM.

The term “rupture,” as defined and applied in these proposed regulations, is meant to encompass any type of large-volume, rapidly occurring, and uncontrolled release or failure event. Ruptures would include events that have rupture-like characteristics in terms of pressure and flow profiles, including but not limited to failures due to mechanical punctures, line breaks and other large-scale failures, seam splits, large through-wall cracks, sheared lines due to natural or other outside force damage, and valves inadvertently left open.

A rupture, as defined in this NPRM, would include any of the following events that involve an uncontrolled release of a large volume of product over a short period of time: An unanticipated or unplanned pressure loss of 10

percent or more, occurring within a time interval of 15 minutes or less (with certain specific exceptions relevant to gas and liquid pipelines); an unexplained flow-rate change, pressure change, instrumentation indication, or equipment function; and an apparent large-volume, uncontrolled release of gas or a failure observed by operator personnel, the public, or public authorities. The term “rupture” as defined in this NPRM is only applicable as it would pertain to the proposed regulations in parts 192 and 195 and should not be confused with the term “rupture” as it is utilized in other PHMSA applications, such as in incident and accident reporting forms and other general PHMSA documents and records. For the purposes of those other applications, operators should consult the instructions for those forms to find the definition of “rupture,” as it will be distinct from the term’s proposed use in parts 192 or 195 per this rulemaking. PHMSA welcomes comment on this proposed definition of rupture and the usages of the term as they are proposed.

Although there are key differences in the behavior of gas pipeline ruptures and hazardous liquid pipeline ruptures, prompt identification, rapid system shutdown, and segment isolation are objectives common to both. Both types of ruptures have increased risks of adverse consequences as the time lengthens for both system shutdown and segment isolation. In the case of hazardous liquid pipelines, the volume of product released increases and spreads further over the surrounding terrain or in water as response and isolation times are prolonged, which significantly increases the potential for adverse consequences. As it can take an area affected by a hazardous liquid spill months or even years to be restored to a pre-accident state, limiting the amount of product released and the size of the affected area are of great importance.

For gas pipelines, a rupture results in a sudden release of energy that is sustained for longer periods of time even after the system is shut down, as the pressurized gas expands into the atmosphere and remains in relative proximity to the failure site in most cases. When gas ruptures ignite, the length of time that the gas pipeline is not shut down and isolated leads to consequences, such as fires, that may otherwise be containable but spread outward and cause significant additional damage beyond the immediate impact zone.

In both cases, the quick isolation of a ruptured segment does not significantly alter the immediate impact of the

rupture even though the extended consequences can be significantly reduced.²⁵ Therefore, this rulemaking is expected to drive improvement in rupture response and isolation times to reduce a rupture’s extended consequences.

The rupture-mitigation requirements of any final rule that are based on the new rupture definition would take effect 12 months after the rulemaking becomes effective, and the definition itself would be incorporated with the other definitions for parts 192 and 195 in § 192.3 for onshore gas transmission pipelines and in § 195.2 for onshore hazardous liquid pipelines, respectively.

B. Accident Response and Mitigation Measures

i. Installing RCVs and ASVs

Several operators and industry trade groups, including INGAA, AGA, American Public Gas Association (APGA), Atmos, MidAmerican, Dominion East Ohio, and TransCanada, noted in the ANPRM that installing RCVs and ASVs will not prevent incidents and that existing requirements allow for safe and reliable service. Chevron commented that operators should have the flexibility to select the most effective measures based on specific locations, risks, and conditions of the pipeline segment. PHMSA notes that, following the San Bruno incident, PG&E rapidly installed ASVs where possible and stated there was sufficient basis to deploy such valves; according to a CPUC press release, the workplan it approved for PG&E would install 228 automated shut-off valves from 2012–2014.^{26,27} In comparison, in 2006, PG&E concluded that most of the damage from a rupture would take place in the first 30 seconds before shut-off valves could stop the flow of gas.²⁸ Gas transmission operators have previously cited a Gas Research Institute study from 1998 as

the basis for concluding that the installation of RCVs is not cost-effective since, in most cases, injury or death occurs so near to the time of pipeline rupture that RCVs may not respond quickly enough. A PG&E internal memorandum from 2006 (subsequently released to the public) documenting its consideration of installing ASVs and RCVs on lines pointed to this study when concluding that the use of an ASV or RCV as a prevention and mitigation measure in an HCA would have “little or no effect on increasing human safety or protecting properties,” and did not recommend using either as a general mitigation measure.²⁹

However, the NTSB investigation of the San Bruno incident and research by ORNL suggests there are real benefits to more rapid valve closure due to faster emergency response. As the NTSB stated, the total heat and radiant energy released by the burning gas was directly proportional to the time gas flowed freely from the ruptured pipeline. Because the operator took 95 minutes to stop the flow of gas and isolate the rupture, the natural gas-fed fire continued to ignite homes and vegetation, contributing to the extent and severity of property damage and increasing the life-threatening risks to residents and emergency responders. It wasn’t until 95 minutes after the rupture that firefighters could safely approach the rupture site and begin containment efforts due to the intensity of the fire. Firefighting continued for 2 days after the flow of gas stopped, and over 900 emergency responders were deployed. The use of ASVs or RCVs would have reduced the amount of time taken to stop the flow of gas and would have shortened the time the site was inaccessible to emergency responders.

Additionally, studies have indicated that a prolonged gas-fed fire leads to increased property damage, including two separate studies from the Gas Research Institute,³⁰ as well as a 1999 study from RSPA stating that RCV use could reduce property damage, reduce public disruption of product supply, reduce damage to other utilities, and allow emergency responders faster access to the accident site.³¹

²⁵ Oak Ridge National Laboratory; “Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves on Hazardous Liquids and Natural Gas Pipelines with Respect to Public and Environmental Safety;” ORNL/TM–2012/411; October 31, 2012; Section 5, pgs. 175–186.

²⁶ Carey and Rogers. 2011. PG&E officials grilled about automatic shut off valves. Silicon Valley MercuryNews.com, http://www.mercurynews.com/san-bruno-fire/ci_17510209?nclink_check=1, posted 3/1/11.

²⁷ California Public Utilities Commission. 2012. “CPUC Approves Pipeline Safety Plan for PG&E; Increases Whistleblower Protections.” <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M040/K531/40531580.PDF>

²⁸ Carey and Rogers. 2011. PG&E officials grilled about automatic shut off valves. Silicon Valley MercuryNews.com, http://www.mercurynews.com/san-bruno-fire/ci_17510209?nclink_check=1, posted 3/1/11.

²⁹ NTSB Accident Report; NTSB/PAR–11/01; PG&E Natural Gas Transmission Rupture and Fire; San Bruno, California; September 9, 2010; Pgs. 56–57.

³⁰ M. Stephens, “A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines,” GRI–00/0189, Gas Research Institute, October 2000; and C.R. Sparks, “Remote and Automatic Main Line Valve Technology Assessment,” Gas Research Institute, July 1995.

³¹ Remotely Controlled Valves on Interstate Natural Gas Pipelines (Feasibility Determination Mandated by the Accountable Pipeline Safety and

PHMSA is proposing to implement the section 4 mandate from the 2011 Pipeline Safety Act by requiring newly constructed and entirely replaced natural gas transmission and hazardous liquid pipelines with nominal diameters of 6 inches and greater be equipped with remote-control valves, automatic shutoff valves, or equivalent technology, at distances specified under the valve spacing requirements per the current regulations.

For newly constructed pipelines of certain diameters and replaced pipelines of certain diameters and specific lengths, this NPRM would require rupture-mitigation valves located on both sides of a "shut-off segment," which is defined in this NPRM as the applicable segment of pipe between the valves closest to the endpoints of a high consequence area or Class 3 or 4 location. For hazardous liquid pipelines, any mainline valve located within a shut-off segment would be a rupture-mitigation valve. For gas transmission pipelines, maximum valve spacing for shut-off segments would apply based on class location factors.

Comments from pipeline operators and industry organizations point to a wide disparity in the percentage of sectionalizing valves that are RCVs or ASVs. This may reflect the use of very different decision criteria by different operators for determining when RCVs or ASVs should be installed. PHMSA determined a need for clarity in the criteria for rupture mitigation and segment isolation to ensure that valve configurations are capable of adequately mitigating the potential consequences of rupture releases, as discussed below.

ii. Standards for Rupture Identification and Response Times

In this NPRM, PHMSA proposes requirements for rupture response and mitigation that would require operators of certain pipeline segments to: (1) Determine the existence of a rupture within 10 minutes of initial identification; (2) make immediate and direct notification to the appropriate public safety answering point (9-1-1 emergency call centers); (3) initiate rupture-mitigation valve closure as soon as practicable after identifying a rupture; and (4) complete rupture-mitigation valve shut-off (closure and rupture segment isolation) as soon as practicable but within a maximum time interval of 40 minutes after rupture

identification.³² Operators may meet this standard using ASVs, RCVs, or equivalent technologies upon review by PHMSA. This NPRM also proposes that operators conduct regular emergency drills and inspections to confirm the performance of operator systems, processes, procedures, and personnel to achieve this standard.

In the hazardous liquid ANPRM, the American Petroleum Institute (API), Association of Oil Pipelines (AOPL), the Texas Oil and Gas Association (TxOGA), Louisiana Midcontinent Oil & Gas Association (LMOGA), and TransCanada Keystone Pipeline commented that there is no current industry standard setting a maximum spill volume or valve activation timing due to the widespread variation in pipeline dynamics, and it therefore would be difficult to establish a one-size-fits-all requirement for these items. API and AOPL suggested PHMSA should focus on prevention and response rather than reducing spill size.

PHMSA agrees with the commenters that spill prevention and response are important to ensuring the safety of hazardous liquid pipelines and that establishing a one-size-fits-all maximum spill volume would be extremely challenging due to a variety of factors, including different pipeline diameters, terrain surrounding pipelines, commodity type, operating conditions, sensitivity of the surrounding areas, and types and nature of flow paths. However, based on previous incident history, PHMSA has determined that it is necessary to define standards to ensure operators identify ruptures when they occur and promptly shut off mainline valves and isolate the ruptured pipeline segment. As a result, PHMSA is proposing to require operators to base their decisions upon documented procedures that take into account unexplained flow rate changes, pressure changes, instrumentation indications, and equipment functions. Factoring this information into the decision-making processes, when paired with additional pressure sensors located along the pipeline and valves that can be closed quickly after rupture detection, should help mitigate the effects of pipeline ruptures. For instance, such requirements would have helped mitigate the PG&E incident at San Bruno, CA, and the Enbridge incident near Marshall, MI, because the operators would have been in a better position to identify the ruptures if they were monitoring for the required information.

The GAO report referenced in Section II of this NPRM noted that performance-based goals established with reliable data and sound agency assessments could result in improved operator response with ASV and RCV use. The report also states that although existing PHMSA regulations for operator response and ASV and RCV use are performance-based, they are "not well-defined." Specifically, parts 192 and 195 currently require operators to respond to incidents and accidents in a "prompt and effective manner" (§§ 192.615(a)(3) and 195.402(e)(2)). As mentioned earlier, however, identical response actions are not appropriate for all circumstances due to the specific and highly variable location, equipment, and operating conditions involved on individual pipeline systems. The GAO noted some organizations in the pipeline industry believe that some form of performance-based goals can allow operators to identify actions that could improve their ability to respond to accidents, including ruptures, more consistently and in a timelier manner, and those organizations are taking steps to implement this approach. PHMSA agrees that a more precise regulation specific to ruptures would be effective in improving operator response times and mitigative actions because ruptures have recognizable operational signatures and, hence, more clearly defined triggers and actions that operators can take in response.

iii. Using RCVs or ASVs in All Cases

In the hazardous liquid and gas transmission ANPRMs, PHMSA asked stakeholders to comment on whether the Pipeline Safety Regulations should include a requirement mandating the use of RCVs in all cases. The NTSB reinforced, via a submitted comment, that PHMSA should adopt requirements consistent with its recommendations P-11-10 and P-11-11. The NTSB noted in its analysis of the San Bruno incident that if PG&E could have shut off the gas flow of its ruptured segment sooner than 95 minutes, it would have likely resulted in a smaller fire of shorter duration as well as less risk to residents, their property, and first responders. The ORNL report and the GAO report referenced in this rulemaking reached conclusions similar to the NTSB's for both gas transmission and hazardous liquid pipelines. In other comments, Metro Area Water Utility Commission (MAWUC) indicated that PHMSA should consider requiring all valves to be remotely controlled but that its decision should be based on an analysis of benefits and risks. North Slope Borough (NSB) supported the use of

³¹ Partnership Act of 1996); September 1999; https://rosap.nsl.bts.gov/view/doc/16918/doc_16918_DS1.pdf.

³² As defined in this NPRM, rupture identification occurs when a rupture is observed by or reported to pipeline operating personnel or a controller.

RCVs in all instances. A private citizen commented that PHMSA should issue regulatory language requiring RCVs for poison inhalation hazard pipelines. Conversely, comments from industry groups and pipeline operators stated that the benefits of requiring all valves to be remotely controlled would be dependent on local factors, and such additional requirements would add to pipeline system complexity and increase the probability of failure.

In consideration of the comments received, PHMSA has determined that a requirement for all valves to be automatically or remotely controlled would not be feasible due to several technical concerns, including a lack of space for actuator and communication equipment in urban areas, no communications signal in certain areas, and the potential for vandalism. The ORNL report came to a similar conclusion in that it was technically feasible to install ASVs and RCVs provided there was sufficient space for the valve body, actuators, power source, sensors, related electronic equipment, and the appropriate personnel required to install and maintain the valves.

Further, PHMSA determined that it would be most reasonable for newly constructed or entirely replaced natural gas transmission and hazardous liquid pipelines with diameters of 6 inches or greater to be subject to the valve installation requirement per the Section 4 mandate in the 2011 Pipeline Safety Act. While it is technically possible for lines as small as 2 or 4 inches to have automatic shutoff or remote-control valves, the potential impact radii and release volumes would be smaller under those scenarios, and PHMSA would not expect there to be benefits commensurate with the costs of installing the valves. However, PHMSA would like comment on whether these assumptions are reasonable.

Therefore, PHMSA is addressing the mandate in the 2011 Pipeline Safety Act by proposing a valve installation requirement on newly constructed and entirely replaced gas transmission and hazardous liquid pipelines, as well as proposing a standard for rupture identification and mitigation in areas of higher consequence. Alternatives considered by PHMSA are documented in the PRIA filed under Docket No. PHMSA-2013-0255 at <http://www.regulations.gov>.

Several commenters on the gas transmission and hazardous liquid ANPRMs, including industry trade groups and pipeline operators, opposed a requirement that all sectionalizing valves be capable of being controlled remotely. As some commenters pointed

out, RCVs or ASVs may not be warranted in many situations because of specific local conditions that could limit the safety benefits of such a requirement. The ORNL report also concluded that site-specific parameters can influence risk analyses and feasibility evaluations, and they can often vary significantly from one pipeline segment to another.

Recent high-profile pipeline construction projects show a wide use of ASVs and RCVs, which demonstrates the feasibility and prevalence of these technologies. The interstate transportation of energy products, including natural gas, is subject to economic regulation by the Federal Energy Regulatory Commission (FERC). New gas transmission pipeline construction projects and significant changes to existing pipelines are therefore subject to FERC review and environmental analysis requirements under the National Environmental Policy Act. Final Environmental Impact Statements (EIS) published or approved after the 2011 Pipeline Safety Act have included some commitment to use ASVs or RCVs on new or upgraded gas transmission pipelines subject to FERC approval. The wide use of this technology demonstrates the feasibility and prevalence of the use of powered actuators or otherwise remote-controlled valves.

For instance, the Southeast Market Pipelines Project³³ intended to equip all 63 mainline block valves with ASVs or RCVs within three connected natural gas transmission pipeline projects in Florida, Alabama, and Georgia. Similarly, per the Rover Pipeline final EIS,³⁴ all 78 mainline block valves for the Rover Pipeline and related projects would be equipped for remote operation from the control center. The PRIA for this NPRM contains further information on this topic under Section 4.4—Valve Automation.

Further, recent high-profile hazardous liquid pipeline construction projects also show use of RCVs. The final EIS for TransCanada's proposed Keystone XL Pipeline project indicated that 71 out of 112 intermediate mainline valves along the route would be remotely operated block valves, while an additional 24 valves would be designated as check valves (U.S. Department of State, 2011).

³³ FERC, 2015. Southeast Market Pipelines Project, Final EIS, Office of Energy Projects. Volume 1, Section 2.6.1. <https://www.ferc.gov/industries/gas/enviro/eis/2015/12-18-15-eis.asp>

³⁴ FERC, 2016. Rover Pipeline, Panhandle Backhaul, and Trunkline Backhaul Projects, Final EIS. Volume 1, Section 2.2.2. <https://www.ferc.gov/industries/gas/enviro/eis/2016/07-29-16-rover-pipeline.asp>

The North Dakota Public Service Commission reported that the Dakota Access Pipeline design includes remote actuators on all mainline valves in the State of North Dakota (North Dakota Public Service Commission, 2016).

However, as stated before, PHMSA understands there may be technical challenges to requiring the use of automation in certain cases. Specifically, PHMSA is aware that there might not be the space necessary for operators to install equipment needed for an ASV or an RCV, and PHMSA also realizes that in certain areas, operators might not be able to get the necessary communications signal to ASVs or RCVs so they work as intended. Therefore, a one-size-fits-all valve-type installation requirement may not be feasible. As such, PHMSA is proposing a rupture-mitigation valve standard that provides operators flexibility to install RCVs, ASVs, or an equivalent technology. Alternatively, operators may use manual valves where it is not economically, technically, and operationally feasible to use RCVs, ASVs, or an equivalent technology. This flexibility will allow operators to choose the most appropriate valve based on the unique circumstances at each location, while still ensuring that such valves will close as soon as practicable but no later than 40 minutes after a rupture is identified.

PHMSA welcomes any comments that stakeholders might have regarding the reasonability of the proposed 40-minute valve closure time based on current technologies and capabilities. When considering an appropriate valve closure time for this rulemaking, PHMSA noted that many natural gas transmission and hazardous liquid systems can have several junctions where product arrives and departs or where multiple pipelines are connected with each other in a series of looped lines. On these more complicated pipeline systems, operators implementing shutoff procedures may need to consider factors including the potential effects on pipeline systems flowing into a pipeline needing to be isolated, the restriction of downstream deliveries to vital customers, and the impacts of the complete isolation of looped common-use systems. Therefore, establishing a one-size-fits-all requirement for valve closure times on all natural gas transmission and hazardous liquid pipeline systems can be challenging.

When developing the proposed valve-closure time in this NPRM, PHMSA considered its work on the "Alternative MAOP" rulemaking and the requirements in that rule for operators to install RCVs and close valves within

60 minutes on applicable pipeline segments.³⁵ PHMSA also considered its work on recent special permits and conditions in those permits for single, non-looped pipelines to have valves that can close within 30 minutes. Further, PHMSA notes that in the ANPRM stages of the Safety of Hazardous Liquid Pipelines and the Safety of Gas Transmission Pipelines rulemakings, PHMSA considered valve closure times of 30 minutes for both natural gas transmission and hazardous liquid pipelines, and certain industry commenters representing gas pipeline operators proposed times of 60 minutes.

In this NPRM, PHMSA is proposing to require operators to close the necessary valves "as soon as practicable" following rupture identification with a 40-minute maximum closure time because 40 minutes represents a reasonable outer limit to provide time, if needed, for operators to get personnel on-site to close any necessary valves. However, PHMSA expects RCVs or ASVs in most instances to be shut off in a much shorter timeframe.

PHMSA determined the 40-minute closure time as follows:

Locating the rupture: Once an operator confirms a rupture is occurring, an operator needs to determine the location of the rupture. As a part of this process, control personnel would identify the location of the mainline valves needing to be shut as well as any crossover valves and other pipeline systems that flow into or out of the impacted pipeline system. Control personnel would then identify the systems needing to be isolated, if any, and the locations of the valves necessary to do so. If any of these systems are operated by a different operator, those operators must be notified so that deliveries can be re-routed and so that deliveries are not restricted to critical customers such as hospitals or power plants. Following the rupture being located, control personnel would dispatch operating personnel to the rupture site, mainline valve locations, and any other critical pipeline locations. Those operating personnel would communicate and collaborate with local emergency responders to minimize the impact to the public and environment and identify safety needs. Further, operators must notify other parties, including local distribution companies, operators of directly connected pipelines, power plants, and direct-feed manufacturing facilities to ensure that

rapid valve closures do not cause emergency cascading events due to increased pressures, surges, or the lack of energy product. PHMSA has estimated these actions will be completed anywhere between 5 and 15 minutes of rupture identification.

Isolating the ruptured segment: An operator will begin closing the appropriate valves once a rupture is identified and located. This might include mainline valves, any crossover valves, and valves to other pipeline systems that flow into or out of the ruptured pipeline system. Operating personnel would continue to work with emergency responders to minimize the impact to the public and identify safety needs. If a valve fails to close, the local pipeline operating personnel would close it. PHMSA notes that RCV shutdown times will vary based on size, whether it is a ball or gate valve, the actuator type, and the operating pressure at the time of closure, which will depend on how close it is located to the rupture site. ASV shutdown times will vary based on the preceding factors as well as the minimum pressure or the rate of pressure change at the mainline valve. All pipeline system valve shutdown times require the consideration of the valve closure timing and its impact on maximum operating pressures and surge pressures from the speed of valve closure on the pipeline system and any laterals or other pipeline systems connected to the ruptured pipeline. Under emergency conditions and given operating pressures, PHMSA estimates an RCV can be closed within 5 to 15 minutes after rupture identification and location, an ASV can be closed within 10 to 25 minutes after rupture identification, and a valve needing some type of manual actuation could be closed within 15 to 25 minutes after rupture identification.

Based on this analysis, PHMSA is proposing a maximum 40-minute valve closure period; however, PHMSA welcomes comments regarding whether this timeframe could be reasonably lowered so that segments are isolated more quickly and ruptures are mitigated faster, or whether there are other reasons that would preclude an operator from confirming a rupture and closing an ASV, RCV, or equivalent valve within 40 minutes after the identification of a rupture. Similarly, PHMSA welcomes comment on the 40-minute closure limit as it applies to any manual valves that operators might need to install because installing ASVs, RCVs, or equivalent technology is not feasible.

PHMSA also notes that the "Alternative MAOP" final rule

published on October 17, 2008, which affects gas transmission pipelines, finalized a requirement to provide remote valve control through a SCADA system, other leak detection system, or an alternative method of control. This requirement applies if personnel response time to mainline valves on either side of an HCA exceeds 1 hour (under normal driving conditions and posted speed limits) from the time an emergency event is identified in the operator's control room. PHMSA welcomes comment on whether it should revise the Alternative MAOP rule's requirements to match this rulemaking's proposed 40-minute response time, or whether this rulemaking should be made consistent with the Alternative MAOP rule and establish a 60-minute response time following rupture identification.

C. Drills To Validate Valve Closure Capability

In response to the hazardous liquid ANPRM, Texas Pipeline Association (TPA) and others commented that requiring additional valve automation could result in an increased probability of valve or system failure. PHMSA agrees that the addition of any type of engineered equipment is accompanied by a potential for mechanical or operational failure. This rule proposes inspection and maintenance provisions to minimize this possibility. These inspection and maintenance provisions would apply to procedures and equipment that should be in use to isolate pipeline segments in the event of potential incidents. More specifically, PHMSA proposes to require that operators conduct initial and periodic validation drills to ensure that valves designated for rupture mitigation will close to ensure that the response and shut-off times of this proposal can be reliably and consistently achieved. PHMSA is also proposing demonstration and verification requirements, including point-to-point verification tests for RCVs, to ensure that communications equipment works. New provisions proposed in this NPRM would also require that any deficiencies be identified and corrected within a fixed period, and that any lessons learned during these drills be applied system-wide to ensure adequate performance in future emergencies. PHMSA has proposed these requirements because any newly installed valve systems will require regular maintenance activities and emergency drills to ensure they operate as intended per the proposals in this rulemaking.

³⁵ "Pipeline Safety: Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines; Final Rule," October 17, 2008; 73 FR 62148.

The ORNL report discussed in Section II of this NPRM documented the reliable operation of ASVs and the importance of operating procedures in ensuring the reliability of RCVs. The report noted that, in areas that are susceptible to electrical power outages, reliability is a potential concern, and redundant, alternative, or backup power sources may be required to ensure continuous availability of electricity for motors, solenoids, and electronic components. Proper valve maintenance involving seat and valve-body cleaning, packing and gasket replacement, and valve closure testing to ensure that ASVs actuate on command and close completely, are issues that influence operational feasibility. As PHMSA notes throughout this NPRM, rupture-mitigation valves must function properly when needed following an identified rupture to quickly mitigate the consequences of pipeline ruptures, including property and environmental damage. The drill requirements are proposed in § 192.745 for onshore gas transmission pipelines and § 195.420 for onshore hazardous liquid pipelines.

D. Maximum Valve Spacing Distance

i. Gas Transmission Pipelines

Existing regulations for gas transmission pipelines at § 192.179 already contain provisions for maximum valve spacing based on class location. This NPRM proposes supplementary requirements for rupture-mitigation valve spacing in newly defined “shnt-off segments” on newly constructed or replaced onshore gas transmission pipelines.

These “shnt-off segments” are segments of pipe between the upstream mainline valves closest to the upstream endpoints of the HCAs or Class 3 or 4 locations and the downstream mainline valves closest to the downstream endpoints of the HCAs or Class 3 or 4 locations so that the entirety of the applicable HCA or Class 3 or 4 location is contained between a set of rupture-mitigation valves. A shut-off segment can contain multiple HCAs or Class 3 or 4 locations—an operator of such a segment would need to ensure that the entirety of the contiguous class locations and HCAs are within a set of rupture-mitigation valves. Shut-off segments also extend to the nearest mainline valves of any crossover and lateral pipe that connects to the shut-off segment between the furthest upstream and downstream mainline valves. All valves on shut-off segments would be identified as “rupture-mitigation valves” for the purposes of this rulemaking and its proposed provisions

so that, when closed, there is no flow path for gas to be transported to the rupture site (except for any residual gas already in the ruptured shut-off segment).

In this NPRM, PHMSA proposes that the distance between rupture-mitigation valves for each shut-off segment must not exceed 8 miles for shut-off segments containing a Class 4 location (with or without an HCA), 15 miles for a shut-off segment containing a Class 3 location (with or without an HCA), and 20 miles for a shut-off segment containing HCAs in Class 1 or 2 locations. These proposed rupture-mitigation valve spacing requirements for shut-off segments are in accordance with §§ 192.179 and 192.611 for pipeline class location segments that have had a one-class class location change (a Class 1 to a Class 2, a Class 2 to a Class 3, or a Class 3 to a Class 4 change) and meet the criteria under § 192.611(a) for a “one class change bump.” This allows operators to use the valve spacing required in § 192.179 for the previous class location when creating shut-off segments where the class location has recently changed. Shut-off segments containing different class locations or HCAs must have valve spacing equivalent to the spacing, as provided above, for the most stringent class location in the shnt-off segment.

In response to questions in the gas transmission ANPRM related to valve spacing, INGAA contended that while valve spacing and selection are important factors in incident response, public safety requires integrated planning and implementation for detecting ruptures and closing valves, which INGAA called an “Incident Mitigation Management” (IMM) plan in its comments. INGAA described IMM as a holistic performance-based means of detecting and responding to pipeline failures with some similarities to the proposals in this NPRM. INGAA contends that IMM plans should cover various aspects of response, including how operators detect failures, how they place and operate valves, how they evacuate gas from pipeline segments, and how they prioritize coordination efforts with emergency responders.

Conversely, Accufacts contended that existing spacing requirements are inadequate and suggested that further regulation is required concerning the placement, selection, and choice of RCVs, ASVs, or equivalent technology. They stated that valve spacing and closure play a significant role in depressurizing a gas pipeline segment after a rupture, thereby limiting the total volume of gas released in an incident. The Pipeline Safety Trust also

supported the installation of additional valves on gas transmission pipelines to reduce consequences following large-scale incidents. A private citizen suggested that valves be required at 1-mile intervals in densely populated urban areas and that they close automatically in the event of an incident.

PHMSA agrees with certain commenters that the mere installation of additional valves, including RCVs or ASVs, will not reduce the frequency of gas transmission pipeline releases. The mere presence of a valve will not prevent an incident from occurring. However, PHMSA disagrees with the same commenters who assert that additional valves do not reduce the consequences after such releases, as prompt rupture identification, response, and segment isolation through valve shut-off are key factors in limiting and reducing incident consequences. As discussed throughout this NPRM, PHMSA has determined that prompt operator rupture identification and mitigation, which includes the isolation of the rupture or failed segment as soon as practicable, are important factors that can contribute to reduced consequences.

ii. Valve Spacing in Response to Class Location Changes

In addition to the valve spacing requirements listed above related to shut-off segments, PHMSA is also proposing that operators be required to add valves if necessary to meet the applicable valve spacing requirements when changes to class location occur that require pipe replacement. PHMSA notes that a gas pipeline’s class location broadly indicates the level of potential consequences for a pipeline release. Section 192.179 currently requires closer valve spacing for higher class locations. Areas of potentially higher consequences (*i.e.*, HCAs) can be in lower class locations as well. HCAs in Class 1 or Class 2 locations include pipeline segments where a release could have severe consequences similar to a release in Class 3 and Class 4 areas. In HCAs, operators are required to provide additional protection in accordance with the integrity management requirements of part 192, subpart O.

There were several comments related to new valve installations in the event of a class location change so that those valves meet the spacing requirements of § 192.179. The Gas Piping Technology Committee (GPTC), AGA, INGAA, and several of INGAA’s members (MidAmerican, Paiute, and Southwest Gas) opposed applying § 192.179 requirements retroactively to class location changes. Commenters also

expressed opinions that the existing regulations are adequate. However, the Commissioners of Wyoming County, Pennsylvania and CPUC commented that regulations should require additional valves when population increases and class locations change. Additionally, Accufacts suggested that new mainline valves should be installed when a site becomes an HCA regardless of class location, but a reasonable time should be allowed for such valves to be installed and become operational.

Valve spacing requirements in § 192.179 are based upon the class location. When a pipeline class location changes because of additional development near a pipeline, this increases both the potential consequences of a release and the potential benefits of closer valve spacing for consequence mitigation. PHMSA proposes to only require that valve spacing be made to match the requirements in § 192.179 for a new class location when pipe replacement is necessary in response to a class location change, such as a Class 1 to Class 3, or a Class 2 to Class 4. Note that this requirement would be consistent with the 1998 Final Order for Viking Pipeline,³⁶ which required class location changes to meet the mainline valve spacing as defined in § 192.179 and the installation of a sectionalizing valve based upon the class location in a "replaced pipeline segment." Under this approach, when a class location change is implemented using only a pressure test in accordance with § 192.611 but without pipe replacement, then additional valve installation would not be required.³⁷ This approach will better balance the potential benefits from mitigating consequences of releases because of closer valve spacing with the costs of installing new valves, costs that will be lower if operators install additional valves in the context of installing new pipe for a class location change.

iii. Hazardous Liquid Pipelines

For onshore hazardous liquid pipelines, existing regulations establish valve location requirements for certain pipeline facilities and locations, such as at pmp stations, breakout storage

tanks, lateral takeoffs, certain water crossings, public water reservoirs, and for other locations as appropriate, based on terrain, location of populated areas, and other factors. However, a maximum distance for valve spacing for new pipelines is not currently specified. In response to the hazardous liquid ANPRM, several industry groups and individual operators noted that ASME B31.4, a consensus industry standard published by the American Society of Mechanical Engineers (ASME), includes a maximum valve spacing requirement of 7½ miles for liquefied petroleum gas and anhydrous ammonia pipelines in populated areas. Specifically, these commenters stated that valve spacing varies, that most mainline valves are manually operated, that check valves are used in certain cases, and that some remotely controlled valves had been added because of the integrity management requirements.

PHMSA also asked for public comment on how the agency should apply any new valve location requirements developed for hazardous liquid pipelines. API and AOPL, supported by TransCanada Keystone Pipeline, LMOGA, and TxOGA, indicated that valve spacing requirements should not be changed, and that specifying valve location requirements retroactively would be difficult and confusing. Further, these commenters indicated that requiring the retrofitting of existing lines to meet any type of new requirement would be expensive for industry, create environmental impacts, lead to potential construction accidents, and may cause possible interruptions of service. MAWUC and NSB commented that any new valve locations or remote actuation regulations should be applied to new pipelines or existing pipelines that are repaired.

In this NPRM, PHMSA is proposing that newly constructed and entirely replaced hazardous liquid pipelines with nominal diameters of 6 inches or greater have automatic shutoff valves, remote-control valves, or equivalent technology spaced in accordance with the existing hazardous liquid valve location provisions and the valve spacing requirements proposed in this rulemaking, as there are no current valve spacing requirements in the regulations for hazardous liquid pipelines.

For newly constructed onshore hazardous liquid pipelines that could affect HCAs or for hazardous liquid pipelines in areas that could affect HCAs and where 2 or more contiguous miles have been replaced, PHMSA is proposing a maximum valve spacing of

every 15 miles. PHMSA based this spacing mileage, in part, off of Class 2 requirements for natural gas pipelines. Additionally, PHMSA believes that, given the current guidelines operators must consider regarding local terrain and drain-down volumes, a maximum spacing of 15 miles for valves in HCAs would be reasonable.

For newly constructed onshore highly volatile liquid (HVL) pipelines in high population areas or other populated areas, as those terms are defined in § 195.450, or for HVL pipelines in those areas where 2 or more contiguous miles have been replaced, PHMSA is proposing a maximum valve spacing of every 7½ miles. PHMSA notes that the current ASME B31.4 code provides for a 7½ mile maximum valve spacing requirement on piping systems transporting liquefied petroleum gas or liquid anhydrous ammonia in industrial, commercial, and residential areas.

In an attempt to be more consistent with similar aspects of the natural gas pipeline regulations and taking into account the valve spacing requirements for Class 1 locations, PHMSA is proposing a 20-mile maximum valve spacing requirement for newly constructed and replaced hazardous liquid pipelines that could not affect HCAs.

Part 195 currently does not prescribe whether manual or remote control valves must be installed at particular locations, but it does require the consideration of check valves and remote control valves under the EFRD requirements for pipelines that could affect an HCA. Section 4 of the Act includes a new mandate for PHMSA to evaluate and issue additional regulations for the use of valves (such as remote control, automatic shut-off, or equivalent technology) for rupture mitigation. The current proposal seeks to establish a reasonable maximum distance that would apply to any type of terrain and in any area, regardless of population or environmental sensitivity. PHMSA expects that operators, in their pursuit of compliance with other valve location requirements, will locate, install, and equip valves for remote or automatic operation as needed and in accordance with the requirements of the integrity management regulations (§ 195.452(i)(4), including Appendix C). This will result in valve location profiles that meet their operational needs and are reflective of the risks and potential consequences unique to their individual pipelines, including the consideration of factors such as maximum spill volumes, terrain, and population and environmental

³⁶ *In the Matter of Viking Gas Transmission, Final Order*, C.P.F. No. 32102 (May 1, 1998).

³⁷ Valve spacing requirements are in the design and construction sections of the regulations. If a pipeline segment changes class location but can be successfully pressure tested to the MAOP standards of the next highest class location per § 192.611, PHMSA cannot retroactively impose new valve spacing on an existing segment. However, if the segment is replaced by virtue of a higher class location, the more stringent valve spacing requirements would apply.

receptors. The maximum spacing requirements would not supplant or supersede any other valve location requirement and would only apply to newly constructed and replaced pipelines of certain diameters. These proposed requirements address Section 4 of the 2011 Act and are consistent with PHMSA's efforts to address NTSB Recommendation P-11-11 for gas transmission pipelines as well.

For newly constructed and replaced segments that could affect an HCA or that are within an HCA, valves would be required at a minimum of every 15 miles. For new and replaced segments transporting highly volatile liquids (HVL) in HCAs established due to populated areas, the maximum distance between valves would be 7½ miles. This requirement mirrors the requirements that currently exist under ASME B31.4 for HVL mainline valve spacing and is necessary due to the unique safety risks these pipelines pose to populated areas. In addition, valves located on each side of a water crossing greater than or equal to 100 feet (30 meters) wide would be required to be installed outside the flood plain. The requirements of this proposed rule, specifically applying to segments of new or replaced pipelines that could potentially impact HCAs, would result in the placement of valves on each side of these HCA segments. This requirement acknowledges the sensitive nature of these specifically defined areas and requires their protection with mainline valves comparable to other sensitive locations.

The new requirements for valve spacing are proposed in §§ 192.179, 192.610 and 192.634 for gas transmission pipelines and §§ 195.260 and 195.418 for hazardous liquid pipelines.

E. Integrity Management and the Protection of HCAs

This NPRM would also strengthen integrity management requirements for both onshore gas transmission and hazardous liquid pipelines by addressing the use of ASVs or RCVs (including EFRDs) in HCAs as they apply to rupture mitigation. These existing requirements are at § 192.935(c) for gas transmission pipelines and § 195.452(i)(4) for hazardous liquid pipelines, and they specify that operators must conduct a risk analysis and add additional ASVs, RCVs, and EFRDs, as needed, to provide additional protections for HCAs. As gas transmission pipeline segments in HCAs are, by definition, near higher-population areas and developments and include areas where people assemble or

have difficult-to-evacuate facilities such as schools or hospitals, releases from these segments have a higher potential for adverse consequences than releases from other segments.

i. Gas Transmission Pipelines

In the gas transmission ANPRM, commenters addressed PHMSA's consideration of additional decision criteria for operator evaluation of additional valves, remote closure, and valve automation. INGAA, AGA, GPTC, Ameren, and MidAmerican were not in support of additional decision criteria, whereas Accufacts, CPUC, and an anonymous commenter were in support of additional decision criteria. Accufacts argued that valve regulations should be required for larger-diameter gas transmission pipelines in HCAs, especially in areas where manual closure times could be long. CPUC expressed its conclusion that decision criteria may need to be added for all Method 1 HCA locations.³⁸

PHMSA notes that although § 192.935 currently requires operators to consider installing additional RCVs and ASVs to mitigate potential consequences to HCAs, the regulation does not establish criteria based on consequence reduction to guide operator decisions. In developing this rulemaking, PHMSA has noted the challenges of requiring certain types of valves at specific locations. Therefore, PHMSA has determined that the most beneficial criteria for rupture mitigation are standards for rupture identification and response times paired with maximum valve spacing requirements, because limiting the consequences of a release is primarily dependent upon how quickly an operator identifies, acknowledges, and isolates a rupture. In this NPRM, the required time thresholds for operator response following rupture identification serve as the decision criteria. Because the rupture response and mitigation requirements of this rulemaking will apply to newly constructed systems and entirely replaced pipeline systems of 2 contiguous miles or greater, operators can design their valve configurations as needed to address site-specific issues while meeting the proposed rupture-

³⁸ Method 1 is defined in § 192.903 HCA definition, paragraph (1) as a Class 3 or Class 4 location as those terms are defined under § 192.5; or any area within a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet, and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site. Definitions for "potential impact radius," "potential impact circle," and "identified site" are at § 192.903.

mitigation requirements. Operators can determine what kinds of response and communication procedures need to be established, if arrangements need to be made for valve access by local operating personnel, if valves need to be equipped for remote or automatic operation and whether some other alternative equivalent technology can be employed to meet the standard.

ii. Hazardous Liquid Pipelines

The hazardous liquid integrity management regulations issued in 2002 require operators to assess and adjust their existing EFRD configurations to better protect HCAs. GAO's findings in GAO-13-168 support PHMSA's experience that large discrepancies still exist in how individual operators use existing valves as EFRDs, due largely to the lack of prescription in both the regulations and industry standards relating to EFRD installation. The lack of rapid closure capability has been found to have significantly exacerbated both the volume released and the adverse consequences in past accidents, even when emergency situations were quickly recognized by the operator. The ORNL report (ORNL/TM-2012/411) confirmed that "swiftness of valve closure has a significant effect on mitigating potential socioeconomic and environmental damage to the human and natural environments." Similarly, the GAO study also found that "quickly isolating the pipeline segment through automated valves can significantly reduce subsequent damage by reducing the amount of hazardous liquid released."

PHMSA determined that there is a need to establish additional requirements related to EFRD actuation for newly constructed and replaced pipelines of 2 contiguous miles or greater in HCAs, as pairing standards for valve actuation with considerations for valve placement will help to achieve fuller safety benefits when considering rupture mitigation. This NPRM would also include annual inspection and maintenance requirements to assure that any valves installed under this rulemaking would reliably operate on-demand during emergency situations.

In response to the hazardous liquid ANPRM of October 18, 2010, PHMSA received comments on location and performance standards for EFRDs from industry and trade associations. API, AOPL, TxOGA, LMOGA, and TransCanada Keystone Pipeline reported that no industry standards currently address EFRD use. PHMSA also received several comments regarding location requirements for EFRDs, indicating that PHMSA should

not specify the location of EFRDs. More specifically, API, AOPL, TransCanada Keystone Pipeline, LMOGA, and TxOGA indicated that a requirement to place EFRDs at predetermined locations or fixed intervals in lieu of a comprehensive engineering risk analysis would be arbitrary, costly, and potentially counter-productive to pipeline safety. They noted that § 195.452 already requires EFRDs to be installed to protect an HCA if the operator determines, through a risk assessment, that an EFRD is needed, and TPA suggested that no general criteria beyond those in the existing regulations are appropriate because decisions on EFRD placement are driven by local factors. Conversely, NSB and MAWUC stated EFRDs should be required on all pipelines PHMSA regulates, with specific instruction or criteria on when and where EFRDs need to be used, especially if they can limit a spill.

As discussed above, PHMSA determined that the lack of more comprehensive and specific guidance regarding the location and performance requirements for EFRDs perpetuates the inconsistencies and large variances in operators' response times in isolating pipeline segments when failures occur, particularly when a rupture or other fast-acting, large-volume release occurs. Valves, even when located properly, are more effective in failure scenarios when they can be closed quickly to isolate the failed segment. PHMSA also notes that ASME B31.4, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" (2009), addresses mainline valves and specifies operators install RCVs and/or check valves in certain instances.

Furthermore, PHMSA determined that, although the EFRD evaluation requirement already exists for HCA segments, additional measures are needed to specifically address rupture mitigation for new and replaced pipelines. In accident reports submitted to PHMSA by operators from 2010 to 2017, just over one-half of all HCA incidents where valve type was recorded occurred at a location where either the upstream or downstream valve was an automatic, remotely controlled, or check valve. In approximately one-third of incidents occurring in an HCA, both the upstream and down valves were actuated by some manner of automation. It is difficult to envision a case where some type of rupture-mitigation valve (which in some cases can be an EFRD) on either side of (or within) an HCA segment would not provide additional protection. In all cases where a valve cannot be quickly accessed and manually closed, remote

or automatic actuation is the only way to ensure prompt and effective closure.

In the hazardous liquid pipeline regulations, EFRDs are defined as check valves or remote-control valves. Although check valves can be considered as either an ASV or an EFRD in some applications, this NPRM only considers them to be a rupture-mitigation valve if an operator can demonstrate the valve's operational and protective equivalence when the valve is used for segment shut-off and isolation in response to a rupture. The NPRM proposes that operators must annually verify check valves or EFRDs are operational if they serve as rupture-mitigation valves. Considerations for the use of check valves as alternative equivalent technology for rupture mitigation should include all of the factors identified in this proposal and all existing regulations, including those contained in part 195, appendix C, such as the nature and characteristics of the transported commodity, the physical and operating characteristics of the pipeline, the hydraulic gradient of the pipeline, the terrain surrounding the pipeline, and all other factors pertinent to rupture mitigation including valve closure sealing performance and closure times.

F. Failure Investigations

Current pipeline safety regulations (§ 192.617 for gas transmission pipelines and § 195.402(c)(5) for hazardous liquid pipelines) require operators to report all incidents (gas) and accidents (hazardous liquid) over certain reporting thresholds, and to investigate incidents and accidents involving failed pipe, failed components or other pipeline system equipment, and incorrect operations. The terms incident and accident are used interchangeably in this NPRM.

In addition to the proposed rupture response and mitigation requirements, PHMSA is proposing new specific requirements for post-accident analysis (*i.e.*, an accident investigation) of any rupture or other event involving the activation of rupture-mitigation valves. These post-accident reviews would focus on ways to ensure that the proposed performance objectives in this NPRM are met in the future and that lessons learned can be applied by the operator system-wide. PHMSA has determined this will improve the safety performance of individual operators, while also improving the industry's overall safety performance through information sharing forums.

The NTSB noted in its accident report of the PG&E incident at San Bruno, CA, that many of the organizational

deficiencies causing the incident were previously known to the operator as a result of previous accidents. The NTSB further noted that, as a lesson from those accidents, PG&E should have critically examined all components of its pipeline system to identify and analyze risks as well as update emergency response procedures. Had this recommended approach been taken by PG&E following earlier incidents, the NTSB argued, the San Bruno accident may have been prevented. Similar organizational failures were found following the Enbridge incident near Marshall, MI, and the NTSB noted that Enbridge failed to adapt lessons learned into its IM program.

Consistent with the findings in the GAO Report (GAO-13-168) and recommendations as described in this section, the proposed amendments in this NPRM would include new post-accident review and implementation requirements in §§ 192.617 and 195.402(c)(5). As provided in the regulatory text, PHMSA would expect operators would analyze data points including, but not limited to, the time taken to detect a rupture, the time taken to initiate mitigative actions, emergency response communications, personnel response time, valve closure time, SCADA performance, and valve location. Operators would then use these data points to enact improvements to the operator's suite of procedures, including its training and qualification programs, pipeline system design, risk management, operations and maintenance activities, and emergency response procedures.

IV. Section-by-Section Analysis of Changes to 49 CFR Part 192 for Gas Transmission Pipelines

Sec. 192.3 Definitions

Most of the requirements of this NPRM would be triggered by the identification of a "rupture." Section 192.3 would be amended to define "rupture" as any of the following events that involve an uncontrolled release of a large volume of gas over a short period of time: (1) An unanticipated or unplanned pressure loss of 10 percent or more, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the pressure loss a need for a higher pressure change; (2) an unexplained flow-rate change, pressure change, instrumentation indication, or equipment function that may be representative of an event described above; or (3) an apparent large-volume, uncontrolled release of gas or a failure observed by operator personnel, the

public, or public authorities, that is reported to the operator and that may be representative of an unintentional and uncontrolled release event that is defined in the items above.

Sec. 192.179 Transmission Line Valves

PHMSA proposes adding paragraph (e) to require that all valves on newly constructed or entirely replaced onshore gas transmission pipelines that have nominal diameters greater than or equal to 6 inches be automatic shut-off valves, remote-control valves, or an equivalent technology, unless such valves are not economically, technologically, or operationally feasible. PHMSA proposes to permit the installation of manual valves as rupture-mitigation valves only when there are feasibility issues precluding the installation of automatic or remote-control valves. All valves installed per this requirement would have to meet the new rupture-mitigation standards proposed in § 192.634 and isolate a ruptured pipeline segment within 40 minutes of rupture identification. Rupture identification would be defined in § 192.3 to occur when a rupture is reported to or observed by pipeline operating personnel or a controller.

Sec. 192.610 Change in Class Location: Change in Valve Spacing

A new § 192.610 is proposed to specify rupture-mitigation valve requirements when a class location changes. In cases where pipe is replaced to meet the maximum allowable operating pressure in accordance with requirements for class location changes under §§ 192.611, 192.619(a), and 192.620, then the rupture-mitigation valve installation requirement in § 192.179 applies for the new class location, which may require the operator to install new valves, and the rupture-mitigation requirements of § 192.634 would apply as well. Such additional valves must be installed within 24 months of the class location change.

Sec. 192.615 Emergency Plans

PHMSA proposes to revise paragraphs (a)(2), (a)(6), (a)(8), (a)(11), and (c) of § 192.615 to require that emergency procedures provide for rupture mitigation in response to a rupture event, including specific timing provisions relating to the identification of ruptures. Specifically, operators must have procedures in place allowing them to identify a rupture event within 10 minutes of the initial notification to the operator. PHMSA also proposes to require that operators maintain liaison with and contact the appropriate public

safety answering point (9–1–1 emergency call center) in the event an operator's pipeline ruptures.

Sec. 192.617 Investigation of Failures and Incidents

PHMSA proposes to revise § 192.617 to define the elements that an operator must incorporate when conducting a post-incident analysis of certain specifically defined incidents, namely ruptures, and other release and failure events involving the activation of rupture-mitigation valves.

The proposed revision would require the operator to identify potential preventive and mitigative measures that could be taken to reduce or limit the release volume and damage from similar events in the future. The post-incident review would address factors associated with this rulemaking, including but not limited to detection and mitigation actions, response time, valve location, valve actuation, and SCADA performance. Upon completing the post-incident analysis, the operator must develop and implement the lessons learned throughout its suite of procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

Sec. 192.634 Transmission Lines: Onshore Valve Shut-Off for Rupture Mitigation

Proposed new § 192.634 would establish an emergency operations standard requiring operators to isolate certain ruptured pipeline segments as soon as practicable via rupture-mitigation valves with complete segment isolation as soon as practicable but within 40 minutes of identifying a rupture. This would apply to newly constructed and entirely replaced onshore gas transmission pipeline segments in HCAs and Class 3 and Class 4 locations with nominal diameters greater than or equal to 6 inches, and it would also apply to any gas transmission pipelines where 2 or more contiguous miles of pipeline with nominal diameters greater than or equal to 6 inches are replaced in HCAs and Class 3 and Class 4 locations. This NPRM would require that operators designate shut-off segments in these areas and designate mainline valves used to isolate ruptures on those shut-off segments as rupture-mitigation valves. This rulemaking would establish maximum distances between rupture-mitigation valves from 8 to 20 miles depending on the pipeline's class location. Compliance with the standard

could be achieved using ASVs, RCVs, or an equivalent technology. Operators may install manually or locally operated valves to act as rupture-mitigation valves only if the installation of ASVs, RCVs, or equivalent technology is not feasible at the location, provided the operator demonstrates that the 40-minute closure standard can be achieved under emergency conditions. Operators using manual valves or other equivalent technology must notify PHMSA in accordance with the procedure outlined in § 192.634(h). The NPRM would also require that operators monitor the position and operational status of all rupture-mitigation valves. Operators will be required to meet these provisions within 12 months after the effective date of the final rule.

Sec. 192.745 Valve Maintenance: Transmission Lines

PHMSA proposes to revise § 192.745 by adding paragraphs (c), (d), and (e) to incorporate the maintenance, inspection, and operator drills required to ensure operators can close a rupture-mitigation valve as soon as practicable, but within 40 minutes of rupture identification. Demonstration and verification requirements are proposed, including point-to-point verification tests for rupture-mitigation valves that are ASVs or RCVs and initial validation drills and periodic confirmation drills for any manually or locally operated valve identified as a rupture-mitigation valve. The operator would be required to identify corrective actions and lessons learned resulting from its validation and confirmation drills and share and implement them across its entire network of pipeline systems.

Sec. 192.935 What additional preventive and mitigative measure must an operator take?

PHMSA proposes to revise § 192.935(c) to clarify the requirements for conducting ASV and RCV evaluations for HCAs, particularly when RCVs and ASVs are installed as preventive and mitigative measures associated with improved response times for pipeline ruptures. The amendments would require that operators be able to evaluate and demonstrate that they could identify a rupture within 10 minutes in accordance with the proposed § 192.615(a)(6) and meet the standard specified in the proposed § 192.634 to isolate shut-off segments in HCAs during rupture events as soon as practicable but within 40 minutes. Operators would also be required to demonstrate, through the risk analysis required by this section, that any ASVs

or RCVs installed under this section can comply with the proposed valve maintenance requirements at § 192.745.

V. Section-by-Section Analysis for Changes to 49 CFR Part 195 for Hazardous Liquid Pipelines

Sec. 195.2 Definitions

Most of the requirements of the NPRM would be triggered by the identification of a "rupture." Section 195.2 would be amended to define "rupture" for hazardous liquid pipelines as any of the following events that involve an uncontrolled release of a large volume of hazardous liquid over a short period of time: (1) An unanticipated or unplanned flow rate change of 10 percent or greater or a pressure loss of 10 percent or greater, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the flow rate change or pressure loss the need for a higher flow rate change or higher pressure-change threshold due to pipeline flow dynamics and terrain elevation changes that cause fluctuations in hazardous liquid flow that are typically higher than a flow rate change or pressure loss of 10 percent or greater in a time interval of 15 minutes or less; (2) An unexpected flow rate change, pressure change, instrumentation indication, or equipment function that may be representative of an event defined above; or (3) An apparent large-volume, uncontrolled release of hazardous liquid or a failure observed by operator personnel, the public, or public authorities, that is reported to the operator and that may be representative of an unintentional and uncontrolled release event that is defined above.

Sec. 195.258 Valves: General

PHMSA proposes to require that all valves on newly constructed and entirely replaced hazardous liquid lines that have nominal diameters greater than or equal to 6 inches be RCVs, ASVs, or an equivalent technology, unless such valves are not economically, technologically, or operationally feasible. PHMSA proposes to permit operators install manually or locally operated valves only when there are feasibility issues precluding the installation of ASVs, RCVs, or equivalent technology. All valves installed under this requirement would have to meet the new rupture-mitigation standards proposed in § 195.418 and isolate a ruptured pipeline segment as soon as practicable, but within 40 minutes of rupture identification. Rupture identification would be defined in § 195.2 to occur when a rupture is

reported to or observed by pipeline operating personnel or a controller.

Sec. 195.260 Valves: Location

Section 195.260 proposes the requirements for the location of valves on newly constructed hazardous liquid pipelines, entirely replaced hazardous liquid pipelines, and hazardous liquid pipelines where 2 or more contiguous miles have been replaced. PHMSA proposes to revise § 195.260 to incorporate new maximum valve spacing requirements for the general placement of valves, including a 20-mile maximum spacing requirement for valves on pipelines that could not affect high consequence areas, with more stringent maximum spacing requirements of 15 miles and 7.5 miles for pipelines that could affect HCAs and HVL pipelines in populated areas, respectively. These valve spacing requirements carry over to the rupture-mitigation valve spacing requirements at § 195.418 as well, where operators would be required to install rupture-mitigation valves at a maximum of every 15 miles but no further than 7½ miles from the HCA segment endpoints and at a maximum of every 7½ miles for HVL lines in highly populated areas. Revisions to § 195.260 would also include two miscellaneous clarifications: (1) To explicitly include carbon dioxide as a transported commodity whose consequences are to be considered, and (2) to include new requirements pertaining to valves at water crossings to ensure these valves will not be impacted by flood conditions and to allow multiple water crossings to be protected by a single pair of valves.

Sec. 195.402 Procedural Manual for Operations, Maintenance, and Emergencies

PHMSA proposes to revise § 195.402 to identify the areas requiring an immediate response by the operator to prevent hazards to the public, property, or the environment if the facilities failed or malfunctioned, including segments that could affect HCAs and segments with valves that are specified in §§ 195.418 and 195.452(i)(4).

PHMSA is also revising § 195.402 to define the elements that an operator must incorporate when conducting a post-accident analysis of ruptures and other release and failure events involving the activation of rupture-mitigation valves. The proposed revision would require the operator to identify potential preventative and mitigative measures that could be taken to reduce or limit the release volume and damage from similar events in the

future. The post-accident review would address factors associated with this rulemaking, including but not limited to detection and mitigation actions, response time, valve location, valve actuation, and SCADA performance. Upon completion of this post-accident analysis, the operator would be required to develop and implement the lessons learned throughout its suite of procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

Further, PHMSA is revising § 195.402 to clarify that requirements to establish liaison with emergency officials must include public safety answering points (9-1-1 emergency call centers) and that requirements for notifying emergency officials when events occur must include notifications to those local public safety answering points.

Section 195.402 also require that emergency procedures provide for rupture detection and valve closure in response to a leakage or failure event, including specific timing provisions relating to ruptures. Specifically, operators must have procedures in place so that they can identify a rupture event within 10 minutes of the initial notification to the operator. This section would also be revised as a matter of minor clarification to incorporate valve shut-off as an example of an emergency action to minimize the hazards of released hazardous liquid or carbon dioxide to life, property, or the environment.

Sec. 195.418 Valves: Onshore Valve Shut-Off for Rupture Mitigation

Proposed new § 195.418 would establish an emergency operations standard requiring operators to isolate certain ruptured pipeline segments as soon as practicable via rupture-mitigation valves with complete segment isolation within 40 minutes of identifying a rupture. This standard would apply to newly constructed and entirely replaced onshore hazardous liquid pipelines in HCAs and that could affect HCAs with nominal diameters greater than or equal to 6 inches, and it would also apply to any hazardous liquid pipelines where 2 or more contiguous miles of pipeline with nominal diameters greater than or equal to 6 inches are replaced in HCAs or where they could affect HCAs. This NPRM would require that operators designate shut-off segments in these areas and designate mainline valves used to isolate ruptures on those shut-off segments as rupture-mitigation

valves. This NPRM would establish maximum distances of 15 miles between rupture-mitigation valves and 7½ miles between rupture-mitigation valves on HVL lines, which are consistent with the proposed spacing requirements of § 195.260. Operators could use ASVs, RCVs, an equivalent technology, or manually operated valves (if the operator demonstrates infeasibility of ASVs, RCVs and equivalent technology, that the standard can be achieved under emergency conditions, and provides notification to PHMSA). Operators would also be required to monitor the position and operational status of all rupture-mitigation valves. Operators will be required to meet these provisions within 12 months after the effective date of the final rule.

Sec. 195.420 Valve Maintenance

PHMSA proposes to revise § 195.420 to incorporate the maintenance, inspection, and operator drills required to ensure operators can close a rupture-mitigation valve as soon as practicable but within 40 minutes. Demonstration and verification requirements are proposed, including point-to-point verification tests for rupture-mitigation valves that are ASVs or RCVs and initial validation drills and periodic confirmation drills for any manually or locally operated valves identified as rupture-mitigation valves. This section would also require an operator to identify corrective actions and lessons learned resulting from its validation or confirmation drills and share and implement those lessons learned across its entire network of pipeline systems.

Sec. 195.452 Pipeline Integrity Management in High Consequence Areas

PHMSA proposes to revise § 195.452(i)(4) to clarify the existing requirements for the conduct of EFRD evaluations for HCAs, particularly when operators use EFRDs as rupture-mitigation valves on applicable lines. Further, the amendments would also require that operators be able to evaluate and demonstrate that they could identify a rupture within 10 minutes in accordance with the proposed § 195.402 and meet the standard specified in the proposed § 195.418 to isolate shut-off segments that could affect HCAs during rupture events, and the amendments would require that any EFRDs installed on shut-off segments also comply with the design, operation, testing, and maintenance requirements of §§ 195.258, 195.260, 195.402, and 195.420.

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This NPRM is published under the authority of the Federal Pipeline Safety Law (49 U.S.C. 60101 *et seq.*). Section 60102 authorizes the Secretary of Transportation to issue regulations governing the design, installation, inspection, emergency procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. The Secretary delegated this authority to PHMSA at 49 CFR 1.97(a).

B. Executive Orders 12866 and 13771, and DOT Regulatory Policies and Procedures

Executive Order 12866 requires agencies to regulate in the “most cost-effective manner,” to make a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” This NPRM has been determined to be significant under Executive Order 12866 and the Department of Transportation’s Regulatory Policies and Procedures. This NPRM has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866 (Regulatory Planning and Review) and is consistent with the Executive Order 12866 requirements and 49 U.S.C. 60102(b)(5)–(6).

Consistent with Executive Order 12866, PHMSA has prepared a preliminary assessment of the benefits and costs of the proposed rule as well as reasonable alternatives. PHMSA anticipates that, if promulgated, this NPRM will provide benefits to the public through more rapid valve closure resulting in better consequence mitigation.

For hazardous liquid pipelines, most damages are calculated by the cost of cleanup and long-term environmental remediation.³⁹ Therefore, a reduction in the amount of product released from a hazardous liquid pipeline can directly correlate to a reduction in damages. As discussed earlier in this NPRM, in the Enbridge incident near Marshall, MI, the pipeline continued to pump oil for 18 hours before valves were closed, resulting in approximately 20,000 barrels of oil being released. With faster rupture detection, pump shutdowns, and valve closures in line with this NPRM, the pipeline would have been isolated 17 hours and 20 minutes

³⁹PHMSA notes that HVL releases may have similar incident profiles to natural gas transmission pipelines, as escaping product can be ignited and cause similar damage via a rupture.

earlier, which would have resulted in a substantially lower spill size, environmental impact, and remedial costs.

Natural gas transmission pipeline incidents result predominately in fatalities, injuries, or property damages that are not linearly related to the quantity of natural gas released. For small incidents and for those incidents in remote locations, damages may be limited to pipeline repair and gas loss costs. Larger incidents, on the other hand, likely involve the ignition of gas and extensive property damage and personal injury, depending on the location of the release and its proximity to buildings, homes, or other areas. A reduction in the cumulative product release over these types of incidents would not necessarily imply avoided damages in the way that it would apply to hazardous liquid pipelines as discussed above. For example, in the PG&E incident, the homes destroyed by the initial rupture would not have been saved through a more prompt valve closure. However, as discussed earlier in this document, during the 95 minutes it took PG&E to isolate the ruptured segment, the fire resulting from the rupture was being fed by the transmission line, and firefighters could not start firefighting and containment activities until the line was isolated. Earlier valve closure, in that circumstance, could have limited the spread of fire and additional damage beyond the immediate rupture area.

PHMSA estimates that the NPRM will result in annualized costs of approximately \$3.1 million per year, calculated at a 7 percent discount rate. The table below presents the annualized costs for the baseline and this NPRM, at a 3 percent and a 7 percent discount rate:

TABLE 1—ANNUALIZED COSTS OF THE PROPOSED RULE
[Millions 2015\$]

System type	7% Discount rate	3% Discount rate
Gas transmission	\$1.2	\$1.0
Hazardous liquid	1.9	1.5
Total	3.1	2.5

The NPRM is expected to be an E.O. 13771 regulatory action. Details on the estimated costs of this NPRM can be found in the rule’s economic analysis.

For more information, please see the PRIA in the docket for this rulemaking.

C. Executive Order 13132: Federalism

PHMSA has analyzed this rulemaking action according to Executive Order 13132 (“Federalism”). While this NPRM may preempt some State requirements, it does not impose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply. The pipeline safety laws, specifically 49 U.S.C. 60104(c), prohibit State safety regulation of interstate pipelines. Under the pipeline safety laws, States have the ability to augment pipeline safety requirements for intrastate pipelines, but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility PHMSA does not regulate.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Flexibility Fairness Act of 1996, requires Federal regulatory agencies to prepare an Initial Regulatory Flexibility Analysis (IRFA) for any proposed rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities.

PHMSA prepared an IRFA of the potential economic impact on small entities, which is available in the docket for this NPRM. For a worst-case scenario, PHMSA compared compliance costs to estimated sales for businesses. Average annualized costs could exceed 1 percent of sales for 34 (8 percent) of the estimated small gas transmission entities and 12 (19 percent) of the estimated small hazardous liquid operators for a total of 46 (10 percent) entities combined across both sectors. Average annualized costs could exceed 3% of sales for 3 (1 percent) gas transmission operators and 4 (6 percent) hazardous liquid operators, which represent 7 (1 percent) of the total estimated small business entities.

Due to various uncertainties in the screening analysis (see Table 7 in the IRFA), PHMSA seeks comments regarding the impacts of the NPRM on small entities. PHMSA will subsequently modify the IRFA and make a determination as to whether this NPRM will have a significant economic

impact on a number of small entities at the final rule stage.

E. National Environmental Policy Act

PHMSA analyzed this NPRM in accordance with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4332), the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOT Order 5610.1C, and has preliminarily determined this action will not significantly affect the quality of the human environment. The Environmental Assessment for this NPRM is in the docket.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

PHMSA has analyzed this NPRM in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”). Because this NPRM is not expected to have Tribal implications and is not expected to impose substantial direct compliance costs on Indian Tribal governments, PHMSA does not anticipate that the funding and consultation requirements of Executive Order 13175 will apply. PHMSA seeks comment on the applicability of the executive order to this NPRM.

G. Executive Order 13211

This NPRM is not anticipated to be a “significant energy action” under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). It is not likely to have a significant adverse effect on supply, distribution, or energy use. Further, the Office of Information and Regulatory Affairs has not designated this proposed rule as a significant energy action.

H. Paperwork Reduction Act

Pursuant to 5 CFR 1320.8(d), PHMSA is required to provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. PHMSA estimates that the proposals in this NPRM will create the following Paperwork Reduction Act impacts:

PHMSA proposes to create a new information collection to cover the recordkeeping requirement for post-incident recordkeeping called: “Rupture/Shut-off Valve: Post-Incident Records for Pipeline Operators.” PHMSA also proposes to create a new information collection called “Alternative Technology for Onshore

Rupture Mitigation Notifications” to cover this specific notification requirement.

PHMSA will submit information collection requests to the Office of Management and Budget (OMB) for approval based on the requirements that trigger components of the Paperwork Reduction Act in this NPRM. PHMSA will also request two new OMB Control Numbers for these collections. These information collections are contained in the pipeline safety regulations, 49 CFR parts 190–199. The following information is provided for each of these information collections: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. The information collection burdens are estimated as follows:

1. Title: “Rupture/Valve Shut-off: Post-Incident Records for Pipeline Operators.”

OMB Control Number: Will request one from OMB.

Current Expiration Date: New Collection—To be determined.

Abstract: This NPRM proposes to amend 49 CFR 192.617 and 195.402 to require operators who have experienced a rupture or rupture-mitigation valve shut-off to complete a post-incident summary. The post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the life of the pipeline. PHMSA estimates this recordkeeping requirement will result in 50 responses annually and has allotted each respondent 8 hours per response to make and maintain the required records. PHMSA does not currently have an information collection that covers this requirement and will request the approval of this new collection, along with a new OMB Control Number, from the Office of Management and Budget.

Affected Public: Operators of PHMSA-regulated pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 50.

Total Annual Burden Hours: 400.

Frequency of Collection: On occasion.

2. Title: “Alternative Equivalent Technology for Onshore Rupture Mitigation Notifications.”

OMB Control Number: Will request one from OMB.

Current Expiration Date: New Collection—To be determined.

Abstract: This NPRM proposes a new paragraph (d) in both 49 CFR 192.634 and 195.418 requiring operators who elect to use alternative equivalent technology to notify, in accordance with 192.949, the Office of Pipeline Safety at least 90 days in advance of use. An operator choosing this option must include a technical and safety evaluation, including design, construction, and operating procedures for the alternative equivalent technology to the Associate Administrator of Pipeline Safety with the notification. PHMSA would then have 90 days to object to the alternative equivalent technology via letter from the Associate Administrator of Pipeline Safety; otherwise, the alternative equivalent technology would be acceptable for use. PHMSA estimates this notification requirement will result in 2 responses annually and has allotted each respondent 40 hours per response to conduct this task. PHMSA does not currently have an information collection that covers this requirement and will request the approval of this new collection, along with a new OMB Control Number, from the Office of Management and Budget.

Affected Public: Operators of PHMSA-regulated pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 2.

Total Annual Burden Hours: 80.

Frequency of Collection: On occasion.

Requests for copies of these information collections should be directed to Angela Hill, Office of Pipeline Safety (PHP-30), Pipeline and Hazardous Materials Safety Administration, 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, Telephone: 202-366-1246.

Comments are invited on:

(a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the revised collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

(e) Ways the collection of this information is beneficial or not beneficial to public safety.

Send comments directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Officer for the Department of Transportation, 725 17th Street NW, Washington, DC 20503. Comments should be submitted on or prior to April 6, 2020.

I. Unfunded Mandates Reform Act of 1995

The analysis PHMSA performed in accordance with preparing the Preliminary Regulatory Impact Assessment does not expect this NPRM to impose unfunded mandates per the Unfunded Mandates Reform Act of 1995. It is not expected to result in costs of \$100 million, adjusted for inflation, or more in any one (1) year to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the proposed rulemaking. A copy of the Preliminary Regulatory Impact Assessment is available for review in the docket.

J. Privacy Act Statement

Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement, published on April 11, 2000 (65 FR 19476), in the *Federal Register* at: <https://www.govinfo.gov/content/FR-2000-04-11/pdf/00-8505.pdf>.

K. Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document may be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 192

Gas, Incorporation by reference, Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL GAS AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 et. seq., and 49 CFR 1.97.

■ 2. In § 192.3, the definition of “rupture” is added in alphabetical order to read as follows:

§ 192.3 Definitions.

* * * * *

Rupture means any of the following events that involve an uncontrolled release of a large volume of gas:

(1) A release of gas observed or reported to the operator by its field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities, and that may be representative of an unintentional and uncontrolled release event defined in paragraphs (2) or (3) of this definition;

(2) An unanticipated or unplanned pressure loss of 10 percent or greater, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the pressure loss the need for a higher pressure-change threshold due to pipeline flow dynamics that cause fluctuations in gas demand that are typically higher than a pressure loss of 10 percent in a time interval of 15 minutes or less; or

(3) An unexplained flow rate change, pressure change, instrumentation indication, or equipment function that may be representative of an event defined in paragraph (2) of this definition.

Note: Rupture identification occurs when a rupture, as defined in this section, is first observed by or reported to pipeline operating personnel or a controller.

* * * * *

■ 3. In § 192.179, paragraph (e) is added to read as follows:

§ 192.179 Transmission line valves.

* * * * *

(e) All onshore transmission line segments with diameters greater than or equal to 6 inches that are constructed or entirely replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE] must have automatic shutoff valves, remote-control valves, or equivalent technology installed at intervals meeting the appropriate valve spacing requirements of this section. An operator may only install a manual valve under this paragraph if it can demonstrate to PHMSA that installing an automatic shutoff valve, remote-

control valve, or equivalent technology would be economically, technically, or operationally infeasible. An operator using alternative equivalent technology or manual valve must notify PHMSA in accordance with the procedure in § 192.634(h). All valves and technology installed under this paragraph must meet the requirements of § 192.634(c), (d), (f), and (g).

■ 4. Section 192.610 is added to read as follows:

§ 192.610 Change in class location: Change in valve spacing.

If a class location change on a transmission line occurs after [EFFECTIVE DATE OF FINAL RULE] and results in pipe replacement to meet the maximum allowable operating pressure requirements in §§ 192.611, 192.619, or 192.620, then the requirements in §§ 192.179 and 192.634 apply to the new class location, and the operator must install valves as necessary to comply with those sections. Such valves must be installed within 24 months of the class location change in accordance with § 192.611(d).

■ 5. In § 192.615, paragraphs (a)(2), (6), (8), and (11), and paragraph (c) introductory text are revised to read as follows:

§ 192.615 Emergency plans.

(a) * * * (2) Establishing and maintaining adequate means of communication with the appropriate public safety answering point (9-1-1 emergency call center), as well as fire, police, and other public officials, to learn the responsibility, resources, jurisdictional area, and emergency contact telephone numbers for both local and out-of-area calls of each government organization that may respond to a pipeline emergency, and to inform the officials about the operator's ability to respond to the pipeline emergency and means of communication.

(6) Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, and pressure reduction, in any section of the operator's pipeline system to minimize hazards of released gas to life, property, or the environment. Each operator installing valves in accordance with § 192.179(e) or subject to the requirements in § 192.634 must also evaluate and identify a rupture as defined in § 192.3 as being an actual rupture event or non-rupture event in accordance with operating procedures as soon as practicable but within 10 minutes of the initial notification to or

by the operator, regardless of how the rupture is initially detected or observed.

(8) Notifying the appropriate public safety answering point (9-1-1 emergency call center), as well as fire, police, and other public officials, of gas pipeline emergencies to coordinate and share information to determine the location of the release, including both planned responses and actual responses during an emergency. The operator (pipeline controller or the appropriate operator emergency response coordinator) must immediately and directly notify the appropriate public safety answering point (9-1-1 emergency call center) or other coordinating agency for the communities and jurisdictions in which the pipeline is located after the operator determines a rupture has occurred when a release is indicated and rupture-mitigation valve closure is implemented.

(11) Actions required to be taken by a controller during an emergency in accordance with the operator's emergency plans and §§ 192.631 and 192.634.

(c) Each operator must establish and maintain liaison with the appropriate public safety answering point (9-1-1 emergency call center), as well as fire, police, and other public officials to:

■ 6. Section 192.617 is revised to read as follows:

§ 192.617 Investigation of failures and incidents.

(a) *Post-incident procedures.* Each operator must establish and follow post-incident procedures for investigating and analyzing failures and incidents as defined in § 191.3, including sending the failed pipe, component, or equipment for laboratory testing or examination, where appropriate, to determine the causes and contributing factors of the failure or incident and minimize the possibility of a recurrence.

(b) *Post-incident lessons learned.* Each operator must develop, implement, and incorporate lessons learned from a post-incident review into its procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

(c) *Analysis of rupture and valve shut-offs; preventive and mitigative measures.* If a failure or incident involves a rupture as defined in § 192.3

or the closure of a rupture-mitigation valve as defined in § 192.634, the operator must also conduct a post-incident analysis of all factors impacting the release volume and the consequences of the release, and identify and implement preventive and mitigative measures to reduce or limit the release volume and damage in a future failure or incident. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following:

- (1) Detection, identification, operational response, system shut-off, and emergency response communications, based on the type and volume of the release or failure event;
- (2) Appropriateness and effectiveness of procedures and pipeline systems, including SCADA, communications, valve shut-off, and operator personnel;
- (3) Actual response time from rupture detection to initiation of mitigative actions, and the appropriateness and effectiveness of the mitigative actions taken;
- (4) Location and the timeliness of actuation of rupture-mitigation valves identified under § 192.634; and
- (5) All other factors the operator deems appropriate.

(d) *Rupture post-incident summary.* If a failure or incident involves a rupture as defined in § 192.3 or the closure of a rupture-mitigation valve as defined in § 192.634, the operator must complete a summary of the post-incident review required by paragraph (c) of this section within 90 days of the failure or incident, and while the investigation is pending, conduct quarterly status reviews until completed. The post-incident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the appropriate senior executive officer. The post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline.

■ 7. Section 192.634 is added to read as follows:

§ 192.634 Transmission lines: Onshore valve shut-off for rupture mitigation.

(a) *Applicability.* For onshore transmission pipeline segments with nominal diameters of 6 inches or greater in high consequence areas or Class 3 or Class 4 locations that are constructed or where 2 or more contiguous miles have been replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE], an operator must install rupture-mitigation valves according to the requirements of this section. Rupture-

mitigation valves must be operational within 7 days of placing the new or replaced pipeline segment in service.

(b) *Maximum spacing between valves.* Rupture-mitigation valves must be installed in accordance with the following requirements:

(1) *High Consequence Areas.* For purposes of this paragraph (b)(1), "shut-off segment" means the segment of pipe located between the upstream mainline valve closest to the upstream high consequence area segment endpoint and the downstream mainline valve closest to the downstream high consequence area segment endpoint so that the entirety of the high consequence area segment is between at least two rupture-mitigation valves. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream mainline valves, then the segment also extends to the nearest valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to the rupture site (except for residual gas already in the shut-off segment). All such valves on a shut-off segment are "rupture-mitigation valves." Multiple high consequence areas may be contained within a single shut-off segment. The distance between rupture-mitigation valves for each shut-off segment must not exceed:

- (i) 8 miles if one or more high consequence areas in the shutoff segment is in a Class 4 location;
- (ii) 15 miles if one or more high consequence areas in the shutoff segment is in a Class 3 location, and
- (iii) 20 miles if all high consequence areas in the shutoff segment are located in Class 1 or 2 locations, or
- (iv) The mainline valve spacing requirements of § 192.179 when mainline valve spacing does not meet § 192.634(b)(1)(i), (ii), or (iii).

(2) *Class 3 locations.* For purposes of this paragraph, "shut-off segment" means the segment of pipe located between the upstream mainline valve closest to the upstream endpoint of the Class 3 location and the downstream mainline valve closest to the downstream endpoint of the Class 3 location so that the entirety of the Class 3 location is between at least two rupture-mitigation valves. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream mainline valves, the shut-off segment also extends to the nearest valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to the rupture site

(except for residual gas already in the shut-off segment). All such valves on a shut-off segment are "rupture-mitigation valves." Multiple Class 3 locations may be contained within a single shut-off segment. The distance between mainline valves serving as rupture-mitigation valves for each shut-off segment must not exceed 15 miles.

(3) *Class 4 locations.* For purposes of this paragraph, "shut-off segment" means the segment of pipe between the upstream mainline valve closest to the upstream endpoint of the Class 4 location and the downstream mainline valve closest to the downstream endpoint of the Class 4 location so that the entirety of the Class 4 location is between at least two rupture-mitigation valves. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream mainline valves, the shut-off segment also extends to the nearest valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to the rupture site (except for residual gas already in the shut-off segment). All such valves on a shut-off segment are "rupture-mitigation valves." Multiple Class 4 locations may be contained within a single shut-off segment. The distance between mainline valves serving as rupture-mitigation valves for each shut-off segment must not exceed 8 miles.

(4) *Laterals.* Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have rupture-mitigation valves that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of these laterals contributing gas volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment gas volume, based upon maximum flow volume at the operating pressure.

(c) *Valve shut-off time for rupture mitigation.* Upon identifying a rupture, the operator must, as soon as practicable:

(1) Commence shut-off of the rupture-mitigation valve or valves which would have the greatest effect on minimizing the release volume and other potential safety and environmental consequences of the discharge to achieve full rupture-mitigation valve shut-off within 40 minutes of rupture identification; and

(2) Initiate other mitigative actions appropriate for the situation to minimize the release volume and potential adverse consequences.

(d) *Valve shut-off capability.* Onshore transmission line rupture-mitigation valves must have actuation capability (*i.e.*, remote-control shut-off, automatic shut-off, equivalent technology, or manual shut-off where personnel are in proximity) to ensure pipeline ruptures are promptly mitigated based upon maximum valve shut-off times, location, and spacing specified in paragraphs (h) and (c) of this section to mitigate the volume and consequence of gas released.

(e) *Valve shut-off methods.* All onshore transmission line rupture-mitigation valves must be actuated by one of the following methods to mitigate a rupture as soon as practicable but within 40 minutes of rupture identification:

(1) Remote control from a location that is continuously staffed with personnel trained in rupture response to provide immediate shut-off following identification of a rupture or other decision to close the valve;

(2) Automatic shut-off following identification of a rupture; or

(3) Alternative equivalent technology that is capable of mitigating a rupture in accordance with this section.

(4) Manual operation upon identification of a rupture. Operators using a manual valve in accordance with § 192.179(e), must appropriately station personnel to ensure valve shut-off in accordance with paragraph (c) of this section. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to manually shut off all valves, not to exceed the 40-minute total response time in paragraph (c)(1) of this section.

(f) *Valve monitoring and operation capabilities.* Onshore transmission line rupture-mitigation valves actuated by methods in paragraph (e) of this section must be capable of being:

(1) Monitored or controlled by either remote or onsite personnel;

(2) Operated during normal, abnormal, and emergency operating conditions;

(3) Monitored for valve status (*i.e.*, open, closed, or partial closed/open), upstream pressure, and downstream pressure. Pipeline segments that use manual valve operation must have the capability to monitor pressures and gas flow rates on the pipeline to be able to identify and locate a rupture;

(4) Initiated to close as soon as practicable after identifying a rupture and with complete valve shut-off within

40 minutes of rupture identification as specified in paragraph (c) of this section; and

(5) Monitored and controlled by remote personnel or must have a back-up power source to maintain SCADA or other remote communications for remote control shut-off valve or automatic shut-off valve operational status.

(g) *Monitoring of valve shut-off response status.* Operating control personnel must continually monitor rupture-mitigation valve position and operational status of all rupture-mitigation valves for the affected shut-off segment during and after a rupture event until the pipeline segment is isolated. Such monitoring must be maintained through continual electronic communications with remote instrumentation or through continual verbal communication with onsite personnel stationed at each rupture-mitigation valve, via telephone, radio, or equivalent means.

(h) *Alternative equivalent technology or manual valves for onshore transmission rupture mitigation.* If an operator elects to use alternative equivalent technology or manual valves in accordance with § 192.179(e), the operator must notify PHMSA at least 90 days in advance of installation or use in accordance with § 192.949. The operator must include a technical and safety evaluation in its notice to PHMSA, including design, construction, and operating procedures for the alternative equivalent technology or manual valve. Operators installing manual valves must also demonstrate that installing an automatic shutoff valve, a remote-control valve, or equivalent technology would be economically, technically, or operationally infeasible. An operator may proceed to use the alternative equivalent technology or manual valves 91 days after submitting the notification unless it receives a letter from the Associate Administrator of Pipeline Safety informing the operator that PHMSA objects to the proposed use of the alternative equivalent technology or manual valves or that PHMSA requires additional time to conduct its review. ■ 8. In § 192.745 paragraphs (c), (d), and (e) are added to read as follows:

§ 192.745 Valve maintenance: Transmission lines.

* * * * *

(c) For each valve installed under § 192.179(e) and each rupture-mitigation valve under § 192.634 that is a remote control shut-off or automatic shut-off valve, or that is based on alternative equivalent technology, the operator must conduct a point-to-point

verification between SCADA displays and the mainline valve, sensors, and communications equipment in accordance with § 192.631(c) and (e).

(d) For each rupture-mitigation valve under § 192.634 that is manually or locally operated:

(1) Operators must establish the 40-minute total response time as required by § 192.634 through an initial drill and through periodic validation as required in paragraph (d)(2) of this section. Each phase of the drill response must be reviewed and the results documented to validate the total response time, including valve shut-off, as being less than or equal to 40 minutes following rupture identification.

(2) A mainline valve serving as a rupture-mitigation valve within each pipeline system and within each operating or maintenance field work unit must be randomly selected for an annual 40-minute total response time validation drill that simulates worst-case conditions for that location to ensure compliance. The response drill must occur at least once each calendar year, with intervals not to exceed 15 months.

(3) If the 40-minute maximum response time cannot be validated or achieved in the drill, the operator must revise response efforts to achieve compliance with § 192.634 no later than 6 months after the drill. Alternative valve shut-off measures must be in place in accordance with paragraph (e) of this section within 7 days of a failed drill.

(4) Based on the results of response-time drills, the operator must include lessons learned in:

- (i) Training and qualifications programs; and
- (ii) Design, construction, testing, maintenance, operating, and emergency procedures manuals; and
- (iii) Any other areas identified by the operator as needing improvement.

(e) Each operator must take remedial measures to correct any valve installed under § 192.179(e) or any rupture-mitigation valve identified in § 192.634 that is found to be inoperable or unable to maintain shut-off, as follows:

(1) Repair or replace the valve as soon as practicable but no later than 6 months after finding that the valve is inoperable or unable to maintain shut-off; and

(2) Designate an alternative compliant valve within 7 calendar days of the finding while repairs are being made.

■ 9. In § 192.935, paragraph (c) is revised to read as follows:

§ 192.935 What additional preventive and mitigative measures must an operator take?

* * * * *

(c) Risk analysis for gas releases and protection against ruptures. If an operator determines, based on a risk analysis, that an automatic shut-off valve (ASV) or remote-control valve (RCV) would be an efficient means of adding protection to a high consequence area in the event of a gas release, an operator must install the ASV or RCV. In making that determination, an operator must, at least, consider the following factors—swiftness of leak detection and pipe shutdown capabilities, the type of gas being transported, operating pressure, the rate of potential release, pipeline profile, the potential for ignition, and location of nearest response personnel.

(1) *Protection of onshore transmission high consequence areas from ruptures.* An operator of an onshore transmission pipeline segment that is constructed, or that has 2 or more contiguous miles replaced, after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE] and is greater than or equal to 6 inches in nominal diameter and is located in a high consequence area must provide for the additional protection of those pipeline segments to assure the timely termination and mitigation of rupture events by complying with §§ 192.615(a)(6), 192.634, and 192.745. At a minimum, the analysis specified in paragraph (c) of this section must demonstrate that the operator can achieve the following standards for termination of rupture events:

(i) Operators must identify a rupture event as soon as practicable but within 10 minutes of the initial notification to or by the operator, in accordance with § 192.615(a)(6), regardless of how the rupture is initially detected or observed;

(ii) Operators must begin closing shut-off segment rupture-mitigation valves as soon as practicable after identifying a rupture in accordance with § 192.634; and

(iii) Operators must achieve complete segment shut-off and isolation as soon as practicable after rupture detection but within 40 minutes of rupture identification in accordance with § 192.634.

(2) *Compliance deadlines.* The risk analysis and assessments specified in paragraph (c) of this section must be completed prior to placing into service onshore transmission pipelines constructed or where 2 or more contiguous miles have been replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE]. Implementation of risk analysis and assessment findings for rupture-mitigation valves must meet § 192.634.

(3) *Periodic evaluations.* Risk analyses and assessments conducted under

paragraph (c) of this section must be reviewed by the operator for new or existing operational and integrity matters that would affect rupture mitigation on an annual basis, not to exceed a period of 15 months, or within 3 months of an incident or safety-related condition, as these terms are defined at §§ 191.3 and 191.23, respectively, and certified by the signature of a senior executive of the company.

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 10. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.*, and 49 CFR 1.97.

■ 11. In § 195.2, the definition for “rupture” is added in alphabetical order to read as follows:

§ 195.2 Definitions.

Rupture means any of the following events that involve an uncontrolled release of a large volume of hazardous liquid or carbon dioxide:

(1) A release of hazardous liquid or carbon dioxide observed and reported to the operator by its field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities, and that may be representative of an unintentional and uncontrolled release event defined in paragraphs (2) or (3) of this definition;

(2) An unanticipated or unplanned flow rate change of 10 percent or greater or a pressure loss of 10 percent or greater, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the flow rate change or pressure loss the need for a higher flow rate change or higher pressure-change threshold due to pipeline flow dynamics and terrain elevation changes that cause fluctuations in hazardous liquid or carbon dioxide flow that are typically higher than a flow rate change or pressure loss of 10 percent in a time interval of 15 minutes or less; or

(3) An unexplained flow rate change, pressure change, instrumentation indication or equipment function that may be representative of an event defined in paragraph (2) of this definition.

Note: Rupture identification occurs when a rupture, as defined in this section, is first observed by or reported to pipeline operating personnel or a controller.

■ 12. In § 195.256, paragraph (c) is added to read as follows:

§ 195.256 Valves: General.

(c) All onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that are constructed or entirely replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE] must have automatic shutoff valves, remote-control valves, or equivalent technology installed at intervals meeting the appropriate valve location and spacing requirements of this section and § 195.260. An operator may only install a manual valve under this paragraph if it can demonstrate to PHMSA that installing an automatic shutoff valve, remote-control valve, or equivalent technology would be economically, technically, or operationally infeasible. An operator installing alternative equivalent technology or manual valves must notify PHMSA in accordance with the procedure at § 195.418(h). Valves and technology installed under this section must meet the requirements of § 195.418(c), (d), (f), and (g).

■ 13. In § 195.260, paragraphs (c) and (e) are revised and paragraphs (g) and (h) are added to read as follows:

§ 195.260 Valves: Location.

(c) On each mainline at locations along the pipeline system that will minimize or prevent safety risks, property damage, or environmental harm from accidental hazardous liquid or carbon dioxide discharges, as appropriate for onshore areas, offshore areas, or high consequence areas. For onshore pipelines constructed or that have had 2 or more contiguous miles replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE], mainline valve spacing must not exceed 15 miles for pipeline segments that could affect high consequence areas (as defined in § 195.450) and 20 miles for pipeline segments that could not affect high consequence areas. Valves protecting high consequence areas must be located as determined by the operator’s process for identifying preventive and mitigative measures established in § 195.452(l) and by using a process, such as is set forth in Section LB of Appendix C of part 195, but with a maximum distance from the high consequence area segment endpoints that does not exceed 7½ miles.

(e) On each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark as follows, unless the Associate Administrator finds under paragraph (e)(3) of this section that

valves or valve spacing is not necessary in a particular case to achieve an equivalent level of safety:

(1) Valves must either be located outside of the flood plain or have valve actuators and other control equipment installed to not be impacted by flood conditions; and

(2) For multiple water crossings, valves must be located on the pipeline upstream and downstream of the first and last water crossings so that the total distance between the first upstream valve and last downstream valve does not exceed 1 mile.

(3) An operator may notify PHMSA in accordance with paragraph (h) of this section if in a particular case the valves or valve spacing required by this paragraph is not necessary to achieve an equivalent level of safety. Unless the Associate Administrator finds in that particular case the valves or valve spacing required by this paragraph are not necessary to achieve an equivalent level of safety, the operator must comply with the valve and valve spacing requirements of this paragraph.

(g) On each mainline highly volatile liquid (HVL) pipeline that is located in a high population area or other populated area as defined in § 195.450 and that is constructed or that has 2 or more contiguous miles replaced after [DATE 12 MONTHS AFTER EFFECTIVE DATE OF FINAL RULE], with a maximum valve spacing of 7½ miles, unless the Associate Administrator finds in a particular case that this valve spacing is not necessary to achieve an equivalent level of safety. An operator may notify PHMSA in accordance with paragraph (h) of this section if in a particular case the valve spacing required by this paragraph is not necessary to achieve an equivalent level of safety. If the Associate Administrator informs an operator that PHMSA objects, the operator must comply with the valve spacing requirements of this paragraph.

(h) An operator must provide any notification required by this section by:

(1) Sending the notification by electronic mail to InformationResourcesManager@dot.gov; or

(2) Sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, 1200 New Jersey Ave. SE, Washington, DC 20590.

■ 14. In § 195.402, paragraphs (c)(4), (5), and (12), and (e)(1), (4), (7), and (10) are revised to read as follows:

§ 195.40 2 Procedural manual for operations, maintenance, and emergencies.

* * * * *

(c) * * *

(4) Determining which pipeline facilities are in areas that would require an immediate response by the operator to prevent hazards to the public, property, or the environment if the facilities failed or malfunctioned, including segments that could affect high consequence areas and valves specified in either §§ 195.418 or 195.452(i)(4).

(5) Investigating and analyzing pipeline accidents and failures, including sending the failed pipe, component, or equipment for laboratory testing or examination where appropriate, to determine the causes and contributing factors of the failure and minimize the possibility of a recurrence.

(i) *Post-incident lessons learned.* Each operator must develop, implement, and incorporate lessons learned from a post-incident review into its procedures, including in pertinent operator personnel training and qualifications programs and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

(ii) *Analysis of rupture and valve shut-offs; preventive and mitigative measures.* If a failure or accident involves a rupture as defined in § 195.2 or a rupture-mitigation valve closure as defined in § 195.418, the operator must also conduct a post-incident analysis of all factors impacting the release volume and the consequences of the release, and identify and implement preventive and mitigative measures to reduce or limit the release volume and damage in a future failure or incident. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following:

(A) Detection, identification, operational response, system shut-off, and emergency-response communications, based on the type and volume of the release or failure event;

(B) Appropriateness and effectiveness of procedures and pipeline systems, including SCADA, communications, valve shut-off, and operator personnel;

(C) Actual response time from rupture identification to initiation of mitigative actions, and the appropriateness and effectiveness of the mitigative actions taken;

(D) Location and the timeliness of actuation of all rupture-mitigation valves identified under § 195.418; and

(E) All other factors the operator deems appropriate.

(iii) *Rupture post-incident summary.*

If a failure or incident involves a rupture as defined in § 195.2 or the closure of a rupture-mitigation valve as defined in § 195.418, the operator must complete a summary of the post-incident review required by paragraph (c)(5)(ii) of this section within 90 days of the failure or incident, and while the investigation is pending, conduct quarterly status reviews until completed. The post-incident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the appropriate senior executive officer. The post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline.

* * * * *

(12) Establishing and maintaining adequate means of communication with the appropriate public safety answering point (9–1–1 emergency call center), as well as fire, police, and other public officials, to learn the responsibility, resources, jurisdictional area, and emergency contact telephone numbers for both local and out-of-area calls of each government organization that may respond to a pipeline emergency, and to inform the officials about the operator's ability to respond to the pipeline emergency and means of communication.

* * * * *

(e) * * *

(1) Receiving, identifying, and classifying notices of events that need immediate response by the operator or notice to the appropriate public safety answering point (9–1–1 emergency call center), as well as fire, police, and other appropriate public officials, and communicating this information to appropriate operator personnel for corrective action.

* * * * *

(4) Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, and pressure reduction, in any section of the operator's pipeline system to minimize hazards of released hazardous liquid or carbon dioxide to life, property, or the environment. Each operator installing valves in accordance with § 195.258(c) or subject to the requirements in § 195.418 must also evaluate and identify a rupture as defined in § 195.2 as being an actual rupture event or non-rupture event in accordance with operating procedures as soon as practicable but within 10 minutes of the initial notification to or by the operator,

regardless of how the rupture is initially detected or observed.

* * * * *

(7) Notifying the appropriate public safety answering point (9–1–1 emergency call center), as well as fire, police, and other public officials, of hazardous liquid or carbon dioxide pipeline emergencies to coordinate and share information to determine the location of the release, including both planned responses and actual responses during an emergency, and any additional precautions necessary for an emergency involving a pipeline transporting a highly volatile liquid. The operator (pipeline controller or the appropriate operator emergency response coordinator) must immediately and directly notify the appropriate public safety answering point (9–1–1 emergency call center) or other coordinating agency for the communities and jurisdictions in which the pipeline is located after the operator determines a rupture has occurred when a release is indicated and valve closure is implemented.

* * * * *

(10) Actions required to be taken by a controller during an emergency, in accordance with the operator's emergency plans and §§ 195.418 and 195.446.

* * * * *

■ 15. Section 195.418 is added to read as follows:

§ 195.418 Valves: Onshore valve shut-off for rupture mitigation.

(a) *Applicability.* For onshore pipeline segments that could affect high consequence areas with nominal diameters of 6 inches or greater, that are constructed or where 2 or more contiguous miles are replaced after [DATE 12 MONTHS AFTER THE EFFECTIVE DATE OF THE RULE], an operator must install rupture-mitigation valves according to the requirements of this section and § 195.260. Rupture-mitigation valves must be operational within 7 days of placing the new or replaced pipeline segment in service.

(b) *Maximum spacing between valves.* Rupture-mitigation valves must be installed in accordance with the following requirements:

(1) For purposes of this section, a "shut-off segment" means the segment of pipe located between the upstream mainline valve closest to the upstream high consequence area segment endpoint and the downstream mainline valve closest to the downstream high consequence area segment endpoint so that the entirety of the segment that could affect the high consequence area

is between at least two rupture-mitigation valves. If any crossover or lateral pipe for commodity receipts or deliveries connects to the shut-off segment between the upstream and downstream mainline valves, the segment also extends to the nearest valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for commodity to be transported to the rupture site (except for residual liquids already in the shut-off segment). All such valves on a shut-off segment are "rupture-mitigation valves." Multiple high consequence areas may be contained within a single shut-off segment. All replacement pipeline segments that are over 2 continuous miles in length and could affect a high consequence area must include a minimum of one mainline valve that meets the requirements of this section. The distance between rupture-mitigation valves in high consequence areas for each shut-off segment must not exceed 15 miles, with a maximum distance not to exceed 7½ miles from the endpoints of a shut-off segment. Valves on lines carrying highly volatile liquids in high population areas and other populated areas, as those terms are defined in § 195.450, must have rupture-mitigation valves spaced at a maximum distance not exceeding 7½ miles.

(2) Lateral lines to shut-off segments that contribute less than 5 percent of the total shut-off segment commodity volume may have lateral rupture-mitigation valves that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of these laterals contributing hazardous liquid or carbon dioxide volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment commodity volume based upon maximum flow gradients and terrain.

(c) *Valve shut-off time for rupture mitigation.* Upon identifying a rupture, the operator must, as soon as practicable:

(1) Commence shut-off of the rupture-mitigation valve or valves that would have the greatest effect on minimizing the release volume and other potential safety and environmental consequences of the discharge to achieve full rupture-mitigation valve shut-off within 40 minutes of rupture identification; and

(2) Initiate other mitigative actions appropriate for the situation to minimize the release volume and potential adverse consequences.

(d) *Valve shut-off capability.* Onshore rupture-mitigation valves must have actuation capability (*i.e.*, remote control shut-off, automatic shut-off, equivalent

technology, or manual shut-off where personnel are in proximity) to ensure pipeline ruptures are promptly mitigated based upon maximum valve shut-off times, location, and spacing specified in paragraphs (b) and (c) of this section to mitigate the volume and consequence of hazardous liquid or carbon dioxide released.

(e) *Valve shut-off methods.* All onshore rupture-mitigation valves must be actuated by one of the following methods to mitigate a rupture as soon as practicable but within 40 minutes of rupture identification:

(1) Remote control from a location that is continuously staffed with personnel trained in rupture response to provide immediate shut-off following identification of a rupture or other decision to close the valve;

(2) Automatic shut-off following an identification of a rupture; or

(3) Alternative equivalent technology that is capable of mitigating a rupture in accordance with this section.

(4) Manual operation upon identification of a rupture. Operators using a manual valve in accordance with § 195.258 must appropriately station personnel to ensure valve shut-off in accordance with paragraph (c) of this section. Manual operation of valves must include time for the assembly of necessary operating personnel, acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to manually shut off all valves, not to exceed a 40-minute total response time in paragraph (c)(1) of this section.

(f) *Valve monitoring and operation capabilities.* Onshore rupture-mitigation valves actuated by methods in paragraph (e) of this section must be capable of being:

(1) Monitored or controlled by either remote or onsite personnel;

(2) Operated during normal, abnormal, and emergency operating conditions;

(3) Monitored for valve status (*i.e.*, open, closed, or partial closed/open), upstream pressure, and downstream pressure. Pipeline segments that use manual valve operation must have the capability to monitor pressures and gas flow rates on the pipeline to be able to identify and locate a rupture;

(4) Initiated to close as soon as practicable after identifying a rupture and with complete valve shut-off within 40 minutes of rupture identification as specified in paragraph (c)(1) of this section; and

(5) Monitored and controlled by remote personnel or must have a back-

up power source to maintain SCADA or other remote communications for remote control shut-off valve or automatic shut-off valve operational status.

(g) *Monitoring of valve shut-off response status.* Operating control personnel must continually monitor rupture-mitigation valve position and operational status of all rupture-mitigation valves for the affected shut-off segment during and after a rupture event until the pipeline segment is isolated. Such monitoring must be maintained through continual electronic communications with remote instrumentation or through continual verbal communication with onsite personnel stationed at each rupture-mitigation valve, via telephone, radio, or equivalent means.

(h) *Alternative equivalent technology or manual valves for onshore rupture mitigation.* If an operator elects to use alternative equivalent technology or manual valves in accordance with § 195.258(c), the operator must notify PHMSA at least 90 days in advance of installation or use in accordance with § 195.452(m). The operator must include a technical and safety evaluation in its notice to PHMSA, including design, construction, and operating procedures for the alternative equivalent technology or manual valve. Operators installing manual valves must also demonstrate that installing an automatic shutoff valve, a remote-control valve, or equivalent technology in lieu of a manual valve would be economically, technically, or operationally infeasible. An operator may proceed to use the alternative equivalent technology or manual valves 91 days after submitting the notification unless it receives a letter from the Associate Administrator of Pipeline Safety informing the operator that PHMSA objects to the proposed use of the alternative equivalent technology or manual valves or that PHMSA requires additional time to conduct its review.

16. In § 195.420, paragraph (b) is revised and paragraphs (d), (e), and (f) are added to read as follows:

§ 195.420 Valve maintenance.

* * * * *

(b) Each operator must, at intervals not exceeding 7½ months but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly. Each valve installed under § 195.258(c) or rupture-mitigation valve, as defined under § 195.418, must also be partially operated as part of the inspection.

* * * * *

(d) For each valve installed under § 195.258(c) or onshore rupture-mitigation valve identified under § 195.418 that is remote-control shut-off, automatic shut-off, or that is based on alternative equivalent technology, the operator must conduct a point-to-point verification between SCADA displays and the mainline valve, sensors, and communications equipment in accordance with § 195.446(c) and (e), or perform an equivalent verification.

(e) For each onshore rupture-mitigation valve identified under § 195.418 that is to be manually or locally operated:

(1) Operators must establish the 40-minute total response time as required by § 195.418 through an initial drill and through periodic validation as required by paragraph (e)(2) of this section. Each phase of the drill response must be reviewed and the results documented to validate the total response time, including valve shut-off, as being less than or equal to 40 minutes.

(2) A rupture-mitigation valve within each pipeline system and within each operating or maintenance field work unit must be randomly selected for an annual 40-minute total response time validation drill simulating worst-case conditions for that location to ensure compliance. The response drill must occur at least once each calendar year, with intervals not to exceed 15 months.

(3) If the 40-minute maximum response time cannot be validated or achieved in the drill, the operator must revise response efforts to achieve compliance with § 195.418 no later than 6 months after the drill. Alternative valve shut-off measures must be in accordance with paragraph (f) of this section within 7 days of the drill.

(4) Based on the results of response-time drills, the operator must include lessons learned in:

(i) Training and qualifications programs; and

(ii) Design, construction, testing, maintenance, operating, and emergency procedures manuals.

(iii) Any other areas identified by the operator as needing improvement.

(f) Each operator must take remedial measures to correct any onshore valve installed under § 195.258(c) or rupture-mitigation valve identified under § 195.418 that is found inoperable or unable to maintain shut-off as follows:

(1) Repair or replace the valve as soon as practicable but no later than 6 months after the finding; and

(2) Designate an alternative compliant valve within 7 calendar days of the finding while repairs are being made. Repairs must be completed within 6 months.

■ 17. In § 195.452, paragraph (i)(4) is revised to read as follows:

§ 195.452 Pipeline integrity management in high consequence areas.

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(i) * * *

(4) *Emergency Flow Restricting Devices (EFRD)*. If an operator determines that an EFRD is needed on a pipeline segment to protect a high consequence area in the event of a hazardous liquid pipeline release, an operator must install the EFRD. In making this determination, an operator must, at least, consider the following factors—the swiftness of leak detection and pipeline shutdown capabilities, the type of commodity carried, the rate of potential leakage, the volume that can be released, topography or pipeline profile, the potential for ignition,

proximity to power sources, location of nearest response personnel, specific terrain between the pipeline segment and the high consequence area, and benefits expected by reducing the spill size.

(i) Where EFRDs are installed to protect HCAs on all onshore pipelines with diameters of 6 inches or greater and that are placed into service or that have had 2 or more contiguous miles of pipe replaced after [insert date 12 months after effective date of this rule], the location, installation, actuation, operation, and maintenance of such EFRDs (including valve actuators, personnel response, operational control centers, SCADA, communications, and procedures) must meet the design, operation, testing, maintenance, and rupture mitigation requirements of §§ 195.258, 195.260, 195.402, 195.418, and 195.420.

(ii) The EFRD analysis and assessments specified in paragraph (i)(4) of this section must be completed prior to placing into service all onshore pipelines with diameters of 6 inches or greater and that are constructed or that have had 2 or more contiguous miles of pipe replaced after [insert date 12 months after effective date of this rule]. Implementation of EFRD findings for rupture-mitigation valves must meet § 195.418.

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Issued in Washington, DC on January 23, 2020, under authority delegated in 49 CFR part 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020-01459 Filed 2-5-20; 4:45 am]

BILLING CODE 4910-60-P