

East Goshen Township
Pipeline Task Force Meeting Agenda
Thursday, October 22, 2020
6:30 PM

During this tele-conference Pipeline Task Force Meeting, public comment will be handled as follows:

- **Participants are asked to call in by 6:25 pm.**
- **Participants will be asked to identify themselves when being accepted into the meeting.**
- **The public will be muted during the meeting when the Task Force is talking.**
- **The public will be given an opportunity to comment and ask questions during the Public Comment period.**
- **Participants wishing to comment must state their name and must speak one at a time.**

1. Call to Order
2. Pledge of Allegiance / Moment of Silence
3. Ask if anyone is recording the meeting
4. Approval of Minutes
September 24, 2020
5. Public Comment
6. Chairperson's Report
7. Reports
 - a. Legislative Update
 - b. Current Pipeline Events Impacting East Goshen
8. Old Business
9. New Business
 - a. Discuss the Sunoco/ME pipeline whistleblower complaint in East Goshen Township involving a dispute regarding geophysical surveys.
 - b. Review Pipeline Saturation Ordinance passed at the 10/6 BOS meeting
10. Any Other Matter
11. Correspondence
12. Adjournment

1 PIPELINE TASK FORCE MEETING
2 THURSDAY, September 24, 2020
3 TELE CONFERENCE
4 DRAFT MINUTES
5

6 **Members Present:**

7 Caroline Hughes, Chair; Bill Wegemann, Vice Chair; Members: Judi DiFonzo; Christina
8 Morley, Gerry Sexton
9

10 **Others Present**

11 David Shuey, Township Supervisor; Rick Smith, Township Manager; State Senator
12 Katie Muth, Don Vymazal, Chief of Staff
13

14 **COMMON ACRONYMS:**

ACOE	Army Core of Engineers
BI&E	Bureau of Investigation and Enforcement
BOS	Board of Supervisors
CCATO	Chester County Association of Township Officials
DCNR	Department of Conservation and Natural Resources
DEP	Department of Environmental Protection
EGT	East Goshen Township
EGSEA	East Goshen Safety and Environmental Advocates
ET	Energy Transfer Company
FOI	Freedom of Information
HDD	Horizontal Directional Drilling
IR	Inadvertent Return
ME1	Mariner East 1
ME2	Mariner East 2
PHMSA	Pipeline Hazard Materials and Safety Administration
PUC	Public Utility Commission
TF	Task Force

15
16 **Call to Order & Pledge of Allegiance**

17 Caroline called the meeting to order at 6:30 p.m. Bill led the Pledge of Allegiance.
18

19 **Moment of Silence**

20 Caroline called for a moment of silence for those lost in the service, first responders,
21 health care workers and those battling COVID.
22

23 **Recording**

24 The meeting is automatically recorded to the cloud via Zoom meeting settings.
25

26 **Approval of Minutes**

27 The minutes from September 3, 2020, were unanimously approved.
28

29 **Chairperson Report**

30 Caroline reported that there was a natural gas pipeline explosion in Lake Worth Florida
31 on 9/24. This accident was located near the turnpike and caused nearby residents and
32 a school to shelter in place.

1 Caroline reported that due to the Marsh Creek spill, DEP ordered the rerouting of the
2 ME2 pipeline. This order will create a new group of easement owners. She explained
3 that it would be good to empower and educate these easement owners. She asked if TF
4 members reach out to easement owners in EGT to see if anyone would share their
5 personal experience and knowledge.

6
7 Caroline reported that the PA DEP approved the Adelpia permits. PennEast has not
8 yet been granted their permits. The NJ DEP declined the PennEast project permits.

9
10 Caroline noted the PUC hearings on the Safety Seven case will be held from
11 September 29 to October 9 and again on October 13 to 14. She expressed
12 disappointment that Senator Killion has retracted his intervention to the case. Bill also
13 stated he was surprised and disappointed of this retraction.

14
15 In regard to the Baker's Case again Sunoco in Cumberland County, David reported that
16 the PUC ordered Sunoco to hold a public outreach meeting with the constituents and
17 emergency services.

18 19 **Public Comment**

20 Senator Katie Muth thanked the TF for all for their work. She explained that she and
21 Representative Otten have requested weekly calls with the DEP regarding the Marsh
22 Creek incident. Some other participants are DCNR, Fish and Boat, Chester County
23 Health Department, Conservation District, Chester County Commissioners, the PUC,
24 DCNR and Representative Comitta.

25
26 Christina explained that the ACOE receives copies of any notice of violations issued.
27 She continued that significant changes such as switching to open trench and crossing
28 over waterways could affect Sunoco's permits. An FOI is needed to access the ACOE
29 permits. Don agreed to investigate the FOI and reach the ACOE to get copies of permit
30 and correspondence.

31
32 Bill noted that ET has not yet appealed the reroute within the 30 days allotted. David
33 asked if the reroute was part of the recent approval to use open trench to which Senator
34 Muth replied that it is not.

35
36 There was discussion about ET delisting 3 stocks and the affects this would have on the
37 Public-School Employees Retirement (PSERS).

38
39 Senator Muth explained that she had requested a public hearing be held prior to the
40 reroute at Marsh Creek and currently still wants to have a public hearing. Caroline
41 thanked Senator for asking for a public hearing and said that these hearings have been
42 beneficial in the past.

43
44 David stated that the open trench method poses a risk because the pipeline that is
45 carrying NGLs is positioned 4 feet from the surface; therefore, it can be easily struck by
46 a utility or contractor.

1 Caroline stated that there has not been an update from the PA Attorney General's office
2 regarding the ongoing pipeline investigation.

3
4 Bill expressed frustration that for the last 6 years no safety-related pipeline bills have
5 been passed or reached the governor. He explained that HB 2293 regarding
6 Emergency Response Plans finally passed the house and went to the senate. He
7 questioned if there was a possibility this could be voted on in the senate before the next
8 election. If the Senate does not act on HB 2293 by the end of the current session, the
9 bill will die and will have to be reintroduced in the next session.

10
11 David mentioned that the Exxon mobile cracker plant exploration may include a site in
12 Philadelphia. If this transpires, this could impact this area with demand for new supply
13 lines.

14 15 **Current Pipeline Events Impacting East Goshen**

16 Christina explained that Pennoni originally documented the Hershey Mill Village Square
17 Shopping Center easement as a wooded area. Pennoni later corrected the documents
18 to state it is a non-wooded area. She expressed concern that the trees were removed
19 and will not be replaced by Sunoco. David added that easement agreements prohibit
20 the landowner from planting trees so that Sunoco can conduct arial observation. She
21 questioned repercussions the Township will have over Sunoco if this refurbished
22 easement causes flooding on Boot Road.

23
24 In response to these questions, Rick explained that Sunoco is responsible for regrading
25 and restoring the easement and cannot change the stormwater management. He noted
26 that this easement has been condemned. Rick continued that for the permit conditions
27 to be met by Sunoco, the socks will remain until the grass is fully established. If erosion
28 became an issue after the socks are removed, the Township would need to engage its
29 engineer for proof.

30 31 **Any Other Matter**

32 Due to the upcoming holidays, it was agreed by the TF to hold the monthly November
33 and December meetings on the scheduled workshop dates: November 11 and
34 December 10 at 6:30 pm.

35 36 **Adjournment**

37 The meeting was adjourned at 8:40 p.m.

38
39 The next meeting is Thursday, October 22, 2020, at 6:30 pm via Zoom.

40
41 Respectfully submitted,
42 *Susan D'Amore*

43
44 *U:\SDAmore\ABCs\pipeline\Pipeline TF Mins 09-24-20 DRAFT.docx*

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE EAST GOSHEN TOWNSHIP
CODE TO ADD A NEW CHAPTER _____ TITLED "PIPELINE
SATURATION ORDINANCE".**

WHEREAS, Article 1, Section 1 of the Pennsylvania Constitution reads as follows:

1. Inherent rights of mankind.

All men are born equally free and independent, and **have certain inherent and infeasible rights, among which are those of** enjoying and defending life and liberty, of acquiring, **possessing and protecting property** and reputation, and of pursuing their own happiness (emphasis added).

WHEREAS, Article 1, Section 2 of the Pennsylvania Constitution reads as follows:

2. Political powers.

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and infeasible right to alter, reform or abolish their government in such manner as they may think proper (emphasis added).

WHEREAS, Article 1, Section 25 of the Pennsylvania Constitution reads as follows:

25. Reservation of powers in people.

To guard against transgressions of the high powers which we have delegated, **we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate** (emphasis added).

WHEREAS, Article 1, Section 26 of the Pennsylvania Constitution reads as follows:

26. No discrimination by Commonwealth and its political subdivisions.

Neither the Commonwealth nor any political subdivision thereof **shall deny to any person the enjoyment of any civil right**, nor discriminate against any person in the exercise of any civil right (emphasis added).

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution reads as follows:

27. Natural resources and the public estate.

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people (emphasis added).

WHEREAS, the Second Class Township Code, 53 P.S. §65101 et seq., (the "Code") was reenacted and amended on November 9, 1995.

WHEREAS, Section 607 (1) of the Code which sets forth the duties of Supervisors reads as follows:

Section 607. Duties of Supervisors.--The board of supervisors shall:

(1) Be charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and **to secure the health, safety and welfare of the citizens of the township** (emphasis added).

WHEREAS, the Board of Supervisors of East Goshen Township ("the Board") finds that with the completion of the Sunoco Mariner East Project, East Goshen Township ("the Township") will be traversed by eleven natural gas and/or hazardous liquid pipelines (the "Pipelines").

WHEREAS, the location for most of the Pipelines was determined decades ago, when the Township was a rural township with much less density and a population of less than 1,000 residents.

WHEREAS, the Township is almost fully developed with over 18,000 residents.

WHEREAS, properties through which these Pipelines traverse that were once farms are now developed with single family homes, apartments, condominiums, life care facilities, businesses and commercial establishments.

WHEREAS, these Pipelines are in close proximity to these single-family homes, apartments, condominiums, life care facilities, businesses, commercial establishments, recreational facilities, churches and schools.

WHEREAS, the construction of a new pipeline necessarily involves sustained disruption to the residents of the Township.

WHEREAS, the Board finds that the installation of any new pipelines in the Township would infringe on Township resident's rights under Article 1, Sections 1, 2, 25, 26 and 27 of the Pennsylvania Constitution.

WHEREAS, each of the Board members took an oath of office to “**support, obey and defend** the Constitution of the United States and the **Constitution of this Commonwealth**” (emphasis added).

NOW THEREFORE, pursuant to the Board’s power to adopt ordinances necessary **to secure the health, safety and welfare of the citizens of the Township** pursuant to Section 1506 of the Second Class Township Code, 53 P.S. §66506, and pursuant to the aforementioned Sections 1, 2, 25, 26, and 27 of Article 1 of the Pennsylvania Constitution, the Board enacts and ordains as follows:

SECTION 1. A new Chapter ____ titled “Pipeline Saturation Ordinance” shall be adopted and codified in the East Goshen Township Code as follows:

“CHAPTER ____ PIPELINE SATURATION ORDINANCE.

§ ____ .1. Definitions.

The following words and terms shall, for the purposes of this chapter, have the meanings shown herein:

Existing Natural Gas Pipeline- a Natural Gas Pipeline that is existing or in the process of being constructed in the Township as of the Effective Date of this Ordinance.

Existing Hazardous Liquid Pipeline - a Hazardous Liquid Pipeline that is existing or in the process of being constructed in the Township as of the Effective Date of this Ordinance.

Hazardous Liquid Pipeline - any pipeline regulated by CFR Title 49, subtitle B, Chapter 1, subchapter D, Part 192

Natural Gas Pipeline – any pipeline regulated by CFR Title 49, subtitle B, Chapter 1, subchapter D, Part 195

Person – a human being, partnership, company, firm, corporation.

Repair - to fix, restore or mend an Existing Natural Gas Pipeline or Hazardous Liquid Pipeline.

Replace - to install a new Natural Gas Pipeline or Hazardous Liquid Pipeline in the same place of an Existing Natural Gas Pipeline or Hazardous Liquid Pipeline.

§ ____ .2. General Provisions.

After the Effective Date of this Ordinance, no Person shall construct a new Natural Gas Pipeline or Hazardous Liquid Pipeline within the boundaries of East Goshen Township.

§ ____.3. Replacement of an Existing Natural Gas and Existing Hazardous Liquid Pipeline.

An Existing Natural Gas Pipeline and Existing Hazardous Liquid Pipeline within the Township may be replaced provided that the location of the replaced pipeline is confined to the same property or easement.

§ ____.4. Repairs of an Existing Natural Gas and Existing Hazardous Liquid Pipeline

An Existing Natural Gas Pipeline and Existing Hazardous Liquid Pipeline may be repaired without any limitation.

§ ____.5. Enforcement

- A. Any Person who violates or permits the violation of any provision of this ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this ordinance violated shall constitute a separate offense and each day or portion thereof in which a violation of this ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this ordinance shall be paid to the Township Treasurer.
- B. If any Person constructs or installs a Natural Gas Pipeline or Hazardous Liquid Pipeline in violation of this ordinance, the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such installation or construction.

SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such

unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective five days following enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Louis F. Smith, Secretary

E. Martin Shane, Chairman

David Shuey, Vice-Chairman

Michael P. Lynch, Member

Michele Truitt, Member

John Hertzog, Member