

East Goshen Township
Pipeline Task Force Workshop Agenda
Thursday, January 14, 2021
6:30 PM

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

- **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
December 10, 2020
5. Public Comment
6. Chairperson's Report
7. Old Business - None
8. New Business
 - a. **Reorganization**
 - b. **Annual Planning Session**
9. Any Other Matter
10. Correspondence
 - a. **New TF Member Letter**
11. Adjournment

1 PIPELINE TASK FORCE MEETING
2 THURSDAY, December 10, 2020
3 TELE CONFERENCE
4 DRAFT MINUTES

5
6 **Members Present:**

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

10 **Others Present**

11 David Shuey, Township Supervisor; Rick Smith, Township Manager
12

13 **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

14
15 **Call to Order & Pledge of Allegiance**

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

18 **Moment of Silence**

19 Caroline called for a moment of silence our first responders, health care works and government
20 officials.
21

22 **Recording**

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

25 **Approval of Minutes**

26 The minutes from November 12, 2020, were unanimously approved as amended.
27

28 **Public Comment**

29 Public comment was conducted throughout the meeting as needed.
30

31 **Chairperson Report**

32 Caroline reported that Sunoco is legally challenging DEP regarding the Marsh Creek reroute
33 order. Melissa clarified that the ruling should occur in the next few weeks and will determine if
34 Sunoco will stop construction until a hearing about the rerouting takes place.

1 Christina added that there was testimony by the ARM consultant regarding work done by
2 Rettew. This consultant, hired by the PUC, gave compelling testimony that there was no
3 subsurface impact found by Rettew. Later, large sink holes opened at this same location.
4 Christina continued that she would transcribe the video of this testimony provided by Melissa so
5 it can be added to the minutes. Melissa noted that the testimony referred to multiple roadways
6 such as Pottstown Pike and Valley Road. Christina noted that this situation is similar what
7 occurred at Boot Road.

8
9 Caroline reported that Sunoco asked for an increase in the temporary workspace and easement
10 in Media Borough. The Borough declined Sunoco; however, Sunoco ignored this.

11 12 Legislative Update

13 Bill explained that the House Bill 2293, the first safety-related pipeline bill, was signed by
14 Governor Wolf. He continued that the Task Force will need to support the other safety related
15 pipeline bills (about 2 dozen) that are in progress. Rick added that due to new legislature in
16 Harrisburg, the bills will need to be reintroduced.

17 18 New Business

19 **1. *The Pipeline Task Force to help the Board determine what is expected and wanted*** 20 ***from PennDOT regarding the qualifications, people hired and the processes to be*** 21 ***used regarding the subsidence area.***

22 Christina explained that she informed the BOS that PennDOT should supply the qualifications of
23 people working at the site and a provide a report with a detailed explanation of work to be
24 completed. Bill asked if the Township could be on site during the work. Rick explained that he
25 requested to be notified, to be given a copy of the report and the Township's Public Works
26 director will visit the site during the dig.

27
28 Melissa asked Rick for an update on Margo Lane which is being converted to public water. Rick
29 stated that Aqua will run the water main next year. Two chemicals were in the well water: 1)
30 from the lead in gasoline and 2) naturally occurring.

31
32 Rick noted that the PUC is aware of the whistleblower subsidence and they are investigating the
33 depression.

34
35 Christina noted that she has received many files in response to her the right to know request
36 that she is currently working through. Christina asked Rick to inform PennDOT in writing that
37 there is a concern about the proximity of the subsidence to the wetlands.

38
39 Joe Buonanno said that to adequately evaluate the current problems, East Goshen should hire
40 a chemist, a geologist and an "OGM" litigator. Joe commented that the Pipeline TF is doing a
41 great job.

42
43 Bill stated that the Township should seek services from Dr. Ira Sasowsky for a desktop study.
44 He is a professionally certified hydrogeologist that has extensive background in Pennsylvania.
45 He can analyze the information that the Township and the Pipeline Taskforce possesses.
46 Bill made a motion that the TF recommend to the Board of Supervisors that they hire Dr. Ira
47 Sasowsky, from Sasowsky Earth Science Consultants, Ltd. to oversee and conduct an
48 independent desktop study for the cost of \$4,300. Caroline seconded. The motion passed 5-0.

1 **2. The Pipeline Task Force to help the Board narrow a Right-to-Know request to be**
2 **submitted to the appropriate state organizations.**

3 Christina reported that she sent Rick suggested language for submitting a new Right-to-Know
4 request.

5
6 **3. The Pipeline Task Force to draft a letter that the Board will send to DCNR or other**
7 **appropriate organizations to make inquiries of subsidence area.**

8 Christina stated that nothing on this topic has been completed to date. She explained that at a
9 previous BOS meeting she suggested contacting DCNR's Bureau of Topography and Geology
10 because of their publications on sinkholes. She also suggested that DEP should inspect the
11 area to help determine if the subsidence is a threat. There was conversation regarding DEP
12 consulting with the Bureau of Abandoned Mine Reclamation (BAMR) for recommendations. It
13 was agreed to table this item until a later meeting.

14
15 **Pipeline Setback Guideline Draft Ordinance**

16 Christina attended the Planning Commission's meeting where the Pipeline Setback Ordinance
17 was discussed. She explained that implementation of the ordinance would be triggered by an
18 application for new land development/construction that is within 1000 feet of the existing
19 pipeline easement. Christina asked the TF for input to this ordinance. Judi suggested that
20 consideration be made to odorize the product.

21
22 Gerry recommended that the limit not go below the 1000-foot distance. Caroline will email Ernie
23 with this recommendation. Rick noted that this ordinance needs to go to county for a 30-day
24 review. Caroline asked the group to email her any other additions.

25
26 Melissa asked that the setback start with the edge of the easement to which Rick replied that
27 the ordinance does refer to the easement edge.

28
29 Melissa asked why the pipes along Bow Tree are of a different color than previous pipes. Rick
30 responded that he has contacted Sunoco and they stated that the pipes were provided by a
31 different supplier.

32
33 **Annual Planning Session**

34
35 The TF agreed to review Bill's notes and meet to discuss the Annual Planning Session in a
36 workshop meeting on January 14, 2021.

37
38 **Adjournment**

39 The meeting was adjourned at 8:34 p.m.

40
41 The next meeting is Thursday, January 14, 2021, at 6:30 pm via Zoom.

42
43 Respectfully submitted,
44 Susan D'Amore

45
46 F:\Data\Shared Data\Minutes\Pipeline Task Force\2020\Pipeline TF Mins 12-10-20 DRAFT.docx

East Goshen Pipeline Safety Task Force - Summary of key monthly notes from 2020

1/9/20

- Gerry commented that Christina provided an excellent commentary to DEP regarding the HDD 421 Reevaluation reports. Gerry asked if there has been any progress from the Township with respect to acquiring the services of a professional geologist. Rick stated that a recommendation from the Task Force (TF) to the Board would need to be made. David mentioned that the Township has been promised the reports on the Boot Road analysis.
- Pipeline Setback Recommendations for Paoli Pike TND Ordinance – Gerry stated that the TND Ordinance was not discussed at the BOS meeting on 12/17/19. Gerry reviewed three relevant documents and provided a summary of what he deemed important in reference to setbacks, easements and ordinances. He suggested that the TF could make two separate recommendations based upon the relative risks associated with different materials being transported.

1/23/20

- Boot Road Geophysical Survey Reports – The TF discussed the latest Boot Road report that was provided. The TF also discussed their concerns about Larry Greminger's qualifications. Christina made a motion requesting Township Staff to file a Right to Know Request to PennDOT to obtain all information, correspondence, reports, data, etc. associated with the Boot Road Geophysical Survey. Bill seconded the motion. The motion passed unanimously. Christina requested from the Township staff that all correspondence be forwarded to the TF as soon as it is received. Christina explained that she held an informational session/workshop for a few residents to assist in improving their skills in submitting public comment to organizations such as DEP. She is willing to do this again if there is interest.
- Professional Geologist – The TF discussed hiring a professional geologist. Mark suggested that the TF recommend to the Board of Supervisors that a professional geologist from Pennoni begin this process with a review of the Boot Road Geophysical Survey Reports.

2/27/20

- It was agreed by the TF that a workshop meeting will be held on March 12, 2020, at 5:00 p.m. to consider the BOS recommendation for comments to PHMSA regarding their proposal to its regulations concerning natural gas and hazardous liquid pipelines. Comments need to be complete for the BOS meeting on 3/17/20 in order to be submitted by 4/6/2020. Caroline will send out a google doc to the TF for comments prior to the meeting.
- Boot Road Geophysical Survey Reports and Right to Know Request – Rick reported that a Right to Know was filed to PennDOT for additional information about the Boot Road Geophysical Survey Reports. Once the Township receives the information, it will be forwarded to Pennoni for review. Rick estimated the timeline to be mid-March. February

27, 2020. Christina reported that she also filed a Right to Know request. She explained that she plans to inspect the records in person. Christina added that she emailed Rettew and has not received a response.

3/12/20

- BOS Recommendation for public comment to PHMSA regarding their proposal to its regulations concerning natural gas and hazardous liquid pipelines. The TF reviewed section by section the comments noted in the letter provided by Rick on the PHMSA rules that are changing. Caroline will incorporate and update the comments from the workshop for the 3/17/20 BOS meeting. Judi made a motion to approve the draft comments pursuant to the Notice of Proposed Rulemaking that will be finalized and submitted for recommendation to the BOS for public comment that is due to PHMSA on April 6, 2020. Christina seconded the motion. The motion passed unanimously.

5/28/20

- Adelphia/PennEast Caroline introduced Eve Miari from the Clean Air Council to discuss the Adelphia/PennEast Topic. She stated that there are residents in East Goshen with easement agreements with Adelphia that could be impacted.
- Caroline made a motion recommending that the BOS send a letter to DEP for clarification regarding the proposal between PennEast and Adelphia. Bill seconded the motion. The motion passed unanimously. Rick asked that additional questions be forwarded to him, and he will draft the letter for the June 9th agenda.

6/25/20

- Official EGT pipeline taskforce comments submitted to PHMSA regarding valve installation and minimum rupture detection standards: Caroline was happy to report that the Pipeline TF comments submitted are listed publicly online. She explained that the comment period is still open, and the TF's comments will be considered.
- Current Pipeline Events Impacting East Goshen Christina explained that numerous residents have been voicing complaints (ongoing issues of hammering, drilling vibration, and continuous dust) on NextDoor and contacting members of the TF and the Township. Christina stated that the residents need acknowledgement that this is being addressed. She researched the Public Nuisance aspect the Township's ordinances and looked at which ones could put Sunoco's permit at risk. Christina made a motion to ask the BOS for stronger enforcement of the public nuisance aspect of the ordinances that exist in the Township. Caroline seconded the motion. The motion passed unanimously.

7/23/20

- Adelphia/PennEast Gerry explained his investigation on the natural gas odorization requirements in conjunction with the PennEast project. Gerry clarified that he did not find any specifications from PennEast for odorant to be used for natural gas. He also was unable to determine when PennEast plans to connect to Adelphia which runs through East Goshen Township. Gerry stressed that the TF and the Township should do

everything possible to retain the requirement to add the odorant. The TF agreed. Caroline will touch base with Eve to see if she has any additional information.

- Public nuisance laws Rick stated that the BOS will be meeting with a lawyer next week to discuss the public nuisance issue to determine what can be done. He added that the research Christina provided at the 8/7 BOS meeting was forwarded to the solicitor.

9/3/20

- Boot Road Geophysical Study - Rick reported that PennDOT sent the Board a letter stating they did not have the funding to have Schnabel (their engineer) perform the final geophysical testing on Boot Road, but they would have Schnabel review the final study submitted by Rettew. The TF expressed two concerns. The first was that Rettew could send the report to Sunoco for its review prior to submitting it to Sunoco. The second was that Sunoco should use someone other than Rettew to perform the study. The TF discussed how to address concerns including: • having the Township fund a study, • to creating a Go-Fund me account, • sending another letter to PennDOT. In response to a question, Rick guessed that Sunoco spent \$20,000 for the study, and he did not think the Board would fund it since Boot Road was a state road. Christina made a motion to have Rick contact Sarah McInnes, PennDOT Geotechnical Engineer, to ask if they would require Sunoco to have someone other than Rettew perform the study and to request that Rettew not send the study to Sunoco prior to providing it to PennDOT. Caroline seconded the motion. The motion passed unanimously.

9/24/20

- Public Comment Senator Katie Muth thanked the TF for all for their work. She explained that she and Representative Otten have requested weekly calls with the DEP regarding the Marsh Creek incident. Some other participants are DCNR, Fish and Boat, Chester County Health Department, Conservation District, Chester County Commissioners, the PUC, DCNR and Representative Comitta.
- Christina explained that the ACOE receives copies of any notice of violations issued. She continued that significant changes such as switching to open trench and crossing over waterways could affect Sunoco's permits. An FOI is needed to access the ACOE permits. Don agreed to investigate the FOI and reach the ACOE to get copies of permit and correspondence.

10/22/20

- Caroline explained that the pressing issue in the Township and with Pipeline TF is the whistle blower complaint involving the Bow Tree site. She stated that for two years, the Pipeline TF has raised and documented concerns regarding the safety of the pipeline. She indicated that East Goshen is still without a credible safety plan for its residents.
- Discuss the Sunoco/ME pipeline whistleblower complaint in East Goshen Township involving a dispute regarding geophysical surveys. Caroline made a motion requesting that the BOS ask Chester County to utilize their current geologist to conduct an independent investigation around the Bow Tree area. Bill seconded. The motion unanimously passed 5-0.

- Caroline made a motion that the BOS actively partner with Chester County and other municipalities that are also experiencing the same and similar issues as the Township with respect to the Mariner East pipeline construction. Christina seconded. The motion unanimously passed 5-0.
- Caroline noted that East Goshen Township has led in the battle against this pipeline by forming the TF, which is unique to Chester County, by donating to citizen risk assessment and by holding multiple public meetings.
- Caroline made a motion that the Board consider revoking the Municipal Erosion and Sedimentation permit. Bill seconded. Motion pass 4-0 with Judi abstaining. Christina stated that she does not believe the permit was ever evaluated for compliance after the request that David made in the 12/5/19 Pipeline TF meeting. Judi questioned whether if the subsidence was caused by the current existing drilling or was it caused by something else such as pipeline maintenance, rainwater, etc.
- Review Pipeline Saturation Ordinance from 10/6/20 BOS meeting David explained that this ordinance is unique and was never done before. He stressed that the Board is serious about this ordinance and did not want aspects of this ordinance preempted by case law.

BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP
CHESTER COUNTY
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

January 5, 2021

Mr. Jim Christenson
612 Meadow Drive
West Chester, PA 19380

Dear Jim,

I am pleased to inform you that at their meeting on Monday, January 4, 2021, the Board of Supervisors appointed you to a 3-year term on the East Goshen Township Pipeline Task Force. Your term will expire at the end of 2023, at which time you may be reappointed.

The Pipeline Task Force meets on the fourth Thursday of the month with workshop meetings held on the second Thursday of the month as needed. Due to COVID-19 meetings are being held virtually via Zoom. The meetings start at 6:30 pm. The next workshop meeting is scheduled for Thursday, January 14, 2021 and the next regular meeting is Thursday, January 28, 2021.

On behalf of the Board of Supervisors, thank you for your interest in East Goshen Township. We look forward to working with you. You may also refer to the EGT Orientation Manual that provides context about the historical and legal framework for the Township and its authorities, boards and commissions. This can be found on the eastgoshen.org website under the Services → Human Resources tab.

Sincerely,

Louis F. Smith (Pick)

Louis F. Smith, Jr.
Township Manager

cc: Pipeline Task Force