

East Goshen Township
Pipeline Task Force Meeting Agenda
Thursday, January 28, 2021
6:30 PM
Dial in Number: (929) 205-6099
Access code: 822 4518 2344 # #

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

- **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 can hit *9 to raise their hand**
- **Participants 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
January 14, 2021
5. Public Comment
6. Chairperson's Report
7. Reports
 - a. Legislative Update
8. Old Business –
 - a. Report on Dr. Sasowsky's progress
9. New Business
 - a. Reassess and redefine the Pipeline TF purpose statement.
 - b. Reorganization
 - c. Consider monthly meeting time schedule
10. Any Other Matter
11. Correspondence
 - a. Letter from PUC
 - b. Letter from Attorney General
12. Adjournment

**PIPELINE TASK FORCE WORKSHOP
THURSDAY, January 14, 2021
TELE CONFERENCE
DRAFT MINUTES**

Members Present:

Caroline Hughes, Chair; Bill Wegemann, Vice Chair; Members: Jim Christenson, Judi DiFonzo; Christina Morley, Gerry Sexton

Others Present

David Shuey, Township Supervisor; Rick Smith, Township Manager

COMMON ACRONYMS:

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

Call to Order & Pledge of Allegiance

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

Moment of Silence

Caroline called for a moment of silence for first responders, health care workers and government officials.

Recording

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

Approval of Minutes

The minutes from December 10, 2020, were unanimously approved.

1 Caroline welcomed Jim Christenson as the newest member to the Task Force.

2 3 **ABC Planning Session**

4 **2020 Accomplishments and Highlights**

5 Bill provided a document for review. Caroline and Christina agreed to compile a list of
6 accomplishments and highlights from 2020. They will share with the TF for input. The final
7 copy will be provided to Susan by Friday morning (1/22/21).

8 9 **2021 Goals and Initiatives**

10 The TF discussed and agreed on the following goals:

11 **1. Expand the TF from 6 to 7 members.**

- 12 • David stated there is one 2-year term opened.
- 13 • Christina shared that she received a zoom invitation from the “Bow Tree 15”
14 (residents that have homes backing up to 352 along the pipeline). She will attend
15 and provide an update on the subsidence. She will ask if anyone is interested in
16 joining the TF.
- 17
- 18 • Rick updated that pullback at the Bow Tree site is scheduled for early March.
- 19
- 20 • David reminded that restoration of easements is negotiated between Energy
21 Transfer and the property owner. Rick confirmed that no permits are needed for
22 fencing, but the fence cannot exceed 6 feet and the smooth side must face out.
23 Bill added that all 15 residents need to agree on fencing. Rick noted later in the
24 meeting that this group is aware of all the fence regulations.
- 25

26 **2. Increase communication to the public**

- 27 • Caroline stated that the TF should streamline the process of communication
28 specific for township residents and make it easy for the average person to
29 understand.
- 30 • Judi shared that the Chester County Environmental Alliance is holding a session
31 called: “Common Environmental Agenda for Chester County”. She shared the link
32 below and stated she will be attending. David suggested that Judi share the
33 pipeline saturation ordinance with them.

34 https://docs.google.com/document/d/1wccCNOB7gauTIDyXomIGRR6n_C0o_dCUrM_clQ2atxvM/edit#
35

36 **3. Improving communication with other ABCs; establish liaisons and share** 37 **initiatives.**

- 38 • Christina said that the TF should improve the communication with each other
39 and other ABCs in the township. Rick suggested that BOS could encourage
40 development of ABC-to-ABC liaisons. David will put forward this idea at the
41 planning session.

42 **4. Outreach to elected local, state and federal officials especially within East** 43 **Goshen’s district.**

- 1 **5. Promotion of legislation that would help East Goshen residents in relation to**
2 **the pipeline.**
- 3 **6. Reassess and redefine the purpose statement and goals of the Pipeline TF.**
4 • Gerry suggested that the overarching objectives and goals are routed in pipeline
5 safety, environmental compliance and quality of life.
- 6 **7. Look for opportunities to address public communication regarding evacuation**
7 **plans specific to our township.**
- 8 **8. Provide guidance on Dr. Sasowsky's first phase of the investigation.**
9 • Rick updated that Dr. Sasowsky has received the contract along with all the
10 information including the PennDOT report. Rick will forward to him the Bow
11 Tree stream report.

12 13 **Any Other Matter**

- 14 1. Bow Tree Stream Sample Report
15 • Caroline asked the origin of this report to which Rick explained that a resident
16 reported "bad" water coming from the Bow Tree site. The Township had
17 Pennoni perform the test.
18 • Gerry added that the report is difficult to understand and the acronyms are not
19 defined. There was discussion about how the results were reported.
20 • Rick will clarify the acronyms and provide a primer for context explanation.

21 22 **Adjournment**

23 The meeting was adjourned at 8:14 p.m.

24
25 The next meeting is Thursday, January 28, 2021, at 6:30 pm via Zoom.

26
27 Respectfully submitted,
28 *Susan D'Amore*

29
30 *F:\Data\Shared Data\Minutes\Pipeline Task Force\2021\Pipeline TF Mins 01-14-21 DRAFT.docx*

Pipeline Task Force - Actions Summary

Last Revised February 12, 2019

Pipeline Monitoring and Safety

1. Consider recommendation to obtain the Integrity Management Program and Risk Assessment.
2. Consider recommendation on the Confidential Security Information.
3. Consider Pipeline Coatings Request from BOS dated 12/19/18
4. Investigate Air Quality Ordinances in other Townships and consider implementing in EGT (concern at HDD sites)
5. Consider the feasibility of conducting air quality monitoring at HDD construction sites.

12/20 session list

1. How to communicate and advise the community: (Resident preparedness & Communication)
 - a. Recognize a leak
 - b. Ignition issues
 - c. Evacuation
2. Consider requesting a Tabletop from Department of Emergency Services
3. Communications to Residents
 - d. Ready Chesco
 - e. Smart911
 - f. 811 – call before you dig
4. Improve public communications regarding pipeline issues and activities
5. Website / newsletter coordinate updates with Taskforce

Legislation

1. Acquire Killian / Dinniman Bills to review and determine how to support and move forward.

Pipeline Task Force - Actions Summary

Last Revised February 12, 2019

2. Advocate that the State revoke 102 and 105 permits

PUC Regulatory Issues

1. Consider recommendation to install an additional valve on the Mariner Pipelines for safety.
2. File an EGT complaint with the PUC. Similar to West Whiteland complaint but focus on EGT.
3. Explore the valve location issue for safety considerations

Low priorities

1. Improve public communication regarding pipeline issues and activity
2. Facilitate or join a “community advocacy network”
3. Examine the impact of pipeline construction on property values



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

PUC RTK 2020-0066

January 13, 2021

Louis F. Smith
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

Final response sent via Email only:
rsmith@eastgoshe.org

Dear Mr. Smith:

By this letter, the Pennsylvania Public Utility Commission (Commission) responds to your Right-to-Know request filed pursuant to the provisions of Pennsylvania's Right-to-Know Law (RTKL), 65 P.S. § 67.101, *et seq.*, *as amended*. In your request received via email on Monday, December 7, 2020, you requested:

"Records, reports, geologic studies, and correspondence related to HDD 520 Bow Tree/Strasburg Rd; HDD 521 North Chester Road; and HDD 530 Matlack from January 1, 2018 to date.

Records, reports, geologic studies, and correspondence related to Sunoco/Energy Transfer "Spread 6" sites located within East Goshen Township, PA, from January 1, 2018 to date."

Your request is denied.

The Commission searched its records using the criteria in your request and found responsive records in its possession. The records which satisfy the criteria in your request are exempt from disclosure under Sections 708(b)(3)(iii) and 708(b)(17) of the Pennsylvania RTKL.

Section 67.708(b)(17) of the RTKL, 65 P.S. § 67.708(b)(17), exempts from disclosure all agency records relating to a noncriminal investigation. Such records include, but are not limited to, (1) investigative materials, notes, correspondence, and reports; (2) work papers; and (3) any record that would reveal the institution, progress, or result of an agency investigation; deprive a person of the right to an impartial adjudication; and/or hinder the agency's ability to secure an administrative or civil sanction. 65 P.S. § 67.708(b)(17). The Commission's Bureau of Investigation and Enforcement has investigated the above-referenced sites. All responsive records are part of those investigations and fall under the exemption of Section 67.708(b)(17) and are therefore not subject to disclosure.

Additionally, Section 67.708(b)(3)(iii) of the RTKL, 65 P.S. § 67.708(b)(3)(iii), exempts from disclosure a record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, including infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

This constitutes the final response of the Commission in accordance with the Pennsylvania RTKL.

NOTICE OF RIGHT TO APPEAL

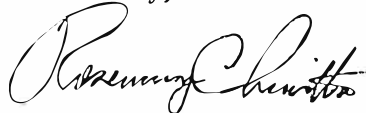
If you believe the Commission has wrongfully denied any part of your request, you may appeal within 15 business days from the date of this letter to:

Office of Open Records
16th Floor
333 Market Street
Harrisburg, PA 17126-0333

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response. 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the agency denied your request. Visit the Office of Open Records website at <http://openrecords.pa.gov> for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Rosemary Chiavetta, Secretary
Right to Know Officer
Pa Public Utility Commission

cc: John Herzog, PUC Executive Deputy Chief Counsel
Hayley Dunn, PUC Assistant Counsel
Adam Young, PUC Assistant Counsel
PUC RTK Official File 2020-0066



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Josh Shapiro
ATTORNEY GENERAL

January 13, 2021

15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 783-1111

E-mail: rsmith@eastgoshen.org

Rick Smith
East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

**RE: Right to Know Request
2020-240**

Dear Mr. Smith:

This letter acknowledges receipt by the Office of Attorney General (“OAG”) of your written request for records under the Pennsylvania Right-to-Know Law (65 P.S. § 67.101 et seq.) (“RTKL”). Your request was received by the OAG’s Right-to-Know Office on December 7, 2020. On December 14, 2020, the Right-to-Know Office notified you a legal review was necessary to determine whether the records requested are subject to access under the RTKL and additional time was required to perform this review. As provided in the RTKL, the OAG required up to an additional 30 calendar days, or until January 13, 2021, in which to provide a final response to your request. The review has now been completed, and this letter serves as our final response to your request.

The “identified records” are those stated in your December 7, 2020 request, as modified by any subsequent communications. Specifically, your request indicates you are seeking the following information:

1. Records, reports, geologic studies, and correspondence related to HDD 520 Bow Tree/Strasburg Rd; HDD 521 North Chester Road; & HDD 530 Matlack from January 1, 2018 to date.

January 13, 2021

2. Records, reports, geologic studies, and correspondence related to Sunoco/Energy Transfer "Spread 6" sites located within East Goshen Township, PA, from January 1, 2018 to date.

A full and complete search pursuant to the requirements of the RTKL has been conducted. It has been determined that your request must respectfully be denied, per the below exemptions provided within the RTKL.

REQUEST DENIED

You are seeking records, reports, studies and correspondence concerning the sites listed in your requests #1 and #2, above. If such records exist they would not be subject to release under the RTKL exemptions listed below.

CANNOT CONFIRM OR DENY – Grand Jury

To the extent that your request seeks or may be construed to seek certain OAG records involving Grand Jury materials, **the OAG can neither confirm, nor deny** the existence of such records without risk of compromising investigations and imperiling individuals or breaching Grand Jury secrecy laws. This response does neither. Should such records exist, they would be entirely exempt from public disclosure under the Investigating Grand Jury Act, the Criminal Investigative Exemption, and the Criminal History Record Information Act (CHRIA).

Grand Jury Act

To the extent you are seeking copies of records concerning the OAG's records, reports, geologic studies, and correspondence related to HDD 520 Bow Tree/Strasburg Rd; HDD 521 North Chester Road; & HDD 530 Matlack and the Sunoco/Energy Transfer "Spread 6" sites located within East Goshen Township, from January 1, 2018 to date, should such records exist they would be exempt from disclosure under the Investigating Grand Jury Act, 42 Pa.C.S.A. § 4541 et seq. Under The Grand Jury Act "[d]isclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the Commonwealth for use in the performance of their duties. The attorneys for the Commonwealth may with the approval of the supervising judge disclose matters occurring before the investigating grand jury including transcripts of testimony to local, State, other state or Federal law enforcement or investigating agencies to assist them in investigating crimes under their investigative jurisdiction. Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court. All such persons shall be sworn to secrecy, and shall be in contempt of court if they reveal any information which they are sworn to keep secret." 42 Pa.C.S.A. § 4549(b).

Therefore, if records do exist, they would be subject to grand jury secrecy under the Act and cannot be disclosed.

Criminal Investigative Exemption

Additionally, the requested records, if they exist would involve criminal investigations and would also be excluded from disclosure based upon the criminal investigative exemption. Exempt from disclosure are records that constitute “a record of an agency relating to or resulting in a criminal investigation, including complaints of potential criminal conduct other than a private criminal complaint; investigative materials, notes, correspondence, videos and reports...[a] record that includes information made confidential by law or court order...[a] record that, if disclosed, would...[r]eveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.” 65 P.S. § 67.708(b)(16)(i), (ii), (iv) and (vi)(A). *Barros v. Martin*, 92 A.3d 1243, 1250 (Pa. Cmwlth 2014); *Coley v. Philadelphia District Attorney's Office*, 77 A.3d 694 (Pa. Cmwlth. 2013). If there are records relating to HDD 520 Bow Tree/Strasburg Rd; HDD 521 North Chester Road; & HDD 530 Matlack and the Sunoco/Energy Transfer “Spread 6” sites located within East Goshen Township, from January 1, 2018 to date, those records would be investigatory in nature which would qualify them for the criminal investigative exemption and preclude their disclosure.

Additionally, if such records exist, they would also be protected from disclosure by other laws such as CHRIA, as more fully explained below.

CHRIA

Where applicable, if records did exist, certain records would be protected from release under the Criminal History Record Information Act (“CHRIA”). Records are not considered public records under Section 102 of the RTKL if they are “exempt under any other [s]tate or [f]ederal [l]aw,” including CHRIA. *See: Barros*, at 1250 (Pa. Cmwlth 2014)(the disclosure of a record would violate CHRIA and was therefore exempt under the RTKL). Under CHRIA, “[i]nvestigative...[i]nformation shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency which requests the information in connection with its duties...” 18 Pa.C.S.A. § 9106(c)(4). “Investigative information” is defined by CHRIA as “[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information.” 18 Pa.C.S.A. § 9102. *Coley v. Philadelphia District Attorney's Office*, 77 A.3d 694 (Pa. Cmwlth. 2013); *Mitchell v. Office of Open Records*, 997 A.2d 1262 (Pa. Cmwlth. 2010). Here, CHRIA would prevent the disclosure of records if the OAG has records relating to HDD 520 Bow Tree/Strasburg Rd; HDD 521 North Chester Road; & HDD 530 Matlack and the Sunoco/Energy Transfer “Spread 6” sites located within East Goshen Township, from January 1, 2018 to date, that meet the definition of “investigative information”. Therefore, if the OAG identified any records in response to this request that constituted “investigative information” under CHRIA, the OAG would be expressly precluded from the release of those documents to you because you are not a criminal justice agency requesting the information in connection with its duties. 18 Pa.C.S.A. § 9106(c)(4).

January 13, 2021

CONCLUSION

Your request has respectfully been denied. We trust that this response addresses the intent of your RTKL request.

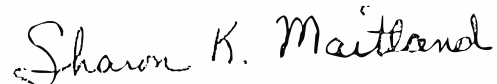
RIGHT TO APPEAL

BY PROVIDING THIS RESPONSE, THE OFFICE OF ATTORNEY GENERAL HAS SATISFIED ITS OBLIGATION TO RESPOND TO YOUR REQUEST. SHOULD YOU WISH TO CHALLENGE THIS RESPONSE UNDER THE RTKL, YOU MUST FILE AN APPEAL WITH THE RIGHT TO KNOW APPEALS OFFICER OF THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL, WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL MUST INCLUDE A COPY OF YOUR ORIGINAL REQUEST AND THIS AGENCY'S RESPONSE, STATE THE GROUNDS UPON WHICH YOU CLAIM YOUR REQUEST SHOULD NOT HAVE BEEN DENIED AND ADDRESS ALL REASONS STATED BY THIS AGENCY FOR ITS DENIAL OF YOUR REQUEST. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN DISMISSAL OF YOUR APPEAL. YOUR APPEAL MUST BE SENT TO THE FOLLOWING:

RIGHT TO KNOW APPEALS OFFICER
OFFICE OF ATTORNEY GENERAL
CIVIL LITIGATION SECTION
15TH FLOOR STRAWBERRY SQUARE
HARRISBURG, PA 17120

Please note that this response is being sent from an unmonitored e-mail address. Do not reply to this e-mail.

Sincerely,

A handwritten signature in black ink that reads "Sharon K. Maitland". The signature is written in a cursive, flowing style.

Sharon K. Maitland
Deputy Attorney General
Right to Know Officer

SKM:mae
2020-240