

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: PIPELINE INFRASTRUCTURE TASK FORCE

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BEFORE: JOHN QUIGLEY, CHAIRMAN

Sarah Battisti, Doug McLearen, Curtis Biodich, Terry Bossert, Matthew Wurst, Gladys Brown, Dave Callahan, Matthew Hull, Keith Coyle, Kathi Cozzone, Frederick, Dalena, Denise Brinley, Chris Plank, Michael DiMatteo, Andrew Dinniman, Joe Fink, Alan Brinser, Anthony Gallagher, Wayne Gardner, Nicholas Geanopulos, Michael Gross, Mark Gutshall, John Hanger, David Hanobic, Michael Helbing, Walter Hufford, Thomas Hutchins, Cindy Ivey, Cristina Jorge Schwartz, Don Kiel, William Kiger, Kenneth Klemow, Joseph McGinn, David Messersmith, Marvin Meteer, Lauren Parker, Duane Peters, Mark Reeves, Leslie Richards, Heather Smiles, David Smith, Michael Smith, Steve Tambini, Justin Trettel

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P R O C E E D I N G S

CHAIRMAN QUIGLEY:

Okay, folks. We're going to start a minute early. Good afternoon. My name is John Quigley. I'm the Secretary of the Department of Environmental Protection. Welcome to yet another addition of the Governor's Pipeline Infrastructure Task Force. Thank you all for coming.

First, let me take care of the housekeeping. I want to go over some points for your safety and comfort. In the need to evacuate the building, the fire alarm will go off. Let's hope. It's happened to me before. Please take your car keys and valuables and leave the building the same way you came in, out the doors at the back of the room, into the lobby, and left out the building's main entrance. Go up the stairs and continue out to the parking lot. Our assembly area is at the left half of the top row. Karyn Yordy of DEP will lead us there.

If you need assistance or are unable to go up the steps, remain in the room until the others have left and Heather Reim will either help you to the side parking lot or inform safety personnel that you're here and will return to wait with you.

Please don't operate cellular telephones or any other electronic devices in the event of an emergency. Follow any instructions given by the building safety personnel. They will be identifiable with their orange baseball caps marked safety.

Then remain at the assembly area until building safety personnel give the all clear. Please don't get in your car and leave. The entrance of the parking lot needs to be kept clear for incoming emergency vehicles.

Turning now to your personal comfort, the restrooms are located off the lobby. Go out the back conference room door, the one you came in, and turn to your right. The ladies' room is on the left, and the men's room is on the right. A water fountain is past the restrooms on the other side of the security doors, and we'll have someone there in the lobby to let you in and out through those doors.

We will at some point have a short break on the agenda; but as always, we encourage folks not to feel constrained. Do what you need to do.

With that, let's go around the room and introduce ourselves and start with Sarah.

MS. BATTISTI:

Sarah Battisti, Southwestern Energy.

MR. BIONDICH:

Curtis Biondich, TRC.

MR. BOSSERT:

Terry Bossert, Range Resources.

MR. WURST:

Matt Wurst. I'm here on behalf of the Chairman of the Public Utility Commission, Gladys Brown.

MR. CALLAHAN:

I'm Dave Callahan, MarkWest Energy Partners.

MR. GULL:

I'm Matthew Gull, repre -- or standing in for the district engineer, Colonel Chamberlayne, U.S. Army Corps of Engineers.

MR. COYLE:

Keith Coyle, Van Ness Feldman.

MR. CAZZONE:

Kathi Cozzone, Chester County Commissioner.

MR. DALENA:

Fred Dalena, EQT Corporation.

MS. BRINLEY:

Denise Brinley, here on behalf of Dennis Davin, Secretary of the Department of Community and

Economic Development.

MR. PLANK:

Chris Plank, DCNR.

MR. DIMATTEO:

Mike DiMatteo, Pennsylvania Game

Commission.

MR. FINK:

Joe Fink, CONE Gathering.

MR. BRINSER:

Alan Brinser, on behalf of Director
Richard Flinn, Pennsylvania Emergency Management
Agency.

MR. GALLAGHER:

Anthony Gallagher, Steamfitters Local 420.

MR. GEANOPULOS:

Nicholas Geanopoulos, Geanopoulos

Representations.

MR. GROSS:

Mike Gross, Post and Schell.

MR. GUTSHALL:

Mark Gutshall, LandStudies.

MR. ROBINSON:

Sam Robinson, on behalf of John Hanger,
the director of Policy and Planning.

MR. HANOBIC:

David Hanobic with the Federal Energy
Regulatory Commission.

MR. HELBING:

Mike Helbing, Penn Future.

MR. HUFFORD:

Walt Hufford with Talisman Energy.

MR. HUTCHINS:

Tom Hutchins with Kinder Morgan.

MS. IVEY:

Cindy Ivey with Williams.

MS. SCHWARTZ:

Cristina Jorge Schwartz, Apex Company.

MR. KIEL:

Don Kiel with Seat of Council of
Governments.

MR. KIGER:

Bill Kiger with PA One.

MR. KLEMOW:

Ken Klemow, Wilkes University.

MR. MCGINN:

Joe McGinn, Sunoco Logistics.

MR. MCLEAREN:

Doug McLearn, Historical and Museum
Commission.

MR. MESSERSMITH:

Dave Messersmith, Penn State Extension,
Penn State University.

MR. METEER:

Marvin Meteer, Wyalusing Township
Supervisor, Bradford County.

MS. PARKER:

Lauren Parker, Civil and Environmental
Consultants.

MR. PETERS:

Duane Peters, ACEC.

MR. REEVES:

Mark Reeves from Shell.

MS. RICHARDS:

Leslie Richards, PennDOT.

MS. SMILES:

Heather Smiles, Pennsylvania Fish and Boat
Commission.

MR. D. SMITH:

David Smith, PA Turnpike Commission.

MR. M. SMITH:

Michael Smith, Pennsylvania Department of
Agriculture.

MR. TAMBINI:

Steve Tambini, Delaware River Basin
Commission.

MR. TRETTEL:

Justin Trettel, Rice Energy.

CHAIRMAN:

Thank you very much. You see on the screen before you the important dates. We're in the home stretch here; but actually, the work is just beginning. But I ask you to keep those dates in mind.

What I thought I would do for my report this afternoon is to talk about the process that we are about to undertake. I -- I will say at the outset that I appreciate -- I appreciate everyone's ability to tolerate some level of ambiguity on it, trying to arrive at a consensus when we have 184 recommendations. It's no small task; but as I -- I will try to explain here in a second, I think we actually have achieved a pretty substantial consensus. And I'll explain why.

But first, I want to thank you all for this extremely important work. These 184 recommendations that are contained in this draft report represent some very thoughtful considerations of the implications of pipeline development in Pennsylvania. We clearly have a long way to go given the magnitude of the challenge for developing a strategic approach around the subject, but I think we have taken a very strong step in the right direction with this first

draft.

I'm sure that you know that there are those out there who believe that our work is the best chance to create a world class approach to pipeline development. And that is a high charge, and I know that we're worthy of it.

You've also heard in our meetings the public comments and have probably read already some of the doubts that have been expressed in some quarters about this work. And I want to say very clearly that prejudging the achievability of any of the recommendations before us before they're even discussed is in my opinion a mistake and very unhelpful. And anyway that you slice this, this report is not the last word. We're not expecting or suggesting that the members of this task force sign onto every jot and tittle, every comma and clause. This is about developing a set of recommendations that will be the subject of a lot of follow-on work. And we'll talk a little bit more about that probably at the next meeting and how we envision the follow-on work to be mounted.

But this is a process around consensus and getting ideas on the table. This is not a wordsmithing exercise. And so I hope that relieves some of angst that might be in the room about getting language with

laser-like precision.

So let's talk a little bit about the steps today and in the weeks leading up to our submission of this report to the Governor in February. Thirty-five members of the task force have filled out the survey that indicates which recommendations you agree with and which ones you disagree with and which ones you would like to discuss. And that -- the results of that survey are going to guide our discussion today.

At the same time, the public is providing their input. We've opened the 30-day public comment period. That will close on December 14th. And every member of the task force and everyone in the public can see and read their feedback in realtime on DEP's website by clicking on the E-comment button on our main page.

Your feedback is needed, too, by December 14th. But I would like your feedback as task force members about the content sent directly to Karyn Yordy of my staff and not through the E-comment portal. So I want to be clear that we're communicating through Karyn. We sent you a form that makes -- we think it makes it easy for you to comment. And we can talk about that. But we think the form that we sent will make it easier for you to comment on the

recommendations and other content in the draft.

And then starting December 15th, we'll consolidate all of your comments and provide a next draft for the review. And we will turn around a next draft by January 4th. I won't tell you how much work went into getting the first one out the door in record time. And I owe my staff a great deal for their support this work.

We'll also provide for you a draft letter for your consideration that sets out our message to the Governor. That would be transmitted along with the report in February. So we'll have a chance to talk about that. Task force members will ultimately be asked to sign that letter, so a preview of coming attractions.

We'll meet on January 13th to review that next draft with the goal of sending the report to the Governor in February. But as we have said so many times, it's not the last step. Our -- our work will include a chart -- and again, we'll provide a draft of that at the next meeting -- that suggests which agency ought to lead or be the lead for each recommendation. The intent here is to implement what we're recommending or at least work out the details of what we're recommending. So we will suggest agency leads for each

recommendation. We'll include that chart in the next draft of the report. And we'll also be looking for duplication. And we'll work to consolidate some of the duplication. And there was considerable duplication around things like mapping that we'll try to boil down for you.

You can already tell that each of these recommendations will have to be analyzed to determine their feasibility, the needed resources, the legislative or regulatory elements of implementation. And then they'll require an implementation plan if next steps are to be taken.

At DEP, we're already looking at every recommendation that says or implies that DEP should. We'll analyze the reality, the feasibility, the resources and implementation of each of them. Some of them, frankly, should belong to other agencies. And again, we'll talk about that at the next meeting. But some, we think, might be better placed in agencies that have the requisite expertise.

The bottom line on our work is that no one agency owns the pipeline process or the outcome. But that doesn't mean that we shouldn't try to create the most coordinated federal, state, and local multi-agency process that we can before, during, and after each

section of that pipeline is laid. So that's where I hope we can -- we can all get to together in this process.

Today's work, I want to refer you to the survey results. I want to comment a little bit about the consensus that you expressed through the survey that three-quarters of the members of the task force completed. And I want to walk through some statistics. There will not be a quiz afterwards. So it's okay.

But for 123 of the 184 recommendations, more than half of you said you agree, a pretty good start. Indeed if we created a score which sums the recommendations where you agreed or were neutral and created a consensus score, percent of total responses, and if you add up where folks indicated they agreed or were neutral and then divided that by the total number of survey responses, 35, and looked at those percentages, here's what comes out of -- of the effort by committee. I'm going to walk through 12 of them.

In agriculture, we had a consensus score on both recommendations of 89 percent or above. Conservation and natural resources, of the 26 recommendations from that work group, only 6 had a score of less than 50 percent. County government, of 12 recommendations, only 4 were less than 50 percent.

In emergency preparedness, of 12 recommendations from that work group, one had a consensus score of less than 50 percent. In environmental protection, of 69 -- count them -- 69 recommendations, only 5 had a consensus score of less than 50 percent. From the historical, cultural, and tribal work group, of 6 recommendations, none scored less than 60 percent. Local government, only 1 of the 3 recommendations scored less than 50 percent.

Natural gas and use, of 5 recommendations, none scored less than 69 percent. Pipeline safety and integrity, 13 recommendations, 1 scored less than 50 percent. Public participation, none of the 6 recommendations scored less than 57 percent. Siting and routing 9 recommendations, one scored less than 50 percent. Work force development, none of their 6 recommendations scored less than 86 percent. And economic development, none of the 11 recommendations scored less than 54 percent. And the remaining 3 recommendations which were kind of multi -- multi-work groups scored 66 percent or above.

So I think I would submit to you that there is substantial consensus around the recommendations. And what we would like to do today to

chart a path forward is to focus on the 13 recommendations where there was most disagreement. And we've sent out those spreadsheets to folks. In each case, at least five members of the task force agreed. And we have a total of 48 folks on the task force, 35 of whom responded. And we are starting with a list of 13 recommendations where 5 or more of you agreed -- disagreed. And as I -- as I warned in an e-mail earlier this week, we'll ask the work group chairs for each of these recommendations to be actively engaged in the specifics as needed.

Just to terms of process, the process for a coalition report is not necessarily precise. We're -- we're a body that represents just about every perspective on this issue. And we're now at the point of considering the details behind our overall goals. So as a reminder, we agreed at the outset of this little adventure that we would create a list of recommendations to reduce impact, increase public participation, improve permitting, and ensure safety and integrity.

So today and in our subsequent work and in your subsequent written feedback, if you disagree with any recommendation because it doesn't achieve one of those goals, please don't just oppose the

recommendation. Keep the conversation going by telling us what it would take for you to consider the recommendation appropriate for the report.

We know that some of the recommendations are duplicative, and we'll work to consolidate them so that we can get to a final number. If you feel strongly that up can't support a recommendation, we're prepared to add a note in that recommendation reflecting your concerns. That survey -- that form that we sent out asking for your particular comments, we're open to the idea of including that as an appendix in the final document.

But just what I want to do as we start the conversation is remember this is not the last word. It's the beginning of a much larger term process that will lead us to a better outcome for Pennsylvania. So any questions on that before we start? Sarah?

MS. BATTISTI:

Now that we have an understanding of how you got to the 13 that we're talking about today, for those recommendation where we put more discussion -- and a lot of those are high numbers -- how are we going to address those, because I think a lot of us -- well, I won't speak for anyone-- for me, I put needs more discussion in order to have those conversations. So

when I'm looking through this. I'm just wondering what we'll do with those.

CHAIRMAN QUIGLEY:

Okay. When you look at the numbers of want to discuss, it's pretty obvious to me that we could be here for another year or two depending on the level of discussion, which is why we sent out that form asking members of the task force to indicate on that form what particular areas that you would like to discuss. I think we need to collect some more data internally in terms of staff support so that we can structure an appropriate discussion.

If we just start marching through all of the -- all of the recommendations where folks indicated they wanted to discuss without some sense of what the level of discussion is, we could tie ourselves up in knots. So I'm a little bit concerned about the timing and -- and our ability to deliver a report to the Governor. But I think we need a little bit more data as to the level of discussion that folks are looking for and maybe some of the specifics. So that was the purpose of the form we sent out. Does that answer your question?

MS. BATTISTI:

Kind of.

CHAIRMAN:

Follow up?

MS. BATTISTI:

Do you anticipate -- do you anticipate given the example under conservation and natural resources, which is the permitting standards of the duration of impact, has 18 to further discuss. So clearly a lot of us wanted to have that -- that follow-up conversation. I understand for our purpose and our timing, we need to move quickly. I think that maybe from my perspective if I knew that those -- if I said wish to discuss more meant we were not going to, I think maybe I would have answered differently. But in the purposes of timing, I get it. But you want more information. Do you anticipate that being after January or prior to January?

CHAIRMAN QUIGLEY:

Well, we had asked everybody to use that form that we sent out and let us collect that data and see whether that's a pre- or post-January conversation.

MS. BATTISTI:

Okay.

CHAIRMAN QUIGLEY:

We just need a little more data. Okay?

Denise?

MS. BRINLEY:

Mr. Secretary, a quick question for clarification. How will recommendations that were put together that are -- that are already required under state and federal law be dealt with?

CHAIRMAN QUIGLEY:

I think we can flag them as already required. That's certainly -- we can create -- we can slice and dice and create spreadsheets and what have you. But I think it's a good suggestion or a good point that there are some things that were called out in some of these recommendation that are, in fact, already required. So we can note that. A good suggestion.

CHAIRMAN:

Other questions? Duane.

MR. PETERS:

I just want to back up what Sarah said. And I know going through whenever wish to discuss was put, there might have been one or two good nuggets of information that warranted a discussion. But overall, the recommendation may not have been feasible from a regulatory standpoint. So I know we're gathering information on the comments; but from our point, with the timing going through each recommendation and

identifying those things is a little bit difficult from our end. So I'm wondering if after the meeting some thought can be put into maybe perhaps enhancing that so if we break into the work groups and maybe have additional discussions or use a different kind of tool to get better information, if that would be more valuable.

CHAIRMAN QUIGLEY:

Sure. Sure. And frankly, Duane we -- and I appreciate both questions, because we didn't want to presume too much. We wanted to get folks together and have at least the first conversation about what's in front of us to see how we can chart a reasonable path forward. Other questions? Senator?

SENATOR DINNIMAN:

In addition to regulations, there are a number of specific bills right now that answer the very -- that reflect the very concerns in the report. So I think it's important not only to understand regulations that are out there that might have already even been -- that are in place, but also the legislative process and the bills that are -- that even before the Commission came together had been put in. Some are in committee. Some are in different stages of the process. So your legislative liaison perhaps could

put all of those together and be very helpful.

CHAIRMAN QUIGLEY:

We would be happy to work with your office if you could help us identify those bills, Senator.

SENATOR DINNIMAN:

Yeah. Being an author of some of them along with Senator Rafferty, that would be an easy task.

CHAIRMAN:

And we could circulate that information. Thank you.

MR. KLEMOW:

I think one of the things that struck me about the report and probably struck everybody else -- and you mentioned it -- was the degree to which a lot of the work groups actually came up with similar proposals, you know, parallel evolution or convergent evolution or something like that.

And so the thing that I would recommend -- but I don't know how we would implement it, because right now we're into a public comment period is just the idea of -- of reworking the document and then trying to combine those recommendations that are really duplicative of each other, because I think once we're able to do that, then we could really get a sense as to

the -- the real number of recommendations that we have and then, you know, you do a better job of coming to grips with how we feel about them.

CHAIRMAN QUIGLEY:

One of things that we can do, Ken, is in very short order get out to the members of the task force a list of the duplicates. And we had intended to suggest a way to consolidate the duplicates by the next meeting anyway. So we already started some of that process. So we can flag the number of duplicates for the members of the task force and get that out to you by e-mail. We're going to ask folks that when you speak to please state your first and last name for the stenographer, please. Any other questions? Lauren./>

MS. PARKER:

Lauren Parker. So after the public comment period closes and based on our discussions today and our comments, who is going to be making the changes to the report between, you know, the December 14th into the January 4th? Is it the internal DEP work group? And as they make changes based on comments, I guess I would ask, to make it easier for us, if we could get a document that says what was changed so you can kind of track how changes were made and what changes were made to make it a little bit easier for

us. Is that what you are anticipating doing?

CHAIRMAN QUIGLEY:

Yes. Yes. I mean, the changes will be determined by the members of the task force. Who will actually do the work? Sorry, folks. It's my staff. But we will have a track change version for you. Actually, we'll probably send you both. So get ready for your inbox to get loaded. Other questions? Dave?

MR. CALLAHAN:

Dave Callahan. I don't want to jump too far ahead in the process, but you mentioned the Department would be going through some sort of a feasibility analysis. Could you talk a little bit more about that in terms of the recommendations and the feasibility analysis that you're going to go through on them or --

CHAIRMAN QUIGLEY:

That, Dave, will not be done for purposes of the report. The -- the meat of this is going to be what happens once the report is finished. The report isn't worth anything if it's not implemented, if it just sits and gathers dust. So the follow-on work after the report is delivered to the Governor and digested by the Governor's office is for us to develop work implementation plans. And part of that

implementation plan is some level of feasibility analysis by the lead agency. So that -- that is all post delivery.

MR. CALLAHAN:

Okay.

CHAIRMAN:

Go ahead, Lauren.

MS. PARKER:

I have a follow-up question to my one earlier.

CHAIRMAN:

Name again, please.

MS. PARKER:

Lauren Parker. So just to clarify, are you anticipating that the 12 work groups will be making changes to our recommendations or the DEP internal work group, core work group, will be making the changes?

CHAIRMAN:

The changes will be directed by the task force. And the individuals who will be actually going into the work document and making the changes will be DEP staff.

MS. PARKER:

Okay.

MR. MCGINN:

Joe McGinn. So when you say the task force so -- hypothetically, so agricultural is at the top. So any comments or changes would go back to the agricultural work group? They would input them at the work group level?

CHAIRMAN:

No. The work groups are done.

MR. MCGINN:

Okay.

CHAIRMAN:

The work from here is the task force, the folks around this table.

MR. MCGINN:

Okay. So -- so -- Joe -- sorry. Joe McGinn. The -- so for the task force -- so again, the agricultural, even though there's zero disagrees, but using that as an easy hypothetical -- so when the task force does it, just, I guess, who, because it's kind looking for additional direction. So who takes that up, or is that something you determine today?

CHAIRMAN QUIGLEY:

Well, I would suggest to you, I mean, using agriculture as an example, I don't think there's any work to do there.

MR. MCGINN:

Well --

CHAIRMAN:

Nobody disagrees. So it's done. As far as I'm concerned, it's done.

MR. MCGINN:

Yeah. Right. Well, I just picked that one because it was the first letter in the alphabet. So conservation and natural resources, so hypothetically with that one, how will that work?

CHAIRMAN QUIGLEY:

Well, we are going to talk about the top line areas of disagreement and hopefully wrestle them to the ground today and decide how they will be handled in the report. And then whatever is agreed to around this table will be inputted into the final document by a DEP staff person. Does that answer your question?

MR. MCGINN:

It does.

CHAIRMAN QUIGLEY:

Okay. Mark.

MR. GUTSHALL:

Mark Gutshall. To follow up on Ken's comment, it would be helpful as well where there's duplicative recommendations by the task -- or the committees if they could also be ranked by if there's,

like, three or four of the same so we know as we're looking at it what the group actually saw as a priority if it was done multiple times.

CHAIRMAN QUIGLEY:

Sure. Other questions?

MS. BATTISTI:

Sarah Battisti. I just have a follow-up. So the ones that have wish to discuss will be discussed after we decide implementation plans? So in February when we decide what -- the agriculture example, especially the one that got 15 wish to discuss, I'm just -- so we won't have an opportunity to change that between now and the time it goes to the Governor; but we will have an opportunity to discuss it once the implementation plan has been put in place?

CHAIRMAN QUIGLEY:

Not necessarily. Again, we sent out a form everybody received to solicit your comments that would inform how we approached the wish-to-discuss column. So we need some feedback from you now by filling out these forms that we can take a look at -- we're actually pretty good at DEP in taking a lot of paper and synthesizing. It's kind of what we do in the public comment periods. So we need all of you to indicate the areas that you want to talk about each of

these things. So give us some data that we can look at and make some sense of and come back to you with a suggested process of how we will handle the wish to discuss. Denise.

MS. BRINLEY:

Just one more follow-up on the --

CHAIRMAN:

Name, please.

MS. BRINLEY:

Denise Brinley.

CHAIRMAN:

Sorry.

MS. BRINLEY:

Denise Brinley. Just one more follow-up on that: I think, if I'm hearing you correctly, anything that is on these forms in white, not yellow, but white, will automatically go into the report unless we synthesize information back to DEP that we want to discuss what we want to discuss; and we'll hear about that after the fact?

CHAIRMAN QUIGLEY:

Well --

MS. BRINLEY:

Because I think there's some confusion. And to be fair, when I put something in the

wish-to-discuss column, it's because I couldn't determine whether I disagreed or agreed on behalf of DCED. And so it -- it made it hard really to make a decision in those two columns. And I would suspect that there are a lot of people around the table that are feeling that same angst. We're leaving some things tabled that we might otherwise not want to be tabled.

CHAIRMAN:

So the purpose of the form that we sent out to everybody is to tell us what you would like to discuss about each of these recommendations so that we can figure out an approach to capture all of the conversation. So that was the purpose of that form that we sent out. Tell us what you want to discuss about each of the recommendations that you have flagged. That's what we're asking for.

Now, does that make sense to you folks? Do we understand the assignment? We have to capture, again, 48 sets of wish to discuss and then try to make sense of it and have a process that works. Walter?

MR. HUFFORD:

Walt Hufford. Mr. Secretary, that's pretty clear. I just want to let you know that when we submit our comments on that form, we would likely change our vote. If the document stands as it is

without the ability to discuss, we will put in there that if we can't change it, then we would likely oppose that recommendation. We may support it. But the whole idea of discussing was to try to come some resolution.

So we'll follow the form. We'll annotate where we think there's some issues with -- with the recommendation as it's written. And if -- if we can't resolve that recommendation, then we may oppose it.

CHAIRMAN:

Okay. Tom.

MR. HUTCHINS:

Tom Hutchins. Just to make sure, we provide those forms by the 14th. You'll synthesize that data and then send it out -- back out to us saying, hey, we would like to have a conference call to discuss this specific one or at the January meeting, these are the ones that we'll discuss based upon your comments. Is that just -- process-wise is that kind of what you think will happen?

CHAIRMAN:

We will get back to you after we have your forms. We'll analyze the data and then suggest a way to address them. You know, whether it's a series of conference calls -- my supposition is I seriously doubt given the number of -- just looking at these numbers in

the wish-to-discuss column that we could possibly do it in one meeting. So we have to look at what is the most efficient way to wrestle some of these things to the ground. And that's why we're asking for some additional data.

Very frankly, if we went through these 184 recommendations one at a time and we just did a wish to discuss and had a conversation on each one of them, we'd be here until about 2018.

MR. WURST:

Matt Wurst. Mr. Secretary, yeah, we're talking about that form you guys sent out on the wish-to-discuss items. If there's an item we're not going to address around the table but there was a potential opposition, would you also be looking to see those filings, those papers to kind of maybe put into the end work product so that opposition gets voiced?

CHAIRMAN:

If -- if there are any expressions of opposed that we -- that you feel compelled to provide for the public record to provide that justification, we'll create an appendix in the report.

MR. WURST:

Thank you.

CHAIRMAN:

So we're not looking to white wash or paper over any substantive disagreements or issues. And again, we want to have a conversation with you. Since this is really evolving in realtime here, about how we best reflect all of the input of the members of the task force, so if it's a series of appendices, so be it. We'll go with whatever the group feels comfortable with. Other questions?

Okay. I'm not seeing any. So let's -- let's try this: Let's see how it works. What I would like to do is take the discussion prioritization spreadsheet now. I don't have -- mine are all in shades of gray, which is probably a really bad metaphor. What I would like to do is start with the first item under conservation and natural resources. And that is Recommendation No. 9, Require Post Construction Monitoring For five Years. Now, that is contained on page 60 of the report. So if you can follow along. Again, it's Recommendation No. 9 under conservation and natural resources, Require Post Construction Monitoring For Five Years.

I will open the floor to concerns, wish to discuss. Let's see how this goes. Who would like to start? Chris?

MR. PLANK:

Chris Plank. Thank you, Mr. Secretary. Regarding the title for this, I do want to point out this -- this came from our work group; but the title indicates for five years. And that was not the actual intent of this recommendation. The -- if you read approximately in the middle of the paragraph, it says, For some resources, the results of any impact could be obvious much sooner and specific time periods can be established.

So somewhere in the editing the title was changed, and four or five years was appended to the title. The important points for this recommendation is to monitor for an appropriate period of time. And the other point that is important is the project should fund the monitoring. So I just wanted to clear up that five-year indication in the title.

CHAIRMAN:

Okay.

MR. PLANK:

I thought that was sort of misleading.

CHAIRMAN:

Okay. All right. And that -- that could have been -- that could have been my fault, personally my fault. I tried to help maybe too much and be too helpful to my staff in trying to come up with some

simple declarative sentences to capture the essence of each recommendation. So that could be my bad, Chris. But now we have something that we can chew on a little bit. Given that clarification, what other questions, comments, or concerns? Duane?

MR. PETERS:

Duane Peters. This is a really excellent one, I think, to lead off the discussion, because I think generally one comment is the fact that the way this recommendation is written, the word infrastructure is used. I know this task force is centered on pipelines. However, a lot of these recommendations have the potential to impact all type of construction projects. I think it's very difficult to focus just on pipelines, especially if it's any kind of build-out. And I think the reason a lot of us put wish to discuss is the potential to impact other development type projects and how that would affect other industries and businesses within Pennsylvania.

So with that said, I think it's something we should all think about as we look at these recommendations, how they would impact outside of the pipelines.

CHAIRMAN:

Okay. Reaction? Questions? Ken.

MR. KLEMOW:

All right. So, Ken Klemow from Wilkes University. I actually don't want to respond to that one concern, although I think that that would be -- that that is a valid concern that, I think, we really need to think about. I think that this one recommendation, I think, embodies several recommendations that are out there that, I think, met with, you know, some -- some degree of -- of disagreement among -- you know, among -- among the people in the work -- on the task force. And specifically, I think what we were getting at here was the idea that we're trying to construct -- or we're trying to develop best management practices. And the question is how do we know if we're successful.

And, you know, certainly, in education, one of the things that we always have to look at is something called assessment. And we always have to assess our students and assess our own teaching skills and -- and figure out, you know, whether what we're doing is actually benefiting others and whether we're meeting our goals.

And I think in the case of -- of doing these BMP's, we have to have some independent measure of whether what our intent is is actually being

fulfilled. And the way that this happens is actually by doing monitoring, by doing some science. Again, I think that science is a very important component of this. And so I think -- you know, I was glad to see actually that -- that under conservation and natural resources that they came up with similar proposals to what we came up with under environmental protection.

And so, again, the -- the purpose for this is to come up with assessment, because if we don't assess what we have or what we're doing, we really don't have anything. So that's -- that's the impetus for why we want to do this.

CHAIRMAN:

All right. I'm going to ask others that have expressed disagreement with this to please weigh in.

MS. PARKER:

Lauren Parker. So my initial concern was the five years. So the clarification makes me feel a little better about this. And I think that post construction monitoring -- I support that. But I think that we already have that in place. You know, there's already long-term operation and maintenance that are required for storm water BMP's and, you know, structural storm water controls. There are

requirements that the Army Corps has for after 30 days after construction as well as one year after the first growing season to do monitoring.

So, again, I think there's things already in place. I do have concerns also with this about it kind of being open ended, that, you know -- you know, they should -- you know, who establishes how long it goes? You know, so the five years isn't a one size fits all. But who decides how long it should be, and how does that happen? Is it each individual agency?

So I think there's a lot more to this that leaves it quite open ended. So I still have some concerns. I feel a little bit better based on the clarification, but I still have some concerns.

CHAIRMAN:

Okay. And here's -- this a good example of how, I think, we need to be approaching this. Again, we're not writing a regulation here. We're not writing a piece of legislation. We're writing a recommendation that will by it's very definition require a lot of further detailing in an implementation phase. Again, the whole purpose here is to tee up work -- further work that will extend for quite a bit -- quite a long time, well, beyond the life of this task force certainly. In some cases, years.

So in terms of the level of specificity here, I want to encourage folks, if we have any prayer of getting a report to the Governor by February, to consider it in those terms. This is teeing up a broad recommendation that will absolutely need further work on feasibility, on regulatory authority, on needed legislation, on budgets, on resources. So just please try to keep that in mind and viewed through that lens. What we want to identify here is can we resolve the substantial disagreements and at this meeting today, this afternoon, bless this in some way. And that's ultimately what I would like to accomplish today.

So I'm -- I'm interested in -- in any comments or feedback on that score.

MR. GULL:

Matthew Gull, Corps of Army Engineers. I wanted to respond to that last point that was made regarding duration of monitoring. I think what we've -- we've sought in our permitting is to -- to find whenever -- you know, when a site or a crossing -- water crossing, water body crossing has been restored to preconstruction condition, at least in terms of the impact to the aquatic resource. So I think if the permittee can demonstrate that it's been restored to that condition, we're satisfied. So that would put the

limits on -- on how long that would occur.

CHAIRMAN:

Okay. Other discussion? Changing the title to Require Post Construction Monitoring Period, what other concerns or -- or objections do we have? And we're not trying to have a vote here on each one. Again, we'll never get done. We'll end up like Congress. So I want to avoid that if we can. Dave.

MR. CALLAHAN:

At the risk of being accused or wordsmithing, I just have a question for the -- the working group about the use of the words flowing streams in the project vicinity that may be impacted. So are we only talking about those that are -- that we're crossing, those that are nearby? Can you help with that, please? And again, Dave Callahan. I'm sorry, ma'am.

CHAIRMAN:

Chris, can you maybe amplify that?

MR. PLANK:

So the -- it's important to follow the premise and the concept rather than the specifics. The -- some activities require varying lengths of monitoring. And -- and I think the -- this

recommendation mimics to a great extent what we do on state forest land and on -- for many federal projects. We go -- we monitor our activities and disturbances on our lands for a longer period than perhaps the permit might require.

For example, a permit might specify 70 percent -- you know, when you reseed, you need 70 percent ground cover. Right? So there's oftentimes where if you come in after that's already been approved, the 70 percent, there might be some failures and it might need reseeded. Those are the sort of issues we're trying to get at with this BMP. Does that make sense?

CHAIRMAN:

Any other questions, discussion?

MR. DIMATTEO:

Mike DiMatteo with the Game Commission. I would just like to add in terms of the monitoring, many pipeline companies oftentimes have to do some wildlife enhancement for both, you know, Game Commission species, Fish Commission species such as woodrat and things like that. And that longer term or a period of time to monitor the success or failures of those particular enhancements certainly is needed and recommended and whether it occurs on private grounds or

public grounds. So that kind of flexibility in this recommendation is necessary.

CHAIRMAN:

And again, to the point that Denise raised, there are obviously agencies that are already doing this. So this is not a de novo kind of a thing.

So the concept here is in response to pipeline development to require post construction monitoring. Are there any real objections to that? I'm at the speak now or forever hold your peace point of the conversation.

Again, this is -- this is a -- a broad recommendation that in order to be implemented further would require follow-on work by an appropriate lead agency however they would want to mount that work, stakehold their group, whatever. So this is not -- again, this is not the last word. This is a -- a construct.

So I'm asking, are there -- are there any serious objections, again, given the fact that only six folks raised this as a disagreement, to including it in the report with the change in the title?

MR. PETERS:

Duane Peters. The only thing I would like to see clarified is the section on the cost and who

pays the cost and what that means, what the liability is, and things of that nature. And I know it's a little bit of wordsmithing, but it could have huge implications in terms of expectations following the publishing of the report.

CHAIRMAN:

Would that not be part of the follow-on work?

MR. PETERS:

It would; but these are the kind of things -- I think the expectation part of what is coming out of the task force should be clarified before it hits the streets in order to set the stage of the success of the group.

CHAIRMAN:

And we will -- in fact, we will draft -- now that we've talked about it, we will -- how about if we do this? We will draft a -- a statement or a preamble thing -- I'll take a DEP word -- a preamble to this document that tries to capture the essence of this conversation that there are a lot of details inherent in each one of these recommendations that need to be worked out, that these are broad -- in fact, broad recommendations and need a heck of a lot more work in order to be implemented. Would that make you more

comfortable?

MR. PETERS:

Yes. Thank you. Just a little clarity and I think that's all.

CHAIRMAN:

Sure. Sure. Again, I really appreciate everybody's willingness to tolerate this kind of a process, this kind of consensus-driven approach here and not getting to voting mechanically on stuff. So with that, are there any other objections to this recommendation?

MR. HUFFORD:

Mr. Secretary, Walt Hufford with Talisman. I'm looking at the first paragraph. Considering that the title was confusing for many of us when we read it, the sentence, A standard period for post construction -- I realize this is wordsmithing -- for monitoring five years from the established completion could be taken out of context. And I would like to think that we could maybe amend that that the appropriate agencies should look at what an appropriate time would be instead of putting a dead -- a date in there, like, five years. I think that just sets in place an expectation that may be incorrect.

CHAIRMAN:

If we modify the title to say, Require Post Construction Monitoring for an Appropriate Period of Time, does that get you there? Again, I will say very honestly that if it -- if it comes down to a 47-to-1 vote, I'm not inclined to tortuously go through a wordsmithing exercise. So again, in a broad construct, does making that change to the title get you to a comfort level?

MS. PARKER:

Lauren Parker. I think we're going to run into the same issue on all of these. So I don't know if it -- I know a ton of work went into writing out, you know, everything that's listed up here, the full recommendation, justification, challenges. But I don't know if -- I know for me, I think, sometimes I would be more comfortable with being that is just a general broad recommendation that requires a lot of follow-up work and, you know, future efforts to try to figure out how to work it, I feel like we are saying it's very broad; but yet we're providing very specific information. And we're going to continue to talk about wordsmithing of this sentence versus that sentence. And I don't know if we can try to just make the report more general, knowing that we have this information that we can then take the next steps on. I don't know

what anyone else thinks, but...

CHAIRMAN:

Let me react to then -- to Sarah. I will to be honest with you. This is my personal opinion. I don't want to water the work down that the work groups have done. This is exemplary language. It's providing an example. The standard period for post construction monitoring is five years. That's a simple declarative statement. Now, you can read it three or four different ways. And if we are going to spend a lot of energy approaching this document in that way, we're never going to get done. So folks need to kind of take a breath here and -- and realize that, again, this is broad -- these are broad recommendations. We can try to tweak these a little bit here and there. But in a preamble document, we will try to capture the -- the -- the gist of this conversation that words and details do matter. And when it comes to the implementation of any of these recommendations, much more process is required, much more discussion. This -- this is the start of a conversation in Pennsylvania. It's not the last word.

So, again, I want folks to try to stay in that kind of a space as we approach this work. Otherwise, it's not going to happen in February. And

the Governor expects a report in February.

So does that address any of your concerns, Lauren? Senator.

SENATOR DINNIMAN:

Now, this -- having gone through many task forces and seeing the results, all we're doing is incorporating what everyone says. We all have different points of view. Some represent companies. Some represent private practices. And some represent counties or cities. And ultimately the reality of anything is going to come either in the development of regulation or the development of legislation.

And so -- and when the regulatory process emerges or the legislation emerges, there's hearings. There's definitions. And all the -- how it will ultimately look and be is going to be determined then. It would be impossible -- I think the Secretary's point is it would be impossible for us to do what in any piece of legislation takes months and months. Usually, the hearing process, the debates, and in the regulatory thing we can challenge regulations if we don't like those regulations. But that's not the purpose of all of this.

So I think no matter where we are, whether we're an active environmentalist or a member of a

company, we have to understand there was a group of people who represented various points of views and they put down a series of recommendations. And -- and this, as the Secretary said, is simply the first step in what hopefully will be a very robust and intense dialogue within the Commonwealth, because -- and an important step, because understand that not one -- that the profit from the Marcellus shale industry is going to be dependent on whether it gets to the marketplace. And the way it gets to the marketplace is going to be through these pipelines.

We don't even have intrastate regulation. We're only one of two states that has no regulation within the state. So we have -- so, for example, we have legislation to give that to the Department of Transportation, for example. I'm just saying most of these issues are on the cusp of regulations or legislation. And what's so helpful here is to see generally what the questions we should be looking at are rather than try to answer each question individually, which we can't do.

CHAIRMAN:

Thanks, Senator.

SENATOR DINNIMAN:

So I think we'll have to be tolerant of

each other. I mean, I've read it; and obviously, there's a lot of things I don't like. But -- but -- and I'm sure each of us do and lot of things we think are great. But ultimately it's simply an initial step that raises the questions. And I can't think of any regulation involving the Marcellus shale or pipelines or any piece of legislation that's not going to really get debated and fully discussed.

And -- but -- but who's going to raise the questions? What the Governor is simply asking us to do, what are the questions, what is it that we should be looking at. And that's precisely what the Secretary is trying to get us to do.

So I would say rather than the objections to something -- in fact, I would argue that those -- those very issues which you have the largest number of objections to are the very issues that we have to put in the report, because we have to discuss them if we're going to resolve all of this.

CHAIRMAN:

And we will show this work. We will -- all of this information is going to be baked into the final report. So are there any other questions, comments about this one? Dave.

MR. CALLAHAN:

Dave Callahan. I remembered this time.

CHAIRMAN:

Thank you.

MR. CALLAHAN:

I guess for me and maybe some of my -- some of the folks around the table can weigh in as well. I guess for me, in looking at this, are we saying post construction monitoring is important? It's a good goal. I think everybody can agree that in the right context, yes, it is. Or are we saying there's a need for more? I don't know if that's -- if anybody else has that threshold question; but that's kind of running through -- running through my mind.

CHAIRMAN:

Sarah.

MS. BATTISTI:

Sarah Battisti. To Lauren's point, to the Senator's point, to Dave's point, if we're going -- if this is the first step and we're going to talk about wordsmithing and we're going to talk about the importance of being general because we're going to have further conversations, using words like require and some other definitive terms that put us all in the position of, well, you said we need to require this, I think for those folks around the table who are

considering that we were going to have longer, further discussion together as a group puts us in sort of a quandary of, okay, do we say, yes, we approve this and then how -- do you know what I'm trying to say?

I think that there's -- there's issue with that for all of us for all of these recommendations that we want to have conversations about. And then you get into the details, well, you all agreed to this, so you must back it now is my concern.

CHAIRMAN:

Well, again, fair reading of this process and the charge that the Governor has given us and the language that we'll put around what I'll call the preamble will show that that's not the case and that that's simplistic reading.

The other side of the coin, very frankly, is 35 folks filled out this survey. Six disagree with this recommendation. So simple majority rule, we shouldn't even be having this conversation, very frankly. So the purpose here is to strive for a conversation and consensus. We would like to get everybody to a comfort level around all of these. But we won't get there if we split hairs, very frankly.

Again, all of this is going to require a lot of follow-on work. And -- and we can craft a

preamble to this document that doesn't commit everybody to every single word of the document. And again, folks can express their specific concerns. We sent the form out for that purpose. If we need to do something else in terms of the signatories or some other document that is included in the final report to the Governor, we can do that. And I'm certainly open to that conversation.

But I think given the numbers here, a real straight process would be there's not a whole lot to talk about at all today. But we don't want to approach it that way. So we would like to get everybody to a basic comfort level with the concept here, again, with the assurance that we will provide and we will together wordsmith a preamble to this document. Terry.

MR. BOSSERT:

Terry Bossert. I appreciate those comments about the preamble, because I think it -- for me, it resolves a lot of these -- and I'll go to an easier one, which the next one which is full-time inspectors every five miles. I have no trouble with full-time inspectors. I don't know whether every five miles is the right number or not. So I put down need to discuss.

So I think with that preamble at least, I feel, you know, better that I can react to the concepts

and not every -- every word that's in whatever the backup material --

CHAIRMAN:

Right. Right.

MR. BOSSERT:

Thank you for that.

CHAIRMAN:

No. Thank you. Denise.

MS. BRINLEY:

Denise Brinley. Mr. Secretary, I'll offer an amended title to hopefully move this forward:

Implement Appropriate Post Construction Monitoring.

Leave the rest as is.

CHAIRMAN:

Any objections to making that change? I'm going to ask Chris, does that still capture the essence of the work group?

MR. PLANK:

Chris Plank. Yes, I believe that does.

CHAIRMAN:

Okay. All right. I'm going to stick a fork in this one. Denise, thank you for the recommendation. We're going to change the word require to implement. All right. We're going to move along and

see how it goes. The next one, conservation and natural resources, No. 7, Implement Full-Time Environmental Inspections During Pipeline Construction. That is found on page 57 of the report. I hate to have you on the hot seat for the first go around, Chris. But any words of wisdom on this one?

I will -- let me start off by saying that this one -- the relevant agency is listed at DEP. And here's how we would approach this. We'll just kind of game this out. If this goes into the final document unchanged and then DEP as the responsible lead agency sits down to develop an implementation plan, my first question is I don't have the budget for it. So very clearly in terms of analyzing feasibility, there's not a prayer of doing this absent an appropriation from the General Assembly. That's part of the -- the analysis of this and probably some other recommendations. That's not to say it's a bad recommendation; but the reality of the situation is unless DEP had a very -- very significantly enhanced appropriation, we couldn't do this. That doesn't mean it shouldn't be in the report.

So again, even though this on paper assigns me an impossible task, I don't have any heartburn with it. So again, that -- I don't know if

that's helpful or not; but I thought I would offer that comment. So, Chris, I'm sorry. I cut you off.

MR. PLANK:

That's all right. Excuse me. So I think with this recommendation, it's, again, important to look at the premise and the concept as the important point and not get into the details. We did our best at -- at trying to write something specific, but not too specific. But it's the premise and the content that's important. And I -- so what -- what this recommendation is trying to say is disturbance activities need sufficient inspectors.

The recommendation expresses a concern over the number of boots on the ground we have to do inspections. And then at the end, it -- it expresses a concern over how we pay for that. So in essence, I know there is -- it looks somewhat specific; but those are the -- the broad questions that it's asking and getting to. And for things like construction or road projects, oftentimes consultants and inspectors are included in the cost of the -- the project. So perhaps something like that could be implemented.

CHAIRMAN:

And that would have to be done likely by regulation, which is a whole other process.

Okay. So again, this is the concept here. So discussion, questions, concerns? Ken.

MR. KLEMOW:

Okay. So again, Ken Klemow from Wilkes. So one of the things that actually confused me a little bit about -- about this recommendation was, I guess, it was implied but maybe not made explicit that -- that there would be -- that the oversight would be done by somebody from the DEP. Certainly, the pipeline projects that I've been on, they -- they generally do have some kind of a compliance person who's there. And again, whether that compliance person is -- you know, whether there's a conflict of interest there or not, you know, certainly, there shouldn't be a conflict of interest.

But was it the intent -- I guess my question is, was it the intent of the -- the committee that we're specifically talking about a DEP person to -- to serve this role; or could it be somebody else?

MR. PLANK:

The way the -- the recommendation is written, it alludes to a DEP employee; but we -- an alternative might be a consultant that worked for DEP.

CHAIRMAN:

Duane.

MR. PETERS:

Duane Peters. A couple of things to hopefully make this a little bit more helpful and go through given the budgetary is the construction inspection and environmental inspection culture is one of a -- somewhat of a nomad existence where people travel from project to project. They're typically independent consultants who sign onto companies for the duration of the project. So keeping anybody busy for a length of time is hard. And perhaps using a contract to have an on-call service and modifying this to have properly trained DEP staff just to oversee and maybe do spot inspections to make sure all the compliance and regulations are being followed could be helpful.

There's some great guidance documents from other states that lay this out. There's also -- this wouldn't certainly apply to the FERC projects that have the third-party independent environmental inspectors. But it could certainly shore up and probably there's regulations that clear this up and quantify. But I think a little bit -- and, again, getting into wordsmithing -- could get this through. And the intent isn't to take up time but provide solutions, I think, and discussion here to help some really good examples pass through properly.

So -- if you need any help, we have a lot of resources at ACEC that we can provide to the Department to help clear that up and give good solid examples of where that works.

CHAIRMAN:

All right. Again, my thought is that this kind -- this falls into the follow-on bucket. Again, assessing the feasibility and taking this recommendation and translating it into something that's actionable is going to require quite a bit of work and analysis from our perspective. So again, if that's at all helpful, this is -- this is a general -- generalized recommendation that is -- sets a certain direction. And that's how we would approach the task. So any other questions?

MR. MCGINN:

Joe McGinn. A question for Chris or the committee. So you had brought up road projects. So is this something that's done, for example, on building a new roadway or -- or some type of other infrastructure that isn't done for pipelines currently?

MR. PLANK:

So my understanding is that, for example, PennDOT might include in the bidding of their project some costs for consultants to do monitoring during the

construction phase. I know in DCNR when we do construction contracts, we include inspector costs in those projects.

MR. MCGINN:

Okay.

CHAIRMAN:

I see hands raised in the audience. Folks, we're not taking questions from the audience. This is for the task force. The public comment period will come afterwards.

Any other questions from the task force?

AUDIENCE MEMBER:

After when?

CHAIRMAN:

At the end of the meeting at -- check the agenda.

AUDIENCE MEMBER:

At what time?

CHAIRMAN:

Any other questions from the members of the task force? All right.

MR. CALLAHAN:

I would just say I thought the clarification was helpful when folks were talking about company inspectors who have the ability to, you know,

monitor what's going on and shut down activity in addition to DEP makes a lot of sense in terms of that -- that helps add some clarity.

CHAIRMAN:

All right. Any other discussion? Any heartburn if we move on? I'm not seeing any. All right. We will turn then to No. 8 from conservation and natural resources, Monitor Water Quality During Construction. And that is on page 58 of the report. Who would like to start us off? Any folks who indicated a disagreement? Okay. I'm hearing none. Go ahead.

MR. MCGINN:

Joe McGinn. One of the questions in terms of language on page 58, I'm just looking for further, I guess, input from the work group. But it talks about under justification, the third paragraph, General lack of information regarding effectiveness of -- of BMP's.

Is that -- my reading to that, it's kind of unknown how the project goes currently or that there's an issue with the current water quality monitoring practices.

And then to follow up, Joe McGinn, I would just jump in here now. With the E and S permits that we currently have that regulate the impacts and

discharges, is that what this is targeting or would it be something in addition to that?

MR. PLANK:

So the recommendation is looking to employ some basic measures to pick up E and S or surface water issues that would otherwise not be noticed or captured. So it's -- it's an enhanced monitoring. And it -- it calls for involvement of -- more involvement of the company with the hopes that this improves innovation and techniques and practices.

CHAIRMAN:

Go ahead, Senator.

SENATOR DINNIMAN:

And this is something that's very important. We just went through this example with the Delaware River Basin Commission. We came out with a system of monitoring. We -- we then provided them with new approaches to monitoring through our -- through groundwater resources, our own Chester County Water Resources Authority. And ultimately into that plan now, into the new docket is the new approach to monitoring.

So to assume that only -- that -- that -- that every type of watershed or what you're dealing with is different geologically and in all other

ways -- so to encourage alternate approaches to water monitoring to keep up with the science is something I think you would all think is very positive.

What we're trying to say is we -- we want to expand the -- the possibilities. And -- and we could debate whether what works or not. And after -- actually, after three sessions of DRBC, they agreed with us finally, that in this particular situation, a new approach was important in terms of water quality. And this dealt with a well and its impact on a stream. But it would be the same, I would think -- I think this is an excellent -- an excellent approach. I don't see a problem with it.

CHAIRMAN:

Ken. Then Lauren.

MR. KLEMOW:

Ken Klemow from Wilkes. The thing, again, I want to point out is that this also then overlaps with -- if you go to page 4 of the -- of the survey, it overlaps significantly with No. 47, conduct quantitative site monitoring, and then also with No. 8, develop standard water quality monitoring practices. This, again, would be one that I would see would be -- you know, would have to be -- would be synthesized and come we'd together on this one.

I think that one of the things that was a little bit different maybe from what we did on the -- the environmental protection work group, which interestingly didn't meet with as much disagreement as this one does, is that we actually in addition to looking at construction during monitoring, we also proposed that there be a post -- you know, both a pre and post monitoring effort that would go on as well.

Now, whether it would occur at every single watershed or every single stream crossing, you know, again, that's open for discussion. But I think that as we look at the various recommendations that are similar to each other and we put them all together, I think we might get a really good comprehensive picture that will emerge.

CHAIRMAN:

Lauren.

MS. PARKER:

Lauren Parker. I think the concern that I had based on what you had said, Chris, was that it sounds like the is concern -- or should the recommendation be more that we need to evaluate our current BMP's because there's a concern that they're maybe not functioning properly and that's why we're doing the water quality monitor, because that's sort of

what I heard, that maybe the BMP's aren't functioning the way they should be or as good as they should be. So maybe -- you know, maybe it should look more at improving BMP's to advance technology and how we're doing construction, not necessarily, you know, that -- that we need to improve our water quality, you know, how we do the water quality sampling but more the BMP's that we have to use and advancing technology and BMP's.

MR. PLANK:

I -- I would say that would be a correct assessment, that -- some -- some way to make sure we're seeing where there's things that don't fail or things we can do better.

CHAIRMAN:

All right. Any other questions, suggestions, or clarification before we move on? Okay. Let's move on to the last one in conservation and natural resources. And, Chris, you're off the hook. Number 2, Develop Public Access to Pipeline GIS Information, that's on page 49 of the report. Who would like to start? Joe.

MR. MCGINN:

Joe McGinn. Mr. Secretary, this is -- I think probably of all the ones that have multiple recommendations, I think, the mapping is the most

significant.

CHAIRMAN:

Yes.

MR. MCGINN:

So I don't know the best way to -- to solve it; but there's, you know, not a clear conflict. But there's a lot of different thoughts and ideas in terms of where mapping is. And the other piece is what the level the mapping is.

So at a national level, you have the National Pipeline Mapping System. And there is certainly, you know, other folks that -- that would need that information. So I don't know the best way to do it. But I don't know if there's any way to -- to kind of merge those comments and find out what the recommendation would be from the -- the committee, because there's a lot of different sources where this is going to -- to kind of handle it appropriately and what the goal of mapping is.

CHAIRMAN:

I agree. I think there was probably six or seven different recommendations that touched at some level on the need for GIS mapping. So what I would suggest is that when we come back for the December meeting that we will somehow coalesce all of the

recommendations relative to mapping into one document. And hopefully, at that point, we'll have a suggestion on a path forward. Does that make sense?

MR. MCGINN:

It does. And one other suggestion, I think, would be a point of -- that needs to be ironed out is there's the existing obviously pipelines as well as planned or under -- or ongoing construction or planning. So I think, you know, it probably -- it should be important to clarify each of those.

CHAIRMAN:

Yes. Absolutely. Absolutely. Any other questions or comments from the task force? All right. We will move to county government. Oh, sorry.

MS. BROWN:

I apologize, Mr. Chairman.

CHAIRMAN:

That's okay.

MS. BROWN:

I apologize for being late. So my question is because I was late. There are some items which you probably already covered that are not highlighted in yellow. So there might have been some concern in terms discussion. And I assume you're not going to have that further discussion on those that are

not highlighted.

CHAIRMAN:

Well, we are trying this out, Madam Chairman, to identify the areas that have more than a majority -- or more than -- I forget what the percentage was, but at least five -- it actually was a number. If there was five or more members of the task force who responded. And 35 members of the task force responded to the survey. If five or more expressed disagreement, they're the ones that we flagged. So anything less than that, we have not teed up for a conversation.

MS. BROWN:

Is there an avenue -- and the reason why I say that, in some cases, the PUC may be able to give you some technical support in terms of areas that are already addressed, whether it's in our regulations or federal regulations. Is there -- is there an avenue for us to be able to give you written comments in terms of what we wanted to discuss?

CHAIRMAN:

Yes. We sent out a form yesterday with -- that is asking for exactly that information.

MS. BROWN:

And we did fill out the form. But I mean

for everyone to see.

CHAIRMAN:

Yeah. We are going to compile those forms at DEP and then come back in some way that I hope will make sense for additional conversation.

MS. BROWN:

Thank you.

CHAIRMAN:

Okay. All right. We are going to move to county government.

Sir, please sit down. The folks behind you can't see.

AUDIENCE MEMBER:

I can see.

CHAIRMAN:

I'm not talking to you. I'm talking about the folks that are behind you that can't see.

AUDIENCE MEMBER:

Oh.

CHAIRMAN:

So I'm asking you to please sit down so everybody can see. Thank you. All right. County government. Recommendation No. 9, Require Shared Right-of-Ways, that is found on page 103 of the report. Who would like to start us off?

MR. CAZZONE:

Mr. Secretary, if I might, Kathi

Cozzone --

CHAIRMAN:

Sure, Chairman.

MR. CAZZONE:

I'm sorry. Chair of the county government work group. I think on its face, the short title is probably maybe a little bit too short. And as you can perhaps tell by the full recommendation, there was a great deal of discussion in our work group. And there are a lot of qualifiers in that full recommendation. For example, we understand that -- that not everybody will have the opportunity to be able to co-locate, that there are different standards among operators, and that operators might have some concerns or -- concerns that include business competition among other things.

However, we felt very strongly that it was an option that should be explored. And that's why we included words like to the extent possible and further indicated that we believe that any requirement should include a maximum number of pipelines regardless of the product in any single right-of-way. So I don't know if any of that information helps address whatever the concerns might have been relative to this particular

recommendation.

CHAIRMAN:

Commissioner, would you want to suggest, not to put you on the spot -- but I guess I will -- a better title? And I'll take the blame for this one.

MR. CAZZONE:

We could perhaps take the word require out of the title and consider opportunities for shared right-of-ways.

CHAIRMAN:

Okay. Given that change, any other questions?

MR. MCGINN:

Joe McGinn. Under environmental protection, I think No. 17 has a shared right-of-ways one. So they're -- they're very similar. So again, it's an example of that. The other thing, I think, to be sensitive for this -- for this topic is the different varieties of pipelines you have in terms of the gathering, transmission, distribution, and that it's -- it's kind of hard for a one-size-fits-all box in some of those.

MR. CAZZONE:

Well, we tried very hard to not make a box in this recommendation.

CHAIRMAN:

Other questions from the task force?

Okay, Madam Chairman.

MS. BROWN:

Mine is not a question, but a statement, on this No. 9 for the county recommendation. And I'm glad we are changing the word require, because we wanted to point out that in terms of electric and gas rights-of-way, there cannot be the sharing of those type of rights-of-way, the concern being that the electric fields from the power lines would neutralize the cathodic protection for the gas lines.

CHAIRMAN:

Thank you. Anything else? All right. Let's move on. Number 7 under county government, Develop Advisory Standards for Pipeline Setbacks and Buffers, page 101 of the report.

MR. CAZZONE:

If I might just briefly comment again. Kathi Cozzone. The conversation and the thought that went into this was for the State to develop either model ordinances or advisory standards that municipalities could use in their planning. Beyond right-of-ways, any new type of pipelines, except distribution lines, should be required to have a buffer

or setback from existing development. And new development around existing pipelines should be required to adhere to established setbacks and buffers. So it was kind of a both ways -- we intended to make it both ways.

We also recognize that consistency across counties and municipalities would be important. And so our recommendation was to ask the State through its many agencies to perhaps come up with these advisory or model ordinances.

CHAIRMAN:

Questions, comments? Dave.

MR. CALLAHAN:

I have a question. Dave Callahan, MarkWest. Does this contemplate then zoning per se for pipelines, because I think there's a lot of discussion that could be had around this table about that particular topic that, I think, a number of us in the industry aren't all that supportive of.

MR. CAZZONE:

And I can --

MR. CALLAHAN:

Consultative -- consultative discussion on, you know, setbacks from pipelines versus for pipelines could be another topic for discussion.

MR. CAZZONE:

Well, I think -- I'm not sure if I understand your question completely. But I think that's exactly what we're trying to do here was to talk about the setbacks from -- from development and from pipelines. So I don't know that that answers your question.

MR. CALLAHAN:

I think it does. And I think -- I think we have some areas of concern there that are being discussed at any number of levels throughout the Commonwealth and local municipalities.

CHAIRMAN:

Senator.

SENATOR DINNIMAN:

But it's a -- Andy Dinniman. But it's a good thing to discuss. I mean, we see the -- the tension right now between municipalities and whether it be the PUC, whether it be who has the right to do eminent domain, whether it be other agencies is who has control over the zoning of pipelines. It's a subquestion.

You know, for a township in the Commonwealth, that is one of their most important powers. And so -- and if you're going from township to

township, it's actually in the industry's interest that there be some consistency. And I think -- Commissioner Cozzone can tell me if I'm wrong. I think what they're asking for is that consistency; but again, we're not making a decision of who has the right. But you can't issue a -- you cannot issue a report without recognizing that this is one of the key issues right now being debated in the southeastern Pennsylvania. And -- and a great deal of tension is -- is occurring as a result of that. So we at least have to say it's worthy for discussion.

CHAIRMAN:

Other questions?

MS. IVEY:

It does go --

CHAIRMAN:

Name, please.

MS. IVEY:

I'm sorry. Cindy Ivey.

CHAIRMAN:

Thanks.

MS. IVEY:

In the first recommendation of shared rights-of-way, if there is already existing infrastructure in place that a particular company would

want to expand, that could go against -- using shared right-of-ways, that may go against buffers because of encroachments in already existing rights-of-way.

CHAIRMAN:

Ken. Ken, did you have one? And then Dave.

MR. KLEMOW:

Yes. I guess for just asking for point of clarification, when the county government made these -- you know, made this request or made the recommendation, were you looking at mainly potential conflicts with -- with built areas or were you also looking at things like natural features, wetland, watercourses, things like that?

MR. CAZZONE:

In this particular discussion we had, we were talking very specifically about residential and commercial development --

MR. KLEMOW:

Okay.

MR. CAZZONE:

-- on the one side and pipeline development on the other.

MR. KLEMOW:

Okay.

MR. CAZZONE:

And, again, the idea was to establish advisory or -- or model language that municipalities could use when they're having these conversations with the pipeline operators in their communities. And right now a lot of municipalities don't have the resources to even be able to have some of those conversations.

MR. KLEMOW:

All right. So on that basis --

MR. CAZZONE:

And if we were to do it at the county level -- and this is kind of where the conversation came up -- then there could be a lot inconsistency among counties and, therefore, municipalities. So our thought was if there were some higher level recommendations, that would make for some consistency throughout the Commonwealth.

MR. KLEMOW:

Okay. And so the way I would respond then is that this -- this might superficially then seem like an overlap between your recommendation and then environmental protection's Recommendation 19. But now that you've clarified, you know, this would actually not be an overlap between the two.

CHAIRMAN:

Dave.

MR. CALLAHAN:

I would just like to recognize that there is considerable legal debate all over the Commonwealth as to whether municipalities at any level can zone for pipelines. I would say for a certain subset of us of the pipeline industry, those of us who do not have or currently have the power of eminent domain, it's virtually impossible to say you can go there if you don't give us the power to go there.

All of the pipelines that are of the gathering variety rely exclusively on the willfulness of the property owner to allow pipeline on that property.

AUDIENCE MEMBER:

We don't want it.

CHAIRMAN:

Folks, please.

MR. CALLAHAN:

That is the property owner's right to say yes or no.

CHAIRMAN:

Other questions, comments from the task force? All right. I'm looking at the clock, and I think it's time for a break. Let's take ten minutes

plus or minus. 2:32 we'll come back.

SHORT BREAK TAKEN

CHAIRMAN:

Okay. Folks, we're going to get started. For those of you who are following along, we're at Item No. 4 on the agenda, continued discussion, after which we will have public comment.

So where we left off -- where we left off is under county government, No. 8, Amend Municipalities Planning Code to Empower County Comprehensive Plans. In your hymnals, please turn to page 102. And again, I will take responsibility perhaps on some of the language here. So if your submission is relative to the title, we can fix that. But who would like to start the conversation about this recommendation?
Terry.

MR. BOSSERT:

Terry Bossert. I'll start with a question to see if I really understand this. Is the intent here that if the county comprehensive plan, for example, would say at some time in the future this part of the township or county will become commercial, even though it's farmland now, that that would be used as a way to determine whether pipelines could be placed in that area?

MR. CAZZONE:

No, that was not our intent.

MR. BOSSERT:

Okay. Then how would the county comprehensive plan tie in with pipeline location?

MR. CAZZONE:

So what -- what the group -- what the consensus of the group really is and where this particular recommendation came from is that, you know, every county is required to have a comprehensive plan. The municipalities are -- participate in how that -- how that plan is implemented. And there is a process by which development plans get reviewed through the county planning commission. There is not the same process, nor the same consideration for pipeline development as there is for other kinds of development.

What this generally comes out of -- and most of the themes in the county work group recommendations related to communication and transparency. Very often -- and while I -- I recognize that at its very core, at least for many pipelines, it's a landowner decision of the constituents have questions. Their first question goes to their municipal representatives, who then call the County. And nobody seems to have any information on what's

happening. And so there's sort of this vicious cycle of communication.

So the idea was that if pipeline development were considered, like, other kinds of development through that process, that would be helpful in the communication process, not only through municipalities and to our constituents, but, quite frankly, including the operators as well.

CHAIRMAN:

Follow-up, Terry? Does that get your question, or do we need some more clarification on this one?

MR. BOSSERT:

Yeah, let me just follow up. Terry Bossert again. So I'm not sure if I understood. Would a pipeline plan then be reviewed just like any other land development plan?

MR. CAZZONE:

Yes. And then in -- it would be identified through the county as consistent or inconsistent, which is not -- you know, is not a -- doesn't -- the County is not empowered to say you can or can't do this. But it would identify the -- the project as consistent or inconsistent with our land use plans.

MR. BOSSERT:

Okay. Thank you.

CHAIRMAN:

Other questions, comments? All right. Seeing none, we're going to move on. The next item that we have flagged for you is on page 4 of the spreadsheet under environmental protection, No. 47, Conduct Quantitative Site Monitoring.

AUDIENCE MEMBER:

The public demands to be heard.

CHAIRMAN:

The public will be heard at the end of the meeting just as the agenda says.

AUDIENCE MEMBER:

The public demands to be heard.

CHAIRMAN:

Please back off.

AUDIENCE MEMBER:

We have ten thousand pages of public comments.

CHAIRMAN:

All right. We're going to ask -- Officer, would you please remove this individual?

AUDIENCE MEMBER:

We have ten thousand pages of public

comment. We have come from all across the state. You are finalizing your recommendations on this task force without having heard from the public.

CHAIRMAN:

All right. We're going to ask you to sit down one last time, and then we're going to have you removed. There is a public comment period at the end of this meeting, and that's when we will have it.

AUDIENCE MEMBER:

We are demanding to be heard now. You will not be finalizing these recommendations without hearing from the public. Every single time we're here --

CHAIRMAN:

Officer, would you please take care of this for us, please?

AUDIENCE MEMBER:

Every single time that you are moving forward with these recommendations without hearing all of our public comments, you are silencing the voices of Pennsylvanians. Secretary Quigley, you need to be hearing from the public on each of these recommendations.

CHAIRMAN:

And that's why we have a public comment

period.

AUDIENCE MEMBER:

With all due respect --

CHAIRMAN:

With all due respect, we have an agenda.

And we're asking everybody to be civil.

AUDIENCE MEMBER:

But we didn't even have a comment.

CHAIRMAN:

We're asking everyone to be civil and to allow this process to work without interruption.

AUDIENCE MEMBER:

It isn't working.

AUDIENCE MEMBER:

We asked for a copy of the agenda. We haven't been provided a copy with the agenda. You're finalizing your recommendations right now. And we came here in good faith with good comments.

CHAIRMAN:

There is a public comment period. I'm going to ask -- Maya, I'm going to ask you to wait for the public comment period.

AUDIENCE MEMBER:

It's not enough.

CHAIRMAN:

Whether you agree or disagree, that's the rules.

AUDIENCE MEMBER:

We are stakeholders.

AUDIENCE MEMBER:

Can I just ask when will you hear from us?

CHAIRMAN:

There is a public comment period at the end of this meeting just as there has been for every single meeting of this task force. There is a public comment period open right now that you have the opportunity to weigh in.

AUDIENCE MEMBER:

That's why we're here.

CHAIRMAN:

This group needs to do its work.

AUDIENCE MEMBER:

We need to be able to participate --

CHAIRMAN:

And the public needs to its work in the time allotted.

AUDIENCE MEMBER:

-- in this group. We're not given real participation.

CHAIRMAN:

I am going to ask one last time for folks to please be respectful of this process and the folks around this table and the public, the audience, all of whom have a right to hear what's going on. We want to proceed in an orderly fashion to do our work.

AUDIENCE MEMBER:

I'm going to put my public comments right here.

CHAIRMAN:

And if not, I'm going to ask the capitol police to remove anybody who continues to be disruptive.

AUDIENCE MEMBER:

And we are concerned that you are removing the public -- I am coming. We're concerned that you are removing the public from this process. And we simply ask for the opportunity to be heard before you solidify your decision-making, which is clearly what you're doing here and now. We had four days to review a document --

CHAIRMAN:

Officer, please. All right.

AUDIENCE MEMBER:

-- that you're not asking for public comment for.

CHAIRMAN:

Item 47, environmental protection --

AUDIENCE MEMBER:

This is wrong.

CHAIRMAN:

-- page 177 of your hymnals. Democracy is messy, folks.

AUDIENCE MEMBER:

This isn't democracy.

CHAIRMAN:

Conducting Quantitative Site Monitoring, page 177. Questions from the task force? I will just point out just in terms of observations that the idea of -- the idea that is suggested here obviously needs some additional work. In terms of our permitting, for example, under Chapter 102, the permit terminates once restoration is achieved. So there's some -- some questions in terms of how this kind of recommendation would be implemented. It would have to be further developed. But I'm particularly looking for folks that disagreed with this recommendation to speak up.

MR. HUTCHINS:

Tom Hutchins. Mr. Secretary, we just needed more information. I mean, it's unclear exactly what additional monitoring they're talking about.

There is already some monitoring required. So it's hard to judge this recommendation based upon the information provided.

CHAIRMAN:

Okay. Is Hayley here? I'll ask Hayley Jeffords of my staff to step up and maybe answer that.

MS. JEFFORDS:

Hello. My name is Hayley Jeffords. I was the chair of the environmental protection work group. I do see how while simultaneously specific we were all also kind of general in this whole recommendation, but the intention was for restoration monitoring. And I think that our intention here was really to assess the monitoring that is currently required and to probably expand upon the current monitoring requirements or see if that would be an efficient and effective use of resources.

CHAIRMAN:

Other clarifications, other questions?
Terry?

MR. BOSSERT:

Terry Bossert. I think this one, in my mind, goes back to a comment that Duane made earlier. And that is, you know, earth moving is earth moving whether you're burying a pipe or building a building.

So I'm curious whether there's -- whether this is supposed to be just for pipelines. And, if so, what would make it unique for pipelines? Or is this something that the Department wants to consider for all earth moving activities?

CHAIRMAN:

This isn't coming from the Department necessarily. It's coming from the work group. Ken.

MR. KLEMOW:

All right. So Ken Klemow. I think if we could address that, certainly, a lot of times when you build buildings you don't necessarily build them within wetlands or watercourses. And so -- and also there is, you know, a paved surface. And there are standard E and S measures that are in place. We recognize that that's also true with -- with pipelines. But we felt that -- that, you know, with the number of stream crossings that are coming in and especially even the ditching or the subterranean directional drilling that, again, to verify the efficacy of -- of the best management practices, again, it just seems that -- that -- that doing post construction monitoring is something that would be a very wise thing to do, because it gives you a solid basis then for understanding whether there is or is not impact.

SENATOR DINNIMAN:

It makes perfect sense. I mean, any pipeline is going to crossover so many streams. And we've debated that. And we've worked it out with various companies, you know, explaining our sensitivities and -- and getting it done.

But the other thing is when you go through suburban areas, you literally have -- it's literally no bigger than this area where the houses are. And it's not even defined -- when you go to find out what the right-of-way is, when you get into the forties and fifties when some of the original gas line is there, you don't even know the clarity. It goes underneath people's decks. So to be careful how you move the earth is very essential.

It's different going through the Philadelphia suburbs to get to Marcus Hook. And we all want you to eventually get there if we're going to get this project to market and create jobs. But you have to be sensitive to the environment that you're dealing with. And I think that -- is that what you're trying to say?

I mean, in Franklin County, it's one thing; but when you go through the developed areas where the housing is so close and you're dealing with

old lines and putting new ones in, it -- it -- it has to be done in a sensitive way. And I believe that's part of what you're trying to say, is it not?

MS. JEFFORDS:

Yes. I think we were trying to be sensitive and just acknowledge the impact that putting a pipeline in has and that it's a right-of-way usually between 50 to 75 feet. And it impacts a large strip of land. And we want to ensure that proper restoration occurs, because there is a high risk of sediment and erosion that can be somewhat unique to these projects in just the breadth of their impact.

SENATOR DINNIMAN:

Mr. Secretary -- Andy Dinniman again -- you -- I urge the industry, if you want to achieve your aim -- everyone understands the economic viability. You're going to have to have that sensitivity going through our suburban areas in terms of the environment and water run-off.

No one wants to be your enemy. No one wants to put up the barriers. We understand the economic health that comes from this. And we can understand all the science and the fracking and everything else, but you simply have to be sensitive to what our constituents feel is going in their back yard.

And part of how you move the earth, part of the impact of water run-off, all of this plays in. And -- and I urge you to at least encourage that discussion, because you can't create the partnership which will allow you to create the economic success for yourself so the Commonwealth would have that discussion taking place. And I think that's what you meant. And because it's very different depending where you're going through.

CHAIRMAN:

Okay. Duane.

MR. PETERS:

Senator Quigley, getting back to the recommendation, this looks like really good language for a special condition or a permit, especially with some of the seed mixes and movements we're seeing with planting for pollinators and special seed mixes. It necessarily wouldn't apply to an area working with the property owner that might want that to be reverted to an agricultural or a yard type of use.

And in the spirit Denise Brinley, maybe we could just modify the title to say where appropriate so if it is something that requires a special seed mix as part of the permit conditions, there's protocols in place in which to ensure the success of that plant.

CHAIRMAN:

Is there any objection to that? I think we can add where appropriate to this title.

Any other questions, comments, concerns? All right. Seeing none, we're going to move on to under environmental protection No. 19, Establish Setbacks From Wetlands and Watercourses. It's a little bit of a repeat, I think, here to some level, page 146.

Who would like to start us off? There's five folks that expressed disagreement. I'm interested to hear what the disagreement was about? I'm not seeing any takers. Duane, go ahead.

MR. MCGINN:

Joe McGinn.

CHAIRMAN:

Or Joe. Sorry.

MR. MCGINN:

The -- I guess the first in terms of a question, too, and clarification, so increasing from the 50 to 150. Again, you know, all development, all construction pipeline specific and then, I guess, what -- what's the thought behind the specific 150 and even, you know, perhaps through 30 in terms of this distances.

MS. JEFFORDS:

Those numbers were suggestions based on

the supporting material which we provided here which came from The Nature Conservancy. And again, I know that the specifics here might be a little concerning and there is room for debate on the specificity. But the overall goal here is to assess the protections needed for waters that are beyond just the stream banks, because we do know that in Chapter 102 permits, there is a 25-foot minimum distance. And it's based on -- I believe it's stream banks. And we wanted to try and pull in more waters and just to highlight the sensitivity that we need in development to the waters of the Commonwealth.

CHAIRMAN:

Other questions? Terry, did you have one? Any other questions? Go ahead, Duane.

MR. PETERS:

Duane Peters. Just one clarification. So really we're talking about a regulatory change in which the jurisdiction of the Department would be for areas without floodplains would increase from 50 feet to 150 feet?

MS. JEFFORDS:

Sorry. The specificity again, I'm not sure what your question was. I thought you --

MR. PETERS:

So --

MS. JEFFORDS:

Would you repeat it?

MR. PETERS:

-- maybe I'm reading too much into it.

But for streams that do not have established floodplains, I believe from bank, it's 50 feet jurisdictional area in which you require a permit. So this would be for cases in which there is an established flood plan or if there isn't an established floodplain that's within that 150 feet that DEP would take jurisdiction outside of that area?

MS. JEFFORDS:

I am not sure that I can adequately answer your question right now, because I do think that it's going back to keeping the recommendation broad and to having actually our permitting experts look at this and come up with their recommendations. And as you can -- I believe in this one, we do note that it doesn't match 25-foot distance. We probably could have done a better job of acknowledging the need for further study and research that might need to be conducted. And that might be issues to address.

MR. PETERS:

Just one more follow-up. The reason I

read into that is because of the use of the term improve encroachment. I'm reading into that this would also be an encroachment if it needs to be approved. So maybe that's something we can clarify and take a look at for the next round.

CHAIRMAN:

Go ahead, Lauren.

MS. PARKER:

I'll chime in, because was on the committee with Hayley. So I can add a little bit to that. But I -- I do think that's what we were saying. We were saying, you know, currently the Department does regulate within 50 feet. And I do think that this is pushing it to have more regulation of regulating areas larger than just the 50 feet from top of bank.

And also, you know, currently there aren't any setback regulations or any encroachment setbacks for wetlands. It's currently just the wetland itself. So this is also adding additional, I would say, authority or regulation of the Department to setbacks and wetlands as well. So I think that this would require a lot -- you know, some regulatory changes in order to enforce this.

MR. HUTCHINS:

Hello. Tom --

CHAIRMAN:

Tom.

MR. HUTCHINS:

Tom Hutchins. Did we look at what Corps and FERC requirements are today to try to be consistent with them, because, I mean, there are setback requirements that the Corps has jurisdiction of what they are. And FERC for water body crossings, the same thing. I don't have them right before me, but just in order to be consistent, do we evaluate that element?

MR. GULL:

I'm Matthew Gull, Corps of Engineers. We do not require setback from wetlands or waterways. If -- if there is a discharge of fill and material into the wetland or the waterway, that's when the need for a permit is triggered. So I hope that answers your question.

MR. HANOBIC:

David Hanobic with FERC. We do have standard setbacks from wetlands and stream crossings for work space. So there are examples for FERC regulated projects.

CHAIRMAN:

Some other comments, questions?

MR. MCGINN:

Joe McGinn. Just a comment for this. I think it gets into, when you look at the county and local government, the complexity of kind of siting and building new infrastructure, trying to balance when you look here, trying to expand the buffers from wetlands or streams and then also trying to balance it with where, you know, residential development is and kind of getting -- it's not a direct conflict; but it's a squeeze. And it's certainly a challenge for developers of projects and one that, you know, I just wanted to highlight.

CHAIRMAN:

All right. Any other discussion?
Commissioner.

MR. CAZZONE:

Can I just respond to that? And that was a big part of the discussion we had in the county work group. But to the comments I made before and the Senator's comments earlier, what we're really hoping to foster at least from the county government work group and for all the recommendations so far is better and more communication between the operators, local governments, and the constituents.

And so, you know, I think that we

recognize that maybe there's, you know, we don't want you to do it here, we don't want you to do it there. But what we want to have is a conversation.

And I think in many ways -- and I don't want to speak for that particular work group. But some of these are conversations that we're not having.

SENATOR DINNIMAN:

And if I may, Mr. Quigley. I think Commissioner Cozzone, who also is from Chester County, as I am, is trying to help, not hurt what's going on here, that you have -- that when you're in a highly urbanized area and you're in a county like Chester, who has spent millions and millions of dollars to preserve their natural resources -- one-fifth of our land is now preserved forever as natural open space. Our citizens are demanding of us that we protect those rivers, protect those streams. And -- and so what we're trying to work with the companies in saying is work with us, communicate with us. In the end, everyone can in some ways have your cake and eat it, too.

In other words, if you create the jobs, the product can get to market. We can argue all about fracking whether it's good or not good; but as long as it's still legal and there's a product, unless you talk -- unless you communicate, unless the citizens

feel they have some input in that and the input is through us, we can all -- it's going to be held up.

I mean, an example, when one company we held up for several years because of the crossing of the stream who since then has been good -- I mean, has understood our culture much better, the next company comes in and says -- says to us, We'll do the stream crossing the way the citizen wants and we'll pay the extra money because we don't want to be held up going to market.

The only thing the public officials can do right now and the public can do is to hold you up. And that takes away from the economy and jobs. But if you really start to discuss these things and work with us and get qualified people that Mr. Gallagher has here, we can solve all of this together. And I think that's what Commissioner Cozzone and the commissioner's group adds. That's what I added onto the public participation is our desire to find the way. And that's why the discussion of each and every one of these questions in a true dialogue -- right now all we do is we go at each other, because we have to defend our constituents.

Can't we find a way and -- because we can't walk away from that question of protecting the

rivers and streams and protecting people's houses on either side. Our citizens will not allow us to walk away. And we have a responsibility not to do it. But if we could figure out a way to do it with the industry, with their knowledge, with the various interest groups, we can solve these things. And I think that's what -- that's what Commissioner Cozzone is trying to say to you in a very articulate way.

CHAIRMAN:

Go ahead, Lauren.

MS. PARKER:

Lauren Parker. Could we just maybe consider changing the title -- and I'll speak to some of my other cohorts that were on the group with me, but to maybe instead of establishing setbacks, maybe consider saying the Department should evaluate the need for setbacks, something like that?

AUDIENCE MEMBER:

But we have no equal voice --

CHAIRMAN:

Please --

AUDIENCE MEMBER:

--in waterways.

CHAIRMAN:

Please wait for the public comment period.

AUDIENCE MEMBER:

Who are you paying?

CHAIRMAN:

I won't put the pressure on you necessarily, Hayley, unless you want to take it. But how does that language change evaluate the need for setbacks?

MS. PARKER:

It's evaluate the current setbacks, you know, evaluate the need to change the existing, you know, setbacks that are currently there.

CHAIRMAN:

Or how about evaluate existing and needed setbacks?

MS. JEFFORDS:

I think that that would adequately capture or accurately capture our intention?

CHAIRMAN:

Evaluate existing and needed?

MS. JEFFORDS:

Yes.

CHAIRMAN:

Okay. All right. Any other questions on that? All right. Not seeing any, we will go to --

MR. HUFFORD:

Mr. Secretary --

CHAIRMAN:

Oh, I'm sorry.

MR. HUFFORD:

I'm sorry. Walt Hufford.

CHAIRMAN:

I'm sorry. I didn't see you.

MR. HUFFORD:

Thank you. I just have one question for you, and it's probably not significant. But there's a lot of environmental NGO's that do great work for what they do. And we're referencing The Nature Conservancy here. Do we have to actually reference them? I mean, there are so many people having input into this. I'm just a little worried putting this out seems to me like an endorsement of what they're doing. And they do great work. I give them money. But I'm just wondering does that -- do we actually have to reference an environmental NGO in this recommendation.

CHAIRMAN:

Well, again, that is one of the bases on which the work group submitted their recommendations. So I think omitting that, it loses some very important data. And again, we're going to talk about a preamble here in terms of how this report is to be construed.

And I think this was cited as an example. I don't think it was excited -- cited as the final word.

Hayley wants to amplify.

MS. JEFFORDS:

They had published a document full of best standard practice suggestions for -- for shale practices overview. And I think that we intended this to be -- this was a good example that we had seen that we thought should be examined as possibly appropriate for the Commonwealth. And again, I think that might be one of those steps that continues after the report goes to the Governor and we start to try -- we start trying to implement them.

CHAIRMAN:

Does that adequately address your question?

MR. HUFFORD:

Sure.

CHAIRMAN:

Ken.

MR. KLEMOW:

Yeah. So Ken Klemow. So, again, as one of the people who actually wrote this -- this recommendation, basically, I -- I agree that -- that we probably should have looked at, you know, more

examples. I think again, you know, from a scholarship point of view, we probably could have dug a little bit deeper. And realizing, though, that this is a first crack at it and not -- you know, we're not coming up with any final recommendations or anything like that.

I think that any -- and I would hope that any either -- you know, improving of this particular recommendation or as would come into law or regulation, you know, certainly, you would have to look at a whole bunch of other, you know, recommendations that are out there. But I do agree that this is something that it's current. It just came out. It -- it -- it provides some -- some really good information. So I think that is what compelled us to try to at least include that one there.

CHAIRMAN:

Any other questions, comments?

MR. DIMATTEO:

Mike DiMatteo with the Game Commission.

CHAIRMAN:

Okay. Number --

MR. DIMATTEO:

Excuse me. Mike DiMatteo with the Game Commission. I just wanted to know what that work group meant by specifically designated waters? Were you

looking at just, like, HQ or EV streams or certain Chapter 93 designations? Or was that just kind of a vague term when I read this?

MS. JEFFORDS:

I think we were trying to capture HQ or EV streams, yes.

MR. DIMATTEO:

May I suggest a language change in there to be more specific?

MS. JEFFORDS:

We could be more specific in that regard.

MR. DIMATTEO:

Thank you.

CHAIRMAN:

Other questions? Okay. Let's move on. Environmental protection, No. 29, Develop Plans For No Net Less of Forests in Headwater Watersheds, page 157. Dave.

MR. CALLAHAN:

I just had a -- had a question or request for clarification if this was intended merely for this industry or other developers or is there plenty of other industries that develop land in this manner?

MS. JEFFORDS:

When I advised my work group, the

discussion was solely focused on the pipeline build-out just for clarity purposes. And I don't think that -- I mean, we did not have discussions as to applicability to other industries during our discussions.

MR. CALLAHAN:

Thank you. Dave Callahan.

CHAIRMAN:

Duane.

MR. PETERS:

I think we should discuss whether or not this one goes forward just given the implication to private property owners who want to develop, build houses, increase their agricultural developments in or around first order streams. It seems to have a huge amount of trickle effect that could span across different sectors as well as private citizens.

CHAIRMAN:

Any other questions, comments?

SENATOR DINNIMAN:

But isn't that the point of presenting it, that it is controversial, that it does need to be discussed? And how could they discuss other areas when the task force mission was clearly stated you're only to look at this in relationship to pipelines. But the point is the very controversy means that it should be

listed as a question that the group raised because -- and you're right. I mean, no one, in fact, in the Senate when we were debating things like the buffer areas, the whole question was protecting the stream versus private rights to use that stream. But that's the issue. And that's what merits the discussion. And if you listen to what the Secretary said, he said bring the questions up that merit further discussion. And that's certainly one of them.

CHAIRMAN:

And again, the vast majority of folks that responded to the survey agreed with -- with this recommendation.

Go ahead, Mike.

MR. HELBING:

Mike Helbing, Penn Future. I just wanted to also add that this doesn't necessarily prohibit any development in the -- the first order head water -- watersheds. It also allow for compensatory mitigation. So it does allow for -- even if it were implemented as described here, it would allow for other ways of working with those areas.

MR. TAMBINI:

Mr. Chairman.

CHAIRMAN:

Steve.

MR. TAMBINI:

Certainly, there was little bit of
detail --

CHAIRMAN:

Would you state your name?

MR. TAMBINI:

I'm sorry. Steve Tambini, with the DRBC. Certainly, there was a little bit of detail provided in the BMP related to first order streams. But at its core, the issue here was that forests provide a benefit to watersheds. And certainly, what the BMP talks about is identifying what's the highest value landscapes in forest that potentially could impact watersheds, identify what it is, and then work towards avoidance, minimization, or mitigation. And there's a lot of work that would have to be done. But at its core, it's just the start of the concept in the relationships between forests, the highest value -- again, it's not a blanket over all forests, but the highest value -- identifying what those are.

Yes, the word first order stream was put in there. And certainly, you know, as we were going through the work group, the level of specificity was, you know, not perfectly clear. So if you read further,

there was discussion about, hey, we need to do more research in terms of what are the highest value water resource landscapes and then work to protect those either through avoidance, minimization, or potentially mitigation.

MR. PETERS:

For pipelines.

MR. TAMBINI:

For this particular task, sure, the task force group was related to pipeline infrastructure and other infrastructure.

MR. PETERS:

Just one more comment, Secretary Quigley. I would recommend going forwards with this recommendation that we investigate the Ohio water and stream assessment protocols and some of the challenges that they have in that state with a similar type of effort.

CHAIRMAN:

Any questions, comments? All right. I'm going to turn the page. We will now move to page 7 of your spreadsheet under local government, No. 3, Allow Local Regulation for Surface Facilities -- maybe we'll get some bite on this one -- on page 226 of the report. Who would like to start? Go ahead, Marvin.

MR. METEER:

Marvin Meteer, Wyalusing Township, Bradford County. With the local government work group, I believe what the intent of this is is to exercise our responsibility to provide for the health, safety, and welfare of our residents as well as work through the provisions of the Pennsylvania Municipalities Planning Code. Basically, this comes down to our -- our zoning ordinances.

We're not looking to change the location, I believe, of the pipelines, etc., to provide for a compressor station, which is probably the first and foremost of a surface facility. What -- what our intent here is, is to regulate those -- those items that we regulate on all of the other kinds of structures in our municipalities. Basically, this comes down to noise, lighting, emissions, traffic, and all of those items that apply to, again, all of those other kinds of things that are regulated by our zoning ordinance. That was -- that's our intent. I would be glad to hear any questions?

MR. COYLE:

I just have a comment. Keith Coyle from Van Ness Feldman. Any of these provisions that relate to a municipality establishing safety standards for

regulated pipelines are -- they're just unlawful. You just can't do it. There's preemption under federal law. It's very clear. Even if you cite the regulations in your ordinance, you could never enforce those. So just something to think about.

CHAIRMAN:

Lauren.

MS. PARKER:

I also have a question that I might not have realized. Are -- are local municipalities not currently able to regulate surface facilities, because I personally have worked on a couple stations -- compressor stations in local townships where we did have to go through a land development process. So I thought it was already in place, but perhaps it's not. Or maybe it depends on the type of facility.

MR. METEER:

I think there's -- there's two issues here. One is that we can take it back. We have a recommendation on communications as well, communications early and often, as I think we heard in one of our presentations. If we -- if we carry that out, then that probably really helps this particular issue here. The other thing is in -- in most cases, what you're saying, you know, works very well for those

municipalities that have -- have zoning in place. But we have a lot of municipalities, particularly across the northern tier of our state, that have no zoning. And it's -- it's kind of a -- a typical assumption that if there's no zoning, you can go ahead and do whatever you want to. And I think that's where -- where some of this becomes a problem.

MS. PARKER:

So would the recommendation maybe be more clear to say -- you know, I don't know if there needs to be funding to help the municipalities that don't have zoning to create zoning, because I think that allowing local regulations is -- it's already allowed. I don't know.

MR. METEER:

Well -- and I agree with that. And I don't have a problem with that. And our -- our philosophy in developing our recommendations here was that even if it's already allowed, it doesn't hurt to say it twice sometimes.

MS PARKER:

And we have a lot of those in environmental protection, too.

SENATOR DINNIMAN:

And it's not clear when it comes to

intrastate. You know, FERC takes care of interstate: But when you have lines as the Mariner Line, that -- it originally was under FERC. Then when -- then when the facility was moved to bid into -- totally into Pennsylvania at Marcus Hook, we don't have any clear regulations. We're not under FERC, you know. And so the clarity on intrastate lines is -- is, I think, one of the things that's missing.

And the question, I mean if the PUC declared, just as FERC limits did, the PUC can determine as they have in Mariner that it's a public utility and thus a township doesn't have any control over any of this. So that's one of the problem is just some clarity to the question that these townships are facing and -- and to have a discussion.

MS. PARKER:

Sure. My understanding -- this is Lauren again -- is that this is related to surface facilities, not pipelines.

SENATOR DINNIMAN:

Yes.

MS. PARKER:

Okay.

SENATOR DINNIMAN:

And that's the problem. The issue is --

was in West Goshen Township when the PUC decided that Sunoco was still a public -- that Sunoco was a public utility is who has jurisdiction over the building of a -- of a -- not just a compressor station but a building in which other things would be in and a stack that goes up and -- and I'm really not describing this well, but -- but the facilities. The Township assumed it did. But once it was -- once it was declared a utility, they no longer had that authority.

So it's -- it is helping the townships know what they have a right to do under the law and developing that law in relationship to the non-FERC pipelines and even in the gathering lines, which -- which there's very little -- which is what the small -- the more rural townships face, too. So it's not the pipelines. It's the structures that are absolutely essential as your compressor station. And when you deal with butane or propane, you're not just dealing with natural gas. You have the stuff coming the other way now from the west that isn't natural gas. It's broken down.

What exactly can a township do in an intrastate or in a gathering line situation?

CHAIRMAN:

Let me ask Commissioner Brown to weigh in.

MS. BROWN:

Thank you. What I was originally going to say during this discussion is that we have concerns with this recommendation in terms of -- because we, the PUC, has gas safety jurisdiction. So we have it in areas in terms of, of course, distribution lines, the Gathering Lines 2 through 4 in terms of the classes as well as the Intrastate Transmission Lines 1 through 4. But then I heard Lauren say something that it wasn't dealing with the pipelines. It was dealing with the surface facilities. Is that -- I thought I heard you --

MS. PARKER:

That is what I said. It's -- it's Marvin's recommendation. So he can clarify what -- I think that's what it was going at, because it says surface facilities in the -- in the title.

MS. BROWN:

It does. But then it talks about where if a pipeline does not have the certificate of public convenience.

MR. METEER:

We were looking at this as the pipeline coming to a compressor station. A compressor station may be only one thing. We don't know what other

surface facilities may be related to that pipeline. The pipeline comes out of the ground, goes into the compressor station or however it's constructed. It's a very necessary part of that pipeline, and that's why -- why we've included that.

MR. CALLAHAN:

If I could --

MR. COYLE:

Keith Coyle, Van Ness Feldman. I just want to be clear on the interstate and intrastate, gas or hazardous liquid. The municipalities for regulated facilities, whether it's regulated by FENSA or it's regulated by the PUC under the Public Utility Code or Act 127, if the surface facility qualifies as a pipeline facility like a compressor station, the municipality cannot regulate the safety of that facility at all. Like, there is case law on that. I just want to be absolutely crystal clear that that would not be an enforcement requirement.

SENATOR DINNIMAN:

Unless the legislature decides to change that. I didn't say that for applause. I say that simply for the question that, again, it's a question that our municipalities are asking. What are their rights? What -- how much do they have to -- how

much do they -- can they have a say? And -- and so all you're doing again is you have a local government group. They raised the question. I -- you know, I have no idea. I mean, we assumed, for example, under Act 13 when it was passed that the -- that the State had the right to establish zoning. The Court then says that's not a right that we have, that right rests with the local municipality.

So this issue of what a municipality can do or not do is really at the core of a great much -- a great deal of discussion, not only in the legislature and in all of the associations, the township supervisors, the bureau super -- the borough or whatever they call them, the municipal officials group.

And so, again, it's -- it's a question. And again, you know, what the law says or what the legislation says, again, it's a question we're going to have to deal with because all the townships are honest on this question.

CHAIRMAN:

Keith.

MR. COYLE:

If I could just follow up to Senator Dinniman, the preemption that I'm talking about is under federal law. So if you want to run for Congress

and --

SENATOR DINNIMAN:

No. But -- but --

MR. COYLE:

But the state legislature could not
impact --

SENATOR DINNIMAN:

The state legislature has a right to inter -- the state legislature has certain rights which we give to the PUC, which you represent, to protect us in terms of -- of our safety and if there -- and certainly, NHMSA has a say. But there -- but the question remains. In the matter of public safety, what does a legislature do? If nothing else, it can pass a resolution that it appeals to the federal -- that it -- that it -- that it demands that NHMSA comes in for a discussion, and we come to some conclusion.

So the notion -- I'm not running for Congress. And the notion that there's some -- that federal preemption is -- we accept federal preemption. We're not happy with it with FERC because of many of the things that have happened to us. But at the same time, when you're dealing with a question of fundamental safety, this state has some responsibility. And that's what -- and -- and we are not just going to

sit back is what I'm trying to say.

And it's the question. Maybe the question is we should simply sit back and not challenge federal law. Maybe the question is we have a responsibility to do so. And what the supervisors are saying to you: Here they are on the local level. They have -- they represent the people. The federal government, the state government is telling them constantly what to do. And they simply are asking the question for us to adjust. And if you want to come up with the answer, well, that we just don't ever challenge the federal government through a legislative process or through resolutions, fine. But at least it's a question to deal with is all I'm saying.

MR. COYLE:

And all I'm saying is if we're going to have an honest conversation about it, that -- in my opinion, I think the law is pretty clear on this, that if you want to change the circumstance, you have to do that by changing federal law. But you couldn't that at the state level.

SENATOR DINNIMAN:

Actually, you can. If the states that have agreed to any type of compact come together and agree to end that compact and then get the federal

government to agree to that, we can change that compact and that understanding.

But that's not the issue. The issue is not who has authority on the federal or state basis. The issue, once again, you're not hearing the people, what they're trying to say in the sense of the township. The township sits there. It tells you that there's a problem that they face day in and day out. They're asking simply that this question be raised. And if you give them the simple answer, well, that's federal authority, which may or may not -- which is correct and you're not going to at least look at the question because of -- then you're just going to face more and more resistance to the pipelines, the federal law, and the task force, which is supposed to bring all of these ideas together and create some kind of unity is going to fail in this entity, because -- because what you all have to understand, if you will, please, is that we as legislators -- and my friend Bill Keller was here, he would say the same thing to you. You know, each caucus appointed someone. So my job is to tell you the pressure we're under from our constituents and to urge you to take up all of these questions, to listen to it, not just to take this as industry versus environmental groups or one or the other so all of

these are federal government can tell you all.

What Marvin is saying -- and, Marvin, if I'm wrong, please say it. He is stating the frustration and the feeling of -- of in our 2000-and-some townships what officials are saying to you. No?

MR. METEER:

That's correct. But I would -- I would add to this that, you know, we understand the difference between the federally regulated pipelines and those that aren't federally regulated with the gathering lines and the intrastate lines. We understand that. And we're not talking about necessarily changing those federal regulations.

In the first meeting that we had, I -- I verbalized my concern about what was going to happen with this report. Is it just a report, or is it going to have some teeth in it in the end?

I think Secretary Quigley today at the beginning of our meeting said this is the beginning of this and that we have to follow this up, somebody has to follow it up, DEP, whoever, to see what -- what we can do to implement these recommendations. And it may mean legislation. It may mean policy. It may mean that there are some agencies who are going to have to

change the way they're doing things. It may -- may look different down the road.

And I think what we're saying is, yes, we recognize the difference between the -- the FERC lines and those that aren't regulated by federal. And we just want to exercise what we have been given already through the Municipalities Planning Code and our zoning ordinances that will pass the test of time. That's what we're looking at.

CHAIRMAN:

Gladys, do you want to jump it?

MS. BROWN:

Gladys Brown, PUC. A lot of discussion going on here. So I want to go back to the actual recommendation and talk about the PUC Safety Authority. When I talked last time, my question was in terms of the surface facilities; but it's my understanding in talking to my staff, we still have the jurisdiction as well, even under surface facilities.

In terms of the discussion between Senator Dinniman and Keith, you know, I would say that they're both right in a certain sense. Having worked for the Democratic Caucus, the General Assembly did indeed pass Act 127, which gave the jurisdiction to the PUC in terms of gas safety for interstate lines. But in that

jurisdiction, it was to carry out the safety from the FENSA requirements, from the federal requirements. So they are both right.

SENATOR DINNIMAN:

Gladys, that's why you're chairman.

CHAIRMAN:

Denise.

MS. BRINLEY:

Mr. Secretary, I have a simple request that DCED be added to the relevant agencies on the list who have a local government surfaces center and we also tie directly Act 67 and 68.

CHAIRMAN:

Bless you. Thank you. I couldn't agree more.

Joe.

MR. MCGINN:

Joe McGinn. In terms of a comment and clarification, the significant majority of aboveground facilities or structures are some type of valves, whether it be a main line valve or a valve which is purely a safety function in terms of isolating a pipeline, whether it be interstate, intrastate, gathering, any. In addition to -- not that any confirmation is needed, but as a regulated, you know,

entity by the PUC as well as by FERC with our various different lines, PUC for intrastate lines does have the authority to regulate aboveground facilities.

One thing that local governments still retain is any buildings or structures that are built on a property, governments still have the -- local government still has the authority to do that. So just points of clarification.

SENATOR DINNIMAN:

Very helpful. Thank you.

CHAIRMAN:

All right. Other questions? I want to make perhaps an observation here that of all of the recommendations from the work groups -- surprise, surprise -- this one generated the most disagreement just in terms of the number of responses to the survey.

So my question is, in terms of incorporating this into the report, would some language change to the title be of some value? Or is it something that we just want to note in the final report that this particular subject generated the most disagreement, although in terms of numerics, 35 folks responded to this survey, 10 disagreed. So, again, there's an element of majority rule here that we also have to bear in mind.

So my -- my two-part question is, is there some language change that would help folks be a little bit more comfortable; and, secondly, would flagging this as the single recommendation that garnered the highest amount of disagreement be of value in the final report?

MR. METEER:

I think we would -- Marvin Meteer. I'm sorry. I think we would entertain language change that might make people feel more comfortable. I think if there's language change here and the Department makes that change, we would like to review it.

CHAIRMAN:

Well, I'm actually asking for it now, Marvin.

MR. METEER:

Oh, I'm sorry.

CHAIRMAN:

I don't think the Department should make it, although I will note that even within the recommendation, for example, DEP should provide appropriate suggested land use practices, not so much DEP's wheelhouse. Perhaps, as Denise mentioned, DCED and the local government services would be much better equipped.

So again, there's some -- which is why I don't want to get into the weeds on the language -- deep into the weeds on the language here. So what I'm looking for is perhaps some suggestions. I see Terry. So I'm going to try Terry.

MR. BOSSERT:

Terry Bossert. Well, let me just say, first off, I think there are 10 disagree and there are also 14 wish to discuss. So there's a good number of people who either have some questions about it or oppose it. And again, this goes back to your earlier comments about the preamble.

But the issues I had with it were, No. 1, beyond the -- the surface the zoning for the surface facilities was the implication that the local government was going to become part of the DEP permitting process, which full recommendation Item 2 seemed to suggest that to me. And then, frankly, the recommendation that these -- the regulation should be able to be done through stand-alone ordinances as opposed to a zoning ordinance. And I think the current state of the law is that you could have these regulations, but you need to have a zoning ordinance. And I would just say if size, density, setbacks, etc., things that normally you would want to apply to these

surface facilities, I would think they would be important for all the buildings in a municipality.

So those are the reasons -- and, frankly, I don't remember whether I was disagree or wish to discuss; but I was one or the other. And -- but those are the things that concerned me about it, that it kind of sort of went beyond just, all right, we ought to have zoning authority to deal with, you know, the light, noise, issues that Marvin was talking about.

CHAIRMAN:

And let me just observe the fact that Terry raised the wish-to-discuss issue. Again, if you look at the 10 who disagreed and 14 who wish to discuss -- now, some of those might be the same folks. But suffice it to say that there are at least --

AUDIENCE MEMBERS:

No.

AUDIENCE MEMBER:

You've only got one choice.

MS. BATTISTI:

You can't do both.

CHAIRMAN:

Okay. Then there's a total of 24 folks that wanted to either express disagreement or discuss. We haven't heard from 24 folks in this conversation.

That's why we're here. So if there are other folks that want to express concerns or raise questions, this is why we're meeting today. So, Dave.

MR. CALLAHAN:

Maybe for the second or third time -- Dave Callahan. Sorry. I missed you again.

Just to express concern again about this general issue of where local governments can regulate, where the State can regulate, where the federal government regulates, I would echo Terry's comments on being concerned about getting the local governments involved in the permitting process. There are certain notifications to local governments of most of the permits that we apply for. And there is, I believe, an opportunity for the local governments to weigh in on those individual permits. But you're not --

AUDIENCE MEMBER:

But you're not.

MR. CALLAHAN:

Actually, maybe we can --

CHAIRMAN:

Folks, please.

MR. CALLAHAN:

I would -- I would -- perhaps Lauren is

going to jump in with that.

MS. PARKER:

I would say through the Act 14 process whenever you're filing for an EOC GP2 -- or Chapter 102 or a Chapter 105 permit, you have to notify the local county and the local municipality and provide a copy of your certified mail receipt with your submission. And then that letter indicates that they have 30 days to provide comments to the Department and we have to provide a copy of the permit applications and the drawings.

So if people aren't -- I mean, people should be getting them, because we have to provide it. And I'm not getting my permits unless I provide proof to the Department that I did it.

MR. CALLAHAN:

I would just echo Mr. McGinn's earlier comments about what are we talking about facilities. Mr. Meter noted about structures that we certainly -- in those municipalities who have zoning, we're certainly going through zoning ordinances for the location of compressor stations, especially those that are not regulated by FERC. We've got a long list of those for those on the gathering side. But there is significant discussion and concern about, you know,

what is a facility versus what is a structure. Zoning refers to structure, I believe.

CHAIRMAN:

Go ahead, Joe.

MR. MCGINN:

And Joe McGinn. In terms of whether it be intrastate or interstate transmission lines in general for longer distances, there's a physical challenge to -- to where you're siting these. I mean, there's a real specific area where these have to be sited, and there's generally more than one. So any impact -- and, you know, I'm just presuming here; but probably part of it that came into the federal regulation that would impact the site of one pump station would in turn impact the site of -- or compression station impact the site of either one -- both on either side in the whole system. So, you know, there is, I guess, in terms of that broader or kind of utilitarian nature to siting these why, you know, it has a lot of sense to be done at a state and federal level.

MS. IVEY:

This is Cindy Ivey again. We would echo Keith Coyle's comments from a safety perspective. At all aboveground facilities, there are pig launchers, pig receivers, valve settings. There are any number of

aboveground facilities that are done for safety. Those spacings in between those particular facilities are set by class location and federal law. So there could be no local regulation of those kinds of things that we would have to do. Basically, that's already determined by class location as well as pig launchers and receivers. Although not everyone does it the exact same, those are safety facilities that we deem where they are needed for specific sections of pipe. And there's just, again, no way that a local regulator could understand and know all of the federal law to exercise a right of where those facilities would be located.

CHAIRMAN:

Senator.

SENATOR DINNIMAN:

Why don't you simply then just change the word? I mean, there's a question -- a legitimate question. Part of it you just -- part of it, Cindy, you helped us understand. They don't -- people don't know. So, therefore, is the clarification really and what you're trying to find is the clarification of local regulations of surface facilities. And from the local perspective, they want it clarified. They might think it a little different than you do. They want to

know what their power is. From your perspective, you should be hopeful that we clarify this.

So instead of -- I mean, you can't ignore it. We can't just throw it out of the report, nor should we. So if we say clarification of local regulations of surface facilities, everyone would -- it's not implying that we have a right. But it's implying that it be defined. And that's -- and from your point view as a supervisor, it still raises the -- from the township supervisors, it raises the fundamental question which I know -- and you know, Joe, as well as that line went across -- as Mariner Line went from Pittsburgh straight through to Marcus Hook or near Pittsburgh, that was the question that was asked in municipality after municipality. I mean, you settled it with most of the municipalities; but that clarification would probably have been very helpful.

CHAIRMAN:

Would clari -- all right. Go ahead. I'm sorry.

MR. GALLAGHER:

Mr. Secretary. Anthony Gallagher, Steamfitters Local 420. I do think that the municipalities already have clarification with the federal and state law. It is -- and to Cindy's point,

the regulation is critical to us. There have thousands and thousands pipeliners out there that need consistency on line sweeps, on the diameters of pipe, on the process of the valves, the types of valves. There needs to be consistency. And frankly, there's a lot in the industry that don't quite understand some of the inconsistencies, let alone, you know -- and this is with all due respect to a local municipalities' mechanical ability to understand what a pig launcher is, to understand that process.

So I do believe that it is already spelled out to the municipalities who regulates it. And I think the safety of it is also spelled out to the municipalities under FERC, the PUC, under the people that are actually installing these pipelines, the process that goes through that.

If you want to dig deeper than that in a deeper conversation, we can grill down on the pipe certification -- the pipe welder certifications. We can keep grilling down on the qualifications necessary to work on a pipeline. That is an another security blanket that, I believe, municipalities should have and should understand.

CHAIRMAN:

Let me make a suggesting that I think

perhaps what is most of concern about the title here is the word allow. And I think following along the lines of Senator Dinniman, perhaps something like clarify and examine the need for local regulation of surface facilities. It clearly calls out that this is a subject that needs further conversation and discussion far beyond the scope of this task force; but certainly, it is a local issue. It is a local desire. I think it's fair to say that there are a lot of local municipalities who have expressed this desire. And those desires need to be heard in some kind of an orderly way. Again, it is well beyond the scope of this. So my suggestion would be clarify and examine the need for local regulation of surface facilities.

How does that sound?

MR. METEER:

I think we can accept that.

CHAIRMAN:

Any -- any objection to that, Dave, or other conversation? Other conversation.

MR. CALLAHAN:

Yeah. Dave Callahan. I think combining this with your other option may be worth while as well and maybe having a little bit of both, which is modify the description of this as the way you have but still

recognize in the report that there is significant disagreement over this issue and will continue.

CHAIRMAN:

We can certainly note that. Are you folks comfortable with that? Go ahead, Joe.

MR. MCGINN:

Joe McGinn. One suggestion, when you look at this one specifically and kind of see a theme in terms of the wish to discuss, the agrees, disagrees, as we go through this whole process, I think there's certainly a lot more clarity on a number of points. So I don't know if it's -- I'll throw it out there -- for everyone's thought. But an idea could be to -- there were some that didn't complete the survey at all; there were some that put wish to discuss -- but to clarify in terms of certain points, have the opportunity to take the survey post meeting to determine where those points are. And maybe it's a way to help calibrate, you know, how certain, I guess, recommendations are to move forward, because certainly, you know, a recommendation like this one with, I guess, seven that agree versus some that have 30 or etc., there should be some kind of calibration there.

CHAIRMAN:

All right. An attempt to at least start

the calibration. That's why we sent out this form yesterday. But I take that suggestion. Let us see what the data says on the forms first. And then if we need to take the additional step of a resurvey, we'll do that work, if that's what we need to do to help folks get comfortable. So I appreciate the suggestion. Anything else on this recommendation? All right. Let us try to move on then to page 9.

MS. RICHARDS:

Secretary Quigley, if I could --

CHAIRMAN:

I'm sorry.

MS. RICHARD:

-- due to a scheduling conflict that I alerted you to earlier -- and plus actually I think it follows our conversation we just had, if I could just go over the siting and routing and introduce it. I know we have task members here who could continue the conversation.

CHAIRMAN:

Sure. Sure.

MS. RICHARDS:

And -- and I ask for forgiveness to the public involvement and public participation, if we could just change the agenda for the next few minutes.

CHAIRMAN:

Sure. Sure. We'll turn to siting and routing. There was only one recommendation that was highlighted, and that was No. 4 on page 295, Create a Tack Force of Affected Stakeholders to Study the Creation of a New Regulatory Entity or Empower Existing Regulatory Entity to Review and Approve the Siting and Routing of Intrastate Gas Transmission Lines.

MS. RICHARDS:

So what I would like to clarify is this evolved from a conversation in our -- in our work group. Initially, we were talking about creating a commission to oversee the siting and routing of intrastate -- again, it's intrastate -- gas transmission gas pipelines. And we changed that to creating a task force to determine the need for a commission so we could address the cumulative impacts of multiple pipelines over the coming years.

Again, intrastate, there is no -- there is no -- as far as intrastate, no body right now that has the authority. As we've note -- as we've remarked here, there is local zoning; but not every municipality has zoning codes here that apply. We know some municipalities don't have zoning at all. And so this would help particularly with the -- the cumulative

impacts.

Also, in light of the discussion here as we modify, this could also be, you know, explore the creation and maybe not create the task force, if that's something we want to discuss as well.

But I just also wanted to note that in our conversation, it was brought up that Ohio and New York has done similar type of thought process. And so we would definitely want to see lessons learned there and what's working and what's not working there.

Noted, as we have noted before, FERC does help with intrastate -- I mean, interstate, I should say. But this would be something specific to interstate. So I put that out there for conversation.

CHAIRMAN:

Thank you. Any response to those questions for the Secretary? Go ahead, Dave.

MR. MESSERSMITH:

Dave Messersmith with Penn State University. I just wanted to maybe raise the concern that when we talk about having an agency getting involved with routing and siting of pipelines is that it could possibly expand the use of eminent domain, which is one of the issues that many land owners are most concerned about with pipeline projects. So I just

want maybe the work group and the committee or maybe the task force to understand that it might expand the use of eminent domain should this -- should this recommendation move forward.

CHAIRMAN:

Secretary, you did mention some -- perhaps some, I'll use the word, softening of the language, instead of create, explore the creation. Would that make folks feel more comfortable? Obviously, this is an extremely complex issue and needs a lot more discussion than we'll ever have time to have in this task force. This is to tee up questions for the future.

So would folks be more comfortable with the idea of exploring the creation of a task force? Would that help?

SENATOR DINNIMAN:

Secretary Richards is simply again responding to what people on her task force said. And so we have to respect what that task force said. And the softening of language simply shows we respect it and we'll willing to address the question. So I think --

MS. RICHARDS:

I think it could be shortened and that it

could say explore the creation of the new regulatory entity or empower -- I mean, that's -- that's really what the task force would do. And that way in the discussion we could even explore how we look at it, and that would be up for discussion if people want to do that at all.

I know, Duane, you were part of the discussion.

MR. PETERS:

Duane Peters -- Duane -- Duane Peters. There I am. I think the siting and routing thing kind of snuck in there. And the intent wasn't necessarily to bring up anything in terms of eminent domain for gathering system. We were really focused on the conversation of cumulative impacts and the fact that there really isn't a standard definition of cumulative impacts. It's a very hot topic right now. And if we would have a discussion on cumulative impacts, we couldn't just look at pipelines.

It's very hard to discuss cumulative impacts and not include any kind of build-out. And we did kind of trend down into some of the other issues that some of the other work groups gave such as testing in upland areas for archeology that are more NIVA based not and necessarily looked in the current permit

system. So this is almost a first step to look at the feasibility of that kind of build-out. And we focused just on the hot issue right now, which is cumulative impacts.

So this task force will probably tackle a lot of things that might include a lot of the items brought up in the other work groups; but our concern is -- and we certainly couldn't come to a consensus. But we all agreed that this is a very big topic that needs a lot of discussion and input from the same type of stakeholders that make up this task force and should be weighed pretty heavily.

CHAIRMAN:

So just to make sure I have the language right, Secretary, do you want to walk us through what the revised title should be or do you want to me to take a whack?

MS. RICHARDS:

In listening and remembering the exact, I would recommend -- I would say we could say explore if that helps as far as create; but let's keep the task -- I was thinking we could even take that out. But I think we should keep the task force. I do think that this warrants a thorough discussion. And I do think part of the discussion should be looking at Ohio and

New York as far as, you know, how we quantified the cumulative impacts. It's going to be a thorough discussion. So I would just change create to explore and keep the rest of it.

CHAIRMAN:

Okay. Other questions, comments on this subject?

Okay. Thank you, Secretary.

MS. RICHARD:

Thank you so much.

CHAIRMAN:

Let us move to public participation No. 5 on page 286, Require Publication of Intent to Apply for DEP Permits Associated with Pipeline Development.

MS. IVEY:

Do you want me to add a little bit to that?

CHAIRMAN:

Please.

MS. IVEY:

The --the conversation around this particular recommendation centered on the fact that permits are now published in the Pennsylvania Bulletin. And that's really the only place that they are published and that the public doesn't typically read

the Pennsylvania Bulletin. So it was allowing a way for -- another way for public participation to occur by letting folks in local areas through their newspapers in the legal notices section typically of the intent of an applicant to file for permits with the DEP at least three days in advance. And it was really just a way to allow the public to have one more, you know, way of input and at least know about those particular permits before they are filed.

SENATOR DINNIMAN:

What is the objection? It's a good thing. Why would anyone object? I'm curious.

MS. IVEY:

And also just one more thought about that on regulated projects. We do file similar notices of application. So we reference that particular FERC regulation in the recommendation just as a point of reference that before we file our FERC applications, we do very similar things. It's a little bit longer lead time. I think it's about two weeks. And you have to do it twice. But it was really kind of modeled after the fact that permit applications at PA DEP would also fall under a similar type of notice.

CHAIRMAN:

Questions for clarification? Ken.

MR. KLEMOW:

Ken Klemow. The -- I guess the question, again, is -- is whether requiring pipeline permits to be published like this, you know, would this then lead to other kinds of -- of applications, you know, that are going to go through DEP? Would they also have to be published in a local newspaper?

CHAIRMAN:

That would have to be discussed in the follow-on work. Again, this has been raised a number of times since this afternoon about the applicability of some of these recommendations to other types of development. It's a legitimate question. And really I think we have to be teased through -- there's a lot of lawyers in the room.

SENATOR DINNIMAN:

Mr. Secretary, there are a number of bills right now to expand the public knowledge and notification. So the recommendation is very well into what we are now considering in committee. And, for example, Mr. Secretary, you know, at least on FERC, we can -- we have all of the notices on-line. And it's something DEP has because of resources and others doesn't have the same capacity as FERC. So one of those bills is to assure that DEP, the public can get

access to it similar to FERC.

So this whole question of public notification is one that -- and how you -- and how you do it is one of great importance. And I thank Ms. Ivey for taking the lead on that in the committee.

CHAIRMAN:

Other questions on this recommendation?

MR. CALLAHAN:

I'll jump in.

CHAIRMAN:

Go ahead, Dave.

MR. CALLAHAN:

Dave Callahan. I think I'll just registere one concern on the resource intensiveness doing something like this versus publication in the Bulletin. For certain permits, certain hearings we do publish locally. There is just -- I would just register my concern with the cost benefit of this as well as the resource intensiveness.

CHAIRMAN:

Other --

SENATOR DINNIMAN:

But if you want to be transparent, then transparency has a cost, does it not?

AUDIENCE MEMBER:

Local newspapers are cheap --

CHAIRMAN:

Folks, public comment is coming.

MR. CALLAHAN:

I would just say that the general permit process was put together in such a way that required publication in the Bulletin as a means of public notification.

SENATOR DINNIMAN:

Do you really believe, sir, that any citizen in this Commonwealth reads the Pennsylvania Bulletin on a regular basis? And that -- and we've debated this in the Senate about whether notifications should simply be put on-line. And we came to the conclusion, no, they should go in a newspaper, because there are a significant number of people who don't know how to get on-line and don't go on-line. No one reads the journal. No one even knows it exists, sir.

MR. CALLAHAN:

I think there a lot of items up for discussion that could be considered along with whether this applies to all permits, all permits for other industries. I think this is a much longer discussion than just publish all of your permit applications in the newspaper just for pipelines.

SENATOR DINNIMAN:

Yes. But the task force only is dealing with pipelines.

CHAIRMAN:

Dave, do you have a specific suggestion whether it's on the title as we tried to on a couple of other of these recommendations? Is there some --

MR. CALLAHAN:

I would have to give that some thought when I fill out my survey --

CHAIRMAN:

Okay.

MR. CALLAHAN:

-- everything that is due by the 14th.

CHAIRMAN:

Any other discussion on this subject? All right. Let me say a couple of things here, folks. Obviously, this was an attempt to start managing all of the recommendations that we have in front of us. We have all known about the timeline from the beginning of this assignment. So at some level, we knew the job was dangerous when we took it.

We have committed and I have committed here this afternoon to at least four deliverables for the next meeting, if not before: One to identify

pending legislation that is on point; two, compiling the wish-to-discuss form results and coming back to you with some recommendations as to how we proceed to deal with the wish-to-discussion issue; three, develop some draft preamble language that we will all work on together at the next meeting; and, fourth, flag the duplicates and try to coalesce them in some way, shape, or form.

So they are the four deliverables that we have committed to here at the staffing level. But I want to open up the floor before we get to public comment for questions, comments, observations, feedback on how this process has gone today and how satisfied or not the members of the task force might be, suggestions for a better ways to skin the cat. Gladys?

MS. BROWN:

I just want to thank you for your leadership on this. And I know that it was not an easy task. And I do appreciate your response to me that we in our forums could give more detailed concerns that will go out to the entire task force.

CHAIRMAN:

Mike.

MR. GROSS:

Mike Gross. Mr. Secretary, you had also

mentioned a letter that you would be looking for all of us to sign off on that will accompany the report. Is that something that you'll be drafting and circulating in this list of deliverables?

CHAIRMAN:

Yes. I'll add it to the list to get out ASAP. Ken?

MR. KLEMOW:

So in terms of further deliberation and massaging of these recommendations, again, as I see, one potential step here is to be able to allow people who are on the task force to be able to weigh in on those maybe four or five or six items that they have particular interest in. And then, you know, so that might be a way of helping out.

So I don't know, you know, how you would systematize that; but I think, you know, that would be a beneficial thing to try to, you know, figure out who is really interested in working on what.

CHAIRMAN:

And that was the purpose of those forms we sent out yesterday.

MR. KLEMOW:

Right. Okay.

CHAIRMAN:

Go ahead.

MR. KIGER:

Mr. Secretary, we had no opportunity to save the survey form as we sent it in. Is it possible to return those to us so that we could fill out the forms properly?

CHAIRMAN:

I think there is -- smart people in the room are telling me, yes, there is.

Any other question, comments?

MR. HUTCHINS:

Mr. Secretary.

CHAIRMAN:

Tom.

MR. HUTCHINS:

Tom Hutchins. A point of clarification. At one point, you mentioned a December meeting. And the next meeting is not until --

CHAIRMAN:

Yes, I misspoke. Our next meeting is in January.

MR. HUTCHINS:

Okay.

CHAIRMAN:

Sorry.

MR. HUTCHINS:

That's okay. I thought the process at times painful but I thought effective. And I think the reason you didn't hear from everybody who maybe was against or wished to discuss was that many of the things that the people who did talk about touched on the issues that led us to one of those two choices.

It will be very challenging to address the other activities that had a lot of wish-to-discuss issues on it. And so I think figuring a way to effectively do that is another challenge for you, but I think you're up for it.

CHAIRMAN:

Well, I appreciate your confidence. I will say, though, I welcome suggestions.

MS. SCHWARTZ:

Cristina Jorge Schwartz. As we go into January now, will the Governor or will this task force now take all of this and put it maybe in context with the federal energy -- the Quadrennial Energy Review that came out earlier this year, because it does address modernization of our energy infrastructure, including pipelines.

CHAIRMAN:

Well, I think that it will be part of the

follow-on work of this report is to harmonize and align recommendations with what else is going on in the world. Again, this is -- this is really the first step in a much longer journey. Other questions? Cindy.

MS. IVEY:

One point to Joe McGinn's suggestion. This is Cindy Ivey again. It might actually be helpful -- and I think maybe Sarah mentioned this, too. But it might be good if there is a way for the task force members to retake the survey before we send in all of the forms. I know that I answered most of the majority needs further discussion simply because we did think we would have further discussion.

I think now certainly we would be able to vote differently or maybe the same on the ones that we actually did discuss. So I think you might have a better understanding of where people stand if we retook the survey first and then maybe filled in the forms to discuss. It may give you a better -- a better idea of where the membership stands.

CHAIRMAN:

How do others feel about that suggestion?

AUDIENCE MEMBER:

Mr. Secretary, I agree with Cindy. I think that's a great recommendation.

MR. DALENA:

This is Fred Dalena. We took the same approach as Cindy did. We expected that there would be an opportunity for more discussion around some of them. We will utilize the form you provided, but redoing the survey isn't a bad idea in our opinion.

CHAIRMAN:

Okay. I think that the most problematic aspect of -- of the form was this whole wish-to-discuss thing. So in terms of the next survey, do we keep the same columns? Do we -- do we reduce?

MS. BROWN:

I think you should take out the wish to discuss.

CHAIRMAN:

Okay. That's --

MS. IVEY:

Or a place to add comments on the survey. There's no place right now to add any comments. So the only thing we had to default to was wish to discuss further. I think you could probably solve both things in one survey form. If you had a comments section, we could put the comments into the survey and register our vote. And then you wouldn't need the additional forms. You would have the comments as part of the survey.

CHAIRMAN:

Well, I don't think the particular tool that we used for that first survey accommodates that. So we'll look and see if there's another on-line tool that might suffice, or we'll look for Plan B. Denise?

MS. BRINLEY:

Mr. Secretary, I know the timing of this report is very condensed and that we're coming upon a holiday season. Yet I would still recommend that the task force meet one more time before January 13th. I just think there's too many things hanging with regard to resurveying people, collecting information on paper forms that I think we could make great progress by meeting one more time before January 13th.

CHAIRMAN:

How do other folks feel about that?

MR. TRETTEL:

I agree.

MR. HUTCHINS:

Agree.

CHAIRMAN:

Anybody violently disagree?

Well, all right. We will suggest a date for a meeting in December. And I -- I appreciate that. Looking at the clock here, we're going to have public

comment period. And we'll talk about that in a second.

But we discussed today 13 recommendations in three hours. So just kind of keep that metric in mind. But we will -- we will look, of course, at scheduling a meeting date in December. We will resurvey. And then we will -- and then we'll go to the forms. Or if there's some way to combine the two and do the comments in a survey, we'll see if we can scope that out. We'll do that very quickly unless when I go back to the office my staff kills me, which is a distinct possibility.

All right. Anything else before we -- all right. Go ahead, Bill.

MR. KIGER:

Bill Kiger again. Could it be possible that we do the duplication omission or the deletion before we do the second survey? It would save an awful lot of time for everyone.

CHAIRMAN:

I'm not sure it will save an awful lot, but we could certainly flag them with relative ease.

MR. KIGER:

I think some of the parties have already submitted some duplication information. So it might be a little less problem than you might think.

CHAIRMAN:

Okay. Other questions? I appreciate everybody's tolerance of this messy process. Now we come to the public comment portion of the meeting. I will say this: There are 47 volunteers around this room. And I'm respectful of your schedules. And if folks need to leave, don't feel constrained. But I'm staying.

AUDIENCE MEMBER:

No worries.

CHAIRMAN:

I'm staying. So -- the stenographer is staying. We have a limited broadcast.

AUDIENCE MEMBER:

But the task force isn't staying. Is that what you're saying?

CHAIRMAN:

We will have a record.

AUDIENCE MEMBER:

That they won't read.

CHAIRMAN:

That's at the option for the members of the task force, folks having schedules of their own --

AUDIENCE MEMBER:

We have schedules, too. We're volunteers,

too. We have been here all day, too.

CHAIRMAN:

So have I. And now we come for public comment. If folks need to, because of their schedules, leave, that's fine. I'll stay. And anyone else who cares to stay, please feel free to do so.

Again, I want to emphasize here we're asking folks -- and I have a list of folks who have signed up to testify. I'm going to apologize in advance for mispronouncing names, because I have to read about 26 sets of handwriting, some of which are better than others.

We are asking folks to limit their comments to two minutes. I'll remind everyone that we have an open public comment period where extensive comments can be submitted on-line to the agency. So again, we're asking folks to keep their comments to two minutes, please. We will time that and try to keep this moving along.

The first individual who has signed up to offer comment is Karen Feridun, followed by Heath Strock, followed by Craig Stevens.

MS. FERIDUN:

This has been a surreal experience. And we're sitting here, the members of the public,

listening to you talking about us but not allowing us to contribute until now for two minutes. So we thought we'd help out by providing you with tens of thousands of comments from people fighting nine different pipeline fights. And more are coming. Check out your docket.

We have lots of things that we're including in our paperwork that we would like you to review, because what you seem to be missing is the main point, that people don't like not having the opportunity, No. 1, to comment until the end of a meeting for only two minutes. They don't like having a public comment period start four days before you start finalizing the report. They don't like the fact that there are no public hearings whatsoever to hear from the public.

You know, we are sort of considered the pesky public in your view. And I think you think that we are just like fringe elements of some, you know, environmental movement or something. But, no, we actually represent the people whose comments you will read as part of the comment period who have been fighting eminent domain, who have been fighting contaminated water, who have been fighting to get some kind of help for their health issues. We're talking

about a very serious problem in Pennsylvania.

And the other thing that you're missing is that the people who are represented here today either in person or in the comments you're going to be receiving are not worried about whether we get to build a better pipeline, a better regulated pipeline. We're saying no pipelines, no fracking. And it's because every reputable climate scientist in the world is telling us we need to leave 80 percent of it in the ground.

So it doesn't matter if you put it here or there. It shouldn't go anywhere. You're killing the planet, and you're sitting around in a conference room having a polite discussion about how to do it. It's obscene what's happening here.

I'm embarrassed sometimes to be a Pennsylvanian. Today we have people from out of state who have come who are saying no frack gas, we banned it in New York, we don't want your frack gas coming into our state now, to hear how the public is being treated, to see our colleagues being dragged out of the room because they wanted to say something as a comment on what was being discussed at the time.

There are already people leaving this room now who don't want to hear what we have to say. And we

don't get a chance to comment in front of them, because they couldn't stick around long enough, even though we had to sit here through the entire meeting to get our paltry two minutes. You should be embarrassed.

CHAIRMAN:

Which incidentally is up.

MS. FERIDUN:

It's really embarrassing.

CHAIRMAN:

Please wrap up.

MS. FERIDUN:

It's an insult to Pennsylvania tax payers who pay the salaries of a lot of people in this room and who deserve to be protected. Thank you.

CHAIRMAN:

Thank you. Next is Heath Strock, followed by Craig Stevens, followed by Michael Helfrich. Could -- folks, would you please spell your names for the stenographer?

MR. STROCK:

H-E-A-T-H, Heath.

CHAIRMAN:

Come up to the microphone, please.

MR. STROCK:

Yes, sir. When do I start?

CHAIRMAN:

Go ahead.

MR. STROCK:

My name is Heath Alexander Strock. And I've been opposed to the pipelines. Are there any questions for me?

CHAIRMAN:

This is your nickel. We're here -- we're here to listen to you.

MR. STROCK:

Do I have -- do I have some sort of timer or something so I don't get kicked out or beat up by a capitol policeman.

CHAIRMAN:

You've got a minute and a half to go.

MR. STROCK:

Keep going?

CHAIRMAN:

If you have something to say, please share it with us.

MR. STROCK:

I'm opposed to the pipelines. And I'm opposed to natural gas and methane. I'm not opposed to family farms. I -- I am -- oh, I should have taken a class in public speaking. I want family farms. I want

democracy. I want real local government. That's all I have to say.

CHAIRMAN:

Thank you.

MR. STROCK:

Yes, sir.

CHAIRMAN:

Next, Craig Stevens; followed by Michael Helfri -- Helfrich, sorry; followed by Sam -- and all I've got here is Sam K dash L.

AUDIENCE MEMBER:

That's someone you kicked out.

CHAIRMAN:

Okay. And that will be followed by Isaac -- I can't read the last name.

MR. STEVENS:

Silberman-Gorn.

CHAIRMAN:

Okay. Thank you.

All right, Craig.

MR. STEVENS:

Sitting here watching this, I'm a -- I'm a proud sixth generation land owner in Silver Lake Township, Pennsylvania, and a fifth generation New Yorker. I'm far more proud of being a fifth generation

New Yorker today.

And you in the industry that are here -- by the way, a lot of industry faces, hey, great to have you here. Do you know what I'm most happy about? You're going broke. Because you know what? You're going the way of the buggy whip and the VHS tape, and thank God for that.

You think you're funny. You're going to come in and tell us what to do. And, you, Mr. Coyle, over here tell us what the feds are saying. I'm a federal taxpayer and a citizen of the Commonwealth. I pay your salary, if you work for the State or the federal government. And we're tired of you telling us what to do.

You know what? The Founding Fathers would have tolerated this stuff for about five minutes. And anybody here that's a real patriot would have known that. They would have told you to pack your wagons up and get out of their community and do it right now, Senator. That's what they should be doing.

Listen to me very closely. A public utility is a power line or a phone line or a cable wire that I have access to.

They tried to use eminent domain on me. They called it Certificate of Public Convenience for a

pipeline. And I went and I read the 5th Amendment to the CEO's. And I said, When are we getting our gas to our homes?

You're not. Then you don't meet the requirement to be a public utility. You have to provide a service for the land you stole at a regulated rate. I'm getting so tired of listening to this. You know, democracy, this is a democratic process. Do you know what the Founding Fathers said about democracy? That's two wolves and a sheep voting what's for dinner. And we're not sheep. We're not going away. If it's not me in my lifetime, my children will or my grandchildren will watch you guys go the way of the dodo, because this is the depleted resource. You're going broke.

I'm a businessman for 30 years. And none of you that are in the industry have proven you can make money or this. Why are you \$200 billion in debt? Why are you going to now talk about sending it --

AUDIENCE MEMBER:

Time.

MR. STEVENS:

-- overseas? Sending gas overseas? Ha. Where? From Cove Point where you're going to send it to China and you're going to send it to Japan and

India? You can't pick a further away fulcrum point than India or Japan. This is a joke.

CHAIRMAN:

Okay. Can you wrap up, please?

MR. STEVENS:

Yeah. Anybody that swore an oath to defend the citizens of the Commonwealth of the United States should be embarrassed sitting here.

And you industry folks, I can't wait to watch you guys go out of business. What, 20 or 30 already have. And we're going to applaud it. And when we see the taillights of your vehicles leave and you all have fun, because you all aren't -- you all aren't welcome here. Go back where you're from, because we're taking our state back. Thank you very much.

CHAIRMAN:

Next, Michael Helfrich; followed by Isaac -- sorry I forgot the name -- followed Ellie Salahub.

MR. HELFRICH:

Good afternoon. I'm Michael Helfrich. I'm the Lower Susquehanna Riverkeeper. I represent the members of Stewards of the Lower Susquehanna from Sunbury down to the Chesapeake Bay, from Altoona to out near Reading, 9,215 square miles of the lower

Susquehanna region.

First, I would like to say -- and as the former secretary, Mr. Quigley, of the DCNR, I just got the forest management -- forest resource management plan. And we have 60 days to comment on that. I would suggest that it is not as highly a debated topic as this document is. I also feel that -- they are also providing 12 different meetings around the state for public input. I don't exactly understand what the rush is. I would ask you to ask Governor Wolf -- and if I see him over Christmas, I'll ask him -- to lengthen this period a little bit.

The one thing I got out of this is that I think everybody around here feels rushed, no matter what side you're on. You know, you only got through 13 things today. I really think it is better for everyone -- everyone sitting here, the public, give us a little bit more time. And again, please go and ask Governor Wolf.

While I have the opportunity -- and I have the gentleman from FERC standing -- or sitting right next to me. And that's wonderful. I'm concerned that pipelines are a speculative industry in Pennsylvania, and they are not supporting the public good in most instances.

Numbers were given, thrown around, thrown to FERC in 2013 when gas was \$20 in Japan and in Taiwan and in Korea. Those numbers are now down to \$7.25. And it costs \$7 to liquify gas.

Cabot Oil, half of the Atlantic Sunrise Pipeline being proposed by Williams --

AUDIENCE MEMBER:

Time.

MR. HELFRICH:

-- half of it is already registered to go to Japanese corporations or WGL. It's all for export for something that's already gone. They're putting the nuclear plants back on line. The price dropped from \$20 to \$7. We cannot allow Pennsylvania to be carved up for speculation for foreign companies.

CHAIRMAN:

Next, Isaac; followed by Ellie Salahub; followed by Margie -- I'm going to take a chance at this one -- de Marteleire. I hope I was close.

MR. SILBERMAN-GORN:

All right. Cool. Thank you. So my name is Isaac Silberman-Gorn with Citizen Action of New York, New Yorkers Against Fracking here from Binghamton, New York today.

The first thing, it would be really nice

to see an agenda. Forcing residents and taxpayers to sit through three hours of a meeting without any clue when we're going to get to make comment is really pretty outrageous. And if in New York that were to happen, there would be some pretty significant backlash.

So we sit 10 miles north of two of the heaviest drilled counties in Pennsylvania, Bradford and Susquehanna, including Dimmick, where there's been some very famous water contamination there.

DEP is complicit in creating a disaster zone just south of us, just south of our border. So we're to ask for three things. One, this task force needs to be shut down immediately. This is outrageous.

Two, an immediate stop to fracking. Pennsylvania is a quarter of the way fracked. If you industry folks have your way, it's another 75,000 -- 75,000 wells or so with contamination that's going to be coming and getting worse as well casings fail and as more pipelines leak and degrade over time.

And three, help the harmed. You have a disaster zone just south of New York. As an activist making no money, I'm helping. I'm the one who is delivering water to people, standing up to industry, what the Pennsylvania Department Environmental

Protection should be doing and you, Secretary Squiggly -- um, Quigley. Pardon me. That was an honest mistake.

Pipelines are a 60- to 100-year investment in fossil fuels. We don't have 60 to 100 years. If you want to see a livable future for our kids, if we want New York City and Florida to not be underwater, a world class pipeline development program is no new ones, period.

So in New York, where are we at? We've actually turned the corner. We banned fracking. We're working against pipelines. Governor Cuomo vetoed Port Ambrose just this past week. A hundred people out yesterday to participate in New York's Reforming the --

AUDIENCE MEMBER:

Time.

MR. SILBERMAN-GORN:

-- Energy Vision, which is actually going to set -- so rather than talk about this nitty-gritty pipeline, how can we make it a little better, we're actually talking about how to have solar, how to have local control so communities get to decide their own fates, so we're dependent on our own power generation rather than out-of-state companies who going to pollute us and not care and have no loyalty to us whatsoever.

And this is happening in New York right now. You have the opportunity to actually lead on this and take us towards a renewable energy future, which we know that we need.

CHAIRMAN:

Could you wrap up, please?

MR. SILBERMAN-GORN:

Yeah. Absolutely. Thank you. And so we're here. New Yorkers are not going to stop standing with our neighbors in Pennsylvania. We're not going to stop standing with affected families who the gas industry has poisoned. So thank you so much for the opportunity to comment. And have a good afternoon.

CHAIRMAN:

Thank you. Next, Ellie Salahub; followed by Margie de Marteleire; followed by Patty Cronheim.

MS. SALAHUB:

Thank you. I'm Ellie Salahub. And I represent Lebanon Pipeline Awareness in Lebanon County, Pennsylvania. Secretary Quigley, where is the public in this process? Once again, we have been marginalized with no representation, an insufficient 30-day comment period, and no scheduled public hearings before this report is adopted. The public comment period needs to be extended to 90 days. And statewide public hearings

need to be held that accommodate work schedules.

Industry representatives on this task force along with their state and federal lobbyists ensure their interest and profits are well protected. New York State studied the industry and banned fracking. Pennsylvania needs to follow their lead and not this quixotic and archaic, regressive venture to further develop fossil fuel infrastructure. This review of pipelines cannot be separated from the deleterious impacts of the industry in toto.

Pennsylvania is a failed experiment that cannot be salvaged. There is no formal collection of baseline geologic and hydrologic data, nor ongoing collection and studies of health impacts. We are left with gas and pipeline companies denying culpability and state and federal agencies and our state legislature operating as industry partners.

The voices of banning fossil fuel development are blatantly missing from this task force and the report. The private and public sectors need to dedicate and commit their intellectual, technological, and financial resources to develop innovative renewable energy. That should be the sole recommendation of this task force in response to climate change and our constitutional right to clean air, water, and a healthy

environment. Thank you.

CHAIRMAN:

Thank you. Next, Margie de Marteleire; followed by Patty Cronheim; followed by Fairfax Hutter. Margie? Not seeing Margie? Okay. We'll move on with Patty Cronheim, followed by Fairfax Hutter, followed by Elise Gerhart.

MS. CRONHEIM:

Good afternoon. My name is Patty Cronheim. I'm from Hopewell Township, New Jersey across the river today. And I'm representing Hopewell Township Citizens Against the PennEast Pipeline as well as Rethink Energy New Jersey, which is a new data-driven campaign to look at energy issues in New Jersey and in the region.

Now, one of the things that most people will know is that New Jerseyans really can't agree on much. And I think Mr. Tambini will agree with that as evidence that. But one of the things we can agree on is the recent Fairleigh Dixon University poll that shows four of five New Jerseyans are concerned about pipelines, four out of five New Jerseyans think we should be investing in renewables rather than in fossil fuels like natural gas. 78 percent favor a bill requiring 80 percent renewables by 2050. That's only

25 years from now. And worldwide 60 percent of all new energy investment is going to renewables, not to fossil fuels.

And in New Jersey, we don't want the pipelines coming to the state. And that's how the people of New Jersey clearly feel as evidenced by 70 percent of the people who live along the PennEast Pipeline, how I first got involved with gas pipelines, rejecting survey permission to PennEast and its partners. And yet here we are talking about how to divide up the spoils of fossil fuels, not if, not if we should keep the gas in the ground, not if there should be pipelines at all. And that's what I see wrong with this particular task force. And it's a little science light, I have to say.

You know, Dr. Klemow is here, but I think there aren't a lot of -- not a lot of pure scientists here. And that's what's needed to really look at the modeling that would look at the cost and the need for pipelines. You need to look at the human and environmental impacts. You need to look at the cost of climate change and look at them in a long-term way.

We found out, you know, in New Jersey by 2050, if we were at renewables, we would save as a state \$12.5 billion dollars a year in medical costs.

That's massive. That's 1 percent of our GDP in New Jersey. And I can only imagine in Pennsylvania it would be massive amounts of money as well.

We have to look at the need. Right now we've got record gas stores. We've got projected decrease in winter gas rates. We've got foreign -- falling foreign gas prices. There is a real risk of stranded assets from overbuilding. And there is no comprehensive planning, which I will say to Mr. Hanobic of FERC. We have been speaking with FERC about the need for programmatic environmental impact studies that look at pipelines as a whole, not piecemeal in this competitive rush to market against each other and against renewables.

CHAIRMAN:

Patty, could you wrap up, please?

MS. CRONHEIM:

I will certainly wrap up. And thank you.

So I want to finish by saying that Pennsylvania has a huge responsibility. And the people of the region and New Jersey and even the world are looking to you to manage your resources responsibly. Take the long view and don't buy into industry gas raise to rush product to market, because that's a boom. And when that boom goes bust, as booms do, today's

short-term financial gains will not be nearly enough to cover tomorrow's enormous human and environmental costs. Thank you.

CHAIRMAN:

Thank you. Next, Fairfax Hutter; followed by Elise Gerhard; followed by Robin Maguire.

MS. HUTTER:

Hello. I'm Fairfax Hutter of Lawrenceville, New Jersey. I'm a New Jersey resident, but I'm also a co-owner of two-plus miles worth of trout stream in Pennsylvania. And that's been in the family for three generations.

One of my questions is and a very basic one is, who says that 30,000 miles of pipeline and the taking of 300,000 acres of Pennsylvania is needed for these pipelines? Is anyone questioning those premises? I haven't seen a discussion for the actual need for such a volume.

Our New Jersey research shows ample pipeline capacity. I would think you should be trying to minimize the damage and so forth and trying to do as little -- as little as possible in terms of disturbance. And what you do in Pennsylvania has a direct effect on of us in New Jersey. The pipelines are being foisted upon us. And it feels as if -- I

feel as if I'm at the Susquehanna River trying to sandbag against the flood of Agnes. The pressures on New Jersey from your decisions are enormous and most unwanted.

I also notice that industry has an enormous voice here. I saw some of your recommendations where words requirements and monitoring are getting watered down. I'm extremely concerned about this. I am a taxpayer, and I care about what I love and know about in Pennsylvania. And I would hate to see regu -- I would like to see this much better regulated and not regulations watered down with lots of flexibility.

And I go to a lot of public park commission meetings in New Jersey and so forth. I see a lot of what goes on. And when you don't have regulations with teeth, when things are loose and open ended and just best management practices suggested, I see people cutting corners and getting around those all the time. It's extremely worrisome.

We don't have the open space you have -- in New Jersey, we don't have the open space you have. And your pipelines are now coming through our most prized protected natural areas. Those are the ones that have been targeted. So I'm really opposed to

this. Thank you very much. Bye.

CHAIRMAN:

Thank you. Next, Elise Gerhart; followed by Robin Maguire; followed by Wendi Taylor.

MS. GERHART:

My name is Elise. And I'm from Huntingdon County, Pennsylvania.

And I know that everybody in this room knows that there's enough existing infrastructure in Pennsylvania to meet Pennsylvania's needs for energy. And I'm here representing two people who couldn't be here today, the first being my mother, a retired special education teacher who taught in the Commonwealth for 32 years, and my father, who was accepted to Pennsylvania as a refugee fleeing extreme violence in his home country. These are people who worked their entire lives for a safe and peaceful place to leave. They also enrolled their property in the Forest Stewardship Program. They made an agreement with the Commonwealth to preserve their forested land, which they have successfully done since 1982.

Now in a complete disregard for that pact between Pennsylvania citizens and their government, Sunoco Logistics wants to come in and clear cut 3.2 acres of their property, bury streams, bury springs.

So I want to know, what's the Commonwealth going to do about that?

I also want to say there was a comment made earlier -- I don't know who made it -- but that, you know, we understand the difference between interstate and intrastate pipelines and who regulates them. Well, you know what? We don't, because corporations like Sunoco get up in court and say that they are both, that they have -- the same pipeline is both. That goes against all basic human understanding of logic. Okay? I know you people are not that dumb.

So I know that some of you all are not from around here, but I suggest that you all read the Pennsylvania Constitution, especially Article 27 that says that all Pennsylvanians have the right to clean air and pure water and preservation of our environment, not only for ourselves but for future generations. And if you can't respect that, then you need to stay out of our state.

CHAIRMAN:

Thank you. Next, Robin McGuire; followed by Wendi Taylor; followed by Tim Spiese. I hope I got that name right.

MS. TAYLOR:

Hi. I'm Robin Maguire from Conestoga.

I'm here to speak for the old ones who have no voices, the American Indians whose sacred places we are destroying in our mad rush to squeeze the life blood from Mother Earth.

Conestoga Township, where I'm from, has been occupied for over 8,000 years. As proposed, the entire 4.1 miles of the Atlantic Sunrise Pipeline in Conestoga would cross site after site, one of which possibly has Aztec influence. Yes, Aztecs in Conestoga.

There is nowhere in Conestoga that this pipeline can go without impacting sacred grounds. If bulldozers destroy these places and crush skulls from burials, there will be a national outrage like you have never seen. Wanishi watu (phonetic), many blessings on you.

CHAIRMAN:

Thank you. Next, Wendi Taylor; followed by Tim Spiese.

MS. TAYLOR:

Thank you for the opportunity to comment on this 335 page report. First, I would like to ask for a 60-day extension to the comment period to allow the public to digest the report.

As chair of the Pennsylvania Sierra Club,

I have heard many accounts from property owners and community leaders about the conduct of this industry. We insist that DEP insists that this industry begins treating people and the public at large respectfully and dealing with them honestly and fairly. If this project is really in the public's interest, convince us. Stop running over us.

Further, I would like to invoke the precautionary principle. It says that when an activity may threaten human health and the environment, precautionary measures should be taken. It also shifts the burden of proof to the proponent of the activity. It is better to halt the activity until the risks to the environment are known, have been accounted for, have been prevented or mitigated. Do we really know the environmental damage that developing gas fields, building compressor stations, and constructing pipeline has caused and will cause?

The purpose of the Pennsylvania Infrastructure Task Force is to minimize the footprint of any new infrastructure. However, shouldn't we first develop a comprehensive policy inquiry into whether and to what extent anymore infrastructure is actually needed and is it in the public interest?

The answer may very well be that the

public costs outweigh the public benefits and that the Commonwealth should not be spurring more unneeded infrastructure until it has a full accounting of the costs and benefits. Let's assess the cost and benefit of keeping fossil fuels in the ground and developing a less carbon intensive economy.

Chief Justice Castille wrote in his opinion of the Robinson Township case that the Commonwealth has an obligation to refrain from performing its trustee duties respecting the environment unreasonably. As a trustee, the Commonwealth has a duty to refrain from permitting or encouraging the degradation and the depletion of the public natural resources either by direct stay of action or by failing to restrain actions of private property.

CHAIRMAN:

Could you wrap up please, Wendi?

MS. TAYLOR:

Surely. I hope that you will take Justice Castille's words to heart.

CHAIRMAN:

Next, Tim Spiese. And then we'll see if anyone who has not signed up would like to come forward. So, Tim Spiese.

MR. SPIESE:

Hi. My name is Tim Spiese. Thank you for getting that pronunciation right, not many do.

Before I forget, I wanted to say, Secretary Quigley, that I did hand-deliver a personal letter from Melinda Clauderbach (phonetic), who could not be here today, to one of your staff. I just wanted to make sure that you got that.

It's nice going later on in the lineup because there's not a lot to say. Karen Feridun covered global warming and the incredible frightening prospect that it is possible that we could be getting ready to take action, part of which is decided here, that could destroy a large portion of human kind and most of life on earth.

Now, I know scientists are still arguing about some things, but most agree that global warming is happening. Most agree that it's been caused by man. What they haven't said at all yet is how many people will die and when. So if we're at that point where we have to talk about how many people will die and will it be a hundred years or 200 years, folks, we've gone too far.

So not now, but at home tonight, people in the industry and the people in other agencies that have

a say in this, think about that. Think about that. Good Lord, what are we doing? If it's even remotely possible, what are we doing?

Michael Helfrich talked about the financial ridiculousness of all this. We have -- as part of our statements that we are going to contribute a gentleman, Dennis Witmer, spoke in Lancaster twice. And I'll bet you none of you were there. He's a senior energy analyst who in a nutshell -- it's 50-minute presentation. In a nutshell, he said this L and G export, these pipelines, this is an economic joke. You'll all sitting here at a poker game, and none of you even have a pair. And you're all waiting to see who folds first.

It's not economically feasible. It's not environmentally wise. And social justice, eminent domain, to take people's property for private gain is about as un-American as you can get.

AUDIENCE MEMBER:

That's right.

MR. SPIESE:

So let me talk about one thing that hasn't been mentioned yet, a brief history lesson. The War of Independence was not fought against a government. It was fought against the East India Trading Company, a

corporation with the government backing. People had to go -- people had to get shot at and risk their lives. We prevailed.

In 1860, there was a war between the states over slavery. People died to help give freedom to African-American slaves. In the early part of the century, the women suffrage movement brought the right to vote to women. People, men and women were arrested and went to jail so women now have the right to vote. And I don't think anybody wants to bring back slavery. And I don't think anyone thinks women shouldn't have the right to vote.

In the 1960's, four young African-American men walked into a restaurant and sat down and ordered sandwiches. And they brought their toothbrushes with them, because they knew they were going to jail. And these are the movements -- this is how change has happened in this country. And that's why I'm here to tell you that everyone here and everyone we're here representing, we are going to go to jail. We are going to get arrested. We are not going away. We are going to have our way. And I know that because it's always happened through history.

So acceptance, folks, is the key to serenity. You have no future with L and G. You have

no future with your pipelines. And you have no future against those of us who, again, will not allow it to happen.

And, Secretary Quigley, I know I'm over time. But please think about your legacies. Buck the system. You may not have a job in state government anymore. But do the right thing so history will say what Secretary Quigley did. Do the right thing, because what we're talking about here and what we're all gathering to do is not the right thing. Thank you.

CHAIRMAN:

That completes the folks that are signed up to speak. But is there anyone else in the audience that would like to speak? Ma'am, please step forward and tell us your name.

MS. AULT:

Hi. I'm Sharon Ault. I'm from Pine Grove Township, Schuylkill County. And I apologize, but I do not have a speech prepared. I'm going to speak from my heart. I am a landowner. And I realize I'm not going to stop the pipeline. I will do everything in my power to help everybody here to stop the pipeline. But I know I cannot buck the system. I cannot win.

I cannot believe that there is not any law that prevents a pipeline to put a house in a hazard

blast area. I am currently suffering from severe depression and anxiety because I cannot protect my house.

We worked hard to get the American dream like many other landowners here do. We would like your -- we would like to request you to help us. Please do not let the pipeline go through. If it must go through, do not put us in harm's way. I cannot sleep. I cannot protect my family. I cannot invite any grandkids to come to my house anymore, because it won't be safe because it's within the 1,100 feet blast hazard area.

Do you realize if that pipeline explodes, we're dead? Anybody within that hazard area is gone. Does anybody care about that? We are taxpayers. We work hard for the American dream. Please help us. Why should Williams be allowed -- Williams Company for Atlantic Sunlies -- Sunrise Pipeline be allowed to lie, mislead, cheat, do whatever they can. It's unfair. I'm asking you to help us, the landowners and every other landowner. Please intervene. Make them move out of the -- the blast hazard area.

There's building codes. You have to have inspections. How can a pipeline be in a blast hazard area? Please help the landowners. I'm sorry. Thank

you.

CHAIRMAN:

Thank you.

AUDIENCE MEMBER:

Don't apologize. Don't apologize.

CHAIRMAN:

Anyone else? Anyone else that hasn't had a chance to speak? Okay. Once and done. Is there anything else for the good of the order?

AUDIENCE MEMBER:

Unless you're a member of the task force.

CHAIRMAN:

All right. We are -- we stand adjourned.

Thank you.

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MEETING ADJOURNED AT 4:37 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings,
meeting held before Secretary Quigley were reported by
me on 11/18/2015 and that I, Denise L. Travis, RPR,
read this transcript and that I attest that this
transcript is a true and accurate record of the
proceeding.



Denise L. Travis, RPR