

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
IN RE: PIPELINE INFRASTRUCTURE TASK FORCE

BEFORE: JOHN QUIGLEY, Chairman
Lauren Parker, Terry Bessert, Don Kiel,
Mark Reese, Justin Trettel, Fred Dalena,
Cindy Ivey, Joe McGinn, Dave Callahan, Tom
Hutchins, Sara Battisti, Joe Fink, Duane
Peters, Wayne Gardner, Mark Gutshall,
Nicholas Geanopoulos, Neil Weaver, Bill
Kiger, Christina Jorge Schwartz, Davitt
Woodwell, Marvin Meeter, Curtis Biondich,
Mike Helbing, Michael Gross, Esquire, Ken
Klemow, Keith Coyle, Esquire, Matt Wurst,
David Hanobic, Steve Tambini, Michael
Smith, Leo Bagley, Mike DiMatteo, Heather
Smiles, Alan Brinser, David Smith, Anthony
Gallagher, Walt Hufford, Dan Devlin, Corey
Coleman, Ben Zhang, Serena Bellew, Colonel
Ed Chamberlayne, Bill Keller, Dave
Messersmith

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HEARING: Wednesday, July 22, 2015, 1:00 p.m.

LOCATION: Susquehanna Rooms A & B
DEP Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110

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Reporter: Bernadette M. Black

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DISCUSSION AMONG PARTIES

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E X H I B I T S

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NONE OFFERED

P R O C E E D I N G S

CHAIRMAN QUIGLEY:

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4 I'm the Secretary of Department of
5 Environmental Protection. I would like to welcome you
6 all to the first meeting of the Pipeline
7 Infrastructure Task Force. And on behalf of the
8 Governor, I would like to thank the members of the
9 Task Force for their willingness to serve and for your
10 participation here today. I would like to thank the
11 members of the public who are here today for your
12 interest and welcome your participation as we go
13 forward.

14 What I'd like to do is ask all to
15 introduce --- members of the council to introduce
16 themselves. We'll go around the table.

MS. PARKER:

17
18 Good afternoon. Lauren Parker. I'm a
19 civil engineer with Civil and Environmental
20 Consultants.

MR. BOSSERT:

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22 Terry Bossert from Range Resources.

MR. KIEL:

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24 Don Kiel from the SEDA Council of
25 Governments.

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MR. REESE

Mark Reese from Shell.

MR. TRETTEL:

Justin Trettel. Brice Energy.

MR. DALENA:

Fred Dalena, EQT.

MS. IVEY:

Cindy Ivey with Williams.

MR. MCGINN:

Joe McGinn with Sunoco Logistics.

MR. CALLAHAN:

Dave Callahan. Markwest Energy

Partners.

MR. HUTCHINS:

Tom Hutchins with Kinder Morgan.

MS. BATTISTI:

Sara Battisti with Southwestern Energy.

MR. FINK:

Joe Fink, CONE Midstream.

MR. PETERS:

Duane Peters, ACEC CRC.

MR. GARDNER:

Wayne Gardner of WE Gardner Company.

MR. GUTSHALL:

Mark Gutshall, LandStudies.

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MR. GEANOPULOS:

Nicholas Geanopulos, Geanopulos

Representations.

MR. WEAVER:

Neil Weaver, Department of Community and

Economic Development.

MR. KIGER:

Bill Kiger, Pennsylvania One Call.

MS. JORGE SCHWARTZ:

Christina Jorge Schwartz, Apex

Companies.

MR. WOODWELL

Davitt Woodwell, Pennsylvania

Environmental Council.

MR. METEER:

Marvin Meteer, Wyalusing Township.

MR. BIONDICH:

Curtis Biondich, TRC Solutions.

MR. HELBING:

Mike Helbing, Citizens for

Pennsylvania's Future.

ATTORNEY GROSS:

Michael Gross, from the Law Firm of Post

and Schell.

MR. KLEMOW:

1 Ken Klemow, Wilkes University.

2 ATTORNEY COYLE:

3 Keith Coyle, the Law Firm of Van Ness
4 Feldman.

5 MR. WURST:

6 Matt Wurst with the Pennsylvania Public
7 Utility Commission.

8 MR. HANOBIC:

9 David Hanobic with the Federal Energy
10 Regulatory Commission.

11 MR. TAMBINI:

12 Steve Tambini with Delaware River Basin
13 Commission.

14 MR. SMITH:

15 Michael Smith, Pennsylvania Department
16 of Agriculture.

17 MR. BAGLEY:

18 Leo Bagley, Pennsylvania Department of
19 Transportation for Secretary Richards.

20 MR. DIMATTEO:

21 Mike DiMatteo, Pennsylvania Game
22 Commission.

23 MS. SMILES:

24 Heather Smiles, Pennsylvania Fish and
25 Boat Commission.

1 MR. BRINSER:

2 Alan Brinser, Pennsylvania Emergency
3 Management Agency.

4 MR. D. SMITH:

5 David Smith, Pennsylvania Turnpike
6 Commission.

7 MR. GALLAGHER:

8 Anthony Gallagher, Steamfitters Local
9 420.

10 MR. HUFFORD:

11 And I'm Walt Hufford for Talisman, now
12 part of Repsol.

13 CHAIRMAN QUIGLEY:

14 Thank you all very much. I would like
15 to dive right into the work and start us off with an
16 overview of this Task Force and what it's about. As
17 soon as that comes up. And hopefully folks, we all
18 got this by e-mail for your convenience. Bear with us
19 for a second. We actually do have one.

20 MS. PARKER:

21 I'm sorry.

22 CHAIRMAN QUIGLEY:

23 You know what, I'll start. Hopefully
24 you have it in front of you. So we'll just do it the
25 old fashioned way. First slide that you come to is

1 really the basic frame here. We are in the midst,
2 obviously, of a wave of energy development, that is
3 unlike any other in the state's history.

4 The Marcellus Shale and shale gas
5 resources generally including the upcoming UDICA play,
6 presents an immense economic opportunity for the
7 Commonwealth. And it's important for us, as we are
8 now the number two or three gas producing state,
9 depending on whose statistics that you're listening
10 to. We've gone from essentially virtually no
11 production in comparison to other big states, like
12 Texas to the number two or three state in the nation.
13 We are now producing something like 25 percent of the
14 nation's natural gas and that's an immense change for
15 the Commonwealth. And we have to be aware of that
16 change and the potential it raises for Pennsylvania,
17 not only on the plus side, but on the development side
18 and considering the impacts.

19 Clearly we are in a low price regime
20 now, where the industry is challenged with thousands
21 of wells that are not connected to infrastructure and
22 an inability, relative inability to get gas to
23 markets.

24 The way that we need to solve this
25 together, is to help connect those wells to those

1 marks. Governor Wolf wants this industry to succeed.
2 He recognizes that the infrastructure challenge is a
3 major one. And we need to work together to find the
4 win-win opportunities to connect these wells to
5 markets over common low price regime and get on with
6 life. Clearly we're talking and it's a point to make
7 a definitional distinction here --- we're talking
8 about pipelines writ large; we're running it upstream,
9 gathering lines; mid-stream; transmission lines for,
10 processing, transportation and storage; as well as
11 downstream, for processing and refining. So we're
12 looking at the entire spectrum of pipeline development
13 that will be developing in the Commonwealth.

14 Give me ten seconds to see if this
15 opens. The wonders of technology. Okay, were one
16 slide four, one more. We made this definitional
17 distinction --- next one, please. This is a depiction
18 of the existing pipelines that are located across the
19 Commonwealth. You see obviously the vast majority of
20 counties in Pennsylvania are already affected by
21 pipeline infrastructure. Next slide. There are
22 probably between 15 and 20 proposed projects right now
23 in Pennsylvania. We have depicted on this map some of
24 those projects. But when you add them together what
25 you see is that the pipeline infrastructure

1 development that is already planned. That is, it
2 doesn't include what is yet to come. It literally
3 touches just about every county in Pennsylvania. So
4 this is a statewide challenge. This is one of the
5 reasons the Governor has convened this task force is
6 to think ahead about the impacts on the environments
7 and on communities as this infrastructure is built out
8 over time.

9 Zooming into Bradford County, this is a
10 depiction of the gathering lines that are currently in
11 place in just that one county alone. So, if you look
12 at the density of development that is occurring in all
13 of the shale producing counties of the Commonwealth.
14 There are profound environmental and community impacts
15 that we need to take into consideration in our work.

16 So, given build-out and what will be
17 coming, really over the next decade, we are going to
18 see substantial infrastructure build-out. We have an
19 opportunity with that build-out to engage stakeholders
20 in a collaborative process to make sure the pipeline
21 infrastructure system that is developed in
22 Pennsylvania is world class. We want to have this
23 Pipeline Task Force meet that challenge in a very
24 transparent way to develop policies, guidelines and
25 tools to assist in the development as well as the

1 long-term operation and maintenance of the
2 infrastructure.

3 One of the Governor's most important
4 areas of emphasis in everything that we do in his
5 administration is transparency. This task force will
6 be --- involve a transparent process, we're going to
7 show the work and that's why we're broadcasting this
8 meeting on the internet today. We wanted to make
9 sure that we are showing this work to the public
10 because it literally is going to affect every county
11 in the Commonwealth. That we're going to work in
12 cooperation and coordination with federal agencies,
13 state partners, local governments, industry
14 representatives, landowners and environmental
15 advocates.

16 Here's how we're organized. As you look
17 around this table, you might think we're in the
18 world's biggest committee and in some senses, we are,
19 a total of 48 folks have graciously volunteered to
20 serve here. And there's --- and I'll talk about the
21 second half of that equation, you can see the
22 categorization of the members of the Task Force. We
23 have obviously significant external stakeholder
24 relationships. Representation from just about every
25 agency of State Government, representatives from

1 General Assembly and our federal partners. And now
2 the clicker's not working. Okay, let's try it again.

3 All right. The Task Force --- the
4 responsibilities of the Task Force is essentially to
5 develop a set of best practices and other
6 recommendations on how --- on the full spectrum of
7 pipeline infrastructure development. So how we plan,
8 site, and route pipelines in ways that avoid
9 environmental impacts, reduce community impacts. How
10 do we amplify and engage in meaningful public
11 participation? And I think it's pretty clear, from
12 the experience of many around this table and certainly
13 from a fair reading of the news media, there is a
14 significant degree of public angst about pipeline
15 development in many areas of the Commonwealth. How do
16 we together come up with suggestions on how we amplify
17 meaningful public engagement?

18 How do we maximize opportunities for
19 predictable and efficient planning? With the multiple
20 jurisdictions that are involved in the approval of
21 these projects, are there opportunities to streamline
22 that process to work in parallel, to work more
23 efficiently and to provide a predicable path forward
24 for the companies that are literally investing tens of
25 billions of dollars in the Commonwealth. It's an

1 important goal for this Task Force. Can we identify
2 the best construction methods that reduce
3 environmental and community impacts? And finally in
4 the operation of this infrastructure can we make sure
5 it's done safely and that these facilities have
6 integrity over the life of their operations. All this
7 work will be rolled up into a final report submitted
8 to the Governor by February of 2016.

9 And here's how the work will be
10 developed. We have workgroups. A total of 12
11 workgroups. Featuring 110 additional volunteers, who
12 will be working with us and it will be the
13 responsibility of the work groups to actually develop
14 the framework and information gathering processes, to
15 discuss best practices. Have a series of work
16 sessions and we're suggesting that the work groups
17 will probably most easily convened by phone and were
18 tasking the work groups with developing a series of
19 recommended best practices and other recommendations
20 that they will present to this Task Force, to this
21 committee for consideration. So the work will come
22 from bottom up.

23 The flow will be workgroups to the Task
24 Force for consideration. I think it's important for
25 us to walk through the workgroup assignments. Just so

1 we're all clear and on the same page as to what we're
2 doing here. In terms of Agriculture it's pretty
3 clear, recommended best practices to avoid, minimize,
4 and mitigate the impacts of pipeline development on
5 the agricultural sector. In the natural resource
6 area, best practice to avoid, minimize, and mitigate
7 impacts on species, habitat, wildlife, scenic vistas
8 and aesthetics, recreational values, and public lands.

9 In terms of the County Government, we
10 have a workgroup that will look at how we harmonize
11 all of this infrastructure development that will
12 literally touch every county in the Commonwealth with
13 county land use planning. It's important to the
14 partner with counties as this development goes
15 forward.

16 Emergency preparedness almost speaks for
17 itself. We need to pay attention to and come up with
18 recommendations for a first response, make sure there
19 are adequate training programs for first responders
20 for communities that are impacted by this development.
21 To provide the public with additional assurance that
22 this development is going to happen responsibly.

23 Environmental protection, a group that I
24 will chair. We're looking at how we protect land,
25 water, air during development and identify ways to

1 maximize opportunities for this predictable, efficient
2 permitting across state and federal jurisdictions.
3 It's important to recognize historic, cultural and
4 tribal. There have been some controversies in one or
5 more counties in the Commonwealth already relative to
6 disturbing Native American sites. That is important
7 cultural treasure for the Commonwealth and we need to
8 identify practices that will protect historic,
9 cultural resources and create opportunities and
10 identify ways to maximize tribal involvement in the
11 dialogue that is so necessary around the development
12 of this infrastructure.

13 Local Government. One of the areas that
14 is most impacted and where folks on the ground feel
15 this activity, perhaps most acutely is identifying the
16 issues that are important to local governments.
17 Before, during, and after the development occurs, at
18 what point --- where's the best place to engage with
19 communities and what point of the process is best to
20 engage with communities. And how do we do that in a
21 really effective and respectful way. The Governor is
22 looking forward recommendations along those lines.

23 Natural Gas End Use. We are sitting on
24 an immense resource, perhaps the richest deposit of
25 natural gas on the planet. How can Pennsylvania take

1 maximum advantage of this resource? How do we make
2 sure, very frankly, that we burn and make stuff with
3 as much of this gas as possible in Pennsylvania, so
4 that we maximize our economic opportunity. So, what
5 are the opportunities in terms of technology, things
6 like combing and power, fuel cells that can benefit
7 businesses in the Commonwealth and spur the creation
8 of micro grids. What are the economic and regulatory
9 obstacles, to those types of developments and how,
10 very importantly, can communities that are sitting on
11 top of this resource, but literally can't get at it.
12 How can we connect them to this resource in ways that
13 makes sense so that they can avail themselves of the
14 opportunities that this resource presents to them.
15 So, I think we need to pay some very close attention
16 to the needs of those communities who, ironically, are
17 sitting on top of this resource but can't get at it.

18 Pipeline Safety and Integrity.
19 Obviously goes without saying, but the integrity of
20 this infrastructure is critically important to the
21 future of the Commonwealth and we need to look at
22 things like leak detection and repair. Bearing in
23 mind the important climate signature of natural gas,
24 it is depending on which temporal measure you use. It
25 is 84 times more potent as a greenhouse gas and carbon

1 dioxide so, we have to make sure the leaks from this
2 infrastructure are driven to the absolute minimum and
3 what are the techniques to do that.

4 This one is obviously critical, public
5 participation. Amplifying and engaging in meaningful,
6 and I'll underscore the word meaningful, public
7 participation around this process. This is, to some
8 degree, disruptive of communities. And we need to be
9 respectful and take into consideration in our work the
10 needs of those communities.

11 Siting and Routing. One of the tools
12 and practices that can be employed for smart planning
13 to avoid and minimize impacts both to the environment
14 and communities. What are the tools that are
15 available to the industry and to communities
16 themselves?

17 Finally, Workforce and Economic
18 Development. Consider all of this --- wrapping all of
19 this into one challenge, I think, is on the workforce
20 front. How do you work with the natural gas and the
21 workgroup? And focus on approaches for creating
22 opportunities for businesses in Pennsylvania, for
23 manufacturers, for example, to use this gas, look at
24 recruitment strategies, working with local economic
25 development organizations and how do we identify

1 opportunities to create these local off take points
2 during the process of infrastructure development,
3 where they currently don't exist, and then identifying
4 the policy, regulatory, financial obstacles. And
5 also, very serious consideration of the needs for
6 developing a skilled workforce. And that's a
7 comprehensive assignment, clearly.

8 Now the role of the workgroup chairs.
9 I'm one, so I'm in this boat with 11 other folks in
10 this room. The chair of the workgroup is responsible
11 for leading the work. That chair working with his or
12 her workgroup to set the frequency of meetings, based
13 on the groups preferences, but we're suggesting that
14 they should be at least monthly. Keeping in mind,
15 we're going to talk about the schedule in a couple
16 minutes, that we are expected to deliver a report to
17 the Governor by the first of February of 2016. So
18 this will be a very focused effort and again I
19 appreciate everyone's involvement and commitment to
20 this.

21 For each workgroup a DEP employee will
22 serve as liaison, to provide content support. We have
23 an internal workgroup that you will be hearing about
24 in a few minutes. But the workgroup members
25 themselves are responsible for research, note taking,

1 and report writing. The work of this Task Force is to
2 consider and add to or subtract and otherwise approve
3 the work of the individual workgroups. Again, the
4 chairs, each workgroup is to deliver to this task
5 force a set of recommendations and recommended best
6 practices and appropriate supporting materials, not
7 necessarily writing an encyclopedia, but we're asking
8 each workgroup chair to make sure that his or her work
9 group sticks to the task. We can elevate other
10 issues to this Task Force, but we're asking the
11 workgroups, in a very focused way, to pay attention to
12 the charge, the specific charge that has been handed
13 to them. And the final workgroup recommendations are
14 to be completed and submitted to DEP for circulation
15 to this Task Force by noon on Monday, November 2nd.
16 So, consider the magnitude of the challenge here for
17 just a second --- there's not a lot of time to do an
18 awful lot of work. This is why, again, I want to
19 thank everyone involved for being involved in this
20 effort.

21 Here is how we'll rule. We'll use
22 Robert's Rules of Order. I want to say in a very
23 emphatic way that we're striving for consensus. We
24 have 48 members of the Task Force, so a 25 to 23 vote
25 is not really satisfying, I think, to any of us. And

1 I want to say that we have some experience in the
2 Commonwealth of using this kind of a collaborative
3 stakeholder driven process.

4 In my previous stint in state service,
5 we did a project called The Wind and Wildlife
6 Collaborative. And the early part of the last decade
7 when the Alternative Energy Portfolio Standard was
8 passed by the General Assembly, and we incentivize
9 wind power, and the wind industry came into
10 Pennsylvania for the first time. There were literally
11 no rules on how to sight wind turbines in
12 Pennsylvania. And there was a lot of angst by
13 communities, by the environmental community. By all
14 kinds of stakeholders; sportsmen, bird watchers, you
15 name it, about what the impact of this new industry in
16 Pennsylvania. And faced with that challenge we
17 convened, and I led, a group of --- that was comprised
18 of all of the stakeholders, the local governments, the
19 NGO Community, the wind industry, the appropriate
20 federal and state agencies, Fish and Wildlife Service,
21 Pennsylvania Game Commission, Fish and Boat
22 Commission. And we had a collaborative conversation,
23 like the one we are starting here this morning, about
24 how to sight wind power responsibility and avoid,
25 minimize and mitigate the impacts. And through a

1 collaborative process, a transparent process, we ended
2 up with the first set of sighting standards for wind
3 power in the United States. And they were adopted by
4 the Pennsylvania Game Commission in their Voluntary
5 Cooperative Agreement and I still submit that it's
6 probably the best in the country, so we know that this
7 process works. It demands a lot of all of us as
8 participants in it, to listen, to participate fully,
9 to be engaged in the conversation. That's really our
10 essential task here, is to listen to each other here,
11 hear the perspectives to what we're all bringing to
12 the table. And working with the work products of the
13 workgroups, and consider what needs to be reported to
14 the Governor in terms of our recommendations. This
15 will be the forum that we take --- the format that we
16 use for this Task Force, typical meeting, we'll do the
17 hello, how are you, we will have a series of
18 presentations to provide information to the Task Force
19 on critically important issues.

20 I'll give you some examples. We have
21 already --- have in process a presentation from DCNR
22 about landscape level planning and how they apply that
23 technique to the state forests. I will actually be
24 doing to a presentation this afternoon on the case for
25 landscape level planning. We have talked to the Nature

1 Conservancy about presenting on their sighting tools.
2 I've asked Jeff Hogan, member of the Task Force, to
3 work with us and identify and collect a set of
4 industry best practices so that we can be informed of
5 --- I'll say it this way, who are the best actors in
6 this infrastructure development business. Who is
7 engaging with communities' best, who's using the best
8 planning tools, the best construction standards, et
9 cetera, so we'll hear very prominently from the
10 industry and what it considers to be best practices.
11 And we will talk later on today about what other kinds
12 of presentations and information that you as members
13 of the Task Force would like to receive over the
14 course of our work.

15 We will have report outs from each of
16 the workgroup chairs. At each meeting, each workgroup
17 chair will report to us on his or her progress and the
18 work of their group and we'll have open discussion,
19 and lots of it. There will be a public comment
20 period, and there will be today as well, a public
21 comment period where individuals will be asked to keep
22 their comments to two minutes. If there's a group
23 presentation we'll allot five minutes. And we will
24 welcome written comments from the general public, at
25 any time, they can submit them electronically.

1 There's an e-mail address on the DEP Pipeline
2 Infrastructure Task Force website. Members of the
3 general public can avail themselves at any time and at
4 every meeting we'll talk about next steps.

5 And now, here's the schedule. Obviously
6 we're here today. And we've asked workgroup chair to
7 schedule a meeting by Friday July 31st, have the first
8 meeting scheduled by then and hopefully completed and
9 I believe we're on track for that. Our meetings will
10 be Wednesday August 26th, Wednesday September 23rd,
11 Wednesday October 28th, all from 1:00 to 4:00 p.m.
12 here, unless we see a need to have a bigger room. So
13 that is the schedule. The deadline for workgroup
14 reports, again, is Monday, November 2nd. This Task
15 Force will meet to discuss a first draft of our report
16 on Wednesday, November 18th. We will have a public
17 comment period on the draft report in the month of
18 December. And the Task Force will reconvene on
19 Wednesday, January 13th to review a final draft of the
20 report, with the presentation to the Governor by
21 February 1st of next year.

22 Obviously, an ambitious time frame. And
23 I would be happy to stop here and ask if anyone has
24 any comments or questions about the timeline. Hearing
25 none, I'll keep going. Any other questions?

1 MR. CALLAHAN:

2 Understanding that there are going to be
3 several reports from the working groups to the Task
4 Force at all of our meetings, will there be deadlines
5 for those workgroups to submit written materials to us
6 and get them in advance of the meeting. Or will they
7 be just presented at the meetings?

8 CHAIRMAN QUIGLEY:

9 Well, we will ask each workgroup chair
10 to give an update at each meeting, but the deadline
11 for hard copy is November 2nd. So immediately after
12 that we will, internally, at DEP compile the draft
13 reports from each workgroup and get them out to
14 members of the Task Force, we'll do that as quickly as
15 possible. It will happen the week of November 2nd.
16 So it will be very much an education and discussion
17 process for this Task Force until November 2nd. And
18 then we'll have work product from the workgroups to
19 consider.

20 Any other questions? Could I ask that
21 the members of the Task Force that have come in since
22 the start of the meeting introduce themselves?

23 MR. DEVLIN:

24 I apologize. Dan Devlin. I'm DCNR.
25 There was an accident on Cameron Street, I apologize.

1 MR. COLEMAN:

2 Sure. Corey Coleman, Chief of Staff for
3 the Department of Health.

4 MR. ZHANG:

5 Ben Zhang, Special Assistant in the
6 Governor's office.

7 MS. BELLEW:

8 Serena Bellew, Pennsylvania Historical
9 Museum Commission.

10 MR. CHAMBERLAYNE:

11 Colonel Ed Chamberlayne, Commander of
12 the Baltimore District, U.S. Army Corps of Engineers.
13 I apologize for being late, day three on the job,
14 still trying to figure out where this is.

15 MR. KELLER:

16 Bill Keller, Pennsylvania House of
17 Representatives.

18 MR. MESSERSMITH:

19 Dave Messersmith with the Penn State
20 Extension, Penn State University.

21 MR. QUIGLEY:

22 All right. I think that's it. All
23 right. Welcome to our late comers, I appreciate you
24 being here. The next item on the agenda is a
25 presentation from Ann Roda of DEP, Ann is the Director

1 of Program Integration for the Agency and she will
2 present on our internal workgroup.

3 MS. RODA:

4 Let's hope technology is on my side for
5 this presentation. Can everyone hear me? Any better?
6 So, hopefully technology works a little bit better for
7 me through the next several slides that I have for
8 you. I want to thank you for the opportunity to
9 provide to you an update on where DEP is with our
10 internal efforts as we look at pipeline development in
11 Pennsylvania. Many of the topics that we're working
12 on, internally, have risen from questions from
13 applicants that have been raised as they're developing
14 their projects here in Pennsylvania, as they're
15 holding pre-application meetings within our regional
16 offices, as well as how DEP is implementing our
17 permitting and compliance programs and processes.
18 Many of those topics that we're working on internally,
19 reference and mirror a lot of the worker points that
20 you're going to be touching on. And I'll get into a
21 few of those here in the next few minutes. I want to
22 give the Task Force an idea of what we're working on
23 internally, how that can relate both to the Task Force
24 as well as the workgroups.

25 So, the scope of work. With the

1 internal group, what we've decided is the internal
2 growth will work on identifying and addressing
3 programmatic issues related to pipeline development.
4 A lot of these, as I had mentioned previously, come
5 from our pre-application meetings. The guidance we're
6 providing to applicants when they're developing their
7 application packages for their programs. What are
8 some of the common questions that we're getting? What
9 are some of the common areas where we know that
10 additional guidance is needed? And we've put together
11 a staff of several program areas representing those
12 kind of key program areas where you're going to need
13 your permits. For a pipeline project that typically
14 means permits; your air quality, your oil and gas,
15 water, both for your erosion and sedimentation control
16 in your water obstruction encroachments. Regional
17 offices, they play a very large role in our permitting
18 and compliance aspects. Our communications,
19 legislative affairs, policy and chief counsel are all
20 involved. So we have a very wide ranging in group.
21 And it's a very diverse group of not just central
22 office folks, but a good balance with central office
23 and our regional folks. Looking develop additional
24 guidance and procedures that will work in the regions
25 and in implementation of those documents.

1 Immediate objectives and long-term
2 objectives of the workgroup. Immediate, where we say
3 unraveling the complicated process. How can we look
4 at the process that's needed for your state and
5 federal authorizations and how can we look at putting
6 those on a parallel track so it's understandable for
7 the applicant when they're coming in for, here's the
8 process I should be following when I'm looking to
9 obtain the necessary permits for my project. Here are
10 the points for compliance, both federally and state.
11 So how do we look at what that complicated process is
12 and how can we put them on parallel tracks? To do so,
13 we filled in a lot of --- a lot of the questions that
14 typically come up from the public. Common application
15 questions or areas where we're looking at when we're
16 reviewing the permits. We're reviewing the pre-
17 application documents that come in. How can we look at
18 providing better guidance, better standard operating
19 procedures for process improvements, not only for our
20 staff, but for the applicant and for the public to
21 understand. Here's typically what happens with
22 pipeline development in Pennsylvania.

23 The long-term objective would be also
24 looking at what comes out of the Task Force. What are
25 some of those best practices that are identified for

1 the Department to consider for implementation? What
2 comes out of the report? And how can we look at
3 implementing those long term?

4 So we have kind of the immediate things.
5 The things that we know of that we should be working
6 on now. Some standard operating procedures. Some
7 guidance material for applicants. Then in the long
8 term, how does the work of this effort play into and
9 become implemented into the department's activities?

10 So a structure. As I have mentioned, we
11 have the various program areas that are represented
12 and seem like common areas to break out the subgroups,
13 or the work that we are working on. So, we have air
14 quality, water, public participation and federal
15 interaction. We're also, as an overall workgroup,
16 looking at the development of a planning toolkit. So,
17 the next two slides are going to touch on what the
18 subgroups are working on. And I should say the
19 bullets that are listed are just examples. It's not
20 an all-inclusive list. There are many things that we
21 are working on and discussing internally that I'd give
22 you a whole booklet of different things and I wanted
23 to keep it manageable.

24 But to give you an idea for air quality,
25 working with the folks at FERC in the General

1 Conformity Analysis. Looking at what comes in from an
2 applicant to FERC for a draft Environmental Assessment
3 or a draft Environmental Impact Statement and how does
4 that dovetail with the General Conformity Analysis
5 that our DEP staff do. How can we look at providing
6 better guidance up front to applicants for what are
7 those key components of the general conformity. What
8 do we typically miss from it and how can we improve
9 upon that. So, when applications are submitted both
10 to FERC and when we're commenting on, we're capturing
11 both sides of it.

12 Our water program. This is an area
13 where, I think, when we look internally we've spent a
14 good bit of time because when you're looking at the
15 types of permits that are needed for our pipeline
16 project, you're looking at your erosion and
17 sedimentation control, water obstruction and
18 encroachments in your hydrostatic testing in 401 water
19 quality certifications. All key permit areas and key
20 compliance areas that fall within our water program.
21 We spent a considerable amount of time working on some
22 of those details because those are the areas where
23 we're looking at it from a guidance process
24 standpoint. So, what we want to touch on the 401
25 Water Quality certifications. When are those needed?

1 What type of projects? How does the process work?

2 What documentation needs to come in for an
3 application? How is it reviewed internally?

4 Some SOP and Guidance Development. If
5 we develop anything on 401 Water Quality
6 certification, do we need to have a standard operating
7 procedure, both for our regional staff and how they're
8 going to review that? But also for the applicant, how
9 they're going to complete that documentation.

10 Guidance development. Looking at what we have
11 available now, do we need to make some improvements.
12 And also, looking to develop additional operating
13 procedures. Some things that have come up are in kind
14 of pre-application, some standard questions that we
15 ask any applicant to better identify the types of
16 permits that you would need. The common areas of
17 deficiency with an application. So, how can we
18 improve upon the questions that we're asking an
19 applicant up front to improve the process in the end
20 when those applications come in. And then overall the
21 102 and 105, the permitting and compliance, touched on
22 a lot of those through the SOP and the guidance
23 documents, because those are the areas where we're
24 looking for those permit activities.

25 Public participation. This is also a

1 workgroup for you all to be looking at from the Task
2 Force. What we're looking at in the DEP realm is
3 looking at the typical permits that are needed for a
4 project. What are the public participation
5 components? We need to be able to outline those for
6 the public, to say here's when we will be noticing an
7 application. Here's the type of comment period. But
8 kind of looking at the participation component for
9 what we are currently doing. How does it dovetail
10 with our existing public participation policy and are
11 there other examples out there, both, maybe another
12 agency or another state, that we could look to improve
13 upon our public participation. And I think from the
14 workgroup there will be several examples from that
15 effort from your Task Force workgroup that can
16 dovetail into that work.

17 Then the last subgroup that we have is
18 federal interaction. As I had mentioned, one of the
19 immediate goals of --- the immediate objective is the
20 internal group is looking at the parallel process. Of
21 what do you need an unraveling process both state and
22 federally. And to get to that point, working with our
23 federal partners, what is the process? Are there
24 standard things that we can be working on together to
25 improve --- when the applications come to improve

1 compliance and construction schedules, field visits,
2 things of that nature.

3 One example that we can point to with
4 our work so far with FERC is FERC came up to
5 Pennsylvania and gave a whole afternoon presentation
6 to a large group of our staff to just walk through and
7 provide kind of a FERC 101 overview with our staff.
8 What does it look like for an application when it
9 comes in for pre-filing to the filing stage, draft an
10 Environmental Assessment. We were to give our staff
11 within multiple programs, multiple regional offices
12 another, understanding what that process is. Working
13 also with FERC on developing a standard point of
14 contact or a standard stakeholder list for
15 participants within the agency that when an
16 application comes in, who can FERC be reaching out to
17 say hey this application has come in. Here's the
18 stakeholder information. So, how can we improve upon
19 those? And those are areas that we are continuing to
20 work on with them right now.

21 And then another point that the
22 workgroup is --- the internal group is looking at, is
23 the planning toolkit. Talk a little bit about it
24 within your workgroups, but also the Task Force,
25 you've heard a little bit mentioned so far today in

1 other presentations is kind of the planning. How do
2 you avoid and minimize impact? So, how can you look
3 at developing a planning toolkit, and some of our
4 participants want to see kind of the red light, green
5 light, yellow light of line development. So we're
6 looking at your mapping capabilities, data layers of
7 being able to showcase, I want provide and put in
8 where my proposed line is or where I'm projecting my
9 proposed line to be. What are some of those common
10 areas that I might run into? Is there an EV/HQ
11 watershed that I might run into? Am I going to run
12 into wetlands? Are there sensitive habitats that I
13 should be avoiding? Being able to put some of those
14 data layers together upfront in a planning toolkit to
15 be able to show, both from the planning side, but also
16 from a permitting side. Hey, these are some red flags
17 upfront that we should be looking at from a proposed
18 line and being able to build the conversation from
19 there. So, that's another topic that our workgroup is
20 looking at, is what are some of those potential
21 layers? Who has the available data and how do you
22 start piecing that together?

23 The internal workgroup efforts and their
24 connection to the Task Force. It was mentioned that
25 there was going to be a department liaison within each

1 workgroup. That liaison will be that point of contact
2 for that workgroup of the Task Force for knowledge and
3 expertise. I can point to Kerry Leib who's here.
4 He's going to be on the emergency preparedness
5 workgroup, but Kerry is our Emergency Response
6 Director, so Kerry can point to examples and knowledge
7 on our environmental emergency response program and
8 how we respond to emergencies and be able to address
9 and answer questions for that group. That's just one
10 example of the expertise that our staff will be able
11 to provide to the overall workgroups that you all will
12 have. So in addition to our internal efforts we will
13 be working collaborative with you all as well.

14 I went through a lot today. I really
15 appreciate the time today and look forward to see what
16 comes out from the Task Force and the workgroups. So
17 if you have any questions, feel free to follow up with
18 me after the presentation today or as you're working
19 through your efforts.

20 CHAIRMAN QUIGLEY:

21 All right. We are going to take a five
22 minute break. We will reconvene at ten of, ten to
23 2:00.

24 SHORT BREAK TAKEN

25 CHAIRMAN QUIGLEY:

1 All right. Thank you, very much for
2 really observing the time pretty well. I appreciate
3 that very much. At this time I'd like to have a
4 conversation about the case for smart planning. And
5 full disclosure, previous to coming back to state
6 service, I ran my own consulting business and I did
7 some research on the efficacy of smart planning,
8 landscape level planning for clients. I will mention
9 that during the presentation. So I came to my
10 appreciation for the subject of smart planning in my
11 days at the Department of Conservation and Natural
12 Resources. In 2009, 2010, 2011, and the Agency was
13 tasked by the General Assembly to lease a total of
14 about 7,000 acres of state forests land for the
15 purposes of supporting the state budget in the depths
16 of the great recession. And in that context the
17 agency did its first three leases for natural gas
18 development --- for shale development ---
19 unconventional natural gas development on the state
20 forest land and I think it's safe to say, that the
21 Agency learned a lot, I know I certainly did.

22 And one of the principle things that I
23 learned was that the art and science of smart planning
24 and how it was practiced at DCNR, in which I still
25 believe are one of the exemplars of that discipline

1 nationally and in a future meeting we'll ask Dan
2 Devlin to give us a presentation and then the folks at
3 the Bureau of Forestry on that art..

4 Now, I would like to talk to you briefly
5 this afternoon about this idea of smart planning.
6 Clearly, as I mentioned this morning, Pennsylvania has
7 an immense economic opportunity to develop an
8 indigenous energy resource, to foster a renaissance in
9 manufacturing in the Commonwealth to contribute to not
10 only the state but the nation's energy security. We
11 also have a huge opportunity from an environmental
12 standpoint to generate significant air quality
13 benefits in terms of the emissions that it release
14 from burning natural gas for electricity generation.
15 Significant air quality benefits that are to be
16 obtained and certainly climate benefits. Studies have
17 shown that when combusted to generate electricity,
18 natural gas is 50 percent cleaner than coal in terms
19 of carbon emissions. So, we have to be attentive to
20 all of those benefits. But we also have to be
21 attentive to impacts.

22 The first that I would be remiss if I
23 didn't talk about first is the environmental impact.
24 We will hear in future meeting from the nature
25 conservancy on this but just to get some highlights of

1 the work, in 2011 TNC came out with a report on the
2 impacts of energy development in the Commonwealth.
3 And it looked particularly at pipeline development and
4 what those impacts would be on a heavily forested
5 state, like Pennsylvania. And in the case that they
6 looked at that, they identified first that there was
7 almost 9,000 miles of existing pipeline before shale
8 gas resolution. And projected, perhaps
9 conservatively, that by 2030 we will see somewhere
10 between 12,000 and 27,000 miles of new gathering
11 lines. And as a result of that development, somewhere
12 between 60,000 and 150,000 acres of forest cleared in
13 the Commonwealth. There will be additional impacts
14 creating these clearings creates internal impacts that
15 ripple into the forests. Somewhere between 360,000 and
16 900,000 acres of new forest edges created as a result
17 of pipeline development in the Commonwealth by 2030,
18 each of these slides have the citation, so that you
19 can look at source documents yourselves. But when you
20 translate that into what is the impact, top level, on
21 a forested state like Pennsylvania. TNC's were
22 suggesting up to six percent of the state's forest
23 cover would be damaged or destroyed as a consequence
24 of this projected pipeline development. And that's
25 before we talk about compressor stations, which will

1 number in the many hundreds. And I'll say it's a
2 worst case scenario, but it's something that we need
3 to pay attention to and plan for. While six percent
4 might not necessarily seem like a small number, it's
5 also important to note that where this development is
6 going to occur will touch the home of many rare and
7 endangered species in the Commonwealth and something
8 like eighty percent of the trout supporting watersheds
9 in Pennsylvania will have some type of Marcellus Shale
10 development over the next couple of decades. So we're
11 talking about impacting sensitive habitats and six
12 percent forest loss in some of these sensitive areas
13 has vastly bigger impact than that would imply. So
14 six percent is a big number for a state like
15 Pennsylvania.

16 Clearly, with the development of these
17 linear infrastructure situations, we have the
18 potential for erosion and sedimentation. We have the
19 potential with the compressor sections and leaking
20 pipelines for air emissions, that I know the industry
21 is very attentive to, and wants to minimize. But
22 again, it's a factor. And another piece of work that
23 TNC did in 2012 is almost the follow up to their work
24 on projecting out the impacts, was looking at where
25 --- what set of best management practices for the

1 development of this resource, from drilling to
2 pipeline transmission have the most scientific
3 support. And what TNC found and they will tell you in
4 much clearer terms than I, that there's most
5 scientific support for landscape level planning that
6 is scientifically demonstrated to have efficacy to
7 assist in avoiding, minimizing and mitigating impacts
8 of natural gas development writ large.

9 Let's look, very briefly at some of the
10 other impacts which I know folks around this table and
11 in this room would agree are obvious. There are
12 impacts from this development in other sectors.
13 Agriculture, our biggest industry in Pennsylvania is
14 certainly impacted by this development. The state's
15 timber industry and the hardwood industry in
16 Pennsylvania, employs something like 60,000
17 hardworking Pennsylvanian's, is impacted. Not only
18 in terms in the clearing that is occurring, but the
19 road bonding costs that the industry is seeing as a
20 result of the heavy truck traffic that's related to
21 drilling. So, there are impacts that are from this
22 development on that sector. And certainly it is
23 impacting outdoor recreation and the state's tourism
24 economy, which is the number two or three industry,
25 it's a multi --- tens of billions of dollars of

1 economic development responsible --- flowing from
2 outdoor recreation in the Commonwealth. So, there
3 are certainly impacts in other industries. Clearly,
4 impacts on communities and this Task Force will be
5 talking about that. Impacts on landowners and we'll
6 be talking about that, cultural and historic resources
7 and aesthetics. So a wide range of impacts.

8 And our challenge here and the challenge
9 facing Pennsylvania, really, is to find the balance.
10 To find the balance between exploiting the riches that
11 this resource provides and the impacts. Finding the
12 win-wins, where are the sweet spots that we can
13 identify in this group that advance the interest of
14 the industry and communities, and the environment at
15 the same time? And I'm convinced that we can do that.
16 And I'm convinced also that one of our best tools is
17 this idea of smart planning. This, as you'll see in
18 the ensuing slides, this discipline of looking at GIS
19 layers and figuring out routes to avoid or minimizing
20 the impact. As cross-sectoral support there are
21 robust recommendations for its implementation. And
22 it's already being done by leaders in the industry and
23 leaders at state level and across the country. In
24 terms of support for smart planning there are
25 government agencies that do this work and support it.

1 There are national and international NGOs that have
2 endorsed the idea and called for, essentially, the
3 necessity of employing smart planning in natural gas
4 development and infrastructure development. A number
5 of national experts that were surveyed recently, by a
6 particular group, that I'll talk a little bit about.
7 Clearly the general public supports this idea of smart
8 planning and so do investors. So there is broad and
9 deep support for this idea of smart planning and we
10 will be working through this together and certainly in
11 some of the work groups in particular.

12 In terms of support from governments and
13 NGOs. The Secretary of Energy convened the shale gas
14 subcommittee that looked at and issued a very
15 influential report in 2011 that talked about the
16 impacts of drilling, production operations, and all
17 this supporting infrastructure and they said that that
18 development, can quote can overwhelm ecosystems and
19 communities. And the Secretary of Energy of the Shale
20 Gas Subcommittee called for the adoption of landscape
21 level planning. The International Energy Agency in
22 2012 came out with a report called the Golden Rules
23 for a Golden Age of Gas. And very interestingly they
24 looked at the economic side of smart planning and IEA
25 suggested after an exhaustive analysis, that if the

1 industry, writ large, would plan on a landscape level
2 and optimize the placement of its infrastructure, co-
3 locate and share rights-of-way, things to that nature.
4 That the industry could achieve an overall cost
5 savings of five percent on its development costs.
6 Five percent is a lot of money. I know, for example,
7 that Sunoco pipeline is a \$3 billion investment. Five
8 percent of \$3 billion dollars is a lot of money. So
9 there's an economic incentive that I think we will be
10 able to work through and demonstrate as we go forward,
11 that there's an economic incentive to do smarter
12 planning.

13 The European Commission, which looked at
14 Pennsylvania as a cautionary tale, very frankly, came
15 out with a three volume report a couple years ago on
16 the path for shale gas development in Europe. And
17 they called out in particular the importance of
18 science based characterization of landscapes, habitats
19 and corridors smart planning, broad support. In 2011,
20 Governor Corbett convened the Pennsylvania Marcellus
21 Shale Advisory Commission, and that body adopted and
22 embraced the idea of smart planning and recommended
23 impacts by identifying the appropriate legislative and
24 regulatory changes, do the sharing of pipeline
25 capacity, reduce surface disturbance and the list that

1 you see. Clearly a very strong threat that runs
2 through all of these statements that were made by the
3 Marcellus Shale Advisory Commission base is an
4 understanding of the importance of minimizing impacts
5 and by translation that is smart planning.

6 In 2012 Governor Corbett's energy
7 executive provided a very strong report on the
8 placement of natural gas gathering lines. It
9 contained very solid recommendations about removing
10 legal impediments to sharing rights-of-way, which is a
11 really smart and simple thing to do, at least
12 theoretically and we're going to tease through that as
13 we go forward. The importance of having county
14 planning offices work with companies to maximize
15 opportunities to share rights-of-way. Enhance the
16 tools that the State uses to help companies understand
17 where the sensitive habitats are and a recommendation
18 that, my agency, DEP should adopt environmental review
19 standards to avoid surface disturbances, avoid impacts
20 on sensitive lands, reduce forest fragmentation,
21 reduce impacts on view sheds, et cetera. So again,
22 across administration, across political bounds and
23 political lines, strong support for smart planning.

24 The report also called for county and
25 municipal governments to consult with pipeline

1 operators. Understand the implications. Hopefully we
2 can do some of that here, in our work, and recommend
3 techniques and practices to make sure that that
4 happens. And certainly looking at restoration of
5 rights-of-ways and revegetation is another idea that
6 was recognized in that Corbett administration report.
7 Again, a very solid report, I encourage you to take a
8 look at all these documents, at your leisure.

9 There was a group called Resources for
10 the Future that in 2013 surveyed 256 experts across
11 the country drawn from government industry, academia
12 and NGOs to identify the priority environmental risks
13 related to shale gas development and where there are
14 practices or voluntary guidelines that are inadequate
15 to protect the public or the environment. And as you
16 can, see based on the survey of national experts,
17 there were risks identified to surface water, air
18 quality, ground water and habitat disruption. All of
19 which can be avoided or gone a long way with the
20 adoption of the smart plan.

21 And of course there have been some
22 nationwide polls, showing strong support for
23 additional oversight. But, more important for
24 balanced energy production, protection of clean air
25 and water. And I would submit to you again, that one

1 of the most potent tools is this idea of smart
2 planning. Some investment groups and companies
3 themselves have faced pressure for improved practices
4 along planning lines. In 2011 a group of 55 major
5 investment organizations with over a trillion dollars
6 in assets called for, specifically, this idea of smart
7 planning in shale gas resource development.

8 Two years, there were at least nine
9 leading oil and gas companies that faced shareholder
10 actions, many of which called specifically for the
11 adoption of comprehensive planning, so money talks.
12 So, there's broad support and cross sectoral for this
13 idea of smart planning, and fortunately we have strong
14 examples of the practice and how it can be best done.
15 The Department of Interior's Bureau of Land Management
16 has a drilling service use program and Andarko
17 Petroleum was cited by a number of national
18 environmental groups for the use of smart planning
19 that allowed significant development to occur in an
20 environmentally sensitive area in Utah. The Colorado
21 Department of Natural Resources has adopted the use of
22 comprehensive drilling plans. The American Petroleum
23 in their practices for mitigating surface impacts
24 associated with hydraulic fracturing has embraced the
25 idea of smart planning.

1 This next group, De Norske Veritas', is
2 an International Risk Management firm and consulting
3 practice. And they developed, in 2013, a set of
4 recommended practices on shale gas extraction, which
5 leans very heavily on the discipline of smart
6 planning. As I mentioned earlier, DCNR my former
7 agency now a sister agency, is one of the best
8 practitioners of smart planning in the nation. And
9 just recently at the end of last year the outgoing
10 administration in the State of Maryland adopted the
11 use of mandatory comprehensive development planning
12 and that regulation is now out in the public comment
13 period.

14 So, the long and short of this dictation
15 is that, I hope you would agree that there is a
16 critical need for smart planning in the development of
17 resources writ large and certainly in the task before
18 us in terms of resources --- getting the
19 infrastructure in place that is necessary to get this
20 gas to market. There is extensive support for smart
21 planning across sectors. There are robust
22 recommendations and there's an emerging practice. So,
23 I would submit to you that we will be spending some
24 time talking about that in the next few months and its
25 place in Pennsylvania's strategy to make sure that we

1 have responsible development of the resource. Does
2 anyone have any questions? Again we do have here an
3 opportunity to assert national leadership, to
4 demonstrate how this resource can be developed in a
5 way that achieves environmental, business and
6 community win-wins. It's part of responsible
7 production, it's part of the Governor's desire to make
8 sure that this resource is developed responsibly. I
9 think that it's important for us to remember that is
10 also essential in helping to ensure this industries
11 social license to operate. To ensure that citizens
12 accept this resource, this industry, this new economic
13 engine for the Commonwealth. Clearly, that is not
14 something that is shared in all quarters, but I think
15 the work of this Task Force is an opportunity to move
16 in a direction of that kind of acceptance of the
17 industry, and the demonstrable environmental and
18 economic improvement at the same time. Anybody have
19 any questions on that?

20 MR. BOSSERT:

21 Mr. Secretary, is the smart planning
22 something we're going to deal with at the Task Force
23 level or is there one of the workgroups that's going
24 to look at that more closely? I'm sorry, I didn't
25 memorize all of the tasks.

1 CHAIRMAN QUIGLEY:

2 I think the answer to the question,
3 Terry, is both. We plan at least one if, not more
4 than one, presentation for the Task Force on what this
5 actually like in practice, but there will be,
6 probably, at least two of the workgroups--- maybe
7 three, Environmental Protection, Natural Resource
8 Conservation and the planning workgroup, the sighting
9 and routing workgroup that will probably embrace that.
10 And I suggest there will probably be opportunities for
11 the workgroups cross pollinate, so I think there will
12 be multiple bites at that apple. Thank you. Any
13 other questions?

14 MR. HUTCHINS:

15 Not a question, but it's just an
16 affirmation. I think you're exactly right. I think
17 smart planning will be a part of every one of the
18 workgroups, and I think that's the key to success.
19 The other comment is, I think we can establish a model
20 in Pennsylvania that could really help other states in
21 the country to start planning perspective, so great
22 kickoff.

23 MR. QUIGLEY:

24 Okay. Thank you. Any other questions
25 on smart planning? Okay. Well we now come to the

1 part of the agenda where it's --- we open the floor to
2 discussion by Task Force members to any subject,
3 questions, comments, suggestions. I would be
4 particularly interested in suggestions and thoughts,
5 and we don't have to limit it to here, it's certainly
6 conducive as communication by e-mail, on what types of
7 additional informational presentations that the Task
8 Force would be interested in hearing from. Any
9 comments, questions?

10 MR. KLEMOW:

11 Yeah. Ken Klemow from Wilkes
12 University. I remember going to a meeting hosted by
13 DEP last year. It was with the local meeting up in
14 north-eastern Pennsylvania aimed at hearing community
15 concerns about fracking issues and about pipelines.
16 And one of the things that came about at the meeting
17 was just the sense that there was not enough data
18 being presented or being made available by DEP. That
19 a lot of the data were actually in hard copy format.
20 It was very difficult for people to get access to data
21 online. And you know, seeing that smart planning and
22 with some of the other initiatives that we want
23 transparency that making data available, you know, to,
24 like, let's say accessing the impacts of certain
25 stream crossings. Things like that. That's

1 essential. So the question is, you know, to what
2 degree, first of all is --- what's being done by DEP
3 to put data online. And then the second thing is that
4 there is an issue with confidentiality. Certainly,
5 confidentiality of homeowners. The confidentiality of
6 the industry. And how do we get passed some of these
7 confidentiality issues to make things transparent as
8 possible?

9 CHAIRMAN QUIGLEY:

10 I think I have an answer to the first
11 part of your question. I'm not sure I have one for
12 the second. And that answer might actually be a great
13 conversation for this group to have in terms of the
14 confidentiality issue. But, let me tell you a little
15 bit about it here. Again, I will --- I'm going to
16 tell you a story here that I think illustrates, at
17 least sets up this whole question of transparency.
18 And that is, I need to tell you how I got to be
19 Secretary of DEP for my boss, Governor Wolfe.

20 Back in January when I sat down with the
21 governor elect, to be interviewed for position, we
22 only talked about two things and believe or not, shale
23 gas wasn't one of them, nor was climate change or the
24 Chesapeake Bay or air emissions or any of the other
25 million things that DEP does and handles, I think,

1 with such distinction. Governor Wolf and I talked
2 about transparency and integrity. That to me was a
3 thrilling conversation to have an incoming Governor
4 talking to an aspiring member of his cabinet,
5 especially for an agency as complex as DEP. And all
6 he wanted to talk about was transparency and
7 integrity.

8 So that is a measure, I think, of who he
9 is and his philosophy of governing. And clearly it is
10 a direction to me in how DEP is going to operate in
11 the Wolf administration. So the direct answer to your
12 question, Ken, is, I'm going to listen to my boss.
13 And we are putting in place a plan to put everything
14 on the web. Now, that's a mouthful. We have some
15 significant challenges. There has not been a
16 significant investment in IT capacity in DEP for a
17 long time. And we need to develop a strategic plan
18 for that investment. But, it will be driven to a very
19 significant degree by transparency. We also want to
20 take advantage of improving opportunities to improve
21 business processes, improve efficiency and
22 effectiveness, enhance our ability to ease the
23 reporting, permitting on the regulated community.
24 But, a very essential piece of this work is going to
25 be transparency. How do we develop the systems to A;

1 to get us off paper and get us all digital, and then
2 B; how we get all of the information in an
3 understandable, accessible way on the web? And make
4 it available to the public and to the regulated
5 community.

6 That will not happen overnight, I'm
7 sorry to say. We will certainly look for ways to get
8 some bang for the buck as we go forward and identify
9 some little hanging fruit. But it is our aspiration
10 to put all of our data on the web, in ways that folks
11 can get at it A; find it, then understand it. And we
12 need to do that in context. It's not enough for the
13 Agency to just to put data out with no explanation.
14 We need to explain the work as we show the work.

15 So that's the big challenge that we face
16 internally, within the Agency. That may not be on the
17 same timeline, certainly not as ambitious as this Task
18 Force, but it is one of my top priorities, is to make
19 sure that we are, as an Agency, across the board as
20 transparent as possible.

21 MR. METEER:

22 Yes, I have a question. I understand
23 that all of the information that we gather will
24 culminate in a report that will end up on the
25 Governor's desk. My question is, where does it go

1 beyond that? Does it become --- do parts of it become
2 policy for DEP? Does it become incorporated in
3 legislation that will eventually become law? As a
4 representative for local government, we're going to
5 have some concerns, and I'm wondering where the key is
6 going to be in this rather than just a report?

7 CHAIRMAN QUIGLEY:

8 Well, thank you for the question. I
9 think it's an important one. It's not enough to write
10 a report and have it gather dust, I completely agree
11 with you on that. And that's not something the
12 Governor is interested in. He would not have asked
13 all of you folks to be a part of this effort if you
14 didn't A; respect what you're bringing to the table, B;
15 expect that we some things that are actionable. I
16 want to emphasize that this is a collaborative
17 conversation. This is not about a DEP regulatory
18 agenda. We're not going into this, and I'm not
19 certainly going into this, with an ambition to create
20 a whole new set of regulations. But what we are
21 looking for from this Task Force is a set of best
22 practices and a set of recommendations. So, it will
23 be important for this Task Force to agree on what are
24 we recommending that the Governor does with this
25 report, and what do we recommend that DEP does, and

1 other agencies that are touched by the outcome of the
2 report. There might be recommendations for local
3 governments, for county governments, for conservation
4 districts. That's why we're all here. That's why
5 you're all here is we need your collective wisdom and
6 the hard work of the folks groups that are on the
7 working groups that come up with these lists of good
8 practices and recommendations. And then we'll
9 together work through them and present them to the
10 Governor. So, ultimately, the answer to your question
11 is it's up to the folks around this table what will
12 happen with this.

13 MR. PETERS:

14 Thanks, Secretary Quigley. In our
15 debriefing for the TNC and CMU workshop that we had
16 about a month ago, once of the things that came up is
17 a lot of thoughts on the pipelines is just the general
18 pipeline. And there's certain aspects to each
19 pipeline system that may affect the different BMPs
20 with distribution gathering and interstate.
21 Just a recommendation, maybe, a general presentation
22 on the different types of systems and some engineering
23 factors that are involved with those kind of systems
24 and limitations, would really assist the overall
25 understanding and education, as well as driving the

1 comments back for those BMPs, it would be able to
2 really help.

3 CHAIRMAN QUIGLEY:

4 Thank you. Thank you.

5 COLONEL CHAMBERLAYNE:

6 Mr. Secretary, we had a great session
7 last November in Hershey, I believe, alongside with
8 DEP explaining the Corps of Engineers permit process,
9 the Programmatic General Permit that we have here.
10 I'd be more than happy to do that alongside with your
11 staff to present to those that are interested of what
12 our permitting process is for pipelines and what
13 things going forward are we proposing to change. I'd
14 be more than happy to present that whenever you wish.

15 CHAIRMAN QUIGLEY:

16 All right, thank you, Colonel. Other
17 questions, thoughts?

18 MR. KIGER:

19 Mr. Secretary, Bill Kiger, President of
20 OneCall. We've talked a lot about planning, and
21 planning is crucial to damage prevention, and
22 notification when there is work being done, both in
23 the planning phase and also in the construction phase,
24 is required by a law we haven't mentioned yet,
25 currently Act 287 as it was amended. And there's a

1 lot of reports that are available from the internet
2 that address smart planning. This one has been
3 adopted by many stakeholders in the room today. And I
4 think we should give that an opportunity to help us
5 through this process.

6 CHAIRMAN QUIGLEY:

7 Mr. Wurst.

8 MR. WURST:

9 Thank you, Mr. Secretary. I have just a
10 comment and a question. First, on potential
11 presentations. Leak detection, anything the industry
12 has on that, from the public utility perspective, we
13 would definitely be interested in seeing some
14 information on that. And then as a question, on the
15 potential for Robert's Rules and consensus, are we
16 going to --- say we hit a contested viewpoint, will
17 that be voted on at the working group level or will
18 that go up to the Task Force for that vote?

19 CHAIRMAN QUIGLEY:

20 Well, it will be up to the workgroup
21 chairs to figure out, with their folks, how they will
22 operate. This group, we will fall back on Robert's
23 Rules, if necessary. But again, as I said at the
24 onset, it would be my hope, that we don't have to rely
25 on a majority rule situation. The aspiration would be

1 that we talk the issues through and if there are areas
2 of disagreement, we do our best together to come to
3 the some kind of consensus. That's kind of squishy,
4 obviously, but, having gone through this process
5 before, I would ask everyone's forbearance and a
6 little bit of patience as we work through it. And
7 could everyone identify themselves please just for the
8 audience.

9 MS. BELLEW:

10 Serena Bellew, Pennsylvania Historical
11 Museum Commission which may sound like a strange
12 partner to be here at the table. However, for the
13 benefit of everybody the reason we're here is we're
14 also the Pennsylvania State Historical Preservation
15 Office, you may have heard the term SHPO before, maybe
16 not always in the nicest of context. But, that's
17 actually part of my question is, from my perspective
18 --- first of all, we're very glad to be here. But I
19 think there's a couple of different things going on
20 from a sort of Cultural Resource perspective, the
21 Tribal Consultation, which is an incredibly important
22 part of the process, certainly from the Federal
23 perspective, is sort of a package on its own but
24 there's a more, sort of, daily side to this that my
25 office deals with on a regular basis with DEP and some

1 of the other Agencies, which is being involved in the
2 permitting approvals themselves. So not to recommend
3 yet more meetings, but I would love to see, even if
4 it's just once, a meeting that is just the State
5 Agencies that are involved in the various
6 conversations that lead to a DEP permit or even a
7 Federal permit if we want to be ambitious and how we
8 can improve that conversation. Because that's,
9 realistically, where we see the biggest need for
10 improvement, perhaps, is how we can make sure that our
11 very small part in the larger process is brought in at
12 the right time, isn't the hold up for whatever the
13 larger conversation is, but is also considered with
14 equal weight. So I very much appreciate the big
15 picture and everybody else, but I would like to see,
16 you know, sort of government agency discussion as well
17 at some point.

18 CHAIRMAN QUIGLEY:

19 I'm sure that we can make something like
20 that happen. Maybe, on an ad-hoc basis. I appreciate
21 the suggestion. Any other questions or comments?

22 MR. GROSS:

23 Mr. Secretary, Mike Gross with Post &
24 Shell. What is the role of the various DEP Regional
25 Offices in this process --- how you see them fitting

1 into this? Obviously, that's the first line of
2 interaction on a lot of these discussions in
3 permitting? And I'm just curious on your thoughts on
4 that. Thank you.

5 CHAIRMAN QUIGLEY:

6 Thank you. We have representation from
7 all of our regional offices on our DEP internal
8 workgroup. So, some of those will actually be
9 liaisons to various workgroups for this Task Force.
10 We have them heavily engaged. And we'll be looking
11 forward. One of the things that I often heard in my
12 confirmation visits to the Senate, were questions
13 about consistency in permitting times across regions.
14 And I'm not at all afraid to have those conversations
15 with the appropriate workgroups within this Task
16 Force. Those issues are the kinds of things I need to
17 hear about as well. Other questions or comments? All
18 right. Thank you very much. We now to the public
19 comment section of our meeting. And ladies and
20 gentlemen, just to go over the rules one more time,
21 depending on level of interest, we want to make sure
22 that everyone who is interested in commenting at these
23 meetings has the opportunity to do so. So, we are
24 asking individuals to limit their comments to two
25 minutes and groups to limit their comments to a total

1 of five minutes and welcome written comments at any
2 time from the general public or anybody else that's
3 interested in this work. Through the DEP website
4 there is an email address on the Pipeline
5 Infrastructure Task Force page on the DEP website.
6 So, we welcome and encourage public comment as we go
7 forward with this part. And I would ask if there is
8 any member of the general public in the audience that
9 would like to make a comment, to please raise your
10 hand. And we'll come up one at time, please, to that
11 microphone. Sir? And if you could identify yourself,
12 please?

13 MR. POWERS:

14 Yes. My name is Dr. Gerry Powers and
15 I'm the Supervisor for Montour Township, Columbia
16 County. And this issue has raised a lot of squishing
17 (sic) and angst in our township because that pipeline
18 goes through two of our biggest developments. So, I'm
19 also a member of the workgroup on public participation
20 to show our interest in this. And as for me,
21 personally, I appreciate John Quigley and especially
22 Governor Wolf for this process, which is the way it
23 should be done. So I have one main question. My main
24 question is what is the role and responsibility of
25 local government in this process? In other words what

1 are we allowed to do and what are we not allowed to
2 do? And I think a clear specific description of the
3 role of township and county government as to what
4 their involvement is, is very important. Thank you
5 for your time and good luck.

6 CHAIRMAN QUIGLEY:

7 Thank you very much for the question and
8 a comment and we will certainly try to articulate that
9 as we go forward. Thank you very much. Anyone else?

10 MR. FREED:

11 Thank you, Mr. Secretary. My name is
12 Mark Freed from Freed Law Firm. I'm also a member of
13 the Tredyffrin Township Board of Supervisors in
14 Chester County. I just want to follow up --- I'm also
15 on the local government workgroup. Thank you very
16 much for that. I want to amplify the previous
17 comment, which is, I think it would be very helpful
18 for the group as a whole to have a presentation on the
19 interaction between federal, state, county, and local
20 governments. And typically, you know, with the
21 interplay of the PUC and Utility designations and
22 interstate and intrastate, and all those various
23 issues that really affect, as the question asked
24 previously, how --- you know, what roles local
25 government can and is allowed to play. Thank you.

1 CHAIRMAN QUIGLEY:

2 Thank you very much. Anyone else? Not
3 seeing any hands raised. No one's interested in
4 commenting? Yes.

5 MR. KENNEDY:

6 Thank you very much. My name is Jim
7 Kennedy from Butler County. I'm a dairy farmer. I'm
8 also on the agriculture workshop group. I have a very
9 great concern and I've already talked to a
10 representative from the Agriculture. We don't have a
11 dairy farmer or farmer sitting on this Committee. We
12 are the ones that are going to allow you or not allow
13 you to do anything. And I have a grave concern about
14 that. And also with a concern that I just heard,
15 there's no one here from county government and no one
16 here from the Township associations sitting on this
17 committee. I think we're going to have to take a look
18 at that and have it remedied. Thank you.

19 CHAIRMAN QUIGLEY:

20 Thank you. Anyone more comments? All
21 right. I'm seeing none. And we certainly want to be
22 respectful of folk's time. We don't have to take the
23 full allotted time. I think this might be a record,
24 only 90 minutes. I, again, appreciate everyone's ---
25 I appreciate the attendance of the members of the

1 general public, folks who are on the workgroups, the
2 Task Force members, again. On behalf of the Governor,
3 we are deeply appreciative of your work and your
4 commitment of time to this very important effort. We
5 look forward to working with you over the next several
6 months. And we will see you next month. We're
7 adjourned.

8 * * * * *

9 HEARING CONCLUDED AT 4:00 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Secretary Quigley was reported by me on 7/22/15 and that I, Bernadette M. Black, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Bernadette M. Black

Bernadette M. Black,
Court Reporter