



# Franklin Regional Council of Governments

## Regional Pipeline Advisory Board

Date:	May 26, 2015
Time:	6:00 p.m.
Location:	Cohn Family Dining Commons, GCC, One College Drive, Greenfield, MA
Duration:	2 hours
Facilitator:	Linda Dunlavy, FRCOG Executive Director and BCK Law, P.C.

### Attendees:

- Bill Perlman, FRCOG Executive Committee
- Ted Cady, Town of Warwick
- Tom Miner, Franklin Regional Planning Board and Regional Pipeline Advisory Committee
- Meg Burch, Town of Conway
- Ariel Elan, Town of Montague
- Joe Strzegowski, Town of Conway
- Joe Judd, Town of Shelburne
- Jeff Singleton, Town of Montague
- Chris Myers, Shelburne Emergency Management Director
- Jed Proujansky, Northfield Select Board
- Polly Ryan, Plainfield Opposition to the Pipeline
- Ron Coler, Ashfield Select Board
- Jacob Smith, Erving Select Board
- James Nielson, Town of Conway
- Faith Gustafson, Town of Conway
- Sally Pick, Montague Energy Committee
- Cheryl Dukes, Buckland Select Board
- David Chichester, Conway Planning Board
- Marie Iken, Conway Board of Health
- Deborah Vincent Coutinho, Shelburne Board of Health
- Loren Kramer, Nolumbeka
- Julia Blyth, Greater Northfield Watershed Association
- David Keith, Old Deerfield Fire District
- Andrew Vernon, Greater Northfield Watershed Association
- Martha Rullman, Town of Northfield
- John Schuster, Town of Northfield
- Pixie Holbrook, Conway Planning Board
- Katy Eiseman, Mass PLAN
- Bob Dickerman, Town of Northfield
- Sandra Sobek, Conway Pipeline Awareness Network
- Andrew Flyn, Area Resident
- Damien Laprade, Conway Resident

- Garrett Connelly, Town of Greenfield
- Jim Cutler, Town of Ashfield
- Molly Chamber, All Souls Church
- Alice Thomson, Area Resident
- Jaimye Bartak, PVPC
- Phyllis Jaques, Town of Northfield
- Diane McAvoy, Antipipeline Group of Montague
- Julia Caldwell, Area Resident
- Marco Boscardin, BCE
- Gale Bulissa, Plainfield Board of Health
- Ellen DuPont, Plainfield Board of Health
- Jerry Lund, Town of Leyden, FRPB
- Richie Davis, The Recorder
- Homer Stavely, Town of Northfield
- John Williamson, Warwick Planning Board
- Mary Williamson, Warwick Conservation Commission

Staff:

- Linda Dunlavy, Executive Director
- Peggy Sloan, Planning Director
- Gretchen Johnson, Planning Grant Administrator

**Introductions: Linda Dunlavy**

L. Dunlavy introduced Jeffrey Bernstein of BCK Law and Marco Boscardin of Boscardin Consulting Engineers, Inc. L. Dunlavy explained that the Berkshire Regional Planning Commission (BRPC) received a US DOT Pipeline Safety Grant that has made this workshop possible. The purpose of the workshop is to educate the towns about the FERC process. This is the first of a series of workshops.

**Interstate Pipeline Forum for Local Officials: J. Bernstein, Esq.**

J. Bernstein gave a PowerPoint presentation Interstate Pipeline Forum for Local Officials.

Questions:

What is the optimum timing to create a Community Benefit Agreement?

J. Bernstein responded that a Community Benefit Agreement can be started at anytime but he advised that the earlier in the process the better. He suggested negotiating for technical assistance funding to consider issues such as environmental or cultural impacts.

How is the Pipeline showing the need for this infrastructure?

J. Bernstein responded that FERC used to require 100% subscription but it has changed to require more of a balance of needs and potential growth. There are

several energy proposals for the North East region. It is very unlikely that they will all proceed.

Will the pipeline have to be re-routed if the community does not allow Article 97 lands be disturbed?

J. Bernstein replied that he has not seen that issue litigated. His experience is that the town and the company typically come to an agreement. It is unclear if a court challenge related to the protection of Article 97 lands would be successful in the event FERC approves the pipeline.

How do abutting communities get involved?

J. Bernstein answered that being an abutting town does not preclude the community from participating, gaining Intervenor Status or offering comments.

### **Introduction to Gas Pipeline Design and Construction: M. Boscardin, Ph.D., P.E.**

M. Boscardin gave a PowerPoint presentation on Gas Pipeline Design and Construction.

Questions:

Can low population density communities negotiate for a thicker pipe that is used in higher population density areas and what is the cost difference?

M. Boscardin stated that communities can negotiate the thickness of the pipe used based on considerations such as, anticipated future development or the gathering of public in locations such as at a park throughout the summer months. The thicker pipe used in populated areas is 75% thicker and therefore is approximately 75% more of the cost. The total cost increase for the project would be roughly 20-30% more.

Does every section of pipe get hydrostatic tested and what happens to the water after the testing?

M. Boscardin replied that every section of pipe is tested and it is usually tested in 1,000 foot sections. The water is treated and is reused as long as possible for cost saving purposes. The water is procured from local sources if a permit is obtained or it is purchased.

### **Question and Answer Period**

Has a Community Benefit Agreement benefited a community after a disastrous event has occurred without costing the community legal fees?

J. Bernstein answered that it is advisable to include a "fee shifting" provision in the Community Benefit Agreement. This will allow the community to recover fees and court costs. Also included in the agreement should be a "stop work" order if there are problems during construction to allow time for an independent inspector to review the issue. Enhanced safety procedures can be negotiated in the agreement as well. Creating safety plans and safety training for local responders is standard procedure.

Why would Kinder Morgan agree to a Community Benefit Agreement?

J. Bernstein replied that Kinder Morgan can demonstrate to FERC that they went through a rigorous collaborative review process with the host community. The negotiation process examines the sensitive environmental, safety and other issues earlier in the process and allows the company and the community to negotiate compromises.

What is the success rate of underground drilling?

M. Boscardin stated that underground drilling is done after a lot of research and preparation and very rarely fails. He advised that communities ask the company to carefully consider flood zones near underground drilling sites.

How loud are the Compressor Stations?

M. Boscardin replied that an 80,000 horsepower compressor station will be similar to living near an airport due to the noise of the compressors. He suggested negotiating for electric compressors since they are less noisy. Considerations such as decibel limits at the property borders should also be considered.

What is the typical distance between shut off valves?

M. Boscardin answered that shut off valves are normally seven to twenty miles apart. The shorter the distance the less gas is potentially released.

Is it likely that the pipeline will be converted from natural gas to propane?

J. Bernstein stated that this pipeline project is not being permitted for propane.

Who does the pipeline inspections?

M. Boscardin replied that it is the pipeline company that performs the inspections and is required to submit their reports to FERC.

Are decommissioning measures taken normally with a project similar to this?

J. Bernstein said that decommissioning measures are not normally discussed.

Are there measures taken to reduce invasive plants?

J. Bernstein stated that invasive species considerations should be included in the restoration plan.

Does horizontal drilling pose risks for nearby wells?

M. Boscardin responded that horizontal drilling does not affect wells unless it passes directly through one. Blasting has a much greater risk of potential contamination of wells. He suggested having wells within a few hundred feet of the pipeline tested before and after the installation of the pipeline. Periodic testing of wells can also be negotiated in the Community Benefit Agreement.

What is the final maintained Right-of-Way (ROW)?

J. Bernstein stated that the construction ROW is 100 feet and the final ROW will be 50 feet. Issues such as a narrower ROW and the restoration of native trees can be included in a Community Benefit Agreement.

What issues should be considered if the pipeline is co-located with electric transmission lines?

M. Boscardin suggested negotiating for enhanced corrosion protection on the pipe. He advised that the pipeline should be offset 1,000 feet from the electric transmission lines.

Why would the Town of Plainfield have three proposed hazardous waste sites?

J. Bernstein stated that he was not aware of that but that the hazardous waste sites are probably pre-existing. He suggested negotiating for periodic soil testing.

Copies of the handouts are available. Please contact G. Johnson at [gjohnson@frcog.org](mailto:gjohnson@frcog.org) or 413-774-3167 x126.