



Franklin Regional Council of Governments

Regional Pipeline Advisory Committee — DRAFT

Minutes	
Date:	June 9, 2016
Time:	3:30 PM
Location:	JWO Transit Center, 12 Olive St., Greenfield, MA
Duration:	1.5 hours
Facilitator:	Linda Dunlavy, Executive Director

Attendees:

- Meg Burch, Town of Conway
- Ron Coler, Town of Ashfield
- Ariel Elan, Town of Montague
- Tom Miner, FRPB
- Bill Perlman, FRCOG Executive Committee
- Tracy Rogers, Town of Northfield
- Joe Strzegowski, Town of Conway

Staff:

- Linda Dunlavy, Executive Director
- Peggy Sloan, Planning Director
- Patricia A. Smith, Senior Land Use Planner
- Kimberly MacPhee, Land Use/Natural Resources Program Manager

1. Introductions and Review of March 8, 2016 Meeting Notes: L. Dunlavy

L. Dunlavy called the meeting to order at 3:30 PM and initiated introductions. Members of the committee reviewed the Meeting Notes of March 8, 2016 and no suggestions for revisions were offered. Meeting Notes can be posted as reviewed.

2. Discussion of KM-TGP May 23, 2016 filing with FERC to withdraw the NED pipeline project: L. Dunlavy & Committee Members

KM-TGP withdrew the NED Pipeline Application on May 23, 2016 proposal. P. Sloan provided copies to the Committee of the letter sent by FRCOG to FERC on May 11, 2016 (prior to the withdrawal) requesting that FERC dismiss or deny with prejudice the KM-TGP NED Application. Also provided was the letter from TGP to FERC formally withdrawing their Application.

3. Update & Discussion on the MA DPU Proceedings and Appeals: P. Sloan - FRCOG

P. Sloan gave a brief report with some updates provided by K. Eiseman. The gas utilities have withdrawn their requests for the NED pipeline from the DPU so that docket is closed. DPU has also closed the docket for KM-TGP request for survey access to properties along the proposed pipeline route. The Article 97 related litigation is ongoing and it appears that the AG's Office is waiting for the compensation process to unfold prior to deciding whether to appeal the Court's decision. KM-TGP wants an expedited compensation proceeding with DCR, but it is unclear how likely that is.

The State Energy bill is still pending and people are keeping a close eye on the tariff issue to make sure that it is not inserted into the final version. Amendments are being offered to lower the threshold for leaks in LDC gas pipelines that would be required in to be fixed.

P. Sloan reported that the FRCOG may submit a letter in opposition to the tariff and individual towns may want to do the same.

The Berkshire Gas moratorium has not been lifted. Representative Kulik and Senator Rosenberg are seeking a meeting with them to discuss the issue.

4. Follow-up Items: Update on Local Adoption of Model Bylaws; Discussion of Recommended Changes to FERC Process: P. Sloan – FRCOG & Committee Members

Local Adoption of Model Bylaws—Bylaws were adopted by 2 towns, Conway & Shelburne. Conway passed the comprehensive bylaw (but not the roads one) on February 8, 2016 and the AG's Office has requested a 60-day extension of their review period. Shelburne passed both the comprehensive bylaw and the roads bylaw at Town Meeting this year. T. Miner thought that the comprehensive bylaw might be detrimental to a town's efforts to attract developers with big projects. J. Strzegowski noted that the threshold is set quite high—50 acres of clearing and a mandatory MEPA review. For a project that large it would be good to have a strong bylaw in place to ensure that the town has input and decision making authority.

Plainfield and Northfield has also expressed interest in passing similar bylaws. FRCOG requests that other towns consider adopting bylaws now in anticipation of future large scale projects. Discussion ensued about lateral pipeline proposals.

FERC Process—Peggy passed out a draft list of suggestions to improve the FERC process and USDOT Safety Regulations for folks to review and comment.

B. Perlman suggested that item #10 regarding leaks be eliminated from this list and addressed in a separate process. L. Dunlavy suggested that maybe #s 10 and 11 should be separated out as USDOT issues, rather than FERC issues.

Committee members noted that even if there are few leaks in interstate pipelines, every compressor station regularly releases tons of methane and there should be discussion about systems to capture that methane. The purpose of the venting is to remove gas from the pipeline but there should be reclamation of the methane, perhaps accomplished through smaller storage tanks. Trucking out the reclaimed methane was presented to Conway as a possibility by TGP representatives for the valve that was proposed in their Town.

Item #9—L. Dunlavy suggested that pipeline companies that are applying to FERC should provide funding for TAG grants to communities. FERC could provide funding to communities that had been collected from the applicants. Towns would like to have control over the hiring of the individual consultants through their own procurement process to guarantee a truly independent review, rather than have the company choose the expert.

L. Dunlavy suggested that the FRCOG and towns look back at the cost of our efforts to respond to the pipeline proposal. It was not just the FRCOG and Towns that spent money and time, but also Land Trusts and other individuals and organizations that put time into the project. FRCOG spent

approximately \$10,000 in legal fees alone. The pre-filing process is supposed to weed out projects that are not viable and failure to do so in this case led to huge costs.

Item #4 – A. Elan noted that limiting the ability to use eminent domain would be the strongest suggestion of all on the list.

T. Miner suggested requiring that the environmental impact statement be completed before any project development can proceed.

R. Coler asked if perhaps a bolder approach be taken such as requesting that the FERC close the “Halliburton loophole.” R. Coler noted that we need to address impacts to safe drinking water, etc. from the fracking process in general. FERC could prevent an illegal product from going through the process and being allowed to be transported across our state. P. Sloan noted that the Committee has concentrated on the pipeline proposal and has not focused on the broader fracking discussion.

Discussion continued about whether chemicals that travel through the pipelines have to be revealed? B. Perlman asked if a town could ban the transport of fracked gas through its boundaries by any method and noted that a lot of resolutions were passed, but they do not carry the same weight as bylaws.

State and Federal legislators should both get the letter. P. Sloan noted that letter must go through FRCOG internal review and approval process before they can be mailed later this summer.

5. Discussion of Surficial Geology Maps: P. Sloan & K. MacPhee – FRCOG & Committee Members

Kimberly MacPhee explained the she and Ryan Clary, FRCOG’s Senior GIS Specialist, took state-level mapping for surficial geology and compressed the data into the following categories:

- till and bedrock
- glacial deposits—stratified and allow water to flow through
- early post-glacial deposits—as glacier started melting and retreating, it left behind alluvial fan deposits and inland dune deposits, stream terrace deposits, and more recent artificial fill and recent alluvial and river deposits from floods

In terms of the pipeline, the key issues were depth to bedrock and permeable glacial stratified deposits, particularly when crossing rivers.

Kimberly passed out maps for attendees for their committees. She explained that the scale of the maps is inappropriate for a more detailed analysis on the parcel level and should only be used for general planning purposes.

There can be deposits that move a lot of water overlain by layers that contain water, such as clay. Shallow depth to bedrock is usually about 4 feet.

Is there an aquifer datalayer available? K. MacPhee noted that there is but only larger aquifers are shown. In Franklin County, the aquifers are located along the rivers and are generally low and medium yield. The data may also be on the natural resource maps developed for the pipeline.

Who owns the county’s bridges? MassDOT is closing bridges and concern about truck traffic was raised by the pipeline issue. P. Sloan provided Town maps showing the bridges in the MassGIS database. These may not include the smallest bridges.

A. Elan asked if anyone has insight on the pending planning and zoning bill. P. Sloan explained it is another attempt at passing zoning reform in MA that would revise the State's outdated zoning and subdivision laws. Zoning reform efforts that have been ongoing for over a decade. .

6. Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn: L. Dunlavy - FRCOG

P. Sloan noted that the FRCOG did not spend any of the 4-Town MOU funding so all of it will be returned to the towns.

R. Coler thanked the FRCOG for all of their work on the pipeline project and noted that we have prevailed for the time being.

There was general consensus among Regional Pipeline Advisory Committee members to disband for the time being but to stay in touch by e-mail.

Meeting adjourned at 4:30 PM