

Board Approved: May 23, 2016

Union Township Board of Supervisors
Conditional Use Hearing – EQM
April 25, 2016

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 6:00 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Larry Spahr, Charles Trax, Paul Chasko, Heather Daerr, and Deborah Sargent. Also in attendance: Dennis Makel—Solicitor, Debra Nigon—Secretary, Harold Ivery—Building Code Official, and Peter Grieb—Code Enforcement Officer.

Mr. Spahr made opening comments and provided introductions and instructions to the large audience of local residents who attended the hearing which was explained to concern EQT's request for a permit to build a compressor station in the vicinity of Lobbs Run Road where it intersects Finleyville-Elrama Road area.

A Court Reporter, Seiler Court Reporting, was present to take the transcript. Minutes are paraphrased and summarized. The transcript can be viewed at the Township building upon request or purchased from Seiler Court Reporting.

Mr. Lucas and Mr. Baumiller from the law offices of Babst Calland addressed the Board as representing EQM Gathering Operating Company. The witnesses providing testimony for EQT were named and included land supervisors, noise consultants and environmental coordinators who were all asked to stand and were sworn in by the court reporter.

Individuals who spoke at the meeting in support of EQT's land development application were:

- Vanessa Baxter, Regional Land Supervisor, EQT
- Mark A. Sowa, Senior Environmental Engineer, EQT
- James C. Kearns, Manager, Compression Design Engineering, EQT
- John S. Mackin, Director of Operations, EQT
- Lydia Guthrie, Project Engineer II, EQT
- David M. Jones, Principal Acoustical Engineer, SLR, Global Environment Solutions
- Brian Clauto, Senior Environmental Engineer
- Kevin Lewis, Midstream Operations of Pennsylvania, Operation Supervisor of Hartson Station

Stephanie Paluda and Nathaniel Manchin of EQT also attended.

Mr. Baumiller, Babst Calland, began the presentation by EQT, explaining that the application was submitted by EQM Gathering OPCO, LLC. EQT Gathering and Equitrans are on the application as land owners. Mr. Lucas provided a schedule and listed all the documents supplied by EQM as part of their Conditional Use and Land Development Application for the McIntosh Compressor Station and Dehydraton Facility. Documents included in the land application are: a post-construction storm water management plan, water encroachment permit application, air quality permit application cover letter, construction traffic route map,

Board Approved: May 23, 2016

preparedness, prevention and contingency emergency plan, emergency action plan, development calendar, equipment list, plot plan building drawings, sound study, survey, tax parcel key map, the flood insurance rate map for the project area, soils map and soils table and material safety guide sheets.

EQT's solicitor explained that Compliance Comments were also included in the application which state how each requirement in Union Township's Zoning Ordinance was met.

The initial plan was for Mr. Baumiller to call up each witness/expert and have them address a specific portion of the application which would be covered in chunks. Since residents had comments and contributions to the presentation material, Mr. Makel did have all non-EQT attendees also stand and be sworn in and residents were permitted to comment and ask questions throughout the presentations. The comments which were interspersed throughout the meeting are summarized below.

Public Comment / Concerns

- One concern expressed by many of the residents was the likely reduction of their property values.
- Residents also complained about the noise currently experienced by residents from the existing Hartson Station, with one resident, Chris Adams, 4145 Finleyville-Elrama, who lives directly across and on the same level with Hartson Station, saying the current noise from Hartson alone is prohibiting sale of the owner's home. Chris Adams also commented that she has been confined to living/sleeping in a small portion of the home which she has sound proofed to some extent with a glass wall. The residents are very concerned that they will now have additional noise from another compressor station. Also the noise concern relates to the fact that both stations will be running continually for 24 hours and that, although the decibel levels experienced may be considered acceptable levels, no one would want to be hearing the noise while trying to sleep.
- Also several residents complained of the gas smells and odors they already experience coming from the existing station, especially when the plant "blows-off," with one resident stating that she calls to report a gas smell at least twice a year, another, Stacy Monahan, 28 Aber Road, complaining of unexplained nose bleeds and headaches when Hartson "blows-off," and Chris Adams, 4145 Finleyville-Elrama complaining of an odor which causes her not to be able to breathe outside of her home when the wind is blowing in the direction of her residence. She said the odor is not a gas smell.
- There were also concerns about VOC's and air pollution coming from the site and potential medical impacts to residents. Bonnie Kazior whose brother and mother live across from the site was particularly concerned about toxins and urged several times for others to become aware of the literature available on-line in regard to the pollutants and their effects, and questioned why some states like New York do not permit the oil and gas activity which Pennsylvania allows and why, when the DEP finds the levels acceptable, there are so many other sites saying that they are dangerous.
- The pollution concerns also extended to the well sites that will be located nearby which will expose residents to additional sources of possible pollutants from fracking.
- There were issues expressed concerning the gas lines that will be coming into the station from other Townships and not from within Union Township.

Board Approved: May 23, 2016

- It was also noted that the Township stands to gain little tax revenue or financial benefit from the new facility.
- One resident, Ms. Pollock, 20 Lobbs Run Road, in particular had concerns about the infiltration basin planned to be near the bottom of her driveway in regard to attracting mosquitos or possibly containing pollutants or being an eyesore, as well as concerns with the new station being directly across from her home and at about the same level.
- Concerns of light pollution were also expressed.

Pertinent information communicated by the experts in their presentations and answers to questions included some of the following:

- The two parcels are 84.77 acres in size.
- Vehicles will be entering from the Turnpike onto Finleyville-Elrama Road which are state owned roads.
- There is no new access road off Finleyville-Elrama planned; however the existing road, which serves as the driveway into the current EQT Hartson Compressor Station, will be extended to reach the new compressor station which is being built on the same location but will not replace the existing compressor station.
- A preliminary environmental review is conducted for feasibility as well as a full environmental review that involves an examination of threatened and endangered species, all cultural history, as well as national wetlands and streams. Per the applicant, the team looks for impacts and creates a plan to reduce impacts which is submitted to DEP.
- EQM is still waiting on two permits. The erosion and sedimentation control permit from the DEP and the air permit. The ESCGP2 is still under review and is expected in mid-June. They are expecting to receive their Air Permit in August of this year. They cannot move forward until the ESCGP2 is received.
- The size of station will be 200 x700 feet.
- Parcel size is just under 85 acres with a planned 33 acres of disturbance.
- The retention pond, infiltration system, is for storm water run-off from the roofs or gravel pad. The storm water from the roofs and pad will flow into the perimeter drains which lead to the infiltration basin. The infiltration basin will be unlined and is permanent.
- The infiltration basin / retention pond is designed to hold water no longer than 72 hours.
- The Stream and Wetland permits for the DEP and Army Corps of Engineers have been approved.
- The existing Hartson Station has transmission lines and is FERC regulated and the new McIntosh compressor station does not have to meet FERC requirements as it is for gathering lines only. No property can be condemned for the McIntosh project as condemnations can only occur in a FERC situation.
- The engines will run on natural gas.
- The station is designed to address additional production of gas due to increased Marcellus well sites. The McIntosh station will be pulling and gathering the Marcellus gas and putting it into one line.
- There are three suction lines which will be coming into the McIntosh compressor station, one from Applegate from Forward Township under the river, one from Bickerton/Bucar well sites from Jefferson Township, and the Telemachus suction.
- Gas from the Trax well site is not going to the McIntosh compressor station.

- The compressor station/dehydration facility was described as a closed loop system. The gas is filtered, goes to what is called glycol contact towers, the glycol absorbs water, the glycol goes to the regenerators and is heated to boil the water off and the steam is incinerated by the thermal oxidators. If there are any natural gas liquids that drop out before it actually goes to the regenerators, the liquids will go over to the thermal oxidizers and be incinerated. The produced fluids from the separators, when it first enters the station, go into a holding tank.
- The station will run 24 hours a day.
- Four compressors will be housed in an engineered building.
- The plan is to install the compressors all at one time which will be trucked to the site in pieces on flat bed vehicles.
- Once in operation, this site will only require one truck per day typically and once a week a water truck will empty the holding tank. If there is a re-build necessary there may be more trucks on that particular day but that would be the exception.
- In regard to sulfur emissions, it was explained that gas in this area has little sulfur in it, but that PA DEP will be looking at all the pollutants and make sure that they install all the best pollution control equipment.
- The incinerator removes 98% of the contaminants.
- The emissions that they try to control are primarily NOx, CO emissions, VOC emissions
- Once a year a stack test is done (done internally). DEP comes out and witnesses the test once or twice a year. There is a weekly hand held test performed in-house. If the thermal oxidizer drops below 1400 degrees the line is shut down.
- The building is engineered with noise absorbing walls with a lining of mineral wool. The building has overhead doors which are noise attenuated and there are seals around the doors to hold back as much noise as possible. The compressors are positioned so the exhaust is in the back if possible. The exhaust has noise attenuating fans. Also, they vary pipe size as a natural noise barrier. Silencers are on the shut down vents. Mufflers or blow-down silencers are used for an emergency shut down.
- David Jones discussed the noise studies that were done towards demonstrating compliance with the noise related portion of the pertinent Union Township Ordinance. The Union Township Ordinance calls out a 72 hour average. Noise levels are allowed in the Ordinance at so many decibels above the measured ambient.
- The distances from the pad were measured out from the compressor station pad and then back an equal distance from the road as each noise sensitive area (NSA) was away from the road.
- For the EQM/EQT study, an ambient level was established. Bug noise was removed for the ambient level. The Hartson Station was operating only part of the time during the study. There was a marked difference when the Hartson Station was running and when it was not which varied at each NSA location; however it raised the 72 hour average only by a couple decibels.
- The Ldn was included in the measurements as a point of comparison only as the McIntosh station is not regulated by FERC. Hartson is regulated by FERC.
- There is no noise reduction due to trees taken into consideration for the study.
- The noise study did consider the terrain.

Board Approved: May 23, 2016

- The study performed showed predicted levels below the Township Ordinance, and were explained to have met FERC requirements if the McIntosh station was regulated by FERC, which it is not. The federal limit (FERC) is 55 dba Ldn at the house.
- The noise reducing technology was described as being far superior to that of the older buildings like the Hartson Station which was built in 1954.
- There is an existing relationship with first responders and they will receive training.
- Station operations are monitored on many points for operation use as well as emergency use. There are automated features that would shut down the entire station in an emergency situation.
- The gas from the storage facility under Hartson will not be going into the McIntosh Station.
- The Hartson station will not be changed.
- The Hartson station is improved/modernized each year. The Emergency Shutdown System at Hartson was updated this year, flame detectors were upgraded.
- It was explained that the flow of the pipes and pressure cuts are causing the noise issues at the Hartson facility.
- In regard to light pollution concerns, it was explained that the flood lights of the new facility will not be on at night and will only be turned on at night when needed. (Mr. Makel said lights will need to be pointing downward)
- In terms of compliance each complaint is investigated individually, and a custom remedy is employed. If something is found to be out of compliance it is brought within compliance. If there is a leak, it is repaired. If there are windows open, they are closed and so forth.

Motion to place into evidence the Observer-Reporter showing a Proof of Publication for 04-11-2016 and 04-18-2016 as Exhibit 1, a list of individuals to whom a notice was sent as Exhibit 2, and photographs of the posting as Exhibits 3a and 3b.

Motion by Paul Chasko, Second by Larry Spahr

Roll call vote: Spahr-yes, Trax-abstain, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to place into evidence the application for Conditional Use and its 21 exhibits as Exhibit A, a Powerpoint presentation regarding the McIntosh Station as Exhibit B, and a Powerpoint Presentation pertaining to the noise study as Exhibit C.

Motion by Heather Daer, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-abstain, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Makel went through the rows of individuals for final comments and statements in regard to whether the resident was opposed or not to the compressor station.

Mr. Laslo, 54 Aber Road – opposed, and inquired what happens if they are not in compliance. It was noted that if something is out of compliance, it is addressed through code enforcement and ultimately through the magistrate and courts if it were to go further.

Mr. Worton, 60 Aber Road, inquired as to whether they could apply their technology to the existing Hartson Station and be a good neighbor and show them that they can limit the noise and pollution.

Board Approved: May 23, 2016

Ms. Monahan, 28 Aber Road, and Ms. Madison opposed.

Shelly Caldwell, 48 Aber Road, opposed, not in their back yard

Jean Cebasek, 52 Aber Road, opposed because wants no additional noise or odors.

Michell Clayton, 4086 Finleyville-Elrama Road, opposed due to noise, health reasons, resale value of home that she has lived in 20 years.

Becky Worton, 60 Aber Road, opposed.

Darla Savko, 68 Aber Road, opposed

Mr. Worton, 60 Aber Road, opposed due to noise and pollution, good neighbor attitude, decay of tax base.

Joe Savko, 68 Aber Road, opposed due to noise pollution, decrease of property values .

Ron Dusmal, 4083 Finleyville-Elrama, requested to view the map, which he did do, opposed.

Jim Nagy, 153 Gilmore Road, opposed due to value of properties and noise.

Mr. Vibostak, 19 Lake Drive, doesn't live near there but sees no benefit.

Tina Laslo, 54 Aber Road, would like to know how many of the experts have been on site (most raised hands) – opposed

Chris Adams, 4145 Finleyville-Elrama Road – opposed

Bonnie Kazior, 13 Veronica Drive, opposed. Her work relates to treatment of high risk infants with abnormalities and she is frightened by the increase of these issues/abnormalities and the quality of our air and water. She will inherit the property and will have fracking on one side and compressor station on another. Also, the tax assessment has increased. Asked the Township to listen to the people who are opposed. She suggested stations be placed where it is safer and more rural. She urged people to read and research and referred them to a site which shows all the regulations for sound and allows them to play a sample.

Nancy Pollock, 20 Lobbs Run Road, opposed. Plant will be directly across from where her home is located.

John Matola – abstained. His house is not nearby.

Mr. Powell, 4927 Finleyville-Elrama Road, not opposed. Pumping station is quieter than it has ever been and everyone there bought their homes when the other station was there.

Millicent Powell, not opposed. Used to listen to two power plants blowing off – red dog roads - a chemical plant. It has always been this way, this is just a new phase.

Mary Parish – 37 Airport Road, no comments

Acknowledging that the meeting was quasi-judicial and part town meeting, part hearing, Mr. Baumiller objected to any proceedings that revolve around other parties or studies from the outside which were mentioned in terms of hearsay.

Ms. Kazior took exception to the hearsay objection due to its bearing on any information she discussed.

Mr. Baumiller ended the presentation of the conditional use application and requested approval. In summary, his comments included that the facility is within limits and the water detention facility is comparable to what would be in any residential subdivision. Regarding air issues, his comments were that air quality is heavily regulated by DEP and the Township is not empowered to regulate air quality and, since DEP requirements are met, the Township should be assured the public is protected.

Board Approved: May 23, 2016

Motion to close the hearing.

Motion by Deborah Sargent, Second by Heather Daerr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Mr. Makel informed all present that the decision will be provided on Monday, May 9, 2016 at a Regular Board Meeting. A copy of the transcript should be available no later than May 2.

Mr. Makel added that if anyone wants to include a statement, they need to provide it by May 4 at 4:00 p.m. He will prepare the Findings of Fact and Conclusions of Law.

Motion to cancel the Regular Board Meeting and combine it with the meeting to be held on May 9, 2016.

Motion by Heather Daerr, Second by Deborah Sargent

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

Motion to go into Executive Session at 10:00 p.m.

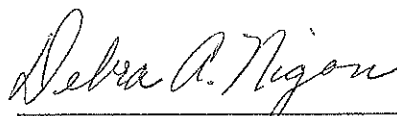
Motion by Deborah Sargent, Second by Larry Spahr

Roll call vote: Spahr-yes, Trax-yes, Chasko-yes, Sargent-yes, Daerr-yes. Motion carried.

The Board returned from Executive Session at 10:48 p.m.

The solicitor said that they discussed matters involving personnel and litigation.

Next Monday at 6:00 p.m. a Special Meeting will be held at the Township Municipal Building for general purposes.


Debra A. Nigon, Secretary