Under Pressure: People & Pipelines

"How to get the information you need to understand and manage pipelines"

2016 Annual APA-PA Conference October 18, 2016



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Issues to Consider

- PA sits atop one of the largest deposits of natural gas in the world;
 volume of gas estimated in PA = more extraction wells than any
 other state but Texas
- Long term implications approximately 20 years of drilling and 50 years of extraction
- Newer, bigger, higher pressure pipelines; upgrades from lower to higher PSI

Opportunities –

- ▶ Valuable resource (although the price is currently below the cost of production)
- ▶ Cleaner than other forms of fossil fuels (emits about 50% less carbon when burned).
- ▶ PA ideally suited to deliver gas (transportation accounts for approximately 40% of fuel costs)

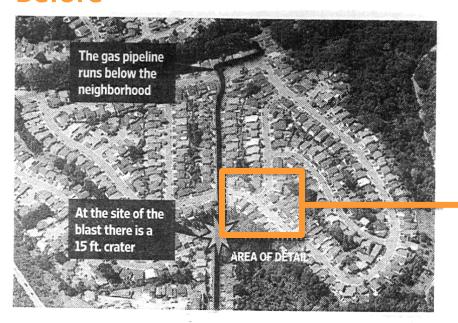
Issues to Consider (cont.)

- Costs and Risks –
- Pipelines, drilling pads and wastewater storage pits alter the landscape, fragment wildlife habitat, impact land use decisions (including property values)
 - ▶ Health impacts
 - ▶ Billions of gallons of water used to frack shale
 - Heavy rigs damage roads
 - ► Accidents and errors have contaminated land and drinking water
 - ▶ (Clearfield Co. discharge; Dimock Twp., Susquehanna Co. contamination)
 - Numerous state parks and forest lands are under lease for gas drilling (Ohiopyle)
 - ► September '10 San Bruno, CA transmission pipeline explosion
 - ▶ The "Retirement Party" and the lack of a real National Energy Policy

San Bruno Transmission Pipeline Explosion

September 9, 2010

Before



After



Safety

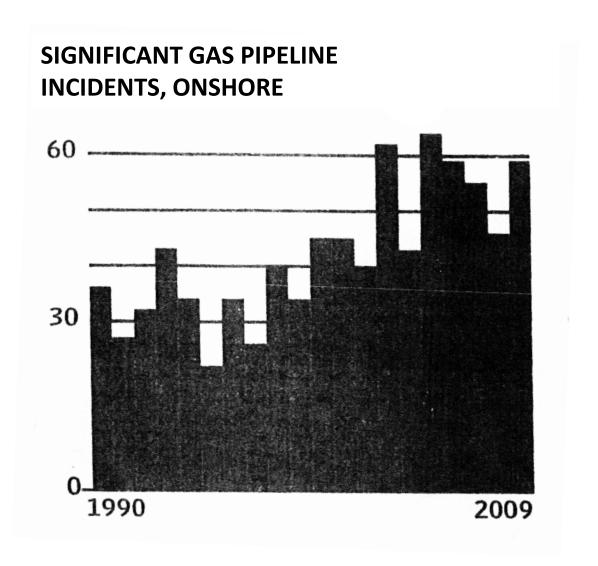
- Old Pipes San Bruno is not unique; many pipelines in PA are 50+ years old
- Inadequate maintenance, Incorrect repairs, Leaks go undetected
- Residents unaware of pipelines
- NTSB Investigation of 2008 Fatal Pipeline Explosion in Rancho Cordova,
 California found as a major contributing factor the inability to quickly
 identify the source of the leak and the failure to evacuate the neighborhood
- Is maintenance spending keeping up with deterioration?
- Need a new focus on Maintenance Issues

Safety (cont.)

- Recent pipeline leaks and explosions in:
 - ▶ Allentown 600 people evacuated, 2 homes destroyed, 5 people killed
 - ▶ Philadelphia Several injured, 1 person killed
 - ▶ New York City 2 Apt. buildings, 8 killed, "aging infrastructure"



Incidents



Need to find a balance:

Drilling and Transporting

V.

Protection/Restoration of Natural Environment; Health, Safety and Welfare

Moving forward

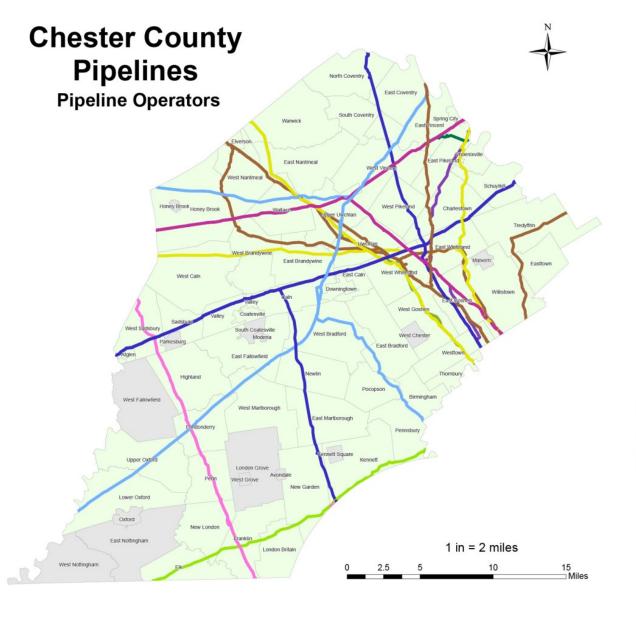
- **Federal** FERC (Federal Energy Regulatory Commission); PHMSA (Pipeline and Hazardous Materials Safety Administration)
- Pipeline and Hazardous Materials Safety Administration (PHMSA);
 Pipelines and Informed Planning Alliance (PIPA)
- PA Act 13 consolidating and modifying the Oil and Gas Act of 1984;
 Recent Supreme Court Ruling
- PA Public Utilities Commission
- Municipalities Planning Code (MPC)
- State, County & Local Regulations/Ordinances in other communities
- What are the County and Municipal Roles in PA?

County Planning and Pipelines

- Why is the Chester County Planning Commission involved in pipelines?
- What role does CCPC play in addressing pipeline issues?
- How is the Pipeline Information Center used to facilitate communication?



Pipeline Operators



Municipalities Intersected by a Pipeline

Atglen	Franklin	Tredyffrin
Birmingham	Highland	Upper Oxford
Caln	Honey Brook	Upper Uwchlan
Charlestown	Kennett	Uwchlan
Coatesville	London Britain	Valley
Downingtown	Londonderry	Wallace
East Bradford	Lower Oxford	Warwick
East Brandywine	New Garden	West Bradford
East Caln	New London	West Brandywine
East Coventry	Newlin	West Caln
East Fallowfield	North Coventry	West Goshen
East Goshen	*Parkesburg	*West Fallowfield
East Marlborough	Penn	West Marlborough
East Nantmeal	Pennsbury	West Nantmeal
*East Nottingham	Phoenixville	West Pikeland
East Pikeland	Pocopson	West Sadsbury
East Vincent	Sadsbury	West Vincent
East Whiteland	Schuylkill	West Whiteland
Easttown	South Coventry	Westtown
Elk	Spring City	Willistown
Elverson	Thornbury	

^{*}Intersected by consultation zone only

Municipalities

Intersected by Pipeline

Not Intersected by Pipeline

Pipeline Operators

- TE PRODUCTS PIPELINE COMPANY, LP/ENTERPRISE PRODUCTS PARTNERS LP
- TEXAS EASTERN TRANSMISSION LP (SPECTRA ENERGY CORP)
- COLONIAL PIPELINE CO
- COLUMBIA GAS TRANSMISSION CORP
- EASTERN SHORE NATURAL GAS CO
- LAUREL PIPELINE COMPANY/BUCKEYE PARTNERS
- PECO ENERGY CO
- INTERSTATE ENERGY COMPANY
- SUNOCO PIPELINE L.P.

This map was digitally compiled for internal maintenance and developmental use by the Country of Chester, Pennsylvania to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. Country of Chester, Pennsylvania makes no claims as the completeness, accuracy or content of any data contained hereon, and makes no representation of any kind, including, but not limited to, the warranties of merchanicality or fitness for a particular use menchanicality or fitness for a particular use distantianed, with respect to the information or distantianed herein.

Sources: Chester County Planning Commission, 2013; Pipeline Locations - National Pipeline Mapping System, 2013.

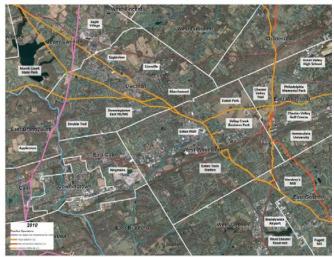
('Neither the United States Government nor any party involved in the creation and complisation of NPMS data and maps guarantees the accuracy or completeness of the products. NPMS data should be considered no more accurate than +500 feet and must never be used as a substitute for contacting the appropriate local one-call enter prior to digging.*

Exton Area - 1938 to 2010





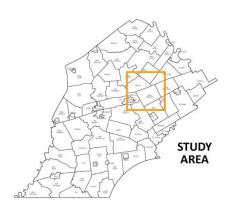
1938 1970

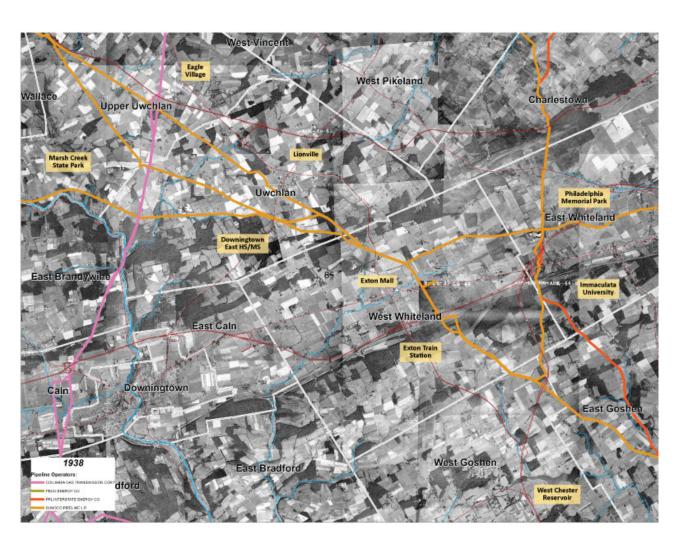




2010

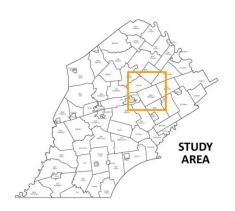
Exton Area - 1938

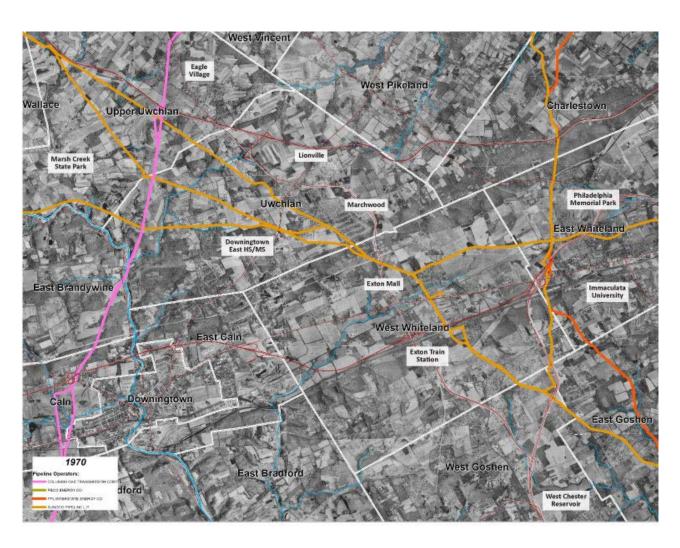






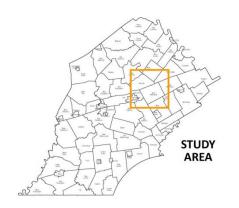
Exton Area - 1970

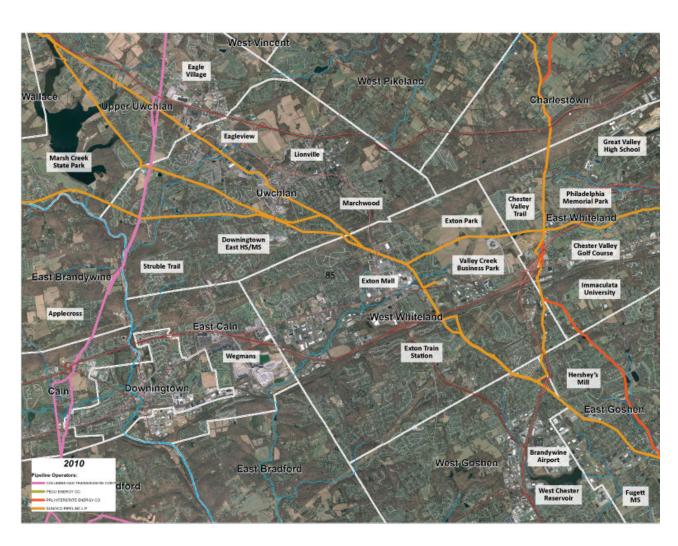






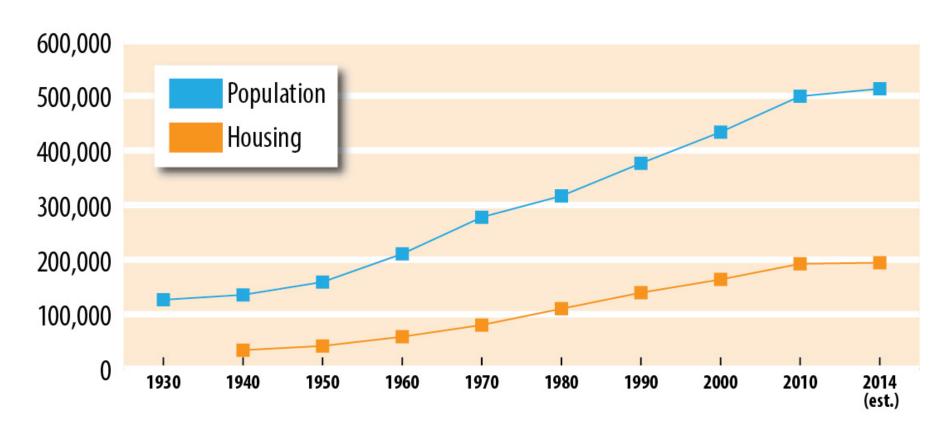
Exton Area - 2010







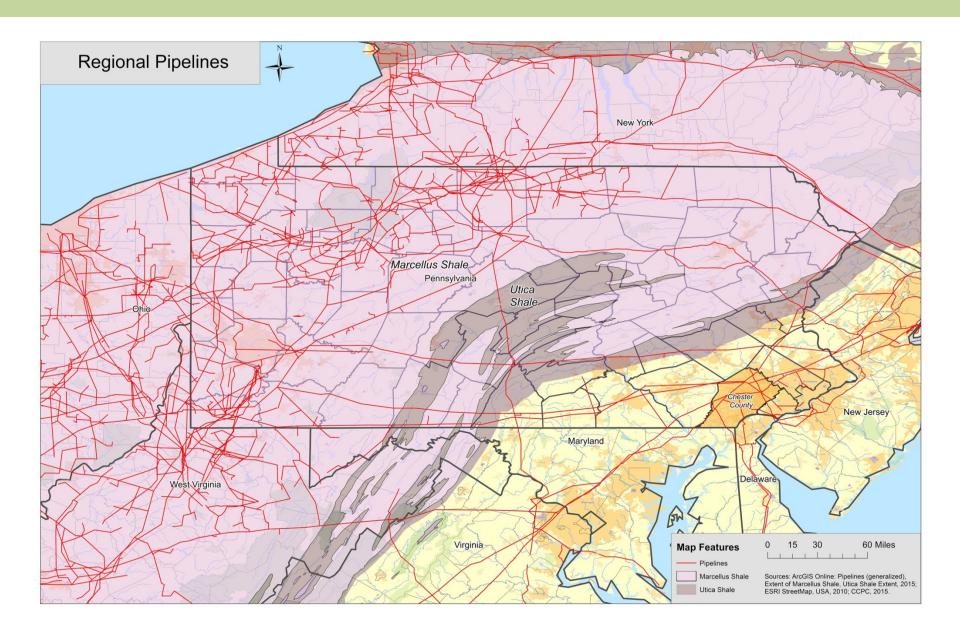
Chester County Population and Housing | 1930-2014



Source: U.S. Census, 1930-2014 (Rounded to the nearest 10)

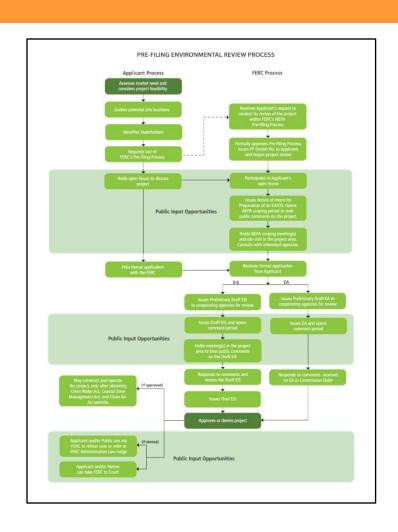


Marcellus Shale & Chester County



Provide Input in the Pipeline Review Process

- Limited opportunities for formal input into the siting process
- Natural Gas Pipelines fall under FERC Review Process
- No formal input process for siting of Hazardous Liquid Pipelines





Information Source for Stakeholders

- Pipeline Operators
- Residents and Landowners
- Municipalities
- Elected Officials





Facilitate Communication between all Parties

- Connecting stakeholders to the right person or agency
- Coordinate meetings
- Event announcements
- Links to FERC review process





Address Pipeline Infrastructure in the County Comprehensive Plan

- Plan sets long-range policies for Chester County
- "Umbrella" policy guide for municipalities
- Infrastructure Energy, Transmission, and Distribution





Why was the PIC created?



The PIC was created to provide residents with a central location where they can find information on all aspects of pipeline issues including pipeline safety, the pipeline review process, and the latest information on pipeline project activity within Chester County and the surrounding region.



Purpose of the Pipeline Information Center



- Supports the County's Role as the Pipeline Point of Contact
- One-stop location for pipeline project information
- A source of objective and current pipeline information
- A tool for municipalities, residents, and other stakeholders



Act 13, the Robinson Case, and the PUC

- Robinson case challenged certain portions of Act 13, specifically:
 - ▶ Section 3303, which excluded municipal regulation of oil and gas operations, and
 - ▶ Section 3304, which required uniformity of local ordinances including use and setback requirements for siting oil and gas operations in zoning districts, including the "reasonable development" clause which permitted oil & gas operations in all zoning districts within the guidelines set forth by the provisions
- PA Commonwealth Court found portions of the Act to be unconstitutional.
 Case appealed by state and goes to PA Supreme Court.

Act 13, the Robinson Case, and the PUC (cont.)

- December of 2013, Supreme Court decrees the state does not have absolute power over municipalities in terms of environmental protection and Act 13 puts municipalities in direct conflict with their constitutional authority to protect the environment under the "Environmental Rights Amendment", Section 27 of the Pennsylvania Constitution.
- Supreme Court also agrees that Sections 3303 and 3304 of the Act are unconstitutional. State asks Court to reconsider opinion; Court recently denied request and the decision is now final.

Act 13, the Robinson Case, and the PUC (cont.)

- Supreme Court remanded certain arguments back to the Commonwealth Court for further consideration, e.g., the role of the PUC in reviewing local zoning ordinances. Commonwealth Court in July of 2014 ruled that challenges to local ordinances must come before municipal zoning boards per the requirements of the Municipalities Planning Code, not the PUC. Sept. 28 2016 decision upheld by Supreme Court
- "Certificate of Public Convenience" from PUC may exempt pipelines from local zoning laws, however, a recent July 23, 2014 decision by PUC Administrative Law Judges questions the efficacy and suitability of such an approach. "Reasonably necessary for the convenience or welfare of the public"

No ruling but: Supreme Court hinted that it might not consider public utilities to always have the power of eminent domain

Act 13, the Robinson Case, and the PUC (cont.)

- Other decisions from Sept. 28, 2016 Decision:
 - ► "Doctor Gag Rule" Drillers must list chemicals used and share with health professionals; doctors no longer excluded from knowing when treating patients.
 - ▶ Use of Eminent Domain for storage facilities no longer permitted provisions permitted in Act 13 are unconstitutional.
 - ► Exclusion of private wells from notification of spills struck down.

Preamble and Sec. 105 –

To empower "municipalities" to plan their development and govern the same by zoning, subdivision and land development ordinances... to protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the preservation of this Commonwealth's natural and historic resource; to ensure municipalities adopt zoning ordinances...consistent with the municipality's comprehensive plan.

• Sec. 604(1) -

To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

• Sec. 604(2)

To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- Sec. 605 Where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made within any district:
 - (1) For the purpose of making transitional provisions at and near the boundaries of districts.
 - (2) For the regulation, restriction or prohibition of uses and structures at, along or near:
 - ...(vii) **flood plain areas**, agricultural areas, sanitary landfills, **and other places having a special character or use affecting and affected by their surroundings**.

Municipalities want a say regarding the land use implications of pipelines

 Want to address the health, safety and welfare issues of siting transmission pipelines and be consistent with local land use planning regulations and comprehensive land use planning.

• "How vs. Where"

How – DEP (regulatory role under Act 13 – Chapter 78; new section just adopted (9/16) provides improved water protections, public resource protections and information sharing.

• Want to provide for:

- ▶ Uses not otherwise permitted;
- ► Securing sites against vandalism;
- ► Suitable access to pipeline sites;
- ► Landscape buffers and setbacks for new development;
- ► Signage;
- ► Etc.

The TAG Grant Approach Post Act 13 Supreme Court Ruling

A multi-prong municipal regulatory approach that addresses:

- 1) Surface land uses affiliated with pipelines (providing for uses not otherwise permitted in most ordinances),
- 2) Street opening standards,
- 3) Standards for new development in proximity to pipelines, and
- 4) Revisions to municipal comprehensive plans (providing the nexus between the comp. plan and code of ordinances).
 - These four items combined to provide an effective approach towards proactively addressing pipelines within the legislative and regulatory climate in existence.
 - Considered on solid ground from a planning and legal perspective (post-Act 13) PHMSA circulated model ordinances statewide.

Surface Land Uses Affiliated with Pipelines

 Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

Purposes

- ► Accommodate such uses consistent with desire to protect the health, safety and welfare of the citizens of the municipality;
- ► Minimize aesthetic, nuisance and visual impacts through proper design, siting and screening;
- ▶ Ensure the location of such uses complies with industry standards; and
- ▶ Preserve community character adjacent to such uses.

Surface Land Uses Affiliated with Pipelines (cont.)

Locational Provisions

- ► Industrial Districts, etc.
- Special Use Districts (areas where pipeline corridors already exist)
- ▶ Prohibitions (within historic preservation overlay districts, scenic corridor overlay districts, etc.)
- ► Conditional use?

Surface Land Uses Affiliated with Pipelines (cont.)

Standards

- ► Setbacks from property line or right-of-way
- Screening and Buffering: landscape plan, fencing
- Noise reduction
- Odor reduction
- ► Signage: limit to appropriate warning and utility identification
- ▶ Parking
- Lighting
- ▶ Design: engineered plan and review function, compatibility with surrounding uses
- ► Visual Impact Reduction
- Sufficient Need
- ► Licensing Documentation
- ► Removal Requirements

Street Opening Standards

Providing for the regulation of street openings, installations and driveways.

Purpose

To provide applicable standards for the opening, cutting, excavating, grading, boring, crossing, installation or disturbance upon, in, under, or across a municipal road or road right of way.

Standards

- ► Permit requirement
- ► Application and Fees
- ▶ PA One-Call
- ▶ Traffic Maintenance
- ► Detour provisions

Street Opening Standards (cont.)

Standards (cont.)

- ► Erosion Control (possible references)
- ► OSHA requirements
- Work notification
- ► Backfill requirements
- ► Overnight site security and public safety
- ► Installation and Clean-up
- ► Temporary and permanent road restoration
- ▶ Identification of applicant and contact information
- ► Security deposit and work guarantee
- ▶ Utility placement and drainage
- ► Violations and penalties
- Insurance
- ▶ Driveway Standards (optional): permits, dimensions, locations, etc.

Standards for New Development in Proximity to Pipelines

• Plan submission, buffer, setback, signage and landscaping provisions for new development adjacent to transmission pipelines.

Purposes

- ► Help prevent and minimize unnecessary risk to the public health and welfare due to transmission pipelines and ensure consistency with the intent of the Municipal Comprehensive Plan;
- ► Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment;
- ► Avoid exposing land uses with high on-site populations that are difficult to evacuate; and
- ▶ Help reduce adverse impacts in the event of a pipeline failure.

Standards for New Development in Proximity to Pipelines (cont.)

Applicability and Standards

- ▶ Plan content for preliminary and final plan submissions
 - Document the location, r-o-w and limits of all easements for transmission pipelines.
- ► Setbacks for new uses, including "Potential Impact Radius" (PIR) Protection of pipeline r-o-w temporary barricades and signage.
- ► Consultation Zone applies to any application for new uses within proximity of pipeline r-o-w. Requires applicant to communicate plan details to pipeline operator and provide sufficient access to pipeline.
- ► Land uses with high on-site populations Such uses within 660 feet of pipelines shall develop mitigation measures (emergency procedures, employee training and education).

Standards for New Development in Proximity to Pipelines (cont.)

Applicability and Standards (cont.)

- ▶ Design, buffering and screening incorporating linear appearance of pipeline into development design; landscaping to minimize and buffer pipeline.
- Signage need for, number of and placement of identification and/or warning signs

What we are trying to avoid!

Washington State

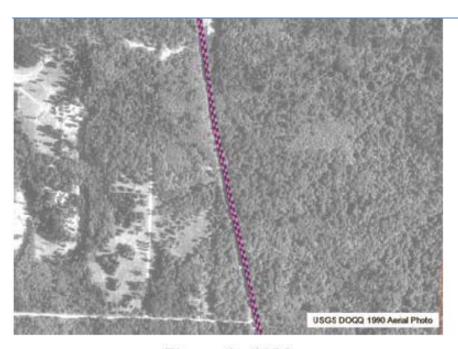




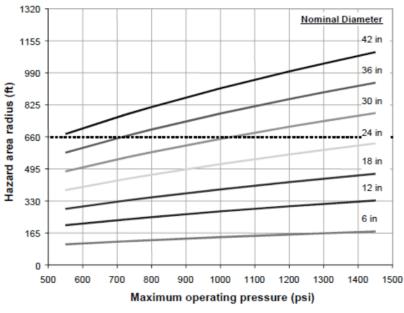
Figure 1 - 1990

Figure 2 - 2002

Technique available to use – "Potential Impact Radius"

 Potential impact radius determined by knowing diameter of line and pressure of gas.





Municipal Comprehensive Plans

- Provides the rational nexus between the comprehensive plan and municipal ordinances (Sect 105 of the MPC)
- Revisions to chapters/sections addressing community facilities and services.
 - ► Acknowledge existing and proposed pipelines
 - ► Acknowledge benefits and risks
 - ► The need to monitor existing and proposed activity
 - ▶ The need to enact regulations complimentary to state and federal law
 - Examples: access provisions, buffer and setback standards, etc.
 - ► Seek out increased communication with pipeline operators
 - Issues: new development impacts, land uses with high on-site populations, etc.
 - ► Reference related county and statewide planning goals
 - ► Coordinate with county and state on new pipeline projects

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Pipeline Project Summary Table



Sample Project Page



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Chester County Pipeline Information Center: Columbia East Side Expansion

An initiative of the Chester County Board of Commissioners



Columbia Pipeline Group's East Side Expansion project, in response to customer demand for additional capacity, is planning to upgrade and expand existing pipeline and compressor station facilities. The project involves the installation of new natural gas pipelines with approximately 9.5 miles in Chester County and 9.5 miles in Gloucester County, New Jersey. The project also includes modifications and upgrades to facilities in Northampton, Pike, Bucks and Montgomery Counties in PA, as well as Orange County, New York, and Harford County, Maryland. The proposed project is anticipated to be in service in fall of 2015.

On June 17, 2014, FERC issued a Notice of Schedule for Environmental Review of the East Side Expansion Project, FERC docket Number CP14-17. The schedule for the Environmental Review is as follows: Issuance of the Environmental Assessment, August 29, 2014 and the 90-day Federal Authorization Decision Deadline is scheduled for November 27, 2014. To view filings with FERC on this project, please visit http://elibrary.ferc.gov/idmws/docket_search.asp, enter "CP14-17" in the Docket Number box and then click "Submit" in the lower left hand corner.

According to the **East Side Expansion Project website**, in response to landowner concerns, Columbia submitted a revised pipeline route to

WEST SECTION

WE

On August 29, 2014, the Federal Energy Regulatory Commission (FERC) issued the Environmental Assessment (EA) and Environmental

the Federal Energy Regulatory Commission (FERC). View a map of the re-routed Pennsylvania Segment.

Impact Statement (EIS) for comment. The FERC Docket Number is CP14-17-000. To view these documents, **click here**. To see all FERC postings on this project **click here** and enter Docket Number CP14-17 into the Search box.

On September 29, 2014, the Chester County Planning Commission (CCPC) and the Chester County Water Resources Authority (CCWRA) presented comments on the Draft Environmental Assessment for the Columbia Gas Transmission, LLC East Side Expansion Project. View the CCPC letter and the CCWRA letter.

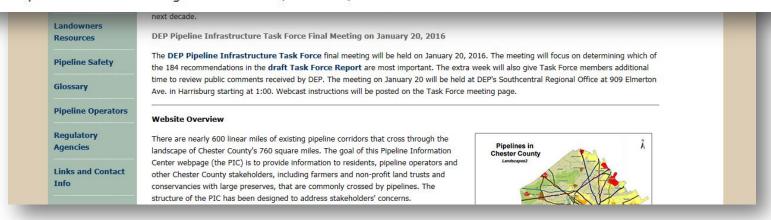
In an Order, dated December 18, 2014, FERC has issued a certificate of public convenience and necessity, authorizing Columbia to

Upcoming Events...



Sunoco Logistics Opens Mariner 2 East Right-of-Way Office

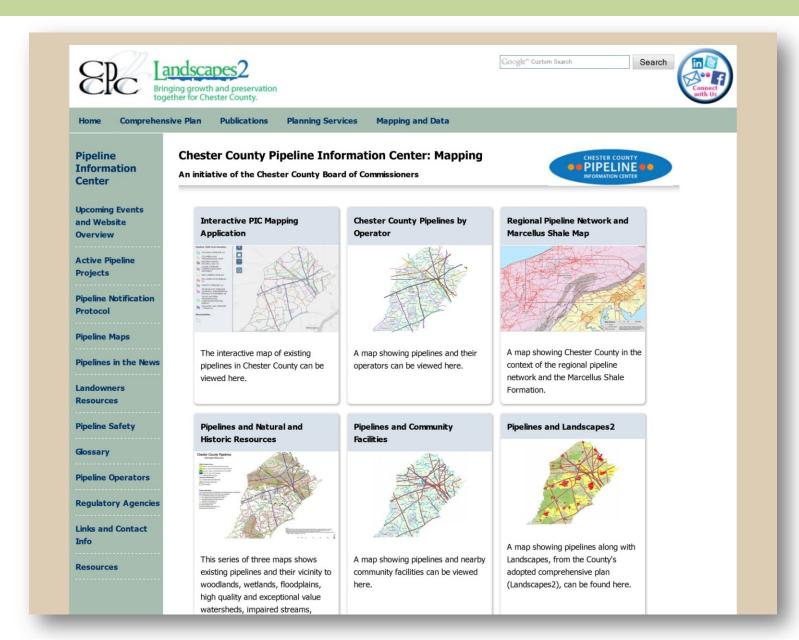
Sunoco Logistics has announced that there is a newly opened **Right of Way office** for the Mariner East line. The office provides a location for landowners to meet with a Right of Way agent or supervisor to discuss questions or concerns regarding easement negotiations. The office is open by appointment only at the following times: Wednesday 7:30 a.m. - 1 p.m.; Thursday 11 a.m. - 6 a.m.; and Saturday 10 a.m. - 2 p.m. If you would like to schedule a meeting you can call 484-359-7241 or email **sunocoextonoffice@sunocologistics.com**. The office is located in Eagleview Corporate Center at 600 Eagleview Boulevard, Suite 300, Exton PA 19341.



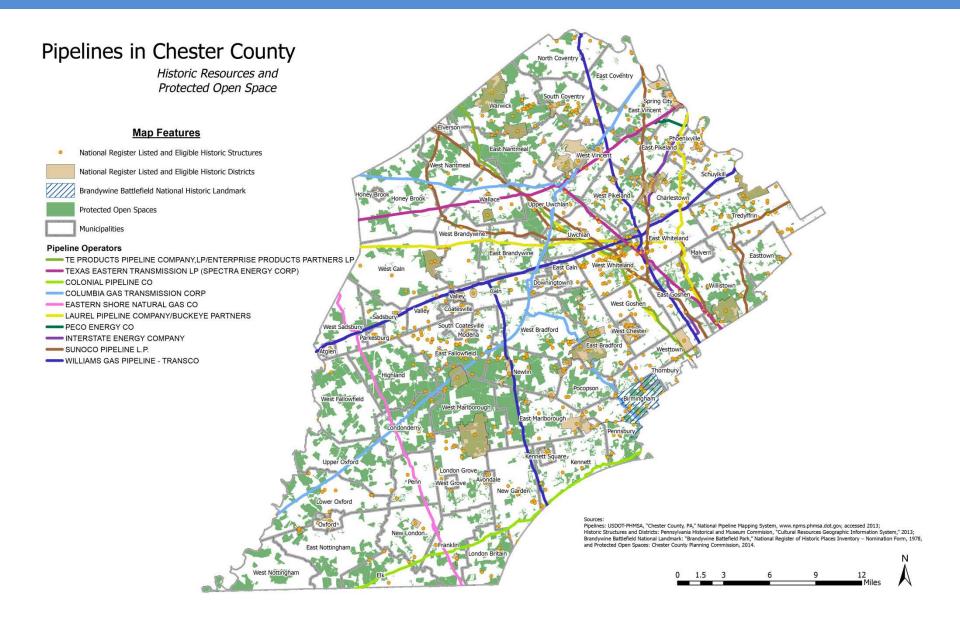
Pipelines in the News



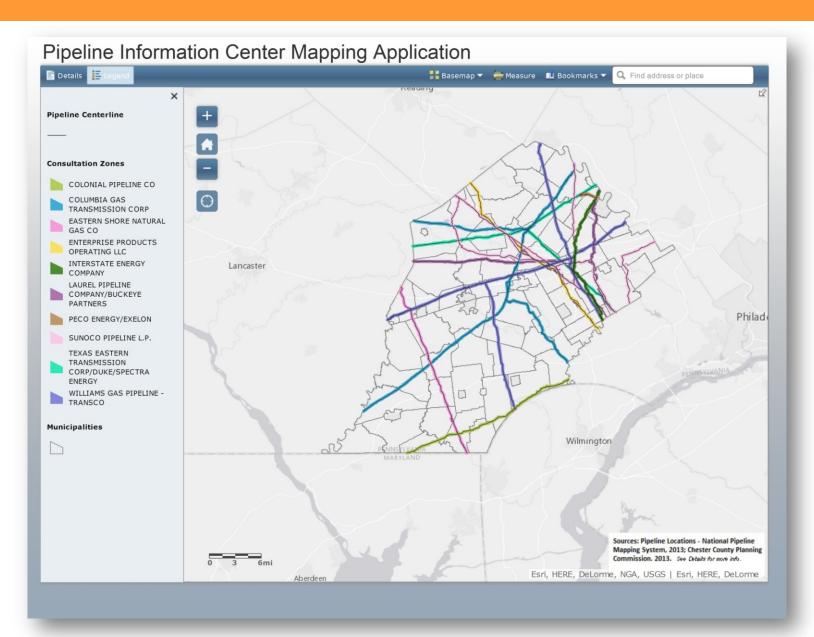
Pipeline Mapping



Pipelines in Chester County



Interactive Mapping Application



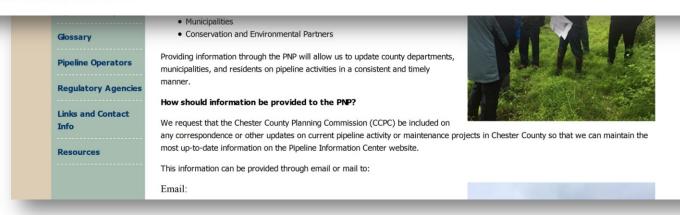
Pipeline Notification Protocol



What is the PNP and who maintains it?

The Pipeline Information Center (PIC) website serves as a central location for posting pipeline project information and updates on proposed and active pipeline projects. The PIC supports pipeline safety and public awareness through a partnership with pipeline providers, regulators, and municipal governments.

To further promote communication between all parties, Chester County has implemented a "Pipeline Notification Protocol" or "PNP" to inform residents and other constituents about pipeline projects in the County. The Chester County Planning Commission has been designated as the "point of contact" and is responsible for implementing the PNP.



Landowners Resources

Pipeline Information Center

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Pipeline Notification **Protocol**

Chester County Pipeline Information Center: Landowners Resources

An initiative of the Chester County Board of Commissioners



The following information is intended to serve as a resource for landowners and residents, including those who may have an existing or proposed pipeline right-of-way on or near their property. Please note that landowners should not rely solely on this information to direct their land or financial decisions. This information is not intended to be, and should not be considered to be, a substitute for legal advice and planning. Any individual who undertakes suggestions presented hereafter, should do so only after consulting with an experienced professional advisor.

Below you will find information on the following:

- · Landowners Resource Guide for Pipeline Easements and Rights-of-Way
- Finding Pipeline Locations and Operators
- Finding Pipeline Easements through the Recorder of Deeds

Landowners Resource Guide for Pipeline Easements and Rights-of-Way

The resource guide provided here is intended to serve as a resource for landowners and residents, including those who may have an existing or proposed pipeline right-of-way on or near their property. Links and resources on easements are included for those interested in more detailed information on the subject.

Please note that landowners should not rely solely on this information to direct their land or financial decisions. This information is advisory and not intended to be, and should not be considered to be, a substitute for legal advice and planning. Any individual who undertakes specific suggestions presented in the resource guide should do so only after consulting with an experienced professional advisor.

View the Landowners Resource Guide for Pipeline Easements and Rights-of-Way

Landowners Resource **Guide for Easements** and Rights-of-Way



information on the pipeline operators, if any, in that specific area.

View the interactive pipeline map here.

View pipeline operators here.



Pipeline Safety



Locating Pipelines

Pennsylvania 811 & the 811 Hotline

811 is the national number designated to protect landscapers/contractors from unintentionally hitting underground utility lines while working on digging projects. 811 helps access locator services in order to mark the approximate location of underground lines, pipes and cables, in order to dig safely. The purpose of Pennsylvania 811/Call Before You Dig is to prevent damage to underground facilities and infrastructure of all types, through providing efficient and effective communications network between project owners, designers, excavators, and facility owners. **The site** houses a resource center, FAQ section, and tabs specific to the user searching the site, including homeowners, project owners, excavators, emergency responders, facilitate owners, and others.

We Support





Pipeline Operators



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Chester County Pipeline Information Center: Operators

An initiative of the Chester County Board of Commissioners



Each operator's contact information is available through the **interactive map**. If you click on any pipeline on the map, a box will appear that will provide the following information:

- · Name of the Operator/Company
- Name of the Department/Division to contact with NON-EMERGENCY questions
- · Phone or email contact for residents
- . Website link, if available, to the Chester County geographic area

Operator information is also available below. These links were either obtained directly from the operators, or in some cases, from the operator's website.



Photo credit: Pipeline Safety Coalition

Operator links

Colonial Pipeline Company

PO Box 350 Kemblesville, PA 19347 (610) 255-4556

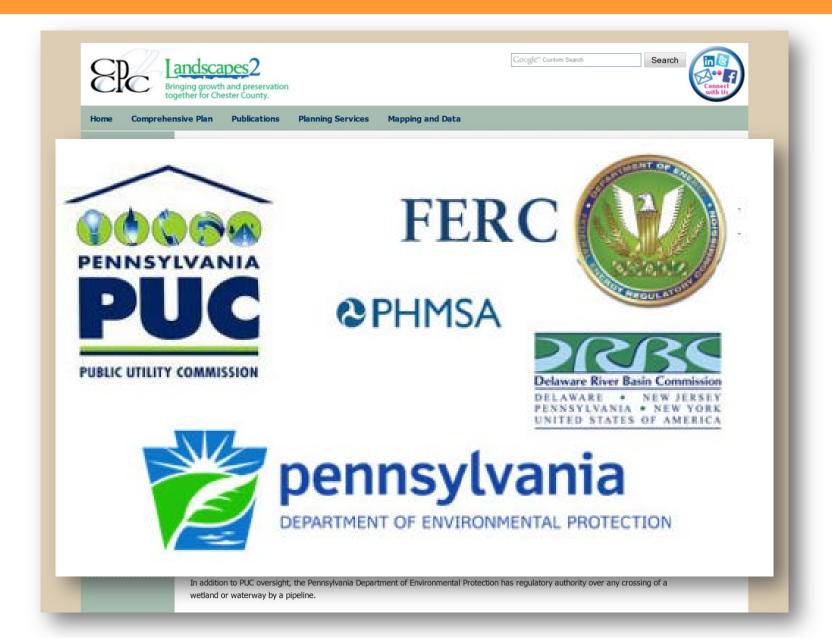
Columbia Gas Transmission Corporation

Brendan Neal, Manager, Community Relations & Stakeholder Outreach Columbia Pipeline Group/NiSource, Inc. 10 G Street NE, Suite 400 Washington DC, 20002 Office: 202-216-9776

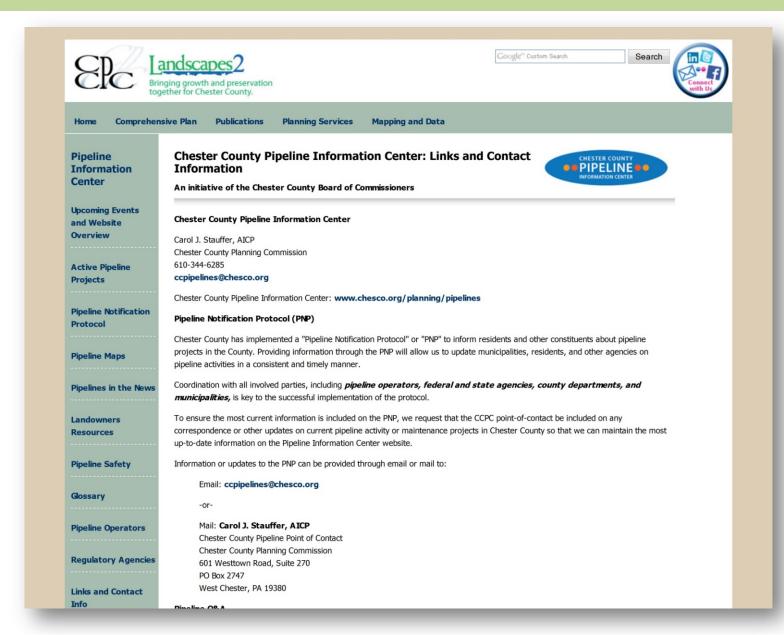
• Eastern Shore Natural Gas Company

1110 Forrest Ave Dover, DE 19904 (302) 734-6720

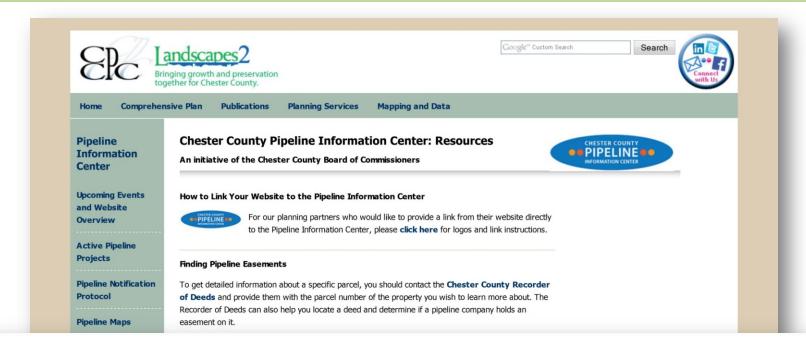
Regulatory Agencies



Links and Contact Information



Pipeline Resources



How to Link Your Website to the Pipeline Information Center



For our planning partners who would like to provide a link from their website directly to the Pipeline Information Center, please **click here** for logos and link instructions.

