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The Honorable Gladys M. Brown

Chairwoman

PA Utility Commission

3rd Floor North

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

Email: gmb@pa.gov

Dear Chairwoman Brown:

Attached please find for filing, the Petition for Intervention Pursuant to 52 PA Code Chapter 5A on behalf of Pipeline Safety Coalition.

Thank you,

A handwritten signature in black ink, appearing to read "Lynda K. Farrell", is centered on the page.

Lynda K. Farrell,
Founder, Executive Director
Pipeline Safety Coalition

Our mission: "To gather and serve as a clearinghouse for factual, unbiased information; to increase public awareness and participation through education; to build partnerships with residents, safety advocates, government and industry; and to improve public, personal and environmental safety in pipeline issues."

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

In re: Sunoco Pipeline L.P. a/k/a :
Energy Transfer Partners :
 : Docket No. P-2018-3000281
Petition of the Bureau of Investigation :
And Enforcement of the Pennsylvania :
Public Utility Commission For The :
Issuance of an Ex Parte Emergency Order :

PETITION FOR INTERVENTION PURSUANT
TO 52 Pa. CODE CHAPTER 5A

AND NOW, this 26 day of March, 2018, comes Lynda K. Farrell, as President & Executive Director of Pipeline Safety Coalition based at 331 Norwood Road, Downingtown, Chester County, PA, here seeking to intervene as a party in the above-captioned matter and, in support thereof, avers the following:

- (1) On March 4, 2018, and again on March 5, 2018, immediately upon community notification and video documentation of sink holes near properties located on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania, Pipeline Safety Coalition (PSC) did notify authorities at the Pipeline Hazardous Materials Safety Administration (PHMSA) and PA PUC. PSC altered PHMSA and PUC to the proximity of sink holes to AMTRAK.
- (2) On March 7, 2018 the Bureau of Investigation and Enforcement (BIE) of the Pennsylvania Public Utility Commission (Commission) filed a Petition for Issuance of an *Ex Parte* Emergency Order to the above referenced Docket seeking emergency relief against Sunoco Pipeline, L.P. (Sunoco/ETP) pursuant to 52 Pa. Code 3.1-3.4.
- (3) The factual circumstances that underlay the BIE's Petition for Emergency Relief included initial communications by affected landowners including Petitioner herein to which the BIE responded and found a series of sinkholes near properties located on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.
- (4) The sinkholes found by the BIE presented and continue to present a clear, present, significant, imminent danger to the affected property owners, as well as a yet to be determined long term imminent danger by way of geologic instability caused by creation of sinkholes and by methods employed in immediate remediation.
- (5) Sunoco/ETP undermined a pipeline constructed in the 1930's and recently repurposed by Sunoco to transport highly volatile, potentially explosive Natural Gas Liquids (NGL's) from Ohio and Western Pennsylvania to the Sunoco refining facility known as Marcus Hook located in Pennsylvania and Delaware. This operating pipeline is known and referred to herein as the Mariner East 1 Pipeline (ME1) and was at the time of the sinkhole formation transporting these highly volatile and potentially explosive NGL's.
- (6) The highly volatile and potentially explosive NGL's being transported by the ME1 are, when released, odorless, colorless, heavier than air, highly explosive, and asphyxiating and, therefore, present a clear, imminent and

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existential danger to persons residing in close proximity to the pipeline including community members affiliated with Petitioner herein.

(7) The BIE also found and Petitioner here avers that Sunoco/ETP's on-site agents contracted to have large quantities of flowable fill deposited in each of the sinkholes:

- (a) without a permit to do so or notifying any jurisdictional regulatory agency,
- (b) without consultation with any geologist or expert on sinkhole remediation,
- (c) without creating any sinkhole remediation plan,
- (d) without studying or mapping surface or ground water flows,
- (e) without conducting any studies or testing of the underlying geology by resistivity, seismic investigation, ground penetrating radar or otherwise,
- (f) without excavating the sinkhole openings to bedrock,
- (g) without pressure grouting any underground voids,
- (h) without constructing any plug or bridge to prevent further sinkhole collapse;
- (i) without relocating, providing any additional support to or means to prevent strain by weighting, floatation or otherwise either the operating pipeline (ME1) or the two additional pipelines currently being constructed by Sunoco/ETP in close proximity within the same easement as ME1 and known and referred to herein as ME2 and ME2X.

(8) Petitioner avers on information and belief that some or all of the listed actions in sub-Paragraphs (a)-(i) of Paragraph (6) above were necessary to protect the lives, health, safety, and property of Petitioners.

(9) Petitioner avers on information and belief that in absence of sub-Paragraphs (a)-(i) the deposition by Sunoco/ETP of this flowable fill was not an appropriate method to safely remediate the sinkholes or to protect the ME1, ME2 or ME2X pipelines from further or future damage including catastrophic collapse.

(10) Petitioner avers on information and belief that the deposition of this flowable fill by Sunoco was completed in an attempt to camouflage the extent of the sinkhole activity and its relationship to the ME1, ME2 and MEX pipelines from neighboring property owners, local officials, and regulatory personnel.

(11) As the BIE averred in its Petition for *Ex Parte* relief, Sunoco/ETP's actions have left the integrity of ME1 "potentially hazardous to life, property, and the environment." Petition for *Ex Parte* Relief at page 1.

(12) By Order dated and entered on March 7, 2018, the Commission granted the BIE's Petition for Emergency *Ex Parte* Relief requiring Sunoco/ETP to accomplish, *inter alia*, "at least one in line inspection tool" run through ME1 from one mile to the north to one mile to the south of Lisa Drive; thereafter to suspend hazardous liquid flow while maintaining pressure of 475 to 650 psig in ME1 for a 10-14 day study period, geophysical testing in the ME1 Horizontal Direct Drilling (HDD) area; and to discuss with BIE and Pipeline Safety staff the addition of strain gauges to ME1 "in the study area".

(13) Neither the BIE's Petition nor the Emergency Order make any direct reference to further study, proper design and preparation by suitable experts, or implementation of proper sinkhole remediation.

(14) Neither the BIE's Petition nor the Emergency Order make any direct reference to the lives, health, safety, or property of neighboring property owners herein during the study period as it may be extended or thereafter in the

event that ME1 operation and/or ME2 and ME2X construction and operation continue without proper sinkhole remediation.

(15) No provision has been made to ensure lives, health, safety, or property during the operation of ME1 or the construction and operation of ME2 or ME2X now being constructed without pause in the same geologically unstable area as caused the emergency situation with ME1.

(16) Petitioner is eligible to intervene in this matter pursuant to 52 Pa. Code 5.72 because, *inter alia*:

- (a) Petitioner is asserting rights guaranteed by the United States and Commonwealth of Pennsylvania Constitutions including without limitation the rights to due process before the deprivation of life, liberty, or property protected by the Takings Clause of the Fifth Amendment applicable to the states by force of the Fourteenth Amendment of the United States Constitution; the right to enjoy and defend life, liberty, and property protected by Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and the right of the people under the Environmental Rights Amendment of Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania;
- (b) As a Federally recognized 501(c)(3) non profit community educational organization, it is in the interest of the public that Petitioner participate by intervention in this matter to ensure that the parties do not, by agreement or otherwise, limit or fail to undertake or to require and inspect in a workmanlike, good faith manner any of the protective actions required by the Emergency Order or discovered during the study period to be necessary to protect the public including Petitioner herein or to fail to address by adequate means the concerns described by reference in the preceding sub-Section (b) of this Paragraph.

(17) In the event that the Commission grants the instant Petition to Intervene, Petitioner intends to support the actions of the BIE and the Office of Pipeline Safety, ensure that the protections described in the Emergency Order of March 7, 2018 are implemented fully and in complete good faith; assert and defend the interests described in Paragraph (14) hereinabove and further support the interests of the neighbors and the affected public including stakeholders and HCA's along the route of ME1, ME2, and ME2X in the proper resolution and remediation of the public hazards made the subject of the BIE's Emergency Petition for *Ex Parte* Relief and the Commission's responsive Emergency Order dated March 7, 2018.

NOW, THEREFORE, on the basis of the averments set forth above the Petitioner respectfully request the Commission to enter an Order granting the instant Petition for Intervention pursuant to 52 Pa. Code 5.75 as well as any related relief the Commission deems appropriate.

Respectfully Submitted,



Lynda K. Farrell,
Founder, Executive Director
Pipeline Safety Coalition