

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN  
ROSEMARY FULLER  
MICHAEL WALSH  
NANCY HARKINS  
GERALD MCMULLEN  
CAROLINE HUGHES and  
MELISSA HAINES

Petitioners

v.

SUNOCO PIPELINE L.P.,

Respondent

RECEIVED

NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Docket No. P-\_\_\_\_\_

**PETITION FOR INTERIM EMERGENCY RELIEF**

COME NOW, petitioners, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines, by their attorney, Michael S. Bomstein, and respectfully file this Petition for Interim Emergency Relief pursuant to 52 Pa. Code § 3.6, and in support thereof aver as follows:

**INTRODUCTION**

Sunoco Pipeline LP (“Sunoco”) has repurposed a 1930s-era hazardous liquids pipeline which it now markets as Mariner East 1 (“ME1”) to transport *hazardous, highly volatile liquids* (“HVLs”) across the Commonwealth for shipment to locales outside the state. Sunoco has also proposed to construct new HVL pipelines: the 20-inch “Mariner East 2” or “ME2” and 16-inch “Mariner East 2X” or “ME2X.”

Finding itself unable to complete either ME2 or ME2X, Sunoco now proposes as a workaround to cobble together another existing 1930s-era 12-inch pipeline with various sections of the new 20- inch ME2 and 16- inch ME2X pipe segments to begin additional transport of

HVLs across the Commonwealth for shipment to locales outside the state. In an abrupt but unannounced change of terminology, Sunoco has begun referring to this cobbled-together hybrid pipeline as “ME2.” In this petition, the term “workaround pipeline” is used to distinguish it from ME2 as originally proposed by Sunoco. In both cases—ME1 and the workaround pipeline—the risk of injury, death, and property damage is significantly greater than in the case of non-HVL pipelines.

Applicable federal regulations, enforceable by the Public Utility Commission (“PUC”) require that Sunoco give the public adequate notice of procedures to follow in the event of a leak from its HVL pipelines. The notice that Sunoco has given the public, however, does not provide adequate notice of procedures sufficient to ensure the safety of the public in the event of a leak or rupture of an HVL transmission pipeline..

Heretofore, it appears that the PUC has simply accepted Sunoco’s “public awareness program.” This petition for interim emergency relief expressly seeks (a) PUC review of Sunoco’s public awareness program and a determination of whether it is, or is not, suitable, applicable, appropriate, and credibly possible to carry out, and (b) cessation of HVL pipeline operations until the review is complete.

### **PARTIES**

1. Petitioners are:

- (a) Meghan Flynn, 212 Lundgren Road, Lenni, PA 19052 (Middletown Township, Delaware County).
- (b) Rosemary Fuller, 226 Valley Road, Media PA 19063(Middletown Township, Delaware County).

- (c) Michael Walsh, 12 Hadley Lane, Glen Mills PA 19342 (Thornbury Township, Delaware County).
- (d) Nancy Harkins, 1521 Woodland Road, West Chester PA 19382 (Westtown Township, Chester County).
- (e) Gerald McMullen, 200 Hillside Drive, Exton PA 19341 (West Whiteland Township, Chester County).
- (f) Caroline Hughes, 1101 Amalfi Drive, West Chester PA19380 (East Goshen Township, Chester County).
- (g) Melissa Haines, 176 Ronald Road, Aston PA 19014 (Aston Township, Delaware County).

2. Respondent Sunoco is a foreign publicly traded partnership and wholly owned subsidiary of the Texas company Energy Transfer Partners with a place of business in the Commonwealth at 4041 Market Street, Aston, Pennsylvania 19014. For purposes of this petition, petitioners allege that respondent is a “public utility” with respect to the operation of the Mariner East pipelines, as defined in Section 102 of the Public Utility Code, 66 Pa.C.S. § 102.

3. Petitioners are represented in this action by Michael S. Bomstein, PA Attorney ID No. 21328, Pinnola & Bomstein, Attorneys at Law, with offices at Suite 2126, Land Title Building, 100 South Broad Street, Philadelphia, PA 19110, telephone number (215) 592-8383, and an electronic mail address of [mbomstein@gmail.com](mailto:mbomstein@gmail.com). Petitioners request service via electronic mail delivered to counsel at the said email address.

## JURISDICTION

4. Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, provides in pertinent part:

the commission shall have full power and authority, and it shall be its duty to enforce, execute and carry out, by its regulations, orders, or otherwise, all and singular, the provisions of this part, and the full intent thereof; and shall have the power to rescind or modify any such regulations or orders. The express enumeration of the powers of the commission in this part shall not exclude any power which the commission would otherwise have under any of the provisions of this part.

5. Section 1505(a) of the Public Utility Code, 66 Pa.C.S. § 1505(a), provides:

**(a) General rule.**--Whenever the commission, after reasonable notice and hearing, upon its own motion or upon complaint, finds that the service or facilities of any public utility are unreasonable, unsafe, inadequate, insufficient, or unreasonably discriminatory, or otherwise in violation of this part, the commission shall determine and prescribe, by regulation or order, the reasonable, safe, adequate, sufficient, service or facilities to be observed, furnished, enforced, or employed, including all such repairs, changes, alterations, extensions, substitutions, or improvements in facilities as shall be reasonably necessary and proper for the safety, accommodation, and convenience of the public.

6. Section 3.3 of the Public Utility Commission (PUC) regulations, 52 Pa. Code 33, provides that “[t]he Chairperson, a Commissioner, the Commission’s Director of Operations and the Commission’s Secretary have the authority to issue an emergency order.”

7. PUC regulations provide that a party may submit a petition for an interim emergency order during the course of a proceeding. 52 Pa. Code § 3.6.

8. Section 3.7 of the PUC regulations, 52 Pa. Code § 3.7, authorizes a presiding officer to “issue an order granting or denying interim emergency relief within 15 days of the filing of the petition.”

9. Issues related to the hazardous nature of the petroleum products involved in the pipeline transportation services; protection of public natural resources generally; damage to drinking water supplies in particular; and detrimental impacts on health, safety, welfare and property values implicate “the reasonableness and safety of the pipeline transportation services or facilities, matters committed to the expertise of the PUC by express statutory language.” *Delaware Riverkeeper Network v. Sunoco Pipeline L.P.*, 179 A. 3d 670, 682 (Pa. Cmwlth. 2018) (citing 66 Pa. C.S. § 1505).

10. “Sunoco's decisions are subject to review by the PUC to determine whether Sunoco's service and facilities ‘are unreasonable, unsafe, inadequate, insufficient, or unreasonable, discriminatory, or otherwise in violation of the Public Utility Code ....’”*Id.* at 693 (citing 66 Pa. C.S. § 1505(a)).

11. Moreover, 52 Pa. Code § 59.33 reads in pertinent part:

(a) *Responsibility.* Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.

(b) *Safety code.* The minimum safety standards for all natural gas and hazardous liquid public utilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. §§60101—60503 **and as implemented at 49 CFR Parts 191—193, 195 and 199, including all subsequent amendments thereto.** Future Federal amendments to 49 CFR Parts 191—193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission’s regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect. [Emphasis added].

(c) *Definition.* For the purposes of this section, “hazardous liquid public utility” means a person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transporting or conveying crude oil, gasoline, petroleum or petroleum products, by pipeline or conduit, for the public for compensation.

12. Thus, the Commission has the authority and responsibility to enforce the provisions of 49 CFR part 195 (specifically, § 195.440) on Sunoco’s current and proposed transport of hazardous liquids, including the hazardous, highly volatile liquids it is transporting and proposing to transport in the Commonwealth on its Mariner East system.

### **STANDING**

13. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, provides *inter alia* that “... any person... having an interest in the subject may...complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.”

14. Within the meaning of § 701, petitioners are persons who have an interest in acts done or omitted to be done, or about to be done or omitted to be done, by respondent Sunoco in violation of laws and regulations which the PUC has jurisdiction to administer and enforce. As set forth more in detail below, petitioners are Pennsylvania residents who believe they are at risk from (a) the existing operation of the 8-inch ME1 HVL pipeline; (b) the HVL workaround pipeline whose operation appears imminent; and (c) the additional Sunoco HVL pipelines which Sunoco may yet attempt to construct.

15. Specifically, petitioners contend that ME1 is being operated and the workaround pipeline is about to be operated without an adequate emergency notification system or credible emergency management plan and that, as a result, they are at imminent risk of catastrophic and

irreparable loss, including loss of life, serious injury to life, and damage to their homes and property. Petitioners, therefore, have a substantial, direct, and immediate interest in this matter.

16. Petitioners Gerald McMullen, Michael Walsh, and Rosemary Fuller all reside within a few hundred feet of the ME1 pipeline that Sunoco already uses to transport HVLs or the workarround pipeline, or both.

17. Petitioners Meghan Flynn, Caroline Hughes, and Melissa Haines have children who attend schools that are within a few hundred feet of the ME1 pipeline, the workarround pipeline, or both.

18. Petitioner Caroline Hughes has a place of work that is within a few hundred feet of the ME1 pipeline, the workarround pipeline, or both.

19. Petitioners Meghan Flynn, Nancy Harkins, Melissa Haines, and Caroline Hughes reside close enough to the ME1 pipeline, the workarround pipeline, or both that they might reasonably have to be evacuated in the event of a leak.

20. All Petitioners herein regularly travel on roadways along or immediately adjacent to ME1, the workarround pipeline, or both.

### **FACTUAL AVERMENTS**

#### ***The Mariner East Project***

21. According to its own website, respondent owns pipelines, terminals, and other assets used in the purchase, transfer and sale of: crude oil; refined products such as gasoline, diesel, and jet fuel; and so-called natural gas liquids (“NGLs”) including propane, ethane and butane.

22. According to respondent, Mariner East is a pipeline project in Pennsylvania, Delaware, Ohio, and West Virginia to transport NGLs such as propane, ethane, and butane to the

Marcus Hook Industrial Complex in southeastern Pennsylvania and Delaware and other access points for distribution to destinations in Pennsylvania and other domestic and international markets.

23. Also according to respondent, ME1 is part of the Mariner East project currently being used to transport up to 70,000 barrels a day of natural gas liquids.

24. If it becomes operational, the workaround pipeline would increase the volume of hazardous, highly volatile liquids being transported near homes, schools, businesses, senior living facilities, and other densely populated areas by some unknown amount.

### ***Highly Volatile Liquids (HVLs)***

25. HVLs are gases (primarily ethane, propane and butane) that have been compressed into liquid form for transportation. These gases emerge from wells along with methane (“natural gas”) and must be separated from the methane for the most part before the methane can be delivered to customers.

26. HVLs must be kept under high pressure for pumping through pipelines. If the pressure is relieved, the HVLs, being highly volatile, revert to a gaseous state. In that state, when mixed with air at a wide range of concentrations, they are extremely flammable or explosive.

27. Because they are also heavier than air, HVLs, in their gaseous state, tend to hug the ground and concentrate in low-lying areas. They do not dissipate as readily as methane, which is lighter than air. HVLs are odorless and colorless, making them difficult to detect without specialized equipment. They can move downwind or downhill for long distances while remaining in combustible concentrations. Many ordinary devices ranging from vehicles to garage door openers to light switches to doorbells can provide an ignition source.



***Mariner East 1 and the Workaround Pipeline: The hazard of a pipeline leak or rupture***

28. HVLs are highly volatile liquids that become vapor upon release to the atmosphere. In gaseous form and mixed with air, these materials are extremely flammable or explosive.

29. ME1 and the workaround pipeline run through densely populated parts of Chester and Delaware Counties. The majority of the route is in areas that Sunoco itself acknowledges to be “high-consequence,” meaning that an accident could affect many people. The HVLs Sunoco proposes to transport, with limited exceptions, are intended for use by the petrochemical industry, not the public, and a route that favors high-consequence areas represents an unnecessary and unacceptable risk to public safety.

30. The recent Citizens Risk Assessment, conducted by Quest Consultants, Inc. of Oklahoma and evaluating risks associated with Mariner East 2 and Mariner East 2X, showed that valve sites for HVL pipelines are particularly high-risk areas.

31. One of the valve sites for ME1 and the workaround pipeline is adjacent to Duffers, a restaurant and bar with an active kitchen, outdoor smoking space and parking lot within 50 feet of the valve site. State route 352 is approximately 100 feet from this valve site. Any of these could provide an ignition source in the event of a leak. An accident involving that valve site would endanger large numbers of restaurant patrons and workers and potentially hundreds of neighboring residences.

32. One of the valve sites for the workaround pipeline is located approximately 650 feet from the Glenwood Elementary School that serves 450 students at staff in Middletown Township Delaware County. Likewise, the Marsh Creek Sixth Grade Center (“MC6GC”) and Shamona Creek Elementary school in Uwchlan Township are both situated just a few hundred

feet from a valve station that will now be used for the workaround pipeline. Approximately 1800 staff and students are present at these two schools throughout each school day,

33. There are many other locations, including some others with valve stations, where dense populations are within the impact zone of an HVL leak. In fact, a large leak at *any* location along ME1 or the workaround pipeline has the potential for fatalities, and there are many locations where dozens or hundreds of fatalities could occur.

***Sunoco's Obligation to Provide a Credible Public Awareness Program***

34. 49 CFR § 195.440 provides in pertinent part that “[e]ach pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute’s (API) Recommended Practice (RP) 1162...”

35. The same regulation provides further that the program must “assess the unique attributes and characteristics of the operator's pipeline and facilities.” In addition, subsection (d) states that the program “must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on...[s]teps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release...”

36. The above regulation has been adopted specifically at 52 Pennsylvania Code §59.33(b). Further, the section mandates that, “[e]ach public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.”

37. Section 1501 of the Public Utility Code also states that “every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities...”

38. “Service” as defined in 66 Pa.C.S. §102 includes “any and all acts done...in the performance of their duties under this part to the...the public.”

39. 66 Pa.C.S. §501 also provides that “[i]t is the duty of the Commission **shall be its duty to enforce**, execute and carry out, by its regulations, orders, or otherwise, **all and singular, the provisions of this part, and the full intent thereof...**”(Emphasis added).

40. In light of the foregoing, it is clear that the Commission has the authority and the duty to require Sunoco to maintain adequate and safe service and facilities by (a) using every reasonable effort to properly warn and protect the public from danger, and (b) exercising reasonable care to reduce the hazards to which the public may be subjected to by reason of a release of hazardous, highly volatile liquids during operations of ME1 and the workaround pipeline; and (c) to evaluate the public awareness program required by 14 CFR section 195.440 for credibility, suitability and workability.

***Lack of adequate emergency planning and public awareness***

41. Sunoco’s current plan for the public in the event of an HVL pipeline leak is contained in a color leaflet mailed to some Pennsylvania residents. (Copy attached hereto as Exhibit “A.”) The material provisions of respondent’s sole, one-size-fits-all emergency response plan for the public consists of warning everyone to (a) “leave the area immediately on foot,” (b) abandon equipment being used in or near the area, (c) avoid open flame or other sources of ignition, and (d) call 911 from a safe location.

42. Another, earlier version of Sunoco's public awareness program document tells evacuees to flee the area upwind and not to operate cell phones. (Copy attached as Exhibit "B.")

43. In neither document does Sunoco provide any credible information about, *inter alia*:

- a. How the public would be informed of a leak and the need to self-evacuate;
- b. How vulnerable populations such as young children, residents of senior living communities, and persons with disabilities would become aware of a leak;
- c. How the public is supposed to determine in a dangerous leak situation which way the wind is blowing;
- d. How vulnerable populations such as young children, residents of senior living communities, and persons with disabilities would be able to proceed on foot;
- e. How the public would know when it has reached a "safe area;"
- f. How the public could call 911 if it is warned not to operate telephones or cell phones; or
- g. Whether it might be better in some cases to remain indoors than to leave the shelter of a building, and how to make that determination.

44. Petitioners believe and aver that Sunoco has failed to provide a credible and workable plan for the immediate self-evacuation of vulnerable individuals including children, adults with disabilities, and elderly. This danger is compounded where there are dense populations of vulnerable individuals such as at schools, facilities for individuals with physical and developmental disabilities, and senior care and nursing facilities.

45. Sunoco has failed to provide any credible guidance about how the public can determine the correct direction in which to self-evacuate, or any information about how the

public can tell when a “safe area” has been reached. Sunoco has failed to explain how the recommended self-evacuation can be carried out by people who are very young, elderly, or of limited mobility, especially at night or during inclement weather. For many people, this suggested guidance is simply implausible and unworkable.

46. In the event of a highly volatile liquids leak without ignition, the safety of those in the probable impact zone relies heavily on anyone near the vapor cloud knowing exactly what to do to avoid ignition. In the case of the recent fatal methane explosions in Lawrence and Andover, MA, emergency responders tried in vain to tell people to avoid even turning their lights on or off to avoid ignition. Sunoco has not presented a credible plan for informing the public of the appropriate action in the event of a leak, given that the most routine of actions, such as turning on a light switch or a flashlight to illuminate the way to an exit, might provide an ignition source.

47. Three school district superintendents representing thousands of Pennsylvania students, many municipalities, numerous state legislators, and several thousand Pennsylvania residents have written to the state clearly outlining that there was not enough information for public awareness and emergency response planning. They have received incomplete and inadequate responses or none at all.

48. In light of the foregoing, Petitioners believe and aver that Sunoco has failed to provide a credible public awareness program that complies with 49 CFR § 195.440.

***Risk of Catastrophe to Persons and Property Close to Mariner East Pipelines***

49. On November 1, 2007, a 12-inch-diameter pipeline transporting liquid propane ruptured in a rural area near Carmichael, Mississippi. The resulting gas cloud, formed from the 430,626 gallons of liquid propane that were released, expanded over nearby homes, forming a low-lying cloud of flammable gas. The gas found an ignition source about 7 1/2 minutes later.

Witnesses miles away reported seeing and hearing a large fireball and heavy black smoke over the area. In the ensuing fire, two people were killed and seven people sustained minor injuries. Four houses were destroyed, and several others were damaged. About 71.4 acres of grassland and woodland were burned. This accident occurred in a sparsely populated area, with only about 200 people living within a 1-mile radius (about 3 square miles) of the location of the pipeline failure. A similarly sized area in Chester or Delaware Counties (about 3 square miles) might contain thousands of people. The National Transportation Safety Board identified the inadequacy of the pipeline operator's public education program as a factor that contributed to the severity of the accident.

50. On Saturday, August 24, 1996, at about 3:26 p.m. near Lively, Texas, an 8-inch pipeline transporting butane ruptured. The material volatilized into colorless, odorless, extremely flammable gas that stayed close to the ground as it drifted across the surrounding residential area. Danielle Smalley and Jason Stone, both 17 years old, ran to a pickup truck intending to warn neighbors. As they sped away, their truck ignited the vapor. Both suffered fatal thermal injuries. The fire continued to burn until about 6 p.m. the next day, which was how long it took the operator to isolate the failed section.

51. On December 9, 1970, in Franklin County, Missouri, an 8-inch pipeline transporting propane ruptured. Twenty-four minutes later, "the propane-air mixture exploded, destroyed all buildings at the blast origin, extensively damaged 13 homes within a 2-mile radius [approximately 12 and a half square miles], sheared telephone poles, snapped tree trunks, smashed windows 12 miles away, and registered its impact on a seismograph in St. Louis, 55 miles distant. An expert from the United States Department of the Interior, Bureau of Mines, determined that the "detonation and initial fire consumed [only] 756 barrels of propane, giving

rise to an estimated explosive force of 100,000 pounds of TNT.” There were no fatalities due to the fact that accident occurred in a sparsely populated area while people were awake, and the few people in the area used the twenty-four minutes between the release and the explosion to self-evacuate themselves with expedition.

52. The three foregoing cases are only representative examples of the hazard associated with HVL transmission pipelines. Many other serious accidents could be cited.

53. In the event of a leak that it manages to detect, Sunoco intends to notify county emergency response agencies. In Chester and Delaware Counties, these agencies intend to activate their “reverse 911” capabilities. These services allow an operator to trigger hundreds or thousands of phones in the area of a problem.

54. Both Sunoco and PHMSA, however, advise that phones should not be used. PHMSA’s warning is explicit: “DO NOT! Use a telephone or cell phone (these can ignite airborne gases).” <https://primis.phmsa.dot.gov/comm/emergencyresponse.htm>.

55. Thus, Chester and Delaware Counties’ plans involve taking steps that both respondent and the government warn could result in explosions. On information and belief, neither Chester nor Delaware County has evaluated whether the use of their reverse 911 systems might itself provide an ignition source.

56. In addition, in the event of an HVL leak, first responders are instructed not to enter the vicinity due to the possibility of an explosion, therefore any individuals within this perimeter are expected to self-evacuate.

57. All of the petitioners in this matter reside within the probable blast zone and/or evacuation zone of Mariner East. Petitioners believe that their residences are located in unsafe proximity to Mariner East.

58. Upon information and belief, if a leak of NGLs from Mariner East were to occur in close proximity to any of the schools that are within a few hundred feet of Mariner East, there could be a fire or explosion that would place the occupants of the school at risk of death or permanent harm.

59. Petitioners believe that no emergency response plan can be deemed safe or credible where, in the event of an explosion requiring large-scale evacuation and medical response by helicopter, only a few out of hundreds of children may be rescued.

60. Petitioners believe that no emergency response plan can be deemed safe or credible where, in the event of a leak results in a combustible vapor cloud, first responders will not be able to evacuate children or other occupants of the area because they are unable to safely enter the vicinity and may, in fact, increase risk of ignition by doing so.

61. Petitioners' homes all were constructed prior to the conversion of ME1 and the workaround pipeline for HVL transportation. Petitioners believe that the risk from leak or rupture of these converted pipelines is significantly higher than it was before they were used for or about to be used to transport HVL.

62. Sunoco was aware that the repurposing of ME1 and the workaround pipeline would create an immediate impact zone in the area of any leak or rupture.

63. Sunoco was aware that that this zone could be one-half mile or more from the point of leak or rupture. Despite its knowledge, Sunoco commenced HVL operations and knowingly placed petitioners in that danger zone.

64. Petitioners believe and therefore aver that respondents have exposed them to an immediate risk of permanent injury, death, or property damage from the operation of ME1 and intends to shortly be doing the same from the operation of the workaround pipeline.



## **INTERIM EMERGENCY RELIEF**

65. Petitioners hereby incorporate by reference the forgoing paragraphs of this Petition as though set forth herein at length.

66. A petition for an interim emergency order must be supported by a verified statement of facts which establishes the existence of the need for interim emergency relief, including facts to support the following: (1) the petitioner's right to relief is clear; (2) the need for relief is immediate; (3) the injury would be irreparable if relief is not granted; and (4) the relief requested is not injurious to the public interest. 52 Pa. Code § 3.6(b).

67. The petitioner must establish these factors by a preponderance of evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990); *Application of Fink Gas Co. for Approval of the Abandonment of Serv. by Fink Gas Co. to 22 Customers Located in Armstrong Cty., Pennsylvania, & the Abandonment by Fink Gas Co. of All Nat. Gas Servs. & Nat. Gas Distribution Servs.*, 2015 WL 5011629, at \*3-4 (Pa. P.U.C. Aug. 20, 2015).

### **A. Petitioner's Right to Relief is Clear.**

68. As set forth more in detail above, the route of ME1 and the workaround pipeline through and near Petitioners' lands poses dangers to them, their families and their communities.

69. Petitioners believe that ME1 and the workaround pipeline have leaked multiple times in the past and are likely to leak again.

70. Sunoco's failure to create a legally compliant public awareness program only increases those dangers.

71. ME1 and the workaround pipeline are located within 50 feet of private dwellings, schools, and elder care facilities and facilities for adults with disabilities, despite being less than 48 inches underground in some locations.

72. 49 CFR § 195.248, incorporated by reference into the PUC regulations, provides that a pipe installed in an industrial, commercial, or residential area must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom is at least thirty-six (36) inches below ground surface.

73. In addition, 49 CFR § 195.210(a), incorporated by reference into the PUC regulations, provides that: “No pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble, unless it is provided with at least 12 inches (305 millimeters) of cover in addition to that prescribed in § 195.248.”

74. Upon information and belief, ME1 and the workaround pipeline are located at or around 24 inches or less below ground surface, not 48 inches or more, within parts of Chester and Delaware Counties.

75. The shallowness of ME1 and the workaround pipeline increases the risk of damage to the pipeline resulting from construction activities including those associated with the construction of ME2 and ME2X, and other construction activities or events.

76. The shallowness of ME1 and the workaround pipeline increases the risk of harm to residents and homes in Chester and Delaware Counties in the case of a leak, rupture, or other catastrophic event.

77. The PUC has the right and the obligation to compel Sunoco to comply with the law.

78. Petitioners all are persons who have standing to enforce applicable law and who are endangered by Sunoco’s acts and omissions.

79. Sunoco's failure to create a legally compliant public awareness program violates both state and federal law.

**B. The need for relief is immediate.**

80. While no one can predict exactly where and when a leak or rupture might take place, the consequences of future leaks and ruptures include the risk of death, permanent injury and/or extensive damage to property.

81. Failure to shut down the Mariner pipelines pending review of Sunoco's Public Awareness Program could result in such losses. The need for relief, therefore, is immediate.

**C. The injury would be irreparable if relief is not granted.**

82. In determining the third requirement for interim emergency relief, whether an injury is irreparable, the Commission determines "whether the harm can be reversed if the request for emergency relief is not granted." *Application of Fink Gas Co.*, 2015 WL 5011629, at \*9.

83. The harm resulting from a rupture or explosion on ME1 or the workaround pipeline (or both, in a cascading failure accident) would be irreparable because the high likelihood of death or permanent injury would make the harm irreversible.

**D. The relief requested is not injurious to the public interest.**

84. The relief that Petitioners request is certainly not injurious to the public interest. To the contrary, it is clear that it will be injurious to the public interest if the requested relief is not granted.

**RELIEF REQUESTED**

Wherefore, the undersigned respectfully requests that the Commission direct Sunoco to (a) cease operation of the 8-inch ME1 pipeline immediately; and (b) enjoin or prohibit operation of the workaround pipeline, ME2, and ME2X, until such time as the Commission has held a final hearing on petitioners' Complaint and entered an appropriate Order.

Respectfully submitted,

PINNOLA & BOMSTEIN



Michael S. Bomstein, Esq.

Attorney for Petitioners

Dated: November 16, 2018

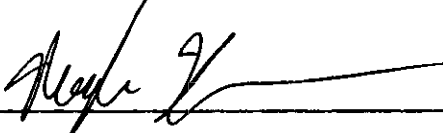
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**Verification and Signature**

I Meghan Flynn, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Signature of Complainant/Petitioner

11/12/18

Date

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SECRETARY'S BUREAU

**Verification and Signature**

I ROSEMARY FULLER, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

R Fuller

11 / 12 / 2018

Signature of Complainant/Petitioner

Date

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Verification and Signature**

I Michael Walsh, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Michael Walsh  
Signature of Complainant/Petitioner

11/17/18  
Date

RECEIVED

NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Verification and Signature**

I Nancy Harkins, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Nancy Harkins

Signature of Complainant/Petitioner

Nov. 10, 2018

Date

RECEIVED

NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



**Verification and Signature**

I, Gerald Mc Mullen, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Gerald Mc Mullen

Signature of Complainant/Petitioner

11-15-2018

Date

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NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Verification and Signature**

I Caroline C. Hughes, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Caroline C. Hughes  
Signature of Complainant/Petitioner

11/17/18  
Date

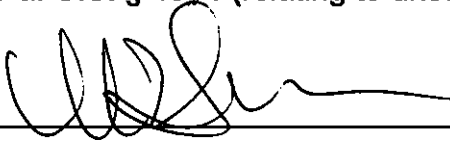
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NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Verification and Signature**

I Melissa Haines, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



11/18/18

Signature of Complainant/Petitioner

Date

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**EX. "A"**



ENERGY TRANSFER

# FACTS ABOUT PIPELINE SAFETY IN YOUR COMMUNITY

HECHOS ACERCA DE LAS TUBERÍAS SEGURO EN SU COMUNIDAD

**Know**

Infórmese

**Recognize**

Reconozca

**Respond**

Responda



Know what's below.  
Call before you dig.





**Know what's below.  
Call before you dig.**

**Don't ever assume you know where the underground utilities are located.**

One of the greatest single challenges to safe pipeline operations is the accidental damage caused by excavation. In accordance with state and federal guidelines, a damage prevention program has been established to prevent damage to our pipelines from excavation activities, using non-mechanical or mechanical equipment or explosives to move earth, rock or other material below existing grade. Laws vary by state, but most require a call to 811 between 48 to 72 hours before you plan to dig. Your local One-Call Center will let you know if there are any buried utilities in the area, and the utility companies will be notified to identify and clearly mark the location of their lines at no cost to you.



**ALWAYS CALL 811 BEFORE YOU DIG.**



**WAIT THE REQUIRED AMOUNT OF TIME.**



**RESPECT THE MARKS.**



**DIG WITH CARE.**

If you should happen to strike the pipeline while working in the area, it is important that you phone us immediately. Even seemingly minor damage, such as a dent or chipped pipeline coating, could result in a future leak if not promptly repaired.

**What should I do if I suspect a leak?**

- Leave the area immediately on foot and warn others to stay away.
- Abandon any equipment being used in or near the area.
- Avoid any open flame or other sources of ignition.
- Call 911 or local law enforcement from a safe location.
- Notify the pipeline company immediately.
- Do not attempt to extinguish a pipeline fire.
- Do not attempt to operate pipeline valves.

Wait for the site to be marked. Marking could be either by paint, flags or stakes.

**APWA Color Code**

- Proposed excavation
- Temporary survey markings
- Electric power lines, cables, conduit and lighting cables
- Gas, oil, steam, petroleum or gaseous materials
- Communication, alarm or signal lines, cables or conduit
- Potable water
- Reclaimed water, irrigation and slurry lines
- Sewers and drain lines

CONTACT

KNOW

RECOGNIZE

RESPOND

RECEIVED

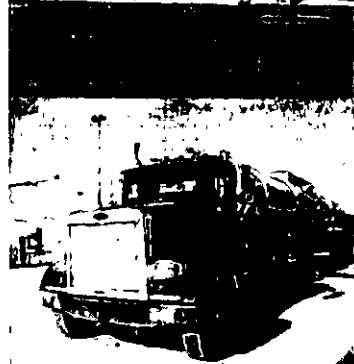
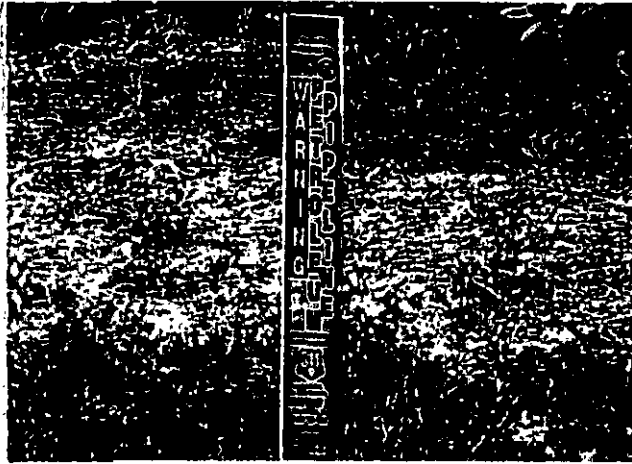
NOV 19 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**EX. "B"**

# Important Safety Message

*for your neighborhood*



**Sunoco Logistics**

**Sunoco Pipeline L.P.**

*Operator of the Inland and Harbor pipeline systems*

**24-Hour Emergency Number: 800-786-7440**

Non-Emergency Number: 877-795-7271

Website: [www.sunoco.logistics.com](http://www.sunoco.logistics.com)



You are receiving this brochure because Sunoco Pipeline L.P. operates a pipeline in your community. Our underground pipelines provide a safe and efficient method of transporting a variety of products, including crude oil, gasoline, diesel fuel, kerosene, heating oil, jet fuel, butane, ethane, propane, and natural gas.

## Petroleum Pipelines In Your Community

There are almost 200,000 miles of petroleum pipelines in the United States. According to the U.S. Department of Transportation, pipelines are the most reliable and safest way to transport the large volume of natural gas and petroleum used in the United States. Pipelines transport two-thirds of all the crude oil and refined products in the United States. Pipelines are made of steel, covered with a protective coating and buried underground. They are tested and maintained through the use of cleaning devices, diagnostic tools, and cathodic protection. Since Americans consume over 700 million gallons of petroleum products per day, pipelines are an essential component of our nation's infrastructure.

### Keeping you safe

Maintaining safe pipeline operations is critical in all areas where we operate. In high population and environmentally sensitive areas known as High Consequence Areas, we perform additional inspections and analyses as part of our Integrity Management Program (IMP). Additional information on our IMP efforts is available on our website: [www.sunocologistics.com](http://www.sunocologistics.com).

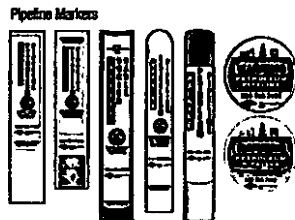


## Always call 811 before you dig

One easy phone call to 811 starts the process to have your underground pipelines and utility lines marked. When you call 811 from anywhere in the country, your call will be routed to your state One Call Center, who will contact underground facility owners in the area. So you can dig safely, Sunoco Pipeline personnel will contact you if one of our pipelines are in the area of the planned excavation. More information about 811 is at [www.call811.com](http://www.call811.com).

### How to know where pipelines are located

Most pipelines are underground, where they are more protected from the elements and minimize interference with surface uses. Even so, pipeline rights-of-way are clearly identified by pipeline markers along pipeline routes that identify the approximate—NOT EXACT—location of the pipeline. Every pipeline marker contains information identifying the company that operates the pipeline, the product transported, and a phone number that should be called in the event of an emergency. **Markers do not indicate pipeline burial depth, which will vary.** Markers are typically seen where a pipeline intersects a street, highway or railway. For any person to willfully deface, damage, remove, or destroy any pipeline marker is a federal crime.



**Pipeline Marker**— This marker is the most common. It contains Sunoco Pipeline information, type of product, and our emergency contact number. Size, shape and color may vary.

**Aerial Marker**— These skyward facing markers are used by patrol planes that monitor pipeline routes.

**Casing Vent Marker**— This marker indicates that a pipeline (protected by a steel outer casing) passes beneath a nearby roadway, rail line or other crossing.

## How would you recognize a pipeline leak?

While pipelines are the safest method of transporting the fuel and products we use every day, knowing how to recognize a pipeline leak is important. The following may indicate a pipeline leak:

- **Sight:** Liquid pools, discolored or abnormally dry soil/vegetation, continuous bubbling in wet or flooded areas, an oily sheen on water surfaces, and vaporous fogs or blowing dirt around a pipeline area can all be indicative of a pipeline leak. Dead or discolored plants in an otherwise healthy area of vegetation or frozen ground in warm weather are other possible signs.
- **Sound:** Volume can range from a quiet hissing to a loud roar depending on the size of the leak and pipeline system.
- **Smell:** An unusual smell, petroleum odor, or gaseous odor will sometimes accompany pipeline leaks.

## What to do in the event a leak were to occur:

- Public safety and protecting the environment are the top priorities.
- **Turn off** any equipment and eliminate any ignition sources without risking injury.
- **Leave the area** by foot immediately. Try to direct any other bystanders to leave the area. Attempt to stay upwind.
- From a safe location, **call 911** or your local emergency response number and call the 24-hour emergency number for the pipeline operator. Provide your name, phone number, a brief description and location of the incident so a proper response can be initiated.

## What not to do in the event a leak were to occur:

- **DO NOT** cause any open flame or other potential source of ignition such as an electrical switch, vehicle ignition, light a match, etc. Do not start motor vehicles or electrical equipment. Do not ring doorbells to notify others of the leak. Knock with your hand to avoid potential sparks from knockers.
- **DO NOT** come into direct contact with any escaping liquids or gas.
- **DO NOT** drive into a leak or vapor cloud while leaving the area.
- **DO NOT** attempt to operate any pipeline valves yourself. You may inadvertently route more product to the leak or cause a secondary incident.
- **DO NOT** attempt to extinguish a petroleum product fire. Wait for local firemen and other professionals trained to deal with such emergencies.

## What to do in case of damaging/disturbing a pipeline

If you cause or witness even minor damage to a pipeline or its protective coating, please immediately notify the pipeline company. Even a small disturbance to a pipeline may cause a future leak. A gouge, scrape, dent or crease is cause enough for the company to inspect the damage and make repairs.

All damages to underground gas or hazardous liquid pipeline facilities are required by law to be reported to the operator. Excavators must notify the pipeline company immediately upon damaging a pipeline.