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REPLY TO: Center City

December 20, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Re: Meghan Flynn, et al. v. Sunoco Pipeline L.P., C-2018-3006116
FLYNN AMENDED FORMAL COMPLAINT

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is Complainants' Amended Formal Complaint in the above referenced proceeding.

Thank you for your courtesies and cooperation.

Very truly yours,

MICHAEL S. BOMSTEIN

MSB:mik
Encl.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MEGHAN FLYNN ROSEMARY FULLER MICHAEL WALSH NANCY HARKINS GERALD MCMULLEN CAROLINE HUGHES and MELISSA HAINES Complainants	:	DOCKET NO. C-2018-3006116
v.	:	
SUNOCO PIPELINE L.P., Respondent	:	

NOTICE TO DEFEND

Pursuant to 52 Pa. Code §§5.63(a) and (b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Formal Amended Complaint within twenty (20) days from service of this notice, a decision may be rendered against you. All pleadings, such as an Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on counsel for Complainants, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Michael S. Bomstein, Esq.
Pinnola & Bomstein
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110

Date: December 20, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MEGHAN FLYNN ROSEMARY FULLER MICHAEL WALSH NANCY HARKINS GERALD MCMULLEN CAROLINE HUGHES and MELISSA HAINES Complainants v. SUNOCO PIPELINE L.P., Respondent	: : : : : : : : : : : : :	DOCKET NO. C-2018-3006116

FORMAL AMENDED COMPLAINT

COME NOW, Complainants Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines, by and through their attorney, Michael S. Bomstein, Esquire, and respectfully file this Formal Amended Complaint pursuant to 52 Pa. Code § 5.21, and in support hereof aver the following:

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 20-inch ME2 and 16-inch ME2X pipeline 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 Complaint, 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 Complaint seeks PUC review of (a) Sunoco's public awareness program, and (b) in the event the Commission determines that Sunoco is unable to comply with applicable law, a final Order directing respondent to cease operations of the ME 1 and workaround pipelines.

In addition, HVL pipeline mishaps together with data collected by the PUC's own Bureau of Investigation and Enforcement strongly suggest that Sunoco's integrity management program is not functioning in compliance with the law. Complainants now seek an independent review of both the design and implementation of Sunoco's integrity management program.

PARTIES

1. Complainants 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, Complainants 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. Complainants 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. Complainants 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. 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).

6. "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)).

7. 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.

8. 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

9. 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."

10. Within the meaning of § 701, Complainants 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, Complainants 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.

11. Specifically, Complainants contend that ME1 is being operated and the workaround pipeline is about to be operated without an adequate emergency notification system or legally adequate emergency management plan or proper pipeline integrity managements program 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. Complainants, therefore, have a substantial, direct, and immediate interest in this matter.

12. Complainants 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 workaround pipeline, or both.

13. Complainants Meghan Flynn and Caroline Hughes have children who attend schools that are within a few hundred feet of the ME1 pipeline, the workaround pipeline, or both.

14. Complainant Caroline Hughes has a place of work that is within a few hundred feet of the ME1 pipeline, the workaround pipeline, or both.

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

16. All Complainants herein regularly travel on roadways along or immediately adjacent to ME1, the workaround pipeline, or both.

FACTUAL AVERMENTS

The Mariner East Project

17. 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.

18. 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.

19. 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

20. 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)

21. 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.

22. 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.

23. 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

24. 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.

25. Complainants believe and therefore aver that valve sites for HVL pipelines are particularly high-risk areas.

26. 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.

27. One of the valve sites for the workaround pipeline is located just a few hundred feet from the Glenwood Elementary School that serves 450 students and 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 1,800 staff and students are present at these two schools each school day.

28. 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 Legally Adequate Public Awareness Program

29. 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..."

30. 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..."

31. 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."

32. 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..."

33. "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."

34. 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).

35. 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) evaluating the public awareness program required by 14 CFR section 195.440 for credibility, suitability and workability.

Lack of adequate emergency planning and public awareness

36. 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.

37. 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.")

38. In neither document does Sunoco provide any legally adequate 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.

39. Complainants believe and aver that Sunoco has failed to provide a credible and workable plan for the 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.

40. Sunoco has failed to provide any legally adequate 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.

41. 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 legally adequate 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.

42. Sunoco's public awareness notice is inadequate in that:

(a) it fails to advise the public to proceed in the direction away from the source of the leak;

(b) it fails to inform disabled persons what to do;

(c) it suggests calling 911 when the public does not know when to do so; and

(d) it fails to inform the public of the high probability of death or serious injury in the event of an HVL leak, puncture or rupture.

43. 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.

44. Complainants believe and therefore aver that respondent is not only failing to provide proper public awareness, but that it has been intentionally withholding crucial information from the public. Sunoco has repeatedly refused to release its internal hazards analysis or integrity management plan.

45. In light of the foregoing, Complainants believe and aver that Sunoco has failed to provide a legally adequate public awareness program that complies with 49 CFR § 195.440.

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

46. 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.

47. 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.

48. 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.

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

50. 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.

51. 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.

52. 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.

53. 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.

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

55. 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.

56. Complainants believe that no emergency response plan can be deemed safe or legally adequate where, in the event of a leak that 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.

57. Complainants' homes all were constructed prior to the conversion of ME1 and the workaround pipeline for HVL transportation. Complainants 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.

58. 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.

59. 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 Complainants in that danger zone.

60. Complainants believe and therefore aver that respondent has 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.

Sunoco's Integrity Management Program

61. Sunoco's pipeline safety expert, John Zurcher, testified in the Dinniman hearing on May 10, 2018 (N.T. 545-546) that Sunoco's Integrity Management program is adequate and conforms to industry standards as well as regulations.

62. In the present case Mr. Zurcher also testified on November 29, 2018 that:

> The Sunoco pipeline that goes through this part of the country is a high consequence area, is in high consequence areas. They are required by regulation, therefore, to have integrity management programs, which includes the running of smart pigs and other activities to determine the condition of the pipeline to be able to predict when and where and why a pipeline event may occur and then to remediate that pipeline before the event occurred.

(N.T. 11-29-18 at 430-431).

63. The scope of the program has been discussed in part through public testimony of Sunoco representatives. Thus, on June 13, 2017 at a Zoning Hearing Board hearing in West Cornwall Township, Lebanon, PA, Sunoco representative Mark Martin, Supervisor of Operations for the Montello District, testified under oath that the program includes the use of "smart pigs," mechanical, in-line inspection tools "that can detect if there's any cracks in the pipe, dents in the pipe, if there's any corrosion, anything that would be detrimental to the pipe. It can pick those things up, and then based on that report that's generated from that, we would go out, and we would look at any issues that are out there." (Martin, N.T. 6-13-18 at 261).

64. Mr. Martin on behalf of Sunoco also explained that Sunoco's policy is to x-ray 100 percent of the welds in the pipeline system. Federal code, he explained, required 100 percent x-ray if it is old pipe and any work is done on it. New construction requires only 10% but Sunoco does 100 percent on both old and new. (Martin, N.T. at 268).

65. On April 1, 2017, prior to Sunoco's experts' sworn testimony, ME1 was discovered by a landowner to be leaking in Morgantown, Berks County. Sunoco spokesperson Jeff Shields has stated that this and other incidents that had occurred were caused by faulty O-rings in the pipes.

66. Immediately prior to the Morgantown accident, Sunoco had tested the segment of pipeline that later failed at least three different ways, including hydrostatic testing. (Copy of Sunoco's PHMSA Accident Report attached as Ex. "D" hereto.)

67. On June 13, 2017, Sunoco maintenance supervisor Mark Martin also was asked under oath about the testing Sunoco performed prior to the failure of the Morgantown segment. Mr. Martin testified, "The test is good the day that you do it. The next day based on operations

anything can change. This is no different than, you know, we're talking pipeline here, but you take your car to a mechanic and get it inspected. That's not a guarantee that that car is never going to have a mechanical issue or something else happen." When asked if he could guarantee this pipeline would not leak, Mr. Martin was clear: "I can't guarantee that." (Martin, N.T. 271).

68. Only four months after Zurcher's May 10, 2018 pipeline integrity testimony in the Dinniman case and fifteen months after Martin's pipeline integrity testimony in the Lebanon County case, an explosion rocked residents of Center Township in Beaver County. A 24 inch HVL pipeline owned by ETP had ruptured around 5 a.m., destroying one home about 500 feet from the pipe as well as two garages, a barn, and several vehicles. Three people escaped from the house before the fire destroyed the property. The fire shot up 150 feet in the air and destroyed electrical transmission lines and the steel towers that carried them. *See*, Phillips, Susan, "*Natural gas pipeline blast in Beaver County prompts evacuation*", State Impact Pennsylvania, September 10, 2018, available at: https://stateimpact.npr.org/pennsylvania/2018/09/10/natural-gas-pipeline-blast-in-beaver-county-prompts-evacuation/.

69. Sunoco had placed the Beaver County pipeline in service immediately prior to its explosion.

70. This was only the latest in a string of ETP pipeline failures. *See,* Chapa, Sergio, "*Pipeline explosion in Cuero has residents rattled, clean-up underway*", San Antonio Business Journal, June 15. 2015,available at: www.bizjournals.com/sanantonio/blog/eagle-ford-shale-insight/2015/06/pipeline-explosion-in-cuero-has-residents-rattled.html; Gibon, Brendan, "*Pipeline rupture shatters couple's dreams*", San Antonio Express-News, November 18, 2017, available at: www.expressnews.com/news/local/article/Pipeline-rupture-shatters-couple-s-

dreams-12368272.php; and KVUE, "Burleson Co. pipeline explosion, fire seen for miles", KVUE abc, December 13, 2017, available at: www.kvue.com/article/news/local/burleson-co-pipeline-explosion-fire-seen-for-miles/269-499109308.

71. Preliminary investigations suggested that a landslide may have been the cause of the Beaver County accident. And yet, Sunoco's own pipeline safety witness seems to be ignorant of the geological underpinnings of key pipeline failures. At the Dinniman hearing, Mr. Zurcher stated he knew of "no incidents that any one of those pipeline companies have had with subsidence...There's never been a failure of a pipeline in one of these areas caused by geology or a sinkhole or even mining subsidence." Litvak, Anya; *"Unstable ground: Pipeline ruptures and drilling problems bring new scrutiny to Pennsylvania's pockmarked geology"*, Interactive News, Pittsburgh Post-Gazette, available at: https://newsinteractive.post-gazette.com/mariner-east-2-pipeline-subsidence. PHMSA records show more than a dozen such incidents across the country, including in Pennsylvania.

72. Mr. Zurcher in the present case, after testifying as to the strength of Sunoco's integrity management program and its ability to prevent accidents, amazingly was not familiar with the Beaver County or Berks County incidents and admitted he was not aware that PHMSA records show that Sunoco had 305 leak incidents involving $72 million in property damage from 2006-2018. (N.T. 432-433).

73. Despite Sunoco's claim that through its integrity management program it is able to find cracks and corrosion in the pipeline, its actual detection rate is only 5%. In order for a leak to be detected by their monitoring technique (drop in pressure), a leak must be greater than than 1.5-2% of the total daily flow in the pipeline. For these reasons, the public becomes a primary detection source for leaks.

74. On December 13, 2018, PUC's Bureau of Investigation and Enforcement ("BIE") filed a Formal Complaint against Sunoco at Docket No. C-2018-3006534 (the "BIE Complaint"). (A true and correct copy of the BIE Complaint is attached hereto and made part hereof as Ex. "C"). Complainants hereby incorporate the averments of the BIE Complaint by reference thereto, as though set forth more fully at length hereinbelow.

75. The BIE Complaint alleges, *inter alia*, that BIE's investigation of the ethane and propane leak from ME1 in Morgantown on April 1, 2017 led to discovery of violations of the United States Code, the Code of Federal Regulations, and the Pennsylvania Code.

76. Sunoco's own laboratory analysis found that the leak was caused by corrosion.

77. BIE then conducted an investigation between April, 2017 and May of 2018. In that investigation they reviewed the company's operations and maintenance procedures, corrosion control procedures, maintenance records, corrosion control records and its integrity management program.

78. BIE determined that Sunoco's cathodic protection readings were subpar. Further, the company's own records showed that Sunoco did not properly assess cathodic protection on the line and that records of testing were missing relevant information.

79. Sunoco's smart pig had been deployed in 2016 to detect anomalies and measure pipeline corrosion in ME1. The inspection included Morgantown. The tool failed and no data whatsoever was available from the 2016 inspection. Another smart pig inspection was done in 2017 which noted metal loss had been mentioned in maintenance reports but corrosion is neither noted nor mentioned anywhere for that inspection even though metal loss proved the presence of corrosion.

80. Sunoco's procedures pertaining to corrosion control were found to violate federal standards. Although the data obtained by BIE were largely specific to the Morgantown site, "SPLP's procedures and overall application of corrosion control and cathodic protection practices are relevant to all of ME1 and, thus, I&E alleges that there is a statewide concern with SPLP's corrosion control program and the soundness of SPLP's engineering practices with respect to cathodic protection." (BIE Complaint at ¶39).

81. If BIE's findings are accurate, then Sunoco's public statements and the statements of their representatives and expert witnesses with respect to pipeline integrity of ME1 under oath are quite simply false.

82. Released on November 13, 2018, a risk assessment completed for Delaware County Council modeled the blast and thermal impact zones that could result from a rupture with ignition of a 20-inch highly volatile liquids transmission pipeline. The modeled thermal impact zone from a delayed ignition accident would kill 100% of the people outdoors within 6,800 feet. See Table 5: Flash Fire Thermal Radiation Vulnerability and the diagram labeled "Late Flammable Cloud Footprint."

83. Delaware County's risk assessment modeled a shock wave from a large release of highly volatile liquids, with delayed ignition, that could extend to a radius of about one mile. Within this radius, the overpressure or shock wave will be sufficient to kill 100% of the people exposed to it, regardless of whether they are indoors or outside. This overpressure event (.3 bar) is also sufficient to demolish wood-frame structures and to seriously damage even steel-framed structures.

84. Chester County Department of Emergency Services calculated the number of people within one-half mile of the proposed Mariner East 2 route through Chester County:

- East Nantmeal Township: 146 people
- West Nantmeal Township: 413 people
- Wallace Township: 789 people
- Elverson Township: 1032 people
- Upper Uwchlan Township: 2153 people
- West Goshen Township: 2410 people
- Westtown Township: 3157 people
- Uwchlan Township: 8139
- East Goshen Township: 8955 people
- West Whiteland Township: 11282 people

See, e-mail dated March 10, 2018 from William H. Turner, Deputy Director for Emergency Management, Chester County Department of Emergency Services, attached as Ex. "E" hereto. Based on their figures, it is clear that many hundreds or even thousands of people are within the probable fatality zone of Mariner East.

85. "The value of a statistical life is a critical factor in evaluating the benefits of transportation infrastructure investment and rulemaking initiatives…it is essential to have appropriate, well-reasoned guidance for valuing safety benefits." U.S Department of Transportation, "*Revised Departmental Guidance on Valuation of a Statistical Life in Economic Analysis*", August 8. 2016, available at: https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis.

86. In 2016, the federal Department of Transportation's guidance indicated that its figure for a value of a statistical life was approximately $10 million. *Id.*

87. Delaware County's risk assessment shows that it is reasonable to expect accidents to occur on transmission pipelines on a regular basis and that, in a densely populated area, that these accidents have the potential to kill hundreds or even thousands of people. Such loss of life can be valued in economic terms using the value of a statistical life ("VSL").

88. For example, a potential accident that could kill 200 people can be valued at $2 billion. Such a valuation represents the loss of life costs only; the actual costs of such a catastrophe would certainly be far higher.

Count I: Violation of 49 CFR § 195.440.

89. ¶¶ 1 - 88 above are hereby incorporated by reference thereto.

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

91. Complainants believe that ME1 and the workaround pipeline, and in particular, segments of the 12 inch Point Breeze to Montello pipeline, have leaked multiple times in the past and are likely to leak again.

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

93. Complainants all are persons who have standing to enforce applicable law and who are endangered by Sunoco's acts and omissions.

94. 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.

95. Failure to shut down the Mariner pipelines pending review of Sunoco's Public Awareness Program could result in such losses.

96. Sunoco's failure to create a legally compliant public awareness program violates 49 CFR § 195.440.

WHEREFORE, Complainants respectfully request that the Commission enter an Order directing Sunoco permanently to (a) cease operation of the 8-inch ME1 pipeline; (b) cease operation of the workaround pipeline, ME2, and ME2X; and (c) grant such other and further relief as may be appropriate.

Count II: Violation of 66 Pa.C.S. § 1501 and 52 Pa. Code § 59.33

97. ¶¶ 1 - 88 above are hereby incorporated by reference thereto.

98. 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..."

99. Further, 52 Pennsylvania Code §59.33(b) provides in pertinent part 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."

100. Sunoco's failure to create a legally compliant public awareness program violates 66 Pa.C.S. § 1501 as well as 52 Pennsylvania Code § 59.33(b).

WHEREFORE, Complainants respectfully request that the Commission enter an Order directing Sunoco permanently to (a) cease operation of the 8-inch ME1 pipeline; (b) cease operation of the workaround pipeline, ME2, and ME2X; and (c) grant such other and further relief as may be appropriate.

Count III: Failure to Consider the Value of Lost Human Life

101. ¶¶1-88 above are hereby incorporated by reference thereto.

102. 52 Pennsylvania Code §§59.33(a) and (b) impose an obligation on Sunoco to protect the public from danger, and require the company to exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.

103. Under those provisions, Sunoco must abide by codified minimum safety standards.

104. Sunoco has failed to comply with those minimum safety standards in its integrity management program, as confirmed by BIE, in various PHMSA documents including notices of probable violations, and through additional incidents.

105. Sunoco's reckless integrity management practices demonstrate a marked pattern of non-compliance with 52 Pennsylvania Code §59.33.

106. Given the public health and economic risk a Mariner East accident presents, compliance with 52 Pennsylvania Code §59.33 is particularly vital.

107. So many Pennsylvanians live, work, congregate, or attend school close enough to the Mariner East pipelines that an accident similar to those in Lively, Texas, Franklin County, Missouri, or Carmichael, Mississippi could kill thousands.

108. The federal Department of Transportation's guidance measures loss of a life economically at $10 million. An accident killing thousands would thus be measured in tens of billions of dollars.

109. The risk of such an accident is unacceptable.

110. The continued operation of ME1 and the impending operation of the workaround pipeline, ME2 and ME2X pose a catastrophic threat to life and property that must be considered by the Commission in determining whether Sunoco is meeting its obligations under §§59.33(a) and (b).

WHEREFORE, Complainants respectfully request that the Commission enter an Order directing Sunoco to cease operation of the 8-inch ME1 pipeline and cease operation of the workaround pipeline, ME2, and ME2X, until such time as the Commission has evaluated the potential loss of human life, property, and public infrastructure, and has ensured the risk is reduced to a tolerable level.

Count IV: Failure of Integrity Management Program

111. ¶¶1-88 above are hereby incorporated by reference thereto.

112. 49 CFR § 59.33(a) of the PUC regulations, 52 Pa. Code §59.33(a), requires that Sunoco "at all times use every reasonable effort to properly warn *and protect* the public from danger and shall take reasonable care to reduce the hazards to which employees, customers and others may be subjected by reason of its equipment and facilities." (Italics added).

113. 49 CFR § 195.452(b) of the PHMSA regulations, incorporated by reference into the PUC regulations, provides that the operator of a hazardous liquid pipeline located in a "high consequence area" must develop a written integrity management program that addresses the risks on each segment of pipeline. Such a program must include a baseline assessment plan. 49 CFR § 195.452(c).

114. In addition, the operator must take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area. These measures include:

> concern, establishing shorter inspection intervals, installing EFRDs on the pipeline segment, modifying the systems that monitor pressure and detect leaks, providing additional training to personnel on response procedures, conducting drills with local emergency responders and adopting other management controls.

49 C.F.R. § 195.452(i)

115. After completing the baseline integrity assessment, an operator must continue to assess the pipeline at specified intervals and periodically evaluate the integrity of each pipeline segment that could affect a high consequence area. 49 CFR § 195.452(j).

116. Complainants all reside in high consequence areas as defined by 49 CFR § 195.450. Sunoco claims to have an integrity management program and to have prepared a risk analysis. Despite numerous requests from the public, Sunoco has refused to share its written integrity management program or risk analysis, or relevant portions thereof, with the public.

117. Respondent has failed and continues to fail (a) to use every reasonable effort to properly protect the public from danger and take reasonable care to reduce the hazards to which employees, customers and others may be subjected by reason of its equipment and facilities; (b) to develop a written integrity management program that addresses the risks on each segment of pipeline, and which includes a baseline assessment plan (49 CFR § 195.452(c)); and (c) to take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area, such as the area where all Complainants reside.

118. In light of the foregoing history, Complainants agree with BIE that ME1 as well as the 12 inch segment of the ME2 workaround pipeline must be evaluated more closely but do not agree that the company can be entrusted with the responsibility to evaluate its own pipelines. Only an independent contractor can possibly be expected to conduct a remaining life study of this 1930s pipeline.

Only an independent contractor can possibly be expected to conduct a remaining life study of this 1930s pipeline.

WHEREFORE, Complainants seek an order directing that an *independent contractor* (a) conduct a "remaining life study" of ME and the 12 inch sections of the workaround pipeline to determine the forecasted retirement age of ME1, which study should consider the forecasted retirement age by coating type and age of the pipeline; (b) evaluate whether the frequency of leak incidents involving the ME1 and the 12 inch sections of the workaround pipeline is causally connected either to the design or implementation of Sunoco's Integrity Management Program; (c) be compensated by Sunoco directly for all fees and costs associated with compliance with said order. Complainants further seek an Order that the workaround pipeline not become operationa at least until such time as the independent contractor's services have concluded. Complainants also seek such other and further relief as may be appropriate.

Respectfully submitted,

PINNOLA & BOMSTEIN

Michael S. Bomstein, Esq.
Pinnola & Bomstein
PA ID No. 21328
Email: mbomstein@gmail.com
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
Tel.: (215) 592-8383

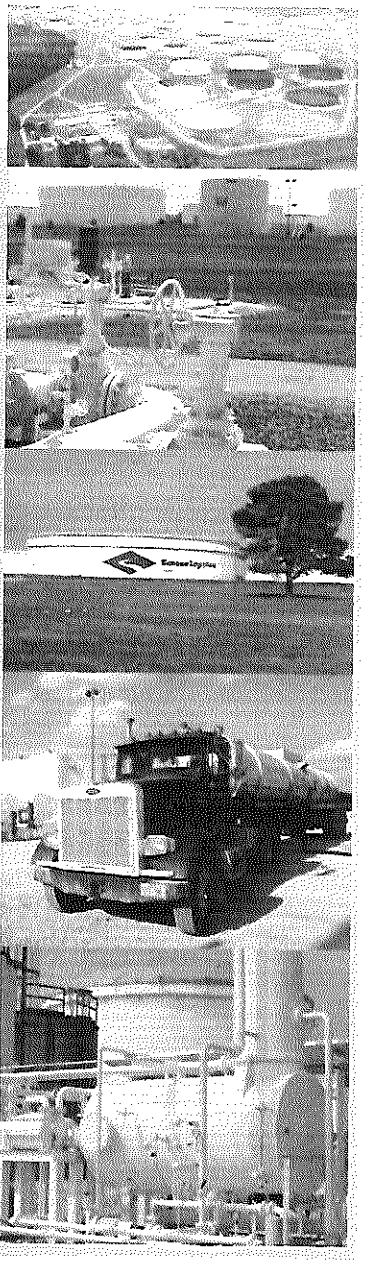
Attorney for Complainants

Dated: December 20, 2018

EX. "A"

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.sunocologistics.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**.

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

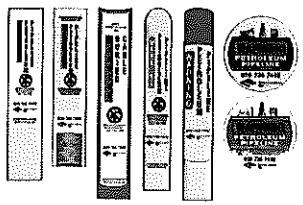
Always call 811 before you dig

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**.

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 Markers



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.

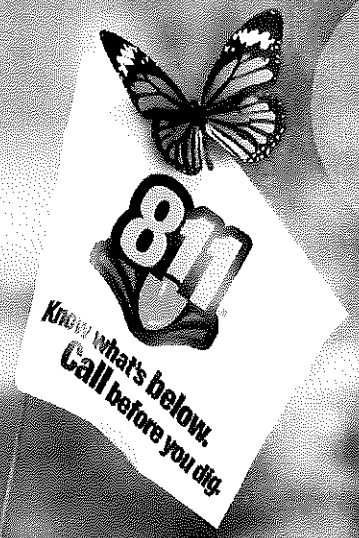
All damages to underground gas or hazardous liquid pipeline facilities are required by law to be reported to the operator. Excavators must notify the pipeline company immediately upon damaging a pipeline.

EX. "B"

ENERGY TRANSFER

FACTS ABOUT PIPELINE SAFETY IN YOUR COMMUNITY

HECHOS ACERCA DE LAS TUBERÍAS SEGURO EN SU COMUNIDAD



Know
Infórmese

Recognize
Reconozca

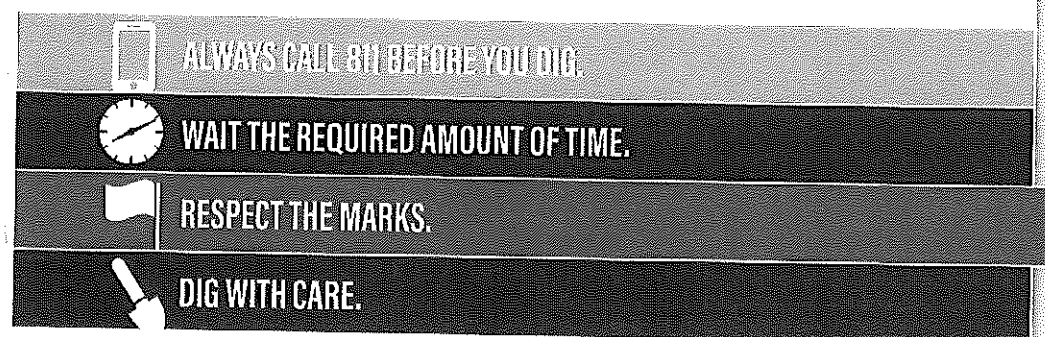
Respond
Responda

811

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.



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

EX. "C"

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

December 13, 2018

VIA ELECTRONIC FILING
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners
Docket No. C-2018-

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Formal Complaint on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Enclosures

cc: As per Certificate of Service

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
v.	:	Docket No. C-2018-
Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, Respondent	:	

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Stephanie M. Wimer, Senior Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the civil penalty and other requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty within twenty (20) days and performing the corrective actions set forth in the requested relief. A certified check, cashier's check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violations and an agreement to cease and desist from committing further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the civil penalty and granting the requested relief as set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will proceed before the assigned presiding Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-8714.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
v.	:	Docket No. C-2018-
Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, Respondent	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint ("Complaint") against Sunoco Pipeline, L.P. ("SPLP") a/k/a Energy Transfer Partners ("ETP") (collectively referred to as "SPLP," "Company," or "Respondent") alleging violations of the United States Code, Code of Federal Regulations and Pennsylvania Code, which were discovered in connection with the investigation of an ethane and propane leak that occurred on April 1, 2017, in Morgantown, Berks County, Pennsylvania. In support of its Complaint, I&E respectfully avers as follows:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission ("Commission" or "PUC"), with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* ("Code").

2. Complainant is the Commission's Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant's prosecuting attorneys are as follows:

Stephanie M. Wimer
Senior Prosecutor
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
mswindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, with a principal place of business at 525 Fritztown Road, Sinking Spring, PA 19608. SPLP also

maintains an office at 212 North Third Street, Suite 201, Harrisburg, PA 17101, Attention Curtis Stambaugh, Esquire.

5. SPLP is a jurisdictional "public utility," having received a Certificate of Public Convenience at A-140111, that is engaged in, *inter alia*, the intrastate transportation of hazardous liquids.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

8. Pursuant to Section 59.33(b) of the Commission's regulations, 52 Pa. Code § 59.33(b), I&E's Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101-60503 and as implemented at 49 CFR Parts 191-193, 195 and 199. The Federal pipeline safety laws and regulations set forth the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

9. Violations of Federal pipeline safety laws and regulations pertaining to the transportation of hazardous liquids by pipeline are subject to a civil penalty of up to Two Hundred Thousand Dollars ($200,000) per violation for each day that the violation persists, except that the maximum civil penalty for a related series of violations shall not exceed Two Million Dollars ($2,000,000). 49 U.S.C.A. §§ 60122(a)(1) and 60118(a).

10. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74, § 701, 129 Stat. 599, 28 U.S.C.A. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The most recent adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on November 27, 2018 and revises the maximum civil penalty to Two Hundred Thirteen Thousand, Two Hundred Sixty-Eight Dollars ($213,268) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Thirty-Two Thousand, Six Hundred Seventy-Nine Dollars ($2,132,679) for a related series of violations. 83 Fed. Reg. 228 (November 27, 2018).

11. Respondent, in providing the transportation of hazardous liquids to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

12. Pursuant to the provisions of the applicable Commonwealth and Federal statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of Respondent related thereto.

II. Background

A. Background of Pipeline

13. SPLP operates a pipeline, Mariner East-1 ("ME1" or "pipeline"), which traverses the Commonwealth from the Mark West Houston processing plant in Washington, PA to the Marcus Hook facility in Delaware County. ME1 is approximately 300 miles long and consists primarily of eight (8) inch bare steel with wall thicknesses of 0.312 and 0.322 inches. ME1 was originally installed in or about 1931.

14. The pipeline has multiple line identification numbers,[1] which, running from west to east, are as follows: 12120, 12124, 11190, 11045 and 11192. In addition, SPLP has assigned station numbers across ME1 to delineate specific locations on the pipeline.

15. The pipeline has seventeen (17) pumping stations state-wide.

16. In the late 1980s, SPLP acquired the pipeline from Atlantic Richfield and at the time of acquisition, the line had a cathodic protection system.[2]

17. In 2013, SPLP made preparations to convert ME1 from being a pipeline transporting refined petroleum products to a pipeline transporting highly volatile liquids ("HVL"). ME1 currently transports HVLs.

B. The April 1, 2017 Leak

18. On April 1, 2017, at 3:57 PM, the ME1 pipeline segment identified as Twin Oaks to Montello with an identification number of 11190 experienced a leak at station

[1] The Company identifies specific segments of ME1 by using line identification numbers.
[2] Cathodic protection is a method of controlling corrosion on the surface of a metal pipeline by making the pipeline a cathode.

2449+12 near 5530 Morgantown Road, Morgantown, Berks County, Pennsylvania. The pipeline was carrying ethane and propane at the time of the leak.

19. A resident first noticed the leak by observing product "bubbling" out of the ground. The resident informed SPLP who dispatched a technician to the site shortly thereafter. The technician arrived at 5:04 PM on April 1, 2017, and confirmed the leak.

20. At the time of the accident, the pipeline was operating in excess of 1,000 Pounds per Square Inch ("PSI") and, therefore, was considered to be high pressure. Pursuant to Section 195.50(b) of the Federal pipeline safety regulations, 49 CFR § 195.50(b) (relating to reporting accidents in which there is a release of five (5) gallons or more of hazardous liquids), SPLP filed an accident report with PHMSA and reported a total product loss of twenty (20) barrels[3] from the leak.

21. The leak occurred between the Beckersville pumping station and the Elverson block valve and was isolated by shutting down the pumping station and block valve. The distance between the Beckersville pumping station and the Elverson block valve is approximately seven (7) miles.

22. On April 1, 2017 at approximately 6:30 PM, SPLP notified I&E's Safety Division of the leak by making a telephone call to the manager of the Safety Division.

23. On April 2, 2017, an I&E Safety Division pipeline safety inspector visited the leak site, but was unable to inspect the facility because the pipeline was still being purged of the product.

[3] One barrel is approximately forty-two (42) gallons. The total product loss was 840 gallons.

24. On April 3, 2017, I&E Safety Division pipeline safety inspectors visited the site again to examine the affected pipeline.

25. SPLP crews excavated and exposed the pipeline, which was then cleaned. Visual examination of the pipe demonstrated localized corrosion at the bottom of the pipe in the six (6) o'clock position.

26. SPLP cut out a portion of the pipe and an eight (8) foot section of this portion was sent to a laboratory for analysis. Laboratory analysis of this section of the pipeline attributed the failure to corrosion.

27. SPLP then repaired the pipeline by first hydrostatically testing eighty-three (83) feet of new pipe and welding that section into the existing pipeline replacing the portion of ME1 that had been removed. The new section of pipe consists of eight (8) inch coated steel with a wall thickness of 0.322 inches.

C. I&E's Investigation Following the Leak

28. Following I&E's preliminary investigation at the site of the leak, the I&E Safety Division conducted an in-depth investigation of SPLP's corrosion control practices. The I&E Safety Division's investigation took place between April 2017 and May 2018, and consisted of data requests and review of data request responses, and numerous meetings and inspections. The investigation included a review of SPLP's operations and maintenance procedures, corrosion control procedures, maintenance records, corrosion control records and integrity management program, which were in existence at the time of the April 2017 leak. SPLP's procedures have since been revised.

29. In the area of the leak, SPLP operates a twelve (12) inch pipeline in the same common right-of-way as the above-described eight (8) inch pipeline. The eight (8) inch pipeline and twelve (12) inch pipeline are electrically bonded in the same impressed current system. Current flows from multiple rectifiers ground beds to the surface area of both pipelines. Thus, any testing related to the adequacy of cathodic protection must consider the eight (8) inch and twelve (12) inch pipelines because they are located in the same right-of-way.

30. At station 2459+00, which is approximately 1,030 feet from the leak, SPLP's records indicated cathodic protection readings of -628 millivolts ("mV") in 2016 and -739 mV in 2015. Adequate cathodic protection is achieved at a negative cathodic potential of *at least* -850 mV.[4]

31. SPLP has to achieve a standard *greater* than a negative cathodic potential of -850 mV. The laboratory analysis of the leak concluded that microbiologic induced corrosion may have contributed to the corrosion that was observed. *See* NACE SP0169-2007 at § 6.2.2.2.2 (providing that the presence of sulfides, bacteria, elevated temperatures, acid environments and dissimilar metals may render a negative cathodic potential reading of at least -850 mV to be insufficient).

32. In addition to the cathodic protection readings, SPLP performed side drain measurements at station 2459+00. The side drain measurements involved taking cell-to-

[4] *See* 49 CFR § 195.3, citing the standard of the National Association of Corrosion Engineers ("NACE") SP0169-2007 at § 6.2.2.1.1. NACE SP0169-2007 is incorporated, by reference, in the Federal pipeline safety regulations. *See* 49 CFR § 195.3.

cell readings ten (10) feet left and right of the pipeline for a distance of one hundred (100) feet upstream and downstream of the station, with the measurements spaced five (5) feet apart on each side of the station, parallel to the pipeline.

33. While the magnitudes of the side drain measurements varied, several of the measurements between the eight (8) inch pipeline and twelve (12) inch pipeline indicated that current was flowing *away* from the pipeline, which is a sign of corrosion.

34. SPLP inappropriately relied on these side drain measurements to ensure the accuracy of cathodic protection. However, pursuant to NACE standards, side drain measurements should not be used in a multiple pipe right-of-way due to interference of the current magnitudes and direction of flow for each pipe.[5] Side drain measurements are also ineffective for locating localized corrosion cells due to the spacing of the measurements.

35. SPLP's records concerning close interval potential surveys ("CIPS") of ME1, which were performed in 2009, 2013 and 2017, demonstrate that only "on" potentials were measured.[6] Moreover, the CIPS do not contain accurate and reliable data needed to assess cathodic protection on the pipeline in that the CIPS do not align with footages and test station points. Furthermore, certain features, such as rectifiers, areas with parallel pipelines and overhead power lines are not identified in the records where such information is critical in the determination of the validity and accuracy of the test

[5] *See* the precautionary note in NACE SP0169-2007 at § 6.2.2.3.1, which provides that an earth current technique is often meaningless in multiple pipe rights of way.
[6] An "on" potential is a measurement taken at a position on the ground surface of a pipeline where the rectifier or current source remains "on" as opposed to being interrupted.

results.

36. SPLP's records also indicate that in 2016, SPLP conducted an inspection using an In-Line Inspection ("ILI") tool to detect anomalies in the pipeline and measure corrosion. This ILI inspection was performed between the Twin Oaks and Montello segment of ME1, which includes Morgantown. However, the ILI tool failed and no data was available from the 2016 inspection. SPLP conducted another ILI inspection for the Twin Oaks to Montello segment in July 2017. The results of the 2017 ILI inspection indicated metal loss on maintenance reports. However, corrosion is not noted or mentioned anywhere in SPLP's reports regarding the 2017 ILI inspection. Thus, SPLP made no record of the existence of corrosion on ME1 even though the presence of metal loss on ME1 also signifies the presence of corrosion.

37. The Safety Division examined SPLP's procedures pertaining to corrosion control that were effective in April 2017, at the time of the leak in Morgantown. SPLP's procedure at § 195.573,[7] regarding Monitoring External Corrosion Control, was identical to NACE SP0169-2007 at § 10.1.1.3 in that it listed the five CIPS metrics, which set forth the reasons for performing CIPS.[8] However, SPLP's procedure did not explain how the metrics would be obtained, evaluated and accomplished.

38. SPLP's procedure at § 195.571, which related to the criteria used to

[7] SPLP's procedures were numbered to mirror the numbering of the applicable Federal pipeline safety regulation.

[8] NACE SP0169-2007 at § 10.1.1.3 provides that a detailed CIPS should be conducted to: (1) assess the effectiveness of the cathodic protection system; (2) provide base-line operating data; (3) locate areas of inadequate protection levels; (4) identify locations likely to be adversely affected by construction, stray currents or other unusual environmental conditions; or (5) select areas to be monitored periodically.

determine the adequacy of cathodic protection,[9] did not state any applications of or limitations on the criteria listed, nor did it incorporate the precautionary notes of NACE SP0169-2007 at § 6.2.2.3 regarding the use of earth current techniques in multiple pipe rights-of-way. SPLP's procedure at § 195.571 also did not require documentation.

39. While the data reviewed was largely specific to the site of the leak, SPLP's procedures and overall application of corrosion control and cathodic protection practices are relevant to all of ME1 and, thus, I&E alleges that there is a statewide concern with SPLP's corrosion control program and the soundness of SPLP's engineering practices with respect to cathodic protection.

III. Violations

Counts 1-5

40. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to demonstrate adequate cathodic protection at test station 2459+00 in that: (a) the pipe-to-soil potentials did not meet at least -850 mV; (b) the Company utilized side drain measurements without considering the precautionary note in NACE SP0169-2007 at § 6.2.2.3.1 concerning earth-current techniques in multiple pipe rights-of-way; (c) SPLP did not perform ILI testing on an annual basis when SPLP relied on ILI for its cathodic protection program; (d) SPLP did not use any other criteria to determine the adequacy of cathodic protection; and (e) SPLP did not

[9] The criteria, which have been shortened for brevity, are as follows: (1) a negative cathodic potential of -850mV with the cathodic protection applied (-850 mV); (2) a negative polarized potential of at least -850 mV (-850 mV polarization); (3) a minimum 100 mV of cathodic polarization (100 mV polarization); (4) on bare or ineffectively coated pipelines where long-line corrosion activity is a concern, the measurement of a net protective current at predetermined current discharge points from the electrolyte to the pipe surface, as measured by an earth current technique (net protective current); and (5) alternative analysis techniques such as ILI, corrosion coupons, historical corrosion rates, measured corrosion rates, net protective current measurements, soil resistivity, historical performance of corrosion control measures and other techniques based on sound engineering practices may be used in conjunction with or in lieu of the other criteria.

document its analysis for determining that it achieved adequate cathodic protection.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.571 (related to the criteria used to determine the adequacy of cathodic protection) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 6-9

41. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP's procedures pertaining to corrosion control that were in effect at the time of the leak were deficient in that: (a) SPLP did not provide for any application of or limitation on the criteria used to determine the adequacy of cathodic protection nor did the procedures incorporate the precautionary notes of NACE SP0169-2007; (b) SPLP's procedures did not require documentation considering the Company's analysis for any determination that it achieved adequate cathodic protection; (c) SPLP's procedures did not include any detail on how to accomplish the five CIPS metrics; and (d) SPLP did not have procedures for designing, operating, maintaining or testing rectifiers and rectifier ground beds, which are critical to the operation of cathodic protection systems.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.402 (related to preparing and following a manual of written procedures for operations, maintenance and emergencies) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 10-11

42. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to adequately monitor external corrosion control in that: (a) it did not conduct tests on protected pipeline at least once each calendar year, but with intervals not exceeding fifteen (15) months; and (b) it failed to identify the circumstances in which a CIPS or comparable technology is

practicable and necessary within two (2) years after installing cathodic protection.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.573(a) (related to monitoring external corrosion control on protected pipelines) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Counts 12-13

43. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to correct an identified deficiency in corrosion control when: (a) the 2015 and 2016 pipe-to-soil potentials readings demonstrate that adequate cathodic protection was not achieved; and (b) the results of the 2017 ILI inspection indicated metal loss.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.573(e) (related to monitoring external corrosion control – corrective action) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities) (multiple counts).

Count 14

44. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

SPLP failed to maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey and test performed in sufficient detail and for a period of at least five (5) years to demonstrate the adequacy of corrosion control measures.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.589(c) (related to maintaining corrosion control information) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities).

Count 15

45. All allegations in paragraphs 1-39 are incorporated as if fully set forth herein.

In failing to demonstrate the adequacy of SPLP's cathodic protection system on ME1, SPLP failed to demonstrate that it operates ME1 at a level of safety required by Federal pipeline safety regulations.

This is a violation of 49 U.S.C.A. § 60118(a)(1) (requiring compliance with applicable Federal pipeline safety standards), 49 CFR § 195.401(a) (prohibiting pipeline operators from maintaining a pipeline system at a level of safety lower than what is required) and 52 Pa. Code § 59.33(b) (adopting Federal pipeline safety laws and regulations of hazardous liquid public utilities).

IV. Requested Relief

46. I&E proposes that SPLP pay a civil penalty of Fifteen Thousand Dollars ($15,000) for each of the fifteen (15) counts set forth in this Complaint for a total civil penalty of Two Hundred Twenty-Five Thousand Dollars ($225,000) pursuant to 49 U.S.C.A. § 60122(a)(1) and 52 Pa. Code § 59.33(b).

47. In addition to the civil penalty, I&E proposes that SPLP perform the following corrective actions:

(a) Conduct a "remaining life study" of ME1 to determine the forecasted retirement age of ME1. The study should consider the forecasted retirement age by coating type and age of the pipeline, and the results of the study should be integrated into SPLP's Integrity Management Program;

(b) Increase the frequency of ILI inspections to occur at least once per calendar year on all SPLP bare steel and poorly coated pipelines in Pennsylvania;

(c) If not already completed, revise SPLP's corrosion control procedures to include separate provisions for determining the adequacy of coated steel pipelines and bare steel pipelines. The revised procedures should be consistent with NACE SP0169-2007;

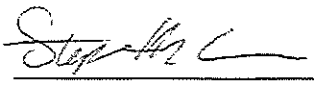
(d) If not already performed, develop procedures to determine the adequacy of cathodic protection through testing and performance methods. The new procedures should include establishing a baseline of IR free potentials using CIPS. The new procedures should also include the operation and maintenance of rectifiers and rectifier ground beds; and

(e) Implement the new and revised cathodic protection procedures and perform all cathodic protection measurements within one (1) year. If the results of the cathodic protection measurements indicate low IR free potentials or inadequate depolarization, then SPLP shall replace the impacted sections of bare or inadequately coated steel pipe on ME 1.

48. I&E proposes that the Commission order such other remedy as the Commission may deem to be appropriate.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Respondent to be in violation of the United States Code, the Code of Federal Regulations and the Pennsylvania Code for each of the fifteen (15) counts set forth herein; (2) impose a civil penalty upon Respondent in the amount of Two Hundred Twenty-Five Thousand Dollars ($225,000); (3) direct Respondent to perform each of the corrective actions detailed in this Complaint; and (4) order such other remedies as the Commission may deem to be appropriate.

Respectfully submitted,



Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: December 13, 2018

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
v.	:	Docket No. C-2018-
Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, Respondent	:	

VERIFICATION

I, Sunil R. Patel, Fixed Utility Valuation Engineer ("FUVE") III, Safety Division, Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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.

Date: December 13, 2018

Sunil R. Patel
FUVE III, Safety Division
PA Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, Complainant	:	
v.	:	Docket No. C-2018-
Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners, Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

Curtis N. Stambaugh, Esquire
Assistant General Counsel
Energy Transfer Partners
212 North Third Street, Suite 201
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curtis.stambaugh@energytransfer.com

Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

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stwimer@pa.gov

Date: December 13, 2018

EX. "D"

NOTICE: This report is required by 49 CFR Part 195. Failure to report can result in a civil penalty not to exceed $100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed $1,000,000 as provided in 49 USC 60122.	OMB NO: 2137-0047 EXPIRATION DATE: 12/31/2016
U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration	**Original Report Date:** 04/26/2017 **No.** 20170138 - 22296 (DOT Use Only)

ACCIDENT REPORT - HAZARDOUS LIQUID PIPELINE SYSTEMS

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0047. All responses to the collection of information are mandatory. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

INSTRUCTIONS

Important: *Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at http://www.phmsa.dot.gov/pipeline/library/forms.*

PART A - KEY REPORT INFORMATION

Report Type: *(select all that apply)*	**Original:** Yes	**Supplemental:**	**Final:**
Last Revision Date:			
1. Operator's OPS-issued Operator Identification Number (OPID):	18718		
2. Name of Operator	SUNOCO PIPELINE L.P.		
3. Address of Operator:			
3a. Street Address	4041 MARKET STREET		
3b. City	ASTON		
3c. State	Pennsylvania		
3d. Zip Code	19014		
4. Local time *(24-hr clock)* and date of the Accident:	04/01/2017 15:57		
5. Location of Accident:			
Latitude:	40.17774		
Longitude:	-75.87633		
6. National Response Center Report Number (if applicable):	1174615		
7. Local time *(24-hr clock)* and date of initial telephonic report to the National Response Center (if applicable):	04/01/2017 17:59		
8. Commodity released: *(select only one, based on predominant volume released)*	HVL or Other Flammable or Toxic Fluid which is a Gas at Ambient Conditions		
- Specify Commodity Subtype:	LPG (Liquefied Petroleum Gas) / NGL (Natural Gas Liquid)		
- If "Other" Subtype, Describe:			
- If Biofuel/Alternative Fuel and Commodity Subtype is Ethanol Blend, then % Ethanol Blend:			
- If Biofuel/Alternative Fuel and Commodity Subtype is Biodiesel, then Biodiesel Blend e.g. B2, B20, B100			
9. Estimated volume of commodity released unintentionally (Barrels):	20.00		
10. Estimated volume of intentional and/or controlled release/blowdown (Barrels):			
11. Estimated volume of commodity recovered (Barrels):			
12. Were there fatalities?	No		
- If Yes, specify the number in each category:			
12a. Operator employees			
12b. Contractor employees working for the Operator			
12c. Non-Operator emergency responders			
12d. Workers working on the right-of-way, but NOT associated with this Operator			
12e. General public			
12f. Total fatalities (sum of above)			
13. Were there injuries requiring inpatient hospitalization?	No		
- If Yes, specify the number in each category:			
13a. Operator employees			
13b. Contractor employees working for the Operator			
13c. Non-Operator emergency responders			
13d. Workers working on the right-of-way, but NOT associated with this Operator			

13e. General public	
13f. Total injuries (sum of above)	
14. Was the pipeline/facility shut down due to the Accident?	Yes
- If No, Explain:	
- If Yes, complete Questions 14a and 14b: *(use local time, 24-hr clock)*	
14a. Local time and date of shutdown:	04/01/2017 18:32
14b. Local time pipeline/facility restarted:	04/06/2017 20:12
- Still shut down? (* Supplemental Report Required)	
15. Did the commodity ignite?	No
16. Did the commodity explode?	No
17. Number of general public evacuated:	0
18. Time sequence *(use local time, 24-hour clock)*:	
18a. Local time Operator identified Accident - effective 7- 2014 changed to "Local time Operator identified failure":	04/01/2017 15:57
18b. Local time Operator resources arrived on site:	04/01/2017 17:00

PART B - ADDITIONAL LOCATION INFORMATION

1. Was the origin of the Accident onshore?	Yes
If Yes, Complete Questions (2-12)	
If No, Complete Questions (13-15)	
- If Onshore:	
2. State:	Pennsylvania
3. Zip Code:	19543
4. City	Morgantown
5. County or Parish	Berks
6. Operator-designated location:	Survey Station No.
Specify:	2449+12
7. Pipeline/Facility name:	8" Twin Oaks-Montello
8. Segment name/ID:	11190 TWIN-MNTL-8
9. Was Accident on Federal land, other than the Outer Continental Shelf (OCS)?	No
10. Location of Accident:	Pipeline Right-of-way
11. Area of Accident (as found):	Underground
Specify:	Under soil
- If Other, Describe:	
Depth-of-Cover (in):	29
12. Did Accident occur in a crossing?	No
- If Yes, specify type below:	
- If Bridge crossing –	
Cased/ Uncased:	
- If Railroad crossing –	
Cased/ Uncased/ Bored/drilled	
- If Road crossing –	
Cased/ Uncased/ Bored/drilled	
- If Water crossing –	
Cased/ Uncased	
- Name of body of water, if commonly known:	
- Approx. water depth (ft) at the point of the Accident:	
- Select:	
- If Offshore:	
13. Approximate water depth (ft) at the point of the Accident:	
14. Origin of Accident:	
- In State waters - Specify:	
- State:	
- Area:	
- Block/Tract #:	
- Nearest County/Parish:	
- On the Outer Continental Shelf (OCS) - Specify:	
- Area:	
- Block #:	
15. Area of Accident:	

PART C - ADDITIONAL FACILITY INFORMATION

1. Is the pipeline or facility:	Interstate
2. Part of system involved in Accident:	Onshore Pipeline, Including Valve Sites
- If Onshore Breakout Tank or Storage Vessel, Including Attached Appurtenances, specify:	
3. Item involved in Accident:	Weld, including heat-affected zone
- If Pipe, specify:	

3a. Nominal diameter of pipe (in):	8.625
3b. Wall thickness (in):	.312
3c. SMYS (Specified Minimum Yield Strength) of pipe (psi):	35,000
3d. Pipe specification:	Grade B
3e. Pipe Seam , specify:	Seamless
- If Other, Describe:	
3f. Pipe manufacturer:	National Tube
3g. Year of manufacture:	1931
3h. Pipeline coating type at point of Accident, specify:	None
- If Other, Describe:	
- If Weld, including heat-affected zone, specify. If Pipe Girth Weld, 3a through 3h above are required:	Pipe Girth Weld
- If Other, Describe:	
- If Valve, specify:	
- If Mainline, specify:	
- If Other, Describe:	
3i. Manufactured by:	
3j. Year of manufacture:	
- If Tank/Vessel, specify:	
- If Other - Describe:	
- If Other, describe:	
4. Year item involved in Accident was installed:	1931
5. Material involved in Accident:	Carbon Steel
- If Material other than Carbon Steel, specify:	
6. Type of Accident Involved:	Leak
- If Mechanical Puncture – Specify Approx. size:	
in. (axial) by	
in. (circumferential)	
- If Leak - Select Type:	Pinhole
- If Other, Describe:	
- If Rupture - Select Orientation:	
- If Other, Describe:	
Approx. size: in. (widest opening) by	
in. (length circumferentially or axially)	
- If Other – Describe:	

PART D - ADDITIONAL CONSEQUENCE INFORMATION

1. Wildlife impact:	No
1a. If Yes, specify all that apply:	
- Fish/aquatic	
- Birds	
- Terrestrial	
2. Soil contamination:	No
3. Long term impact assessment performed or planned:	No
4. Anticipated remediation:	No
4a. If Yes, specify all that apply:	
- Surface water	
- Groundwater	
- Soil	
- Vegetation	
- Wildlife	
5. Water contamination:	No
5a. If Yes, specify all that apply:	
- Ocean/Seawater	
- Surface	
- Groundwater	
- Drinking water: *(Select one or both)*	
- Private Well	
- Public Water Intake	
5b. Estimated amount released in or reaching water (Barrels):	
5c. Name of body of water, if commonly known:	
6. At the location of this Accident, had the pipeline segment or facility been identified as one that "could affect" a High Consequence Area (HCA) as determined in the Operator's Integrity Management Program?	Yes
7. Did the released commodity reach or occur in one or more High Consequence Area (HCA)?	Yes
7a. If Yes, specify HCA type(s): *(Select all that apply)*	
- Commercially Navigable Waterway:	
Was this HCA identified in the "could affect"	

determination for this Accident site in the Operator's Integrity Management Program?	
- High Population Area:	
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?	
- Other Populated Area	Yes
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?	Yes
- Unusually Sensitive Area (USA) - Drinking Water	
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?	
- Unusually Sensitive Area (USA) - Ecological	Yes
Was this HCA identified in the "could affect" determination for this Accident site in the Operator's Integrity Management Program?	Yes
8. Estimated cost to Operator – effective 12-2012, changed to "Estimated Property Damage":	
8a. Estimated cost of public and non-Operator private property damage paid/reimbursed by the Operator – effective 12-2012, "paid/reimbursed by the Operator" removed	$ 0
8b. Estimated cost of commodity lost	$ 205
8c. Estimated cost of Operator's property damage & repairs	$ 255,957
8d. Estimated cost of Operator's emergency response	$ 79,036
8e. Estimated cost of Operator's environmental remediation	$ 0
8f. Estimated other costs	$ 2,968
Describe:	Shipping Pipe for Lab Analysis
8g. Estimated total costs (sum of above) – effective 12-2012, changed to "Total estimated property damage (sum of above)"	$ 338,166

PART E - ADDITIONAL OPERATING INFORMATION

1. Estimated pressure at the point and time of the Accident (psig):	1,247.00
2. Maximum Operating Pressure (MOP) at the point and time of the Accident (psig):	1,480.00
3. Describe the pressure on the system or facility relating to the Accident (psig):	Pressure did not exceed MOP
4. Not including pressure reductions required by PHMSA regulations (such as for repairs and pipe movement), was the system or facility relating to the Accident operating under an established pressure restriction with pressure limits below those normally allowed by the MOP?	No
- If Yes, Complete 4.a and 4.b below:	
4a. Did the pressure exceed this established pressure restriction?	
4b. Was this pressure restriction mandated by PHMSA or the State?	
5. Was "Onshore Pipeline, Including Valve Sites" OR "Offshore Pipeline, Including Riser and Riser Bend" selected in PART C, Question 2?	Yes
- If Yes - (*Complete 5a. – 5f below)* effective 12-2012, changed to *"(Complete 5.a – 5.e below)"*	
5a. Type of upstream valve used to initially isolate release source:	Remotely Controlled
5b. Type of downstream valve used to initially isolate release source:	Manual
5c. Length of segment isolated between valves (ft):	37,329
5d. Is the pipeline configured to accommodate internal inspection tools?	Yes
- If No, Which physical features limit tool accommodation? *(select all that apply)*	
- Changes in line pipe diameter	
- Presence of unsuitable mainline valves	
- Tight or mitered pipe bends	
- Other passage restrictions (i.e. unbarred tee's, projecting instrumentation, etc.)	
- Extra thick pipe wall (applicable only for magnetic flux leakage internal inspection tools)	
- Other -	
- If Other, Describe:	
5e. For this pipeline, are there operational factors which significantly complicate the execution of an internal inspection tool run?	No

- If Yes, Which operational factors complicate execution? (*select all that apply*)	
- Excessive debris or scale, wax, or other wall buildup	
- Low operating pressure(s)	
- Low flow or absence of flow	
- Incompatible commodity	
- Other -	
- If Other, Describe:	
5f. Function of pipeline system:	> 20% SMYS Regulated Trunkline/Transmission
6. Was a Supervisory Control and Data Acquisition (SCADA)-based system in place on the pipeline or facility involved in the Accident?	Yes
If Yes -	
6a. Was it operating at the time of the Accident?	Yes
6b. Was it fully functional at the time of the Accident?	Yes
6c. Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the detection of the Accident?	No
6d. Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the confirmation of the Accident?	No
7. Was a CPM leak detection system in place on the pipeline or facility involved in the Accident?	Yes
- If Yes:	
7a. Was it operating at the time of the Accident?	Yes
7b. Was it fully functional at the time of the Accident?	Yes
7c. Did CPM leak detection system information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the detection of the Accident?	No
7d. Did CPM leak detection system information (such as alarm(s), alert(s), event(s), and/or volume calculations) assist with the confirmation of the Accident?	No
8. How was the Accident initially identified for the Operator?	Notification From Public
- If Other, Specify:	
8a. If "Controller", "Local Operating Personnel", including contractors", "Air Patrol", or "Ground Patrol by Operator or its contractor" is selected in Question 8, specify:	
9. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contributing factor to the Accident?	No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: (provide an explanation for why the Operator did not investigate)
- If No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: *(provide an explanation for why the operator did not investigate)*	A review of the accident determined that there were no control room actions that contributed to the event.
- If Yes, specify investigation result(s): *(select all that apply)*	
- Investigation reviewed work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Investigation did NOT review work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
Provide an explanation for why not:	
- Investigation identified no control room issues	
- Investigation identified no controller issues	
- Investigation identified incorrect controller action or controller error	
- Investigation identified that fatigue may have affected the controller(s) involved or impacted the involved controller(s) response	
- Investigation identified incorrect procedures	
- Investigation identified incorrect control room equipment operation	
- Investigation identified maintenance activities that affected control room operations, procedures, and/or controller response	
- Investigation identified areas other than those above:	
Describe:	

PART F - DRUG & ALCOHOL TESTING INFORMATION

1. As a result of this Accident, were any Operator employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
1a. Specify how many were tested:	
1b. Specify how many failed:	
2. As a result of this Accident, were any Operator contractor employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
2a. Specify how many were tested:	
2b. Specify how many failed:	

PART G – APPARENT CAUSE

Select only one box from PART G in shaded column on left representing the APPARENT Cause of the Accident, and answer the questions on the right. Describe secondary, contributing or root causes of the Accident in the narrative (PART H).

Apparent Cause:	G1 - Corrosion Failure

G1 - Corrosion Failure - only one **sub-cause** can be picked from shaded left-hand column

Corrosion Failure – Sub-Cause:	External Corrosion
- If External Corrosion:	
1. Results of visual examination:	Localized Pitting
- If Other, Describe:	
2. Type of corrosion: *(select all that apply)*	
- Galvanic	Yes
- Atmospheric	
- Stray Current	
- Microbiological	
- Selective Seam	
- Other:	
- If Other, Describe:	
3. The type(s) of corrosion selected in Question 2 is based on the following: *(select all that apply)*	
- Field examination	Yes
- Determined by metallurgical analysis	
- Other:	
- If Other, Describe:	
4. Was the failed item buried under the ground?	Yes
- If Yes :	
□4a. Was failed item considered to be under cathodic protection at the time of the Accident?	Yes
If Yes - Year protection started:	1964
4b. Was shielding, tenting, or disbonding of coating evident at the point of the Accident?	No
4c. Has one or more Cathodic Protection Survey been conducted at the point of the Accident?	Yes
If "Yes, CP Annual Survey" – Most recent year conducted:	2016
If "Yes, Close Interval Survey" – Most recent year conducted:	2013
If "Yes, Other CP Survey" – Most recent year conducted:	
- If No:	
4d. Was the failed item externally coated or painted?	
5. Was there observable damage to the coating or paint in the vicinity of the corrosion?	No
- If Internal Corrosion:	
6. Results of visual examination:	
- Other:	
7. Type of corrosion *(select all that apply)*: -	
- Corrosive Commodity	
- Water drop-out/Acid	
- Microbiological	
- Erosion	
- Other:	
- If Other, Describe:	
8. The cause(s) of corrosion selected in Question 7 is based on the following *(select all that apply)*: -	
- Field examination	
- Determined by metallurgical analysis	
- Other:	

- If Other, Describe:	
9. Location of corrosion *(select all that apply)*: -	
- Low point in pipe	
- Elbow	
- Other:	
- If Other, Describe:	
10. Was the commodity treated with corrosion inhibitors or biocides?	
11. Was the interior coated or lined with protective coating?	
12. Were cleaning/dewatering pigs (or other operations) routinely utilized?	
13. Were corrosion coupons routinely utilized?	
Complete the following if any Corrosion Failure sub-cause is selected AND the "Item Involved in Accident" (from PART C, Question 3) is Tank/Vessel.	
14. List the year of the most recent inspections:	
14a. API Std 653 Out-of-Service Inspection	
- No Out-of-Service Inspection completed	
14b. API Std 653 In-Service Inspection	
- No In-Service Inspection completed	
Complete the following if any Corrosion Failure sub-cause is selected AND the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.	
15. Has one or more internal inspection tool collected data at the point of the Accident?	Yes
15a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run: -	
- Magnetic Flux Leakage Tool	
Most recent year:	
- Ultrasonic	
Most recent year:	
- Geometry	
Most recent year:	
- Caliper	
Most recent year:	
- Crack	Yes
Most recent year:	2013
- Hard Spot	
Most recent year:	
- Combination Tool	Yes
Most recent year:	2013
- Transverse Field/Triaxial	
Most recent year:	
- Other	
Most recent year:	
Describe:	
16. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?	Yes
If Yes -	
Most recent year tested:	2014
Test pressure:	2,072.00
17. Has one or more Direct Assessment been conducted on this segment?	No
- If Yes, and an investigative dig was conducted at the point of the Accident::	
Most recent year conducted:	
- If Yes, but the point of the Accident was not identified as a dig site:	
Most recent year conducted:	
18. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002?	No
18a. If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:	
- Radiography	
Most recent year conducted:	
- Guided Wave Ultrasonic	
Most recent year conducted:	
- Handheld Ultrasonic Tool	
Most recent year conducted:	
- Wet Magnetic Particle Test	
Most recent year conducted:	
- Dry Magnetic Particle Test	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	

G2 - Natural Force Damage - only one **sub-cause** can be picked from shaded left-handed column	
Natural Force Damage – Sub-Cause:	
- If Earth Movement, NOT due to Heavy Rains/Floods:	
1. Specify:	
- If Other, Describe:	
- If Heavy Rains/Floods:	
2. Specify:	
- If Other, Describe:	
- If Lightning:	
3. Specify:	
- If Temperature:	
4. Specify:	
- If Other, Describe:	
- If Other Natural Force Damage:	
5. Describe:	
Complete the following if any Natural Force Damage sub-cause is selected.	
6. Were the natural forces causing the Accident generated in conjunction with an extreme weather event?	
6a. If Yes, specify: *(select all that apply)*	
- Hurricane	
- Tropical Storm	
- Tornado	
- Other	
- If Other, Describe:	
G3 - Excavation Damage - only one **sub-cause** can be picked from shaded left-hand column	
Excavation Damage – Sub-Cause:	
- If Previous Damage due to Excavation Activity: Complete Questions 1-5 ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.	
1. Has one or more internal inspection tool collected data at the point of the Accident?	
1a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run: -	
- Magnetic Flux Leakage	
Most recent year conducted:	
- Ultrasonic	
Most recent year conducted:	
- Geometry	
Most recent year conducted:	
- Caliper	
Most recent year conducted:	
- Crack	
Most recent year conducted:	
- Hard Spot	
Most recent year conducted:	
- Combination Tool	
Most recent year conducted:	
- Transverse Field/Triaxial	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	
2. Do you have reason to believe that the internal inspection was completed BEFORE the damage was sustained?	
3. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
4. Has one or more Direct Assessment been conducted on the pipeline segment?	
- If Yes, and an investigative dig was conducted at the point of the Accident:	
Most recent year conducted:	
- If Yes, but the point of the Accident was not identified as a dig site:	
Most recent year conducted:	
5. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002?	

5a. If Yes, for each examination, conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:	
- Radiography	
Most recent year conducted:	
- Guided Wave Ultrasonic	
Most recent year conducted:	
- Handheld Ultrasonic Tool	
Most recent year conducted:	
- Wet Magnetic Particle Test	
Most recent year conducted:	
- Dry Magnetic Particle Test	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	
Complete the following if Excavation Damage by Third Party is selected as the sub-cause.	
6. Did the operator get prior notification of the excavation activity?	
6a. If Yes, Notification received from: *(select all that apply)* -	
- One-Call System	
- Excavator	
- Contractor	
- Landowner	
Complete the following mandatory CGA-DIRT Program questions if any Excavation Damage sub-cause is selected.	
7. Do you want PHMSA to upload the following information to CGA-DIRT (www.cga-dirt.com)?	
8. Right-of-Way where event occurred: *(select all that apply)* -	
- Public	
- If "Public", Specify:	
- Private	
- If "Private", Specify:	
- Pipeline Property/Easement	
- Power/Transmission Line	
- Railroad	
- Dedicated Public Utility Easement	
- Federal Land	
- Data not collected	
- Unknown/Other	
9. Type of excavator:	
10. Type of excavation equipment:	
11. Type of work performed:	
12. Was the One-Call Center notified?	
12a. If Yes, specify ticket number:	
12b. If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center notified:	
13. Type of Locator:	
14. Were facility locate marks visible in the area of excavation?	
15. Were facilities marked correctly?	
16. Did the damage cause an interruption in service?	
16a. If Yes, specify duration of the interruption (hours)	
17. Description of the CGA-DIRT Root Cause *(select only the one predominant first level CGA-DIRT Root Cause and then, where available as a choice, the one predominant second level CGA-DIRT Root Cause as well):*	
Root Cause:	
- If One-Call Notification Practices Not Sufficient, specify:	
- If Locating Practices Not Sufficient, specify:	
- If Excavation Practices Not Sufficient, specify:	
- If Other/None of the Above, explain:	
G4 - Other Outside Force Damage - *only one **sub-cause** can be selected from the shaded left-hand column*	
Other Outside Force Damage – Sub-Cause:	
- If Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation:	
1. Vehicle/Equipment operated by:	
- If Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring:	
2. Select one or more of the following IF an extreme weather event was a factor:	
- Hurricane	
- Tropical Storm	
- Tornado	

- Heavy Rains/Flood	
- Other	
- If Other, Describe:	
- If Previous Mechanical Damage NOT Related to Excavation: Complete Questions 3-7 ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is Pipe or Weld.	
3. Has one or more internal inspection tool collected data at the point of the Accident?	
3a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:	
- Magnetic Flux Leakage	
Most recent year conducted:	
- Ultrasonic	
Most recent year conducted:	
- Geometry	
Most recent year conducted:	
- Caliper	
Most recent year conducted:	
- Crack	
Most recent year conducted:	
- Hard Spot	
Most recent year conducted:	
- Combination Tool	
Most recent year conducted:	
- Transverse Field/Triaxial	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	
4. Do you have reason to believe that the internal inspection was completed BEFORE the damage was sustained?	
5. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
6. Has one or more Direct Assessment been conducted on the pipeline segment?	
- If Yes, and an investigative dig was conducted at the point of the Accident:	
Most recent year conducted:	
- If Yes, but the point of the Accident was not identified as a dig site:	
Most recent year conducted:	
7. Has one or more non-destructive examination been conducted at the point of the Accident since January 1, 2002?	
7a. If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted:	
- Radiography	
Most recent year conducted:	
- Guided Wave Ultrasonic	
Most recent year conducted:	
- Handheld Ultrasonic Tool	
Most recent year conducted:	
- Wet Magnetic Particle Test	
Most recent year conducted:	
- Dry Magnetic Particle Test	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	
- If Intentional Damage:	
8. Specify:	
- If Other, Describe:	
- If Other Outside Force Damage:	
9. Describe:	

G5 - Material Failure of Pipe or Weld - only one **sub-cause** can be selected from the shaded left-hand column

Use this section to report material failures ONLY IF the "Item Involved in Accident" (from PART C, Question 3) is "Pipe" or "Weld."	
Material Failure of Pipe or Weld – Sub-Cause:	
1. The sub-cause shown above is based on the following: *(select all that apply)*	

- Field Examination	
- Determined by Metallurgical Analysis	
- Other Analysis	
- If "Other Analysis", Describe:	
- Sub-cause is Tentative or Suspected; Still Under Investigation (Supplemental Report required)	
- If Construction, Installation, or Fabrication-related:	
2. List contributing factors: *(select all that apply)*	
- Fatigue or Vibration-related	
Specify:	
- If Other, Describe:	
- Mechanical Stress:	
- Other	
- If Other, Describe:	
- If Environmental Cracking-related:	
3. Specify:	
- If Other - Describe:	
Complete the following if any Material Failure of Pipe or Weld sub-cause is selected.	
4. Additional factors: (*select all that apply*):	
- Dent	
- Gouge	
- Pipe Bend	
- Arc Burn	
- Crack	
- Lack of Fusion	
- Lamination	
- Buckle	
- Wrinkle	
- Misalignment	
- Burnt Steel	
- Other:	
- If Other, Describe:	
5. Has one or more internal inspection tool collected data at the point of the Accident?	
5a. If Yes, for each tool used, select type of internal inspection tool and indicate most recent year run:	
- Magnetic Flux Leakage	
Most recent year run:	
- Ultrasonic	
Most recent year run:	
- Geometry	
Most recent year run:	
- Caliper	
Most recent year run:	
- Crack	
Most recent year run:	
- Hard Spot	
Most recent year run:	
- Combination Tool	
Most recent year run:	
- Transverse Field/Triaxial	
Most recent year run:	
- Other	
Most recent year run:	
Describe:	
6. Has one or more hydrotest or other pressure test been conducted since original construction at the point of the Accident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
7. Has one or more Direct Assessment been conducted on the pipeline segment?	
- If Yes, and an investigative dig was conducted at the point of the Accident -	
Most recent year conducted:	
- If Yes, but the point of the Accident was not identified as a dig site -	
Most recent year conducted:	
8. Has one or more non-destructive examination(s) been conducted at the point of the Accident since January 1, 2002?	
8a. If Yes, for each examination conducted since January 1, 2002, select type of non-destructive examination and indicate most recent year the examination was conducted: -	

- Radiography	
Most recent year conducted:	
- Guided Wave Ultrasonic	
Most recent year conducted:	
- Handheld Ultrasonic Tool	
Most recent year conducted:	
- Wet Magnetic Particle Test	
Most recent year conducted:	
- Dry Magnetic Particle Test	
Most recent year conducted:	
- Other	
Most recent year conducted:	
Describe:	

G6 – Equipment Failure - only one **sub-cause** can be selected from the shaded left-hand column

Equipment Failure – Sub-Cause:	
- If Malfunction of Control/Relief Equipment:	
1. Specify: *(select all that apply)* -	
- Control Valve	
- Instrumentation	
- SCADA	
- Communications	
- Block Valve	
- Check Valve	
- Relief Valve	
- Power Failure	
- Stopple/Control Fitting	
- ESD System Failure	
- Other	
- If Other – Describe:	
- If Pump or Pump-related Equipment:	
2. Specify:	
- If Other – Describe:	
- If Threaded Connection/Coupling Failure:	
3. Specify:	
- If Other – Describe:	
- If Non-threaded Connection Failure:	
4. Specify:	
- If Other – Describe:	
- If Other Equipment Failure:	
5. Describe:	
Complete the following if any Equipment Failure sub-cause is selected.	
6. Additional factors that contributed to the equipment failure: *(select all that apply)*	
- Excessive vibration	
- Overpressurization	
- No support or loss of support	
- Manufacturing defect	
- Loss of electricity	
- Improper installation	
- Mismatched items (different manufacturer for tubing and tubing fittings)	
- Dissimilar metals	
- Breakdown of soft goods due to compatibility issues with transported commodity	
- Valve vault or valve can contributed to the release	
- Alarm/status failure	
- Misalignment	
- Thermal stress	
- Other	
- If Other, Describe:	

G7 - Incorrect Operation - only one **sub-cause** can be selected from the shaded left-hand column

Incorrect Operation – Sub-Cause:	

- If Tank, Vessel, or Sump/Separator Allowed or Caused to Overfill or Overflow	
1. Specify:	
- If Other, Describe:	
- If Other Incorrect Operation	
2. Describe:	
Complete the following if any Incorrect Operation sub-cause is selected.	
3. Was this Accident related to *(select all that apply)*: -	
- Inadequate procedure	
- No procedure established	
- Failure to follow procedure	
- Other:	
- If Other, Describe:	
4. What category type was the activity that caused the Accident?	
5. Was the task(s) that led to the Accident identified as a covered task in your Operator Qualification Program?	
5a. If Yes, were the individuals performing the task(s) qualified for the task(s)?	
G8 - Other Accident Cause - only one **sub-cause** can be selected from the shaded left-hand column	
Other Accident Cause – Sub-Cause:	
- If Miscellaneous:	
1. Describe:	
- If Unknown:	
2. Specify:	

PART H - NARRATIVE DESCRIPTION OF THE ACCIDENT

On April 1, 2017 at 15:57, a call was received by the Sunoco Pipeline LP (SPLP) Control Center via the company emergency number from a landowner reporting a possible leak along the pipeline ROW at 5530 Morgantown Rd, Morgantown, PA. Internal notifications were made and SPLP field personnel were immediately dispatched to the field to investigate. Field personnel arrived onsite at approximately 17:00 and confirmation of the release was made at approximately 17:04. NRC notification was made at 17:59 (Report 1174615) that same day. Required follow up report to NRC was made on April 3, 2017 at 15:46 (Report 1174748) updating the volume released to 20bbls and also providing updated coordinates of the release location.

The pipeline was shut down and the affected area was isolated. Product was displaced and the isolated segment was nitrogen purged. Subsequent excavation revealed the source of the leak as a small external corrosion pinhole. The affected section of piping was cut out and replaced and the failed section was sent to a 3rd party laboratory for failure analysis. A Supplemental-Final DOT 7000-1 Report will be submitted subsequent to completion of failure analysis.

PART I - PREPARER AND AUTHORIZED SIGNATURE

Preparer's Name	Todd G. Nardozzi
Preparer's Title	DOT Compliance Sr. Manager
Preparer's Telephone Number	281-637-6576
Preparer's E-mail Address	TGNardozzi@sunocologistics.com
Preparer's Facsimile Number	877-917-0448
Authorized Signer Name	Todd G. Nardozzi
Authorized Signer Title	DOT Compliance Sr. Manager
Authorized Signer Telephone Number	281-637-6576
Authorized Signer Email	TGNardozzi@sunocologistics.com
Date	04/26/2017

EX. "E"

From: **Turner, William** <wturner@chesco.org>
Date: Sat, Mar 10, 2018 at 2:50 PM
Subject: Estimated Population 1/2 Mile
To: Eric Friedman (eric.law.friedman@gmail.com) <eric.law.friedman@gmail.com>

Eric.

Attached is the estimated ½ mile population numbers. This again is based on the assumption every buidling is occupied and utilziing 2010 census data along with average household size. We can't firmly stand by these numbers but are comfiorable using them for planning assumptions and scenarios. This would be ½ mile both sides for the length but not necessarily the full amount affected in an emergency.

MuniName	Sum_POPULATION_EST
East Nantmeal	146
West Nantmeal	413
Wallace	789
Elverson	1032
Upper Uwchlan	2153
West Goshen	2410
Westtown	3157
Uwchlan	8139
East Goshen	8955
West Whiteland	11282

Please let me know if you have any questions.

William H. Turner
Deputy Director for Emergency Management
Chester County Department of Emergency Services
601 Westtown Road, Suite 012
West Chester, PA 19380
(610) 344-5011 (office)
(484) 401-8778 (cell)
www.chesco.org/des

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

12/19/18
Date

Verification and Signature

I Gerald McMullen, 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 McMullen — 12-19-2018

Signature of Complainant/Petitioner — Date

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

12/19/18
Date

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).

Signature of Complainant/Petitioner

12/19/2018
Date

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 — 12/19/2018

Signature of Complainant/Petitioner — Date

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).

Signature of Complainant/Petitioner

12-19-2012
Date

Verification and Signature

I Michael D. 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 D. Walsh — 12/19/18

Signature of Complainant/Petitioner — Date

CERTIFICATE OF SERVICE

I hereby certify that on this day, December 20, 2018, a true and correct copy of the foregoing has been served upon the following persons via electronic mail, pursuant to 52 Pa. Code § 1.54.

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s/ Michael S. Bomstein

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