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Via the PUC e-File System

Pennsylvania Public Utility Commission

Attn: Secretary Rosemary Chiavetta

400 North Street

Harrisburg, PA 17120

Dear Ms. Chiavetta,

I am a Pennsylvanian whose backyard contains a portion of the Mariner East (ME) pipeline project. I am submitting the following comments on the Pennsylvania Public Utility Commission's (PUC) Advance Notice of Proposed Rulemaking Order (ANOPR) docket no. L-2019-3010267 concerning hazardous liquids public utility safety standards.

I live in Delaware County's Middletown Township, and the pipeline route is feet away from my elementary school, Glenwood. My family's property already contained the "Mariner East 1" pipeline when it was purchased. They signed an easement for Horizontal Directional Drilling (HDD) in 2015. Since HDD failed in Delaware and Chester Counties, Sunoco has approached us again and included our property in a proposed drilling site for direct pipe construction, where 16-inch and 20-inch pipelines will be banded together inside of a 48-inch steel casing. We are worried about noise, our home's structural integrity, vermin, and, above all, our health and safety in case of an

emergency. Presently, highly-volatile liquids (HVLs) are being transported through the near-ninety-year-old “Mariner East 1” pipeline, which has a history of leaks and has been exposed to the surface through sinkholes.

I’m excited by the opportunity to suggest how Pennsylvania’s regulatory framework could change to better protect the Commonwealth. I support the work of Del-Chesco United for Pipeline Safety (Del-Chesco United) in raising alarms about Mariner East and building support for increased scrutiny of the project. I have read Del-Chesco United’s comments under this docket, and I support all of its recommendations. I’d like to highlight and share my family’s experiences regarding some of Del-Chesco’s recommendations that I feel strongly about, organized by the subject areas that the PUC has provided. Some of these recommendations require new legislation – state legislators concerned about pipeline safety should read comments like this one and pass legislation necessary to make these changes.

Construction Permitting Process, Public Utility Status, and Eminent Domain

I agree with Del-Chesco’s opinion that the way in which pipeline operators are granted public utility status and eminent domain must be completely overhauled. Sunoco obtained seventeen “Certificates of Public Convenience and Necessity” from the PUC for each PA County included in the Mariner East pipeline project, which never expire and are not attached to a specific project. Some of these certificates were granted in the 1930s for the “Mariner East 1” pipeline to transport less-dangerous gasoline. These grant the Mariner East project public utility status, despite that the project’s primary purpose is to transport the raw materials for plastics manufacture overseas, and it has already damaged several Commonwealth communities *before* a major catastrophe. Sunoco claims that

these certificates grant it the power to seize property anywhere in the counties where it holds a certificate. Our land agent threatened my neighbor who sought legal counsel by saying that an easement wasn't required; Sunoco could seize as much of her property as it wanted to. This seems to be a regulatory gray area that should be clarified. Sunoco has also used these certificates to condemn properties and take homeowners to court. Many homeowners, at enormous legal expense, have lost in court and failed to receive just compensation owed to them. This is what my family fears Sunoco will threaten during our negotiations about the proposed drilling site including our property.

The PUC should not grant utility status and eminent domain on a countywide basis, and these privileges should not be eternal. Companies, as part of an overall permitting process, should apply for public utility status on a project-by-project basis, and they must demonstrate public need *within the state* for each project. They must submit environmental, economic, and safety risk assessments along with detailed, technical plans in this application. Experts should review the plans to make sure they follow established guidelines (which also need to be fleshed out), and a jury must approve the project as one that meets a public need within the state. The environmental costs of habitat destruction and methane and carbon emissions from the expansion of pipeline infrastructure should be considered in this case. Pipeline siting should be included in this process and approved by the PUC. The Mariner East pipeline project could have followed a route with fewer densely-populated areas, but Sunoco already obtained Certificates of Public Convenience and Necessity and was established along the present route. As a result, Mariner East is one of the most dangerous HVL pipelines in the country, with high numbers of schools and homes within a blast radius.

If a pipeline operator wishes to seize property and the operator and homeowner cannot agree on an easement, the case should be reviewed by a PUC judge at no legal expense to the homeowner. The judge ensures just compensation is awarded to the homeowner. If an operator wishes to adapt an existing project to a new use, then the operator must apply again for a permit and utility status for the new use.

Land Agents

Currently land agents are unlicensed and unaccountable for saying or doing whatever is necessary to obtain the easement for an infrastructure project. My neighbors and I have been lied to several times by land agents employed by Sunoco's contractors. The first agent told us that renegotiation would be necessary if HDD was unsuccessful, while our new agent told a neighbor that Sunoco did not need an easement to place a drilling site on her property. Weeks before the Mariner East PA DEP permit application for "Glen Riddle Road and Southeastern Pennsylvania RR Crossing" was made available online, the same land agent told my neighbors that our backyards would only be used to store some equipment. He also told my father that our property value would not change as a result of the ME project. Land agents should be licensed with some standards of honesty and concern for the homeowner, with the threat of revocation of their licenses if unlawful or dishonest practices are used to force an easement signing. Homeowners should be able to file complaints against land agents.

Cover Over Buried Pipelines

The "Mariner East 1" pipeline is buried less than two feet below the surface in my backyard and has been exposed due to a sinkhole a few thousand feet from my home. The

HVLs currently being transported through that pipeline are odorless, colorless, and highly combustible; we may not know of a leak until it is too late. The unique danger of HVLs should require greater depth of cover for pipelines that transport these liquids relative to other pipelines, potentially adding greater depth to mitigate erosion over time. The PUC should be empowered to inspect any site to ensure adequate depth of cover and halt operations if depth is inadequate.

Underground Clearances

Sunoco experts have testified to the PUC that the ideal spacing between HVL lines is at least ten feet, yet Sunoco proposes to construct two adjacent pipelines encased together feet below another aged pipeline. This multiplies risk since one pipeline accident would certainly spread to the other pipeline. The PUC should be able to mandate and enforce safe distances between pipelines all along the route of a project.

Pipeline Conversion

The “Mariner East 1” pipeline, originally designed to transport gasoline, was adjusted in makeshift fashion to transport HVLs. This is not safe. All repurposed pipelines should be required to follow all standards and permits for *new* pipelines and should not be “grandfathered” in. Just because a pipeline already exists doesn’t mean it presents any less risk to the often heavily-populated communities that have grown around old pipelines. All pipelines over a certain age should be required to undergo an “end of life” study to determine whether they can safely carry HVLs or any petroleum products.

Background Investigations of Employees and Contractors

Mariner East contractors and Sunoco employees should have to complete background checks and child abuse clearances; they are walking on school property and residences at all hours. Pipeline contractors must be required to provide identification and background checks to property owners so homeowners know who is on their property. If our property is included in Sunoco's proposed drilling location, contractors will be active 24/7. Neighbors have told us about contractors shining bright flashlights into homes late at night as retaliation for arguments, I was accosted by flaggers every day during HDD drilling while driving to work, and my mother and I witnessed the destruction of neighbor's mailbox by a tanker containing drilling fluid.

In general, the PUC needs to be empowered to serve as the regulatory agency that oversees pipeline siting, assessments, construction, and maintenance while requiring certain standards of emergency preparedness that Del-Chesco and others have laid out. The PUC must maintain regulatory oversight long after it has approved a project, and new permits should be required for each new use of an existing pipeline.

Thank you for reading this,

John McLaughlin

Commonwealth Resident