

OBENSKI
EXHIBIT A

Obenski A
C-2018-3006116, et al.
11-20-19
Harrisburg JS



DOWNINGTOWN AREA SCHOOL DISTRICT

540 Trestle Place, Downingtown, PA 19335, phone 610.269.8460, fax 855.329.3273, www.dasd.org

EMILIE M. LONARDI, Ph.D. SUPERINTENDENT

July 16, 2018

The Honorable Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf:

For the second time in four months, I write to request your assistance regarding a major public safety risk and one that will potentially affect approximately 5,300 students in the Downingtown Area School District. My first letter was in regard to the Mariner II East pipeline and the lack of an independent risk assessment plan and recommendations to ensure school safety. That concern has since escalated with the news that Sunoco plans to repurpose an existing 12-inch, decades-old pipeline to carry Natural Gas Liquids (NGLs). This is an even larger safety threat to this school district as the existing pipe runs very near five (5) of our Downingtown school buildings.

While I have received no communication on this new plan or how to keep the children in our schools safe, I have received multiple communications from parents expressing serious concern for their children as the product is scheduled to begin transport by August 21. The lack of communication and transparency regarding the imminent danger should a leak occur and the complete lack of emergency preparedness plans and mitigation information for this unprecedented risk in a high consequence area, both contribute to the vulnerability of our community and most importantly for me as the school leader, of our students.

As Governor, you have the authority to direct the PUC to determine if this route is in compliance with their mandate to provide safe and reliable services to the community, as well as, direct any state agency to conduct studies and create mitigation plans. Sunoco is about to transport NGLs and reverse the flow of an old pipeline not constructed to carry these chemicals. I urge you to exercise your authority in this unprecedented hazardous situation. Please disallow any further progress on this alternate plan until a comprehensive and complete emergency response plan has been developed and practiced at the school district level, so we can confidently assure parents that we are able to protect their children in the event of a leak or explosion.

Once again, I respectfully ask that you act expeditiously on this request.

Sincerely,

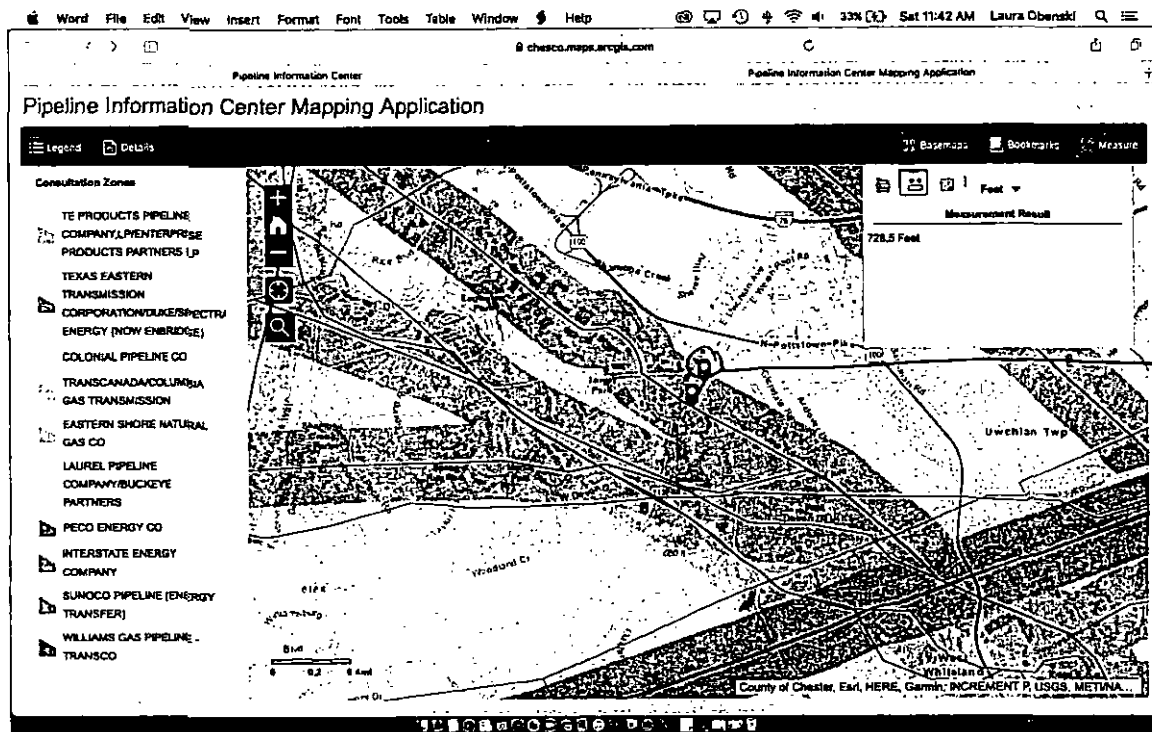
DOWNINGTOWN AREA SCHOOL DISTRICT

Emilie M. Lonardi, Ph.D.
Superintendent

CC: DASD Board of School Directors
 Senator Bob Casey
 Senator Andrew E. Dinniman
 Senator John C. Rafferty, Jr.
 Senator Patrick Toomey
 Representative Harry Lewis, Jr.
 Representative Eric Roe
 Representative Becky Corbin
 Representative Duane D. Milne
 Representative Tim Hennessey
 Rosemary Chiavetta, Secretary PA PUC

EXHIBIT B

Map of Complainant's Residence and proximity to ME1, ME2/2X



→ Where Obenski lives

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EXHIBIT C

Obenski C
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Harrisburg JF



CHESTER COUNTY DISTRICT ATTORNEY'S OFFICE

THOMAS P. HOGAN
DISTRICT ATTORNEY

TELEPHONE: 610-344-6801
FAX: 610-344-5905

201 W. MARKET STREET, SUITE 4450
POST OFFICE BOX 2746
WEST CHESTER, PA 19380-0991

December 19, 2018

PRESS RELEASE

Chester County District Attorney Opens Criminal Investigation Into Mariner East Pipeline

Chester County District Attorney Tom Hogan announced that the District Attorney's Office (the "DAO") has opened a criminal investigation into the construction of the Mariner East 1, 2, and 2X pipelines being constructed through Chester County. This investigation includes the owners of the pipelines - - Energy Transfer LP, Sunoco Logistics Partners, and related corporate entities (collectively, "Sunoco").

District Attorney Hogan stated, "In the last two years, we have seen these pipelines rip through the heart of Chester County. We have seen sinkholes created by the pipeline drilling, contaminated well water, and some subtle and not-so-subtle bullying of Chester County citizens by big corporate interests. We expected the state regulators and the governor to step in and assure the safety of Pennsylvanians. They have not. So now the Chester County District Attorney's Office will demand that every aspect of these pipelines be conducted safely, or we will bring into play all of the tools of the criminal justice system."

The Mariner East 1, 2, and 2X pipelines are intended to ship volatile natural gas from western Pennsylvania all the way to Marcus Hook in Delaware County, Pennsylvania. These pipelines cut directly through the middle of Chester County, bisecting heavily populated residential areas, running near schools and businesses, and in close proximity to railroads and streets.

The Mariner East 1 pipeline previously existed to ship refined petroleum under Chester County running from the eastern portion of Pennsylvania to the west. Refined petroleum is a very different substance than natural gas and Mariner East 1 is smaller than the planned Mariner East 2 and 2X pipelines. Sunoco intended to build the Mariner East 2 and 2X pipelines along the same route as Mariner East 1. In order to accomplish this, they intended to use horizontal directional drilling, a process that can be problematic depending on the area where drilling is occurring. Sunoco also introduced plans to reverse the flow of Mariner East 1 and use it to ship natural gas under Chester County in the older and smaller pipeline.

The Mariner East pipeline construction has experienced significant problems. On the property of homes in West Whiteland Township, the drilling resulted in significant sinkholes in the residents' back-yards. In another area of Chester County, the drilling caused the apparent contamination of well water for multiple residences. In Beaver County, Pennsylvania, there was an explosion along a pipeline, destroying a home. The Department of Environmental Protection has fined the owners of the pipelines. But the construction of these pipelines keeps continuing.

"Two things recently happened that drew the attention of the District Attorney's Office," District Attorney Hogan added. "First, the explosion in Beaver County changed speculation into tangible danger and destruction. Second, over Thanksgiving, some of the residents of Lisa Drive in West Whiteland were kind enough to take me onto their property and show me the damage caused by the pipelines. The concerns and fears of those citizens were both disturbing and heart-wrenching. I then detailed District Attorney staff members to do the legal research to make sure that the DAO had jurisdiction to investigate the pipelines and received an affirmative response."

The District Attorney's investigation will cover both past and future conduct related to the pipelines. Potential charges include causing or risking a catastrophe, criminal mischief, environmental crimes, and corrupt organizations. Such offenses could include criminal charges directly against the individual employees involved, from workers on the pipelines through corporate officers. Sunoco has been advised of this investigation via a letter. See attached, Exhibit A.

District Attorney Hogan stated, "This investigation will not be easy. It will take time to dig into the historical information and we will need to constantly monitor any future activity. But we are committed to protecting Chester County. And we will need our citizens to help."

Chester County Detective Ben Martin is the lead investigator. The assigned prosecutors are Alexander Gosfield and Myles Matteson. Anybody with information should contact Detective Martin at 610-344-6866.

District Attorney Hogan concluded with, "We understand that only the Pennsylvania Utility Commission or the governor can shut down construction of these pipelines, and neither has shown any inclination to do so. But we can at least make sure that anything that happens in Chester County complies with the criminal laws of Pennsylvania. We owe that to our citizens. Money should not be allowed to trump safety."

* * * * *

Approved for release:

Thomas P. Hogan

EXHIBIT D

<https://www.phmsa.dot.gov/safety-awareness/pipeline/pipeline-leak-recognition-and-what-do>

Apple Safari File Edit View History Bookmarks Window Help 100% Wed 10:42 AM Laura Obenski

phmsa.dot.gov

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PHMSA

Pipeline and Hazardous Materials Safety Administration

Search PHMSA site

ABOUT PHMSA SAFETY REGULATIONS AND COMPLIANCE RESOURCES

Safety Awareness Overview

Pipeline Leak Recognition and What to Do

Excavation Enforcement Final Rule

Pipeline Emergency Responders Initiative (PERI)

Safety Awareness Reports Search

Historical Pipeline Incidents

Pipeline Failure Investigation Reports

What Not to Do in the Event a Leak Were to Occur

DO NOT come into direct contact with any escaping liquids or gas.

- 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 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 use telephone or cell phone. If inside a home or business, do not pull plugs from electrical outlet or open an automatic garage if the vehicle is parked inside.
- DO NOT ring doorbells to notify others of the leak. Knock with your hand to avoid a potential spark from metal knockers.
- DO NOT drive into a leak or vapor cloud while leaving the area.
- DO NOT attempt to extinguish a natural gas fire. Wait for local firemen and other emergency professionals trained to deal with such emergencies.

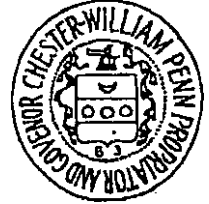
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EXHIBIT E

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THE COUNTY OF CHESTER



COMMISSIONERS
Michelle Kichline
Kathi Cozzone
Terence Farrell

OFFICE OF THE COMMISSIONERS
313 W. Market Street, Suite 6202
P.O. Box 2748
West Chester, PA 19380-0991
(610) 344-6100

11 December 2018

Mr. Paul J. Metro
Manager of Gas Safety
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg PA 17120

Dear Mr. Metro,

As the Board of County Commissioners, we write to further the discussion regarding the Mariner East pipeline project.

Your reply on November 1st to the joint letter from the Superintendents of the Downingtown, Rose Tree Media and West Chester School Districts (dated October 23rd) provided valuable information regarding the oversight that the PUC has exercised over the project. While your letter outlined the inspections and activity, the lack of open communication from Sunoco during this project has created the perception that important safety information is not being provided to those impacted by Mariner East.

County Emergency Management staff work continuously with schools and municipalities to ensure their plans are updated in the event of a public emergency. But without all pertinent information regarding hazards and risks with regard to, for example, the Mariner East pipeline, these plans fall short of providing the guidance that our citizens require to feel safe in their homes and schools. Should a leak in the Mariner East pipeline occur, current technology for mass notification could potentially be a further danger instead of a help, leaving mass notification as a gap in planning.

We ask that the PUC urgently review and provide observations of Sunoco's Hazard and Risk analysis and continue to participate, with our Emergency Management Staff, in community meetings to provide information and answer questions.

Further, we request your views on an important mitigation strategy regarding pipelines. Pipeline valves and pumping stations are soft targets, exposing components of critical infrastructure to potential attack. Would it be feasible to enact safety regulation requiring that valves and pumping stations be hardened so as to protect them from a vehicle (or other) attack?

We thank you in advance for providing prompt answers to our questions and PUC actions to our requests regarding this most important public safety concern.

Sincerely,

Michelle Kichline
Chair

Kathi Cozzone
Commissioner

Terence Farrell
Commissioner



THE COUNTY OF CHESTER



COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

OFFICE OF THE COMMISSIONERS

313 W. Market Street, Suite 6202
P.O. Box 2748
West Chester, PA 19380-0991
(610) 344-6100

11 December 2018

Richard D. Flinn, Jr.
Director
Pennsylvania Emergency Management Agency
1310 Elmerton Avenue
Harrisburg, PA 17110

Dear Director Flinn,

As you are aware, the Sunoco Mariner East pipeline crosses through the heart of Chester County. Since the beginning of this construction project, our Emergency Management staff has worked with impacted municipalities, schools and emergency response agencies to try and address public safety concerns that may arise from the presence of the Mariner East pipeline. Throughout the construction of the Mariner East pipeline, our focus has been on ensuring that our local first responders are trained to evaluate and respond to the potential pipeline risks, and that local emergency operations plans reflect the emerging hazards this pipeline introduces to our community. We appreciate the continued assistance of PEMA with our work to ensure that our responders are trained and our municipalities and schools are prepared.

We now write to request additional assistance from your agency.

Throughout the many stages leading up to, and during construction of the Mariner East pipeline, Sunoco has not been responsive to requests for information regarding potential hazards and risk assessments related to the product that will be transported through the pipeline. Several safety issues have occurred during construction, including sink holes and leaks, which have also raised significant concern. Sunoco's lack of responsiveness has created an environment of tremendous distrust.

Because of these ongoing issues, we formally ask PEMA to assist our Emergency Management staff in conducting a review of the current municipal and school plans affected by the Mariner East pipeline. We also request assistance with defining the type of public alert system appropriate for the hazards posed by the products that will be transported through the pipeline.

We thank you in advance for your assistance regarding this important public safety concern.

Sincerely,

Michelle Kichline
Chair

Kathi Cozzone
Commissioner

Terence Farrell
Commissioner

EXHIBIT F

Obenski F
C-2018-3006116, et al.
11-20-19
Harrisburg JS



October 23, 2018

Mr. Paul Metro
Manager of Gas Safety
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg PA 17120

Dear Mr. Metro,

We are writing this letter on behalf of the Downingtown Area School District, Rose Tree Media School District, and West Chester Area School District to ask you to conduct a safety investigation of the old 12 inch Sunoco Pipeline. It is our understanding that Sunoco is going to be running natural gas liquid through this 12 inch pipe since the construction on the Mariner II pipeline has been temporarily halted. We believe it is incumbent upon school districts to keep students, parents, and staff safe. We also believe it is incumbent upon the PUC and the leaders of the state of Pennsylvania to keep its residents safe.

Specifically, we are asking you to conduct a safety assessment of this pipe to include the following:

1. What is the risk for unprotected valve stations, currently many of these valve stations have temporary fencing without adequate protection from a possible accident.
2. Is it safe to run natural gas liquid through this 12 inch pipe?
3. Does this old 12 inch pipe contain shut off valves for emergency shut off in the event of a breach?

While we are not experts in the area of safely transporting chemical products through a 12 inch pipeline we are often asked by our parents about our plans in the case of a catastrophic breach or explosion in this pipe. We need help from the PUC to answer the question about safety.

We understand that Sunoco is planning on transporting product in the near future. We all have developed safety and evacuation plans for hazardous disasters, however, our plans did not take into consideration the risks and dangers involved with moving product through an 80 year old pipe.

Sincerely,

Emilie M. Lonardi, Ph.D.
Superintendent of Schools
Downingtown Area SD

Eleanor DiMarino-Limmen, Ph.D.
Acting Superintendent of Schools
Rose Tree Media SD

James R. Scanlon, EdD
Superintendent of Schools
West Chester Area SD

cc: DASD, RTMSD, and WCASD Board of School Directors
Gladys Brown, PA PUC Chair
Rosemary Chiavetta, PA PUC Secretary
Robert Young, PA PUC Deputy Chief Counsel Gas/Electric
Governor Tom Wolf
Senator Andy Dinniman
Senator Tom Killion
Senator Tom McGarrigle

Representative Stephen Barrar
Representative Carolyn Comitta
Representative Becky Corbin
Representative Tim Hennessey
Representative Harry Lewis, Jr.
Representative Duane Milne
Representative Chris Quinn
Representative Eric Roe

EXHIBIT G

Obenski G
C-2018-3006116, et al
11-20-19
Harrisburg JS



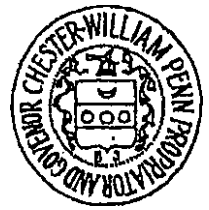
THE COUNTY OF CHESTER

COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

OFFICE OF THE COMMISSIONERS

313 W. Market Street, Suite 6202
P.O. Box 2748
West Chester, PA 19380-0991
(610) 344-6100



5 June 2018

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

Re: Pennsylvania State Senator Andrew Dinniman v. Sunoco Pipeline L.P.; Docket No. P-2018-3001453; Docket No. C-2018-3001451

Dear Secretary Chiavetta,

We write you to encourage the Public Utility Commission to uphold the suspension of the Mariner East project ordered by Administrative Law Judge Elizabeth Barnes. During the hearing that led to that Order, testimony was provided about the impact of Sunoco's Mariner East construction in West Whiteland Township. While that testimony was extensive, it still barely touches on the extent of concern expressed by residents across Chester County to the County Commissioners and our Department of Emergency Services.

Our Department of Emergency Services provides the County 9-1-1 Communications Center, County Fire Marshal Office, and extensive police, fire, Emergency Medical Services, rescue, and Hazardous Materials administration, coordination, and training in support of our local first responders. They also provide the County's Emergency Management organization, being responsible for county-wide plans and coordination of any emergency which would overwhelm a local municipality or any emergency involving two or more municipalities within Chester County. Finally, and perhaps most importantly, they also provide the County's state-certified Hazardous Materials Response Team. The Hazardous Materials Response Team is responsible for responding to any hazardous material incident and mitigating the effects of such incident until the responsible party can provide a clean-up crew. We provide this background so you understand the Chester County Department of Emergency Services has a valid need-to-know on a number of the concerns we will express.

Chester County continues to experience difficulties with Sunoco Pipeline / Energy Transfer Partners with regard to the Mariner East Pipeline Project (Mariner East 1, Mariner East 2, and Mariner East 2X). Chester County has experienced multiple spills of drilling mud that have contaminated local streams, aquifers, drinking water, and wells. Sink holes are threatening the stability of the ground, nearby homes, and even Mariner 1. All of this occurs with Sunoco not making emergency responders aware or communicating any information about these issues. In fact, our Department of Emergency Services learns about the majority of issues involving the Mariner East Pipeline Project through local media reports and community members.

A majority of the areas traversed by the Mariner East Pipeline Project are in high consequence areas of dense, vulnerable populations in close proximity to the pipelines. Given the population which could be affected by this project, we find it appalling that Sunoco has failed to proactively share their Risk Assessment and full Integrity Management Plan with appropriate emergency responders. In fact, our Department of Emergency Services has seen Sunoco's Risk Assessment only after requesting a briefing. In order to receive that briefing our personnel were required by Sunoco to sign a Non-Disclosure Agreement limiting their ability to discuss the contents of the Risk Assessment with anyone outside of the briefing. Further, Sunoco has yet to share their full Integrity Management Plan with our Department of Emergency Services. After more than three months and two cancelled briefings by Sunoco, our personnel still await a briefing. The briefings have been cancelled because Sunoco has had to appear in Court or before the Public Utility Commission. This raises our concern that they prioritize profit over safety and they lack the necessary depth of subject matter experts to be able to multi-task by providing the briefing and appearing before the Court or the Public Utility Commission. On top of that, Sunoco won't share the Integrity Management Plan briefing with local municipal emergency management coordinators and local emergency responders, instead insisting on the briefing be limited to Department of Emergency Services personnel who will, again, have to sign a Non-Disclosure Agreement. Our Department of Emergency Services has also asked for copies of Sunoco's Emergency Response and Communications Plans and have been told we either need to go to Marcus Hook to see it or make a formal request to PHMSA, another example of how difficult Sunoco makes it to receive important public safety information. We are deeply troubled by Sunoco's lack of transparent approach to this critical safety information, hampering our Department of Emergency Services and local first responders from doing their job. We are also concerned because Sunoco's lack of transparency with this information has created a gravely dangerous situation where the public is left to develop their own information, often misleading and incorrect.

Many residents along the pipeline route have asked about evacuation plans in the event of a pipeline emergency. Our Department of Emergency Services and local first responders have answered that question many times, explaining that there is no pre-set plan because the extent and direction of any evacuation depends on circumstances during the incident, such as weather conditions and the type of leak. Our Department of Emergency Services and local first responders also have tried to reassure the public that they have trained extensively to respond to hazardous material incidents, including pipeline accidents. Unfortunately, many residents found no comfort in these reassurances because the Department of Emergency Services and local first responders are limited by the information they can share due to the Non-Disclosure Agreement and Sunoco's unwillingness to be open and transparent about the products they are and want to continue to flow through our communities. Simply put, without more publicly accessible information about the pipelines and the products conveyed in them, the Department of Emergency Services and local first responders cannot dispel residents' fears about being safe in their own homes.

This lack of transparency and requirements to sign Non-Disclosure Agreements to obtain critical safety information only add to the level of mistrust which exists in our county for Sunoco and their representatives. Frankly, this mistrust evolved from the mishaps during pipeline construction, as well as Sunoco's unwillingness to truly listen to the public's concerns and attempt to allay them, to explain publicly the measures in place for pipeline safety, and most importantly, to be transparent about what steps are being taken and what other steps could be taken to ensure that pipelines carrying volatile liquid gases right next to homes, schools, and other gathering places are absolutely safe.

For the record, representatives from Sunoco and contractors working for them have answered numerous questions raised by County staff about the Mariner East Pipeline Project and have tried to address many of our communities' concerns. We appreciate their time and cooperation. However, the issues raised in this letter and during the testimony presented for this emergency petition and complaint go beyond their authority and responsibility.

Instead, these issues must be addressed by the leadership of Sunoco which has shown no regard for the extensive and unreasonable impact pipeline construction is having throughout Chester County or for the fear Mariner East has sown in our communities about the risk of a pipeline accident.

We understand and appreciate the importance pipelines provide in our nation's infrastructure. We also understand pipelines, generally, are a far safer mode of transportation than placing this dangerous product on rail or the highway. And we understand that for centuries the population has congregated around water and this is where the product must be processed in our area. We understand that pipelines will and must run through our communities. However, we also understand, and have seen firsthand from other pipeline operators, the importance and value of an open, honest, transparent, safety-focused process.

Simply put, until Sunoco provides comprehensive, clear, and credible explanations demonstrating the safety of existing and future pipelines carrying natural gas liquids in close proximity to homes, schools, and other gathering places directly to the public (not limited to residents within a short distance of the pipeline), the Chester County Board of Commissioners strongly urges the Public Utility Commission to uphold the suspension of operation of Mariner East 1 and construction of Mariner East 2 and 2x.

Finally, it is our sincere hope and desire that by the County offering this letter to the Public Utility Commission in support of the Order, Sunoco does not stop communication with our Department of Emergency Services and local first responders but instead significantly improves their communication and transparency.

Respectfully,



Michelle Kichline
Chairman



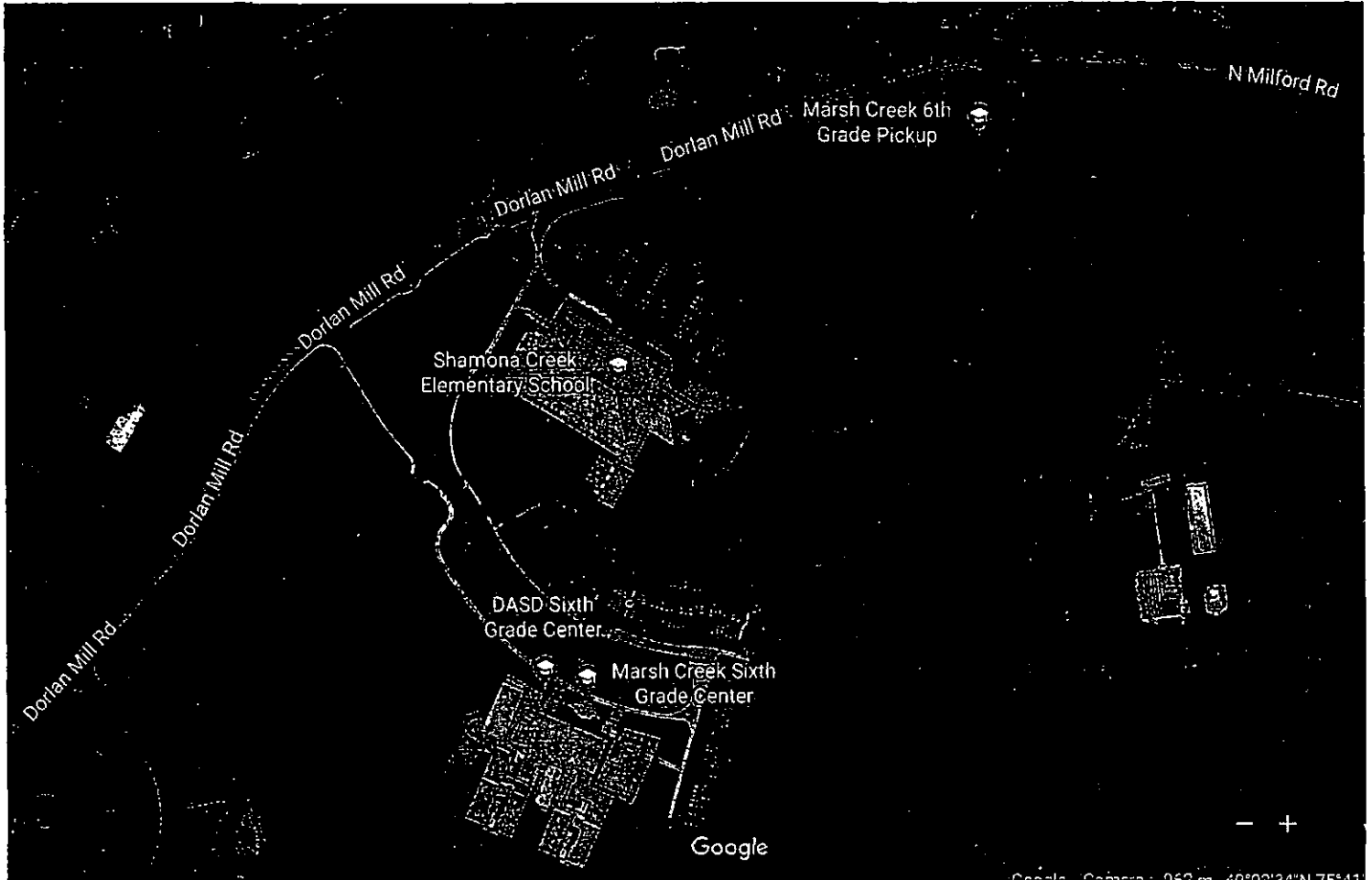
Kathi Cozzone
Commissioner



Terence Farrell
Commissioner

EXHIBIT H

MC6GC and Shamona Creek Campus, in relation to valve site on Dorlan Mills Rd.
(Valve Site indicated by red arrow)

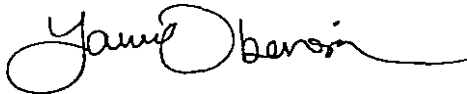


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- III. The Commission shall find that lack of data has resulted in significant gaps in the ability of the DASD, Uwchlan Township, and County of Chester to appropriately plan for the hazards introduced by the Mariner East Project, compromising their ability to be in full compliance of Title 35, relating to public safety. With this in mind, the Commission shall find that service cannot be deemed to be 'safe and reasonable' to the populations placed at risk by the Mariner East project.
- IV. The Commission shall find the location of the valve adjacent to two facilities within the DASD, located at Dorlan Mills Road in Upper Uwchlan Township, as neither "safe" nor "reasonable" to the affected populations placed at risk by the Mariner East project, and order the relocation of the valve site.

In light of these findings, Sunoco shall immediately suspend operation and construction of the ME1, ME2/2X, and "Point Breeze to Montello" line until their service can be assured "safe and reasonable" by the Commission, and in full regulatory compliance in light of the above arguments, in addition to any such relief that the Commission deems appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laura Obenski", with a long, sweeping horizontal line extending to the right.

Laura Obenski

intended to be part of the 'Mariner East 2' project as proposed, but due to delays in construction caused by environmental violations and legal challenges, was introduced into the Mariner East pipeline network as a 'work around' until the original project can be completed. The addition of this segment to the Mariner East network required maintenance and overhaul to the valve station to accommodate for the change in product and has expanded the affected geographical area and introduced new hazards to the surrounding properties and populations due to the characteristics of the NGLs transported.

The location of the valve site on Dorlan Mills Rd. is in direct proximity to two schools, which house approximately 1,800 students and staff (Exhibit H). The possibility of a hazardous liquid discharge at this valve presents a significant threat of damage and pollution to the school population, and introduces a significant challenge to the DASD in developing plans to safely evacuate a large number of students, including Complainant's children, given the number of variables which must be considered in an expedient fashion regarding wind speed, topography, the decision to shelter in place vs. evacuate, etc.

Therefore, the Commission shall find the location of the valve "unreasonable" and demand the relocation of the valve site.

The Commission has explicit authority to make this request until Title 66 § 1501, which says *"Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public."*

The Commission must determine whether the Mariner East pipeline network provides "safe and reasonable" service while taking into account the location of the Dorlan Mills Rd valve site and surrounding facilities and populations.

WHEREFORE, I, the Complainant herein, respectfully submit that:

- I. The Commission shall find the public awareness program provided by Sunoco to be inadequate in both material content and distribution, and order the development of material that includes actionable and understandable instructions that apply to all community stakeholders and establishes a greater range of distribution to ensure contact with all affected community members.
- II. The Commission shall find that technologies currently available to schools and political subdivisions for the purpose of providing an early detection system and mass notification for the public, per their requirements under Title 35, are not adequate or reasonable for acquisition or use, and therefore service cannot be deemed 'safe and reasonable' to the populations placed at risk by the Mariner East project.

the DASD, Uwchlan Township, and the County of Chester to comprehensively conduct their required duties under Title 35.

Due to provisions in Act 156, per PA Code 102.1, that allow public utilities to designate their own material as confidential in nature, and the utilization of non-disclosure agreements related to sensitive information it has not been possible for first responders to present information in response to the public's pertinent concerns of safety in a satisfactory way (Exhibit G). If the information shared with emergency planning and response officials technically meets the requirements of Sunoco's emergency response requirements under 49 CFR §195.440 but is not able to be presented in a way that is actionable to the affected public, the *Commission should consider whether compliance with this rule is possible.*

The Commission must determine if service can be deemed 'safe and reasonable' to the staff and students exposed to the Mariner East pipeline network within the DASD in the absence of data fully exploring the health and safety risks of the project. The Commission should also consider the ability of the DASD, Uwchlan Township and the County of Chester to create appropriate and actionable disaster response and emergency preparedness plans mandated under Title 35, to protect the safety of the public.

4. **The proximity of the valve station located at Dorlan Mills Road in Upper Uwchlan Township to the Shamona Creek Elementary School and the MC6GC presents a significant safety risk to staff and students, should an internal or external pipeline related emergency occur.**

49 C.F.R. 195.258(a) states that *"each valve must be installed in a location that is accessible to authorized employees and that is protected from damage or tampering."*

The valve station is located roadside, approximately 15 feet from the painted shoulder line of Dorlan Mills Rd. It is currently protected by a chain link fence and contains concrete impact blocks approximately 18" high. This arterial road is utilized by vehicles of all types, notably school buses, and introduces the risk of a vehicle intentionally or inadvertently striking the valve station. The threat of tampering with this valve site, which is directly adjacent to a public playground on the school premises and a public walkway, is of concern to the DASD and the County of Chester, as evidenced in the letter to Paul Metro of the Commission's Bureau of Investigation and Enforcement, dated December 11, 2018 (Exhibit E).

Additionally, 49 C.F.R. §195.260(c) states that valves must be installed at specific locations, such as *"at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas."*

Recently, Sunoco repurposed the 12" 'Point Breeze to Montello' line, where the Dorlan Mills Rd. valve is located. This segment of pipe was not originally

ensure that even small leaks can be reliably detected with the use of technology that is put in place within the community, not just a subjective sense of smell.

In the absence of appropriate early detection measures and a proven, safe notification system for the public, the Commission should determine if service can be deemed 'safe and reasonable' to the public.

3. **The Lionville Elementary School, Lionville Middle School, Downingtown East High School, Shamona Creek Elementary School, and MC6GC are put at risk by the Mariner East pipeline network due to pipeline integrity concerns and the inability of the DASD, Uwchlan Township and the County of Chester to maintain updated, actionable and reliable emergency preparedness plans.**

49 C.F.R. §195.210(a) states "*Pipeline right-of-way must be selected to avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.*"

Approximately 5,800 students and staff (including Complainant's children) within the DASD are in close proximity to the Mariner East pipeline network. This includes the Lionville Elementary School, 1520 feet; Marsh Creek 6th Grade Center (MC6GC), 1005 feet; Lionville Middle School, 645 feet (this facility is flanked by the 8 inch and 12 inch line) and Downingtown East High School, 1150ft.

Title 35, § 7701(g), related to duties concerning disaster prevention, states "*Every school district and custodial child care facility, in cooperation with the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, shall develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent State requirements.*"

Title 35 §7503 also outlines "*the powers and duties of political subdivisions (1) Prepare, maintain and keep current a disaster emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan.*"

Title 35 § 7103 states the purpose of the Emergency Management Services Code is to "*(1) Reduce vulnerability of people and communities of this Commonwealth to damage, injury and loss of life and property resulting from disasters. (2) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.*

Several impacted school districts, including DASD, sent letters (Exhibit F) to state entities asking for assistance with the identification, mitigation, and development of proper emergency response plans for their affected school facilities. Lack of cooperation from Sunoco and the absence of a state conducted study to identify the extent of risk from the Mariner East pipeline network has resulted in difficulty for

issues along pipeline systems.” RP 6.2 goes on to state “Another factor to consider is the hazard associated with the pipeline as perceived by either the operator or the audience.” “If the public’s confidence in pipeline safety is undermined by a high profile emergency, even though an individual operator is experiencing no upward trend in incidents, that operator could consider expanding it’s public awareness communications to it’s public audiences to further increase awareness of its nearby pipeline system.”

The Mariner East pipeline network has been an intense focus of public and state scrutiny relating to the large number of *actual* violations and delays incurred during both construction and operation. Due to many recent pipeline explosions and incidents of worker injury or death involving Sunoco pipelines or affiliated partners, and the recent opening of a criminal investigation related to safety concerns by the Chester County District Attorney Tom Hogan (Exhibit C). The Commission should consider requiring extensive public safety awareness efforts. The Commission must also determine if service can be deemed ‘safe and reasonable’ to the public in the absence of actionable guidance on how, when, and where to safely evacuate during a pipeline related emergency.

2.

The tools and available technology accessible and utilized by emergency services personnel for early detection of a leak and mass notification in event of a pipeline related emergency are in direct conflict with federal safety recommendations.

Under Title 35 § 7503, political subdivisions are required to “(2) *Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.*” Political subdivisions are also tasked with the responsibility to “(4) *Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.* (5) *Adopt and implement precautionary measures to mitigate the anticipated effects of disaster.*”

In the event of a pipeline related emergency, Chester County emergency services intends to utilize it’s ‘reverse 911’ system to notify affected residents and members of the public, potentially activating hundreds of phones in direct proximity to a gas leak. This is in direct contradiction to PHMSA safety recommendation, which states “DO NOT use telephone or cell phone.” (Exhibit D) The County of Chester has recently expressed concern regarding this method of mass notification in their letters, dated December 11, 2018 (Exhibit E).

Homeowners and community members have an important role in detecting gas leaks utilizing their senses. With no added odorant in the products transported by the Mariner East network, it is not clear on how to identify a gas leak from a nearby pipeline. It would be appropriate for additional requirements of Sunoco to

the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Sunoco has specific requirements under RP 4.3.2 on advising community stakeholders on how to recognize a pipeline leak. Because the natural gas liquid (NGL) products transported via the Mariner East pipeline network are colorless and do not contain added odorant, the physical characteristics of a leak may not be easy to identify, especially in the event of a slow leak.

RP 4.3.3 goes on to outline that “*information should address an outline of the appropriate actions to take if a pipeline leak or release is suspected.*” However, given the characteristics of the products and the many variables that need to be taken into account to safely evacuate or shelter in place (wind direction, weather, topography, etc.), the ability of the general public (including children at play in their neighborhoods) to expediently make a decision and safely evacuate is not reasonable.

Title 35 Part III §7503, relating to powers and duties of political subdivisions, directs and authorizes every political subdivision to “(5) Adopt and implement precautionary measures to mitigate the anticipated effects of disaster.” and “(7) Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.”

The failure of Sunoco to provide reasonable guidance to the Complainant and the Complainant's schools is evidenced in a letter from DASD to Governor Wolf dated July 16, 2018 (Exhibit A). It should be deemed unacceptable that the characteristics of the products transported via the Mariner East pipeline network creates an inability for political subdivisions to be in compliance with their duty to provide for public safety through requirements set forth in Title 35.

Sunoco self reports that their public awareness program includes sending a mailer to all neighbors within 1,000 feet. The Complainant, who has mapped her place of residence utilizing the Chester County Pipeline Portal website mapping tool (Exhibit B) lives approximately 700-800 feet from the Mariner East pipeline easement containing ME1 and the construction of ME2/2X, but has not to her knowledge received an educational mailer. The Complainant has, however, received public awareness materials from other operators, which are geographically much further away from her residence.

In the absence of a publicly available risk assessment or study, other independently commissioned studies to evaluate the risks of the Mariner East network have identified a wide range of probable impact radius, all of which are greater than 1,000 feet which leaves a large gap between those receiving public awareness from Sunoco and those that may actually be placed at risk.

RP 6.1 allows for considerations for supplemental enhancements for the baseline program, and “*recognizes that there are differences in pipeline conditions, consequences, population, property development, excavation activities, and other*

SUMMARY OF ARGUMENT

The Commission's Bureau of Investigation and Enforcement expressed statewide concerns about the integrity of ME1 in a formal complaint filed before the Commission on December 13, 2018 (Docket #C-2018-3996534). Given the age of the pipe, corrosion control practices utilized by Sunoco, and the soundness of engineering practices applied to ME1 and the 12" line, there is reason for the Commission to hear Complainant's concerns regarding whether service can be deemed 'safe, adequate, and reasonable' to the public.

The Mariner East project has been plagued by numerous environmental violations and legal challenges resulting in significant delays and intense media coverage. Because Pennsylvania does not have a pipeline siting agency, local government should have jurisdiction over local land use planning. However, due to the 'public utility' status granted for this project, political subdivisions and schools have not been able to provide input or work collaboratively with Sunoco in a way that permits them to accomplish their duties under state code, such as Title 35, relating to public safety.

The Emergency Management Services Code, through Title 35 § 7103, outlines the responsibility to *"assist in prevention of disaster caused or aggravated by inadequate planning for and regulation of public and private facilities and land use."*

Additionally, PA School Code § 21.41, designates provisions for department review of site reports. *"(a) The Department will review proposed construction site reports based on safety, accessibility, proximity to present and projected population and economy of development in order to advise the district on construction site acquisition."*

The Commission should determine whether service can be considered "safe, reasonable and adequate" and in compliance with section 1501 of the PA Public Utility Code, while considering the recently raised concerns of pipeline integrity and correspondence from political subdivisions regarding their ability to appropriately plan and mitigate for the hazards of the Mariner East project to comply with their obligations under Title 35 and all other state code.

ARGUMENT

- 1. Sunoco's public awareness program has failed to appropriately educate all members and stakeholders of the community who are at risk from the operation of the Mariner East network on how to safely and properly identify, report, and make decisions regarding evacuation in the event of a pipeline related emergency.**

49 CFR §195.440 (a) *Each 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 (incorporated by reference, see §195.3). (b) The operator's program must follow*

service shall be reasonably continuous and without unreasonable interruptions or delay.” 66 Pa.C.S § 1501. See also, 66 Pa.C.S § 1505.

Moreover, 52 Pa. Code§ 59.33 reads “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. 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.

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.

Enforcement. Each public utility shall be subject to inspections as may be necessary to assure compliance with this section. The facilities, books and records of each public utility shall be accessible to the Commission and its staff for the inspections. Each public utility shall provide the Commission or its staff the reports, supplemental data and information as it shall from time to time request in the administration and enforcement of this section.”

STANDING

The complainant's residence is located approximately 728 feet from the easement containing ME1 and the construction of ME2/2X. The complainant's two children will spend their entire kindergarten through 12th grade academic careers in the public school facilities of the Downingtown Area School District (DASD), in direct proximity to the Mariner East pipeline network. These facilities include Lionville Elementary, 1520 feet; Marsh Creek 6th Grade Center (MC6GC), 1005 feet; Lionville Middle School, 645 feet (this facility is flanked by ME1 and 12 inch line; and Downingtown East High School, 1150ft (measurements approximate). The MC6GC has additional risk exposure to the above ground valve site located directly across the street, located along Dorlan Mills Rd. in Upper Uwchlan Township. Additionally, the Complainant's family is exposed to risks from the Mariner East pipeline project during every aspect of daily life, as the Mariner East network is present in areas traveled and frequented within Uwchlan Township and Chester County to attend school, work, shop, and access recreational opportunities.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

January 2, 2019

FORMAL COMPLAINT OF LAURA OBENSKI

The Complainant, Laura Obenski, pursuant to 52 Pa. Code § 5.21, respectfully files this formal complaint with the Commission requiring Sunoco Pipeline L.P. a/k/a Energy Transfer Partners ("Sunoco") to suspend 1) operations of the Mariner East 1 pipeline ("ME1"), 2) the construction and operation of the Mariner East 2 and 2X pipelines ("ME2/2X"), and 3) plans to operate the Mariner East network utilizing the 12 inch 'Point Breeze To Montello' line, due to statewide integrity concerns, the absence of an appropriate public education program, lack of early warning system and appropriate mass notification methods for the public, and insufficient emergency plans for the public, being potentially hazardous to life, property and/or the environment.

PARTIES

A. The Pennsylvania Public Utility Commission, 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. §§ 5101, et seq

B. Complainant, Laura Obenski, a Chester County resident who resides in Uwchlan Township at 14 S. Village Ave Exton PA 19341

C. Respondent, Sunoco Pipeline L.C. LP. Utility Code A-14001, a certificated public utility in the Commonwealth of Pennsylvania, with a place of business at 4041 Market Street, Aston, Pennsylvania, 19014, and a common carrier transporter of hazardous liquids, owns, operates and is currently constructing the natural gas liquids Mariner East pipeline project, consisting of: the operational 8 inch Mariner 1, the proposed 12 inch bypass line for Mariner 2 (also known as the 'Point Breeze to Montello' line), and the Mariner 2 and 2X pipelines, and other pipelines in the Mariner East Pipeline system.

JURISDICTION

The Commission has jurisdiction over this matter pursuant to 66 Pa.C.S. § 501, which provides in pertinent part: *"In addition to any powers expressly enumerated in this 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 ... "* (emphasis added).

Section 1501 of the Public Utility Code states that *"every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities and that such*

Laura Obenski
14 S Village Ave
Exton, PA 19341

For electronic filing

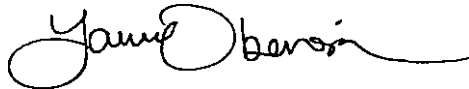
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 265
Harrisburg, PA 17105 – 3265

January 2, 2019

Dear Secretary Chiavetta,

Attached for electronic filing, please find my formal complaint. Please direct any responses or documentation electronically to ljobenski@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Obenski", with a long horizontal flourish extending to the right.

Laura Obenski

Enclosure