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Attn. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265

April 12, 2022

Subject: Rulemaking Regarding Hazardous Liquid Public
Utility Safety Standards at 52 Pa. Code, Chapter 59
Docket No. L-2019-3010267

Dear Ms. Chiavetta,

Please find attached comments in response to the proposed amendments to the PUC's existing regulations and the addition of new regulations as outlined in its Notice of Proposed Rulemaking Order, Rulemaking regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code, Chapter 59. Docket No. L-2019-301267.

I consider the new and additional rulemaking to be of paramount importance to the health and safety of all those Pennsylvanians living close to any public utilities, like ourselves, that transport petroleum products and other hazardous liquids in intrastate commerce.

Sincerely,

Rosemary Fuller

Comments for Docket No. L-2019-3010267

As someone living within 150 feet of Sunoco's hazardous liquid pipeline and surrounded by 3 of them, I would like to submit comments I consider to be of paramount importance to the health and safety of all those Pennsylvanians living close to any public utilities that transport petroleum products and other hazardous liquids in intrastate commerce.

My comments are in response to the proposed amendments to the PUC's existing regulations and the addition of new regulations as outlined in the Commission's Notice of Proposed Rulemaking Order, Rulemaking regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code, Chapter 59. Docket No. L-2019-301267.

59.131 Definitions – I fully support the use of definitions describing the “affected public” and the “LFL” or lower flammability limit”. At the time of signing our permanent easement agreement we were not informed about any flammable cloud that could be produced by a leak. In fact, we were told by the land agent/notary public who came to take our signed document that “there was no risk and you’ll not even know they’re there”. This was an untrue statement for Sunoco to make. These new definitions will now require Sunoco to be truthful about the potential size of the flammable cloud that could be produced by a leak and the real dangers of HVL pipelines. Residents living in the blast zone have a right to know what potential danger they have been placed in.

59.133 Accident Reporting – The proposed rule that notice of a leak “must be provided no later than one hour after confirmed discovery” is insufficient time for protecting human life. If a leak were to occur in any of the 3 pipelines near our home, an hour is too late to prevent an explosion from a highly volatile hazardous liquid leak. Traffic is constantly present on the road outside our home where the pipelines are situated. This is no longer gasoline we are dealing with here.

HVL's have now been introduced into high consequence residential areas where no realistic evacuation plans are available. A vehicle driving into a leak or vapor cloud would only take seconds to cause an explosion. We never have an hour without traffic. I have commented on the failure of Sunoco's leak detection equipment many times. Please refer to my Testimony in Meghan Flynn, et al vs. Sunoco Pipeline LP at Docket C-2018-3006116 filed on June 18, 2018, where I list individual accident/leak reports within a few miles of our home, some even along

Valley Road where we live. Exhibit 12 of my testimony gives a snapshot of just some of those leaks/accidents.

1. Valley Road, very near me, April 10, 2015, Incident Report No. 20150163, gasoline leak due to corrosion on the old 12" Point Breeze to Montello pipeline. The leak detection systems, both SCADA and CPM, failed. It was under cathodic protection at the time.
2. Incident Report No. 20040090, March 19, 2004, leak due to corrosion. No leak detection equipment. This was at Lima, just a mile from me. The leak was detected by the smell of petroleum in the sewer line.
3. Incident Report No. 20020422, November 16, 2002, cause material, weld, equipment failure at Marcus Hook. Gasoline leak. No leak detection equipment.
4. Incident Report No. 20133006, December 16, 2012, cause material, weld, equipment failure. Marcus Hook. High consequence area. Leak detection failed.
5. Incident Report No. 20090152, May 8, 2009, NRC Report No. 905083, cause material, weld, equipment failure. Aston. HCA. Gasoline odors detected by passing motorists.
6. Incident Report No. 20160192, Aston Twin Oaks Valve Station, May 27, 2016, HVL or other flammable commodity, cause material, weld, equipment failure. HCA. Leak detection system failed.
7. Incident Report No. 20150095, Aston Twin Oaks Pump Station, 2015, leak, cause connection failure. HCA. Leak detection system failed.
8. Incident Report No. 20150145, AGAIN Aston Twin Oaks Pump Station, NRC. Report No. 1111777, product overflow, cause material/weld/equipment failure. HCA. Leak detection system failed.
9. Incident Report No. 20170040, Aston Valve Station, a leak due to a crack. HCA. Leak detection system failed.

10. Incident Report No. 2013, August 19, 2013, Marcus Hook. Refined and/or petroleum leak due to corrosion. HCA. Discovered by operator not leak detection system.
11. Incident Report No. 20030412, October 29, 2003, Aston, Marcus Hook tank. Gasoline leak due to corrosion. No leak detection system.
12. Incident Report No. 20100193, August 5, 2010, NRC Report No. 950024, refined and/or petroleum leak due to material/weld/equipment failure. This report is missing from the PHMSA analytics dashboard.
13. Incident Report No. 20110401, September 26, 2011, NRC Report No. 990838. Marcus Hook Tank Farm. Refined and/or petroleum leak due to cracked valve. No leak detection system in place.
14. Darby Creek Area, Report No. 20020438, February 21, 2002, NRC Report No. 594688, mixed petroleum products, leak due to corrosion on the 12" Point Breeze to Montello. Odors detected by property owner. No leak detection equipment.
15. Darby Creek, Report No. 201802015, NRC Report No. 1215816, June 16, 2018, over 33,500 gallons of gasoline leaked into the Creek. It took 7 days to determine the source of the leak. It was discovered by a private citizen not the leak detection equipment, caused by a crack in the pipe. **Fuller Exhibit 15** is the accident report. This is again the same 12" Point Breeze to Montello pipe that runs in front of our home, filled with HVL's, that leaked gasoline on Valley Road in 2015 (undetected) and in West Whiteland Township, Chester County spilling 70,000 gallons in 1987. It was constructed in 1937. This was an HCA. Leak detection system failed.

16. Incident Report No. 20110080, February 8, 2011, Darby Township near the John Heinz National Wildlife Refuge, NRC Report 967232, crude oil spill due to corrosion. SCADA and CPM systems failed to detect the leak although both were operational and functional.
17. Incident Report No. 20030077, February 5, 2003, Darby Creek Tank Farm. Crude oil spill due to corrosion. No leak detection equipment.
18. Darby Creek Tank Farm. Incident Report No. 20050373, November 23, 2005, NRC Report No. 780385, bass river crude oil spill due to incorrect operation.
19. Darby Creek Tank Farm. Incident Report No. 20170036, January 10, 2017, cause of incident corrosion. HCA. Leak detection system failed.
20. Darby Creek Tank Farm. Incident Report No. 20120268, August 19, 2012 Crude oil spill due to corrosion. HCA. Leak detection system failed.
21. Darby Creek Tank Farm. Crude oil leak from crack in valve. Incident Report 20150098-21025. Occurred March 2, 2015. HCA. Leak detection system failed.

Now imagine any of these incidents had involved HVL's rather than gasoline and had occurred within feet of our home. Automatic leak detection and immediate notification, or the addition of an odorant, are needed.

59.135 Design Requirements – “ ... in addition to providing external loads for earthquakes, vibration, and thermal expansion and contraction, a hazardous liquid public utility must account for anticipated external loads for landslides, sinkholes, subsidence and other geotechnical hazards”. We suffered 3 sinkholes at Sleighton Park, just a half a mile away from our home, where we walk our dogs every day. This included on sinkhole in the middle of the road we drive along every day. Certainly, something needs to be done to prevent this ever happening again. Whether this will or not remains to be seen. Since we are not allowed (my Right-to-Know

Request was rejected) to see the geotechnical surveys carried out near our properties where these incidents occurred, anything that prevents this happening and makes the pipeline company more responsible can only serve to make us safer.

59.136. Construction – “ ... no pipeline may be located under private dwellings, industrial buildings and places of public assembly.” All the residents living in close proximity to this pipeline construction have suffered from the noise, the dirt, the dust, and the potential danger. Since there is no siting authority for these pipelines in Pennsylvania, the pipeline companies can dig, drill and situate their pipes at will. Anything that places restrictions on where they can install their pipes is welcome news for Pennsylvanians. However, this is still not enough. This will still not prevent the kind of disruption, disturbance and risk people are expected to tolerate like the residents at Glen Riddle Station Apartments, Tunbridge Apartments and other densely populated or commercial areas. Regulations regarding construction sites need to be much stricter.

“ ... a hazardous liquid public utility shall install valves based on a pipeline’s proximity to schools, churches, hospitals, daycares, nursing facilities, commercial facilities, industrial facilities, sport complexes and public parks within the out most area of the LFL.” This has, sadly, not been done with this project but any rulemaking that would help to prevent a catastrophe in any of these vulnerable locations is welcome and necessary. However, unless guidance regarding the placement of these valves is provided by the PUC, this provision is meaningless.

“A hazardous public utility shall install vehicle barriers at an above-ground valve station adjacent to a roadway. The vehicle barriers must be designed and constructed to protect the above-ground valve station from the largest types of vehicles.” This seems common sense and

yet Sunoco ignored requests to install vehicle barriers at the valve station along Dorlan Mill Road in Chester County, directly across from Shamona Creek School. A pipeline company should be expected to provide anything that adds to the safety of the public forced to live in close proximity to these pipelines. Making such provisions is absolutely necessary for public safety.

59.139 Operation and Maintenance – “ ... hazardous liquid public utilities (must) consult with emergency responders in developing and updating an emergency procedures manual. The manual must address (1) steps to inform emergency responders of the practices and procedures to be followed for providing them with information regarding the pipeline, (2) the development of a continuing education program for emergency responders and the affected public, and (3) table-top drills to be conducted twice a year and a response drill to be conducted annually to simulate a pipeline emergency.”

It goes without saying that a pipeline company should be involved in or responsible for developing an emergency manual for any dangerous product they are installing into the ground near HCA's. Shortly after construction of ME2 began near our home I decided to check on what kind of emergency plan was available for us. Middletown Township's 82-page Emergency Operations Manual had absolutely no plan for a hazardous liquid pipeline leak situation. I met with our Township Manager, our local zoning officer, and our local State Representative. They couldn't help me. Our Delaware County Emergency Services Director told me you cannot make an emergency plan for this type of incident generic. It must be site-specific to be effective.

There are no site-specific emergency plans for the Mariner East 2 project. According to Sunoco, you just need to “walk half a mile uphill” to get away from a leak. This is totally unrealistic.

There was and still is no credible or workable emergency plan in place for a hazardous

liquid pipeline leak situation. Which begs the question, why was this ever allowed in the first place?

“ ... a leak detection system must be designed as a robust, Real Time Transient Model, under API RP 1130, capable of identifying small leaks. A CPM (Computational Pipeline Monitoring) system must be designed with high sensitivity to commodity releases ... If these requirements cannot be met within five years, a hazardous liquid public utility shall odorize all HVL pipelines.” The list of incidents (not comprehensive at all) I supplied earlier, highlights the failure of Sunoco’s SCADA (Supervisory Control and Data Acquisition) and CPM systems to detect leaks in so many cases, even though they were functional and operational at the time of the leaks. These systems failed to detect the 2015 gasoline leak here on Valley Road where we live. The systems failed to detect the 33,500-gallon leak into Darby Creek in 2018. It took 7 days to detect the source of that leak. Both leaks were spotted by people not equipment. So, in the case of HVL’s, if Sunoco’s SCADA and CPM systems are ineffective and if the product has no odor or color, how is a leak to be detected and how are we, the public, to be protected? The leak detection equipment described here is based on monitoring pressure changes. That has proven insufficient. The system should be based on detecting escaping gases in the pipeline right-of-way. That technology is available but apparently the cost is too high for Sunoco. If this is not installed, then odorization must be required **immediately** – not in five years,

“ ... a hazardous liquid public utility shall determine the need for remote controlled EFRD’s (Emergency Flow Restricting Devices) in consultation with public officials in all HCA’s. The need for emergency flow restriction devices in HCA’s must be based on limiting the LFL to 660 feet on either side of the pipeline.” Although limiting the flammable cloud to 660 feet on either

side of the pipeline is insufficient, it is an improvement over the existing Mariner East situation which could create a cloud extending over 6000 feet.

59.141. Land Agents – “ ... land agents (must) hold a valid Pennsylvania professional license as an attorney, real estate sales person, real estate broker, professional engineer, professional land surveyor or professional geologist during the performance of land agent work or services.”

Anything that makes these projects more professional is obviously welcome to all of us, the property owners who were duped into selling easements to Sunoco. We were told “there was no risk and you’ll never know they’re (the pipelines) there”. At the time of signing the permanent easement, we were not informed what the actual product would be. In the easement document, hazardous volatile liquids are included in a long list of possible products. They were not specified. We were also informed that they were “just being polite” asking us to sign. Since they had public utility certification, we were told by the notary that they could simply seize our property through eminent domain. But by doing it this way they were “being a good neighbor”. That was so threatening and filled us with horror. At the time of signing the document we were not handed any flyer or document outlining the potential danger we would be living with in the future or what to do in the event of a leak.

As far as qualifications are concerned, our land agent repeatedly told us our questions were beyond his pay scale. He had no background in chemistry or potable water management and was therefore unable to answer questions pertaining to our water test results. We had to google the meaning of the results – often together. These provisions are obviously an improvement and go towards protecting the unsuspecting landowners to some degree but in my opinion these provisions do not go far enough. I see here no provision or penalty for land agents deceiving or bullying landowners or for any abuse of eminent domain. This issue must be addressed, or we

are simply giving a green light for unlawful and unprofessional behavior. Over the course of this project, paltry fines imposed on Sunoco have done nothing to prevent a repeat of the same offence or negative behavior. Something more needs to be done to encourage these pipeline companies to abide by the rules. More needs to be put into place to act as a deterrent.