

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105**

**Amended Petition of
PA State Senator Andrew E.
Dinniman for Interim Emergency
Relief; PA State Senator Andrew
E. Dinniman v. Sunoco Pipeline,
L.P.**

**Public Meeting: August 2, 2018
3001453-OSA
Docket Nos. P-2018-3001453;
C-2018-3001451**

STATEMENT OF VICE CHAIRMAN ANDREW G. PLACE

Before us today for consideration and disposition are compliance filings submitted by Sunoco Pipeline, L.P. (Sunoco) in accordance with the Commission's June 15, 2018 Order (June 2018 Order) at the above dockets. The Commission's June 2018 Order maintained the Interim Emergency Order imposed by the Administrative Law Judge on construction of Mariner East 2 and 2X (ME 2 and 2X) in West Whiteland Township until such time as Sunoco filed certain documents with the Commission. Specifically, Sunoco was directed to file a verification or affidavit that the Department of Environmental Protection (DEP) has issued the appropriate permission for continued construction of Mariner East 2 and 2X in West Whiteland Township when it is granted.¹ Sunoco submitted affidavits on July 3 and 18, 2018 for Commission review.

It is clear from the Commission's June 2018 Order that the proceeding before us is a continuation of issues of substantial public interest and public safety concerns in the context of a project of the magnitude and complexity of the Mariner East natural gas liquids pipeline project including in West Whiteland Township. Order at 4, 11. As noted in both the Commission's May 3, 2018 Order as well as in the June 2018 Order, the area of West Whiteland Township in Chester County, has experienced events which have raised serious questions regarding the safety of both ME1 and continued construction of ME2 and 2X.² *Id.* at 16. The Commission has further recognized that the construction of ME 2 and 2X has posed more serious challenges including the effect of certain drilling on local residential and commercial wells on the citizens of West Whiteland Township. *Id.* at 34. The Commission's June 2018 Order also found that although Sunoco testified that it is not continuing with construction until the new DEP permits are issued in West Whiteland Township, it is prudent that the new permits be in place prior to

¹ *Amended Petition of PA State Senator Andrew E. Dinniman for Interim Emergency Relief; PA State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.*, Docket Nos. P-2018-3001453 and C-2018-3001451 at Ordering Paragraph 7 (Order entered June 15, 2018).

² *See Petition of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission for the Issuance of an Ex Parte Emergency Order*, Docket No. P-2018-3000281 (*Ex Parte Emergency Order* issued on March 7, 2018 and ratified on March 15, 2018).

restarting work on ME2 and 2X. *Id.* Further, the Commission found that it is undisputed that Sunoco intends to proceed with the work of constructing ME2 and 2X, upon receipt of the appropriate authorizations from DEP owing to the Notice of Violations, and possible amendment and/or modifications of its permits. *Id.* at 40.

Given the overarching public safety concerns articulated in the Commission's June 2018 Order regarding the construction of ME 2 and 2X, I believe that it is prudent to maintain the current Interim Emergency Order enjoining construction of ME2 and 2X in West Whiteland Township as Sunoco has not met the requirements set forth in the Commission's June 2018 Order. In its July 3 and 18, 2018 submittals, Sunoco indicated that they have not yet received all necessary DEP permits required for continued construction in West Whiteland Township, including that the Company has yet to apply for some of the required permits. Sunoco's actions are contrary to the Commission's directives which I believe are clear regarding the need for the receipt of all necessary permits to ensure safe resumption of construction of ME2 and 2X in compliance with the concerns expressed in the Commission's June 2018 Order.

Further, I find that the Company's submissions are inadequate to assist the Commission in its further analysis of the safety concerns regarding construction of ME2 and 2X in West Whiteland Township. The information submitted regarding their existing DEP permitting authority, does not include adequate permit details such as issuance date, type of permit, copies of the existing permits or additional information to verify their adequacy. Sunoco's submissions simply list in a chart that DEP approvals have been obtained for 8 locations in West Whiteland Township including a map in support. Sunoco July 18, 2018 Letter and Affidavit, p. 2 and 3, Exhibit 1 and 2. I believe that this minimal information does not comply with the Commission's directive at Ordering Paragraph 7 of its June 2018 Order.

In addition, Sunoco only provided a status of construction and the permitting process for 4 locations in West Whiteland Township. In the status report, Sunoco does not explain when or how it will complete certain requirements such as a satisfactory reevaluation report at the Devon Drive/Shoen Road/Biddle Drive location or its ongoing site activities at the Exton Bypass/Lisa Drive location. In addition, Sunoco does not provide sufficient information regarding its pending major modifications of existing Chapters 102 and 105 permits at North Pottstown Pike and Swedesford Road including adequate permit modification details such as filing date, type of modifications, existing permits or additional information including how long the matter has been pending or an anticipated approval date. Sunoco's submissions are scarce in necessary details and hamper the Commission's ability to review their permits and pending modifications to determine if they have

complied with the June 2018 Order and can resume construction safely in West Whiteland Township.

The public safety issues alleged in this proceeding do not call for the submission of minimal information. Rather, the Commission directed that comprehensive permitting information is needed so that we can ensure the continued safe operation of ME 1 and the safe construction of ME 2 and 2X in West Whiteland Township. Because Sunoco has failed to furnish all necessary DEP permits and related information regarding its construction in West Whiteland Township, I believe that Sunoco has not complied with the Commission's June 2018 Order. Also, because of the lack of specificity in Sunoco's submittals which are counter to the clear and comprehensive requirements of the Commission's June 2018 Order, I dissent in this matter.

DATE: August 2, 2018



Andrew G. Place, Vice Chairman