



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

JAN H. FREEMAN  
EXECUTIVE DIRECTOR

December 14, 2018

H. Justus Brambley, IV  
Supervisory Special Agent (Acting)  
Office of Attorney General  
Environmental Crimes Section  
16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Re: Fuller et al v. Sunoco Pipeline, L.P.  
C-2018-3006116

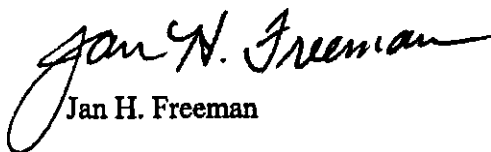
Dear Mr. Brambley:

Thank you for providing the Pennsylvania Public Utility Commission with a courtesy copy of your letter of December 7, 2018 to Alexandra Chiaruttini, Chief Counsel of the Department of Environmental Protection. Your letter provides copies of complaints made to your office by Rosemary Fuller, Rebecca Britton and Laura Oblenski.

Please note that the Commission's Office of Administrative Law Judge is adjudicating a formal complaint filed by Ms. Fuller against Sunoco Pipeline, L.P., the public utility operating the Mariner East pipeline project. Accordingly, I have asked the Secretary of the Commission to file your letter and this response in Ms. Fuller's complaint proceeding at Docket No. C-2018 as a cure for any *ex parte* concerns which may exist. *See* 66 PaCS § 334(c).

The Commission will not treat the Fuller, Britton and Oblenski complaints attached to your letter as formal complaints filed with the Commission. Instead, I am referring your letter and the attached documents to the Commission's Bureau of Investigations and Enforcement for review and whatever actions that Bureau deems appropriate.

Very truly yours,

  
Jan H. Freeman

cc: Rosemary Chiavetta, Secretary (for filing at C-2018-3006116)  
Alexandra Chiaruttini, Esquire  
Doreen Harr, Director/BOI/DEP

RECEIVED

DEC 14 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO  
ATTORNEY GENERAL

December 7, 2018

RECEIVED  
18 DEC 10 PM 4:45  
OFFICE OF  
EXECUTIVE DIRECTOR

Environmental Crimes Section  
16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 787-1340

Alexandra Chiaruttini, Chief Counsel  
Department of Environmental Protection  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
P. O. Box 2363  
Harrisburg, PA 17105-2036

**Re: Safety Concerns - Mariner East Pipe Lines  
Rosemary Fuller, Rebecca Britton & Laura Obenski**

Dear Chief Counsel Chiaruttini:

Enclosed please find a copies of complaints recently received by the Office of Attorney General from Rosemary Fuller, Rebecca Britton and Laura Obenski. These individuals wanted to share their concerns regarding the safety of the Mariner East Pipe Lines.

As you are aware, this office has limited jurisdiction investigating and prosecuting environmental crimes. Pursuant to the Commonwealth Attorneys Act, our office may investigate and prosecute violations of the Commonwealth's environmental laws only after the Department of Environmental Protection or a local District Attorney has referred the case to our Office. See 71 P.S. § 732-205(a)(3) and (6).

Accordingly, I am referring this matter to your attention to take whatever action you deem appropriate. Please note that I am also sending a copy of same to the Public Utility Commission.

Sincerely,

*H. Justus Brambley, IV / pjc*

H. Justus Brambley, IV  
Supervisory Special Agent (Acting)

HJB/pjc  
Enclosures  
c: Doreen Harr, Director/BOI/DEP (w/enclosures)  
Executive Director, PUC (w/enclosures)

Emery FullerBCI-36 (2-13-96)

## COMPLAINT FORM

**NATURE OF COMPLAINT:**

Safety of Mariner Est Pipe Lines.

**SOURCE OF COMPLAINT:**

Rosemary Fuller  
Middletown Township  
(610)358-1262

**LOCATION OF COMPLAINT:**

Delaware County

**RECEIVED BY:**

Direct call

**DATE & TIME:**

Responded 10/31/2018 at approximately 21:30 hours

**METHOD RECEIVED:**

Direct call to SSSI, Anthony Martinelli

**BRIEF NARRATIVE OF COMPLAINT:**

Fuller stated that they were approached in 2013 about an easement with Sunoco for a pipeline. The representative told the Fullers that this was a formality and they did not need approval as it was an existing access.

Fuller was not initially concerned until she began hearing news coverage of the pipeline, which included residential wells being contaminated. The pipeline is being installed 102 feet from her home. Fuller looked into the issues further and found that Sunoco has had four gasoline releases from the existing pipeline. This four releases were not detected by Sunoco, but reported by private citizens. The largest release was 33,000 gallons. Additionally, under a DEP settlement they were required to find an alternate route. Sunoco will now be using the existing 12 inch gasoline line to run liquid natural gas through. Fuller is concerned since the natural gas has no odor and is highly ignitable. She believes if Sunoco couldn't detect a gasoline release they will not be able to detect the liquid natural gas. Sunoco has conducted hydrostatic testing of the lines and residents have found pools of green liquid. Fuller believes this is the hydrostatic testing liquid leaking from the pipeline.

Fuller believes that the project is high risk and there have been no studies done. Fuller has requested a safety plan and was told by Sunoco that they have a risk assessment, but cannot provide that because of homeland security issues.

Fuller has expressed her concerns to the PUC and Pipeline Hazardous Safety Committee, but neither have information to address her concerns.

Fuller stated that she is very scared and that the regulators and politicians seem to be bending over backwards for the Sunoco. Martinelli recommended that Fuller contact the DEP Pipeline Task Force.

## **Brambley, IV, Herbert J.**

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**From:** Martinelli, Anthony  
**Sent:** Monday, November 5, 2018 10:16 AM  
**To:** Brambley, IV, Herbert J.  
**Subject:** FW: Mariner East 2

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Rosemary Fuller [mailto:rosemaryfuller@aol.com]  
**Sent:** Saturday, November 3, 2018 5:36 PM  
**To:** Martinelli, Anthony <amartinelli@attorneygeneral.gov>  
**Subject:** Fwd: Mariner East 2

Hi Tony,

I just received your email address from Rebecca Britton. She told me you wanted me to email you. I noticed a 3-page article in USA Today yesterday about the pipeline issues. It's so wonderful when you see something like that!

Please let me know what I need to do to take this further. Here on Valley Road, Middletown Township, we are now responding to the 3rd (and final) HDD Reevaluation Report (due Monday 11/5) so, being realistic and pessimistic, I'm guessing they will be drilling along here in the not too distant future. I'm hoping our private well survives - it's only 150 ft. away from the proposed HDD. There's no-one to turn to for protection. DEP doesn't cover private wells and nobody else seems to care. Representative Chris Quinn simply told me back in March "Sorry, there's nothing I can do". He didn't even try. I have a child (young man) who has an incurable auto-immune disease and cannot drink contaminated water. I'm so scared, not just about the potential damage to our private (and sole) water supply but also the potential danger of this whole insane project. Now they are looking at using the 12-inch Point Breeze to Montello - which is ancient and has had to be re-purposed. This has already leaked 4 times. Each time Sunoco's leak detection equipment did not pick up the leak. It was always spotted by a member of the public or a local resident. They reckon the gasoline leak here on Valley Road had gone undetected for ages.

In September 2014 PHMSA issued guidelines against re-purposing these old pipes and using them for HVL's - a much greater pressure and with a reverse of flow! So why is Sunoco allowed to do this?! They have done the same with Mariner East 1 (8" Twin Oaks to Montello) behind me on Darlington Road. It's all about greed and getting as much product as possible flowing because they are behind schedule with the 20-inch and 16-inch new pipes they are installing for ME2. In other words, they're losing money. It's shameful.

I have made public statements at Delaware County Council meetings. I have written to Gov. Tom Wolf and never had a reply back. I even wrote to Senator Casey to see if he could help. I used to meet all our legislators in Washington when I was advocating for more research dollars for funding for a cure for T1D. I have been to several Middletown Township meetings, I have met with the Township managers (one retired and now we have a new one) who really didn't have a clue about the risks or dangers involved. There isn't even an Emergency Plan for us. There was no independent Risk Assessment carried out before construction began. Sunoco seems to have unlimited power to rampage through the state and drill and destroy wherever it wants. It has been given

a Certificate of Public Utility status but it isn't a public utility. A tiny amount of the propane will be used domestically and I guess that is how they got around that. The purpose of this project is to export the ethane overseas to make plastic thereby raking in billions for Sunoco and Ineos. There is no benefit to us, the local residents. We have been placed in life-threatening danger, there are no realistic rescue plans should a leak or rupture occur, our property values have been damaged with no compensation, and in many cases people are left with damaged wells, sink holes and basements that never flooded before now flooding. It is a shocking dereliction of duty of all our public officials, our legislators and our regulatory agencies. And it is total non-compliance with our PA Constitution, Article 1 Section 27.

Kindest regards,  
Rosemary Fuller  
226 Valley Road  
Media, PA 19063

Tel. 610 358 1262  
Cell: 610 235 7971

Click [here](#) to report this email as spam.

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of any applicable attorney-client or any other applicable privilege. PA-OAG

## COMPLAINT FORM

**NATURE OF COMPLAINT:** Safety of Mariner East Pipe Lines.

**SOURCE OF COMPLAINT:** Rebecca Britton  
Rebeccabritton50@yahoo.com

**LOCATION OF COMPLAINT:** Delaware County

**RECEIVED BY:** Direct call and e-mail

**DATE & TIME:** Responded 11/08/11:18 at approximately 15:00 hours

**METHOD RECEIVED:** Direct call/e-mail to SSSI, Anthony Martinelli

**BRIEF NARRATIVE OF COMPLAINT:**

Britton is concerned with the safety of the Mariner East pipeline, especial with its proposed location in close proximity to schools. Britton is concerned with the relationship with governmental officials, school board member, and Sunoco. Attached is Britton's e-mail and an attachment, titled "Pennsylvania Constitutional Crisis re Mariner East."

## **Brambley, IV, Herbert J.**

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**From:** Rebecca Britton <rebeccabritton50@yahoo.com>  
**Sent:** Wednesday, November 7, 2018 11:52 AM  
**To:** Martinelli, Anthony  
**Subject:** Mariner East and PEMA  
**Attachments:** Pennsylvanians Constiutional Crisis re Mariner East.docx; ATT00001.htm

Tony,

Thank you for talking to me on Friday afternoon. I can only hope that a state agency will be reaching out to you soon.

The people of Chester County and Delaware County have been asking our municipal officials and first responders for equal protections as provided under Title 35 and in The PEMA handbook for elected officials for many years. It has become abundantly clear to me that our county emergency services, in both counties is either grossly misinformed or doing something more insidious. We have countless hours of streaming video online available for public viewing proving the county and local officials knew Mariner was different and have not done anything about it.

Some officials like Guy Donatelli in Upper Uwchlan Township and in West Town believe Mariner East is just like every other pipeline. We have them on film stating this at meetings and through emails. Other Emergency Municipal Coordinators, like mine in Uwchlan Township, have said, "if the pipeline leaks we will know when someone is dead." Yet, he has made no attempt to comply with a viable public awareness program or an early detection system. Others emergency officials like Bud Turner former West Whiteland Supervisor and former fire chief didn't even know there was no mercaptan in the line to let him know when to stop sending his officers to get out of the area should the line leak. I told him July 2017. This same gentleman was relieving phone calls on his cell phone from Sunoco representatives instead of calling 911. Sunoco wanted the police to come to stop an effected home owner when a sink hole formed and the home owner was upset. This sinkhole resulted in an emergency shut down of Mariner east by the PUC but only because pipeline safety advocates informed the PUC. Bud Turner asked to be the official liaison to Sunoco here in West Whiteland. Our township and school solicitors are giving legal advice to townships that is inconsistent with actual risks associated with Mariner East. In particular Buckley and Brion also Lamb McErlane have been particularly involved in these conversations. For instance, the Upper Uwchlan solicitor mentioned above, an employee of Lamb McErlane, is unaware of the pipeline difference in risks of Mariner East also happens to be the Downingtown Area School District solicitor. I am a school board director here and have never heard him raise any awareness to our compliancy with Title 35. JP Kelly, a supervisor in Middletown Township, has a lucrative contract to do Sunoco related work in Middletown. I can go on about relationships that seems muddled.

Lamb McErlane and Buckley Brion law-firms are heavily entrenched in the Chester County Chamber of Business. Sunoco is on that board, interestingly; Chester County Deputy Director of Emergency Services, William Turner, is also on that board. It is hard for me to understand why? Title 35 states that those in charge of Emergency Services should have no duties that conflict with theirs. Yet, our county pays \$3,800 a year since 2014 to have him a member there? Chester County Chamber of Business says their focus is political advocacy and pro-business objectives along with industry representatives. The Mission of the Department of Emergency Services is to promote and assist in providing safety and security to Chester County citizens so they can work, live, and grow in a healthy and safe community. I don't have a hard time believing Emergency Services should have any pro-business objectives.

This William Turner was on the phone over 12 days ago with PEMA PUC and PDE. PUC representatives Paul Metro and Bob Young told him to connect Chester County Schools to PEMA and PDE so that our schools can comply with the PEMA school safety toolkit. He has yet to reach out to our school superintendent in Downingtown with this info. I know because I am a school board director. I emailed him this week asking him to get PEMA here to help and Mr. Turner is still suggesting there are things that CCDES can do to help. Mr. Turner also has said on the phone with me he does not want to involve PEMA. He also is responsible to overlook school hazard assessment each fall. For 4 yrs the schools have sent in their "all-hazard" plans. Not one time was Mariner been included even though the gases have been running. Bill Turner told me he is not responsible for the school plans, however, the law says that CCDES is jointly responsible.

I believe that this is happening because of Joe McGinn Jr and Joe McGinn Sr. Bill Turner has close relationships through our mutual aid agreements and the South East Regional Task Force.

<http://followustosuccess.com/law-enforcement-advisors/>

<https://www.linkedin.com/in/joe-mcginn-9648b15>

Joe McGinn Jr. is a the Senior Public Affairs Manager with Sunoco 2014-2017. Joe's responsibilities include public affairs, government relations, external communications, and media relations. He now runs his own company doing same work for Sunoco. Joe McGinn Sr. Is

- **Delaware County Liaison to the Southeast Pennsylvania Regional Task Force for Emergency Preparedness**

- Responsible for the development of plans to mitigate risk pertaining to all hazards as identified in the Threat and Hazard Identification and Risk Assessment of the Philadelphia Urban Security Areas Security Initiative

He also literally teaches the course.

- **PEMA Instructor for the Multi Hazard Emergency Planning for Schools (G 364) Course**

Yet, Rose Tree Media School District is also not in compliance with the PEMA Tool Kit. I have read Title 35. The lack of preparing for the new hazard means we are not in compliance with the "All Hazard" Planning our state should be following. We are now out of compliance with the National Security Act of 2002 and our Stafford Grants.

If Mr. McGinn Sr. was doing his job to go above and beyond as his ethics statement suggests, <http://www.iaem.com/page.cfm?p=certification/cem-code-of-ethics-intro>, then he would have gotten the Stafford Grants to pay for the segmented Hazard Assessment we here in Delco and Chesco desperately need.

Please see my notes in the word doc about how Local agencies and PEMA are not complying with our constitutional rights. I have videos and emails I would like to share with you \*if the case goes forward.

Thank You Sir,

Rebecca Britton



## COMPLAINT FORM

**NATURE OF COMPLAINT:** Safety of Mariner East Pipe Lines.

**SOURCE OF COMPLAINT:** Laura Obenski  
[lobenski@mac.com](mailto:lobenski@mac.com)  
(484)947-6149  
Uwchlan Twownship

**LOCATION OF COMPLAINT:** Chester County

**RECEIVED BY:** Direct e-mail

**DATE & TIME:** Responded 11/09/11:18 at approximately 13:18 hours

**METHOD RECEIVED:** Direct e-mail to SSSI, Anthony Martinelli

### **BRIEF NARRATIVE OF COMPLAINT:**

Laura Obenski is a resident of Uwchlan Township, Chester County PA. Obenski's two children go to school within the Mariner East pipeline blast zone. For several years, Obenski has been actively reaching out to her elected officials at all levels to advocate for safety and transparency as the Mariner East construction has progressed through the heart of her community. Obenski has written letters, made phone calls, requested meetings, and spoken publicly against the risks this project imposes on her family. She has also shared her many concerns and questions in hopes of receiving answers that indicate her public officials are doing their due diligence in protecting the community they have taken an oath to protect.

Obenski's e-mail contain the specifics of her concerns is attached.

**Brambley, IV, Herbert J.**

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**From:** Laura Obenski <lobenski@mac.com>  
**Sent:** Thursday, November 8, 2018 1:27 PM  
**To:** Martinelli, Anthony  
**Subject:** Mariner East Concerns

Mr. Martinelli,

My name is Laura Obenski and I am a resident of Uwchlan Township, Chester County PA. I live, work, play, shop, and send my 2 children to school within the Mariner East pipeline blast zone. For several years, I have been actively reaching out to my elected officials at all levels to advocate for safety and transparency as the Mariner East construction has progressed through the heart of my community. I have written letters, made phone calls, requested meetings, and spoken publicly against the risks this project imposes on my family. I have also shared my many concerns and questions in hopes of receiving answers that indicate my public officials are doing their due diligence in protecting the community they have taken an oath to protect.

Unfortunately, I am reaching out to you today because I have not been given that assurance.

Under Pennsylvania Title 35, the Emergency Management Services Code, every school district is required to develop and implement a comprehensive disaster and emergency preparedness plan. For months I have been attending the Downingtown Area School District's (DASD) school board meetings and asking for them to fiercely advocate, as they are obligated under their oaths of office, to protect the thousands of kids in our school district who are put at risk by the Mariner East pipeline network and its associated infrastructure that is in close proximity to 6 school facilities in our township. In response to my concerns, a letter was immediately issued to the PA Public Utility Commission (PUC) as a coordinated effort between 3 local districts whom all share exposure to this project (see attached). The issuance of this letter was ultimately not my request, as there is a formal mechanism in place for complaints to the PUC that I asked them to pursue, but it brought to light some very serious concerns.

- The language in the letter indicates that 3 school districts, both in Chester and Montgomery Counties, which account for 38 schools and approximately 27,800 students, are unaware that product has been flowing through this network of pipes since 2014. The only inference I can draw from this language is that these districts have NOT been in compliance with Title 35 since at least 2014.

- The idea that multiple school districts had to ask "is this safe" does not inspire confidence that they have proactively identified the risks to their physical facilities as they are obligated and directed to do in the PEMA all-hazards approach to mitigation and emergency response planning under Title 35.

I have grave concerns that this oversight or willful allowance of subpar planning by my public officials has put my children at unnecessary risk from the Mariner East project and amounts to gross negligence given the amount of information and concern the public has been brought before them for the past several years. Aside from the school district's responsibility to identify, mitigate, and plan for all types of emergencies, I believe my township, county and state level officials all have an obligation to make sure this planning is completed to the level that it accounts for the safety of my family, as is a constitutional right given to me as a community member.

I also have concerns that relationships between my public officials and the operator/financial benefactors of the Mariner East project (ETP/Sunoco) has created egregious conflicts of interest and interfered with the obligation of my elected officials.

For example:

- Bill Turner, my county level emergency management coordinator, is the Chester County Department of Emergency Services' representative to the Chester County Chamber of Business and Industry. As a taxpayer I am disgusted to see my tax dollars paying \$3800 a year in membership for a public safety department to participate in a chamber who's self proclaimed interests are political advocacy and advocating for pro-business climate. In addition, Energy Transfer Partners, the parent company of Sunoco, sits on the board of this chamber. Our meetings and conversations with Mr. Turner have not amounted to answers to our concerns, or to an escalation of involvement with PEMA or other agencies that could have intervened to ensure comprehensive hazard mitigation and response planning for my community.

- Guy Donatelli, the solicitor for Downingtown Area School District, also sits as current township Supervisor for Upper Uwchlan Township. This is pertinent because two of our public schools that are affected by Mariner East are located in Uwchlan Township but are directly adjacent to a valve station that is located in Upper Uwchlan Township. As solicitor, Mr. Donatelli has an advisory role to the school district on legal matters, such as their obligation to appropriately identify, mitigate, and plan for risks imposed on the school facilities by the numerous pipelines in the area. He has been documented on video at local township meetings adamantly refusing to represent the township resident's safety concerns by writing a letter to the appropriate oversight agencies over the repurposing of the 12" pipeline, which has now become part of the Mariner East network.

I am reaching out to you today, asking for your HELP. As a mother, I have to put my children on a bus everyday that takes them to a place where they are supposed to be safe, nurtured, and fully protected. From my research and involvement in this issue over the past several years, I cannot in good faith say that they are safe, nurtured, and protected to the extent that they are entitled to under the law. I do not have the luxury of closing my eyes to this issue and hoping for the best and I will not stop speaking out on their behalf until my concerns for their safety has been given the due diligence they deserve and are entitled to under the law. Please help me.

Thank you,

Laura Obenski  
484-947-6149  
[lobenski@mac.com](mailto:lobenski@mac.com)  
Uwchlan Township, PA



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 Pipelines. 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 pipelines 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 safety 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,

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

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

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

cc: DASH, RTMED, 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 Killen  
Senator Tom McGarrigle

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

540 Treedia Place  
Downingtown PA 19335  
610-269-8460

308 N. Olive Street  
Media PA 19063  
610-627-6000

782 Springdale Drive  
Exton PA 19341  
484-266-1018

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