

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

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

Response to Sunoco's Answer to the Formal Complaint of Melissa

DiBernardino

Docket No. C-2018-3005025

1. No response needed.
2. Sunoco didn't do any reasonable investigation if they are going to deny this.
3. No response needed.
4. No response needed.
5. No response needed.
6. SPLP is a public utility and therefore this code applies to them.
7. SPLP is forcing municipalities, counties and our state out of compliance with various parts of Title 35. Being that Title 35 is a health and safety statute, if we are being forced out of compliance as a result of a public utility, that public utility is in violation of **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 service shall be reasonably continuous and without unreasonable interruptions or delay." 66 Pa.C.S § 1501. *See also*, 66 Pa.C.S § 1505.
8. No response needed.
9. SPLP acknowledged that my children attend Saints Peter & Paul School in their preliminary objections. Additionally, it seems silly to deny this fact.

10. I publicly stated that I would remove my children from Saints Peter & Paul prior to discovering that I would not be able to transfer them to the public school in the next township over, West Goshen. I never said it would be a catholic school. Obviously the date of that statement was well before the email exchange between Dr. Scanlon and I. Furthermore, the email is not "hearsay". It is direct communication in asking the West Chester Area School District Superintendent for permission to change schools into a different township. Dr. Scanlon is one of the superintendents who has written multiple letters, acknowledging that the schools did not have the information they needed and requesting more. Additionally, Chairman Brown's letter does not approve anything about public awareness. It simply states that it is her understanding that SPLP took certain actions.
11. No further response needed.
12. See Judge Barnes' decision for SPLP's Preliminary Objections.
13. No further response needed.
14. See BI&E's formal complaint filed with the PUC. Additionally, Sunoco has received multiple warnings and violations from PHMSA over the last, at least, 4 years regarding their cathodic protection. Had they taken them even remotely seriously, there would not have been an investigation needed by BI&E because there would not have been a leak in Morgantown, Pa.
15. The ruling for Sen. Dinniman's Complaint was after extensive testing to Lisa Drive in West Whiteland Township. The concerns and testing were for nowhere outside of that geographic location. SPLP's answer is impertinent to my allegations. Additionally, the construction practices are not "highly regulated".
16. I have asked Sunoco and even regulating agencies multiple times to show me a project that was similar to this. Similarities being population of the area, method of installation and material being transported and no one has been able to provide this information to me and therefore, would make this "unprecedented". I never claimed that there were no regulations, rules, etc. for all aspects of HDD. I said that there were none that endured the safety of the public during and after construction.
17. I am referring to Chapter 78 regulations (78.18). Considering that there are multiple guidelines in other states for HDD, perhaps SPLP would like to disclose the supposed strict regulations they are bound by when using HDD for a method of installation and I will stand corrected.
18. See preliminary objections.
19. See Preliminary Objections

20. There is no way to accurately test the integrity of the pipelines coating once it is installed using HDD. Neither SPLP nor BI&E have been able to provide information on the tools to do so. BI&E alleges that SPLP's cathodic protection and testing is insufficient any way, even if that were an adequate way to test the coating.
21. The document does speak for itself. It is SPLP's own document that I quoted and read the Aqua was "concerned". No further response.
22. If there is another word that SPLP would like me to use for "abandoned", I'd be happy to. They decided not to follow through with the boreholes. The letters are not "hearsay". They are passing information to the residents that was received by SPLP.
23. SPLP should be able to determine what concerns I have in this portion of the complaint. Particularly since they claim to have done all of the geophysical testing needed to ensure the Mariner East Project is safe. I am unsure what "strict" proof is but hope that Sunoco has proof to show their regulators that they are providing safe and reasonable service.
24. I do need to provide proof during the hearing to show why I am so concerned with this. SPLP also needs to prove to their regulator that they are providing safe and reasonable service as well.
25. The document does speak for itself. It shows that SPLP was unaware of where their pipelines are, drafted the plans for the project incorrectly or didn't know how steer the drill properly. Or perhaps it was a combination of all three.
26. Again, a letter that is informing residents of information that came from SPLP is not hearsay. I believe there is a hearing coming up for this at the PUC. And the root cause of the "scrape" was SPLP giving aqua the wrong depth of ME2.
27. No further response needed.
28. The events are only related because one is doing the very thing that the other is advising against. SPLP seems to be confused by me saying "leak detection". I am aware that Sunoco can detect gas with their meters (after knowing there is a leak), even when below the flammability limit. I was referring to Sunoco being able to DISCOVER that a leak is happening, in order to notify emergency services and the public. Additionally, while it is not a violation for a utility to have a leak, the reason leading to the leak very well could be a violation. BI&E is alleging that the third leak SPLP refers to is a result of SPLP's Integrity Management Plan.

29. I have been made to feel even less comfortable with Sunoco's IMP after learning that BI&E have filed their own formal complaint against them and it largely having to do with an 80+ year old pipe and Sunoco's maintenance of their pipes. No further response.
30. Please see BI&E's formal complaint filed with the PUC and my response to SPLP's preliminary objections.
31. Let's discuss this in Discovery. No further response for the rest.
32. I am referring to any of the pipes sitting out or were sitting out after 6 months ago. I am not a pipeline expert. I took the words of YOUR pipeline expert along with two studies that show truth to my concern. Therefore, I don't have to be one to raise this issue.
33. I'd be more than happy to add additional pages in to see the surrounding conversation.
34. Information that was is on the PUC website should not be "hearsay" or "inadmissible". This is information from a well respected expert, who I would think the PUC find credible.
35. No further response but appreciate SPLP attempting to work with SSPP four years into the operation of Mariner 1.
36. Unless SPLP meets one of these exemptions, they should not be denying that they would need to use odorant if they were transporting natural gas:Exemptions

Transmission lines in Class 3 and Class 4 locations must be odorized unless they meet one of the following exceptions:

At least 50% of the pipeline downstream of the area is a Class 1 or Class 2 location (<46 buildings).

The line delivered gas to an exempted facility before May 5, 1975. These facilities may be an underground storage field, gas processing plant or industrial plant using process gas that if odorized, 1) could make the product unfit, 2) reduce the activity of a catalyst or 3) reduce completion of a chemical reaction.

When more than 50% of a pipeline lateral is in Class 1 or Class 2 location, and the line serves a distribution center (piping used to deliver gas for resale).

Gathering lines within cities or towns limits must meet odorization transmission line requirements.

Reference

ODORIZATION – A REGULATORY PERSPECTIVE

By Edward E. Fant - Pipeline Specialist, Pipeline Safety Division

Transportation Safety Institute

37. Correct, it does speak for itself.
38. No further response.
39. No further response.
40. No further response.
41. My county is not prepared and has asked for more information and help to create plans. No further response.
42. SPLP states in more than one of their own documents that call phones should not be used until at a "safe distance", without explaining what a safe distance is. This is one of multiple examples of our emergency services being forced out of compliance with portions of title 35 of our health and safety statute. SPLP may not control our local agencies' emergency response but in order to be compliant with 66 Pa.C.S § 1501 and 66 Pa.C.S § 1505, their utilities cannot violate our Health and Safety Statute when our emergency services is not able to warn the public adequately and safely.
43. No further response.
44. No further response.
45. I suppose we will discuss this at the hearing.
46. I never stated that by refusing to come to public meetings, SPLP was in violation. I was pointing out that after not providing enough information for the public to be prepared, they refused to be in a situation where the public could potentially get more information. Additionally, the meeting being set up now with the outside company Sunoco hired and my children's school will be the first time Sunoco has gone or sent help there.
47. No further response.
48. It is not possible for Sunoco to be providing **safe** and **reasonable** service when we are unable to create adequate preparedness and emergency plans. No further response.
49. Exhibit 13 is SPLP's own pipeline safety expert. No further response.
50. See response to preliminary objections. Additionally, the letter states facts. It's not hearsay. If Sunoco does not want to admit truth to the letter, it would concern me that they didn't evaluate the easement properly during their plans.
51. See BI&E formal complaint.

52. The only **required** steps Sunoco needed to take to use HDD was obtain DEP 102 and 105 permits, neither having to do with public safety or even remediation of a leak after construction.
53. There are no studies to dismiss this concern.
54. See response to preliminary objections.
55. If there is a Mariner East pipeline failure in front of SSPP without sufficient warning and without adequate plans and there is ignition, the children and faculty in SSPP will be injured or killed. SPLP can attempt to intimidate me with their legal jargon all they want. I will stand by this belief in the hearing.
56. SPLP is correct that I have the burden of proof. I need enough proof to create doubt for Judge Barnes and the Commission to believe that the public is currently safe in proximity to the Mariner East Pipeline Project. If I achieve that, Sunoco will have to prove to their regulating agency that they are providing safe and reasonable service.
57. No further response.
58. No further response.
59. My complaint has relief requested and it has been determined that my complaint will be heard. I intend on giving all of the information needed to have my requested relief granted.
60. No further response.
61. No further response.
62. SPLP is not in compliance with either code/regulation. Additionally, it is violating 66 Pa.C.S § 1501 and 66 Pa.C.S § 1505.
63. I was pointing out SPLP's disregard for safety by going against a guideline twice now, not stating that they were violating it as a regulation.
64. This is not accurate.
65. Again, not accurate.
66. The Public Utility Commission ensures safe and reasonable service. If permits were issued that did not take public safety into consideration and it is found that the project is not operating in a safe and reasonable manner, the Commission does have the authority to assess the project and make a determination it sees fit.
67. See 66.
68. See Judge Barnes' response to SPLP's Preliminary Objections.

Respectfully Submitted,
Melissa DiBernardino