

L A M B | M c E R L A N E ^{PC}

ATTORNEYS AT LAW

Vincent M. Pompo
Voice: 610.430.8000
vpompo@lambmcerlane.com

February 11, 2019

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

Re: In Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Sunoco Pipeline, L.P., a/k/a Energy Transfer Partners
Docket Number C-2018-3006534

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Petition to Intervene of West Whiteland Township, Chester County, Pennsylvania with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Very Truly Yours,

Lamb McErlane, PC

By: /s/ Vincent M. Pompo
Vincent M. Pompo
Solicitor for West Whiteland Township

VMP/ajb
Enclosures
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant,	:	Docket No. C-2018-3006534
v.	:	
	:	
Sunoco Pipeline, L.P., a/k/a	:	
Energy Transfer Partners,	:	
Respondent.	:	

**PETITION TO INTERVENE OF WEST WHITELAND TOWNSHIP, CHESTER
COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code §§ 5.71-5.75, West Whiteland Township, Chester County, Pennsylvania (the “Township”) hereby petitions to intervene in the above-captioned proceeding. In support thereof, the Township submits as follows:

A. THE TOWNSHIP

1. West Whiteland Township, Chester County, Pennsylvania is a township of the second class with an address of 101 Commerce Drive, Exton, PA 19341 and a telephone number of (610) 363-9525.
2. The Township has a population of over 18,000 located within 13 square miles and a density of more than 1,400 per square mile.
3. The Township is one of the key commercial centers of Chester County and contains more places of public assembly than any other location within Chester County, except West Chester.
4. The pipelines of Respondent Sunoco Pipeline, L.P. (“Sunoco”) at issue come, or are proposed to come, into the Township through the center of the commercial district; are located next to the largest mall in the County; run behind the County library; are under

Route 30 and Amtrak/SEPTA rail lines and are also located within close proximity to schools, senior care facilities and apartment complexes.

5. The Township, as a township of the second class, is governed, *inter alia*, by the Pennsylvania Second Class Township Code, 53 P.S. § 65101 *et seq.*
6. The Township's attorneys in this matter are:

Vincent M. Pompo, Esquire
PA I.D. # 37714
Lamb McErlane, PC
24 East Market Street, Box 565
West Chester, PA 19381-0565
(610) 430-8000
vpompo@lambmcerlane.com

Alex J. Baumler, Esquire
PA I.D. # 315760
Lamb McErlane, PC
24 East Market Street, Box 565
West Chester, PA 19381-0565
(610) 430-8000
abaumler@lambmcerlane.com

7. The Township petitions to intervene in the above-captioned proceeding.
8. The Township requests to receive all documents electronically to the above-listed email addresses as allowed by 52 Pa. Code § 1.54(b)(3).

B. THE ABOVE-CAPTIONED PROCEEDING.

9. On December 13, 2018, Complainant the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission filed a formal complaint against Respondent Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners ("Sunoco") alleging violations of the United States Code, Code of Federal Regulations and the Pennsylvania

Code which were discovered in connection with the investigation of a leak that occurred in Morgantown, Berks County, Pennsylvania.

10. On April 1, 2017, a segment of the Mariner East 1 (“ME1”) pipeline, identified as Twin Oaks to Montello, owned and operated by Sunoco, experienced a leak at station 2449+12 located near 5530 Morgantown Road, Morgantown, Berks County, Pennsylvania. The pipeline was carrying ethane and propane at the time of the leak.
11. Shortly after the above-detailed leak, Sunoco filed an accident report with the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”) which detailed a loss of approximately 840 gallons of the highly volatile liquid (“HVL”) products. A laboratory analysis of a section ME1 sent for inspection attributed the failure of ME1 to pipeline corrosion.
12. I&E conducted a preliminary investigation at the site of the leak and an in-depth investigation thereafter into the corrosion control practices of Sunoco between April 2017 and May 2018 which concluded that multiple violations of the applicable PHMSA pipeline safety standards existed relating to Sunoco’s deficiencies in the inspection, testing and cathodic protection methods employed by the company.
13. The I&E complaint further contends that Sunoco’s deficient procedures and overall application of corrosion control and cathodic protection practices are relevant to the entirety of the ME1 pipeline, and thus, there is a statewide concern with Sunoco’s corrosion control program and the soundness of Sunoco’s engineering practices with respect to cathodic protection.
14. I&E has prayed for relief in the form of the imposition of a civil penalty, and the following additional relief:

- (a) That Sunoco conduct a “remaining life study” of ME1 which considers the forecasted retirement age by coating type and age of the pipeline to be integrated into Sunoco’s Integrity Management Plan;
- (b) That Sunoco increase the frequency of ILI inspections to occur at least once per calendar year on all Sunoco bare steel and poorly coated pipelines in Pennsylvania;
- (c) That Sunoco revise its corrosion control procedures to include separate provisions for determining the adequacy of coated steel pipelines and bare steel pipelines;
- (d) That Sunoco develop procedures to determine the adequacy of cathodic protection through testing and performance methods; and
- (e) That Sunoco implement the new and revised cathodic protection procedures, perform all cathodic protection measurements within one year, and based on the results, replace all impacted sections of bare or inadequately coated steel pipe on ME1.

C. THE TOWNSHIP’S INTEREST IN INTERVENTION

- 15. Sunoco’s ME1 pipeline runs the length of West Whiteland Township in direct proximity, sometimes within feet, of homes, businesses and gathering places. Attached as Exhibit “A” is a diagram of Sunoco’s HVL pipelines within the Township.
- 16. Construction of Sunoco’s 16” and 20” pipelines (“ME2/2X”) has been halted in West Whiteland since March of 2018, but is expected to resume shortly.
- 17. On November 17, 2017, and March 2 and March 3, 2018, three (3) sinkholes (or subsidence) opened in and around Sunoco’s pipeline easements on Lisa Drive in West Whiteland Township, apparently caused by construction of ME2/2X. The Township has previously been granted intervention in related complaints and enforcement actions filed with the Commission relating to these sinkhole occurrences.
- 18. The sinkhole that opened on March 3, 2018 exposed the ME1 line that is the subject of the I&E complaint right next to a home on Lisa Drive in West Whiteland, resulting in the shutdown of operation of ME1 and construction of ME2/2X.

19. On January 20, 2019, a fourth sinkhole opened in and around the same easement area along Sunoco's pipeline on Lisa Drive in the Township, which again has exposed ME1 right next to a home and resulted in the shutdown of operation of ME1.
20. Contemporaneous with the construction of the ME2/2X pipeline and the development of the sinkholes identified above, a new above-ground water flow has been observed by Township residents and officials on or near the path of the ME1 pipeline located on Shoen Road in West Whiteland, also apparently caused by the construction of ME2/2X.
21. The observed water flowing on or along the path of portions of the ME1 pipeline located in the Township has raised concerns whether this new water flow is contributing to conditions that accelerate the corrosion of ME1 in the Township.
22. Since ME1 was constructed prior to the practice of installing trench breakers to minimize water flow along the pipeline, this new water flow also raises concerns about whether it is compromising the stability of the ME1 pipeline in that location in West Whiteland, and whether the underground flow that has not yet breached the ground surface could be doing the same in other locations in the Township.
23. The continuing development of sinkholes and observed water flow along ME1 compels the conclusion that Sunoco's operation ME1 poses an immediate potential for catastrophic harm which threatens the health, safety and welfare of the Township's residents.
24. The Township has a direct, substantial and immediate interest in this matter as a municipal entity obligated under the Pennsylvania Second Class Township Code, 53 P.S. § 65101 *et seq* to protect the health, safety and welfare of its residents and the members of the public that work and traverse through the Township, including assurance of proper disaster

prevention and response, that is unique, and not represented by any other party in the proceeding. 52. Pa. Code §69.1101.

25. The Township has a direct, substantial and immediate interest in this matter as a trustee of the natural resources contained within the Township pursuant to PA CONST. art. I, § 27 (Natural Resources and the Public Estate), commonly referred to as the Environmental Rights Amendment, in protecting the natural resources, environment and quality of life in its jurisdiction.
26. Participation by the Township in this proceeding is in the public interest.
27. No other party to this proceeding possesses an interest identical to that of the Township.
28. The Township's interest is not adequately represented by the existing participants because, without West Whiteland Township's intervention, the Commission's Order in this proceeding will not require Sunoco to provide the results of the "remaining life study" and information and data gathered to the Township for the Township's review.
29. The Township possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.
30. The Township's intervention will not prejudice the parties to this matter nor cause undue delay.

D. REQUESTED RELIEF

31. The Township seeks intervention to request the following relief:
 - a. That the Commission grant I&E's enforcement order for all relief requested.
 - b. That the Commission order Sunoco to provide West Whiteland Township the completed "remaining life study" for the Township's review.
 - c. That the Commission order Sunoco to determine the adequacy of cathodic protection and corrosion levels for the portions of the Mariner East pipelines which

are located within West Whiteland Township and provide the results of the same to the Township.

- d. That the Commission require Sunoco to verify all segments of ME1, without exception and particularly in West Whiteland Township, have been inspected via ILI inspections and provide documentation of the same to West Whiteland Township.
- e. That the Commission not allow ME1 to resume operation until the “remaining life study” is completed and the adequacy of cathodic protection and corrosion levels of Mariner East Pipelines in West Whiteland Township is determined.
- f. Such further relief as may become available during the proceedings on this matter.

WHEREFORE, West Whiteland Township respectfully requests that this Honorable Commission grant this petition to intervene, providing the Township with full-party status in this proceeding.

Respectfully submitted,

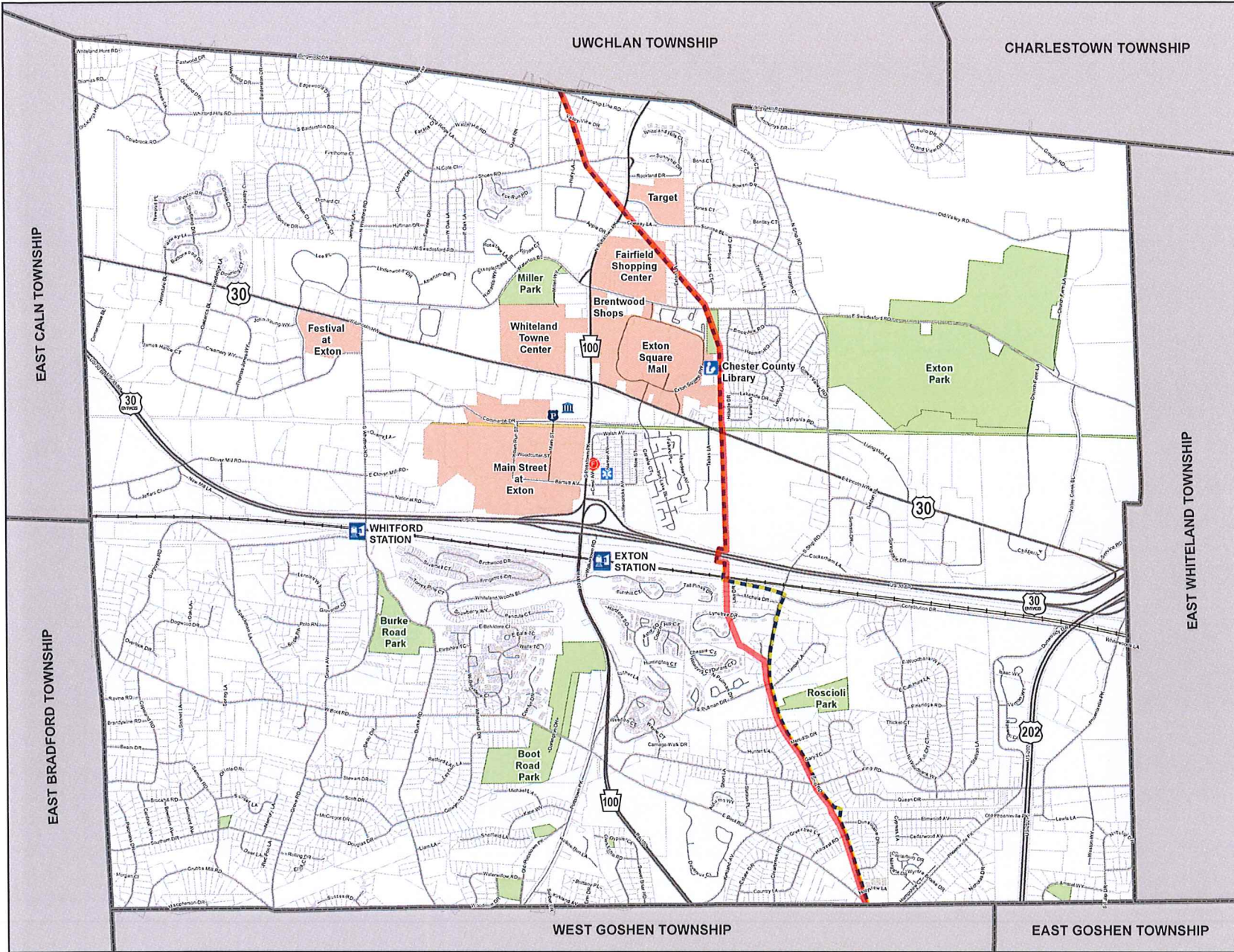
LAMB MCERLANE PC

By: /s/ Vincent M. Pompo

Vincent M. Pompo
Attorney I.D. # 37714
vpompo@lambmcerlane.com
Alex J. Baumler
Attorney I.D. # 315760
abaumler@lambmcerlane.com
*Attorneys for Intervenor
West Whiteland Township*

Dated February 11, 2019

EXHIBIT A



Pipelines Map

WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

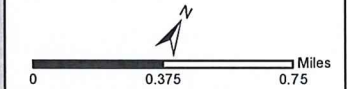
Map Features

- Municipal Buildings
- Public Libraries
- Ambulance Stations
- Fire Stations
- Police Stations
- Sunoco 8" Pipeline
- Sunoco 12" Pipeline
- Shopping Areas
- Parks & Facilities

Map Features

- Rail Stations
- Major Roads
- Local Roads
- Railroad Lines
- Municipal Boundaries
- Parcels

Notes:
The existing 8" Sunoco Mariner East 1 pipeline travels parallel with the existing Sunoco 12" pipeline through much of the Township.



Neither the United States Government nor any party involved in the creation and compilation of NPMS data and maps, guarantees the accuracy or completeness of the products. NPMS data should be considered no more accurate than +/- 500 feet and must never be used as a substitute for contacting the appropriate local PA 811 one-call center prior to digging.)



Prepared by: West Whiteland Township, 2019
Data Source: National Pipeline Mapping System (NPMS), 2013
& Chester County DCIS, 2019

VERIFICATION

I, Mimi Gleason, hereby state that I am the Manager of West Whiteland Township, Chester County, Pennsylvania and am duly authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 2/11/2019


Mimi Gleason,
West Whiteland Township Manager

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of West Whiteland Township's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

Via First Class Mail

Stephanie M. Wimer, Senior Prosecutor
Michael L. Swindler, Deputy Chief Prosecutor
P.O. Box 3265
Harrisburg, PA 17105
*Attorneys for Pennsylvania Public Utility
Commission Bureau of Investigation and
Enforcement*

David J. Brooman, Esq.
Richard C. Sokorai, Esq.
Mark R. Fischer, Jr., Esq.
High Swartz, LLP
40 East Airy Street
Norristown, PA 19404
Attorneys for West Goshen Township

Thomas J. Sniscak, Esq.
Kevin J. McKeon, Esq.
Whitney E. Snyder, Esq.
Hawk McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
Attorneys for Sunoco Pipeline, L.P.

Thomas Casey
1113 Windsor Drive
West Chester, PA 19380
Pro Se

Josh Maxwell
219 William Street
Downingtown, PA 19335
Pro Se

Dated: February 11, 2019

/s/ Vincent M. Pompo
Vincent M. Pompo, Esq.