



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

July 11, 2019

C-2018-3006116

RECEIVED

JUL 11 2019

Honorable Mark Kirchgasser, Chairman
Township of Middletown
27 North Pennell Road
Post Office Box 157
Lima, Pennsylvania 19037

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Open Letter to Chairman Gladys Brown Dutrieuille

Dear Mr. Kirchgasser:

Thank you for your open letter dated July 8, 2019 to Chairman Gladys Brown Dutrieuille of the Pennsylvania Public Utility Commission regarding a sink hole or subsidence feature that was discovered on April 24, 2019 in the Mariner East II Pipeline right-of-way on the Baltimore Pike. Please allow me to address each of the concerns you raise.

First, as you have been advised previously, Chairman Brown Dutrieuille is not permitted to respond to your letter because currently the Township of Middletown is a Party and Intervenor in the consolidated complaint dockets at C-2018-3006116 and currently contested and pending before the Commission's Office of Administrative Law Judge. The consolidated complaint dockets include Docket Number C-2018-3003605 filed by the Andover Homeowners Association; Docket Number C-2018-3005025 filed by DiBernardino; Docket Number C-2018-3006116 originally filed by Flynn et.al.; Docket Number C-2019-3006898 filed by Rebecca Britton; and, Docket Number C-2019-3006905 filed by Lauren Obenski.

Second, as you have been advised previously, that due to these contested proceedings, Chairman Brown Dutrieuille, the Commissioners, and advisory staff of the Commission are prohibited from engaging in any ex parte communications under Section 334(c) of the Pennsylvania Public Utility Code with parties to those proceedings or with other organizations, government entities, and citizens with concerns about the Mariner Pipelines. Therefore, Chairman Brown Dutrieuille asked me to respond to your letter.

Third, you state in your open letter that you asked for the ME 2 Pipeline to be shut down in your previous correspondence to the Commission. As of this date, the Commission has not received any filing of a Petition for Emergency Order from your counsel or solicitor requesting a shutdown of the Pipeline and listing the justification for such a shutdown. If such a Petition would be filed by the Township, your attorneys should consult 52 Pa. Code Chapter 3.

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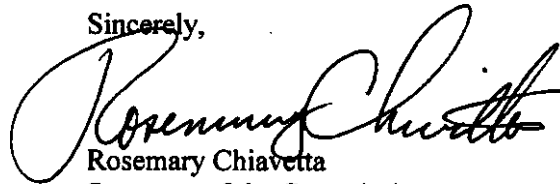
Fourth, you refer to "safety information" in your open letter. If you are referring to emergency management plans, please know that Sunoco did provide such plans to Chester County at their request. In mid-April of 2019, PEMA organized a meeting between the Chester County Emergency Management Director (EMD) and all municipalities and school districts located in Chester County who are affected by the Mariner pipelines. If the Township of Middletown is concerned about its emergency plans, I suggest you contact PEMA or Delaware County's Emergency Management Director.

Finally, as I have explained previously to you, the Bureau of Investigation and Enforcement, while a part of the Commission, is the prosecutorial arm of the Commission, and I have forwarded your concerns about the sink hole to the Chief Prosecutor of the Commission, Mr. Richard Kanaskie who is also the Director of the Bureau of Investigation and Enforcement with oversight of the Bureau's Division of Gas Safety, of which Mr. Paul Metro is the Manager. Please know that your concerns were not "punted to local investigators" but were referred to the professional staff with the expertise and authority to investigate and take appropriate action if necessary. This independent arm of the Commission is responsible for investigating the various and multiple allegations against Sunoco Pipeline, LP, its parent company, Energy Transfer Partners, and the Mariner Pipeline projects, including this sink hole which is the subject of an active investigation.

Therefore, since the issue of your letter directly concerns the investigations being conducted by the Bureau of Investigation and Enforcement, I am referring your open letter to Mr. Kanaskie, Mr. Metro, and Mr. Swindler, the Bureau's Deputy Chief Prosecutor of Enforcement. Please know the Bureau is aware of the event you describe located in the Township of Middletown, and the Bureau will decide its next course of action once its ongoing investigations conclude.

Thank you again for sharing the concerns of the Township of Middletown with the Commission.

Sincerely,



Rosemary Chiavetta
Secretary of the Commission

CC: Richard A. Kanaskie, PUC Chief Prosecutor
Michael Swindler, Deputy Chief Prosecutor of Enforcement
Paul Metro, Manager, Division of Gas Safety
James R. Flandreau, Esq., Counsel for the Township of Middletown
Councilman Norman C. Shropshire
Councilwoman Susan K. Powell
Councilman Scott D. Galloway
Councilman Walter Reed
Councilman Russ Carlson
Councilman Stephen Byrne
Andrew S. Haines, Township Manager
Joseph A. Damico, Jr., Esq., Solicitor for the Township of Middletown

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DELAWARE COUNTY, PENNSYLVANIA

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July 8, 2019

Gladys M. Brown Dutrieuille, Chairman
Pennsylvania Public Utility Commission
400 North Street
Keystone Building, 3rd Floor, Room N-304
Harrisburg, PA 17120

**RECEIVED
2019 JUL 10 PM 9:59
CHAIRMAN'S OFFICE**

Re: An open letter to Pennsylvania PUC Chairman Gladys Brown Dutrieuille

Chairman Brown Dutrieuille:

On April 24 a sink hole occurred on a construction easement adjacent to an operational line of the Mariner East 2 (ME2) pipeline in our Township. The area is underpinned by granite, not the kharst that has led to the numerous sink holes impacting communities in Chester County. The location of the sinkhole was in the right of way of the most heavily traveled road in Middletown, across the street from a retirement community and a half mile from Glenwood elementary school.

You will remember we wrote you on April 29 to help our Township understand the cause of a sink hole in an area never known to have one, over/under/next to (we still don't know) an aged, repurposed 12" pipe carrying highly volatile liquids in a highly traveled, vulnerably populated area. Having no information as to cause we asked you to shut down the ME2 pipe until you could provide the details and subsequently ensure safe operations.

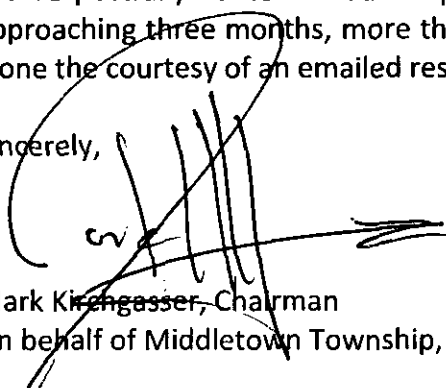
Your commission acknowledged receipt of our letter, our 'grave concerns' and restated the PUC's commitment to safe operation. A following email from Secretary Chiavetta effectively punted our inquiry to local investigators. On May 28 and again on June 12 we wrote these investigators, also copying Secretary Chiavetta, asking for help. Nothing. We are now 10 weeks from the event.

The PUC, in granting Sunoco's ME2 project public utility status, is immediately the go to agency for Pennsylvania municipalities like Middletown when our community of 16,000 and the many more working here and traveling through encounter these incidents. We rely on you for safety information

regarding potentially hazardous and dangerous material like this. Unfortunately, we can't rely upon you for so much as a response.

We respectfully re-iterate our request and grave concerns; time has not abated them. We are approaching three months, more than enough time for your Commission to have addressed them, let alone the courtesy of an emailed response.

Sincerely,

A handwritten signature in black ink, consisting of several vertical strokes and a horizontal line extending to the right. The signature is partially obscured by a large, hand-drawn circle.

Mark Kirchgasser, Chairman
On behalf of Middletown Township, Delaware County, Council

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FROM:



MIDDLETOWN TOWNSHIP
DELAWARE COUNTY
27 NORTH PENNELL ROAD
P.O. BOX 157
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TO:

Gladys M. Brown Dutrieuille, Chairman
Pennsylvania Public Utility Commission
400 North Street
Keystone Building, 3rd Floor, Room N-304
Harrisburg, PA 17120