

Docket Number

L-2019-3010267

Comments filed by:
Bill Wegemann
629 N. Speakman Lane
West Chester, PA 19380

Dear PUC,

As per the Advance Notice of Proposed Rulemaking Regarding Hazardous Liquid Public Utility Safety Standards at 52 Pa. Code Chapter 59, I would like to resubmit my comments dated 6/20/19. This PDF file is attached as a separate file with this posting.

As the significant construction problems continue with the Energy Transfer/Sunoco Mariner East 2 Lines, I would implore the PUC executive body to pass these rulemaking changes. The Mariner East construction problems and fines have been detailed and documented at length for the past four years, and the serious environmental and safety issues near the Exton Library drilling site, as well as the disastrous spill at Marsh Creek State Park, have heightened the immediate need for citizen safety and proper environmental preservation in our state. With no current legislation enacted into law to protect our citizens in the state of Pennsylvania, the responsibility defers to the PUC to take immediate action and meet the stated commitments under the Pennsylvania Constitution:

“ The **people have a right to clean air, pure water**, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.

My name is Bill Wegemann and I live at 629 N. Speakman Lane, West Chester, in the Bow Tree Development of East Goshen Township. Of the approximately 400 homes in my neighborhood, my home is the closest in proximity to a Sunoco drilling rig. At the corner of Boot Road and Rt. 352, the rig sits approximately 450' from my back door.

Prior to my retirement 3 years ago, I spent 27 years at UPS as an Industrial Engineering & Operations Manager. I am well aware of the planning involved in large scale projects; from siting authority to environmental impact concerns.

My concerns with the Mariner 2 project have grown steadily each month since this project began behind my home. **My concerns reached a tipping point when I attended a public meeting for West Whiteland Township on March 19th of this year.** With a packed house, members of the PUC, FERC, and the DEP fielded questions and attempted to address concerns of the residents. The representative from the PUC, Paul Metro - Bureau of Investigation & Enforcement, was by far the most knowledgeable and forthcoming of the panel members. The member from FERC gave canned responses, challenging the audiences use of "blast zone" rather than "buffer zones" when referencing potential impact areas, and the two members of the DEP were disappointingly ill informed, evasive, and at one point told a homeowner to visit their web site to get an answer to their concern.

PUC member Paul Metros words were very clear:

- "There are no agencies in the Commonwealth of Pennsylvania that have siting authority over pipelines". This was in response to WHY Sunoco was granted permission to run high pressure Natural Gas Liquids through highly populated residential areas.
- Concerning safety inspections, Mr. Metro stated, "My department is made up of 21 engineers and we are data driven".
 - During my career as an Industrial Engineer I was also data driven. AND here is my concern with the states of affairs in Pennsylvania:
 - The PUC has 21 employees to enforce the safety requirements for a total of 81,213 miles of pipelines in the state. Simple math determines each engineer has 3,867 miles of pipeline to monitor. Note: the distance from Sacramento, CA to New York is 2,828 miles.
 - Additional pipelines required in the state of Pennsylvania due to the planned movement of product from the Marcellus Shale reserves is an additional 50,000 miles pipeline.
 - PUC Chair Gladys Brown has noted that the proposed budget for the coming year asks for 2 additional staff to be added to the Pipeline Safety Division.

- So in summary, what I gathered from this meeting on March 19th is:
 - There is no agency in PA to approve siting authority of pipelines.
 - There are no specific requirements required when a company decides to “repurpose” an old pipeline, tripling the standard pressure with a much more volatile product.
 - Sunoco is responsible for monitoring the pipeline for defects or leaks.
 - Sunoco performs the Risk Assessment.
 - Sunoco performs the Integrity Management Studies.
 - Sunoco develops the Emergency Awareness Plan.
 - Sunoco determines the radius for the “Buffer” or “Blast Zones”.

My wife and I have raised our children in our home for the past 18 years. Since the drilling began last year, we have dealt with Sunoco’s drilling site lights shining directly into our windows, 12 hours of drilling noise per day, vibrations in our home, and dust on our siding that is so filthy it will require power washing, not every 8 years as in the past, but every six months. Once the drilling begins again, we will most likely not be able to open our windows as we don’t want the dirt in our home as we have no idea if it’s safe! I called Sunoco this week to inform them of this situation and that I will have the dirt tested by an independent lab.

With all this said, my primary concern is for the safety of future residents in our community and in the entire state of Pennsylvania. Left unchecked, BIG BUSINESS can, and will exercise their rights to develop their networks, and SAFETY will not be their primary focus.

2/1/19

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Att: Paul Metro - Pipeline Safety
Commonwealth Keystone Building - 2nd Floor, F West
400 North Street
Harrisburg , PA 17120

Mr. Metro,

It was a pleasure having you as a member of the panel discussion on pipeline safety last night at Fugett Middle School. I have great respect for your knowledge of pipeline safety issues, the laws governing the state of Pennsylvania, and your direct, unbiased responses to the audience's questions.

I am certain that the ten members of the panel (PUC, DEP, PHMSA) could understand the frustration of the residents who spoke last night. As per the East Goshen Township Manager, this small township currently has nine pipelines in the ground, not including the 16" and 20" which are currently under construction. We have five HDD drilling locations for the Sunoco Mariner East Project, and now Adelphia has submitted a request with FERC to upgrade a current value on Paoli Pike, including a new blowdown valve assembly. There are three other companies who also operate pipelines within the township and the business desire to increase capacity is a constant concern of our residents.

As I noted last night, my immediate concern is the air quality along the pipeline construction areas, in particular the HDD sites. I originally submitted my concerns with DEP and PUC last year (note the attached: Postal Service Domestic Return Receipt from 5/22/18, and 5/17/18 email chain to the DEP). Finally, after intervention from PA State Representative Carolyn Comitta in late June, the DEP sent two inspectors to my home on 7/3/18. They took pictures, explained that HDD sites use Bentonite in the drilling process, and they would submit their findings with the DEP. They stated that they do not perform air quality testing, and due to the fact that I had power washed the area and that Sunoco was not currently drilling (due to safety suspension of operations), they would have no baseline data to compare my current air quality to when the HDD drilling was active. I have received no further contact from the DEP as of the date of this letter. I have also enclosed a copy of the Material Safety Data Sheet (MSDS) for Bentonite. As I highlighted on the sheet, this product has been classified as "Very Toxic (carcinogen, chronic effects) and the Emergency Overview notes: "Severe exposure may cause lung damage. Cancer Hazard."

I am formally requesting that baseline air quality testing be performed at the five HDD sites in East Goshen Township, and that the testing continue when Sunoco's operations begin

again. I realize this request may not be within your departments jurisdiction, however, if the PUC would guide me to the proper department or agency that has authority for air quality in the state of Pennsylvania, I would greatly appreciate your professional advice. I will send copies of this letter and all attachments to: Pat Patterson - Southeast Regional Director of the PA DEP, Christie Murray - Director of Outreach and Engagement at PHMSA US Department of Transportation, PA State Representative Carolyn Comitta, PA State Senator Tom Killion, and the East Goshen Township Board of Supervisors.

Thank you for your consideration and I look forward to your feedback.

- Bill Wegemann - 629 N. Speakman Lane, West Chester, PA 19380

3/9/19

Kevin,

The day after the January 31st meeting you reference above, I sent certified letters to:

- Pat Patterson - Southeast Regional Director of the PA DEP
- Christie Murray - Director of Outreach and Engagement at PHMSA US Department of Transportation
- PA State Representative Carolyn Comitta
- PA State Senator Tom Killion
- East Goshen Township Board of Supervisors

As I stated in the public meeting, and in my letter dated 2/1/19, my request is very clear. "I am formally requesting that baseline air quality testing be performed at the five HDD sites in East Goshen Township, and that the testing continue when Sunoco's operations begin again."

Although I appreciate your return message, I have some distinct concerns with the information you describe in your response.

1. When I met with you at my home on July 3, 2018, I provided you with my EGSEA business card. I also provided the same card to Mr. Patterson on 1/31/19. Printed on the card is my name (Bill Wegemann, not Weigerman) and my cell phone number (484-787-4016). Your attempts to call me have not been to this number as I have no messages or missed calls in my call log. If you happened to have called my home number, my answering machine recorded no messages left by yourself or anyone from the DEP.
2. Your response states, "We are continuing our periodic drive through the area looking for fugitive dust. There has been little construction related activity and no dust observed." I do not understand your attempts to find fugitive dust as there has been no HDD activity in almost a year!
3. My letter dated 2/1/19 to the above mentioned offices has one clear request: "I am formally requesting that baseline air quality testing be performed at the five HDD sites in East Goshen Township, and that the testing continue when Sunoco's operations begin again." When we met at my home on 7/3/18, you stated the only way to understand the impact of any fugitive dust was to have "baseline" information when no drilling activity was taking place. There is a small window to perform this testing now, before HDD drilling resumes in East Goshen Township.

Please contact me on my cell phone so we can discuss these concerns, and the planned response from the Pennsylvania DEP.

Thank you. - Bill Wegemann, 629 N. Speakman Lane, West Chester, PA 19380

5/15/19

Pat Patterson and Paul Metro,

For the past year, I have been working diligently to determine which office in the state of Pennsylvania can assist myself, or any other citizen, in determining the extent of fugitive dust emissions from HDD sites along the Mariner East Pipeline. I have attached a PDF file to this email for your reference. There is a lot of dialog and news relating to the vibration, noise, and the traffic impact of this project, yet, very little attention is being given to the air quality the general public is being exposed to while this operation continues. I have attended town hall meetings (where I met each of you), filed complaints with both the DEP and the PUC, met with numerous elected officials, and still, this single question remains unanswered, ***"WHICH AGENCY IN THE STATE OF PENNSYLVANIA HAS THE AUTHORITY AND RESPONSIBILITY TO ADDRESS AIR QUALITY/FUGITIVE DUST HEALTH CONCERNS?"***.

With this in mind, for a moment, let's change the scenario a bit. Assume that the product particulates the public is being exposed to are **Asbestos** rather than **Bentonite**. Would the responses from both your offices below address this public health concern? What do Asbestos and Bentonite have in common? The MSDS (Material Safety Data Sheet) sheet for both state: May cause cancer by inhalation.

My takeaway from these two responses are:

DEP - [Even if the company set up real time particulate counters at their construction site, DEP does not have any standard by which they need to comply with.](#)

PUC - [PUC has no jurisdiction over air quality - contact DEP.](#)

DEP response - "The Air Quality Rules and Regulations pertaining to fugitive emissions is sufficient to be protective of the health and welfare of the citizens living along the pipeline construction. Testing of the ambient air in the vicinity of the pipeline construction would not result in any data that would be useful from a regulatory or health standpoint. From the regulatory standpoint, fugitive emissions must be observed occurring at the construction site for DEP to make a determination that a violation of the regulation occurred. Any analysis of total particulates in the air would only be an indication of particulates in the ambient air and could not necessarily be attributed to the pipeline work that is being conducted. Even if the company set up real time particulate counters at their construction site, DEP does not have any standard by which they need to comply with. The data could only be used to show an increase in particulates that could then be used to make a determination on increased dust control measures."

PUC response - "PUC has no jurisdiction over air quality - contact DEP."

My request (other than stop the entire project) would be for additional steps to be taken to significantly reduce or eliminate the fugitive dust being emitted from the HDD sites. This may not be an issue in wide open country locations, however, when the general public is eating, sleeping, and living within 50 feet (New Kent apartments) or 100 feet (my property line), it becomes a tremendous source of anxiety. There are no barriers to the dust or noise on the east side of the HDD site at Boot Road. Thus, the prevailing northwest wind blows all the particulates toward the Bow Tree neighborhood. My home happens to be the closet of any of the 350+ Bow Tree homes to an HDD site. As such, my family is exposed to the constant noise, the constant drilling vibrations, and the flood lights shining through our windows at night. We have had to deal with all this, however, I cannot except anyone having to breath in "unknown matter" (potentially hazardous as per the Bentonite MSDS sheet). The ONLY dust mitigation Sunoco has taken up to this point is to have a water truck spray down the area. This is too little, too late. My suggestion to Ivana Wolfe of Sunoco is to erect a "tent enclosure" around the site. The diesel exhaust from the HDD drill engine could be vented out and into the air, however, the fugitive dust would be captured at the site. Would this be an inconvenience to Sunoco and their workers?

Absolutely. Would they have to wear an approved respirator like I did when I power washed the residue from my home? They should if they care about their health.

I will add this email to the continued documentation I have been logging for the past year. My hope is that one of you will contact me directly to discuss this matter, and even more pressing, find a solution between your offices and others in the state, to fix the obvious gaps in authority and responsibility for this health concern.

I welcome your comments and suggestions. - Bill Wegemann