

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17120**

**MEGHAN FLYNN, *ET AL* VS.  
SUNOCO PIPELINE LP**

**PUBLIC MEETING OF NOV. 18, 2021  
3006116-OSA  
DOCKET NO.: C-2018-3006116  
P-2018-3006117 C-2018-3003605  
C-2018-3005025 C-2019-3006898  
C-2019-3006905**

**STATEMENT OF CHAIRMAN GLADYS BROWN DUTRIEUILLE**

This matter involves the consolidated Formal Complaints (Complaints) filed by the Flynn Complainants and the Andover Homeowners' Association, Inc., comprised of residents in Chester and Delaware Counties, regarding Sunoco's Mariner East (ME1), Mariner East 2 (ME2) and Mariner East 2X (ME2X) pipeline projects. The Complainants oppose the operation and/or construction associated with Sunoco's ME1, ME2 and ME2X and argue that Sunoco's transport of highly volatile liquids (HVLs) presents an unacceptable risk to life and property. The Complainants asked the Commission to direct, *inter alia*, that Sunoco cease operation of its ME1 pipeline immediately and to prohibit operation of an ME2 and ME2X workaround pipeline, or in the alternative, asked that the Commission direct the Company to take certain action to protect public safety.

The Administrative Law Judge's (ALJ) April 12, 2021 Initial Decision did not direct that Sunoco cease operation of the ME1 pipeline project; however, the ALJ, pursuant to the utility's duty to provide adequate, safe and reasonable service and facilities under Section 1501 of the Public Utility Code (Code), 66 Pa. C.S. § 1501, directed that Sunoco take certain actions to protect public safety. Before us for consideration and disposition, are the Exceptions filed to the Initial Decision.<sup>1</sup> I believe that the Initial Decision provides reasonable directives that, if properly implemented, will improve communications between Sunoco and the public as well as improve public safety.

While not a complete list of the ALJ's directives to Sunoco, the following bear highlighting. Sunoco shall:

- Supplement the material content of public awareness, public official, and emergency responder safety pamphlets/mailers for Delaware and Chester Counties to include information regarding potential hazards/adverse consequences associated with a release of HVLs;

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<sup>1</sup> Exceptions were filed by the following Parties: East Goshen Township; Downingtown Area School District; Sunoco Pipeline, L.P.; Chester County; Melissa DiBernardino; and the Andover Homeowners' Association, Inc.

- Supplement emergency contact list for the Delaware and Chester Counties.
- Share the results (pursuant to any non-disclosure agreements) of various inspection reports assessing the condition of its pipelines located in East Goshen Township or Middletown Township, annually or more frequently, if there are construction and subsidence events occurring along the operator's right of way in these townships.
- Give advance-notification prior to proposed excavation on the pipeline system in all municipalities of Delaware and Chester Counties.
- Contact the West Chester, Twin Valley, Downingtown Area, and Rose Tree Media School Districts, within 30 days to schedule public awareness meetings to discuss additional communications and training.
- Conduct a depth of cover and distance between other underground pipelines/structures survey pursuant to existing company procedures regarding ME1 and the 12-inch workarround pipelines. Sunoco is directed to bury its Mariner East 1 and 12-inch pipelines following its Standard Operating Procedure such that the depth of cover is appropriate and such that spacing is in conformity with at least 12 inches separation from other underground pipes or utility structures unless the operator can show it is providing adequate corrosion control in these areas where the pipes are less than 12 inches apart.
- File a report certifying whether Mariner East 1 and the 12-inch workarround pipeline within Chester and Delaware Counties are buried in conformity with federal pipeline safety regulations. The report shall contain a corrective action plan to remedy any situations where there is lack of required cover and/or proper distancing. This report shall be filed within 120 days, and annually for three years.

The ALJ referred the Complainants' requests for an odorant/dye additive and a mass warning system to the Commission's Hazardous Liquids Rulemaking Proceeding at L-2019-3010267. I believe the ALJ's Initial Decision is supported by the record, by Section 1501 of the Public Utility Code, as well as by federal pipeline safety law. As such, I agree that the Exceptions contesting the directives contained in the Initial Decision should be denied.



**November 18, 2021**  
DATE

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**GLADYS BROWN DUTRIEUILLE**  
CHAIRMAN