

Good Afternoon Chairman Benninghoff, Representative Quinn, and esteemed members of the House Majority Policy Committee. Thank you for the opportunity to testify today.

My name is Eve Miari, and I represent the Clean Air Council, Pennsylvania's oldest environmental nonprofit. I am also a resident of this community.

We are here today to discuss safety concerns surrounding the Mariner East pipelines, and the regulations intended to ensure the public and environment are protected. I am also here to discuss some of the ways in which the public and environment have not been protected, either due to absent regulation, or an inability or unwillingness of agencies to enforce existing regulation.

The Council is currently engaged in five different legal cases surrounding the Mariner East pipelines. As a non-profit environmental organization, we work to hold Sunoco and state agencies accountable to the law, the permitting process, and to our Constitution. Accordingly, we are in ongoing litigation with both Sunoco and the DEP regarding the permitting process and Sunoco's unsafe construction practices, which have resulted in damage to waters of the Commonwealth, drinking supplies, private wells, and private property. Additionally, in May of this year we filed as intervenor on Senator Andy Dinniman's formal complaint before the PUC with regard to the many safety issues associated with this project.

I'd like to begin in 2014 when, against federal recommendations, Sunoco reversed the flow and changed the material on an old 1930s oil line. That line, which previously carried refined petroleum products from Marcus Hook west to Pittsburgh, already had a history of leaks in our area. In 2014 Sunoco began using the line to transport hazardous highly volatile liquids such as ethane, propane, and butane. The pipeline, now marketed as Mariner East 1, transports these by-products of hydraulic fracturing from the Marcellus Shale east to Marcus Hook where they are put on ships and exported to Europe as feedstock for overseas plastics manufacturing.

Sunoco was able to assume the 1930s Certificates of Public Convenience that went along with the old pipeline. In other words, Sunoco, a Texas based for profit company developing an export pipeline project, became a quote Pennsylvania "Public Utility". This allowed Sunoco to claim the right of eminent domain, which is how so many hardworking private home and business owners in Pennsylvania were forced under pressure, and in many cases under the threat of legal action, to give up their Constitutional private property rights and their land to an out of state corporation.

We are not here today to talk about eminent domain, private property rights, or the Constitution. We are here today to talk about safety. However, I would be remiss in proceeding to discuss the enormous threats to safety and environment posed by Mariner East, without first pointing out the inherently conflicted dual mandate of the PUC. The PUC's mission, to "balance the needs of consumers and utilities" and to "protect the public interest" while also "fostering competitive markets" creates a complex regulatory dilemma when it comes to dangerous industrial

infrastructure. This relates directly to the regulatory gaps around public safety, as well as to adequate enforcement of public protections.

Highly volatile liquids have uniquely hazardous properties. Unlike methane “natural gas”, which dissipates up into the atmosphere, ethane, propane and butane are heavier than air, hang low to the ground, and can travel across distances moving into low-lying areas. In the event of a leak, these so-called Natural Gas Liquids (NGLs) expand hundreds of times in volume into a heavier-than-air and highly combustible gas cloud which, in our densely populated areas, would likely find an ignition source. In Follansbee, WV when an ethane pipe similar in size and pressure to Mariner East 2 failed, the resulting explosion produced a fireball with thermal impacts extending out some 2,000 feet. No one was injured or killed because the explosion occurred in a corn field.

One of the most astonishing aspects of the proposed Mariner East project is that no agency in the state is exercising siting authority. Sunoco proposes to transport industrial quantities of NGLs in close proximity to schools, homes, senior living centers, daycares, and many other vulnerable sites. Despite the enormous risks to public safety posed by this project, no regulatory body at the federal or state level reviewed Sunoco’s route plan with respect to public safety, or questioned the logic of running a highly volatile hazardous liquids line through dense population centers. In Delaware County, approximately 25,000 residents live within the ½ mile self-evacuation zone of the Mariner East pipelines.



Residential neighborhoods in Chester County

Risk can be assessed using a combination of consequence and probability. In the case of transporting highly volatile liquids through dense vulnerable populations, we have an unfortunate combination of high consequence and high probability. Since 1998, there have been nearly 12,000 pipeline leaks reported to the federal government. These accidents have collectively caused hundreds of fatalities and more than \$7.2 billion (with a “B”) in property damage. Among all industry actors Sunoco/ ETP has the worst accident record, with over 300 self-reported leaks since 2006.

We are still cleaning up multiple accidents here in Delaware County from Sunoco’s 8” and 12” hazardous liquids pipelines, but again, these environmental violations, egregious as they are, are not what keep mothers in Middletown Township up at night fearing for their children’s safety.

Sunoco has recklessly chosen to try to construct this industrial infrastructure within feet of structures occupied by the most vulnerable members of our society. I invite any member of this legislative body or the DEP or PUC to tour the Glenwood Elementary School, which sits 600 feet from the pipelines and an above ground valve station, the adjacent homes within 10 feet of the pipeline, and the site on Lenni Road where Aqua struck and damaged Mariner East 2 in May due to a misrepresentation around pipe depth. We are lucky ME2 was not operational at the time, as the incident occurred within 1000 feet of the school.



Sinkholes on Lisa Drive in Exton, PA



The permits Sunoco required to construct this ill-conceived project were issued by the DEP and pertain to waterways, wetlands, and soil erosion- not public safety. Despite multiple attempts and enormous hand holding from the DEP, Sunoco's permit applications were still incomplete and deficient at the time those permits were issued. The applications did not meet legal requirements and major flaws remained. A watershed study commissioned by concerned Delaware County residents revealed horizontal directional drilling (HDD) for the Mariner pipelines would pose a risk of contamination to private wells, streams, and wetlands. These findings were presented in person by myself and other members of the public to DEP Secretary McDonnell in February 2017. A week later, the permits were issued anyway. Clean Air Council and our partners immediately filed an appeal of the permits on the grounds of their many deficiencies. The case to appeal the DEP permits is set to go to trial in two weeks.

To date, Sunoco has had close to 200 known spills of drilling fluid across the Commonwealth and at least 60 Notices of Violation--some of which document Sunoco's failure to make required reports of spills. At least 16 private wells were damaged and multiple sinkholes opened up in Chester County. In Middletown Township, a frackout site between two apartment buildings has grown to the size of a swimming pool, and has been ongoing since mid-April as a result of (HDD). The DEP was warned in numerous public comments and meetings about the great risk of approving inadequate permits: these impacts were both predictable and predicted.



Frackout at Tunbridge Apartments, Middletown Township, Delaware County

In an attempt to get the project back on track Sunoco has come up with another reckless scheme- to reverse the flow and change the materials on yet another 1930s pipeline, this time their 12 inch, which has had no less than four accidents in our area, once just last month into Darby Creek. Once again Sunoco is rushing ahead, as Administrative Law Judge Elizabeth Barnes stated in her Order, in an “apparent prioritization of profit over the best engineering practices.”

I want to leave you with a few thoughts today, that I hope you will keep in mind as you consider the policies that govern pipelines and safety.

First, residents across the state are still without access to clean drinking water due to Sunoco’s construction activities of the Mariner East pipelines. In Indiana, Cumberland, Berks, Chester, and Delaware Counties, residents cannot drink from threatened and contaminated private water wells. This is a trespass, a violation of private property rights, and a violation of Pennsylvanians right to clean, pure water guaranteed under Article 1, Section 27 of the Pennsylvania Constitution. This violation of our rights will not be tolerated by the people of Pennsylvania. It should not be tolerated by the legislature either.

Second, there are multiple locations across the state where construction of Mariner East 2 and 2X has exposed and compromised the currently operational Mariner East 1. In Cumberland County, ME1 has been exposed in a creek bed for over a year, despite residents repeated reports to Sunoco and PHMSA. In Edgmont Township both ME1 and Sunoco’s 12” line are currently exposed and dangling from straps.



Exposed ME1 in Cumberland County





Exposed ME1 and 12" line in Edgmont Township, Delaware County

Third, the threat to public safety that this project poses cannot be ignored. We know that the consequence of a leak and explosion along the Mariner East route could result in catastrophic impacts to life and property.

Fourth, there is still no credible plan for residents to be notified or evacuated in the event of a leak. Sunoco's plan to run uphill, upwind to a distance of  $\frac{1}{2}$  mile is neither credible nor realistic. In fact, it is shameful to ask these communities to assume all the risk for the benefit of a private for-profit corporation.

Fifth, no federal or state agency has jurisdiction over siting where this pipeline can be placed. When pipeline siting is not jurisdictional to any agency, we wind up with a gaping regulatory hole. This is a pipeline that was built through regulatory holes.

Clean Air Council believes that Sunoco's plan for the Mariner East pipelines is incompatible with Pennsylvania's statutes, regulations, and Constitution. The pipeline route, which was chosen for maximum convenience of the operator, with little regard for public safety, the environment, or the public's right to clean water, simply does not and cannot comply with our laws.

Therefore, construction on the Mariner East pipelines should be shut down immediately. This legislative body must uphold Pennsylvanians' Constitutionally-guaranteed rights, including the protections of life, safety, security, private property and clean water. Thank you.