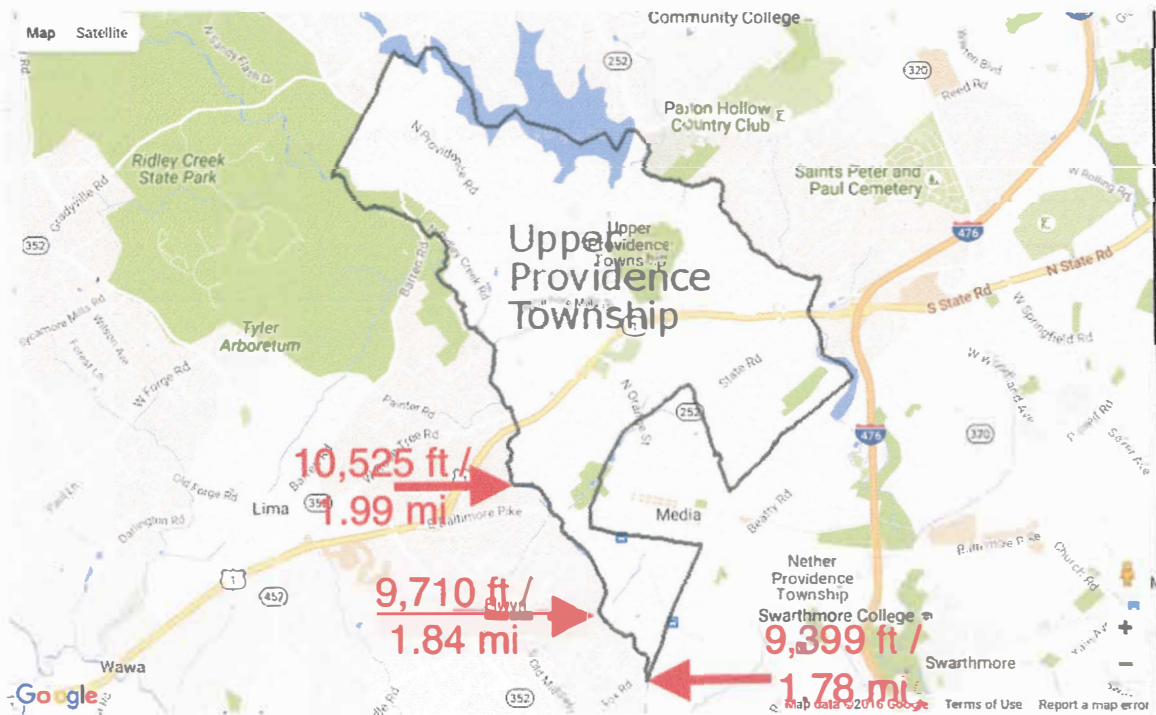


# Middletown Coalition For Community Safety Presentation to Upper Providence Township

*Working together for the safety of our Communities*



**October 13, 2016**

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Upper Providence Township Resident  
Middletown Coalition for Community Safety

**Middletown Coalition for Community Safety  
Presentation to Upper Providence Township  
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## **Introduction**

### **Middletown Coalition for Community Safety**

Middletown Coalition for Community Safety (MCCS) is a nonpartisan grassroots group of parents and residents whose goal is to educate elected officials and the public about the risks associated with siting a high pressure NGL pipeline within a densely populated “high consequence” area, as well as to ensure that area specific impact studies are conducted, and that emergency preparedness and evacuation plans are in place for all residents and schools in close proximity to any proposed high pressure NGL line.

The MCCS steering committee is a 20+ member team, which includes residents from Middletown Township, Upper Providence, Thornbury, Westtown, and Edgemont. The larger coalition group includes over 1100 members from the municipalities listed above as well as many other Delaware County communities including Media Borough, Swarthmore, Nether Providence, Rose Valley, Aston, Brookhaven, East Goshen, and others.

The Coalition is working with Delaware County municipalities to adopt Resolutions of Concern and enact Pipeline Zoning Ordinances, and is also working cross-county in collaboration with groups throughout the state. In addition, the Coalition is working on the State and Federal level to ensure proper regulation and oversight to ensure the health and safety of our communities.

### **Mariner East 2 pipeline**

The proposed Mariner East 2 pipeline is a 20” natural gas liquids (NGL) pipeline that would operate under pressure of 1500 PSI. Sunoco Logistics’ ME2 pipeline would transport natural gas byproducts such as ethane, propane, and butane from Marcellus Shale region to Marcus Hook for refinement and export. These products remain liquid under high pressure, but in the event of a leak, vaporize upon contact with air, forming an invisible, odorless, and extremely combustible gas cloud. The proposed pipeline will traverse 11.5 miles of Delaware County in close proximity to schools, parks, residences, and other vulnerable sites is a concern for area residents and leaders.

### **Upper Providence Township**

Upper Providence Township in Delaware County is home to approximately 10,000 residents. The Township is adjacent to Middletown Township, where the Mariner East 2 pipeline is slated to run. The closest point of the ME2 pipeline to Upper Providence Township will be 1.78 miles, within an evacuation zone of a 3 mile radius. The pipeline will also run through the Chester Creek Valley. The Chester Ridley Crum watershed is the source of Upper Providence Township’s municipal drinking water.

## How is Mariner East 2 different from other gas pipelines in our area?



Typical natural gas pipeline	Mariner East 2 High pressure NGL pipeline
<ul style="list-style-type: none"> <li>• 3 psi (pounds per square inch of pressure) or less when it comes to your home</li> <li>• Approximately 3" diameter</li> <li>• Public utility, so odorant added for safety- so you know if there is a leak!</li> <li>• Materials are in a gaseous state inside the pipeline and remain in a gaseous state if they leak</li> <li>• Methane is lighter than air, rises up into the atmosphere and dissipates</li> <li>• Shutoff valves are located throughout</li> <li>• &lt; 0.01% of the energy of Mariner East 2</li> <li>• Industry standards for potential impact radius (PIR) and evacuation zones</li> </ul>	<ul style="list-style-type: none"> <li>• 1500 psi of pressure</li> <li>• 20" diameter</li> <li>• no odorant added because product is being exported for plastics production</li> <li>• Materials are liquid only in the artificial environment of the pipe; convert back to gas upon leak, and expand 500 times</li> <li>• Materials are heavier than air and hang low to the ground, about 3 ½ feet, do not readily dissipate, and pose a rapid asphyxiation risk</li> <li>• Shut off valves are minimum 6 miles apart</li> <li>• Energy in a 6 mile segment of pipe equivalent to small nuclear bomb</li> <li>• no known industry standard for potential blast or evacuation zones</li> </ul>



## Recent Pipeline Explosions

### **Sissonville, WV**

On December 11, 2012, a pipeline operated by the Columbia Gas Transmission Corporation ruptured in Sissonville, WV. This was a 20 inch methane pipeline which burst, ejecting 20 feet of steel pipe which landed more than 40 feet from its original location. The escaping high-pressure gas ignited immediately and caused an area of fire damage about 820 feet wide. Although this happened in a sparsely populated area, three houses were destroyed by the fire, and several other houses were damaged. This accident released and burned about 76 million standard cubic feet of natural gas (methane). The probable causes of the accident were corrosion, and the failure of the operator to detect the corrosion.



### **Follansbee, West Virginia**

On January 26, 2015, an Enterprise Products pipeline that originates in Pennsylvania structurally failed near Follansbee, West Virginia, resulting in the release of over one million gallons of liquid ethane into a wooded area. The explosion and resulting fire burned approximately five acres of woodlands. The fire in the surrounding area wasn't extinguished until 24 hours later. A house 2,000 feet away suffered thermal damage. This pipeline was brand new, having been put into service just about one year prior to the failure. And the failure was both predictable and predicted: in May 2010, PHMSA issued Advisory Bulletin [2010-0078](#) on Girth Weld Quality Issues Due to Improper Transitioning, Misalignment, and Welding Practices of Large Diameter Line Pipe. The very issues identified in this Advisory Bulletin were factors in the structural failure of this pipeline.

## Recent Pipeline Explosions Continued..

### Unityville, PA

On June 9, 2015, a 24 inch Williams methane pipeline ruptured in Lycoming county, Pennsylvania. While being operated just under its maximum allowable pressure of 1,200 psig, the pipeline failed, developing a 34-foot long longitudinal crack. 190 million standard cubic feet of gas escaped when the failure occurred. The sound of the gas escaping was so powerful, that local 911 operators received multiple calls about a possible plane crash in a field. It was later determined, in part based on the odor, that a gas leak had occurred. Because the gas did not ignite, emergency responders worked to evacuate a 6 mile diameter (3 mile radius) circle around the pipeline breach. Fortunately, the lighter than air methane rose up and dissipated before finding an ignition source. Given that the amount of gas released was three times the amount in the Sissonville accident, this may be the worst pipeline incident that most people have never heard of.

### Salem, PA

On April 29, 2016 a 30" diameter, 1050 PSI Spectra Energy Texas Eastern natural gas transmission pipelines had been breached and exploded, leaving a 1500 foot crater, and 40 acres of land were burned. A home 200 feet away was destroyed. A building 800 feet away had significant thermal damage. A 26 year old man suffered burns on 75% of his body. The Pipeline Hazardous Materials Safety Administration (PHMSA), who is charged with regulating pipeline safety, performed a preliminary inspection and determined that it had "identified evidence of corrosion along two of the circumferential welds: one at the point of failure and another excavated after PHMSA's response to the Failure Site. The pattern of corrosion indicates a possible flaw in the coating material applied to girth weld joints following construction welding procedures in the field at that time".



Data current through 10/11/2016

Data for 2006-2016 (source: PHMSA web site).

SUNOCO PIPELINE L.P.

All Incidents, All Pipeline Systems: 2006-2016

<u>Year</u>	<u>Number</u>	<u>Fatalities</u>	<u>Injuries</u>	<u>Property Damage</u>	<u>Gross Barrels Spilled (Hazardous Liquids)</u>
2006	28	0	0	\$957,179	1,423
2007	25	0	1	\$4,462,834	2,696
2008	23	0	0	\$2,274,784	577
2009	23	0	0	\$2,282,837	5,041
2010	26	0	0	\$1,571,302	324
2011	21	0	0	\$1,789,272	1,537
2012	25	0	0	\$19,734,998	2,142
2013	36	0	0	\$8,165,845	1,863
2014	19	0	0	\$1,270,649	505
2015	31	0	0	\$4,452,222	1,346
2016 (YTD)	14	0	0	\$610,514	287
<b>Totals</b>	<del>269</del> <u>271</u>	0	1	<del>\$47,556,872</del> <u>\$47,572,436</u>	<del>17,742 (745,164 gallons)</del> <u>17,747 (745,374 gallons)</u>

SUNOCO, INC (R&M) (Inactive predecessor of Sunoco Pipeline L.P.)

All Incidents, All Pipeline Systems: 2006-2016

<u>Year</u>	<u>Number</u>	<u>Fatalities</u>	<u>Injuries</u>	<u>Property Damage</u>	<u>Gross Barrels Spilled (Hazardous Liquids)</u>
2006	1	0	0	\$5,000	0
2007	0	0	0	\$0	0
2008	1	0	0	\$4,170,000	120
2009	1	0	0	\$40,000	320
2010	2	0	0	\$101,000	1,700
2011	0	0	0	\$0	0
2012	0	0	0	\$0	0
2013	0	0	0	\$0	0
2014	0	0	0	\$0	0
2015	0	0	0	\$0	0
2016 (YTD)	0	0	0	\$0	0
<b>Totals</b>	5	0	0	\$4,316,000	2,140 (89,880 gallons)

WEST TEXAS GULF PIPELINE CO (Active wholly owned subsidiary of Sunoco Logistics Partners L.P.)

All Incidents, All Pipeline Systems: 2006-2016

<u>Year</u>	<u>Number</u>	<u>Fatalities</u>	<u>Injuries</u>	<u>Property Damage</u>	<u>Gross Barrels Spilled (Hazardous Liquids)</u>
2006	4	0	0	\$541,810	1,244
2007	4	0	0	\$105,719	39
2008	2	0	0	\$31,595	41
2009	4	0	0	\$874,602	3,468
2010	3	0	0	\$44,705	4
2011	4	0	0	\$35,475	72
2012	5	0	0	\$50,487	74
2013	6	0	1	\$52,509	11
2014	2	0	0	\$49,859	12
2015	7	0	0	\$1,312,054	3,333
2016 (YTD)	3	0	0	\$439,202	904
<b>Totals</b>	<del>43</del> <u>44</u>	0	1	<del>\$3,280,367</del> <u>\$3,538,017</u>	<del>8,506 (357,252 gallons)</del> <u>9,206 (386,652 gallons)</u>

**Hazardous Liquid Large Spills in HCA by Year**

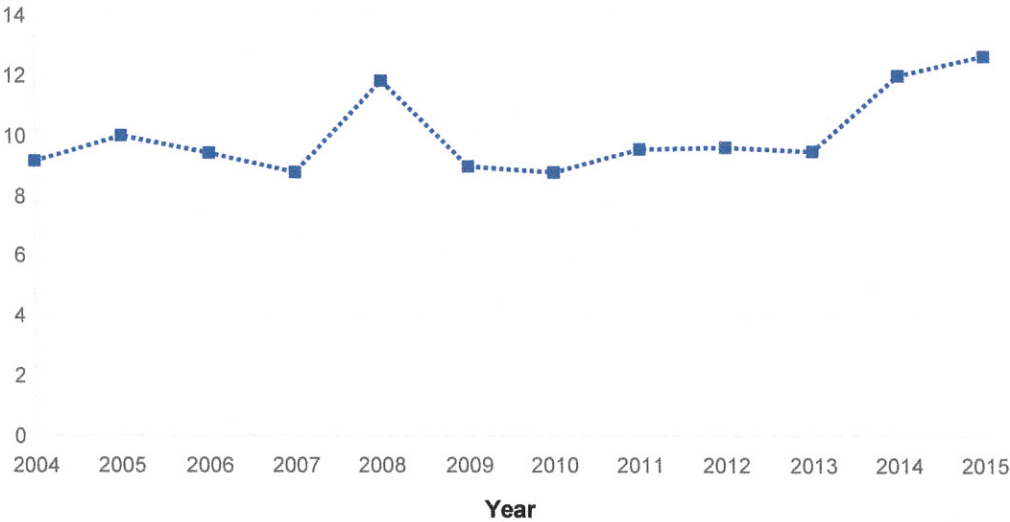
Date run: 8/27/2016

From 2010 - Data as of 8/26/2016

From 2004 through 2009 - Data as of 8/26/2016

Inter/Intra: ALL State:

**Large Spills per 10,000 HCA Miles**





## Emergency Response Information from Sunoco Logistics

### Mariner Products

#### Ethane, Propane, Butane – General Hazards

- ☐ Vapors
  - Initially heavier than air, spread along ground and may travel to source of ignition and flash back
  - Colorless, tasteless and odorless
- ☐ Under high pressure
  - Up to 1500 psi



### Mariner Product

#### Ethane, Propane, Butane – General Hazards

- ☐ Health Hazards
  - May be easily ignited and form flammable mixtures with air
  - May cause dizziness or asphyxiation without warning
  - May be toxic if inhaled at high concentrations
  - Skin contact with gas or liquefied gas may cause burns, severe injury and/or frostbite
  - Combustion may produce irritating and/or toxic gases



### Mariner Product

#### Ethane, Propane, Butane – Medical Care for Exposures

- ☐ Remove victim to fresh air
- ☐ Provide respiratory support as needed
- ☐ Remove and isolate contaminated clothing and shoes
  - Clothing frozen to skin should be thawed prior to removal
- ☐ In case of contact with liquefied gas, frosted body parts should be thawed slowly with lukewarm water
- ☐ For thermal burns, immediately cool affected areas with cold water
  - Do not attempt to remove clothing that is adhering to burned skin

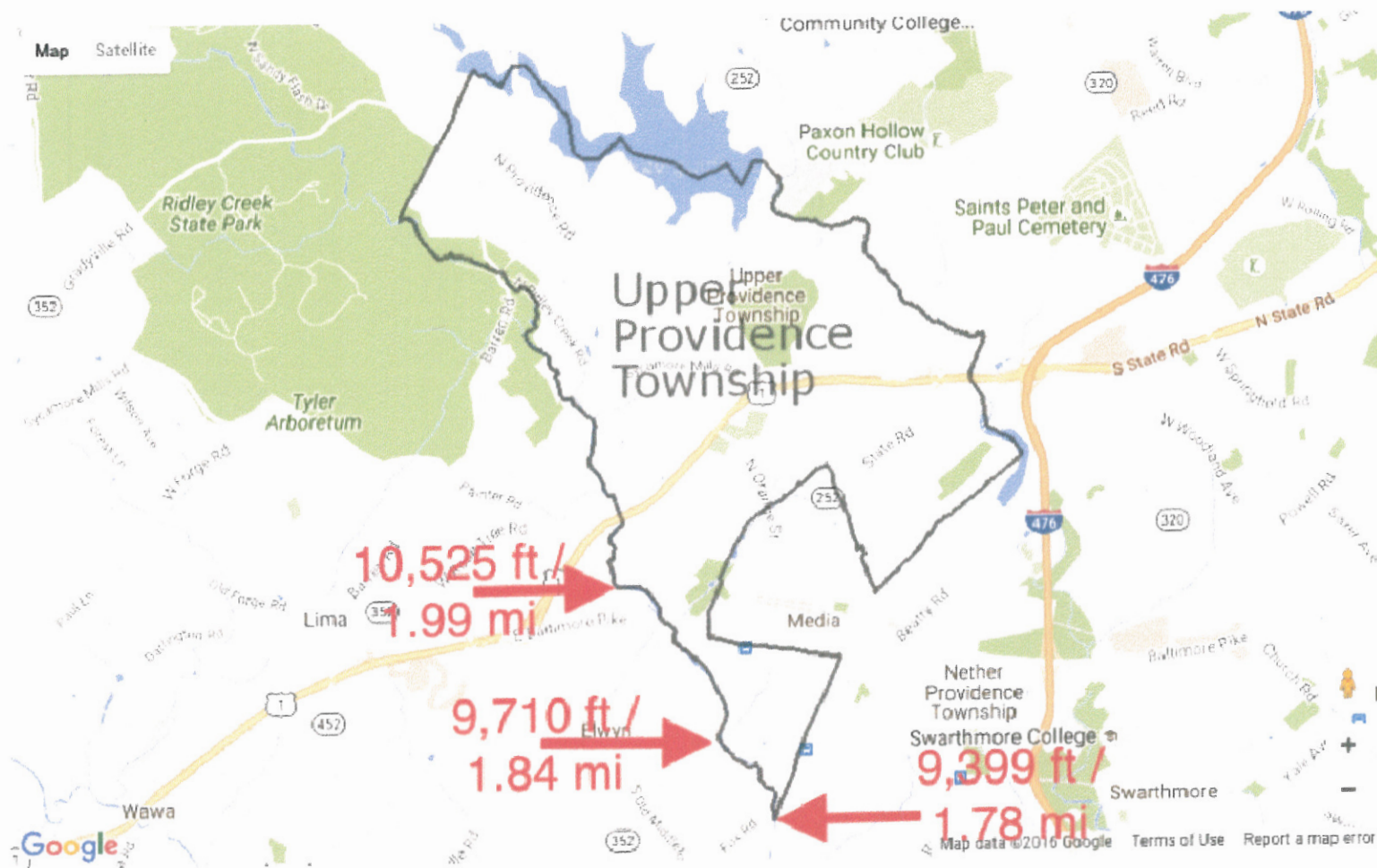


### Pipeline Incidents

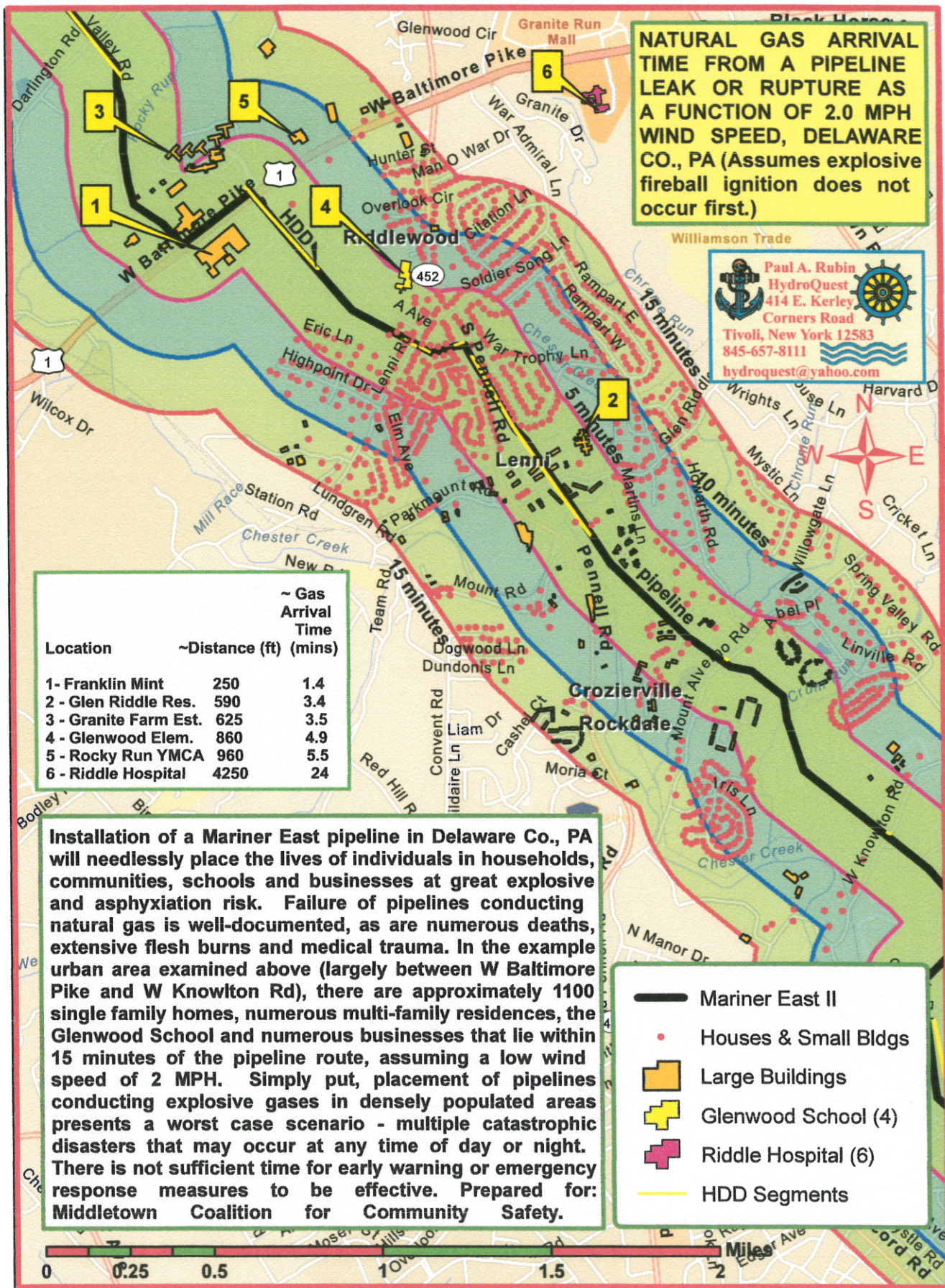
#### Emergency Response Procedures

- ☐ If the pipeline release is **NOT** ignited,
  - DO NOT ring doorbells
    - ☐ Knock with your hand to avoid potential sparks from door knockers
  - DO NOT drive into a vapor cloud
  - DO NOT attempt to operate any pipeline valves
    - ☐ May inadvertently route more product to the release or cause a secondary incident











## **Statement from Seth Kovnat, Aerospace Engineer Middletown Resident, Middletown Coalition for Community Safety**

Sunoco Logistics proposes to build a massive high pressure NGL line in unsafe proximity to our homes, schools, businesses, and care facilities- right through the heart of densely populated Delaware County. The proposed Mariner East 2 pipeline, a 20 inch diameter pipe operating at up to 1,500 pounds per square inch of pressure, would transfer "natural gas liquids" from western Pennsylvania to Sunoco's Marcus Hook facility for export.

Safety must outweigh all else when considering any project that potentially puts the public at risk. Sunoco's proposed Mariner East 2 is both dangerous and unnecessary for Pennsylvania. My comments are based on my background as an aerospace engineer with extensive experience with piping. As the propulsion tubing lead for NASA's Orion program and many R&D aircraft, I am no stranger to piping hazardous material under pressure.

It is clear that the majority of the public, including vital decision makers, have not had a full understanding of the risks associated with the transport of NGLs under enormous pressure. These highly volatile materials (ethane, butane and propane) are not "natural gas," nor are they liquid at ordinary temperature and pressure. And they have a deadly combination of properties. If released from the pipeline, they will expand about 500 times in volume as they transform from liquid to gaseous state. That gas is colorless, odorless, toxic, heavier than air, and extremely flammable or explosive. Something as ordinary as starting a car, using a cell phone, or ringing a door bell could serve as an ignition source for a gas cloud which you may not be able to detect.

Even a small leak of these materials has the potential to be catastrophic, and a large leak could cause a regional disaster. Sunoco's safety record must be considered when assessing the probability of such a leak happening.

Sunoco Pipeline and its predecessor, Sunoco Inc., have between them reported to the federal government 274 leaks of hazardous liquids in the last ten years alone. That's about two leaks per month on average, every month for a decade. In May 2016 Sunoco reported a leak of a toxic, highly volatile liquid in Aston, near Sun Valley high school. Sunoco's own report confirms the gas reached a "high consequence area", meaning it moved beyond the bounds of the Twin Oaks facility. Edgemont township residents have experienced two large hazardous liquids leaks from Sunoco pipelines in recent memory. After the last one, discovered in 2015 by the property owner, a gasoline additive manufactured by Sunoco continues to be detected thin nearby wells.

Around 25% of the time Sunoco's systems fail to detect a leak. But suspend disbelief for a moment and imagine a scenario where a leak is identified and valves shut off immediately. There are still over 500,000 gallons of highly volatile liquid in a typical six mile long pipeline segment. As the liquid escapes the pipeline, it changes from liquid to gas at cryogenic temperatures. The carbon steel that is the industry standard for pipelines becomes brittle and glasslike. This alone can turn a small leak into a cataclysmic rupture.

The liquid product would then expand to 300 million gallons of heavier-than-air-gas, hanging low to the ground, about the height of the children that congregate at Glenwood Elementary School and Sleighton Park. One spark to the over 2.5 million pounds of propane, ethane, or butane gas and the entire gas cloud will ignite explosively, creating a 3,600 degree fire blanket with energy equivalent to the "Little Boy" nuclear weapon dropped over Hiroshima.

Sunoco's generic emergency protocol suggests that in the event of a known or suspected leak, residents should quickly move away from the pipeline on foot (cars could ignite the gas), upwind, to a distance of at least one-half mile. Assume for a moment that everyone within a half-mile of a pipeline knows the wind direction at all times- what if you are elderly, or very young, or just cannot sprint a half-mile at a moment's notice? Consider evacuating across rugged terrain, over fences, around buildings, through woods,

perhaps at night or in cold or inclement weather? Neither Sunoco, nor any other agency has done area-specific planning to safely evacuate schools or hospitals or elder care facilities in our densely populated, high consequence area. This lack of emergency preparedness is shockingly unacceptable.

The proposed Mariner East 2 pipeline is a completely unnecessary safety and health risk to the residents, businesses, and schools of Delaware County. It is unlike anything currently operating in our densely populated area. Its sole purpose: to improve the bottom line of Texas-based Sunoco by shipping materials overseas. If this pipeline is constructed, our community will be left with a ticking time bomb running under our feet, jeopardizing our property values, safety, and quality of life.

Seth Kovnat  
Middletown Coalition for Community Safety



## **Recommendations to Upper Providence Township**

### **1. Adopt a Resolution of Concern**

MCCS recommends that Upper Providence Township adopt a Resolution of Concern to be sent to the Governor, Secretary of the DEP, and the PUC, clearly articulating the townships concern regarding the siting of a high pressure NGL pipeline in a densely populated high consequence area. Two sample Resolutions of Concern are included in this packet- a draft Resolution of Concern that Media Borough is considering, as well as a draft Regional Draft Resolution of Concern that Swarthmore Borough is considering for adoption.

### **2. Engage with Other Municipalities Along the Pipeline Route**

Municipalities tend to function as separate entities regarding their own specific jurisdiction. In this particular case, MCCS recommends communication across municipalities in Delaware County, as the ME2 presents a health and safety risk to the County. There are multiple municipalities through which the 11.5 miles of pipeline will run through Delaware County. In addition, there are multiple municipalities outside the pipe's path that could potentially be impacted by a leak or explosion due to their proximity to the proposed pipe, and the proximity of the proposed pipe to the water supply. MCCS urges Upper Providence to work in collaboration with other municipalities to address this issue on the local, State, and Federal levels.

### **3. Conduct a Comprehensive Impact Study**

MCCS urges the Upper Providence to conduct a comprehensive impact study to determine the risks posed to the township. The impact study for UP should examine the how township residents could be impacted by a leak of gas with and without ignition. The study should also address questions such as how a leak or accident along the pipeline route might impact municipal water supply.

### **4. Develop a Credible Area Specific Notification and Evacuation Plan for residents**

MCCS recommends a credible area specific notification and evacuation plan for all residents, businesses, and schools within 3 miles of the pipeline, in the event of a gas leak without immediate combustion. The plan should address such factors as how to notify school residents if cell phones cannot be used, and how to evacuate residents on foot if vehicles cannot be used.

**5. Exercise Siting Authority via Pipeline Zoning Ordinances**

Currently there is no regulatory agency exercising siting authority over high pressure NGL pipelines. In other words, no state or federal agency is requiring a setback of any amount from public or private schools. However, the Pennsylvania Supreme Court on September 28, 2016 struck as unconstitutional portions of Act 13, thereby reaffirming the police powers of Pennsylvania municipalities' zoning powers in regards to oil and gas industry development, and further affirming that municipalities are in the best position to determine appropriate action to enhance and protect the health and safety of their residents. Therefore, it is the recommendation of MCCS that all local municipalities enact zoning ordinances that specify the necessary setback of *2500 feet from all public and private school, private residences, and businesses* to ensure the health and safety of our communities. MCCS and our legal team is available to assist in this process.

**6. Advocate at State and Federal Level for Regulatory Changes**

As previously discussed, the high pressure NGL pipeline is misclassified at the federal level and therefore escapes the type of regulatory process that would be applied to a typical natural gas pipeline. MCCS is working to address the classification and regulatory process on the State level (via the PUC) and Federal level (via PHMSA). MCCS urges Upper Providence Township to be an ally in this process and join us in advocating for the proper classification and regulatory framework to protect our communities, and in particular our schools, from a leak and/ or blast associated with a high pressure NGL pipeline.

**Borough of Media  
DELAWARE COUNTY**

**DRAFT RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION of the Media Borough Council, Delaware County expressing great concern to the Governor of the Commonwealth of Pennsylvania and to the Secretary of the Pennsylvania Department of Environmental Protection (PADEP) about pressurized hazardous liquids pipeline projects that increase the risk of catastrophic accidents and jeopardize the health, safety and welfare of Borough residents, especially when such projects provide no corresponding benefit within the Borough; and authorizing intervention in the PADEP permitting process for the proposed Sunoco Mariner East pipeline project.**

**WHEREAS**, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting hazardous and highly volatile liquids under high pressure through multiple municipalities in Delaware County, a “high consequence area,” using a repurposed pipeline installed in the 1930s with a capacity of 70,000 barrels (2,940,000 gallons) per day; and

**WHEREAS**, additional proposed Sunoco pipelines could, if constructed, transport through multiple municipalities in Delaware County an additional 275,000 barrels (11,550,000 gallons) or more per day of these same materials; and

**WHEREAS**, these materials, which are being transported through the County for the first time by Sunoco, are, if released, gaseous, invisible, odorless, toxic, heavier than air and highly flammable; and

**WHEREAS**, this project has the potential to jeopardize public safety in Delaware County by accidental leaks and explosions or fire; and

**WHEREAS**, the hazardous liquids which Sunoco is transporting and proposes to transport through Delaware County are overwhelmingly intended for export to overseas markets and customers; and

**WHEREAS**, the transportation of these hazardous liquids through Delaware County provides minimal if any benefit to either the municipality or its residents; and

**WHEREAS**, a leak of these hazardous liquids in Delaware County has the potential to jeopardize the health and safety of residents of and visitors to Media Borough, which is located less than 3 miles from the pipeline, and therefore within an evacuation zone in the case of leak, rupture, breach, and/ or explosion.

**WHEREAS**, Sunoco has a record of 270 hazardous liquids spills since 2006, more than any other pipeline operator tracked by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA); and

**WHEREAS**, Sunoco's plans for new pipelines are currently undergoing review by PADEP under the provisions of Title 25 of the Pennsylvania Code, Chapters 102 and 105, and as of Tuesday September 6, has sent Sunoco a 21 page letter explaining technical deficiencies in its application for stream and wetland crossing permit for Mariner East 2 for Delaware County and separately but on the same day sent Sunoco a 20-page letter explaining deficiencies in Sunoco's application for earth disturbance (erosion and sedimentation control) permits for Chester and Delaware Counties, as well as deficiency letters for Sunoco's applications for other parts of the proposed Mariner East 2 route; and

**WHEREAS**, section F Attachment 11, EA Form, page 2, Item 7 states "Is the water resource part of or located along a private or public water supply?" The Applicant checked "No." However, no documentation validating this statement is provided by the applicant. DEP is concerned that private and perhaps public water supply wells are located along crossed stream and wetland water resources and/or along the length of the HDD operations.

**WHEREAS**, the proposed pipeline route does in fact run through the Chester Creek Valley, which is the source of Media Borough's drinking water via Ridley Creek and Chester Creek, which supplies on average 1,830,000 gallons per day of drinking water, and the placement of the proposed pipeline could put Media Borough's high quality drinking water at risk of contamination; and

**WHEREAS**, Article 1 Section 27 of the Pennsylvania Constitution affirms that "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. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;" and

**WHEREAS**, the PA Supreme Court on September 28, 2016 struck down portions of Act 13, which previously limited municipal zoning powers in regards to oil and gas industry development, thereby affirming that municipalities are in the best position to determine appropriate action to enhance and protect the health and safety of its residents.

**WHEREAS**, the PADEP permitting process provides for intervention in the proceedings by interested parties such as Media Borough and such intervention will make the impact on and need for mitigation in Media Borough known; and

**WHEREAS**, Media Borough Council believes the Borough should intervene in the PADEP permitting process for the proposed Sunoco Pipeline Mariner East project pursuant to Council's interests in protecting the health, safety and welfare of Borough residents;

**NOW THEREFORE, BE IT RESOLVED** by the Media Borough Council, Delaware County that:

## **Section I**

The Borough expresses deep concern about the current and proposed Sunoco Mariner East pipelines to the Governor of the Commonwealth and the Secretary of the Pennsylvania Department of Environmental Protection. Of particular concern to Borough Council is the high level of risk to Borough residents which occurs as a result of unacceptable combinations of likelihood and severity. This risk must be demonstrably mitigated by such measures as the development of a comprehensive independent risk assessment study of all of Delaware County, including Media Borough, as well as the development of an incident response plan which includes (but is not limited to) viable worst-case evacuation routes; enhanced safety equipment and safety training for first responders; and separation of new pipelines from existing residences by a distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines. The township expresses and conveys these deep concerns to the Governor and Secretary of the PADEP.

## **Section II**

Media Borough, Delaware County declares itself an interested party in all proceedings before any and all County, State, Federal, and any other regulatory agencies involved in the approval of facilities which could increase the shipment of hazardous liquids through Delaware County in close proximity to Media Borough, including but not limited to petroleum, petroleum products, and natural gas liquids.

## **Section III**

The Media Borough Council, Delaware County authorizes an impartial solicitor to in the PADEP permitting process for the proposed Sunoco Mariner East project and any other proposed hydrocarbon extraction or transportation project that comes under consideration within the their municipal boundaries, including, but not limited to demand for an open comment period of no less than 60 days upon the resubmission of Sunoco Logistics permitting application to the PA-DEP, and demand for a public hearing to be held in Delaware County to address the public health, safety, and water contamination concerns of Delaware County municipalities.

**ADOPTED** by the Media Borough Council, Delaware County, Pennsylvania, at the regular meeting of said Board held this \_\_\_\_ day of \_\_\_\_\_ 2016.

Media Borough, Delaware County, Pennsylvania



## MUNICIPALITIES OF DELAWARE COUNTY

### DRAFT REGIONAL RESOLUTION

**A RESOLUTION of the undersigned municipalities of Delaware County, expressing great concern to the Governor of the Commonwealth of Pennsylvania, the Secretary of the Pennsylvania Department of Environmental Protection (PADEP) and the Chairman of the Pennsylvania Public Utility Commission (PUC) about proposed hazardous liquids transmission pipeline projects that increase the risk of catastrophic accidents and jeopardize the health, safety and welfare of Delaware County residents, especially when such projects provide little or no corresponding benefits within the municipalities listed below; and authorizing intervention in the PADEP permitting process for the proposed Sunoco Mariner East pipeline project.**

**WHEREAS**, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting hazardous, highly volatile liquids under high pressure through multiple municipalities in Delaware County, a “high consequence area,” using a repurposed pipeline installed in the 1930s with a capacity of 70,000 barrels (2,940,000 gallons) per day; and

**WHEREAS**, additional proposed Sunoco pipelines could, if constructed, transport through multiple municipalities in Delaware County an additional 275,000 barrels (11,550,000 gallons) or more per day of these same materials; and

**WHEREAS**, these materials, which are being transported through Delaware County for the first time by Sunoco, are, if released, gaseous, invisible, odorless, toxic, heavier than air and extremely flammable or explosive; and

**WHEREAS**, this project has the potential to jeopardize public safety in Delaware County by accidental leaks and explosions or fire; and

**WHEREAS**, the hazardous, highly volatile liquids which Sunoco is transporting and proposes to transport through Delaware County are overwhelmingly intended for export to overseas markets and customers; and

**WHEREAS**, the transportation of these hazardous, highly volatile liquids through Delaware County provides minimal if any benefit to either the municipalities listed below or their residents; and

**WHEREAS**, a leak of these hazardous, highly volatile liquids in Delaware County has the potential to jeopardize the health, safety and welfare of residents of and visitors to the municipalities listed below, many of which are located less than 3 miles from the proposed pipeline, and which therefore lie within an evacuation zone in the case of a worst case pipeline failure, leak, fire or explosion; and

**WHEREAS**, a leak of the hazardous, highly volatile liquids which Sunoco proposes to transport through Delaware County has the potential to render some or all evacuation routes

impassable, and no credible area-specific plan has been developed for the large scale evacuation of the population within the blast radius of the proposed pipeline; and

**WHEREAS**, Sunoco has a record of 274 hazardous liquids spills since 2006, more than any other pipeline operator tracked by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA); and

**WHEREAS**, Sunoco's plans for new pipelines are currently undergoing review by PADEP under the provisions of Title 25 of the Pennsylvania Code, Chapters 102 and 105, and as of Tuesday September 6, PADEP has found Sunoco's applications deficient for a wide range of reasons including but not limited to failing to comply with municipal stormwater management and floodplain management plans across the Commonwealth; and

**WHEREAS**, PADEP and municipalities have expressed their concern that Sunoco's proposed project has the potential to affect private and municipal water supplies along the proposed pipeline route; and

**WHEREAS**, the proposed pipeline route runs through the Chester Creek watershed, which is the source of drinking water via Ridley Creek and Chester Creek, which supplies on average 1,830,000 gallons per day of drinking water, and the placement of the proposed pipeline could put multiple municipalities water supply at risk of contamination; and

**WHEREAS**, Article 1 Section 27 of the Pennsylvania Constitution states that "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. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;" and

**WHEREAS**, the Pennsylvania Supreme Court on September 28, 2016 struck as unconstitutional portions of Act 13, thereby reaffirming the police powers of Pennsylvania municipalities' zoning powers in regards to oil and gas industry development, and further affirming that municipalities are in the best position to determine appropriate action to enhance and protect the health and safety of their residents; and

**WHEREAS**, the PADEP permitting process provides for intervention in the proceedings by interested parties such as the undersigned municipalities, and such intervention will make the impact on their residents, known, along with their need for mitigation; and

**WHEREAS**, the undersigned municipalities believe that they should intervene in the PADEP permitting process for the proposed Sunoco Pipeline Mariner East project pursuant to their interests in protecting the health, safety and welfare of their residents;

**NOW THEREFORE, BE IT RESOLVED** that:

## **Section I**

The undersigned municipalities expresses deep concern about both the current and proposed Sunoco Mariner East pipelines to the Governor of the Commonwealth, the Secretary of the Pennsylvania Department of Environmental Protection, and the Chairman of the Pennsylvania Public Utility Commission. Of particular concern is the critical level of risk to area residents which occurs as a result of unacceptable combinations of likelihood and severity. This risk must be demonstrably mitigated by such measures as the development of a comprehensive independent risk assessment study of all of Delaware County, as well as the development of an incident response plan which includes (but is not limited to) viable worst-case evacuation routes; enhanced safety equipment, safety training and emergency plans for first responders; and separation of new pipelines from existing residences, schools, businesses and hospitals by a distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines.

## **Section II**

The undersigned municipalities declare themselves interested parties in all proceedings before any and all County, State, Federal, and any other regulatory agencies involved in the approval of facilities which could increase the shipment of hazardous liquids through Delaware County, including but not limited to petroleum, petroleum products, and natural gas liquids.

## **Section III**

The undersigned municipalities are prepared to authorize and utilize appropriate resources for the purpose of intervening in the PADEP permitting process for the proposed Sunoco Mariner East project and any other proposed hydrocarbon extraction or transportation project that comes under consideration within the their municipal boundaries, including, but not limited to demand for an open comment period of no less than 60 days upon the resubmission of Sunoco Logistics permitting application to the PA-DEP, and demand for a public hearing to be held in Delaware County to address the public health, safety, and water contamination concerns of Delaware County municipalities.

**ADOPTED** in Delaware County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2016.