



Senator John C. Rafferty, Jr. (R-44)

Testimony

provided to the

**Senate Environmental Resources & Energy Committee and
Senate Consumer Protection & Professional Licensure**

provided for the

Joint Hearing on Pipeline Safety | March 20, 2018

Introduction

I commend Chairman Gene Yaw, Chairman Robert (Tommy) Tomlinson and their staff for organizing this joint hearing to address the safety and management issues of pipeline operations in this Commonwealth. Pennsylvania has seen a significant increase in pipeline construction over the last several years, mainly due to the Marcellus Shale developments throughout the State. Consequently, this increase in energy distribution and infrastructure has resulted in substantial concerns over the safety of these pipelines in communities across the 44th Senatorial District and beyond. The safety and well-being of our constituents should always be our top priority. Although the purpose of this joint hearing is to address pipeline safety, I would be remised if I did not also mention the negative impacts of the Sunoco Pipeline's Mariner East II pipeline on the constituents of my Senatorial District and the surrounding region.

Mariner East II Pipeline

Despite the positive economic impact of the construction of the Mariner East II pipeline in the Commonwealth, including an increase in good-paying jobs and investments in communities throughout the State, it has become necessary to hold this joint hearing to review and address the resounding public safety concerns (and environmental impacts) from this pipeline's construction. The sheer volume of permit and environmental violations along this 306-mile stretch of pipeline has led to numerous lawsuits, spoiled wells, ground sinkholes and polluted waterways. Sunoco Pipeline's seemingly wanton disregard for the safety of our constituents living in these communities demonstrates their inability to appropriately manage the laws, regulations, permits and logistics associated with this pipeline project. It is important to note that there are currently other pipeline projects underway in Pennsylvania that have received little or no landowner complaints and environmental violations. Unfortunately, Sunoco Pipeline has distinguished itself through repeated misconduct, mismanagement and deliberate violations.

Despite this, it is my belief that the workers on the ground constructing these pipelines are highly-skilled professionals who do an excellent job building the infrastructure needed to manage these projects as safely and efficiently as possible. The real problem that has been evident all along, in the Mariner East II pipeline (and more recently with the Mariner East I pipeline), is the mismanagement at the higher levels within the company.

Furthermore, there has been an ongoing lack of transparency throughout the course of the Mariner East II pipeline on the part of Sunoco Pipeline. In most cases, our first responders do not have the knowledge or equipment necessary to manage these risks due to the lack of transparency and training. In the event of a leak, an explosion or a fire in or around this pipeline (and other pipelines), those who should be well-equipped and trained to handle these types of emergency situations are uninformed on how to safely and efficiently contain the situation.

There has always been a measure of risk associated with pipelines, both in the construction phase and throughout the entire life of the pipeline. Pipelines have been used safely for decades to transport oil, gas and other liquids throughout the Commonwealth. However, this risk has significantly increased with pipelines that transport large volumes of volatile liquids under high pressure through high-density population areas, as is the case with the Mariner East II pipeline.

As a State Senator, I am obligated to the constituents of my Senatorial District to ensure their concerns are being addressed and, if necessary, initiate legislation (or other courses of action) to address the fundamental failings of Mariner East II pipeline. My constituents need me to argue on their behalf and, most importantly, hold the Commonwealth accountable to maintain their safety. It is obvious that Sunoco Pipeline has not held themselves to the highest possible standard, including being accountable to our constituents. Unfortunately, there are many instances where Sunoco Pipeline has demonstrated their ineptitude to adhere to safety and environmental standards.

In one incident, the Mariner East II pipeline was shut down and Sunoco Pipeline was forced to pay a \$12.6 million fine to the Pennsylvania Department of Environmental Protection (DEP). DEP halted work on this pipeline due to a pattern of violations culminated by one blatant drilling violation in which they changed construction plans without prior approval by using a drilling technique not approved under their permit. Further, the most recent shut down came when the Mariner East I pipeline was operationally halted due to sink holes that were mostly precipitated by the construction of the Mariner East II pipeline, including an unreported and exposed portion of the pipeline (based on my understanding). In another incident, Sunoco Pipeline's drilling operations contributed to the contamination of 14 private water wells with drilling mud. These are merely various examples in a string of willful violations that Sunoco Pipeline has committed throughout the course of this project. It is evident to me that Sunoco Pipeline has set the standard on what not to do when constructing a pipeline properly.

Commonwealth Oversight

In addition, it has become apparent through the course of pipeline construction in the State that certain Commonwealth agencies have not provided the necessary oversight to assure safety, environmental compliance and adherence to permitting restrictions. Although I applaud DEP for

their recent decision to halt construction of the Mariner East II pipeline, there are several instances where DEP and the Pennsylvania Public Utility Commission (PUC) have been wholly unresponsive to our constituents' concerns. As a result, I heard from my constituents about their concerns regarding safety, environmental degradation, lack of responsible oversight by Commonwealth agencies (and Sunoco Pipeline) and a disregard of property owners' rights.

Pending Legislation

Due to the concerns raised by our constituents regarding the lack of Commonwealth agency oversight and the constant hazardous actions on the part of Sunoco Pipeline, Senator Andrew Dinniman (D-19) and I have introduced a package of bills to address pipeline safety (that are available on our websites). To illustrate, I introduced legislation that would centralize pipeline safety inspection within the Pennsylvania Department of Transportation, establish notification requirements to residents, mandate pre-construction hydrological studies, etc.

Conclusion

In closing, I again thank the Chairmen and their staff for helping to organize and schedule this much needed joint hearing. I will continue to advocate for accountability and transparency on the implementation of this pipeline project, other existing projects and future projects. It is my hope that both DEP and the PUC will become much more effective in overseeing pipeline projects in the future. It is also my hope that this joint hearing will inform our constituents throughout the State on the measures being undertaken by Commonwealth agencies to maintain safety and to remedy the shortcomings of current pipeline construction practices. If this Administration, Commonwealth agencies, and Sunoco Pipeline continue to undermine safety, additional corrective legislation will be launched for the safety and well-being of our constituents and communities across the State.