



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

September 4, 2018

Administrator

1200 New Jersey Ave., S.E.
Washington, DC 20590

Honorable Theresa Santalucia, Chairman
Honorable Michele Moll, Vice-Chairman
Honorable Beth Jones
Board of Supervisors
West Whiteland Township
101 Commerce Drive
Exton, PA 19341

Dear Chairman Santalucia, Vice-Chairman Moll, and Ms. Jones:

Thank you for your letter of July 20, 2018, regarding your concerns about the proposed re-purposing of an existing 12-inch Sunoco Logistics pipeline from petroleum products to natural gas liquids (NGLs). This pipeline extends from Wallace Township, Chester County, to Middletown Township, Delaware County, and will supply NGLs to Sunoco customers during construction of the Mariner East 2 and 2X pipelines. I appreciate your concern for the well-being of the residents of West Whiteland Township and the protection of the surrounding environment and is one shared by PHMSA and by me personally.

The Pipeline and Hazardous Materials Safety Administration's (PHMSA) mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials essential to our daily lives. PHMSA does this by administering a national regulatory safety program for our country's 2.8 million miles of interstate and intrastate pipelines, which requires that pipeline operators design, construct, operate, and maintain their pipeline facilities in compliance with the Federal pipeline safety regulations (49 C.F.R. Parts 190-199) (PSRs). To ensure that operators comply with these regulations, PHMSA and its state partners conduct inspections on federally regulated pipeline facilities. While the PSRs set forth the minimum standards with which operators must comply, our state partners may have additional or more stringent regulations for intrastate pipelines.

In your letter, you outline several concerns about the project and posed seven questions, which I have restated and answered as follows:

1. What approvals does Sunoco Pipeline need from PHMSA to repurpose this pipeline to carry natural gas liquids?

PHMSA does not issue approvals, permits, or certificates of compliance for the repurposing of pipelines. However, PHMSA does inspect documentation and records to ensure that an operator can demonstrate that a pipeline intended to be re-purposed for hazardous liquids meets the requirements of the PSRs, particularly those found in 49 C.F.R. Part 195. Also,

pursuant to 49 CFR § 195.64 (c)(1)(i) through (iii), “[a]n operator must notify PHMSA of any of the following events not later than 60 days before the event occurs:

(i) Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe that costs \$10 million or more. If 60-day notification is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable;

(ii) Construction of 10 or more miles of a new or replacement hazardous liquid or carbon dioxide pipeline;

(iii) Reversal of product flow direction when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow; or,

(iv) A pipeline converted for service under § 195.5 or a change in commodity as reported on the annual report by § 195.49.

To clarify and explain PHMSA’s role related to pipeline flow reversals, product changes, and conversions to service, PHMSA issued *Advisory Bulletin PHMSA ADB -2014-04* in September 2014 to owners and operators of onshore hazardous liquid and gas transmission pipeline systems. The advisory bulletin was issued to help operators better understand how to comply with the regulations. It describes the specific notification requirements and general operating, maintenance, and integrity management actions pertaining to what are called “flow reversals,” product changes, and “conversions to service.” The document also recommends additional actions operators should take when these operational changes are made, including the submission of a comprehensive written plan to the appropriate PHMSA regional office prior to implementation. The advisory bulletin is available on our website¹ and is enclosed for your reference. I can assure you that our Eastern Region office is scrutinizing Sunoco’s documentation to ensure its adequacy under our regulations.

2. Is Sunoco required to provide any public notice to the residents in the communities in which the repurposed pipeline is located about this proposed change before it is approved?

The PSRs require operators to develop and follow a program for “public awareness” regarding their pipeline facilities and to work with the local emergency response community.

Under 49 CFR § 195.440, *Public Awareness*, each pipeline operator must develop and implement a written continuing education program that follows the guidance provided in the American Petroleum Institute’s (API) Recommended Practices (RP) 1162, 1st Edition. The regulations state that the operator must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation-related activities on the use of a One-Call notification system, such as 811. Your township or county should already have an ongoing relationship with Sunoco to understand the line’s unique attributes and to learn how to respond to any leaks or emergencies. Pipeline operators must also include

¹ See <https://www.phmsa.dot.gov/regulations-fr/notices/2014-22201>

provisions to educate the public along the pipeline on: (1) the possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline; (2) any physical indications that such a release may have occurred; and (3) any steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide release.

API RP 1162 Section 4.3.4, *Liaison with Emergency Officials*, further provides that all pipeline operators should provide information to the affected public and excavator stakeholder groups, describing the ongoing relationship between the operator and local emergency response officials. Section 4.4, *Emergency Preparedness Communications*, states that communicating periodically with local emergency officials is an important aspect of all Public Awareness Programs. Operators should also provide a summary of emergency preparedness information to local public officials and confirm that detailed information has been provided to emergency response agencies in their jurisdictions. The pipeline operator should provide information to the emergency officials on the follow topics:

- Section 4.4.1 Priority to Protect Life;
- Section 4.4.2 Emergency Contacts;
- Section 4.4.3 Emergency Preparedness Response Plans; and
- Section 4.4.4 Emergency Preparedness -- Drills and Exercises.

Additionally, under 49 CFR § 195.402 (e), *Emergencies*, operators must prepare and follow written procedures that include notifying fire, police, and other appropriate public officials of hazardous liquid or carbon dioxide pipeline emergencies and must coordinate with them on pre-planned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

3. *Will Sunoco be required to upgrade some or all of this pipeline before it is permitted to convey natural gas liquids through it?*

As stated previously, PHMSA does not issue approvals, permits, or certificates of compliance for the re-purposing of pipelines, but it does have regulations governing the safe operation of pipeline facilities, including standards to ensure that any potential impacts on integrity from flow reversals and product changes are addressed by the operator to provide for public safety. Therefore, operators may commence flow reversals and product changes as long as they comply with those safety standards. PHMSA is currently inspecting this 12-inch pipeline and reviewing the operator's integrity assessment and other documentation to determine whether it requires additional safety measures to meet the requirements of 49 CFR Part 195. If, after our review and inspection, we determine that certain actions must be taken by the operator before the pipeline can be made operational in its new, re-purposed role, the operator will have to comply with all PHMSA requirements or directions designed to ensure the integrity of the pipeline.

4. *Could an overview be provided of the steps to be taken by Sunoco and regulators to ensure an 80+ year old pipe, designed to carry petroleum products at low pressure, is capable of sustaining the increased operating pressure associated with the natural gas liquids and will operate safely?*

As already noted, PHMSA is currently reviewing Sunoco documentation and records for this 12-inch pipeline as part of PHMSA's inspection, to ensure that Sunoco has demonstrated that this pipeline meets the requirements of the PSRs.

5. *How old is the actual pipe in the ground? In other words, how long has it been since the segments in West Whiteland Township have been replaced?*

The original pipeline was built in 1937. Throughout the life of the pipeline, different sections of pipe have been replaced or repaired to comply with the PSRs, including the operator's own integrity management plan or for other business reasons.

6. *Is this 12" pipeline the same pipeline that recently leaked petroleum into Darby Creek near the Philadelphia Airport?*

The pipeline that leaked near the Philadelphia Airport is part of this same 12-inch pipeline system. However, the compromised section of the pipeline, from Point Breeze to Glen Riddle, will not be included in the re-purposing and will continue to transport refined products.

7. *What requirements does Sunoco have to report any approved changes to the Pennsylvania One-Call System and emergency responders?*

There are no requirements under the PSRs for Sunoco to report the re-purposing of the 12-inch line to Pennsylvania One-Call. It is our understanding that the Pennsylvania One-Call System, under PA Act 287, as amended, requires notification of changes if the physical location of the pipeline is changed. With regard to reporting changes to emergency responders, PHMSA's advisory bulletin states: "Operators should enhance their communication with affected stakeholders concerning the changes with supplemental messages per API RP 1162 (incorporated by reference §§ 192.7 and 195.3). Public Awareness Communication should start in the project's planning stage, continue into the operations phase, provide project specific information, and be responsive to the concerns of potentially affected persons." This includes local emergency-response officials.

Thank you for your commitment to safety and the protection of the environment. If you require additional information or assistance, please contact the lead Community Liaison for the Commonwealth of Pennsylvania, Mr. Ian Woods. Mr. Woods can be reached by telephone at (609) 468-9478 or by email at ian.woods@dot.gov. I hope this information has been helpful.

Sincerely,



Howard R. Elliott

Enclosure