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February 4, 2019

Via Electronic Filing
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: In Re: Meghan Flynn, et al. v. Sunoco Pipeline, L.P.
Docket Numbers: C-2018-3006116; P-2018-3006117

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Petition to Intervene of West Whiteland Township, Chester County, Pennsylvania with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Very Truly Yours,

Lamb McErlane, PC

By: /s/ Vincent M. Pompo

Vincent M. Pompo

Solicitor for West Whiteland Township

VMP/ajb
Enclosures
cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Meghan Flynn, Rosemary Fuller	:	
Michael Walsh, Nancy Harkins, Gerald	:	Docket No. C-2018-3006116
McMullen, Caroline Hughes and	:	
Melissa Haines	:	Docket No. P-2018-3006117
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

**PETITION TO INTERVENE OF WEST WHITELAND TOWNSHIP, CHESTER
COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code §§ 5.71-5.75, West Whiteland Township, Chester County, Pennsylvania (the “Township”) hereby petitions to intervene in the above-captioned proceeding.

In support thereof, the Township submits as follows:

A. THE TOWNSHIP

1. West Whiteland Township, Chester County, Pennsylvania is a township of the second class with an address of 101 Commerce Drive, Exton, PA 19341 and a telephone number of (610) 363-9525.
2. The Township has a population of over 18,000 located within 13 square miles and a density of more than 1,400 per square mile.
3. The Township is one of the key commercial centers of Chester County and contains more places of public assembly than any other location within Chester County, except West Chester.
4. The pipelines of Respondent Sunoco Pipeline, L.P. (“Sunoco”) at issue come, or are proposed to come, into the Township through the center of the commercial district; are

located next to the largest mall in the County; run behind the County library; are under Route 30 and Amtrak/SEPTA rail lines and are also located within close proximity to schools, senior care facilities and apartment complexes.

5. The Township, as a township of the second class, is governed, *inter alia*, by the Pennsylvania Second Class Township Code, 53 P.S. § 65101 *et seq.*
6. The Township's attorneys in this matter are:

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West Chester, PA 19381-0565
(610) 430-8000
vpompo@lambmcerlane.com

Alex J. Baumler, Esquire
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(610) 430-8000
abaumler@lambmcerlane.com

7. The Township petitions to intervene in the above-captioned proceeding.
8. The Township requests to receive all documents electronically to the above-listed email addresses as allowed by 52 Pa. Code § 1.54(b)(3).

B. THE ABOVE-CAPTIONED PROCEEDING.

9. On November 19, 2018, Petitioners/Complainants Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines (collectively the "Flynn Complainants") filed a Complaint against Respondent Sunoco at Docket No. C-2018-3006116, and concurrently therewith, a Petition for Interim

Emergency Relief against Sunoco at Docket No. P-2018-3006117, which have been consolidated.¹

10. The Flynn Complainants averred that their properties in Chester and Delaware Counties were in close proximity to the Mariner East 1 (“ME1”) pipeline and/or a work-around 12-inch diameter pipeline that circumvents stopped construction on the Mariner East 2 (“ME2”) and Mariner East 2X (ME2X).² At times, these Sunoco pipelines are referred to collectively as “the ME Pipelines”.
11. The Flynn Complainants also averred that ME1, ME2, ME2X and the work-around pipelines carrying or intended to carry HVLs are inherently dangerous and due to their location in Chester and Delaware Counties (high consequence areas), a pipeline rupture there would be catastrophic.
12. The Flynn Complainants further contend that ME1 is being operated and the work-around pipeline is about to be operated³ without an adequate public awareness program, emergency notification system, or credible emergency management plan in violation of 49 CFR § 195.440. The Flynn Complainants contend that Sunoco is violating 49 CFR § 195.248 in that ME1 and the work-around pipeline are located within 50 feet of private dwellings or industrial buildings or places of public assembly without at least 4 feet of cover.

¹ On December 11, 2018, Administrative Law Judge Elizabeth Barnes issued Order denying relief to the Flynn Complainants that would affect the temporary cessation of operations of ME1 and construction of the ME2 work-around pipeline and certified that Order to the Commission. On January 17, 2019, the Commission affirmed ALJ Barnes’ Order denying relief.

² ME1 is currently operational. ME2 and ME2X are not currently operational. The work-around 12 inch pipeline is a 1930s era pipeline that had been carrying petroleum products such as gasoline until Sunoco repurposed it to connect to ME2 in order to carry highly volatile liquids (HVLs).

³ The work-around pipeline became operable on or about December 29, 2018.

13. The Flynn Complainants' three-count Complaint requested that the Commission enter an Order directing Sunoco permanently to (a) cease operation of the 8-inch ME1 pipeline; (b) cease operation of the workaround pipeline, ME2, and ME2X; and (c) grant such other and further relief as may be appropriate.

C. THE TOWNSHIP'S INTEREST IN INTERVENTION

14. All of the various pipelines identified above run the length of West Whiteland in direct proximity, sometimes within feet, of homes, businesses and gathering places. Attached as Exhibit "A" is a diagram of Sunoco's HVL pipelines within the Township.
15. In July of 2017, construction of Sunoco's Mariner East 2 pipeline caused turbulence in residential wells in West Whiteland.
16. On November 17, 2017, March 2 and March 3, 2018, three (3) sinkholes opened along Sunoco's pipelines within West Whiteland Township. The Township has previously been granted intervention in related complaints and enforcement actions filed with the Commission relating to these sinkhole occurrences.
17. On January 20, 2019, a fourth sinkhole opened along Sunoco's pipelines located at Lisa Drive in the Township which again has resulted in the shutdown of operation and construction of the pipelines within the Township.
18. The continuing development of sinkholes along Sunoco's pipelines demonstrates that Sunoco's operation and construction of the Mariner pipelines pose an immediate potential for catastrophic harm which threatens the health, safety and welfare of the Township's citizens.

19. The Township has a direct, substantial and immediate interest in this matter as a municipal entity obligated under the Pennsylvania Second Class Township Code, 53 P.S. § 65101 *et seq* to protect the health, safety and welfare of its citizens and the members of the public that work and traverse through the Township, including assurance of proper disaster prevention and response, that is unique, and not represented by any other party in the proceeding in which the ME Pipelines are physically located. 52. Pa. Code §69.1101.
20. The Township has a direct, substantial and immediate interest in this matter as a trustee of the natural resources contained within the Township pursuant to PA CONST. art. I, § 27 (Natural Resources and the Public Estate), commonly referred to as the Environmental Rights Amendment, in protecting the natural resources, environment and quality of life in its jurisdiction.
21. Participation by the Township in this proceeding is in the public interest.
22. No other party to this proceeding possesses an interest identical to that of the Township.
23. The Township possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.
24. The Township's intervention will not prejudice the parties to this matter nor cause undue delay.

D. REQUESTED RELIEF

25. The Township seeks intervention to request the following relief:
 - a. That the Commission order Sunoco to develop and install a mass early warning notification system at all potentially affected properties located within the Township which would provide immediately notice of a leak, potential explosion or other failure in the pipeline system;
 - b. That the Commission order Sunoco to provide a Township specific comprehensive public education or emergency response plan designed to inform and educate the

public and Township Officials and Staff on proper and effective disaster prevention and response; and

- c. Such further relief as may become available during the proceedings on this matter.

WHEREFORE, West Whiteland Township respectfully requests that this Honorable Commission grant this petition to intervene, providing the Township with full-party status in this proceeding.

Respectfully submitted,

LAMB MCERLANE PC

By: /s/ Vincent M. Pompo
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Alex J. Baumler
Attorney I.D. # 315760
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*Attorneys for Intervenor
West Whiteland Township*

Dated February 4, 2019

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of West Whiteland Township's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

Via First Class Mail

Thomas J. Sniscak, Esq.
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Pinnola & Bomstein
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Raiders Law, PC
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Reading, PA 19601

Leah Rotenberg, Esq.
Mays Connard & Rotenberg, LLP
1235 Penn Avenue, Suite 202
Wyomissing, PA 19610

Dated: February 4, 2019










/s/ Vincent M. Pompo
Vincent M. Pompo, Esq.

EXHIBIT A

Pipelines Map

WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

Map Features

-  Municipal Buildings
-  Public Libraries
-  Ambulance Stations
-  Fire Stations
-  Police Stations
-  Sunoco 8" Pipeline
-  Sunoco 12" Pipeline
-  Shopping Areas
-  Parks & Facilities

Map Features

-  Rail Stations
-  Major Roads
-  Local Roads
-  Railroad Lines
-  Municipal Boundaries
-  Parcels

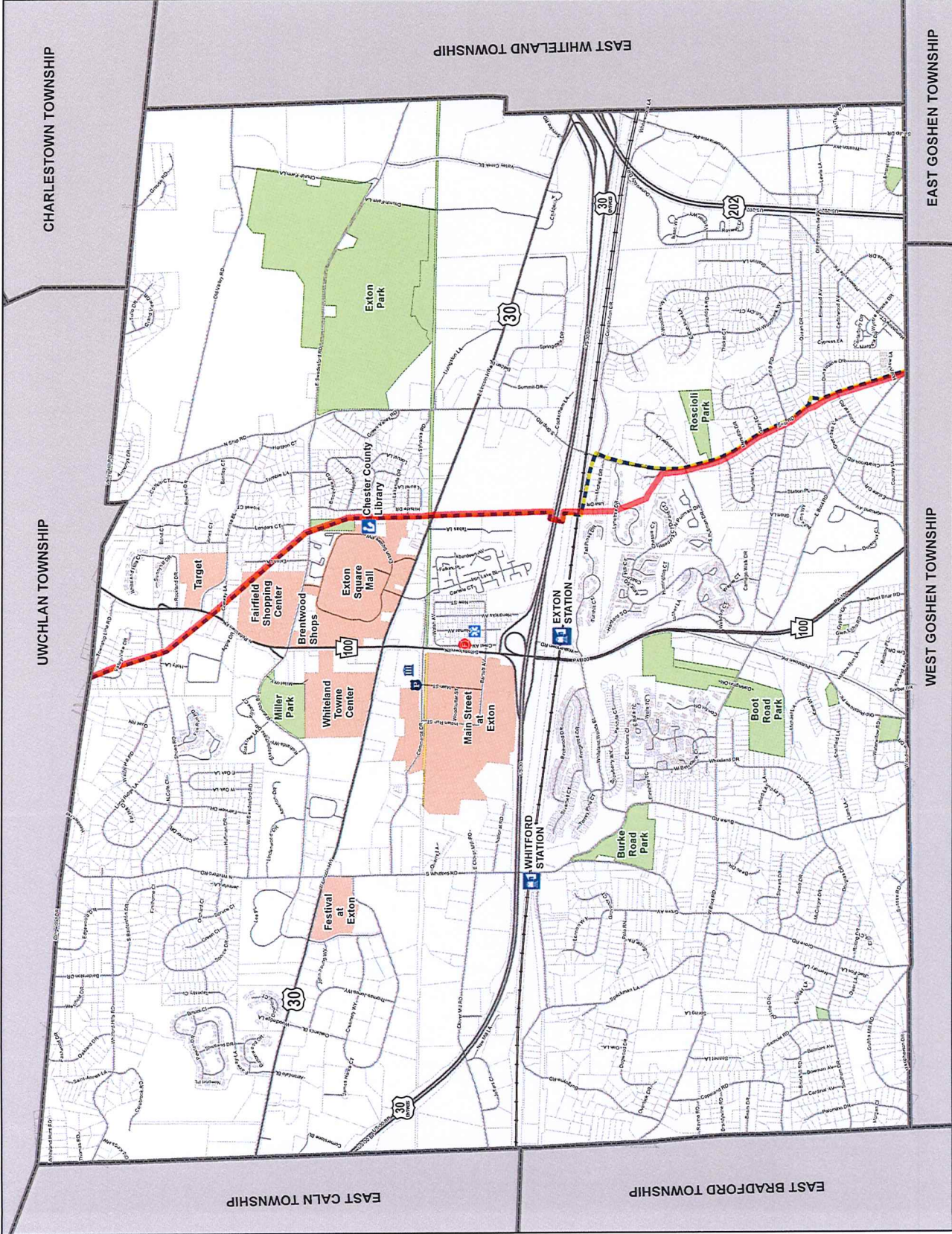
Notes:
The existing 8" Sunoco Mariner East 1 pipeline travels parallel with the existing Sunoco 12" pipeline through much of the Township.



Neither the United States Government nor any party involved in the creation and compilation of IPFMS data and maps, guarantees the accuracy or completeness of the data. The data is provided as considered to more accurate than +/- 500 feet and must never be used as a substitute for contacting the appropriate local PA&B11 one-call center prior to digging.)



Prepared by: West Whiteland Township, 2019
Data Source: National Pipeline Mapping System (IPFMS), 2013
& Chester County DCIS, 2019



VERIFICATION

I, Mimi Gleason, hereby state that I am the Manager of West Whiteland Township, Chester County, Pennsylvania and am duly authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 2/4/2019



Mimi Gleason,
West Whiteland Township Manager