

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Megan Flynn, Rosemary Fuller,	:	Docket No. C-2018-3006116
Michael Walsh, Nancy Harkins,	:	Docket No. P-2018-3006117
Gerald McMullen, Caroline Hughes	:	
and Melissa Haines	:	
	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.	:	
a/k/a Energy Transfer Partners	:	
	:	

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**PETITION TO INTERVENE OF  
THORNBURY TOWNSHIP, DELAWARE COUNTY**

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Pursuant to 52 Pa. Code § 5.71, et seq., Thornbury Township, Delaware County, hereby petitions to intervene in the above-captioned consolidated proceedings. In support thereof, Thornbury Township submits as follows:

1. Petitioner is Thornbury Township, a Second Class Pennsylvania Township with its principal office located at 6 Township Drive, Cheyney, PA 19319.
2. Thornbury Township attorneys in this matter and all documents should be served upon:

James J. Byrne, Esq.  
Kelly S. Sullivan, Esq.  
McNichol, Byrne & Matlawski, P.C.  
1223 N. Providence Road  
Media, PA 19063  
[jjbyrne@mbmlawoffice.com](mailto:jjbyrne@mbmlawoffice.com)  
[ksullivan@mbmlawoffice.com](mailto:ksullivan@mbmlawoffice.com)

Counsel for Thornbury Township is authorized to accept service on its behalf. Thornbury Township requests that the Commission and all parties of record serve copies of all documents electronically on its counsel of record.

3. On November 19, 2018, Complainants filed a Complaint against Respondent, Sunoco Pipeline, L.P (hereinafter “Sunoco”) at Docket No. C-2018-3006116. Concurrent to the filing of the Complaint, Complainants filed a Petition for Interim Emergency Relief against Sunoco at Docket No. P-2018-3006117.

4. The Complaint asserts that the Mariner East Pipeline 1 (“ME1”) owned and operated by Sunoco Pipeline, L.P. a/k/a Energy Transfer Partners (“Sunoco”) and the associated workaround pipeline are being operated without adequate emergency notification system or legally adequate emergency management plans and that, as a result, the Complainants are in imminent risk of catastrophic and irreparable loss, serious injury to life and damage to their homes and properties. The Complaint further asserts that Sunoco’s actions constitute unreasonable, unsafe, inadequate, and insufficient service which violates Section 1501 of the Pennsylvania Public Utility Code (“the Code”). *See* 66 Pa.C.S.A. 1501.

5. Complainants’ additionally filed an Amended Complaint on November 19, 2018 asserting that the highly volatile liquids pipeline mishaps that have occurred, together with the data collected by the Commission’s Bureau of Investigation and Enforcement, strongly suggest that Sunoco’s integrity management program is not functioning in compliance with applicable law and that the valve sites for highly volatile liquids pipelines represent high-risk areas.

6. On or about January 7, 2019, Sunoco filed an Answer to the Amended Complaint denying all allegations.

7. On January 10, 2019, Sunoco further filed Preliminary Objections to the Amended Complaint.

**THORNBURY TOWNSHIP, DELAWARE COUNTY'S  
INTEREST IN THE PROCEEDINGS**

8. Thornbury Township, Delaware County is a second class township located in Delaware County.

9. Sunoco's ME1 and Mariner East 2 ("ME2") and Mariner East 2X ("ME2X") pipelines right of way traverses Thornbury Township, Delaware County.

10. Thornbury Township and its residents are directly affected by the ME pipelines, particularly as it relates to public safety.

11. Sunoco intends to utilize horizontal directional drilling ("HDD") for the construction and installation of the ME2 and ME2X in Thornbury Township, Delaware County. The areas in which Sunoco maintains the ME1 HCA and pipeline and owns the ME2 and ME2X rights of way in Thornbury Township, Delaware County abut residential areas.

12. In the fall of 2017, Sunoco experienced one (1) failed directional drilling, followed by one (1) failed intercept drilling and then a third (3<sup>rd</sup>) directional drilling attempt with a new hole was finally completed in Thornbury Township, Delaware County.

13. To date, Sunoco's HDD for the ME2 and ME2X pipeline in Thornbury Township, Delaware County has resulted in four (4) inadvertent returns. The Township further believes and therefore avers that to date, Sunoco's HDD for the ME2 and ME2X pipeline in adjacent Edgmont Township, Delaware County has resulted in two (2) inadvertent returns.

14. Section 5.72 of the Public Utility Commission's regulations govern eligibility of parties to intervene in PUC proceedings.

15. A petition to intervene in a proceeding is permitted for "an interest which may be

directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceedings.” 52 Pa. Code § 5.72(a)(2).

16. The existing ME1 pipeline traverses Thornbury Township, Delaware County and is located in close proximity to residential dwellings and commercial establishments. The proposed ME2 and ME2X pipeline are also located in close proximity to residential dwellings and commercial establishments.

17. Thornbury Township, Delaware County has addressed its concerns for the health and wellbeing of its residents to the Commission urging the Commission to exercise its authority to hold Sunoco accountable in the interest of public safety. True and correct copies of the Township letters dated June 6, 2018, July 19, 2018 and January 14, 2019 are attached hereto as Exhibit “A.”

18. Thornbury Township’s eligibility to intervene is governed by Section 5.72 of the Public Utility Commission’s regulations, 52 Pa. Code 5.72.

19. Under the Code, Sunoco is required to maintain safe and reasonable facilities. 66 P.S. 1501.

20. Sunoco opted to locate its pipeline facilities using existing and acquired easements that traverse densely populated areas in Thornbury Township.

21. The allegation of lack of adequate emergency planning and public education and awareness directly affect the ability of Thornbury Township to monitor and implement an emergency evacuation plan.

22. Thornbury Township will be irreparably harmed if Sunoco does not ensure the safety of its facilities located in Thornbury.

23. Thornbury Township has a direct and substantial interest in the instant proceeding which is not, and cannot be, adequately represented by any other party. Accordingly, Thornbury Township satisfies the Public Utility Commission's standards for intervention set forth in 52 Pa. Code 5.72(a)(2).

**THORNBURY TOWNSHIP, DELAWARE COUNTY'S  
REQUEST FOR RELIEF**

24. Thornbury Township seeks invention to request the following relief:
- a. That the Commission order Sunoco to work with the appropriate emergency responders to develop an appropriate and comprehensive emergency plan by providing emergency responders all proprietary information necessary to develop such a plan and other public safety information that may be useful to public safety planners and emergency services providers.
  - b. That the Commission order Sunoco to establish testing as to the condition of all ME pipelines and reporting of the testing results to Delaware County and Thornbury Township officials, in addition to the appropriate regulating authorities.
  - c. That the Commission order Sunoco to develop and submit testing and inspection protocols appropriate to ensure the safe operation and maintenance of all ME pipelines throughout their entire course through Thornbury Township.
  - d. That the Commission order Sunoco to provide twenty four (24) hours advanced notification of any proposed pipeline work in Thornbury Township to Delaware County, Thornbury Township and Thornbury Township residents immediately adjacent to the ME pipelines (or the residents' representative).
  - e. That the Commission order Sunoco to develop and install a mass early warning notification system for all potentially affected properties located within Thornbury

Township that would provide immediate notice of a leak, release, potential explosion, or other failure of the ME pipeline systems to the public.

f. That the Commission order Sunoco to assist Delaware County and Thornbury officials in devising an emergency plan for first responders in the event of a leak, release, explosion, or other failure in any of the ME pipeline systems.

g. That the Commission order Sunoco to engage in emergency planning with Delaware County and Thornbury Township to develop a pipeline-specific hazard response plan, which said engagement includes, but is not limited to, participation in discussions designed to provide emergency responders with opportunities to work through a variety of hazard scenarios.

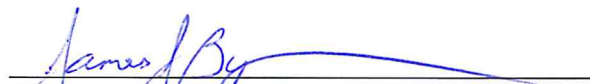
h. That the Commission order Sunoco to assist Delaware County and Thornbury Township officials in developing a specific comprehensive public education and awareness plan designed to inform and educate the public and County and Township officials and staff on proper and effective disaster prevention and response.

i. That the Commission inspect and evaluate the safety of all ME pipelines and prepare a plan to implement the findings of its inspection and evaluations.

j. Such further appropriate relief necessary to ensure the safety of Thornbury Township residents as may become evident during the proceedings in this matter.

**WHEREFORE**, Thornbury Township respectfully requests that the Commission grant this Petition to Intervene, providing the Township with full-party status in this proceeding and any hearings or conferences held, and with ability to comment.

Respectfully Submitted,  
MCNICHOL, BYRNE & MATLAWSKI, P.C.

  
By: James J. Byrne, Esq.  
Attorney I.D. No.: 41619  
1223 N. Providence Road  
Media, PA 19063

Dated: March 12, 2019



# THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

BOARD OF  
SUPERVISORS:

James H. Raith  
James P. Kelly  
Sheri L. Perkins

Public Meeting:  
1st Wednesday of each month

June 6, 2018

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

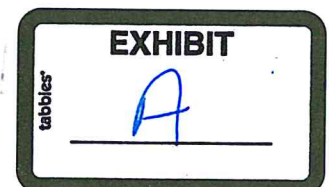
**Re: *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.*; Docket Nos. P-2018-3001453 and C-2018-3001451**

Dear Ms. Chaivetta:

I am writing on behalf of the residents of Thornbury Township, Delaware County. Our Board of Supervisors has repeatedly conveyed our concerns regarding the safety of both the Mariner East 1 and Mariner East 2 projects. We have sent letters to Governor Wolf, the PUC, our legislators, and others. We have spent countless hours addressing the public's concerns in our regularly scheduled meetings and held several special meetings solely for Mariner East pipeline safety concerns.

Township officials recently reviewed the May 21<sup>st</sup> ALJ Order regarding Senator Dinniman's Emergency Petition in reference to Sunoco's Mariner East 1 and Mariner East 2 activities in West Whiteland Township. We submit that Thornbury Township, Delaware County shares many, if not all, of the concerns articulated by Senator Dinniman. Indeed Thornbury Township believes that all of the residential communities through which ME1 and ME2 exist or are proposed will share the same concerns as those articulated by Senator Dinniman and as such we urge the PUC to exercise its authority to hold Sunoco accountable in the interest of public safety.

To date in Thornbury Township, Sunoco has experienced several failed HDD drilling activities. In attempting to perform HDD drilling at a site off of South Chester Road in Thornbury Township, Sunoco often lost track of the drill tool. Moreover, Sunoco's above referenced drill site involved 1,350 feet of failed drilling from October 2, 2017 through October 19, 2017. Ultimately the above referenced drilling attempt encountered impassable rock and was abandoned by Sunoco. Thereafter, Sunoco undertook a second unsuccessful attempt to perform an intercept drill from a separate site off of Slitting Mill Road. , However after three weeks of attempted intercept drilling, Sunoco abandoned that site and began with an entirely new HDD immediately adjacent to the previously mentioned South Chester Road Site.



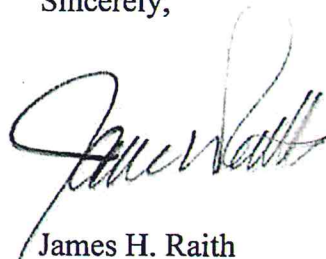


The Township has further concerns regarding Sunoco experiencing inadvertent returns during the past failed intercept drilling attempts. As Sunoco experienced at least 6 inadvertent returns during the fall of 2017 drilling in the Township, the Township is concerned such occurrences will be common place in Sunoco's future drilling in the Township. Additionally, Sunoco has shown little to no respect for the restrictions of the Township's grading permit insofar as Sunoco has permitted its existing deficient sound curtain system to remain in a state of partial to complete failure for numerous months. In fact, the Township suspended Sunoco's Thornbury Township grading permit as of February 2018 while simultaneously requesting Sunoco to provide a design for an adequate, substantial and secure sound barrier shielding the Sunoco worksite from residences and businesses. Sunoco has failed to take any corrective steps to secure an adequate and substantial sound barrier system in Thornbury Township.

The Township submits that the May 21<sup>st</sup> ALJ Order confirms that the PUC has the authority to impose inspection and reporting requirements from Sunoco for concerns related to horizontal drilling. We have shared those concerns since the earliest discussions of this project. Accordingly, the Township is writing to request that the PUC and any other agency that has the authority to invoke inspection and reporting requirements related to the safety of the Mariner Projects exercise that authority. Specifically we are requesting an independent evaluation be completed for the new section of pipe that has been installed and other drilling that has taken place in Thornbury Township. Additionally we would ask that the existing pipeline in Thornbury Township, Delaware County be inspected and tested by the PUC or their designated agency.

We thank you for your attention to this matter. Please contact our township manager, Jeff Seagraves at 610-399-8383 ext. 104 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Raith". The signature is fluid and cursive, with a large initial "J" and "R".

James H. Raith  
Board of Supervisors  
Chairman



# THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

BOARD OF  
SUPERVISORS:

James H. Raith  
James P. Kelly  
Sheri L. Perkins

*Public Meeting:  
1st Wednesday of each month*

July 19, 2018

Howard Elliott, Administrator  
Pipeline Hazardous Materials Safety Administration  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: Sunoco Logistics Pipeline – Thornbury Township, Delaware County,  
Pennsylvania

Dear Mr. Elliott:

We are writing on behalf of the residents of Thornbury Township, Delaware County, Pennsylvania. Sunoco Logistics maintains a twelve (12) inch pipeline within the boundaries of Thornbury Township. Historically, Sunoco's existing twelve inch pipeline has been used to transport petroleum products. Recently, Township officials learned that Sunoco Logistics served "Notification" to PHMSA in which Sunoco expressed an intention to transport Natural Gas Liquids (NGL) in the existing twelve inch pipeline. The Township believes that Sunoco submitted the required notification to PHMSA on or about June 22, 2018 and accordingly Sunoco may be able to transport NGL's in the existing 12 inch pipeline by August 22, 2018.

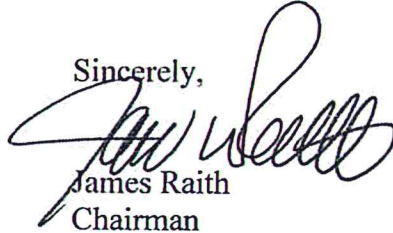
The Township holds serious concerns about the safety of the operation of the pipeline as it traverses a well populated area of our municipality. Although the Township is unsure of the exact age of the existing twelve inch pipeline, it is generally understood that the pipeline is, at a minimum, fifty (50) years old. There are quite valid questions and concerns regarding the pipeline's condition as well as how the twelve inch pipeline will be securely connected to the newly constructed twenty (20) inch Mariner East 2 pipeline. The Township is concerned that such crossover connection will compromise the older existing twelve inch pipeline. Further the Township has additional concerns about Sunoco's ability to regulate or control the pressure change as the hazardous liquids transfer from the larger diameter Mariner East 2 pipeline to the small twelve inch pipeline. Indeed, Township residents have asked many questions about Sunoco's intended repurposing of the twelve inch pipeline and the Township is simply without answers to the valid resident concerns and questions.

The Township understands that it does not share regulatory authority over the pipeline and transportation of hazardous liquids; however we do hold the responsibility of ensuring the safety and welfare of Thornbury Township residents. Accordingly, the Township respectfully requests PHMSA to supply the Township with detailed information regarding Sunoco's proposed repurposing of the existing twelve inch pipeline. Specifically the Township is

requesting PHMSA to provide (i) details outlining any required safety inspections and monitoring that will be undertaken by PHMSA or its designated agent; (ii) protocols and procedures for safety of our residents if there is a leak in the hazardous liquids pipeline; (iii) whether PHMSA will require automatic shut-off valves to address any potential leak; (iv) the pressure at which the hazardous liquids will be transported in the twelve inch pipeline; and (v) what, if any, testing or inspections will be required to ensure the crossover connection between the smaller and larger diameter pipeline can be safely operated.

On behalf of the Township residents and officials, thank you for your time and anticipated prompt response to our requests and concerns. Thank you.

Sincerely,

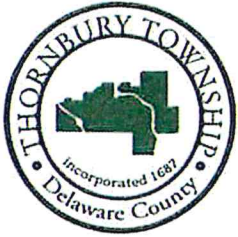


James Raith  
Chairman  
Board of Supervisors

cc: Karen Gentile  
OPS Eastern Region Community Liaison  
[karen.gentile@dot.gov](mailto:karen.gentile@dot.gov)

Ian Woods  
OPS Eastern Region Community Liaison  
[ian.woods@dot.gov](mailto:ian.woods@dot.gov)

Board of Supervisors



# THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

BOARD OF  
SUPERVISORS:

James H. Raith  
James P. Kelly  
Sheri L. Perkins

Public Meeting:  
1st Wednesday of each month

January 14, 2019

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility commission  
Commonwealth Keystone building  
400 North Street, Second room  
Harrisburg, PA 17120

RE: Meghan Flynn, et.al. v. Sunoco Pipeline L.P.  
FLYNN FORMAL COMPLAINT AND PETITION  
Complaint No. C-2018-3006116  
Docket No. P-2018-3006117

Secretary Chiavetta,

We are writing to you once again on behalf of the residents of Thornbury Township, Delaware County, and in support of the above referenced complaint. Thornbury Township has addressed our concerns regarding the safety of the ME1 and ME2 pipelines in previous correspondences to the PUC and other authorities with jurisdiction. Since the PUC determined that Sunoco and/or Energy Transfer partners are a public utility, our municipality has virtually no power to act directly on behalf of our residents' safety.

We have repeatedly requested safety reviews by the Public Utility Commission and others with regulatory authority over the pipeline and transportation of hazardous liquids. We expressed our concerns about the safety of the "work around" now implemented by Sunoco in a letter to the Pipeline Hazardous Materials Safety Administration dated July 19, 2018. (A copy of that letter has been attached.)

In that letter, we requested detailed information regarding the repurposing of the existing twelve inch pipeline. Specifically, we requested the following:

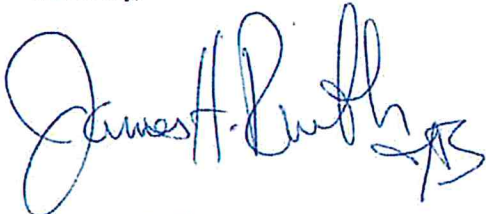
**(i) details outlining any required safety inspections and monitoring that will be undertaken by PHMSA or its designated agent; (ii) protocols and procedures for safety of our residents if there is a leak in the hazardous liquids pipeline; (iii) whether PHMSA will require automatic shut-off valves to address any potential leak; (iv) the pressure at which the hazardous liquids will be transported in the twelve inch pipeline; and (v) what, if any, testing or inspections will be required to ensure the crossover connection between the smaller and larger diameter pipeline can be safely operated.**

In Complaint No. C-2018-3006116, Meghan Flynn et al., reiterate several of the very concerns outlined in our July 17, 2018 letter to the PHMSA. In a letter to you, dated June 6, 2018, we urged that the PUC to exercise its authority to hold Sunoco accountable in the interest of public safety. Again, concerns that are raised by Flynn et al..

To date, we have received no actionable responses to our requests. That leaves us to conclude that the agencies we have requested action from are either unable to act, or are indifferent to our requests. We believe we have clearly defined our concerns. If your agency is unable to address these concerns, please indicate that it is not your responsibility, and direct us to the agency that you feel has the responsibility to address the safety concerns we have outlined.

Again, thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "James H. Raith". The signature is stylized with large, flowing loops and a prominent "J" at the beginning.

James H. Raith


Chairman

Thornbury Township Board of Supervisors

VERIFICATION

I, Jeff Seagraves, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Thornbury Township, Delaware County to be able to prove the same a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 Pa. C.S. 4904.

3/11/19  
Date

  
\_\_\_\_\_  
Jeff Seagraves, Township Manager  
Thornbury Township, Delaware  
County

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Megan Flynn, Rosemary Fuller,	:	Docket No. C-2018-3006116
Michael Walsh, Nancy Harkins,	:	Docket No. P-2018-3006117
Gerald McMullen, Caroline Hughes	:	
and Melissa Haines	:	
	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.	:	
a/k/ Energy Transfer Partners	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Petition to Intervene upon the parties of record in this proceeding in accordance with the requirements of 52 Pa. Code 1.54 (relating to service by a participant), in the manner listed below upon the persons listed below.

*Via E- Filing:*

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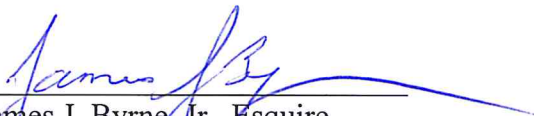
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Respectfully Submitted,

March 12, 2019

  
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