

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PETITION TO INTERVENE OF EDMONT TOWNSHIP

Edgmont Township (Edgmont or Petitioner), by and through its attorneys, MICHAEL P. PIERCE and Pierce & Hughes, P.C. , pursuant to 52 Pa. Code Section 5.71 *et seq.*, hereby Petitions to Intervene in the above-captioned consolidated proceedings. In support of its intervention, Edgmont Township represents as follows.

I. Introduction

1. Petitioner is Edgmont Township, a Township of the Second Class, with its principal office located at 1000 Gradyville Road, Gradyville, PA 19039.

2. Petitioner is represented by the following attorney whose contact information is:

Michael P. Pierce, Esquire (authorized to receive service)
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17 Veterans Square
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Media, Pa. 19063
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Mppierce@pierceandhughes.com

Counsel for Edgmont is authorized to accept service on its behalf. Edgmont requests that the Commission and all parties of record serve copies of all documents (including but not limited to correspondence, discovery requests and answers, Commission orders, pleadings and testimony) electronically on its counsel of record as well as by hard copy.

3. On or about November 19, 2018, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines (collectively, "Complainants") filed a Formal Complaint alleging, *inter alia*, Mariner East 1 (ME1), owned and operated by Sunoco Pipeline, L. P., a/k/a Energy Transfers Partners (Sunoco), is being operated and the workaround pipeline is being operated without an adequate emergency notification system or legally adequate emergency management plan and that, as a result, the Complainants are at imminent risks of catastrophic and irreparable loss, including loss of life, serious injury to life and damage to their homes and property. The Complainants contend that Sunoco's actions constitute unreasonable, unsafe, inadequate and insufficient service which violates Section 1501 of the Pennsylvania Public Utility Code (Code).

4. The Complainants filed an Amended Complaint on November 19, 2018, alleging, *inter alia*, the highly volatile liquids (HVL) pipeline mishaps that have occurred, together with 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 HVL pipelines are particularly high-risk areas.

5. On January 7, 2019, Sunoco filed its Answer to the Amended Complaint denying the material allegations.

6. On January 10, 2019, Sunoco filed its Preliminary Objection to the Amended Complaint.

7. The Honorable Elizabeth H. Barnes is presiding over the consolidated proceedings.

II. Edgmont's Interest in Proceedings

8. The Petitioner is a Township situate in Delaware County, Pennsylvania, consisting of approximately 9.74 square miles, with an approximate population of 4,000.

9. Edgmont serves as a major corridor for several Sunoco pipelines, including the repurposed 12" Point Breeze to Montello pipeline (the workaround pipeline for Mariner East 2) and the Mariner East

2 pipeline, which is currently partially constructed and not useable. Attached as Exhibit "A" is a diagram of Sunoco's HVL pipelines within the Township.

10. Edgmont is a community with approximately 250 single family residential dwellings utilizing well water, the majority of which are in close proximity to the existing and proposed Sunoco pipelines. This aforesaid homes have limited or no direct access to public water service.

III. Grounds for Edgmont's Intervention

11. The eligibility to intervene is governed by Section 5.72 of the Commission's regulations. 52 Pa. Code § 5.72.

12. Sunoco is required under the Code to maintain safe and reasonable facilities. 66 Pa. C.S. § 1501.

13. Sunoco's facilities traverse Edgmont Township and are in close proximity to residential dwellings, and various public assembly areas, including a life care facility and retail shopping centers. The allegation of lack adequate emergency planning and public awareness directly affects the ability of Edgmont to monitor and implement an Emergency Evacuation Plan and Safety Plan.

14. In the past there have been multiple "incidents" or "occurrences" that have directly affected the water, land and property of Edgmont Township related to pipelines owned, operated and/or controlled by the Respondent Sunoco Pipeline, L.P.

15. Each "incident" or "occurrence" was detected by sight and/or smell by various residents of the Township.

16. The aforesaid incidents went undetected by the Respondent Sunoco and would have continued for extended periods of time had it not been for visual or olfactory observation that resulted in the incidents being reported

17. All of the prior “incidents” or “occurrences” impacted the Township and could have significantly larger impact to the Health, Safety and Welfare of the Township residents had the conditions remained undetected and/or gone unreported.

18. The product flowing through the lines currently is much more volatile than the prior petroleum product and presents significant detection issues to Residents and/or First Responders.

19. The aforesaid incidents and/or occurrences directly impacted the land in Edgmont with soil and/or water contamination causing hardship and endangering the safety of the Township residents.

20. The Township has had significant difficulty in regard to compliance issues with Respondent in the past and is concerned that the Respondent has failed to adhere to various agreements specifically related to notice, permitting, inspection and remediation such that the health, safety and welfare of Township’s residents have been or may be impacted by the continuing conditions and/or operation of the pipeline facilities without further oversight and significantly greater detection systems being put in place.

21. Edgmont will be irreparably harmed in the event Respondent fails to ensure the safety and reasonableness of facilities located within the Township absent more stringent, adequate, appropriate and enhanced safeguards being put in place.

22. Edgmont has a direct and substantial interest in the instant proceedings which is not currently and cannot be adequately represented by any other Party. This satisfies the Commission’s standards for leave to intervene pursuant to 52 Pa. Code § 5.72(a)(2).

IV . Requested Relief

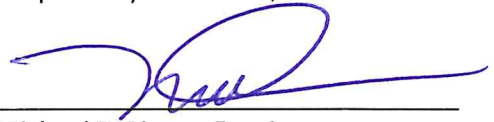
23. Edgmont respectfully requests leave to intervene in the instant action and is requesting the following non-exhaustive remedies and/or relief to address their needs:

- a) A full and complete incident response plan which would address practical and/or viable worst case scenario evacuation routes to be developed in conjunction with the Township, emergency personnel and potentially impacted Township shareholders;
- b) Enhanced and updated Safety Training coupled with State of the Art Emergency Response Equipment provided to First Responders of the Township;
- c) Relocation of any "new pipelines" to a distance away from existing residences and infrastructure equal to or greater than the Potential Impact Radius of a compromised pipeline;
- d) Installation of an automatic shutoff valve at the entry and exit points of the Township boundaries and any other locations within the Township to maximize resident safety and minimize any potential catastrophic impact;
- e) Installation of release detector instruments at safe intervals along the pipeline to be provided, installed and maintained by the Respondent as well as adequate and appropriate training to Township First Responders related to the same;
- f) Increasing the frequency of inline and hydration testing to a minimum of yearly with all of the testing results provided to the Township within 30 days of completion;
- g) Mandatory reporting by Respondent to the Township of any and all pipeline incidents including but not limited to damaged pipeline coating, breaks, leaks, spills, incidents, inadvertent returns or any such similar occurrences even if no product is released;
- h) Mandatory infusion of additives into the product being moved through the pipelines that would emit an odor and distinctive coloration that would be easily detectable by those in close proximity to the pipeline as well as electronic sniffing equipment;
- i) Expansion of the "impacted" areas surrounding the pipeline for possible installation of alternative water supplies;
- j) Production of any and all studies immediately related to the impact of the pipeline on natural water supplies including aquifers serving the Township residents;
- k) Providing the Township with any and all pipeline incident reports even if no product is released including but not limited to operator error, damaged pipeline coating and inadvertent returns or releases within 7 days;
- l) Adherence to Township regulation related to the use and/or installation of temporary water facilities to residents and/or landowners;
- m) Any and all other available safety measures to ensure the health, safety and welfare of Township Residents and First Responders as are reasonable and appropriate;

WHEREFORE, Edgmont Township requests that the Commission grant its Petition To Intervene and authorize its intervention and participation in the consolidated proceedings as a full and active party.

Dated: March 11, 2019

Respectfully Submitted,

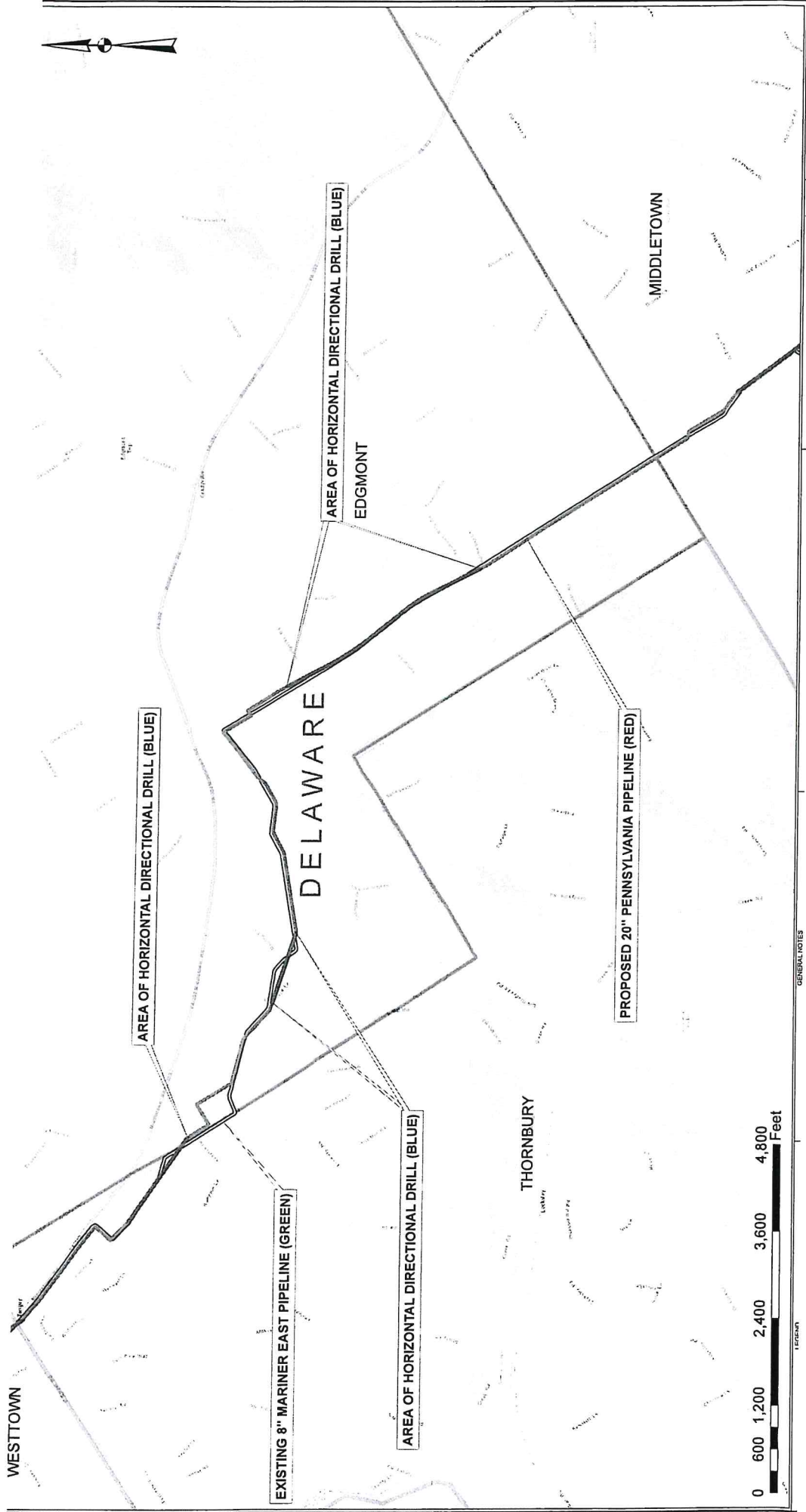


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Counsel for Edgmont Township

EXHIBIT "A"

Mariner East Project: Edgmont Township



V E R I F I C A T I O N

I, Michael P. Pierce, Esquire, attorney for the Township of Edgmont, hereby state that the facts set forth above are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S. §4904 concerning unsworn falsification to authorities.

Dated: _____

3/14/19



MICHAEL P. PIERCE, ESQUIRE

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Meghan Flynn, Rosemary Fuller, :
Michael Walsh, Nancy Harkins, :
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Sunoco Pipeline, L.P. :

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:

Dated:

3/19/19

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Dated:

3/14/19

Respectfully Submitted,



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