

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Sunoco Pipeline L.P. for a	:	
Finding That the Situation of Structures to	:	Docket Nos. P-2014-2411941,
Shelter Pump Stations and Valve Control	:	2411942, 2411943, 2411944,
Stations is Reasonably Necessary for the	:	2411945, 2411946, 2411948,
Convenience and Welfare of the Public	:	2411950, 2411951, 2411952,
		2411953, 2411954, 2411956,
		2411957, 2411958, 2411960,
		2411961, 2411963, 2411964,
		2411965, 2411966, 2411967,
		2411968, 2411971, 2411972,
		2411974, 2411975, 2411976,
		2411977, 2411979, 2411980.

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**Petition to Intervene of the Clean Air Council**

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Through counsel, the Clean Air Council (“Council” or “Petitioner”), hereby Petition to Intervene in Response to Sunoco Pipeline L.P.’s (“Sunoco”) Petition for a “Finding That the Situation of Structures to Shelter Pump Stations and Valve Control Stations is Reasonably Necessary for the Convenience and Welfare of the Public” (“Petition”). The Council requests that the Pennsylvania Public Utilities Commission (“Commission”) grant the Council Status as an Intevenor pursuant to 52 Pa. Code §§5.73-75. The Council provides the following in support of its Petition to Intervene:

1. The name and address for counsel for Petitioner is:

Joseph O. Minott  
PA Attorney # 36463  
Clean Air Council  
135 S. 19<sup>th</sup> St., Suite 300  
Philadelphia, PA 19103  
Tel: 215-567-4004  
Fax: 215-567-5791  
joe\_minott@cleanair.org

Augusta C. Wilson  
PA Attorney # 316969  
Clean Air Council  
135 S. 19<sup>th</sup> St., Suite 300  
Philadelphia, PA 19103  
Tel: 215-567-4004 x106  
Fax: 215-567-5791  
awilson@cleanair.org

2. In support of its Petition, the Council states that it is a non-profit, membership organization based in Philadelphia which has fought for more than 40 years to improve air quality across Pennsylvania. The Council's principal place of business is located on 135 South 19<sup>th</sup> Street, Suite 300, in Philadelphia, PA, 19103, tel. (215) 567-4004. The Council has more than 8,000 members throughout the Commonwealth, including in the areas where portions of the Project's construction activity will take place, who support its mission to protect everyone's right to breathe clean air. CAC engages in outreach work and litigation to achieve its goal to protect everyone's right to breathe clean air.
3. Sunoco is seeking to develop a pipeline project referred to as the Mariner East Pipeline ("Project"). If constructed, the Project would transport Natural Gas Liquids from Houston, Pennsylvania to Marcus Hook, Pennsylvania and Clayton, Delaware. In order to transport these liquids from Marcellus Shale region, Sunoco seeks to build 18 pump stations and 17 valve control stations, as well as structures to shelter them.
4. The proposed construction would require an exemption in each of 31 municipalities across Pennsylvania under section 619 of the Municipal Planning Code. Section 619 allows an exemption for "any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the

present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.” 53 P.S. § 10619.

5. Intervention in Commission proceedings is permitted where a person has an interest in the matter “which may be directly affected and which is not adequately represented by the participants, and as to which the petitioner may be bound by the action or proceeding,” or “another interest of such nature that participation of the petitioner may be in the public interest.” 52 Pa. Code § 5.72(a)(2), (3).
6. The Council, on behalf of its more than 8,000 members and the public interest, has a direct interest in the outcome of Sunoco’s Petition. A substantial amount of the associated construction and operational impacts resulting from the pump stations and valve control stations Sunoco seeks exemptions for would be located in areas where the Council has members.
7. The Council is concerned that if these facilities are exempted from local zoning ordinances, the construction and operation of these facilities will result in significant negative impacts on air quality, water quality, wildlife, and human health in the areas where the facilities are located.
8. Sunoco does not meet the definition of a public utility corporation and therefore does not qualify for exemption under § 619 of the Pennsylvania Municipal Planning Code (53 P.S. § 10619). Further, even if Sunoco does qualify as a public utility corporation, the Project’s proposed situation of structures is not reasonably necessary for the convenience or welfare of the public.
9. Finally, Article I Section 27 of the Pennsylvania Constitution prohibits the granting of Sunoco’s Petition. A grant of exemptions from local zoning ordinances for the

construction of these facilities would likely contradict the recent holding of the Supreme Court of Pennsylvania in *Robinson Township, et al. v. Commonwealth of Pennsylvania, et al.*, 83 A.3d 901 (Pa. Dec. 19, 2013). The plurality opinion in that case explicitly based its decision in part on the Environmental Rights Amendment of Art. I, § 27, which states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public and natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall preserve and maintain them for the benefit of all the people.

*Id.* at 949-950 (citing Pa. Const. Art. I, § 27).

10. The Council's interests cannot be adequately represented by any other party to this proceeding.

11. Wherefore, the Council respectfully requests that the Pennsylvania Public Utility Commission:

- a. Grants this Petition to Intervene
- b. Make any other such orders as are just and appropriate.

Respectfully submitted by:

/s/ Augusta Wilson

Augusta Wilson, Esq.

**VERIFICATION**

I, Augusta Wilson, hereby state that the facts set forth above in the Petition to Intervene are true and correct (or are true and correct to the best of my knowledge, information, and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are subject to the penalties of 18 Pa.C.S. § 4909 (relating to unsworn falsification to authorities).

*/s/ Augusta Wilson*

Augusta Wilson  
Staff Attorney  
Clean Air Council  
135 S. 19<sup>th</sup> St., Suite 300  
Philadelphia, PA 19103  
Tel: 215-567-4004  
Fax: 215-567-5791

**CERTIFICATE OF SERVICE**

I, Augusta Wilson, do hereby certify that a true and accurate copy of the foregoing PETITION TO INTERVENE was served upon the following on April 18, 2014, pursuant to the requirements of 52 Pa. Code § 1.54(b)(3) (relating to service by a participant).

**Via Electronic Filing**

John R. Evans, Esquire  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, P A 1710 I

Tanya McCloskey, Esquire  
Aron J. Beatty, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place- 5th Floor  
Harrisburg, PA 17101-1921

Johnnie Simms, Esquire  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, P A 17120

Robert Zundell, Chairman  
Salem Township Board of Supervisors  
244 Congruity Rd.  
Greensburg, PA 15601

Lynn Cain  
Salem Township Planning Commission  
244 Congruity Rd.  
Greensburg, PA 15601

Tony Distefano, Supervisor  
Burrell Township Board of Supervisors  
321 Park Drive  
Blacklick, PA 15716

Kenneth A. Umholtz, Chairman  
E. Wheatfield Board of Supervisors  
1114Rt.56  
East Armagh, PA 15920

David Hoover, Supervisor  
Cambria Township Board of Supervisors  
184 Municipal Rd.  
Ebensburg, PA 15931

Dennis Simmers, Chairman  
Cambria Township Planning Commission  
P.O. Box 248  
Revloc, PA 15948

David E. Burchfield, Jr., Chairman  
Allegheny Township Board of Supervisors  
3131 Colonial Dr.  
Duncansville, PA 16635

Bruce J. Pergament, Supervisor  
Penn Township Board of Supervisors  
12281 Redstone Ridge Rd.  
Hesston, PA 16647

Judith A. Hicks, Chairwoman  
Shirley Township Board of Supervisors  
15480 Croghan Pike  
Shirleysburg, P A 17260

John McGarvey, Chair  
Shirley Township Planning Commission  
15480 Croghan Pike  
Shirleysburg, PA 17260

James J. Henry, Chairman  
Toboyne Township Board of Supervisors  
50 Lower Buck Ridge Rd.  
Blain, PA 17006

James H. Turner, Chairman  
Tri-County Regional Planning Commission  
Dauphin County Veterans Memorial Building  
112 Market Street, 2nd Floor  
Harrisburg, PA 17101

James Burkholder, Jr., Chairman  
Lower Frankford Township  
Board of Supervisors  
1205 Easy Rd.  
Carlisle, PA 17015

Craig Houston, Chairman  
Lower Frankford Township  
Planning Commission  
1205 Easy Rd.  
Carlisle, PA 17015

AI Bienstock, President  
Hampden Township Board of Commissioners  
230 South Sporting Hill Rd.  
Mechanicsburg, PA 17050

Philip Klotz, Chairman  
Hampden Township Planning Commission  
230 South Sporting Hill Rd.  
Mechanicsburg, PA 17050

Ronald Kopp, Chairman  
Londonderry Township Board of Supervisors  
783 S. Geyers Church Rd.  
Middletown, PA 17057

Carolyn Akers, Chair  
Londonderry Township Planning Commission  
783 S. Geyers Church Rd.  
Middletown, PA 17057

Russell L. Gible, Chairman  
West Cornwall Township  
Board of Supervisors  
73 South Zinns Mill Rd.  
Lebanon, PA 17042

Dewey Yoder  
West Cornwall Township  
Planning Commission  
73 South Zinns Mill Rd.  
Lebanon, PA 17042

Jacque A. Smith, Chairman  
West Cocalico Township

Board of Supervisors  
P.O. Box 244  
Reinholds, PA 17569

Leon Eby, Chairman  
West Cocalico Township  
Planning Commission  
P.O. Box244  
Reinholds, PA 17569

Patti Smith, Chairman  
Spring Township Board of Supervisors  
2850 Windmill Rd.  
Sinking Spring, PA 19608

James R. Oswald, Chairman  
Spring Township Planning Commission  
2850 Windmill Rd.  
Sinking Spring, PA 19608

Jeffrey M. Fiant, Chairman  
Brecknock Township Board of Supervisors  
889 Alleghenyville Rd.  
Mohnton, PA 19540

John R. Burger, Chairman  
Brecknock Township Planning Commission  
889 Alleghenyville Rd.  
Mohnton, PA 19540

Catherine A. Tomlinson, Chair  
Upper Uwchlan Township  
Board of Supervisors  
140 Pottstown Pike  
Chester Springs, PA 19425

Robert J. Schoenberger, Chair  
Upper Uwchlan Township  
Planning Commission  
140 Pottstown Pike  
Chester Springs, PA 19425

Patricia B. Mcilvaine, Chair  
West Goshen Township Board of Supervisors  
1025 Paoli Pike  
West Chester, PA 19380

Monica Drewniany, Chair  
West Goshen Township  
Planning Commission  
1025 Paoli Pike  
West Chester, PA 19380

Michael Gaudiuso, President  
Upper Chichester Board of Commissioners  
P.O. Box 2187  
Upper Chichester, PA 19061

James Renner, Chairman  
Upper Chichester Planning Commission  
P.O. Box 2187  
Upper Chichester, PA 19061

Jodi Noble, Township Manager  
Chartiers Township  
2 Buccaneer Dr.  
Houston, PA 15342

Lee Nickovich, Chairman  
Chartiers Township Planning Commission  
2 Buccaneer Dr.  
Houston, PA 15342

Frank Siffrinn, Township Manager  
North Strabane Township  
1929 Route 519  
Canonsburg, PA 15317

Robert Balogh, Chairman  
North Strabane Township  
1929 Route 519  
Canonsburg, PA 15317

Andrew Tullai, Chairman  
Union Township Board of Supervisors  
3904 Finleyville-Elrama Road  
Finleyville, PA 15332

Carl DeiCas, Chair  
Union Township Board of Supervisors  
3904 Finleyville-Elrama Road  
Finleyville, PA 15332

Tamira Spedaliere, Township Planner  
Rostraver Township  
201 Municipal Drive  
Belle Vernon, PA 15012

Douglas Weimer, Chairman  
Hempfield Township Board of Supervisors  
1132 Woodward Drive, Suite A  
Greensburg, PA 15601-9310

Phil Shelapinsky, Chairperson  
Hempfield Township Planning Commission  
1132 Woodward Drive, Suite A  
Greensburg, PA 15601-9310

Bruce Light, Township Manager  
Penn Township  
2001 Municipal Court  
Harrison City, PA 15636-1349

Phillip Miller, Chairman  
Penn Township Planning Commission  
2001 Municipal Court  
Harrison City, PA 15636-1349

Vincent DeCario, Chairman  
Derry Township Board of Supervisors  
5231 Route 982  
Derry, PA 15627

George Henry, Chairman  
Frankstown Township Board of Supervisors  
2122 Frankstown Road  
Hollidaysburg, PA 16648

Bruce J. Pergament, Supervisor  
Penn Township Board of Supervisors  
12281 Redstone Ridge Road  
Hesston, PA 16647

Harry Kelso, Chairnan  
North Middleton Township  
Board of Supervisors  
2051 Spring Road  
Carlisle, P A 17013

Harry Kelso, Chainnan  
North Middleton Township  
Planning Commission  
2051 Spring Road  
Carlisle, PA 17013

Robert P. Stanley, Jr.  
Fairview Township Board of Supervisors  
599 Lewisberry Road  
New Cumberland, PA 17070

Michael A. Powers  
Fairview Township Planning Commission  
599 Lewisberry Road  
New Cumberland, PA 17070

Thomas L. Mehaffie III, President  
Lower Swatara Township Board  
1499 Spring Garden Drive  
Middletown, PA 17057

Chauncey D. Knopp  
Lower Swatara Township  
Planning Commission  
1499 Spring Garden Drive  
Middletown, PA 17057

Patti Smith, Chainnan  
Spring Township Board of Supervisors  
2850 Windmill Rd.  
Sinking Spring, P A 19608

James R. Oswald, Chairman  
Spring Township Planning Commission  
2850 Windmill Rd.  
Sinking Spring, PA 19608

Rob Jones, Chainnan  
Wallace Township Board of Supervisors  
1250 Creek Road  
P.O. Box 670  
Glen Moore, PA 19343

John Frommeyer, Chairman  
Wallace Township Planning Commission

1250 Creek Road  
P.O. Box 670  
Glen Moore, PA 19343