



COUNTY OF DELAWARE
GOVERNMENT CENTER BUILDING
201 WEST FRONT STREET
Media, PA 19063

OFFICE OF THE SOLICITOR
TELEPHONE: 610-891-4072
FAX NUMBER: 610-891-4816

PATRICIA SONS BISWANGER
Office of the Solicitor of Delaware County
217 North Monroe Street
Media, PA 19063
610-608-0687 phone / 866-731-9601 fax
patbiswanger@gmail.com

February 22, 2019

Via Electronic Filing
Rosemary Chiavetti, 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 and P-2018-3006117

Dear Secretary Chiavetti:

In connection with the above-captioned action, enclosed for electronic filing with the Commission please find the Petition to Intervene of the County of Delaware.

All parties of record have been served pursuant to 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 very kind assistance.

Sincerely,

COUNTY OF DELAWARE

Pat Biswanger /e/

Patricia Sons Biswanger
Assistant Solicitor

Enclosures

cc: as per Certificate of Service (w/enclosures)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION TO INTERVENE OF
THE COUNTY OF DELAWARE**

The County of Delaware (“Petitioner” or “Delaware County”), by and through its attorneys, Michael Maddren and Patricia Sons Biswanger, pursuant to 52 Pa. Code § 5.71 *et seq*, hereby petitions to intervene in the above-captioned consolidated proceedings. In support of its intervention, Delaware County represents as follows:

I. Introduction

1. Petitioner is Delaware County with its principal place of business at 201 West Front Street, Media, PA 19063.

2. Petitioner is represented by its solicitors, whose contact information is:

Michael Maddren
Office of the Solicitor
The County of Delaware
201 West Front Street
Media, PA 19063

Patricia Sons Biswanger
Office of the Solicitor
The County of Delaware
217 North Monroe Street
Media, PA 19063

610-891-4072 telephone
610-891-4816 fax
MaddrenM@co.delaware.pa.us

610-608-0687 telephone
866-731-9601 fax
patbiswanger@gmail.com

Above listed counsel for Delaware County is authorized to accept service on its behalf. Delaware County 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. (*Hard copy not necessary.*)

3. On or about November 19, 2018, Michael Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes, and Melissa Haines (collectively, the “Complainants”) filed a Formal Complaint alleging, *inter alia*, Mariner East 1 (“ME1”), owned and operated by Sunoco Pipeline, LLP , a/k/a Energy Transfer Partners (“Sunoco”) and the workaround pipeline is being operated without an adequate emergency notification system or legally adequate emergency management plans 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 (the “Code”). *See* 66 Pa. C.S.A. § 1501.

4. The Complainants filed an Amended Complaint on November 19, 2018 alleging, *inter alia*, the highly volatile liquids (the “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 operating in compliance with applicable law and that the valve sites for HVL pipelines are particularly high-risk areas.

5. Complainants further allege that their properties are in close proximity to ME1 and/or a workaround pipeline that circumvents stopped construction on the Mariner East 2 (“ME2”) and the Mariner East 2X (“ME2X”). (ME1, ME2, and ME2X are sometimes herein collectively referred to as the “ME Pipelines.”)

6. Complainants also allege that the ME Pipelines that are carrying or are intended to carry HVLs are inherently dangerous, and due to their locations in Chester and Delaware counties, a pipeline rupture there would be catastrophic.

7. Complaints also allege that the ME Pipelines are being operated, or are about to be operated, without an adequate public awareness program, emergency notification system, or credible emergency management, in violation of 49 CFR § 195.440.

8. Still further, Complainants allege that Sunoco is violating 49 CFR § 195.248 in that ME1 and the workaround pipeline are located within fifty feet of private dwellings or industrial buildings or places of public assembly without at least four feet of cover.

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

II. Delaware County's Interest in the Proceedings

10. The Petitioner is a county in southeastern Pennsylvania of approximately 191 square miles, and a population of approximately 563,000 persons; Delaware County is the fifth most populous county in the Commonwealth.

11. The Mariner East pipeline system crosses Delaware County. ME1, for example, enters the County in Edgmont Township, passes through Thornbury Township, Middletown Township, Aston Township, and Chester Township, skirts the edges of Upper Chichester Township and Trainer Borough, and passes through Marcus Hook Borough, before terminating at the Marcus Hook Industrial Complex.

12. Delaware County and its residents are directly affected by the Mariner East pipeline system, particularly as it relates to public health and safety.

III. Grounds for Delaware County's Intervention

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

14. Sunoco is required under the Code to maintain safe and reasonable facilities. *See* 66 Pa. C.S.A. § 1501.

15. Sunoco's facilities traverse Delaware County, *see supra* ¶ 11, including some very densely populated areas, and are in close proximity to residential dwellings, schools, and public areas like shopping centers, playgrounds, and ball fields. Sunoco's lack of adequate emergency planning and public awareness directly affects the ability of Delaware County to devise and implement an emergency evacuation plan.

16. Delaware County will be irreparably harmed if Sunoco does not ensure the safety and reasonableness of facilities located within Delaware County.

17. Delaware County has a direct and substantial interest in the instant proceeding which is not, and cannot be, adequately represented by any other party.

18. No other party to this proceeding possesses an interest identical to that of Delaware County.

19. Delaware County possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.

20. Delaware County's intervention is timely pursuant to the prescripts of 52 Pa. Code § 5.53.

21. Delaware County's intervention will not prejudice the parties to this action nor cause undue delay.

22. Therefore, Delaware County satisfies the Commission's standards for intervention. *See* 52 Pa. Code § 5.72(a)(2).

WHEREFORE, Delaware County respectfully 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.

Respectfully submitted,

Michael Maddren /e/

Michael Maddren (Pa. ID # 84696)
Office of the Solicitor
Delaware County
201 West Front Street
Media, PA 19063
610-891-4072 telephone
610-891-4816 fax
MaddrenM@co.delaware.pa.us

Patricia Biswanger /e/

Patricia Sons Biswanger (Pa. ID # 71076)
Office of the Solicitor
Delaware County
217 North Monroe Street
Media, PA 19063
610-608-0687 telephone
866-731-9601 fax
patbiswanger@gmail.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Flynn, Rosemary Fuller,
Michael Walsh, Nancy Harkins,
Gerald McMullen, Caroline Hughes,
and Melissa Haines,

v.

Sunoco Pipeline, L.P.,

Docket No. P-2018-3006117
Docket No. C-2018-3006116

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February, 2019, I have served a true copy of the foregoing **Petition to Intervene of the County of Delaware** 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), via electronic mail, upon the persons listed below:

Thomas J. Sniscak, Esquire
Kevin J. McKeon, Esquire
Whitney E. Snyder, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

Robert Fox, Esquire
Neil Witkes, Esquire
Diana A. Silva, Esquire
Manko, Gold, Katcher & Fox, LLP
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
rfox@mankogold.com
nwitkes@mankogold.com
dsilva@mankogold.com

Michael S. Bomstein, Esquire
Pinnola & Bomstein
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
mbomstein@gmail.com

Rich Raiders, Esquire
Raiders Law
321 East Main Street
Annville, PA 17003
rich@raiderslaw.com

Guy Donatelli, Esquire
Vincent M. Pompo, Esquire
Alex J. Baumler, Esquire
Lamb Mcerlane PC
24 East Market Street
West Chester, PA 19382-0565
gdonatelli@lambmcerlane.com
vpompo@lambmcerlane.com
abaumler@lambmcerlane.com

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
Post & Schell PC
17 North Second Street 12th Floor
Harrisburg, PA 17101-1601 a
akanagy@postschell.com
glent@postschell.com

Margaret A. Morris, Esquire
Reger Rizzo Darnall, LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Leah Rotenberg, Esquire
Mays Connrad & Rotenberg, LLP
1235 Penn Avenue
Suite 202
Wyomissing, PA 19610
rotenberg@mcr-attorneys.com

Mark L. Freed, Esquire
Joanna A. Waldron, Esquire
Curtin & Heefner, LLP
2005 South Easton Road, Suite 100
Doylestown, PA 18901
mlf@curtinheefner.com
jaw@curtinheefner.com

James R. Flandreau, Esquire
Paul, Flandreau & Berger, LLP
320 West Front Street
Media, PA 19063
jflandreau@comcast.net

[Pat Biswanger /e/](#)

Patricia Sons Biswanger
Office of the Solicitor
The County of Delaware
217 North Monroe Street
Media, PA 19063
610-608-0687 telephone
866-731-9601 fax
patbiswanger@gmail.com