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June 3, 2021

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

**Re: *Meghan Flynn, et al. v. Sunoco Pipeline LP***  
***Docket Nos. P-2018-3006117, et al***

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission, please find Exceptions of Intervenor East Goshen Township, along with the Certificate of Service, in the above-referenced matter.

Thank you.

Very truly yours,

  
Guy A. Donatelli

GAD/jls

**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 |
| <i>Complainants,</i>              | : | Docket No. C-2018-3005025 |
| v.                                | : | Docket No. C-2019-3006898 |
|                                   | : | Docket No. C-2019-3006905 |
| Sunoco Pipeline, L.P.,            | : | Docket No. C-2018-3003605 |
| <i>Respondents.</i>               | : |                           |

**EXCEPTIONS OF INTERVENOR EAST GOSHEN TOWNSHIP**

Intervenor, East Goshen Township, respectfully submits these Exceptions to the April 9, 2021 Initial Decision pursuant to the correspondence of Secretary Rosemary Chiavetta to all parties dated April 23, 2021, and in accordance with 52 Pa. Code §5.533.

Respectfully submitted,

**LAMB MCERLANE PC**

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Dated: June 3, 2021

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## I. INTRODUCTION

On April 9, 2021, the Honorable Elizabeth H. Barnes issued the Initial Decision in the above-captioned matter.<sup>1</sup> Intervenor East Goshen Township had sought relief for the benefit of its residents placed at risk as a result of Sunoco's pipeline operations throughout Chester County. East Goshen Township sought to reduce, through its requested relief, the risks posed by the transportation of HVL's by Sunoco through its community and to secure information and planning assistance which would enhance the public safety concerns of East Goshen Township. The Initial Decision appropriately identifies and orders a number of well-reasoned and enforceable measures which markedly increase the safety to the public.

East Goshen Township takes three exceptions with two discrete paragraphs of the Initial Decision. First, the Order, at page 199 of the Initial Decision, at paragraph 13 provides:

*That pursuant to any non-disclosure agreements Sunoco Pipeline, L.P. deems necessary to protect its confidential security information, Sunoco Pipeline, L.P. is directed to share the results of any geophysical test reports, inspection and evaluation reports assessing the condition of its pipelines located in East Goshen Township or Middletown Township to Township Supervisors or their designee engineering consultants at least on an annual basis and more frequently while construction is ongoing.*

East Goshen Township respectfully requests that these geophysical test reports be made public.

Second, the Order at pages 200-201 of the Initial Decision, at paragraph 16 provides:

*That Sunoco is directed to contact Chester County Commissioners, Delaware County Commissioners and all municipalities' supervisors therein within thirty (30) days of the date of entry of a Final Order in this consolidated proceeding to arrange for meeting(s) (either remotely or in-person or a combination thereof as mutually agreeable) to: a) establish emergency contact list information for the operator's controller and county liaison(s); b) disclose to Middletown Township, Delaware County, and Chester County any damage or potential damage to their respective facilities or properties resulting from the operation of the pipelines; c) assist with the establishment of emergency plans for first responders in the event of a leak, release, explosion, or other failure of the pipeline system and the communication of all information required under state and federal law to enable Middletown, Delaware County, and Chester County to prepare such emergency plans; d) inform and educate Middletown and Delaware County officials and staff on proper and*

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<sup>1</sup> All references in this submission refer to the non-proprietary version of the Initial Decision.

*effective disaster prevention and disaster response, including participation in “tabletop” activities and/or “boots on ground” exercises as referenced by Sunoco in its letter dated August 13, 2020 and admitted as exhibit SPLP-50 and as requested by Complainants and their aligned Intervenor; e) develop standard notification templates for public warning systems to be used during a pipeline emergency and develop emergency classification levels (i.e. a small leak release versus a rupture event) which are specifically designed to make the public aware of the situation; f) provide detailed information regarding its infrastructure; g) assist in the development of an evacuation plan for use by municipalities with concept of how evacuation would occur; h) create a public outreach and public education program; 201 i) introduce to the operator’s designated County liaison(s) a tour of the area surrounding the pipeline facilities such that the liaison(s) may be made aware of the geology, terrain and location of schools, libraries, retirement and apartment housing as well as train tracks, roadways, recreational parks, housing developments such that the liaison may provide local emergency planning assistance to local emergency management partners that could consist of dedicated employee(s) and or funding to support additional employees; j) notify not only the County but all municipalities in Delaware or Chester County of anticipated, scheduled or commenced work done in those counties; k) notify County officials, in advance, of any pipeline activity, such as simulations, testing, routine maintenance, repairs etc.; l) subject to a nondisclosure agreement, share with Chester County’s Department of Emergency Services maps of all transmission lines listing material moved, pipeline diameter, mainline valve locations and maximum operating pressures (MOP), and maximum allowable operating pressure (MAOP) and information about the location of any anomalies that merit pressure reduction in the pipeline and the presence of “immediate,” “60-day” or “180-day” repair conditions for liquid pipelines or “immediate” or “one- year” repair conditions for gas pipelines; and m) establish times and dates for follow-up meetings and periodic meeting schedules as mutually agreeable between municipalities, counties and Sunoco Pipeline, L.P.*

East Goshen Township respectfully requests that the conduct and information ordered to be undertaken by Sunoco and provided to the Counties and municipalities should be provided as needed by municipal staff.

Third, and with particular emphasis on subparagraph g of paragraph 16, Sunoco should provide funding and active participation in developing evacuation plans, even those plans which need be compliant with the Americans with Disability Act (“ADA”).

The results of adopting these exceptions and modifying the Initial Decision will be the increased safety and security of the East Goshen Township community and will provide some

clarification as to what party bears the cost of implementing the safety measures necessary for the community's safety.

## **II. EXCEPTIONS**

### **A. Exception 1**

East Goshen Township respectfully requests that the geophysical test reports identified in Ordering Paragraph 13, at page 199 of the Initial Decision, be made public. The record is replete with the necessity of accurate information already developed by Sunoco and the usefulness of geophysical information (Initial Decision, Findings of Fact 194, 202). There would be no harm in making the geophysical test reports available to the Township as these *geophysical* reports deal only with the characteristics of the land and not the pipelines themselves, and, in any event, were a matter of public record until February 26, 2020.

### **B. Exception 2**

Order Paragraph 16 at pages 200-201 of the Initial Decision provides that Sunoco undertake certain actions and provide certain information to County and municipal entities. East Goshen Township respectfully requests that this information be made available to all County and Municipal Staff as may be needed by that staff. There is nothing inconsistent with this request and Ordering Paragraph 16 may be read broad enough to incorporate that relief. As a matter of certainty, East Goshen Township respectfully requests that this clarification be made to the Initial Decision.

### **C. Exception 3**

Third, and with particular emphasis on subparagraph g of Ordering Paragraph 16, Sunoco should provide funding and active participation in developing evacuation plans, even those plans which need be compliant with the ADA. One of the primary concerns of state and local

governments is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. The Initial Decision recognizes this principle *passim*. While the Initial Decision implies Sunoco's financial responsibility to undertake the measures identified in Ordering Paragraph 16, it does not directly order it.

The following clarification should be adopted.

\*All costs incurred by compliance with paragraph 16 of this Order shall be borne by Sunoco Pipeline, L.P., including those additional costs incurred by East Goshen Township through participation in the events and procedures ordered thereby. East Goshen Township shall provide these additional costs to Sunoco within sixty (60) days of being incurred and shall not include fixed costs. Payment to East Goshen Township shall be made within sixty (60) days.

As set forth above, and for reasons of certainty, the Initial Decision should be clarified to place the financial responsibility on Sunoco.

### **III. CONCLUSION**

Intervenor East Goshen Township respectfully requests that these three additional, yet simple, safety measures round out and make more impactful the relief ordered in Ordering Paragraphs 13 and 16 (pages 199-201) of the Initial Decision. They are not inconsistent with any other provisions of the Initial Decision, place the appropriate financial burden on Sunoco and are a natural extension of the safety measures so appropriately nurtured by that Initial Decision. The Initial Decision should be amended to include them.

Respectfully submitted,

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Dated: June 3, 2021



**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of the East Goshen Township's Exceptions 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).

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