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Delaware Riverkeeper Network submits Petition to Intervene and Comment Letter opposing Sunoco Pipeline L.P.'s request for zoning exemptions

Harrisburg, PA – On April 21, 2014, the Delaware Riverkeeper Network (DRN) submitted a Petition to Intervene and a Comment Letter with the Pennsylvania Public Utility Commission (PUC) opposing Sunoco Pipeline L.P.'s (Sunoco) request for an exemption from the Pennsylvania Municipalities Planning Code for the construction of a series of industrial valve control and pumping stations.

Sunoco has proposed developing a pipeline project called Mariner East, which involves a combination of the construction of new pipeline facilities and the use of existing pipeline facilities that will transport natural gas liquids (NGLs) resulting from hydraulic fracturing activities from western Pennsylvania to the Marcus Hook Refinery Complex. While Sunoco has stated that there are no major markets in the Northeast United States, it has not specifically identified where the NGLs will be shipped. Sunoco's Petitions describe that the Mariner East Project will require the construction of 17 valve stations in 15 different municipalities, and the construction of 18 pumping stations in 18 different municipalities. A number of these facilities would be constructed in Delaware, Chester, and Berks counties, Pennsylvania.

The Delaware Riverkeeper Network's comment states that Sunoco does not meet the legal standard for classification as a public utility corporation and, therefore is not exempt from the Pennsylvania Municipalities Planning Code, a position which is consistent with a recent decision by a York County Court of Common Pleas (*Sunoco Pipeline v. William C. Loper & Jodi Loper, Civil Action No. 2013-SU-4518-05, Feb 25, 2014*).

“It is clear here that Sunoco lost in York County, and is now simply trying to take a second bite of the proverbial apple. The Pennsylvania Public Utility Commission should not permit them to do so,” states Maya van Rossum, the Delaware Riverkeeper. “It is vitally important that the impact to local communities, zoning, environmental resources, historic resources, public lands and community quality of life be given due consideration by local officials; it would be unfair and unwise to allow Sunoco to be the arbiter of what is right. It also would be setting dangerous precedent to allow Sunoco to evade compliance with the law and with local review,” added van Rossum.

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Furthermore, DRN's comment argues that a grant of Sunoco's Petitions is also prohibited by Article I Section 27 of the Pennsylvania Constitution, which states that citizens have a cognizable "right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." In *Robinson Township, Delaware Riverkeeper, et al., v. Commonwealth of Pennsylvania*, the Pennsylvania Supreme Court found that citizens and local government have a discrete interest in local zoning regulation with regard to oil and gas operations. The Delaware Riverkeeper Network contends that if the PUC strips such an interest from local government, the PUC risks undermining the fundamental reasonable expectations on which those interests are based, and therefore, violating the constitutional mandate made clear in *Robinson*.

"Allowing the oil and gas industry to run roughshod over local communities irrespective of local concerns fundamentally disrupts the environment and the quality of life of those impacted, the PUC must respect the decision that was made by the Pennsylvania Supreme Court to make sure that this does not happen," added van Rossum.

The Delaware Riverkeeper Network seeks to have the Pennsylvania Public Utility Commission reject Sunoco's Petitions for exemptions; thereby ensuring that Sunoco abides by the applicable zoning regulations in each of the townships in which it wishes to construct its industrial facilities.

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