

THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

BOARD OF
SUPERVISORS:

James H. Raith
James P. Kelly
Sheri L. Perkins

*Public Meeting:
1st Wednesday of each month*

Mr. Patrick McDonnell

Secretary

Department of Environmental Protection Headquarters

Rachel Carson State Office Building

400 Market Street

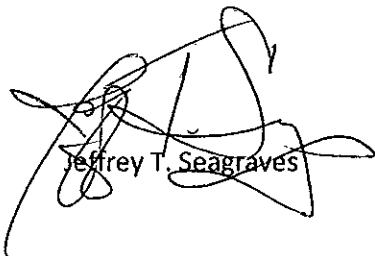
Harrisburg, PA 17101

RE: Mariner East I & II

Dear Secretary McDonnell,

Enclosed is a copy of a Proclamation adopted by the Board of Supervisors of Thornbury Township, Delaware County at their meeting on Wednesday September 21, 2016. The purpose of adopting the enclosed Proclamation was to bring the Board's concerns to the attention of your administration, as well as the Department of Environmental Protection. The safety of Thornbury residents is of the utmost concern to our Board of Supervisors.

Thank you for your consideration regarding this matter.



Jeffrey T. Seagraves

Manager

Thornbury Township, Delaware County

SECRETARY'S OFFICE

SEP 28 2016

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

**THORNBURY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

PROCLAMATION

A PROCLAMATION of the Board of Supervisors of Thornbury Township, Delaware County, Pennsylvania, expressing great concern to the Governor of the Commonwealth of Pennsylvania and to the Pennsylvania Department of Environmental Protection (PADEP) regarding hazardous liquids transmission pipeline projects that increase the risk of catastrophic accidents and jeopardize the health, safety and welfare of Township residents, especially when such projects provide no corresponding benefit within the Township.

WHEREAS, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting highly volatile liquids under pressure through Thornbury Township, a "high consequence area," using a repurposed transmission pipeline installed in the 1960s with a capacity of 70,000 barrels (2,940,000 gallons) per day (Mariner East 1); and

WHEREAS, an additional proposed Sunoco pipeline known as Mariner East 2 could, if constructed, transport through Thornbury Township an additional 275,000 barrels (11,550,000 gallons) per day of these same materials (with the potential to expand to 450,000 barrels (18,900,000 gallons) per day); and

WHEREAS, the highly volatile liquids, which are being transported through the Township for the first time by Sunoco, are, if released, gaseous, invisible, odorless, toxic, heavier than air and highly flammable; and

WHEREAS, this project has the potential to jeopardize public safety in Thornbury Township by accidental leaks, explosions, or fire; and

WHEREAS, the highly volatile liquids which Sunoco is transporting and proposes to transport through Thornbury Township are overwhelmingly intended for export to overseas markets and customers; and

WHEREAS, the transportation of these highly volatile liquids through Thornbury Township provides no direct benefit to either the municipality or its residents; and

WHEREAS, Sunoco has at least 263 reported hazardous liquid spills since 2006, according to records maintained by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA).

NOW THEREFORE, BE IT PROCLAIMED by the Board of Supervisors of Thornbury Township, Delaware County, that the Township expresses deep concern about the

existing and proposed Sunoco Mariner East transmission pipelines to the Governor of the Commonwealth and the Secretary of the Pennsylvania Department of Environmental Protection. Of particular concern to the Board of Supervisors are:

I

The high level of risk to Township residents which may occur due to the nature of the highly volatile liquids being transported and proposed to be transported through the Township. This risk must be demonstrably mitigated by such measures as the development of an incident response plan which includes (but is not limited to) viable worst-case evacuation routes developed in cooperation with the Township personnel and affected residents; enhanced safety equipment and safety training for first responders; and separation of new pipelines from existing residences by a distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines.

II

The inherent dangers of transporting highly volatile liquids under pressure through Thornbury Township, coupled with the fact that if released, these liquids are gaseous, invisible, odorless, toxic, heavier than air and highly flammable, requires that Sunoco have the ability to immediately stop the release once detected or reported. This risk can be demonstrably mitigated by the installation of shutoff valves both prior to the Township boundary where the transmission pipelines enter, as well as at the boundary where the transmission pipelines exit the Township. To the extent that release detection instruments can be provided to affected residents adjacent to a transmission pipeline, they should be provided and maintained by Sunoco with appropriate training provided to residents and Township personnel. This would afford an additional level of safety and notice for Township residents whose properties would be most immediately and severely impacted by a breach of the pipeline and provide Sunoco with the ability to more quickly respond to an emergency, hopefully avoiding the loss of persons and mitigating damage to property.

III

The Mariner East 2 project may threaten the private water supply of a number of Township residents as the proposed construction method has potential to create voids between the proposed pipeline and surrounding earth and that it is Sunoco's intention to leave these voids ungrouted, creating an unacceptable pathway for groundwater contamination. Proper and reasonable safeguard would be for Sunoco to establish a benchmark of the condition and quality of each of the wells within a prescribed radius along the project and monitor those same wells for an acceptable period of time post-construction to reasonably ensure no degradation of the groundwater.

IV

The Mariner East 2 project construction will disturb and alter essential elements of thoughtfully approved subdivisions. Such disturbance will adversely affect safeguards both within and without those subdivisions which have been carefully implemented in the establishment of those subdivisions. Sunoco must be required to restore such conditions and safeguards to the condition which the same were in immediately prior to the commencement of any construction.

V

To the extent that the Mariner East 2 project is approved by all necessary agencies with jurisdiction thereover, the Commonwealth must insure that such construction includes the simultaneous construction of both the proposed 20" pipeline and contemplated 16" additional pipeline, whether or not the such construction is deemed advisable or advantageous by Sunoco. To do otherwise will cause another significant period of hardship, consternation and anxiety to the residents of Township and surrounding community. This is a circumstance which is both unnecessary and easily avoided.

VI

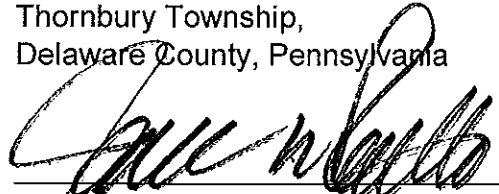
Essential to the powers of the Township, are the police powers granted by the Second Class Township Code and the power to regulate the uses and development of land by the Pennsylvania Municipalities Planning Code. Exemptions given to public utilities under each of these enabling bodies of law severely weaken the Township's ability to exercise its police powers and its ability to fully protect the health, safety and welfare of its residents and are contrary to the Commonwealth's ongoing obligation under Article 1, Section 27 of the Constitution of the Commonwealth, which provides:

"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 natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

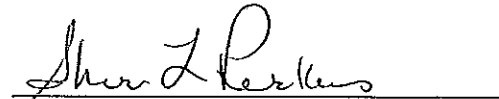
The consequences of such exemptions squarely favor commerce over community safety and are contrary to the preservation of the public trust created by the Commonwealth Constitution. Legislation is needed to more fully empower the Township to exercise control over public utility facilities at the local level, which in turn supports the Commonwealth's responsibility toward the citizens of the Commonwealth.

PROCLAIMED by the Board of Supervisors of Thornbury Township, Delaware County, Pennsylvania, at the regular meeting of said Board held this 21st day of September, 2016.

BOARD OF SUPERVISORS
Thornbury Township,
Delaware County, Pennsylvania


James H. Raith, Chairman


J.P. Kelly, Vice Chairman


Sheri L. Perkins, Supervisor

Attest:


Geoffrey Carbutt, Secretary

(TOWNSHIP SEAL)