



THE COUNTY OF CHESTER



COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

OFFICE OF THE COMMISSIONERS

313 W. Market Street, Suite 6202
P.O. Box 2748
West Chester, PA 19380-0991
(610) 344-6100

February 28, 2019

EDITORS: The following is for immediate release. If you have any questions, please contact Rebecca Brain, Communications Coordinator at 610-344-6279 or Robert Kagel, County Administrator, at 610-344-6026.

PHOTO: (Left to right) Chester County Commissioners Terence Farrell, Kathi Cozzone and Michelle Kichline on the Chester County Library property where two temporary easements for access to pipeline originally contracted to Sunoco Pipeline LP have been terminated.

Chester County Commissioners take action against Sunoco Pipeline LP related to Mariner East pipeline project

EXTON, PA _The Chester County Commissioners announced today two key steps in their on-going actions against Sunoco Pipeline LP (Sunoco) regarding the Mariner East pipeline project. The Commissioners made the announcement at the Chester County Library in Exton, the property owned by the County that sits on a section of the Mariner East pipeline owned by Sunoco.

Chester County has engaged the law firm of Reger Rizzo & Darnall LLP to undertake legal actions against Sunoco, to intervene in the *Flynn et al. v. Sunoco Pipeline LP* proceeding before the Pennsylvania Public Utility Commission. For more than two years, the County Commissioners and leadership from the County's Department of Emergency Services have been formally requesting crucial pipeline emergency safety information and procedures from Sunoco, either directly or via the Pennsylvania Utilities Commission and PEMA, in order to prepare mass notification and neighborhood emergency practices in the event of a Mariner East pipeline disaster. Those requests have gone unanswered, so the County is now joining in the *Flynn* Complainants because of shared interests, legal causes of action and requested relief.

In addition to this proposed legal action, the Commissioners have, today, sent a letter to Sunoco Pipeline LP, providing notice of termination of two temporary easements on the Chester County Library property that were granted to Sunoco in 2017 - a Work Space Easement and an Access Road Easement. Pipeline work on the property did not commence within the term of the temporary easements, so the Commissioners' letter is informing Sunoco that they are no longer entitled to utilize the Library's property. There were no terms for renewal of the temporary easements within the 2017 agreements.

"Time and again, Sunoco has been severely lacking in effective communication and transparency and we have no choice but to take these formal measures," said Chester County Commissioners' Chair Michelle Kichline. "Even with the groundswell of activity and appeals from elected officials, grass root organizations and residents affected by the pipeline, the company is not playing ball. We have no confidence that they ever will and we are done with trying to get answers on our own.

“It is time to take legal measures to force Sunoco to change its practices and be accountable,” added Kichline.

Chester County’s selection of Reger Rizzo and Darnall LLP was based upon the qualifications of one of the firm’s partners, Margaret A. Morris. Morris chairs the firm’s Utility Group and has more than 30 years’ legal experience with a specific focus on utility regulatory issues at the municipal, state and federal levels. She spent 10 years as legal counsel to Vice Chairman Robert Bloom at the Pennsylvania Public Utility Commission and has expertise in legislative and regulatory developments specific to the energy and gas industry.

Commissioner Kathi Cozzone said: “We have been working with pipeline safety groups, municipalities, industry organizations, pipeline operators and concerned citizens for many years, introducing notification practices, the web-based Pipeline Information Center, and holding public meetings on issues relating to pipeline matters. But Sunoco’s complete disregard for the safety of our residents has led us to seek legal counsel to address Mariner East pipeline issues. We are confident that Margaret Morris is the person to guide the County to successful conclusions.

“And to be clear, this legal action is against Sunoco’s corporate practices and is being taken to benefit the health and safety of all County residents,” added Cozzone.

The right-of-way for the pipeline located on Chester County Library land was recorded in 1937, prior to the County’s ownership, and the library property is encumbered with a permanent easement area. In 2017, Chester County formalized what already existed in terms of the right-of-way that Sunoco needed to maintain the existing line and to allow for two additional lines proposed by the Mariner East project.

The easement agreements that Chester County entered into with Sunoco in 2017 were only completed once all other landowners – residential and commercial – affected by the Mariner East pipeline had signed agreements with Sunoco. At that time, the Commissioners and County Emergency Services leaders were still actively pursuing information on emergency policies from Sunoco and were given assurances that the information would be shared.

“The lack of regard and respect for government officials, regulatory and safety organizations and above all, Chester County’s men, women and children is unconscionable,” added Farrell. “In addition to taking these legal actions, we commend the citizens of Chester County who have been taking an effective stand against the shoddy practices of Sunoco. They too are instrumental in this fight for health and safety.”

#