

# LETTER FROM THE CHAIRMAN

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Dear Friends, Neighbors and Fellow Residents,

Here we are. Today is a beautiful August 2nd. By the time you receive this newsletter, it will be late September. Kids will be back in school, vacations will be over and all will be back to normal. On behalf of the Board of Supervisors, I hope everyone had a great summer.

Rather than discussing all of the developments in the Township over the past several months, I would like to devote this entire article to just one: **the Mariner East Pipeline**. As you know, Sunoco is installing two pipelines along Boot Road and North Chester Road, a 20" pipeline (called Mariner 2) and a 16" pipeline (called Mariner 2X). All of the work



done since May has been on the larger Mariner 2 pipeline. Needless to say, this issue has been one of the most controversial topics that the Board has wrestled with in my 31 years as a Township Supervisor. All of us have been affected by it in some way—either as an eyesore or a source of traffic congestion—and some of us, who may live, work or have children who attend school along the pipeline route, have been affected by it much more personally and profoundly.

I have been asked many times over the past several months “what has the Board done about the pipeline?” More often than not, the real question being asked is “what has the Board done to stop the pipeline?” This question has two parts. The first part is “what is the Township permitted to do?” and the second part is “what has been done?”

Regarding the first part, pipelines are classified in one of two ways. They are either an interstate pipeline or an intrastate pipeline. The former is under the jurisdiction of the Federal Energy Regulatory Commission (FERC). The latter is under the jurisdiction of the Pennsylvania Public Utility Commission (PUC). The Mariner Project involves three intrastate pipelines and is therefore under the jurisdiction of the PUC.

In 2002 the PUC determined that Sunoco was a public utility and it issued a Certificate of Public Convenience to Sunoco to transport petroleum products in Pennsylvania. At that time Sunoco was only shipping petroleum products from Marcus Hook in Delaware County to the western part of Pennsylvania.

In 2014, in response to a petition from Sunoco, the PUC determined that petroleum products included Natural Gas Liquids (NGL's), which consist of propane, ethane and butane, and that Sunoco had the authority to transport petroleum products from the Marcellus Shale region in western Pennsylvania to Marcus Hook with various drop off locations for propane along the way.

The PUC is responsible for most aspects of the Mariner Project from construction to operation, except for the environmental impact of the portions of pipelines that pass through streams and wetlands, as well as over soil and erosion control, both of which fall under the authority of the Department of Environmental Protection (DEP). In any event, neither the PUC nor the DEP (or any other state or local government agency) has the power to tell a pipeline operator where a pipeline can and cannot be located. In fact, Alaska and Pennsylvania are the only two states that have no state agency responsible for the siting of pipelines. As a result, because Sunoco is a public utility, it can determine the route of the pipeline at its sole discretion either by obtaining easements through negotiation or by condemnation with the use of eminent domain.

What this also means is that Pennsylvania municipalities have no control over pipelines except for enforcing their noise ordinance and their storm water ordinance. In short, East Goshen has no legal authority under either the Second Class Township Code or the Municipal Planning Code—the two laws that dictate what most townships can and cannot do to regulate land use—to stop Sunoco from constructing a pipeline within our borders.

Now, onto the second part: what has the Board done?

After Sunoco filed its petition to the PUC in 2014, the Township hired an attorney specializing in pipeline issues to advise the Board on any legal recourse the Township had to stop, reroute or otherwise regulate pipelines within our borders. The attorney advised us that once the PUC ruled that Sunoco was a public utility, there was no legal avenue available to us to stop the project.

The Board had to make a decision at that point about whether to simply do nothing or to work with Sunoco cooperatively and constructively to ensure that the construction was done as safely, efficiently and transparently as possible. And this is where we find ourselves now. We are steadfastly determined to communicate any and all pertinent information about the pipeline out to our residents through Constant Contact, the website, the newsletter, and at public meetings.

We are carefully measuring sound readings at various locations along the

pipeline route to identify violations of the Township's noise ordinance and working with Sunoco to correct deficiencies. As of early August, we are also researching whether we have the legal authority to regulate vibrations through a vibration ordinance in order to mitigate the quality of life issues that many residents along the pipeline route are facing. In addition, we have had five meetings for residents dedicated exclusively to pipeline issues at which Sunoco representatives were present, in addition to countless regular meetings that were spent in part discussing various aspects of the pipeline project. These meetings have been very well attended and have served as an important vehicle for making Sunoco aware of the issues that Township residents face.

If you are having issues at or around your property as a result of the pipeline—be they sound, vibration, water quality, or general quality of life issues—please do not hesitate to contact the Township. Our first and most important job is to protect the health, safety and welfare of East Goshen Township residents and we treat any and all concerns like these with the highest priority.

In any event, it is important to point out that all the areas where work is being done are on easements negotiated between Sunoco and property owners or through the eminent domain process. The Township had no involvement in any of these negotiations, other than granting Sunoco an easement for a small, 15 foot wide strip of Township-owned land along the pipeline route.

Finally, we also get a number of questions about how long the project will last. Unfortunately, we do not yet know when the Mariner 2 pipeline (20" pipe) will be complete or even when work on the Mariner 2X pipeline will begin. However, we will continue to watch Sunoco's progress carefully until a firm timeframe is announced and can be communicated to all of our residents.

On behalf of the Board of Supervisors, I very much look forward to the day when East Goshen is put back together again.

As mentioned in previous newsletters, the Township has an e-mail communication called "Constant Contact". Residents are able to receive timely information on specific areas of interest. Residents can sign up by going to the Township's website at [www.eastgoshen.org](http://www.eastgoshen.org). Residents are also encouraged to sign up for ReadyChesco, an emergency notification system, to be made aware of any emergency in your area. ReadyChesco uses mapping technology to tailor specific messages to residents based on where they live or work. Visit [www.readychesco.org](http://www.readychesco.org) to sign up today.



If you have an interest in giving back to the community, let us know. We are always looking for motivated folks to volunteer to serve on any one of our Authorities, Boards or Commissions.

The Board welcomes feedback and suggestions from our residents. You may call the Township at 610-692-7171, respond through our website or contact me at [mshane@eastgoshen.org](mailto:mshane@eastgoshen.org).

*E. Martin (Marty) Shane*, Chairman

Board of Supervisors