



For Immediate Release:

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Delaware Riverkeeper Network Files Appeal After Previous Legal Challenge Dismissal

West Goshen Township, Chester County, PA: On July 11, 2017, the Delaware Riverkeeper Network appealed the decision of the Chester County Court of Common Pleas to dismiss its legal challenge to the Sunoco Mariner East II pipeline project.

On Thursday, June 15, 2017, Judge Mark Tunnell of the Chester County Court dismissed a complaint filed by the Delaware Riverkeeper Network against Sunoco Pipeline L.P.. The complaint, filed in May, sought to obtain Sunoco's compliance with municipal zoning ordinances of West Goshen Township. Affected West Goshen residents, Tom Casey and Eric Grote, joined in the complaint with The Delaware Riverkeeper Network.

"Sunoco is running roughshod over the environmental and safety rights of the people of Pennsylvania. While other industries have to comply with municipal zoning, Sunoco has attempted to exempt itself in its effort to lock our state and nation into a fossil fuel future and thereby secure its own financial future. In addition to the damage Mariner East II will cause, this failure to comply with local laws sets a dangerous precedent we cannot allow to stand. We believe the law clearly requires Sunoco to abide by West Goshen's zoning ordinance, and look forward to vigorously pursuing our claims at the appellate level," said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.

"West Goshen adopted a zoning ordinance in the interest of protecting the health, safety and welfare of its residents from industrial uses," said Tom Casey. "Sunoco should have to comply with these requirements."

According to the complaint, Sunoco violated West Goshen zoning by planning to construct the Mariner East II Pipeline, a hazardous, highly volatile liquids pipeline through residential areas, where such activities are prohibited. The Mariner East II pipeline carries natural gas liquids such as ethane, propane, and butane to its Marcus Hook facility. The West Goshen zoning ordinance, adopted in 2014, specifies that hazardous, highly volatile liquids pipelines may be constructed only in Industrial zoning districts of West Goshen, and only after securing conditional use approval and complying with minimum setback requirements. West Goshen's

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“conditional use” permitting process, if followed, ensures an opportunity for public participation. The plaintiffs filed their complaint against Sunoco after West Goshen Township declined to enforce its own ordinance. Sunoco contends that it is exempt from the zoning ordinance because of its alleged status as a public utility.

Judge Tunnell found that the plaintiffs had standing to bring the complaint, but also found that he had a lack of authority to regulate Sunoco.

The plaintiffs were represented in Court by the law firm of Curtin & Heefner as well as attorneys on the Delaware Riverkeeper Network staff. Sunoco Pipeline was represented by Duane Morris.

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the 4 states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.