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Clean Air Council and Impacted Landowners Enter Lawsuit to Stop Sunoco Pipeline’s Mariner East 2 Project

Philadelphia, PA -- The Clean Air Council and the Law Offices of Pinnola and Bomstein filed a civil action today against Sunoco Pipeline in the Philadelphia County Court of Common Pleas. The lawsuit seeks to establish that Sunoco Pipeline is not a public utility and does not have the right of eminent domain for the proposed Mariner East 2 natural gas liquids project.

“Today, we begin the process of setting the record right,” said Joseph Otis Minott, Esq., Executive Director and Chief Counsel of the Clean Air Council, a non-profit dedicated to protecting everyone’s right to breathe clean air. “Sunoco Pipeline has attempted to build the public narrative that it has the right to take people’s land for this project. We believe, after a thorough review of the law, that they do not have that right, and should not be allowed to harass and bully their way into building this harmful pipeline.”

Sunoco Pipeline, the wholly-owned subsidiary of Sunoco Logistics, proposed the Mariner East 2 project almost a year ago. If the company had approval for the project, it would transport natural gas liquids—primarily ethane, propane, and butane—from Ohio and western Pennsylvania to the Marcus Hook Industrial Complex near Philadelphia for export overseas. Since Sunoco Pipeline first proposed Mariner East 2, they have tried to convince landowners along the proposed route to sign right-of-way agreements for the project. Earlier this summer, Sunoco Pipeline initiated eminent domain proceedings in multiple townships throughout Pennsylvania in an attempt to use court orders to seize easements for the project.

The lawsuit introduces a number of primary claims. Most notably the lawsuit alleges that the Mariner East project would not serve any public need in Pennsylvania and that Sunoco Pipeline has not received the required regulatory authority for the Mariner East 2 pipeline. As such, Sunoco Pipeline should not be allowed to use eminent domain to build the pipeline.

Margaret deMarteleire and Michael Bomstein are landowners along the proposed route of the Mariner East 2 pipeline in Delaware County. Bomstein is also an attorney with the

Law Offices of Pinnola and Bomstein. “Sunoco Pipeline’s position seems to be that an ancient certificate of public convenience to operate a particular route through a particular county allows them eminent domain rights anywhere in that county, anytime,” said Bomstein. “Based on that logic, they have eminent domain rights that allow them to run multiple pipelines from South Philadelphia, place them behind City Hall, go up through Chestnut Hill, across Valley Forge National Park and beyond. As homeowners in Delaware County, who already have Sunoco pipelines in our backyard, my wife and I believe that Sunoco has no legal or constitutional right to encroach on our property like this and we intend to oppose Sunoco as long as we can.”

The lawsuit requests that the court make a determination on nine counts, including arguments relating to constitutional rights, eminent domain, legal procedure, and injunctive relief to prevent construction of Mariner East 2.

“We have been committed every step of the way to protecting the rights of landowners and local governments along the proposed route of the Mariner East project as well as the rights of all Pennsylvanians to a healthy and safe environment,” said Minott. “This is hopefully the final step in ensuring that these rights are protected for us here today as well as for all future generations.”

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