

## Sunoco PPP - ME2 Comment Response Document- Part 2 Comments

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## General Comments

### 1. COMMENT

I urge you to approve permits for the Mariner East 2 pipeline project planned by Sunoco Logistics. The project will help fuel local manufacturers while creating access to affordable, American-produced energy like propane while providing family-sustaining jobs for workers and taxpayer dollars for Pennsylvania's communities. I have seen that the Production of the Marcellus Shale and recent developments are providing an abundance of natural gas supply and market growth across our region. The shale gas boom is allowing Pennsylvania to be a player in the transportation, export, power generation and manufacturing sectors once again. This project has the opportunity to generate \$4.2 billion to the Pennsylvania economy and produce \$62 million in tax revenues for the state. The Mariner East 2 project will also create more than 30,100 direct and indirect jobs during the construction phase using union labor and approximately 300-400 permanent positions throughout Pennsylvania. Please approve the permit for the Mariner East 2 pipeline project. (1 – 1357, 6701 – 11053, 11651 - 12612)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project

### 2. COMMENT

As a Pennsylvanian and a resident that lives near/on the route of the proposed Mariner East Pipeline, I would like to take this public comment and engagement opportunity to provide my thoughts on the project. I understand that Sunoco has applied for Chapter 102 and 105 permits re: earth disturbances and for the crossing of waterways and wetlands in my county and in 16 other counties across the state. The project would carry highly explosive Natural Gas Liquids and span more than 300 miles, crossing our state and hundreds of streams and wetlands. It would have a profound negative impact on Pennsylvanians' such as myself, and our health, safety and welfare as well as the preservation of our environment. I urge you to take my comment into consideration. (1358 - 1372, 12613 – 12648)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

### 3. COMMENT

I request that you approve permits for the Mariner East 2 pipeline project planned by Sunoco Logistics. The project will help fuel local manufacturers while creating access to affordable, American-produced energy like propane while providing family-sustaining jobs for workers and taxpayer dollars for Pennsylvania's communities. I have noticed that the recent developments and production of the Marcellus Shale are providing an abundance of natural gas supply and market growth across our region. The shale gas boom is allowing Pennsylvania to be a player in the transportation, export, power generation and manufacturing sectors once again. The natural gas liquids carried in the pipeline are used to heat and power homes and businesses and are most widely used in the industrial and manufacturing sectors important to Pennsylvania's economy. The increased access to a reliable natural gas supply from the Mariner East 2 pipeline will give manufacturers a chance to rejuvenate their operations and remain competitive in the marketplace. The Mariner East 2 pipeline is an important step towards ensuring long-term, low-cost, stable supplies of natural gas get to the markets that need it. Please approve the permit for the Mariner East 2 pipeline project. (1358 – 2727, 12729 – 17075, 17220 – 17721)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project

**4. COMMENT**

I request that you approve permits for the Mariner East 2 pipeline project planned by Sunoco Logistics. The project will help fuel local manufacturers while creating access to affordable, American-produced energy like propane while providing family-sustaining jobs for workers and taxpayer dollars for Pennsylvania's communities. I have witnessed that the Production of the Marcellus Shale and recent developments are providing an abundance of natural gas supply and market growth across our region. The growth in shale gas is allowing Pennsylvania to be a player in the power generation, manufacturing, transportation, and exporting sectors once again. It's clear from the permit and from the project's documents that this project has been thoroughly planned and vetted to have a minimal impact on Pennsylvania's communities, waterways, and environment. I encourage the DEP to conduct a thorough but hasty review of the permit for the project. Please approve the permit for the Mariner East 2 pipeline project. (2728 - 5124, 17722 - 23348)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project

**5. COMMENT**

I submit these comments to the Pennsylvania Department of Environmental Protection on the applications Sunoco Pipeline L.P. has made for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code, requesting denial of the applications. As will be explained in forthcoming technical comments from Clean Air Council, Mountain Watershed Association, and other public interest groups, Sunoco's applications are missing important pieces of information and prove that the pipeline project would do great harm to the valuable public resources of our Commonwealth. Sunoco's applications are incomplete and inaccurate. Independent wetlands experts have identified additional wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP can't measure damage to streams and wetlands it doesn't know exist. The applications are also missing required sections and contain inaccurate maps. Sunoco had electronic map files that could have made evaluation of its pipeline project much easier, but withheld them from DEP and from the public. It was premature for DEP to open a public comment period on June 25<sup>th</sup>, 2016, before the public could review complete and accurate permit applications. Mariner East 2 would damage and destroy protected wetlands. Sunoco plans to dig through and tear up protected wetlands, including wetlands that the state deems "exceptional value." Through Sunoco promises to let some of these wetlands come back over time, it would clear-cut forested wetlands and do harm to other wetlands that can't be repaired. This is against the law. Sunoco could go around or drill under these wetlands, but it has chosen not to in order to save money on their bottom line. Mariner East 2 would do great harm to health, safety, and the environment. It is apparent from Sunoco's applications that Mariner East 2 would prove disastrous to Pennsylvania's environment. Everything from the quality of our streams to the preservation of our farms to the purity of our tap water would be affected by these pipelines. Sunoco has a bad track record for leaks in its pipelines for violations of state laws, which makes this application all the more concerning. For all these reasons, I respectfully request that DEP reject Sunoco's applications for stream and wetland crossing

permits for its Mariner East 2 / Pennsylvania Pipeline Project as incomplete and legally flawed. (1371, 5125 – 5444, 6305, 6358, 23349 - 23972)

**Response:**

The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

**6. COMMENT**

I ask that you approve permits for the Mariner East 2 pipeline project planned by Sunoco Logistics. The project will help fuel local manufacturers while creating access to affordable, American-produced energy like propane while providing family-sustaining jobs for workers and taxpayer dollars for Pennsylvania's communities. I have seen that the recent developments and production of the Marcellus Shale are providing an abundance of natural gas supply and market growth across our region. The growth in shale gas is allowing Pennsylvania to be a player in the manufacturing, power generation, transportation and exporting sectors once again. I'm encouraged that the project will be hiring local skilled labor to do the job right. The skilled trades responsible for pipeline construction pride themselves on having the most advanced training, safety redundancies, and other operational excellence protocols to prevent impacts to the property, the environment, and local community. Please approve the permit for the Mariner East 2 pipeline project. (5445 – 5918, 23973 – 29613)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**7. COMMENT**

I fully support the new pipeline expansion and feel this will add needed jobs and additional tax base to PA. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (5919 – 5927)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**8. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Mariner East II pipeline first because it will be good for the economy, and bring lots of jobs. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (5928 – 5932)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**9. COMMENT**

I have a question. Is there a way I can find out if Sunoco had ever considered any alternative routes through our area or around our neighborhood? Because I would like to know why if they did not; and if there are, why did they not consider them? Could you at least acknowledge that you have received my testimony for my specific situation? If you can help me get an answer to my other question regarding reroutes, it would be appreciated. Just

seems they could have saved much digging or boring under wetlands, safety issues, and so much personal property damage by going around our development. (5934)

**Response:**

As part of the application, Sunoco Pipeline L.P. submitted an Alternatives Analysis that included site-specific analyses of practicable alternatives to avoid or minimize Project environmental impacts including those for Exceptional Value wetlands and wildlife habitats in response to DEP's September 6, 2016 Technical Deficiency review. The Alternatives Analysis also established that the Project is designed to remain in existing utility corridors where possible and to minimize impacts to the environment and surrounding communities.

**10. COMMENT**

As President of The Pennsylvania State Grange, the oldest agricultural and rural advocacy organization of its kind in the United States, representing approximately 9,000 residents across the Commonwealth, I would like to offer comments related to Sunoco Logistics' Mariner East 2 Pipeline Project, which currently is under review by the Department of Environmental Protection.

I can tell you firsthand that Pennsylvania farmers have a rich tradition as stewards of the land. We have a strong connection to our surroundings. And, we only support projects that strike the right balance between respecting the land and putting it to proper use for the benefit of Pennsylvanians. In other words, Grange members are concerned both about energy production --- to become less dependent upon foreign and often volatile energy imports --- *and* environmental issues. We believe the two can work hand in hand.

Many people express concerns about pipeline safety. You should know that study after study and government data have found pipelines to be the safest, most environmentally friendly way to transport natural gas and natural gas liquids. According to the U.S. Department of Transportation, pipelines outperform all other types of infrastructure in safety, efficiency, reliability, environmental stewardship and cost. I can attest to this personally. A pipeline runs across my land. Even with it there, we are able to utilize our land without issue --- the pipeline does not disrupt our way of life --- and without concern. Many of our farmers and agricultural partners share similar stories.

Agriculture is the largest industry in Pennsylvania, contributing more than \$67 billion annually in economic output across more than 7.75 million acres of agricultural land. But when we think about farming in the commonwealth, it is important to understand that our sector is increasingly energy dependent. As the farming industry looks to what the future may hold, we see development of robust energy as indispensable. That means we need access to reliable energy supplies that pipelines deliver.

From crop-drying to powering equipment, natural gas and gas liquids like propane are increasingly important to a successful farming operation. Greater access to low-cost natural resources will drive down electrical generation costs and decrease costs of major agriculture inputs like fertilizer.

Safe and efficient construction of the Mariner East 2 pipeline will help us achieve these goals. Ultimately, this project will facilitate access to domestically produced natural gas liquids (NGLs) for residents throughout the region, creating a catalyst for industrial and commercial activity throughout the entire Northeast. The key is making sure the vast amount of energy resources we harvest here at home are put to use here, too, for our own

domestic needs and for our overall energy and economic security. NGLs have a wide range of uses --- from the production of plastics and petrochemicals to residential and commercial heating, among others, including feedstock for fertilizers, as I mentioned. These Pennsylvania energy resources can help power Pennsylvania's continued economic renaissance.

For the Pennsylvania State Grange, which is the oldest agricultural and rural advocacy organization of its kind in the United States, ensuring that our industry has long-term access to clean energy is a critical need. We support projects that strike the right balance between respecting the land and putting it to proper use for the benefit of Pennsylvanians. I believe this project accomplishes that goal and urge DEP to approve the permits for Mariner East 2. (5935)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**11. COMMENT**

To the Pennsylvania Department of Environmental Protection: South-Central Regional Office.

On behalf of the Laborers' District Council of Eastern Pennsylvania, our affiliated Local Unions, and our hard working and dedicated membership, please accept the following petition of support County Chapter 105 permit application related to the proposed Sunoco Pipeline project.

I support Sunoco's Mariner pipeline project. I know it will create thousands of good jobs and bring affordable and clean natural gas to Pennsylvania. I also know that pipelines can be built safely and in an environmentally friendly way. I urge approval of County Chapter 105 permit application related to the proposed Sunoco Pipeline project as soon as possible. (5937)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**12. COMMENT**

For the reasons set forth above, Citizens respectfully ask the Department to deny Sunoco's permit applications as incomplete and as proposing a course of action which would violate Chapter 105 in numerous, independent ways. If the Department instead allows Sunoco to complete or resubmit its applications, Citizens ask the Department to open a public comment period only after the Department has received complete applications from Sunoco. (5939 - 5947)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**13. COMMENT**

We appreciate this opportunity to comment on this proposed pipeline project permit application. While impacts are inevitable with this type of project, strict and vigorous enforcement of the law, regulations, and best management practices as they apply to this pipeline is required to protect the environment. (5948)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**14. COMMENT**

I am writing concerning the proposed Pennsylvania Pipeline Project by Sunoco Pipeline, also referred as Mariner East 2. This involves 2 parallel pipelines, 20 inch and 16 inch, for 306 miles in Pennsylvania. The two pipelines would follow for the most part the same right of way as Mariner East 1. The pipeline's purpose is to transport ethane from western Pennsylvania to Marcus Hook, Pa for export to Europe. Sunoco has a very poor history in regards to safety for the environment and protecting Pennsylvania communities. According to Pipeline Hazardous Materials Safety Administration (PHMSA) Sunoco had 296 spills between 2006 and 2016, totaling 742,434 gallons. In addition Sunoco received federal enforcement actions for failing to report such incidents, a process which the federal government relies on exclusively for oversight. PHMSA also states that Sunoco's failure to identify the root cause of 2009 pipeline accident allowed the recurrence of the same type in 2013. Sunoco was also cited in 2015 for at least 42 violations by PA DEP for work done on the Marine East project over the span of one year. The proposed pipeline would cross 581 wetlands and 1227 streams, permanently impacting at least 35.3 acres of wetlands and 8.6 acres of streams. Every method of wetland and stream crossing is associated with potential environmental harm. Horizontal directional drilling (HDD) is associated with the least amount of direct sediment disturbance. Open cut crossing is associated with more extensive sediment disturbance. HDD has less impact on sediment but is a more costly procedure. The Sunoco application stipulates it plans to use 17% HDD and 74.5% open cut crossings. Shouldn't the prime concern be for sound environmental policy. Also a concern is the safety of inhabitants in residential areas. As a resident of Cambria County I have seen the legacy of coal mining. Most waterways are polluted with acid run off. I urge the Commonwealth and its citizens to be vigilant to protect our environment resources. The purpose of these pipelines is to transport hazardous natural gas liquids across the state to Marcus Hook for export across the ocean. The pipeline will traverse 17 counties and over approximately 700 properties. In addition to streams and wetlands, the project will have a direct impact on communities and individual property owners. The risk of a catastrophe is unwarranted. I recommend not approving chapter 102 and 105 permits due to inherent risks. Residents of Pennsylvania receive NO benefits from this project, only more potential harm to the environment and properties. In closing I urge DEP to deny chapter 102 and 105 permits. Lets protect our citizens and environment. (5949)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department's technical review was based on environmental law and regulations, guidance, and policy developed to ensure compliance with those laws. Sunoco Pipeline L.P. chose the method of crossing resources based on an in-depth review of the pros and cons of each method at each crossing. The Department considered alternative crossing methods as part of its review.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous

Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

#### **15. COMMENT**

Please do not allow Sunoco to ruin our wetlands with their PA Pipeline aka Mariner 2. Once ruined, our wetlands are lost forever. You owe it to your children and mine not to further damage our water heritage to accommodate a bunch of rich CEOs. (5952)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. Pennsylvania law requires Sunoco Pipeline L.P. to obtain environmental permits for this project that protect wetlands. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### **16. COMMENT**

My name is Elise Gerhart and I am a Pennsylvania resident residing in Huntingdon County. I live with my parents, Ellen and Stephen Gerhart on the same property where my sister and I were raised. It is a 27.8-acre plot situated in the Trough Creek Valley, just east of Raystown Lake. The majority of the property is forested. We use well water. We have a large garden where we grow produce. I own no part of the property. Surrounding property was formerly owned by my parents. A 10-acre plot was given to my older sister approximately two years ago and remains undeveloped. Another 10-acre plot was sold to our neighbors, Mearl and Jokasta Steele in the mid-90s. They raised their two children, who are now grown, in the same house my sister and I spent our early years. I spent my childhood and young adulthood here, isolated from much of the world, but free to roam the undeveloped countryside. I love and care for this place, and for my family.

I first heard about Sunoco Logistics' plan to build the Mariner pipelines through my family's home in May of 2015. My mother has submitted a detailed timeline to you of the progression of events thenceforth, so I will not reiterate them all. I will simply say that the past year has been a traumatic one for my family. We have never felt so helpless or forgotten. We have done everything in our power to try to retain our property rights, protect our environment, and say "no" to this project. No state or federal agency has come to our aid during this time of need, although we have received an outpouring of support from fellow Pennsylvanians and others from as far as the U.K.

Our agenda is to keep Sunoco from building these two 20-inch pipelines through a property we vowed to conserve, and to carry on living in peace. We are fighting this project legally, based on the fact that this project serves no public need, but is rather for the private profit of

a few billion-dollar corporations. I am humbly asking the department to deny the Chapter 105 permits based on your knowledge that there is no necessity behind the project and that it will cause irreparable harm to our Pennsylvania forests, wetlands, waterways and air. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. Pennsylvania law requires Sunoco Pipeline L.P. to obtain environmental permits for this project. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. Additionally, the Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. Note: the attached documents referenced in this comment are included in part three of the comment response document.

**17. COMMENT**

In addition to above-ground water, we are deeply concerned about our groundwater which is our drinking water supply. No baseline testing has been done. Sunoco has agreed to do some baseline testing in places where property owners signed agreements. Are we not afforded the same simply because we oppose Sunoco's pipeline? Who will take on this responsibility? Will DEP help us to set a baseline if Sunoco will not? Having to do this testing ourselves has become impossible at this point due to our legal expenses regarding the question of eminent domain (this question has yet to be decided in the Pennsylvania courts). The burden should not fall on us; it should fall on the developer. They have billions of dollars and would make many more by putting our drinking water at risk. This baseline water testing should be a requirement across the board. It is the least they can do. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits. The special conditions include some related to HDD, such as provisions to ensure Pennsylvania's water resources are adequately protected.

**18. COMMENT**

I am 85 years old, living in PA since 1957. I came to the USA after the Soviet Union crushed our Revolution in Hungary in the fall of 1956. I was fighting on the streets of Budapest after they came in with fresh Asian divisions. After two months of resisting I had to escape when the Soviets re-established the Hungarian Communist government. They began to arrest people who were known to be opposing them. Many people were taken to Siberia and never seen again.

As a child, I grew up under the Nazi system. My small country lies in the center of Europe. Germans made us into their satellite. In the summer of 1944, I witnessed the collection and deportation of Jews, and I watched as they stuffed them into cattle cars in a nearby station. I believe I even saw the infamous Eichmann on the streets of Budapest. My father died in

1945, in the defense of Budapest. Twenty-five thousand other Hungarians also died in the war. The Soviet Union “liberated” us from the Nazis. When Russians began to fight for Budapest, they raped my mother in front of me. I was 13 years old at the time.

The Soviets installed the Hungarian Communists as the government. In 1948, I was an apprentice in a one-man engraving and jewelry shop. My boss worked very hard to establish his small business. One day two Hungarian secret police, dressed like the Gestapo from years before, came in their long leather coats to the shop. They said to my boss, “This shop is now nationalized; you have to leave.” In a few minutes, my boss was gone. The “police” told me to take an inventory of the tools in the shop and they told me I would have a job in the nationalized jewelry and engraving system. By that time all major businesses, banks, and mines, were taken over by the communists. This is the way it was. As a result, I have seen the arbitrary decisions made by both the Nazis and the Communists. In 1956 we Hungarians rebelled against the Soviet Union and the Hungarian Communists.

I wanted you to know all this, because now, the Sunoco Logistics company, wants to take over part of our land. We have a pond, streams, and wetlands, “in the way” of the proposed pipeline. Ducks, geese, herons, kingfishers, turtles, frogs, and fish have all found homes there. Our century old trees are homes for countless birds and mammals, including the endangered Indiana brown bat. Our forest is teeming with other wildlife, deer, bear, foxes, snakes, turkeys, grouse, that make their homes there. We have tried to live up to our promise made when we signed on to the Forest Stewardship (Clean and Green) program when we purchased our property in 1982.

We are living, breathing Pennsylvanians who have tried to preserve this land. Sunoco is a billions of dollar, faceless entity, based in Texas. The products that they want to transport through our land are not needed in Pennsylvania, or anywhere else in the United States. The rich executives of Sunoco have decided that they can make a lot more profit by selling the Natural Gas Liquids overseas. It is unjust to give them the right of eminent domain so that they can trample on the rights of the people of Pennsylvania. My wife of 40 years and my youngest daughter are distraught over your decision, as am I. Please reconsider your decision and side with the people of Huntingdon County who elected you and pay your salary. (5954)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project. DEP does not have jurisdiction over eminent domain actions. DEP’s jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.’s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania’s water resources are adequately protected.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

#### **19. COMMENT**

There were no DEP representatives on our property until after April 7, when the clear-cutting was apparently halted. On April 8, one DEP representative briefly accompanied, then left, a Tetra Tech crew who sampled a small section of the temporary workspace soil and who attempted to identify some of the trees standing outside of the cut zone. DEP does not currently have the manpower to enforce compliance or to regulate. It would be better to err on the side of caution and deny these permits. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent environmental statutes and regulations.

#### **20. COMMENT**

Sunoco Logistics has proven to be a chronic and blatant violator of safety regulations. Sunoco does not operate the most pipeline mileage, but it is number one in the number of violations DEP has already fined Sunoco Logistics several times for spills, leaks, working without permits, etc. Other agencies such as PHMSA, have also fined Sunoco for violations such as shoddy welding. DEP is well within its authority to deny permits based on the number of past violations by Sunoco Logistics. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline L.P. and the Department.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations.

Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**21. COMMENT**

Chapter 105 does not allow DEP to consider any possible job creation which may possibly be generated through the construction of this pipeline. At the four public hearings I attended, DEP allowed members of various trade unions, and business and industry, to discuss the potential number of jobs which would be generated by this project. Job creation is entirely out of the scope of DEP's responsibility. Permits should not be issued based on potential job creation. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The public hearings were open for any member of the public and DEP does control the content of comments. The permits were thoroughly reviewed by DEP staff for conformance with the pertinent environmental statutes and regulations.

**22. COMMENT**

DEP has admitted that it is understaffed and underfunded, particularly in permitting. As stated before, it would behoove DEP to err on the side of caution and logic, and deny these permits. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary Chapter 102 and Chapter 105 permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected.

**23. COMMENT**

The Pennsylvania Constitution and DEP's own mission statement talk about the right of Pennsylvanians to an environment with clean air and clean water for now and future generations. DEP---Department of Environmental *Protection*---is duty-bound to *protect* the environment before it is compromised. Businesses and industries such as Sunoco Logistics have a duty to their shareholders to turn a profit, whether this means damaging or destroying ecologically sensitive areas or not. DEP has a duty protect and defend the environment against the practices of companies such as Sunoco Logistics. Therefore, Chapter 102 and 105 permits should be denied. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding the proposed pipeline project. DEP's review of the applications and issuance of the permits for the Mariner East II/PA Pipeline Project is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**24. COMMENT**

**Fifth, and final, points:**

Sunoco Logistics claims that it works with landowners. This is not true in at least several cases. There are landowners who have unresolved issues with the Mariner East 1 already on

their properties (we do not have ME1 on our property). These issues range from 1) having waste water dumped into ponds, 2) workers trespassing off of the right-of-way, 3) forcing landowners to pay for reinforcing private lanes, and 4) cutting a wider right-of-way than what was in the easement agreement. We have several issues with the Mariner East 2, or Pennsylvania Pipeline Project. First, we have no idea how many pipelines are actually going in. Some survey stakes on our property are labeled PPP2 (Pennsylvania Pipeline Project 2) and some are labeled PPP3 (Pennsylvania Pipeline Project 3).

Does that mean that both pipelines are going in? Does that mean each pipeline gets its own ROW? If Sunoco Logistics decides that for now it's more feasible to only put in one pipeline, will they be able to come back later and put the second one in? The size of the pipeline has bounced around from 18 inches to 24 inches.

There are no safeguards required to identify potential leaks. Natural gas liquids are highly volatile, and are denser than the surrounding air. This means that it would take little more than a spark to initiate a blast zone of approximately 900 yards on either side of the pipeline...and that's only if one ruptures. Given the fact that this (or these) pipelines run up a steep slope, a leak on the crest of the hill would allow NGL vapors to accumulate in the pond and across the one road in and out of the Trough Creek area.

There are no emergency plans in place.

Sunoco Logistics' tactics were 1) make a lowball offer and immediately threaten eminent domain, 2) if a landowner wanted to negotiate, let them believe you are being very generous, 3) take "uncooperative" landowners to court and make examples of them. They have proven time and time again that they cannot be trusted. Do not grant them Chapter 102 or 105 permits. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP does not have jurisdiction over eminent domain actions. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

With regard to safety, the Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

## **25. COMMENT**

In 2012, Chester County obtained from the National Park Service a \$58,000 American Battlefield Protection Program grant to study the Battle of the Clouds. On Sept. 16th 1777 after victory at Brandywine, the British army marched north through West Chester intent on finishing off the rebel army. To meet the threat, Washington began deploying on high ground south of Lancaster Pike between Exton and Malvern. Crown forces attacked and the American left and right flanks collapsed. A torrential summer storm ensued preventing what could have been a catastrophic defeat for the Americans and the end of the revolution. My property sits on this high ground and was identified by the study to be where Pennsylvania militia was posted as the right flank of Washington's line and where the Hessian regiment that defeated the militia camped for several days. This area remains one of the last undeveloped sites associated with the Battle of the Clouds. My property and the adjacent Exton Station HOA land have been chosen by Sunoco Logistics for horizontal directional drilling, pipeline staging and assembly associated with the Mariner II project. During easement negotiations, Sunoco answered my request for a comprehensive cultural study with a shovel test and told me nothing was found. Repeated requests for a copy of the test report were ignored. Sunoco broke off negotiations and condemned my property. To avoid expense of litigation I followed legal advice to drop my request for a cultural study and settled with Sunoco. I expressed my concern about possible destruction of artifacts of The Battle of the Clouds to township and county commissioners and state and federal representatives. When contacted by public officials Sunoco denied that the battle took place and officials told me they can do nothing more to address the threat to possible battle field /encampment artifact destruction. Hearing that pipeline equipment was about to be moved onto my property I contacted Southeast Pennsylvania Historical Recovery Group who had done work at Brandywine Battlefield. They came with 15 metal detectors working 4 hours on my one acre property. Along with 40 pounds of scrap metal they uncovered 2 unfired musket balls less than 6 inches below the surface. These and other items are being examined by archeologists who are preparing a report. I informed public officials of the artifact find. Sunoco responded by sending two persons with a single metal detector and searched the

adjacent seven acre field, knee high in weeds for two hours. Successful artifact recovery with one detector searching a large area under high vegetation for a short period of time is unlikely. Pipeline construction involves tracked heavy equipment. During the yearlong construction period the top 6 or more inches of soil will be ground up along with any artifacts. Sunoco, with power of eminent domain, will come onto a Chester County Revolutionary War site it does not own, destroy artifacts and then move on. Considering that artifacts have been found, this site deserves a much more comprehensive cultural study than what Sunoco has done to this point. It makes no sense for taxpayers to spend \$58,000 on a study and then allow physical evidence supporting that research to be destroyed. (5956)

**Response:**

The Department acknowledges the commentator's comment regarding the proposed pipeline project.

Eminent Domain proceedings between landowners and Sunoco Pipeline L.P. are a private litigation matter. In addition, easement agreements, other than those involving Commonwealth lands, are a private matter between landowners and Sunoco Pipeline L.P.

As to historical sites and artifacts, the regulation at 25 Pa. Code § 105.14(b)(5) requires that DEP review the impacts of a dam, water obstruction and encroachment on National, State and local historical sites in making a determination of impact. Further, the Erosion and Sediment Control and Water Obstruction and Encroachment permits require that the permittee be protective of archaeological specimens and that earth disturbance activities must cease upon the discovery of any archaeological specimens.

Sunoco Pipeline L.P. is coordinating with PHMC. The Department has included permit conditions requiring that the permittee shall: 1) visually inspect for archaeological artifacts and shall immediately cease earth disturbance activities upon discovery of archaeological artifacts; 2) immediately notify the DEP Regional Office in the DEP region where the artifact is found and shall concurrently notify the Pennsylvania Historical and Museum Commission (PHMC) if artifacts are discovered; 3) protect historic, cultural and archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historical Places and the National Register of Historical Places; and 4) when applicable, not begin work in areas subject to Phase I or Phase II archeological investigations recommended by the PHMC until the permittee secures the necessary clearances for these areas from PHMC.

**26. COMMENT**

I am deeply concerned about both the environmental and ethical impacts of granting Chapter 102/105 permit applications for the Sunoco Logistics Mariner East 2 pipeline.

Regarding the environmental impact, the proposed pipeline will be traversing critical wetlands and waterways, with the potential for contamination and widespread consequences for our health and well-being. Some land owned by Juniata College where I work is along the proposed path of the pipeline, as is the property of some landowners I personally know.

Pipeline accidents are shockingly common, with one compendium listed at [https://en.wikipedia.org/wiki/List\\_of\\_pipeline\\_accidents\\_in\\_the\\_United\\_States\\_in\\_the\\_21st\\_century](https://en.wikipedia.org/wiki/List_of_pipeline_accidents_in_the_United_States_in_the_21st_century). Sunoco was explicitly cited in this list, with the most recent accident listed as occurring on October 13, 2014 when the Sunoco/Mid-Valley crude oil pipeline ruptured and

spilled 168,000 gallons of crude oil in Caddo Parish, Louisiana. As for the ethical aspects, from a general perspective, most of the natural gas is destined for international markets, which makes an egregious mockery of eminent domain, particularly in light of the fact of the likelihood that we may suffer negative consequences with obtain little or no gain. From a personal perspective, the landowners I know were unfairly treated and even threatened when they attempted to assert their legal rights. I doubt that their experience is unique and am very concerned, since the pipeline is set to go through over 2700 private properties, many of which are farms with streams and wetlands that are an integral part of the landowners' livelihood. Arguments for the pipeline center around economics. However, our true wealth exists in our natural environment. It is important that we stand up to the corporations and consider the long-term effects of what we are doing and seriously rethink our priorities. (5959)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East II/PA Pipeline Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**27. COMMENT**

We would like to remind the DEP that omissions in Sunoco's Ch. 105 permit application, including violations of DEP regulations, omissions of two entire streams, the permanent conversion of mischaracterized wetlands, and drinking water degradation are but a few of the disturbing ways in which this application explicitly violates DEP rules and state and

federal laws. It is undeniably daunting to consider the full extent of the damage that will occur if the pipeline is developed in accordance with the Chapter 105 permits as they now stand.

We wish to impress upon the DEP the critical nature of extending the public comment period for all of the associated permits. If additional time is not instituted, it is impossible for the DEP or the public to review these permits. In this case, the public has gone above and beyond the usual involvement by citizens. The public has organized, strategized, developed and spent their own funds to retain an expert to review this application. Because the necessary shapefiles were withheld, even these extraordinarily concerned and involved citizens were not able to carry out a thorough and complete review. The DEP receives tax payer money expressly for the purpose of conducting these permit reviews and yet did not even require that these shapefiles be submitted directly to them by the applicants in a timely fashion. The DEP must extend the comment period and must address the fundamental problem that they cannot ostensibly do their job without this information. (5960)

**Response:**

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**28. COMMENT**

Please accept this email as my comments against the approval of the Mariner II pipeline. (5962)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**29. COMMENT**

My request first is that the Department deny Sunoco's Title 25, Chapter 105 permit application. If that request is not honored, I request more time to get the facts and be able to comment. This project will effect my life and the environmental integrity of Pennsylvania's waterways. Approval of this application would result in 1400 cumulative miles of hazardous liquids compacted into one 350 mile right of way - from the Houston

Processing Plant in southwest Pennsylvania to the Marcus Hook industrial complex, south of Philadelphia; predominantly, Sunoco tells us, for exporting overseas. This staggering amount of fuel being transported alone should prompt the most thorough and exhaustive review by the Department. (5965)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**30. COMMENT**

For all of these reasons, I respectfully request that DEP reject Sunoco's applications for stream and wetland crossing permits for its project under review for being incomplete and legally flawed.

If this request is not granted, I request a comment period of 90 days to be restarted after the application deficiencies are corrected and published for public review. (5965)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P.

made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

### **31. COMMENT**

I am aware of the major impacts these natural gas pipelines will have on our wetlands and waterways. I OPPOSE granting these permits which Sunoco Pipeline L.P. made for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code, requesting denial of the applications. (5966)

#### **Response:**

The Department thanks the commentator for their comment on this proposed pipeline project.

### **32. COMMENT**

Associated shale gas reserves, and associated gas liquids, are reinvigorating the chemical industry all across the United States, and certainly in the Commonwealth of Pennsylvania. Nationwide, our colleagues at the American Chemistry Council are tracking more than 260 chemical industry projects in the United States linked to affordable natural gas and natural gas liquids. These projects total more than \$160 billion in investments, but roughly half are still in the planning phase. To ensure these projects keep moving forward, we need the right public policy when it comes to energy. That includes new pipeline capacity to transport natural gas and natural gas liquids to consumers- such as the Sunoco Logistics Mariner East 2 project, often referred to as the Pennsylvania Pipeline project. In Pennsylvania, the chemical industry is the fourth largest manufacturing industry in the state. To ensure the chemical industry's continued growth in Pennsylvania and in the region, manufacturers need to be assured they can leverage local energy supplies as their competitive edge. To do so requires continued investments in energy infrastructure like the Mariner East 2 project. The Pennsylvania Chemical Industry Council and its members know that new infrastructure projects like the Mariner East 2 energy transportation system will be a manufacturing catalyst and represent the state's best means of safely transporting natural gas liquids from the Marcellus and Utica Shale Basins to markets throughout Pennsylvania and the Greater Philadelphia region. A 2015 economic impact study conducted by Econsult Solutions found

that the \$3 billion private Investment- the largest private capital investment in more than a generation- will have a \$4.2 billion impact on Pennsylvania's economy. Once operational, the energy transportation system is expected to support 300 to 450 permanent jobs and contribute \$100 million to the Pennsylvania's economy- and this impact will continue to grow as natural gas liquids processing and manufacturing increases at the Marcus Hook Industrial Complex. The Pennsylvania Chemical Industry Council and its members are excited about the prospects for growth thanks to affordable and reliable energy supplies. However, the continued development of Pennsylvania's chemical industry depends on growing our natural gas infrastructure to transport natural gas resources safely and efficiently from their source to market. The Mariner East 2 project is an important step in developing our energy infrastructure, and the project stands to carry with it a host of direct and indirect benefits for Pennsylvania, especially for the manufacturing and chemical industries. The members of the Pennsylvania Chemical Industry Council strongly urge the approval of the Sunoco Logistics Mariner East 2 project permit applications. (5970)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project.

**33. COMMENT**

I am contacting you regarding the applications Sunoco Pipeline has made for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code. I hope you will reject the applications. Sunoco's applications are missing important pieces of information and the pipeline project would do more harm than good. Independent wetlands experts have identified additional wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP can't measure damage to streams and wetlands it doesn't know exist. Sunoco had electronic map files that could have made evaluation of its pipeline project much easier, but withheld them from DEP and from the public. Please add my opposition to that of others and reject the permits. Thank you. (5971)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permits were thoroughly reviewed by DEP staff for conformance with the pertinent environmental statutes and regulations.

**34. COMMENT**

I am sending this email to contribute to other comments opposing the permits required to move forward with Sunoco Logistics' Mariner East pipeline expansion. I hope the DEP refuses to issue permits for this project that would and has already caused extreme and permanent ecological impacts on our beautiful Pennsylvanian landscapes. This project poses long term risks for future generations in exchange for short term profits and international exports. Please protect our wetlands, waterways, and private property. (5973)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permits were thoroughly reviewed by DEP staff for conformance with the pertinent environmental statutes and regulations.

**35. COMMENT**

My name is Tom Palisin and I serve as executive director of The Manufacturers' Association. On behalf of our member companies throughout south central Pennsylvania, I

strongly encourage the Pennsylvania Department of Environmental Protection to approve the environmental permit applications for Sunoco and the Mariner East 2 pipeline.

The Manufacturers' Association is a regional trade organization, serving member companies located in south-central Pennsylvania where almost 2,500 manufacturers do business. Manufacturing in this region employs over 110,000, provides \$11 billion in economic activity annually and is a global export leader. As the advocate for manufacturing in south central PA, we hear from companies who derive clear benefits from access to the state's shale gas resources. The PNC Economic Outlook Survey reports that lower energy prices have positively impacted profitability, sales and plans by manufacturers to add new employees. In addition, the Philadelphia Federal Reserve Business Outlook Survey reported that lower energy prices for 63% of surveyed manufacturers yielded a positive impact on their operations, 57% reported lowered costs of production and 22.9% had increased sales margins.

The Mariner East 2 pipeline will provide a reliable source of natural gas liquids products (NGLs) to our region utilizing take off points across the region that will allow access to ethane, butane and propane. These resources are critical to the operations of manufacturers based in Pennsylvania --- helping to drive reduced pricing for derivative products, and supporting domestic re-shoring activity by bringing a favorable shift in the U.S. balance of trade as ethylene capacity comes online. Further, Sunoco has committed to employing highly skilled, highly trained workers to construct the pipeline, supporting more than 30,000 jobs during the construction period and 300 permanent jobs.

The Mariner East 2 pipeline is a critically important component of Pennsylvania's midstream infrastructure, bolstering manufacturing while also providing NGL access to businesses and homes throughout our region. Sunoco has committed that the project will be completed safely and responsibly, and I support DEP's expedient approval of its environmental permit applications. (5975)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**36. COMMENT**

The Marcellus Shale Coalition (MSC) was formed in 2008 and is comprised of approximately 220 natural gas producer, midstream and supply chain members who are fully committed to working with local, state and federal government officials, local communities, and other stakeholders to facilitate the development of the natural gas resources in the Marcellus, Utica and related geological formations. Our members represent many of the largest and most active companies in natural gas production, gathering and transmission in the country, as well as the consultants, suppliers and contractors who work with the industry. The MSC appreciates the opportunity to comment on and lend its strong support for the Department of Environmental Protection's (DEP) issuance of the Chapter 102 and Chapter 105 permits submitted by Sunoco Logistics, Inc. for its pipeline projects commonly referred to as Mariner East Phase 2. As DEP knows, much of the proposed corridor for Mariner East Phase 2 will follow the existing Mariner East 1 pipeline, which will help greatly in mitigating and minimizing impacts on existing landowners. Pipelines have been demonstrated to be the safest means of transporting energy resources from the areas of production to the areas of use. Our Commonwealth and nation have seen a significant and historic increase in shale

gas production over the last decade, as producers tap resources which previously were limited due to economic or technological considerations. This tremendous increase in production, which has seen Pennsylvania climb to become the second largest natural gas producer in the nation, has had a significant positive economic impact on consumers; created and retained tens of thousands of jobs; contributed to significant enhancements of our air quality; and lessened our dependence on foreign energy resources at a time of growing geopolitical instability. To maximize and sustain these benefits, it is incumbent that officials at all levels of government work collaboratively to authorize the critical infrastructure necessary to transport these resources to market. Additionally, it is imperative that such projects be designed, constructed and operated in a manner that provides the maximum level of protection for our environment and natural resources. To this end, DEP's careful review of the technical merits of the pending Chapter 102 and Chapter 105 permits, relating to earthmoving as well as crossings of wetlands, streams and floodways, is a critical component of this collaboration. As you know, Pennsylvania's Chapters 102 and 105 permitting criteria are among the highest in the nation. The design, construction, inspection and monitoring requirements included in each of the permitting regimes all help to ensure that Pennsylvania's water resources, and all those who depend upon them, are protected. Approval of these permits, and continued forward movement on the Mariner East Phase 2 project, are critical to fully realizing many of the positive economic, environmental and energy security benefits of domestic shale gas production. All told, Mariner East Phase 2 will invest more than \$3 billion of private capital into the Commonwealth's economy, supporting over 30,000 jobs throughout the construction phase. Long term benefits will yield nearly 400 permanent jobs and infuse over \$100 million annually into our economy. Sunoco logistics is committed to constructing and operating this project with the highest consideration for protecting our Commonwealth's natural resources. The MSC urges DEP's favorable consideration of these important permits. Thank you for your consideration of these comments. (5976)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**37. COMMENT**

On behalf of the Pennsylvania Chamber of Business and Industry (PA Chamber), the largest, broad-based business advocacy group in the Commonwealth, I am writing in support of Sunoco Pipeline LP's applications for permits granting coverage under the state's Chapter 102 and 105 programs for a natural gas liquids pipeline project, referred to in the application as the "Pennsylvania Pipeline Project" and referenced more widely as the "Mariner East Project." As this application would allow for the construction of a project vital to the continued growth of Pennsylvania's economy in a manner that is sufficiently protective of the Commonwealth's environmental resources and public, and that will be constructed and operated in compliance with the state's robust regulatory framework for water and wetland resources, I urge you to grant approval of this project.

The Mariner East Project represents a \$4.2 billion investment opportunity into Pennsylvania's economy and, beyond the thousands of jobs during construction, will support hundreds of manufacturing jobs across the state – both for the infrastructure and equipment needed to build the pipeline and in the processing and refining of various natural gas liquids to be used in a variety of manufacturing processes. In particular, the construction of the Mariner East project is necessary to securing southeast Pennsylvania's role as an energy hub, focused on the refinement and processing of natural gas liquids and the

associated manufacturing opportunities made possible by those liquids. The project will also continue to support continued exploration and production of natural gas in rural Pennsylvania.

In recent years, the expanded exploration and production of natural gas from the Marcellus shale in Pennsylvania has led to significant environmental and economic gains. There remains, however, a significant lack of pipeline infrastructure that threatens to limit the tremendous potential this resource represents for the state and nation's economy, environment and energy security. Additional pipeline investment such as this project will support valuable, high-paying jobs involved in gas production, encouraging a stable, affordable supply of gas to be used in home heating, power generation, manufacturing and transportation.

Increased supply and use of natural gas will assist the Commonwealth in maintaining an affordable, diverse energy portfolio and will also aid in attaining and maintaining continued compliance with federal National Ambient Air Quality Standards. In addition to improving public health, attaining these standards facilitates the permitting of new and expanded projects across the state, which is beneficial to the economy. Pennsylvania has made significant, documented reduction in all NAAQS criteria pollutants over the past decade, and the increased use of natural gas can help continue this progress.

The proposed permit conditions outlined in the project's applications are appropriate, satisfy necessary regulatory criteria and are sufficiently protective of the environment and public. The proposed project will consist of a number of components that are necessary to ensure proper and safe operation of a pipeline, including compliance with federal pipeline safety requirements, regular leak and corrosion detection efforts, and a robust on-going public safety outreach campaign.

Further, the applications describe how Sunoco Logistics has taken great strides to reduce impacts to environmentally sensitive areas. These efforts include minimizing, to the greatest extent possible, construction activities outside of existing rights-of-way or within or near wetlands and waterways. Sunoco Logistics also intends to use horizontal direction drilling to minimize surface impacts, such as tree clearing, in environmentally sensitive areas, such as forested wetlands and/or habitats containing threatened or endangered species. Finally, appropriate best management practices are identified that will avoid, minimize and/or mitigate earth disturbance, erosion, soil runoff, thermal impacts, riparian buffers, and wetlands impacts. Most of these impacts are temporary in nature, and the BMPs identified will allow the project to proceed in a manner that is compliant with, if not exceeding, the state's robust regulatory framework. (5977)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**38. COMMENT**

This is to request that DEP not grant the permit for Mariner 2 and 3 pipelines because of the harm that it will cause our water resources. Also, according to law, the pipeline must benefit Pennsylvania. The liquid gas that is intended to flow through these pipelines will not be heating Pennsylvania homes, it will be put directly into tankers at Marcus Hook and sold overseas for the benefit of entities other than Pennsylvania and our citizens, leaving

behind damage to our waterways at an expense greater to Pennsylvanians than any benefit to Pennsylvanians. (5978)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

**39. COMMENT**

In Huntingdon county I have personally witnessed and can testify to the blatant disregard for environmental regulations that sonoco logistics has committed in the deforestation for the East Mariner pipeline. I have heard from professional 3rd party environmental surveyors about the gross inadequacy with the companies surveys regarding wetlands and erosion. I have witnessed intimidation, abuse and disrespect of property owners. I have seen this company consistently lie to the public, land owners and most importantly in regards to these permits, you the DEP. They keep using resources to get people to regurgitat the same talking points about jobs and economics when there would be more jobs fixing existing infrastructure of theirs that is failing. Why jobs and economics are constantly talked about as if they have relivence at a DEP forum is beyond me even if their claims were true! So far over 90% of the workers I've seen had out of state plates. Maybe im just being naive in thinking that someone is going to read this and actually do something about it but I like to think that there are honest people working for the DEP that haven't lost focus what they are supposed to be protecting...the environment not the interests of Dallas based company. please do not issue the permits that they are asking for, doing so would open the floodgates to much more destruction. Please extend the comment period so that you can get the information they have been hiding from you so u can make an informed decision. (5979)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**40. COMMENT**

I am submitting this comment to ask you to reject Sunoco's application for a 105 permit for its Mariner 2 pipeline project. The pipeline runs through 17 counties, including my own county of Berks. It is an unnecessary project that only encourages continued extraction of fossil fuels at a time when every reputable climate scientist is telling us to leave it in the ground. Of course, we have all now witnessed climate change's impacts on our water

supply – record droughts, shrinking snow pack, etc. And so it is particularly perplexing that, beyond considering ANY fossil fuel project, that you consider one whose construction and operation are so injurious to our waterways. (5980)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

DEP’s jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.’s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania’s water resources are adequately protected.

**41. COMMENT**

Your agency has limited authority to say yes or no to pipeline projects. When you have all the rationale you need and you are up against a company that has trampled the rights of citizens, bullied them, and lied about its public utility corporation status, when you are confronting a company with a history of serious violation, and when that company deals dishonestly with the public by playing tricks like switching the project’s name midstream, you have an obligation as representatives of we, the people, to use the authority you clearly have to put our interests and those of our natural resources over those of a for-profit company masquerading as something it isn’t. Reject the 105 permit for the Sunoco Mariner East 2 pipeline. (5980)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The Department acknowledges the commentator’s comment regarding this proposed pipeline project. DEP’s review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable environmental statutory and regulatory requirements. These requirements, the Department’s thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**42. COMMENT**

DEP must consider the aggregate and cumulative impacts of the gas industry in toto. Every aspect of this retrograde fossil fuel industry is causing harms to our environment; water, air and soil. DEP cannot ignore the fact that carbon compounds comprise highly potent greenhouse gases which are directly and significantly contributing to global warming. According to the 2015 Climate Change Action Plan Update prepared by DEP, Pennsylvania

has undergone a long-term warming of more than 10C over the past 110 years.<sup>1</sup> Models used in the update establish this warming is a result of anthropogenic influence, and that this trend is accelerating. Projections in the 2015 Update show that by the middle of the 21st century, Pennsylvania will be about 30C warmer than it was at the end of the 20th century.<sup>2</sup> DEP can no longer aid and abet the continued use of fossil fuels and the development of fossil fuel infrastructure. (5212)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable environmental statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**43. COMMENT**

We, the citizens of the Commonwealth of Pennsylvania, demand the Department of Environmental Protection stops operating as a shill of the gas industry. We request DEP extend the public comment period to "encourage the broadest two-way communication possible" and accommodate "teamwork" according to its 'values statement'. The public needs more time to read applications and do appropriate research. We, the public, have a vested interest in the natural resources that sustain us. DEP working cooperatively and respectfully with the public it serves will ensure the best outcomes for all of us. (5212)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable environmental statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the

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<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document114163/FINAL%202015%20Climate%20Change%20Action%20Plan%20Update.pdf>

11

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document114163/FINAL%202015%20Climate%20Change%20Action%20Plan%20Update.pdf>

Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

#### **44. COMMENT**

I am submitting the following comments in regards to Sunoco Logistics LP 105 permit application. After reading through it and the accompanying documents I found that these permit applications are still incomplete, contain inadequacies and in some cases omission of pertinent information. Some of these insufficiencies might be considered minor while others, if not fully addressed, could result in grave consequences for families living along the pipeline route. (5983)

##### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

#### **45. COMMENT**

Finally, it is my belief based on the current information available that this permit application is incomplete, has inadequacies and errors and fails to address fundamental issues affecting human and environmental health. I therefore request in all fairness this comment period should be suspended immediately then restarted once Sunoco actually submits a complete and accurate application packet. Then due to the magnitude of the proposed project, the quantity of accompanying documents, and time needed by citizens to fully process information and respond in an informed manner DEP should do the following: Announce a 90 day comment period where submissions can occur via eComment (verifies receipt and allows others to view comments), U.S. Postal Service, or email to insure that people have sufficient opportunities to submit comments. After all Sunoco was afforded ample amounts of time to submit their applications two times so far Pennsylvanian families deserve the same courtesy. (5983)

##### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

#### **46. COMMENT**

I am writing to you today to voice my full support of the Sunoco Mariner 2 Pipeline. I'm completely in support of this project and the benefits it will bring to Pennsylvania. This pipeline will bring a much needed boost to the state's economy and will create thousands of jobs for not only the gas companies, but all parties involved, including those supplying equipment and service to aid in construction. By approving this pipeline, it welcomes other companies to bring and expand their business into our state. Seeing as this pipeline will run the entire length of the state, it is a big step in moving to be independent from foreign energy. Please vote Yes on this project and let the state flourish and grow as a result of this major opportunity. (5984)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project.

**47. COMMENT**

My name is Nancy Harkins and I am a resident of Chester County. I live within 1500 feet of the proposed pipeline. I am opposed to further expansion of oil & gas infrastructure in general and this project in particular because of the great harm that would result to our community health and safety and environmental degradation.

There is no safe or sensitive way to build these pipelines. The work is inherently destructive and dangerous. It requires deforestation, destruction of small waterways and wetlands, encroachment on wildlife habitat and conversion of wild spaces to industrial zones.

According to Sunoco's Aquatic Resource Avoidance, Minimization and Mitigation Plan, additional temporary workspaces are required for stream crossings. When riparian areas require greater care and protection, this seems counter-intuitive. Basically, in order to build major gas transmission lines, it is necessary to cause more environmental damage at more ecologically sensitive areas. Does allowing this fit in with DEP's mission?

(5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

**48. COMMENT**

Regarding concern for human impacts, construction and operation of gas lines puts drinking water at risk. Sunoco has admitted this risk by including in some easement agreements a plan for baseline water testing. They are, however, not offering to do baseline testing beyond landowners that are directly affected. The DEP's own work on groundwater contamination indicates that it is more extensive and pervasive than it was purported to be.

(5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

#### **49. COMMENT**

Finally, I will tell you about my concerns for the Susquehanna River and Sunoco's planned crossing. This would prove to be an immense task. Is Sunoco up to it? They have shown themselves to be extremely careless and accident-prone. They are driven by profit and pressure from their investors, not the rules and regulations put in place to protect our Pennsylvania environment. Our Susquehanna needs help. It needs recovery efforts. It is a river filled with pollution. These problems need to be fixed before more development takes place and more cumulative effects add up. (5441, 11136, 23463, 23775)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits.

#### **50. COMMENT**

DEP mission statement: “The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.” (5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**51. COMMENT**

I submit these comments to the Pennsylvania Department of Environmental Protection (the Department) on the applications Sunoco Pipeline L.P. (Sunoco) has made for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code. The fact that both Sunoco and DEP keep changing the name of this project deprives me of a clear cut way of following the permitting process.

My request first is that the Department deny Sunoco’s Title 25, Chapter 105 permit application. If that request is not honored, I request more time to get the facts and be able to comment. This project will affect my life and the environmental integrity of Pennsylvania’s waterways. Approval of this application would result in 1400 cumulative miles of hazardous liquids compacted into one 350 mile right of way - from the Houston Processing Plant in southwest Pennsylvania to the Marcus Hook industrial complex, south of Philadelphia; predominantly, Sunoco tells us, for exporting overseas. This staggering amount of fuel being transported alone should prompt the most thorough and exhaustive review by the Department. Understanding the Chapter 105 permit is made for made for stream and wetland crossings, my comments are specific to that and to the fact that Sunoco’s applications are missing important pieces of information needed for me, and for the Department, to properly review the application before you. (5985)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the

applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

## **52. COMMENT**

On behalf of the Greater Johnstown Cambria County Chamber of Commerce, I want to express our full support for the Mariner East 2 pipeline project. We recognize the immense economic benefits this project will have for our region and Pennsylvania as a whole. We encourage the Department of Environmental Protection to approve the required permits. We have been fortunate in this state to continue our development of vast natural gas resources from the Marcellus Shale, but now we are faced with the challenge of delivering those resources and their byproducts to facilities for processing and distribution. The Mariner East 2 pipeline will help us meet that demand. It is critical that Pennsylvania invest now in the safe and reliable transportation of energy resources that our state will need as we continue to extract natural gas. Safety is of utmost importance to our communities, and our residents, and a responsibly constructed pipeline with multiple safety mechanisms built by a Pennsylvania company like Sunoco is exactly the type of infrastructure we want constructed here. Furthermore, this pipeline will create thousands of good-paying jobs, both during construction and following completion of the project. That type of investment in human capital will spur local economies all along the route, including our region, as workers spend their hard-earned paychecks in local businesses while supporting their families all across Pennsylvania. The economic reach of this project is broad, and not limited only to the energy industry. Manufacturing will benefit from the refined products, labor will benefit from jobs that pay a living-wage, consumer services will benefit from the construction crews, residents will benefit from reduced energy costs --- it truly is a wide-ranging economic benefit for our state. I encourage the Department of Environmental Protection to approve this project. The benefits are far too great for our state to pass up. And, in a time when many are looking for an economic leg up, I believe we should pursue every opportunity possible. The Mariner East 2 project is that opportunity. Thank you. (5988)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

## **53. COMMENT**

For the reasons listed below, I strongly oppose the building of the Sunoco Pipeline's Mariner East 2 project, which will be harmful to Pennsylvania's environment. Sunoco Pipeline L.P. has submitted applications for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code, requesting denial of the applications. (5989)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the

applications satisfy the regulatory requirements. The Department has included special conditions in the perm.

**54. COMMENT**

Mariner East 2 would do great harm to health, safety, and the environment. It is apparent from Sunoco's applications that Mariner East 2 would prove disastrous to Pennsylvania's environment. Everything from the quality of our streams to the preservation of our farms to the purity of our tap water would be affected by these pipelines. Sunoco has a bad track record for leaks in its pipelines and for violations of state laws, which makes this application all the more concerning. For all of these reasons, I respectfully request that PADEP reject Sunoco's applications for stream and wetland crossing permits for its Mariner East 2 / Pennsylvania Pipeline Project as incomplete and legally flawed. (5989)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the perm.

**55. COMMENT**

Thank you for the opportunity to provide my input on the Mariner East 2 pipeline. My name is David Black, and I serve as the President and CEO of the Harrisburg Regional Chamber & Capital Region

Economic Development Corporation (CREDC). This natural gas liquids project stands to create a number of positive economic benefits for the Harrisburg region, both during the construction process and through its ongoing operation. Further, we foresee minimal impacts to communities in our region thanks to the company's astute planning and preparation. For these reasons, we encourage the state Department of Environmental Protection to approve the project's environmental permit applications.

The mission of the Harrisburg Regional Chamber & CREDC is to advocate for job creation and business growth in Cumberland, Dauphin and Perry counties. The Mariner East 2 pipeline will accomplish these goals. With the creation of more than 30,000 jobs during the construction phase as well as 300 to 400 permanent positions throughout Pennsylvania once it is built, Mariner East 2 will put many highly skilled men and women to work. Construction workers will spend their wages on goods and services along the pipeline route, bolstering local businesses in the region. The project also will generate \$62 million in tax revenues for Pennsylvania. These revenues will go a long way in supporting and enhancing our schools, roads and other critical infrastructure.

The benefits of oil and gas development stretch far beyond the wellhead. Even though our region doesn't sit squarely within the shale plays, businesses in our area have benefited and grown by supplying and supporting developers, and local manufacturers have made gains in enhancing their competitiveness thanks to cheaper energy prices. The next step is to ensure we have a safe, reliable energy infrastructure in place to sustain this growth, support these regional and statewide revitalizations, and power consumers and businesses in our region and across the commonwealth.

Most importantly, Mariner East 2 will be built with skilled labor to ensure minimal impact to the environment. Pipelines are by far the safest means of transporting energy resources -- much safer than by truck on our roadways or via rail. Sunoco Logistics has committed to using the most advanced safety technologies and monitoring systems during construction and operation, ensuring that all state and federal regulations are adhered to. Sunoco has been in this business for 75 years, and it's encouraging to see a Pennsylvania company transporting Pennsylvania resources to a Pennsylvania facility like Marcus Hook for processing, storage and transport to consumers. For these reasons, we fully support the Mariner East 2 pipeline and sincerely hope DEP will approve its environmental permit applications. The Harrisburg region looks forward to the responsible, successful completion of this project. Thank you again for your consideration during this public comment period. (5990)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**56. COMMENT**

**NO IMPACT ALTERNATIVE**

"The No-Impact Alternative considers the potential benefits and adverse impacts if the Project were not constructed. If the Project were not constructed, one potential benefit would be the absence of environmental impacts associated with construction and operation of the Project; however, the local communities/markets in need of the natural gas liquids (NGLs) that would no longer be provided would be adversely impacted. Specifically, the purpose/need of the Project to transport low cost Marcellus Shale production to markets locally and domestically in the U.S. and to international markets would not be met. Consequently, the No-Action Alternative would likely require the use of other energy sources to satisfy the growing energy demand that would not be met by the Project. Accordingly, customers in those markets would have fewer available and likely more expensive options for obtaining natural gas supplies in the near future."

Sunoco has yet to provide evidence as to what quantity of the gases specifically NGLs (ethane, butane and propane) they plan to transport in these pipelines would actually remain in the United States or where it would be used. Until recently Sunoco never mentioned domestic use until opposition to the pipeline pointed out that this pipeline crosses two state boundaries with a final destination of Marcus Hook for export to Europe so that Sunoco can meet contractual obligations with two European companies (INEOS and Borealis AG). Two items to note: According to recent reports from the US Energy Information Administration(EIA) there has been more than enough natural gas supplies in the northeast and the rest of the country. In fact more natural gas liquids are being exported than imported in the U.S (see attached documents "US propane exports increasing, reaching more distant markets and accompanying graph., As such I question the need for these pipelines under the premise they present under /NO IMPACT ALTERNATIVE. (5983)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**57. COMMENT**

Environmental justice and constitutionality concerns

Citizens additionally wish to direct the Department's attention to public participation opportunities for environmental justice communities, and the Department's responsibility under Article I, Section 27 of the Pennsylvania Constitution.

First, the Department should consider whether the impacts from the Chapter 102, Chapter 105, and minor source air permit for the Ebensburg pumping station cumulatively should be considered Opt-In Permits under the Department's Environmental Justice Public Participation Policy, in connection with the environmental justice community in and around Ebensburg, Cambria County. Citizens make the same suggestion in connection with the Twin Oaks pumping station and the environmental justice community in and around Chester, Delaware County.

Also, as explained in the Chapter 105 Joint Comments, and as the Department is well aware, Article I, Section 27 of the Pennsylvania Constitution provides that "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 location of Section 27 in the Commonwealth's Declaration of Rights signifies a particular constraint on Commonwealth actions because this portion of our charter "delineates the terms of the social contract between government and the people that are of such 'general, great and essential' quality as to be ensconced as 'inviolable.'" *Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth*, 83 A.3d 901, 950, 947 (Pa. 2013) (plurality) (citing PA. CONST. art. I, Preamble & § 25). Each of the "three mandatory clauses" in Section 27 establishes distinct "substantive" constraints, and they all reinforce the Department's duty to complete robust environmental reviews before taking action. *Robinson Twp.*, 83 A.3d at 950, 957. The third clause of Section 27 prohibits the Department from infringing upon the people's environmental rights, and from permitting or encouraging the degradation, diminution, or depletion of public natural resources. *Robinson Twp.*, 83 A.3d at 953.

In light of the numerous deficiencies in Sunoco's applications and great harm the Project would inflict on the "natural, scenic, historic and esthetic values of the environment" in Pennsylvania, Citizens believe Article I, Section 27 requires strict scrutiny of Sunoco's applications, and the utmost diligence in protecting our natural environment. (5939-5947)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**58. COMMENT**

For the reasons set forth above, Citizens respectfully ask the Department to deny Sunoco's permit applications as incomplete and as proposing a course of action which would violate Chapter 102 in numerous, independent ways. If the Department instead allows Sunoco to complete or resubmit its applications, Citizens ask the Department to open a public comment period only after the Department has received complete applications from Sunoco.

Thank you for the opportunity to comment. Please keep us apprised of any future actions related to Sunoco's applications for these Chapter 102 permits. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. Note: the attached documents referenced in this comment are included in part three of the comment response document.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s Chapter 102 and 105 permit applications. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permit.

**59. COMMENT**

I am writing in support of the proposed Sunoco pipeline project, otherwise known as the Mariner East 2 pipeline project. On behalf of the local and national members of the United Association that will work on and benefit from this project, I encourage the Department to issue the permits required for the pipeline project.

Sunoco Logistics has gone above and beyond in preparing for the construction of this pipeline project. I am confident that their plans for waterway and wetland crossings will meet and go beyond what's required. It's clear from the thousands of pages of documents submitted by the project that they have carefully reviewed and planned ahead; any impacts will be thoroughly mitigated.

While it is important any project of this magnitude receive a thorough review, I encourage the Department to move quickly to approve the necessary permits. This project stands to create jobs and economic development opportunities throughout the region. Construction of Mariner East 2 will be undertaken by highly skilled union members like myself who are committed to a safe and successful completion of the project.

Mariner East 2 represents an approximately \$2.5 billion investment in the region. One major facet of this investment is in the workers: the project would create more than 30,100 direct and indirect jobs during the construction phase and approximately 300-400 permanent positions throughout Pennsylvania. Many of these positions will go to members of the United Association (UA).

The UA represents approximately 340,000 plumbers, pipefitters, service technicians and welders in local unions across North America. The UA holds the highest standards in its training of qualified pipe tradesmen and women through a number of extensive programs, apprenticeships, and certification courses.

As a result of this comprehensive preparation, UA members regard safety as the highest priority on the work site. We employ the most advanced safety precautions in order to ensure that our work is done right, with minimal impacts to local communities through which the pipeline will pass.

Further, Mariner East 2 will hire from local union halls along the pipeline route, providing hardworking men and women with the means to support their families. These wages will be spent at local businesses, bolstering yet another layer of economic activity for communities. For these reasons, I encourage you to grant approval to the Mariner East 2 pipeline. Members of the UA are ready and able to accomplish this project in a responsible manner. (5995 – 5997, 5999, 6000, 6004 – 6048, 6059, 6079, 6092, 6259, 6263, 6268, 6313, 6314, 6354, 6355, 12650 – 12728, 17076 – 17219, 29614 – 29682, 26737 – 29800 – 344 nonlegible signatures)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**60. COMMENT**

These pipelines are safe and the best way to transport any kind of material and will put American people to work and provide for them and their families (5998)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**61. COMMENT**

I urge you to approve the permits to construct the Mariner East II Pipeline. This is a good project for all people concerned. (6001)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**62. COMMENT**

The Associated Petroleum Industries of Pennsylvania (API-PA), a division of the American Petroleum Institute (API), represents all aspects of America’s oil and natural gas industry. The more than 650 corporate members of API come from all segments of the industry and include producers, refiners, suppliers, marine transporters, as well as service and supply companies that support all segments of the industry. Our membership also includes a number of companies that develop, construct and operate oil, natural gas, and petroleum product pipelines as well as marketers and shippers that subscribe to these pipelines in order to move product to market. Therefore, API is greatly interested in the continued development of pipeline infrastructure to improve public access to these important resources.

The U.S. Energy Information Administration recently announced that fossil fuels have supplied at least 80 percent of the world's energy since the 1900’s and will continue to do so for decades to come. In particular, the tremendous supply of natural gas and associated natural gas liquids (NGLs) such as ethane and propane, is driving economic and job growth

in the industrial sector<sup>3</sup>.<sup>1</sup> Knowing that, it's important that we continue to support the development of pipeline infrastructure, which delivers affordable energy and vital products to people across the country and here in Pennsylvania.

Sunoco Logistics' Mariner East II is one of these important pipeline projects, and will transport NGLs from Eastern Ohio and Southwestern Pennsylvania to the Marcus Hook industrial complex outside of Philadelphia. NGLs can supply heat during the winter, are used to power homes and businesses and, most importantly, provide a fuel source and feedstock for Pennsylvania's manufacturing industry. The manufacturing sectors that rely on NGLs include chemicals, metals, glass, food processing, plastics, fibers, adhesives, coatings, cleaning agents, and many others.

Mariner East II will directly supply Pennsylvania's manufacturing industry now and for decades to come. A recent PriceWaterHouseCoopers study estimates that domestic natural gas and natural gas liquid production will provide an annual cost savings of \$22.3 billion in 2030 and \$34.1 billion in 2040 to the American manufacturing sector. Without the completion of infrastructure projects like the Mariner East II pipeline, however, these benefits will not be realized.

High industry standards are a critical part of the API mission. For more than 90 years we have taken our industry's collective wisdom on everything from drill bits to environmental protection to embrace proven, sound engineering and operating practices and safe, interchangeable equipment and materials. We believe safety and environmental protection go hand in hand with industry operations.

A barrel of crude oil or petroleum product shipped by pipeline reaches its destination safely more than 99.999% of the time. Pipeline companies take active steps to ensure that health, safety, security, and environmental concerns are addressed throughout the planning, construction, and operational phases of pipeline operations. Pipeline companies work to prevent releases by evaluating, inspecting and maintaining pipelines in a program called integrity management. Integrity management programs have produced decreases in incidents attributed to every major cause of failure. Pipeline companies together fund millions of dollars worth of research into new inspection technologies and spend billions on safety each year.

According to the eConsult Sunoco Logistics Mariner East Economic Impact Report, the Mariner East projects have the potential to generate \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the state. In addition, the projects are expected to support 30,000 jobs during construction, and once completed 300 - 400 permanent jobs. And, with all the steel being sourced domestically and coated right here in Pennsylvania, these economic and employment benefits are already being realized.

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<sup>3</sup> 1 Analysis from the American Chemistry Council shows that the new capital spending associated with natural gas production could create \$105 billion in new annual chemical industry output and **738,000** permanent new jobs throughout the U.S. economy by 2023. Those include 69,000 new chemical industry jobs, 357,000 jobs in supplier industries and 312,000 jobs in communities where workers spend their wages. Additional, temporary jobs will be created during the construction phase of these new pipelines and manufacturing facilities, <https://www.americanchemistry.com/Policy/Energy/Shale-Gas/Fact-Sheet-US-Chemical-Investment-Linked-to-Shale-Gas.pdf>

The Mariner East II project will provide significant benefits to the state and we recommend that the Pennsylvania Department of Environmental Protection grant them their final permits to start construction. (6002)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**63. COMMENT**

Support our pipeline. We need to work as a union labor. Thank you! (6003)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**64. COMMENT**

The Maritime Exchange for the Delaware River and Bay is a nonprofit trade association dedicated to promoting commerce and safe navigation of vessels and cargos throughout the Delaware River port complex. On behalf of the Exchange's approximate 300 members, we write in support of the Sunoco Logistics Pennsylvania Pipeline Project, also commonly referred to as Mariner East II.

This project complements Sunoco Logistics' Mariner East I pipeline system. These two pipeline systems, designed following state-of-the-art standards and using the highest quality components, will transport natural gas liquids (NGLs) from Southwestern Pennsylvania to the Marcus Hook Industrial Complex facility on the Delaware River.

Sunoco Logistics, a company with deep regional roots, is committed to the use of skilled union labor in its development of one of the safest, most advanced systems known for transport of NGLs. Mariner East II has the potential to create more than 30,100 direct and indirect jobs during the construction phase and approximately 300-400 permanent positions throughout Pennsylvania.

Completion of Mariner East II will create a catalyst for industrial activity throughout the entire Northeast, facilitate access to domestically produced NGLs for manufacturers and businesses, and expand processing and exportation of NGLs by tanker from Marcellus Shale fields to domestic and overseas markets. The projected arrival of 200 to 300 tankers annually to transport these new cargos can only serve to reinforce and grow the region's energy renaissance and existing port activity.

Today, Delaware River ports handle over 2,300 ship calls per year and contribute \$7.8 billion in wages and salaries, \$781 million in state and local taxes, and \$53 million overall to the regional economy. Mariner East II, a modernized and expanded energy infrastructure project, will pour millions of dollars more into our industry. (6049)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**65. COMMENT**

We respectfully request the DEP grant the permitting necessary for this pipeline project to proceed.

Our County has a unique and important perspective on this project. Our County serves as the gateway to the energy, chemical and related industries in Delaware and Philadelphia Counties. In addition, our County has a wonderful “Quality of Place,” with one of the most vibrant and diverse economies in the state, if not nation—including; manufacturing (from steel to beer; and, from fans to “*Krimpets*”), agriculture, “*Bio*” & “*Pharma*” companies, financial services, education, healthcare, law firms and countless small businesses of every type. As such, we have seen our County grow in size both in terms of population and economic size & diversity.

Yet, through all of the growth—of businesses, employees, families & students and senior citizens—we have always managed to maintain a wonderful quality of place. We know that it is possible, even necessary for industry and business to grow and to also maintain a quality of life that is second to none.

Today, our County has many roles in Mariner East I, as its pipeline runs underneath our County. We have residents who work to maintain the pipeline and residents who work for Sunoco Logistics as both “Blue & White Collar” employees and many businesses are interconnected with the many companies involved in the energy industry.

While construction on ME II will cause some short-term disruption and inconvenience, we know that the benefits far outweigh these short-term challenges. *If we did not believe so, we would not be supportive: no economic gain is worth harming our quality of life, let alone our families’ and employees’ safety.*

This project addresses many important objectives:

- Creating near-term construction jobs;
- Creating long-term jobs in both the energy and related fields;
- Providing a source of materials that will allow for additional chemical and manufacturing jobs in our region;
- Encouraging the use of a cleaner burning energy supply;
- Increasing access to lower cost energy for our homes and businesses; and,
- Reducing dependence on foreign—and sometimes hostile—nations, thereby, helping our national security.

Therefore, seeing the economic, environmental and national security benefits of this project for our region, state and nation; we respectfully request that DEP approve the permitting necessary for it to proceed. (6050)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**66. COMMENT**

I submit these comments to the Pennsylvania Department of Environmental Protection on the applications Sunoco Pipeline L.P. has made for stream and wetland crossing permits for the Mariner East 2 (a/k/a Pennsylvania Pipeline) project under Title 25, Chapter 105 of the Pennsylvania Code, requesting denial of the applications.

As will be explained in forthcoming technical comments from Clean Air Council, Mountain Watershed Association, and other public interest groups, Sunoco’s applications are missing important pieces of information and prove that the pipeline project would do great harm to

the valuable public resources of our Commonwealth. Sunoco's applications are incomplete and inaccurate. Independent wetlands experts have identified additional wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP can't measure damage to streams and wetlands it doesn't know exist.

The applications are also missing required sections and contain inaccurate maps. Sunoco had electronic map files that could have made evaluation of its pipeline project much easier, but withheld them from DEP and from the public.

It was premature for DEP to open a public comment period on June 25<sup>th</sup>, 2016, before the public could review complete and accurate permit applications.

Mariner East 2 would damage and destroy protected wetlands. Sunoco plans to dig through and tear up protected wetlands, including wetlands that the state deems "exceptional value." Through Sunoco promises to let some of these wetlands come back over time, it would clear-cut forested wetlands and do harm to other wetlands that can't be repaired. This is against the law. Sunoco could go around or drill under these wetlands, but it has chosen not to in order to save money on their bottom line. Mariner East 2 would do great harm to health, safety, and the environment. It is apparent from Sunoco's applications that Mariner East 2 would prove disastrous to Pennsylvania's environment. Everything from the quality of our streams to the preservation of our farms to the purity of our tap water would be affected by these pipelines. Sunoco has a bad track record for leaks in its pipelines for violations of state laws, which makes this application all the more concerning. For all these reasons, I respectfully request that DEP reject Sunoco's applications for stream and wetland crossing permits for its Mariner East 2 / Pennsylvania Pipeline Project as incomplete and legally flawed. (1371, 5125 – 5444, 6305, 6358, 23349 - 23972)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department held a 60-day public comment period in the summer of 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected.

**67. COMMENT**

Attached is testimony regarding the Mariner East 2 Pipeline Project from both PA Society of Professional Engineers and PA Propane and Gas Association. Please let me know if you need further information. Thank you!

The Pennsylvania Society of Professional Engineers (PSPE) is the recognized voice and advocate of all Professional Engineers licensed in Pennsylvania. PSPE promotes and defends the interests of Pennsylvania's Professional Engineers and we are writing in support of the Mariner East 2 project.

Mariner East's intent is to complete this project following state-of-the-art standards, and using the highest quality components, most of which will be produced in the United States. Sunoco has committed to employing highly skilled, highly trained workers to construct the pipeline, and before it is in operation, a number of safety procedures --- including x-ray technologies, pressure testing, and third-party inspections --- will be utilized. A study conducted by Accufacts Inc. found that the proposed Mariner East project "exceeds the prudent technical approach" to constructing safe pipeline pump stations. Accufacts also said Mariner East builders are "exceeding federal pipeline safety regulations in utilizing additional integrity management approaches, prudent pump station design, mainline valve placement and actuation, pipeline monitoring, as well as control room procedures, automatic release detection safety systems, and emergency notification protocols."

The economic impact of this pipeline could exceed up to \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the state. The Mariner East project could create more than 30,100 direct and indirect jobs during the construction phase using union labor and approximately 300-400 permanent positions throughout Pennsylvania. There will be thousands of construction jobs from local workers in our towns and communities, providing good wages to workers. The construction of this line will bring indirect benefits - those employed will patronize hotels, restaurants, retailers, and other local businesses, providing them with sources of income. Once constructed, the proposed Pipeline will also provide an economic stimulus to our local communities, and long-term tax revenues for counties to invest in roads, schools, and public safety.

In addition to creating jobs for engineers, the Mariner East 2 project is important because it will help provide critical apprenticeship training, salaries to support families, and recurring economic benefits to the state through payroll taxes and other community benefits. The bottom line is that jobs help keep our communities strong.

Given these points, we urge the Department of Environmental Protection to approve the permit for Mariner East 2. (6053)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**68. COMMENT**

The Pennsylvania Propane Gas Association (PAPGA) is a member-focused trade association providing services that communicate, educate and promote the propane industry in Pennsylvania. The association was formed in 1947 to offer opportunities to learn through training and networking with peers, and to aid with legislative issues that contribute to operating a safe and successful industry.

PAPGA continues to focus on education, networking and representing the interest of Pennsylvania's propane businesses to the government, while assisting members in

remaining current on topics vital to the propane industry and thus is advocating on behalf of the Mariner East projects.

Mariner East 2 will benefit our industry by bringing in more product, specifically connecting to several local terminals including Schafferstown and Harrisburg, in addition to the thousands of construction jobs and general economic benefit to the communities where our businesses are based.

As you also know the Mariner East project is infusing 4.2 billion dollars into the Pennsylvania economy and has been estimated to create over 30,000 direct and indirect jobs during the construction phase alone, nevertheless the added benefit of long-term tax revenues for counties to invest in roads, schools, and public safety.

Our industry as well as natural gas pipelines and utilities must adhere to strict safety regulations. Sunoco representatives briefed our association and we have heard firsthand how they will utilize the most advanced safety technology and monitoring systems. They will also work with all regulatory agencies to fully comply with laws and regulations to protect sensitive areas and insure safety.

Given these points, we urge the Department of Environmental Protection to approve the permit for Mariner East 2. (6054)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**69. COMMENT**

The Application consistently fails to provide sufficient information on which the Department can make required determinations. Thus, Sunoco has not satisfied all the requirements set forth in the Chapter 105 regulations. Therefore we request that the Department deny a Water Obstruction and Encroachment permit to Sunoco unless and until the regulatory requirements are fully satisfied. (5945)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project in accordance with applicable environmental statutes and regulations. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**70. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. My name is Andrea richlin, and I live in dushore, Pennsylvania. I support the Mariner East Pipeline Project because I am a landowner and mineral rights owner who supports natural gas drilling, we need the jobs in

pa. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6055)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**71. COMMENT**

I would like to, in the strongest possible terms, state my opposition to the above-mentioned pipeline. At the West Chester public hearing on August 10th, there were numerous well-informed, well-spoken persons who expressed quite clearly all of the reasons that the pipeline is a hazardous, and likely disastrous, project. Those who spoke in its favor were persons who have potential employment on the project. There was no representative from Sunoco, and I consider this a very arrogant stance on their part. I've written a number of letters to Senator Toomey about this and other environmental issues, and his replies always mention the economic advantage of jobs creation. What I'd like to hear about from him and your agency is what the true price of proceeding on this project is. Jobs may be temporary, but the environmental devastation that this pipeline would bring about will be permanent. The opposition to the unnecessary, habitat-disruptive pipelines is nationwide. There is opposition in the Dakotas. Officials in Oklahoma are investigating the possibility that fracking is causing their unprecedented freakish weather. There are fires burning out of control in California, and please see the statement from NASA. Let's put the environment before the economy. Without taking serious steps to stop climate change, not just jobs, but life itself will be permanently damaged. Thank you; I look forward to hearing from you.



NASA: Hottest June on record continues 14-month global heat wave

By Ben Westcott, CNN

The first six months of 2016 were the hottest ever recorded, NASA announced on Tuesday, while Arctic sea ice now...

(6056)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**72. COMMENT**

I am writing to oppose PA DEP allowing the Mariner East 2 fracked shale gas liquids pipeline. It is obscene that eminent domain is used to make way for Mariner East 2. Eminent domain is supposed to be used for projects that promote the greater good. In this era of accelerated climate change, anything that promotes fossil fuel use will hasten the extinction of our planet as we know it. Sunoco has such a stranglehold on our government that clear cutting for the pipeline has been allowed even before official permission to build it is granted. In 2014, Forbes magazine published, "Pick Your Poison For Crude –

Pipeline, Rail, Truck or Boat”. It is an interesting article about how there is no good way to transport fossil fuel. Pipelines explode and then have a negative impact on air, land and water. (6057)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**73. COMMENT**

I do want to state I am opposed to the pipeline for several reasons. We in PA have been told we need to frack and drill for reasons of national security. Next the reason given is because it's good for business and job creation. The fact is, as you know, there is already agreement with companies in Norway for one who will buy the fossil fuels which may be piped over Pennsylvanians property. Selling to another country is not national security. But it may be good for business. For Sunoco. Which is not a public utility. Sunoco is not a public utility, it is a company. Yet it is benefiting by being deemed a public utility. The fact is that already public monies, even those used to pay for the PA PUC are now being used instead of Sunoco's own monies. So Pennsylvanians already are underwriting this company's project as unwilling investors even before the new pipeline has even been built. Also, the threat and the use of eminent domain on unwilling homeowners is wrong and unAmerican. Importantly the fossil fuels remaining will be used up and then gone. The pipeline effort will produce short-lived results. PA will resemble decaying casino-abandoned Atlantic City. The pipeline is not smart business investment. It is not innovative, dynamic, exciting green research and investment. It is literally dinosaur-thinking. We should be investing in a big way in PA in new energy sources. This would be the smart businesslike thing to do. Tremendous numbers of jobs both in research and also in manufacturing would be created. Other cities (Fort Collins, CO is just one example) are going green and reducing consumption and pollution implementing solar and other methods. PA could be a state of cities, municipalities and boroughs who are going green. Fort Collins owns some or all of its utilities. By contrast, Pennsylvanians are already paying for a private company's proposed investment. Finally PA could choose to conserve and protect our "PA Wilds". A few years ago in the newspaper one week you'd see a photo of Governor Corbett talking about fracking. A few weeks later you'd see a photo of him in a canoe pointing to a hawk, "hawking" the PA wilds. We in PA can make a great choice in conserving our woods and protecting our water. Once our woods are damaged, clear cut and gone and once are waters

are polluted, the damage is done. Watching PA maybe make a mistake like this is terrible. My vote is NO to the pipeline and YES To a more democratic public hearing process. I look forward to hearing from you. (6058)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**74. COMMENT**

I am writing to let you know that I am concerned about the Mariner East Pipelines and the state's use of eminent domain in the interest of Sunoco. I think this is a shameful practice that is both unconstitutional and immoral. As a voter, I want to let you know that I am particularly concerned about this issue. In particular I have fond memories of the Linvilla Orchard and would hate to see any section of it destroyed in the interest of a global corporation that is not a good citizen to our local community (6060)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East II/PA Pipeline Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East II/PA Pipeline Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

## 75. COMMENT

My name is Bernard Greenberg, I live at 894 Jefferson Way in East Goshen Township, Chester County. I have been carefully following new pipeline developments in my community and around Sunoco's Mariner East expansion in particular for the past two years. In preparation for my testimony, I have reviewed my comments regarding the recommendations to the Pennsylvania Infrastructure Pipeline Task Force, which I submitted to them last December. I will confine my remarks to the comments I made regarding Environmental Protection. As Chairman of the Sierra Club's Southeast Pennsylvania Group's pipeline subcommittee, I have been concerned with water quality from leaking pipelines, which cross many of our streams and rivers. Next to Alaska, Pennsylvania has the most streams in the United States. Another major problem is methane leaks from compressor stations, pumping stations and pipelines. And methane is 25 times more potent than CO<sub>2</sub> as a greenhouse gas and will accelerate climate change.

The Task Force required DEP to monitor water quality post-construction for the life of the pipelines, which in the case of ME2 will be transporting hazardous liquid natural gases. Previously, DEP was only concerned with environmental needs pre-construction. The Task Force recommended AVO, audible, visual and olfactory inspections as least monthly for the above components of the nature gas pipelines with infrared cameras and other sensitive devices approved by you.

Furthermore, these devices are to be used at a minimum on a quarterly basis to detect leaks, which are required to be repaired within 15 days, if technically feasible. The monitoring of the leaks and verification of timely repairs falls under your jurisdiction.

In addition, leaks from underground sections could contaminate water sources and will always remain a problem for detection and repair. Given that the DEP has limited resources and staff, as confirmed by statements from the recent DEP Secretary, John Quigley, how can we be reassured that this state agency can provide the expanded environmental protection for the health of our citizens post-construction of ME2 with so many additional responsibilities?

The quality of our lives in Chester and Delaware County is being threatened by the proliferation of pipelines without proper time for review of the hazards posed to our precious water quality, nor the knowledge that the DEP has the resources to protect us and our children. (5426, 29684)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. Pennsylvania law requires Sunoco Pipeline L.P. to obtain environmental permits for this project that protect wetlands. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected.

## 76. COMMENT

I am a Delaware County tradesman and lifelong resident who is in full support of the Mariner East-2 pipeline projects. The Mariner East projects will help provide the investments necessary to keep the Delaware Riverfront competitive for future generations. By investing in our nation's energy infrastructure and in American made and union affiliated steel and related labor, we can turn the state's and nation's manufacturing rebirth

into a long term sustainable way of life. As long as pipeline infrastructure- like the Mariner East -2 project continues to be built Chester & Delaware county residents will have the opportunity to seek higher wage jobs. Please accept this email as public comment in support of the Mariner East -2 pipeline projects. (6061)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**77. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline because it is the right thing to do in support of jobs, our energy future and the economy of the region. As a professional engineer, I know the pipeline will be painstakingly designed to ensure safety and environmental compliance. There really is no reason to not support it. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6062)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**78. COMMENT**

I stand in support of the Mariner East pipeline. Mine and other working families need jobs like this to support our families and keep safe energy fuel flowing to support our country. Please approve this project as soon as possible. Thanks for your time (6063)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**79. COMMENT**

I would like to ask you to approve the required permits for the Mariner East pipeline so the construction on this project can begin. Put people to work!!! (6064)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**80. COMMENT**

The project will create construction jobs now and permanent jobs going forward as well as provide a boost to the local economy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6065)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**81. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will facilitate economic growth with Pennsylvania and the United States. This is a critical infrastructural project to provide a direct connection to the gas fields in Western Pennsylvania with the east coast and global market. Pennsylvania and the United States has the opportunity to become a global leader in the use of a cleaner fuel that can be used to facilitate the

development of more renewable energy projects that require supplementary and backup sources and permit the USA to play a direct positive role in the European market. No matter what your opinion is of the connection between the climate and the use of fossil fuels by man, the conversion to natural gas has resulted in lower air pollution emissions, lower CO2 emissions, and a cleaner fuel source. In closing, these types of infrastructure projects will aid in providing a bridge in the communities as workers begin to transition from more coal based fuel sources to natural gas and ultimately more renewable sources of energy. In addition to this type of infrastructure projects, we should also be implementing projects that will result in the more efficient conveyance of drinking water and the local distribution of natural gas in our urban corridors. With respect to our environment, the key is an all of the above approach and a concentration on increase efficiency, decreasing transmission losses, R/D on battery technology, and improving and hardening the grid. With respect to the environmental issues, we would recommend that the infrastructural company conduct baseline water quality testing of private wells and drinking waters along the corridor to ensure that the adjacent landowners and water users are protected. Pennsylvanians want a job not a check. Lets keep Pennsylvanians employed while we implement our state and national energy projects, not home waiting for a check in the mail. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6066)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**82. COMMENT**

Repair and Protection Technologies is a family-owned business in Collegeville, PA for the past 27 years. We have been a vendor and contractor to Sunoco and Sunoco Logistics for the past 16 years.

Over the past several years with the Mariner East Pipeline projects, Sunoco Logistics has helped our company expand our facilities, increase our employees and increase our business with over a dozen vendors that provide goods and service to our company.

We fabricate and apply a protective coating to steel parts within the pipeline. Sunoco Logistics demands the highest levels of safety and quality for this project. The raw materials and fabrication of the steel is subject to several levels of standards and inspections. Our coatings are manufactured and supplied by 3M, the global leader in protective coatings for the pipeline industry for over 50 years.

Sunoco Logistics has helped RPT to increase our business by 30% over the past 3 years and that increase has gone directly back into our local community with taxes, employment and supporting other local companies. Repair and Protection Technologies gives our 100% support to Sunoco Logistics and the Mariner East Pipeline. (6067)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**83. COMMENT**

I forgot to include my report to the United Nations about where the world stands right now with our carbon budget. It is THE most important consideration dealing with fossil fuel use. I attended the COP-21 climate summit as a delegate. Here's my report:

[http://worldinfo.org/wp-content/uploads/library/wer/english/2016\\_WER\\_Spring\\_XXVIII\\_No\\_1.pdf](http://worldinfo.org/wp-content/uploads/library/wer/english/2016_WER_Spring_XXVIII_No_1.pdf)  
(6071)

**Response:** DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

#### **84. COMMENT**

I support the Sunoco pipeline project to provide clean natural gas to homes and industry instead of coal burning plants. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6072)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### **85. COMMENT**

natural gas will save this country from reliance on overseas oil and it will save the world because it is a clean fuel and will not pollute our environment. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6073)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### **86. COMMENT**

I would like to voice my urgent concern for the proposed Mariner East expansion that would bring much greater risk to our communities, our families, and our precious environmental habitat. The newer high-pressure pipe and additional chemicals should not pass through this region, nor any region for that matter, and all additional infrastructure that perpetuates the destruction of our planet should be stopped. "Progress" as it's called is an illusion and the DEP should be aware of all of the permanent hazards that it brings. As members of this oversight board, you have the power to make this critical decision, to finally stand up to corporate interests that disregard the will of the people and the health of the planet. Please stop this detrimental project from ruining yet another chunk of our precious earth. (6074)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

#### **87. COMMENT**

I support the Mariner East Pipeline Project because the Marcellus Shale industry is a key aspect of the future economic and environmental well being of our Commonwealth. It is due to shale drilling that our carbon and particulate emissions are declining in Pennsylvania. I fully support the responsible development of our natural gas resources and recognize the importance of natural gas in a long-term transition to a low carbon economy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6075)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**88. COMMENT**

I support the Sunoco Logistics Mariner East Pipeline Project because as a country we need to stop relying on the in port of the majority of our energy from other countries. Leaders in Washington DC are always saying they want to create jobs. The oil and gas industry is one of the best examples of trickle down effect regarding the amount of added jobs and boosting multiple other industries as well. It's time for our legislators to actually do what we elected them for and start earning their pay checks. Start giving the green light for these projects and let the United States become self sufficient for the energy we desperately need. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6076)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**89. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline because it's good for Pennsylvania by providing more jobs, makes good use of the ethane and methane by liquefying and sending to Europe thus backing out Russian fuel gas and makes America strong. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6077)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**90. COMMENT**

As a resident of Middletown Township, Pennsylvania I stand in opposition to the Mariner II East pipeline. The high pressure nature of the pipeline, it's proximity to schools, residences, and areas where families congregate, and the dangerous gas it will carry all make it a terrible fit for Pennsylvania and our community in particular. Please consider rejecting Sunoco's for chapter 105 and chapter 102. (6078)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special

conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

## **91. COMMENT**

I am writing to oppose PA DEP allowing the Mariner East 2 fracked shale gas liquids pipeline. I understand that written public testimony as well as testimony at the scheduled hearings is invited, and the deadline for written submission is August 24th.

I know this testimony is supposed to be focused officially on ground disturbance and water quality impacts. Those impacts are very significant, but Mariner 2's harmful impacts extend way beyond ground and water quality concerns. Mariner East 2, if built, will carry shale gas liquids, which are hazardous, volatile and explosive—endangering the lives and harming the properties of thousands in its path. The purpose of the pipeline is primarily for export the liquids overseas, which would pollute and create climate harms at every phase: drilling, fracturing, waste; processing and export; end use. The Pipeline itself, the fossil-fuel derived energy to compress/ship/decompress shale gas liquids are all fraught with fossil fuel climate-changing impacts and danger of explosions. And harms from all phases of fracking itself are well-documented. This pipeline, all new pipelines, and all other fossil fuel-supporting infrastructure must be stopped, because we simply must stop extracting, then burning fossil fuels. We need to keep the remaining fossil fuels in the ground. This July was the hottest year, world-wide, on record (since 1880). Climate science-based predictions of higher temperatures, floods, fires, extreme storms, droughts/desertification, melting of polar ice caps, ocean acidification, release of methane from melting tundra and the resulting displacement of people and other creatures have all come to pass. It is wrong to keep on doing business-as-usual, and to pretend that this corner of the world—Pennsylvania—should be exempt from doing all it can to keep fossil fuels in the ground. Pennsylvania must re-focus: go all-out on conservation measures and developing renewables. Before fracking, then-Governor Ed Rendell was bullish on development of wind farms—we need to get public policy back to supporting and increasing the support for energy conservation and renewables. In addition to new pipelines being plain wrong, it is also immoral and wrong that that Pennsylvania's courts and state agencies allowed the cart before the horse: before any approval of the pipeline, they smoothed the way for Sunoco and ordered local law enforcement to escort the company's crews onto private citizens' properties so that Sunoco could clear-cut for the proposed path of the Pipeline. Three acres of Steven and Ellen's Gerhart's property was cleared for this purpose against their permission. Thousands of other landowners in Pennsylvania are also affected. Some, like the Gerharts (who are threatened with more clear-cutting), are refusing and facing eminent domain proceedings. Please do the right thing for us all: stop the clear-cutting, and stop the Mariner East 2 Pipeline. I look forward to acknowledgement of my statement, and I hope for a favorable response. (6080)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special

conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**92. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because I appreciate domestic oil and gas development, as well as the jobs and boosts to the economy that come along. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6081)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**93. COMMENT**

Abundant and, in-turn, inexpensive energy sources and their efficient distribution across the country are now and have been historically the keystone of our nation's commercial success. From the time American's dominated the whaling industry in the early 19th Century for purposes of obtaining lamp oil until pioneering the technology in the 21st Century that has allowed for the Shale revolution our nation has led the way and our people have prospered. As a regulatory agency the DEP should support and facilitate the development and siting of energy distribution infrastructure and defer to the many decades of experience resident in FERC. It should guard against and not use its offices to advance dogmatic political agendas or to block or prevent construction of the pipeline through the artifice of administrative delay. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6082)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**94. COMMENT**

stop the madness. this is not a gas natural pipeline that benefits the community. it is a chemical pipeline under high pressure about which little is known. it provides zero benefit to the community, the state or the nation! there is only down side--risk of explosions, leakage, water contamination. stop doing the bidding of special interest groups, like sunoco. for once be concerned about the welfare and health of the citizenry at large! (6083)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**95. COMMENT**

I support the mariner east pipeline project because it will establish PA as a energy hub for the USA and reduce our dependence on foreign supplies. My relatives live in PA and this helps build PA a stronger economy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6084)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**96. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will bring jobs and low gas prices to PA and surrounding states. It will bring a resurgence to jobs in Philadelphia and all of southern PA. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6085)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**97. COMMENT**

I support this project. Projects like these keeps my family feed by being jobs out there keeps other families able to feed, cloth, and put their kids thru college for better education. Thank u for approving this project. (6086)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**98. COMMENT**

I support the Mariner East Pipeline Project because I believe that we need to create jobs and grow our economy. With the right safety measures in place, there is no reason why we should shut down a major development in contributing to American energy independence. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6088)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

## 99. COMMENT

Since 1979, Nooter Construction has had a presence in the Mid-Atlantic Region Energy Market. The Marcus Hook Refinery has always been a part of our business. When Sunoco chose to shut the refinery down we saw a significant reduction in manhours, which resulted in cutbacks and layoffs. The Local Philadelphia Contractors and members of the Philadelphia Building and Construction Trades Department are thankful that SXL saw the potential in the MHIC. In 2014- 2015 we benefited from ME1 being involved in the pump stations and process work at MHIC. Today, we have over 600 employees working at MHIC with contract work well into 2017.

Why we feel the ME2 Pipeline Project is essential for the Commonwealth:

- Economy- The Mariner East Projects have provided for the local contractors, subcontractors and vendors during construction. The future operation and maintenance of the MHIC will continue to support the local economy for the foreseeable future. We hope that the availability of natural gas liquids will also generate growth for additional industrial and manufacturing sectors, such as chemicals, metals, glass and food processing. Studies have found that ME projects are expected to add up to \$4.2 billion to PA's economy. Also, the commonwealth will benefit greatly from additional streams from tax revenues (est. \$62 million).
- Jobs- The Mariner East Projects are expected to support more than 30,000 jobs during the construction period and approximately 300 -400 permanent jobs.
- Energy Source- The abundance of low cost natural gas and products such as propane for residential and commercial customers.
- Proven safe and reliable operator- SXL has a great history (80 years) of operating reliable, safe and environmentally friendly operations. With best practice programs, such as Integrity Management Program, SXL uses the best available technology to inspect and monitor their day-to-day operations and schedule maintenance accordingly. As Nooter Construction has come to expect from our customers, SXL holds themselves and their suppliers to the highest standards often exceeding state and federal regulations. We're encouraged with SXL's efforts and being a part of the Mariner East Projects. Nooter Construction strongly supports the SXL MHIC and all projects associated with its success. (6089)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

## 100. COMMENT

I am writing to support the proposed Mariner II Pipeline because it will increase access to a clean source of energy, natural gas.

In addition it will spur economic development specifically by making the industry efficient in its transportation and also by increasing jobs, both during construction and during the operational phase once built. Estimated tax revenue to the Commonwealth could reach \$150,000,000 annually.

As a former County Commissioner and State Senator of Chester County, it has long been my interest to encourage economic development in our County, our Region and our State. Mariner II production and transportation will accomplish this and contribute to having

energy be available at the lowest possible cost. With the environmental standards today, Mariner II will be subject to strict supervision.

The fact that the right of way will parallel Mariner East makes this an efficient use of land and construction.

Please take these factors into consideration when deliberating about Mariner East II. It will be an overall benefit to the industry, the workers and this area for our future economy.

(6090)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**101. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Mariner East Project because of the jobs it will create for our members. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6091)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**102. COMMENT**

I support the Mariner East 2 Pipeline project because this pipeline project will provide an essential piece of infrastructure that will contribute towards approximately 4.2 billion dollars to the Pennsylvania economy. The money will be coming into our economy through the production of a combined 345,000 barrels of propane and other natural gas liquids per day to the Marcus Hook Facility. This production of resources will help to increase our exports and close a growing gap in trade dollars occurring nationwide. We need to close the trade gap in order to allow for the creation of construction jobs and permanent jobs in support of the project. As an employee of a construction company that works on the Mariner East 2 Pipeline Project, My family and I are directly benefiting from this project through the wages supplied as a result of the work I do in support of the project. I am able to provide for the present daily needs of my family without stress or worry. I am also able to provide a quality education for my child, planning and savings for my family's future and generous charitable giving to the local Pennsylvania community in which I reside. I am thankful for the continuing opportunities I will have to work on the Marcus Hook East 2 Pipeline project and would like to confirm my support for this project. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6093)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**103. COMMENT**

These are just a few of the issues and by no means a comprehensive list. Further I am concerned that the staff of the DEP and the County Conservation Districts do not have the resources or time required to thoroughly evaluate this application. I urge you to apply the highest level of scrutiny to this application which will having lasting negative impact on our Commonwealth. (5438)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

**104. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because I live and work in the Marcellus Shale region of Bradford County, PA and I feel it is a priority for the natural gas of Pennsylvania to be able to be moved by pipeline for the economic growth of the Commonwealth. If it was not for the natural gas production in Pennsylvania, there would be an even higher unemployment rate in the State. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6094)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**105. COMMENT**

The Chester County Economic Development Council (CCEDC) is a private, non-governmental entity that promotes a competitive edge for existing and new businesses by providing proven financial solutions; cultivating workforce talent; leveraging business partnerships; and fostering entrepreneurial collaboration for more than 50 years.

By way of this letter, the CCEDC is expressing our support of Sunoco Logistics receiving the DEP's permit approval of the Mariner East II pipeline that would run on existing easements, parallel to the current pipelines and allow additional liquid gas to be transported from gas deposits in Western PA south to facilities in Delaware County, PA.

The CCEDC supports workforce and economic development throughout the Southeastern PA region. This Sunoco project is one step in helping create a larger Energy HUB in this region that will result in economic opportunities and, cleaner burning, lower cost energy for our businesses and home owners. We believe the Sunoco permit should progress and that the overall project should be approached in a thoughtful manner that addresses the inherent environmental and market concerns.

If done properly using best management practices to minimize/mitigate environment impacts, and careful economic/regulatory/policy development, the Sunoco project and the overall Energy Hub, will generate benefits to our residents, companies and the state including job creation, tax revenue, and access to lower cost natural gas.

We are pleased to support Sunoco Logistics in this step forward to develop additional natural gas and natural gas liquids (NGL) pipeline capacity and strengthen the Greater Philadelphia region's ability to become an Energy Hub. (6095)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**106. COMMENT**

As a Pennsylvania citizen, it deeply concerns me that Sunoco is threatening to seize the property of hard working Pennsylvanians under the guise of “eminent domain” to build Mariner East 2, a pipeline that would ultimately export fracked gas overseas. The damage to Pennsylvania communities and our environment is not worth the profits of this private fossil fuel giant. Please stand up for Pennsylvanians and reject Sunoco's Mariner East 2 pipeline proposal and land grab. (6096, 29835)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**107. COMMENT**

On behalf of the Philadelphia and Vicinity District Council, our affiliated Local Unions, and our hard working and dedicated membership, please accept the following petition of support County Chapter 105 permit application related to the proposed Sunoco Pipeline project. I support the Sunoco pipeline project. I know it will create thousands of good jobs and bring affordable and clean natural gas to Pennsylvania. I also know that pipelines can be built safely and in an environmentally friendly way. I urge approval of County Chapter 105 permit application related to the proposed Sunoco Pipeline project as soon as possible. (5937, 6097 – 6174)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**108. COMMENT**

I am writing on Behalf of NuWeld, Inc. in regards to the Sunoco Logistics Mariner East 2 project. NuWeld, Inc. is a small family owned and operated manufacturing company located in Williamsport, PA serving the natural gas and nuclear industries. NuWeld is strongly in favor of this project and strongly urges the Department of Environmental Protection to approve SXL’s application on two environmental permits (Chapter 105-Water Obstruction and Encroachment and Chapter 102- Erosion & Sediment Control). By providing this needed pipeline infrastructure it will increase jobs both temporarily and permanently which ultimately increases the Commonwealth’s tax revenues. It is our hope at NuWeld that this project will improve our opportunities to secure work on future projects within the Marcellus and Utica Shale play and with natural gas companies such as Sunoco Logistics.

Projects such as the Mariner East 2 project will keep resourcing of the Marcellus shale in PA with increasing the use of manufacturing facilities such as ourselves for business and job creation instead of jobs and revenue going to states such as Texas and Louisiana. As a small manufacturing company in the state of PA we urge you to strongly consider approving these two applications. (6175)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**109. COMMENT**

I don't want this pipeline to cause danger to me or my family. The township needs to lookout for residents not big corporations. It is funny how the residents of the township are the ones that are affected and all Middletown Township, Delaware County does is increase my taxes. How about you do us a favor and lower taxes with the harmful projects which affect many citizens of different communities. (6176)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**110. COMMENT**

Thank you for the opportunity to provide comments on behalf of Sunoco Logistics and to ask for the approval of their applications for environmental permits (Chapter 105 - Water Obstruction and Encroachment and Chapter 102 - Erosion & Sediment Control). As Vice President of Development for Junior Achievement, the region's oldest and largest youth development organization, I see the many benefits Sunoco Logistics brings to communities where they work, live and play and the overall positive impact of this project for the citizens of Pennsylvania.

Junior Achievement came to western Pennsylvania in 1939 to better prepare our young people to become business owners, entrepreneurs and community leaders. Over those 77 years more than 2 million young people have participated in JA programs focused on workforce development, entrepreneurship and financial literacy. Companies like Sunoco Logistics provide volunteer and financial support which allows Junior Achievement to meet its mission to empower young people to own their economic success.

In addition to the thousands of construction jobs this will create and hundreds of permanent positions, this project will ensure the continued growth and sustainability of the natural gas industry here in the Commonwealth. This will benefit our workforce and our citizens in a number of ways including family sustaining wages, traffic for our local businesses and prosperity for many Pennsylvanians. It will also benefit our environment by providing cleaner burning fuel for use by manufacturing, industrial and residential customers.

A direct example of Sunoco Logistics impact in the community has been their support of Junior Achievement's development of JA Careers in Energy, a program that teaches students the economics of energy exploration, the many jobs associated with energy, along with teaching students about environmental and community stewardship. This program is provided to schools and students in communities where Sunoco Logistics and other energy-related companies are working.

Thanks to Sunoco Logistics, students in communities located across Pennsylvania get the opportunity to explore, discuss and even debate the development of energy and energy jobs in the region. Over 5,000 students to be exact since the program's inception in 2011.

Sunoco Logistics takes their role in the community very seriously and while I have witnessed this through their support of my organization, I also see it with numerous community organizations. You will find Sunoco Logistics volunteering for a wide range of community programs, and they regularly invest in programs that provide quality of life benefits to their neighbors.

I support their applications due to my experience of working with Sunoco Logistics over the last several years as I believe they can and will be a great partner for Pennsylvania.  
(6177)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**111. COMMENT**

My name is Rebecca Snyder, and I live in Indiana, Pennsylvania. I support the Mariner East 2 Pipeline Project because the US needs to be able to dominate the world energy market with products produced domestically by American labor. We have the raw materials but we need to be able to transport these products to a world market. Job creation in PA is essential for the state to reduce budget deficits and to continue to provide education resources and services to citizens. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6178)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**112. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because of increased and sustained local business potential. I urge you to strongly consider supporting this project. Thank you in advance for your consideration.  
(6179)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**113. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East 2 pipeline project because it's the right thing to do. We need energy and blue collar jobs. This accomplishes both. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6180)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**114. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. We need the jobs in our area. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6181)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**115. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because this infrastructure is an urgent need for communities across the region. Keeping energy costs low and domestic benefits Pennsylvanian families. The construction of the line will create jobs, boost local economies and facilitate low transmission costs to ensure our natural gas is inexpensive for decades to come. Once the pipeline is built, however, many Pennsylvanians will continue to benefit as upkeep and maintenance keep good paying jobs for blue collar families in this area. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6182)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**116. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. It will give us many jobs. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6183)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**117. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. gas development is good for our economy. There needs to be more effort and capital placed into creating more forest land whereby any pipelines are converting forest to open space. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6184)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**118. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline because it will be good for our economy by creating jobs and allow the US to become a larger supply country in the world. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6185)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**119. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I believe we should be doing everything we can to bring down the cost of energy and more supply should facilitate lower cost. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6186)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**120. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because... It will create Jobs...Jobs & more Jobs!! This project will put Pennsylvanians to work, including 30,000 jobs supported during the construction period and 300- 400 permanent jobs. After it is completed it will create more Jobs when you consider the operation of the plant will need support businesses and service companies that hire people. Did I mention the jobs that will be created at the Pennsylvania steel mills who will manufacture the pipe and then the employees that will coat that pipe all right here in our Commonwealth? Once the line is completed people who live in the central part of Pennsylvania will have access to a low cost reliable supply of propane to heat their homes and business. We cannot overlook the fact that our Pennsylvania produced natural gas and propane will make PA an Energy Hub which will attract manufacturing to our area creating Jobs, Jobs and more Jobs. It's simple, more jobs will widen our tax base. If you believe that Government creates jobs. This is your opportunity as a government body. Support the Mariner East Pipeline! I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6187)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**121. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner Pipeline Project because I have seen the economical miracle natural gas has done for Pennsylvania. More Investments = More Jobs, Wealth and Prosperity. I urge you to strongly consider supporting this project. Thank you in advance for your consideration (6188)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**122. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East 2 pipeline because I feel that this addition to the infrastructure will help send gas where it is needed to sell. I have an interest in that, as I have a contract with Chevron. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6189)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**123. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because it is going to bring jobs to PA residents. The Shale Revolution is an opportunity for our children to obtain good paying jobs where they live and not be forced to move from the are of their birth to support themselves and their families. We can't let hypocritical people who spout slogans and are against fossils fuels, stop progress. They fail to recognize that their air conditioning units don't work on wind or solar power - they work because we have an abundance of natural gas. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6190)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**124. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. Sunnyside Supply has been in business for over 30 years. For the past 10 years the oil and gas industry definitely has given Sunnyside Supply a lot of business. I have only been at Sunnyside Supply for four years, hopefully, with the promise of the Mariner East 2 project, it will help to keep jobs in and near Western Pennsylvania and it will ensure I have a job in this industry for many years to come. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6191)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**125. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sonoco Logistics Mariner East 2 Pipeline Project because it is part of an infrastructure that will support our ability to take advantage of the natural gas resources in PA. This will not only benefit PA, but also the country as a whole. Having the right infrastructure will create jobs and foster energy independence. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6192)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**126. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. We need more good paying jobs in our region. Natural gas is our future and the future of our children. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6193)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**127. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. we need to produce and supply locally in the United States. The Marcellus shale is the 'hottest' basin for drilling natural gas in the US currently. All products today from plaster board, clothing and siding for our homes contain some type of natural gas products. We can easily become the World leader in production. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6194)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**128. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because of US continued economic growth caused by becoming energy independent. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6195)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**129. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. The US needs to be energy independent. Keep our troops out of the mid-east. Export our surplus energy to other countries including China to pay down our national debt by buying back the Treasury Notes held by China. Create jobs in US by building pipelines but be responsible and good stewards of the environment. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6196)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**130. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East project because pipelines are the most environmentally friendly and safest way to transport a product. They are the most heavily regulated form of transportation making the safest and most environmentally friendly. I also support the project for the economic benefits that it will bring to the region, state, and country. Bringing industry and good family sustaining jobs with it. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6197)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**131. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. **I do NOT support the Sunoco Mariner East Pipeline project even though I currently work as a consultant for a contractor that stands to gain in the short term from its construction.** I take the longer view and object strenuously to the reckless wholesale industrialization of the Commonwealth for the enrichment of the oil and gas industry using technologies that are still fraught with inefficiencies and poorly regulated quality standards. I know that current pipelines are ageing out and becoming more hazardous. But the fact is that it would be better to REDUCE gas extraction in PA and abandon questionable lines until the industry improves its standards and processes. I know the gas industry well -- I have a degree in geology and friends who are engineers in the fracking field. All of them admit that as much as 50% of the gas is currently lost to the atmosphere as it is now extracted. The Marcellus and other plays are a finite resource that we are draining at an environmentally disastrous rate for short term gains for a minority of stakeholders who want this pipeline to sell gas to other countries, which does not benefit our citizens in the least. Our air, water and quality of life are being heavily damaged for this boom, while expansion of far less costly alternative energy sources like wind and solar are gaining more jobs and viability in this and other states and should be the focus of more expansion here and supported by EPA policies. The gas industry has lied, obfuscated and manipulated public opinion but we are not fooled. I ask the PA EPA to act to protect the citizens of the Commonwealth and our valuable resources by denying this expansion of the Mariner Pipeline. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6198)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.’s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania’s resources are adequately protected.

The Department acknowledges the commentator’s comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco’s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania’s resources are adequately protected.

**132. COMMENT**

My name is A. Robert Necciai, PE, President of CSD Engineers, LLC based in Pittsburgh, with offices in Philadelphia, Chicago, and Houston. Incorporated in 2007, CSD Engineers combines in one organization over thirty years of multi-discipline industrial engineering and construction management experience. CSD's industrial engineering group is one of the premier facilities engineering groups serving the chemical, petroleum, natural gas, power generation and metals industries. Our practical, hands on approach to design engineering combined with an extensive understanding of industrial processes conditions our staff to optimize every aspect of the engineering solution.

Our focus lies in heavy industrial and energy development, cost effective solutions, achieving mutual respect, and establishing long-term business relationships. CSD Engineers has been successfully servicing the midstream logistics industry across the United States for several years. CSD Engineers has successfully completed a wide

variety projects in the midstream area, from small projects to ones with a total install cost up to \$JOOMM. We provide innovative solutions to meet our clients' needs, while finishing projects On-Time and On-Budget. We have a diverse customer base, and have worked throughout the continental United States on all aspects of midstream projects.

With this in mind, we at CSD Engineers feel compelled to provide these comments in support of the DEP's ultimate approval of Sunoco's water crossing and land disturbance permits for The Mariner East 2 Project. (6199)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**133. COMMENT**

I write to you regarding environmental permit applications for Sunoco Logistics' Mariner East 2 project (also known as the Pennsylvania Pipeline), as executive director of Pittsburgh Clean Cities, the designated regional organization for all U.S. Department of Energy Clean Cities initiatives.

Pittsburgh Region Clean Cities advances the energy, economic and environmental security of the United States by supporting local actions to reduce traditional petroleum use in transportation.

We support the infrastructure needed for a strong alternative fuel and alternative vehicle market in Western Pennsylvania.

Sunoco Logistics' Mariner East 2 pipeline is completely aligned with these goals. As a pipeline that will transport primarily propane from the rich reserves of the Marcellus and Utica shales in Western Pennsylvania to Central and Southeastern Pennsylvania for marketing and distribution, Mariner East 2 will facilitate the use of cleaner-burning propane in lieu in the Commonwealth, the nation and the world.

Please consider these facts, according to the Pennsylvania Propane Gas Association:

- Propane is used in 48 million households as well as many businesses for heating, cooking, clothes drying, and backup power.
- Propane AutoGas is an approved clean alternative fuel under the Clean Air Act of 1990 and the third most popular vehicle fuel worldwide.
- Propane is commonly used to fuel school buses, light- and medium-duty trucks, vans, shuttles, taxicabs, and police and government
- Nearly 900,000 farms in the United States, including many in Pennsylvania, use propane to run pumps and engines, heat buildings and livestock sheds, and dry and process crops.
- Propane is easy to transport and can be used in areas where natural gas is not available.
- Propane is one of the lightest, simplest hydrocarbons in existence, and, as a result, is one of the cleanest burning of all fossil fuels.

In addition to these many beneficial uses of propane, Mariner East 2 helps the productivity of the natural gas industry in Pennsylvania. Increased use of natural gas to fuel vehicles further promotes our mission to expand the use of cleaner burning fuel sources.

Thank: you for your time as you consider this application. (6200)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**134. COMMENT**

As a Southwest Pennsylvanian born and raised resident, I wanted to take a minute and share my input on the Mariner 2 project.

In an area that has been decimated by the downturn in coal, these jobs and activity are sorely needed. Natural gas and the related infrastructure is exactly what we need in the tri-state region. I have and am on the frontlines of the industry in my job, it is a safe and well-regulated process.

Pipelines are the safest mode of transport for natural gas and related products, with a 99.999% success rate. Sound issues related to compression and other facilities are a false flag complaint. Sound is what I do and treat for the industry. Sound can and is controlled on most sites. This project must happen, it is sorely needed here and on the east coast of the state! (6202)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**135. COMMENT**

One of the most powerful, rich and influential supplier of fuel in the USA should not be allowed to take our country's resources and export them just for profit. The working tax paying people that will have a dangers pipeline in their backyards will end up with no say in its building or existence, what a shame, it's already a done deal, you're just going through the motions, like a puppet. Records show that Sunoco has the worst safety record of 1,518 active pipeline operators, plus its parent company the Energy Transfer Partners, based in Dallas, Texas is not thinking of building this pipeline to help supply our needs, but only for exporting our natural resources for money, it's just pure greed. Mariner East 2 pipeline to export our resources should not be built, there is no reason our country needs this, again it's just greed of the ETP firm. (6203)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**136. COMMENT**

The Sunoco gas line is to come through our front yard after much dismay. After they threaten us once again with eminent domaine and calls from their attorney did we sign the right of way. They told us one pipeline not two as described in your letter. We actually fear for our lives and family and baby grandchildren lives after the explosions that have happened because of the weakness in the welds we are so worried. Our neighbor have children and are actually closer to the some of the gas lines than we are and since they don't own the property they receive no money approximately 60 feet yet they are in danger. St Edwards church is a couple hundred feet from the gas line so if it blows up a church full of people are killed also? Please stop this dangerous highly explosive natural gas liquid through my front yard, literally 90 feet from our home that we built and have put hard work and love into. Also other lines have come parallel to this one and they will blow also

causing an inferno to homes, playgrounds, churches and towns full of people. I have spoken to my state representative about these gas lines and he could care less to help me. I also had many conversations with the tribune and neighbors in our town but seems like no body could stop our land from being taken from us. This is a matter of safety and life! We live in America and should feel safe in our homes not waiting for a fiery explosion and being forced to turn over our land so corporations can make money! (6204)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**137. COMMENT**

Thanks for providing a forum for questions, are there any permits required for any structures along the pipeline, as in phase I there were a series of pump stations built along the pipeline, are there any stations of any kind proposed for the mariner east II project. Also if so where can I find information on locations and time frame of any proposed construction. Also does Sunoco have any interest in the use of local construction people for any proposed work. (6207)

**Response:**

The Project Description identifies and describes the aboveground facilities proposed as part of the Project, which include one new pump station and modifications to seven existing pump stations, as well as 53 mainline block valve sets. The proposed Project construction schedule is also provided in the Project Description

**138. COMMENT**

I am a resident of Upper Providence Township Pennsylvania and live two miles from the path of the proposed Mariner East II Pipeline. I am writing due to my concern about the high capacity pipeline, the dangers that it poses to the area and a potential increase in fracking activity in the Marcellus/Utica that is made possible with this pipeline. Additionally allowing the discharge of wastewater from the testing of the pipes into our watershed is not acceptable to me. I do not support this pipeline being built and do not think that an agency that is put in place to protect the environment in Pennsylvania should either. By giving permits to Sunoco for this this pipeline the DEP is sanctioning the continued practices of fracking and polluting. Until restrictions are placed on corporations that destroy the environment and pollute our waterways they will continue to do so. I am asking you as a citizen of Pennsylvania and a member of one of the communities that this pipeline will run near to that you do not grant permits for the creation of the proposed Mariner East II Pipeline. (6208)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected.

**139. COMMENT**

I am a resident of Middletown Township in Delaware County and I am strongly opposed to the mariner pipeline that is proposed to run through our township. The environmental impact will be negative and any leakage, which certainly can happen, will be harmful. Given the limited number of jobs that this could create, the environmental risk is not worth it. I urge you to reject the permit application and keep our township safe for our residents. (6209)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected. The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits, and has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions to ensure Pennsylvania's resources are adequately protected.

**140. COMMENT**

I purchased my house in February 2013. The day of the closing I came home to find stakes in my yard. The house was a foreclosure and the bank never advised me of the proposed gas line. And, Percheron, the original land management company, could not find the paperwork that was sent to Wells Fargo! I had no recourse. All plans of putting an addition on my house was negated because of this. This has been a nightmare from the beginning. I have a little less than an acre and the right of way is right up against my house, literally, and basically cuts my property in half. I was told that there would be little impact on my property. Because of a utility pole in my yard they would be boring underneath, not trenching. So, with this information, I negotiated a contract. When the project started they brought in huge "mats" and put them the entire length on my property. No, they weren't trenching my yard but they used it as a staging area! I had all the heavy equipment in my yard for the entire duration of the project. It was a nightmare. They were working right outside my bedroom window. I have another driveway on the other side of the right of way, which I was not using at the time. They negotiated a rental agreement for parking of personal vehicles. They totally abused this and stored supplies and equipment, plus went beyond the driveway into another part of my yard. My yard, where they had the equipment, pools now when it rains. They broke down the berm of the road and I was told it takes PENNDOT 10 months to approve a fix and since another line is going in they will wait to do that. My yard was never reclaimed. They tried to negotiate a deal where I get someone to do it and they would pay for it. Why would I do that when they are coming back again? I have been working with an attorney to get a fair settlement from them. I probably won't ever be able to sell the house, especially with additional lines. I want to get on with my life, but because of this I am stuck. Trying to reach someone that can help has been impossible.

We keep getting passed around. Now, from your letter, I find that there may be a third line put through. My attorney spoke to someone at Tablerock and he did confirm that possibility. I just recently received a letter stating that because they couldn't reach me for my signature (never even tried), they are going to PENNDOT to get a driving right of way on my driveway! I now use that driveway for our RV, my son's car and storage. We are in the process of challenging that. I don't know if any of this helps the fight, but I am at a loss. Wish us all luck with this mess! (6210)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth

**141. COMMENT**

Residents of Middletown Township and surrounding communities have not had sufficient community education on the affects and challenges ahead. Delay the Middletown Township PA Vote on Mariner East II by at least 30 days (6211)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**142. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will help to make Pennsylvania a more viable producer of oil and gas and therefore bring more jobs into the area, thus helping the people of Pennsylvania. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6212)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**143. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. it's needed for the future energy needs of this country and will help supply clean burning fuel to the areas of the country that need it. Not to mention the construction jobs and associated jobs it creates once it's approved. It's good for PA and good for the USA. I

urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6213)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**144. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support Sunoco Logistics Mariner East 2 Pipeline Project because it will bring much needed long term jobs to the state. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6214)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**145. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will not only create jobs but will provide more infrastructure to supply major cities and heavily populated areas with cheap, clean, abundant natural gas along a large portion of the east coast. Furthermore, this project will increase national security by creating less and less demand on foreign countries for energy consumption. We may also have the ability to export natural gas to other countries, again increasing national security by allowing the US to compete in a global economy. This project will not only strengthen Pennsylvania and its surrounding states, it will strengthen the entire US. Moreover, by creating good paying jobs, it will EMPOWER individuals to invest in their communities, create a more lucrative tax base for roads, schools, infrastructure, ect, create a stronger middle class and allow individuals to use their training, education and skills so they can experience first-hand the benefit of investing in further education after high school. Lastly, this project will create jobs that will not end up overseas. This is yet another game-changer for Pennsylvania workers now and for future generations to come. PA has been blessed with what lays underneath the ground-Let's embrace it! I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6215)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**146. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. This budget project will create jobs in PA, decrease the cost of NG and create income for PA. It's a win-win project. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6216)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**147. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 pipeline project because it would

really help our economy and give some tax relief to our families. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6217)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**148. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it strengthens the economy, lessens the need for foreign energy imports, brings short term and long term jobs to our region, and provides transportation to markets for our gas. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6218)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**149. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because America needs to be more energy independent. Pipelines infrastructure (like a highway) is necessary to move valuable, clean, domestic energy to those who want to use it. Our government should support Natural Gas and Popane pipelines the same way it supports, electric lines, and pipelines for water and sewage. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6219)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**150. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because I work in the industry in this area and it will open up new markets and provide more opportunities for local businesses to grow and survive in the region. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6220)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**151. COMMENT**

the mariner east pipeline project put domestic energy production first with an environmentally friendly approach and has a positive impact on jobs in this country. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6221)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**152. COMMENT**

I support Mariner East because I believe in the future of American industry. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6222)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**153. COMMENT**

I support Mariner East because I believe in the future of American industry. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6223)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**154. COMMENT**

we need more pipeline infrastructure in this region to allow for taking the gas to market. This is very important for the local economy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6224)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**155. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project as it will help Pennsylvania economically by bring jobs to the area, encouraging gas production and overall help to make our country more energy independent. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6225)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**156. COMMENT**

It's great. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6226)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**157. COMMENT**

It has immeasurable benefits for the region. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6227)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**158. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline project because it's another means to ensure our energy independence. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6228)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**159. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because the Marcellus and Utica basins are the most cost effective gas producing shale regions to supply the United States with inexpensive natural gas to power our economy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6229)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**160. COMMENT**

I support the Sunoco Mariner East 2 pipeline project because of the extensive economic benefits it will bring to our region. Specifically, it will:

- Infuse up to \$4.2 billion into our economy;
- Put Pennsylvanians to work, including 30,000 jobs supported during the construction period and 300- 400 permanent jobs;
- Increase supplies of PA propane, which is good for both residential and commercial users; and
- Regenerate Pennsylvania's manufacturing sector and establish our state as an Energy Hub.

Our region is in need of good paying jobs and opportunities for our state residents. This project is a win win for all Pennsylvanians. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6230)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**161. COMMENT**

I support the Mariner East Pipeline Project because it is a great project for the State in many ways including: Providing much needed capacity for all of the natural gas being produced in the state; helping alleviate the low gas prices that many companies receive for gas in this area compared to other areas; Several billion dollar project will provide many jobs and infuse lots of dollars into the local economy; It will increase supplies of Propane which is great for residential and commercial users; and help to regenerate Pennsylvania's manufacturing sector and establish our state as an Energy Hub I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6231)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**162. COMMENT**

I am in full support of the construction and operation of the Mariner East Pipeline. It is essential that this pipeline be constructed quickly to provide a badly needed boost to Pennsylvania's economy. Pennsylvania must create an economic environment to retain its youthful labor pool and to stimulate jobs for millions of Pennsylvania's highly skilled workers. A growing economy, creating substantial jobs for Pennsylvania workers, as well as satellite businesses, will reduce the tax burden on property owners within the state while ensuring financial resources to fund education and to rebuild the Pennsylvania's eroding infrastructure. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6232)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**163. COMMENT**

I support the Sunoco Logistics Mariner East 2 pipeline because it will mean family sustaining jobs for Indiana County and will provide the necessary infrastructure to get natural to market. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project (6233)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**164. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because continued expansion, and investment in our pipeline product infrastructure is vital to our economy and to our energy independence as a country. All projects which have this much of an impact on an area bring large numbers of jobs and revenue to the local communities and areas that it touches. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6234)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**165. COMMENT**

I support the Mariner East Pipeline Project because of regional and USA jobs, US Energy Independence and continued economic growth. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6235)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**166. COMMENT**

I am a rig welder and it would be nice to work in pa for a change. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6236)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**167. COMMENT**

I DO NOT support this project. The initial pipeline runs North-West of my property. During installation the pipeline changed the under ground water flow and caused a great deal of flooding on my property. Sunoco and the landmen admitted the drilling under Mingo Church Road caused the flooding, and promised to "make it right". This was not the case. I was forced to hire an attorney, was repeatedly lied to by various individuals involved by the pipeline before I received over \$80,000, to install drainage to prevent future flooding. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (5962)

**Response:**

The approved permit includes restoration plans that are required to be followed during the construction process. The restoration plan includes detailed procedures for restoration activities including the necessity of minimizing compaction in areas or even decompacting areas where excessive compaction occurred to ensure that post construction stormwater infiltration approximates pre-construction conditions. All restored areas must be returned to pre-construction conditions.

**168. COMMENT**

I am writing as a resident of Media, PA, which lies in close proximity to the Mariner East II and III proposed pipeline project running through Middletown Township, Delaware County. I am deeply concerned about the health and safety implications of this project running through our communities and urge DEP to DENY all necessary permitting to Sunoco and support the public is stopping this pipeline. A pipeline carrying highly combustible gas products such as butane and propane under intense pressure (3 times a jet rocket) has no business running through our communities, near our schools, public parks, businesses, homes, and farmland. Sunoco has a terrible track record in terms of accidents, breaches, and leaks. Sunoco has received 17 Notices of Probable Violation resulting in \$2,320,744 in enforced and proposed fines since 2002, 262 incident reports filed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) since 2006, and 32 enforcement actions initiated by PHMSA since 2002. Sunoco was also cited in 2015 for at least 42 violations by PADEP for work done on the Mariner East project over the span of a year. There is a hazardous liquids pipeline leak about once a day on average in the United States. Over the last 20 years, there have been 6,365 such events, causing 37 fatalities, 114 injuries, and over \$3.5 billion (with a "b") in property damage. Pipelines leak, a lot (especially Sunoco pipelines) and highly volatile liquids have a deadly combination of characteristics. OUR LOCAL ELEMENTARY SCHOOL LIES DIRECTLY WITHIN A POTENTIAL BLAST ZONE. Incredibly, there are no area-specific plans to protect the thousands of homes, schools, hospitals and businesses that lie within the blast zone that could result from a leak of these materials. Not only would this pipeline put our children and families at risk, it would put our first responders at grave risk. The Mariner East II pipeline has the potential to bring great benefit to Sunoco to the tune of billions of dollars. But the benefit to our local communities is non-existent. The project serves to provide only temporary jobs at best, and those are not even guaranteed for Pennsylvania residents. Meanwhile, we face a lifetime of risk and potential harm. The gas flowing through these pipelines is colorless, odorless, and highly combustible. The pipelines are vulnerable to human error, corrosion, extreme weather, and earthquakes. There is no guarantee to our safety and the security of our environment. Department of Environmental Protection-- do you job and protect our environment and our communities. Say NO to the Mariner East II & III Pipeline projects. Say NO to permits for Sunoco. Say NO to the ravenous Fossil Fuel Industry. Say NO to projects that stand to exacerbate Climate Change. Say NO to putting our communities at risk. Say NO to big money and concessions. We, the residents and constituents in Pennsylvania are standing up and saying NO. Stand with the environment, stand with the People. (5219, 6238)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

#### **169. COMMENT**

Thank you for giving me this opportunity to comment on the Pennsylvania Pipeline Project. I am a landowner in Derry Township, Westmoreland County. My residence is situated on 7 acres and the PA Pipeline project runs through my property.

Now to the issues I am facing on my property with this new project:

- The limits of disturbance (LOD) come within 43' of my home and 38' of my garage.
- The new lines cross two small streams on my property.
- The new lines will cross my personal gas line from a shallow well twice.
- My driveway is impacted as well as a french drain, a drain from a downspout, and a dusk to dawn light.
- The two new lines will cross under the existing 8" line on my property causing additional disturbance.
- The main stream has a bank that is stabilized with New Jersey barriers to prevent erosion and damage to my bridge which is my only access to my property. These barriers will need to be replaced properly to prevent erosion around my bridge. I asked to meet with a Sunoco representative to have the line moved away from my home (and there is room) and was told by my attorney the line is not moving. I asked that the new gas lines running through my property be bored (HDD) instead of the cut/trench method and was told that Sunoco was not going to bore my property. HDD is commonly used to bore under streams and roadways and this is a perfect case for that use. In my humble opinion, it seems like Sunoco is not willing to work with certain landowners. I am not against pipeline project, but Sunoco has not worked with me in the best interest of the land and water resources that impact my property. After the mess that was left after the repairs on the 8" line last year, I can only imagine the issues I am going to deal with on this project. I would like a DEP representative to visit my property in my presence to witness the issues I am facing. Again, thank you for providing me this opportunity to comment. (6206)

#### **Response:**

Sunoco Pipeline L.P. chose the method of crossing resources based on an in-depth review of the pros and cons of each method at each crossing. During the technical review DEP requested Sunoco Pipeline L.P. evaluate using trenchless methods to install the pipeline. Sunoco Pipeline L.P. determined that trenchless methods were not feasible in this location.

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce. The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania

Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**170. COMMENT**

So, now onto this project. Can anyone tell me what size lines are going in? Is it two 20" lines, is it a 20" and a 16". I can't seem to get a straight answer. (6206)

**Response:**

The Project Description sets forth the two phases of the Project, which includes a 20-inch diameter pipeline followed by a second, 16-inch pipeline.

**171. COMMENT**

Last year, repairs were made on Sunoco's 8" line. I had two areas on my property that were disturbed to make the repairs. The rehabilitation work was insufficient as there are compaction issues from the track hoe and large rocks that are on the surface because clean topsoil was not used in the backfill process. This is my yard, not a pasture or forested area. Sunoco never fixed those problems. (6206)

**Response:**

Sunoco Pipeline L.P.’s approved permit includes restoration plans that are required to be followed during the construction process. The restoration plan includes detailed procedures for restoration activities including the necessity of minimizing compaction in areas or even decompacting areas where excessive compaction occurred to ensure that post construction stormwater infiltration approximates pre-construction conditions. All restored areas must be returned to pre-construction conditions.

**172. COMMENT**

As residents of the Andover development. We strongly disagree with the proposal to run your new pipelines through our neighborhood. It's reckless at best, considering the lack of safety precautions in place at this time (6239)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**173. COMMENT**

Thank you for your work on this important issue. I am opposed to the proposed pipeline through this heavily populated area because of concerns regarding human health and safety; my belief in the importance of preserving what farmland and open space remaining; and because I believe our tax dollars should be supporting green energy. (6240)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**174. COMMENT**

As President of the Washington County Chamber of Commerce and a founding member of the Pennsylvania Energy Infrastructure Alliance (PEIA), please accept these comments in support of Sunoco Logistics' permits to build the Mariner East 2 pipeline.

Government data already indicates that pipelines are the safest, most environmentally friendly way to transport energy resources. We believe that safe development and environmental protection go hand and hand. In fact, this pipeline will be built with local skilled workers who pride themselves on having the most advanced training, safety redundancies, and other operational excellence protocols to prevent negative impacts on property, the environment, and the local community. Additionally, Mariner East 2's parent company, Sunoco Logistics, has met and exceeded all safety requirements and will ensure that this pipeline will be built with the highest standards in mind.

Through the existence of the Marcellus and Utica shale formations in western Pennsylvania, we have a great opportunity to reap the benefits from energy resources developed here. Development is not enough, however. As the second largest natural gas producing state in the country, Pennsylvania's energy infrastructure is inadequate to facilitate both production and demand. Mariner East 2 will help deliver energy resources from western Pennsylvania to the revitalized Marcus Hook Industrial Complex in southeastern Pennsylvania for processing, storage and transport to market for consumers use.

I can tell you personally that businesses and residents in Washington County have witnessed firsthand how the energy industry has been a catalyst for economic growth in recent years, including the creation of 1,762 jobs in Washington County alone last year. A recent study by Dr. Yongsheng Wang of Washington & Jefferson College, in conjunction with the Washington County Chamber of Commerce, found that the shale industry contributed 15 percent to 20 percent of our county's economic output between 2011 and 2013. These tangible economic Page benefits must not be taken for granted. We now need the infrastructure to move our valuable energy resources to national and international markets, because, if we do not, others will. We have already seen proposals to send our natural gas resources out of state and down to the Gulf Coast for processing and transport. Dr. Yongsheng Wang of Washington & Jefferson College, in conjunction with the Washington County Chamber of Commerce, found that the shale industry contributed 15 percent to 20 percent of our county's economic output between 2011 and 2013. These tangible economic Page benefits must not be taken for granted. We now need the infrastructure to move our valuable energy resources to national and international markets, because, if we do not, others will. We have already seen proposals to send our natural gas resources out of state and down to the Gulf Coast for processing and transport.

This energy infrastructure development is beneficial for all Pennsylvanians. A large number of Pennsylvanian's still depend on propane for winter heat, which the Mariner East system will deliver. Pennsylvania's once strong manufacturing sector depends on propane, ethane and butane not just for manufacturing operations, but also as a feedstock for a number of goods like paint and plastics. The fact is that most people are not even aware of the countless products they touch each and every day that are made from or dependent on energy resources.

New pipelines like the \$3 billion Mariner East 2 project will bring tremendous direct and indirect benefits to consumers and businesses across the state. Mariner East could generate \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the state. Projects like this will serve as a magnet for new, more private investment, which will generate even more economic growth.

For these reasons, we request that you support Sunoco Logistics' permit application to begin construction of the Mariner East 2 pipeline to ensure safe transport of Pennsylvania's energy resources. (6241)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**175. COMMENT**

My name is William Ligetti, and I am the Executive Director of the Ironworker Employers Association of Western Pennsylvania, Inc. We are a Trade Association of Union Contractors who work in all segments of the Construction Industry where Iron workers are employed. My Membership covers Construction Projects throughout the Tri-state Area, but more importantly, throughout half of the state of Pennsylvania.

I am writing this letter in support of the Sunoco Logistics Mariner East Phase 2 Project. This project is to build a new pipeline from Ohio through West Virginia, Pennsylvania and Delaware to transport Liquefied Petroleum Gases (LPGs), also known as Natural Gas Liquids (NGLs), to the Marcus Hook Industrial Complex facility along the Delaware River in Delaware County, Pennsylvania. The project will also lead to the creation of an NGL hub for distribution and processing for commercial markets.

Mariner East Phase 2 will expand the project's capacity to move natural gas liquids from the Marcellus and Utica Shales to additional on-loading and off-loading points within Pennsylvania via a new pipeline that is between 20 and 24 inches in diameter.

Phase 2 is an important enhancement to our nation's pipeline infrastructure and will utilize shale resources to create jobs and manufacturing opportunities in Pennsylvania and the surrounding region. Mariner East Phase 2 is scheduled to be completed in the first half of 2017.

There are several other important factors which have led to my Association's support of this project. They are as follows:

- All 350 miles of new 20 to 24 inch pipe will be rolled at American Steel Manufacturing plants throughout the country. This accounts for 75,000 tons of American produced steel. These companies all employ US Citizens who are represented by the United Steelworkers Union.
- All the pipes will be coated by Dura-Bond, a local Western Pennsylvania Coatings Business, whose employees are all United Steelworkers.
- Construction of the Pipeline will create approximately 30,000 Construction jobs during the Construction Phase of the project. This includes Operators, Electricians, Laborers and others.

- Once both projects are complete and operational, they will generate anywhere from \$100 to \$150 Million in annual Economic Impact, while supporting 300 to 400 well-paying full time jobs.
- This project will be one of the largest Private Capital Investments in the History of Pennsylvania. The planned investment is approximately \$3 Billion.
- Taxes of approximately \$62 Million will be generated over the construction period of this project.

Based on all the above information, my organization strongly supports the construction of the project, and asks that you please give strong consideration and support to the approval of the two Environmental Permits; Chapter 105-Water Obstruction and Environment, as well as Chapter 102-Erosion and Sediment Control.

This proposed project is not only a win for the Construction Industry, but for all of Pennsylvania due to the large amount of full-time positions it will create.

Should you have any questions on this letter of support, please do not hesitate to contact my office. (6242)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**176. COMMENT**

Since its inception in 1972, the Beaver County Chamber of Commerce's influence has been a vital and successful part of the Beaver County business community. I am writing to urge your support and ask that you approve environmental permits for the Mariner East 2 pipeline, a project that is vital not only to our members but also to every resident in Pennsylvania.

The Beaver County Chamber of Commerce is comprised of 530 member companies and is focused on supporting the growth and improvement of our local economy. Our mission is to prepare, develop and promote the community for economic growth. Our vision is to strengthen local businesses so that Beaver County will be the premier place to live and work in the region and beyond.

Part of that vision is to grow our energy and manufacturing capabilities. Beaver County specifically and our entire region generally received positive news recently when Shell announced that it would site its cracker plant at a former industrial site in Potter Township here, about 30 miles northwest of Pittsburgh. This plant will have a tremendous economic impact. Construction is expected to begin in 2017, creating some 6,000 construction jobs. Commercial operation is due to begin early in the next decade and will employ about 600 people permanently. The operation is due to make 1.6 million tons a year of ethylene, which is used in products ranging from food packaging to automotive parts.

Sunoco Logistics' Mariner East 2 Pipeline project offers similar benefits. This project represents a \$3 billion private investment. The 350-mile pipeline will support 30,000 jobs during construction and generate an estimated \$62 million in taxes to Pennsylvania from workers directly employed by the project as well as related businesses. The pipeline and converted refinery at Sunoco Logistics' Marcus Hook terminal outside Philadelphia will

employ 300 to 400 workers on a more permanent basis once construction wraps up, and it will generate \$100 million to \$150 million in annual economic impact.

Building a safe and reliable means of transportation for our natural resources is an essential component of the commonwealth's economic revival, and for our own local revitalization efforts. The Marcellus shale is the second-largest shale play in the world, and that provides Pennsylvania with a unique opportunity to establish itself as a world energy leader. We need to work together to support pipelines and encourage economic development, so companies come here for the affordable energy we can offer.

We support employment opportunities for Beaver County residents and want to protect the family-sustaining wages provided by pipeline- and energy-related jobs. DEP can help us achieve these goals by approving the permits needed to proceed with the Mariner East 2 project. (6243)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**177. COMMENT**

I am a resident of Middletown township and I disapprove of the pipeline project. We are currently building a gorgeous trail system in the township and putting the pipeline in this area could be damaging to the trails and to our community. And for the pipeline to be in such close proximity to a school and the YMCA where there are children?! I find that appalling that anyone would even consider such a thing!! These gases are highly combustibile and would put us at grave risk. And Sunoco does not have a good track record with safety! Please protect our beautiful township from Sunoco's lack of concern for our residents! (6244)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**178. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code Chapter 102 (Erosion and Sediment Control) and Chapter 105 (Water Obstructions and Encroachment) permit applications.

The Dauntless Fire Company of Ebensburg (Cambria County) is a fire service organization founded in 1836. In providing primary fire and rescue service to all of Ebensburg Borough and major portions of Cambria Township, the Dauntless Fire Company is the designated primary fire service organization for certain portions of the Sunoco Mariner East Pipeline in Cambria Township including the Ebensburg Pump Station. In August, 2015 members of the Dauntless Fire Company attended Sunoco's Mariner Emergency Response Outreach (MERO) training program that included a facility and site tour at the Ebensburg Pump Station - a facility that was commissioned in 2015 in association with the Mariner East 1 Pipeline.

As a first responder organization, the Dauntless Fire Company requests and supports training with operators like Sunoco Pipeline in order to ensure our fire department is fully prepared to safeguard our community's safety and health in the event of any emergency. Having the opportunity to train with Sunoco Pipeline, I can attest to the company's first rate approach to pipeline safety in providing a standard of excellence amongst pipeline operators. As such, we do not anticipate that the construction of, nor the operation of the Mariner East Pipeline system, will pose a risk to the public safety of our community.

This letter does not require any response. The opportunity to share our support of the Sunoco Pipeline L.P.'s Mariner East 2 Project is greatly appreciated (6245)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**179. COMMENT**

We write to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications.

The Cambria Township Volunteer Fire Department (CTVFD) is a First Responder organization founded in 1956 serving Cambria Township in Cambria County, PA. CTVFD is a first responder organization serving certain portions Sunoco's Mariner East System in Cambria Township including the Ebensburg Pump Station.

As a first responder organization, CTVFD is interested in training with operators like Sunoco Pipeline in order to ensure our firefighters and emergency medical service (EMS) responders are fully prepared to safeguard the community in the event of an emergency. Having worked with Sunoco Pipeline, I can attest that the company's approach to pipeline safety represents a standard of excellence amongst pipeline operators. We do not anticipate that the construction or operation of the Mariner East Pipeline system will pose a risk to public safety in our community. This letter does not require a response. (6246)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**180. COMMENT**

Thank you for the opportunity to submit comments for the record on Sunoco's Mariner East 2 Project. JARI supports this important infrastructure project for the multitude

of benefits it will bring to the Johnstown region and communities across Pennsylvania. For these reasons, we urge the Department of Environmental Protection to issue the necessary permits to construct the Sunoco Pipeline Mariner East 2 Project. According to the Department of Transportation, pipelines are the safest mode to transport energy resources--safer than transporting these fuels by truck on our roadways, and safer than transport by rail. Couple this with Sunoco Logistic's long-standing devotion to safety and the economic benefits this project will provide, we are confident this project ensures the highest level of environmental protection.

This project also will generate \$4.2 billion for Pennsylvania's economy and nearly \$62 million in tax revenues for our state. That money will greatly serve communities both along the proposed pipeline route and off the direct pathway, providing funds for schools, roads, environmental projects and other community services. Outside the additional funds to state coffers, the project will provide a significant market opportunity for growth across multiple economic sectors by increasing the availability of the affordable energy resources we produce right here in Pennsylvania. One economic study concluded that the project will invest \$3 billion in Pennsylvania's economy and generate living-wage jobs--- around 30,000 new jobs during construction and 400 permanent jobs once it is built. This project also will generate \$4.2 billion for Pennsylvania's economy and nearly \$62 million in tax revenues for our state. That money will greatly serve communities both along the proposed pipeline route and off the direct pathway, providing funds for schools, roads, environmental projects and other community services. Outside the additional funds to state coffers, the project will provide a significant market opportunity for growth across multiple economic sectors by increasing the availability of the affordable energy resources we produce right here in Pennsylvania. One economic study concluded that the project will invest \$3 billion in Pennsylvania's economy and generate living-wage jobs--- around 30,000 new jobs during construction and 400 permanent jobs once it is built.

By transporting propane, ethane, and other natural gas liquids from the Marcellus Shale formation, as this project will do, Pennsylvanians will benefit greatly due to increased access to affordable and reliable home heating fuel, a key issue for our part of the state. In addition, Pennsylvania's manufacturing sector will benefit because of natural gas liquids' use as feedstock for a variety of manufactured goods like paint, plastic, glaze, solvent, powdered metals and fertilizers, which benefit our agricultural industry. By increasing access and reliable transport of these products, positive effects will be felt throughout Pennsylvania's economy, including and especially in Johnstown. I urge DEP to approve the permits for this project for the many positive impacts that the Sunoco Pipeline Mariner East 2 Project promises. Thank you. (6247)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**181. COMMENT**

I write to you today on behalf of The Chamber of Commerce for Greater Philadelphia and the Greater Philadelphia Energy Action Team (GPEAT) to respectfully request the Pennsylvania Department of Environmental Protection (DEP) grant the permitting necessary for the Mariner East II Pipeline to proceed.

GPEAT is a multi-industry energy consortium of 90+ business, public sector, labor and academic leaders working to promote pipeline development from PA shale wells to the Greater Philadelphia region, attract more energy-intensive manufacturing companies to the region and build a demand center by increasing the consumption of natural gas and natural gas liquids (NGLs) in the region and increase the economic value.

In March of 2016, GPEAT issued a report, “A Pipeline for Growth” outlining GPEAT’s strategy to create a regional energy hub through further development of pipeline capacity into the Greater Philadelphia region from the Marcellus and Utica shale regions. Upon release of the report, GPEAT announced a shared goal to **double** the amount of natural gas flowing into our region—an additional 3Bcf/day of natural gas.

Projects like the Mariner East II Pipeline will bring additional volumes of natural gas liquids (NGLs) directly into the Greater Philadelphia region allowing for communities and businesses to start to see the economic benefit of connectivity to shale resources which provide feedstock for petrochemical and manufacturing operations and low cost fuel sources.

Economic analysis by Econsult Solutions, Inc. and KPMG conducted for the GPEAT report, estimates that an additional 3 Bcf/day of gas to establish a regional energy hub will account for \$10 billion/year investment in manufacturing and result in 10,000 jobs created. Our region’s proximity and access to a steady long-term supply of NGLs (ethane, propane, and butane) is the key to expanding our petrochemical, chemical, and manufacturing sectors and attracting new business to our region and the Commonwealth of Pennsylvania.

The world markets are focused on the opportunities that can be derived from the abundant shale resources within Pennsylvania. GPEAT supports the construction of the Mariner East II Pipeline and believes it is the first of many steps we can take to reach and maintain energy independence and regain our region’s and nation’s position as an energy leader. (6248)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**182. COMMENT**

I support the Mariner East pipeline project as I am a vendor to the industry and without the infrastructure for our industry, there will be many lost jobs. Please consider all the many people that depend on our American energy business, versus sending money away for energy. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6249)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**183. COMMENT**

I am writing to urge the Pennsylvania Department of Environmental Protection to reject the Chapter 102 and 105 permit applications submitted by Sunoco Logistics, Inc. for the Pennsylvania Pipeline Project (PPP), also commonly referred to as Mariner East II. This project is a danger to the communities which it will traverse and to the environment as a whole. The Pennsylvania Department of Environmental Protection should insist that all new

energy projects be those which support only sustainable, renewable fuel like solar and wind. For the safety of Pennsylvanians and the earth, I urge you to REJECT the PPP. (6250)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**184. COMMENT**

This is America and the country needs access to this domestic liquids supply. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6251)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**185. COMMENT**

I am extremely concerned about the expansion of the Mariner Pipeline to carry extremely dangerous fuel, under intense pressure, through southeastern Pennsylvania. The impact of a mishap, pipe leak or rupture would endanger the lives of residents and visitors far beyond the 50' easement that some property owners have granted to Sunoco for the project. The fact that the gas carried is ODORLESS means that in the event of a leak, people will have no way to discern how to best protect themselves, even if an explosion does not occur. We are told that the pipeline will be safe, yet Sunoco's safety record is abysmal. But who is telling us? Sunoco engineers. At a recent council meeting in Middletown, PA, attendees were ensured that the municipal engineers would be on site to ensure that the construction that runs through Middletown would be conducted safely. However, when pressed, all they will do is monitor for such things as dust levels created by the trucks. They do not have the expertise to monitor the welds, damage to the lines, or anything about the safe of the pipe itself. That will be left to Sunoco. Sunoco said that the pipeline will be safe and that they are the experts. Without in house expertise, the council stands unable to challenge Sunoco's engineers' claims as to the design and construction of the pipeline. Isn't the prudent thing always to get a second opinion, free from any conflict of interests, in making important decisions that are irrevocable? We do that routinely for relatively minor surgeries. Yet in this case a failure could cost thousands of lives and we are just relying on Sunoco's say-so. And their safety record is abysmal. Say NO to the pipeline! (6252)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**186. COMMENT**

support the Sunoco Logistics Mariner East 2 Pipeline Project because it is critical to securing the USA's energy security and will create thousands of good, high paying jobs. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6253)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**187. COMEMNT**

I support the mariner east pipeline project because I have worked on and around pipelines for 45 years. They are safe and will not harm the environment. pa also needs the jobs this project will offer. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6254)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**188. COMMENT**

I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will help to continue to bolster our economy locally, regionally, and statewide by adding jobs and advancing our community as a hub for economic progress. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6255)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**189. COMMENT**

Please allow the Mariner East II pipeline to be built. Union construction with multiple layers of contruction oversight insure a safe pipeline and our nation desperately needs to be energy independant. thank you (6256)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**190. COMMENT**

I support the Mariner Pipeline project because this will have a great impact on our Business and support other Jobs in our area This will also help to sustain and develop the natural gas and related industries in Pennsylvania. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6257)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**191. COMMENT**

I moved from the area the new pipeline will be directly effecting. LINVILLA ORCHARDS IS A FAMILY TREASURE. Do NOT destroy it for this greed!!!!!! I AM FED UP!!!!!! It has all the memories of when my grandfather and brother (both have passed away) used to go there and pick apples and feed all the animals. STOP POISONING US FOR THIS

GREED!!!!!!! THIS IS A CRIME PLEASE STOP. It is ALL I have left to remember my grandfather and brother of simpler times of running in the playground. I am not and WILL NEVER BE OKAY WITH FRACKING. STOP. (6258)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**192. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because it is essential to maintaining access to reliable energy sources which is essential to driving the economy forward. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6260)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**193. COMMENT**

Allow construction to begin on this project please. It will benefit many for years to come. Thanks (6261)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**194. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because as a contractor for Sunoco Logistics, they through their revitalization of the Sunoco Marcu Hook Refinery, has been able to keep our company in business and keep many of our current employees working. Without this and other projects, Our business would be struggling to survive. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6262)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**195. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline project because it will provide a market for gas and liquids from western PA. This market is critical for the industry to thrive long-term, which will keep energy costs down for all of us. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6264)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**196. COMMENT**

I am a local contractor that has my entire extended family living near the pipelines that are in use or will be installed. I employ union steamfitters that perform the work to install the

pipelines. I know that the work that is performed in our neighborhoods is done by local residence who are steamfitters. The work is being completed correctly and safely. I am so confident that my daughter and her husband just purchased a home that is next to a pipeline. I have been too many meetings after the last two years. People need to keep the conversation real and stop the scare tactics. Thank you (6265)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**197. COMMENT**

I am extremely concerned about the safety of a very high pressure gas passing through an area where many people live and go to school. Sunoco Logistics has a poor safety record and has been fined millions of dollars over the last 10 years. Any leakage or explosion can and has been deadly. (6266)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.'s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**198. COMMENT**

Acquire the permits and let's get this work going (6267)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**199. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. We presently have lines running thru our area and they have been in place for many years. There is not issue with them. In fact, the deer graze on the grass. Keep the monies in PA. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6269)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**200. COMMENT**

It's pretty simple guys. Fracking and this pipeline is destroying (killing) lives, breaking up communities and causing irreversible damage to our drinking water, the air we breathe and

the land that produces our food. There is no economic opportunity for which jeopardizing our water quality, air we breathe and food we eat is acceptable. Shut this project down immediately. I promise. You'll be able to sleep better. (6270)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**201. COMMENT**

I've been to Linvilla Orchards to pick apples and attend their Halloween festivities in the past year, and anticipate doing so again this fall and beyond. I greatly enjoy the natural beauty of the site, especially as it's incredibly hard to find similar sites so close to Philadelphia. That's why I would be very disappointed if DEP permits Sunoco to begin clearing any part of their land for the Mariner East pipelines. Doing so would destroy the pristine feel of the Orchard, put workers and visitors at risk of an accident, and last (but certainly not least) pollute the air and land nearby. I am especially fearful of this given Sunoco's recent clearing of the Gerhart property (despite not even having all the permits necessary to build yet), as well as the similar experience of the Holleran family with the Constitution pipeline. Please, I urge you, do not grant Sunoco any permits that could in any way affect Linvilla Orchards. Thank you for your time, (6271)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**202. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East project 2 Pipeline Project because:

- 1) The amount real paying jobs both temporary and permanent that come from this project.
- 2) The tremendous amount of revenue dollars to our surrounding States.
- 3) The opportunity for the US to become energy independent and break away from foreign oils.

I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6272)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**203. COMMENT**

Approve pipeline stop BS let us work (6273)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**204. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because of the amount of workers that are being employed both during the construction and upon completion, I also support the project because the new system will be cleaner, more effective as well as becoming a safer process. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6274)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**205. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. Generate up to \$4.2 billion to the PA economy from construction. Support more than 30,000 jobs during construction phases. Create up to 440 permanent jobs. Provide a combined 345,000 barrels of propane and other natural gas liquids per day to Marcus Hook, establishing PA as a leading energy hub. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6275)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**206. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline, because of the economic growth and stability the oil & natural gas industry provides to Pennsylvania. It is important to continue to support major projects such as these to encourage continued job growth. These projects can be done with minimal environmental impact, especially with the guidance of the DEP. Let's make PA the nation's energy leader! I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6276)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**207. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner 2 East Pipeline because I want PA - and Philadelphia - to benefit from the Marcellus production in Western PA. It creates jobs and will help PA consumers. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6277)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**208. COMMENT**

I have several concerns concerning these pipelines and hope the PADEP will impose some safety improvements to the Sunoco apparent plans. (6278)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**209. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East because of jobs

and Natural Gas. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6279)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**210. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I want to Infuse up to \$4.2 billion into our economy. And also put Pennsylvanians to work, including 30,000 jobs supported during the construction period and 300- 400 permanent jobs. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6283)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**211. COMMENT**

Please accept and consider the comments below on the draft joint permit application submitted by Sunoco Pipeline. L.P. ("Applicant") to the Pennsylvania Department of Environmental Protection (PADEP or "the Department") and U.S. Army Corps of Engineers for wetlands fill pursuant to 25 Pa. Code Chapter 105 (as authorized by section 404 of the federal Clean Water Act, 33 U.S.C. § 1344) (application undated; entire package available at:

[http://iifiles.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20Info/MarinerEastPipelinel/ChesterCounty 101%20-%20GIF/Parts/SE-Chester\\_GIF\\_FINAL.pdf](http://iifiles.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20Info/MarinerEastPipelinel/ChesterCounty%20101%20-%20GIF/Parts/SE-Chester_GIF_FINAL.pdf)) (hereinafter, "Application") as part of Applicant's Pennsylvania Pipeline Project ("the Project").

Overall, and as stated with more particularity below. the Application lacks transparency. This is of special concern, because the Department has indicated, in public-noticing this proposed permit, that "[a]s an open and transparent agency, we take public comment and input very seriously", said Acting Secretary Patrick McDonnell. 'We want to provide the public with several opportunities to review permit applications and provide thoughtful, critical, and constructive feedback to aide in our technical review.'" (6284)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**212. COMMENT**

This project seems to be a nightmare. Sunoco plans to put this highly volatile pipeline through areas with schools, senior centers, through bodies of water. It seems to be rushing through approvals without any type of evacuation plan. On top of all this, it is of no benefit to Pennsylvania, so how on earth can a private corporation be using eminent domain. (6285)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco Pipeline L.P.’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

### **213. COMMENT**

As you are aware, there is significant public interest and concern regarding Sunoco’s proposed projects. In Chester and Delaware Counties alone, the aggregate of [High Consequence Areas](#) along the proposed route has produced considerable community and environmental safety concerns among citizens. The confusion produced by the numbers of alternative routes and names assigned to the project since 2014 begets elevated public concern and even causes widespread distrust of Sunoco and the permitting process. Sunoco was afforded nearly a year to “get it right” in notices of permit incompleteness and opportunity to resubmit applications to meet completeness standards. Sunoco is in the business of building pipelines, is not foreign to Pennsylvania legal requirements, permitting and approval processes. The public is still new to participating in the permitting process, and in fact, each new pipeline project typically brings a new demographic of stakeholders to the educational and participatory process. As such, PSC suggests the public be afforded, albeit a less than commensurate opportunity, to review the complexity of the filings, participate in public meetings with the Department and through our requests be afforded robust participation and meaningful results in this review. The objective in pipeline permitting is, after all, public and environmental safety, not expediency.

Thank you for all you do for our communities and environment, and thank you for your

consideration of these requests. (5943)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**214. COMMENT**

Finally, our visit to the Sunoco site today revealed Sunoco continues to misguide the public: “Our Mariner East project transports NGLs from the Marcellus and Utica Shales areas in Western Pennsylvania, West Virginia and Eastern Ohio to destinations in Pennsylvania, including our Marcus Hook Industrial Complex on the Delaware River, where they are processed, stored and distributed to local, domestic and waterborne markets” . The Sunoco Home Page sites a recent court decision for “Mariner East 2.” And our site search for Pennsylvania Pipeline Project stated “*No documents were found*”. We must question: Why confuse stakeholders this way? Is it motive, or lack of professionalism when an operator knowingly submits state permits under a different project name that they are using in easement negotiations with landowners and in website communications?

With the influx of proposed pipelines in Pennsylvania alone, accurate nomenclature is essential in order for stakeholders to assess safety factors in any given proposed pipeline project. The high level of educated participation by citizens in these Sunoco proposed projects has been based on safety. The negligence of Sunoco to certify notice of this change in nomenclature to these impacted stakeholders is in direct conflict to PAP recommended practices and disenfranchises a safety based culture. (5943)

**Response:**

The Department acknowledges the submitted comment.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

**215. COMMENT**

I am completely and strongly opposed to the Mariner East 2 pipeline being routed through Middletown township or any part of Delaware County. Homeowners Insurance companies are actually refusing to continue to insure homes if the pipeline goes through, because they recognize the risks. Materials which Sunoco plans to transport in industrial quantities

through densely populated Middletown township (a "high consequence area") are the so-called natural gas liquids ethane, propane, and butane. "Natural gas liquids" (which are neither natural gas, nor liquids at ordinary temperature and pressure) possess an especially deadly set of characteristics. They are colorless, odorless, toxic, heavier than air, and extremely flammable or explosive at a wide range of concentrations. Because these materials are heavier than air, they tend to concentrate rather than disperse. A light breeze can, in a short period of time, produce an undetectable but extremely flammable or explosive gas cloud that can stretch for miles. The "ATEX" ethane pipeline, which was just one year old at the time, structurally failed in 2015, spilling a million gallons of liquid ethane which exploded and burned, causing thermal damage in a 4,000 foot diameter circle centered on the point of failure. That pipeline is similar in all important respects to the pipeline which Sunoco proposes to construct in close proximity to residences, schools, hospitals and businesses in densely populated southeast Pennsylvania. In addition Sunoco has a horrendous track record for safety violations and as been fined numerous times. (5274)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**216. COMMENT**

This pipeline is slotted to go too near an elementary school and a farm that runs programs for families, both in Media, PA. Please stop this pipeline. (6288)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**217. COMMENT**

I am writing to express my strong opposition to granting permission for the Mariner East II pipeline construction. I do not believe this expansion of the pipeline is safe for the water, the air or the land and that it is therefore dangerous to all the inhabitants and many species of animals and plants which stand to be affected by the pipeline expansion. Natural Gas liquids are highly explosive and toxic and transporting them through our land would be a grave mistake. As we have learned time and again, there is no real reason to trust that these pipelines are failproof, we must not permit any further construction of them. We stand to poison our wetlands and our forests, our air and our water and destroy the health and life of our environment and all its living inhabitants. I call on you to act in the interest of our well-being and of posterity. Thank you for considering my comments. (6289)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**218. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because it is a necessary vehicle for developing Pennsylvania's substantial shale gas reserves, helping establish Pennsylvania as a world energy provider now and well into the future. The near-term well-paying construction jobs as well as long-term job prospects associated with such a project are also substantial. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6290)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**219. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. Because, I support the people of Pennsylvania. I'm convinced Oil and Gas is drilled for, produced, processed & transported responsibly. This project can and will benefit the people of the State of Pennsylvania. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6291)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**220. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because I believe that it will create many jobs now and in the future for Pennsylvanians. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6292)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**221. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline project

because it is helping to create local jobs, supporting local businesses and helping continue to make the United States energy independent. This is also helping the environment by reducing shipping costs and the alternative products that ethane is replacing. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6293)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**222. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because we need to continue to allow this industry to grow our job industry and this will do it. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6294)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**223. COMMENT**

EDiS Company would like to express our support for the Sunoco Logistics Mariner East II Pipeline. The potential positive outcomes from this project are substantial. EDiS supports the construction of a parallel pipeline - Mariner East II - that would allow additional liquid gas to be transported from gas deposits in Western PA down to its facilities in Delaware County.

As documented by the United States Department of Transportation, shipping gas by pipeline is the safest means of transportation. For over 50 years Sunoco has safely operated their Inkster-Sarnia pipeline, which runs through rural and suburban areas of Ohio and Michigan leading into Canada. For decades they have also safely run pipeline between refineries in the Philadelphia region. Sunoco enforces multiple layers of safety and advanced industry technologies, a fact supported by their past safety record. Safety, both for the environment and the people impacted, is the number one priority.

Mariner East II will be the largest private sector investment in a single project to date. An approximately \$3 billion private investment is hard to disregard; this investment can result in major positive economic results for the community with ongoing tax benefits and new revenue to the Commonwealth. Potentially this impact could reach an upwards of \$150 million annually during the operation. Not only will this investment help Pennsylvania's economy, it will result in job creation. During the construction phase of this project, 30,000 positions are expected to be created over a two-year period bringing in a labor income of \$1.9 billion. Many of these jobs will be in construction, allowing new opportunities for firms like EDiS. Following the completion of the project, 400 permanent jobs will be created bringing in up to a total of \$33 million annually.

Critical infrastructure will also benefit from the reliable supply of natural gas liquids to Pennsylvania. Exerting a downward pressure for prices will allow the natural gas industry to produce more natural gas liquids and keep the resources of the Marcellus Shale in Pennsylvania rather than sending that revenue to states down south. This will in turn help to

increase Pennsylvania's energy independence, as well as further solidify the energy independence of the United States as a whole.

Thank you for your time and consideration of the EDiS Company's position in support of the Sunoco Logistics Mariner East II Pipeline. (6295 - 6302)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**224. COMMENT**

On behalf of the Riverfront Alliance of Delaware County, I am submitting our comments in support of the Mariner East II project.

The Riverfront Alliance of Delaware County (RADC) is a non-profit 501 (c)3 organization. based in the City of Chester, whose mission is to serve as the catalyst for economic development along the Delaware County waterfront. We are unique in that our Board members must serve as the CEO, COO, owner, general manager, or otherwise in a senior leadership position of the organization they represent. Collectively, our members employ thousands of individuals within the County and its waterfront communities.

Our organization was asked to review the Mariner East II project and consider whether or not to publicly support its construction. The Board utilized the following criteria in evaluating the project: the project's/policy's consistency with the RADC mission of serving as the catalyst for economic development along the Delaware County waterfront; its impact on the economic vitality of Delaware County waterfront communities; consistency with relevant state, county, and riverfront community economic development plans; whether the project/policy incorporates responsible environmental stewardship; and impact on the community's quality of life.

The RADC Board approved support for the project in 2015, at the recommendation of a special work group. Key findings, when matched against our criteria, included: The project's/policy's consistency with the RADC mission of serving as the catalyst for economic development along the Delaware County waterfront.

The Mariner East II pipeline is viewed by many along the Delaware County waterfront as a catalyst for the creation of an Energy HUD that will service not just the East Coast, but international markets as well. This will be the largest private sector investment in a single project, ever, creating jobs across Pennsylvania, including up to 400 permanent jobs at Sunoco Logistics alone. The ongoing tax benefits to the Commonwealth could reach \$150 Million annually during its operation. We would expect Marcus Hook and other municipalities to see increased revenues at the local level once the HUB is fully realized, which will allow them to provide services their residents need in a cost effective manner.

**The project's impact on the economic vitality of Delaware County waterfront communities; consistency with relevant state, county, and riverfront community economic development plans.**

The creation of an energy HUB is consistent with the Delaware County economic development strategic plan. Further, Marcus Hook Borough has fully supported this

project as a means of local and regional revitalization. Other members of the business community have expressed support for the project, citing its potential for job creation, new business development opportunities, and the likely domino effect of further capital investments once the pipeline comes on-line.

**Does the project/policy incorporate responsible environmental stewardship**

According to the U.S. Department of Transportation, shipping gas by pipeline is the safest means of transportation. Further, the pipeline will increase access to the use of natural gas as a clean- burning energy source. The lower energy costs will benefit companies and households, reducing expenses and providing more disposable income which itself is a benefit to.

**Impact on the community's quality of life**

While there may be hundreds on communities that will be touched in some way by the pipeline, the reality is that most already have pipelines running through their jurisdiction. While there may be legitimate concerns about the potential impact of these pipelines, Sunoco Logistics must adhere to existing regulations designed to minimize and mitigate risk to residents and the environment.

Marcus Hook Borough is the epicenter where the pipeline project will come to a head. The Borough's industrial heritage provides a long history of dealing with pipelines, manufacturing, refining, and shipping of carbon based products. The Borough has fully embraced the investment in the Mariner East II pipeline; an unlikely scenario if they did not see Sunoco Logistics as a trustworthy partner and responsible corporate citizen. In closing, on behalf of the RADC Board, I want to reiterate our support for the Mariner East II project. Thank you for considering our remarks. (6303)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**225. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. economy & domestic jobs / energy are important. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6304)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**226. COMMENT**

I am writing in regards to the proposed Mariner East pipeline which is set to run through Linvilla Orchard. Please protect Linvilla from this pipeline and do not allow Sunoco to destroy a place where I have so many fond memories. (6306)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**227. COMMENT**

Thank you for the opportunity to comment on this major project. I am opposed to the Sunoco Mariner 2 East because of the significant risk it presents to our community health and safety and our environment. (5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**228. COMMENT**

I write with regard to the proposed Mariner East II pipeline. I've learned recently that Sunoco has applied for erosion and sedimentation control permits for the pipelines in Delaware County. For consideration for the people, the businesses, and the flora and fauna of the region, I respectfully ask that you reject the applications for these permits. Delaware County is where both sets of my grandparents chose to raise their families. My parents were born and raised and still live there. I lived there for all of my childhood and young adult life. As many families in Delaware County did, my family always visited Linnville Orchards. It is a haven in suburbia; a place to learn the incredible joy of fruit right off of a tree, to appreciate the beauty of the night woods in taking a hayride along its edge, to feel connected with community and small business. I was dismayed to learn that the proposed pipeline is to cut through this land. The harm done with such a cut cannot be healed in the course of a year or even a decade; it would be many, many years before the trees would return to a point of productivity. An entire generation would be harmed and not even realize what was denied them. In a world in which we are disconnected from so much of the ground and soil that sustain us, Linnville is unique in the community: a place that celebrates the seasonal work and beauty that is the fabric of Pennsylvania's history. It becomes increasingly unique each year. My mother brought my siblings and I there to see chickens and ducks and goats, to enjoy local honey, to eat apples grown in our neighborhood. She now delights in taking my three-year-old nephew there and introducing this love of our land and its inhabitants to him. Please prioritize the people, the places, and the animals and farms and forests of Pennsylvania over the desires of corporate industry that has no ties and no love for our region. (5378)

**Response:**

The Department acknowledges the comment regarding the environmental impacts of this project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**229. COMMENT**

I am a resident of Middletown Township, PA where the Mariner East pipeline is intended to run through. I have three children, two that currently attend Glenwood Elementary School; one of the public lands identified for pipeline installation. I am deeply concerned about the safety of my family, community and environment regarding this pipeline installation. Children should not have to go to school with their parents knowing that there is a potentially explosive pipeline under their school. I urge you to do the right thing and not grant the permits for this project. (6307)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**230. COMMENT**

I am a Pennsylvania resident of Middletown Township where the Mariner East II pipeline is intended to pass through. A pipeline carrying liquid ethyl, propane, and other dangerous fluorocarbons, that until a few short days ago I had absolutely no knowledge of. I am also a mother of 3 young children and an environmentally conscious landowner who is completely terrified of the short-term and long-term impact of this pipeline. My children attend Glenwood Elementary School, attend swim and dance class at the Rocky Run YMCA, play soccer at Sleighton Field, and we purchased what we thought would be our "forever home" here. Unfortunately, all of these places listed that are dear to my family are on the tract of this pipeline. (6307)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**231. COMMENT**

I want to Infuse up to \$4.2 billion into our economy. And also put Pennsylvanians to work, including 30,000 jobs supported during the construction period and 300- 400 permanent jobs I appreciate your time in reading my comments, and urge you to strongly consider supporting this project. (6308)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**232. COMMENT**

I write in support of Sunoco Logistics endeavor to construct the Mariner East II pipeline. This proposal is critical to allowing additional liquid gas to be transported from western PA to southeastern PA and make our region an infrastructure hub. The presence of a gas pipeline in southeastern PA will spur significant job growth, not just in the energy-processing sector but also the construction trades and their suppliers will see new employment opportunities. With an estimated 30,000 construction jobs and 400 new jobs at Sonoco Logistics, this is good for Pennsylvania workers. Let us not overlook the estimated \$150 million in new revenues to the Commonwealth. Aside from the obvious economic benefits, shipping gas by pipeline is the safest means of gas transportation. This pipeline will increase our access to natural gas – a clean burning energy source - while lowering energy costs for Pennsylvanians. Mariner East II is safe, clean, and is a boon to the economy. This is a common sense proposal to make the region into an Energy Hub that will be a national leader. Thank you for your time and consideration to this matter. (6309)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**233. COMMENT**

The Mon Valley Alliance is an association of businesses that engages in actions to promote economic growth in the still economically struggling Mid Mon Valley region of southwestern Pennsylvania. The presence of Marcellus Shale gas in our region has been a bright spot in providing both direct employment and lower energy prices that contribute to the growth of local businesses.

The development of crucial gas line infrastructure will help to broaden markets for natural gas in our region and promote broader utilization of this clean and efficient energy source.

A key example of a crucial gas infrastructure project is the Mariner East 2 project. This Sunoco Logistics project will transport NGLs from eastern Ohio and southwestern Pennsylvania to the Marcus Hook industrial complex outside of Philadelphia. These NGLs supply heat during the winter and are used to power homes and businesses and,

most importantly, are a fuel source and feedstock for Pennsylvania's manufacturing industry. These NGLs are especially important to manufacturers because they can be used in a variety of sectors, including: chemicals, metals, glass, food processing, plastics, fibers, adhesives, coatings, cleaning agents, among many others.

This pipeline will be a direct boost to Pennsylvania's manufacturing industry, now, and for decades to come. A recent Price Water House Coopers study estimates that domestic natural gas and natural gas liquid production will provide an annual cost savings of \$22.3 billion in 2030 and \$34.1 billion in 2040 to the American manufacturing sector. But without the completion of projects, like the Mariner East 1 pipeline, these benefits won't be realized.

This pipeline project has the potential to generate \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the state, all while putting hard working Americans to work. During construction, the project is expected to support 30,000 jobs and once completed 300 - 400 permanent jobs. And, with all the steel being sourced domestically and coated right here in Pennsylvania, these economic and employment benefits are already being realized.

The Mariner East 2 project will provide significant benefits to the state and we recommend that the Pennsylvania Department of Environmental Protection grant them their final permits to start construction. (6310)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**234. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because I understand the benefits that the pipeline will provide. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6311)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**235. COMMENT**

Please accept this letter as evidence of my full-throated support for the Mariner East II pipeline, both as the Chief Executive of a global Pennsylvania-based company and as a resident of Chester County.

The Mariner East II pipeline is good for the economic well-being of our Commonwealth.

Pennsylvania's unemployment rate is 38th in the nation, according to the Bureau of Labor Statistics. I am confident that Mariner East II will provide a boost of some value to our lagging job market (perhaps as much as 30,000 construction jobs, for one) and once built, will contribute much-needed tax revenue.

Bentley Systems is an infrastructure company- in fact our slogan is *Advancing Infrastructure*- and we are deeply committed to the growth of our home region into a hub for energy and commerce. The Mariner East II pipeline will do a great deal to make that vision a reality. (6312)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**236. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will create many temporary and permanent jobs that are high paying. It will add revenue to the area and be a long term source of revenue for the area. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6315)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**237. COMMENT**

The Mariner East II pipeline project should proceed with the PA Department of Environmental Protection immediate approval. This project follows the same pathway as the current pipeline. This is the safest way to ship this product. More danger would be to ship this product by Rail Road or road surface truck and tanker trailer. PA need this pipe line to increase tax revenues. Please approve this project and all the other projects you are holding onto. (6316)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**238. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. Clean burning-cheaper than oil burning for heating-vast amounts of natural gas to carry us into the future. Breaks the reliance on imports from countries that are not our friends. What better could you ask for. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6318)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**239. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner projects, because of the good jobs created in the region, the continued increase of jobs related to this industry, and the national security it provided. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6319)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**240. COMMENT**

I support the Mariner East Pipeline Project because it is good for the Philadelphia region's economy. The greater Philadelphia area needs this type of infrastructure to establish the region as a business hub which will support jobs. These jobs will come directly from additional businesses and exports resulting from the availability of NGLs in Philadelphia. Pipelines are the safest and most environmental way to transport NGLs. I appreciate your time in reading my comments, and urge you to strongly consider supporting this project (6321)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**241. COMMENT**

You are obligated to act in the best interests of the citizens. Building and maintaining adequate infrastructure is part of that obligation. Permit the pipelines while properly overseeing the same. (6322)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**242. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will bring much needed work to the area. I urge you to strongly consider supporting this project. Thank you in advance for your consideration. (6323)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**243. COMMENT**

I totally oppose Mariner East 2 pipeline. As climate change is occurring much too quickly, we need to focus on sustainable energy, not continue to spend money on fossil fuel infrastructures. I don't want shale gas liquids, which are hazardous, through our land when its main purpose is export. The gas and oil companies want a profit, at the expense of citizens. The rate of leaks from pipelines is very high. PLEASE no pipelines. (6324)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**244. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Mariner East Sunoco project because it brings local abundant, affordable energy options to end-users in a safe and responsible way. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6325)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**245. COMMENT**

As a company serving the country's manufacturing industries, we at J.T. Thorpe & Son have witnessed and benefited from the development of Pennsylvania's natural gas resources.

JTT specializes in the engineering, supply and installation of heat-resistant, cold-resistant and acid-resistant materials, and the natural gas industry is the reason this 110-year-old company located our international fire-proofing headquarters in Western Pennsylvania.

Much of our work is done for shale-related facilities, such as terminals, that store, process and distribute natural gas, propane and the other materials produced in the drilling process. Our Ambridge manufacturing plant, opened just last year, now employs 120 skilled workers. Everyone hired into these jobs is local, primarily under the Bricklayers and Allied Craftworkers, so their level of skill and experience is first-rate.

Over the last year, we have watched with interest the public debate over pipelines – the means by which natural gas resources in Pennsylvania reach markets. Some argue that the pipelines don't benefit Pennsylvania, they simply send our state's natural resources to other places.

Our experience is different.

Although we are located in the Pittsburgh area, some of our major shale-related projects are 300 miles away on the Atlantic Seaboard, such as the Mariner East project that ships propane and ethane from this area via pipeline to the Marcus Hook terminal south of Philadelphia.

We were contracted to perform all the fire-proofing for both new tank and processing infrastructure at Marcus Hook for the Mariner East 1 and Mariner East 2 projects. And although the bulk of our work is being done for a terminal 300 miles away, that shale-inspired project has injected more than \$4 million into the regional economy here for fire-proofing alone. And when we're doing work, other companies nearby, like Sippel Steel or Envirosafe are often on the job also, meaning more local jobs and more local business.

Mariner East and other projects have sustained our plant and allowed us to create those 120 jobs in Ambridge in 2015, where the Ohio Valley's first-rate craftsmanship helps protect critical facilities around the globe. That's how natural gas industry benefits Pennsylvanians east and west (6327)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**246. COMMENT**

I am writing to you in regards to Sunoco Logistics and the Mariner East II Project. Our company, Infinite Control Systems, is a small business in West Chester, PA that provides custom control panels for primarily local companies. Some examples of our customers include; Aqua PA, Sunoco Logistics, Monroe Energy, Philadelphia Energy Solutions, National Foam! Schramm Inc., and Buckeye Partners.

We have been doing business with Sunoco and Sunoco Logistics for over 20 years. Both companies have provided us with a great deal of work during that time.

We have found Sunoco Logistics to be a top-notch customer and have seen that they approach the projects that we are involved with in a first class manner. They are not a company that cuts corners or makes short sighted decisions.

My employees and I truly appreciate their professional approach to everything that they do and are extremely thankful for the work opportunities that they provide to us.

I just wanted you to know how important Sunoco Logistics is to our employees and our company. (6328)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**247. COMMENT**

The TriCounty Area Chamber of Commerce is a membership based, business advocacy organization serving over 470 businesses in southeastern Berks, northern Chester, and western Montgomery Counties. Our organization focuses our efforts on Building Communities, Creating Connections, and Supporting Commerce. Our mission is to provide relevant membership services and proactive leadership to enhance the economic opportunity and quality of life in the region.

Our board of directors, at their April meeting, approved a motion to join and support the efforts of the Pennsylvania Energy Infrastructure Alliance.

As part of that support, the TriCounty Area Chamber of Commerce is taking this opportunity to contact you in support of the Pennsylvania Pipeline Projects, also known as Mariner East 1 and 2.

As you know, natural gas pipelines and utilities must adhere to strict state and federal regulations for the construction of pipelines, testing, and replacing of infrastructure, designed to insure system integrity. We have met with Sunoco representatives and have

heard firsthand how Sunoco Logistics intends to utilize advanced safety technology and monitoring systems. They will also work with all regulatory agencies to fully comply with laws and regulations to protect sensitive areas.

Of great interest to the Chamber and our Members is the outstanding economic impact of this project, which could exceed up to \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the state. The Mariner East project could create more than 30,100 direct and indirect jobs during the construction phase and approximately 300-400 permanent positions throughout Pennsylvania. There will be thousands of construction jobs from local workers in our towns and communities, providing wages to laborers. The construction of this line will bring indirect benefits – laborers will patronize hotels, restaurants, retailers, and other local businesses, providing them with sources of income. Once constructed, the proposed underground pipeline will also provide an economic stimulus to our local communities, and long-term tax revenues for counties to invest in roads, schools, and public safety.

The Mariner East 2 project is important because it will help provide critical apprenticeship training, salaries to support families, and recurring economic benefits to the state through payroll taxes and other community benefits. The bottom line is that jobs help keep our communities strong.

Thus, on behalf of the Chamber's Board of Directors and Members, we urge support of this important project. (6329)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**248. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications.

I would simply like to state for the record that Sunoco Pipeline representatives have been in touch with me since 2013 for this project. They described how it would impact my property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety.

The company encouraged me to attend the Open House session they held in my county, where I was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction.

During negotiations, I found Sunoco to be respectful, fair and responsive to my concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response. (6330)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**249. COMMENT**

My name is Martin Williams, and I serve as the Business Manager/Secretary Treasurer for Boilermakers Local 13. Our local is a Pennsylvania-based chapter of the International Brotherhood of Boilermakers, a diverse union representing more than 100,000 workers in construction, repair, maintenance and manufacturing. I write in support of the Mariner East 2 pipeline project and encourage the Pennsylvania Department of Environmental Protection to approve all environmental permit applications for the project in a timely manner.

Construction of Mariner East 2 will create as many as 31,000 living-wage jobs. The company is committed to hiring skilled workers from local union halls along the pipeline route, including members of Boilermakers Local 13. These good-paying jobs will support hardworking men and women who live in Pennsylvania. Further, these men and women will spend their paychecks in communities along the pipeline route, adding a layer of economic benefits for local businesses, communities and the entire commonwealth.

Boilermakers regard safety as the utmost priority on the worksite. Since 1924, the Local 13 Training Center has been providing training for journeymen to keep them on the cutting edge of today's technology and systems. Boilermakers Local 13 is committed to maintaining the highest standards of safety on job sites, and this focus will ensure safe and efficient construction of the Mariner East 2 pipeline, resulting in minimal impacts to the environment and local communities.

Ultimately, this project will facilitate access to domestically produced natural gas liquids (NGLs) for manufacturers and businesses throughout the region, creating a catalyst for industrial activity throughout the entire Northeast. NGLs have a wide range of uses--from the production of plastics and petrochemicals to residential and commercial heating. For these reasons, Boilermakers Local 13 fully supports DEP's approval of the Mariner East 2 environmental permit applications. I appreciate the DEP's consideration of our input on this critical energy infrastructure project. (6331)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**250. COMMENT**

As President of Eastern Controls, an Industrial Process Controls Sales and Engineering organization that has been based in Delaware County for 40 years, I wanted to share some perspective on the ground-level impact of the state's energy industry in Eastern Pennsylvania.

Our company provides customers with process measurement and control equipment such as control valves and instruments as well as sensors that provide personnel and environmental protection such as gas leak detection and sample transportation. While we provide process control expertise to a number of industries, we have been serving the energy industry since 1969 in places like Philadelphia and Marcus Hook.

At Eastern Controls' headquarters in Edgemont, PA, our workforce has nearly doubled over the last three years, and we hope to expand even more in the future. During that time, we have directly experienced, and also seen in other companies, the demand for trained process control workers surge with the development of the Marcellus Shale. However, there are not enough trained people to fill those jobs as the experienced workers reach

retirement age.

To that end, we recently invested \$1 million in a hands-on process controls training facility here in Edgemont to not only help train our own staff, but also help match the region's workforce with the quality careers available from companies such as Sunoco Logistics, whose Marcus Hook Industrial Complex is alive with activity connected to the shale areas.

Our training facility has been embraced by manufacturers throughout the region, validates the need to close this workforce gap, and offers a great opportunity for a whole generation of career-seekers.

As you consider Sunoco Logistics' permit application, please understand that the Mariner East 2 project is driving economic development and jobs right here, right now. We have worked with the company for more than four decades, and can attest to their commitment. Please issue these permits so that the Delaware Valley can continue to grow and thrive using these Pennsylvania resources. (6332)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**251. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications. Danbro, L.P. is a limited partnership in Delaware County owning several properties that are involved in the construction of the Sunoco Pipeline's Mariner East 2 Pipeline Project. I would simply like to state for the record that Sunoco Pipeline representatives have been in touch with our organization since 2013 for this project. They described how it would impact our property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety. The company encouraged our organization to attend the Open House session they held in our county, where our organization was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction. During negotiations, we found Sunoco to be respectful, fair and responsive to our concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response (6333)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**252. COMMENT**

I am writing to express my concern regarding Sunoco's application to build the "Mariner" pipeline in PA, which is currently under review by you. I didn't believe Sunoco has demonstrated adequate environmental or safety history or planning to justify approval of this project. Your vigorous review and likely resulting denial of their application will be appreciated. (5356)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**253. COMMENT**

I am writing in support of the Mariner East II pipeline project that is proposed by Sunoco logistics to transport liquid natural gas from Western Pennsylvania to its facilities in Delaware County.

This project represents a tremendous economic benefit to Southeastern Pennsylvania and to our state as a whole. This pipeline will create jobs all across Pennsylvania, 30,000 during the construction phase and 400 permanent jobs in Delaware County. Most importantly, having a substantial supply of low cost natural gas in Southeastern Pennsylvania will stimulate investment in related businesses that use natural gas as a feedstock thereby stimulating additional employment. All of this economic activity, both corporate and individual, will increase tax revenue to the Commonwealth and help to fund our ever increasing state budget. For the first time in over 100 years, Pennsylvania will be able to compete with the Gulf Coast as an Energy Hub.

Shipping natural gas by pipeline is the safest means of transportation, and Sunoco Logistics has had an excellent track record of environmental responsibility.

We encourage you to approve Sunoco Logistics application for a DEP permit to construct the Mariner East II pipeline. (6335)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**254. COMMENT**

Please see the attached comments from the Associated Equipment Distributors in support of the PA Pipeline Project/Mariner East II permit applications. (6336)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**255. COMMENT**

My wife, son and I live at 31 Springhouse Lane in Middletown. We strongly oppose the construction of the Mariner East II pipeline through Middletown and Delaware County. Not only are we opposed to the environmental impacts of climate change, but also the environmental risks to our local area. This pipeline is in proximity to areas frequented by families and it would be devastating if an accident were to occur. My research has found that Sunoco does not have a good track record of safety for such a project and I do not want to see the local people and environment become victims of an unnecessary risk such as this. Please listen to the voices speaking out against this project. Sunoco does not have a vested interest in the safety and preservation of Middletown and Delaware county. (6337-6339)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. However, the Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**256. COMMENT**

As a resident of Media, PA, in Delaware County, I oppose the Mariner East projects for reasons ranging from the immediate health of my children to our larger environmental future. The DEP has grounds to withhold a permit from Sunoco and its subsidiaries.

1. Sunoco has a poor track record of maintaining decent safety and environmental standards in the Philadelphia area and beyond. Even the U.S. Justice Department has pursued actions against Sunoco.

<https://www.epa.gov/sites/production/files/documents/sunoco-cd.pdf>

<http://aldianews.com/articles/local/philadelphia/two-dozen-permit-violations-point-breeze-refinery-opposition-expansion-grows/41231>

<http://www.law360.com/articles/141662/sunoco-fined-over-troubled-pa-refinery>

2. Fossil fuel transportation and refineries, specifically high-pressure natural gas pipelines, have not been proven safe for our children, families and residents. Marcus Hook's

Your own staff report this related to Sunoco's Point Breeze refinery:

[https://www.epa.gov/sites/production/files/2014-10/documents/bk1\\_thur\\_2\\_gross-davis\\_thurs.pdf](https://www.epa.gov/sites/production/files/2014-10/documents/bk1_thur_2_gross-davis_thurs.pdf)

3. Investing in fossil fuel infrastructure is a dead end, a short term, poor investment for Pennsylvanians and for our environment. They require expensive repairs and tax breaks to maintain. We now know that fossil fuels are never an environmentally sound choice.

<http://www.bizjournals.com/philadelphia/news/2012/07/02/sunocos-philadelphia-refinery-will.html>

Based on Sunoco's past poor safety and environmental record, and present plan to transport and ship out environmentally hazardous fossil fuels for benefit of Sunoco and its subsidiaries, not the PA citizens, taxpayers and environment, the DEP should oppose all

permits by Sunoco, Sunoco Logistics, and their contractors in relation to the Mariner East project. (6340)

**Response:**

The Department acknowledges the concern regarding the public safety and environmental impacts of this project. The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**257. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 pipeline project because it supports local economy, will reduce energy costs and help balance our foreign trade deficit. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6341)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**258. COMMENT**

As a 31-year-long homeowner in Media, Delaware County, I am very concerned about the proposed Sunoco pipeline that would run through open space in Middletown Twp. (6342)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

**259. COMMENT**

I am writing in support of the Sunoco Logistics Mariner East 2 project.

I have 20 years of experience in operational efficiency and risk management in the energy, oil & gas and water resources sectors, including eight years with a Fortune 200 energy company where I was responsible for the sustainable operation of assets. As a member of the company’s Risk Committee, I was part of a team responsible for assessing the risk and viability of proposed acquisitions and development. I have worked on behalf of the Riverkeeper organization to protect the water supply watershed for a major metropolitan city, and with international oil & gas exploration and production companies to develop and implement programs to protect the environment. My BS is in Physics and my MS is in hydrogeology.

I was born in Chester County, and proudly call this county my home.

I support the Sunoco Logistics Mariner East 2 project for the following reasons:

1. Sunoco Logistics works to protect sensitive areas through the use of best management practices such as:
  - Minimizing construction areas within wetlands and waterways;
  - Using Horizontal Directional Drilling (HDD) in environmentally sensitive areas such as forested wetlands and/or habitats containing threatened and endangered species; and
  - Not clearing forested wetlands above drills to reduce habitat fragmentation effects.
2. Sunoco Logistics has committed to preserving natural waterways and wetlands, along with water recreation areas, and will not withdrawal or discharge any water during construction of Mariner East 2, specifically:
  - River Basin water will not be used for testing. Water for testing will be purchased from local water authorities and where applicable, will be recycled to minimize water usage and wastewater discharge; and
  - When ready for discharge, Sunoco Logistics will work with local wastewater treatment plant to dispose of the water.
3. With regards to safety, I understand the concerns about transporting a volatile liquid through our backyards. While there are safety risks, a 2015 Fraser Institute report found that transporting natural gas by pipeline and rail is “in general quite safe”, and that [pipeline transportation is safer](#) than transportation by rail.

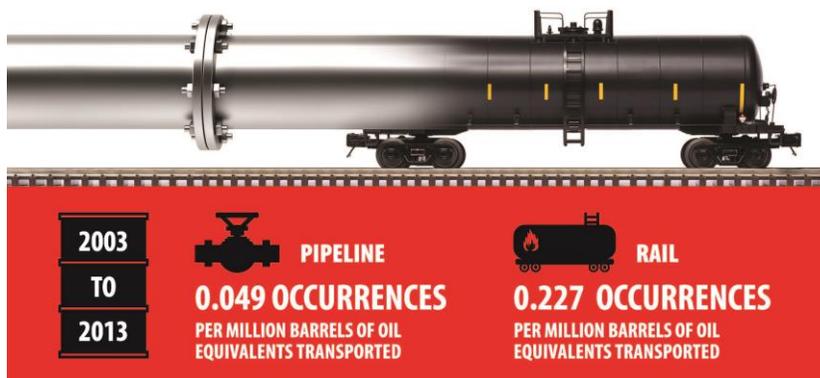
What does “quite safe” mean?

The US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) provides data on injuries and fatalities related to natural gas and hazardous liquid transmission lines. For natural gas transmission lines, the nationwide average for fatalities is two per year. [The average for injuries is nine per year](#). For hazardous liquid transmission lines (the type of line Mariner East 2 is), the nationwide twenty year average for fatalities is one fatality per year. [The twenty year average for injuries is two per year](#).

There has not been a fatality in Pennsylvania due to natural gas or hazardous liquid transmission lines since PHMSA started their database in 1996.

Any injury, any fatality is too many, and so I applaud PHMSA and others in their efforts to increase safety measures, especially around inspection of older pipelines. The answer lies in better safety measures, not in preventing the construction of this pipeline.

# PIPELINES ARE MORE THAN **4.5 TIMES SAFER** THAN RAIL FOR TRANSPORTING OIL



4. This pipeline will be transporting natural gas liquids, specifically propane, ethane and butane. Each plays an important role in everyday lives. We use propane for home heating, cooking and as a feedstock for manufacturing. Ethane is a major building block for the chemical industry and manufacturing. By building block, I mean that these carbon based compounds are used to make things we all use such as water bottles, aspirin, football helmets, medical equipment, laptops. And lastly, butane is blended into gasoline in the northeast during the fall and winter.

5. This project leverages the abundant, local resources of the Marcellus Shale formation to create technical, well-paying jobs, and grow our regional economy. [The Mariner East projects combined will support more than 30,000 jobs during construction, with a total economic benefit to the state of \\$4.2 billion.](#) Once operational, these projects directly support 300 – 400 permanent jobs. Annually, the economic benefit to the Commonwealth as a whole is estimated at \$100 million to \$150 million. I strongly encourage the Department of Environmental Protection to approve these permits and I thank you for the opportunity to comment. (6343)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**260. COMMENT**

The following comments are hereby offered by AECOM Technical Services, Inc. (AECOM) regarding Chapter 105 Water Obstruction and Encroachment Permit Applications, Sunoco Logistics Mariner East 2 Project.

*“Natural gas liquids (NGLs) pipeline projects play an important role in addressing our clean energy needs, in addition to helping develop and sustain the natural gas and related industries in Pennsylvania. While these projects bring vital jobs and investment to our region, it is critical that they adhere to all applicable Pennsylvania Department of Environmental Protection, Pennsylvania Public Utility Commission, Federal Energy Regulatory Commission and other agency requirements. The successful delivery of these projects requires the right combination of services, people and expertise all coming*

*together to solve complex and unique challenges. At the same time, these projects must develop and protect the natural systems and shared resources that cities, regions and people depend on to grow and thrive. Sunoco Logistics' Mariner East 2 pipeline exemplifies the right type of infrastructure project."*

In addition, AECOM requests to have the option to offer this testimony at the planned public hearing in West Chester, Pennsylvania, Chester County: Wednesday August 10, 2016 – 6:30 P.M – 9:30 P.M. – Sykes Student Union at West Chester University, 110 W. Rosedale Avenue, West Chester, PA 19382. (6344)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project.

**261. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 Pipeline Project because it will provide good paying jobs. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6345)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**262. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support for the Mariner East 2 Pipeline project project because...As a resident of Pennsylvania, it concerns me that PA (and most other states) suffers from aging and outdated infrastructure. Updating existing and building new pipelines not only helps conserve our natural resources, it reduces the carbon emissions to our environment. The mid-Atlantic region has suffered in recent years with the loss of many jobs, especially in the construction industry. The full economic impact of this recession will affect future generations. This project, and Sunoco, will provided hundreds of permanent jobs, jobs that provide skilled workers with a fair living wage. In addition to the permanent positions, thousands of long term temporary jobs in fields ranging from architecture to science and everything in between will be created, boosting not only the local economy but improving the that tax base and providing the resources for our communities to continue making positive changes for years to come. Local contractors, suppliers, and manufacturers along with hotels, restaurants and many other area businesses continue to benefit directly and indirectly from the Mariner East 2 project. In closing, knowing that an economically and environmentally responsible company, Sunoco, is behind this project, I feel confident that every aspect will be handled safely and efficiently. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6346)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**263. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Mariner East Pipeline because... Im a pipeline surveyor I have surveyed alot of the me2 line. I'm currently laid off waiting for the job to start back up. It will help the local economy, produce alot of jobs. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6347)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**264. COMMENT**

MS. ELISE GERHART: This past March I watched helplessly as Sunoco crews entered my family's property and laid waste to it. I watched as they destroyed a hundred-year-old forest that my family had stewarded since before I was born. I watched my parents, having been betrayed by the agencies who are supposed to protect them, grieve for the loss of their land and their rights. I felt the undue hatred of men employed by Sunoco, as they tramped around our home with chainsaws and a callous disregard, making jokes about doing things that would kill me. I felt the disorienting feeling of having a landscape I have known all my life, changed in a few hours of work. This experience has forever altered my life, my viewpoint and my future. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations. The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

*In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

**265. COMMENT**

And to the Labor folks here, I just want to ask you to stop treating people like me and my family like the enemy, because it is not us versus you. It is not our rights versus your right. It is not our right to protect our property versus your job. Okay? That's not what this is about. There are jobs to be had in pipelining in Pennsylvania, repairing and maintaining existing infrastructure. There are jobs there. There are things that need to be done that aren't being done. There's safety protocols that need to be implemented, that aren't being implemented, you know. And it doesn't have to be like this. You don't have to come out here and force against us. Okay? We are not against you. And I am asking you right here, right now to please not come to my family's home and further destroy it. I am begging you. Okay? We don't deserve that. My mother was a public school teacher for 32 years, a special education teacher. My father is 85 years old, and he has been through more in his life than I

could tell you in hours. Okay? We are just Pennsylvanians. We are just Americans. And we just want to be secure in our lives and our livelihoods just like you do. And you don't have to come and hurt us in order to do that. So please don't. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**266. COMMENT**

What is the actual expectation of usage of the products flowing through this pipeline to Pennsylvania residents?

1. How is this type of pipeline used for these products considered a utility? As understood, these products are used to make plastics and not solely domestically.

2. What is the expected safety plan if there is a breach and/or explosion? Please respond, this is a very serious matter. (6348)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**267. COMMENT**

3. How will inspections be made to the welds during construction if the drilling will be done horizontally and underground? (6348)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of

hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**268. COMMENT**

4. What resources will the DEP utilize to review this matter further and support concerned citizens? (6348)

**Response:**

The Department acknowledges the commentator's comment this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

**269. COMMENT**

5. Has this design, construction, pressure, and/or expected volume of pipeline been used domestically before? If so, where? (6348)

**Response:**

These questions fall outside of the context of the Department's review of the Chapter 102 and Chapter 105 applications.

**270. COMMENT**

I support the mariner east II pipeline project!!! (6349)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**271. COMMENT**

Support Mariner East (6350)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**272. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Sunoco Logistics Mariner East 2 Pipeline because our company, located in Horsham, PA, is a supplier of industrial torque equipment and calibration services. We employ 14 skilled technicians who support pipeline services. The construction phase of this project will support hundreds of skilled high paying jobs for Pennsylvanians. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6351)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**273. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I want to work on this union pipeline projects I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6352)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**274. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. I support the Mariner East Pipeline because it provides the transportation method to sell products from this region on an international level. Thus benefitting the industry and the commonwealth as a whole thru good jobs in this industry. Furthermore, pipeline transportation of liquids and gases have proven to be considerably safer than alternative transportation modes. As amply demonstrated by the numerous rail disasters--one of which occurred here in New Brighton. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6353)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**275. COMMENT**

I am writing to express my support for the Sunoco Logistics Mariner East 2 Pipeline Project. takeaway capacity is essential to keep Pennsylvania in the Marcellus play and to provide economic support to the region. I urge you to strongly consider supporting this project, and thank you in advance for your consideration. (6356)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**276. COMMENT**

This message is in regards to the Sunoco Logistics Mariner East II Pipeline Project, and I appreciate your time in reading my comments. I support the Mariner East Pipeline Project because I believe the future of our State & Country depends upon us becoming energy independent. Natural Gas is our big chance to gain this independence but in many areas the gas is not available to consumers. We need to increase the availability of natural gas to consumers. I urge you to strongly consider supporting this project. (6359)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**277. COMMENT**

Please reject Sunoco's Chapter 102 and Chapter 105 applications to build the proposed pipelines through our regions. At the very least, the PPP would cross 581 wetlands, 1227 streams and would permanently impact many existing streams, streams critical to life. Maintaining water quality is essential for the health of all Pa. residents, and as your very agency's title, DEP, indicates it is your supreme duty to protect those natural resources for those future Pennsylvanians. Do not cave in to special interests who do not depend on our

precious resources, whose families live elsewhere. So, please: Reject the applications, or, for now, at least. Extend public input time for at least 6 months. Hold additional hearings throughout the state. Closely review the applications -as discrepancies have been under-reported as to the number of streams and wetlands effected. In closing, fossil fuels now the recognized, culprits in heating the planet & are being phased out due to their negative effect, (including natural gas which is just another form) on the world climate. We Pennsylvanians should be at the forefront of the movement insisting upon renewables for the healthy future for our planet, not “fossils”, living in the past. Deny the Mariner East II pipeline’s permits! (6360)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**278. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications. I am a resident of Huntingdon County owning property that is involved in the construction of the Sunoco Pipeline's Mariner East 2 Pipeline Project. I would simply like to state for the record that Sunoco Pipeline representatives have been in touch with me since 2013 for this project. They described how it would impact my property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety. The company encouraged me to attend the Open House session they held in my county, where I was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction. During negotiations, I found Sunoco to be respectful, fair and responsive to my concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response. (6363-6375)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

**279. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications. I am a resident of York County owning property that is involved in the construction of the Sunoco Pipeline's Mariner East 2 Pipeline Project. I would simply like to state for the record that Sunoco Pipeline representatives have been in

touch with me since 2013 for this project. They described how it would impact my property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety. The company encouraged me to attend the Open House session they held in my county, where I was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction. During negotiations, I found Sunoco to be respectful, fair and responsive to my concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response. (6376)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**280. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications. I am a resident of Cumberland County owning property that is involved in the construction of the Sunoco Pipeline's Mariner East 2 Pipeline Project. I would simply like to state for the record that Sunoco Pipeline representatives have been in touch with me since 2013 for this project. They described how it would impact my property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety. The company encouraged me to attend the Open House session they held in my county, where I was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction. During negotiations, I found Sunoco to be respectful, fair and responsive to my concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response. (6377)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**281. COMMENT**

I am writing to you regarding Sunoco Pipeline's Mariner East 2 Project and their Title 25, PA Code, Chapter 102 (Erosion & Sediment Control) and Chapter 105 (Water Obstructions & Encroachment) permit applications. I am a resident of Blair County and own property that is involved in the construction of the Sunoco Pipeline's Mariner East 2 Pipeline Project. I would simply like to state for the record that Sunoco Pipeline representatives have been in touch with me since 2013 for this project. They described how it would impact my property, and over the course of the past three years have shared information on construction methods, environmental protection practices, and pipeline safety. The company encouraged me to attend the Open House session they held in my county, where I was given the opportunity to directly question the Project Manager and senior project officials representing Right-of-Way, Environmental, Safety, and Construction. During negotiations, I found Sunoco to be respectful, fair and responsive to my concerns. Having dealt with Sunoco for nearly 3 years on Mariner East 2, I can attest to the company's commitment to transparency to ensuring that landowners are informed during project development. This letter does not require a response (6378-6379)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**282. COMMENT**

For the Pennsylvania State Grange, which is the oldest agricultural and rural advocacy organization of its kind in the United States, ensuring that our industry has long-term access to clean energy is a critical need. We support projects that strike the right balance between respecting the land and putting it to proper use for the benefit of Pennsylvanians. I believe this project accomplishes that goal and urge DEP to approve the permits for Mariner East 2.

Safe and efficient construction of the Mariner East 2 pipeline will help us achieve these goals. Ultimately, this project will facilitate access to domestically produced natural gas liquids (NGLs) for residents throughout the region, creating a catalyst for industrial and commercial activity throughout the entire Northeast. The key is making sure the vast amount of energy resources we harvest here at home are put to use here, too, for our own domestic needs and for our overall energy and economic security. NGLs have a wide range of uses--- from the production of plastics and petrochemicals to residential and commercial heating, among others, including feedstock for fertilizers, as I mentioned. These Pennsylvania energy resources can help power Pennsylvania's continued economic renaissance. (5935, 6380)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**283. COMMENT**

I write to you today on behalf of the Moshannon Valley Economic Development Partnership in support of the Mariner East 2 pipeline proposed by Pennsylvania-based company Sunoco logistics. I urge you to approve the necessary environmental permits in a timely manner to ensure that Pennsylvania and our communities, residents and businesses can receive the positive benefits this project will provide.

The Moshannon Valley Economic Development Partnership is a nonprofit corporation with the purpose of further developing the economy of Moshannon Valley. We serve to relieve existing unemployment by purchasing, owning, selling, leasing, remodeling, and repairing properties to provide industrial sites, housing units, and other facilities that will enhance the economic development and welfare of our communities.

Our support for the Mariner East 2 pipeline stems from our mission of working to create new job opportunities for the people of the Moshannon Valley by supporting existing companies; to market our region for other industries and businesses seeking to expand and bring jobs to the Moshannon Valley; and to assist entrepreneurs that want to start new businesses in the area.

Our region of central Pennsylvania has not capitalized on the tremendous growth of the natural gas industry because the region lacks the infrastructure needed by that industry. There are wells that have been drilled but they remain capped/non-producing because there is no infrastructure to capture the gas. We need natural gas line infrastructure that pipe natural gas reserves to markets. The development of energy infrastructure is pivotal to

unlocking Pennsylvania's economic potential and essential to ensuring our manufacturers and businesses remain competitive in their respective markets.

The natural gas liquids that the Mariner East 2 pipeline will be transporting across the state provide an affordable and abundant source of energy for a variety of industry uses such as fuel and to be used as a feedstock for a number of manufactured goods. It is in the best interest of our partnership that this project moves forward without delay. We are constantly seeking new reasons that businesses would want to expand into Pennsylvania or even for new businesses to form here. The promise of affordable energy for businesses to operate is a key component to generate interest in the Moshannon Valley.

This project benefits the Moshannon Valley Economic Development Partnership directly and helps support the economies surrounding our area. Please take this into consideration as you examine the final environmental permits for the Mariner East 2 pipeline project. The pipeline will undoubtedly be built safe with zero negative impact to the environment and Pennsylvania communities. And it is going to bring a lot of benefits to our communities. (6381)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**284. COMMENT**

To the Pennsylvania Department of Environmental Protection: South-Central Regional Office, On behalf of the Laborers' District Council of Eastern Pennsylvania, our affiliated Local Unions, and our hard working and dedicated membership, please accept the following petition of support County Chapter I05 permit application related to the proposed Sunoco Pipeline project. I support Sunoco's Mariner pipeline project. I know it will create thousands of good jobs and bring affordable and clean natural gas to Pennsylvania. I also know that pipelines can be built safely and in an environmentally friendly way. I urge approval of County Chapter I 05 permit application related to the proposed Sunoco Pipeline project as soon as possible. (6382-6422)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**285. COMMENT**

It is the job of the DEP to protect the states' wetlands, waterways and watersheds. Please. Do your job to the benefit of the people of this state and not corporate interests or corporate greed. Reject Sunoco's 102 and 105 permits. (6425)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**286. COMMENT**

It's not only the environmental impacts of the wetland crossings. There is also Sunoco's handling of pipeline leaks and ruptures. In 2005 – a crude oil spill involving the Ohio and Kentucky Rivers – 260,000 gallons. In 2008 – a gasoline spill near Murrysville pouring into the Turtle Creek – 12,000 gallons, polluting a 3 miles section. In 2012 – near Wellington, Ohio – spilling 2,780 barrels of gasoline, causing the evacuation of 38 homes. In 2014 – 4,000 gallons of crude oil spilled near Caddo Parish in Louisiana. I am a hazardous material

tech and have been on over 3,000 hazardous and non-hazardous spills and events over a 25-year period for Roadway Express, from which I retired and Minute Man Spill Response and other response companies. I will tell you, sites where huge spills have happened are never brought back to its original environmental state. A fact the DEP should know. Looking over Sunoco's environmental and salary record of 17 notices of probable violations, resulting in \$2,320,744 in fines enforced and proposed since 2002. 262 incident reports filed by PHMSA since 2006. 32 enforcement actions by PHMSA since 2002. 42 violations by PADEP in 2015 for work done on the Mariner East Project in one year.

These pipelines transporting natural gas liquids at 1440 PSI if and when a failure occurs will have a catastrophic effect, before any reaction can be made to stop it, leaving lives, property and environment never to be the same. I can go on about Sunoco's actions witnessed by my wife and I in dealing with landowners and township officials pushing through construction without proper permits in both Lower and Upper Frankford Townships, and have experienced and witnessed Sunoco's disregard for said townships and landowners.

In my professional experience, I have made a living out of the dealings and lack of caution of corporations and the unwillingness of local, state, and federal agencies to enforce their own rules and law to protect both the environment and personal health and property of the people directly affected by such projects as the PPP. (6425)

**Response:**

The Department acknowledges the commentator's comment this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**287. COMMENT**

So I urge the good people of DEP to reject Sunoco's submitted chapter 102 and 105 permit applications. Do not give in to political or corporate pressures that I am sure you are feeling. Your job is to protect both the environmental and people who will be left behind to deal with the real consequences of this project if only corporate interests are met and the construction allowed as planned by Sunoco. I also feel that the period for public comment should be extended by DEP. (6425)

**Response:**

The Department acknowledges the comment.

The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations. The Department held a 60-day public comment period in

summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**288. COMMENT**

I appreciate the opportunity to voice my support for the Mariner East 2 Pipeline Project. Pennsylvania's natural gas resources represent some of the cleanest, most affordable energy resources anywhere in the world and have the potential to be a true game changer for our state. But to realize this potential, we must link this homegrown resource to the right consumer, manufacturing and marketing opportunities. My family and community know first-hand the positive difference the natural gas industry can make. Let's continue what we've started and transform Pennsylvania into an economic powerhouse for the benefit of all its citizens. Please support the Mariner East 2 Pipeline Project. This communication financed by Chevron U.S.A. Inc. (6429 – 6521)

**Response:**

The Department acknowledges the commentator's comment this proposed pipeline project.

**289. COMMENT**

As a resident near the proposed Pennsylvania Pipeline, or Mariner East 2 Pipeline Project, I request that the PA Department of Environmental Protection do the following:

1. Extend the public comment period for Chapter 102/105 permits;
2. Hold additional hearings in the other thirteen (13) affected counties;
3. Use the strictest scrutiny in reviewing 102/105 permit applications from a company with a record of bad behavior in breaking the law and putting the health of communities and the environment at risk; and, ultimately,
4. Reject the Chapter 102/105 permit applications for Sunoco Logistics Mariner East 2 pipeline proposal. (6522 – 6700, 11054 – 11651)

**Response:**

The Department acknowledges the commentator's comment this proposed pipeline project.

The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices. The Department acknowledges your concern regarding the environmental impacts of this project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

**290. COMMENT**

Well, good day and welcome to my District. It's my responsibility to take care of and represent my constituents, to preserve that. And important in this process is the safety of this line. And also important are the property rights of our citizens. There's nothing more

fundamental in this nation. Our Constitution is based on property rights. I also do not oppose the project per say. I understand the job and economic result and importance of this project. I understand that the best way to build this will be by laborers who are trained, which is the union laborer of this area. But my comments today deal with DEP. (29683)

**Response:**

The Department acknowledges the commentator's comment this proposed pipeline project.

The permit applications were thoroughly reviewed by staff for conformance with the pertinent DEP regulations.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

In addition, the Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**291. COMMENT**

And finally, let me say this. We see this nowhere more clearly than when a year ago the Governor of this Commonwealth and the Secretary of DEP, a fine man named John Hanger, brought all of us together so that we would --- and we worked months and months to do a report that would find the ways that we would be able to come together to work together, to solve these problems. And what has DEP done with this report? Absolutely nothing. It sits on a shelf gathering dust. This is totally unacceptable. (29683)

**Response:**

The Department acknowledges the comment. The Department acknowledges the comment.

## 292. COMMENT

So let me just say, I have no opposition to the project, but I will fight as hard as I can to protect the property rights and the safety rights of my constituents. And my greatest sadness at this moment in time is this, like every other hearing in my 10 years as Senator and 14 years as Commissioner I've had, it's the DEP that doesn't really give a damn about the voice of the citizens, that merely carries on a phony, cut-tape, three minutes and we're up. You take all this information. You don't even, this time, have the courtesy to have the e-comments. You don't even have the right names of the projects when you give a notice to the citizens and you've done absolutely nothing, nothing with the report that all of us worked months and months on. I'm just frustrated, my constituents are frustrated and I think that those who want this done to be frustrated too. Because when you don't become the vehicle to resolve conflicts, what happens is the citizens become cynical and this project will be months after months of delay and not get done. So I hope that we can have, and finally have, a DEP in this region that truly brings people together. And I speak upon myself on this with great sadness. And if I speak with emotion in ending, it's only because I think I spent half of my life at these meaningless hearings, I saw what happened with Williams. You're doing the same thing. We can't get the reports so the public can review it, you force us into right to know. I don't blame Sunoco, I blame the DEP for the failure to get things done and get it done right. Thank you. (29683)

### **Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

In addition, the Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

## 293. COMMENT

My name is Bruce Dorbian, 1015 Green Street, Marcus Hook, Pennsylvania. I currently serve as the Director of Planning and Development for Marcus Hook Borough and previously served as the town's Borough manager from 1983 to 2014. I'm here tonight to

express the views of Mayor and Borough Council of Marcus Hook Borough on their behalf. I wish to express emphatic support for Mariner East II Pipeline Project.

The closure of the Marcus Hook refinery in 2011 was a devastating blow to the Marcus Hook Borough and Southeastern Pennsylvania region. Many good paying jobs were lost and the impact on the Borough's financial stability was tested. Only now are we beginning to see some hopeful signs of recovery. The former refinery site is in the process of being repurposed as a hub for manufacturing, processing, storage and shipment of natural gas liquids from the Marcellus Shale region of Western Pennsylvania.

We are very familiar with the Sunoco Logistics Mariner East project. This important energy project will ensure that Marcellus Shale natural gas liquids captured in Pennsylvania will be processed and shipped from Pennsylvania. In addition, we are hopeful that the natural gas liquids such as propane, ethane and butane may spur the development of an expanded petrochemical manufacturing center in Marcus Hook Borough. Long-term and quantifiable supplies of NGLs is necessary to attract manufacturing industries and use these products as feedstocks in liquids processing facilities.

No town recognizes the safety and security concerns if this volatile forgo and individual businesses and the environment more than Marcus Hook Borough. Marcus Hook has been a home base for the petrochemical engineering for over 100 years. Our residents and neighbors to this industry recognize the need for safe operations. If anyone is in harm's way, it's the residents of Marcus Hook who reside next to the Marcus Hooks Industrial Complex, the end of the line for this pipeline. It is in our town the natural gas liquids will be stored, processed and shipped. Yet, the general consensus around our town is support for those activities which will maximize the economic opportunities from Shale Gas and liquid processing. And why is that? There are a number of reasons. Is it jobs for Marcus Hook residents? No, not really. When the refinery was active and employed 600 before closing, only 12 employees lived in Marcus Hook proper. The majority lived outside of town in Delaware County and surrounding counties, many in Chester County where we are today. And going forward as employment levels are ramping up as the Marcus Hook Industrial Complex rose the NGL up, the facility employed very few Marcus Hook residents.

But our residents recognize that the reviewed activity at the former Sunoco Marcus Hook refinery site is crucial to the local economy. Marcus Hook has been, is and will continue to be a work life for the region. Marcus Hook Borough has always embraced its role and a place where industry prospers. And as the industry grows, the town benefits. There is a resurgence of economic activity. The local businesses in and outside of town benefit and the local convince stores and distributors of pipe valve and industrial parts, and the taxes and fees help balance the Borough's budget. A fully developed Marcus Hook Industrial Complex will have employment levels at the levels when the site was operating as a refinery.

In addition, it will enable the creation of a large number of associated jobs throughout the Philadelphia region. For this to happen, the volume of NGL's flowing into Marcus Hook to get the Mariner's East pipeline must increase. Natural gas liquids from the Marcellus Shale region of Pennsylvania, Ohio and West Virginia will find their way to market. We have the opportunity to create jobs in Pennsylvania. Otherwise, pipelines will transport the NGLs to the Gulf Coast. I'll finish up, ma'am. We understand the safety --- in fact, I'm going to skip

a few paragraphs. We understand the safety and concerns. The distribution of natural gas petroleum products via pipelines is common practice and essential to our way of life.

Pipelines are a safe and efficient mode of transporting natural gas and NGLs. Please consider the need for this important infrastructure project as presented by Sunoco Logistics. It reflects the need to safely bring the product to market and will have a significant economic impact for Marcus Hook Borough to the Delaware Valley region and the State of Pennsylvania. Energy independence and efficiency and affordable cost requires getting the product to market. Pennsylvanians must work together to meet the challenge to insure that natural resources found in our state, contribute positively to the quality of life we enjoy. Marcus Hook Borough is doing its part, the town is proud to host the Marcus Hook Industrial Complex. We simply ask others to embrace the Shale Gas opportunity which will serve as a strength board for economic revitalization, attracting new industrial manufacturing businesses and creating jobs. (29685)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**294. COMMENT**

Trish McFarland. 1001 Baltimore Pike, Springfield, Pennsylvania. My name is Trish McFarland, I'm president of the Delaware County Chamber of Commerce. Pennsylvania's energy renaissance gives us all a huge competitive advantage and it's an opportunity we cannot afford to miss. With development of the State's shale gas reserves, transporting products like natural gas and natural gas liquids is becoming increasingly important, especially for Southeastern Pennsylvania where the Marcus Hook Industrial Complex is fueling a regional revitalization.

New pipelines, like the \$3 billion Mariner East Project, which would support Marcus Hook, will bring tremendous direct and indirect benefits to consumers and businesses across the State, which is why I encourage the Department of Environmental Protection to approve the permits.

The regulatory process for these projects is stringent, and they should be. But we also need to be smart about the decisions we make. Our County, like any County in Pennsylvania, has had its ups and downs. But in recent years, we have seen a tremendous upswing. I cannot emphasize how much, how important Marcus Hook is to the continued revival of our communities and how essential Sunoco's Mariner East pipelines are to the continued revitalization of that plant.

I'm not just the Delaware County Chamber president. I'm also an area resident and I care about the community where I live and the neighbors around me and my family, where I'm raising my family. The growth we are seeing today already is attracting new businesses with new products. Because of increased tax revenue from projects like Mariner East, local towns can afford to invest in parks, environmental projects and neighborhood revitalization. But this could just be the beginning. If we're going to realize our full potential, not just as Marcus Hook Industrial Complex in Delaware County but across the Commonwealth, then we must encourage investments in projects that will upgrade and modernize critical energy infrastructure.

All of Southeastern Pennsylvania has an opportunity with new pipeline projects to invest in our long-term future. And, together with the Mariner East I pipeline, the Mariner East II project will play a major contributing role. This project will be able to make these advancements safely, efficiently and in an environmentally sustainable manner, all while growing the economy.

Pipelines connect gas fields in the Western part of the state to the processing facilities in Eastern Pennsylvania. In other words, we're all in this together. I want to thank to DEP for its time and attention to this project, and urge their full support for our communities through the approval of Sunoco's permits for the Mariner East II pipeline. Thank you. (29686)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**295. COMMENT**

Thank you for the opportunity to speak here tonight. ME2 is approximately a \$2.5 billion new underground pipeline system. But first, a 20-inch pipeline would have an initial capacity of approximately 275,000 barrels a day with the ability to withstand a 450,000 barrels a day to carry natural gas liquids such as propane, ethane and butane each from Ohio, West Virginia and into PA. In certain shale areas, such as the Marcellus Shale, the natural gas liquids are found in abundance with traditional natural gas. They are described as liquids because they're moved through pipelines in liquid form.

Propane is a common fuel for heating, cooking, crop drying, motor vehicles. In Pennsylvania, all the school buses will be propane in the distant future. Ethane has uses as fuel, but is primarily used as an essential building block for plastics. Butane and natural gas can be blended as an ingredient in gasoline, and butane can also be used as a fuel refrigerant and feedstock for the petrochemical manufacturing.

The second pipeline is 16-inch in diameter and is being considered part of the expansion of the Mariner --- of the ME2 system. Both pipelines would be installed as part of one construction project, minimizing the disturbance to landowners and the environment. Both lines would mostly follow the Mariner East I route to the Marcus Hook Industrial Complex. The ME2 project would generate \$4.2 billion to the Pennsylvania economy and generate \$62 million in tax revenues for the State of Pennsylvania.

I'm going to stop here and speak from my heart. I'm a contractor. My business is right around the corner in West Goshen with a pipeline right next to it. My parents, both in their 80s live in Hershey Mills, a 55 and older community, and they have pipelines all through their development. Literally, 10, 15 feet from their home. I have four daughters. My oldest daughter and husband have two grandchildren. They're my only two grandchildren. They have a pipeline on their property.

Sunoco does not build pipelines, steamfitters and contractors do. When we build this pipeline, it'll be done by skilled craftsmen and women who are certified in welding. They have had all their safety training and a lot of them live in Chester County. You're going to be dealing with local people that pay local taxes to the State, to the County. We invest our time and effort into the County. Many time employees that live and work in Chester County, they're our CCD teachers on Sunday, they're our basketball coaches, our baseball coaches, our football coaches. They're our Brownie leaders and our Boy Scout leaders.

Please, I hear so much from the top two people running for President of the United States saying about creating jobs. You are the gatekeepers of the jobs here in Chester County. We've fought through some hard times, we need a break. The taxpayers across the County need a break, the schools need a break. Please, help us out and support this pipeline.

(29687)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**296. COMMENT**

Hi. My name is Helen Lemon, 2617 West Gerard Avenue, Philadelphia. I'm here today from the National Electrical Contractors Association, so also another contractor voice like Jim. We represent roughly 150 contractors here in Eastern Pennsylvania and the State of Delaware. And I want to urge the Department of Environmental Protection to approve the permits for the Mariner East II pipeline.

Our organization is a nationwide organization that works on a local level with our labor partners, the International Brotherhood of Electrical Workers, the IBEW. Together, we develop labor agreements, training programs and effective market initiatives. Our chapter is affiliated with 12 IBEW local unions, and here in Southeastern Pennsylvania our local unions and co-sponsored apprentice training centers are in Philadelphia, Collegeville and Worcester.

Our 150 members who own businesses and live in the region are active members of their communities. They volunteer their time, their equipment and their resources to better their neighborhoods. And we're about to hire skilled members from the local union workforce. When we request manpower for projects in the area, we know we're going to be hiring a highly-trained electrician from the community and that his or her wages are going to be supporting their family's health and welfare and savings. Their taxes are going to the local public schools and business is going to be generated for shops in the local economy. And that's why infrastructure projects like this pipeline are a shared priority for our industry and the communities where we work and live.

It'll boost local manufacturing, transportation and trade opportunities. This project represents one of the largest private capital investments in our Commonwealth's history. The project, which enhances our existing pipeline network, will support 30,000 jobs and generate an estimated \$62,000,000 in State taxes during construction alone. Once construction is completed, the pipeline and converted refinery at Marcus Hook will sustain 300 to 400 skilled workers on a more permanent basis. This is expected to generate \$100 to \$150 million annually. And these are tremendous benefits.

More important than economics, however, is environmental and community safety. Our contractors invest millions of dollars in implementing best practices for workplace safety and compliance with environmental regulations. This project is designed to be developed and operated with minimal disruption or impact to landowners and the environment, key to the DEP's review today. And our contractors ensure these people are prepared to execute it that way.

The DEP has done its due diligence and has provide multiple opportunities for public input. And we thank them for prioritizing our community's safety. Study and study, however, shows that pipelines are the safest and most efficient form of transportation and for energy resources. So now it's time to approve these permits and allow this investment and/or infrastructure and job creation to advance. Thank you for having me. (29688)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**297. COMMENT**

Thank you. Good evening. Joe Casey. 422 Fairmont Drive, Chester Springs. Good evening. My name is Joe Casey and I asked to speak at this hearing today as a citizen of Chester County who is in support of the Mariner East Pipeline. I do not have an affiliation with the applicant or the project but I am a professional geologist registered in Pennsylvania with 30 years of experience in environmental and geotechnical work related to many different types of infrastructure projects.

First, I'd like to clarify what the prospect of this infrastructure improvement means to our area. It is a project that enhances the conveyance of low cost, clean energy to Southeastern PA. Aside from the 40 or so permanent jobs that are thought to be created by the pipeline operations, the movement of natural gas and its component parts to Philadelphia supports the notion that we can convert Philadelphia into a modern energy hub. A prospect that is reserved only for cities that have specific attributes, including being proximal to a large natural resource such as the Marcellus Shale, having an abundant supply of natural gas and natural gas liquids for energy production and feedstock for manufacturing, having an existing refinery, having skilled labor available who are eager to take part in the energy development, having a port system capable of moving this product to points around the world and having a company such as Sunoco willing to take the business risks to develop this industry right here near home.

The project itself, in reviewing the application I notice that there are no permanent impacts to wetlands or waters of the Commonwealth. I further note that while there are some temporary impacts during construction, they too are manageable with the appropriate field protocols. And I know that this applicant will manage the construction with all the necessary oversight and care that is needed and expected by the Pennsylvania DEP.

Finally, I know this applicant to be a company that highly respects the environment, and demands the highest environmental quality from its contractors and its consultants. In any project, like the one we are discussing tonight, there is always a need to look at the risks relative to the benefits. Looking at it this way, there is no doubt that the benefits to approving this project far outweigh the associated risks, and I urge you to approve the Chapter 105 and 102 applications before you. Thank you. (29689)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**298. COMMENT**

Lastly, through all of my working career I've been a union member acting as a union rep and I understand the need for good paying jobs. But this project is not, in my opinion, a

force of good paying jobs. It is going to be a force of pollution that we will have to deal with in the future. Thank you. (29690)

**Response:**The Department acknowledges the commentator's comment regarding this proposed pipeline project.The Department acknowledges the commentator's comment regarding this proposed pipeline project.

## 299. COMMENT

Good evening. Skelly Holmbeck, 36 Oak Knoll Drive, Berwyn, Pennsylvania, 19312. I'm a resident of Chester County, I was born here, very proud to live here. I do want to commend our County for providing a publically available pipeline map. For those of you who don't know, that became a template for the rest of the State. I'm very proud of my County for doing that. I was 20 years' experience in water resources and the energy sector. I work for Riverkeepers to protect water for a major water supply for a major city. I've worked in renewables for the largest developer of renewable energy in the country. And I've helped oil and gas companies develop programs to protect the environment. I am wholeheartedly in support of Mariner East II for these reasons.

With regards to sensitive areas, Sunoco Logistics has committed to minimizing construction areas within wetlands and waterways. They've committed to horizontal directional drilling in sensitive areas. They've committed to not clearing forested wetlands above drills to reduce impact to sensitive areas. They are committed to preserving natural waterways and wetlands. In particular, they won't be withdrawing or discharging into the basin.

With regards to safety, I absolutely understand concerns about transporting hazardous liquids to our backyards. The Frasier Institute published a report about natural gas pipelines that said they are in general safe, and pipelines are more --- are safer than rail. What goes in general safe mean? The U.S. Pipeline and Hazardous Materials Association had kept a database of statistics since 1996. For natural gas pipelines, the 20 year average for fatalities has been two per year. The average for injuries has been nine per year. For hazardous liquid transmission lines, which is what Mariner East II will be, the 20 year average for fatalities has been one per year and the 20 year average for injuries has been two per year. Now let me be clear, every injury, every fatality is one too many. But I'm asking you to understand those statistics. And I support PHMSA which is working hard right now to actually increase the safety of pipelines.

As many people have stated, this pipeline will be transmitting --- transporting constituents that are used as a feedstock in things that we all use, water bottles, laptops, Aspirin, football helmets, those kind of things. And it cannot be understated that this is Pennsylvania's opportunity to leverage a resource in our State to become an energy hub and become and to build our economy. And we're talking about 30,000 jobs during this construction. We're talking about \$4.2 billion in economic impact to the Commonwealth during construction. After that, we're talking about 300 to 400 jobs on an annual basis. And \$100 to \$150 million of impact to the State of Pennsylvania. Thank you so much. And I just want to commend everyone here for a lot of thoughtful comments. Proud to be American. (6343)

### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

## 300. COMMENT

Good evening. My name is Morgan Abele, I live at 560 Andrew Drive, Southampton, Pennsylvania. I am with Pulse, Incorporated. We are a small business based here in Pennsylvania. Our company specializes in the location and protection of underground utilities and infrastructure, including pipelines. And we are here today to speak on behalf of the Mariner II pipeline.

As a Pennsylvanian, I have seen the opportunities to develop the oil and gas industries brought to the State, especially those regions involved in its production. The Mariner project will not only help to expand the opportunities in those production areas, but also eastward into our region. Products delivered by Mariner I II and its sister pipeline will continue to foster the redevelopment and growth of the Marcus Hook Complex, providing jobs and revenue to Delaware County and surrounding communities.

It's a \$3 billion project, Mariner Pipeline has and will bring employment to those who plan, design, engineer, build and maintain this pipeline. It is estimated that it will provide 300 to 400 permanent jobs related directly to the pipeline, and an ongoing \$100 to \$150 million in economic impact to the State each year. This pipeline is needed as a necessary upgrade of our Commonwealth's existing infrastructure. The pipeline will allow for the transport of propane, butane and ethane from the production fields and shale regions to end-users seeking clean burning energy sources and chemical feedstocks.

Pipelines continue to be the safest and most efficient means of transporting liquid and gas petroleum products. As cited by the American Petroleum Institute, America's more than 199,000 miles of liquid pipelines transport about 16 billion barrels of crude oil and petroleum products per year with a safety rate of 99.999 percent. This is a far safer method than transporting by truck or rail and has less environmental impact than either. Pipelines represent the safest form of energy transport that we have in this country.

Our company has worked locally, regionally, nationally and internationally to protect the infrastructure that makes modern life possible. We are dedicated to maintaining the safety of the nation's utility infrastructure. I've personally worked on and around these systems my whole professional life. I believe in the safety and efficiency of the petroleum pipeline system, including Sunoco Logistics Mariner East Pipeline. And we ask that this pipeline be approved for the benefit of all Pennsylvanians. Thank you. (29692)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**301. COMMENT**

Good afternoon. My name is Jerry Ryan. I reside 11480 Highway 10, Blue Mount, Arkansas. I represent Pipeliners Local Union 798 centrally located in Tulsa, Oklahoma.

With over 6,000 members, Pipeline welders, journeymen and helpers, these members literally build pipelines across the entire United States. Many reside in Pennsylvania and the surrounding states of West Virginia or Ohio, all across a myriad of projects. Mariner East II pipeline will be built using high-strength, quality steel pipe along with the development, fusion, bond of epoxy coating. Pipelines now have an indefinite lifespan.

Steel welders with Local 798 will build Mariner East II using 100 percent x-ray along with hydrostatic testing to ensure the integrity of pipeline. Horizontal directional drilling, or

HDD, will leave waterways, wetlands and environmentally sensitive areas untouched. Pipes and service of Mariner II East will become a safe, unseen, silent means of transporting pipeline liquids returned back to the public in many forms, propane being just one used in almost every area Mariner East II will cross any homes and businesses. Closing, I urge the Department of Environmental Protection to approve the permits for Mariner East II and allow construction to begin. Thank you. (29693)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**302. COMMENT**

Thank you. John Hudson, H-U-D-S-O-N. I'm from Tulsa, Oklahoma also but I'm here to represent the men and women that work with a Teamsters Union here in Pennsylvania. I'm a 40-year pipeline, I did this all of my life. I've sat here and I've heard a lot of people talk about a lot of things, and everybody has made a lot of good sense. But let's get back to the water. Us pipeliners, and I'm going to paraphrase this, if you have cancer you want to go to a specialist and then the specialist will send you to another specialist to work on the kind of cancer you have. That's what happens on the pipeline. We have people that specialize and we train and we spend millions and millions and millions of dollars to train them to go through these wetlands in a safe and economical way. I don't know how many pipelines we've all crossed coming to here. Thousands and thousands of wetlands here in the State of Pennsylvania, every one of them are put back according to the specifications sometimes even better than what they were. We do this for a living and we drink the same water here, some of our members right here from Chester Pennsylvania that will be working on this thing, that have worked many, many, many years in the pipeline.

You know this whole thing, we need to look at the overall thing, I think too. Natural gas, if you have a coal fire plant, depending upon where the coal come from with the soil content, natural gas is 30 times cleaner burning than coal and fuel oil. We have a chance not only with water, let's look at the whole picture here how much this is going to do for the good of the nation as a whole. You get pollution here we get it in Oklahoma same way the same way if a volcano erupts in Washington, all this stuff comes out here. We're all in this together.

When the esteemed senator was talking here earlier, it reminded me of a reading that I went to earlier. There was a gentleman who got up and he was in his 80's. And what he said was this, he said I remember back in the '40s when they wanted to put the highline wires in. And he said we was in a heck of an uproar. People said don't do it, it'll make me infertile, it'll kill your cow, it'll fry your brain so on and so forth. But we put it in and look where we're at now. He said what we need to do, we all need to know that these things need to be done to help each other. Let's get together and find a common way that we can build these lines and help each other. Because we are all in this together and we all know that we need this, it's just finding a way that we can do it to get along. Thank you. (29694)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**303. COMMENT**

Thank you. Can you hear me? No? How about now? There we go. All right. Good evening, I'm Jay Cleveland. I live at 1120 Fox Chapel Road in Pittsburgh and I'm here to

support the Mariner East II pipeline project throughout Pennsylvania. I'm President and CEO of Cleveland Brothers Equipment Company. We're a family-owned Caterpillar dealership founded in 1948. We operate 25 locations throughout Pennsylvania through 59 counties from the Northeast corner of the State all the way through the center part and Western Pennsylvania. We employ over 1,250 people in our company. We sell, rent and service construction equipment and engines made by Caterpillar and other manufacturers to pipeline contractors throughout Pennsylvania.

Marcellus Shale and Utica Shale natural gas opportunity has allowed our company to hire 350 people in the last five years. That's a very significant number from where we were back then. It has been a godsend for our company and our communities that we live in and reside in throughout the State. Our equipment is used to build roads, the drill pads, the retention ponds and the pipeline infrastructure. We also sell --- we also service all the Caterpillar engines used throughout the natural gas production throughout Pennsylvania.

Our company's had a long, close, long-standing relationship with the pipeline contractors throughout Pennsylvania for many decades, three generations. And some of those are included in this project as well. Five pipeline companies that have contacted us who were doing work for Ohio all the way through the Philadelphia area are known for employing best practices. A lot of the practices have been talked about tonight, I'm not going to reiterate all of them, but HDD is certainly one of those to protect the wetlands and the waterways that are in this application.

We have earmarked over \$200 million-worth of equipment, people and facilities to support the pipeline business in Pennsylvania. This is by far the largest project happening in Pennsylvania right now, or should be happening. The project will support hundreds of jobs in my company at a time when the ongoing downturn in Pennsylvania threatens the energy production right now. So that is price-driven. But some of that is just plain passing permits like we're talking about tonight. We need a better process. I need to be a little quicker. We have at least 19 projects that are being held up right now. This being the most significant one.

Also at stake is project's approval of jobs of many thousands of workers that support the project production of natural gas and natural gas liquids in the shale formations throughout Southwestern Pennsylvania. You've heard about some of that, the gentleman from Marcus Hook explained all that today. But I have 7,000 jobs in total and there will be 450 across.

And I will finish on this note. Because of the construction and energy production activities, this pipeline will enable communities throughout Pennsylvania to benefit from the workers and the income they earn, and it's all spent locally. At least that's what we've found since being involved in the industry. We as a State need to spend more time embracing this opportunity that Shale Gas has given us and what it can mean for Pennsylvania to make us the best. You hold the keys to that. It should be about clean energy and jobs, jobs, jobs. Thank you. (29695)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**304. COMMENT**

My name is Angelo Locketto. My company is Repair and Protection Technologies in Collegeville, PA. We're a family-owned business for the past 27 years. We've been a vendor and a contractor for Sunoco and Sunoco Logistics for the past 16 years, over several years with the Mariner East Pipeline projects. It's helped our company expand our facility, increase our employees and increase our business with over a dozen vendors that provide goods and services for our company. We fabricate and apply protective coating to steel parts within the pipeline. Sunoco demands the highest level of safety and quality for this project.

The raw materials and fabrication of the steel is subject to several levels of standards and inspections. Our coatings are manufactured and supplied by 3M who's been a global leader for 50 years. Sunoco Logistics has helped RPT to increase our business by 30 percent over the past years and for the past three years, and help support our local companies.

So we're in Collegeville and we're 100 percent behind Sunoco just because they've helped us increase as a company. So we pay more to my employees, support our local tax base, and for Marcus Hook, where we have customers too. So I thank you for having a public hearing to have little guys, little companies such as ours, that are under 25 people that really benefit from this. So, thank you. (6067)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**305. COMMENT**

Good evening. I am Sister Nora Nash, I'm a Sister of St. Francis of Philadelphia. I live at 160 Meadowbrook Lane in Brook Haven. I thank you for the opportunity to be here tonight to publicly speak to the proposed expansion of that Mariner East II natural gas pipeline. Our Franciscan Charism calls us to be strong proponents of ecological consciousness, the sustainable development goals and the care of creation. We believe that the expansion of Mariner II East natural gas pipeline will, in the long run, seriously affect our country's response to COP Paris 21 agreement as well as the responsibility to address human rights and healthy communities exposed to all aspects of natural gas development.

I am aware that E23 and E15 address two specific issues in Delaware and Chester Counties, however I question why this project didn't begin with input and assessment by local communities across the State. More recently, local communities have been expressing their concerns about the expansion of Mariner II East when they discovered that this expansion has been an invasion of privacy, property rights, community rights and environmental rights.

States and corporations have been called to be accountable, to live by the UN Guiding Principles, The Ruggie Framework, which consists of three pillars of protection for human rights. States and corporations much protect, respect, and when necessary provide a remedy for violations. The key is in our Pennsylvania State Constitution, Article One, Section 27.

So who is protecting the rights that we struggle with when we look at the power of Sunoco Logistics, the oil and gas industry? We are living in a very toxic state that allows communities to be exposed to butane, propane and ethane escaping from compression stations, distribution stations and pipelines. Human rights assessments and health impact assessments are not readily available.

Pope Francis noted that the culture of consumerism, which prioritizes short-term gain and private interest, can make it easy to rubber-stamp authorizations or conceal information. The continual development of the Mariner East pipeline is a commercialization of our regional environment that has little to do with energy independence and more to do with corporate power. I urge the State Department to do some serious evaluation of the benefits of this project. The Sisters of St. Francis have been residents of Delaware County for almost 20 years, and we thank you for this hearing. (11359)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**306. COMMENT**

Good evening. I am Richard Whiteford. I live at 908 Covington Drive, Downingtown, Pennsylvania, Uwchlan Township. I am on the Board of Directors for the World Information Transfer of the United Nations. I served as a delegate at the COP15 Climate Summit in Copenhagen in 2009 and I served as a delegate last year in Paris at the COP21 Climate Summit. I bring that up because my message here is a little bit different than anybody else's in the room, and I hope you will really absorb what I have to say because it is very important.

Since around the beginning of the industrial revolution we've burnt 2,000 billion tons of carbon, and that increased our planetary temperature by 1.2 degrees Celsius from the pre-industrial levels. And that 1.2 degrees Celsius might not sound like a lot, but look at what is going on weather-wise in the United States and also world-wide. I'm 70 years old, I have never experienced weather like this up until, like, maybe the last 10 to 12 years.

In Copenhagen, they decided that everybody was talking about keeping CO2 at a two degree level, so we would not increase above two degrees. And the scientists went crazy and held a press conference. And they said, we can only go to 1.5. So we're 1.2 now, 1.5 is not very much wiggle room at all. Now they have surmised, scientists have surmised, that we can only burn --- and when I say we, we're talking about all the nations on this planet, we can only put out about 473 more billion tons of carbon into the atmosphere.

Carbon is coal, oil and gas. Gas, right? And right now, we have 2,795 billion tons of carbon already committed to burn, and that again is a global figure. That's six times more carbon that we can actually pump into the atmosphere. And if we do that, it's going to increase our temperature level, the global mean average temperature level on the planet, by 11 degree Fahrenheit. And if that happens, you can forget about jobs, you can forget about the economy. You know, it's going to be --- the planet's going to cook and it's going to be history for a lot of lifeforms on this earth. So we really need to not rely on fossil fuel

anymore. And I don't think we're going to make it to leveling off at this 473 billion tons, I think we're not going to make that. So we're in serious shape for our future.

And, you know, natural gas absolutely is a little bit cleaner than coal and oil, but it's still a fossil fuel. And so I think the DEP and I think the Congress, both Federal and State Congress people, better look at taking money, and energy and effort away from fossil production altogether and put it into clean energy. Or, you know, it's going to be history for us. And that's all I've got to say. (6071)

**Response:**

The Department acknowledges the commentator's concern regarding this proposed pipeline project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**307. COMMENT**

Here we go. Got it. I'm Sara Casper, I live at 525 Hopewell Road in Downingtown, Pennsylvania, 19335. Prior to retiring in 2004, I worked for the U.S. Environmental Protection Agency in Region Three, which is Philadelphia. Pennsylvania was one of the states that I worked in a great deal because there were many, many sites in Pennsylvania, in coal country, oil and gas country and I have --- hey, lights out.

Okay. Jobs are important. Coal, gas and oil have all been a femoral sources of jobs in the State of Pennsylvania. So if you want to create jobs then create new products that are going to create new jobs or revise the old ones, such as our systems of providing energy which are polluting the atmosphere, polluting our waters and polluting our air.

Speaking of health and the environment, wherever there is a pumping station and there is a compressor station, they are going to release. It's what they do. When they release, they pollute. They pollute not only the air around them, they pollute the ground. So that anybody who lives within a certain radius of these stations is going to experience an impact from it.

The pipelines, pipelines will leak. They do. Wherever they leak, that is going to make a vulnerable area more vulnerable. And that's leading me to our waters. Already the waters in Pennsylvania are in such bad state. The Susquehanna is impaired from start to finish, four miles of it are so seriously impaired that DEP doesn't know what to do about it. The streams that supply drinking water, that supply things to agriculture, that take care of our fish, many of which we can't eat anymore because of pollution in the streams. And we want to go through these streams and the wetlands, which protect the streams, and deforest the trees which protect the wetlands which protect the streams. And it's all going to create a horrid mess for these very, very vulnerable areas that are already subject to problems.

So when we think about this, we have to think about what are we doing to where we live and how are we going to continue to live here safely unless we do something that is going to correct how we live here. So put your thinking caps on and come up with a simple solution for sustainable energy. One that is not going to violate the land and violate our rights as well, and create jobs improving the economy. That's it. (6606)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**308. COMMENT**

Good evening, and thank you for the opportunity to comment. My name is Ken Smith, I represent AECOM Technical Services and I'm basically in Conshohocken, Pennsylvania. I'm also a resident of Chester County, and I have a brief statement to provide to The natural gas liquids pipelines projects play an important role in addressing our clean energy needs, in addition to helping develop and sustain natural gas and related industries in Pennsylvania. While these projects bring vital jobs and investment to our region, it is critical that they adhere to the applicable Pennsylvania Department of Environmental Protection and Pennsylvania Public Utility Commission, the Federal Energy Regulatory Commission, and other agency's requirements.

The successful delivery of these projects requires the right combination of services, people and expertise all coming together to solve complex and unique challenges. At the same time these projects must develop and protect the natural systems and shared resources that cities, regions and people depend on to grow and thrive. Sunoco Logistics Mariner East II pipeline exemplifies the right type of infrastructure project. (29697)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**309. COMMENT**

The project proponents labeled this request an anti-job, anti-progress tactic to obstruct an important project. They repeat Sunoco's exaggerated claims of jobs creation, impacts of Pennsylvania economy and tax revenue, whether they were true. Those who oppose the pipeline --- we who oppose the pipeline are not against jobs or progress. But we are for Pennsylvania's laws and Constitution, which require protection of health and safety of all Pennsylvanians and protection of our environment.

Sunoco has a history of violations and fines for not adhering to environmental and safety requirements. Reliability? DEP issued violations to Sunoco for failure to conduct work and obtain permits on Mariner East I in accordance with the regulations. Safety, Sunoco tops the list of reported hazardous liquids incidents nationally, according to the Pipeline and

Hazardous Materials Safety Administration. Jobs, Sunoco's Texas-based corporate parent, Energy Transfer Partners, reported on its annual SEC Form 10K that it cut its workforce by 63 percent in the past year, going from 25,000 employees in January 2015 to 9,000 persons this year, or the elimination of 16,000 jobs. (5941)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

In the Department's review, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

**310. COMMENT**

Further, I believe that in addition to severe financial cutbacks to the DEP, your staff has, because of truncated timelines and further because of the increasing pressure to issue permits that favor economic rather than environmental considerations, you are unable to meet the challenges of projects such as this. (29698)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**311. COMMENT**

Thank you for this opportunity to participate in this public hearing. My name is Deirdre Lally, I reside in Berwick, Pennsylvania in Columbia County. I'm an organizer with the Clean Air Council as well as a Pennsylvania concerned resident who has participated in the process of these proposed pipeline projects of Sunoco Mariner East in Pennsylvania since 2015.

The Council believes that this pipeline does not have all necessary permits to be built and is therefore not a done deal. Since I only have three minutes to speak, I'll least some of the Clean Air Council's greatest concerns. The Pennsylvania Bulletin contains a number of inaccurate statements and errors. We know from independent expert analysis that the wetlands and streams in Sunoco's permit do not accurately match independent wetland surveys. (29699)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**312. COMMENT**

The number of wetlands and streams, including many high-quality streams that these pipelines would cross, is enormous. The potential damage to our Commonwealth is staggering. This would not be as worrisome if Sunoco has an impeccable track record for environmental compliance. In fact, the opposite is the case. Sunoco has more incidents reported to the Pipeline and Hazardous Materials Safety Administration than any other pipeline operator, out of hundreds of operators. Some municipalities in PA did not receive complete information from Sunoco required to verify that the project would comply with stormwater management projects. In fact, some have said that the project would not comply with those programs. (29699)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous

Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

**313. COMMENT**

Good evening. I'm Eric Friedman, I live at 2 Fallbrook Lane --- Eric Friedman, 2 Fallbrook Lane in Glen Mills. Is that better? I'm the current resident of the Andover Homeowners' Association. I just wanted to start by saying I've been a union member my entire working life, including serving as an elected union representative. I respect all the union members here tonight and I hope that they'll in return respect my desire to protect my family, my community and my indefeasible rights under the Constitution of the United States and the Commonwealth of Pennsylvania. (5947)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department acknowledges the commentator's concern regarding this proposed pipeline project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**314. COMMENT**

But my comments regard my concern about the increasing impairment of Pennsylvania natural streams and waterways, as there are currently more than 19,000 miles of impaired waterways in Pennsylvania. The proposed Sunoco Mariner East II pipeline should receive the strictest scrutiny in receipt in reviewing permit applications from Sunoco due to the very high risk to our streams and rivers from leakage of propane and related hazardous materials from gas extraction, as well as the chemicals used in cleanups.

A shift in public concern towards protection of the environment warrants holding corporations to the highest standard, and should involve the closest monitoring of such

leakages with immediate shut down when any leakage occurs. The governments involved in giving permits should require corporations such as Sunoco to create innovations in environmental protection, that is prospective protection and conservation, any time that their activities possibly impinge on the environment. Such innovations should be a required part of the permit application.

We've only begun to scrape the surface of environmental industry through the development of clean energies. There is so much more that corporations and governments could be doing to develop better techniques so that it's not just the unintended consequences, but apparently from what I hear today, the intended consequences of corporations such as Sunoco's effects on the environment by their practices, because they're using the same practices over and over that they know already are going to cause damage to the environment and to human health.

I reject the Chapter 102/105 permit applications for the Sunoco Logistics Mariner East II pipeline proposal because the construction and existence of the pipeline is too risky. It will change the face of Pennsylvania and will highly likely result in degradation of the water and soil quality in our Commonwealth. I think that's inescapable.

Based on the history of the gas extraction industry in Pennsylvania and other states, these small and large releases of chemicals into the environment, alteration of waterway structures and effects on the wildlife that depend on these natural environments cause major changes in our environmental quality over time. And they also reduce the environment's capacity to recover, adapt and evolve in response to global warming. Furthermore, they violate the mandate of Pennsylvania to fulfill our goals designated in the Federally-mandated Chesapeake Bay blueprint. Thank you. (6534)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

As part of its ESCGP-2 Notice of Intent, Sunoco Pipeline L.P. has developed an Erosion and Sedimentation Control Plan which identifies the erosion and sedimentation control practices that it will implement to minimize uncontrolled surface water runoff from disturbed areas and minimize the migration of construction-related sediment. The regulations utilize a framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

**315. COMMENT**

My name is Carol Armstrong. I live at 4023 Howell Road in Malvern, PA. I've lived and worked in Pennsylvania for the past 33 years and in Chester County for the past 29 years. I am a healthcare provider and a scientist who's focused my career on the effects of environmental damage to brain functions. And just while I was listening to everything today, I remembered that for the first time in 100 years of human intelligence measurement, American IQ has begun to go down. And we have to question whether there's some effect from our practices. (6534)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**316. COMMENT**

Good evening, everyone. Thank you to the DEP for hosting this hearing. I commend you on what you are doing. I personally think you're doing exactly what you're supposed to do as representatives of Pennsylvania, so I commend you in what you're doing. I'm Andy Gallagher, I live at 2950 Highwoods Drive in Aston, Pennsylvania. I'm a husband, I'm a father of three, three children all who are at State College, one at this particular school here at West Chester. I also represent 4,500 members of Steamfitters Local 420. And I want to speak on the safety and quality of the pipeline, and assure the citizens of Pennsylvania what you're getting when you deal with Steamfitters Local 420 and the building trades.

The first priority that Steamfitters Local 420 teaches from our first period apprentice to our four-year member is unit safety, public safety and equipment protection. We are trained if there is a dangerous situation and we recognize it, that we immediately stop the job. We are teaching that from first period to the oldest member we have. We have collaborated with our contractors association and some logistics on this project. We take a tripartite approach, which means we have meetings with Sunoco Logistics, with our contractors and with labor representatives in the room to talk about production, to talk about safety, to talk about quality, to talk about the problems that the job may be creating. And we try to alleviate all problems before they create a serious harmful affect.

So I can assure the members in this Delaware County and Chester County that you are going to get a quality safe job, and Steamfitters Local 420 will not, we will not, put people's safety and health at risk just for a job. We all have families, we all have our kids playing ball here, we all have our kids in scouts as Brother Gaffney said. It is top priority for us to protect the environment, to protect our neighbors, to protect our family.

But I will assure you this, as a labor leader about jobs. I know the difference when the refineries were shut down in Marcus Hook and then traded. I was down there when it happened. I seen the looks in grown men's faces when they know they were losing their job and had nowhere to go. I've seen it in my members' faces. I know the difference of the depression, the anxiety it has created. Public safety, public health when you don't have a job, it plays on you mentally. And I've witnessed my members and a lot of other members go through this. So when Sunoco Logistics did propose this Mariner East and revitalized it, I can assure you it's changed my members' outlook on life. So it has a lot to do with public health, just mentally speaking.

Financially, we have generated over \$45,000,000 in wages and benefits in Steamfitters Local 420, and I cannot tell you the impact that that has had on our funds and our members. For five years we suffered, we suffered greatly. And I can assure you, we are very grateful that Sunoco Logistics had the vision, we have the natural resources here in Pennsylvania and we need to capitalize on them. (29700)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**317. COMMENT**

Joe Lundy, 216 Grandview Drive, Pittsburgh, Pennsylvania. My name is Joe Lundy and I'm the CFO of Cleveland Brothers, and I've lived in Pennsylvania my whole life except for my first five years out of school, after going to Penn State. I've been to the meetings the last couple of nights in Altoona on Monday night and last night at Lebanon. And I think comments to the audience, first of all I think everyone's been very respectful both side of the aisle. And unfortunately, in this country for the last eight years, we've not had that. So I applaud each of you to show that respect on each sides of the aisle.

I do want to that DEP for these public hearings and for allowing the public to voice their opinions of this very important project. DEP has served the citizens of Pennsylvania well, in my opinion. And I have the confidence they will continue to live up to their mission statement, which I'll read as follows. DEP's mission is to protect Pennsylvania's air, land and water from pollution, and provide for the health and safety if its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources. As a testament to this, since the beginning of 2009, DEP has safely issued over 20,000 permits for unconventional oil and gas wells in Pennsylvania as part of Marcellus and Utica Shale formation.

In terms of natural gas production, Pennsylvania now ranks number two in production only behind Texas. This comes from the U.S. EIA. Pipelines are the energy lifelines of almost every activity and everyday life in the United States. Today there are 2.4 million miles of underground pipeline systems. This country and the State depends on these networks for safe --- to safely and efficiently move energy and raw materials to fuel for our economic engine. It's that simple. As of the end of 2014, over 50 percent of Pennsylvania's households use natural gas as their primary home heating fuel. And pipelines deliver that fuel safely and efficiently every single day and night.

According to the American Gas Association, natural gas utilities spend \$22 billion annually to help insure the safety of natural gas distribution and transmission systems. In a recent

study by the Manhattan Institute, they concluded as follows, the evidence is clear, transporting oil and natural gas by pipeline is safe. Furthermore, pipeline transportation is safer than transportation by road, rail or barge as measured by incident, injuries and fatalities. Even though more road and rail has been scoped ---.

Unfortunately, there are no alternative energy sources of scale today, tomorrow or years from now to replace natural gas, the cleanest of all fossil fuels, or our needs for pipelines. According to the US EIA, fossil fuels and nuclear power will still provide 85 percent of the nation's electricity in 2030. I'm wrapping up. While Marcellus Shale and other shale places like it in the U.S., without the technology of safe fracking, without the cooperation of industry, the DEP and the citizens of Pennsylvania, you would be relying more on coal as well as oil from OPEC and other foreign countries. We would not be talking about energy independence. We would not be talking about abundant, clean natural gas and the opportunities those afford Pennsylvanians in the form of good-paying jobs, low energy costs and return manufacturing to our State. Just look at Shell ethane cracker plant in Pittsburgh and the \$3.5 million investment this project will entail. I suggest the DEP receive these permits without haste. Thank you. (29701)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**318. COMMENT**

Thank you. Sorry for the delay, short notice. You know just speaking --- first of all, my name is Edward Cavey. I live at 1521 Woodland Road, and that's in Westtown Township, that's Chester, PA. Just speaking as, you know, a homeowner, I live within about four houses of where the pipeline is going to come out. I've heard a lot of arguments for and behalf and against on this. But what I do not hear from is Sunoco, they have not shown up here. Apparently it's not worth their time to be here tonight.

I do not, I have not seen anything so far that makes me feel confident they really care about safety, and I think everyone in this room does. But we've not heard from them. Personally, I've never heard from them personally in any of these kind of meetings. So you know, just on that basis I'm taking a very dim view as to whether they're going to be here for the long haul or not, even though they want to be a utility. A real utility is someone who's going to be there for the long haul, and if something goes wrong they're going to be there. I just don't see it in Sunoco. That's about all I've got to say. Thank you (5438)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project

Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**319. COMMENT**

My name is George Morrison. I live at 261 Glen Rose Road, East Fallowfield, Chester County. I didn't really expect to speak tonight, but I thought you guys might like to see what a Chester County pipeliner looks like, and that's me. I've made a good living and I'll be honest, I'm not 100 percent familiar with the permitting process, but I have been affected by it for the last 25 years. I've worked on just about every pipeline in the County. And when we're discussing safety, environmental protection and all the other myriad aspects of pipeline construction, I've been through all of that and more at the worker's level.

When we go and show up on a job, we're given an environmental training, drug test and I myself have given a pretty strict plumbing test. And each well is visually, radiographically pressure tested. So I don't know where all the leak statistics come from, numbers can be made dense. And I do not wish to minimize the effect that those leaks could have, but I can tell you that with modern techniques, modern materials, the pipe we're putting in the ground today is much, much safer, stronger and more reliable than anything that exists in the ground. And it would be a good job-creating project for myself and my brothers and sisters in Steamfitters Local 420 to bring this job to completion. Thank you for your time. (29702)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**320. COMMENT**

Hello. My name is Kevin Wolfinger and I'm from Quakertown, Pennsylvania. And I'm here tonight to express my opinions with DEP being here, and I appreciate it being here and listening. I am proud to say that I am a pipe layer. I work on the pipelines, I've been doing it for the last five years. Prior to that, I was in heavy highway construction. When I came on to the pipeline industry, I have never been so scrutinized with safety, safety of others and safety of the community. And I must say, we work with the finest. This pipeline that's going to be produced through this --- here in the counties here all the way out to Pittsburgh, it's an opportunity for a lot of people to jump on board to make a good living.

Now I say I'm from Quakertown, and I come down here to work. I've been reading your newspapers for the last two years about the Mariner East line, how outsiders come in. And that is true because you're getting the best of the best. They come from all over because they are well-trained and they know their jobs better than anybody. On top of that, when they come in here, they get hotels. They bring their campers. They camp in campgrounds. They spend money, they spend lots of money. In the mornings on their way to work, the Walmarts, the gas stations are filled with their --- filling up their cars, filling up their trucks. On Mondays, Tuesdays, they go to the grocery stores and they abundantly buy their foods.

Now, this may go on for three or four months. But if you don't have pipeline, you're not going to get that. Okay? On top of that, it's a great income for the State of Pennsylvania. These people come here and they pay annual tax on top of income tax, they take occupational tax. Okay. So it's a benefit to everybody all around. As far as the safety of the pipelines, I have been out in pipelines in Illinois, Oklahoma and I have never seen the

workmanship that goes into these lines to make them as safe as they can. I've worked shoulder to shoulder with DEP inspectors. We are very, very strict on what we do. One mess up, we're off the job and chances are we never get rehired with any pipeline company. But I want to thank you for having this tonight and I appreciate being here. Thank you much. (29703)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**321. COMMENT**

My name is Joe Raytik, I'm here to represent Laborer's Local 413 but we also work affiliation with the Teamsters, the operators and the welders. We support Sunoco Logistic Mariner II project and their Chapter 102 erosion and sediment control, and Chapter 105 water obstructions and encroachment permit application.

The proposed Mariner East II pipeline will move natural gas liquids from Western Pennsylvania to the Marcus Hook Industrial Complex in Southeastern Chester --- Pennsylvania for processing, storage and transportation to customers. This is a job project with around 30,000 new jobs created during construction and as many as 400 permanent jobs once the pipeline is operational. These are jobs that would employ local construction workers and laborers. Additionally, the pipeline could generate \$4.2 billion for the Pennsylvania economy and \$62 million in tax revenues.

The project has committed to use local union workers who have received the most advanced training, safety redundancies and other operational excellent protocols to prevent negative impacts to the property and the environment. Additionally, the Mariner II project will provide critical apprentice training, a living wage for workers to support their families and the recurring economic benefits to the State through payroll taxes and benefits to local communities. We live here, we work here, hunt here, fish here, shop here and raise our families. We are very respectful of our land and our neighbors' land.

According to the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, pipelines are the safest mode to transport energy resources. They are safer than transporting by rail or over the roadways. These resources are critical for countless consumer needs, like winter heating, vehicle fuel and a variety of uses in manufacturing. Domestic energy production is critical from a national security and economic perspective. But we must also ensure that pipeline infrastructure is developed for the safe, efficient transportation of those resources.

Mariner II will be built and maintained with the highest standards for environmental safety, create jobs that provide a living wage and provide homegrown necessary resources for Pennsylvania, and should be approved without delay. Thank you. (29704)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**322. COMMENT**

Hello. My name is Pat Brown and I'm a physical and organic chemist, and my background would be that I developed a process for recovery of lithium ions. I've come up in order to show you it's the lowest cost process in the world today. And I have 40 U.S. and worldwide

patents. I'm trying to give you some idea that I do have a background in technical capabilities.

One of the things that I came in contact with at first with Sunoco was when they ended up coming through our backyards in Marchwood development. And I live at 211 Allen Drive in Marchwood, and it's in Uwchlan Township. And they came through and said they needed to check this pipeline, that there was going to be an eight-inch pipeline there. So they cut down 100 100-year-old trees, never supplied one penny of compensation to anyone within our development. They also ended up, indicating that that was their ability to come in our property whenever they wanted to, they asked to come onto my property. Once I said no, they threw a suit against me in the local Chester County Courts that not to take permission to come on my property, to take my entire property, my house and everything I own for 40-some years to punish me because I didn't let them come on my property. That's the kind of people we're dealing with. You've got to understand, Sunoco is not a good person in some ways in the way they deal with people. And people are who we are.

Now, I'm in support of the union and all the jobs that they create for everyone, because my father was a union man who worked for Belaire Cab Corporation for a number of years. And when we lost - he lost his job, we had a hard time. It was a long time without it and it was very difficult on our family. But I want you to understand the physical things that affect people. And one of the things --- other things about this pipeline is that it operates at a total of 1,500 PSI as a liquid and it goes through a pipeline currently at eight-inches in diameter. That pipeline was taken apart in about a dozen different places where it was repaired. It's been in the ground since 1938, they're still pumping ethane through that. And they had to repair it a number of different places before, so it's not perfect. And there are potentials for danger. The area where we live --- and by the way, fracking is where they take under high pressure force sand into the substructure. They open it up and allow gases and liquids to come through it. That's what it is. And they ended up using that potential for water contamination.

Within the Township of Uwchlan, we have at least seven different wells of water that supply all of the water for our development. I was on the Municipal Authority for five years for Uwchlan Township and the wells are on Belle Tavern Road, some these roads you don't know, Belle Tavern Road, Witford Road, there's one of Shown Road. There's one behind the Wawa on 100, on Rutgers and Witford Hills Road. There's two others that I didn't name here. But these are ones that are not capable of being --- they're capable of being contaminated through this use of the liquids if they leak. The other thing is that that liquid ethane when it expands 460 times, it would create, just from 200 feet in my backyard, a plumb of 780,000 cubic feet. That amount of gas is equal to 17 homes of four family, four bedroom homes within --- that are all within our development. And also as of this writing, Sunoco Pipeline and Sunoco, Inc. had between 267 hazardous liquid leaks in the last ten years. And they have resolved it in 832,000 gallons of hazardous liquid ethane spill, with \$51 million in damage in property. So I don't know, that's a sum on how this impacted one individual. All of the rest of the individuals will be impacted in similar ways in different times throughout this venture. By the way he knows we'll take this gas from Marcus Hook oversees the Scotland where they're building a cracker to make ethane there to produce Polyethylene. They'll sell it then back us because it'll be cheap. (29705)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the

ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department’s thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### **323. COMMENT**

My name is Nancy Lorback. I live at 951 Garlington Circle, West Chester, it's in West Goshen Township. I have heard tonight a lot of passion from both sides. On one side I've heard a lot of passion about jobs, about the safest way to transport these liquids that we're taking out of the ground, about what we can do for our economy and that these liquids are better than coal --- better than burning coal. On the other side I've heard passion about protecting our earth, about global warming, about the fact that propane, butane, ethane when they leak, they stay close to the ground and then they can explode, and that we have had leaks and we have had explosions. So in summary, I am asking the Environmental Protection Agency --- I mean the Department of Environmental Protection, sorry, to please,

when you listen to all these and review over them, pick the side that protects the environment. Thank you. (29706)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment .

**324. COMMENT**

Hello. Thank you. My name is Jim Williams and I live at 1524 High Meadow Lane in West Chester. That's in East Goshen, Chester County. And I really came here not opposing the pipeline. I came really expecting, believing that you folks will do your job and make sure that this is safe when it gets installed. I'm still hoping that that's the case, although I have to say that after hearing everybody speak tonight I'm a little more concerned. And I think you really have an important job, and I'm sure you're taking it seriously. I hope that you'll make sure that all the T's are crossed and the I's are dotted before we go forward with this.

But what I have not heard is compensation for the homeowners. I live in a development that is very close to a big chunk of this pipeline that's going to go through. Now, what's going to happen to me is that I'm going to be inconvenienced during the time that it's installed. I can probably live with that. However, then I'm going to live with the inconvenience of the easements that are left behind and waiting for them to regenerate and look more natural. And then I'm going to live, and my family and everyone else in my neighborhood is going to live, with the risks associated with this pipeline. All of this while

the people who own stock in that company and that company make a lot of money. This is a commercial operation.

What I haven't heard, what I haven't been able to find when I've done research is what kind of compensation is going to be provided for the town of East Goshen and for the County of Chester. And what kind of insurance is this company taking out in the event that anything should happen to protect my municipalities and to reimburse us for the inconvenience, the ongoing nuisance and the extended risk. Those things are real. People contract for those things. I would expect our elected officials to look out for us and make sure that we get compensated for the loss of those things. I haven't heard anything like that, and I would very much like to see that as a part of this overall process. So with that, I thank you. I'm all finished. (29707)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**325. COMMENT**

Thank you. My name's David Taylor, T-A-Y-L-O-R, 225 State Street, Harrisburg, PA, 17101. David Taylor, T-A-Y-L-O-R, 225 State Street, Harrisburg, PA, 17101. My name is David N. Taylor, and I'm the President of the Pennsylvania Manufacturers' Association. We

are the statewide nonprofit trade organization that represents the people who make things here in our Commonwealth, generating over \$82 billion annually in state gross product, employing 570,000 hard-working Pennsylvanians on the plant floor and supporting millions of additional Pennsylvania jobs in supply chains, distribution networks and industrial vendors. As a native of neighboring Huntingdon County, I am grateful to the Pennsylvania Department of Environmental Protection for this opportunity to testify in favor of Sunoco Logistics Mariner East II Project. The shale effect on manufacturing is underway, making the United States, and more specifically Pennsylvania, a more attractive place for business investment. According to a new analysis by PricewaterhouseCoopers, shale gas development could have the following total impacts on U.S. manufacturing. First, annual cost savings of \$22.3 billion in the year 2030 and \$34.1 billion in 2040. Also, 930,000 shale gas-driven manufacturing jobs created by the year 2030 and 1,410,000 jobs by 2040. To remain globally competitive, Pennsylvania manufacturers depend on access to affordable, clean-burning natural gas and natural gas byproducts, like butane, propane, ethane and natural gasoline, which are manufacturing feedstocks. Total natural gas demand is poised to increase by 40 percent over the next decade. And researchers at the National Association of Manufacturers found the key drivers of this demand will be manufacturing and power generation. However, Pennsylvania's existing pipeline infrastructure does not meet the needs of gas producers or industrial, commercial and residential end users. That is why projects such as Mariner East II are so vital for Pennsylvania's economy. This project is particularly important, because the pipeline will be used to transmit butane, propane and ethane. Besides being an excellent, clean-burning affordable fuel source, natural gas is the feedstock of all modern manufacturing, ethane becoming ethylene, butane becoming butylene and propane becoming propylene. These products, which are manufactured goods themselves, excuse me, become products such as polyethylene, arguably the most important input in modern manufacturing. Companies will locate where the materials are readily available and most affordable. Pennsylvania's abundant, reliable and cost-effective energy market will be coupled with the logistical ease of accessing these manufacturing building products, making Pennsylvania more economically competitive. New west-to-east pipeline infrastructure in Pennsylvania can make us a global energy leader by allowing the value-added petrochemical manufacturing to happen here instead of Texas and Louisiana. Successfully deploying the new energy infrastructure Pennsylvania needs is our organization's top priority. Therefore, we at the Pennsylvania Manufacturers' Association emphatically support the Mariner East II project. And respectfully request Pennsylvania DEP to do the same. Thank you. (29708)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**326. COMMENT**

MS. ELISE GERHART: This past March I watched helplessly as Sunoco crews entered my family's property and laid waste to it. I watched as they destroyed a hundred-year-old forest that my family had stewarded since before I was born. I watched my parents, having been betrayed by the agencies who are supposed to protect them, grieve for the loss of their land and their rights. I felt the undue hatred of men employed by Sunoco, as they tramped around our home with chainsaws and a callous disregard, making jokes about doing things that would kill me. I felt the disorienting feeling of having a landscape I have known all my life, changed in a few hours of work. This experience has forever altered my life, my viewpoint and my future. I am here now to urge the Department of Environmental Protection to deny all permits for Sunoco's Mariner East Pipeline Project. I could go on and on about the

environmental impacts that would result from Sunoco's construction. There is much more that can be said --- that can be said in three short minutes. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**327. COMMENT**

Secondly, the Department is well aware that Sunoco is and will continue to be a chronic violator. They have failed to be honest with you. They have been fined by you, not only for accidents which polluted Pennsylvania's waters, but for failing to support such accidents to you. Two years ago, Sunoco moved ahead with construction activities on Mariner I without seeking the Department's approval at all. This pattern also gives the Department the right to deny any permits. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans

or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

**328. COMMENT**

Thank you. David Weber, 604 West Lloyd Street, Ebensburg, PA. I'm a Special International Rep with the Laborers International Union of North America and a lifelong resident of Cambria County. I'm here in support of the Sunoco Logistics Mariner II Project Chapter 105 Water Obstructions & Encroachment permit application. The proposed Mariner East II Pipeline will move natural gas liquids from western PA to the Marcus Hook Industrial Complex in southeast Pennsylvania for processing, storage and transport to consumers. This project will create around 30,000 new jobs during construction, and as many as 400 permanent jobs once the pipeline is operational. These are jobs that would employ local construction workers and laborers. These are good paying jobs for workers to support their families. Additionally, this pipeline could generate \$4.2 billion for the Pennsylvania economy and \$62 million in tax revenues. The project is committed to use local union laborers, workers who have received the most advanced pipeline, safety training and other operational excellence protocols to prevent negative impacts on property and environment. We live here, work here, hunt, fish, shop, raise our families here. We must be respectful of our land and our neighbors' lands. But we must also ensure that pipeline infrastructure is developed for the safe, efficient transportation of those resources as well. According to the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration, pipelines are the safest mode to transport energy resources. Far safer than transporting by rail or over roadways by truck. These resources are critical for countless consumer needs, like winter heating, vehicle fuel and a variety of uses in manufacturing. Domestic energy, production is also critical to national security. Mariner East II will be built and maintained with the highest standards for environmental safety, create jobs that provide a living wage, and provide homegrown necessary resources for Pennsylvania and should be approved without delay. For these reasons, please join me in supporting Sunoco Logistics application for Chapter 105, Water Obstructions & Encroachment permits. Thank you. (29709)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**329. COMMENT**

Changing the name of the project midstream and failing to adequately advertise the issues in affected communities, and these hearings, is improper. Sunoco's Mariner East II Pipeline crosses 17 counties and affects 2,700 property owners, and would permanently impact over 35 acres of wetland and 8.6 acres of streams. The enormous quantity of 700,000 barrels of gas will be transported each day under extreme pressure through our communities, beautiful natural areas, irreplaceable historic sites and fragile wetland environments. (29710)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were

still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**330. COMMENT**

Three, Sunoco Logistics' track record is not clean or indicative of a high concern for safety and compliance. (29710)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**331. COMMENT**

Four, we have a big problem called global warming. Ninety-five (95) percent of scientists are urging the end of fossil fuel use so that catastrophic destruction of life on the planet may be averted. Build-out gas infrastructure will assure increased fossil fuel use and we will get --- we will not get control of this runaway train. Undeniable natural phenomena proves global warming is current, such as the alarming increase in atmospheric carbon dioxide readings, glacial ice melt, ocean salinization, and mass species extinction and migration to northern parts of the U.S. And exploded methane craters due to permafrost melt in Siberia. (29710)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**332. COMMENT**

Five, it is obvious from the path and size of the Mariner East II pipeline, that the purpose is not to serve the local public. The gas is intended for export and sale to the highest bidder worldwide. This is a purely profit-driven motivation. Increasing the market for gas will increase drilling, exorbitant waste of Pennsylvania's drinking water due to fracking, risk of toxic and radioactive contamination of our land and air, serious health issues for infants and children and piles of drilling waste that have no responsible means of disposal. Dumping frack waste in landfills or pumping it underground via injection wells is irresponsible. DEP knows that there are uncharted, abandon wells all over Pennsylvania from which the pump liquids can rise and contaminate ecosystems. USGS has established that injection wells lubricate fault lines, causing earthquakes. And dilution is not the solution for landfills. We are the people of Pennsylvania who you are supposed to be representing and protecting. We have lives here, homes, families, businesses and pay taxes, work hard, eat foods grown here and recreate here. Our rights can no longer be given short shift. They are paramount. Under the Environmental Rights Amendment of the Pennsylvania Constitution, which is the highest law of the Commonwealth, we have the right to clean air, pure water. And you and other state agencies are trustees of Pennsylvania. You have the duty to protect us and the rights not only of us but future generations of Pennsylvanians. Please look at the big picture and don't issue these permits. Thank you. (29710)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**333. COMMENT**

My name is Jody Wallace. My address is 143 Snare Drive, Tyrone, Pennsylvania. I'm an environmental educator here in Blair County, but today I speak as a concerned citizen. I am concerned that the Pennsylvania Pipeline Project, also known as Mariner II, will impact water quality in Pennsylvania. I understand that the pipeline will go through 581 wetlands. Since wetlands provide filtration of pollutants and recharge groundwater, as a citizen require that Pennsylvania Department of Environmental Protection hold the PPP Chapters 102 and 105 permits accountable to the standards of the Clean Water Act. Wetlands are crucial habitat for specially adapted animal and plant species. I require that the Pennsylvania Department of Environmental Protection hold the proposed permits to the standards of the Endangered Species Act. I am concerned about groundwater. Not only will this pipeline directly endanger groundwater, it will encourage the growth of the fracking industries. Studies have shown, and I cite this in the paper, that water injected into fracking

sites contain carcinogens and mutagens. I appeal to the Pennsylvania Department of Environmental Protection to hold the Sunoco company and other fracking and pipeline companies to the standards of law that protects the people of the Commonwealth, many of whom have wells, from groundwater contamination afforded by the Safe Drinking Water Act and the Resource Conservation and Recovery Acts. We Pennsylvanians have Marcellus Shale, but Pennsylvania DEP keep us from turning an entire state into Flint, Michigan. I'm concerned about birds. With over 300 miles of pipeline and a 50-foot right-of-way, that's lots of trees cut down and habitat disturbance, making way for invasive species. PA DEP must hold the permit to the highest standards of the Migratory Bird Act. Finally, I am concerned about humans. Other speakers will address safety and global climate change issues. But I want to address environmental justice. I see some pumping stations and the pipeline and the refinery are located near towns with minority and low income populations. Please also address sensitive populations, including children and the unborn fetuses. Pennsylvania Department of Environmental Protection must give full considerations to these populations under Executive Order 12898 issued February 16th, 1994. I implore the Pennsylvania Department Mental --- PA DEP to do its job, protect our land, our water, our wildlife and the people of the Commonwealth of Pennsylvania under the fullest extent of the law. (29711)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment

Regarding endangered and threatened species, Sunoco has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys mühlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for

protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

**334. COMMENT**

My name is Tim Dunleavy. I live at 537 Cricklewood Drive in State College Pennsylvania. Thank you for this opportunity and thank you, everybody, for showing up. The worldwide hydrocarbon markets are currently glutted. While this lowers prices, it discourages the modernization of our energy policies. Unfortunately, the bounty of the present discourages long-term solutions. 120 years ago, a coal-based energy sector fought hard against oil and gas. 200 years before that, coal was being fought by the whale oil industry, the fuel of choice throughout Europe. Whale oil gave way to coal, which yielded to oil and gas. At each point, vested interest warned that economic ruin --- about economic ruin should the old be replaced by the new. Had we heeded these calls, there would be no whales, no trees or no coal in the ground. We would lack the energy infrastructure to move to the next energy innovation. This is a decision that we face. Do we adopt the 21st Century energy policy or do we defend antiquated technology? Is it in our best interest to double down on the 21st Century equivalent of whale oil? The Pennsylvania Constitution guarantees the maintenance of, quote, natural, scenic, historic and aesthetic values of the environment, unquote. This is our birthright. What insurance is there that our rights will be honored when we lose so many miles of our birthright to the transmission and ultimately the increased production of this 21st Century version of whale oil? (29712)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**335. COMMENT**

A review of Sunoco Logistics Safety Records raises some concerns. Over the last decade, the Pipeline and Hazardous Materials and Safety Administration has filed 262 incidence reports against Sunoco Logistics. In 2015, Sunoco Logistics garnered an impressive 42 violations from the PA Department of Environmental Protection, on the very pipeline

project we now discuss. So for these reasons, I humbly request that the PA DEP fulfill its obligations with respect to the constitutionally guaranteed rights of the citizens of our Commonwealth. (29712)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**336. COMMENT**

Two, given Sunoco Logistics' recent history of violations and incident reports, place the request for Chapter 102 and 105 permits under the highest level of scrutiny. (29712)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans

or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

### 337. COMMENT

And five, strictly enforce maintenance standards on all pipelines in the Commonwealth. Methane leaks are becoming more, not less common. Six, provide concrete reasons why all of this is necessary. The ultimate purpose of this pipeline is to transmit Marcellus Shale gas to plants where it will be liquefied and sold overseas. Most of this gas is owned by foreign companies, does not benefit Pennsylvania or the U.S. We can't meet modern energy challenges with 19th Century energy technologies, we must move past oil and gas or lose our global dominance. We need to put our resource into renewable and sustainable energy solutions, not the needs of the vested interest. However, if we end up doubling down on the past, we indeed want to continue relying on an updated version of whale oil technology, let's at least do it right. Please conduct full and thorough reviews of Sunoco Logistics Mariner East II, Chapter 105 and 102 Permits. And please respect the wishes of Pennsylvania property owners, the quality of our land and water. It is your duty as government officials and our right as citizens of this great Commonwealth. (29712)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### 338. COMMENT

My name Etta Albright. And I live in Cresson. A-L-B-R-I-G-H-T. Gas pipelines across Pennsylvania are not a single issue. They are part of the fossil fuel industry's effort to increase acquisition, processing, transporting and promoting unhealthy dependency on fossil fuels contradictory to science-based facts that methane is many times worse as a greenhouse gas in climate change that is threatening sustainability of our planet. There is no such thing as clean fossil fuel. The following is text representative of the intent of the Paris Climate Talks held to embrace climate change. The goal of 1.5 centimeter is a big leap below the 2C, agreed six years ago in Copenhagen. That's decreasing the temperature of the earth. Here's what the agreement means for global emissions in the future of the planet. Governments have signaled an end to the fossil fuel era, committing for the first time through universal agreement to cut greenhouse gas emissions and to avoid the most dangerous effects of climate change. After 20 years of fraught meetings, including the past two weeks spent in an exhibition hall on the outskirts of Paris, negotiators from nearly 200 countries signed onto a legal agreement that set ambitious goals to limit temperature rises and to hold governments to account for reaching those targets. Government and business leaders set the agreement which set a new goal to reach net zero emissions in the second half of the century, sent a powerful signal to global markets, hastening the transition away from fossil fuels and to clean energy economy. The deal was carefully constructed to carry legal force, but without requiring approval by the U.S. Congress, which have --- would have almost certainly rejected it. Let's not let the immoral behavior or influence of fossil fuel industries control or speak for the Commonwealth of Pennsylvania and its people. A ban on fracking is needed to allow science and legislation to catch up to an industry-rooted in exemptions from Safe Drinking Water laws, Clean Air laws, Public's Right to Know laws and freedom from responsibilities, including a gag order on physicians about health issues. Because Pennsylvania is known as an extraction state have townships and borough supervisors even thought of asking about decommissioning of pipelines, compressor stations, power plants and alike. And when there's a drought, will residents receive water before gas-powered electricity generating stations. We need to think about these things. And as the previous speaker pointed out, it's not about us against you, America --- Pennsylvania's workers are the best in the county. We show that by how many families were raised with workers in dress factories, shirt factories, shoe factories, all these industries. And so Pennsylvania can do it right. But I'm troubled by this treatment in this --- announcing this meeting tonight. And it says here, the DEP officials anticipate numerous job openings associated with construction and upkeep on the project, Mariner East. I have your number. The Mariner East man who's going to take the oil to sea. But they had to change that. They changed it to the Pennsylvania Pipeline Project to kind of make it look nicer. But that statement about DEP officials commenting about the economics of this is very inappropriate. And when I ask these gentlemen that were standing out in front the of Convention Center if they were offered any jobs with sustainable renewable energy, they had not. So let's take a look at this. There are jobs. The League of Women Voters, a very respectable organization, has done a study on the economics of this. And there are jobs that are associated with renewable energy. So don't let this fossil fuel industry threaten you or intimidate or use you, exploit you. Because that's been the history of fossil fuels in this state, exploiting the workers. The workers had to fight for everything to be treated with decency and with safety in line, too. And let's not forget that. And let's not forget about our children and our grandchildren. As a registered nurse, I took care of people in a residential facility, and some of their diagnosis was unknown prenatal influences. Now, they'll tell you, oh, gas is cleaner. They won't tell you about the volatile organic compounds that threaten

life, and one of our speakers spoke to already. So let's think about this. It is not about us against you. We are proud Pennsylvania workers.

Every time that fire whistle goes off in our community and these people are running, and going to things that they didn't start but they're expected to take care of, I think of this pipeline. I think of this fossil fuel industry. So please don't sell yourself short. You deserve good working environment and good wages. Thank you. (29713)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**339. COMMENT**

My name is Joe Lundy, 216 Grandview Drive, North, Pittsburgh, PA. Good evening. My name is Joe Lundy, and I'm here to speak in support of the Mariner East II Project. I am the Chief Financial Officer of Cleveland Brothers Equipment Company, the Caterpillar dealer in 27 locations here in Pennsylvania. We are a family-owned company founded in 1948. And we employ over 1,200 employees, both union and nonunion. We sell, rent and service construction equipment and engines made by Caterpillar and other manufacturers to pipeline contractors throughout Pennsylvania. The Marcellus and Utica Shale natural gas opportunity has allowed our company to hire over 350 employees over the last five years. Our equipment is used to build roads, drilling pads, retention ponds and pipeline

infrastructure. We also service Caterpillar engines used in all phases. Our company has a close and longstanding supply relationship with pipeline contractors operating throughout Pennsylvania, including many of those that will be involved in this project. We provide them with the best equipment available with respect to productivity and reliability, emissions control, low operating footprint and minimal land disturbance. The five pipeline companies that will be doing work on this project are known for employing best practices in construction, including earth moving, material handling and land restoration. We provide 24/7 equipment support to ensure that projects are not delayed due to equipment downtime. We have already earmarked and allocated equipment assets along the path of the Mariner East II construction, so the project can be completed without delays related to equipment availability. This project will support hundreds of jobs at Cleveland Brothers at a time when the ongoing downturn in Pennsylvania's energy production is threatening the jobs of our workers and the livelihoods of their families, along with those of the contractors we support. Also at stake in this project's approval are the jobs of many thousands of workers that support the production of natural gas and the natural gas liquids in the shale formation across the state. They cannot produce what cannot be transported to market because of lack of the pipeline capacity. Mariner East II will go a long way to help alleviate these constraints. Because of all the construction and energy production activities, this pipeline will enable, communities throughout Pennsylvania will benefit from worker incomes earned. Much of it is spent locally. The resulting state and local taxes paid by them and their employers will support public education, environmental programs, infrastructure, public safety and other state/local government operations. Pennsylvania's economy as a whole will benefit greatly. And from an energy independent standpoint, projects like Mariner II will enable this abundant, clean and domestic fuel to be provided across our state in a safe manner and reducing our dependence on OPEC and other foreign governments. We as a state need to spend more time embracing this opportunity that Shale gas has given us and what it can mean for Pennsylvania. This should be about clean energy production, cooperation, teamwork and jobs, jobs for our children and jobs for our grandchildren. Thank you for this opportunity to offer my view about why this project is important to our company, Pennsylvania and our great country. Thank you. (29701)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**340. COMMENT**

Good evening. My name is Bob Kutz. And that's K-U-T-Z, 1304 Walton Avenue, Altoona, PA. And I want to say I am here in support of the Mariner East project. And I would like to say that this room is full of union members tonight, I think. Is that about right? Are they here? The reason they're here tonight is, because they too want to make a better living and continue to work with people. I can tell you firsthand, when I was 12 years old, the bulldozer pulled up to our house. That's how lovesick my father was with eminent domain. Route 220 took our home and split the property in half, which forced us basically to sell it all off. So I'm not a stranger to it. And just recently with property I had in Canoe Creek, once again the state had to take some eminent domain action and take a piece of my property. So we're not strangers to that. I want to say that the environmental impact of this, I can see that it has affected some people already. And I assure you, that Sunoco has committed to working in the highest standard of safety and with the DEP on this. And I would have to implore everyone to try and believe that, because they will do the best they can to create the jobs and to try to appease the owners of the property that they need to encroach upon. This isn't easy. I know it's not. I lost a home this way. Not just property, but

a home. And it can happen. But this can benefit a lot of Pennsylvanians down the road, and I mean a lot. We've talked about the numbers tonight. The amount of natural gas and liquid gas that needs to be moved across our country has increased, because we moved away from coal and we're moving towards the natural gas. There are going to be two new generation stations built here within 50 miles, generating natural gas as its power source. I would encourage the DEP to look favorably upon this project. But I would also caution you to make sure that Sunoco's held to the highest standards for safety and supports the people that are affected by it. Thank you. (29714)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**341. COMMENT**

My name is Robert Wilds, 1339 Oak Road, Leechburg, PA. I'm a representative of the International Union of Operating Engineers. I'm here speaking on behalf of the pipeline. I heard a few things spoken here this evening about environment. Well, pipelines are the most environmentally friendly way to transport any kind of product. I can only speak about what I know. I've been in the pipeline industry for 30 years. The wetlands --- I've seen evolution in the pipeline industry in 1986, when I started. You go through wetlands, it separates the soil. We keep the soil in the wetlands so everything goes back in so --- to maintain that wetland. And as far as endangered species. We work around endangered species. We work around rattlesnakes. We have to leave them be, work around the tortoises in the Midwest. Okay? Safety, I heard also that --- let's just repair the old. Okay? Yeah, you can do it. You can keep putting bandages on, keep repairing. Go to the school bus your children are riding in. Let's not buy a new, safer bus, let's just keep repairing them old ones. What happens after a while? You still got that same old bus. It's not up to safety standards Putting a new pipeline in, you got new materials, new technology, safer for the public. Okay? I heard talk about export of products. So what. Export it. What made the United States of America great after World War II? We exported more goods than we imported. The world looked at us. We were an economic leader. They reacted to us, not us to them. We talked renewables. Renewables, yeah, they're a good thing. They're not here yet. I have a 10(K) solar system on my house, very expensive. Increased cost of my house by one-fourth. Not feasible for the average person. Now, I'm going the talk on the other side of my mouth. We're talking about the environment. To make the solar panels that I got, many rare earth minerals. Mother Earth was raped to get those rare earth minerals out. That's a lot of destruction. Go to a windmill farm. Just go there and sit, and listen to the sounds. Okay? In closing, I can see my time is running short, there are over 6,000 products made from petroleum products. Petroleum. I got a few of them here, ain't elastin. Anybody know what elastin is? That's what is Under Armour. That's what makes Under Armour work. Heart valves are made from petroleum products, toothbrushes, dentures, lifejackets, vaporizers artificial limbs, aspirin, rubbing alcohol, petroleum jelly, antihistamines, the insulation for wire. So even if we did have renewable energies for electric, we still need petroleum products to make insulation for the wiring. Bandages. In closing, if you want to stop the pipeline, I'll tell you how to do it, it's not hard. Stop using the products. It's very easy, people. I'm in the support of the pipeline. Thank you. (6197)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

Regarding endangered and threatened species, Sunoco has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

**342. COMMENT**

My name is Jerry Stalnaker from Altoona. I'm a little bit at a disadvantage tonight because of a hearing problem, so I can't react emotionally, but appropriately maybe. This is my first time to appear before a hearing like this. And I consider it a real privilege to do so -- to do that. And I just want to express appreciation. We live in a great land where we can express our opinions and disagree with each other, and not get shot or get our head cut off or whatever. So that's a great privilege. I'm here tonight because I read an article in today's newspapers by Anthony Sewell, here tonight. Maybe he was here and left. But at any rate, he wrote an article entitled Sensible Environmentalism at Work. And we all as Americans, have something to gain or lose by laws that are passed by our government. And it's about time that I, Jerry, take some interest in what's going on in our country today. I look at these men. I don't know how many there are here in orange shirts. But you're here because you want to work. You want to do your jobs and support your families, and have a decent lifestyle. And I recognize that there are problems that need to be worked out. But surely, we can cooperate with each other and do what is best for our country. My comments are taken from Mr. Sewell's article. He supports common sense approach to developing natural gas infrastructure. And I hope I can read my writing. It's not too good. Everyone here should favor that. Some major points he makes are this. Number one, tap the resources we have at our feet. Good stewardship and rising demand dictate this. Therefore, seize the opportunity presented by Marcellus Shale formations to do this. Number two, create opportunities, present themselves by having the rich resources of natural gas right at our fingertips. Opportunities like jobs, cheaper and more plentiful gas is not the right time for the clean power plant to place unrealistic and harmful --- harmless, our clean and plentiful fuel assets

by cutting emissions of 23 percent of CO2 by 2030 years if harmful and unrealistic. It seems appropriate to assure a clean environment by sensible laws like those proposed by Mariner East II. Why spend valuable resources on windmills, which are not only unsightly and inefficient, but expensive and unnecessary if and when sensible laws are promoted. If we are projecting a 22 percent shortfall of natural gas by 2030, why in the world would we promote windmills and solar farms, requiring space twice the size of Philadelphia and costing \$103 billion. That's a \$1 billion. Even that's a big number today. And we can also create 17,000 new jobs. And at the same time, further clean up the pollution by sensible laws as he suggests. I believe that we should all get aboard. I believe it's a win/win situation for everybody. Thank you very much. (29715)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**343. COMMENT**

John Hudson, H-U-D-S-O-N. I represent Teamsters Local 110 from here in Altoona. A couple of people spoke before me, but I'd like to say this. I don't know how many pipelines we have passed coming here. When we go turn on that thermostat and we get this, it's probably because the pipeline have brought natural gas to that. When we go get a drink of water out here, it's probably because the pipeline has brought us that water to here. Without pipelines in our infrastructure, we couldn't do anything. I read an article one time. I think it said that Pennsylvania had close to 200,000 miles of pipe in the ground already. I don't know how many of these I drove by, and we're talking about the wetlands and these pipelines for many years. Well, the wetlands are still there, just as good or better than they ever was. If we get sick, we want the very best doctor that we can get. If we get cancer, we go to a specialist. These guys are specialists. They take all the training, just like a doctor or a lawyer does to go out and build these pipelines that are environmentally safe. We go under rivers, we don't go across them. We dig under them. The pipe is two and three times as thick as it is normal. So you won't have accidents and things on rivers and the wetlands. I also read somewhere, that if we use natural gas and replace the coal and the fuel oil we're using, we cut out 30 times our pollution that we're polluting the planet with. We're all water-based here, guys and girls. Every one of us, we're 98 percent water. So we all know how important our water is to everybody here. And these companies specialize in doing pipelines and keeping our water safe and things. We all drink the same water. We don't want something getting polluted. None of us do. That's way the laborers, our operators, ourselves put on all of these extra classes so we can make not double sure but triple sure that everything is completed and did right and did in a safe, environmentally safe, matter. I'm going to close by saying this. I went to another hearing, and there was a gentleman. I spoke to this gentleman here when we were coming in. I'm 68. But the gentleman got up and he said, you know, back in the '40s when I was eight or nine years old, they wanted to put electric lines through here. And everybody jumps up and said, oh, don't do that, it's going to kill your cows. You won't be able to plant underneath the electric lines and everything. Don't do it, be opposed to it. Because it's the worst thing that ever happened. Well, here it is, it's about 75 years later. And thank God for the electric lines or we all wouldn't be here. I'm going to say what he said and what this gentleman said. There's a way that we can all work together on this. We're all after the same goal. That's economic security and having a safe environment. And there is a way to work it all out.

And we're not enemies, we love you all, and appreciate what everybody had to say here. And having said that, I think we ought to pass this project. You've got to most qualified

people in the world working on it. You have a set of regulations in place that there is nowhere in the world that they can build it and be environmentally safe. Thank you. (29694)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**344. COMMENT**

Good evening, everyone. My name is John Paul. Nobody needs to know my address. I think the most dangerous thing that has ever been said is, we've always done things this way. Yeah, there's so many pipelines in Pennsylvania. But I have witnessed firsthand, the destruction of the Gerhart's property when Mariner East II came through. Sunoco didn't have their permits to destroy the wetlands they destroyed, and they should have. And so for that reason, I'm opposed to them gaining their permits I mean, they've already violated --- you know, they have numerous violations. And I'm not sure what's going to stop them from making more violations in the past --- or in the future. It could be their big bank account or it could be their lack of knowledge about what they're really doing. But I strongly urge you to not grant them their permits. If you care at all about the environment, if you are actually going to do the job as the Department of Environmental Protection, I strongly urge you to not grant them their permits because of violations in the past and just irresponsible behavior. That's all I have to say. (29716)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**345. COMMENT**

Thank you for the allowing me to testify today. My name for the record is Guy Reschenthaler. My address 312 New World Drive, Jefferson Hills, Pennsylvania, 15025.

I just want to say it is an honor to represent the more than 270,000 residents of the 37th Senatorial District in southwestern Pennsylvania and speak for them tonight here on their behalf. As I was taught to do in the military as a Naval officer, I'm going to put the bottom line upfront. So here's the bottom line. I strongly urge the Department of the Environmental Protection to diligently, but expeditiously approve the permits required by Sunoco Logistics to begin construction of the Pennsylvania pipeline project, also known as Mariner East II. I will refer to this pipeline project as the Mariner East II for the remainder of my testimony.

During my service in the Navy, we used the practice of stating the bottom line upfront to make the meaning of our various forms of communications unequivocally clear. I respectfully use that phrase this evening to emphasis the critical nature of the pending decisions before the DEP and my steadfast and unwavering support of Mariner East II.

The construction and completion of Mariner East II is vital to the continuing growth of our region's economy, advancing the cause of energy independence, and most importantly creating and maintaining family-sustaining jobs all across the Commonwealth.

As I travel around my district going to events, going to door to door, the number one priority and most commonly expressed view from my constituents is the need for more family-sustaining jobs. In fact, just in the hall today before coming, I talked to a member of

Teamsters Local Union 30, and he told me I wish this project would have been here when I had kids.

That's the family-sustaining job we can get. But I can continue. Mariner East II's construction and completion will have a direct impact on the oil and natural gas industry's ability to create those family-sustaining jobs.

Now, I believe the government is not an efficient job creator. This, however, is a tremendous opportunity for our government and specifically the DEP to directly promote and foster significant job growth by approving this pipeline project. The economic benefits and job growth as a result of this pipeline will be experienced all throughout the Commonwealth.

Mariner East II is expected to support more than 30,000 jobs during the construction phase and create 300 to 400 permanent jobs. Additionally, Mariner East II is expected to grow Pennsylvania's economy by as much as \$4.2 billion, and that includes up to \$85 million in tax revenue growth.

Now, as a descendent of steelworkers, I'm proud to say that the steel will be made right here in America and coated right here in Pennsylvania. This pipeline's completion will fuel the resurgence of Pennsylvania's manufacturing sector through more abundant plastic stocks and lower energy costs. The job growth potential for this project is absolutely immense. It is the number one reason to resolve any and all potential obstacles and expedite permit approvals.

The bottom line is this. Pennsylvania needs the approval of Sunoco Logistics' Mariner East II pipeline. Pennsylvanians simply deserve more abundant family-sustaining jobs, lower energy prices and greater energy security. Mariner East II will undoubtedly provide all three of these and much more and will do so for generations to come. Thank you for having me here and allowing me to testify tonight. Thank you. (29717)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**346. COMMENT**

Thank you for the opportunity to testify today. My name is Eli Evankovich. My address is P.O. Box 343, Murrysville, Pennsylvania.

I am a member of the Pennsylvania House, third term. I represent the northern parts of Westmoreland and northern parts of Allegheny County.

I am also a father of three, a small business owner, formerly employed in the steel industry, which will be directly impacted by the Mariner East II pipeline. And I'm also a sixth Evankovich that has lived and called Westmoreland County home.

I'm here to voice my strong and unwavering support for the Mariner East II pipeline and ask for DEP's expeditious approval --- doing its due diligence, but expeditious approval of that application.

This pipeline makes sense. This pipeline makes sense economically, it makes sense environmentally, and it makes sense from a safety and national security perspective. The economic impact of this pipeline is astounding. There is an estimated \$4.2 billion of economic impact for the State of Pennsylvania alone. There are an estimated 440 potential permanent jobs that would be created as a result of this pipeline and downstream activity, 30,000 temporary jobs for the building of this pipeline.

70,000 tons of domestic steel will be used in the production and the construction of this pipeline, and that steel will in no small part be provided by Pennsylvania steel companies, Pennsylvania --- made by Pennsylvania steelworkers. And that steel will also be coated by -- in large part by a company that's located here in Westmoreland County, Dura-Bond Steel.

Environmentally, this pipeline makes sense. We have a society that's reliant on carbon based fuels, fossil fuels. We have an opportunity to more expeditiously transport those fuels to market resulting in in fewer emissions that could potentially harm the environment.

I want to be clear. I support this pipeline. I support this pipeline for economic reasons. I support this pipeline for environmental reasons. Every elected official, however, needs to take a look, and every resident of Pennsylvania, every voter, needs to take a look at one of the reasons why this pipeline has to exist, needs to exist in the first place. The very existence of this pipeline in many ways is necessary because of a symptom of an otherwise poor business climate in our state. The supply of gas far outpaces the demand of gas in our region. That's why the pipeline needs to exist, to transport that gas to market.

That's a good thing. We want people from around the country and around the world buying things from here in Pennsylvania, and that includes our gas. But the need for this pipeline arises out of the --- in many ways out of those poor business --- out of that poor business climate. Government action and inaction is part of that poor business climate. We need to send a strong message to the nation, and we need to send a strong message to the world that Pennsylvania can be a leader in the business climate, and Pennsylvania can be a leader in job growth. I urge the DEP to approve the application. Thank you. (29718)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**347. COMMENT**

Hello. My name is Melissa Marshall. My address is also 1414 Indian Creek Road, Melcroft, Pennsylvania.

I'm providing comment today on behalf of the Mountain Watershed Association. We represent 1,400 members, the majority of whom live above the Marcellus Shale gas formation and many of whom who have been impacted by --- impacted very negatively by this shale gas development. (5960)

**Response:**

The Department acknowledges the comment.

**348. COMMENT**

Thank you for the opportunity to provide testimony on the Mariner East II permits.

My name is Joe Kirk, and my business address 435 Donner Avenue, Monessen, PA.

I serve as the executive director of the Mon Valley Alliance. The Alliance is an association of businesses that engages in actions to promote economic growth in the still economically struggling mid Mon Valley region, not far from where this hearing is taking place.

The presence of Marcellus Shale gas in our region has been a bright spot in providing both direct employment and lower energy prices that contribute to growth of local businesses. As an example, one of those businesses, World Kitchen, is the largest producer of Pyrex glass in the world, and most folks here probably have Pyrex products in their homes.

Ensuring that growth is sustained means putting in place infrastructure that will broaden markets for natural gas in our region and promote broader utilization of this clean, efficient and affordable energy source.

Sunoco Logistics Mariner East II pipeline is a perfect example. This project will transport natural gas liquids, NGLs, from eastern Ohio and southwestern Pennsylvania to the Marcus Hook industrial complex outside of Philadelphia. NGLs supply heat in the winter. They power our homes and businesses. They fuel our manufacturing industry, and they are the feedstock for chemical production, metals, glass, food processing, plastics, fertilizers, fibers, adhesive coatings, cleaning agents and so much more. In other words, they are part of our daily life.

Supporting Pennsylvania's energy industry through development of these types of facilities will provide a huge economic boost now and well into the future.

Studies show that the Mariner East project would create more than 30,100 direct and indirect jobs during the construction phase, and just for the line itself, 300 to 400 permanent positions throughout Pennsylvania generating \$4.2 billion to the state's economy along the way.

But the benefits are not all local. Price Waterhouse Coopers estimates that the domestic gas and the NGL production will provide annual cost savings of \$22.3 billion by 2030 and \$34.1 billion in 2040 to the American manufacturing center.

So it is clear decisions by DEP as they relate to energy infrastructure could have a wide ranging effect locally and throughout the Commonwealth and across the country.

This project is designed in a way that preserves our landscape and ecology while also producing tremendous opportunities and benefits. It is a perfect balance of ensuring that we power our economy while protecting our environment.

I urge DEP to approve the permits to ensure that household businesses benefit from this reliable supply of clean and affordable natural gas. Thank you very much. (29720)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**349. COMMENT**

Thank you. My name is Bernadette Puzzuole, and my business address is 850 Beaver Grade Road, Moon Township, Pennsylvania. I am the president and CEO of Pittsburgh Airport Area Chamber of Commerce. Our initials are PAACC. Thank you for hosting the

hearing and allowing me the opportunity to comment on the proposed Mariner East II natural gas liquids pipeline.

Founded in 1904 as the Merchants Protection Association, PAACC has served the Pittsburgh Airport corridor for over 112 years. Today we represent over 1,100 businesses in the 34 communities that make up the airport corridor.

As an organization, we have seen firsthand the positive economic effect, both directly and indirectly, that pipeline projects have had on many of our communities along the airport corridor. Energy is helping Pennsylvania create a driving, diverse and strong economy and one that should be a model for other states. It is imperative, therefore, to continue to encourage energy development.

Pipeline projects provide sustainable wages for our region's residents and help increase revenue for our local businesses. Recently, we joined the Pennsylvania Energy Infrastructure Alliance because we believe it's important to reaffirm our support for developing a modern energy infrastructure across the Commonwealth. Critical pipeline projects like Mariner East present invaluable opportunities for Pennsylvania to solidify its role as a leading contributor to American energy independence.

At \$3 billion, the Mariner East II pipeline represents a significant investment in both our state and its economy. The project will support more than 30,000 jobs that will amount to nearly \$1.9 billion in total labor income over the two-year construction period.

It will provide thousands of hardworking Pennsylvanians with good family wage jobs, which will increase consumer spending, strengthen our local economies and spur new business ventures. Once constructed, the pipeline will remain a steady economic contributor with an annual economic impact estimated at \$150 million.

Ensuring the safety of our communities and environment is of the utmost importance for all of us. When responsibly built, safely and efficiently operated, and carefully maintained to ensure the long term integrity, pipelines are the best option for transporting our energy resources.

The Mariner II pipeline will help eliminate the need for risky accident-prone truck or rail shipments while guaranteeing a reliable supply of domestically produced NGLs.

Pennsylvania was especially hard hit by the recession and continues to      Pennsylvanians were especially hit hard by the recession and continue to suffer from a lack of well paying, stable employment opportunities. Not often do we have a chance to make a decision that promises to deliver tangible      long-lasting benefits for our state and its workforce. The Mariner East project represents one of the few exceptions. Simply put, the opportunity is too good to pass up.

We appreciate the work performed by agencies, like the PA DEP and remain continually thankful for your efforts to protect both our communities and out environment.

I thank you especially for giving me the opportunity to speak today and urge you to approve the necessary permits for the Mariner East II pipeline. Thank you. (29721)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**350. COMMENT**

I am Michael Butler. Thank you for the opportunity to testify today. My personal address is 165 Pius Street, Pittsburgh, PA 15203.

On behalf of the consumers, manufacturers, laborers and small businesses engaged in the ever growing discussions on energy in Pennsylvania, Consumer Energy Alliance urges the DEP to approve the permits needed to begin work on Mariner East II pipeline which would enhance reliability and improve access to the massive gas reserves of Marcellus Shale.

CEA brings together consumers, producers and manufacturers to engage in meaningful dialogue about American's energy future. With more than 400,000 members nationwide, our mission is to help ensure stable prices for consumers and energy security for our nation. We believe that the Mariner East II project does a good job of balancing our energy needs with our nation's environmental and conservation goals.

By permitting the Mariner East II project, Pennsylvania will see an influx of private investment, an increase in tax dollars and a boost in much needed job creation. This project represents a \$3 billion investment opportunity into the economy creating more than 30,000 direct and indirect jobs, including more than 13,000 during the construction phase.

More importantly, homeowners, retirees, businesses and those living on fixed incomes will enjoy lower utility prices. Access to more affordable reliable natural gas also means lower energy costs for general consumers, more opportunity for manufacturers and businesses and a valuable raw feedstock for the construction of plastics, cars and other products made locally.

CEA has always strongly supported a robust natural gas pipeline network throughout the country and the northeast region. We advocate for pipeline safety and believe that minimizing the pipeline's impact on communities is key to any development plan, and the Mariner East II project certainly fits that bill.

This proposed project establishes protections that safeguard against potential environment issues while simultaneously providing access to key natural resource. With environmental safety at its highest standard, this pipeline deserves our support and the speedy approval of all remaining environmental permits.

It's clear from the detailed planning and thorough analysis Sunoco Logistics has made public that the company intends to do this job right, going above and beyond its mitigation planning requirements.

This pipeline project has received a thorough review and vetting by the public. It deserves to be approved and these permits released.

We look forward to the opportunity when the new pipelines are in operation in Pennsylvania. Thank you. (29722)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**351. COMMENT**

My name is Chris Petrone. I live at 1806 Fox Way, Pittsburgh, PA, 15203. I'm the legislative director of the Operating Engineers, Local 66. Our union represents 33 counties in western Pennsylvania and three counties in Ohio. We represent about 7,000 tradesmen and women through this great Commonwealth. They are very proud to building the infrastructure in the communities that we all live in.

In recent years, Pennsylvania has experiences a resurgence in its manufacturing sector thanks to the continued development of the Marcellus Shale gas and Utica gas regions. We now have a bottleneck of resources that we need to transport and unfortunately, the infrastructure to do so has lagged behind.

The sheer volume of natural gas and natural gas liquids that's being produced in these fields is immense. But the development of the access to process the resources and the infrastructure, as I mentioned, are falling behind.

We firmly believe that a large scale infrastructure project similar to the Mariner East II pipeline is exactly what this Commonwealth needs. It's going to create new opportunities in the Commonwealth for jobs and manufacturing, and it's going to have a long term positive impact on the entire Commonwealth, the tax base, things of that nature.

In fact, without the shale gas industry, our Local alone would see 10 to 20 percent unemployment. The benefits we are seeing are just beginning. Construction of the Mariner East II will create as many as 31,000 living wage jobs. It's a significant number. The company that's doing this project is also committed to hiring local skilled, well-trained labor to do this project. So these people are going to be living in the communities that they are going to be working in.

These good paying jobs will support hardworking men and women that are going to help provide a good tax base and family sustaining wages and benefits to these families.

Furthermore, these men and women are going to spend those paychecks in their communities, which is going to provide a layer of economic benefits with the local businesses, communities and the entire Commonwealth.

Using local tradesmen and women on pipeline infrastructure ensures that the most qualified and best trained professionals are hired to safely build this pipeline. It also ensures that the pipeline will meet and exceed state and federal regulations.

In our Local, safety is of the utmost priority. With advanced training, our members are committed to maintaining the highest standards of safety on all jobs, and this focus will ensure the safe and efficient construction of this pipeline resulting in minimal impacts on the environment and the local communities.

We support the Mariner East pipeline, and we encourage the Pennsylvania Department of Environmental Protection to approve all environmental permit applications for the project in a timely manner. Thank you for your consideration. (29723)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**352. COMMENT**

I have yet to see any answers, studies or acknowledgment regarding the impact of the proposed Mariner East project and the additional industrial operations on the water and environment in this small rural area.

And for all the union people and industry reps in the room tonight, I'm not against you having a job, but your job on this proposed project is temporary. This pipeline is for exportation.

Taking people's land by force through eminent domain, restricting the use of the land and destroying our quality of life is permanent.

Thank you for letting me speak. (5972)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**353. COMMENT**

Thank you for being able to speak. My name is Lou Pochet. I live at 905 Essex Drive. That's in Greensburg, Pennsylvania. Safety and environment issues across the state must be paramount when weighing the needs to build a pipeline across Pennsylvania to transport methane and propane to foreign markets. In the short run, transport of this product via pipe is safer than either trucking or train, and that is pretty much an accepted fact. However, in the long run, when pipes are only inspected infrequently to ensure their safety. This safety aspect has to be questioned. (29724)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements

**354. COMMENT**

Location of a pipeline should be thoroughly thought out. I'm sure what they told you night now is the cheapest way across the State of Pennsylvania. A 200-foot swath of Pennsylvania going 350 miles across the state takes out 8,485 acres of ground, assuming a 200-foot swath. That's about 13.25 mile square miles. Is this a necessity, to destroy this land? Better still would be to use existing right-of-ways rather than creating a new right-of-

way. We should be forcing these pipeline companies to look at using the Pennsylvania Turnpike, Interstate 80 right-of-way, high power transmission electrical rights-of-way and the existing pipeline footprints. Thank you. (29724)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**355. COMMENT**

My name is David Butterworth. I'm from Charleston, WV. I am a business agent for Pipeliners Local 798. I would like to speak this evening about the quality, safety and training that Local 798 brings to the table during the construction of pipeline projects such as after Mariner East II. I represent 6,000 welders, helpers and journeymen, who live all over the U.S. My jurisdiction runs from Maine to Virginia, and there are around 1,000 of our members who live and work in this northeast jurisdiction. Local 798 has built most of the major pipelines that run across this nation, including the Alaska pipeline.

I would now like to talk about the quality of work and craftsmanship that Local 798 devotes to these projects. Our welder members must take a qualification test before they are allowed to weld on the pipeline. These qualification welds are destructively tested, and if any imperfections are found in the weld that member is not allowed to weld on the pipeline. If a member does pass the qualification test, he then has every weld on the job x rayed and reviewed by a Level III x ray technician, who decides if the weld is acceptable and stands up to 1104 Code.

In most places, if a welder has three or more unacceptable welds, he will be removed from that project. With these standards in place, Local 798 welders are held under some of the strictest guidelines in the construction industry, and these are standards that we are proud to uphold.

Safety is also something that Local 798 holds of the utmost importance. Our contractors and the clients we work for have extensive safety programs that protect our workers and have policies in place to make sure that everyone goes home safe at the end of the day. When these pipelines are built, they are built by a collective group that understands that when we build a pipeline we must build it safe, and everything else is secondary to that.

Training. Local 798 home to one of the most state of the art training facilities in the country. We understand that we must keep up with the most current welding procedures in an ever-changing industry. Our facility is 33,000 square feet, and it has 52 welding booths and is equipped with a ten ton overhead crane so our members can either brush up or learn new skills.

The Local 798 training center is a testament to our dedication to providing our members with the best of the best when it comes to training so they can apply the latest technology when the pipelines are built now and in the future.

In closing, I would like to say the purpose of my speech is to show you who will be building this pipeline and to ensure you that it will be built with highly trained, skilled, safe American workers. I support this pipeline and look forward to seeing my people going to work on it. Thank you. (6040)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**356. COMMENT**

Hello. My name is Wendy Driscoll. I live at 915 Tanglewood Drive, Bethel Park, PA. Thank you for allowing me to speak at this hearing. It is a privilege to be able to voice my support for the Mariner East II project and for Sunoco Logistics.

I am here to discuss a critical decision as we Pennsylvanians face. As a single mother who spent much of her life bouncing from industry to industry trying to support my family the best I could, the natural gas industry has been a saving grace. I was lucky enough to participate in the natural gas boom, and my newfound career has completely changed my family's life. I'm simply here to discuss the facts and share my opinion.

Over the Mariner East life span, it will contribute more \$4 billion to Pennsylvania's economy, money that will be spent developing infrastructure, lower our heating and electric bills and providing jobs for Pennsylvania people. Granted, these amazing benefits are temporary. However, over the course of the pipeline's life, which is many decades, it will continue to provide hundreds of millions of dollars in revenue to Pennsylvania's economy and nearly 500 jobs.

On top of these amazing economic benefits, I believe that all of the project's steel, as some others have said, will be sourced from the United States and Pennsylvania.

In summary, the project provides many well-paying jobs, which some people might not feel is important, but I personally do, increases US and Pennsylvania manufacturing, adds billions of additional economic activity to Pennsylvania.

I have worked with many midstream companies. They are all very sensitive to doing the best job possible to protect the environment. Am I biased? Maybe, but only for the purest of reasons. My family, like so many others from Pennsylvania, was radically changed for the better following the natural gas boom.

If you are like me, you worry about the economy and what tomorrow might bring. I often feel like there's little I can do to change that feeling, but when I can, I feel it is my job to act. When I see a project that provides jobs and economic activity and only helps families like mine and yours, I feel it is a no-brainer to stand up for a stronger Pennsylvania.

I strongly request that the DEP approve the permits needed to go forward with the Mariner East pipeline project. Thank you. (29725)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**357. COMMENT**

Greg Vogt, 5 Hot Metal Street, Pittsburgh, PA, 15203. I'm Greg Vogt, an assistant business manager with IBEW Local 5 in Pittsburgh. IBEW is a labor union with local unions throughout the United States and Canada. We have about 700,000 members, including about 3,500 in 22 Pennsylvania counties where IBEW Local 5 has jurisdiction.

We support the Sunoco Logistics Mariner East II project and their Chapter 102, erosion and sediment control, and Chapter 105, water obstructions and encroachment, permit applications. The 325 contractors that employ our member electricians work throughout the economy, primarily in electrical construction of residential, commercial, retail and industrial industries.

IBEW Local 5 is very pro-growth, pro-development because when the economy runs smoothly, our members work. When there is a demand for quality work at reasonable price, our members work. With a sluggish economy, our members are out of work.

The vast majority of IBEW members enter through acceptance into our five-year apprentice program. This five-year program included both classroom and on-the-job training. Every year, 60 or so apprentices complete the rigorous five-year program and become journeyman electricians. This rigorous program pays off with family-sustaining jobs.

Pennsylvania is blessed with abundant energy resources and the Mariner East II project will permit Pennsylvania to better develop these resources in an economically feasible and ecological way.

The Mariner East II project has been designed to minimize noise, preserve the health and beauty of the surrounding environment, and ensure minimal disruption to landowners and those in the community.

When our members commit to a project, it gets done according to the highest technical and safety standards. We don't cut corners. Projects like Mariner East are designed to last hundreds of years and survive the most extreme weather conditions. In the short terms, thousands of jobs will be created for construction workers and suppliers to build the project. In the long term, the infrastructure that this project develops will allow those future jobs that are tied to our abundant energy resources to flourish.

These days, many of us are worried about the loss of family-sustaining jobs, whether they move offshore or just disappear because a plant has closed or a company has gone out of business.

Energy industry jobs are family sustaining jobs, too. We need to these jobs in order to sustain a healthy, vibrant economy.

Everybody wants a clean environment, including the IBEW and its members. The local union workforce that is employed to build this project live and work in Pennsylvania and want a beautiful, clean environment in the state that they call home.

Thank you for this opportunity to express our support for this project. (29726)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**358. COMMENT**

I'm Terri Supowitz. I live at 310 Hay Street, Pittsburgh, PA, 15221. I am against pipelines. I am against fracking. I am against extraction of fossil fuels. Fossil fuels belong in the

ground. It is time for solar energy, wind energy and other sustainable alternatives where there are good, safe, well-paying jobs where the environment is not destroyed, and people are not harmed.

I want to read the mission statement of the DEP. I was really struck by it. The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizen through a cleaner environment.

We will work as partners, they say, with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources. We at DEP serve the public in a fair, efficient, responsible, open and honest manner. We are responsible for the protection of the air, land and water of the Commonwealth.

We carry out our jobs in ways that will promote measurable environmental improvement, cooperation, innovation and sustainable development so future generations may share our wealth. We promote the goal of zero discharge through pollution prevention and to stop pollution before it starts.

It is clear to me that the job of the DEP is to protect Pennsylvania's air, land and water from pollution and destruction. There is nothing in this statement that says you are responsible for growing the economy or creating jobs. That is not your mission. You are the protectors of the environment, the air, the water, the land and the health and safety of the citizens.

It is your job to make sure the air is clean, the water is pure and the land grows fruits and vegetables and supports plants and animals.

A grave concern of mine is the application process which has been mentioned before. It's very clear that the applications from Sunoco as currently submitted are incomplete, deficient, and fail to meet regulatory requirements. (29727)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**359. COMMENT**

Another concern is Sunoco's job predictions. The truth is that the job numbers they predict are greatly exaggerated when compared to the actual job numbers, and Sunoco has declined to justify its rosy predictions.

And last of all, most pipelines leak. Some leak as soon as they are put in. The rest will leak over time. What kind of legacy are we leaving our children? (29727)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**360. COMMENT**

My name is Ellen Gerhart. I thought for a minute I was somebody else there. Okay. My address --- ready for this --- is 15357 Trough Creek Valley Pike, Huntingdon, Pennsylvania. I was born and raised in Monaca, Beaver County, Pennsylvania. My father, grandfathers, uncles all worked in the steel mills that lined the Ohio River. My father was a union rep. In fact, he was a member of the IBEW.

One of my grandfathers was a foreman. I grew up in a hardworking union family. I'm a member of local, state and national teacher unions. I understand and appreciate the history of the union movement. This fight is not between environmentalists and union workers, despite what Sunoco would like you to think. It is not us versus you. I grew up during the steel boom. I saw the economic benefits good paying jobs provided.

But I also saw the flip side of that coin. Booms are followed by busts. I saw stores and businesses close. I saw families move away. This is what happens in a boom-bust cycle. Despite the rosy predictions of good paying jobs and the economic benefits to businesses, booms are nothing but smoke and mirrors. Yes, there will be benefits, but these will be short term. The fossil fuels are non-renewable, and by definition, will eventually be gone.

We don't have dinosaurs dying to resupply the oil and natural gas. Focusing only on the short term goals is itself shortsighted. However, these short-term goals have long, detrimental effects on the environment. At one of the previous meetings, a comment was made that the pipelines go in, and then you never know that they are there. In fact, the land will be better than it was before. This is blatantly untrue. (5955)

**Response:**The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**361. COMMENT**

What makes this whole thing even more frustrating is the fact that this pipeline is totally unnecessary. During our eminent domain hearing, Harry Alexander, Sunoco's Vice President of Project Development, stated that the Mariner East I will carry 77,000 barrels of NGLs per day. He went on to state that Pennsylvania requires between 22,000 and 27,000 barrels per day.

I'm not that great in math, but it seems to me that the Mariner One more than meets the needs of Pennsylvania. This would make the Pennsylvania Pipeline Project totally unnecessary for Pennsylvania's needs.

The massive amount of NGLs going through these new pipelines are not going to benefit Pennsylvania, but are instead being shipped through huge new dragon ships directly to Europe. Okay. And just for the sake --- PA workers --- no, one of the members of the Mississippi survey team working on our property in Huntingdon County, not Pennsylvania. The only map we ever got from Tetra Tech showing the --- going through our pond.

And then it makes a very bizarre kind of bend in the property for no good reason, but it puts it directly through our wetlands. Our pond, which is already impacted by the clear cutting on the slope, has three stream crossings that are being --- that the pipeline will cross in addition to crossing the wetlands.

I just have one more picture here. Actually, two, if I think about it. This is one of the trees that they cut down. This is my hand against my tree. This is the size of the trees that were cut that will not be growing back on our property.

And last but not least, this is one of the eight Dragon class ships used by Indios (phonetic) to ship Mariner East I products to Europe already. If Mariner East II goes into production, Europe will be the beneficiary of one ship per day instead of the current one ship every four days. Thank you. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**362. COMMENT**

Good evening. I'm Tim Schultheis, P.O. Box 798, Latrobe, PA. As I said, I'm Tim Schultheis. I'm President of Schultheis Electric. We're a full service electrical contractor serving both the commercial, industrial and utilities sectors with our clients throughout the greater Pittsburgh region. We also are based right here, as I said, in Westmoreland County, just a few minutes northeast of here in Latrobe.

Our firm is a member of the National Electrical Contractors' Association of Western PA, the chapter that represents the electrical contractors throughout Western PA. For more than 65 years, Western PA chapter of NECA has provided its members with an effective channel which to express their collective voice on issues affecting the electrical construction industry.

And one of those shared priorities is energy infrastructure and projects like the Mariner East II pipeline. We support this pipeline and encourage the Department of Environmental Protection to approve all environmental permit applications for the project in a timely manner. A key issue in any major infrastructure project is safety. Study after study shows that pipelines are the safest, most efficient form of transportation for the energy resources.

Beyond that basic fact, for the Mariner East II pipeline, Sunoco Logistics has committed to using Union skilled craftsmen, which ensures the highest quality and safety measures are maintained throughout the entire process. I can tell you that our team is among the most qualified, reliable and experienced contractors in the region. We take great pride in ensuring our work can meet and exceed all safety requirements.

And because our trades ensure compliance and a safe workplace, you can be sure this project will be delivered and operate with minimal disruption or impact to the landowners and the environment, which are keys to the DEP's review today. As I said, our company is based right here. This is our backyard. We are committed to caring for the environment around us and making sure the developments are safe for all our families and beneficial to all of our communities.

And this project will bring benefits. The project could create as much as 30,000 indirect and direct jobs during the construction process. This also, through the sustainability, will create another 300 to 400 permanent positions throughout Pennsylvania once it's built. Moreover, Mariner East II pipeline will enable greater access to the domestically produced natural gas liquids for manufacturers and businesses throughout our region.

Creating a catalyst for industrial activity throughout the entire northeast, natural gas liquids have a wide range of uses, from production of plastics and petrochemicals to residential and commercial heating.

For these reasons, we support the safe, responsible development of Mariner East II pipeline project, and we encourage DEP's swift approval of all related permits. Thank you for allowing me to speak. (29729)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**363. COMMENT**

Good evening. My name is Dan Garcia, and I'm a pipeline safety consultant based out of Pittsburgh. My address is 6592 Hamilton Avenue, Pittsburgh, Pennsylvania. My area of expertise is federal pipeline safety and regulatory compliance and dealing with the Department of Transportation's Pipeline and Hazardous Material Safety Administration, or PHMSA. I would like to request the expeditious approval of this pipeline.

First, it's important to note that transporting our commodities via pipeline remains to be the safest mode of transportation. According to PHMSA, there are more than 199,000 miles of liquid pipelines in the US that are transporting approximately 16,000,000,000 barrels of crude oil petroleum products per year at a safety rate of 99.99 percent.

To put this in terms we can all understand, this one pipeline project, the Mariner East pipeline, is the equivalent of removing 15,000 petroleum tanker trucks driving on our roads on a daily basis for an entire year. In my opinion, I would feel much safer with a pipeline than with 15,000 petroleum tanker trucks driving through my neighborhood on a daily basis. And as much as like ---. And much like we would never expect to build one road into Pittsburgh, we cannot expect to build only one pipeline to support the millions of communities that depend on this critical source of energy.

Our pipeline safety efforts are not accidental. Natural gas pipelines and utilities must adhere to very strict state and federal safety regulations. These regulations address every aspect of the pipeline, from design and construction to operations and maintenance and even emergency weather situations. I would like to add that many of these regulations have their beginnings as recommended practices in a number of industry-led organizations like the American Petroleum Institute and the American Society of Mechanical Engineers.

Our pipeline safety regulations have been thoroughly vetted by engineering professionals to ensure an incredible level of security and safety. Furthermore, pipeline operators must implement a series of pipeline safety programs to ensure the safe operation of their assets. PHMSA requires of each pipeline operator to develop, implement and evaluate the following programs.

Integrity management program. This integrity management rule specifies how pipeline operators must identify and prioritize, assess, evaluate, repair and validate the integrity of their gas transmission pipelines. This includes very specific and technical inspection protocols, performance measures and federal reporting requirements.

Two, the operations and maintenance plan. PHMSA requires operators to have a written operations and maintenance program designed to address normal operations, abnormal operations and emergency operations. This manual is a checklist PHMSA requires operators to have a written operations and maintenance program designed to address normal operations, abnormal operations and emergency operations. This manual is a checklist for the operation technicians to ensure safe daily operations, but more importantly, it establishes important protocols of local emergency responders. Public awareness programs. These programs are designed to create a liaison program between the operator and the communities they operate in. Think of this as being communications with a regulatory purpose. Operators must identify stakeholders along pipeline rights-of-way and communicate the risks and safety programs associated with these pipelines. This includes working with local emergency responders, government officials on an annual basis and the promotion of on-call programs.

Operator qualifications, which the gentleman already addressed a little earlier but it's a very stringent testing requirement for any individual that is working on what's called a covered task. There's also drug and alcohol programs that are incredibly stringent. The existence of these programs, however, does not mean that pipeline operators are solely responsible for pipeline safety.

All of us here, we the stakeholders, also share responsibility of safe pipeline operations. This can be as simple as promoting our state's One Call before you dig programs to adopting land use ordinances that encourage communication between pipeline operators and land developers. There's a great manual entitled the Pipeline Informed Planning Alliance, which enumerates a number of recommended practices to that end.

So pipeline safety is certainly a concern for many, but based on my experiences with pipeline safety regulation, PHMSA and Sunoco, I'm very confident that the pipeline safety programs employed by Sunoco and on this project will exceed the federally mandated minimum standard. Sunoco has a long history of safe and responsible pipeline operations, and I should know. There's a Sunoco pipeline running very near my house in Pittsburgh.

They have been quite proactive in their public outreach efforts and have demonstrated a high level of care in the design, construction and operation of their pipelines. Thank you for your time and consideration. (29730)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**364. COMMENT**

Let's see if we can make this work. All right. My name is Joe Lundy. I am the Chief Financial Officer of Cleveland Brothers Equipment Company based here in Murrysville. My address is 4565 William Penn Highway, Murrysville, Pennsylvania, and I am a lifelong resident of Pennsylvania. And I currently reside in Allegheny County. I'm here in support of the Mariner East II pipeline project.

Cleveland Brothers Equipment Company is a Caterpillar dealer with 25 locations in Pennsylvania and with over 1,200 employees. We have made a significant investment in people and equipment to support the natural gas industry here in Pennsylvania. The natural gas opportunity has allowed our company to grow by approximately 350 employees over the last five years. The current downturn in the commodities markets has slowed our business in 2016.

And we've had to lay off a number of employees for the first time since the great recession in 2008. But the Mariner II East pipeline is not --- is much more than jobs. It's about energy security. Today, over 50 percent of American households or Pennsylvania households rely on natural gas as their primary heating fuel, and that number will continue to grow.

DEP and industry working together for the past ten years have safely developed this remarkable natural gas opportunity in our state. This work and cooperation aligned with aligns with DEP's mission statement to work together, and in doing so, providing more Pennsylvanians a cleaner energy source that they deserve and that they can rely on and one that they can afford. As a country, we no longer need to rely on OPEC and other foreign countries for our energy.

It's also about clean energy and a cleaner environment. Natural gas is the cleanest of all fossil fuels. Natural gas burns cleaner than coal and oil, with almost zero sulfur dioxide emissions and far fewer nitrogen oxide and particulate emissions. That's simply a fact. Natural gas releases almost 30 percent less carbon dioxide than oil and 43 percent less than coal. It's about safety, as mentioned earlier.

In the US, there are 2.4 million miles of pipelines, and they work without incident 99.9 percent of the time. Pipelines are far safer for transportation of oil for the transportation of oil and gas than trucks, rail and barges by a factor of 30 to 1.

I applaud DEP and the other governmental agencies working with companies like Sunoco to make sure they are constructed safely and are properly maintained thereafter. To all of the IONA and other union workers, members and reps who have attended and spoke at these meetings, I applaud you for your professionalism over the last two weeks. You respected the opposition, never interrupted their statements, stayed within the three minute rule and conducted yourselves with class.

Thank you for your dedication to the pipeline industry and ensuring our safety with these projects. No wonder our pipeline systems work safely and efficiently 99 percent of the time. I also want to thank DEP for these public hearings and for allowing both sides to voice their opinion. And I encourage DEP to approve these permits without haste. Thank you very much. (29701)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**365. COMMENT**

Good evening. Sherrill Wilds, 1339 Oak Road, Leechburg, Pennsylvania. I'm a very strong supporter of the Sunoco Mariner II pipeline project. Why? I'm a pipeliner. I'm an operating engineer. It's what I do. It's not a job. It's a career. It's a profession. I am a professional pipeliner. I travel throughout the United States, and there's not a pipeline that I go on that we don't have one to three days of orientation on the environment, on the safety.

I have to be OQ'd, Operator Qualification'd, to be able to operate any heavy equipment. I have to renew that every three years. On every crew I've ever been on, we've had inspectors. We've had regulations. We had specifications to put this pipeline in. We have to follow these. I have been trained to various. One of the training is the National Pipeline Training Program. Last year, we had 178 classes.

This year we have 181 scheduled. I'm part of that program now. I'm an instructor. I teach the engineering and the bending classes, and what I teach more focus on our main focus on our teaching is the environment, safety and the integrity of that pipe, putting it in the ground. That's what we focus on, along with all the regulations. In my particular class that I teach, I have specifications through the gas companies that I have to follow, where I can only.

There's certain places I can bend and cannot bend. There are ---. I have to protect that coating, how to handle that pipe. There's only so many degrees I can put in that pipe because of the integrity of that pipe.

There are over 6,000 items that are made by petroleum products every day that we use. Not just fuel, not just the gas. Combs. Anybody combs their hair here? Eyeglasses. Dentures. Heart valves. Toothbrushes. The little pill capsules that your medicines are in, wire insulation, hearing aids, cell phones, artificial limbs ---. These are just to mention a few that we use in everyday life. I'm proud to be a pipeliner. I am a professional.

I have four pipelines going through our farm. Our cows are out on that pasture. I have a garden. I raise vegetables. I train my horses on top of a pipeline. I let my grandchildren play on that pipeline because I know it was put in by professionals that understand the safety and the environment and the integrity. I thank you for speaking, and I very much approve. (29731)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**366. COMMENT**

Major pipeline infrastructure projects will also lead to additional fracking, which as of 6/29/16 has contaminated 283 individual water supplies in Pennsylvania, according to the DEP. I've worked with many of these families who have been without water for six plus years. They still haven't been addressed, and they still haven't been fixed. These people have been living without potable water for six years. And I would like everybody to think about that every time you turn on your tap. Leaks and ruptures can also cause, immediately, environmental impacts, and in ---. If you look at the statistics for Sunoco, there have been a tremendous amount of accidents. In 2012, there was a pipeline rupture near Wellington, Ohio spilling 2,780 barrels of gas. In 2014, Sunoco pipeline spilled 4,000 barrels of crude oil in Parish (phonetic), Louisiana.

There have been many more just like the one in Salem --- in Township. Sunoco received 17 notices of violations resulting in 2,000,000 and some dollars enforced in fines since 2002. Sunoco also cited in 2015 for at least 42 violations by the DEP for work done on the Mariner East pipeline in --- over the span of one year. These pipelines would transport natural gas liquids at pressures up to 1,440 PSI. Has a cost benefit ---?

Has a cost vs. benefit analysis been done? Has an environmental impact study been done? Has a health impact study been done? None of these things were done before hydraulic fracturing came to PA, and that's why we have so many people suffering. I sympathize with the man. I've witnessed eminent domain. I was on a farm --- a maple tree farm where the Constitutional pipeline was coming through.

And we went to help support the family that --- their land was being taken. They cut down maple trees and greeted us with eight US marshals armed with machine guns. We were just there to support the people. Meanwhile, they cut down the trees, took away jobs. And because New York has rejected the pipeline and rejected fracking, that pipeline is no longer going to be used, so they did it for nothing. So I ask you to please do your job. Protect the people of this Commonwealth instead of promoting another toxic industry. Thank you. (12647)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements..

**367. COMMENT**

Good evening. My name is Lauren Parker. I live at 630 Pierce Mill Road in Wexford, Pennsylvania. Thank you for allowing me to speak this evening. I am a licensed professional engineer in the state of Pennsylvania, and I practice in my field of civil engineering. I have prepared disturbance permits for over 12 years, including ESCGB 2 permits and 1 permits for the past eight years, as well as assisted in the preparation of Chapter 105 permits that are associated with my projects.

I can attest to the fact that the oil and gas industry is required to meet the same requirements related to earth disturbance and stream and wetland impacts as any other development in this state. I can also attest to the fact, through my daily experience in working with the Department, that the DEP does a thorough job in reviewing their permits and holds environmental protection as their number one priority.

I'm here in support of natural gas development and the Mariner II pipeline project. This project and others like it will bring jobs, lower gas prices and manufacturing back to Pennsylvania. If the Chapter 102 and 105 packages that have been submitted to the DEP meet the regulations and permit conditions, then I urge DEP to issue the three ESCGB 2 permits and authorize the 17 Chapter 105 permits. Thank you. (29733)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**368. COMMENT**

Hi. My name is Barbara Heintz, 805 Oak Road, Bradford Woods, Pennsylvania. I am a fourth generation person living here. My family has been here for 500 years, at least, if not more, and I support this Mariner II --- Mariner East II pipeline. I support energy, and I think government and DEP has a responsibility to create a balance between the economics and the private property of citizens and making sure it is safe.

But I do support it, because we need all energies. We can't just rely on one, and so it's important that we support the natural gas industry. I think it's important to Pennsylvania and to the citizens. Thank you. (29734)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**369. COMMENT**

I'm Robert Wilds, 1339 Oak Road, Pittsburgh, Pennsylvania. I'm here as a representative of the International Union of Operating Engineers, the 7 --- 400,000 members of the operating engineers. I am in support, and the Operating Engineers are in support of this project. And I personally talk about environmental ---. I can talk about the environmental pipeline, because I've been involved in the pipeline industry for 30 years.

There are crews specifically assigned to environment during construction. That's their job. That's all they do. Every crew has an environmental role, but there are specific crews that do the environmental. They will do silt fence, water breakers, anything that is needed, sedimentation ponds, anything that's needed. This crew is dedicated. That is all they do.

Pipelines are the most environmentally friendly way to transport the products over truck, rail ---. We've heard that stated earlier tonight. I'm going to talk a little bit about safety. I'm going to move along pretty quick. It's been a long night. As far as safety of the

pipeline, pipelines are put in under CFR 49, part 195 or 192 depending on whether it's liquids or natural gas.

It mandates how the pipeline is constructed, the integrity of the pipeline. The lines are all tested at a minimum of 1.5 times their maximum operating pressure. Simple numbers --- if it operates at 1,000 PSI, it must be tested at a minimum of 1,500 PSI for a minimum of eight hours' hydrostatic test. Maintenance is also mandated in the CFR 49. I heard talk about the coatings being 19th century technology. Well, I can tell you this.

I have experience. I've worked on the coating crews. It's not 19th century technology. The company over here into Westmoreland County doing work on--- has some of the most state of the art coatings there is, and they're going to be the ones coating this pipeline. I've heard talk about renewable energy. Renewable energies are a good idea. I have a 10K solar system on my home I built five years ago.

They're not feasible, folks. It increased the cost of my home 40 percent. They're not feasible at this time. And you want to talk about environment? Do a little research on how Mother Earth is raped to get the rare earth minerals to make solar panels and things like that. There are over 6,000 products made from petroleum products, you know, like you stated here earlier.

If there's one person in this room that does not use a petroleum product every day, I would like you to raise your hand. One person. Anybody? We need this pipeline. I heard about exported products. Yeah, let them export it. So what? What made this country great after World War II? We exported more goods than we imported. That's what made us great. And then the world looked at us and reacted to the United States of America.

We didn't react to them. Talking about jobs --- these are not jobs for my brothers and sisters at Union Craftsmen out here. They're careers. I have a 30-year career of temporary jobs. I've got a pension. I've got healthcare. We're self-sufficient, and under all our --- all the crafts in the local agreements with --- on this pipeline, 50 percent of all hire must be local hire. So there will be local people here. Thank you for your time. I appreciate it.  
(6197)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**370. COMMENT**

I'm Stacie Giannetti, 160 Harmony Road, Wexford, Pennsylvania 15090. Thank you, DEP officials, for the opportunity to speak to you this evening. My name is Stacie Giannetti. I am married to my husband, Alex, and we have two teenage boys, Christian and Samuel. We live in Marshall Township in Allegheny County. I'm an active member of my church, and I also travel locally with my boys' Arsenal Soccer club.

Both my boys are currently in Boy Scout Troop 81, and they're currently working on their Eagle rank. So we're very busy camping, hiking, spending time outdoors when we're not also participating in local community events. We moved here two and a half years ago from southern California, and I was offered to transfer to this region for a great career opportunity.

I work for Chevron, but I'm not here as an official spokesperson. I'm here as a member of my community. I'm a proud member of the oil and gas industry. I chose to work in this oil and gas industry because of the wide variety of career advancement that it would offer me. Also because I believe this industry truly works and gives back to the community. Personally, I support the permit for the Mariner East II pipeline project.

The natural gas industry has been a huge positive for my family, our community and our state. I would not have my job, and my family would not be here if it were not for the natural gas industry. I'm not sure if everyone understands, but this Marcellus Shale resource is a world class natural gas basin. But it's only worth something if we can find a way to commercialize it.

Building this pipeline will enable us to link the natural gas resources to the consumers, the manufacturers and the other businesses that need low cost energy to thrive. And in doing so, Pennsylvania has the potential to become a critical energy hub for this entire region. Please support the permit application for the Mariner East II pipeline buildout not only for the sake of my family, but for the many other families who want the opportunities for their children and their grandchildren. Thank you for your time. (6453)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**371. COMMENT**

Good evening. My name is Christopher Daniels. I stand before you tonight as a lifelong resident of Westmoreland County, a Penn State graduate and believer in the future of Pennsylvania.

My wife and I raise our two children in Unity Township, and we're expecting a third any day now. For my entire adult life, I have worked in the natural gas industry, and I tirelessly promote the potential of the Marcellus Shale and Pennsylvania at large to lead an American renaissance. I've had many opportunities to leave this area to pursue other opportunities and careers. However, I stay here because I believe in here.

I did not initially choose to work in the oil and gas industry due to some delusion of grandeur that I was going to change the world. I did because it was an opportunity, the best opportunity afforded to young men and women like myself entering the regional workforce in an otherwise aging economy desperately lacking in manufacturing and innovation.

According to the PA Department of Labor, there are approximately 30,000 other Pennsylvanians with stories similar to mine, and that doesn't even include those that work in the indirect trades, such as the tradesmen brothers and sisters here tonight. From these practical beginnings, I've developed a great sense of pride for being part of a possibly historic rebirth of southwestern PA. Personally, I support the permit for the Mariner II pipeline.

Our region faces challenging demographics with regard to an aging tax base coupled with stagnated industrial and economic development. While nothing in life is ever perfect, both industry, third party and government studies have consistently cited pipelines as by far the safest method of hydrocarbon transportation.

We must also work to clarify and streamline the overlap of FERC, PHMSA and DEP regulations, the unclear nature of which lead to inefficiencies and ambiguities in the permitting process, not conspiracies and backroom deals. If the Marcellus and Utica Shales are truly world-class resources, then we do not owe it to ourselves to give them a world-class infrastructure?

The natural gas industry has had an incredibly positive impact on my family, and if not for the industry, my family and thousands like us would not be here anymore. With that in mind, the potential for this industry to have a lasting positive impact is unmistakable. Let's find a way to develop this resource in a manner that benefits our region rather than allowing it to slip away.

It is time to grow our legacy from coal and steel and into the future. Please support the permit application for the Mariner East II pipeline. I ask you to do so not for my sake and not just for my family's sake, but for the future of all of us who believe in our region. Thank you. (29735)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**372. COMMENT**

It's a long walk. I'm out of breath. I'm Leonard Young, 656 Cooper Road, Monroeville, Pennsylvania. I'm a lifelong resident of the area here.

Leonard Young, 656 Cooper Road, Monroeville, Pennsylvania. Thanks. I actually have a landscaping business I keep very busy with. I'm also an arborist. I work in trees. I'm sort of a man of the land, you might say. From 1982 to 2001, I lived in a residence in Monroeville. We had a Sunoco pipeline going through our property in the backyard. The line was very well maintained.

And there was a lot of communication between Sunoco and myself as a property owner with their line going through, without anything --- doing any inspections or anything. Very good to deal with them. 2001, I moved to another residence in Monroeville where I currently am now. We have a People's Gas line going through our property, and it's often inspected.

They just did some work on some device that goes with the line, and they did a fabulous job, told me all about it and were very courteous about everything. I've just got some quick written notes here.

Some people complain about the project, have problems with it probably told about the whole thing ahead of time. And if they wanted to do something about it ahead of time, they probably should've done something then instead of waiting until after the fact. People complain about fossil fuels. If you want to try going without fossil fuels, I think you'd have some real problems. Wind and solar energy, it's just not practical.

We're dealing with reality, not ideology. There are so many rules, regulations and laws that are already in place regarding the moving of commodities through pipelines and that.

There are very heavy fines if those rules aren't followed, and the companies know that. They're not stupid. So I'm sure they're putting a lot of money into this project, and if it was

not going to be feasible for not just the short term, but the long term, they wouldn't even be talking about it. By the way, I do wholeheartedly support this process, the project and think it should go through.

I don't have a lot of mumbo jumbo about regulations and specifications and all that stuff. That's why the DEP gets paid all the money they get paid, to do all that stuff. And they're doing a good job of it, so just keep on doing what you're doing. Finally, a lot of people complain about resource use and all that stuff. The fact of the matter is, if you want to live a third world lifestyle, move to a third world country. America is first world. (29736)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**373. COMMENT**

Certainly, jobs and the economy are always a matter of a priority in the American experience. It's a marketplace economy. You've got to have money to live, and unfortunately, our two State Representatives, Mr. Reschenthaler and Mr. Evankovich were also here tonight.

And I certainly appreciate Labor's position on this. I certainly understand it. What I don't understand is how two elected officials come here to and promote the idea and speak to this panel about jobs, but never spoke to none of these sections of the State Code, which I presume they are familiar with because they're state legislators.

Then again, these very state legislators enacted Act 13 that took zoning rights away from everybody in this room for one industry, and not US Steel, not Westinghouse Electric, not anybody else. Just one outfit, oil and gas, and that was struck down by the Commonwealth Court. But everything after all, folks --- and it didn't hold water in front of a Judge. In fact, in front of the Commonwealth Court and later, the Supreme Court. Something is afoot, and something is amiss. (29732)

**Response:**

The Department acknowledges the comment.

**374. COMMENT**

Good evening. My name is Doug Lorenzen. I'm resident of West Cornwall Township, Lebanon County. It's not long ago I showed up in Harrisburg, to conduct a scheduled final review of the Sunoco Logistics Mariner East II Pipeline Project, Chapter 102 and 105 Permit Applications. I was informed that it is now referred to as the Pennsylvania Pipeline Project, which, left me momentarily confused, but then I remembered how slippery Sunoco has been in obviating and omitting facts surrounding the development of the pipeline and this was just the latest in the line of many. I don't have time to share all the many dealings with Sunoco and how they have been able to twist and reinvent the truth except to this latest form of trickery. The name Mariner East Pipeline, according to Sunoco's CEO, Mike Hennigan, was used to signify to its customers that the pipeline was to be used to transport NGL shipments to overseas markets. One of the highest paying markets around. However, now finding it hard to explain to the Court how their pipeline would benefit the PA public and qualify as a public utility, Sunoco decided to change the name to Pennsylvania Pipeline Project. Perfect, don't you think?

The files that was shown to me came in boxes, binders and multiple rolls of maps, drawings and attachments. With the time we had allotted, all we could do was to read over briefly what was in the boxes and the binders to determine what was pertinent and copy it. It was fortunate there was a CD of the most of the material that we were able to download to copy, but way more than we could ever send to our printer at home. To do a review correctly requires a line by line comparison with the regulations, which I think you know, take it to knowledgeable personnel, field checking the data and writing up the review. The boxes we reviewed were only for Lebanon County. There were 16 other counties all in their own boxes. (5981)

**Response:**

The Department acknowledges that Sunoco's application materials are voluminous.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**375. COMMENT**

Good evening. My name is Pamela Bishop. I live in West Cornwall Township, Lebanon County. Lebanon County sits at the crosshairs of two monster proposed pipeline projects. The Transco/Williams' 24-inch north-south natural gas pipeline called the Atlantic Sunrise and Sunoco's 300-plus-mile Mariner East II. The proposed Mariner East project is an east -- is a west/east natural liquids pipeline project consisting of two pipelines, a 20-inch and 16-

84 year old 8-inch repurposed NGL pipeline and another 12-inch in that right-of-way. These projects are not needed and will cause unreasonable impacts to our water resources and unavoidable risks to our health and safety. (5941)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### **376. COMMENT**

The project proponents label this request as an anti-job, anti-progress tactic to obstruct an important project, close quote. They echo Sunoco's exaggerated claims of job creation impacts on the Pennsylvania economy and tax revenues. Would that these estimates were true, they aren't. We who oppose the pipeline are not against jobs or progress. We are for public health and safety of all Pennsylvanians, especially the landowners who own the land this project is going and our environment. Sunoco has a history of violations and fines for not adhering to environmental requirements including workers' safety. (5941)

#### **Response:**

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

### **377. COMMENT**

Good evening. My name is Ann Pinca. That's P-I-N-C-A. And I live in North Lebanon Township, Lebanon County. I have my comments here and I will submit them. I spent a lot of time on them last night so I did do my homework, looked at the applications of all the projects. It's all in here. I have a lot of good points, I have a lot of hard facts. But I decided I'm going to say something although I'm going to submit this.

Looking around tonight, and I apologize that I have my back to everybody, because this is more for everyone here. I want to address everyone in this room because I realize tonight we're probably going to hear a lot of comments about why not to build this pipeline, but we're also going to hear a lot of talk about jobs as a reason to support the projects. And here is the thing, I don't think anyone in this room wants anyone to lose or not have their job.

That's not what this is about. The whole union job thing baffles me, since historically people like us have much in common with the labor unions back when they were fighting the prolific struggles against the robber barons. So I'm a little confounded at the union support for the oil and gas industry who would sell you out in a heartbeat. For proof, we got a giant pipeline down the road filled with pipes made in Jersey, brought here by trucking companies from Ohio. So where are the Pennsylvania jobs from that? And how many Pennsylvania oil and gas jobs have been lost in the past few years with the industry slowdown.

We don't want you to not have jobs, we don't want you to not work. We want to work with you to develop new jobs in a truly clean renewable energy field. Where we have to go eventually anyway. It shouldn't be us against you. We all want that same things that all Americans and all human beings want. We all want to earn a living, own property that can't be ruined or taken away by a cooperation for their profit. We want good health and clean air, clean water. We want to safe in our homes when we light candles at night. The industry only understands divide and conquer and when they can make it you against us, they win.

So I urge everyone in this room to think about this and find ways to work together and figure out how to meet our energy and employment needs in a way that makes sense. In the end, we only have one Lebanon County, one Pennsylvania, one United States and planet where we all need to live. We should all be working hard, really hard together to ensure that our kids and their future generations will all be able to live theirs too. Thank you (5942)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**378. COMMENT**

Hello. My name is David Horn, H-O-R-N, 106 Arch Street, Edwardsville, Pennsylvania. And I'm here tonight with the Laborers Local 158, Heavy & Highway with members in 29 counties in Pennsylvania. I'm here to support the Mariner East II Chapter 102 and 105 Permit Applications. Our members are well trained professionals who have worked on many projects including pipeline. And I want to clarify one thing, we too care deeply about the environment. We enjoy the outdoors and the beauty that surround us. But we also care about safely providing energy today and in the future, and believe that that Mariner II will be able to do that.

Local 158 members have been building pipelines for more than 60 years. We build pipelines. And the safety of our members and the people with the pipeline affects is the cornerstone of all our training. Each year LIUNA trains about 150,000 workers and invests \$100 million in training. This includes pipelines specific instruction and certification. We are committed to keeping workers and the communities safe. In the last year, LIUNA helped more than a hundred pipeline operators build and maintain projects. And we are enthusiastic supporters modernizing our existing infrastructure --- pipeline infrastructure.

The notion that we don't care about the environment or the impact that the pipelines have is completely not true. This pipeline will be built by using union companies with member who live here in Pennsylvania. That's your brothers, your sisters, your aunts and uncles and your neighbors, who will have a part in building this pipeline, and they care deeply about the land that they hunt on, fish on, camp and hike on. And will take every precaution to preserve its natural beauty. To imply that it is either the environment or a natural gas pipeline is wrong on so many levels. With the technology and engineering advancements, training and quality of materials used today, we are fortunate. We don't have to make a choice between providing safe, clean, affordable and locally produced energy and protect the environment. We can do both.

I absolutely support the Mariner East II, and asked the DEP to approve the permits. Thank you. (29802)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**379. COMMENT**

Good evening. My name is Charles Clark, C-L-A-R-K-E. I'm from 105 83rd Street in Lebanon, Pennsylvania. And I speak on behalf of my fellow brothers and sisters, LIUNA Local 158, Heavy & Highway. I came to support the Sunoco Logistic Mariner East II Pipeline Project and their Chapter 102 and 105 Permit Applications.

Pipelines throughout the region transfer natural gas in a way that minimize the effect on the environment. And while other forms of transportation are possible, according to the U.S. Department of Transportation's Pipeline and Hazardous Material Safety Administration, pipelines are the safest mode of transporting energy resources. These resources are critical for countless consumer needs like manufacturing, winter heating and vehicle fuel. Domestic energy production is both crucial from a national security and economic perspective. But we must also ensure that pipeline infrastructure is developed with a safe, efficient transport of those resources as well.

This project is committed to use local union workers who have received the most advanced training in safety procedures and other operational accident protocols to prevent negative impacts to the property and environment. Additionally, the Mariner East II Project will be built with the highest standards for environmental safety, create jobs that provide living wages and provide home-grown necessary resources for Pennsylvania.

Laborers International Union of North America is one of the most diverse and successful unions representing workers in the electrical and construction industry. Our members live throughout the communities in Pennsylvania, and are at the forefront providing highly-skilled workers for rebuilding and maintaining Pennsylvania infrastructure, highways, bridges and gas pipelines, as well as other sectors in the heavy construction industry. Furthermore, our members and their families breathe the same air, drink the same water, and enjoy the same outdoors in the communities of the proposed project. They have a vested interest to provide safe practices in order to maintain the high quality of life we all long for.

And in closing, I would request DEP approve without delay the Sunoco Logistics Mariner East II Project. Thank you. (29803)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**380. COMMENT**

Good evening. My name is Jacob Hyder. I live at 3077 South Main Street, Hanover Township, PA. My name is Jacob Hyder, and I proudly represent hard working men and women of the Laborers International Union of North American, LIUNA. Many of our members are residents of Pennsylvania. And I am proud to report that some them have joined us tonight. I'm here to professionally and personally ask you for your support of the Mariner East II Pipeline Project.

If approved the Mariner East II project is expected to create as many as 30,000 new jobs during the construction phase. Those jobs, which will include everything from skilled laborers, site managers, equipment specialists and inspectors, will be filled by men and women across the state's region.

For more than 110 years, LIUNA has helped ensure projects of this caliber to draw local workers who are committed ensure a safe and successful completion. The Mariner East II Project will help put Pennsylvania's most capable men and women to work. LIUNA represents more than 25,000 hardworking men and women across the Commonwealth of Pennsylvania. We support all of the above energy strategy, which includes the expansion

and upgrade of our nation's pipeline infrastructure and safe, responsible natural gas development as a bridge tool to renewable energy.

In addition to providing much need jobs to our area, this pipeline infrastructure is yet another step towards America's energy independence, allowing us to become less reliant on energy from hostile nations and strengthening our national security. Like all of us here, our membership is committed to the same safety and integrity of this project. Many of the men and women who will fill the jobs created are from this very area and are proudly calling Pennsylvania home. As much as anyone, they have a duty to ensure the pipeline is constructed in a way that ensures the beauty and value of the land, local communities and surrounding environments.

Along with my LIUNA brothers and sister, I humbly ask for your support of the Mariner East II Pipeline Project. Thank you. (29804)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**381. COMMENT**

Good evening, and thank you for allowing me to speak here tonight. My name is Rich Wiaterowski, W-I-A-T-E-R-O-W-S-K-I. And I'm a member of the Laborers Local Union 158. I'm here tonight to show support of Mariner East Pipeline Project. I plan to keep it simple. Currently there is gas infrastructure in our state. You would think people would be thrilled about the new safe infrastructure, job opportunities, which have created millions of man hours for members and economic development. Let's face it, I didn't see any pedal bikes in the parking lot tonight. We all need this energy and it needs to be done safely by professionals, which it will by LIUNA members and all of the tradesmen. Thank you. (29805)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**382. COMMENT**

My name is Ellen Gerhart, G-E-R-H-A-R-T. I live in Huntington, Pennsylvania. And you have all my information from my previous comments. I grew up in a small town near Pittsburgh. Both my grandfathers, all of my uncles and my father worked in the many steel mills that lined the Ohio River. My father not only was a member of the IBEW and the USWA, he was member of the negotiating team. I am a retired member of the PSEA and NEA. I understand and respect unions and what they have done historically for workers' rights. My grievance is not with the unions.

As a property owner in Pennsylvania, however, I have serious issues with a pipeline company from Texas coming to Pennsylvania and forcibly taking property through eminent domain. Sunoco Logistics' despite what they claim is using the threat of eminent domain across the state. We, along with many others, are currently fighting this forcible taking of our private property in the courts.

You, as Pennsylvania union workers, do not have to be part of land grab. Sunoco claims that thousands of jobs would be generated by installing these new pipelines. Any construction jobs generated by the Mariner East II, a/k/a Pennsylvania Pipeline Project, are short term

only. These jobs are not sustainable. They will not be there for you down the line, let alone be available for your children or grandchildren. Fossil fuels are dead.

The only jobs which will be long term are jobs maintaining and repairing the existing infrastructure that more than meets the needs of Pennsylvania. Repair and maintenance can go a long way in avoiding a catastrophe, such as the devastating pipeline explosion in Westmoreland County. Although, that particular pipeline was not a Sunoco pipeline, Sunoco Logistics has the worst track record for violations and fines, even though they do not have the largest mileage of pipeline. Why would you want to support a Texas company and affect the environmental quality across Pennsylvania when you could instead make Pennsylvania safer through maintenance and repair? (5955)

**Response:**

The Department acknowledges the commentator's concern regarding this proposed pipeline project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**383. COMMENT**

DEP is also aware of Sunoco Logistics abysmal track record when it comes to safety violations. DEP has already levied fines against the company for the pollution of Turtle Creek in Western Pennsylvania. DEP has also fined the company for working without permits on the Mariner I. Given Sunoco's history of disregard for following regulations, DEP has strong grounds for refusing to issue a new Chapter 102 and 105 Permits. This should be a no brainer. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

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**384. COMMENT**

Sunoco's environmental evaluations failed on all levels. Their reports showed only half of the stream and one seventh of the wetlands that actually exist on our land. Onsite ecological testing for hydrologic soils, identification of indicated species of plants and animals, testing for pH and water quality of the ponds and streams was done by an ecological consulting firm hired at our own expense. We saw no one from Sunoco or DEP until after the right-of-way and temporary workspaces had been clearcut and the damage already done. I have a picture that I will submit to the DEP of some of the environmental devastation that took place on our private property. We are now asking the Army Corps of Engineers for a jurisdictional determination review of our property. Again, union workers and DEP do not need to part of this illegal and immoral power play by Sunoco. You have the power to say no. Thank you. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

**385. COMMENT**

Last February, the Department of Environmental --- sorry, DEP Secretary John Quigley noted that DEP did not have enough staff to meet the needs of any of its programs. Our local county conservation district does good work, but we wonder what influence the \$50,000 Sunoco recently donated to the district's Agricultural Land Preservation Board might have on their actions. (29806)

**Response:**

The Department acknowledges the comment.

**386. COMMENT**

My name is Ed Braukus, B-R-A-U-K-U-S, 68 Wiggan Street, W-I-G-G-A-N, Philadelphia, Pennsylvania. I am a representative of the International Brotherhood of Electrical Workers, Local 743, located in Reading, PA. I'm here on behalf of all the journeyman and apprentice electricians who live and work in Lancaster, Berks, Schuylkill, Chester and Lebanon Counties to speak in favor of the Mariner East Pipeline, and ask that the DEP grant the Chapter 105 Permit for this project.

Our members live right here in the community that house these facilities. They depend on projects like this to bring billions of dollars' worth of work that will result in the ability to earn a decent living. I must say of the passionate efforts of those who have spoken in opposition of this project that we are by no means enemies. Most of our members, including myself, see ourselves as outdoorsman. We want to make sure that every effort is made to protect our natural resources. As a matter of fact, Locust Creek is one of my favorite trout fishing spots located on state game lands runs over pipeline.

That is why as a representative of Local 743, I can assure you that the work done on this project will be performed by some of the most skilled and safety conscious craftsman in the country, if not in the world. These projects, themselves, maintain the strictest specifications and requirements of any job we do. I'm not a scientist or an engineer, but I'm a person who knows the skills and pride of these tradesman working on this project. I feels it's the safest and most efficient method of transporting product to market.

Every day trains are loaded with final product in the capacity to feed the new 209-room motel, arena, residential neighborhood and a city downtown full of thousands of workers. These trains pass through our forests and over our streams and rivers. Anything from a distracted driver, to a washed-out track can lead to disaster. We have thousands of the miles of pipeline right under our feet in Pennsylvania, and most of us would never even know it. In my area the pipeline are some of the best places to find game turkey grazing, if you're lucky, you may catch one.

Since the mass of natural gas is at point A and supply is at point B, we must come up with the safest most reliable efficient avenue to get between those points. I believe the Mariner East Pipeline is that avenue. And again, ask that you approve the Chapter 105 Permit, thank you. (29807)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**387. COMMENT**

My name is Jerry Ryan. I live at 11480, Blue Mountain, Arkansas, representing Ironworkers Local 798, with over 6,000 members that work across the entire United States. Skilled pipeline welders, journeymen and helpers. Many, in fact, residing in Pennsylvania and the States of West Virginia and Ohio, all touched by the Mariner Project.

Mariner East II Pipeline will be built using the highest strength quality steel pipe, along with modern fusion bonded epoxy coating. Pipelines built today have an unlimited lifespan. The skill of the Ironworkers Local 798 will build Mariner East II using 100 percent x-ray, along with hydrostatic testing to ensure the integrity of the pipeline. Horizontal directional drilling, or HDD, will leave waterways, wetlands and environmentally sensitive areas untouched.

Placed in service, Mariner East II will become a safe, unseen, sound means of transporting pipeline liquids, returned back to the public in many forms, propane being just one, used almost in every area. Mariner East II provides for these homes and businesses.

In closing, I urge the Department of Environmental Protection to approve the permits for Mariner East II and allow construction to begin. On one other note, I'd like to state that I drove a natural gas powered pickup to the meeting. Thank you for allowing me to speak. (29693)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**388. COMMENT**

Thank you. My name is Kevin Sunday, K-E-V-I-N S-U-N-D-A-Y. I am the Director Government Affairs for the Pennsylvania Chamber of Business and Industry. We're the largest broad-based business advocacy association in the state. I'm here tonight to urge the DEP to issue the 102 and 105 Permits to the Pennsylvania Pipeline Project also known as Mariner East. As the application material shows the construction of the project will be vital for continued growth to Pennsylvania's economy in a manner that is sufficiently protective of the Commonwealth's environmental resources and the public, and will be constructed and operated in compliance with the state's robust regulatory framework for water and wetland resources. I urge you to approve this project.

The Mariner East project will be built with 75,000 tons of steel that rolled out of U.S. mills and is coated at Pennsylvania companies for \$4.2-billion investment in the state. It will bring thousands of construction jobs and hundreds of manufacturing jobs across the state, both for the infrastructure and equipment needed to build the pipeline and in the processing and refining of various natural gas liquids to be used in a variety of manufacturing processes.

In particular, the construction of the Mariner East Project is necessary to securing southeast Pennsylvania's role as an energy hub focused on the refinement and processing of natural gas liquids and the associated manufacturing opportunities that will be brought with it. The project will also support continued exploration and production of natural gases in rural Pennsylvania.

In recent years the expanded exploration and production of Marcellus Shale have led to the significant in environmental and economic gains, but there remains a significant lack of infrastructure that's limiting our potential to grow our economy and energy security. Additional pipeline investments such as this project would support valuable high-paying jobs, encourage a stable affordable supply of gas and make sure we have a diverse energy supply for home heating, power generation and manufacturing. The increased use and supply of natural gas will also help Pennsylvania maintain compliance with the Federal National Ambient Air Quality Standards and help us continue to expand projects that the state initiated in the past ten years in reducing all NAAQS criteria pollutants.

The proposed permit conditions outlined in the application are appropriate, satisfy necessary regulatory criteria and are sufficiently protective of the environment and the public. The proposed project will consists of a number of components that are necessary to ensure the safe and proper operation including compliance with federal pipeline safety standards, regular leak and erosion detection and a robust ongoing public safety outreach campaign.

The application also describes how Sunoco has taken great strides to reduce impact to environmentally sensitive areas, including minimizing, to the greatest extent possible, activities outside of the existing right-of-ways or within or near wetlands and waterways. The project application also identifies appropriate best management practices that will avoid, minimize and/or mitigate earth disturbance, erosion, soil runoff, thermal impacts, riparian buffers and wetland impacts. Most of these impacts are temporary in nature and the BMPs identified will allow the project to proceed in a manner that is complaint with, if not exceeding, the state's robust regulatory framework. For the reasons, the PA Chamber urges DEP to issue these permits. Thank you. (29808)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**389. COMMENT**

Good evening. My name is Darrin Foulk, F-O-U-L-K, from Marshall Township, Allegheny County. And I'm here to speak in support of the Mariner East II Project. I'm the Vice President of the Cleveland Brothers Caterpillar. We're a Pennsylvania based family-owned business established in 1948. We operate in 25 locations and serve over 50 - 59 Pennsylvania counties and we employ over 1,300 employees. We sell, rent and service construction equipment made by Caterpillar and other manufactures to contractors throughout Pennsylvania who build roads, public works buildings and energy facilities, including the production of Marcellus Shale and the energy processing, transportation, storage complexes and the pipelines that connect them.

Our company has close and longstanding relationships with pipeline contractors operating throughout our state, including many of those who are going to be involved in this project. We provide them with the best equipment available with respect to productivity, reliability, emissions control and minimal land disturbance.

Our pipeline contractor customers are known for employing best practices in construction including earth moving, material handling and land restoration. We provide them 24/7 support to ensure that the projects will not be delayed, due to equipment downtime.

This project will support hundreds of jobs in our company at a time when the ongoing downturn of Pennsylvania's energy production is threatening our jobs and the livelihoods of our families. Also at stake are the jobs of many of thousands of workers that support the productions of natural gas in the shale formations of Pennsylvania. They cannot produce what cannot be transported due to the lack of pipeline capacity.

The Mariner East II project will go a long way to help alleviate that restraint. Because of all the construction and energy production activities this pipeline will enable, communities throughout Pennsylvania will benefit from workers' incomes earned and spent locally, the resulting tax and local taxes paid by the them and their employers will support the public education, environmental programs, infrastructure, public safety, and other state and local government operations. Pennsylvania's economy as a whole, will benefit tremendously from this project.

I'd like to thank you for giving me the opportunity to express my views on why this is so important to so many people. (5974)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**390. COMMENT**

Thank you, gentleman. My name is Phil Stober. I own and operate Bare Foot Organics, which is USDA certified organic farming operation here in West Cornwall Township, Lebanon County. So you can probably guess which side of this argument I'm going to be on. The enthusiastic arguments of Dave and Charles and Jacob and the Local 158 and our other friends from the industry here notwithstanding, the countless jobs and the millions of dollars to be pumped into our economy ignore the real cost associated with these countless jobs and all of the income.

The oil and gas company cheerleaders always tell the economic benefits of these projects since economic success is always going to be the only measure by which these companies and their shareholders evaluate progress. Social and environmental responsibility and its costs or the costs associated with these projects are greatly underestimated or often ignored altogether. What about resource conservation, sustainability and pollution prevention?

As a starting point, I am highly dubious of the number of permanent jobs and the real economic impact from these pipelines as you compare the magnitude of the environmental and societal repercussions these projects will have on our region. The jobs associated have been grossly overestimated and they are not permanent jobs.

In 40 to 50 years, when all of the oil and gas is extracted from the ground and Pennsylvania has to contend with thousands of abandoned well heads, tens of thousands of miles of empty pipe running pipelines and the last vestiges of once virgin forest and farmland, what economic impact is realized? How do you put a price on the priceless? How will it be restored? Who will pay for that? We know payment has many forms. And the cost benefit analysis that many of these companies use is ridiculous. The process of reducing life, health and the natural world to monetary values, it inherently flawed. How does one put a cost on human health, wellbeing, the environment, quality of life?

Although, hard to grasp for most people, these esoteric costs can't be calculated and they are every bit impactful to me and my organic farming operation, my livelihood as the real hard cost of extra visits to the doctors because of asthma, COPD, cancer, you name it, and other afflictions caused by polluted air, soil and water, not to mention the millions of dollars in damage to infrastructure, roads, bridges, homes we, the taxpayers of Lebanon County, will have to contend with after a major pipeline explosion or an oil spill, because they always do.

I would much prefer investments in sustainable alternative energy of the 21st century. Curtailing the use of 19th Century exploiting and destructive energy and stopping the pipelines altogether is my wish. As a business owner who relies on clean air, healthy soil and chemical free water, I can't think of anything more important. Please, do what you can to curtail the exploitation of our land in this project.

I urge you to take your name seriously, you are the Department of Environmental Protection. Thank you, very much. (29809)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### 391. COMMENT

My name is Michael Schroeder, S-C-H-R-O-E-D-E-R. I live in Annville Township, here in Lebanon County. I'd like to address four sets of lies or at least, at best, misrepresentations or distortions about what's going on here.

The first, is based on the article that appears in the Lebanon Daily News today wherein it is reported that natural gas burns twice as clean as high carbon energy sources. That part is true, but you and the DEP know that part of natural --- the largest part of natural gas is methane. And study after study after study has shown in recent years, you know this, you have scientists at DEP who review the scientific literature, that CH<sub>4</sub>, methane, leaks like a sieve, one, two, three, five percent from the well and well head and from pipelines. And the whole country has seen a spike in methane, which is 80 times more potent than greenhouse gas and CO<sub>2</sub>. So we need to add another chemical to our lexicon, which is CH<sub>4</sub>, which is 80 times more potent than the greenhouse gas. That's like number one. Natural gas is not a bridge fuel. (29810)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### 392. COMMENT

The third lie has to do with organized labor, which I fully support. I'm a historian by trade. I've studied it and there's a history of organized labor from the 19th century up to the present day. I'm completely behind organized labor. And I'd like to ask the brothers and sisters of the unions to think about your futures, because fossil fuels are a dead end. There are plenty of jobs. Right now we're at the inflection point where the oil and gas industry is declining and alternative forms of energy, solar, wind and geothermal and others, those are other good paying family supporting jobs. So I'm fully in support of labor unions and your struggle to develop a livelihood and to support your families, but I would submit to you that this is a dead-end. And the notion that your interests are aligned with the interests of the oil and gas companies, I would submit to you is fundamentally misplaced. And I ask you to rethink that. (29810)

#### **Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

### 393. COMMENT

Fourth and finally, I'd like to address, as other folks have, the Department of Environmental Protection, your mission statement, told you is it your job of protecting the environment. We all know that the DEP was gutted under the Corbett administration. Right now, I've heard DEP described as dysfunctional, because you're so gutted out, so I ask you to adhere to your mission statement and to the constitution of Pennsylvania. So for all those reasons, I also urge you consider the cumulative impacts, as other folks have mentioned, and I urge you to reject the permit application. (29810)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**394. COMMENT**

My name is John Hudson, H-U-D-S-O-N. I represent the Teamsters Union here Lancaster and Altoona and all through here. I'm here to speak on behalf of the pipeline project. If I could have a wish sitting here, what I'd wish is I would wish that everybody out here that hasn't worked on a pipeline to come out and see what we do on the pipelines and how we go not the extra mile, but the extra ten miles, trying to make these things environmentally safe and we do everything we can to protect the environment. That's what we took our training for. Look at these guys, there's a hundred years of experience sitting here building pipelines.

You know, we used to be a society when we started out we ended up in caves and we were burning wood and everything that went everywhere and then we progressed and we had stoves and things. And now we have progressed to a society where we can come to a place like this and meet, because we have pipelines bringing us the natural gas and things to the power plants that heat things. Every time we put in a natural gas pipeline, we replace it with coal --- or replace the coal pipeline or we replace heating oil and things, we are helping the environment by 30 times what you would have left it like it was.

I have worked on pipelines myself personally for 40-some years. I have never seen in my life, a wetland that wasn't put back just exactly like it was. I challenge anybody in here to show me a wetland or stream or something that wasn't put back just exactly like it was before, and most of the time better than what is was before. We monitor these things. When we leave the pipeline, it is continually monitored to see everything that's going on. The lady that spoke, oh, there's no full-time jobs. Pipelining is a job that we start to finish. I mean, there are temporary jobs on this, but there are also a lot of full time jobs that are available after this pipeline is in.

Again, I'd just like to say, anybody that hasn't worked on a pipeline, if we're lucky enough that this goes through, I want you to go out and look at some of these streams and wet places and things and how we do it. We go above and beyond what the specifications say and what we are asked because we live in these communities and we're going to be drinking the same water that everybody else drinks and we want it safe for our kids and our grandkids.

And again, the environmental thing is a big picture here, and we can save by using the natural gas, cut out a coal-fired plant, look at what we do for entire environment. We have a volcano that goes off in Washington State, it affects us all. And this affects us all too. If we can cut down on things here, it helps us nationwide. Thank you. (29811)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**395. COMMENT**

Good evening. My name is Jeff Logan. My address is 514 Woodcrest Drive, Mechanicsburg, Pennsylvania. I serve as the President of the Pennsylvania Chemical Industry Council, PCIC for short. With revenues of over \$22 billion, Pennsylvania Chemical Industry Council members companies work to solve some of the biggest challenges facing the nation and world.

I am proud to stand and support one of our members, which is Sunoco Logistics, as the Pennsylvania based company moves forward with its multi-billion dollar estimated transformational energy construction project.

The chemical industry in Pennsylvania is the fourth largest manufacturing industry in the state and is responsible for approximately 41,000 direct jobs and another 50,000 indirect and support positions. These are good paying jobs. The average salary is \$88,000 a year. In addition, the industry also generates more than a billion dollars annually in federal and state and local taxes.

To ensure the chemical industries continued growth in Pennsylvania and the region, manufacturers need to be assured that they can leverage local energy supplies as their competitive edge. To do so requires investments in new energy infrastructure projects like the Sunoco Mariner East II Project. The \$3 billion total investment in the Mariner East Projects I and II is one of the largest private investments that our Commonwealth has ever seen.

This investment is projected to create 15,000 jobs, generate \$62 billion in taxes over a two-year construction period and support at least 300 to 450 permanent jobs and contribute \$100 million annually in the Pennsylvania's economy. The company has also purchased American made steel for the more than 500 combined miles of natural gas liquid pipeline. The long-term benefits and possibilities are tremendous as well.

Moving natural gas liquids from Eastern Ohio, Northern West Virginia and Western Pennsylvania across the Commonwealth ensures that we will not become just another source of raw materials for the well-established petrochemical industries in the Gulf Coast and Canada.

Furthermore, what was once on the verge of becoming an 800-acre barren field site at the former Marcus Hook refinery is now the home of what is becoming a state of the art natural gas liquids storing and processing and distribution facility that is breathing new life into our community and the region as a whole.

PCIC is excited about the prospects for growth, thanks to affordable and reliable energy supply. However, the continued development and growth in Pennsylvania's chemical industry depends on our natural gas infrastructure to transport natural gas resources safely and efficiently from the source to market. The Mariner East II project is an important step in developing our energy infrastructure and the project stands to carry with it a host of direct and indirect benefits to Pennsylvania, especially with manufacturing in the chemical industry.

The members of the Pennsylvania Chemical Industry Council strongly urge the approval of the Sunoco Logistics Mariner East II Project permit applications. Thank you. (5970)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**396. COMMENT**

Okay. Good evening. My name is Stephanie Wissman and I am the Executive Director of API-Pennsylvania. API-PA is a division of the American Petroleum Institute, which represents all segments of America's oil and natural gas industry. Its more than 650 members produce, process and distribute most of the nation's energy. The industry also supports 9.8 million U.S. jobs and eight percent of the U.S. economy.

The U.S. Energy Information Administration recently announced that fossil fuels have supplied at least 80 percent of the world's energy since the 1900s and will continue to do so for decades to come. In particular, the tremendous supply of natural gas and associated natural gas liquids, such as ethane and propane, is driving economic and job growth in the industrial sector. Knowing that, it's important that we continue to support the development of pipeline infrastructure which delivers affordable energy and vital products to people across the country and here in Pennsylvania.

Sunoco Logistics' Mariner East II is one of those important pipeline projects and will transport NGLs from Eastern Ohio and Southwestern Pennsylvania to the Marcus Hook Industrial Complex outside of Philadelphia. NGLs can supply heat during the winter, are used to power homes and businesses and most importantly, provide a fuel source and feedstock for Pennsylvania's manufacturing industry. The manufacturing sectors that rely on NGLs include chemicals, metals, glass, food processing, plastics, fibers, adhesives, coatings, cleaning agents and many others.

High industry standards are a critical part of the API mission. For more than 90 years we have taken our industry's collective wisdom on everything from drill bits to environmental protection to embrace proven, sound engineering and operating practices and safe interchangeable equipment and materials. We believe safety and environmental protection go hand in hand with industry operations.

A barrel of crude oil or petroleum product shipped by pipeline reaches its destination safely more than 99.999 percent of the time. Pipeline companies take active steps to ensure that health, safety, security and environmental concerns are addressed throughout the planning, construction and operational phases of pipeline operations. Pipeline companies work to prevent releases by evaluating, inspecting and maintaining pipelines in a program called integrity management. Integrity management programs have produced decreases in incidents attributed to every major cause of failure. Pipeline companies together fund millions of dollars worth of research into new inspection technologies and spend billions on safety each year.

According to the eConsult Economic Impact Report, the Mariner East Projects have the potential to generate \$4.2 billion to the Pennsylvania economy and generate \$62,000,000 in tax revenues for the state. In addition, the projects are expected to support 30,000 jobs during construction and once completed, 300 to 400 permanent jobs. And with all the steel being sourced domestically and coated right here in Pennsylvania, these economic and employment benefits are already being realized.

The Mariner East II Project will provide significant benefits to the state, and we recommend that DEP grant them their final permits to start construction. Thank you. (29812)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**397. COMMENT**

Good evening. My name is Abe Amoros. I'm the Pennsylvania Legislative Director for the Laborers' International Union of North America. And as a proud member, I stand here to voice my support for the Mariner East Pipeline. This project will be constructed and operated safely and in an environmentally-sound way, all to benefit our communities, businesses and workers.

For over a century, LIUNA has been a voice for the hard-working men and women of America, ensuring a right to obtain safe, living-wage jobs. Projects like Mariner East are lifelines for our community, helping to build lifelong careers for our members as well. We represent more than 18,000 members in Pennsylvania. So for them these projects aren't just pipelines, they're also lifelines for families sustaining jobs. Because of their advanced skills and training, our workers have the knowledge and experience to build this project safely and with minimal impact on the environment and communities. In fact, our workers are already hard at working building those pipelines in Pennsylvania, making sure they're developed safely and responsibly.

This project will create another 30,100 direct and indirect jobs during the construction phase, using union labor and approximately 300 to 400 permanent positions throughout the Commonwealth. During construction our laborers patronize restaurants, retailers and other local businesses providing ancillary benefits and additional sources of income to the local communities.

Now, we all understand that many have expressed concerns about this project. But study after study has shown that pipelines are the safest, most efficient form of transportation for energy resources. And Sunoco has been moving products safely for more than 75 years. Mariner East II will be a state-of-the-art facility using the most advanced, technical safety

and monitoring equipment available and will be done in an environmentally-sound way. That's because Sunoco has committed to working with unions like LIUNA to ensure the work is done properly the first time. They know that our skilled trades ensure compliance and a safe workplace, and are committed to operate with minimal destruction or impact to landowners and the environment.

This is our back yard too, folks. And we are certainly committed to caring for it for our families. Again, I believe this project can be constructed and operated safely with minimal environmental impacts while providing tremendous benefits for Pennsylvania, this region, communities around it. And all those across the state will support the development and maintenance of its related assets. For these reasons the Laborers' support this project and urge DEP's support of the permits. Thank you. (29801)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**398. COMMENT**

Good evening. My name is Patrick Henderson, P-A-T-R-I-C-K, H-E-N-D-E-R-S-O-N. And I serve as Director of Regulatory Affairs for the Marcellus Shale Coalition. The Coalition represents over 200 member companies involved in all facets of safely producing and transporting Pennsylvania's unconventional and natural gas resources. The MSC appreciates the opportunity to comment on and lend its strong support for the Department's issuance of the Chapter 102 and 105 permits submitted by Sunoco Logistics for its Mariner II East Phase II Pipeline. As DEP knows, much of the proposed corridor for Mariner East Phase II will follow the existing Mariner East Pipeline, which will greatly mitigate and minimize impacts on existing landowners.

Pipelines have been demonstrated to be the safest means of transporting energy resources from the areas of production to the areas of use. Our Commonwealth and nation have seen a significant and historic increase in shale gas production over the last decade, as producers tap resources that previously were limited due to economic or technological considerations. This tremendous increase in production, which has seen Pennsylvania climb to become the second largest natural gas producer in the nation, has had a significant, positive economic impact among consumers, created and retained tens of thousands of jobs, contributed to significant enhancements of our air quality and lessened our dependence on foreign energy resources at a time of growing geopolitical instability.

As the Department knows, significant data and information has been submitted to support the issuance of these permits. The MSC commends the Department for making this information readily available for public consumption. As the information demonstrates, comprehensive environmental assessment forms have been submitted to correspond with each earth disturbance or stream or wetland crossing. These assessments prepared by qualified and experienced environmental consultants identify the resources potentially impacted and the significant steps that Sunoco Logistics has and will undertake throughout this process to avoid or mitigate any such impacts. For example, here in Dauphin County, a licensed professional engineer has submitted a sealed risk assessment that attests that no public property or land uses will be adversely affected from earth disturbances associated with this project. Likewise, the cumulative impact reports submitted to both DEP and the U.S. Army Corps of Engineers attests that there will be no permanent impacts to waterways or wetlands, and limited temporary impacts during the construction phase of the project.

Pennsylvania's Chapters 102 and 105 permitting criteria are among the highest in the nation. The design, construction, inspection and monitoring requirements included in each of the permitting regimes all help to ensure that Pennsylvania's water resources and all those who depend upon them are protected.

Approval of these permits and continued forward movement on the Mariner East Project are critical to fully realizing many of the positive economic, environmental and energy security benefits of domestic shale gas production. All told, Mariner East Phase II will invest more than \$3,000,000,000 of private capital into the Commonwealth's economy, supporting over 30,000 jobs throughout the construction phase. Long-term benefits will yield nearly 400 permanent jobs and infuse over \$100,000,000 annually into our economy. Sunoco Logistics is committed to constructing and operating this project with the highest consideration for protecting our Commonwealth's natural resources. The MSC urges DEP's favorable consideration of these important permits. Thank you for your consideration in these comments. (29813)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**399. COMMENT**

Good evening. My name is Kim Van Fleet, K-I-M, capital V, A-N, capital F, L-E-E-T. And I'm a resident of Lower Frankford Township, Cumberland County. First and foremost, this is not about the pipeline jobs for members of the audience, nor union workers. It's about Sunoco's 105 permit application to DEP. (5983)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**400. COMMENT**

Wendi, W-E-N-D-I. Taylor, T-A-Y-L-O-R. I live in Cumberland County. Thank you for the opportunity to offer comments on the permits pending on Mariner East II Pipeline Project. This pipeline project is the second wave of the natural gas boom in Pennsylvania. The first wave was the construction of fracking wells and pressure stations and access routes. Between the fracking infrastructure and the pipeline project, the natural gas industry has managed to affect almost all of Pennsylvania.

During your hearings you will hear from people who understand the specific requirements necessary for securing Chapter 102 and 105 permits and why this pipeline does not meet the standards. Others will talk about health consequences and the negative effect that the pipelines will have on property owners and communities. All of these are valid.

However, I oppose this project because it's the wrong time to build a pipeline. The whole world is joining forces to wean itself from fossil fuels in an effort to save the people living on this planet from life-altering effects of global warming and climate change. You may not feel the pressure to address global warming right now, but that time is coming. As the cost of extreme weather events mount up, losses from wildfires, floods, heatwaves, hurricanes and droughts, the people will demand that government stop the loss of life and property.

This proposal directly conflicts with the need to address climate change by lowering our carbon emissions. Not only will this project contribute to global warming, it will increase the impact that flooding will have as a result of climate change. As the home of three major river basins, Pennsylvania is particularly susceptible to flooding. And we need more natural wetlands and more natural buffers around our streams and rivers to help protect our citizens from the loss of property and life from flooding.

Why would we allow a corporation to spend \$3,000,000,000 on a pipeline that we will probably not allow them to use in the next ten years? As the effect of climate change causes more misery, the public will demand all development of fossil fuels stop. When that happens, the industry will ask, why did you let us build these pipelines if you weren't going to let us use them? That is why we need to reject these pipelines now.

Sunoco is seeking permission to build a pipeline that will cut through 350 miles of Pennsylvania, 17 counties, affect 2,700 private property owners, across 581 wetlands and 1,227 streams. And this is only one of the many pipelines that are planned for Pennsylvania. We need to take into account cumulative effects of all the pipelines being proposed and what effect it will have on our drinking water, on our public land and on our landowners.

The Mariner East II Pipeline plans to go through neighborhoods, business districts, farmlands, a route that was determined way before the boom from World War II. So what was wide open spaces 80 years ago are now trailer parks, farms, back yards, business districts, orchards and old-growth forests. this is the wrong time to be doing this project. Thank you. (11560)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**401. COMMENT**

Good evening. My name is Ross Stephens and I'm a Pennsylvania resident and Operating Engineers ---. Sorry, let me start over. Good evening, my name is Ross Stephens. I'm a Pennsylvania resident and member of Operating Engineers Local 542. I'm here tonight to tell you why I, along with my operating engineers and other union brothers, support the Mariner East II Pipeline Project.

First, you should know, Sunoco has committed to using union members exclusively on this project. This means Mariner East will be built by IUOE members right here in Pennsylvania. We have more than 6,000 members spread across Eastern Pennsylvania and Delaware. And I can tell you, we have provided the trained and qualified workers that helped build the state's economy over a century. We take a lot of pride in our role in developing Pennsylvania because this is also our home. Secondly, our involvement ensures a safe, quality installation. Our members' paychecks depend on it, as does our future work on similar projects. And speaking of paychecks, the incomes our members receive for this project, not to mention all future projects that will come as a result of this influx of low-cost energy along the Mariner East II Project, will continue to lead to spending and economic activity that will resonate through our local communities and economy for years to come. I myself have worked on many pipeline projects over the last 15 years and have become a homeowner and I'm currently raising a family due to these wages.

A big part of ensuring environmental safety on pipeline projects means making sure they are staffed by an experienced workforce. Mariner East's intent is to complete this project following state-of-the-art standards, using the highest quality components, most of which will be produced in the United States. The pipeline industry is one of the safest industries our members work in. Both the contractors and owners place a high priority on quality work, safety and respect for the environment they're working in.

For landowners, insisting on local workers for this project injects yet another layer of value and assurance the job is done right. Be assured, neighbors, that we expect and maintain the highest standards of quality, workmanship and loyalty. We will not let you down.

I urge you to consider the thousands of hard-working Americans who will have access to lower energy costs and quality careers because of this pipeline. And I urge you to approve the environmental permits necessary to allow this project to move forward. Thank you very much. (29814)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**402. COMMENT**

Good evening, John. I'm Jay Cleveland, with Cleveland Brothers Equipment Company. I'm president and CEO. We're a CAT dealer. We service 59 counties in Pennsylvania. We have 25 locations throughout the Commonwealth, stretching from the northeast corner all the way to the southeast and all through the center of the state. We employ over 1,250 people. Well, we sell, rent and service construction equipment and engines made by Caterpillar and other manufacturers to the pipeline contractors in Pennsylvania. Since the Marcellus Shale and Utica Shale natural gas opportunity has been developed here in Pennsylvania, it has allowed us to hire 350 people over the last five years. It is down a hundred this year just because of the delay in some of the permitting process here in Pennsylvania. And it could go further, if things don't start to move.

So the five ---. We do have longstanding relationships with all the pipeline contractors and we have supported them for decades. The five pipeline companies that will be doing work along this project are well-known. They're also well-known for the best practices in all construction phases and also using the newest technology. Some of it has been displayed out here in the lobby with the directional drilling to get through the streams or under the streams, as well as land restoration, which they take great pride in. They want to leave this land better than it was when they first arrived, at least once we get done with it.

We've also earmarked hundreds of millions of dollars to support these projects, well north of \$200,000,000, whether in equipment, facilities or people. And we need to get that to work now. So this project will support hundreds of jobs in my company, and you've already heard thousands in Pennsylvania.

So because of this, we are in support of this project. We as a state need to spend more time embracing this opportunity that shale gas has given us and what it can mean for Pennsylvania. This should be about clean energy production and jobs, jobs, jobs for Pennsylvania. I want to thank DEP for hosting us this evening. Thank you, sir. (29695)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### **403. COMMENT**

I want to thank you for giving me the opportunity to speak here tonight. My name is Bill Eavenson. I'm a union steward on pipeline construction. I've been working pipelines since 1985. I'm quite familiar with the process and what takes place. You know, I've been to a couple of these hearings and I've heard, you know, different landowners talk about, you know, they feel violated because the land's being taken from them. I'm sure that the landowners have had land that the turnpikes and interstates felt the same way, you know. Where would we be without the interstates and turnpikes? It would take us six hours to get to Philadelphia. Now it takes an hour and a half.

I just feel as if, you know, the pipeline is a good thing for Pennsylvania and a lot of jobs will be created. A lot of people talk about temporary jobs and, you know, it won't create a lot of full-time positions. Well, you know, all these laborers and teamsters, we all work on temporary jobs every year. You know, we make a lot of money working on temporary jobs. That's what we make our money from, you know.

And a guy was telling me a story about some landowners that he knew when he was a kid, that he went to meetings like this and the landowners were talking about all the different things that would happen if the power lines came through their property and put up towers. And, you know, it'd kill people and cause birth defects or animals would suffer from it. They wouldn't be able to grow crops. And all that stuff turned out to be untrue, you know. They're still able to use that land, they can still grow their crops.

And the same with the pipeline. And you'd still be able to hunt on it afterwards. You'd be able to grow your crops. You'd be able to hike on it, do whatever the landowners want to do with it.

You know, it's underneath the ground. And all the sensitive areas in which the pipeline will be going through, we all know, you know, who work on it about directional drilling. And it's a safe way to do it. It doesn't disrupt the land above it or the wetlands. And the gas companies go through millions and millions of dollars in training the laborers for Environmental Protection Agency or, you know, for environmental concerns. You know, they do a good job, you know, putting down silt fence and silt stocking to make sure that no contamination gets into the water.

And open cutting, it's just a slow process. They divert the water from one part of the stream to the other. And very little harm comes to streams. There's more damage that goes through streams from heavy rain falling through fields and farmland from the soil and the pesticides and stuff that's in there that would get into the water far more than what the cutting of the --- open cutting that the pipeline would do.

And I'm here to support Article 102 and 105 of the permits, and hope that you go forward with this so that we can get to work and get our temporary jobs, which are really our future. And we work temporary jobs every year, you know. And I've made a lot of money working on temporary jobs. I've worked temporary jobs, you know, three in one year and made all kinds of money. That's the way it is with us. We all work temporary jobs. And, you know,

they do it safely and I'm for the, you know, the permits being processed as soon as possible. Thank you. (29815)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**404. COMMENT**

My name is Ellen Gerhart and I am one of the affected landowners along the pipeline, so I would like to address that issue. We have 27 acres of land. Three of those acres are going to be --- well, not going to be, have been clear-cut for the Mariner East II Pipeline. Now, three acres might not seem like much, but these three acres contain a pond, stream and wetlands. Eminent domain allowed Sunoco to clear-cut the 50-foot right-of-way, and 150 foot by 250 foot temporary workspace, even though they have no water crossing and obstruction permits or soil erosion management permits to date. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**405. COMMENT**

So let's review. DEP is considering issuing permits to Sunoco Logistics, a company that has blatantly violated regulations at all levels, a company that has misrepresented information to DEP, a company that doesn't even have its application for Delaware County complete.

Last sentence. By its own admission, DEP has stated that it is understaffed, specifically in the area of permitting and oversight. Wouldn't it seem prudent to err on the side of caution and logic and refuse to issue permits to Sunoco Logistics? Thank you. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The applicant has satisfied the regulatory requirements for obtaining all applicable permits.

**406. COMMENT**

Thank you. My name is David Butterworth, B-U-T-T-E-R-W-O-R-T-H. I'm a business agent for Pipeliners Local 798. I would like to speak this evening about the quality, safety and training that Local 798 brings to the table during the construction of pipeline projects such as Mariner East II. I represent 6,000 welders, helpers and journeymen who live all over the United States. My jurisdiction runs from Maine to Virginia, and there are around a thousand of our members who live and work in this northeast jurisdiction. Local 798 has built most of the major pipelines that run across this nation, including the Alaska Pipeline, which was built in the 1970s. I would like to now talk about the quality of work and craftsmanship the Local 798 devotes to these projects. Our welder members must take a qualification test before they are allowed to weld on the pipeline. These qualification welds are destructively tested and if any imperfections are found in the weld, that member is not allowed to weld on the pipeline. If a member does pass the qualification test, he then has every weld he makes on the job x-rayed and reviewed by a level III x-ray technician who decides if the weld is acceptable and stands up to 1104 Code. In most places if a welder has three or more unacceptable welds, he will be removed from that project. With these standards in place, Local 798 welders are held under some of the strictest guidelines in the construction industry. And these are standards that we are proud to uphold.

Safety is also something that Local 798 holds of the utmost importance. Our contractors and the clients we work for have extensive safety programs that protect our workers and have policies in place to make sure that everyone goes home safe at the end of the day. When these pipelines are built, they are built by a collective group that understand that when we build a pipeline we must build it safe and everything else is secondary to that.

Training. Local 798 is home to the most of one of the most state-of-the-art training facilities in the country. We understand that we must keep up with the most current welding procedures in an ever-changing industry. Our facility has 52 welding booths and is equipped with a ten-ton overhead crane so our members can either brush up or learn new welding skills. The Local 798 training center is a testament to our dedication to providing our members with the best of the best when it comes to training so they can apply these latest technologies when pipelines are built now and in the future.

In closing, I would like to say the purpose of my speech is to show you who will be building this pipeline and to ensure you that it will be built with highly trained, skilled, safe American workers. I support this pipeline and look forward to seeing my people going to work on it. (6040)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**407. COMMENT**

Good evening. My name is Carl Marrara, I'm the Vice-President of Government Affairs for the Pennsylvania Manufacturing Association. We are the statewide, nonprofit trade organization representing the people who make things here in our Commonwealth, generating over \$79,000,000,000 annually in gross state product and employing 575,000 hard-working Pennsylvanians on the plant floor and supporting supplying, distribution and retail networks that sustain millions of additional Pennsylvania jobs. I'm honored to be here today commenting before Pennsylvania DEP to express our support for the Sunoco Logistics Mariner East II Project.

Manufacturers in particular depend on affordable dry and liquid gas, specifically gas products, to remain globally competitive. Total natural gas demand is poised to increase by 40 percent over the next decade. And researchers at the National Association of Manufacturers found the key drivers of this demand will be manufacturing and power generation. Therefore, projects such as Mariner East II are so vitally important for the Commonwealth's manufacturing sector.

The Mariner East II Project will transport propane, ethane and butane, the feedstock, the raw components of all modern manufacturing. Many of these products our human hands touch every single day, but they come from these essential fuels. Every plastic, coating, rubber, foam products, such as plastic containers, sanitary items, paint, cosmetics, those water bottles, the carpet, the foam in the cushions, the foam in the shoes on your feet, all come from these products that manufacturers so desperately need.

Affordable natural gas and gas products, such as propane, ethane and butane, are simply not getting to market because Pennsylvania lacks a sufficient pipeline network. According to the Marcellus Shale Coalition, of the 9,000 plus wells in Pennsylvania, it has been estimated that approximately 25 to 30 percent of the wells drilled to date still do not have pipeline-takeaway capacity. Projects such as Mariner East II open and expand markets, create entire new industries and sustain and stabilize the energy industry that manufacturers so desperately rely on.

Many today will speak to the number of jobs created and the massive economic investments associated with this project. But I'm here to tell you that the economic impact of this project will have lasting results, far beyond the construction pipeline and a revitalized manufacturing sector. According to a recent study by the National Association of Manufacturers and IHS Economics, the improved competitive positioning of industries in the manufacturing sector is shaping state and local economic development strategies across the country. Increased supplies of natural gas and gas products, specifically, especially at lower delivered prices, enhances the competitiveness of economies by making them more attractive to manufacturers --- manufacturing activities --- large and intensive users of natural gas such as chemicals, food, paper and metals.

The close proximity of existing clusters of manufacturing establishments to increase natural gas supplies can generate new pipeline-related economic development often because of availability of direct connections to a new or expanded gas pipeline. Expansions of natural gas pipeline capacity are also needed to enable the construction of new electric-generating plants. In addition to providing key inputs for construction of pipelines, the manufacturing sector will also benefit economically from capital expenditures for new electric generating plants and for facilities used to process and store natural gas liquids. In a nutshell, the combination of increased access to shale gas and the transmission lines that move affordable energy to manufacturers across America meant 1.9 million jobs in 2015 alone.

Pennsylvania knows energy independence, it always has, through timber and coal, and now we have the opportunity to strengthen America's energy leadership again, through abundant, efficient and clean burning natural gas. Pennsylvania's natural gas revolution is giving our manufacturers new momentum with abundant cost-competitive energy for feedstock and for chemical engineering. But to fully realize the potential of shale gas, Pennsylvania needs a robust infrastructure, transmission and refinement. That is why we support Mariner East II, and we hope that you will, too. Thank you. (29816)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**408. COMMENT**

Thank you. Rob Bair, B-A-I-R. Business Manager, IBEW Local 143. I'm also secretary/treasurer of the Central Pennsylvania Building Trades and I pretty much represent everybody sitting in here in a yellow or green shirt. Politics and pipelines have one thing in common, passion on both sides. That's well-documented, well-versed. But we need this pipeline. Not just for the jobs, we want the jobs, of course we do. We want the economic benefit for Pennsylvania. Manufacturers Association needs it, we need it. We also need to balance when we build and how we build. We've heard that there's been some problems in the past. That's documented. We don't dispute that. I know these guys that are going to build this pipeline. I don't care if they put it in my back yard. I know them, they're my neighbors. They're my coworkers. If these guys tell me they're going to put a pipeline in my back yard, good, go ahead. If it brings jobs and it brings economic impact to PA. And I'm going to tell you something. We've heard that we want to wean ourselves off of fossil fuels. Well, folks, let me tell you, I am in the power-generation business, for 30-some years. And we're going to lose our ability to generate power with coal soon. Fear not, right now they're going to replace it with wind. I built the windmills. I climbed them. They look great. I'm going to ruin five acres of ground for every one you want me to put up. You want a big solar farm? I'd be happy to put you 50 to 100 megawatts of solar in. I'm going to ruin 500, 600, 700 acres at a time to never be used again. Okay? You don't want nuclear. The gentleman from the Manufacturing Association said it best, we need to generate more power and we're going to do it with natural gas. You want clean power? That's the cleanest power we got. The IBEW has partnered with Sun to do these projects. We build by the code of excellence. I hold every one of these guys to a higher standard. I know them personally, I've worked with them. I've turned wrenches with them. I'm an electrician in a suit tonight, that's what I am.

I have no doubt that these gentlemen and these women that are here representing these trades, they'll build the pipeline safely. And I have no doubt that there's going to be passion on both sides of this issue, but it's about the greater good for PA. And that's why we support this project. I ask you to approve the permits. I ask you to move this project along. I would ask that we do build the project safe. And I have no doubt that Teddy's guys or Paul's guys or Ed's guys or my guys --- it's going to be done safe. And we do hold ourselves to a higher standard.

And I can tell you right now, if my guys are on that site, and they want to do something shady or shoddy, that ain't going to fly. So please, approve it, let's get the shovels in the ground and let's build something and let's bring Pennsylvania to the forefront. Thank you. (29817)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**409. COMMENT**

Edwin Hill, Jr. I'm also with the International Brotherhood of Electric Workers. I represent our international headquarters and the members in Pennsylvania, which number upwards of 40,000, including retirees and their families. Much has been stated about the economic

benefits of the Mariner East Project. We hear that upwards of 30,000 construction and associated jobs will be created, in between 300 and 400 permanent jobs. Considering all factors, the steady stream of tax revenues would be important for the communities which are --- which the pipeline will operate in. Overall, approximately \$4.2 billion in economic impact to the state and the communities in which the pipeline resides in. These amounts don't include, as the Manufacturing Association commented on, the additional opportunities for jobs in manufacturing, and also, the reduced production of reliance on foreign energy. We know that there's cost associated with importing energy in this country. And the security costs are not monetary costs, but they're very important. Energy is a necessity in all our lives, I think we all recognize that, for the most fundamental daily activities, light, communications, travel and certainly the products we use, our food and even the containers we put it in. Harvesting energy, even renewable energy, is not without cost and some disturbance and some sacrifice. And all of us must focus on the safest and most environmentally-sound method to harvest the energy. And certainly when we're moving gas and liquids, pipeline is by far the most safe method.

Thankfully in the United States we have a publicly-controlled entity such as the PA Department of Environmental Protection that ensures that all energy development is done within the highest level safety and minimal environmental impact. Sunoco Logistics has and continues to demonstrate deep consideration and commitment to safety and minimal impact to the environment on their projects. The ME II project has been designed to minimize noise, preserve health and preserve the beauty of the surrounding environment and ensure minimal disruptions to landowners and those in the communities in which the pipeline will operate.

Sunoco is committed to use the highest quality domestic products in its projects, from the steel source within the U.S., to the coatings in the pipeline manufactured in Pennsylvania. They committed to use the most highly trained and skilled workers to build and install their projects in Pennsylvania. We've been working ---. The IBEW's been working on pipelines for generations and it continues to train our members to the highest standards. Sunoco has committed to use the workers who live in the communities of their projects as well. This is important because the money that's made in Pennsylvania stays in Pennsylvania. These people carry concern for their areas that they live in, their communities, through safety and minimal impact, while being on the job. Because, again, it is their community. When our members make commitment to a project, it gets done to the highest technical and safety standards. We maintain that. I encourage the DEP to approve this permit application, 102 and 105, as submitted by Mariner East Pipeline. Thank you. (29818)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**410. COMMENT**

Hello. My name is David Horn, H-O-R-N. And I'm here representing the Laborers International Union of North America or LIUNA. More specifically, the Laborers Local Heavy & Highway 158, covering 29 counties in Pennsylvania. And I'm here to support the Sunoco Logistics Mariner II Pipeline Project and their Chapter 102 and 105 permit application.

I've also worked with Governor Wolf's Pipeline Infrastructure Task Force on things like best practices, safety, economic advantages and business development, upstream, midstream

and down, and the impact that it will have on the environment. And I can tell you that natural gas is important not only to the economic future of Pennsylvania, but it's the best way to bridge the gap for renewables.

Pipelines are the safest and most reliable way to transport it. Let's put aside the over 30,000 construction jobs and the \$4.2 billion in the economy and the \$62,000,000 in tax revenue and focus on the safety before, during and after construction. Sunoco Logistics will utilize the most advanced safety technology and monitoring systems and will work with all regulatory agencies to fully comply with laws and regulations to protect sensitive areas. Sunoco Logistics' pipelines are built and operated with many layers of safety features working together to protect the people, the property and the environment for the life of the pipeline.

Mariner East intends to complete this project following state-of-the-art standards and using the highest quality components, most of which are produced here in the United States. As a result of this investment by Sunoco Logistics, a company with deep ties in Pennsylvania, and because of their commitment to use skilled union labor, we will have one of the safest, most advanced systems of natural gas liquid transport in the region. Sunoco has committed to employ highly skilled, highly-trained workers to construct the pipeline.

And before it's in operation, a number of safety procedures, including x-ray technologies, pressure testing and third-party inspection will be utilized. For more than a century, pipeline systems have safely and reliably delivered energy resources to every corner of Pennsylvania and our country, partly thanks to the highly trained and skilled workers at LIUNA. You can expect the same results in the Mariner East II Project.

Like everyone else, we want to ensure that our land and waterways are clean and safe for our children. The protection of the people, property and the environment are top priority for our union members and me. That's why our crafts spend countless hours studying and training the foremost safety standards and practices we know, and we know how to build these projects right, for the environment, for our land and for public safety.

On behalf of my LIUNA brothers and sisters, I humbly ask DEP to approve the Sunoco Mariner East II permit application. Thank you. (29802)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**411. COMMENT**

Good evening. My name is Chuck Clarke, Charles Clarke, C-L-A-R-K-E. I'm a resident of Plains, Pennsylvania. And I speak on behalf of my fellow brothers and sisters of Laborers Local 158. I'm here to support the Mariner East II Pipeline Project for the importance of pipeline infrastructure in Pennsylvania and the need to expand these systems in order to meet a growing demand for natural gas. The safest way to transport natural gas to production areas, to consumers, is with thousands of miles of steel pipelines buried deep underground.

We depend on these pipelines so much that it's easy to take them for granted. This highly sophisticated pipeline transportation system, known as the interstate highway for natural gas, currently consists of more than 300,000 miles of high-strength steel transmission pipe.

Pennsylvania already takes advantage of the abundance of affordable natural gas to generate nearly a quarter of its power. There's much more room to grow, though. Adding more natural gas online will make Pennsylvania make great strides towards cleaner energy goals and the state's growing energy demand.

This is where the Mariner East II Project will come in. While we are not opposed to renewable energy, renewable energy alone is not enough. To fill the clean energy shortage, Pennsylvania would need over 219,000 acres of solar panels, which would cover an area of two-and-a-half times the size of Philadelphia. This project is committed to use local union workers that receive the most advanced training, safety procedures and other operational excellence protocols.

Additionally, the Mariner East II Project will be built to high standards for environmental safety, create jobs that provide living wages and provide homegrown necessary resources for Pennsylvania. Skilled men and women of our Laborers International Union of North America have safely constructed much of the existing energy highway and will continue to do so if given the opportunity.

In closing, I request DEP approve without delay the Mariner East II Pipeline Project. Thank you. (29819)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**412. COMMENT**

Good evening. Rich Wiaterowski, W-I-A-T-E-R-O-W-S-K-I. I speak on behalf of my fellow brothers and sisters at LIUNA, and I'm also a member of Laborers Local 158. I am in support of the Mariner East Pipeline Project.

Pipelines throughout the region transport natural gas in a way that minimizes the effect on the environment. And while other forms of transportation are possible, according to the United States Transportation --- United States Department of Transportation, pipeline --- and Hazardous Material Safety Administration, pipelines are the safest mode to transport energy resources. These resources are critical for our countless consumer, things like manufacturing, winter heating and vehicle fuel.

Domestic energy production is both crucial for national security and economic perspective. But we must also ensure that the pipeline infrastructure is developed for a safe, efficient transport of those resources as well.

LIUNA, the Laborers' International Union of North America, is one of the most diverse and effective unions, representing more groups than ever through our construction industry. Our members live throughout the communities in Pennsylvania and are at the forefront of providing highly-skilled workers for rebuilding and maintaining Pennsylvania's infrastructure, highways, bridges and gas pipelines, as well as other sectors of the highway -- of the heavy-highway construction industry.

Furthermore, our members and their families breathe the same air, drink the same water and enjoy the same outdoors all along the communities of the proposed project. They have vested interest. They have the best interest to provide the safe practices in order to maintain the high quality of life we all long for.

In closing, I request the DEP approve, without delay, the Mariner East Project. Thank you. (29805)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**413. COMMENT**

Good evening. My name is Gordon Tomb, T-O-M-B, like tomb. I'm a senior fellow with the Commonwealth Foundation, it's a free market think tank based in Pennsylvania. There are a lot of reasons to allow enterprises such as Mariner East. The most important, probably, is that they are needed.

The current turndown (sic) in development of Pennsylvania's Marcellus Shale is at least partly because of insufficient pipeline capacity to move product to market. According to the U.S. Census Bureau, Pennsylvania exported nearly \$40,000,000,000 worth of goods last year. The natural gas industry is part of that same global market and it needs the infrastructure to participate fully in it. If producers have access to more markets, the entire state will benefit from the increased commerce.

Last year Pennsylvania lost more than 41,000 residents. Many of those people left to find work. Since 2011 more people have moved out of Pennsylvania than moved in. Many families assume that their children or their grandchildren will have to go elsewhere to find employment.

A vibrant gas industry means more jobs in the gas fields, in supporting industries, in new manufacturing, which is expected to be drawn to the state by the plentiful and affordable supplies of gas.

Finally, I will speak to the issue of safety. In various parts of the state, coal-laden trucks regularly travel the highways. Everywhere there are big rigs hauling all kinds of liquid fuels. In recent years, trains transporting coal from western deposits eastward have been moving through Pennsylvania. And for more than 50 years, underground pipelines have been shipping natural gas from the southwest through Pennsylvania to the East Coast and the petroleum products from refiners to distributors.

As a native Pennsylvanian, I've witnessed all of this. As a coal truck driver many, many years ago, I even participated in a little bit of it. Our own experience, my own experience, tells us that pipelines are far safer than surface transportation for shipping fuels. And the data confirm our perception.

The Manhattan Institute for Policy Research say it all in its title for a 2013 study, quote, pipelines are safest for transportation of oil and gas. To quote the study itself, in addition to enjoying a substantial cost advantage, pipelines result in fewer spillage accidents and personal injuries than do road and rail. Americans are more likely to be struck by lightning than to be killed by a pipeline accident.

From our perspective, well-constructed and well-operated pipelines mean increased prosperity and safety. For these reasons, we recommend the approval of Mariner East. Thank you for the opportunity to speak. (29820)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**414. COMMENT**

Good evening. My name is Toby Mack, M-A-C-K, and I am speaking on behalf of the Energy Equipment and Infrastructure Alliance of which I am president. EEIA is a nonprofit organization representing many thousands of local and regional businesses and hundreds of thousands of skilled workers who build the infrastructure and supply equipment, products and services for shale gas operations, including both energy production and infrastructure construction. This includes hundreds of Pennsylvania companies and the many thousands of their workers whose livelihoods depend on Pennsylvania's energy-driven industries.

Other speakers this evening are recounting the significant number of good Pennsylvania jobs that this project will create during this construction. But there's another important economic dimension that must also be considered. And I'm referring to the additional thousands of jobs and millions of dollars of economic growth and state and local tax revenues generated by Pennsylvania's energy supply-chain companies and workers engaged on this project.

When in operation, Mariner East II will accommodate increased energy production in the wet gas regions of the Marcellus and Utica Shale formations. That additional production will in turn be supported by Pennsylvania and upstream supply-chain companies and workers. These are the businesses and jobs that manufacture, supply and operate machinery and equipment, build the infrastructure required for production, supply the necessary materials such as steel, sand and cement, and provide the logistics, information technology and professional services necessary to production.

Based on recent independent research, more than 2,300 permanent Pennsylvania energy supply-chain jobs will be created by the increased energy production that this pipeline will accommodate. These are well-paying jobs that exist at the production end of the pipeline. To underscore the importance of the energy supply chain and the total picture of energy-driven employment, that same study by the research firm IHS documents that for every job created at the oil and gas exploration and production level, three more are created in the supply chain.

In addition to that, six more are created when these workers and businesses spend their wages and earnings in the local, regional and state economies, in such areas as retail, restaurants, auto and household needs. These jobs do not even include the thousands more permanent jobs that have been cited already, but this new transport capacity will enable, at the consumption end, and particularly in the logistics, manufacturing and fuel-related industries that will be the consumers of the natural gas liquids this pipeline will deliver.

The entire Pennsylvania economy has been seriously harmed by the dramatic downturn in economic activity driven by drilling for natural gas and natural gas liquids. Since Marcellus drilling activity peaked a few years ago, when there were 140 drilling rigs in operation, that number has declined steadily and dramatically to the present count of only 21 natural gas rigs in operation. That lack of capacity to deliver the natural gas and liquids to market has been a root cause. A number of working rigs is a proxy for the number of energy-driven jobs generated by production, transportation and consumption.

With the Marcellus rig count now down from its peak four years ago, there can be no doubt about the need for the Mariner East II Project to move forward and bring back employment for thousands of Pennsylvania workers. We urge your expeditious approval of these permits. Thank you. (29821)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**415. COMMENT**

My name is Elise Gerhart and my family lives along the route of the proposed Mariner East II Pipeline, and we do not live along the route of the existing Mariner East I pipeline. So this thing about the pipelines paralleling each other is not correct. I'll just tell you that to begin with. I also want to remind the DEP that comments related to jobs are not supposed to hold weight over established wetlands protections that is in the code that we're talking about today. Okay? So all of these comments about jobs, yes, jobs are important, but it is not relevant to your decision regarding these permits. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**416. COMMENT**

Todd Stager, T-O-D-D, S-T-A-G-E-R. I'm a licensed professional engineer in the State of Pennsylvania. I also have an environmental engineering degree. I am employed by a consulting engineering firm, so I'm very familiar with obtaining Chapter 102 and 105 permits. I know the procedures. That being said, I'm also an avid outdoorsman. As a kid, I spent a lot of time on my family's 200-acre property. My wife and four kids spend a majority of our free time in the outdoors.

For approximately 3,000 linear feet, the Mariner East Pipeline runs through my family's property. As far back as I can remember, close to 40 years now and counting, there have never been an incident with a pipeline on my family's property. I believe this speaks highly of Sunoco Logistics' good safety program and operational maintenance program.

From my personal experience two summers ago, my daughter and I were fishing on a lake at the property. This is when they were doing the Mariner East I upgrades. Two contractors and a land man showed up on our property about 200 yards away, a staging area 200 yards away, while we were fishing. They had the courtesy to come up to us, asked us if they could continue their work so not to bother us. I think this speaks highly of Sunoco Logistics' professionalism down to their subcontractors, like these union workers here.

I have reviewed the permit applications. It took quite a long time, a lot of drawings, a lot of paperwork. In my opinion they have demonstrated that they have identified an environmentally sound, technically feasible and cost-effective pipeline route. They have worked with many agencies, the DEP, the Army Corps, DCNR, Game Commission, Fish Commission, U.S. Wildlife Service to protect sensitive areas. Their route follows the existing corridor, which is a best management practice to following existing corridors, co-located along the original Mariner East I Pipeline, significantly reducing clearing and disturbance. They're rerouted the pipeline around sensitive areas, like the Gerharts.

They have reduced the temporary construction right-of-way from 50 feet to 75 feet in sensitive areas. ATWSs are located a minimum of ten feet outside of wetland boundaries. One of the best examples of avoiding surface impacts is the use of HDD. By utilizing HDD technology to go under wetlands and streams, Sunoco has reduced the wetland impact by 60 percent and stream impact by 40 percent.

Two years ago they were doing an upgrade. This past weekend I was walking the pipeline, and you would not even know that they were doing that upgrade two years ago. It looked the same as it did five years ago, ten years ago, 20 years ago, 30 years ago. And it will look the same five years from now, ten years from now, 30 years from now. They use restoration/mitigation measures, topography and hydrology are restored, vegetation grows back to its original condition.

DEP should issue Sunoco Logistics the Chapter 102 and 105 authorizations for the following reasons. They have clearly demonstrated that they have avoided or minimized potential impacts to aquatic resources, including wetlands, streams, floodways, threatened and endangered species and cultural resources. They conduct business in a safe manner with good operational maintenance programs. They conduct business in a professional manner. They provide tremendous economic benefit to the Commonwealth. In addition, they are repurposing 800 acres of this decommissioned land in Philadelphia. I support this project, and I would hope that you guys approve these permits without delay. Thank you. (29822)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

Regarding endangered and threatened species, Sunoco has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such

maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

**417. COMMENT**

Hi. My name is Donny Williams. I live in Lusby, Maryland. I live in the town where the Cove Point LNG Export Terminal is being built, which is the place that most of the gas from Marcellus Shale and Utica Shale will be exported. So it's not for U.S. domestic use at all, it's just for a private profit for companies to take that and ship it abroad. And that's where they get their real money. So the same thing is going on for this Mariner Pipeline here. So this is for export. (29823)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**418. COMMENT**

So I guess that these people over here, these people over here, maybe other people who aren't wearing matching shirts, are also looking to get jobs and I get that. People want to pay their bills. The thing is, though, like I'm sure you all understand, like if you have land, if you have friends who have land, any of this, you don't want to see that land taken in this way. You don't want to see ---. Just like Elise said, you don't want to see like what is supposed to be everything that you were building toward and spending your family --- you want it to be in your family for generations. You don't want to see that just ruined with a pipeline that could blow up at any moment. It happens.

I'm sure everybody saw the story of the guy right outside of Pittsburgh, the pipeline blew up right by his house. He managed to escape, kind of, barely. He's in the hospital in really critical condition with massive burns. Right now I'm living in a community right now that there's more than a thousand people that could ---. If the facility that is in my community, if it blows up at any moment --- which it's already done in 1979 --- it could kill more than a thousand people. And when this thing is finished with an export terminal, it could kill many thousands of people.

Some of you all who work with electric codes, I'm sure you know that you're supposed to make sure gasses can't come into the light switches. That's because in 1979 the Cove Point facility, where I live, blew up and killed people. So your jobs are built around these accidents and doing best practices around that, and you kind of pretend all of this doesn't exist.

So of course I encourage you to protect wetlands, you know, protect these specific clauses that you're looking for now, but also just reject the pipeline outright overall. Thanks. (29823)

**Response:**

The Department acknowledges the comment. As noted the Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments.

**419. COMMENT**

My name is Zora Gussow. Z-O-R-A, G-U-S-S-O-W. I farm in Columbia County, Pennsylvania, where we're also very, very concerned about the environmental impacts that

we're facing with potential pipelines being built through historic farmlands and other natural resources. (29824)

**Response:** The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### 420. COMMENT

Because when you cut down lots of trees and when you cross streams, you get sedimentation and you get fragmentation of land. And you affect endangered species which are protected by the federal and state governments. That this pipeline could not be built safely and could not be built in a way that did not have negative environmental impacts on the land that it is going through. And so from that perspective I think that there should be more time allowed for this process. And at the end of the day I think that these permits should be denied outright. Thank you.

(29824)

**Response:**

The Department acknowledges the comment. As noted the Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments.

Regarding endangered and threatened species, Sunoco has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

#### 421. COMMENT

Hello. Thank you for giving me the opportunity to speak to you all today. My name is Christian Nelson. I have a few points, you know, given what I've heard tonight and also the

research that I've done on this project. You know, a lot of people have mentioned tonight that, you know, the information provided to you is inaccurate. I think that that's been said and should be said again. You cannot allow these projects to go forward without the information necessary to provide these permits.

And we have, you know, people here tonight who are impacted. They are living in these communities and other communities impacted by similar projects. And your job is to make sure that these projects don't go forward unless they are done safely. And we've proven here tonight by many different and intelligent speakers who have poured a lot of their own time and effort into researching this project and other projects like it that it cannot be done safely.

So in addition to that, you know, it's not just about building this pipeline, it's also about the cumulative effect. We've had other people mention that. Building a pipeline is devastating. But also maintaining it. There's a poor track record for Sunoco and companies like it that are here paid to represent the interest of oversea companies who are benefitting from this project. And I can't trust the opinions of people who are paid or are perfectly incentivized to be here to tell you lies because the information that we've been given is not accurate.

And the community has taken on the responsibility of providing that information for you. And it's the least we can do, the least we can do as a community, given the time to do that. And so that's why I'm here petitioning, at the very least, give us more time as a community to research accurately and independently the real impacts of this project. And I'm sure you'll find that it's truly not a safe project.

In addition ---. Give me a moment, please. So this is ---. Excuse me --- it's an expensive oversight, where there's ---. This is a critical moment; right? So this is the beginning of a project that'll impact these communities for decades, just decades. And that's astonishing to me. And we need to make sure that we're taking it very seriously, because these people aren't. These are their communities and this is your job. So look at the guidelines and protocols in which you are held accountable to. And you'll see that it does not support the decision to move forward with this project.

And I want to, you know, talk to the workers a little bit. I have worked with unions. I care about unions, I care about workers. I, like everybody here, have to have a job. And that's a really difficult position to be put in. You're between a rock and a hard place. But, you know, protecting your job does not supersede the needs of the community that you work in. And the community has spoken tonight and will continue to speak intelligently about this issue. And I implore you to listen to them and prioritize their voices, because, you know, your job's important, but this is our life. And this is our land that we live off of and that's what really matters. So thank you. (29825)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**422. COMMENT**

I'm going to keep it short. As everyone said, there's been some inaccuracies and some inconsistencies in the documents that this application has been made with. I am asking for an extension of the public comment period and hearings in every community being impacted by this. You're wagering a lot and evidence has only been brought by companies that stand to gain from this pipeline being built. I've seen the repercussions of boom and

bust in short term resource extraction job gains in West Virginia, where there are layoffs left and right. Tons of people are losing jobs like after coal is gone.

So if you want to put another straw in to take out all of your natural gas, fine. You know, are you going to do it at risk of destroying all the natural resources that you could depend on for alternate forms of income for people that live in Pennsylvania? I think that's a bad decision. The very least, we need a longer time period to investigate the impact of this pipeline, independently of the companies that stand to profit from it. (29828)

**Response:**

The Department acknowledges the commentator's concern regarding this proposed pipeline project. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**423. COMMENT**

I'm also here to remind you that Sunoco is a crime violator, which is another reason why it is your job to deny these permits. I also have a photograph from our home in Huntingdon County, Pennsylvania from when Sunoco came to do clearcutting, which they didn't need any permits for and they didn't have any of the permits that we're talking about today. And this space right here is a stream. But you can't see it because it's filled with debris from clearcutting. It is completely filled. And you want to tell me that that's no impact? That's no impact right there, that's no effect on the stream, that's what that looks like. So secondly, I want to remind you that Sunoco is being fined by PHMSA for failing to follow proper welding procedures and failing to hire certified welders on the Tex Pipeline in Texas. That's an ongoing fine. I would also remind you that there was an explosion in Texas over the weekend at a Sunoco Logistics facility, which does receive natural gas from part of this Mariner system from Mariner South, and seven workers were injured, four of them critically injured. Okay? I'm basically asking DEP to not be part of the criminal act of forcing these pipelines on families who are refusing to sign easements. We do not want to be in that blast zone and it is not okay to put us in it.

And I also remind you that workers will be pushed to work quickly because this project is already behind schedule, and that schedule is to meet contracts with multibillion dollar European petrochemical companies. So we know that the work is going to be done as quickly as possible, which does not equate to safely as possible. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments.

**424. COMMENT**

And so all the people here giving comments about jobs, about being a Pennsylvanian, I'm a Pennsylvanian with a job, too. My mother is a Pennsylvanian who worked for 32 years as a special education teacher; okay? And we're not here to fight you about jobs. We are working people, too. Okay? And the land that my mother was here talking about, it was not

inherited, it was worked for. Okay? So you want to talk about revenue coming into the state. Yes, there would be revenue from this project. But it would be from your tax dollars and from our tax dollars that we continue to pay property taxes on the land that Sunoco is making billions of dollars off of, a company whose CEO makes \$200,000,000 a year. And people want to get up here and say that these impacts are minimal? Well, I'm here to tell you that they are not minimal, they are life-changing. Like that land was supposed to be my family's future and now it's not safe and it's not secure. There's no security in property rights for us, for any of us as Pennsylvanians with this eminent domain being pushed through.

So basically you all know what you're supposed to do, you know. You have every right to deny these permits. They have done everything wrong at every juncture, and to approve these permits is criminal. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**425. COMMENT**

Good evening. My name is Ruddy Turnstone with Global Justice Ecology Project. I'm not paid to be here. I'm here in support of the families and communities, human and nonhuman, that will be impacted by the Mariner East Pipeline II. Evidence has demonstrated that this pipeline does not have all necessary permits. I urge the DEP to deny Sunoco Chapter 102 and 105 permits for the Mariner East II Pipeline.

Sunoco and its subsidiaries are not entities you can trust. I'm looking at you all. In 2015 alone, the PA DEP cited Sunoco for at least 42 violations specific to this pipeline you're considering permitting. In 2005, Sunoco was fined \$2.5 million for their pipeline leaking 260,000 gallons of crude oil in the Kentucky and Ohio Rivers. In 2008, their pipeline had a 12,000-gallon leak near Murrysville, which polluted a three-mile section of Turtle Creek. This is what you're responsible for.

In 2012, another of their pipelines spewed 2,780 barrels of gasoline, forcing 30 homes to be evacuated. You're lucky that your home wasn't destroyed yet or your land, for those of you that support this.

In 2014, another Sunoco pipeline in Louisiana spilled 4,000 barrels of crude oil. In 2009, a deadly accident injured 13 contract workers, sending them to the hospital in Philadelphia. If it isn't enough, just four days ago, as it was mentioned already, a terminal in Nederland, Texas had an explosion that injured seven workers.

When does a company destroy enough lives and ecosystems that it is no longer fit to do business? That time is now. Right now. This is the moment where you actually get to make a decision. Extend the comment period and deny the Chapter 102 and 105 permits. (29832)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**426. COMMENT**

Hello, everybody. My name is Joyce Kunkle, spelled J-O-Y-C-E, K-U-N-K-L-E. I am here to ask you to deny permits 102 and 105 as submitted by Sunoco for the building of Mariner East Pipelines. (29834)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**427. COMMENT**

Due to the great number of streams and wetlands which will be adversely and unnecessarily affected, the endangerment to the communities along the route, those who themselves find -- that will find themselves within the blast radius due to the high-pressure capacity ---. The towns near the pumping stations will be plagued with open flaring, averaging 23 gallons of propane or ethane per day, creating a home environment fraught with anxiety.

Here are but two reasons or two objections to the proposed pipelines.

I can't escape the irony when I, amongst three very, very peaceful protestors three years ago, gathered after a short walk and we arrived at the Rachel Carson building, the very home of PA's Department of Environmental Protection ---. Here we were in front of the building named after the famous Pennsylvanian who lived close to --- relatively close to Harrisburg, who warned the nation and the world of the danger of chemicals, poisons that endanger all life, us included.

When landowners affected respectively --- and we respectively, amongst us, respectfully asked to sit in with the participants, all who were landowners, were denied. The public be damned, it would seem.

Those at the table were only fracking industry reps and probably pipeline people as well, and our own DEP officials. Of course we couldn't get in to find out who was there or what was spoken. I suppose even now, even Rachel Carson, who wrote Silent Spring, would have been denied entry to her own building.

Rachel said, we still talk of conquering --- and I would add profiting --- from using nature with poisonous chemicals. She went on, man is part of nature, and that means that we are affecting, we are going to be poisoned along with the poisons that we're using eventually. We're taking it in.

When hearing that equally dangerous chemicals were now being shot into the bowels of the earth for profit, she probably would be aghast, as it's her building and this is going on with the apparent --- apparently the, at least for now, the approval of all this that's going on. Would they be able to face her? Would the people who have actually approved or are approving these pipelines and the fracking, would they be able to face Rachel Carson, their own founder of --- not of DEP, but of the building itself, that it's named.

Back to the Mariner II Pipelines. The only ones who profit from these 300-mile pipelines is the Texas-based industry and its top stockholders, not the resident Pennsylvanians who call Pennsylvania their beautiful home. The landowners' heritage from their forefathers and foremothers was land, air and water untainted. They want it to remain that way. I wish the fine pipe workers ---. They're good people, we want them to have jobs, but not at our expense

There was one gentleman ---. Thank you, one brief ---. One gentleman indicated recently, I guess that NGLs, would be a soft gap before going into renewables. If that would be the case, we certainly won't need this massive network of pipelines that are being ---. Please deny the permits. I thank you. (29834)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**428. COMMENT**

What is the actual expectation of usage of the products flowing through this pipeline to Pennsylvania residents?

3. How is this type of pipeline used for these products considered a utility? As understood, these products are used to make plastics and not solely domestically.

4. What is the expected safety plan if there is a breach and/or explosion? Please respond, this is a very serious matter. (6348)

**Response:**

Sunoco has emergency plans in place along the pipeline. Certified controllers monitor the pipeline’s pressure, temperature and flow 24 hours a day, 7 days a week, from a control center dedicated exclusively to the safe operations of Sunoco pipelines. These controllers can shut down the pipeline operations remotely. Sunoco has trained responders stationed at intervals throughout the pipeline route. They have developed a training program known as MERO – Marnier Emergency Responder Outreach.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**Land Agreements, Eminent Domain, Article 1**

**1. COMMENT**

**6. Miscellaneous additional comments**

In addition to the above substantive comments, Citizens offer the following for the Department's consideration:

- As the Department is well aware, Article I, Section 27 of the Pennsylvania Constitution provides that "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." In light of the numerous deficiencies in Sunoco's applications and great harm the Project would inflict on the "natural, scenic, historic and esthetic values of the environment" in Pennsylvania, Citizens believe Article I, Section 27 requires strict scrutiny of Sunoco's applications, and the utmost diligence in protecting our natural environment. (5939-5947)

**Response:** DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

## 2. COMMENT

We write concerning the pipeline. We moved into our home at 425 Sheep Hill Road Newmanstown 16 years ago. At that time there were regulations for our property. Sunoco believes they have the power to change regulations as they see fit. We were forced to hire an attorney to get answers and protect ourselves and our "American Dream" Sunoco wants more of our land for their pipeline to flow a large portion of their product right out of America. They require temporary workspace and for our property additional workspace. They would not answer our question to what that would be used for. Our attorney got the answer, a boring pad for drilling under the road. The compensation they offered barely pays our property taxes for one year, yet they have been disrupting our lives for years now, not to mention the actual time frame our property will be used to complete the project. The conditions of these new pipelines are not the same as the old 1936 easement that only had language in it for more pipes of the same conditions to be laid. That means same size, diameter, pressures, products, etc. This would now become more dangerously close as it would be within the 20 foot "NO BUILD ZONE" that was established here. If someone investigated Sunoco they would find a lot of shady practices going on. Our family of 6 and many others pay the price for the corporate greed and deception. I hope you do all that's in your power to help us. (5950)

**Response:**

The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. In particular, the PUC directs and enforces safety standards for pipeline facilities and regulates safety practices of certified utilities engaged in the transportation of natural gas and other gas by pipeline in Pennsylvania.

## 3. COMMENT

I am aware that your agency risks being faced with a lawsuit if permits are withheld or refused. However, your agency has the resources to tackle such a lawsuit. My family has been embroiled in an eminent domain suit since August of 2015. We have since had to hire a criminal defense attorney as well, as a result of our desperate attempts to protect our property in March 2016. On a modest combined family income of approximately \$70,000, we have stood our ground in order to protect ourselves and the surrounding environment we made a promise to protect. We have incurred over \$15,000 in legal expenses and have received little aid to mitigate the cost. We would like to remind the department that any legal fees your agency would incur would be paid for out of our pockets as well. We ask you to accept this risk on behalf of the people of Pennsylvania, in order to avoid a much greater catastrophe. Please work with us, not against us. (5953)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).*

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**4. COMMENT**

I wish to submit the following written public comments on the Mariner East 2 pipeline, also known as the Pennsylvania Pipeline Project. Please note that I have also previously submitted copies of my oral public comments given at the public hearings in Blair, Lebanon, Harrisburg, and Westmoreland counties.

**First**, some background about myself. I am a 61 year old retired special education teacher, originally from Monaca, Beaver County, Pennsylvania. My husband Stephen is an 85 year old retiree originally from Hungary. We bought a residence and 48 acres in Huntingdon County in 1983 and raised 2 daughters there. Our property was approximately 1/3 open field and 2/3 forested, with a pond, streams, and wetlands area. We made inquiries about the Forest Stewardship Program, but since we did not have any interest in timbering, we did not

have a formal management plan drawn up. We did, however, decide that we would maintain the streams, wetlands and pond as they were. In 1993 we sold the house and 11 acres on the south side of the property, and built another house further back on the remaining open field property. In 2014 we sold 10 acres on the north side of our property to our eldest daughter for a possible future home site. Again, we stayed away from impacting the pond, streams, and wetlands. We are currently enrolled in the Clean and Green Program.

**Second**, is a timeline of our contact with Sunoco Logistics about the Mariner East 2 project: **May 2015:** We receive a phone call from Mitch Wyatt, who introduces himself as a land agent for Sunoco Logistics. He requests a face-to-face meeting to discuss the pipeline. We agree to talk to him.

Mr. Wyatt comes to our house and notifies us that Sunoco Logistics is planning to build a pipeline which will run diagonally across the west side of our pond, parallel the Buckeye Pipeline (which is on our neighbors' property), then cut back northeast across the back of our property. He tells us that the pipeline will be horizontally drilled under the road and our pond. He does not mention how the rest of the pipeline will be built, nor offer much in specifics. He finishes by making an offer for the 3+ acres involved, stating that it is a generous offer that we should take seriously, since Sunoco Logistics has the right of eminent domain (false). My husband sarcastically makes a counter-offer double the original one. Mr. Wyatt says that he will have to talk to his supervisor to see if they would be willing to go there.

The next day, Mr. Wyatt comes back stating that the company was willing to take the counter-offer and hands us paperwork to sign on the spot. I tell him that we are not agreeing to that or any other easement offer, especially since this was the first we had heard of this pipeline going through and we know nothing about it. We are also not happy with the fact that the pipeline would impact our waterways. Mr. Wyatt leaves.

We talk to our neighbors, who had been approached by a different land-agent, who originally told them that the pipeline would be place south of the Buckeye Pipeline (this would have made it completely off of our property). The second time the land agent came to their home, the route of the pipeline had changed and would now be running to the north of the Buckeye Pipeline, approximately 60 feet from their house (this is the route that goes under our pond). Our neighbors refuse Sunoco's offers until the company begins eminent domain proceedings against other landowners. Apparently a public meeting had been scheduled for January 7, 2015, and according to a Sunoco representative, all affected landowners had been notified of the meeting. Neither our neighbor nor ourselves had ever been notified of this meeting. Our meetings with the land agents were our first contact.

**August 2015:** While on vacation in California, we receive a frantic phone call from our youngest daughter, stating that some man came to the house, asked her if she was Ellen Gerhart (which she isn't), and left a pile of papers on the porch step. This was our notice that we were being taken to court for eminent domain proceedings. We hire an eminent domain attorney.

**November 2015:** We have our eminent domain hearing in Huntingdon County Court, in front of Judge George Zanic. Our attorney argues that 1) the pipeline is actually an interstate rather than an intrastate, based on its starting point in Scion, OH and its ending point in Marcus Hook, which extends into Delaware, 2) Sunoco is relying on certificates issued for

the Mariner East 1, which at the time carried petroleum products (not NGLs) from east to west (and was considered an interstate), and 3) there is no public benefit that would allow Sunoco Logistics to use eminent domain. Mr. Harry Alexander, vice-president of Project Development for Sunoco Logistics, states under oath that the Mariner East 1 will carry 77,000 barrels of NGLs per day, but Pennsylvania only requires 22-27,000 barrels per day. This is without even considering the amount of NGLs proposed in the new project. We begin attending Union Township meetings to discuss the project with the township supervisors.

**January 2016:** Judge Zanic rules in favor of Sunoco Logistics. We immediately appeal the decision to Commonwealth Court. Sunoco Logistics does an initial survey without contacting us. I send a letter to Sunoco Logistics rescinding permission for anyone associated with the company to be on our property.

**February 2016:** We receive notice that even though Sunoco Logistics does not yet have all of its easements or any of its Chapter 102 or 105 permits, and despite the fact that our eminent domain case is in appeals, Sunoco Logistics will begin surveying our property prior to clear-cutting. We begin contacting DEP, Army Corps of Engineers, DCNR, Huntingdon County Conservation District, Huntingdon County commissioners, and Union Township supervisors for help. No one seems to have any information about the project. No one knows the number or size of the pipeline(s), or the exact route. There is no emergency planning in case of a leak or an explosion. We receive a copy of a flood plain map given to the township supervisors by Tetra Tech, Sunoco's environmental consultants. We immediately notice discrepancies between what is shown on the map and what actually exists on the site. We again contact DEP, DCNR, HCCD, and ACoE.

**March 2016:** We fire our first attorney and retain a different lawyer for our eminent domain case. We receive a phone call at 5:30 on Sunday, March 20, that a surveying crew would be out on our property that week, and the day after the surveying was done, a tree-clearing crew would be out. On Monday, March 21, a survey crew shows up in the back of our property. A small group of friends tells the crew they do not have permission to be on the property. The crew leaves. That afternoon, our lawyer calls to tell us that in Pennsylvania, survey crews are allowed access to property and that we should allow them to do their job. We can photograph and videotape them, but we cannot impede their work. On Tuesday, the crew from Mississippi (not PA) reappears, and we allow them to proceed. On Thursday, there were two people standing along the edge of our property near the road. Two Sunoco Logistic trucks drove past, turned around, slowed down, and took their picture. On Friday our lawyer informed us that Sunoco Logistics had filed an injunction against us and we had to appear in court on Monday.

**March 28, 2016:** Sunoco Logistics' injunction claim that we were harassing (false) and impeding (false) their workers. Their attorney has a handful of Facebook pages that he said were sent out to 900+ people to come and protest on our property, and that 42 people said they were coming. This "Facebook call" was not put out by us, nor did we authorize anyone to put a call out on our behalf. They also claim we were causing the company "irreparable harm" by delaying them. They specifically cite the Migratory Bird Act and the nesting season of the Indiana brown bat, stating that the company could not cut between April 1 and October 31. Judge Zanic, the same judge who ruled against us in our eminent domain hearing, grants the injunction, and warns us that we could face up to a year in jail and fines. He also authorizes the sheriff's department to escort the crew.

**March 29, 2016:** About a dozen people meet the tree crew and the sheriff's department. During the night, three people had climbed into three trees on the property. Everyone else stands along the edge of the right-of-way. When the tree crew splits up into three groups, the dozen people also split into three groups, in order to photograph and videotape. About mid-morning I hear that one of the "protesters" had been arrested, even though he was not on the right-of-way. The sheriff's department claimed that because he had a walkie-talkie (as did people in the other two groups), he must be an organizer, so they arrested him. He is charged with summary disorderly conduct and misdemeanor three disorderly conduct. His bail is set at \$200,000 (two hundred thousand dollars). He is denied access to a lawyer. He ultimately begins a hunger strike, and three days later is released with a reduced bail of \$5000. A second person is also arrested that morning, when she tried to alert one of the crews that they were cutting too close to one of the tree-sitters. She is arrested for being on the right-of-way, and also charged with summary and misdemeanor three disorderly conduct. Huntingdon County does not have facilities for females, so she is transported to Centre County, and her bail set at \$100,000 (one hundred thousand dollars). Because of her job situation, her family posts the 10% (\$10,000) and she is released. During this time, crews are photographed and videotaped cutting trees out of the right-of-way, cutting trees into the streams and wetlands, and walking through the wetlands and streams. There are some trees they were unable to cut down because their chainsaws were not large enough. Several members of the crew also joke about what would happen if they cut down the trees with the sitters.

**March 30, 2016:** The tree crew comes back to continue cutting. They continue to cut trees close to the now two sitters, without any regard for safety. I am off the right-of-way doing an interview with a reporter from WJAC-TV in Johnstown when there is a large crash. I turn around to see the tree crew cutting trees that are falling and actually brushing the tree with the sitter. I tell the three sheriff's deputies standing there that they need to do something. They shrug their shoulders and say that she shouldn't be in the tree in the first place. I move to an area marked "Do Not Cut", turn to the deputies and again ask them to tell the crews to stay away from the sitters. One deputy says "This is enough" and I am arrested. Like the other two arrestees, I am charged with the two disorderly counts. I am released on \$5000 unsecured bail. Sunoco's crew leaves at mid-day. They do not come back that day or the next, even though there are still about a dozen trees still standing in the right-of-way.

**April 7, 2016:** Early morning we hear chainsaws on the south side of the pond. We run out to find a tree crew starting to cut down one of the trees that had been left standing at the end of March. We tell them that they are not allowed to cut trees, based on what had been written in their own injunction. I go back to the house to get a copy of the injunction. Instead of grabbing the entire injunction, I take only the page with the clearing listed date of "no clear-cutting after March 31". While I was at the house, the Sunoco Logistics crew had called the state police. I show the paper to the police, only to hear that "that piece of paper doesn't prove anything. Anyone could have typed that page. Besides, we stopped at the courthouse before coming here, and Judge Zanic told us to arrest anyone impeding the crew." One other person and myself are arrested, and again charged with the two counts of disorderly conduct. The male was taken to Huntingdon County jail, where he is ultimately able to post the \$5000 bail. I am transported to Centre County. I am asked to answer some intake questions. I refuse to answer questions, as I had done with both the state police and the sheriff's department. I'm told that not answering questions is a Level One offense. I

shrug my shoulders and the officer leaves. About 2 hours later I am taken out of the holding cell, placed in shackles, given a Velcro knee-length “turtle suit” to put on, and placed in isolation with a surveillance camera and 24 hour light. My glasses are taken and I am given a thin sleeping bag on a metal bed. I assume that this is done initially before being placed with the other prisoners. I am not allowed to call my lawyer or my family.

**April 8, 2016:** When they bring breakfast the next morning, I tell them I can’t eat because I haven’t had my thyroid medication yet. They remove the food. I ask to talk to my lawyer, and I’m told that I can’t because I’m on “suicide watch.” Apparently if you exercise your right to refuse to answer questions, you are considered suicidal. I am told that someone is putting up bail for me. I’ve never been in jail before, and I assume that whoever put up the bail was going to lose that money. I refuse to accept the bail. I continue to ask for my lawyer, but again am denied. I decide to go on a hunger strike.

**April 9, 2016:** I continue to refuse to eat. I still do not get my thyroid medication, or access to my lawyer. I am finally taken to the medical unit so that I will be able to get my medication. The staff there explains that a person who posts bail will not lose it, as long as the person arrested shows up for their court dates. I still am not able to contact my lawyer or my family. I am finally able to see a counselor, who informs me that if I don’t take bail, I will have to wait until Monday to see a psychiatrist, who will determine if I am suicidal or not. If I continue to refuse to eat, that would be an indication that I am indeed suicidal. I agree to take the bail, and am released later that day.

So, we have both civil and criminal cases pending. Our eminent domain case is still in Commonwealth Court. No matter whether the Commonwealth Court rules in our favor or in Sunoco Logistics’ favor, the ruling will be appealed to the Supreme Court. This means that the eminent domain case may continue for at least another year. Three of the original six arrestees still have ongoing criminal cases because we refuse to sign up for a drug and alcohol rehabilitation program as condition for dropping the charges. (5955)

**Response:**

The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

## 5. COMMENT

**Third**, the issuance of Chapter 102 and 105 permits:

Sunoco Logistics does not yet have all its easement agreements in place, and there are still landowners fighting eminent domain proceedings in the courts. Permits should not be issued while these cases are still outstanding. (5955)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

## 6. COMMENT

Sunoco has requested these permits in order to construct a pair of proposed pipelines to carry enormous quantities of highly volatile hazardous liquids directly through the center of numerous high consequence areas, for the purpose of exporting these products overseas. There is no doubt whatsoever that this proposed project poses the risk of contamination to Pennsylvania's air, land and water; that it poses a risk of pollution to the environment of Pennsylvania; that it endangers the natural resources of the Commonwealth; and that it poses the risk of death, injury and property damage within a one-mile-wide corridor centered on the proposed pipeline route. In accordance with Article 1, Section 27 of the Constitution of Pennsylvania, the Commonwealth (including its agencies) is required to "conserve and maintain" the natural, scenic, historic and esthetic values of the environment for the benefit of all the people. And at this moment in time, PADEP is the guardian and gatekeeper of these natural resources on behalf of the Commonwealth. I quote the mission statement of PADEP ([www.dep.pa.gov](http://www.dep.pa.gov), retrieved 8/18/2016) below. Nothing there about any role for PADEP to provide or advance the production of jobs:

Mission Statement

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

In addressing this comment, I would appreciate if the Department would please confirm its commitment to its Mission Statement and to Article 1, Section 27 of the Constitution of the Commonwealth. Please also address the decision not to use eComment. (5951)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**7. COMMENT**

I have received monies for the 2nd time although I was against this line crossing my properties – they claimed eminent domain rights saying if I did not except monies that they would still cross my properties without monies. Last think I wanted was a battle with a company 100,000 times larger than me. First representative info will be attached (John Dillard). Second rep. tried to get me to believe that I had agreed in the first agreement that I agreed to “Multiple” lines for the same amount of monies but I called his bluff. I would have much rather kept my property rights and not received monies. I do live in Washington county. (5957)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).*

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**8. COMMENT**

I am requesting that the Pennsylvania Department of Environmental Protection deny wetland and streaming crossing permits, under Title 25, Chapter 105, to Sunoco Pipeline L.P.'s Pennsylvania Pipeline Project (PPP) formerly known as Mariner East 2. My first reason for this request is that legal matters concerning landowners who had their land seized by eminent domain should be settled before issuing these permits. Private property owners

in Huntingdon County had their land clearcut for the Mariner East 2 while they had an appeal filed concerning the county's eminent domain ruling, and this is unlawful. Also, Sunoco Pipeline L.P. should be held accountable for doing this without Chapter 102 or 105 permits. (5958)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).*

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**9. COMMENT**

Lastly, I call upon the DEP to fulfill the Constitution of the Commonwealth of Pennsylvania, Section 27: "The people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment." Protect the 581 wetlands, 1,227 streams, 35.3 acres of wetlands and 8.6 acres of streams that will be significantly impacted by the construction of the PPP (5958)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**10. COMMENT**

Sunoco Logistics' pipelines have proven to be unsafe and a number of their lines have ruptured over the years causing damage to the environment. One leak in 2005 unleashed 260,000 gallons of crude oil into the Ohio and Kentucky Rivers. In 2008, an improperly installed valve caused 12,000 gallons of gasoline to be spilled into Turtle Creek, Westmoreland County Pennsylvania, killing most of the aquatic life along a three mile section of the stream. And yet another spill in Wellington Ohio, resulted in 2,780 gallons of gasoline being spilled and 30 homes having to be evacuated. If the Mariner II were to rupture along one of the more populated sections of its route, such as the Philadelphia suburbs or the Cumberland Valley, it would be devastating to not only the environment, but also the economy. (5961)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

- 11. COMMENT** As you continue to discuss whether to grant Sunoco Logistics these permits or not, please take a moment to reflect on the words of Article 1 Section 27 of Pennsylvania’s Constitution, which states. As you continue to discuss whether to grant Sunoco Logistics these permits or not, please take a moment to reflect on the words of Article 1 Section 27 of Pennsylvania’s Constitution, which states.

*“The People have the right to clean air, pure water; and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s natural resources are the common property of all 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.”*

After reviewing all the comments and testimony for this case, you must decide for yourself; can this project go forward while still protecting the constitutionally insured right of the people to a healthy environment? If you are like me and believe that this project poses a clear threat to our Article 1 Section 27 rights, take a stand and oppose Sunoco Logistics’ chapters 102 and 105 applications. It is your duty to the citizens of this Commonwealth. (5961)

**Response:** DEP’s review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department’s thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. DEP’s review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department’s thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

- 12. COMMENT**

9. Sunoco project cannot be reviewed without considering the cumulative impacts of the Atlantic Sunrise potential impacts. (5972)

**Response:**

The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania

regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Both the applicant and the Department considered the impacts being proposed associated with the Atlantic Sunrise project in evaluating the cumulative impacts for this project.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

### 13. COMMENT

It is very disheartening, as private citizens, to be exhorting our Department of Environmental Protection to protect our constitutional rights under Article 1 Section 27 of our Pennsylvania Constitution, and to uphold the integrity of DEP's Mission and Statement of Values. These documents must inform and direct all decisions made on behalf of our resources, and the welfare and safety of Pennsylvanians.

As a point of reference, it is relevant to state the Mission of the PA Department of Environmental Protection which "is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources."

And equally important is DEP's Statement of Values:

- Protection- We are responsible for the protection of the air, land and water of the Commonwealth
- Teamwork- We recognize that, as a Department, our responsibilities are great and our numbers few. Just as our air, land and water together make up our environment, our goals can only be accomplished if we work cooperatively and support each other in the achievement of our common purpose.
- Communication- We encourage the broadest two-way communication possible with all our constituencies by involving the public in decision-making opportunities through such techniques as regulatory negotiation and stake holder groups and by disseminating information through all means possible.
- Pollution Prevention- We promote the goal of *zero* discharge through pollution prevention and encourage compliance assistance and problem solving to stop pollution before it starts. (5212)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

### 14. COMMENT

I am aware that your agency risks being faced with a lawsuit if permits are withheld or refused. However, your agency and hence the taxpayers would likely pay the brunt of operator malfeasance should this project move forward. We would like to remind the department that any legal fees your agency would incur would be paid for out of our pockets as well. We ask you to accept this risk on behalf of the people of Pennsylvania, in order to avoid a much greater catastrophe. Please work with us, not against us.  
(5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP has worked diligently on the various permit applications to ensure that the applicable regulatory requirements have been met. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**15. COMMENT**

Hello, I'm Jim Tupitza. My office is at 212 West Gate Street in West Chester. I am a real estate lawyer. I, in my firm, have represented numerous property owners in securing revisions to the Sunoco easements to provide environmental protection for those property owners. And I have a question of the DEP that relates to that. Although, I have to comment that, as I listen to Senator Dinniman speak about the process of dealing with DEP, it made me want to stand up and pat him on the back because it is so difficult for residents and citizens to deal with DEP. Because candidly, everybody that sits in this room right now is probably figuring out that half of what is being said is never going to be read or listened to by anybody that's going to make a decision.

Now, I know this decision isn't about jobs, I know it's a Chapter 105 hearing that deals with storm water, that deals with soil erosion; things of that nature. And because of that, that's what I had my question about. We've got situations where we have indemnification for our clients from any storm water erosion control issues that might arise, or sedimentation problems from Sunoco. If we're in a position of having to enforce those rights because an event has occurred and we're out there enforcing those rights against Sunoco, is DEP going to be standing with us or is DEP going to be saying, your clients are property owners, they're responsible parties because this pollution event occurred on their property.

And so I'd like something in the written findings, a specific finding in the written findings that says that DEP will stand with the residents of the Commonwealth and not hold them responsible if there's issues that deal with storm water or any of the Section 105 issues.  
Thank you. (29696)

**Response:**

The Department does review and consider all comments received. Your comment relates to compliance and enforcement associated with the permits that are under consideration. Permittees are obligated to comply with all permit terms and conditions. If a permittee violates a permit term or condition, they are subject to a potential enforcement action as well as potential civil penalties from the Department. Complaints or concerns regarding a permittee's compliance with its permits should be registered with the appropriate DEP Regional Office and/or County Conservation District in order to initiate appropriate investigation.

## 16. COMMENT

However, to focus on the codes themselves, I will simply bring to your attention that Sunoco has not fulfilled its obligations. The company has not secured all easements along the 350-mile long route. There are ongoing disputes over land rights in multiple counties in the Commonwealth. My family and others will continue to fight eminent domain abuse. You are probably aware that this question of whether or not a private company can take your property for their own profit will wind up in the state Supreme Court. So I will remind you, that it will be a long time until all easements are secured. (5953)

### **Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

## 17. COMMENT

Thirdly, no alternatives have been explored. Sunoco decided it would simply be cheaper to go through more of our ground than to involve other landowners near us. Most importantly, the construction of the Mariner East II is at complete odds with Article 1, Section 27 of the Pennsylvania Constitution, as is the using of eminent domain to seize land that individual property owners have decided to set aside for conservation. The Department has every right to deny these permits. Pennsylvanians will be forced to hold your agency accountable if you knowing allow Sunoco to move forward with actives that will violate Pennsylvania law. And to the Labor folks here, I just want to ask you to stop treating people like me and my family like the enemy, because it is not us versus you. It is not our rights versus your right. It is not our right to protect our property versus your job. Okay? That's not what this is about. There are jobs to be had in pipelining in Pennsylvania, repairing and maintaining existing infrastructure. There are jobs there. There are things that need to be done that aren't being done. There's safety protocols that need to be implemented, that aren't being implemented, you know. And it doesn't have to be like this. You don't have to come out here and force against us. Okay? We are not against you. And I am asking you right here, right now to please not come to my family's home and further destroy it. I am begging you. Okay? We don't deserve that. My mother was a public school teacher for 32 years, a special education teacher. My father is 85 years old, and he has been through more in his life than I could tell you in hours. Okay? We are just Pennsylvanians. We are just Americans. And we just want to be secure in our lives and our livelihoods just like you do. And you don't have to come and hurt us in order to do that. So please don't. (5953)

### **Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

#### 18. COMMENT

The only way it is proceeding is that the corrupting influence of campaign and lobbying money has led to unbelievable, unconstitutional taking of private property by eminent domain for a corporate purpose. As a retired real estate attorney, I can assure you that this land grab is not only --- undermines --- that it's not an undermines basic tenets of real estate law. It negligently exposes families, farms and businesses to extreme risk without their consent. (29710)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

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#### 19. COMMENT

Three, honor the rights, needs and wishes of the 2,700 plus landowners whose properties will permanently be impacted by this and other pipeline projects. Four, quit taking land from uncooperative property owners. No one should have this project forced upon them. Please don't use the coercive force of government to benefit a very few at the expense of the very many. (29712)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or

encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**20. COMMENT**

For a company to be able to use eminent domain to secure its right-of-way for a commercial venture is paramount to land theft and a company prospering on the backs of individual property owners. (29724)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**21. COMMENT**

My name is Lee Pinto, and I reside in Salem Township. And I am going through hell with this pipeline, living hell. I've sympathized with all the people that work for the pipeline and want jobs and everything else, but I'm telling you now, this is the disgusting --- most disgusting thing in the world, the people that I've talked to that represent the pipeline.

They come in there like they own the place and they don't care what they do or where they -- what they do and what they do within the property line; okay? And I personally bought that property for my own particular use, not for somebody to come through there and put a pipeline through there; okay? I have people --- they hire students to come in and sit and watch what's going on.

But to try to get an answer out of what they're doing or why they're doing it or anything like that is beyond them. They don't care. As far as I'm concerned, this power of eminent domain is a crock of crap, an absolute crock of crap; okay? But this --- all it does is feed these people that have property that they can just come through any time they want to. So what I want --- I'd like to see done, okay, as far as that goes is that the property owner has the right to kick their behinds off the property; okay? They don't need this pipeline going through there; okay? And that's where I'm at. So what I'm saying is that I want this power ---. And every time you talk to one of these agents, oh, it's the power of eminent domain, the power of eminent domain. That's all I ever hear; okay?

But they don't give a damn about any property or anything that they put on their property. I have a semi-small lake below their pipeline right there, and God forbid if that pipeline ever breaks as far as that goes; okay? As far as that goes, they're going to ruin tons of acres. So

I don't know where to go with this as far as that goes; okay? I can sympathize with the people that work.

You know what I mean? That they want a job; okay? But I ---. And that's all they ever talk about. Well, it's the power of eminent domain, the power of eminent domain. I don't want to hear that any more; okay? I thank you very much for your time. (29728)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**22. COMMENT**

I've witnessed eminent domain. I was on a farm --- a maple tree farm where the Constitutional pipeline was coming through.

And we went to help support the family that --- their land was being taken. They cut down maple trees and greeted us with eight US marshals armed with machine guns. We were just there to support the people. Meanwhile, they cut down the trees, took away jobs.

And because New York has rejected the pipeline and rejected fracking, that pipeline is no longer going to be used, so they did it for nothing. So I ask you to please do your job. Protect the people of this Commonwealth instead of promoting another toxic industry. Thank you. (12647)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP

has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**23. COMMENT**

Another concern is public land impact, and this is something that I actually haven't heard folks talk a lot about. But numerous popular outdoor recreational areas are in the crosshairs of this project. Many of these areas receive federal funds through the Land and Water Conservation Fund, so they are due special protections under federal law, which is not mentioned anywhere in Sunoco Logistics application for 102 and 105 permits, including a rigorous review process by the National Park Service, additional NEPA review and ultimately NPS imposed mitigation. This is a real legal requirement and is no way optional. So we have very serious concerns about the fact that this application appears to ignore these LWCF requirements. (11597)

**Response:**

NEPA analysis and review is not administered by the Department of Environmental Protection.

**24. COMMENT**

As far the patriotism, living in a first world country, talking about how great America is and how great our state is, we actually have a Pennsylvania Constitution. And in that constitution, we have a Declaration of Rights. It's in Article 1, Section 27. And this says the people have a right to clean air, pure water and to the preservation of natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all people, including generations yet to come. As a trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people.

After enduring the terrible consequences of resource exploitation in the last century, Pennsylvania amended its constitution to include Section 27 to protect the public interest and a healthy environment. These protections are vital. We ask that DEP take these public serious --- or public duties very seriously and give these lands, these communities the meaningful protections they deserve, especially given the size and scope of this project. Thank you. (11597)

**Response:** DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**25. COMMENT**

I get those nice little letters every once in a while from them, and they never mention anything other than we're going to have a shredding event and the seniors can go get a free vaccination somewhere, but nothing about matters that matter a lot. Active, involved, eminent and --- we got 30?

All right. I'll finish with this. The idea that --- eminent domain was this. It was for a public use. A park. A new roadway. Something that benefits the public. The industry itself has now expanded the definition of a public benefit. If that's going to be the new definition, then I want something. I want eminent domain, because I bought this shirt. And I helped the public. Or I got a belt, or I got a car, or I came ---. You know, I did stuff, too. If that's going to be the definition of eminent domain in this state, then we are all seriously in trouble. That's not a matter for the DEP. That is a matter for the courts, yet this process is going forward as if they have been granted eminent domain. And FERC has been doing this at the national level. And the hell with the rest of us, here comes the pipe. (29732)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**26. COMMENT**

Finally, let me leave you with this, I have had 3 out of 27 acres of my property seized by Sunoco Logistics through eminent domain. Three acres may not seem like much, but these three acres contain a pond, stream and wetlands. (5955)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

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**27. COMMENT**

This Pennsylvania Pipeline Project, undermines our rights under Article One and Section 27 of the Pennsylvania Constitution and will degrade and contaminate our streams and wetlands. We are urging you to reject all these permits. I would like just to take one more minute. I went on DEP's website this afternoon, and I looked at your mission statement of values, and there is nothing in here that directs you to act as the Department of Energy and special interest protection. It talks about protecting our air, land and water and promoting zero discharge through pollution prevention. So we're really asking you to do your job of protecting our environment and withholding our constitution. Thank you. (29806)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**28. COMMENT**

Set number two, lie number two is that this Mariner East Project is in the public interest. This is in the Courts right now. It's being litigated. My guess is it's going to end up in the Supreme Court. But it seems pretty clear to me that this is a project that is using eminent domain for private gain. And so the notion that this is in the public interest seems to be fundamentally misplaced and a misrepresentation or a lie of the reality of what's going on. (29810)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

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**29. COMMENT**

So also I heard that no public property would be adversely affected by this project. I believe --- maybe this guy, somebody who looks like him, from Marcellus Coalition said that. That's ridiculous. The last speaker, I believe, said they rerouted the pipeline, it would be rerouted around the Gerhart property, these people are just telling you straight up lies. It's just a lie. Everybody knows this.

Of course properties are adversely impacted by pipelines. Of course. You can't build a pipeline on somebody's property and not have them be adversely impacted. And just straight up, oh, it's being rerouted around the Gerharts. Well, that would be great news to the Gerharts, the thing is it's not. And even if it was, it may be routed through

another family's property or another --- impact wherever that goes. You can't build a pipeline without adverse impacts.

And so what this is all about really, it's just eminent domain for short term financial gain. So these companies are coming in, seeking eminent domain, which is supposed to be for the public good, and then actually ruining the public good and then making money off of that. (29823)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

## Hearing, Comment Period, eComment

### 1. COMMENT

I am concerned about the imposition by PADEP of a requirement to register to speak, and the imposition of an arbitrary 3 minute time limit. Also, PADEP's request that speakers submit written copies of their speaker notes is serving to intimidate and further disenfranchise would-be speakers. None of these things appear to be required by any policy of PADEP, and each seems to be an arbitrary abuse of agency discretion that is serving to limit public opportunities to comment on a matter of enormous environmental concern. I object to each of these arbitrary impositions by PADEP. I intend to provide written comment for the record, but please be informed that I will not provide PADEP a copy of any notes that I use this evening. The written comments that I provide will be prefaced by my observation that PADEP plainly erred in determining that the applications are complete and technically adequate, and that the opening of the public comment period on the applications was therefore premature. (5936)

**Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department structured the public hearings with a three-minute time limit on verbal testimony to ensure that there was adequate time for all participants to speak. Written copies of testimony are always requested so that remarks are captured accurately and that DEP has a record of the remarks, should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, written comments and verbal comments hold the same weight.

### 2. COMMENT

We both know that PADEP's request to submit a written copy of one's oral remarks is just that, a request. The problem, as I mentioned to you previously, is that many would-be commenters have interpreted the "request" as a "requirement," which they found burdensome and intimidating. To the extent this "request" has discouraged people from commenting, it has effectively but wrongly disenfranchised them from the public comment process. I respectfully suggest that it is not too late for PADEP to revise its web pages to make abundantly clear that the provision of a written copy of one's comments is completely optional. PADEP should emphasize that a full opportunity to speak will be afforded, regardless of whether the speaker chooses to provide a copy of her remarks, or not. (5936)

**Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department requests a copy of verbal testimony to ensure that the remarks are captured accurately and that DEP has a record of the remarks should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, verbal and written comments hold the same weight.

**3. COMMENT**

**7. The Department should restart the comment period only after the applications are complete.** Should the Department decide not to reject Sunoco's applications at this stage, Citizens respectfully request that the Department restart the public comment period only after Sunoco corrects and completes its incomplete applications. As documented above, as of the end of the public comment period, Sunoco's applications are incomplete and technically deficient. The public should have the opportunity to comment on *full* permit applications.<sup>4</sup>

Also, the technical analysis of these applications is a lengthy, expensive, involved process which the public has not been able to fully perform even on the parts of the applications Sunoco has submitted. Not even the Department has been able to complete its technical review. The Department started its technical review shortly before notice of the public comment period and has set a target date for completion of October 26, 2016. It is right that the Department is giving itself time to do a thorough technical analysis, though it should have not given up on getting Sunoco to complete its applications first. But the Department should recognize that a Project of this size requires an unusually long period for the public to do its own technical analysis as well.

Those who would be harmed by the building of the pipeline are Pennsylvanians from all walks of life, most of whom have not had adequate time to pore over the literally thousands of pages of technical documents in Sunoco's applications. It can be overwhelming. The Department should give impacted people meaningful opportunities to protect their lives and their livelihoods by weighing in on the Project during the public comment period.

The public comment periods for Mariner East 2 should also be coordinated. On August 6, 2016, the Department published in the Pennsylvania Bulletin a Notice of Sunoco's Chapter 102 (earth disturbance) applications for coverage of the Mariner East 2 pipeline project

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The public has also been needlessly confused by the description of the Project variously as the "Pennsylvania Pipeline Project," "Mariner East II," (both descriptions in the Pennsylvania Bulletin notices), "Mariner East 2," "Mariner East 2X," and just plain "Mariner East." This confusion has impeded the public review and comment process, as the public does not know what information and project descriptions are associated with which names.

under three (3) "General Permits" (ESCGP-2), one for each Department Region. The Notice established a 30-day public comment period ending September 6, 2016, but *no* associated public hearings were announced. The Department is reviewing Sunoco's Chapter 102 and Chapter 105 permit applications for Mariner East 2 at the same time. Therefore, the Department should establish public comment periods of the same duration and schedule public hearings for these companion permits. Furthermore, the U.S. Army Corps of Engineers has announced a public comment period ending August 30, 2016 for Sunoco's Mariner East 2 Section 404 (wetlands) permit applications which are reviewed by the federal agency under the Clean Water Act together with the Department's Chapter 105 permit applications. All public comment periods and agency reviews for this project should be harmonized.

So that everyone has a fair chance to provide input on a major project that is projected to do great harm to the land and waters of this Commonwealth, Citizens respectfully request that the Department restart the public comment period only after Sunoco has completed its applications and the Department has made them publicly available. The Project here would have a comparable per-mile impact as the proposed Atlantic Sunrise pipeline project, for which the Department rightfully granted a 90-day Chapter 105 public comment period, but be a hundred miles longer. That restarted public comment period should be 90 days, and be enriched with public hearings, commensurate with a project of this unusual magnitude and potential destructive effect. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of comment period and made the applications available online.

**4. COMMENT**

I would like to speak at tonight's public hearing. I am concerned about the imposition by PADEP of a requirement to register to speak, and the imposition of an arbitrary 3 minute time limit. Also, PADEP's request that speakers submit written copies of their speaker notes is serving to intimidate and further disenfranchise would-be speakers. None of these things appear to be required by any policy of PADEP, and each seems to be an arbitrary abuse of agency discretion that is serving to limit public opportunities to comment on a matter of enormous environmental concern. I object to each of these arbitrary impositions by PADEP. I intend to provide written comment for the record, but please be informed that I will not provide PADEP a copy of any notes that I use this evening. The written comments that I provide will be prefaced by my observation that PADEP plainly erred in determining that the applications are complete and technically adequate, and that the opening of the public comment period on the applications was therefore premature.

We both know that PADEP's request to submit a written copy of one's oral remarks is just that, a request. The problem, as I mentioned to you previously, is that many would-be commenters have interpreted the "request" as a "requirement," which they found burdensome and intimidating. To the extent this "request" has discouraged people from commenting, it has effectively but wrongly disenfranchised them from the public comment

process. I respectfully suggest that it is not too late for PADEP to revise its web pages to make abundantly clear that the provision of a written copy of one's comments is completely optional. PADEP should emphasize that a full opportunity to speak will be afforded, regardless of whether the speaker chooses to provide a copy of her remarks, or not.

This exchange is about PADEP's requiring people to register to speak at the few public forums, and to provide PADEP a written copy of any remarks. Many people found these requirements intimidating and chose not to speak as a result of them. (5951)

**Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department requests a copy of verbal testimony to ensure that the remarks are captured accurately and that DEP has record of the remarks should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, verbal and written comments hold the same weight.

**5. COMMENT**

This pipeline cuts a swath through seventeen counties of this Commonwealth. DEP is not justified in limiting the number of public hearings to five. Spreading these hearings across the width of the state creates an undue burden on anyone wishing to make oral public comments. DEP should reschedule these hearings so that there is one hearing in each of the affected counties. (5955)

**Response:**

One hearing per region would not have been sufficient but 17 individual hearings would not have been feasible. To that end, the Department selected locations for the hearings based on a number of criteria (size, location, close to highways, security etc) and for the hearings to be in multiple locations across the 300+ mile long pipeline.

**6. COMMENT**

Given the numerous misrepresentations of “facts” by Sunoco Logistics, and given its track record for providing false or misleading information, more time should be allotted for file review by the public and by technical experts. In addition, the presence of still incomplete application(s) should halt the consideration of permits. Based on this, the public comment period should not officially begin until ALL permits are deemed complete, and only then should the public comment period be extended to 45 days to allow for complete review. (5955)

**Response:**

The Department acknowledges the commentator’s comment regarding the DEP’s public comment process. The applications have been available on DEP’s website since they were deemed complete and have been available for file review in the regional office throughout the entire review process.

**7. COMMENT**

While I appreciate your making the shapefiles for Sunoco's proposed project publicly available, I am distressed that you did not do so until several days after the end of PADEP's advertised public comment period for the Chapter 105 part of these applications. As you know, these shapefiles contain critically important GIS data, without which it is impossible for informed people to comment meaningfully on the technical merits of the applications. And the applications themselves pertain to a project that is of vital public interest, most particularly because of the insanely reckless public safety risk presented by the proposed

transportation of highly volatile liquids through densely populated, high consequence areas without any site-specific planning to protect life and property in the event of a leak of these materials. Because you have just now made these shapefiles publicly available, I respectfully suggest that PADEP should provide time for the public to develop comments on the data they contain. An extension of time for public comment on the Sunoco applications is reasonable, prudent, indisputably in the public interest and appropriate (if not required) under the statutory language of Chapter 105. Such an extension has been previously request by Senator Mike Folmer; Senator Andy Dinniman; and the entire Board of Commissioners of Lebanon County. (5951)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**8. COMMENT**

I write in opposition to the issuance of permits under 25 Pa. Code Chapter 105 to Sunoco Pipeline L.P. I observe that the Department of Environmental Protection (PADEP) has elected not to use its eComment service, which would provide a docket of comments accessible to the general public, and instead has chosen to accept comments only via e-mail or U.S. mail. The public is effectively disenfranchised by this unfortunate and unreasonable decision. In attempt to somewhat compensate, I am copying a large group via e-mail to make my comments as visible and transparent as possible. (5951)

**Response:**

The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used.

**9. COMMENT**

3. Unlike other pipeline projects PADEP has reviewed and conducted public hearing for, PADEP is only accepting public comment via e-mail or U.S. mail, rather than through "eComment" service ([www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment)). This disenfranchises participants who are unable to attend each public meeting from being able to read and assimilate all comments throughout the public hearing and comment period. This is not a transparent process and impedes the goal of this process to gather information for a review that ensures environmental safety in pipeline projects. (5972)

**Response:**

The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used.

**10. COMMENT**

6. We need more hearing dates be scheduled to allow for more people to participate and provide comments. The current schedule does not provide sufficient time for meaningful

input. Even at the current schedule, only minutes will be available to a very small number of the total impacted communities. We ask for a minimum of two hearings in each region and that the locations of the hearings be chosen to accommodate geographic restraints of citizens. (5972)

**Response:**

The Department selected locations for the hearings based on a number of criteria (size, location, ease of access, security etc.) and for the hearings to be in multiple locations across the 300+ mile long pipeline.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**11. COMMENT**

8. The comment period should be extended to 90 days making the end date Monday, September 26, 2016. We understand that the DEP provided a 90-day comment period in the Atlantic Sunrise project and ask for the same consideration. (5972)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of comment period and made the applications available online.

**12. COMMENT**

10. We ask that 90 days be calculated after the errors in the PA Bulletin are corrected, after Sunoco has notified all impacted stakeholders of the use of the name PPP.

Thank you for all you do to protect our environment. I look forward to your response. (5972)

**Response:**

The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

### 13. COMMENT

I would like to speak tonight at the Mariner East II hearing. Can you direct me to whom I should contact to be placed on the agenda? (5974)

**Response:**

Persons interested in testifying for a scheduled public hearing were to reach out to the Regional Community Relations Specialist.

### 14. COMMENT

I am a resident of West Cornwall Township in Lebanon County. Please consider this request to extend the public comment period for at least 30 days (from August 24, 2016, the current comment deadline) in connection with the DEP review of Sunoco Pipeline LP's Ch. 102 and 105 permit applications for its Mariner East Pipeline Project, also called Pennsylvania Pipeline Project. You have already received the same request from our Lebanon County Commissioners and Sen. Mike Folmer who serves Lebanon County. It is my understanding from eFacts that DEP's internal target date for completing its review of these applications is late October 2016, so this short extension of the public comment period should not cause a delay to finishing the agency's review. As you know, the applications are extensive, complex, complicated and have been amended several times by Sunoco since their initial submission last August, 2015. The public needs time to review the permit applications for this huge project that will cross 17 counties in PA. Sunoco's proposed project includes the construction of two proposed Natural Gas Liquids transmission pipelines -- a 20-inch and 16-inch -- extending more than 300 miles between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA. In Lebanon County, the project consists of the installation and maintenance of approximately 19.7 miles of pipelines and appurtenant structures. It is proposed to cross the following municipalities in Lebanon County: Cornwall Borough as well as South Londonderry, South Annville, West Cornwall, South Lebanon and Heidelberg Townships. It will impact Gingrich Run, Bachman Run, Beck Creek, Snitz Creek, Quittapahilla Creek, Killinger Creek, Buckholder Run, Spring Creek, Middle Creek, Hammer Creek and numerous unnamed tributaries of these water resources as well as valuable wetlands. Thank you for your consideration of this request to extend the public comment period by at least 30 days for Sunoco's permit applications now pending before the DEP. (5941)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

### 15. COMMENT

My name is Jordan Hoover and I work and reside in Saltlick Township, Fayette County. I have been involved in the public review process of Sunoco LP's Pennsylvania Pipeline Project (Mariner East 2) for the last few months and will be submitting my formal technical comments to you today.

I would like to note that over the past few days I have been in contact with a County Conservation District in the Southwest Region in an attempt to obtain a copy of any technical review comments in their possession regarding the Mariner East 2 project. Other conservation districts along the proposed route were forthcoming with this vital information, allowing citizens to complete a more thorough review process and to create more useful comments for your consideration. I have been unable to acquire this information here locally but was told that the comments do exist, but are in “draft form” and would not be ready for release to the public until “early September.” As you know, the public comment period deadline is today at 4pm. I believe that not being given the opportunity to review any and all pertinent information regarding this application obstructs every citizen’s right to full transparency and meaningful participation in this process. (5982)

**Response:**

The technical review comments of a county conservation district and DEP staff are internal predecisional documents until they are incorporated into a formal technical deficiency letter.

**16. COMMENT**

For all of these reasons, I respectfully request that DEP reject Sunoco’s applications for stream and wetland crossing permits for its project under review for being incomplete and legally flawed. If this request is not granted, I request a comment period of 90 days to be restarted after the application deficiencies are corrected and published for public review. (5985)

**Response:**

The Department acknowledges the commentator’s comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

**17. COMMENT**

It appears that you intentionally delayed releasing this data so as to sabotage the public’s right to know this information and thereby submit public comment in time to be included in the record. Why would you do this? Can you explain this action or must we chalk it up to how corrupted Pennsylvania’s bureaucracies and local governments has become? Are we not entitled to honest representation? (5986)

**Response:**

The Department has made more information available for this project than typically provided for permit reviews. Files have been made available online through a website and have been available for file review. The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**18. COMMENT**

The Department should restart the comment period only after the applications are complete.

Should the Department decide not to reject Sunoco’s Chapter 102 applications at this stage, Citizens respectfully request that the Department restart the public comment period only

after Sunoco corrects and completes its incomplete applications. As documented above, as of the end of the public comment period, Sunoco's applications are incomplete and technically deficient.

The public should have the opportunity to comment on *full* permit applications. See the Department's Policy on Public Participation in the Permit Review Process, March 1, 2014.

Also, the technical analysis of these applications is a lengthy, expensive, involved process which the public has not been able to fully perform even on the parts of the applications Sunoco has submitted. Not even the Department has been able to complete its technical review. It is right that the Department is giving itself time to do a thorough technical analysis, though it should have not given up on getting Sunoco to complete its applications first. But the Department should recognize that a Project of this size requires an unusually long period for the public to do its own technical analysis as well.

Those who would be harmed by the building of the pipeline are Pennsylvanians from all walks of life, most of whom have not had adequate time to pore over the more than a thousand pages of technical documents in Sunoco's Chapter 102 applications. It can be overwhelming. The Department should give impacted people meaningful opportunities to protect their lives and their livelihoods by weighing in on the Project during the public comment period.

The public comment periods for Mariner East 2 should also be coordinated. On June 25, 2016, the Department published in the Pennsylvania Bulletin notices of Sunoco's Chapter 105 (wetland and waterway crossing) applications for coverage of the Mariner East 2 pipeline project, one for each county crossed. The notices established a 60-day public comment period ending August 24, 2016. The Department is reviewing Sunoco's Chapter 102 and Chapter 105 permit applications for Mariner East 2 at the same time. Therefore, the Department should establish public comment periods of the same duration and coordinate public hearings for these companion permits. Furthermore, the U.S. Army Corps of Engineers has announced a public comment period ending August 30, 2016 for Sunoco's Mariner East 2 Section 404 (wetlands) permit applications which are reviewed by the federal agency under the Clean Water Act together with the Department's Chapter 105 permit applications. All public comment periods and agency reviews for this project should be harmonized, as these applications are best evaluated in tandem.

So that everyone has a fair chance to provide input on a major project that is projected to do great harm to the land and waters of this Commonwealth, Citizens respectfully request that the Department restart the public comment period only after Sunoco has completed its applications and the Department has made them publicly available. The Project here would have a comparable per-mile impact as the proposed Atlantic Sunrise pipeline project, for which the Department rightfully granted a 90-day Chapter 105 public comment period, but be a hundred miles longer. That restarted, coordinated public comment period should be 90 days, and be enriched with public hearings, commensurate with a project of this unusual magnitude and potential destructive effect. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the

permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of comment period and made the applications available online which is something that was not afforded at the time the Atlantic Sunrise project was noticed.

## 19. COMMENT

I write to say the public hearing process you have put into place is flawed. Here is the definition of a public hearing: an official meeting where members of the public hear the facts about a planned road, building, etc. and give their opinions about it: a public hearing on/about sth The city planning commission will hold a public hearing on the casino design next week. <http://dictionary.cambridge.org/us/dictionary/english/public-hearing> Part of the benefit of attending a public hearing is that you can hear the views of fellow Pennsylvanians. Also a benefit of attending is that one can gain a view on the consensus on the issue at hand, at least at the given hearing. These comments collected by PA PUC are not just for the hearing of those at PA PUC collecting the information. The public comments are for the public, those who pay taxes for the democratic process we have in place. Another reason this process is flawed is you are having the only five public hearings and holding them in August (8, 9, 10, 16 and 18) when many people are taking vacation time. This is inconvenient. Even if it is not intended, having the public hearings in August has the appearance you don't want to hear from Pennsylvanians at public hearings, not really. Finally, changing the format of the fifth and final public hearing, so that it had a different format than the other four public hearings was wrong. Instead of attending as expected a public hearing, suddenly one is participating in a format at which members of the public are ushered separately into private rooms. Changing the format was a unilateral decision by the PA PUC. I am unaware any notice was given to the public that you all were changing the format. Many of us are familiar with lengthy discussions which occur regarding the format of presidential debates, for example, and that those who are participating first discuss options and then AGREE on the format. Again, this may not be intended, but changing the format of the public hearing unilaterally was undemocratic and not good government. Also it has the appearance you don't want Pennsylvanians to hear from other Pennsylvanians. Certainly if I were ushered into a private room rather than allowed to share my comments as per the format at the other August public hearings, I would certainly be intimidated. This was a power play, to put it plainly. I can see that perhaps you all perceived a dilemma with having members of the public disagree on the proposed pipeline. Perhaps there were "professional" or "paid" public commenters present too, who might be intimidating. But changing the format unilaterally was a mistake in my view. Regrettably if the PA PUC chose to hold additional public hearings using the real format, it may be the trust is broken and Pennsylvanians will not participate in their own democracy. That does not bode well for the proposed pipeline plan. There is no rush. You could hold additional real public hearings. Please forward a PDF of the public comments given at the public hearings. Also if they were video recorded I would appreciate a link to that. (6058)

### **Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003).

Testimony from the hearings is found throughout this comment response document as well as all comments that were received during the comment period. The hearings were not video recorded by the Department and are therefore not available for review.

## 20. COMMENT

I appreciate the opportunity to provide comments however I am concerned that the comment period was not adequate to review an application of this size and complexity, especially given the significant gaps and issues with the applications. (5438)

**Response:**

The Department acknowledges the comment provided.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices

## 21. COMMENT

On Saturday, October 10, 2015 notices were published in the Pennsylvania Bulletin announcing Sunoco Pipeline, L.P.'s (Sunoco) proposed plans for the Pennsylvania Pipeline Project in the Southwest Region, deeming the application complete. On December 7, 2015 Sunoco was issued a technical deficiency letter by the Department of Environmental Protection Southwest Regional Office (Department) outlining significant flaws with the permit application. On March 24, 2016 the Department received a Technical Deficiency Response and Chapter 105 Resubmittal on behalf of Sunoco.

After reviewing the permit files from the resubmitted application, Mountain Watershed Association identified significant differences between the information provided by Sunoco in the March 2016 resubmission and the figures that were provided to the public in the Pennsylvania Bulletin Notice issued in October 2015. Notable differences include the number of wetland utility line crossings, the acreage of permanent and temporarily impacted PEM, PSS, and PFO wetlands as well as the number of utility line stream crossings.

Mountain Watershed Association, home of the Youghiogheny Riverkeeper, respectfully requests that this notice be corrected and re-issued to ensure the Department fulfills its requirements under Chapter 105 of The Pennsylvania Code. As the company re-submitted the entire permit application in March 2016, a new notice should have been issued consecutively with the Southcentral and Southeast Regional Chapter 105 permits. We also respectfully request that a corrected noticed effectively re-open the public comment for the Southwest Region for an extended period to ensure public comments may be prepared using the information in Sunoco's March 2016 resubmittal. We would also ask the Department to hold more than one public hearing in the Southwest region, as the permit application encompasses five counties. (5944)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The

Department extended the comment period at the outset of comment period and made the applications available online.

## 22. COMMENT

We write to request the scheduling of additional public hearings, and an extension of the public comment period for the technical review of all chapter 102 and 105 permit applications submitted by Sunoco Logistics, Inc. for the Pennsylvania Pipeline Project (commonly referred to as Mariner East II).

We understand that a public hearing was held on Wednesday, August 10, 2016 at West Chester University, but believe that just one public hearing is inadequate for the entire southeast region. There are hundreds of directly impacted landowners in the region, as well as many HOA communities and other interested members of the public who would like to participate in the public hearing process. The extension of public comment, from 60 days to 90 days *after the date of the last public hearing* will also better allow interested stakeholders time to sufficiently understand the proposed project and submit comments.

As Commissioners, we place tremendous importance on providing pipeline information to our residents, and as such, have established the Pipeline Information Center (PIC), an online resource that provides residents with a central location where they can find information on all aspects of pipeline issues. We ask that you seriously consider our request for additional public hearings and an extended public comment period on the above permit applications, so that Chester County (and all southeast region) residents are able to fully understand and provide feedback on the issues that directly affects them regarding this pipeline project. (6280 -6282)

**Response:** The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments. The previously submitted comments were still applicable to those revisions. The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments. The previously submitted comments were still applicable to those revisions.

## 23. COMMENT

I urge DEP to extend the public comment period and hold additional hearings on the Sunoco Mariner East II pipeline. We appreciate that the DEP proactively provided a 60 day comment period and 5 hearings. We feel that this is still not adequate for a project of this magnitude and we are requesting DEP to;

1. Stop the clock until Sunoco establishes a consistent name to be used for the project(s). Sunoco's own communication refers to the project interchangeably as the

"Pennsylvania Pipeline" and the "Mariner East II." This is creating confusion on the part of the community and is impeding effective public participation.

2. Schedule and hold public hearings based on geographic and demographic constraints of each region. One (three hour) public meeting for Chester and Delaware Counties is inadequate for a conservative estimate of 700 directly impacted landowners. Adding HOA communities and other interested public participants, the current schedule disenfranchises stakeholders from full participation.

3. Extend the public comment period for 90 days after the date of the last public hearing in order to provide all interested stakeholders sufficient opportunity to understand the proposed project and to submit their comments.

This is a significant project effecting a large number of diverse communities across our beautiful commonwealth. The consequences of error are very grave and we owe it to our children to get this right. Thank you for your consideration. Thank you for your work and the work of DEP staff in protecting the people of Pennsylvania. (5441)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department requests a copy of verbal testimony to ensure that the remarks are captured accurately and that DEP has record of the remarks should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, verbal and written comments hold the same weight.

**24. COMMENT**

As an elected state official, I have heard from a growing number of Delaware County residents who have reached out to voice their concerns regarding the safety of the proposed Delaware County Pipeline (part of the Sunoco Mariner 2 Pipeline project). Parents and local home owners are concerned that the proposed pipeline will deviate significantly from the footprint of the current pipeline when it comes through Delaware County and that it will run near or through elementary school playgrounds, local orchards, and perhaps even sacred Native American sites. Not only are their concerns related to the safety of their food and water supply, but they are seriously concerned about a threat to public safety should there be a leak, or even worse, an explosion.

I am very concerned that there has been no public hearing Delaware County, even though I understand that Delaware County is one of only two counties in the Commonwealth where the proposed pipeline route deviates significantly from the original pipeline already in place. Before a completely new pipeline is built, local residents deserve the forum of a public hearing to address their concerns about public health and public safety. I respectfully request that DEP extend the public comment period and schedule a hearing in Delaware County so that their concerns may be heard.

It has been also brought to my attention that there is a dispute over which agency should regulate this pipeline- the PUC or the Pipeline and Hazardous Materials Safety Administration (PHMSA). The materials transported by the new pipeline are different from the original materials transported in the original pipeline. The materials to be transported in the new. Mariner 2 pipeline are being transported for export, not use by the people of Pennsylvania. My constituents are concerned that the correct agency is not overseeing the project, and that the safety of their communities, their schools and their food and water supply could be in jeopardy. (6317)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments, which was the focus of the comment period and hearings. Additionally, through coordination with PUC it is understood that this line is regulated by PUC since it is a public utility.

**25. COMMENT**

Good morning, Mr. Williamson, please accept these brief comments regarding the Permit No. E38-194 filed with regard to the Mariner East II Pipeline. I would respectfully request that the public comment period regarding the permit application be extended at least thirty (30) additional days and that additional public hearings be scheduled in all affected counties. I would request that the strictest scrutiny be used in reviewing the permit application in light of the fact that Sunoco has a history of safety and environmental violations and that the permit application be rejected as deficient and not within the public interest. Thank you for your time and consideration. (6361)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

**26. COMMENT**

I am a resident of West Cornwall Township, Lebanon County, and I am extremely concerned with the construction and operation of the Sunoco Mariner East 1 & 2 pipelines that will carry extremely explosive natural gas liquids (ethane, propane & butane) west to east across Pa., including passing through West Cornwall Township. Sunoco has submitted Chapter 102 and 105 Permit Applications for the Pipeline to cross hundreds of creeks, streams, rivers, wetlands and to disturb thousands of acres of wetlands. These are massive permit applications that include thousands of pages, maps and other attachments. To do a review correctly requires an interested person to set up a file review with DEP, read and copy what is essential, research whether the information is pertinent and/or correct, field check questionable data, talk to knowledgeable persons and then comment. I am sure that DEP has a team of experts assigned to this project all working on different aspects of the applications. I think you can see how a single citizen concerned with this massive project,

working alone needs extra time than for a more normal permit application. Please consider allowing at least a 30 day extension period (through Friday September 23, 2016) to comment on this massive and complicated permit application. (6362)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

**27. COMMENT**

Many of my Lebanon County constituents have valid concerns regarding the proposed Sunoco Pipeline LP, Mariner East II Pennsylvania Pipeline Project. You are in the process of a technical review under 25 PA Code Chapters 102 and 105 (stormwater, wetlands and stream crossings).

You have extended the public comment period to 60 days. It is my understanding Sunoco continues to submit supplemental material for the review. This review is a huge process and adding supplemental information can change the whole aspect of sections already reviewed. As this is the case, I respectfully request the comment period be extended to 90 days to be able to assess the entire application and any supplemental information added during the review process.

This is one of several pipeline projects to go through Lebanon County. Giving people adequate time to review and question these projects is the responsible thing to do. Thank you for the important work you do every day. I look forward to your prompt response (6423)

**Response:**

The Department acknowledges the commentator's comment and request. DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

**28. COMMENT**

Also, let me add that nothing has changed from the past in terms of the way DEP operates. For example, we simply wanted, my constituents and myself wanted a copy of the Wetlands Report that had been prepared. That's your job, isn't it, to review the wetlands? DEP has refused to give us that report. DCNR was willing, but said the lead agency has to approve. That's no different wherever you are than what happened with Williams, when you gave us the report 12 hours before 24 hours, excuse me, before a decision has to be made. This is all totally unacceptable.

And finally, let me say this. What I've tried to do in this County is to be a middle person; is to bring together the citizens, government and labor so that we can finally get --- we can accomplish this project, get the jobs but do it in a way that's respectful to the citizens, the

constituents who pay your salary, I might humbly add. And DEP time and time again has not helped us with that process. You could be that middle person, but instead you have your three minute limits when we go --- I must have spent a month of my life attending hearings like this and they are of no value, because in the end you already made up your mind and we know it, and the citizens know it. It's time to start --- it's time to stop playing with the citizens through a phony regulatory process. It's time for DEP to be that middle person, to bring people together so we can finally solve the problems and accomplish this task.  
(29683)

**Response:**

The Department acknowledges this comment and will continue to evaluate ways to improve our public participation process.

**29. COMMENT**

Hi. My name is Lynda Farrell. I am the executive director of Pipeline Safety Coalition and I'm located at 331 Norwood Road. Pipeline Safety Coalition is dedicated to pipeline safety education. We work with landowners, communities, legislators, Federal and State government entities such as DEP and union and operators as well to promote environmental and community safety when pipelines are a topic of discussion.

I'm going to go a little off-script here by making a notation that the predominance of the testimony that we've heard today is frankly about jobs and economic growth, all about jobs and economic growth. But that has nothing to do with Chapter 105. So I just want to make that point that the folks here tonight who are talking about jurisdictional issues to 105, that's what we're here to talk about.

That being said, I'm going off-script again from what I usually tell folks that we consult. I'm going to quote Albert Einstein who said, doing the same thing over and over again and expecting different results is insanity. We seek public participation to glean insights from the people who live in the areas under review, the people who know best the environmental impacts from outside sources. But we continue to use the longstanding three-minute standard for speakers in public hearings. FERC uses the same standard. And the Senator and I did not discuss this ahead of time.

But let's be honest, it's not realistic. We've seen people struggle to meet that standard, trying to compress their diligent research and their emotions. And it causes undue stress to people who are already under stress of the extreme pressure of taking a crash course in pipelines, permits, safety and how to protect their homes, families and, yes, the environment.

So let's stop the insanity. Let's stop disenfranchising people and dignify citizens who are trying to earnestly participate in this process. Perhaps not appropriate to Chapter 105, as I said before, but that three minutes, I believe, is not a sufficient amount of time to comment on this permit application. So to that end, we will submit our comments in writing. But we do make one request to the Department, and Senator Dinniman has mentioned this as well. We have asked for the public release of shapefiles so that permit applications can be accurately reviewed and commented on by all. So we ask that the shapefiles be made public without the need for a right to know application, that additional hearings be scheduled after the release of the shapefiles and an ability to review the shape files, and therefore that the comment period be extended to 90 days after the release of the shapefiles. And we thank you for the opportunity to address. (5493)

**Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department structured the public hearings with a three-minute time limit on verbal testimony to ensure that there was adequate time for all participants to speak. Written copies of testimony are always requested so that remarks are captured accurately and the Department has a record of the remarks, should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, written comments and verbal comments hold the same weight.

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**30. COMMENT**

DEP should grant at least a 30-day extension of the public comment period for Sunoco's applications, similar to the extension DEP recently granted for the Atlantic Sunrise project, 90 days or more. Proponents of Sunoco project criticized the extension requests as causing unnecessary delays, but Sunoco was given multiple chances over almost a year to delay its completion of its applications. The public should be given at least more than 60 days to review this huge project. (5941)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**31. COMMENT**

On August 6th, 2016, DEP published notice in the PA Bulletin of the Sunoco Chapter 201 earth disturbance applications for coverage under three general permits. Notice established 30-day public comment period ending September 6, no public hearings were noticed. Since DEP is reviewing both Sunoco's Chapter 105 and 102 permit applications at the same time, at the same public hearing the same public comment period should apply to these companion permits. Thank you. (5941)

**Response:**

The Department acknowledges the commentator's comment. The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

### 32. COMMENT

Impacted residents who I work with are confused by the changing reference by DEP and Sunoco of this project. PA DEP and Sunoco Pipeline have not been transparent in their public discourse regarding the Mariner East project. On many occasions, the project was referred to as Mariner East I and II, Pennsylvania Pipeline Project Mariner II in both public notices and permit documents. In Sunoco's current correspondence with the public, through both e-mail and Twitter, the project is still referred to as Mariner East II. The permit that Sunoco is applying for the project is titled Pennsylvania Pipeline Project, and they should be required to make this distinction in all of their public correspondence. Sunoco Pipeline and the Department have fallen short on their obligation to make the permitting of this project a transparent process.

Unlike other projects, PA DEP has reviewed and conduct public hearings for, PA DEP is only accepting public comment via e-mail or U.S. mail, rather than through the e-comment service. Clean Air Council has heard from many landowners who have dealt with Sunoco over years that the company has damaged their properties and not fixed the harm they have caused. Sunoco spilled drilling chemicals into streams when conducting Mariner East I. We are very concerned about how Sunoco would build Mariner East II, given their troubling track record.

The notices in the PA Bulletin for this project should be reviewed and corrected as necessary, and should --- to be republished with an extension of the public comment period. DEP's eFACTS site states that the target date for completing the technical reviews is October 26, 2016. If that is the case, it would seem that there could be more opportunity for the public to speak at additional hearings. The Council urges DEP to use this time to allow for crucially needed additional public hearings to allow for more people to participate and provide comments. We ask for one hearing per county affected by the pipeline.

The comment period should be extended to 90 days, making the end date Monday, September 26, 2016. DEP provided a 90-day comment period in the Atlantic Sunrise project and should give the same opportunity to landowners affected by this pipeline project. Thank you for considering the Council's brief testimony tonight. We will submit our full comments before the close of the comment period, and we look forward to hearing your response. (29699)

**Response:**

The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used.

The Department acknowledges this comment and request. The Department extended the comment period at the outset of comment period and made the applications available online which is something that was not afforded at the time the Atlantic Sunrise project was noticed. Related to the naming of the project, the name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project /Mariner East II for our webpage and information sheet.

**33. COMMENT**

My concerns in these areas cause me to speak to oppose to issuance of the Chapter 105 permits to Sunoco. As an initial matter, I know that this public comment period is premature because Sunoco's applications are plainly neither complete nor technically accurate, as I suspect you notice. Sunoco, for example, is allowed by statute to obtain from each municipality along the proposed route an analysis of Sunoco's application by comparison the local flood plan and the stormwater management plans. The permit applications do not contain these required items from any township across the Commonwealth, including my township, Thornbury Township, Delaware County, which found that Sunoco's application is not consistent with the township, the stormwater management plan. And in addition, the manager of the Delaware County Conservation District submitted an internal memo to you, Mr. Locketto, five single-spaced pages of deficiencies with Sunoco's applications. And he stated that he couldn't complete his review of the applications due to the deficiencies.

Under the law if the applications are incomplete, as I assert they are, the DEP is obliged to return them to the applicant. I ask that you do so. (5947)

**Response:**

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications have been provided to Sunoco Pipeline L.P. to address prior to the project being authorized.

**34. COMMENT**

I also object to the way that the DEP has decided to take public comment on this matter of vital importance. DEP has failed to use its e-comment service, which prevents me from viewing comments from other people. I would like the DEP to explain its decision not to use the e-comment service. (5947)

**Response:**The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used. The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used.

**35. COMMENT**

In addition, as others have mentioned, far too short of a public comment period was set. It need to be extended, as requested by Senator Andy Dinniman, Senator Mike Folmer and the entire Board of Commissioners of Lebanon County. The way that the DEP has decided to implement this public comment opportunity has effectively disenfranchised many hardworking Pennsylvanians who should be essential stakeholders in this process, which was mentioned also. (5947)

**Response:**

DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000

commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions.

**36. COMMENT**

Melody Fleck. And my address is P.O. Box 182, Pine Grove Mills, Pennsylvania. First, I'd like to thank the --- thank you for the opportunity to speak. But three minutes per person at a few hearings across the state is not sufficient in light of the enormity of the project and what is at stake for Pennsylvanians. (29710)

**Response:**

The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department structured the public hearings with a three-minute time limit on verbal testimony to ensure that there was adequate time for all participants to speak. Written copies of testimony are always requested so that remarks are captured accurately and DEP has record of the remarks, should the commentators time run out or the hearing conclude before all speakers had a chance to speak. It is important to note that as outlined in the policy, written comments and verbal comments hold the same weight.

**37. COMMENT**

Specifically, I ask the following items be seriously considered. One, extend the Chapter 105 permitting comment period and hold hearings in the other 13 affected counties. (29712)

**Response:**

DEP held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. DEP did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. One hearing per region would not have been sufficient but 17 individual hearings would not have been feasible. To that end, the Department selected locations for the hearings based on a number of criteria (size, location, close to highways, security etc.) and for the hearings to be in multiple locations across the 300+ mile long pipeline.

**38. COMMENT**

I would like to first emphasis that it is critical that the comment period for these Chapter 105 and 102 permits be extended. Due to the massive scale of this project and the technical nature of the permit applications, it's impossible for the public to review the application in a 60-day time frame. If additional time is not instated, the DEP will violate its duty by depriving citizens of their right to participate in the administrative process. (5960)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**39. COMMENT**

This comment is on behalf of the Mountain Watershed Association, home of the Youghiogheny Riverkeeper. We are a nonprofit, citizen-led, environmental organization focused on protection, preservation and restoration of the Indian Creek and greater Youghiogheny River watersheds in southwestern Pennsylvania. We represent over 1,400 members the majority of whom live above the shale gas formation and many of whom have been impacted by unfettered shale gas development.

We would like to discuss some of the troubling inadequacies of Sunoco's Chapter 105 permit application. But first, we wish to emphasize that it is critical that the comment period for these Chapter 105 and 102 permits be extended. Due to the massive scale of this state-wide project and the technical nature of the permit applications it is impossible for the public to review the application in a 60 day time frame. If additional time is not ordered, the DEP will violate its duty to the public by depriving citizens of their right to participate in the administrative process. (5960)

**Response:**

The Department chose not to extend the comment period or offer an additional comment period on the applications. The Department acknowledges the commentator's comment regarding this proposed pipeline project.

**40. COMMENT**

The Pennsylvania Bulletin notices for this project use multiple project and operator names, which is confusing, sometimes misleading, and made participating in this review difficult. The PA Bulletin should be reviewed and corrected and the comment period restarted. (5972)

**Response:**

The Department acknowledges the submitted comment. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**41. COMMENT**

So it indeed appears that the DEP has not been provided these files by the Applicant. Despite this inadequacy, the DEP deemed Sunoco's applications complete on June 24th, 2016. Based on this, I suggest a 60-day extension to the public comment deadline and appropriate --- wait, 60-day extension to the public comment deadline, which is appropriate after the files are posted. (29727)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because

the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications were provided to the applicant to address prior to the project being authorized.

**42. COMMENT**

My name is Justin Wasser, and I reside at 112 Stratford Avenue, Pittsburgh, Pennsylvania. And thank you for the opportunity to speak. My name is Justin Wasser, and I work for the Sierra Club. We're an environmental organization that represents about 9,000 people along this route. At the top of what I'm saying, I'd like to emphasize a comment prior, directing DEP's attention to Section 105.16E. Again, it says this section does not apply to dams, water obstructions, encroachments located in, along, across or projecting into wetlands, when it comes to this question of economics and jobs. So we formally are requesting that the PA Department of Environmental Protection do the following. Enact --- or sorry, extend the public comment period for the Chapter 102 and 105 permits. We ask that you hold additional hearings in the other 13 affected counties, and also, we ask that you use the strictest scrutiny in reviewing these permit applications from a company with a record of bad behavior and breaking laws and putting the health of workers, communities and the environment at risk. (11597)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department acknowledges the submitted comment and notes that the Department reviews all permit applications to the strictest scrutiny to ensure applications meet applicable statutory and regulatory obligations. One hearing per region would not have been sufficient but 17 individual hearings would not have been feasible. To that end, the Department selected locations for the hearings based on a number of criteria (size, location, close to highways, security etc) and for the hearings to be in multiple locations across the 300+ mile long pipeline.

**43. COMMENT**

Please consider extending the comment period at least 30 days. This Chapter 105 Permit Application requires the consent of 2,700 property owners and asks permission to encroach and disrupt hundreds of wetlands, creeks and rivers. (5981)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**44. COMMENT**

I support my Lebanon County Commissioners and State Senator Mike Folmer, who asked DEP for a very reasonable 30-day extension of the public comment period on Sunoco's applications, similar to the extension DEP granted for the Atlantic Sunrise. However, in letters to the editor and DEP and tonight, proponents of the Sunoco Project criticize our elected official's requests, stating that they would cause an unnecessary delay. Why should Sunoco be given multiple chances over almost a year to delay its completed application, but the public be given only 30 days to review this huge project? (5941)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**45. COMMENT**

I have one more point to make. On August 6th, three days ago, DEP published a notice in the PA Bulletin of Sunoco's Chapter 102 Earth Disturbance Application for coverage under three general permits, ESCGP-2, by DEP region. The notice established a 30-day public comment period, ending September 6 and no public hearings. Since DEP is reviewing both these Applications, the Chapter 105 and 102 permit applications at the same time, the same public comment periods and public hearings should apply to these companion permits. Further, I would assert that the use of general permits, only three of them, is inappropriate for the control of the extensive corrosion and sedimentation associated with the 300-plus mile Mariner East Pipeline construction. General permit process does not sufficiently allow for site-specific impacts of the projects earth moving activities.

In conclusion, DEP should use the strictest scrutiny in reviewing the permit applications from a company with a history of safety incidents and environmental violations. Please reject Sunoco's Chapter 102 and 105 permit applications as deficient and not in the public interest. Thank you. (5941)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the

outset of the comment period and made the applications available online and in the applicable regional offices.

The Department agrees with the commentator and is now requiring Individual Erosion and Sediment Control Permits for the project for each of three DEP regions the pipeline traverses. This enables DEP to insert special conditions, many of which have been included in the permits.

As to compliance history, the compliance history of Sunoco and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

**46. COMMENT**

I'd like to state that I think these hearings are still premature in that publicly-available documents contained in Sunoco's second submitted permit application are still incomplete due to technical inadequacies and omissions. These may be by oversight, deliberate or through ignorance. Some insufficiency might be considered minor while others, if not fully addressed, could result in grave consequences for families living along the pipeline route. (5983)

**Response:**

The Department acknowledges the submitted comment. At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications were provided to the applicant to address prior to the project being authorized.

**47. COMMENT**

So for starters, I think that the public comment period should be extended for a minimum of another 45 days, because it has not allowed for enough time for people to bring in independent surveyors and other relevant information to submit to the DEP about their environmental concerns. And that is really alarming. And I think that when that information comes in, when we have independent sources coming in and looking at the work that the pipeline companies have done on the environmental impact assessments, we'll see that, in fact, the environmental impacts, regardless of safety. (29824)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the

outset of the comment period and made the applications available online and in the applicable regional offices.

The Department acknowledges your concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**48. COMMENT**

The DEP eFACTS site, your very own institution, states that the target date for completing the technical review is October 26th. There could be more opportunity for the public to speak at additional hearings. As the last speaker said, I urge the DEP to extend the public comment period and to hold public comment meetings within every county affected by this pipeline. Thank you. Deny the permits. (29827)

**Response:**

The target date listed on eFACTs is the date in which the technical review, including rendering a decision, is to be completed. The target date is not indicative of when the first technical review is to be completed. The Department acknowledges the commentator's comment and request. The Department extended the comment period at the outset of comment period and made the applications available online. One hearing per region would not have been sufficient but 17 individual hearings would not have been feasible. To that end, the Department selected locations for the hearings based on a number of criteria (size, location, close to highways, security etc.) and for the hearings to be in multiple locations across the 300+ mile long pipeline.

**49. COMMENT**

Also, the comment period should be extended 90 days, making the end date September 26th, 2016. DEP provided a 90-day comment period for the Atlantic Sunrise Project and should be doing the same for Mariner East II. Also, don't approve this project. (29829)

**Response:**

The Department acknowledges the commentator's comment and request. The Department extended the comment period at the outset of comment period and made the applications available online which is something that was not afforded at the time the Atlantic Sunrise project was noticed.

**50. COMMENT**

Hello. My name is Lily Nina, L-I-L-Y, N-I-N-A. I'm here today to share in the opposition of the Mariner East Pipeline Project. I believe that the number of public hearings DEP is hosting for the pipeline project is significantly inadequate. It is incredibly irresponsible of the DEP to hold only five meetings across the state, even though the project spans 17 counties. This terrible decision only gives the opportunity for roughly 300 individuals to submit testimony. It is critical that additional public hearings be held or rescheduled for future dates. It is undoubtedly inadequate for one three-hour public hearing for two counties when a conservative estimate of 700 directly-impacted landowners are being affected. Although I am demanding that the public hearings be extended and expanded, the horrific environmental impacts of this toxic pipeline for countless families and ecosystems need to be considered and shut down. (29830)

**Response:**

The Department acknowledges the commentator's comment and request. The Department followed the procedure for holding a public hearing as outlined in the Policy for Public Participation in the Public Review Process (012-0900-003). The Department structured the public hearings with a three-minute time limit on verbal testimony to ensure that there was adequate time for all participants to speak. Written copies of testimony are always requested so that remarks are captured accurately and DEP has record of the remarks, should the commentators time run out or the hearing conclude before all speakers had a chance to speak. Interested commentators are always encouraged to submit their comments in writing to the Department. It is important to note that as outlined in the policy, written comments and verbal comments hold the same weight.

**51. COMMENT**

Considering the leaks and ruptures Sunoco is currently --- is known for, including the one that happened this weekend in Texas, the lack of transparency regarding this pipeline and the comment period should be extended to 90 days, making the end date Monday, September 26th, 2016. The DEP provided a 90-day comment period for the Atlantic Sunrise Project. You should give the same opportunity to residents affected by this pipeline. All in all, for the safety of families and our natural world, which we all inhabit, this pipeline and its evil plan must be shut down once and for all. (29830)

**Response:**

The Department acknowledges the commentator's comment and request. The Department extended the comment period at the outset of comment period and made the applications available online. The Department acknowledges the commentators concern of this project. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments. The project applicant has satisfied the regulatory requirements for obtaining all applicable permits.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**52. COMMENT**

To at least for now extend the public comment time, to hold additional public hearings for the other counties that are also affected. (29834)

**Response:**

The Department acknowledges the commentator's comment and request.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the

outset of the comment period and made the applications available online and in the applicable regional offices.

## **Applications, Process and Shapefiles**

### **1. COMMENT**

After looking over some of the permit files, I also had to send these maps apparently used for applications of permitting by Sunoco for our area. They are very outdated, as our development and Oxford Drive is not even shown on it, off of Sheep Hill Road. There is a little (bend) or turn to the south in the ME 1 pipeline on shown on this map that is located right where our residential development is now located since 1998. If they just decided to reroute and go straighter, now, through the close farm fields a little to our north, they would safely go around us and much of the delineated wetlands. Why not? It seems to just make more sense not to turn into our development and house like the older smaller 8 inch gasoline/distillate pipeline(s) and now ME 1 volatile NGL line does, Since our development was approved and permitted around that smaller 40 foot easement with 20 foot No Build Zones on each side of pipes of different conditions than these much more volatile larger diameter, higher pressured NGL pipelines. I really don't believe Sunoco Logistics included our development in their plan until later. They just followed the old easement without looking into the details of our situation here. SPLP even had to come back and add a wider Temporary Work Area closer yet to our house, well, and pool about a month after negotiations had already been presented by Percheron. And it may be why we have continued to seem to hear SPLP has changes and not what was originally explained or discussed. (5934)

#### **Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts including those for EV wetlands and wildlife habitats. The Alternatives Analysis also establishes that the Project is designed to remain in existing utility corridors and to minimize impacts to the environment and surrounding communities.

### **2. COMMENT**

**1. Sunoco's applications are materially incomplete and technically inadequate. It was therefore premature for the Department to open a public comment period on June 25, 2016.**

Sunoco's applications are materially incomplete and should not have been declared complete by the Department. The public is now in a position where it cannot examine a number of aspects of the applications because the neither the Department nor the public has them. The public deserves a comment period during which it can examine the applications in whole. Since we do not have that opportunity, we are being deprived of a chance to comment on significant aspects of the proposed facilities.

There are a number of important missing parts to the applications. Under Chapter 105, the Department is required to return incomplete or technically inadequate applications to the applicant for supplementation and correction. The applicant will therefore revise or supplement its applications--yet the public apparently will not have an opportunity to review or comment on these revisions or supplements. We highlight some of the missing and technically inadequate parts of the applications below, though this list is not exhaustive.

Due to the fact that neither the Department nor the public has had access to complete and accurate information, the applications must be summarily rejected until such time as the Department receives and reviews complete and accurate information to which the public has access for its review and enough time to comment meaningfully. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications were provided to Sunoco Pipeline L.P. to address prior to the project being authorized.

**3. COMMENT**

c. Inaccurate maps

In correspondence with municipalities about consistency letters that Sunoco *has* included in its application materials, several municipalities have noted inaccuracies in Sunoco's maps--the same maps the Department has been relying on in consideration of Sunoco's applications.

For example, Penn Township, Westmoreland County noted that the maps Sunoco sent it were outdated, and that an access road was planned to be built where an office building had since been built. An inspection of Figure 1-5 of "Westmoreland Aquatic Resource Report Addendum\_032416 optimized Part 1," which has the newest relevant maps, reveals that the access road is still planned for a location where a building now exists. This means that Sunoco will need a new location, possibly creating new water impacts for which it has not yet provided the Department an evaluation.

Blair Township, Blair County explained that "The township has also expressed concern to Sunoco about the proposed location of this valve facility. From information presented by Sunoco at a January 12, 2016 meeting, the valve station location at the end of Hamer Drive appeared to be depicted somewhat differently than what was presented in your Nov. 10, 2015 submission (see Sheets 15 & 16 of 321)."

Thornbury Township, Delaware County explained that "Prior discussions with Sunoco officials indicated that additional valves would be added near the Duffers Restaurant and within the Andover Residential Development Open Space. No valves or associated pads are shown on these plans and should be clarified. We have concerns of additional impervious areas and lack of stormwater management in this area."<sup>5</sup>

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The Department recently fined CNX Gas Company LLC and CONE Midstream Partners LP for engaging in construction not identified in permit applications, including failing to identify a valve pad, as here. *See* DEP, Commonwealth News Bureau, "DEP Fines Pipeline Companies for Modifying Construction Plans Without Proper Approval," August 22, 2016, available at <http://www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=21045&typeid=1>. Citizens are concerned that multiple pipeline operators appear to think they can get away with this type of conduct, and applaud the Department's recent enforcement action.

Without accurate and complete maps, the public simply cannot meaningfully comment on Sunoco's applications. Nor can the Department accurately determine compliance with Chapter 105; therefore the Department should deny the applications as presented to the Department and the public. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications were provided to Sunoco to address prior to the project being authorized. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**4. COMMENT**

f. Sunoco has failed to provide a shapefile of the Mariner East 2 route to the Department.

To Citizens' knowledge, Sunoco has not provided the Department with the shapefile (electronic geographic information system data) from which its site plans were developed. That file contains critically important route location information without which it becomes very time consuming and difficult to analyze location-specific information such as the delineation of wetlands--information which this applicant has gotten wrong before, such as in the case of wetlands on the Gerharts' property described above. Public review of the applications is made more difficult by Sunoco's refusal to provide this location data. Presumably the Department's review has been similarly hampered.

Citizens hired wetlands experts Schmid & Company to assist in their analysis of the Project's wetlands impacts. Early on after their hiring, the experts identified the shapefile as key missing data. Without the file, full professional analysis of the wetlands impacts would be cost-prohibitive.

On August 1, 2016, Steve Kunz, Senior Ecologist with Schmid & Company, contacted the Department of Conservation and Natural Resources (DCNR) to request a copy of the shapefile that identifies the Project route through Pennsylvania, which had been provided to DCNR, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, and the U.S. Fish and Wildlife Service.

Mr. Kunz was told by DCNR (Jason Ryndock) that the shapefile exists and he might be able to obtain it from the applicant's consultant, Tetra Tech. Subsequently, Tetra Tech (Preston Smith) stated that it would not provide the shapefile directly to Mr. Kunz. Instead, he would have to get it from the Department following "the process for obtaining publicly available information," meaning a formal Right to Know Law (RTKL) request would have to be filed. Based on consistent past experience with RTKL requests, the Department would likely be unable to fulfill such a request in less than four weeks. Even if Mr. Kunz had filed a RTKL request on August 1, 2016, the shapefile likely would not be provided to Mr. Kunz until September 1, 2016, seven days past the deadline for public comment.

Only a week before the comments were due did Citizens finally obtain a copy of the shapefile.

Citizens have not had time before the close of the comment deadline to do a full professional wetlands impacts analysis, and so our comments provide less insight than they could have had we--and the Department--had access to the shapefile from the start of the comment period. We request additional public comment time to do further analysis using the shapefile. (5939-5947)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

Sunoco has provided DEP with Shape files and DEP has included a link to those files on the Project portal at <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/Shapefiles%2012-8-16>. The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**5. COMMENT**

g. The applications should not have been declared complete.

Due to these material omissions, “the necessary information” was not provided, nor were the “requirements under the act and this chapter” “satisfied by the applicant.” Therefore, these applications were not complete and should not have proceeded to technical review by the Department. 25 Pa. Code § 105.13a. (5939-5947)

**Response:**

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications are provided to Sunoco Pipeline L.P. to address prior to the project being authorized.

**6. COMMENT**

*(6) Compliance by the dam, water obstruction or encroachment with applicable laws administered by the Department, the Fish and Boat Commission and river basin commissions created by interstate compact.*

Sunoco has a bad record of compliance with the laws of the Department and the Fish and Boat Commission, including several violations for work on this very Mariner East project.

In June 2015, for example, the Department entered into a consent agreement with Sunoco for environmental laws it broke while working on the Mariner East project. Sunoco admitted to six separate instances in which it illegally released drilling fluids and wastewater into waters of the Commonwealth during HDD operations at multiple times during 2014, in violation of the Clean Streams Law. Sunoco also admitted to a number of erosion and sediment control violations in connection with Mariner East. Sunoco paid a fine of over \$95,000 for these violations. Citizens have attached this Consent Assessment as Exhibit G hereto.<sup>6</sup>

Note that Sunoco's Chapter 102 erosion and sedimentation control application form states that Sunoco *does* have outstanding violations in Pennsylvania, but does not attach documentation of those violations. Citizens encourage the Department in its Chapter 102 and Chapter 105 reviews to coordinate such that the public (and the Department, internally) has access to the same materials in its coordinated permit reviews.<sup>7</sup>

Not all of Sunoco's illegal releases of drilling fluids have resulted in violations. Ralph Blume, a farmer and landowner in Cumberland County, witnessed Sunoco agents in June 2015 pumping drilling fluids directly into a stream in Upper Frankford Township, Cumberland County. Sunoco had just had two blowouts resulting from botched HDD operations and was disposing of the drilling muds that had come to the surface. Mr. Blume reports that the Department came out to the sites but did not take action.

In another recent incident, Sunoco Logistics, the Department, and the Fish and Boat Commission entered into a settlement agreement for a spill from a gasoline pipeline into a tributary of Marcus Hook Creek in 2013, which Sunoco failed to report to the Department. *See* Exhibit I.

A Sunoco affiliate committed violations at Marcus Hook in connection with the Mariner East project as well. As recently as June 7, 2016, the Department issued the affiliate a violation for exceeding air emissions limits at tanks used to store fluids that arrived at Marcus Hook from Mariner East 1.

Sunoco's record with the Fish and Boat Commission is not better than with the Department. In connection with construction of Mariner East 1, Sunoco, over the course of two days, discharged drilling fluids into Froman Run, a tributary of the Monongahela River, and an unnamed tributary to Froman Run. Sunoco Logistics entered into a settlement agreement with Fish and Boat over these incidents, attached as Exhibit J. Sunoco entered into a separate settlement agreement with Fish and Boat in 2012 for pollution of Barrs Run. *See* Exhibit K.

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<sup>6</sup> That same June, Sunoco affiliate Sunoco, Inc. (R&M) entered into a \$200,000 settlement agreement with the Department and the Fish and Boat Commission for a long series of incidents of polluting the Schuylkill River from its refinery in Philadelphia during 2011 and 2012. *See* Exhibit H.

(16. COMMENT)

<sup>7</sup>The U.S. Army Corps of Engineers takes a similar "vertical team engagement" approach as part of its SMART Planning, whereby personnel performing different roles coordinate rather than engaging in sequential reviews. *See* U.S. Army Corps of Engineers, "Feasibility Study Kickoff: The Vertical Team," last updated April 1, 2014, available at <http://planning.usace.army.mil/toolbox/smart.cfm?Section=2&Part=2>.

Citizens have not been able to obtain much in the way of records from the Delaware River Basin Commission regarding violations issued to Sunoco. However, minutes from the DRBC's March 11, 2015 meeting reveal that Sunoco Partners Marketing & Terminals, LP--like Sunoco Pipeline, a Sunoco Logistics company--failed to perform effluent monitoring at its Eagle Point facility on the Delaware River and settled an alleged violation by the DRBC.<sup>8</sup>

It is important to understand as well that for every violation that is documented or results in a fine, there are likely many more that go unreported and undiscovered. Given Sunoco's recent history of numerous relevant violations, the Department should not grant Sunoco these Chapter 105 permits. (5939-5947)

**Response:**

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline L.P. and the Department. Impacts associated with the discharge of drilling fluids to Froman Run were addressed in a June 15, 2015 Consent Assessment of Civil Penalty from the Department.

Additionally, the Sunoco has provided a PPC plan that has been developed to evaluate risks associated with HDD installation methods, identify areas of elevated risk, and specify provisions to address inadvertent returns should they occur.

The Department also added several special conditions to the permits related to HDD.

**7. COMMENT**

*(11) Consistency with State antidegradation requirements contained in Chapters 93, 95 and 102 (relating to water quality standards; wastewater treatment requirements; and erosion and sediment control) and the Clean Water Act (33 U.S.C.A. § § 1251—1376).*

The Project would be inconsistent with State antidegradation requirements. See the Schmid Report. (5939-5947)

**Response:**

Based on its review of the permit applications, the Department has determined that the applicant has satisfied the antidegradation requirements contained in 25 Pa. Code § 105.14(b)(11).

**8. COMMENT**

On March 17, 2016 the Authority wrote a letter to you and the Department of Environmental Protection requesting that the Department coordinate with us about this project and its potential impact to the Letort Spring Run. One of the Authority's responsibilities is to review development plans for projects in the watershed and recommendations to protect the qualities that make this stream Exceptional Value and a Scenic River. There has been no effort from the Department to include us in the review or decision making for this project. (5948)

**Response:**

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<sup>8</sup> Minutes available at [http://www.state.nj.us/drbc/library/documents/3-11-15\\_minutes.pdf](http://www.state.nj.us/drbc/library/documents/3-11-15_minutes.pdf), relevant portion on pages 3-4.

The Department recognizes the comment and attempted to involve as many members of the public in the review of this project through the public participation process that was held, in particular the notice to collect comments and the public hearings that were held.

**9. COMMENT**

Sunoco Logistics does not have all of its applications complete. I believe the application for Delaware County is not yet complete. Permits should not be issued without all permits being completed. Sunoco Logistics should not be able to start piecemeal construction of the project. (5955)

**Response:**

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications are provided to Sunoco Pipeline L.P. to address prior to the project being authorized.

**10. COMMENT**

While I appreciate your making the shapefiles for Sunoco's proposed project publicly available, I am distressed that you did not do so until several days after the end of PADEP's advertised public comment period for the Chapter 105 part of these applications. As you know, these shapefiles contain critically important GIS data, without which it is impossible for informed people to comment meaningfully on the technical merits of the applications. And the applications themselves pertain to a project that is of vital public interest, most particularly because of the insanely reckless public safety risk presented by the proposed transportation of highly volatile liquids through densely populated, high consequence areas without any site-specific planning to protect life and property in the event of a leak of these materials. Because you have just now made these shapefiles publicly available, I respectfully suggest that PADEP should provide time for the public to develop comments on the data they contain. An extension of time for public comment on the Sunoco applications is reasonable, prudent, indisputably in the public interest and appropriate (if not required) under the statutory language of Chapter 105. Such an extension has been previously request by Senator Mike Folmer; Senator Andy Dinniman; and the entire Board of Commissioners of Lebanon County. (5951)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project. And while the Department acknowledges the comment it chose not to extend the comment period.

**11. COMMENT**

I understand that Sunoco Pipeline L.P. has not furnished to the Pennsylvania Department of Environmental Protection (PADEP) the electronic GIS files (shapefiles) from which the site plans for its instant Chapter 105 applications were produced. PADEP has published Sunoco's applications on a PADEP web site and no shapefiles appear there. So it indeed appears that PADEP has not been provided these files by the applicant. Despite this inadequacy, PADEP deemed Sunoco's applications complete on June 24, 2016. The GIS

files missing from Sunoco's applications are attached to this message. In keeping with the various different marketing names given this project, the attached shapefiles are labeled "Mariner East II." This proliferation of marketing names has added greatly to public confusion and handicapped public comment. As an interested member of the public, my ability to conduct a technical review and provide comments to PADEP has been severely hampered by not having access to these files until just now. Rather than 60 days of comment period, I have a bare 6 days to review and assemble meaningful comments on the data in these files. I respectfully request the immediate posting of these files to the PADEP web site along with the rest of Sunoco's applications.

I suggest a 60 day extension to the public comment deadline is appropriate after the files are posted. I ask that PADEP, when responding to public comments for this project, describe its decision-making process by which it deemed the applications complete and technically adequate in the face of this missing information. Please also address the technical (5951)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project. And while the Department acknowledges the comment it chose not to extend the comment period.

**12. COMMENT**

The following are selections from Mr. Kunz's preliminary findings:

1) The applicant is in violation of PADEP regulations

In section H of the Ch. 102 Erosion and Sedimentation form, the application states that the applicant *is in violation* of some Department permit, regulation, etc. However, they answer "no" to essentially the same question in Section E on the Chapter 105 (Joint Permit Application) form.

The specific "violations" admitted to in the E&S application for the Mariner East II pipeline project are not attached to the information provided to the public in the DEP's online files for M.E. II. The omission of specific violations means either that the application is incomplete, or the online files omitted critical information. An incomplete application should not be accepted for review by the DEP, and by law DEP cannot approve a permit for an entity in continuing violation of its regulations. (5960)

**Response:**

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

There is a distinct difference in the application forms that may lead one to believe that they are in conflict. Specifically, Section H of the Notice of Intent (NOI) for Coverage under ESCGP-2 application requires that an applicant provide information if they are in violation of any permit issued by DEP or in violation of any regulated activities within the past five years. Whereas, Section E of the Chapter 105 Joint Application Form, Section E: Compliance Review requires an applicant to submit information only if currently in violation of any permits issued by DEP.

### 13. COMMENT

As an active conservationist and naturalist from York Springs, Pennsylvania, I am writing this letter to express my concerns regarding the environmental impacts of Sunoco Logistics' Mariner East II pipeline (Mariner II), also known as the Pennsylvania Pipeline Project (PPP). The Mariner II is planned to be a 306 mile long pipeline for carrying liquid natural gas product (LNG) from the gas rich Marcellus Shale region of Pennsylvania and Ohio to ports at Marcus Hook, Delaware County, Pennsylvania. To begin construction on this project, Sunoco must obtain their Chapter 102 permit for sediment and erosion control, and their Chapter 105 permits for disrupting wetlands. This is a brief statement containing my primary concerns regarding this project receiving these permits.

Water quality should be of paramount concern when considering whether to grant these permits. Along its route, the pipeline will cross 1,227 streams and 581 wetlands areas, including sections of the Middle Creek Wildlife Management Area, which is an Important Bird Area. In total, over 35 acres of wetland and 8.6 acres of riparian land along streams will be permanently impacted.

When confronted with a wetland area or stream, a crossing must be performed. Two methods will comprise 91.5 percent of total crossings on the Mariner II. The first, and most disruptive method, is an open cut. Using this method, a trench is dug straight-through the wetland like would be done on dry ground and the pipeline is laid. This method is extremely disruptive to wetland hydrology and native flora.

It also provides a disturbance, which is an excellent opportunity for invasive species to take hold. Invasive seed can easily be introduced into the wetlands via the heavy equipment required in the digging procedure. Under the current proposal, the open cut method would be used in 74.5 percent of wetland and stream crossings on the Mariner II project.

Another 17 percent of wetland and stream crossings preformed during the construction of the Mariner II, would be done using horizontal direction drilling (HDD). HDD bores a tunnel under wetlands instead of trenching through them, causing considerably less disruption to the impacted area. Wetlands should always be impacted with great care, because they are extremely biodiverse, and act to preserve water quality by filtering out pollutants. Given the decreased impact to wetlands that HDD causes, it seems like plain common sense to use HDD instead of the open cut method if and whenever possible. HDD is more expensive than an open cut, but it is imperative that we protect our natural resources, especially our waterways, as we move forward in developing our natural gas infrastructure.

One issue that should be of concern is Sunoco Logistics' history of disregarding Pennsylvania's environmental regulations. In 2015, at least 42 citations were issued by the Pennsylvania Department of Environmental Protection for work being done on the Mariner East I pipeline project. With such a poor record of compliance with environmental regulations, why should they be allowed to continue to expand their infrastructure when they can't even maintain what they currently operate in an environmentally safe manner? (5961)

**Response:**

The Department acknowledges the submitted comment. Through the application material Sunoco has been required to demonstrate that secondary impacts to resources regulated

under Chapter 105, including wetlands and streams, that cannot be avoided or mitigated are minor and temporary in nature. The applications, through the Cumulative Impacts Analysis, indicate wetland impact avoidance and minimization efforts in that the Project will disturb approximately 36.7 acres of wetlands during construction, and with mitigation will result in a limited PFO wetland cover type conversion of 0.405 acre across 19 wetlands. All of the restrictions and avoidance measures committed to and approved by PNDI agencies are included in the Project Description within a summary table and within the PNDI agency final determination letters and accepted Conservation Plans and a Migratory Bird Conservation Plan will be implemented. The Impact Avoidance, Minimization, and Mitigation Procedures describe the proposed construction crossing methods and mitigation measures, and provides a Project-wide description of the direct and indirect/secondary impacts to the wetland/stream resources crossed by the Project. The applications provide specific details regarding the water type, crossing distances, PADEP defined temporary and permanent impacts, and crossing methods for all the water resources impacted. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). The application provides restoration methods and monitoring within its Avoidance, Minimization, and Mitigation Procedures which notes that wetlands traversed by the ROW will be reseeded with a wet meadow and wetland seed mix. All restored wetland areas will be monitored post-construction by a qualified wetland specialist and in accordance with the terms of the applicable permits. PADEP's guidance document entitled Design Criteria - Wetlands Replacement/Monitoring describes a program that requires wetland monitoring twice a year for the first two years (Years 1 & 2) and once a year for the following 3 years (Years 3-5) during the growing season. Additionally, as of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

#### **14. COMMENT**

I submit these comments to the Pennsylvania Department of Environmental Protection (the Department) on the applications Sunoco Pipeline L.P. (Sunoco) has made for stream and wetland crossing permits for the Mariner 2 (a/k/a Pennsylvania Pipeline) Title 25, Chapter 105 of the Code. The fact that both Sunoco and DEP keep changing the name of this deprives me of a clear cut way of following the process. (5965)

#### **Response:**

The Department acknowledges the submitted comment. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

#### **15. COMMENT**

Thank you for this opportunity to participate in this public hearing. I'm a homeowner impacted by the proposed Sunoco Mariner East pipeline projects in Pennsylvania. I am aware that this pipeline does not have all necessary permits to be built, and is therefore not a done deal. Since I only have 3 minutes to speak, I'll list my concerns that are pertinent to DEP and this hearing:

1. I am against the proposed Mariner East 2 Pipeline. Or is it Pennsylvania Pipeline Project? The Pennsylvania Bulletin Notices for this project use multiple project and operator names

which is confusing, sometimes misleading, and made participating in this review difficult. (5972)

**Response:**

The Department acknowledges the submitted comment. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

**16. COMMENT**

2. DEP describes the pipeline as being “306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.” Which is it? (5972)

**Response:**

The two new pipelines will extend more than 300 miles, across three regions of the Pennsylvania Department of Environmental Protection (DEP): 5 counties in the Southwest Region, 10 counties in the Southcentral Region, and 2 counties in the Southeast Region.

**17. COMMENT**

4. The PADEP Information Sheet published on your site about this project contains surprising misinformation: examples: Your information sheet refers to the fuel in these pipes as "natural gas liquids." PHMSA describes them as "hazardous liquids" and we are told natural gas and hazardous liquids are regulated differently. (5972)

**Response:**

Sunoco Pipeline L.P. has stated in the purpose and need of the application that the project will provide transportation service of NGLs with the combined pipelines from the Utica and Marcellus Shale formations for both domestic and international markets. This Project will transport propane, butane and ethane.

**18. COMMENT**

5. DEP's eFACTS site (Authorization # 1088277) says a target date for completion of the Technical Reviews is October 26, 2016. If that is the case, it would seem that there could be more opportunity for the public to speak at hearings. (5972)

**Response:**

The target date listed on eFACTs is the date in which the technical review, including rendering a decision, is to be completed. The target date is not indicative of when the first technical review is to be completed.

**19. COMMENT**

7. The PA Bulletin should be reviewed and corrected as necessary, and republished, with a restarting of the public comment period. (5972)

**Response:**

The Department acknowledges this comment. The errors were typographical in nature and as such the notices did not need to be republished nor did the comment period need to be restarted.

**20. COMMENT**

Even though PA DEP's advertised public comment period ended several days ago, DEP Southeast Regional Office just now publicly released a critically important part of Sunoco's permit applications for its proposed Mariner East 2 - Pennsylvania Pipeline Project's waterways and wetlands (Chapter 105) crossings. The "shape files" were not previously

available for public review and comment. The information contained in the "shape files" is essential to the public's ability to adequately analyze the proposed pipeline's impact on aquatic resources. We join with our friends in Southeastern PA in their plea submitted in the email below and again respectfully repeat our - and your - reasonable requests for DEP to extend the public comment period for at least 30 days on the Sunoco ME2 - PPP (Ch 105) permit applications. Thank you for your consideration of these requests. (5941, 5981)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**21. COMMENT**

My name is Edward Cavey and I am a resident of Chester County. I live within 1500 feet of the proposed pipeline. I am opposed to further expansion of oil & gas infrastructure in general and this project in particular because of the great harm that would result to our community health and safety and environmental degradation.

There is no safe or sensitive way to build these pipelines. The work is inherently destructive and dangerous. It requires deforestation, destruction of small waterways and wetlands, encroachment on wildlife habitat and conversion of wild spaces to industrial zones. The Pipeline Infrastructure Task Force identified many issues with the current state of our oil and gas implementation, operation and regulation. For example, permits are not reviewed for cumulative and long-term impacts at a landscape level. Chosen routes don't necessarily avoid sensitive lands, habitats or high consequence areas. Nor are the impacts to natural and cultural resources, landowners and communities along them always minimized or mitigated. *Sunoco proposes to put two pipelines in a 50-75 foot ROW with an existing pipeline from the 1930's.*

There is growing evidence of the dangers of fossil fuel extraction and use. We jeopardize our communities and our environment by continuing in this direction.

Further, the burden on the citizens to review the operators and hold them accountable is untenable. Sunoco had multiple attempts to provide adequate applications. I would argue that they are still not complete. The public had 60 days to review the applications and provide comments on a very large complex project.

I am aware that your agency risks being faced with a lawsuit if permits are withheld or refused. However, your agency and hence the taxpayers would likely pay the brunt of

operator malfeasance should this project move forward. We would like to remind the department that any legal fees your agency would incur would be paid for out of our pockets as well. We ask you to accept this risk on behalf of the people of Pennsylvania, in order to avoid a much greater catastrophe. Please work with us, not against us. (5438)

**Response:**

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department allowed for public comment consistent with its regulations, including 25 Pa. Code § 105.21a (relating to Public Notice). Typically, the Department provides a 30-day public comment period, however for these applications, the Department offered a 60-day comment period in order to afford the public additional time to review and comment on the Chapter 105 permit applications. Due to the scope and complexity of the project, DEP also provided enhanced public participation opportunities by holding public hearings in the affected regions.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department has reviewed the comments received on the applicants' proposed project as part of the public comment period and public hearings and has considered them during the permit application review process.

## 22. COMMENT

I am in agreement with the position of the Clean Air Council, Mountain Watershed Association, and other public interest groups, which have researched this issue. Sunoco's applications are missing important pieces of information and prove that the pipeline project would do great harm to the valuable public resources of our Commonwealth.

Sunoco's applications are incomplete and inaccurate. Independent wetlands experts have identified additional wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP can't measure damage to streams and wetlands it doesn't know exist. The applications are also missing required sections and contain inaccurate maps.

Sunoco had electronic map files that could have made evaluation of its pipeline project much easier, but withheld them from DEP and from the public. (5989)

### **Response:**

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications are provided to Sunoco Pipeline L.P. to address prior to the project being authorized. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

## 23. COMMENT

Sunoco's applications are materially incomplete and technically inadequate. It was therefore premature for the Department to open a public comment period on August 6, 2016.

Sunoco's applications are materially incomplete. In particular, the erosion and sedimentation controls are incomplete and inaccurate, the post construction stormwater management plans are missing or incomplete, Sunoco failed to include a demonstration of compliance with antidegradation requirements, and Sunoco omitted any consideration of karst topography.

These missing and inaccurate pieces not only put the applicant in violation of Chapter 102, but they render the applications too piecemeal to be properly reviewed. As the Department is aware, the Conservation Districts have had difficulty reviewing these applications. For example, in a five-page internal memorandum, the manager of the Delaware County Conservation District reported numerous application deficiencies to the Department. As a result of these deficiencies, the Conservation District was unable to complete its review of the application. If the Delaware County Conservation District cannot complete its review of the applications, clearly neither can the public.

The Department should restart the public comment period only after Sunoco completes its applications with full and accurate materials. (5939-5947)

### **Response:**

Through the review of the applications the Department sought additional information related to many of the points included in this comment. For example, antidegradation and how the project is consistent with state requirements was raised in the September 2016

technical deficiency letters as well as the material supplied to the company in January/February 2017.

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications are provided to the applicant to address prior to the project being authorized.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**24. COMMENT**

#1. The Shapefiles were not made available until the end of Aug. This is critical data for any substantive analysis of the application. I question if it was provided to the DEP and the County Conservation Districts and if not how they were able to perform their technical review. (5438)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**25. COMMENT**

In the event this has not reached your desks, these are the efforts being sent to your offices, and to public and legislative interests: echoing our conversation with you this week. Communities and entities have delved deeply in attempts to comment on Chapter 105, now Chapter 102 and Army Corp 404. The absence of basic and substantive data necessary in order to make comments, causes concern not only for the commenting public, but also for the query of rationale as to how the Department deemed this application complete enough for public comments. As we discussed with you, PSC absolutely would like to be able to help clarify these questions when approached by the public, but we clearly cannot. The need to rectify these issues with the Department and the public with the transparency that PSC knows the Department strives to accomplish can no longer be secondary in procedure while we all rush to deadlines. We realize that we are in the midst of a culture change in the way the public and state agencies cooperatively interact, and that in many ways, some folks are more comfortable with business as usual, but this is not a sustainable approach. With more and more pipeline projects alone coming before you, PSC believes it is imperative the Department embrace the proactive approach community is taking in permit reviews of the PPP; setting the stage for meaningful public participation in all of Pennsylvania's pipeline reviews. We also believe the glaring deficiencies of this Application provide the

appropriate rationale for the Department to take the lead. As you know, PSC is ready to participate in any way. We look forward to discussing this further (5943)

**Response:**

At the time of publication in the Pennsylvania Bulletin the applications were deemed complete, meaning they contained sufficient information for the Department to conduct its technical review. Deeming an application complete does not mean that it contains all necessary information to authorize the permit. Technical deficiencies noted through the review of the applications are provided to Sunoco Pipeline L.P. to address prior to the project being authorized.

**26. COMMENT**

As you know, Pipeline Safety Coalition (PSC) is a 501(c)(3) dedicated to pipeline safety education and the facilitation of productive, respectful conversations between stakeholders in pipeline related issues. We are located in Chester County, Pennsylvania, but we follow the status of regulation and safety in pipeline projects across the nation. PSC has followed Sunoco's Mariner East Projects (referenced in varying stages as East, 2 and 2X), aka Pennsylvania Pipeline Project/Mariner East II, since February 2014 when, upon request from Sunoco, PSC & Sunoco first met. At this meeting, PSC introduced Sunoco to The Chester County Pipeline Notification Protocol (PNP) & County Pipeline Information Center (PIC); programs created through the commitment and efforts of the Chester County Commissioners, County Planning Commission, East Brandywine Township and PSC facilitation of a US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Technical Assistance Grant (TAG) (US DOT PHMSA Technical Assistance Grant (TAG)). These two local tools adapt PHMSA's Pipelines and Informed Planning Alliance (PIPA) recommendations for the enhancement of pipeline safety in communities through risk-informed land use planning. At that time, PSC also arranged and attended a meeting with Sunoco and Planning Commission Executive Director, Ronald Bailey in order to establish transparent communications early on and to prioritize safety in vetting the Sunoco Mariner projects.

Additionally, PSC worked with East Brandywine Township, Chester County, Pennsylvania in a US DOT PHMSA Technical Assistance Grant (TAG), awarded to: "...hire a hydrologist/ hydrogeologist for the purpose of *research, assessment and analysis of the Sunoco Logistics LP Mariner East pipeline and pumping station proposals in Chester County with regard to community and environmental safety*...to conduct a series of public forums in Chester County for communities to: 1) learn about the pipeline siting process for hazardous liquids vs. natural gas pipelines and 2) through education promote a proactive collective community approach to pipeline siting and safety. "Findings of the grant are available [HERE](#). It should be noted that although the grant statement of work included outreach and engagement of Sunoco in this research project, Sunoco declined our requests to participate. One of the positive results of PSC's facilitation of this grant has been heightened public participation in a community approach to siting and safety. Evidence of this is in the interest and ongoing participation of citizens such as Nancy Harkins and Sarah Caspar, who you and Dominic Rocco have generously met with in order to educate them, and therefore the public, in the permitting process.

On June 25, 2016, the Department published notice of Chapter 105 permit applications' administrative completeness (Notice). PSC was promptly contacted by landowners and legislators asking if the Notice was for a new Sunoco project (PPP). PSC contacted the Chester County Planning Commission (CCPC) and the Chester County Conservation

District (CCCD) to confirm the Pennsylvania Pipeline Project/Mariner East II and Mariner East Projects (referenced in varying stages as East, 2 and 2X) were all synonymous. CCCD confirmed the name of Sunoco's project(s) to have been *originally* submitted as Pennsylvania Pipeline Project (PPP/Mariner East II); the Chester County Planning Commission was unaware of the name change (or original use of PPP with the Department) and promptly posted notice of the name synonymy on the County Pipeline Information Center.

July 13, 2016, PSC participated in a US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Public Awareness Workshop held in Chicago. Attended by industry, government officials and citizens, the goal was "*to improve safety by evaluating strengths and weaknesses of API PR 1162; recommended practices for pipeline public awareness*" per federal regulations for gas (49 CFR §192.616) and hazardous liquids (49 CFR §195.440). As dictated by these regulations and API PR 1162, Public Awareness Programs (PAP) "*shall provide pipeline safety information to four specific stakeholders: 1) affected public 2) emergency officials 3) local public officials 4) excavators*". It is safe to estimate that 50% of the PAP stakeholders involved in this project have been disenfranchised by a lack of communication and transparency by Sunoco.

During this PHMSA public awareness workshop, PSC opined a flaw exists in effective PAP when operators do not communicate changes in the name of a project to directly impacted landowners, interested parties and government officials; specifically citing that Sunoco to date had not advised landowners, stakeholders, state and local officials of the project name change from Mariner East Projects (East, 2, 2X) to the Pennsylvania Pipeline Project (PPP)/Mariner East II. PSC referenced the June 25, 2016, Notice bearing the name Pennsylvania Pipeline Project (PPP)/Mariner East II; a project known to state & local officials, the public and legislators as the Mariner East Projects (referenced in varying stages as East, 2 and 2X). A Pennsylvania regulatory official attending the PHMSA workshop disclosed they were unaware of the name change. (5943)

**Response:**

The Department acknowledges the comment provided. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

**27. COMMENT**

While it is not the responsibility of the Department to notify landowners of nomenclature discrepancies, it is within the power of the Department to adjust the public participation meeting and comment schedule in order to achieve continued transparency between the Department, community and officials. PSC is concerned that the public has indeed been unnecessarily disenfranchised by Sunoco's failure to publicly and openly disclose changes and to be transparent in their actions. A consistent name of the project must be utilized to avoid confusion by citizen and local officials who have been engaged in an ongoing confusion created by Sunoco in using project names of Mariner East Projects (referenced in varying stages as East, 2 and 2X). It is within the power of the Department during this comment period to aide the public and eliminate this sort of ludicrous form of disenfranchisement. (5943)

**Response:**

The Department acknowledges the comment provided. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use

of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

**28. COMMENT**

PSC understands that specific to the Southeast Region, the Delaware County E23-524 and Chester County E15-862 permit application technical reviews by Conservation Districts, were returned to the Department July 6, 2016 and are now under Department review. We also understand the Department generously allowed for a 60 day comment period, with the clock starting June 25, 2016 and ending Wednesday, Aug. 24, 2016.

PSC anticipates a high level of public participation between the Department and communities; the kind of community participation we have been striving to encourage and obtain in Pennsylvania. PSC suggests we proactively seize this opportunity and respectfully request the Department:

- 1) Halt the public review process (i.e. stop the clock) until:
  - 1) Sunoco establishes a consistent name to be used for the project(s) and:
  - 2) Sunoco provides proof of certified notification to the Department, stakeholders and public officials, in accordance with API PR 1162, Public Awareness Programs (PAP) stated stakeholders:
    - 1) affected public
    - 2) emergency officials
    - 3) local public officials
    - 4) excavators.
- 2) Halt public hearing schedules until technical reviews by the Department are complete, approved and published for public review.
- 3) Allow sufficient time for public review of Department approved permit applications. PSC recommends 60 days.
- 4) Schedule and hold public hearings based on geographic and demographic constraints of each region. As example, one (three hour) public meeting for Chester and Delaware Counties is inadequate for a conservative estimate of 700 directly impacted landowners. Adding HOA communities and other interested public participants, the current schedule disenfranchises stakeholders from full participation.
- 5) Extend the public comment period for 90 days after the date of the last public hearing in order to provide all interested stakeholders sufficient opportunity to understand the proposed project and to submit their comments. (5943)

**Response:**

The Department acknowledges the submitted comment. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the

outset of the comment period and made the applications available online and in the applicable regional offices.

**29. COMMENT**

The New York State Department of Environmental Conservation recently denied permits to the Constitution for reasons that are directly applicable to the Sunoco Mariner 2 East Pipeline. NYSDEC Staff's extensive experience and technical reviews have shown that destabilization of steep hillslopes and stream banks would likely occur and result in erosion and failure of banks, causing turbid inputs to water bodies. Exposed hillslopes can become less stable and, when appropriate stormwater controls are not properly implemented, erosion can result in increased sediment inputs to streams and wetlands. If these events occur they can affect the water quality and habitat quality of these streams. While Sunoco proposes to use Horizontal Directional Drilling in many areas they are not using it for every high value stream or wetland. Trenching of streams can also destabilize the stream bed and such conditions can temporarily cause an exceedance of water quality standards, notably turbidity. Turbidity and sediment transport caused as a result of construction can negatively impact immediate and downstream habitat, can smother or kill sensitive aquatic life stages and reduce feeding potential of all aquatic organisms. More specifically, visual predators such as brook trout find food using visual cues. Thus, reductions in clear water conditions may reduce feeding success that can ultimately result in impacts on aquatic species' propagation and survival and corresponding reductions in the attainment of the waters' best usages.

As a result of chronic erosion from disturbed stream banks and hill slopes, consistent degradation of water quality may occur. Changes in rain runoff along ROW may change flooding intensity and alter stream channels. Disturbed stream channels are at much greater risk of future instability, even if the actual work is conducted under dry conditions; long ranging stream erosion may occur up and downstream of disturbed stream crossings well beyond the time of active construction. This longer term instability and erosion can result in the degradation of spawning beds and a decrease in egg development. The loss of spawning potential in some cold headwater streams may significantly reduce the longterm viability of these streams to support trout. (5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the comment submitted and notes that through the technical review of the Chapter 102 and Chapter 105 permit applications the potential erosion and sedimentation issues and impacts to watersheds, streams and wetlands is considered. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**30. COMMENT**

I am concerned about the continued inadequacies of Sunoco's permit applications. The Shapefiles were not made available to the public until late in the comment period. While the comment period was longer than may be typical it was not enough time for the public to review and comment on this complicated and extensive application. This is compounded by the delay in making the Shapefiles available. (5441, 11136, 23463, 23775)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted

but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

### 31. COMMENT

I am here now to urge the Department of Environmental Protection to deny all permits for Sunoco's Mariner East Pipeline Project. I could go on and on about the environmental impacts that would result from Sunoco's construction. There is much more that can be said -- that can be said in three short minutes. However, to focus on the codes themselves, I will simply bring to your attention that Sunoco has not fulfilled its obligations. The company has not secured all easements along the 350-mile long route. There are ongoing disputes over land rights in multiple counties in the Commonwealth. My family and others will continue to fight eminent domain abuse. You are probably aware that this question of whether or not a private company can take your property for their own profit will wind up in the state Supreme Court. So I will remind you, that it will be a long time until all easements are secured. Secondly, the Department is well aware that Sunoco is and will continue to be a chronic violator. They have failed to be honest with you. They have been fined by you, not only for accidents which polluted Pennsylvania's waters, but for failing to support such accidents to you. Two years ago, Sunoco moved ahead with construction activities on Mariner I without seeking the Department's approval at all. This pattern also gives the Department the right to deny any permits. Thirdly, no alternatives have been explored. Sunoco decided it would simply be cheaper to go through more of our ground than to involve other landowners near us. Most importantly, the construction of the Mariner East II is at complete odds with Article 1, Section 27 of the Pennsylvania Constitution, as is the using of eminent domain to seize land that individual property owners have decided to set aside for conservation. The Department has every right to deny these permits. Pennsylvanians will be forced to hold your agency accountable if you knowingly allow Sunoco to move forward with activities that will violate Pennsylvania law. (5953)

#### **Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

As of the date of issuance of the permits, Sunoco Pipeline LP has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline L.P. and the Department.

The applicant has provided a demonstration in writing to address alternatives analysis as part of its Chapter 105 permit applications as set forth in 25 Pa. Code §§ 105.13(e)(1)(viii), 105.18a(a)(3) and 105.18a(b)(3). The Department has determined that the applicant's demonstration satisfies the regulatory standard as set forth in Title 25 Pa. Code Chapter 105. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**32. COMMENT**

I would like to state my opposition to Sunoco's proposed construction of its Pennsylvania Pipeline Project (PPP), also known as the Mariner East Project. I urge the Department to reject Sunoco's submitted Chapter 102 and 105 permit applications. The project is crossing 581 wetlands and 1227 streams will have seriously negative impacts on the environment of these streams and wetlands using the open cut method as proposed by Sunoco. 75% of the wetland crossings would be done using the open cut method, instead of the use of horizontal drilling, that is- horizontal directional drilling (HDD) should be done on all crossings. HDD though more-costly, would lessen sediment disturbance. (6425)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**33. COMMENT**

As for the merits of its application for earth disturbances and water and wetland crossings, we believe Sunoco Logistics drastically falls short of ensuring the safety and health of our communities and the preservation of the "natural, scenic, historic, and esthetic values of the environment" as guaranteed by our state constitution. The Mariner East 2 pipeline project proposal spans 350 miles in Pennsylvania, crossing 17 counties, and effecting 2700 landowners. It would cross 581 wetlands, 1,227 streams, and would permanently impact 35.3 acres of wetlands and 8.6 acres of streams. The project would transport up to 700,000 barrels per day, split between the two additional pipelines. Major pipeline infrastructure projects will lead to additional fracking, which as of 29 June 2016, has contaminated 283 individual water supplies in Pennsylvania, according to your Department of Environmental Protection. By no causal definition, this is a massive statewide project that will have significant impacts now and in decades to come. Yet neither application for ground disturbance or water and wetland crossing address cumulative or direct impacts. (6522 – 6700, 11054 – 11651)

**Response:**

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. §§ 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. The Department has determined that the applicant has satisfied the criteria for issuing the

required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

**34. COMMENT**

I'm very disappointed in the way DEP operates. And let me state it, and I told the Secretary as well. First, you allow --- you call this the Pennsylvania Project, you allow that to occur in the Pennsylvania Journal. Many of my constituents had their computers on alert for the Mariner Project. So I think you need to extend to time for public comment because people honestly who, because the way DEP phrased it, did not have that opportunity. Also, you for the first time have not allowed the e-comment process to take place. And you used the weak excuse that it might be a glitch in the process. Before, we could see what people said and we could respond to what people said. (29683)

**Response:**

The Department acknowledges the submitted comment. The name of the project is chosen by the company and in an effort to be encompassing the Department has incorporated the use of naming convention PA Pipeline Project/Mariner East II for our webpage and information sheet.

The current eComment system is designed to accept comments on regulations, policies, technical guidance, general permits (when being developed), and other proposals such as reports. The Department has never used this system to accept comments on individual permits of this nature. The Department will continue to review the ways in which the eComment system can be used.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**35. COMMENT**

Three acres may not seem like much, but these three acres contain a pond, streams and wetlands. We were never contacted by Sunoco Logistics regarding any sort of

environmental evaluation of the impact of their pipeline and temporary workspace would have on these waters. In fact, the first piece of information we received was a copy of Tetra Tech's aerial map with an overlay of the proposed pipeline and workspace. Immediately, we noticed several discrepancies between the map and the reality on the ground. Known streams and wetlands, which can clearly be seen on Google Maps, were missing. We made numerous attempts to contact DEP, the Huntingdon County Conservation District, Fish and Wildlife, Army Corps of Engineers and Fish and Boat to make them aware of these issues, but to no avail. None of these agencies, which are supposedly in place to protect the environment, showed any interest in looking at our situation. When Sunoco Logistics surveyors came to delineate the streams and wetlands, they placed markers without checking the area for hydrologic soil. They did not survey any of the flora or fauna for indicator species for wetlands or stream quality. We were finally forced to hire our own environmental consulting firm, an expense which many landowners along the 350 mile length of Mariner East are unable to afford. This is a copy, I have it here, of Schmid & Companies findings. Seventy-two (72) pages of findings. They found that Tetra Tech owned a reported one-half of our streams and only one-seventh of our wetlands. In addition, Tetra Tech misrepresented the largest wetland area as emergent wetland, not forested wetland. Our consulting expert in aquatic flora and fauna identified crayfish, salamanders and various insects that are indicator species of good stream quality. None of this appeared in any of Tetra Tech's findings. I shudder to think about how many other errors and omissions may have been made on the other 350 miles of proposed pipeline, if this many mistakes can be found on three acres. When Sunoco came and clearcut the right-of-way and temporary workspace, the 45 to 90-foot trees that they cut on the steep slope next to our pond were simply left lying on the ground. Because with no permits, Sunoco cannot move those trees. This clearcutting has left our streams, pond and wetlands exposed to erosion. Sunoco's Erosion Control Plan consists of throwing mesh on the dirt and sowing some grass seeds on it. This is supposed to take the place of the trees that no longer exist. The wetlands and stream will be forever impacted, since Sunoco will be permitted to return to maintain the right-of-way. Ironically, DCNR is currently encouraging landowners to plant trees along streams. Sunoco Logistics and DEP made absolutely no attempt to do any onsite environmental evaluation until after the right-of-way and temporary workspace had already been clearcut at the end of March and beginning of April. We have now sent all the information to the Army Corps of Engineers and requested a jurisdictional determination of our property. We've been reaching out for help to government agencies such as DEP, since the spring of 2015. Please fight for and support the environmental rights of Pennsylvania citizens against the corporate pillaging of pipeline companies such as Sunoco Logistics. Thank you. (5955)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**36. COMMENT**

I would also like to quickly address the concern of the many workers here today about job creation. These jobs are incredibly --- these concerns are incredibly valid, and I, by absolutely no means, want to belittle or diminish your worries about being able to obtain gainful employment and provide for your families. I would like to point out that that issue today is entirely out of scope of this hearing, which is to address the content of the Chapter 105 permit applications. While Section 105.16 of the Pennsylvania Code does set forth an

environmental and economic balancing test, which includes creation of significant employment, it goes on to state in Section 8 that this section does not apply to dams, water obstructions or encroachments located in, along, across or projecting into wetlands. This project includes such obstructions or encroachments into wetlands, and so there is no balancing against job creation permitted for the DEP's analysis. In an attempt to exercise that right, and in conjunction with many other concerned citizens and organizations, MWA engage in our right of public review, we have retained an expert consultant Steve Kunz of Schmid & Company. Mr. Kunz ecologist. He has reviewed Sunoco's Ch. 105 incomplete permit applications and identified several egregious deficiencies. If that have been ignored, these deficiencies will endanger wildlife, natural resources, private property, and the health and livelihoods of people throughout the Commonwealth. In order to review the entirety of the Ch. 105 application within a reasonable amount of time, Mr. Kunz requires shapefiles of the proposed route. Shapefiles contain geographic data that allows someone with a GIS program to quickly assess potential impacts of large scale projects such as the Mariner East II pipeline. As a part of Sunoco's Ch. 105 permit application a PNDI review was conducted. In conjunction with the PNDI review, Sunoco's contractor Tetra Tech submitted these shapefiles to the DCNR, Game Commission, Fish & Boat Commission, and the USFWS. However, the shapefiles were not included with the rest of the project files available on the DEP's PPP portal. When Mr. Kunz requested the files from DCNR on August 1, 2016, he was told that he was not allowed access to them unless Sunoco permitted it. Furthermore, a DEP staff member later stated that the DEP themselves were not in possession of these shapefiles. This begs the question: How is it possible for the DEP to deem the Ch. 105 applications technically complete - let alone for DEP to carefully review them - when they do not possess the necessary tools to do so? In addressing this comment we request that the DEP describe the decision-making process by which it deemed the applications complete and technically adequate in the face of this missing information. Please also address the technical review difficulties, if any, faced by PADEP specialists caused by the lack of these GIS data.

In an attempt to engage in our right of public review, Mr. Kunz, our expert ecologist, has been denied files that he needs to thoroughly review this application. I'd like to point out that within the Chapter 105 application on the DEP portal site, it is noted that Sunoco has submitted the files he needs. Yet the actual files are not posted on the portal site, and a DEP staff member told our office that they themselves are not in possession of these files. They are shapefiles which are needed by reviewers to enter into a GIS system to be able to review the entirety of the pipeline route.

So this begs the question to us, how is it possible for the DEP to deem the Chapter 105 applications complete, let alone for them or us, the public, to review the application, when they themselves do not possess the necessary tools to do so. (5960)

**Response:**

Sunoco has provided DEP with Shape files and DEP has included a link to those files on the Project portal at

<http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/Shapefiles%2012-8-16>. The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released.

The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

### 37. COMMENT

Even without access to geographical information for the entirety of the pipeline, Mr. Kunz these files, our expert has identified an unacceptable frightening amount of discrepancies and omissions in this Chapter 105 permit application. For example, the erosion and sedimentation form in which the applicant states that it is in violation of DEP permits or regulations. However, within the 105 permit applications. These findings are the beginnings of Mr. Kunz's discoveries application, they answer the same question no. This means that either the application is incomplete or the 105 online files that have been provided are omitting crucial information. An incomplete application, as Jordan stated, should not be accepted for review by the DEP, and do not reflect the entirety of his findings which are attached. One can only imagine the scale of, by law, the DEP cannot approve a permit inadequacies discovered if the pipeline was viewed in for an entity that is in continuing violation of its entirety regulations.

Thank you. I just want to reiterate that Mr. Kunz identified several other problematic areas, and he won't be able to do a complete assessment unless a reasonable amount of time for extension of this comment period is given. And given the deadline of August 24th, it's impossible for citizens who have really gone above and beyond their responsibilities to review. this application, let alone the DEP whose job it is to thoroughly review the application, to diligently address the large block of inadequacies that we have found. Thank you. (5960)

#### **Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed

comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**38. COMMENT**

My name is Dawn Law, and I reside at 820 Donna Lane in Greensburg, PA, which is Salem Township. I'm a homeowner impacted by the proposed Sunoco Mariner East pipeline projects in Pennsylvania. I am aware the pipeline does not have all necessary permits to be built and is therefore is not a done deal. I am opposed to the Mariner East pipeline or the Pennsylvania pipeline project. (5972)

**Response:**

The Department acknowledges the comment.

**39. COMMENT**

First of all, when looking at the 167 summary table submitted by Sunoco as part of its application, it is incomplete. With respect to the statutory requirement that Applicant obtain letters evaluating consistency with local storm water management and flood plain management plans, the table shows that the matter is to be determined for most municipalities in the southeast region.

For this reason alone, the application is incomplete, technically inadequate and should go back to Sunoco to complete. But this is not the problem, as has been mentioned. It seems that Sunoco Pipeline has not furnished to the Pennsylvania --- to you, PA, the DEP, the electronic GIS files, shapefiles, for which the site plans for its instant Chapter 105 applications were produced. The DEP has published Sunoco's applications on the DEP website and no shapefiles appear there. (29727)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, [with current and approved Act 167 stormwater plans](#), that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. [For municipalities without current and approved Act 167 stormwater plans, Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.](#)

**40. COMMENT**

Hi, I'm Briget Shields, 2329 Tilbury Avenue, Pittsburgh, 15217. The Pennsylvania pipeline project would cross 581 wetlands, 1,227 streams and would permanently impact 35.3 acres of wetlands and 8.6 acres of streams. Every method for wetland and stream crossings include open cut bore and horizontal directional drilling, HDD. It's associated with potential environmental harms. However, HDD crossings involve the least amount of direct sediment disturbance.

It is also a much more costly method compared to wet or dry open cut crossings, hence the disparity in distribution along the proposed pipeline crossings.

The open cut method would be used 74.5 percent of the total number of wetland crossings spanning the entire project. Only 17 percent of the crossings would be done with the HDD method. While no stream crossing method is ideal, it's fair to question why Sunoco would

forego implementing a more environmentally friendly method in favor of the cheaper method in three out of every four crossings. (12647)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**41. COMMENT**

Major pipeline infrastructure projects will also lead to additional fracking, which as of 6/29/16 has contaminated 283 individual water supplies in Pennsylvania, according to the DEP. I've worked with many of these families who have been without water for six plus years. They still haven't been addressed, and they still haven't been fixed. These people have been living without potable water for six years. And I would like everybody to think about that every time you turn on your tap. (12647)

**Response:**

The Department acknowledges this comment.

**42. COMMENT**

Leaks and ruptures can also cause, immediately, environmental impacts, and in ---. If you look at the statistics for Sunoco, there have been a tremendous amount of accidents. In 2012, there was a pipeline rupture near Wellington, Ohio spilling 2,780 barrels of gas. In 2014, Sunoco pipeline spilled 4,000 barrels of crude oil in Parish (phonetic), Louisiana. There have been many more just like the one in Salem --- in Township. Sunoco received 17 notices of violations resulting in 2,000,000 and some dollars enforced in fines since 2002. Sunoco also cited in 2015 for at least 42 violations by the DEP for work done on the Mariner East pipeline in --- over the span of one year. These pipelines would transport natural gas liquids at pressures up to 1,440 PSI. Has a cost benefit ---? Has a cost vs. benefit analysis been done? Has an environmental impact study been done? Has a health impact study been done? None of these things were done before hydraulic fracturing came to PA, and that's why we have so many people suffering. I sympathize with the man. (12647)

**Response:**

The Department acknowledges the concerns regarding the environmental impacts of this project and the compliance history of the applicant. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

In the Department's review, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

**43. COMMENT**

And ultimately, we ask that you reject the Chapter 102 and 105 permit applications. The project will cross multiple lands and affect drinking water. I'm sorry. It's easier when it's on paper. It'll affect watersheds, wetlands and designated high quality streams, exceptional value streams and trout streams along with miles of pipeline right of way and additional miles of access road that will cut through forests and watershed. The project will include compressor units, filter separators, gas coolers and other infrastructure such as emergency generators. All of the activities degrade water quality. Among our concerns are the following impacts. Forest fragmentation, soil compaction, noise, structural damage and aquifer contamination, loss of wetlands and water quality degradation and storm water runoff and flooding. With flooding and destruction of habitat, this project will result in clear-cutting of hundreds of thousands of trees.

The permanent conversion of forests to open land will fragment an important habitat. It will result in increased storm water runoff and compromise the area's resilience to flooding. And we've seen the impacts of flooding in Louisiana most recently. (11597)  
The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**44. COMMENT**

Good evening. My name is Doug Shields. I live at 2329 Tilbury Avenue, Pittsburgh, Pennsylvania 15217. I thank you for allowing us to testify at this hearing today. I'd like to make a key point, though. What we are called to speak to are matters related to Chapter 105, water obstruction and encroachments related to the Mariner pipeline, obviously.

The impacts to --- related to Chapter 102, erosion and sediment control, the NPDES permit when the hydrostatic testing is done on the pipeline to make sure that, you know, what comes out of the pipeline is coming out --- than what's put in, and the air quality emissions from the supporting infrastructure and so forth. It is notable that I have not heard any proponent tonight speak to those issues. (29732)

**Response:**

The Department acknowledges the comment. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**45. COMMENT**

So let's get back to Chapter 105, and let's get back to process. The public comment period for the Pennsylvania pipeline project --- this process now should be extended. It should be halted until --- you know, the issue is identified with the Pennsylvania Bulletin notice. You know, this is how we do our government. This is how we move forward. We have a process.

It is based in law, and I would presume that the lawmakers that were just here would want to uphold the law. But that doesn't seem to be a priority. There is a significant difference between the information provided by Sunoco in the March 2016 resubmission of the Chapter 105 application, which we're here to comment on. But we really can't comment on it because we don't know what the application really is at this point in time.

So they resubmitted the 105 application and the figures that were provided to the public in the Pennsylvania Bulletin notice issued for the southwest region in October, 2015, there's a --- notable differences include the number of wetland utility line crossings, the acreage of permanent and temporarily impacted streams, wetlands and other --- you know, other things in its way, as well as a number of utility line stream crossings that others have spoken to here.

So my question is, as a citizen, it's very hard to participate in a process that is changing and evolving as the Applicant so desires or decides. And it is difficult for any citizen to really fully participate in this process, a due process, as required by law for us to have something to say, other than I'd like a job --- which I'd like one, too. And so, you know, Sunoco was required to resubmit their entire application in March 2016. The public should've been notified and another public comment period scheduled. The notice for the southwest region first appeared October 10, 2015 in the Pennsylvania Bulletin. So legally, the public comment period for that permit closed 30 days thereafter, giving the public no opportunity to comment on the revised information. So my position is this. This process is flawed. It needs to stop. We need to restart it, and I'd also like to hear from my State Reps. (29732)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**46. COMMENT**

Sunoco's failed to adequately address in its Chapter 105 Permit Application, the cumulative impacts from its project which would cross at least 581 wetlands and 1,227 streams in Pennsylvania. DEP should require a cumulative impact analysis of all the Mariner East Pipelines, all four of them, together with other proposed and existing pipelines to adequately assess the true environmental impacts of this massive project on our water resources. Since 2013, Sunoco has called its pipeline project the Mariner East, because Sunoco intended to indicate to shippers that its primary purpose was to deliver natural gas liquids overseas. But Sunoco's permit application and DEP's public notices now call the project the Pennsylvania Pipeline Project, causing public confusing. As if the name confusion were not enough, Sunoco submitted multiple revised applications with multiple amendments and changes. Sunoco filed 17 countywide Chapter 105 Permit Applications first on August 17, 2015, a year ago. During the completeness of review, DEP repeatedly told Sunoco in letters and at meetings that its Chapter 105 Applications were deficient, rather than issuing permit denials. On June 14, 2016, DEP finally found Sunoco applications complete, and began its technical review.

We believe the applications may have failed to identify correctly all of the water resources, historic resources and species habitats impacted by the proposed pipeline, but they need time to do field verifications. The files contain thousands of pages and a myriad of changes, a huge source of confusion for the public. (5941)

**Response:**

The Department acknowledges your comment and the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

The Department has determined that the applicant has satisfactorily addressed technical deficiencies previously brought to the applicant's attention by the Department.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

#### **47. COMMENT**

Good evening and thank you for this opportunity. My name is Ellie Salahub, S-A-L-A-H-U-B. Sunoco Logistics has proposed to the build its Mariner East Pennsylvania pipeline across southern Lebanon County. It is actually carrying highly explosive natural gas liquids from Western PA to Sunoco's exporting facility in Marcus Hook. The need for this pipeline is not for our public benefit or the private financial gaining of Sunoco and --- financial gain of Sunoco to export our resources to foreign markets.

This proposed project of 19.7 miles of Lebanon County will cross 13 streams and many more tributaries and wetlands, plus it will withdraw water from Smith's Creek. Not surprisingly, with very few exceptions, Sunoco has elected to use the cheapest methods of open cut of wide crossings to cross our county's streams, which would wipe out trees along the way. Perhaps, Sunoco feels that our streams, many of them are already classified as impaired aren't worth the extra dollars. What's a little bit more silt and erosion, even though many of them are trout stocked streams, popular with fishermen.

Sunoco also is planning to cut through exceptional value wetlands, plus the Hammer Creek tributary which is classified as a cold water fishery, and is also designated as high quality in much of its watershed. (29806)

**Response:**

The Department acknowledges your comment and the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**48. COMMENT**

In this application Sunoco assures us or in fact lies to us that they will use the best management practices to mitigate these adverse impacts. Who will monitor this working designation? (29806)

**Response:**

DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

**49. COMMENT**

It has also come to my attention that shape files, which are critically needed for verification for the presence of threatened and endangered species are not being released by DEP, although DCNR apparently has them. My understanding is that DEP does not need Sunoco's permission to release them. How can a thorough investigation be done if crucial information is not available? (5955)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**50. COMMENT**

My problems today are related to the hearing and permitting process which seems alarmingly not complete at this point in time, given that there are not --- all of the right-of-way agreements have not been completed and have not been agreed to along this pipeline route, along with no air-quality permits being applied for, which means that the information about where the compressor stations will be a required part of putting in a pipeline is lacking. So I understand that these are segmented applications. However, it seems like an alarming decision to allow these permits when all of the information is not available to the relevant people, to the landholders and the other stakeholders involved and who would be affected by the building of this pipeline. (29824)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments. Additionally, the permits to be issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Further, Section 15 of the Dam Safety and

Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**51. COMMENT**

So my name is Marisa Shea, S-H-E-A. I'm from Massachusetts. I'm a math teacher. I am also fighting my own pipeline fight. They're also from Texas. It all feels very déjà vu right now. So I'm just here standing in solidarity with this community that's being affected. I guess I'll be brief. I just want to speak directly to the Chapter 105 Code, which a lot of people have been talking about. So if you approve these permits, it's just a straight up violation of the law that regulates the permitting process, because Chapter 105 requires that Sunoco have the easements before you give the permit. And they don't have all the easements, so you can't give the permits. There's still over 30 easements that Sunoco doesn't have. Elise's family is one of them. Sunoco has no legal rights to her land. They can't build. So pipeline companies have a way of getting around this; right? They sue people and they take them to court and they take their land by suing them for eminent domain. But there are 30 cases that ---. And they win; right? They've won at the district level. But those 30-plus families are appealing in the courts right now. So those cases aren't closed. So Sunoco doesn't actually have any legal rights to those land --- you know, to that property until the cases are closed. It's in limbo right now.

So since Sunoco doesn't have any legal rights to the land, you don't --- you can't actually approve the permits. So if you did, it would just be an egregious violation of the law. You can't legally do it. So I guess I'm just asking you to follow the law more than anything.

But my reasonable request for you is, don't even --- don't ---. One, you really can't even consider the application until these court cases and all of these appeals that are going through the court right now ---. They're at all levels. They're appealing at the appellate level, at the Supreme --- the State Supreme Court level. Until these cases are closed, you just can't even consider the application. So that's my request for you. Let's wait and see what the courts say, because if you don't, you're violating the Chapter 105 Code. So, thanks. (29826)

**Response:**

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. In re Sunoco Pipeline, L.P., 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**52. COMMENT**

Hello. I'm here speaking on behalf of the Ned Ludd Institute for Technology, you make it, we break it. First off, I would like to suggest that all the comments centered on jobs tonight be thrown out, as this is a permitting process meeting. Furthermore, I would like to talk about the permitting process and point out the fact that Sunoco has not done due diligence in their wetland protection assessment. Their permitting assessment evaluation has been riddled with contradictions. The private --- or independent contractor that came in to survey the wetland area found multiple contradictions within the wetland streams in Sunoco's permit. Give me just a moment. Forgive me. Sunoco, furthermore, has provided incomplete information to verify that the project would not comply --- would comply, rather, with stormwater management programs. (29827)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**53. COMMENT**

This pipeline needs to be shut down. I am concerned that the pipeline project would cross 581 wetlands, 1,227 streams and would permanently impact 35.3 acres of wetlands and 8.6 acres of streams. While I oppose all stream crossing methods, it is fair to question why Sunoco would forego implementing a more environmentally-friendly method in every four out of five stream crossings, prioritizing cheaper methods versus environmentally-sound. (29830)

**Response:**

The Department acknowledges your comment and concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**54. COMMENT**

My name is Fred Durst. F-R-E-D, D-U-R-S-T. I come here tonight as a naturalist and a deep ecologist. I spend my time studying the natural processes that are so complex we don't know much about. These pipeline companies pretend they do, but they don't. This Mariner East II Project would cross 581 wetlands, 1,277 streams and would permanently impact 35.3 acres of wetland and 8.6 acres of streams.

Let's talk about methods. We've got open cut or horizontal directional drilling. All associated with environmental harm, all unnecessary, because this project is unnecessary.

But if we're going to talk about what the better process is, horizontal directional drilling has at least harm. But then why is it that only 17 percent of the pipeline crossings are horizontal directional drilling?

It's cheaper. Did someone say that the CEO of Sunoco makes, what, \$200,000,000?

Well, it sounds like there's money somewhere. Guess you could spend it on the least harm. Why wouldn't you? I would. But I to repeat this, both methods aren't acceptable because the project is unacceptable.

So it was said here earlier tonight, you know, that on the Gerharts' property there had to be an independent assessment done on this property. Sunoco incorrectly mapped and mischaracterized many wetland features. Half the stream segments were missed; one-seventh the wetlands were not acknowledged. So obviously there's something wrong here.

And the impacts are significantly understated, and they have been, as most projects --- most pipeline and fracking projects have and continue to be. So Sunoco has shown themselves to be negligent, shady, incorrect in their assessments. So the DEP has a choice, they can be. And you can be complicit in this ill-conceived project or not.

So I have some questions. I know you're not going to answer them. So the ball is in your court. What game will you play? Sunoco's? One riddled with violations, ecological destruction and all-around foul play. Or one in which the air, water and all creatures win. But really, there's only one choice, put the earth first. (29831)

**Response:**

The Department acknowledges the concern regarding the environmental impacts of this project. The Department reviewed the applications and issuance of the permits for the Mariner East II pipeline for consistency with applicable statutory and regulatory requirements. The permits provide reasonable protections for the environment.

**55. COMMENT**

Hi. My name is Diedre Lally. I live in Columbia County, Pennsylvania. And I actually live very near where a pipeline exploded on June 9th of last year, so I actually do know what it's like to have to evacuate your home due to unsafe pipelines. And so that's one of the many reasons I first urge the DEP for a 90-day comment period which would end on September 26th. I also request one hearing per county. It's a little extreme to ask people to drive over an hour at night to talk about what's going to happen to their property when they've been working all day. (29833)

**Response:**

The Department is responsible for evaluating the project's potential impact from earth disturbance activities and wetland encroachments.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change

right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**56. COMMENT**

I have some comments based on an independent wetlands survey that was actually just completed yesterday. And I will be writing technical comments and sending them in before the end of the comment period. I wanted to read a couple tonight.

One issue of major concern is that basic information about the project has been withheld or made difficult to obtain. The precise location of the 300-plus mile section of the pipeline route that crosses Pennsylvania is depicted on hundreds of individual large-scale drawings. The location also is identified on a GIS shape file that can easily be incorporated into a GIS program. Such shape files were provided, at minimum, to various resource agencies responsible for determining potential impacts to threatened or endangered species of plants and animals in conjunction with the DEP-required PNDI screening process. It is likely that the applicant provided DEP and the other agencies with updated shape files when it provided a completed set of updated revised site plan drawings in late May 2016.

So use of the shape file makes understanding and evaluation of the project much simpler, not only for the Department and its sister agencies, but also for us, the public, who are going to have to live with these impacts. Yet public access to this valuable record has been made exceedingly difficult. So in future pipeline and similarly large linear projects, the Department should insist that the applicant provide it with a shape file of the proposed route and with updated shape files whenever the proposed route is revised. The Department should also make those shape files available to the public in online files that include other detailed information about the application. (29833)

**Response:**

The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline, L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

Regarding endangered and threatened species, Sunoco Pipeline L.P. has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any

threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

## **Water Withdrawal, Water Wells and Chesapeake Bay**

### **1. COMMENT**

#### **5. Protection of the Chesapeake Bay and other watersheds should take priority.**

In coordination with other Commonwealth agencies, and partly in response to the U.S. Environmental Protection Agency withholding \$3 million from Pennsylvania, the Department has launched a Chesapeake Bay restoration strategy, or “reboot.” The strategy rightly focuses on agriculture in order to reduce nutrient load in the Susquehanna River Watershed and, ultimately, the Bay. The Department, however, should not ignore the role that pipelines such as Mariner East 2 can play in destroying riparian buffers at water crossings, creating linear pathways for increased sediment load in waterways, and reducing the efficacy of wetlands in cleaning and storing water that makes its way into the Bay. The Susquehanna River Basin is already one of the most flood-prone basins in the nation.

25 Pa. Code § 105.21(a)(3) provides that “a permit application will not be approved unless the applicant demonstrates that ... [t]he proposed project or action will adequately protect public health, safety and the environment.” As explained elsewhere in this comment, Sunoco proposes to build Mariner East 2 in a manner that causes needless harm to wetlands and waterways. The pipeline as planned would snake through roughly 147 miles of the Susquehanna River Watershed, which drains to the Chesapeake. The pipeline’s impacts would be substantial, and would threaten the safety and sanctity of the Chesapeake Bay.

The Project would also involve water crossings and land disturbance in the Schuylkill River Watershed, which was awarded an EPA Targeted Watershed Award. The Targeted Watershed Grant is an EPA program designed to encourage successful community-based approaches and management techniques to protect and restore the nation’s waters. The Department should give extra consideration of its stewardship of watersheds specially invested in by EPA for protection. (5939-5947)

#### **Response:**

The Department is requiring the reestablishment of forested riparian buffers in the Chapter 102 and Chapter 105 permits it is issuing.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. These water resources include the Schuylkill River Watershed and waters in the

Commonwealth that are tributary to the Chesapeake Bay. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**2. COMMENT**

In addition to above-ground water, we are deeply concerned about our groundwater which is our drinking water supply. No baseline testing has been done. Sunoco has agreed to do some baseline testing in places where property owners signed agreements. Are we not afforded the same simply because we oppose Sunoco's pipeline? Who will take on this responsibility? Will DEP help us to set a baseline if Sunoco will not? Having to do this testing ourselves has become impossible at this point due to our legal expenses regarding the question of eminent domain (this question has yet to be decided in the Pennsylvania courts). The burden should not fall on us; it should fall on the developer. They have billions of dollars and would make many more by putting our drinking water at risk. This baseline water testing should be a requirement across the board. It is the least they can do. (5953)

**Response:**

Sunoco Pipeline L.P.'s application indicates that it has avoided direct impacts to private water wells and is implementing Best Management Practices (BMPs) to protect water supply wells as outlined with Water Supply Assessment, Preparedness, Prevention and Contingency Plan (Water Supply Plan). The Department has written special conditions into the 105 permit as it relates to water supply impacts.

**3. COMMENT**

Sunoco has also applied to SRBC for a water draw from the Frankstown branch for millions of gallons per day. Can this small branch of the Juniata handle these multiple impacts? Should it have to? (5953)

**Response:**

Sunoco Pipeline L.P. applied for a surface water withdrawal docket from Susquehanna River Basin Commission (SRBC) to withdraw water from the Frankstown Branch of the Juniata River to use it for hydrostatic testing of the pipelines. SRBC reviewed the docket application and subsequently approved it on December 8, 2016. Based on the approval, SRBC believes the river is capable of supporting the requested withdrawals. The depths and exact parameters of the HDD activities beneath the Frankstown branch of the Juniata River can be found in the HDD plans in Attachment 7 of the Joint Permit Application. The depth of the bore is based on the geological borings in the vicinity of the HDD.

**4. COMMENT**

Finally, I will tell you about my concerns for the Susquehanna river and Sunoco's planned crossing. This would prove to be an immense task. Is Sunoco up to it? They have shown themselves to be extremely careless and accident-prone. They are driven by profit and pressure from their investors, not the rules and regulations put in place to protect our Pennsylvania environment. Our Susquehanna needs help. It needs recovery efforts. It is a river filled with pollution. These problems need to be fixed before more development takes place and more cumulative effects add up. (5953)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. The regulations utilize a

framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

## 5. COMMENT

My name is Joan Leach. My husband and I own a 23 acre farm in Cumberland County where we raise a small herd of cattle. I would like to comment on Sunoco's Pennsylvania Pipeline Project and its impact on water crossings. We are well aware of the requirement to keep our animals from streams and wetlands and to manage our manure to prevent contaminating the Chesapeake Bay and the environment. All construction sites must protect from erosion and runoff. If Sunoco is permitted to trench its way through most of Pennsylvania's water obstacles, where is the DEP's concern for the Chesapeake Bay and the environment? How much mud and silt will be sent downstream? The private citizen must abide by the law. Will Sunoco, a major corporation, be given a pass? (5987)

### **Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. The regulations utilize a framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

As part of its ESCGP-2 Notice of Intent, Sunoco Pipeline L.P. has developed an Erosion and Sedimentation Control Plan which identifies the erosion and sedimentation control practices that it will implement to minimize uncontrolled surface water runoff from disturbed areas and minimize the migration of construction-related sediment. The regulations utilize a framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

## 6. COMMENT

Our home is also on a private water well, which poses many questions. Who will protect my family's water supply if there is a pipeline rupture and/or leak? Who is going to monitor our well to ensure that our water is safe for my family and the other families of my community? To say that I am concerned is an understatement. I urge you to please support our environment and the families living in it by not granting the permits for this pipeline. The negative effects on the children, families, water supply, and environment as a whole are at

such a risk for generations to come. Other communities have already suffered due to such pipelines please help to prevent this from happening to another. (6307)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts.

**7. COMMENT**

Good evening. Mitch Trembicki, Delaware County, 187 Hilltown Road, Glen Mills. I'm speaking tonight in concern of groundwater and possible pollution that the drilling and the trenching from Sunoco will cause to that situation. I have a well, a private well. And when private wells are installed in Delaware or Chester County, certain protocols have to be followed, including putting a casing down in the bedrock and filling the bore hole around the casing with grout to the surface. Thus insuring no surface pollution will make it into the groundwater supply polluting my well or my neighbor's wells.

Sunoco has specifically said that when they trench or do horizontal drilling, and by the way they said that they will be drilling down in our area of East Goshen and neighboring townships to 160 feet, well in the bedrock. When I had my well installed ten years ago, they hit bedrock at 40 feet. The average depth of drilling will be 72 feet in our area. They have refused to consider the point between --- the void between a 30 inch bore hole and the 20 inch pipe grouting it, thereby reducing or eliminating surface contaminants entering the aquifer. I think this is a huge concern the DEP needs to look at.

When they come up to the surface either to start the bore or when they go from trenching to boring, there is only four feet from the surface to that site. This will allow surface pathogens, bacteria and chemicals to enter that void between the pipe and the bore hole. Any contaminants can thereby get into our aquifer and spread out in many directions. So just the process of installing this pipe by Sunoco creates a burden on well owners in my area. Well owners are burdened with the responsibility of paying for the grouting to have the well installed. That is best management practices. What I'm asking is that you insure best management practices are also enforced by Sunoco, thereby insuring the integrity of our wells, surface pollutants to my neighbors and my own wells. (29690)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts.

**8. COMMENT**

Over the past eight months, I have reached out to Sunoco Logistic representative, Mr. Donald Lockowitz (phonetic) and one of Sunoco's lawyers, Mr. Curtis Stanwell (phonetic). I'll be requesting Sunoco Logistics paying for the testing ---for testing my 405-foot well before drilling commences. This sampling will be a baseline of data for myself and Sunoco Logistics. This request is not unusual, and Sunoco Logistics has agreed to test private water wells within the easement area.

My request has been rejected because, quote, you are an elected official of the Township. How would that look if we tested your well and not others? We don't want to set a precedent. Additionally, Mr. Stanwell has acted unprofessionally and not in good faith by not returning my attorney's phone calls or request. My unique situation is my private water

well is the only viable option of water that I have, due to the fact that I have particular pipes in my house that can't handle public water. (29691)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts.

**9. COMMENT**

According to Pennsylvania's DEP, water degradation falls into two categories, reduced water volume or the presence of constituents found in higher levels after drilling than before drilling. Constituents can be naturally occurring, drilling related chemicals or methane gases that seep in the aquifers and water wells, whether it be vertical, fracking or horizontal drilling. The responsibility of Pennsylvania's DEP is to protect human health and environment. Pennsylvania citizens are not reaping benefits from this gas exportation operation, only headaches and sincere inconvenience.

As with fracking --- and by the way fracking is a news media term, it's really horizontal drilling. Of operations and other parts of the State, Pennsylvania's DEP is still of the mindset to put the onus of proof on the homeowner to prove contamination of our water well within a half-mile from the drilling site. Will this section of pipeline drilling receive similar numbers of citizen complaints? Will the DEP be ready to handle said complaints, or will the casefile sit in a file cabinet as others have?

Wouldn't it be prudent for Sunoco Logistics, not a public utility, to pre-test area private water wells to obtain baseline information for the condition of mine and others' wells? Doesn't the DEP have a responsibility to plan, monitor and provide safe drinking water in non-public water systems? Why do I, a private citizen, have to pay to keep my water safe? Who protects the private citizens? Does DEP? Pennsylvania DEP reported 271 confirmed cases of water degradation of the 17 of 40 counties in which fracking is occurring. But the real numbers are 2,309, of which 1,275 are wells. DEP's jobs, goals and vision is the health, safety and welfare of the citizens' public and private water resources. And I ditto Mr. Dinniman. (29691)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts.

**10. COMMENT**

Hi, my name's Thomas Droege. It's D-R-O-E-G-E. I'm from Columbia, Pennsylvania. That's Lancaster County. I grew up running these rivers, running these streams and knowing that you can't eat the fish and you can't swim in the rivers, specifically Susquehanna River. Earlier this year Susquehanna River was listed as the third most endangered river by the conservation group American Rivers. One of the reasons is due to the Conowingo Dam has reached its limit for trapping sediment, sediment caused by lack of riparian buffers, which are critical ecological buffer zones that are the river's natural filters. Any further degradation of these systems will only add to the sickness of Susquehanna Valley. (29829)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project.

## Health and Safety

### 1. COMMENT

Impacts to adjacent property rights also include onsite pipeline integrity and leakage concerns. The Pipeline and Hazardous Materials Administration (PHMSA) has regulations covering such issues. 49 CFR § 195.442 generally requires “each operator of a buried pipeline [to] carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities.” These programs are meant, among other things, to ensure the integrity of pipelines in high consequence areas (HCAs), such as in Chester and Delaware Counties, and to reduce risk of injuries and property damage from pipeline failures in drinking water or ecological resource areas. These programs must include procedures to identify HCAs, determine likely threats to a pipeline within a HCA, evaluate the physical integrity of a pipe within a HCA, and repair or remediate any pipeline defects found.

Sunoco has not included any PHMSA-recommended Risk Management and Damage Prevention program documents in its applications. Citizens suggest that the Department should ensure that Sunoco possesses and implements well-designed programs to prevent damage to the Mariner East 2 pipes, if it is built, to avoid potentially dire consequences to landowners and the local ecologies. This is especially important here because much of the proposed Project route would share rights-of-way with one or more active pipelines dating to the 1930s or before. This is especially the case in HCAs in Chester and Delaware Counties.

Considering just the issues of runoff, damage to farms, and pipeline integrity--all we have addressed here--the Project’s likely impacts to property owners strongly counsel against granting the permits. (5939-5947)

#### **Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

### 2. COMMENT

**4. Streams and wetlands would be severely affected by pipeline leaks, and Sunoco Pipeline has the single worst record of hazardous liquids leaks among pipeline operators.**

A standard method of risk analysis involves considering the *likelihood* of a particular hazard's occurrence, in conjunction with its estimated *severity* or *consequences*. In 2015, a one-year-old 20-inch ethane pipeline structurally failed, leaking over one million gallons of liquid ethane into a wooded area.<sup>29</sup> The subsequent explosion and fire caused thermal damage in a 2,000 foot radius from the point of failure, and it took 36 hours to extinguish the fire. This pipeline was similar in construction and operational characteristics to the ones contemplated in the Sunoco applications.

With respect to groundwater contamination, in April 2015, a leak caused by undetected corrosion in a Sunoco pipeline in Edgmont Township resulted in the discovery of MTBE, a gasoline additive manufactured by Sunoco, in nearby private water wells. Sunoco's operating safety system did not detect the leak, which was discovered by the landowner under whose property the pipeline was leaking. As recently as July 2016, MTBE continues to be detected in wells in the vicinity of the leak. As reported by the Associated Press, the Commonwealth of Pennsylvania has spent three-quarters of a billion dollars of taxpayer money to clean up leaks of this persistent chemical.

Many other hazardous liquids pipeline accidents could be cited, but it is clear from just these two examples that pipelines of this size, transporting enormous quantities of hazardous liquids at high pressure, have the capability to cause severe consequences to the environment.

Hazards with severe consequences can sometimes be tolerated, provided the likelihood of their occurrence is extremely improbable. So we turn to the "likelihood" question, and in doing so it is useful to examine Sunoco's operational and enforcement records with respect to hazardous liquids pipelines.

The federal regulator of hazardous liquids pipeline operators, the Pipeline and Hazardous Materials Safety Administration (PHMSA), requires that operators self-report accidents and incidents. Approximately 2,000 such operators report these data to the government. Sunoco is far from the largest in terms of miles of pipeline, but it is the clear leader when it comes to number of reported hazardous liquids leaks.<sup>9</sup> Omitting wholly-owned Sunoco subsidiaries and considering only Sunoco Pipeline L.P. and its inactive predecessor, Sunoco Inc., Sunoco has, in the last ten years alone, reported to the federal government 270 leaks, spilling over 832,000 gallons of hazardous liquids into the environment. This amounts to a rate averaging more than two reported incidents a month, every month for the last ten years. The combination of likelihood and severity, when it comes to hazardous liquids pipelines operated by Sunoco, is unacceptably high. The Department can do nothing to reduce the

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<sup>9</sup> Sunoco has received federal enforcement action at least twice for failure to make required reports of hazardous liquids leaks. In June 2013, Sunoco was fined for failure to file a report of a leak of 1,600 gallons of hazardous liquids at Sharon Hill, PA. *See* PHMSA CPF No. 1-2012-5019 Final Order, June 13, 2013, available at [http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Enforcement%20Notices/120125019\\_FO.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Enforcement%20Notices/120125019_FO.pdf). And in July 2016, PHMSA issued a proposed \$1.539 million civil penalty to Sunoco's wholly owned subsidiary, West Texas Gulf Pipeline Company, for failing to report a hazardous liquids leak which resulted in a serious injury. *See* PHMSA Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order, July 8, 2016, available at [http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/420165022\\_NOPV\\_PCP\\_PCO\\_07072016.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/420165022_NOPV_PCP_PCO_07072016.pdf). Because of these repeated enforcement actions for failure to make required reports, it is reasonable to doubt that we know the full scope and scale of Sunoco hazardous liquids leaks.

severity of Sunoco's continuing leaks. The likelihood of leaks on the applied-for project can, however, be reduced to zero by not issuing it permits. The risk can be mitigated best by avoiding it. Based on Sunoco's compliance history alone, the Department would have reasonable grounds for denying its Mariner East 2 permit applications.

Sunoco has a long and checkered history of enforcement action related to its pipeline operations at both the federal and state level. A few federal examples are discussed below.

- In February 2000, a Sunoco pipeline failed structurally, spilling a massive 192,000 gallons of hazardous liquids into Pennsylvania's John Heinz National Wildlife Refuge. (Sunoco had an operating safety system on this pipeline, but it failed to detect the leak, which was eventually discovered by a hiker in the Refuge. By the time the break was discovered, the pipeline had been pumping crude oil into the Refuge for at least three days). Sunoco paid more than \$3.6 million in cleanup costs and penalties to settle a lawsuit brought by the federal government over this spill.
- In February 2011, Sunoco's hazardous liquids pipeline system spilled over 1,500 gallons of crude oil at Sharon Hill, Pennsylvania, causing soil contamination. Typical of other Sunoco hazardous liquids leaks in Pennsylvania, this one was caused by corrosion which Sunoco failed to detect. Sunoco also failed to report information about this leak to PHMSA, as it was required to do under applicable federal regulations. PHMSA issued a Notice of Probable Violation to Sunoco for the failure to make required reports. Sunoco did not contest the allegations and promptly paid the nominal \$22,500 civil penalty to settle the matter.
- In April 2016, PHMSA issued a Notice of Probable Violation, and Proposed Compliance Order to Sunoco. PHMSA alleged that Sunoco used unqualified personnel to perform 3,000 welding operations (using an unqualified welding procedure) on a new pipeline it was constructing. After these issues were discovered by PHMSA inspectors, Sunoco attempted to "back-qualify" the welders, some of whom were unable to perform satisfactory welds even after multiple attempts. The federal government has proposed to assess a \$1.278 million civil penalty against Sunoco for these "probable violations."
- On July 8, 2016, the federal government issued yet another Notice of Probable Violation and Proposed Civil Penalty against Sunoco Pipeline. This time, the government alleges that Sunoco failed to report a 2013 accident in which hazardous liquids leaked and ignited, causing a serious injury. The Notice of Probable Violation identifies a total of 15 violations of the pipeline safety regulations related to the 2013 accident, and proposes a civil penalty of over \$1.5 million. The government alleges that Sunoco's failure to properly identify the root cause of an earlier, 2009 accident, allowed the recurrence of the same type of accident in 2013. The failure to report an accident is a serious concern, because, as discussed above, the federal regulator requires such self-reporting and relies on it almost entirely. When a million-and-a-half-dollar fine is imposed in connection with failure to make a required report, it is reasonable to doubt that we know the full scope and scale of the environmental damage caused by Sunoco operations. (5939-5947)

**Response:**

In the Department's review, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline LP and the Department.

Water resources will be protected. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

### **3. COMMENT**

Regarding concern for human impacts, construction and operation of gas lines puts drinking water at risk. Sunoco has admitted this risk by including in some easement agreements a plan for baseline water testing. They are, however, not offering to do baseline testing on my family’s property.

Additionally, of utmost concern, is the risk of accidents, spills and explosions. This is both a real and an unacceptable risk. These major transmission lines have no place near homes, schools, workplaces or recreation areas. However, Sunoco plans to cross thousands upon thousands of them. Since I began researching gas pipelines in the spring of 2015, I have read about dozens of accidents in the United States, all of them resulting in property damage and pollution, many of them causing injuries, and some of them causing death. These issues are not beyond the department’s scope. In fact, they should be one of your primary focal points. Your agency has a duty to protect the people and environment of Pennsylvania. Issuing permits for a project like Sunoco’s Mariner East 2 would clearly be at odds with this duty.

DEP mission statement: “The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.” (5953)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

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**4. COMMENT**

3) There must be consideration of public health in any fuel pipeline through the County. This includes a health impact assessment that brings Pennsylvania Department of Health and first responders into the decision making of what is best for the residents of Chester County. (5985)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

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**5. COMMENT**

I am forwarding this concern now that I found this web sight detailing some of the Permits filed for Mariner East 2 by Sunoco Pipeline L.P. Please read our concerns and current actions. Some things just are not making any sense that this highly new volatile hazardous liquids large diameter higher pressurized pipeline is to be allowed so close to ours and other residential homes just because there was already an old 40 foot 1936 Right of Way in place for one active 8 inch gasoline/distillates pipeline 120 feet from our home, that has since been repurposed into Mariner East 1. This could be a big time disaster waiting to happen. Note: this comment provided severel attached documents which are included in part three of the comment response document. (5934)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and

intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Pennsylvania Public Utility Commission (PUC), in consultation with the Pipeline Hazardous Materials Safety Administration (PHMSA), regulates safety concerning the conveyance of natural gas liquids by the Mariner East II Pipeline. As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements. Note: the attached documents referenced in this comment are included in part three of the comment response document.

## **6. COMMENT**

I am a resident of the Commonwealth of Pennsylvania, specifically Middletown Township where the Mariner East pipeline is intended to pass through. I have 2 young children set to attend Glenwood Elementary School in the near future; one of the public lands identified for pipeline installation. I also happen to be a Senior Aerospace Structural Engineer that regularly works with piping. I am deeply concerned regarding the installation of large diameter, high pressure gas lines within close proximity to regularly occupied areas of our community. I am not concerned about there being standard pipes in the ground as this practice has been done for centuries. I am concerned because it appears that these large diameter, high pressure lines are being treated the same as standard pipes. The reality is that large diameter, high pressure pipelines are, and should be treated, in a completely separate regard from standard pipelines due to their inherent risk over long time periods. A high pressure pipe typically fails catastrophically and can occur due to many circumstances, both avoidable and accidental. Weld quality, corrosion protection, and periodic testing prevent avoidable problems; whereas accelerated corrosion from pipe microcracks and weld embrittlement as well as human interaction from unwarranted digging on their own properties is less controllable, but just as catastrophic. Provisions are needed to protect buried pipes from all circumstances as these pipelines are in close proximity to residents, including small children. I am recommending the state and local municipalities effected by this pipeline request the following of Sunoco to ensure risk is reduced:

- 1) Release to the effected public a risk assessment with complete engineering regarding the pipe installation project, including full operating pressure range.
- 2) Reclassify this pipe as a special case that requires more sensitivity: Standard installation and maintenance specifications/standards in public settings do not apply at these high pressures. These are industrial-level pipes.

- 3) If the fluid in these pipes is not actually supplying utilities to pass-through residents or businesses, they are not utilities and should not be treated as such. Please do the right thing and consider these pipes a commercial application, not a utility.
- 4) Provide rationale for how Sunoco is to prevent public access to the pipe and all access points (both below and above ground) in order to prevent tampering or accidental pipe damage (i.e. from unwarranted digging).
- 5) At installation, all welds must be visually documented for record by photographing the full 360 degree welds prior to entering the ground.
- 6) A Professional Engineer and Certified Welder must visually inspect and sign off on every single weld in the pipeline.
- 7) Increase proof pressure testing to 150% peak operating pressure (from 125%) to ensure pipe structural integrity. 125% is not an adequate test for airplane pipe, it is definitely not adequate for public access pipe.
- 8) Inspect for corrosion and proof test the pipes with water once every 3 months minimum to ensure defects are caught prior to unexpected pipe burst.
- 9) Release all detailed inspection reports to the public.
- 10) The township and any pass-through land owning residents shall have the right to void the contract/agreement if any of the above terms are not met, resulting of a shutdown of the pipe. The pipes that Sunoco plans to install are 1440psi at a diameter of 16 and 20 inches.

Let's consider the ramifications for this size pipe carrying that magnitude of pressure. The 16in diameter pipe at 1440psi has a flow force of over 280,000 pounds. The 20in diameter pipe at 1440psi has a flow force of over 450,000 pounds. For perspective, the fluid travelling through the 20in diameter pipe produces enough force to lift over 5 fully-loaded semi-tractor trailers. The energy in these pipes, while impressive, comes with a great deal more risk than typical lines that run at much lower pressures. They are more susceptible to sudden, unexpected burst as they rarely provide the precious time awarded from slow leaks as is the case with low pressure pipes. High pressure pipe bursts can be very explosive. The larger the pipe diameter, the larger the blast zone. One assessment performed by Spectra Energy determined the approximate blast radius as a function of pipe diameter and operating pressure. As you can see in the chart, blast size is more sensitive to pipe diameter than pressure. At 16-20in diameter and 1440psi, the blast radius is estimated to be over 500ft. This radius is well within proximity this pipe will have to children at schools, soccer fields, and playgrounds throughout the community. The quality of welds is perhaps the most important, and most inconsistent part of the installation process. It is always important to get a continuous weld that passes through the full wall thickness of the adjoining pipes. The welded sections must then be protected from corrosion since any coatings will have been sacrificed during the welding process. I don't need to explain the welding process as the Sunoco engineers know more than I ever will about this process. What I do want to state is that this process, while vitally important to the integrity of the pipes, is often disregarded due to limited budget, and more importantly a lack of certified welders to perform the work. Certified welders are hard to find and on large projects such as this, Sunoco will tend to use anyone that has any experience with welding with no knowledge of their competence. They will explain that a certified welder will inspect every weld, but on a pipe that extends as far as this one, it is physically impossible for the limited number of certified welders to thoroughly inspect every single weld. They will be present and might fly over the area, but they will not inspect with the rigor that is required to ensure integrity in the pipe. They will convince themselves and the land owners that the proof testing of the pipes after installation will serve as the ultimate inspection. This is true if the pipes are being used for a short time

period as inadequate welds can initially hold. However, these lines will be in the ground and in use for decades or longer and it will not be long before the welds give way to a pipe burst. Of course this happens once the welders and inspectors are long gone and the community is left to pick up the pieces. Underground steel pipes have been used for generations. However, they are very susceptible to corrosion and embrittlement, especially at the weld joints. Once underground, pipes are very difficult to inspect. Many technologies have been developed to help with inspection. Some are better than others, but the fact remains that steel pipes set in soil will rust and corrode over time. It doesn't matter what kind of coating is used, eventually, it will wear away. At welds, this is especially the case, as the region adjacent to the weld typically corrodes faster than the rest of the pipe. As stated above, inadequate welds will corrode faster. Finally, high pressure pipes have an effect on the land they pass through, causing the soil to continuously move and settle. When pressure is applied to these pipes, they elongate, moving the adjacent soil. The large diameter combined with the high pressures passing through these tubes will exacerbate this effect. Anywhere the pipeline changes direction will be susceptible to higher soil movement. It is important that not only the piping engineers understand this soil volatility, but also the residents and businesses that may be adversely affected by the continuously settling soil. Damage to building foundations, nearby utilities, playing fields, as well as other disruptive activity has been documented with smaller, lower pressure lines. Conversely, the soil can shift around the pipes by itself due to sudden precipitation or the rare, but not unheard of, low-level earthquake, can cause the lines to displace and burst. This effect should have been studied as part of the pipe engineering that should be made public domain. The general risk associated with large diameter, high pressure pipe installation in public and residential areas is shared by everyone in the community, not just Sunoco. It is imperative that everyone assuming this risk has awareness and a spot at the discussion table. (6068)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**7. COMMENT**

We purchased this property for our office use. It was purchased in 2004 with the Sunoco Easement and two pipelines already in place. Since then Sunoco has presented us with an amendment to the Easement for an additional 2 pipelines which we signed. We were assured that the pipeline would present no problem as it would be monitored and maintained constantly. However we do have serious concerns on the impact of this project:

1. Considering the location of the pipeline through our property, what are the risks to personal safety for the property owners, our employees and clients?

2. Considering that we are on well water, what are the risks to our health and the environment in general? We thank you for your consideration. (6069)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**8. COMMENT**

I am writing to with major concerns about the Mariner East 2 Project - the installation of such a pipeline is dangerous for the community and it may in some regards be close to breaking certain laws - the pipeline will be to close to certain communities, schools and a YMCA. These types of pipelines do not have the proper regulations and inspections to stop what could be a catastrophic explosion endangering the community - please reconsider this pipeline from sonoco (6205)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**9. COMMENT**

Sunoco Malfunction History: A local researcher discovered that Sunoco has a long record of hazardous liquids leaks, averaging more than two of them each month for the last ten years. Many of these leaks occurred right here in our part of Pennsylvania. I heard recently that there was a Sunoco pipeline incident in Edgmont (thought to be on Meadow Lane) (6278)

**Response:**

As to compliance history, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco’s compliance history in not only water matters, but also other areas where

it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued. Further, Sunoco's application materials indicate that it will protect both surface and groundwater during construction of the project.

**10. COMMENT**

As a Pennsylvanian, I would like to take this opportunity to express my thoughts on the Mariner East pipeline project. I understand that Sunoco has applied for Chapter 102 and 105 permits re: earth disturbances and for the crossing of waterways and wetlands in my county and in 16 other counties across the state. The project would carry highly explosive Natural Gas Liquids and span more than 300 miles, crossing our state and hundreds of streams and wetlands. In case of accident, it would have a negative impact on the safety and welfare of Pennsylvanians, and from construction alone it would certainly damage our environment. Thank you for taking my comment into consideration. (6357)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**11. COMMENT**

My further concern has to do with Sunoco Logistics record of safety. Sunoco has received 17 Notices of Probable Violation resulting in \$2,320,744 in enforced and proposed fines since 2002, 262 incident reports filed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) since 2006, and 32 enforcement actions initiated by PHMSA since 2002. Sunoco was also cited in 2015 for at least 42 violations by PADEP for work done on the Mariner East project over the span of a year. These pipelines would transport natural gas liquids at pressures up to 1,440 PSI. Pipeline failure and hydrocarbon excursions close to homes pose a real risk to public health and safety. (6522 – 6700, 11054 – 11651)

**Response:**

The compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of

hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

## **12. COMMENT**

My name is Doug Lorenzen and I live in Lebanon County, Pennsylvania, through which the pipeline passes not far from my home. The Sunoco Chapter 105 permit applications require the consent of 2,700 property owners and asks permission to encroach and disrupt hundreds of wetlands, creeks and rivers throughout the State. Pipelines are notorious for the leaking and spilling of thousands upon thousands of gallons of petroleum products into the environment every year, and is well-documented. Sunoco is listed by the Pipeline Hazardous Material Safety Agency, PHMSA, as having one of the highest numbers of incidents of any of the pipeline companies in the U.S.

The leaks are usually caused by corrosion, cracking of pipes or welds between the pipes and damage from construction equipment digging in the area of the pipeline right of way. These pipelines will carry, under very high pressure, 1,400 pounds per square inch NGLs, ethane, propane and butane, very volatile-explosive gases that are colorless, odorless, tasteless and heavier than air. They set up for a repeat problem. When they leak, they tend to rise but follow channels in the overburden and accumulate in low spots on the surface. All they need is a small ignition source, such as a passing car or a cell phone, and they will explode into a cloud of extremely hot, burning, moving gas moving across the landscape, incinerating everything in its path. The latest example happened in Salem Township, Westmoreland County where a resident went running from his house ahead of the flames when ultimately he was burned over 75 percent of his body, lost a hand and a foot in the process and he had just returned from overseas with the armed forces.

Leaking pipelines expose our creeks, wetlands, rivers and neighborhoods to very dangerous and disastrous situations. These are not the same types of pipelines that most people are used to where gasoline or jet fuel or something like that leaks down into the environment. These gases will rise and burn. The detection methods used by pipeline companies are notoriously unreliable. The primary monitoring method is to watch for drops in the gas pressure. This method can only detect a drop of one-and-a-half to two percent of the daily flow in large volume in a pipeline designed to carry over 270,000 barrels per day. Small leaks can therefore go on for days, weeks or even months before being detected, releasing thousands of gallons of gas. One study showed leak detection methods missed on the average 19 out of 20 leaks, a leak detection success rate of five percent.

Because small leaks cannot be detected and because the NGLs are odorless, colorless and tasteless, heavier than air, Sunoco issued a brochure to property owners along their pipeline asking them to alert for signs of leaks, like hissing sounds, frost on the ground and flames and dust, rising dust. In other words, Sunoco is asking the property owners to be the first

line of detection, watching for pressure drops. Using the public as a first line of defense is not an acceptable or adequate leak detection system, and PA DEP should deny the permit application based on this alone.

People often mention that pipelines are a safe means for transporting gas. These people obviously have not researched in good detail, and I will tell you pipelines are not safe. It's easy to check. Since the start of the gas boom in 2010, there have been at least 33 injuries and 34 deaths since 2010 involving gas and NGL pipelines, and another two deaths involving petroleum pipelines.

Yes. New York has just gone through a similar review of a pipeline fall constitution for which they had denied the application based on at least nine objections. I have submitted a copy of that if you're not aware of it. I wish you would read it. It applies very highly to this project. Thank you. (6362)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**13. COMMENT**

I want to turn to the issue of public safety. I remind you that this is jurisdictionally correct, the word safety appears in the mission statement of Department of Environmental protection. The hazardous highly volatile liquids, which Sunoco is proposing to transport in industrial quantities through the heart of densely population Chester and Delaware Counties possess a lethal combination of characteristics. These materials, I think propane and butane, remain in liquid state only while under very high pressure. When they escape to the atmosphere, they expand 500 times of volume and become invisible, odorless, toxic gas which is flammable or explosive at wide-range of concentrations. This gas is heavier than air, so it tends to seek low-lying areas such as basements and stay close to the ground. A very light wind can, within a few minutes, cover an enormous area with toxic and flammable gas, which you may not be able to see or smell. In January 2015, the ATEX Pipeline which originally is in Pennsylvania failed near Follansbee, West Virginia resulting in the release of over 1 million gallons of liquid methane into a wooded area. The explosion and resulting fire burned approximately five acres of woodlands. First responders weren’t able to extinguish the fire until 24 hours later. A house 2,000 feet away suffered thermal damage. This pipeline was brand new, Mr. Rocco, and had just been put into service about one year earlier. This pipeline was similar, in all respects, to the pipeline Sunoco proposes to construct through the heart of densely populated Chester and Delaware Counties. If Sunoco's proposed pipeline is constructed, thousands of residents and schools, hospitals and

businesses will be within 2,000 feet of it. An accident, like the one in West Virginia, could be catastrophic.

As others have mentioned, Sunoco has a long history of hazardous liquids leaks from its pipelines. It has reported to the Federal government 267 incidents involving hazardous liquids leaks over the past ten years alone, which is a rate of more than events every month. So in conclusion, Mr. Rocco, these materials can be ignited by something as ordinary as operating a garage door, ringing a doorbell or starting your car. This month is the anniversary of the deaths of two teenagers who tried to escape in a pickup truck from butane leaking from a corroded eight-inch pipeline. The two 17-year-olds, Danielle Smalley and Jason Stone, were fatally burned when their truck ignited a gas cloud and they could not scene. I dedicate my comments in the memory of these two kids. (5947)

**Response:**

The compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**14. COMMENT**

Ray Erfle, 600 Churchill Road, Chester Springs, Pennsylvania. Automatic shut-off valves. Before Sunoco gets approval to operate their proposed liquid natural gas pipeline through Chester and Delaware Counties, they must agree to install automatic shut-off valves at one-mile intervals along its 30-plus mile length. Otherwise, our watersheds and air quality could be negatively impacted and many residents and their homes could be turned to ash in an instant when there is an accidental pipeline rupture.

Currently and incredibly, the pipeline operator determines if and where any automatic shut-off valves or remotely controlled valves are installed. Their plan calls for a high pressure pipeline pumping over 600,000 gallons per hour or over 10,000 gallons per minute of natural gas liquids. Butane and propane are the major components of LNG. These burn at two to three times higher and ignite at lower temperatures than natural gas. Automatic valves would eliminate major damage to our environment and explosions and fires but only add a minuscule portion to Sunoco's total cost of building the line.

In 2007 an LNG pipeline exploded. It took two hours before the manual valves were closed. The fire raged for 17 additional hours until the residual fuel burned off. All residents in a one-mile radius were evacuated, see NTSD report Carmichel, Mississippi. Imagine the chaos and the futility in attempting to evacuate the 1,000 plus people who are within any one mile of the proposed pipeline as it transits Chester and Delaware County. A two-hour shutoff time would mean 1,200,000 gallons of explosive liquid being released into our --- with that immediate rupture.

In 2010, a natural gas pipeline exploded in a suburb just like ours here in Chester. It's similar to the Chester, Delaware County suburbs. Pipeline personnel took over an hour to shut off the manual valves. The residual gas continued to burn for 16 hours, 8 people were killed, 35 homes leveled. You can see that, Google the San Bruno explosion. A one-hour shut off time would mean 600,000 gallons of explosive fuel dumped into the atmosphere. In 2013 there were 38 significant incidents involving LNG, and these incidents were mostly in rural areas, not in high density areas such as Chester, Delaware County. For information, Google the Pipeline Hazardous Materials Safety Administration U.S. Department of Transportation.

Finally in summary, pumping shale rush profits through suburban neighborhoods without closely spaced automatic shut-off valves should reasonably be grounds for denial of permit by our Department of Environmental Protection. Will Sunoco choose the path of a responsible neighbor or will they prefer the ongoing hostility of Chester County voters? Thank you. (29699)

**Response:**

The compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**15. COMMENT**

Sunoco's past and current track record relative to environmental violations and safety should be considered as well as scrutinized in this process since 1. Sunoco included these in their applications, and 2. Their overall performance has remained consistent throughout their history in Pennsylvania through to today. They have received numerous notices of

probable violation from the Pipeline and Hazardous Materials Safety Administration (PHMSA) resulting in over \$2,300,000.00 in enforced and proposed fines since 2002. They have been cited by DEP for at minimum 42 violations for work done on the Mariner 1 in 2015 including a \$95,000.00 penalty for six industrial waste spills. In addition they were fined 2.3 million by DEP for a leak that resulted in 12,000 gallons of gasoline. Most recently they appear to be responsible for the MBTE contamination of water wells located in Edgemont Twp. (5983)

**Response:**

As to compliance history, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**16. COMMENT**

There are many reasons why this project should be stopped. The catastrophic Greensburg, Pennsylvania explosion that occurred in April, with its moonscape-type devastation that follows a major gas line explosion is sobering. A resident escaped barely with his life and has, it is rumored, had part of an ear and two appendages amputated due to excessive burns. Two, the lives of fellow Pennsylvanians are being risked all along the pipeline route. And most don't want it, except for jobs. (29710)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

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operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**17. COMMENT**

If one looks at the numbers with regards to safety considerations, a 30-inch diameter pipe, which was the size of the problem up at the Route 22 and 819 pipeline explosion, had no shutoff valves for several miles on either side. Every single mile of that pipeline would hold 452,000 cubic feet of gas at a thousand psi. Now, basically, the state, if the pipeline goes through, must require automatic shutoff valves that work whenever the pressure drops and indicates a break in the line. This is a standard acceptable practice when handling hazardous toxic gases. It costs money to insert the automatic valves, but will save money in the end on leaking gas, on less destruction of the atmosphere and on people's lives. If propane is to be carried in the pipeline, then we must understand that liquid propane is actually more dangerous than methane gas. Propane has a lower explosive limit, two percent versus five percent for methane in air, and since it is a heavier carbon, it sinks rather than escapes upward. So a like of propane will follow the contours of the land contours of the land and collect in lower areas adding to the explosive risk. Safety inspections must be tightened on the pipeline as well. Inspections are too far apart and accomplish only a feel good result. This was certainly not the feel good result of the Salem Township explosion. When Sunoco Philadelphia pipeline employees were asked about what they do to protect the pipe weldings --- I have one in my yard. They used 20 foot pipes six-inch diameter for liquid propane by this particular company. They use bitumen paint, which is basically technology out of the 19th Century, not even in the 20th Century. Granted, there are techniques --- I'm a chemical engineer and work in the aerospace industry, that should be employed and must be required to be employed where they take air plasma spray or HVOF coatings, and they actually excite, put coatings at the junctions of each these welded pipes. This is 21st Century technology, not 19th century technology. (29724)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

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**18. COMMENT**

Pipelines are notorious for development of leaks and the spilling of thousands upon thousands of gallons of petroleum product into the environment every year. And Sunoco is listed by the Pipeline Hazardous Materials Safety Agency (sic) as having one of the highest number of incidents of any of the pipeline companies the U.S. These leaks are usually caused by corrosion, cracking of the pipes in wells, between the pipes and damage from construction equipment digging in the area of the pipeline right-of-way. These pipelines

will carry under very high pressure NGLs, ethane, propane and butane, very powerful explosive gasses that are colorless, odorless, tasteless and heavier than air. These will tend to rise, follow the channel in the overburden and accumulate in low spots on the surface and all they need is a small ignition source, such as a passing car or a cellphone and will explode into a cloud of extremely hot burning gas, moving across the landscape, incinerating everything in its path. Pipeline leaks and expose our creeks --- pipeline leaks expose our wetlands, creeks and neighborhoods to very dangerous and disastrous situations.

Leak detection methods used by pipeline companies are notoriously unreliable. The primary monitoring method is to watch for a drop in gas pressure. This method can only detect drops of one and a half to two percent of the daily flow. A large volume in a pipeline designed to 270,000 barrels, that's not gallons it's barrels per day. Small leaks can therefore go on for days, weeks or even months before being detected, releasing thousands of gallons of gas. One study shows that pipeline leak detection --- excuse me. One study showed pipeline leak detection methods missed on the average 19 out 20 leaks. A leak detection success rate of five percent. Is that acceptable to you?

It is your job at DEP to determine what a leak like this could do to the creeks, streams, rivers, wetlands and make a judgement as to whether this application should be permitted.

I would also like to call your attention to our recent decision made by the New York Department of Environmental Protection with regard to a similar pipeline, the Constitution Pipeline carrying natural gas, for which a permit was denied. The reason for denial in the Constitution Pipeline should be read carefully and considered by DEP when you're doing the Mariner East II Application. I have made three copies for your information. And I'd like to give them to you. There is three copies in there. (5981)

**Response:**

As to compliance history, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L. P. was in compliance were the permits issued.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**19. COMMENT**

Sunoco's history of self-monitoring doesn't bode well for our streams and wetlands either. Just last month, PHMSA hit Sunoco with huge penalties for failing to report a 2013 injury accident. And last year, Sunoco, was fined on two separate occasions during construction of the Mariner East I Project for violations that left the Little Mingo Creek marred

indefinitely and included the failure to obtain permits that impacted wetlands of five counties. Lebanon County streams are our precious resources. Our struggling streams cannot afford this death by a thousand cuts. Each new project application must be considered in the aggregate to get to show the cumulative impacts, along with the fact that all pipelines leak. (29806)

**Response:**

As to compliance history, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Department has determined that this project is best regulated under individual Chapter 102 and 105 permits so that specific conditions can be used to ensure minimization of impacts to water resources and water quality.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications did address cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which includes consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Upon review of the applicant's water obstruction and encroachments application and supporting documentation, the Department has determined that the applicant has made an affirmative demonstration to satisfy 25 Pa. Code §§ 105.18a(a)(6) and 105.18a (b)(6) relating to the cumulative effect of individual wetland resources by this and other projects.

**20. COMMENT**

Sunoco Logistics has a well-documented history of safety and permit violations. I have articles here; I'm just going to read the headlines. I'm submitting articles in my written comment. DEP proposes \$2.3 million fine for 2008 gas line spill from Sunoco pipeline. State issues \$95,000 penalty against Sunoco Logistics for wastewater spills between June and November, 2014 in Westmoreland, Allegheny and Washington Counties. The Pipeline and Hazardous Materials Safety Administration posed a \$1.5 million civil penalty for failure to report an accident that occurred in 2013 that required the hospitalization of a worker and since identified a total of 15 violations of the pipeline safety regulations related to the 2013 accident. So much for Sunoco having the best interest of its workers at heart. (5955)

**Response:**

As to compliance history, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the

Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**21. COMMENT**

Somebody was saying earlier --- I believe it was you over here. You said that ---. Oh, this would lower energy costs, because of this pipeline. This isn't about lower energy costs. This isn't even about energy. It's about propane and butane and ethane. If the workers who were working on this don't know what they're working on, that's an issue.

Also, I heard before the API person said pipeline companies spend billions on safety each year. I mean, really? And they're still exploding, you still spend billions. You should spend some more. Also, the second guy who spoke said that we're going to build it in an environmentally-sound way, and then the same person said Sunoco had been moving their product safely for more than 25 years across these pipelines. They obviously haven't been moving safely for a week. We just had these explosions in Texas. They can't do this. These companies that you're looking to, to have the projects happen in a safe way can't do it. If you show me a pipeline that doesn't leak, I'll show you a pipeline that's not been inspected. That's how that works. And you should know that more than anybody else, because you're supposed to be inspecting them. (29823)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

## SERO

### 1. COMMENT

With respect to the environment, a 2015 leak from a Sunoco Pipeline in Edgmont township contaminated soil and groundwater with a gasoline-type product. MTBE, a gasoline additive manufactured by Sunoco, is currently being detected in private wells near the leak. And the Commonwealth of Pennsylvania has spent nearly three-quarters of a billion taxpayer dollars to clean up leaks of MTBE. (5989)

#### **Response:**

The compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

### 2. COMMENT

As both a resident of the Middletown Township (Delaware County) and the parent of a Glenwood Elementary student, I implore you to reconsider this project, given the risk and poor track record of other similar projects (also involving Sunoco). I assume you are aware that Glenwood Elementary School is one of the many public lands identified for pipeline installation. Do you have children, loved ones, etc. and how would you feel about their safety, given the risks involved with this project? Have you educated yourselves on the risks involved here and the history of explosions? (I can provide them, at your request. There are just too many to include in this email, with today as the deadline). Are we expected to sit back and let this happen, with so many unanswered questions? Do we wait for a tragic event to occur then ask, why didn't we act? NO! And I should hope you would want to know that you have done your due diligence for the good of the residents, students, etc of our community. Below is a list of questions compiled and submitted by my husband, Thomas Smith. It is our hope that we will get a response because we want to believe that you care as much as we do.

1. What will the distance from the perimeter of the grounds of Glenwood Elementary School (Pennell Road, Middletown, PA) to the centerline of the pipe at it's closest point be?
2. What is the actual expectation of usage of the products flowing through this pipeline to Pennsylvania residents? How is this type of pipeline used for these products considered a utility? - Comment: As understood, these products are used to make plastics and not solely domestically.
3. How will inspections be made to the welds during construction if the drilling will be done horizontally and underground?
4. What resources will the DEP utilize to review this matter further and support concerned citizens?
5. Has this design, construction, pressure, and/or expected volume of pipeline been used domestically before? If so, where?

6. What is the expected safety plan if there is a breach and/or explosion?

Please respond, this is a very serious matter. (6087)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**3. COMMENT**

I am not sure which permit this would impact so I will send to the DEP and the Conservation District. Sunoco operates a gas station at 1425 Paoli Pike, West Chester PA, 19380. The gas station is located in East Goshen Township, Chester County. The Facility Id# is 15-20353 In 2006 Sunoco upgraded the piping at the station and determined that they had problem. They ended up installing a system to treat the ground water and several monitoring wells. One of the monitoring wells currently has an MTBE level above the state limit. Based on a review of the soil and erosion plans (specifically plan 6.62) it appears that the pipeline will go area beneath the gas station and thru the contaminated area. (6320)

**Response:**

you’re the comment has been discussed with the Environmental Cleanup Program in the Southeast Regional office. It is the Department’s understanding that Sunoco began remediation of groundwater on June 28, 2010, through a pump and treat system. On December 31, 2014, the remediation system was shut down indefinitely to further evaluate baseline MTBE concentrations and trends at the site. Currently Sunoco Pipeline L.P. collects groundwater samples from the monitoring well network and submits results to the Department in Remedial Action Progress Reports on a quarterly basis. Monitoring wells MW-5, MW-6, MW-9 and MW-9B were properly closed with the Department’s permission based on a potential conflict with the proposed installation of a Sunoco pipeline along East Boot Road.

Additionally, the compliance history of Sunoco Pipeline L.P. and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco’s compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

**SCRO**

**1. COMMENT**

I live a mile or so from the release station on RT. 322, Lebanon County, PA.

I have several reasons for wanting to delay the implementation of the pipeline until valid environmental controls are imposed; or to stop completely this pipeline:

- 1) I have asthma and the gases released nearby by the pipeline will impact negatively my health.
- 2) the products being sent overseas are not serving the interests of the U.S.
- 3) adequate compensation for the farms and homes impacted need to be implemented.

PLEASE: Extend the public comment period. Use the strictest scrutiny in reviewing the applications from Sunoco. (5963)

**Response:**

The Department acknowledges the comment and the concerns raised on this proposed pipelined project. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. Apart from the Department's environmental review, it is Pennsylvania's courts, not the Department, that determine, in ruling on a legal challenge, whether a proposed project satisfies any applicable legal requirements requiring that the project provides sufficient benefits to Pennsylvanians as opposed to persons overseas. This is not a subject matter within the purview of the Department.

**2. COMMENT**

The Cumberland County Planning Department is in receipt of the NOI for the *above* referenced project. On behalf of the Cumberland County Agricultural Land Preservation Board, the following comments are submitted for consideration:

- Background- Cumberland County manages a high successful Farmland Preservation Program. To date, the County has preserved nearly 17,000 acres of prime farmland through the Pennsylvania Agriculture Conservation Easement (ACE) Purchase Program and the Federal Farm and Ranchland Protection Program (FRPP). The purpose of these programs is to protect viable agricultural lands by acquiring agricultural conservation easements that prevent the development of land for any purpose other than agriculture production.
- Pipeline Siting- Based on the mapping provided in the NOI, there would appear to be preserved farms in the path of the pipeline project. Areas of concern include Silver Spring, Monroe and Upper Allen Townships (see attached map with colored flags noting areas of concern). Landowners that may be affected include Mary Deitch, Gary & Christine Biddle and Donald Strock. There may be additional landowners that are not readily apparent based on the scale of the mapping. As "holder" of those easements, the County has a legal interest in these properties and responsibility to ensure compliance with the deed of easement.
- Easement Terms: Fee Simple Acquisition- The terms of the deed of easement would prohibit a landowner from subdividing and selling land fee simple for the purpose of construction and operation of a natural gas pipeline.
  - Easement Terms: Granting ROW- The terms of the deed of easement for the 3 farms noted *above* are not identical with respect to granting rights of way for utilities. While each of the farms was preserved through the ACE Program, the

Biddle Farm includes federal funding under FRPP and as a result is subject to additional requirements. The ACE Program permits the granting of ROWs for the installation, transportation, or use of lines for water, sewage, electric, telephone, coal by underground methods, gas, oil or oil products.

- The FRPP Program prohibits the landowner from voluntarily granting a ROW for a gas pipeline. A copy of the terms of the FRPP addendum as well as a guidance document from USDA, NRCS is enclosed.
- Additional Factors- While the ACE Program permits the granting of ROW for utilities, the County still bears responsibility to ensure that the terms of deed of easement can otherwise be upheld. The following additional factors should be considered:
  - The deed of easement requires that a minimum of 50% of the easement area be utilized for agriculture production. By granting a ROW, a landowner must maintain the ability to meet the minimum agriculture production requirements.
  - Utility ROWs should be sited to protect prime, unique and important soils to the greatest extent practicable.
  - BMPs to minimize soil erosion and water quality impacts should be implemented during construction.
  - Construction scheduling should be coordinated to minimize disruption to agricultural activities. If such scheduling cannot be arranged landowners should be adequately compensated for short term loss of agriculture production. Compensation for long term loss of agricultural viability due to compaction and soil degradation should also be considered.
  - The excavation and restoration of soils should be managed to ensure that topsoil is returned to its original topography. (6427)

**Response:**

The Department considers impacts to prime farmland as part of the Ch. 105 Water Obstruction and Encroachment permit application review. In the applications that Sunoco Pipeline L.P. has submitted, they have proposed to segregate topsoil, de-compaction of the work areas, and restoration to pre-existing contours to maintain these prime farmlands. Adequate E&S Controls to minimize erosion and sedimentation are proposed. With respect to farmland preservation and any other similar existing easements, the effect of the project on those existing deeded restrictions and easements are private matters between the landowner, holder of any easements and Sunoco Pipeline L.P. and beyond the scope of Ch. 105, 102 permits, the Clean Streams Law, and the Dam Safety and Encroachments Act.

As part of its ESCGP-2 Notice of Intent, Sunoco Pipeline L.P. has developed an Erosion and Sedimentation Control Plan which identifies the erosion and sedimentation control practices that Sunoco will implement to minimize uncontrolled surface water runoff from disturbed areas and minimize the migration of construction-related sediment. The Plan is included at Attachment 12 of the Notice of Intent. Upon permit issuance, Sunoco will be required to abide by the Plan in accordance with 25 Pa. Code Chapter 102 regulations. Waterbody crossings will be restored in accordance with the E&S Plan (Attachment 12) that dictates the restoration of the existing topography, stream bed substrate, and wetland soils, hydrology, and vegetation.

**3. COMMENT**

The Blair County Planning Commission states that Blair County adopted its Comprehensive Plan in August, 2007. The above-referenced project is consistent with the county

comprehensive plan in the concepts presented at this time. While further reviews may be necessary at various jurisdictional levels, the general concept is needed, and conforms with countywide planning efforts.

While this project generally conforms to the *Areawide Comprehensive Plan for Blair County*, the project applicant should ensure that more than adequate attempts have been made to garner public and municipal input on this project in the areas directly affected by the installation of this pipeline.

Additionally, we recommend that the applicant takes every effort to minimize impacts on streams/wetlands and, in the event of a spill, proper mitigation measures are in place to prevent contamination or destruction of these precious resources.

In summary, should the project applicant sufficiently notify the public and municipal leaders in affected areas and address any concerns they may have, as well as minimize environmental impacts in sensitive areas, then this proposal conforms to countywide planning efforts as presented in the *Areawide Comprehensive Pkm. for Blair County*. (6428)

**Response:**

In response to the Department's September 6, 2016, Technical Deficiency review, the applicant submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts including those for EV wetlands and wildlife habitats. The Alternatives Analysis also establishes that the Project is designed to remain in existing utility corridors and to minimize impacts to the environment and surrounding communities. The potential for contamination have been analyzed and addressed within the Preparedness Prevention and Contingency Plan and two supplemental plans to the PPC Plan, the Water Supply Assessment, Preparedness Prevention and Contingency Plan and the IR Contingency Plan. The PPC Plans outline the measures to prevent impact, and the preparedness plan if an impact were to occur.

**4. COMMENT**

We are also particularly concerned about the recent violations by Sunoco regarding work done in Huntingdon and other counties without proper permits. It is our understanding that Sunoco was fined in particular for failing to get waterway permits before completing construction work on the Mariner East 1. We hope that DEP will not allow the company to repeat these illegal acts and that DEP will not continue the practice of granting permits post-construction. We are asking your organization to enforce any and all existing permitting laws as well as environmental regulations for the benefit of Pennsylvanians and our environment. (5953 – 5955)

**Response:**

The Department acknowledges the comment and will appropriately monitor and enforce the Commonwealth's statutes, regulations, and permits for this project. The compliance history of Sunoco and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

**5. COMMENT**

On our property in Huntingdon County, this pipeline would go under our pond, up the steep hillside next to our pond and cut through the wetlands in the back of our property. The open clear cut which Sunoco was able to do because of eminent domain is now vulnerable to takeover by invasive species. The 150 foot by 250 foot temporary workspace is a clear cut area on the steep hillside next to our pond. The 50 to 90 foot oaks, pines, maples and hickories that are now scattered on the ground may grow back, but not in my lifetime. When these trees were cut, they were left lying where they fell. No attempt was made by Sunoco to prevent or even mitigate the erosion from the slope into the pond, and there has been noticeable runoff into the pond when it rains. The right-of-way runs along the top of the slope. Trees will never be permitted to grow there, so the initial damage is not temporary. It's permanent. In the back of our property, the situation is even worse. This is where the pipeline will trench directly through the wetlands that feed our stream and ponds. The wetlands designation, according to Sunoco's environmental consultants, Tetra Tech, does not extend much beyond the edge of the streams, contrary to the boundaries determined by our own consultants.

In this ecologically sensitive area, trees were cut down into the streams. Tree crews walked through the streams and the wetlands. These wetlands were designated as emergent and as such would only have to be restored to that designation.

As evidenced by the trees cut down, this wetland should have been classified as forested. Unfortunately, because the wetlands are directly in the right-of-way, they will never be allowed to revert back again to forested. Again, the damage is not temporary. It's permanent. (5955)

**Response:**

Sunoco conducted hand-felling of trees within the right-of-way, and as such this activity did not involve earth disturbing activities and on May 6, 2016, DEP conducted a compliance evaluation and observed no violations. Through the review of the application the Department identified incorrect and incomplete wetland and stream identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The DEP believes the streams and wetlands within the proposed limits of disturbance at this site are correctly identified in the application.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**6. COMMENT**

Another concern: Sunoco and their consultants totally failed to address an old unlined sanitary landfill in Cumberland County that according to documents in Sunoco's submitted application is in the proposed pipeline path. This unlined landfill operated from at least the 1950s through to the early 1970s; long before environmental laws mandated the safe

operation of this type of site or safe disposal of toxic wastes. As a result, it was the unregulated dumping ground for numerous industries (e.g. C.H. Masland & Sons Carpets, Kinney Shoe Corporation, Carlisle Frog and Switch and Carlisle Tire & Rubber) along with municipalities in and around the Carlisle area. Consequently, copious amounts of both hazardous and municipal wastes were dumped at this site including but not limited to industrial chemicals, other manufacturing wastes, heavy metals, household wastes, unused pesticides like DDT, asbestos, paints, varnishes, etc. all combining to create a toxic soup below the surface. Leachate started oozing from this location back in the early to mid-1960s ending up in the nearby Conodoguinet Creek. Years later leachate is still finding its way along rock crevices in the shale formation to its face indicating that a toxic mess still exists beneath the surface.

Considering factors already impacting the creek that could be compounded by potential release of pollutants from this old unlined landfill it is imperative that Sunoco identifies and addresses all the existing and potential issues associated with developing this location. It should also be required that they develop and submit a comprehensive site plan, before this permit process proceeds, in order to prevent further and or additional release of this toxic mix of pollutants into the nearby waterway. (5983)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**7. COMMENT**

The bedrock in the central region of Cumberland County is primarily limestone that exhibits characteristics of karst topography, a complex underground physical structure resulting from physical and chemical processes that erode carbonate rock over time. Karst topography is a matrix of interconnected vertical and horizontal fractures and openings allowing water movement below while the land above is characterized by subtle to deep subsidence features and open sinkholes. According to the Pennsylvania Topographic and Geologic Survey (2015) construction of underground utility lines can exacerbate the development of sinkholes in karst areas. After pipelines are laid in trenches and backfilled rainwater water will infiltrate soils following the length of pipeline until encountering a karst drain/fracture. The water will slowly flush soils from the drain eventually leading to subsidence or worse case scenario a total collapse beneath that section of pipeline causing a pipeline rupture. This could be particularly catastrophic with a natural gas liquids (NGL) pipelines such as the ME2/PPP. Geologists highly recommend conducting extensive studies prior to this type of construction project to prevent pipeline failures or potential tragedies.

Another issue in karst topography concerns accidental release of chemicals/contaminants during the construction process. In the event of an unplanned spill groundwater contamination in karst topography is a given so extra measure must be taken in this respect.

Yet in regards to both issues Sunoco has failed to produce sufficient evidence that they have appropriately planned for either of these events. (5983)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

Karst topography was considered. In response to Department comments, Sunoco Pipeline L.P. submitted a Karst and Void Plan as part of its application materials. Sunoco Pipeline L.P. has also prepared and submitted Karst PPC Plans that address how Sunoco will address Karst when it is encountered in constructing the pipeline, including installation of HDD and other permitted activities.

**8. COMMENT**

The proposed pipeline traverses various places set on soil and underlying geology. Each has unique characteristics that react differently to natural and manmade forces. The proposed pipeline crosses three rock types in Cumberland County and their associated soils, including sandstone, shale and finally carbonate bedrock. The geology along the regional topography influences the occurrence and nature of surface and ground waters in the region. Numerous municipalities and hundreds of thousands of families are dependent on public and private water sources which originate near or are located along the entirety of this pipeline. Most of the streams in the northern part of the county begin on the Blue Mountain. Those streams, along with numerous limestone springs found in the central part of the county comprise the Conodoguinet Creek watershed. Numerous municipalities throughout the county are fully dependent on the Conodoguinet for their water needs. Additionally, there are other municipalities and thousands of private homeowners who depend on well water associated with the groundwater in the limestone regions. Therefore, these water resources require protection and numerous factors that could further degrade or impair them, including this pipeline project, should be closely monitored. Sunoco's proposed ME II Pennsylvania Pipeline Project has the potential to do just that if there are any shortcomings or omissions in the proposed site plans. In my opinion, Sunoco and their environmental contractor underestimated the overall area size of potential environmental impacts that could result from proposed open cuts along numerous streams and runs especially in areas of moderate elevation. Temporary or permanent alteration of stream flow and floodplains were not fully considered when determining the numerical extent of permanent temporary impacts to waterways and adjacent stream banks. Furthermore, Sunoco has not addressed potential stream degradation and sedimentation that occur post construction and after restoration efforts.

I'm going to skip down here because I have a lot more than what I have time for. Another concern is that Sunoco and their consultants failed to address an old sanitary landfill in Cumberland County that is included in the proposed pipeline path. This unlined landfill goes back to at least the 1950s and was operated up to the early 1970s, long before

environmental laws mandated the safe operation or the type of site or the disposal of toxic waste. It was the unregulated dumping ground for numerous industries and municipalities in around the Carlisle area. Consequently, copious amounts of waste were dumped at this site, including but not limited to industrial chemicals and other manufacturing waste, heavy metals, household waste, unused pesticides like DDT, asbestos, paints, varnishes, et cetera, all creating to a toxic soup below the surface.

Leachate started oozing from this location back in the mid-1960s, ending up in the Conodoguinet Creek. Years later leachate is still finding its way along rock crevasses in the shale formation to its face, indicating that a toxic mess still exists.

Okay. I will wrap it up. Basically, the karst topography, Pennsylvania DCNR, the geology and topographic survey recommends highly against putting pipelines in carbonate rock, which is half the pipeline route in Cumberland County, due to subsidence and sinkholes that could develop along the pipelines. Thank you. (5983)

**Response:**

Sunoco has identified public water suppliers within proximity of the project area and is required to notify nearby public water suppliers in advance of commencing construction. Please refer to the Special Conditions regarding public and private water supplies identified within the Ch. 105 permits. All streams and wetlands crossed by this project will be restored to pre-existing conditions, including maintenance of the water resources hydrology. Regarding the referenced landfill, Sunoco Pipeline L.P. adjusted their proposed route and the final route proposed by Sunoco avoids this landfill. Finally, there are no prohibitions in Commonwealth statutes or regulations to preclude the siting of pipelines in areas with carbonate geology. Karst topography was considered. In response to Department comments, Sunoco Pipeline L.P. submitted a Karst and Void Plan as part of its application materials. Sunoco Pipeline L.P. has also prepared and submitted Karst PPC Plans that address how Sunoco will address Karst when it is encountered in constructing the pipeline, including installation of HDD and other permitted activities.

## SWRO

### 1. COMMENT

Sunoco/the pipeline builders caused over \$80,000 worth of damage to my property in Union Township Washington County when they drilled under Mingo Church Road. I had extensive flooding and drill mud all over my property. Comments were made that "we will make things right", however nothing was done until I sought legal action via hiring an attorney. Throughout the entire process every individual that I dealt with including members of the DEP, Union Township and every entity associated with the pipeline went out of their way to be unhelpful to remedy the damage that was caused. Given the amount of damage in the amount of flooding of my property with the first pipeline I have no reason to expect there will be any difference if Mariner II is approved. I am currently in communication with my attorney to determine my next step to ensure that my property is not permanently damaged with any subsequent pipeline construction. (5962)

**Response:**

Impacts associated with the discharge of drilling fluids to Froman Run were addressed in a June 15, 2015 Consent Assessment of Civil Penalty from the Department. Sunoco Pipeline L.P. has provided PPC plan to evaluate risks associated with HDD installation methods, identify areas of elevated risk, and specify provisions to address inadvertent returns should they occur.

In the Department's review, the compliance history of Sunoco and its affiliates was carefully analyzed pursuant to Section 609 of the Clean Streams Law. The Department looked at Sunoco's compliance history in not only water matters, but also other areas where it is regulated by the Department such as air, storage tanks, and waste. Only after the Department was satisfied that Sunoco Pipeline L.P. was in compliance were the permits issued.

## 2. COMMENT

The existing Mariner East 1 pipeline and two newly proposed pipelines are planned to run through mine and my neighbors' yards. The survey markers are up against the side of one neighbor's home. Apex Energy is planning to construct two unconventional well drill pads, one with at least five wells nearby, and another pipeline on my father's property, where I live. Given what happened just two miles from my house on April 29, who could possibly believe that it's a good idea to have four pipelines inter-woven in such close proximity to people's homes? I told state Rep. Eric Nelson, among others, that Sunoco was planning to go underneath the septic system for mine and my neighbor's homes, and cross a natural spring on the property. Sunoco told him they weren't. They're also planning to cross a stream that flows into Beaver Run near my father's property. I've yet to see any answers, studies or acknowledgment regarding the impact of the proposed Mariner East project and the additional industrial operations on the water and environment on this small, rural area. And for all the union members and industry reps in the room tonight, I'm not against you having a job, but your job on this proposed project is temporary. Taking land by force, restricting its use and destroying our quality of life is permanent. (5972)

### **Response:**

The Pennsylvania Public Utility Commission (PUC), in consultation with the Pipeline Hazardous Materials Safety Administration (PHMSA), regulates safety concerning the conveyance of natural gas liquids by the Mariner East II Pipeline. As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements. Additionally, eminent domain proceedings between landowners and Sunoco Pipeline L.P. are a private litigation matter. Moreover, the comment does not raise concerns on the permit applications being reviewed by the Department. The Department will provide a full legal defense to whatever action it takes after thoroughly reviewing the applications.

## **General - ESCGP**

### 1. COMMENT

We do offer the following specific comments on the project: 1. Throughout the plan, they identify "Existing Road to be Used for Access, No Proposed Improvement". There should be a specification in the contract requiring repair of these largely dirt roads and trails during and following construction due to the inevitable damage inflicted by heavy construction vehicles. Because of potential damage to these roads caused by the construction, additional E&S measures may be required along these roads. None is currently proposed. (5948)

### **Response:**

The 102 application materials include an erosion and sedimentation control plan that provides the control measures that will be employed during earth disturbance activities at all locations across the Project. The 102 application narrative notes that any areas adversely impacted while acquiring access to the dig sites will be repaired to previous conditions.

## 2. COMMENT

The following are my comments regarding Sunoco Logistics LP's Mariner II/Pennsylvania Pipeline Project 102 NOI under Pennsylvania's Erosion and Sediment Control Act.

Although the proposed pipeline project traverses the length of Pennsylvania Sunoco Logistics LP has submitted individual site plans. Permit approval should be based up the entire project as laid out in their narrative instead of individual parcels. Therefore, Sunoco Logistics LP (Energy Transfer Partners) should be required to file an NPDES in addition to the 102 NOI as per the Federal Clean Water Act and the Pennsylvania Clean Streams Law.

Even before calculating the project size below it is apparent that the total project size greatly exceeds minimum land disturbance size of each of the aforementioned. Plus, by Sunoco's own disclosure in their project description they admit to the immensity of this proposed project. / "The project involves the installation of approximately two parallel pipelines within a 306-mile, 50-foot-wide right-of-way (ROW) from Houston, Washington County, Pennsylvania (PA) to SUNOCO PIPELINE L.P. 's Marcus Hook facility in Delaware County, PA)."

Using Sunoco's numbers it didn't take long to calculate the following: The project will impact 80,784,000.00 square feet which is 2.90 square miles or 1856.00 acres of disturbance along the length of this 306 mile-long project. However, the disturbance area does not stop there considering that many of the ROW agreements include an additional temporary 25 ft. of working staging area space directly adjacent to the 50 ft. ROW which equals to 75 ft. wide area of disturbance, not 50ft wide, as indicated in the application. Also in many cases this 75 ft. wide ROW extends up to or past stream banks. In addition, Sunoco will be doing open cuts across hundreds of waterways along the entire length of this project. There will be increasing potential for something to go wrong with each open cut across all of the streams. A few impacted streams might result in little to no consequences but hundreds could lead to cumulative impacts that end up damaging both smaller and larger bodies of water through sedimentation, stream bank failure and the resulting effects on main bodies of water that could cost thousands of Pennsylvanians dependent upon these waterways for their daily needs. (5983)

### **Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Sunoco Pipeline L.P. is not required to obtain an NPDES project for the earth disturbance associated with this project under applicable state and federal regulations. DEP has worked diligently on the various permit applications to ensure that the applicable regulatory requirements have been met and that any impacts to regulated waters of this Commonwealth are restored. Note: the attached documents referenced in this comment are included in part three of the comment response document.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and

potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications did address cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which includes consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Upon review of the applicant's water obstruction and encroachments application and supporting documentation, the Department has determined that the applicant has made an affirmative demonstration to satisfy 25 Pa. Code §§ 105.18a(a)(6) and 105.18a (b)(6) relating to the cumulative effect of individual wetland resources by this and other projects.

### 3. COMMENT

Page 4

Sunoco states: "The project would significantly impact resources if HDD's were not performed to minimize impacts to resources and were instead open cut installations of the pipeline." /YET THE MAJORITY OF THEIR WATER CROSSINGS ARE OPEN CUTS NOT HDDS. (5983)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Feasibility Study. All proposed crossings were reviewed and found to meet applicable regulatory requirements. The Impact Avoidance, Minimization, and Mitigation Procedures provided by Sunoco Pipeline L.P. in Attachment 11, Enclosure E, Part 4 describes the proposed construction crossing methods and mitigation measures, and Attachment 11, Enclosure E, Part 2 provides a Project-wide description of the direct and indirect/secondary impacts to the wetland/stream resources crossed by the Project. Tables 2 through 4 included in Attachment 11 provide specific details regarding the water type, crossing distances, the Department defined temporary and permanent impacts, and crossing methods for all the water resources impacted. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). Note: the attached documents referenced in this comment are included in part three of the comment response document.

### 4. COMMENT

The Department Should Require Individual Chapter 102 Permits for Mariner East 2.

The use of the ESCGP-2 general permit for the Mariner East 2 project is inappropriate due to the nature of the Project. Under 25 Pa. Code § 102.5(m)(1),

The Department may issue a general permit on a regional or Statewide basis or limited to specific watersheds, particular categories of streams or designated geographic regions, for a category of activities not subject to the NPDES requirements, but regulated under this chapter, if the Department determines the following:

The projects in the category are similar in nature.

The projects in the category can be adequately regulated utilizing standardized specifications and conditions, including reference to specific criteria and requirements adopted by another Federal or State agency which adequately regulate the particular category of activities.

The projects which are in the category and meet the specifications and conditions will comply with this chapter.

The projects which are in the category in the opinion of the Department are more appropriately controlled under a general permit than under individual permits.

The projects which are in the category individually and cumulatively do not have the potential to cause significant adverse environmental impact.

Citizens do not take a position here on whether the ESCGP-2 permit itself meets these requirements. However, the ESCGP-2 general permit cannot be applied to construction of Mariner East 2 without violating these requirements.

The Project would do massive damage to the Commonwealth, and our shared resources. As illustrated by the tables below, Pennsylvania’s public resources would be greatly harmed by the Project.State and Local Forests and Parks Crossed

Total properties crossed: 13<sup>1</sup>

Total length of crossings: 27.30 miles (144,144 feet) Approximate footprint of 50-ft. ROW: 7,207,200 sq.ft. = 165.45 acres

Name	Type
Marsh Creek	State Park
Gallitzin	State Forest
Tuscarora	State Forest
Gallitzin	State Forest
West Pike Street Community Park	Neighborhood Parks
Meadowbrook Manor Park	Neighborhood Parks
Opossum Lake Park	Natural Resource Areas
North Strabane Township Park	Large Urban Parks
Shiloh Hills Park	Large Urban Parks
Pine Ridge Park	County Parks
Borough of Highspire Reservoir Park	Community Parks

Hickory Park	Community Parks
Charles L. Roof Memorial Park	Community Parks

10

State Game Lands Crossed

Total properties crossed: 10

Total length of crossings: 24.41 miles (128,885 feet) Approximate footprint of 50-ft. ROW: 6,444,250 sq.ft. = 147.94 acres

NAME
46
71
420 - Raystown Lake
52
276
118
411 - Conemaugh River Lake
419 - Loyalhanna Lake
147
198

Additional disruptions State Roads Crossed: 254 Local Roads Crossed: 369  
State registered hiking trails crossed: 30

The scale of the Project has also changed it *qualitatively*, not just quantitatively, from other pipeline construction projects. As described in these comments and the Chapter Joint Comments, Sunoco has made very general statements of intentions it plans to apply across the length of the pipeline, even though three hundred miles of right-of-way contain too much diversity for one-size-fits-all plans. Sunoco’s applications show that it cannot meet criteria (ii) and (iii) of Section 102.5(m)(1) for Mariner East 2, as Sunoco’s use of these

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<sup>10</sup> Please note that this list is longer than that in Sunoco’s Chapter 105 applications’ Environmental Assessment Form, Enclosure D – Project Impacts. This is because that list was incomplete. Since this table was compiled, Citizens identified another local park Mariner East 2 would cross that Sunoco did not list – Sleighton Park, Middletown Township, Delaware County. The values for length of crossing and footprint have not been updated to include the crossing of Sleighton Park. There may be other parks still that have not been identified as on the proposed Mariner East 2 right-of-way. <sup>10</sup>

standardized specifications and conditions has resulted in applications that do not comply with Chapter 102. Individual permits, at least on the county level or for a smaller territory, might force Sunoco to focus in on actual conditions on the ground.

Additionally, under criterion (v), whatever can be said about other types of pipeline projects, it should not take much reflection or analysis to conclude that the Mariner East 2 project alone and in combination with other pipeline projects would cause significant adverse environmental impact. Citizens direct the Department to the discussion of cumulative impacts under 25 Pa. Code § 105.14(b)(14) in the Chapter 105 Joint Comments. In particular, the Governor’s Pipeline Infrastructure Task Force concluded that pipeline rights-of-way are projected to occupy a full one percent of the entire landmass of Pennsylvania, more than all the state parks combined.<sup>2</sup> The CNA report attached to the Chapter 105 Joint Comments as Exhibit L analyzed land use changes in the Delaware River Basin due to transmission pipeline projects, including Mariner East 2, in depth.

Mariner East 2 is simply not the type of relatively minor project for which general permits were designed. Citizens respectfully urge the Department to deny Sunoco’s notices of intent to operate under ESCGP-2 permits, and require any re-submitted applications to be for smaller individual Chapter 102 permits. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. As you have suggested, during the review process, DEP has decided to utilize the Individual E&S Permit for this project. This allows the Department to include special conditions, many of which are included in the permits.

The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications did address cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which includes consideration of cumulative impacts. The Department’s review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Upon review of the applicant’s water obstruction and encroachments application and supporting documentation, the Department has determined that the applicant has made an affirmative demonstration to satisfy 25 Pa. Code §§ 105.18a(a)(6) and 105.18a (b)(6) relating to the cumulative effect of individual wetland resources by this and other projects.

**5. COMMENT**

Sunoco’s erosion and sedimentation (E&S) plans violate each of these requirements.

The E&S plans fail to contain “types, depth, ... and limitations of the soils.” They also fail to contain past and present land uses. Roads, buildings, waters, and vague descriptions such as “well vegetated area” and “wooded area” are the extent of the descriptions of present land

uses. The E&S plans contain no past land use descriptions. The plans seem to attempt to satisfy this requirement by generically stating “Past and present land use consists of agricultural, forested, and residential areas. Post construction land use will be a maintained, vegetated right-of-way.” This is uniform across hundreds of miles of Pennsylvania, with no site-specificity whatsoever. Industrial areas, lakes, barren land, and other types of lands are lumped into this generic description that fails to comply with § 102.4(b)(4)(iii). The Department has previously asked Sunoco to provide more specificity in its notes on future land use, explaining that the “meadow” that Sunoco uniformly said would be established in the right-of-way would be inappropriate where the pipelines would cross residential lawns. Sunoco ignored that request, now calling the future right-of-way “vegetated” or, still, “meadow” for its entire length in its E&S plans.

Even the generic “well vegetated” and “wooded” descriptions Sunoco uses on the plan sheets are imprecise at best. For example, Linvilla Orchards, located in Delaware County, has land covered in orchard trees described as “well vegetated area,” rather than as crop or orchard land (compare Delaware County E&S Plan Sheet 23 & 24 of 35 with Delaware County Site Plan Sheet 15 of 23).

The E&S plans fail to identify any “naturally occurring geologic formations or soil conditions that may have the potential to cause pollution,” or appropriate best management practices (BMPs) to minimize that pollution and its impacts. Also in Delaware County are lands, such as the former Fairhope Orchard and the Andover planned community, contaminated with arsenic that sits stable in the soil but would be activated by earth disturbance. Arsenic is one of nature’s most toxic elements.<sup>3</sup> Exposure to arsenic through airborne dust generated by earth disturbance could jeopardize the health and safety of people far beyond the limit of disturbance of the proposed construction activity. Sunoco has submitted no plans to account for that, and none of its application materials show any awareness of soil contamination issues. This issue was addressed in the technical remarks dated July 8, 2016 from the Manager of the Delaware County Conservation District to the Department.

Because of Sunoco’s proposed use of a uniform construction procedure for the entire route, without accounting for soil or geological characteristics as required by Chapter 102, it threatens to cause environmental harm that could have been avoided if it paid attention to local circumstances and designed proper BMPs and BMP sequences as needed for those circumstances. See discussion below of soil compaction. (5939-5947)

**Response:**

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. §§ 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science. The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department is issuing individual E&S Permits for this project that include a number of conditions develop specifically for this project. There are several conditions in the

Individual E&S Permits related to prior land uses, that require the permittee to add follow additional procedures in areas where soils may be contaminated to due to past land uses.

**6. COMMENT**

Sunoco has failed to provide a sequence of BMP installation and removal applicable to “travel only” areas and non-right-of-way work spaces, despite the earth disturbance that would result in those areas. The Standard Erosion and Sedimentation Control Plan Notes, while certainly helpful, do not address the variety of impacts that all of those additional spaces Sunoco intends to use might experience, such as the use of cleared and grubbed workspaces for parking or HDD staging.

Sunoco calculates runoff in its notices of intent, but not in the E&S plans, where those calculations are required to be.<sup>4</sup> (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the E&S Plans – including revisions – the project was found to meet applicable regulatory requirements.

**7. COMMENT**

Sunoco has failed to identify all of the surface waters of the Commonwealth that might receive runoff from the Project. This is at least in part because, as explained in the Chapter 105 Joint Comments, Sunoco has failed to identify all of the waters of the Commonwealth that would be crossed by the Project. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the updated plans, all surface waters of the Commonwealth are now identified.

**8. COMMENT**

The Department has told Sunoco several times that it needs identification of areas of disturbance beyond the limits of the pipeline right-of-way in the E&S plans. Sunoco’s E&S plans continue to leave such additional disturbance spaces unlabeled in most instances. Without that labeling, the Department is unable to evaluate whether that extra earth disturbance is necessary, or whether it is another example of Sunoco’s failure to minimize environmental impacts.

The E&S plans contain a rash of mislabeling as well. In addition to that pointed out in the East Goshen Township document, and as just a small example, the aerial site plan for Westmoreland County, Sheet 74 of 82, labels a portion of Derry Township as Loyalhanna Township. In Delaware County, E&S Sheet 32 of 35, a watershed division line is drawn which purports to show drainage on one side to Chester Creek, and on the other to Repaupo Creek. Repaupo Creek is in New Jersey. The Berks County E&S plan states “The project takes place within Lancaster County, Pennsylvania.” These are just examples—Citizens do not have the time or resources to identify every flaw in the E&S plans, especially given the length of the proposed pipelines and the public comment period of only 30 days.

All told, the E&S plans need much more work before they are complete and able to be evaluated for compliance with Chapter 102. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the E&S Plans – including revisions – the project was found to meet applicable regulatory requirements.

## 9. COMMENT

PCSM plans are either missing or incomplete.

Sunoco has provided no post construction stormwater management (PCSM) plans for the pipeline rights-of-way, only for aboveground facilities. This is in violation of 25 Pa. Code § 102.8(a). There is no distinction in the Pennsylvania Code allowing an applicant to avoid providing PCSM plans for disturbed areas that would be pervious after construction as long as it provides them for areas that would be impervious. In fact, the Code is clear that it pertains to soil and vegetated areas as well as impervious areas. *See* 25 Pa. Code § 102.8(b)(5) (“Maximize the protection of existing drainage features and existing vegetation.”), (b)(6) (“Minimize land clearing and grading.”), and (b)(7) (“Minimize soil compaction.”).

Even the PCSM plans that Sunoco did provide, for the aboveground facilities, do not all comply with Section 102.8.<sup>6</sup> One of the most detailed and complete PCSM plans is that for the Twin Oaks station in Delaware County. Even that plan, though, does not contain:

“The types, depth, slope, locations and limitations of the soils and geologic formations,” (§ 102.8(f)(2));

“An identification of the net change in volume and rate of stormwater from preconstruction hydrology to post construction hydrology for the entire project site and each drainage area,” (§ 102.8(f)(4));

“Supporting calculations,” (§ 102.8(f)(8)); and

As the soil at the Twin Oaks Terminal is contaminated with leaded gasoline (*see, e.g.,* Remedial Investigation and Risk Assessment Report approved by the Department December 16, 2015), the last point is particularly important for Twin Oaks.

Citizens discuss in this section omissions from the PCSM plans. To be clear, Sunoco’s PCSM plans also fail to comply with, at least, Sections 102.8(b), (g), and (h), and 102.11(a)(2) as well. Because the reasons for these deficiencies are largely the same as for the other deficiencies in Sunoco’s applications identified in these comments, and because Citizens have not had time to do a full analysis in this thirty-day period overlapping with public comment periods for Sunoco’s applications under Chapter 105 and Section 404 of the Clean Water Act, Citizens do not explain in detail these deficiencies. For compliance under Section 102.8(b), *see* Sections 2.c. and 3 of these comments. For compliance under Sections 102.8(g) and (h), and 102.11(a)(2), *see* Section 2.c. of these comments.

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<sup>11</sup> Pennsylvania Department of Health, Arsenic Project, accessed September 6, 2016, available at [www.health.pa.gov/My%20Health/Environmental%20Health/Environmental%20Public%20Health%20Tracking/Pages/Arsenic-Project.aspx#.V87WJ53D-M8](http://www.health.pa.gov/My%20Health/Environmental%20Health/Environmental%20Public%20Health%20Tracking/Pages/Arsenic-Project.aspx#.V87WJ53D-M8).

As explained below, those calculations appear incorrect and missing important pieces.

It also highlights the lack of area-specific emergency preparedness to protect lives from a leak of toxic, flammable, highly volatile liquids. See Exhibit A at item 20

“An identification of naturally occurring geologic formations or soil conditions that may have the potential to cause pollution after earth disturbance activities are completed and PCSM BMPs are operational and development of a management plan to avoid or minimize potential pollution and its impacts,” (§ 102.8(f)(12)).

But the Twin Oaks PCSM plan is better than most that Sunoco has submitted, where it has submitted a PCSM plan. For example, the Conemaugh River West Block Valve PCSM Plan, in addition to suffering from the same omissions as the Twin Oaks plan, also fails to contain:

“The characteristics of the project site, including the past, present and proposed land uses and the proposed alteration to the project site,” (§ 102.8(f)(3)); and *any* of the BMP requirements of Section 102.8(f)(6-7) and (10-13), though a few BMPs are drawn into the plan.

It is not an answer that some BMPs are set forth generally in the E&S plans, and the notices of intent identify changes in volume of stormwater and thermal impacts for aboveground facilities. 25 Pa. Code § 102.8(d) provides that “Unless otherwise approved by the Department, the PCSM Plan must be separate from the E&S Plan and labeled ‘PCSM’ or ‘Post Construction Stormwater Management Plan’ and be the final plan for construction.”<sup>7</sup> Also, the *general* BMPs for construction work on the Project cannot satisfy the *specifics*, such as attunement to soil types and conditions, required by Chapter 102.<sup>8</sup> (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. For the mainline portion of the project, PCSM is included as restoration per 102.8(n). For area where impervious coverage is increasing, specific PCSM Plans has been provided and reviewed and found to meet applicable regulatory requirements.

**10. COMMENT**

Sunoco has not demonstrated compliance with state antidegradation requirements.

Though the focus of this public comment period is Sunoco’s Chapter 102 permit applications, Sunoco will have to abide by many other laws if it is to build and operate Mariner East 2 legally. Among these are the antidegradation laws in Chapter 93 of the Environmental Protection Code, which protect High Quality (HQ) and Exceptional Value (EV) Waters. These protections are imported into Chapter 102 review by way of 25 Pa. Code § 102.4(b)(6). Because the Project would impact HQ and EV waters, Section 102.4(b)(6) requires Sunoco to evaluate nondischarge alternatives in its E&S plans, and if there are none, to implement antidegradation best available combination of technologies—ABACT. As defined in Section 102.1, the ABACT technologies need to

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The Conemaugh River West Block Valve PCSM Plan also was not final for construction; it states “BMP installation to be adjusted as needed to accommodate actual contours to be identified in field during various phases of the project.”

This is a theme throughout the Chapter 102 and Chapter 105 applications for the Project: submission of general statements of plans and conditions in place of the specifics required by the law. While this probably saves applicants money and legwork by enabling the use of boilerplate language, it is illegal and does a disservice to the Commonwealth.

individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2-year/24-hour storm when

compared to the stormwater rate, volume and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth.

As with all other requirements of Chapter 102, it is the applicant's burden to demonstrate compliance. *Leeward Construction Co. v. Department of Environmental Protection*, 821 A.2d 145, 152 n.7 (Pa. Cmwlth. 2003), *appeal denied*, 827 A.2d 431 (Pa. 2003). Sunoco has failed to include any ABACT analysis on which the Department could rely to conclude that the Project would satisfy the HQ and EV water antidegradation requirements of Chapters 93 and 102. Sunoco checked off boxes in its notices of intent indicating the use of certain ABACT BMPs, and it has told municipalities in its Act 167 letters that "no increase in stormwater runoff, rate or volume would occur," but there is no analysis that backs that up.

The only analysis that does exist is in the notice of intent Summary Tables for Supporting Calculation and Measurement Data. Those summary tables do not by themselves demonstrate antidegradation compliance. Sunoco provided summary tables only for areas where it would create impervious surface, which ignores the vast majority of its earth disturbance activities which would increase stormwater runoff. The calculations in the summary tables also show increases in stormwater discharge rates during certain design frequency storms due to the Project, in spite of Sunoco's promises that none would occur.

Furthermore, the numbers that Sunoco uses in its Summary Tables appear either incomplete or miscalculated. While this comment applies across the board, an illustration will suffice here. In the South-Central Region Notice of Intent, Sunoco includes a Summary Table for "Middletown Junction DA2- Dauphin County." Stormwater discharge rates are shown to be higher post- construction for every design frequency storm. Sunoco has listed that the net change in post- construction stormwater volume, however, is zero. To reach this figure, Sunoco must implement BMPs that handle 0.013 acre-feet of runoff (0.015 minus 0.002). The only BMP Sunoco lists is an infiltration berm, which it says would handle 181 cubic feet of water, unhelpfully using a different unit than the notice of intent form uses. Converting that into acre-feet yields a little over 0.004 acre-feet—less than a third of the difference Sunoco says its BMPs would make. How Sunoco comes up with 0.013 acre-feet is a mystery unexplained anywhere in its application.

Other times the volume of stormwater runoff handled by the BMP is *greater* in the notice of intent than the net change in volume listed—in fact, greater even than the *entire stormwater runoff projected post-construction*. See, e.g., the Chestnut Ridge Road Summary Table in the Southwest Region Notice of Intent. These discrepancies leave in place the mystery of how Sunoco is claiming zero net change in stormwater runoff volume, pre-construction to post- construction, due to its BMPs. This is a major omission in Sunoco's applications.<sup>9</sup>

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<sup>9</sup> 25 Pa. Code § 102.11(a)(1) requires a Chapter 102 applicant to "Design, implement and maintain E&S BMPs to minimize the potential for accelerated erosion and sedimentation to protect, maintain, reclaim and restore water quality and existing and designated uses." For the same reasons described here, Sunoco has not shown that its BMPs accomplish what this provision requires. <sup>12</sup>

There simply is no demonstration in Sunoco's Chapter 102 applications of its claimed compliance with the antidegradation requirements of Chapter 93 and 25 Pa. Code § 102.4(b)(6). Without this, the applications are incomplete and must be rejected. (5939-5947)

**Response:**

In their application and responses to technical deficiencies and comments, Sunoco Pipeline L.P. has adequately demonstrated compliance with all applicable antidegradation provisions, including the Chapter 102 requirements related to antidegradation.

**11. COMMENT**

Sunoco failed to consider karst topography.

Besides the omissions described above, Sunoco's applications failed to consider karst topography. Stormwater management is strongly affected by the presence of karst, as increased runoff in karst topography can lead to sinkholes. As the Department's Erosion and Sedimentation Pollution Control Program Manual ("E&S Manual") puts it, in Appendix E, "Obviously, the potential for sinkhole development is pertinent to the areas of Pennsylvania affected by karst topography." The Department's Pennsylvania Stormwater Best Management Practices Manual further explains, "When addressing stormwater management issues, the complexities of a karst system demand more rigorous scrutiny than other geologic settings."<sup>10</sup> Among other complexities, karst features serve as direct recharge zones to local and regional aquifers, making these areas highly vulnerable to groundwater contamination. Counties through which Mariner East 2 would cross karst include Chester, Lebanon, Cumberland, Juniata, Huntingdon, and Blair. Yet karst is nowhere discussed. This is a worrisome omission.

Overall, the Department should not have declared these applications complete and open for public comment, as there are many crucial missing pieces to them. Moving forward, Citizens respectfully urge the Department to reject these applications as incomplete. (5939-5947)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

Karst topography was considered. In response to Department comments, Sunoco Pipeline L.P. submitted a Karst and Void Plan as part of its application materials. Sunoco Pipeline L.P. has also prepared and submitted Karst PPC Plans that address how Sunoco will address Karst when it is encountered in constructing the pipeline, including installation of HDD and other permitted activities.

**12. COMMENT**

Harm from erosion and sedimentation would not be minimized under Sunoco's plans. A general principle of environmental protection under Chapter 102 is harm minimization. Sunoco's Chapter 102 applications do not demonstrate that Sunoco will minimize the harm done by its Project construction.

25 Pa. Code § 102.4(b)(4) provides:

Unless otherwise authorized by the Department or conservation district after consultation with the Department, earth disturbance activities shall be planned and implemented to the extent practicable in accordance with the following:

Minimize the extent and duration of the earth disturbance.

Maximize protection of existing drainage features and vegetation.

Minimize soil compaction.

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Utilize other measures or controls that prevent or minimize the generation of increased stormwater runoff.

Looking at each of these measures, Sunoco has not minimized impacts.

Sunoco has not minimized the extent or duration of the earth disturbance. As explained above, the extent of the limits of disturbance and the need for additional areas beyond the main right-of-way is generally unexplained, despite Departmental requests for explanation. Additional temporary workspaces and storage areas are, of course, a normal part of pipeline construction. But the burden is on Sunoco to show need for each such area, and the E&S plans and aerial site plans rarely explain the purposes of those spaces. Citizens make the same comment with respect to access roads. Some access roads are likely necessary, but Sunoco has not provided explanation for why individual access roads are necessary, and necessary in those locations. Thus the Department cannot determine at this point whether the extent of earth disturbance has been minimized.

Also, as explained below in these comments with respect to riparian buffers, and in the Chapter 105 Joint Comments with respect to stream and wetland crossings, Sunoco has failed to minimize disturbance of sensitive environmental features, despite having the ability and resources to do so. Furthermore, Sunoco's planned protection measures, in the notices of intent and elsewhere, are generally qualified with statements such as "to the extent practicable" or "limited to the area required for construction." These wishy-washy statements are essentially unenforceable. If Sunoco truly wanted to minimize land disturbance, it would promise objective and enforceable protection measures. That it makes few such promises is a good indication of the level of protection the Department can expect from Sunoco if it issues these permits.

As for the duration of the earth disturbances, Sunoco again proposes to only do the least minimization of harm it can. The E&S Manual provides that, as a general matter, the land disturbed for building pipelines in open trenches should generally only be disturbed for thirty days. E&S Manual at 283. Narrow stream crossings should take no more than 24 hours, and wider stream crossings no more than 48 hours. *Id.* at 286. Sunoco proposes nothing more protective for stream crossings than the E&S Manual calls for. *See Aquatic Resource Avoidance, Minimization, and Mitigation Report, Section 2.1.2.1.* Citizens have

not been able to find any commitment on Sunoco's part to disturb land Mariner East 2 would cross for thirty days or less, let alone for a smaller time period. The time frame allowable for earth disturbance should be written into the notes of the E&S plans, at the very least. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the plans – including revisions – the project was found to meet applicable regulatory requirements. As demonstrated in the Alternatives Analysis, the Project has been designed to avoid and minimize impacts to wetlands and waterbodies (including streams and floodways of streams) to the extent feasible. To that end, Sunoco Pipeline L.P. has narrowed the Project ROW from 75 to 50 feet at resource crossings. Furthermore, the Project would implement E&S controls during construction and primary and secondary impacts at these workspaces would be temporary in nature and restored to existing conditions. Please refer to Attachment 11, Enclosure D, Project Impacts for additional discussion. Notwithstanding the commenter's concern over the use of the phrase "to the extent practicable" with respect to earth disturbance issues, the commenter correctly notes that Section 102.4(b)(4) explicitly requires earth disturbance activities to be planned and implemented "to the extent practicable" to minimize the extent and duration of earth disturbance. As demonstrated in the 102 application materials, Sunoco Pipeline L.P. has complied with this regulatory standard. As noted in the Project narrative of the 102 application materials, if a cessation of earth disturbance activities lasts 4 days or longer, the site will be immediately seeded, mulched, or otherwise protected from accelerated E&S. BMPs will remain in place and be maintained until permanent stabilization is achieved. Disturbed areas will be stabilized as soon as is practical, including areas disturbed during the removal of BMPs. Temporary and permanent vegetation, mulch, gravel cover, repaving or a combination of these measures, will be employed immediately following the completion of backfilling and final grading activities.

**13. COMMENT**

Sunoco has not maximized protection of existing drainage features and vegetation.

Among the existing drainage features and vegetation that protects the area Sunoco proposes to use as its right-of-way include existing landscape contours, wetlands, and riparian buffers.

Sunoco proposes to return the landscape to its existing contours after construction. However, its record of doing so is less than stellar. As explained in the Chapter 105 Joint Comments, Sunoco drastically altered the contours of the land in the neighborhood of Carol Gracon in Cumberland County in connection with Mariner East 1, and failed to restore those contours. As a result, her neighborhood and farm suffered severe topsoil loss and drainage problems. This took place after receiving erosion and sedimentation control permits from the Department.

As noted above, Sunoco has not minimized its planned harm to wetlands and riparian buffers, which of course means it has not maximized their protection. Vegetation, and in particular trees, soak up much of the water that passes through landscapes. Sunoco has displayed a wanton disregard for protection of these parts of our environment by needlessly beginning clear-cutting its proposed right-of-way half a year ago, far before its Chapter 102 and 105 applications were even considered complete by the Department, and farther still

before Sunoco might have any likelihood of building the Project, if it ever gains that legal right. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the plans – including revisions – the project was found to meet applicable regulatory requirements. Sunoco Pipeline L.P. conducted hand-felling of trees within the right-of-way, and as such these activities did not involve earth disturbing activities. Moreover, the Department was aware of these activities and did not identify any concerns at that time. For example, on May 6, 2016, the Department conducted a compliance evaluation at a location in Huntingdon County, and observed no violations. The Department’s Water Obstruction and Encroachment Inspection Report associated with that inspection contains the Department’s conclusions with respect to the applicant compliance at this location during tree clearing activities. The Impact Avoidance, Minimization, and Mitigation Procedures describes the proposed construction crossing methods and mitigation measures to be used project wide. In accordance with the applicant’s Impact Avoidance, Minimization, and Mitigation Procedures, to facilitate the re-establishment of PFO and PSS wetland communities, all or portions of the wooded areas that require clearing along the Project corridor within PFO and PSS wetlands will be replanted with native trees and shrubs.

**14. COMMENT**

Sunoco has not minimized soil compaction.

Besides the use of timber matting to evenly distribute vehicle weight across hydric soils, which is necessary from a construction standpoint and not just as a measure to protect the environment, the only measures Sunoco proposes to take to protect the earth it would disturb from soil compaction appears to be surface scarification, mulching, and revegetation. Each of these helps soil recover from compaction rather than preventing it, and each of these is a standard BMP the Department instructs applicants to use in the E&S Manual. *See* pages 262-263.

Sunoco has not adopted other BMPs to avoid or remediate soil compaction. For example, the E&S Manual suggests that “Vehicular traffic should be restricted from areas to be seeded to prevent soil compaction.” E&S Manual at 265. Sunoco makes no commitment to do so. Sunoco also labels certain areas of its proposed right-of-way “travel only,” indicating, basically, that no ditch-digging will take place there. Sunoco has not explained anywhere what construction sequence or practices it would use for “travel only” areas, or additional temporary work spaces. Presumably heavy equipment would be moved across those areas, which would likely lead to soil compaction, rutting, and other types of earth disturbance. Whether and how Sunoco would minimize compaction (and other impacts) in those areas is unknown.

As another consequence of Sunoco’s failure to identify the soils along its pipeline routes, it has not set forth different construction procedures for areas with different types of soil. Ralph Blume, of Cumberland County, experienced the consequences of this. The land he farms has a thin layer of topsoil, only inches deep, on top of rock. When Sunoco went through his land to work on Mariner East 1, it failed to account for the thinness of the soil, and mixed crushed rock with the topsoil on his property. After laying the adulterated topsoil back on his land, he could no longer farm that portion of his land.

In sum, Sunoco’s proposed efforts to minimize soil compaction and other soil harms would not in fact minimize them. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the plans – including revisions – the project was found to meet applicable regulatory requirements. Sunoco Pipeline L.P. notes that compaction concerns are restricted to the limit of disturbance, which has been minimized to the maximum extent practicable. Within the pipeline right of way, travel lanes will be utilized to restrict the extent of compaction. Following installation of the pipeline, deep ripping or chisel plowing will occur to alleviate compaction, promote infiltration, and facilitate vegetative growth. The site restoration construction sequence has been updated in the Site Restoration and Post-Construction Stormwater Management Plan narrative. The sequence now specifies chisel plowing or incorporating soil amendments where compaction occurs. The sequence also specifically addresses restoration of access roads. Soil decompaction and topsoil replacement is addressed in the Site Restoration construction sequence narrative and on sheet ES-0.22 numbers 2 and 3, respectively. The Limiting Soil Characteristics Table in the E&S Plan (E&S Plan, Attachment 5) identifies soils and provides “Actions taken to counteract soil limitations.” Additionally, Part C of the permit authorization identifies the mandatory obligation of the permittee to avoid or minimize soil compaction where infiltration is proposed and to de-compact all areas of site restoration.

**15. COMMENT**

Sunoco has otherwise not sufficiently minimized the Project’s generation of increased stormwater runoff.

Pipeline construction leads to increased stormwater runoff through a number of mechanisms, which generally boil down to the diminishment of natural ecosystems’ abilities to store, use, and slow water. In particular, the destruction or reduction of vegetation (both live plants and root systems), compaction, erosion, or pavement of soils, smoothing and channelization of waterways, and topological simplification, among other things, all contribute to increased stormwater runoff.

As discussed elsewhere here and in the Chapter 105 Joint Comments, Sunoco has not minimized harm to vegetation, soil compaction, stream crossings, and wetland crossings. Sunoco has also not formulated (or at least submitted to the Department) PCSM plans pertaining to most of the earth disturbance—that is, the disturbance for the right-of-way. The right-of-way would suffer from soil compaction, devegetation, removal of root systems that slow runoff and hold soil together, simplified geographic contours that would increase runoff speed, and many other impacts that tend to increase stormwater runoff. The generally straight-line geometry of the right-of-way would further serve to accelerate stormwater runoff. The failure to consider stormwater management post-construction is a huge omission and by itself demonstrates a failure to minimize the generation of increased stormwater runoff.

Municipal engineers and officials have been able to scrutinize Sunoco’s stormwater plans at a level of detail Citizens have not. More than half of the municipalities through which Mariner East 2 would pass have not signed off on Sunoco’s stormwater management plans, either because Sunoco has not provided enough detail or resolved outstanding questions, or because the municipalities have determined that the plans are inconsistent with the municipal stormwater management programs. See Chapter 105 Joint Comments discussion

of 25 Pa. Code § 105.14(b)(9). This clearly demonstrates that Sunoco’s plans for addressing stormwater runoff are not adequate. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Upon review of the plans – including revisions – the project was found to meet applicable regulatory requirements. The Impact Avoidance, Minimization, and Mitigation Procedures provided in Attachment 11, Enclosure E, Part 4 describes the proposed construction crossing methods and mitigation measures to be used project wide. In accordance with the applicant’s Impact Avoidance, Minimization, and Mitigation Procedures, to facilitate the re-establishment of PFO and PSS wetland communities, all or portions of the wooded areas that require clearing along the Project corridor within PFO and PSS wetlands will be replanted with native trees and shrubs. As noted in the Cumulative Impacts Analysis, as a result of the applicant’s wetland impact avoidance and minimization effort, the Project will disturb approximately 36.7 acres of wetlands during construction, and with mitigation will result in a limited PFO wetland cover type conversion of 0.405 acre across 19 wetlands (Attachment 11, Enclosure E, Part 6). The Site Restoration and Post-Construction Stormwater Management Plan (PCSM Plan) addresses activities associated with the pipeline installation. All BMPs will be constructed in accordance with the PA Stormwater BMP Manual. The site restoration portion of the PCSM Plan will ensure prompt and effective stabilization of the pipeline right of way, associated workspaces, and temporary access roads following pipeline construction.

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, [with current and approved Act 167 stormwater plans](#), that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. [For municipalities without current and approved Act 167 stormwater plans](#), Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

**16. COMMENT**

In general, harm from erosion and sedimentation would not be minimized under plans that Sunoco has not followed and may not follow.

Considering 25 Pa. Code § 102.4(b)(4) as a whole, the Department should conclude that Sunoco is not likely to minimize erosion and sedimentation under its plans. An important consideration is that Sunoco may not follow its E&S plans; in fact, Sunoco has already violated those plans.

The following are standard provisions of E&S plans, which Sunoco has included verbatim in its plans: (1) “Clearing, grubbing, and topsoil stripping shall be limited to those areas described in each stage of the construction sequence. General site clearing, grubbing and topsoil stripping may not commence in any stage or phase of the project until the E&S BMPs specified by the BMP sequence for that stage or phase have been installed and are functioning as described in this E&S plan.” E&S Manual at Appendix C, page 394; and (2) “All earth disturbances, including clearing and grubbing as well as cuts and fills shall be done in accordance with the approved E&S plan.” *Id.*

“Clearing” means “removal of vegetative ground cover,” for example trees. *Id.* at Appendix L, page 507. Despite these provisions in its E&S plans, Sunoco has commenced clearing operations for Mariner East 2, with the attendant runoff and thermal impacts, without having

obtained Chapter 102 permits to do so, and without having put in place the E&S BMPs in the sequence required by its E&S plans. This illegal clearing took place on a number of parcels, including that of the Gerharts, as described in the Chapter 105 Joint Comments.<sup>11</sup> As far as Citizens are aware,

In cutting trees on the Gerhart property in April, Sunoco also violated its E&S plan provision that “All tree clearing project-wide must be performed between October 1 to March 31.”

Sunoco may still today be continuing this type of clearing. The Department should not reward illegal conduct in violation of an applicant’s E&S plans by awarding the applicant E&S permits.

This was not an isolated incident. Sunoco has a pattern of violating Chapter 102 and its E&S plans while working on Mariner East. The Department issued to Sunoco a number of different types of violations of erosion and sedimentation controls requirements while working on Mariner East 1, which violations it settled with the Department on June 12, 2015. *See Exhibit G to Chapter 105 Joint Comments.* Specifically, Sunoco on five separate occasions was caught failing to:

“implement and/or maintain effective BMPS at various locations along the Mariner East pipeline as approved in its ESCGP and allow [] sediment laden runoff from locations along the Mariner East pipeline to discharge to waters of the Commonwealth contrary to the conditions of its ESCGP;” and

“temporarily and/or permanently stabilize areas of earth disturbance at various locations along the Mariner East pipeline.”

Considering these many problems with Sunoco’s plans to minimize the environmental harms from its Mariner East 2 project under Chapter 102, the Department should deny Sunoco’s requests to operate under ESCGP-2 permits. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Sunoco Pipeline L.P. conducted hand-felling of trees within the right-of-way, and as such these activities did not involve earth disturbing activities. For example, on May 6, 2016, the Department conducted a compliance evaluation at the Gerhart property location in Huntingdon County, and observed no violations. The Department’s Water Obstruction and Encroachment Inspection Report associated with that inspection contains the Department’s conclusions with respect to the applicant’s compliance at this location during tree clearing activities.

**17. COMMENT**

Sunoco has not justified exemption from or waiver of riparian buffer protections.

Riparian buffers are a stream’s first line of defense. Trees and other vegetation slow runoff, filter sediment and pollution, and shade the stream so cold-water-loving creatures can thrive. 25 Pa. Code § 102.14 mandates protections for Pennsylvania’s vital riparian buffers. In its Riparian Buffer Waiver Requests, Attachment 6 to its notices of intent, Sunoco claims it is exempt from subsection (a) of these mandates for areas covered by the Chapter 105 permits which it has not received, and may not yet legally receive, due to the exception for “Activities authorized by a Department permit under another chapter of this title which

contains setback requirements, and the activity complies with those setback requirements.” Sunoco does not explain what setback requirements protecting riparian buffers are contained within Chapter 105; Citizens have looked but cannot find them. As these unissued permits would regardless not appear to be the type of permits allowing for such an exemption, Sunoco cannot rely on Section 102.14(d)(1)(ix) to avoid protecting riparian buffers.

Sunoco also seeks a waiver from the Department of its Section 102.14 requirements only “for areas within 150' of surface waters that are outside of the Chapter 105 permit area.” For pipelines, the Department “may grant a waiver from any of the requirements of subsections (a) and (b) upon a demonstration by the applicant that there are reasonable alternatives for compliance with this section, so long as any existing riparian buffer is undisturbed to the extent practicable and that the activity will otherwise meet the requirements of this chapter.” 25 Pa. Code § 102.14(d).

As explained elsewhere in these comments, Sunoco’s applications do not otherwise meet the requirements of Chapter 102. But beyond that, it also does not leave existing riparian buffers undisturbed to the extent practicable. Rather, Sunoco appears to attempt to *minimally* comply with other requirements regarding riparian buffers, and disturb them greatly even where lesser disturbance would be practicable. Rather, Sunoco appears to attempt to *minimally* comply with other requirements regarding riparian buffers, and disturb them greatly even where lesser disturbance would be practicable.

It is important to separately consider riparian buffer protection near stream crossings and riparian buffer protection in areas where the pipelines would skirt the streams but cross only their riparian buffers at those locations, not the streams themselves.

Sunoco has no plans to minimize harms to riparian buffers in areas where the protected streams are not themselves crossed.

Despite Sunoco only requesting a waiver of the riparian buffer protections in areas where the Project would not cross the streams themselves, Sunoco has proposed *zero* measures to protect riparian buffers in those areas. This is apparent from the section “Demonstration of Minimizing Impacts” in Sunoco’s waiver request. Every proposal there concerns stream crossings, which are explicitly not within the scope of Sunoco’s Waiver Requests.

This is also clear from an examination of the E&S plans, which show Sunoco planning to cut straight through riparian buffers not involving stream crossings at those locations, where Sunoco could have drilled under them or routed around them. For example, in South Lebanon Township, Lebanon County, Sunoco proposes to cut through most of the southern riparian buffer to an unnamed tributary to Quittapahilla Creek, eliminating the northern temporary workspace only to avoid working in the watercourse of the tributary itself. *See* Lebanon County Site Plan, Sheet 23 of 39. Sunoco could have deviated its straight course through the area to avoid that riparian buffer, but chose not to do so. As another example, in Londonderry Township, Dauphin County, Sunoco plans to skirt the edge of an unnamed tributary to Chester Creek, destroying much or most of its southern forested riparian buffer, limiting the temporary right-of-way only so that it does not intrude in the creek bed itself. *See* Dauphin County Site Plan, Sheet 12 of 24. Neither of these riparian buffers was even identified in Sunoco’s Waiver Requests. Other riparian buffers that Sunoco *did* identify, where it plans to destroy much of the buffer outside an area of stream crossing, for example

RB-082 (HQ-EV), underscore Sunoco's failure to take the concept of impact minimization seriously. Many other missed opportunities to protect riparian buffer exist along the 300-mile length of the proposed pipelines.

Sunoco has thus not made the required showing under 25 Pa. Code § 102.14(d) that "any existing riparian buffer is undisturbed to the extent practicable."

Sunoco's plans to minimize harms to riparian buffers at stream crossings mostly amount to planned regulatory compliance.

Sunoco's riparian buffer harm minimization efforts at stream crossings, in turn, are little more than efforts to comply with Department requirements.

For example, the Department requires storage of spoil from stream trenching at least ten feet from the tops of stream banks. *See* E&S Manual at 287, Standard Construction Detail #13-1. Sunoco instead portrays its use of this practice in its waiver request as an example of minimization of harms: "Necking down of the ROW at resources and locating temporary workspaces 10 feet from resources is a significant construction constraint that is done to minimize the impacts to streams, wetlands, and riparian buffers." Minimization of harm means doing something other than inflicting the *maximum* harm the Department might allow. More generally, Sunoco's Aquatic Resource Avoidance, Minimization, and Mitigation Plan, and its claimed mitigation in its Waiver Requests, in large part describe Sunoco's stated plans to comply with legal requirements rather than to do more than necessary. Sunoco's track record shows that even the bare minimum of legal compliance is often more than it accomplishes. *See* Chapter 105 Joint Comments analysis of 25 Pa. Code § 105.14(b)(6).

It is not enough to write conclusory statements such as "The final route that was selected minimizes environmental impacts to the maximum extent practicable while still maintaining the project's overall constructability and ensuring a safe working environment while also taking landowner constraints into consideration." Sunoco has provided no concrete examples of harm minimization. Sunoco could have explained how a certain practice would have been the cheapest for it, but it chose another, more expensive practice, because it would be more protective of riparian buffers. It has not done so. 25 Pa. Code § 102.14(d)(2) requires "*a demonstration by the applicant that there are reasonable alternatives for compliance with this section, so long as any existing riparian buffer is undisturbed to the extent practicable*" (emphasis added). This should be done on a buffer-by-buffer basis, as any evaluation of practicability must measure the constraints of the locations in question. There is no such demonstration in Sunoco's applications, for even one site of riparian buffer disturbance. Likewise, Sunoco wrote "Workspaces that provide additional space for stream crossing activities have been placed outside of riparian buffers where possible." It gave no examples. The Department thus has no basis to reach the conclusion that Sunoco has justified the grant of a waiver here.

The evidence in Sunoco's applications, and its recent historical record, show the opposite—that Sunoco's actions and plans stick as close as possible to what it terms in its Waiver Requests as the "Baseline Project Alternative": "that the project is built based on ease of construction and not limiting impacts to resources." Sunoco's Alternatives Analysis submitted as part of its Joint Permit Application for a Pennsylvania Water Obstruction & Encroachment Permit and a U.S. Army Corps of Engineers Section 404 Permit Application

contains route variations Sunoco says it considered to avoid sensitive resources. Riparian buffers do not appear to have been a consideration in any of its considered route variations, despite Sunoco's claim to the contrary in its Waiver Requests.

Sunoco also has no plan for compensation of the harms the Project would do to riparian buffers. 25 Pa. Code § 102.14(d)(4) provides that "An applicant requesting a waiver may propose and the Department may allow offsite protection, conversion or establishment of riparian forest buffers or provide compensation to fund riparian forest buffer protection, enhancement or establishment." Such a proposal might do something to show an effort harm minimization. Sunoco has failed to avail itself of even this opportunity. In conclusion, the Department has no grounds for recognizing an exemption to the riparian buffer protection mandates, or for granting a waiver of them.<sup>12</sup> (5939-5947)

**Response:**

Sunoco Pipeline L.P.'s application satisfied the requirements of the riparian buffer in Chapter 102. Sunoco Pipeline L. P. additionally included tree replanting plans for areas that are not subject to the requirements of § 102.14. The permits for the project contain conditions to ensure establishment of the replanted trees.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**18. COMMENT**

Protection of the Chesapeake Bay and other watersheds should take priority.

In coordination with other Commonwealth agencies, and partly in response to the U.S. Environmental Protection Agency withholding \$3 million from Pennsylvania, the Department has launched a Chesapeake Bay restoration strategy, or "reboot." The strategy rightly focuses on agriculture in order to reduce nutrient load in the Susquehanna River Watershed and, ultimately, the Bay. The Department, however, should not ignore the role that pipelines such as Mariner East 2 can play in destroying riparian buffers at water crossings, creating linear pathways for increased sediment load in waterways, and reducing the efficacy of wetlands in cleaning and storing water that makes its way into the Bay. The Susquehanna River Basin is already one of the most flood-prone basins in the nation.

25 Pa. Code § 102.2 explains that "This chapter requires persons proposing or conducting earth disturbance activities to develop, implement and maintain BMPs to minimize the potential for accelerated erosion and sedimentation and to manage post construction stormwater" As explained elsewhere in this comment, Sunoco proposes to build Mariner East 2 in a manner that causes needless erosion and sedimentation. The pipeline as planned would snake through roughly 147 miles of the Susquehanna River Watershed, which comprises 43% of the Chesapeake Bay's drainage area and provides 50% of its fresh water

flows.<sup>13</sup> The pipeline's impacts would be substantial, and would threaten the safety and sanctity of the Chesapeake Bay.

Moreover, Sunoco proposes to conduct this earth disturbance under the ESCGP-2 general permit, a condition for which is that "The projects which are in the category individually and cumulatively do not have the potential to cause significant adverse environmental impact." 25 Pa. Code § 102.5(m)(1)(v). The ESCGP-2 general permit covers oil and gas development and transmission. Cumulatively, there can be no question that oil and gas development and transmission in the Susquehanna River Basin has caused and has the continuing potential to cause significant adverse environmental impact. Over half of the nearly 10,000 shale gas wells drilled in Pennsylvania in the last decade were drilled in the Susquehanna River Basin. As shale gas development moves south and west from the more agricultural areas of Northeast Pennsylvania into the more forested areas, loading rates into Susquehanna tributaries are likely to increase dramatically.

The Project would also involve water crossings and land disturbance in the Schuylkill River Watershed, which was awarded an EPA Targeted Watershed Award. The Targeted Watershed Grant is an EPA program designed to encourage successful community-based ~~approaches and management~~ techniques to protect and restore the nation's waters. The Department should give extra consideration of its stewardship of watersheds specially invested in by EPA for protection. (5939-5947)

**Response:**

As part of its ESCGP-2 Notice of Intent, Sunoco Pipeline L.P. has developed an Erosion and Sedimentation Control Plan which identifies the erosion and sedimentation control practices that Sunoco Pipeline L.P. will implement to minimize uncontrolled surface water runoff from disturbed areas and minimize the migration of construction-related sediment. The regulations utilize a framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

Further, the Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Both the applicant and the Department considered the impacts being proposed associated with the Atlantic Sunrise project in evaluating the cumulative impacts for this project. Moreover this project was considered as a whole with significant efforts to coordinate the review of all the associated permits collaboratively with other regional offices within the Department.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical*

*Guidance No. 310-2137-006*). The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

As one last note on Sunoco's Riparian Buffer Waiver Requests, Sunoco looked at a No-Impact Alternative in evaluating its riparian buffer minimization. Sunoco seems to have mistakenly done that analysis assuming that its pipelines would carry natural gas, not natural gas liquids. The markets for natural gas and natural gas liquids are completely different, and thus Sunoco's No-Impact Alternative discussion simply does not apply to Mariner East 2. This is indicative of Sunoco's inattention to detail in its applications to the Department.

See Susquehanna River Basin Commission, Information Sheet – Susquehanna River Basin, revised May 2013, available at [http://www.srb.com/pubinfo/docs/SRB%20General%205\\_13%20Updated.pdf](http://www.srb.com/pubinfo/docs/SRB%20General%205_13%20Updated.pdf).

## **19. COMMENT**

Thanks for providing a forum for questions, are there any permits required for any structures along the pipeline, as in phase I there were a series of pump stations built along the pipeline, are there any stations of any kind proposed for the mariner east II project. Also if so where can I find information on locations and time frame of any proposed construction. Also does Sunoco have any interest in the use of local construction people for any proposed work. (6207)

### **Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. The Project Description (Tab 9, Section 1.2) identifies and describes the aboveground facilities proposed as part of the Project, which include one new pump station and modifications to seven existing pump stations, as well as 53 mainline block valve sets. The proposed Project construction schedule is also provided in the Project Description (Tab 9, Section 2.7). The Department is not aware of how many local construction people will be utilized in project construction.

## **ESCGP – SERO**

### **1. COMMENT**

The E&S plans also generally provide insufficient detail for the Department to understand the likely impacts of the construction. A couple weeks ago, East Goshen Township, Chester County received a punch list of issues with the E&S plans from their engineers. *See* Exhibit A, attached hereto. This list of issues illustrates the problematic lack of detail—and apparent errors—in the E&S plans.<sup>5</sup> (5939-5947)

### **Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff has worked closely with the County Conservation Districts and Sunoco to address any concerns (e.g. punch list items) that came up during the technical review. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**2. COMMENT**

I am a Thornbury Township, Delaware County, resident, living approximately 2200 ft to the West of the site of the present Sunoco Pipeline and the proposed expansion of the site to accommodate two new pipelines. In addition I live approximately 1800 ft to the East of the path of the right of way of one or more of the pipelines that cross our Township. My water supply is from an on-site well. The wrong decisions on the proposed pipeline may have serious detrimental health and economic affects on my and my neighbors future. In addition decisions on this pipeline will set a precedent for future pipeline expansion or modification. (6278)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. As part of their Preparedness, Prevention Contingency (PPC) Plan, Sunoco Pipeline L.P. has provided a water supply plan to address this comment. Decisions on future pipeline expansion or modification is market driven and outside of the purview of the Department's regulatory authority. Department staff will continue to review each and every permit application submitted to ensure conformance with pertinent regulations.

**ESCGP – SCRO**

**1. COMMENT**

2. There needs to be provision to maintain the drainage of the UNT at Station 10113+50 L. (5948)

**Response:**

As identified in the E&S/SR Plan drawings (Sheet ES-4.58 for Cumberland County), the proposed earth disturbance is for the construction of the pipeline, the HDD staging area and temporary access road, etc. These areas will be restored in accordance with the Site Restoration notes on Sheet ES-0.21 (Cumberland County); which identifies that the area will be restored to preconstruction grades and will maintain preconstruction drainage patterns.

**2. COMMENT**

6. There are apparent trench/drainage features located at Station 10158+50 to 10159+50 and Station 10166+00 to 10169+50. The water bars depicted in these locations may require revision? Erosion control mat should be applied at the Station 10158+50 to 10159+50 location. Any potential drainage in these features needs to be accounted for. (5948)

**Response:**

The features referenced in the comment appear to proposed trench plugs (which are identified on the E&S/SR Plan drawings (Sheet ES-4.61 for Cumberland County), as waterbars are not proposed in the sections referenced in the comment. The existing topography between Stations 10158+50 to 10159+50 is identified in the E&S/SR Plan drawings (Sheet ES-4.61 for Cumberland County) is shown to exceed 3H:1V. While erosion control matting is not specifically identified in this location, the E&S/SR Plan drawing identifies that steep slopes are required to be lined with erosion control matting, as identified in Standard Erosion and Sediment Control Plan Note 36 on Sheet ES-0.04.

**3. COMMENT**

Sunoco Logistics made no attempt to mitigate any erosion from the steep slope next to our pond, where they propose to have the "temporary workspace." As a result, after some recent

heavy rains, our streams, which normally run clear, were cloudy, as were the edges of our pond. Permits should be denied. (5955)

**Response:**

Sunoco conducted hand-felling of trees within the right-of-way, and as such this activity did not involve earth disturbing activities. On May 6, 2016, DEP conducted a compliance evaluation and observed no violations. DEP's Water Obstruction and Encroachment Inspection Report, contains DEP's conclusions with respect to Sunoco's compliance at this location during tree clearing activities.

**4. COMMENT**

Sunoco Logistics has no erosion control plan and should not be granted permits. When they showed up on our property on March 29, March 30, and April 7, 2016, they had the "right" to clear-cut based on the eminent domain ruling by Judge George Zanic. This "right" allowed them to clear-cut a steep slope that runs parallel and adjacent to our streams and pond. With no permits, their current "erosion control" plan is to leave the trees and bushes lie where they fell. Previously, only heavy, torrential downpours would cause any clouding in our pond. This summer, after moderate rainfalls, we have noticed clouding in our pond and streams. So much for erosion control. Sunoco Logistics is planning on using the steep, clear-cut slope, as a "temporary workspace". There is no way they could possibly put any heavy equipment on this slope. They would need to do some very serious leveling or terracing of the slope in order to use it as they intend to. Even with promises to restore the slope to its original incline, the compaction of the soil by the heavy equipment will at the very least delay by several years, the proper restoration of natural ground cover. It will be decades before the slope would even come close to reforestation in this "temporary" space. The plants and trees which had the misfortune of being in the right-of-way will never be permitted to return. Another concern is that this clear-cut would open the area up to invasive species. We have had different consultants, 1) Schmid and Company, 2) Woods of Plenty, and 3) the Department of Forestry look at the flora on our property. They identified some invasive plants currently on our property. We are attempting to control, if not eradicate these species, in an environmentally friendly way. Sunoco Logistics "plan" of throwing some mesh and grass seed on the clear-cut area is a totally unacceptable response. Finally, this leaves the wetlands. Apparently, since we have no firm plans from Sunoco Logistics, the wetlands will be trenched. At one public meeting a comment was made that "once the pipe is in and covered, you'll never know that it is there. In fact, it will be better than before." This is just total nonsense (not the actual word I want to use). Tetra Tech classified the wetlands area as "emergent", and as such, would only have to restore them as such. Our consultants have all classified the wetlands area as "forested". Unfortunately, since the wetland area is within the right-of-way, it will never be forested again. Every few years, Sunoco Logistics will have the "right" to tramp through the wetland area and cut down any tree or bush that dares to try and grow back. So, contrary to the comment made at the meeting, we will always know that the pipeline is there. We have the same concern about invasive species in the wetlands, also. With the clear-cutting done to date, we have already seen erosion problems with our stream and ponds. Sunoco Logistics's erosion control plans do nothing to mitigate these problems, and will make matters worse. The Department of Environmental Protection, in order to actually protect the environment, must deny Sunoco Logistics's permit applications. (5955)

**Response:**

Sunoco conducted hand-felling of trees within the right-of-way, and as such this activity did not involve earth disturbing activities. On May 6, 2016, DEP conducted a compliance evaluation and observed no violations. DEP's Water Obstruction and Encroachment

Inspection Report, contains DEP's conclusions with respect to Sunoco Pipeline L.P.'s compliance at this location during tree clearing activities.

## 5. COMMENT

Other problems with their 102 NOI application. Sunoco and their consultants have failed to correctly identify the majority of the watersheds in counties of south-central PA on the pages titled SUMMARY TABLE FOR SUPPORTING CALCULATION AND MEASUREMENT DATA including Berks, Blair, Cumberland, Dauphin, Huntingdon, Lebanon, Lancaster and York that could potentially be impacted by their activities. Instead they have given each location an obtuse name, usually a road and in some cases municipalities, located as much as 3.5 miles away. These are inaccuracies that cause difficulty for reviewers both government and public alike to correctly identify site locations so that educated comments can be provided based on available information unless they have access to accurate maps or GIS files.

Please note the following comments regarding errors in naming Cumberland County watersheds:

- \* page 13. WATERSHED NAME: Plainfield Cumberland. Plainfield is actually a small borough located 3.5 miles south of the proposed pipeline location not a waterbody or watershed

- \* page 13. WATERSHED NAME: Creek Rd. Cumberland There are actually several Creek Roads located in different areas of Cumberland County. The correct Creek road should be identified.

- \* page 13. WATERSHED NAME: Wolf Bridge DA1- Cumberland. road name not the watershed or water body

- \* page 13. WATERSHED NAME: Wolf Bridge DA2- Cumberland. road name not the watershed or water body. I also question why there are two Wolf Bridges

- \* page 13. WATERSHED NAME: Middlesex Cumberland. Municipality name not watershed or waterbody

- \* page 13. WATERSHED NAME: Arcona Cumberland County. The Pipeline crosses an Arcona road but the waterbody impacted is two (2) miles to the east of the road and does not have that name.

The page numbers used above are not in error since there are multiple pages 13 and 14 in this document. All of the inaccuracies regarding watersheds should be corrected to denote the actual creek or stream watershed name. (5983)

### **Response:**

Receiving waters have been properly identified in the Receiving Waters Table, Attachment 3 to the Erosion and Sediment Control Permit application. Note: the attached documents referenced in this comment are included in part three of the comment response document.

## 6. COMMENT

This application also lacks sufficient information as to locations of the numerous waterways listed in the Receiving Waters Table (attachment 3) that could potentially be impacted by open cuts across waterways. Each tributary should have its own designation not for example unnamed tributary to Conodoguinet (3). There should also be accompanying maps clearly labeled with each tributary/stream name so as to clarify where each is located.

Along this same line of thinking Sunoco should not be granted an exception under section 102.14(d)(1)(ix) nor a waiver under 102.14(d)(2)(ii). They should be held fully responsible

and accountable for any damage that could result from their planned activities. Also they should specifically clarify what “to the extent practicable” entails since it is used repeatedly throughout the length of their NOI regarding potential impacts to forested areas and other stream crossings. Any time an open cut is performed the risk of sedimentation increases especially if something should go wrong either during the process or afterward. What if an extreme precipitation or other weather event should occur during the period of time they are working at any of the stream crossing locations? How would they guarantee that they could minimize or prevent sedimentation or other forms of pollution to PA waterways resulting from that type of event?

This could easily happen to at least one location I mentioned in my 105 comments: As stated their site plan depicts an open cut through a roughly 300m long stream bed/wetland. Approximately half of this open cut will repeatedly take place within ~150 meters of the existing stream bed so that the ME2 pipeline can be laid alongside the existing ME1 (see attached map). Although Sunoco plans to do stream restoration work there I highly question the open cut crossing method planned at this site based on the orientation of the pipeline in conjunction with the stream bed, stream flow, floodplain area and other on-site characteristics. It is guaranteed that normal annual processes combined with future expected heavy precipitation and or more extreme weather events, will ultimately result in washout of stream bed materials over time, future sedimentation events and eventual exposure of pipeline. In this case an HDD bore is the only intelligent and correct option). (5983)

**Response:**

Receiving waters are identified on the E&S sheets and PCSM sheets when the receiving waters are located in the immediate surrounding area. Sunoco Pipeline L.P. conducted a thorough alternatives analysis to determine the final proposed route for this project. Through granting of the permit, the Department has determined that Sunoco Pipeline L.P. qualifies for a waiver of 102.14. The approved E&S Control Plan includes BMPs that minimize erosion and sedimentation to the greatest extent practicable. Sunoco Pipeline L.P. is required to implement and maintain all E&S Controls during construction activities and is required to permanently stabilize all earth disturbance activities whether in upland areas or stream and wetland areas. Where streambed scour is a concern, Sunoco Pipeline L.P. has conducted a shear stress analysis and will use properly sized rock and native materials to properly restore and protect the integrity of the stream channel. Note: the attached documents referenced in this comment are included in part three of the comment response document.

**7. COMMENT**

Additional comments regarding: Attachment 6 Riparian Buffer Waiver Request; Pennsylvania Pipeline Project South Central Region: Spreads 3, 4, 5. Page 3.

While it is impractical to document all the actions taken by SPLP to avoid/minimize impacts on a project of this size, the intent of this section is to provide a summary of the major actions SPLP has taken to accomplish this goal. /IT IS NOT IMPRACTICAL AND EACH AND EVERY ACTION SHOULD BE DOCUMENTED USING SUPPORTING EVIDENCE.

The final route that was selected minimizes environmental impacts to the maximum extent practicable while still maintaining the project’s overall constructability and ensuring a safe

working environment while also taking landowner constraints into consideration. Again this need to be explained in detail with supporting evidence. (5983)

**Response:**

Sunoco compiled an alternatives analysis in determining the final route for this project. The Department has concluded that the final route minimizes environmental impacts to the greatest extent practicable. Note: the attached documents referenced in this comment are included in part three of the comment response document.

**General - Ch 105**

**1. COMMENT**

b. Missing Act 167 consistency letters

Sunoco's applications are missing most of the required "Act 167" stormwater management plan consistency letters which the applicant is required to provide under Chapter 105. 25 Pa. Code § 105.13(e)(1)(v)-(vii), § 105.14(b)(9). Numerous municipalities have informed Sunoco in writing that it has failed to provide enough information for them to make a determination, and have asked Sunoco to provide specific items. Sunoco has not responded to any such requests. *See, e.g.,* letters from West Goshen and East Goshen Townships, Chester County, and Thornbury Township, Delaware County.

These Act 167 consistency letters were previously noted as being missing in a memorandum to Sunoco from the Regional Manager of Wetlands and Waterways for the Department's southeast region dated January 29, 2016. This memorandum calls the Sunoco applications "incomplete" for a litany of reasons, specifically including the lack of municipal Act 167 consistency letters. As of today, however, many such letters still do not appear in the applications. The Department cannot presume that an absence in the applications of further correspondence with the municipalities means that the applications are consistent with their programs. Multiple municipalities so far have explicitly stated that Sunoco's plans are inconsistent with their programs. *See* 25 Pa. Code § 105.14(b)(9) analysis below. More inconsistency determinations are likely to be made, if they have not been made already. Citizens observe that Pennsylvania municipalities have expended a great deal of time and effort to comply with their obligations under Act 167. Sunoco should not be issued permits that allow it to ride roughshod over these municipalities' carefully and expensively adopted plans.

Citizens therefore also request Sunoco's applications be denied until such time as Sunoco has documented in supplemental application materials compliance with each municipal program. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project.

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, with current and approved Act 167 stormwater plans, that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. For municipalities without current and approved Act 167 stormwater plans, Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

## 2. COMMENT

### d. No risk assessment

25 Pa. Code § 105.13(e)(1)(vii) requires a “risk assessment” as follows: “If the stormwater or the floodplain management analysis conducted in subparagraphs (v) and (vi) indicates increases in peak rates of runoff or flood elevations, include a description of property and land uses which may be affected and an analysis of the degree of increased risk to life, property and the environment.”

Sunoco’s “risk assessment” is a boilerplate form supplied in each of its applications whereby Robert F. Simcik, P.E. certifies under penalty of perjury that: The proposed Project will not result in an increase in peak runoff rates or flood elevations; therefore, no public property or land uses will be adversely affected. Therefore, further analysis regarding the degree of increased risk to life property and the environment is not warranted. Accordingly, further coordination regarding this requirement is not applicable.

However, as explained elsewhere in these comments, at least two townships have found the Project to be inconsistent with their stormwater or floodplain management plans, and *many* municipalities were not able to complete those evaluations for lack of information provided by Sunoco. Also, as a matter of common sense, linear paths of deforestation along slopes increases runoff and flooding. The New York State Department of Conservation found that to be the case in denying the Constitution Pipeline a Water Quality Certification: “Changes in rain runoff along ROW may change flooding intensity and alter stream channel morphology.”<sup>13</sup> Sunoco’s failure to include any risk assessment based on an implausible and unsupported claim that no peak runoff rates or flood elevations will increase violates Chapter 105.<sup>14</sup> (5939-5947)

#### **Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The information provided by Sunoco Pipeline L.P. was found to be satisfactory. The project, as proposed, will not significantly change the land cover along this pipeline corridor and should have no appreciable increases in peak rate of runoff or flood elevations.

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NYDEC, Notice of WQC Denial for Constitution Pipeline, p. 4 (Apr. 22, 2016) (“Constitution WQC Denial”), available at [http://www.dec.ny.gov/docs/administration\\_pdf/constitutionwc42016.pdf](http://www.dec.ny.gov/docs/administration_pdf/constitutionwc42016.pdf) and attached as Exhibit D.

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Mr. Simcik is also responsible for similar certifications in place of doing Hydrologic and Hydraulic Analyses. Citizens are concerned that Sunoco did not do its due diligence in making these certifications.

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, [with current and approved Act 167 stormwater plans](#), that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. [For municipalities without current and approved Act 167 stormwater plans](#), Sunoco provided demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

### 3. COMMENT

#### e. Other missing materials and sections

There are a variety of other material gaps in Sunoco's applications, including:

- 25 Pa. Code § 93.4c(a)(1)(iv) requires the Department to make a final determination of existing use protection for surface waters as part of every final permit or approval action. Sunoco has not provided the information the Department needs to make such determinations. *See* Schmid Report at 8.
- In answer to "Coordination Information" question no. 13.0, asking Sunoco to "[e]nter all types & amounts of [air] emissions" that would be generated by the project, Sunoco fails to answer, instead writing "To Be Determined". Likewise, it writes "Amount unknown" when asked how much waste would be disposed from the project in question no. 18.0.
- In answer to "Coordination Information" question no. 16.0, asking Sunoco "Is your project to be served by an existing public water supply? If 'Yes', indicate name of supplier and attach letter from supplier stating that it will serve the project." Sunoco answers "yes" but fails to attach the required letter, and checks the box indicating it has failed to do so.
- 25 Pa. Code § 105.13(e)(1)(i)(G) requires that site plans for the project include "A cross sectional view of the regulated waters to be impacted before and after the structure or activity is constructed." Sunoco's applications do not contain the required cross-sectional views of each specific impacted water, only some. This deprives the Department of the ability to evaluate whether the crossing plans will protect the crossed waters. *Cf.* Constitution WQC Denial at p. 13 ("Without a site-specific analysis of the potential for vertical movement of each stream crossing to justify a burial depth, NYSDEC is unable to determine whether the depth of pipe is protective of State water quality standards and applicable State statutes and standards.").
- 25 Pa. Code § 105.13(e)(1)(iii)(D) requires that the project description contain "A statement on water dependency. A project is water dependent when the project requires access or proximity to or siting within water to fulfill the basic purposes of the project." Nowhere in the project description did Sunoco include a statement on water dependency. Sunoco did put a statement of water dependency in its alternatives analysis, but has not provided a convincing explanation regarding how a pipeline is dependent on being in waters and wetlands, or why certain waters (especially exceptional value waters and exceptional value wetlands) that are proposed to be impacted cannot be protected by boring under rather than cutting through them.
- 25 Pa. Code § 105.13(e)(1)(ii) requires that a location map be attached "including cultural, archeological and historical landmarks within 1 mile of the site." Sunoco has failed to attach such maps. Sunoco also explains in its Cultural Resource Notice that it has not completed its Historic Properties Survey Report, including the required photographs of buildings over 50 years old.

Sunoco's permit applications should be denied until such time as these deficiencies are corrected. At that time, the Department should provide such missing information to the public for review and initiate a new comment period.

(5939, 5940, 5941, 5942, 5943, 5944, 5945, 5946, 5947)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. The Department found the project to meet the regulatory requirements, including these items.

**4. COMMENT**

**2. Approval of Sunoco's permit applications for destruction of exceptional value and other wetlands would violate Chapter 105.**

Between the European colonization of Pennsylvania and the mid-1980s, the Commonwealth lost over half of its wetlands.<sup>15</sup> The Commonwealth recognizes that “[w]etlands are a valuable public natural resource.” Chapter 105 “will be construed broadly to protect this valuable resource.” 25 Pa. Code § 105.17.

Wetlands are now protected, with higher protections granted to exceptional value wetlands. Because the Project would do great violence to the wetlands of the Commonwealth in contravention of the protections codified in Chapter 105, the Department may not issue the permits for which Sunoco has applied. (5939-5947)

**Response:**

Under the Department's Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternatives locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources.

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<sup>15</sup> Thomas E. Dahl & Gregory J. Allord, U.S Geological Survey, *National Water Summary--Wetland Resources: Technical Aspects*, “History of Wetlands in the Conterminous United States,” available at <https://www.fws.gov/wetlands/Documents/History-of-Wetlands-in-the-Conterminous-United-States.pdf>.

Sunoco Pipeline L.P. proposes in its application materials for its Chapter 105 water obstruction and encroachment permits to permanently convert less than 0.405 acres of PFO wetlands to PEM wetlands. The Department has required the applicant to engage in substantial compensatory mitigation for these impacts. Several conditions in the Chapter 105 water obstruction and encroachment permits specify how Sunoco Pipeline L.P. must mitigate any permanent impacts to water resources. Refer to Sunoco's Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project, along with all the supporting information. Before the technical review, the Department, after an iterative process, determined that the applications contained sufficient information for a technical review. These applications were then thoroughly reviewed to ensure that the activities proposed will not harm water resources, including wetlands. The Department issued these permits only after an extensive iterative process with Sunoco on technical issues where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

## **5. COMMENT**

The Project would adversely impact exceptional value wetlands and is otherwise not permissible under Chapter 105, Section 18a(a).

Section 105.18a governs permitting of structures and activities in wetlands. Subsection 18a(a) applies to exceptional value (EV) wetlands. It provides that the Department cannot grant permits for obstruction of and encroachment on EV wetlands unless the "applicant affirmatively demonstrates in writing...that the following requirements are met: ... the dam, water obstruction or encroachment will not have an adverse impact on the wetland, as determined in accordance with § § 105.14(b) and 105.15..." 25 Pa. Code § 105.14 states that the agency must consider the impact on property, land, and wildlife when determining whether or not to issue a permit. Citizens analyze the Section 105.14 factors in the next section of these comments. Because a fair analysis of those factors shows that the wetlands Sunoco proposes to impact would be significantly adversely impacted, the Department cannot grant the Chapter 105 permits Sunoco has applied for.

Additionally, before a permit may issue allowing obstruction of or encroachment on EV wetlands, the applicant must affirmatively demonstrate in writing that, among other things:

(2) The project is water-dependent. A project is water-dependent when the project requires access or proximity to or siting within the wetland to fulfill the basic purposes of the project.

(3) There is no practicable alternative to the proposed project that would not involve a wetland or that would have less effect on the wetland, and not have other significant adverse effects on the environment. An alternative is practicable if it is available and capable of being carried out after taking into consideration construction cost, existing technology and logistics. An area not presently owned by the applicant which could reasonably be obtained,

utilized, expanded or managed to fulfill the basic purpose of the project shall be considered as a practicable alternative.

(6) The cumulative effect of this project and other projects will not result in the impairment of the Commonwealth's exceptional value wetland resources.

25 Pa. Code § 105.18a(a). These are independent requirements. Where the project is not water dependent, the Department may not issue permits for obstruction of or encroachment into EV wetlands, 25 Pa. Code § 105.18a(a)(2), and may not issue such permits with respect to other wetlands unless the applicant rebuts the presumption that there is a practicable alternative to obstruction of or encroachment into the wetland. 25 Pa. Code § 105.18a(b)(3)(i).

Sunoco in its alternatives analysis ignores that water-dependency is an independent requirement for impacting EV wetlands *irrespective* of practicable alternatives. It states: "This Project is considered to be water-dependent because there is no other practicable alternative to the proposed pipeline that does not involve crossing streams and wetlands." This fails the test for water dependency. It is also circular reasoning.

The term "water-dependent" is defined in the Code. The definition has nothing to do with the existence of practicable alternatives. "A project is water-dependent when the project requires access or proximity to or siting within the wetland to fulfill the basic purposes of the project." 25 Pa. Code § 105.18a(a)(2). The basic purpose of the project is pipeline transmission of hazardous liquids. The project is not a dock, marina, or wetlands research station. There is nothing about pipeline transmission of natural gas liquids that "requires access or proximity to or siting within the wetland."<sup>16</sup> Remarkably, Sunoco plans to trench 92 of the 129 *exceptional value* wetlands. The Project would thus generate at least 92 separate violations of these provisions of Chapter 105. (5939-5947)

**Response:** Under the Department's Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternatives locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources. Under the Department's Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternatives locations, routings or designs to avoid or minimize such impacts.

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<sup>16</sup> Despite Sunoco's apparent suggestion to the contrary, there is also nothing about long linear projects that makes them water-dependent. See, e.g., *Northwest Bypass Group v. United States Army Corps of Eng'rs*, 552 F. Supp. 2d 97, 108-109 (D.N.H. 2008) (road not water-dependent); *Hoosier Envtl. Council v. United States DOT*, 2007 U.S. Dist. LEXIS 90840, \*48-49, 2007 WL 4302642 (S.D. Ind. Dec. 10, 2007) (highway not water-dependent).

Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources.

Sunoco Pipeline L.P. proposes in its application materials for its Chapter 105 water obstruction and encroachment permits to permanently convert less than 0.405 acres of PFO wetlands to PEM wetlands. The Department has required the applicant to engage in substantial compensatory mitigation for these impacts. Several conditions in the Chapter 105 water obstruction and encroachment permits specify how Sunoco Pipeline L.P. must mitigate any permanent impacts to water resources. Refer to Sunoco's Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

## 6. COMMENT

b. The Project would significantly adversely impact other wetlands and is not permissible under Chapter 105, Section 18a(b).

Just as Section 105.18a(a) bars adversely impacting EV wetlands, Section 105.18a(b) bans permits for projects significantly adversely impacting other wetlands, unless certain strict criteria are met. As explained herein, the Project would significantly adversely impact wetlands. Thus, it may only be permitted if “the applicant affirmatively demonstrates and the Department finds in writing that [the Project] is necessary to abate a substantial threat to the public health or safety and that the requirements of subsection (b)(2)—(7) are met.” As a threshold matter, Sunoco has not claimed that the Project “is necessary to abate a substantial threat to the public health or safety.” Rather, the Project *is* a substantial threat to the public health and safety. On these grounds alone, the Department may not issue these permits due to their impacts to other wetlands.

Additionally, the several independent requirements of subsections (b)(2) to (b)(7) have not been met here. 25 Pa. Code § 105.18a(b)(3) requires that there be “no practicable alternative to the proposed project that would not involve a wetland or that would have less adverse impact on the wetland, and that would not have other significant adverse impacts on the environment.” A practicable alternative is presumed. § 105.18a(b)(3)(i). “To rebut the presumption [of a practicable alternative], an applicant must submit *reliable and convincing* evidence to DEP that no practicable alternative is available.” *Pennsylvania Trout v. DEP*, 863 A.2d 93, 99 (Pa. Commw. Ct. 2004) (emphasis added); 25 Pa. Code § 105.18a(b)(3)(ii). Such evidence would have to show that “[t]he basic project purpose cannot be accomplished utilizing one or more other sites that would avoid, or result in less, adverse impact on the wetland.” 25 Pa. Code § 105.18a(b)(3)(ii)(A).

Sunoco has failed to present such evidence here. In particular, though Sunoco evaluated alternative routes around wetlands, it failed to analyze drilling beneath the surface to avoid disturbance of emergent (PEM), even EV emergent, wetlands. Sunoco is planning on using horizontal directional drilling in dozens of locations. Indeed, it explains in its alternatives

analysis that “In many cases, SPLP was able to avoid wetlands (including EV wetlands) through route adjustment or proposing [horizontal directional drilling, or] HDD construction techniques.” Its alternatives analysis simply does not include such alternatives for the wetlands it proposes to trench, and Sunoco provides no explanation for that omission. A similar omission by Constitution Pipeline formed one of the grounds on which NYSDEC denied its Water Quality Certification. Constitution WQC Denial at p. 11. The Schmid Report discusses EV wetlands the impacts to which are not minimized by boring or HDD and also counties where EV wetlands are impacted but not discussed in Sunoco’s alternatives analysis.

Sunoco avoided consideration of HDD under emergent wetlands even when the only change required to the existing plan would be to extend the underground distance of an already-planned HDD borehole. For example, Sunoco did an alternatives analysis for EV emergent wetlands K67 and K68 in Huntingdon County. Sunoco already planned to use HDD to bore under the forested (PFO) and scrub-shrub (PSS) portions of K68. Sunoco could have analyzed extending its borehole to go beyond K67, which would not have required a new HDD operation, but it made no such analysis.

Even if Sunoco were to supplement its alternatives analysis to include HDD alternatives which it then rejected, it would still have to provide “reliable and convincing” evidence that those alternatives “cannot be accomplished” because of construction cost. *Cf. Pennsylvania Trout v. DEP*, 2004 EHB 310, 366 (quantifying construction costs for alternatives). General, self-serving statements that the cost is prohibitive are not “reliable and convincing.” Instead, such costs would need to be quantified, documented, and compared to the total cost and profit margin for this multi-billion-dollar project to determine whether HDD is able to be accomplished to avoid wetland impacts.

For these reasons, Sunoco has also not shown that “Adverse environmental impacts on the wetland will be avoided or reduced to the maximum extent possible.” 25 Pa. Code § 105.18a(b)(2).

25 Pa. Code § 105.18a(b)(6) requires Sunoco to show that “The cumulative effect of this project and other projects will not result in a major impairment of this Commonwealth’s wetland resources.” But Sunoco has failed to do the required analysis of the cumulative impacts of this and other projects on the Commonwealth’s wetlands and EV wetlands resources. Sunoco concludes in its alternatives analysis that the Project “Cumulatively will not contribute to the impairment of the Commonwealth’s EV wetland resources,” but there is no analysis or explanation to support that conclusion.

Last but not least,<sup>17</sup> Sunoco does not propose to mitigate for loss of wetland function, in clear violation of 25 Pa. Code § 105.20a(a)(2), and also of § 105.18a(b)(7). Sunoco states in its Aquatic Resource Avoidance, Minimization, and Mitigation Plan at Section 5.0 for each

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<sup>17</sup> Due to the multitude of wetland crossings and the limited time frame the Department has allowed for public comment, Citizens have not had time to undertake a thorough analysis of whether “The project will [] cause or contribute to a violation of an applicable State water quality standard,” 25 Pa. Code § 105.18a(b)(4), and whether “The project will [] cause or contribute to pollution of groundwater or surface water resources or diminution of the resources sufficient to interfere with their uses,” 25 Pa. Code § 105.18a(b)(5). Citizens merely note that the Project would certainly reduce water quality, pollute groundwater and surface water resources, and diminish those resources.

county that “No compensatory mitigation is required; all impacts are temporary and all waterbodies and wetlands will be restored to their pre-existing conditions.” This is simply not true. Sunoco has no plan to restore compacted and degraded wetlands. Stabilization and revegetation alone does not restore pre-existing conditions. *See* Aquatic Resource Avoidance, Minimization, and Mitigation Plan at Section 2.2.2.1. Also, converting forested wetlands to emergent wetlands does not restore them to their pre-existing conditions.<sup>18</sup> Section 105.20a(a)(2) provides that “Functions and values that are physically and biologically the same as those that are lost shall be replaced at a minimum ratio of 1:1.” Because the Project would convert forested wetlands to emergent wetlands, and because forested wetlands perform different functions and have different values than emergent wetlands, Sunoco is required to replace the forested wetlands it would convert.<sup>19</sup>

Thus, for several independent reasons, the harm Mariner East 2 would inflict on Pennsylvania’s other wetlands makes the Project impermissible under 25 Pa. Code § 105.18a (as well as § 105.20a).

Looking at EV and other wetlands together, Sunoco has failed to demonstrate that it has met the requirements to obstruct or encroach upon the wetlands it intends to impact. Therefore, its applications must be denied. (5939-5947)

**Response:**

Under the Department’s Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternative locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources.

Sunoco proposes in its application materials for its Chapter 105 water obstruction and encroachment permits to permanently convert less than 0.405 acres of PFO wetlands to PEM wetlands. The Department has required the applicant to engage in substantial compensatory mitigation for these impacts. Several conditions in the Chapter 105 water

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<sup>18</sup> Additionally and crucially, Sunoco’s application materials contain no discussion of post-construction right-of-way impacts. As a pipeline operator, Sunoco would from time to time need to perform maintenance on the Mariner East 2 right-of-way, inevitably including wetland portions. That maintenance would again impact the wetlands, rendering these wetland impacts *permanent*, as the Department classifies them, not *temporary*, as Sunoco claims.

<sup>19</sup>

Sunoco appears to be implying the existence of some *de minimis* exemption from compensatory wetland mitigation. *See* Aquatic Resource Avoidance, Minimization, and Mitigation Plan at Section 3.0. The statute contains no such exemption, and it cannot be read into Chapter 105. 25 Pa. Code 105.17 (“Wetlands are a valuable public natural resource. This chapter will be construed broadly to protect this valuable resource.”). Even if such an exemption existed, which it does not, Sunoco admits that the Project would convert more than a third of an acre of forested wetlands to emergent wetlands. *See* Schmid Report at Table 7. This is not a *de minimis* conversion of forested wetlands.

obstruction and encroachment permits specify how Sunoco Pipeline L.P. must mitigate any permanent impacts to water resources. Refer to Sunoco's Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications did address cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which includes consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Upon review of the applicant's water obstruction and encroachments application and supporting documentation, the Department has determined that the applicant has made an affirmative demonstration to satisfy 25 Pa. Code §§ 105.18a(a)(6) and 105.18a (b)(6) relating to the cumulative effect of individual wetland resources by this and other projects.

## 7. COMMENT

### **3. A fair weighing of the factors to be considered in 25 Pa. Code § 105.14 shows that the Project would be detrimental to health, safety and the environment.**

25 Pa. Code § 105.14 instructs the Department to use a series of factors "to determine the proposed project's effect on health, safety and the environment." Weighing these factors, it is clear that Mariner East 2 would do great harm to health, safety, and the environment, including causing significant adverse impacts to wetlands. For these reasons, the Department should not grant Sunoco the permits it requests.

*(3) The effect of the dam, water obstruction or encroachment on the property or riparian rights of owners upstream, downstream or adjacent to the project.*

In its Enclosure D - Project Impacts, Sunoco claims that "Construction of the proposed Project is not expected to affect natural drainage patterns." In the same submission, Sunoco states "The proposed Project will not cause long-term degradation of water quality, alter flow volumes, or change the direction of flow." Westmoreland County farmer and landowner Carol Gracon would disagree. Sunoco built its Mariner East 1 pipeline through her land. After its construction, Sunoco left the right-of-way strewn with trash and fill, and with altered landscape contours, disrupting the natural drainage on the property. As a result, a large area of her cropland both inside and outside the limits of disturbance was flooded. See photo of farm taken in 2014, attached as Exhibit E, page 1. The flooded area was left that way, and remains that way two years later. Photo of farm taken in 2016, Exhibit E, page 2.

A neighbor's farm suffered the same ponding from the drainage disturbance Sunoco left in its wake. The neighbor had to fence off a portion of his farm to keep the cows from wandering in and getting stuck in the mud. Photos of cow stuck in mud and, later, fenced-off area, Exhibit E, page 3. The construction also channeled water to flow off of Ms. Gracon's property, across a road, and onto a neighbor's land. She says "all our topsoil ran through the neighbor's property.

We lost hundreds, if not thousands, of tons of topsoil because of Sunoco's pipeline." See photo of topsoil erosion across neighbor's property, Exhibit E, page 4.

Mariner East 2 as proposed would segment farmland from Ohio to Marcus Hook and bisect farmland in Pennsylvania's three largest watersheds. Agribusiness is a leading economic driver of Pennsylvania's economy,<sup>20</sup> and pipeline construction and in-line service reduces crop yields over the rights-of-way, in part due to soil compaction by construction equipment, inadequate segregation of topsoil from other layers during construction, increase in ambient heat above the pipe, and destruction of microbial life necessary for crop production during construction.<sup>21</sup>

Predominantly, Susquehanna and Ohio River Basin farmland would be impacted by the proposed Project. Farmers who have installed tile drainage fields that have been subsequently crossed by pipeline construction report impaired drainage due to the resulting incompleteness of the drainage field when tiling cannot be reconstructed in pipeline rights-of-way.

Now multiply these anecdotes by the Projects' crossing of roughly 2,700 landowners' properties.

Sunoco's actions speak louder than its words. There is no reason to believe that it would protect landowners from drainage or other problems for Mariner East 2 when it failed to do so for Mariner East 1. (5939-5947)

**Response:**

Sunoco Pipeline L.P. addressed possible impacts to farmland and has specified practices that will be applied to farmland restoration including topsoil segregation, conservation of topsoil, and soil decompaction as needed.

**8. COMMENT**

*(4) The effect of the dam, water obstruction or encroachment on regimen and ecology of the watercourse or other body of water, water quality, stream flow, fish and wildlife, aquatic habitat, instream and downstream uses and other significant environmental factors.*

The ecological impacts of the proposed water and wetland crossing differ based on the type of crossing: trenched crossings of waters differ from HDD crossings. Citizens explain the

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<sup>20</sup> Pennsylvania Department of Community and Economic Development, Agribusiness Overview, available at <http://dced.pa.gov/key-industries/agribusiness/>.

<sup>21</sup> An example of such documented lowered yields can be found in the Federal Energy Regulatory Commission's Field Inspection Report for the Texas Eastern Transmission, L.P. Appalachia to Market 2014 (TEAM 2014) Project, attached (with a highlighted portion) as Exhibit F (see highlights and final page). The report is also available on FERC's website, at [http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20160608-4007](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20160608-4007).

harms of each below. Also, threatened and endangered species would be put at great risk from this Project.

Before getting to the different types of stream crossings though, a statement of Sunoco's on riparian buffer damage mitigation plans should be corrected. Sunoco claims in its Aquatic Resource Avoidance, Minimization, and Mitigation Plans that it "has limited the proposed Project's construction ROW through waterbodies to the 50-foot-wide existing ROW to reduce impacts to these sensitive resources and this reduction will be 10 feet before and after the crossing." What Sunoco does not inform the Department is that in many instances it *greatly increases* the width and area of the land it clears immediately outside those crossing zones, such that destruction of riparian buffers and concomitant harms to the crossed streams are magnified. *See, e.g., Delaware County E&S Plan Sheet 23 of 35.* These issues pertain to wetland and stream crossings alike. (5939-5947)

**Response: Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Feasibility Study. All proposed crossings were reviewed and found to meet applicable regulatory requirements. The Impact Avoidance, Minimization, and Mitigation Procedures provided by Sunoco Pipeline L.P. in Attachment 11, Enclosure E, Part 4 describes the proposed construction crossing methods and mitigation measures, and Attachment 11, Enclosure E, Part 2 provides a Project-wide description of the direct and indirect/secondary impacts to the wetland/stream resources crossed by the Project. Tables 2 through 4 included in Attachment 11 provide specific details regarding the water type, crossing distances, the Department defined temporary and permanent impacts, and crossing methods for all the water resources impacted. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). Note: the attached documents referenced in this comment are included in part three of the comment response document. Note: the attached documents referenced in this comment are included in part three of the comment response document.

Regarding endangered and threatened species, Sunoco Pipeline L.P. has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the

USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

## 9. COMMENT

### Trenching

Sunoco plans to trench, that is, dig a trench through, 960 (78%) of the at least 1,227 streams Mariner East 2 would cross. *See* Aquatic Resource Avoidance, Minimization, and Mitigation Plans for each county. Among all crossed streams, 337 (27%) are designated high quality or exceptional value. Schmid Report, p.8 & Table 5. Trenching streams, if done by dry crossings, involves either flume pipes or a dam-and-pump method to divert water flow around an excavated trench. *See* Aquatic Resource Avoidance, Minimization, and Mitigation Plan at Section 2.1.2.1.

As an initial matter, Sunoco claims that “If any stream is dry or has no perceptible flow at the time of construction, an open-cut crossing method may be used,” referring to open trenching without stream diversion. *See id.* However, in its Erosion & Sedimentation Control & Site Restoration Plans, Sunoco proposes such “open cut floodway” methods for *perennial* streams, that is, those that are flowing all the time. Trenching through the middle of a running stream is very harmful to stream quality, bank stability, topsoil preservation, and other important environmental issues the Department considers under Chapter 105. The Department should not allow the use of open cut floodway methods for perennial streams.

Dry crossings also cause harm to aquatic life by causing temporary and permanent modification to stream banks and aquatic habitat. These habitat modifications are caused by the resuspension of sediments, increased turbulence, and from blocking access to migratory pathways for aquatic life. Additionally, dry crossings alter stream temperatures which impact fish spawning post-construction. In its Constitution WQC Denial, NYSDEC explained that “[o]pen trenching is a highly impactful construction technique involving significant disturbance of the existing stream bed and potential long-term stream flow disruption, destruction of riparian vegetation and establishment of a permanently cleared corridor.” Constitution WQC Denial at p. 8. The only plan Sunoco has specifically to reduce harm to in-stream wildlife from dry crossings is screening the water flow intake when using the dam and pump method to avoid fish entrainment. That is not enough to ensure adequate protection of aquatic life.

Furthermore, high quality (HQ) and exceptional value (EV) streams are subject to special antidegradation protections to maintain their quality. For example, 25 Pa. Code §§ 93.4a(c) and 93.4c(b)(1)(iii) do not allow for degradation of HQ streams from point source discharges unless the Department finds that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. For nonpoint sources, such as the pollution created by trenching a stream, the Pennsylvania Code requires the use of best management practices. 25 Pa. Code § 93.4c(b)(2). Trenchless crossings generally are one of the best management practices for protection of HQ waters. The Governor’s Pipeline Infrastructure Task Force report noted

that “Crossings that employ trenchless technologies such as horizontal directional drilling (HDD) and micro-tunneling under the streambed are preferred for larger crossing and those with forested riparian buffers.” (Environmental Protection Workgroup Recommendation #34). *See also* analysis of antidegradation provisions in Schmid Report, at 9-10.

A reduction in water quality also will not be allowed under 25 Pa. Code § 93.4a unless the discharger demonstrates that the HQ stream will support applicable existing and designated water uses. Sunoco must prove that the methods used to protect wildlife would not interrupt the uses of the streams, which include habitat to cold-water and migratory fish. Since Sunoco has failed to identify the existing uses of the streams it proposes to cross, and because Sunoco’s construction methods are not protective enough, it cannot make that showing. *See* Schmid Report at p.8.

Citizens caution the Department to fully consider the ramifications to the hundreds of HQ and EV waters that Sunoco proposes to build Mariner East 2 through. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. The applicant’s decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Feasibility Study. All proposed crossings were reviewed and found to meet applicable regulatory requirements. The Impact Avoidance, Minimization, and Mitigation Procedures provided by Sunoco Pipeline L.P. in Attachment 11, Enclosure E, Part 4 describes the proposed construction crossing methods and mitigation measures, and Attachment 11, Enclosure E, Part 2 provides a Project-wide description of the direct and indirect/secondary impacts to the wetland/stream resources crossed by the Project. Tables 2 through 4 included in Attachment 11 provide specific details regarding the water type, crossing distances, the Department defined temporary and permanent impacts, and crossing methods for all the water resources impacted. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). Note: the attached documents referenced in this comment are included in part three of the comment response document. Note: the attached documents referenced in this comment are included in part three of the comment response document. Additionally, the Department has required Sunoco Pipeline L.P. to comply with all applicable antidegradation requirements.

**10. COMMENT**

HDD Crossings

Sunoco plans to use trenchless (conventional boring or Horizontal Directional Drilling (HDD)), for only 267 (22%) of the at least 1,227 water bodies. *See* Aquatic Resource Avoidance, Minimization, and Mitigation Plans for each county. HDD crossings, while often preferred over crossings which trench the water body, still have the potential to leak chemical byproducts, including lubricants, that can injure or kill aquatic life. Sunoco has already been fined for polluting streams by its use of HDD, as explained above in our comments on Sunoco’s compliance with Department and Fish and Boat Commission laws.

The use of HDD by Sunoco has the potential for long- and short-term groundwater contamination risks. Sunoco plans to drill 30” holes for a 20” pipe and not grout or otherwise properly seal the annulus between the pipe and the wall of the hole. Because of the depth to which Sunoco plans to drill--hundreds of feet below grade in places--the boring would likely reach underground aquifers. The ungrouted annulus would then act as a

conduit to bring potential surface pollutants (such as bacteria and other pathogens, as well as drilling chemicals) directly into the aquifer, bypassing the earth's natural filtration system.

While Sunoco has in place an HDD Inadvertent Return Contingency Plan (which, as noted above, has not been working well), that Plan does not address avoidance or mitigation of groundwater contamination. Moreover, Sunoco admits that the migration of drilling fluids through fractures or fissures in underground rock is "common." See HDD Inadvertent Return Contingency Plan at 3.

Blasting is also likely to occur to install the pipeline. Blasting can cause permanent changes to the waterbody and allow chemical byproduct leakage. The changes include turbidity, lower dissolved oxygen levels, and modification of riparian and aquatic habitat.

As serious as water contamination from drilling and blasting for HDD is, equally concerning is the integrity of the pipeline that is strung through the borehole. After a particular borehole is completed, the pipe sections that will be dragged or pulled into the borehole will be welded together outside the borehole and then pulled through. These pipe sections welded together will weigh thousands of pounds and will be pulled through a borehole drilled through solid bedrock with sharp edges and sharp fragments that may damage surface coatings on the pipe. That damage may then expose the pipeline sections to corrosion, the cracking of welds, or even the cracking of the pipe. Pipes with special factory applied protective coatings of different kinds with different qualities are available for use in HDD operations that may help resist abrasion and scratching. However, the actual weld is protected by a coating that is field-applied and therefore less reliable. There are no national or state pipeline construction standards that Sunoco must follow by law, instead we must rely on their judgment. While hydrostatic testing adds a layer of pipeline protection, pipelines do leak and explode due to corrosion and surface damage. Citizens do not need to elaborate on how a failure of the pipeline's integrity could damage the streams or wetlands under which the pipes pass.

Thus, for several reasons, though Citizens support Sunoco's use of HDD as less destructive compared to open trenching, the Department should take the significant impacts from HDD into account in reviewing these Chapter 105 applications. (5939-5947)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Feasibility Study. All proposed crossings were reviewed and found to meet applicable regulatory requirements. The Impact Avoidance, Minimization, and Mitigation Procedures provided by Sunoco Pipeline L.P. in Attachment 11, Enclosure E, Part 4 describes the proposed construction crossing methods and mitigation measures, and Attachment 11, Enclosure E, Part 2 provides a Project-wide description of the direct and indirect/secondary impacts to the wetland/stream resources crossed by the Project. Tables 2 through 4 included in Attachment 11 provide specific details regarding the water type, crossing distances, the Department defined temporary and permanent impacts, and crossing methods for all the water resources impacted. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). Note: the attached documents referenced in this comment are included in part three of the comment response document.

## 11. COMMENT

### Threatened and Endangered Species

A project of this magnitude, using these methods, is likely to cause significant harm to fish, and incidental takes to endangered aquatic life within the water and surrounding habitat. Section 9 of the Endangered Species Act prohibits the taking of a listed species. 18 U.S.C.A. § 1538(a)(1)(A). Taking “means to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 18 U.S.C.A. § 1532(19). Within the waterbody, aquatic organisms can get caught against the screens causing injury, death, or extreme stress.<sup>22</sup> Endangered plant species may be harmed through the construction of the pipeline by disturbing their soil, trampling the plant, or by uprooting the plants and transferring them from the intended construction site.

Among other things, we know that 15 of the 129 exceptional value wetlands identified by Sunoco to be impacted/crossed involve bog turtle habitat; two others involve rare plant species. *See* Schmid Report, Table 4. Species of concern in the study area that Sunoco has identified include: bog turtle, timber rattlesnake, allegheny woodrat, Indiana bat, northern long-eared bat, eastern small-footed bat, silver-haired bat, northeastern bulrush, eastern redbelly turtle, yellow lampmussel, rainbow mussel, elktoe, triangle floater, ghost shiner, and brook stickleback. As of the latest information in the application materials, Sunoco has not yet received clearance from the coordinating agencies for most of the species for which it has sought clearance.

Because Citizens did not have access to the Project shapefile until shortly before the comment deadline, we were not able to independently judge whether Sunoco has accurately identified habitat of threatened and endangered species and obtained the required “clearing” letter for a “hit” from the appropriate jurisdictional agency.

Citizens also caution the Department that representations by Sunoco that it will abide by agency recommendations to protect species of concern should be taken with a grain of salt. Just this last April, Sunoco cut down trees to make way for Mariner East 2 against the recommendations of the U.S. Fish and Wildlife Service meant to protect endangered bats.<sup>23</sup> (5939-5947)

#### **Response:**

Sunoco Pipeline L.P. has provided DEP with Shape files and DEP has included a link to those files on the Project portal at <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/Shapefiles%2012-8-16>. The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released.

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NOAA, Northeast Fisheries Service Center, *Impacts to Marine Fisheries Habitat from Nonfishing Activities in the Northeastern United States* 221-2 (2008), available at <http://www.nefsc.noaa.gov/publications/tm/tm209/pdfs/ch8.pdf>.  
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Cusick, Marie. “Mariner East 2 update: Chainsaws return, along with a tree-sitter,” StateImpact Pennsylvania, April 7, 2016, available at <https://stateimpact.npr.org/pennsylvania/2016/04/07/mariner-east-2-update-chainsaws-return-along-with-a-tree-sitter/>.

The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

Regarding endangered and threatened species, Sunoco Pipeline L.P. has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

## 12. COMMENT

*(5) The impacts of the dam, water obstruction or encroachment on nearby natural areas, wildlife sanctuaries, public water supplies, other geographical or physical features including cultural, archaeological and historical landmarks, National wildlife refuges, National natural landmarks, National, State or local parks or recreation areas or National, State or local historical sites.*

This factor looks at the Project's effects on both natural features and human historical features. The Project's effects on historical features cannot be evaluated based on the applications, which contain little more than a listing of historical sites and their distance from the pipeline. Environmental Assessment Form, Enclosure D - Project Impacts, Section A.3. That list says nothing about how the Project would affect those properties. There is no information about, for example, whether viewsheds would be compromised, whether construction noise would disrupt visitor experiences, or whether drilling or blasting operations would compromise the integrity of historic buildings. These are considerations the Department should take into account.

Parks and game lands are given the same superficial treatment. Sunoco lists crossed areas and explains its progress in obtaining easements across them, but says nothing about environmental impacts to them. Environmental Assessment Form, Enclosure D - Project Impacts, Sections A.1 and A.7. Are the crossed areas of critical importance for habitat conservation or recreational experiences? Would the right-of-way carve a notch out of an otherwise preserved ridgeline visible for many miles? The Department cannot tell from Sunoco's applications.

When considering impacts to our Commonwealth's centuries-old historic properties and our invaluable and irreplaceable natural areas, the Department should be mindful of its role in preserving our heritage for future generations. *See* Pennsylvania Constitution, Article I, Section 27. (5939-5947)

**Response:**

The Department regulates dams, water obstructions and encroachments within the floodway, as defined in 25 Pa. Code § 105.1. The Department is mindful of parks, recreational, cultural, historical and archaeological areas within the Chapter 105 jurisdictional area and takes the determination of impact to historic properties and parks or recreation areas into consideration, including coordination with other resource agencies, as part of its review under 25 Pa. Code § 105.14(b)(5). Applicants provide an impacts analysis under 25 Pa. Code § 105.13(e)(1)(x) as part of their permit applications. To this effect, the applicant is required to contact various resource agencies to coordinate and provide a demonstration to the Department that the applicant has worked with the resource agencies to avoid, minimize and otherwise mitigate any potential impacts on nearby sites including parks, recreational areas, cultural, archaeological, landmarks, and historical areas. The permits include special conditions related to compliance with the Pennsylvania History Code.

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

**13. COMMENT**

*(7) The extent to which a project is water dependent and thereby requires access or proximity to or siting within water to fulfill the basic purposes of the project. The dependency must be based on the demonstrated unavailability of any alternative location, route or design and the use of location, route or design to avoid or minimize the adverse impact of the dam, water obstruction or encroachment upon the environment and protect the public natural resources of this Commonwealth.*

As explained above, the Project is not water-dependent, as there is nothing about a hazardous liquids transmission pipeline that requires access to, proximity to, or siting within water. (5939-5947)

**Response**

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

## 14. COMMENT

(9) *Consistency with State and local floodplain and stormwater management programs, the State Water Plan and the Coastal Zone Management Plan.*

Sunoco requested letters of consistency with floodplain and stormwater management programs from the municipalities which Mariner East 2 would cross through. The results of these requests were decidedly mixed. Fewer than half of the municipalities wrote that the Project was consistent with their stormwater management programs (42%) or that they had no programs (5%). Barely half of the municipalities wrote that the Project was consistent with their floodplain management programs (53%) or that they had no programs (1%). For many municipalities, Sunoco provides no letters of consistency or inconsistency whatsoever, leaving the Department unable to determine consistency for those municipalities.<sup>24</sup> And a significant number of municipalities wrote either that the plans were inconsistent or that Sunoco did not provide enough information to determine consistency.

In particular, the latest available communications from the following municipalities state that they need more information, materials, or applications to determine or approve consistency:

- Chartiers Township, Washington County
- Hempfield Township, Westmoreland County
- Rostraver Township, Westmoreland County
- Sewickley Township, Westmoreland County
- Blair Township, Blair County
- Upper Frankford Township, Cumberland County
- Heidelberg Township, Lebanon County
- South Londonderry Township, Lebanon County
- Robeson Township, Berks County
- East Goshen Township, Chester County
- Elverson Borough, Chester County
- East Nantmeal Township, Chester County
- Uwchlan Township, Chester County
- West Nantmeal Township, Chester County
- West Whiteland Township, Chester County
- Edgmont Township, Delaware County

The following municipalities explicitly determined that Sunoco's plans were *inconsistent* with their floodplain or stormwater management programs:

- West Goshen Township, Chester County
- Thornbury Township, Delaware County

It is abundantly clear that overall stormwater and floodplain management program consistency cannot be determined from Sunoco's applications. In some instances, municipalities have already determined that Sunoco's plans would need to be changed for the Project to be consistent with their programs.

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<sup>24</sup> At least for Cresson Township in Cambria County, it is possible that the Township thought Sunoco's letter was wrongly delivered to it, as Sunoco mistakenly calls it Cresson Borough, a separate municipality that does not lie on the proposed path of Mariner East 2.

Unless Sunoco's plans come into documented compliance with municipal stormwater and floodplain management programs, this factor counsels strongly in favor of denying Sunoco's applications. (5939-5947)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project. Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, [with current and approved Act 167 stormwater plans](#), that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. [For municipalities without current and approved Act 167 stormwater plans](#), Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

**15. COMMENT**

*(13) For dams, water obstructions or encroachments in, along, across or projecting into a wetland, as defined in § 105.1 (relating to definitions), the Department will also consider the impact on the wetlands values and functions in making a determination of adverse impact.*

The Project would do great damage to wetland values and functions. See the Schmid Report, and the discussion of water crossings, *supra*, which is largely applicable to wetlands as well as streams.

Sunoco admits to impacting over 35 acres of wetlands, including over six acres of EV wetlands. See Schmid Report, Table 7. This does not even take into account Sunoco's undercounting of wetlands. See *supra*. "Impacting" wetlands in the context of pipeline construction may mean one of several things. If the wetland will be trenched through, the wetland is essentially obliterated: the ground itself is removed, along with all vegetation and sessile or mobility-constrained wildlife; the hydrology is completely altered; surrounding soil is likely compacted and rutted from heavy equipment; invasive species carried in tire treads and given access along the right-of-way get footholds. In essence, little of what made the wetland a functioning ecosystem remains where a pipeline goes through. That creates quite a significant adverse impact to the wetlands.

Sunoco's claims that the impacts are "temporary" are based on the assumption that Sunoco will successfully recreate the wetlands it destroys in a very short time frame. As Sunoco argues in its Aquatic Resource Avoidance, Minimization, and Mitigation Plans at Section 2.2.2, "The majority of impacts to wetland functions and values will be short-term and limited to the construction period and possibly the first growing season when the temporarily disturbed areas are revegetated/planted with native species."

The impacts would last much longer than "temporary" implies. As ecologists know, one cannot obliterate habitat and expect a restoration of it to have the same functions and values immediately, even for emergent wetlands. Sunoco's argument conflicts with scientific research. Research into restored and native wetlands demonstrates that biogeochemical functions return slowly over *decades*, not within one growing season. A study showed that those functions differed among native wetlands, those restored five years before, eight years

before, sixteen years before, and native but logged fifty years before.<sup>25</sup> The federal government's Interagency Workgroup on Wetland Restoration agrees:

Like most ecosystems, wetlands change over many years. This is especially true for restored, created, or enhanced wetlands that may take decades to reach a condition close to that of a mature, naturally-occurring wetland. Research on wetlands created from dredged material in the Gulf of Mexico suggests that these wetlands are still changing and maturing 20 years after they were created. Consider monitoring to be a long-term activity, not just something you do for the first year or two. At a minimum, a site should be monitored until it meets all performance standards, which can take from several years to decades.<sup>26</sup> The impacts to wetlands from pipeline construction are rightfully considered permanent, as they will last at least decades. More likely, however, the impacts will last as long as the pipeline is active, as maintenance work is likely to cause re-destruction of the wetlands before they have returned to full native wetland functionality.

In sum, then, the Project would destroy dozens of acres of wetlands and attempt to recreate some of those wetlands, with a limited return of functionality, and no full return of functionality during the operating lifetime of the pipelines. These adverse impacts to wetlands are very significant, and are cause for the Department to deny Sunoco the permits it seeks. (5939-5947)

**Response:**

Under the Department's Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternative locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources.

Sunoco Pipeline L.P. proposes in its application materials for its Chapter 105 water obstruction and encroachment permits to permanently convert less than 0.405 acres of PFO wetlands to PEM wetlands. The Department has required the applicant to engage in substantial compensatory mitigation for these impacts. Several conditions in the Chapter 105 water obstruction and encroachment permits specify how Sunoco Pipeline L.P. must

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P. V. Sundareshwar, C. J. Richardson, Robert A. Gleason, Perry J. Pellechia, and Shawn Honomichl, "Nature versus Nurture: Functional Assessment of Restoration Effects on Wetland Services Using Nuclear Magnetic Resonance Spectroscopy," *Geophysical Research Letters* 36 (2009): L03402, accessed August 24, 2016, doi:10.1029/2008GL036385.

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Interagency Workgroup on Wetland Restoration: National Oceanic and Atmospheric Administration, Environmental Protection Agency, Army Corps of Engineers, Fish and Wildlife Service, and Natural Resources Conservation Service. *An Introduction and User's Guide to Wetland Restoration, Creation, and Enhancement*, at 43. Available at [http://www.habitat.noaa.gov/pdf/pub\\_wetlands\\_restore\\_guide.pdf](http://www.habitat.noaa.gov/pdf/pub_wetlands_restore_guide.pdf).

mitigate any permanent impacts to water resources. Refer to Sunoco's Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

## 16. COMMENT

*(14) The cumulative impact of this project and other potential or existing projects. In evaluating the cumulative impact, the Department will consider whether numerous piecemeal changes may result in a major impairment of the wetland resources. The Department will evaluate a particular wetland site for which an application is made with the recognition that it is part of a complete and interrelated wetland area.*

In its Constitution WQC Denial, NYSDEC explained: "Due to the large amount of new ROW construction, the Project would also directly impact almost 500 acres of valuable interior forest. Cumulatively, within such areas, as well as the ROW generally, impacts to both small and large streams from the construction and operation of the Project can be profound and could include loss of available water body habitat, changes in thermal conditions, increased erosion, and creation of stream instability and turbidity." Constitution WQC Denial at p. 3. Mariner East 2 is proposed to be more than twice as long as the Constitution Pipeline would have been. The cumulative impacts from the Project would be enormous.

Also, while Sunoco tallies the cumulative impacts to wetlands from the Project alone, it does not tally the cumulative impacts "of this project *and other potential or existing projects*," except for a superficial qualitative analysis less than a page long in its Environmental Assessment Form - Enclosure D. For instance, Sunoco has not adequately identified the cumulative impact on water resources of Mariner East 2 together with Williams Transco's proposed Atlantic Sunrise 42-inch pipeline project, which intersect in South Londonderry Township, Lebanon County. In fact, the cumulative impacts of this and other potential or existing projects is immense, even just considering proposed long-distance transmission pipelines. Citizens attach as Exhibit L a report commissioned by Clean Air Council and prepared by non-profit research and data analysis firm CNA quantitatively analyzing the cumulative land cover impacts of such pipelines in the Delaware River Basin.<sup>27</sup> Nearly fifty miles of Mariner East 2 would cross through the Delaware River Basin. *See* CNA Report at 5, Table 1.

Using GIS mapping technology, CNA was able to determine how much land cover of various types--forest, wetland, grassland, etc.--in total was or would be disturbed by these pipelines. CNA also determined that certain areas of the watershed, particularly Carbon, Northampton, and Chester Counties in Pennsylvania, and Hunterdon County in New Jersey, were having their forests especially heavily impacted by pipeline development. *See* CNA Report at 25, Figure 10. CNA was also able to analyze impacts on forested lands on a sub-watershed basis, finding the most significant impacts in the Lehigh and Middle Delaware subbasins. *Id.* at v. Watershed-level analysis such as this is particularly fitting for cumulative impacts as part of Chapter 102 and 105 permit applications. FracTracker has created a GIS map with a watershed overlay for the entirety of the Pennsylvania portion of

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<sup>27</sup> Lars Hansen and Steven Habicht, Cumulative Land Cover Impacts of Proposed Transmission Pipelines in the Delaware River Basin, CNA, May 2016.

Mariner East 2.<sup>28</sup> The Department can use this map or similar tools to undertake such a watershed-level cumulative impacts analysis--as Sunoco could have.

Cumulative impact analysis is crucial for pipeline projects, as there are many pipelines proposed for Pennsylvania, with a huge cumulative impact. The Governor's Pipeline Infrastructure Task Force report states that "the miles of natural gas gathering lines alone will at least quadruple by 2030. The footprint of just that expansion is larger than the cumulative area impacted by all other Marcellus gas infrastructure combined, and could exceed 300,000 acres, or 1 percent of the state's land area."<sup>29</sup>

That is a larger area than all 121 of Pennsylvania's state parks combined, without even including impacts from long-distance transmission pipelines.<sup>30</sup> This is precisely an instance where "numerous piecemeal changes may result in a major impairment of the wetland resources."

But a cumulative impact analysis needs to go beyond projects of a similar nature and look at other potential or existing projects, such as housing development, power lines, or industrial parks. The first step to such analysis is compiling a list of other projects in the vicinity of the Project and tallying their impacts. Sunoco has not even taken this first step.

The cumulative impacts of the Project and other development along its route are likely to be quite significant. Unfortunately, Sunoco has left that analysis entirely up to the Department to undertake. (5939-5947)

**Response:**

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications did address cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which includes

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<sup>28</sup> FracTracker, Mariner East II, available at <https://www.fractracker.org/2016/08/mariner-east-2-water-risks/>. Note that this map also contains an overlay for public water service areas. The abundance of such areas in the Pittsburgh, Harrisburg, and Philadelphia areas demonstrates the importance of the Department considering the exceptional value of "[w]etlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply." 25 Pa. Code § 105.17(1)(iv). Such wetlands that have not been characterized as exceptional value likely exist along the proposed Project route without having been counted as EV. See Schmid Report at 7-8.

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Governor's Pipeline Infrastructure Task Force (PITF) Report, February 2016, available at <http://files.dep.state.pa.us/ProgramIntegration/PITF/PITF%20Report%20Final.pdf>.

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Pennsylvania Department of Conservation and Natural Resources, "Short Version of the History of Pennsylvania State Parks," available at <http://www.dcnr.state.pa.us/stateparks/thingstoknow/history/shortversionofhistory/index.htm>.

consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Upon review of the applicant's water obstruction and encroachments application and supporting documentation, the Department has determined that the applicant has made an affirmative demonstration to satisfy 25 Pa. Code §§ 105.18a(a)(6) and 105.18a (b)(6) relating to the cumulative effect of individual wetland resources by this and other projects.

#### **17. COMMENT**

Sunoco has mobilized a large number of its supporters to argue that this Project is needed to provide jobs, to exploit Pennsylvania's resources, and for other non-environmental reasons. Because Pennsylvania has already made the policy choice to prioritize wetlands preservation, *see* 25 Pa. Code § 105.17, potential economic upsides are not a consideration in permitting projects that would obstruct or encroach upon jurisdictional wetlands, such as Mariner East 2. 25 Pa. Code § 105.16(e). (5939-5947)

##### **Response:**

The Department has reviewed the Water Obstruction and Encroachment permit applications in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

#### **18. COMMENT**

Sunoco's alternatives analysis is lacking in other ways than those described above. Notably it fails to consider other major possible routes. Sunoco possesses additional pipeline infrastructure that could carry natural gas liquids east-to-west. Its pipeline from Icedale in Chester County west to Allegheny County should have been considered in place of the proposed route for Mariner East 2, just as Mariner East 1 was largely built from a repurposed, pre-existing line. Also, Sunoco's No-Action Alternative is deficient. First, the purpose of the Project is not and has never been to serve local or domestic markets, despite Sunoco's claims. Second, Sunoco argues for need for the Project based on "growing energy demand" and a need to obtain "natural gas supplies." The Project would not deliver natural gas, it would deliver natural gas liquids, which would overwhelmingly be used as petrochemical feedstocks, not to combust for energy. Third, Sunoco makes it sound as if this pipeline would be replacing truck and rail shipments of natural gas liquids to Marcus Hook. That is completely wrong. As the Department is well aware from its Air Quality Program's permitting of the 23-0119 series plan approvals for the Marcus Hook Industrial Complex, Sunoco is just now beginning to outfit Marcus Hook for receiving, processing, storing, and distributing natural gas liquids. Large-scale, long-distance road or rail hauling of NGLs to Marcus Hook has not been economically viable and has not happened. (5939-5947)

##### **Response:**

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

#### **19. COMMENT**

Sunoco's HDD Inadvertent Release Contingency Plan includes notifications for

governmental agencies in case of drilling spills in wetlands or streams, but contains no provision for notification of the landowners whose property and/or well water is contaminated--and no notification provision whatsoever for an upland drilling spill. Over three million Pennsylvanians depend on water wells for their water supply. Sunoco erroneously claims in its Environmental Assessment Forms that the impacted water resources are not “part of or located along a private or public water supply.” Given the abundance of private water supplies and the hundreds of miles of pipeline, the chance of this being accurate is essentially nil. Nowhere in its applications does Sunoco substantiate this claim. Sunoco’s failure to provide notification for spills that could affect private water supplies endangers landowners along the Project route. If the Department issues these permits, it should be conditional on (among other things) adequate landowner spill notification. (5939-5947)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.’s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania’s water resources are adequately protected.

**20. COMMENT**

The only location-specific information Sunoco’s Preparedness, Prevention, and Contingency Plan contains is hospital and governmental information. Sunoco is unprepared to address, for example, evacuations of sensitive populations near the pipeline route. This is not a trivial concern. Sunoco plans to build Mariner East 2 in large part in an existing right-of-way with active, high-pressure hazardous liquids pipelines. Citizens refer not only to Mariner East 1. In some locations there are additional pipelines, not always well plotted or marked. Should the construction rupture an active pipeline, there could very well be a repeat of the recent tragedy in Salem Township, Westmoreland County, in which a man nearly died fleeing a transmission pipeline explosion in a nearby farm field. Mariner East 2 would also cut through Salem Township. If such an incident occurred in densely populated Chester or Delaware Counties, the disaster could be of historic proportions. (5939-5947)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105 permitting authority. However, Sunoco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco’s Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**21. COMMENT**

Much of the permit application documentation is relatively general in nature (county based) and specific impacts within the watershed are sometimes difficult to tease out. While we still have overall concerns of the proposed project’s adverse impact to forest fragmentation, wetland conversion, and water quality; we recognize that these actual adverse effects are

related to the project implementation and active and strict monitoring of the construction by the DEP and Conservation District will be required to ensure that minimal damage is inflicted on the environment. (5948)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**22. COMMENT**

There is no safe or sensitive way to build these pipelines. The work is inherently destructive and dangerous. It requires deforestation, destruction of small waterways and wetlands, encroachment on wildlife habitat and conversion of wild spaces to industrial zones. According to Sunoco's Aquatic Resource Avoidance, Minimization and Mitigation Plan, additional temporary workspaces are required for stream crossings. When riparian areas require greater care and protection, this seems counter-intuitive. Basically, in order to build major gas transmission lines, it is necessary to cause more environmental damage at more ecologically sensitive areas. Does allowing this fit in with DEP's mission? (5953)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

**23. COMMENT**

The trees in the right-of-way, especially the trees in the "emergent" wetland, will never be permitted to grow back, so the damage done to the forested wetland is permanent, not temporary. (5955)

**Response:**

Sunoco's "Impact Avoidance, Minimization, and Mitigation Procedures" facilitates the re-establishment of PFO and PSS wetland communities, all or portions of the wooded areas that require clearing along the Project corridor within PFO and PSS wetlands will be replanted with native trees and shrubs. A compensatory mitigation plan has also been required of the application that provides off-site mitigation for the unavoidable wetland conversion impacts.

**24. COMMENT**

The Pennsylvania Department of Environmental Protection has held several public hearings on the Chapter 105 applications from Sunoco Pipeline L.P. currently before the Department. At these hearings, the majority of commenters in favor of the issuance of the necessary permits by PADEP framed some version of an argument that the project would produce jobs and therefore a public benefit. No commenter I heard offered evidence to support this assertion, and Sunoco itself has repeatedly declined (in my case, at least) to justify or answer questions about any of its rosy predictions. In fact it appears more likely that the

project will bring economic decline to the Commonwealth, and leave it with long term costs. Regardless of that, my comment is that all arguments about supposed job creation fall outside the scope of the matter before PADEP. 25 Pa. Code Chapter 105, section 105.16 addresses "Environmental, social and economic balancing," including "Creation or preservation of significant employment." However, section 105 16(e) says "This section does not apply to dams, water obstructions or encroachments located in, along, across or projecting into wetlands." Because this project includes such things, there is no balancing against jobs allowed here for PADEP's analysis. In fact, no part of section 105.16 may be used to balance against the adverse impacts this proposed project will certainly have on natural, scenic, historic or aesthetic values of Pennsylvania's environment and public natural resources. For this reason, I ask that all public comments about economic benefits (regardless of whether or not they have any basis in reality) should be dismissed as a group by PADEP. Under 26 Pa. Code Chapter 105, they are simply inapplicable to PADEP's mandate under the statute. (5951)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**25. COMMENT**

**2) Significant resources at risk have not been identified.**

In one egregious instance in Washington County, two entire stream crossing impacts are not identified or evaluated and the streams themselves (both designated High Quality) are not shown on project drawings. No explanation is provided for the exclusion of these streams. Installing a pipeline through a stream can create irreparable damage. Because they are not identified in the application, if approved, Sunoco would have no obligation to implement the requisite protections for these HQ streams. (5960)

**Response:**

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

Sunoco Pipeline L.P. provided revisions to their submissions that addressed Washington County resources.

This permit application includes a description of Project Impacts in Washington County. (BUT 33 (3) will have Cambria and Perry Counties instead). The Water Obstruction and Encroachment Permit only authorizes impacts to RWC that were specifically described in

the permit application(s). Any impacts not described in the permit will require Sunoco Pipeline L.P. to submit a permit modification.

## 26. COMMENT

### 3) Significant discrepancies in the location and type of wetlands delineated have been found.

In Jackson Township, Cambria County, within Gallitzin State Forest, the proposed pipeline crosses a stream and wetland complex. The wetland has been identified as Exceptional Value. The stream is a perennial waterway and was designated as High Quality-Cold Water Fishery.

This wetland is characterized by the applicant as PEM (Palustrine Emergent), and the site plans show **it is only herbaceous within the existing pipeline Right Of Way (ROW), where no work is proposed.** But where the new construction is proposed, just south of the existing ROW, it clearly is **wooded, as shown on Sunoco's aerial photos and by the "existing tree line" on the E&S plan drawings.** This means the wetland was improperly characterized.

The consequence of mischaracterizing this wetland as PEM is that it understates the short and long-term impacts that pipeline construction will have, **because instead of a temporary disruption of an herbaceous wetland, there will be a permanent conversion of a forested wetland to herbaceous wetland, or even to upland if the proposed restoration is not successful.**

Another example is in Jackson Township, Perry County, within the Tuscarora State Forest; Laurel Run (designated Exceptional Value).

### 4) The extent of Exceptional Value Wetlands along the pipeline route likely has been under estimated.

Both Exceptional Value (EV) and High Quality (HQ) waters in Pennsylvania are entitled to Special Protection to prevent degradation when construction activities are being considered. Those waters identified as **Exceptional Value Waters** in Pennsylvania are to **receive the highest level of protection; i.e., no degradation of their quantity and quality.**

Exceptional Value Wetlands, which by DEP's own definition, are considered EV Waters, are to be afforded the same antidegradation "special protection" as streams that have been designated EV Waters, that is: **no reduction of their water quality is to be allowed by federal and State laws.**

Troublingly, in this application there are **instances of wetlands that are along EV streams, and thus qualify as being Exceptional Value, but they are not so listed. This means that if this application is approved by the DEP, they are sanctioning Sunoco's contamination of EV waters without repercussions.**

Two specific examples of EV wetlands that were incorrectly omitted are:

- 1.) Berks County Wetland W301: along Exceptional Value Hay Creek, proposed to have a 55-foot open cut crossing, and a permanent impact of 0.02 acre and:
- 2.) Chester County Wetland A46: along EV UNT to South Branch French Creek, proposed to have a 16-foot open cut crossing, and a permanent impact of 0.015 acre

Mr. Kunz even states that **there are likely to be additional wetlands proposed to be impacted that qualify as Exceptional Value in accordance with §105.17(1) criterion "iv"** that have not been identified. Criterion IV states: [Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.]

The proposed pipeline route passes through rural areas where many residents obtain their drinking water from onsite wells and springs (indeed, more than 3 million Commonwealth residents rely on wells for their drinking water supply). In addition, there are more than 14,000 public water supply systems throughout the State. One of the most widely recognized functions of wetlands<sup>31</sup> is their ability to absorb or filter pollutants such as nitrogen, phosphorus, and sediments and thereby to provide an important water quality benefit. When wetlands are located above or along public or private drinking water supplies, that water quality enhancement function is particularly significant. **It is entirely likely that some of the approximately 600 wetlands identified along this pipeline route are helping to maintain the quantity or quality of some drinking water supply.**

Any such wetlands along the Mariner East II Pipeline route would qualify as Exceptional Value Wetlands under criterion "iv". Yet this application **includes no discussion** at all about this criterion, **nor does it describe or even mention whether any of the wetlands along the proposed route are located above or along a public or private drinking water supply.**

So even before gas is flowing through the pipelines, there is already a strong possibility of contamination and degradation to drinking water. This is to say nothing of the hazardous liquid leaks that occur once NGLs are pushed through. Just last year in Edgemont Township, the gasoline additive Methyl Tert-Butyl Ether was found in private well water near a corroded Sunoco pipeline.

**Because of the likelihood that** pipeline construction will contaminate drinking water supplies, baseline water testing for properties along the route is absolutely necessary. Several municipalities intend to demand that Sunoco conduct such testing for all homes, schools and businesses that are within 2,000 feet of any proposed horizontal drilling site. (5960)

**Response:**

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

This permit application includes a description of Project Impacts in Washington County. (BUT 33 (3) will have Cambria and Perry Counties instead). The Water Obstruction and Encroachment Permit only authorizes impacts to RWC that were specifically described in

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<sup>31</sup> PADEP Fact Sheet 3930-FS-DEP1434 (2003): *Wetlands: Functions at the Junctions*.  
<http://www.buckinghampa.org/media/4328/value-of-wetlands.pdf>

the permit application(s). Any impacts not described in the permit will require Sunoco Pipeline L.P. to submit a permit modification.

Sunoco Pipeline L.P. provided revisions to their submissions that addressed Berks and Chester County resources.

## **27. COMMENT**

My name is Ellen Gerhart. I thought for a minute I was somebody else there. Okay. My address --- ready for this --- is 15357 Trough Creek Valley Pike, Huntingdon, Pennsylvania. I was born and raised in Monaca, Beaver County, Pennsylvania. My father, grandfathers, uncles all worked in the steel mills that lined the Ohio River. My father was a union rep. In fact, he was a member of the IBEW.

One of my grandfathers was a foreman. I grew up in a hardworking union family. I'm a member of local, state and national teacher unions. I understand and appreciate the history of the union movement. This fight is not between environmentalists and union workers, despite what Sunoco would like you to think. It is not us versus you. I grew up during the steel boom. I saw the economic benefits good paying jobs provided.

But I also saw the flip side of that coin. Booms are followed by busts. I saw stores and businesses close. I saw families move away. This is what happens in a boom-bust cycle. Despite the rosy predictions of good paying jobs and the economic benefits to businesses, booms are nothing but smoke and mirrors. Yes, there will be benefits, but these will be short term. The fossil fuels are non-renewable, and by definition, will eventually be gone.

We don't have dinosaurs dying to resupply the oil and natural gas. Focusing only on the short term goals is itself shortsighted. However, these short-term goals have long, detrimental effects on the environment. At one of the previous meetings, a comment was made that the pipelines go in, and then you never know that they are there. In fact, the land will be better than it was before.

This is blatantly untrue. On our property in Huntingdon County, this pipeline would go under our pond, up the steep hillside next to our pond and cut through the wetlands in the back of our property. The open clear cut which Sunoco was able to do because of eminent domain is now vulnerable to takeover by invasive species. The 150 foot by 250 foot temporary workspace is a clear cut area on the steep hillside next to our pond.

The 50 to 90 foot oaks, pines, maples and hickories that are now scattered on the ground may grow back, but not in my lifetime. When these trees were cut, they were left lying where they fell. No attempt was made by Sunoco to prevent or even mitigate the erosion from the slope into the pond, and there has been noticeable runoff into the pond when it rains. The right-of-way runs along the top of the slope. Trees will never be permitted to grow there, so the initial damage is not temporary. It's permanent.

In the back of our property, the situation is even worse. This is where the pipeline will trench directly through the wetlands that feed our stream and ponds. The wetlands designation, according to Sunoco's environmental consultants, Tetra Tech, does not extend much beyond the edge of the streams, contrary to the boundaries determined by our own consultants.

In this ecologically sensitive area, trees were cut down into the streams. Tree crews walked through the streams and the wetlands. These wetlands were designated as emergent and as such would only have to be restored to that designation.

As evidenced by the trees cut down, this wetland should have been classified as forested. Unfortunately, because the wetlands are directly in the right-of-way, they will never be allowed to revert back again to forested.

Again, the damage is not temporary. It's permanent. What makes this whole thing even more frustrating is the fact that this pipeline is totally unnecessary. During our eminent domain hearing, Harry Alexander, Sunoco's Vice President of Project Development, stated that the Mariner East I will carry 77,000 barrels of NGLs per day. He went on to state that Pennsylvania requires between 22,000 and 27,000 barrels per day.

I'm not that great in math, but it seems to me that the Mariner One more than meets the needs of Pennsylvania. This would make the Pennsylvania Pipeline Project totally unnecessary for Pennsylvania's needs.

The massive amount of NGLs going through these new pipelines are not going to benefit Pennsylvania, but are instead being shipped through huge new dragon ships directly to Europe. Okay. And just for the sake --- PA workers --- no, one of the members of the Mississippi survey team working on our property in Huntingdon County, not Pennsylvania. The only map we ever got from Tetra Tech showing the --- going through our pond.

And then it makes a very bizarre kind of bend in the property for no good reason, but it puts it directly through our wetlands. Our pond, which is already impacted by the clear cutting on the slope, has three stream crossings that are being --- that the pipeline will cross in addition to crossing the wetlands.

I just have one more picture here. Actually, two, if I think about it. This is one of the trees that they cut down. This is my hand against my tree. This is the size of the trees that were cut that will not be growing back on our property.

And last but not least, this is one of the eight Dragon class ships used by Indios (phonetic) to ship

##### **5) Water Quality Antidegradation was not evaluated.**

None of the proposed impacts to Exceptional Value Wetlands (which as discussed above are also EV Waters) has been evaluated by the applicant in terms of compliance with the antidegradation requirements prescribed at 25 Pa. Code Chapter 93. According to the PADEP Water Quality Antidegradation Implementation Guidance (Technical Guidance Document 391-0300-002; 29 November 2003; page 39) existing uses must be maintained and protected whenever an activity (including construction) is proposed which may affect a surface water. Before it issues any permit, the PADEP must ensure that none of the impacts to EV Waters (including Exceptional Value Wetlands) will result in any degradation of water quality. How can DEP do this if numerous EV Waters are unidentified in the permit application?

According to page 60 of the PADEP Water Quality Antidegradation Implementation Guidance, limited activities that result in temporary and short-term changes in the water quality of Exceptional Value Waters can be allowed, but only if all practical means of minimizing such degradation will be implemented.

Sunoco has done no evaluation of the impacts to EV wetlands in regards to antidegradation requirements. Furthermore, only 37 of 129 (29%) of proposed crossings of Exceptional Value Wetlands have been minimized by the use of boring or HDD methods. Clearly, this project has not minimized degradation to our most important waters and wetlands. (5960)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits. The special conditions include some related to HDD, such as provisions to ensure Pennsylvania's water resources are adequately protected.

**28. COMMENT**

**6) Impacts to Exceptional Value Wetlands have not been fully evaluated.**

As part of each of the seventeen Chapter 105 applications (one for each county crossed), an "Alternatives Analysis" has been submitted. Most, but not all, of those Alternatives Analyses describe each of the proposed crossings of Exceptional Value Wetlands and discuss why it is necessary. In 5 counties, no Exceptional Value Wetlands were identified by the applicant, so no such analysis was necessary. In 8 counties, all of the identified Exceptional Value Wetlands were discussed. In Blair County, only 15 of the 18 identified Exceptional Value Wetlands were discussed. In Cumberland County, only 9 of the 10 Exceptional Value Wetlands were discussed. In Cambria and Indiana counties, where pipeline impacts to 21 and 12 Exceptional Value Wetlands (respectively) were identified by the applicant, there was no discussion of them in the Alternatives Analysis. Overall, 37 (out of 129) Exceptional Value Wetlands proposed to be crossed by this pipeline have not been evaluated in terms of potential alternatives to avoid or minimize impacts. This represents an inconsistent treatment of an important resource at risk which must be corrected before review of these applications continues. (5960)

**Response:**

The 37 EV wetlands referenced in this comment have been identified by the applicant. EV wetlands are included in the AA for each county.

**29. COMMENT**

Chapter 105 concerns:

1) Mariner East 2 would damage and destroy protected wetlands by both open cutting and HOD methods. Pennsylvania laws that protect our Exceptional Value and High Quality Streams cannot be bypassed by company any more than for a citizen. A citizen would not consider being given a pass on laws that prevent the immense degree of harm Sunoco plans in Pennsylvania.

4) Sunoco's project would do tremendous harm to health, safety, and the environment. From the quality of our streams to the preservation of our farms to the purity of our tap water - all would be affected by these pipelines. And we've seen Sunoco's track record for leaks in its pipelines and for violations of state laws, which makes it hard to trust that Sunoco will not keep up it's poor performance record. (5965)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the

necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

### 30. COMMENT

The pipelines of the Pennsylvania Pipeline Project would cross at least 581 wetlands and 1,227 streams, and would permanently impact at least 35.3 acres of wetlands and 8.6 acres of streams. That's insane. To make matters worse, the open cut method is being proposed for about 75% of the crossings, where the least impactful HDD method is only being proposed for about 17% of them. That is not intended to sound like an endorsement of the project should it be revised to use the most expensive, yet least impactful method. Every method carries with it impacts that are absolutely unnecessary, given that the pipeline itself is unnecessary. It is telling, however, of Sunoco's level of indifference to the environment. (Of course, we got a pretty good sense of that when they insisted on cutting down the Gerhart's trees for an unapproved pipeline project.) Expert comments will make the case better than I can for the specific reasons why this pipeline would be injurious to our water supply. You will have all the rationale you could possibly need for saying no. And you have a constitutional responsibility to do so in Article 1, Section 27. (5980)

#### **Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

### 31. COMMENT

Sunoco is motivated by profits and money saving measures. Sunoco is not in the business of protecting, conserving or restoring our water resources. DEP is not funded nor staffed to adequately monitor and enforce best management practices. Last February, DEP Secretary John Quigley noted that DEP "does not have enough staff to meet the needs of any of its programs." Sunoco is not prepared nor willing to implement best management practices in all stream crossings and all wetland encroachments, and the company has a lengthy list of violations.<sup>32 33 34 35</sup> This is an untenable situation that will result in more degradation and destruction of our water resources.

In fact, Sunoco's proposed pipeline project will traverse more than 300 miles across southern PA and transport industrial volumes of highly explosive, odorless, tasteless natural gas liquids (ethane, butane, propane) to Marcus Hook for shipment overseas. These

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<sup>32</sup><http://triblive.com/news/adminpage/5709670-74/sunoco-dep-board#axzz3GD7wewpI>

<sup>33</sup> [http://primis.phmsa.dot.gov/comm/reports/enforce/documents/320125002H/320125002H\\_CA0\\_011822.pdf](http://primis.phmsa.dot.gov/comm/reports/enforce/documents/320125002H/320125002H_CA0_011822.pdf)

<sup>34</sup> <http://www.shreveporttimes.com/story/news/local/2014/10/18/crude-oil-spills-caddo-bayou-kills-wildlife/17522017/>  
<sup>35</sup>

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document114163/FINAL%202015%20Climate%20Change%20Action%20Plan%20Update.pdf>

pressurized pipelines have a high risk potential to cause devastating damage to people, animals, and our environment. (5212)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent environmental statutes and regulations.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

**32. COMMENT**

**Act 167 compliance**

Although Sunoco provided summary tables for each of the three regions (SE, SC and SW) in regards to Act 167 and compliance responses they didn't include the actual letters/responses from most of the 85 townships, which is required by law. The letters that are included contain similar comments in that Sunoco failed to provide enough information to make a determination. Going through the tables and making some basic calculations it didn't take long to conclude that 42% of all townships had issues with Sunoco's storm water plans and 38% had issues regarding floodplains (see table below). Without agreement from the municipalities and inclusion of letters saying so this portion of their application is grossly incomplete.. (5983)

**Response:**

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, with current and approved Act 167 stormwater plans, that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. For municipalities without current and approved Act 167 stormwater plans, Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

**33. COMMENT**

Chapter 105 concerns:

1) Mariner East 2 would damage and destroy protected wetlands by both open cutting and HDD methods. Pennsylvania laws that protect our Exceptional Value and High Quality Streams cannot be bypassed by a company any more than for a citizen. A citizen would not be given a pass on laws that prevent the immense degree of harm Sunoco plans in Pennsylvania.

2) Sunoco's project would do tremendous harm to health, safety, and the environment. From the quality of our streams to the preservation of our farms to the purity of our tap water and the quality of our air- all would be affected by these pipelines. And we have seen Sunoco's track record for leaks in its pipelines and for violations of state laws, which makes it hard to trust that Sunoco will not keep up it's poor performance record. (5985)

**Response:**

DEP's review of the applications and issuance of the permits for the Mariner East II pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I, Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**34. COMMENT**

Mariner East 2 would damage and destroy protected wetlands. Sunoco plans to dig through and tear up protected wetlands, including wetlands that the state deems "exceptional value." Though Sunoco promises to let some of these wetlands come back over time, it would clear-cut forested wetlands and do harm to other wetlands that can't be repaired. This is against the law. Sunoco could go around or drill under these wetlands, but it has chosen not to in order to save money on their bottom line. (5989)

**Response:**

The Department has reviewed the Water Obstruction and Encroachment permit applications in accordance with the Chapter 105 regulations, and based on our review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

As previously mentioned, the Department has worked with the applicant to avoid, minimize and otherwise provide mitigation for the projects impacts to waters of this Commonwealth. Where permanent impacts to waters of the Commonwealth could not be avoided or minimized by the applicant, the Department has required compensatory mitigation for the acreage lost as well as the functions and values of the wetland resources.

**35. COMMENT**

Additionally, we live with wetlands, a wetlands pond on our property that will be impacted to some degree by this potentially newer NGL pipeline(s) project with more modern conditions such as different products involving more all around volatile conditions for us and our neighbors. We have proposed an alternate reroute idea that would clear the wetlands almost entirely and reroute the ME 2 pipeline slightly around our residential development through a few safer open fields and woods farther away from any private homes. Please help us in any way you may be able to in whether Sunoco has properly and thoroughly filled out their permit applications for our specific area. We have filed a formal complaint with the PUC, and could use any additional help possible. It just seems all Sunoco has done is decided to follow the old current pipeline right of way updating it and overlapping it with this new 50 foot Mariner East 2 Project. The conditions are so different from that old hand written language, that we just don't see how or why they did not consider this option at permit application time. Its not what we considered "practicable" for us when we built here back in 1998 following all regulations on proximity. We also feel that the maps used at the

time of application for permitting may have been outdated for our area, not even showing our small little residential development on it. Note: this comment provided several attached documents which are included in part three of the comment response document. (5934)

**Response:**

The Department has reviewed the Water Obstruction and Encroachment permit applications in accordance with the Chapter 105 regulations, and based on our review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

As previously mentioned, the Department has worked with the applicant to avoid, minimize and otherwise provide mitigation for the projects impacts to waters of this Commonwealth. Where permanent impacts to waters of the Commonwealth could not be avoided or minimized by the applicant, the Department has required compensatory mitigation for the acreage lost as well as the functions and values of the wetland resources.

**36. COMMENT**

Sunoco Pipeline L.P. (“Sunoco”) submitted a Water Obstruction and Encroachment permit application (the “Application”) to the Department of Environmental Protection (the “Department” or “DEP”) for its proposed expansion of the Mariner East Pipeline with two new, larger pipelines and related activities, known as the PA Pipeline Project/Mariner East II (the “Project” or “Mariner East II”). 46 Pa. Bull. 3270 (June 25, 2016) and 46 Pa. Bull. 3698 (July 9, 2016). The proposed pipeline would extend more than 300 miles, across three DEP regions. Citizens for Pennsylvania’s Future (“PennFuture”) obtained copies of the Application through an informal file review at DEP’s Southeast Regional Office on July 8, 2016 and submits these comments based on materials made available during that review. These comments specifically address the Application submitted for Delaware and Chester Counties, but many of the comments have broader applicability<sup>36</sup>.

PennFuture is a membership-based public interest, environmental organization whose activities include advocating and advancing legislative action on a state and federal level; providing education for the public; and assisting citizens in public advocacy. PennFuture is concerned with the protection of Pennsylvania’s waters and the conservation of its resources for future generations.

Based on our review of the Application, PennFuture believes that Sunoco has not satisfied all the requirements set forth in the Chapter 105 regulations. Principally, the Application fails to present the cumulative impacts or appropriate alternatives for the Department to consider and does not demonstrate that there will be no adverse impacts on Exceptional Value (EV) streams and that no major impairment will result to other wetland resources. We request that the Department deny a Water Obstruction and Encroachment permit to Sunoco unless and until the regulatory requirements are fully satisfied. (5945)

**Response:**

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<sup>36</sup> This comment letter refers to the Application documents for Chester County unless specifically designated otherwise. Sunoco provides documents for each county, containing slight variations on county specific impacts.

The Department has reviewed the Water Obstruction and Encroachment permit applications in accordance with the Chapter 105 regulations, and based on our review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

As previously mentioned, the Department has worked with the applicant to avoid, minimize and otherwise provide mitigation for the projects impacts to waters of this Commonwealth. Where permanent impacts to waters of the Commonwealth could not be avoided or minimized by the applicant, the Department has required compensatory mitigation for the acreage lost as well as the functions and values of the wetland resources.

### **37. COMMENT**

#### **1. Sunoco's Cumulative Impacts Analysis does not Contain Sufficient Information on Which the Department can make an Informed Determination.**

When evaluating a proposed project's impact on health, safety, and the environment under 25 Pa. Code § 105.14, the Department must consider "the cumulative impact of this project and other potential or existing projects." 25 Pa Code § 105.14(b)(14). Cumulative impacts result when the environmental effects associated with construction and operation of a proposed project are added to or interact with the environmental effects of other projects or activities occurring in a particular area. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis.<sup>37</sup>

Nothing in the regulation limits the "other potential or existing projects" to those related to the project proposed in the application under review. A gas pipeline, a power line, a housing development, an industrial park, and a marina might have cumulative impacts on water resources that must be considered even though all of them are proposed by unrelated entities and none of them is engendered by any of the other projects or dependent on any other project to go forward. As part of its analysis of cumulative impacts, the Department must consider the potential impacts of "numerous piecemeal changes" on wetland resources and recognize that each wetland site "is part of a complete and interrelated wetland area." 25 Pa Code § 105.14(b)(14).

Sunoco fails to meet its obligation to provide the Department with sufficient information on which to consider the cumulative impacts of the Project. Sunoco acknowledges that "with the increased development of shale gas in recent years, the number of other recent, ongoing, and/or proposed gas development and pipeline expansion projects have been increasing in Pennsylvania." And that "it is fair to assume that other projects potentially affecting streams and wetlands in Pennsylvania will include energy development and energy transportation projects (including other pipelines), road/bridge infrastructure repair and expansion projects, and land development activities associated with residential and commercial developments." Application, Environmental Assessment Form, Enclosure D at 15 (hereinafter Enclosure D). But Sunoco has not compiled a list of recent, ongoing, or future proposed projects in the

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<sup>37</sup> See U.S. Environmental Protection Agency, Consideration of Cumulative Impacts in EPA of NEPA Documents, May 1999, available at <https://www.epa.gov/sites/production/files/2014-08/documents/cumulative.pdf>.

vicinity of this Project. *Id.* at 14. In addition to other gas development and pipeline expansion projects Sunoco should identify, Sunoco must also describe other potential or existing projects such as power lines, housing developments, or industrial parks, which might have piecemeal impacts on wetland resources.

Once Sunoco has identified potential and existing projects, Sunoco must discuss the cumulative impacts of such projects. Sunoco recognizes that cumulative “effects could adversely impact users of [] waterbodies and wetlands” but then concludes that “[t]he Project . will not<sup>38</sup> cause or contribute to pollution of groundwater or surface water resources, or interfere with their uses. . . [or] cause or contribute to the loss or impairment of the Commonwealth’s aquatic resources.” *Id.* at 15. Without identification and characterization of the potential or existing projects and their cumulative impacts, there is no basis for such conclusions.

Instead of identifying other potential or existing projects, Sunoco places the burden on county and town government officials to express concerns regarding the Project, including cumulative impacts of the proposed Project when combined with other projects that may be planned or ongoing. *Id.* at 14. Sunoco has the burden to identify other potential or existing projects and their impacts and cannot evade this responsibility. 25 Pa. Code § 105.18a(a)(6) (“the Department will not grant a permit under this chapter for a dam, water obstruction or encroachment located in, along, across or projecting into an exceptional value wetland, or otherwise affecting an exceptional value wetland, unless the applicant affirmatively demonstrates in writing [that] . . . [t]he cumulative effect of this project and other projects will not result in the impairment of the Commonwealth’s exceptional value wetland resources.”); 25 Pa. Code § 105.18a(b)(6).

The Application repeatedly states that Sunoco does not have any reasonably foreseeable future actions associated with this Project. *Id.* at 15, *see also* Chester County, Aquatic Resource Avoidance, Minimization, and Mitigation Plan, Revised March 2016, at 5 (hereinafter Mitigation Plan). But Sunoco’s lack of future plans does not alleviate its obligation to present cumulative impacts from *other* potential or existing projects. Finally, cumulative impacts of the Project are likely to be significant. On behalf of the Clean Air Council, CNA Analysis and Solutions recently performed an analysis of the expected impacts on the Delaware River Basin resulting from the completion of eight proposed transmission pipelines, including Mariner East II. Just from these pipelines and just in Pennsylvania alone, CNA projected a loss of over 400 acres of forest, and permanent impacts on over 15 acres of wetlands. Lars Hanson and Steven Habicht, “Cumulative Land Cover Impacts of Proposed Transmission Pipelines in the Delaware River Basin” at 39, available at [https://www.cna.org/CNA\\_files/PDF/IRM-2016-U-013158.pdf](https://www.cna.org/CNA_files/PDF/IRM-2016-U-013158.pdf).

Before issuing a water obstruction and encroachment permit under Chapter 105, the Department must make a written finding that “cumulative effect of this project and other projects will not result in the impairment of the Commonwealth’s exceptional value wetland resources,” 25 Pa. Code § 105.18a(a)(6), and that the “cumulative effect of this project and other projects will not result in a major impairment of this Commonwealth’s wetland resources.” 25 Pa. Code § 105.18a(b)(6). The Department cannot make such a finding based

on the application currently before it. The Department should thus require Sunoco to conduct a comprehensive cumulative impacts analysis identifying potential and existing projects and characterizing their impacts to determine whether they will result in an impairment of the state's wetland resources before issuing this permit. (5945)

**Response:**

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The applicant provided a Comprehensive Environmental Assessment as part of their demonstration consistent with the Chapter 105 regulations regarding cumulative impacts for the Department's review. The Department has evaluated the permanent impacts to wetland resources associated with this project proposed by the applicant. Most of the impacts associated with the applicant's water obstruction and encroachment permit applications are temporary in nature with the surface disturbance being avoided and minimized to the extent practicable, and then fully restored and stabilized or mitigated in accordance with Chapter 105 regulations. Accordingly, these temporary disturbances are not included in a cumulative impacts analysis under Chapter 105 unless there is a permanent impact on the wetland resource.

**38. COMMENT**

**2. The Application Fails to Provide a Sufficient Alternatives Analysis on Which the Department can make an Informed Determination.**

Applications for permit coverage must be accompanied by specific information, including an alternatives analysis. 25 Pa. Code § 105.13(e)(viii). This analysis must provide a detailed description of alternatives to the proposed action, including alternative location, routing or designs to avoid or minimize adverse environmental impacts." *Id.* Sunoco provides an Alternatives Analysis in which it immediately dismisses a No Action alternative and provides "an overview of just a few" route variations for the Project. Joint Permit application for Pennsylvania Water Obstruction & Encroachment Permit and a U.S. Army Corps of Engineers Section 404 Permit Application, Revised March 2016 at 3-5 (hereinafter Alternatives Analysis). Such a cursory synopsis leaves the Department with insufficient information on which to determine whether an alternative to the proposed Project would be prudent.

Sunoco immediately dismisses the No Action alternative because it "would not fulfill the purpose or objectives of the Project." *Id.* at 4. Sunoco describes the purpose of the Project as to "transport low cost Marcellus Shale production to markets locally and domestically in the U.S. and to international markets." *Id.* at 3. By defining the purpose of the Project so narrowly, Sunoco summarily precludes the availability of the No Action alternative.

With the No Action option summarily dismissed, Sunoco presents an “overview of just a few” alternate routes and construction design methods. *Id.* at 5. Although Sunoco may believe it to be “impractical to document all the actions taken . . . to avoid/minimize impacts on a project of this size,” *id.* at 3, a permit application *must* contain a detailed analysis of this information. Without a description of the alternatives considered and an analysis of the varying impacts, the Department is left without the information necessary to make a determination. An overview of just a few options considered does not provide the Department with information necessary to determine whether the proposed project provides sufficient protections to Pennsylvania’s waterways and wetlands, including Exceptional Value wetlands. (5945)

**Response:**

The applicant provided an adequate demonstration in writing that there is not practicable alternative in accordance with the requirements of §§105.13(e)(1)(viii), 105.13(e)(1)(x), 105.18a(a)(3) and 105.18a(b)(3).

**39. COMMENT**

**3. The Project Will Have Impermissible Adverse Impacts on Exceptional Value Wetlands and Will Not Adequately Mitigate Degraded Functions and Values of Other Wetlands.**

An application for any project that may affect an exceptional value (EV) wetland or more than one acre of non-EV wetlands must include an assessment of wetland functions and values using a methodology accepted by the Department. 25 Pa. Code §105.13(e)(3). The Department may not issue a permit for water obstruction or encroachment of an EV wetland unless the applicant demonstrates that the project “will *not* have an adverse impact on the wetland, as determined in accordance with §§ 105.14(b) and 105.15 (relating to review of applications; and environmental assessment).” 25 Pa. Code §105.18a(a)(1) (emphasis added).

For water obstructions and encroachments that will affect non-EV wetlands, the Department generally may issue a permit only if “[t]he cumulative effect of this project and other projects will not result in a *major impairment* of this Commonwealth’s wetland resources.” 25 Pa. Code § 105.18a(b)(6) (emphasis added). The term “major impairment” is not defined in Chapter 105; however, since wetlands are subject to the Department’s anti-degradation requirements set forth at 25 Pa. Code Chapter 93, the Department may not allow any impairment so “major” that it prevents wetlands from attaining their existing uses, and the Department must protect the level of 5 water quality necessary to protect those uses. 25 Pa. Code § 93.4a(b).<sup>39</sup> Any wetland area or functions and values that are lost as the result of the Project must be replaced. 25 Pa. Code § 105.20a.

Sunoco fails to demonstrate that the Project will have no adverse effect on EV wetlands and does not show that the cumulative effect of this project and other projects will have no major impairments to non-EV wetlands. In fact, Sunoco admits that “some impacts to wetlands, including some EV wetlands, will be unavoidable.” Alternatives Analysis at 21. The Project will impact over 39 acres of wetlands and 55,000 feet of stream impacts across

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<sup>39</sup> The Department’s anti-degradation program applies to all “surface waters,” and the term “surface waters” is defined in Chapter 93 to include wetlands. *See* 25 Pa. Code 93.4a(a), 25 Pa. Code 93.1.

the state,<sup>4</sup> crossing over 70 streams and 25 wetlands in Chester County alone. *Id.* at 20; and Mitigation Plan at 6 and 9. For the areas of wetlands (including EV wetlands) that Sunoco was not able to avoid, the company states<sup>40</sup> that it considered “construction techniques, workspace reductions, and special wetland construction procedures . . . where feasible.” Alternatives Analysis at 21. Sunoco provides little discussion of the techniques or procedures considered and indicates that infeasibility was established by Sunoco’s determination that alternatives were less “environmentally sound, cost-effective, or logistically feasible.” *Id.* Sunoco provided little information about the application of these infeasibility criteria to specific wetlands or water crossings. In cases where Sunoco dismissed alternatives that would have otherwise avoided surface waters, impacts will result to streams and wetlands (including those entitled to the heightened protections of exceptional value designation). Under the clear language of 25 Pa. Code § 105.18(a)(1), any impacts to EV wetlands should be prohibited. The Department should not approve Sunoco’s Application unless and until these adverse effects on EV wetlands are eliminated from the Project plans.

Further, Sunoco dismisses any impacts to non-EV wetlands as temporary, insignificant, and *de minimus*. *Id.* at 22; Mitigation Plan at 11. Because of these conclusions, Sunoco states that “[n]o compensatory mitigation is required.” Mitigation Plan at 18. However these claims are not supported and do not relieve Sunoco from the requirement to mitigate.

The Project will result in permanent impairments to wetlands functions and values.<sup>41</sup> As discussed above, such impacts to EV wetlands are prohibited under Section 105.18(a)(1). For non-EV wetlands, regulations require that “[f]unctions and values that are physically and biologically the same as those that are lost shall be replaced at a minimum ratio of 1:1.” 25 Pa. Code § 105.20a(a)(2). Because Sunoco will impact forested wetlands, even if they are restored to emergent wetlands, the functions and values of those previously palustrine forested wetlands will be permanently impaired. Thus Sunoco is required to replace the functions and values of the forested wetlands lost in the conversion.

By asserting the impacts are insignificant and thus do not require mitigation, Sunoco implies the existence of an exemption from mitigation measures. *See* Mitigation Plan at 18. No such exemption exists in the statute or the regulations. 25 Pa. Code § 105.17 (“Wetlands are a valuable public natural resource. This chapter will be construed broadly to protect this

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<sup>40</sup> In Chester County, the Project will cross a total of 10 EV wetlands for a total linear distance of approximately 0.49 miles. Therefore the total potential impact to EV wetlands in Chester County will be approximately 3.00 acres. Alternative Analysis at 22. In Delaware County, the Project will cross 1 EV wetlands for a total linear distance of approximately 0.046 miles. Therefore the total potential impact to EV wetlands in Delaware County will be approximately 0.279 acres. Delaware County Alternative Analysis at 22.

<sup>41</sup> With respect to general habitat and natural biological functions (subsection (i) of section 105.1 definition), conversion will, among other things, decrease aboveground biomass, habitat for shade-loving plant species, the production of mast (e.g., acorns) for wildlife, and increase exposure to the elements and to localized effects of global warming. Schmid & Company, Inc., *The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands, Prepared for the Delaware Riverkeeper Network* (2014) at 16-17, available at [http://www.schmidco.com/Leidy\\_Conversion\\_Final\\_Report.pdf](http://www.schmidco.com/Leidy_Conversion_Final_Report.pdf). Concerning natural drainage patterns and water quality, conversion will decrease soil stabilization, streambank anchoring, and capacity for nutrient storage. *Id.*, at 19-20. Conversion will increase the volume of groundwater discharge and reduce transpiration, and decrease the capacity for erosion and sediment control. *Id.*, at 21-22. With regard to human recreation, conversion will impair landscape aesthetics, decrease interior forest and habitat for plants and animals, and impair the maintenance of cold water temperature for trout. *Id.*, at 22. This conversion is clearly an “adverse impact” on PFO wetlands.

valuable resource.”).

Without a thorough discussion of the specific impacts, mitigation plans, and measure to restore areas, Sunoco does not meet its burden to establish that the project will *not* have an adverse impact on the EV wetlands and that it will have no major impairments to non-EV wetlands. (5945)

**Response:**

The applicant provided an adequate demonstration of compliance with the regulatory requirements outlined above. Sunoco Pipeline L.P. has provided a detailed analysis of impacts and a mitigation plan. All the impacted wetlands will be restored for this project. For the small amount of PFO wetland conversion (0.405 acres statewide), compensatory mitigation will be conducted.

**40.COMMENT**

The Mariner East Pipeline goes from west to east through southern regions of Pennsylvania. I traverse exceptional value streams, lakes, the Susquehanna River, the Schuylkill River and the Delaware River. Wetlands and forested areas protect the streams, lake and rivers from contamination. When these are impaired, cut through or eliminated the bodies of water become vulnerable to sources of contamination. The Susquehanna River is already impaired throughout its 300 + miles, four of which are seriously impaired according to a recent report by Pennsylvania Dept. Of Environmental Protection (PADEP). The river empties into the Chesapeake and is cause for concern for the entire watershed.

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The Susquehanna River is already impaired throughout its 300 + miles, four of which are seriously impaired according to a recent report by Pennsylvania Dept. Of Environmental Protection (PADEP). The river empties into the Chesapeake and is cause for concern for the entire watershed.

The Delaware River supplies drinking water for New York City, Philadelphia, and Wilmington.

These are the obvious areas of concern but the path of Mariner East disrupts streams and lakes in south west region and south central region of the Commonwealth. These bodies of water are sources of fish for fishermen. In many of these streams fish are no longer safe to eat or are only safe on a limited basis.

Whether the pipelines transport natural gas or liquid natural gas, either a pumping or a compressor station is required. Each of these must release pressure on a regular basis. Each time there is pollution released in the form of air or contamination of the soil within a specific radius risking contamination to air, water and soil.

Regulations of the pipelines are stipulated by PHMSA. Unfortunately the process and the gathering lines are not regulated. These can be critical areas because they are close to the source of the gas.

The source, i.e., the drilling site uses quantities of water, indeed, in the millions of gallons. Then the waste water is stored in line and sometimes unlined pipes. The waste water is highly polluted with hazardous metals, benzene (a known carcinogen), semi volatiles and volatiles, formaldehyde and other chemicals suspected to be present.

The millions of gallons used in the process deplete our already sensitive water supplies and the pits have the potential to contaminate them (and indeed have done so).

Employment: everyone wants to see increased employment but the promises of Sonoco Logistics are inflated and can only lead to disappointment.

Better use of manpower would be to find safer and more sustainable ways to produce energy. OH! I forgot. The pipelines are being used to transport natural gas to Marcus Hook where it can be cracked into separate flammable constituents to be transported across the waters to be turned into plastics and other chemicals to further pollute the world. (6070)

**Response:**

The regulations utilize a framework of various best management practices (BMPs) for earth disturbance activities to provide a performance based approach to meet water quality standards and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth. The individual Chapter 102 permits for this project contain a condition that specifies that "[d]ischarges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs." This condition ensures that the project will not cause or contribute to violations of water quality standards.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**41. COMMENT**

#3. Advance clearing has not been addressed especially for areas to be bored. Application does not describe how temporary crossing and timber mats will be installed.

#4. Doesn't address mitigation for areas with arsenic contamination. (5438)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**42. COMMENT**

Will the Sunoco Mariner 2 pipeline begin construction this year. What is the status of the public hearing comment that was required for the 105 permit. (6201)

**Response:**

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were

still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

#### **43. COMMENT**

The horizontal drilling process and the apparent intent by Sunoco to disregard "Best Construction Practice" by not sealing the void between the borehole and pipe, calls for more regulatory action for increased safety of residents. It would also be good practice to have mandatory water testing of residents water before construction and at regular intervals afterwards. According to a nearby resident at the West Chester hearing, Sunoco refused to discuss such testing. (6278)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department has undertaken a thorough evaluation of the Sunoco Pipeline L.P.'s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits. The special conditions include some related to HDD, such as provisions to ensure Pennsylvania's water resources are adequately protected.

#### **44. COMMENT**

1. Standing. The undersigned is an "adjacent property owner" identified in Section H of the applicant's Joint Application for Pennsylvania Water Obstruction and Encroachment Permit and U.S. Army Corps of Engineers Section 404 Permit. (6284)

**Response:**

The Department acknowledges the commentator's comment regarding this proposed pipeline project.

#### **45. COMMENT**

2. Failure to Address Potential Problems with Horizontal Directional Drilling (HDD) The Application makes an assumption that many environmental issues which might otherwise arise from the Project will not occur because of its HDD approach. However, the HDD method contains its own potential problems, and the Application fails to identify them or to indicate how they will be avoided. For example, striking existing underground utilities is a known concern with the HDD method, as well as hole maintenance problems during reaming when "collapse" may occur. See e.g., U.S. Fish & Wildlife Service, Record of Decision for NiSource Permit (2013) (available at:[https://www.fws.gov/Midwest/endangered/permits/hcp/nisource/2013NOA/pdf/NiSourceHCPfinalAppndxJ\\_HDD.pdf](https://www.fws.gov/Midwest/endangered/permits/hcp/nisource/2013NOA/pdf/NiSourceHCPfinalAppndxJ_HDD.pdf)). The Department should require the Applicant to support its position that HDD is a more environmentally protective option without causing its own universe of problems before approving the application. (6284)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits. The special conditions include some related to HDD, such as provisions to ensure Pennsylvania's water resources are adequately protected.

#### **46. COMMENT**

1. Air Emissions. The application (Q. 13.0) asks whether the project will "involve operations (excluding during the construction period) that produce air emissions". Applicant has responded, "YES," and indicated that the type and amount of air emissions are "To Be Determined."<sup>42</sup> For purposes of fairness, due process and transparency, the application should be deemed administratively incomplete until Applicant identifies the type and amount of air emissions that the project is expected to emit, and includes such information with an amended application. (6284)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**47. COMMENT**

2. Water Supply. The application (Q. 16.0) asks whether the project will be "served by an existing public water supply." It further requires that, if the applicant answers "Yes," it is to indicate the name of the supplier and *to attach letter from supplier stating that it will serve the project.*" While Applicant did provide the name of three public water suppliers, it failed to include a letter from each (or any) supplier stating that it will serve the project. In fact, it answered "No" in response to the question as to whether Letter of Approval from Supplier was included. For purposes of fairness, due process and transparency, the applications should be deemed administratively incomplete until Applicant obtains a letter from each public water supply that will serve the project, and includes the letter with an amended application. (6284)

**Response:**

This comment relates to the General Information Form (GIF) and not the permit application. The statutes and regulations don't require this type of private agreement to be provided to DEP in order to authorize Ch. 105 permits, nor do the DEP permits provide any property rights of any sort, nor any exclusive privileges, nor does do they authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**48. COMMENT**

3. Treatment, Storage, Reuse or Disposal of Waste. The application (Q. 18.0) asks whether the project construction or operation will "involve treatment, storage, reuse, or disposal of waste? If 'Yes'", indicate what type (i.e.. hazardous, municipal (including infectious &chemotherapeutic), residual) and the amount to be treated, stored, re-used or disposed."

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<sup>42</sup> Consistent with this response is the fact that Sunoco's existing tanks may have experienced vapor-induced bubbling. The most recent (July 11, 2016) Minutes for the East Goshen Township Municipal Authority, the Township's consulting engineer stated that with regard to Sequencing Batch Reactor 4 of the existing pipeline, "some of the coating on the tank had spots/bubbles on the sides. which are caused by vapor." See (While it is not entirely clear from the Minutes whether the vapor issues are caused by, Sunoco's pipeline. the language in the Minutes creates enough of an implication to that effect that it bears consideration.)

While Applicant responded affirmatively and indicated the type of waste, it indicated "amount unknown" for the quantity of waste to be disposed. Such information should at least be available as an approximation via a modeling tool. Therefore, for purposes of fairness, due process and transparency, the applications should be deemed administratively incomplete until Applicant provides an estimated amount of waste to be treated, stored, reused or disposed due to project construction or operation. (6284)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**49. COMMENT**

4. Lack of Certification. The Application is not signed by the Applicant, in contravention to the plain instructions on the form. (It is possible that the signed and dated version of the Application was not correctly uploaded to the PADEP website; in that case, the correct document should replace the incorrect one and the public afforded additional time to comment). (6284)

**Response:**

The applicant revised the application and the application was subsequently properly signed by the applicant.

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline LP made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**50. COMMENT**

1. Effect on Endangered Bog Turtle Population. Part 06-,4 of the Permit package contains the Wetland Bog Turtle Assessment Summary for the Pennsylvania Pipeline Project (PPP) (Table 2) and, for Chester County, indicates that as of August 26,2015, there were positive results for bog turtle occupation at multiple sites. Further, the permit application package includes an Aquatic Resource Avoidance, Minimization, and Mitigation Plan (rev. March 2016), Attachment 18, which - as noted above -- relies on the premise that HDD may reduce the effect on bog turtles and their habitat. See e.g., "HDD Inadvertent Return Contingency Plan with Special Bog Turtle Area Procedures Pennsylvania Pipeline Project" (Feb. 29, 2016). However, while HDD may move the construction footprint further away from the stream, it too results in vegetative losses and soil compaction that can have direct stream impacts and therefore result in adverse effects on bog turtles and their habitat. The applicant

has not demonstrated that it has performed a literature review to support its position that HDD is a panacea to

2. the impacts on endangered species. For an opposing viewpoint, see e.g., Illinois Center for Transportation, Evaluation of Horizontal Directional Drilling (HDD) (Nov. 2011) - available

at:<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.390.3249&rep=rep1&type=pdf>.

Therefore, for purposes of fairness, due process and transparency, the applications should be deemed administratively incomplete until Applicant provides information demonstrating that the effect of HDD on the endangered bog turtle population has been mitigated. (6284)

**Response:**

Regarding endangered and threatened species, Sunoco Pipeline L.P. has obtained all PNDI clearances and the Department has included conditions in the permits that specifically require protection of threatened and endangered species. One of these conditions specifies that the permittee must comply with all applicable provisions of the Habitat Conservation Plans submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Another permit condition provides that the permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. An additional condition provides that the permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Moreover, the permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern. Further, the permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS. Additionally, the permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee. Finally, prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

**51. COMMENT**

9. Cultural Resources. The Cultural Resource Notice, Attachment 4 to the Permit, indicates that multiple items are "pending". These items include, among others: (1) Section H - Photographs of any buildings over 50 years old. Indicate what is to be done to all buildings in the project area. (2) Section H - Site maps of the proposed activity, if available. The permit application is therefore not administratively complete and also requires further documentation in order for public transparency. Further, DEP counsel has indicated that "[w]hen and if the project has acquired all necessary authorizations, as well with all construction-related activities, the permittee will have ongoing obligations regarding archeologic and historic resources through the life of the project under Pennsylvania law." See Letter from Alexandra Chiaruttini, Esq., to Jonathan Rinde, Esq. (Feb. 1, 2016) (available

at:<http://files.dep.state.pa.us/RegionalResources/SERO/SEROPortalFiles/Community%20>

mfo/MarinerEastPipelineII/ChesterCounty/04%20-%20Cult%20Resource%20Ntc/DEP's%20PHMC%20Ltr%202116\_001.pdf).

Therefore, for purposes of fairness, due process and transparency, the applications should be deemed

administratively incomplete until Applicant provides publicly-available information regarding the impact of the Project on cultural resources. (6284)

**Response:**

The Department regulates dams, water obstructions and encroachments within the floodway, as defined in 25 Pa. Code § 105.1. The Department is mindful of parks, recreational, cultural, historical and archaeological areas within the Chapter 105 jurisdictional area and takes the determination of impact to historic properties and parks or recreation areas into consideration, including coordination with other resource agencies, as part of its review under 25 Pa. Code § 105.14(b)(5). The Department requires the applicants to provide an impacts analysis under 25 Pa. Code § 105.13(e)(1)(x) as part of their permit applications. To this effect, the applicant is required to contact various resource agencies to coordinate and provide a demonstration to the Department that the applicant has worked with the resource agencies to avoid, minimize and otherwise mitigate potential impacts on nearby sites including parks, recreational areas, cultural, archaeological, landmarks, and historical areas. The permits include special conditions related to compliance with the Pennsylvania History Code.

**52. COMMENT**

I asked Joe Sofranko about where and when to look for 401 applications and he tells me they are under 105 and that I should be in touch with you. As much as I think I know about permits, I keep finding out how much I do not know. In filing comments with Army Corps we noted Sunoco needs a 401. Could you let me know where that is in the process? If phone call is easier, am happy to do that as well. Copying you too Cosmo for two reasons: One: This makes me all the more certain that we, PSC, need a tutorial or briefing, in permitting specific to pipelines. Starting with DEP. Secondly, wanted to let you know comments were filed with the Corps, to which the 105 and 102 comments were attached. (I've attached the 404 comments, but not the lengthy 102/105 & Exhibits as I believe you already have copy.) Look forward to hearing back on the 401. (5939, 5940 - 5944, 5947, 5993, 6286, 6287)

**Response:**

This comment does not pertain to the Chapter 102 or 105 applications on which public comments were solicited.

**53. COMMENT**

Finally, at the landscape level, impacts to streams from the ROW construction are analogous to the cumulative impacts from roads. There is an established negative correlation between road miles per watershed area and stream quality. Thus, increases in the crossings of streams by linear features such as roads and the pipeline ROW can have cumulative impacts beyond the individual crossings. (5441, 11136, 23463, 23775)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**54. COMMENT**

My name is Nancy Harkins. I live at 1521 Woodland Road in West Chester. And I want to thank the DEP for hosting these hearings and facilitating public comment on the project. I believe that we all deserve good, safe jobs and healthy, safe communities. I believe that the Pennsylvania Pipeline, also known as Mariner East II, transporting hazardous materials will provide neither of these.

The Pipeline Infrastructure Task Force identified significant issues in our current oil and gas industry construction and operation that puts our communities at risk. Given the serious limitations of our regulatory environment and DEP's own constraints, I urge the DEP to apply the highest level of scrutiny to the Sunoco permit applications.

Impacts to our streams and wetlands directly affect the health and safety of our communities. One major concern is that there would be adverse effects to the quality of our drinking water through contamination of wells or groundwater. Sunoco's own application acknowledges that there will be some permanent damage in wetland areas and streams due to construction.

The extent of the damage is likely underestimated and needs to be thoroughly assessed. Many of these streams are part of tributary networks that are dependent upon the contributing quality of connected streams to supply and support the physical and biological needs of a watershed, including drinking water, agriculture and recreation for the communities. The risks to our environment and consequently our health are real, as evidenced by the DEP's recent \$1.5 million fine levied on Stonehenge Appalachia, another operator, for unauthorized sediment discharges and a landslide it caused in Western Pennsylvania.

Project construction will disturb streams which support trout or trout spawn. Impacts to both small and large streams from the construction and operation of the pipeline can be profound and could include loss of available water body habitat, changes in thermal conditions, increased erosion and creation of stream instability and turbidity.

The individual quality and integrity of streams form the primary nutrition levels that support many aquatic organisms and enable the provision of stream ecosystems at large. Under Sunoco's proposal, many of the streams to be crossed present unique and sensitive ecological conditions that may be significantly impacted by construction and jeopardize best usages.

For a number of reasons, streams that support trout and other cold water species are typically the most sensitive. The physical features of these streams include dense riparian vegetation. (5441, 11136, 23463, 23775)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

**55. COMMENT**

Good evening. My name is Pam Bishop, I live in West Cornwall Township, Lebanon County. Lebanon County is one of those 17 through which this project is proposed to go in the existing Mariner I. It goes through our Township. The proposed Mariner East II project

would pose an unreasonable impact to our water resources and serious risk to our health and safety. Sunoco failed to adequately address in its Chapter 105 permit applications the cumulative impacts from its proposed project and other existing and proposed projects. DEP should require cumulative impact analysis to assess the true environmental impacts of the massive project on our water resources, health and safety.

Sunoco originally filed its 17 county-wide Chapter 105 permit applications on August 17, 2015. During its completeness review, DEP repeatedly told Sunoco in letters and meetings that the applications were deficient. Rather than issuing permit denials, DEP allowed Sunoco to revise and resubmit its applications multiple times. Finally, on June 14, 2016, DEP found the applications complete and began its technical review.

The files contained thousands of pages and a myriad of changes. We believe the applications may have failed to identify correctly all the water resources, historic resources and species habitats impacted by the proposed pipeline, but we need time to do field verifications. (5941)

**Response:**

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Sunoco Pipeline L.P. where the Department ultimately determined that the applications and supporting materials submitted by Sunoco Pipeline L.P. and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Sunoco Pipeline L.P. made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

**56. COMMENT**

Roberta Winters, 326 Williams Road in Rosemont, Pennsylvania. First, it is regrettable that the oil and gas industry operates as privileged characters in this Commonwealth. Rather than look at the Mariner East as one project running from one end of the State to the other, the Chapter 105 permit applications are being submitted county by county. With an eye toward cumulative impacts, we are looking as piecemeal efforts, like the 23.6 miles in Chester County and the 11.4 miles in Delaware County. This approach clouds the big picture and the overall consequences of this pipeline on the multiple interrelated ecosystems of our state. (29698)

**Response:**

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration

by the Department as part of a comprehensive environmental assessment review. Both the applicant and the Department considered the impacts being proposed associated with the Atlantic Sunrise project in evaluating the cumulative impacts for this project. Moreover this project was considered as a whole with significant efforts to coordinate the review of all the associated permits collaboratively with other regional offices within the Department.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

#### **57. COMMENT**

Secondly, the review of permit applications is dependent on complete and accurate data. The boots-on-the-ground work consulting ecologists, such as James Schmidt, underscores the need for comprehensive environmental assessments to guide impact statements. The latest report, completed last month, confirms other previous work. Flatlands are under-mapped and incorrectly classified, assessments of values and functions of existing wetlands are not done and thus there is no way to determine proposed impacts that need to be evaluated. Impacts to significant areas are not acknowledged, calculated or mitigated in applications because access may have been initially denied. And habitats of endangered and U.S. threatened species, such as the bog turtle, are not acknowledged or appropriately researched.

Further, pipelines inevitably alter the hydrogeology of an area. This can and must be minimized by using appropriate routing and construction techniques. The rationale for construction practices and routing for each unique site should be delineated and abetted as part of the review process. Our waters are too important to be left to the one-size fits all boiler-plate practices that jeopardize our future.

Finally, review of these applications must consider multiple stressors on our environment, particularly climate change. While weather is always unpredictable, the extremes of recent events warn the DEP to extrapolate beyond traditional parameters and hold applicants more rigorously accountable to both assessments and mitigations for Chapter 105 applications.

As a citizen, I encourage the Department to review all permit applications regarding the Mariner East pipeline and respond with the wisdom of my mother's words, when in doubt, don't. (29698)

#### **Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

#### **58. COMMENT**

Good evening. My name is Jordan Hoover. My address is 1414 Indian Creek Valley Road, Melcroft, PA 15462.

I'm here to voice my concern about the completeness and validity of Sunoco's application for the Pennsylvania pipeline project.

According to 25 Pa. Code, Chapter 105, Section 105, any application must be accompanied by both storm water and flood plain management analysis, including letters from counties and municipalities that either approve or deny the application's plans based on their individual management plans.

The Department's obligation with respect to incomplete applications is spelled out as such. When the Department or delegated local agency determines that an application or registration is incomplete or contains insufficient information to determine compliance with this chapter, it will notify the applicant in writing.

The applicant shall have 60 days to provide the information necessary to complete the application or registration. Thereafter, the Department or delegated local agency will consider the application to be withdrawn by the applicant.

According to Table 14 1 in the Pennsylvania Pipeline Portal's online application system, 11 of the 24 municipalities in the southwest region are listed as to be determined with regards to compliance with local management plans. Despite Sunoco's assumption that no response from municipalities is tantamount to an approval, this is not stated anywhere in the state law and clearly violates the due process of local governments that have invested substantial time and resources in developing these plans tailored for the specific conditions in their locality.

The DEP has deemed the application complete and technically adequate when it is neither. Because of the complete determination, they have opened a public comment period currently scheduled to close on August 24th. Comments from various municipalities and the Delaware County Conservation District demonstrate that if evaluated on its current merits, the application must be denied, yet the public will have no opportunity to comment on additional or revised materials.

While concerns about safety may not be directly connected to the Chapter 105 permit review process, it would be an enormous oversight to ignore what happened on April 29th in Salem Township, just 20 minutes from where we are tonight, when Spectra Energy's Texas Eastern natural gas pipeline exploded and forever altered the life of a 26-year-old man, James Baker. Sunoco was not at fault in that particular tragedy. However, they have a long list of pipeline incidents of their own.

Ensuring the health and safety of Pennsylvania citizens is not only a moral requirement, but also one firmly entrenched in both state law and the state constitution. The issues I've addressed tonight are just a few of the many that in my opinion clearly show that the application submitted by Sunoco currently in the technical review process is incomplete and cannot be approved. Thank you for providing me the opportunity to comment. (29719)

**Response:**

The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s Chapter 102 and 105

permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

#### **59. COMMENT**

In this case, the applicant identified four separate wetlands that all are the same type and connected together. More important than this odd mapping convention, however, is the fact that the actual extent of wetland here is likely to be much larger than has been mapped, in light of their landscape position at the base of steep slopes and on a broad, flat floodplain adjacent to the streams.

Apparently, only two of the five wetlands in this area are proposed to be impacted by the pipeline project, which proposes an open cut method through them. Both impacted wetlands are characterized as "exceptional value" wetlands, yet no methods to avoid or minimize the impact (by boring or HDD) have been proposed as is required by the applicant. (5960)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

#### **60. COMMENT**

I've seen firsthand the bad practices that Sunoco Logistics has already perpetrated at the Gerhart property. As a wetland delineator ecologic surveyor, I was appalled to see trees cut right into the stream banks, felled across streams and into critical wetlands. There were zero sediment socks or any use of erosion control in place. And no evidence that a single test hole had been dug to properly delineate wetland boundaries. If a farmer had done this, DEP would have strict penalties, most likely causing that farmer to shut down their operations.

I was also appalled to find out that all this was done before any permitting had been issued, violating wetland disturbance codes and violating the privacy of the Gerhart family. Also, someone had mentioned that the HDD method was going to be used on the Gerhart property. That's not true. They're planning on using the trenching method. This was just one of hundreds of wetlands and thousands of streams that this pipeline would cross. In addition, this pipeline is crossing the Ohio/Pennsylvania state boundary. And therefore, it should be considered an interstate-route issue, not intrastate issue. I urge DEP to pass this project off to the proper agency for future consideration. (29829)

**Response:**

Sunoco Pipeline L.P. conducted hand-felling of trees but did not conduct any earth disturbance activities. DEP conducted an inspection of the tree cutting activities at this site and determined that Sunoco Pipeline L.P. did not violate DEP regulations or laws.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline L.P. and the Department.

The Department has undertaken a thorough evaluation of the Sunoco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

## 61. COMMENT

And in addition ---. This is a little long. I hope I can make it in my time. But if not, again, I'll send them to you. The extent of exceptional value wetlands along the pipeline route likely has been underestimated. Both exceptional value and high-quality waters in Pennsylvania are entitled to special protection to prevent degradation when construction activities are being considered. Those waters identified as exceptional-value waters in Pennsylvania are tier three outstanding natural resource waters. And in terms of the Federal Clean Water Act, such waters are to receive the highest level of protection, no degradation of their quantity and quality. This level of protection is even more stringent than applied --- than that applied to high-quality waters for which the true economic justification can be used as a rationale for allowing partial degradation.

Exceptional-value wetlands, because they are EV waters, are to be afforded the same degradation special protection as streams that have been designated EV waters. That is no reduction of their water quality is to be allowed by federal and state laws. Along this proposed pipeline route, a total of 129 wetlands has been identified as exceptional value, according to tables prepared by Tetra Tech and dated 24 of May 2016. Consequently, exceptional-value wetlands represent 20 percent of all wetlands to be impacted by construction of this pipeline.

Five different bases are listed for considering a wetlands to be exceptional value. And in some instances a wetland is categorized as exceptional value on more than one basis. In some instances wetlands are along EV streams, and thus qualify as exceptional value, but they are not so listed. Two examples are included in Berks County and Chester County. And again, I'll send more information.

Well, the last thing I would have to say is, any such wetlands along the Mariner East Pipeline route would qualify as exceptional value, yet this application includes no discussion at all about this criterion, nor does it describe or even mention whether any of the wetlands along the proposed route is located above or along a public or private drinking water supply.

The permit should be denied. This is not a proper process, based on your terms. (29833)

### **Response:**

Sunoco Pipeline L.P. performed a detailed alternatives analysis and the DEP has determined that Sunoco Pipeline L.P. avoided and minimized impacts to wetlands to the greatest extent practicable. No permanent loss of wetlands is proposed by this project. Sunoco Pipeline L.P. is required to properly restore wetlands after the pipeline is constructed. Sunoco Pipeline L.P. shall create Palustrine Forested (PFO) wetlands in accordance with their "Permittee-Responsible Compensatory Wetland Mitigation Plan" to compensate for the function and value loss associated with permanently converting 0.405 acres of PFO wetlands to Palustrine Emergent (PEM) wetlands. DEP determined that the requirements identified in Ch. 105.18a have be satisfied.

The Department has undertaken a thorough evaluation of the Sunoco's applications for the

necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

## **CH105 – SERO**

### **1. COMMENT**

Understanding the Chapter 105 permit is made for made for stream and wetland crossings, my comments are specific to that and to the fact that Sunoco's applications are missing important pieces of information needed for me, and for the Department, to properly review the application before you.

The applications are incomplete and inaccurate in the following ways:

- 1) missing wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP can't measure damage to streams and wetlands it doesn't know exist.
- 2) missing required information such as shape files
- 3) inaccurate maps as noted by the public and by municipalities including missing wetlands and streams.

Ridley Creek is in my area and is an impacted water but does not appear in the permit application. (5965)

#### **Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff have worked with Sunoco Pipeline L.P. to address various comments that were raised during the technical review – including those mentioned above. The delay to release the shapefiles was to ensure that the files that were received from the company did not contain sensitive landowner information that should not be released. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

### **2. COMMENT**

Further, of utmost concern, is the risk of accidents, spills and explosions. This is both a real and an unacceptable risk. These major transmission lines have no place near homes, schools, workplaces or recreation areas. However, Sunoco plans to cross thousands upon thousands of them. Since I began researching gas and hazardous materials pipelines in the fall of 2015, I have read about dozens of accidents in the United States, all of them resulting in property damage and pollution, many of them causing injuries, and some of them causing death. These issues are not beyond the department's scope. In fact, they should be one of your primary focal points. Your agency has a duty to protect the people and environment of Pennsylvania. Issuing permits for a project like Sunoco's Mariner East 2 would clearly be at odds with this duty.

As someone concerned about his project, I have taken time to voluntarily explore areas of impact. For instance, I have reviewed correspondence in nearby Edgmont Township Delaware County between Sunoco and Township officials that documents the issues with residents well water from a previous spill that was not detected by Sunoco. (5441, 11136, 23463, 23775)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project.

**3. COMMENT**

The applications are incomplete and inaccurate in the following ways:

- 1) Missing wetlands and streams that the pipelines would cross that Sunoco failed to count. DEP cannot measure damage to streams and wetlands it does not know exist.
- 2) Missing required information such as shape files
- 3) Inaccurate maps as noted by the public and by municipalities including missing wetlands and streams.

Ridley Creek is in my area and is an impacted waterway but does not appear in the permit application. (5985)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff have worked with Sunoco Pipeline L.P. to address various comments that were raised during the technical review – including those mentioned above. The shapefiles are not required as part of a permit application and are not commonly submitted but were provided to the Department by Sunoco Pipeline L.P. The files were accepted by the Department to aid in the review of the application material given the large scale of the project.

**4. COMMENT**

It was premature for DEP to open a public comment period on June 25th, 2016, before the public could review complete and accurate permit applications. For example, Thornbury township (Delaware county) has informed Sunoco that its plans are NOT CONSISTENT with its expensively developed local stormwater management plans. No permits should be issued until Sunoco submits complete and consistent plans, and the public has an opportunity to comment on them. (5989)

**Response:**

The Department acknowledges the commentator's comment on this proposed pipeline project. All submittals have been uploaded to DEP's website to facilitate easy review by the public. The Department has also accepted comments through the various resource accounts which have been taken into consideration.

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, with current and approved Act 167 stormwater plans, that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. For municipalities without current and approved Act 167 stormwater plans, Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

The alleged 2015 leak referenced in the Comment is outside the scope of the Chapter 102 and 105 permitting process.

**5. COMMENT**

The Delaware Riverkeeper Network ("DRN") submits the following comment to the

Pennsylvania Department of Environmental Protection (“Department”) on the applications E23 524 and E15-862 with respect to the Mariner II Pipeline Project (the “Project”) proposed by Sunoco.

Where a natural gas pipeline impacts an exceptional value (“EV”) wetland, the Pennsylvania Department of Environmental Protection (“DEP”) may not grant a permit under Chapter 105 of the Pennsylvania Code or Section 401 of the Clean Water Act unless the applicant affirmatively demonstrates in writing that “[t]he project is water-dependent. A project is water-dependent when the project requires access or proximity to or siting within the wetland to fulfill the basic purposes of the project.” 25 Pa. Code § 105.18a(a)(2).

The Mariner East II Pipeline Project is not a water dependent project. The pipeline project can be re-routed around wetlands, and does not require proximity to water (such as a dock or a dam). Additionally, pipeline projects can use a construction technique called Horizontal Directional Drilling (“HDD”) to construct the pipeline underneath waterways and wetlands, avoiding impacts entirely. For this type of crossing, a specialized drill rig is used to advance an angled borehole below the stream or wetland to be crossed and, using a telemetry guidance system, the borehole is steered beneath the stream or wetland and then back to the ground surface. The hole is then reamed to a size, adequate for the pipe to pass through, and the pipeline is then pulled back through the bore hole.

The Department’s records are replete with examples of pipeline projects that have utilized this technology. For example, the Department reviewed and accepted Tennessee Gas Pipeline Company’s use of this technology to construct its Northeast Upgrade pipeline project under the Delaware River. *See* 42 Pa Bulletin 7478-7482. Additionally, the Department required Columbia Gas Pipeline to HDD under the Exceptional Value wetlands and at least seven streams for the Eastside Expansion Project. *See* Permit E15-846. Indeed, Tennessee Gas Pipeline Company recently described the viability of HDD technology in its application to the Department for Orion Pipeline Project.

Because pipeline projects are not water-dependent, the Department is prohibited from issuing Chapter 105 permits to the extent these projects impact an EV wetland. Because the Project proposes to impact numerous EV wetlands, the Department may not provide a Chapter 105 permit for the Project pursuant to 25 Pa. Code § 105.18a(a)(2).

Additionally, the Department is prohibited from approving construction and operational activity that will have an adverse impact on “Exceptional Value” wetlands as described by 25 Pa. Code § 105.18a. (6051)

**Response:**

The Department has undertaken a thorough evaluation of the Sunoco’s applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania’s water resources are adequately protected.

**6.COMMENT**

Pennsylvania’s water quality standards establish a clear regulatory regime with respect to the protections afforded to wetlands within the state. *See generally*, 25 Pa. Code 96.3(b) (incorporating the antidegradation protections in §§ 93.4a- 93.4d and 105.1, 105.15, 105.17, 105.18a, 105.20a and 105.451). Respondents may not grant a permit or authorization for a proposed project “located in, along, across or projecting into an exceptional value wetland, or otherwise affecting an exceptional value wetland” if the dam, water obstruction or

encroachment will have an “*adverse impact on the wetland* as determined in accordance with §§ 105.14(b) and 105.15.” 25 Pa. Code § 105.18a(a)(1) (emphasis added).

The only reference in 25 Pa. Code 105.14(b) or 105.15 that specifically provides guidance to Respondents for making a determination of an “adverse impact” on wetlands is § 105.14(b)(13), which states that the Department must “consider the impact on the wetland’s values and functions.” *See* 25 Pa. Code §105.14(b)(13). Wetland functions are defined in the Pennsylvania Code to include, but are not limited to, the those set out in 25 Pa. Code § 105.1.

Therefore, to the extent that any project applicant seeking a Section 401 water quality certification proposes a project that results in the loss of wetland functionality as defined in § 105.1 of an “Exceptional Value” wetland, the impact must be considered “adverse.” *See also Pennsylvania Environmental Law and Practice*, ch. 6-4.3, Permit Review (8th ed. 2015) (“From all practical perspectives, it is rare that a project in or affecting an EV wetland will be permitted. Very few projects can meet . . . these tests”). Such an adverse impact finding dictates that the Project violates Pennsylvania’s water quality standards and the Department may not grant Chapter 105 permits for the Project. As described in the attached expert report, construction and operational activity for the proposed Project will result in the permanent conversion of numerous “Exceptional Value” forested wetlands to emergent (nonforested) wetlands. Such a conversion is an adverse impact and prohibited by the Pennsylvania Code. Therefore, the Department may not issue Chapter 105 permits for this Project. (6051)

**Response:**

The applicant is not seeking a Section 401 Water Quality Certification for the Department permits for this project. Under the Federal Clean Water Act, such certifications are only required where an applicant seeks a *Federal* permit or license. Under the Department’s Chapter 105 water obstruction and encroachment regulations, an applicant must conduct surveys that demarcate all wetland resources, and must assess wetland functions and values, that may be impacted by its proposed activity. When proposing an activity that may impact wetland function and values, the applicant must analyze alternatives locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts be mitigated. In reviewing the application, the Department considers the impacts on wetland function and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact wetlands resources.

Sunoco proposes in its application materials for its Chapter 105 water obstruction and encroachment permits to permanently convert less than 0.405 acres of PFO wetlands to PEM wetlands. The Department has required the applicant to engage in substantial compensatory mitigation for these impacts. Several conditions in the Chapter 105 water obstruction and encroachment permits specify how Sunoco must mitigate any permanent impacts to water resources. Refer to Sunoco’s Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

**7. COMMENT**

#2. There are concerns with the accuracy of diagrams and impact acreages provided by Sunoco. For example, there are references to a creek (Repauso) in the Delaware County file that is not in Delaware County. (5438)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff have worked closely with Sunoco Pipeline L.P. to address various comments that were raised during the technical review – including those mentioned above.

**8. COMMENT**

Stormwater Management Analysis Incomplete. Attachment 14 (Stormwater Management Analysis), Table 14- 1, includes "PPP Summary of Stormwater Plan and Floodplain Consistency Correspondence for SERO Counties." Included on the table are cells to indicate whether the Stormwater Plan is consistent. For many of the municipalities, the Applicant has indicated "TBD." and even stated "N" [i.e., "NO"] for others. Therefore, for purposes of fairness, due process and transparency, the applications should be deemed administratively, incomplete until Applicant provides information demonstrating that the Stormwater Plan is consistent for each municipality within Chester County. (6284)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff have worked closely with Sunoco Pipeline L.P. to address various comments that were raised during the technical review – including those mentioned above. Stormwater and Floodplain consistency has either been addressed through direct communication with the pertinent municipalities or through Department review and approval of Sunoco Pipeline L.P.'s verification report. All updated information was posted on DEP's website for public review.

**9. COMMENT**

Thank you for taking the time to discuss my concerns about the Sunoco Logistics plan for the installation of the Mariner East 2 pipeline on my property as evidenced by sheet ES-6.22 of the DELCO Conservation District ESC & Site Restoration Plan. I brought to your attention that the proposal was to use HOD under the stream and under Mt. Alverno Road as Sunoco personnel have informed me on their site visits. On close examination of the actual Tetra Tech print it appears that only the roadway will be bored, however.

From my perspective it does not matter if both the stream and the road or just the road will be subject to HOD. The Right of Way Department of Sunoco Pipeline L.P. will not compromise on the need to both acquire and clear cut the two large (relative to my property) 'extra temporary workspaces' in the riparian buffer. The ostensible reason being to prepare the area for the HOD process. The Tetra Tech blueprint notwithstanding, Matthew Gordon told me that the plan was to use HOD under the stream and the road. More importantly, he said that HOD was not the preferred method here, that they would rather use conventional methods. Apparently it is another engineering company that selected the installation method based on the assumption that it would be required.

To clear cut the riparian buffer, especially on the steeply sloped east side of the stream is not acceptable to me. Nor does it appear to be acceptable according to the Bureau

of Watershed Management's document "Riparian Forest Buffer Guidance" or according to the guidelines put forth in the "Governor's Pipeline Infrastructure Task Force Report".

If the requirement (perceived or actual) to use HOD could be removed the extra temporary work spaces that include the vital riparian buffers on both sides of the stream would not be needed. The project's environmental impact would be reduced to the minimum. Conventional techniques were used when Atlantic replaced the adjacent Mariner East 1 pipe in the early 1990's and it was a non event.

Based on the positions of the principal parties involved in this project as it pertains to my property there appears to be either some miscommunication or a lack of communication. On a project as vast in scope as Mariner East 2 such is understandable. Hopefully you will concur that the preservation of the riparian buffer is the priority here and clarify for Sunoco that any stream crossing method must preserve that buffer. Such a determination would result in the use of the conventional method which is the preferred method of Sunoco Logistics anyway.

Note I have attached some other material for your review. Two photos of the riparian buffer, a plan of the proposed easement supplied by the Right of Way Department, and a list of the trees in the riparian buffer on my property. The buffer appears to be a class 1 buffer: if not, only because of the discontinuity caused by Mt. Alverno Road. Please note the Tetra Tech plan shows an additional temporary work space (clear cut) in the forested sleep slope on the east side of the road directly across from my property.

(6334)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project.

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. In the revised material Sunoco Pipeline L.P. changed to the previously-proposed pipeline construction technique in this area, from a conventional bore to conventional open-cut trenching installation. The proposed construction and permanent workspace in this area was originally, and is currently, reduced to avoid impacts to a wetland located west of the stream and south of the construction right-of-way. An additional temporary workspace is required in the areas adjacent to the road and stream to support construction of the pipeline crossings of these features, regardless of whether conventional bore or conventional open-cut trenching installation is used.

Additionally, Sunoco Pipeline L.P. will restore the temporary workspaces of the 150 foot riparian buffers of HQ/EV watershed streams and 100 feet of CWF streams to their pre-existing condition. In the revised material Sunoco Pipeline L.P. changed to the previously-proposed pipeline construction technique in this area, from a conventional bore to conventional open-cut trenching installation. The proposed construction and permanent workspace in this area was originally, and is currently, reduced to avoid impacts to a wetland located west of the stream and south of the construction right-of-way. An additional temporary workspace is required in the areas adjacent to the road and stream to support construction of the pipeline crossings of these features, regardless of whether conventional bore or conventional open-cut trenching installation is used. Additionally, Sunoco Pipeline L.P. will restore the temporary workspaces of the 150 foot riparian buffers of HQ/EV watershed streams and 100 feet of CWF streams to their pre-existing condition.

**10. COMMENT**

My name's Michael DiDomenico. I reside at 1530 Woodland Road, Westtown Township, West Chester. Due to the proximity of the proposed Route 352 horizontal building site, of which my property lies less than 250 feet, I contacted two hydrogeologists and three well builders to confirm my suspicion. There is a high likelihood my 405-foot private water well will be negatively impacted within six months of the drilling, which includes to the two 20-inch pipeline of which there's already a 16-inch and 8-inch in Route 352. (29691)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project.

**11. COMMENT**

The other concern I would like to bring up in my last minute is that Delaware County Conservation District has submitted four pages of concerns that, as of yet, have not been answered. So you're having this hearing tonight without us having all the information at hand. I would like to submit that document to you so that it can be reviewed and answered. So that we know what's going on with the questions that the Conservation District has in regards to the integrity of surface and groundwater in our area, Delaware County. (29690)

**Response:**

The Department thanks the commentator for their comment on this proposed pipeline project. Department staff have worked closely with the County Conservation Districts and Sunoco Pipeline L.P. to address any concerns that came up during the technical review.

The updated joint application submitted by Sunoco Pipeline L.P. includes responses to the comments submitted by the Delaware County Conservation District concerning Sunoco Pipeline L.P.'s initial Notice of Intent for coverage under the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2).

**CH105 – SCRO**

**1. COMMENT**

See attached files for reasons Sunoco should not proceed. I have a building where they want to put it and a sewage system that is 100% in the path, no one has been in contact!!! tired of there constant harassment. name and address on attachments 3rd photo is of them pumping drilling fluid into stream, I had called DEP,they came and said that it was OK

About 20 years ago, I was approached by Right-of-Way agent Brian Quinlan. We discussed the clearing of 13 trees in my yard. Two weeks later, I got a call from Brenna Hunter telling me the company was going to cut 54 trees from my yard which would have cleared out my yard..I told her we had already agreed on 13 trees and she accused me of lying! After about 12 years, we got a new amended agreement stating the Sunoco Right-of-Way would be 40 feet. In late 2013, I received a notice that the company wanted to survey for a new line. I refused permission and they dropped the issue until May 2014 when I was given a 3 day notice of a hearing, I had to get a new lawyer and he got me a 2 week extension but once we were in court, the judge limited my attorney to a only saying a couple of things and said not to say anymore because his "mind was made up". The judge gave permission for Sunoco to survey and do a repair anywhere

on my property they wanted to. They walked through my fields and destroyed my hay and wheat and ran over the hay that I had cut and laying ready to be baled which packed my hay into the mud. (They laughed about the ruined condition of my hay.)

Sunoco set up a drilling rig over 50 feet which is beyond their entitled 40' of Right-of-Way. When I complained about it, they said if I didn't let them, I would go to jail! They pumped drilling mud into a stream, so I called DEP Fish Commission but they allowed it. Sunoco workers were behind my building one evening after 7 p.m. walking around and I told them to get off my property because they are required to give me a 24 hour notice before being on my property unless it is an emergency, The next morning, I was again threatened with jail. Mr. Jeff Shields says they don't do this. B/S! I went through it!

There were a bunch of stakes in the field that I farm that were in the way of my equipment. I told Bart Mitchells about it and he said to take them out. I told him I didn't put them in there so he said someone would be out to remove them but they did not! I broke the hay bine on a stake and they have not yet paid for the repair which happened in June 2014. I provided a repair bill for damages (Bart Mitchells) from surveying and ruining my wheat crop, hay, and future crops, but they have not repaired the damages or paid the agreed on price. Sunoco has also threatened my neighbor with jail for not letting them have permission to cross his yard for repairs. They left a diesel truck running all day across the road from my property with nobody in the truck.

I have never refused Sunoco permission to use their stated 40' Right-of-Way! I've have now been served with Eminent Domain papers. Sunoco has never sent anyone out to talk to me to explain their intentions with the new lines or to make any kind of offer to me.

A new pipeline would go through a building and cross a building lot that I was planning to build my retirement home on. I have to put my plans on hold. I am 75 years old and don't need this harassment. A damage zone for this pipeline should there be a leak or fire would destroy everything I own. I could not live that close to this pipeline.

The judge had Sunoco supply a \$5,000 bond for surveying damages and \$25,000 bond for field repair. I have gotten none. I have been lied to many times. When repairs were being done, workers told me they were pumping production. I was at the hole and a 50' piece of pipe was missing! If they can pump across that, they can go all the way across my property. (5933)

**Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco Pipeline L.P. is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco Pipeline L.P. for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

## 2. COMMENT

a. Sunoco has undercounted wetlands and streams which would be crossed.

One of the most significant omissions in Sunoco's applications is the failure to accurately quantify impacts to wetlands and streams due to the omission of wetlands and streams from the applications. Sunoco's applications are also confusingly contradictory in how they count, locate, and characterize wetlands, leaving the Department unable to precisely analyze the cumulative impacts to those wetlands. The Schmid Report explains these points in detail. *See Exhibit A.*

Citizens also note that the Department has already verified the inaccuracy of Sunoco's wetland and stream delineations along the Project route, as described herein. Sunoco prematurely began clear-cutting forest for Mariner East 2 along the Project route in Union Township, Huntingdon County, on the property of Ellen and Stephen Gerhart<sup>43</sup>.

The Gerharts anticipated that Sunoco had not properly identified and mapped the streams and wetlands on their property, and hired Schmid & Company to do an independent field delineation and characterization. Schmid & Company found a much greater extent of streams and wetlands than Sunoco represented existed on the Gerhart property. *See Schmid Gerhart Report*, attached as Exhibit B. The Department later did a field investigation itself and came to the conclusion that the Schmid delineation was more accurate than Sunoco's, stating:

Also, it was observed that a stream which was not identified on the application plans flows into the stream identified as S-L45a on the plan maps for permit application # E31-234. Also, it appeared likely based on visual observations that wetlands exist on the property beyond what was delineated on the permit application plans, and that the delineation provided by the Gearhart [sic] family appeared to be more representative of the water resources present than the delineation provided in permit application E31-234 by the applicant, Sunoco Pipeline LP.

Water Obstruction and Encroachment Inspection Report, Trough Creek Valley Pike, May 16, 2016, attached as Exhibit C.<sup>44</sup>

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<sup>43</sup> In the course of that clear-cutting, Sunoco felled trees into wetlands without possessing any Chapter 105 permits.

<sup>44</sup>

It should be noted that Sunoco conducted a later field delineation of the Gerhart property. Elise Gerhart, daughter of the property owners, observed that delineation. She reports that the delineation overlooked certain areas of the family

Given that independent analysis of Sunoco's delineations reveals waters and wetlands missing from the applications, it is *crucial* that all stream and wetland delineations be reviewed in the field by the Army Corps of Engineers as well as Department personnel. It is apparent that Sunoco's consultants did not satisfactorily field-verify their wetland delineations and assessments, which should have been completed before submission of their applications. This neglect harms the ability of the Department and the public to conduct an accurate technical review under Chapter 105. Citizens therefore request that these Chapter 105 applications be denied until such time as accurate information for wetlands and streams is compiled and verified by the Department and available for public review. If the Department does not deem this cause for denial, we ask that the Department explain that decision in a formal statement.

Citizens therefore request that these Chapter 105 applications be denied until such time as accurate information for wetlands and streams is compiled and verified by the Department and available for public review. If the Department does not deem this cause for denial, we ask that the Department explain that decision in a formal statement. (5939-5947)

**Response:**

The DEP identified incorrect and incomplete wetland and stream identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The DEP believes the streams and wetlands within the proposed limits of disturbance at this site are correctly identified in the application.

**3. COMMENT**

3. We appreciate that the proposed crossing of the Letort Spring Run will be accomplished by HDD and that the crossing is co-located in close proximity to the PA Turnpike to avoid introducing another disturbance along the stream. (5948)

**Response:**

The Department agrees that crossing the Letort Spring Run by HDD avoids and minimizes water resource impacts to the greatest extent practicable.

**4. COMMENT**

4. The limits of the HDD staging/pull back area on the east side of the Letort Spring Run (Station 10129) is very close to the PEM wetland adjacent to the stream. This area should be pulled back to provide more buffer to the wetland. (5948)

**Response:**

Sunoco Pipeline L.P. is not proposing to impact the adjacent wetland.

**5. COMMENT**

5. Along the "existing" access road located at Station 10141, protection for the adjacent PFO wetland should be provided. Also there is no indication that a culvert is provided to

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property along the route that contained wetlands. In particular, Sunoco's agents did not put up any new wetlands delineation tape, they did not survey the eastern part of the property where wetlands were previously undermapped and miscategorized, and they claimed "no hydrology" and "no water" in places where they were at the time standing in mud.

maintain and protect the UNT crossing. Finally, the proposed aggregate stockpile on this road should be moved away from the wetland. (5948)

**Response:**

Appropriate erosion and sediment controls to minimize sedimentation to the PFO wetland are included within the approved erosion and sedimentation control plan. The application materials do include a temporary road crossing in the UNT and the temporary crossing is authorized by the permit.

**6. COMMENT**

Wetlands on my family's property would be destroyed by this project. This not due to lack of an alternative route, but because creating an extended route through our property is cheaper. As the proposed route enters our property, it does so following alongside an existing pipeline route (not owned by Sunoco) that borders us. At a certain point, Sunoco's proposed route takes a sharp turn into the heart of our property and continues in a diagonal fashion, making an additional stream crossing and traversing wetlands. Just over the top of the ridge, not even a mile from our property, the route makes a sharp diagonal turn back in the other direction. The only explanation for these wild diagonal cuts is that if Sunoco were to continue straight they would need to cross a cluster of private properties. It is my belief that Sunoco chose to cut through our wetlands and stream in order to avoid having to engage in additional easement agreements and subsequent payouts. I would like to note that many of these properties in question are hunting cabins, not occupied year-round, and that I do not believe that Sunoco avoided these properties in order to reduce human impact (they have shown that they will put these pipelines through very populated residential areas).

The wetlands in question would be trenched out and back filled, and would be gone forever. The area contains vernal pools and important habitat for amphibians. The mislabeling of these forested wetlands as "emergent wetlands" was most likely intentional in order to avoid necessary mitigation. The forest canopy that existed there could clearly be seen from satellite imagery, and Sunoco initially surveyed on foot in early 2015. That time of year it would also be difficult to miss the size and extent of wetlands. However, Sunoco underreported this size and extent.

Sunoco also omitted a stream crossing on our property in their application to the department. This convenient omission makes the stream system look as if it is disconnected from the rest of the Juniata Watershed. This is completely inaccurate. Again, the stream that was omitted can clearly be seen from satellite imagery on Google maps and should be clearly visible with professional programs. You can't miss it if you are out on foot. This stream lies below a steep hillside that was, until March 29 of this year, a flourishing white-pine and mixed hardwood forest with trees over 100 years old. I have since seen the stream cloud up after even a light rain. Sunoco made no attempt to control sedimentation during clearcutting and the area has been left for five months in this condition.

Attached below is a link to photos of the second stream crossing created by Sunoco's diagonal cut through the property. This is part of the same stream system but further upstream. Sunoco made no attempts to prevent the filling of this stream with debris during clearcutting.

They are making no plans to horizontally drill under any stream on the property or the wetlands on the eastern side.

These already impacted streams fill a pond on the western side of the property. Sunoco says that they plan to horizontally drill underneath this pond. However, the property owners have never seen a diagram of the geology, have never had HDD explained to them, and have never been told how deep Sunoco plans to drill underneath. Regardless of attempts at HDD, this pond would be severely impacted by the damage upstream.

The pond is an important habitat for migratory aquatic birds. This spring, we noted a spotted salamander nest in the pond and a mallard duck nest adjacent to the pond. It is frequented by Canadian geese and blue herons. It is filled with turtles and frogs. No studies of wildlife have ever been conducted on the property by Sunoco, the department, or any other agency, so impacts cannot be fully understood. Moving forward with this project with so little information would be a reckless endeavor.

Little Trough Creek is the first named creek that our small streams contribute to. This creek is just to the west of our property and rests in a hundred-year flood plain. It continues to the Juniata River, the Susquehanna and ultimately to the Chesapeake Bay. This creek supports fish and thousands upon thousands of amphibians.

We do not wish to see the creek impacted by loss of our connecting streams. I do not believe that these impacts have been properly assessed because the loss has not been admitted. Sunoco simply claims that our streams will suffer no impacts although we have already seen them impacted.

[https://www.flickr.com/photos/backwards\\_dog/albums/72157666647316095](https://www.flickr.com/photos/backwards_dog/albums/72157666647316095) - connect you to a flickr account created by Coryn Wolk, a Philadelphia resident who works with Clean Air Council. Ms. Wolk was present at my family's property on March 29 and 30 when Sunoco crews were clearcutting. Although you should take the time to look at all of these photos and videos, I will direct your attention specifically to two items here: [https://www.flickr.com/photos/backwards\\_dog/25566470984/in/album-72157666647316095/](https://www.flickr.com/photos/backwards_dog/25566470984/in/album-72157666647316095/) (shows trees fallen over wetlands delineation tape into wetlands) and [https://www.flickr.com/photos/backwards\\_dog/25566470984/in/album-72157666647316095/](https://www.flickr.com/photos/backwards_dog/25566470984/in/album-72157666647316095/) (which shows a small stream completely filled with debris). I am verifying that these photos were indeed taken at 15357 Trough Creek Valley Pike, Huntingdon, PA between March 29 and 30, 2016. (5953)

**Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts including those for EV wetlands and wildlife habitats. The Environmental Assessment includes a Resource Identification and Project Impacts Report, which identifies the resources located within the Project area, including vegetation, streams and wetlands and any associated impacts, and determines that all secondary impacts to resources regulated under Chapter 105, including streams, that cannot be avoided or mitigated are minor and temporary in nature. It also includes a thorough assessment of aquatic resources and a description of Project Impacts. The Impact Avoidance, Minimization, and Mitigation Procedures describes the proposed construction crossing methods and mitigation measures to be used project wide.

Sunoco Pipeline L.P. plans to cross the streams located on this property (i.e., Stream SL 41 and Stream SL42) using an open cut method; Stream SL 45 and Pond I4 will be crossed

using HDD. A detailed description of the HDD method is included in Section 4.0 of the HDD Inadvertent Return Assessment, Prevention, Preparedness and Contingency Plan (IR Plan) provided in the Joint Permit Application. The Environmental Assessment includes a Resource Identification and Project Impacts Report which identifies the resources located within the Project area, including vegetation, streams and wetlands and any associated impacts.

The depths and exact parameters of the HDD activities beneath this pond can be found in the HDD plans of the Joint Permit Application. The depth of the bore is based on the geological borings in the vicinity of the HDD.

## 7. COMMENT

As someone concerned about his project, I have taken time to voluntarily explore other areas of impact. For instance, I have seen the place where Sunoco plans to cross the Frankstown branch of the Juniata river. This branch is bordered by a CREP conservation area on private property to the west and the steep slopes of Locke Mountain to the east. The river is used for crop irrigation, and the small family farmers who use it will have their business and livelihoods put at risk. Again, no one seems to know how deep Sunoco plans to drill. (5953)

### **Response:**

The Environmental Assessment includes a Resource Identification and Project Impacts Report, which identifies the resources located within the Project area, including vegetation, streams and wetlands and any associated impacts, and determines that all secondary impacts to resources regulated under Chapter 105, including streams, that cannot be avoided or mitigated impacts are minor and temporary in nature. It also includes a thorough assessment of aquatic resources and a description of Project Impacts. The Impact Avoidance, Minimization, and Mitigation Procedures describes the proposed construction crossing methods and mitigation measures to be used project wide.

Waterbody crossings will be restored in accordance with a special condition as well as the E&S Plan that dictates the restoration of the existing topography, stream bed substrate, and wetland soils, hydrology, and vegetation.

## 8. COMMENT

Recently, I took some time to explore Sunoco's Raystown lake crossing. This would again, like our property and the Frankstown branch crossing, be an entirely new footprint. Development has taken place on the lake since the installation of Mariner 1 eighty-five years ago. Again, Sunoco wanted to choose a cheaper alternative to going through developed areas. Putting these pipes underneath a recreation area like Raystown is an unacceptable risk. The route is extremely close to swimming areas where people take their children. Swaths of trees would be cut out. I was surprised to see that Sunoco had completed no clearcutting in this area, which is just over the next ridge from my parents' property. Why is this? Why did they need to clear-cut our property 5 months ago, but just a few miles away they have cut nothing? (5953)

### **Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts, and with respect to this area, the Raystown Lake crossing was the preferred alternative.

Project impacts on Raystown Lake are addressed in the US Army Corps of Engineer's Environmental Assessment (EA) for the Pennsylvania Pipeline Project Crossing USACE owned and operated properties at Loyalhanna Lake, Conemaugh River Lake, and Raystown Lake. No findings of significant impact were found by the USACE. Clear-cutting on these Federal properties is not allowed prior to approval of a real estate easement agreement in accordance with 30 U.S.C. 185.

## 9. COMMENT

Our environmental consultant, Schmid and Company, based in Media, PA, disputes the findings of Sunoco Logistics' consultant, Tetra Tech, on several key issues: **1)** Tetra Tech only reported 1/2 of the streams and 1/7 of the wetlands on our property, **2)** Tetra Tech does not show these streams and wetlands as being directly connected to our pond, **3)** Tetra Tech does not show these waterways as being directly connected to Little Trough Creek, part of the Juniata Watershed, Tetra Tech misrepresents the wetlands, classifying them as "emergent" when in fact they are clearly "forested", Tetra Tech did no onsite testing for hydrologic soils until *after* the tree clearing had been done and trees were cut down in areas that should have been designated as wetlands, Tetra Tech did no onsite inventory of the flora or fauna to determine the quality of the stream, wetlands, or pond, Tetra Tech did no onsite inventory to determine the presence of any endangered/threatened species of flora or fauna, but instead relied on the online index, which only indicates probability, Tetra Tech did no onsite inventory of the types of trees present on the property until *after* the trees had been cleared, and Tetra Tech did no chemical analyses (pH, O<sub>2</sub> levels, etc.) of either the streams or the wetlands. request has been sent to and received by the Army Corps of Engineers, Baltimore Division, for a jurisdictional determination of the waterways on our property. Permits should be denied based on Tetra Tech's misrepresentation of the characteristics of the wetlands, streams, and pond, and the pending request to the Army Corps. If this many problems have been found on just 3 acres, how many more may be found across the 350 miles of proposed pipeline. (5955)

### **Response:**

The Environmental Assessment includes an updated Aquatic Resource Report for Huntingdon County, which details the methodology used to identify the wetlands and streams referenced in this comment. A jurisdictional determination was conducted by the USACE on at this location on Wednesday September 7, 2016. The minor changes were relayed to Sunoco Pipeline L.P. and the water resources presented within the applicant's Aquatic Resource Report reflects the USACE reviewed wetlands and streams. The applicant sought and received PNDI clearance letters from all appropriate agencies. The clearance letter from PGC, dated June 8, 2016, and all other agency correspondence related to species issues.

## 10. COMMENT

My second reason is that the PPP has inaccurate and incomplete information concerning the wetlands and streams, some considered exceptional value, across the 17 counties this pipeline will run through. This is evident in the case of the same Huntingdon landowners, when a private ecological consulting firm (Schmid & Company Inc. from Media, PA) had found Sunoco only documented "half the stream segments and one seventh of the wetlands present within the designated construction corridor" on their land. (5958)

### **Response:**

The Department identified incorrect and incomplete wetland and watercourse identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by

their proposed project. The DEP believes the streams and wetlands within the proposed limits of disturbance at this site are correctly identified in the application.

## 11. COMMENT

Pennsylvania-American Water Company ("PAWC") appreciates this opportunity to submit the following comments regarding the Sunoco Pipeline L.P. ("Sunoco") Mariner East Pipeline II project ("Pipeline") that Sunoco is planning for the transportation of natural gas liquids ("NGLs") in Pennsylvania. These comments relate to Sunoco's Permit Application E06-701 -Berks County (the "Permit Application") to the Department of Environmental Protection ("DEP" or "Department").

### INTRODUCTION AND BACKGROUND

PAWC is a regulated public utility under 66 Pa.C.S. §§ 101, *et seq.*, that provides public water and wastewater services to portions of 36 counties that include approximately 400 communities across the Commonwealth of Pennsylvania. As a regulated public utility, PAWC falls under the jurisdiction of the Pennsylvania Public Utility Commission ("PUC") and has a statutory duty to furnish and maintain adequate, efficient, safe, and reasonable public utility services and facilities. 66 Pa.C.S. § 1501. PAWC owns two properties located in Spring Township, Pennsylvania ("Tract 44" and "Tract 55," collectively referred to as the "Properties") that are dedicated to public use. Both tracts contain equipment and facilities that are necessary for the operation of the "Wyomissing System" – a public water system that supplies water to approximately 12,200 customers within Berks County, including private and public schools, hospital facilities, and an elderly care facility. Tract 55 contains two wells (#12 and #13), treatment facilities, and two water storage tanks. In a separate proceeding, Sunoco has filed a declaration of taking that seeks to condemn portions of Tracts 44 and 55 for purposes of installing a portion of the Pipeline. A portion of one of the properties that Sunoco seeks to condemn is within approximately 300 feet of a public water well ("Well No. 12") and overlays an aquifer within a PAWC "Source Water Protection Zone" (the "Aquifer"). The Pipeline itself will be within 300 feet of Well No. 12 and overlaying the Aquifer. The Aquifer serves as a re-charge zone for PAWC's Wyomissing System and is a source of supply.

PAWC submits these comments so that the Department may evaluate the potential impact of the Pipeline on PAWC's public water supplies in connection with Sunoco's Permit Application. Among other things, when considering whether to approve applications like Sunoco's, DEP has the obligation to consider the impacts of the project on public water supplies such as PAWC's. 25 Pa. Code § 105.14. DEP must also consider the potential impacts a project will have on property, or riparian rights of owners upstream, downstream, or adjacent to the project; and the impacts of the project on water quality and other significant environmental factors. Furthermore, DEP is obligated to evaluate a project's general impact on environmental and public natural resources. 25 Pa. Code § 105.16.

### SUMMARY OF COMMENTS

As described in more detail below, DEP should evaluate the Pipeline's impact on PAWC and its public water supplies in Berks County, Pennsylvania or order that Sunoco submit further evaluation regarding the potential impact the Pipeline may have on PAWC's public water supplies. Given the proximity of the Pipeline to Well No. 12 and the Aquifer, the proposed route of the Sunoco Pipeline has the potential to endanger

PAWC's public water supplies that are vital to the provision of public water service to over 12,000 Pennsylvanians within Spring Township, Berks County – a fact which unfortunately is not mentioned anywhere in the Permit Application. Furthermore, the Pipeline's current proposed alignment raises the risk level to water resources devoted to the public use that serve (among other customers) several schools, hospital facilities, and an elderly care facility. Accordingly, PAWC urges DEP to require that Sunoco submit further evaluation of the potential impacts and consider alternative routes that would avoid PAWC's public water supplies that are already devoted to providing public water service. At a minimum, DEP should impose permit conditions on the Pipeline sufficient to mitigate against any potential risk to PAWC's public water supplies. (5964)

**Response:**

In the DEP's September 6, 2016 Technical Deficiency letter, DEP identified that Sunoco Pipeline L.P. did not identify public water supplies in the vicinity of the proposed project and requested that they identify all public water supplies within 1 mile of the proposed water resource impacts of the project. In response to DEP's TD letter, Sunoco Pipeline L.P. subsequently provided a list of all public water supplies within 1 mile of the proposed water resource crossings. Additionally, the DEP included a Special Condition with each Water Obstruction and Encroachment permit requiring Sunoco Pipeline L.P. to notify each public water supplier in the vicinity of the project 72 hours in advance of commencing construction activities near the supply and take immediate remedial steps if problems with the water supply occur as result of pipeline construction activities. With respect to alternative routes, in response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. Finally, as Attachment D identifies, this commentator subsequently withdrew all comments provided to DEP.

**12. COMMENT**

**GENERAL COMMENTS**

PAWC submits the following general comments to the Permit Application:

1. *The Pipeline poses a risk to PAWC's Public Water Supplies.*

The Commonwealth's Water Plan imposes requirements on the Department regarding public water supplies. The Water Plan states that "the protection of water resources must be considered early in the development process." *State Water Plan Principles* at 21,43 (2008).

Sunoco's proposed route for the Pipeline crosses the Properties near Well No. 12 and other equipment and facilities for public water service and overlays the Aquifer. No matter how sound the construction and operation, a pipeline project always poses a level of risk, and those concerns are enhanced when the pipeline will be close to a public water supply. Simply put, if approved, the Pipeline increases the risk of damage or pollution to PAWC's water supplies.

As it relates to the Permit Application, Sunoco knew or should have know that its Pipeline had the potential of affecting PAWC's water supplies since at least the fall of 2015, if not before, given its proximity to the Aquifer, to Well No. 12, to other facilities used for the provision of public water service in Spring Township. Yet, Sunoco did not disclose that fact anywhere in its Permit Application, despite having the opportunity and responsibility to do so in several places in the Permit Application. Without that information, the Department cannot fully evaluate the Pipeline's potential impact on PAWC's water supplies as required by the Commonwealth's Water Plan and other statutes and regulations.

The Department should require that Sunoco evaluate alternative routes. The Department has the authority to require applicants to undertake further studies and submit additional information, analyses, and reports as necessary. 25 Pa. Code § 105.15. Sunoco should be required to analyze potential route alternatives that would avoid PAWC's public water supplies. Sunoco did not analyze alternative routes for the Pipeline even though Sunoco knew or should have known the Pipeline poses a level of risk to water supplies on PAWC's Properties. (If Sunoco did know, then it made the curious determination that siting the Pipeline over a public water supply within 300 feet of Well No. 12 was proper). The Department should require Sunoco to analyze the potential alternative routes before approving the Permit Application given the Pipeline's proximity to public water resources.

The Department should impose conditions on the Permit if approved. The Department has the authority to impose conditions on permits. *See* 25 Pa. Code § 105.21. Environmental conditions are routinely imposed on pipelines to protect environmental resources.

As provided in the Commonwealth's Water Plan, when considering human activities that disturb the surface of the land and that will have an impact on water quality of whatever source, "the goal is to conduct those activities in such a way that the impacts to the land surface and the potential impacts on water quality are minimized to the greatest extent possible." *State Water Plan Principles* at 40. The Department's regulations provide that in the event a project subject to a Chapter 105 Permit may have an impact on natural resources or the environment, the Department should consult with the application to examine ways to mitigate environmental impacts. *See* 25 Pa. Code § 105.16.

If the Department approves the Permit Application, DEP should impose environmental conditions that will mitigate, to the greatest extent possible, any potential damage or pollution from a leak, failure, or other accident involving the Pipeline given its proximity to Well No. 12, the Aquifer, and other equipment and facilities designed for providing water to the public in Spring Township. (5964)

**Response:**

In the DEP's September 6, 2016 Technical Deficiency letter, DEP identified that Sunoco Pipeline L.P. did not identify public water supplies in the vicinity of the proposed project and requested that they identify all public water supplies within 1 mile of the proposed water resource impacts of the project. In response to DEP's TD letter, Sunoco Pipeline L.P. subsequently provided a list of all public water supplies within 1 mile of the proposed water resource crossings. Further, Sunoco Pipeline L.P. provided provisions for break or rupture within their permit applications, i.e. valve stations. Additionally, the DEP included a Special Condition with each Water Obstruction and Encroachment permit requiring Sunoco Pipeline L.P. to notify each public water supplier in the vicinity of the project 72 hours in advance of commencing construction activities near the supply and take immediate remedial steps if problems with the water supply occur as result of pipeline construction activities. With respect to alternative routes, in response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. Finally, as Attachment D identifies, this commentator subsequently withdrew all comments provided to DEP.

### 13. COMMENT

#### SPECIFIC COMMENTS

PAWC also submits the following specific comments to Sunoco's Permit Application regarding the Permit Application.

The Department cannot approve a Chapter 105 permit application unless the applicant demonstrates that the application is complete and accurate. 25 Pa. Code § 105.21. Furthermore, a permit should be denied if the applicant has not demonstrated that the proposed project will adequately protect public health, safety, and the environment. As stated in detail in the specific comments that follow, the Permit Application is incomplete and/or inaccurate because it does not account for the proximity of the Pipeline to public water supplies and does not indicate what steps (if any) Sunoco has taken to ensure the protection of the public water supplies on the Properties. The Department should not approve the Permit Application until these issues are adequately addressed.

- In Sunoco's *Joint Application for Pennsylvania Water Obstruction and Encroachment Permit and US. Army Corps of Engineers Section 404 Permit*, Sunoco describes the Pipeline's general route but fails to disclose that the Pipeline will pass through the Properties, which are critical to providing safe drinking water to more than 12,000 residents of Berks County.
- DEP's *General Information Form -Authorization Application ("GIF")*, page 2, specifically asks Sunoco to identify any of the listed facility types that the Pipeline will modify. If the Pipeline is constructed as proposed without DEP requiring Sunoco to adhere to environmental conditions to mitigate impacts to PAWC's public water supplies, PAWC may need to implement several modifications to its existing facilities. Sunoco knew or should have known, but did not disclose, that the Pipeline will require modifications to a "Public Water Supply System" and "Water Resource."
- In Question #1 of the Project Information Section of the *GIF*, Sunoco indicated that it had addressed all community concerns prior to submitting its application to DEP. This is not the case. PAWC expressed concerns to Sunoco regarding the proposed route of the Pipeline and how it will affect PAWC's water resources that serve the citizens of Berks County. These concerns have not been addressed by Sunoco.
- In Question #14.0 of the Coordination Information Section of the *GIF*, Sunoco indicated that the Pipeline will not require the "construction or modification of a drinking water supply to serve 15 or more connections or 25 or more people, at least 60 days of the year." This is incorrect. PAWC's Wyomissing System serves more than 12,000 people every day of the year. If the Pipeline is constructed along Sunoco's proposed route, PAWC must consider and implement significant modifications to the public water supply system in order to further protect its public water supplies.
- Question #15.0 of the Coordination Information Section of the *GIF* asks Sunoco if the Pipeline will include infiltration of storm water or waste water to ground water within one-half mile of public water supply well, spring or infiltration gallery. Sunoco responded, "No." However, if the Pipeline is constructed across the Properties, it is possible that storm water or waste water could impact the Aquifer or other integral parts of PAWC's Wyomissing System.
- Sunoco provided DEP with *Site Plans* and a *Location Map* for the proposed Pipeline route. None of these drawings identify PAWC's Wyomissing System, the Aquifer, Well No. 12 or other water wells, or any other critical public water infrastructure on and underlying the Properties.

- Sunoco's *Project Description* does not disclose the fact that the Pipeline will traverse the Properties, exposing the Wyomissing System and over 12,000 residents of Berks County to potential risks in the event of a leak or other accident involving the Pipeline.
- Sunoco's *Environmental Assessment Form ("E.A. Form")* does not adequately address the potential impacts of the Pipeline to PAWC's Wyomissing System and the water resources of Berks County.
- Enclosure A to the *E.A. Form*, the *Aquatic Resources Report Addendum*, should have identified the Aquifer and its role in re-charging the Wyomissing System and serving as a source of supply during shortage events.
- Enclosure B to the *E.A. Form*, the *Land Use Maps*, does not depict PAWC's public water infrastructure or the Aquifer.
- Enclosure C to the *E.A. Form*, Sunoco's *Aquatic Habitat and Wetlands Functions and Values Assessment* discusses the interplay between aquifers and wetlands in general but provides no analysis or discussion of the Aquifer located in and under the Properties.
- There are also several deficiencies involving Enclosure D to the *E.A. Form, Project Impacts*:
  - Section A asks Sunoco to discuss resources that would be impacted by the Pipeline. Sunoco did not mention PAWC's public water supplies or other water resources.
  - Section B, *Aquatic Impacts*, does not include any discussion of the Aquifer or Well No. 12 or other public water supplies despite a discussion of the Pipeline's impacts on other water resources, such as wetlands and streams.
  - Section 8.3, *Water Quality*, does not account for the possibility that the construction of the Pipeline along its proposed route may pose a significant increased risk to the water quality of the Aquifer or other water supplies on the Properties in the event of a leak or other incident involving the Pipeline.
  - Additionally, in Section B.6, *Other Environmental Factors*, Sunoco states as follows: "There were no other environmental factors of concern identified during field surveys or associated research activities conducted for the proposed Project." Given the absence of a discussion of the potential danger that the Pipeline could pose to the Wyomissing System and Berks County's public water supplies elsewhere in the Application, this statement is incorrect. These potential dangers were brought to Sunoco's attention in or before the fall of 2015 and have not been addressed.
  - Moreover, Section C, *Environmental Impacts on Adjacent Land and Water Resources*, fails to discuss any of the potential impacts to PAWC's public water supplies located in Berks County.

Sunoco's *Alternatives Analysis* does not include any discussion or analysis related to potential route alternatives that would avoid the Properties or further mitigate potential impacts to PAWC's public water supplies located in Berks County.

8. Although Sunoco's *Aquatic Resource Avoidance, Minimization, and Mitigation Plan* discusses some of the Pipeline's potential impacts on the Commonwealth's waterbodies, it fails to identify or address any potential impact on other public water supplies. (5964)

**Response:**

In the DEP's September 6, 2016 Technical Deficiency letter, DEP identified that Sunoco Pipeline L.P. did not identify public water supplies in the vicinity of the proposed project and requested that they identify all public water supplies within 1 mile of the proposed water resource impacts of the project. In response to DEP's TD letter, Sunoco Pipeline L.P. subsequently provided a list of all public water supplies within 1 mile of the proposed water resource crossings. Further, Sunoco Pipeline L.P. provided provisions for break or rupture within their permit applications, ie: valve stations. Additionally, the DEP included a Special Condition with each Water Obstruction and Encroachment permit requiring Sunoco

Pipeline L.P. to notify each public water supplier in the vicinity of the project 72 hours in advance of commencing construction activities near the supply and take immediate remedial steps if problems with the water supply occur as result of pipeline construction activities. With respect to alternative routes, in response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. Finally, as Attachment D identifies, this commentator subsequently withdrew all comments provided to DEP.

#### **14. COMMENT**

##### **CONCLUSION**

PAWC thanks the Department for considering these comments. In summary, Sunoco should be required to perform a thorough analysis of the Pipeline's impacts on PAWC's public water supplies, including alternative routes that avoid the Properties and PAWC's water resources to determine if there is a viable route for the Pipeline that will not endanger public water supplies. In the event that the Pipeline is approved along Sunoco's currently proposed route, the Department should impose environmental conditions to mitigate potential dangers to the public water supplies that address risks associated with the construction and operation of an NGL pipeline adjacent to the Wyomissing System and PAWC's public water supplies. (5964)

##### **Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. DEP determined the proposed route avoids and minimizes impacts to water resources to the greatest extent practicable. Additionally, DEP included a Special Condition with each Water Obstruction and Encroachment permit requiring Sunoco Pipeline L.P. to notify each public and private water supplier in the vicinity of the project 72 hours in advance of commencing construction activities near the supply and take immediate remedial steps if a pollution event occurs as result of pipeline construction activities. Finally, as Attachment D identifies, this commentator subsequently withdrew all comments provided to DEP.

#### **15. COMMENT**

The pipelines involved in the Pennsylvania Pipeline Project are proposed to cross at least 581 wetlands and 1,227 streams. They would permanently degrade at least 35.3 acres of wetlands and 8.6 acres of streams. DEP cannot justify granting permits for this or any other project that violates its own mission and values, and our constitutional "right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. "

Every engineered stream and wetland crossing will cause environmental harms. Open cut, bore and horizontal directional drilling will cause direct sediment disturbance. Lebanon County has 528.61 stream miles and more than half were impaired according to the most recent Lebanon County Implementation Plan of 2006.<sup>45</sup> How can DEP reasonably and credibly protect our dynamic water resources without having current data? This outdated study is one more reason not to accept any further impacts on our streams and wetlands, and

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<sup>45</sup> Lebanon County Implementation Plan (March 2006): [pacd.org/webfresh/wp-content/uploads/2009/12/lebanonCIP.pdf](http://pacd.org/webfresh/wp-content/uploads/2009/12/lebanonCIP.pdf)

it calls into question any justification for allowing pollution/sedimentation from Chapter 105 permits.

The proposed project's 19.7 miles through Lebanon County would cross 13 streams and many more tributaries and wetlands. Specifically, Sunoco cannot be allowed to cut through exceptional value wetlands and tributaries of the Hammer Creek, a cold water fishery. And Sunoco cannot be allowed to withdraw water from the Snitz Creek. I live very close to the Snitz Creek and I care about its future and the wildlife it supports. The Snitz Creek is a tributary to Quittapahilla Creek, a tributary of Swatara Creek in the Susquehanna River Basin.<sup>2</sup> The mainstem of Quittapahilla Creek and all of the major tributaries, including the Snitz Creek are listed as impaired in 303(d).<sup>46</sup> Sources of impairment include nutrients, silt, suspended solids, organic enrichment, low dissolved oxygen concentrations and flow and habitat alterations.<sup>2</sup> It is also important to note that Lebanon County is part of the Lower Susquehanna Regional Water Resource Committee, which is one of the six statewide regional committees for the Water Resource Planning Act.<sup>47</sup> This committee identified four priorities for the region:

- An inventory of water resource supply (sources, geologic influences, and quantity and quality issues) and demand (current and projected consumption rates by use, critical water planning areas, impacts of flood and drought conditions on demand); development of a water budget for each watershed
- Promotion of water resource conservation, including wise and efficient use, water reuse practices, and protection of critical water bodies and function
- Minimize land use impacts, i.e. reduce or eliminate point and non-point sources of water pollution; protect, restore and reclaim floodplains, wetlands and waterway corridors
- Unification of water resource management initiatives via intergovernmental coordination (communication, data collection and sharing, and regulatory linkages), regional planning and advancement of priorities, and promotion of water resource stewardship.<sup>48</sup>

These priorities would be profoundly compromised and subverted by all of Sunoco's proposed stream crossings, wetland encroachments and water withdrawals. (5212)

**Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. The DEP has determined that the proposed route avoids and minimizes stream and wetland impacts to the greatest extent practicable and that no adverse impact to EV wetlands will occur. Adequate erosion and sediment controls will be implemented to minimize erosion and sedimentation to surface waters to the greatest extent practicable. The Susquehanna River Basin Commission (SRBC) is the jurisdictional agency which regulates the quantity of water that may be withdrawn from a water resource within the Susquehanna River basin. If SRBC requires

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<sup>46</sup> Snitz Creek Park Wetland Mitigation Bank Prospectus, PA Penn DOT District 8-0, (February 2010): [www.quittapahilawatershedassociation.org/documents/ProspectusSnitzCreekpark.pdf](http://www.quittapahilawatershedassociation.org/documents/ProspectusSnitzCreekpark.pdf)

<sup>47</sup> Natural Resources Profile/2007 Lebanon County Comprehensive Plan: [www.lebcounty.org/Planning/Documents/CompPlanAppendix1/LCCP\\_AppI6\\_NaturalFeaturesProfile.pdf](http://www.lebcounty.org/Planning/Documents/CompPlanAppendix1/LCCP_AppI6_NaturalFeaturesProfile.pdf)

<sup>48</sup> [https://www.justice.gov/archive/opa/pr/2006/August/06\\_enrd\\_534.html](https://www.justice.gov/archive/opa/pr/2006/August/06_enrd_534.html)

approval for the Snitz Creek water withdrawal, Sunoco Pipeline L.P. would be required to obtain such approval from SRBC.

Sunoco Pipeline L.P. is proposing to HDD under Snitz Creek and has proposed an ABACT E&S BMP between the HDD exit point and Snitz Creek. Further, since the pipeline and Schaeffer Road Block Valve site are being restored, the project will not cause or contribute to the TMDL and impairments of the Quittapahilla Creek.

Finally, while the Lebanon County Implementation Plan and priorities born from the Lower Susquehanna Regional Water Resource Committee are useful planning tools for the public, there are no regulatory requirements contained in Title 25 Pa Code Chapter 102 or Chapter 105 or the Dam Safety and Encroachments Act or The Clean Streams Law that require use of these tools in an applicant's development of permit packages nor as part of DEPs review or decisions on water obstruction and encroachment or erosion control permits.

## 16. COMMENT

### **Water and Wetland crossings**

As per site plans submitted with their 105 application Sunoco intends to employ open cuts as opposed to HDD bores at the majority (~75%) of these water crossings. In particular, there are several locations in Cumberland County where HDD bore would be the correct and more environmentally responsible option to cross waterways as opposed to the current open cut plan. These sites include Opossum Creek (indicated as an area of concern in their PNDI site maps), Cedar and Hogestown Runs. Each of these have moderately wide floodplains in the proposed crossing areas. Bores at these locations would prevent sedimentation impacts to these waterways that can ultimately affect larger creeks in the region.

By employing open cuts, a disproportionate number of the wetlands and streams in Cumberland County will incur both short and long term impacts resulting from the removal of emergent and herbaceous vegetation, shrubs and trees, clearing for staging areas directly adjacent to streambanks and the operation of heavy equipment in and near wetlands and streambeds. Cumulatively within these areas impacts to wetlands and waterways could be profound including loss of bank/stream stability, loss of aquatic habitats, increased erosion and turbidity, and changes in thermal conditions (primarily in forested areas).

Sunoco's proposed pipeline ME2/Pennsylvania Pipeline Project has the potential to impact wetlands and waterways in Cumberland as well as 16 other counties across the southern tier of the state if there are any shortcomings or omissions in the proposed site plans. It is my opinion that Sunoco and their environmental contractor underestimated the overall area size and potential environmental impacts that could result from proposed open cuts across the numerous stream and runs especially in areas of moderate elevation. Temporary or permanent alteration of stream flow and floodplains were not fully considered when determining the numerical extent of permanent and temporary impacts to waterways and adjacent stream banks. Furthermore, Sunoco does not address potential stream degradation and sedimentation that could occur post construction and restoration efforts. (5983)

### **Response:**

In response to DEP's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts. The DEP has determined that the proposed route and crossing methods avoids and minimizes stream and wetland impacts to

the greatest extent practicable. Sunoco Pipeline L.P. conducted a detailed feasibility and risk analysis of potential HDD crossing locations which is provided in the permit application's PPC plan. Appropriate erosion and sediment control BMPs for both HDD and open-cut are included within the approved erosion and sediment control plan. In addition, Sunoco Pipeline L.P. is required to restore and stabilize streams, stream banks, wetlands, floodways, and floodplains to pre-existing grades and elevations. Sunoco Pipeline L.P. has not proposed and the DEP permits don't authorize permanent alteration of stream flow or floodplains. Sunoco Pipeline L.P. conducted a full anti-degradation analysis contained within the Ch. 102 permit application and the Ch. 105 applications (environmental assessment and comprehensive environmental evaluations). The DEP has determined that the project meets all applicable anti-degradation requirements.

#### **17. COMMENT**

Attached is a letter and two attachments which transmit information that will be useful to both the applicant and the Department in correcting the delineated extent and nature of streams and wetlands at a property in Union Township, Huntingdon County, as part of the response to your 6 September 2016 Technical Deficiency letter for this section of the proposed Mariner East 11 pipeline project. This should be self-explanatory, but please let me know if you have any questions. (6326)

#### **Response:**

The commentator raises multiple areas of concern in these comments, please refer to the comments when interpreting this response. All permit application forms and related plans, documents, etc. have been available to the public at the three Department regional offices involved with the project and on Department's webpage. The Department did not withhold permit application materials. Many of the commentators comments relate to correct identification and delineation of water resources. The Department identified incorrect and incomplete wetland and stream identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The Department believes the streams and wetlands within the proposed limits of disturbance are correctly identified in the application. In response to the Department's September 6, 2016, Technical Deficiency review, Sunoco Pipeline L.P. submitted an Alternatives Analysis that includes site-specific analyses of practicable alternatives to avoid or minimize Project impacts and provided a Comprehensive Environmental Evaluation that considered, among other items, antidegradation and cumulative impacts. The Department has determined that the proposed route and crossing methods avoids and minimizes stream and wetland impacts to the greatest extent practicable and that all applicable regulatory requirements are met. Pursuant to Sunoco's permits, Sunoco Pipeline L.P. is required to restore and stabilize streams, stream banks, wetlands, floodways, and floodplains to pre-existing grades and elevations. The Department included Special Conditions within the Ch. 105 permits that require post-construction monitoring of many water resources.

As of the date of issuance of the permits, Sunoco Pipeline L.P. has resolved, or is in the process of resolving, outstanding violations pursuant to approved Corrective Action Plans or other legally enforceable agreements entered into between Sunoco Pipeline L.P. and the Department.

#### **18. COMMENT**

I am writing to you with comments concerning the proposed Mariner East 2 Pipeline project.

I am unable to attend the public meeting as medical issues prevent me from driving.

The proposed pipeline crosses our property, which is conserved with Manada Conservancy. Sunoco holds an easement from 1936 for existing pipelines on our property and wants to expand this easement, plus install several 36 month temporary work spaces. There will be 2 stream crossings, destruction of timber and possibly a wetland and destruction of Native American artifacts. The impact to the environment would be significant.

We are very concerned that Sunoco will not abide by DEP regulations due to problems we have had with Percheron/Sunoco since September 2013.

We would like to meet with a DEP representative on our farm to discuss these problems and do a thorough investigation of the proposed pipeline. We have photos, maps and other documents, including surveys, to help clarify the problem. We look forward to hearing from you. (6424)

**Response:**

The Department and County Conservation Districts will conduct appropriate monitoring on this project to ensure Sunoco Pipeline L.P. complies with the approved DEP permits and plans and if necessary, will take appropriate compliance and enforcement action.

**18. COMMENT**

As independent site investigation by Schmidt and Company found that sunoco incorrectly mapped and mischaracterized some of the wetland features on a private property in huntington county in this case only half of the stream segments and only one seventh of the wetlands were acknowledged. If this is permitted to happen on other properties, the impacts on wetlands will be larger and more serious than stated and predicted by sunoco.

thus I feel sunoco's wetland site investigations should be redone and all wetlands be redefined and recognized, before any permits are issued. (6425)

**Response:**

The Department identified incorrect and incomplete wetland and stream identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The Department believes the streams and wetlands within the proposed limits of disturbance are correctly identified in the application.

**19. COMMENT**

Please be advised that I am writing to you in the capacity of the Solicitor for Monroe Township. In response to the letter from Tetra Tech dated July 20, 2015, regarding the above- referenced matter, Monroe Township would like the opportunity to meet with a representative relative to the proposed Sunoco Pipeline Project in the aforementioned letter. Some of the concerns that the Township has are related to compliance with Township's comprehensive plan, land development and subdivision ordinances, stormwater ordinances, illicit discharge ordinances and other ordinances. The aforementioned documents and ordinances are available on the Township's website at [www.monroetwp.net](http://www.monroetwp.net).

A non-exhaustive list of concerns would be as follows:

- The overall impact on the Township;
- Safety factors;

- Extent of the aforementioned project, i.e., does it entail only a pipeline, are there other structures, access roads, and/or disturbances contemplated by the project within the bounds of Monroe Township;
- Will there be disruption of traffic;
- What is the plan to maintain rights-of-way;
- The effect of heavy equipment on Township's roads;
- Impacts to Township's stormwater management and PAG -13 (MS-4) requirements;
- Township's ability to inspect storm water facilities and monitor illicit discharge;
- What extent will the project conform to the abovementioned ordinances;
- Ability to review stormwater management and other proposed improvements for compliance with Township regulations; and
- Provide tax map of parcels impacted by proposed pipeline project.

Again, this is a non-exhaustive list of concerns that the Township has with regards to the project. I believe it will be helpful if the applicant would be willing to schedule a meeting to discuss the project. If you have any questions please feel free to contact me. (6426)

**Response:**

During review of the Project, the Department made the entire permit applications available on the Department website on the Pipeline Portal. Physical copies of the complete applications were and are available for review at the Department's regional offices. Much of the information that Monroe Township is seeking through this comment letter is available within the applications. With respect to stormwater management, based on correspondence between Sunoco Pipeline L.P. and Monroe Township, the Department determined that the stormwater management plans for this Project are consistent with the Act 167 stormwater management plan. Finally, no permanent above ground facilities are proposed within Monroe Township, therefore no post-construction stormwater controls are required and the construction area will be restored to pre-existing grades and stabilized with vegetation in accordance with the approved E&S Control Plans and DEP permits.

**20. COMMENT**

This letter is in regards to Sunoco Pipeline L.P.'s incomplete CH 105 permit application for the Huntingdon County portion of their Mariner East 2 pipeline.

Sunoco currently has no Right of Way access to our property located at PA-HU-0047.0014, R.O.D.H.C.PA. A letter was sent to Sunoco Pipeline L.P. via certified mail on May 22, 2015 specifically denying any and all access to this property. Condemnation proceedings in regards to our property are still currently underway in the Huntingdon County court. If Huntingdon County Judge George Zanic rules in favor of Sunoco in this matter, we will be appealing.

We have recently seen maps of the Mariner East 2 pipeline route dated 11/2015, prepared by Tetra Tech on behalf of Sunoco. These maps were delivered to Union Township supervisors for verification of geographic locations of Union Township floodplains. Our property is detailed in these maps, and wetlands are delineated on our property. We do indeed have multiple streams and wetlands on our property. However, in these maps, some streams appear to be altogether omitted. Additionally, we want to bring to your attention that there is no possibility that a comprehensive wetland study has been completed for wetlands on our property (as detailed in requirement #10 in your incompleteness letter to Sunoco dated October 1). If Sunoco makes the claim that such a study has been completed, and has compelling evidence to

prove this, we then claim that the study was done illegally through trespass and should therefore be disregarded. We also request to see detailed Information of any studies done on our property in order to review the reported facts. (5953 – 5955)

**Response:**

The Department identified incorrect and incomplete wetland and watercourse identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The Department believes the streams and wetlands within the proposed limits of disturbance at this site are correctly identified in the application.

The Pennsylvania Commonwealth Court has stated that for purposes of the Mariner East 2 Project, Sunoco is regulated as a public utility by the Public Utility Commission, with the ability to exercise the power of eminent domain. *In re Sunoco Pipeline, L.P.*, 143 A.3d 1000, 1020 (Pa. Cmwlth. 2016).

The permits to be issued to Sunoco for the Mariner East 2 Project do not convey property rights from private landowners to Sunoco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit.

Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

**21. COMMENT**

I have the following requests/concerns regarding this pipeline.

1. What will the distance from the perimeter of the grounds of Glenwood Elementary School (Pennell Road, Middletown, PA) to the centerline of the pipe at it's closest point be? (6348)

**Response:**

During review of the Project, the Department made the entire permit applications available on the Department website on the Pipeline Portal. Physical copies of the complete applications were and are available for review at the Department's regional offices. The information that is sought in this comment is available by reviewing the submitted plans that are part of the permit application on the DEP website or by conducting a file review of the application materials.

**22. COMMENT**

In baseball it's three strikes and you're out. But wait, there's more.

In our case, trees that were cut between March 29th and March 30th fell into the wetlands and stream areas. And this is documented on videotape and I just so happen to have pictures of tree cutters walking through streams, the clearcutting above our pond and trees that were cut into the wetlands and in the stream area. So don't tell me that Sunoco pays attention to their environmental concerns. Beyond that, in addition, Sunoco Logistics violated its own injunction against us. According to the injunction, they would have to complete clearcutting on our property before March 31st because of the U.S. Fish & Wildlife Migratory Bird Act and to avoid the nesting season of the endangered Brown Bat. Yet they came back on April 7th to continue cutting the dozen or so trees that were still

standing. So they violated DEP regulations, PHMSA regulations, U.S. Fish & Wildlife regulations and their own court-ordered injunction. We ultimately had to hire, at our own expense, Schmid & Company from Media, Pennsylvania to do an ecological evaluation of our land. Sunoco's environmental consultants, Tetra Tech, had major errors in their evaluation of our property. Their initial report showed only half of the streams and one-seventh of the wetlands on our property. In addition, the forested wetland was identified as an emergent wetland. Their conclusion that our property contained no endangered or threatened species was based on the PNDI information which only lists areas of probability. There was no onsite inspection by Tetra Tech or DEP until after April 7th, when the trees had already been cut and left lying on the ground.

Okay. I've also been told that Tetra Tech and Sunoco Logistics have provided conflicting information on stream and wetland impacts in applications for Chapter 105 state in Section 404 PASPGP applications for this pipeline. Obviously, if this is true, more time should be extended for file review. (5955)

**Response:**

Sunoco Pipeline L.P. conducted hand-felling of trees within the right-of-way, and as such this activity did not involve earth disturbing activities. On May 6, 2016, DEP conducted a compliance evaluation and observed no violations. DEP's Water Obstruction and Encroachment Inspection Report contains DEP's conclusions with respect to Sunoco Pipeline L.P. compliance at this location during tree clearing activities.

Sunoco Pipeline L.P. is required to comply with applicable Endangered Species Act requirements and any alleged time of year deviations should be addressed to the US Fish and Wildlife Service.

With respect to identification of water resources, the Department identified incorrect and incomplete wetland and watercourse identification during the application completeness reviews and technical reviews. Sunoco Pipeline L.P. subsequently revised the applications to correctly identify the water resources crossed by their proposed project. The Department believes the streams and wetlands within the proposed limits of disturbance at this site are correctly identified in the application.

## **CH105 SWRO**

### **1. COMMENT**

Another issue I would like to raise is the fact that, according to information provided on the PA DEP's Pennsylvania Pipeline Portal, Sunoco is lacking approval from multiple municipalities in the southwest region with regards to compliance with local stormwater and floodplain management plans. I have attached a copy of Table 141 to this email for your reference.

It is plainly stated in 25 PA Code, Chapter 105, Section 105.13, that any application must be accompanied by both stormwater and floodplain management analysis, including letters from counties and municipalities that either approve or deny the application's plans based on their individual management plans. The Department's obligation with respect to incomplete applications is spelled out as such: "When the Department or delegated local agency determines that an application or registration is incomplete or contains insufficient information to determine compliance with this chapter, it will notify the applicant in

writing. The applicant shall have 60 days to provide the information necessary to complete the application or registration. Thereafter, the Department or delegated local agency will consider the application to be withdrawn by the applicant.” 46 percent of municipalities in the southwest region show a “TBD” (to be determined) designation with regards to consistency with local stormwater plans, while 50 percent show a “TBD” designation with regards to floodplain consistency. This table appears to be timestamped March 22, 2016.

Admittedly, it is possible that a more up to date table exhibiting greater levels of compliance exists, but we as the general public can only review the documents we are currently and readily provided.

In my opinion, this discrepancy alone is enough to deny Sunoco LP’s application in its current form. I urge you to consider the issues I have briefly detailed here today, as well as the many other thoughtful, well researched comments from concerned citizens all along the 350mile proposed route, cutting through 17 counties in the commonwealth. Thank you for the opportunity to comment. Please keep me apprised of any future actions related to Sunoco LP’s applications for these Chapter 105 permits. (5982)

**Response:**

Sunoco has provided stormwater consistency letters for the majority of municipalities with current and approved Act 167 stormwater plans. For municipalities, with current and approved Act 167 stormwater plans, that did not provide a stormwater consistency letter, Sunoco provided a stormwater verification report to document that the plans are consistent with the current and approved Act 167 plans. For municipalities without current and approved Act 167 stormwater plans, Sunoco provided information to demonstrate that the PCSM Plan meets the design criteria set forth in Sections 102.8.

**2. COMMENT**

Here is an e-mail (with attachments) from Steve Kunz in regards to the Sunoco pipeline project on my property. Tetra Tech mislabeled my home as being in Loyalhanna Township when it is in Derry Township. Anyways, it appears that the two streams on my property may have HQ values.

Hi Terry,

This is what I can say regarding your situation. It is possible that one or both streams on your property could be attaining HQ existing uses, and that should be investigated by the applicant or PADEP. Also, use of boring methods (instead of the proposed open cut trenches) for a relatively short distance (about 1,400 feet) would avoid significant adverse impacts to your property, structures, streams, and a wetland. Attached are two things that illustrate these things: 1) some drawings I put together for your property and 2) Tetra Tech E&S sheets 34 and 35 (your property is shown on Sheet 35). One other issue that your situation raises: although property lines are shown on both the aerial site plans and the E&S drawings, there is no way to identify the property owners, because neither the owners' name or the property parcel number is shown on either set of drawings. (6206)

**Response:**

Sunoco Pipeline L.P. chose the method of crossing resources based on an in-depth review of the pros and cons of each method at each crossing. The Department considered alternative crossing methods as part of its review. The possibility of using boring or HDD methods to

cross the property and resources was evaluated by Sunoco Pipeline L.P. These methods were determined to not be feasible at this location.

Boatyard Run and the UNT to Boatyard Run are correctly identified as Cold Water Fishes.

### 3. COMMENT

I am on call to go out west to help fight the fires that are occurring. I am a retired DCNR Bureau of Forestry District Forester and I am very familiar with this project as it goes through the Gallitzin State Forest where I used to work. I was not allowed to be part of the process on State Forest land because of the conflict of interest.

What good would it do if I did testify? I just want the line bored through my property and I don't think that is asking too much considering the issues.

If I am not on a fire assignment I hope to attend the public meeting. I think by testifying, Sunoco will make it that much harder to work with me to resolve my problems. Please have someone from your staff contact me to look at the site.

Will the Waterways and Wetlands staff meet with me on my property? I was hoping to hear from them by now. (6206)

**Response:**

Mr. Stemmler was contacted by Rita Coleman (Program Manager, DEP SWRO). Mr. Stemmler's comments were incorporated into the technical review.

Sunoco Pipeline L.P. chose the method of crossing resources based on an in-depth review of the pros and cons of each method at each crossing. The Department considered alternative crossing methods as part of its review. The possibility of using boring or HDD methods to cross the property and resources was evaluated by Sunoco Pipeline L.P. These methods were determined to not be feasible at this location.

### 4. COMMENT

The existing Mariner East Pipeline and two newly proposed pipelines are planned to run through mine and my neighbors' front yards. The survey markers are up against the side of one my neighbor's homes. Apex Energy is planning to construction two unconventional drill pads, one with at least five wells nearby, and another pipeline on my father's property where I live. Given what happened just two miles from my house on April 29th when Spectra Energy's pipeline exploded, who could possibly believe it's a good idea to have four pipelines interwoven in such close proximity to people's homes?

I told State Representative Eric Nelson, among others, that Sunoco was planning to go underneath the septic system for mine and my neighbor's homes and cross a natural spring on the property. Sunoco told him that they weren't. They're also planning to cross a stream that flows into Beaver Run near my father's property. (5972)

**Response:**

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Sunoco Pipeline L.P. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Sunoco's Project Description at page 12 states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

Sunoco Pipeline L.P. chose the method of crossing resources based on an in-depth review of the pros and cons of each method at each crossing. The Department considered alternative crossing methods as part of its review. The possibility of using boring or HDD methods to cross the property and resources was evaluated by Sunoco Pipeline L.P. These methods were determined to not be feasible at this location.