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Board of Directors

July 25, 2016

PRESIDENT/EXECUTIVE DIRECTOR
Lynda K. Farrell
Chester County, Pennsylvania

Mr. Cosmo Servidio
Regional Director
Pennsylvania Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

VICE PRESIDENT/ASSISTANT
EXECUTIVE DIRECTOR
Dr. Simona Perry
c.a.s.e. Consulting Services
Atlanta, Georgia

RE: Sunoco Pennsylvania Pipeline Project / Mariner East II

Carolyn Elefant
Law Offices of Carolyn Elefant, PLLC
Washington, DC

Dear Mr. Servidio:

Steven R. Farrell
CSE, CCSP, VSP, NASP
SUNGARD Availability Services
Chester County, Pennsylvania

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.

Dr. Donald D. Davis,
Department of Plant Pathology &
Environmental Microbiology
Penn State Institutes of Energy &
the Environment,
The Pennsylvania State University,
University Park, Pennsylvania

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.

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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

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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.**

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.

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.

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.

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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.

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.

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Thank you for all you do for our communities and environment, and thank you for your consideration of these requests.

Sincerely,



Executive Director, Pipeline Safety Coalition

cc:

[Domenic Rocco, P.E.](#), Waterways and Wetlands Program Manager, Department of Environmental Protection, Southeast Regional Office

[Commissioner Terence Farrell](#), Chester County Commissioners

[Commissioner Michelle H. Kichline](#), Chester County Commissioners

[Commissioner Kathi Cozone](#), Chester County Commissioners

[Carol Stauffer](#), AICP, Infrastructure & Plan Review Director, Chester County Planning Commission

[Christian E. Strohmaier](#), District Manager, Chester County Conservation District

[Joeseph Sofranko](#), CPESC, Resource Conservationist, Chester County Conservation District

[Tom Brosius](#), President, Board of Directors, Chester County Conservation District

[US Senator Ryan Costello](#)

[US Senator Bob Casey](#)

[Senator Andrew Dinniman: District 19](#)

[Senator John Rafferty: District 44](#)

[Senator Patricia Vance: District 31](#)

[Senator John Eichelberger, Jr: District 30](#)

[Senator Rob Teplitz: District 15](#)

[Senator Jake Corman: District 34](#)

[Senator John Wozniak: District 35](#)

[Senator James Brewster: District 45](#)

[Senator Mike Folmer: District 48](#)

[Senator Judith Schwank: District 11](#)

[Senator Camera Bartolotta: District 46](#)

[Senator Scott Wagner: District 28](#)

[Senator Kim Ward: District 39](#)

[Senator Tom Killion: District 9](#)

[Senator Thomas J McGarrigle: District 26](#)

[Senator David G Argall: District 29](#)

[Senator Ryan P Aument: District 36](#)

[Senator Jay Costa: District 43](#)

[Senator Wayne Fontana: District 42](#)

[Senator Guy Reschenthaler: District 37](#)

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[Honorable Duane Milne](#)
[Honorable Tim Hennessy](#)
[Honorable Jim Christiana](#)
[Honorable Brian Ellis](#)
[Honorable Barry J. Jozwiak](#)
[Honorable Mark Mustio](#)
[Honorable Steven Bloom](#)
[Honorable Steven Santarsiero](#)
[Honorable Harold A English](#)
[Honorable Rich Irvin](#)
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[Honorable Mike Turzai](#)
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[Karen Gentile, PHMSA, CATS Manager](#)
[Paul Metro, Manager, Gas Safety, PA PUC](#)
[Terri Cooper Smith, Gas Safety Inspector, PA PUC](#)
[Rick Schuettler, Deputy Executive Director PA Municipal League](#)
[Scott Piersol, Manager, East Brandywine Township, , Chester County](#)
[Doug Hanley, Manager, Uwchlan Township, Chester County](#)
[Louis Smith, Manager, East Goshen Township, Chester County](#)
[Kathleen Brumfield, Manager, East Nantmeal Township, Chester County](#)
[Lorrie Kolb, Secretary, Elverson Boro, Chester County](#)
[Cary Vargo, Manager, Upper Uwchlan Township, Chester County](#)
[Betty Randzin, Secretary, Wallace Township, Chester County](#)
[Casey LaLonde, Manager, West Gosen, Chester County](#)
[Mimi Gleason, Manager, West Whiteland Township, Chester County](#)
[Robert Pingar, Manager, Westtown, Chester County](#)
[Paul Rubin, Hydroquest](#)
[Alex Bomstein, Sr. Litigator, Clean Air Council Council](#)
[Maya van Rossum, Delaware River Keeper, Delaware Riverkeeper Network](#)
[Sierra Club PA Chapter and Oil and Gas](#)
[Mountain Watershed Association](#)
[Guardians of the Brandywine](#)
[Clean Water Action](#)
[Nancy Harkins, Concerned Citizen](#)
[Sarah Caspar, Concerned Citizen](#)
[Mr. Kevin Docherty, Public Awareness Contact](#)
[Mr. Donald Zoladkiewicz, Sunoco Logistics](#)

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