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June 23, 2021

Mr. Patrick Patterson, Regional Director  
Pennsylvania Department of Environmental Protection  
Southeast Regional Office  
Waterways and Wetlands Program  
2 East Main Street  
Norristown, PA 19401

Re: Comments on Amendment Applications for Mariner East 2 Pipeline, Chester County  
Chapter 105 Permit No. E15-862, HDD S3-0290

Dear Patrick,

I am writing with significant concern regarding the major modification amendment to HDD S3-0290 installation method submitted by Tetra Tech on behalf of Sunoco Pipeline L.P. on April 7, 2021. At its current location, the proposed changes would create unnecessary and undue risk to the environment and public health. Upon review and consideration of the proposed construction modifications, I strongly urge the Department to reject this application as grossly insufficient and incomplete and urge you to request that Secretary McDonnell revoke the permits for this project.

As you are well aware, this current proposal is far from the first change of plans presented by this corporation as they desperately attempt to jam through this dangerous project. In each case the plan has failed, resulting in additional contamination to Marsh Creek State Park and the Marsh Creek Reservoir, impacts to the local water table, and numerous sinkholes in direct proximity to the active 16-inch pipeline. Previously, Sunoco ensured the Department that their current proposal would limit environmental harm and disruption and would be successful. In each situation, the results demonstrated otherwise. It is ludicrous and a failure of our state government regulatory agency that is tasked with protecting our Constitutionally protected environmental rights to continue to approve construction plans that result in additional damage and denial of those same rights. This situation has now reached a point where the burden of negligence for future harm is justifiably assumed by the DEP.

After thoroughly reviewing the proposal, I must strongly object to the major modification as presented. The proposal would include a change from horizontal directional drilling (HDD) to open trench pipeline installation. I must note that if this construction method was in place from the start, we may have avoided the dramatic IR and contamination event that deposited over 8,000 gallons of drilling fluid in the Marsh Creek Reservoir on August 10, 2020. However, previous proposals for alternative plans stated that open trench technique was not ideal and could result in damage to surrounding wetlands. Further, the very fact that geophysical surveys conducted at HDD 0290 prior to construction clearly demonstrated that bisecting fault lines at 78 feet below the surface dramatically increased the risk of IR. Despite very obvious, self reported data, Sunoco did not identify the appropriate level of risk when submitting the permit request for HDD construction. Further, the DEP did not require adequate reevaluation following IRs during the construction of the 16-inch pipeline at the same location. This is egregious and demonstrates a lack of due diligence on behalf of Sunoco and a lack of regulatory oversight on the part of the DEP.

However, despite the reduced risk of IRs associated with a modified construction method, several IRs during pipeline construction have already occurred. The sinkholes those IRs created demonstrate significant geophysical destabilization. Any construction, HDD or open trench, increases the risk for further environmental harm at this location. Further, the very fact that this destabilization is occurring in proximity to the active 16-inch pipeline raises serious public health and safety questions. I urge the department to take into consideration not simply the proposed permit itself, but to evaluate this project holistically and take into account the full scale of community and environmental harm caused by this corporation. At a certain point, I hope that the department comes to the same conclusion the vast majority of those living near this pipeline project have realized - that this project cannot be completed without substantial and lasting damage and that the permit needs to be pulled immediately.

It has been over 10 months since Sunoco released thousands of gallons of industrial drilling fluid into the waters of Marsh Creek State Park. This incident, while vividly public and widely reported, represents just one in a string of contamination events, sinkholes, and lawsuits against this project stretching back over 5 years. With this in mind, and before I discuss the specific failures of this proposal, I simply must ask once again, at what point do we say enough is enough? I urge the Department to demand the full and complete restoration of Marsh Creek State Park prior to even the preliminary consideration of this major modification permit. Simply put, the DEP needs to do its job and enforce their regulations and make Sunoco clean up their mess.

Throughout the almost five years of industrial construction that my constituents have been forced to endure in suburban and rural communities of Chester County, the one constant has been that this company would avoid any responsibility when they would contaminate a stream with drilling fluid or create one of the many sinkholes located feet from a homeowners foundation. This long standing strategy of avoidance continues in this major modification permit. For example, when attempting to explain the more than 8,000 gallons of drilling fluid

that was dumped in Marsh Creek Reservoir on August 10, 2020, Sunoco explained that, *“Following HDD stoppage during hurricane Isaisa, SPLP used a wash over tool to clean the bore hole in an effort to resume HDD drilling/reaming activity. During this activity, an IR occurred in wetland H17 and affected streams S-H10 and S-H11.”* I find it abhorrent that once again this company is refusing to take responsibility for shoddy and shortsighted construction practices. Further, I demand that the DEP hold Sunoco accountable for this damage by striking this language from the permit as it suggests that this IR was, in part, to blame on a natural disaster. The fact of the matter is that Sunoco was fully aware of the risk as they had experienced IRs at this location in the past. The fact the DEP approved a permit that was clearly deficient suggests the department was negligent, complicit, or both, in allowing this project to proceed.

Finally, in the major modification permit request, Sunoco indicates that the August 10, 2021 IR deposited ‘trace amounts of bentonite,’ in Marsh Creek Reservoir. This is especially insulting as the environmental damage caused by this careless and negligent action by Sunoco continues to impact the use and environmental quality of recreational and public drinking water resources. I would hardly categorize over 8,000 gallons of drilling fluid a ‘trace amount,’ and it is apparent that this corporation has little regard for public and environmental safety, nor the regulatory authority of the Department of Environmental Protection.

While Sunoco has gone through the motions of reevaluation, it is clear that the information provided is insufficient and simply unacceptable. Following five years of spills and sinkholes, negligence, reckless construction, and lies, it is time to pull the plug on this failed project. As such, it is my strong recommendation that we must require the complete and total restoration of Marsh Creek State Park prior to permit consideration and that Sunoco be prohibited from any further permits until all harm caused is fully addressed and remediated.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Muth", written in a cursive style.

Senator Katie Muth, SD44