



## Senate of Pennsylvania

August 7, 2017

The Honorable Bernard A. Labuskes, Jr., Judge  
Pennsylvania Environmental Hearing Board  
Rachel Carson State Office Building  
400 Market Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Dear Judge Labuskes:

On behalf of our constituents in Chester County, we write to call attention to the Pennsylvania Department of Environmental Protection's (DEP) mismanagement of the Sunoco Pipeline L.P.'s (Sunoco) Mariner East II Pipeline project (project) and to emphasize the importance of responsible state agency oversight in the development of pipelines in Chester County and throughout the Commonwealth of Pennsylvania.

Article I, Section 27 of the Pennsylvania Constitution states, "The people have a right to clean air, pure water and the preservation of the natural, scenic, historic and esthetic values of the environment." As Members of the Senate of Pennsylvania, we took an oath to uphold the Pennsylvania Constitution, and we would be abdicating our responsibility if we did not stress the risk of environmental degradation posed by DEP's mismanagement of this project.

DEP approved this project under its environmental permitting authority on February 13, 2017. Despite DEP's approval, this project's horizontal drilling activities resulted in aquifer breaching that severely impacted private, residential well water. The latest obstruction in Chester County – one of over 60 documented clay-spillage incidents along the length of this project – raises significant doubts on whether DEP's permitting process and oversight sufficiently consider and protect the interests of Pennsylvania's residents.

Pipelines are necessary to ensure our energy independence; however, they must be installed, managed and regulated in a responsible manner as well as properly supervised by the state regulatory agencies – DEP, the Pennsylvania Public Utility Commission (PUC) and the Pennsylvania Department of Transportation (PennDOT).

Collectively, we have held numerous meetings with our constituents and municipal officials. As a result of these meetings, two questions have arisen:

- Which agency is ultimately responsible for overseeing the safe construction and operation of pipelines?
- What is being done to ensure the safety of existing and future pipeline infrastructure?

To begin answering these questions, we have introduced the following legislation, but not limited to, in the 2017-18 Session to ensure the proper oversight and the responsible management of current and future pipelines:

- S.B. 604 (Rafferty) centralizes pipeline inspection with PennDOT since the regulatory management of pipelines is divided between DEP, PUC and PennDOT.
- S.B. 605 (Rafferty and Dinniman) imposes a pipeline impact fee for natural gas and oil pipelines to be allocated to the areas affected by transmission and gathering lines.

Until these types of bills become law, we believe the following goals are essential to govern the decision- and policy-making processes of the state regulatory agencies, as these areas were insufficiently addressed by DEP in this project. These same goals were prominently expressed by the Governor's Pipeline Infrastructure Task Force in 2015-16, which was administered by DEP and included Sunoco's participation:

- Improve public participation and the communication of information relating to the planning, construction and/or maintenance of existing and new pipelines.
- Ensure state and local leaders are educated and equipped with the resources needed to manage new and existing pipeline infrastructure and emergencies.
- Advance the safety and protection of our communities and the environment with effective inspections, "smart planning" and quality assurance.

To that end, we propose that DEP (and Sunoco) should implement the following measures to reverse and to mitigate this project's mismanagement:

- Provide notification to residents, municipalities and other applicable parties affected by drilling at least 72 hours prior to the initiation of any project.
- Require the use of current, up-to-date mapping tools (developed by state and local leaders) of private wells when evaluating the potential drilling impacts on ground-water sources.
- Mandate hydrological investigations of identified aquifers in all current and future construction zones of pipelines.

It is imperative that our constituents are effectively alerted to potential impacts of pipeline-drilling projects and that all available well-water data is scientifically reviewed. If DEP and Sunoco are unable or unwilling to meet the above minimum and basic requirements, then we believe it is necessary and prudent to suspend the drilling and the expansion of this project.

We cannot revisit these issues every time a pipeline is developed in municipalities across the Commonwealth. Concrete action and direction are needed to ensure we preserve and protect Pennsylvania's environment. Thank you for allowing us to express our sincere concerns on the current and future management of pipelines in Chester County and beyond. Please do not hesitate to contact our Offices if you have any questions.

Sincerely,



John C. Rafferty, Jr. (R-44)



Andrew E. Dinniman (D-19)

cc: The Honorable Tom Wolf, Governor of Pennsylvania  
The Honorable Patrick McDonnell, Secretary of Environmental Protection  
The Honorable Gladys Brown, Chairman of Public Utility Commission  
The Honorable Leslie Richards, Secretary of Transportation  
Mr. Joseph McGinn, Sunoco Logistics Partners