



THE COUNTY OF CHESTER



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August 12, 2020

The Honorable Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf:

We write to you concerning an urgent matter that requires your immediate attention. As you know, Sunoco Pipeline, L.P. (Sunoco) is constructing two pipelines that will carry hazardous liquids across the Commonwealth, and through Chester County. These pipelines are known as the Mainer East 2 project (ME2). On August 10, 2020, the construction of ME2 resulted in the discharge of thousands of gallons of drilling fluid into Marsh Creek Lake, a 535-acre lake that serves as a critical drinking water reservoir located in a 1,784-acre State Park.

Importantly, on the afternoon of August 10, 2020, approximately 10,000 gallons of drilling fluid was released from an HDD borehole associated with the ME2 construction (HDD 290). The drilling fluid impacted 150 square feet of wetlands, flowed into a stream, and into Marsh Creek Lake. On a telephone call with State, County and local officials, PADEP staff advised that additional drilling fluid could be released from the borehole. During the call, PADEP staff were unable to say whether or not the Lake was safe to swim in or what impact of the release would have on aquatic life. PADEP staff conceded, however, that the release of drilling fluid can be harmful to aquatic life.

Unfortunately, the August 10 event at Marsh Creek Lake was not the only significant mishap associated with ME2 construction in Chester County this week. Rather, two additional discharges occurred at another HDD location (HDD 360) in West Whiteland Township on August 8 and 9.

The construction of ME2 has resulted in more than one-hundred inadvertent returns (IRs). IRs are releases of fluid used in the underground horizontal directional drilling (HDD) process. This drilling fluid contains bentonite and other chemicals. The Pennsylvania Department of Environmental Protection (PADEP) has penalized Sunoco millions of dollars for violations of the Commonwealth's environmental laws and, in January of 2018, temporarily suspended all work authorized by Sunoco's environmental permits because, among other things, Sunoco allowed, and failed to immediately report, IRs. In March of 2018, sinkholes developed in the path of the ME2 construction which prompted the Chairwoman of the Pennsylvania Public Utility Commission (PUC) to order that the nearby active Mariner East 1 (ME1) pipeline temporarily cease operations because "permitting the continued flow of hazardous liquids through the ME1 pipeline without proper steps to ensure the integrity of the pipeline could have

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catastrophic results impacting the public.” In May of 2018, a PUC Hearing Officer ordered that construction of ME2 again be halted in West Whiteland Township, Chester County because, among other things, “Petitioner has shown Sunoco is putting West Whiteland Township’s water supplies at risk by failing to adequately identify, document and avoid drilling through well or aquifer locations underground.” Despite all this, however, the Commonwealth has, time and time again, allowed Sunoco to continue construction of ME2.

As noted above, Marsh Creek Lake is a 535-acre lake that serves as a critical drinking water reservoir. The Downingtown Municipal Water Authority, Aqua Pennsylvania and the City of Wilmington in Delaware rely on Marsh Creek Lake for drinking water supplies. Homes around Marsh Creek also obtain water from on-site drinking water wells. Marsh Creek is widely used for fishing and recreational boating, although gasoline-powered boats are prohibited at Marsh Creek Lake.

Sunoco’s activities traverse Chester County and are in close proximity to residential dwellings, various public assembly areas, and environmentally sensitive and historically significant places. Sunoco conducts its activities – including its HDD operations – pursuant to permits and other approvals issued by the Commonwealth. For years, the County has been engaged in an effort to have Sunoco act in a safe and protective manner. Obviously, this has not yet occurred. We need your assistance to safeguard the health and wellbeing of Chester County and its residents. We call on you to suspend Sunoco’s authority to construct and operate ME2. This suspension should remain in effect unless and until independent third party experts, not hired by Sunoco or employed by DEP, are given complete access to the site to conduct an honest evaluation as to whether Sunoco’s installation methods are in fact safe, as well as, to allow them determine whether or not the water is noxious or harmful.

Very truly yours



Marian D. Moskowitz
Chair



Josh Maxwell
Vice-Chair



Michelle H. Kichline
Commissioner

cc: Patrick McDonnell, Secretary, PADEP
Joe Adams, Deputy Secretary of Field Operations, PADEP
Aneca Atkinson, Deputy Secretary of Water Programs, PADEP
Joshua D. Shapiro, Attorney General
Cindy Adams Dunn, Secretary DCNR
Senator Katie Muth
Senator Andy Dinniman
Representative Danielle Friel-Otten
Representative Carolyn Comitta