

**DEP Permit # E15-862**  
**DEP Permit HDD Reference # PA-CH-0124.0000-RD**  
**DEP HDD # S3-0310**  
**Township – Upper Uwchlan & Uwchlan**  
**County - Chester**  
**HDD Site Name – Pennsylvania Drive**

**2<sup>nd</sup> Public Comment Period**

<b>Commentator ID #</b>	<b>Name and Address</b>	<b>Affiliation</b>
1	Elizabeth Kynett Upper Uwchlan Resident	
2	Carol Knotts Chadds Ford, PA	
3	Douglas M. Spencer, M.D. 141 Kendal Drive, Kennett Square, PA 19348	
4	Bernard Greenberg MD. East Goshen Township.	
5	Lex Pavlo	East Goshen Safety & Environmental Advocates (EGSEA)
6	William Van Wie 252 Kendal Drive Kennett Square, PA 19348	
7	Marcia L. Gentry	
8	Carrie Gross	
9	Joan Herman	
10	Roberta Lewis 1124 Nottingham Drive West Chester, PA 19380	
11	Mary Ann Kusner	
12	Nancy C. Wilson Chester County	
13	Melissa Marshall, Esq. P.O. Box 408 1414-B Indian Creek Valley Road Melcroft, PA 15462	Mountain Watershed Association
14	Maya K. van Rossum 925 Canal Street 7 <sup>th</sup> Floor, Suite 3701 Bristol, PA 19007	Delaware Riverkeeper Network
15	Joseph Otis Minott, Esq. 135 South 19 <sup>th</sup> Street, Suite 300 Philadelphia, PA 19103	Clean Air Council

16	Alexander G. Bomstein, Esq. 135 South 19 <sup>th</sup> Street, Suite 300 Philadelphia, PA 19103	Clean Air Council
17	Kathryn L. Urbanowicz, Esq. 135 South 19 <sup>th</sup> Street, Suite 300 Philadelphia, PA 19103	Clean Air Council

**1. Comment**

Why in the world should DEP be approving any new work on ME2 right now, in the midst of the Covid-19 crisis?

The geophysical survey should be released to the public. There is nothing confidential about geophysical survey information; this is a transparent ploy to make this information inaccessible to the public.

Sunoco has not provided the demonstration that DEP asked for showing the ground will be stable above the borehole. (1)

**2. Comment**

I am commenting on the permitting of horizontal directional drilling (HDD) at a location at the border of Uwchlan and Upper Uwchlan Townships in Chester County. It is called the "Pennsylvania Drive" drill site, and it is close to the Eagleview "town center" development, southeast of Marsh Creek Lake.

1. Why in the world should DEP be approving any new work on ME2 right now, in the midst of the Covid-19 crisis?
2. The DEP asked Sunoco for the results of its geophysical survey of this site. In response, Sunoco is claiming it is confidential. There is nothing confidential about geophysical survey information; this is a transparent ploy to make this information inaccessible to the public. Insist that the geophysical survey be released to the public.
3. Sunoco has not provided the demonstration that DEP asked for showing the ground will be stable above the borehole. It has just said, basically, "we'll check to make sure it's OK." Sunoco is obviously about the least trustworthy entity to be making that statement. (2)

**3. Comment**

Please, please make Sunoco stop the horizontal drilling of pipeline in Uwchlan and Upper Uwchlan Townships in Chester County. It is the area of drilling Called "Pennsylvania Drive" and also identified as PA-CH-0124.0000-RD. Sunoco has repeatedly ignored Dept. of Environmental Protection's requests for improved safety tests. It is drilling in highly populated areas of the county and has no real plans for mitigating a disaster if their drilling site should shift the ground above it. (3)

#### **4. Comment**

I have several concerns about this site for construction of ME 2 at this time.

1. At this time of a virulent pandemic new construction with the potential for spreading the coronavirus should not be considered.
2. The geophysical survey of this site must be made public as soon as possible.
3. Sunoco has failed to adequately respond to the vital question of whether the ground above the planned bore will be stable. (4)

#### **5. Comment**

“Pennsylvania Drive” HDD, identified as PA-CH-0124.0000-RD.

- Why in the world should DEP be approving any new work on ME2 right now, in the midst of the Covid-19 crisis?
- The DEP asked Sunoco for the results of its geophysical survey of this site. In response, Sunoco is claiming it is confidential. There is nothing confidential about geophysical survey information; this is a transparent ploy to make this information inaccessible to the public. Insist that the geophysical survey be released to the public.
- Sunoco has not provided the demonstration that DEP asked for showing the ground will be stable above the borehole. It has just said, basically, "we'll check to make sure it's OK." Sunoco is obviously about the least trustworthy entity to be making that statement.

As our society wobbles during this pandemic and we the people are adjusting our lives to keep everyone safe, the prospect of allowing this HDD work to continue makes less than zero sense. (5)

#### **6. Comment**

I am urging you not to Approve the HDD at the border of Uwchlan and Upper Uwchlan Townships in Chester County as we are dealing with the Coronavirus epidemic.

Sunoco has not shared information on the geophysical survey or evidence of stability of the ground above the borehole.

Sunoco has not proved trustworthy in dealing with our state in the past and this is an especially inappropriate time to give them a shortcut to new work on ME2. (6)

#### **7. Comment**

Please do not permit Sunoco to use HDD at the "Pa. Drive," drill site. No work should be permitted during the pandemic. People sheltering in place have enough to contend with without increased noise and outside people entering the area and perhaps spreading virus! Also, the geophysical survey should not be "secret." Sunoco has caused numerous sinkholes and well contaminations and should not proceed when normal oversight is curtailed. Outside oversight, not "Sunoco oversight" is necessary. Sunoco has already proven untrustworthy. They have the worst safety record in the industry. We demand proper protection and oversight! (7)

### **8. Comment**

Please do not approve these permits. Especially now in a global pandemic. The DEP asked Sunoco for the results of its geophysical survey of this site. In response, Sunoco is claiming it is confidential. There is nothing confidential about geophysical survey information; this is a transparent ploy to make this information inaccessible to the public. Insist that the geophysical survey be released to the public. Sunoco has not provided the demonstration that DEP asked for showing the ground will be stable above the borehole. It has just said, basically, "we'll check to make sure it's OK." Sunoco is obviously about the least trustworthy entity to be making that statement.

Sunoco has lied time and time again. They do not deserve any additional permits and in fact all prior ones should be reversed. (8)

### **9. Comment**

For the life of me, I cannot understand how you can let this happen at this time. We have a virus spreading and you refuse to stop this project at this time. I have to stay home, everyone is trying to follow the rules here, but this allowed?? I have no faith in our government. What are you thinking? These workers are allowed to work and will spread this virus. I am not allowed to see my children or grandchildren or help my daughter while she is working at home, yet this project continues??? How are we supposed to get back on track this happening and spreading germs and not following social distancing? Come on Governor Wolf, practice what you preach! (9)

### **10. Comment**

I object to this permit for the following reasons:

1. We are already faced with the coronavirus pandemic. We are endangered by the worker's potential to spread this infection now and will be further endangered if you grant this permit. They do not practice social distancing (We can prove this.), or other precautions. I don't know, but I cannot believe, that have daily temperature checks when they report to work. Hand held thermometers. They cannot be allowed to work in our neighborhoods. We cannot risk it.
2. Sunoco will not reveal the geo survey which the DEP ordered, saying that it is confidential. Come on, DEP, stand up for us and for yourselves. We all know this area is geologically unstable, which must be the reason Sun will not reveal the study. Either that, or they did not do it at all.
3. Even tho DEP set the bar low for reporting, Sunoco did not demonstrate that the site is stable for drilling. They have not complied with your order.

Please stop this company from getting away with this. (10)

### **11. Comment**

What is your problem? For years we have suffered the fear of dying while running away from a massive fireball.

Now, we are facing a massive killer virus again through no fault of our own. How much more are you going to throw at us?

Giving a free pass to Sunoco while we are in isolation by orders of a Governor and President who do not give a damn about anyone. Apparently, money and arrogance are more important. I consider your actions as premeditated murder. (11)

### **12. Comment**

I am commenting on the "Pennsylvania Drive" HDD, identified as PA-CH-0124.0000-RD which is a matter of some consternation in our local region.

First off, why would DEP be approving any new work on ME2 right now, in the midst of the Covid-19 crisis? We see the workmen not observing the social distancing that is required in our county and have a host of time stamped pictures to prove that these individuals care little for the community. They are gathering closely together and then going into our grocery stores and pharmacies!

I believe the DEP has asked Sunoco for the results of its geophysical survey of this site. In response, Sunoco is claiming it is confidential. What can possibly be confidential about a geophysical survey. I suggest that the survey would find that we are indeed living in an area of limestone where the drilling techniques and the other disruptions are likely to cause (or have already caused) massive sinkholes which will cause our area to be significantly at risk. To accept this 'confidential' argument is reprehensible. Get the surveys!! Or provide some of your own. Apparently, there is great value in the process of aerial GIS mapping that can determine which areas are at risk. Why not make this technology available!

There is nothing confidential about geophysical survey information; this is a transparent ploy to make this information inaccessible to the public. Insist that the geophysical survey be released to the public.

Thirdly, Sunoco has not provided the demonstration that DEP asked for showing the ground will be stable above the borehole. Sunoco has basically said 'we'll check and let you know'. However, as has been proven over and over, it is obvious that Sunoco is an entity entirely lacking in trustworthiness. Why are we still allowing them to do anything in our state? (12)

### **13. Comment**

On February 26, 2020, the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling ("HDD") indicated by drawing number PA-CH-0124.0000-RD (the "HDD Site"). Sunoco responded to the February 26, 2020 email on March 5, 2020, revising the Report.

Pursuant to the Corrected Stipulated Order entered on EHB Docket No. 2017-009-L on August 10, 2017 (“Order”), and on behalf of Clean Air Council, Mountain Watershed Association, Inc., and the Delaware Riverkeeper Network (“Appellants”), please accept these comments regarding Sunoco’s March 5, 2020 supplemental response (“March Response”).

**1. Appellants received no notice of the March Response.**

Neither Sunoco nor the Department provided any notice to Appellants of the supplemental response or the associated comment deadline. Appellants learned of the deadline by reviewing the HDD Reevaluation Table on the Department’s website during the pendency of the comment period. Appellants do not at this time know whether neighbors received any notice either. Please resume the normal practice of providing notice.

**2. The Department should not be approving additional HDD re-evaluations at this time.**

A pandemic is sickening the world. Business as usual has stopped in Pennsylvania. Though Sunoco has been trying to continue operating as if we were in normal times, we are not. Governor Wolf has shut down non-life-sustaining work. One would have to dig deep to find work less life-sustaining than a pipeline designed to export plastics feedstocks to Europe. The urgency of staying inside and avoiding spread of COVID-19 should far surpass that of authorizing new construction on the dangerous and controversial Mariner East 2 pipelines.

The virus has hampered the Department as well, forcing all of the Department’s offices closed, requiring cancellations of planned meetings and hearings, and even leading to a suspension of regulations. See <https://www.dep.pa.gov/Pages/AlertDetails.aspx>. The Department reports that it has limited inspection capacity right now: “To limit exposure to and spread of the virus, DEP is currently prioritizing field inspections that are critical to public health and safety.” Id. The Department is asking permittees to limit work, “encourag[ing] operators of essential industries to employ social distancing practices and limiting activities as possible.”

Authorizing a new activity at this time—especially one by an operator which has required an enormous amount of Department resources to oversee—would be unwise. The Department would not have the staffing to inspect the sites frequently enough, and Sunoco has an ongoing history of failing to affirmatively report problems to the Department. Pennsylvania residents quarantined near worksites would be especially at risk, and left relatively unprotected by the Department. To add insult to injury, the U.S. EPA has just announced that it is suspending enforcement of certain federal regulations as well.

For all of these reasons, the Department should not be authorizing further new construction activities on Mariner East 2 at this time. Residents’ health and welfare is at stake. The Department should suspend consideration of this re-evaluation until such time as the Commonwealth has moved beyond the COVID-19 crisis and business can resume as before.

**3. The Order does not allow Sunoco to rely in its Report on non-public information, and geophysical survey results are not confidential.**

The Order plainly provides at Paragraph 7 that Sunoco will provide the same re- evaluation report information to Appellants and neighboring landowners as it does to the Department. There is no provision allowing Sunoco to provide information to the Department that it does not provide to Appellants and neighboring landowners. Yet in the March Response, Sunoco writes: “The final geophysical survey report is considered Confidential Security Information and was separately transmitted to the Department by counsel this afternoon.” This is impermissible. The Department must publish this information and provide it to Appellants and the appropriate neighboring landowners to review and comment on.

Furthermore, the claim that geophysical survey information is confidential is patently absurd. Sunoco has made such information public in numerous other instances. The following table shows those instances:

<b>Document</b>	<b>Date</b>
Re-Evaluation of S2-142/ PA-BL-0136.000-RD	12/28/2017
Re-Evaluation of S2-210-16/ PA-CU-0136.0002-WX-16	2/6/2019
Re-Evaluation of S3-0101/ PA-LE-0055.0000-RD-16	2/7/2019
Re-Evaluation of S3-0250/ PA-BR-0181.0000-RD-16	3/7/2019
Re-Evaluation of S2-0220/ PA-CU-0136.0003-RD-16	3/7/2019
Re-Evaluation of S2-0247/ PA-CU-0176.0019-RD-16	3/7/2019
Re-Evaluation of S2-0247/ PA-CU-0176.0019-RD-16	5/3/2019
Re-Evaluation of S3-0620/ PA-DE-0100.0000-RR	5/17/2019
Re-Evaluation of S3-0011/ PA-DA-0005.0000-RD-16	5/23/2019
Re-Evaluation of S3-0290/ PA-CH-0100.0000-RD	5/28/2019
Re-Evaluation of S3-0400/ PA-CH-0256.0000-RR	5/30/2019
Re-Evaluation of S3-0320/ PA-DE-0104.0008-WX	6/6/2019
Re-Evaluation of S2-0240/ PA-CU-0136.0020-RD-16	6/10/2019
Re-Evaluation of S3-0300/ PA-CH-0111.0000-RD	6/20/2019
Re-Evaluation of S2-0156/ PA-JU-0004.0000-WX-16	8/19/2019
Re-Evaluation of S3-0101/ PA-LE-0055.0000-RD-16	8/29/2019
Re-Evaluation of S2-0121/ PA-BL-0001.0048-RR	9/19/2019
Re-Evaluation of S3-0500/ PA-CH-0370.0000-RD	9/19/2019
Re-Evaluation of S3-0471/ PA-CH-0326.0006-RD	9/26/2019
Re-Evaluation of S3-0421/ PA-CH-0290.0000-RD	12/17/2019
Re-Evaluation of S3-0300/ PA-CH-0111.0000-RD	2/4/2020

This email is also the first time Appellants have seen anyone suggest that any geophysical information is confidential. All it shows is what the earth looks like underground. There is no plausible claim to confidentiality. Sunoco does not even attempt to concoct such a claim in its March Response.

The Order requires that Appellants and the public have access to this information, so the Department should provide it so that it can be publicly evaluated before a decision is made, as Judge Labuskes ordered.

**4. Sunoco has not shown that removing the temporary casing would not cause ground collapse.**

Ground collapse has been a frequent problem with Mariner East construction, especially in Southeast Pennsylvania. In its February email, the Department reasonably asked Sunoco to provide an explanation demonstrating how it would prevent ground collapse after removing the casings, if the casings were temporary. Indeed, the casings would be temporary, Sunoco responded, so long as it checked and ensured that their removal would not cause problems.

While Sunoco's response is better than nothing, it is a broad and unspecific response that does not directly answer the question and is not reassuring based on Sunoco's track record. Sunoco provides four points it says it will consider: Doing an inspection for subsidence (Sunoco's point 1) around the casing before it is pulled out does not answer what will prevent subsidence once it is pulled out. "[R]eview of any issues encountered during the pipe pull" (point 2) is too broad to mean anything. "[A]bility to pull the casing without adverse effect to the installed pipe" (point 3) is essentially just restating the question. And "the logistics and effectiveness of providing suitable replacement materials (such as backfill soils or grout) following the casing removal" is an issue, not a strategy.

The Department should require Sunoco to give a complete and responsive explanation demonstrating that it will be able to prevent sinkholes, not just that it will look at some issues related to sinkholes at a future time.

Thank you for considering these comments. Please keep Appellants apprised of any next steps. (13-17)

Letter – Clean Air Council – 3-31-20