

August 21, 2016

Mr. Scott Williamson
Southcentral Regional Office
Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, PA 17110

RE: Public comment on the Mariner East 2 Pipeline Project

Mr. Williamson,

I wish to submit the following written public comments on the Mariner East 2 pipeline, also known as the Pennsylvania Pipeline Project. Please note that I have also previously submitted copies of my oral public comments given at the public hearings in Blair, Lebanon, Harrisburg, and Westmoreland counties.

First, some background about myself. I am a 61 year old retired special education teacher, originally from Monaca, Beaver County, Pennsylvania. My husband Stephen is an 85 year old retiree originally from Hungary. We bought a residence and 48 acres in Huntingdon County in 1983 and raised 2 daughters there. Our property was approximately 1/3 open field and 2/3 forested, with a pond, streams, and wetlands area. We made inquiries about the Forest Stewardship Program, but since we did not have any interest in timbering, we did not have a formal management plan drawn up. We did, however, decide that we would maintain the streams, wetlands and pond as they were. In 1993 we sold the house and 11 acres on the south side of the property, and built another house further back on the remaining open field property. In 2014 we sold 10 acres on the north side of our property to our eldest daughter for a possible future home site. Again, we stayed away from impacting the pond, streams, and wetlands. We are currently enrolled in the Clean and Green Program.

Second, is a timeline of our contact with Sunoco Logistics about the Mariner East 2 project:

May 2015: We receive a phone call from Mitch Wyatt, who introduces himself as a land agent for Sunoco Logistics. He requests a face-to-face meeting to discuss the pipeline. We agree to talk to him.

Mr. Wyatt comes to our house and notifies us that Sunoco Logistics is planning to build a pipeline which will run diagonally across the west side of our pond, parallel the Buckeye Pipeline (which is on our neighbors' property), then cut back northeast across the back of our property. He tells us that the pipeline will be horizontally drilled under the road and our pond. He does not mention how the rest of the pipeline will be built, nor offer much in specifics. He finishes by making an offer for the 3+ acres involved, stating that it is a generous offer that we should take seriously, since Sunoco Logistics has the right of eminent domain (false). My husband sarcastically makes a counter-offer double the original one. Mr. Wyatt says that he will have to talk to his supervisor to see if they would be willing to go there.

The next day, Mr. Wyatt comes back stating that the company was willing to take the counter-offer and hands us paperwork to sign on the spot. I tell him that we are not agreeing to that or any other easement offer, especially since this was the first we had heard of this pipeline going through and we know nothing about it. We are also not happy with the fact that the pipeline would impact our waterways. Mr. Wyatt leaves.

We talk to our neighbors, who had been approached by a different land-agent, who originally told them that the pipeline would be placed south of the Buckeye Pipeline (this would have made it completely off of our property). The second time the land agent came to their home, the route of the pipeline had changed and would now be running to the north of the Buckeye Pipeline, approximately 60 feet from their house (this is the route that goes under our pond). Our neighbors refuse Sunoco's offers until the company begins eminent domain proceedings against other landowners. Apparently a public meeting had been scheduled for January 7, 2015, and according to a Sunoco representative, all affected landowners had been notified of the meeting. Neither our neighbor nor ourselves had ever been notified of this meeting. Our meetings with the land agents were our first contact.

August 2015: While on vacation in California, we receive a frantic phone call from our youngest daughter, stating that some man came to the house, asked her if she was Ellen Gerhart (which she isn't), and left a pile of papers on the porch step. This was our notice that we were being taken to court for eminent domain proceedings. We hire an eminent domain attorney.

November 2015: We have our eminent domain hearing in Huntingdon County Court, in front of Judge George Zanic. Our attorney argues that 1) the pipeline is actually an interstate rather than an intrastate, based on its starting point in Scion, OH and its ending point in Marcus Hook, which extends into Delaware, 2) Sunoco is relying on certificates issued for the Mariner East 1, which at the time carried petroleum products (not NGLs) from east to west (and was considered an interstate), and 3) there is no public benefit that would allow Sunoco Logistics to use eminent domain. Mr. Harry Alexander, vice-president of Project Development for Sunoco Logistics, states under oath that the Mariner East 1 will carry 77,000 barrels of NGLs per day, but Pennsylvania only requires 22-27,000 barrels per day. This is without even considering the amount of NGLs proposed in the new project. We begin attending Union Township meetings to discuss the project with the township supervisors.

January 2016: Judge Zanic rules in favor of Sunoco Logistics. We immediately appeal the decision to Commonwealth Court. Sunoco Logistics does an initial survey without contacting us. I send a letter to Sunoco Logistics rescinding permission for anyone associated with the company to be on our property.

February 2016: We receive notice that even though Sunoco Logistics does not yet have all of its easements or any of its Chapter 102 or 105 permits, and despite the fact that our eminent domain case is in appeals, Sunoco Logistics will begin surveying our property prior to clear-cutting. We begin contacting DEP, Army Corps of Engineers, DCNR, Huntingdon County Conservation District, Huntingdon County commissioners, and Union Township supervisors for help. No one seems to have any information about the project. No one knows the number or size of the pipeline(s), or the exact route. There is no emergency planning in case of a leak or an explosion. We receive a copy of a flood plain map given to the township supervisors by Tetra Tech, Sunoco's environmental consultants. We immediately notice discrepancies between what is shown on the map and what actually exists on the site. We again contact DEP, DCNR, HCCD, and ACoE.

March 2016: We fire our first attorney and retain a different lawyer for our eminent domain case. We receive a phone call at 5:30 on Sunday, March 20, that a surveying crew would be out on our property that week, and the day after the surveying was done, a tree-clearing crew would be out. On Monday, March 21, a survey crew shows up in the back of our property. A small group of friends tells the crew they do not have permission to be on the property. The crew leaves. That afternoon, our lawyer calls to tell us that in Pennsylvania, survey crews are allowed access to property and that we should allow them to do their job. We can photograph and videotape them, but we cannot impede their work. On Tuesday, the crew from Mississippi (not PA) reappears, and we allow them to proceed. On Thursday, there were two people standing along the edge of our property near the road. Two Sunoco Logistic trucks drove past, turned around, slowed down, and took their picture. On Friday our lawyer informed us that Sunoco Logistics had filed an injunction against us and we had to appear in court on Monday.

March 28, 2016: Sunoco Logistics' injunction claim that we were harassing (false) and impeding (false) their workers. Their attorney has a handful of Facebook pages that he said were sent out to 900+ people to come and protest on our property, and that 42 people said they were coming. This "Facebook call" was not put out by us, nor did we authorize anyone to put a call out on our behalf. They also claim we were causing the company "irreparable harm" by delaying them. They specifically cite the Migratory Bird Act and the nesting season of the Indiana brown bat, stating that the company could not cut between April 1 and October 31. Judge Zanic, the same judge who ruled against us in our eminent domain hearing, grants the injunction, and warns us that we could face up to a year in jail and fines. He also authorizes the sheriff's department to escort the crew.

March 29, 2016: About a dozen people meet the tree crew and the sheriff's department. During the night, three people had climbed into three trees on the property. Everyone else stands along the edge of the right-of-way. When the tree crew splits up into three groups, the dozen people also split into three groups, in order to photograph and videotape. About mid-morning I hear that one of the "protesters" had been arrested, even though he was not on the right-of-way. The sheriff's department claimed that because he had a walkie-talkie (as did people in the other two groups), he must be an organizer, so they arrested him. He is charged with summary disorderly conduct and misdemeanor three disorderly conduct. His bail is set at \$200,000 (two hundred thousand dollars). He is denied access to a lawyer. He ultimately begins a hunger strike, and three days later is released with a reduced bail of \$5000. A second person is also arrested that morning, when she tried to alert one of the crews that they were cutting too close to one of the tree-sitters. She is arrested for being on the right-of-way, and also charged with summary and misdemeanor three disorderly conduct. Huntingdon County does not have facilities for females, so she is transported to Centre County, and her bail set at \$100,000 (one hundred thousand dollars). Because of her job situation, her family posts the 10% (\$10,000) and she is released. During this time, crews are photographed and videotaped cutting trees out of the right-of-way, cutting trees into the streams and wetlands, and walking through the wetlands and streams. There are some trees they were unable to cut down because their chainsaws were not large enough. Several members of the crew also joke about what would happen if they cut down the trees with the sitters.

March 30, 2016: The tree crew comes back to continue cutting. They continue to cut trees close to the now two sitters, without any regard for safety. I am off the right-of-way doing an interview with a reporter from WJAC-TV in Johnstown when there is a large crash. I turn around to see the tree crew cutting trees that are falling and actually brushing the tree with the sitter. I tell the three sheriff's deputies standing there that they need to do something. They shrug their shoulders and say that she

shouldn't be in the tree in the first place. I move to an area marked "Do Not Cut", turn to the deputies and again ask them to tell the crews to stay away from the sitters. One deputy says "This is enough" and I am arrested. Like the other two arrestees, I am charged with the two disorderly counts. I am released on \$5000 unsecured bail. Sunoco's crew leaves at mid-day. They do not come back that day or the next, even though there are still about a dozen trees still standing in the right-of-way.

April 7, 2016: Early morning we hear chainsaws on the south side of the pond. We run out to find a tree crew starting to cut down one of the trees that had been left standing at the end of March. We tell them that they are not allowed to cut trees, based on what had been written in their own injunction. I go back to the house to get a copy of the injunction. Instead of grabbing the entire injunction, I take only the page with the clearing listed date of "no clear-cutting after March 31". While I was at the house, the Sunoco Logistics crew had called the state police. I show the paper to the police, only to hear that "that piece of paper doesn't prove anything. Anyone could have typed that page. Besides, we stopped at the courthouse before coming here, and Judge Zanic told us to arrest anyone impeding the crew." One other person and myself are arrested, and again charged with the two counts of disorderly conduct. The male was taken to Huntingdon County jail, where he is ultimately able to post the \$5000 bail. I am transported to Centre County. I am asked to answer some intake questions. I refuse to answer questions, as I had done with both the state police and the sheriff's department. I'm told that not answering questions is a Level One offense. I shrug my shoulders and the officer leaves. About 2 hours later I am taken out of the holding cell, placed in shackles, given a Velcro knee-length "turtle suit" to put on, and placed in isolation with a surveillance camera and 24 hour light. My glasses are taken and I am given a thin sleeping bag on a metal bed. I assume that this is done initially before being placed with the other prisoners. I am not allowed to call my lawyer or my family.

April 8, 2016: When they bring breakfast the next morning, I tell them I can't eat because I haven't had my thyroid medication yet. They remove the food. I ask to talk to my lawyer, and I'm told that I can't because I'm on "suicide watch." Apparently if you exercise your right to refuse to answer questions, you are considered suicidal. I am told that someone is putting up bail for me. I've never been in jail before, and I assume that whoever put up the bail was going to lose that money. I refuse to accept the bail. I continue to ask for my lawyer, but again am denied. I decide to go on a hunger strike.

April 9, 2016: I continue to refuse to eat. I still do not get my thyroid medication, or access to my lawyer. I am finally taken to the medical unit so that I will be able to get my medication. The staff there explains that a person who posts bail will not lose it, as long as the person arrested shows up for their court dates. I still am not able to contact my lawyer or my family. I am finally able to see a counselor, who informs me that if I don't take bail, I will have to wait until Monday to see a psychiatrist, who will determine if I am suicidal or not. If I continue to refuse to eat, that would be an indication that I am indeed suicidal. I agree to take the bail, and am released later that day.

So, we have both civil and criminal cases pending. Our eminent domain case is still in Commonwealth Court. No matter whether the Commonwealth Court rules in our favor or in Sunoco Logistics' favor, the ruling will be appealed to the Supreme Court. This means that the eminent domain case may continue for at least another year. Three of the original six arrestees still have ongoing criminal cases because we refuse to sign up for a drug and alcohol rehabilitation program as condition for dropping the charges.

Third, the issuance of Chapter 102 and 105 permits:

- 1) Sunoco Logistics does not yet have all its easement agreements in place, and there are still landowners fighting eminent domain proceedings in the courts. Permits should not be issued while these cases are still outstanding.
- 2) Sunoco Logistics does not have all of its applications complete. I believe the application for Delaware County is not yet complete. Permits should not be issued without all permits being completed. Sunoco Logistics should not be able to start piecemeal construction of the project.
- 3) Our environmental consultant, Schmid and Company, based in Media, PA, disputes the findings of Sunoco Logistics' consultant, Tetra Tech, on several key issues: **1)** Tetra Tech only reported ½ of the streams and 1/7 of the wetlands on our property, **2)** Tetra Tech does not show these streams and wetlands as being directly connected to our pond, **3)** Tetra Tech does not show these waterways as being directly connected to Little Trough Creek, part of the Juniata Watershed, **4)** Tetra Tech misrepresent the wetlands, classifying them as "emergent" when in fact they are clearly "forested", **5)** Tetra Tech did no onsite testing for hydrologic soils until *after* the tree clearing had been done and trees were cut down in areas that should have been designated as wetlands, **6)** Tetra Tech did no onsite inventory of the flora or fauna to determine the quality of the stream, wetlands, or pond, **7)** Tetra Tech did no onsite inventory to determine the presence of any endangered/threatened species of flora or fauna, but instead relied on the online index, which only indicates probability, **8)** Tetra Tech did no onsite inventory of the types of trees present on the property until *after* the trees had been cleared, and **9)** Tetra Tech did no chemical analyses (pH, O2 levels, etc.) of either the streams or the wetlands, **10)** request has been sent to and received by the Army Corps of Engineers, Baltimore Division, for a jurisdictional determination of the waterways on our property. Permits should be denied based on Tetra Tech's misrepresentation of the characteristics of the wetlands, streams, and pond, and the pending request to the Army Corps. If this many problems have been found on just 3 acres, how many more may be found across the 350 miles of proposed pipeline.
- 4) There were no DEP representatives on our property until after April 7, when the clear-cutting was apparently halted. On April 8, one DEP representative briefly accompanied, then left, a Tetra Tech crew who sampled a small section of the temporary workspace soil and who attempted to identify some of the trees standing outside of the cut zone. DEP does not currently have the manpower to enforce compliance or to regulate. It would be better to err on the side of caution and deny these permits.
- 5) Sunoco Logistics made no attempt to mitigate any erosion from the steep slope next to our pond, where they propose to have the "temporary workspace." As a result, after some recent heavy rains, our streams, which normally run clear, were cloudy, as were the edges of our pond. Permits should be denied.
- 6) The trees in the right-of-way, especially the trees in the "emergent" wetland, will never be permitted to grow back, so the damage done to the forested wetland is permanent, not temporary.
- 7) Sunoco Logistics has proven to be a chronic and blatant violator of safety regulations. Sunoco does not operate the most pipeline mileage, but it is number one in the number of violations DEP has already fined Sunoco Logistics several times for spills, leaks, working without permits, etc. Other agencies such as PHMSA, have also fined Sunoco for violations such as shoddy

welding. DEP is well within its authority to deny permits based on the number of past violations by Sunoco Logistics.

- 8) Chapter 105 does not allow DEP to consider any possible job creation which may possibly be generated through the construction of this pipeline. At the four public hearings I attended, DEP allowed members of various trade unions, and business and industry, to discuss the potential number of jobs which would be generated by this project. Job creation is entirely out of the scope of DEP's responsibility. Permits should not be issued based on potential job creation.
- 9) DEP has admitted that it is understaffed and underfunded, particularly in permitting. As stated before, it would behoove DEP to err on the side of caution and logic, and deny these permits.
- 10) The Pennsylvania Constitution and DEP's own mission statement talk about the right of Pennsylvanians to an environment with clean air and clean water for now and future generations. DEP---Department of Environmental *Protection*---is duty-bound to *protect* the environment before it is compromised. Businesses and industries such as Sunoco Logistics have a duty to their shareholders to turn a profit, whether this means damaging or destroying ecologically sensitive areas or not. DEP has a duty protect and defend the environment against the practices of companies such as Sunoco Logistics. Therefore, Chapter 102 and 105 permits should be denied.
- 11) This pipeline cuts a swath through seventeen counties of this Commonwealth. DEP is not justified in limiting the number of public hearings to five. Spreading these hearings across the width of the state creates an undue burden on anyone wishing to make oral public comments. DEP should reschedule these hearings so that there is one hearing in each of the affected counties.
- 12) Given the numerous misrepresentations of "facts" by Sunoco Logistics, and given its track record for providing false or misleading information, more time should be allotted for file review by the public and by technical experts. In addition, the presence of still incomplete application(s) should halt the consideration of permits. Based on this, the public comment period should not officially begin until ALL permits are deemed complete, and only then should the public comment period be extended to 45 days to allow for complete review.

Fifth, and final, points:

Sunoco Logistics claims that it works with landowners. This is not true in at least several cases. There are landowners who have unresolved issues with the Mariner East 1 already on their properties (we do not have ME1 on our property). These issues range from 1) having waste water dumped into ponds, 2) workers trespassing off of the right-of-way, 3) forcing landowners to pay for reinforcing private lanes, and 4) cutting a wider right-of-way than what was in the easement agreement. We have several issues with the Mariner East 2, or Pennsylvania Pipeline Project. First, we have no idea how many pipelines are actually going in. Some survey stakes on our property are labeled PPP2 (Pennsylvania Pipeline Project 2) and some are labeled PPP3 (Pennsylvania Pipeline Project 3). Does that mean that both pipelines are going in? Does that mean each pipeline gets its own ROW? If Sunoco Logistics decides that for now it's more feasible to only put in one pipeline, will they be able to come back later and put the second one in? The size of the pipeline has bounced around from 18 inches to 24 inches. There are no safeguards required to identify potential leaks. Natural gas liquids are highly volatile, and are denser than the surrounding air. This means that it would take little more than a spark to initiate a blast zone of approximately 900 yards on either side

of the pipeline...and that's only if one ruptures. Given the fact that this (or these) pipelines run up a steep slope, a leak on the crest of the hill would allow NGL vapors to accumulate in the pond and across the one road in and out of the Trough Creek area. There are no emergency plans in place. Sunoco Logistics' tactics were 1) make a lowball offer and immediately threaten eminent domain, 2) if a landowner wanted to negotiate, let them believe you are being very generous, 3) take "uncooperative" landowners to court and make examples of them. They have proven time and time again that they cannot be trusted. Do not grant them Chapter 102 or 105 permits.

Ellen Gerhart

15357 Trough Creek Valley Pike

Huntingdon, PA 16652

(814) 643-1890

esgerhart@yahoo.com