

**Sunoco Pipeline LP  
Pennsylvania Pipeline  
Project  
Mariner East II  
Major Amendment Request  
for Marsh Creek,  
ESG0100015001  
Comment / Response  
Document**

On February 5, 2022, DEP published notice in the *Pennsylvania Bulletin* that it would be accepting public comments from February 5, 2022 until March 11, 2022. In addition, DEP held a virtual public hearing on March 8, 2022 and extended the receipt of public comments to March 14, 2022.

44 unique comments from a total of 323 different commentors were received by DEP during this formal comment period and public hearing. All comments received during this period were taken into consideration by reviewers during their review of the submitted application. All comments, regardless of the method by which they were submitted, are treated with equal consideration and included in this document.

A list of the commentators, including names and affiliations (if any) is provided as follows. Each individual who submitted a comment is assigned a Commenter ID number, which is then listed at the end of the corresponding comment in the document. Staff reviewers were aware of all comments, including duplicates.

Many of the comments received focused on areas related to the project that fell outside of this permit's regulatory framework including references to the economics, safety issues and the history of violations and non-compliance by Sunoco. These comments were acknowledged either as "in support of" or "opposed to" the project.

Some of these comments included requests for additional oversight or requirements for the work to be completed by a third party. There were also references to work associated with this permit authorization that is covered under other Department authorizations and legal agreements.

By entering into a Consent Order and Agreement with DEP and DCNR, Sunoco/Energy Transfer is legally bound to implement measures to assess and remediate impacts, restore Marsh Creek Lake and its environs, and to pay significant penalties and natural resource damages, to bring the company into compliance with environmental laws.

**TABLE OF COMMENTATORS FROM COMMENT PERIOD**

<b>Commentator ID #</b>	<b>Name and Address</b>	<b>Affiliation</b>
1	Neil Phillips Chester Springs, PA 19425	Upper Uwchlan Township
2	John D. Bland	Boilermakers Local 13
3	Jeff Kotula Canonsburg, PA 15317	Washington County Chamber of Commerce
4	Chris Heck	Pittsburgh Airport Area Chamber of Commerce
5	Lisa B. Himber Philadelphia, PA 19106-1906	Maritime Exchange for the Delaware River and Bay
6	Tom Melisko	International Union of Operating Engineers – Local 66
7	Jeffrey P. Scarpello	Penn-Del-Jersey Chapter, NECA
8	Ben Brown Charleroi, PA 15022	Mon Valley Alliance
9	Thomas J. Shepstone Honesdale, PA 18431	Shepstone Management Company, Inc.
10	James Harper, Jr.	Laborer’s International Union of North America – Local 413
11	Debra Istavanik-Strotman Monongahela, PA 15063-9522	
12	Marlane Chestnut Downingtown, PA 19335-1221	
13	Donna Gensler Pittsburgh, PA 15206-1140	
14	Daniel Dayton Bensalem, PA 19020-3712	
15	Liana Lang White Haven, PA 18661-3828	
16	Ed Artz Downingtown, PA 19335-1975	
17	Laura Prushinski Larksville, PA 18704-1607	
18	Linda Leghart Jacobs Creek, PA 15448-1002	
19	John Stofko Allentown, PA 18102-5512	
20	Frank Ayers Altoona, PA 16602-4132	
21	Cam Hays Glenmoore, PA 19343-2016	
22	Kathryn Ludwig Philipsburg, PA 16866-8701	
23	K Danowski Pittsburgh, PA 15243-1671	

24	Laura Gray West Chester, PA 19380-6104	
25	Lori Montgomery Pottstown, PA 19465-7567	
26	Rick Coleman Mechanicsburg, PA 17050-7981	
27	Kathleen Miller Wilkes Barre, PA 18705-3128	
28	Mary More Flourtown, PA 19031-2037	
29	Martha Riggle Mercersburg, PA 17236-9469	
30	Dan Cush Aspinwall, PA 15215-1608	
31	J. Allen Feryok Monessen, PA 15062-1925	
32	Rosemary Caolo Scranton, PA 18510-1902	
33	Debra Martin Glenmoore, PA 19343-1921	
34	Florence Buckley Philadelphia, PA 19144-4501	
35	Jeffrey Ridge Saint Clair, PA 17970-1351	
36	Diane Phillips Chester Springs, PA 19425-3522	
37	Colleen Wood Chalfont, PA 18914-2402	
38	Suzanne Clare Wynnewood, PA 19096-2140	
39	Bob Steininger Phoenixville, PA 19460-3376	
40	Christopher Yohn Shillington, PA 19607-1716	
41	Margie Fischman Philadelphia, PA 19106-3727	
42	Carolyn Caruso Chester Springs, PA 19425-3848	
43	Karen Rudy New Cumberland, PA 17070-1613	
44	Regina Milione Plymouth Meeting, PA 19462-1030	
45	Joan Welte Philadelphia, PA 19116-2401	
46	Ann Buki Exton, PA 19341-3109	
47	Susan Babbitt Philadelphia, PA 19107-6146	

48	Deborah Zubow Philadelphia, PA 19143-1728	
49	Barbara Sheads-Smith Gettysburg, PA 17325-8039	
50	Ann Barnes Russell, PA 16345-2805	
51	Linda Winchester Norristown, PA 19401-3234	
52	Elizabeth Schongar Pittsburgh, PA 15212-4749	
53	David Way Pottstown, PA 19464-2139	
54	Judith Fitch Philadelphia, PA 19119-1659	
55	John Bush Coatesville, PA 19320-2071	
56	Barbara Nadel Milford, PA 18337-7223	
57	Lauren Verruni Mount Pleasant Mills, PA 17853-8579	
58	Jeanne Held-Warmkessel North Wales, PA 19454-4285	
59	Constantina Hanse Pittsburgh, PA 15218-1659	
60	Karl Mierzejewski State College, PA 16801-2906	
61	Barbara Lacy Kennett Square, PA 19348-1565	
62	Donna Meyers Stowe, PA 19464-3716	
63	Kevin Meehan Pittston, PA 18643-1219	
64	Erika Shea Bala Cynwyd, PA 19004-2707	
65	Curtis Dunn Ambler, PA 19002-6005	
66	Donna Smith Havertown, PA 19083-2028	
67	Alice Reese Pittsburgh, PA 15234-2708	
68	Jessica Daleandro Exton, PA 19341-2404	
69	Linda Polishuk West Chester, PA 19380-5943	
70	Susan Porter Lords Valley, PA 18428-9074	

71	Ann Peters Philadelphia, PA 19144-3582	
72	Paul Hagedorn Philadelphia, PA 19145-4403	
73	Amanda Burdick Shinglehouse, PA 16748-2113	
74	I Hurd Hanover, PA 17331-3343	
75	Laura Horowitz Pittsburgh, PA 15217-1840	
76	Philomena Easley Fairless Hills, PA 19030-3819	
77	Earle Haight Downingtown, PA 19335-4548	
78	Helene Rosen Ivyland, PA 18974-6127	
79	James Mitchell Pittsburgh, PA 15236-4427	
80	Pauline Rosenberg Philadelphia, PA 19151-3008	
81	Jennifer Loch Factoryville, PA 18419-7871	
82	H A Blue Bell, PA 19422-1407	
83	Daniel Safer Philadelphia, PA 19104-2530	
84	Barbara Nigrini Shillington, PA 19607-2825	
85	Sue Ingram Exton, PA 19341-1213	
86	Philip Wion Pittsburgh, PA 15217-2724	
87	Ellis Coleman Kennett Square, PA 19348-2643	
88	Mary Webster Pottstown, PA 19465-7760	
89	Glenn Turner Philadelphia, PA 19147-2419	
90	Vicki Jamison Chester Springs, PA 19425-8756	
91	Roberta Costa Gwynedd, PA 19436-1019	
92	Michael Miller, Jr Philadelphia, PA 19102-4551	
93	Joe Slavin Philadelphia, PA 19130-1818	

94	J.B. Lizak Northampton, PA 18067-1313	
95	Laura Chinofsky Southampton, PA 18966-3521	
96	Gail Brunner Damascus, PA 18415-3047	
97	Robert Rossachacj Glenolden, PA 19036-2105	
98	Eric Pavlak Oaks, PA 19456-0542	
99	David Kligerman Haverford, PA 19041-1048	
100	David Laverne Dickson City, PA 18519-1429	
101	Eric Potter West Chester, PA 19380-6749	
102	Allison Maier Wexford, PA 15090-7516	
103	Roberta Camp Philadelphia, PA 19147-1927	
104	Margaret Smedley Drexel Hill, PA 19026-1809	
105	Mary Jean Sharp Altoona, PA 16601-4547	
106	Laurel Husk Telford, PA 18969-2606	
107	Richard Schauer Erie, PA 16509-1036	
108	Lorne Possinger White Haven, PA 18661-1303	
109	Marianna Sokol Benton, PA 17814-7403	
110	Todd Morris Spring City, PA 19475-3222	
111	Rina Malerman Jenkintown, PA 19046-2229	
112	Donna Logan Erie, PA 16506-2120	
113	Katherine Peterson Pittsburgh, PA 15221-3484	
114	Perry Kendall Glenside, PA 19038-7924	
115	Jordy Albert York, PA 17403-1310	
116	David Fiedler Bensalem, PA 19020-3849	

117	Patricia Harlow Plymouth Meeting, PA 19462-2427	
118	Patricia Moss-Vreeland Philadelphia, PA 19146-1130	
119	Sarah Caspar Downingtown, PA 19335-1220	
120	Sharon Newman West Chester, PA 19382-2374	
121	Clifford Stackonis Barto, PA 19504-8731	
122	Mickey Wolk Havertown, PA 19083-1315	
123	William Wekselman Pittsburgh, PA 15217-2273	
124	Joan McKinley Malvern, PA 19355-9629	
125	Judith Henckel Mount Bethel, PA 18343-5257	
126	Donna Lamon Philadelphia, PA 19154-3020	
127	Cindy March Dallas, PA 18612-1015	
128	Jayne Holtman Philadelphia, PA 19146-1820	
129	Mark White Pittsburgh, PA 15216-1725	
130	Mary Kleinbach Mertztown, PA 19539-9200	
131	Anna Laidler East Stroudsburg, PA 18301-8595	
132	Michael Larkin Schnecksville, PA 18078-2918	
133	Angela Locher Glenmoore, PA 19343-1900	
134	Jacqueline Colyer Oxford, PA 19363-1163	
135	Susanne Groenendaal State College, PA 16801-6233	
136	Beth Schmidt Pittsburgh, PA 15202-1928	
137	David Meade Apollo, PA 15613-1353	
138	Mike Washil Irwin, PA 15642-3490	
139	Linda Stevens King of Prussia, PA 19406-3604	



140	Joanne Impriano Downingtown, PA 19335-4511	
141	Kimberly Seger Kittanning, PA 16201-4337	
142	Amy Griffin State College, PA 16801-6125	
143	Angela Zebo-Hosterman Bellefonte, PA 16823-1715	
144	Jeff Hearn Hatboro, PA 19040-2053	
145	Wendy Smith Camp Hill, PA 17011-1468	
146	Lita Hennessey Reading, PA 19609-2003	
147	Christopher Diem Philadelphia, PA 19136-2230	
148	Mike DellaPenna' Malvern, PA 19355-1519	
149	Robert Sheets Mountain Top, PA 18707-1207	
150	Millie McWhorter McDonald, PA 15057-2860	
151	Tracey Mangus Ford City, PA 16226-1310	
152	Justin Briley Canonsburg, PA 15317-1818	
153	Michael Peale Aston, PA 19014-1545	
154	Edward Drinkwater Malvern, PA 19355-2861	
155	Rodney Weaver Mill Hall, PA 17751-9495	
156	Barbara Boudier Ephrata, PA 17522-9555	
157	David Ringle Macungie, PA 18062-9432	
158	Cynthia Sheikh West Chester, PA 19382-5277	
159	Barbara Bradshaw Springfield, PA 19064-1627	
160	Harry Meanor Freedom, PA 15042-2524	
161	Lynne Hunter Downingtown, PA 19335-4848	
162	Mitzi Corbitt Jenkintown, PA 19046-3291	

163	Ron Tragni North Wales, PA 19454-2131	
164	Anne Keys Collegeville, PA 19426-1025	
165	Alexa Manning and Kevin Downingtown, PA 19335-4444	
166	George Reinhart East Berlin, PA 17316-9181	
167	Trish Mangan Glen Mills, PA 19342-1658	
168	Sandra Goodwin Monroe Township, PA 18618-7755	
169	Tim Resciniti Gibsonia, PA 15044-4902	
170	Jane Popko Palmyra, PA 17078-8306	
171	Dona Cuppett Telford, PA 18969-1422	
172	Doug Miller West Chester, PA 19382-6316	
173	David Casker Johnstown, PA 15905-4514	
174	Diana Dakey Dalton, PA 18414-9516	
175	Deborah Lyons Kennett Square, PA 19348-2016	
176	Debra Wontor Lords Valley, PA 18428-9115	
177	Grace Henning Pittsburgh, PA 15235-3526	
178	Rebecca Wolfe East Springfield, PA 16411-9311	
179	Andre Young Muncy, PA 17756-7448	
180	Kelly Riley Hatfield, PA 19440-4142	
181	Debra Metzger North Huntingdon, PA 15642-2486	
182	John Natale Canonsburg, PA 15317-2058	
183	Mardi Weber Pittsburgh, PA 15218-1913	
184	John McDevitt Wayne, PA 19087-1525	
185	Nicole Gallo West Chester, PA 19380-1352	

186	David Cottingham Bethel Park, PA 15102-2214	
187	Susan Saltzman Philadelphia, PA 19102-4214	
188	Erin Gallagher West chester, PA 19380-6448	
189	Ronald Vella Ebensburg, PA 15931-1930	
190	Rosemarie Kozdron Rockton, PA 15856-2732	
191	Catherine Contarino Hawley, PA 18428-0380	
192	Jack Albert Allison Park, PA 15101-1344	
193	Nicole Mathews Exton, PA 19341-2745	
194	Sherwood Johnson Gibsonia, PA 15044-8962	
195	Alice Stehle Butler, PA 16001-5110	
196	Shellie Brown Bensalem, PA 19020-2207	
197	Stacey Marchig Upper Chichester, PA 19061-3852	
198	Arlene Taylor Harrisburg, PA 17112-9289	
199	Ashley Gagné West Chester, PA 19382-4837	
200	John Flynn Millville, PA 17846-8652	
201	Veronica Liebert Drexel Hill, PA 19026-4506	
202	Janeen Denmark Jamestown, PA 16134-5227	
203	Patricia Colvin West Chester, PA 19382-2180	
204	Michael Schmotzer York, PA 17403-4111	
205	Christopher Dunham Feasterville, PA 19053-5916	
206	Desiree Carbone 1317 S Braddock Ave. #3 Pittsburgh, PA 15218-1273	
207	Richard Alloway Warminster, PA 18974-2555	

208	Carol Book York, PA 17406-8500	
209	Peter Adams Pittsburgh, PA 15215-2524	
210	Paul Palla Greencastle, PA 17225-1421	
211	Alfred Klosterman Philadelphia, PA 19134-2026	
212	Jason Crawford Lancaster, PA 17601-1408	
213	John Nickey Hanover, PA 17331-8003	
214	Arthur Soifer Glenside, PA 19038-3805	
215	Erik Whitlock Fort Worth TX, 76244-6140	
216	Jennifer Quay West Chester, PA 19380-1003	
217	Deborah Marchand Gibsonia, PA 15044-8383	
218	Barbara Langan Huntingdon, PA 16652-6029	
219	Robert Foster Quakertown, PA 18951-1051	
220	Elizabeth LeFever Philadelphia, PA 19129-1635	
221	Debra Burk Brogue, PA 17309-9072	
222	Mandy Tshibangu Devon, PA 19333-1569	
223	George Stradtman Elkins Park, PA 19027-2313	
224	Sheila Erlbaum Philadelphia, PA 19119-2406	
225	Larry Pavlock Verona, PA 15147-2227	
226	Robert Kistler Bechtelsville, PA 19505-9304	
227	Joan Klein Gibsonia, PA 15044-9141	
228	Frank Sabatini Exeter, PA 18643-1146	
229	Linda Bescript Langhorne, PA 19047-5673	
230	Aggie Perilli Lancaster, PA 17603-4912	

231	Susan Thompson Audubon, PA 19403-5675	
232	Beth VanBuren Plymouth Meeting, PA 19462-7174	
233	Richard Tregidgo Holtwood, PA 17532-9726	
234	Linda Silverman York, PA 17408-4349	
235	Joseph Slavin Philadelphia, PA 19148-5507	
236	Tim Wetzel Carlisle, PA 17013-1795	
237	Thomas Campanini York, PA 17403-9126	
238	Melika Williams Hatfield, PA 19440-3936	
239	Kerry Lubin Bensalem, PA 19020-1836	
240	J Fried West Chester, PA 19380-1842	
241	Oren Helbok Bloomsburg, PA 17815-2304	
242	Susanne Schneider Lancaster, PA 17602-4079	
243	Michael Kirchner Harrisburg, PA 17112-1204	
244	Miriam Shakow Narberth, PA 19072-2414	
245	Elizabeth Donohoe Pittsburgh, PA 15221-4434	
246	Karen Guarino Spanton Philadelphia, PA 19127-1230	
247	Sharon Yates Coatesville, PA 19320-2863	
248	Cheryl Hertzog Elverson, PA 19520-8819	
249	Lauren Cortesi Glenmoore, PA 19343-9541	
250	Joe Ferry Springfield, PA 19064-2605	
251	Bobette Burdenski Exton, PA 19341-3027	
252	Michael Wood West Chester, PA 19382-6129	
253	Cynthia Syracuse West Chester, PA 19380-1141	

254	Jacqueline Johnston Malvern, PA 19355-2412	
255	Regina Cunningham West Chester, PA 19380-4329	
256	Sandy Vicoli Exton, PA 19341-1332	
257	Joanne Masino Downingtown, PA 19335-4854	
258	Lawrence Deets Downingtown, PA 19335-1307	
259	Debra Jones West Chester, PA 19380-1771	
260	Kay Eldridge West Chester, PA 19380-2208	
261	Kathleen Hester Exton, PA 19341-2410	
262	Barbara Williams Malvern, PA 19355-2884	
263	Dan Radice Philadelphia, PA 19128-1623	
264	Yvonne LeFever Prospect Park, PA 19076-2031	
265	Barbara Moore Newtown Square, PA 19073-2913	
266	Teresa Widhson Downingtown, PA 19335-2833	
267	Marsha Brofka-Berends Exton, PA 19341-1531	
268	John Harlan King of Prussia, PA 19406-1805	
269	Barbara Robinson West Chester, PA 19380-1306	
270	John Rossi Glen Mills, PA 19342-9412	
271	Brian Noah Exton, PA 19341-2123	
272	Lisa Wetherby Lisa Secane, PA 19018-2817	
273	Kathy McDevitt Chester Springs, PA 19425-3404	
274	Bob & Marylou Starner Downingtown, PA 19335-1818	
275	Maria Yonchek Malvern, PA 19355-3042	
276	Tara Brooks Malvern, PA 19355-1517	

277	Molly Furlong Downingtown, PA 19335-1250	
278	Jodie Brown West Chester, PA 19380-1441	
279	Bellomo Stefanie Malvern, PA 19355-3120	
280	Thomas Trissel West Chester, PA 19380-4424	
281	Terri Ives Media, PA 19063-1417	
282	Gabrielle Woodward Glenmoore, PA 19343-1820	
283	Charlene Servian Exton, PA 19341-1648	
284	Martha Drinkwater Malvern, PA 19355-2885	
285	Matthew White West Chester, PA 19380-5979	
286	Michael Griffith Exton, PA 19341-2190	
287	Stephen Griffith Exton, PA 19341-2190	
288	Virginia Marcille-Kerslake Exton, PA 19341-2133	
289	Kathleen Griffith Exton, PA 19341-2190	
290	Christian Rubio Downingtown, PA 19335-1530	
291	Stephanie Gunderson Malvern, PA 19355-1034	
292	Theodore Strand Exton, PA 19341-2340	
293	Jocelyn Sawyer Philadelphia, PA 19143-1316	
294	Barbara W. Brandom, MD	Concerned Health Professionals of, PA Steering Committee Member
295	Representative Kristine Howard	Pennsylvania House of Representatives, 167th District
296	Kelsey Smolen Chester County	
297	Stephen P. Cline	
298	Pamela Edwards	
299	Marcia L. Gentry Exton, PA 19341	
300	Karen Lamorey-Hughes Downingtown, PA 19335	
301	John Eblacker Upper Uwchlan	

302	Carrie Gross Exton, PA	
303	Bernard Greenberg, MD East Goshen Township	East Goshen Safety and Environmental Advocates
304	Anne Swigart West Chester, PA	
305	Joseph Roberts	
306	Mark Dolente	
307	Judi Di Fonzo West Chester, PA 19380	
308	Meredith Squitiere	
309	Joyce Profeto Coatesville, PA 19320-6112	
310	Susan Britton Seyler Chester Springs, PA 19425-8762	
311	JoAnn Williams Media, PA 19063	
312	Joe Minott Philadelphia, PA 19103	Clean Air Council
313	Jim Snell	Teamsters Local 420
314	Mike Butler	Consumer Energy Alliance
315	Carl Marrara	Pennsylvania Manufacturers Association
316	Bill Adams	International Brotherhood of Electrical Workers, Local 654
317	Helen Kissick	Beaver County Chamber of Commerce
318	Senator Carolyn Comitta	Pennsylvania Senator, 19 <sup>th</sup> District
319	Representative Danielle Friel-Otten	Pennsylvania Representative
320	Christina DiGulio	
321	Libby Madarasz	
322	Senator Katie Muth	Pennsylvania Senator
323	Paul Zislis Exton, PA 19341-1196	



## COMMENTS AND REPOSES

### 1. Comment

The Upper Uwchlan Township Environmental Advisory Council supports a complete and total cleanup of Marsh Creek Lake and the surrounding ecosystem, and a full restoration of all impacted areas. The Council further requests that cleanup activity be executed in a manner that minimizes impact on the community's quality of life and avoids any additional harm or damage to waterways, the local environment, and Township infrastructure. (1)  
Letter – [Upper Uwchlan Township](#)

### Response

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### 2. Comment

On behalf of Boilermakers Local 13, I am writing to the Department of Environmental Protection to voice our support for the Mariner East 2 amendment application for restoration work at the Marsh Creek so the site can fully completed in a way that maximizes the pipeline's economic and environmental potential.

Boilermakers Local 13 plays a vital role in the construction landscape of eastern Pennsylvania. We are a part of the International Brotherhood of Boilermakers --- a labor organization representing more than 50,000 highly skilled workers in all manufacturing industries throughout the United States and Canada. Our local union provides the highest quality services throughout Pennsylvania and Delaware. Our storied reputation in Pennsylvania's energy sector renders us particularly invested in the approval of the proposed amendment for this project.

Pipeline construction has already proven remarkably beneficial to Pennsylvania's labor economy --- supporting over 9,500 good-paying construction jobs to workers throughout the state, many of whom are Boilermakers. I can personally attest to the developer's commitment to hiring local workers. Beyond fostering local employment opportunities, the project has produced an estimated \$9.1 billion in tax revenue and economic impact to the state.

The proposed amendment will allow the developer to effectively rehabilitate the surrounding Marsh Creek construction site to its fullest potential - going above and beyond what is typical for restorative projects of this kind. By increasing the approved limit of disturbance, the developer can dredge more sediment and leave the land in better condition than its original state. This amendment is merely a means of giving the developer the tools and access it requires to thoroughly restore the Marsh Creek area.

For these reasons, Boilermakers Local 13 encourages DEP to allow the complete restoration work at Marsh Creek to move forward by approving the application amendment. I appreciate your consideration. Thank you. (2)  
Letter – [Boilermakers Local 13](#)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **3. Comment**

On behalf of the Washington County Chamber of Commerce, I am writing to urge the Pennsylvania Department of Environmental Protection (DEP) to approve the major permit amendment request from Sunoco Pipeline LP for work near Marsh Creek Lake. The Mariner East pipeline network has brought immense economic benefits and thousands of family-sustaining jobs to the Greater Pittsburgh Region and will bring even more prosperity now that construction is complete. The final step is restoration of work sites and areas disrupted by that construction.

Approval of this permit amendment would enable restoration work at the site to move forward - allowing for full cleanup and bringing additional environmental benefits to the area. This restoration plan goes above and beyond what would typically be done following an inadvertent return of drilling fluid, which occurred there in August 2020, and it will leave the lake in better condition than its original state. However, the company needs access to dewater sediment dredged from an area of the lake. All the work here is temporary, and all areas use in this project will be restored back to existing conditions, grades, and elevations once the work is completed. In addition, the planned work goes beyond what is essential for restoration. It will also improve the local environment through the construction of additional habitats, the removal of nuisance wildlife, and an increase in water depth as well as reservoir storage capacity - once again proving that economic growth and environmental protection are complementary.

Given these facts, we strongly urge the DEP to approve the major permit amendment request for the Marsh Creek Lake work. Thank you for your consideration. (3)  
Letter – [Washington County Chamber of Commerce](#)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **4. Comment**

The cross-state Mariner East pipeline network has been critical for our continued economic revitalization in southwestern Pennsylvania, which is why the Pittsburgh Airport Area Chamber of Commerce has been so focused on its completion. The recent announcement that the final phase of construction has finished is exciting news.

We appreciate the Department of Environmental Protection's earlier approval of the permit modification for pipeline construction and installation work related to Mariner East in the Marsh Creek area of Chester County. The Pittsburgh Airport Area Chamber of Commerce was among many groups to submit comments in favor of that modification in May 2021.

Our focus now turns to restoration.

The developer has proposed increasing the limit of earth disturbance by 4.06 acres at the Marsh Creek project site to temporarily store dredged material and dewater the sediment for removal. The work relates to cleanup following a previously reported inadvertent return of drilling fluid. The dredging and related habitat improvements go above and beyond what would normally be required for any similar incident with bentonite, a nontoxic, naturally occurring mineral substance that has innumerable applications and uses.

Nevertheless, DEP should agree to the proposal so that the developer has the access and tools it needs to get the job done quickly. The project site is temporary, and all work areas will be restored, ensuring full restoration and bringing added environmental benefits through additional agreed-to habitat work.

On behalf of the Pittsburgh Airport Area Chamber of Commerce, I encourage DEP to approve the major permit amendment request for restoration work near Marsh Creek Lake in Upper Uwchlan Township, Chester County. Thank you for your time and attention to this matter. (4)

Letter – [Pittsburg Airport Area Chamber of Chamber](#)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **5. Comment**

On behalf of the nearly 300 members of the Maritime Exchange for the Delaware River and Bay, we urge the Pennsylvania Department of Environmental Protection to approve the major permit amendment request from Sunoco Pipeline LP for work near Marsh Creek Lake in Upper Uwchlan Township, Chester County.

The Maritime Exchange is invested in the economic development of the Delaware River and Bay region, and the energy industry has consistently proven its importance in driving growth within port communities and throughout Pennsylvania. The recent completion of the final phase of construction of the Mariner East 2 pipeline was a major milestone. Just as important is fulfilling the environmental promise of these projects by conducting necessary restoration work.

This amendment is requested for earth disturbance activities and temporary storage of dredged material to support the dewatering of sediment dredged from areas of Marsh Creek Lake related to a previously reported inadvertent return of drilling fluid. We understand the planned work goes far beyond what would normally be required for any similar event. The labor involved is temporary, with all upland areas to be restored back to existing conditions, grades, and elevations once the job is complete.

Because the plan goes above and beyond minimum essential work, this project will also bring added benefits and improve the local environment in various ways through the construction of additional habitats, the removal of nuisance wildlife, an increase in water depth and reservoir storage capacity, and more. The final project will showcase how environment protection and economic growth go hand in hand.

For these reasons, we once again urge the Department of Environmental Protection to approve the major permit amendment request from Sunoco Pipeline LP for work near Marsh Creek Lake in Upper Uwchlan Township, Chester County. Thank you for your consideration of our views. (5)

Letter - [Maritime Exchange for the Delaware River and Bay](#)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **6. Comment**

The International Union of Operating Engineers (IUOE) Local 66 represent more than 7,500 heavy equipment operators and mechanics in the construction industry. Our union works to ensure our members receive living wages through stable and innovative projects. The Mariner East pipeline network has enabled us to do just that. Mariner East has provided more than 9,000 jobs for highly skilled workers so far, and the recent completion of Mariner East 2 means additional job and economic opportunities are on the horizon as new markets open.

The developer of Mariner East recently requested a permit amendment to facilitation the cleanup of a previously reported inadvertent return (IR) of drilling fluid in Chester County. The work plan goes beyond the scope of what typically would be required for an incident like this, including dredging an area of Marsh Lake, dewatering and disposing of sediment, and restoring the area fully once restoration work is completed. Providing the developer with proper site access by granting the request for additional acreage to do the job ensures the work will get done safely, efficiently and quickly, which will benefit the communities in the area and fully reopen the Marsh Creek Lake area to residents.

All of the work here will be temporary, but many of the benefits will be lasting. Additional improvements include enhanced water quality and increased water depth in the lake, as well as removal of sediment in the area left over from projects unrelated to Mariner East 2, and improved habitat in and around the lake area.

For these reasons, on behalf of IUOE Local 66, I urge the state Department of Environmental Protection to approve the major permit amendment request from Sunoco Pipeline LP for work near Marsh Creek Lake in Upper Uwchlan Township, Chester County. With construction of the pipeline finished, restoration work must be the focus, and this project gets the job done at this site in the best way possible. Thank you. (6)

Letter – [International Union of Operating Engineers - Local 66](#)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

## **7. Comment**

On behalf of the Penn-Del-Jersey Chapter of the National Electrical Contractors Association (NECA), I ask the Department of Environmental Protection to approve the permit application for restoration work near the Mariner East 2 pipeline system at Marsh Creek Lake, Chester County.

The Mariner East pipeline system has generated more than \$9 billion in economic activity for Pennsylvania and thousands of jobs for local businesses and skilled labor, including many of our Member Contractors. Moreover, the increased amount of domestic product coming from the pipeline will help stabilize energy supplies and benefit consumers and businesses alike.

With construction complete, the focus is now on restoring the pipeline route and portion of Marsh Creek where re-routing occurred. This permit amendment would support the dewatering of sediment dredged from an area of Marsh Creek Lake related to a previously reported inadvertent return of drilling fluid. The sediment will be pumped to an upland management area, dewatered, and sent off-site to a disposal facility. All facilities necessary for the work will be temporary, and all areas will be restored back to existing conditions, grades, and elevations.

Beyond dredging, additional planned work includes constructing additional habitats, removing nuisance wildlife, increasing area water depth, and improving and monitoring water quality. Our Association understands the importance of safety and responsibility when expanding our nation's energy infrastructure. This plan is an example of environmental responsibility in action.

If this amendment application is approved, work could begin within a few weeks. Please consider approving it as soon as possible. If you have any questions, please contact the Chapter's Director of Government Affairs, Aaron Kelley, at [akelley@neca-pdj.org](mailto:akelley@neca-pdj.org). Thank you! (7)

Letter – [Penn-Del-Jersey Chapter, NECA](#)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

## **8. Comment**

The Mon Valley Alliance has been following closely the construction of the cross-state Mariner East pipeline network because of the direct and indirect benefits it promises for our region specifically and the commonwealth generally. The pipeline runs through the Mon Valley on its west-to-east path across Pennsylvania.

In May 2021, our organization submitted comments to the Department of Environmental Protection (DEP) to support modified construction in the Marsh Creek area, which was one of the last remaining places that still required work. DEP approved the modified permit and the final phase of construction on the pipeline recently finished.

Mariner East provides access to markets for drillers in western Pennsylvania and creates multiple opportunities for businesses and consumers along the route. With construction complete and the pipeline nearly fully operational, the focus now is on restoration of all impacted areas.

On behalf of the Mon Valley Alliance, we urge DEP to approve the major permit amendment request from the pipeline developer for restoration work near Marsh Creek Lake in Upper Uwchlan Township, Chester County.

The developer is simply asking to increase the limit of earth disturbance by 4.06 acres to temporarily store dredged material and dewater the sediment for removal. This project will have the added benefit of increasing water depth in this area of the lake and increasing reservoir storage capacity. Upon completion of the project, all areas will be restored, and additional habitat work will be performed, allowing for considerable environmental improvements over existing conditions.

There is more to pipeline construction than simply installation. Restoration of all impacted areas is critical, and it is part of the reason why pipelines are seen as bringing enormous economic benefits with minimal environmental impacts when fully completed.

For these reasons, the Mon Valley Alliance urges DEP to approve the major permit amendment request for the Marsh Creek restoration work. Thank you for your time and consideration on this matter. (8)

Letter – [Mon Valley Alliance](#)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **9. Comment**

Shepstone Management Company, Inc. is a planning and research firm and we consult with a wide variety of both public and private clients in matters of planning and economic development. I am the owner and principal of the firm, which also publishes the NaturalGasNOW.org blog. We advocate for natural gas development as a foundation for economic development and environmental improvement in our Commonwealth.

I write to urge the Department of Environmental Protection to give quick approval to the restoration work related to construction of Mariner East 2.

This restoration project will improve the environment in various ways. It will construct additional habitats, remove nuisance wildlife, and increase water depth. In addition, it will enhance water quality, increase reservoir storage capacity, remove accumulated sediment deposits, and provide long-term water quality monitoring.

Environmental concerns are not a valid reason to block this effort, considering this restoration plan, which goes way beyond what would typically be done following an inadvertent return, will leave the lake in better condition than its original state.



And, just as restoration is required at construction sites all along the pipeline route, all the work here is temporary, with all upland areas restored back to existing conditions, grades, and elevations once the work is completed.

Most importantly, there is no other energy source that can deliver the BTUs we need to power our modern economy and do so from such a small environmental footprint.

Let me also make one final point that seems to elude so many of the opponents of this project; that the bentonite inadvertently discharged to Marsh Creek is as ordinary, harmless and natural as any product could be and constitutes zero threat to the environment. Consider the following, for instance:

1. DEP itself lists bentonite as a preferred method to restore streams in its Engineering Manual for Mining Operations.
2. The Chester County Health Department regulations list bentonite grout as one of the required grout options when constructing residential wells in the same region as the pipeline.
3. Bentonite is used in the design and construction of lakes, ponds and reservoirs by the U.S. Army Corps of Engineers and the U.S. Department of Agriculture.
4. When the Marsh Creek dam was constructed between 1970 and 1973, bentonite was used in the dam wall to prevent seepage, which is a common procedure.
5. Bentonite is routinely used at hazardous waste sites when capping them.
6. Bentonite is commonly used in drinking water well construction.
7. Bentonite is routinely used in irrigation ditches, in farm and recreational ponds, and in the construction and maintenance of water reservoirs for public water supplies.
8. Bentonite is a naturally occurring mineral substance, approved as safe by the U.S. FDA.
9. Bentonite is used as an ingredient in products such as hand soaps, sunscreen, lotions, face masks, cosmetic products and fabric softeners.
10. Bentonite is actually marketed as a food additive, for use as an anti-caking agent.
11. Bentonite is used to purify and clarify other food products such as fruit juices, wines and beers.
12. Bentonite is sold as a wholistic medicine to settle the stomach from gastrointestinal issues.

Any suggest bentonite has created a major problem with respect to Marsh Creek is nonsense.

I strongly encourage DEP to allow Mariner East 2 to move forward with completion of the restoration work at Marsh Creek. I tried to participate in the hearing Tuesday evening and answered your call but you apparently couldn't hear me respond, so I thank you in advance for considering these written comments. (9)

Letter – [Shepstone Management Company, Inc.](#)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

## 10. Comment

My name is James Harper, Jr., and I am the Business Manager for the Laborers' International Union of North America (LIUNA) Local Union 413. I am writing in support of the proposed permit amendment related to the Mariner East pipeline project in the Marsh Creek Lake area of Chester County. Approval of the amendment yields real economic advantages, particularly in fostering job opportunities for Pennsylvanians and bolstering domestic energy production as a whole.

LIUNA represents more than 500,000 highly skilled workers in the United States and Canada who perform a range of construction work, among other occupations. Our members are trained to the highest industry and safety standards and have traditionally built and maintained much of our nation's infrastructure. At a local level, our members are employed from the surrounding communities and have a great respect and desire to apply their training ensure that work is completed proficiently and with the least impacts to areas in which they work and live.

Our union supports an "all of the above" energy strategy, which means a diverse and practical energy portfolio that makes use of our abundant natural gas resources. Local 413 is committed to advocating for statewide energy infrastructure initiatives, especially when it comes to pipelines. Accordingly, we support the proposed amendment to increase the limit of disturbance for the restoration work at Marsh Creek Lake.

The proposed amendment would expand the pre-determined limit of disturbance in the Marsh Creek habitat to allow the developer, Sunoco, to more thoroughly restore impacted land through dredging. By employing LIUNA construction workers, Sunoco has developed plans to use advanced technology to revitalize the area to a higher standard than its original state. All the work here is temporary, and the work site will be fully restored once the restoration is finished. Beyond the dredging, additional work is planned that will bring added benefits: constructing additional habitats, removing nuisance wildlife, increasing water depth in the area, ensuring long-term water quality monitoring, and improving water quality.

Again, LIUNA supports the expansion of the domestic pipeline infrastructure and the goal of becoming less reliant on international oil imports. Any investment into domestic energy infrastructure is progress toward reinvigorating the economy, strengthening national security, and creating jobs. The Mariner East 2 Pipeline has already created thousands of job opportunities for union workers throughout Pennsylvania - since its inception, the project has supported 9,500 construction jobs yearly.

Once again, on behalf of LIUNA, I urge DEP to support the proposed amendment. Thank you. (10)

Letter - [Laborer's International Union of North America – Local 413](#)

## Response

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.



## **11. Comment**

Marsh Creek Lake, a treasured natural and recreational resource as well as a drinking water reservoir, must be fully remediated from the Mariner East drilling fluids spill two years ago. However, Sunoco's proposed plan doesn't pass muster and must be denied.

The plan itself raises multiple concerns. No analysis was conducted on contaminants which will be discharged to the lake after the dewatering of sediments including possible unapproved drilling fluid additives, and flocculants which will be used at concentrations toxic to aquatic life. And no explanation was given by Sunoco as to why another site wasn't chosen for dewatering and hauling away sediments which would have far less negative impact on residents' quality of life.

But the most compelling reason to deny Sunoco's application is that the cleanup of Marsh Creek Lake should not be entrusted to this corporation. Sunoco has amassed an unprecedented 126 Notices of Violation and 48 charges for environmental crimes for Mariner East construction. The assessment of the full extent and nature of the contamination, and the design and implementation of the cleanup need to be conducted by a qualified, reputable, and independent third party, paid for by Sunoco.

DEP, reject Sunoco's proposed remediation plan and require them to fund a full assessment and cleanup of their Marsh Creek Lake pollution by a reputable, independent third party. (11 – 293, 323)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the discharged effluent from the geotextile tubes. A flux study was submitted to and reviewed by DEP.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger

Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

## 12. Comment

I am writing to request that The DEP reject Sunoco's plan to be in charge of the assessment and clean up of Marsh Creek Lake in Chester County. What I am asking for is:

- Sunoco not be allowed to monitor their own work due to their past violations. Sunoco should be held financially responsible for the lake's clean up to be done by a qualified, reputable, and independent third party. The big question I have is WHY would anything else be allowed?
- Safety Data Sheets state Aquafloc is toxic to fish, algae and invertebrates at concentrations >100mg/L. Sunoco plans to use Aquafloc @ 200mg/L to reduce the time required to dewater the slurry. What determination was made of the concentration of the Aquafloc in the water to be discharged back into the lake?
- Sunoco should not be allowed to do this work in a residential neighborhood when there is already a temporary worksite nearby the lake. This is a disruption to Pennsylvanians quality of life (again).

Come on DEP!!!! Thank you. (251)

## Response

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

While other chemicals, such as Aquatrol C1320, were proposed, only ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. ChemTreat P816 E and ChemTreat P891 L are on DEP's approved chemical additives list.

The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission

and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

### **13. Comment**

During the construction of the Mariner East 2 pipeline, Sunoco has amassed an unprecedented 126 Notices of Violation and 48 charges for environmental crimes. Sunoco and the businesses it employed to work on Mariner East 2, have done nothing to demonstrate that they deserve a second chance. Marsh Creek Lake was a treasured natural and recreational resource, as well as a drinking water reservoir. These qualities have been destroyed by the spill of unmeasurable large amounts of drilling mud and fluids two years ago. Furthermore, the pipeline workers did not notify residents of flares of toxic VOCs before these occurred, as was required. Such flares, enough pollution to give an adult headaches, occurred very close to a school playground when children were present. This is another event that must never happen again.

Sunoco's proposed plan to clean up Marsh Creek Lake is inadequate and must be denied. No analysis was conducted on contaminants which will be discharged to the lake after the dewatering of sediments. This includes possible unapproved drilling fluid additives, PFAS, and flocculants which will be used at concentrations toxic to aquatic life. And no explanation was given by Sunoco as to why a different site, in which work would have less negative impact on resident's lives, wasn't chosen for dewatering and hauling away sediments. The assessment of the full extent and nature of the contamination, and the design and implementation of the cleanup need to be conducted by a qualified, reputable and independent third party, and paid for by Sunoco. Meanwhile it is extremely inappropriate to allow work on the Mariner East 2 pipeline to continue. This work has endangered residents of Pennsylvania for no benefit other than to make money for Sunoco. (294)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC. The effluent from the dewatering operation is to be monitored for acrylamide, a common component of flocculants/coagulants, and the maximum concentration is set to "non-detect". In addition, aluminum is being monitored as one of the chemical additives is aluminum based. There has been no indication of PFAS in the drilling material spilled.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has

the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

#### **14. Comment**

On behalf of area residents, and of Pennsylvanians in general, I hereby request that the PA Department of Environmental Protection reject Energy Transfer's Marsh Creek Lake cleanup plan.

While remediation is absolutely needed, Energy Transfer has repeatedly proven itself a bad actor, unwilling and/or incapable of doing right by the community.

Therefore, Energy Transfer should be held financially responsible for remediation, but should not be allowed to complete this process using their own dubious standards. (295)

#### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger

Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

#### **15. Comment**

I concur with Representative Danielle Friel Otten’s letter dated March 8, 2022, and strongly “urge the DEP to reject the major amendment as submitted and require the assessment, cleanup, and oversight to be conducted by a qualified, independent third party, at Sunoco’s expense.” As she states, “the Department of Environmental Protection must do everything in its power to ensure this cleanup is done safely, correctly, and with little to no impact to nearby residents.” I implore you to do right by the community and the land, for the use and enjoyment of future generations, as well as the health of local ecosystems. Thank you for your consideration. (296)

#### **Response**

The Department acknowledges the commentator’s comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

#### **16. Comment**

Sunoco should be allowed to move forward with their clean up of drilling mud in Marsh Creek. Bentonite drilling mud is not “toxic” as we have been led to believe by the media. Let’s remove the bentonite and get past this. (297)

#### **Response**

The Department acknowledges the commentator’s comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

#### **17. Comment**

I have lived in Chester County my entire life and have spent much time at Marsh Creek Lake and now my children also adore Marsh Creek Lake. When Sunoco contaminated the lake in 2020 it was devastating news to the community that such a beloved landmark had been

damaged by a company that has recklessly constructed their pipeline, committing multiple environmental crimes along the way. Now, that cleanup is finally going to happen, it is insane to let the criminal police themselves during the cleanup. I completely agree with Representative Friel Otten when she said "Allowing Sunoco to oversee its own cleanup would be an irresponsible and unsupportable decision. The design, implementation, and oversight of this cleanup must be conducted by a qualified, reputable, and independent third party not selected by Sunoco, and must be under the supervision of DCNR or DEP."

The liquid collected from the dewatering process absolutely needs to be tested before returned to the lake. If found to be contaminated either from the drilling mud additives or the flocculent used to dewater the sediments, it must be disposed of as wastewater. I am also concerned about possible contamination of ground water at the dewatering site with Sunoco's poor history of environmental safety. This is why it is imperative that an independent agency monitor the process.

Please hold this company to account for their environmental negligence and require that they pay for all clean up, pay for the oversight by an independent agency (not selected by Sunoco), and pay for any further damage to private property which will undoubtedly occur during the clean up. (298)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes including indicators of flocculants.

### **18. Comment**

We are very concerned about the current proposal by Sunoco to remediate the contaminated sediment and water at Marsh Creek State Park in Upper Uwchlan. We live nearby in Uwchlan Twp and are frequent visitors who live within a short walking distance to this wonderful park and are upset about the ongoing environmental impacts of construction problems with the Mariner East pipeline project there.

These are our main concerns: Sunoco should not oversee the cleanup process. This needs to be done by an approved, reputable third-party inspection process that is determined by the state, not by the company who has a poor record in self policing its actions and has many safety violations.

After the sediment is removed, this and the water that is drained from it, must be thoroughly tested for harmful chemicals and other contaminants before it may be returned to the lake in order to mitigate harmful effects.

We are concerned about ongoing harmful, negative impacts of the spill including the proposed remediation activities to residents and the local community. This needs to be addressed immediately with a thorough plan explained in detail with an approved communication procedure to Upper Uwchlan township officials, all local residents, Marsh Creek staff and visitors. Proper signage and other public communications are necessary.

In all, we desire to enjoy this wonderful state park to full extent and not worry about present and future environmental harm, health and safety issues. Please ensure that this will happen. Thank you. (165)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$ 341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes including indicators of flocculants.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

## **19. Comment**

I am commenting on the inadequacy of Sunoco's plans for cleaning up Marsh Creek Lake. After endless violations and even felony charges, it is no wonder that we residents do not trust Sunoco to monitor their own cleanup work. We are aware of the shoddy, even illegal workmanship which has characterized this whole project! Sunoco's tactics always choose the quickest, most slap-dash plans to get out quickly and minimize their own costs to the detriment of the environment and neighborhoods they impact. Letting Sunoco monitor their own cleanup is tantamount to letting the fox guard the henhouse! We want an independent third party appointed to oversee the whole process. We also need a chemical analysis of the filtrate and need to know how concentrated it will be. We must know its impact on our drinking water and aquatic life. Marsh Creek is a treasured resource to the whole County, and we must protect it. Thank you. (299)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes including indicators of flocculants.

## **20. Comment**

I am deeply concerned about impacts to lake water and groundwater, which ultimately become our drinking water, at the dewatering site. The remediation plan does not include testing liquid either at the dewatering site or before it is returned to the lake to ensure that it is free of contaminants from the dewatering process or the original incident of drilling mud release to our reservoir, including Perfluorinated Chemicals, also known as "forever chemicals." The liquid remaining following the dewatering process must be tested before its return to the lake, and contaminated water must be treated as wastewater, not fit for release to the environment, but instead sent to an appropriate, reputable commercial wastewater treatment/disposal company at Sunoco's expense for appropriate disposal.



Additionally, it is utterly unacceptable to Sunoco monitor its own work in this remediation. Continued acts of bad faith have proven them unfit to provide their own oversight. The design, implementation, and oversight of this cleanup must be conducted by a qualified, reputable, and independent third party not selected by Sunoco, and must be under the supervision of DCNR or DEP.

Thank you for reviewing and taking my concerns into account as you review the amendment application. (300)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes. There has been no indication of PFAS in the drilling material spilled.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

### **21. Comment**

I live in Chester County near Marsh Creek, I have watched this pipeline project ruin my neighborhood. DA Shapiro came to the Lake and made a big announcement of fines and penalties for the pollution of the lake and our drinking water, then nothing happened. Silence. This project was allowed to continue without one bit of Lake cleanup. They have paid fines, violated noise and pollution laws, the PA government has done nothing. When they need to route the pipe near a house, they buy the house and leave it like a construction site. No regulation. This pipeline has gone on with regard to any environmental regulations for water pollution, noise other violations. What are the DEP and the State of PA going to do to hold these people responsible for once? (301)

**Response**

The criminal investigation and indictment by Attorney General Shapiro is under the auspices of the Office of Attorney General, not the Department, and is being prosecuted independently of any actions DEP may take.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

**22. Comment**

Energy Transfer currently has 57 environmental crime charges pending, including 1 felony charge. In addition, in January 2020 a teenager in Westmoreland County died when his car slid on water from improper drainage from a Mariner East worksite that had pooled on the road and froze. His parents have filed a lawsuit against Energy Transfer and others in Westmoreland County. Eleven months earlier, on February 22, 2019, a Penn Township resident filed a written complaint with the DEP that he had encountered icy conditions at that location stating that "it needs to be fixed before someone gets hurt". It is clear that this egregious operator should not be granted any new or amended permits in the commonwealth. Pull all existing permits. They should be fined and charged for the cleanup efforts, but it should be under the direction of a reputable company. (302)

**Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The criminal investigation and indictment by Attorney General Shapiro is under the auspices of the Office of Attorney General, not the Department, and is being prosecuted independently of any actions DEP may take.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred.

In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

### **23. Comment**

Marsh Creek Lake State Park is a true jewel in Chester County. It is extremely popular location for people who kayak, canoe, hike and for residents who need a beautiful place to get away from the stresses of everyday living. During the construction of ME2 with HDD Sunoco contaminated the lake with a very large spill of drilling fluid. Now they have been given the responsibility to clean up their spill and restore the lake to it previous pristine condition.

I urge you not to allow Sunoco to clean up their mess. The preliminary plans they have submitted are totally inadequate and will not suffice. Please place the responsibility for this cleanup with an independent qualified experienced third party and require Sunoco to pay completely for their services.

Marsh Creek Lake is too precious for us to permit anything, but the best possible comprehensive cleanup and I am afraid that Sunoco cannot and will not provide this. (303)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

### **24. Comment**

I'm writing to express my concern and objection to Sunoco's proposed remediation plan for the drilling spill at Marsh Creek Lake, Chester County, PA. I urge you to reject Sunoco's

plan and instead have the assessment and cleanup of the spill conducted by a qualified, reputable, independent third party, paid for by Sunoco.

The current remediation plan raises concerns including, but not limited to:

- What's being discharged? The plan includes the use of a flocculant to reduce the processing time. Laboratory analysis was conducted, but only on the effectiveness of flocculants at various concentrations. No chemical analysis of the filtrate was performed to determine the presence of any contaminants to be discharged back into the lake, including unapproved additives, which the Attorney General has criminally charged Sunoco for adding to Mariner East drilling fluids.
- How concentrated will it be? Sunoco plans to use the flocculant Aquafloc C1320 at 200 mg/L to reduce the time required to dewater the slurry. As per the Safety Data Sheet, Aquafloc is toxic to fish, algae, and invertebrates at concentrations >100mg/L. No determination was made of the concentration of Aquafloc in the water to be discharged back into the lake.
- Why this work site? The 4-acre site chosen by Sunoco to stockpile, process, and haul away the dewatered sediment is in a residential neighborhood. It will negatively affect the quality of life for residents for a couple of months, disrupting their summer view and enjoyment of the lake. It will force them to endure the noise and dust of construction traffic in their quiet neighborhood, including dump trucks and street sweepers (following months of open trench construction of Mariner East through the area). No reason is given for why this site was chosen instead of a nearby property at the lake which already had a temporary workspace and would have a lesser impact.

I urge you to exercise the full extent of your authority to reject Sunoco's remediation plan and instead have the assessment and cleanup of the spill conducted by a qualified, reputable, independent third party, paid for by Sunoco. Thank you for your attention. (304)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. The effluent is to be monitored for acrylamide, a common component of flocculants/coagulants, and the maximum concentration is set to "non-detect". In addition, aluminum is to be monitored as one of the chemical additives is aluminum based. In addition, there are specific parameters that will be monitored in the effluent from the geotextile tubes. A flux study was submitted. While other chemicals, such as Aquatrol C1320, were proposed, ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. These are on DEP approved chemical additives list.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative.

The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

## **25. Comment**

Thank you for the opportunity to comment on Sunoco Pipeline LP's major amendment application for earth disturbance activities and temporary storage of dredged material for the de-watering of sediment resulting from the spill of drilling mud into the wetland, tributaries, and lake at Marsh Creek State Park on August 10, 2020.

The lake must be remediated, and Ranger Cove restored to its former condition for both natural habitat and recreational use, but I have multiple concerns about the proposed plan.

Foremost is that Sunoco cannot be allowed to monitor its own work. Sunoco's deplorable record over the course of Mariner East construction, including 126 Notices of Violation and 48 charges for environmental crimes, proves that this operator cannot be trusted. Allowing Sunoco to oversee its own cleanup would be an irresponsible and unsupportable decision. The design, implementation, and oversight of this cleanup must be conducted by a qualified, reputable, and independent third party not selected by Sunoco, and must be under the supervision of DCNR or DEP.

I am also concerned about impacts to lake water and to groundwater at the dewatering site. The remediation plan and permit application propose the use of flocculent to reduce the time needed to dewater sediments pumped from Marsh Creek Lake. The liquid remaining after sediment settles would be filtered before it is returned to the lake, but there is no plan for testing that liquid either at the dewatering site or before it is returned to the lake to determine the presence or concentration of flocculent or the presence of any contaminants resulting from unapproved additives to the drilling mud, including Perfluorinated Chemicals, also known as "forever chemicals." The liquid remaining following the dewatering process must be tested before its return to the lake, and contaminated water must be treated as wastewater.

The proposed worksite chosen to stockpile, process, and haul away the dewatered sediment is in a residential neighborhood. The work will subject residents to the noise, dust, and inconvenience of pumping and dewatering operations and worksite traffic, including dump trucks and street sweepers, with potential damage to neighborhood streets.

Sunoco must confine its construction, dewatering, and hauling activities to agreed-upon hours and days and must agree in writing with Upper Uwchlan Township to repair and repave all streets in the neighborhood when work is completed, within a timeframe agreed upon by the Township.

Sunoco must also be required to bear the cost and responsibility of remediating any unforeseen damage, pollution, impacts to residents, or other consequences of this operation. Energy Transfer has told its investors that Mariner East II construction is “finished,” but from the perspective of my constituents and the more than one million annual visitors to Marsh Creek State Park, this project will not be over until all remediation and restoration work is properly completed.

I urge the DEP to reject the major amendment as submitted and require the assessment, cleanup, and oversight to be conducted by a qualified, independent third party, at Sunoco’s expense. While the spill was nearly two years ago, and we are all more than eager for a full remediation of the lake and the reopening of Ranger Cove, the Department of Environmental Protection must do everything in its power to ensure this cleanup is done safely, correctly, and with little to no impact to nearby residents.

The citizens of Pennsylvania cannot continue to bear the consequences of Sunoco’s careless and negligent operation. Thank you again for the opportunity to comment. (305)

### **Response**

The Department acknowledges the commentator’s comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. The effluent is to be monitored for acrylamide, a common component of flocculants/coagulants, and the maximum concentration is set to “non-detect”. In addition, aluminum is to be monitored as one of the chemical additives is aluminum based. In addition, there are specific parameters that will be monitored in the effluent from the geotextile tubes. A flux study was submitted. While other chemicals, such as Aquatrol C1320, were proposed, ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. These are on DEP approved chemical additives list. There has been no indication of PFAS in the drilling material spilled.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

## **26. Comment**

As a resident of Uwchlan Township, PA and first responder whose coverage area includes Marsh Creek State Park, I am submitting comment on Sunoco Pipeline LP’s major amendment application for earth disturbance activities and temporary storage of dredged material for the dewatering of sediment resulting from the spill of drilling mud into the wetland, tributaries, and lake at Marsh Creek State Park on August 10, 2020.

I share many of the concerns expressed by my PA State Representative Daniel Friel Otten in her letter to the Department of Environmental Protection, dated March 8, 2022. Specifically, Sunoco cannot be allowed to monitor its own work. Oversight of this cleanup must be conducted by a qualified, reputable, and independent third party not selected by Sunoco, and must be under the supervision of DCNR or DEP. Any liquid remaining following the dewatering process must be tested before its return to the lake, and contaminated water must be treated as wastewater. Oversight, testing, and remediation must be paid for at Sunoco’s own expense. I urge the DEP to require the amendment to be revised to meet these conditions before it is approved. (306)

## **Response**

The Department acknowledges the commentator’s comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes.

## **27. Comment**

I am a resident of Chester County and specifically West Whiteland Township, a community deeply impacted and put at risk of a catastrophic explosion by Mariner East. In addition to being knowledgeable about Mariner East, my background is in geology and soil chemistry.

I am also a regular visitor to Marsh Creek Lake to kayak and hike. Like so many people, I treasure it. I was there on August 10, 2020 to witness Sunoco trying to contain the spill of almost 30,000 gallons of drilling fluids into our lake. It was deeply disturbing. It's just as disturbing that in December of last year the DEP allowed construction at the lake to resume before the spill was even cleaned up.

The plan Sunoco has submitted, which I have thoroughly reviewed, raises multiple concerns. I take this opportunity to address a few:

First of all, no analysis was conducted on contaminants which will be discharged to the lake after the dewatering of sediments. We know from AG Shapiro's grand jury investigation and criminal charges that Sunoco used unapproved additives in their drilling mud - were these used at HDD290 and will they be in solution after the dewatering process? A flocculant is being added to dewater the slurry at a concentration twice the toxicity limit to aquatic life. No analysis was done on that in the discharge either.

Secondly, no explanation was given by Sunoco as to why another site wasn't chosen for dewatering and hauling away sediments which would have far less impact on residents.

But what struck me the most in reviewing Sunoco's plan is this: The cleanup of Marsh Creek Lake should not be entrusted to a corporation which has amassed an unprecedented 126 Notices of Violation and 48 charges for environmental crimes for Mariner East construction. A company that has repeatedly shown it cannot be trusted.



It's clear the DEP must reject Sunoco's plan and require that the assessment of the full extent and nature of the contamination, and the design and implementation of the cleanup be conducted by a qualified, reputable and independent third party, paid for by Sunoco. Their refusal to do so should mean, at minimum, forfeiture of the four-million-dollar bond paid in the December 6, 2021 Consent Order and Agreement.

The DEP failed to do its job in December when you allowed construction to continue while this spill still pollutes our lake and drinking water reservoir.

I am requesting you choose to do your job now. Reject this plan and have Marsh Creek Lake properly assessed and remediated by a third party.

I can safely say I speak for many who are similarly frustrated over the DEP's lack of environmental protection on this project when I say: Do your job. (288)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. The effluent is to be monitored for acrylamide, a common component of flocculants/coagulants, and the maximum concentration is set to "non-detect". In addition, aluminum is to be monitored as one of the chemical additives is aluminum based. While other chemicals, such as Aquatrol C1320, were proposed, ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. These are on the DEP approved chemical additives list.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the terms of the COA occur, and is responsible for any damages that may occur as a result of the cleanup.

## **28. Comment**

During the construction of Mariner East 2 and 2X, the sub-contractors hired by Sunoco Pipeline Limited Partnership (SPLP) have repeatedly leaked drilling mud/fluid which contains substances harmful to humans as well as other living things. In addition, they failed to stop drilling and follow proper procedure when these leaks occurred. They have been given 5 years to complete a project that was estimated to take 18 months to do. It took this much longer, in part, because they did not heed the warnings about the geology in Chester County that was mentioned in the permits (specifically the karst in the Exton area), their sub-contractors ran into which resulted in leaks of drilling fluid. These repeated issues have resulted in a lack of trust by our community that SPLP will 'do the right thing' with any construction that still needs to be completed as well as the restoration of Marsh Creek Lake that is used by numerous people throughout the area for recreation.

Before construction is allowed to proceed/permit period be extended, SPLP needs to remediate the damage it has done to our community. Another option would be for an escrow account to be established that would cover the environmental remediation so it would not fall to tax payers to pay for SPLP's inadvertent return into Marsh Creek Lake should they fail to restore the lake to the way it was before they started working in the area. This escrow fund could also be used in the event that other work done has caused environment damage that we have yet to discover. Also, relocating where SPLP plans to store sediment dredged from Marsh Creek Lake needs to happen. It should be moved to an area which will not impact the residents of a neighborhood. This sediment will contain the drilling mud that contains material known to be toxic to humans so it should not be stored close to where people are living. And any material removed from the lake should be analyzed before it is returned to the lake. Given the broken trust that this community has for the sub-contractors that have acted only in SPLP's interest, I feel our community deserves that a third party oversee the remediation of Marsh Creek Lake. This should be at SPLP's expense. (307)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen

alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

## **29. Comment**

Thank you for the opportunity to comment on the devastating environmental spill that took place almost 2 years ago at Marsh Creek. While I absolutely support the clean up of the lake and restoration of the local environment, I am concerned about the submitted plan. Are you aware that the proposed site of dewatering is over the existing almost 100-year-old repurposed pipeline? This pipeline had significant work in 2017 and is only a short distance below the ground surface. Please make sure that the integrity of that pipeline can handle the weight and activities that may take place. I also urge you to review the chemicals and materials that were used in the drilling fluid and the impact of drying them out in a field. From what I have seen posted on the DEP website, the SDS' warn of respiratory hazards, carcinogenicity, skin and eye damage among other hazards. The wind often blows across the field towards homes. The air quality must be monitored, and the plan should include appropriate mitigation. Beyond the air quality, the clean up plan should also include ensuring that every home in this area has a safe and clean water supply. While some homes in this area are supplied with public water, (Aqua), many homes are not. Aqua drilled a new well on Meadow Ln just a short time after the spill.

[https://www.iframeapps.dcnr.state.pa.us/topogeo/PaGWIS\\_Search/DisplayReportDetails.aspx?id=694431](https://www.iframeapps.dcnr.state.pa.us/topogeo/PaGWIS_Search/DisplayReportDetails.aspx?id=694431). Was this because the water was not safe to drink? How is the water being treated? What is being done about well owners and those who rely on well water? Please ensure the plan provides homeowners the option to be hooked up to clean, safe water supply.

Additionally, I am concerned that the pipeline company has had many errors and problems with installation and now the clean up deserves an independent, qualified, reputable third party with closer monitoring and attention to detail. (308)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Integrity issues concerning existing facilities are under the jurisdiction of the Pennsylvania Utility Commission who are aware of this activity.

The Pennsylvania Department of Health has studied the air quality issue you raise. On August 14, 2020 they opined that the spill of drilling fluids poses a "minimal" risk to public health and safety: "Based on current information we have about the chemical and the potential exposure routes, along with the efforts taken to minimize exposure to park patrons and surrounding residences, we believe that at this time the accidental release of drilling fluid at Marsh Creek Lake is a minimal threat to public health and safety."

This activity is not expected to have an impact on water supplies.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

### **30. Comment**

My family lost their home and their two acres in the construction of Marsh Creek Lake. Of course, they were "paid" for it-\$12K!!! You couldn't buy a comparable property for that even back then. After the sale, we have to pay rent to the Chester County Resources Authority to live there until we could move! Your carelessness accident and lack of an adequate attempt to correct your mistake not only is bad for the environment but continues to rub salt in the wounds of all the family members who remember the pain, worry, and injustice experienced to build this lake in the first place! We need a responsible party to rectify your mistake.

DEP reject Sunoco's proposed remediation plan and require them to fund a full assessment and cleanup of their Marsh Creek Lake pollution by a reputable, independent third party. (309)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan.

## **31. Comment**

It is clear that an Outside company, chosen by committee should, be paid by Energy Transfer to do the job, with a panel of residents to oversee the project. Energy Transfer should not be allowed to supervise or interact directly with this outside company.

Anything less is a dereliction of the public duty of this agency and should be stopped. The DEP has been silent and far too complicit throughout the whole process of the corporate destruction of the environmental rights of Pennsylvania citizens. It is such shameless behavior that to even a casual observer, this agency has zero integrity. Letting this serial offender be allowed to oversee remediation of Marsh Creek Lake is absolutely absurd.

Marsh Creek Lake, a treasured natural and recreational resource as well as a drinking water reservoir, must be fully remediated from the Mariner East drilling fluids spill two years ago. However, Sunoco's proposed plan doesn't pass muster and must be denied. The plan itself raises multiple concerns. No analysis was conducted on contaminants which will be discharged to the lake after the dewatering of sediments including possible unapproved drilling fluid additives, and flocculants which will be used at concentrations toxic to aquatic life. And no explanation was given by Sunoco as to why another site wasn't chosen for dewatering and hauling away sediments which would have far less negative impact on residents' quality of life. But the most compelling reason to deny Sunoco's application is that the cleanup of Marsh Creek Lake should not be entrusted to this corporation. Sunoco has amassed an unprecedented 126 Notices of Violation and 48 charges for environmental crimes for Mariner East construction. The assessment of the full extent and nature of the contamination, and the design and implementation of the cleanup need to be conducted by a

qualified, reputable and independent third party, paid for by Sunoco. DEP reject Sunoco's proposed remediation plan and require them to fund a full assessment and cleanup of their Marsh Creek Lake pollution by a reputable, independent third party. (310)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes.

### **32. Comment**

Why is this toxic chemical being used to try to clean up Marsh Creek? It will only continue to kill fish and all other aquatic life. This will only continue the environmental disaster caused by ET/Sunoco that destroyed water used to supply drinking water. (311)

#### **Response**

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. These are on the DEP approved chemical additives list.

### **33. Comment**

Clean Air Council timely submits the following comments in response to Sunoco's Major Amendment Request for Marsh Creek Sediment Remediation, Upper Uwchlan Township, Chester County, Chapter 102 Permit No. ESG100015001. The Council reserves the right to amend these comments based on the contents of the revised application that Sunoco submitted to the Department on February 22, 2022 in response to the Department's first Letter of Technical Deficiencies. The revised application was made available to the public on the same day these comments were due. The Council anticipates filing further comments once there has been a meaningful opportunity to review the new materials and other members of the public should be afforded the same opportunity. Consistent with the Department's responsibility to provide for full and meaningful public process, comments regarding the newly-available information should receive the full consideration of the Department and be addressed in the Department's comment response.

Nevertheless, the Council found several deficiencies in the application that was available for review as of March 10, 2022, and requests that the Department deny Sunoco's application until they are addressed.

#### **Background**

This proposal comes after years of Sunoco's reckless conduct across the state and particularly at the Marsh Creek Lake site, and yet it contains many of the same types of problems that have plagued Sunoco's plans from the start. Against a backdrop of Sunoco's hundreds of avoidable inadvertent returns of drilling fluid, Clean Air Council and numerous others cautioned against permitting Sunoco to risk horizontal directional drilling at what became the HDD 290 site near Marsh Creek Lake. Nevertheless, the Department permitted the activity, and on August 10, 2020 Sunoco spilled approximately 8,000 gallons of drilling fluid into Marsh Creek Lake, a wetland, and two tributaries. The location experienced a subsidence the following day. The Pennsylvania Department of Conservation and Natural Resources (DCNR) subsequently entered into a Consent Order and Agreement with Sunoco requiring Sunoco to remediate and restore some of the impacted areas, including dredging at least the top six inches of sediment from Ranger Cove; dewatering the removing the sediment; and restoring the lake, shoreline, and fish, turtle, and bird habitat. The Department is charged with ensuring that Sunoco cleans up its mess, appropriately monitors the project, and does no further damage to this ecologically and recreationally valuable area. In doing so, the Department must remain mindful of Sunoco's history of noncompliant, dishonest, and unlawful behavior.

## Comments

1. Sunoco must address the concerns raised by the Department in its second letter of technical deficiencies issued on March 2, 2022, including showing all relevant riparian buffer boundaries in its site drawings and specifying the condition to which it will restore the disturbed area.

The Department must not consider approving the major modification to the permit until Sunoco fully corrects and addresses all deficiencies identified in the Department's March 2, 2022 Letter of Technical Deficiencies to Sunoco.

The Department noted, *inter alia*, that Sunoco omitted some riparian buffer boundaries from its maps. The Department and the public need Sunoco to provide accurate boundaries in order to review any potential adverse impact to riparian buffers.

Moreover, the Department accurately points out that Sunoco's application is inconsistent when referring to the state to which it will restore the disturbed area, at times representing that it will leave it as a "meadow in good condition," return it to its "pre-existing condition," or restore it to "pre-construction" condition. The Council agrees with the Department that Sunoco's references throughout the application package must be clear and consistent. The Department specifically notes that Sunoco's application is unclear as to the planned scarification depth and the reasoning behind the scarification plan.

The Department also requests that Sunoco "amend the Site Restoration narrative to include and describe the Restoration BMPs, the PPC Plans, and the Street Sweeping as ABACT BMPs as noted in Section I, Part 2 of the ESCGP-3 application," noting that "these BMPs need to be considered for the post construction condition." The Council urges the Department to ensure that Sunoco fulfills this request so that the full protections provided by the BMPs and PPC plans are implemented.

Finally, the Department asks Sunoco to provide an off-site discharge analysis which meets the requirements of Chapter 102 for off-site discharges into non-surface waters for each temporary culvert Sunoco proposes. Although, as the Department indicates, the Chapter 102 FAQ requests the analysis to account for a 10-year storm event, Sunoco should also include analysis for a 100-year storm event because such extreme weather events are becoming increasingly common due to climate change.

The Council supports each of the above additions sought by the Department and requests that the public be permitted to comment on Sunoco's responsive revised application.

2. The Council supports the request of local community members that the restoration be overseen by an independent third party paid for by Sunoco.

The Department is keenly aware that Sunoco has an extensive history of noncompliance and inaccurate reporting, as well as 48 pending criminal charges resulting from Sunoco's actions during the construction of the Mariner East II pipeline, including disastrous violations at this particular site. Sunoco's continued dishonesty is evident in the instant application. Sunoco was required to list its compliance history, and, in doing so, Sunoco inaccurately listed multiple open Notices of Violation as resolved. For example, on January 7, 2022, the Department wrote that Sunoco lacked "any credibility" when it claimed that the sinkhole that



was the subject of a September 10, 2022 NOV was a natural occurrence. On February 15, 2022, the Department informed resident Virginia Kerslake that it was still reviewing Sunoco's additional submission, clearly indicating that the NOV was still pending resolution. Yet in its January 26, 2022 application, Sunoco inexplicably lists the NOV as "resolved."

Sunoco has demonstrated time and again that it cannot be trusted to submit accurate reporting, nor to devise plans that are adequately protective of the environment. Given the particularly egregious history of Sunoco's destruction at this site, the Council strongly recommends requiring Sunoco to hire an independent third party chosen by the Department to oversee Sunoco's progress in restoring the impacted area.

3. Sunoco should determine whether a previously-disturbed area is better suited to be a dewatering site than the location Sunoco currently proposes, including evaluating whether using an alternative location may reduce (1) ecological disturbances and (2) the nuisance to nearby residents.

Residents near the proposed work site are concerned that they will have to endure months of noise, odors, loss of their scenic view of the lake, and disturbance from trucks hauling sediment down residential roads. The Department should minimize harm to the residential communities whenever possible, particularly when a potentially superior alternative is readily available.

As an alternative site for consideration, Sunoco already disturbed nearby land for an entry/exit site for the HDD drill location. The owner of that land previously consented to its use, and it has not yet been restored. Consequently, using that site might reduce additional ecological impacts in comparison to a site previously undisrupted by Sunoco. Sunoco should evaluate it as an alternative, factoring in the relative amounts of native vegetation that would be destroyed at each site, the relative ecological sensitivity, and the potential impact on nearby residents.

Commenters understand that there could be additional negative impacts from transporting the dredged material further from the lake, and that Sunoco's proposed site largely contains non-native vegetation. However, Sunoco can determine which site is more appropriate only through a careful analysis.

4. Sunoco must reveal any undisclosed and/or unapproved drilling additives that may be contained in the spilled drilling fluids and, if necessary, conduct laboratory and field tests to determine potential associated impacts and methods of remediation.

The Presentment of grand jury criminal charges against Sunoco includes multiple incidents when Sunoco condoned the illegal use of drilling fluid additives which were not approved by DEP. Such unapproved additives included Baroid Fuse-It, which was "used at many locations where drilling fluid spilled into the environment, affecting aquatic life in any creeks, streams or rivers it entered." According to Fuse-It's safety data sheet, it contains 10–30% hydrotreated light petroleum distillate and may be toxic to fish and other aquatic life.

Sunoco's application does not disclose what unapproved additives, if any, may be present in the material to be dredged. Sunoco needs to address the presence of any such additives. Open questions include: (1) whether any potentially toxic components of any additives could be released with the filtrate during the dewatering process; (2) whether the choice of

chemical conditioners used in dewatering could influence the release of any such toxins; and (3) whether different or additional treatment of the filtrate could reduce or eliminate potential impacts from drilling additives. The Department should require Sunoco to address these questions and, if necessary, to modify the planned chemical additives to the dredge slurry and/or its treatment of the filtrate.

5. Sunoco's application needs to include more detailed information regarding the water quality testing and potential additional treatment of the filtrate.

In an appendix to the application Sunoco states that the "discharge will be monitored for total suspended solids (TSS) and other water quality limits per" the PADEP Temporary Discharge Permit. However, it indicates that the filtrate would be treated only through passive release from the geotextile tubes and provides no specifics regarding water quality testing for the filtrate. To protect this watershed containing High Quality waters of the Commonwealth, Sunoco should test the filtrate to ensure that no contaminants leach from the sediment into the water, including testing for specific contaminants mentioned below. Additionally, Sunoco needs to be prepared to further treat the filtrate before discharging it into the reservoir if such treatment is appropriate based on the test results.

6. Sunoco's permit application should include emergency clean-up plans in the event of a chemical spill in the polymer makedown unit operation area.

Sunoco needs to be prepared to react swiftly if there is an accidental discharge of concentrated coagulant or flocculant chemicals in the polymer makedown unit operation area, which is where the dredge slurry is mixed as an initial step in dewatering the sediment. Although Sunoco states that the final chemical selection will be made prior to construction, the HDD S3-0290 Impact Assessment and Restoration Plan indicates that it will use a combination of ChemTreat P891L and P816E (although in some attachments Sunoco seems to indicate that it might use Aquatrol C1320). The safety data sheets for these chemicals specify that they present human health hazards and are ecotoxic at certain concentrations. For example, for P186E the LC50 for the aquatic insect *Ceriodaphnia dubia*, which is the concentration lethal to 50% of exposed individuals, is only 3.5 mg/l, and the LC50 for the fathead minnow is only 30 mg/l. If an accidental spill occurs, Sunoco needs to ensure that it will be promptly contained and cleaned without unnecessary damage to the ecosystem.

Additionally, while, if the dredge slurry is properly mixed, the chemical conditioners should remain bound to the sediment, Sunoco should test the filtrate to ensure chemical are not in fact released into the environment.

7. Sunoco needs a plan to address the presence of excessive arsenic, sodium, and phosphorous identified in the pre-dredge waste characterization and to ensure that those contaminants are not returned to Marsh Creek Reservoir with the filtrate.

The September 2021 analysis of the pre-dredge sediment in Ranger Cove conducted by AECOM found multiple potentially problematic contaminants. First, it discovered that the pre-dredge sediment contains sodium and phosphorous levels high enough to be "classified as a [Department of Transportation] Class 9 environmentally hazardous material." Sunoco needs to test for excessive sodium and phosphorous in the filtrate and provide any necessary treatment to avoid potential adverse impacts to the Marsh Creek ecosystem. Laboratory tests of sodium and phosphorous levels in filtrate from a dredge slurry that is (1) made with

sediment sampled from the contaminated area; and (2) treated with the coagulant and flocculant Sunoco intends to use should be sufficient.

Second, one sample contained an alarming 4,600 µg/L of arsenic, far in excess of the allowable arsenic limit of 150 µg/L under the Pennsylvania water quality criteria for fish and aquatic life. While excessive arsenic was not present in other samples taken, the Department should consider whether further pre-dredge sampling is required to determine the full extent of the contamination. Although it is likely that the arsenic will remain bound to the dewatered sediment, the Department should nevertheless require Sunoco to present some concrete evidence that arsenic will not be present in the filtrate discharged into the lake.

8. Sunoco needs to specifically test the sediment in the Northern Red-Bellied Cooter overwintering area which will not be dredged.

The Pennsylvania Natural Diversity Inventory clearance from the Pennsylvania Fish & Boat Commission specifies that a 50' by 700' area along the northwest shoreline should not be dredged to protect the overwintering habitat of the Northern Red-Bellied Cooter. However, Sunoco, under the supervision of the biologist who they are required to have on-site during their work, should still test the sediment in that area to ensure that it does not contain unsafe levels of arsenic, sodium, phosphorous, or other contaminants. Otherwise, unaddressed contaminants could harm the turtle population, thereby undermining attempts to protect the turtles by preserving a crucial piece of their habitat.

9. Sunoco should include only native species in the seed mix it uses to revegetate the area impacted by the dewatering project.

The Department should require Sunoco to use only seeds of native plant species in reseeding the impacted area because native plants promote the health of the ecosystem, support native fauna, improve soil quality, and fix more carbon in the soil.

The current mixture of plants growing in Sunoco's proposed dewatering zone includes milkweed and daisy fleabane. Both species have native varieties which are useful to wildlife. Milkweed is a host plant for monarch butterflies, and daisy fleabane provides food for bees, flies, and some native mammals. Accordingly, the Department should consider requiring Sunoco to, upon consultation with an ecologist, include milkweed and/or daisy fleabane in the seed mix it uses to revegetate the area. Additionally, the dewatering project is required to be conducted during the active period for the threatened Northern Red-Bellied Cooter, which overlaps with the season during which butterflies depend on milkweed. To minimize adverse ecological consequences, Sunoco should consider seeding additional milkweed in advance in a suitable location near the LOD.

### **Conclusion**

For the foregoing reasons, it would be inappropriate for the Department to approve Sunoco's application at this time. Sunoco must first meaningfully address both the deficiencies stated above and those identified in the Department's March 2, 2022 Letter of Technical Deficiencies. (312)  
Letter – [Clean Air Council](#)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The review of this Chapter 102 ESCGP-3 Permit authorization was conducted for all earth disturbance activities associated with the new pipeline facility. The Chester County Conservation District and the Department reviewed the NOI, E&S, and Site Restoration Plans, and supporting and supplemental documents prepared by Tetra Tech on behalf of Sunoco Pipeline L.P., and determined that the submission adequately meets the requirements of 25 Pa. Code Chapter 102 of Pennsylvania's regulations. This included showing all relevant riparian buffer boundaries in its site drawings and specifying the condition to which it will restore the disturbed area.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC. This analysis included testing the sediment in the Northern Red-Bellied Cooter overwintering area which was agreed to not be dredged.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. There has been no indication of non-approved chemicals used at the site. There are specific parameters that will be monitored in the

effluent from the geotextile tubes. While other chemicals, such as Aquatrol C1320, were proposed, ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering. They are on the DEP Approved Chemical Additives List. While arsenic was found in the sediment in the dredging location, it was also found at similar concentrations to the sediment of the background area. This indicates background levels. In addition, the concentrations were below the freshwater sediment screening criteria. Sediment concentrations of sodium are higher in the study area than in the reference area, but sodium is not a typical concern in wastewater. Phosphorous levels are higher in the study area than in the reference area, but phosphorous is generally a concern in wastewater in areas with depleted oxygen/eutrophication and was not deemed a concern for this short-term project. Secondary containment and protection from accidental release will be required for all onsite chemical storage. Secondary containment and protection from accidental release will be required for all onsite chemical storage associated with the temporary discharge.

Sunoco's activities proposed in the application for a major modification are subject to approved PPC Plans in the Chapter 102 Permit.

The Impact Assessment and Remediation Plan (Plan) for Marsh Creek State Park, includes activities described in the February 10, 2022, "Northern Red-bellied Cooter Conservation Plan" prepared by DuBois & Associates.

The applicant plans to restore the site to pre-construction conditions. The proposed plan calls for agricultural and non-agricultural seed mixes depending on the area disturbed.

### **34. Comment**

My name is Jim Snell, Business Manager for Teamsters Local 420 which covers the City of Philadelphia and its four collared counties, as well as the Allentown and Reading areas. All told, our union is several hundred strong. We have been on the job on the Mariner East Pipeline network and work the industrial complex since day one, which is why we support the major permit amendment for work near the Marsh Creek Lake.

Pennsylvania's communities stretching the southeast have benefitted tremendously from the Mariner East, both environmentally and tremendously economically. This restoration will do the same as it goes above and beyond what is typically done following an inadvertent return of drilling fluid. Meaning this work actually could help to improve the condition of the lake compared to water quality and habitat before the incident.

Here are some of the benefits. Constructing additional habitat, removing nuisance wildlife, enhancing water quality, increasing water depth, ensuring long-term water quality monitoring. More over, the drudging work will address a condition that really isn't even harmful because bentonite isn't harmful. In fact, most public water reservoirs and manmade lakes are created using bentonite, which is a naturally occurring mineral substance.

Approval of this permit request is ultimately in the best interest of the surrounding region. The recently completed pipeline construction has brought many jobs to Pennsylvania, and will provide reliable, affordable energy to surrounding areas. Now we need to ensure the developers have the tools and access necessary to complete its promised resortation work. Finally, on behalf of Teamsters Local 420, I urge DEP to allow the restoration work to be completed at Marsh Creek and fulfill the cleanup agreement between the developer and th estate to advance. Thank you very much for your time. (313)

**Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

**35. Comment**

Good Evening. My name's Mike Butler. I'm the Mid-Atlantic Executive Director for the Consumer Energy Alliance. Consumer Energy Alliance is a non-partisan, non-profit organization and our mission is to help ensure American families and businesses have access to reliable, affordable, and environmentally sound resources.

Consumer Energy Alliance supports energy in all forms, both traditional and new renewable technologies so we can continue to meet the demand of our communities, our climate expectations, continued progress toward our net zero goals, maintain our energy security, all while keeping the reliability needs of families and businesses in mind.

I'm asking the Department of Environmental Protection to support the Mariner East Pipeline restoration project in Chester County so we can bring this project to conclusion. While the Mariner East Pipeline construction may be finished, we still have work to do to restore the construction site and other work areas. I think we I know already how important this pipeline is in terms of stimulating the economy, producing domestic energy resources, and generating jobs.

Restoration work here is just as important. Approval of this amendment is in the best interest of Pennsylvania's economy and its environment. The work will benefit certain habitats, water quality will be enhanced, water depth will be improved, long term water quality monitoring will be added for protection.

With respect to concerns about bentonite, it is important to note that it's an FDA approved, naturally occurring mineral substance. Bentonite has been the preferred method for projects for years, including well construction, lake, pond, and reservoir construction, and stream restoration. This has never been a question. Opponents will challenge anything the pipeline developer does, but there are many, many environmental benefits to be had here. Now is the time to support this permit amendment and ensure the project developers have the necessary tools to complete this restoration work under the Water of Environmental Regulators.

For these reasons, Consumer Energy Alliance encourages the DEP to allow the complete restoration work for Marsh Creek to move forward by approving the application amendment. I appreciate your consideration, thank you. (314)

**Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **36. Comment**

My name is Carl Marrara. I'm the Vice President of Government Affairs for the Pennsylvania Manufacturers Association. We are the statewide non-profit trade organization representing the people who make things in our Commonwealth. Having more than \$93 billion in gross fit production, employing more than half a million workers in our shop force, and sustaining millions of additional jobs through supply chains, distribution networks and industrial vendors.

We want to thank you for the opportunity to voice our support of the approval of the Mariner East II Pipeline restoration amendment for Marsh Creek Lake in Chester County. Our Commonwealth, and more specifically their communities in Southeastern Pennsylvania already benefit from the Mariner East Pipeline network with the promise of greater opportunities to come now that construction is finished.

The pipeline created numerous jobs and improved the overall energy infrastructure of our Commonwealth. But the bigger picture isn't realized just because the product is flowing through these lines. The last piece of the puzzle of this bigger picture is also the restoration work of the areas and the completion of worksites, just like the one being discussed today. That will end disruptions from construction and help us realize the full environmental and economic benefits of this project.

This amendment is requested for earth disturbance activities and temporary storage of dredge material to support the dewatering of sediment dredge from the areas of Marsh Creek Lake. The agreed to dredging is beyond the requirement because the work being done is addressing a condition that is not harmful, this begin the potential bentonite in limited areas of the lake bed Benonite is a non-toxic, naturally occurring mineral substance the DEP lists in its engineering manual for mining operations as a preferred method to restore streams.

When the Marsh Creek Dam was constructed by 1970 and 1973, bentonite was used in the dam wall to prevent seepage. Chester County Health Department regulations list bentonite grout as one of the required grout options when constructing residential wells.

The reality is that dredging and restoration work which improves habitat improvement, removal of invasive species, enhanced water quality goes far above and beyond what would typically be done following an inadvertent return of drilling fluid.

The Mariner East construction is finished, and let's finish the restoration work too. DEP should approve this permit amendment so that developers have the necessary tools and access needed to complete the square and fulfill its full commitment to the Commonwealth. Thank you for your time and for your consideration. (315)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **37. Comment**

Hello. My name is Bill Adams, and I am the President and Assistant Business Manager of the International Brotherhood of Electrical Workers, Local 654. I thank you for the opportunity to speak.

Our union asks that the Department of Environmental Protection approve the permit amendment for restoration work in the Marsh Creek Lake area so the project can be completed in a timely manner. IBW Local 654 represents thousands of hardworking Pennsylvanians, many of whom live, work, and play in the area around Marsh Creek and Chester County.

Just as we have a vested interest in ensuring Mariner East was constructed properly and is operated responsibly, we also have a vested interest in ensuring the agreement between state and developer for work here is executed in the best possible way. The amendment request is designed to support the dewatering of sediment dredged from a predetermined area of Marsh Creek Lake. The sediment will be pumped into an aqua management area. After dewatering, sediment will then be loaded off the truck to be disposed of offsite at an approved disposal facility. All facilities necessary to do this work will be temporary, and all areas will be restored back to existing conditions, grade and elevation following the work.

If the permit amendment is approved quickly, work on this project could begin in late March or early April. I think it's important to note that the restoration and dredging work goes far beyond what would typically be done following an inadvertent return of drilling fluid. With this work, nuisance wildlife species will be removed, enhance water quality will increase aquatic life production, restore the capacity of the reservoir at Willing Creek. These are just a few of the benefits.

The restoration plan actually will leave the lake in better conditions than its original state, something everyone should support regardless of their position on the pipeline.

Mariner East II Pipeline project has already created an estimated \$9 billion in tax revenue and economic impact for Pennsylvania. Construction recently finished on the final date. There is no reason to delay the restoration work, so we at IBW 654 urge you to support the proposed amendment in order to protect Pennsylvania's environment, promote our energy economy, and help us fully finish this project. Thank you. (316)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **38. Comment**

My name is Helen Kissick, and I am the President and Executive Director of the Beaver County Chamber of Commerce. I will be brief in my remarks.

Some may ask why a Chamber of Commerce in Western Pennsylvania is concerned about the cleanup and restoration of a site on the other side of the state. The fact is that our Chamber has been engaged with the Mariner East project for its earliest days of development. We realize that what we are seeing now with construction finished that the



pipeline opens up enormous market opportunities for Western Pennsylvania drillers and brings tremendous benefits to our entire Commonwealth.

We also believe in finishing what we start. This is why I urge the Department of Environmental Protection to approve the erosion and sediment control permit amendment for Marsh Creek Lake related to Mariner East II. Pipeline construction can be disruptive, but once that construction finishes and restoration occurs, hardly anyone knows a pipeline even exists underfoot but for a few above ground markers.

Now that the work on Mariner East has finished, restoration work should commence quickly. The proposed amendment relates to cleanup following a previously reported inadvertent return from drilling fluid. The work planned at this site goes far beyond what would normally be required for any similar incident. As it stands, the company proposed additional space onsite to do the job effectively. DEP should see to it they have the access and tools they need to get the job done quickly. The proposed work site is temporary and all of it will be restored to existing conditions while the overall cleanup will benefit local water quality and the habitat around the lake because of the other requirements agreed to by DEP and the developer.

There's far too much not in my backyard these days. We've talked about the benefits that the pipeline brings to the entire state. We want to see the entire route of this pipeline restored as promised, and we believe the best way to do that is to approve this permit amendment so that the developer can get to work. Thank you. (317)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

### **39. Comment**

I'm Senator Carolyn Comitta representing the 19<sup>th</sup> District in Chester County. I want to thank the DEP for holding this hearing and thank all the residents and community members for participating as well.

Like so many of my friends, neighbors, and constituents, I am concerned about yet another request from Sunoco to amend its permit. This time having to do with the cleanup of more than 20,000 gallons of drilling mud built into the Marsh Creek Lake in August of 2020. Let's not forget that Sunoco has routinely either failed to report or has underreported spills on the Mariner East project, including this one. According to the Attorney General's 45<sup>th</sup> statewide investigating grand jury report, Sunoco initially estimated approximately 400 gallons escaped into Marsh Creek Lake, but a DEP engineer calculated it to be between 21 and 28,000 gallons.

Now after two years and numerous work stoppages and violations on Mariner East, not to mention 48 charges for environmental crimes, it's very difficult to trust this company to monitor the cleanup of its own mess. And it creates a greater concern as this request calls for increasing the limit of disturbance by about four acres near the lake. Again, this appears to be a pattern of behavior by Sunoco. The repeated permit modification that made it extremely

challenging for residents to closely follow this project while further deteriorating public trust that things will be done safely and properly.

In addition, I am concerned about the impact that expanded operations on this largest site will have on the quality of life of the residents and homeowners. During processing and transporting large quantities of sediment will surely lead to more noise, dust, and work vehicle traffic, impacts that this community has already endured during pipeline construction.

While I'm eager to see the lake fully and properly remediated, I respectfully ask DEP to carefully consider Sunoco's track record on this project and the potential for further significant impact on residents. Residents who have been dealing with spills and problems since drilling began in 2017. Previously, I urged DEP to deny other permit modifications and extension requests from Sunoco until all the appropriate steps for remediation at Marsh Creek were addressed. Today, I ask DEP to hold Sunoco fully accountable in fully cleaning up Marsh Creek effectively, efficiently, and with minimal continued impact on our community, our environmental, local ecology, shared water resources, and public health and safety. Thank you very much for your time and consideration. (318)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The criminal investigation and indictment by Attorney General Shapiro is under the auspices of the Office of Attorney General, not the Department, and is being prosecuted independently of any actions DEP may take.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan. Conditions in the Permits ensure that noise, dust, work traffic and other community impacts are avoided to the extent practicable.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and

reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities. The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes.

#### **40. Comment**

Thank you for the opportunity to provide testimony on Sunoco's major amendment application for the cleanup at Marsh Creek.

I have multiple concerns about this plan. To start, Sunoco has received 126 notices of violation and has been charged with 48 environmental crimes related to Mariner East construction. They cannot be trusted to monitor around the lot. Allowing them to oversee this cleanup would be a completely irresponsible decision. Oversight must be conducted by an independent third party not selected by Sunoco. The oversight must be under the supervision of DCNR or DEP and a dedicated overseer must be onsite throughout the operation.

I'm also very concerned about the impacts to the lake water and to groundwater at the dewatering site. This application proposes the use of flocculant to dewater sediments pumped from Marsh Creek Lake. The plan calls for the water remaining after sediment settles to be filtered before it's returned to the lake, but there is no plan for testing that liquid to determine the presence of concentration of flocculant or in the presence of any contaminants resulting from unapproved additives to the drilling mine, including prefluorinated compounds commonly referred to as PFAS, also known forever chemicals.

This risk is not hypothetical. The Attorney General has criminally charge Sunoco for adding up approved, undisclosed additives in Mariner East drilling fluids. Water must be tested for these contaminants before it's returned to the lake, and the contaminated water must be treated as wastewater.

Finally, I'm very concerned about the impact to residents. The dewatering site is in a residential neighborhood. Sunoco must confine its construction, dewatering, and hauling activities to the agreed upon hours and days and must agree in writing with Upper Uwchlan Township to repair and repave all streets in the neighborhood when work is completed.

Sunoco must be required to bear the cost and responsibility of remediating any unforeseen damage, pollution, impacts to residents or other consequences of this operation. I urge the DEP to reject this major amendment as submitted. We are all more than eager for full remediation of the lake and the reopening of Range of Cove but first the Department of Environmental Protection must do everything in its power to ensure that this cleanup is done safely, correctly, and with minimal impact to the residents. The citizens of Pennsylvania cannot continue to bear the consequences of Sunoco's careless and negligent operation. Thank you again for allowing me to share my comments this evening. (319)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan. Conditions in the Permits ensure that noise, dust, work traffic and other community impacts are avoided to the extent practicable.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Specific parameters will be monitored in the effluent from the geotextile tubes. The effluent is to be monitored for acrylamide, a common component of flocculants/coagulants, and the maximum concentration is set to "non-detect". In addition, aluminum is to be monitored as one of the chemical additives is aluminum based. ChemTreat P816 E and ChemTreat P891 L are the two chemical additives approved for dewatering and these are on the DEP approved chemical additives list. There has been no indication of PFAS in the drilling material spilled.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen

alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities.

The criminal investigation and indictment by Attorney General Shapiro is under the auspices of the Office of Attorney General, not the Department, and is being prosecuted independently of any actions DEP may take.

#### **41. Comment**

So, I want to not repeat what most I've heard. Thank you, both Senator Carolyn Comitta and Representative Danielle Friel-Otten for exactly what you say. I agree and confer. As a chemist I will say one thing, and I have been saying this, that we don't know the impacts because there has been no studies done. So while we sit here and allow a criminal to clean up the crime scene, how do we know that if they go out there and find that it has actually expanded beyond the contamination zone that they're going to be honest about that?

So mainly again with what Danielle said, there's lack of data and understanding. And what we're asking everybody to, and especially the DEP. The DEP to actually do what they are as a scientific agency is to ensure the community that your science is solid and I don't believe it is. I've been asking for groundwater usage studies, and in the same sense with this cleanup I want to see a full impact study on what this will do to the ecology to the lake to the community.

And just like Danielle said, yeah. The Community will be impacted. Are we talking about how many diesel trucks running through the community? Are you doing any air monitoring at this time to see that if people are impacted at the time these trucks do enter into their world that, you know, say somebody is impacted and it ruins their health. How can they have any ability to say that it's due to this mistake that accompanies it? They should not have to burden the impact.

And if we want to help people, I suggest our scientific agencies start by providing by good practices of science and before you say you know what's going on, maybe stop with your hypotheticals and theories and start testing because you have the ability and the technology to do so.

So in order to protect the health and safety of this community and our environment, I request that you do full impact studies on water, on the air before you ever allow this serial perpetrator and serial offender criminally charged to operate in our community as if they are going to do it well again. That seems we haven't learned our lesson. I believe that our government is much more intelligent than that. Thank you. (320)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan. Conditions in the Permits ensure that noise, dust, work traffic and other community impacts are avoided to the extent practicable.

There is no utility in a groundwater usage study for an earth disturbance permit.

Sunoco evaluated several other possible sites for the dewatering activity that were impracticable, infeasible, and/or could result in more environmental impacts than the chosen alternative. The dredged sediment dewatering site is part of the Marsh Creek State Park property and under Section 303(a)(1) of the Conservation and Natural Resources Act (CNRA), Act of June 28, 1995, P.L. 89, No. 18 (71 P.S. § 1340.303(a)(1)), the Department of Conservation and Natural Resources (DCNR) has the power and duty to supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth. Section 318(a) of the CNRA (71 P.S. § 1340.318(a)) provides that the Department may enter into agreements to exercise these powers and fulfill these duties. The use of this site was requested by Sunoco to perform the dewatering activities in order to comply with the COA and implement the Impact Assessment and Restoration Plan. DCNR considered the request for permission and, pursuant to the terms and conditions of a Land Use License Agreement effective on March 15, 2022, has agreed to grant permission to Sunoco to access State Park property for these activities. The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements.

## **42. Comment**

My name is Libby Madarasz, and nearly every day, actually in the morning, I kayak along the trails at Marsh Creek Lake. It's a really special place for me. I was one of the first people on the site to document the pollutant bentonite that polluted the lake.

This plan for Sunoco to cleanup our lake boils down to one thing: trust. Do we trust Sunoco to do a careful job without doing any more damage to the environment? Can we trust a

corporation with 126 DEP violations and 48 environmental crimes? What do we suppose will be Sunoco's main objective? Judging by their past performances, that is easy. The bottom line is cost and expediency.

Sunoco will be using flocculants to save time and money. The flocculants are fast and effective in separating liquids and solids, but are they safe for the creatures that inhabit the lake? In higher concentrations, they can be toxic to aquatic plants, fish, and the Bald Eagles and Osprey who feed on them. How can we be assured that this criminal corporation won't do more harm?

Time and time again, the DEP has given Sunoco a task when mandating that they adhere to state laws and regulations. Just around the corner from my house, Sunoco filled the wetlands and a local trout stream with grout, a violation of the Clean Streams Act. Because it went unpunished, this violation didn't occur just once but again and again and again.

Sunoco's job is to lay pipe and pump petroleum and natural gas liquids through them. I've listened to the exact same talking points from the electrical union, the steam fitter's union, and somebody from Beaver County. They are not environmental experts. That is the job of the Department of Environmental Protection. I'm asking you to please do just that and protect the environment and require Sunoco to hire an outside firm that specializes in environmental cleanup to safely restore Marsh Creek Lake so that I can paddle once again into the range or arm of the lake and enjoy the wildlife there.

Please do not trust Sunoco to take care of our lake. They've already failed miserably once. Please do your job and protect the environment. Thank you for giving me this opportunity to speak. (321)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan. Conditions in

the Permits ensure that noise, dust, work traffic and other community impacts are avoided to the extent practicable.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Monitoring of specific parameters is to be required, and the additives are on the DEP Approved Chemical Additives List.

#### **43. Comment**

Thank you again for having me this evening and for hosting this important public comment.

I would like to start with saying that as explained to me last year when there was DEP officials that visited the Marsh Creek Lake, they promised – pipeline being completed. Obviously, that was an empty promise that did not happen and currently, we still have 28,000 gallons of crap sitting in the lake, hazardous waste sitting in the lake that has not been cleaned up.

While I appreciate the cleanup efforts, they're long overdue and I'm concerned about the process in which the plan is set forth relative so the dewatering.

The testing of Marsh Creek Lake following the Sunoco spill in August of 2020 has been scattered. Data has been unavailable to the public, and as of today as an elected official I received finally a follow-up email regarding some of the questions around the use of other substances during Mariner East Pipeline construct across the counties that it spans in our Commonwealth which was reported on in the grand jury report by the Office of the Attorney General in October. There was I believe it's 60 to 63 cities, use of unapproved substances and drilling activities just off those mains. Some of those mains have proprietary components to them so the public does not know truly what was in them.

There has been a tremendous amount of research coming forward seeing – or showing rather how the EPA and other state agencies have known about the different types of chemicals and components used to drilling fluid, whether it be for hydraulic fracturing or for HB drilling. So when we talk about those, we need a test for those. We don't know, we don't test for it and I'm incredible disappointed and worried about what is exactly in this lake relative to the spill from Sunoco.

There is no testing on PFAS, and I've been told there's no indication to test for PFAS, PFO, or any of its components. And that Sunoco likely doesn't use it in its drilling fluid. Again, we don't know that we don't test for. And if I'm wrong about it or the public is wrong about this worry, then why don't you test for it and prove that it doesn't exist within the hazardous waste that's sitting at the bottom of the lake.

There's also concern about what is, exactly soap is used during the drilling process and what the lubricant chemicals are which can be obviously related to PFAS or what's in the lake that will remain in the lake or dewatered into that lake still allowed for later development as we've seen certain chemicals and compounds can degrade over time into PFAS components.

This is a drinking water source, and to not do a full span of testing with an independent lab not picked by Sunoco is absolutely gross negligence. And the public deserves to know what is in the lake now, and if you plan to dredge it out, pull it out, put it in tanks and dewater and put that water right back into a drinking water source, it would be great. It would be



responsible. It would be restoring people's trust in government if you could please test to show us what's really in there considering there's no baseline testing for what's in drilling fluid. The public has limited information about what is used by each operator permitted by the DEP. We absolutely have to test for these things. If they're not there, great. Move on, clean the lake. But you deserve – the public deserves to know. They have to know. That's your job as the entity supposed to protect the environment.

And this is a long, troubling history with this operator as we know they've had hundreds notices of – hundreds of violations, breaking our laws, Clean Streams laws. All of it is a violation. A felony charge, multiple other criminal and environmental charges that are pending, and the reluctance of this agency to hold them honorable and to continue to give them special conditions and treatment within permits, including permit renewals. And again, this cleanup was supposed to be done already. And it hasn't been, and the tests are inadequate.

We know that this lake is a drinking water source, it's a recreational source. There's going to be truck traffic. This is a massive inconvenience to the community and it – as was the spill. Therefore, more – more reasons for DEP to do the right thing and do this testing and make it public, and – and prove to us that what's being dewatered is not harmful to the environment. Also, if this company has enough money to tell shareholders that they're on their way to, you know, they're – they're done and there's still ongoing construction, they have enough money to help fund the testing through an independent entity that can be selected.

And if we can't find out where these – true drilling fluids – report, that's really troubling to not know if these agencies have had communication between DCNR, DEP and OAG to know where this is done. It has to be known, and the public needs to have faith in that.

You know, I – in our Commonwealth whereas you know, the government has the obligation to – the assists of the public which is our clean air and our clean water. And I urge this Department to do the right thing, to show us that you aren't loyal to a corporate polluter and actually do the job that you were designed to do, funded by taxpayers, to keep and protect our environment safe and to show us that what is happening here within this proposed permit is actually safe and isn't going to further harm our drinking water supply more so than Sunoco certainly already has across 17 counties. Thank you for allowing me to participate tonight. (322)

## **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

Contractors for Sunoco and DCNR performed extensive analyses of the full extent and nature of the contamination of the Lake, and participated in numerous discussions and reviews until a cleanup plan was in place that satisfied the concerns of all of the reviewing agencies, including DEP, DCNR and the PFBC.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh

Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

There is no indication of PFAS in the drilling material. The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Monitoring of specific parameters is to be required, and the additives are on the DEP Approved Chemical Additives List.

#### **44. Comment**

My name is Virginia Marcille-Kerslake, and I'm a resident of Chester County. And specifically, West Whiteland Township. The community is deeply impacted and put at risk of catastrophic explosion by Mariner East.

I'm knowledgeable about Mariner East. Knowledgeable enough to know that much of what we heard at the very beginning of this hearing from the industry representatives was untrue. On top of that, my background is in geology and soil chemistry.

I'm also a regulator visitor to Marsh Creek Lake to kayak and hike. Like so many people here, I treasure it. I was there on August 10, 2020 and witnessed Sunoco trying to contain the spill of almost 30,000 gallons of drilling fluid into our lake. It was deeply disturbing. It's just as disturbing that in December of last year, the DEP allowed construction at the lake to resume before the spill was even cleaned up.

The plan Sunoco has submitted which I have thoroughly reviewed raises multiple concerns. I'll take this opportunity to address a few. First of all, no one analysis was conducted on contaminants which will be discharged to the lake after the dewatering of sediments. We know from AG Shapiro's grand jury investigation and criminal charges that Sunoco used unapproved additives in their drilling line. Were these used at HDD 290, and will they be in solution after the dewatering process?

A flocculant is being added to the water to slurry at a concentration twice the toxicity limit to aquatic life. No analysis was done on that in the discharge either. Secondly, no explanation was given by Sunoco as to why another site wasn't chosen for dewatering and hauling away sediment which would have had far less impact on residents.

But what struck me the most in reviewing Sunoco's plan is this. The cleanup of Marsh Creek Lake should not be entrusted to a corporation which has amassed an unprecedented 126 notices of violation and 48 charges for environmental cause for Mariner East construction. A company that has repeatedly shown it cannot be trusted.

It's clear the DEP must reject Sunoco's plan and require that the assessment of the full extent and nature of the contamination and the design and implementation of the clean up be

conducted by a qualified, reputable, and independent third party paid for by Sunoco. Their refusal to do so should mean at minimum forfeiture of the \$4 million bond paid in the December 6, 2021 Consent Order and Agreement.

The DEP failed to do its job in December when you allowed construction to continue while this spill still polluted our lake and drinking water reservoir. I am requesting you to do your job now. Reject this plan and have Marsh Creek Lake properly assessed and remediated by a third party. I can safely say I speak for many who are similarly frustrated over the DEP's lack of environmental protection on this project when I say please, do your job. Thank you.  
(288)

### **Response**

The Department acknowledges the commentator's comment regarding this proposed major permit amendment to the ESG0100015001 permit within Upper Uwchlan Township, Chester County. Thank you for taking the time to provide the Department your comments and opinions, they have been considered during our review of this application.

The Department is requiring Sunoco to decant the dewatering effluent, which is subject to strict effluent and monitoring requirements. Monitoring of specific parameters is to be required, and the additives are on the DEP Approved Chemical Additives List.

The December 6, 2021 Consent Order and Agreement (COA) between DEP, DCNR, and ETP, requires ETP to implement measures to assess, remediate and restore areas of Marsh Creek Lake. The COA outlines the corrective actions Sunoco must undertake to fully remediate and restore the area impacted by the August 10, 2020 spill. This is a legally binding agreement that also requires Sunoco to remit a civil penalty of \$341,000 and natural resource damages of \$4,000,000 to the Commonwealth, as well as to post a bond of \$4,000,000 to ensure that work to restore the impacted water resources is completed. As part of the required restoration and remediation work, Sunoco must dredge 14.8 acres of Ranger Cove, the area in the Lake where the drilling fluids were deposited when the spill occurred. In addition, the COA resolves outstanding compliance issues at this site. Finally, in addition to the outstanding bond that the Commonwealth holds, Sunoco is subject to additional fines if violations of the permits and/or the COA terms occur as a result of the cleanup.

The Department has reviewed the application for the Major Amendment and determined that it satisfied all applicable legal requirements. When implemented, as required by the COA, it authorizes earth disturbance activities to facilitate the approved cleanup plan. Conditions in the Permits ensure that noise, dust, work traffic and other community impacts are avoided to the extent practicable.