

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: PA PIPELINE PROJECT (PPP)/MARINE EAST II:
PERMIT AMENDMENT

* * * * *

BEFORE: VIRGINIA NURK,
Community Relations Coordinator
DAREK JAGIELA, Member

HEARING: Tuesday, March 8, 2022
6:03 p.m.

LOCATION: Remote Hearing

WITNESSES: Jim Snell, Mike Butler, Carl Marrara,
Bill Adams, Helen Kissick, Carolyn Comitta, Danielle
Friel-Otten, Christina PK DiGulio, Libby Madarasz,
Katie Muth, Tammy Murphy, Virginia Marcille-Kerslake

Reporter: Brian D. O'Hare

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MS. NURK: My name is Virginia Nurk, and I'm a Community Relations Coordinator for the Pennsylvania Department of Environmental Protection. I'll serve as the moderator for this evening's hearing regarding the Chapter 102 Permit Amendment Application submitted by Sunoco Pipeline, LP, or Sunoco, for the Mariner East II Pipeline near Marsh Creek State Park. The application was submitted on January 19th, 2022.

As you all know, these hearings are typically held in person in the area in which the proposed changes are being requested. While the majority of COVID-19 restrictions have since been lifted, many still feel unsafe gathering in person in large groups indoors. In an effort to make this proceeding available and to as many interested stakeholders as possible, this hearing is being held virtually in tandem with an open public comment period hosted from February 5th, 2022 until March 11th, 2022. This hearing is accessible by both internet and phone, and written comments can be submitted electronically, through email, or mailed directly to the Southeast Regional Office. And all

1 comments, regardless of the method in which they are
2 submitted, carry equal weight and consideration
3 before DEP.

4 So Sunoco submitted this major
5 amendment application on January 19th, 2022 as
6 required under the terms of the December 6th, 2021
7 consent order and agreement between DEP, the
8 Pennsylvania Department of Conservation and natural
9 Resources, and Sunoco. Sunoco is requesting to
10 increase their limit of disturbance by 4.06 acres
11 for earth disturbance activities and temporary
12 storage of dredge material. This will support the
13 dewatering of sediment to be dredged from a
14 predetermined area of Marsh Creek Lake, and the
15 areas to be dredged are outlined in the impact
16 assessment and restoration plan which is available
17 on the project webpage. Upon completion of the
18 project, all areas would be restored.

19 We're here this evening to receive
20 oral comments from interested stakeholders,
21 neighbors, residents, and legislators on the
22 amendment application that I've just summarized.
23 DEP does not dictate who can or cannot present
24 comments or the testimony. Commenters are taken in
25 the order in which they contacted me and they've

1 been added to this list for this evening. Again, I
2 would like to reiterate that all comments whether
3 delivered here tonight or submitted in writing or
4 sent via email before the end of the comment period
5 on March 11th will be treated with equal weight and
6 consideration as DEP continues and finishes its
7 technical review of this request.

8 A few reminders as for the format of
9 this evening. Unlike a public meeting where there
10 is a back and forth question and answer format, this
11 formal public hearing is designed for DEP to receive
12 testimony. DEP will not respond to questions during
13 the hearing, but rather will receive all comments
14 received and provide written responses in a public
15 document.

16 As I've mentioned previously, comments
17 provided in writing carry equal consideration to
18 those provided orally. Those who have pre-
19 registered with me will be unmuted in the order you
20 registered and given three minutes to provide your
21 comments. Once your time has expired or you have
22 concluded your remarks, you will be remuted and the
23 next person on the list will be unmuted and given
24 their town time. Again, speakers will be called
25 upon in the order in which they registered and all

1 other participants and those who did not indicate
2 they were interested in speaking will remain muted
3 for the duration of the hearing. Use of threatening
4 or offensive language will result in a warning or
5 potential removal from the event, and I ask that you
6 each please respect the three minute timeline.

7 In order to capture all oral
8 testimony, the event is being transcribed by a
9 stenographer who is on the line to provide an
10 official transcript of this evening's hearing. The
11 transcript from this hearing will be added to the
12 community information page when it is received by
13 DEP from the recording service.

14 We will not be using the chat function
15 to submit questions or comments and ask that you
16 please limit the chat box to limiting us know the
17 technical issues you may have. Comments submitted
18 in the chat box will not be collected. Only those
19 submitted through the means of which I've outlined.

20 To that end, we will now begin taking
21 formal testimony. Please forgive any
22 mispronunciations, and we ask that you please state
23 your first and last name before you begin your
24 comment. If you've joined through your computer, in
25 a moment you'll see the lists of speakers and a

1 three minute timer on the screen so that you may
2 track your time. And for those joining by phone,
3 I'll let you know when you have about 30 seconds
4 left.

5 I'm going to switch phones real quick.
6 And we will go ahead and begin. The first speaker
7 is Christina PK DiGulio followed by Jim Snell.

8 MR. JAGIELA: Virginia, I do not see
9 Christina on the line.

10 MS. NURK: Okay. Okay.

11 We'll go back to Christina. Maybe
12 she's joining late. Okay, Jim. Are you on the
13 line?

14 MR. SNELL: Yes, I am. Good evening.

15 MS. NURK: Good evening, Jim. So you
16 have three minutes.

17 MR. SNELL: All right.

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

1 near the Marsh Creek Lake.

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

11 Here are some of the benefits.
12 Constructing additional habitat, removing nuisance
13 wildlife, enhancing water quality, increasing water
14 depth, insuring long-term water quality monitoring.
15 More ever - more over, excuse me, the drudging work
16 will address a condition that really isn't even
17 harmful because bentonite isn't harmful. In fact,
18 most public water reservoirs and manmade lakes are
19 created using bentonite, which is a naturally
20 occurring mineral substance.

21 Approval of this permit request is
22 ultimately in the best interest of the surrounding
23 region. The recently completed pipeline
24 construction has brought many jobs to Pennsylvania,
25 and will provide reliable, affordable energy to

1 surrounding areas. Now we need to ensure the
2 developers have the tools and access necessary to
3 complete its promised restoration work. Finally, on
4 behalf of Teamsters Local 420, I urge DEP to allow
5 the restoration work to be completed at Marsh Creek
6 and fulfill the cleanup agreement between the
7 developer and the state to advance. Thank you very
8 much for your time.

9 MS. NURK: Okay.

10 Thank you, Jim. Next we have Mike
11 Butler followed by Thomas Shepstone. Mike. Darek,
12 do we see Mike on the line? Darek?

13 MR. JAGIELA: I'm sorry about that.
14 I'm seeing his line was unmuted. Hold on.

15 MR. BUTLER: Hello? Hello? Can you
16 hear me? This is Mike.

17 MS. NURK: Hi, Mike. You're up.

18 MR. BUTLER: Okay.

19 Sorry, I wasn't sure. I wasn't
20 working there.

21 Good evening. My name's Mike Butler.
22 I'm the Mid-Atlantic Executive Director for the
23 Consumer Energy Alliance. Consumer Energy Alliance
24 is a non-partisan, non-profit organization and our
25 mission is to help insure American families and

1 businesses have access to reliable, affordable, and
2 environmentally sound resources.

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

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

21 Restoration work here is just as
22 important. Approval of this amendment is in the
23 best interest of Pennsylvania's economy and its
24 environment. The work will benefit certain
25 habitats, water quality will be enhanced, water

1 depth will be improved, long term water quality
2 monitoring will be added for protection.

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

16 For these reasons, Consumer Energy
17 Alliance encourages the DEP to allow the complete
18 restoration work of Marsh Creek to move forward by
19 approving the application amendment. I appreciate
20 your consideration, thank you.

21 MS. NURK: Okay.

22 Thank you, Mike Butler. Next we have
23 Thomas Shepstone followed by Carl Marrara. Thomas,
24 are you on the line?

25 MR. JAGIELA: I do not see Thomas on

1 the line, Virginia.

2 MS. NURK: Okay.

3 We'll allow him to come back. Do we
4 have Christina with us yet, Darek?

5 MR. JAGIELA: Not from what I can see.

6 MS. NURK: Okay.

7 How about Carl?

8 MR. JAGIELA: Yes.

9 MS. NURK: Okay, Carl?

10 MR. MARRARA: Yes, I'm here. Can you
11 hear me?

12 MS. NURK: Sure can. Your turn.

13 MR. MARRARA: Great, thanks so much.
14 My name is Carl Marrara. I'm the Vice President of
15 Government Affairs for the Pennsylvania
16 Manufacturers Association. We are the statewide
17 non-profit trade organization representing the
18 people who make things in our Commonwealth. Having
19 more than \$93 billion in gross fit product,
20 employing more than half a million workers in our
21 shop force, and sustaining millions of additional
22 jobs through supply chains, distribution networks,
23 and industrial vendors.

24 We want to thank you for the
25 opportunity to voice our support of the approval of

1 the Mariner East II Pipeline restoration amendment
2 for Marsh Creek Lake in Chester County. Our
3 Commonwealth, and more specifically their
4 communities in Southeastern Pennsylvania already
5 benefit from the Mariner East Pipeline network with
6 the promise of greater opportunities to come now
7 that construction is finished.

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

18 This amendment is requested for earth
19 disturbance activities and temporary storage of
20 dredge material to support the dewatering of
21 sediment dredge from the areas of Marsh Creek Lake.
22 The agreed to dredging is beyond - is beyond the
23 requirement because the work being done is
24 addressing a condition that is not harmful, this
25 being the potential bentonite in limited areas of

1 the lake bed. Bentonite is a non-toxic, naturally
2 occurring mineral substance the DEP lists in its
3 engineering manual for mining operations as a
4 preferred method to restore streams.

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

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

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

24 MS. NURK: Okay.

25 Thank you, Carl. Next we have Bill

1 Adams.

2 MR. ADAMS: Hello. My name is Bill
3 Adams, and I am the President and Assistant Business
4 Manager of the International Brotherhood of
5 Electrical Workers, Local 654. I thank you for the
6 opportunity to speak.

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

15 Just as we have a vested interest in
16 ensuring Mariner Easter was constructed properly and
17 is operated responsibly, we also have a vested
18 interest in ensuring the agreement between state and
19 developer for work here is executed in the best
20 possible way. The amendment request is designed to
21 support the dewatering of sediment dredged from a
22 predetermined area of Marsh Creek Lake. The
23 sediment will be pumped into an aqua management
24 area. After dewatering, sediment will then be
25 loaded off the truck to be disposed of offsite at an

1 approved disposal facility. All facilities
2 necessary to do this work will be temporary, and all
3 areas will be restored back to existing conditions,
4 grade, and elevation following the work.

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

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

20 Marine East II Pipeline project has
21 already created an estimated \$9 billion in tax
22 revenue and economic impact for Pennsylvania.
23 Construction recently finished on the final date.
24 There is no reason to delay the restoration work, so
25 we at IBW 654 urge you to support the proposed

1 amendment in order to protect Pennsylvania's
2 environment, promote our energy economy, and help us
3 fully finish this project. Thank you.

4 MS. NURK: Okay.

5 Thank you, Bill. Next we have Helen
6 Kissick. Helen, are you on the line?

7 MS. KISSICK: I am. You can hear me
8 okay?

9 MS. NURK: Yes. And you dialed in,
10 correct?

11 MS. KISSICK: I did, yep.

12 MS. NURK: Okay.

13 So I - I will let you know if you get
14 to, since you can't see the screen, 30 second kind
15 of warning if you're running out of time.

16 MS. KISSICK: No worries. I won't go
17 over, I promise.

18 MS. NURK: Great. Go ahead and get
19 started.

20 MS. KISSICK: Yeah, good evening. My
21 name is Helen Kissick, and I am the President and
22 Executive Director for the Beaver County Chamber of
23 Commerce. I will be brief in my remarks.

24 Some may ask why a Chamber of Commerce
25 in Western Pennsylvania is concerned about the

1 cleanup and restoration of a site on the other side
2 of the state. The fact is that our Chamber has been
3 engaged with the Mariner East project for its
4 earliest days of development. We realized that what
5 we are seeing now with construction finished that
6 the pipeline opens up enormous market opportunities
7 for Western Pennsylvania drillers and brings
8 tremendous benefits to our entire Commonwealth.

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

18 Now that the work on Mariner East has
19 finished, restoration work should commence quickly.
20 The proposed amendment relates to cleanup following
21 a previously reported inadvertent return from
22 drilling fluid. The work planned at this site goes
23 far beyond what would normally be required for any
24 similar incident. As it stands, the company
25 proposes additional space onsite to do the job

1 effectively. DEP should see to it they have the
2 access and tools they need to get the job done
3 quickly. The proposed work site is temporary and
4 all of it will be restored to existing conditions
5 while the overall cleanup will benefit local water
6 quality and the habitat around the lake because of
7 the other requirements agreed to by DEP and the
8 developer.

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

17 MS. NURK: Okay.

18 Thank you. Thank you, Helen. Next is
19 Senator Katie Muth. Darek, she might be - if she,
20 you do not see the Senator, it might be under Nikola
21 Whitlock.

22 MR. JAGIELA: I do not see Senator
23 Muth or Nikola.

24 MS. NURK: Okay. All right.

25 Senator, we'll come back. Senator

1 Carolyn Comitta?

2 SENATOR COMITTA: Yes, hello. This is
3 Senator Comitta. Can you hear me?

4 MS. NURK: We sure can, and it looks
5 like you're dialing in. So if you need any - any
6 help with anything, just let me know.

7 SENATOR COMITTA: I will, thank you
8 very much.

9 MS. NURK: Sure thing, go ahead.

10 SENATOR COMITTA: I'm State Senator
11 Carolyn Comitta representing the 19th District in
12 Chester County. I want to thank the DEP for holding
13 this hearing and thank all the residents and
14 community members for participating as well.

15 Like so many of my friends, neighbors,
16 and constituents, I am concerned about yet another
17 request from Sunoco to amend its permit. This time
18 having to do with the cleanup of more than 20,000
19 gallons of drilling mud built into the Marsh Creek
20 Lake in August of 2020. Let's not forget that
21 Sunoco has routinely either failed to report or has
22 underreported spills on the Mariner East project,
23 including this one. According to the Attorney
24 General's 45th statewide investigating grand jury
25 report, Sunoco initially estimated approximately 400

1 gallons escaped into Marsh Creek Lake, but a DEP
2 engineer calculated it to be between 21 and 28,000
3 gallons.

4 Now after two years and numerous work
5 stoppages and violations on Mariner East, not to
6 mention 48 charges for environmental crimes, it's
7 very difficult to trust this company to monitor the
8 cleanup of its own mess. And it creates a greater
9 concern as this request calls for increasing the
10 limit of disturbance by about four acres near the
11 lake. Again, this appears to be a pattern of
12 behavior by Sunoco. The repeated permit
13 modifications that made it extremely challenging for
14 residents to closely follow this project while
15 further deteriorating public trust that will - that
16 things will be done safely and properly.

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

25 While I'm eager to see the lake -

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

17 MS. NURK: Thank you so much, Senator.
18 We're going to go next to Representative Danielle
19 Friel-Otten. I did hear that Christina has joined
20 us, so we'll go first to the Representative and then
21 Christina will go, we'll circle back to you.
22 Representative Danielle Friel-Otten.

23 REPRESENTATIVE FRIEL-OTTEN: Thank you
24 Virginia, and thank you for the opportunity to
25 provide testimony on Sunoco's major amendment

1 application for the cleanup at Marsh Creek.

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

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

1 as forever chemicals.

2 This risk is not hypothetical. The
3 Attorney General has criminally charged Sunoco for
4 adding unapproved, undisclosed additives in Mariner
5 East drilling fluids. Water must be tested for
6 these contaminants before it's returned to the lake,
7 and the contaminated water must be treated as
8 wastewater.

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

17 Sunoco must be required to bear the
18 cost and responsibility of remediating any
19 unforeseen damage, pollution, impacts to residents
20 or other consequences of this operation. I urge the
21 DEP to reject this major amendment as submitted. We
22 are all more than eager for full remediation of the
23 lake and the reopening of Range of Cove but for the
24 first - but first the Department of Environmental
25 Protection must do everything in its power to ensure

1 that this cleanup is done safely, correctly, and
2 with minimal impact to the residents. The citizens
3 of Pennsylvania cannot continue to bear the
4 consequences of Sunoco's careless and negligent
5 operation. Thank you again for allowing me to share
6 my comments this evening.

7 MS. NURK: Thank you so much,
8 Representative. Next we're going to go back to
9 Christina. Are you with us?

10 MS. DIGULIO: I am here. Can you hear
11 me?

12 MS. NURK: Okay, great. Yes, I can
13 hear you.

14 MS. DIGULIO: Thank you, if you can
15 forgive me, please. I'm sorry for any complications
16 here.

17 So I want to not repeat what most I've
18 heard. Thank you, both Senator Carolyn Comitta and
19 Representative Danielle Friel-Otten for exacting
20 what you say. I agree and confer. As a chemist I
21 will say one thing, and I have been saying this,
22 that we don't know the impacts because there has
23 been no studies done. So while we sit here and
24 allow a criminal to clean up the crime scene, how do
25 we know that if they go out there and find that it

1 has actually expanded beyond the contamination zone
2 that they're going to be honest about that?

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

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

24 And if we want to help people, I
25 suggest our scientific agencies start by providing

1 by good practices of science and before you say you
2 know what's going on, maybe stop with your
3 hypotheticals and theories and start testing because
4 you have the ability and the technology to do so.

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

14 MS. NURK: Okay.

15 Sorry. Thank you so much for those
16 comments. And hearing we still don't have Senator
17 Muth, so I'm going to go on to Libby. Are you on
18 the line?

19 MS. MADARASZ: I am, can you hear me?

20 MS. NURK: Sure can.

21 MS. MADARASZ: Okay.

22 My name is Libby Madarasz, and nearly
23 every day, actually in the morning, I kayak along
24 the trails at Marsh Creek Lake. It's a really
25 special place for me. I was one of the first people

1 on the site to document the pollutant bentonite that
2 polluted the lake.

3 This plan for Sunoco to cleanup our
4 lake boils down to one thing: trust. Do we trust
5 Sunoco to do a careful job without doing any more
6 damage to the environment? Can we trust a
7 corporation with 126 DEP violations and 48
8 environmental crimes? What do we suppose will be
9 Sunoco's main objective? Judging by their past
10 performances, that is easy. The bottom line is cost
11 and expediency.

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

20 Time and time again, the DEP has given
21 Sunoco a task when mandating that they adhere to
22 state laws and regulations. Just around the corner
23 from my house, Sunoco filled the wetlands and a
24 local trout stream with grout, a violation of the
25 Clean Streams Act. Because it went unpunished, this

1 violation didn't occur just once but again and again
2 and again.

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

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

21 MS. NURK: Thanks, Libby. I think
22 we're still trying to get Senator Muth on the line,
23 so we're going to go - okay. Do we have Senator
24 Muth? I think we have you.

25 SENATOR MUTH: Yes. Hopefully you can

1 hear me, sorry.

2 MS. NURK: Yeah, we can hear you.

3 Great, okay. Go ahead when you're ready.

4 SENATOR MUTH: Thank you again for
5 having me this evening and for hosting this
6 important public comment.

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

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

19 The testing of Marsh Creek Lake
20 following the Sunoco spill in August of 2020 has
21 been scattered. Data has been unavailable to the
22 public, and as of today as an elected official I
23 received finally a follow-up email regarding some of
24 the questions around the use of other substances
25 during Mariner East Pipeline construct across the

1 counties that it spans in our Commonwealth which was
2 reported on in the grand jury report by the Office
3 of the Attorney General in October. There was I
4 believe it's 60 to 63 cites, use of unapproved
5 substances and drilling activities just off those
6 mains. Some of those mains have proprietary
7 components to them so the public does not know truly
8 what was in them.

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

19 There is no testing on PFAS, and I've
20 been told there's no indication to test for PFAS,
21 PFO, or any of its components. And that Sunoco
22 likely doesn't use it in its drilling fluid. Again,
23 we don't know what we don't test for. And if I'm
24 wrong about it or the public is wrong about this
25 worry, then why don't you test for it and prove that

1 it doesn't exist within the hazardous waste that's
2 sitting at the bottom of the lake?

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

11 This is a drinking water source, and
12 to not do a full span of testing with an independent
13 lab not picked by Sunoco is absolutely gross
14 negligence. And the public deserves to know what is
15 in the lake now, and if you plan to dredge it out,
16 pull it out, put it in tanks and dewater and put
17 that water right back into a drinking water source,
18 it would be great. It would be responsible. It
19 would be restoring people's trust in government if
20 you could please test to show us what's really in
21 there considering there's no baseline testing for
22 what's in drilling fluid. The public has limited
23 information about what is used by each operator
24 permitted by the DEP. We absolutely have to test
25 for these things. If they're not there, great.

1 Move on, clean up the lake. But you deserve - the
2 public deserves to know. They have to know. That's
3 your job as the entity supposed to protect the
4 environment.

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

17 We know that this lake is a drinking
18 water source, it's a recreational source. There's
19 going to be truck traffic. This is a massive
20 inconvenience to the community and it - as was the
21 spill. Therefore, more - more reasons for DEP to do
22 the right thing and do this testing and make it
23 public, and - and prove to us that what's being
24 dewatered is not harmful to the environment. Also
25 if this company has enough money to tell

1 shareholders that they're on their way to, you know,
2 they're - they're done and there's still ongoing
3 construction, they have enough money to help fund
4 the testing through an independent entity that can
5 be selected.

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

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

25 MS. NURK: Thank you so much for those

1 comments. We have - and I'm glad you were able to
2 get on the line as well. We have Tammy Murphy -.

3 SENATOR MUTH: Thank you.

4 MS. MURPHY: Hi. I'm going to yield
5 my time tonight, and submit written comments. So
6 thank you for the offer, and - and thanks for
7 allowing me to register for that time. I'm actually
8 going to send written comments tonight.

9 MS. NURK: Okay, sounds great.

10 MS. MURPHY: Thank you.

11 MS. NURK: Yep, for sure. And last we
12 have Virginia Kerslake.

13 MS. MARCILLE-KERSLAKE: Thank you, can
14 you hear me?

15 MS. NURK: We sure can.

16 MS. MARCILLE-KERSLAKE: My name is
17 Virginia Marcille-Kerslake, and I'm a resident of
18 Chester County. And specifically, West Whiteland
19 Township. The community is deeply impacted and put
20 at risk of a catastrophic explosion by Mariner East.

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

1 chemistry.

2 I'm also a regulator visitor to Marsh
3 Creek Lake to kayak and hike. Like so many people
4 here, I treasure it. I was there on August 10th,
5 2020 and witnessed Sunoco trying to contain the
6 spill of almost 30,000 gallons of drilling fluid
7 into our lake. It was deeply disturbing. It's just
8 as disturbing that in December of last year, the DEP
9 allowed construction at the lake to resume before
10 the spill was even cleaned up.

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

22 A flocculant is being added to the
23 water to slurry at a concentration twice the
24 toxicity limit to aquatic life. No analysis was
25 done on that in the discharge either. Secondly, no

1 explanation was given by Sunoco as to why another
2 site wasn't chosen for dewatering and hauling away
3 sediment which would have had far less impact on
4 residents.

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

13 It's clear the DEP must reject
14 Sunoco's plan and require that the assessment of the
15 full extent and nature of the contamination and the
16 design and implementation of the cleanup be
17 conducted by a qualified, reputable, and independent
18 third party paid for by Sunoco. Their refusal to do
19 so should mean at minimum forfeiture of the \$4
20 million bond paid in the December 6th, 2021 consent
21 order and agreement.

22 The DEP failed to do its job in
23 December when you allowed construction to continue
24 while this spill still pollutes our lake and
25 drinking water reservoir. I am requesting you to do

1 your job now. Reject this plan, and have Marsh
2 Creek Lake properly assessed and remediated by a
3 third party. I can safely say I speak for many who
4 are similarly frustrated over the DEP's lack of
5 environmental protection on this project when I say
6 please, do your job. Thank you.

7 MS. NURK: Okay.

8 Thank you for those comments. And
9 with that, I'll do one last call for Thomas
10 Shepstone. I don't believe we have him on the line.
11 So with that -.

12 MR. JAGIELA: No, I don't see him on
13 the line.

14 MS. NURK: No? Okay.

15 I'm just going to put - okay. So with
16 that, you should all be able to see this email
17 address and physical address. So we'll go ahead and
18 conclude this evening's hearing. We made it through
19 all of the speakers, and we will continue to accept
20 comments as part of the open public comment period
21 on the amendment application until March 11th, 2022.
22 And you can send those comments to the email address
23 on the screen or directly to our office, and it also
24 is there on the screen. And for those of you on the
25 line, it is ra-epww-sero@pa.gov, or in the mail to

1 DEP's Southeast Regional Office, Waterways and
2 Wetlands Program, 2 East Main Street, Norristown,
3 Pennsylvania 19401. And like I said a few times
4 earlier, all comments whether you've delivered them
5 here at the hearing or you mailed them or you
6 emailed them, all carry equal weight. They'll all
7 be catalogued in the comment and response document
8 which will be posted to the website, a copy of the
9 transcript from tonight's hearing will also be made
10 available on the project website which can be found
11 at www.dep.pa.gov/southeast. And with that, I'd
12 like to just thank everyone for being here and for
13 your participation. And on behalf of DEP, we
14 appreciate your feedback and your interest. Have a
15 good night.

16 * * * * *

17 HEARING CONCLUDED AT 6:49 P.M.

18 * * * * *

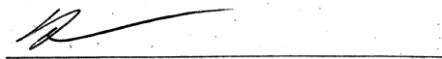
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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before Community Relations Coordinator Nurk, was reported by me on March 8, 2022 and that I, Brian D. O'Hare, read this transcript and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 15 day of March, 2022



Brian D. O'Hare
Court Reporter