

DANIELLE FRIEL OTTEN, MEMBER
155TH LEGISLATIVE DISTRICT

102B EAST WING
P.O. BOX 202155
HARRISBURG, PENNSYLVANIA 17120-2155
(717) 783-5009
FAX: (717) 772-2943

631 POTTSTOWN PIKE
EXTON, PENNSYLVANIA 19341
(484) 200-8259
FAX: (484) 200-8269



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGING AND OLDER ADULT SERVICES
CHILDREN AND YOUTH
ENVIRONMENTAL RESOURCES AND ENERGY
POLICY
TOURISM AND RECREATIONAL
DEVELOPMENT

August 13, 2020

Secretary Patrick McDonnell
PA Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dr. Rachel Levine
PA Department of Health
8th Floor West
625 Forster Street
Harrisburg, PA 17120

Gladys Brown Dutrieuille, Chair
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
3rd Floor, Room N-304
Harrisburg, PA 17101

Dear Secretary McDonnell, Secretary Levine, and Chairwoman Brown Dutrieuille:

Chester County has been plagued yet again by a recent string of Mariner East pipeline construction incidents.

Over the past month, more than a dozen land subsidence events occurred near a valve station on Business Route 30, one of our most active county thoroughfares. Last week, drilling on another segment of the Mariner pipeline hit an aquifer, resulting in approximately 250,000 gallons per day of water pouring out of a hillside, with a blowout event damaging private property and causing the drill there to be shut down, just days after being allowed to restart following a similar incident in October 2019.

Now Energy Transfer has spilled an estimated 10,000 gallons of proprietary drilling mud of undisclosed composition into a tributary to a drinking water source, recreation area, and wildlife habitat at Marsh Creek State Park. Enough is enough. **It is time to pull Energy Transfer's permits in Chester County.**

Energy Transfer has continually demonstrated that they have neither the ability nor the motivation to build safe pipelines. They have failed. And by allowing them to restart over and over again with slap-on-the-wrist fines, we have failed the citizens of Pennsylvania, who have a constitutional right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment; as well as to public health, safety, and private property. It is time for real consequences.

Energy Transfer has more than exhausted any reasonable expectation to be granted the benefit of the doubt or the convenience of a simple restart report. If they wish to continue, they must be required to go through the time, expense, and due diligence of an entirely new permit application.

In addition, we call for DEP and the PA Department of Health to require Energy Transfer to pay the cost of immediate and ongoing private well testing for any resident of Upper Uwchlan Township who requests it, with the testing company chosen and directed by the resident, not Energy Transfer, and with no conditions such as gag orders, non-disclosure requirements, or indemnity contracts. Results must be delivered directly and in first priority to the property owner, and Energy Transfer must pay for complete remediation and/or public water connection if deemed necessary, including but not limited to payment for any future expenses such as future water bills for impacted residents.

The operator should be required to attend public municipal meetings upon request of any impacted municipality to hear directly from and respond directly to residents, on the public record.

Any third-party investigation carried out in relation to the Mariner East project, including any study of impacts to wetlands, waterways, and land and aquatic life resulting from the recent spill at Marsh Creek Lake, must be carried out independent of Energy Transfer, with results made public and available to all related stakeholders, including but not limited to local government and impacted residents, with all costs to be covered by fines or fees levied upon ETP for the violation(s) of their permit requirements.

Any current violations must be completely and immediately remediated by the operator to as-good or better condition upon revocation of the permit.

All outstanding fines on this and previous permit violations must be paid in full to the Commonwealth **before** consideration of any new permit requests.

Finally, prior to restart, Energy Transfer must be required to bear the cost of baseline foundation inspections, private well inspections, and private septic system inspections for any resident of any municipality within Mariner East construction who requests such inspection. Inspection companies are to be chosen by the resident, not Energy Transfer, with no gag orders, non-disclosure requirements, or indemnity contracts.

Over the last several years, we have tried to work in good faith, despite never receiving satisfactory resolution or basic information requested as incident after incident occurred. We have introduced and cosponsored legislation designed to address pipeline safety and operator accountability. This legislation has gone nowhere.

We can no longer wait. There are currently only five municipalities in Chester County without pipelines. It must be made clear that if you cannot operate with 100 percent safety, you will lose the permits to operate here or anywhere in the Commonwealth.

We are calling for an immediate halt to all activity related to the Mariner East project, a revocation of all Energy Transfer/SPLP permits in Chester County, and a reappraisal of all ongoing and future pipeline projects in the Commonwealth.

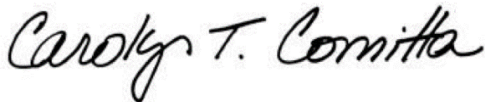
Sincerely,



Representative Danielle Friel Otten
155th Legislative District



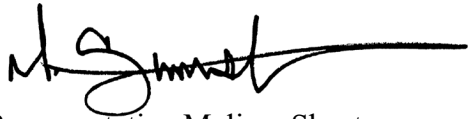
Senator Katie Muth
44th Senatorial District



Representative Carolyn Comitta
156th Legislative District



Representative Christina Sappey
158th Legislative District



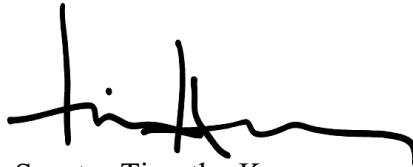
Representative Melissa Shusterman
157th Legislative District



Senator Andrew Dinniman
19th Senatorial District



Representative Dan Williams
74th Legislative District



Senator Timothy Kearney
26th Senatorial District

Cc: The Honorable Governor Tom Wolf
Secretary Cindy Adams Dunn, PA Department of Conservation & Natural Resources
Rob Fogel, PA Department of Environmental Protection
Patrick Patterson, PA Department of Environmental Protection