

Talking Points for Pennsylvania Pipeline Project's Chapter 102 and Chapter 105 Permits

In order to construct the Pennsylvania Pipeline Project, Sunoco must obtain permits from the PA Department of Environmental Protection (DEP) for earth disturbances and for the crossing of waterways and wetlands. These are known as Chapter 102 and Chapter 105 permits. Sunoco has submitted applications for each of the 17 affected counties and DEP is currently performing a technical review of those permits. To view the full applications, visit:

<http://www.dep.pa.gov/Business/ProgramIntegration/Pages/Pennsylvania-Pipeline-Portal.aspx>

DEP will only consider comments specifically addressing the Chapter 102 and Chapter 105 permits. We have provided the following talking points to give additional context to some of the cumulative social and environmental impacts of the project.

Background on Pennsylvania Pipeline Project

- Sunoco Pipeline, L.P. is proposing to construct and operate the Pennsylvania Pipeline Project (PPP), which is also referred to as the Mariner East 2. The PPP involves the installation of two parallel pipelines- a 20-inch and a 16-inch.
- The PPP would, for the majority, be co-located within the same 50 foot right-of-way as the existing Mariner East 1.
- The PPP would transport natural gas liquids, hydrocarbons derived from natural gas, including propane, butane, and ethane from Houston, Washington County, Pennsylvania to Marcus Hook in Delaware County, totaling approximately 306 miles.
- The project would transport up to 700,000 barrels per day, split between the two additional pipelines.
- The project also requires the expansion of the Sunoco's Marcus Hook refinery as well as an existing pumping station in Delmont and Ebensburg.
- Existing pumping stations in Mount Union, Doylestown, Middletown, and Beckersville will be modified/expanded with the potential need for 2-3 acres of additional land.
- A new pump station will be added in Ebensburg. Typically new pump stations require 3-4 acres of land.
- There are a minimum of 47 mainline valve stations planned for this project, some of which will require new land disturbances.

Environmental Impacts

- The Pennsylvania Pipeline Project would cross 581 wetlands, 1,227 streams, and would permanently impact 35.3 acres of wetlands and 8.6 acres of streams.
- Every method for wetland and stream crossings including open cut, bore, and horizontal directional drilling (HDD) is associated with potential environmental harms. However, HDD crossings involve the least amount of direct sediment disturbance. It is also a much more costly

method compared to “wet” or “dry” open cut crossings, hence the disparity in distribution among proposed Mariner East crossings:

- 74.5% of the total number of wetland crossing spanning the entire project would be done using the open cut method.
- 17% would be done using the HDD method.
- While no stream crossing method is ideal, it’s fair to question why Sunoco would forgo implementing a more environmentally-friendly method in favor of the cheaper method in three out of every four crossings.
- Based on an independent site investigation by Schmid & Company, Sunoco incorrectly mapped and mischaracterized some of the wetland features on a private property in Huntingdon County. In this case, only half the stream segments and one seventh of the wetlands were acknowledged, meaning that the proposed impacts were significantly understated for this property. If this happened on other properties, impacts to streams and wetland would be larger than predicted.
- Leaks and ruptures can also immediately affect our environment:
 - In 2005, a Sunoco-operated oil pipeline leaked 260,000 gallons of crude oil into the Kentucky and Ohio rivers and were fined \$2.5 million.¹
 - In 2008, a pipeline owned and operated by Sunoco spilled 12,000 gallons of gasoline near Murrysville, polluting a 3-mile section of nearby Turtle Creek. The failure was caused by an “improperly installed valve” as the cause of the leak.²
 - In 2012, a Sunoco pipeline ruptured near Wellington, Ohio, spilling 2,780 barrels of gasoline, causing 30 nearby homes to be evacuated.³
 - In 2014, a Sunoco pipeline spilled 4,000 barrels of crude oil near Caddo Parish in Louisiana.⁴

Safety:

- Sunoco has received 17 Notices of Probable Violations resulting in \$2,320,744 in enforced and proposed fines since 2002, 262 incident reports filed by PHMSA since 2006,⁵ and 32 enforcement actions initiated by PHMSA since 2002.⁵
- Sunoco was also cited in 2015 for at least 42 violations by PA DEP for work done on the Mariner East project over the span of one year.⁶
- These pipelines would transport natural gas liquids at pressures of up to 1,440 PSI.
- When hazardous liquids pipelines fail, undetected leaks can saturate soils, rise to be airborne vapors and can be ignited by random sparks.

¹ https://www.justice.gov/archive/opa/pr/2006/August/06_enrd_534.html

² <http://triblive.com/news/adminpage/5709670-74/sunoco-dep-board#axzz3GD7wewpl>

³ http://primis.phmsa.dot.gov/comm/reports/enforce/documents/320125002H/320125002H_CAO_01182012.pdf

⁴ <http://www.shreveporttimes.com/story/news/local/2014/10/18/crude-oil-spills-caddo-bayou-kills-wildlife/17522017/>

⁵ http://primis.phmsa.dot.gov/comm/reports/operator/OperatorIM_opid_18718.html?nocache=8742#_Incidents_tab_4

⁶ <http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/Sunoco%20Mariner%20East%20CACAP.pdf>

- Wind direction, velocity and topography make it hard to estimate a potential impact radius and therefore plan for an emergency.
- Accelerated risk of asphyxiation/suffocation is associated with the inhalation of methane, propane, butane, and ethane.⁷
- Liquefied natural gas, natural gas liquids, and liquefied petroleum gas are all heavier than air, allowing them to follow certain geographic formations such as rivers and valleys. Its tendency not to disperse naturally also leads to increased risk of ignition.
- Pipeline failure poses a real risk to public health and safety.

Public Participation Process

Transparency

- Sunoco originally titled this project the Mariner East 2, but began referring to it as the Pennsylvania Pipeline Project during the submission of their Chapter 102 and 105 Permits. This name change should have been conveyed to all stakeholders involved and clarified in the public notice to eliminate any confusion about the project.
- The legality of Sunoco's use of eminent domain should be decided by the courts before any permits are issued.
- Sunoco Logistics, the parent company of Sunoco Pipeline, held a seat on Governor Wolf's Pipeline Infrastructure Task Force which was tasked with making recommendations to achieve "responsible development of natural gas pipeline infrastructure in the commonwealth." The public was not allowed a seat at the table during these discussions, and seven individuals were arrested after disrupting the final meeting of the task force.

Public Hearings

- The number of public hearings DEP is hosting for the Pennsylvania Pipeline Project is significantly inadequate given that the project spans through 17 counties. DEP is holding only 5 hearings across the state, which gives an opportunity for roughly 300 individuals to submit testimony. Additional public hearings should be held or rescheduled for future dates.
- One (three-hour) public hearing for both Chester and Delaware Counties is inadequate for a conservative estimate of 700 directly impacted landowners. Without adding homeowner association communities and other interested public participants, the current schedule prevents all relevant stakeholders from entering into full participation.

Public Comment Period

- The public comment period for the Pennsylvania Pipeline Project should be increased or paused given the issues with the notices for this project in the Pennsylvania Bulletin, the state's weekly announcements of various agency actions.

⁷[http://www.pccoalition.org/content/upload/documents/Sunoco%20Rubin%20Presentation%20of%209-29-15%20\(Update%20of%20%2010-28-15\).pdf](http://www.pccoalition.org/content/upload/documents/Sunoco%20Rubin%20Presentation%20of%209-29-15%20(Update%20of%20%2010-28-15).pdf)

- There are significant differences between the information provided by Sunoco in the March 2016 resubmission of the Chapter 105 application and the figures that were provided to the public in the Pennsylvania Bulletin Notice issued for the Southwest region in October 2015. Notable differences include the number of wetland utility line crossings, the acreage of permanent and temporarily impacted palustrine emergent, scrub and forested wetlands, as well as the number of utility line stream crossings.
- The notice for the permits in the Southwest region should have been re-posted after Sunoco resubmitted their entire application in March 2016. The notice for the Southwest region first appeared in the October 10th, 2015 edition and so technically the public comment period closed 30 days after.

Landowner Rights

- A legal dispute is currently ongoing that will ultimately be resolved by the Pennsylvania Supreme Court over whether Sunoco has a right to take people’s private land using eminent domain.
- Pennsylvanians have a right to private property that cannot be taken using eminent domain except when the purpose of the taking is for the “primary and paramount” benefit to Pennsylvanians. This means that landowners have the right to not sign an easement and to not allow Sunoco’s agents on their property. For more information about landowner rights, [click here](#).
- Sunoco has stated in public meetings that over 90% of the product that would go through the pipelines would be shipped overseas for private gain and would not benefit Pennsylvanians.
- Landowners who live along the Mariner East 1 route consistently share their experiences about how Sunoco damages their properties and does not compensate them for the damage.
- Sunoco workers trespass outside the pipeline right of way and leave trash and debris on people’s property, knowing that landowners rarely have the resources to bring Sunoco to court to protect their property rights.

The public is invited and encouraged to comment on the current water-related permit applications. If you have concerns about this pipeline project, please submit written comments and/or attend one of the upcoming public hearings.

<p>Southwest Region Counties: Allegheny, Cambria, Indiana, Washington and Westmoreland</p>
<p>When: Thursday, August 18, 2016 6:30-9:30 PM Where: Founder's Hall Amphitheatre, Westmoreland County Community College</p>

145 Pavilion Lane, Youngwood, PA 15697

Contact to sign up to speak: John Poister at 412-442-4203 or jpoister@pa.gov.

Public comments can be submitted in writing until August 24th and should be sent to PA DEP at SW Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by emailing ra-epww-swro@pa.gov.

South-Central Region

Counties: Huntingdon, Juniata, Lancaster, Lebanon, Perry, York, Berks, Blair, Cumberland and Dauphin

When: Monday, August 8, 2016
6:30-9:30 PM

Where: Blair County
Convention Center
One Convention Center
Dr.,
Altoona, PA 16602

When: Tuesday, August 9, 2016
6:30-9:30 PM

Where: Lebanon Valley
Exposition Center
80 Rocherty Road,
Lebanon, PA 17042

When: Tuesday, August 16, 2016
6:30-9:30 PM

Where: PA Farm Show
Complex, Keystone
Conference Center
2300 N Cameron Street,
Harrisburg, PA 17110

Contact to sign up to speak: John Repetz at 717-705-4904 or jrepetz@pa.gov

Public comments can be submitted in writing until August 24th and should be sent to PA DEP at

South-Central Regional Office, Waterways and Wetlands Program, 909 Elmerton Ave, Harrisburg, PA 17110 or by emailing ra-epww-scro@pa.gov.

Southeast Region

Counties: Delaware and Chester

When: Wednesday, August 10, 2016 6:30-9:30 PM

Where: Sykes Student Union at West Chester University
110 W Rosedale Ave, West Chester, PA 19382

Contact to sign up to speak: Virginia Cain at 484-250-5808 or vicain@pa.gov.

Public comments can be submitted in writing until August 24th and should be sent to PA DEP at SE Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401 or by emailing ra-epww-sero@pa.gov.