



Swarthmore
BOROUGH

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

November 15, 2016

Dear Mr. McDonnell,
Swarthmore Borough Council has passed the enclosed Resolution of Concern regarding the Mariner East II Pipeline. We demand greater transparency, more rigorous safety standards, a public meeting for Delaware County residents, and an extended period for public comment.

Very Truly Yours,

David L. Grove
President, Swarthmore Borough Council

SECRETARY'S OFFICE

NOV 17 2016

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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**Borough of Swarthmore
DELAWARE COUNTY**

RESOLUTION NO. 2016-14

THIS IS A RESOLUTION of the Swarthmore Borough (Borough) Council, Delaware County, expressing great concern to the Governor of the Commonwealth of Pennsylvania and to the Secretary of the Pennsylvania Department of Environmental Protection (PADEP) about the permitting process related to pressurized hazardous liquids pipeline projects that have the potential to dramatically increase the risk of catastrophic accidents and jeopardize the health, safety, and welfare of Borough residents, especially when the permit process lacks the strictness of assessment and review that is required for a project of the type that has been proposed by Sunoco Pipeline L.P. (Sunoco)¹. For this reason, the Borough seeks to intervene in the PADEP permitting process in accordance with State regulations to protect the health, safety, and welfare of the Borough residents.

WHEREAS, Sunoco has announced that it is currently transporting hazardous and highly volatile liquids under high pressure through multiple municipalities in Delaware County, creating a “high consequence area” using a repurposed pipeline installed in the 1930s with a capacity of 70,000 barrels (2,940,000 gallons) per day; and

WHEREAS, these materials, which are being transported through Delaware County for the first time² by Sunoco, would create, if released, gaseous, invisible, odorless, toxic, heavier than air and highly flammable discharges; and

WHEREAS, the hazardous liquids, which Sunoco is transporting and proposes to transport through Delaware County, are overwhelmingly intended for export to overseas markets and customers, and

WHEREAS, the current pipeline operations, which were not fully vetted and assessed by the local community and the regulatory community with regard to the potential to jeopardize public safety in Delaware County by uncontrolled leaks and explosions or fire; and

WHEREAS, additional proposed Sunoco pipelines (i.e., including the Mariner East 2 pipeline) could, if constructed, transport through multiple municipalities in Delaware County an additional 275,000 barrels (11,550,000 gallons) or more per day of these same materials; and

¹ Sunoco Pipeline, LP has in the past operated as Sunoco Logistics, LP.

² Previous use of the pipeline was not for the ethane component of natural gas extraction operations.

1 **WHEREAS**, the Mariner East 2 pipeline is currently misclassified for regulatory
2 purposes as a liquids pipeline but the contents, under varying pressures, transition between both
3 gaseous and liquid states, and in the event of an uncontrollable leak revert entirely back to a
4 gaseous state and, as such, this misclassification creates a gap in the application and relevance of
5 important public safety regulations and requirements; and
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7 **WHEREAS**, an uncontrolled leak of these hazardous liquids in Delaware County has the
8 potential to jeopardize the health and safety of Swarthmore Borough residents who reside, work,
9 shop, and attend school in close proximity to the pipeline, and an accidental leak in neighboring
10 townships could force the evacuation of many area residents on foot or otherwise into
11 Swarthmore Borough; and
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13 **WHEREAS**, Sunoco has a record of 270 spills of hazardous liquids since 2006, more
14 than any other pipeline operator tracked by the federal Pipeline and Hazardous Materials Safety
15 Administration (PHMSA); and
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17 **WHEREAS**, Sunoco's plans for the new pipelines are currently undergoing review by
18 PADEP under the provisions of Title 25 of the Pennsylvania Code, Chapters 102 and 105, and as
19 of Tuesday September 6, 2016, has sent Sunoco a 21-page letter explaining technical deficiencies
20 in its application for the stream and wetlands crossing permit for Mariner East 2 pipeline in
21 Delaware County and separately, but on the same day, sent Sunoco a 20-page letter explaining
22 deficiencies in Sunoco's application for earth disturbance (erosion and sedimentation control)
23 permits in Chester and Delaware Counties, as well as deficiency letters for Sunoco's applications
24 for other parts of the proposed Mariner East 2 route; and
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26 **WHEREAS**, section F Attachment 11, EA Form, page 2, Item 7, states, "Is the water
27 resource part of or located along a private or public water supply?" Sunoco checked "No."
28 However, no documentation validating this statement provided by Sunoco to the PADEP is
29 concerned that private, and perhaps public, water supply wells are located along the proposed
30 pipeline right-of-way and that wetlands water-resource areas may exist in some locations along
31 Ridley Creek and/or Chester Creek within Delaware County; and

32 **WHEREAS**, the proposed pipeline route does, in fact, transect the Chester, Ridley, and
33 Crum Creek watersheds, (noting that the Crum Creek watershed is the source of Swarthmore
34 Borough's drinking water). Portions of Crum Creek are considered by the State to be a "special
35 protection stream," and Crum Creek serves as the largest drinking water source for Delaware
36 County residents. The Aqua Pennsylvania drinking water treatment plant on the Lower Crum
37 Reservoir withdraws 19 million gallons per day to provide drinking water, and the placement of
38 the proposed pipeline could put Swarthmore Borough's drinking water at risk of contamination
39 during both construction and operation of the proposed pipeline; and
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1 East 2 pipeline and any other proposed extraction or transportation project of petroleum,
2 petroleum products, and/or natural gas liquids that may have direct or indirect impacts on the
3 health, safety, and welfare of Borough residents.
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6 **Section III**
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8 The Swarthmore Borough Council demands that the Governor of the Commonwealth of
9 Pennsylvania and the Secretary of the PADEP allow for an open comment period of no less than
10 60 days upon the resubmission of the Sunoco Mariner East 2 permit application to the PADEP,
11 and similarly demands a public hearing to be held in Delaware County to address the public
12 health, safety, and water contamination concerns of Delaware County municipalities.
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14 **Section IV**
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16 The Swarthmore Borough Council also strongly suggests that the Governor of the
17 Commonwealth of Pennsylvania and the Secretary of the PADEP reclassify the permit
18 application for the Mariner East 2 pipeline to include both liquid and gaseous material transport
19 of hazardous materials. As part of the reclassification, we support the development of a
20 comprehensive independent risk assessment study of all of Delaware County, including
21 Swarthmore Borough, as well as the development of an incident-response plan, which includes
22 (but is not limited to) viable worst-case evacuation routes; enhanced safety equipment and safety
23 training for first responders; and separation of new pipelines from existing residences by a
24 distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines.
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26 **Section V**
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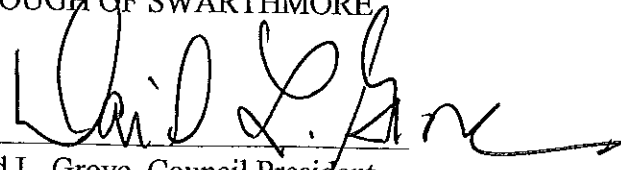
28 The Swarthmore Borough Council also strongly supports the development and implementation of
29 a state-based severance tax on fossil fuel extraction that would provide much needed resources to
30 the State and communities that are impacted by extraction and transportation of petroleum,
31 petroleum products, and natural gas liquids. Such tax funding could be used, at a minimum, for
32 the development and more rigorous and consistent enforcement of environmental regulations that
33 meet the standards expressly stated in Article 1, Section 27, of the Pennsylvania Constitution.
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35 **ADOPTED** by the Swarthmore Borough Council, Delaware County, Pennsylvania, at the regular
36 meeting of said Board held this 7 day of November 2016.
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39 Swarthmore Borough, Delaware County, Pennsylvania
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BOROUGH OF SWARTHMORE

By: 
David L. Grove, Council President

ATTEST:

By: 
Jane C. Billings, Borough Manager/Secretary