



October 6, 2021

The Honorable Governor Tom Wolf  
508 Main Capitol Building  
Harrisburg, PA 17120

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

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

Dear Governor Wolf, Secretary McDonnell, and Chairwoman Brown Dutrieuille:

In the wake of Attorney General Josh Shapiro's announcement yesterday of 48 criminal charges against Energy Transfer and its subsidiary Sunoco Pipeline L.P. for environmental crimes in 11 counties, we urge you to take immediate action to halt the Mariner East Pipeline project, revoke the company's permits to operate in Pennsylvania, issue a moratorium on all future permits, and ensure all impacted residents have clean drinking water in their homes through a public water provider.

The Grand Jury report that resulted in these criminal charges makes it clear that Energy Transfer has repeatedly broken the law, violating the Clean Streams Act by failing to report the loss of drilling fluid to the DEP and using unapproved drilling fluid additives that entered the waters of our commonwealth. This report confirms that the Mariner East project should never have been approved in the first place and remains an ongoing threat to communities across our state.

While we are gratified that the Attorney General and the Forty-Fifth Statewide Investigating Grand Jury listened to residents whose lives have been impacted and water supplies threatened or destroyed, this is just the first step in holding Energy Transfer responsible for the irreversible harm it has caused to Pennsylvania's environment. Impacted residents deserve justice, and that has not yet been achieved.

If Energy Transfer is convicted or pleads guilty to some or all these charges, it can only result in fines and restitution. We have watched time after time as Energy Transfer simply pays these fines as the cost of doing business, then continues its path of destruction across our commonwealth, with state regulators

giving them permission to do so. This report shows that Pennsylvania agencies failed, again, to protect the public and the environment. Last year's Report 1 of the Forty-Third Statewide Investigating Grand Jury, which assessed the impacts of fracking, resulted in dozens of environmental crime charges against repeat polluters permitted by the DEP. Yet, despite the findings in that report, DEP has continued to issue dozens of new permits to Cabot Gas and Oil, even though the operator was charged with 15 criminal counts, including nine felonies.

The charges announced yesterday show historic systemic failure of our state regulatory entities, resulting in Energy Transfer's ability to rack up several years of negligent operation, hundreds of Notices of Violation (NOV), several Consent Order and Agreements (COA), civil penalties, and litigation. Revoking their permits is the only appropriate and acceptable consequence, and it is a consequence that the Administration already has the full authority to carry out, regardless of the outcome of a criminal trial, under PA Title 25, § 105.26, revocation and suspension of permits:

*(a) Failure to comply with a provision of this chapter, an order of the Department, or a term or condition of a permit issued under this chapter, or the submission of false or misleading information on a permit application, will be cause for the Department to revoke or suspend a permit.*

Further, the original permit issued by DEP to Sunoco on February 13, 2017, stipulates that:

*In the event the permittee's work causes adverse impacts to a public or private water supply source, the permittee shall also immediately notify the Department and implement a contingency plan, to the satisfaction of the public and private water supply owners, that addresses all adverse impacts imposed on the public and private water supply because of the pollution event, including the restoration or replacement of the impacted water supply.*

Families and landowners across 17 counties of this commonwealth have been impacted by the reckless operations and flawed construction of the Mariner East Pipeline project, with many forced to sign non-disclosure agreements to get any assistance, and many still without clean drinking water, a constitutional right of every person in this commonwealth. Corporate permits do not trump the constitutional rights of the people living in our state, yet decades of state regulatory dysfunction have allowed the extraction industry to harm the health and safety of our communities and the environment.

Also of immense concern is that if Energy Transfer treats PUC regulations as casually as they have treated DEP regulations, an even more unthinkable, immediate disaster looms when the pipeline begins carrying volatile compressed gas liquids through densely populated, high-consequence areas. In addition to the environmental harms resulting from Mariner East construction, the statutory requirements of Title 35 have been ignored, leaving municipalities in the path of Mariner unable to meet their emergency planning requirements, as noted by PUC administrative law judge Elizabeth Barnes in *Flynn v. Sunoco Pipeline*.

The continued failure of this Administration to use its regulatory authority to hold Energy Transfer accountable for its willful noncompliance, evident in violation after violation, has put our commonwealth at tremendous risk. It is completely unsafe and irresponsible to allow Energy Transfer to continue the construction or operation of Mariner East while they face these charges, which address only their violations of the Clean Streams Law, and only a small number of the problematic sites along

Mariner East's 350-mile path. We have not yet begun to address the many incidents of land subsidence (sinkholes), pipeline leaks, air pollution, or damage to private property. Together, these incidents and violations demonstrate a clear pattern of egregious disregard for the wellbeing of our commonwealth, its citizens, and its natural resources.

For these reasons, we once again urge you to uphold the law and the state constitution, fulfill your duty to protect Pennsylvanians, and use your regulatory authority to halt Mariner East via permit revocation.

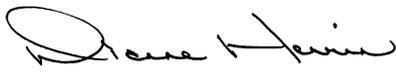
Sincerely,



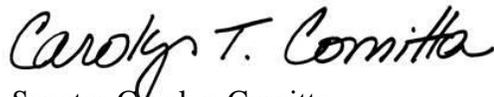
Representative Danielle Friel Otten  
155th Legislative District



Senator Katie Muth  
44th Senatorial District



Representative Dianne Herrin  
156th Legislative District



Senator Carolyn Comitta  
19th Senatorial District



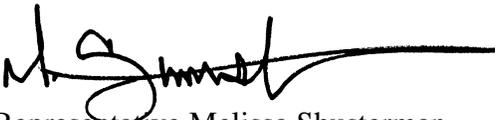
Representative Leanne Krueger  
161st Legislative District



Senator Amanda Cappelletti  
17th Senatorial District



Representative Christina Sappey  
158th Legislative District



Representative Melissa Shusterman  
157th Legislative District



Representative Dan Williams  
74th Legislative District

Cc: Attorney General Josh Shapiro  
Secretary Cindy Adams Dunn, PA Department of Conservation and Natural Resources  
Acting Secretary Allison Beam, PA Department of Health  
Michael S. Regan, Administrator, United States Environmental Protection Agency