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DEVELOPMENT

January 8, 2020

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

Dear Secretary McDonnell,

Thank you for soliciting public comment on SPLP's Major Modification Request/Installation Method Change at PA Turnpike/0280HDD in Upper Uwchlan Township. This is a critical step in allowing the public to express concerns and have their input considered.

Pipeline construction and safety are of great concern in Southeastern Pennsylvania. Although much public and media focus has been on the Mariner East project, state officials anticipate tens of thousands of miles of pipeline upgrades and installation in the next 10 years. It is imperative that we are diligent in this permitting process, as it not only affects the health, welfare, safety, public and private water sources, and public lands and property of all Pennsylvanians; it will also set the standard for future construction in the Commonwealth.

The health and safety of our families and communities needs to be the single most important consideration in the pipeline discussion, and the DEP has responsibility to ensure that proper protections and protocols are in place. We welcome the opportunity to comment and appreciate the fact that the DEP is looking at all aspects of the impacts of this project on our air, water, and natural resources.

Our comments, along with a request for a public meeting on this permit modification, are attached. Thank you for considering these, as well as the comments submitted by many other citizens across the Commonwealth.

Sincerely,

A handwritten signature in cursive script, reading "Danielle Friel Otten".

Danielle Friel Otten  
PA State Representative  
155th Legislative District

A handwritten signature in cursive script, reading "Katie Muth".

Katie Muth  
PA State Senator  
44th Senatorial District

Cc: Governor Tom Wolf  
Dr. Rachel Levine, PA Secretary of Health  
Marian Moskowitz, Josh Maxwell, and Michelle Kichline, Chester County Commissioners  
Jeanne E. Casner, Chester County Health Director  
Sandy D'Amico, Jamie W. Goncharoff, and Jenn F. Baxter, Upper Uwchlan Township Supervisors  
Shanna Lodge, Upper Uwchlan Township Manager

## **Public Comment on Proposed Major Modification, Upper Uwchlan Township, Meadow Creek Lane (HDD – 0280)**

On August 2, 2019, Sunoco Pipeline (SPLP) submitted a revised modification request to the PA Department of Environmental Protection for a change to the route and installation method for the 16- and 20-inch diameter pipelines for HDD – 0280 in Upper Uwchlan Township at Meadow Creek Lane. The request is to change the method from HDD to open trench installation, also known as open cut. This process is proposed to have a duration of 90 days (3 months) from the time shovels hit the ground to the point of restoration. Proposed hours of operation are from 7 AM to 7 PM Monday through Friday, and 9 AM to 5 PM on Saturdays (6 days per week for a total of 68 hours per week), during which time public use of the road and residents' use of their private driveways will be restricted.

Outside these hours of operation, equipment will be removed from the road and stored either at the company-owned residence at 38 Meadow Creek Lane, where irreparable property damage from the previous construction method required the previous property owner to vacate their home permanently, or at SPLP's construction yard. Land agents contracted by SPLP are the proposed communication point for residents impacted by the open cut operations, which will restrict free access to come and go from their residences for 8-12 hours per day. SPLP has indicated that any open-trench areas will be covered with steel plates at the end of each day. This proposed plan will go through an existing utility easement where multiple additional public utilities reside and operate. The excavation and installation of the pipeline underneath Meadow Creek Lane will be completed via open cut and buried with a minimum of 5 feet of ground cover, with no anticipated need for blasting of hard rock, and the roadway will be restored to standards set by Upper Uwchlan Township.

### **Request for Public Meeting**

Since this major modification has such an extreme and direct impact to public and private road access; crosses a tributary to Marsh Creek Lake, which is a public drinking water source; and is upstream from another tributary with the potential for major stormwater management impacts, we request a public meeting be held on this permit request.

### **Emergency Management**

As we know, in the event of an emergency, timeliness of response can be the most important factor in a life-or-death situation. We believe that this modified route and plan causes unacceptable obstruction of private driveways and a public roadway, hindering access for emergency response vehicles and potentially creating life-or-death impacts to the people who live on or directly adjacent to this proposed route. If an emergency were to occur at any point during this construction activity either at a private residence (i.e. illness, heart attack, allergic reaction, fire, etc.) or an onsite accident with an employee, Emergency Services must have clear, safe, and expedient entry and exit access with no restrictions. Would the steel plates covering incomplete open-trench areas be strong enough and wide enough to allow access by emergency response vehicles? Will the steel plates be in place and available in the event of a situation requiring immediate emergency response? (i.e., what happens if an emergency occurs in a home when the steel plate is not in place and access to the road, driveway, and home are obstructed?)

### **Utilities and Services**

Strong reconsideration should be given to this modification of the pipeline route, as it is proposed to go through an existing public utility easement. Mariner East is slated to carry 750,000 bbl. of highly volatile natural gas liquids (ethane, propane, and butane) daily, pressurized upwards of 1400 psi. Based on numerous incidents across the commonwealth and the United States, we know that even new pipelines fail. In both Follansbee, WV and more recently in Beaver County, PA, pipeline explosions on newly constructed pipelines created catastrophic impacts upwards of one thousand feet. We are concerned

that the proximity to local sewer and stormwater lines creates significant risk, as the nature of products like ethane, which are heavier than air, causes the product to collect and travel toward an exit point. In this case, if ethane were to leak into the sewer or stormwater systems the product could spread to residents' properties and public roads where ignition sources are ever present. Failure and ignition of a pipeline in a public utility easement would impact access to water, power, and other essential services for extended time frame, with impacts far beyond the obvious immediate risks to residents with easement agreements, creating an involuntary risk for those outside the easement but within the impact zone.

In addition to serious concerns about this plan from the perspective of public safety and the safety of critical public utility infrastructure, this plan also disrupts delivery from the United States Postal Service, UPS, FedEx, and other delivery services, placing a significant burden on local residents for an extended period of time. This has the potential to negatively impact the lives and livelihoods of consultants, small-business operators, and other work-at-home professionals living on and near this proposed route.

This plan also causes disruption to school bus routes and children's safety. How will children get across open trenches? Will children need to walk through an active construction zone to get to a relocated bus stop? Residents living on or near other active pipeline worksites, including in neighboring Uwchlan Township, have reported incidents of pipeline workers making inappropriate comments to and/or behaving inappropriately toward teen girls. What steps will be taken to ensure that children will be safe while walking to and waiting at their bus stops? While we understand that this issue does not fall within the purview of the DEP, we feel it is important to include this concern in our public statement.

#### **Erosion, Sediment, Dust, and Airborne Particle Control**

In the proposed route modification, there are several places where the pipeline cuts across steep slopes. Sunoco provides only this guidance: "The contractor should exercise additional care in managing stormwater, seeps, and stockpiles. If the steep portion of the slope is disturbed, an engineer should evaluate if the slope should be backfilled and restored with horizontal lifts." We know that the Revolution pipeline explosion in Beaver County occurred when a steep hillside gave way. Given Sunoco's history, the company needs to provide more engineering guidance and not leave hillside installation up to the contractor.

Additionally, *Clostridium botulinum* bacteria commonly found in soil form spores that allow them to survive in a dormant state in the soil until exposed to conditions that can support their growth. Patients who survive an episode of botulism poisoning may have fatigue and shortness of breath for years, and long-term therapy may be needed to aid recovery. Infants under the age of one have the most reported cases of botulism poisoning in the United States. The illness is caused by consuming the spores of the botulinum bacteria, which grow in the infant's gastrointestinal tract and release botulin, the most potent known toxin. The bacterium can be present in soil and untreated water. Pennsylvania ranks second in the U.S. in reported infant botulism cases, behind California, according to state health records. In October 2017, an infant living in the Exton Station neighborhood in West Whiteland Township, where open trench construction for the Mariner East Pipeline project was underway, was reported to have been hospitalized for botulism poisoning. This quote was posted by the mother of the infant in a local Facebook group on October 17, 2017:

*"PSA...I just want to raise awareness about a rare and serious illness babies in our area can contract. My 5-month-old was recently diagnosed with infant botulism. It has been a terrifying ordeal requiring multiple nights in the ICU at CHOP and more than a week in a general pediatric unit at the hospital. When we are finally discharged, we will most likely go home with him still needing to be fed through an NG tube and requiring numerous follow up appointments and physical therapy sessions."*

*We live in the Exton area and after discussing all the variables with our medical team we are fairly certain little man became infected by breathing in the spores during one of our walks around our neighborhood where they are digging for the new pipeline. The Chester county health department is not planning on testing the soil because they are already aware that the spores are present. Apparently, Chester, Montgomery and Bucks counties are hot spots for this illness.”*

Here again, because the airborne spores can travel well beyond the easement, the impacts of this construction spread past the immediate easement and have the potential to create involuntary risks to the health, welfare, and safety of countless families in the local area.

While the DEP requires the use of dust suppression measures, such as applying water to the roads in and around work areas to help tamp down particulate matter, we have been made aware that when temperatures fall below 43° Fahrenheit, the Pennsylvania Department of Transportation prohibits the use of water on the roadways, creating additional dust, erosion, and sediment control concerns during cold-weather months.

#### **Protection of Private Property and Environment**

Currently, SPLP contends that there is no anticipated need to blast to move through hard rock. As we know from previous events, this project has met with several unexpected roadblocks. If hard rock is encountered, “blasting” should not be included as an approved method of construction under this permit. Given the proximity to privately owned homes, the potential for property damage, noise, and vibrations exceed reasonable standards for construction in a residential community and create an involuntary risk for residents who do not have easement agreements with SPLP.

#### **Communication**

If this permit modification is approved, land agents should be required to be onsite at Meadow Creek Lane during operating hours and readily available for immediate access by residents 24 hours per day, 7 days per week from the time shovels hit the ground to the point of restoration.