



April 25, 2019

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

Secretary McDonnell,

Over the course of your term serving as Secretary for the Pennsylvania Department of Environmental Protection (DEP), a number of concerning matters have developed in the Commonwealth that, in our view, threaten the environmental quality and health of our communities and shared public resources. Prior to reappointment consideration, we respectfully request your response to key concerns and questions related to department management during your tenure thus far.

- 1) Recent public investigative reporting has brought to light the existence of a third technical deficiency letter drafted by the DEP in early 2017 associated with the Pennsylvania Pipeline Project (PPP), also known as the Mariner East project. It is our understanding that this letter was not sent to the applicant and permit approval for this project was granted on February 13, 2017. **Did you personally request DEP staff approve this project in early February 2017 rather than continue the review process? If not, who made and approved this request?**
- 2) It is our understanding through conversations with others that correspondence between Aqua America and the DEP outlined a timeline for the completion of a comprehensive report addressing potential impact of construction activities associated with the Mariner East project on wells owned and utilized by Aqua. In early February 2017, Aqua anticipated final data would be collected by the third week in February 2017 and, following completion, a report would be generated to address any potential impacts to wells owned by Aqua America. **Is this**

information correct? If so, why would the Department approve permit applications prior to the finalization of a report documenting potential construction impacts?

- 3) Following DEP's approval of Mariner East permits, almost two-dozen private wells were impacted in West Whiteland Township (Chester County) as a result of Horizontal Directional Drilling (HDD) activity. In review of the permits, it was discovered that DEP staff requested the applicant utilize the PA Ground Water Informational System (PAGWIS) to identify private wells. Due to the incomplete nature of the PAGWIS list, only 22 wells were identified along the entirety of the 350-mile pipeline route. **Why did the Department recommend the use and accept data from a deficient list, especially following the company's own acknowledgment in application documents that the PAGWIS list was incomplete? As a result of the use of a deficient list, doesn't the DEP hold some responsibility for the damage caused to wells along the pipeline route?**
- 4) Following construction impacts to private wells, a Right to Know was filed with DEP requesting the list of 22 wells listed in the Mariner East pipeline project prior to construction. This request was denied by the DEP, requiring an appeal to the Office of Open Records, which ultimately granted this list as public information. **Knowing that the PAGWIS lists were deficient, why did you reject a Right to Know request of private wells along the route in West Whiteland Township? Was this action to protect the company or to protect the Department from potential wrongdoing?**
- 5) Following discovery of the incomplete nature of permit applications prior to Department approval of the Mariner East project, a letter dated July 14, 2017 was sent to the Department requesting DEP, "utilize its enforcement authority to immediately suspend any and all horizontal directional drilling activity associated with the Pennsylvania Pipeline Project (Mariner East II) in Chester County." Specifically, it was requested that the Department enact Condition 4 of the Water Obstruction and Encroachment Permit (Permit Number E15-862) that authorized the Department the authority to, "suspend or revoke this permit if in its opinion the best interest of the Commonwealth will subserved thereby." **In making the decision to deny this direct request, did you or the Department promote economic considerations associated with this project over the mission of the DEP to, "protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment?"**
- 6) In November of 2017 a number of sinkholes developed along Lisa Drive in West Whiteland Township (Chester County), one of which exposed a natural gas liquids pipeline transporting highly volatile products at significant pressure. As you know, the result of a pipeline catastrophic release in a high consequence community would result in devastating impacts to the environment, private property, and public safety. It is our understanding that in an attempt to stabilize the sinkhole, DEP

immediately filled in the subsidence with expandable fill, despite the public safety risk imposed of pouring concrete onto an exposed and suspended 80-year-old pipeline. **When the DEP was notified that this subsidence exposed an active pipeline, why did the Department, who were at the site, fail to immediately notify the appropriate safety personnel at the PA Public Utility Commission or the Pipeline and Hazardous Materials Safety Administration as reasonable protocol would require?**

- 7) Following the filling of this sinkhole by DEP, citizens and public officials contacted appropriate safety personnel after realization that the DEP failed to do so. PUC Chairman Gladys Brown immediately responded by terminating operation of the Mariner East pipeline citing the potential for imminent catastrophe. **Was the action taken by DEP appropriate or had a failure occurred on the part of DEP that placed undue risk of a catastrophe on citizens in proximity to the subsidence?**
- 8) Chester County has an almost 30 year contract with the United States Geologic Survey (USGS) that in part focuses on the karst-like limestone geology of the Route 30 corridor and has identified and documented a number of sinkhole prone areas and fault lines. **With this knowledge readily available, on what basis did DEP agree to allow HDD activity and what specific requirements did DEP put in place to ensure that drilling operations did not disrupt the many homes, schools, nursing homes, and libraries? In your opinion, is it safe to build highly volatile pipelines in karst geology prone to increased sinkhole activity?**
- 9) On January 20, 2019 when the second sinkhole opened exposing a natural gas liquids pipeline along Lisa Drive in West Whiteland (Chester County), communication with the United States Geologic Survey (USGS) provided documentation indicating that in addition to sinkhole prone karst geology, there is an existing fault line that could increase the likelihood of sinkhole development. Further, it has recently come to our attention that a significant subsidence occurred in Caln Township (Chester County) in July 2018 along the path of a newly constructed and installed natural gas pipeline. It is our understanding that this sinkhole occurred along the same fault line as the Lisa Drive sinkholes and was significant enough to expose the natural gas pipeline buried at some depth. Inquiries to the DEP resulted in confirmation that the Department was never made aware of this sinkhole or involved with stabilization efforts. **What are the responsibilities of the DEP related to occurrences of subsidence? Do you feel that it is safe to construct or operate pipelines transporting highly volatile products through high consequence communities that are along a fault line that has developed almost half a dozen sinkholes in the past two years?**
- 10) It is our understanding that deposition taken in the offices of DEP's Bureau of Regulatory Counsel in October of 2018 may provide pertinent information. **Are you prepared to ask the parties involved to make public this information as it pertains to resolving some of these questions?**

We thank you in advance for your time and attention answering the questions above in depth. Article 1, Section 27 of our Commonwealth's Constitution grants citizens the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. As mutual trustees of our vital resources, we encourage your thoughtful consideration and look forward to your replies.

Respectfully,



Andrew E. Dinniman
State Senator - 19th District



Katie Muth
State Senator - 44th District



Daylin Leach
State Senator - 17th District



Tom Killion
State Senator - 9th District