

**Along TESTIMONY BEFORE THE JOINT SENATE AND HOUSE DEMOCRATIC
POLICY COMMITTEE FOR A PEOPLE'S BUDGET**

I. Background

Name: Rosemary F. R. Fuller

Address: 226 Valley Road, Media, PA 19063

Family: Husband Gordon, 2 children

Education:

- BA (Hons) from the University of West London (Ealing College) in Modern Languages and South American Politics (1982)
- MBA from the University of Edinburgh (1987)

Career Experience:

1982 – Freight Forwarder with Simar Freight, Poole, Dorset UK

1983- 1984 Management Consultant with Metra Proudfoot, Brussels, Belgium

1984-1986 Signode GmbH, Dinslaken Germany

1988-1996 Financial Adviser, Allied Dunbar, Edinburgh

2008-2020 Rental Property Owner/Manager

Non-profit volunteer work:

Government relations advocacy work for JDRF (Juvenile Diabetes Research Foundation)

II. Objectives

The goal of my testimony is to share the negative impacts we have experienced as a result of Sunoco's Mariner East 2 drilling activities that have impacted my family's health, our home, our community and our environment. In doing so, I hope to bring to the attention of this Committee the failures in processes and oversight and the lack of funding and resources that have placed the residents of Pennsylvania, living along the line of Mariner East 2, in a dangerous and vulnerable

position, at the mercy of a pipeline construction company, with little or no representation or protection.

III. Proximity to Mariner East Pipelines

We have lived on Valley Road in Middletown Township, Delaware County, Pennsylvania, since 2003. We have 3 Mariner East highly volatile NGL pipelines (ME2, ME2X and the 1937 GRE) 150 ft in front of our home and Mariner East 1 behind us.

ME2X, was installed along Valley Road, our road, in the summer of 2019. This is what caused our well contamination.

The 82-yr old 12" Point Breeze to Montello also runs along Valley Road. It was repurposed from gasoline to highly volatile natural gas liquids in 2018. This old pipeline has leaked gasoline several times in our neighborhood before it was repurposed.

The proposed ME2 will also be installed in front of our home via HDD next to the ME2X any time soon. All 3 pipelines are approx. 150 ft in front of our property. The 88-yr old Mariner East 1, which was also repurposed to transport highly volatile natural gas liquids, is approx. 1100 ft behind our property. In total, therefore, we have 4 Mariner East pipelines around our property.

Our Story

In 2015 we were approached by Sunoco and asked to sign a permanent easement as shown in [Fuller exhibit 1](#), giving Sunoco Pipeline a stretch of land running along the entire front of our property along Valley Road. The Percheron Field Services agent, who also happened to be a notary public, told us very clearly that “there would be no risk and we would never even know they were there”. Subsequently this statement proved to be untrue. After the results of two independent risk assessments we now know there is a huge risk with highly volatile natural gas pipelines. As far as “not knowing they are there” is concerned, we have had to witness our beautiful, quiet, and residential Valley Road being turned into a massive, dirty, noisy, potholed, construction site with a constant flow of water trucks, hazardous waste trucks, diggers, construction vehicles, workers vehicles, geologists, flaggers, not just for a week or a month but for years now since construction began in 2017. We were never told that this would happen.

We bought this property, our home, for many reasons and one was the location. It was quiet, peaceful and semi-rural. Mariner East construction has changed our environment beyond all recognition. We have had to suffer the dirt, the noise, the drilling fluid spills into the Rocky Run Creek and down Valley Road. Flooding where we had none before. We have had, during the course of this project, approximately half a dozen pipeline construction sites along this road with the pipelines stretching out along the side of the road. We have had helicopters and airplanes flying low over our property. Our local park, Sleighton Park (the site of four sinkholes), has been cordoned off with a huge construction wall surrounding an ME2 and 2X pipeline HDD entry/exit point (HDD #591). The park where children play, where our local sports teams play

their games, where I used to walk my dogs every day. For years now I have been unable to walk my dogs in a circuitous route because they took that whole section of the park walkway away from us. The construction site at the park is a daily and ugly reminder for years now of what they didn't tell us would happen when we signed the permanent easement in good faith in 2015.

We also were not warned about sinkholes. On April 24, 2019, a large sinkhole opened next to the State Police barracks on Route 1(Baltimore Pike) in Middletown Township, approximately a mile from our home. (See Middletown Township letter to Chairman Brown of the PA PUC - [Letter PA PUC - Subsidence Incident Mariner East Pipeline Installation 4.29.19.pdf](#) (middletowndelcopa.gov).

The sinkhole was in the right-of-way of the active "bypass" pipeline, the 1937 repurposed 12-inch Point Breeze to Montello (also known as the GRE). Granite Farms Estates, a retirement community, is directly across the road from where the sinkhole occurred, less than 1000 feet away. The YMCA is also approx. 1000 feet away. Glenwood Elementary School is within 2500 feet. All of these would have been endangered by a pipeline rupture or leak of the highly volatile NGL's.

The second sinkhole occurred on September 13, 2019 next to Sunoco's HDD drill site in Sleighton Park ([09.20.2019 Statement on September 13th Sleighton Park Event.pdf](#) (middletowndelcopa.gov). Sleighton Park, is just a half a mile away from our home. This is where I take my dogs every day. It is the route my daughter drove to college every day. This time the sinkhole exposed a section of the active 12" 1937 Point Breeze to Montello (GRE)

which was, again, transmitting Mariner East highly volatile natural gas liquids. A section of the pipe (approx. 2 feet) was suspended without support and more was exposed but not suspended.

The third sinkhole [Sunoco-Mariner East Update 10.17.2019.pdf \(middletowndelcopa.gov\)](#)

again, in Sleighton Park, a half a mile from our home, occurred on October 17, 2019. I was with my dogs in the park at the time. Again, approx. 3 feet of the old 1937 repurposed GRE was exposed and unsupported. This could have ruptured or cracked.

The fourth sinkhole, again at Sleighton Park, occurred on October 28, 2019 ([Sunoco-Mariner East Update 10.28.2019.pdf \(middletowndelcopa.gov\)](#)). Again, the old 1937 repurposed 12” GRE pipe was partially exposed within the void with a section of pipe unsupported.

The fifth sinkhole at the Sleighton Park HDD site location (HDD 591) occurred on November 18, 2019 at the junction of Valley Road and Forge Road. See [Sunoco-Mariner East Update 11.18.2019.pdf \(middletowndelcopa.gov\)](#). This sinkhole was approx. 20 ft in depth, 20 ft in width and 30 ft in length. This is just a half a mile from our home.

After all these sinkholes, I feel very anxious about the upcoming HDD for the larger 20-inch ME2 pipe. I fear other sinkholes will open up. That this will be another “Lisa Drive”, just one sinkhole after another.

In addition to the sinkholes, we also experienced the weird whistling noise which we thought might have been a leak ([Sunoco ETP UPDATE 9.28.20.pdf \(middletowndelcopa.gov\)](#)). This was apparently caused by a Smart Tool being pushed through the pipeline.

I have no idea whether the geophysical analysis over the length of the profile for Valley Road Crossing S3-0591 HDD was ever carried out, as required by the DEP. John Hohenstein's letter to Matthew Gordon dated 12/5/2018

(http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/HDD_Reevaluation_Reports/DEP_Response/ValleyRoadCrossing/Valley%20Road%20Crossing%20-%20DEP%20Final%20letter%20-%202012-5-18.pdf) confirms this requirement in order to minimize the risk of Inadvertent Returns and impacts to public and private water supplies. We have suffered both.

Unfortunately I was denied access to the complete Rettew Geophysical Survey for Valley Road. Instead Middletown Township posted a summary on its website that gives us no information as far as our property is concerned https://middletowndelcopa.gov/vertical/sites/%7BE08CD8FE-6BF2-4104-AF8F-C16770381A63%7D/uploads/HDD_591_Valley_Rd_-_Geophysics_summary_5-28-20.pdf. I appealed to the Office of Open Records and was still denied access to the complete report. No boring was carried out at our property.

On October 1, 2015, we signed the Permanent Easement Document ([Fuller Exhibit 1](#)) in good faith as, no doubt, many other residents have done along the 350-mile route of the Mariner East project. We obviously now wish, knowing what we do, that we had never signed that document

but am then reminded of the Percheron agent's statement "we don't have to ask you for this but we're trying to be a good neighbor". Public utility certification gives Sunoco the power to exercise eminent domain. We never really had a choice.

One of the old pipes Sunoco used for the "workaround" is the 12" Point Breeze to Montello which runs along Valley Road 150 ft past our house. This pipe is very old (installed in 1937) and corroded and has leaked multiple times in Edgmont Township just along the road from us – namely in 1988, 1992 and on Valley Road in 2015 as the [Fuller Exhibit 2](#) accident reports show. All these leaks were discovered by residents seeing and smelling the product being transported in the pipe which, at that time, was gasoline. All those leaks were NOT detected by Sunoco's leak detection equipment. Now the product in the pipe has been replaced with odorless and colorless highly volatile natural gas liquids through high consequence areas. We no longer have the ability to see or smell a leak when Sunoco's leak detection equipment fails as it did in the previous examples. In other words, we have now been placed at much higher risk.

This old 12" Point Breeze to Montello or, the GRE as it is also referred to, is the very same pipe that Administrator Elliott referred to as "compromised" in his letter to the West Whiteland Board of Supervisors on Sept. 4, 2018:

<https://www.westwhiteland.org/DocumentCenter/View/1027/PHMSA-response-to-BOS-9-4-18>)

This is the repurposed pipe that runs along Valley Road and in front of our property. This is the very same pipe that leaked 33,000 gallons of petroleum into Darby Creek in June of 2018. On the final page of the letter in Point 6, Administrator Elliott states that "the compromised section

... will continue to transport refined products”. When I asked Ian Woods, lead Community Liaison for PHMSA to define “compromised” he stated that it meant “corroded”.

Despite the SCADA and CPM leak detection equipment being operational and functional at the time, it failed to detect this leak at Darby Creek. Notification came once again from the public noticing a petroleum odor on June 19. On June 16 a private citizen had noticed a sheen on Darby Creek. It took until June 26 for Sunoco to confirm that the source of the leak was the Point Breeze to Montello pipe. One whole week.

Despite undergoing inspections with in-line tools in 2016, despite Sunoco spending \$30 million in 2016 to upgrade the 12-inch line, the fact is that this pipeline still failed in a high consequence area in 2018. If this had been a week-long natural gas liquids leak instead of gasoline the consequences would have been very different and far more serious. Sunoco’s claim to go “above and beyond” is clearly not guaranteeing the safety of its infrastructure.

Once construction of Mariner East 2 began in 2017, articles started to appear in the news about the Mariner East 2 pipeline. There were reports about damage to private wells from punctured aquifers, water contamination, inadvertent returns, drilling fluid spills, contamination to wetlands and rivers, the list goes on. Sunoco racked up more than 800 state and federal permit violations and fines for Mariner East have now exceeded \$13 million.

I became extremely concerned. I started to do some serious research and spoke with people in the industry. They all told me the same thing. That these highly volatile natural gas liquid

pipelines shouldn't be brought through densely populated high consequence areas and that the HDD was more than likely going to damage my well. I was devastated. The integrity of our well and maintaining the purity of our water was paramount to the health and safety of my family. Two members of my family have seriously compromised immune systems. We were never informed this might happen when we signed the Permanent Easement Agreement in 2015.

We started receiving Horizontal Directional Drilling Reevaluation Reports from the DEP early 2018. Residents were invited to submit comments. February 1st, 2018 I submitted our first comments to Karen Yordy of the DEP as shown in [Fuller Exhibit 3](#). I shared my concerns and asked for answers. I received none. The only thing that was addressed was the incorrect distance of our well to the proposed HDD which Sunoco had measured as 490 ft away when it was, in fact, 150 ft away.

Despite all my concerns I expressed about HDD drilling and the impending damage to our well if the HDD went ahead, despite all my written response comments to each Sunoco Horizontal Directional Drilling Reevaluation Report to the DEP, despite my letter to Karen Yordy of the DEP, my letter to Mr. John Hohenstein, P.E. of the DEP as shown in [Fuller exhibit 4](#), my third set of Reevaluation Report comments in [Fuller exhibit 5](#) (comment No. 6), the HDD went ahead along Valley Road for ME2 and ME2X.

In July of 2019, as predicted, our private water well, our sole source of water, suffered major bentonite and quartz contamination and our drinking water major E Coli and fecal coliform contamination along with other “unidentified” contaminants ([Fuller Exhibit 6](#)).

My daughter sadly became very sick and had to go to the gastroenterology department of our local hospital. We still have no idea what the “undetermined” contaminant was or is. That was never explained by Sunoco.

I let it be known at the beginning of this project, before the HDD, that two members of my family have seriously compromised immune systems. I asked for a solution to this problem before HDD began because any risk of contamination could be fatal for both. I received no response from either Sunoco or the DEP about my concerns regarding contamination.

Sunoco’s Water Supply Assessment, Preparedness, Prevention and Contingency Plan

<http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/Water%20Supply%20Assessment,%20Preparedness,%20Prevention%20and%20Contingency%20Plan%20w%20appendices%20-%20Revised%20080817.pdf>) outlines the risks HDD poses to private

groundwater wells and the risks of inadvertent returns. Point 5.2.1 under “Potential HDD Impacts” clearly states that “While the path of least resistance is typically the bore hole itself, it may instead be an existing fracture ... When this happens ... drilling fluid could enter the groundwater table that could be used by private groundwater wells.” It is unconscionable to think that Sunoco was prepared to take a risk with my family’s health. This is a total disregard of foreseeable consequences and reckless endangerment of life and totally disproves what Sunoco says about “putting safety first” and “being a good neighbor”.

As I started to hear about negative impacts from the Mariner East pipeline project, I also learned that construction had apparently gone ahead without any independent risk assessments having

been carried out. The only risk assessment that had been conducted was apparently by Sunoco but no-one was allowed to see it. We had been placed in danger but didn't know how anything would impact us or what to do in a negative impact situation. All these facts had been kept from us when we signed that Permanent Easement Agreement.

I started to speak out at public meetings – Delaware County Council, Middletown Township, Edgmont Township, concerned citizens meetings, etc.- joining other residents calling for independent risk assessments to be carried out so that we, the residents along the line, understood what dangers we had been placed in. This shouldn't have been our responsibility. This should have been the responsibility of our public officials, the regulatory agencies, our Governor and Sunoco. All those overseeing this construction project should have made sure this was available for the public.

Delaware County Emergency Services Director also told me that the situation with the NGL pipelines would be safer if there was an early warning system along the route of the pipeline to indicate a leak or problem. He mentioned discussing this with Chester County Emergency Services. Why isn't there such a system in place? Sunoco's Supervisory Control and Acquisition (SCADA)-based system doesn't work effectively. This system is supposed to assist with alarms, alerts and volume calculations. Although the SCADA system was operational and fully functional at the time of the April 2015 leak of the old, corroded 12" Point Breeze to Montello on Valley Road where I live, it did not assist with the detection or confirmation of the leak. Neither did Sunoco's Computational Pipeline Monitoring (CPM) System. It, too, was operational and fully functional at the time of the 2015 gasoline leak on Valley Road and did not

assist in the detection of confirmation of the leak. The same applies to the 33,500-gallon leak in Darby Creek last year. The leaks were, in fact, detected by local residents in both cases. They could see and smell the gasoline. This would not be the case in the event of an HVL leak. These highly volatile natural gas liquids have no odor or color.

So, if Sunoco's SCADA and CPM systems are ineffective and if the product has no odor or color ... how is a leak to be detected and how are we protected from danger? I started looking at the history of other leaks, accidents and incidents near me over the last few years on the PHMSA database. Again, I was shocked. I found a long list of leaks, accidents and incidents near me where Sunoco's leak detection systems,- the SCADA-based system and the CPM system - only worked in a few cases.

PHMSA's NPMS Public Viewer shows Sunoco Pipeline and Pipeline Facility

Accidents/Incidents near me in Delaware County, approximately 8 miles down to Marcus Hook and 12 miles across to Darby Creek. By going onto the PHMSA analytics dashboard I was able to pull up the individual accident reports for each accident near me. I started at 2002 and this is what I found:

1. Valley Road, very near me, April 10, 2015, Incident Report No. 20150163, gasoline leak due to corrosion on the old 12" Point Breeze to Montello pipeline. The leak detection systems, both SCADA and CPM, failed. It was under cathodic protection at the time.
2. Incident Report No. 20040090, March 19, 2004, leak due to corrosion. No leak detection equipment. This was at Lima, just a mile from me. The leak was detected by the smell of petroleum in the sewer line.

3. Incident Report No. 20020422, November 16, 2002, cause material, weld, equipment failure at Marcus Hook. Gasoline leak. No leak detection equipment.
4. Incident Report No. 20133006, December 16, 2012, cause material, weld, equipment failure. Marcus Hook. High consequence area. Leak detection failed.
5. Incident Report No. 20090152, May 8, 2009, NRC Report No. 905083, cause material, weld, equipment failure. Aston. HCA. Gasoline odors detected by passing motorists.
6. Incident Report No. 20160192, Aston Twin Oaks Valve Station, May 27, 2016, HVL or other flammable commodity, cause material, weld, equipment failure. HCA. Leak detection system failed.
7. Incident Report No. 20150095, Aston Twin Oaks Pump Station, 2015, leak, cause connection failure. HCA. Leak detection system failed.
8. Incident Report No. 20150145, AGAIN Aston Twin Oaks Pump Station, NRC. Report No. 1111777, product overflow, cause material/weld/equipment failure. HCA. Leak detection system failed.
9. Incident Report No. 20170040, Aston Valve Station, a leak due to a crack. HCA. Leak detection system failed.
10. Incident Report No. 2013, August 19, 2013, Marcus Hook. Refined and/or petroleum leak due to corrosion. HCA. Discovered by operator not leak detection system.
11. Incident Report No. 20030412, October 29, 2003, Aston, Marcus Hook tank. Gasoline leak due to corrosion. No leak detection system.
12. Incident Report No. 20100193, August 5, 2010, NRC Report No. 950024, refined and/or petroleum leak due to material/weld/equipment failure. This report is missing from the PHMSA analytics dashboard.

13. Incident Report No. 20110401, September 26, 2011, NRC Report No. 990838. Marcus Hook Tank Farm. Refined and/or petroleum leak due to cracked valve. No leak detection system in place.
14. Darby Creek Area, Report No. 20020438, February 21, 2002, NRC Report No. 594688, mixed petroleum products, leak due to corrosion on the 12" Point Breeze to Montello. Odors detected by property owner. No leak detection equipment.
15. Darby Creek, Report No. 201802015, NRC Report No. 1215816, June 16, 2018, over 33,500 gallons of gasoline leaked into the Creek. It took 7 days to determine the source of the leak. It was discovered by a private citizen not the leak detection equipment, caused by a crack in the pipe. This is again the same 12" Point Breeze to Montello pipe that runs in front of our home, filled with HVL's, that leaked gasoline on Valley Road in 2015 (undetected) and in West Whiteland Township, Chester County spilling 70,000 gallons in 1987. It was constructed in 1937. This was an HCA. Leak detection system failed.
16. Incident Report No. 20110080, February 8, 2011, Darby Township near the John Heinz National Wildlife Refuge, NRC Report 967232, crude oil spill due to corrosion. SCADA and CPM systems failed to detect the leak although both were operational and functional.
17. Incident Report No. 20030077, February 5, 2003, Darby Creek Tank Farm. Crude oil spill due to corrosion. No leak detection equipment.
18. Darby Creek Tank Farm. Incident Report No. 20050373, November 23, 2005, NRC Report No. 780385, bass river crude oil spill due to incorrect operation.
19. Darby Creek Tank Farm. Incident Report No. 20170036, January 10, 2017, cause of incident corrosion. HCA. Leak detection system failed.

20. Darby Creek Tank Farm. Incident Report No. 20120268, August 19, 2012 Crude oil spill due to corrosion. HCA. Leak detection system failed.

21. Darby Creek Tank Farm. Crude oil leak from crack in valve. Incident Report 20150098-21025. Occurred March 2, 2015. HCA. Leak detection system failed.

This is a snapshot of an abysmal record of accidents and equipment failure which can be found on PHMSA's NPMS Public viewer site. I have many more examples – too numerous to mention here. Existing regulations should be revised and stepped up in order to keep us all safe. The facts and the statistics show that the current level of leaks, violations, sinkholes, private well contaminations, incidents and accidents is too high and that therefore our health and safety cannot be guaranteed.

The failure of Sunoco's SCADA and CPM leak detection systems must be addressed in order to prevent future leaks.

Lawmakers must immediately address the gaps in existing law that have prevented the executive and independent agencies charged with protecting public health, safety and the environment from doing their job. The inability of these agencies to be able to do that has placed the general public in an extremely vulnerable and dangerous position.

During a February 21, 2019 Energy Transfer quarterly earnings conference call, Energy Transfer's chief executive, Kelcy Warren, admitted "We've made mistakes and we are correcting

those mistakes and will not make those mistakes again". He acknowledged the problems the Mariner East project has faced in Pennsylvania. However, the mistakes continue.

In his August 2nd, 2018 quarterly earnings conference call Kelcy Warren joked that "A monkey could make money in this business right now." This is hardly the mission statement of a public utility. Making a corporate profit should not be at the expense of people's health, safety and property or by exploiting those unable to defend or protect their right to clean air and water.

Despite being told by Sunoco that there was "no risk" we have suffered greatly:

- Our daughter had to be admitted to hospital due to the E Coli and fecal coliform contamination.
- Our well and water incurred "major" contamination according to Sunoco's and the DEP's test results.
- We now have to abandon our well and disclose these facts on our Seller's Disclosures if ever we wish to sell, which we cannot just now.
- Our internal plumbing lines have to be replaced due to heavy sediment throughout the entire house, along with plumbing fixtures, appliances, water heater, etc.
- Our water supply, for the last 17 months, has been heavy 5-gallon containers which I have to haul into the house on a regular basis, despite having suffered a semi-herniated disc.
- Our plumbing malfunctions day and night, causing us sleepless nights and continual stress. We can no longer use one of the showers.
- Prior to COVID we could not have family come to stay due to our living conditions.

The bentonite mix contains category 1A a human carcinogen. We have no idea what danger we have been exposed to by the crystalline silica in our water vapor. Can this be inhaled in the shower? Neither the DEP nor the DOH has supplied an answer to that question despite my emails ([Fuller Exhibit 7](#)) Were we exposed to the crystalline silica dust in the park during HDD activities while all the workers were wearing PPE and taking precautionary measures as per OSHA guidelines.

To summarize, I submitted public comments to all 3 DEP HDD Reevaluation Report public comment periods, with concerns about what may happen to us and highlighted the fact that insufficient in-depth geophysical studies had been carried out prior to commencement of construction. I was right. Our well was contaminated and we suffered 4 sinkholes a half a mile from our home.

Now we are seeing more sinkholes appearing in Exton, despite further geophysical surveys, which is why I requested to see the Rettew Geophysical Survey for Valley Road. This Mariner East construction immediately impacts our home which has already been damaged by Sunoco's HDD activities.

In addition to the well contamination and the sinkholes, we suffered 3 inadvertent returns on Valley Road, spilling industrial waste into our groundwater and potentially all our wells.

The PA DEP's Mission Statement is "**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. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources". In view of all that has occurred with Sunoco's Mariner East project, I ask myself whether the DEP has lived up to this mission statement with regards to the health and safety of Pennsylvanians.

Article 1, Section 27 of the Pennsylvania Constitution, states:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

It seems to me that one of our basic rights has been taken away from us.

To summarize:

October 1, 2015 we were presented with a Permanent Easement Agreement. We were told by the Percheron Field Services agent, contracted by Sunoco that there would be "no risk and that we wouldn't even know they were there." This proved not to be true. We were also told that we really had no choice but to sign it because otherwise Sunoco could exercise eminent domain due to their public utility certification, even though this project was primarily for the export of ethane used in the manufacture of plastic.

We signed the document in good faith. There were no written or verbal communications from Sunoco to notify us of the potential adverse impacts to our well caused by Sunoco's horizontal directional drilling (HDD).

However, after signing this document we found out that there were, indeed, risks to our well and water. These are highlighted in the following documents (which provide for the Chapter 102 and Chapter 105 DEP Permits) which were produced after we signed the Permanent Easement Agreement. For example,

1. Sunoco's **Water Supply Plan (full name, Water Supply Assessment, Preparedness, Prevention and Contingency Plan)** appeared **December 2, 2016. It was revised February 6, 2017 and August 8, 2017.** ([Plan for Minimization of Environmental Impact from HDD Drilling Fluids \(cleanair.org\)](#)). See risk to private water supplies on page 5, section 5.2.1. Page 3, Section 5.0 "Risk Assessment", states "Public and private water supplies may be impacted by hazardous material spills ..."

2. Sunoco's **Operations Plan** for the Pennsylvania Pipeline Project, dated **January 2018**, page 16, Section 4.3.3. "If any impact to a private water supply attributable to pipeline construction is identified after post-construction sampling, SPLP will restore or replace the impacted water supply to the satisfaction of the private water supply owner".

3. Sunoco's **HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan**, see page 18, Section 6.6. "Special Water Supply Procedures", dated **December 2, 2016, revised February 6, 2018** ([HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan - revised 2-6-18.pd.pdf \(state.pa.us\)](#)) See also Section 5.1.2. "Water Supply Protection".

These documents were not available to us when we signed the Permanent Easement Agreement in 2015. These documents clearly show there was a risk to our water supply. These documents state that a negative impact situation must be resolved to OUR (the impacted well owner) satisfaction in order to comply with the Chapter 105 and 102 permits.

When **construction of Mariner East 2 began in 2017** reports of negative impacts to private water wells and sinkholes on private property started to hit the headlines. On Lisa Drive in Exton, families were forced to permanently abandon their homes due to sinkholes.

This is an important letter (**May 21, 2018**) from Energy Transfer's Larry Gremminger (V.P. Environmental) in response to public comments regarding the DEP's Reevaluation Report. He makes several comments about potential risks and impacts that we were never warned about:

[http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/HDD_R
evaluation_Reports/Sunoco_Response/Sunoco%27s%20Response%20to%20DEP%20-%205-
21-18%20-%20Valley%20Road%20Crossing.pdf](http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/HDD_R
evaluation_Reports/Sunoco_Response/Sunoco%27s%20Response%20to%20DEP%20-%205-
21-18%20-%20Valley%20Road%20Crossing.pdf)

Page 17, Point 27, concerns our well and the fact that Sunoco measured it as being 490 ft from the HDD, not the 150 ft away that it actually is.

Page 19, half way down "The best means to protect a water well during the HDD is non-use". We were never told this.

And again, in the event of a negative impact, the resolution must be "to the satisfaction of the private water supply owner".

July 2019 our well and water was contaminated with Sunoco's carcinogenic bantonite mix, Cetco Super Gel-X. **We are still showering in this water after 17 months**, despite medical letters alerting "to whom it may concern" that family members with severely compromised immune systems should not be exposed to any water contaminants.

An exhibit from the recent Environmental Hearing Board meeting between Sunoco and the DEP. This is how many wells are still impacted and issues unresolved.

The major problems we have faced:

1. A lack of truth and transparency about potential impacts to our water from both Sunoco and the DEP before HDD activities began.
2. The inability of our Sunoco ROW agents to interpret water testing results and answer questions. They are not qualified to carry this out which is totally unfair to well owners and means we do not get the answers we are looking for.
3. Not being told what the “undetermined” contaminant was.
4. The lack of answers from the DEP to questions/concerns raised in our DEP HDD Reevaluation Public Comments to the DEP about risk to private wells, the need for further geophysical studies to mitigate negative impacts, the question of what legal help or resources are available to us in the event of negative impacts, the need for hydrogeological testing, etc. The Public Comments become a meaningless formality.
5. The inability to test for bentonite in our area or to get support/help for testing. Our results came back from Sunoco with “major” bentonite contamination but other well owners outside of the 450 ft limit were unable to test for bentonite themselves.
6. The cost of undertaking our own water tests repeatedly were prohibitive.
7. The Sunoco water tests fail miserably with poor Chain of Custody (all tests marked “pre-construction”), no Maximum Contamination Levels, revisions with no explanations, and no clarification of results. No help from the DEP here either. Well owners are left clueless.

8. The denial by the Township to see the Rettew geophysical survey of our road after all the sinkholes we experienced.
9. Sunoco's refusal to settle our water contamination issues to our satisfaction despite the conditions of the permits insisting on this.
10. The fact that no independent risk assessment was made available to the public prior to us signing the Permanent Agreement.
11. No potable water for 17 months
12. Having to haul huge containers of water into the house every two weeks.
13. Having to bathe in contaminated water for 17 months.
14. Being offered a temporary (no definition of time) water supply with a water buffalo for which there was no protection agreement for us, the well owner, in the event of any damage to our well, well pump, plumbing or appliances.
15. The promises made by Sunoco's ROW agent that the water buffalos would only be installed by qualified professionals and that they would acquire the necessary permits. Samantha Reiner, the zoning officer for Edgmont Township, tells a different story ([Fuller Exhibit 8](#)).
16. Not receiving any response or update to a drilling fluid spill on Valley Road on June 20, 2019, after informing the DEP Emergency hotline and registering the complaint with Rex Miller. The drilling fluids entered a tributary to the Rocky Run right next to our home (I have photos and video which I showed Sunoco).
17. Suffering 3 inadvertent returns on Valley Road
18. Suffering 4 sinkholes a half a mile from our home
19. Suffering well contamination and living from bottled water for 17 months

20. The damage to our property, our plumbing, our appliances.
21. The fact that our daughter became seriously ill after E Coli and fecal coliform contamination.
22. That informing the DEP of two family members with severely compromised immune systems made absolutely no difference to our risk of contamination.
23. That our nearby Sleighton Park is no longer a recreational pleasure but an eyesore and depressing daily reminder of what has happened to us.
24. The high volume of construction traffic related to the construction of the pipeline.
25. The dirt, the noise, the dust, the overhead helicopters and planes, etc.
26. The fact that we fear for our safety, our health and our lives.
27. The fact that we have had to live like this for years and the anxiety and depression this has caused our family.
28. Feeling bullied to accept a resolution agreement from Sunoco that was not to our satisfaction, despite the permit conditions.
29. The fear that this will all happen again as soon as the HDD activities for the 20-inch ME2 pipe commence.
30. The loss of value to our property, our main asset for which my husband has worked hard for all his life. Our home has been semi-destroyed by this project which has impacted the quality of life for this family.
31. The fact that well owners in Pennsylvania have no representation and no protection.
32. The fact that there is no siting authority for pipelines like this, so they can pass through densely populated high consequence areas, within feet of people's homes, damaging their properties, their wells, exposing residents to carcinogenic dust, preventing night workers

from sleeping during the day, destroying the local environment, causing stress, anxiety and depression to all those who have been forced to live with the construction.

I believe that all the regulatory agencies – PHMSA, the PA PUC and the PA DEP have all been overwhelmed by the Mariner East 2 pipeline project. The number of negative impacts, construction delays, “willful and egregious violations” (in the words of the DEP), contaminated private wells, sinkholes, drilling modifications, damage to private property, construction and safety concerns, and lawsuits filed against Sunoco, etc., have placed intense pressure on these agencies to address a multitude of issues and concerns. They do not have the personnel, the funding or the resources to deal with this. This has to change otherwise Pennsylvanians impacted by a project like this will not receive the help, the protection or the support they need. They will simply end up being the collateral damage. [Fuller Exhibit 11](#) shows the outstanding number of well supply issues as of Sept. 30, 2020.

My friend, Erica Tarr, in neighboring Edgmont Township, lives in an area contaminated by previous Sunoco gasoline leaks (1988, 1992 and 2015). She is in what is known as an area of legacy pollution. She believes her well was impacted by Sunoco’s Mariner East HDD activities. The inadvertent return at HDD #570 June 2019, required weeks of vacuum trucks continually sucking up the groundwater, introduced previous spill contaminants into her water ([Fuller Exhibit 9](#)). Since she is beyond the 450 ft boundary for Sunoco’s water testing she would need to do all the hydrogeological studies herself. The cost is prohibitive. The DEP is aware of her story and of the previous leaks. However, Rick Staron (DEP) told her that they do not have the resources or the funding to help. This is unfair. This contamination impacted numerous residents in the Township. Some have moved out. Some have installed whole house reverse

osmosis systems and UV lights to kill off bacteria. All at their own cost. Erica and her family have spent over \$40, 000 trying to resolve this but to no avail. The reality is that drilling a new well won't solve the problem. Even soil remediation cannot eradicate the damage to the groundwater below. There is no access to public water and this is what the people need. They need help and funding to make this happen. This is the kind of environmental issue that needs to be addressed in A People's Budget. Everyone should have a right to clean water.

In order to enforce regulations the regulatory agencies need to be well staffed. They need to have the right resources and equipment to conduct inspections and investigations to ensure that companies are complying with the law.

More funding needs to be made available for universities and colleges with grants for scientific research. An example is the West Chester University Water Quality Research Initiative ([Fuller Exhibit 10](#))

More funding needs to be available for environmental justice where victims of contamination do not have the financial resources to seek justice from corporate polluters.

Drinking water, whether public or private well water, needs to be regularly monitored, tested and remediated if necessary. The location of all private wells should be in a data base.

More funding needs to be available for clean-up projects or the creation of infrastructure, like public water, at those sites where clean-up is no longer an option, like Edgmont Township.

Funding helps ensure financial support for water infrastructure improvements and safe drinking water programs.

Funding is required to provide the science and technology needed to effectively respond to, and recover from, intentional or accidental environmental catastrophes.

We have suffered 3 Sunoco pipeline gasoline leaks in our neighborhood. Just one gallon of gasoline can contaminate 750,000 gallons of water. We have suffered 3 inadvertent returns on Valley Road. HDD bentonite industrial drilling fluids have contaminated dozens of private wells. People have become sick. This is not acceptable and must be challenged and rectified.

Submitted by Rosemary Fuller, February 22, 2020