

**Mariner East 2 Pipeline**  
**Frequently Asked Questions**  
Last Updated 8/22/2018

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- *In layman's terms, what do the Department of Environmental Protection (DEP) permits authorize for this project?*
    - The project required several DEP permits – as noted below:
      - **Chapter 105** – Water Obstruction and Encroachment Permits: These permits are required for activities located in, along, across or projecting into a watercourse, floodway or body of water, including wetlands. For this project, the majority of the regulated activities are associated with crossings of wetlands, streams and floodways.
        - DEP regional offices received a separate Chapter 105 application for each of the counties in their respective region for a total of seventeen (17) Chapter 105 permit applications.
      - **Chapter 102** – Erosion and Sediment Control Permit: A permit is required for earth disturbances associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. For this project, regional staff worked closely with the County Conservation Districts to review and process applications. Sunoco applied for coverage under General Permit, but upon review of the applications, DEP determined that the project was more appropriately regulated through three (3) Individual Permits – one per DEP region.
      - **National Pollutant Discharge Elimination System (NPDES) Permit for Hydrostatic Test Water Discharges (PAG-10):** This general permit authorizes the discharge of the water used to check for leaks during the pressure testing of pipeline before it is put into service.
        - The DEP Southwest and South-Central regional offices received these permit applications for the project's proposed test water discharges. Discharges in the Southeast will be under the purview of an existing permit with the Delaware County Regional Water Authority (DELCORA). Permitting related to water associated withdrawals is handled by the respective river basin commissions, where applicable.
      - **Air Quality Permit:** Each DEP region has received Request(s) for Determination or application(s) for state operating plan approval(s) associated with modification(s)/addition(s) of pump station(s) and other activities of the project that may need to comply with federal and/or state air emissions regulations. These applications are under review.
  - *What is a Prevention Preparedness Contingency (PPC) Plan?*
    - A PPC Plan describes the measures to be taken to prevent, control, contain and collect any discharge of drilling fluids and minimize impacts to waters of the Commonwealth.

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- Sunoco Pipeline, LP (SPLP) has developed four plans that accompany the Erosion & Sedimentation Plan (E&S Plan) that are designed to assess the potential impacts and provide for the protection of surface and groundwater from contamination due to project activities, summarized below:
    - General PPC Plan – An overarching plan designed to address spill/leak prevention and response in general, and to address potential impacts to surface waters and public and private water supplies.
    - Water Supply Assessment PPC Plan – Provides for the assessment of public and private water supplies in or along the project areas, as well as the prevention and preparedness measures to be implemented to protect those supplies.
    - Horizontal Directional Drilling (HDD) Inadvertent Return (IR) Assessment PPC Plan – Outlines the activities implemented to ensure sound geological features are included in the HDD profile, the measures to prevent impact, and the preparedness plan if an impact occurs.
    - Void Mitigation Plan for Karst Terrain and Underground Mining (Karst Plan) – Provides an assessment of potential impacts and avoidance and mitigation measures that could occur during open-cut and drilling procedures in these types of areas.
  
  - *What is Horizontal Directional Drilling (HDD)?*
    - In Pennsylvania, HDD has been defined to include any trenchless construction methodology, including guided auger bore, cradle bore, conventional auger bore, jack bore/hammer bore, guided bores, and proprietary trenchless technology.
  
  - *What are the dangers of using HDD?*
    - HDD is a recognized industry construction method. When done right, it is low risk. A PPC Plan has been prepared to address issues if they arise.
  
  - *What is an Inadvertent Return(IR)?*
    - An IR is an unauthorized discharge of drilling fluid associated with HDD to the ground surface or a surface water, including wetlands.
  
  - *What are the possible ramifications on the environment from the use of drilling fluid?*
    - The most common substances used in drilling fluid is bentonite (a type of natural clay) and water. Bentonite is a non-toxic drilling fluid additive that is approved for use when drilling public water supply wells. The use of drilling fluid is common for HDD and the majority of drilling fluid is normally recovered. Other additives chosen by the company need to be safe and on an approved list of drilling fluid additives that can be used when drilling public water supply wells.

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- The IR PPC Plan describes the functions and handling of HDD fluids, as well as Drilling Fluid Control and Containment/Cleanup Response in the event of an IR.
  - Spills, including IRs, are promptly cleaned up and since the fluid is non-toxic, the impact is temporary in nature.
  - *What activities are not covered by DEP permits for this project?*
    - DEP does not cover activities related to pipeline safety or structural integrity. Those matters are regulated by the [Pennsylvania Public Utility Commission \(PUC\)](#). Also, DEP is not responsible for determining the pipeline route.
  - *What is DEP's responsibility after permit issuance?*
    - DEP's focus after permit issuance is inspection, compliance and, when necessary, enforcement. Compliance is determined by ensuring that the terms and conditions of the permits are followed.
  - *How does DEP handle compliance? How does DEP ensure Sunoco is doing what they are supposed to do?*
    - DEP's permits contain various conditions related to compliance and monitoring. DEP has held Sunoco accountable for any compliance and/or monitoring issues at the site. Any compliance issues not immediately addressed by Sunoco have been dealt with through appropriate enforcement action. When warranted, construction activities have been shut down until Sunoco makes the necessary corrections. DEP continues to monitor Sunoco's regulated activities onsite and will take appropriate action for noncompliance.
    - Sites are inspected regularly by Conservation Districts and DEP staff.
    - DEP routinely communicates with the Conservation Districts, as well as Sunoco to discuss any compliance issues.
  - *In laymen's terms, what changed in Sunoco plans in order to allow construction to resume after DEP's shut down order in January 2018?*
    - DEP's order in January 2018 included a variety of stipulations which were addressed by Sunoco which allowed the order to be lifted, including a penalty. [Click here to view a document](#) that has been prepared which summarizes the actions and outcomes required by DEP's Administrative Order.
    - Further details on the overall project can be viewed on DEP's pipeline portal page at: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/default.aspx>
  - *How did DEP resolve the permit appeals noted on the pipeline portal page?*
    - On July 25, 2018, DEP, the Clean Air Council (CAC), Mountain Watershed Association (MWA), and the Delaware Riverkeeper Network (DRN) settled their

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appeal of 20 permits issued to Sunoco for the Mariner East 2 pipeline project. Details of the settlement can be viewed by clicking here. [Stipulated Settlement of Permit Appeal – July 25, 2018](#)

- *What is DEP doing to ensure the safety of the residents?*
  - DEP does not regulate pipeline safety. Concerns regarding pipeline safety are best directed to the [PUC](#).
- *How are sinkholes or subsidences addressed resulting from the project?*
  - DEP responds to complaints. When DEP receives reports of sinkholes or subsidences, a notification is sent to various other agencies such as Pennsylvania Emergency Management Agency (PEMA), PA One Call and the PUC.
  - DEP works closely with Sunoco to ensure sinkholes/subsidences are remediated and also coordinates with the PUC.
- *Can DEP do anything about the hours of operation by Sunoco?*
  - DEP does not have jurisdiction over hours of operation under the Chapter 102 and 105 permits. To the extent they are regulated, you should consult your municipality to determine if it has any local ordinances that might address this matter.
- *What is DEP's role post-construction?*
  - After construction is completed, Sunoco is required to restore all disturbed areas. DEP will work together with County Conservation Districts to ensure this work is done in accordance with their permit(s). DEP will also work with Sunoco to ensure that any mitigation work and associated monitoring is done in accordance with their permit(s).
- *Does DEP take future impacts related to climate change into account when issuing permits?*
  - The majority of the impacts for this project are temporary. All disturbed areas will be restored in accordance with their Restoration Plan. For areas with permanent changes in land cover, stormwater calculations were conducted with predictive modeling using a design storm and National Oceanic and Atmospheric Administration (NOAA) precipitation information which takes into account a significant period of rainfall record. This varies with location and the number of corresponding weather stations. Consult NOAA and their Atlas 14 web page for more information.
- *How did DEP address the deficiencies with this project before the permits were issued?*

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- DEP conducted a detailed review of the various permits submitted to ensure that regulatory requirements were being followed. The permits and associated applications for the Mariner East 2 Project include significant detail for various aspects of the project which can be viewed on DEP's [pipeline portal page](#). To support the vast information provided in the applications, the permits issued by DEP also included over 100 special conditions that provided additional protections.
- *How are Notices of Violation (NOVs), fines, and penalties determined? Why are fines not included with each NOV? What does an NOV do?*
  - There are several steps and categories of compliance and enforcement. DEP has the discretion to elevate a compliance issue for enforcement, including penalties, when warranted after considering a variety of factors. A NOV is merely a notification to the permittee that a violation occurred. A NOV is not a direct or immediate indicator that a fine will be collected. An example of DEP's compliance and enforcement provisions can be viewed in the Chapter 102 Regulations at: <https://www.pacode.com/secure/data/025/chapter102/s102.32.html>
- *Is DEP testing water for the contaminants associated with this project? Why is water sampling not a part of IR response inspections?*
  - The [IR PPC Plan](#) contains a variety of details – including sampling. DEP performs their own independent sampling as necessary.
  - The project also contains a [Water Supply PPC Plan](#) which includes a Well Test Plan in Appendix B.
- *The public regularly hears that DEP is underfunded and understaffed. Do you have the necessary staff to carefully review Chapter 102 and 105 permit applications?*
  - DEP continues to issue permits for all regulatory programs, including Chapter 102 and 105, despite staffing issues.
- *Can DEP request information from Sunoco that it does not independently verify? i.e.: notification to private well owners.*
  - Procedures for notifications to well owners are the responsibility of Sunoco. They must follow the permit conditions and criteria laid out in the Water Supply PPC Plan. Sunoco will be held accountable if they do not.
- *How does DEP handle complaints?*
  - Each DEP region has a specific phone line and staff to deal with complaints. Visit DEP's website at [www.dep.pa.gov](http://www.dep.pa.gov) and click on "Regional Resources" for more information.

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- *Has the President's Executive Order that was placed in 2017 affect DEP's ability to regulate the pipeline projects?*
  - No. The regulations and programs involved with pipeline projects have not changed in Pennsylvania due to the President's Executive Order. Many regulatory programs in Pennsylvania are more stringent than the Federal government's regulatory programs.