



101 Commerce Drive
Exton, Pennsylvania 19341

Tel: (610) 363-9525
www.westwhiteland.org

June 11, 2021

Re: Pipeline construction in Meadowbrook Manor

Dear neighbors,

Construction of the Mariner East pipelines feels like it is never going to end. While we know it will eventually, our hearts go out to our neighbors who live next to construction sites. This letter is intended to update you about what your Township can and cannot do about pipeline construction.

Why hasn't West Whiteland Township stopped pipeline construction?

If we had our druthers, Mariner East would not be under construction in West Whiteland. However, no township in Pennsylvania has any authority over where oil and gas pipelines are located or how they are constructed. The PA Public Utility Commission (PUC) enforces federal pipeline regulations, as does the federal Pipeline and Hazardous Materials Safety Administration. Even that authority has limits. While the PUC has temporarily shut down Mariner East operating pipelines when there have been safety concerns, they cannot permanently shut down or prohibit them simply because the pipelines are closer to homes or schools than many would like. Similarly, the PA Department of Environmental Protection (DEP) enforces regulations regarding stream impacts and erosion control related to construction. They do not control *whether* construction occurs. While DEP has temporarily shut down Mariner East construction when it does not comply with existing environmental regulations, DEP cannot permanently prohibit Mariner East construction.

Bottom line: while there are federal and state regulations that Energy Transfer (ET) must follow, the two new Mariner East pipelines are going to be built and put into operation.

What is happening now with pipeline construction?

Right now, Meadowbrook Manor is bearing the brunt of pipeline construction in West Whiteland. ET is boring two new pipelines under the wetlands and stream, a distance of about 300 feet. They have struggled to manage the large amount of groundwater entering the bore pit and to filter it sufficiently before that water is discharged into the stream. They also have encountered extremely hard "pinnacles" of rock, instead of the soft limestone typically found in the karst geology around here. The pinnacles are layers of rock that were upended eons ago by natural forces into vertical positions. Between the groundwater and the hard rock, boring is taking much longer than ET originally expected.

Last week, DEP shut down construction because the amount of sediment in the groundwater discharge exceeded permitted levels. As a result, the pumps that manage the groundwater also were shut down, resulting in a large amount of water entering the bore pit and path. (The bore path is the length that the pipe casing has been installed so far.) The sinkhole that opened last week was above the bore path, possibly caused by the groundwater. The sinkhole did not extend to the ground surrounding nearby operating pipelines or any other utilities. Following a review of the incident and subsequent information provided by ET, DEP has given ET discharge approval again. We expect ET to resume construction immediately, presumably at the same tortuous pace.

Is there anything the community can do to get Energy Transfer out of Meadowbrook Manor?

We are deeply concerned about how disruptive pipeline construction has been to the neighbors who have this huge construction site in their back yards, as well as to the neighborhood as a whole. We also are deeply concerned about the environmental impact to the wetlands and stream from such prolonged construction.

To reduce the neighborhood and environmental impact, we have been searching for ways to help end construction in Meadowbrook Manor sooner rather than later. We came up with two steps to explore:

1. Pipeline construction at Briar Road has been shut down a couple times now because there was too much sediment in the groundwater discharge. However, a construction process that is boring through rock and soil is going to generate sediment. To supplement the pumping and filtration system already in place, the Township will allow ET to discharge groundwater that cannot easily be filtered into the sanitary sewer system, as long as they meet appropriate conditions. This water then will be treated at the treatment plant along with the rest of the sewage and ET will pay the treatment cost. ***Our hope is that this option will protect the stream from sediment discharge and prevent additional construction shut downs.***
2. One of the few areas where we can regulate pipeline construction is through the Township's noise ordinance. Construction hours typically are limited to 7 am-7 pm, Mondays through Saturdays, although waivers may be granted. When ET asks for noise waivers, our policy has been to determine whether the impacted neighbors support a waiver to shorten the duration of construction. If they do and there are no other unreasonable unintended consequences, then the waiver is granted; if they don't, the waiver is not granted unless there is an emergency situation.

ET asked the Township if there would be consideration for a 24/7 waiver request at Briar Road. The threshold question was whether all of the neighbors living with the construction site in their back yards support that waiver. The answer to that question is no, which ends our analysis. So you understand our thinking, *if* all of those directly impacted neighbors had supported a noise waiver, the Township then would have worked with the Meadowbrook Manor Civic Association to try and come up with conditions that could be placed on construction to make overnight work palatable for the rest of the neighborhood. However, this second step is moot. ***The waiver will not be granted.***

Our sense is that most residents want ET out of your neighborhood. We realize that the help we've come up with through the sewer system is not likely to make that much of a difference. If you have other ideas about how to shorten the intrusion and inconvenience of construction on the neighborhood, please let us know.

In addition, if you're looking for a way to do something about pipeline safety, you could join us in urging the PUC to move forward with a rulemaking process for state safety regulations governing oil and gas pipeline operations in Pennsylvania. A recent letter that we sent to the PUC is enclosed. We have not received a response. Perhaps the PUC would feel more urgency if they heard from people in the community.

Sincerely,

West Whiteland Township Board of Supervisors


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April 28, 2021

Pennsylvania Public Utility Commission
Attention: Secretary Rosemary Chiavetta
400 North Street
Harrisburg, PA 17120

RE: Advance Notice of Proposed Rulemaking for Chapter 59 Amendments, Docket No. L-2019-3010267
Proposed Rulemaking for Pipeline Reporting Requirements, Docket No. L-2019-3010270

Dear Secretary Chiavetta:

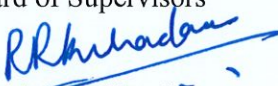
In August 2019, West Whiteland Township submitted comments for the Advance Notice of Proposed Rulemaking for Chapter 59 Amendments, and actively participated in the development of the comments submitted by the Chester County Association of Township Officials. A few months later, the Township submitted comments on the Proposed Rulemaking for Pipeline Reporting Requirements. We understand that the PUC has been reviewing information but there is little new information in either docket to explain the status of the rulemakings or the apparent delay in advancing either process to the next public phase.

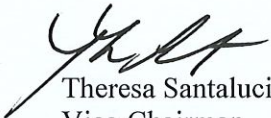
Our community has experienced numerous problems from the construction and operation of Energy Transfer's Mariner East pipelines. That experience has made us keenly aware of the need for enhanced regulations for natural gas and natural gas liquids pipelines in Pennsylvania. We urge the PUC to accelerate both proposed rulemakings.


We also request an update on the status and expected timeline of each rulemaking, including when the PUC expects to issue proposed regulatory language for the Chapter 59 amendments and the final form of the proposed regulations for the reporting requirements. We look forward to receiving this information.

Sincerely,

West Whiteland Township
Board of Supervisors


Rajesh Kumbhardare
Chairman


Theresa Santalucia
Vice-Chairman


Joshua Anderson
Supervisor

cc: The Honorable Carolyn Comitta, 19th Senatorial Legislative District, Chester County
The Honorable Kristine Howard, 167th House Legislative District, Chester County