

Chester County District Attorney's Office

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PRESS RELEASE

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DAO FILES CIVIL ACTION AGAINST MARINER EAST PIPELINE

The Chester County District Attorney's Office (DAO) filed a civil complaint on behalf of the Commonwealth of Pennsylvania against Energy Transfer LP, and its subsidiaries Energy Transfer Operating LP, Sunoco Partners Operations LP, and Sunoco Pipeline LP. The complaint seeks to stop or reduce the number of nuisances that risk the health, safety, and welfare of Chester County residents created by the defendants during the construction, drilling, installation, and other activities connected with the Mariner East Pipeline System.

The DAO expects to enter into a consent decree with the defendants establishing Chester County oversight of future environmental violations. The consent decree would require the defendants to abide by all laws and permits and not create public nuisances under the Pennsylvania Clean Streams Law (PaCSL).

The 23-mile Mariner East Pipeline System includes the Mariner East I Pipeline and the Mariner East II and IIX Pipelines. It is used to transport petroleum and natural gas liquids in Chester County and elsewhere in Pennsylvania.

The Chester County DAO's complaint alleges the defendants created ongoing and continuing public nuisances because their activities violated their Pennsylvania Department of Environmental Protection (PaDEP) work permits, the Constitution of Pennsylvania, and the PaCSL.

PaCSL allows any DAO to file a civil lawsuit as a representative of the Commonwealth against an individual or business within the DAO's jurisdiction if violations of the PaCSL or permits issued by the PaDEP occur. Permit violations that threaten the public's health, safety, or welfare are deemed public nuisances under the PaCSL.

District Attorney Deb Ryan said, "The residents of Chester County deserve to know that the air we breathe, the water we drink, and the land we enjoy are being protected from irreparable damage by large corporations. Our complaint seeks to change the defendants' behavior by forcing them to comply with Pennsylvania laws. It demonstrates to the defendants and others like them that they cannot buy their way out of unlawful conduct. My office appreciates the voluntary negotiations around the consent decree by the defendants to resolve all the issues alleged in this complaint."

The DAO's complaint requests the court to:

- Determine that the defendants' listed conduct and activities are statutory and public nuisances that need to be stopped.
- Prohibit the defendants from continuing or resuming any Horizontal Directional Drilling (HDD) activities that caused or will cause statutory and public nuisances.
- Require the defendants to abate the statutory and public nuisances promptly and at the defendants' sole expense.
- Impose financial penalties the court deems appropriate.

Beginning in June 2017 and continuing through the present, the defendants engaged in HDD for the pipeline that caused repeated and ongoing Inadvertent Returns (IR) to occur. As a result, drilling fluids that are considered industrial waste by PaDEP were discharged and released into the water and environment as pollution. In July 2017, approximately 14 Chester County residents in the Shoen Road Drill Area vicinity had their drinking water contaminated with industrial waste from the defendants' HDD drilling activity.

The PaDEP has alleged that numerous other public nuisances occurred across the county in subsequent months and years, including, but not limited to:

- In October 2017, 500 gallons of industrial waste were discharged into a homeowner's yard on Gateswood Drive in East Goshen Township.
- An IR discharged drilling fluids, causing a sinkhole on Lisa Drive in West Whiteland Township in November 2017.
- An IR caused 1,500 gallons of drilling fluid to be released near Village Square Drive in East Goshen Township.
- Drilling fluids were discharged by an IR along Herman O. West Drive in Uwchlan Township in December 2017.
- An unknown quantity of grout was discharged in a wetland area along the Pennsylvania Turnpike in Upper Uwchlan Township in November 2018.
- In March 2019, hydraulic fluid was discharged into the ground surface near Glendale Road and Concord Avenue in Uwchlan Township.
- In April 2019, an unpermitted earth disturbance occurred at Routes 82 and 30 in Coatesville, sediment-laden water was discharged to a stormwater basin in West Whiteland Township, and drilling activity occurred in East Goshen Township without a 24-hour notice.
- A petroleum pipeline and an abandoned section of pipe were exposed in West Whiteland Township in June 2019.
- In September 2019, the defendant combined two HDDs in violation of a PaDEP permit.
- In August 2020, an IR resulted in the discharge of drilling fluids into a wetland, streams, and Marsh Creek in Upper Uwchlan Township.

A judge is expected to rule on the DAO's civil action soon.

Approved for release by Deborah Ryan, District Attorney