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MARK L. FREED
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July 2, 2018

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.
Docket Nos. C-2018-3001451 and P-2018-3001453**

Dear Secretary Chiavetta:

Attached for filing is Senator Andrew E. Dinniman's Response, with Exhibits A-L, to Sunoco Pipeline, L.P.'s June 22, 2018 Submission to be filed in the above-referenced matter.

Thank you.

Very truly yours,



Mark L. Freed
For CURTIN & HEEFNER LLP

MLF:jmd

Enclosure

cc: Bert Marinko, Office of Special Assistants (via email: bmarinko@pa.gov)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<hr/>	
PENNSYLVANIA STATE SENATOR	:
ANDREW E. DINNIMAN,	:
	:
Complainant,	:
	:
v.	:
	:
SUNOCO PIPELINE, L.P.,	:
	:
Respondent.	:
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this date, served a true and correct copy of the foregoing
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By:

A rectangular box containing a handwritten signature in black ink, which appears to be 'MLF'.

Date: July 2, 2018

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Rosemary Chiavetta, Esquire
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Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline, L.P.
Docket Nos. C-2018-3001451 and P-2018-3001453
**STATE SENATOR ANDREW E. DINNIMAN RESPONSE TO SUNOCO
PIPELINE, L.P.'S JUNE 22, 2018 SUBMISSION**

Dear Secretary Chiavetta:

Pursuant to the Pennsylvania Public Utility Commission's Order dated June 15, 2018, Petitioner Pennsylvania State Senator Andrew E. Dinniman hereby responds to Sunoco Pipeline, L.P.'s submission dated June 22, 2018. For the reasons set forth below, Sunoco's request for a conditional approval to resume construction of Mariner East 2 and 2X must be denied.

I. INTRODUCTION:

As Sunoco concedes, it has not yet complied with Paragraph 7 of the Commission's June 15, 2018 Opinion and Order, which requires that it provide a verification or affidavit that the Pennsylvania Department of Environmental Protection ("DEP") has issued the appropriate permissions for continued construction of the Mariner East 2 ("ME2") and Mariner East 2X

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(“ME2X”) pipelines in West Whiteland Township. In fact, Sunoco has not yet applied for certain DEP permits required to construct ME2 and ME2X. Nor has Sunoco obtained the necessary approvals from the Delaware River Basin Commission (“DRBC”) to construct ME2 and ME2X as proposed.

With regard to Paragraph 6 of the Commission’s June 15, 2018 Opinion and Order, Sunoco has provided little new information. Rather, the vast majority of the material submitted by Sunoco are generic Energy Transfer Standard Operating Procedures (SOPs) which were previously made a part of the record and which were before the Commission prior to its June 15, 2018 decision. These documents fail to demonstrate how Sunoco will apply the policies to the unique carbonate geology and populations found along the route of ME2/2X in West Whiteland Township, or how Sunoco will assure that its employees and contractors will comply with such requirements.

Sunoco has also provided information which it claims demonstrates adequate communication with the public, public officials and emergency responders. An examination of this information reveals that it is far from adequate. Moreover, Sunoco’s claims are belied by the continued chorus of complaints from the very public, public officials and emergency responders with whom Sunoco is purportedly communicating.

There is clearly a disconnect between the safeguards and communications that Sunoco claims it is undertaking, and what is actually occurring in the field. Despite the presentation of the SOPs and other policies, and Sunoco’s purported training of and communication with employees, contractors and interested parties, Sunoco’s activities continue to result in numerous inadvertent returns, product releases and other problems in and around West Whiteland Township. It is clear that Sunoco’s policies and practices do not allow the Commission to conclude that “construction

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can safely restart on the ME2 and ME2X pipelines in West Whiteland Township.” *See* July 15, 2018 Commission Opinion and Order, p. 48.

II. PERMITS FOR CONSTRUCTION OF ME2/ME2X

A. Permit Applications Pending with DEP

Sunoco has submitted two requests to DEP for major permit modifications to its Chapter 102 Erosion and Sediment Control (E&S) Permit for the ME2/2X pipeline in West Whiteland Township. The first request involves a change in installation methodology for a portion of the project because of concerns raised by Aqua America water company, regarding its drinking water production well along East Swedesford Road. (*See* Interim Emergency Relief Hearing Ex. SPLP 5). That request seeks a change in the methodology from horizontal directional drilling (“HDD”) to open cut, auger bore and a shorter HDD. *Id.* The second request is for a change in installation methodology for a portion of the project around North Pottstown Pike. (*See* Interim Emergency Relief Hearing Ex. SPLP 6). That request seeks a change in construction methodology from HDD to open trench and four conventional bores. *Id.* Neither of these modifications have been approved by DEP.

B. Permit Applications Not Yet Submitted to DEP

On March 7, 2018, Commission Chair Gladys M. Brown issued an emergency order suspending operations on ME1 and finding that “permitting the continued flow of hazardous liquids through ME1 pipeline without proper steps to ensure the integrity of the pipeline could have catastrophic results impacting the public.” March 7, 2018 Order, PUC Docket No. P-2018-3000281. The Chair’s Order was unanimously ratified by the Commission on or about March 15, 2018. March 15, 2018 Commission Order.

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On or about April 27, 2018, Sunoco filed a petition to lift the emergency order. In this petition, Sunoco represented to the Commission that “extra geological measures agreed upon by SPLP and I&E and I&E’s independent consultants *were implemented* to enhance or protect further the integrity of the subsurface involved relative to MEI. Notably, this includes open cut construction, as opposed to horizontal directional drilling (HDD), for the remainder of the Mariner East 2 (ME2) construction in the Lisa Drive SPLP right-of-way.” Sunoco Petition to Lift Emergency Order, p. 2 (emphasis added). It is believed that the change from HDD to open cut construction in and around Lisa Drive requires a permit modification from DEP. Petitioner is not aware of any application for such modification being submitted to or approved by DEP.

C. Approvals Required by Delaware River Basin Commission

On or about December 9, 2015, the Delaware River Basin Commission (DRBC) approved Docket No. D-2015-018-1 for the Mariner East pipeline project. Therein, DRBC required that:

Any proposed change from an HDD to an alternative crossing method requires the written approval of the Executive Director prior to initiating construction of the alternative.

Docket No. D-2015-018-1 Decision, ¶f (Exhibit “A” hereto). The “crossings” referenced in the Decision are stream/floodway or wetland crossings. *Id.* at 8, 9. West Whiteland Township has both receiving waters (Valley Creek and unnamed tributary thereto, and East Branch Chester Creek) and receiving wetlands (unnamed tributary to Valley Creek and unnamed tributary to Chester Creek). *See* Interim Emergency Relief Hearing Ex. SPLP Exhibit 5, “Receiving Waters Table” and “Receiving Wetlands”. Each of the pending or needed permit modifications at and around East Swedesford Road, North Pottstown Pike and Lisa Drive involve stream/floodway

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and/or wetland crossings. Petitioner is not aware of any written approvals issued by the DRBC for the changes from HDD to other methods in West Whiteland Township.

D. Other DEP Permits Required for the Construction of ME2/ME2X

Section 402 of the Clean Water Act, 42 U.S.C. § 1342, establishes the National Pollutant Discharge Elimination System (“NPDES”) permit program. The discharge of wastewater from any waters of the United States is unlawful unless exempted or authorized by an NPDES permit issued by the United States Environmental Protection Administration (“EPA”) or a state acting under delegated authority. EPA has delegated the authority for issuing NPDES permits to DEP.

NPDES permits are required for, among other things, earth disturbance or construction activities that result in the discharge of pollutants to the Waters of the United States. *See* 40 C.F.R. § 122.26. Sediment-laden stormwater runoff to the Waters of the United States constitutes “pollution”. *See* 33 U.S.C. § 1362(6); 40 C.F.R. 122.2; *Hughey v. JMS Development Corp.*, 78 F.3d 1523, 1525 n. 1 (11th Cir. 1999). Although Sunoco currently has state Chapter 102 Erosion and Sediment Control permits (which, as noted above, are subject to modification) such permits are not NPDES permits, nor do they purport to be. They do not meet and were not designed to meet the requirements of Section 402 of the Clean Water Act.

Nor is Sunoco exempted from the requirement to obtain an NPDES permit. Although 40 C.F.R. 122.26(c)(i)(iii) exempts an operator of an existing or new discharge composed entirely of storm water from an oil or gas transmission facility from the requirement to submit an NPDES permit application, such exemption is nullified once the facility is found to have contributed to violation of water quality standards. *See* 40 C.F.R. 122.26(c)(i)(iii)(C). Sunoco’s construction and operation activities have resulted in discharges of sediment-laden water and other

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pollutants into waters of the United States that have contributed to violations of Pennsylvania's water quality standards. For example, at hearing, there was evidence presented that Sunoco's construction activities resulted in cloudy water, turbid water, discolored water, loss of water pressure, and diminution of water in residents drinking water. (*See, e.g.*, July 24, 2017 Consent Order and Agreement, Exhibit "B" hereto (Exhibit P-7 at the hearing) at 3). Accordingly, Sunoco is required to obtain an NPDES permit for its construction activities. Petitioner is not aware of Sunoco applying for or receiving an NPDES permit for its construction activities.

III. SOPs REGARDING INSPECTION AND TESTING PROTOCOLS

In the June 15, 2018 Opinion and Order, the Commission ordered that the injunction against construction of ME2 and ME2X remain in effect until further notice by the Commission. June 15, 2018 Opinion and Order, at 51. The Commission also ordered that Sunoco file with the Commission the following documents related to ME2 and ME2X: (a) inspection and testing protocols; (b) comprehensive emergency response plan; and (c) current safety training curriculum for employees and contractors. *Id.* at 52-53. These and other requirements were issued to address the Commission's finding that "it is critical that Sunoco establish[] adequate evidence of practices for public safety protection in order for the Commission to determine whether construction can safely restart on the ME2 and ME2X pipelines in West Whiteland Township." *Id.* at 48.

In response to the Commission's Order, Sunoco has presented the Commission with approximately seventy (70) Standard Operating Procedures ("SOPs") and other policies. The vast majority of the SOPs are generic documents, national in scope, prepared for "Energy Transfer" and are not project specific for ME2 or ME2X, nor adapted to the high population areas of West Whiteland Township. They do little to address the core issues of Sunoco's construction activities

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in the highly volatile carbonate geology of West Whiteland Township. There is little new in these documents, as most of them were previously presented as evidence during the hearing on Interim Emergency Relief and were before the Commission prior to issuing its June 15 Order and Opinion.

More importantly, these SOPs do nothing to assure that “construction can safely restart on the ME2 and ME2X pipelines in West Whiteland Township.” An SOP, even if properly tailored to the specific situation, is only useful if it is followed. However, Sunoco has shown a repeated propensity to ignore and deviate from applicable procedures. For example, as part of its submission, Sunoco has presented SOPs addressing the reporting, investigating and responding to events, accidents and emergencies. (*See* SOPs HLA.4, HLA.8, HLA.15, HLA.19 – Sunoco Exhibits 56, 57, 58 and 59). However, the evidence at hearing on the Petition for Emergency Relief showed that Sunoco repeatedly failed to timely report sinkholes, inadvertent returns and other significant operational irregularities. (*See, e.g.*, DEP Notice of Violation dated November 16, 2017, Exhibit “C” hereto (Exhibit P-15 at hearing); DEP Administrative Order dated January 3, 2018, Exhibit “D” hereto (Exhibit P-13 at hearing) (in which DEP found not only that Sunoco had conducted unpermitted activities, failed to comply with the permits that were issued, failed to notify DEP before the start of drilling operations, and failed to properly report inadvertent returns, but that Sunoco’s action “demonstrates a lack of ability or intention on the part of Sunoco to comply with the Clean Streams Law, the Dam Safety and Encroachment Act, and the permits issued thereunder)). Evidence presented at hearing also showed that Sunoco deviated from its own written welding procedures and used unqualified welders and unqualified welding procedures to make more than 3,000 welds on the PEX II pipeline. (PHMSA Notice of Probable Violation dated April 28, 2016, Exhibit “E” hereto). Then, “[u]pon discovery of these errant practices, Sunoco

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attempted to qualify welders by re-testing them after-the-fact. While this is not consistent with the requirements of Part 195, it is even more problematic that some of the welders . . . failed multiple qualification attempts.” *Id.* Sunoco put PEX II into service despite this, upon which it promptly failed “in the vicinity of a girth weld.” (PHMSA Corrective Action Order dated September 14, 2016, Exhibit “ F” hereto).

Significantly, most of the SOPs provided by Sunoco went into effect on or before April 1, 2018. However, since that date, Sunoco has continued to have widely reported operational problems along the ME2/ME2X route and elsewhere. For example, although Sunoco has presented the Commission with a copy of its revised HDD Inadvertent Return Assessment, Preparedness and Prevention and Contingency Plan dated April 2018 (Sunoco Ex. 96), DEP has issued fourteen (14) notices of violations to Sunoco for inadvertent returns that have occurred since April 1. *See*, <http://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx>. It must also be noted that the revised HDD Inadvertent Return Plan was the direct result of an action filed by Clean Air Council, the Delaware Riverkeeper Network, and the Mountain Watershed Association before the Environmental Hearing Board, EHB Docket No. 2017-009-L. (*See* April 16, 2018 Stipulated Order, Exhibit “G” hereto). Past history shows that Sunoco has taken action to improve its operations only when required to do so.

Remarkably, despite the risk and occurrence of sinkholes and other depressions in West Whiteland Township, Sunoco’s submission to the Commission does not even include its Void Mitigation Plan. Had Sunoco provided that document, the Commission would have seen that it fails to properly identify and allow for safe construction through West Whiteland Township’s carbonate rock regions.

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By way of further example, Sunoco has presented the Commission with its policy highlighting the importance of using the 811 One-Call system. (SOP HLI.31 - Sunoco Exhibit 17). In fact, use of the One-Call system is a core element of what Sunoco claims to be its public safety awareness program. *See* SPLP Exhibits 65, 66 – “Important Safety Message” brochures. Sunoco also claims to annually send safety brochures to excavators. *See* Sunoco Exhibit 67 (“Important Safety Message About Safe Excavation and Digging”). Nonetheless, on May 21, 2018, an Aqua water company excavation contractor hit the ME2 pipeline in Middletown Township, Delaware County. The contractor hit the pipeline at 6.2 feet below the surface but had been informed by Sunoco that the pipe was buried 9 feet deep, according to a report filed with Pennsylvania One-Call system. *See* <https://stateimpact.npr.org/pennsylvania/2018/06/06/officials-water-main-contractor-struck-mariner-east-2-in-delaware-county>. Fortunately, ME2 was not yet operational.

As recently as June 18, 2018, a 12-inch Energy Transfer pipeline released an unknown quantity of petroleum product into Darby Creek, south of Philadelphia International Airport, about 1,000 feet from the Delaware River. <https://whyy.org/articles/etp-says-its-pipeline-leaked-into-creek-near-philadelphia>.

Perhaps the discrepancies between the safety measures that Sunoco claims to be undertaking and the results in the field are the result of minimal training provided to its employees and contractors related to these issues. The employee “Safety Training Schedule” provided by Sunoco (Sunoco Ex. 89), identifies limited training on such general issues as safe driving habits; slips, trips and falls; and medical record training. With regard to contractors, as Sunoco describes in its submission to the Commission, “appropriate representatives” of the construction contractors attend a one-day training session and project kickoff, during which they are expected to absorb

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such critical issues as “health and safety; security; environmental issues; DOT requirements; and material handling and control systems.” *See* Sunoco June 22, 2018 Submission, at 16. The health and training sessions address issues that include “stop work authority; safety and security requirements; vehicle safety; fall protection; personal protective equipment; mobile/heavy equipment; hazard communication; excavation safety; gas monitoring; welding; excavation around known foreign lines; ladder safety; hand tool safety; compressed gas cylinders/flammables; and job safety analysis.” *Id.* at 17. Other “appropriate representatives” attend another similar training session. *Id.* It is difficult to imagine that all this information can be properly communicated, absorbed and implemented based on the limited training.

Rather than simply resubmitting generic SOPs that are already part of the record and which have failed to result in safe construction of ME2 and ME2X, Sunoco must be required to submit protocols specifically tailored to the ME2/ME2X project and that demonstrate how it will assure that its employees and contractors will be meaningfully trained to assure that its various policies and procedures are complied with.

IV. EMERGENCY RESPONSE PLAN AND SAFETY TRAINING CURRICULUM

In addition to the SOPs and other policies, Sunoco touts its various alleged outreach efforts to support its claim that the construction and operation of ME2/2X is safe. However, an examination of its outreach activities and materials, and the comments from those intended to be educated, shows that this outreach is entirely inadequate.

With regard to public outreach, Sunoco concedes that its efforts consist of mailing certain members of the public a short brochure once every two years. Sunoco June 22, 2018 Submission, at 10. This mailer provides minimal information on what to do in the event of a leak. It provides

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a few bullet points that direct people to turn-off equipment and eliminate any ignition source (without further explanation); leave the area on foot; and, once in a safe place, call 911. *See* Sunoco Exhibit 65 at 2. It also focuses on using the One-Call system before digging. It fails to identify the high risk of subsidences in and around West Whiteland Township. This is far from a comprehensive emergency response plan. A single mailer sent every two years to unspecified residents is not an adequate method for training the public. And, even if the brochure is received, read, and understood, it provides virtually no explanation or specifics on how to respond to an emergency.

Even Sunoco's pipeline safety expert admits that its mailing fails to provide guidance to a significant portion of the community that is not able to "leave the area by foot." During the hearing on the Petition for Interim Emergency Relief, John Zurcher conceded that "kids in a day care center or kids in high school or people in prison . . . may not be able to move away . . ." Tr. 579-80.

Q. So if the integrity management program fails for whatever reason, that was really the best line defense for people that wouldn't be able to run?

A. I don't understand the question.

Q. There is no Plan B for people that can't run?

They're relying on the integrity management program?

A. I don't know what to say to that, I honestly don't.

Tr. 80.

Sunoco also claims that it sends a similar brochure to public officials once every three years. Sunoco June 22, 2018 Submission, p. 11. In contrast to the brochure provided to the public, which directs the public to "leave the area by foot", the brochure to public officials directs that "it may be necessary to evacuate the public or have the public shelter in place." Sunoco Exhibit 68, p. 2.

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With regard to schools, which are tasked with safeguarding the wellbeing of children, Sunoco glibly responds that it “has provided necessary information to the school districts to enable them to establish adequate protocols for emergencies related to Mariner East 2 and 2X.” Sunoco June 22, 2018 Submission, at 15. Such a response illustrates Sunoco’s lack of responsiveness to the needs of the community. It ignores the West Chester School District’s plea that “[w]ithout a comprehensive risk assessment, it is difficult to measure our plan against potential risks if we don’t know what they are, “Exhibit “H” hereto, and is expressly contradicted by the recent statement from the Superintendent of the Rose Tree Media School District that “I do not have answers to the questions as to what our district should do in the event of continued leaks of colorless, odorless, heavier-than-air flammable gas. Though asked many times, those questions remain unanswered by Sunoco.” Exhibit “I” hereto.

Sunoco also touts its outreach to various emergency response personnel. Specifically, it notes the “training” it conducted with the Chester County Hazmat Team on June 14, 2018. Sunoco June 22, 2018 Submission, p. 14. However, this training occurred only after repeated requests by the County for such a meeting and numerous cancellations of the meeting by Sunoco (Sunoco concedes that the request for this training occurred after a meeting which took place 9 months earlier). Primarily, the County Department of Emergency Services wanted to see Sunoco’s full Integrity Management and Risk Assessment plans. As the Chester County Commissioners explained in their June 5, 2018 letter:

. . . Sunoco has yet to share their full Integrity Management Plan with our Department of Emergency Services. ***After more than three months and two cancelled briefings by Sunoco***, our personnel still await a briefing. The briefings have been cancelled because Sunoco has had to appear in Court or before the Public Utility Commission.

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This raises our concern that they prioritize profit over safety and they lack the necessary depth of subject matter experts to be able to multi-task by providing the briefing and appearing before the Court or the Public Utility Commission. ***On top of that, Sunoco won't share the Integrity Management Plan briefing with local municipal emergency management coordinators and local emergency responders, instead insisting on the briefing be limited to Department of Emergency Services personnel who will, again, have to sign a Non-Disclosure Agreement.*** Our Department of Emergency Services has also asked for copies of Sunoco's Emergency Response and Communications Plans and have been told we either need to go to Marcus Hook to see it or make a formal request to PHMSA, another example of how difficult Sunoco makes it to receive important public safety information.

See Exhibit "J" hereto (emphasis added). It is not at all clear that the County's goals for the meeting with Sunoco were met, as Sunoco describes the June 14 meeting as being limited to "SPLP's control center operations, and how SPLP implements its control center procedures"

Sunoco June 22, 2018 Submission, at 14.

While Sunoco may consider its outreach and training to the emergency responders, the public and public officials to be adequate, those entities clearly do not. As the County Commissioners further stated:

We are deeply troubled by Sunoco's lack of transparent approach to this critical safety information, ***hampering our Department of Emergency Services and local first responders from doing their job.*** We are also concerned because Sunoco's lack of transparency with this information has ***created a gravely dangerous situation where the public is left to develop their own information,*** often misleading and incorrect

. . . these issues must be addressed by the leadership of Sunoco ***which has shown no regard for the extensive and unreasonable impact pipeline construction is having throughout Chester County*** or for the fear Mariner East has sown in our communities about the risk of a pipeline accident

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Simply put, until Sunoco provides comprehensive, clear, and credible explanations demonstrating the safety of existing and future pipelines carrying natural gas liquids in close proximity to homes, schools, and other gathering places directly to the public (not limited to residents within a short distance of the pipeline), the Chester County Board of Commissioners strongly urges the Public Utility Commission to ***uphold the suspension of operation of Mariner East 1 and construction of Mariner East 2 and 2x.***

Exhibit “J” hereto (emphasis added). Similarly, as the West Whiteland Township Board of Supervisors stated in a June 1, 2018 letter, “until Sunoco commits to taking steps to effectively muffle noise, vibration and exhaust generated by construction, West Whiteland Township urges the Commission to uphold the suspension of Mariner East 1 and construction of Mariner East 2 and 2x.” Exhibit “K” hereto. Additional comments from State Senators, State Representatives, local elected officials and the public supporting the stay on construction of Mariner East 2 and 2X are attached hereto as Exhibit “L”.

V. CONCLUSION

In light of the forgoing, the Commission must reject Sunoco’s request for a conditional approval to resume construction of Mariner East 2 and 2X, as it has failed to “establish[] adequate evidence of practices for public safety protection” for the Commission to conclude that “construction can safely restart on the ME2 and ME2X pipelines in West Whiteland Township.”

Very truly yours,



Mark L. Freed
For CURTIN & HEEFNER LLP

Enclosure

cc: Bert Marinko, Office of Special Assistants (via email at bmarinko@pa.gov)
Certificate of Service

EXHIBIT A

DOCKET NO. D-2015-018-1

DELAWARE RIVER BASIN COMMISSION

**Sunoco Pipeline L.P.
Pennsylvania Pipeline Project**

Natural Gas Liquids Pipeline

South Heidelberg, Spring, Cumru, Brecknock and Robeson Townships and New Morgan Borough, Berks County, Pennsylvania; Elverson Borough, West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan, Uwchlan, West Whiteland, East Whiteland, West Goshen, East Goshen and Westtown Townships, Chester County, Pennsylvania; and Thornbury, Edgemont, Middletown, Aston, Brookhaven, Chester and Upper Chichester Townships, Delaware County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) by STV Energy Services, Inc. on behalf of Sunoco Pipeline L.P. (“SPLP” or “docket holder”) on September 2, 2015 (“the Application”), for the approval of a natural gas liquid (NGL) pipeline project referred to as the “Pennsylvania Pipeline Project.” The pipelines comprising the project are designed to operate at pressures greater than 150 psi and will cross streams in the basin and a recreation area listed in the Commission’s Comprehensive Plan. The project therefore meets regulatory thresholds that subject the project to Commission review. Federal, State and County regulatory approvals pending include: a permit for waterway and wetland crossings from the United States Army Corps of Engineers (USACE); Water Obstruction and Encroachment Permits from the Pennsylvania Department of Environmental Protection (PADEP); and Pennsylvania Erosion and Sediment Control General Permits from the PADEP, covering construction and post-construction activities in Berks, Chester and Delaware counties, Pennsylvania.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission, Chester County Planning Commission and the Delaware County Planning Department have been notified of pending action on this docket. A public hearing on this project was held by the DRBC on November 10, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the construction of the Delaware River Basin portion of the docket holder’s Pennsylvania Pipeline Project, including: one (1) 20-inch diameter NGL pipeline and one 16-inch diameter NGL pipeline constructed parallel to one another within a single 49.8-mile long right-of-way (ROW); one (1) 2.3 mile long, up to 20-inch diameter lateral pipeline; and nine (9) above ground facilities. The project, taken together with existing SPLP pipeline systems, will provide natural gas liquid (NGL) transportation of up to 700,000 barrels per day total, including the existing and proposed pipelines from the Utica and Marcellus Shale formations for both domestic and foreign markets. The two pipelines will be constructed parallel to one another within a 49.8 mile long, 75-foot wide construction (50-foot permanent) ROW, approximately two thirds of which is located within the docket holder’s existing Mariner East pipeline system ROW. The new 2.3 mile long lateral pipeline will be constructed within a new 75-foot wide construction (50-foot wide permanent) ROW. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission’s Flood Plain Regulations.

2. Location. A 20-inch diameter pipeline would be installed primarily within SPLP’s existing 50-foot-wide ROW from Houston, Washington County to SPLP’s existing Twin Oaks Station in Upper Chichester Township, Delaware County, Pennsylvania (306 miles) where the pipeline will tie into existing aboveground infrastructure carrying the product to SPLP’s Marcus Hook Facility in Marcus Hook Borough, Delaware County, Pennsylvania. A second, 16-inch diameter pipeline, will also be concurrently installed from SPLP’s Delmont Station, Westmoreland County, Pennsylvania to the SPLPs Twin Oaks Station (approximately 255 miles), paralleling the above 20-inch pipeline within the same ROW. Approximately 49.8 miles of the ROW for these two pipelines is located in the Delaware River Basin.

The pipelines ROW in the Delaware River Basin is located in South Heidelberg, Spring, Cumru and Brecknock Townships and New Morgan Borough in Berks County, Pennsylvania, Elverson Borough and West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan, Uwchlan, West Whiteland, West Goshen, East Goshen and Westtown Townships in Chester County, Pennsylvania and Thornbury, Edgemont, Middletown, Aston, Brookhaven, Chester and Upper Chichester Townships in Delaware County, Pennsylvania. An access road for the project is also located in Robeson Township, Berks County, Pennsylvania.

In addition, the project includes the installation of a 2.3 mile long, up to 20–inch diameter lateral pipeline within a new 50–foot wide ROW that will connect the proposed mainline pipelines to SPLP’s existing pipeline infrastructure located in East Whiteland, Chester County, Pennsylvania.

The project also includes new above ground facilities including tie-ins, block valves, and emergency flow restricting devices (EFRD). These above ground facilities are located along the pipeline ROW in Spring and Cumru Townships, Berks County, Wallace, Upper Uwchlan, West Whiteland and West Goshen Townships, Chester County and Edgemont, Middletown and Upper Chichester Townships, Delaware County, Pennsylvania.

The Project ROW and aboveground facilities are located in the Delaware River Basin drainage areas of the Schuylkill River, Brandywine-Christina River and the Lower Delaware River. A listing of the Hydrologic Unit Code (HUC) 12 watersheds traversed by the pipeline ROW is as follows:

WATERSHEDS CROSSED BY THE PROJECT	
DRAINAGE AREA	HUC 12 WATERSHED
Schuylkill River	Cacoosing Creek
	Wyomissing Creek
	Green Hills Lake - Allegheny Creek
	Hay Creek
	Lower French Creek
	Little Valley Creek - Valley Creek
Brandywine – Christina	Marsh Creek
	Upper East Branch Brandywine Creek
	Valley Creek
Lower Delaware	East Branch Chester Creek
	Ridley Creek
	Chester Creek
	Repaupo Creek - Delaware River

A listing of the individual stream crossings within the Delaware River Basin are included in an attachment to this docket.

3. Area Served. The proposed pipelines will provide transportation service of NGLs (e.g., propane, butane and ethane) from the Utica and Marcellus Shale formations for both domestic and foreign markets. NGL’s will be transported via the parallel pipelines to the docket holder’s existing port facility. In addition, the project will provide along its route in Pennsylvania various exit points for the supply of propane to local Pennsylvania distributors for use as heating and or cooking fuel by consumers in Pennsylvania and neighboring states. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. The proposed Project consists of a number of components that are necessary to ensure proper and safe operation of a pipeline, and to satisfy SPLP’s objective of providing NGLs to Pennsylvania communities and to an in-demand market that can be served from a distribution center located in Marcus Hook.

The project, taken together with existing SPLP pipeline systems, will provide NGL transportation service of up to 700,000 barrels per day total, including the existing and proposed

pipelines with maximum operating pressures (MOPs) of 1,480 pounds per square inch gauge (psig). The pipeline facilities were designed and will be maintained in accordance with U.S. Department of Transportation (DOT) regulations and industry standards. The proposed Project is designed, and will be constructed, operated, and maintained in accordance with DOT federal safety standards, 49 CFR Part 195. The federal regulations are intended to ensure adequate protection for the public from hazardous liquids pipeline failures. Part 195 Subparts C and H specify material selection and qualification, design requirements, and protection from internal, external, and atmospheric corrosion. In addition, SPLP will implement and/or adhere to the following safety practices: 1) SPLP will perform regular leak detection surveys in accordance with DOT regulations, 2) SPLP's cathodic protection system is and will continue to be inspected at regular intervals to ensure proper operating conditions consistent with DOT requirements for corrosion mitigation, 3) New above ground facilities will be fenced with required signs posted and existing facilities will remain securely fenced to prevent unauthorized access, 4) Any potential hazards will be minimized by emergency shutdown and flow restriction in any necessary section of pipeline, 5) Under DOT regulations provided in 49 CFR. §195.402(e), SPLP will establish an Emergency Plan that provides written procedures to minimize hazards from a pipeline emergency, 6) SPLP has and will maintain a Computational Pipeline Monitoring (CPM) leak detection system in place as required by 49 CFR 195.134, and 7) SPLP has and will continue to utilize safety brochures and public awareness and community outreach programs to inform and educate the public, emergency responders, affected municipalities, school districts, businesses, residents, appropriate government organizations, and persons about their operations and to enlist their assistance in reducing the potential for emergency situations.

Approximately two thirds of the length of the pipeline ROW in the Delaware River Basin will be located within the docket holder's existing Mariner East pipeline system ROW that is currently used for the transportation of NGLs. The docket holder indicated that deviations from the original pipeline ROW were required at 7 areas due to changes in land use since the construction of the original pipeline. These deviations from the docket holder's existing ROW in the Basin total approximately 15.5 miles.

SPLP will construct the new pipelines within a typical 75-foot-wide construction ROW consisting of a 50-foot-wide post-construction, permanently maintained ROW and 25 feet of temporary workspace to facilitate installation of the pipelines. Additional temporary workspace areas of varying size are proposed in certain areas to support additional excavation, soil storage, or equipment workspace needs (e.g., road/railroad crossings, areas with steep slopes or side hills, certain stream/wetland crossings, crossovers of existing utilities, etc.). The 25 feet of temporary workspace and all additional temporary workspace areas would be restored and allowed to revert back to its pre-construction condition.

SPLP will reduce the construction ROW to 50 feet when crossing sensitive areas including streams and wetlands to reduce the overall project impacts. In addition, SPLP has modified its construction methods to further reduce environmental impacts; specifically, several areas will be horizontal directionally drilled (HDD) (See listing attached to this docket) to minimize impacts. Any proposed change from HDD to an alternative crossing method (i.e. to a

wet or dry crossing) must be approved in writing by the Executive Director (See Condition C.I.f).

b. Facilities. The facilities included within the Delaware River Basin consist of two new NGL pipelines (20- and 16-inches in diameter), installed parallel to one another in an approximate 49.8 mile 50-foot wide permanent ROW. Approximately 15.3 miles of the pipeline ROW is located in Berks County, 23.1 miles in Chester County and 11.4 miles in Delaware County, Pennsylvania. The project also includes an approximate 2.3 mile long, up to 20-inch diameter pipeline lateral that will connect the mainline in West Whiteland Township to existing pipeline infrastructure located in East Whiteland Township, Chester County, Pennsylvania. The locations of the pipelines are shown on site plan drawings submitted as part of the Application.

The project also includes several new facilities and modifications to existing aboveground facilities as noted in the following table.

Above ground Facilities (Sunoco Pipeline, L.P. – Pennsylvania Pipeline Project)			
Facility Name	TYPE	DESCRIPTION	MUNICIPALITY
Montello Valve and Tie-in	Tie-in / Block Valve	Co-located with existing station	Spring Township, Berks County
Wyomissing	Block Valve	New	Cumru Township, Berks County
Fairview Road	EFRD	New	Wallace Township, Chester County
Eagle Station	EFRD	Co-located with existing station	Upper Uwchlan Township, Chester County
Exton Junction Valve	Block Valve	New	West Whiteland Township, Chester County
Boot Road	EFRD	New	West Goshen Township, Chester County
Slitting Mill Road	EFRD	New	Edgemont Township, Delaware County
West Baltimore Pike Road	EFRD	New	Middletown Township, Delaware County
Twin Oaks Station	Meters/Valves	Co-located with existing station	Upper Chichester Township, Delaware County

Typically, new block valve stations and Emergency Flow Restricting Device (EFRD) sites are 60 feet by 90 feet and will consist of a gravel pad/area with a chain-link fence installed for public safety. Pump station modifications depend on site conditions and the land area required to install the new equipment but typically require 4 to 8 acres of additional land.

c. Water Withdrawals and Discharges. This project will require water for dust control, pipeline cleaning, horizontal directional drilling and hydrostatic testing of the pipelines and mainline valves. All water for these activities within the Delaware River Basin will be sourced from existing DRBC-docketed water withdrawal sources. The docket holder is not approved to

withdraw water from surface sources within the Delaware River Basin for this project. The docket holder estimates a total of approximately 1.115 million gallons of water will be needed for the hydrostatic testing of the pipeline within the Delaware River Basin and approximately 1.393 million gallons of water will be needed for the HDD sections in the Delaware River Basin.

The existing DRBC-docketed water withdrawal sources have not been identified at this time. Condition C.I.c. in the Decision section of this docket requires that the docket holder submit the list of DRBC docketed water withdrawal sources to the Commission at least 14 days prior to the purchase of water. The docket holder shall not withdraw, purchase, or receive any water from any sources until it notifies and receives written approval from the DRBC Executive Director.

All water used for hydrostatic testing of the pipelines and mainline valves within the Delaware River Basin will be discharged to the Delaware County Regional Water Quality Control Authority, most recently approved by DRBC Docket No. D-1992-018 CP-2 on September 21, 2011, via existing Sunoco facilities at Marcus Hook, Delaware County, Pennsylvania. The docket holder shall not convey wastewater from the hydrostatic testing of the pipelines to any wastewater treatment facility other than the Delaware County Regional Water Quality Control Authority (DRBC Docket No. D-1992-018 CP-2), until it notifies the DRBC Executive Director in writing and receives written approval from the Executive Director

d. Cost. Due to the confidential nature of certain aspects of this project, SPLP did not disclose the costs for the project. The docket holder paid a project review fee of \$75,000 in accordance with the Commission's fee schedule set forth in Resolution No. 2009-2, adopted May 6, 2009.

B. FINDINGS

The purpose of this docket is to approve the construction of the Delaware River Basin portion of the docket holder's Pennsylvania Pipeline Project, including: one (1) 20-inch diameter NGL pipeline and one 16-inch diameter NGL pipeline constructed parallel to one another within a single 49.8-mile long right-of-way (ROW); one (1) 2.3 mile long, up to 20-inch diameter lateral pipeline; and nine (9) above ground facilities. The project, taken together with existing SPLP pipeline systems, will provide natural gas liquid (NGL) transportation of up to 700,000 barrels per day total, including the existing and proposed pipelines from the Utica and Marcellus Shale formations for both domestic and foreign markets. The two pipelines will be constructed parallel to one another within a 49.8 mile long, 75-foot wide construction (50-foot permanent) ROW, the majority of which is located within the docket holder's existing Mariner East pipeline system ROW. The new 2.3 mile long lateral pipeline will be constructed within a new 75-foot wide construction (50-foot wide permanent) ROW. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission's Flood Plain Regulations.

SPLP will construct, restore, and maintain the Pennsylvania Pipeline Project according to the measures described in its project-specific Erosion and Sediment Control Plan (E&S Plan) and Spill Prevention, Control, and Countermeasures Plan (SPCC Plan). These plans are currently

being reviewed by the Berks, Chester, and Delaware County Conservation Districts and PADEP. PADEP will provide the authorization for coverage under PADEP's Erosion and Sediment Control General Permit 2 (ESCGP-2). Sunoco submitted its ESCGP-2 application for coverage in the three counties to PADEP in August 2015.

Final E&S Plans and Restoration Plans and all State, County and Federal Permits will be submitted to the Commission prior to any site clearing or construction other than tree cutting.

Project Land and Wetland Disturbance

Erosion and Sediment Control Plan approval and ESCGP-2 approvals from the Berks, Chester and Delaware County Conservation Districts and PADEP are pending. Construction of the project will affect a total of approximately 410 acres (161 acres in Berks County, 166 acres in Chester County and 83 acres in Delaware County, Pennsylvania). This total includes the permanent pipeline ROW, temporary pipeline construction workspace, above ground facilities and access roads. The disturbance acreage does not include off-site support sites, which are described below. Following construction of the pipeline, a total of approximately 205 acres of the 410 acres of affected land area will be retained as permanent ROW along the Pennsylvania Pipeline Project. The remaining 205 acres of temporary work areas and access roads will be allowed to revert, or be restored to, pre-construction conditions. Pre-existing forested areas in the temporary workspace will be allowed to recover through a natural regrowth of trees.

Access to the Project area will primarily be limited to existing non-public roads, driveways, and farm lanes that will require either no improvements or just minor improvements. Permanent access roads to new valve settings, typically 12 feet wide, will be required. Additional support sites, such as pipe/contractor yards will be necessary during the construction of the project. The number of and specific location of off-site support sites have not been determined and will be selected by the pipeline contractor. The support sites typically range from 5 to 15 acres in size and will be sited on previously disturbed areas. Following construction, temporary roads and work areas will be allowed to revert, or be restored to, pre-construction conditions. Pre-existing forested areas in the temporary workspace will be allowed to recover through a natural regrowth of trees.

The Rules of Practice and Procedure (RPP) require Commission review for projects that “involve a significant disturbance of ground cover affecting water resources”. In determining whether a “significant disturbance” would occur, the DRBC Project Review staff is guided by two other land disturbance thresholds established by RPP section 2.3.5 A: those that, respectively, exclude from review projects involving “[a] change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles” (RPP § 2.3.5 A.6); and projects that involve “[d]raining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres” (RPP § 2.3.5 A.15). In our view, these thresholds indicate the general magnitude of disturbance that the Commission decided warrants basin-wide review. The project’s total limit of disturbance area in the Delaware River Basin is approximately 0.64 square miles, which does not exceed the 3 square mile threshold. Additionally, the alteration of wetlands associated with the project does not exceed 25 acres as discussed in the following paragraphs.

A total of 66 wetlands totaling approximately 7.00 acres are located within the project's permanent and temporary construction ROW. The docket holder has proposed to cross 19 of these wetlands by utilizing an HDD or bore crossing method. Any proposed change from an HDD to an alternative crossing method requires the written approval of the Executive Director prior to initiating construction of the alternative (see Condition C.I.f.) The wetland areas include approximately 6.74 acres of palustrine emergent (PEM), 0.06 acres of Palustrine Scrub/Shrub (PSS), 0.18 acres of palustrine forested (PFO) wetlands and 0.02 acres of Palustrine Unconsolidated Bottom (PuB). Three (3) forested wetlands, Wetland BB42 in Berks County and Wetlands H15 and Q75 in Chester County will have a 0.052 acre permanent conversion of forested cover type to emergent wetland cover type. All other wetland impacts will be allowed to revert to their pre-construction vegetative successional stage or be planted to their original cover type.

SPLP will implement wetland crossing procedures and wetland protection measures outlined in the Project's Erosion and Sedimentation Control Plan's BMPs. Erosion and sedimentation controls will be installed and maintained in accordance with Pennsylvania's Erosion and Sediment Control Regulations and PADEP's Erosion and Sediment Control Best Management Practice (BMP) Manual, as well as consideration of the Federal Energy Regulatory Commission's (FERC's) erosion and sedimentation control measures, to minimize impacts on wetlands. SPLP will limit the construction ROW width to 50 feet in wetlands and will implement a number of HDDs to avoid impacts as much as possible to EV and forested wetland areas. Disturbance will be further minimized by restricting equipment access in sensitive wetlands to machinery needed for actual pipeline installation, and by limiting the number of crossings. SPLP will implement erosion and sediment control measures to prevent soils disturbed by construction activities from leaving the construction area and entering wetlands. This will include implementing spill prevention and response procedures to avoid impacts from refueling of equipment and fuel storage within the vicinity of wetlands. Erosion control techniques, including installation of silt fences, slope breakers, trench plugs, rip-rapping, terracing, netting, restoration, and revegetation will be used in upland areas to restrict sediment runoff into adjacent wetlands.

Following construction, preconstruction wetland conditions in the ROW will be restored to the extent possible to promote revegetation by natural succession. In addition, wetland contours will be restored and wetlands will be allowed to revert to naturally indigenous vegetation. Restoration seeding will consist of temporary/annual herbaceous vegetation (annual rye grass) to quickly stabilize the soils, while allowing the indigenous vegetation to naturally reestablish itself over time in the wetland. To minimize the temporary loss of trees and shrubs in forested and scrub-shrub wetland areas located in the temporary construction ROW, SPLP will replant all temporarily impacted scrub-shrub in the permanent right-of-way and temporary workspaces. The scrub-shrub wetland areas will be planted with tree/shrub species consisting of two- to three-foot whip sized individuals in a variety of facultative wetland species. Forested wetland areas located in the temporary right-of-way will be planted with containerized tree (approximately 1-inch diameter at breast height) species native to the area and commonly found in the local wetlands.

SPLP's restoration planting program will be conducted after all major pipeline construction activities have been completed and the workspace has been restored to pre-existing contours and soil morphology. Monitoring of these planted wetland areas will occur as part of SPLP's annual wetland monitoring program and will be in accordance with PADEP and USACE permit conditions regarding monitoring.

Relationship to Reservoirs, Proposed Reservoirs or Recreation Project Areas

The project crosses under the Marsh Creek State Park which is a recreation project area designated in the Commission's Comprehensive Plan. Accordingly, Commission review of the project is required. RPP § 2.3.5A.13. Approximately 0.09 miles of the pipeline ROW is located within the northernmost portion of the state park boundary north of the Pennsylvania Turnpike in Upper Uwchlan Township, Chester County Pennsylvania. Marsh Creek State Park is administered by the Pennsylvania Department of Conservation and Natural Resources (PADCNR). The entire length of pipeline within the boundary of Marsh Creek State Park will be installed using HDD thereby avoiding surface impacts to one wetland and two unnamed tributaries to Marsh Creek present in the park crossing area. The pipeline does not cross under the Marsh Creek Reservoir. The docket holder is currently obtaining the required license agreement or other authorization from PADCNR for the ROW in the Marsh Creek State Park.

Stream Crossings

PADEP Water Obstruction and Encroachment Permits and USACE wetland and waterway crossings (Section 404) Permits are pending. The project will cross or run adjacent to a total of 170 streams and/or floodways of nearby streams in the Delaware River Basin (48 in Berks County, 65 in Chester County and 57 in Delaware County, Pennsylvania disturbing a total of 18.929 acres of floodway (6.65 acres of temporary disturbance and 12.279 acres of permanent floodway disturbance). Because the pipelines cross streams in the basin, the project is subject to Commission review. RPP § 2.3.5A.13. A total of 68 of the 170 stream/floodway crossings listed above will be completed using HDD or bore methods which would not result in stream or floodway disturbance above the boreholes. Any proposed change from an HDD to an alternative crossing method requires the written approval of the Executive Director prior to initiating construction of the alternative (see Condition C.I.f.). At 36 other locations, the stream is adjacent to the work area and only its floodway extends into the construction workspace. At one other additional location the work will involve a temporary equipment bridge off of the pipeline ROW. The project will cross the remaining 65 streams using a dry crossing method and result in approximately 0.83 acres of direct stream disturbance, which is based on the area of the streams within the 50-foot-wide workspace.

The application submitted by the docket holder assumed the floodway to extend 50 feet from each bank if not previously mapped. Permanent disturbances are those areas directly or indirectly affected by the placement or construction of a water obstruction or encroachment and include areas necessary for the operation and maintenance of the water obstruction or encroachment located in, along or across, or projecting into the floodway and include the area within the permanent ROW. Permanent impacts include HDD crossings that are calculated based on the width of the bore (3 feet) multiplied by the length of crossing. Temporary disturbances are those areas directly or indirectly affected during the construction of a water

obstruction or encroachment located in, along or across, or projecting into a watercourse, floodway or body of water that are restored upon completion of construction such as additional temporary workspaces and temporary access roads.

Of the 170 streams and/or floodways that the pipelines will cross or run adjacent to 64 of the streams are perennial, 44 streams are intermittent and 62 streams are classified as ephemeral. A total of 12 of the stream crossings are designated by the PADEP as High Quality-Cold Water Fishery (HQ-CWF), 17 of the streams have a designated use as Exceptional Value (EV), 40 of the streams have a designated use as High Quality-Trout Stocked Fishery (HQ-TSF), 12 of the streams have a designated use as Warm Water Fishery (WWF), 44 streams have a designated use as Cold Water Fishery (CWF) and 45 are designated as Trout Stocked Fishery. Additionally, of the 170 streams or floodways, a total of 13 streams are designated as Approved Trout Waters, which designates waters that contain sufficient portions that are open to public fishing and are stocked with trout by PAFBC, 24 are designated as Trout Natural Reproduction, 9 are designated as Approved Trout Waters and Trout Natural Reproduction, 9 are designated as Approved Trout Waters, Class A, and Trout Natural Reproduction, 1 stream is designated as Class A and Approved Trout Waters and 53 are designated as Stocked Trout Streams and Approved Trout Waters, which designates waters that contain sufficient portions that are open to public fishing and are stocked with trout by PAFBC.

SPLP will construct stream crossings in accordance with all PADEP and USACE restrictions and conditions set forth with the authorizations received in regards to Chapter 105 and Chapter 102 acknowledgments and authorizations. Erosion and sedimentation controls will be installed and maintained in accordance with Pennsylvania's Erosion and Sediment Control Regulations and PADEP's Erosion and Sediment Control Best Management Practice (BMP) Manual, as well as consideration of the FERC's erosion and sedimentation control measures, to minimize impacts on waterbodies. These controls, procedures, and BMPs are identified within the Project's Erosion and Sedimentation Control Plan, which will receive PADEP and County Conservation Department review and approvals.

All streams flowing at the time of construction will be crossed using a dry stream crossing method, HDD or bored. Open cut crossing is only permitted during times when no stream flow or runoff exists. For open-cut crossings, a backhoe, clam dredge, dragline, or similar equipment will be used for trench excavation.

Dry crossing methods include the Flume Crossing Method and Dam and Pump method. A flumed crossing involves collecting and directing the stream flow through a culvert or flume across the trench line work area. A dam and pump crossing involves construction of a dam on the upstream end of the trench work area, from which a pump and pipe or hose are used to convey stream flow around the work area and discharge the water downstream of the work area. This allows for the trenching, pipe installation, and initial restoration to occur in dry conditions, while maintaining continuous downstream flow. Once in place, the flumes are not removed until the pipeline has been installed and the streambed and banks have been restored. The dam and pump method requires the intake to be screened to avoid entrainment of fish, ensuring that the pumps used are sufficient to handle the flow, back-up pumps are onsite in the event of

malfunctions and pump operation is monitored throughout their use to prevent streambed scour at the discharge point and ensure proper operation. SPLP will generally complete in-stream work in minor waterbodies (less than 10 feet wide) within 24 hours, and in intermediate waterbodies (10 to 30 feet wide) within 48 hours.

HDD and conventional borings are types of trenchless crossing methods. For HDD crossings, a specialized drill rig is used to advance an angled borehole below the stream to be crossed and, using a telemetry guidance system, the borehole is “steered” beneath the stream and then back to the ground surface. The hole is then reamed to a size adequate for the pipe to pass through, and the pipeline is then pulled back through the bore hole. SPLP has developed a HDD Inadvertent Return Contingency Plan that outlines the pre-construction and construction procedures for reducing the risk of inadvertent returns of drilling lubricant, as well as the procedures for inspecting, reporting, containing, and restoring discovered returns. A conventional bored crossing requires the excavation of bore pits on each side of the stream being crossed. Drilling equipment is used to install a horizontal bore hole from one bore pit to the other beneath the stream. The pipeline is then pulled through the bore hole. HDD and conventional bored methods involve no work within or direct impact to the streambed or stream banks.

Drilling fluids used in HDD pipeline installation consists of water and bentonite and PADEP-approved additives. Drilling fluid returns collected at the entry and exit points are stored in a steel tank and processed through a solids control system which removes spoil from the drilling fluid, allowing the fluid to be recycled. The excess spoil and drilling fluid are transported to, and disposed of, at a state-approved and permitted solid waste landfill.

To limit the time required for construction of a stream crossing, the ROW will be prepared on either side of the stream prior to initiating the actual crossing. Stream crossings will be perpendicular to the flow, to the extent practical. If necessary, the pipe used for stream crossings and in floodplains will be weighted to prevent flotation. After the pipe is lowered into the trench, previously excavated material will be returned to the trench line for backfill. Trench plugs will be installed within the trench on both sides of the stream channel. Stream flow will be maintained at all waterbody crossings, and no alteration of the stream's capacity will occur as a result of pipeline construction. Stock piling of soil will be a minimum of 10 feet from top of stream bank and stream bed material will be segregated and restored upon backfilling. Spoil, debris, sandbags, flume pipes, construction materials, and any other obstructions resulting from or used during construction of the pipeline will be removed to prevent interference with normal water flow and use. Any excavated material not used as backfill will be disposed of in a manner and at locations satisfactory to the agencies having jurisdiction. All stream banks and beds will be restored to original grade and the original stream bed material will be segregated and restored in accordance with the Project's Erosion and Sedimentation Control Plan. Following grading, all stream banks will be restored and reseeded to prevent subsequent erosion, in accordance with permit requirements. No stream relocations or permanent channel modifications are proposed.

Other impact minimization/mitigation measures for streams include the installation of temporary and permanent erosion controls, the control and monitoring of trench dewatering activities to prevent silt-laden water from entering streams and wetlands, the use of properly

constructed equipment bridges to travel across each stream, and restrictions on refueling near streams and wetlands.

Floodplain Regulations

Section 6.3.4 of the Commission’s Floodplain Regulations allows certain uses, including pipelines constructed within the floodway when authorized by special permit. As previously discussed, the project will cross a total of 170 waterbodies and or the floodways of nearby streams as delineated by the docket holder. A total of 68 of the 170 stream/floodway crossings will be completed using HDD or bore methods which would not result in stream disturbance above the boreholes. Additionally, at 36 of the 170 stream crossing locations no in-stream work will be required because the stream is adjacent to the work area and only its floodway (assumed or otherwise) extends into the construction workspace. The project will require in-stream construction activities (dry crossing method) at a total of 65 stream crossing areas. Each of these dry crossing locations will also require a temporary equipment bridge crossing.

The project pipeline will cross 23 FEMA-mapped 100-year floodplains and four mapped floodways. All aboveground facilities are located outside of wetlands, streams, and the FEMA mapped floodway.

The Project will not permanently alter, modify, or obstruct any watercourses. Temporary equipment, such as dams, flumes and equipment bridges will be located in the floodway during construction of the pipeline. However, the construction within floodways will be expedited and the equipment will be removed as soon as the pipeline has been installed through the stream channel. SPLP shall install the pipelines at dry crossing areas at a minimum depth of 3 feet below each stream channel and no permanent aboveground facilities are proposed on the ground surface within a FEMA floodway. Additionally, the pipeline sections beneath the stream channels will be weighted as necessary to negate any potential buoyancy effects. Following the construction of the pipelines, the stream channel bed and banks are required to be restored to preconstruction contours, vegetation and hydrology. No spoil or fill material will remain in the floodway following construction of the pipeline. This docket constitutes a special use permit for the pipeline in accordance with Section 6.3.4 of the Commission’s Flood Plain Regulations for a pipeline within floodway and flood fringe areas. A list of the streams and floodways crossed by the pipeline project is attached to this docket.

Other Federal, State, and Local Permits/Approvals

The following table lists approvals related to water resources in the Delaware River Basin for the SPLP Project.

AGENCY	PERMIT	PERMIT NO.	DATE OF APPROVAL
USACE	Joint Application for Section 404 Permit	Pending	Pending
PADEP	Joint Application for Chapter 105 Water Obstruction and Encroachment Permit	Pending	Pending

AGENCY	PERMIT	PERMIT NO.	DATE OF APPROVAL
PADEP	ESCGP-2	Pending	Pending
Berks County Conservation District	Erosion and Sediment Control Plan Review-Berks County portion	Pending	Pending
Chester County Conservation District	Erosion and Sediment Control Plan Review – Chester County Portion	Pending	Pending
Delaware County Conservation District	Erosion and Sediment Control Plan Review- Delaware County Portion	Pending	Pending
PADCNR	Marsh Creek ROW License Agreement	Pending	Pending

Docket Approval Duration

Commission approval of the project, including the special permit within floodway areas, will remain in effect for the life of the project. Therefore, the docket has no expiration date.

Other

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2015-018-1, the project and appurtenant facilities as described in Section A. (Physical features) are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, PADCNR, County Conservation Districts and the USACE, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. Sound practices of excavation, backfill and reseeded shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction. Prior to commencing any site clearance or construction, other than tree cutting, the

docket holder shall submit to DRBC the final erosion and sediment control and restoration permits issued by State, County and Federal agencies.

c. The docket holder shall submit the name, address, and contact information for the public water supplier that will serve the hydrostatic testing of the pipeline and HDD activities in writing to the Executive Director at least 14 days prior to the purchase or use of water for said purpose. The docket holder shall not, withdraw, purchase or receive any water from any sources unless and until the docket holder notifies the DRBC Executive Director in writing and receives written approval from the Executive Director.

d. The docket holder shall not convey wastewater from the hydrostatic testing of the pipelines to any wastewater treatment facility other than the Delaware County Regional Water Quality Control Authority Docket No. D-1992-018 CP-2, unless and until the docket holder notifies the DRBC Executive Director in writing and receives written approval from the Executive Director.

e. With the exception of bentonite and water and PADEP-approved additives, no other additives shall be used in the HDD process. Used drilling mud and solids from the drilling process shall be disposed of at a State-approved disposal facility.

f. Any proposed change from an HDD to an alternative crossing method requires the written approval of the Executive Director prior to initiating construction of the alternative.

g. The docket holder shall submit bid-final construction plans to the Commission and obtain the written approval by the Executive Director prior to any site clearance or construction, other than tree cutting.

h. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation.

i. This approval of the construction of facilities described in this docket shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has provided the Executive Director with written notification that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

j. The docket holder shall report in writing to the Commission Project Review Section Supervisor any violation of the docket conditions within 48-hours of the

occurrence or upon the docket holder becoming aware of the violation. In addition, the docket holder shall report in writing any violations of any other docket conditions to the Commission Project Review Section Supervisor within three days of the violation. The docket holder shall also provide a written explanation of the causes of the violation within 30 days of the violation and shall set forth the action(s) the docket holder has taken to correct the violation and protect against a future violation.

k. This docket constitutes a special use permit under Section 6.3.4 of the Commission's Flood Plain Regulations for a pipeline within floodway and flood fringe areas.

l. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

m. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

n. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: December 9, 2015

EXHIBIT B

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Sunoco Pipeline, L.P.	:	Violations of The Clean Streams Law
535 Fritztown Road	:	and DEP Chapters 102 of Title 25 of
Sinking Springs, PA 19608	:	the Pennsylvania Code, the Dam Safety
	:	and Encroachments Act and DEP Chapter
	:	105 of Title 25 of the Pennsylvania Code,
	:	the Administrative Code, and the 2012 Oil
	:	and Gas Act
	:	
	:	Pennsylvania Pipeline Project—Mariner East II
	:	E&S Permit No. ESCG0100015001
	:	WO&E Permit No. E15-862
	:	
	:	West Whiteland Township, Uwchlan
	:	Township, Chester County

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 24th day of July 2017, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Sunoco Pipeline, L.P. ("Sunoco").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 ("Clean Streams Law"); the Dam Safety and Encroachment Act, the Act of November 26, 1978, P.L. 1375, *as amended*, 32 P.S. §§ 693.1 et seq. ("Dam Safety and Encroachment Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); the Oil and Gas Act of 2012, the Act of February 14, 2012, P.L. 87, *as amended*, 58 Pa. C.S. §§ 3201 – 3274 ("2012 Oil and Gas Act"); and the rules and regulations ("rules and regulations") promulgated thereunder.

B. Sunoco Pipeline, L.P. (“Sunoco”) is a foreign limited partnership doing business in Pennsylvania and maintains a mailing address of 535 Fritztown Road, Sinking Springs, PA 19608. Sunoco Logistics Partners Operations GP LLC is the general partner of Sunoco Pipeline L.P. Joseph Colella is the Executive Vice President for Sunoco Logistics Partners Operations GP LLC. Mr. Colella has been granted authority by Sunoco Logistics Partners Operations GP LLC to sign documents for Sunoco Pipeline L.P. on behalf of the General Partner.

C. Sunoco owns and operates numerous pipelines in Pennsylvania used to transport petroleum and natural gas products. Sunoco has undertaken an effort to expand certain existing transportation systems for natural gas liquids in Pennsylvania, collectively referred to as the Pennsylvania Pipeline Project—Mariner East II (“PPP-ME2”). As part of PPP-ME2, Sunoco is conducting pipeline installation activities in Chester County, Pennsylvania.

D. To construct PPP-ME2 through Chester County, Sunoco obtained the following permits from the Department:

1. an Erosion and Sediment Control Permit, Permit Number ESCG0100015001, under 25 Pa. Code Chapter 102 and;
2. a Water Obstructions and Encroachment Permit, Permit Number E15-862, under 25 Pa. Code Chapter 105.

E. The work area for PPP-ME2 in Chester County, Pennsylvania includes, but is not limited to, approximately 23 miles of pipeline construction. Sunoco has been working to install a portion of the pipeline in West Whiteland Township and Uwchlan Township (collectively, “the Townships”) utilizing a horizontal directional drill (“HDD”). The HDD is identified by Sunoco as HDD 360, also known as the Shoen Road Drill Area (“Shoen Road Drill Area” or “Drill Area”).

F. On June 14, 2017, Sunoco commenced HDD activities on the Shoen Road Drill Area. The Drill Area extends for approximately 2841 feet. Sunoco suspended HDD activities at the Drill Area on July 4, 2017. From July 5, 2017 to July 7, 2017, Sunoco installed grouting in the pilot hole of the Drill Area. On July 8, 2017, Sunoco resumed HDD drilling activities at the Drill Area. On July 13, 2017, Sunoco again halted activities at the Drill Area and has not resumed HDD activities in the Drill Area since that time. To date, Sunoco has completed approximately 1574 feet of the Drill.

G. From July 6, 2017 through July 10, 2017, the Department received 14 water supply complaints through its Oil and Gas Reporting Electronic (“OGRE”) system, reported to the Department by Sunoco pursuant to 25 Pa. Code § 78a.68a(j)(Horizontal Directional Drilling for Oil and Gas pipelines), for 14 homeowners in the vicinity of the Shoen Road Drill Area, specifically on Township Line Road and Valley View Drive in West Whiteland Township. The homeowners had complained of adverse impacts to their private water supplies including, *inter alia*, cloudy water, turbid water, discolored water, loss of water pressure, and diminution of water from July 2, 2017 through July 9, 2017. The 14 OGRE Reports are attached as “Exhibit A”.

H. The homeowners identified in Exhibit A have water wells that draw water from groundwater. Groundwater is a “Water of the Commonwealth” within the meaning of Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

I. In response to the water supply complaints, Sunoco collected water samples at 35 homes in the Valley View Drive and Township Line Road area on various days between July 5, 2017 through July 17, 2017, for various parameters. The 35 wells that were sampled by Sunoco included the wells of the 14 homeowners identified through OGRE that are identified in Exhibit A. The results of the water samples are attached as “Exhibit B”.

J. Special Condition B (Water Supply) of Permit E15-862 provides as follows:

B. In the event the permittee’s work causes adverse impacts to a public or private water supply source, the permittee shall also immediately notify the Department and implement a contingency plan, to the satisfaction of the public and private water supply owners that addresses all adverse impacts imposed on the public and private water supply as a result of the pollution event, including the restoration or replacement of the impacted water supply.

K. Section 1917-A of the Administrative Code (Abatement of Nuisances), 71 P.S. § 510-17, provides, in relevant part, that:

The Department of Environmental Resources shall have the power and its duty shall be:

(1) To protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the department;

(2) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or

hinderance,¹ to enter, examine and survey all grounds, vehicles, apartments, buildings, and places, within the Commonwealth, and all persons, authorized by the department to enter, examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conferred by law upon constables;

(3) To order such nuisances including those detrimental to the public health to be abated and removed;

L. Section 610 of the Clean Streams Law, 35 P.S. § 691.610 (Enforcement Orders), provides that:

The department may issue such orders as are necessary to aid in the enforcement of the provisions of this act. Such orders shall include, but shall not be limited to, orders modifying, suspending or revoking permits and orders requiring persons or municipalities to cease operations of an establishment which, in the course of its operation, has a discharge which is in violation of any provision of this act. Such an order may be issued if the department finds that a condition existing in or on the operation involved is causing or is creating a danger of pollution of the waters of the Commonwealth, or if it finds that the permittee, or any person or municipality is in violation of any relevant provision of this act, or of any relevant rule, regulation or order of the board or relevant order of the department: Provided, however, That an order affecting an operation not directly related to the condition or violation in question, may be issued only if the department finds that the other enforcement procedures, penalties and remedies available under this act would probably not be adequate to effect prompt or effective correction of the condition or violation. The department may, in its order, require compliance with such conditions as are necessary to prevent or abate pollution or effect the purposes of this act. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal to the Environmental Hearing Board of the department's order shall not act as a supersedeas: Provided, however, That, upon application and for cause shown, the Environmental Hearing Board may issue such a supersedeas. The right of the department to issue an order under this section is in addition to any penalty which may be imposed pursuant to this act. The failure to comply with any such order is hereby declared to be a nuisance.

M. Section 20(a) of the Dam Safety and Enforcement Act (Enforcement Orders), 32 P.S. § 693.20(a), specifies that:

(a) The department may issue such orders as are necessary to aid in the enforcement of the provisions of this act. Such orders shall include, but shall not be limited to, orders modifying, suspending or revoking permits and orders requiring persons to cease any activity which is in violation of the provisions of this act. Such an order may be issued if the

department finds that a person is in violation of any provision of this act, or of any rule or regulation issued hereunder. The department may, in its order, require compliance with such terms and conditions as are necessary to effect the purposes of this act.

N. The term "Pollution" is defined in Section 1 of the Clean Streams Law (Definitions), 35 P.S. § 691.1, as:

"Pollution" shall be construed to mean contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The department shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined.

O. The Department has determined that Sunoco's activities adversely impacted the well water of the 14 homeowners identified in Exhibit A by its drilling activities at the Shoen Road Drill Area, including causing cloudy water, turbid water, and discolored water. Sunoco's activities at the Shoen Road Drill Area caused pollution and potential pollution to Waters of the Commonwealth.

P. The Department has determined that the adverse impacts to the water supplies of the homeowners identified in Exhibit A, including cloudy water, turbid water, and discolored water, diminution of domestic water supply, and loss of water pressure in domestic water supply, constitute a "nuisance" under Section 1917-A of the Administrative Code (Abatement of Nuisances), 71 P.S. § 510-17.

Q. The Department has determined that Sunoco failed to immediately notify the Department of adverse impacts to private water supplies in the Shoen Road Drill Area as required by Special Condition B of Permit E15- 862. Sunoco intends to, through this Consent Order and Agreement, to the extent it has not already done so, implement a contingency plan, to the satisfaction of the private water supply

owners, that addresses all adverse impacts imposed on the private water supply as a result of the pollution event, as required by Special Condition B of Permit E15-862.

R. The violations described in Paragraphs O and P constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18; a statutory nuisance under Section 601 of the Clean Streams Law, 35 P.S. § 691.601; and subject Sunoco to civil penalty liability under Section 605 of the Clean Streams Law, § 691.605 and Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21.

S. The violations described in Paragraph Q constitute unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18; and subject Sunoco to civil penalty liability under Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21.

T. The violations described in Paragraphs O, P and Q constitute unlawful conduct under Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259; a public nuisance under Section 3252 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3252; and violations of the regulations thereunder.

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Sunoco as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 5 of the Clean Streams Law, 35 P.S. § 691.5; Section 20 of the Dam Safety and Encroachments Act, 32 P.S. § 693.20; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. Findings.

a. Sunoco agrees that the findings in Paragraph A through Q are true and correct and, in any matter or proceeding involving Sunoco and the Department, Sunoco shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action.

a. Sunoco shall not resume HDD at the Shoen Road Drill Area until the Department provides written authorization to Sunoco to resume such activity.

b. Within 5 days from the date of this Order, Sunoco shall identify all homeowners with private water supplies within 150 feet of the Shoen Road Drill Area and provide such list to the Department.

c. Sunoco shall inform the Department, West Whiteland Township, Uwchlan Township, and all homeowners with private water wells within 150 feet of the Shoen Road Drill Area, at least 24 hours prior to resuming any HDD activities at the Drill Area.

d. As a temporary response, Sunoco shall continue to provide alternate potable water supplies adequate in quantity and quality for the purposes served, to each of the 14 homeowners identified in Exhibit A, as well as any other homeowners that Sunoco and/or the Department become aware have experienced cloudy, discolored or turbid water, or water loss or diminution from the Shoen Road Drill Area. Such measures may include Sunoco's provision of bottled water, water buffalos, or other similar units or supplies to affected homeowners, or water filtration units, utilizing .45 micron filters or better, as soon as practicable, but no later than August 15, 2017. Such measures shall continue to be implemented by Sunoco until a long term potable water solution is implemented in accordance with Paragraph 3.e.

e. As a long term response, within 10 days of the date of this Consent Order and Agreement, Sunoco shall submit to the Department a Water Supply Restoration Plan ("Plan") that, at a minimum, provides each of the homeowners that Sunoco and/or the Department have become aware have been impacted by Sunoco's activities in the Shoen Road Drill Area, including the 14 homeowners identified in Exhibit A that have experienced cloudy, discolored or turbid water, or water pressure loss or water diminution, with an alternative source of potable water supply. Such Plan shall include specific deadlines for completion of activities, including interim activities, and shall include bi-weekly reporting requirements. Upon approval or modification of the Plan by the Department, Sunoco shall immediately commence implementation of the Plan, as approved or modified. Upon approval of said Plan, the

Department may authorize resumption of HDD in the Shoen Road Drill Area.

f. Sunoco shall conduct a hydrogeological investigation of the impacted aquifer(s) in the Shoen Road Drill Area to determine the cause(s) of why the private water supplies that draw from the aquifer(s) were impacted by Sunoco's HDD activities. On or before September 1, 2017, Sunoco shall submit a report to the Department detailing the results of its investigation and its recommendations for recommencement of pipeline installation. Sunoco's recommendations shall include all steps it will undertake to prevent further impacts to the groundwater, or mitigate any such impacts, to the satisfaction of the Department.

g. Sunoco shall immediately notify the Department and the Chester County Conservation District by phone, followed up by an email as soon as practicable, to contacts identified in Sunoco's HDD Inadvertent Return, Assessment, Preparedness, Prevention and Contingency Plan for the Mariner East II Pipeline in Chester County, whenever it receives a complaint of an impacted water supply or otherwise becomes aware that it has adversely impacted a water supply by its HDD activities in the Shoen Road Drill Area. Notification regarding the events that were the subject of Sunoco's telephonic notice shall also be provided to the Department electronically within 24 hours through OGRE.

h. At such time as the Department permits Sunoco to resume drilling activities in the Shoen Road Drill Area, Sunoco shall immediately cease drilling upon (i) the occurrence of an inadvertent return; or (ii) groundwater infiltration into the borehole which is likely to have impact a water supply well(s). Drilling shall not recommence until the Department approves recommencement, in writing, upon a demonstration by Sunoco, to the satisfaction of the Department, that all adverse impacts have been adequately addressed.

4. Intent of Agreement. Sunoco and the Department agree that this Consent Order and Agreement is intended to provide for Sunoco's immediate response to the homeowner wells identified in Paragraph G above. The parties further recognize that the Department is currently conducting an investigation into these impacts and others that might be attributable to Sunoco's activities in the Drill Area, and that the Department specifically reserves the right, and this Consent Order and Agreement is without prejudice to, any further enforcement action that the Department may take, including the assessment of civil penalties.

5. Additional Remedies.

a. In the event Sunoco fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

b. The remedies provided by this paragraph are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy.

6. Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. Sunoco reserves the right to challenge any action which the Department may take to require those measures.

7. Liability of Operator. Sunoco shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers agents, employees, or contractors. Except as provided in Paragraph 8(c), Sunoco also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

8. Transfer of Shoen Road Drill Area.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Shoen Road Drill Area or any part thereof.

b. If Sunoco intends to transfer any legal or equitable interest in the Shoen Road Drill Area which is affected by this Consent Order and Agreement, Sunoco shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Regional Office of the Department of such intent.

c. The Department in its sole discretion may agree to modify or terminate Sunoco's duties and obligations under this Consent Order and Agreement upon transfer of the Shoen Road Drill Area. Sunoco waives any right that it may have to challenge the Department's decision in this regard.

9. Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Frank DeFrancesco
DEP, Waterways and Wetlands Program
2 East Main Street
Norristown, PA 19401
(484) 250-5161
fdefrances@pa.gov

10. Correspondence with Sunoco. All correspondence with Sunoco concerning this Consent Order and Agreement shall be addressed to:

Mr. Matthew Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 16908
Matthew.gordon@energytransfer.com

Sunoco shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

11. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

12. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

13. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

14. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

15. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling


16. Decisions Under Consent Order. Any decision which the Department makes under the provisions of this Consent Order and Agreement is intended to be neither a final action under 25 Pa. Code § 1021.2, nor an adjudication under 2 Pa. C.S. § 101. Any objection which Sunoco may have to the decision will be preserved until the Department enforces this Consent Order and Agreement.


17. Termination. The obligations of Paragraph 3 shall terminate when the Department determines that Sunoco has complied with the requirements of Paragraph 3.

18. Execution of Agreement. This Consent Order and Agreement may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of Sunoco certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of Sunoco; that Sunoco consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that Sunoco hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. (Signature by Sunoco's attorney certifies only that the agreement has been signed after consulting with counsel.)

FOR SUNOCO PIPELINE, L.P.:

 7-24-17
Joseph Colella Date
Senior Vice President

 7/24/17
Curtis N. Stambaugh, Esq. Date
Attorney for Sunoco Pipeline, L.P.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

Domenic Rocco, P.E. Date
Environmental Program Manager

William J. Gerlach, Jr. Date
Assistant Counsel

EXHIBIT C



November 16, 2017

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 1520 0002 1486 3023

Mr. Matthew L. Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 16908

Re: Violations of the Clean Stream Law
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
West Whiteland Township
Chester County

Dear Mr. Gordon:

On November 11, 2017, the Department of Environmental Protection (“DEP” or “Department”) received notice of an inadvertent release of drilling solution at Horizontal Directional Drill (HDD) Site S-3-0400 near 479 Lisa Drive in West Whiteland Township, Chester County from a third party. DEP conducted inspections of this area on November 14, 2017; a copy of the inspection report is enclosed. The drilling solution was discharged to an upland area and appears to have caused ground subsidence and the potential to pollute groundwater, a water of the Commonwealth. Drilling solution is an “industrial waste” under Section 301 of the Clean Streams Law, 35 P.S. § 691.301. The discharge of industrial waste to waters of the Commonwealth is a violation of the Clean Streams Law.

There is a history of incidents with this Drill. First, on August 18, 2017, Sunoco contacted DEP and stated that, due to several losses of circulation, the original pilot hole was going to be abandoned and grouted in and a new pilot hole was going to be drilled. Next, on August 24, 2017, Sunoco reported a loss of circulation at the site. Third, on September 21, 2017, DEP received a complaint about a potential “void” under the SEPTA lines in the area of HDD 400. The complainant reported that they had spoken to workers walking the Right-of-Way. The Department performed a field investigation on September 27, 2017. Sunoco was reminded, once again, of the requirement to immediately notify the Department of losses of circulation. Sunoco was also advised to contact Amtrak about the possibility of voids under their tracks and to keep the Department apprised of any ongoing coordination with Amtrak. To date, no notice of any loss of circulation has been received from Sunoco, and Sunoco has not provided the Department with information about

any contacts they may have made with Amtrak on this issue, despite an explicit Department request for such information. Additionally, on October 5, 2017, Sunoco reported a release of drilling solution in uplands. Finally, on November 11, 2017, as indicated above, a second inadvertent return (IR) occurred from the Drill.

DEP Permits E15-862 and ESG 01 000 15 001, and paragraph 15 of the Corrected Stipulated Order ("Order") entered by the Environmental Hearing Board on August 10, 2017, require permittee(s) to implement their revised "*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan* (revised August 8, 2017) ("IR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

The IR PPC Plan, and DEP Permit E15-862, require "immediate" notification to the Department's Southeast Regional Office 24-hour Response Line. Yet, the Department has no record of receiving any such notice from Sunoco after the November 11, 2017, IR. Moreover, no notification for the above-described losses of circulation has ever been received from Sunoco. The Department is very concerned with Sunoco's continued failure to provide the required notifications for these incidents.

The IR PPC Plan also requires that a written initial report be submitted by Sunoco within one working day of the IR. Sunoco has, to date, failed to provide the required initial IR report for the November 11, 2017, IR to the Department. Sunoco characterizes the incident as a "loss of containment from a previous IR," rather than an IR. The Department disputes this characterization. Whether an IR occurs at a site of containment of a previous IR, or in a new location, it is still an IR. Accordingly, the "incident report" that the Department received from Sunoco on November 15, 2017, fails to satisfy the initial IR report requirement of the IR PPC Plan.

Sunoco's failure to provide required notifications and reports in accordance with the IR PPC Plan, the Order, and DEP Permits E15-862 and ESG 01 000 15 001, constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachment Act, 32 P.S. § 693.18.

The Department requests that you submit the following to the attention of Mr. Frank De Francesco by e-mail at fdefrances@pa.gov by **C.O.B. November 21, 2017**:

1. A detailed description, including photos documenting current site conditions, of the actions taken to contain and remove the IR and a plan for any additional measures necessary to complete remediation, including specifically addressing the subsidence area.
2. An assessment by a qualified professional geologist of the events, circumstances, and/or site conditions that caused or contributed to the IR. The assessment should also

include a discussion and evaluation of the effectiveness of any and all measures that have been employed to prevent or minimize the occurrence of an IR at the site, including, but not limited to, reduced drilling pressures, thickened drilling fluid mixture, and/or addition of pre-approved loss circulation materials. **Finally, this assessment must list the actions or measures that will be taken to prevent or minimize any future IRs to less than 50 gallons.** The assessment must be completed, signed, and sealed by a qualified professional geologist licensed to practice in the Commonwealth of Pennsylvania.

3. Answers to the following questions:

- a. Was the original pilot hole abandoned and grouted?
- b. Was the loss of circulation on August 24, 2017, at the new pilot hole?
- c. Was there any other loss of circulation between August 24, 2017, and October 5, 2017?
- d. Why was the crew walking the right-of-way during the week of September 18, 2017?
- e. Did any other anomaly happen at the site between August 24, 2017, and October 5, 2017?

Please be reminded that Department approval is required before restarting drilling operations for PA-CH-0256.0000-RR-20. Additionally, a reevaluation is required for PA-CH-0256.0000-RR-16 in accordance with paragraph 3 of the August 10, 2017, Corrective Stipulated Order.

Please be advised that DEP and/or the Chester County Conservation District will conduct additional inspections of the site. If future inspections reveal that corrective actions have not been made and/or additional violations have occurred, DEP may initiate enforcement action.

This Notice of Violation is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

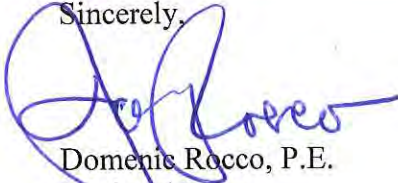
Mr. Matthew L. Gordon

- 4 -

November 16, 2017

I look forward to your cooperation in this matter. If you have any questions, please call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

Enclosure(s): DEP Inspection Report

cc: Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Mr. Sofranko – Chester County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
West Whiteland Township
Re 30 (GJS17WAW)320-1

EXHIBIT D

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

Sunoco Pipeline, L.P.	:	Violations of The Clean Streams Law
535 Fritztown Road	:	and DEP Chapter 93, 102, and 105 of
Sinking Springs, PA 19608	:	Title 25 of the Pennsylvania Code.
	:	
	:	PA Pipeline Project—Mariner East II
	:	E&S Permit Nos. ESG0300015002;
	:	ESG0500015001; ESG0100015001
	:	
	:	WO&E Permit Nos.; E02-1718; E06-
	:	701; E07-459; E11-352; E15-862; E21-
	:	449; E22-619; E23-524; E31-234; E32-
	:	508; E34-136; E36-945; E38-194; E50-
	:	258; E63-674; E65-973; E67-920
	:	

ADMINISTRATIVE ORDER

Now this 3rd day of January, 2018, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), has found and determined the following facts and findings and by this Administrative Order imposes the specified performance obligations upon Sunoco Pipeline, L.P. (“Sunoco”).

Findings

Parties

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Dam Safety and Encroachment Act, the Act of November 26, 1978 P.L. 1375, as amended, 32 P.S. §§ 693.1 et seq. (“Dam Safety and Encroachment Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S.

§ 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder (“rules and regulations”).

B. Sunoco Pipeline, L.P. (“Sunoco”) is a foreign limited partnership doing business in Pennsylvania and maintains a mailing address of 535 Fritztown Road, Sinking Springs, PA 19608. Sunoco Logistics Partners Operations GP LLC is the general partner of Sunoco Pipeline, L.P. Joseph Colella is Executive Vice President for Sunoco Logistics Partners Operations GP LLC. Mr. Colella has been granted authority by Sunoco Logistics Partners Operations GP LLC to sign documents for Sunoco on behalf of the General Partner.

C. Sunoco owns and operates numerous pipelines in Pennsylvania used to transport petroleum and natural gas products. Sunoco has undertaken an effort to expand existing transportation systems for natural gas liquids in Pennsylvania, which is collectively referred to as the Pennsylvania Pipeline Project – Mariner East II (“PPP-ME2”). As part of PPP-ME2, Sunoco is conducting pipeline installation activities in seventeen counties in Pennsylvania, including Berks, Blair, Cumberland, Dauphin, Huntingdon, Perry, and Washington Counties.

Permits

D. To construct PPP-ME2 through Pennsylvania, Sunoco obtained the following permits from the Department:

- a. Three (3) Erosion and Sediment Control Permits under 25 Pa. Code Chapter 102, Permit Numbers ESG0300015002, ESG0500015001, and ESG0100015001 (Chapter 102 Permits) and;
- b. Seventeen (17) Water Obstructions and Encroachment (“WOE”) Permits under 25 Pa. Code Chapter 105, Permit Numbers E02-1718, E06-701, E07-459, E11-352, E15-862, E21-449, E22-619, E23-524, E31-234, E32-508, E34-136, E36-

945, E38-194, E50-258, E63-674, E65-973, and E67-920 (Chapter 105 Permits). Sunoco obtained one Chapter 105 Permit for each of the seventeen (17) counties where the Department permitted PPP-ME2 activities to occur.

E. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstructions and Encroachment Permit, Permit Number E06-701 to construct PPP-ME2 through Berks County.

F. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E07-459 to construct PPP-ME2 through Blair County.

G. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E21-449 to construct PPP-ME2 through Cumberland County.

H. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E22-619 to construct PPP-ME2 through Dauphin County.

I. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E31-234 to construct PPP-ME2 through Huntingdon County.

J. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E50-258 to construct PPP-ME2 through Perry County.

K. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0500015001, and Water Obstruction and Encroachment Permit, Permit Number E63-674 to construct PPP-ME2 through Washington County.

L. Horizontal Directional Drilling (“HDD”) shall be defined within, as any steerable trenchless technology that controls the direction and deviation to a predetermined underground target or location.

Sites

M. The work area for PPP-ME2 in Berks County, Pennsylvania includes the crossing of an unnamed tributary (“UNT”) to Hay Creek (S-Q90) in New Morgan Borough, Berks County (“Berks HDD Site 1”), the crossing of an unnamed tributary (“UNT”) to Cacoosing Creek (S-C33) in Spring Township, Berks County (“Berks HDD Site 2”), the crossing of an UNT to Allegheny Creek (S-B30) in Brecknock Township, Berks County (“Berks HDD Site 3”), and a crossing of Wetland W35 in New Morgan Borough and Caernarvon Township, Berks County (“Berks HDD Site 4”). Berks HDD Site 1, Berks HDD Site 2, Berks HDD Site 3, and Berks HDD Site 4 are collectively referred to herein as (“Berks HDD Sites 1-4”).

N. The work area for PPP-ME2 in Blair County, Pennsylvania includes the crossing of Clover Creek (S-L58) and Wetland M23 in Woodbury Township, Blair County (“Blair HDD Site”).

O. The work area for PPP-ME2 in Cumberland County, Pennsylvania includes an upland area east of North Locust Point Road in Silver Spring Township, Cumberland County (“Cumberland HDD Site”).

P. The work area for PPP-ME2 in Dauphin County, Pennsylvania includes the crossing of Wetland C28 in Lower Swatara Township, Dauphin County (“Dauphin HDD Site”).

Q. The work area for PPP-ME2 in Huntingdon County, Pennsylvania includes HDD No. PA-HU-0110.0000-SR-16, located east of Shade Valley Road (State Route 35) in Tell Township, Huntingdon County (“Huntingdon HDD Site”).

R. The work area for PPP-ME2 in Perry County, Pennsylvania includes the crossing of Shaeffer Run in Toboynne Township, Perry County (“Perry Bridge Site”).

S. The work area for PPP-ME2 in Washington County, Pennsylvania includes the crossing of an UNT to Mingo Creek (S140) in Nottingham Township, Washington County (“Washington HDD Site”).

T. On November 11, 2017, the Department received notice of a release of sediment to the UNT to Hay Creek (S-Q90) at Berks HDD Site 1.

U. On November 13 and 14, 2017, the Berks County Conservation District (“BCCD”) conducted inspections of the Berks HDD Site 1 and documented that an inadvertent return (“IR”) of drilling fluids had occurred within an UNT to Hay Creek (S-Q90), a water of the Commonwealth, as a result of HDD activities at this location. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstructions and Encroachment Permit, Permit Number E06-701 authorized Sunoco to conduct HDD activities at this site.

V. The designated use for the segment of Hay Creek referenced in this Order is listed in 25 Pa. Code § 93.9f as Exceptional Value Waters (“EV”), Migratory Fishes (“MF”).

W. Hay Creek is classified as a Class A wild trout water by the Fish and Boat Commission. 25 Pa. Code § 93.1. *See*

<http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/classa.pdf>

X. On November 15 and 16, 2017, the Department issued Sunoco a notice of violation (“NOV”), DEP file number NOV 06 17 102, for Berks HDD Site 1.

Y. On November 22, 2017, Sunoco submitted a response to the NOV referenced in Paragraph X., above, containing the following information associated with Berks HDD Site 1:

- a. Pipeline installation activities were in operation between November 4 and November 11, 2017;
- b. The pipeline installation activities experienced losses of circulation of drilling fluid on November 8, 9, and 10, 2017;
- c. A pollution event to an UNT Hay Creek, referenced in Paragraph R., above, had occurred on November 10, 2017;
- d. The cleanup of the pollution event within the UNT to Hay Creek was completed on November 18, 2017; and
- e. Sunoco provided landowner notification (titled Mariner East 2- Pennsylvania Pipeline Project Horizontal Directional Drilling Construction Notification and Private Water Supply/Well Sampling Offer) via certified mail dated August 24, 2017 to five (5) landowners within 450' of the HDD alignment.

Z. On November 17, 2017, the BCCD conducted an inspection of pipeline construction activities in the location of a UNT to Cacoosing Creek (S-C33) at Berks HDD Site 2.

AA. During the inspection referenced in Paragraph Z., BCCD documented that pipeline installation activities were underway at the Berks HDD Site 2 utilizing HDD construction methods. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstructions and Encroachment Permit, Permit Number E06-701 authorized Sunoco to conduct HDD activities at this site.

BB. The receiving waters for discharges from the Berks HDD Site 2 is a UNT to Cacoosing Creek (S-C33). The designated use for the segment of Cacoosing Creek referenced in this Order is listed in 25 Pa. Code § 93.9f as Cold Water Fishes (“CWF”), Migratory Fishes (“MF”).

CC. Cacoosing Creek is classified as a Class A wild trout water by the Fish and Boat Commission. 25 Pa. Code § 93.1. *See*

<http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/classa.pdf>

DD. The Department subsequently learned that pipeline installation activities at the Berks HDD Site 2 were in operation between September 25, 2017 and November 14, 2017. Prior to initiating construction, Sunoco provided landowner notification (titled Mariner East 2- Pennsylvania Pipeline Project Horizontal Directional Drilling Construction Notification and Private Water Supply/Well Sampling Offer) via certified mail dated August 23, 2017, to ten (10) landowners within 450’ of the unauthorized HDD alignment.

EE. On November 21, 2017, the Department issued Sunoco a NOV, DEP file number NOV 06 17 103, for Berks HDD Site 2.

FF. On November 28, 2017, Sunoco submitted a written response to the DEP File No. NOV 06 17 103. Within this response, Sunoco identified seven locations where pipeline crossings of waters of the Commonwealth were permitted to be open cuts but were field changed to a trenchless construction method without first obtaining a permit modification or any other authorization from the Department. The seven locations Sunoco described in its response included the Berks HDD Sites 1-4, the Blair HDD Site, the Dauphin HDD Site, and the Washington HDD Site.

GG. The receiving waters for discharges from the Berks HDD Site 3 is an UNT to Allegheny Creek (S-B30). The designated use for the segment of Allegheny Creek referenced in this Order is listed in 25 Pa. Code § 93.9f as CWF. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstructions and Encroachment Permit, Permit Number E06-701 authorized Sunoco to conduct HDD activities at this site.

HH. Allegheny Creek is classified as a wild trout (natural reproduction) water by the Fish and Boat Commission. See http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout_repro.pdf

II. Sunoco conducted its unauthorized pipeline installation activities at Berks HDD Site 3 between September 20, 2017 and November 11, 2017.

JJ. The receiving water for discharges from the Berks HDD Site 4 is wetland W35 in New Morgan Borough and Caernarvon Township, Berks County. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstructions and Encroachment Permit, Permit Number E06-701 authorized Sunoco to conduct HDD activities at this site.

KK. Sunoco conducted its unauthorized pipeline installation activities at Berks HDD Site 4 between June 28, 2017 and July 8, 2017.

LL. The receiving waters for discharges from the Blair HDD Site is Clover Creek (S-L58). The designated use for the segment of Clover Creek referenced in this Order is listed in 25 Pa. Code § 93.9n as High-Quality Waters (“HQ”), MF. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstruction and Encroachment Permit, Permit Number E07-459 authorized Sunoco to conduct HDD activities at this site.

MM. Clover Creek is classified as a Class A wild trout water by the Fish and Boat Commission. See

<http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/classa.pdf>.

NN. Sunoco conducted its unauthorized pipeline installation activities at the Blair HDD Site between June 4, 2017 and October 3, 2017.

OO. The receiving waters for discharges from the Washington HDD Site is an UNT to Mingo Creek. The designated use for the segment of Mingo Creek referenced in this Order is listed in 25 Pa. Code § 93.9v as HQ, Trout Stocking (“TSF”). Neither Erosion and Sediment Control Permit, Permit Number ESG0500015001, nor Water Obstruction and Encroachment Permit, Permit Number E63-674 authorized Sunoco to conduct HDD activities at this site.

PP. Sunoco conducted its unauthorized pipeline installation activities at the Washington HDD Site between July 7, 2017 and July 15, 2017.

QQ. The receiving water for discharges from the Dauphin HDD Site is wetland C28 in Lower Swatara Township, Dauphin County. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstruction and Encroachment Permit, Permit Number E22-619 authorized Sunoco to conduct HDD activities at this site.

RR. Sunoco conducted its unauthorized pipeline installation activities at the Dauphin HDD Site between November 8, 2017 and November 20, 2017.

SS. On December 5, 2017, the Department responded to a complaint that a stream crossing was installed at Perry Bridge Site in Toboyne Township, Perry County without a permit. During the inspection, the Department found that an “air bridge” was installed over an existing bridge that had previously been deemed unsafe by county inspectors. The Department later

identified that Sunoco's contractor (Michels Corporation) had installed the bridge on October 28, 2017 without first obtaining a Chapter 105 permit from the Department.

TT. The receiving waters for discharges from the Perry Bridge Site is Shaeffer Creek. The designated use for the segment of Shaeffer Creek referenced in this Order is listed in 25 Pa. Code § 93.9n as HQ, CWF.

UU. Shaeffer Creek is classified as a Class A wild trout water by the Fish and Boat Commission. See <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/classa.pdf>.

VV. On December 6, 2017, Sunoco and the Department met to further discuss Sunoco's November 28, 2017 written response to the DEP File No. NOV 06 17 103. During this meeting Sunoco stated that they were unaware of any other pipeline crossings of a water of the Commonwealth along the entire Mariner East II Project where construction had been completed and/or initiated using a crossing methodology other than what was authorized by the initial permit approval or amendment thereto, outside of those described in their November 28, 2017 written response.

WW. On December 18, 2017, the Cumberland County Conservation District ("CCCD") conducted an inspection of pipeline construction activities in the location of an upland area east of North Locust Point Road at the Cumberland HDD Site. Pipeline installation activities at Cumberland HDD Site were permitted to occur using open-cut methodology. Neither Erosion and Sediment Control Permit, Permit Number ESG0300015002, nor Water Obstruction and Encroachment Permit, Permit Number E21-449 authorized Sunoco to conduct HDD activities at this site.

XX. On December 18, 2017, Sunoco notified the Department that it had received complaints from two separate private water supply owners in the vicinity of the Cumberland HDD Site that they were experiencing cloudy water—the first complaint was filed on December 15, 2017, and the second complaint was filed on December 18, 2017.

YY. During the inspection referenced in Paragraph WW., CCCD documented that pipeline installation activities were underway at the Cumberland HDD Site utilizing HDD construction methods. The Department later determined that Sunoco field changed pipeline installation activities at the Cumberland HDD Site from open-cut to a trenchless construction method without first obtaining a permit modification or any other authorization from the Department.

ZZ. On December 7, 2017, the Huntingdon County Conservation District (“HCCD”) conducted an inspection of pipeline construction activities at the Huntingdon HDD Site. During the inspection, HCCD documented an IR in an upland area near the exit pit of the 20-inch pipe. This IR was never reported to the Department, nor was an initial written report submitted to the Department as noted within Section 6.5 of the revised August 8, 2017 HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan (“HDD IR PPC Plan”).

AAA. On December 29, 2017, Sunoco submitted their December 2017 Monthly HDD Report to the Department. Within this report, it noted that the 20-inch pipe reference in Paragraph ZZ., above, had been completed and that the pilot hole for the 16-inch pipe was underway. Sunoco did not perform a re-evaluation of the 16-inch pipe HDD as a result of the IR that occurred during the installation of the 20-inch pipe, as required by Paragraph 3 of the August 10, 2017 Corrected Stipulated Order (“Stipulated Order”) entered into by Sunoco, the Department, and the Appellants at EHB Docket No. 2017-009-L.

BBB. Pursuant to Special Condition 20.xx., of Permit E06-701 (Berks County), no work shall be done in the stream channel of a Class A wild trout fishery, between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

CCC. Pursuant to Special Condition 20.ww., of Permit E50-258 (Perry County), no work shall be done in the stream channel of a Class A wild trout fishery, between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

DDD. Pursuant to Special Condition 20.yy., of Permit E06-701 (Berks County), no work shall be done in the stream channel of a wild trout fishery, between October 1 and December 31 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

EEE. Sunoco did not obtain prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services to conduct any work in the stream channel of either the UNT to Hay Creek (S-Q90) or the UNT to Cacoosing Creek (S-C33) between October 1 and April 1.

FFF. Sunoco did not obtain prior written approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services to conduct any work in the stream channel of the UNT to Allegheny Creek (S-B30) between October 1 and December 31.

Violations

GGG. The drilling fluids that comprised the IR at Berks HDD Site 1 constitute Industrial Waste. Sunoco's discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of 25 Pa. Code § 92a.1(b) and Section 301 of the Clean Streams Law, 35 P.S. § 691.301, a nuisance under Section 401 of the Clean Streams Law, 35 P.S. § 691.401, and unlawful conduct under Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

HHH. The Department did not authorize any HDDs, other trenchless technologies, or IRs at either Berks HDD Sites 1-4, Blair HDD Site, Cumberland HDD Site, Dauphin HDD Site and Washington HDD Site by permit or other authorization.

III. Sunoco's failure to obtain permit authorization prior to conducting HDD activities at Berks HDD Sites 1-4, Blair HDD Site, Dauphin HDD Site and Washington HDD Site violates Section 6(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.6(a) and 25 Pa. Code § 105.11(a), and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

JJJ. Sunoco's failure to obtain permit authorization prior to conducting HDD activities at the Cumberland HDD Site violates Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

KKK. The Chapter 105 Permits, Chapter 102 Permits, and Paragraph 15 of the Stipulated Order entered by the Environmental Hearing Board on August 10, 2017 in the matter of *Clean Air Council, Mountain Watershed Association, and Delaware Riverkeeper Network, Inc. v. Department of Environmental Protection and Sunoco Pipeline, L.P.*, (Docket No. 2017-009-L),

require permittee(s) to follow their HDD IR PPC Plan that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

LLL. The HDD IR PPC Plan in the Chapter 102 Permits and the Chapter 105 Permits, and referenced in the Stipulated Order, contains the following requirements:

- a. Immediately notify the pertinent Department Regional Office 24-hour Emergency Response Line of an IR. For the Southcentral Office, the number is 866.825.0208.
- b. Notify the Department at least 24 hours prior to the beginning of each HDD, including conventional boring under waters of the Commonwealth.
- c. Submit an initial report of the IR to the Department using Attachment B of the HDD IR PPC Plan.
- d. Obtain an amendment to the applicable Chapter 105 and/or Chapter 102 Permit prior to deviating from the construction methodology or project design that is shown on the approved drawings.

MMM. The approved method of pipeline installation at Berks HDD Sites 1-4, Blair HDD Site, Cumberland HDD Site, Dauphin HDD Site, and Washington HDD Site was open cut. Sunoco did not obtain a permit amendment or any other authorization prior to altering the construction methodology to an HDD.

NNN. Sunoco did not immediately notify the Department to report the IR that occurred at the Huntingdon HDD Site.

OOO. Sunoco did not notify the Department at least 24 hours prior to beginning the HDD for Berks HDD Sites 1-4, Blair HDD Site, Cumberland HDD Site, Dauphin HDD Site, the Huntingdon HDD Site (16 inch line) and Washington HDD Site.

PPP. Sunoco did not submit an initial report of the IR at Berks HDD Site 1 and Huntingdon HDD Site to the Department using Attachment B of the HDD IR PPC Plan.

QQQ. Sunoco's failure to obtain permit authorization prior to installing an air bridge over Shaeffer Run at the Perry Bridge Site violates Section 6(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.6(a) and 25 Pa. Code § 105.11(a), and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

RRR. With respect to Berks HDD Sites, 1-4, the Blair HDD Site, the Dauphin HDD Site, the Huntingdon HDD Site, and the Washington HDD Site, Sunoco's failure to comply with permit requirements listed in Paragraph NNN., OOO., and PPP., above, constitutes a violation of Section 6(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.6(a), and 25 Pa. Code § 105.11(a), and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18 and Section 611 of the Clean Streams Law, 35 P.S. § 691.611.

SSS. With respect to the Cumberland HDD Site, Sunoco's failure to comply with the requirements of Erosion and Sediment Control Permit, Permit Number ESG0300015002 constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611.

TTT. Sunoco's conduct allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth, failing to obtain a Chapter 105 permit, failing to acknowledge permit conditions, and failing to perform work according to permit specifications, constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

UUU. Throughout the installation of the ME II pipeline, Sunoco has produced IRs in uplands which have created a potential for pollution to waters of the Commonwealth pursuant to Section 402 of the Clean Streams Law, 35 P.S. § 691.402.

VVV. The violations described in Paragraphs GGG. through UUU., above, constitute unlawful conduct under Sections 401, 402, and 611 of the Clean Streams Law, 35 P.S. §§ 691.401, 691.402, and 691.611; a statutory nuisance under Sections 401 and 601 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.601; and subject Sunoco to civil penalty liability under Section 605 of the Clean Streams Law, § 691.605. The violations in Paragraphs III., KKK., LLL., MMM., QQQ., RRR., and TTT. constitute unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18, subject Sunoco to an order under Section 20 of the Dam Safety and Encroachments Act, 32 P.S. § 693.20, and subject Sunoco to a claim of civil penalty under Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21.

WWW. Sunoco's unlawful conduct set forth in Paragraphs T. through FFF., above, demonstrates a lack of ability or intention on the part of Sunoco to comply with the Clean Streams Law, the Dam Safety and Encroachments Act, and the permits issued thereunder. Suspension of the permits described in Paragraph D, above, is necessary to correct the egregious and willful violations described herein. Other enforcement procedures, penalties and remedies available to the Department under the Clean Streams Law and the Dam Safety and Encroachments Act would not be adequate to effect prompt or effective correction of the conditions or violations demonstrated by Sunoco's lack of ability or intention to comply.

NOW, THEREFORE, pursuant to Section 20 of the Dam Safety and Encroachments Act, 32 P.S. § 693.20; Sections 5, 402, and 610 of The Clean Streams Law, 35 P.S. § 691.5, 691.402,

and 691.610; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS the following:

1. Except as specified herein, Sunoco shall immediately suspend all work authorized by the permits described in Paragraph D, above, until the Department provides written authorization to resume work. In no event shall Sunoco undertake any pipeline installation activities unless expressly authorized by the Department in writing.

2. Within 30 days of the effective date of this Order, Sunoco shall submit a detailed description of any method of trenchless pipeline construction techniques that have been used or will be proposed for use in the completion of PPP-ME2, other than (dry) conventional auger bore and HDD, as those methods are defined in the *'Trenchless Construction Feasibility Analysis'*, dated December 2016, that was approved as part of the Chapter 105 Permits.

3. Within 30 days of the effective date of this Order, Sunoco shall submit to the Department full documentation of each crossing of a wild trout stream, stocked and wild trout fishery, stocked trout fishery and Class A trout fishery. The documentation shall include the date(s) of the installation of the pipeline, which pipeline was installed (20 inch, 16 inch, or both), the municipality and county, the stream number, latitude and longitude, and photographic documentation of the crossing including all before, during and after photographs of the installation. Sunoco shall submit this documentation to the Department on the forms attached hereto as Exhibit 1.

4. Within 30 days of the effective date of this Order, Sunoco shall submit a report to the Department documenting any other unpermitted changes made to the method for installation of the pipeline. Permitted methods of pipeline construction are limited to open trench/open cut, and two trenchless installation methods, (dry) conventional auger bore and HDD, as those methods

are defined in the *'Trenchless Construction Feasibility Analysis'* dated December 2016 and approved as part of the Chapter 105 Permits. Such changes include, but are not limited to, a change from conventional auger bore to HDD (including, but not limited to, "flex bore"), a change from open cut to conventional auger bore or HDD (including, but not limited to, "flex bore"), and a change from HDD (including, but not limited to, "flex bore") or conventional auger bore to an open cut. The report shall document all steps taken by Sunoco to determine if unpermitted changes have occurred. The information regarding the altered crossing methodology shall be provided on the forms attached hereto as Exhibit 2.

5. Within 30 days of the effective date of this Order, Sunoco shall submit a list to the Department that documents the legal name of all drilling contractors and subcontractors who have worked, or will be working, on the PPP-ME2. The list shall include the contact information for each contractor and subcontractor including the name of the business contact person, contact telephone numbers and email addresses, the HDD number for each HDD that the contractor or subcontractor has worked on, or will be working on, the municipality and county for each HDD, and the latitudes and longitudes for each location.

6. Within 30 days of the effective date of this Order, Sunoco shall submit a report to the Department that fully explains the failures that led to the violations described in this Order and the steps Sunoco proposes to implement to ensure that those violations will not re-occur.

7. The permittee shall address all alleged impacts to private water wells in Silver Spring Township, Cumberland County, as described in Paragraph XX. to the satisfaction of the private well owners, to include replacement or restoration of the water supply and reimbursement of any costs of displacement during the period when the water supply is adversely impacted.

8. In order to demonstrate the ability and intention to comply with the Chapter 102 Permits and Chapter 105 Permits, within 30 days of the date of this Order, the permittee shall submit a comprehensive list of all pending earth disturbance and water obstruction and encroachment related activities currently authorized by the Chapter 102 Permits and Chapter 105 Permits that have yet to be completed or commenced. This list shall include for each project activity identified:

- a. the specific Chapter 105 Permit and/or Chapter 102 Permit under which each of these activities are authorized;
- b. the location (county, municipality, latitude and longitude) where each activity will occur;
- c. the pipe installation methodology authorized by the Chapter 105 Permit and/or Chapter 102 Permit (i.e., HDD, open cut, conventional auger bore) at each location;
- d. if the activity is an HDD, the associated drill identification number;
- e. the specific name and contact information for the on-site contractor representative who is responsible for permit and regulatory compliance at each location;
- f. the specific name and contact information for the corporate representative from Sunoco who is responsible for permit and regulatory compliance at each location;
- g. the specific name and contact information for the corporate representative from Sunoco who is responsible for supervision and direction of contractors at each location;

h. the specific name and contact information for the corporate Executive Officer from Sunoco who is responsible for environmental compliance in the Commonwealth of Pennsylvania and for the installation of the Mariner II project, if such Executive Officers are different.

9. Within 30 days of the date of this Order, the permittee shall submit a detailed Operations Plan setting forth the additional measures and controls which the permittee and its contractors shall implement to ensure that all permit conditions will be followed at all times. The Department shall review the Operations Plan and will approve it only when it deems it to be sufficient and satisfactory. The Operations Plan shall also include the additional measures and controls which the permittee and its contractors shall implement to minimize inadvertent return incidents and water supply impacts to the maximum extent possible.

10. Within 10 days of the effective date of this Order, Sunoco shall backfill all areas of trench excavation, unless sufficient justification for an extension of time is provided to and approved by the Department in writing.

11. Within 10 days of the effective date of this Order, Sunoco shall remove the drill bits, reamers, and/or strings for any unpermitted HDD activities, unless Sunoco provides the Department with justification and receives Department approval in writing to leave the bit, reamer, and/or string in place for a specific PPP-ME2 HDD site.

12. Within 10 days of the effective date of this Order, Sunoco shall properly abandon all pilot holes created by the activities in Paragraph 11, unless Sunoco provides the Department with justification and receives Department approval in writing to leave a pilot hole open.

13. Within 10 days of the effective date of the Order, Sunoco shall pull the drill bit and string from the 16-inch line at the Huntingdon HDD Site and properly abandon the pilot hole.

14. Prior to conducting any further HDD activity at the Huntingdon HDD Site, Sunoco shall submit a reevaluation of the 16-inch line as required by Paragraph 3 Stipulated Order and receive Department approval of that reevaluation.

15. Within 30 days of the effective date of this Order, Sunoco shall submit as-built drawings, sealed by a Professional Engineer, and a Hydrologic and Hydraulic (“H&H”) analysis using the Hydrologic Engineering Center’s River Analysis System (“HEC-RAS”), sealed by the licensed Professional Engineer who prepared the analysis, for the air bridge at the Perry Bridge Site. The H&H analysis shall show the calculations performed to determine the design and 100-year frequency flood discharges at the Perry Bridge Site. The H&H analysis must clearly demonstrate the difference in hydraulic capacity, stability and flood water surface elevations prior to the placement of the air bridge and with the air bridge in place and include a backwater analysis of both conditions.

a. If the H&H analysis demonstrates that the air bridge fails to adequately protect the health, safety, welfare and property of the people, natural resources and the environment, then within ten (10) days of receipt of such a determination by the Department in writing, Sunoco shall either remove the air bridge, or submit an application to the Department for issuance of an Emergency Permit for modification of the obstruction/air bridge to immediately address the inadequacies determined through the Department’s review of the H&H analysis.

b. If Sunoco elects to submit an application for issuance of an Emergency Permit, within 15 days of the Department’s issuance of the Emergency Permit, Sunoco shall complete all modifications to the air bridge in a manner consistent with the proposal contained in its application for the Emergency Permit.

16. Within 60 days of the effective date of this Order, Sunoco shall submit a complete Water Obstruction and Encroachment Permit application that complies with the requirements of the Dam Safety and Encroachment Act, the Clean Streams Law, 25 Pa. Code, Chapter 105 and all other applicable statutory and regulatory requirements for the air bridge at the Perry Bridge Site.

a. Sunoco shall submit the complete Water Obstruction and Encroachment Permit application in the name of and on behalf of Toboyne Township, Perry County, who is the owner of the bridge

b. Sunoco shall provide the necessary information, including any bridge design changes determined to be necessary by the Department to meet the applicable requirements, on behalf of Toboyne Township.

c. If any design changes to the air bridge occur during the permitting process that result in required field work or other modifications including but not limited to the air bridge, approaches, or scour protection, Sunoco shall implement any work or other modifications required by the Water Obstruction and Encroachment Permit within thirty (30) days of the Department approving or acknowledging the use of a Water Obstruction and Encroachment permit for the air bridge at Perry Bridge Site.

17. In the event the Department determines that additional information, revisions, modifications or amendments are necessary to any permit, plan, any other submission, or restoration work required by this Order, then within ten (10) days after receipt of written notice from the Department, Sunoco shall submit to the Department such information, revisions, amendments or modifications, and/or complete the modified work, unless an alternative timeframe is approved by the Department in writing.

18. Upon the Department's written approval of all submissions required by Paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 15a above, the suspension imposed by this Order shall be terminated and Sunoco may resume the work authorized by the permits described in Paragraph D, above, unless otherwise restricted due to other Department enforcement actions or the Stipulated Order.

19. Effective immediately, Sunoco shall temporarily stabilize all disturbed areas in accordance with the approved E&S Plans and in compliance with 25 Pa. Code § 102.22(b). During the period of the permit suspension, Sunoco shall continue to complete installation of permitted best management practices (BMPs) for PPP-ME2, including perimeter BMPs, in accordance with approved plans and the permit in areas where Sunoco or its contractors have commenced earth disturbance activities. Sunoco shall continue routine monitoring of the installed BMPs and shall perform all necessary ongoing operation and maintenance activities to ensure the BMPs continue to perform as designed, in accordance with the approved E&S Plans and permits.

20. With regard to any in-process and permitted HDD operation (as the HDD installation method is defined in the *'Trenchless Construction Feasibility Analysis'* dated December 2016 and approved as part of the Chapter 105 Permits), the permittee shall be permitted to periodically rotate the downhole drill bits or reamers and move them back and forth within the drill holes without advancing the drill hole or conducting additional drilling, to safeguard the integrity of the downhole equipment.

21. Sunoco shall immediately begin implementing the December 15, 2017 revisions to the *'HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan'*, attached to this Order as Exhibit 3.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



Ramez Ziadé, P.E.
Acting Executive Deputy Secretary

EXHIBIT E

**NOTICE OF PROBABLE VIOLATION
PROPOSED CIVIL PENALTY
and
PROPOSED COMPLIANCE ORDER**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 28, 2016

Mr. David Chalson
Vice President of Operations
Sunoco Pipeline L.P.
2700 West Passyunk Ave.
Philadelphia, PA 19145-BD

CPF 4-2016-5011

Dear Mr. Chalson:

Between May of 2014 to March of 2015, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code inspected your Sunoco Permian Express II Pipeline Construction Project (Sunoco, PEX II).

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

1. §195.214 Welding procedures

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see § 195.3) . The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

The Operator failed to perform welding during the construction of the Permian Express II (PEX II) pipeline according to a properly qualified welding procedure.

(1)The welding procedure initially provided states that it is a renamed legacy procedure. Upon further review, PHMSA discovered that was not the case. The new procedure specified different base material ranges than the legacy procedure did.

PHMSA was initially provided with *Welding Procedure Specification (WPS) No. SP-332S_c-6G Rev. 2 - 10/16/12*, as the butt welding procedure being used for construction PEX II pipeline. The procedure states it covers pipe material grades “*API 5L X65 to X42 and Below.*” The provided procedure indicated it was a retitling of *Old Procedure SPL-16-6G Rev.: 0 – 11/09/2007*. However, *Old Procedure SPL-16-6G Rev.: 0 – 11/09/2007* states that it is qualified only for pipe grades “*API 5L Grade X65 to Grade X60 down to greater than X42.*” The qualification range of “*API 5L X65 to X42 and Below*” in procedure *WPS No.: SP-332S_c-6G* is inconsistent with its predecessor’s “*greater than X42*” range and constitutes a change of an essential variable, the Base Material.

API 1104 states that a welding procedure must be re-established as a new procedure specification and must be completely requalified when any of the essential variables listed in 5.4.2 are changed.¹ The changes in the base materials covered in the new and old procedures constitute a change in essential variables requiring procedure requalification. Operators records provides no evidence this was done. Consequently, *WPS No. SP-332S_c-6G Rev. 2 - 10/16/12* was not the same as the *Old Procedure SPL-16-6G Rev. 0 – 11/09/2007*, an consequently not a properly qualified welding procedure.

¹API 1104 (ibr), Section 5.4.2 lists the following as essential variables: Welding Process or Method of Application, Base Material, Joint Design, Position, Wall Thickness, Filler Metal, Electrical Characteristics, Time Between Passes, Direction of Welding, Shielding Gas and Flow Rate, Shielding Flux, Speed of Travel, Pre-heat, and Post-weld Heat Treatment.

(2) The procedure initially provided spans all three groups of base materials. That is not allowed under API 1104. Each group of base material is required to be qualified with a separate procedure.

WPS No. SP-332S_c-6G, Rev. 2 - 10/16/12 states that the groups the procedure is qualified to weld includes “*API 5L X65 to X42 and Below.*” API 1104 (ibr) states the following: “For the purposes of this standard, all materials shall be grouped as follows:

- a. Specified minimum yield strength less than or equal to 42,000 psi (290 MPa).
- b. Specified minimum yield strength greater than 42,000 psi (290 MPa) but less than 65,000 psi (448 MPa).
- c. For materials with a specified minimum yield strength greater than or equal to 65,000 psi (448 MPa), each grade shall receive a separate qualification test.”

A properly qualified welding procedure specification with a range of base materials of *API 5L X65 to X42 and Below* would require separate qualifying tests for a base material with a yield strength of 42,000 psi or less, greater than 42,000 psi but less than 65,000 psi, and separate qualifying tests for each material with a yield strength of 65,000 psi or greater. Sunoco did not perform the tests required to qualify the procedure for the base material range specified according to the requirements of API 1104 (ibr) and consequently, the procedure -was not properly qualified to weld a Part 195 pipeline.

(3) Sunoco did not perform the requisite destructive testing to qualify the groups of base materials covered by the procedure. Therefore the procedure initially provided by Sunoco is not a qualified welding procedure.

Sunoco did not perform destructive testing to qualify the *WPS No. SP-332S_c-6G, Rev. 2 - 10/16/12* procedure as required by API 1104 (ibr). Sunoco relied on the destructive testing performed for *SPL-16-6G Rev. 0 – 11/09/2007* to qualify the *SP-332S_c-6G* procedure. However the legacy welding procedure’s qualification records did not include the full range of destructive testing for the full range of the groups of base materials covered in the *SP-332S_c-6G* procedure. Further, *WPS No. SP-332S_c-6G*, nor the referenced legacy procedure *Old Procedure SPL-16-6G Rev. 0 – 11/09/2007*, included destructive tests to substantiate the entire *range* of base materials the procedure claims to have covered as required by API 1104 (ibr). Therefore *SP-332S_c-6G* is not a qualified welding procedure according to the requirements of API 1104.

(4) After PHMSA questioned the validity of the procedure that was initially submitted, Sunoco offered two additional revised procedures that were reportedly used on the project instead of the one that was initially submitted. There is no conclusive evidence that these later substituted procedures were used on the project. More importantly, the two substituted revised procedures were not qualified procedures. None of the procedures offered by Sunoco for the project were qualified procedures.

After PHMSA questioned the validity of WPS No. SP-332S_c-6G, Rev. 2 - 10/16/12, Sunoco then denied using the procedure to weld the PEX II pipeline and subsequently produced two additional welding procedures they claimed were used to make the construction butt welds on the project. These were WPS No. SP-332S_c-6G Rev. 1 – 05/22/14, and WPS No. SP-332S_c-6G Rev. 2 – 11/07/14. Both of these subsequent substitutions reference an entirely different legacy procedure SPL-11-6G (11-26-03) than the one initially provided to PHMSA (SPL-16-6G Rev.: 0 – 11/09/2007 that was referenced by WPS No. SP-332S_c-6G, Rev. 2 - 10/16/12)

Substitution procedure *WPS No. SP-332S_c-6G Rev. 1 – 05/22/14* utilizes the qualification records for legacy procedure SPL-11-6G (11/26/03). While *WPS No. SP-332S_c-6G Rev. 2 – 11/07/14* utilizes its own procedure qualification record dated 10-29-14 as the source for destructive testing used to qualify the revised procedure.

These substitution procedures were not originally provided to PHMSA as being used to weld the PEX II pipeline; there was no evidence that these versions were actually used on the project; the procedure qualification dates are inconsistent with some of the welder qualification dates; and the procedures have qualification issues due to inconsistencies or inadequacies with some essential variables or required procedure specifications.

For example, the welding procedure qualification record for *WPS No. SP-332S_c-6G Rev. 2 11/07/14*, shows the actual travel speed for the root pass during the qualification weld was 10 – 12 inches per minute. However, Sunoco indiscriminately increased the range of travel speed for the root pass on the welding procedure specification *WPS No. SP-332S_c-6G Rev. 2 – 11/07/14* to 6 – 12 inches per minute. Other passes have had similar untested expansions of the range of travel speed. These constitute a change of an essential variable requiring requalification of the procedure.

Additionally, *WPS No. SP-332S_c-6G Rev. 1 – 05/22/14* states that time between passes is “5 minutes maximum between Root/Hot Pass; Remaining passes as soon as possible.” API 1104 (ibr), Section 5.3.2.10, requires that “The maximum time between the completion of the root bead and the start of the second bead, as well as the maximum time between the completion of the second bead and the start of other beads, shall be designated.” The time between passes of “...Remaining passes as soon as possible.” is not an adequate specification.

Another example of not using a qualified procedure for testing of welders and use in pipeline construction involves Sunoco’s WPS No.: SP-122SLH – BR-7018 Rev 1: 6/6/14 procedure. The procedure states it covers "All" for the Diameter Group and "All" for the Wall Thickness Group. The procedure record shows it was qualified with "Grade: API X42 / 52 with supporting destructive testing results for only that one grade of material. There was no supporting PQR (destructive testing results) for the actual grade of materials that the welders tested with or used in the actual construction of the line (X65).

Sunoco's WPS No.: SP-122SLH – BR-7018 Rev 1 : 6/6/14 also states " * Procedure applies to all pipe grades and thicknesses" and lists electrode filler materials for the correspondingly different grades of pipe material. None of the other additional grades listed in the procedure had supporting destructive testing records associated with them, either.

Per the requirements of API 1104, 20th Ed., Section 5.4.1,

“A welding procedure must be re-established as a new procedure specification and must be completely requalified when any of the essential variables listed in 5.4.2 are changed.”

Being that a listed essential variable was changed related to Section 5.4.2.2 “Base Material” a new welding procedure specification should have been established and completely requalified for use for the X65 material used. Section 5.4.2.2 states “A change in base material constitutes an essential variable” and required Sunoco to produce a separate procedure for the grade of material used in testing and construction (X65) with its own destructive testing results documented fully. Without such procedure qualification (a separate procedure for the specific grade of base material as required by API 1104), Sunoco did not have a properly qualified procedure to test welders with or to do mainline production welding with related to WPS No.: SP-122SLH – BR-7018 Rev 1 : 6/6/14 and its use with X65 materials.

2. § 195.222 Welders: Qualification of welders.

(a) Each welder must be qualified in accordance with section 6 of API 1104 (incorporated by reference, see§ 195.3) or section IX of the ASME Boiler and Pressure Vessel Code, (incorporated by reference, see§ 195.3) except that a welder qualified under an earlier edition than listed in § 195.3 may weld but may not re-qualify under that earlier edition.

(b) No welder may weld with a welding process unless, within the preceding 6 calendar months, the welder has—

(1) Engaged in welding with that process; and

(2) Had one welded tested and found acceptable under section 9 of API 1104 (incorporated by reference, see§ 195.3).

[Amdt. 195-81, 69 FR 54593, Sept. 9, 2004, as amended by Amdt. 195-86, 71 FR 33409, June 9, 2006]

Sunoco failed to properly qualify welders used to construct the PEX II pipeline, as required by Part 195, API Standard 1104 (ibr) and Sunoco's procedures. API 1104 (ibr) states "The purpose of the welder qualification test is to determine the ability of welders to make sound butt or fillet welds using previously qualified procedures." The Operator allowed welders to weld on the PEX II pipeline construction project despite records showing that they had not welded within the welding procedure specifications during the qualification test. In some cases, the documentation was inadequate to show the welding had been performed according to the welding procedure specifications during the test. Examples of welder qualification test inadequacies include failing to weld within the specified electrical ranges (voltage and amperage) specified by the procedure, *WPS No.: SP-332Sc-6G*, failing to perform the welds in the specified number of passes, failing to document the specific version of the procedure the welders were qualifying to weld, and qualification forms that did not accurately state the test parameters such as the weld position.

In addition to the errant welder testing practices and inadequate documentation, Sunoco did not provide sufficient supervision and control related to these practices and allowed the unqualified welders to make several thousand welds on the PEX II construction project using *WPS No.: SP-332Sc-6G*. Upon discovery of these errant practices, Sunoco attempted to qualify the welders by re-testing them after-the-fact. While this is not consistent with the requirements of Part 195, it is even more problematic that some of these welders who had already made production welds on the PEX II pipeline failed to pass the re-test, and in some cases failed multiple qualification attempts.

3. §195.214 Welding procedures

a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see § 195.3) . The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

§195.204 Inspection – General

Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this subpart. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction to be inspected.

As evidenced by their continued construction of a pipeline in the face of known problems with both their welding procedures and the qualifications of their welders, Sunoco failed to ensure the

construction and inspection of their pipeline in accordance with the requirements of 49 C.F.R. 195. Sunoco allowed unqualified welders to perform welding during construction activities on PEX II, contrary to the requirements of Part 195 and API Standard 1104. Welders made approximately 3,000 welds on the PEX II project before it was discovered that the welder qualification testing was not conducted to the requirements Part 195 and API Standard 1104. Sunoco welder qualification records showed that the welders had not followed the qualified welding procedure, *WPS No.: SP-332Sc-6G*, but were still shown as passing the welder qualification tests. When this errant practice was discovered, Sunoco attempted to back-qualify welders through the retesting of welders to welding procedure *WPS No.: SP-332Sc-6G*, of which several of the welders, who were retested, failed to qualify with multiple retesting attempts. These same failed welders had each participated in the welding of numerous production welds prior to attempting requalification.

Select production welds made by some of the welders who were not properly qualified were cut out of the pipeline and destructively tested. Some of these cutouts also failed to pass the API 1104 destructive testing for welder qualification but Sunoco took no further actions to discover and test additional welds made by unqualified welders on the PEX II project that may not have the required strength and mechanical properties. Sunoco's attempt to "back-qualify" welders to welding procedure *WPS No.: SP-332Sc-6G* demonstrates that the Operator recognized the deficiency but did not take appropriate measures to achieve compliance.

4. §195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

§195.214 Welding procedures

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see § 195.3) . The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing.

Sunoco failed to follow its own written specifications related to the "requalification of welders" in their attempt to qualify its welders after the fact. Sunoco's "*Specification for Welder Performance Qualification, SPL-102, Revision 4, October 6, 2012, Section 6.0, Retesting*" states the following:

"6.0 RETESTING

If, in the opinion of the company welding inspector, a welder fails to pass the qualification test because of unavoidable conditions or conditions beyond his control, the welder may be given a second opportunity to qualify. Should the welder fail the second

test, no further retests shall be given until the welder has submitted proof of subsequent welder training that is acceptable to the Company."

Over 20 of the 37 welders reviewed were found to not have been properly qualified by the records presented, which did not properly detail the qualification test data for each welder as required by API 1104. Of the 37 welders, some were no longer working on the project or had been terminated. However, at the time of the inspections only 10 of the welders (out of the 37 identified) that had not been properly qualified continued to weld on the PEX II pipeline and were administered additional qualification tests "after the fact." Two of these welders failed these qualification tests, and were allowed to immediately (the same day) re-test for a third time without submitting proof of subsequent welder training as required by Sunoco's specifications. Not only did Sunoco fail to properly qualify welders before allowing to weld on the PEX II project, as required by Part 195, but made multiple attempts to qualify welders after they had already made welds on the PEX II pipeline project in violation of Part 195 and Sunoco's specifications.

5. §195.222 Welders: Qualification of welders

(a) Each welder or welding operator must be qualified in accordance with section 6 or 12 of API Std 1104 (incorporated by reference, see §195.3) or with Section IX of ASME Boiler and Pressure Vessel Code (BPVC) (incorporated by reference, see §195.3), except that a welder qualified under an earlier edition than listed in §195.3 may weld but may not re-qualify under that earlier edition.

(b) No welder may weld with a welding process unless, within the preceding 6 calendar months, the welder has—

(1) Engaged in welding with that process; and

(2) Had one weld tested and found acceptable under section 9 or Appendix A of API Std 1104 (incorporated by reference, see § 195.3).

§195.204 Inspection – General

Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this subpart. No person may be used to perform inspections unless that person has been trained and is qualified in the phase of construction to be inspected

As evidenced by their start-and-stop efforts to post-qualify welders in the face of known shortcomings in both their welding procedures and the qualifications of their welders, Sunoco failed to ensure the construction of their pipeline in accordance with the requirements of 49 C.F.R. 195. Sunoco attempted to post-qualify welders after they had performed several thousand welds on Spread 24-3 through re-administering welder qualification tests. Further, Sunoco used a modified version of a procedure with expanded welding parameter ranges in order to attempt to qualify welds made by these welders on the pipeline (welds made questionable as to being suitable for service). By expanding the electrical parameters, the modified procedure can be said

not to have been the original procedure used to test the welders or used to make the previous construction welds.

After Sunoco determined that unqualified welders had been allowed to perform welding on the PEXII, the Operator made a limited attempt to determine if welds made by improperly qualified welders who were no longer on the job had the required strength and mechanical properties. This was done by cutting out and destructive testing of a small sample of girth welds made by some of the welders. Some of the cutouts failed the API 1104 destructive testing criteria required to qualify a welder. By allowing welders who were not properly qualified according to the requirements of API 1104 to weld on the PEXII project and then having a small select sample of welds made by these welders fail destructive testing, all of the welds on Spread 24-3 of the PEX II project are suspect as to whether they meet the required strength and mechanical properties as required by the design of this pipeline.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$200,000 per violation per day the violation persists up to a maximum of \$2,000,000 for a related series of violations. For violations occurring prior to January 4, 2012, the maximum penalty may not exceed \$100,000 per violation per day, with a maximum penalty not to exceed \$1,000,000 for a related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$1,278,100 as follows:

<u>Item number</u>	<u>PENALTY</u>
1	\$119,500
2	\$149,700
3	\$613,400
4	\$51,400
5	\$344,100

Proposed Compliance Order

With respect to item numbers 1 and 2, pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Sunoco Pipeline L.P. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

Response to this Notice

Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. All material you submit in response to this enforcement action may be made publicly available. If

you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

In your correspondence on this matter, please refer to **CPF 4-2016-5011** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Compliance Proceedings

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to [Company name] a Compliance Order incorporating the following remedial requirements to ensure the compliance of [Company name] with the pipeline safety regulations:

1. In regard to Item Number 1 of the Notice, Sunoco must correct all welding procedures to reflect the proper qualifications for each grade of materials, filler metals and other changes in essential variables and welding parameters, reflect proper versioning for any changes and provide the PHMSA Southwest Region Director revised procedures and complete destructive testing records for each procedure. The procedures cannot be used on any other construction project or Part 195 regulated piping until all corrections are made and accepted by the PHMSA Southwest Region Director.
2. In regard to Item Number 2 of the Notice, Sunoco must perform destructive tests on a statistically significant number of girth welds on Spread 24-3 to show that the welds have the required strength and mechanical properties for the application. The proposed testing plan must include specific designation of the welds to be tested, the analysis showing that the number of welds to be tested is statistically significant based on the total number of welds made, the procedures that Sunoco proposes to be used to cut out and test the welds, and the qualified welding procedure that will be used to re-weld the pipeline. The proposed testing plan must be submitted to the PHMSA Southwest Region director for approval prior to initiating the plan. If any of these welds fail destructive testing, the number of welds tested must be expanded as specified by the Southwest Region Director to include an additional number of welds made by that welder.

In addition, Sunoco must review welder qualification testing on all the other construction spreads on the PEXII pipeline to determine if there were similar instances of unqualified welders performing welding during construction. Evidence in the form of properly completed welder qualification records showing that all welders were qualified to a previously qualified welding procedure must be submitted to PHMSA. If any issues with welder qualification are identified, the welds made by those welders must be tested to determine if the welds meet the qualification and mechanical characteristics required for the project in a manner similar to the process described in the previous paragraph. The testing plan to be approved by the PHMSA Southwest Region Director must also include a specific process for the detailed review of welder qualification records on all of the other construction spreads on the PEX II project. If any other welders are determined to have been not been properly qualified, Sunoco must submit an amended test plan for approval by the Southwest Region Director, to identify welds that made by these welders and destructively test a statistically significant sample of these welds in a manner similar to describe in the paragraph above. If any of these welds fail destructive testing, the number of welds

tested must be expanded as specified by the Southwest Region Director to include an additional number of welds made by that welder.

4. Provide PHMSA with documentation that verifies completion of Item 1 within 30 days following the date of the Final Order. Submit the testing plan described in Item 2 for approval by the Southwest Region Director within 30 days following the date of the Final Order and documentation showing completion of the testing and weld repairs within 120 days following approval of the plan by the Southwest Region Director.
5. It is requested (not mandated) that Sunoco Pipeline L.P. maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to R. M. Seeley, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

EXHIBIT F

September 14, 2016

Mr. Michael J. Hennigan
President and Chief Executive Officer
Sunoco Logistics Partners L.P.F
1818 Market Street, Suite 1500
Philadelphia, Pennsylvania 19103

Re: CPF No. 4-2016-5030H

Dear Mr. Hennigan:

Enclosed is a Corrective Action Order issued in the above-referenced case. It requires Sunoco Pipeline Company, LP, to take certain corrective actions with respect to the Permian Express II Pipeline that failed on September 10, 2016, near Sweetwater, Texas. Service is being made by certified mail and facsimile. Service of the Corrective Action Order by electronic transmission is deemed complete upon transmission and acknowledgement of receipt, or as otherwise provided under 49 C.F.R. § 190.5. The terms and conditions of this Order are effective upon completion of service.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Acting Associate Administrator
for Pipeline Safety

Enclosure

cc: Ms. Linda Daugherty, Acting Deputy Associate Administrator for Field Operations, OPS
Mr. Rodrick Seeley, Regional Director, Southwest Region, OPS

VIA CERTIFIED MAIL AND FAX

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

)	
In the Matter of)	
)	
Sunoco Logistics Partners, LP,)	CPF No. 4-2016-5030H
)	
Respondent.)	
)	

CORRECTIVE ACTION ORDER

Purpose and Background:

This Corrective Action Order (Order) is being issued, under the authority of 49 U.S.C. § 60112, to require Sunoco Logistics Partners, LP (Sunoco or Respondent), to take the necessary corrective action to protect the public, property, and environment from potential hazards associated with the recent failure on Sunoco’s Permian Express II crude oil pipeline.¹

On September 10, 2016, a reportable accident occurred on the Permian Express II pipeline, resulting in the release of approximately 800 barrels of crude oil (the Failure). The Permian Express II Pipeline is a 24-inch diameter crude oil pipeline that runs from Colorado City, Texas to Corsicana, Texas, a total of 279 miles (Permian Express II). The cause of the Failure has not yet been determined. Pursuant to 49 U.S.C. § 60117, the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), initiated an investigation of the accident. The preliminary findings of the ongoing investigation are as follows.

¹ Sunoco is a master limited partnership that owns and operates a broad portfolio of crude oil, natural gas liquids, and refined products pipeline, terminalling and acquisition assets. Sunoco operates approximately 5,900 miles of crude oil pipelines, approximately 900 miles of natural gas pipelines and approximately 14 million barrels of refined products storage capacity. See <http://www.sunocologistics.com/Customers/Business-Lines/252/> (current as of 9/12/2016).

Preliminary Findings:

- The Permian Express II Pipeline is a 24-inch diameter crude oil pipeline that runs from Colorado City, Texas to Corsicana, Texas, a total of 279 miles (Affected Segment). The Failure occurred near milepost 30.2, approximately 1.8 miles southeast of Sweetwater, Texas (Failure Site).
- The Affected Segment was manufactured in 2014, is 24-inches in nominal diameter, Grade X-65, and has .406 inch wall thickness. The pipe is coated in Fusion bonded epoxy coating (FBE), has an Electric Resistance Welded (ERW) seam, and was manufactured by Stupp Brothers. The Permian Express II pipeline was constructed in 2014-2015, and transports West Texas Intermediate crude oil from west to east, ending at the Corsicana station. The Failure occurred at mile post 30.2 in rural Nolan County, Texas. The area where the leak occurred is a low spot and product is draining from the pipeline (gravity) for the 12.2 mile isolated section. Sunoco closed the block valve at milepost 21.8 west of Sweetwater, as well as the block valve at milepost 34, near Lake Sweetwater.
- The maximum operating pressure (MOP) of the Permian Express II pipeline is 1480 psig, as established by hydrostatic test in 2015. At the time of the Failure, the actual operating pressure of the pipeline was 1060 psig.
- Beginning August 30, 2016, the Sunoco Control Center identified meter imbalances on the Control Center Over/Short Report and began investigating the imbalances. The results of the investigation did not indicate a release occurred until September 10, 2016, the time of the last static pressure test and land patrol. On September 10, 2016, at 5:15 p.m. (CST), Sunoco's field personnel confirmed a failure on the affected segment, and the release of an estimated 800 barrels of crude oil. The failure happened in a remote location. There were no reported injuries, fatalities, or ignition of the product. Additionally, there were no affected water ways or other environmental concerns reported. The Failure was reported to the National Response Center (NRC Report No. 981503) on September 10, 2016, at approximately 7:15 PM CST.
- The initial indication of a possible leak occurred on August 30, 2016 at approximately 10:00 PM CST. At that time, the discharge pressure from the Colorado City pump station was 1127 psig, with the estimated pressure at the leak site of 1060 psig. While field personnel were responding to the site on September 10, 2016, the pipeline control center isolated the suspected leak area by closing the valve at milepost 21.8 downstream of Colorado City, as well as the Eastland mainline valve at milepost 34, near Lake Sweetwater.
- The estimated volume of product released was initially reported as 800 barrels based on a 120 by 70 feet area. The revised area was considered at a 70 by 20 foot area. The on-site personnel continued the on-ground assessment of the extent of the release. The Oil Spill Response Organization (OSRO) was contacted by the operator on September 10, 2016.
- There was no federal or local emergency response. The Railroad Commission of Texas was onsite for a limited time on September 11, 2016.

- The cause of the Failure is unknown at this time, and an investigation is ongoing. Excavation of the site is limited to product removal due to safety and environmental concerns.
- The Permian Express II line began operation in June 2015, and there have been no significant previous failures on this pipeline. During a PHMSA construction inspection, however, PHMSA identified issues regarding the welding of the pipe, and there is an open NOPV, issued by the Southwest Region, related to this construction project (CPF No. 4-2016-5011). While a visual examination of the pipe has not been completed, the initial observation appears to show the leak site is in the vicinity of a girth weld.
- The crude oil released visually appears to be contained within a 70 by 20 area. The operator has vacuum trucks available to remove product as soon as it is drained from the pipe, and is monitoring the Affected Segment. While the Failure is not in a high consequence area (HCA), the area is considered a “could affect” area with regard to the Drinking Water Unusually Sensitive Areas (USAs)² criteria. Continued operation of the pipeline poses potential risks to municipal drinking water intakes along the pipeline route. The route is relatively rural, but other populated areas could be affected along the pipeline route, and continued operation of the pipeline poses a risk to the environment. The Permian Express II line runs 279.5 total miles, 93.2 miles of which are in an HCA.
- While metallurgical testing of the failed pipe has not yet been completed, the Permian Express II pipeline will need additional integrity verification to ensure continued safe operation of the pipeline.

Determination of Necessity for Corrective Action Order and Right to Hearing:

Section 60112 of Title 49, United States Code, provides for the issuance of a Corrective Action Order, after reasonable notice and the opportunity for a hearing, requiring corrective action, which may include the suspended or restricted use of a pipeline facility, physical inspection, testing, repair, replacement, or other action, as appropriate. The basis for making the determination that a pipeline facility is or would be hazardous, requiring corrective action, is set forth both in the above-referenced statute and 49 C.F.R. § 190.233, a copy of which is enclosed.

Section 60112 and the regulations promulgated thereunder provide for the issuance of a Corrective Action Order, without prior notice and opportunity for hearing, upon a finding that failure to issue the Order expeditiously would result in the likelihood of serious harm to life, property, or the environment. In such cases, an opportunity for a hearing and expedited review will be provided as soon as practicable after the issuance of the Order.

After evaluating the foregoing preliminary findings of fact, I find that continued operation of the pipeline without corrective measures is or would be hazardous to life, property, or the environment. Additionally, having considered the uncertainties as to the cause of the failure; the location of the Failure; the proximity of the pipeline to populated areas, public water intake

² Drinking Water USAs are used by pipeline operators in formulating their Integrity Management plans, and are part of PHMSA’s National Pipeline Mapping System. (See <https://www.npms.phmsa.dot.gov/USADWData.aspx>).

systems, or other high consequence areas; the young age of the pipeline and the history of known problems or failures on this pipeline, including during construction of the line, I find that a failure to issue this Order expeditiously to require immediate corrective action would result in the likelihood of serious harm to life, property, or the environment.

Accordingly, this Corrective Action Order mandating immediate corrective action is issued without prior notice and opportunity for a hearing. The terms and conditions of this Order are effective upon receipt.

Within 10 days of receipt of this Order, Respondent may contest its issuance obtain expedited review either by answering in writing or requesting a hearing under 49 C.F.R. § 190.211, to be held as soon as practicable under the terms of such regulation, by notifying the Associate Administrator for Pipeline Safety in writing, with a copy to the Director, Southwest Region, PHMSA (Director). If Respondent requests a hearing, it will be held telephonically or in-person in Southwest Region office or Washington, D.C.

After receiving and analyzing additional data in the course of this investigation, PHMSA may identify other corrective measures that need to be taken. In that event, PHMSA will notify Respondent of any additional measures that are required and an amended Order issued, if necessary. To the extent consistent with safety, Respondent will be afforded notice and an opportunity for a hearing prior to the imposition of any additional corrective measures.

Required Corrective Actions:

The “*Affected Segment*” means approximately 279.5 miles of the Permian Express II pipeline from the Colorado City Pump Station to the Corsicana Delivery Station.

The “*Isolated Segment*” means approximately 12.2 mile segment from milepost (MP) 21.8 west of Sweetwater, Texas to MP 34 near Lake Sweetwater.

Pursuant to 49 U.S.C. § 60112, I hereby order Sunoco to immediately take the following corrective actions for the *Affected Segment* and *Isolated Segment*:

1. ***Operating Restriction.*** Respondent must not operate the *Isolated Segment* until authorized in writing to do so by the Director pursuant to Item 4.
2. ***Operating Pressure Restriction.*** Respondent must maintain a twenty percent (20%) pressure reduction in the actual operating pressure of the *Affected Segment* such that the operating pressure on this segment will not exceed eighty percent (80%) of the actual operating pressure in effect immediately prior to the Failure.
 - a. This pressure restriction must remain in effect until the Respondent obtains written approval from the Director to increase the pressure or return the pipeline to its pre-failure operating pressure.
 - b. This pressure restriction requires any relevant remote or local alarm limits, software programming set-points or control points, and mechanical over-pressure devices to be

adjusted accordingly.

3. **Restart Plan.** Prior to resuming operation of the *Isolated Segment*, the Respondent must develop and submit a written *Restart Plan* to the Director for approval.

- a. The Director may approve the *Restart Plan* incrementally without approving the entire plan, but the *Isolated Segment* cannot resume operation until the *Restart Plan* is approved in its entirety.
- b. Once approved by the Director, the *Restart Plan* will be incorporated by reference into this Order.
- c. The *Restart Plan* must provide for adequate patrolling of the *Affected and Isolated Segments* during the restart process and must include incremental pressure increases during start up, with each increment to be held for at least one hour.
- d. The *Restart Plan* must include sufficient surveillance of the pipeline during each pressure increment to ensure that no leaks are present when operation of the line resumes.
- e. The *Restart Plan* must specify a day-light restart and include advance communications with local emergency response officials.
- f. The *Restart Plan* must provide for a review of the *Isolated and Affected Segments* for conditions similar to those of the Failure, including a review of construction, operating and maintenance (O&M) and integrity management records, such as in-line inspection (ILI) results, hydrostatic tests, root cause failure analysis of prior failures, aerial and ground patrols, corrosion, cathodic protection, excavations and pipe replacements. The operator must address any findings that require remedial measures to be implemented prior to restart.
- g. The *Restart Plan* must also include documentation of the completion of all mandated actions, and a management of change plan to ensure that all procedural modifications are incorporated into Sunoco's operations and maintenance procedures manual.
- h. The *Restart Plan* must provide for hydrostatic pressure testing of the *Affected Segment*.

4. **Return to Service.** After the Director approves the *Restart Plan*, Respondent may return the *Isolated Segment* to service, but the operating pressure must not exceed eighty percent (80%) of the actual operating pressure in effect immediately prior to the Failure, in accordance with Item 2 above.

5. **Removal of Pressure Restriction.** The Director may allow the removal or modification of the pressure restrictions upon a written request from Respondent demonstrating that restoring the pipeline to its pre-failure operating pressure is justified based on a reliable engineering analysis showing that the pressure increase is safe considering all known defects, anomalies, and operating parameters of the pipeline. The Director may also consider a demonstration that temporary mitigative and preventive measures are implemented prior to and during the temporary removal or modification of the pressure restriction. The Director's determination will be based on the cause of the Failure and evidence of the analyses and measures taken, discussed above.

- a. Appeals to determinations of the Director in this regard will be decided by the Associate Administrator for Pipeline Safety.

6. ***Mechanical and Metallurgical Testing.*** Within 45 days of receipt of this Order, Sunoco must complete mechanical and metallurgical testing and failure analysis of the failed pipe, including an analysis of soil samples and any foreign materials. Testing and analysis requirements are as follows:

- a. Document the chain-of-custody when handling and transporting the failed pipe section and other evidence from the failure site.
- b. Within 10 days of receipt of this Order, develop and submit the testing protocol and the proposed testing laboratory to the Director for prior approval.
- c. Prior to beginning the mechanical and metallurgical testing, provide the Director with the scheduled date, time, and location of the testing to allow for an OPS representative to witness the testing.
- d. Ensure the testing laboratory distributes all reports whether draft or final in their entirety to the Director at the same time they are made available to Respondent.

7. ***Root Cause Failure Analysis.*** Within 90 days following receipt of this Order, complete a root cause failure analysis (RCFA) and submit a final report of this RCFA to the Director. The RCFA must be supplemented/facilitated by an independent third-party acceptable to the Director and must document the decision making process and all factors contributing to the failure. The final report must include findings and lessons learned. The RCFA must also include a discussion of whether the findings and lessons learned are applicable to other locations within Sunoco's pipeline system.

8. ***Remedial Work Plan.*** Within 45 days following receipt of the final report from the metallurgical testing laboratory, Respondent must submit a *Remedial Work Plan* (RWP) to the Director for approval. The Director may approve the RWP incrementally without approving the entire RWP. Once approved by the Director, the RWP will be incorporated by reference in this Order.

- a. The RWP must specify the tests, inspections, assessments, evaluations, and remedial measures Respondent will use to verify the integrity of the *Affected Segment*. It must address all known or suspected factors and causes of the Failure. Respondent should consider both the risk of another failure and the consequence of another failure to develop a prioritized schedule for RWP related work along the *Affected Segment*.
- b. The RWP must include a procedure or process to:
 - i. Gather all data necessary to review the failure history (in service and pressure test failures) of the *Affected Segment* and to prepare a written summary containing all the available information such as the locations, dates, and causes of leaks and failures.
 - ii. Integrate the results of the metallurgical testing, root cause failure analysis, and other corrective actions required by this Order with all relevant pre-existing operational and

assessment data for the *Affected Segment*. Pre-existing operational data includes, but is not limited to, construction, operations, maintenance, testing, repairs, prior metallurgical analyses, and any third party consultation information. Pre-existing assessment data includes, but is not limited to, in-line inspection (ILI) tool runs, hydrostatic pressure testing, direct assessments, close interval surveys, and DCVG/ACVG surveys.

- iii. Determine if conditions similar to those contributing to the Failure are likely to exist elsewhere on the *Affected Segment*.
- iv. Conduct additional field tests, inspections, assessments, and/or evaluations to determine whether, and to what extent, the conditions associated with the Failure, and other failures from the failure history (see (8)(b)(ii) above), or any other integrity threats are present elsewhere on the *Affected Segment*.³ At a minimum, this process must consider all failure causes and specify the use of one or more of the following:
 1. Inline inspection (ILI) tools that are technically appropriate for assessing the pipeline system based on the cause of the Failure and that can reliably detect and identify anomalies,
 2. Hydrostatic pressure testing,
 3. Close-interval surveys,
 4. Cathodic protection surveys, to include interference surveys in coordination with other utilities (e.g. underground utilities, overhead power lines, etc.) in the area,
 5. Coating surveys,
 6. Stress corrosion cracking surveys,
 7. Selective seam corrosion surveys; and,
 8. Other tests, inspections, assessments, and evaluations appropriate for the failure causes.
- c. Describe the inspection and repair criteria Respondent will use to prioritize, excavate, evaluate, and repair anomalies, imperfections, and other identified integrity threats. Include a description of how any defects will be graded and a schedule for repairs or replacement.
- d. Based on the known history and condition of the *Affected Segment*, describe the methods Respondent will use to repair, replace, or take other corrective measures to remediate the conditions associated with the Failure, and to address other known integrity threats along the *Affected Segment*.
- e. Implement continuing long-term periodic testing and integrity verification measures to ensure the ongoing safe operation of the *Affected Segment* considering the results of the analyses, inspections, evaluations, and corrective measures undertaken pursuant to the Order.
- f. Include a proposed schedule for completion of the RWP.

³ Respondent may use the results of previous tests, inspections, assessments, and evaluations if approved by the Director, provided the results of the tests, inspections, assessments, and evaluations are analyzed with regard to the factors known or suspected to have caused the September 10, 2016 failure.

- g. Respondent must revise the RWP as necessary to incorporate new information obtained during the failure investigation and remedial activities, to incorporate the results of actions undertaken pursuant to this Order, and/or to incorporate modifications required by the Director.
- h. Submit any plan revisions to the Director for prior approval.
- i. The Director may approve plan revisions incrementally.
- j. Sunoco must implement the RWP as it is approved by the Director, including any revisions to the plan.

9. ***CAO Documentation Report.*** Sunoco must create and revise, as necessary, a *CAO Documentation Report* (CDR). When Sunoco has completed all the items in this Order, it will submit the final CDR in its entirety to the Director. This will allow the Director to complete a thorough review of all actions taken by Sunoco with regards to this Order prior to approving the closure of this Order. The intent is for the CDR to summarize all activities and documentation associated with this Order in one document.

- a. The Director may approve the CDR incrementally without approving the entire CDR.
- b. Once approved by the Director, the CDR will be incorporated by reference into this Order.
- c. The CDR must include but not be limited to:
 - i. Table of Contents;
 - ii. Summary of the Failure and the response activities;
 - iii. Summary of pipe data/properties and all prior assessments of the *Affected Segment*;
 - iv. Summary of all tests, inspections, assessments, evaluations, and analysis required by the Order;
 - v. Summary of the mechanical and metallurgical testing as required by the Order;
 - vi. Summary of the RCFA with all root causes as required by the Order;
 - vii. Documentation of all actions taken by Sunoco to implement the RWP, the results of those actions, and the inspection and repair criteria used;
 - viii. Documentation of any revisions to the RWP including those necessary to incorporate the results of actions undertaken pursuant to this Order and whenever necessary to incorporate new information obtained during the failure investigation and remedial activities;
 - ix. Lessons learned while completing this Order;
 - x. A path forward describing specific actions Sunoco will take on its entire pipeline system as a result of the lessons learned from work on this Order; and Appendices (if required).

10. **Reporting.** Submit monthly reports to the Director that: (1) include all available data and results of the testing and evaluations required by this Order; and (2) describe the progress of the repairs or other remedial actions being undertaken. The first quarterly report is due on **December 31, 2016**. The Director may change the interval for the submission of these reports.

11. **Documentation of Costs.** It is requested but not required that Respondent maintain documentation of the costs associated with implementation of this Order. Include in each monthly report the to-date total costs associated with: (1) preparation and revision of procedures, studies and analyses; (2) physical changes to pipeline infrastructure, including repairs, replacements and other modifications; and (3) environmental remediation, if applicable.

12. **Approvals.** With respect to each submission requiring the approval of the Director, the Director may: (a) approve the submission in whole or in part; (b) approve the submission on specified conditions; (c) modify the submission to cure any deficiencies; (d) disapprove the submission in whole or in part and direct Respondent to modify the submission; or (e) any combination of the above. In the event of approval, approval upon conditions, or modification by the Director, Respondent shall proceed to take all action required by the submission, as approved or modified by the Director. If the Director disapproves all or any portion of a submission, Respondent must correct all deficiencies within the time specified by the Director and resubmit it for approval.

13. **Extensions of Time.** The Director may grant an extension of time for compliance with any of the terms of this Order upon a written request timely submitted and demonstrating good cause for an extension.

The actions required by this Corrective Action Order are in addition to and do not waive any requirements that apply to Respondent's pipeline system under 49 C.F.R. Part 195, under any other order issued to Respondent under authority of 49 U.S.C. § 60101, *et seq.*, or under any other provision of Federal or State law.

Respondent may appeal any decision of the Director to the Associate Administrator for Pipeline Safety. Decisions of the Associate Administrator shall be final.

Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Failure to comply with this Order may result in the assessment of civil penalties and in referral to the Attorney General for appropriate relief in United States District Court pursuant to 49 U.S.C. § 60120.

In your correspondence on this matter, please refer to CPF No. 4-2016-5030H and for each document you submit, please provide a copy in electronic format whenever possible.

The terms and conditions of this Corrective Action Order are effective upon receipt.

Alan K. Mayberry
Acting Associate Administrator
for Pipeline Safety

Date Issued

EXHIBIT G

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE ENVIRONMENTAL HEARING BOARD

CLEAN AIR COUNCIL; THE DELAWARE :
RIVERKEEPER NETWORK; AND MOUNTAIN :
WATERSHED ASSOCIATION, INC., :
 :
 :
v. : EHB Docket No. 2017-009-L
 : (Consolidated with 2018-023-L)
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, and SUNOCO PIPELINE, L.P., :
Permittee :

STIPULATED ORDER

AND NOW, this 16th day of April 2018, the Clean Air Council, the Delaware Riverkeeper Network, the Mountain Watershed Association, Inc. (collectively "Appellants"), Sunoco Pipeline L.P. ("Sunoco"), and the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") (collectively "Parties"), by and through their respective counsel, hereby agree to resolve Appellants' Appeal and Petition for Partial Supersedeas filed under EHB Docket No. 2018-023-L through a negotiated agreement with regard to the following terms and conditions, which shall be entered by the Environmental Hearing Board ("Board") as a Stipulated Order, as follows:

1. Appellants' Petition for Partial Supersedeas is hereby withdrawn without prejudice. Appellants reserve the right to seek a temporary or permanent supersedeas for conduct in the future after the Board's entry of this Stipulated Order, including any alleged violations of the HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan dated April 2018 ("April 2018 IR PPC Plan").
2. The Parties agree they will not contest the Board's jurisdiction or authority to issue a supersedeas to remedy any alleged violations of this Stipulated Order. This Stipulated Order

does not foreclose or abridge any power or authority of the Department to exercise its enforcement discretion or initiate and prosecute enforcement action. The Department and Sunoco reserve all rights to otherwise contest the entry of a supersedeas, including the right to argue under the facts or law that the standards for a supersedeas have not been satisfied.

3. The April 2018 IR PPC Plan, attached hereto as Exhibit 1, is hereby incorporated into this Order by reference. A redline comparison of the February 6, 2018 version of the IR PPC Plan to the April 2018 HDD IR Plan is attached hereto as Exhibit 2. A redline comparison of the August 8, 2017 version of the IR PPC Plan to the April 2018 HDD IR Plan is attached hereto as Exhibit 3. The Board has reviewed and approves these revisions.

4. No changes, additions, modifications, or amendments of or to the April 2018 IR PPC Plan shall be effective unless they are set out in writing, agreed to by all Parties, and incorporated into an order of the Board.

5. Sunoco shall abide by the April 2018 IR PPC Plan.

6. Sunoco shall inform, as appropriate, its officers, agents, employees, and contractors of the April 2018 IR PPC Plan and ensure that the April 2018 IR PPC Plan is present onsite during drilling operations and shall be made available to the Department on request. To allow adequate time for Sunoco to train its officers, agents, employees, and contractors on the April 2018 IR PPC Plan and ensure that the April 2018 IR PPC Plan is present onsite during drilling operations, the April 2018 IR PPC Plan shall become effective two business days after the date of this Stipulated Order.

7. The hearing scheduled for April 16, 2018 ~~is hereby cancelled~~ *was held to determine whether this order is in the public interest pursuant to the Board's*

8. The above-captioned appeals are unconsolidated.

order of 4/11/18.

Bal
4/16/18

9. The appeal docketed at EHB Docket No. 2018-023-L having been settled, the docket in that appeal shall be marked closed and settled.

10. The following caption and docket number should be reflected in all future filings with the Board:

CLEAN AIR COUNCIL; THE DELAWARE
RIVERKEEPER NETWORK; AND MOUNTAIN
WATERSHED ASSOCIATION, INC.,

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, and SUNOCO PIPELINE, L.P.,
Permittee

EHB Docket No. 2017-009-L

SUNOCO PIPELINE L.P.:

/s/ Robert D. Fox
Robert D. Fox, Esquire

CLEAN AIR COUNCIL:

/s/ Joseph O. Minott
Joseph O. Minott, Esquire

MOUNTAIN WATERSHED
ASSOCIATION:

/s/ Melissa Marshall
Melissa Marshall, Esquire

THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

/s/ Nels J. Taber
Nels J. Taber, Sr. Litigation Counsel


DELAWARE RIVERKEEPER
NETWORK:

/s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esquire

s/ Maya K. van Rossum
Maya K. van Rossum

APPROVED AND SO ORDERED:

ENVIRONMENTAL HEARING BOARD


Bernard A. Labuskes, Jr.
Judge

DATED: 4/16/18

c: For the Commonwealth of PA, DEP:

Nels J. Taber, Esquire
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Joshua Ebersole
(via electronic filing system)

For Appellant, Clean Air Council:

Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(via electronic filing system)

For Appellant, Delaware Riverkeeper Network:

Aaron J. Stemplewicz, Esquire
(via electronic filing system)

For Appellant, Mountain Watershed Association, Inc.:

Melissa Marshall, Esquire
(via electronic filing system)

For Permittee:

Robert D. Fox, Esquire
Neil S. Witkes, Esquire
Diana A. Silva, Esquire
Jonathan E. Rinde, Esquire
Terry R. Bossert, Esquire
(via electronic filing system)

Court Reporter:

Commonwealth Reporting Company, Inc.
(via electronic mail)

EXHIBIT H



WEST CHESTER AREA SCHOOL DISTRICT

Educating and inspiring students to achieve their personal best

Dr. James R. Scanlon, Superintendent of Schools

June 11, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg PA 17120

C-2018-3001451

P-2018-3001453

Dear Ms. Chiavetta,

I respectfully request that you uphold the Emergency Order issued by Administrative Law Judge Elizabeth Barnes. I believe the directives at the end of the order show how to best provide for the safety of residents and for the protection of their property and that it is essential that these recommendations be honored.

In a letter dated March 29, 2018 to Governor Wolf, we asked that a comprehensive independent risk assessment study be conducted regarding the construction of the Sunoco Mariner II East Pipeline. We requested that the studies include viable worst case evacuation routes, enhanced safety and safety training for first responders; and separation of pipelines from existing residences, schools, and businesses by a distance deemed safe. To date we have not received a response from the governor.

Our school district has four (4) buildings within 3000 feet of the pipeline and more than 25,000 residences living on or near the pipeline. For the past 18 months our school district administration and staff have been working with Chester County Emergency Management First Responders and have developed safety protocol in the event of a pipeline breach. Without a comprehensive risk assessment, it is difficult to measure our plan against potential risks if we don't know what they are.

I would be happy to provide more detail about the concerns the pipeline construction has caused in our community. I can be reached in the office at 484.266.1018 or on my cell at 484.883.0648.

Sincerely,

Jim Scanlon, EdD
Superintendent of Schools

cc: WCASD Board of School Directors
WCASD Principals
WCASD Cabinet
Governor Tom Wolf
Senator Andy Dinniman
Senator Tom Killion

Senator Tom McGarrigle
Representative Stephen Barrar
Representative Carolyn Comitta
Representative Duane Milne
Representative Chris Quinn
Representative Eric Roe

PA PUC
SECRETARY'S BUREAU

2018 JUN 21 AM 10:41

RECEIVED



WEST
CHESTER
AREA
SCHOOL
DISTRICT

782 Springdale Drive, Exton, Pennsylvania 19341-2850

HARRISBURG

PA 171

19 JUN '18

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NEOPOST

FIRST-CLASS MAIL

06/19/2018

US POSTAGE \$000.47⁰



ZIP 19341
041M11289837

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg PA 17120

17120-009399



EXHIBIT I



**EXCELLENCE
TODAY
FOR TOMORROW**

Rose Tree Media School District
308 North Olive Street
Media, Pennsylvania 19063-2493
Telephone: 610.627.6001
jwigo@rtmsd.org

James M. Wigo, Sr.
Superintendent of Schools

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.*;
Docket Nos. P-2018-3001453 and C-2018-3001451**

Dear Ms. Chiavetta:

I am writing this letter on behalf of the Rose Tree Media School District Board of School Directors. From the beginning of this Sunoco Pipeline L.P. project, the Rose Tree Media School District Board of School Directors has expressed concerns about the product, the method of transmission as well as the proximity of the pipeline to the 500 staff members and students of the Glenwood Elementary School. By all accounts, it certainly appears that our concerns were and still are warranted. Our community continues to experience serious economic impact and unsatisfied safety concerns with regard to Sunoco's Mariner East pipelines (Mariner East 1, Mariner East 2, and Mariner East 2X). Within our District's boundaries, it is well documented that residents have experienced multiple spills of drilling fluid. The Pennsylvania Department of Environmental Protection has repeatedly cited Sunoco to little obvious effect. Most recently, while digging to repair a waterline, there was a strike of the pipeline by Aqua construction machinery. While the pipeline in question is not yet in service, the circumstances surrounding the strike have caused a heightened sense of concern and fear. Daily, we face a real concern that the clean water necessary to operate our schools and facilities will be compromised by Sunoco's construction operations (a possibility that is detailed in Sunoco's own documents).

A particular safety concern is the location of an above-ground, industrial valve station located approximately 800 feet from our school and visible from the school playground. Given the lack of security to protect against vandalism as well as the relatively high risk of a no-fault valve failure leading to an undetected leak and the subsequent consequences, we are very concerned that construction was planned and completed with blind expediency. Sunoco ignored our requests to change the location of the valve station away from the elementary school. Now complete, we believe that the valve station places the staff and students in harm's way. The usual school emergency response plan consists of only 2 options....either shelter in-place or evacuate and seek to get the children and staff a safe distance from the crisis. In the event of this type of pipeline leak, neither option seems to be appropriate.

Dedicated to Excellence

As I stated in my testimony before a joint House/Senate committee hearing in November 2016, I do not have answers to the questions as to what our district should do in the event of continued leaks of colorless, odorless, heavier-than-air flammable gas. Though asked many times, those questions remain unanswered by Sunoco. Our District is a high consequence area of dense, vulnerable populations (including schools, homes and businesses) in close proximity to the current and proposed Mariner East pipelines. Again, although requested, no one in our District has been provided with a credible notification and/or evacuation plan in the event of a Sunoco pipeline leak.

In the event of a leak or explosion from the Mariner East pipelines, students and faculty of our District may face catastrophic impacts such as injury and death. I have attached to this letter the formal resolution that delineates many of these concerns. The resolution was passed in November 2016, by the Rose Tree Media School District Board of School Directors and please note that we sent copies of this resolution to Sunoco Pipeline L.P., the Public Utility Commission, the Department of Environmental Protection as well as to Governor Wolf. All of this said, there is nothing more frustrating than the fact that we do not have the benefit of the information that would be provided by a comprehensive quantitative risk assessment. Fear in this community has been exacerbated by everyone knowing that a danger exists but not knowing the degree to which everyone is in danger.

As discussed in a recent article in the Philadelphia Inquirer, the totality of this operation is having a negative economic impact on home values within our district and disproportionately so in the catchment area of the Glenwood Elementary School that is closest to the proposed pipeline route. Data supplied by local real estate agencies has supported the anticipated negative effect on local property values. We anticipate that the diminution of home and business values inevitably will have a serious and permanent impact on the tax base of our district.

Because of these negative economic impacts and serious safety concerns, we respectfully request that you uphold Judge Barnes's Emergency Order halting the operation of Mariner East 1, as well as further construction of Mariner East 2 and 2X in the Rose Tree Media School District.

Please support us as we strive to live by our motto and keep our "children first, whatever it takes."

Sincerely,

James M. Wigo, Sr.
Superintendent of Schools

Rose Tree Media School District
DELAWARE COUNTY

RESOLUTION NO. 2016-2017 55

A RESOLUTION of the Rose Tree Media School District Board of School Directors, Delaware County, expressing great concern to the Governor of the Commonwealth of Pennsylvania, the Secretary of the Pennsylvania Department of Environmental Protection (PADEP), the Commissioners of the Pennsylvania Public Utility Commission and the Delaware County Council regarding proposed high pressure hazardous liquids pipeline projects that have the potential to dramatically increase the risk of catastrophic accidents, and jeopardize the health, safety, and welfare of Rose Tree Media School District students and staff. The Rose Tree Media School District Board of School Directors seeks to intervene in the PADEP permitting process in order to protect the health, safety, and welfare of the Rose Tree Media students and community.

WHEREAS, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting hazardous, highly volatile liquids under high pressure through Delaware County, a “high consequence area” using a repurposed pipeline installed in the 1930s with a capacity of 70,000 barrels (2,940,000 gallons) per day; and

WHEREAS, additional proposed Sunoco pipeline(s), marketed as “Mariner East 2” could, if constructed, transport through the Rose Tree Media School District an additional 450,000 barrels (18,900,000 gallons) per day or more of these same materials; and

WHEREAS, Sunoco has a record of 276 spills of hazardous liquids since 2006, more than any other pipeline operator tracked by the federal Pipeline and Hazardous Materials Safety Administration (PHMSA); and

WHEREAS, these materials, which are being transported through the Rose Tree Media School District for the first time by Sunoco would, if released, create an invisible, odorless, heavier than air, and extremely flammable or explosive gas cloud; and

WHEREAS, the proposed new pipeline(s), if constructed, would run within 625 feet of Glenwood Elementary School buildings, and within 850 feet of the center of the school complex, placing the entire school campus with 445 students and 60 staff members well within a potential blast zone; and

WHEREAS 2,143 students and 290 staff members based in three additional schools within the Rose Tree Media School District are located within 3 miles of the proposed pipeline, and therefore could be subject to emergency evacuation in the event of a leak, breach, or explosion; and

1
2 **WHEREAS** notification systems are not currently in place for our school system
3 whereby our schools would be directly and immediately notified regarding a potential leak; and
4

5 **WHEREAS**, in the event of a leak, breach, or explosion, the only currently
6 recommended mode of evacuation is upwind, on foot, to a distance of no less than 1/2 mile, a
7 plan that seems implausible where the lives of elementary school children are concerned; and
8

9 **WHEREAS** the current pipeline operations were not fully vetted and assessed by the
10 local community and the regulatory community with regard to the potential to jeopardize Public
11 Safety, and the health and safety of school communities in Delaware County by uncontrolled
12 leaks and explosions; and
13

14 **WHEREAS**, the proposed Mariner East 2 pipeline is currently misclassified for
15 regulatory purposes as a liquids pipeline but the contents, under varying pressures, transition
16 between both gaseous and liquid states, and in the event of a leak revert entirely back to a
17 gaseous state and, as such, this misclassification creates a gap in the application and relevance of
18 important public safety regulations and requirements; and
19

20 **WHEREAS**, Sunoco's plans for the new pipelines are currently undergoing review by
21 PADEP under the provisions of Title 25 of the Pennsylvania Code, Chapters 102 and 105; and
22

23 **WHEREAS**, the PADEP permitting process provides for intervention in the proceedings
24 by interested parties such as Rose Tree Media School District, and such intervention will make
25 the impact on and need for mitigation in RTMSD known; and

26 **WHEREAS**, the Rose Tree Media School District believes the District should intervene
27 in the PADEP permitting process for the proposed Sunoco Mariner East 2 pipeline project
28 pursuant to the School Board's interests in protecting the health, safety, and welfare of students.
29

30 **NOW THEREFORE, BE IT RESOLVED** by the Rose Tree Media School District Board of
31 School Directors, Delaware County that:

32 33 **Section I**

34 Rose Tree Media School District Board of School Directors, Delaware County, declares itself an
35 interested party in all proceedings before any and all County, State, Federal, and any other
36 regulatory agencies involved in the approval of facilities, which could increase the shipment of
37 hazardous liquids through the Rose Tree Media School District in close proximity to our schools
38 and students, including but not limited to petroleum, petroleum products, and natural gas liquids.
39

40 **Section II**

41 The Rose Tree Media School Board is prepared to authorize and utilize appropriate resources for
42 the purpose of intervening in the PADEP permitting process for the proposed Sunoco Mariner
43 East 2 pipeline and any other proposed extraction or transportation project of petroleum,

1 petroleum products, and/or natural gas liquids that may have direct or indirect impacts on the
2 health, safety, and welfare of district students.

3
4 **Section III**

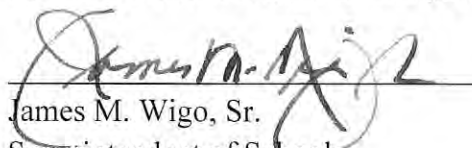
5 The Rose Tree Media School Board asks that the Governor of the Commonwealth of
6 Pennsylvania and the Secretary of the PADEP allow for an open comment period of no less than
7 60 days upon the resubmission of the Sunoco Mariner East 2 permit application to the PADEP,
8 and similarly requests a public hearing to be held in Delaware County to address the public
9 health and safety concerns of Delaware County municipalities and the Rose Tree Media School
10 District.


11 **Section IV**

12 The Rose Tree Media School District also strongly suggests that the Governor of the
13 Commonwealth of Pennsylvania and the Secretary of the PADEP reclassify the permit
14 application for the Mariner East 2 pipeline to include both liquid and gaseous material transport
15 of hazardous materials. As part of the reclassification, we support the development of a
16 comprehensive independent risk assessment study of all of Delaware County, including Rose
17 Tree Media School District, as well as the development of an incident-response plan, which
18 includes (but is not limited to) viable worst-case evacuation routes; enhanced safety equipment
19 and safety training for first responders; and separation of new pipelines from existing residences,
20 schools, businesses and hospitals by a distance equal to or greater than the Potential Impact
21 Radius (PIR) of those pipelines.

22
23 **ADOPTED** by the Rose Tree Media School District Board of School Directors, Delaware
24 County, Pennsylvania, at the regular meeting of said Board held this 10th day of November
25 2016.

26
27 Rose Tree Media School District, Delaware County, Pennsylvania

28
29 
30 James M. Wigo, Sr.
31 Superintendent of Schools

32
33 
34 William O'Donnell
35 Board of School Director President

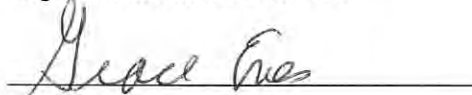
36

37 Grace Eves
38 Board of School Director Secretary

EXHIBIT J



THE COUNTY OF CHESTER



COMMISSIONERS

Michelle Kichline
Kathi Cozzone
Terence Farrell

OFFICE OF THE COMMISSIONERS

313 W. Market Street, Suite 6202
P.O. Box 2748
West Chester, PA 19380-0991
(610) 344-6100

5 June 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

RECEIVED
2018 JUN -7 AM 10:55
PA PUC
SECRETARY'S BUREAU

Re: Pennsylvania State Senator Andrew Dinniman v. Sunoco Pipeline L.P.; Docket No. P-2018-3001453; Docket No. C-2018-3001451

Dear Secretary Chiavetta,

We write you to encourage the Public Utility Commission to uphold the suspension of the Mariner East project ordered by Administrative Law Judge Elizabeth Barnes. During the hearing that led to that Order, testimony was provided about the impact of Sunoco's Mariner East construction in West Whiteland Township. While that testimony was extensive, it still barely touches on the extent of concern expressed by residents across Chester County to the County Commissioners and our Department of Emergency Services.

Our Department of Emergency Services provides the County 9-1-1 Communications Center, County Fire Marshal Office, and extensive police, fire, Emergency Medical Services, rescue, and Hazardous Materials administration, coordination, and training in support of our local first responders. They also provide the County's Emergency Management organization, being responsible for county-wide plans and coordination of any emergency which would overwhelm a local municipality or any emergency involving two or more municipalities within Chester County. Finally, and perhaps most importantly, they also provide the County's state-certified Hazardous Materials Response Team. The Hazardous Materials Response Team is responsible for responding to any hazardous material incident and mitigating the effects of such incident until the responsible party can provide a clean-up crew. We provide this background so you understand the Chester County Department of Emergency Services has a valid need-to-know on a number of the concerns we will express.

Chester County continues to experience difficulties with Sunoco Pipeline / Energy Transfer Partners with regard to the Mariner East Pipeline Project (Mariner East 1, Mariner East 2, and Mariner East 2X). Chester County has experienced multiple spills of drilling mud that have contaminated local streams, aquifers, drinking water, and wells. Sink holes are threatening the stability of the ground, nearby homes, and even Mariner 1. All of this occurs with Sunoco not making emergency responders aware or communicating any information about these issues. In fact, our Department of Emergency Services learns about the majority of issues involving the Mariner East Pipeline Project through local media reports and community members.

A majority of the areas traversed by the Mariner East Pipeline Project are in high consequence areas of dense, vulnerable populations in close proximity to the pipelines. Given the population which could be affected by this project, we find it appalling that Sunoco has failed to proactively share their Risk Assessment and full Integrity Management Plan with appropriate emergency responders. In fact, our Department of Emergency Services has seen Sunoco's Risk Assessment only after requesting a briefing. In order to receive that briefing our personnel were required by Sunoco to sign a Non-Disclosure Agreement limiting their ability to discuss the contents of the Risk Assessment with anyone outside of the briefing. Further, Sunoco has yet to share their full Integrity Management Plan with our Department of Emergency Services. After more than three months and two cancelled briefings by Sunoco, our personnel still await a briefing. The briefings have been cancelled because Sunoco has had to appear in Court or before the Public Utility Commission. This raises our concern that they prioritize profit over safety and they lack the necessary depth of subject matter experts to be able to multi-task by providing the briefing and appearing before the Court or the Public Utility Commission. On top of that, Sunoco won't share the Integrity Management Plan briefing with local municipal emergency management coordinators and local emergency responders, instead insisting on the briefing be limited to Department of Emergency Services personnel who will, again, have to sign a Non-Disclosure Agreement. Our Department of Emergency Services has also asked for copies of Sunoco's Emergency Response and Communications Plans and have been told we either need to go to Marcus Hook to see it or make a formal request to PHMSA, another example of how difficult Sunoco makes it to receive important public safety information. We are deeply troubled by Sunoco's lack of transparent approach to this critical safety information, hampering our Department of Emergency Services and local first responders from doing their job. We are also concerned because Sunoco's lack of transparency with this information has created a gravely dangerous situation where the public is left to develop their own information, often misleading and incorrect.

Many residents along the pipeline route have asked about evacuation plans in the event of a pipeline emergency. Our Department of Emergency Services and local first responders have answered that question many times, explaining that there is no pre-set plan because the extent and direction of any evacuation depends on circumstances during the incident, such as weather conditions and the type of leak. Our Department of Emergency Services and local first responders also have tried to reassure the public that they have trained extensively to respond to hazardous material incidents, including pipeline accidents. Unfortunately, many residents found no comfort in these reassurances because the Department of Emergency Services and local first responders are limited by the information they can share due to the Non-Disclosure Agreement and Sunoco's unwillingness to be open and transparent about the products they are and want to continue to flow through our communities. Simply put, without more publicly accessible information about the pipelines and the products conveyed in them, the Department of Emergency Services and local first responders cannot dispel residents' fears about being safe in their own homes.

This lack of transparency and requirements to sign Non-Disclosure Agreements to obtain critical safety information only add to the level of mistrust which exists in our county for Sunoco and their representatives. Frankly, this mistrust evolved from the mishaps during pipeline construction, as well as Sunoco's unwillingness to truly listen to the public's concerns and attempt to allay them, to explain publicly the measures in place for pipeline safety, and most importantly, to be transparent about what steps are being taken and what other steps could be taken to ensure that pipelines carrying volatile liquid gases right next to homes, schools, and other gathering places are absolutely safe.

For the record, representatives from Sunoco and contractors working for them have answered numerous questions raised by County staff about the Mariner East Pipeline Project and have tried to address many of our communities' concerns. We appreciate their time and cooperation. However, the issues raised in this letter and during the testimony presented for this emergency petition and complaint go beyond their authority and responsibility.

Instead, these issues must be addressed by the leadership of Sunoco which has shown no regard for the extensive and unreasonable impact pipeline construction is having throughout Chester County or for the fear Mariner East has sown in our communities about the risk of a pipeline accident.

We understand and appreciate the importance pipelines provide in our nation's infrastructure. We also understand pipelines, generally, are a far safer mode of transportation than placing this dangerous product on rail or the highway. And we understand that for centuries the population has congregated around water and this is where the product must be processed in our area. We understand that pipelines will and must run through our communities. However, we also understand, and have seen firsthand from other pipeline operators, the importance and value of an open, honest, transparent, safety-focused process.

Simply put, until Sunoco provides comprehensive, clear, and credible explanations demonstrating the safety of existing and future pipelines carrying natural gas liquids in close proximity to homes, schools, and other gathering places directly to the public (not limited to residents within a short distance of the pipeline), the Chester County Board of Commissioners strongly urges the Public Utility Commission to uphold the suspension of operation of Mariner East 1 and construction of Mariner East 2 and 2x.

Finally, it is our sincere hope and desire that by the County offering this letter to the Public Utility Commission in support of the Order, Sunoco does not stop communication with our Department of Emergency Services and local first responders but instead significantly improves their communication and transparency.

Respectfully,



Michelle Kichline
Chairman



Kathi Cozzone
Commissioner



Terence Farrell
Commissioner

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SECRETARY'S BUREAU

THE COUNTY OF CHESTER
OFFICE OF THE COMMISSIONERS
513 W. Market Street, Suite 6202
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West Chester, PA 19380-0991

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

EXHIBIT K

101 Commerce Drive
Exton, Pennsylvania 19341



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

June 1, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Pennsylvania State Senator Andrew Dinniman v. Sunoco Pipeline L.P.; Docket No. P-2018-3001453;
Docket No. C-2018-3001451

Dear Secretary Chiavetta,

West Whiteland Township asks the Public Utility Commission to uphold the suspension of the Mariner East project ordered by Administrative Law Judge Elizabeth Barnes. During the hearing that led to that Order, testimony was provided about the impact of Sunoco's Mariner East construction in West Whiteland Township. While the testimony was extensive, it still barely touches on the extent of concern expressed by residents to the Township's Board of Supervisors and staff. It has been over a year now since construction started in West Whiteland and the community began to grasp the scope of the Mariner East construction project and learn more about the nature of the product now flowing through the existing Mariner East pipeline. In that time, residents have been asking questions, such as:

Is there a better route for the new pipelines that would impact fewer people or provide a larger buffer between the pipelines and occupied structures? What happens if there is a leak that is ignited? Will the pipeline explode and how extensively? What is being done to ensure such an accident never happens next to our homes, businesses and gathering places?

Many residents also have asked about evacuation plans in the event of a pipeline emergency. Our first responders have answered that question many times, explaining that there is no pre-set plan because the extent and direction of any evacuation depends on circumstances during the incident, such as weather conditions and the type of leak. Our first responders also have tried to reassure the public that they have trained extensively to respond to hazmat incidents, including pipeline accidents. Unfortunately, many residents found no comfort in these reassurances because, without more publicly accessible information about the pipelines and the products conveyed in them, the first responders could not dispel their fear that they were not safe in their homes.

West Whiteland resident Virginia Marcille-Kerslake testified about the noise she could hear in her home from a nearby drill site. She and her family are not alone. Other families who live near drill sites also have complained about noise that is loud enough to get under a person's skin, reinforced by vibrations that are significant enough to rattle glassware on shelves. Grating noise and vibrations like that can go on for 12 hours per day, six days per week, with an expected construction duration of up to three years. Added to that is diesel exhaust from the continuously operating pumps that neighbors can smell and taste. Neighbors' complaints have been expressed with increasing anguish as they realize how long they must endure this unreasonable disturbance – for far longer than any typical construction project. These residents want to know:

How can they expect us to live next to drill sites during construction that will last a couple years? How will the sustained noise, vibration and exhaust exposure impact our health? Why are these conditions permitted in the first place?

Now that our residents have seen subsidence in back yards created by drilling and heard about the residential wells that were impacted, they wonder what other kind of environmental damage will occur because of drilling or any type of pipeline construction. The volume of comments presented to the PA Department of Environmental Protection in response to Sunoco's requested permit modifications, which are still under review, attests to their concerns.

Township officials and staff know that the volume of comments submitted to DEP illustrates the level of mistrust that exists in our community for Sunoco and their representatives. This mistrust evolved from the mishaps during pipeline construction, as well as Sunoco's unwillingness to truly listen to the public's concerns and attempt to allay them, to explain publicly the measures in place for pipeline safety, and, most importantly, to do more to ensure that pipelines carrying volatile liquid gases right next to homes, schools and other gathering places are absolutely safe.

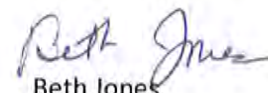
For the record, representatives from Sunoco and contractors working for them have answered numerous questions raised by Township staff about Mariner East construction and have tried to address many of the resident concerns. The Township appreciates their time and cooperation. However, the issues raised in this letter and during the testimony presented for this emergency petition and complaint go beyond their authority and responsibility.

Instead, these issues must be addressed by the leadership of Sunoco which has shown no regard for the extensive and unreasonable impact pipeline construction is having in West Whiteland Township or for the fear Mariner East has sown in our community about the risk of a pipeline accident. Until Sunoco provides comprehensive, clear and credible explanations demonstrating the safety of existing and future pipelines carrying natural gas liquids in close proximity to homes, schools and other gathering places directly to the public (not limited to residents within a short distance of the pipeline); and until Sunoco commits to taking steps to effectively muffle the noise, vibration and exhaust generated by construction, West Whiteland Township urges the Public Utility Commission to uphold the suspension of operation of Mariner East 1 and construction of Mariner East 2 and 2x.

West Whiteland Township
Board of Supervisors


Theresa Santalucia
Chairman


Michele Mole
Vice-Chairman


Beth Jones
Member

cc: State Senator Andrew Dinniman
State Representative Duane Milne
Virginia Marcille-Kerslake
Clean Air Council

EXHIBIT L

SENATOR
THOMAS J. MCGARRIGLE
26TH DISTRICT

SENATE BOX 203026
HARRISBURG, PA 17120-3026
(717) 787-1350 • FAX (717) 787-0196
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5037 TOWNSHIP LINE ROAD
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Senate of Pennsylvania

June 12, 2018

COMMITTEES

URBAN AFFAIRS & HOUSING, CHAIR
BANKING & INSURANCE
COMMUNITY, ECONOMIC &
RECREATIONAL DEVELOPMENT
LOCAL GOVERNMENT
RULES & EXECUTIVE NOMINATIONS

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.
Docket Nos. P-2018-3001453 and C-2018-3001451**

Dear Ms. Chiavetta:

I write to strongly urge the Pennsylvania Public Utility Commission (PUC) to uphold the Emergency Order issued by Administrative Law Judge Elizabeth Barnes in the above referenced matter. I do so as a member of the Pennsylvania General Assembly who represents a large portion of Chester County and Delaware County affected by Sunoco Pipeline L.P.'s actions, and I do so as an elected official who has a duty to protect the lives and property of my constituents.

I ask the PUC to uphold the Emergency Order for multiple reasons: The findings contained in the Order are factual, deeply troubling, clearly demonstrate the public is at risk and they mirror the serious concerns conveyed to me by my constituents. In addition, the Order outlines a number of much-needed and long overdue directives for Sunoco Pipeline L.P. that are unquestionably necessary to ensure the public's safety.

During the course of Sunoco Pipeline L.P. operations and construction projects, drilling mishaps have harmed our local communities and water supplies. Residents have repeatedly contacted me with concerns about their property values, and one Homeowners Association (HOA) has even provided me with correspondence indicating a looming insurance policy cancellation for this HOA's communal area due to the pipeline.

All of this pales in comparison to the many individuals who have contacted me with fears of a catastrophic pipeline event. The Sunoco Mariner East 1 Pipeline contains highly toxic and flammable materials transported under high pressure in densely populated areas throughout

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FRONT DESK

Rosemary Chiavetta, Secretary

June 12, 2018

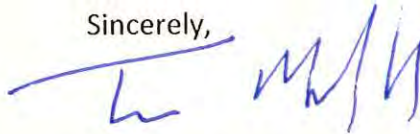
Page Two

my Senatorial District. It runs through neighborhoods, near schools and near large commercial and public areas where many people are gathered at any given time. Perhaps most alarming is the fact that Judge Barnes' Order references three Mariner East 1 Pipeline leaks in high consequence areas over the last year. Thankfully, these leaks did not involve ignition.

The directives for Sunoco Pipeline L.P. listed at the end of Judge Barnes' Order show how to best provide for the safety of residents and for the protection of their property. I believe it is essential for these recommendations to be honored. In particular, I ask the PUC to take requisite actions to ensure the structural integrity of all Sunoco Pipelines. I also request the PUC to require Sunoco Pipeline L.P. to create comprehensive emergency response plans for catastrophic events and provide emergency responders with devices and equipment that may be used in such events. Sunoco Pipeline L.P. should also be required to undertake all necessary geophysical and geotechnical studies and provide the public with an exhaustive risk analysis of its pipelines that can be used to safeguard our citizens.

I thank the PUC for its important work in evaluating Judge Barnes' Emergency Order and for considering my request to uphold this Order.

Sincerely,



Thomas J. McGarrigle
State Senator - 26th District

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2018 JUN 12 PM 3:50

PA PUC
SECRETARY'S BUREAU
FRONT DESK

44TH DISTRICT
JOHN C. RAFFERTY, JR.

- SENATE BOX 203044
20 EAST WING
HARRISBURG, PA 17120-3044
(717) 787-1398
FAX (717) 783-4587
- 3818 GERMANTOWN PIKE, SUITE B
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- THE SHOPPES AT PUGHTOWN
2325 POTTSTOWN PIKE
POTTSTOWN, PA 19465
610-469-8390
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INTERNET EMAIL ADDRESS:
jraffery@psen.gov

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senatorraffery.com



Senate of Pennsylvania

COMMITTEES

TRANSPORTATION, CHAIRMAN
JUDICIARY, VICE CHAIRMAN
CONSUMER PROTECTION &
PROFESSIONAL LICENSURE
INTERGOVERNMENTAL OPERATIONS
LAW AND JUSTICE

ADVISORY COUNCIL FOR THE SOUTHEASTERN
VETERANS' CENTER
JOINT STATE GOVERNMENT COMMISSION,
VICE CHAIRMAN
LAW ENFORCEMENT CAUCUS, CHAIRMAN
PENNSYLVANIA COMMISSION ON
SENTENCING
STATE TRANSPORTATION COMMISSION

June 12, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.
Docket Nos. P-2018-3001453 and C-2018-3001451**

Dear Ms. Chiavetta:

On behalf of the residents of the 44th Senatorial District, I strongly urge the Pennsylvania Public Utility Commission (PUC) to uphold the Emergency Order issued by Administrative Law Judge Elizabeth Barnes in the above referenced matter. I do so as a member of the Pennsylvania Senate who represents a large portion of Chester County affected by Sunoco Pipeline L.P.'s actions, and I do so as an elected official who takes to heart my sworn duty to protect the health, welfare and safety of my constituents.

I do believe the workforce installing the pipeline is highly skilled and well trained in their jobs. Sunoco Pipeline L.P. has been and continues to disregard the safety of the residents. I ask the PUC to uphold the Emergency Order that outlines a number of much-needed and long overdue directives for Sunoco Pipeline L.P. that are unquestionably necessary to ensure the public's safety.

During the course of Sunoco Pipeline L.P. operations and construction projects, drilling mishaps have harmed our local communities and water supplies. Numerous residents have contacted me concerned about their property values, and the Philadelphia Inquirer recently reported on property diminution due to Sunoco Pipeline, L.P. issues.

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2018 JUN 12 PM 3:49
PA PUC
SECRETARY'S BUREAU
FRONT DESK

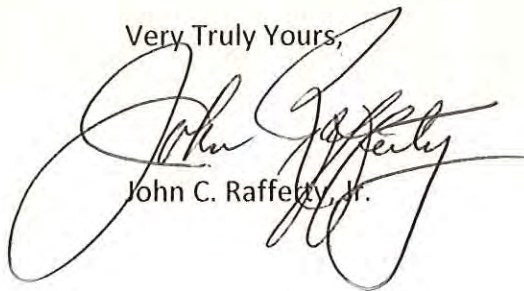
The Sunoco Mariner East 1 Pipeline contains highly toxic and flammable materials transported under high pressure in densely populated areas throughout Southeast Pennsylvania. The pipeline runs through neighborhoods, near schools and near large commercial and public areas where many people are gathered at any given time. Most troubling is the fact that Judge Barnes' Order references three Mariner East 1 Pipeline leaks in high consequence areas over the last year and just last week a portion of the pipeline was struck during routine work on a water system near a school.

The directives for Sunoco Pipeline L.P. memorialized in Judge Barnes' Order show how to best ensure the safety of residents and protection of property. I believe it is critically essential for these recommendations to be upheld and that Sunoco be held accountable for any safety impacts in communities surrounding their pipeline and infrastructure. In particular, I ask the PUC to take actions to ensure the structural and mechanical integrity of all Sunoco Pipelines. I also request the PUC to require Sunoco Pipeline L.P. to create comprehensive emergency response plans for catastrophic events and provide emergency responders with devices and equipment that may be used in such events such as is required with power plant licensing requirements. This would also include helping to train local responders to be able to react to immediate threats or catastrophic events. Sunoco Pipeline L.P. should also be required to undertake and make public all necessary geophysical and geotechnical studies and provide the public with an exhaustive risk analysis of its pipelines.

Once again, the health, safety and welfare of our residents is a keystone responsibility of government. The pipeline workforce is professionally trained and well skilled in their work. The problem is in one word, SUNOCO.

I thank the PUC for its important work and I urge the commission to uphold Judge Barnes' Emergency Order and for your anticipated action to uphold this Order. I remain,

Very Truly Yours,



John C. Rafferty, Jr.

JCR/sgm

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2018 JUN 12 PM 3:49
PA PUC
SECRETARY'S BUREAU
FRONT DESK

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THE STATE CAPITOL
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MIKE FOLMER



Senate of Pennsylvania

48TH SENATORIAL DISTRICT

June 12, 2018

COMMITTEES

STATE GOVERNMENT, CHAIR
COMMUNICATIONS & TECHNOLOGY
EDUCATION
INTERGOVERNMENTAL OPERATIONS
LABOR & INDUSTRY
RULES & EXECUTIVE NOMINATIONS

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

A-2018-3001453
C-2018-3001451

Dear Ms. Chiavetta:

I wanted you to know of my deep concerns with the troubling reality the public is at a potential risk as the Sunoco Mariner East 1 Pipeline contains toxic and flammable materials transported under high pressure in densely populated areas throughout my Senatorial District. I have heard from many constituents regarding their trepidations as this pipeline runs through neighborhoods, near schools and near large commercial and public areas where many people are gathered at any time.

I also ask for attention of Sunoco Pipeline L.P.'s eminent-domain tactics, violating the constitutional freedoms of my constituents. These practices facilitate the process for other pipelines to mimic this unfair practice against landowners. Rulings in favor of pipelines over landowners sets a dangerous precedent putting property owner's land and liberties at risk through the use of eminent domain.

The protection of my constituent's and their property is my number one priority in this matter. I thank the PUC for considering my request to reassess the situation with Sunoco Pipeline L.P. to better protect Pennsylvania residents.

Sincerely,

A handwritten signature in blue ink that reads "Mike Folmer".

Mike Folmer

RECEIVED
2018 JUN 12 PM 3:50
PA PUC
SECRETARY'S BUREAU
FRONT DESK

**CHRIS QUINN, MEMBER
168TH LEGISLATIVE DISTRICT**

HARRISBURG OFFICE:

P.O. Box 202168, Harrisburg, PA 17120-2168
Phone: (717) 772-0855; Fax: (717) 772-9856

DISTRICT OFFICE:

120 East State Street, Suite 100, Media, PA 19063
Phone: (610) 325-1541; Fax: (610) 892-3914



House of Representatives

Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

COMMERCE
TOURISM AND RECREATIONAL
DEVELOPMENT
URBAN AFFAIRS

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June 12, 2018

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.
Docket Nos. P-2018-3001453 and C-2018-3001451**

Dear Secretary Chiavetta,

The above referenced court decision made it clear that the construction of Mariner East 2 and the operation of Mariner East 1 must be conducted with public safety as paramount. This decision should be upheld by your agency, and that is why I am writing to you. The Mariner East 2 project runs directly through my legislative district and the evidence presented in this case mirrors the issues raised by my constituents about this project.

This decision should be upheld, because the findings in this case are troubling and it is clear that actions by Sunoco have caused demonstrable harm to the properties of local residents as well as our waterways. The damage caused to our waterways is even more troubling as its affects are widespread and the harm may prove to be irrevocable.

In her decision in this case, Administrative Law Judge Elizabeth Barnes has outlined tangible ways in which Sunoco can better manage their project to ultimately protect the safety and welfare of residents. These steps must be taken before construction and operation can continue. If they are able to continue without taking the proper preventive measures, the harm could ultimately prove catastrophic. There is simply no need to take these undue risks before Sunoco is able to continue its work.

Again, I encourage your agency to uphold this legal decision and enforce it. The safety of our residents must be our top priority. I appreciate you taking the time to listen to these arguments and I hope that you will take them into account as decisions are being made about the future of the Mariner 2 east project.

Best regards,

Christopher B. Quinn
PA State Representative
168th Legislative District

CBQ: es

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2018 JUN 14 PM 4:24
PA PUC
SECRETARY'S BUREAU
FRONT DESK



House of Representatives

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

CHRIS QUINN, MEMBER

P.O. BOX 202168

HARRISBURG, PA 17120-2168

* 2ND FLOOR
KEYSTONE

Public Utility Commission
North 302
Keystone Building

PLEASE HAND CARRY

RECEIVED

2018 JUN 14 PM 4:25

PA PUC
SECRETARY'S BUREAU
FRONT DESK



BOROUGH OF WEST CHESTER
PENNSYLVANIA

DIANNE HERRIN
MAYOR

MUNICIPAL BUILDING
401 E. GAY STREET
WEST CHESTER, PA 19380
PHONE: (610) 696-1452

June 12, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Pennsylvania State Senator Andrew Dinniman v. Sunoco Pipeline L.P.; Docket P-2018-3001453; Docket No. C-2018-3001451

Dear Secretary Chiavetta:

I am writing to ask the Public Utility Commission to continue the suspension of Mariner East 1 and construction of Mariner East 2 and 2x, as ordered by Administrative Law Judge Elizabeth Barnes. As the Mayor of West Chester, I and the vast majority of my constituents are gravely concerned about the consistently poor and irresponsible track record of the Sunoco Pipeline/Energy Transfer Partners' Mariner East Pipeline Project (Mariner East 1, Mariner East 2, and Mariner East 2X).

A portion of our Borough exists within the blast zone of these pipelines, and the recent, significant explosions in our country (first of a PGE pipeline in San Bruno, California, that killed 8 people and destroyed a neighborhood, and then of a new, 6-month-old "first in class" gas pipeline in West Virginia) show what can – and does – happen when profits are prioritized over safety. The mud spills, sink holes, water discharges, and recent damage to the pipeline by Aqua as a result of improper siting demonstrate a clear and blatant disregard for our residents' safety.

As a community leader and elected official, I am deeply alarmed about the lack of transparency, lack of risk assessment data, and lack of emergency response plan. This is a wholly unreasonable burden to place on our police department, our ambulance service, and our three West Chester fire companies – and it is unthinkable to put our residents at risk in this way.

Again, my constituents and I urge the Public Utility Commission to uphold the suspension of Mariner East 1, 2 and 2x.

Sincerely,

Dianne T. Herrin
Mayor

cc: State Senator Andrew Dinniman

WEST CORNWALL TOWNSHIP
73 S. ZINNS MILL ROAD
LEBANON, PA. 17042
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(717) 272-6438-Fax
WCTWP@comcast.net-email

June 12, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Pennsylvania Senator Andrew Dinniman v. Sunoco Pipeline L.P., Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Secretary Chiavetta:

The West Cornwall Township Board of Supervisors submits this letter in support of State Senator Dinniman's Petition for Interim Emergency Relief (Docket No. P-2018-3001453) and Administrative Law Judge Elizabeth Barnes' Interim Emergency Order (consolidating Docket Nos. P-2018-30001453 and C-2018-3001451). We strongly encourage the Pennsylvania Public Utility Commission (PUC) to uphold the Emergency Order of Judge Barnes and the suspension of the Mariner East Pipeline Project.

We have similar concerns about Sunoco's Mariner East project in our township as Senator Dinniman and Judge Barnes described exists in West Whiteland Township. Our residents are concerned about health and safety, lack of adequate emergency response plans, and their property values as a result of living near a hazardous highly volatile liquids pipeline. The pipeline route in our township also goes through limestone geology which is prone to sink holes. We are especially concerned that our streams and private drinking water wells are threatened.

The Mariner East 1, 2 and 2X pipelines traverse West Cornwall Township, crossing Beck Creek and Snitz Creek, two tributaries to the Quittapahilla Creek. Sunoco has attempted to drill under Snitz Creek and nearby homes, through karst topography, using the horizontal directional drilling technique (HDD). Six times since last August, Sunoco's HDD operations have released drilling fluid into Snitz Creek, in violation of its permits and the Clean Streams Law. The Department of Environmental Protection (DEP) shut down the HDD operation after each pollution event, required Sunoco to submit a report and plan that will prevent the recurrence and private well interference, allowed Sunoco to restart HDD, and then another spill occurs. Most recently, DEP halted drilling at the Snitz Creek site after a spill on June 1. Sunoco submitted the requested restart report, DEP authorized restart late in the evening of June 8, drilling resumed on June 9. When another spill occurred on June 10, the operation was stopped again. This is happening in other townships along the pipeline route. How many times must this scenario be repeated before we realize it's posing an unreasonable risk to residents, streams and drinking water wells?

Last year, blasting during construction of the Mariner 2 pipeline in the same easement as the 1930's-era Mariner 1 (which previously transported gasoline) exposed historic soil and groundwater contamination near where the pipelines cross Beck Creek, in karst topography, in our township. Benzene and MTBE (a gasoline additive) were discovered in a homeowner's drinking water well, across the highway from the former Quentin Terminal, previously a petroleum products distribution site where leaky above-ground storage tanks had been removed in the 1990s. Sunoco now has expanded the decades-old remediation plan to include the newly discovered

contamination along the pipeline route. How many other townships will find historic contamination in the soil and groundwater along the pipeline route like us?

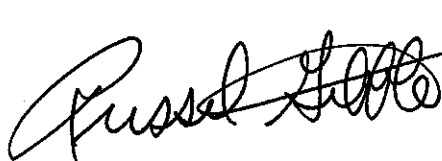
Here's why it is so dangerous to drill in karst topography. Karst is like swiss cheese with holes that are most often connected by fractures widened by solution channels, voids, caverns and sink holes. These openings make it very difficult to drill because drilling fluids are under pressure and are suddenly released when the drilling hits these voids and are lost into the groundwater that flows through the channels and voids. The groundwater flows down-gradient, into creeks, streams, and wetlands. These voids are often the source of groundwater that feeds homeowner drinking water wells. The well water can be contaminated with drilling mud, or in some instances, the drilling can empty a void of groundwater by drilling through it to another void, causing the well to dry up. Sunoco has tried to plug the voids with a bentonite-cement mixture but it doesn't work, presumably because the holes are too large in this area.

Construction of Mariner 2 (20-inch) is the first of two such drillings, with Mariner 2X (16-inch) to follow. Sunoco has not completed Mariner 2 in our township and others, because of this karst problem. Mariner 2X is to follow in the same easement, causing the same problems again. If Sunoco is able to complete the drilling and connect the pipes, there is a real danger that some of these voids caused by the drilling may also cause the rock to collapse and the pipe to break and gas may escape and find its way to the surface where it could explode and possibly also blowing up large voids filled with gas leading to huge explosions. Meanwhile the streams and creeks may continue to be contaminated by the large quantities of bentonite that was pumped into the voids while drilling.

As Judge Barnes' Emergency Order directs, and to ensure the structural integrity of the Mariner East pipelines, Sunoco should be required to undertake all necessary geophysical and geotechnical studies and provide the public with an exhaustive risk analysis of its pipelines to safeguard our citizens. Our residents need to be assured the pipelines are being installed, operated and maintained in a manner that provides for their safety. West Cornwall Township urges the PUC to uphold Judge Barnes' Interim Emergency Order until entry of a final order by the Commission after hearing the Complaint filed by Senator Dinniman.

Respectfully submitted,

West Cornwall Township Board of Supervisors



Russel Gibble
Chairman



David Lloyd
Supervisor



Dennis Tulli
Supervisor



June 12, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120
rchiavetta@pa.gov

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

West Pikeland Township write today in support the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and of the Order by Administrative Law Judge Elizabeth Barnes dated May 22, 2018 which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

The Order, founded on protecting the public interest and safety in accordance with 66 Pa. C.S. § 1501, is in concert with our municipal obligations to our community. We therefore support the Order enjoining Sunoco cease and desist all current and new operations, construction, including drilling activities Mariner East 1, 2 and Mariner East 2X pipeline in West Whiteland Township, Pennsylvania until the entry of a final Commission Order. We encourage the Commission to support the ALJ decision.

We support the requirement that Sunoco fully assess the condition, adequacy, efficiency, safety and reasonableness of ME1, ME2, and ME2X including but not limited to the integrity of the ME1 pipe and its welds, pipe materials wall thickness, depth of cover over ME1 and distances of said lines from residences, schools and hospitals; emergency response plan, practices and procedures and training protocols¹ in order. Based on Sunoco L.P.'s safety history noted in the Order, we suggest that this be a safety requirement in every municipality and that operations on Mariner pipelines be halted until such time that the safety of our communities and environment are confirmed to the most accurate degree possible. As noted in the Order, we West Pikeland Township do not have that assurance in any of the 85 municipalities of Mariner. As noted in the Order, the Commission and its Bureau of Safety Engineers need to evaluate responses to the conditions of the Order before construction resumes on "...ME 2 or ME2X in West Whiteland Twp. and before a potential catastrophic event occurs on ME 1."² Every municipality should have equal protection.

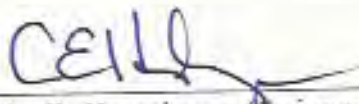
Along with West Whiteland Township, we West Pikeland Township also have equal rights to safety under the creation of "...emergency evacuation and notification plans and to educate the public before operations

¹ INTERIM EMERGENCY ORDER, page: 23 (10)(11)(14)

² INTERIM EMERGENCY ORDER, page: 19

should resume³ as well as documentation of geophysical and geotechnical studies regarding Mariner 2 and 2X, especially in areas where IRs and sink holes have been reported in the Commonwealth along the Mariner corridor.

We, West Pikeland Township therefore, submit this letter of support of Judge Barnes' Order pursuant to West Pikeland Township's obligation as a trustee of the natural resources contained within the Township pursuant to PA. CONST. art. I, § 27 (Natural resources and the public estate), commonly referred to as the Environmental Rights Amendment, in protecting the natural resources, environment and the quality of life for the citizens in its jurisdiction.



Charlie Humphreys, Chairman of the Board of Supervisors
West Pikeland Township

cc:

Chairwoman Gladys M. Brown
Vice Chairman Andrew G. Place
Commissioner John F. Coleman, Jr.
Commissioner David W. Sweet
Commissioner Norman J. Kennard
Sunoco Pipeline LP. - (muni Sunoco Contact)
Senator Dinniman - andydinniman@pasenate.com
Clean Air Council - abomstein@cleanair.org
Virginia Marcille Kerslake - vkerslake@gmail.com

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120
rchiavetta@pa.gov

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

The Chester County Association of Township Officials (CCATO) writes today in support of the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and of the Order by Administrative Law Judge Elizabeth Barnes dated May 22, 2018 which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

The Order, founded on protecting the public interest and safety in accordance with 66 Pa. C.S. § 1501, is in concert with the municipalities obligations to our community. We therefore support the Order enjoining Sunoco cease and desist all current and new operations, construction, including drilling activities Mariner East 1, 2 and Mariner East 2X pipeline in West Whiteland Township, Pennsylvania until the entry of a final Commission Order. We encourage the Commission to support the ALJ decision.

We support the requirement that Sunoco fully assess the condition, adequacy, efficiency, safety and reasonableness of ME1, ME2, and ME2X including but not limited to the integrity of the ME1 pipe and its welds, pipe materials wall thickness, depth of cover over ME1 and distances of said lines from residences, schools and hospitals; emergency response plan, practices and procedures and training protocols ¹ in order. Based on Sunoco L.P.'s safety history noted in the Order, we suggest that this be a safety requirement in every municipality and that operations on Mariner pipelines be halted until such time that the safety of our communities and environment are confirmed to the most accurate degree possible. As noted in the Order, we (CCATO) do not have that assurance in any of the 85 municipalities of Mariner. As noted in the Order, the Commission and its Bureau of Safety Engineers need to evaluate responses to the conditions for the Order before construction resumes on "...ME

¹ INTERIM EMERGENCY ORDER, page: 23 (10) (11)(14)

2 or ME2X in West Whiteland Twp. and before a potential catastrophic event occurs on ME 1." ² Every municipality should have equal protection.

Along with West Whiteland Township, municipalities have equal rights to safety under the creation of "...emergency evacuation and notification plans and to educate the public before operations should resume"³ as well as documentation of geophysical and geotechnical studies regarding Mariner 2 and 2X, especially in areas where IRs and sink holes have been reported in the Commonwealth along the Mariner corridor.

We, (CCATO) therefore, submit this letter of support of Judge Barnes' Order.

Regards,



David Connors
President
Chester County Association of Township Officials

cc:

Chairwoman Gladys M. Brown
Vice Chairman Andrew G. Place
Commissioner John F. Coleman, Jr.
Commissioner David W. Sweet
Commissioner Norman J. Kennard
Sunoco Pipeline LP. - (muni Sunoco Contact)
Senator Dinniman - andydinniman@pasenate.com
Clean Air Council - abomstein@cleanair.org
Virginia Marcille Kerslake - vkerslake@gmail.com

² INTERIM EMERGENCY ORDER, page: 19

³ INTERIM EMERGENCY ORDER, page: 19

May 29, 2018
Glen Mills, Pennsylvania

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.*; Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Ms. Chiavetta:

In its reckless rush to ram hazardous, highly volatile liquids pipelines through the heart of densely populated southeast Pennsylvania, Sunoco and its supporters have waged a campaign of disinformation aimed at both elected and appointed public officials (such as those who serve at the Public Utility Commission), and the public. One weapon deployed during this propaganda blitzkrieg is the assertion that the Mariner East export project provides an economic benefit. On the basis of this supposed benefit, we Pennsylvanians should accept the destruction of our property values, the endangerment of children and seniors, and the infringement of private property rights guaranteed under the Constitutions of Pennsylvania and the United States. The existence of such a benefit would hardly justify jettisoning these core American values; but the problem is that there is scant evidence supporting the underlying assertion—that an overall benefit to Pennsylvania communities exists in the first place.

Putting aside (for a moment) the critical issues of public safety and private property rights, it is evident that a full analysis would show enormous overall economic *harm* to Pennsylvania. As lawmakers from both parties recognize, without all the data, including quantification of project *costs*, it's dishonest to assume into existence an economic benefit.

One source relied upon for asserting the existence of an economic benefit is a study commissioned by Delaware County Council in 2012. This study was purportedly obtained for the purpose of considering redevelopment options for Sunoco's shuttered Marcus Hook refinery. However, the only options that were considered involved the transport of "natural gas liquids" to the facility. (Natural gas liquids, or NGLs, are liquefied ethane, propane and butane, and few other materials in the same family. If released, these materials present extraordinary hazards to densely populated areas. The federal regulatory agency, the Pipeline and Hazardous Materials Safety Administration (PHMSA) classifies NGLs as hazardous, highly volatile liquids).

No non-NGL alternatives were considered for the site, although they certainly existed. With regard to economics, the \$200,000 Delaware County taxpayer-funded study considered only potential upside, without making any effort to quantify downsides such as impaired property values, inability to obtain insurance, losses to property tax bases, and so on. For these reasons, the study is biased and fatally flawed. Economic "reports" like this fall into a genre which is well-understood by economists. StateImpact Pennsylvania recently reported on the subject,

writing “Haynes Goddard is a retired environmental economics professor at the University of Cincinnati and an expert in cost benefit analyses, which include calculations of social and environmental costs of large projects. Goddard said this type of report is meant to “buck up politicians” who support the project and the company that stands to make money off it. ‘They’re really ultimately misleading because they’re a very incomplete analysis of all the economic impacts positive and negative that these kinds of projects could have,’ Goddard said.”¹

A more honest and complete assessment completed in January 2017, titled “Economic Costs of the PennEast Pipeline: Effects on Ecosystem Services, Property Value, and the Social Cost of Carbon in Pennsylvania and New Jersey,” sought to quantify both positive and negative impacts of the proposed PennEast Pipeline and to weigh them against each other. This study found “Putting the streams of annual costs into present value terms and adding the one-time costs, the total estimated economic cost of the PE [PennEast] pipeline in the study region is between \$13.3 and \$56.6 billion. Contrasting, and as we explain more thoroughly in this report, the costs are several times larger than the proposed benefits.”

These cost estimates are hardly trivial numbers, but they probably come as no surprise to any landowner who is facing the damage and economic destruction already wreaked across Pennsylvania by Sunoco.

West Goshen Township gets specific about the economic catastrophe it’s facing on its web site. In West Goshen Township alone, Sunoco’s proposed project has scuttled a multi-million-dollar senior living facility, thereby seriously and permanently impacting the tax bases of both West Goshen Township and the West Chester Area School District. In addition, West Goshen has incurred hundreds of thousands of dollars in legal expenses in connection with its efforts to get Sunoco to comply with an agreement it voluntarily entered into with the township.² These negative impacts are both quantifiable and typical. They are visible in township after township where hard-working landowners and businesses have been assaulted in court by Sunoco and its army of jackbooted attorneys attempting to seize private property for corporate gain.

Sunoco and its supporters often claim that the proposed Mariner East export pipeline promises prosperity. But the PUC’s view of the disastrous economic reality of Sunoco’s proposed project must be informed by verified sources, not by one-sided, self-serving Sunoco propaganda. On the other hand, the public safety risks of the project (in terms of consequences and probability), especially to Pennsylvania’s most vulnerable residents, are squarely in view of the Commission. And the Commission has the authority and responsibility to enforce the applicable federal regulatory scheme. Commission Administrative Law Judge Barnes wrote in her Emergency Order dated May 21, 2018:

“Section 59.33(a) of the Commission’s regulations provides that “Every public utility shall at all times use every reasonable effort to properly warn and protect the public from danger and shall exercise reasonable care to reduce the hazards to

¹ <https://stateimpact.npr.org/pennsylvania/2018/01/09/report-mariner-east-pipelines-could-have-a-9-billion-financial-impact>, last visited May 29, 2018.

² www.westgoshen.org/sunoco-mariner-i-ii-information-litigation, last visited May 29, 2018. See “What is the economic impact of the Mariner II pipelines on West Goshen Township?”

which employees, customers and others may be subjected to by reason of its equipment and facilities. 52 Pa. Code § 59.33(a). Two large school districts have asked Governor Wolf what to do in an emergency. N.T. 62. Residents request specific instructions, but only receive boilerplate general information. N.T. 111. Chester County Emergency Services requested an emergency management plan and this request has not been fulfilled. N.T. 190. Sunoco’s Pipeline Safety expert Zurcher did not know how people unable to run away from a vapor cloud should respond to such an incident. N.T. 579. Sunoco may have given safety pamphlets to 66,000 people along the 350-mile route, and to schools within .5 miles of the pipe. However, given that vapor clouds can move depending on weather conditions and people are mobile within their communities, this is insufficient. More public outreach should be done than the meetings already held and that shown in SPLP Exhibits 8, 11 and 46. N.T. 419, 540. All of these facts support a finding that Sunoco has failed to take reasonable efforts to warn and protect the public from danger.”

Chester County’s Department of Emergency Services has provided the following numbers of people within the recommended one-half mile initial evacuation zone along the Mariner East route in Chester County:³

MuniName	Sum_POPULATION_EST
East Nantmeal	146
West Nantmeal	413
Wallace	789
Elverson	1032
Upper Uwchlan	2153
West Goshen	2410
Westtown	3157
Uwchlan	8139
East Goshen	8955
West Whiteland	11282

In Delaware County, the planned public alerting system, Delco Alert, is designed to trigger hundreds or thousands of cell phones and other electronic devices simultaneously. But PHMSA warns not to use cell phones in the event of an NGL leak. And Delaware County Emergency Services has confirmed that no one has evaluated whether the use of such a system (say, to notify people to begin an on-foot self-evacuation) might itself provide an ignition source in a heavier than air combustible vapor cloud.

The Commission has an obligation to protect public safety, which is at unreasonable risk of harm from Sunoco operations, especially given that the public has been provided no credible means of carrying out the on-foot self-evacuation which both Sunoco and PHMSA state is the only correct public response to an NGL leak. I write in support of the formal complaint filed by Pennsylvania

³ These numbers are based on 2010 U.S. Census data. They do not take into account vulnerable, transient populations such as those housed in elementary schools during school hours.

Senator Andrew Dinniman, and respectfully urge the Commission to affirm and continue its currently effective halt to operations of Mariner East 1, and to also halt all construction of new Sunoco hazardous, highly volatile liquids pipelines in unsafe proximity to occupied structures.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Friedman". The signature is written in a cursive style with a prominent initial "E".

Eric Friedman

CITIZENS OF THE COMMONWEALTH OF PA

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120
rchiavetta@pa.gov

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

We write today as CITIZENS OF THE COMMONWEALTH OF PA and on behalf of the communities who support the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453).

We support the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes which granted the Interim Emergency Relief Senator Dinniman requested on April 30, 2018. The decision affirms and upholds Article One § 27 of the Pennsylvania Constitution which 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."

As Judge Barnes notes, "Injunctive relief is crucial to protecting the public interest. Relief is sought on behalf of the public for safety and the convenience of the public within the meaning of 66 Pa. C.S. § 1501. The public needs protection from sinkholes, water contamination, damage to public and private property, degradation of natural resources, physical injury and death." (page 21, the Order).

Assertions of economic distress by Sunoco L.P. have not been balanced by a thorough accounting of economic distress that Sunoco L.P. has placed on the citizens and environment of the Commonwealth. We are in agreement with Judge Barnes that: "...any financial harm to Sunoco, a foreign for-profit corporation, or its shipper(s) is outweighed by the potential harm the public may sustain without Commission

intervention at this critical juncture and prior to the completion and start of ME2 and 2X." (page 21, the Order)

The undersigned support the requirements of the Order that Sunoco be enjoined from current and new operations in West Whiteland Township and in fact encourage the Commission to require the same conditions along the entire route until conditions of the Order are satisfied. Particularly of concern are emergency evacuation and notification plans and geophysical and geotechnical studies regarding Mariner 2, 2X.

The undersigned are aware that under normal construction practices, Sunoco has committed "egregious and willful violations" (according to Pennsylvania DEP). Since construction outside the 350 miles of Mariner is permitted at this time, it is our collective fear that current construction will be rushed and all the more egregiously in willful violation of both permit requirements and safety standards.

We, representatives of CITIZENS OF THE COMMONWEALTH OF PA submit this initial sign-on letter in support of the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes granting of Interim Emergency Relief. Please note that we were made aware of opposition to Senator Dinniman and the Order of Judge Barnes yesterday. You will see an outpouring of 83 citizens who took the time from work and home in that short 24 hours to support efforts to ensure our safety.

We ask that you forward this letter to the Commissioners and that our letter be made public on the Docket.

Respectfully Submitted by the undersigned:
CITIZENS OF THE COMMONWEALTH OF PA

cc:

Chairwoman Gladys M. Brown

Vice Chairman Andrew G. Place

Commissioner John F. Coleman, Jr.

Commissioner David W. Sweet

Commissioner Norman J. Kennard

Senator Andy Dinniman - andydinniman@pasenate.com

Sunoco Pipeline LP.

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CITIZENS OF THE COMMONWEALTH OF PA - 3

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CITIZENS OF THE COMMONWEALTH OF PA

June 8, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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Harrisburg, PA 17120
rchiavetta@pa.gov

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

The list of CITIZENS OF THE COMMONWEALTH OF PA who support the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) has grown. In this week, the total of community members listed below has reach 173.

We reiterate our support of the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes which granted the Interim Emergency Relief Senator Dinniman requested on April 30, 2018. The decision affirms and upholds Article One § 27 of the Pennsylvania Constitution which 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."

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is outweighed by the potential harm the public may sustain without Commission intervention at this critical juncture and prior to the completion and start of ME2 and 2X." (page 21, the Order)

The undersigned support the requirements of the Order that Sunoco be enjoined from current and new operations in West Whiteland Township and in fact encourage the Commission to require the same conditions along the entire route until conditions of the Order are satisfied. Particularly of concern are emergency evacuation and notification plans and geophysical and geotechnical studies regarding Mariner 2, 2X.

The undersigned are aware that under normal construction practices, Sunoco has committed "egregious and willful violations" (according to Pennsylvania DEP). Since construction outside the 350 miles of Mariner is permitted at this time, it is our collective fear that current construction will be rushed and all the more egregiously in willful violation of both permit requirements and safety standards.

We, representatives of CITIZENS OF THE COMMONWEALTH OF PA submit this initial sign-on letter in support of the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes granting of Interim Emergency Relief. Please note that we were made aware of opposition to Senator Dinniman and the Order of Judge Barnes yesterday.

We ask that you forward this letter to the Commissioners and that our letter be made public.

Respectfully Submitted by the undersigned:
CITIZENS OF THE COMMONWEALTH OF PA

cc:

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Vice Chairman Andrew G. Place

Commissioner John F. Coleman, Jr.

Commissioner David W. Sweet

Commissioner Norman J. Kennard

Senator Andy Dinniman - andydinniman@pasenate.com

Sunoco Pipeline LP. -

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WILLIAM WEGEM	West Chester	Chester County	wrwjmd@gmail.com
Robyn Scott	Wallace Township	Chester County	wasscott@msn.com
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Paige Steinmeyer	Uwchlan	Chester County	paigeborel@gmail.com
Carrie Gross	Uwchlan	Chester County	carriedgross@gmail.com
Cathy L. Fornwalt	Uwchlan	Chester County	cathyf237@comcast.net
Danielle Friel Otten	Uwchlan	Chester County	daniellefriel@gmail.com



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May 31, 2018

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OGEECHEE Riverkeeper
c.a.s.e. Consulting Services
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Chester County, Pennsylvania

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Professor of Earth and Environment
Boston University
Boston, Massachusetts

EMERITUS
Dr. Donald D. Davis,
Department of Plant Pathology &
Environmental Microbiology
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The Pennsylvania State University,
University Park, Pennsylvania

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120
rchiavetta@pa.gov

Re: Petition of Senator Dinniman for Interim Emergency Relief;
Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline
L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

We write today on behalf of the below organizations and entities who support the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and of the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes (consolidating Docket Nos. P-2018-3001453 and C-2018-3001451) which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

We commend the judicious basis of the Order, founded on protecting the public interest and safety within the meaning of 66 Pa. C.S. § 1501, and the recognition that "...any financial harm to Sunoco, a foreign for-profit corporation, or its shipper(s) is outweighed by the potential harm the public may sustain without Commission intervention at this critical juncture and prior to the completion and start of ME2 and 2X."¹

The undersigned commend the ruling of the Order, noting specifically that:

¹ INTERIM EMERGENCY ORDER, page: 21

Our mission: "To gather and serve as a clearinghouse for factual, unbiased information; to increase public awareness and participation through education; to build partnerships with residents, safety advocates, government and industry; and to improve public, personal and environmental safety in pipeline issues."

- 1) Sunoco is enjoined "...from beginning and (requiring Sunoco to) cease and desist all current operation, construction, including drilling activities Mariner East 1, 2 and Mariner East 2X pipeline in West Whiteland Township, Pennsylvania until the entry of a final Commission Order..."²
- 2) Sunoco must fully assess, and report findings to the Commission, the condition, adequacy, efficiency, safety and reasonableness of ME1, ME2, and ME2X; including but not limited to the integrity of the ME1 pipe and its welds, pipe materials wall thickness, depth of cover over ME1 and distances of said lines from residences, schools and hospitals; emergency response plan, practices and procedures and training protocols³ in order "...for the Commission and its Bureau of Safety Engineers to evaluate before construction should resume on ME 2 or ME2X in West Whiteland Twp. and before a potential catastrophic event occurs on ME 1."⁴
- 3) "Additionally, local and state government need time to create emergency evacuation and notification plans and to educate the public before operations should resume."⁵
- 4) Critical to the determination of safe operations, Sunoco Pipeline LP is to conduct geophysical and geotechnical studies regarding Mariner 2 and 2X in West Whiteland Township and to submit results to the Commission.
- 5) Sunoco Pipeline L.P. shall create for the public an integrity management program, risk analysis and other information required to warn and protect the public from danger and to reduce the hazards to which the public may be subjected.

The undersigned are aware of numerous letters submitted to the Department opposing Senator Dinniman's complaint number C-2018-3001451. The undersigned submit our letter of support to provide a balanced representation.

We note, too, that while many elected officials, industry trade organizations, and companies opposing Senator Dinniman's complaint may directly benefit financially from the completion of this project, the undersigned seek to represent the public interest and safety in pipeline operations. In a 24 hour period, 52 representatives of local, state and interstate NGOs, entities - and one Mayor - have joined in this letter of support.

In order to reduce the stream of emails to the Commissioners, we submit this sign-on letter and ask that you forward to the Commissioners noted as copied below.

² INTERIM EMERGENCY ORDER, page: 22 (7)

³ INTERIM EMERGENCY ORDER, page: 23 (10) (11)(14)

⁴ INTERIM EMERGENCY ORDER, page: 19

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Respectfully submitted on behalf of the entities below:



Pipeline Safety Coalition, Founder, Executive Director

cc:

Chairwoman Gladys M. Brown

Vice Chairman Andrew G. Place

Commissioner John F. Coleman, Jr.

Commissioner David W. Sweet

Commissioner Norman J. Kennard

Senator Andy Dinniman - andydinniman@pasenate.com

Sunoco Pipeline LP. -

Clean Air Council - abomstein@cleanair.org

Virginia Marcille Kerslake - vkerslake@gmail.com

Respectfully Submitted:

Berks Gas Truth, Karen Feridun, Founder: karen.feridun@gmail.com

Valley Forge Chapter, Trout Unlimited: Walter E. Goodman, III: peteg@bee.net

East Goshen Environmental & Safety Advocates, Bernard Greenberg, MD, founding member:
hikerbern@comcast.net

Guardians of the Brandywine, Tish Molloy, Board Member: tishmolloy@netscape.net

League of Women Voters Pennsylvania, Susan J Carty, President: sc51446@aol.com

Physicians for Social Responsibility Philadelphia, Tammy Murphy, Medical Advocacy/Director
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Juniata Watershed People Before Pipelines, Elise Gerhart: elisealcyone@gmail.com

Lancaster Against Pipelines: Tim Spiese, Board President: timspiese@gmail.com

ECHO Action NH: #FossilFree603, Stephanie A. Scherr, Director: ECHOactionteam@gmail.com

East Goshen Safety and Environmental Advocacy, Lex Pavlo, EGSEA Chair and Founding Member:
lex@eastgoshenadvocates.org

Uwchlan Safety Coalition, on behalf of 3000 followers: Rebecca Britton, Founder: rebeccabritton50@yahoo.com

EGSEA, Mary McCloskey, Community Outreach: maryswiftmccloskey@gmail.com

Protect Penn-Delco, Christina Johnson: christinacm29@aol.com

Environmental Justice Task Force of the WNY Peace Center, Charley Bowman, Co-Chair:
RenewableEnergy@wnypeace.org

Uwchlan Safety Coalition, Susan Long: susan_long@comcast.net

Western NY Drilling Defense, Charley Bowman, Co-Chair: RenewableEnergy@wnypeace.org

Goshen United for Public Safety, Donna Shuey: dshueypa@aol.com

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West Whiteland Citizens for Pipeline Safety, David A Mano: tealsearay1@yahoo.com
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Mohawk Valley Keeper, John Valentine, President: mohawkvalleykeeper@gmail.com
Meadowbrook Defense Alliance, Annette Murray, Organizer: annettemurray@comcast.net
Sine Studios, Matt Teacher: matt@sinestudios.com
Better Path Coalition, One Voice Media, Chris Digiulio, Press/Water Protector:
chrisdigiulio@gmail.com
Uwchlan Safety Coalition: Margaret Quinn: mcqfirst@gmail.com
East Goshen Safety, Joan Herman: gigiherman59@gmail.com
EGSEA, Christopher Holvey: cholvey@msn.com
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Coalition Against the Pilgrim Pipeline New Jersey, Ken Dolsky, Organizer: kdolsky@optonline.net
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Food & Water Watch, Eleanor Bravo, National Pipeline Campaign Manager:
ebravo@fwwatch.org
c.a.s.e. Consulting Services Inc., Dr. Simona L. Perry, Research Director:
Guthrie & Larason, Antique Dealers, Bucks County, PA: guthrielarason@verizon.net
Commonwealth of Pennsylvania Neuropsychologist, Carol Armstrong: mnem.np@gmail.com

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June 8, 2018

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Re: Petition of Senator Dinniman for Interim Emergency Relief;
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L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

Below, additional organizations and entities have added their names to this letter supporting the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and of the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes (consolidating Docket Nos. P-2018-3001453 and C-2018-3001451) which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

In total, 62 voices joined in support this week.

We commend the judicious basis of the Order, founded on protecting the public interest and safety within the meaning of 66 Pa. C.S. § 1501, and the recognition that "...any financial harm to Sunoco, a foreign for-profit corporation, or its shipper(s) is outweighed by the potential harm the public may sustain without Commission intervention at this critical juncture and prior to the completion and start of ME2 and 2X."¹

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Oil Change International, Brant Olson, US Program Director: brant.olson@gmail.com
Earthworks, Ethan Buckner, Energy Campaigner: ebuckner@earthworksaction.org
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Citizens for Clean Water, Vera Scroggins, Director: veraduerga@gmail.com
Meadowbrook Manor Civic Association, James T. Scarola, VP of External Affairs:
james.scarola@gmail.com
Lebanon Pipeline Awareness, Elise Kucirka Salahub, Member: elliesalahub@gmail.com
Adopt a Drain West Chester Borough, Rachel J. Davis, Stormwater Management Lead:
racheljoydavis2017@gmail.com
Jefferson Village HOA, Steven Friedrich: cantorsf@comcast.net
Upper Uwchlan Residents for Safety, Chris Digiulio, Co-Founder: chrisdigiulio@gmail.com
Mountain Lakes Preservation Alliance, April Keating, President: apkeating@hotmail.com
One Voice Media, Chris Digiulio, Press Correspondent: chrisdigiulio@gmail.com
Pennsylvania Alliance for Clean Water and Air, Jenny Lisa, Co-Director: pacwainfo@gmail.com
Sierra Club, Southeastern PA Group, Jim Wylie, Chair, jim.wylie@verizon.net

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Senate of Pennsylvania

June 1, 2018

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2018 JUN 13 AM 10:52
PA PUC
SECRETARY'S BUREAU

Re: *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.*; Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Ms. Chaivetta:

State Senator Andrew Dinniman has filed a formal safety complaint under the above docket numbers regarding Sunoco Pipeline's current and proposed hazardous, highly volatile liquids pipelines (Mariner East 1, Mariner East 2, and Mariner East 2X). I write in support of Sen. Dinniman's complaint.

I have personally visited some of the many communities across Pennsylvania that continue to experience economic hardship and other difficulties as a direct consequence of Sunoco's industrial activities. As documented by the Department of Environmental Protection in dozens of Notices of Violation, townships across our Commonwealth have experienced repeated spills of drilling fluid and disruption of carefully designed stormwater management plans that have impacted local waterways, aquifers and wells.

Some residents have been obliged to pay large sums of money for pre-construction evaluations of their most valuable assets—their homes—based on the concern that vibrations from nearby drilling will damage their foundations. Others have paid for expensive baseline water testing out of a concern (detailed in Sunoco's own documents) that Sunoco construction operations will damage private and public water supplies. Noise and light disturbances have been continual issues, and all of these things have substantially impacted the value and salability of homes. One area homeowners' association has been informed that it will lose its insurance coverage if new Sunoco pipelines are constructed on its property, something that could fatally impact this particular Pennsylvania nonprofit corporation. Some of these negative impacts to area home values were reported in today's Philadelphia Inquirer. See *How Sunoco's Mariner East pipeline is affecting real estate prices in Pa.'s Chester and Delaware Counties*, June 1, 2018, by Andrew Maykuth.

Most importantly, virtually all of southeast Pennsylvania, including both my district and that of Sen. Dinniman, are high consequence areas of dense vulnerable populations (both homes and businesses) in close proximity to the current and proposed Mariner East pipelines. Area residents have not been provided with any credible notification or self-evacuation plans to execute in the event of a leak of heavier-than-air combustible vapor. In the event of a such an accident on the Mariner East pipelines, residents face catastrophic consequences such as injury and death. And Sunoco's abysmal record of leaks and federal enforcement actions for violations of safety regulations indicate it will continue to experience such leaks. Please see my letter to Gov. Tom Wolf dated January 23, 2018, in which I detail Sunoco's 296 self-reported pipeline accidents since 2006. In the few months since then, Sunoco's accident number has increased to 301. Ironically, Sunoco's most recent pipeline accident occurred May 10, 2018 at virtually the same time that the Hon. Judge Barnes was conducting a hearing on Sen. Dinniman's safety complaint, spraying hazardous liquids in an Oklahoma City neighborhood.

Because of these negative economic impacts and serious unaddressed safety risks, I respectfully ask the Commission to uphold Judge Barnes's Emergency Order halting the operation of Mariner East 1, as well as further construction of Mariner East 2 and 2X in proximity to occupied structures.

Very Truly Yours



Daylin Leach
State Senator
17th District

RECEIVED
2018 JUN 13 AM 10:52
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SECRETARY'S BUREAU



CAROLYN T. COMITTA, MEMBER

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PROFESSIONAL LICENSURE
URBAN AFFAIRS
THE JOINT LEGISLATIVE CONSERVATION COMMITTEE

CAUCUSES

CLIMATE CAUCUS
GIRL SCOUT CAUCUS

June 1, 2018

Rosemary Chiavetta, Secretary
Bureau of the Secretary
Pennsylvania Public Utility Commission
400 North Street, Keystone Building
Harrisburg, Pennsylvania 17120

Dear Ms. Chiavetta:

Please find for your review and consideration the press release I issued immediately following the ALJ's decision on the Dinniman complaint regarding Marine East pipelines in West Whiteland.

HARRISBURG, May 24 – State Rep. Carolyn Comitta, D-Chester, released the following statement regarding a Pennsylvania judge's decision to halt operation of the Mariner East 1 pipeline in Chester County, as well as the construction of two new Mariner East pipelines.

"I'm pleased that Administrative Law Judge Elizabeth Barnes saw fit to stop construction and operations until the public's safety can be assured. As these projects have progressed, public health and safety have been my main concerns and I've advocated for the needs of residents to be put first. Today's action demonstrates that concerns many of us have raised are being taken seriously.

"In her order, Judge Barnes noted that local and state government agencies need time to create emergency evacuation and notification plans and educate the public before operations resume. The timely communication of information to community members affected by these projects has long been one of my concerns, and so I proposed legislation to create the Pipeline Safety and Communication Board to keep residents updated. House Bill 1700 is currently in the House Environmental Resources and Energy Committee.

"We've seen a record number of incidents occur along the path of the pipeline projects in Chester and Delaware counties, so this emergency action is appropriate. Community members have a right to know that their water supplies will be safe and their homes will be secure."

Thank you for your consideration.

Sincerely,

CAROLYN T. COMITTA
156th Legislative District

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg Pa 17105-3265

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JUN -4 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: *Petition of the Bureau of Investigation and Enforcement of the Public Utility Commission for the Issuance of an Ex Parte Emergency: Docket Number P-2018-3001453*

Dear Ms. Chiavetta,

Del-Chesco United for Pipeline Safety is a nonpartisan alliance of local coalitions, organizations, and concerned residents in Delaware and Chester counties. We have consistently raised concerns regarding the repeated, blatant disregard for public safety by Sunoco/Energy Transfer Partners. We have turned to every agency, every legislator in our area, every township official, every emergency response representative to outline the specific concerns. Nearly every state official we have met with, including Governor Wolf himself, has instructed us to turn to the PUC for help.

Mariner One, a 1930s repurposed pipeline, has been carrying NGLs for almost three years. The residents of Chester and Delaware counties have been largely unaware and grossly uninformed about this repurposing project. Our local officials have also repeatedly expressed frustrations with their inability to receive requested, important information from Sunoco to allow for emergency management planning. Just this week, Sunoco cancelled their meeting with Chester County emergency management officials to review their IMP, *again*.

Judge Barnes highlights specific examples of Sunoco's bold disregard for public safety and information in her ruling. The following are noteworthy quotes:

"There is a substantial issue regarding whether Sunoco has adequately created and trained its personnel and first responders of townships along its route regarding proper emergency response and evacuation procedures."

"Two large school districts have asked Governor Wolf what to do in an emergency."

"Residents request specific instructions, but only receive boilerplate general information."

"Chester County Emergency Services requested an emergency management plan and this request has not been fulfilled."

"Sunoco's Pipeline Safety expert Zurcher did not know how people unable to run away from a vapor cloud should respond to such an incident."

Mariner One has been operational for almost three years

We live in a high consequence area that has building structures as close as ten feet from these three natural gas liquid pipelines, and we have a right to be properly informed and protected.

Del-Chesco United for Pipeline Safety supports Judge Barnes' ruling to safeguard our communities and ask that you do as well. She outlines the very concerns we have been raising since the onset of this project. Thank you for your time and consideration.

Respectfully submitted,

Del-Chesco United for Pipeline Safety

Petition of Senator Dinniman for Interim Emergency Relief; Docket No. P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451

Dear Secretary Chiavetta:

As principal of Saints Peter and Paul School which lies 100 ft from the Mariner East Pipeline Project, I support Judge Barnes' ruling. Our students' safety is our first priority and need adequate studies and planning in order to protect them. Thank you.

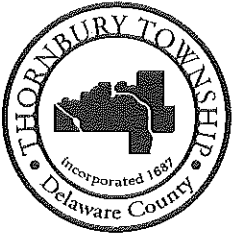
Sincerely,

Mrs. Margaret Egan

Principal

Saints Peter and Paul School

West Chester, PA 19380



THORNBURY TOWNSHIP

W W W . T H O R N B U R Y . O R G

BOARD OF
SUPERVISORS:

James H. Raith
James P. Kelly
Sheri L. Perkins

Public Meeting:

1st Wednesday of each month

June 6, 2018

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: *Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.*; Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Ms. Chaivetta:

I am writing on behalf of the residents of Thornbury Township, Delaware County. Our Board of Supervisors has repeatedly conveyed our concerns regarding the safety of both the Mariner East 1 and Mariner East 2 projects. We have sent letters to Governor Wolf, the PUC, our legislators, and others. We have spent countless hours addressing the public's concerns in our regularly scheduled meetings and held several special meetings solely for Mariner East pipeline safety concerns.

Township officials recently reviewed the May 21st ALJ Order regarding Senator Dinniman's Emergency Petition in reference to Sunoco's Mariner East 1 and Mariner East 2 activities in West Whiteland Township. We submit that Thornbury Township, Delaware County shares many, if not all, of the concerns articulated by Senator Dinniman. Indeed Thornbury Township believes that all of the residential communities through which ME1 and ME2 exist or are proposed will share the same concerns as those articulated by Senator Dinniman and as such we urge the PUC to exercise its authority to hold Sunoco accountable in the interest of public safety.

To date in Thornbury Township, Sunoco has experienced several failed HDD drilling activities. In attempting to perform HDD drilling at a site off of South Chester Road in Thornbury Township, Sunoco often lost track of the drill tool. Moreover, Sunoco's above referenced drill site involved 1,350 feet of failed drilling from October 2, 2017 through October 19, 2017. Ultimately the above referenced drilling attempt encountered impassable rock and was abandoned by Sunoco. Thereafter, Sunoco undertook a second unsuccessful attempt to perform an intercept drill from a separate site off of Slitting Mill Road. , However after three weeks of attempted intercept drilling, Sunoco abandoned that site and began with an entirely new HDD immediately adjacent to the previously mentioned South Chester Road Site.

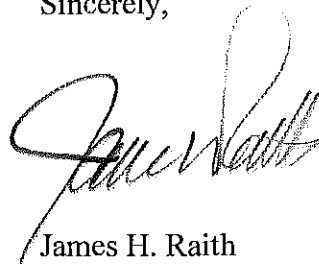
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2018 JUN 11 AM 10:39
PA PUC
SECRETARY'S BUREAU

The Township has further concerns regarding Sunoco experiencing inadvertent returns during the past failed intercept drilling attempts. As Sunoco experienced at least 6 inadvertent returns during the fall of 2017 drilling in the Township, the Township is concerned such occurrences will be common place in Sunoco's future drilling in the Township. Additionally, Sunoco has shown little to no respect for the restrictions of the Township's grading permit insofar as Sunoco has permitted its existing deficient sound curtain system to remain in a state of partial to complete failure for numerous months. In fact, the Township suspended Sunoco's Thornbury Township grading permit as of February 2018 while simultaneously requesting Sunoco to provide a design for an adequate, substantial and secure sound barrier shielding the Sunoco worksite from residences and businesses. Sunoco has failed to take any corrective steps to secure an adequate and substantial sound barrier system in Thornbury Township.

The Township submits that the May 21st ALJ Order confirms that the PUC has the authority to impose inspection and reporting requirements from Sunoco for concerns related to horizontal drilling. We have shared those concerns since the earliest discussions of this project. Accordingly, the Township is writing to request that the PUC and any other agency that has the authority to invoke inspection and reporting requirements related to the safety of the Mariner Projects exercise that authority. Specifically we are requesting an independent evaluation be completed for the new section of pipe that has been installed and other drilling that has taken place in Thornbury Township. Additionally we would ask that the existing pipeline in Thornbury Township, Delaware County be inspected and tested by the PUC or their designated agency.

We thank you for your attention to this matter. Please contact our township manager, Jeff Seagraves at 610-399-8383 ext. 104 if you have any questions.

Sincerely,



James H. Raith
Board of Supervisors
Chairman

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BECKY CORBIN
STATE REPRESENTATIVE
155TH LEGISLATIVE DISTRICT

52A East Wing
P.O. Box 202155
Harrisburg, PA 17120-2155
Phone: (717) 783-2520
Fax: (717) 782-2927

180 Gordon Drive
Suite 106
Exton, PA 19341
Phone: (610) 524-5595
Fax: (610) 524-5667



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

ENVIRONMENTAL RESOURCES
AND ENERGY
HEALTH
JUDICIARY
RULES
URBAN AFFAIRS

RepCorbin.com
Facebook.com/RepCorbin
bcorbin@pahousegop.com

June 7, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

**Re: Mariner East 2 Pipeline Construction
Chester County**

Dear Ms. Chiavetta:

I am writing to express my support for increased public safety initiatives during the active-construction and post-construction phase of the Mariner East 2 Pipeline.

This type of project involves potential public safety and environmental impacts that may not arise for years. The Mariner East 2 Pipeline is located next to numerous schools, residences, businesses, and community centers which are frequented by many residents, including the elderly and young children, so special consideration is warranted in this regard.

On behalf of the residents of my legislative district, I urge you to thoroughly review this project to consider all potential public safety and environmental impacts.

Thank you for your attention to this matter and I look forward to your written response.

Very truly yours,

A handwritten signature in black ink that reads "Bucky Corbin".

Becky Corbin, State Representative
155th Legislative District

BC/cm

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2018 JUN 11 AM 10:56
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SECRETARY'S BUREAU

LEANNE KRUEGER-BRANEKY, MEMBER
161ST LEGISLATIVE DISTRICT
115B EAST WING • P.O. BOX 202161
HARRISBURG, PA 17120-2161
(717) 705-2567 • FAX: (717) 705-7000

701 E. MACDADE BOULEVARD • FOLSOM, PA 19033
(610) 534-6880 • FAX: (610) 534-6881

BROOKHAVEN BOROUGH BLDG.
2 CAMBRIDGE ROAD • BROOKHAVEN, PA 19015
(610) 447-3297 • FAX: (610) 447-3378

EMAIL:
REPKRUEGER-BRANEKY@PAHOUSE.NET

WEBSITE:
WWW.PAHOUSE.COM/KRUEGER-BRANEKY



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

APPROPRIATIONS
COMMERCE
ENVIRONMENTAL RESOURCES & ENERGY
LABOR & INDUSTRY
POLICY

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2018 JUN 11 AM 10:40

PA PUC
SECRETARY'S BUREAU

June 8, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: **Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.**
Docket Nos. P-2018-3001453 and C-2018-3001451

Dear Secretary Chiavetta:

I write to strongly urge the Pennsylvania Public Utility Commission (PUC) to uphold the Emergency Order issued by Administrative Law Judge Elizabeth Barnes in the above referenced case. I represent areas of Delaware County affected by Sunoco Pipeline L.P.'s actions and I hold the safety and security of my constituents in the highest regard.

I ask the PUC to uphold the Emergency Order because the findings demonstrate significant risk for constituents in my community. The Order also outlines directives that are absolutely necessary to ensure public safety.

The operations and construction project by Sunoco Pipelines L.P. have resulted in harm to our local water supplies and to individual and public properties. Residents repeatedly contact me with concerns for their safety, their health and their property values. My office staff and I regularly hear fears of a catastrophic pipeline event. The odorless, colorless, highly explosive materials being transported under high pressure in densely populated areas by Mariner East 1 and proposed to be carried by Mariner East 2 have created fear throughout many of the residential communities that I represent.

Because the residents of Delaware County no longer trust the information given by Sunoco Pipelines L.P., they have requested a risk assessment by Delaware County. The Delaware County Council is currently deadlocked on this issue. Without a risk assessment at the county level, residents in my

district can only look to state level representatives to advocate for their safety. I ask that the PUC take action to honor the recommendations of Judge Barnes' Order to ensure the structural integrity of all Sunoco Pipelines. Sunoco Pipelines L.P. should also be required to undertake all necessary geophysical and geotechnical studies and provide the public with a comprehensive risk analysis of its pipelines that can be used to safeguard our citizens.

I'd like to thank the PUC for considering my request to support and uphold this Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'LKB', with a long horizontal flourish extending to the right.

Leanne Krueger-Braneky
State Representative, 161st District

CAPITOL OFFICE
150-A EAST WING
HARRISBURG, PA 17120-2167
(717) 787-8579

DISTRICT OFFICE
70 LANCASTER AVE, SUITE B
MALVERN, PA 19355
(610) 251-1070

CYBER OFFICE
DUANEMILNE.COM
DMILNE@PAHOUSEGOP.COM



House of Representatives
COMMONWEALTH OF PENNSYLVANIA

DUANE "D" MILNE, Ph.D.
STATE REPRESENTATIVE

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GOVERNMENT REFORM • PRAYER
VETERANS • WOMEN'S HEALTH •
RENEWABLE ENERGY

SPECIAL APPOINTMENTS
SUBCOMMITTEE ON EDUCATION
SUBCOMMITTEE CHAIR, SMALL BUSINESS

June 8, 2018

Public Utility Commission
Commonwealth of Pennsylvania
Keystone Building
400 North Street
Harrisburg, PA 17120

RE: Docket No. P-2018-3001453; Docket No. C-2018-3001451

To the Commission:

On behalf of residents of Chester County, I write to urge in the strongest possible terms that the Pennsylvania Public Utility Commission (PUC) uphold the emergency shutdown order of Judge Barnes as such pertains to the Mariner East 1, Mariner East 2 and 2X pipelines.

In the immediate term, the costs of this project outweigh the potential benefits, and the responsible position to take is upholding the suspension on continued activities. There are significant concerns about continued movement on these projects that demand resolution before any further activity even be contemplated. The actual and potential harm to local communities, and their citizens, along the pipeline route remains high and significant.

One set of problems stems from the very route of the pipelines themselves. As is, they cut through a number of high consequence areas in Chester County. The population density is quite significant, and the affected areas are filled with dozens of neighborhoods, schools and assisted living facilities. The Chester County of several decades ago when the paths first were designated is worlds away from the landscape dotting the county today, and the nature of the shifting changes in the area should be taken into account in evaluating the rational basis for a pipeline route in contemporary times.

Secondly, a plethora of environmental problems continue to plague communities along the pipelines path. These include ongoing issues with water quality being contaminated, because of construction impacts on homeowners' wells. Another matter is the repeated rupture and opening-up of sinkholes, including in residents' yards. All of this raises serious questions about the geological stability of the terrain and does cast doubt on its suitability for the kind of activity associated with the pipelines.

Third, a myriad of safety questions pertaining to the pipeline have yet to be answered in a satisfactory manner. Some of these relate to safety issues during the more immediate term of the construction phase of a pipeline. Others concern post-construction operations of pipelines. As has been well-documented and submitted to the PUC, numerous uncertainties surrounding the pipelines concern the risks of a leak and/or explosion and what has been done and/or can be done to mitigate such.

In addition, if a serious problem were to occur, residents and other responsible stakeholders express, quite rightly, that emergency response plans seem vague at best and highly incomplete at worst. The citizens of the area hold little to no confidence that a plan with foresight has been developed, and one that actually will prove effective, in the instance of a serious event along the pipeline. The potentially affected communities enjoy a fundamental right that public safety matters be addressed in a much more transparent and thorough fashion.

It is worth noting that Chester County residents certainly recognize the state's and nation's growing need for energy, particularly from sources that are not traditional fossil fuels, and hardly are motivated by an inherent desire to stand in the way of expanding energy availability. At least nine existing pipelines already cross the county, and so local residents, it is fair to say, clearly understand the reality of making accommodations and accepting sacrifices on a reasonable basis for energy needs beyond their immediate jurisdiction.

But there does come a point when enough is enough. At some juncture, pipelines simply do not make sense in certain geographic corridors, given population densities and the extent of development, both of which might have grown and shifted over time. There is a weighted balance at which the costs with respect to public safety, geological conditions, terrain stability, water quality and general environmental protection outweigh the possible benefits of a pipeline route.

The totality of the foregoing couple with other facts and circumstances highlight that the current path of this pipeline runs counter to the best interests of local communities and their public safety, environmental protections and individual property rights. The numerous and ongoing problems with water quality, sinkholes and public safety all point to one inescapable regulatory conclusion: the emergency order of Judge Barnes be upheld.

I therefore renew my call for the PUC to intervene in any and all pipeline matters that threaten the best interests and quality of life of Chester County residents. Thank you for taking the time to review these thoughts and provide them the utmost consideration.

Sincerely,

A handwritten signature in blue ink that reads "Duane D. Milne". The signature is written in a cursive style with a large initial "D".

Duane D. Milne, Ph.D.

State Representative

167th District



Upper Uwchlan Township

June 8, 2018

Via Electronic Mail: rchiavetta@pa.gov

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

**Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453;
Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.**

Secretary Chiavetta:

Upper Uwchlan Township writes to express support for the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and for the Order by Administrative Law Judge Elizabeth Barnes dated May 22, 2018 which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

The Order, founded on protecting the public interest and safety in accordance with 66 Pa. C.S. § 1501, is consistent with our municipal obligations to our community. We therefore support the Order enjoining Sunoco to cease and desist all current and new operations, construction, including drilling activities on the Mariner East 1, 2 and Mariner East 2X pipelines in West Whiteland Township, Pennsylvania until the entry of a final Commission Order. We encourage the Commission to support the decision of ALJ Barnes.

Upper Uwchlan Township supports the requirements that Sunoco fully assess the condition, adequacy, efficiency, safety and reasonableness of ME1, ME2, and ME2X including but not limited to the integrity of the ME1 pipe and its welds, pipe materials, wall thickness, depth of cover over ME1, and distances of said lines from residences, schools and hospitals; emergency response plans, practices and procedures and training protocols ¹ as noted in the order. Based on Sunoco L.P.'s safety history, as noted in the Order, we suggest that this be a safety requirement in every municipality and that operations on the Mariner pipelines be halted until such time that the safety of our communities, and that of the environment, are confirmed.

¹ INTERIM EMERGENCY ORDER, page: 23 (10) (11)(14)

As noted in the Order, the residents of Upper Uwchlan Township do not currently have that assurance.

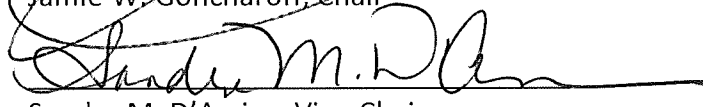
Upper Uwchlan Township submits this letter of support for the order as issued by ALJ Judge Barnes.

Respectfully,

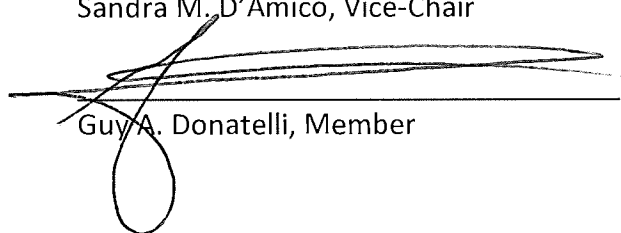
**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**



Jamie W. Goncharoff, Chair



Sandra M. D'Amico, Vice-Chair



Guy A. Donatelli, Member

Copy: Chairwoman Gladys M. Brown
Vice Chairman Andrew G. Place
Commissioner John F. Coleman, Jr.
Commissioner David W. Sweet
Commissioner Norman J. Kennard
Senator Dinniman - andydinniman@pasenate.com

P-2018-3001453
C-2018-3001451

June 9, 2018
250 S. Creech Rd
West Chester
PA 19382

To Pennsylvania Public Utility Commission

Please note that we are alarmed at the corporate greed and disregard of the needs and will of the people of the state of Pennsylvania.

The Mariner East Pipeline benefits Sunoco, not one other person in the state, unless they are in the pocket of this corporation.

Please say no to further movement of this thoughtless and dangerous activity. It benefits "we the people" not one iota.

Governor Wolf, if you want our vote a second time, stand up to the principles you once espoused.

Say No.

Christen Simon and Steven Sir

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2018 JUN 13 AM 10:43
PA PUC
SECRETARY'S BUREAU

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2018 JUN 13 AM 10:41
PA PUC
SECRETARY'S BUREAU

P-2018-3001453
C-2018-3001451

28 Portsmouth Circle
Glen Mills, Pa. 19342
June 10, 2018

Rosemary Chialetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pa. 17120

Dear Ms. Chialetta:

I am writing to ask you and the Public Utility Commission to permanently shut down the Mariner 1, Mariner 2, and Mariner 2X pipelines.

Sunoco and its partner companies are not a public utility; rather they are for-profit corporations. These pipelines put the densely populated Chester and Delaware Counties at an unacceptable risk of loss of life. The recent incident near Glenwood Elementary School is a perfect example of this. Had the highly explosive NGH's been running through the pipeline when the Agsea

contractor hit it (due to inaccurate information given to it by us), possibly hundreds of school children could have lost their lives. Do we need to have an incident like this occur before a decision is made?

The pipeline also violates article 1, section 27 of the Constitution of the Commonwealth of Pennsylvania putting our clean air, clean water, clean soil rights in danger.

Property rights and property values have also been put in jeopardy. Why is all of this happening? So we can make a profit making plastic products in Scotland and other parts of Europe.

Please put the citizens of Pennsylvania ahead of corporate profits and permanently shut down these highly dangerous pipelines.

Sincerely yours,
Janice Mancuso

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2018 JUN 13 AM 10:42

PA PUC
SECRETARY'S BUREAU

June 11, 2018

Dear Secretary Chiavetta:

I am writing to you about the upcoming PUC decision about the Mariner East pipeline. The recent explosion of the pipeline in West Virginia shows us what will happen if you allow this pipeline to be completed. While the devastation to land, water, and wildlife of the "accident" in West Virginia is bad enough, imagine the implications for such a disaster along the suburban southeastern corridor of the Mariner. Do we really need human death and maiming to bring a halt to this dangerous project?

The approval and construction process for this pipeline has allowed Sunoco to ride roughshod over the rights of citizens. These are not only property rights (we can cite here the company's disregard of landowner desires as well as the threat of the use of eminent domain), but also the human rights to a safe and clean environment, in our area as well as in the fracking lands and all along the pipeline.

Technology fails. Pipelines leak. These are *not* safe projects. The Dakota Access Pipeline, built not only with disregard for the earth but also with disdain for Native American culture, leaked at least 5 times over its first 6 months of operation, poisoning the area. Why would the PUC believe that Pennsylvania deserves this? Citizens expect that the PUC and other bodies' efforts would be put into renewable sources of energy and plans for sensible reduction in energy use.

Our state government and its regulating bodies owe the current citizens of Pennsylvania the rights guaranteed in our state Constitution, and we all owe future generations the protections for a healthy environment so that they can live and flourish alongside other species.

Will you do your job of ensuring the safety of Pennsylvanians and stop this pipeline?

Regards,



Cheryl Wanko
994 Stargazers Rd.
Coatesville PA 19320

RECEIVED
2018 JUN 14 AM 10:30
PA PUC
SECRETARY'S BUREAU

June 11, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451.

Secretary Chiavetta:

Mariner East 1 runs through my property, 32 feet from my bedroom. During a recent survey by Sunoco, the surveyor informed us that this 86-year-old steel pipe that has been repurposed to convey hazardous, highly volatile natural gas liquids under high pressure is a mere 21 inches underground on our property. In West Whiteland Township, this line passes in extreme proximity to shopping centers, business centers, senior living facilities, residential neighborhoods, little league fields, Chester County Library, Exton Mall, Mainline Health Care facilities, as well as major highways and railways. Ours is a high consequence area that has already suffered from Sunoco's haste, greed, ineptitude, and reckless disregard for public safety. In West Whiteland Township, they have contaminated wells and created major sinkholes. Considering their safety record, it is irresponsible to think that more problems will not occur if they install Mariner East 2 and 2x through our area. The recent incident of Mariner East 2 being struck by an Aqua worker near Glenwood Elementary School in Delaware County is part of the ongoing pattern of Sunoco's carelessness with public safety.

To highlight the exceptional risk this project imposes in our area, I urge the PUC to weigh the statistics provided by Chester County's Department of Emergency Services regarding the number of citizens within Mariner East's one-half mile initial evacuation zone as it passes through our area. These numbers confirm the high consequence nature of our area.

Chester County Citizens within Mariner East ½ mile Evacuation Zone	
Municipality	Estimated Number
East Nantmeal	146
West Nantmeal	413
Wallace	789
Elverson	1032
Upper Uwchlan	2153
West Goshen	2410
Westtown	3157
Uwchlan	8139
East Goshen	8955
West Whiteland	11282

I support the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and the May 22, 2018 Order by Administrative Law Judge Elizabeth Barnes which granted the Interim Emergency Relief Senator Dinniman requested on April 30, 2018. The decision affirms and upholds Article One § 27 of the Pennsylvania Constitution which 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.”

As Judge Barnes notes, “Injunctive relief is crucial to protecting the public interest. Relief is sought on behalf of the public for safety and the convenience of the public within the meaning of 66 Pa. C.S. § 1501. The public needs protection from sinkholes, water contamination, damage to public and private property, degradation of natural resources, physical injury and death.” (page 21, the Order).

Assertions of economic distress by Sunoco L.P. have not been balanced by a thorough accounting of economic distress that Sunoco L.P. has placed on the citizens and environment of the Commonwealth. I absolutely agree with Judge Barnes that: “...any financial harm to Sunoco, a foreign for-profit corporation, or its shipper(s) is outweighed by the potential harm the public may sustain without Commission

intervention at this critical juncture and prior to the completion and start of ME2 and 2X.” (page 21, the Order)

I support the requirements of the Order that Sunoco be enjoined from current and new operations in West Whiteland Township and in fact encourage the Commission to require the same conditions along the entire route until conditions of the Order are satisfied. Particularly of concern are emergency evacuation and notification plans and geophysical and geotechnical studies regarding Mariner 2 and 2X.

The Pennsylvania DEP judged that Sunoco has committed “egregious and willful violations”. Given a green light, I fear that Sunoco will rush the project to finalization and continue its egregious and willful violations of both permit requirements and safety standards placing the health, safety, and wellbeing of Pennsylvanians in jeopardy.

Please place my letter public on the Docket and forward it to the Commissioners.

Respectfully Submitted:

Jerry McMullen, Ph.D.
200 Hillside Drive
Exton, PA 19341
484-883-7013

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2018 JUN 13 AM 11:16

PA PUC
SECRETARY'S BUREAU

P-2018-3001453

C-2018-3001451

June 11 2018

Ms. Chiavetta,

I must believe that those in power do not really understand the danger surrounding the building & use of the Mariner East pipeline. This is not just one more pipeline -- this is a catastrophe waiting to happen.

I am loathe to believe that you & others with the power to approve or not, would endanger so many PA
→

residents willfully. I sincerely
hope not.

Lots Sellers
267 Rambling Way
Springfield PA 19064

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2018 JUN 13 AM 10:44

PA PUC
SECRETARY'S BUREAU

SALLY ANN SIMS, MS

1506 Conifer Dr., West Chester, PA 19380
West Whiteland Township

June 11, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North St.
Harrisburg, PA 17120

P-2018-3001453

C-2018-3001451

Dear Secretary Chiavetta:

We are writing in support of Judge Elizabeth H. Barnes' decision to approve Pennsylvania State Senator Andy Dinniman's petition to halt operation of the Mariner East 1 (ME1) pipeline and prohibit construction of the Mariner East 2 (ME2) and Mariner East 2X (ME2X) pipelines in West Whiteland Township. Construction of the ME2 pipeline has negatively affected West Whiteland residents' health and safety, water quality, stream health, and quality of life in West Whiteland Township, Chester County, and along the entire pipeline route.

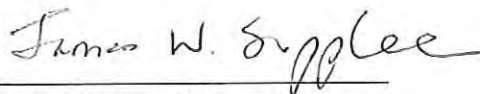
This ill-planned and unnecessary pipeline project endangers our neighborhoods, schools, environment, property rights, water resources, infrastructure as well as the health, safety, well-being, and way of life in our community. We support Senator Dinniman in pointing out how this project does not benefit Pennsylvania residents; blatantly ignores the rights granted to Pennsylvania citizens in the Pennsylvania Constitution for a clean and sustainable environment, including water resources; and can in no way be justified on the basis of seizing right-of-way through eminent domain. Especially given Sunoco's abysmal safety record, the ME2 pipeline also represents an extreme public safety emergency situation that presents a clear and present danger to life and property all along its route.

Please approve this order at your next meeting on June 14, 2018 and affirm the commission's jurisdiction over the placement and safety of hazardous materials pipelines. We need firm regulatory oversight to prevent dangerous and ill-constructed pipelines from harming Pennsylvanians and our land and water.

Sincerely,



Sally Ann Sims
1506 Conifer Dr.
West Chester, PA 19380
West Whiteland Township



James W. Supplee
1506 Conifer Dr.
West Chester, PA 19380
West Whiteland Township



TOWNSHIP OF EDMONT

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2018 JUN 13 AM 10:35

PA PUC
SECRETARY'S BUREAU

June 11, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

Re: Petition of Senator Dinniman for Interim Emergency Relief; Docket No. P-2018-3001453; Senator Dinniman v. Sunoco Pipeline L.P.; Docket no. C-~~201-3001451~~ C-2018-3001451

Secretary Chiavetta:

The Edgmont Township Board of Supervisors would like to express its support of the Order dated May 22, 2018, which granted interim emergency relief and review, as requested by Senator Dinniman of Chester County on April 30, 2018. The Order, founded on protecting the public interest and safety in accordance with 66 Pa. C.S. Section 1501, aligns with our fiduciary duty to our residents, and therefore the Board encourages the Pennsylvania Public Utility Commission to adopt the provisions of the May 22, 2018 Order related to continuing safety concerns, plans and procedures related to the pipeline construction occurring in Edgmont Township.

The Mariner East 1, 2, and 2X pipelines run through the western portion of Edgmont Township. The residents of the Township are entitled to and deserve the assurance that these pipelines are being installed, operated, and maintained in a manner that provides the utmost possible safety. Edgmont Township has experienced several issues related to the installation of Sunoco Pipelines, such as inadvertent spills of drilling fluid, erosion and changes in topography, resulting in unanticipated stormwater accumulation and topographical depressions forming from concentrated stormwater accumulation as well as roadway damage that has not been repaired to date. In the past, the Township has also experienced several spills from the existing buried Sunoco pipelines that have damaged property and released petroleum products into the environment impacting the water supply and land in the Township. The effect of disrupting the water supplies of many residents in the Sunoco construction area is still outstanding and is being monitored for several more years. Unfortunately the new construction and existing pipelines are inextricably intertwined thus making it difficult to separate the various issues associated with the pipelines.

In addition, the apparent delayed or in some cases a complete disregard for construction and easement upkeep has caused dangerous conditions and overgrown vegetation which

encourage the presence of nuisance wildlife and insects, thus potentially increasing the risk of exposure to disease to nearby residents. Lastly and most importantly, Edgmont Township is a heavily residential area in close proximity to the current and proposed Mariner East pipelines; to date the appropriate emergency responders and the residents of our Township have not been provided with an adequate emergency management plan and/or a risk assessment evaluation in the event of a leak or explosion.

The directives of Judge Barnes' Order outline how to best provide for the safety of our residents and the protection of their property. It is imperative that these recommendations be considered and implemented in the interest of public safety. Many of the incidents which have resulted from the construction of Sunoco Pipelines have occurred without making emergency responders aware of the situation and/or communicating crucial information about these issues to the proper authorities. These concerns, and more were outlined in the Proclamation adopted by the Board of Supervisors on December 19, 2016, a copy of which is enclosed. The majority of those issues outlined in the proclamation have still not been adequately addressed by Sunoco, the PUC, DEP, or Governor Wolf.

It is the duty of our state representatives to ensure the health, safety, and welfare of its residents, and the Township of Edgmont strongly believes that our representatives need to hold Sunoco Pipeline L.P. responsible for their actions and ensure the protection of our state and its residents. The Board of Supervisors would like to thank the PUC for your important work in evaluating Judge Barnes' Emergency Order and respectfully request that you review the Order with an eye toward implementation of appropriate safety considerations for the residents of Edgmont Township.

On behalf of the Edgmont Township Supervisors and the residents in which we serve, we would like to thank you for your consideration.

Very Truly Yours,



Ronald Gravina
Chairman, Board of Supervisors

Enclosure

cc: Sen. Thomas Killion
Rep. Christopher Quinn
Governor Wolf

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**EDGMONT TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

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PROCLAMATION

A PROCLAMATION of the Board of Supervisors of Edgmont Township, Delaware County, Pennsylvania, joining with its neighboring municipalities, Middletown Township and Thornbury Township and expressing great concern to the Governor of the Commonwealth of Pennsylvania, to the Secretary of the Pennsylvania Department of Environmental Protection and the Chairman of the Public Utility Commission regarding hazardous liquids transmission pipeline projects that threaten the health, safety and welfare of Township residents.

WHEREAS, Sunoco Pipeline L.P. (Sunoco) has announced that it is currently transporting highly volatile natural gas liquids (NGLs) under pressure through Edgmont Township, a "high consequence area," using a repurposed transmission pipeline installed in the 1960s with a capacity of 70,000 barrels (2,940,000 gallons) per day (Mariner East 1); and

WHEREAS, an additional proposed Sunoco pipeline known as Mariner East 2 could, if constructed, transport through Edgmont Township an additional 275,000 barrels (11,550,000 gallons) per day of these same NGLS (with the potential to expand to 450,000 barrels (18,900,000 gallons) per day); and

WHEREAS, the highly volatile NGLs, which are being transported through the Township for the first time by Sunoco, are, if released, gaseous, invisible, odorless, toxic, heavier than air and highly flammable; and

WHEREAS, the Mariner East project has the potential to jeopardize public safety in Edgmont Township by construction methods, accidental leaks, explosions, or fire.

NOW THEREFORE, BE IT PROCLAIMED, that the Board of Supervisors of Edgmont Township, Delaware County, joins with its neighboring municipalities, Middletown Township and Thornbury Township, to express its deep concern about the existing and proposed Sunoco Mariner East transmission pipelines to the Governor of the Commonwealth of Pennsylvania, the Secretary of the Pennsylvania Department of Environmental Protection and the Chairman of the Public Utility Commission. Of particular concern to the Board of Supervisors and residents of Edgmont Township are the following:

FIRST CONCERN: Essential to the powers of the Township, are the police powers granted by the Second Class Township Code and the power to regulate the uses and development of land by the Pennsylvania Municipalities Planning Code. Exemptions given to public utilities under each of these enabling bodies of law severely preempt the Township's ability to exercise its police powers and its ability to fully protect the health, safety and welfare of its residents and are contrary to the Commonwealth's ongoing obligation under Article 1, Section 27 of the Constitution of the Commonwealth, which provides:

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.

The consequences of such exemptions squarely favor commerce over community safety and are contrary to the preservation of the public trust created by the Commonwealth Constitution. Legislation is needed to more fully empower the Township to exercise control over public utility facilities at the local level, which in turn supports the Commonwealth's responsibility toward the citizens of the Commonwealth under Article 1, Section 27 of the Commonwealth Constitution.

SECOND CONCERN: The Mariner East 2 project, including the repurposing of Mariner East 1 to carry NGLs creates a high level of risk to Township residents and their property due to the nature of these highly volatile liquids being transported and proposed to be transported through the Township. This risk must be demonstrably mitigated by such measures as the development of an incident response plan which includes (but is not limited to) viable worst-case evacuation routes developed in cooperation with the Township personnel and affected residents; enhanced safety equipment and safety training for first responders; and separation of new pipelines from existing residences by a distance equal to or greater than the Potential Impact Radius (PIR) of those pipelines.

THIRD CONCERN: Over the last 2½ decades, there have been releases from the original Mariner East pipeline which have resulted in damage to property within the Township. Those releases involved petroleum products and occurred prior to the recent repurposing of the pipelines to carry NGLs. The most recent release which occurred on April 10, 2015, caused and continues to cause concerns among affected residents as the breach in pipeline integrity was not detected by Sunoco. The release and subsequent clean up resulted in significant tree clearing and wet lands disturbance. More importantly, local private water supplies still appear to be adversely impacted with residents continuing to report oily residue and unusual color in their potable water supply.

The inherent dangers of transporting highly volatile NGLs under pressure through Edgmont Township, coupled with the fact that if released, these liquids are gaseous, invisible, odorless, toxic, heavier than air and highly flammable, exponentially magnify the need for Sunoco to have reliable methods and safeguards in place (a) to prevent releases in the first place and (b) to immediately detect, control and stop any NGL releases which may occur. These risks can be mitigated by the installation of automatic shutoff valves prior to the Township boundary where the transmission pipelines enter, as well as at the boundary where the transmission pipelines exit the Township and in other appropriate locations within the Township established to maximize resident safety. To the extent that release detection instruments can also be provided to affected residents adjacent to transmission pipelines, they should be provided and maintained by Sunoco with appropriate training provided to residents and Township personnel. This would afford an additional level of safety and notice for Township residents whose properties would be most immediately and severely impacted by a breach of the pipeline and provide Sunoco with the ability to more quickly respond to an emergency, hopefully avoiding the loss of persons and mitigating damage to property.

FOURTH CONCERN: The Mariner East 2 project may threaten the private water supply of a number of Township residents as the proposed construction methods has potential to create voids between the proposed pipeline and surrounding earth and that it is Sunoco's intention to leave these voids ungrouted, creating an unacceptable pathway for groundwater contamination. Proper and reasonable safeguards would be for Sunoco to establish a benchmark of the condition and quality of each of the wells within a prescribed radius along the project and monitor those same wells for an acceptable period of time post-construction to reasonably ensure no degradation of the groundwater.

FIFTH CONCERN: The Mariner East 2 project construction may disturb and alter essential elements of thoughtfully approved subdivisions. Such disturbance will adversely affect safeguards both within and without those subdivisions which have been carefully implemented in the establishment of those subdivisions. Sunoco must be required to restore such conditions and safeguards to the condition which the same were in immediately prior to the commencement of any construction.

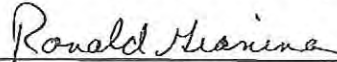
In addition, the introduction of heavy construction equipment on local Township roads may cause significant inconvenience to the traveling public, as well as damage to Township road infrastructure which was not designed to handle such activity. Sunoco needs to ensure the continuity of traffic flow and protect against damage to Township road infrastructure and enforce measures which guaranty that its contractors use only local roads approved by the Township for Mariner East project purposes.

SIXTH CONCERN: To the extent that the Mariner East 2 project is approved by all necessary agencies with jurisdiction there over, the Commonwealth must insure that such construction includes the simultaneous construction of both the proposed 20" pipeline and contemplated 16" additional pipeline, whether or not the such construction

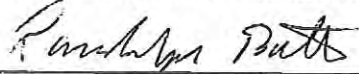
is deemed advisable or advantageous by Sunoco. To do otherwise will cause another significant period of hardship, consternation and anxiety to the residents of Township and surrounding community. This is a circumstance which is both unnecessary and easily avoided.

PROCLAIMED by the Board of Supervisors of Edgmont Township, Delaware County, Pennsylvania, at the regular meeting of said Board held this 19th day of December, 2016.

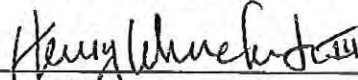
BOARD OF SUPERVISORS
Edgmont Township,
Delaware County, Pennsylvania



Ronald Gravina, Chairman



Randolph Bates, Vice Chairman



Henry "Hank" Winchester, III, Supervisor

Attest:



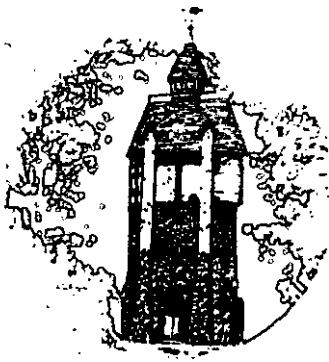
Samantha Reiner, Secretary

(TOWNSHIP SEAL)

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June 11, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

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SECRETARY'S BUREAU

RE: Petition of Pennsylvania State Senator Andrew Dinniman for Interim Emergency Relief, Docket No P-2018-3001453 & C-2018-3001451.

Secretary Chiavetta:

Westtown Township writes today in support of the Petition of Senator Dinniman for Interim Emergency Relief (Docket No. P-2018-3001453) and of the Interim Emergency Order by Administrative Law Judge Elizabeth Barnes dated May 22, 2018 which granted Interim Emergency Relief, as filed by Senator Dinniman on April 30, 2018.

The Order, founded on protecting the public interest and safety in accordance with 66 Pa. C.S. § 1501, is in concert with our municipal obligations to our community. We therefore support the Order enjoining Sunoco cease and desist all current and new operations, construction, including drilling activities Mariner East 1, 2 and Mariner East 2X pipeline in West Whiteland Township, Pennsylvania until the entry of a final Commission Order. We encourage the Commission to support the Administrative Law Judge's decision.

We support the requirement that Sunoco fully assess the condition, adequacy, efficiency, safety and reasonableness of ME1, ME2, and ME2X including but not limited to the integrity of the ME1 pipe and its welds, pipe materials wall thickness, depth of cover over ME1 and distances of said lines from residences, schools and hospitals; emergency response plan, practices and procedures and training protocols. Based on Sunoco L.P.'s safety history noted in the Order, we suggest that this be a safety requirement in every municipality, including Westtown Township, and that operations on Mariner pipelines be halted until such time that the safety of our communities and environment are assured to the maximum extent possible. As noted in the Order, the 85 municipalities through which the pipelines are being constructed and operated, including Westtown Township, do not have that

Secretary Rosemary Chiavetta
June 11, 2018
Page 2

assurance. As noted in the Order, the Commission and its safety engineers need to evaluate responses to the conditions for the Order before construction resumes on ME 2 or ME2X in West Whiteland Twp. and before a potential catastrophic event occurs on ME 1. Likewise, every municipality, including Westtown Township should have equal protection.

Along with West Whiteland Township, Westtown Township also has equal rights to safety under the creation of emergency evacuation and notification plans and to educate the public before operations should resume as well as documentation of geophysical and geotechnical studies regarding Mariner 2 and 2X, especially in areas where inadvertent returns and sink holes have been reported in the Commonwealth along the Mariner pipeline corridor.

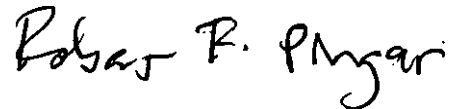
Respectfully,



Carol R. De Wolf
Chair



Scott E. Yaw
Vice Chair



for

Michael T. Di Domenico
Police Commissioner

cc: Chairman Gladys M. Brown
Vice Chairman Andrew G. Place
Senator Andrew Dinniman
Senator Thomas Killion
Matthew Gordon, Sunoco Pipeline LP.
Robert R. Ringar, P.E., Township Manager

11TH DISTRICT
JUDITH L. SCHWANK

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BOARD OF GOVERNORS

Harrisburg

Senate of Pennsylvania

June 12, 2018

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North St. 2d Floor
Harrisburg, PA 17120

P-2018-3001453
C-2018-3001451

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SECRETARY'S BUREAU
FRONT DESK

Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.

Dear Ms. Chiavetta:

As a state Senator whose district is affected by Sunoco Pipeline L.P.'s (Sunoco) activities, I encourage the Public Utility Commission to uphold the Emergency Order issued by Administrative Law Judge Elizabeth Barnes in this matter.

Judge Barnes' findings affirm the public concerns over the impact of Sunoco activities on property values and on environmental and health and safety concerns. The finding alone that there have been three leaks in the Mariner East 1 pipeline during the last year in high consequence areas especially concerns me for the sake of public confidence and trust.

I believe the judge's order reasonably protects residents and private property. The structural integrity of the pipelines must be ensured, of course, and a full understanding of relevant geophysical and geotechnical conditions is essential, as are appropriate emergency response plans. The order is a reasonable step to accomplishing these things and, again, I encourage the commission to adopt it going ahead.

Thank you for your consideration to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Judith L. Schwank".

Judith L. Schwank
Senator - 11th District

JLS:C