

LAW OFFICES
PINNOLA & BOMSTEIN

MICHAEL S. BOMSTEIN
PETER J. PINNOLA

ELKINS PARK OFFICE
8039 OLD YORK ROAD
ELKINS PARK, PA 19027
(215) 635-3070
FAX (215) 635-3944

100 SOUTH BROAD STREET, SUITE 2126
PHILADELPHIA, PA 19110
(215) 592-8383
FAX (215) 574-0699
EMAIL: mbomstein@gmail.com

MT. AIRY OFFICE
7727 GERMANTOWN AVENUE, SUITE 100
PHILADELPHIA, PA 19119
(215) 248-5800

REPLY TO:
Center City

April 13, 2020

Electronic Filing

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

Re: Flynn, et al. v. Sunoco Pipeline L.P.,
Docket No. C-2018-3006116 and P-2018-3006117
**FLYNN COMPLAINANTS' MOTION TO DETERMINE
SUFFICIENCY OF RESPONDENT'S OBJECTIONS AND
ANSWERS TO REQUEST FOR ADMISSIONS**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Flynn Complainants' Motion to Determine Sufficiency of Respondent's Objections and Answers to Request for Admissions.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,


MICHAEL S. BOMSTEIN, ESQ.

MSB:mik

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	DOCKET NOS. C-2018-3006116
CAROLINE HUGHES and	:	and P-2018-3006117
MELISSA HAINES	:	
Complainants	:	
v.	:	
SUNOCO PIPELINE L.P.,	:	
Respondent	:	

**FLYNN COMPLAINANTS' MOTION TO DETERMINE
SUFFICIENCY OF RESPONDENT'S OBJECTIONS
AND ANSWERS TO REQUEST FOR ADMISSIONS**

I. Introduction

1. On March 16, 2020 Flynn Complainants served Sunoco with a Request for Admissions ("the Request") that related principally to multitudinous violations of law, regulation and permits by Energy Transfer ("ET") in connection with HDD activities at Raystown Lake and in Beaver County (Revolution Pipeline). (Copy of Request attached as Ex. "A.") Respondent has now served its objections and answers. (Copy attached as Ex. "B.").

2. This motion is filed pursuant to 52 Pa. Code Section 5.350. Complainants now ask the ALJ to determine the sufficiency of Respondent's objections and answers.

3. The factual basis of the Request was information not known or knowable by Complainants prior to January 3, 2020, six weeks after the close of lay evidentiary hearings in Chester County.

4. On January 3, 2020, two separate Consent Orders and Agreements (“COAs”) were made public. Exhibits to the COAs were not made public, however, and at the time of this motion the DEP website still does not contain those exhibits.

5. Ultimately, DEP upon request did furnish the exhibits to Flynn counsel, including three private communications from ET subsidiaries to DEP.

6. The private communications supplied by DEP were ET’s own reports, revealing that ET had spilled over 3,000,000 gallons of drilling fluid at Raystown Lake in 2017 and that the company committed 230 environmental permit violations preceding the Revolution Pipeline explosion in 2018.

7. These newly-discovered private communications contain more than one hundred admissions by ET that show the company previously engaged in the same wanton and reckless conduct about which Flynn Complainants gave evidence during last Fall’s lay witness hearings.

8. ET’s admissions in these communications strongly support the claim that Sunoco’s construction and operation of the Mariner pipelines in high consequence areas is dangerous and unacceptable.

9. The private communications are relevant because they clearly demonstrate Sunoco cannot be trusted to meet its obligation under 66 Pa. C.S. § 1501 to operate its pipelines in a safe, adequate and reasonable manner.

II. Argument

A. General Response to Objections

10. ET/Sunoco now has served Flynn Complainants objections to almost all of the requests in the Flynn Request. Out of the 105 requests, numbers 3 – 105 were objected to on the basis of the detailed objections contained in response to No 3.

11. Respondent's objections may be summarized as follows:

- The requests seek information identical to what is sought in Complainants' pending motion;
- Judge Barnes already has ruled that the information sought is outside of the scope of the Complainants' direct testimony;
- The requests improperly seek reconsideration of that ruling;
- The information sought concerns matters outside of Chester and Delaware counties;
- The information sought is not relevant as the matters at issue have previously been fully resolved;
- The information sought does not relate to any safety concerns at issue in this litigation;
- To the extent that Complainants take issue with the COAs, the proper venue was the Environmental Hearing Board via a timely appeal that was not taken and, finally;
- Complainants waited too long to file the Motion for Leave to Submit and the pending Request for Admissions.¹

12. Flynn Complainants contend that Respondent's objections are entirely unfounded and that Respondent must be made to serve full and complete answers to the Request.

13. Most of the information sought is contained in the three private communications. Flynn Counsel obtained two of the reports by email on March 5, 2020 and one on March 9, 2020. (Copies of the DEP transmittals are attached hereto as Ex. "C").

¹ For purposes of simplification, Complainants have condensed Respondent's objections and addressed all of them in five separate sections below.

14. Discovery of the three reports clearly occurred after the evidentiary hearings, after the mid-January expert witness deadline and after the February 25th deposition of Matt Gordon.

15. Flynn Complainants thus could not have offered the reports into evidence in October or November, 2019 because their existence was neither known nor knowable.

16. The subject matter of the reports would not have required expert witness testimony and would not properly have been included in the written testimony of Complainant's experts. Indeed, the three experts whose direct testimony was submitted by the mid-January deadline have no particular expertise regarding the matter of whether ET has repeatedly violated DEP permits.

17. Contrary to Sunoco's assertion, the January 3rd COAs did not contain the same information or the same admissions. The details of ET's violations and admissions of those violations were laid out only in the private communications. The COAs, on the other hand, explicitly avoided admissions.

18. Paragraphs A – N of the Raystown COA are admitted by Sunoco in paragraph S.2. but only for the purposes of proceedings between Sunoco and DEP. The instant case is not between Sunoco and DEP. Thus, the language of the March 5, 2018 and February 19, 2019 private communications becomes important since both reports contain *unconditional* admissions not previously disclosed to the public.

19. With respect to the Revolution Pipeline COA, ET only admitted the background averments set out in paragraphs A – G. Unlike the Raystown Lake COA, the Revolution COA makes no specific reference to the private communication from ET dated February 21, 2019, in which the company admits in Table 2 that it had committed all of the violations alleged in the COA.

20. The February 21, 2019 ET letter was only discovered accidentally as Ex. “B” to Ex. “G” of the Revolution COA (May 14, 2019 DEP Order to Sunoco). That May 14, 2019 Order was produced by DEP to Flynn counsel by email dated March 10, 2020, well after the Gordon deposition.

B. Responses to Specific Objections

First Objection

21. Respondent first objects that the requests seek information identical to what is sought in Complainants’ pending motion.

22. The requests, however, do not seek information identical to what is sought in Complainants’ pending motion. In support of this response, take requests 10, 11, and 12:

10. On December 20, 2017, Sunoco reported that an approximate 25-gallon IR of HDD fluids (“drilling fluids”) to the surface of the ground at the Raystown Lake HDD Site had occurred earlier in the day during the pilot hole stage of the 16-inch diameter pipeline.

11. The said December 20, 2017 IR subsequently discharged into the Raystown Branch Juniata River.

12. As of December 20, 2017, Sunoco was not authorized to discharge drilling fluids to any water of the Commonwealth.

23. Request No. 12 asserts that Sunoco’s conduct was not authorized. The information supporting Request No. 12 is nowhere to be found in the three private communications. Similarly, Nos. 101, 103 and 105 allege that Sunoco never made the three reports public prior to January 3, 2020. That information is not found in the three private communications either.

24. Some of the requests were based upon the two January 3rd COAs, not the three privileged communications. For instance, DEP had entered an order on October 29, 2018 that gave Sunoco explicit directions as to remediation. Requests 84 – 99 enumerate what DEP

required and how Sunoco flouted that order. These requests are based on the Revolution COA, not the three reports in question.

Second Objection

25. Sunoco objects on the ground that Judge Barnes already has ruled that the information sought is outside of the scope of the Complainants' direct testimony.

26. Respondent contends that a ruling of the ALJ during the course of the Matt Gordon deposition operates to estop Flynn Complainants from obtaining the information sought by the Request. Complainants respectfully disagree.

27. First, there was no mention of the three private communications in the deposition. Second, the information sought to be admitted by the present Request was never specifically discussed during the deposition.

28. Complainants recognize that the two COAs were identified and that counsel sought to ask the witness questions based upon the COAs. Sunoco's counsel objected on a number of grounds. The judge then made a very specific ruling.

29. As stated in Sunoco's current Answer to Motion for Leave to Submit Additional Evidence ("Answer"), Sunoco "argued these documents were outside the scope of Complainants' direct case and thus cannot become part of the case pursuant to the Omnibus Order..." (Answer at 3).

30. Judge Barnes then stated, "I'm inclined to agree with Mr. Fox on this issue, that going into the permitting that was already resolved in the DEP consent orders is outside the scope of the direct testimony of the Flynn complainants' witnesses." (Answer at 3).

31. What the ALJ ruled was very specific: (a) The direct testimony of the Flynn witnesses did not involve DEP permit issues; and (b) the two COAs had resolved permit issues.²

Hence, questioning of Mr. Gordon on the COAs would not be permitted. Judge Barnes, however, did not put her imprimatur on the bases for all of counsel's objections to the testimony.

32. Flynn Complainants did not seek reconsideration of the judge's ruling and the ruling stands at this time. But, on February 25th, neither the judge nor Flynn counsel were yet aware of the three private communications in which Sunoco expressly admitted to massive permit violations.

33. The issue now before this tribunal is whether Sunoco is bound by express, written admissions that were all made prior to entry into settlement agreements which purportedly settled the disputes that were the subject of the admissions. That issue was not raised and could not have been raised in the deposition and, therefore, the ALJ never ruled upon it.

Third Objection

34. Respondent argues that the information sought concerns matters outside of Chester and Delaware counties.

35. ETC's construction of the Revolution Pipeline and Sunoco's activities at Raystown Lake are most certainly relevant to Flynn claims against Sunoco in Chester and Delaware Counties. Both firms are subsidiaries of ET and both are engaged in the same wanton and reckless conduct as to which Flynn Complainants gave substantial evidence during the hearings.

36. Sunoco's unsafe practices outside of Chester and Delaware Counties have a bearing on the question whether Sunoco can be expected to meet its obligations under Section 1501 to provide safe, adequate and reasonable service within those counties.

37. In the related I & E case, for example, the ALJ has accepted I & E's contention that

² The specific content of the COAs was never discussed by Sunoco's counsel nor was it ruled upon by the ALJ.

problems associated with the Morgantown leak incident warrant a re-evaluation of the entire 8-inch pipeline. Similarly, in the instant proceeding, the ALJ already has permitted discovery of information relating to the Revolution Pipeline explosion.

38. Concerns over safety have been the lynchpin of this case from the outset. The Complaint and amended complaints have argued safety all along, whether in the context of concerns over the public awareness program or the proximity of Mariner East pipes to the homes, schools and businesses of Chester and Delaware County residents. Testimony and documentary evidence of all of the witnesses in the three days of hearings focused on safety.

39. Section 1501 of the PUC Code has been an important part of Flynn Complainants' legal claims. If Sunoco has a clear, demonstrated history of wanton, willful and unsafe practices, how can the PUC sanction Sunoco's continued construction and operation of the Mariner East pipelines in Chester and Delaware Counties?

40. *Wanton, willful and unsafe* are patently inconsistent with *adequate, safe and reasonable*. Evidence of the admission of violations at Raystown Lake and in the construction of the Revolution Pipeline, therefore, is obviously relevant.

Fourth Objection

41. Respondent objects that, to the extent that Complainants take issue with the COAs, the proper venue was the Environmental Hearing Board via a timely appeal that was not taken.

42. The instant Request does not address whether the COAs were adequate. The fines imposed by DEP are not the subject of any requests. The appropriateness of the remedies is nowhere addressed in the requests.

43. The two COAs do not anywhere touch upon or discuss ET's pattern of violations or the company's wanton or willful conduct. While Flynn Complainants believe that is an

inexcusable pattern on DEP's part, the matter is not raised in the COAs. Complainants, therefore, had no reason to appeal to the EHB and their decision not to take such an appeal is immaterial to this case.

44. It must also be noted that the Flynn Complainants had no standing to appeal to the EHB from matters related to events at Raystown Lake and Beaver County. As Respondent continues to point out, they are residents of Chester and Delaware County. In addition, they were not parties to the dispute between ET and DEP.

Fifth Objection

45. Respondent objects that Complainants waited too long to file the Motion for Leave to Submit and the pending Request for Admissions

46. The pending Request for Admissions and Motion for Leave to Submit, however, could not have been filed prior to the November hearing because the very existence of the three private communications was not yet known. The existence of those reports could not have been known sooner than publication by DEP of the two COAs on January 3, 2020.

47. Respondent suggests that, nonetheless, the Request and the Motion could have been served/filed prior to the mid-January close of Flynn Complainants' case-in-chief. That contention is premised on the notion that Complainants had the right to present non-expert evidence after the November hearing date. That notion is wrong.

48. Judge Barnes, both in the final pre-hearing conference and in her final pre-hearing order, made it clear that the case was being bifurcated. Complainants' opportunity to present lay testimony and evidence ended with the November hearing. Their opportunity to present direct expert testimony and evidence ended mid-January.

49. The three private communications could not have been discovered until January 3rd at the latest. That date already was six weeks beyond the close of Complainants' lay witness case. The difference between January 3rd and January 15th, or January 3rd and March 16th, therefore, is immaterial.

III. Conclusion

50. Unexplained written admissions by a party may be conclusive against that party. *McIvor v. Hynes*, 248 Pa. 544, 94 A. 230, 231 (1915).

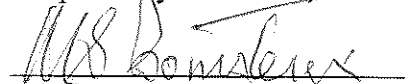
51. Nowhere in the two COAs did ET deny or explain away the admissions contained in the three privileged communications.

52. For all of the reasons set forth above, Respondent's objections must be overruled.

IV. Relief

WHEREFORE, Flynn Complainants pray that the ALJ grant their motion and direct Respondent to serve full and complete Answers to their Request for Admissions.

Respectfully submitted,



Michael S. Bomstein, Esq.

Pinnola & Bomstein

PA ID No. 21328

Email: mbomstein@gmail.com

Suite 2126 Land Title Building

100 South Broad Street

Philadelphia, PA 19110

Tel.: (215) 592-8383

Attorney for Complainants

Dated: April 13, 2020


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	DOCKET NO. C- 2018-3006116
CAROLINE HUGHES and	:	
MELISSA HAINES,	:	DOCKET NO. P-2018-3006117
Complainants	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Flynn Complainants' foregoing Motion upon the persons listed below as per the requirements of § 1.54 (relating to service by a party).

See attached service list.



Michael S. Bomstein, Esq.

Dated: April 13, 2020

LEAH ROTENBERG ESQUIRE
MAYS CONNARD & ROTENBERG LLP
1235 PENN AVE
SUITE 202
WYOMISSING PA 19610
610.400.0481
Accepts E-Service
*Representing Intervenor Twins Valley
School District*

MARGARET A MORRIS ESQUIRE
REGGER RIZZO & DARNALL
2929 ARCH STREET 13TH FLOOR
PHILADELPHIA PA 19104
215.495.6524
Accepts E-Service
*Representing Intervenor East Goshen
Township*

VINCENT MATTHEW POMPO
ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
PO BOX 565
WEST CHESTER PA 19381
610.701.4411
Accepts E-Service
*Representing Intervenor West Whiteland
Township*

MARK L FREED ESQUIRE
JOANNA WALDRON ESQUIRE
CURTIN & HEEFNER LLP
DOYLESTOWN COMMERCE CENTER
2005 S EASTON ROAD SUITE 100
DOYLESTOWN PA 18901
267.898.0570
Accepts E-Service
*Representing Intervenor Uwchlan
Township*

JAMES R FLANDREAU
PAUL FLANDREAU & BERGER LLP
320 WEST FRONT ST
MEDIA PA 19063
610.565.4750
Accepts E-Service
*Representing Intervenor Middletown
Township*

PATRICIA BISWANGER ESQUIRE
PATRICIA BISWANGER
217 NORTH MONROE STREET
MEDIA PA 19063
610.608.0687
Accepts E-Service
*Representing Intervenor County of
Delaware*

ALEX JOHN BAUMLER ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.701.3277
Accepts E-Service
*Representing Intervenor Downingtown
Area School District, et al.*

GUY DONATELLI ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.430.8000
*Representing Intervenor Rose Tree
Media School District*

JAMES DALTON
UNRUH TURNER BURKE & FREES
PO BOX 515
WEST CHESTER PA 19381
610.692.1371
*Representing Intervenor West Chester
Area School District*

JAMES BYRNE ESQUIRE
MCNICHOL BYRNE & MATLAWSKI PC
1223 N PROVIDENCE RD
MEDIA PA 19063
610.565.4322
Accepts E-Service
*Representing Intervenor Thornbury
Township*

MELISSA DIBERNARDINO
1602 OLD ORCHARD LANE
WEST CHESTER PA 19380
484.881.2829
Accepts E-Service

VIRGINIA MARCILLE KERSLAKE
103 SHOEN ROAD
EXTON PA 19341
215.200.2966
Accepts E-Service
Intervenor

LAURA OBENSKI
14 S VILLAGE AVE
EXTON PA 19341
484.947.6149
Accepts E-Service

REBECCA BRITTON
211 ANDOVER DR
EXTON PA 19341
215.776.7516
Accepts E-Service

JOSH MAXWELL
MAYOR OF DOWNINGTOWN
4 W LANCASTER AVENUE
DOWNINGTON PA 19335
Intervenor

THOMAS CASEY
1113 WINDSOR DR
WEST CHESTER PA 19380
Intervenor

KELLY SULLIVAN ESQUIRE
MCNICHOL BYRNE & MATLAWSKI
1223 NORTH PROVIDENCE RD
MEDIA PA 19063
610.565.4322
Accepts E-Service
Representing Thornbury Twp.

MICHAEL P PIERCE ESQUIRE
MICHAEL P PIERCE PC
17 VETERANS SQUARE
PO BOX 604
MEDIA PA 19063
610.566.0911
Accepts E-Service
Representing Edgmont Twp.

WHITNEY SNYDER, ESQUIRE
HAWKE MCKEON AND SNISCAK LLP
100 N TENTH STREET
HARRISBURG PA 17101
WESNYDER@HMSLEGAL.COM
*REPRESENTING SUNOCO PIPELINE
LP*

HON. ELIZABETH H. BARNES
Administrative Law Judge
Public Utility Commission
400 North Street, 2nd Floor L-M Wes
Harrisburg, PA 17120

NEIL S WITKES ESQUIRE
ROBERT D FOX ESQUIRE
DIANA A SILVA ESQUIRE
MANKO, GOLD, KATCHER & FOX LLP
401 CITY AVENUE
VALA CYNWYD PA 19004
NWITKES@MANKOGOLD.COM
REPRESENTING SUNOCO PIPELINE
LP

THOMAS J SNISCAK, ESQUIRE
HAWKE MCKEON AND SNISCAK LLP
100 N TENTH STREET
HARRISBURG PA 17101
TJSNISCAK@HMSLEGAL.COM
REPRESENTING SUNOCO PIPELINE
LP

RICH RAIDERS ESQUIRE
606 NORTH 5TH STREET
READING PA 19601
484.509.2715
RICH@RAIDERSLAW.COM
REPRESENTING INTERVENOR
ANDOVER HOMEOWNERS'
ASSOCIATION INC.

ANTHONY D KANAGY ESQUIRE
POST & SCHELL PC
17 N SECOND ST 12TH FL
HARRISBURG PA 17101-1601
717.612.6034
AKANAGY@POSTSCHELL.COM
REPRESENTING INTERVENOR
RANGE RESOURCES APPALACHIA

ERIN MCDOWELL ESQUIRE
3000 TOWN CENTER BLVD
CANONSBURG PA 15317
EMCDOWELL@RANGERESOURCES.
COM
REPRESENTING INTERVENOR
RANGE RESOURCES APPALACHIA

EX. "A"

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	DOCKET NOS. C-2018-3006116
CAROLINE HUGHES and	:	P-2-18-3006117
MELISSA HAINES	:	
Complainants	:	
v.	:	
SUNOCO PIPELINE L.P.,	:	
Respondent	:	

**FLYNN COMPLAINANTS' FIRST REQUEST FOR
ADMISSIONS ADDRESSED TO SUNOCO PIPELINE L.P.**

Pursuant to 52 Pa. Code § 5.350, Complainants hereby request that, within twenty (20) days after service of this request, Respondent admit the truth of any matters, within the scope of §§ 5.321—5.324 (relating to general discovery), set forth in the request, that relate to statements or opinions of fact or of the application of law to fact, including the genuineness, authenticity, correctness, execution, signing, delivery, mailing or receipt of a document described in the request.

Admit the Following:

I. Background

1. Sunoco Pipeline LP (“Sunoco”) is a subsidiary of Energy Transfer Partners, LP (“ET”), a Delaware Limited Partnership.
2. ETC Northeast Pipeline, LLC (“ETC”) also is a subsidiary of ET.

II. Raystown Lake

3. As part of its Pennsylvania Pipeline Project – Mariner East II (“PPP-ME2”), Sunoco obtained permits to conduct pipeline installation activities in Huntingdon County, Pennsylvania.
4. Exhibit “A” hereto is a true and correct copy of a report submitted on or about March 5, 2018 by Sunoco to DEP titled “*Incident Assessment Memorandum, HDD Bore No. S2-0150A, Raystown Lake.*” (“the March 5th Report”).

5. For a period of time in 2017, Sunoco's HDD operations at its Raystown Lake ("the lake") HDD Site were conducted by its site contractor, Michels Directional Crossings ("Michels").

6. Michels began its HDD operations, Bore No. S2-0150A, at the Raystown Lake HDD site on November 16, 2017.

7. An inadvertent return ("IR") is an unauthorized discharge of drilling fluids to the ground or surface waters, including wetlands, associated with horizontal directional drilling ("HDD") or other trenchless construction methodologies.

8. A loss of circulation ("LOC") is a condition when HDD operations are in progress and drilling fluid circulation to the HDD endpoints is either lost from the annulus or is significantly diminished.

December, 2017 LOCs

9. On December 11, 2017, Sunoco reported a LOC of approximately 2,000 gallons at the Raystown Lake HDD Site earlier in the day during the pilot hole stage of the 16-inch diameter pipeline.

10. On December 20, 2017, Sunoco reported that an approximate 25-gallon IR of HDD fluids ("drilling fluids") to the surface of the ground at the Raystown Lake HDD Site had occurred earlier in the day during the pilot hole stage of the 16-inch diameter pipeline.

11. The said December 20, 2017 IR subsequently discharged into the Raystown Branch Juniata River.

12. As of December 20, 2017, Sunoco was not authorized to discharge drilling fluids to any water of the Commonwealth.

13. A gray discoloration of water on the east side of the lake was noticed by Site Professional Geologist (PG) on November 29th, but boat crews found nothing unusual or notable.

14. On December 11, 2017 at 1800 hours, Michels noted a partial loss of return ("LOR") with a total fluid loss of approximately 2,000 gallons. An LOR Return Form was submitted to Lead EI and management team. DEP was also notified.

15. On December 12, 2017, Michels noted a partial loss of drilling fluid of 11,800 gallons, which was estimated to be 25%.

16. The said December 12, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

17. On December 12, 2017, Sunoco reported an approximately 25-gallon IR of drilling fluids to the surface of the ground at the lake, which was discharged subsequently into the Raystown Branch Juniata River.

18. On December 13, 2017, Michels noted a partial loss of drilling fluid of 98,000 gallons, which was estimated to be 25%.
19. The said December 13, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
20. On December 14, 2017, Michels noted a partial loss of drilling fluid of 170,400 gallons, which was estimated to be 25%.
21. The said December 14, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
22. On December 15, 2017, Michels noted a partial loss of drilling fluid of 55,700 gallons.
23. The said December 15, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
24. On December 16, 2017, Michels noted a partial loss of 160,8800 gallons, which was estimated to be 50%.
25. The said December 16, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
26. On December 18, 2017, Michels noted a partial loss of drilling fluid of 291,800 gallons, which was estimated to be 50%.
27. The said December 18, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
28. On December 19, 2017, Michels noted a partial loss of drilling fluid of 71,000 gallons, which was estimated to be 25%.
29. The said December 19, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
30. On December 20, 2017, Michels noted a partial loss of drilling fluid of 88,700 gallons.
31. The said December 20, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.
32. In the March 5th Report, Sunoco reported that during the construction of the 16-inch diameter pipeline, the total additional unreported LOCs in December, 2017 amounted to 948,200 gallons.

33. Sunoco's delay in reporting the required LOCs associated with the 16-inch line construction at the lake extended from December 12, 2017 until March 5, 2018, a total of 83 days.

34. Sunoco's HDD IR PPC Plan in effect in December, 2017 required Sunoco to report LOCs to DEP immediately upon discovery.

March – October, 2017 LOCs

35. Sunoco engaged Laney Directional Drilling ("Laney") to perform HDD operations at the Raystown Lake HDD Site at least during the period from March 18, 2017 through October 30, 2017.

36. By letter from RETTEW dated February 15, 2019 and received February 18, 2019, ETC furnished DEP a loss of returns summary for Raystown Lake HDD S2-0150 ("the February 15th Report"). In the February 15th Report, Sunoco furnished DEP with a list of dates, volumes and approximate locations where LOCs occurred during the 20-inch line installation. A true and correct copy of the said Report is attached hereto and marked as Ex. "B."

37. On April 3, 2017, Laney noted a partial loss of drilling fluid of 2,750 gallons.

38. The said April 3, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

39. On April 10, 2017, Laney noted a full loss of drilling fluid in an amount not recorded.

40. The said April 10, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

41. On April 11, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 120,700 gallons.

40. The said April 11, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

41. On April 12, 2017, Laney noted a full loss of drilling fluid in an amount of 112,900 gallons based on totalizer readings..

42. The said April 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

43. On April 14, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 108,400 gallons based on totalizer readings..

42. The said April 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

43. On April 19, 2017, Laney noted a partial loss of drilling fluids in an amount of 163,500 gallons based on totalizer readings..

44. The said April 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

45. On April 30, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 61,500 gallons.

46. The said April 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

47. On September 23, 2017, Laney noted a partial loss of drilling fluid less than 350 gallons.

48. The said September 23, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

49. On September 30, 2017, Laney noted a partial loss of drilling fluid of 200 gallons.

50. The said September 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

51. On October 2, 2017, Laney noted a partial loss of drilling fluid totaling 18,300 gallons.

52. The said October 2, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

53. On October 6, 2017, Laney noted a partial loss of drilling fluid. The total amount was not recorded.

54. The said October 6, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

55. On October 7, 2017, Laney noted a partial loss of drilling fluids totaling 73,000 gallons.

56. The said October 7, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

57. On October 9, 2017, Laney noted a partial loss of drilling fluids totaling 24,500 gallons.

58. The said October 9, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
59. On October 12, 2017, Laney noted a partial loss of drilling fluids but the amount was not recorded.
60. The said October 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
61. On October 13, 2017, Laney noted a partial loss of drilling fluids totaling 61,500 gallons based on fluid pumping rates.
62. The said October 13, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
63. On October 14, 2017, Laney noted a full loss of drilling fluids totaling 102,000 gallons based on fluid pumping rates.
64. The said October 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
65. On October 16, 2017, Laney noted a full loss of drilling fluids totaling 123,000 gallons based on fluid pumping rates.
66. The said October 16, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
67. On October 17, 2017, Laney noted a full loss of drilling fluids totaling 113,000 gallons based on fluid pumping rates.
68. The said October 17, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
69. On October 18, 2017, Laney noted a full loss of drilling fluids totaling 127,000 gallons based on fluid pumping rates.
70. The said October 18, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.
71. On October 19, 2017, Laney estimated a full loss of drilling fluids totaling 112,000 gallons.
72. The said October 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

73. On October 20, 2017, Laney estimated a full loss of drilling fluids totaling 55,000 gallons.

74. The said October 20, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

75. On October 21, 2017, Laney noted a partial loss of drilling fluids totaling 89,000 gallons.

76. The said October 21, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

77. From October 23, 2017 through October 26, 2017, Laney noted a full loss of drilling fluids estimated at 330,000 gallons.

78. The said October 23, 2017 through October 26, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

79. From October 28, 2017 through October 30, 2017, Laney noted partial drilling fluid losses that were not recorded.

80. The said October 28, 2017 through October 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

81. In the February 15th Report, Sunoco estimated that during the 2017 construction of the 20-inch diameter pipeline, the total additional unreported LOCs amounted to 2,008,000 gallons of drilling fluids, but that the number might be an overestimation.

82. Sunoco's delay in reporting the required LOCs associated with the 20-inch line construction at the lake extended from September 23, 2017 until February 18, 2019, a total of 513 days.

83. Sunoco's HDD IR PPC Plan in effect in 2017 required Sunoco to report LOCs to DEP immediately upon discovery.

III. Revolution Pipeline

84. DEP in its Consent Order and Agreement ("COA") of January 3, 2020 alleged in Paragraph K that on October 29, 2018, it issued a Compliance Order ("2018 Order") to ETC addressing certain issues with the Revolution Pipeline LOD. The 2018 Order was attached as Exhibit "A" to the COA.

85. ETC did not appeal the 2018 Order.

86. ETC, through its subcontractor Environmental Solutions & Innovations, Inc. ("ESI"), sent a letter to DEP dated February 21, 2019 and received on February 25, 2019 ("the ESI Report"). A copy of the letter is attached hereto and marked Exhibit "C."

87. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC eliminated at least twenty-three streams by removing and/or filling the stream channels with soil during construction activities, resulting in a loss of approximately 1,857 linear feet of stream channel.

88. In the February 21, 2019 ESI letter, ETC in Table 1 admits that 23 streams no longer exist and that 1857 linear feet have been lost.

89. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC changed the length of at least one hundred twenty (120) streams by manipulating and/or filling the streams channels with soil during construction activities resulting in a net loss of approximately 1,319 feet of stream channel.

90. In the February 21, 2019 ESI letter, ETC in Table 1 admits that 50 streams had been lengthened, adding 1,790 linear feet, and that 70 streams had been shortened, losing 3,100 feet, for a net loss of 1,310 feet and changing 120 streams.

91. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC eliminated at least seventeen (17) and altered at least seventy (70) wetland areas by manipulating and/or filling wetlands with soil.

92. In the February 21, 2019 ESI letter, ETC in Table 2 admits that it eliminated 17 wetlands and altered 70 more by reducing or expanding them.

93. The changes identified in paragraphs 88, 90 and 92 above were not identified in ETC's application materials for Encroachment Permits and were not permitted in either the ESCGPs or the Encroachment Permits.

94. The 2018 Order required ETC immediately to cease all sediment laden discharges to waters of the Commonwealth.

95. At least between October 29, 2018 and December 21, 2018, ETC did not cease discharging sediment into waters of the Commonwealth.

96. The 2018 Order required ETC to implement E&S Best Management Practices ("BMPS") until permanent stabilization had been completed.

97. On numerous occasions after entry of the 2018 Order, ETC failed to properly implement and maintain E&S BMPs.

98. The 2018 Order required ETC to install flagging, markers, or signs (“Markers”) at the site by November 9, 2018. As of January 10, 2019, ETC had failed to install all Markers.

99. The 2018 Order required ETC to temporarily stabilize all disturbed areas by November 9, 2018. As of January 10, 2019, ETC had failed to temporarily stabilize all disturbed areas, including ongoing mass earth movement (“Slides”).

III. Additional Requests

100. The March 5th Report was transmitted to DEP on March 5, 2018 or within a few days thereafter.

101. Neither Sunoco nor DEP made the March 5th Report public at any time prior to January 3, 2020.

102. The February 15th Report was transmitted to DEP on February 15, 2018 or within a few days thereafter.

103. Neither Sunoco nor DEP made the February 15th Report public at any time prior to January 3, 2020.

104. The ESI Report was transmitted to DEP on February 21, 2019 or within a few days thereafter.

105. Neither Sunoco nor DEP made the ESI Report public at any time prior to January 3, 2020.

Michael S. Bomstein, Esq.
Pinnola & Bomstein
PA ID No. 21328
Email: mbomstein@gmail.com
Suite 2126 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
Tel.: (215) 592-8383

Attorney for Complainants

Dated: March 16, 2020

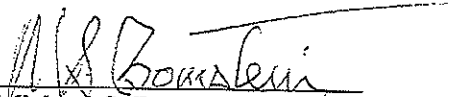
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	DOCKET NO. C-2018-3006116
CAROLINE HUGHES and	:	
MELISSA HAINES	:	DOCKET NO. P-2018-3006117
Complainants	:	
v.	:	
SUNOCO PIPELINE L.P.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the within Request for Admission upon the persons listed below as per the requirements of § 1.54 (relating to service by a party). The document has not been filed electronically on the Commission's electronic filing system.

See attached service list.


Michael S. Bomstein, Esq.

Dated: March 16, 2020

LEAH ROTENBERG ESQUIRE
MAYS CONNARD & ROTENBERG LLP
1235 PENN AVE
SUITE 202
WYOMISSING PA 19610
610.400.0481
Accepts E-Service
*Representing Intervenor Twins Valley
School District*

MARGARET A MORRIS ESQUIRE
REGGER RIZZO & DARNALL
2929 ARCH STREET 13TH FLOOR
PHILADELPHIA PA 19104
215.495.6524
Accepts E-Service
*Representing Intervenor East Goshen
Township*

VINCENT MATTHEW POMPO
ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
PO BOX 565
WEST CHESTER PA 19381
610.701.4411
Accepts E-Service
*Representing Intervenor West Whiteland
Township*

MARK L FREED ESQUIRE
JOANNA WALDRON ESQUIRE
CURTIN & HEEFNER LLP
DOYLESTOWN COMMERCE CENTER
2005 S EASTON ROAD SUITE 100
DOYLESTOWN PA 18901
267.898.0570
Accepts E-Service
*Representing Intervenor Uwchlan
Township*

JAMES R FLANDREAU
PAUL FLANDREAU & BERGER LLP
320 WEST FRONT ST
MEDIA PA 19063
610.565.4750
Accepts E-Service
*Representing Intervenor Middletown
Township*

PATRICIA BISWANGER ESQUIRE
PATRICIA BISWANGER
217 NORTH MONROE STREET
MEDIA PA 19063
610.608.0687
Accepts E-Service
*Representing Intervenor County of
Delaware*

ALEX JOHN BAUMLER ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.701.3277
Accepts E-Service
*Representing Intervenor Downingtown
Area School District, et al.*

GUY DONATELLI ESQUIRE
LAMB MCERLANE PC
24 EAST MARKET ST
BOX 565
WEST CHESTER PA 19381
610.430.8000
*Representing Intervenor Rose Tree
Media School District*

JAMES DALTON
UNRUH TURNER BURKE & FREES
PO BOX 515
WEST CHESTER PA 19381
610.692.1371
*Representing Intervenor West Chester
Area School District*

NEIL S WITKES ESQUIRE
ROBERT D FOX ESQUIRE
DIANA A SILVA ESQUIRE
MANKO, GOLD, KATCHER & FOX LLP
401 CITY AVENUE
VALA CYNWYD PA 19004
NWITKES@MANKOGOLD.COM
REPRESENTING SUNOCO PIPELINE
LP

THOMAS J SNISCAK, ESQUIRE
HAWKE MCKEON AND SNISCAK LLP
100 N TENTH STREET
HARRISBURG PA 17101
TJSNISCAK@HMSLEGAL.COM
REPRESENTING SUNOCO PIPELINE
LP

RICH RAIDERS ESQUIRE
606 NORTH 5TH STREET
READING PA 19601
484.509.2715
RICH@RAIDERSLAW.COM
REPRESENTING INTERVENOR
ANDOVER HOMEOWNERS'
ASSOCIATION INC.

ANTHONY D KANAGY ESQUIRE
POST & SCHELL PC
17 N SECOND ST 12TH FL
HARRISBURG PA 17101-1601
717.612.6034
AKANAGY@POSTSCHELL.COM
REPRESENTING INTERVENOR
RANGE RESOURCES APPALACHIA

ERIN MCDOWELL ESQUIRE
3000 TOWN CENTER BLVD
CANONSBURG PA 15317
EMCDOWELL@RANGERESOURCES.
COM
REPRESENTING INTERVENOR
RANGE RESOURCES APPALACHIA

JAMES BYRNE ESQUIRE
MCNICHOL BYRNE & MATLAWSKI PC
1223 N PROVIDENCE RD
MEDIA PA 19063
610.565.4322
Accepts E-Service
*Representing Intervenor Thornbury
Township*

MELISSA DIBERNARDINO
1602 OLD ORCHARD LANE
WEST CHESTER PA 19380
484.881.2829
Accepts E-Service

VIRGINIA MARCILLE KERSLAKE
103 SHOEN ROAD
EXTON PA 19341
215.200.2966
Accepts E-Service
Intervenor

LAURA OBENSKI
14 S VILLAGE AVE
EXTON PA 19341
484.947.6149
Accepts E-Service

REBECCA BRITTON
211 ANDOVER DR
EXTON PA 19341
215.776.7516
Accepts E-Service

JOSH MAXWELL
MAYOR OF DOWNINGTOWN
4 W LANCASTER AVENUE
DOWNINGTOWN PA 19335
Intervenor

THOMAS CASEY
1113 WINDSOR DR
WEST CHESTER PA 19380
Intervenor

KELLY SULLIVAN ESQUIRE
MCNICHOL BYRNE & MATLAWSKI
1223 NORTH PROVIDENCE RD
MEDIA PA 19063
610.565.4322
Accepts E-Service
Representing Thornbury Twp.

MICHAEL P PIERCE ESQUIRE
MICHAEL P PIERCE PC
17 VETERANS SQUARE
PO BOX 604
MEDIA PA 19063
610.566.0911
Accepts E-Service
Representing Edgmont Twp.

WHITNEY SNYDER, ESQUIRE
HAWKE MCKEON AND SNISCAK LLP
100 N TENTH STREET
HARRISBURG PA 17101
WESNYDER@HMSLEGAL.COM
REPRESENTING SUNOCO PIPELINE
LP

EX. "A"

MEMORANDUM

TO: Christopher Embry, ETP/Sunoco
FROM: Joe Biaglow, PG RETTEW and Tim Emerick, Jr., PG, RETTEW
CC: Matt Bruckner, PG RETTEW
DATE: March 5, 2018
PROJECT NAME: Sunoco Pipeline LP (SPLP) Mariner East 2 Pennsylvania Pipeline - Spread 3
PROJECT NO.: 096302008
SUBJECT: Incident Assessment, HDD Bore No. S2-0150A, Raystown Lake

This memo presents the findings for the incident assessment of the Inadvertent Return (IR) which occurred during the drilling activities of the 16-inch pilot hole at the Raystown Lake Horizontal Directional Drilling (HDD) Bore No. S2-0150A, Drawing No. PA-HU-0020.008-WXa-16 (Site), located in Penn Township, Huntingdon County, Pennsylvania. The HDD activities, completed by the site contractor Michels Directional Crossings (Michels), started on November 16, 2017. The inadvertent return (IR) was reported on December 20, 2017. This assessment was prepared at the request of the Pennsylvania Department of Environmental Protection (PADEP).

Site Setting

The Raystown Lake HDD, Bore No. S2-0150A is 4,800 feet long and passes under Raystown Lake (See Site Layout - Figure 1). The bore path follows the right-of-way of the existing Buckeye pipeline. The entire length of the HDD passes through the Catskill Formation consisting of Devonian aged sandstone, siltstone, shale, conglomerate, and mudstone (PBTG, 2001). This formation is considered well developed with bed thickness ranging from 1 to 16 feet. Fractures are well developed, closely spaced and form a blocky or platy pattern. Excavation of this formation is difficult with cut-slope stability being excellent. Steep cuts can be maintained in the sandstone and conglomerate beds. Unconfined compressive strengths for shale ranges from 2,203 lb/in² to 2,859 lb/in², siltstone is 5,041 lb/in², and sandstone is 9,728 lb/in² (Geyer and Wilshusen, 1982).

An additional geotechnical evaluation was completed by Intertek/Professional Services, Inc (PSI) on August 3, 2017, per the stipulated order dated August 9, 2017. Data collected at boring B-02 (See Site Layout - Figure 1) indicated subsurface conditions at the Site to have residuum (sandy silt, clayey sand, and silty gravel) ranging to depths of 0 to 15 feet below ground surface (bgs). Depth to weathered shale bedrock (RQDs ranging from 36 to 77%) is approximately 15 feet bgs to 72 feet bgs and competent bedrock ranges from a depth of 72 feet bgs to 650 feet bgs (completion depth) with isolated fair rock quality sections. The poor RQD sections below are associated with the upper 150 feet of the cored rock horizon.

- Sampling Interval 90 to 100 feet bgs (Run #11): RQD = 73%
- Sampling Interval 115 to 125 feet bgs (Run #14): RQD = 56%

RQDs ranging from 25-50% are considered representative of poor rock (severely weathered rock); 50-75% are considered representative of fair rock quality (moderately weathered rock); 75-90% are considered representative



of good rock quality (hard rock), and rock with RQDs ranging from 90-100% are considered representative of excellent rock quality (fresh rock). Geotechnical boring logs are included in **Attachment A**.

HDD Drilling Summary

The following is a summary and discussion of drilling activity and other events which occurred during the HDD installation.

- **November 16, 2017** – Michels began pilot hole drilling (12.25-inch diameter) and completed 124 feet with full returns to the entry point. Drilling was suspended due to mud pump issues.
- **November 18 through November 29, 2017** – Michels resumed pilot hole drilling (12.25-inch diameter). A total of 1,411 feet was completed with full returns to the entry point. A gray discoloration of water on the east side of the lake was noticed by Site Professional Geologist (PG) at on November 29th, but boat crews found nothing unusual or notable.
- **November 30, 2017** – Pilot hole drilling continued. A total of 64 feet was completed with full returns to the entry point. Michels replaced current pilot bit (12.25-inch diameter) with 10.625-inch diameter bit.
- **December 1 through December 4, 2017** – Pilot hole drilling (10.625-inch diameter) continued. A total of 925 feet (total trajectory length 2,336 feet) was completed with full returns to the entry point.
- **December 5, 2017** – Michels continues tripping out to replace 10.625-inch pilot bit with 12.25-inch pilot bit (to gauge hole from 1,475 feet).
- **December 6, 2017** – Michels resumed gauging pilot hole with 12.25-inch pilot bit to 2,336 feet. A total of 320 feet was completed after gauging 2,336 feet completed with full returns to entry point.
- **December 7 through December 10, 2017** – Pilot hole drilling continued with 12.25 -inch pilot bit. A total trajectory length of 3,229 feet was completed with full returns to the entry point.
- **December 11, 2017 – Partial Loss of Return (LOR)**
Michels continues tripping in and resumed pumping drilling fluid at 1606 hrs. Michels reported diminished returns at 1800 hrs and a total fluid loss of approximately 2,000 gallons. Loss of Return Form was submitted to Lead EI and management team.
- **December 12, 2017 – Partial LOR**
Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 146 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 25% (11,800 gallons). No IRs were observed.
- **December 13, 2017 – Partial LOR**
Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 193 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 25% (98,000 gallons lost). No IRs were observed.
- **December 14, 2017 – Partial LOR**
Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 220 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 25% (170,400 gallons lost). No IRs were observed.
- **December 15, 2017 – Partial/Complete LOR**
Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 32 feet was completed with partial returns to the entry point. The partial loss of drilling fluid

throughout the day was estimated to be 50% at 0830 hrs and 100% at 0920 hrs (55,700 gallons lost). At 1600 hrs, Michels tripped out 20 rods, thickened the mud, and let sit overnight. No IRs were observed.

- **December 16, 2017 – Partial LOR**

Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 128 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 50% at 0800 hrs (160,800 gallons lost). No IRs were observed.

- **December 18, 2017 – Partial LOR**

Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 192 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 50% at 0800 hrs (291,800 gallons). No IRs were observed.

- **December 19, 2017 – Partial LOR**

Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 32 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 50% at 0820 hrs (71,000 gallons).

- **December 20, 2017 – Initial IR**

Pilot hole drilling continued with Condition 2 monitoring protocol followed during drilling operations. A total of 34 feet was completed with partial returns to the entry point. The partial loss of drilling fluid throughout the day was estimated to be 88,700 gallons. An IR was discovered on the east bank of Raystown Lake at 1400 hrs. Updated LOR report and Initial IR report submitted to Tetra Tech Lead EI and Sunoco/ETP management team. Condition 3 Monitoring in effect.

- **December 21, 2017**

Condition 3 monitoring in affect. Tetra Tech Lead EI and Huntingdon County Conservation District Representative on-site to inspect IR and remedial measures. Michels tripped out of hole completely and reported using 16,800 gallons of water.

Assessment of the Cause

The IR occurred on December 20, 2017. The LOR was initially reported on December 11, 2017. The total reported LOR estimate leading up to the IR was 950,200 gallons. The reported IR occurred at approximately 3,244 feet along the trajectory path (See Site Layout - **Figure 1**). As described in the above drilling summary, total daily loss of returns was recorded and represented as depicted in **Figure 2**. The approximate depth of cover over the drill bit at the trajectory length of 4,220 feet (rod interval 132) was approximately 130 feet BGS. The approximate depth of cover over the pilot hole where the IR occurred was 60 feet. The remaining length of pilot hole to be completed is approximately 580 feet.

The IR reported on December 20, 2017 appeared to be caused by:

- Fractured bedrock and/or preferential pathways associated with two distinct sections in the bedrock profile (90 to 100 feet and 115 to 125 feet bgs). Rock quality of the bedrock below 135 feet bgs was classified as excellent.
- The accumulated volume of drilling fluid, coupled with decreasing cover as the bore gained in length and elevation at the base of the slope (Rod 122). The accumulation of lost drilling fluid along the bore path resulted in displacement of groundwater carrying with it minor amounts of drilling fluid to the surface at the IR location (approximately 25 to 30 gallons).

Proposed Corrective Measures

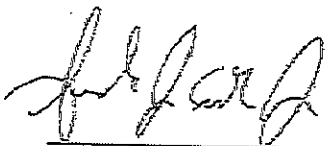
Michels plans to address the IR situation by intercepting the pilot hole from the east (exit location) at a depth in the profile where rock with higher RQD values have been identified. Michels plan to control and contain the release if an IR should reoccur by following the procedures in their plan, which is included as **Attachment B**.

If an IR were to reoccur, the following procedure from Section 5.1.5 "Monitoring Protocol for Condition 3 – Inadvertent Returns" in the "HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan", prepared by TetraTech, Inc. and revised February 6, 2018, will be implemented – "If the inadvertent return is (i) 50 gallons or greater, (ii) of unknown quantity, or (iii) is a second or subsequent inadvertent return at an HDD location; drilling operations will be suspended until PADEP inspects the site, and subsequently approves the restart report provided by SPLP".

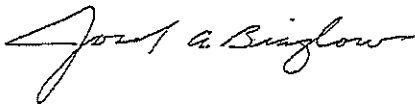
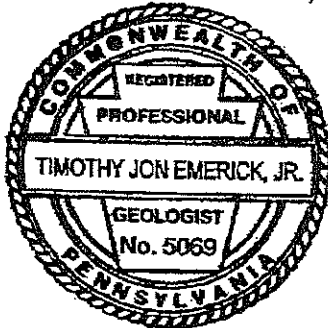
Based on information provided by, and the expertise of, the HDD team, as well as our experience with the relevant hydrogeology and geology, RETTEW believes that the implementation of the measures outlined above will prevent or minimize the risk of a new IR of 50 gallons or greater in another location on this HDD. Consistent with Section 6.3 of the IR Response Plan, the locations of the former IRs have been contained and successfully recovered. The return areas will continue to be monitored during the daily inspections.

Certification

This assessment was prepared by a PG with the assistance of the horizontal directional drilling team, relying on information gathered and prepared by others. By affixing my seal to this document, I am certifying that the hydrogeologic and geologic information contained herein is true and correct, to my knowledge and belief. I further certify that I am licensed to practice in the Commonwealth of Pennsylvania.



Timothy J. Emerick, Jr., PG
License No. PG005069



Joseph A. Biaglow, PG
License No. PG002824



References

Geyer, A. R., and P. J. Wilshusen, 1982, Engineering Characteristics of the Rocks of Pennsylvania, Pennsylvania Topographic and Geologic Survey, Environmental Geology Report 1, Second Edition, 300 pages.

Google Earth Pro, 2017, Version 7.1.8.3036, November 27, 2017.

Pennsylvania Bureau of Topographic and Geologic Survey, Department of Conservation and Natural Resources, 2001, Bedrock Geology of PA, Edition: 1.0, Digital Map. Retrieved from internet September 18, 2017; [HTTP://www.dcnr.state.pa.us/topogeo/map1/bedmap.aspxDL](http://www.dcnr.state.pa.us/topogeo/map1/bedmap.aspxDL) Data: Page oexp.zip
[[HTTP://www.dcnr.state.pa.us/topogeo/map1/bedmap.aspx](http://www.dcnr.state.pa.us/topogeo/map1/bedmap.aspx)].

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EX. "B"

MEMORANDUM

TO: Matt Gordon & Monica Styles, SPLP

FROM: Greg Ayres, PG, and David Anderson, P.G., RETTEW Associates, Inc.

CC: David Mostoller, RETTEW Associates, Inc and Duane Goodsell, PG, Goodsell Geoservices, Inc..

DATE: February 15, 2019

PROJECT NAME: Sunoco Pipeline LP (SPLP) Mariner East 2 Pennsylvania Pipeline - Spread 3 **PROJECT NO.:** 096302008

SUBJECT: Loss of Returns Summary, Raystown Lake HDD S2-0150

The purpose of this memorandum is to provide additional information regarding the assessment of the Inadvertent Return (IR) which occurred during the drilling activities of the 16-inch pilot hole at the Raystown Lake Horizontal Directional Drilling (HDD) S2-0150, Drawing No. PA-HU-0020.008-WXa-16 (Site), located in Penn Township, Huntingdon County, Pennsylvania. Sunoco Pipeline, L.P. (SPLP) provided a report to the Pennsylvania Department of Environmental Protection (PA DEP) on March 9, 2018 regarding the aforementioned IR. Based on the PA DEP's review, and discussion between SPLP and PA DEP, additional information was requested regarding the installation of the 20-inch line. The additional information was requested by Andrea Blosser (PA DEP) in an email to Larry Gremminger (Gremminger & Associates, Inc.) on March 9, 2018. The information requested includes Items 1 through 7 below. After further PA DEP review, additional information was also requested by Andrea Blosser in an email to Larry Gremminger on March 21, 2018. The information requested includes Items 8 and 9 below. In this document, the PA DEP information requests are presented in *italics*. Please find below each information request RETTEW's specific responses, which are in standard text, to each of the PA DEP requests.

- 1. the fate of the 950,200 gallons of drilling mud that were lost during the time period from the initial reported loss of circulation on 12/11/2017 to the reported 25-30-gallon IR on 12/20/2017. The report should clearly address whether and how much of the material was ultimately discharged to any waters of the Commonwealth including, but not limited to, groundwater and Raystown Lake.*

SPLP consultants completed a sampling and analysis plan to evaluate potential losses of fluid to the lake bottom of Raystown Lake. A report summarizing the sampling events and analytical results dated December 6, 2018 was submitted to PA DEP under a separate cover.

- 2. all dates, volumes, and approximate locations along the drill alignment where losses of circulation occurred during the 20-inch line installation (i.e.—a Figure 2 prepared for the 20-inch line installation).*

The following is a summary and discussion of drilling activity and other events which occurred during the HDD installation of the 20-inch pipe. As described in the drilling summary below, total reported daily loss of returns was recorded and is depicted along the HDD profile on **Attachment 1**. While SPLP contractors recorded a "daily loss of returns" during HDD activities, these amounts did not represent the volume of drilling fluids lost. Instead, this number is an estimate based on daily water consumption, which included the volume of water used to cool the drilling equipment and recycled into frac tanks for re-use. Accordingly, the "daily loss of returns" recorded by



the contractor likely represents an overestimate of the volume of drilling fluid lost on a given day. Nevertheless, in an effort to respond to the Department's request, Rettew has displayed the "daily loss of returns" amounts along the HDD profile and in the descriptions below. It should also be noted that the representation of fluid loss on this figure illustrates the location of the steering head or reamer bit (during multiple ream passes) at the time of the fluid loss and may not represent the actual location of fluid loss.

- **March 18, 2017 through April 8, 2017 — Full Returns**

Laney began pilot hole drilling (13-inch diameter) and completed 3,245 feet of the 4,773-foot boring with no loss of returns reported.

- **April 9, 2017 – Partial LOR**

While advancing rod #115 the Laney driller reported a "soft" spot between estimated trajectory length 3,634 and 3,644 feet and reported a loss of circulation of 2,750 gallons of drilling fluids. Eighteen (25 lbs.) bags of Magna Fiber LCM, 23 (5-gallon) buckets of Diamond Seal Absorbent Polymer, and one pallet of bentonite was mixed together and pumped into the boring after tripping out two drill rods (estimated trajectory length 3,474). The volume of the loss control material (LCM) was estimated at 35 barrels and an unknown volume of water was used to flush the drill string after placing the LCM plug. No IRs were observed.

- **April 10, 2017 – Full LOR**

Laney suspended drilling while allowing the LCM plug time to setup. When drilling activities did resume, Laney experience a full LOR and began to trip out and back into the boring to regain circulation. No volume of drilling fluids lost were reported or recorded. No IRs were reported.

- **April 11, 2017 – Full LOR**

Laney finished tripping back into the boring while experiencing full LOR reported and continue to advance the pilot hole. A total of 35 feet of drilling was completed with no returns to the entry point. The estimated loss of drilling fluid was 120,700 gallons based on totalizer flow meter readings. No IRs were observed or reported.

- **April 12, 2017 – Full LOR**

Pilot hole drilling continued from rods 116 to 123 (trajectory length 3,847 feet) with a total of 190 feet completed with 100% loss of returns. The estimated loss of drilling fluid was 112,900 gallons based on totalizer flow meter readings. No IRs were observed.

- **April 13, 2017 – Full LOR**

Pilot hole drilling continued from rods 126 to 138 (trajectory length 4,317 feet) with a total of 399 feet completed with 100% loss of returns. The estimated loss of drilling fluid was 209,240 gallons based on totalizer flow meter readings. No IRs were observed.

- **April 14, 2017 – Full LOR**

The pilot hole was completed with a total of 441 feet drilled with 100% loss of returns. The estimated loss of drilling fluid was 108,400 gallons based on totalizer flow meter readings. No IRs were observed.

- **April 15 through April 18, 2017**

No drilling, Laney was preparing the eastern end of the boring to allow the removal of the pilot bit and the start of the 30-inch ream pass.

- **April 19, 2017 – Partial LOR**

Laney shaved the last 350 to 400 feet of the pilot hole with an estimated loss of drilling fluids of 163,500 gallons based on totalizer flow meter reading. No IRs were observed.

- **April 20, 2017 through April 28, 2017 – Full Returns**
Laney initiated push ream (west to east) with 30-inch reamer bit and advanced the reamer to a trajectory length 1,241 feet with no loss of drilling fluid reported.
- **April 29, 2017 – Full Returns**
No reaming performed. Laney tripped 45 rods to initiate pull reaming (east to west). No loss of drilling fluid reported.
- **April 30, 2017 – Full LOR**
Laney initiates pull reaming with 30-inch reamer bit. A total of 221 feet was completed with a full loss of returns of 61,850 gallons estimated. No IRs were observed.
- **May 1 through May 3, 2017 – Full Returns**
Laney continued the ream phase with a total of 175 feet being completed with no loss of drilling fluid reported.
- **May 4, 2017 – Full Returns**
Laney attempted to continue the 30-inch ream pass; however, Laney was unable to trip the reamer out of the boring and while attempting to, the reamer “broke off” from the drill string at an estimated trajectory length of 1,463 feet. Laney was circulating drilling fluids throughout the day and did not experience any loss of circulation.
- **May 5 through September 9, 2017 – Drilling Suspended per Army Corps Seasonal Restriction**
Drilling was suspended due to the Army Corps of Engineers seasonal drilling restriction agreement with SPLP.
- **September 9 through September 22, 2017 – Full Returns**
Michels on-site and conducted efforts to try to retrieve Laney’s 30-inch reamer bit. Broken rods and 30-inch reamer retrieved on September 22, 2017. Drilling fluids were circulated from September 16 through September 22, 2017 with no loss of returns reported.
- **September 23, 2017 – Partial LOR**
Michels tripped in drill rods in preparation to resume 30-inch ream pass with a partial loss of returns of <350 gallons reported as drill rod 89 (estimated trajectory length of 2,824 feet) was being tripped into the boring. No IRs were observed.
- **September 25 through September 29, 2017 – Full Returns**
Michels continued to trip in the drill rods and initiated/resumed 30-inch push ream pass. A total of 572 feet was reamed with no report of a loss of returns.
- **September 30, 2017 – Partial LOR**
Michels continued the 30-inch ream pass with a total of 63 feet completed with a reported loss of returns of 200 gallons. The partial loss of occurred while drill rod 67 (trajectory length of loss estimated to be 2,125 feet) was being reamed. No IRs were observed.
- **October 2, 2017 – Partial LOR**
Michels continued the 30-inch ream pass with a total of 127 feet being completed with partial losses of returns totaling 18,300 gallons. The losses were observed while drilling rods 67 through 69 (trajectory length of loss estimated to be between 2,125 feet and 2,221 feet) were being reamed. Full returns were re-established as drill rod 70 was being reamed. No IRs were observed.

- **October 3 through October 4, 2017 – Full Returns**
Michels continued the 30-inch ream pass with a total of 476 feet completed with no loss of returns reported.
- **October 6, 2017 – Partial LOR**
Michels continued the ream phase with 30-inch reamer bit. A total of 24 feet was completed with a partial loss of returns of unknown volume reported at rod 87 (trajectory length of loss estimated to be 2,752 feet). No IRs were observed.
- **October 7, 2017 – Partial LOR**
Michels continued advancing the 30-inch reamer and reamed a total of 55 feet was completed with loss of returns of 73,000 gallons reported between rods 89 through 91 (trajectory length of loss estimated to be between 2,832 feet and 2,887 feet). No IRs were observed.
- **October 9, 2017 – Partial LOR**
No drilling. Michels began to trip out the reamer to inspect it. A partial loss of returns of 24,500 gallons was reported. No IRs were observed.
- **October 10, 2017 – Full Returns**
No drilling. Michels continued to trip the reamer out, after inspecting and replacing the reamer, Michels began to trip it back into the boring. No loss of returns reported.
- **October 11, 2017 – Full Returns**
Michels resumed the 30-inch ream and advanced the reamer a total of 109 feet was completed with no loss of returns reported.
- **October 12, 2017 – Partial LOR**
Michels continued with the 30-inch ream pass and completed a total of 159 feet with a partial loss of returns reported at rod 96 (trajectory length of 3,060 feet). No estimate of fluid loss reported. No IRs were observed.
- **October 13, 2017 – Partial LOR**
Michels continued the ream pass and advanced the 30-inch reamer a total of 96 feet with partial loss of returns reported to be approximately 61,500 gallons based on the fluid pumping rate and length of time to complete drill rods 100 through 102 (trajectory length between 3,187 feet and 3,251 feet). No IRs were observed.
- **October 14, 2017 – Full LOR**
Michels continued with the 30-inch ream pass and completed a total of 127 feet with full loss of returns totaling 102,000 gallons (based on fluid pumping rates) between rods 103 through 106 (trajectory length between 3,282 feet and 3,378 feet). No IRs were observed.
- **October 16, 2017 – Full LOR**
Michels continued to advance the 30-inch reamer and completed a total of 183 feet with full loss of returns of 123,000 gallons (estimated based on fluid pumping rates) between rods 106 through 112 (trajectory length 3,370 feet and 3,561 feet). No IRs were observed.
- **October 17, 2017 – Full LOR**
Michels continued the 30-inch ream pass. A total of 223 feet was completed with full loss of returns reported between rods 112 through 119 (trajectory length between 3,561 and 3,784). Based on drilling fluid pumping rates it was estimated that 113,000 gallons was lost. No IRs were observed.

- **October 18, 2017 – Full LOR**

Michels continued the 30-inch ream pass and advanced the reamer a total of 318 feet with full loss of returns between drill rods 120 and 129 (trajectory length between 3,816 feet and 4,102 feet). Approximately 127,000 gallons of drilling fluids were lost based on the fluid pumping rate between those drill rods. No IRs were observed.

- **October 19, 2017 – Full LOR**

Michels advanced the 30-inch reamer a total of 350 feet with full loss of returns between drill rods 129 and 140 (trajectory length of loss estimated to be between 4,102 feet and 4,452 feet). Based on the drilling fluid pumping rates, it was estimated that 112,000 gallons was lost between those drill rods. No IRs were observed.

- **October 20, 2017 – Full LOR**

Michels completed the 30-inch ream pass after advancing the reamer a total of 318 feet. Full loss of returns estimated at 55,000 gallons, based on drilling fluid pumping rates, was lost between rods 140 and 150 (trajectory length between 4,452 feet and 4,770 feet). No IRs were observed.

- **October 21, 2017 – Partial LOR**

Michels initiated the 30-inch swab pass and experienced a partial loss of returns, totaling 89,000 gallons, between rods 80 through 95 (trajectory length between 2,544 feet and 3,021 feet). No IRs were observed.

- **October 23 through October 26, 2017 – Full LOR**

Michels continued to complete the 30-inch swab pass and experienced a full loss of returns of 330,000 gallons estimated over the length of the full HDD. No IRs were observed.

- **October 28 through 30, 2017**

Michels completed the 20-inch product pipe pull and experience partial losses during the entire pull. The volume of the lost drilling fluid was not recorded. No IRs were observed.

It is estimated that 2,008,000 gallons of drilling fluid was lost during the completion of the 20-inch HDD. As discussed previously, this total is likely an over estimation since the volume of fluid lost was calculated from the water usage reported each day by Laney and the water being used for cooling of drilling equipment was recycled back into the on-site frac tanks and recorded by the water meters multiple times. Further, the loss reported by Michels was estimated by the length of time to advance each rod and the rate at which the drilling fluid was being pumped into the boring and not through the use of metering equipment.

3. *a loss prevention report that describes the measures that will be implemented to prevent, to the maximum extent practicable, the likelihood of additional losses of circulation.*

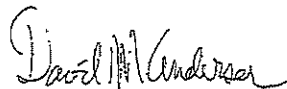
A Loss Prevention Report has been prepared and is included as **Attachment 2**.

4. *profile of the drill path as constructed overlain on the permitted drill profile for both the 20-inch and 16-inch lines.*

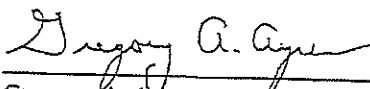
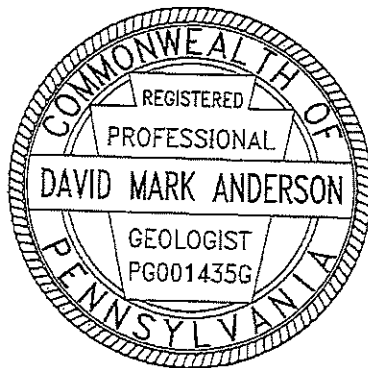
The profile of the as-built 20-inch line has been overlain with the permitted profiles for the 16-inch and 20-inch line and is included as **Attachment 3**.

Certification

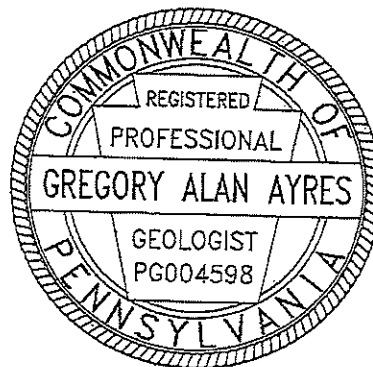
This assessment was prepared under the coordination of a PG in conjunction with experts in horizontal directional drilling, relying on information gathered and prepared by others. By affixing my seal to this document, I am certifying that the hydrogeologic and geologic information contained herein is true and correct, to my knowledge and belief. I further certify that I am licensed to practice in the Commonwealth of Pennsylvania.



David M. Anderson, PG
License No. PG001435G



Gregory A. Ayres, PG
License No. PG004598



Enclosures

Attachment 1 – Fluid Loss Map

Attachment 2 – Loss Prevention Report

Attachment 3 – 16-Inch and 20-Inch Plan & Profile

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RETTEW

EX. "C"



ENVIRONMENTAL SOLUTIONS & INNOVATIONS, INC.

1341 Old Freedom Road, Suite 202
Cranberry Township, PA 16066
Phone: 513-451-1777 Fax: 513-451-3321

1277

21 February 2019

Ms. April A. Weiland
Water Quality Specialist Supervisor
PA Department of Environmental Protection / District Oil and Gas Operations
Cambria District Office
286 Industrial Park Road
Ebensburg, PA 15931

FEB 20 2019

DEF. NORTHWEST REGION
RECEIVED Gas

FEB 21 2019

DEF SWDO
OIL & GAS

Dear Ms. Weiland:

RE: Updated Aquatic Resources Delineation and Restoration Plan for the Revolution Pipeline Project – Boundaries inside the LOD

Per the PADEP (Department) Compliance Order dated 29 October 2018, and subsequent communications, the Department requires ETC Northeast Pipeline, LLC (ETC) to report the current extent and condition of aquatic resources within the Revolution Pipeline Project's permitted Limits of Disturbance (LOD). Timing of the Department's request required completion of the updated aquatic resources delineation outside of the growing season. This delineation was completed by ESI biologists in late November, early December 2018, and February 2019. A complete aquatic resource delineation report, given the stated non-optimal review season, is provided as Attachment 1. If required by the Department, aquatic resource verification and their respective boundaries can be completed during the growing season.

A comparison between the updated aquatic resource delineation and the delineation completed prior to construction (2015-2016) reveals newly created aquatic resources, eliminated aquatic resources, and changes in delineated aquatic resource size (lf / sf / acreage). Tables detailing these changes are provided as Attachment 2 (also provided electronically) and summarized in Tables 1 and 2. Figures illustrating resource locations are provided in Attachment 3. Available aquatic resource photographs taken before and after pipeline construction are provided in Attachment 4.

Upland datasheets for wetlands no longer present, as well as datasheets documenting streams with flow regime changes are provided as Attachments 5 and 6, respectively.

www.ENVSI.com

Table 1. Summary of Stream Changes

Change	No. Resources	Total Size (LF)	Average Change per Delineated Stream (LF)
New	8	1,009	-
Absent	23	1,857	-
Length Increased	50	1,790	36
Length Decreased	70	-3,100	-44
Wider TOB	18	-	2.7
Narrower TOB	41	-	-3.1
Perennial to Intermittent	1	-	-
Intermittent to Perennial	1*	-	-
Ephemeral to Intermittent	1	-	-
Intermittent to Ephemeral	1	-	-

*Likely a result of an error in the prior delineation data.

Table 2. Summary of Wetland Changes

Change	No. Resources	Total Size (acres)	Average Change per Delineated Wetland (acres)
New	31	1.738	-
Unrestored	17	0.401	-
Reduced*	19	-	-0.661
Expanded**	51	-	5.563
PSS to PEM Conversion	7	0.467 (0.833 PEM in 2018-19)	-
PEM/PSS to PEM Conversion	2	0.502 (0.668 PEM in 2018-19)	-
PEM/PSS to PSS Conversion	1	0.391 (0.282 PEM in 2018-19)	-
PFO to PEM Conversion	7	0.528 (0.829 PEM in 2018-19)	-
PEM/PFO to PEM Conversion	1	0.091 (1.614 PEM in 2018-19)	-

*Does not include wetlands that are no longer present.

**Does not include wetlands that are newly delineated features.

ETC proposes the following summary actions to restore or mitigate aquatic resource impacts:

Streams: ETC will replace streams that are no longer present and restore the condition of those that are decreased in length or have narrower tops of bank by regrading to original contours in their original location. Suitable stream substrate (cobble/gravel) will be installed in any newly restored streambeds, and ETC will contract for 3rd party monitoring by qualified biologists for a minimum of 5 years to verify the restoration of natural functions. This work is proposed for the spring of 2019, to be performed concurrently with implementation of the Post-Construction Restoration Plan and will be supervised to ensure correct completion. Bi-annual reports will be provided to the Department through the monitoring period.

Table 3 summarizes streams that are no longer present, have decreased in length, and/or have a narrower top of bank width.

Table 3. Streams Proposed for Restoration

Stream ID	PADEF Historic Stream Name	No Longer Present?	Decreased in Length? (Y/N)	Narrower TOB Width? (Y/N)
2-7	UNT to Shafers Run	No Longer Present	Y	Y
2-24	Elkhorn Run	No Longer Present	Y	Y
2-29	Trib 36549 To Elkhorn Run	Present	N	Y
9-9	Trib 35020 To Likens Run	Present	Y	Y
9-30	UNT To Raccoon Creek	No Longer Present	Y	Y
9-31	UNT To Raccoon Creek	No Longer Present	Y	Y
9-37	UNT To Trib 33750 To Raccoon Creek	Present	N	Y
9-64	UNT To Frames Run	No Longer Present	Y	Y
9-72	UNT To Trib 34824 To Brush Creek	Present	Y	Y
9-76	UNT To Trib 34824 To Brush Creek	Present	N	Y
9-77	UNT To Trib 34824 To Brush Creek	Present	N	Y
9-81	UNT to Trib 36575 To Crows Run	Present	N	Y
9-82	Trib 36575 To Crows Run	Present	N	Y
9-83	UNT To Trib 36575 To Crows Run	Present	Y	Y
9-85	UNT To Trib 36572 To Crows Run	Present	N	Y
9-91	UNT To Trib 34909 To Glade Run	No Longer Present	Y	Y
9-96	UNT to Trib 35017 to Breakneck Creek	No Longer Present	N	Y
9-97	UNT to Trib 35017 to Breakneck Creek	No Longer Present	Y	Y
9-107	UNT To Trib 33660 To Raccoon Creek	Present	N	Y
9-109	Trib 33673 To Raccoon Creek	Present	N	Y
9-113.1	UNT To Trib 33580 to Raccoon Creek	No Longer Present	Y	Y
9-126	UNT To Trib 33757 To Potato Garden Run	No Longer Present	Y	Y
9-127	Run	No Longer Present	Y	Y
9-137	UNT To Potato Garden Run	No Longer Present	Y	Y
9-138	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-140	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-142	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-143	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-144	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-147	UNT To UNT To Raccoon Creek	No Longer Present	Y	Y
9-166	Trib 33588 To Raccoon Creek	No Longer Present	Y	Y
9-190	UNT To Trib 36575 To Crows Run	Present	N	Y
9-192	UNT To Trib 36575 To Crows Run	Present	N	Y
9-193	UNT To Trib 36572 To Crows Run	Present	N	Y
10-25	UNT To Trib 36572 To Crows Run	Present	N	Y
11-5	UNT To Trib 33581 To Raccoon Creek	No Longer Present	Y	Y
11-7	UNT To Trib 36572 To Crows Run	No Longer Present	Y	Y
11-58	UNT To Crows Run	No Longer Present	Y	Y
13-7	UNT To Trib 36572 To Crows Run	Present	N	Y
13-8	UNT to Trib 36575 To Crows Run	Present	N	Y
13-108	Pine Run	Present	N	Y
	Trib 33673 To Raccoon Creek	No Longer Present	Y	Y

Unrestored Wetlands and Wetland Size Reductions: ETC will restore wetlands by regrading wetlands to original contours in original locations, seeding with native wetland plant mix, and monitoring natural wetland development. This work will be supervised to ensure correct completion and is proposed during Spring 2019. This work will be performed concurrently with implementation of the Post-Construction Restoration Plan and will be supervised to ensure correct completion. Monitoring will occur for 5 years, and bi-annual reports will be provided to the Department for the monitoring period. In the event wetlands cannot be properly restored, the purchase of wetland credits from a wetland bank will be properly negotiated with the Department.

Wetland Conversion: Since the majority of the wetlands within the LOD are PEM, ETC will restore wetlands that have converted from PSS or PFO to PEM by planting native bare-root stock in the wetlands during early winter 2019. The planted trees and shrubs will be offset from the pipeline by 15 and 10 feet, respectively, to allow for pipeline inspection by air or land. Qualified biologists will monitor these locations for 5 years, or until a minimum of 70% survival rate of the new plantings is achieved. Bi-annual reports will be provided to the Department for the monitoring period.

Table 4 summarizes wetlands that are no longer present, reduced in size, and/or have a converted Cowardian class.

Table 4. Wetlands Proposed for Restoration

Wetland ID	No Longer Present? (Y/N)	Reduced Size? (Y/N)	Converted Wetland? (Y/N)
1-A	Present	N	Y
1-C	Present	Y	N
2-AG	No Longer Present	Y	N
2-F	Present	N	Y
2-J	Present	N	Y
2-N	No Longer Present	Y	N
2-R	Present	Y	N
4-D	Present	Y	N
9-AN	Present	N	Y
9-AM	No Longer Present	Y	N
9-BI	No Longer Present	Y	N
9-BV	Present	N	Y
9-BZ	Present	N	Y
9-CE	Present	Y	N
9-CF	Present	N	Y
9-CI	No Longer Present	Y	N
9-CS	Present	N	Y
9-DF	Present	Y	Y
9-DG	No Longer Present	Y	N
9-DL	Present	Y	Y

Wetland ID	No Longer Present? (Y/N)	Reduced Size? (Y/N)	Converted Wetland? (Y/N)
9-DN	No Longer Present	Y	N
9-DP	No Longer Present	Y	N
9-DX	No Longer Present	Y	N
9-DY	No Longer Present	Y	N
9-EA	Present	N	Y
9-EC	No Longer Present	Y	N
9-EE	No Longer Present	Y	N
9-EI	Present	Y	N
9-EL	Present	Y	N
9-EO	No Longer Present	Y	N
9-EP	Present	Y	N
9-ET	Present	Y	N
9-FJ	Present	Y	N
9-FK	Present	Y	Y
9-J	Present	Y	Y
9-T	Present	Y	N
9-U	Present	N	Y
9-Y	Present	Y	Y
9-Z	Present	Y	N
10-G	Present	Y	Y
10-I	No Longer Present	Y	N
11-H	Present	N	Y
13-AA	Present	Y	Y
13-AD	No Longer Present	Y	N
13-C	No Longer Present	Y	N
13-D	Present	Y	N
WPA-CDK-001/003	Present	N	Y

Thank you for your continued review.

Sincerely,

Nicholas J. Basile

Nick Basile
VP - Operations
nbasile@envsi.com
518-727-5314

Attachment 1 – Aquatic Resource Delineation Report
Attachment 2 – Aquatic Resource Delineation Comparison Tables
Attachment 3 – Aquatic Resource Delineation Comparison Figures
Attachment 4 – Photos Comparing Aquatic Resources Before & After Construction

LAW OFFICES
PINNOLA & BOMSTEIN

MICHAEL S. BOMSTEIN
PETER J. PINNOLA

ELKINS PARK OFFICE
8039 OLD YORK ROAD
ELKINS PARK, PA 19027
(215) 635-3070
FAX (215) 635-3944

100 SOUTH BROAD STREET, SUITE 2126
PHILADELPHIA, PA 19110
(215) 592-8383
FAX (215) 574-0699
EMAIL: mbomstein@gmail.com

MT. AIRY OFFICE
7727 GERMANTOWN AVENUE, SUITE 100
PHILADELPHIA, PA 19119
(215) 248-5800

REPLY TO:
Center City

March 16, 2020

Electronic Filing

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

Re: Flynn, et al. v. Sunoco Pipeline L.P.,
Docket No. C-2018-3006116 and P-2018-3006117
FLYNN COMPLAINANTS' REQUEST FOR ADMISSIONS

Dear Secretary Chiavetta:

Please let this letter confirm that this date we have served all parties and intervenors in this proceeding with Flynn Complainants' Request for Admissions Directed to Respondent.

If you have any questions regarding this filing, please contact the undersigned.

Very truly yours,


MICHAEL S. BOMSTEIN, ESQ.

MSB:mik

cc: All parties and intervenors

EX. “B”

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MEGHAN FLYNN et al.	:	Docket Nos.	C-2018-3006116 (consolidated)
	:		P-2018-3006117
MELISSA DIBERNARDINO	:	Docket No.	C-2018-3005025 (consolidated)
REBECCA BRITTON	:	Docket No.	C-2019-3006898 (consolidated)
LAURA OBENSKI	:	Docket No.	C-2019-3006905 (consolidated)
ANDOVER HOMEOWNER'S ASSOCIATION, INC.	:	Docket No.	C-2018-3003605 (consolidated)
	:		
	:		
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**OBJECTIONS AND RESPONSES TO FLYNN COMPLAINANTS'
FIRST REQUEST FOR ADMISSIONS TO SUNOCO PIPELINE L.P.**

In accordance with 52 Pa. Code. § 5.350, Respondent Sunoco Pipeline L.P. (“SPLP”) responds to Flynn Complainants’ Request for Admissions (the “Requests”) as follows:

I. Background

1. Sunoco Pipeline LP (“Sunoco”) is a subsidiary of Energy Transfer Partners, LP (“ET”), a Delaware Limited Partnership.

RESPONSE: Admitted that Sunoco Pipeline L.P. is a subsidiary of Energy Transfer Partners, L.P., now known as Energy Transfer Operating, L.P., which is a Delaware Limited Partnership.

2. ETC Northeast Pipeline, LLC (“ETC”) also is a subsidiary of ET.

RESPONSE: Admitted that ETC Northeast Pipeline LLC is a subsidiary of Energy Transfer Partners, L.P., now known as Energy Transfer Operating, L.P.

II. Raystown Lake

3. As part of its Pennsylvania Pipeline Project – Mariner East II (“PPP-ME2”), Sunoco obtained permits to conduct pipeline installation activities in Huntingdon County, Pennsylvania.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in SPLP's Answer Opposing Flynn Complainants' Motion for Leave to Submit Additional Evidence (the "Motion"), which seeks leave to admit additional evidence regarding two Consent Orders and Agreements ("COA") between Pennsylvania Department of Environmental Protection ("PADEP") – (1) a COA between SPLP and PADEP regarding construction of the Mariner East 2/2X pipeline project at Raystown Lake in Huntington County; and (2) a COA between PADEP and ETC Northeast Pipeline, LLC regarding the Revolution pipeline project. This Request seeks SPLP to admit information that is identical to the information Flynn Complainants seek to introduce through the Motion. As set forth at length in SPLP's Answer Opposing the Motion, which is incorporated by reference as if set forth fully herein, SPLP objects to this Request on the basis that Administrative Law Judge Elizabeth Barnes ruled on February 25, 2020 that the information sought in this Request is outside the scope of the Flynn Complainants' direct testimony, and that the Motion and this Request improperly seeks reconsideration of that ruling, which Judge Barnes has already declined to reconsider. *See* Gordon Dep. Tr. at 120:3-8, 121:24. SPLP also objects to this Request on the basis that it seeks information regarding matters outside of Chester and Delaware County, which is the limited scope of the complaints at issue in this action. SPLP further objects to this Request on the basis that it does not seek information that is relevant to this action, as the COAs are matters that have been fully resolved with PADEP and are not ongoing construction issues that relate to any safety concerns at issue in this litigation. Lastly, to the extent that Flynn Complainants take issue with the COAs, the proper venue in which to address such matters was before the Pennsylvania Environmental Hearing Board by filing an appeal within 30-days, which the Flynn Complainants did not do. As such, the COAs are both outside of the scope of the Commission's jurisdiction and also administratively final.

4. Exhibit "A" hereto is a true and correct copy of a report submitted on or about March 5, 2018 by Sunoco to DEP titled "Incident Assessment Memorandum, HDD Bore No. 52-0150A, Raystown Lake." ("the March 5th Report").

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

5. For a period of time in 2017, Sunoco's HDD operations at its Raystown Lake ("the lake") HDD Site were conducted by its site contractor, Michels Directional Crossings ("Michels").

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

6. Michels began its HDD operations, Bore No. S2-0150A, at the Raystown Lake HDD site on November 16, 2017.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

7. An inadvertent return ("IR") is an unauthorized discharge of drilling fluids to the ground or surface waters, including wetlands, associated with horizontal directional drilling ("HDD") or other trenchless construction methodologies.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

8. A loss of circulation ("LOC") is a condition when HDD operations are in progress and drilling fluid circulation to the HDD endpoints is either lost from the annulus or is significantly diminished.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

9. On December 11, 2017, Sunoco reported a LOC of approximately 2,000 gallons at the Raystown Lake HDD Site earlier in the day during the pilot hole stage of the 16-inch diameter pipeline.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

10. On December 20, 2017, Sunoco reported that an approximate 25-gallon ER of HDD fluids (“drilling fluids”) to the surface of the ground at the Raystown Lake HDD Site had occurred earlier in the day during the pilot hole stage of the 16-inch diameter pipeline.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

11. The said December 20, 2017 IR subsequently discharged into the Raystown Branch Juniata River.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

12. As of December 20, 2017, Sunoco was not authorized to discharge drilling fluids to any water of the Commonwealth.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

13. A gray discoloration of water on the east side of the lake was noticed by Site Professional Geologist (PG) on November 29th, but boat crews found nothing unusual or notable.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

14. On December 11, 2017 at 1800 hours, Michels noted a partial loss of return (“LOR”) with a total fluid loss of approximately 2,000 gallons. An LOR Return Foim was submitted to Lead EI and management team. DEP was also notified.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

15. On December 12, 2017, Michels noted a partial loss of drilling fluid of 11,800 gallons, which was estimated to be 25%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

16. The said December 12, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

17. On December 12, 2017, Sunoco reported an approximately 25-gallon IR of drilling fluids to the surface of the ground at the lake, which was discharged subsequently into the Raytown Branch Juniata River.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

18. On December 13, 2017, Michels noted a partial loss of drilling fluid of 98,000 gallons, which was estimated to be 25%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

19. The said December 13, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

20. On December 14, 2017, Michels noted a partial loss of drilling fluid of 170,400 gallons, which was estimated to be 25%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

21. The said December 14, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

22. On December 15, 2017, Michels noted a partial loss of drilling fluid of 55,700 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

23. The said December 15, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

24. On December 16, 2017, Michels noted a partial loss of 160,8800 gallons, which was estimated to be 50%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

25. The said December 16, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

26. On December 18, 2017, Michels noted a partial loss of drilling fluid of 291,800 gallons, which was estimated to be 50%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

27. The said December 18, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

28. On December 19, 2017, Michels noted a partial loss of drilling fluid of 71,000 gallons, which was estimated to be 25%.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

29. The said December 19, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

30. On December 20, 2017, Michels noted a partial loss of drilling fluid of 88,700 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

31. The said December 20, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

32. In the March 5th Report, Sunoco reported that during the construction of the 16-inch diameter pipeline, the total additional unreported LOCs in December, 2017 amounted to 948,200 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

33. Sunoco's delay in reporting the required LOCs associated with the 16-inch line construction at the lake extended from December 12, 2017 until March 5, 2018, a total of 83 days.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

34. Sunoco's HDD IR PPC Plan in effect in December, 2017 required Sunoco to report LOCs to DEP immediately upon discovery.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

35. Sunoco engaged Laney Directional Drilling (“Laney”) to perform HDD operations at the Raystown Lake HDD Site at least during the period from March 18, 2017 through October 30, 2017.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

36. By letter from RETTEW dated February 15, 2019 and received February 18, 2019, ETC furnished DEP a loss of returns summary for Raystown Lake HDD S2-0150 (“the February 15th Report”). In the February 15th Report, Sunoco furnished DEP with a list of dates, volumes and approximate locations where LOCs occurred during the 20-inch line installation. A true and correct copy of the said Report is attached hereto and marked as Ex. “B.”

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

37. On April 3, 2017, Laney noted a partial loss of drilling fluid of 2,750 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

38. The said April 3, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

39. On April 10, 2017, Laney noted a full loss of drilling fluid in an amount not recorded.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

40. The said April 10, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

41. On April 11, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 120,700 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

40. The said April 11, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.¹

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

41. On April 12, 2017, Laney noted a full loss of drilling fluid in an amount of 112,900 gallons based on totalizer readings.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

42. The said April 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

43. On April 14, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 108,400 gallons based on totalizer readings.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

42. The said April 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.²

¹ Note – the paragraph numbering sequence in the original Requests contained an error and restarted at number 40 at this Request; SPLP has maintained the original numbering sequence for ease of reference herein.

² Note – the paragraph numbering sequence in the original Requests contained an error and restarted at number 42 at this Request; SPLP has maintained the original numbering sequence for ease of reference herein.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

43. On April 19, 2017, Laney noted a partial loss of drilling fluids in an amount of 163,500 gallons based on totalizer readings.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

44. The said April 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

45. On April 30, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 61,500 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

46. The said April 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

47. On September 23, 2017, Laney noted a partial loss of drilling fluid less than 350 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

48. The said September 23, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

49. On September 30, 2017, Laney noted a partial loss of drilling fluid of 200 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

50. The said September 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

51. On October 2, 2017, Laney noted a partial loss of drilling fluid totaling 18,300 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

52. The said October 2, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

53. On October 6, 2017, Laney noted a partial loss of drilling fluid. The total amount was not recorded.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

54. The said October 6, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

55. On October 7, 2017, Laney noted a partial loss of drilling fluids totaling 73,000 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

56. The said October 7, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

57. On October 9, 2017, Laney noted a partial loss of drilling fluids totaling 24,500 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

58. The said October 9, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

59. On October 12, 2017, Laney noted a partial loss of drilling fluids but the amount was not recorded.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

60. The said October 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

61. On October 13, 2017, Laney noted a partial loss of drilling fluids totaling 61,500 gallons based on fluid pumping rates.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

62. The said October 13, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

63. On October 14, 2017, Laney noted a full loss of drilling fluids totaling 102,000 gallons based on fluid pumping rates.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

64. The said October 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

65. On October 16, 2017, Laney noted a full loss of drilling fluids totaling 123,000 gallons based on fluid pumping rates.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

66. The said October 16, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

67. On October 17, 2017, Laney noted a full loss of drilling fluids totaling 113,000 gallons based on fluid pumping rates.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

68. The said October 17, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

69. On October 18, 2017, Laney noted a full loss of drilling fluids totaling 127,000 gallons based on fluid pumping rates.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

70. The said October 18, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

71. On October 19, 2017, Laney estimated a full loss of drilling fluids totaling 112,000 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

72. The said October 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

73. On October 20, 2017, Laney estimated a full loss of drilling fluids totaling 55,000 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

74. The said October 20, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

75. On October 21, 2017, Laney noted a partial loss of drilling fluids totaling 89,000 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

76. The said October 21, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

77. From October 23, 2017 through October 26, 2017, Laney noted a full loss of drilling fluids estimated at 330,000 gallons.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

78. The said October 23, 2017 through October 26, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

79. From October 28, 2017 through October 30, 2017, Laney noted partial drilling fluid losses that were not recorded.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

80. The said October 28, 2017 through October 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

81. In the February 15th Report, Sunoco estimated that during the 2017 construction of the 20-inch diameter pipeline, the total additional unreported LOCs amounted to 2,008,000 gallons of drilling fluids, but that the number might be an overestimation.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

82. Sunoco's delay in reporting the required LOCs associated with the 20-inch line construction at the lake extended from September 23, 2017 until February 18, 2019, a total of 513 days.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

83. Sunoco's HDD IR PPC Plan in effect in 2017 required Sunoco to report LOCs to DEP immediately upon discovery.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

III. Revolution Pipeline

84. DEP in its Consent Order and Agreement ("COA") of January 3, 2020 alleged in Paragraph K that on October 29, 2018, it issued a Compliance Order ("2018 Order") to ETC addressing certain issues with the Revolution Pipeline LOD. The 2018 Order was attached as Exhibit "A" to the COA.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

85. ETC did not appeal the 2018 Order.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

86. ETC, through its subcontractor Environmental Solutions & Innovations, Inc. ("ESI"), sent a letter to DEP dated February 21, 2019 and received on February 25, 2019 ("the ESI Report"). A copy of the letter is attached hereto and marked Exhibit "C."

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

87. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC eliminated at least twenty-three streams by removing and/or filling the

stream channels with soil during construction activities, resulting in a loss of approximately 1,857 linear feet of stream channel.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

88. In the February 21, 2019 ESI letter, ETC in Table 1 admits that 23 streams no longer exist and that 1857 linear feet have been lost.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

89. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC changed the length of at least one hundred twenty (120) streams by manipulating and/or filling the streams channels with soil during construction activities resulting in a net loss of approximately 1,319 feet of stream channel.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

90. In the February 21, 2019 ESI letter, ETC in Table 1 admits that 50 streams had been lengthened, adding 1,790 linear feet, and that 70 streams had been shortened, losing 3,100 feet, for a net loss of 1,310 feet and changing 120 streams.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

91. In paragraph U of the January 3, 2020 COA, DEP alleges that that on or before the effective date of the Consent Order and Agreement, while constructing the Revolution Pipeline project, ETC eliminated at least seventeen (17) and altered at least seventy (70) wetland areas by manipulating and/or filling wetlands with soil.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

92. In the February 21, 2019 ESI letter, ETC in Table 2 admits that it eliminated 17 wetlands and altered 70 more by reducing or expanding them.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

93. The changes identified in paragraphs 88, 90 and 92 above were not identified in ETC's application materials for Encroachment Permits and were not permitted in either the ESCGPs or the Encroachment Permits.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

94. The 2018 Order required ETC immediately to cease all sediment laden discharges to waters of the Commonwealth.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

95. At least between October 29, 2018 and December 21, 2018, ETC did not cease discharging sediment into waters of the Commonwealth.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

96. The 2018 Order required ETC to implement E&S Best Management Practices ("BMPS") until permanent stabilization had been completed.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

97. On numerous occasions after entry of the 2018 Order, ETC failed to properly implement and maintain E&S BMPs.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

98. The 2018 Order required ETC to install flagging, markers, or signs ("Markers") at the site by November 9, 2018. As of January 10, 2019, ETC had failed to install all Markers.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

99. The 2018 Order required ETC to temporarily stabilize all disturbed areas by November 9, 2018. As of January 10, 2019, ETC had failed to temporarily stabilize all disturbed areas, including ongoing mass earth movement (“Slides”).

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

III. Additional Requests³

100. The March 5th Report was transmitted to DEP on March 5, 2018 or within a few days thereafter.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

101. Neither Sunoco nor DEP made the March 5th Report public at any time prior to January 3, 2020.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

102. The February 15th Report was transmitted to DEP on February 15, 2018 or within a few days thereafter.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

103. Neither Sunoco nor DEP made the February 15th Report public at any time prior to January 3, 2020.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

104. The ESI Report was transmitted to DEP on February 21, 2019 or within a few days thereafter.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

³ Note – The heading numbering sequence in the original Requests contained an error and restarted at III at this section; SPLP has maintained the original numbering sequence for ease of reference herein.

105. Neither Sunoco nor DEP made the ESI Report public at any time prior to January 3, 2020.

OBJECTION: SPLP objects to this Request for the reasons set forth at length in its response to Request No. 3, which is incorporated by reference as if set forth fully herein.

Counsel for Sunoco Pipeline L.P.

/s/ Thomas J. Sniscak

Thomas J. Sniscak, Esq. (PA ID No. 33891)

Whitney E. Snyder, Esq. (PA ID No. 316625)

Hawke, McKeon & Sniscak LLP

100 North Tenth Street

Harrisburg, PA 17101

Tel: (717) 236-1300

tjsniscak@hmslegal.com

kjmckeon@hmslegal.com

wesnyder@hmslegal.com

/s/ Robert D. Fox

Robert D. Fox, Esq. (PA ID No. 44322)

Neil S. Witkes, Esq. (PA ID No. 37653)

Diana A. Silva, Esq. (PA ID No. 311083)

MANKO, GOLD, KATCHER & FOX, LLP

401 City Avenue, Suite 901

Bala Cynwyd, PA 19004

Tel: (484) 430-5700

rfox@mankogold.com

nwitkes@mankogold.com

dsilva@mankogold.com

Dated: April 6, 2020

EX. “C”

Raystown Lake reports

Taber, Nels J. <njtaber@pa.gov>

to me

Thu Mar 8 3:23 PM

Mr. Bomstein,

Attached is the first of 3 emails. These are the documents referenced in Paragraphs I, J, and K of the January 3, 2020 Raystown Lake Consent Order and Agreement. I am still tracking down the report referenced in Paragraph L.

Nels Taber

Nels J. Taber | Senior Litigation Counsel
Department of Environmental Protection | Office of Chief Counsel
400 Market Street, 9th Floor | Harrisburg, PA 17101
Phone: 717.763.8504
njtaber@pa.gov

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Taber, Nels J.

to me

Wed Mar 11,

Mike,

Here you go.

Nels

Nels J. Taber | Senior Litigation Counsel
Department of Environmental Protection | Office of Chief Counsel
400 Market Street, 9th Floor | Harrisburg, PA 17101
Phone: 717.763.8504
njtaber@pa.gov

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From: Michael Bomstein <mbomstein@gmail.com>

Sent: Tuesday, March 10, 2020 3:10 PM

To: Taber, Nels J. <njtaber@pa.gov>

Subject: [External] Revolution Pipeline Case

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8 Attachments

