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April 20, 2020

VIA ELECTRONIC FILING

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

Re: Meghan Flynn, et al., Docket Nos. C-2018-3006116 & P-2018-3006117 (consolidated)
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.

**SUNOCO PIPELINE L.P.'S ANSWER OPPOSING FLYNN COMPLAINANTS'
MOTION TO DETERMINE SUFFICIENCY OF RESPONDENT'S OBJECTIONS
AND ANSWERS TO REQUEST FOR ADMISSIONS**

Dear Secretary Chiavetta:

Attached you will find Sunoco Pipeline L.P.'s Answer Opposing 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,

/s/ Whitney E. Snyder

Thomas J. Sniscak
Whitney E. Snyder
Counsel for Sunoco Pipeline L.P.

WES/das
Enclosure

cc: Honorable Elizabeth Barnes (by email only ebarnes@pa.gov)
Per Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the persons listed below in accordance with the requirements of § 1.54 (relating to service by a party).

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/s/ Whitney E. Snyder
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Dated: April 20, 2020

**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.	:		

**SUNOCO PIPELINE L.P. ANSWER OPPOSING FLYNN COMPLAINANTS'
MOTION TO DETERMINE SUFFICIENCY OF RESPONDENT'S OBJECTIONS AND
ANSWER TO REQUEST FOR ADMISSIONS**

Pursuant to 52 Pa. Code §§ 5.350, 5.342(g)(1), Sunoco Pipeline L.P. (SPLP) submits this Answer Opposing Flynn Complainants' (Complainants) April 13, 2020 Motion to Determine Sufficiency of Respondent's Objections and Answer to Request for Admissions (Motion). SPLP will respond to the substantive arguments of the Motion but will not and is not required to¹ provide a paragraph by paragraph response to the Motion particularly as it contains unnecessarily lengthy, repetitive, and irrelevant allegations and arguments.

I. ARGUMENT

1. Complainants move for Your Honor to compel SPLP to answer a set of Requests for Admissions served March 16, 2020 (Admissions) concerning two Consent Orders and Agreements (COA) and attachments thereto between Pennsylvania Department of Environmental

¹ Compare 52 Pa. Code § 5.61(b) (requiring answers to complaints admit or deny specifically all material allegations), with 52 Pa. Code § 5.103(c) (containing no such requirement for answers to motions).

Protection (DEP) (collectively, DEP documents) – (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. On March 16, 2020, Complainants moved to have some of the DEP documents introduced into the record of this proceeding, which SPLP opposed by Answer dated April 6, 2020. SPLP objected to responding to the Admissions on the same basis as it opposed introduction of the DEP documents into the record via its April 6, 2020 Answer and incorporates that Answer herein as if set forth in full.

2. In sum, the Admissions requested are not an allowable issue for discovery as Your Honor already twice ruled at the Deposition of Matthew Gordon² because they are no longer relevant or likely to lead to the discovery of relevant evidence³ and because they exceed the scope of Complainants' direct case⁴ and the Commission's jurisdiction over pipeline safety. This collateral attack on Your Honor's correct ruling should neither be granted nor condoned as an

² Your Honor ruled:

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.**

SPLP April 6, 2020 Answer, Attachment A at N.T. 120:3-8 (emphasis added).

³ 52 Pa. Code § 5.321(c) ("a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action").

⁴ On February 11, 2020, Your Honor ordered:

That all parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

Order Granting Sunoco Pipeline L.P.'s Omnibus Motion at Ordering ¶ 4.

advocacy practice by Flynn complainants. As recognized in Your Honor's correct ruling on the subject, the DEP documents relate to DEP permitting and construction issues halfway or more across the Commonwealth, not in Chester or Delaware Counties, the areas at issue here. Complainants admit they do not have standing to pursue the issues in the COAs. Motion at ¶ 44. There is no evidence in Complainants' direct testimony about how these prior violations are a safety issue now in Chester and Delaware Counties. The information sought in the Admissions is not relevant to this case and is therefore outside the scope of allowable discovery. Complainants' practice of repeatedly asking for the same relief that has been denied in rulings is a waste of the time and resources of the Commission and the parties.

3. Moreover, Complainants' direct case, which does not include competent evidence of construction safety issues in Chester or Delaware Counties, provides no link to make the DEP documents relevant. In fact, Complainants concede that their direct case does not encompass the subject matter of the DEP documents. In their Motion, Complainants admit that the experts they chose do not have expertise relating to the subject matter of the DEP documents and did not submit testimony regarding these subjects. Motion at ¶ 16. Complainants counsel also admitted on the record that their fact witnesses did not give testimony on this subject because it would be beyond their competency. SPLP April 6, 2020 Answer, Attachment A at N.T. 118:5-9 ("The direct witnesses did not give testimony about this because it would not be within their competence.").

4. Complainants attempt to make the Admissions relevant and evade the February 11, 2020 Order and 52 Pa. Code § 5.243(e) prohibition on introducing evidence after their direct case "which should have been included in the party's case-in-chief or which substantially varies from

the party's case-in-chief"⁵ when they argue that the Admissions are based on documents obtained January 3, 2020 (prior to the direct testimony deadline and after the lay witness hearings) and allegedly March 10, 2020 (after the direct testimony deadline). *See, e.g.*, Motion at ¶¶ 3, 14-20, 32. Both arguments lack merit and credibility.

5. First, when Complainants had the specific documents in question upon which they allege the admissions are based is irrelevant. The scope of discovery is limited to relevant issues in the case. And this case has necessarily been narrowed to the scope of Complainants' direct testimony. The rule is that Complainants cannot submit evidence "which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief."⁶ Again, Complainants have not put on any competent evidence as part of their direct case regarding the safety of construction of the pipelines in Chester and Delaware Counties. Complainants have now had two chances to show a connection between their direct case and the Admissions/documents at issue (the Motion and the March 16, 2020 Motion) yet failed to cite any record evidence in support. Instead, Complainants overbroad position is that construction relates to safety and this case is about safety. While this case is about safety, Complainants must show actions or inactions that were in violation of a law or regulation related to safety in Chester or Delaware County. The overbroad, unsupported, and unverified allegations of "wanton, willful and unsafe" that Complainants use to support their Motion fail to show a nexus between the Admissions/ DEP documents and Complainants direct case. There is none.

⁵ Order Granting Sunoco Pipeline L.P.'s Omnibus Motion at Ordering ¶ 4; 52 Pa. Code § 5.243(e).

⁶ Order Granting Sunoco Pipeline L.P.'s Omnibus Motion at Ordering ¶ 4; 52 Pa. Code § 5.243(e) (emphasis added).

6. Allowing these unrelated issues into the case significantly broadens the scope of issues Complainants presented on direct because Complainants presented no expert testimony that SPLP's construction practices in Chester and Delaware Counties are in violation of any law or regulation over which the Commission has jurisdiction. Simply put, Complainants had ample opportunity to raise and support construction issues as they relate to safety, but they neglected to do so. The Admissions involve issues, regardless of when the documents upon which they are based were obtained, that substantially vary from Complainants' case in chief, are thus no longer relevant to this proceeding, and are now outside the scope of allowable discovery. 52 Pa. Code § 5.321(c) ("a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action").

7. Second, Complainants could have attempted to timely and in compliance with the schedule Complainants largely set themselves present these issues in their direct case prior to the testimony deadline. They did not. Complainants arguments to correct their failure are misleading and based on at worse, materially incorrect statements, and at best a lack of command of events and timing. Regarding documents available as of January 3, 2020 upon which the Admissions are based, Complainants incorrectly rely on the date of the lay witness hearings as the cutoff for submission of direct lay witness evidence. *See, e.g.*, Motion at ¶ 3. Complainants argue contrary to the procedural orders in this case that they did not have "the right to present non-expert evidence after the November hearing date." Motion at ¶¶ 47-48. The procedures ordered in this case clearly and expressly allowed each Complainant witness to submit direct testimony in person at the October/November hearings or through written direct testimony January 15, 2020, but the same witness could not use both procedures:

4. Complainants' and Complainant-Aligned Intervenors' lay witnesses may either testify at the hearing in October, or through

direct written testimony submitted to the presiding officer and other parties by January 15, 2020 as set forth in the Procedural Order.

5. Respondent's and Respondent-Aligned Intervenor's lay witnesses may either testify at the hearing in October, or through written rebuttal testimony due April 14, 2020.

6. **Lay witnesses are permitted to testify in person at the October hearing or through written direct or rebuttal testimony, but not both.** Testimony should not be overly repetitive or cumulative. 52 Pa. Code 5.401. (b)(1). Witnesses may state that they agree with other witnesses in the interest of efficiency.

August 2, 2019 Prehearing Order at Ordering ¶¶ 4-6 (emphasis added). The case was not as Complaints revisionist argument contends, "bifurcated" into oral lay witness testimony and written expert testimony as Complainants allege. *See* Motion at ¶ 48. In fact, not all named Complainants testified at the October/November hearings and could have submitted direct written testimony—but they did not either by choice or by advice of counsel. Moreover, Complainants attorney admitted on the record that that none of the lay witnesses could have testified to this subject matter, so the date of the lay witness hearings is irrelevant. SPLP April 6, 2020 Answer, Attachment A at N.T. 118:5-9 ("The direct witnesses did not give testimony about this because it would not be within their competence.").

8. Complainants argument that the subject matter is beyond their experts' competence is also irrelevant. Motion at ¶ 16. If Complainants wanted to support their claims that there is a safety issue with DEP permitting or construction in Chester and Delaware Counties, they needed to submit a direct case on that issue and expert testimony. They did not. They chose which experts to present. That Complainants did not present an expert competent to testify on construction or DEP permitting issues only shows that the Admissions are outside the scope of their direct case.

9. Regarding documents Complainants allegedly obtained March 10, 2020, these documents do nothing to support Complainants argument. As argued at length above, DEP permitting issues and construction are simply beyond the scope of Complainants' direct case. They do not have a nexus to a safety violation of law or regulation in Chester and Delaware Counties. When the documents were obtained is irrelevant. Moreover, these documents are simply cumulative to the documents Complainants admit were available January 3, 2020, before the deadline for Complainants' direct. Complainants argue that as of January 3, 2020, the DEP COAs were available, but the attachments to the COAs were not obtained until allegedly March 10, and since some of the Admissions are based on the attachments, this equates to newly discovered evidence that could not have been submitted on direct. Motion at ¶¶ 13-14, 17-33. However, newly discovered evidence cannot be cumulative to justify another bite at the evidentiary apple,⁷ as it is here. In **Attachment A** to this Motion, SPLP presents a comparison of each Admission to the COAs available as of January 3, 2020 to show there was a basis for each Admission or enough information to provide a basis for an interrogatory obtaining the information requested in the Admission in the COA. The attachments to the COA are cumulative with respect to the Admissions. They are no reason to allow this issue into the case or allow discovery on it.

10. Moreover, to be newly discovered evidence, there must be a showing that the materials in question could not have been obtained through reasonable diligence at an earlier time.⁸ While the Motion alleges the existence of these documents was neither known nor knowable prior

⁷ See, e.g., *Claudio v. Dean Machine Co.*, 831 A.2d 140, 146 (Pa. 2003) ("after-discovered evidence, to justify a new trial, must have been discovered after the trial, **be such that it could not have been obtained at the trial by reasonable diligence, must not be cumulative** or merely impeach credibility, and must be such as would likely compel a different result.") (quoting *Der Hagopian v. Eskandarian*, 396 Pa. 401, 153 A.2d 897 (1959), *cert. denied*, 361 U.S. 938, 80 S.Ct. 381, 4 L.Ed.2d 358 (1960)) (emphasis added).

⁸ *Id.*

to the testimony deadline, Motion at ¶ 15, that is provably false. Each of the DEP document attachments allegedly obtained in March of 2020, *predate and were in existence as of* February 16, 2019. See Motion at Attachments A-C. Moreover, regarding the Revolution Pipeline issues were widely covered in the media prior to DEP issuing the COA, and various parties in this case knew about it. In **Attachment B** to this Motion, SPLP has compiled cites to various media and party social media posts discussing issues related to the Revolution COA prior to the testimony deadline.

11. Complainants could have pursued discovery on these issues well before the direct testimony deadline but neglected to do so. In fact, Complainants did pursue discovery regarding the Revolution pipeline, but failed to engage in such discovery until approximately February 28, 2019⁹ and failed to ask questions to illicit the materials here, even though these issues were well publicized. Complainants thus could have attempted to obtain these documents through discovery well before their testimony deadline and well before the lay witness hearings. Likewise, Complainants could have pursued these issues prior to the deadline of their direct testimony. That time has now passed, the Admissions are no longer relevant to this case and are outside the scope of discovery, and SPLP should not be compelled to respond.

II. ANSWER TO FLYNN “RESPONSES TO SPECIFIC OBJECTIONS”

12. In Motion paragraphs 21-24, Complainants hyper literalize SPLP’s objection that the information the Admissions seek is the same as the information the March 16, 2020 Motion seeks to admit. They make a distinction of no moment. The information sought to be injected in

⁹ The Commission’s regulations expressly state: “A party shall initiate discovery **as early in the proceedings as reasonably possible**. In a proceeding, the right to discovery commences when a complaint, ... is filed.” 52 Pa. Code § 5.331(b) (emphasis added). Complainants failed to serve their first set of discovery requests until on or about February 28, 2019 – over **four months** after the original Complaint was filed.

this proceeding by both Motions is, as argued at length above, outside the scope of Complainants' direct case and thus prohibited from introduction into the case.

13. In Motion paragraphs 25-33, Complainants unsuccessfully attempt to distinguish what is at issue here from what Your Honor ruled at Mr. Gordon's deposition. Complainants rely on the allegation that they did not have the three attachments to the COAs at the time of the deposition so could not have asked questions about those documents and that the information they seek now through the Admissions was not specifically discussed at the depositions. Complainant arguments are disingenuous. They ignore that the information they are now seeking was not discussed at the deposition because Your Honor ruled that those topics would not be allowable deposition topics because they were outside the scope of Complainants' direct case. That ruling controls here.

14. Complainants admit that the topics upon which Your Honor ruled at the deposition are the same topics here – Raystown Lake and the Revolution pipeline, Motion at ¶ 28, and that is evident from the deposition transcript. Your Honor ruled that the issues in the COAs (and thus the attachments thereto) are outside the scope of Complainants' direct case. Additional documents about the same subject matter or the form of the attempt to introduce these issues into the case (deposition or Admissions) do not distinguish the relief requested in the Motions from the relief denied at the deposition. The deposition transcript and the ruling therein speak for themselves, and Complainants' tortured reading and application of that ruling is unfounded.

15. Contrary to the assertion in Motion Paragraph 32, the deposition transcript shows that after Your Honor ruled, Complainants did try to seek reconsideration when counsel continued arguing the issues and Your Honor stated: "I'm not convinced to reconsider my ruling." SPLP April 6 Answer, Attachment A at N.T. 121:24-25. This is an important point because in rejecting

reconsideration, Your Honor rejected Complainants' arguments they put forth now – that these topics fit within the scope of their direct testimony and that they are not prohibited from engaging in discovery on those topics.

MR. BOMSTEIN: Your Honor, before you conclude, we are not contending that it was improper for DEP to make its rulings. We are not contending that there was anything improper about the DEP decision. We are not challenging it and it was not challenged. **What we are saying is that a matter that was not before the DEP, whether in hundreds of instances they did these unsafe things should not be part of our case, you've ruled previously that matters involving safety, including Revolution pipeline, are relevant.**

MR. FOX: **Then you have to put on direct evidence of that, which you admit that you have not.** You could have taken his deposition before the deadline for direct testimony and put that on. You did not. We're not relitigating DEP consent orders or the underlying facts of DEP consent orders. **That's expanding the scope of what you have identified as part of your direct case. It's just simply too late to do that.**

MR. BOMSTEIN: Your Honor, we disagree for obvious reasons. **There are no procedural orders, omnibus or otherwise, where you stated that information obtained during the course of routine discovery could not be used -- obtained and used in the case.** You identified lay witnesses who testified earlier, expert witnesses who will testify later. We've already said this in our motions. **You did not, with all due respect, preclude what we are doing today and what we intend to do today.**

JUDGE BARNES: All right. I'm not convinced to reconsider my ruling.

SPLP April 6 Answer, Attachment A at N.T. 120:11-121:25 (emphasis added). Likewise, this shows Your Honor also rejected the same argument Complainants again raise – that previous discovery was allowed concerning the Revolution Pipeline. Motion at ¶ 37. The Admissions and documents upon which they are based are simply now irrelevant and thus outside the scope of discovery because Complainants did not put on a direct case on these topics. That is the issue here, not whether the documents have a binding effect as Complainants allege. Motion at ¶ 33.

16. In Motion paragraphs 34-40, Complainants fail at their attempt to draw a nexus between the Admissions and their direct case. Complainants have now had two chances to show a connection between their direct case and the Admissions/documents at issue (the Motion and the March 16, 2020 Motion) yet failed to cite any record evidence in support. Instead, Complainants overbroad position is that construction relates to safety and this case is about safety. While this case is about safety, Complainants must show actions or inactions that were in violation of a law or regulation related to safety in Chester or Delaware County. The overbroad, unsupported, and unverified allegations of “wanton, willful and unsafe” that Complainants use to support their Motion fail to show a nexus between the Admissions/ DEP documents and Complainants direct case. There is none.

17. In Motion paragraph 37, Complainants misconstrue Your Honor’s approval of the I&E and SPLP settlement in the I&E formal complaint proceeding regarding the Morgantown incident to try to show that an issue in one area is necessarily relevant to all pipeline construction. This is a fallacy. Your Honor’s approval of the settlement was not a determination as to whether a particular settlement term was warranted relief based on the allegations of a complaint, but instead whether the Settlement as a whole was in the public interest. SPLP voluntarily agreed as part of the Settlement to engage in the remaining life study. It denied that this study was warranted or even available relief if the proceeding were litigated. The settlement was wholly without admission and provides no basis for the argument Complainants make. Moreover, the settlement had nothing to do with DEP permitting or construction issues.

18. In Motion paragraphs 41-44, while Complainants argue they are not attempting to relitigate the COAs, Complainants essentially concede the contrary. Complainants state they believe that DEP’s failure to discuss an alleged pattern of violations or wanton or willful conduct

“is an inexcusable pattern on DEP’s part” and acknowledge they did not have standing to pursue these issues on appeal to the EHB. Motion at ¶¶ 43-44. Unhappy with the inability to obtain relief from DEP, Complainants are now trying to pursue collaterally these issues before the PUC and obtain relief for these issues here. Given the utter lack of nexus to Complainants’ direct case and admitted lack of standing, relitigating these issues to obtain relief DEP did not issue is the obvious intent of Complainants’ attempt to inject these issues here.

19. In paragraphs 45-49, Complainants continue to argue about timeliness. These arguments are either wrong or irrelevant and are addressed at length *supra* Section I.

III. REQUESTED RELIEF

WHEREFORE, SPLP respectfully requests the Motion be denied.

Respectfully submitted,

/s/ Whitney E. Snyder

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Attorneys for Respondent Sunoco Pipeline L.P.

Dated: April 20, 2020

ATTACHMENT A

Flynn et al First Request for Admissions	Content in January 3, 2020 Consent Order and Agreements available prior to Complainants Direct Testimony Deadline
<u>II. Raystown Lake</u>	
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.	See Raystown COA at page 2, paragraph C-D (paraphrasing portion of COA)
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”).	See Raystown COA at page 3, paragraph I
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”).	See generally Raystown COA (indicates when construction occurred, counsel could have pursued discovery into contractors used prior to testimony deadline)
6. Michels began its HDD operations, Bore No. S2-0150A, at the Raystown Lake HDD site on November 16, 2017.	See generally Raystown COA (indicates when construction occurred, counsel could have pursued discovery into when Bore No. S2-0150A prior to testimony deadline)
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.	See Raystown COA at page 2, paragraph E.2
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.	See Raystown COA at page 2, paragraph E.3

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.	See Raystown COA at page 3, paragraph G
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.	See Raystown COA at page 3, paragraph H
11. The said December 20, 2017 IR subsequently discharged into the Raystown Branch Juniata River.	See Raystown COA at page 3, paragraph H
12. As of December 20, 2017, Sunoco was not authorized to discharge drilling fluids to any water of the Commonwealth.	See Raystown COA at page 4, paragraph N
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.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
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.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
15. On December 12, 2017, Michels noted a partial loss of drilling fluid of 11,800 gallons, which was estimated to be 25%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)

16. The said December 12, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
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.	See Raystown COA page 3, paragraph H (Note counsel error transposing date)
18. On December 13, 2017, Michels noted a partial loss of drilling fluid of 98,000 gallons, which was estimated to be 25%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
19. The said December 13, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
20. On December 14, 2017, Michels noted a partial loss of drilling fluid of 170,400 gallons, which was estimated to be 25%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
21. The said December 14, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
22. On December 15, 2017, Michels noted a partial loss of drilling fluid of 55,700 gallons.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
23. The said December 15, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
24. On December 16, 2017, Michels noted a partial loss of 160,8800 gallons, which was estimated to be 50%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
25. The said December 16, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I

26. On December 18, 2017, Michels noted a partial loss of drilling fluid of 291,800 gallons, which was estimated to be 50%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
27. The said December 18, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
28. On December 19, 2017, Michels noted a partial loss of drilling fluid of 71,000 gallons, which was estimated to be 25%.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
29. The said December 19, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
30. On December 20, 2017, Michels noted a partial loss of drilling fluid of 88,700 gallons.	See generally Raystown COA page 3, paragraph I (indicates the March 5, 2018 report on December IR and LOCs, counsel could have pursued discovery into this report prior to testimony deadline)
31. The said December 20, 2017 drilling fluid loss was not reported to DEP until March 5, 2018.	See Raystown COA page 3, paragraph I
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.	See Raystown COA page 3, paragraph I
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.	See Raystown COA page 3, paragraph I
34. Sunoco's HDD IR PPC Plan in effect in December, 2017 required Sunoco to report LOCs to DEP immediately upon discovery.	See Raystown COA page 3, paragraph I
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.	See generally Raystown COA (indicates when construction occurred, counsel could have pursued discovery into contractors used prior to testimony deadline)

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.”	See Raystown COA page 4, paragraph K
37. On April 3, 2017, Laney noted a partial loss of drilling fluid of 2,750 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
38. The said April 3, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
39. On April 10, 2017, Laney noted a full loss of drilling fluid in an amount not recorded.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
40. The said April 10, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
41. On April 11, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 120,700 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
40. The said April 11, 2017 drilling fluid loss was not reported to DEP until February 18, 2019. ¹	See Raystown COA page 4, paragraph K
41. On April 12, 2017, Laney noted a full loss of drilling fluid in an amount of 112,900 gallons based on totalizer readings.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
42. The said April 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K

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.

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.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
42. The said April 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019. ²	See Raystown COA page 4, paragraph K
43. On April 19, 2017, Laney noted a partial loss of drilling fluids in an amount of 163,500 gallons based on totalizer readings.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
44. The said April 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
45. On April 30, 2017, Laney noted a full loss of drilling fluid in an amount estimated to be 61,500 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
46. The said April 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
47. On September 23, 2017, Laney noted a partial loss of drilling fluid less than 350 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
48. The said September 23, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
49. On September 30, 2017, Laney noted a partial loss of drilling fluid of 200 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
50. The said September 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
51. On October 2, 2017, Laney noted a partial loss of drilling fluid totaling 18,300 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)

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.

	report counsel could have pursued discovery into this report prior to testimony deadline)
52. The said October 2, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
53. On October 6, 2017, Laney noted a partial loss of drilling fluid. The total amount was not recorded.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
54. The said October 6, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
55. On October 7, 2017, Laney noted a partial loss of drilling fluids totaling 73,000 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
56. The said October 7, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
57. On October 9, 2017, Laney noted a partial loss of drilling fluids totaling 24,500 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
58. The said October 9, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
59. On October 12, 2017, Laney noted a partial loss of drilling fluids but the amount was not recorded.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
60. The said October 12, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
61. On October 13, 2017, Laney noted a partial loss of drilling fluids totaling 61,500 gallons based on fluid pumping rates.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
62. The said October 13, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K

63. On October 14, 2017, Laney noted a full loss of drilling fluids totaling 102,000 gallons based on fluid pumping rates.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
64. The said October 14, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
65. On October 16, 2017, Laney noted a full loss of drilling fluids totaling 123,000 gallons based on fluid pumping rates.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
66. The said October 16, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
67. On October 17, 2017, Laney noted a full loss of drilling fluids totaling 113,000 gallons based on fluid pumping rates.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
68. The said October 17, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
69. On October 18, 2017, Laney noted a full loss of drilling fluids totaling 127,000 gallons based on fluid pumping rates.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
70. The said October 18, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
71. On October 19, 2017, Laney estimated a full loss of drilling fluids totaling 112,000 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
72. The said October 19, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
73. On October 20, 2017, Laney estimated a full loss of drilling fluids totaling 55,000 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)

74. The said October 20, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
75. On October 21, 2017, Laney noted a partial loss of drilling fluids totaling 89,000 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
76. The said October 21, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
77. From October 23, 2017 through October 26, 2017, Laney noted a full loss of drilling fluids estimated at 330,000 gallons.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
78. The said October 23, 2017 through October 26, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
79. From October 28, 2017 through October 30, 2017, Laney noted partial drilling fluid losses that were not recorded.	See generally Raystown COA page 4, paragraph K (indicates the February 18, 2019 report counsel could have pursued discovery into this report prior to testimony deadline)
80. The said October 28, 2017 through October 30, 2017 drilling fluid loss was not reported to DEP until February 18, 2019.	See Raystown COA page 4, paragraph K
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.	See Raystown COA page 4, paragraph K
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.	See Raystown COA page 4, paragraph K
83. Sunoco's HDD IR PPC Plan in effect in 2017 required Sunoco to report LOCs to DEP immediately upon discovery.	See Raystown COA page 4, paragraph K
<u>III. Revolution Pipeline</u>	
84. DEP in its Consent Order and Agreement ("COA") of January 3, 2020 alleged in Paragraph K that on October 29,	See Revolution COA page 4, paragraph K

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.	See generally Revolution COA page 4, paragraph K
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.	See generally Revolution COA page 5, paragraph N and page 7-8, paragraph U (indicates petition to enforce and subsequent finding of paragraph U, counsel could have pursued discovery into this report prior to testimony deadline)
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.	See Revolution COA Page 7-8, paragraph U
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.	See generally Revolution COA page 5, paragraph N and page 7-8, paragraph U (indicates petition to enforce and subsequent finding of paragraph U, counsel could have pursued discovery into this report prior to testimony deadline)
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.	See Revolution COA Page 7-8, paragraph U
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.	See generally Revolution COA page 5, paragraph N and page 7-8, paragraph U (indicates petition to enforce and subsequent finding of paragraph U, counsel could have pursued discovery into this report prior to testimony deadline)

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.	See Revolution COA Page 7-8, paragraph U
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.	See generally Revolution COA page 5, paragraph N and page 7-8, paragraph U (indicates petition to enforce and subsequent finding of paragraph U, counsel could have pursued discovery into this report prior to testimony deadline)
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.	See Revolution COA Page 8, paragraph V
94. The 2018 Order required ETC immediately to cease all sediment laden discharges to waters of the Commonwealth.	See Revolution COA Page 4, paragraph K
95. At least between October 29, 2018 and December 21, 2018, ETC did not cease discharging sediment into waters of the Commonwealth.	See Revolution COA Page 5, paragraph M
96. The 2018 Order required ETC to implement E&S Best Management Practices ("BMPS") until permanent stabilization had been completed.	See Revolution COA Page 4, paragraph K
97. On numerous occasions after entry of the 2018 Order, ETC failed to properly implement and maintain E&S BMPs.	See Revolution COA Page 5, paragraph M
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.	See Revolution COA Page 5, paragraph M
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").	See Revolution COA Page 5, paragraph M

III. Additional Requests³

100. The March 5th Report was transmitted to DEP on March 5, 2018 or within a few days thereafter.	See Raystown COA at page 3, paragraph I
101. Neither Sunoco nor DEP made the March 5th Report public at any time prior to January 3, 2020.	See generally Raystown COA (counsel could have pursued discovery into this report prior to testimony deadline)
102. The February 15th Report was transmitted to DEP on February 15, 2018 or within a few days thereafter.	See Raystown COA page 4, paragraph K
103. Neither Sunoco nor DEP made the February 15th Report public at any time prior to January 3, 2020.	See generally Raystown COA (counsel could have pursued discovery into this report prior to testimony deadline)
104. The ESI Report was transmitted to DEP on February 21, 2019 or within a few days thereafter.	See generally Revolution COA page 5, paragraph N and page 7-8, paragraph U (indicates petition to enforce and subsequent finding of paragraph U, counsel could have pursued discovery into this report prior to testimony deadline)
105. Neither Sunoco nor DEP made the ESI Report public at any time prior to January 3, 2020.	See generally Revolution COA (counsel could have pursued discovery into this report prior to testimony deadline)

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.

ATTACHMENT B


Attachment B

1. Eric Friedman twitter 9/11/18, aware of Revolution explosion.

4/14/2020 Anya Litvak on Twitter: "Landslide suspected as cause of ETC's Revolution pipeline explosion in Beaver County. @kmamula1 @andrewr..."

Tweet

Anya Litvak @AnyaLitvak · Sep 10, 2018
Landslide suspected as cause of ETC's Revolution pipeline explosion in Beaver County. @kmamula1 @andrewrush post-gazette.com/local/west/201...



1 9 5

Replies

Eric Friedman @EricFriedmanPA · Sep 11, 2018
Replying to @AnyaLitvak @JohnHQuigley and 2 others
A previous ETP pipeline explosion.


Energy Transfer Partners begins major clean-up after ...
Dallas-based Energy Transfer Partners is embarking on a major clean-up after a natural gas pipeline rupture...
bizjournals.com

More Tweets

Michael A. Fuoco @michaelfuoco · 23h
Ross Morgan is among so many who are selflessly giving so much to us in our time of need and fear. Without them, where would we be? Gratitude and Godspeed to them all.

Pittsburgh Post-Gazette @PittsburghPG · Apr 13
Shaler native Ross Morgan responded to a call for medical volunteers about working in one of New York's overwhelmed public hospitals.
Before he knew it, he was working in a makeshift pre-emergency room in Spanish Harlem. post-gazette.com/news/health/20...

Teresa Lindeman @pg_tindeman · Apr 13
'Like stages of grief: Newly unemployed Pennsylvanians yearn for a paycheck a... via @pittsburghpg



'Like stages of grief: Newly unemployed Pennsylvanians yearn for a pay...
'Like stages of grief: Newly unemployed Pennsylvanians yearn for a paycheck and normalcy'Like stages of grief: Newly unemployed ...
post-gazette.com

Daniel Moore @PGdanielmoore · 21h
With flashbacks of past bailouts/stimulus/economic rescue bills, labor unions like the SEU, CWA and Unite Here are pressing for federal dollars for their

Relevant people

Anya Litvak @AnyaLitvak
Energy reporter at the Pittsburgh Post-Gazette

Kris Mamula @kmamula1
I write about the business of health care at the Pittsburgh Post-Gazette, bicycle a lot and try to remember to wear socks.

Andrew Rush @andrewrush
Senior Staff Photographer Pittsburgh Post-Gazette, @Mizzou alum

Trends for you

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#BreakingNews
48.2K Tweets

Sports · Trending
Emoni Bates
3,454 Tweets

keep · Trending
#5DaysToNOTBYTHEMOON
158K Tweets

Trending in United States
Mufasa
4,411 Tweets

Movies
Bidding farewell to characters you love can hit hard 🥲

Trending in United States
Isaiah Todd
1,553 Tweets

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<https://twitter.com/AnyaLitvak/status/1039256505273511936>

1/2

Attachment B




2. Eric Friedman twitter 1/12/19 aware of Revolution issues.




twitter.com/BigMikeWalsh/with_replies


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Tweet

Mike Walsh    8,029 Tweets [Follow](#)




Mike Walsh    Retweeted


 **Eric Friedman** @EricFriedmanPA · Jan 12
Replying to @UwchlanSafetyCo @PennsylvaniaDEP and 9 others
In Jun. 2018 DEP again showed its unwillingness or inability to enforce state laws. ETC-caused landslides and erosion are not just environmental problems. In Sep. 2018, ETC's seven day-old pipeline ruptured and exploded because of these unlawful practices.



Texas company fined for damages to Raccoon Creek during pipeline co...
A Texas-based company has been fined \$150,000 by the state Department of Environmental Protection and will be forced to monitor ...
[timesonline.com](#)

4

Mike Walsh    Retweeted

 **Carrie** @UnlessPA · Jan 12
Replying to @UwchlanSafetyCo @PennsylvaniaDEP and 9 others
2 homes were bought out after the explosion

3 people narrowly escaped as they literally had to run for their lives

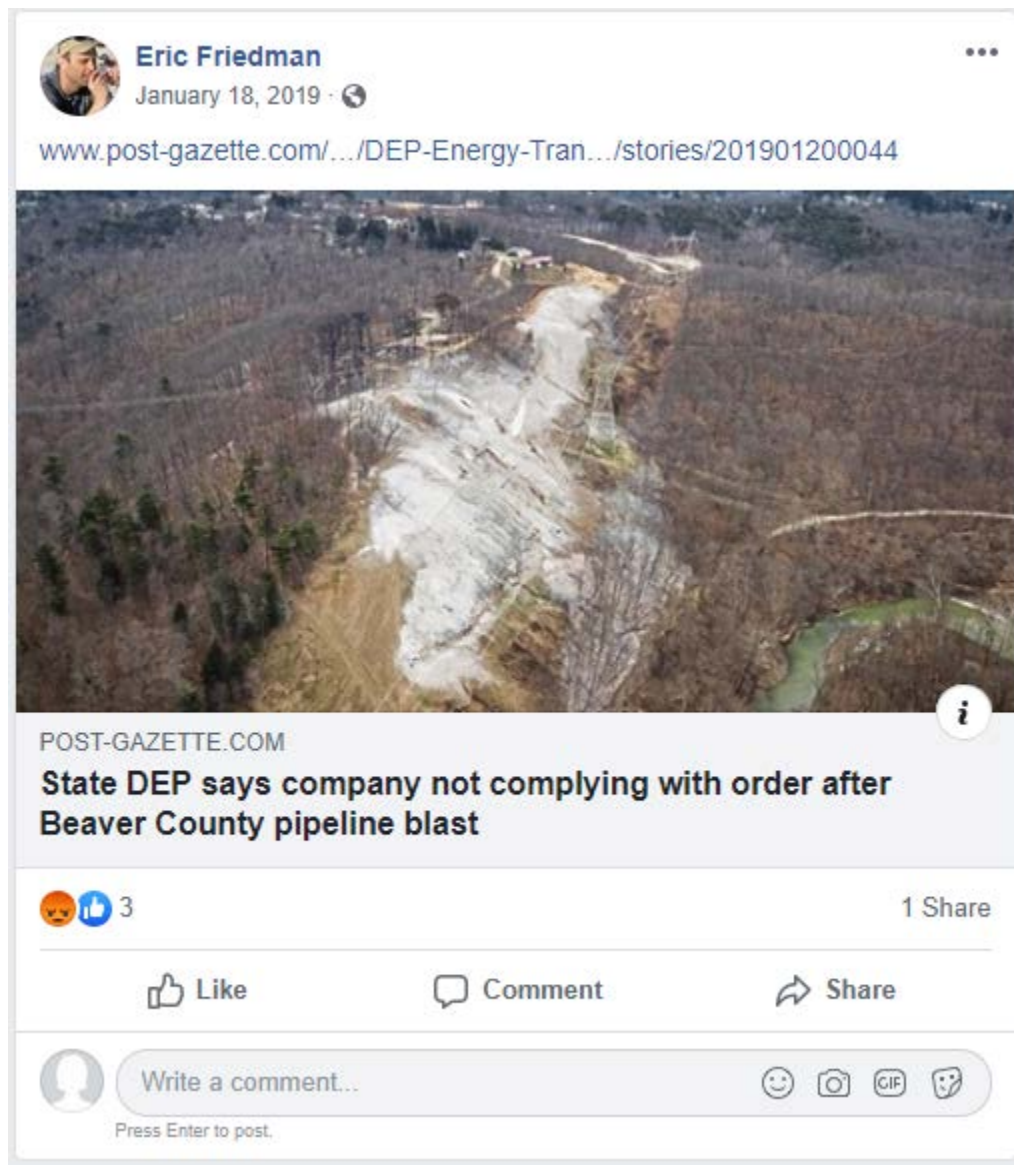
1 barn destroyed and I believe a horse or 2 as well

0 people were notified that the pipeline went into service

7 days it was in service before exploding

Attachment B

3. Eric Friedman 1/18/19 ETP article about non-compliance with Revolution order.
 - a. <https://www.facebook.com/eric.friedman.1276/posts/10218189610312757>



Attachment B

4. West Whiteland Residents for Public Safety Facebook page 9/18/19 aware that permit bar still in place.

a. <https://www.facebook.com/WWRPS/posts/2716347835043074>

The screenshot shows the Facebook page for "West Whiteland Residents for Pipeline Safety" (@WWRPS). The page features a profile picture with a red flower logo and the text "West Whiteland Residents PIPELINE SAFETY". The cover photo shows a group of people at a protest, with one person holding a large sign that reads "YOU ARE IN THE BLAST ZONE" and another holding a sign that says "Destroying Our Quality of Life".

The main post is dated September 18, 2019, and contains the following text:

So what does last week's Commonwealth Court ruling that Senator Andy Dinniman does not have personal nor legislative standing mean to his PUC formal complaint and Mariner East construction in West Whiteland? In the case of the former, we are uncertain at this point. As for construction we know that even if it means the PUC injunction is lifted, construction in West Whiteland remains halted in several areas for other reasons:

- DEP permits still need to be granted for construction modifications that Sunoco submitted after Governor Wolf issued a permit bar on Feb 8, 2019. These include: Whiteland West Apartments, Route 100, near Chester County Library and Lisa Drive. Word is, the permit bar will not be lifted anytime soon.
- Construction is halted on the permanent easements at the library that the County Commissioners signed in 2017 pending a lawsuit they initiated earlier this year
- Temporary workspace easements at the library expired in February 2019 and the County Commissioners have told Sunoco they will not renew them.

It appears that regardless of what happens with Senator Dinniman's case, construction is a long way from completion.

What does it mean then that Sunoco has set yet another new completion date they will fail to meet, announcing Mariner East 2X will be finished by the end of this year, just three months away? It means they want to calm nervous investors and foreign customers. AND they feel the need to discourage those who continue to stand strong and united for public safety, personal property rights, water resources and the environment.

Take that as a good sign.

Senator Andy Dinniman Rep. Kristine Howard West Whiteland Township Chester County Government Uwchlan Safety Coalition Upper Uwchlan Residents for Safety Goshen United for Public Safety Just The Facts Please Middletown Coalition for Community Safety Halt Mariner Now

Below the text is a photo of two yellow excavators working on a construction site.

The right sidebar shows the page's rating (4.5 out of 5), community information (993 likes, 1,072 followers), and a list of related pages including "Ginny Kerslake for PA...", "P.K. Ditty", "Uwchlan Safety Coaliti...", "Protect PT", and "Faith Alliance for Pipe..."

5. Uwchlan Safety Coalition Facebook page 1/3/20 aware of permit bar lift.

4/14/2020 The Pennsylvania Department of... - Uwchlan Safety Coalition | Facebook


facebook Sign Up

Email or Phone Password Log In

Forgot account?

Uwchlan Safety Coalition
January 3 · 🌐

The Pennsylvania Department of Environmental Protection is lifting the permit bar.....
Meanwhile....
2 district attorneys have open investigations, Attorney General Josh Shapiro is investigating Title 18 crimes for risking a catastrophe, the Pennsylvania Public Utility Commission has 2 open cases, PHMSA has an open case against ETC, Homeland Security is investigating, the FBI is investigating and PS the lines are operating and there are still no emergency plans that fit the legal requirement of Title 35 cs 7101. Where you at #PEMA?
Governor Tom Wolf this is truly extreme foolishness and irrationality on your part. When will you realize \$ETC just broke pa?















M/CALL.COM
Pipeline company fined \$30 million, but can resume construction of Mariner East


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6. Mike Walsh twitter 1/3/20 retweets that permit bar is lifted in agreement with DEP.

a. <https://twitter.com/RepDanielle/status/1213263709016977408>

The screenshot shows a Twitter interface. On the left is a navigation sidebar with icons and labels for Home, Explore, Notifications, Messages, Bookmarks, Lists, Profile, and More. Below these is a blue 'Tweet' button. The main content area shows a tweet by Rep. Danielle Friel Otten (@RepDanielle) with the text 'MARINER EAST UPDATE' and a description of a COA agreement with Energy Transfer Partners. Below the tweet are 4 retweets and 10 likes. A reply by Mike Walsh (@BigMikeWalsh) is shown below, replying to @RepDanielle and mentioning @PennsylvaniaDEP. The reply includes three photos: two showing water damage and mold in a bathroom, and one showing a showerhead. Below the reply are 1 comment, 5 retweets, and 5 likes. At the bottom, a partial tweet by *Starry-Eyed* IGC (@incOCANADA) is visible.

Twitter Thread:

Tweet by Rep. Danielle Friel Otten (@RepDanielle):

📌 MARINER EAST UPDATE 📌

Today we were informed by the DEP that they have entered into a COA (consent order agreement) with Energy Transfer Partners on the Revolution Pipeline explosion and fire that happened in... [instagram.com/p/B64OUG3DCok/...](https://www.instagram.com/p/B64OUG3DCok/)

7:59 PM · Jan 3, 2020 from Exton, PA · Instagram

4 Retweets 10 Likes

Reply by Mike Walsh (@BigMikeWalsh):

Replying to @RepDanielle

.@PennsylvaniaDEP well water in homes in edgmont, pa because of Energy Transfer's HDD / yesterday and today.

Photos in Reply:

- Photo 1: A white cloth with green mold or mildew on a white surface.
- Photo 2: A close-up of a showerhead with water spraying, showing significant mold and water damage on the surrounding wall.
- Photo 3: A showerhead with a blue shower cap on it, with a blue bottle of cleaning product nearby.

1 Comment 5 Retweets 5 Likes

***Starry-Eyed* IGC (@incOCANADA):**

Attachment B

7. Ginny Kerslake political page 1/4/20 aware of permit bar lift.

- a. <https://www.facebook.com/Ginny4PA/posts/1044410455910925?tn=-R>

4/14/2020

Just one week into service the... - Ginny Kerslake for PA District 167 | Facebook


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**Ginny Kerslake for PA District 167**
January 4 · 🌐

Just one week into service the Revolution pipeline exploded on Sept 19, 2018 in Beaver County following a landslide. It was built and operated by Energy Transfer the same Texas-based company responsible for Mariner East.


In the ensuing investigation the DEP found that "19 different hillside sections of the pipeline weren't stabilized, resulting in numerous slides; 352 separate occurrences of accelerated erosion and sedimentation; and 540 different occasions when sediment-laden water was discharged into several western Pennsylvania creeks and wetlands."

"In addition, the agency found over 2,000 instances where the company failed to properly implement "best management practices," construction standards required by state permits".

And now Energy Transfer gets to push on and the permit bar on Mariner East has been lifted.




In the case of the Revolution explosion, only one house was impacted in that rural area. It burned to the ground. It is simply horrifying to envision what an explosion on Mariner East would look like in our densely populated communities

<https://stateimpact.npr.org/.../state-levels-record-30-m-fin.../>



STATEIMPACT.NPR.ORG

State levels record \$30M fine against pipeline company responsible for Beaver County blast | StateImpact...





35


9 Comments · 11 Shares


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**P.K. Ditty** Media


**Josh Maxwell for Chester County** Political Candidate

**The Daily Local News** Broadcasting & Media Production ...


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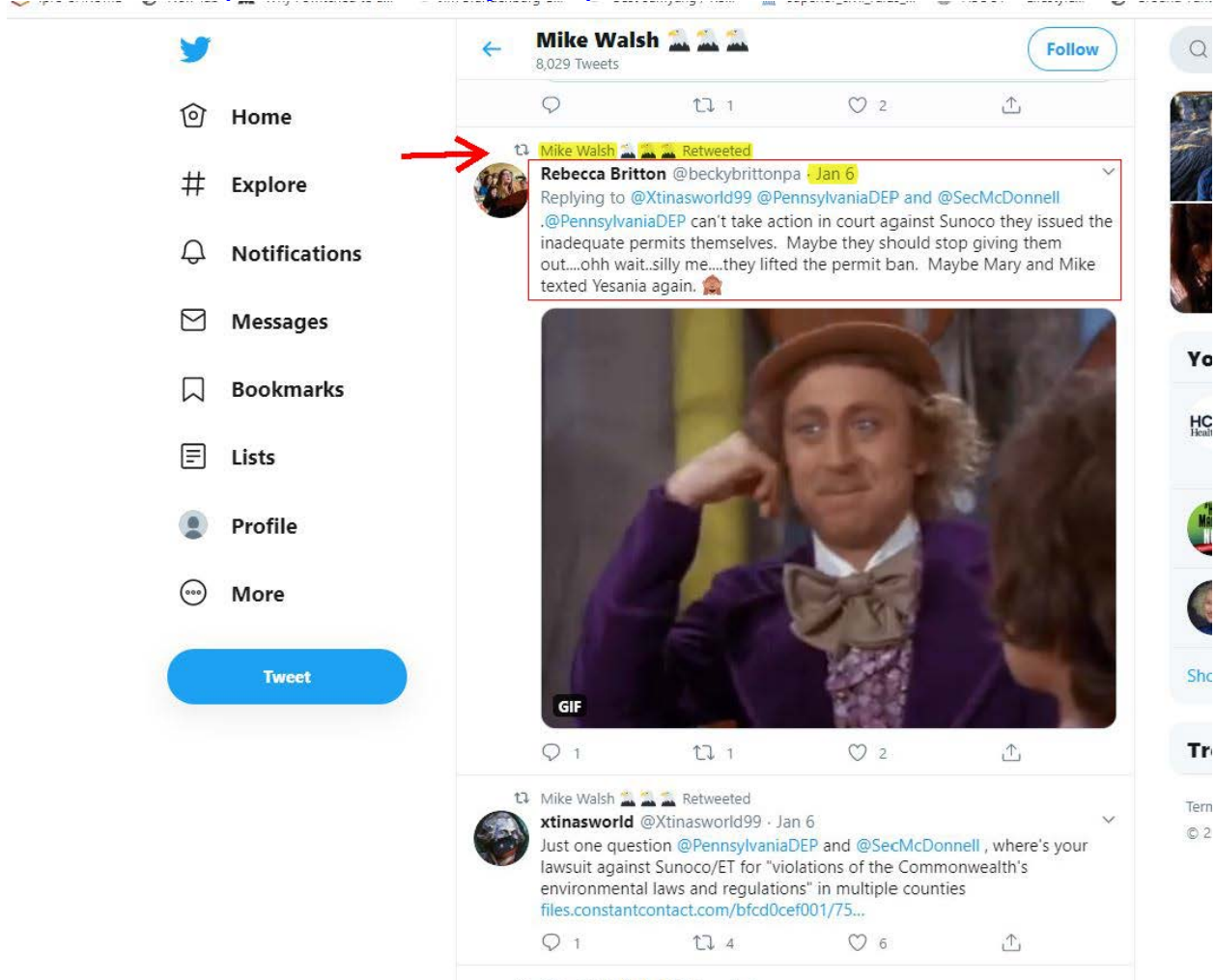
<https://www.facebook.com/Ginny4PA/posts/1044410455910925>

1/2

Attachment B

8. Rebecca Britton twitter 1/6/20 aware of permit bar lift

a. <https://twitter.com/beckybrittonpa/status/1214391210833514498>



Attachment B

9. Courier newsroom article originally published 1/7/20 on lifting of permit bar.
 - a. <https://couriernewsroom.com/2020/01/07/a-companys-negligence-caused-a-pipeline-explosion-in-pennsylvania-theyre-about-to-resume-work/>
10. Inquirer article 2/8/19 about issuance of permit bar.
 - a. <https://www.inquirer.com/news/pennsylvania/revolution-pipeline-permits-suspended-department-environmental-protection-beaver-county-energy-transfer-mariner-east-20190209.html>
11. Daily Local News (Delco Times) article 2/9/19 about issuance of permit bar. Note that Chester County Commissioners, Kerslake and Britton are all quoted.
 - a. https://www.delcotimes.com/news/local/pa-halts-permits-for-texas-based-pipeline-company-building-mariner-east/article_5613ca43-9da1-54ef-88e4-87859e2a2729.html
12. DelChescoUnited Facebook page 2/18/19 about imposition of permit bar.
 - a. https://www.facebook.com/DelChescoUnited/posts/370036823577259?_tn=-R