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REPLY TO:

Center City

September 21, 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 Nos. C-2018-3006116, P-2018-3006117
DiBernardino, Docket No. C-2018-3005025 (consolidated)
Britton, Docket No. C-2019-3006898 (consolidated)
Obenski, Docket No. C-2019-3006905 (consolidated)
Andover, Docket No. C-2018-3003605

**FLYNN COMPLAINANTS' MOTION FOR LEAVE
TO SUBMIT ADDITIONAL EVIDENCE**

Dear Secretary Chiavetta:

Attached for electronic filing with the Commission is Flynn Complainants' Motion for Leave to Submit Additional Evidence.

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 NO. C-2018-3006116 |
| CAROLINE HUGHES and | : | DOCKET NO. P-2018-3006117 |
| MELISSA HAINES, | : | DOCKET NO. C-2018-3005025 |
| <i>Complainants,</i> | : | DOCKET NO. C-2019-3006898 |
| v. | : | DOCKET NO. C-2019-3006905 |
| | : | DOCKET NO. C-2018-3003605 |
| | : | |
| SUNOCO PIPELINE L.P., | : | |
| <i>Respondent.</i> | : | |

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response to the enclosed **Motion for Leave to Submit Additional Evidence within four (4) days** from service of this notice, a decision may be rendered against you. Any Response to the Motion for Partial Summary Judgment must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Sunoco Pipeline, L.P., and where applicable, the Administrative Law Judge presiding over the issue.

File with:

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

**BEFORE THE
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| | : | DOCKET NO. C-2018-3003605 |
| | : | |
| SUNOCO PIPELINE L.P., | : | |
| Respondent | : | |

FLYNN MOTION FOR LEAVE TO SUBMIT ADDITIONAL EVIDENCE

Flynn Complainants, by their attorney, Michael S. Bomstein, Esquire, hereby apply for leave to submit additional evidence in their case, and in support hereof aver as follows:

A. Procedural Background

1. On August 10, 2020, Sunoco notified DEP that drilling fluids had surfaced in a wetland and two unnamed tributaries in Chester County. Bentonite was flooding Marsh Creek Lake and there was no sandbag containment to capture drilling fluids. The wetland and tributaries were coated with a thick layer of drilling mud. Ultimately, Sunoco reported the spill was of 8163 gallons of drilling fluids.

2. On August 11, 2020 DEP received notice of a subsidence event in the said wetland measuring 15 feet in diameter and 8 feet deep. This allowed drilling fluid to discharge underground and into the wetland.

3. DEP thereafter issued a Notice of Violation and suspended all work for HDD S-3-0290 until further notice. (Notice not available at this time).

4. An Energy Transfer statement issued on August 13, 2020 represented that the company was “committed to allocating all necessary resources to fully remediate and restore the area.” (Exhibit “A”). On August 17, 2020, a report was submitted on behalf of Sunoco. (Exhibit “B”).

5. Sunoco has not denied responsibility for its pollution of Marsh Creek and Marsh Creek Lake.

6. On September 11, 2020, DEP issued an Administrative Order finding that Sunoco had violated the Clean Streams Law and the Dam Safety and Encroachments Act and requiring Sunoco to re-route the pipeline from the Marsh Creek crossing so as to move it away from the location that Sunoco could not successfully cross without damaging the environment. (Exhibit “C”).

7. Obviously, the existence of the Marsh Creek events was not known and could not have been known at any time prior to conclusion of Flynn Complainants’ written testimony.

B. The Marsh Creek events are relevant to Complainants’ case.

8. Sunoco has admitted that its drilling activities discharged approximately 8163 gallons of drilling fluids into Marsh Creek, a lot of which made its way into Marsh Creek Lake.

9. Sunoco has admitted the existence of a subsidence event caused by the drilling fluids’ discharge.

10. The September 11, 2020 Administrative Order noted that Sunoco forged ahead at the Marsh Creek Mariner East crossing despite determining that “installation of the 20-inch line at HDD S3-0290 has a moderate to high risk of drilling fluid loss and IRs.” (Exhibit C at para. J).

C. Other, recent Notices of Violation are relevant to this case.

11. Sunoco on August 20, 2020 entered into a consent agreement regarding numerous other violations of environmental laws and agreed to pay a substantial fine. (Exhibit “D”).

D. Complainants’ Allegations

Introduction

12. Flynn Complainants contend that Sunoco’s practices in connection with the construction, operation and maintenance of petroleum product pipelines, including the Mariner East HVL pipelines through Chester and Delaware Counties, have been and continue to be inexcusably reckless. In consequence, Complainants believe that 66 Pa.C.S. § 1501 has been repeatedly violated because Sunoco is not operating in a safe, adequate and reasonable manner.

13. Sunoco also had and has a duty at all times “to use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.” 52 Pa.Code § 59.33.

14. PUC has the authority to regulate, restrict and even terminate Sunoco’s construction and operation of the Mariner East pipelines. 66 Pa.C.S. § 501.

15. Flynn Complainants believe that PUC must exercise its authority under the circumstances of the present case.

Sunoco’s practices are unsafe.

16. During the lay witness hearings, Complainants furnished extensive testimonial and documentary evidence in support of their claim that Sunoco’s public awareness program and its siting of HVL pipelines constitute unsafe practices.

17. While insisting that its practices are “safe,” Sunoco’s witnesses have testified that

what is “safe” is not something “the company can dictate to you. So I think **it’s asking you to decide for yourself what that is**, but I’m going to go to what I view as a safe location.” (John Zurcher, N.T. November 30, 2018 at 413, ll. 14 - 19). (Emphasis supplied).

18. Sunoco continues to hide its knowledge of the dangers of a leak or rupture of HVLs. Even though it is public knowledge that Sunoco has its own hazard/consequence assessments, witness John Zurcher basically testified that he could not state how far one would need to be away from a two-inch HVL leak in order to be safe (N.T. November 30, 2018 at 424, l. 18 - 24).

19. When Sunoco put Mr. Zurcher on the stand, it was fully aware that it had in hand four hazard assessments for the Mariner East pipelines and a separate one for its Canadian ethane pipeline. All of these Sunoco hazard assessments defined a “hazard zone” within which the public was at risk, and beyond which there was less risk.

ET’s practices are reckless.

20. The instant proceeding is not a challenge to ET’s environmental practices, although the company’s environmental depredations are rampant, atrocious, widespread and unlawful.

21. The Revolution Pipeline explosion in Beaver County, however, was the consequence of ET’s environmental practices.

22. It was ET’s persistent pattern of reckless practices that led to the instability that resulted in the pipeline rupture.

23. During the November, 2019 pipeline leak in Middletown near Tunbridge, Sunoco failed to give timely notice to the affected public, putting the lie to its claim of corporate responsibility.

24. It is obvious that ET has a pattern of deception and recklessness inconsistent with its obligations under § 1501 of the PUC Code and under 52 Pa. Code § 59.33.

The events at Marsh Creek are relevant to this case.

25. Flynn Complainants' Second Amended Formal Complaint ("the Complaint") alleges, *inter alia*, that:

(a) Sunoco's public awareness program violates the law, is unrealistic, ignores the patent dangers of HVLs leaks and ruptures and, as such, demonstrates that HVL pipelines cannot be operated safely;

(b) the 8-inch and 12-inch HVL lines likely suffer from extensive corrosion such that they pose an undue danger to the public;

(c) the statistical value of the loss of human life in the event of a catastrophic leak or rupture is unacceptable; and

(d) Sunoco's operation of HVL pipelines in close proximity to homes and businesses in Chester and Delaware Counties is dangerous and unacceptable.

26. Both additional events and discovery in this proceeding have disclosed further evidence of Sunoco's recklessness not expressly set out in the Complaint, including the recent events at Marsh Creek.

27. Multiple subsidence events, pollution and destruction of homeowners' wells and water supplies, and additional construction-related accidents all underscore the Flynn claim that Sunoco's construction and operation of the Mariner East pipelines in high consequence areas is dangerous and unacceptable.

28. Sunoco's decision to move ahead with a dangerous construction method at the Marsh Creek crossing, which ultimately closed down much of one of the most visited and cherished state parks in the Commonwealth, tends to prove that Sunoco has a reckless and careless attitude of prizing expediency over safety and protection.

29. The fact that DEP entered an unprecedented Administrative Order requiring that Sunoco undergo a mile-long re-route of the proposed pipeline further tends to prove the extraordinary nature of Sunoco's reckless and illegal construction practices.

D. The Commission should allow the DEP violation notice, DEP Administrative Order, and ET's acknowledgement of the event into evidence.

29. 52 Pa. Code § 1.2 provides that the rules governing formal proceedings "shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties."

30. The circumstances of the present motion do not amount to an error or defect of procedure.

30. The admission of the Marsh Creek exhibits is not repetitive, could not have been included in the parties' case-in-chief, and would not substantially vary from Complainants' case-in-chief. *See*, 52 Pa. Code § 5.243.

31. Respondent will not be prejudiced by the granting of the instant motion.

32. The admission of the new exhibits should not be the occasion for any delay in the proceedings.

33. The new exhibits do not require lay or expert witness authentication.

E. Time to Respond to the Instant Motion

The final hearing in this case is now set to begin on Tuesday, September 29th. The issues presented by this motion are simple and straightforward and Flynn Complainants believe, therefore, that a response date of September 25th is not unreasonable under the circumstances.

WHEREFORE, Flynn Complainants pray that the ALJ grant their motion and allow the admission of the three new exhibits into evidence.

Respectfully submitted,

/s/ Michael S. Bomstein

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Attorney for Complainants

Dated: September 22, 2020

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.

/s/ Michael S. Bomstein
Michael S. Bomstein, Esq.

Dated: September 22, 2020

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EX. “A”

Energy Transfer statement regarding Marsh Creek Lake – Aug. 13

Aug 13, 2020 | Statements

We recognize the importance of this waterbody and are committed to allocating all necessary resources to fully remediate and restore the area. Critical resources have been mobilized, including environmental specialists, professional geologists, and operations and construction specialists, along with cleanup machinery such as pumps, vac trucks, tanker trucks, boats, sandbags and turbidity curtains. This effort will be ongoing as we conduct assessments and clean and restore the impacted area.

As a clarification to some public statements that have been made, no public drinking water has been impacted.

Helpful Links:

EX. “B”



MEMORANDUM

TO: Monica Styles - ETP and Nick Bryan - ETP
FROM: Richard Wardrop, P.G., GES
CC: Dave Demko, P.G., GES
DATE: August 17, 2020
SUBJECT: Restart Report – Mariner East 2 HDD S3-0290
Milford Road / Little Connestoga Road
Upper Uwchlan Township, Chester County,
Pennsylvania

Groundwater and Environmental Services Inc. (GES) is providing the following HDD Restart Report on behalf of Sunoco Pipeline L.P. (SPLP) in response to the August 10, 2020, Inadvertent Return (IR) at ME II horizontal direction drill (HDD) S3-0290, the 20-inch HDD at Milford Road / Little Connestoga Road, Upper Uwchlan Township, Chester County, Pennsylvania. The location of the HDD is shown on **Figure 1**.

Introduction

On August 10, 2020, at approximately time 1530, drilling fluid emerged within wetland WL-H17, and entered streams S-H11 and S-H10 (see **Attachment A**). The drilling fluid continued to flow down S-H10 and entered pond H3 (Marsh Creek Reservoir). The drill was in the ream phase at the time of the IR, with a reported maximum volume of 8,163 gallons of drilling fluid released. Drilling was immediately stopped upon discovery of the IR. Two turbidity curtains were installed at the confluence of S-H10 (UNT to Marsh Creek) and pond H3. Twelve sand bags and silt fence dams were constructed within S-H10. Crew members began clean up and recovery of the drilling fluid starting near pond H3 (Marsh Creek Reservoir) working their way east to the location of the IR release point. Crew members used pumps and hand tools to recover the drilling fluid and transport it to onsite storage tanks. Stream water was pumped and used to spray remaining bentonite pockets within stream S-H10.

IR remediation efforts continue to present. On August 12, 2020, 26 yards of flowable fill were placed in the approximate three-foot deep circular depression created by pumping drilling fluid from the IR, to seal the IR.

The information presented herein is a synthesis of information collected from professionals familiar with the design and work performed to date on HDD S2-0290 and includes information from professional geologists (PGs), professional engineers, experts in HDD construction, environmental inspectors, utility inspectors, the drilling contractor, the overall spread pipeline construction contractor, and construction managers. GES relied on the information provided by these parties in developing this Restart Report.

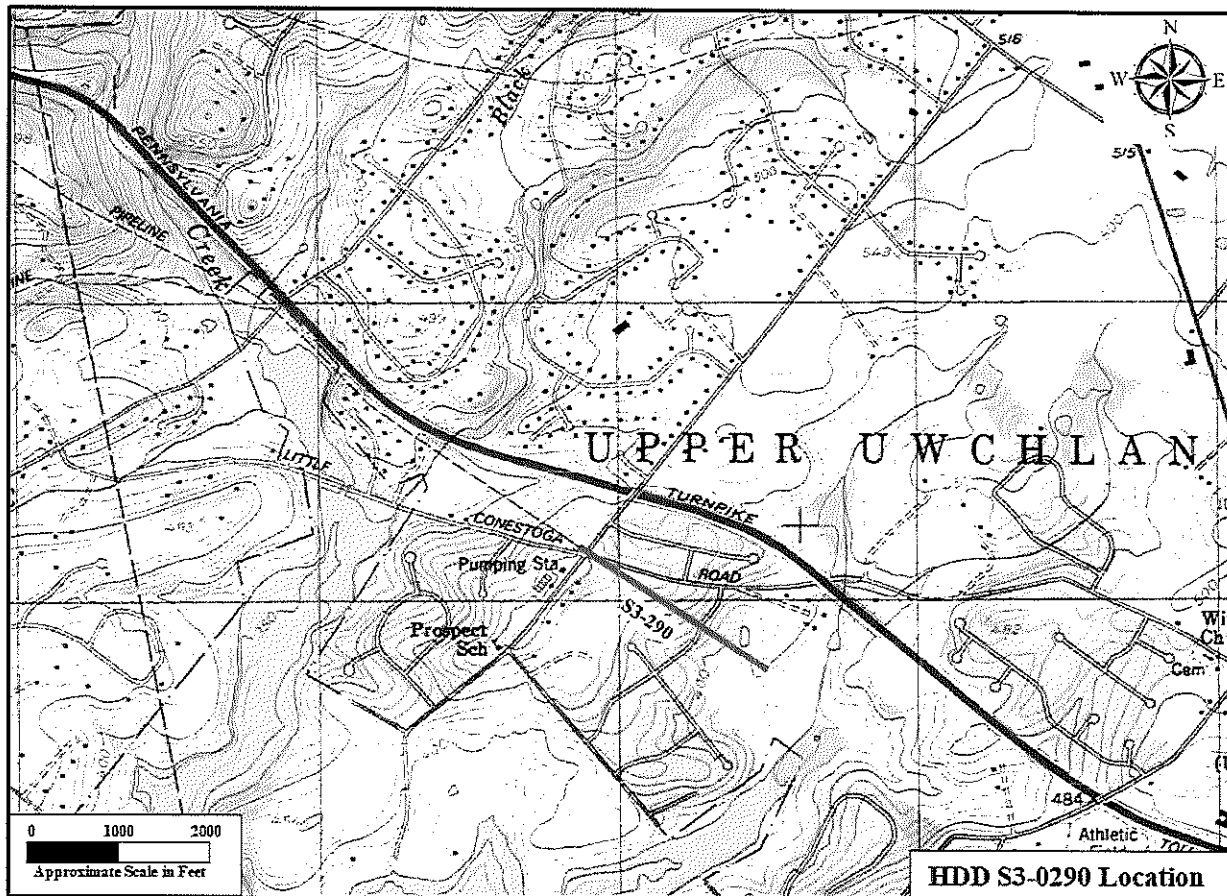


Figure 1. HDD Location Map (modified from USGS, rev.1999)

Overview of HDD Activities

As shown on **Attachment A**, HDD S3-0290 spans a horizontal distance of approximately 2,642 feet with stationing running northwest to southeast. Moving southeast from Station 0+00 and elevation 495 feet above mean sea level (amsl), the HDD profile runs under Milford Road, residential properties, Highview Road, and water resources S-H10, S-H11 and W-H17, to the east entry/exit at elevation 381 ft amsl. Drilling associated with HDD to date has consisted of pilot drilling and reaming. The hole spudded in on 2/2/2020 and the following observations were made regarding HDD activities leading up to and including the IR on August 10, 2020:

- 2/2/20 to 3/2/20 – Normal pilot drilling activity from Station 26+42 to 25+90.
- 3/3/20 to 3/7/30 - Loss of returns near Station 20+52, resolved by grouting.
- 3/8/20 to 3/12/20 - Normal pilot drilling activity from Station 20+52 to 20+21
- 3/13/20 to 3/19/20 - Loss of returns between Stations 20+21 and 19+98, resolved by grouting.
- 3/20/20 to 5/21/20 – COVID-19 shut-down of operations
- 5/22/20 to 6/1/20 – Normal pilot drilling from Station 19+98 to 19+47.
- 6/2/20 to 6/6/20 – Loss of returns drilling from 19+47 to 17+05.
- 6/7/20 to 6/27/20 – Normal pilot drilling from Station 17+04 to 9+39. End of downstream pilot drilling. Upstream intercept pilot boring advanced without incident from Station 0+00 to 12+76.



Monica Styles
HDD S3-0290 Restart Report
August 17, 2020

- 6/29/20 to 7/31/20 – Normal 30-inch reaming of completed pilot hole from southeast to northwest, from approximately Station 26+41 to 11+26.
- 8/1/20 – Difficulty tripping out and temporary loss of returns.
- 8/3/20 to 8/8/20 - Reestablished returns, tripped back to cutting face and continued reaming from approximately Station 11+26 to 10+62.
- 8/10/20 – Used wash over tool to clean hole, circulation appears normal. At time 15:36 PG discovers IR in wetland W-H17 at approximately Station 22+35, as described above. HDD activities suspended, pending restart.

Note: A relatively constant groundwater discharge was observed at the southeast entry/exit from approximately 2/29/ 20 to present. A similar discharge was observed during construction of the 16-inch HDD at S3-0290.

Per Section 6.5 of the IR PPC Plan (rev. Feb. 2018), SPLP notified PADEP – Southeast Regional Office, the Chester County Conservation District, Pennsylvania Fish and Boat Commission, U.S. Army Corp of Engineers, and Upper Uwchlan Township.

Aqua America was notified of the IR as this public water utility has a source well within 450 feet of the HDD alignment. In addition, two landowners with portions of their parcels falling within 450 feet of the alignment were notified in response to the IR. Copies of these notifications are provided in **Attachment B** and the 450-foot private water supply map is shown on **Figure 2**. The landowner notification names and address are redacted in the notifications. To date, neither Aqua America nor either landowner has reported an impact on a water supply during construction activities at HDD S3-0290.

Current Conditions Report

There has been no drilling activity at this HDD site since the IR occurred on August 10, 2020. On August 12, 2020 the drilling contractor tripped out all joints and the reamer. An initial IR report (**Attachment B**) was prepared by Tetra Tech and submitted to the PADEP. The initial IR report will be followed by submittals of IR current condition reports to PADEP. As described in the introduction, IR remediation efforts continue to present. Flowable fill has been placed to the seal the IR at the land surface.

Analysis of Cause of IR

Based on published mapping the majority of the HDD bore profile passes through graphitic gneiss (referred to as the Pickering Gneiss), with the northwest end of the HDD passing through a metadiabase (PaGEODE). The depth of highly weathered bedrock gneiss in Chester County can be greater than 100 feet. The IR that occurred on August 10, 2020, was in the same general area of the HDD alignment where two IRs occurred during construction of the 16-inch line at HDD S3-0290 (see Hydrogeologic Reevaluation Report, Attachment 1, in Reanalysis of HDD S3-0290, May 2019). One of the former IRs (7/19/17) occurred during advancement of the pilot boring and the other IR (8/29/17) occurred at the start of reaming. Redesign of 20-inch HDD profile provided for greater overburden over the profile to better contain drilling fluid pressure. However, a potential bedrock fracture zone was indicated in the area of the IRs by a geophysical survey performed by Rettew / Enviroscan in January of 2019 (see Attachment C, Hydrogeologic Reevaluation Report, May 2019). Overall the risk of a new IR remained given the potential fracture zone and depth of less competent subsurface material.

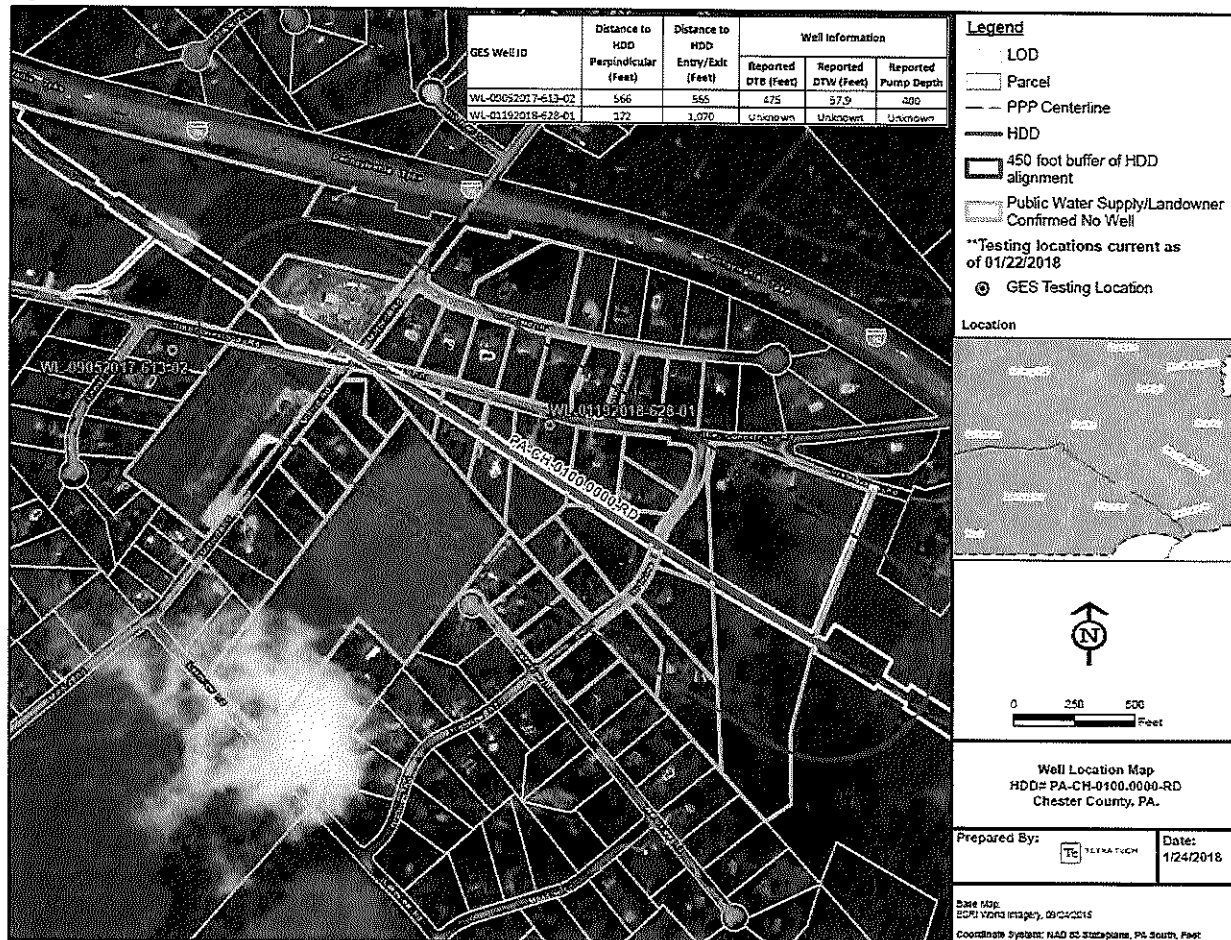


Figure 2. Well Search Map - Properties within 450 feet of HDD Alignment

As stated in the Reevaluation Report, the synthesis of regional and local geologic data (including published geologic and hydrogeologic information, geotechnical borings, field observations and geophysical surveys) together with past drilling performance during drilling for the 16-inch pipeline indicates that installation of the 20-inch line at HDD S3-0290 has a moderate to high risk of drilling fluid losses and IRs. This statement is based on the depth of the profile and strength of overburden materials within zones of saprolite, highly weathered bedrock, low RQD bedrock, and a relatively high frequency of potential bedrock fracture zones.

On August 10, 2020, the 30-inch reamer was advancing northwest and was approximately 1,170 feet northwest of the IR location, as measured along the profile, when the IR occurred. At that time, the contractor was attempting to regain lost circulation at the southeast entry/exit. They advanced a wash over tool, over the drill string, and cleared bridging in the annulus between the reamer and the southeast entry/exit. During this process, the IR occurred. HDD drilling experts on the HDD team believe the IR occurred due to a build-up of fluid northwest of the bridging, within a higher section of the borehole, that was instantaneously released back to the southeast and flowed to the surface at the IR.

Two other factors may have contributed to the most recent IR. A preferred subsurface pathway for fluid migration pathways may have developed when the two former IRs occurred in 2017. Also,



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August 17, 2020

the seals that are created by drilling fluid cake and grout plugs may be compromised by dilution from shallow groundwater. Significant shallow groundwater movement is evidenced by the relatively constant groundwater discharge at the southeast entry/exit during HDD drilling.

Depth and alignment of drill bit at time of IR

Attachment A shows the depth and position of the reaming bit when the IR was discovered on August 8, 2020. The 30-inch reamed hole had been advanced approximately 1,574 feet along the profile and was approximately 1,190 feet horizontal distance northwest of the location of the IR when the IR occurred. The depth of the bit was approximately 215 feet below ground surface.

Profile of the drill path as constructed overlain on the permitted drill profile

See **Attachment A**.

HDD S2-090 - Assessment of Alternative Approaches

Alternative entry and/or exit points

Adjustment of the entry and/or exit points is not appropriate when the HDD is in the reaming phase. The 30-inch reamed hole was 60 percent complete at the time of the IR.

Alternative entry and/or exit angles and profile depth

See above.

Alternative profile depth

As discussed in the HDD Revaluation Report and noted above, the depth of this drill was increased beyond the depth of the prior drill to reduce the possibility of an IR.

Reduced drilling fluid pressures

As this HDD was in the ream phase at the time of the IR, excessive annular pressure was not a cause of the IR.

Use of a grout plug

Attempts have been made to grout the zone of subsurface weakness intersected by the HDD profile in the past with marginal success. Grouting attempts are complicated by the geometry of the HDD relative to the location of the zone of weakness and IRs, a partially completed ream pass, and continuous production of groundwater in the borehole. If grouting of the annulus is successful, a section of new pilot hole would be required through the grout plug and there would be a risk that the bore would drift off the established alignment. If that occurred, portions of the grout plug could be removed along the borehole wall, compromising the intended seal.

As noted above, IR has been sealed at the surface with flowable fill as part of the initial response to the IR.

Use of thickened drill mud and/or the use of pre-approved LCMs

The drilling contractor has used and will continue to use LCMs as needed following IR and/or LOC events to help regain circulation and reduce the risk of IRs and LOCs.

Use of an intercept drill

An intercept drill was used during the pilot phase of drilling to reduce annular pressure.



Use of casings

Surface casings were installed at both ends of this HDD to mitigate punch-in and punch-out IRs. The IR on August 8, 2020 occurred at a boring length over 400 feet from the southeast entry/exit and from a depth of 107 feet, which is beyond the point where casing could be installed at this site.

Use of an unconventional relief point

Unconventional pressure relief points (UPRPs) take advantage of the fact that an IR represents a preferred pathway for fluid movement in the subsurface. Future IRs will likely follow this pathway. If discharge from this pathway would be allowed to continue for the remainder of drilling, subsurface fluid pressures would be reduced, lowering the risk of an IR at another location, and IR fluids could be easily managed.

The HDD team is recommending that a UPRP be established by placing a sand-bag dam to contain any future IR that may occur in the area associated with the two former IRs and the IR of August 10, 2020. If a future IR occurs, all drilling fluids collected in the UPRP would be transported by pumping or by vac truck to either entry/exit and recycled at the mud plant, for the remainder of HDD construction.

Placement of a UPRP within wetland W-H17, on the existing Sunoco pipeline easement, will require additional environmental permitting with regulatory agencies.

Alternative Types of Pipeline Crossings

An evaluation of alternative crossing types was conducted and it was concluded that reasonable alternative crossings were not feasible at this location. This evaluation was discussed in the HDD Revaluation Report submitted 5/28/2019 and approved by the PA DEP on 1/23/2020.

Analysis of Risk of Additional IRs and Recommendations

The August 10, 2020 IR occurred during the reaming phase of drilling when reaming was approximately 60 percent complete. Based on information provided by, and the expertise of, the HDD team, as well as our experience with the relevant hydrogeology and geology, GES believes there is a high probability that any future IR that may occur during the completion HDD S3-0290, will occur in the area of the IR of August 10, 2020 and of the two former IRs that occurred during construction of the 16-inch HDD. Implementation of an UPRP at the location of the IRs will prevent and/or minimize the risk of new IRs in other locations along this HDD. In addition, grouting and/or the use of thickened drilling fluid and LCMs should continue to be used as warranted by drilling conditions. Consistent with the IR PPC Plan, if a new IR occurs, SPLP will implement the applicable procedures of the IR PPC Plan. Materials and equipment for containing and controlling IRs are immediately available on-site, as required by permit, during all drilling activities.

Proposed Schedule for Resumption of HDD Operations & Anticipated Duration of the HDD Operations

SPLP proposes to perform the aforementioned recommended measures upon restart approval from the PADEP. The anticipated duration to complete HDD operations for the 16-inch pipe is 30 to 45 days from restart of drilling, following restart approval.



Certification

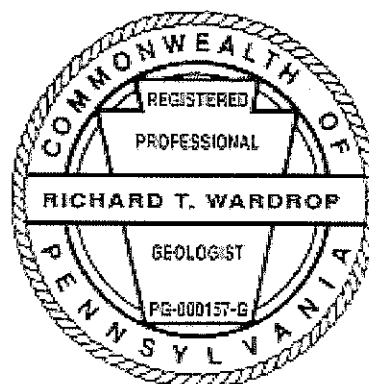
By affixing my seal to this document, I am certifying that the geologic and hydrogeologic information is true and correct. I further certify I am licensed to practice in the Commonwealth of Pennsylvania and that it is within my professional expertise to verify the correctness of the information.

A handwritten signature in cursive script that reads 'Richard T. Wardrop'.

August 17, 2020

Richard T. Wardrop, P. G.
Lic. No. PG000157G

Date



References

PAGEODE, PA Geological Survey Interactive Map, Pennsylvania Department of Conservation and Natural Resources, <https://www.gis.dcnr.state.pa.us/geology/index.html>

USGS, 1999. *USGS Downingtown, PA*, 1:24,000 Topographic 7.5-minute series Quadrangle Map, United States Geological Survey, 1999.



Attachment A – As-built Plan and Profile

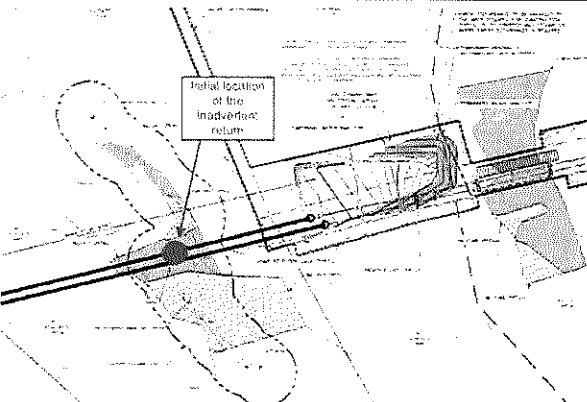


Attachment B – Initial IR Report



INITIAL REPORT
Subject to Change as Additional Information Becomes Available

SPL PENNSYLVANIA PIPELINE PROJECT
HORIZONTAL DIRECTIONAL DRILLING - INADVERTENT RETURN REPORT FORM

| | | | | | | | |
|---|---|--------------------------|----------|--|---------------------------------|--|-------------------|
| REPORT DATE: | 8/11/2020 | | | HDD ALIGNMENT # | PA-CH-0100.0000-RD | | |
| PROJECT SITE: | PPP 6 - S3-0290 - Milford Rd./Little Conestoga Rd | | | HDD COMPANY: | Michels Directional Crossings | | |
| DATE AND TIME WHEN IR WAS DISCOVERED | | | | DATE: | Monday, August 10, 2020 | TIME: | 1530 |
| LOCATION: STREET | | | | MUNICIPALITY: | Upper Uwchlan | COUNTY: | Chester |
| 427-423 Green Valley Rd, Downingtown, PA 19335 | | | | FROM STATION: | 14824+00 | TO STATION | 14824+00 |
| LATITUDE: | 40.0794 | LONGITUDE: | -75.7104 | POND / LAKE NAME: | Pond H3 (Marsh Creek Reservoir) | WETLAND NAME: | WL-H17 (PEM, PFO) |
| STREAM NAME: S-H10 (UNT to Marsh Creek), S-H11 (UNT to Marsh Creek) | | | | | | | |
| DEP PERMIT Nos. (102 AND 105) E&S Permit # ESG0100015001, Water Obstruction Permit E15-862 | | | | | | | |
| CORPS PERMIT NO. CENAP-OP-R-2014-0306 (PASPGP-5) | | | | | | | |
| IR TRACKING ID: PPP6_PA-CH-0100.0000-RD_IRInitial-01_08102020 | | | | | | | |
| IS AUGUST 6, 2017 ORDER APPLICABLE? | YES | LISTED IN WHICH EXHIBIT? | 3 | DESCRIPTION IN EXHIBIT | HDDs for Reevaluation | | |
| I. BACKGROUND INFORMATION | | | | | | | |
| A. NAME OF ALL PERSON(S) PROVIDING INFORMATION FOR THIS REPORT AND CONTACT INFORMATION | | | | Josh Prosceno (CEI), Chris Cable | | | |
| B. MATERIAL(S) RELEASED | | | | A mixture of bentonite clay and water mixed with native cuttings | | | |
| C. DESCRIPTION OF THE RELEASE (PROVIDE DATES, TIMES, AND DURATION OF IR IF KNOWN, INCLUDE ROOT CAUSE(S)) | | | | On 8/10/2020 at approximately 1530, drilling fluid emerged within wetland WL-H17, and entered streams S-H11 and S-H10. The drilling fluid continued to flow down S-H10 and entered pond H3 (Marsh Creek Reservoir). The drill was in the ream phase at the time of release, with a volume of 8,163 gallons of drilling fluid released. Drilling was immediately stopped upon discovery of the IR. Two turbidity curtains were installed at the confluence of S-H10 (UNT to Marsh Creek) and pond H3 (Marsh Creek Reservoir). Twelve sand bag and silt fence dams were constructed within S-H10 (UNT to Marsh Creek). Crew members began clean up and recovery of the drilling fluid starting near pond H3 (Marsh Creek Reservoir) working their way east to the location of the IR release point. Crew members used pumps and hand tools to recover the drilling fluid and transport it to onsite storage tanks. Stream water was pumped and used to spray remaining bentonite pockets within stream S-H10 (UNT to Marsh Creek). | | | |
| D. ESTIMATED QUANTITY OF MATERIAL RELEASED | | | | 8,163 gallons | | | |
| E. ESTIMATED AERIAL EXTENT OF MATERIAL RELEASED | | | | Approximately 25' x 25' at initial release point | | | |
| F. HAS IR BEEN CONTAINED WITHIN THE LIMIT OF DISTURBANCE? (PROVIDE DATE AND TIME) | | | | NO | NOTE: | | |
| F1. WHAT REVISION(S) TO DRILLING WERE IMPLEMENTED PRIOR TO RESUMPTION OF DRILLING? (PROVIDE DATE AND TIME) | | | | | | | |
| G. T & E / BOG TURTLE AREA? | | | | NO | NOTE: | | |
| H. TROUT STREAM? | | | | YES | NOTE: | | |
| I. EV WATER | | | | NO | NOTE: | | |
| J. EV WETLAND | | | | NO | NOTE: | | |
| K. ANY DOWNSTREAM IMPACTS? (PROVIDE DESCRIPTION, DATES, TIMES, AND DURATION) | | | | YES | NOTE: | Bentonite drilling fluid flowed down stream S-H10 (UNT to Marsh Creek) and enter pond H3 (Marsh Creek Reservoir) on 8/10/20. | |
| K1. Did a Fish Kill Occur? (PROVIDE DATES AND TIMES) | | | | NO | NOTE: | | |
| K2. Has the Substrate Been Coated? | | | | YES | NOTE: | | |
| K3. Where any Water Supplies Impacted? (PROVIDE DATES AND TIMES) | | | | NO | NOTE: | | |
| K4. If water supplies were impacted, were the owners of the water supplies notified? Has anything been provided to the owners of the impacted water supplies? (Provide dates and times) | | | | N/A | NOTE: | | |
| MAP: | | | |  | | | |

| II. VERBAL NOTIFICATIONS | | | | | | | | | |
|--|-----------------------|--------------------------------------|-----------|---|------|--|---------|--|---|
| PADEP EMERGENCY NOTIFICATION: | | YES | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Chris Embry | | | |
| PHONE NUMBER CALLED: | | 484-250-5999 | | DATE: | | Monday, August 10, 2020 | | TIME: | 1557 |
| PERSON CALLED: Hanna | | | | | | | | | |
| NOTES: Spoke with Hanna and gave her the information. Rex Miller called back at 1610, updated him and gave him coordinates | | | | | | | | | |
| V/M? | | NO | | NOTE: | | | | | |
| LIST ANY NOTIFICATIONS OF INCIDENT MADE TO WATER INTAKES, WATER WELL OWNERS AND LANDOWNERS, INCLUDING DATE AND TIME WHEN EACH NOTIFICATION OCCURRED: | | | | | | | | | |
| NAME: | 2 Private Well Owners | DATE: | 8/11/2020 | TIME: | | PUBLIC OR PRIVATE: | Private | NOTE: | Letters sent |
| NAME: | 1 Public Water Supply | DATE: | 8/10/2020 | TIME: | 1625 | PUBLIC OR PRIVATE: | Public | NOTE: | Informed of release on 8/10, letter sent 8/11 |
| NAME: | | DATE: | | TIME: | | PUBLIC OR PRIVATE: | | NOTE: | |
| NAME: | | DATE: | | TIME: | | PUBLIC OR PRIVATE: | | NOTE: | |
| COUNTY CONSERVATION DISTRICT NOTIFICATION: | | | | | | | | | |
| Chester CCD | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Josh Prosceno (CED) | | | | | |
| PHONE NUMBER CALLED: | | 610-925-4920 ext. 107 | | DATE: | | Monday, August 10, 2020 | | TIME: | 1643 |
| PERSON CALLED: Joe Sofranko | | | | | | | | | |
| NOTES: Spoke with Mr. Sofranko and provided information. | | | | | | | | | |
| V/M? | | NO | | NOTE: | | | | | |
| USACE REGULATORY NOTIFICATION: | | | | | | | | | |
| YES | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Chris Embry | | | | | |
| PHONE NUMBER CALLED: | | 215-656-6731 | | DATE: | | Monday, August 10, 2020 | | TIME: | 1604 |
| PERSON CALLED: Dave Caplan | | | | | | | | | |
| NOTES: | | | | | | | | | |
| V/M? | | YES | | NOTE: | | Left voicemail about the release. | | | |
| FISH AND BOAT COMMISSION NOTIFICATION: | | | | | | | | | |
| YES | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Chris Embry | | | | | |
| PHONE NUMBER CALLED: | | 610-637-6398 | | DATE: | | Monday, August 10, 2020 | | TIME: | 1601 |
| PERSON CALLED: Officer Robert Bonney | | | | | | | | | |
| NOTES: Spoke with him and gave him information about the release. | | | | | | | | | |
| V/M? | | NO | | NOTE: | | Officer Bonney arrived onsite at approximately 1730. | | | |
| TOWNSHIP NOTIFICATION: | | | | | | | | | |
| Upper Uwchlan | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Joe Massaro | | | | | |
| PHONE NUMBER CALLED: | | 610-646-7018 | | DATE: | | Monday, August 10, 2020 | | TIME: | 1700 |
| PERSON CALLED: Shanna Lodge, Township Manager | | | | | | | | | |
| NOTES: Township Manager returned call shortly after message was left and was notified of the release. | | | | | | | | | |
| V/M? | | YES | | NOTE: | | Left message about the release. | | | |
| OTHER NOTIFICATION: | | | | | | | | | |
| SERO PADEP | | WHO MADE THE CALL ON BEHALF OF SPLP? | | Chris Embry | | | | | |
| PHONE NUMBER CALLED: | | Multiple | | DATE: | | Saturday, August 8, 2020 | | TIME: | Multiple |
| PERSON CALLED: Frank DeFrancesco, Desiree Dudley, John Hohenstein | | | | | | | | | |
| NOTES: | | | | | | | | | |
| V/M? | | YES | | NOTE: | | Called Frank DeFrancesco at 1551 and left voicemail about the release. Called Desiree Dudley at 1552 and left voicemail her office phone since her cell phone is not working. Called John Hohenstein at 1554 and his voicemail box was full. | | | |
| III. ACTIONS TAKEN/FOLLOW UP | | | | | | | | | |
| IMMEDIATE ACTION TAKEN: | | | | | | | | | |
| A. WHEN DID THE RELEASE OCCUR? | | 8/10/2020 | | | | | | | |
| B. DATE AND TIME OF CESSATION OF DRILLING. | | DATE: | 8/10/2020 | TIME: | 1530 | NOTE: | | Drilling was immediately stopped following the discovery of the IR on 8/10/20 at 1530. | |
| C. WAS DRILLING RESUMED? | | NO | | IF SO, HAS THE RELEASE CONTINUED OR ANOTHER RELEASE OCCURRED? | | NOTE: | | | |
| CORRECTIVE MEASURES SUMMARY: | | | | | | | | | |
| A. WAS THE IR CEASED? | | YES | | HOW AND WHEN? | | IR ceased following the cessation of drilling activities on 8/10/20 at 1530. | | | |
| B. WAS THE IR CONTAINED? | | YES | | HOW AND WHEN? | | Drilling fluid was contained using two turbidity curtains and twelve sand bag and silt fence dams. | | | |
| C. WAS THE IR/DRILLING FLUID RECOVERED? | | YES | | HOW AND WHEN? | | Hand tools and a pumps were used to recover drilling fluid beginning on 8/10/20. | | | |
| D. WAS DRILLING RESUMED? | | NO | | IF SO, WHAT MODIFICATIONS TO THE HDD PROCESS WERE USED? | | | | IF SO, HAS ANOTHER RELEASE OCCURRED? | |

**SPLP PENNSYLVANIA PIPELINE PROJECT
HORIZONTAL DIRECTIONAL DRILLING – INADVERTENT RETURN REPORT FORM**

IV. PHOTO DOCUMENTATION



Notes:

View of drilling fluid within WL-H17 at location of IR release point.

8/10/2020



Notes:

View of drilling fluid flowing downstream within stream S-H10 (UNT to Marsh Creek).

8/10/2020



Notes:

View of drilling fluid within stream S-H10 (UNT to Marsh Creek).

8/10/2020



Notes:

View of contractor crew members installing two turbidity curtains at the confluence of stream S-H10 (UNT to Marsh Creek) and pond H3 (Marsh Creek Reservoir).

8/10/2020




Notes:

View of sand bag and silt fence dam constructed within stream S-H10 (UNT to Marsh Creek).

8/10/2020

Notes:

PRINTED NAME, TITLE AND SIGNATURE OF PERSON(S) COMPLETING THIS REPORT

| | | | |
|--------------------------|--|--|------------------------|
| NAME: Chris Cable | TITLE: Environmental Inspection Manager | SIGNATURE:  | DATE: 8/11/2020 |
|--------------------------|--|--|------------------------|



**Sunoco
Pipeline L.P.**

INITIAL REPORT

Subject to Change as Additional Information Becomes Available

**SPLP PENNSYLVANIA PIPELINE PROJECT
HORIZONTAL DIRECTIONAL DRILLING – INADVERTENT RETURN REPORT FORM**

IV. PHOTO DOCUMENTATION



Notes:

Image of viscous orange fluid that emerged from seep along Shoen Rd.

8/8/20



Notes:

Image showing contractor crew members using hand tools to recover viscous orange fluid from road ditch along Shoen Rd.

8/8/20



Notes:

Image showing road ditch following clean up activities.

8/8/20



Notes:

Image showing sand bags within road ditch following clean up.

8/8/20



Notes:

Image showing sand bags and orange safety fence at location of seep along Shoen Rd.

8/8/20

Notes:

PRINTED NAME, TITLE AND SIGNATURE OF PERSON(S) COMPLETING THIS REPORT

| | | | | | | | |
|--------------|-------------|---------------|----------------------------------|-------------------|--|--------------|--------|
| NAME: | Chris Cable | TITLE: | Environmental Inspection Manager | SIGNATURE: | | DATE: | 8/8/20 |
|--------------|-------------|---------------|----------------------------------|-------------------|--|--------------|--------|



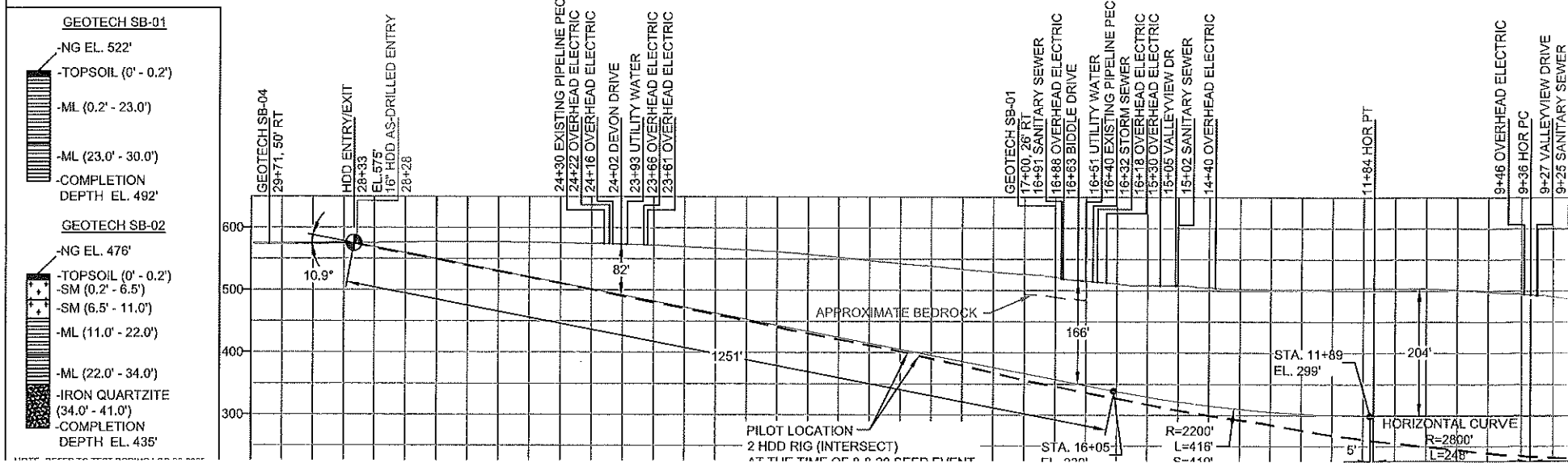
Attachment B – As-built Plan and Profile



PLAN VIEW

CHESTER COUNTY, PENNSYLVANIA - UWCHLAN TOWNSHIP
S3-0360-16

PROFILE VIEW



EX. “C”

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

| | | |
|---------------------------|---|--------------------------------------|
| Sunoco Pipeline, L.P. | : | Violations of The Clean Streams Law |
| 535 Fritztown Road | : | and DEP Chapters 93, 102, and 105 of |
| Sinking Springs, PA 19608 | : | Title 25 of the Pennsylvania Code. |
| | : | |
| | : | PA Pipeline Project—Mariner East II |
| | : | E&S Permit No. ESG0100015001 |
| | : | |
| | : | WO&E Permit No. E15-862 |

ADMINISTRATIVE ORDER

Now this 11th day of September, 2020, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), has found and determined the following facts and findings and by this Administrative Order imposes the specified performance obligations upon Sunoco Pipeline, L.P. (“Sunoco”).

Findings

Parties

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

B. Sunoco Pipeline, L.P. (“Sunoco”) is a foreign limited partnership doing business in Pennsylvania and maintains a mailing address of 535 Fritztown Road, Sinking Springs, PA 19608.

Sunoco Logistics Partners Operations GP LLC is the general partner of Sunoco Pipeline, L.P. Joseph Colella is Executive Vice President for Sunoco Logistics Partners Operations GP LLC. Mr. Colella has been granted authority by Sunoco Logistics Partners Operations GP LLC to sign documents for Sunoco on behalf of the General Partner.

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

Permits

- D. To construct PPP-ME2 through Chester County, Sunoco obtained:
- a. An Erosion and Sediment Control Permit under 25 Pa. Code Chapter 102, Permit Number ESG0100015001 (“Chapter 102 Permit”) and;
 - b. A Water Obstructions and Encroachment (“WOE”) Permit under 25 Pa. Code Chapter 105, Permit Number E15-862 (“Chapter 105 Permit”).

E. For purposes of this Administrative Order, Horizontal Directional Drilling (“HDD”) is defined to include any steerable trenchless technology that controls the direction and deviation to a predetermined underground target or location.

Site

F. The work area for PPP-ME2 in Chester County, Pennsylvania includes the horizontal directional drill (“HDD”) installation of a 16-inch diameter pipeline and a 20-inch diameter pipeline that traverses Little Conestoga Road in Upper Uwchlan Township, Chester

County, Pennsylvania (“HDD S-3-0290”). The alignment of HDD S-3-0290 passes from the northwest to the southeast in the Marsh Creek Watershed with groundwater flow in the HDD bore alignment being towards Marsh Creek/Marsh Lake to the south and southwest.

G. The 16-inch pipeline was installed in 2017. During that installation, the HDD had an inadvertent return (“IR”) of approximately 100 gallons of drilling fluids to wetland WL-17 and two unnamed tributaries, S-H 10 and S-H 11, to Marsh Creek Lake on June 24, 2017. S-H 10 and S-H 11 are listed as High Quality-Trout Stocked Fisheries. On August 29, 2017, another IR of approximately 40 to 50 gallons occurred in wetland WL-17 along Stream S-H 11 approximately 40 feet from the original IR location during drill ream operations on HDD S-3-0290.

H. In accordance with the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017 at Docket No. 2017-009-L, Sunoco conducted a re-evaluation of HDD S-3-0290 for installation of the 20-inch pipeline. The HDD S-3-290 re-evaluation report was submitted to the Department on May 28, 2019 and approved by the Department on January 23, 2020 (“Re-evaluation Report”).

I. As part of that re-evaluation, Sunoco reported that:

A 1.01 mile reroute to the north of the HDD is technically feasible. This would entail adjusting the project route prior to this HDD’s northwest entry/exit point to proceed north, cross under the Pennsylvania Turnpike, then proceed east for 0.7 miles parallel to the turnpike, cross Little Conestoga Road, then turn south, cross under the turnpike, and then re-intersect the existing project route just east of this HDDs southeast entry/exit point. There is no existing utility corridor here, however; therefore, this route would create a Greenfield utility corridor and would result in encumbering previously unaffected properties. The route would still cross two Waters of the Commonwealth and possible forested wetlands, and would pass in near proximity or immediately adjacent to five residential home sites. Both crossings of the turnpike would require “mini” HDD’s or direct pipe bores to achieve the required depth of cover under the highway. Considered against the possibility of additional IR’s occurring on the proposed HDD, **which are readily contained and cleaned up with minimal affect to natural resources,** the permanent taking of the new

easement and likely need to use condemnation against previously unaffected landowners results in SPLP's opinion that managing the proposed HDD is the preferred option. (emphasis added). Re-evaluation Report at p. 6 "Re-Route Analysis".

J. The Re-evaluation Report also included an "HDD Hydrogeologic Reevaluation Report – HDD S3-0290 dated May 2019 ("Hydro Report"). It was noted as a conclusion in that report that "[t]he synthesis of regional and local geologic data together with past drilling performance during drilling for the 16-inch pipeline indicate that **installation of the 20-inch line at HDD S3-0290 has a moderate to high risk of drilling fluid loss and IRs.**" (emphasis added) Hydro Report at p. 15.

K. In February 2020, Sunoco commenced drilling the pilot hole for the 20-inch pipeline at HDD S-3-0290.

L. In spite of Sunoco's assurances that it could readily contain and clean up any IRs that might occur on HDD S-3-0290 with minimal affect to natural resources, on August 10, 2020, the Department received notice from Sunoco of an IR at HDD Site S-3-0290, PA-CH-0100.0000-RD, in the vicinity of Green Valley Road in Upper Uwchlan Township, Chester County. Sunoco ultimately reported that approximately 8163 gallons of drilling fluids had surfaced in wetland WL-17 and two unnamed tributaries, S-H 10 and S-H 11, the same aquatic resources impacted by the 2017 IRs.

M. At the time of the Department's inspection on August 10, 2020, Sunoco had attempted to contain the IR by deploying various silt fences in wetland WL-17 and unnamed tributaries S-H 10 and S-H 11 and two sets of instream silt containment booms (weighted silt curtains) to reduce the amount of bentonite entering Marsh Creek Lake. There was no sandbag containment in wetland WL-17 to capture drilling fluids. An effort was being made to pump some of the drilling fluids from wetland WL-17. Representatives from Sunoco indicated that they were

still attempting to obtain landowner permission in order to gain access to areas to fully address the IR. Despite Sunoco's efforts to contain and clean up the IR, the IR discharged to wetland WL-17 and two unnamed tributaries, S-H 10 and S-H 11 and then flowed and discharged into Marsh Creek Lake, a water of the Commonwealth. Wetland WL-17 and two unnamed tributaries, S-H 10 and S-H 11 were coated with a thick layer of drilling mud. A plume of drilling mud filled a cove of Marsh Creek Lake.

N. Marsh Creek Lake is in Marsh Creek State Park, one of the most visited state parks in Pennsylvania. Marsh Creek State Park receives more than 1,000,000 visitors each year. Marsh Creek Lake is one of the primary recreational resources in the park. The 535-acre lake is used year-round for fishing and boating. It also provides important habitat for migrating waterfowl. Following the inadvertent return, 33 acres of Marsh Creek Lake had to be closed to the public.

O. On August 11, 2020, the Department received notice of a subsidence event in wetland WL-17 measuring 15 foot in diameter and 8 foot deep. The subsidence event allowed drilling fluids into the underground horizon and the wetland, adversely impacting the functions and values of the wetland, and constituting a discharge of industrial waste to groundwater, a water of the Commonwealth and wetlands, a water of the Commonwealth.

P. Immediately after the inadvertent return the Department conducted inspections of this area on August 10, 2020, August 11, 2020, August 12, 2020, and August 13, 2020.

Q. On August 17, 2020, Sunoco submitted a Restart Report for HDD S-3-290. In that report, Sunoco proposes to construct "unconventional pressure relief points" ("UPRPs"), which consist of sand-bag dams constructed at the location of the two IRs that occurred in 2017 and in wetland WL-17. Sunoco asserts, once again, that if a future IR were to occur at any of those locations, this time the drilling fluids will be collected and transported to either the entry or exit

pits for HDD S-3-0290 and recycled at the mud plant. Sunoco did recognize that placement of the sandbag dam within wetland WL-17 would require additional permitting. The Department has not approved the Restart Report for HDD S-3-0290.

R. On August 20, 2020, the Department issued a Notice of Violation to Sunoco, requesting that Sunoco provide plans to address the impacts of the inadvertent return and subsidence events to waters of the Commonwealth and information regarding various aspects of the HDD. To date the Department has not received all information requested by that Notice of Violation.

S. Sunoco's efforts to clean up the inadvertent return and assess its impacts to waters of the Commonwealth continues as of the date of this order. The Department continues to monitor conditions and cleanup efforts at this site. The 33-acre portion of Marsh Creek Lake referenced in Paragraph M, above, remains closed to recreational boating and fishing and all other public use due to the presence of drilling fluids on the lake bottom.

Violations

T. The drilling fluids described in Paragraphs L, M and O, above, constitute Industrial Waste. Sunoco's discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of 25 Pa. Code § 92a.1(b) and Section 301 of the Clean Streams Law, 35 P.S. § 691.301 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

U. The violations described in Paragraphs L, M and O, above, constitute unlawful conduct under Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.611; and a statutory nuisance under Sections 401 and 601 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.601. The violation in Paragraph L constitutes unlawful conduct under Section 18 of the

Dam Safety and Encroachments Act, 32 P.S. § 693.18; and a statutory nuisance under Section 19 of the Dam Safety and Encroachments Act, 32 P.S. § 693.19.

NOW, THEREFORE, pursuant to Section 20 of the Dam Safety and Encroachments Act, 32 P.S. § 693.20; Sections 5, 402, and 610 of The Clean Streams Law, 35 P.S. § 691.5, 691.402, and 691.610; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS the following:

1. Except as specified herein, Sunoco shall immediately suspend all work authorized by the permits described in Paragraph D, above, for HDD S-3-0290 until the Department provides written authorization to resume work, except as is necessary to stabilize the site to prevent erosion and sedimentation in accordance with Paragraph 6, and to prevent additional pollutants from entering waters of the Commonwealth, including wetland WL-17, unnamed tributaries S-H 10 and S-H 11 of Marsh Creek Reservoir, and the Marsh Creek Reservoir, which is located in Marsh Creek State Park. In no event shall Sunoco undertake any pipeline installation activities at the site of HDD S-3-0290, including drilling or drilling-related preparation and drilling support activities, or the installation of casing, unless expressly authorized by the Department in writing.

2. Sunoco shall take all steps necessary, including the submission of appropriate applications and supporting materials for permit amendments, to implement the reroute of HDD S-3-290 that Sunoco previously found to be technically feasible in the Re-evaluation Report.

3. Within 30 days of the effective date of this Administrative Order, Sunoco shall submit a report to the Department that fully explains how the August 10, 2020 inadvertent return described in Paragraph L above, occurred and how the August 11, 2020 subsidence event described in Paragraph N above, occurred. Such report shall also detail the results of all geophysical testing

conducted by or on behalf of Sunoco from January 1, 2010 to the date of this Order for the 2000-foot-long by 50-foot-wide section of the HDD profile centered on the August 10, 2020 IR location areas of the HDD profile, as well as the results of all geophysical testing conducted on behalf of Sunoco from January 1, 2010 to the date of this Order in any other areas or resources that were impacted by the August 10, 2020 IR and subsidence event. The geophysical testing data shall include all results of microgravity, electrical resistivity, seismic refraction and any other geophysical testing. The report shall include analyses of each of the tests, verified by a qualified professional,

4. Sunoco shall address, to the Department's satisfaction, all impacts to waters of the Commonwealth that occurred as a result of the August 10, 2020 inadvertent return and the August 11, 2020 subsidence event by restoring and remediating impacted aquatic life, biota, and habitat, including the functions and values of the impacted wetlands resources, and all impacted recreational uses, to a condition equal to or better than that in place before the incidents occurred.

a. On or before October 1, 2020, unless the Department approves a later date in writing, Sunoco shall submit an impact assessment ("Impact Assessment") and a cleanup and restoration plan for HDD S-3-0290 Drill Site ("Restoration Plan") to the Department for review and approval to address all temporary and/or permanent impacts to waters of the Commonwealth that occurred as a result of the August 10, 2020 inadvertent return and August 11, 2020 subsidence event. The Impact Assessment and the Restoration Plan shall include a detailed resource delineation and function assessment for the wetland, stream, and reservoir in the areas impacted by the IR and subsidence event, as well as reference areas. The Restoration Plan shall provide for at least five (5) years of monitoring after the restoration activities are completed. For the first two (2) years, Sunoco shall submit

monitoring reports under the Restoration Plan to the Department on a quarterly basis with monitoring reports due on January 30th, April 30th, July 30th, and October 30th of each year for the preceding calendar quarter. After the initial two (2) year monitoring period, monitoring reports shall be submitted on an annual basis, with the first annual report due on January 30th following year three (3).

b. If the Department finds that Sunoco's implementation of the Restoration Plan has failed to eliminate impacts to waters of the Commonwealth, then Sunoco shall submit a mitigation plan for the HDD S-3-0290 Drill Site ("Mitigation Plan") to the Department for review and approval to address impacts to waters of the Commonwealth that occurred as a result of the August 10, 2020 inadvertent return and the August 11, 2020 subsidence event. The Mitigation Plan shall provide for replacement of the functions and values of all impacted wetlands at a minimum area of 0.25 acre or at a ratio of 2:1, whichever is greater, within the Marsh Creek watershed. In accordance with Permit No. E15-862, special condition EE, the Mitigation Plan shall provide for at least five (5) years of monitoring after the restoration activities are completed.

c. Sunoco shall conduct the Impact Assessment and implement the Restoration Plan at Paragraph 4.a., above, immediately upon receipt of written approval from the Department unless the Department extends that timeframe in writing. If the Department determines that a Mitigation Plan is needed pursuant to Paragraph 4.b., then Sunoco shall implement the Mitigation Plan at Paragraph 4.b., above, within 90 days of receiving written approval from the Department, unless the Department extends that timeframe in writing.

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

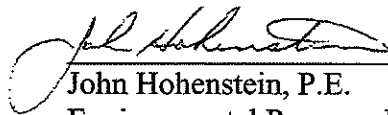
6. Effective immediately, Sunoco shall secure the partially constructed borehole with grouting or an equivalent method and stabilize all disturbed areas at HDD S-3-0290 in accordance with the approved E&S Plans and in compliance with 25 Pa. Code § 102.22(a) and/or (b), as appropriate. Sunoco shall continue routine monitoring of the installed BMPs and shall perform all necessary ongoing operation and maintenance activities to ensure the BMPs continue to perform as designed, in accordance with the approved E&S Plan and permit until the disturbed areas along the current alignment for HDD S-3-0290 are permanently stabilized.

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

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

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

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

A handwritten signature in cursive script, appearing to read "John Hohenstein", is written over a horizontal line.

John Hohenstein, P.E.
Environmental Program Manager

EX. “D”

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 19608

: Violations of The Clean Streams Law
: and DEP Chapter 93 and 102 of Title 25
: of the Pennsylvania Code, and the Dam
: Safety and Encroachments Act and DEP
: Chapter 105 of Title 25 of the
: Pennsylvania Code
:
: PA Pipeline Project—Mariner East II
: E&S Permit Nos. ESCG0300015002;
: ESG0500015001; ESG0100015001
:
: WO&E Permit Nos. E06-701; E07-459;
: E11-352; E21-449; E23-524; E38-194;
: E63-674; E65-973

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty (“CACP”) is entered into this 4th day of August 2020, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Sunoco Pipeline, L.P. (“Sunoco”).

The Department has found and determined the following:

Parties

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

1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder (“rules and regulations”).

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

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

Permits

D. Sunoco obtained the following permits from the Department to construct PPP-ME2:

- a. Three (3) Erosion and Sediment Control Permits under 25 Pa. Code Chapter 102, Permit Numbers ESG0300015002, ESG0500015001, and ESG0100015001 (Chapter 102 Permits) and;

- b. Seventeen (17) Water Obstructions and Encroachment (“WOE”) Permits under 25 Pa. Code Chapter 105, Permit Numbers E02-1718, E06-701, E07-459, E11-352, E15-862, E21-449, E22-619, E23-524, E31-234, E32-508, E34-136, E36-945, E38-194, E50-258, E63-674, E65-973, and E67-920 (Chapter 105 Permits). Sunoco obtained one Chapter 105 Permit for each of the seventeen (17) counties in which PPP-ME2 activities will occur.

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

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

G. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0500015001, and Water Obstructions and Encroachment Permit, Permit Number E11-352, to construct PPP-ME2 through Cambria County.

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

I. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0100015001, and Water Obstructions and Encroachment Permit, Permit Number E23-524, to construct PPP-ME2 through Delaware County.

J. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E38-194 to construct PPP-ME2 through Lebanon County.

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

L. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0500015001, and Water Obstructions and Encroachment Permit, Permit Number E65-973, to construct PPP-ME2 through Westmoreland County.

M. For purposes of this CACP, the terms “Horizontal Directional Drilling” and “Inadvertent Return” are defined as:

- a. Horizontal Directional Drilling (“HDD”) is any steerable trenchless method used for installation of an underground pipe in an arc along a prescribed path by using a surface launched drilling rig.
- b. An Inadvertent Return (“IR”) is an unauthorized discharge of drilling fluids to the ground or surface waters, including wetlands, associated with HDD or other trenchless construction methodologies.

Sites

N. The work area for PPP-ME2 in Berks County, Pennsylvania includes the crossing of Wetland BA10 in Caernarvon Township (“Berks HDD Site”).

O. The receiving water for the Berks HDD Sites is East Branch Conestoga River, a tributary to the Conestoga River, a water of this Commonwealth. The fishery classification for the

Conestoga River basin in 25 Pa. Code § 93.9o is Warm Water Fishes (“WWF”) and Migratory Fishes (“MF”).

P. The work area for PPP-ME2 in Blair County, Pennsylvania includes the crossing of Wetland BB58 in Blair Township, and the crossing of Piney Creek in Woodbury Township (“Blair HDD Sites”).

Q. The receiving waters for the Blair HDD Sites are an UNT to Juniata River, and Piney Creek, waters of this Commonwealth. The fishery classification for the Juniata River basin in 25 Pa. Code § 93.9n is WWF, MF. The fishery classification for the Piney Creek basin in 25 Pa. Code § 93.9n is High Quality Waters–Cold Water Fishes (“HQ-CWF”), MF.

R. Piney Creek is classified as a wild trout (natural reproduction) water by the Fish and Boat Commission. See

http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout_repro.pdf

S. The work area for PPP-ME2 in Cambria County, Pennsylvania includes the crossing of an unnamed tributary (“UNT”) to Stewart Run in Cambria Township, the crossing of an UNT to Hinckston Run, Wetland E2, and Wetland N24 in Jackson Township, the crossing of North Branch of Little Conemaugh, Wetland N18, and Wetland N19 in Munster Township (“Cambria HDD Sites”).

T. The receiving waters for the Cambria HDD Sites are an UNT to Stewart Run, an UNT to Hinckstown Run, and North Branch of Little Conemaugh, waters of this Commonwealth. The fishery classification for the Stewart Run basin in 25 Pa. Code § 93.9t is HQ-CWF, MF. The fishery classification for Hinckstown Run in 25 Pa. Code § 93.9t is CWF.

U. Stewart Run is classified as a wild trout (natural reproduction) water by the Fish and Boat Commission. See

http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout_repro.pdf

V. The work area for PPP-ME2 in Cumberland County, Pennsylvania includes the crossing of Wetland I27 and an UNT to Yellow Breeches Creek in Lower Allen Township, and a crossing of Letort Spring Run in Middlesex Township ("Cumberland HDD Sites").

W. The receiving water for the Cumberland HDD Site is an UNT to Yellow Breeches Creek, and Letort Spring Run, waters of this Commonwealth. The fishery classification for Yellow Breeches in 25 Pa. Code § 93.9o is CWF, MF. The fishery classification for Letort Spring Run basin in 25 Pa. Code § 93.9o is CWF, MF.

X. Letort Spring Run is classified as a wild trout (natural reproduction) water by the Fish and Boat Commission. See

http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout_repro.pdf

Y. The work area for PPP-ME2 in Delaware County, Pennsylvania includes the crossing of an UNT to Chester Creek in Middletown Township ("Delaware HDD Site").

Z. The receiving waters for the Delaware HDD Sites are an UNT to Chester Creek and Chester Creek, waters of this Commonwealth. The fishery classification for the Chester Creek basin in 25 Pa. Code § 93.9g is Trout Stocking ("TSF"), MF.

AA. The work area for PPP-ME2 in Lebanon County, Pennsylvania includes the crossing of Snitz Creek in West Cornwall Township ("Lebanon HDD Site").

BB. The receiving water for the Lebanon HDD Site is Snitz Creek, a water of this Commonwealth. The fishery classification for the Snitz Creek basin in 25 Pa. Code § 93.9o is TSF, MF.

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

DD. The receiving water for the Washington HDD Site is an UNT to Peters Creek, a water of this Commonwealth. The fishery classification for Peters Creek basin in 25 Pa. Code § 93.9v is TSF.

EE. The work area for PPP-ME2 in Westmoreland County, Pennsylvania includes the crossing of an UNT to Conemaugh River in Derry Township (“Westmoreland HDD Site”).

FF. The receiving water for the Westmoreland HDD Site is an UNT to Conemaugh River, a water of this Commonwealth. The fishery classification for Conemaugh River in 25 Pa. Code § 93.9v is CWF.

GG. Between August 3, 2018, and April 27, 2019, sixty-seven (67) IRs either occurred within or discharged into waters of the Commonwealth at the sites referenced above and as more fully described in Exhibit A, attached.

HH. The drilling fluids released during each of the IRs described in Exhibit A have been cleaned up at each of those sites.

Violations

II. The drilling fluids that comprised the IRs described in Exhibit A constitute Industrial Waste. Sunoco’s discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of 25 Pa. Code § 92a.1(b) and Section 301 of the Clean Streams Law, 35

P.S. § 691.301, a nuisance under Section 401 of the Clean Streams Law, 35 P.S. § 691.401, and unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611.

JJ. Sunoco's conduct allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth, constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

KK. The violations described in Paragraphs HH and II, above, constitute unlawful conduct under Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.611; a statutory nuisance under Sections 401 and 601 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.601; and subject Sunoco to civil penalty liability under Section 605 of the Clean Streams Law, § 691.605. The violations in Paragraph HH also constitute unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18; a statutory nuisance under Section 19 of the Dam Safety and Encroachments Act, 32 P.S. § 693.19; and subject Sunoco to civil penalty liability under Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21.

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

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of The Clean Streams Law, 35 P.S. § 691.605 and Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21, the Department hereby assesses a civil penalty of \$355,636.00 which Sunoco hereby agrees to pay.

2. **Civil Penalty Settlement.** Sunoco consents to the assessment of the civil penalty of THREE HUNDRED FIFTY-FIVE THOUSAND SIX HUNDRED AND THIRTY-SIX DOLLARS (\$355,636.00), which shall be paid in full upon signing this COA. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs HH through II, above, covering the period from August 1, 2018 to July 31, 2019. The payments shall be by corporate check(s) or the like, made payable to the following: a) THREE HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED AND TWENTY-FOUR DOLLARS (\$349,724.00) to the "Commonwealth of Pennsylvania" with an annotation "Clean Water Fund" on the memo line, b) ONE HUNDRED AND FORTY-FOUR DOLLARS (\$144.00) to the "Berks County Conservation District", FOUR HUNDRED AND EIGHTY-SIX DOLLARS (\$486.00) to the "Blair County Conservation District", FOUR THOUSAND THREE HUNDRED AND EIGHTY-TWO DOLLARS (\$4,382.00) to the "Cambria County Conservation District", ONE HUNDRED AND SIXTY-NINE DOLLARS (\$169.00) to the "Cumberland County Conservation District", FOUR HUNDRED AND EIGHTY-FIVE DOLLARS (\$485.00) to the "Washington County Conservation District", and TWO HUNDRED AND FORTY-SIX DOLLARS (\$246.00) to the "Westmoreland County Conservation District." All checks shall be sent c/o Ronald C. Eberts, Jr., Environmental Protection Compliance Specialist, DEP-SCRO Waterways and Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

3. **Findings.**

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

b. The parties do not authorize any other persons to use the Findings in this CACP in any matter or proceeding.

4. **Remedies.** In the event that Sunoco fails to make the payment required by this CACP, all remaining payments shall be immediately due and payable. In that event, the Department may pursue any remedy available for failure to pay a civil penalty, including an action for breach of contract or the filing of this CACP as a lien in any county in this Commonwealth.

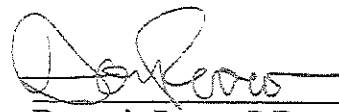
5. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. Sunoco reserves the right to challenge any action which the Department may take but waives the right to challenge the content or validity of this CACP.

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

FOR SUNOCO PIPELINE, L.P.:

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

 6/19/2020
Joseph Colella Date
Senior Vice President

 8/4/2020
Domenic Rocco, P.E. Date
Environmental Program Manager

 6/22/20
Curtis N. Stambaugh, Esq. Date
Attorney for Sunoco Pipeline, L.P.

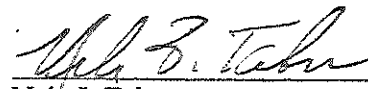
 8/4/2020
Nels J. Taber Date
Senior Litigation Counsel

EXHIBIT A

| County | Municipality | Lat/Long | Resource Impacted (lake, wetland, stream) | Chapter 93 designation | Estimated Quantity of Release | Date Occurred | Date Reported |
|--------|-----------------|---------------------|---|------------------------|-------------------------------|---------------|---------------|
| Berks | Caernarvon Twp. | 40.1665°, -75.8577° | Wetland (BA10) | - | 30,000 gallons | 9/18/2018 | 9/18/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | Unquantified | 10/2/2018 | 10/2/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 150 gallons | 10/6/2018 | 10/6/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 25 gallons | 10/10/2018 | 10/10/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | Unquantified | 10/12/2018 | 10/12/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | Unquantified | 10/14/2018 | 10/14/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | Unquantified | 10/15/2018 | 10/15/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 3,200 gallons* | 10/14/2018 | 10/14/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 73,400 gallons* | 10/15/2018 | 10/15/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | Unquantified | 10/17/2018 | 10/18/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | Unquantified | 10/23/2018 | 10/23/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 10,100 gallons* | 10/23/2018 | 10/23/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 99,300 gallons* | 10/24/2018 | 10/24/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 44,200 gallons* | 10/25/2018 | 10/25/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 180 gallons* | 10/26/2018 | 10/26/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 2,000 gallons** | 10/26/2018 | 10/26/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 1,800 gallons** | 10/27/2018 | 10/27/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 20 gallons | 11/1/2018 | 11/1/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 850 gallons** | 11/1/2018 | 11/1/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 4,600 gallons** | 11/3/2018 | 11/3/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 4,700 gallons** | 11/4/2018 | 11/4/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 2,060 gallons** | 11/7/2018 | 11/7/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 33 gallons** | 11/8/2018 | 11/8/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 10 gallons* | 11/11/2018 | 11/11/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 1,600 gallons** | 11/12/2018 | 11/12/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 70,280 gallons* | 11/19/2018 | 11/19/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 7,200 gallons** | 11/20/2018 | 11/20/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 39,400 gallons* | 11/20/2018 | 11/20/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 84,300 gallons* | 11/21/2018 | 11/21/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 21,400 gallons* | 11/22/2018 | 11/22/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 78,900 gallons* | 11/23/2018 | 11/23/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 1,000 gallons | 11/23/2018 | 11/23/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 23,900 gallons** | 11/23/2018 | 11/23/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 4,800 gallons* | 11/26/2018 | 11/26/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 121,800 gallons* | 11/27/2018 | 11/27/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 100 gallons** | 11/27/2018 | 11/27/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 25-50 gallons | 11/27/2018 | 11/27/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 116,140 gallons* | 11/28/2018 | 11/28/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 52,600 gallons* | 11/29/2018 | 11/29/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 56,790 gallons* | 12/1/2018 | 12/1/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 30,070 gallons* | 12/1/2018 | 12/1/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 5,850 gallons* | 12/2/2018 | 12/2/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 75,00 gallons* | 12/2/2018 | 12/2/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 80,550 gallons* | 12/3/2018 | 12/3/2018 |

EXHIBIT A

| County | Municipality | Lat/Long | Resource Impacted (lake, wetland, stream) | Chapter 93 designation | Estimated Quantity of Release | Date Occurred | Date Reported |
|---------------|---------------------|---------------------|---|-------------------------------|--------------------------------------|----------------------|----------------------|
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 2,325 gallons** | 12/3/2018 | 12/3/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 78,100 gallons* | 12/4/2018 | 12/4/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 69,840 gallons* | 12/5/2018 | 12/5/2018 |
| Blair | Blair Twp. | 40.4122°, -78.3722° | Wetland (BB-58) | - | 21,150 gallons** | 12/5/2018 | 12/5/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 54,350 gallons* | 12/6/2018 | 12/6/2019 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 35,100 gallons* | 12/7/2018 | 12/7/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 34,500 gallons* | 12/8/2018 | 12/8/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 26,900 gallons* | 12/9/2018 | 12/9/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 22,000 gallons* | 12/10/2018 | 12/10/2018 |
| Blair | Woodbury Twp. | 40.4315°, -78.2689° | Piney Creek | HQ-CWF | 13,750 gallons* | 12/11/2018 | 12/11/2018 |
| Cambria | Munster Twp. | 40.4528°, -78.6847° | Wetland (N-18) | - | 300-400 gallons | 8/3/2018 | 8/3/2018 |
| Cambria | Munster Twp. | 40.4528°, -78.6847° | Wetland (N-19) and North Branch of Little Conemaugh | CWF | 2,000-2,500 gallons | 8/4/2018 | 8/4/2018 |
| Cambria | Jackson Twp. | 40.416°, -78.866° | Wetland (N-24) | - | 10 gallons | 8/25/2018 | 8/25/2018 |
| Cambria | Munster Twp. | 40.4528°, -78.6847° | Wetland (N-18) | - | 5 gallons | 9/16/2018 | 9/17/2018 |
| Cambria | Jackson Twp. | 40.416°, -78.866° | Wetland (E-2) and UNT to Hinckston Run | CWF | 11,000 gallons | 9/11/2018 | 9/12/2018 |
| Cambria | Cambria Twp. | 40.4372°, -78.7635° | UNT to Stewart Run | HQ-CWF | 10 gallons | 2/16/2019 | 2/16/2019 |
| Cambria | Cambria Twp. | 40.4372°, -78.7635° | UNT to Stewart Run | HQ-CWF | 357 gallons | 4/16/2019 | 4/16/2019 |
| Cumberland | Middlesex Twp. | 40.2287°, -77.1399° | Letort Spring Run | CWF | 2 gallons | 9/13/2018 | 9/13/2018 |
| Cumberland | Lower Allen Twp. | 40.1925°, -76.9386° | Wetland (I-27) and UNT to Yellow Breeches Creek | CWF | 20 gallons | 4/27/2019 | 4/27/2019 |
| Delaware | Middletown Twp. | 39.8946°, -75.4321° | UNT to Chester Creek | TSF | 100 gallons | 10/6/2018 | 10/6/2018 |
| Lebanon | West Cornwall Twp. | 40.290°, -76.427° | Snitz Creek | TSF | 38 gallons | 8/15/2018 | 8/15/2018 |
| Washington | Nottingham Twp. | 40.236°, -80.091° | UNT to Peters Creek | TSF | 2 gallons | 8/4/2018 | 8/4/2018 |
| Westmoreland | Derry Twp. | 40.445°, -79.304° | UNT to Conemaugh River | CWF | 10 gallons | 2/26/2019 | 2/26/2019 |

*Indicates the estimated quantity of drilling fluids that surfaced in a Department approved containment BMP located in Piney Creek and was then pumped back to the HDD drill pit and recirculated.

**Indicates the estimated quantity of drilling fluids that surfaced in a Department approved containment BMP located in Wetland BB-58 and was then pumped back to the HDD drill pit and recirculated.