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 McKeon &
 Sniscak LLP

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July 3, 2018

BY HAND DELIVERY

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

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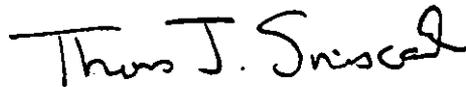
Re: Pennsylvania State Senator Andrew E. Dinniman v. Sunoco Pipeline L.P.; Docket No. C-2018-3001451 & P-2018-3001453; **SUNOCO PIPELINE L.P.'S LETTER AND AFFIDAVIT**

Dear Secretary Chiavetta:

Pursuant to the Pennsylvania Public Utility Commission's June 15, 2018 Order, Sunoco Pipeline L.P. submits the attached Letter and Affidavit of Matthew Gordon in compliance with Paragraph 7 the Order.

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

Very truly yours,



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

WES/das
Enclosure

cc: Honorable Elizabeth Barnes (via email only)
Bert Marinko, Acting Director of OSA (rmarinko@pa.gov)
Per Certificate of Service

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

Robert D. Fox
484-430-2312
rfox@mankogold.com

Admitted in PA

July 3, 2018

Via Hand Delivery

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

Dear Ms. Chiavetta:

Paragraph 7 of the Opinion and Order issued on June 15, 2018 by the Pennsylvania Public Utility Commission (“Commission”) states that Sunoco Pipeline L.P. (“SPLP”):

shall file a verification or affidavit that the Department of Environmental Protection has issued the appropriate permission for continued construction of Mariner East 2 and Mariner East 2X in West Whiteland Township when it is granted.

Pursuant to the requirements of paragraph 7 of the Order, SPLP hereby submits an affidavit of Matthew Gordon, SPLP’s Senior Director for the Mariner East 2 and 2X pipeline project (collectively “ME2”), which identifies those portions of ME2 in West Whiteland Township for which the Pennsylvania Department of Environmental Protection (“PADEP”) has already issued the appropriate permission for continued construction. Mr. Gordon’s affidavit also identifies the only four locations within West Whiteland Township for which SPLP has not yet received the appropriate permission from PADEP to commence or recommence construction, and summarizes the steps to be taken by SPLP to obtain permission from PADEP at these four locations.

By letter dated June 22, 2018, SPLP previously provided the information directed by paragraph 6 of the Commission’s Order, and requested that the Commission conclude that SPLP had complied with the requirements of paragraph 6 at the Commission’s July 12, 2018 public meeting. On July 2, 2018, Senator Dinniman filed a response to the Commission that included Petitioner’s assertions regarding (1) the adequacy of SPLP’s proposed permit modifications at certain locations, (2) the need for approval by the Delaware River Basin Commission (“DRBC”), and (3) the need for a Natural Pollutant Discharge Elimination System permit from the United

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*CHERRY HILL, NJ
**HONOLULU, HI
PHILADELPHIA, PA
by appointment only

*Partner responsible - John F. Gullace
**Partner responsible - Brenda H. Gotanda



States Environmental Protection Agency (“EPA”). Senator Dinniman’s response violates the express limitations set forth by the Commission in its Order.

Specifically, paragraph 8 of the Order limits a party’s response to the filings submitted by SPLP pursuant to “**ordering paragraph 6** as set forth in this Opinion and Order” (emphasis added). Therefore, the Commission limited Senator Dinniman’s response to addressing the documents that SPLP submitted pursuant to paragraph 6 of the Order. Contrary to the Commission’s Order, Senator Dinniman instead submitted a response that also addressed the requirements of SPLP’s affidavit under paragraph 7 of the Order, which SPLP had not yet filed. In addition, Senator Dinniman’s response goes beyond even the parameters the Commission established in paragraph 7 of the Order, which applies only to PADEP permits, and does not include approvals from the DRBC and EPA that Senator Dinniman alleges, but which SPLP disputes. Therefore, SPLP respectfully requests that the Commission disregard those portions of Senator Dinniman’s response that exceed the limits of the Commission’s Order.¹

The remainder of Senator Dinniman’s response and the response of Intervenor Clean Air Council (“CAC”) assert that the documentation submitted by SPLP pursuant to paragraph 6 of the Order is inadequate. Senator Dinniman and the CAC do not assert that SPLP failed to submit the documentation specified by paragraph 6 of the Order. Rather, those parties provide generalized, subjective grievances from certain members of the public as to the adequacy of the policies and SPLP’s alleged failure to comply with those policies.

On the contrary, as noted on page 18 of SPLP’s submission to the Commission dated June 22, 2018, in the last four years, the federal Pipeline Hazardous Materials Safety Administration (“PHMSA”) and the Commission have conducted five independent audits of SPLP’s pipelines and related facilities, including audits of SPLP’s construction procedures and related facilities, emergency response and public awareness plans, operating and maintenance procedures, leak detection procedures, pipeline report procedures, cathodic and corrosion protection plans, integrity management program, personnel training, emergency response training, liaison with public and emergency officials, etc. Neither the Commission nor PHMSA has noted any deficiencies with these current plans and procedures.

Moreover, at the hearing before Administrative Law Judge Barnes, SPLP offered the expert testimony of John Zurcher on pipeline safety. Mr. Zurcher has over 41 years of experience in pipeline safety, was approved by the Secretary of State to represent the United States at an international conference on pipeline safety, consulted for the Departments of Transportation and Energy, participated in writing industry standards on pipeline safety and in the drafting of the federal integrity management regulations. Despite the parties’ attempts to mischaracterize his testimony, Mr. Zurcher testified to a reasonable degree of scientific certainty that SPLP’s standard operating procedures, which SPLP has now submitted in response to

¹ Senator Dinniman’s assertions regarding the required permits are misplaced on the merits, but since that portion of his response is outside the scope of the Order, SPLP has not addressed the merits of Senator Dinniman’s arguments herein.

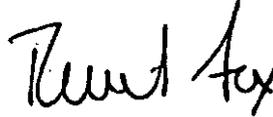
Rosemary Chiavetta, Esquire
July 3, 2018
Page 3

paragraph 6 of the Order, are industry standard, and among other things, adequately (i) disclose any potential dangers of ME2 to the public, public officials and first responders, (ii) protect against risks during construction, and (iii) contain adequate inspection and testing protocols. Hearing transcript at 543-546, 552-554. Senator Dinniman and the intervenors did not offer any competing expert testimony as to the adequacy of SPLP's plans, practices and protocols.

For these reasons and based on the documentation submitted by SPLP on June 22, 2018, SPLP respectfully requests that the Commission conclude that SPLP has submitted the documentation necessary to satisfy the requirements of paragraph 6 of the Order so that the construction of ME2 in West Whiteland Township may be resumed at the locations where SPLP has verified that PADEP has already issued the appropriate permissions. SPLP will supplement its submission in response to paragraph 7 of the Order when it receives PADEP approvals for the remaining four sections of ME2 to be constructed in West Whiteland Township.

SPLP respectfully requests that this matter be placed on the agenda for the July 12, 2018 public meeting.

Respectfully,



Robert D. Fox
For MANKO, GOLD, KATCHER & FOX, LLP

RDF/kl

cc: Public Utility Commission, Office of Special Assistants (w/encl. – via hand delivery)
Mark L. Freed, Esquire (w/encl. – via email)
Kathryn Urbanowicz, Esquire (w/encl. – via email)
Virginia Marcille Kerslake (w/public documents only – via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA STATE SENATOR :
ANDREW E. DINNIMAN, :

Complainant, :

v. :

SUNOCO PIPELINE L.P., :

Respondent. :

Docket No. C-2018-3001451
P-2018-3001453

AFFIDAVIT OF MATTHEW GORDON

Matthew Gordon states as follows:

1. My name is Matthew Gordon. I am employed by Sunoco Pipeline L.P. ("SPLP") and currently serve as the Senior Director for the Mariner East 2 and 2X pipeline project.
2. Attached as Exhibit 1 are sheets from the permit application submitted to and approved by the Pennsylvania Department of Environmental Protection ("PADEP") for that portion of the Mariner East 2 and 2X pipeline project being constructed in West Whiteland Township.
3. PADEP has issued to SPLP permits and authorizations necessary to provide the appropriate permission for continued construction of Mariner East 2 and 2X in West Whiteland Township at the following locations, which are shown on the sheets attached as Exhibit 1:

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- (a) **Open Cut Construction/crossing of stream C-66, at Station No. 15103+00 to 15106+00 (Sheet No. 6.45) – approximately 0.1 mile of open cut construction for Mariner East 2 and 2X that has not yet begun.**
- (b) **Open Cut Construction from Station No. 15155+00 to 15170+00 (Sheet Nos. 6.48-6.49) – approximately 0.3 mile of open cut construction that is approximately 70% complete for Mariner East 2, and approximately 60% complete for Mariner East 2X.**
- (c) **Open Cut Construction from Station No. 15191+00 to 15198+00 (Sheet Nos. 6.50-6.51) – approximately 0.1 mile of open cut construction that is approximately 90% complete for Mariner East 2 and not begun for Mariner East 2X.**
- (d) **Pullman Drive (S3-0401; PA-CH-0261.0000-RD) Station No. 15198+00 to 15204+00 (Sheet No. 6.51): HDD construction that not yet begun.**
- (e) **Open Cut Construction from Station No. 15205+00 to 15206+00 (Sheet No. 6.51) – approximately 0.03 mile of open cut construction for Mariner East 2 and 2X that has not yet begun.**
- (f) **Ship Road/Concord Ave (S3-0410; PA-CH-0277.0000-RD) Station No. 15206+00 to 15243+00 (Sheets Nos. 6.51-6.54): HDD construction that was preparing for pipe pullback on Mariner East 2 and has not yet begun for Mariner East 2X.**

- (g) **Open Cut Construction from approximately Station No. 15243+00 to 15245+00 (Sheet No. 6.54) – approximately 0.04 mile of open cut construction for Mariner East 2 and 2X that has begun.**
- (h) **Holleyview Lane/Phoenixville Pike Rd (S3-0421; PA-CH-0290.0000-RD) Station No. 15245+00 to 15288+00 (Sheet 6.54): HDD construction that had progressed approximately 783 feet for Mariner East 2 and has not yet begun for Mariner East 2X.**

4. The document attached as Exhibit 2 identifies the only locations within West Whiteland Township for which SPLP has not yet received the appropriate permission from PADEP to commence or recommence construction, and summarizes the steps to be taken to obtain appropriate permission from PADEP at these four other locations.

5. I understand that the statements set forth herein are made subject to Pa. C.S. § 4904 relating to unsworn falsification to authority.



Matthew L. Gordon

Dated: 7/3/2018

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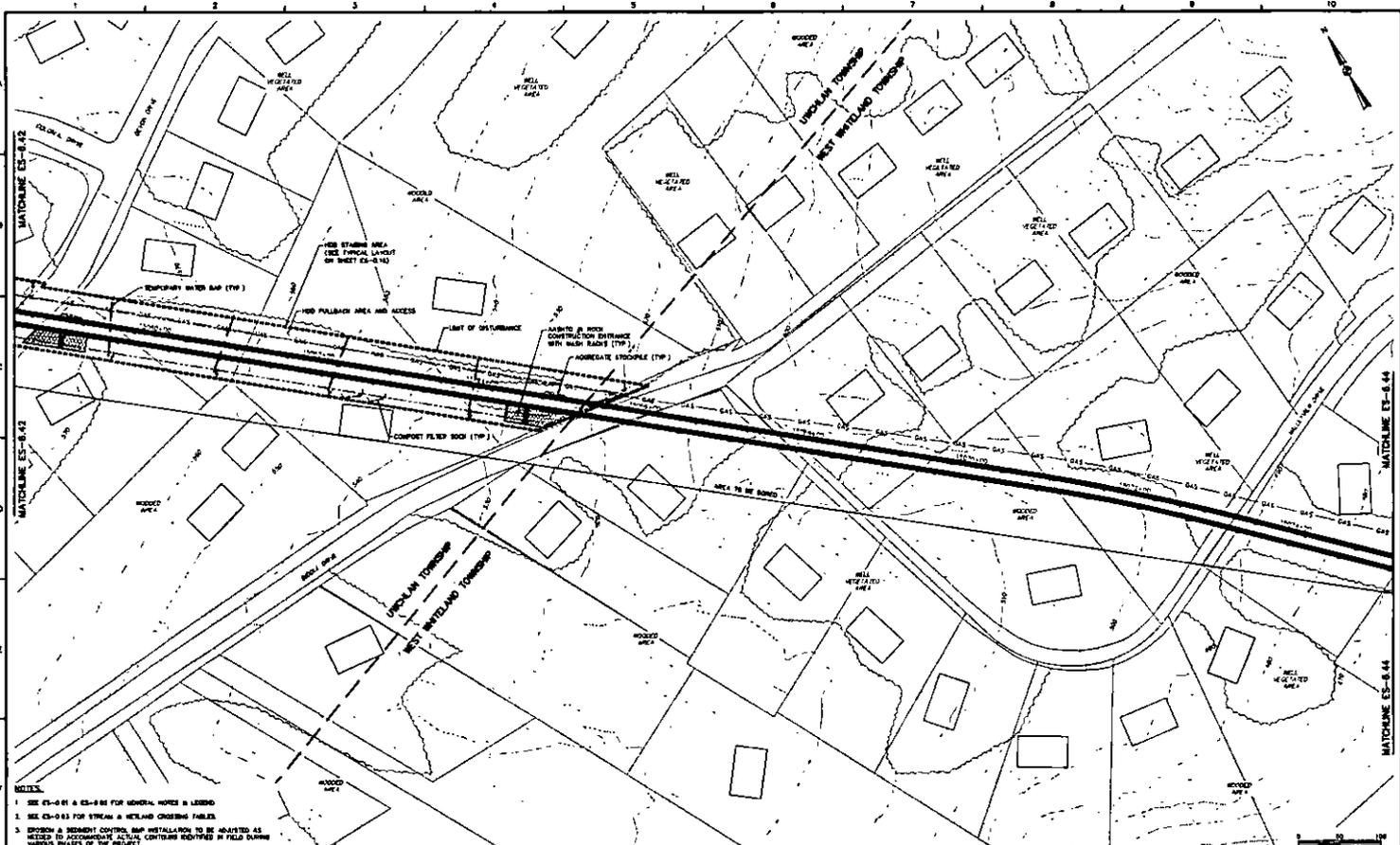
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT 1



- NOTES:
1. SEE ES-8-01 & ES-8-02 FOR GENERAL NOTES & LEGEND
 2. SEE ES-8-03 FOR STREAM & WETLAND CROSSING TABLES
 3. EROSION & SEDIMENT CONTROL BARR INSTALLATIONS TO BE ADJUSTED AS NEEDED TO ACCOMMODATE ACTUAL CONDITIONS IDENTIFIED IN FIELD DURING VARIOUS PHASES OF THE PROJECT

TETRA TECH
 www.tetra-tech.com
 817 HICKORY DRIVE - FICKES CREEK 7
 PITTSBURGH, PA 15228
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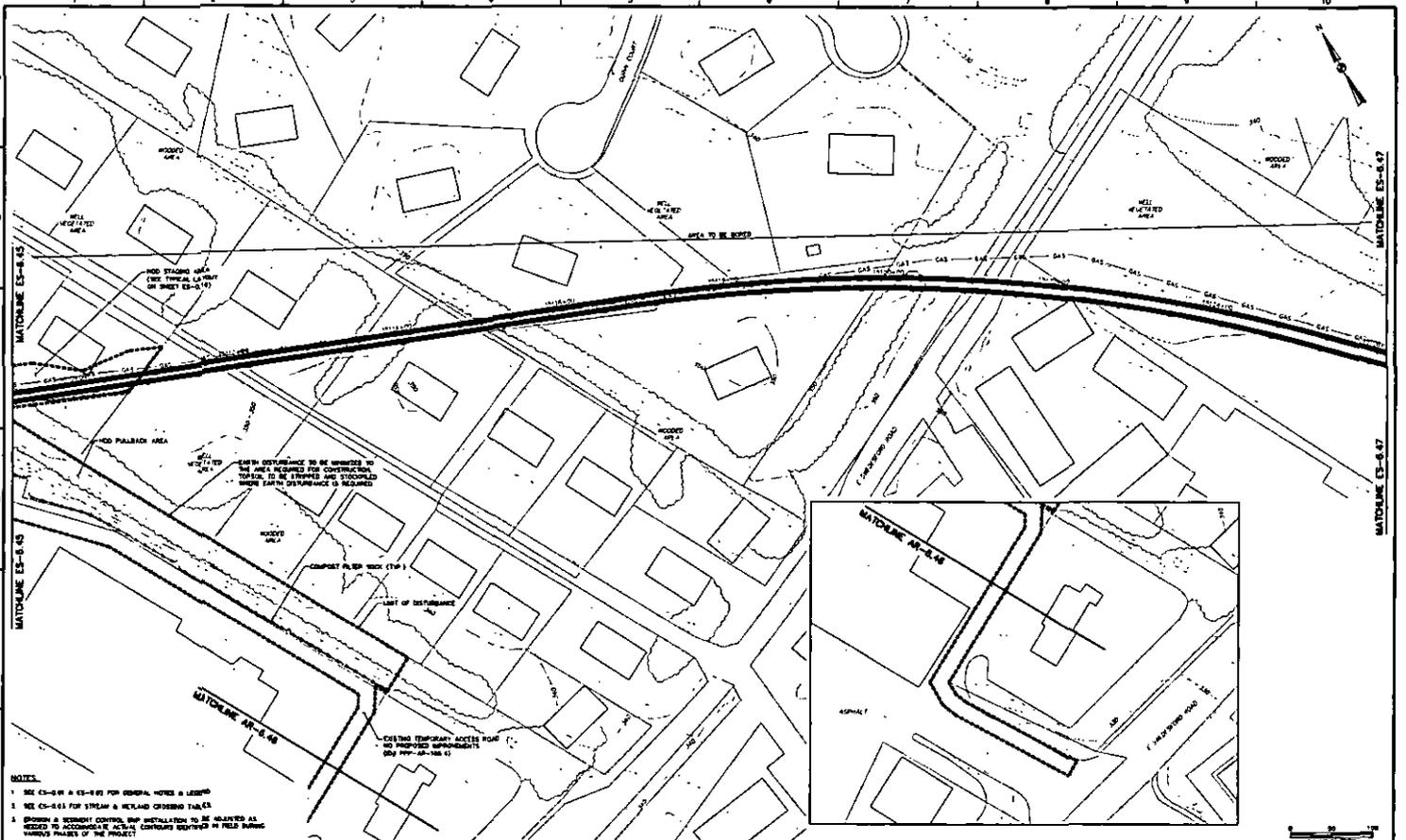
REVISIONS		
NO.	BY	DATE



SUNOCO PIPELINE L.P.
 SINKING SPRING, PENNSYLVANIA
 PENNSYLVANIA PIPELINE PROJECT
 CONSTRUCTION SPREAD 6

1-20" & 1-18" WELDED STEEL NATURAL GAS PIPELINES
 CHESTER COUNTY CONSERVATION DISTRICT
 EROSION & SEDIMENT CONTROL &
 SITE RESTORATION PLAN
 SHEET 43 OF 74

DATE: 3/27/17
 PROJECT NO.: 1000000000
 DRAWN BY: [signature]
 CHECKED BY: [signature]
 DESIGNED BY: [signature]
 SCALE: AS SHOWN
ES-8-43
 SHEET 43 OF 74



- NOTES:
- SEE CS-0-01 & CS-0-02 FOR GENERAL NOTES & LEGEND
 - SEE CS-0-03 FOR STREAM & WETLAND CROSSING TABLES
 - DESIGN & CONSTRUCTION CONTROL AND INSTALLATION TO BE ADAPTED AS NEEDED TO ACCOMMODATE ACTUAL CONDITIONS OBSERVED IN FIELD DURING VARIOUS PHASES OF THE PROJECT

TETRA TECH
 www.tetra-tech.com
 641 ANDERSON DRIVE - FORTER PLAZA 7
 PITTSBURGH, PA 15206
 T (412) 871-7800 F (412) 871-8800

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SUNOCO PIPELINE L.P.
 SINKING SPRING, PENNSYLVANIA
PENNSYLVANIA PIPELINE PROJECT
 CONSTRUCTION SPREAD 6

1-20" & 1-18" MELDED STEEL NATURAL GAS PIPELINES
CHESTER COUNTY CONSERVATION DISTRICT
 EROSION & SEDIMENT CONTROL &
 SITE RESTORATION PLAN
 SHEET 46 OF 74

DATE	2/6/11
PROJECT NO.	10220902
DESIGNED BY	JA
DRAWN BY	SA
CHECKED BY	SA
SCALE	AS SHOWN
ES-6.46	
SHEET 46 OF 74	



- 1. SEE ES-6-01 & ES-6-02 FOR GENERAL NOTES & LEGEND
- 2. SEE ES-6-03 FOR STREAM & WETLAND CROSSING TABLES
- 3. EROSION & SEDIMENT CONTROL SWP INSTALLATION TO BE ADVISED AS PERMITTED TO ACCORDANCE TO ACTUAL CONDITIONS OBSERVED IN FIELD DURING VARIOUS PHASES OF THE PROJECT

TETRA TECH
 847 AUGUSTA DRIVE - FOLGER PLAZA 7
 PITTSBURGH, PA 15206
 T (412) 837-7000 F (412) 837-1048

REVISONS	
NO	DATE



SUNOCO PIPELINE L.P.
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PENNSYLVANIA PIPELINE PROJECT
 CONSTRUCTION SPREAD 6

1-20" & 1-18" WELDED STEEL NATURAL GAS PIPELINES
CHESTER COUNTY CONSERVATION DISTRICT
 EROSION & SEDIMENT CONTROL &
 SITE RESTORATION PLAN
 SHEET 47 OF 82

DATE	07/07
PROJECT NO.	111020000
DESIGNED BY	ES
DRAWN BY	ES
CHECKED BY	ES
SCALE	AS SHOWN
ES-6.47	
SHEET 47 OF 82	



NOTES:
 1. SEE ES-6.51 & ES-6.52 FOR GENERAL NOTES & LEGEND
 2. SEE ES-6.53 FOR STREAM & WETLAND CROSSING TABLES
 3. EROSION & SEDIMENT CONTROL BMP INSTALLATION TO BE ADJUSTED AS NEEDED TO ACCOMMODATE ACTUAL CONTOURS SHOWN IN FIELD SURVEY THROUGHOUT PHASES OF THE PROJECT

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NO.	BY	DATE	REVISIONS



SUNOCO PIPELINE L.P.
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PENNSYLVANIA PIPELINE PROJECT
CONSTRUCTION SPREAD 6

1-20" & 1-18" WELDED STEEL NATURAL GAS PIPELINES
CHESTER COUNTY CONSERVATION DISTRICT
EROSION & SEDIMENT CONTROL &
SITE RESTORATION PLAN
SHEET 50 OF 74

DATE: 08/17/11
 PROJECT NO.: 1120000000
 DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT VEST NO.: [Number]
ES-6.50
 SHEET # 50 OF 74



- NOTES:**
- SEE ES-6-51 & ES-6-52 FOR GENERAL NOTES & LEGEND
 - SEE ES-6-53 FOR STREAM & WETLAND CROSSING TABLES
 - OWNER'S & AGENCY COMMENTS, SHIP INSTALLATION TO BE INDICATED AS NEEDED TO ACCOMMODATE ACTUAL CONTRACT CONDITIONS & FIELD SURVEY WORK'S PHOTOS OF THE PROJECT

TETRA TECH
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 801 ANDERSON DRIVE - FOLKERS PLAZA 7
 PITTSBURGH, PA 15220
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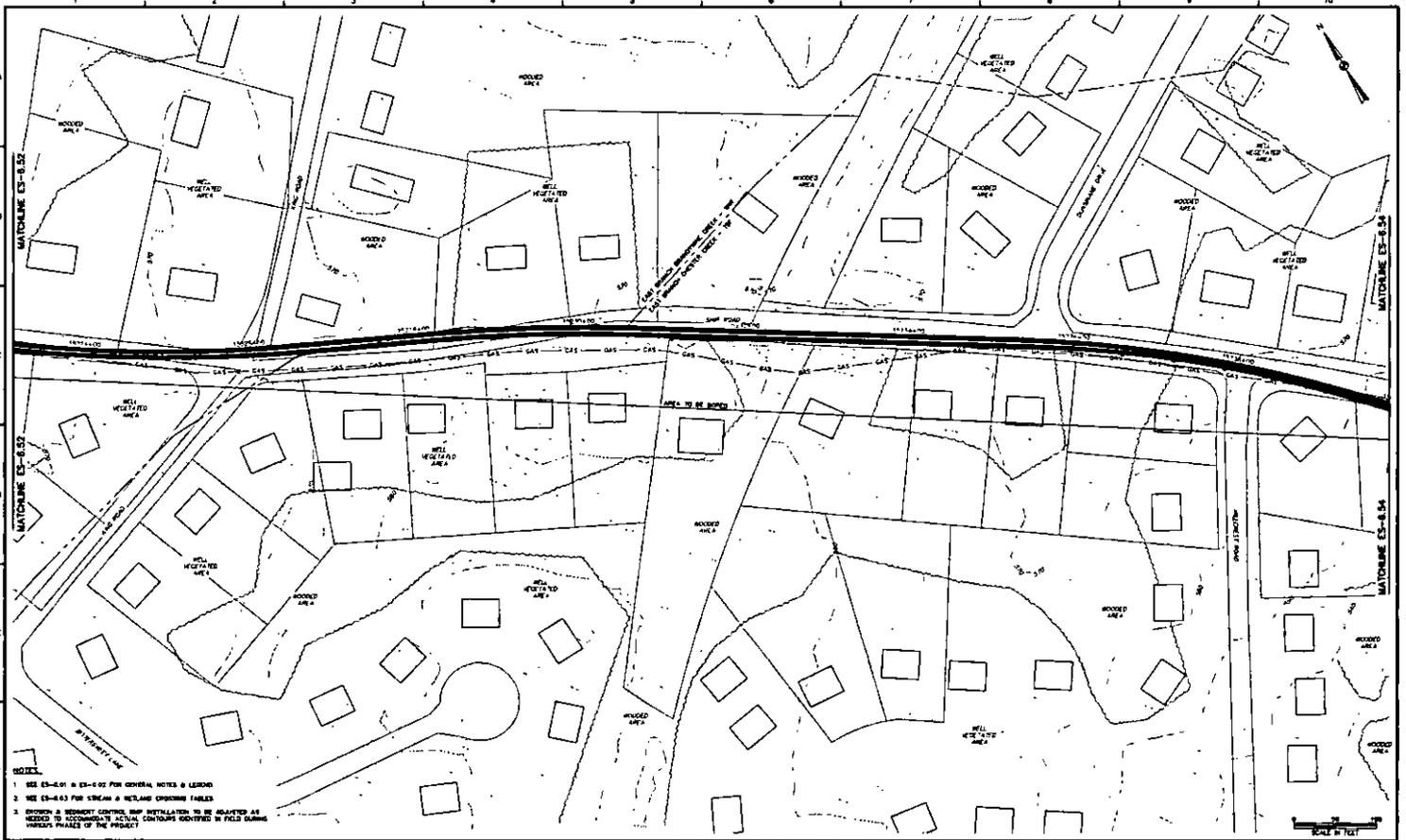
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SUNOCO PIPELINE L.P.
 SINKING SPRING, PENNSYLVANIA
PENNSYLVANIA PIPELINE PROJECT
CONSTRUCTION SPREAD 6

1-20" & 1-18" HEAVY WALL STEEL NATURAL GAS PIPELINES
CHESTER COUNTY CONSERVATION DISTRICT
EROSION & SEDIMENT CONTROL &
SITE RESTORATION PLAN
SHEET 52 OF 74

DATE	2/27/19
PROJECT NO.	112020000
DESIGNED BY	ES
DRAWN BY	ES
CHECKED BY	ES
SCALE	AS SHOWN
ES-6.52	
SHEET 52 OF 74	



1. SEE ES-6-01 & ES-6-02 FOR GENERAL NOTES & LEGEND
2. SEE ES-6-43 FOR STREAM & WELLS CROSSING TABLES
3. EROSION & SEDIMENT CONTROL BMP INSTALLATION TO BE RELATED AS NEEDED TO ACCOMMODATE ACTUAL CONTOURS IDENTIFIED IN FIELD DURING VARIOUS PHASES OF THE PROJECT

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 641 HAZARD DRIVE - FORTY FIFTH AVENUE
 PITTSBURGH, PA 15206
 T (412) 871-1000 | F (412) 871-4046

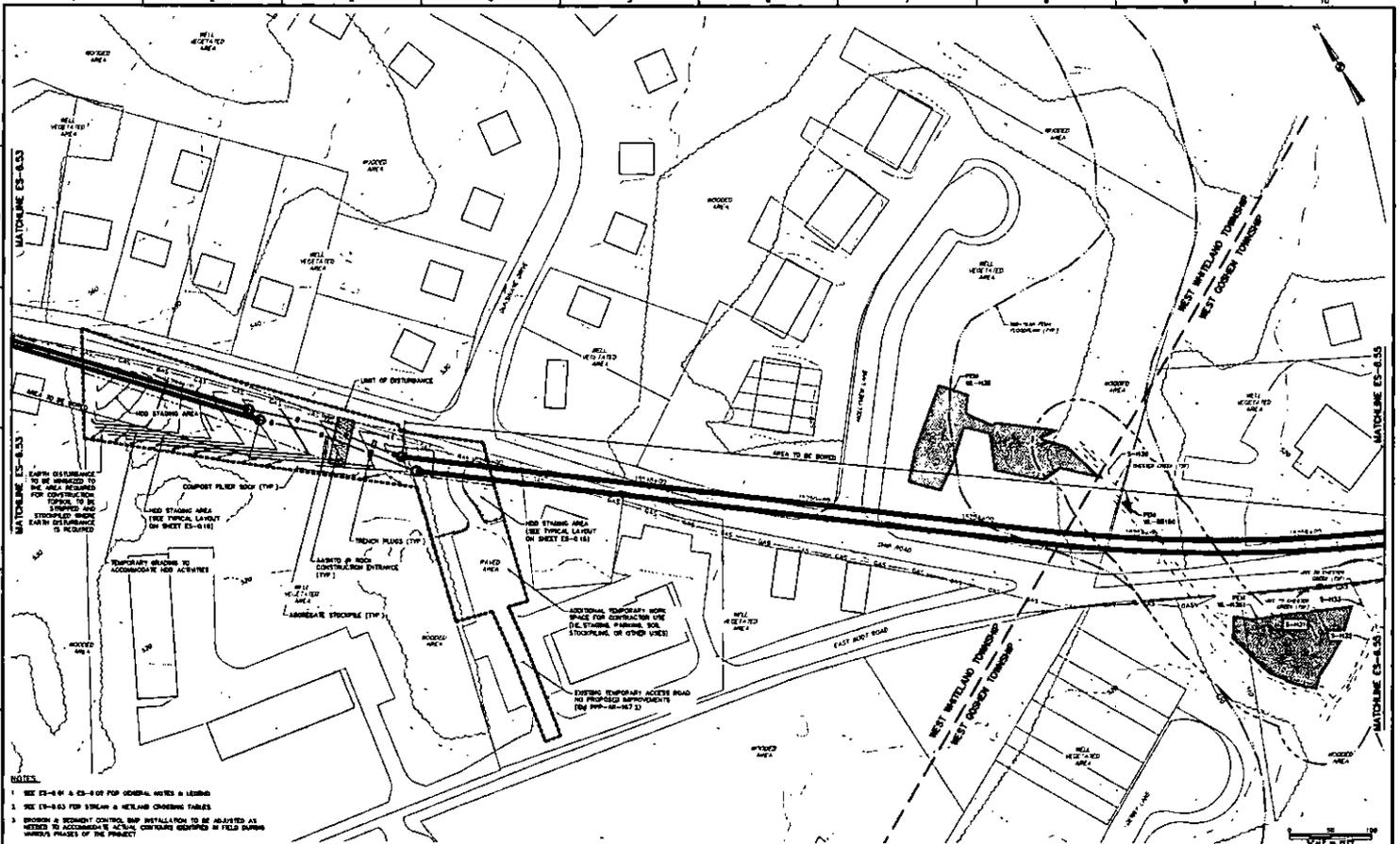
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SUNOCO PIPELINE L.P.
 SINKING SPRING, PENNSYLVANIA
PENNSYLVANIA PIPELINE PROJECT
CONSTRUCTION SPREAD 6

1-20" & 1-18" WELDED STEEL NATURAL GAS PIPELINES
CHESTER COUNTY CONSERVATION DISTRICT
EROSION & SEDIMENT CONTROL &
SITE RESTORATION PLAN
SHEET 53 OF 74

DATE	2/7/11
PROJECT NO.	11020020
DESIGNED BY	ES
CHECKED BY	ES
DATE PLOTTED	2/24/11
SCALE	AS SHOWN
SHEET	53 OF 74



- NOTES:**
- SEE ES-6.51 & ES-6.52 FOR GENERAL NOTES & LEGEND
 - SEE ES-6.53 FOR STREAM & WETLAND CROSSING TABLES
 - EROSION & SEDIMENT CONTROL BMP INSTALLATION TO BE ADAPTED AS NEEDED TO ACCOMMODATE ALL FIELD CONDITIONS OBSERVED IN FIELD SURVEY THROUGHOUT PHASES OF THE PROJECT

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 841 ALLEGHENY DRIVE - FOSTER PLAZA 7
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NO.	BY	DATE	REVISIONS	REMARKS



SUNOCO PIPELINE L.P.
 SINKING SPRING, PENNSYLVANIA
PENNSYLVANIA PIPELINE PROJECT
CONSTRUCTION SPREAD 6

1-20" & 1-18" WELDED STEEL NATURAL GAS PIPELINES
 CHESTER COUNTY CONSERVATION DISTRICT
 EROSION & SEDIMENT CONTROL &
 SITE RESTORATION PLAN
 SHEET 54 OF 74

DATE	2/8/21
PROJECT NO.	12020933
DRAWN BY	
CHECKED BY	
DATE	
PROJECT NO.	
SHEET NO.	54 OF 74

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT 2

STATUS OF SUNOCO PIPELINE CONSTRUCTION IN WEST WHITELAND TWP., CHESTER COUNTY

- 1. Devon Drive/Shoen Road/Biddle Drive (S3-0360; PA-CH-0199.0000-RD):** SPLP will be able to proceed with activities authorized under the above Chapter 102 and Chapter 105 permits on this site once the Department receives proof that Sunoco has completed the 24 hour and 72 hour notification requirements set forth in the COA and the Corrected Stipulated Order, Sunoco provides their construction schedule to the Department, and DEP issues written authorization for Sunoco to commence drilling activities pursuant to the terms of the COA. The second HDD at this location requires SPLP to complete a satisfactory Reevaluation Report, which SPLP has not yet submitted, and which must be approved by the Department prior to Sunoco commencing construction at this location.
- 2. North Pottstown Pike (S3-0370; PA-CH-0212.0000-RD):** Both the HDDs at this location are being converted to a series of open cut and conventional bores. This location is subject to a pending major Chapter 102 permit modification application, as well as a modification to the Chapter 105 Permit, both of which must be approved by the Department before Sunoco may commence construction at this location.
- 3. Swedesford Road (S3-0381; PA-CH-0219.0000-RD):** Both the HDDs at this location are being converted to a series of open cut, conventional bores, and one FlexBor. This location is subject to a pending major Chapter 102 permit modification application, as well as a modification to the Chapter 105 Permit, both of which must be approved by the Department before commencing construction at this location.
- 4. Exton Bypass/Lisa Drive (S3-0400; PA-CH-0256.0000-RR):** The first pipeline for this site has been completed. The Department awaits information on ongoing site activities, the results of geophysical investigations, and a chronology of site activities from March 3, 2018 to the present, that Sunoco has committed to provide and share with the Department, but has not yet provided. A Department hydrogeologist reviewed geophysical information from the site on June 25, 2018. The second pipeline at this location cannot proceed until: (1) Sunoco provides a satisfactory Reevaluation Report, which SPLP has not yet submitted, and the submission is approved by the Department; and (2) Sunoco submits an application for a major Chapter 102 permit modification, as well as a modification to the Chapter 105 Permit, neither of which has been submitted to the Department; these permit modification requests must be approved by the Department prior to Sunoco re-commencing construction at this location.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party). This document has been filed electronically on the Commission's electronic filing system and served via overnight mail on the following:

VIA FIRST CLASS AND E-MAIL

Mark L. Freed, Esquire
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mlf@curtinheefner.com
*Attorney for Pennsylvania State Senator
Andrew Dinniman*

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joe_minott@cleanair.org
kurbanowicz@cleanair.org
Attorneys for Intervenor Clean Air Council

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Pro Se Intervenor



Thomas J. Sniscak, Esq.

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