



Thomas J. Sniscak  
(717) 703-0800  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

Kevin J. McKeon  
(717) 703-0801  
[kjmckeon@hmslegal.com](mailto:kjmckeon@hmslegal.com)

Whitney E. Snyder  
(717) 703-0807  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)

---

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 [www.hmslegal.com](http://www.hmslegal.com)

March 29, 2019

**VIA ELECTRONIC FILING**

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

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

Dear Secretary Chiavetta:

In accordance with paragraph 7 of the Commission's June 15, 2018 Opinion and Order and paragraph 5 of the Commission's August 14, 2018 Opinion and Order, enclosed for filing is the Affidavit of Matthew Gordon.

The affidavit verifies that the Pennsylvania Department of Environmental Protection ("PADEP") issued the appropriate permission for the continued construction of the Mariner East 2 pipeline at the Shoen Road work location (HDD S3-0360) in West Whiteland Township.

This work location was previously identified as needing PADEP approval in the July 3, 2018 Affidavit of Matthew Gordon at Exhibit 2, item number 1. This same work location was also listed in the July 18, 2018 Affidavit of Matthew Gordon at paragraph 5 as work area 1. As verified in the enclosed affidavit, PADEP issued the required approvals for the construction of the Mariner East 2 pipeline at the Shoen Road work location by letter dated February 9, 2018 and by email dated March 28, 2019.

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
March 29, 2019  
Page 2

With the enclosed affidavit, Sunoco Pipeline L.P. respectfully requests that the injunction on construction of the Mariner East 2 pipeline be discontinued at the Shoen Road work location by Secretarial Letter pursuant to paragraph 6 of the Commission's August 14, 2018 Opinion and Order.

If you have any questions regarding this filing, please feel free to contact me at (717) 236-1300.

Respectfully submitted,



Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder

Counsel for Sunoco Pipeline L.P.

WES/das  
Enclosure

cc: The Honorable Elizabeth Barnes (via first class mail and email: [ebarnes@pa.gov](mailto:ebarnes@pa.gov))  
Mark L. Freed, Esquire (via email: [mlf@curtinheefner.com](mailto:mlf@curtinheefner.com))  
Joanna A. Waldron, Esquire (via email: [jaw@curtinheefner.com](mailto:jaw@curtinheefner.com))  
Rich Raiders, Esquire (via email: [rich@raiderslaw.com](mailto:rich@raiderslaw.com))  
Kathryn Urbanowicz, Esquire (via email: [kurbanowicz@cleanair.org](mailto:kurbanowicz@cleanair.org))  
Joseph O. Minott, Esquire (via email: [joe\\_minott@cleanair.org](mailto:joe_minott@cleanair.org))  
Virginia Marcille Kerslake (via email: [vkerslake@gmail.com](mailto:vkerslake@gmail.com))  
Vincent Matthew Pompo, Esquire (via email: [vpompo@lambmcerlane.com](mailto:vpompo@lambmcerlane.com))  
Alex J. Baumler, Esquire (via email: [abaumler@lambmcerlane.com](mailto:abaumler@lambmcerlane.com))  
Anthony D. Kanagy, Esquire (via email: [akanagy@postschell.com](mailto:akanagy@postschell.com))  
Garrett P. Lent, Esquire (via email: [GLent@postschell.com](mailto:GLent@postschell.com))  
Erin McDowell, Esquire (via email: [emcdowell@rangeresources.com](mailto:emcdowell@rangeresources.com))  
Diana A. Silva, Esq. (via email: [dsilva@mankogold.com](mailto:dsilva@mankogold.com))  
Robert D. Fox, Esq. (via email: [rfox@mankogold.com](mailto:rfox@mankogold.com))  
Neil S. Witkes, Esq. (via email: [nwitkes@mankogold.com](mailto:nwitkes@mankogold.com))

**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 Energy Transfer Partners and currently serve as the Senior Director of Liquid Pipeline Operations.
2. I previously submitted affidavits on July 3, 2018, July 18, 2018, and August 17, 2018 in response to paragraph 7 of the Opinion and Order issued on June 15, 2018 (the "Order") by the Pennsylvania Public Utility Commission ("Commission") to identify the construction segments of the Mariner East 2 and 2X pipelines in West Whiteland Township for which the Pennsylvania Department of Environmental Protection ("DEP") has issued all required permissions for construction to Sunoco Pipeline L.P. ("SPLP").
3. This affidavit supplements my earlier affidavits, and provides the Commission with confirmation that DEP has approved the restart of construction of the first pipeline, Mariner East 2, at the Shoen Road work location (HDD S3-0360) in West Whiteland Township.

4. As set forth in paragraphs 5 and 6 of my July 18, 2018 affidavit, construction activities at the Shoen Road work location include the installation of two separate pipelines – Mariner East 2 (the first pipeline to be installed) and Mariner East 2X (the second pipeline to be installed) – which will be installed by horizontal directional drill (“HDD”).

5. For the installation of Mariner East 2, the HDD at the Shoen Road work location was approximately 55% complete in the pilot stage before the HDD was suspended in July 2017.

6. On July 24, 2017, SPLP and DEP entered into a Consent Order and Agreement that established a process for SPLP to obtain approval to restart the installation of Mariner East 2 at the Shoen Road work location.

7. On February 9, 2018, DEP issued a letter approving SPLP’s submission of information required by the Consent Order and Agreement for the continuation of the installation of Mariner East 2 at the Shoen Road work location (copy attached as Exhibit “1”). DEP requested that SPLP provide confirmation that SPLP made certain notices to landowners, local municipalities, and DEP prior to restarting installation of Mariner East 2 at the Shoen Road work location.

8. On March 28, 2019, DEP confirmed via email (copy attached as Exhibit “2”) that SPLP had provided the required notices and that SPLP was approved to restart the installation of Mariner East 2 at the Shoen Road work location.

9. With the DEP approvals attached as Exhibits 1 and 2, DEP has authorized the continued installation of Mariner East 2 at the Shoen Road work location.

10. Before SPLP can install the second pipeline – Mariner East 2X – at the Shoen Road work location, in accordance with the requirements of an August 10, 2017 Corrected Stipulated Order entered by the Pennsylvania Environmental Hearing Board, SPLP must submit

a reevaluation report to DEP for review and approval. Upon submission and DEP approval of the reevaluation report for Mariner East 2X at the Shoen Road work location, SPLP will file a supplemental affidavit confirming that DEP has authorized construction of Mariner East 2X at the Shoen Road work location.

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



---

Matthew L. Gordon

Dated: March 29, 2019

# **EXHIBIT 1**



February 9, 2018

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

Re: Shoen Road Drill – Update on Restart Status

Dear Mr. Gordon:

Under the July 24, 2017, Consent Order and Agreement (“CO&A”) entered into between Sunoco Pipeline, L.P. (“SPLP”), and the Department of Environmental Protection (“DEP”), SPLP is required to complete certain corrective actions in order to obtain approval from DEP to restart the 20-inch pipe installation at Horizontal Directional Drilling (“HDD”) HDD 360 (“Shoen Road Drill” or “Drill”).

DEP has reviewed SPLP’s request to restart HDD 360 (“20”), including information submitted in support of the request, and actions taken in response to the CO&A, and hereby: (1) approves the Water Supply Restoration Plan required under paragraph 3.e and (2) finds that Sunoco has satisfied the terms of the CO&A.

However, because SPLP is subject to other enforcement actions and requirements separate from the CO&A, set forth below, SPLP cannot restart HDD 360 until DEP determines that the following have occurred, to the satisfaction of DEP:

Corrected Stipulated Order (August 10, 2017) / Water Supply Preparedness, Prevention and Contingency Plan (“PPC Plan”) (Revised August 7, 2017) - HDD 360 (“20”) is listed in Exhibit 5 to the Corrected Stipulated Order (“SO”) entered by the Environmental Hearing Board, and in Exhibit F to the Water Supply PPC Plan (“WSPPC”) as an in-progress HDD where no inadvertent returns (“IRs”) occurred. Before restart of HDD 360 (“20”) can occur, SPLP must, under paragraphs 9 and 10 of the SO, and under Section 6.1 of the WSPPC:

- Provide 72 hours notice (by certified mail and first class mail) to all water supplies within 150 feet prior to restart (paragraph 9).
- Provide 30 days notice (by certified mail and first class mail) to landowners between 150 feet and 450 feet of the Drill within 30 days of restart. Such notice shall offer the landowner the opportunity to have a water supply located within 450 feet of the HDD alignment sampled in accordance with Appendix B

Mr. Matthew L. Gordon

- 2 -

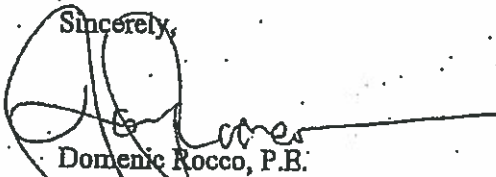
February 9, 2018

of the Water Supply PPC Plan within 10 days of the landowner's request (paragraph 9).

• Provide copies of the certified mail receipts and landowner responses for the items above to DEP (paragraph 10).

DEP looks forward to receiving the information set forth above from SPLP. Upon DEP's receipt of that information, and written authorization from DEP, SPLP will be authorized to restart HDD 360. Please submit the above information to Mr. Frank De Francesco, Compliance Specialist, and contact Mr. De Francesco at 484.250.5161 if you have any questions.

Sincerely,



Domenic Rocco, P.E.  
Acting Environmental Program Manager  
Regional Permit Coordination Office

cc: ACOE Philadelphia District  
Mr. Sofranko - Chester County Conservation District  
Mr. Hohenstein, P.E. - DEP  
Ms. Henning-Dudley - DEP  
Mr. De Francesco - DEP  
Mr. Embry - Sunoco Logistics  
Re 30 (GJS18WAW)40-2



**EXHIBIT 2**

## Diana Silva

---

**From:** Gerlach, William J <wgerlach@pa.gov>  
**Sent:** Thursday, March 28, 2019 3:29 PM  
**To:** Diana Silva; Taber, Nels J.  
**Cc:** Jonathan Rinde  
**Subject:** RE: [External] RE: Shoen Road - Draft PUC affidavit  
**Attachments:** Supplemental Affidavit of Matt Gordon - Shoen Road first pipe (1992371\_1) (003) DEP.DOCX; Letter to DEP\_ Confirmation of reevaluation reports re\_ August 2017 Corrected Stipulated Order (2001446\_1).pdf

Diana, the Department has reviewed and is satisfied with the attached SPLP Affidavit, and the 3/20/19 supplemental letter from Larry Gremminger to DEP re: SPLP's commitment to perform re-evaluation reports (the letter is also attached).

As concerns the Shoen Road Drill, DEP has concluded that SPLP has satisfied applicable requirements of the 7/24/17 Consent Order and Agreement between DEP and SPLP re: HDD 360 (Shoen Rd.), and the 8/10/17 Corrected Stipulated Order entered by the Environmental Hearing Board in the matter of *CAC et al. v. DEP and SPLP* (EHB Docket No. 2017-009-L).

The only additional request the Department has at this time is that SPLP provide 24-hour notice prior to actual start-up at Shoen Rd. to the Department, Uwchlan Twp. and West Whiteland Twp. DEP requested these courtesy notices in a meeting with Mr. Gremminger on 3/14/19.

Thank you,

Bill Gerlach

**William J. Gerlach, Jr.** | Assistant Counsel  
Department of Environmental Protection  
Southeast Region | Office of Chief Counsel  
2 E. Main St. | Norristown, PA 19401  
P: (484) 250-5930 | F: (484) 250-5931  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)



535 Fritztown Road  
Sinking Spring, PA 19608

March 20, 2019

Via Electronic and First-Class Mail

Nels J. Taber  
Senior Litigation Counsel  
Department of Environmental Protection  
Office of Chief Counsel  
400 Market Street, 9th Floor  
Harrisburg, PA 17101

RE: Corrected Stipulated Order – Reevaluation Reports

Dear Taber:

As requested, Sunoco Pipeline L.P. confirms that it has complied, and will continue to comply, with the August 10, 2017 Corrected Stipulated Order entered in EHB Dkt. No. 2017-009-L (the “Corrected Stipulated Order”), regarding the preparation and submission of reevaluation reports. In accordance with paragraphs 2 and 3 of the Corrected Stipulated Order, SPLP has submitted and will continue to submit reevaluation reports for the HDDs identified in Exhibits 2 and 3 to the Corrected Stipulated Order. In addition, SPLP has submitted and will continue to submit reevaluation reports for the second pipeline installation at locations where an IR occurred during the installation of the first pipeline after August 10, 2017.

Sincerely,

Larry J. Gremminger, CWB  
Vice President  
Environmental Health & Safety

cc. Curt Stambaugh Esq.  
Jonathan E. Rinde, Esq.  
Diana A. Silva, Esq.

**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 electronically served on the following:

Mark L. Freed, Esquire  
Joanna Waldron, Esquire  
Curtin & Heffner, LLP  
Doylestown Commerce Center  
2005 S. Easton Road, Suite 100  
Doylestown, PA 18901  
(267) 898-0570  
*Counsel for Senator Andrew E. Dinniman*

Vincent Matthew Pompo, Esquire  
Alex J. Baumler, Esquire  
Lamb McErlane PC  
24 East Market St., Box 565  
West Chester, PA 19382-0565  
(610) 430-8000  
*Solicitor for West Whiteland Township*

Rich Raiders, Esquire  
Raiders Law  
321 East Main Street  
Annville, PA 17003  
(484) 638-6538  
*Counsel for Andover Homeowners'  
Association, Inc.*

Anthony D. Kanagy, Esquire  
Garrett P. Lent, Esquire  
Post & Schell PC  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
(717) 612-6032  
*Counsel for Intervenor  
Range Resources – Appalachia LLC*

Kathryn Urbanowicz, Esquire  
Joseph Otis Minott, Esquire  
Clean Air Council  
135 South 19th Street, Suite 300  
Philadelphia, PA 19103  
(215) 567-4004  
*Counsel for Intervenor Clean Air Council*

Erin McDowell, Esquire  
Range Resources – Appalachia LLC  
3000 Town Center Boulevard  
Canonsburg, PA 15317  
(725) 754-5352  
*Counsel for Intervenor  
Range Resources – Appalachia LLC*

Virginia Marcille Kerslake  
103 Shoen Road  
Exton, PA 19341  
(215) 200-2966  
*Intervenor*



Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder

Dated: March 29, 2019