



March 23, 2020

Via electronic mail only

gbd@pa.gov
Chairman Gladys Brown Dutrieuille
Pennsylvania Public Utility Commission

rziadeh@pa.gov
Ramez Ziadeh, Executive Deputy Secretary
Pennsylvania Department of Environmental Protection

RE: Compliance with Governor Wolf's March 19, 2020 Emergency Order

Chairman Brown Dutrieuille and Executive Deputy Secretary Ziadeh:

Energy Transfer and its affiliates and subsidiaries, including Sunoco Pipeline L.P. ("SPLP"), have suspended construction of pipeline and related infrastructure projects across the Commonwealth as required by Governor Wolf's March 19, 2020 Emergency Order. For your information, by Saturday, March 21, all horizontal directional drilling on the Mariner East 2 and 2x project had ceased and all drill stems had been removed, but for a drill stem which was snapped, and therefore left in place.

The March 19 Emergency Order permits constructed pipelines used for transmission of products including natural gas, natural gas liquids and petroleum products to continue operation, including maintenance and repair work regarding these constructed, operational pipelines. The allowance for this work includes ongoing work being conducted at Lisa Drive, West Whiteland Township, Chester County.

On Friday, March 20, the companies submitted to the Governor six requests for waiver of the provisions of the March 19 Executive Order. As of this date, we have not had a response to these waiver requests. The waiver requests are attached hereto and summarized below.

Waiver Request 1: Activities to Comply with Permit Conditions, Security and Safety Concerns. This request sought to confirm that activities required for: 1) inspection and maintenance of the construction work spaces to ensure compliance with existing environmental permits; 2) maintenance of security at work spaces; and 3) addressing any safety concerns at work spaces as necessary are not subject to the March 19 Order. In the

alternative, to the extent these activities are subject to the March 19 Order, the companies sought waiver.

Waiver Request 2: Stabilize, Secure and Demobilize Construction Sites. This request seeks a 10-day waiver for the companies from the March 19 Emergency Order to completely stabilize, secure and demobilize all construction sites, which is necessary to ensure public safety and security at these construction work sites.

Waiver Request 3: Mariner East 2/2X Project – U.S. Army Corps of Engineers Properties. This request seeks waiver of three in-progress horizontal directional drills (“HDDs”) on property owned by the United States Army Corps of Engineers because completion of the HDDs at each of these locations is necessary to address safety concerns and to prevent potential adverse impacts to human health and the environment. These three sites are:

1. Loyalhanna Lake, Loyalhanna Township, Westmoreland County;
2. Livermore Road, Derry Township, Westmoreland County; and
3. Raystown Lake, Penn Township, Huntingdon County.

SPLP requested a waiver to allow construction to continue at these work locations, which are expected to be completed by May 1, 2020.

Waiver Request 4: Construction Activities to Avoid Road Closures. This request seeks waiver for two critical locations where the cessation of pipeline construction activities presents a serious concern for public safety. These two locations are a road bore presently underway at Pottstown Pike, located in West Whiteland Township, Chester County; and the open cut of a portion of Appalachian Drive, located in Middlesex Township, Cumberland County. SPLP requested waiver to allow sufficient time for the proper completion of these construction activities within the roadway rights-of-way, including backfilling and subsequent stabilization of the excavations, and demobilization of equipment. SPLP estimates that these activities will take until April 27, 2020 to complete.

Waiver Request 5: Critical Work Locations for the Mariner East 2/2X Project and the Hemlock Ridge Estates Pipeline and Meter Station. This request seeks waiver for 11 critical locations where the cessation of all construction activities presents a serious concern for safety and security, or where ceasing construction may result in potential adverse impacts to human health or the environment. These locations are summarized below.

Open Trench/Pit Locations on Mariner East 2/2X Pipeline Project - There are four work locations on the Mariner East 2/2X Pipeline Project where open excavation trenches/pits exist that present an immediate safety concern. SPLP requested a waiver of 10 days to complete work at each of these locations. These locations include:

1. **Piney Creek (Blair County)**
2. **Delmont Terminal (Westmoreland County)**
3. **Beckersville Terminal (Berks County)**
4. **Chestnut Hill (Berks County)**

HDD Locations on Mariner East 2/2X Pipeline Project – There are five work locations on the Mariner East 2/2X Pipeline Project where completion of the HDDs at each location is necessary to address safety concerns and to prevent potential adverse impacts to human health and the environment. If SPLP is not permitted to complete this critical final work because it must cease all activities at these work sites for an indefinite period of time, there is a significant risk that the HDD boreholes will collapse and be lost, creating adverse impacts to the environment and safety concerns. Each of these locations is listed below including the time frame of the request.

5. **Milford Road/Little Conestoga Road, HDD # 290 (Chester County)**
 - Request for waiver to allow SPLP to maintain groundwater that is surfacing and prevent flooding and safety concerns.
6. **Bow Tree/Matlack Strasburg Road, HDDs # 520/530 (Chester County)**
 - Request for waiver to allow SPLP to maintain groundwater that is surfacing and prevent flooding and safety concerns.
7. **Arch Bishop/South Chester Road HDD # 541 (Chester County)**
 - Request for waiver to complete HDD process and pipeline pullback and maintain groundwater that is surfacing to prevent flooding and safety concerns.
8. **Creek T-307, HDD # 110 (Lebanon County)**
 - Request for waiver to complete HDD process and pipeline pullback.
9. **Whitehouse Lane, HDD # 011 (Dauphin County)**
 - Request for waiver to complete HDD process and pipeline pullback.

Other Mariner East 2/2X Work Location

10. **Valley Road, HDD # 591 (Delaware County)** – this work location was currently in process of completing geophysical bores to confirm geotechnical studies to determine whether a subsurface void may exist and to develop a grouting plan as necessary. SPLP requested waiver to complete geophysical investigation and perform grouting mitigation work, as necessary.

Hemlock Ridge Estates 8” Pipeline and Meter Station

11. Regency Marcellus Gathering LLC is presently constructing an 8-inch gathering pipeline to support the oil and gas extraction activities of Chief Exploration and Development LLC (“Chief”). This activity is located in an exceptional value watershed in Lycoming County, and a cessation of this activity could result in increased sediment discharges into this waterway. Waiver was requested to allow the completion of the construction of this project until June 15, 2020.

Waiver Request 6: Revolution Pipeline. ETC Northeast Pipeline LP requested a waiver from the 3/19/2020 Emergency Order to allow ETC to continue to comply with a Consent Order and Agreement (the “COA”) signed with the Department of Environmental Protection (the “Department”) and dated Jan. 3, 2020, which provides, in short, that ETC stabilize the right-of-way of the Revolution pipeline, maintain erosion and sedimentation control devices, prepare specified plans to address certain slopes, and implement those plans upon the approval of the Department. This waiver does not include any pipeline construction work.

Implementation of CDC and Commonwealth Best Practices: As each of these waiver requests states, all employees that remain working will follow guidelines from the CDC and federal Occupational Safety and Health Administration and take all possible precautions to protect personal and public health and safety while working within the project right-of-way, including: implementing social distancing practices, hygiene and infection control practices; regular cleaning and disinfecting of work surfaces, equipment and other materials; restricting outside site visitors to work spaces; requiring workers to stay home if they are sick or had been in contact with someone who is sick; and using additional engineering and administrative controls, safe work practices and personal protective

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equipment. Moreover, the companies' work sites generally have fewer than 10 workers per acre at one time. We have also taken measures to separate overlap between workforces, for example, clearing/grading/fencing crews and inspection crews are in and out before our welding crews, and clean-up crews do not arrive on site until welding crews have left the work space. Twice-daily safety meetings remain mandatory but are being held in smaller groups and maintaining social distancing best practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe McGinn". The signature is fluid and cursive, with the first name "Joe" and last name "McGinn" clearly distinguishable.

Joseph McGinn
Vice President of Public Affairs
Energy Transfer

Attachment

Cc: Renardo Hicks, Esq., Chief Counsel, PUC (rehicks@pa.gov)(w/attachment)
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