

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE ENVIRONMENTAL HEARING BOARD

CLEAN AIR COUNCIL; THE DELAWARE :
RIVERKEEPER NETWORK; AND MOUNTAIN :
WATERSHED ASSOCIATION, INC., :
v. : EHB Docket No. 2017-009-L
COMMONWEALTH OF PENNSYLVANIA, : (Consolidated with 2018-023-L)
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, and SUNOCO PIPELINE, L.P., :
Permittee :

STIPULATED ORDER

AND NOW, this 16th day of April 2018, the Clean Air Council, the Delaware Riverkeeper Network, the Mountain Watershed Association, Inc. (collectively "Appellants"), Sunoco Pipeline L.P. ("Sunoco"), and the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") (collectively "Parties"), by and through their respective counsel, hereby agree to resolve Appellants' Appeal and Petition for Partial Supersedeas filed under EHB Docket No. 2018-023-L through a negotiated agreement with regard to the following terms and conditions, which shall be entered by the Environmental Hearing Board ("Board") as a Stipulated Order, as follows:

1. Appellants' Petition for Partial Supersedeas is hereby withdrawn without prejudice. Appellants reserve the right to seek a temporary or permanent supersedeas for conduct in the future after the Board's entry of this Stipulated Order, including any alleged violations of the HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan dated April 2018 ("April 2018 IR PPC Plan").
2. The Parties agree they will not contest the Board's jurisdiction or authority to issue a supersedeas to remedy any alleged violations of this Stipulated Order. This Stipulated Order

does not foreclose or abridge any power or authority of the Department to exercise its enforcement discretion or initiate and prosecute enforcement action. The Department and Sunoco reserve all rights to otherwise contest the entry of a supersedeas, including the right to argue under the facts or law that the standards for a supersedeas have not been satisfied.

3. The April 2018 IR PPC Plan, attached hereto as Exhibit 1, is hereby incorporated into this Order by reference. A redline comparison of the February 6, 2018 version of the IR PPC Plan to the April 2018 HDD IR Plan is attached hereto as Exhibit 2. A redline comparison of the August 8, 2017 version of the IR PPC Plan to the April 2018 HDD IR Plan is attached hereto as Exhibit 3. The Board has reviewed and approves these revisions.

4. No changes, additions, modifications, or amendments of or to the April 2018 IR PPC Plan shall be effective unless they are set out in writing, agreed to by all Parties, and incorporated into an order of the Board.

5. Sunoco shall abide by the April 2018 IR PPC Plan.

6. Sunoco shall inform, as appropriate, its officers, agents, employees, and contractors of the April 2018 IR PPC Plan and ensure that the April 2018 IR PPC Plan is present onsite during drilling operations and shall be made available to the Department on request. To allow adequate time for Sunoco to train its officers, agents, employees, and contractors on the April 2018 IR PPC Plan and ensure that the April 2018 IR PPC Plan is present onsite during drilling operations, the April 2018 IR PPC Plan shall become effective two business days after the date of this Stipulated Order.

7. The hearing scheduled for April 16, 2018 ~~is hereby cancelled~~ *was held to determine whether this order is in the public interest pursuant to the Board's*

8. The above-captioned appeals are unconsolidated.

Order of 4/11/18.

*Bal
4/16/18*

9. The appeal docketed at EHB Docket No. 2018-023-L having been settled, the docket in that appeal shall be marked closed and settled.

10. The following caption and docket number should be reflected in all future filings with the Board:

CLEAN AIR COUNCIL; THE DELAWARE
RIVERKEEPER NETWORK; AND MOUNTAIN
WATERSHED ASSOCIATION, INC.,

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, and SUNOCO PIPELINE, L.P.,
Permittee

EHB Docket No. 2017-009-L

SUNOCO PIPELINE L.P.:

/s/ Robert D. Fox
Robert D. Fox, Esquire

CLEAN AIR COUNCIL:

/s/ Joseph O. Minott
Joseph O. Minott, Esquire

MOUNTAIN WATERSHED
ASSOCIATION:

/s/ Melissa Marshall
Melissa Marshall, Esquire

THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

/s/ Nels J. Taber
Nels J. Taber, Sr. Litigation Counsel


DELAWARE RIVERKEEPER
NETWORK:

/s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esquire

s/ Maya K. van Rossum
Maya K. van Rossum

APPROVED AND SO ORDERED:

ENVIRONMENTAL HEARING BOARD


Bernard A. Labuskes, Jr.
Judge

DATED: 4/16/18

c: For the Commonwealth of PA, DEP:

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Court Reporter:

Commonwealth Reporting Company, Inc.
(via electronic mail)