E-FILED
08/09/2017
07:25/2017

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

ORDER

AND NOW, this 25th day of July, 2017, following two conference calls during which the parties presented extensive argument in support of their respective positions, it is hereby ordered that the Appellants' application for a temporary partial supersedeas is **granted**. The permits that are the subject of this appeal are hereby superseded effective immediately to the extent they authorize the Permittee to conduct horizontal directional drilling. However, this Order may be modified in part if the Permittee provides the Board with detailed affidavits explaining why it would cause equipment damage, a safety issue, or more environmental harm than good to stop drilling at the 55 locations where drilling is actively underway. This temporary partial supersedeas shall expire at 9:00 a.m. on August 7, 2017, unless further extended by the Board. The hearing on the Appellants' petition for a partial supersedeas shall commence in the Board's Harrisburg hearing room on the date requested by the parties; namely, **9:00 a.m.** on **August 7, 2017**.

E-FILED
08/08/2017
07/25/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

ENVIRONMENTAL HEARING BOARD

s/ Bernard A. Labuskes, Jr.
BERNARD A. LABUSKES, JR.
Judge

DATED: July 25, 2017

c: **For the Commonwealth of PA, DEP:**
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Nels J. Taber, Esquire
(*via electronic filing system*)

For Appellant, Clean Air Council:
Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(*via electronic filing system*)

For Appellant, Delaware Riverkeeper Network:
Aaron J. Stemplewicz, Esquire
(*via electronic filing system*)

For Appellant, Mountain Watershed Association, Inc.:
Melissa Marshall, Esquire
(*via electronic filing system*)

For Permittee:
Robert D. Fox, Esquire
Neil S. Witkes, Esquire
Diana A. Silva, Esquire
Jonathan E. Rinde, Esquire
Terry R. Bossert, Esquire
(*via electronic filing system*)

Court Reporter:
Premier Reporting, LLC
(*via electronic mail*)

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08/01/2017
07/28/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

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

ORDER

AND NOW, this 28th day of July, 2017, in consideration of the Permittee's emergency motion to modify our July 25, 2017 Order and the affidavit submitted in support thereof, and the Appellants' response in opposition to the Permittee's motion, which also included an affidavit, it is hereby ordered that the motion is granted in part. The temporary partial supersedeas imposed by our previous Order of July 25, 2017 is lifted with respect to the following three horizontal directional drilling locations as identified in the Permittee's motion:

- The HDD at Harrisburg Pike in Cumberland County, where the only drilling work to be completed as of July 25, 2017 was the final cleaning ream
- The HDD at Wetland 161 in Lebanon County, where the reamed hole was 95 percent completed
- The HDD at Creek 110 in Lebanon County, where 1,500 feet of the total hole of 1,527 feet (98 percent) of the reamed hole was completed

The Board takes the Permittee's motion with respect to the other 14 locations listed in the motion under advisement.

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08/08/2017
07/28/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

ENVIRONMENTAL HEARING BOARD

s/ Bernard A. Labuskes, Jr.
BERNARD A. LABUSKES, JR.
Judge

DATED: July 28, 2017

c: **For the Commonwealth of PA, DEP:**
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Nels J. Taber, Esquire
(*via electronic filing system*)

For Appellant, Clean Air Council:
Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(*via electronic filing system*)

For Appellant, Delaware Riverkeeper Network:
Aaron J. Stemplewicz, Esquire
(*via electronic filing system*)

For Appellant, Mountain Watershed Association, Inc.:
Melissa Marshall, Esquire
(*via electronic filing system*)

For Permittee:
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Diana A. Silva, Esquire
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Terry R. Bossert, Esquire
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08/01/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

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

ORDER

AND NOW, this 1st day of August, 2017, in consideration of the Permittee's affidavit correcting certain information provided in its July 27, 2017 affidavit and seeking confirmation that it may resume drilling at the horizontal directional drilling locations subject to the Board's Order of July 28, 2017, it is hereby ordered that the temporary partial supersedeas continues to be lifted with respect to the following horizontal directional drilling locations as identified in the Permittee's affidavit:

- The HDD at Harrisburg Pike in Cumberland County, PA-CU-0136.0000-RD
- The HDD at Wetland S161 in Lancaster County, PA-LA-0014.0000-SR

ENVIRONMENTAL HEARING BOARD

s/ Bernard A. Labuskes, Jr.
BERNARD A. LABUSKES, JR.
Judge

DATED: August 1, 2017

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08/01/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

c: **For the Commonwealth of PA, DEP:**
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Nels J. Taber, Esquire
(*via electronic filing system*)

For Appellant, Clean Air Council:
Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(*via electronic filing system*)

For Appellant, Delaware Riverkeeper Network:
Aaron J. Stemplewicz, Esquire
(*via electronic filing system*)

For Appellant, Mountain Watershed Association, Inc.:
Melissa Marshall, Esquire
(*via electronic filing system*)

For Permittee:
Robert D. Fox, Esquire
Neil S. Witkes, Esquire
Diana A. Silva, Esquire
Jonathan E. Rinde, Esquire
Terry R. Bossert, Esquire
(*via electronic filing system*)

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08/03/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

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

ORDER

AND NOW, this 3rd day of August, 2017, in further consideration of the Permittee's emergency motion to modify our July 25, 2017 Order, it is hereby ordered that the temporary partial supersedeas is lifted with respect to all horizontal directional drilling locations identified in the Permittee's motion, except for the HDD at Creek 110 in Lebanon County, PA-LE-0117.0000-WX.

ENVIRONMENTAL HEARING BOARD

s/ Bernard A. Labuskes, Jr.
BERNARD A. LABUSKES, JR.
Judge

DATED: August 3, 2017

c: **For the Commonwealth of PA, DEP:**
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Nels J. Taber, Esquire
(*via electronic filing system*)

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08/08/2017
08/03/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

For Appellant, Clean Air Council:
Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(*via electronic filing system*)

For Appellant, Delaware Riverkeeper Network:
Aaron J. Stemplewicz, Esquire
(*via electronic filing system*)

For Appellant, Mountain Watershed Association, Inc.:
Melissa Marshall, Esquire
(*via electronic filing system*)

For Permittee:
Robert D. Fox, Esquire
Neil S. Witkes, Esquire
Diana A. Silva, Esquire
Jonathan E. Rinde, Esquire
Terry R. Bossert, Esquire
(*via electronic filing system*)

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08/04/2017

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

ORDER

AND NOW, this 4th day of August, 2017, except as otherwise provided in the Board's Orders of July 25, 2017, July 28, 2017, August, 1, 2017, and August 3, 2017, it is hereby ordered that the temporary partial supersedeas previously set to expire at 9:00 a.m. on August 7, 2017 shall now expire at **9:00 a.m.** on **August 9, 2017**.

ENVIRONMENTAL HEARING BOARD

s/ Bernard A. Labuskes, Jr.
BERNARD A. LABUSKES, JR.
Judge

DATED: August 4, 2017

c: **For the Commonwealth of PA, DEP:**
William J. Gerlach, Esquire
Gail Guenther, Esquire
Margaret O. Murphy, Esquire
Curtis C. Sullivan, Esquire
Nels J. Taber, Esquire
(*via electronic filing system*)

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08/08/2017
04/04/2017
PENNSYLVANIA ENVIRONMENTAL HEARING BOARD

For Appellant, Clean Air Council:
Alexander G. Bomstein, Esquire
Kathryn L. Urbanowicz, Esquire
Joseph O. Minott, Esquire
(*via electronic filing system*)

For Appellant, Delaware Riverkeeper Network:
Aaron J. Stemplewicz, Esquire
(*via electronic filing system*)

For Appellant, Mountain Watershed Association, Inc.:
Melissa Marshall, Esquire
(*via electronic filing system*)

For Permittee:
Robert D. Fox, Esquire
Neil S. Witkes, Esquire
Diana A. Silva, Esquire
Jonathan E. Rinde, Esquire
Terry R. Bossert, Esquire
(*via electronic filing system*)