

LEBANON COUNTY CONSERVATION DISTRICT

2120 Cornwall Road * Suite 5 * Lebanon, PA 17042-9788
(717) 277-5275 FAX (717) 272-5314

June 13, 2017

Matthew L. Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Spring PA 19608

Andrew Mack
Welded Construction, L.P.
PO Box 470 Perrysburg OH 43552

Via email

**Re: *Earth Disturbance Inspection for
PA Pipeline Project (SUNOCO)
Permit #: ESG0300001502
District File #: 38-910-004-15
Multiple Townships, Lebanon County, PA***

Mr. Gordon and Mr. Mack:

On Thursday June 8, 2017, between the hours of 10:00 Am and 3:00 PM, a representative of the Lebanon County Conservation District conducted a partial inspection of earth disturbance activities at the above referenced site. Please refer to the enclosed inspection report as guidance to obtain voluntary compliance with the Chapter 102 Erosion and Sediment (E&S) Control Rules and Regulations.

The Lebanon County Conservation District, by delegation agreement with the Pennsylvania Department of Environmental Protection (DEP) is authorized to investigate complaints and inspect earth disturbance activities to determine compliance with the Commonwealth's Clean Streams Law and Chapter 102, E&S Control Rules and Regulations.

Sediment has been identified as the Number one source of pollution to our waterways in south central Pennsylvania and is a major contributor to the decline of the Chesapeake Bay. Chapter 102 requires persons proposing or conducting earth disturbance activities to develop, implement and maintain Best Management Practices (BMPs) to minimize the potential for accelerated erosion and sedimentation. This regulation requires that a written E&S Pollution Control Plan be developed, implemented, and kept available on site at all times. The E&S plan shows the site specific BMPs to be implemented for your project. The purpose of this regulation is to protect, maintain, reclaim, and restore water quality and the existing and designated uses of waters of this Commonwealth.

The enclosed inspection report identifies the site conditions at the above referenced project as of June 8, 2017. The inspection report reveals that earth disturbance activities are being conducted in a manner that is **not** in accordance with the approved erosion and sediment control plan and are in violation of Pennsylvania's The Clean Streams Law, the Act of June 22, 1937, P.L. 1987 as amended, 35 P.A §691.0 et esq., and Chapter 102, Erosion Control Rules and Regulations.

The Conservation District's primary mission is to educate and assist the public in making the best choices in conserving and protecting our natural resources. **In so doing, the Conservation District prefers to resolve this matter through voluntary means.** Please contact the district in reference to the corrective measures you plan to take or have already taken and the expected timeframes for completion.

Please be advised the Conservation District and/or representatives of DEP will be conducting future inspections at the site.

Your cooperation in resolving this matter is greatly appreciated. If you should have any questions, please feel free to contact me at 717-277-5275.

Sincerely,

Karl Kerchner

Karl Kerchner PG, CPESC

Assistant Manager/Land & Water Resource Manager

Enclosures:

(1) Inspection Report

C

Rob Robertson
SCRO



Permit No. ESG03000015002
Report No. SUN 003

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project (SUNOCO) **Inspection Date** 6/08/17 **Inspection Time** 10:00 AM-3:00 PM
Weather Conditions Mostly sunny, temp approx. 75° F, No rain past 24 hours **Total Project Area** approx. 223 ac
Location East/west through county **Total Disturbed Area** approx. 223 ac
Municipality Heidelberg and South Londonderry Townships **County** Lebanon
Receiving Water(s) Middle Creek (WWF), Killinger Creek (TSF) **Designated/Existing Use** WWF, TSF

Responsible Party(s) Matthew L. Gordon, Sunoco Pipeline LP Andrew Mack, Welded Construction LP
(name & address) 535 Fritztown Road PO Box 470
 Sinking Spring PA 19608 Perrysburg OH 43552
Phone (601) 670-3284 mlgordon@sunocologistics.com (419) 250-5705 amack@welded.com

Site Representative (name) Rob Robertson **Inspector** (name) Karl Kerchner PG, CPESC
(title) Lead Environmental Inspector (title) Assistant District Manager

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations

1. Area between Beech Street and South Mount Pleasant Road cleared, timber bridges installed, wood chips piled approximately every 150'. E&s controls not yet installed.
2. Area west of Beech Street, approximately between stations St 11938 and 11934 cleared and timber bridged. No e&s controls observed and area not stabilized.

Continued on page 3 of ____.

Permit and Plan Requirements		Type of Activity (check as many as appropriate)	
Y	N		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permit #: <u>ESG03000015002</u> Exp. Date: <u>2/12/22</u>		<input type="checkbox"/> Other _____	

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project (SUNOCO) **Inspection Date** 6/08/17 **Inspection Time** 10:00 AM - 3:00 PM

Inspection Findings

No violations observed at this time.

Reference

(N/A)

- | | |
|--|---|
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input checked="" type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input checked="" type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input checked="" type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.



Permit No. ESG03000015002

Report No. SUN 003

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project (SUNOCO) Inspection Date 6/08/17 Inspection Time 10:00 AM- 3:00 PM

Continuation Sheet

Site Description & Observations

Compliance Assistance Measures



1. Immediately install and maintain e&s controls between Beech Street and Mount Pleasant Road.
2. Immediately install and maintain e&s controls in the area near and between stations St 11938 and 11934 west of Beech Street. Stabilize bare areas with grass seed and straw mulch. This area will likely be exceptionally difficult if not impossible to remain in compliance while open cutting as per plan. The district suggests you consider alternative options.

Follow-up Inspection will occur on or about (date) Random

_____	_____	<u>Karl Kerchner</u>	<u>6/13/17</u>
(Signature of Site Representative)	(Date)	(Inspector's Signature)	(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

Date:	06/13/2017	Site Name:	PA Pipeline Project (SUNOCO)	Permit #	ESG03000015002
Muni:	Heidelberg & S Lon twps	Inspection #	SUN 003	District #	38-910-004-15
WEATHER:	during inspection:	Mostly sunny, temp approx. 75° F		Photographer:	KK
WEATHER	Prior 24 hrs:	No rain		Camera Type:	Canon Digital 1300

		
<p>East of Beech Street in need of e&s controls</p>		<p>West of Beech Street. In need of stabilization and e&s controls</p>
	<p>Page 4 of 5</p>	

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

Lebanon County Conservation District
2120 Cornwall Road Suite 5
Lebanon PA 17042
717-277-5275