



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

October 31, 2017

NOTICE OF VIOLATION

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

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

Re: Violations of The Clean Streams Law
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E38-197
DEP File No NOV 38 17 104
South Londonderry Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On October 12, 2017, the Department of Environmental Protection (“Department”) conducted an inspection of pipeline construction activities associated with Sunoco Pipeline L.P.’s Mariner East II Project in South Londonderry Township (“Site”). During this inspection, the Department documented a discharge of sediment to an unnamed tributary (“UNT”) to Killinger Creek, a water of the Commonwealth, caused by the failure to install and maintain appropriate erosion and sediment control best management practices (“E&S BMPs”) for the earth disturbance activities associated with the pipeline construction, authorized by Department Permit Nos. ESG0300015002 and E38-197.

This discharge of sediment to waters of the Commonwealth constitutes a violation of Section 401 of The Clean Streams Law, 35 P.S. § 691.401. Further, the failure to install and maintain appropriate E&S BMPs to minimize accelerated erosion and sedimentation from earth disturbance activities violates the conditions of Permit ESG0300015002 (at Part A.II.A), and the regulations at 25 Pa. Code § 102.4, and constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611. The failure to install and maintain appropriate E&S BMPs to minimize accelerated erosion and sedimentation from earth disturbance activities violates the conditions of Permit E38-197 (condition 16) and the regulations at 25 Pa. Code § 105.46, and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

While corrective action photos were submitted on October 17, 2017, in accordance with the requirements at Part A.III.E of Permit ESG0300015002, the Department requests Sunoco

Mr. Matthew Gordon
Mr. Andrew Mack

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Pipeline, L.P. and Welded Construction, L.P. to submit a Non-compliance Report by **November 3, 2017**, to Mr. Ronald C. Eberts, Jr. of the Department by email at reberts@pa.gov and to Mr. Karl Kerchner of the Lebanon County Conservation District by email at karl.kerchner@lccd.org. In order to be considered adequate, the Noncompliance Report shall include, but may not be limited to, the following information:

1. The identification of any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution.
2. The period of noncompliance, including exact dates and times and the anticipated time when the activity will return to compliance.
3. Steps taken, and to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.
4. The remedies to be used to correct the noncompliance conditions, including any necessary remediation to the impacted reach of Killinger Creek, with a schedule for implementation of those remedies.

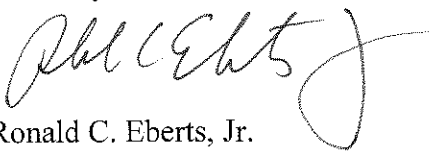
Additionally, when BMPs are found to be inoperative or ineffective, a licensed professional shall be consulted to ensure that each BMP is adequately functioning according to its design.

Please be advised that DEP and/or the Lebanon County Conservation District will conduct additional inspections of the Site. If future inspections and/or review of the Non-compliance Report reveal the need for additional corrective actions, you will be notified.

This Notice of Violation is neither an order nor any other final action of the DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4189.

Sincerely,



Ronald C. Eberts, Jr.
Environmental Protection Compliance Specialist
Waterways and Wetlands Program