

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Sunoco Pipeline, L.P.	:	Industrial Waste
535 Fritztown Road	:	Sewage
Sinking Springs, PA 19608	:	Violations of the Clean Streams Law

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty ("CACP") is entered into this 26th day of July 2021, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Sunoco Pipeline, L.P. ("SPLP").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 et seq., and the rules and regulations promulgated thereunder.

B. SPLP is a foreign limited partnership doing business in Pennsylvania with a mailing address of 535 Fritztown Road, Sinking Springs, PA 19608. Sunoco Logistics Partners Operations GP LLC (the "General Partner") is the general partner of SPLP. Joseph J. Perez is Senior Vice President – Engineering & Construction Services Support of the General Partner. Mr. Perez has been granted authority to sign documents for the General Partner in its capacity as the general partner of SPLP, on behalf of SPLP.

C. SPLP owns and operates numerous pipelines in Pennsylvania used to transport petroleum and natural gas products, including a petroleum product pipeline in Aston Township, Delaware County. SPLP has undertaken an effort to expand existing transmission systems for natural gas liquids in Pennsylvania, which is collectively referred to as the Pennsylvania Pipeline Project – Mariner East II ("PPP-ME2"). As part of PPP-ME2, Sunoco is conducting pipeline installation activities in seventeen counties in Pennsylvania, including Delaware County.

D. SPLP often conducts earth disturbance work throughout the region, as part of normal operations and maintenance of this pipeline. Occasionally these earth disturbance activities result in contacting unmarked or unknown buried utility lines, even when utility locating procedures have been followed.

E. On July 11, 2018, the Department received a complaint regarding a sewage

overflow at the HDD 631 staging area off 1 Judy Way in Aston Township, Delaware County. The overflow resulted from damage to a sewage lateral as a result of SPLP's activities. The damaged lateral resulted in the unpermitted discharge of sewage from a cleanout port in the sewer line. The overflow occurred from a building across the street from the referenced parking area and was a result of activities conducted by SPLP. According to the documentation received from SPLP, after the fact, the incident/overflow occurred on July 6, 2018. The repair and cleanup had been completed prior to the Department's investigation on July 11, 2018. The Department was not notified at the time the overflow occurred. This investigation also revealed a similar prior incident, on March 26, 2018, which was also not reported to the Department. This incident was also repaired and cleaned up prior to the Department's involvement.

F. On June 11, 2019, the Department received a report from SPLP regarding an incident which occurred at 0200 hours on June 11, 2019, during which 30 gallons of drilling mud flushed out of the pit's containment and overwhelmed the erosion and sedimentation controls at the HDD 570 Shepherd Lane/Meadow Lane site in Edgmont Township, Delaware County. Five gallons of this drilling mud entered an unnamed tributary to the Chester Creek.

G. On November 2, 2019, the Department received a report of a discharge of drilling fluids from a drill pit located at HDD 580 Gradyville Road in Edgmont Township, Delaware County. This was reported by SPLP. The discharge of drilling fluids into an unnamed tributary to Chester Creek occurred on the overnight shift during the operations by a crew which had been relieved of duty. SPLP failed to operate the pumps which are in place on site to prevent such a discharge. Vacuum trucks were brought in immediately upon notification to begin removal of the drilling fluids and remediation of the affected areas. All other work on site was halted until corrective actions had taken place.

H. On February 11, 2020, the Department observed a discharge of sediment laden water from the HDD 570 Shepherd Lane/Meadow Lane site into wetland W1-B52 and an unnamed tributary of Chester Creek in Edgmont Township, Delaware County. The discharge of sediment into an unnamed tributary to Chester Creek occurred after a rainfall event and during the pipe pull-back process. The contractor immediately began to install additional perimeter controls and used a vacuum truck to recover sediment-laden water.

I. On February 12, 2020, the Department observed that after grouting of the bore hole for the HDD 570 Shepherd Lane/Meadow Lane site in Edgmont Township, Delaware County, the grout truck discharged concrete-washout material onto the rock construction entrance.

J. Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202, prohibit the discharge of sewage into waters of the Commonwealth, except as provided under the Clean Streams Law and the Rules and Regulations of the Department.

K. The discharge of sewage into waters of the Commonwealth by SPLP, as described in paragraph E, herein, was not authorized by permit or regulation and thereby constitutes a violation of Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202.

L. Section 301 of the Clean Streams Law, 35 P.S. § 691.301, provides that “[n]o person or municipality shall place or permit to be placed or discharged or permit to flow, or continue to discharge or permit to flow, into any waters of the Commonwealth any industrial wastes, except as hereinafter provided in this act.”

M. Section 307(a) of the Clean Streams Law, 35 P.S. § 691.307(a), in part, provides that “[n]o person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any waters of the Commonwealth unless such discharge is authorized by the rules and regulations of the Department or such person or municipality has first obtained a permit from the department.”

N. The unpermitted discharge of industrial waste to waters of the Commonwealth by SPLP, as described in paragraphs F through I, constitutes a violation of Sections 301 and 307(a) of the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.301 and 691.307(a).

O. Section 91.33(a) of the Department’s rules and regulations, 25 Pa. Code § 91.33(a), states that “it is the responsibility of the person or municipality at the time in charge of the substance or owning or in possession of the premises, facility, vehicle or vessel from or on which the substance is discharged or placed to immediately notify the Department by telephone of the location and nature of the danger and, if reasonably possible to do so, to notify downstream users of the waters.”

P. SPLP’s failure to immediately report the March 26, 2018 and July 6, 2018 incidents constitutes violations of 25 Pa. Code § 91.33(a).

Q. Section 91.34(a) of the Department’s rules and regulations, 25 Pa. Code § 91.34(a), states: “Persons engaged in an activity which includes the impoundment, production, processing, transportation, storage, use, application or disposal of pollutants shall take necessary measures to prevent the substances from directly or indirectly reaching waters of this Commonwealth, through accident, carelessness, maliciousness, hazards of weather or from another cause.”

R. SPLP’s failure to take appropriate measures to prevent the release of a polluting substance from being released to waters of the Commonwealth, as noted in Paragraph’s E through I constitutes violations of 25 Pa. Code § 91.34(a).

S. The violations described in the preceding paragraphs K, N, P, and R constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611; and subject SPLP, to a claim for civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

After full and complete negotiations of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by SPLP as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of the Clean Streams Law, 35 P.S. § 691.605, the Department hereby assesses a civil penalty of **FORTY-ONE THOUSAND and THIRTY-NINE DOLLARS (\$41,039)**, which SPLP hereby agrees to pay.

2. Civil Penalty Settlement. SPLP consents to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full upon signing this CACP. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph K, N, P, and R above, for the date(s) set forth in Paragraphs E through I above. The payment of **(\$41,039)** shall be by corporate check or the like, made payable to "The Commonwealth of Pennsylvania Clean Water Fund" and sent to Mr. Steve Flannery, PA Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

3. Findings.

a. SPLP agrees that the findings in Paragraphs A through I are true and correct and, in any matter or proceeding involving SPLP and the Department, SPLP shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

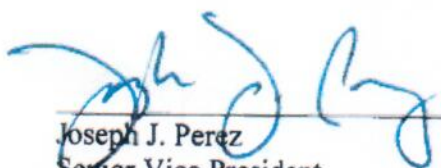
4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. SPLP reserves the right to challenge any action which the Department may take but waives the right to challenge the content or validity of this CACP.

5. Execution of Consent Assessment of Civil Penalty. This CACP may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument. The delivery by any party hereto of a telecopy, facsimile, or PDF by email signature shall have the binding effect as the delivery of an original signature.

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IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of SPLP certify, under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this CACP on behalf of SPLP, that SPLP consents to the entry of this CACP as an ASSESSMENT of the Department; that SPLP hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that SPLP knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

FOR SUNOCO PIPELINE, L.P.:



Joseph J. Perez
Senior Vice President

Diana A. Silva

Diana Silva, Esq.
Attorney for SPLP

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

Thomas L. Magge
Regional Manager
Clean Water Program

William J. Gerlach, Jr.
Assistant Counsel
Office of Chief Counsel

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FOR SUNOCO PIPELINE, L.P.:

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