



Southwest Regional Office

June 13, 2019

NOTICE OF VIOLATION

Via Certified Mail No. 7018 2290 0001 5349 1918 and First-Class Mail

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

RE: Violations of the Clean Streams Law
Violations of the Dam Safety and Encroachments Act
Pennsylvania Pipeline/Mariner East II Project
DEP Permit Nos. ESG0500015001 and E11-352
Jackson Township
Cambria County

Dear Mr. Gordon:

On May 23, 2019, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, LP ("SPLP") of an incident involving a surface fracture observed outside the limit of disturbance ("LOD") of SPLP's above-referenced permits and in wetland O16 in Jackson Township, Cambria County at station number 4923+55 ("Site"). On May 23, 2019, SPLP reported that the fracture formed on May 21, 2019 during installation of the 16" pipe section through wetland O16. SPLP reported that it responded to this incident by: segregating the topsoil layer from the disturbed area of wetland O16, adjusting the subsoil grade back to pre-existing grade, restoring the top soil layer, and stabilizing the disturbed area with seed and straw mulch. SPLP reported that the disturbed area outside the LOD measured approximately 38 feet in length by 8 feet in width.

SPLP performed this restoration work outside the approved LOD and within wetland O16 without permit amendments to the Department-issued permits ESG0500015001 and E11-352 ("Permits"), in violation of Section 402 of the Clean Streams Law, 35 P.S. § 691.402, Section 6 of the Dam Safety and Encroachments Act, 32 P.S. § 693.6, and Section 102.5 of the Regulations, 25 Pa. Code § 102.5. The Department did not authorize this restoration work at the Site by permit, permit amendment, or any other authorization.

The unauthorized restoration work conducted outside the LOD and within wetland O16 constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

In order to assure an appropriate remediation of the Site and the implementation of measures to prevent further incidents, the Department requests that you submit the following to my attention by email at aevan@pa.gov within 5 business days of the date of this letter:

1. Any updated incident reports for the incident and SPLP's remediation thereof – as required by Section E. (Noncompliance Reporting) of the ESG0500015001 Permit.
2. A detailed description of the period of noncompliance, including exact dates and times and/or anticipated time when the activity will return to compliance.
3. Steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
4. The date or schedule of dates and identification of remedies for correcting noncompliance conditions.
5. A complete and technically sufficient application to amend the Permits for the restoration work that has been performed and any additional restoration work to be performed.
6. A discussion of the measures that have been or will be implemented to prevent future incidents.

Please be advised that the Department and/or the Cambria County Conservation District (“CCCD”) will conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the Department may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may achieve compliance with the law. It shall not be construed to waive or impair any rights of the Department, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

I look forward to your cooperation in this matter. If you have any questions, please contact me at 412-442-4127 or aevan@pa.gov.

Sincerely,



Aileen Evan
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways and Wetlands Program

cc: CCCD – via email
Christopher Embry – via email