



December 21, 2017

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 1520 0002 1486 2996

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

Re: Violations of the Clean Stream Law
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
East Goshen Township
Chester County

Dear Mr. Gordon:

The Department of Environmental Protection (DEP) has reviewed your response to the November 28, 2017, Notice of Violation for the failure to notify DEP of a loss of circulation at HDD 471. As of the December 13, 2017, discussion, DEP is pleased that you have committed to notify DEP of losses of circulation moving forward; however, DEP disagrees with your interpretation of the notification requirements for the loss of circulation.

The IR PPC Plan, Section 6.1 bullet point 5 states: "When a drilling fluid discharge or loss of drilling fluid circulation is discovered, the loss of circulation or discharge shall be immediately reported to PADEP." Section 6.5 bullet point 4 states: "When a drilling fluid discharge or loss of drilling fluid circulation is discovered, the loss or discharge shall be immediately reported to PADEP . . ." Both Sections require that a loss of circulation be immediately reported to DEP. These provisions do not differentiate between the first loss and any subsequent loss at the same HDD installation.

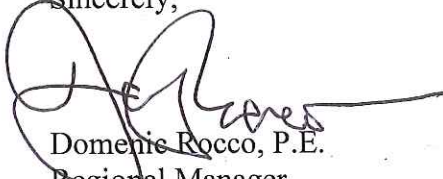
Failing to comply with the IR PPC Plan, DEP Permits E15-862 and ESG 01 000 15 001, and paragraph 15 of the August 10, 2017, Stipulated Order, constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachment Act, 32 P.S. § 693.18.

Please be advised that DEP and/or the Chester County Conservation District will conduct additional inspections of the site. If future inspections reveal that corrective actions have not been made and/or additional violations have occurred, DEP may initiate enforcement action.

This Notice of Violation is neither an order nor any other final action of 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.

I look forward to your cooperation in this matter. If you have any questions, please call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

cc: Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Mr. Sofranko – Chester County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
East Goshen Township
Re 30 (GJS17WAW)355-21