

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2501 85

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2501 92

Re: Violations of The Clean Streams Law
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E38-194
DEP File No NOV 38 17 102
South Annville Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On August 15, 2017, the Department of Environmental Protection (Department) received notice from Sunoco Pipeline, LP (SPLP) of an active release of sediment into Bachman Run (S-A15) as a result of pipeline construction activities near Mount Wilson Road in South Annville Township, Lebanon County ("Site"). Pipeline installation work via an open-cut of Bachman Run was in process. The Department subsequently conducted an inspection of the Site. A copy of the inspection report is enclosed.

During the August 15, 2017 inspection of the Site, the Department documented a discharge of sediment to Bachman Run, 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 E38-194.

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 E38-194 (condition 16), and the regulations at 25 Pa. Code §

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105.46, and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

In accordance with the requirements at Part A.III.E of Permit ESG0300015002, the Department requests SPLP to submit a Non-compliance Report **by August 20, 2017**. Please submit this report to the attention of 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 Bachman Run, 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 BMP adequacy, as designed.

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.

Mr. Matthew Gordon
Mr. Andrew Mack

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DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4763.

Sincerely,



Andrea M. Blosser
Conservation, Restoration, and Inspection Section Chief
Waterways and Wetlands Program

cc: Karl Kerchner—Lebanon County Conservation District
Captain Alan Robinson—PA Fish and Boat Commission, Southcentral Region
Officer Douglas Deppen—PA Fish and Boat Commission, Southcentral Region
Debby Nizer—US Army Corps of Engineers, Baltimore District
Chris Embry—Sunoco Pipeline, LP
Rob Robertson—Spread 5 Lead EI for Sunoco Pipeline, LP
South Annville Township, Lebanon County