

November 16, 2018

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7018 0040 0000 0100 4515
RETURN RECEIPT NO. 9590 9402 3847 8032 5782 54

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

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

Dear Mr. Gordon:

On November 5, 2018, the Department of Environmental Protection (“DEP”) received notice from Sunoco Pipeline, L.P. (“Sunoco”), of a discharge of grout into wetland WL-Q75 (PFO) that occurred from Sunoco’s grouting activities on November 1, 2018, at the Pennsylvania State Turnpike (2) bore crossing (“Site”) located in Upper Uwchlan Township, Chester County. The notice involved a discharge of an unknown quantity of grout in a previously reported subsidence.

The grout was retrieved by hand and moved to within the approved limit of disturbance area.

The grout that comprised the discharge constitutes “Industrial Waste” under Section 1 of the Clean Stream Law, 35 P.S. § 691.1. Wetland WL-Q75 is “Waters of the Commonwealth,” also under Section 1. The unauthorized discharge of Industrial Waste to Waters of the Commonwealth is a violation of Section 301 of the Clean Stream Law, 35 P.S. § 691.301, Conditions C.I. and IX. of Permit ESG 01 000 15 001, and 25 Pa. Code § 96.3(g) (Water quality protection requirements).

The failure to “immediately” notify DEP of the discharge of industrial waste into Waters of the Commonwealth that may “result in pollution or create a danger of pollution” to such waters is a violation of 25 Pa. Code § 91.33(a) (Incidents causing or threatening pollution), 25 Pa. Code § 105.23 (Compliance with other applicable statutes), and Condition QQQ of Permit E15-862.

Allowing the unauthorized discharge of Industrial Waste to Waters of the Commonwealth, and failing to immediately notify DEP of a discharge of Industrial Waste to Waters of the Commonwealth, is a violation of the above statutory, regulatory and permit conditions, and 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.

DEP requests that you submit the following to the attention of Mr. Frank De Francesco via e-mail at fdefrances@pa.gov by **November 29, 2018**:

- A full and complete restoration plan for the area of subsidence within wetland WL-Q75.

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,



John Hohenstein, P.E.
Acting 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
Upper Uwchlan Township
Re 30 (GJS18WAW)320-11