



April 10, 2018

Kelcy Warren, CEO and Chairman of the Board
Energy Transfer Partners, LP
8111 Westchester Drive
Dallas, TX 75225

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Sir or Madam,

This letter provides notification on behalf of the Delaware Riverkeeper Network and the Delaware Riverkeeper, Maya van Rossum, (collectively “DRN”) of the intent to file suit against the Sunoco Pipeline L.P., (“Sunoco” or “you”) for significant and ongoing violations of the federal Clean Water Act (“CWA”), 33 U.S.C. § 1251 *et seq.*, and the Pennsylvania Clean Streams Law (“CSL”), 35 P.S. § 691.1 *et seq.*¹ DRN intends to file suit, as an organization and on behalf of its adversely affected members, in United States District Court seeking appropriate equitable relief, civil penalties, and other relief. We provide this 60-day notice pursuant to section 505(b) of the CWA, 33 U.S.C. § 1365(b)(1)(A), and the CSL, 35 P.S. § 691.601.

DRN intends to take legal action to enforce the Clean Water Act and Clean Streams Law because you are unlawfully discharging pollutants related to construction and operational activities of the Mariner East 2 Pipeline Project (“Project”) without a National Discharge Pollutant Elimination System permit (“NPDES”). *See* 33 U.S.C. §§ 1311(a) and 1342(p)(2)(B); 35 P.S. § 691.1 *et seq.* Sediment-laden water and other pollutants have been discharged into streams and other waters of the United States in a number of counties across the state of

¹ This letter focuses on violations of the CWA, but the analysis applies with equal force to violations of the CSL.

Pennsylvania, including but not limited to: Berks, Blair, Chester, Cumberland, Dauphine, Huntingdon, Lancaster, Lebanon, and Perry counties.

You must apply for and obtain the appropriate NPDES permit from the Pennsylvania Department of Environmental Protection (“Department”), and comply with the requirements contained therein.

I. FACTUAL BACKGROUND

Sunoco Pipeline L.P. is in the process of digging, install, and operating a pair of pipelines as part of a project it calls the Mariner East 2 Project. The Project’s pipelines would cross the state of Pennsylvania and carry highly volatile hazardous liquids at very high pressure to the Marcus Hook Industrial Complex straddling Delaware County, Pennsylvania and New Castle County, Delaware, where such compounds would be stored and shipped overseas. Sunoco does not have a NPDES permit for the construction or operation of the Project as issued by either the Environmental Protection Agency (“EPA”) or a state equivalent from the Department. Construction and operation of the Project has resulted in numerous unlawful discharges of sediment-laden water and other pollutants into waters of the United States in violation of the CWA and CSL.

II. CITIZEN SUIT AUTHORITY UNDER THE CLEAN WATER ACT

The CWA’s Citizen Suit provision provides a cause of action for DRN to file suit against a pipeline company for discharging pollutants without a NPDES permit where the CWA and Environmental Protection Agency (“EPA”) regulations thereunder provide a basis for a claim that a NPDES permit is required for the discharge. Section 505 of the Clean Water Act states that “any citizen may commence a civil action on his own behalf . . . against any person . . . who is alleged to be in violation of . . . an effluent standard or limitation [.]” 33 U.S.C. § 1365(a)(1). The definition of an “effluent standard or limitation” for the purposes of section 505 includes, *inter alia*, an unlawful act under section 301(a) [33 U.S.C § 1311(a)]. 33 U.S.C. § 1365(f). Section 301(a) states:

Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act [33 USCS §§ 1312, 1316, 1317, 1328, 1342, 1344], the discharge of any pollutant by any person shall be unlawful.

33 U.S.C. § 1311(a). Thus, a party alleging that the discharge of a pollutant is unlawful because the discharger has failed to obtain a permit required under Section 402 of the CWA may bring suit because the failure to obtain a permit for the discharge constitutes a violation of 33 U.S.C. § 1311(a). *Association to Protect*

Hammersley, Eld, and Totten Inlets v. Taylor Resources, Inc., 299 F.3d 1007, 1012-1013, 1012 n.4 (9th Cir. 2002) (stating “nothing in the Act limits citizen suits to only those claims where the alleged polluter has obtained an NPDES permit and violated its terms. Suit may also be brought where a party proceeds to discharge pollutants from a point source without a required permit” in finding jurisdiction under 505 for citizen suit claiming that discharge required NPDES permit even where state agency asserted that no NPDES permit was required for the discharge); *Sierra Club, Lone Star Chapter v. Cedar Point Oil Co. Inc.*, 73 F.3d 546, 559 (5th Cir.1996) (“it is clear that a citizen may bring an action under the CWA against any person who is allegedly discharging a pollutant without a NPDES permit”); *West Virginia Highlands Conservancy, Inc. v. Huffman*, 651 F.Supp.2d 512, 518, 528-530 (S.D.W.Va. 2009) (recognizing cause of action under section 505 for citizens to stop the discharge of pollutants without a NPDES permit and concluding the federal district court has jurisdiction to hear the challenge even where the state holds delegated authority to issue or deny the permits in question); *Conservation Law Foundation v. Hannaford Bros. Co.*, 327 F.Supp.2d 325, 329 (D. Vt. 2004) (finding jurisdiction under section 505 where plaintiff alleged that defendant violated 1311(a) by failing to get a NPDES permit for the discharge in question); *see also Decker v. Northwest Environmental Defense Center*, 133 S.Ct. 1326, 1334 (2013) (affirming that district court had jurisdiction to hear citizen suit alleging that defendants had discharged without a NPDES permit where reading of ambiguous EPA regulation could support claim that NPDES permit was required for the discharge in question); *U.S. Pub. Interest Research Group v. Atl. Salmon of Me., LLC*, 339 F.3d 23, 29, 31, 35 (1st Cir.2003) (upholding district court’s grant of injunction in citizen suit to address discharges made without NPDES permit against jurisdictional challenge even where state granted general permit authorization for the discharge after the injunction issued, and terms of state permit where more lenient than requirements of district court’s injunction); *Proffitt v. Rohm & Haas*, 850 F.2d 1007, 1014 n.11 (3d Cir. 1988) (noting that the court made no decision on whether citizen suits could be brought only to enforce terms of an existing NPDES permit because neither party raised the question, and discussing in dictum that other courts recognized federal district court’s jurisdiction to hear citizen suits challenging discharges made without permits).

Pursuant to section 505(b) of the CWA, DRN intends to file suit in the applicable federal district court any time after the sixty (60) day notice period has concluded to enjoin the violations described herein, ensure future compliance, seek penalties, recover attorney fees and cost of litigation, and obtain other appropriate relief.

III. SEDIMENT-LADEN WATER IS A POLLUTANT PURSUANT TO THE CWA AND CSL

According to the Department's Erosion and Sediment Pollution Control Program Manual:

sediment is the greatest pollutant to the surface waters of Pennsylvania. Excess sediments are associated with increased turbidity and reduced light penetration in the water column, as well as more long-term effects associated with habitat destruction and increased difficulty in filtering drinking water. In addition to reducing light penetration, fine sediment (fine sand and smaller) impedes sight-feeding, smothers benthic organisms, abrades gills and other sensitive structures, reduces habitat by clogging interstitial spaces within a stream bed, and reduces the intergravel dissolved oxygen by reducing the permeability of the bed material. The overall effect of fine sediment is to drastically reduce both the kinds and numbers of organisms present. Coarser-grained materials blanket bottom areas and suppress aquatic life found in these areas. Where currents are strong enough to move bedload, the abrasive action of suspended sediment accelerates channel scour... According to the U.S. Environmental Protection Agency (EPA), sediment is the primary stressor for 31% of all declared impaired stream miles in the United States.

See Erosion and Sediment Pollution Control Program Manual, 363-2134-008 (March 2012), xviii-xix; see also Leeward Const., Inc. v. Com., Dept. of Environmental Protection, 821 A.2d 145, 154 (Pa. Cmwlth., 2003) (identifying "sediment as the greatest source of pollution to Commonwealth waters, leading to tremendous ecological and physical damage to streams, rivers, and other water bodies") (other citations omitted); see also National Pollutant Discharge Elimination System Regulations (NPDES) for Revision of the Water Pollution Control Program Addressing Storm Water Discharges, 64 Fed. Reg. 68,722, 68,729 (Dec. 8, 1999) (codified at 40 C.F.R. pts. 122-124 (Westlaw 2009)) ("A highway construction project in West Virginia disturbed only 4.2 percent of a 4.72-square-mile basin, but resulted in a three-fold increase in suspended sediment yields.... During the largest storm event, it was estimated that 80 percent of the sediment in the stream originated from the construction site.... A 1970 study determined that sediment yields from construction areas can be as much as 500 times the levels detected in rural areas").

Sediment discharges also have significant economic impacts. The billions of tons of sediment that reaches ponds, rivers, tributaries, and lakes in the United States need to be dredged to create navigable waterways to the cost of over 500

million dollars. *Erosion and Sediment Pollution Control Program Manual*, at xix. The Department's Erosion Manual further states that:

In 1985, a study by Clark, et. al., estimated that the annual cost of sediment damage in the United States ranged from \$1 billion to \$13 billion (\$2.1 billion and \$27.3 billion in 2011 dollars*). Another study by Osterkamp, et. al. found that the annual costs of water pollution due to sediment in North America approached \$16 billion in 1988 (\$31 billion in 2011 dollars*). It is clear from these studies that the economic damage due to sediment pollution is significant. It is also clear that the benefits of sound erosion control practices during earthmoving operations not only make good sense from an environmental viewpoint, but from an economic one as well.

Id.

As such, the proper regulation of sediment discharges is critical component of the Clean Water Act and the Pennsylvania Clean Streams Law. *See National Pollutant Discharge Elimination System Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges*, 64 Fed. Reg. 68,722, 68,728-29 (Dec. 8, 1999) (codified at 40 C.F.R. pts. 122-124 (Westlaw 2009)) (referencing several reports and studies supporting the EPA's statements that streams were affected by construction activity that led to stream impairment); *Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category*, 73 Fed. Reg. 72,562, 72,564 (proposed Nov. 28, 2008) (to be codified at 40 C.F.R. pt. 450) ("Construction activity typically involves site selection and planning, and land-disturbing tasks such as clearing, excavating and grading. Disturbed soil, if not managed properly, can be easily washed off-site during storm events. Although streams and rivers naturally carry sediment loads, discharges from construction activity can elevate these loads to levels above those in undisturbed watersheds"). Section 301 of the Clean Water Act, prohibits the discharge of any pollutant from a point sources into waters of the United States unless such discharge is authorized pursuant to a National Pollutant Discharge Elimination System ("NPDES") permit. The Department has federally delegated authority to issue permits that meet the requirements of the Clean Water Act's NPDES program. Sunoco never obtained a NPDES permit from the Department for discharges to waters of the United States relating to its construction and operation of the Project. The types of discharges that have occurred, are occurring, and that are likely to continue to occur are not permitted under federal or state law.

IV. SUNOCO IS DISCHARGING POLLUTANTS TO WATERS OF THE UNITED STATES WITHOUT A NPDES PERMIT

Section 402 of the CWA establishes the NPDES program, which allows EPA and states acting under delegated authority to issue NPDES permits for the discharge of pollutants from a point source. 33 U.S.C. § 1342. Any person who discharges a pollutant must apply for a NPDES permit unless they are exempt under the statute or the EPA regulations implementing it. 40 C.F.R. § 122.21(a). Discharges of sediment pollution in stormwater runoff from the pipeline construction absent a NPDES permit violates the CWA where there has been a reportable release of oil/hazardous material, or a contribution to a violation of water quality standards resulting in whole or in part from the runoff. *See* 40 C.F.R. § 122.26(c)(1)(iii).

The Third Circuit has held that “a discharge that is not in compliance with a permit is the archetypal Clean Water Act violation, and subjects the discharger to strict liability.” *United States v. Pozsgai*, 999 F.2d 719, 725 (3d Cir.1993); *see also United States v. Allegheny Ludlum Corp.*, 366 F.3d 164, 175 (3d Cir. 2004); *Natural Resources Defense Council, Inc. v. Loewengart & Co.*, 776 F.Supp. 996, 998 (M.D.Pa.1991); *Public Interest Research Group v. Powell Duffryn Terminals Inc.*, 913 F.2d at 68, 73 n. 10 (3d Cir. 1990) (“the Clean Water Act imposes strict liability. All the plaintiff need do is establish that the defendant violated the terms of its NPDES permit”); *Am. Canoe Assoc., Inc. v. Murphy Farms Inc.*, 412 F.3d 536, 539-40 (4th Cir. 2005) (declining to “graft an exemption onto the jurisdictional requirements of section 505(a) to shield from suit those past violators who have undertaken good-faith remedial efforts at the time of the complaint” and noting that “it is plainly possible for those undertaking good-faith remediation ... nevertheless ‘to be in violation’ of the Act within the meaning of section 505(a), because the CWA creates a regime of strict liability for violations of its standards”) (citation omitted) 33 U.S.C. § 1319(d) (“Any person who violates ... any permit condition ... shall be subject to a civil penalty”).

Pursuant to this strict liability regime, neither the CWA nor its implementing regulations contain an exception for “de minimis” violations. *See Alabama Power Co. v. Costle*, 636 F.2d 323, 360 (D.C. Cir. 1979) (noting EPA’s authority to grant exemptions for de minimis circumstances where doing so would be a reasonable interpretation of the CWA); *Hawaii’s Thousand Friends v. City & Cty of Honolulu*, 821 F. Supp. 1368, 1392 (D. Haw. 1993) (noting that the CWA does not excuse de minimis violations).

To establish liability for a discharge made without a NPDES permit, plaintiffs must show that the defendant (1) discharged or added (2) a pollutant (3)

to waters of the United States (4) from a point source (5) without a required NPDES permit. *West Virginia Highlands Conservancy, Inc. v. Huffman*, 651 F.Supp.2d 512, 518 (S.D.W.Va. 2009); *see also* 33 U.S.C. §§ 1311(a), 1342, 1362(12); *Committee to Save the Mokelumne River v. East Bay Municipal Utility Dist.*, 13 F.3d 305, 308 (9th Cir. 1993); *National Wildlife Fed'n v. Gorsuch*, 693 F.2d 156, 165 (D.C. Cir. 1982).

The CWA prohibits the “discharge of any pollutant” except in compliance with the CWA’s provisions. 33 U.S.C. § 1311(a). The “discharge of a pollutant” is defined as “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12). An “addition” of a pollutant includes human activities that cause sediments from a streambed to be re-suspended in the water column. *Rybachek v. EPA*, 904 F.2d 1276 (9th Cir. 1990).

The statute defines the term “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6); 40 C.F.R. 122.2. It is well-established that Courts and the EPA have both determined that sediment discharged in stormwater run-off is a pollutant. *See, e.g., City of Harrisburg v. Commonwealth of Pennsylvania*, 1996 EHB 709, 751 (1996) (“we conclude that sediment does, indeed, constitute a “pollutant” within the scope of the Clean Water Act”); *Driscoll v. Adams*, 181 F.3d 1285, 1291 (11th Cir. 1999) (sediment composed primarily of sand and silt constitutes a “pollutant.”); *Hughey v. JMS Development Corp.*, 78 F.3d 1523, 1525 n. 1. (11th Cir.1996) (rainwater flowing over land disturbed by grading and clearing falls within the Act’s definition of “pollutant”); *see also NRDC v. EPA*, 526 F.3d 591, 597 (9th Cir. 2008) (discussing EPA determination that sediment discharges in runoff from construction sites cause serious water quality impacts, justifying regulation of stormwater from such sites). Congress knew, when it passed the Energy Policy Act of 2005, that sediment-laden discharge qualified as contaminated discharge under Section 402(1)(2) if it contributed to a violation of a water quality standard. 40 C.F.R. § 122.26(c)(1)(iii)(C) (1990).

It is irrefutable that under Pennsylvania state law sediment-laden runoff constitutes “pollution.” *See, e.g., Community College of Delaware County v. Fox*, 342 A.2d 468, 479 (Pa. Cmwlth. 1975) (pollution includes siltation during the construction process); *Leeward Construction Inc., v. Commonwealth of Pennsylvania*, 821 A.2d 145, 147-149 (Pa. Cmwlth. 2003) (discharge of sediment laden water violated NPDES permit); *Power Operating Company, Inc. v. DEP*, 1997 EHB 1186, 1193 (1997) (sediment laden water constitutes pollution); *DEP v.*

Carbro Construction Corp., 1997 EHB 1204, 1229 (1997) (same); *DEP v. Silberstein*, 1996 EHB 619, 635-36 (1996) (same); *Furnley H. Frish v. DER*, 1994 EHB 1226, 1238 (1994) (same).

The term “navigable waters” means “waters of the United States.” 33 U.S.C. § 1362(7). Waters of the United States has been defined by EPA and United States Army Corps of Engineers (“USACE”) to include wetlands adjacent to waters of the United States, other than waters that are themselves wetlands. 33 C.F.R. § 328.3(a). Wetlands are also “waters of the United States” if there is a significant nexus with a navigable water, meaning the wetlands has a significant effect on the chemical, physical, or biological integrity of a navigable water, or if the wetlands is connected to the navigable water by a relatively permanent or at least seasonally flowing waterbody. *See Rapanos v. U.S.*, 547 U.S. 715, 732, 739, 759, 780 (2006).²

A “point source” is “any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14). The term includes surface runoff collected and channeled by human effort. 40 C.F.R. § 122.2. Bulldozers, backhoes, and earthmoving equipment constitute point sources. *Parker v. Scrap Metal Processors, Inc.*, 386 F.3d 993 (11th Cir. 2004); *U.S. v. Weisman*, 489 F.Supp. 1331 (M.D. Fla. 1980).

A stormwater discharge from an oil and gas operation is **not** exempt from obtaining a NPDES permit once there has been a reportable release of oil or a hazardous substance in the runoff, or if the runoff contributes to the violation of a water quality standard. *See NRDC v. EPA*, 526 F.3d 591 (9th Cir. 2008) (vacating EPA rule that attempted to cut back on 122(c)(1)(iii)(C) by allowing sediment-only discharges from oil and gas operations to remain exempt even where the discharge contributed to the violation of a water quality standard); 40 C.F.R. § 122.26(c)(1)(iii).

Section 93.6 of the Pennsylvania Code is the primary water quality standard that applies to sediment pollution. This provision provides that “[w]ater may not contain substances attributable to point or nonpoint source discharges in concentration or amounts sufficient to be **inimical or harmful** to the water uses to

² *See EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction following the U.S. Supreme Court’s Decision in Rapanos v. United States & Carbell v. United States* (2008), http://www.asce.army.mil/CECW/Documents/cecqo/reg/cwa_guide/cwa_juris_2dec08.pdf (stating that it is EPA and USACE position that satisfying either tests demonstrates jurisdiction).

be protected or to human, animal, plant or aquatic life.” 25 Pa.Code 93.6(a) (General Water Quality Criteria) (emphasis added). “[S]pecific substances to be controlled include, but are not limited to, floating materials, oil, grease, scum and substances that produce color, tastes, odors, **turbidity** or settle to form deposits.” *Id.* at 96.3(b) (emphasis added). Pennsylvania law does not impose any quantitative water quality standard for turbidity or total suspended solids. *See* 25 PaCode § 93.7 (Specific Water Quality Criteria). Because the list of specific water quality criteria in 93.7 “does not include all possible substances that could cause pollution . . . [f]or substances not listed, the general criterion that these substances may not be inimical or injurious to the existing or designated water uses applies.” *Id.* at 93.7(c).

Pennsylvania defines “pollution” as:

contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to **render such waters harmful, detrimental or injurious** to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The department shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined.

35 P.S. § 601.1.

Because Pennsylvania Courts have determined that sediment-laden water constitutes pollution, *see supra* at 6-7, such discharges therefore violate Section 93.6(a) because the discharges are, by definition, inimical or injurious to the existing or designated use of the water receiving the discharge. *See also O’Reilly v. DEP*, 2001 EHB 19, 33 (2001) (“When disturbed earthen materials are exposed to the elements without the protection normally afforded by vegetative cover or pavement, they are prone to wash away, or erode, at a much greater rate than they would when protected. Unless precautions are taken, these eroded earthen materials can then end up as sediment in the waters of the Commonwealth. This excess sedimentation has a **deleterious effect on Pennsylvania’s streams**”) (emphasis added). Additionally, for water designated as Exceptional Value (“EV”)

or High Quality (“HQ”), which are subject to strict anti-degradation requirements, this means that the discharge cannot cause any alteration in the turbidity of the water body. *See* 25 Pa.Code 93.4a(c-d) (“the existing quality. . . shall be maintained and protected”).

Here, Sunoco’s construction and operation activities have resulted in numerous discharges of sediment-laden water and other pollutants into waters of the United States that have contributed to a violation of Pennsylvania’s water quality standards as identified above. Sunoco has done so without a NPDES permit. As such, Sunoco is liable under the CWA and the CSL.

“[A] citizen plaintiff may prove ongoing violations ‘either (1) by proving violations that continue on or after the date the complaint is filed, or (2) by adducing evidence from which a reasonable trier of fact could find a continuing likelihood of a recurrence in intermittent or sporadic violations.’” *Sierra Club v. Union Oil Co. of Cal.*, 853 F.2d 667, 671 (9th Cir. 1988) (*quoting Chesapeake Bay Foundation v. Gwaltney*, 844 F.2d 170, 171–72 (4th Cir. 1998). “Intermittent or sporadic violations do not cease to be ongoing until the date when there is no real likelihood of repetition.” *Id.* (*quoting Gwaltney*, 844 F.2d at 172 (also phrasing the question as “whether the risk of defendant’s continued violation had been completely eradicated when citizen-plaintiffs filed suit”). However, “[w]here, as here, a discharger has failed to obtain a NPDES permit in the first instance (as opposed to having violated the terms of an existing permit), that discharger ‘remains in a state of violation’ as a matter of law.” *See Carr v. Alta Verde Industries, Inc.*, 931 F.2d 1055, 1062 (5th Cir.1991). “Operating without a permit is a present, not a past violation.” *Molokai Chamber of Commerce v. Kukui (Molokai), Inc.*, 891 F.Supp. 1389, 1400 (D.Hawaii, 1995); *see also San Francisco Baykeeper, Inc. v. Moore*, 180 F.Supp.2d 1116, 1122 (E.D.Cal., 2001). Because Sunoco unlawfully discharged sediment-laden water without a permit, it remains in continuous violation even if the initial discharge was addressed.

The discharge of wastewater from any waters of the United States is unlawful unless authorized by a NPDES permit, as defined by Section 402 of the Clean Water Act, or authorized by a “state pollutant discharge elimination system” permit issued as the equivalent of a NPDES permit. Currently Sunoco has three Erosion and Sediment Control permits. Erosion and Sediment Control permits are not NPDES permits, nor do they purport to be. They do not meet and were not designed to meet the requirements of Section 402 of the CWA; they are not federal NPDES permits, or state issued NPDES permits issued as the equivalent of federal NPDES permits. Your permits do not contain conditions adequate to authorize discharge to state waters that are “waters of the United States” within the meaning of the CWA. These Erosion and Sediment Control permits are not designed to

authorize discharge to waters of the United States in compliance with the Clean Water Act's section 402 obligations, and do not impose conditions on your discharge that are necessary to protect waters of the United States and conform to federal law. Since the Erosion and Sediment Control permits were not designed as federally-delegated permits to meet federal standards, they cannot authorize you to discharge pollutants to waters of the United States.

V. EXAMPLES OF DISCHARGES PROHIBITED BY THE CWA AND CSL

Below is a description of twenty-three examples of unlawful discharges of sediment-laden water and other pollutants into waters of the United States by Sunoco that contributed to a violation of Pennsylvania's water quality standards during the construction and/or operation of the Project. Any one of these examples would be sufficient to provide grounds for liability under the CWA and CSL.

The discharges fall into two categories, first are discharges of sediment-laden water as a result stormwater. The second class of discharges are those resulting from inadvertent returns ("IR") of drilling fluids related to Sunoco's hydraulic directional drilling construction efforts.³ The Department's documentation of these incidents are attached as Exhibit A. As a result of Sunoco's demonstrated inability or unwillingness to prevent intermittent and ongoing unlawful discharges from its construction and operational activities, it is likely that the discharges of pollutants into the commonwealth are likely to continue.⁴ You do not have a NPDES permit that covers any of these discharges.

Sediment Laden Stormwater Discharges

On May 9, 2017, the Department documented sediment laden water discharging out of the ground into a basin partially located on the right of way for the Project, and water running down the right of way on the other side of the road and into Clover Creek. The location of this discharge was off Fairview Road in Woodbury Township, Blair County.

³ Sunoco has previously entered into a Consent Agreement with the Department whereby Sunoco agreed to pay \$12.6 million dollars to the Department related to no less than forty notices of violations for discharges of drilling fluids into the waters of the Commonwealth between May 2017 and February 2018. Each of the examples described below post-date that consent agreement.

⁴ It is likely that more unlawful discharges than enumerated herein have occurred and will continue to occur during construction of the Project.

On June 24, 2017, a Sunoco Compliance Report documented sediment laden water depositions into an area over approximately 200 feet of stream channel. Sediment was also deposited within off right-of-way upland areas. The location of this discharge was east of N. Union Street, downslope from future Swatara Creek location, Dauphine County.

On June 28, 2017, the Department documented sediment pollution into Doubling Gap Creek and a downstream pond. The pond is located on the north side of the pipeline in Lower Mifflin Township, Cumberland County.

On June 28, 2017 the Department documented a discharge of sediment-laden water into tributaries of Swatara Creek located East of N. Union Street in Swatara Township & Middletown Borough, Dauphin County.

On July 5, 2017 the Department documented sediment discharges into a pond and other waterbodies. The receiving waters of the discharge was Opossum Creek, in in Lower Frankford Township, Cumberland County.

On July 14, 2017 the Department documented stormwater flows that deposited sediment into vegetated areas and flows and deposits that reached the steam bank and into a waterbody resulting in silt depositions at that location. The general location of the discharge was between station number 10785+73 and 10785+00, Cumberland County.

On July 27, 2017 the Department documented sediment discharges into a number of different streams and wetlands. These waters are located in Lower Swatara Township and Middletown Borough, Dauphin County.

On August 2, 2017, the Department documented an environmental cleanup underway of contaminated soils in the area near Vinemont road, with waters leaving the soil pit. The receiving water was the Cacoosing Creek, located in South Heidelberg, Berks County.

On August 15, 2017, the Department documented an open cut to Bachman Run that was receiving a discharge of sediment laden water as a result of multiple spring seeps. The discharge ran downslope into Bachman Run. The location of the discharge was west of Mt. Wilson Road South Annville Township, Lebanon County. The Department documented plumes of sediment miles downstream from the discharge. Department Personnel also observed potential impacts at a trout hatchery down slope. The Department issued a Notice of Violation for this active release of sediment into Bachman Run.

On August 18, 2017, the Department documented sediment laden water that turned a pond cloudy. The inspection occurred at the cross over at Rock Run, which flows into Conodoguinet Creek. The location of this discharge is in Upper Frankford and North Middleton, Cumberland County. The sediment laden water followed a private access road until it hit a water bar and flowed down slope through a wooded area and into Rock Run at a point 30 feet south. Sediment deposition was observed in the floodway at the point the flow entered Rock Run and in the stream bed between the point of entry and downstream pond 700 feet to the south.

On August 21, Department personnel arrived on site to multiple complaints of sediment-laden water being discharged into the East Branch of the Conestoga River in the area of Joanna Road. A video showed heavy flows of sediment-laden water coming off Joanna Road. The impacted area was located in South Heidelberg Township, Berks County.

On September 11, 2017 The Department documented an open cut to Hammer Creek and associated wetland with a heavy sediment discharge in and near the wetland. The open trench was completely filled with water. The location was a tributary to Hammer Creek in Heidelberg Township, Lebanon County.

On September 11, 2017 the Department documented an open cut to Bachman Run where there was standing water in the access road and north of the access road adjacent to the stream. There was 1-5 inches of accumulated sediment in the stream. The location of this discharge was in South Annville Township, Lebanon County.

On September 12, 2017 the Department documented upland soils had been deposited within a wetland. The sediment also traveled downslope and deposited into a streambed. The incident occurred in Spring Township, Berks County and the water affected was an unidentified tributary to Cacoosing Creek.

On September 14, 2017 the Department documented discharges of turbid water into a wetland in addition to discharges upslope of the wetland. The waters affected were wetlands and tributaries of Little Cocalico Creek located immediately east of Swamp Church road in West Cocalico Township, Lancaster County.

On September 18, 2017 the Department documented a pollution event of a wetland. One cubic yard of soil and rock had fallen into the wetland. The location of the discharge was North Middleton, Cumberland County. The water affected was an unidentified tributary into Meetinghouse Run.

On September 20, 2017 the Department documented sediment laden water discharging into a wetland and waterbody. The receiving water was Meetinghouse Run, a tributary of Conodoguinet located in North Middleton, Cumberland County.

On October 31, 2017 the Department documented a discharge of sediment-laden water into an unnamed tributary to Killinger Creek. The creek is located in South Londonderry Township, Lebanon County.

Inadvertent Returns

On February 27, 2018 the Department received notice from Sunoco of an IR of 100 gallons of drilling fluids into an unnamed tributary to Locust Creek and associated wetland in Lower Frankford Township, Cumberland County.

On March 15, 2018 the Department received notice from Sunoco that an inadvertent return of approximately 200 gallons of drilling fluids within a wetland in Frankstown Township, Blair County.

On March 15, 2018 the Department received notice from Sunoco of an IR of drilling fluids in Snitz Creek located in West Cornwall Township, Lebanon County.

On March 19, 2018, the Department received notice from Sunoco that a drill pit in Frankstown Township, Blair County was overflowing, resulting in the discharge of drilling fluids into the adjacent Frankstown Branch Juniata River. The discharge was visible for 1.5 miles downstream. Sunoco reported that groundwater was being released into the pit at a rate of 500 gallons a minute.

On March 26, 2018 the Department received notice from Sunoco of an IR of less than one gallon of drilling fluids within a wetlands located in Shirley Township, Huntingdon County.

On March 29, 2018 the Department received notice from Sunoco of an IR of less than one gallon of drilling fluids within a wetlands in Toboyne Township, Perry County.

VI. RELIEF REQUESTED

The relief requested includes but is not limited to you obtaining NPDES permit coverage and correction of all identified violations through direct implementation of control measures and demonstration of full regulatory

compliance. Further you are required to take restorative measures and to cleanup any aforesaid and/or other unlawful discharges and releases.

Should legal action be required, DRN will request that the court to order you to comply with the Clean Water Act, to pay penalties, and to pay costs and legal fees. More specifically, DRN will seek declaratory relief and injunctive relief to prevent further violations of the Clean Water Act pursuant to Sections 505 of that act, and such other relief as permitted by law.

Please note the each separate violation of the Clean Water Act subjects you to a penalty not to exceed \$37,000 per day for each violation. DRN will seek the full penalties allowed by and appropriate under governing law. Lastly, pursuant to Section 505(d) of the Clean Water Act, DRN will seek recovery of their litigation fees and costs (including reasonable attorney and expert witness fees) associated with this matter.

VII. PERSONS GIVING NOTICE

The full name, address, and telephone number of the persons giving notice are as follows:

Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19107
Phone: 215.369.1188
Fax: 215.369.1181
Attn: Maya van Rossum

VIII. IDENTIFICATION OF COUNSEL

Aaron Stemplewicz
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19107
Phone: 215.369.1188
Fax: 215.369.1181
aaron@delawareriverkeeper.org

IX. CONCLUSION

The foregoing provides more than sufficient information to permit you to identify the specific standard, limitation, or order alleged to have been violated, the

activities alleged to constitute a violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name, address, and telephone number of the person giving notice. 40 C.F.R. § 135.3(a).

Every day upon which you have discharged polluted water without a NPDES permit is a separate violation of the Clean Water Act and of EPA's regulations implementing the Clean Water Act. You are liable for the above-described violations occurring prior to the date of this letter, and for every day after the date of this letter that the violations remain ongoing. In addition to the violations set forth above, this Notice covers all violations of the Clean Water Act evidenced by information that becomes available to DRN after the date of this Notice of Intent to File Suit. These violations are ongoing, and barring full compliance with the permitting requirements of the Clean Water Act these violations will continue.

If you wish to pursue discussions DRN, please contact the undersigned attorney immediately so that negotiations may be completed before the end of the sixty-day notice period. Notwithstanding DRN's desire to work with you to help you protect public health, and bring your facilities into compliance with the federal and state environmental laws discussed, the fact remains that you are discharging pollution to waters of the United States without the permit required under the CWA. You must obtain coverage under a NPDES permit. Accordingly, we do not intend to delay the filing of a complaint in federal court, regardless of whether discussions are continuing at the conclusion of this period.

/s/ Aaron Stemplewicz

Aaron Stemplewicz
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19107
Phone: 215.369.1188
Fax: 215.369.1181
aaron@delawareriverkeeper.org

Counsel for: *Petitioners Delaware Riverkeeper Network and the Delaware Riverkeeper*

cc:

Jeff Sessions, Attorney General

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Scott Pruitt, Administrator
Environmental Protection Agency, Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Cosmo Servidio, EPA Region 3 Administrator
Environmental Protection Agency
1615 Arch Street
Philadelphia, PA 19103-2029

Patrick McDonnell, Secretary
Pennsylvania Department of Environmental Protection
400 Market Street
Harrisburg, PA 17101

Patrick Paterson, Southeast Regional Director
Pennsylvania Department of Environmental Protection
2 East Main Street
Norristown, PA 19401

Matthew Gordon, Director of Special Operations
Sunoco Pipeline
525 Fritztown Road
Sinking Springs, PA 16908

Robert Fox, Partner
Manko, Gold, Katcher & Fox LLP
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004

EXHIBIT A



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

October 31, 2017

NOTICE OF VIOLATION

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

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

Re: Violations of The Clean Streams Law
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E38-197
DEP File No NOV 38 17 104
South Londonderry Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On October 12, 2017, the Department of Environmental Protection (“Department”) conducted an inspection of pipeline construction activities associated with Sunoco Pipeline L.P.’s Mariner East II Project in South Londonderry Township (“Site”). During this inspection, the Department documented a discharge of sediment to an unnamed tributary (“UNT”) to Killinger Creek, 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 E38-197.

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 E38-197 (condition 16) and the regulations at 25 Pa. Code § 105.46, and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

While corrective action photos were submitted on October 17, 2017, in accordance with the requirements at Part A.III.E of Permit ESG0300015002, the Department requests Sunoco

Mr. Matthew Gordon
Mr. Andrew Mack

- 2 -

October 30, 2017

Pipeline, L.P. and Welded Construction, L.P. to submit a Non-compliance Report by **November 3, 2017**, to 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 Killinger Creek, with a schedule for implementation of those remedies.

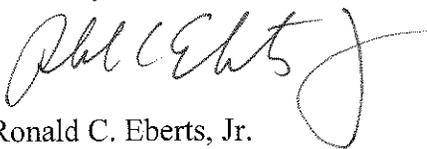
Additionally, when BMPs are found to be inoperative or ineffective, a licensed professional shall be consulted to ensure that each BMP is adequately functioning according to its design.

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.

DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4189.

Sincerely,



Ronald C. Eberts, Jr.
Environmental Protection Compliance Specialist
Waterways and Wetlands Program



COPY

Permit No. ESG0300015002
Report No. 2

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project-Spread 3 Inspection Date 5/9/2017 Inspection Time 9:00am
Weather Conditions 70 Degrees sunny Rain the week before Total Project Area _____
Location Off Fairview Road in Woodbury Township Plan Sheet ES3.71 Total Disturbed Area _____
Municipality Woodbury Twp County Blair
Receiving Water(s) Clover Creek Designated/Existing Use _____

Responsible Party(s) Sunoco Pipeline Attn: Matthew Gordon Union Pipeline, Inc. Attn: Paul Cameron
(name & address) LP 535 Fritztown Road 100 Brady Place
Sinking Spring, PA 19608 New Stanton, PA 15672
Phone (____) _____ (____) _____

Site Representative (name) Thomas Boone Inspector (name) Diane Thomas
(title) Environmental Inspector (title) Resource Conservation Technician

Type of Inspection (check only one) Photographs Taken Yes No
Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations At the time of inspection it was observed: A) Rock Construction Entrances with wash racks installed at both access points off Fairway Road. B) Right of Way cleared of topsoil. C) Top soil stockpiled to the side of the Right of Way and stabilized with seed and mulch, D) Water bars installed on the slopes of the right of way, E) Water is flowing out of the ground and into a basin partially located on the right of way for the pipeline, F) A timber mat bridge has been installed over the wet area where water is coming out of the ground, G) Sediment barriers have been placed at the outlet of the basin to reduce the sediment that is leaving the site. H) Water is running down the Right of Way on the other side of the road

Continued on page 3 of ____.

Permit and Plan Requirements		Type of Activity (check as many as appropriate)	
Y	N	<input type="checkbox"/>	Other _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pub. Road Constr./Maint. (PRC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Res. Subdivision (RSBD)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Govmt. Facilities (GOV)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities Facilities (UTL)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sewer/Water Systems (SWS)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remediation/Restoration (RRES)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pipeline (PL)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Silviculture (SILV)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pvt. Road/Residence (PRRS)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comm./Indust. Dev. (CMIN)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreation Facilities (RECF)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricul. Activities (AGA)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESCGRP Permit required
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Non-Phased Constr.
Permit #: <u>ESG0300015002</u> Exp. Date: _____			

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:



Permit No. ESG0300015002
 Report No. 2

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project-Spread 3 **Inspection Date** 5/9/2017 **Inspection Time** 9:00 am

Inspection Findings

No violations observed at this time.

Reference

- | | |
|--|---|
| No violations observed at this time. | <input type="checkbox"/> (N/A) |
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.



Permit No. ESG0300015002
Report No. 2

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project-Spread 3 Inspection Date 5/9/2017 Inspection Time 9:00 am

Continuation Sheet

Site Description & Observations

Compliance Assistance Measures You should: 1) Submit to the District, a red line revision for review and approval before doing any further work in the wet trouble area of the site. 2) Maintain all sediment barriers but especially the ones at the outlet area of the basin, 3) Install Silt Sock on slope of right of way to reduce the amount of sediment entering the basin. 4) Continue to keep the Conservation District apprised of the situation until a Red Line Revision has been approved. 5) Recommend that a water bar or two be installed on the slope of the site on opposite side of the road to reduce gully erosion.

Follow-up Inspection will occur on or about (date) as needed

(Signature of Site Representative) _____
(Date) Diane Thomas May 15, 2017
(Inspector's Signature) (Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.



Permit No. ESG0300015002
Report No. CS4-3

EARTH DISTURBANCE INSPECTION REPORT

Project Name Sunoco PA Pipeline **Inspection Date** 6/28/2017 **Inspection Time** 12:30
Weather Conditions Mostly Sunny/Partly Cloudy 70oF --> 80oF **Total Project Area** 121 Ac.
Location E of N Union Street (Station 11408+00 to Station 11414+00) **Total Disturbed Area** 121 Ac.
Municipality Lower Swatara Twp & Middletown Boro **County** Dauphin County
Receiving Water(s) x3 UNT to Swatara Creek/Swatara Creek **Designated/Existing Use** WWF/WWF

Responsible Party(s) Sunoco Pipeline, LP Precision Pipeline, LLC
 (name & address) 535 Fritztown Rd. 3314 56th Street
 Sinking Spring, PA 19608 Eau Claire, WI 54703
Phone (610) 670-3284 ()

Site Representative (name) Matt Miller **Inspector** (name) Richard L. Snyder, CPESC
 (title) Precision Pipeline, LLC (title) Resource Conservationist, DCCD

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations In Response to a Notification of E&S Best Management Practice (BMP) Failure / Sediment Discharge, a Routine Inspection (Partial) was Conducted / Completed; Whereby, the Inspector Observed the Following:

** Station 11408+00 to the Temporary Equipment Crossing Over S-C55 -- One (1) Section of 24" Compost Filter Sock / a Permanent Water Bar with Stacked 18" Compost Filter Sock / One (1) Section of 24" Compost Filter Sock / a Permanent Water Bar with Stacked 18" Compost Filter Sock / One (1) Section of 24" Compost Filter Sock / a Stacked 18" Compost Filter Sock / Four (4) Permanent Water Bars with Both Erosion Control Blanket and Stacked 18" Compost Filter Sock / a Permanent Water Bar with a Sump / Two (2) Stacked 18" Compost Filter Socks / Erosion Control Blanket were Installed.

** Temporary Equipment Crossing Over S-C55 -- Installed / Constructed as a Temporary Equipment Bridge Stream Crossing. One (1) Sediment Filter Log (Fiber Log) with Stacked 18" Compost Filter Sock / Timber Mat Temporary Equipment Bridge / One (1) Sediment Filter Log (Fiber Log) with Stacked 18" Compost Filter Sock were Installed / Constructed.

Continued on page 3 of 7

Permit and Plan Requirements	Type of Activity (check as many as appropriate)
Y N	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> <input type="checkbox"/> Written Erosion & Sediment Plan required	<input type="checkbox"/> Pub. Road Constr./Maint. (PRC) <input checked="" type="checkbox"/> Pvt. Road/Residence (PRRS)
<input checked="" type="checkbox"/> <input type="checkbox"/> Written Post Construction Stormwater Management Plan required	<input type="checkbox"/> Res. Subdivision (RSBD) <input type="checkbox"/> Comm./Indust. Dev. (CMIN)
<input type="checkbox"/> <input checked="" type="checkbox"/> Erosion & Sediment Plan requested	<input type="checkbox"/> Govmt. Facilities (GOV) <input type="checkbox"/> Recreation Facilities (RECF)
<input type="checkbox"/> <input checked="" type="checkbox"/> Post Construction Stormwater Management Plan requested	<input checked="" type="checkbox"/> Utilities Facilities (UTL) <input type="checkbox"/> Agricul. Activities (AGA)
<input type="checkbox"/> <input checked="" type="checkbox"/> E & S Permit required <input checked="" type="checkbox"/> ESCGP Permit required	<input type="checkbox"/> Sewer/Water Systems (SWS) <input checked="" type="checkbox"/> Pipeline (PL)
<input type="checkbox"/> <input checked="" type="checkbox"/> NPDES Permit required	<input type="checkbox"/> Remediation/Restoration (RRES) <input checked="" type="checkbox"/> Silviculture (SILV)
<input checked="" type="checkbox"/> Phased Constr. <input type="checkbox"/> Non-Phased Constr.	

Permit #: ESG0300015002	Exp.	Date:
02/12/2022		

White - Inspector

Yellow - Responsible Party

Pink - Department

Goldenrod - Other

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:



Permit No. ESG0300015002
Report No. CS4-3

EARTH DISTURBANCE INSPECTION REPORT

Project Name Sunoco PA Pipeline Inspection Date 6/28/2017 Inspection Time 12:30

Inspection Findings

Reference

No violations observed at this time.

(N/A)

- | | |
|--|---|
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input checked="" type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input checked="" type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input checked="" type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

Page 2 of 7

White - Inspector Yellow - Responsible Party Pink - Department Goldenrod - Other

SCRO 004930



Permit No. ESG0300015002
Report No. CS4-3

EARTH DISTURBANCE INSPECTION REPORT

Project Name Sunoco PA Pipeline Inspection Date 6/28/2017 Inspection Time 12:30

Continuation Sheet

Site Description & Observations ** Temporary Equipment Crossing Over S-C55 to Station 11414+00 -- Erosion Control Blanket / Two (2) Sections of 24" Compost Filter Sock / Two (2) Stacked 18" Compost Filter Socks / a Permanent Water Bar with Stacked 18" Compost Filter Sock / a Stacked 18" Compost Filter Sock / a Permanent Water Bar with Stacked 18" Compost Filter Sock / a Stacked 18" Compost Filter Sock / a Permanent Water Bar with Stacked 18" Compost Filter Sock / a Stacked 18" Compost Filter Sock / One (1) Section of 18" Compost Filter Sock / a Permanent Water Bar with Stacked 18" Compost Filter Sock / One (1) Section of 24" Compost Filter Sock / Three (3) Stacked 18" Compost Filter Socks were Installed.

D. & E.: Three (3) Sections of 12" Compost Filter Sock Between Station 11408+00 and the Temporary Equipment Crossing Over S-C55 -- Not Installed.

D. & E.: Four (4) Sections of 18" Compost Filter Sock Between Station 11408+00 and the Temporary Equipment Crossing Over S-C55 -- Not Installed.

D. & E.: Temporary Equipment Crossing Over S-C55 -- 50' Stabilized Access to Crossing Not Provided on Both Sides of S-C55 as per Note 10. of the Temporary Equipment Bridge Stream Crossing Detail.

D. & E.: Three (3) Sections of 18" Compost Filter Sock Between the Temporary Equipment Crossing Over S-C55 and Station 11414+00 -- Not Installed.

D. & E.: One (1) Section of 32" Compost Filter Sock Between the Temporary Equipment Crossing Over S-C55 and Station 11414+00 -- Not Installed.

D. & E.: Two (2) Stacked 18" Compost Filter Socks Between the Temporary Equipment Crossing Over S-C55 and Station 11414+00 -- Not Installed at Existing Level Grade.

D. & E.: One (1) Section of 18" Compost Filter Sock Between the Temporary Equipment Crossing Over S-C55 and Station 11414+00 -- Not Installed at Existing Level Grade.

S.: The Site Representative Indicated that the Disturbed Areas Between Station 11408+00 and Station 11414+00 Remained Unworked in Excess of Four (4) Consecutive Days; Whereby, the Inspector Observed Evidence of Accelerated Erosion About the Earth Disturbance Site. The Responsible Parties Failed to Provide Temporary Stabilization of the Earth Disturbance Site.

U.: The Responsible Parties Failed to Comply with Permit Conditions.

V.: On 06/27/2017, Sean Wright (TetraTech) Provided Notification of Sediment or Other Pollutant Discharge to / into S-C55. The Site Representative Indicated that, to the Maximum Extent Practical, Silt / Sediment / Mud was Manually Removed from S-C55; However, the Inspector Observed Silt / Sediment / Mud to / into S-C55.

W.: Site Conditions Present a Potential for Pollution to Waters of the Commonwealth.

** Attendees: Richard L. Snyder (DCCD), Matt Miller (Precision Pipeline, LLC), Sean Wright (TetraTech), and Adam Fisher (TetraTech).



June 29, 2017

Via Certified Mail # N/A

Matthew Gordon
Sunoco Pipeline, LP
535 Fritztown Road
Sinking Springs, PA 19608

David Bell
Precision Pipeline, LLC
3314 56th Street
Eau Claire, WI 54703

RE: PA Pipeline Project/Mariner East II, Lower Mifflin Township, Cumberland County, PA

Dear Mr. Gordon and Mr. Bell:

On **06/29/2017**, representatives of the Cumberland County Conservation District conducted an inspection of earthmoving activities at the above referenced site. A copy of the inspection report is enclosed for your use.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative is an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Conservation District or the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

Reference is made to the previous inspection report(s) dated **06/22/2017**(copy enclosed) for this site wherein violations of the Rules and Regulations and the Clean Streams Law were also documented. Please be advised that the Conservation District and/or representatives of the Department will conduct additional inspections of the site.

This report does not constitute an Order or appealable action of the Conservation District or Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

The blocks checked on page 2 of the report references which sections of the laws have been violated. Please submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced above. Your cooperation in resolving these matters is greatly appreciated. If you have any questions regarding this matter please contact me at 717-240-7838.



Sincerely,



Matthew Stough
Conservation Coordinator

cc: Brandi Lay (lowermifflintwp@embarqmail.com), Lower Mifflin Township
Sean Wright (ssrt69@gmail.com)
Chad Ward (cward@precisionpipelinellc.com)
Ronnie Michal Kovich (rmichalkovich@precisionpipelinellc.com)
Ron Eberts (reberts@pa.gov), PA DEP
Lauren Carter (Carter.E.Lauren@gmail.com),
District File



Permit No. ESG0300015002
Report No. 17-14

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II **Inspection Date** 6/29/2017 **Inspection Time** 2 PM
Weather Conditions Clear **Total Project Area** 306 acres
Location ROW between Pipeline Rd and Perry County **Total Disturbed Area** 306 Acres
Municipality Lower Mifflin Twp **County** Cumberland
Receiving Water(s) UNT to Doubling Gap Creek **Designated/Existing Use** HQ-CWF

Responsible Party(s) Matthew Gordon - Sunoco Pipeline, LP David Bell - Precision Pipeline, LLC
(name & address) 535 Fritztown Road 3314 56th Street
 Sinking Springs, PA 19608 Eau Claire, WI 54703
Phone () ()

Site Representative (name) Lauren Carter **Inspector** (name) Matthew Stough
(title) Environmental Inspector (title) Conservation Coordinator

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations Sean Wright notified our office of a sediment pollution event to the UNT to Doubling Gap Creek and a downstream pond on 6/28/17. According to Sean this event occurred during the rain events over the weekend of 6/24/17 & 6/25/17. This inspection is a documentation of that event. An inspection of this area was conducted on 6/22/17 and documented on report #17-10 which noted no violations. Sediment laden water overwhelmed silt sock along the north side of the ROW at station # 9184+00. There is a two track access road for a private cabin at this location. The sediment laden water left the ROW via this access road and traveled through a wooded area and entered an UNT to Doubling Gap Creek (S-J44). (Violation 401CSL) The sediment laden water flowed in this creek to a pond on the property of Jay & Louise Ginter at 119 Pipeline Rd. This pond is located on the north side of Pipeline Rd. The sediment impacts downstream of this pond appear to be very minimal.

Continued on page 3 of 4 MAS

Permit and Plan Requirements	Type of Activity (check as many as appropriate)																																																																																	
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Permit No. ESG0300015002
Report No. 17-14

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 6/29/2017 Inspection Time 2 PM

Inspection Findings

No violations observed at this time.

Reference

- | | |
|---|---|
| <ul style="list-style-type: none"> a. Failure to develop a written Erosion and Sediment (E&S) Plan. b. Failure to have an E&S Plan available onsite. c. Failure to submit an E&S Plan as requested. d. Failure to implement effective E&S Best Management Practices (BMPs). e. Failure to maintain effective E&S BMPs. f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. h. Failure to obtain an E&S Permit. i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. j. Failure to submit a Notice of Termination (NOT). k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. l. Failure to have PCSM Plan/Restoration Plan available onsite. m. Failure to submit PCSM Plan/Restoration Plan as requested. n. Failure to implement effective PCSM BMPs. o. Failure to maintain effective PCSM BMPs. p. Failure to perform reporting and recordkeeping as required. q. Failure to implement riparian buffer or riparian forest buffer. r. Failure to meet regulatory requirements for riparian forest buffer. s. Failure to provide temporary stabilization of the earth disturbance site. t. Failure to provide permanent stabilization of the earth disturbance site. u. Failure to comply with permit conditions. v. Sediment or other pollutant was discharged into waters of the Commonwealth. w. Site conditions present a potential for pollution to waters of the Commonwealth. x. Failure to comply with a Department Order. y. Failure to comply with PCSM long-term operation and maintenance requirements. z. Failure to conduct a preconstruction meeting. aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <ul style="list-style-type: none"> <input type="checkbox"/> (N/A) <input type="checkbox"/> (102.4) <input type="checkbox"/> (102.5) <input type="checkbox"/> (102.5) <input type="checkbox"/> (102.5) <input type="checkbox"/> (102.7) <input type="checkbox"/> (102.8) <input type="checkbox"/> (102.14) <input type="checkbox"/> (102.14) <input type="checkbox"/> (102.22) <input type="checkbox"/> (102.22) <input type="checkbox"/> (402 CSL) <input checked="" type="checkbox"/> (401 CSL) <input type="checkbox"/> (402 CSL) <input type="checkbox"/> (402, 611 CSL) <input type="checkbox"/> (102.8) <input type="checkbox"/> (102.5) <input type="checkbox"/> (102.6) <input type="checkbox"/> (102.43) |
|---|---|

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.



Permit No. ESG0300015002

Report No. 17-14

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 6/29/2017 Inspection Time 2 PM

Continuation Sheet

Site Description & Observations There is some sediment deposition in the UNT to Doubling Gap Creek from the point of entry downstream to the pond on Pipeline Rd. The pond water was cloudy with suspended sediment. The silt sock at station # 9184+00 has been reinforced with 36 in silt fence in front of it and Lauren Carter said that a triple stack sock will be installed to replace the single silt sock that failed.

Compliance Assistance Measures _____

Follow-up Inspection will occur on or about (date) TBD

(Signature of Site Representative) _____ (Date)  (Inspector's Signature) 6/29/2017 (Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

4 of 4

PHOTOS CONT'D



Station #:	11410+00
MP:	
Direction:	facing South

Comments: 6/26/17; 11410+00 facing S towards personnel removing sediment from off-ROW area of Waterbody S-C55 channel on tract PA-DA-0030.0000



From: Snyder, Richard L.
Sent: Thursday, July 27, 2017 10:48 AM
To: 'Eberts, Ron'; 'Blosser, Andrea'
Cc: Christoff, Robert J.; Naguski, Eric A.
Subject: Sunoco PA Pipeline -- Notification of Sediment Discharge

Ron and Andrea,

Given this Past Weekend's Runoff Event(s), Sean Wright (TetraTech) Provided Notification of Sediment Discharge to / into the Following Waters of the Commonwealth:

- ** Wetland B-76
- ** Wetland W-C27
- ** Wetland W-B62
- ** Stream S-C55
- ** Stream S-C52
- ** Stream S-A34 & S-A34A
- ** Stream S-B75
- ** Wetland W-A17
- ** Stream S-B72

Reviewing Previous Notifications of Sediment Discharge, Stream S-C55 has been Impacted by Sediment Discharge Three (3) Times During the Past Month.

If you have Any Questions and / or Comments, Please Feel Free to Contact me at your Convenience.

Thanks,
Richard L. Snyder, CPESC
Resource Conservationist
Dauphin County Conservation District
(717) 921-8100

From: Snyder, Richard L.
Sent: Tuesday, June 27, 2017 10:39 AM
To: 'Eberts, Ron'; Blosser, Andrea
Cc: nathcrawfo@pa.gov; Williamson, Scott; Christoff, Robert J.; Naguski, Eric A.
Subject: Sunoco PA Pipeline -- Reported Sediment Pollution Event

Importance: High

Ron and Andrea:

I Just Received a Telephone Call from Sean Wright (TetraTech), Reporting a Sediment Pollution Event in Lower Swatara Township / Middletown Borough, Dauphin County. Mr. Wright Indicated that Sediment was Discharged Both into S-C55 (UNT to Swatara Creek) and Off the Right-Of-Way; Whereby, Mr. Wright Indicated that the Sediment Discharge Resulted from Subsequent Storms, and the E&S Best Management Practices (BMPs) Being Overwhelmed.

Mr. Wright Indicated that Crews from Precision Pipeline are Currently at the Discharge Site Removing Sediment from Both S-C55 and Adjacent Properties, and Reinstalling the Affected E&S BMPs.

I will be Responding to the Discharge Site Approximately 11:00 A.M.. Given that Sediment was Discharged into S-C55, does a Representative from DEP SCRO Need to Respond?

Thanks,
Richard L. Snyder, CPESC
Resource Conservationist
Dauphin County Conservation District
(717) 921-8100

July 6, 2017

Matthew Gordon
Sunoco Pipeline, LP
535 Fritztown Road
Sinking Springs, PA 19608

David Bell
Precision Pipeline, LLC
3314 56th Street
Eau Claire, WI 54703

RE: PA Pipeline Project/Mariner East II, Lower Frankford Township, Cumberland County, PA

Dear Mr. Gordon and Mr. Bell:

On **July 5, 2017**, representatives of the Cumberland County Conservation District conducted an inspection of earthmoving activities at the above referenced site. A copy of the inspection report is enclosed for your use.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative is an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Conservation District or the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Conservation District or Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

The blocks checked on page 2 of the report references which sections of the laws have been violated. Please submit a written reply to this letter detailing the corrective measures taken or planned to correct the violations referenced above. Your cooperation in resolving these matters is greatly appreciated. If you have any questions regarding this matter please contact me at 717-240-7838,



Permit No. ESG0300015002
 Report No. 17-15

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II **Inspection Date** 7/5/2017 **Inspection Time** 1:30 PM
Weather Conditions Clear **Total Project Area** 306 acres
Location ROW between Easy Rd and Mt Zion Rd **Total Disturbed Area** 306 Acres
Municipality Lower Frankford Twp **County** Cumberland
Receiving Water(s) UNT to Opossum Creek **Designated/Existing Use** HQ-TSF

Responsible Party(s) Matthew Gordon - Sunoco Pipeline, LP David Bell - Precision Pipeline, LLC
 (name & address) 535 Fritztown Road 3314 56th Street
 Sinking Springs, PA 19608 Eau Claire, WI 54703
Phone () _____ () _____

Site Representative (name) _____ **Inspector** (name) Matthew Stough
 (title) _____ (title) Conservation Coordinator

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations The complainant's concerns were that the crossings shown on sheet ES-4.35 were not properly stabilized after the pipes were installed and erosion occurred and sediment got into a pond downstream of the crossing over WL-I53 & S-I80. The Complainant also indicated that the coconut fiber socks are not being placed across the ROW at the end of the day. I conducted an inspection of the two crossing on sheet ES-4.35, crossing over WL-I53/S-I80 & WL-I52/S-I79. Both the 16" and 20" pipes have been installed at both crossing. Silt sock and silt fence are installed at the boundaries of the wetlands. The area of WL-I53 in the ROW did not have the erosion control matting (ECM) shown on the plans installed. (Violations 102.4, 402CSL, 102.22)

MDS

Continued on page 3 of 4

Permit and Plan Requirements	Type of Activity (check as many as appropriate)																																																								
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Permit #: <u>ESG0300015002</u> Exp. Date: <u>2/12/2022</u>																																																									



Permit No. ESG0300015002
Report No. 17-15

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 7/5/2017 Inspection Time 1:30 PM

Continuation Sheet

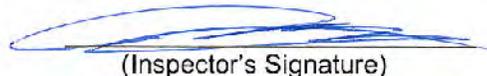
Site Description & Observations The channel of stream S-180 did not appear to have the ECM shown on the plan installed and a section of this channel appears to have eroded allowing sediment laden water to enter an UNT to Opossum Creek (S-180). (Violations 102.4, 401CSL, 102.22) It appears that sediment deposition may have occurred in the UNT to Opossum Creek (S-180) between the ROW and a pond about 150ft downstream. The wetland and stream crossing at WL-152 & S-179 has not been stabilized on the stream bank or in the area to 50ft back from top of bank. (Violations 102.22, 402CSL)

Compliance Assistance Measures All streams, rivers, wetlands, or other water body utility crossings that will be open cut should conform to the notes on sheet ES-0.04 of the approved E&S plans. The PPC plan that was approved as part of this permit should be followed. Please provide a non-compliance report for this pollution event.

Follow-up Inspection will occur on or about (date) TBD

(Signature of Site Representative)

(Date)


(Inspector's Signature)

7/5/2017
(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

White - Inspector

Yellow - Responsible Party

Pink - Department

Goldenrod - Other



Permit No. ESG0300015002
Report No. 17-13

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project **Inspection Date** 9/12/2017 **Inspection Time** 10:00AM
Weather Conditions Clear **Total Project Area** 234
Location Multiple **Total Disturbed Area** 234
Municipality Spring Township/Multiple **County** Berks
Receiving Water(s) Unt to Cacoosing Creek/Multiple **Designated/Existing Use** CWF,MF

Responsible Party(s) Matthew Gordon/Sunoco Pipeline, L.P. Andrew Mack/Welded Construction, L.P.
 (name & address) 535 Fritztown Road PO Box 470
 Sinking Spring, PA 19608 Perrysburg, OH 43552
Phone (610) 216-0583 ()

Site Representative (name) Rob Robertson **Inspector** (name) Brian Shields
 (title) Lead Environmental Inspector (title) Resource Conservationist

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations Arrived on site for a routine inspection of a permitted site. The following site conditions were observed:

1. The buffer zone of wetland c12 at station 13516+00 has not been stabilized (photo 1). Improper E&S BMPs have been installed at this location as hay bails are being used as an erosion control device (photo 2). Rill erosion has been observed in the buffer zone (photo 3). Upland soils have been deposited within wetland c12 (photo 4). It appears as though Compost filter sock in this area has been improperly maintained and is no longer functioning effectively (photo 5). Then improperly maintained compost sock in photo 5 has lead to additional issues as sediment has been observed off of ROW (photo 6). This sediment then travels downslope to where it is deposited within a stream bed (photos 7,8). Multiple segments of compost sock in this area are in need of maintenance (photos 9,10,11). Compost filter sock has been overtopped and sediment has escaped containment (photo 10). Vehicle traffic has been observed parking off of ROW and exiting and entering the ROW without using the Rock construction entrance (photo 12).

Continued on page 3 of 7.

	Permit and Plan Requirements	Type of Activity (check as many as appropriate)
Y		<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/>	<input type="checkbox"/> Written Erosion & Sediment Plan required	<input type="checkbox"/> Pub. Road Constr./Maint. (PRC)
<input checked="" type="checkbox"/>	<input type="checkbox"/> Written Post Construction Stormwater Management Plan required	<input type="checkbox"/> Res. Subdivision (RSBD)
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		<input type="checkbox"/> Silviculture (SILV)
Permit #: <u>ESG0300015002</u> Exp. Date: _____		



Permit No. ESG0300015002
Report No. 17-13

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project Inspection Date 9/12/2017 Inspection Time 10:00AM

Inspection Findings

No violations observed at this time.

Reference

(N/A)

- | | |
|--|---|
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input checked="" type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input checked="" type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.



Permit No. ESG0300015002
Report No. 17-13

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project Inspection Date 9/12/2017 Inspection Time 10:00AM

Continuation Sheet

Site Description & Observations 2. Improperly maintained compost filter sock has been observed at station 13594+00, sediment has been observed off ROW in the wetland area as it has escaped containment (photo 13).

3. The stream crossing at stream SB45 is in need of maintenance as tears have been observed in the geotextile (photo 14).

4. Sediment has been deposited within stream SB45 (photo 15).

5. Multiple areas of Disturbance outside of the proposed LOD has been observed at station 13955+00 (photos 16,17). Stream S-C102 headwaters just off the ROW and due to the disturbance outside of the proposed LOD has been graded and is no longer existent in this area(photos 18,19). Multiple segments of compost filter sock in this area are in need of maintenance. Improper dewatering has been observed in this area as dewatering bags have not been placed in stabilized areas.

Compliance Assistance Measures The following compliance assistance measures correspond with the above numbered site observations:

1. Stabilize buffer zones within 50 feet of all streams and wetlands. Remove unapproved BMPs and install approved BMPs in this area. Regrade/restabilize rill erosion in this area. Remove any upland soils that entered the wetland, and identify/repair BMPs in this area that are in need of maintenance to prevent any future upland soils from entering the wetland. Repair/Replace compost filter sock as necessary to ensure effectiveness of the BMP. Remove any sediment from where it has escaped containment, and stabilize as necessary. Where sediment has entered the stream, remove by hand, as to not create any additional disturbance. All vehicle traffic is to enter and exit the right of way through the use of rock construction entrances. Where vehicles are accessing off RCE, stabilize the disturbed area, and fence off if necessary to prevent future use of this area.

2. Perform routine maintenance on compost filter sock in this area and repair/replace as necessary to ensure BMP effectiveness. Where sediment has escaped containment and entered the wetland, remove by hand and restabilize if necessary.

3. Repair the stream crossing at SB45.

4. Remove by hand any sediment that has entered the stream SB45, ensuring no additional disturbance is to take place.

5. Stabilize all areas of disturbance that have occurred outside of the approved LOD. Remove any sidecast material that has been placed off LOD in this location back onto the approved LOD. Where Stream S-C102 has been disturbed/graded, restore immediately to pre-existing conditions. Perform routine maintenance on compost filter sock, and repair/replace as necessary to ensure effectiveness. Where dewatering is occurring, ensure proper dewatering techniques are being utilized, including discharging in a stabilized area.

Follow-up Inspection will occur on or about (date) As needed

Report compiled in office _____

(Signature of Site Representative)

(Date)

Brian Shields

(Inspector's Signature)

9/18/2017

(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

Brian Shields
Urban Resource Conservationist
Berks County Conservation District
610-372-4657 ext. 203

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



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 §

Mr. Matthew Gordon
Mr. Andrew Mack

- 2 -

August 16, 2017

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

- 3 -

August 16, 2017

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



Permit No. ESG0300015002
Report No. 1

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East 2 Inspection Date 8/15/2017 Inspection Time 1515

Inspection Findings

No violations observed at this time.

Reference

- | | |
|--|---|
| | <input type="checkbox"/> (N/A) |
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input checked="" type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

Ronald Eberts
PA DEP-SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
reberts@pa.gov
717.705.4819

August 18, 2017

VIA ELECTRONIC MAIL

Mr. Ronald C. Eberts
Compliance Specialist
Pennsylvania Department of Environmental Protection
reberts@pa.gov

Mr. Karl Kerchner
Lebanon County Conservation District
karl.kerchner@lccd.org

Re: Violations of the Clean Streams Law
Pennsylvania Pipeline/Mariner East II Project
DEP Permit Nos. ESG03000115002 and E38-194
DEP File No NOV 38 17 102
South Annville Township, Lebanon County
Non-compliance Report

Dear Mr. Eberts and Mr. Kerchner

On August 16, 2017, Sunoco Pipeline, L.P. ("SPLP") received a Notice of Violation ("NOV") from Ms. Andrea Blosser of the Pennsylvania Department of Environmental Protection (the "Department") concerning a release of sediment into Bachman Run (Stream S-A15) as a result of pipeline construction activities near Mount Wilson Road in South Annville Township, Lebanon County (the "Site"). As requested by the Department in the NOV, and in accordance with the requirements at Part A.III.E. of SPLP's Erosion and Sedimentation ("E&S") permit (Permit ESG0300015002), SPLP hereby provides the following Non-compliance Report related to activities at the Site between August 14, 2017, and August 16, 2017.

The NOV and the E&S Permit require the Non-compliance Report to include four categories of information. The four categories are provided in italics below, followed by the information related to each category.

- 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.*

SPLP's contractor, Welded Construction, L.P. ("Welded") commenced construction activities at Bachman Run (Stream S-A15) at approximately 10:00 on August 14, 2017. The Department previously approved the use of open-cut methodology for the stream crossing at this location (Chapter 105 Permit No. E38-194).

During construction of the trench, Welded encountered groundwater seeping into the trench. Starting at approximately 10:30, this groundwater was pumped to a filter bag at a dewatering location set back

approximately 10 feet from the stream bank. At approximately 13:00, SPLP's Environmental Inspector, Bill Horton, observed that the use of the bag and the location of the bag allowed some water containing sediment to enter Bachman Run. In an attempt to correct this condition, pumping was stopped and Mr. Horton directed Welded to construct a dewatering structure, using hay bales, geotech liner, and heavy plastic sheeting, within the limit of disturbance approximately 100 feet east of the stream bank. Following construction of this dewatering location, sediment bags were placed within the structure and at approximately 14:00, groundwater was pumped via hoses to the sediment bags before being discharged from the structure to the surrounding vegetation. Work within the trench stopped on August 14 at approximately 19:30. Pumping of water from the trench into the dewatering structure continued overnight, however, and two Welded employees remained on Site to observe the pumping operations.

Additional Welded personnel arrived at the Site on August 15, 2017, and resumed construction at approximately 8:00. At approximately 9:00, the landowner approached the Welded crew and informed them that he had observed impacts at a trout hatchery down slope from the dewatering structure that he believed were a result of activities at the Site. Pumping of water to the dewatering structure was stopped and the water from the dewatering structure was redirected using silt fence over unstabilized soil piles to the original discharge location near the stream bank. After pumping resumed at approximately 10:45, the dewatering structure was improved with additional hay bales to aid with filtration before the water exited the dewatering structure.

At approximately 14:00 on August 15, 2017, a filter bag at the dewatering structure ruptured and water containing sediment was discharged to Bachman Run as a result. Following the filter bag rupture, pumping was stopped and a new filter bag was installed. Pumping resumed after installation of the new filter bag was complete.

The volume of water pumped from the trench continued to increase during construction activities, however, and the discharge location eventually flooded, which resulted in flooding of the work area. To prevent additional flooding of the work area, a corner of the silt fence directing water to the discharge location was removed at approximately 14:15. Following removal of the silt fence, additional water runoff that had flowed from the dewatering structure over unstabilized soil piles was discharged to Bachman Run.

Ron Eberts from the Department arrived at the Site at approximately 15:15 to perform an earth disturbance inspection. During the inspection, Mr. Eberts observed the runoff over the unstabilized soil piles and directed SPLP to undertake corrective actions to address that condition. Under the observation of Mr. Eberts, SPLP subsequently placed additional plastic sheeting over the soil piles and installed additional coconut fiber logs at the discharge point. Mr. Eberts indicated that he was satisfied with the corrective actions up to that point, but after additional discussions, on-site personnel and Mr. Eberts agreed that the dewatering structure should be relocated to its original location near the stream bank. Mr. Eberts left the Site at approximately 17:30, and David Hrobuchak from the Department observed activity at the Site from 17:40 until approximately 19:30. No water was pumped to the dewatering structure overnight.

By approximately 10:00 on August 16, a new 24 ft. x 24 ft. dewatering structure was constructed near the bank of Bachman Run, downstream of the trench. Two 15 ft. x 15 ft. filter bags and logs were placed in the structure. Pumping resumed when construction of the new structure was completed, with trench water directed via hoses to the new dewatering structure.

Vehicular traffic associated with the operations on August 14 and August 15 as described above deteriorated the rock construction entrance to the Site. Welded attempted to scrape the rock construction entrances, but the scraping did not sufficiently repair the entrances. Accordingly, additional rock for the entrances was ordered for delivery to the Site and the entrance was repaired on August 17, 2016.

A diagram of the Site depicting the approximate location of the two dewatering locations and the discharge point to Bachman run is included with this Non-compliance Report at Attachment A.

2. *The period of noncompliance, including exact dates and times, and the anticipated time when the activity will return to compliance.*

Conditions of noncompliance, specifically the discharge of sediment laden water to Bachman Run, occurred at the Site at various times between August 14, 2017, and August 15, 2017, as noted above. In addition, the vehicular traffic associated with the operations on August 14 and August 15 at some point before the condition was observed by Mr. Eberts on August 15. On August 16, 2017, Mr. Karl Krechner of the Lebanon County Conservation District inspected the Site and indicated that all activities were in compliance with SPLP's E&S Permit.

3. *Steps taken, and to be taken, to reduce, eliminate and prevent recurrence of the noncompliance.*

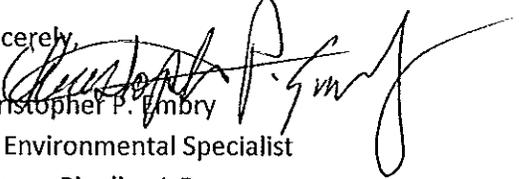
As noted above, the immediate steps taken to reduce, eliminate and prevent recurrence of the discharge of sediment laden water to Bachman Run included relocation of the dewatering structure, placement of additional plastic sheeting over soil piles and installation of additional coconut fiber logs at the discharge point to Bachman Run. SPLP also ordered additional rock for the rock construction entrance and repaired the entrance on August 17, 2017. In addition, SPLP is exploring the feasibility of alternative dewatering locations and coconut fiber logs containing flocculants to further reduce the risk of water containing sediment entering Bachman Run.

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.*

The remedies used to stop the discharge of sediment laden water to Bachman Run and repair the rock construction entrance are described above. Current observations of the area immediately downstream of the crossing indicate that the remedies have been effective. In addition, recent rainfall events have resulted in increased flow through Bachman Run, including the areas depicted in the photographic logs included with Mr. Ebert's inspection report. Accordingly, additional remedies along the reach of Bachman Run are not feasible or necessary.

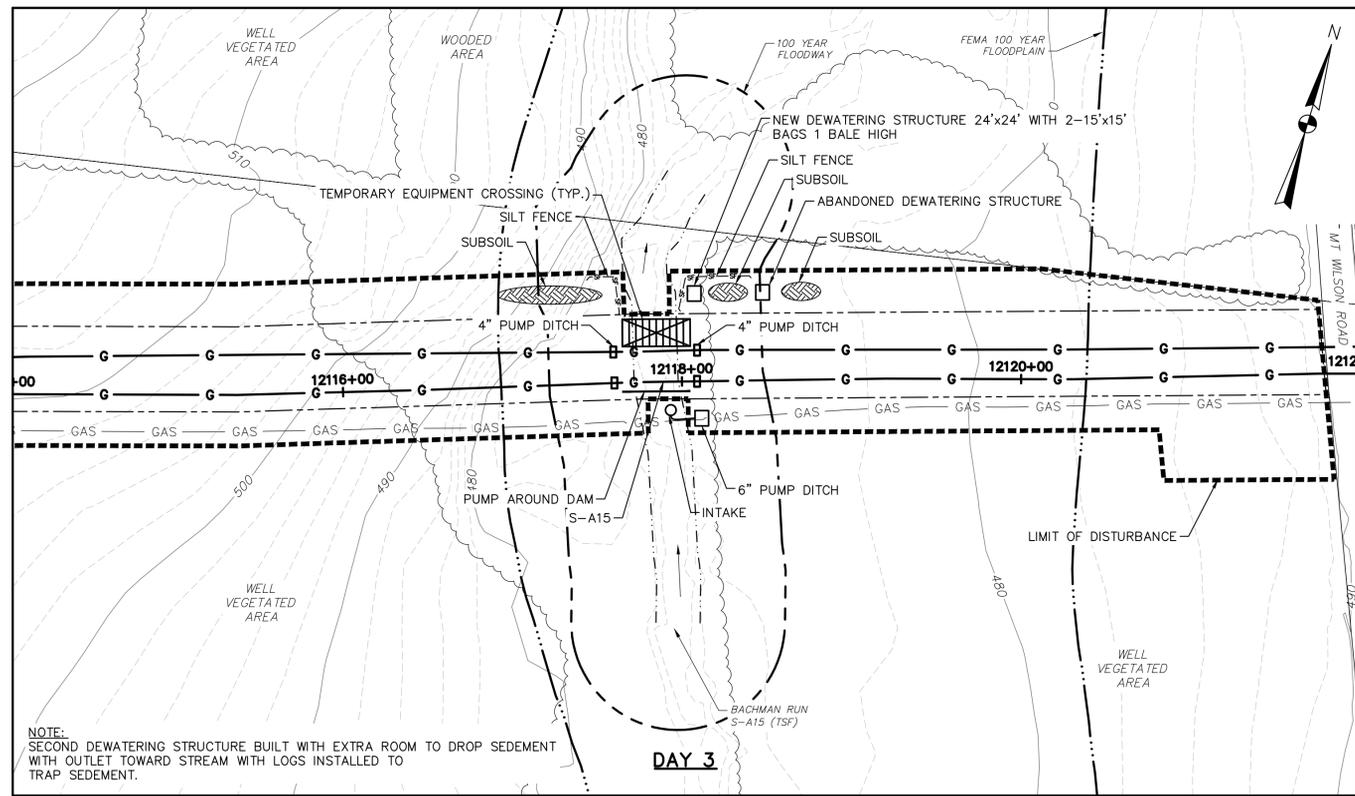
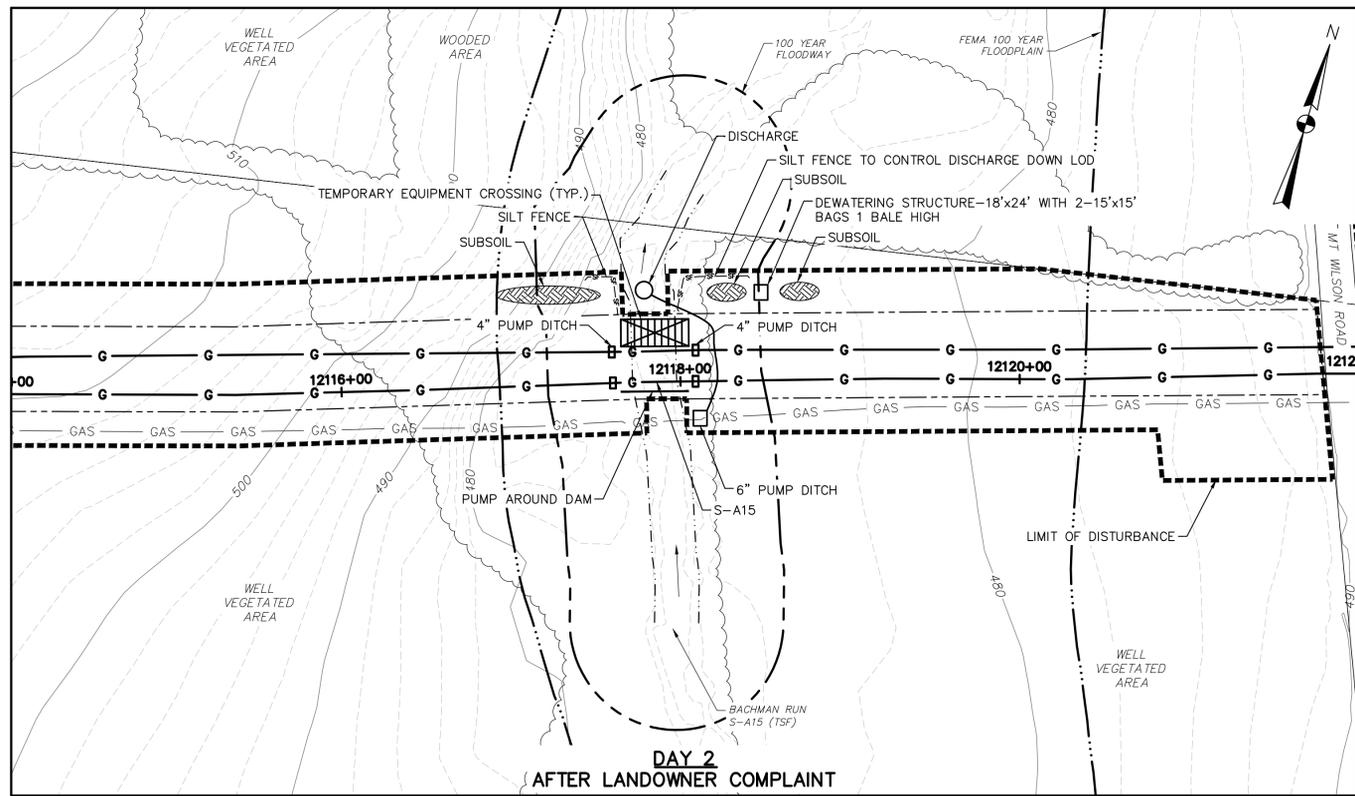
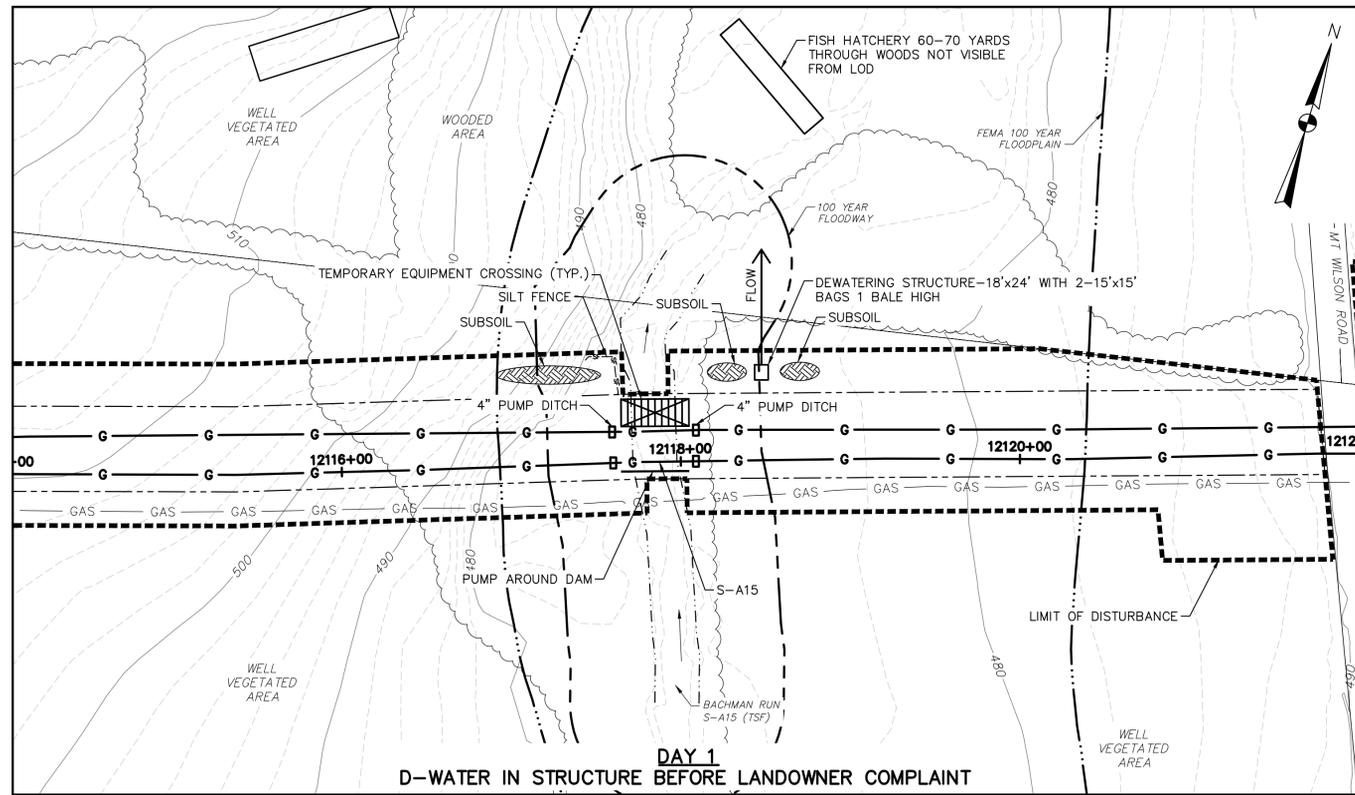
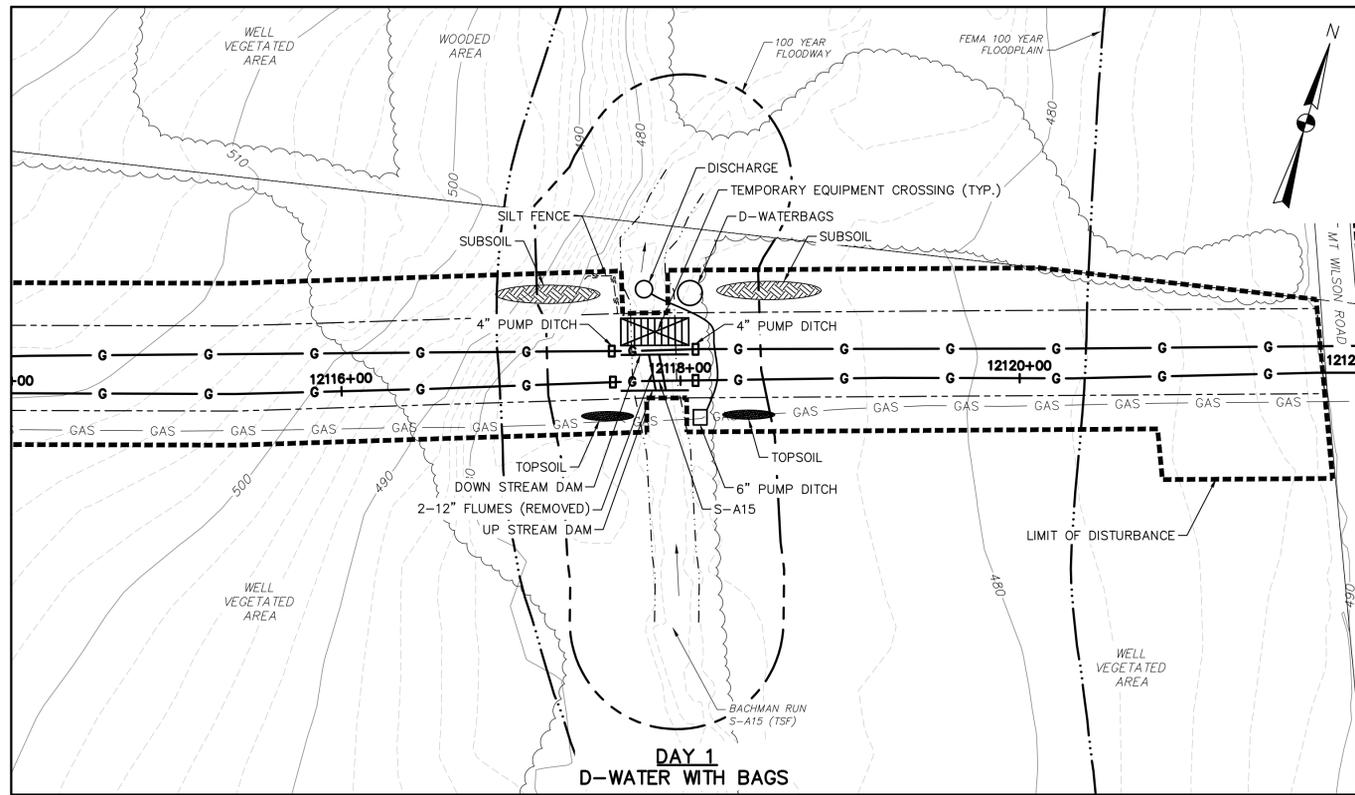
If you have any questions about this Non-compliance Report, please contact me at (610) 670-3237.

Sincerely,


Christopher P. Embry

Sr. Environmental Specialist

Sunoco Pipeline L.P.



NOT TO SCALE



661 ANDERSEN DRIVE - FOSTER PLAZA 7
DEWATERING STRUCTURES/BURGH, PA 15220
T: (412) 921-7090 | F: (412) 921-4040

REVISIONS			
NO.	BY	DATE	REMARKS

SUNOCO PIPELINE L.P.
PHILADELPHIA, PENNSYLVANIA
**PENNSYLVANIA PIPELINE PROJECT
CONSTRUCTION SPREAD 5**

1-20" & 1-16" PROPOSED WELDED STEEL NATURAL GAS LIQUIDS PIPELINES
LEBANON COUNTY CONSERVATION DISTRICT
BAUCHMAN RUN S-A15 DETAIL

DATE:	8/18/17
PROJECT NO.:	112C05958
DESIGNED BY:	CC
DRAWN BY:	NN
CHECKED BY:	CC
COPYRIGHT TETRA TECH INC.	
FIGURE 1	
SHEET 1 OF 1	

Permit No. ESG0300015002Report No. 17-20

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 8/18/2017 Inspection Time 9am

Inspection Findings

Inspection Findings	Reference
No violations observed at this time.	<input type="checkbox"/> (N/A)
a. Failure to develop a written Erosion and Sediment (E&S) Plan.	<input type="checkbox"/> (102.4)
b. Failure to have an E&S Plan available onsite.	<input type="checkbox"/> (102.4)
c. Failure to submit an E&S Plan as requested.	<input type="checkbox"/> (102.4)
d. Failure to implement effective E&S Best Management Practices (BMPs).	<input checked="" type="checkbox"/> (102.4)
e. Failure to maintain effective E&S BMPs.	<input checked="" type="checkbox"/> (102.4)
f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters.	<input type="checkbox"/> (102.4)
g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities.	<input type="checkbox"/> (102.5)
h. Failure to obtain an E&S Permit.	<input type="checkbox"/> (102.5)
i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan.	<input type="checkbox"/> (102.5)
j. Failure to submit a Notice of Termination (NOT).	<input type="checkbox"/> (102.7)
k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan.	<input type="checkbox"/> (102.8)
l. Failure to have PCSM Plan/Restoration Plan available onsite.	<input type="checkbox"/> (102.8)
m. Failure to submit PCSM Plan/Restoration Plan as requested.	<input type="checkbox"/> (102.8)
n. Failure to implement effective PCSM BMPs.	<input type="checkbox"/> (102.8)
o. Failure to maintain effective PCSM BMPs.	<input type="checkbox"/> (102.8)
p. Failure to perform reporting and recordkeeping as required.	<input type="checkbox"/> (102.8)
q. Failure to implement riparian buffer or riparian forest buffer.	<input type="checkbox"/> (102.14)
r. Failure to meet regulatory requirements for riparian forest buffer.	<input type="checkbox"/> (102.14)
s. Failure to provide temporary stabilization of the earth disturbance site.	<input type="checkbox"/> (102.22)
t. Failure to provide permanent stabilization of the earth disturbance site.	<input type="checkbox"/> (102.22)
u. Failure to comply with permit conditions.	<input type="checkbox"/> (402 CSL)
v. Sediment or other pollutant was discharged into waters of the Commonwealth.	<input checked="" type="checkbox"/> (401 CSL)
w. Site conditions present a potential for pollution to waters of the Commonwealth.	<input checked="" type="checkbox"/> (402 CSL)
x. Failure to comply with a Department Order.	<input type="checkbox"/> (402, 611 CSL)
y. Failure to comply with PCSM long-term operation and maintenance requirements.	<input type="checkbox"/> (102.8)
z. Failure to conduct a preconstruction meeting.	<input type="checkbox"/> (102.5)
aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit.	<input type="checkbox"/> (102.6)
bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit.	<input type="checkbox"/> (102.43)

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

Page 2 of 4

 White - Inspector

 Yellow - Responsible Party

 Pink - Department

 Goldenrod - Other
SCRO006315



Permit No. ESG0300015002
Report No. 17-20

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 8/18/2017 Inspection Time 9am

Continuation Sheet

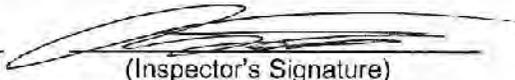
Site Description & Observations We also conducted a routine inspection of the crossings at S-J27, S-J25, & S-BB10 on sheet ES-4.46. The timber mats and E&S controls were installed at these crossings. S-BB10 was cut open and both pipes were in the trench. Water in the trench had been pumped out through a filter bag. This filter bag was placed upslope of silt sock but was rolled up and not installed properly. (Violations 102.4, 402CSL) The silt fence on the north side of the ROW on the east side of S-J25 was not installed properly and fill material went under the silt fence and entered the UNT to Conodoguinet (S-J25) (Violations 102.4, 401CSL) the area to the west of the crossing on the north side of the ROW was disturbed and no E&S controls were provided between this disturbance and the UNT to Conodoguinet. (Violations 102.4, 402CSL) The timber mats at this crossing were moved to the north side of the ROW. It appears that there may be an impact to the bed and bank of the UNT to Conodoguinet (S-J25) on the south side of the ROW. This is a Chapter 105 issue and has been referred to PA DEP. Several of the silt sock at the crossing S-J27 have sediment deposited to a point more than 1/2 the height of the sock and have not been maintained. (Violations 102.4, 402CSL)

Compliance Assistance Measures The Cumberland County Conservation District is requesting the required maintenance log for the BMP's in the area between station #9322+00 to #9334+00 for the period from 7/17/2017 - 8/18/2017 be submitted to our office. All E&S BMP's should be maintained according to the approved plan. The PPC plan should be followed when there is an impact to a Waters of this Commonwealth. All E&S BMP's should be installed according to the plan.

Follow-up Inspection will occur on or about (date) TBD

(Signature of Site Representative)

(Date)


(Inspector's Signature)

8/18/2017
(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

4 of 4



Permit No. ESG0300015002
Report No. 17-8

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project **Inspection Date** 8/2/2017 **Inspection Time** 9:00AM
Weather Conditions Cloudy **Total Project Area** 234
Location Multiple **Total Disturbed Area** 234
Municipality South Heidelberg/Multiple **County** Berks
Receiving Water(s) UNT to Cacoosing Creek **Designated/Existing Use** CWF

Responsible Party(s) Matthew Gordon/Sunoco Pipeline, L.P. Andrew Mack/Welded Construction, L.P.
(name & address) 535 Fritztown Road PO Box 470
 Sinking Spring, PA 19608 Perrysburg, OH 43552
Phone (610) 216-0583 ()

Site Representative (name) Rob Robertson **Inspector** (name) Brian Shields
(title) Lead Environmental Inspector (title) Resource Conservationist

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations Arrived on site for a Routine scheduled inspection of a permitted site. Present for the site inspection were: Brian Shields, BCCD, and Rob Robertson, Lead Environmental Inspector for the Sunoco Pennsylvania Pipeline Project Spread 5. The Following site conditions were observed:

1. It appears as though an environmental cleanup is underway for contaminated soils in the area of the LOD off of Vinemont road as soils have been trucked off site (photo 1). 2 booms have been placed in this area as an effort to contain/treat the water that has gathered in the area (photo 2). Rills are beginning to form in this area as water is leaving the soil pit (photo 3). Inadequate controls have been installed in this area as they have become overwhelmed (photos 4). It is unclear at this time to the extent of the contamination/any plans to remediate this area. It does not appear as though any of the exposed sediment from this area has entered the wetland (wetland A49) however, additional controls are needed in this area.

Continued on page 3 of 7

Permit and Plan Requirements	Type of Activity (check as many as appropriate)
Y N <input checked="" type="checkbox"/> <input type="checkbox"/> Written Erosion & Sediment Plan required <input checked="" type="checkbox"/> <input type="checkbox"/> Written Post Construction Stormwater Management Plan required <input type="checkbox"/> <input checked="" type="checkbox"/> Erosion & Sediment Plan requested <input type="checkbox"/> <input checked="" type="checkbox"/> Post Construction Stormwater Management Plan requested <input type="checkbox"/> <input type="checkbox"/> E & S Permit required <input checked="" type="checkbox"/> ESCGP Permit required <input type="checkbox"/> <input type="checkbox"/> NPDES Permit required <input type="checkbox"/> Phased Constr. <input checked="" type="checkbox"/> Non-Phased Constr.	<input type="checkbox"/> Other _____ <input type="checkbox"/> Pub. Road Constr./Maint. (PRC) <input type="checkbox"/> Pvt. Road/Residence (PRRS) <input type="checkbox"/> Res. Subdivision (RSBD) <input type="checkbox"/> Comm./Indust. Dev. (CMIN) <input type="checkbox"/> Govmt. Facilities (GOV) <input type="checkbox"/> Recreation Facilities (RECF) <input type="checkbox"/> Utilities Facilities (UTL) <input type="checkbox"/> Agricul. Activities (AGA) <input type="checkbox"/> Sewer/Water Systems (SWS) <input checked="" type="checkbox"/> Pipeline (PL) <input type="checkbox"/> Remediation/Restoration (RRES) <input type="checkbox"/> Silviculture (SILV)
Permit #: <u>ESG0300015002</u> Exp. Date: _____	



Permit No. ESG0300015002
Report No. 17-8

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project Inspection Date 8/2/2017 Inspection Time 9:00AM

Inspection Findings

No violations observed at this time.

Reference

(N/A)

- | | |
|--|---|
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input checked="" type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input checked="" type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.



Permit No. ESG0300015002
Report No. 17-8

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project **Inspection Date** 8/2/2017 **Inspection Time** 9:00AM

Continuation Sheet

Site Description & Observations 2. Effort has been made to correct the issue off of Ivy Lane in regards to the complaint noted in report 17-7 (photo 5), however, it appears as though additional controls are needed to correct the issue.
3. Upland soils have been deposited in wetland B22 (photos 6,7) at station 13279+00.
4. Multiple Buffer zones throughout the site have not been stabilized (photo 8).
5. Goose Lane (station 13588+82) to where disturbance stops near Wheatfield Road (station 13538+00) is in need of maintenance. Silt socks in this area have not been maintained, multiple areas have been ripped, overtopped, are full, and no layer of compost is present (photos 9, 10). Sediment is present off Right of Way in multiple locations along this stretch (photos 11,12). Stream crossings in this area have not been maintained, approaches are not being kept clean, and socks around the crossings are not being maintained (photos 13, 14). Sediment has been deposited within stream S-K77, UNT to Cacoosing Creek, CWF, as a direct result of the crossings not being maintained (photos 15,16).

Compliance Assistance Measures The following Compliance Assistance Measures correspond with the above numbered Site Observations:

1. Install additional controls to contain any sediment/water that may be contaminated from leaving this area. Contact the appropriate channels at PA DEP to determine the steps that must be taken to remediate the situation (phone number 1-866-825-0208 can be used for this purpose). Identify the location to which the fill has been hauled offsite.
2. Met with Contractor on 8/2/17 and additional measures were to be taken that day - Removing sediment from silt sock in this area, and installing additional silt sock/compost layer.
3. Remove any upland sediment from wetland areas and restabilize as necessary.
4. Stabilize buffer zones throughout the site using seeding specifications per the approved plan.
5. Perform maintenance on silt socks in accordance with the approved specification, replace where necessary. In areas where sediment has escaped containment, remove sediment and stabilize areas as needed. Maintain all stream crossings to approved specifications, including maintaining the approaches to said stream crossings. Where sediment has been deposited within the stream channel, remove by hand, and install additional measures as necessary to ensure additional sediment will not be desposited within the stream channel.

Follow-up Inspection will occur on or about (date) 8/16/2017

Report compiled in office _____ Brian Shields _____ 8/9/2017
(Signature of Site Representative) (Date) (Inspector's Signature) (Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

Brian Shields
Urban Resource Conservationist
Berks County Conservation District
610-372-4657 ext. 203

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16





Permit No. ESG0300015002
Report No. 17-11

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project **Inspection Date** 8/21/2017 **Inspection Time** 12:00PM
Weather Conditions Clear **Total Project Area** 234
Location Multiple **Total Disturbed Area** 234
Municipality South Heidelberg Township/Multiple **County** Berks
Receiving Water(s) Cacoosing Creek; East Branch Conestoga **Designated/Existing Use** CWF, MF; WWF, MF

Responsible Party(s) Matthew Gordon/Sunoco Pipeline, L.P. Andrew Mack/Welded Construction, L.P.
 (name & address) 535 Fritztown Road PO Box 470
 Sinking Spring, PA 19608 Perrysburg, OH 43552
Phone (610) 216-0583 ()

Site Representative (name) Rob Robertson **Inspector** (name) Brian Shields
 (title) Lead Environmental Inspector (title) Resource Conservationist

Type of Inspection (check only one) **Photographs Taken** Yes No
 Routine complete Routine partial Follow-up Complaint Final

Site Description & Observations Arrived on site in response to multiple complaints of sediment laden water being discharged into the East Branch of the Conestoga River/Failing E&S controls in the area of Joanna Road/Rte 10. The following site conditions were observed:

1. Sediment has been observed deposited off ROW in the area of the Joanna Road Crossing (photo 1). It is unclear as to the impact of the sediment laden water that has been discharged into the East Branch of the Conestoga River (photo 2). *note* a video has been submitted to the BCCD of heavy flows of sediment laden water coming off of the Joanna Road ROW, undercutting the perimeter controls and entering the receiving stream.
2. Perimeter controls installed in the area of station 14212+00 have not been maintained. Sediment has been piled on top of silt sock, sediment has been observed off ROW, and silt sock appears to have been improperly installed (photos 3,4,5)

Continued on page 3 of 10

Permit and Plan Requirements	Type of Activity (check as many as appropriate)																																																								
<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">Y</td> <td style="width: 10%;">N</td> <td></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Written Erosion & Sediment Plan required</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Written Post Construction Stormwater Management Plan required</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>Erosion & Sediment Plan requested</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td>Post Construction Stormwater Management Plan requested</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>E & S Permit required</td> <td><input checked="" type="checkbox"/> ESCGP Permit required</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>NPDES Permit required</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Phased Constr.</td> <td><input type="checkbox"/> Non-Phased Constr.</td> </tr> </table>	Y	N			<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Erosion & Sediment Plan required		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Post Construction Stormwater Management Plan required		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Erosion & Sediment Plan requested		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Post Construction Stormwater Management Plan requested		<input type="checkbox"/>	<input type="checkbox"/>	E & S Permit required	<input checked="" type="checkbox"/> ESCGP Permit required	<input type="checkbox"/>	<input type="checkbox"/>	NPDES Permit required				<input type="checkbox"/> Phased Constr.	<input type="checkbox"/> Non-Phased Constr.	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/></td> <td>Pub. Road Constr./Maint. (PRC)</td> <td><input type="checkbox"/></td> <td>Pvt. Road/Residence (PRRS)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Res. Subdivision (RSBD)</td> <td><input type="checkbox"/></td> <td>Comm./Indust. Dev. (CMIN)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Govmt. Facilities (GOV)</td> <td><input type="checkbox"/></td> <td>Recreation Facilities (RECF)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Utilities Facilities (UTL)</td> <td><input type="checkbox"/></td> <td>Agricul. Activities (AGA)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sewer/Water Systems (SWS)</td> <td><input checked="" type="checkbox"/></td> <td>Pipeline (PL)</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Remediation/Restoration (RRES)</td> <td><input type="checkbox"/></td> <td>Silviculture (SILV)</td> </tr> </table>	<input type="checkbox"/>	Pub. Road Constr./Maint. (PRC)	<input type="checkbox"/>	Pvt. Road/Residence (PRRS)	<input type="checkbox"/>	Res. Subdivision (RSBD)	<input type="checkbox"/>	Comm./Indust. Dev. (CMIN)	<input type="checkbox"/>	Govmt. Facilities (GOV)	<input type="checkbox"/>	Recreation Facilities (RECF)	<input type="checkbox"/>	Utilities Facilities (UTL)	<input type="checkbox"/>	Agricul. Activities (AGA)	<input type="checkbox"/>	Sewer/Water Systems (SWS)	<input checked="" type="checkbox"/>	Pipeline (PL)	<input type="checkbox"/>	Remediation/Restoration (RRES)	<input type="checkbox"/>	Silviculture (SILV)
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Permit #: <u>ESG0300015002</u> Exp. Date: _____																																																									



Permit No. ESG0300015002
Report No. 17-11

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project Inspection Date 8/21/2017 Inspection Time 12:00PM

Inspection Findings

No violations observed at this time.

Reference

(N/A)

- | | |
|--|---|
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
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| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input checked="" type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

Permit No. ESG0300015002
 Report No. 17-11

EARTH DISTURBANCE INSPECTION REPORT

Project Name Pennsylvania Pipeline Project **Inspection Date** 8/21/2017 **Inspection Time** 12:00PM

Continuation Sheet

Site Description & Observations 3. Permitter controls have not been installed/removed in the area of station 14188+00 leading to sediment leaving the ROW (photos 6,7).

4. The rock construction entrance at station 13664+00 off of Scarlet Lane has not been installed and this area is in use for vehicular access (photo 8)

5. The HDD receiving pit off of Scarlet Lane that had previously been taking on groundwater is no longer infiltrating all of the groundwater released resulting in groundwater overflowing the receiving pit, running down the ROW and depositing sediment off of ROW (photos 9,10,11,12,13). *this issue has been passed along at time of inspection and corrective measures have been taken*

6. Stream SB33 has been impacted by sediment escaping containment (photos 14,15,16,17)

*An additional inspection was conducted on 8/23/17 in response to a complaint received of sediment laden water leaving ROW and entering a swale that runs behind residential homes - This complaint is a second complaint of the ROW in the area of Ivy Lane, swale runs behind homes on Primrose Ln - Contractor has previously attempted to address this issue. The following site conditions were observed:

7. Sediment/Sediment laden water leaving the ROW at Ivy Lane enters the storm sewer system at South Sandy Lane and appears to be directly effecting stormwater basins in this area (photos 18,19,20,21,22,23).

8. Improper trench dewatering was observed in this area resulting in sediment laden water/sediment leaving containment. Crews were instructed to stop dewatering. (photos 24,25,26).

*On 8/25/17 an additional inspections of the stormwater basins was conducted. The following site conditions were observed:

8. The stormwater basins have completely dewatered leaving behind heavy sediment deposits (photos 27,28)

9. A dewatering facility was observed in the area of the Montello Road crossing located approximately 100+ feet off of ROW. Revised plans have not been received/submitted for this revision. Additionally the dewatering device does not appear to be functioning as designed as the filter bag is dewatering into an enclosure that is full of sediment which is discharging sediment laden water (photos 29,30,31).

Compliance Assistance Measures The following compliance assistance measures correspond to the above numbered site observations:

1. Remove any escaped sediment and restabilize where necessary. Ensure maintenance is being performed on perimeter BMPs and that they are functioning correctly. Should sediment deposits be identified in the receiving stream, remove by hand.
2. Ensure compost filter sock has been installed correctly. Remove any escaped sediment and restabilize where necessary. In areas where sediment has been piled on top of perimeter controls, remove and ensure perimeter controls function properly.
3. Remove any escaped sediment and reinstall perimeter controls.
4. Install rock construction entrance in this area if it is to be used for vehicular access. Should it not be used for vehicular access immediately stabilize the area, and fence off so vehicles will no longer access in this area.
5. See corrective action log submitted on 8/23/17
6. Remove any sediment, by hand, that has been deposited in the receiving stream and ensure that upslope controls are sufficient, have been maintained, and are functioning properly.
7. Ensure that perimeter controls in the area of ivy lane have been maintained and are functioning properly. Recommend the installation of additional upslope controls to reduce the drainage area to the perimeter sock off of Ivy Lane. *Removing sediment from the storm basins has begun, and the township has been contacted*
8. Pumped water filter bags are to be located in a well-vegetated area and discharge onto stable erosion resistant areas, where this is not possible a geotextile underlayment and flow path shall be provided. Remove any sediment that has escaped the ROW due to improper dewatering.
9. Immediately submit revised plans for approval to the BCCD or DEP depicting this plan revision. Remove any sediment from the dewatering structure ensuring proper dewatering is occurring.

Follow-up Inspection will occur on or about (date) _____

Report compiled in office _____	_____	<u>Brian Shields</u>	<u>8/28/2017</u>
(Signature of Site Representative)	(Date)	(Inspector's Signature)	(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

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For further information or assistance please contact:

Brian Shields
Urban Resource Conservationist
Berks County Conservation District
610-372-4657 ext. 203

Attachment: 8/21/17 Corrective Action Log

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28



Photo 29.



Photo 30





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT

DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit # E38-194	

WATER OBSTRUCTION AND ENCROACHMENT INSPECTION REPORT

DEP/CCD Office	Southcentral Region	Phone 717-705-4819	Project Type	Pipeline construction
Address	909 Elmerton Avenue Harrisburg, PA 17110		Location	Bachman Run
Owner/Permittee	Sunoco Pipeline, LP - Matthew Gordon	Phone	Municipality	South Annville Township
Mailing Address	525 Fritztown Road Sinking Spring, PA 19608		Water Course or Body of Water	Bachman Run
			Latitude:	40° 16' 40.8" N
			Longitude:	76° 29' 15.72" W

Type of Inspection:

<input type="checkbox"/> ADMIN - Administrative / File Review	<input type="checkbox"/> CONST - Construction Progress	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> CEI - Compliance Evaluation	<input type="checkbox"/> FUI - Follow-up Inspection	
<input checked="" type="checkbox"/> COMPL - Complaint Inspection	<input type="checkbox"/> INCDT - Incident response	

INSPECTION FINDINGS

Failure to:	Violation? (Check if yes)	Failure to:	Violation? (Check if yes)
Obtain a Chapter 105 permit	<input type="checkbox"/> [105.11] 693.6/18	Perform work according to specifications	<input type="checkbox"/> [105.44] 693.18
Operate or maintain permitted project	<input type="checkbox"/> [105.51] 693.13/18	Implement Erosion and Sediment Control Plan	<input checked="" type="checkbox"/> [105.46] 693.18
Acknowledge permit conditions	<input type="checkbox"/> [105.42] 693.18	Obtain Department approval for Environmental Assessment	<input type="checkbox"/> [105.15] 693.18
Maintain a valid permit	<input type="checkbox"/> [105.43] 693.18	Other:	<input type="checkbox"/> []

Inspection Results Code:	<input type="checkbox"/> NOVIO (No violations noted)	<input type="checkbox"/> OUTST (Outstanding violations)	<input type="checkbox"/> RECUR (Recurring violations)
	<input type="checkbox"/> VIOIC (Violations noted and immediately corrected)	<input checked="" type="checkbox"/> VIOLS (Violation(s) noted)	<input type="checkbox"/> VOV (New and outstanding violations noted)
			<input type="checkbox"/> VRV (New and recurring violations noted)

Describe site conditions and violations, including all pertinent dimensions and the actual or planned impacts to watercourses or bodies of water. For permitted work, confirm compliance or specify violations.

This project is associated with ESG0300015002. Inspection participants: Ron Eberts, PA Department of Environmental Protection (DEP), Allyson McCollum, DEP, Herman Jackson, DEP, Rob Robertson, Welded Construction Lead Environmental Inspector. Inspection conducted on 9/11/17. Open cut to Bachman Run (S-A15). This was a previously inspected site due to a release of sediment to a nearby trout hatchery. 20-inch line installed. 16-inch line staged. There was standing water in a large portion of the ROW south of the access road. North of the access road adjacent to the stream, there appeared to be an area designated for water detention that was lined with straw bales covered in plastic. Mrs. McCollum noted that there was approximately 1-5 inches of accumulated sediment in the stream within the limits of disturbance downstream of the temporary timber mat crossing of S-A15. Temporary stabilization was present as well as BMPs to control the upslope runoff. The protuberant geotextile lining around the timber bridge was very close to the water surface. It was assumed that the bulge came from collected sediment and water contained by the geotextile material. Mr. Robertson explained how the bridge would need to be shifted downstream to accommodate the second pipe's installation. He also described the options for avoiding another pollution event during any dewatering processes for that installation due to the sediment accumulation in the geotextile lining around the timber bridge. Prior to the inspectors leaving the site, a street sweeper arrived to clean the roadway at the rock construction entrances.

Sketch attached? Yes No Photos taken? Yes No Additional information attached? Yes No

Inspector name (print): Herman Jackson	Inspector Signature:	Date and Time: 10/02/17
Inspector was accompanied by: <input type="checkbox"/> Owner <input type="checkbox"/> Permittee <input checked="" type="checkbox"/> Other: <u>Lead Environmental Inspector</u>	Signature of Owner/Permittee: Print Name:	Date:

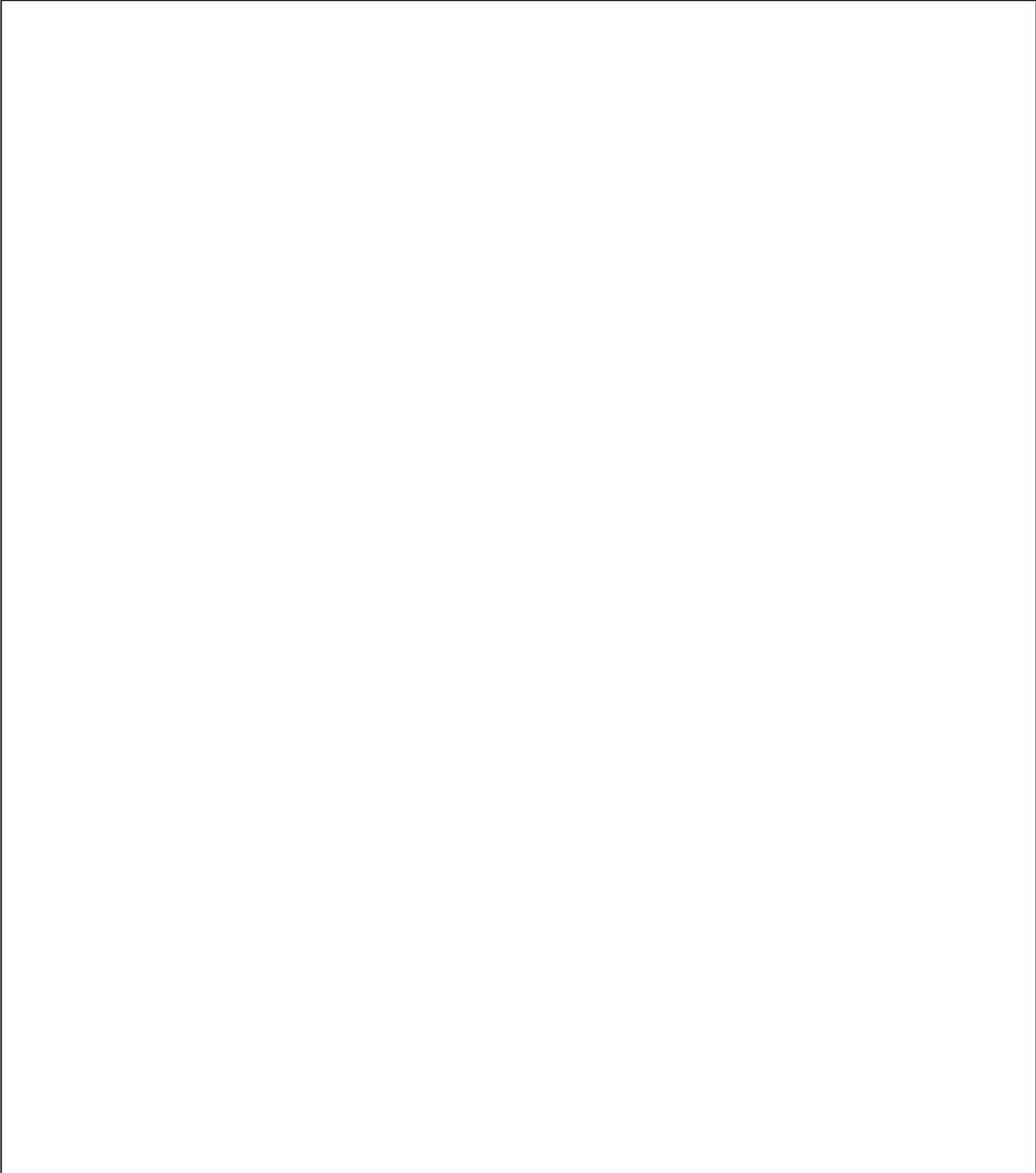
The Owner/Permittee's signature acknowledges that they have read the report and received a copy and that they were given the opportunity to discuss it with the inspector. The signature does not necessarily mean that they agree with the report.

White – DEP

Yellow – Owner/Permittee

DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit #	

Sketch



White – DEP

Yellow – Owner/Permittee



DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit # E38-194	

WATER OBSTRUCTION AND ENCROACHMENT INSPECTION REPORT

DEP/CCD Office	Southcentral Region	Phone 717-705-4819	Project Type	Pipeline construction
Address	909 Elmerton Avenue Harrisburg, PA 17110		Location	UNT to Hammer Creek
Owner/Permittee	Sunoco Pipeline, LP - Matthew Gordon	Phone	Municipality Heidelberg Township	
Mailing Address	525 Fritztown Road Sinking Spring, PA 19608		Water Course or Body of Water (PEM)	unt Hammer Creek, WL-H3 and WL-H4
	Latitude:	40° 17' 7.8" N		
	Longitude:	76° 17' 29.04" W		

Type of Inspection:

<input type="checkbox"/> ADMIN - Administrative / File Review	<input type="checkbox"/> CONST - Construction Progress	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> CEI - Compliance Evaluation	<input type="checkbox"/> FUI - Follow-up Inspection	
<input checked="" type="checkbox"/> COMPL - Complaint Inspection	<input type="checkbox"/> INCDT - Incident response	

INSPECTION FINDINGS

Failure to:	Violation? (Check if yes)	Failure to:	Violation? (Check if yes)
Obtain a Chapter 105 permit	<input type="checkbox"/> [105.11] 693.6/18	Perform work according to specifications	<input checked="" type="checkbox"/> [105.44] 693.18
Operate or maintain permitted project	<input type="checkbox"/> [105.51] 693.13/18	Implement Erosion and Sediment Control Plan	<input checked="" type="checkbox"/> [105.46] 693.18
Acknowledge permit conditions	<input type="checkbox"/> [105.42] 693.18	Obtain Department approval for Environmental Assessment	<input type="checkbox"/> [105.15] 693.18
Maintain a valid permit	<input type="checkbox"/> [105.43] 693.18	Other:	<input type="checkbox"/> []

Inspection Results Code:	<input type="checkbox"/> NOVIO (No violations noted)	<input type="checkbox"/> OUTST (Outstanding violations)	<input type="checkbox"/> RECUR (Recurring violations)
	<input type="checkbox"/> VIOIC (Violations noted and immediately corrected)	<input checked="" type="checkbox"/> VIOLS (Violation(s) noted)	<input type="checkbox"/> VOV (New and outstanding violations noted)
			<input type="checkbox"/> VRV (New and recurring violations noted)

Describe site conditions and violations, including all pertinent dimensions and the actual or planned impacts to watercourses or bodies of water. For permitted work, confirm compliance or specify violations.

This project is associated with ESG0300015002. Inspection participants: Ron Eberts, PA Department of Environmental Protection (DEP), Allyson McCollum, DEP, Herman Jackson, DEP, Rob Robertson, Welded Construction Lead Environmental Inspector. Inspection conducted on 9/11/17. Open cut to UNT to Hammer Creek (S-H7) and PEM wetland (WL-H4). 20-inch line installed. 16-inch line staged with portions of trenches dug. Compared site layout with E&S Plan Sheets ES-5.57 and S-H7-A. E&S controls on plan sheets are timber mat bridges, compost filter socks, and bypass pump arounds. The bypass pump was not present, nor were the cofferdams, as there was no active open cut for the second line. The area was relatively flat and the majority was the large wetland complex WL-H4. This wetland was marked with exclusionary orange fence. Palustrine emergent wetland WL-H3 boundary was not clearly marked as per Special Condition 20 d of DEP permit # E38-194. The level spreader near WL-H3 was not level and appeared to discharge toward and along the access road. Filter socks and silt fences were present near wetland WL-H3 with heavy sediment build-up. A timber mat was placed in the right-of-way south of wetland, WL-H3. The open trench to the west was completely filled with water (approximately 8-9 feet deep, which was actively running across the access road from south to north. Several E&S controls were "blown out" or in need of cleaning and inspection. Filter socks ran parallel to the right-of-way and not parallel to contours. Trench plugs observed were a hardened foam material. The trench adjacent to WL-H4 was still open and it appeared that an existing tile drain was severed and allowing water to flow to an unidentified location. Observed sediment in wetland WL-H4 immediately adjacent and north of silt sock and timber mat at Station 12683+00. Area measured approximately 10-feet by 20-feet. There was still active farm traffic in the area, but the farm access road near WL-H3 was not completely protected from potential sedimentation. There was a watercourse north of the access road behind the shed that was not identified on the plan sheets, which has potential to receive sediment laden runoff.

Sketch attached? Yes No Photos taken? Yes No Additional information attached? Yes No

Inspector name (print): Herman Jackson	Inspector Signature:	Date and Time: 10/02/2017
Inspector was accompanied by: <input type="checkbox"/> Owner <input type="checkbox"/> Permittee <input checked="" type="checkbox"/> Other: <u>Lead Environmental Inspector</u>	Signature of Owner/Permittee: Print Name:	Date:

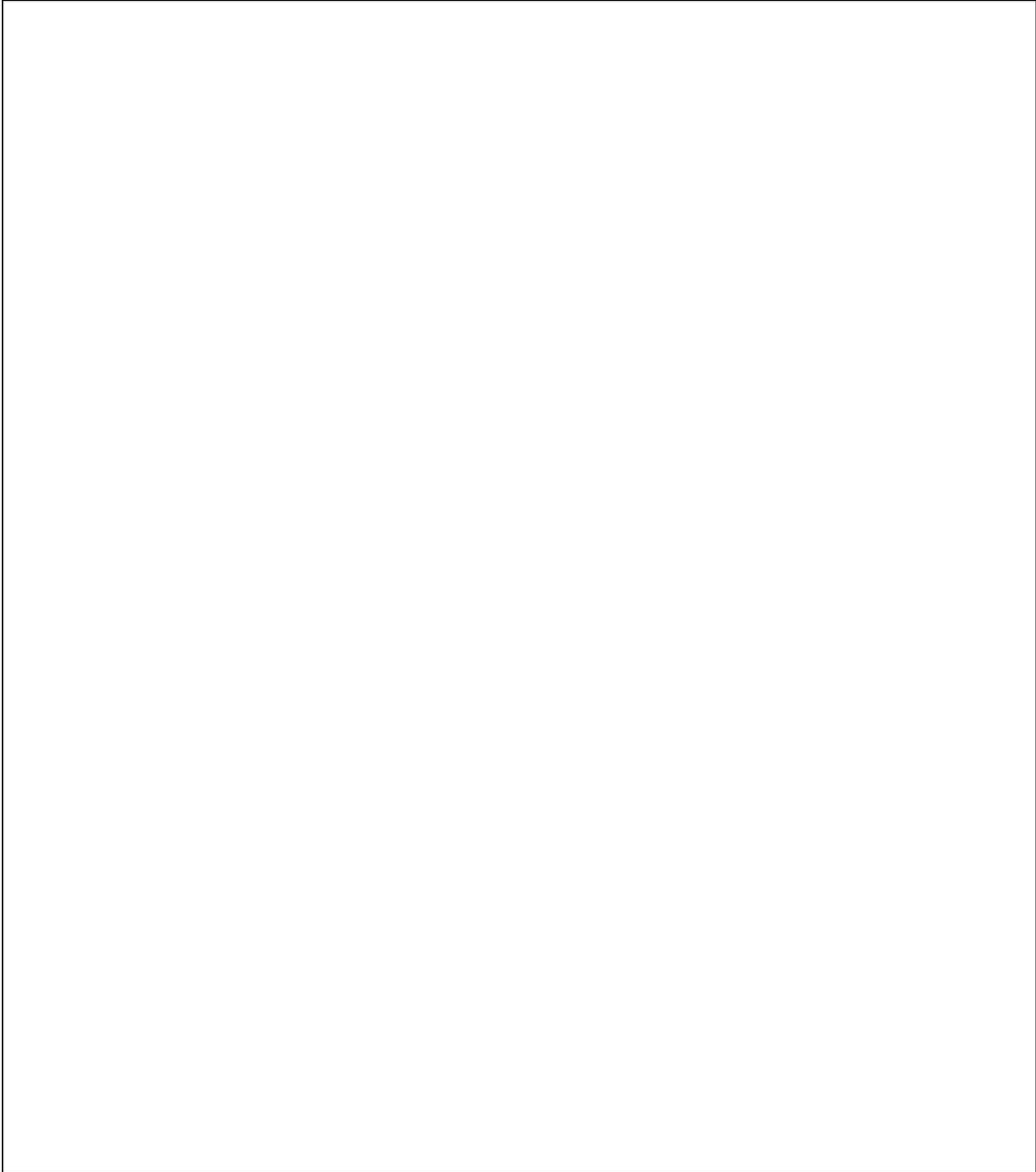
The Owner/Permittee's signature acknowledges that they have read the report and received a copy and that they were given the opportunity to discuss it with the inspector. The signature does not necessarily mean that they agree with the report.

White – DEP

Yellow – Owner/Permittee

DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit #	

Sketch



White – DEP

Yellow – Owner/Permittee



DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit # E36-945	

WATER OBSTRUCTION AND ENCROACHMENT INSPECTION REPORT

DEP/CCD Office	Southcentral Regional Office	Phone 717.705.4802	Project Type:	Pipeline Construction
Address	909 Elmerton Avenue Harrisburg, PA 17110		Location:	Immediately East of Swamp Church Road
Owner/Permittee	Sunoco Pipeline, L.P.- Matthew Gordon	Phone	County:	Lancaster
Mailing Address	525 Fritztown Road Sinking Spring, PA 19608		Municipality:	West Cocalico Township
			Water Course or Body of Water	Wetlands & UNT's to Little Cocalico Creek
			Latitude:	40° 17' 1.99" N
			Longitude:	76° 07' 0.77" W

Type of Inspection:

<input type="checkbox"/> ADMIN - Administrative / File Review	<input type="checkbox"/> CONST - Construction Progress	<input type="checkbox"/> OTHER _____
<input checked="" type="checkbox"/> CEI - Compliance Evaluation	<input type="checkbox"/> FUI - Follow-up Inspection	
<input type="checkbox"/> COMPL - Complaint Inspection	<input type="checkbox"/> INCDT - Incident response	

INSPECTION FINDINGS

Failure to:	Violation? (Check if yes)	Failure to:	Violation? (Check if yes)
Obtain a Chapter 105 permit	<input type="checkbox"/> [105.11] 693.6/18	Perform work according to specifications	<input checked="" type="checkbox"/> [105.44] 693.18
Operate or maintain permitted project	<input type="checkbox"/> [105.51] 693.13/18	Implement Erosion and Sediment Control Plan	<input checked="" type="checkbox"/> [105.46] 693.18
Acknowledge permit conditions	<input type="checkbox"/> [105.42] 693.18	Obtain Department approval for Environmental Assessment	<input type="checkbox"/> [105.15] 693.18
Maintain a valid permit	<input type="checkbox"/> [105.43] 693.18	Other:	<input type="checkbox"/> []

Inspection Results Code:	<input type="checkbox"/> NOVIO (No violations noted)	<input type="checkbox"/> OUTST (Outstanding violations)	<input type="checkbox"/> RECUR (Recurring violations)
	<input type="checkbox"/> VIOIC (Violations noted and immediately corrected)	<input checked="" type="checkbox"/> VIOLS (Violation(s) noted)	<input type="checkbox"/> VOV (New and outstanding violations noted)
			<input type="checkbox"/> VRV (New and recurring violations noted)

Describe site conditions and violations, including all pertinent dimensions and the actual or planned impacts to watercourses or bodies of water. For permitted work, confirm compliance or specify violations.

On September 14, 2017, Pennsylvania Department of Environmental Protection (DEP) representatives conducted a site inspection at the Sunoco Mariner East 2 project in West Cocalico Township, Lancaster County, the purpose of which was to determine compliance with Permit #E36-945. The inspection began immediately east of Swamp Church Road and continued east approximately 4,900 feet to an existing private driveway that is located approximately 1,800 feet west-southwest of the Lancaster/Berks County Line. Present during the inspection were Nathan Phillips, Ron Eberts, and Jason Shirey all from DEP, as well as Rob Robertson and Daniel Fortune, who are the Environmental Inspectors (EI's) for the site. Four crossing areas were inspected and the results are described below:

Crossing of Wetland B7 and Stream B11: The wetland boundaries were not identified as required by Special Condition m. of Permit #E36-945. An approximately 48-inch section of well casing with a locked cap was noted next to the stream. The EI's stated that the casing was laying in the stream channel when construction began and was not impacted by the project. No identification markings were noted on the exterior of the casing. To ascertain the owner and purpose of the well, DEP contacted Mr. Robertson via email and requested that the cap be opened to determine if any identifying information could be located.

Crossing of Stream B12: This crossing is shown as an open channel on the design plans. However, an approximately 30-inch diameter reinforced concrete pipe conveys flow through the project right-of-way (ROW) and appears to have been installed many years ago. The EI's stated that the culvert would need to be replaced for the landowner's continued use in the post construction condition. The EI's were informed that the culvert replacement would require a permit amendment from DEP. An exposed cast iron pipe was also observed crossing the stream near the downstream terminus of the ROW and the EI's were unable to say whether the pipeline was active or abandoned. While there appeared to be no intent to address this exposure, DEP informed the EI's that a permit amendment would also be required should Sunoco wish to address it while contractors are still onsite.

Crossing of Wetland B10 and Stream B13: Orange safety fence was observed installed through Wetland B10. The EI's stated that the fence was installed to delineate the boundary of the Wetland B10; however, it appeared that Wetland B10 extended approximately 20

feet east of the identified boundary and that fill was placed in a portion of the wetland that, based on site discussions, as well as a review of the approved design plans, does not appear to have been authorized by Permit #E36-945.

Crossing of Wetland B11: Turbid water was noted as flowing over a compromised E&S BMP (silt sock) and discharging to Wetland B11 downstream of the project ROW. This discharge was brought to the attention of the EI's and it was requested that the problem be corrected as soon as possible. In addition, the pipe trench was full of water and discharges upslope of the wetland. It was indicated to the EI's to dewater the trench through a filter bag prior to the next storm to lessen the potential to discharge sediment laden water to the wetland. The filter bags were observed on site, however, there is not an adequate vegetated buffer between the filter bags and the orange construction fence delineating the wetland (Special Condition iii)

Sketch attached? Yes No **Photos taken?** Yes No **Additional information attached?** Yes No

Inspector name (print): Jason Shirey and Nathan Phillips	Inspector Signature:	Date and Time:
Inspector was accompanied by: <input type="checkbox"/> Owner <input type="checkbox"/> Permittee <input checked="" type="checkbox"/> Other: <u>Environmental Inspectors</u>	Signature of Owner/Permittee: Print Name: Work Completed in Office	Date:

The Owner/Permittee's signature acknowledges that they have read the report and received a copy and that they were given the opportunity to discuss it with the inspector. The signature does not necessarily mean that they agree with the report.

White – DEP

Yellow – Owner/Permittee

DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit # E36-945	

Additional Information



White – DEP

Yellow – Owner/Permittee

Permit No. ESG0300015002Report No. 17-27

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 9/18/2017 Inspection Time 2:30pm

Inspection Findings

Inspection Findings	Reference
No violations observed at this time.	<input type="checkbox"/> (N/A)
a. Failure to develop a written Erosion and Sediment (E&S) Plan.	<input type="checkbox"/> (102.4)
b. Failure to have an E&S Plan available onsite.	<input type="checkbox"/> (102.4)
c. Failure to submit an E&S Plan as requested.	<input type="checkbox"/> (102.4)
d. Failure to implement effective E&S Best Management Practices (BMPs).	<input type="checkbox"/> (102.4)
e. Failure to maintain effective E&S BMPs.	<input type="checkbox"/> (102.4)
f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters.	<input type="checkbox"/> (102.4)
g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities.	<input type="checkbox"/> (102.5)
h. Failure to obtain an E&S Permit.	<input type="checkbox"/> (102.5)
i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan.	<input type="checkbox"/> (102.5)
j. Failure to submit a Notice of Termination (NOT).	<input type="checkbox"/> (102.7)
k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan.	<input type="checkbox"/> (102.8)
l. Failure to have PCSM Plan/Restoration Plan available onsite.	<input type="checkbox"/> (102.8)
m. Failure to submit PCSM Plan/Restoration Plan as requested.	<input type="checkbox"/> (102.8)
n. Failure to implement effective PCSM BMPs.	<input type="checkbox"/> (102.8)
o. Failure to maintain effective PCSM BMPs.	<input type="checkbox"/> (102.8)
p. Failure to perform reporting and recordkeeping as required.	<input type="checkbox"/> (102.8)
q. Failure to implement riparian buffer or riparian forest buffer.	<input type="checkbox"/> (102.14)
r. Failure to meet regulatory requirements for riparian forest buffer.	<input type="checkbox"/> (102.14)
s. Failure to provide temporary stabilization of the earth disturbance site.	<input type="checkbox"/> (102.22)
t. Failure to provide permanent stabilization of the earth disturbance site.	<input type="checkbox"/> (102.22)
u. Failure to comply with permit conditions.	<input type="checkbox"/> (402 CSL)
v. Sediment or other pollutant was discharged into waters of the Commonwealth.	<input checked="" type="checkbox"/> (401 CSL)
w. Site conditions present a potential for pollution to waters of the Commonwealth.	<input type="checkbox"/> (402 CSL)
x. Failure to comply with a Department Order.	<input type="checkbox"/> (402, 611 CSL)
y. Failure to comply with PCSM long-term operation and maintenance requirements.	<input type="checkbox"/> (102.8)
z. Failure to conduct a preconstruction meeting.	<input type="checkbox"/> (102.5)
aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit.	<input type="checkbox"/> (102.6)
bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit.	<input type="checkbox"/> (102.43)

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.

Page 2 of 5

 White - Inspector

 Yellow - Responsible Party

 Pink - Department

 Goldenrod - Other
SCRO006842



WL-I38
Looking NW



WL-I38
Looking SE



WL-I38 + S-I59
Looking SE

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:



EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 9/20/2017 Inspection Time AM

Inspection Findings

- | Inspection Findings | Reference |
|--|---|
| No violations observed at this time. | <input type="checkbox"/> (N/A) |
| a. Failure to develop a written Erosion and Sediment (E&S) Plan. | <input type="checkbox"/> (102.4) |
| b. Failure to have an E&S Plan available onsite. | <input type="checkbox"/> (102.4) |
| c. Failure to submit an E&S Plan as requested. | <input type="checkbox"/> (102.4) |
| d. Failure to implement effective E&S Best Management Practices (BMPs). | <input checked="" type="checkbox"/> (102.4) |
| e. Failure to maintain effective E&S BMPs. | <input checked="" type="checkbox"/> (102.4) |
| f. Failure to use Antidegradation Best Available Combination of Technologies (ABACT) BMPs for discharges to High Quality or Exceptional Value Waters. | <input type="checkbox"/> (102.4) |
| g. Failure to obtain an NPDES Permit for Stormwater Discharges Associated with Construction Activities. | <input type="checkbox"/> (102.5) |
| h. Failure to obtain an E&S Permit. | <input type="checkbox"/> (102.5) |
| i. Failure to prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan. | <input type="checkbox"/> (102.5) |
| j. Failure to submit a Notice of Termination (NOT). | <input type="checkbox"/> (102.7) |
| k. Failure to develop a written Post Construction Stormwater Management (PCSM) Plan/Restoration Plan. | <input type="checkbox"/> (102.8) |
| l. Failure to have PCSM Plan/Restoration Plan available onsite. | <input type="checkbox"/> (102.8) |
| m. Failure to submit PCSM Plan/Restoration Plan as requested. | <input type="checkbox"/> (102.8) |
| n. Failure to implement effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| o. Failure to maintain effective PCSM BMPs. | <input type="checkbox"/> (102.8) |
| p. Failure to perform reporting and recordkeeping as required. | <input checked="" type="checkbox"/> (102.8) |
| q. Failure to implement riparian buffer or riparian forest buffer. | <input type="checkbox"/> (102.14) |
| r. Failure to meet regulatory requirements for riparian forest buffer. | <input type="checkbox"/> (102.14) |
| s. Failure to provide temporary stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| t. Failure to provide permanent stabilization of the earth disturbance site. | <input type="checkbox"/> (102.22) |
| u. Failure to comply with permit conditions. | <input checked="" type="checkbox"/> (402 CSL) |
| v. Sediment or other pollutant was discharged into waters of the Commonwealth. | <input checked="" type="checkbox"/> (401 CSL) |
| w. Site conditions present a potential for pollution to waters of the Commonwealth. | <input type="checkbox"/> (402 CSL) |
| x. Failure to comply with a Department Order. | <input type="checkbox"/> (402, 611 CSL) |
| y. Failure to comply with PCSM long-term operation and maintenance requirements. | <input type="checkbox"/> (102.8) |
| z. Failure to conduct a preconstruction meeting. | <input type="checkbox"/> (102.5) |
| aa. Failure to provide proof of consultation with the Pennsylvania Natural Heritage Program regarding the presence of a State or Federal threatened or endangered species on a project site requiring a Chapter 102 permit. | <input type="checkbox"/> (102.6) |
| bb. Failure to withhold a building or other permit or approval from those proposing or conducting earth disturbance activities, which require a Department permit, until the Department or conservation district has approved/acknowledged the Chapter 102 permit. | <input type="checkbox"/> (102.43) |

Inspection of this project has revealed site conditions which constitute violations of 25 Pa. Code Chapters 92a and/or 102 and the Clean Streams Law, the act of June 22, 1937, P.L. 1987, 35 P.S. §691.1 et seq.

Additional information regarding these violations can be found on the back of this page.



Permit No. ESG0300015002
Report No. 17-28

EARTH DISTURBANCE INSPECTION REPORT

Project Name PA Pipeline Project/Mariner East II Inspection Date 9/20/2017 Inspection Time AM

Continuation Sheet

Site Description & Observations The E&S BMP's identified as needing to be maintained on previous inspection reports 17-20 dated 8/18/17 & 17-23 dated 9/5/17 still have not been maintained. The visual site inspection reports requested in report 17-23 were provided to our office on 9/12/17. These reports did not contain sufficient detail to determine which BMP's were maintained and simply indicated that all BMP's were maintained daily. This does not appear to be the case as these BMP's have not been maintained for at least 30 days. These reports mentioned are included for your use. (Violations 102.4, 102.8, 402CSL) The temporary timber mats at crossing WL-J-15 on sheet ES-4.47 did not have the geotech material wrapped up around the sides of the mats. This allowed sediment to fall into WL-J-15. (Violations 102.4, 401CSL) The temporary slope pipe shown around station # 9930+00 was not installed at the location show on the plans. It was installed east of station # 9932+00. This slope pipe was not installed correctly as the rock filter was not installed. (Violations 102.4, 402CSL) The silt sock on the NE side of crossing WL-J14 on sheet ES-4.47 needs to be maintained. (Violations 102.4, 402CSL) The silt sock on the SE side of crossing S-BB5 needs to be maintained. (Violations 102.4, 402CSL)

Compliance Assistance Measures All E&S BMP's should be inspected and maintained weekly and after each runoff event. A log of these inspections should be kept that documents each inspection and all BMP repair, or replacement and maintenance activities. All temporary timber mat crossings should be inspected for damage to the geotech and accumulated sediment in the gutters of the geotech and properly maintained. A non-compliance/incident report should be provided for the pollution that occurred to WL-J15 due to the improper installation of the timber mats. All slope pipes should be installed according to the plan. If the slope pipes are to be moved or removed a redline revision should be submitted to our office for review and approval. All water bars shown on the plans should be installed. The Cumberland County Conservation District is requesting that a written report documenting that the items identified in this report have been address including pictures of the repairs, maintenance, or corrections.

Follow-up Inspection will occur on or about (date) TBD

(Signature of Site Representative)

(Date)

(Inspector's Signature)

9/20/2017

(Date)

The Site Representatives' signature acknowledges that they have read the report and received a copy and that they were given an opportunity to discuss it with the inspector. The signature does not necessarily mean the signee agrees with the report.

This report is official notification that a representative of the Department of Environmental Protection has conducted an inspection of your earth disturbance activity to determine compliance with Title 25, Chapter 92a, National Pollutant Discharge Elimination System, Title 25, Chapter 102, Erosion and Sediment Control, and the Pennsylvania Clean Streams Law. This representative may be an employee of the local County Conservation District, which by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by the Department/Conservation District have been noted on this report form and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law.

There will be no written confirmation of those violations from the Department. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being instituted by the Department of Environmental Protection as defined in Section 602 of the Clean Streams Law of Pennsylvania. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation.

This report does not constitute an Order or appealable action of the Department. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein.

For further information or assistance please contact:

4 of 4

February 28, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 34

Mr. David Bell
Precision Pipeline, LLC
3314 56th Street
Eau Claire, WI 54703

CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 41

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E21-449
DEP File No NOV 21 18 101
Lower Frankford Township, Cumberland County

Dear Mr. Gordon & Mr. Bell:

On February 27, 2018, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of 100 gallons of drilling fluids into stream S-J41 (an unnamed tributary to Locust Creek) and wetland J35 in Lower Frankford Township, Cumberland County associated with Horizontal Directional Drill No. PA-CU-0062.0000-WX (“Site”). On February 27, 2018, the Department conducted an inspection of the Site and documented that the IR occurred within stream S-J41 (an unnamed tributary to Locust Creek, a warm water fishery) and wetland J35, waters of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E21-449 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PCC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by March 9, 2018:

1. Any additional interim or final IR reporting form(s) for the site—as required by the Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photos documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional measures necessary to complete remediation.
3. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the HDD IR PPC Plan, a “restart report” prepared and sealed by a Pennsylvania licensed Professional Geologist (PG) containing an overview of the HDD activities, the PG’s assessment of strata where the IR occurred, depth and alignment of the drill bit at the time of the IR, profile of the drill path as constructed overlain on the permitted drill profile, an analysis of the risk of additional inadvertent returns to waters of the Commonwealth, and recommendations on measures that will minimize the likelihood that further drilling will result in harm to the environment, or impact any private or public water supplies.

Please be reminded Department approval of the restart report is required before resuming drilling operations for PA-CU-0062.0000-WX. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-CU-0062.0000-WX-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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. David Bell

- 3 -

February 28, 2018

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Matt Stough – Cumberland County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Lower Frankford Township



March 16, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 33

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 40

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E07-459
DEP File No NOV 07 18 101
Frankstown Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On March 15, 2018, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, L.P. ("Sunoco") of an inadvertent return ("IR") of approximately 200 gallons of drilling fluids within Wetland L54 in Frankstown Township, Blair County, associated with Horizontal Directional Drill No. PA-BL-0001.0094-WX-16 ("Site"). On March 15, 2018, the Blair County Conservation District conducted an inspection of the Site and documented that the IR occurred within wetlands (Wetland L54), which are waters of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("HDD pIR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

- 2 -

March 16, 2018

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by March 23, 2018:

1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
3. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the HDD IR PPC Plan, a “restart report” prepared and sealed by a Pennsylvania licensed Professional Geologist (“PG”) containing and overview of HDD activities, the PG’s assessment of strata where the IR occurred, depth and alignment of the drill bit at the time of the IR, profile of the drill path as constructed overlain on the permitted drill profile, an analysis of the risk of additional inadvertent returns to Waters of the Commonwealth, and recommendations and measures that will minimize the likelihood that further drilling will result in harm to the environment, or impact any private or public water supplies.

Please be reminded Department approval is required before restarting drilling operations for PA-BL-0001.0094-WX-16.

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.

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Diane Thomas –Blair County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Frankstown Township, Blair County

March 16, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 10

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 27

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E38-194
DEP File No NOV 38 18 103
West Cornwall Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On March 15, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, LP (“SPLP”) of an inadvertent return (“IR”) of drilling fluids in Snitz Creek located in West Cornwall Township, Lebanon County associated with Horizontal Direction Drill PA-LE-0055.0000-RD (“Site”). On March 15, 2018, the Department conducted an inspection of the Site and documented that the IR occurred within Snitz Creek, a water of the Commonwealth (Trout Stocking, Migratory Fishes). A copy of the Department’s inspection report is enclosed for your reference. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E38-194 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

In order to develop and appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by March 23, 2018:

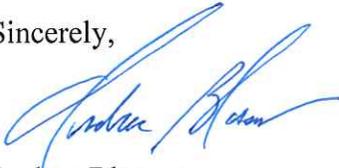
1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
3. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the HDD IR PPC Plan, a “restart report” prepared and sealed by a Pennsylvania licensed Professional Geologist (“PG”) containing and overview of HDD activities, the PG’s assessment of strata where the IR occurred, depth and alignment of the drill bit at the time of the IR, profile of the drill path as constructed overlain on the permitted drill profile, an analysis of the risk of additional inadvertent returns to Waters of the Commonwealth, and recommendations and measures that will minimize the likelihood that further drilling will result in harm to the environment, or impact any private or public water supplies.

Please be reminded Department approval is required before restarting drilling operations for PA-LE-0055.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-LE-0055.0000-RD -16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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.

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

Encl.

cc: Karl Kerchner- Lebanon County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
West Cornwall Township



March 19, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0133 7722 15

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0133 7722 22

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E07-459
DEP File No NOV 07 18 102
Frankstown Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On March 17, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) that the drill pit at the entry location of Horizontal Directional Drill No. PA-BL-0122.0000-WX in Frankstown Township, Blair County (“Site”) was overflowing, resulting in a discharge of diluted drilling fluids into the adjacent Frankstown Branch Juniata River (Stream S-M31) that was visible for 1.5 miles downstream. At its initial report, Sunoco attributed the overflow of the drill pit to the fact that the drilling activities were causing groundwater to be released into the drill pit at a rate of 500 gallons per minute, which exceeded onsite capacity to effectively manage it. On March 17, 2018, the Department conducted an inspection of the Site and documented that the drilling fluids were being discharged into the Frankstown Branch Juniata River (Warm Water Fishes, Wild Trout), a water of the Commonwealth. The drilling fluids constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any discharges of drill fluid at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018 and addresses the production of groundwater at horizontal directional drilling operations at Section 5.1.6.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by March 26, 2018:

1. A written incident report that contains the following:
 - a. a detailed description, including photographs, documenting the discharge of drilling fluids, containment and cleanup activities, and current conditions at the Site,
 - b. the length of time that the drill pit was overflowing,
 - c. the volume of diluted drilling fluid that was released from the drilling pit,
 - d. the volume of diluted drilling fluid that entered any waters of the Commonwealth, along with the names and resource identification numbers for those resources,
 - e. actions taken to stop or slow groundwater entering the drill pit and/or prevent the drill pit from overflowing,
 - f. actions taken to contain and recover any diluted drilling fluids released from the drill pit,
 - g. and actions taken to and remove the discharged drilling fluid from any waters of the Commonwealth,
2. Documentation that Sunoco has notified all public water suppliers with a source located downstream from where the drilling fluids entered waters of the Commonwealth or otherwise within 450 feet of the horizontal directional drill alignment and every landowner with a private water supply within 450 feet of the alignment that a surfacing of groundwater occurred and that their water supply may be impacted.
3. A report prepared and prepared and sealed by a Pennsylvania licensed Professional Geologist ("PG") that describes the cause of the encountered groundwater and presents a plan for managing any future groundwater discharges at the Site. In accordance with Section 5.1.6 of the HDD IR PPC Plan:

"If the volume of produced water exceeds the demand for continued drilling, the contractor will capture and haul away all produced water for treatment until test results show that the water can be discharged at a suitable location at the horizontal directional drill location to minimize the potential for any future overflows. The Environmental Project

Mr. Matthew Gordon
Mr. Benjamin Ploederl

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March 19, 2018

Manager will obtain any required authorizations for on-site discharge of excess produced water."

As discussed with Mr. Chris Embry of Sunoco during a March 17, 2018 telephone conversation, the Department is requesting that horizontal directional drilling operations at the Site remain suspended until item number 3, above, is presented to the Department.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Diane Thomas –Blair County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Frankstown Township, Blair County



March 26, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 03

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0133 7722 39

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E31-234
DEP File No NOV 31 18 101
Shirley Township, Huntingdon County

Dear Mr. Gordon & Mr. Ploederl:

On March 23, 2018, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, LP ("SPLP") of an inadvertent return ("IR") of less than one gallon of drilling fluids in Wetland K69 located in Shirley Township, Huntingdon County associated with Horizontal Directional Drill PA-HU-0106.0000-RD ("Site"). On March 23, 2018, the Department conducted an inspection of the Site and documented that the IR had occurred within Wetland K69, a water of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E31-234 and ESG030015002 require permittee(s) to follow their '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("HDD IR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

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March 26, 2018

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser and Ronald Eberts by email at ablosser@pa.gov and reberts@pa.gov by April 6, 2018:

1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
3. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the HDD IR PPC Plan, a “restart report” prepared and sealed by a Pennsylvania licensed Professional Geologist (“PG”) containing and overview of HDD activities, the PG’s assessment of strata where the IR occurred, depth and alignment of the drill bit at the time of the IR, profile of the drill path as constructed overlain on the permitted drill profile, an analysis of the risk of additional inadvertent returns to Waters of the Commonwealth, and recommendations and measures that will minimize the likelihood that further drilling will result in harm to the environment, or impact any private or public water supplies.

Please be reminded Department approval is required before restarting drilling operations for PA-HU-0106.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-HU-0106.0000-RD-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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.

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

Mr. Matthew Gordon
Mr. Benjamin Ploederl

- 3 -

March 26, 2018

cc: Taylor Clark – Huntingdon County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Shirley Township, Huntingdon County



March 30, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0123 5462 15

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0123 5462 22

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E50-258
DEP File No NOV 50 18 101
Toboyne Township, Perry County

Dear Mr. Gordon & Mr. Ploederl:

On March 29, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an inadvertent return (“IR”) of less than one gallon of drilling fluids within Wetland L1 in Toboyne Township, Perry County, associated with Horizontal Directional Drill No. PA-PE-0002.0000-RD (“Site”). On March 29, 2018, the Perry County Conservation District conducted an inspection of the Site and documented that the IR occurred within wetlands (Wetland L1), which are waters of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Section 301 of The Clean Streams Law, 35 P.S. § 691.301. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E50-258 and ESG0300015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301 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.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

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March 30, 2018

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by April 6, 2018:

1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.

Please be reminded Department approval is required before restarting drilling operations for PA-PE-0002.0000-RD. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the February 6, 2018 HDD IR PPC Plan, PA-PE-0002.0000-RD HDD operations must remain suspended until, *“(1) containment is achieved, (2) cleanup of the inadvertent return has been completed, and (3) SPLP submits written notice and documentation that the inadvertent return has been contained and the cleanup has been completed and PADEP approved the restart of the HDD operations, which shall occur no later than 72 hours after SPLP has submitted the required written notice and documentation to PADEP, at which time SPLP may resume trenchless construction unless PADEP disapproves restart.”*

Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-PE-0002.0000-RD -16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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.

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

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Neil Imes, Perry County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Toboyne Township, Perry County