



May 24, 2018

Ms. Erika Bradley
Sunoco Partners Marketing and Terminals, L.P.
Specialist-Environmental Projects
100 Green Street
Marcus Hook, PA 19061

Re: Permit Approval Cover Letter for Individual NPDES
Permit for Stormwater Discharges Associated
with Construction Activities
ME-2X Project PAD230023, Phase 1
Marcus Hook Borough
Delaware County

Dear Ms. Bradley:

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Sections 1251 et seq. (“the Act”) and Pennsylvania’s Clean Streams Law, as amended, 35 P.S. Sections 691.1 et seq., the Department of Environmental Protection (DEP) hereby approves the application for the National Pollutant Discharge Elimination System (NPDES) permit for Stormwater Discharges Associated with Construction Activities ME-2X Project to Delaware River.

Permit No. PAD230023 is effective on May 24, 2018, and will expire on May 24, 2023. All dischargers are required by Sections 402 and 611 of The Clean Streams Law, 35 P.S. Sections 691.402 and 691.611 to comply with the terms and conditions and any special conditions of their permit.

1. In addition to the NPDES permit authorization, the permittee and any subsequent co-permittees have additional responsibilities related to this authorization. NPDES permit requirements and federal regulations at 40 CFR 122.21(b) require “when a facility or activity is owned by one person but is operated by another person, it is the operator’s duty to obtain a permit” (see permit condition Part B(1)(d)(1) and (3) for transfer of permit or co-permittee requirements). Please be advised that once an operator/contractor has been selected for the project, the NPDES permit must either be transferred to the operator/contractor or the operator/contractor must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Transferee/Co-Permittee Application form to transfer the permit or to add a co-permittee. This form must be received by this office at least 30 days prior to the co-permittee/transferee action taking place.
2. A pre-construction conference is required as specified in 25 Pa. Code Section 102.5(e). The purpose of this conference is to review all aspects of the permit with the

permittee, co-permittees, operators, consultants, DEP inspectors, and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved Post Construction Stormwater Management (PCSM) Plan.

3. It is a condition of NPDES permit that as part of the maintenance program for the operation and maintenance of Best Management Practices (BMPs) the permittee or co-permittee must conduct inspections of the BMPs on a weekly basis and after each stormwater event to include the repair or replacement of BMPs to ensure effective and efficient operation (see permit condition Part A, 2(a)). The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.
4. For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operations and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. Unless a later date is approved by DEP in writing, the permittee shall record an instrument as required under 25 Pa. Code Section 102.8(m)(2) and Condition 15b of this permit within 45 days from the date of issuance of this permit or authorization. The permittee shall provide the conservation district and DEP with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.
5. The Notice of Termination (NOT) form is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved as a condition of this permit as specified in Section 4 of the permit regarding the NOT. The NOT is a NPDES permit requirement, as well as a regulatory requirement under 25 Pa. Code Section 102.7. The NOT must identify the responsible person(s) for the long-term operation and maintenance of the PCSM BMPs. Please be advised that the permittee and/or co-permittee remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period.

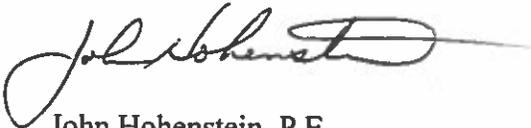
Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any additional questions, please contact Ms. Ranjana Sharp at 484.250.5166.

Sincerely,



John Hohenstein, P.E.
Acting Regional Manager
Waterways and Wetlands

Enclosures: PAI Individual NPDES Permit
Visual Site Inspection Report Form
Transferee/Co-permittee Application Form
Notice of Termination Form
Riparian Forest Buffer Reporting Form (if applicable)

cc: Mr. Hazard – Environmental Resources Management (ERM)
Delaware County Conservation District
Marcus Hook Borough
Ms. Sharp, P.E. – Construction Permits Section
Re 30 (GJS18WAW)145-8

SPECIAL CONDITIONS

1. Contaminated soil and/or water encountered during construction and/or demolition activities requires special attention such that any contaminated runoff is properly managed.
 - For contaminated sites proposing to attain remediation standard(s) outlined in the Land Recycling and Environmental Remediation Standards Act (Act 2), the permittee is responsible for assuring that the remediation follows all reports/plans/procedures approved by DEP's Environmental Cleanup and Brownfields (ECB) program. Groundwater exposure pathways and contaminated soils should be properly managed to prevent groundwater pollution. The regional ECB program should be contacted at 484.250.5960 for any remediation questions.
 - The permittee is responsible for assuring that any fill material used at the site, whether brought onto the site or generated at the site, meets the Management of Fill Policy. Waste generated from or discovered during construction and/or demolition activities, must be managed in accordance with the Solid Waste Management Act. The permittee is responsible for determining if any waste so generated is hazardous or nonhazardous and has the burden of proof to demonstrate that waste is managed in accordance with the pertinent hazardous, municipal, or residual waste regulations. Questions about the proper management of waste from the construction or demolition activities authorized under this permit, or the use of fill material under the Management of Fill Policy, should be directed to the Regional Waste Management program at 484.250.5960.
 - Sites having Asbestos Containing Materials (ACMs) will need to follow the Asbestos NESHAP Regulations. Questions about the proper management of ACMs should be directed to the Regional Air Quality program at 484.250.5920.

If any of the requirements or approvals under the ECB program; Solid Waste Management program; or Air Quality program require modifications, please contact those programs directly. For delays in the implementation of the Erosion and Sediment Pollution Control Plan, the County Conservation District and Regional Waterways and Wetlands program (484.250.5160) should be contacted immediately.