



November 7, 2019

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 0640 0002 3146 0614
RETURN RECEIPT NO. 9590 9402 1222 5246 4954 86

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

CERTIFIED MAIL NO. 7015 1520 0002 1486 3405
RETURN RECEIPT NO. 9590 9402 1222 5246 4958 06

Mr. Jayme Fye
Michels Corporation
817 Main Street
Brownsville, WI 53006

Re: Violations of the Clean Streams Law, Dam Safety and
Encroachments Act, and the Oil and Gas Act of 2012
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
East Goshen and Westtown Townships
Chester County

Dear Mr. Gordon and Mr. Fye:

The Department of Environmental Protection (“DEP”) issues you the following Notice of Violation (“NOV”) for violations of various statutes and regulations administered by DEP, as well as permits authorizing Sunoco Pipeline, L.P. (“SPLP”), to conduct earth disturbance and water obstruction and encroachment activities in installing the Mariner East 2 hazardous liquids pipeline in Chester County. The violations are detailed below.

On September 24, 2019, DEP received information that SPLP combined two separate horizontal directional drills (“HDD”) 520 and 530 into one longer HDD. This information was presented at an earlier East Goshen Township meeting and then subsequently brought to

DEP's attention by a citizen. On October 3, 2019, SPLP's consultant sent revised drawings to the Chester County Conservation District also indicating that the two HDDs had been combined into one long HDD. In addition, DEP learned that SPLP had increased the diameter of that combined HDD to accommodate a dual pipe pull. DEP was notified of these changes in an e-mail dated October 4, 2019, which included a short description and Plan and Profile drawing of the as-built status. Also included was a Fracture Trace map of the combined drill area.

Pursuant to the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017, SPLP committed to reevaluating the HDD proposed for HDD 520. On January 23, 2018, SPLP submitted its reevaluation of HDD 520 to DEP. The reevaluation did not indicate that HDD 520 would be combined with HDD 530 or that the diameter of the HDD would accommodate a dual pipe pull. Likewise, none of SPLP's subsequent submissions for HDD 520 indicated that HDD 520 would be combined with HDD 530 or accommodate a dual pipe pull. As such, the reevaluation did not examine HDD 520 with these changes as part of the analysis.

The expansion of construction activities beyond the HDD 520 profile up to, through and including the HDD 530 profile is a violation of the reevaluation approval DEP issued for HDD 520 on December 5, 2018. SPLP failed to notify DEP prior to commencing the current construction activities at these identified locations. The parameters of the HDD activity currently underway at the location of HDD 520 are substantially different than the parameters of the HDD activity originally proposed for HDD 520. When DEP approved the reevaluation on December 5, 2018, DEP granted SPLP approval to "proceed with the permitted HDD activity in the manner proposed in your reevaluation and in accordance with all applicable permit terms and conditions." SPLP's current HDD activity is not in compliance with that approval.

The unauthorized connection of two drills, HDD 520 to HDD 530, into one drill now referred to by SPLP as HDD 521, required a complete geologic reevaluation of the entire bore path. This was not provided to DEP. In order to remedy this, DEP requests that the following information from SPLP be provided **within 10 business days of receipt of this NOV:**

- A justification now needs to be provided which demonstrates how the connecting of these two HDDs will not increase the risk of subsidence, inadvertent returns, well contamination, surface water seeps, and any other impacts to human health and environment. The justification needs to be signed and sealed by a Pennsylvania licensed Professional Geologist (P.G.).
- Prepare and submit a list of revised procedures, signed by SPLP senior management, that SPLP will follow for all future HDD activity to ensure that DEP receives timely and accurate notice from SPLP prior to any changes in drilling activities, including combining drills, dual pipe pulls, expansion of the radius of a drill, or other changes in

drill activity. This will allow DEP to properly respond to incidents that may pose a danger of pollution or impact to public health as necessary.

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

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

Sincerely,



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

cc: Mr. Gremminger – Sunoco Pipeline
Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Mr. Sofranko – Chester County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
East Goshen Township
Westtown Township
Re 30 (GJS19WAW)311