



November 21, 2017

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 7017 1070 0000 6448 6876

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

CERTIFIED MAIL NO. 7017 1070 0000 6448 6883

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 E06-701
DEP File No NOV 06 17 103
Spring Township, Berks County

Dear Mr. Gordon and Mr. Mack:

On November 17, 2017, the Berks County Conservation District ("BCCD") conducted an inspection of pipeline construction activities in the location of an unnamed tributary ("UNT") to Cacoosing Creek (S-C33) in Spring Township, Berks County ("Site"). During the inspection BCCD documented that pipeline installation activities were underway at the Site utilizing Horizontal Directional Drill ("HDD") construction methods. The Department did not authorize the crossing of the UNT to Cacoosing Creek (S-C33) using HDD methodology.

Department permits ESG030015002 and E06-701 require permittee(s) to follow their '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("IR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The IR PPC Plan, E06-701, and ESG030015002 contain the following requirements:

- A. Notify the Department at least 24 hours prior to the beginning of each HDD, including conventional boring under waters of the Commonwealth. No such notification was made.
- B. Obtain an amendment to E06-701 prior to deviating from the construction methodology or project design that is shown on the approved drawings. The crossing of the unnamed tributary to Cacoosing Creek (S-C33) was approved as a dry stream crossing/open cut.

No permit amendment was obtained prior to altering the construction methodology to an HDD.

Failing to obtain a Chapter 105 permit, failing to comply with permit conditions, and failing to perform work according to permit specifications 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 Ronald Eberts by email at reberts@pa.gov by November 28, 2017:

1. Daily construction logs, including drill logs, covering the time period from the commencement of HDD activities through present day. The logs should document the following for each day of activity: start and stop times of drill, stage of HDD process, approximate progress along the drill alignment, drill pressure, depth of cover, and any loss of pressure and/or drilling fluids, including volumes or percentages of diminished returns.
2. A proposed plan of action, including schedule, for completing pipeline construction at the Site. The plan should clearly indicate whether a permit amendment request for E06-701 will be sought for the altered construction methodology or if the current HDD activities will be properly abandoned to returned to the construction methodology already approved in E06-701.
3. Copies of the certified mail receipts and landowner responses for notifications made to landowners within 450 feet of the HDD alignment that HDD operations would be commencing and offering to have water supplies within 450 feet of the HDD alignment sampled before, during, and after start of the HDD operations in accordance with the parameters in the water supply testing plan (Appendix B of the Water Supply Assessment, Preparedness, Prevention and Contingency Plan, revised August 8, 2017).
4. A list of all pipeline crossings of a water of the Commonwealth along the entire Mariner East II Project where construction has been completed and/or initiated using a crossing methodology other than what was authorized by the initial permit approval or amendment thereto. At a minimum, the listing should include the following information:
 - Water Obstruction and Encroachment Permit number
 - crossing identifier (specifying 20-inch or 16-inch line),
 - county and municipality,

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Mr. Andrew Mack

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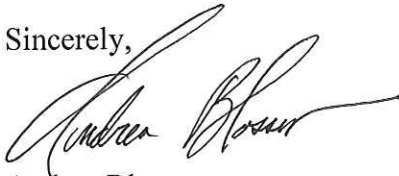
- latitude and longitude for the beginning and end of each crossing,
- approved construction methodology,
- utilized construction methodology,
- date of construction initiation,
- date of construction completion,
- stage of current construction if the crossing is not complete, and
- for each HDD, including conventional boring under waters of the Commonwealth—the date that the Department was notified of the initiation of construction.

Please be reminded Department approval is required before restarting any HDD operations or any other crossing methodology at this location.

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: Brian Shields - Berks County Conservation District
Captain Raymond Bednarchik - PA Fish and Boat Commission, Southeast Region
David Caplan - US Army Corps of Engineers, Philadelphia District
Chris Embry - Sunoco Pipeline, LP
Spring Township