



B. Sunoco is a foreign limited partnership doing business in Pennsylvania and maintains a mailing address of 535 Fritztown Road, Sinking Springs, PA 19608. Sunoco Logistics Partners Operations GP LLC is the general partner of Sunoco. Sankar R. Devarpiran is Senior Vice President – Engineering & Special Projects of the General Partner. Mr. Devarpiran has been granted authority to sign documents for the General Partner in its capacity as the general partner of Sunoco, on behalf of Sunoco.

C. Sunoco owns and operates numerous pipelines in Pennsylvania used to transport petroleum and natural gas products. Sunoco has undertaken an effort to expand existing transportation systems for natural gas liquids in Pennsylvania, which is collectively referred to as the Pennsylvania Pipeline Project – Mariner East II (“PPP-ME2”). As part of PPP-ME2, Sunoco has completed pipeline installation activities and is in the process of completing restoration work in seventeen counties in Pennsylvania, including Berks, Blair, Cambria, Chester, Cumberland, Delaware, Perry, and York Counties.

### **Permits**

D. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E06-701, to construct PPP-ME2 through Berks County.

E. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E07-459, to construct PPP-ME2 through Blair County.

F. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0500015001, and Water Obstruction and Encroachment Permit, Permit Number E11-352, to construct PPP-ME2 through Cambria County.

G. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0100015001, and Water Obstruction and Encroachment Permit, Permit Number E15-862, to construct PPP-ME2 through Chester County.

H. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E21-449, to construct PPP-ME2 through Cumberland County.

I. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0100015001, and Water Obstruction and Encroachment Permit, Permit Number E23-524, to construct PPP-ME2 through Delaware County.

J. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E50-258, to construct PPP-ME2 through Perry County.

K. Sunoco obtained Erosion and Sediment Control Permit, Permit Number ESG0300015002, and Water Obstruction and Encroachment Permit, Permit Number E67-920, to construct PPP-ME2 through York County.

L. Horizontal Directional Drilling (“HDD”) shall be defined herein as any steerable method used for installation of an underground pipe in an arc along a prescribed path by using a surface launched drilling rig.

M. An Inadvertent Return (“IR”) shall be defined herein as an unauthorized discharge of drilling fluids to the ground or surface waters, including wetlands, associated with HDD or other trenchless construction methodologies.

### **Sites**

N. The work area for PPP-ME2 in Berks County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Cumru Township utilizing HDD construction methodology ("Peach Tree Lane Site"), and in Robeson Township utilizing a conventional auger bore ("Chestnut Hill Road Site").

O. The work area for PPP-ME2 in Blair County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Blair Township utilizing HDD construction methodology ("Everett Railroad Site"), and in Woodbury Township utilizing HDD construction methodology ("Piney Creek Site").

P. The work area for PPP-ME2 in Cambria County, Pennsylvania includes earth disturbance activities (open trench) to install a portion of the pipeline in Jackson Township, including in an area that crosses Wetland-O16 ("Cambria Site 1"), and earth disturbance activities to install a portion of the pipeline in Cambria Township utilizing HDD construction methodology, including in an area that crosses an UNT to Stewarts Run (S-CC1) ("Cambria Site 2").

Q. The work area for PPP-ME2 in Chester County, Pennsylvania includes earth disturbance activities in Upper Uwchlan Township utilizing HDD construction methodology ("HDD 280 Site") and in West Whiteland Township utilizing a conventional auger bore ("East Lincoln Highway Site").

R. The work area for PPP-ME2 in Cumberland County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Middlesex Township utilizing HDD construction methodology ("Appalachian Trail HDD" and "Appalachian Drive HDD"), and in Silver Spring Township utilizing a conventional auger bore ("Hempt Brothers Access Road Site").

S. The work area for PPP-ME2 in Delaware County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Middletown Township utilizing HDD

construction methodology (“HDD 620 Site”), and in Thornbury Township utilizing HDD construction methodology (“HDD 541 Site”).

T. The work area for PPP-ME2 in Perry County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Toboyne Township utilizing HDD construction methodology (“Horse Valley Road Site”).

U. The work area for PPP-ME2 in York County, Pennsylvania includes earth disturbance activities to install a portion of the pipeline in Fairview Township utilizing open-trench construction methodology (“Pleasant View Road Site”).

### **Construction Issues**

V. On April 23, 2018, through the Oil and Gas Electronic Reporting (“OGRE”) application, Sunoco submitted notification to the Department of a citizen complaint of alleged impacts to private water supply at the Everett Railroad HDD Site and the Department received a citizen complaint of alleged impacts to a private water supply at the Piney Creek HDD Site. The citizens had complained of adverse impacts to their private water supplies including cloudy water, turbid water, discolored water, and odor. In accordance with the Water Supply Assessment, Preparedness, Prevention and Contingency Plan, and related permit requirements, Sunoco responded to, evaluated, and addressed each complaint.

W. On May 23, 2019, the Department received a self-reported notice from Sunoco that during an open-trench construction of the pipeline, Sunoco observed a surface fracture that occurred outside of the limits of disturbance (“LOD”) and within Wetland O16 on May 21, 2019 during the installation of the 16” pipeline at Cambria Site 1. Sunoco removed and segregated the topsoil and engaged in restoration activities on Wetland O16.

X. On July 16, 2019, the Department received a self-reported notice from Sunoco of a drill profile collapse within an UNT to Stewart Run (S-CC1) on July 13, 2019 at Cambria Site 2.

Y. The receiving water for the Cambria Site 2 is an UNT to Stewart Run, a Water of this Commonwealth. The designated use for this segment of Stewart Run basin is listed in 25 Pa. Code § 93.9t as High Quality – Cold Water Fishes (“HQ-CWF”). Stewart Run is classified as a wild trout (natural reproduction) water by the Fish and Boat Commission. *See*

[http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout\\_repro.pdf](http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Documents/trout_repro.pdf)

Z. On November 5, 2018, the Department received self-reported notice from Sunoco of a discharge of grout into Wetland WL-Q75 during borehole stabilization measures at a previously reported subsidence location at the HDD 280 Site that occurred on November 1, 2018. The area was stabilized in accordance with the Void Mitigation Plan for Karst Terrain and Underground Mining Plan approved as part of the project. Sunoco did not obtain written approval from the Department prior to the placement of fill into the Wetland.

AA. On July 13, 2020, and July 20, 2020, the Department inspected the East Lincoln Highway Site and documented an area of subsidence that occurred in an UNT to Valley Creek. The area was stabilized in accordance with the Void Mitigation Plan for Karst Terrain and Underground Mining Plan approved as part of the project and restored within 1 day.

BB. The receiving water for the East Lincoln Site is an UNT to Valley Creek, a Water of this Commonwealth. The designated use for this segment of Valley Creek basin is listed in 25 Pa. Code § 93.9g as CWF, MF.

CC. On January 19, 2018, through the OGRE application, Sunoco submitted notification to the Department of a citizen complaint of alleged impacts to private water supplies at the Hempt Brothers Access Road Sites. The citizen had complained of adverse impacts to a private water

supply including, cloudy water, turbid water, discolored water, loss of water pressure, and/or diminution of water. In accordance with the Water Supply Assessment, Preparedness, Prevention and Contingency Plan, and related permit requirements, Sunoco responded to, evaluated, and addressed the complaint.

DD. On August 5, 2018, Sunoco placed approximately twenty-one cubic yards of flowable fill into an area of subsidence in Wetland WL-11. The area was stabilized in accordance with the Void Mitigation Plan for Karst Terrain and Underground Mining Plan approved as part of the project. This stabilization work in Wetland WL-11 was conducted without first obtaining written approval from the Department at the HDD 620 Site.

EE. On August 22, 2018, the Department received notice from Sunoco that an IR occurred in Wetland WL-11 and drilling fluids flowed in an UNT to Chester Creek (S-11) at the HDD 620 Site.

FF. The receiving water for the HDD 620 Site is an UNT to Chester Creek, a Water of this Commonwealth. The designated use for this part of the Chester Creek basin is listed in 25 Pa. Code § 93.9g as WWF, MF.

GG. On May 26, 2021, in response to Sunoco's self-reported notification to the Department, the Department conducted an inspection at the HDD 620 Site and documented turbid water discharging under the location where Sunoco performed excavation work to tie in pipes within the LOD, and along Glen Riddle Road just downslope of Sunoco's LOD, into an inlet and into an UNT to Chester Creek (S-12). The source of water was determined to be the result of the failure of a 4-inch diameter waterline at the Glen Riddle Station Apartment complex.

HH. The receiving water for the HDD 620 Site is an UNT to Chester Creek, a Water of this Commonwealth. The fishery classification for the Chester Creek basin in 25 Pa. Code § 93.9g is WWF, MF.

II. On March 17, 2021, the Department received information that Sunoco constructed an above-ground post-construction stormwater management (PCSM) impoundment and contributory swales at the HDD 541 Site in Thornbury Township, Delaware County, prior to receiving written approval from the Department. Sunoco undertook the work in accordance with the Township's PCSM requirements. The Township approved the PCSM system on June 21, 2017. Sunoco obtained permit coverage for the above activity from the Department via a Major Amendment to ESCGP Permit No. ESG0100015001 issued on October 25, 2022.

JJ. On June 7, 2018, through the OGRE application, Sunoco submitted notification to the Department of a citizen complaint of alleged impacts to a private water supply at the Horse Valley Road Site. The citizen had complained of adverse impacts to its private water supply including cloudy water, turbid water, and discolored water.

KK. On January 24, 2018, through the OGRE application, Sunoco submitted notification to the Department of a citizen complaint of alleged impacts to its private water supply at the Pleasant View Road Site. The citizen had complained of adverse impacts to their private water supplies including, cloudy water, turbid water, and discolored water. In accordance with the Water Supply Assessment, Preparedness, Prevention and Contingency Plan, and related permit requirements, Sunoco responded to, evaluated, and addressed the complaint.

LL. The citizens identified in Paragraphs V, CC, JJ, and KK, above, have water wells that draw water from groundwater. Groundwater is a "Water of the Commonwealth" within the meaning of Section 1 of the Clean Streams Law, 35 P.S. § 691.1.



**MM.** The Department has determined that Sunoco's activities adversely impacted the private well water supplies of the citizens noted in Paragraphs V, CC, JJ, and KK, above, during pipeline construction activities, including causing cloudy water, turbid water, and discolored water. Sunoco's activities caused pollution to Waters of the Commonwealth.

**NN.** The discharge of drilling fluids noted in Paragraph EE constitutes a discharge of Industrial Waste. Sunoco's discharge of Industrial Waste to Waters of the Commonwealth without a permit is a violation of 25 Pa. Code § 92a.1(b) and Section 301 of the Clean Stream Law, 35 P.S. § 691.301, a nuisance under Section 307 of the Clean Streams Law, 35 P.S. § 691.307, and unlawful conduct under Sections 401, 402, and 611 of the Clean Streams Law, 35 P.S. §§ 691.401, 691.402, and 691.611.

**OO.** Sunoco's conduct allowing the unauthorized discharge of Industrial Waste to Waters of the Commonwealth, including wetlands, as described in Paragraphs Z, AA, DD, EE, and GG, constitutes a violation of Section 301 of the Clean Stream 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.

**PP.** Sunoco's failure to obtain permit authorization as described in Paragraphs W, X, Z, AA, DD, and II, violates Section 6(a) of the Dam Safety and Encroachments Act, 32 P.S. § 693.6(a) and 25 Pa. Code § 105.11(a), and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§ 691.402 and 691.611.

**QQ.** The violations described in Paragraphs V, W, X, Z, AA, CC, DD, EE, GG, II, JJ, KK, MM, NN, OO, and PP, above, constitute unlawful conduct under Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.611; a statutory nuisance under Sections 401 and

601 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.601; and subjects Sunoco to civil penalty liability under Section 605 of the Clean Streams Law, § 691.605, unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18; subjects Sunoco to an order under Section 20 of the Dam Safety and Encroachments Act, 32 P.S. § 693.20, and subjects Sunoco to civil penalty liability under Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by Sunoco:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of The Clean Streams Law, 35 P.S. § 691.605 and Section 21 of the Dam Safety and Encroachments Act, 32 P.S. § 693.21, the Department hereby assesses a civil penalty of \$390,000.00 which Sunoco hereby agrees to pay.

2. **Civil Penalty Settlement.** Sunoco consents to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full upon signing. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs OO, PP, and QQ, above, covering the period from January 24, 2018 to the date of execution of this CACP. The payments shall be by corporate check(s) or the like, made payable to the following: **THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000.00)** to the "Commonwealth of Pennsylvania". The payment of shall be divided between the Department's Special Funds as follows: a) **TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00)** shall be deposited in the "**Clean Water Fund**", b) **ONE HUNDRED FORTY-NINE THOUSAND FOUR-HUNDRED DOLLARS (\$149,400.00)** shall be deposited in the "**Dams and Encroachments**

**Fund**", and c) SIX-HUNDRED DOLLARS (\$600.00) to the "**Chester County Conservation District**". All checks shall be sent c/o Ronald C. Eberts, Jr., Environmental Protection Compliance Specialist, DEP Waterways and Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

3. **Findings.**

a. Sunoco agrees that the findings of fact above in Paragraphs A through KK are true and correct, and in any matter or proceeding involving Sunoco or any of its affiliates and the Department, Sunoco shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the Findings in this CACP in any matter or proceeding.

4. **Remedies.** In the event that Sunoco fails to make the payment required by this CACP, all remaining payments shall be immediately due and payable. In that event, the Department may pursue any remedy available for failure to pay a civil penalty, including an action for breach of contract or the filing of this CACP as a lien in any county in this Commonwealth.

5. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. Sunoco reserves the right to challenge any action which the Department may take but waives the right to challenge the content or validity of this CACP.


IN WITNESS WHEREOF, the parties have caused the CACP to be executed by their duly authorized representatives. The undersigned representatives of Sunoco certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of Sunoco, that Sunoco consents to the entry of this CACP as an ASSESSMENT of the


Department; that Sunoco hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and, that Sunoco knowingly waives its rights to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. §7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by Sunoco’s attorney certifies only that this CACP has been signed after consulting with legal counsel.


FOR SUNOCO PIPELINE, L.P.:

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

 06/20/2023  
Sankar R. Devarpiran Date  
Senior Vice President

 7/6/2023  
Domenic Rocco, P.E. Date  
Environmental Program Manager

 06/22/2023  
Curtis N. Stambaugh, Esq. Date  
Attorney for Sunoco Pipeline, L.P.

 7/6/2023  
Curtis C. Sullivan, Esq. Date  
Supervisory Counsel