



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

July 26, 2019

## NOTICE OF VIOLATION

Via Certified Mail No. 7018 2290 0001 5349 3249 and First-Class Mail

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

RE: Violations of the Clean Streams Law  
Violations of the Dam Safety and Encroachments Act  
Pennsylvania Pipeline/Mariner East II Project  
DEP Permit Nos. ESG0500015001 and E11-352  
Cambria Township  
Cambria County

Dear Mr. Gordon:

On July 16, 2019, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, LP ("SPLP") of an incident involving a drill profile collapse into an unnamed tributary ("UNT") to Stewart Run in Cambria Township, Cambria County at station number 5073+61 ("Site"). On July 16, 2019, SPLP reported that the HDD drill profile began collapsing on July 13, 2019 where it crosses the UNT to Stewarts Run. Turbidity was initially observed in the stream channel, but no drilling fluids were observed. SPLP reported that it responded to this incident by: installing a flume pipe in the UNT to Stewarts Run channel to transport the stream flow over the impacted area.

SPLP failed to implement appropriate Erosion and Sediment Control Best Management Practices ("E&S BMPs") upon initial discovery of the collapse, which resulted in sediment pollution entering an UNT to Stewarts Run, a high quality cold water fishery and water of the Commonwealth, in violation of Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.611, and Section 102.4 of the Regulations, 25 Pa. Code, § 102.4.

SPLP installed a flume pipe within the UNT to Stewarts Run without first obtaining permit amendments to the Department-issued permits ESG0500015001 and E11-352 ("Permits"), in violation of Section 402 of the Clean Streams Law, 35 P.S. § 691.402, Section 6 of the Dam Safety and Encroachments Act, 32 P.S. § 693.6, and Section 102.5 of the Regulations, 25 Pa. Code § 102.5. The Department did not authorize the flume pipe at the Site by permit, permit amendment, or any other authorization.

The unauthorized flume pipe within the UNT to Stewarts Run 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 assure an appropriate remediation of the Site and the implementation of measures to prevent further incidents, the Department requests that you submit the following to my attention by email at [aevan@pa.gov](mailto:aevan@pa.gov) within 5 business days of the date of this letter:

1. Any updated incident reports for the incident and SPLP's remediation thereof – as required by Section E. (Noncompliance Reporting) of the ESG0500015001 Permit.
2. A detailed description of the period of noncompliance, including exact dates and times and/or anticipated time when the activity will return to compliance.
3. Steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
4. The date or schedule of dates and identification of remedies for correcting noncompliance conditions.
5. A complete and technically sufficient application to amend the Permits for the flume pipe within the UNT to Stewarts Run and any additional work to be performed.
6. A discussion of the measures that have been or will be implemented to prevent future incidents.

Please be advised that the Department and/or the Cambria County Conservation District (“CCCD”) will conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the Department may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may achieve compliance with the law. It shall not be construed to waive or impair any rights of the Department, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

I look forward to your cooperation in this matter. If you have any questions, please contact me at 412-442-4127 or [aevan@pa.gov](mailto:aevan@pa.gov).

Sincerely,



Aileen Evan  
Environmental Group Manager  
Conservation, Restoration, and Inspection Section  
Waterways and Wetlands Program

cc: CCCD – via email  
Christopher Embry – via email