



August 20, 2020

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7018 0040 0000 0100 4683
RETURN RECEIPT NO. 9590 9402 3847 8032 5779 98

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

CERTIFIED MAIL NO. 7018 0040 0000 0100 4690
RETURN RECEIPT NO. 9590 9402 3847 8032 5779 81

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

Re: Violations of the Clean Stream Law and Dam Safety and Encroachments Act
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
West Whiteland Township
Chester County

Dear Messrs. Gordon and Fye:

On August 8, 2020, the Department of Environmental Protection (“DEP”) received notice of a discharge of turbid groundwater to a roadside swale at the Shoen Road side of Sunoco Pipeline, L.P.’s (“SPLP”) HDD Site S-3-0360 Devon Drive/Shoen Road in West Whiteland Township, Chester County. After review and investigation, DEP found that the discharge of groundwater was related to the construction activities of the above-referenced HDD, and as stated in Section 5.1.6 of the “*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan*” “. . . SPLP shall treat the groundwater as an IR in accordance with the provisions of Section 6.3, below. Notifications relating to the surfacing of groundwater are addressed in Section 6.5.”

DEP Permits E15-862 and ESG 01 000 15 001, and paragraph 15 of the Corrected Stipulated Order (“Order”) entered by the Environmental Hearing Board on August 10, 2017, require

permittee(s) to follow their revised “*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan*” (revised April 2018) (“IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. Further, Conditions RRR of Permit E15-862 and C.IV.A. of ESG 01 000 15 001 require that SPLP comply with the “*Preparedness, Prevention and Contingency Plan*” (“PPC Plan”).

To demonstrate an appropriate compliance strategy, you need to submit the following to the attention of Mr. Frank De Francesco by e-mail at fdefrances@pa.gov by August 27, 2020:

1. Any initial or interim IR report form(s) for the site, as required by Section 6.3 of the HDD IR PPC Plan.
2. On August 17, 2020, a restart report was submitted for review. A revised restart report meeting the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that has been prepared and sealed by a Pennsylvania licensed Professional Geologist will need to be submitted along with the following additional information:
 - a. The report needs to examine the cause of the discharge and evaluate strategies to be implemented to avoid a recurrence.
 - b. Details of all of the alternative steps considered/analyzed to prevent future IRs.
 - c. The average daily flow rate of the groundwater discharge.

Failing to comply with the PPC Plan, IR PPC Plan, DEP Permits E15-862 and ESG 01 000 15 001, and the above statutory and regulatory provisions, constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachment Act, 32 P.S. § 693.18.

If future inspections reveal that corrective actions have not been made and/or additional violations have occurred, DEP may initiate enforcement action.

Please be reminded DEP approval is required before restarting drilling operations for HDD S3-0360-16. Additionally, a reevaluation is required for HDD S3-0360-20 in accordance with paragraph 3 of the August 10, 2017, Corrective Stipulated Order.

This Notice of Violation 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.

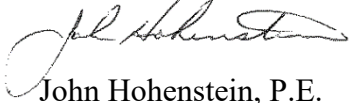
Mr. Matthew L. Gordon
Mr. Jayme Fye

- 3 -

August 20, 2020

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.
Environmental Program Manager
Waterways and Wetlands

cc: Mr. Bryan, Energy Transfer
Mr. Embry, Energy Transfer
Ms. Styles, Energy Transfer
Mr. Simcik, TetraTech
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
West Whiteland Township
Re 30 (GJS20WAW)232