



April 6, 2021

**NOTICE OF VIOLATION**

**CERTIFIED MAIL NO.  
RETURN RECEIPT NO.**

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

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. E23-524 and ESG0100015001  
Thornbury Township  
Delaware County

Dear Mr. Gordon:

The Department of Environmental Protection (“DEP”) issues this 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 to construct the Horizontal Directional Drill 541 (“HDD 541”) in installing the Mariner East 2 hazardous liquids pipeline in Delaware County. The violations are detailed below:

On March 17, 2021, DEP received information that SPLP constructed an above-ground impoundment and contributory swales as a Post Construction Stormwater Management Best Management Practice (“PCSM BMP”) at the intersection of SR 926 and SR 352, as part of its activities in installing HDD 541. These facilities and the associated structures were constructed in violation of Permit ESG0100015001 (“E&S Permit”); the facilities, associated structures, and plans were not shown on either the approved PCSM Plan submitted with the E&S Permit, or any other supporting information, and were not approved by either the Department or the Delaware County Conservation District (“District”). These facilities and associated structures were also constructed in violation of Water Obstructions and Encroachment Permit E23-524 (“W&O Permit”).

Condition 2 of the E&S Permit specifies that: “Any construction or earth disturbance activities that are not presented on the plans submitted in support of the application are not

authorized by the permit. A request to modify this permit must be submitted by the permittee and approved by DEP before the permittee may commence any construction or earth disturbance activities that are not included in the information submitted in support of the application.”

Part C.III.I of the E&S Permit provides that: “The permittee shall implement PCSM BMPs as detailed in the approved PCSM Plan. Any changes to the PCSM Plan, including the introduction of alternate PCSM BMPs, must be approved by DEP prior to implementation of these changes.”

Condition 4 of Permit E23-524 specifies, in relevant part, that: “[N]o changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP.”

The regulation at 25 Pa. Code § 78a.68a(a) specifies that “Horizontal directional drilling activities associated with pipeline construction related to oil and gas operations, including gathering and transmission pipelines, that occur beneath any body of water or watercourse may not begin prior to authorization by DEP in accordance with Chapters 102 and 105 (relating to erosion and sediment control; and dam safety and waterway management).”

Failing to comply with DEP Permits E23-524, ESG0100015001, and the regulation at 25 Pa. Code § 78a.68a(a), constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, Section 18 of the Dam Safety and Encroachment Act, 32 P.S. § 693.18, and Section 3259 of the Oil and Gas Act of 2012, 58 Pa.C.S. § 3259.

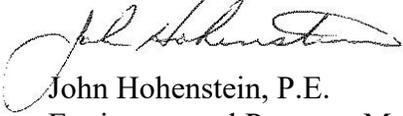
To remedy the above, DEP requests that the following information from SPLP be provided **within 10 business days of receipt of this NOV:**

Prepare and submit an amendment to Permit ESG0100015001, and, as necessary, an amendment to Permit E23-524, along with all calculations and specifications for the PCSM BMPs, structures, and associated facilities that demonstrate that they have been installed in accordance with applicable regulatory and statutory provisions at the above referenced site. No additional modifications should be made to the existing PCSM BMPs until after respective amendment(s) have been approved by DEP.

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.

I look forward to your cooperation in this matter. If you have any questions, please contact Mr. Frank De Francesco, Compliance Specialist, by e-mail at [fdefrances@pa.gov](mailto:fdefrances@pa.gov) or by telephone at 484.250.5161.

Sincerely,



John Hohenstein, P.E.  
Environmental Program Manager  
Waterways and Wetlands

Enclosure(s): DEP/DCCD Inspection Report

cc: Mr. Bryan – Sunoco Pipeline  
Mr. Massaro – Sunoco Pipeline  
Mr. Embry – Sunoco Pipeline  
Mr. Prosceno – Tetra Tech  
Mr. Seagraves – Thornbury Township  
Mr. Ciocco – Catania Engineering  
Delaware County Conservation District  
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