



SENT VIA ELECTRONIC MAIL ONLY

June 4, 2021

NOTICE OF VIOLATION

To: Nicholas J. Bryan, PLS
Sr. Director – E&C Environmental
101 W. Third Street, 3rd floor
Williamsport, PA 17701

Re: Violations of the Clean Stream Law and Temporary Discharge Approval
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
West Whiteland Township
Chester County

Dear Mr. Bryan.

On June 3, 2021 an unpermitted discharge of turbid water took place from the temporary treatment system located at Sunoco Pipeline, L.P.'s (Sunoco) Briar Road bore pit location. The temporary treatment system was authorized by the Temporary Discharge Approval issued by the Department of Environmental Protection (DEP) on May 6, 2021. The unpermitted discharge of turbid water from the temporary treatment system entered Wetland WB-71, Ship Road Run, and Valley Creek, Waters of the Commonwealth.

The above referenced discharge to Waters of the Commonwealth constitutes a violation of Section 401 of the Clean Streams Law, 35 P.S. § 691.401 (Clean Streams Law). Such violation also constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and is subject to the enforcement provisions of Section 605 of the Clean Streams Law, 35 P.S. § 691.605, which include the assessment of civil penalties.

The discharge is also in violation of the Temporary Discharge Approval. The Approval requires that the permittee shall effectively monitor the operation and efficiency of all treatment and control facilities, and the quantity and quality of the discharge(s) as specified in the Approval.

It also requires that the discharge shall comply with DEP's narrative surface water criteria and other provisions set forth at 25 PA Code § 92a.41(c)), § 95.2(2)), and § 93.6(a)).

The Temporary Discharge Approval also requires that the discharge comply with effluent limitations, including a limitation of 10 mg/l for Total Suspended Solids.

If the temporary discharge authorized by the Approval does not comply with all conditions outlined, the discharge constitutes an unpermitted discharge and is subject to all penalty provisions and other enforcement actions under applicable law, including the Clean Streams Law.

DEP requests that Sunoco submit a restart and contingency plan for DEP's review and approval before Sunoco resumes operation of the temporary treatment system at site.

The written plans should include the following information, at a minimum:

1. A description of the circumstances causing the incident and how the circumstances were determined.
2. Description and estimated quantity, by weight, volume, or measurement of materials or wastes involved.
3. An assessment of any contamination of land, water, or air that has occurred due to the incident.
4. Estimated quantity and disposition of all recovered materials or wastes that resulted from the incident and plans for ultimate disposal.
5. A detailed description of what actions were taken and are intended to be implemented (date and time of implementation), and how these actions will prevent a similar occurrence in the future.
6. An outline of the steps Sunoco will take, including action items, if a similar event were to happen in the future.
7. A description of how Sunoco intends to provide adequate notice to DEP to ensure that a DEP inspector can be present on site when operations resume at the site.

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.

If you have any questions, please contact me at tmagge@pa.gov or 484.250.5136.

Sincerely,



Thomas L. Magge
Environmental Program Manager
Clean Water Program

cc: E&C Environmental Energy Transfer Attn: Jeremy Daniel (via email)
West Whiteland Township (via email)
Operations Section (via email)
DEP Waterways and Wetlands (via email)
Permits Chief (via email)
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