

**East Goshen Township  
Pipeline Task Force  
Meeting Agenda**  
Thursday, December 5, 2019  
5:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Ask if anyone is recording the meeting
5. Approval of Minutes
  - a. October 24, 2019
6. Public Comment
7. Chairman's Report
8. Reports
  - a. Legislative Update
  - b. Current Pipeline Events Impacting East Goshen
    - Estimated Sunoco Pipe Installation (11/18/19)
9. Old Business
  - a. Emergency Action Plan
10. New Business
  - a. CCATO Model Pipeline Ordinance and TND Ordinance - Discuss recommending new ordinance regarding plan submission, buffering and setback from transmission pipelines
  - b. Consider earlier time for future meetings
11. Any Other Matter
12. Correspondence
  - a. November 7<sup>th</sup> Notice of Volition from DEP
  - b. November 20<sup>th</sup> letter to DEP regarding Violations of the Clean Stream Law
13. Adjournment

1  
2 **PIPELINE TASK FORCE WORKSHOP MEETING**  
3 **1580 PAOLI PIKE**  
4 **THURSDAY, October 24, 2019**  
5 **DRAFT MINUTES**  
6

7 **Present:** Vice Chair Bill Wegemann; Members: Judi DiFonzo, Karen Miller, Christina  
8 Morley, Gerald Sexton; David Shuey, Liaison, Township Supervisor; Mike Lynch,  
9 Township Supervisor; Jon Altshul, Assistant Township Manager  
10

11 **Call to Order & Pledge of Allegiance**

12 Bill called the meeting to order at 5:00 p.m. and led the pledge of allegiance.  
13

14 **Moment of Silence**

15 Bill called for a moment of silence to honor those that lost their lives in the military  
16 service.  
17

18 **Recording**

19 Bill asked if anyone was recording the meeting. No one was recording.  
20

21 **Approval of Minutes**

22 The minutes from September 26, 2019, were unanimously approved as revised.  
23

24 **Public Comment**

25 1. none  
26

27 **Chairman's Report**

28 1. Bill explained that on 10/12/19, it was reported that Sunoco was drilling passed  
29 10:00 pm at the Boot Road / Wellington (East Goshen) and Boot Road / Fire Hall  
30 (West Goshen) sites. David reported that he visited both sites that night. Both  
31 sites were shut down by 11:45 pm. It was reported that Sunoco worked past the  
32 10:00 pm ordinance restriction because the pipe became stuck in the borehole.  
33 Bill asked if the Township could request from the PUC what integrity testing was  
34 done on the pipe that was stuck in order to measure if the coating was damage.  
35 Jon stated that he will talk to Rick about reaching out to his contacts.  
36

37 David explained that East Goshen's Construction ordinance is a sound ordinance  
38 only. It does not apply to times that construction can take place. There was no  
39 decibel meter at the site on 10/12/19; therefore, East Goshen Township could  
40 not site Sunoco of noise violation. David also explained that the Board of  
41 Supervisors is looking to implement a construction ordinance.  
42

43 2. Bill explained that the Safety 7 Hearing took place on 10/23 & 10/24 for lay  
44 person testimony. Some Task Force (TF) members were in attendance. The TF  
45 discussed their experiences at the hearing. The expert witness testimony will be  
46 held in July 2020.  
47

1 **Legislative Update**

2 Bill stated that he reviewed all the current pipeline bills. Only one of these bills has  
3 been passed (# 242). No bills regarding pipeline safety have been presented to the  
4 Governor.

5  
6 **1. Current Events Impacting East Goshen**

- 7 a. Jon stated that Sunoco is on schedule. They are reevaluating whether they  
8 will use the dual pull method. Judi asked if there has been any update to the  
9 comments that were submitted to DEP on October 4. Jon reported that to  
10 date there is no update. Bill asked if there has been any updates on the  
11 Adelphia pipeline. Jon reported that there is no update.

12  
13 **Old Business**

14 Emergency Plan – The TF discussed the formation of a working group to focus on a  
15 township emergency plan. There was discussion that an emergency plan should not  
16 be done just at the Township level. Chester County is currently forming a Pipeline  
17 Task Force that is to meet quarterly. David will check with Marty Shane to see if an  
18 emergency plan is on the Chester County Association of Township Officials' (CCATO)  
19 agenda.

20  
21 David read the summary from PennDOT of the Boot Road Study. He stated there are  
22 2 other reports that he has requested. He will share the report(s) with the TF.

23  
24 **New Business**

- 25 a. The TF acknowledged Russ Frank's resignation.  
26 b. The TF discussed the hiring of a professional geologist (as opposed to a  
27 professional hydrogeologist) to:  
28 • Review the HDD Reevaluation Report  
29 • Possibly provide the Township and TF with maps of the area showing the  
30 bedrock and geology breakdown.  
31 Jon stated that he will reach out to the Township engineers to see if they have a  
32 geologist on staff.  
33 c. In regards to the 2020 budget, the TF discussed having a mailer detailing specific  
34 evacuation and reporting information regarding Mariner. Bill motioned for  
35 \$2,000 be budgeted in 2020 for education and training that will be identified  
36 later throughout the year. Karen seconded the motion. Motion passed 5-0.  
37 d. The TF agreed to table further discussion about recommendations to the  
38 Emergency Response Plan. Jon will email a copy of the current Township  
39 Emergency plan to all TF members.

40  
41 **Adjournment**

42 The meeting was adjourned at 7:00 pm.

43  
44 Respectfully submitted,  
45 *Susan D'Amore*

46 *F:\Data\Shared Data\Minutes\Pipeline Task Force\2019\Pipeline TF Mins 09-26-19 DRAFT.docx*

**ESTIMATED  
SUNOCO PIPE INSTALLATION**

Revised 11/18/19

HDD	Segment			Length	Method	20 inch pipe		16 inch pipe	
						Status	Installed	Status	Installed
460	Fire House (WGT)	to	Wellington Entrance	3391	HDD	completed	3391	completed	3391
	Wellington Entrance	to	Giant Entrance	1125	Open Cut	completed	1125	completed	1125
461	Giant Entrance	to	Quaker Village	882	HDD			completed	882
471	Quaker Village	to	Goshen Exe Ctr	3730	HDD			completed	3730
490	Goshen Exe Ctr	to	New Kent	2970	HDD	reaming		reaming	
500	New Kent	to	Bow Tree	2140	HDD			completed	2140
501	Bow Tree	to	Bow Tree Drive	975	HDD	completed	975	completed	975
521	Bow Tree Drive	to	St Simon & Jude (WT)	6943	HDD	reaming		reaming	
	Total			22156			5491		12243
	Percentage						24.78%		55.26%

Note: HDD 490 and HDD 521 are possible candidates for a dual pullback in December or January

**PLAN SUBMISSION, BUFFERING AND SETBACK FROM  
TRANSMISSION PIPELINES**

Note: The sections of this ordinance are intended to be enacted as part of a Township's Subdivision and Land Development Ordinance.

**AN ORDINANCE PURSUANT TO ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER \_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_ TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR PLAN SUBMISSION, BUFFER, SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

**Section 1.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article \_\_\_, Plan Requirements and Procedures, Sections \_\_\_, Plan Content for Preliminary and Final Plan Submissions, is amended by adding a new subsection \_\_\_, to read as follows:

( ) The location, center line right-of-way, and limits of easements for all transmission pipelines on the tract or on any abutting property.

**Section 2.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article \_\_\_, Design Standards, Section \_\_\_, is amended by adding a new section \_\_\_, to read as follows:

Section \_\_\_. Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.

- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater. Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way.

Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline and whether the applicant proposes high on-site populations. The Township shall, on a case-by-case basis determine whether increased setbacks are warranted consistent with the "Potential Impact Radius" (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (see Exhibit 1), whether high on-site populations are proposed, and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this subsection.

*Note: Although Act 13's setbacks were 750 feet from compressor stations, the Act also provided DEP latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. The setbacks offered here are graduated to apply to different types of uses and settings. Municipalities wishing to consider larger setbacks for transmission pipelines (including petroleum or other hazardous liquid pipelines not addressed by the PIR approach) should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor.*

No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

*Note: Given the regulatory process undertaken to permit new pipelines, the economic variables that influence pipeline location, and the changing market for materials transported through pipelines, it is often very difficult to determine whether a “proposed” pipeline will be constructed. The intent of requiring applicants to plan for proposed pipelines is to ensure applicants undertake due diligence in their land planning activities - communicating with pipeline companies/operators about intended development, informing and involving municipal officials in such communications, and making informed decisions regarding the likelihood of proposed pipelines being constructed. Municipalities may wish to consider adding ordinance language such as the following:*

“Applicants undertaking development in proximity to proposed transmission pipeline rights-of-way shall determine the likelihood of the pipeline being installed through proactive communications with the pipeline company/operator; such communications shall involve municipal officials and a determination shall be made as to the likelihood of the pipeline being constructed. In the event the developer and municipality disagree regarding the likelihood of the pipeline being constructed, the applicant shall indicate the extent of the disagreement on the plan, shall provide a minimum 100 foot buffer from the proposed right-of-way, and shall indicate on both the property and lot deeds the inherent risks of being in close proximity to a pipeline should it be constructed in the future.”

- (2) Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all new commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Exhibit 1), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:
- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
  - (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
  - (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

*Note: The 660 feet designation for consultation zones (above) and high on-site populations (below) is based upon “best practices” developed by the Pipelines and Informed Planning Alliance (PIPA), a planning committee formed by Pipeline and Hazardous Materials Safety Administration (PHMSA) (see the “Planning Near Pipelines” Introduction for more information).*

- (3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12, trade schools, advanced education institutions, etc.), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-or-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.



**Section 3.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the “Subdivision Chapter”), Article \_\_, Section \_\_\_\_, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

**Pipeline** – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

**Surface land uses affiliated with transmission pipelines** – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

**Transmission Pipelines** – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

Recommended Comprehensive Plan Language to  
Reflect Existing and Proposed Transmission Pipelines

Amend chapters/sections dealing with Community Facilities and Services to reflect the following:

Transmission Pipelines

The Township recognizes the existence of *[as applicable, whatever pipelines currently exist]* running through portions of the Township and acknowledges the potential for additional pipelines running concurrently with existing pipelines or in other areas. Such transmission pipelines provide opportunities to meet the energy demands of the Atlantic seaboard but also pose tremendous risk for those communities potentially affected should a pipeline failure occur. Under normal circumstances, underground pipelines are relatively benign; however, where emergencies such as failures do occur, varied threats to public health, safety and welfare can be significant, from direct impacts such as resident injury or death, severe property damage, debris management, contaminated soils and groundwater pollution to indirect impacts associated with cleanup (expanded access points, groundwater recovery and remediation facilities, expanded soil disturbance, etc.). As such, the Township should monitor existing and future pipeline activity and enact, where feasible, regulations complimentary to the Pennsylvania Oil and Gas Act, as amended, Pennsylvania case law, and the Federal Energy Regulatory Commission designed to protect the public health, safety and welfare and regulate land uses in conformance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Among the needs to address are those surface land uses affiliated with transmission pipelines, appropriate access provisions for pipeline rights-of-way, and buffering and setback standards appropriate to reduce adverse impacts to residents of new development should a pipeline failure occur. In addition to buffers and setbacks, the Township should examine the feasibility of increased communication with pipeline operators, particularly as related to new development proposals within proximity of transmission pipelines, and investigate measures to protect new land uses with high on-site populations. Regulations should also comply with other applicable policies of this plan, Chester County's Landscapes 2, and applicable statewide planning goals designed to meet the needs of the citizens of the Commonwealth. The Township should also continue to coordinate its activities with those of the County and State when and if new pipelines are proposed and applications proceed through the permit review and construction phases.



NOV 12 2019

November 7, 2019

**NOTICE OF VIOLATION**

**CERTIFIED MAIL NO. 7015 0640 0002 3146 0614**  
**RETURN RECEIPT NO. 9590 9402 1222 5246 4954 86**

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

**CERTIFIED MAIL NO. 7015 1520 0002 1486 3405**  
**RETURN RECEIPT NO. 9590 9402 1222 5246 4958 06**

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

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. E15-862 and ESG 01 000 15 001  
East Goshen and Westtown Townships  
Chester County

Dear Mr. Gordon and Mr. Fye:

The Department of Environmental Protection (“DEP”) issues you the following 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 in installing the Mariner East 2 hazardous liquids pipeline in Chester County. The violations are detailed below.

On September 24, 2019, DEP received information that SPLP combined two separate horizontal directional drills (“HDD”) 520 and 530 into one longer HDD. This information was presented at an earlier East Goshen Township meeting and then subsequently brought to

DEP's attention by a citizen. On October 3, 2019, SPLP's consultant sent revised drawings to the Chester County Conservation District also indicating that the two HDDs had been combined into one long HDD. In addition, DEP learned that SPLP had increased the diameter of that combined HDD to accommodate a dual pipe pull. DEP was notified of these changes in an e-mail dated October 4, 2019, which included a short description and Plan and Profile drawing of the as-built status. Also included was a Fracture Trace map of the combined drill area.

Pursuant to the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017, SPLP committed to reevaluating the HDD proposed for HDD 520. On January 23, 2018, SPLP submitted its reevaluation of HDD 520 to DEP. The reevaluation did not indicate that HDD 520 would be combined with HDD 530 or that the diameter of the HDD would accommodate a dual pipe pull. Likewise, none of SPLP's subsequent submissions for HDD 520 indicated that HDD 520 would be combined with HDD 530 or accommodate a dual pipe pull. As such, the reevaluation did not examine HDD 520 with these changes as part of the analysis.

The expansion of construction activities beyond the HDD 520 profile up to, through and including the HDD 530 profile is a violation of the reevaluation approval DEP issued for HDD 520 on December 5, 2018. SPLP failed to notify DEP prior to commencing the current construction activities at these identified locations. The parameters of the HDD activity currently underway at the location of HDD 520 are substantially different than the parameters of the HDD activity originally proposed for HDD 520. When DEP approved the reevaluation on December 5, 2018, DEP granted SPLP approval to "proceed with the permitted HDD activity in the manner proposed in your reevaluation and in accordance with all applicable permit terms and conditions." SPLP's current HDD activity is not in compliance with that approval.

The unauthorized connection of two drills, HDD 520 to HDD 530, into one drill now referred to by SPLP as HDD 521, required a complete geologic reevaluation of the entire bore path. This was not provided to DEP. In order to remedy this, DEP requests that the following information from SPLP be provided **within 10 business days of receipt of this NOV:**

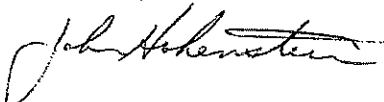
- A justification now needs to be provided which demonstrates how the connecting of these two HDDs will not increase the risk of subsidence, inadvertent returns, well contamination, surface water seeps, and any other impacts to human health and environment. The justification needs to be signed and sealed by a Pennsylvania licensed Professional Geologist (P.G.).
- Prepare and submit a list of revised procedures, signed by SPLP senior management, that SPLP will follow for all future HDD activity to ensure that DEP receives timely and accurate notice from SPLP prior to any changes in drilling activities, including combining drills, dual pipe pulls, expansion of the radius of a drill, or other changes in

drill activity. This will allow DEP to properly respond to incidents that may pose a danger of pollution or impact to public health as necessary.

This NOV 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 call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



John Hohenstein, P.E.  
Regional Manager  
Waterways and Wetlands

cc: Mr. Gremminger – Sunoco Pipeline  
Mr. Embry – Sunoco Pipeline  
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  
East Goshen Township  
Westtown Township  
Re 30 (GJS19WAW)311

BOARD OF SUPERVISORS  
EAST GOSHEN TOWNSHIP  
CHESTER COUNTY  
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

FILE COPY

November 20, 2019

*(via email only)*

Mr. John Hohenstein, P.E.  
Regional Manager  
PA Department of Environmental Protection  
2 East Main Street  
Norristown, PA 19380

Re: Violations of the Clean Stream Law, Dam Safety and  
Encroachments Act, and the Oil and Gas Act of 2012  
Permit Nos. E15-862 and ESG 01 000 15 001  
East Goshen and Westtown Townships  
Chester County

Dear John:

At their meeting on November 19, 2019 the East Goshen Township Board of Supervisors acknowledged receipt of the November 7, 2019 Notice of Violation that was issued to Sunoco Pipeline.

At this same meeting the Board voted unanimously to request that the Department direct Sunoco Pipeline to immediately cease operations on drill site HDD 521 until such time as Sunoco Pipeline has complied with the conditions set forth on pages 2 and 3 of the Notice of Violation.

Thank you for consideration of the Board's request.

Sincerely,



Louis F. Smith Jr.  
Township Manager

Cc: Rob Pingar, Westtown Township *(via email)*  
Patrick McDonnell, PA DEP  
Michael Bomstein, Esquire  
Matt Gordon, Sunoco  
Jayme Fye, Michels Corporation



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On September 24, 2019, DEP received information that SPLP combined two separate horizontal directional drills ("HDD") 520 and 530 into one longer HDD. This information was presented at an earlier East Goshen Township meeting and then subsequently brought to

DEP's attention by a citizen. On October 3, 2019, SPLP's consultant sent revised drawings to the Chester County Conservation District also indicating that the two HDDs had been combined into one long HDD. In addition, DEP learned that SPLP had increased the diameter of that combined HDD to accommodate a dual pipe pull. DEP was notified of these changes in an e-mail dated October 4, 2019, which included a short description and Plan and Profile drawing of the as-built status. Also included was a Fracture Trace map of the combined drill area.

Pursuant to the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017, SPLP committed to reevaluating the HDD proposed for HDD 520. On January 23, 2018, SPLP submitted its reevaluation of HDD 520 to DEP. The reevaluation did not indicate that HDD 520 would be combined with HDD 530 or that the diameter of the HDD would accommodate a dual pipe pull. Likewise, none of SPLP's subsequent submissions for HDD 520 indicated that HDD 520 would be combined with HDD 530 or accommodate a dual pipe pull. As such, the reevaluation did not examine HDD 520 with these changes as part of the analysis.

The expansion of construction activities beyond the HDD 520 profile up to, through and including the HDD 530 profile is a violation of the reevaluation approval DEP issued for HDD 520 on December 5, 2018. SPLP failed to notify DEP prior to commencing the current construction activities at these identified locations. The parameters of the HDD activity currently underway at the location of HDD 520 are substantially different than the parameters of the HDD activity originally proposed for HDD 520. When DEP approved the reevaluation on December 5, 2018, DEP granted SPLP approval to "proceed with the permitted HDD activity in the manner proposed in your reevaluation and in accordance with all applicable permit terms and conditions." SPLP's current HDD activity is not in compliance with that approval.

The unauthorized connection of two drills, HDD 520 to HDD 530, into one drill now referred to by SPLP as HDD 521, required a complete geologic reevaluation of the entire bore path. This was not provided to DEP. In order to remedy this, DEP requests that the following information from SPLP be provided **within 10 business days of receipt of this NOV:**

- A justification now needs to be provided which demonstrates how the connecting of these two HDDs will not increase the risk of subsidence, inadvertent returns, well contamination, surface water seeps, and any other impacts to human health and environment. The justification needs to be signed and sealed by a Pennsylvania licensed Professional Geologist (P.G.).
- Prepare and submit a list of revised procedures, signed by SPLP senior management, that SPLP will follow for all future HDD activity to ensure that DEP receives timely and accurate notice from SPLP prior to any changes in drilling activities, including combining drills, dual pipe pulls, expansion of the radius of a drill, or other changes in

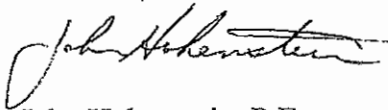


drill activity. This will allow DEP to properly respond to incidents that may pose a danger of pollution or impact to public health as necessary.

This NOV 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 call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



John Hohenstein, P.E.  
Regional Manager  
Waterways and Wetlands

cc: Mr. Gremminger – Sunoco Pipeline  
Mr. Embry – Sunoco Pipeline  
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  
East Goshen Township  
Westtown Township  
Re 30 (GJS19WAW)311