

WARNING LETTER

OVERNIGHT EXPRESS DELIVERY

June 8, 2021

Mr. Greg McIlwain
Sr Vice President, Operations
Sunoco Pipeline, LP
1300 Main Street
Houston, TX 77002

CPF 1-2021-040-WL

Dear Mr. McIlwain:

From July 28, 2020 to July 29, 2020, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code (U.S.C.) inspected Sunoco Pipeline, LP's (Sunoco) Mariner East 2 Project in East Goshen Township, PA.

As a result of the inspection/investigation, it is alleged that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item inspected and the probable violation is:

- § 195.202 Compliance with specifications or standards.**
Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

Sunoco failed to construct its Mariner East 2 pipeline in accordance with its comprehensive written specifications or standards consistent with Part 195. Specifically, Sunoco failed to follow *Sunoco Pipeline L.P. and Affiliates CONSTRUCTION STANDARDS - Coating of Underground Steel Pipe*, Revision: 3, Number: 0502, Date: 9/1/15, subsection 3.1.1 (Construction Standard) regarding specified anchor patterns.

Sunoco's Construction Standard required a "specified anchor pattern (surface profile)" when preparing underground steel pipe for coating. To assess the anchor profile, Sunoco utilized calibrated anchor profile gauges.

During the July 28, 2020 inspection, the PHMSA inspector discovered that Sunoco used an expired anchor profile gauge (ID # 217363, last calibration date was 3/6/2017 and due date was 3/6/2018) to assess the surface profile for coating on pipe that was being installed. The anchor profile gauge in use had a history of being calibrated; however, the calibration was expired.

Thus, by using an anchor profile gauge with an exceeded calibration due date, Sunoco failed to confirm the "specified anchor pattern (surface profile)" as required by its Construction Standard.

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, you are subject to a civil penalty not to exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violation occurring on or after January 11, 2021 and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violation occurring on or after July 31, 2019 and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violation occurring on or after November 27, 2018 and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violation occurring on or after November 2, 2015 and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item identified in this letter. Failure to do so will result in Sunoco Pipeline, LP being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 1-2021-040-WL**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

Robert Burrough
Director, Eastern Region, Office of Pipeline Safety
Pipeline and Hazardous Materials Safety Administration