



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

January 25, 2018

NOTICE OF VIOLATION

Via Certified Mail No. 7003 2260 0005 8731 9366 and First Class Mail

Matthew Gordon
Sunoco Pipeline, L.P.
525 Fritztown Road
Sinking Spring, PA 19608

Re: Violations of the Clean Streams Law
Pennsylvania Pipeline/Mariner East II Project
DEP Permit Nos. E65-973 and ESG0500015001
PA-IN-0000.0001-WX-16, W-N28
Derry Township
Westmoreland County

Dear Mr. Gordon:

On September 22, 2017, the Department of Environmental Protection ("DEP") received notice of an inadvertent return ("IR") of drilling fluids, as a result of the Horizontal Directional Drill ("HDD") number PA-IN-0000.0001-WX-16 at Westinghouse Road, Blairsville, PA ("Site"). The Westmoreland Conservation District ("WCD") conducted an inspection of the Site on October 4, 2017. The release included approximately 2700 gallons of drilling fluids to Wetland W-N28, a water of the Commonwealth. The drilling fluids that comprise the IR constitute industrial waste, and the discharge of industrial waste to waters of the Commonwealth without a permit is a violation of Section 301 of the Clean Streams Law, 35 P.S. § 691.301, and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. The Department did not authorize IRs at the Site by permit or other authorization.

DEP permits E65-973 and ESG0500015001 require permittee(s) to follow the '*HDD Inadvertent Return, Assessment, Preparedness, Prevention, and Contingency Plan*' ("PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

As you know, following the initial report for each IR, you are required to submit additional interim progress reports until the situation is fully resolved in addition to a final report upon resolution.

Please be advised that the DEP and/or the WCD may conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the DEP may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may move into compliance with the law. It shall not be construed to waive or impair any rights of the DEP, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

If you have any questions, please contact me at 412.442.5219 or aowoc@pa.gov.

Sincerely,



Abbey Falcone Owoc
Environmental Group Manager
Conservation, Restoration, and Inspection
Waterways and Wetlands Program

cc: WCD
Christopher Embry, *via email*