



January 8, 2018

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 158250 0002 1486 3092

Mr. Matthew L. Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 16908

Re: Violations of the Clean Stream Law
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
Uwchlan Township
Chester County

Dear Mr. Gordon:

On December 21, 2017, the Department of Environmental Protection (“DEP”) received notice of an inadvertent release (“IR”) of drilling solution at HDD Site S-3-0320 along Herman O West Drive (Daycare) in Uwchlan Township, Chester County. On December 27, 2017, DEP received the Initial Report concerning the incident. The drilling solution was discharged to an upland area. Drilling solution is an “industrial waste” under Section 301 of the Clean Streams Law, 35 P.S. § 691.301. The discharge of industrial waste to waters of the Commonwealth is a violation of the Clean Streams Law.

DEP Permits E15-862 and ESG 01 000 15 001, and paragraph 15 of the Corrected Stipulated Order (“Order”) entered by the Environmental Hearing Board on August 10, 2017, require permittee(s) to follow their revised “*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan* (revised August 8, 2017) (“IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

The IR PPC Plan, DEP Permits E15-862 and ESG 01 000 15 001 require that a written report be submitted within one (1) working day of the IR. The initial report was submitted to the DEP as of December 27, 2017, five (5) days later than required.

An Interim IR Report of the December 21 event was submitted to the DEP as of December 29, 2017. A review of the interim report revealed that the site also experienced a loss of circulation (“LOC”) of 1,000 gallons of bentonite drilling solution on

December 21, 2017. This LOC had not been previously reported to DEP. The IR PPC Plan, Section 6.5, requires immediate notification of all LOCs to DEP.

Failing to comply with the IR PPC Plan, DEP Permits E15-862 and ESG 01 000 15 001 constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611 and Section 18 of the Dam Safety and Encroachment Act, 32 P.S. § 693.18.

Please be reminded that DEP approval is required before restarting drilling operations for PA-CH-0127.0000-RD-16. Additionally, a reevaluation is required for PA-CH-0127.0000-RD in accordance with paragraph 3 of the August 10, 2017, Corrective Stipulated Order. Finally, no permission to restart can be given until DEP has determined, in writing, that the terms of the January 3, 2018, Administrative Order have been satisfied.

DEP acknowledges your response and clean-up efforts to the above-referenced violation. Please be advised that DEP and/or the Chester County Conservation District will conduct additional inspections of the site. If future inspections reveal that corrective actions have not been made and/or additional violations have occurred, DEP may initiate enforcement action.

Also, please be advised that as of January 3, 2018, the permittee must comply with the December 15, 2017, revised version of the IR PPC Plan.

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

Sincerely,

Desiree Henning Dudley on behalf of D. Rocco
Operations Chief
WAW PZM

Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

- cc: 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
- Uwchlan Township
- Re 30 (GJS18WAW)8