



March 16, 2018

**NOTICE OF VIOLATION**

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

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 33**

Mr. Benjamin Ploederl  
Michels Pipeline Construction  
PO Box 128  
Brownsville, WI 53006

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 40**

Re: Violations of The Clean Streams Law, and the  
Dam Safety and Encroachments Act  
Pennsylvania Pipeline / Mariner East II Project  
DEP Permit Nos. ESG0300015002 and E07-459  
DEP File No NOV 07 18 101  
Frankstown Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On March 15, 2018, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, L.P. ("Sunoco") of an inadvertent return ("IR") of approximately 200 gallons of drilling fluids within Wetland L54 in Frankstown Township, Blair County, associated with Horizontal Directional Drill No. PA-BL-0001.0094-WX-16 ("Site"). On March 15, 2018, the Blair County Conservation District conducted an inspection of the Site and documented that the IR occurred within wetlands (Wetland L54), which are waters of the Commonwealth. The drilling fluids that comprised the IR constitute Industrial Waste. 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. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("HDD pIR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018.

Allowing the unauthorized discharge of Industrial Waste to waters of the Commonwealth constitutes 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 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.

Mr. Matthew Gordon  
Mr. Benjamin Ploederl

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In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at [ablosser@pa.gov](mailto:ablosser@pa.gov) by March 23, 2018:

1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
3. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the HDD IR PPC Plan, a “restart report” prepared and sealed by a Pennsylvania licensed Professional Geologist (“PG”) containing and overview of HDD activities, the PG’s assessment of strata where the IR occurred, depth and alignment of the drill bit at the time of the IR, profile of the drill path as constructed overlain on the permitted drill profile, an analysis of the risk of additional inadvertent returns to Waters of the Commonwealth, and recommendations and measures that will minimize the likelihood that further drilling will result in harm to the environment, or impact any private or public water supplies.

**Please be reminded Department approval is required before restarting drilling operations for PA-BL-0001.0094-WX-16.**

This Notice of Violation is neither an order nor any other final action of the 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.

DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4763.

Sincerely,



Andrea Blosser  
Environmental Group Manager  
Conservation, Restoration, and Inspection Section  
Waterways & Wetlands Program

cc: Diane Thomas –Blair County Conservation District  
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region  
Debby Nizer - US Army Corps of Engineers, Baltimore District  
Chris Embry - Sunoco Pipeline, LP  
Frankstown Township, Blair County