



March 30, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0123 5462 15

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

CERTIFIED MAIL NO. 9171 9690 0935 0123 5462 22

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 E50-258
DEP File No NOV 50 18 101
Toboyne Township, Perry County

Dear Mr. Gordon & Mr. Ploederl:

On March 29, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an inadvertent return (“IR”) of less than one gallon of drilling fluids within Wetland L1 in Toboyne Township, Perry County, associated with Horizontal Directional Drill No. PA-PE-0002.0000-RD (“Site”). On March 29, 2018, the Perry County Conservation District conducted an inspection of the Site and documented that the IR occurred within wetlands (Wetland L1), 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 E50-258 and ESG0300015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR 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 by April 6, 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.

Please be reminded Department approval is required before restarting drilling operations for PA-PE-0002.0000-RD. In accordance with Section 5.1.5 (Monitoring Protocol for Condition 3) of the February 6, 2018 HDD IR PPC Plan, PA-PE-0002.0000-RD HDD operations must remain suspended until, *“(1) containment is achieved, (2) cleanup of the inadvertent return has been completed, and (3) SPLP submits written notice and documentation that the inadvertent return has been contained and the cleanup has been completed and PADEP approved the restart of the HDD operations, which shall occur no later than 72 hours after SPLP has submitted the required written notice and documentation to PADEP, at which time SPLP may resume trenchless construction unless PADEP disapproves restart.”*

Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-PE-0002.0000-RD -16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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: Neil Imes, Perry 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
Toboyne Township, Perry County