



May 3, 2018

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7001 2510 0006 1769 7741

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

Re: Violations of the Clean Stream Law and Dam Safety and Encroachments Act
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E23-524 and ESG 01 000 15 001
Middletown Township
Delaware County

Dear Mr. Gordon:

On April 18, 2018, the Department of Environmental Protection (“Department” or “DEP”) received notice that an inadvertent return (“IR”) of drilling fluid had occurred from horizontal directional drilling (“HDD”) activities at HDD 620 near the Turnbridge Apartments. The drilling was stopped, 150 gallons of drilling fluid was spilled and cleaned up by the permittee, Sunoco Pipeline, L.P. (“Sunoco”), and the location area of the IR contained. On April 19, 2018, drilling resumed, and DEP received a complaint of a second IR at the same location area, from a third party. Approximately 8,000 gallons or more of drilling fluid (DEP was advised of three tanker truck loads) had been spilled. Sunoco contained and cleaned up the spill, however, failed to give any notice of the spill to the Department or the Delaware County Conservation District (“DCCD”). Sunoco also failed to file an Initial Report of the spill with the Department. Next, on April 20, 2018, DEP received notice of a third IR of 20 gallons of drilling fluid near the Turnbridge Apartments; this spill however was outside of the initial containment area of the April 18, 2018, and April 19, 2018, IRs. This third spill was cleaned up and the new IR location area was contained through expansion of the containment area of the April 18 and 19 IRs. Finally, on or between stopping drilling operations as of April 21, 2018, until commencing on April 23, 2018, Sunoco’s HDD 620 operations resulted in surfacing groundwater (groundwater seepage) near the Turnbridge Apartments. Sunoco notified the Department of the surfacing groundwater incident and then ceased operating the Drill. Sunoco also failed to file an Initial Report of this incident to DEP.

This Notice of Violation ("NOV") is issued to Sunoco for its failure to: (1) notify the Department and the DCCD of the April 19, 2018, IR; (2) provide an Initial Report to the Department for the April 19, 2018, IR; (3) provide an Initial Report to the Department for the April 20, 2018, IR; and (4) provide an Initial Report to the Department for the April 23, 2018, incident.

Failure to Notify DEP and DCCD of the April 19, 2018, IR: Sunoco's failure to notify the Department of the April 19, 2018, IR violates Section 6.5 of the April 2018 HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan ("IR PPC Plan") which requires that Sunoco provide "immediate" verbal notification to DEP when it discovers an IR, and reporting to the DCCD of the IR within 24 hours. The IR PPC Plan, and DEP Permits E23-524 and ESG 01 000 15 001, require immediate notification to the Department's Southeast Regional Office 24-hour Response Line. No such notice was provided.

Failure to File a Report for the April 19, 2018, and April 20, 2018, IRs: Sunoco's failure to file an Initial Report within one working day of the April 19, 2018, and April 20, 2018, IRs violates Sections 6.2 and 6.5 of the IR PPC Plan. The IR PPC Plan, and DEP Permits E15-862 and ESG 01 000 15 001, require that a written report (an Initial Report) be submitted within one (1) working day of the IR to DEP and the DCCD. As of the date of this letter, DEP has not received any Initial IR forms from the April 19, 2018, IR or the April 20, 2018, IR despite our understanding that this form is completed by your contractor(s)/employee(s) within thirty (30) minutes of the incident. We strongly suggest, as we have before, that you give your Lead Environmental Inspector(s) the authority to forward these reports to DEP as soon as they are available.

Failure to File a Report for the April 23, 2018, Groundwater Surfacing Incident: Sunoco's failure to file an Initial Report within one (1) working day of the April 23, 2018, groundwater surfacing incident violates Sections 5.16, 6.3, and 6.5 of the IR PPC Plan.

DEP Permits E23-524 and ESG-01-000-15-00, and paragraph 5 of the Stipulated Order ("Order") entered by the Environmental Hearing Board on April 16, 2018, requires Sunoco to abide by the April 2018 IR PPC Plan. The failure of Sunoco to follow provisions of the above-cited Order (including failing to comply with provisions of the April 2018 IR PPC Plan) and Permits with regard to the April 19, 2018, and April 20, 2018, IRs, and the April 23, 2018, groundwater surfacing incident, 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.

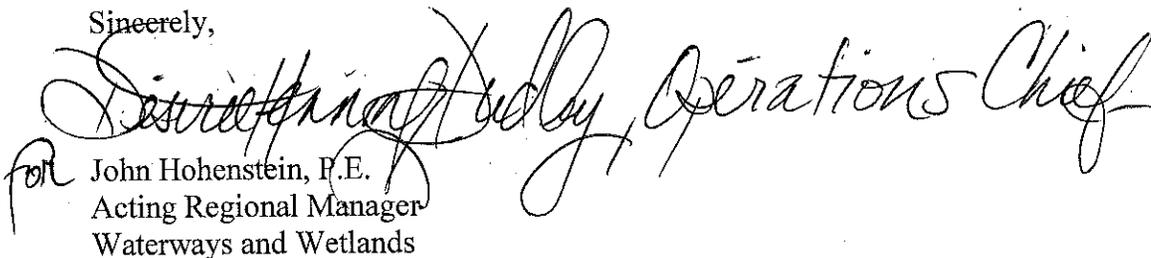
To demonstrate an appropriate compliance strategy, DEP requests that you submit the following to the attention of Mr. Frank De Francesco by e-mail at fdefrances@pa.gov by May 8, 2018:

1. Submission of the Initial Reports for the April 19, 2018, April 20, 2018, and April 23, 2018, incidents.
2. A status of the completion of the pilot drill, along with a sequence for the completion.
3. A list of operational changes and measures Sunoco will implement to ensure that notices and reports are timely filed in accordance with the legal authorities above, should incidents such as those detailed above occur again.

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,

 Operations Chief

for John Hohenstein, P.E.
Acting Regional Manager
Waterways and Wetlands

Enclosure(s): DEP Inspection Reports

cc: Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Ms. Wheeler – Delaware County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
Middletown Township
Re 30 (GJS18WAW)123-5