

October 3, 2018

NOTICE OF VIOLATION

Mr. Matthew Gordon
Sunoco Pipeline, L.P.
535 Fritztown Road
Sinking Springs, PA 19608

CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 35

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 42

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 18 107
Woodbury Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

At approximately 7:30AM on October 2, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an unquantified discharge of “cloudy water” to Piney Creek that had occurred earlier that morning during a change in shift at the Piney Creek Horizontal Directional Drill, PA-BL-0126.0000-RD in Woodbury Township, Blair County (“Site”). On October 2, 2018 the Blair County Conservation District (“BCCD”) conducted an inspection of the Site and documented an apparent inadvertent return of drilling fluids (“IR”) within one spring that discharged into the adjacent Piney Creek (S-M30) and within one well house, waters of the Commonwealth. Contractors at the Site were actively working to pump out the spring and the sump of the well house and had containment best management practices established in Piney Creek at the time of the BCCD inspection. 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 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 April 2018.

Additionally, on September 30, 2018, Chris Embry of Sunoco had left a voicemail message with Andrea Blosser of the Department to report a several hundred-gallon IR to uplands at the Site that had occurred on September 29, 2018. Through additional correspondence on October 1, 2018, the Department learned that Sunoco had continued drilling activities at the Site prior to complying with the reporting requirements contained in Section 6.2 of the HDD IR PPC Plan. Sunoco also submitted documentation that notifications to private water supply owners within 450 feet of the HDD alignment had not taken place until October 1, 2018, in excess of the 24-hour requirement in Section 6.5 of the HDD IR PPC Plan. Failure to comply with the HDD IR PPC Plan also constitutes a violation of Permit E07-459 Special Condition kk.

Finally, on October 2, 2018, the Department received direct notice from the owner of the well house that their private water supply had reportedly been impacted by the October 2, 2018 IR. The Department conveyed this information to Sunoco on October 2, 2018 and Sunoco reported that they had begun taking steps to satisfy the concerns of the private water supply owner. On October 3, 2018, SPLP submitted an initial report to the Department confirming that drilling fluids had surfaced in the sump of this well house, which is used as a private water supply.

Failing to comply with the HDD IR PPC Plan and Permit E07-459 Special Condition kk. and 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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to me by email at ablosser@pa.gov by October 15, 2018:

1. Any 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. A “restart report” meeting the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that has been prepared and sealed by a Pennsylvania licensed Professional Geologist.

Please be reminded Department approval is required before restarting drilling operations for PA-PA-BL-0126.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BL-0126.0000-RD-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

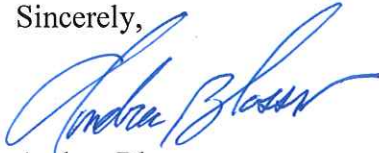
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This Notice of Violation is neither an order nor any other final action of the DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will 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
Monica Styles—Sunoco Pipeline, LP
Chris Embry—Sunoco Pipeline, LP
Larry Gremminger—Sunoco Pipeline, LP
Woodbury Township, Blair County