



September 17, 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 2185 98**

Mr. Andrew Mack  
Welded Construction, L.P.  
PO. Box 470  
Perrysburg, OH 43552

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 04**

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 E06-701  
DEP File No NOV 06 18 105  
Caernarvon Township, Berks County

Dear Mr. Gordon & Mr. Mack:

On September 15, 2018, the Department of Environmental Protection (“Department”) received a complaint alleging that the western drill pit associated with Horizontal Directional Drill PA-BR-0181.0000-RD, aka Joanna Road HDD, in Caernarvon Township Berks County (“Site”) was overflowing and discharging into the adjacent stream. On September 15, 2018, the Department conducted an inspection of the Site and documented that the drill pit on the northwest side of Joanna Road had overflowed and discharged drilling fluids into an unnamed tributary to the East Branch Conestoga River, a water of the Commonwealth (Warm Water Fishes, Migratory Fishes). A copy of the Department’s inspection report is enclosed for your reference. The drilling fluids 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. The Department notes this is not the first time the drill pit at the Site has overflowed.

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.

Additionally, no notice of the stream discharge was provided by Sunoco Pipeline, L.P. or its agents. Failing to immediately notify the Department of any incident causing or threatening pollution is in violation of the requirements at 25 Pa. Code § 91.33 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611.

Mr. Matthew Gordon  
Mr. Andrew Mack

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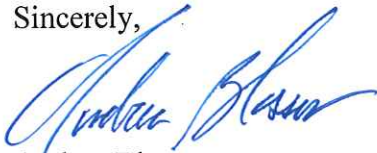
In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to me by email at [ablosser@pa.gov](mailto:ablosser@pa.gov) by September 25, 2018:

1. A summary documenting all instances where the drill pit at this Site has overflowed. Information presented should include the date of the occurrence, the volume of the release, the impacted water(s) of the Commonwealth (if applicable), whether HDD operations were active at the time of the release, and the attributed cause of the release.
2. A description of the actions that will be taken to minimize the potential for future overflows of the drill pit at the Site from all attributed causes identified in response to Item 1, above.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

The Department 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

encl.

cc: Eric Hout – Berks County Conservation District  
Captain Raymond Bednarchik - PA Fish and Boat Commission, Southeast Region  
Debby Nizer - US Army Corps of Engineers, Baltimore District  
Chris Embry - Sunoco Pipeline, LP  
Monica Styles - Sunoco Pipeline, LP  
Larry Gremminger – Sunoco Pipeline, LP  
Caernarvon Township