



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

September 18, 2018

## NOTICE OF VIOLATION

Via Certified Mail No. 7000 1670 0005 8731 4953 and First-Class Mail

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

RE: Violations of the Clean Streams Law  
Violations of the Dam Safety and Encroachments Act  
Pennsylvania Pipeline/Mariner East II Project  
DEP Permit Nos. ESG0500015001 and E11-352  
Jackson Township  
Cambria County

Dear Mr. Gordon:

On September 12 and 17, 2018, the Department of Environmental Protection ("Department") received notice from Sunoco Pipeline, LP ("SPLP") of inadvertent returns ("IR") of drilling fluids into wetland WL-E2 and an UNT to Hinckston Run in Jackson Township, Cambria County associated with Horizontal Direction Drill PA-CA-0016.0000-RD ("Site"). On September 12, 2018, SPLP reported that approximately 11,000 gallons of drilling fluids were released and impacted wetland WL-E2 and an UNT to Hinckston Run. On September 18, 2018, SPLP reported that approximately 70 gallons of drilling fluids released and impacted wetland WL-E2. The drilling fluids constitute industrial waste, and the discharge of industrial waste to waters of the Commonwealth without a permit is a violation of Sections 301 and 307 of the Clean Streams Law, 35 P.S. §§ 691.301 and 307. The Department did not authorize any IRs at the Site by permit or other authorization.

Department-issued permits ESG0500015001 and E11-352 ("Permits") require SPLP to follow its '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("HDD IR PPC Plan") that is part of the approved plans in the 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.

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 the attention of Aileen Evan by email at [aevan@pa.gov](mailto:aevan@pa.gov) by September 25, 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. 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 advised Department approval is required before restarting drilling operations for PA-CA-0016.0000-RD in accordance with the Permits and HDD IR PPC Plan.**

Please be advised that the Department and/or the Cambria County Conservation District (“CCCD”) will conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the Department may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may move into compliance with the law. It shall not be construed to waive or impair any rights of the Department, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

I look forward to your cooperation in this matter. If you have any questions, please contact Aileen Evan at 412-442-4127 or [aevan@pa.gov](mailto:aevan@pa.gov).

Sincerely,



Aileen Evan  
Environmental Group Manager  
Conservation, Restoration, and Inspection Section  
Waterways and Wetlands Program

cc: CCCD  
Christopher Embry