



November 7, 2019

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 0640 0002 3146 0638
RETURN RECEIPT NO. 9590 9402 1222 5246 4958 13

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

CERTIFIED MAIL NO. 7015 0640 0002 3146 0621
RETURN RECEIPT NO. 9590 9402 1222 5246 4958 37

Mr. Jayme Fye
Michels Corporation
817 Main Street
Brownsville, WI 53006

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
Edgmont Township
Delaware County

Dear Mr. Gordon and Mr. Fye:

On November 2, 2019, the Department of Environmental Protection (“DEP”) received notice, that due to human error at the Horizontal Directional Drill (“HDD”) 580 staging area located at the intersection of Birchwood Lane and Valley Road, the drilling pit overflowed and a discharge of drilling fluids to the unnamed tributary of Chester Creek occurred, resulting in turbidity and deposits of drilling fluids in the receiving waters. The drilling solution was cleaned up in the receiving waters by vacuum truck.

The unauthorized discharge of drilling fluids associated with HDD to the ground surface or surface waters is an Inadvertent Return (“IR”). The drilling fluids that breached the drilling pit constitute an unauthorized discharge of Industrial Waste. The discharge of Industrial Waste to waters of the Commonwealth without a permit is a violation of Sections 301 and 307 of the Clean Stream Law, 35 P.S. §§ 691.301 and 691.307, and constitutes unlawful conduct

Mr. Mathew Gordon
Mr. Jayme Fye

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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.

DEP Permits E23-524 and ESG-01-000-15-00, and paragraph 15 of the Corrected Stipulated Order entered by the Environmental Hearing Board on August 10, 2017, require permittee(s) to follow their revised "HDD IR Assessment, Preparedness, Prevention and Contingency Plan (revised April 2018) ("IR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

A macroinvertebrate study is requested to be conducted to ascertain whether the drilling fluids have adversely impacted aquatic biota in the receiving waters. Please submit this study for review by November 22, 2019.

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,



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

Enclosure: DEP Inspection Report

cc: Mr. Gremminger – Sunoco Pipeline
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
Edgmont Township
Re 30 (GJS19WAW)310