



March 23, 2020

NOTICE OF VIOLATION

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

Mr. Jayme Fye
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

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 E34-136
DEP File No NOV 34 20 111
Lack Township, Juniata County

Dear Mr. Gordon & Mr. Fye:

On March 19, 2020, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, LP (“SPLP”) of an approximate 75-gallon inadvertent return of drilling fluids (“IR”) within the Limits of Disturbance (“LOD”) in an upland area that migrated outside of the LOD and into Tuscarora Creek (S-K74) in Lack Township, Juniata County associated with Horizontal Directional Drill PA-JU-0004-0000-WX-16, aka. Old Mill Road HDD (“Site”). On March 20, 2020, the Juniata County Conservation District conducted an inspection of the Site and documented that the IR discharged into Tuscarora Creek (S-K74), a water of the Commonwealth. 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 E34-136 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.

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 and appropriate enforcement strategy, the Department requests that you submit the following to me by email at reberts@pa.gov by March 30, 2020:

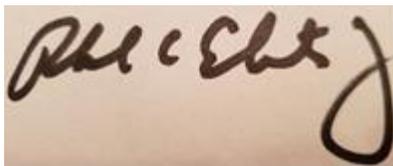
1. An initial IR reporting form for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial 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-JU-0004.0000-WX-16.

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 717.705.4819.

Sincerely,



Ronald C. Eberts, Jr.
Environmental Protection Compliance Specialist
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Ben Kerstetter - Juniata County Conservation District
Captain Anthony Quarracino - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Monica Styles - Sunoco Pipeline, LP
Nick Bryan – Sunoco Pipeline, LP

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Mr. Jayme Fye

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