



October 26, 2017

**NOTICE OF VIOLATION**

Mr. Matthew Gordon  
Sunoco Pipeline, L.P.  
535 Fritztown Road  
Sinking Springs, PA 16908

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2507 34**

Mr. David Bell  
Precision Pipeline, LLC  
3314 56<sup>th</sup> Street  
Eau Claire, WI 54703

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2507 41**

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 E21-449  
DEP File No NOV 21 17 102  
Lower Frankford Township, Cumberland County

Dear Mr. Gordon & Mr. Bell:

On September 27, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of 500 gallons of drilling fluids in Wetland J35 in Lower Frankford Township, Cumberland County associated with Horizontal Directional Drill No. PA-CU-0062.0000-WX (“Site”). On September 27, 2017, the Department conducted an inspection of the Site and documented that the IR occurred within Wetland J35, 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 E21-449 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

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 the attention of Andrea Blosser by email at [ablosser@pa.gov](mailto:ablosser@pa.gov) by November 3, 2017:

1. Any additional interim or final IR reporting form(s) for the site—as required by the Section 6.3 of the IR PPC Plan.
2. A detailed description, including photos 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 measures necessary to complete remediation.
3. Drilling logs for the PA-CU-0062.0000-WX drill covering the time period from the commencement of HDD activities through present day. The logs should document the following for each day of activity: start and stop times of drill, stage of HDD process, approximate progress along the drill alignment, drill pressure, depth of cover, and any loss of pressure and/or mud, including volumes or percentages of diminished returns
4. An assessment by a qualified professional geologist of the events, circumstances, and/or site conditions that caused or contributed to the IR. The assessment should also include a discussion and evaluation of the effectiveness of any and all measures that have been employed to prevent or minimize the occurrence of an IR at the Site, including but not limited to reduced drilling pressures, thickened drilling fluid mixture, and/or addition of pre-approved loss circulation materials. **Finally, this assessment must list the actions or measures that will be taken to prevent or minimize any future IRs to less than 50 gallons.** The assessment must be completed, signed, and sealed by a qualified professional geologist licensed to practice in the state of Pennsylvania.

The Department acknowledges that Sunoco Pipeline, L.P. (“SPLP”) has submitted item #3, above, and has consistently been submitting interim reports as identified at #1, above. However, items #2 and #4 have not been satisfactorily addressed in previous submittals by SPLP.

**Please be reminded Department approval is required before restarting drilling operations for PA-CU-0062.0000-WX. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-CU-0062.0000-WX-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.**

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.

Mr. Matthew Gordon  
Mr. David Bell

- 3 -

October 26, 2017

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: Matt Stough – Cumberland County Conservation District  
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region  
Debby Nizer - US Army Corps of Engineers, Baltimore District  
Chris Embry - Sunoco Pipeline, LP  
Lower Frankford Township