

November 14, 2017

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 7011 2970 0001 9440 9237

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

CERTIFIED MAIL NO. 7016 0600 0000 5827 4761

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 E22-619
DEP File No NOV 22 17 108
Lower Swatara Township, Dauphin County

Dear Mr. Gordon & Mr. Bell:

On November 10, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of approximately 300 gallons of drilling fluids impacting a wetland in Lower Swatara Township, Dauphin County, associated with Horizontal Directional Drill PA-DA-0005.0000-RD (“Site”). On November 10, 2017, the Department conducted an inspection of the Site and documented that a portion of an approximate-1,000 gallon IR did discharge into Wetland W118, 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 E22-619 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 by November 21, 2017:

1. All 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-DA-0005.0000-RD 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.

Please be reminded Department approval is required before restarting drilling operations for PA-DA-0005.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-DA-0005.0000-RD-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

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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: Richard Snyder - Dauphin 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 Swatara Township