



December 21, 2017

**NOTICE OF VIOLATION**

**CERTIFIED MAIL NO. 7015 1520 0002 1486 3016**

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

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  
Middletown Township  
Delaware County

Dear Mr. Gordon:

On November 3, 2017, the Department of Environmental Protection (“DEP”) issued a Notice of Violation (“NOV”) to Sunoco Pipeline, L.P. (“SPLP”), for an inadvertent release (“IR”) of drilling solution near the staging area of Horizontal Directional Drill (“HDD 620”) located near 224 Martins Lane in Media, Middletown Township, Delaware County that occurred on October 27, 2017. The November 3, 2017, NOV requested that an assessment be conducted by a qualified professional geologist of the events, circumstances, and/or site conditions that caused or contributed to the IR. On November 10, 2017, DEP received the assessment that was requested. The assessment included a discussion and evaluation of the effectiveness of 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. The assessment also listed actions and measures that SPLP committed to take to prevent future IRs of 50 gallons or more pursuant to Section 5.15 of the “HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan (revised August 8, 2017) (“IR PPC Plan”). The assessment was completed, signed, and sealed by a qualified professional geologist licensed to practice in the Commonwealth of Pennsylvania.

After review of the information that was submitted, DEP approved the restart of the HDD on November 29, 2017, contingent on the understanding that the best management practices committed to by the permittee within the assessment were to be adequately implemented.

On December 14, 2017, DEP received notice that two IRs had occurred at locations of previous IRs, namely, one IR at the Turnbridge Apartment complex and the second IR in the unnamed tributary of Chester Creek (S-12). Both IR events occurred within existing containment facilities and were subsequently managed per the approved assessment. Despite these measures, a portion of the second IR emerged thru the containment and discharged to an unnamed tributary of Chester Creek.

On December 15, 2017, DEP received notice of another IR at the same location named above (S-12) with a discharge to an unnamed tributary of Chester Creek. This IR occurred due to the permittee's failure to comply with the best management practices detailed in the approved assessment.

Notably, the Initial IR form for this IR was not submitted until 5 days after the event occurred. The late submission of Initial IR forms has been a persistent problem with SPLP that needs to be remedied. It is our understanding that these forms are completed by your contractor(s)/employee(s) within 30 minutes of the incident. We strongly suggest that you give your Lead Environmental Inspector(s) the authority to send these reports to DEP as soon as they are available.

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

Section 6.5 of the IRC PPC Plan expressly requires that an Initial IR form be provided by SPLP "within one (1) business day of verbal notification of an inadvertent return."

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.

To demonstrate an appropriate compliance strategy, DEP requests that you submit the following to the attention of Mr. Frank De Francesco by e-mail at [fdefrances@pa.gov](mailto:fdefrances@pa.gov) as follows:

1. The construction status for the completion of the pilot drill (both ends) along with a sequence for the completion by COB December 29, 2017.
2. A detailed description of the actions to be taken to prevent, contain and remove any IR from waters of the Commonwealth and a plan for all additional measures necessary to complete remediation by COB December 29, 2017.

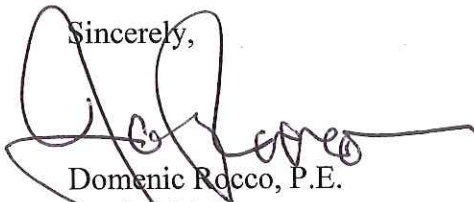
3. Documentation confirming PA F&BC's consideration of the aforementioned description and plan as specified in Item 2.

**Please note that DEP approval is required before Sunoco may restart drilling operations for PA-DE-0100.0000-RR-16. Additionally, as HDD 620 is listed in Exhibit No. 3 to the Order, a reevaluation is required to be completed and submitted to DEP for PA-DE-0100.0000-RR-(20-inch line) in accordance with the Order.**

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,



Domenic Rocco, P.E.  
Regional Manager  
Waterways and Wetlands

Enclosure(s): DEP Inspection Report

cc: 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  
Middletown Township  
Re 30 (GJS17WAW)355-20