



December 22, 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 2170 72

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 89

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 E31-234
DEP File No NOV 31 17 103
Penn Township, Huntingdon County

Dear Mr. Gordon & Mr. Ploederl:

On December 20, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of drilling fluids into Raystown Lake in Penn Township, Huntingdon County associated with Horizontal Directional Drill No. PA-HU-0020.0008-WX-16 (“Site”). On December 21, 2017, the Department received a written report from Sunoco Pipeline, LP (“SPLP”) indicating that the volume of the IR was 25-30 gallons and, while containment has been put into place, recovery of the drilling fluids from the lake was pending due to lake side limitations. On December 21, 2017, the Huntingdon County Conservation District conducted an inspection of the Site and documented that the IR had discharged into Raystown Lake, 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 E31-234 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.

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Pursuant to Section 5.1.5 of the IR PPC Plan, drilling operations must remain suspended until a restart of drilling operations has been approved by the Department. On December 21, 2017, in a telephone conversation between Andrea Blosser of the Department and Chris Embry of SPLP, the Department requested the following information before a re-start of the drilling operations could be authorized:

- documentation that the recovery of drilling fluids from Raystown Lake has been completed;
- additional information of the status of the drilling operations including: stage of HDD process, approximate progress along the drill alignment, depth of cover over the drill bit, and remaining length of drill to be completed;
- an assessment of the cause of the IR and the proposed corrective measures that will be used to prevent the reoccurrence of an IR of 50 gallons or greater at this or another location
- a description of additional practices and control measures that will be utilized to prevent any IR that might occur in an upland area from running into Raystown Lake.

Pursuant to Section 6.3 of the IR PPC Plan, you are required to submit Interim and Final Reports for this IR through final restoration of the Site. Please submit the required reports to the attention of Andrea Blosser by email at ablosser@pa.gov.

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 717.705.4763.

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Taylor Clark – Huntingdon 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
Penn Township, Huntingdon County