

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 96

Mr. Andrew Mack
Welded Construction, L.P.
PO. Box 470
Perrysburg, OH 43552

CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 02

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 E38-194
DEP File No NOV 38 17 105
South Londonderry Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On December 20, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of approximately 50 gallons of drilling fluids in South Londonderry Township, Lebanon County that occurred during the installation of the 20-inch line at the PFO Wetland J47 Horizontal Directional Drill, PA-LE-0001.0000-SR (“Site”). On December 21, 2017, the Department conducted an inspection of the Site and documented that the IR discharged into Wetland A30 and Wetland J-47, waters 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 E38-194 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.

Mr. Matthew Gordon
Mr. Andrew Mack

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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.

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. In a December 21, 2017 email from Andrea Blosser to Christopher Embry, the Department issued conditional approval to restart drilling operations for the 20-inch line at this location.

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.

Please be reminded, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-LE-0001.0000-SR -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.

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: Karl Kerchner- Lebanon 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
South Londonderry Township