



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 58

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2507 65

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 17 102
Shirley Township, Huntingdon County

Dear Mr. Gordon & Mr. Ploederl:

On October 10, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of 5,000-10,000 gallons of drilling fluids in Wetland K69 in Shirley Township, Huntingdon County associated with Horizontal Directional Drill No. PA-HU-0106.0000-RD (“Site”). On October 10, 2017, the Department conducted an inspection of the Site and documented that the IR occurred within Wetland K69, 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.

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 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-HU-0106.0000-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.

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 be satisfactorily addressed in previous submittals by SPLP.

Please be reminded Department approval is required before restarting drilling operations for PA-HU-0106.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-HU-0106.0000-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. Benjamin Ploederl

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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: 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
Shirley Township, Huntingdon County