



November 22, 2017

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 7017 1070 0000 6448 6890

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

CERTIFIED MAIL NO. 7017 1070 0000 6448 6906

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 E07-459
DEP File No NOV 07 17 103
Frankstown Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On November 20, 2017, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an inadvertent return (“IR”) of approximately 10 gallons of drilling fluids into an unnamed tributary (UNT) to Frankstown Branch Juniata River in Frankstown Township, Blair County, associated with Horizontal Directional Drill No. PA-BL-0001.0094-WX-16 (“Site”). On November 20, 2017, the Department conducted an inspection of the Site and documented that the IR occurred within an UNT to Frankstown Branch Juniata River (S-BB92) and associated Exceptional Value wetlands (Wetland Q60), which are 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 E07-459 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.

Mr. Matthew Gordon
Mr. Benjamin Ploederl

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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 December 1, 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. Documentation of the data used to determine that the volume of the reported IR, including contractor's fluid pumping rates and contractor downtime, as specified in Section 5.1.5 of the IR PPC Plan.
3. A log of all instrumentation readings for PA-BL-0001.0094-RD-16 on November 20, 2017, including pilot hole location, drill string axial and torsional loads, and drilling fluid discharge rate and pressure, as specified in Section 5.1.3 of the IR PPC plan.
4. 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.

Please be reminded Department approval is required before restarting drilling operations for PA-BL-0001.0094-WX-16. As this is the second pipe to be installed at this location, the IR that is the subject of this Notice of Violation does not trigger a re-evaluation 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,



Scott R. Williamson
Program Manager
Waterways & Wetlands Program

cc: Diane Thomas –Blair 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
Frankstown Township, Blair County