

August 30, 2017

**NOTICE OF VIOLATION**

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

**CERTIFIED MAIL NO. 9171 9690 0935 0133 7705 70**

Mr. David Bell  
Precision Pipeline, LLC  
3314 56<sup>th</sup> Street  
Eau Claire, WI 54703

**CERTIFIED MAIL NO. 9171 9690 0935 0133 7705 87**

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 E22-619  
DEP File No NOV 22 17 104  
Lower Swatara Township, Dauphin County

Dear Mr. Gordon & Mr. Bell:

On August 24, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of drilling fluids that occurred that day in the Susquehanna River just south of the PA Turnpike Bridge in Lower Swatara Township, Dauphin County (“Site”). On August 25, 2017, the Department conducted an inspection of the Site. A copy of the Department’s inspection report is enclosed. The Department’s inspection report documents that the IR occurred within the Susquehanna River, a water of the Commonwealth (Warm Water Fishes). 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. This was the second IR that occurred at this location and the first IR was never recovered.

In the event of an IR, Department permits E22-619 (at Special Conditions JJ., LL., and MM.) and ESG030015002 (at Part C, Paragraph IV), require the permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (IRCP) that is part of the approved plans in the aforementioned permits. The IRCP, E22-619, and ESG030015002 include requirements for the following actions to be taken following an IR within a water of the Commonwealth:

- A. Immediately notify the pertinent DEP Regional Office 24-hour Emergency Response Line. For the Southcentral Office, the number is 866.825.0208.

- B. Drilling operations may only resume once the IR is contained and successfully recovered. The return area will continue to be monitored during the daily inspection.
- C. For any second or subsequent IR at an HDD location, drilling operations will be suspended until the Department approves a restart of drilling operations.

While notice of the IR was provided in a voicemail message left for Mr. Ronald Eberts at 5:22PM on August 24, 2017, no notification was made to the DEP Regional Office 24-hour Emergency Response Line. Failing to immediately notify the pertinent DEP Regional Office is in violation of Section 6.5 of the IRPC and Permit E22-619 Special Condition JJ.

Drilling operations continued without containment and successful recovery of the initial IR being completed, in violation of Section 6.3 of the IRCP; Permit E22-619 Special Conditions JJ., LL., and MM.; and Permit ESG0300015002, Condition Part C., paragraphs I.A., I.B., and IV. Failing to fully remediate the IR allowed an unauthorized discharge of Industrial Waste to remain in the Susquehanna River while active drilling continued.

Failing to comply with the IRCP and Permit E22-619 Special Conditions JJ., LL., and MM., and 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.

Failing to comply with Permit ESG0300015002 Conditions Part C.I.A., C.I.B., and C.IV. and 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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Mr. Ronald C. Eberts, Jr. by email at [reberts@pa.gov](mailto:reberts@pa.gov) by September 6, 2017:

- Drilling logs for the Susquehanna River HDD, for both the east and west shore drill pits, covering the time period from initiation of the drill through August 30, 2017. 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, any loss of pressure and/or mud (including volumes), and whether water visibility conditions in the Susquehanna River would have allowed for the river survey crew to observe any IRs that may have occurred.
- Any additional internal or final IR reporting form(s)—as required by the IRPC.

Mr. Matthew Gordon  
Mr. David Bell

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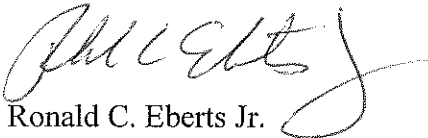
- A containment and restoration plan providing for both the remediation of the current extent of the IR and for any future IRs that may reoccur at this location through the completion of HDD activities.

Please be reminded Department approval is required before restarting drilling operations at this HDD location.

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 717.705.4819.

Sincerely,



Ronald C. Eberts Jr.  
Environmental Protection Compliance Specialist  
Waterways & Wetlands Program

Enclosure: Department Inspection Report

cc: Richard Snyder - Dauphin 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  
Lower Swatara Township