



March 2, 2018

**NOTICE OF VIOLATION**

Mr. Joseph Dean **CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 58**  
Transcontinental Gas Pipe Line Company, LLC  
2800 Post Oak Blvd, Level 6  
Houston, Texas 77056

Mr. Dean McDowell **CERTIFIED MAIL NO. 9171 9690 0935 0150 2170 65**  
Welded Construction, L.P.  
26933 Eckel Road  
Perrysburg, OH 43551

Re: Violations of The Clean Streams Law, and the  
Dam Safety and Encroachments Act  
Atlantic Sunrise Project  
DEP Permit Nos. ESG0300015001 and E38-195  
DEP File No NOV 38 18 102  
North Annville Township, Lebanon County

Dear Mr. Dean and Mr. McDowell:

On January 30, 2018, the Lebanon County Conservation District (“LCCD”) conducted an inspection of pipeline construction activities in the vicinity Clear Spring Road and Quittapahilla Creek (TSF) in North Annville Township, Lebanon County (“Site”). A copy of the inspection report is enclosed for reference. During their inspection, the LCCD documented that activities occurring at the Site were not consistent with the approved Erosion and Sediment Control Plan (“E&S Plan”) and there was inadequate implementation and maintenance of Best Management Practices, resulting in a danger of pollution and an unauthorized discharge of sediment to Quittapahilla Creek, a Water of the Commonwealth. The LCCD also documented that construction of the pipeline crossing of Quittapahilla Creek had been initiated in advance of predicted high stream flow and localized flooding was occurring at the Site during the time of their January 30, 2018 inspection.

Follow-up site inspections by the LCCD on February 22 and 28, 2018, documented continued inadequate implementation and maintenance of Best Management Practices at the Site, resulting in the unauthorized discharge of sediment into wetland W-T43-5004, a Water of the Commonwealth. Copies of the February 22 and 28, 2018 inspection reports are also enclosed for reference.

Based on the above documentation, the Department of Environmental Protection (“Department”) has determined that the following violations of Water Obstruction and Encroachment Permit No. E38-195; the Dam Safety and Encroachments Act, 32 P.S. § 693.1 et seq.; Erosion and Sediment Control Permit No. ESG0300015001; and the Clean Streams Law, 35 P.S. § 691.1 et seq.:

- Failure to construct the pipeline crossing of Quittapahilla Creek in accordance with ‘Flume Stream Crossing’ and ‘Dam and Pump Stream Crossing’ details of the approved E&S Plan, which specify that, “*All stream crossings will be performed during low flow conditions with oversight from an environmental inspector. Storm event weather forecasts will be monitored prior to and during the stream crossing.*” This failure to implement and monitor the E&S Plan prepared in accordance with Chapter 102, 25 Pa. Code § 102.1 et seq., is a violation of Water Obstruction and Encroachment Permit No. E38-195 Condition 16.
- Failure to construct the identified stream crossing in accordance with approved plans and specifications constitutes a violation of Water Obstruction and Encroachment Permit No. E38-195 Special Conditions DDD.1. and LLL. and constitutes unlawful conduct under Section 18 of the Dam Safety and Encroachments Act, 32 P.S. § 693.18.
- Failure to implement and maintain Best Management Practices to prevent sediment from entering Quittapahilla Creek and associated wetland, waters of the Commonwealth, constitutes violations of Erosion and Sediment Control Permit No. ESG0300015001 Part A(II)A and Part B(II)A and Section 402(b) of the Clean Streams Law, 35 P.S. §§ 691.401 and 691.402(b).

Violations of the Dam Safety and Encroachments Act, 32 P.S. § 693.1 et seq., and the Clean Streams Law, 35 P.S. § 691.1 et seq. are subject to penalties provided within the law and should be corrected immediately.

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](mailto:ablosser@pa.gov) by March 9, 2018:

1. Daily site monitoring logs for the Quittapahilla Creek pipeline crossing documenting weather conditions and the construction activities from the start of the crossing to its completion.
2. A plan to prevent the recurrence of untimely stream crossing initiations at other sites covered under the Atlantic Sunrise Chapter 102 and Chapter 105 permits.
3. All Visual Inspection Report Forms and Noncompliance Reports, as required by Erosion and Sediment Control Permit No. ESG0300015001 Part A(III)(C and E, respectively), covering the time period beginning with the start of the Quittapahilla

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Creek pipeline crossing through the date of this letter. The provided reports should document or provide for the remediation of all Best Management Practice installation and maintenance deficiencies noted in the attached LCCD inspection reports.

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

encl.

cc: Linda Schubring, Transcontinental Gas Pipe Line Company, LLC  
Karl Kerchner- Lebanon County Conservation District  
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region  
North Annville Township