



Southwest Regional Office

January 25, 2018

**NOTICE OF VIOLATION**

Via Certified Mail No. 7003 2260 0005 8731 7782 and First Class Mail

Matthew Gordon  
Sunoco Pipeline, L.P.  
525 Fritztown Road  
Sinking Spring, PA 19608

Re: Violations of the Clean Streams Law  
Pennsylvania Pipeline/Mariner East II Project  
DEP Permit Nos. E11-352 and ESG0500015001  
PA-CA-0091.0016-RD, M59  
Washington Township  
Cambria County

Dear Mr. Gordon:

On October 3, 2017, the Department of Environmental Protection ("DEP") received notice of an inadvertent return ("IR") of drilling fluids, as a result of the Horizontal Directional Drill ("HDD") number PA-CA-0091.0016-RD at Mountain Road, Washington Township, PA ("Site"). The release included less than 50 gallons to Wetland M-59, an exceptional value wetland and a water of the Commonwealth. A second IR occurred on October 10, 2017 releasing 250 gallons of drilling fluid to Wetland M-59. On October 11, 2017 Sunoco reported a third IR of less than 50 gallons to Wetland M-59. The Cambria County Conservation District ("CCCD") conducted inspections of the Site on October 9, 2017 and October 18, 2017. The drilling fluids that comprise the IR constitute industrial waste, and 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, and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. The Department did not authorize IRs at the Site by permit or other authorization.

DEP permits E11-352 and ESG0500015001 require permittee(s) to follow the '*HDD Inadvertent Return, Assessment, Preparedness, Prevention, and Contingency Plan*' ("PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

As you know, following the initial report for each IR, you are required to submit additional interim progress reports until the situation is fully resolved in addition to a final report upon resolution.

Please be advised that the DEP and/or the CCCD may conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the DEP may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may move into compliance with the law. It shall not be construed to waive or impair any rights of the DEP, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

If you have any questions, please contact me at 412.442.5219 or [aowoc@pa.gov](mailto:aowoc@pa.gov).

Sincerely,



Abbey Falcone Owoc  
Environmental Group Manager  
Conservation, Restoration, and Inspection  
Waterways and Wetlands Program

cc: CCCD  
Christopher Embry, *via email*