



Southwest Regional Office

January 25, 2018

NOTICE OF VIOLATION

Via Certified Mail No. 7000 1670 0005 1024 2692 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. E63-674 and ESG0500015001
PA-WA-0119.0000-RD, S1B-0080
North Strabane Township
Washington County

Dear Mr. Gordon:

On September 9, 2017, the Department of Environmental Protection ("DEP") received notice of a containment failure of drilling fluids from an inadvertent return ("IR"), a result of the Horizontal Directional Drill ("HDD") number PA-WA-0119.0000-RD, S1B-0080 at Linden Road in North Strabane Township, PA ("Site"). The Washington County Conservation District ("WCCD") conducted an inspection of the Site on September 19, 2017. The release included approximately 3000 to 6000 gallons of drilling fluids to an unnamed tributary to Little Chartiers Creek, a high quality, warm water fishery and a water of the Commonwealth. The drilling fluids released into the containment system and the unnamed tributary to Little Chartiers Creek 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 E63-674 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.

The DEP received your weekly interim progress reports as well as a final report upon resolution of the violation and cleanup of the Site, dated September 21, 2017.

Please be advised that the DEP and/or the WCCD 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.

Sincerely,



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

cc: WCCD
Christopher Embry, *via email*