



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

July 28, 2017

**NOTICE OF VIOLATION**

Via Certified Mail No. 7000 1670 0005 1024 0919 and First Class Mail

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

RE: Violations of the Clean Streams Law  
Pennsylvania Pipeline/Mariner East II Project  
DEP Permit Nos. ESG0500015001 and E65-973  
PPP1-176-01  
Hempfield Township  
Westmoreland County

Dear Mr. Gordon:

On May 23, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of drilling fluids along Arona Road near Eisaman T-544 in Hempfield Township, Westmoreland County (“Site”). On May 30, 2017, the Westmoreland Conservation District (“WCD”) conducted an inspection of the Site. The release included approximately 20,000 gallons of drilling fluids, with approximately 1,000 gallons of the drilling fluids entering an ephemeral stream that discharges to an unnamed tributary to Little Sewickley Creek, a trout stocked fishery and a water of the Commonwealth. The drilling fluids that comprised 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 any IRs at the Site by permit or other authorization.

DEP permits E65-973 and ESG0500015001 require permittee(s) to follow their ‘*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.

Pursuant to Section 6.3 of the PPC Plan, you are required to submit an Interim Report on the May 23, 2017 IR. The Department requests that you submit this Interim Report to the attention of Aileen Evan, by email at [aevan@pa.gov](mailto:aevan@pa.gov), within 5 business days of the date of this letter. The Interim Report should include, but not be limited to, the following items:

1. A complete list of materials, with MSDS sheets, used in the drilling fluids utilized at this site and the total quantity of drilling fluids released;
2. A description of the actions taken by Sunoco, including dates, to contain and remove this discharge from waters of the Commonwealth and a plan for any additional measures necessary to complete remediation;
3. A discussion of the Site-specific measures that have been or will be implemented to prevent future discharges;
4. A detailed analysis/explanation of the root cause or causes of the unpermitted discharges; and
5. An assessment of the initial impacts to waters of the Commonwealth from the IR and a plan to monitor these areas to determine if there are secondary impacts to the aquatic ecosystem.

As you know, 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 Department and/or the WCD will 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 Department 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 Department, 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.

I look forward to your cooperation in this matter. 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: WCD  
Christopher Embry, *via email*