



June 14, 2018

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7001 2510 0006 1769 7437

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

Re: Violations of the Clean Stream Law and Dam Safety and Encroachments Act
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E23-524 and ESG 01 000 15 001
Middletown Township
Delaware County

Dear Mr. Gordon:

On June 10, 2018, the Department of Environmental Protection (“DEP”) received notice of an incident occurring at the S3-0620 Glen Riddle Horizontal Directional Drilling (“HDD”) Site (PA-DE-0100.0000-RR) located in Middletown Township, Delaware County. The notice involved a discharge of approximately one-half gallon of drilling fluids into an unnamed tributary to Chester Creek, a water of the Commonwealth, from a breach of containment area S-12. The breach occurred due to the failure of a pump in the containment area. The pump was replaced, a back-up pump was installed, drilling solution and cuttings were cleaned up, and the containment area was then rebuilt and maintained. The drilling fluids that breached containment structure S-12 constitute “Industrial Waste” under Section 1 of the Clean Stream Law, 35 P.S. § 691.1. The unauthorized discharge of Industrial waste to waters of the Commonwealth is a violation of Section 301 of the Clean Stream Law, 35 P.S. § 691.301.

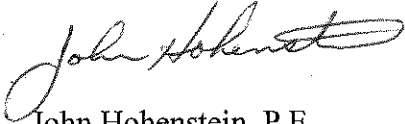
DEP Permits E23-524 and ESG-01-000-15-00, and paragraph 5 of the Stipulated Order (“Order”) entered by the Environmental Hearing Board on April 16, 2018, require the permittee to follow its “HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan” (revised April 16, 2018) (“IR PPC Plan”) to reduce, minimize, or eliminate pollutants arising from HDD activities.

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.

This Notice of Violation is neither an order nor any other final action of 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.

I look forward to your cooperation in this matter. If you have any questions, please call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



John Hohenstein, P.E.
Acting Regional Manager
Waterways and Wetlands

Enclosure(s): DEP Inspection Report

cc: Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Ms. Wheeler – Delaware County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
Middletown Township
Re 30 (GJS18WAW)165-10