



October 11, 2018

NOTICE OF VIOLATION

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

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E07-459
DEP File No NOV 07 18 109
Woodbury Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

At approximately 4:37PM on October 10, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an inadvertent return (“IR”) of approximately 25 gallons of drilling fluids to Piney Creek (S-M30) in Woodbury Township, Blair County, associated with Horizontal Directional Drill, PA-BL-0126.0000-RD (“Site”). On October 11, 2018 the Department received Sunoco’s initial reporting form as required by Section 6.3 of the HDD IR PPC Plan. The initial report also noted that drilling fluids had surfaced in the sump of a well house, which is used as a private water supply. Sunoco has recently provided this home owner with an alternative potable water supply. The initial report also included photographs to document that the IR was contained and fully remediated. The drilling fluids that comprised the IR constitute Industrial Waste. 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. The Department did not authorize any IRs at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of April 2018.

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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.

On October 10, 2018, Sunoco submitted a "restart report" to the Department to meet the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that was prepared and sealed by a Pennsylvania licensed Professional Geologist.

Please be reminded Department approval is required before restarting drilling operations for PA-PA-BL-0126.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BL-0126.0000-RD-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.

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 717.705.4819.

Sincerely,



Ronald C. Eberts, Jr.
Environmental Protection Compliance Specialist
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Diane Thomas—Blair County Conservation District
Captain Alan Robinson—PA Fish and Boat Commission, Southcentral Region
Debby Nizer—US Army Corps of Engineers, Baltimore District
Monica Styles—Sunoco Pipeline, LP
Chris Embry—Sunoco Pipeline, LP
Larry Gremminger—Sunoco Pipeline, LP
Woodbury Township, Blair County