



October 18, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2189 01

Mr. Benjamin Ploederl
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0150 2188 95

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 18 111
Blair Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On October 18, 2018 the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an inadvertent return (“IR”) of an unquantified volume of drilling fluids within Wetland BB-58 in Blair Township, Blair County, that occurred on October 17, 2018, in association with the eastern flex-bore component of the Everett Railroad/Reservoir Road Horizontal Directional Drill No. PA-BL-0001.0048-RR (“Site”). On October 18, 2018, the Blair County Conservation District conducted an inspection of the Site and documented that the IR occurred within wetlands (Wetland BB-58), which are waters of the Commonwealth. 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.

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.

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- 2 -

October 18, 2018

Additionally, Sections 5.1.5 and 6.5 of the HDD IR PPC Plan and Permit E07-459 Special Condition kk. require Sunoco to provide immediate verbal notification to the Department, which did not occur. Failing to comply with the HDD IR PPC Plan and Permit E07-459 Special Condition kk. 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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to me by email at ablosser@pa.gov by October 25, 2018:


1. Any initial or interim IR reporting form(s) for the Site—as required by Section 6.3 of the HDD IR PPC Plan.
2. A detailed description, including photographs documenting current Site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional remedial measures necessary to complete remediation.
3. A “restart report” meeting the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that has been prepared and sealed by a Pennsylvania licensed Professional Geologist.

Please be reminded Department approval is required before restarting drilling operations for PA-PA-BL-0001.0048-RR. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BL-0001.0048-RR-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 717.705.4763.

Sincerely,



Andrea Blosser
Environmental Group Manager
Conservation, Restoration, and Inspection Section
Waterways & Wetlands Program

cc: Diane Thomas—Blair County Conservation District
Captain Anthony Quarracino—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
Blair Township, Blair County