



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

February 28, 2020

**NOTICE OF VIOLATION**

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

Mr. David Bell  
Precision Pipeline, LLC  
3314 56<sup>th</sup> Street  
Eau Claire, WI 54703

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 E21-449  
DEP File No NOV 21 20 102  
Lower Frankford Township, Cumberland County

Dear Mr. Gordon & Mr. Bell:

On February 27, 2020, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, LP (“SPLP”) of an approximate 1-gallon inadvertent return of drilling fluids (“IR”) within an Unnamed Tributary (“UNT”) to Locust Creek (J-41) in Lower Frankford Township, Cumberland County associated with Horizontal Directional Drill PA-CU-0062-0000-WX-16, aka. Graham Creek HDD (“Site”). On February 28, 2020, the Cumberland County Conservation District conducted an inspection of the Site and documented that the IR occurred within an UNT to Locust Creek (warm water fishery), a water 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 E21-449 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.

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.

In order to develop and appropriate enforcement strategy, the Department requests that you submit the following to me by email at [reberts@pa.gov](mailto:reberts@pa.gov) by March 6, 2020:

1. An initial IR reporting form 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-CU-0062-0000-WX-16.**

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

The Department 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: Matt Stough - Cumberland County Conservation District  
Captain Anthony Quarracino - PA Fish and Boat Commission, Southcentral Region  
Debby Nizer - US Army Corps of Engineers, Baltimore District  
Chris Embry - Sunoco Pipeline, LP  
Monica Styles - Sunoco Pipeline, LP  
Nick Bryan – Sunoco Pipeline, LP  
Lower Frankford Township