



October 26, 2017

**NOTICE OF VIOLATION**

Mr. Matthew Gordon  
Sunoco Pipeline, L.P.  
535 Fritztown Road  
Sinking Springs, PA 16908

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 57**

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

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 64**

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 17 102  
Blair Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On August 31, 2017, the Department of Environmental Protection (“Department”) received notice of an inadvertent return (“IR”) of approximately 30 gallons of drilling fluids into wetland M79 in Blair Township, Blair County associated with Horizontal Directional Drill No. PA-BL-0001.0027-RD (“Site”). On August 31, 2017, the Department conducted an inspection of the Site and documented that the IR had impacted wetland M79, a water of the Commonwealth. Sunoco Pipeline, LP (“SPLP”) previously reported prior IRs at the Site to wetland M79 on June 28, 2017 and July 1, 2017 of 100 and 300 gallons, respectively, as a result of drilling activities for PA-BL-0001.0027-RD. The drilling fluids that comprised the IRs 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*’, (“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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After the August 31, 2017 IR, SPLP suspended drilling activities and subsequently provided the Department with report forms and documentation of cleanup activities and augmented sediment control best management practice installation at the Site, in accordance with the IR PPC Plan. Consequently, on September 22, 2017, the Department authorized the restart of drilling operations for PA-BL-0001.0027-RD in accordance with IR PPC Plan. On October 9, 2017, SPLP submitted a report, dated October 5, 2017, indicating that PA-BL-0001.0027-RD was complete and the IRs were cleaned up. However, the report failed to provide documentation of full remediation of the Site.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at [ablosser@pa.gov](mailto:ablosser@pa.gov) by November 3, 2017:

- A final IR reporting form documenting full remediation of the Site as required by the Section 6.3 of the IR PPC Plan, including current photographs of the areas impacted by the IRs.

**Please be reminded that a re-evaluation is required for PA-BL-0001.0027-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 717.705.4763.

Sincerely,



Andrea Blosser  
Environmental Group Manager  
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  
Chris Embry - Sunoco Pipeline, LP  
Blair Township, Blair County