

December 22, 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 19

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2171 26

Re: Violations of The Clean Streams Law
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002
DEP File No NOV 21 17 105
Silver Spring Township, Cumberland County

Dear Mr. Gordon and Mr. Bell:

On December 18, 2017, the Department received two water supply complaints from residents living along Konhaus Road in Silver Spring Township, Cumberland County. On December 20, 2017, the Cumberland County Conservation District (“CCCD”) conducted an inspection of the pipeline construction activities occurring in the vicinity of two water supply complaints in the area east of North Locust Point Road in Silver Spring Township, Cumberland County (“Site”). During the inspection, the CCCD documented that pipeline installation activities were underway at the Site utilizing Horizontal Directional Drill (“HDD”) construction methods approximately 1,000 feet east of North Locust Point Road. The Department did not authorize the use of any HDD methodology in this area. The approved method of pipeline installation in this area was open trench.

Department permit ESG030015002 requires the permittees to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“IR PPC Plan”) that is part of the approved plans associated with ESG030015002 to reduce, minimize, or eliminate a pollution event. The IR PPC Plan and ESG030015002 contain the following requirements:

- A. Any construction or earth disturbance activities that are not presented on the plans submitted in support of the application are not authorized by the permit. A request to modify the permit must be submitted by the permittee and approved by DEP before the permittee may commence any construction or earth disturbance activities that are not included in the information submitted in support of the application. The Department did not authorize the use of any HDD methodology in this area.

- B. Notify the Department at least 24 hours prior to the beginning of each HDD, including conventional boring under waters of the Commonwealth. No such notification was made.

Failing to comply with permit conditions, and failing to perform work according to permit specifications constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Ronald Eberts by email at reberts@pa.gov by December 29, 2017:

1. Daily construction logs, including drill logs, covering the time from the commencement of HDD activities through present day. The logs should document the following for each day of activity: start and stop times of drill, stage of HDD process, approximate progress along the drill alignment, drill pressure, depth of cover, and any loss of pressure and/or drilling fluids, including volumes or percentages of diminished returns.
2. A proposed plan of action, including schedule, for completing pipeline construction at the Site. The plan should clearly indicate whether a permit amendment request for ESG030015002 will be sought for the altered construction methodology or if the current HDD activities will be properly abandoned to returned to the construction methodology already approved in ESG030015002.
3. Copies of the certified mail receipts and landowner responses for notifications made to landowners within 450 feet of the HDD alignment that HDD operations would be commencing and offering to have water supplies within 450 feet of the HDD alignment sampled before, during, and after start of the HDD operations in accordance with the parameters in the water supply testing plan (Appendix B of the Water Supply Assessment, Preparedness, Prevention and Contingency Plan, revised August 8, 2017).

Please be reminded Department approval is required before restarting any HDD operations or any other methodology at this location other than open trench.

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.

Mr. Matthew Gordon
Mr. David Bell

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DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4763.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Blosser". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

cc: Matt Stough, Cumberland Berks County Conservation District
Chris Embry, Sunoco Pipeline, LP
Silver Spring Township