

November 3, 2017

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7001 2510 0006 1769 7048

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

Re: Violations of the Clean Stream Law and Dam Safety and Encroachments Act
Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E23-524 and ESG 01 000 15 001
Middletown Township
Delaware County

Dear Mr. Gordon:

On October 27, 2017, the Department of Environmental Protection (“DEP”) received notice of an inadvertent release of drilling solution near the staging area of Horizontal Directional Drill (“HDD 620”) located near 224 Martins Lane Media in Middletown Township, Delaware County. DEP is concerned that the above-cited inadvertent return (“IR”) is the sixth known IR from this Drill. On October 27, 2017, DEP conducted an inspection of this area; a copy of the inspection report is enclosed. The drilling solution from the IR was discharged to an unnamed tributary to Chester Creek (SC-12), a water of the Commonwealth. Drilling solution is an “industrial waste” under Section 301 of the Clean Streams Law, 35 P.S. Section 691.301. The discharge of industrial waste to waters of the Commonwealth is a violation of the Clean Streams Law.

DEP Permits E23-524 and ESG 01 000 15 001, and paragraph 15 of the Corrected Stipulated Order (“Order”) entered by the Environmental Hearing Board on August 10, 2017, require permittee(s) to follow their revised “*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan* (revised August 8, 2017) (“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. Section 691.301 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S.

Section 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. Section 693.18.

To demonstrate an appropriate compliance strategy, DEP requests that you submit the following to the attention of Mr. Frank De Francesco by e-mail at fdefrances@pa.gov by **November 17, 2017**:

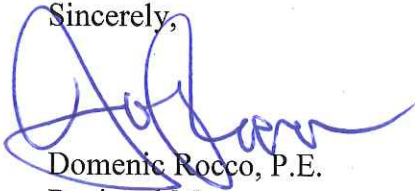
1. A detailed description, including photos documenting current site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional measures necessary to complete remediation.
2. An assessment by a qualified professional geologist of the events, circumstances, and/or site conditions that caused or contributed to the IR. The assessment should also include a discussion and evaluation of the effectiveness of all measures that have been employed to prevent or minimize the occurrence of an IR at the site, including, but not limited to, reduced drilling pressures, thickened drilling fluid mixture, and/or addition of pre-approved loss circulation materials. **Finally, this assessment must list the actions or measures that will be taken to prevent future IRs of 50 gallons or more pursuant to Section 5.15 of the IRC Plan.** The assessment must be completed, signed, and sealed by a qualified professional geologist licensed to practice in the Commonwealth of Pennsylvania.

Please note that DEP approval is required before Sunoco may restart drilling operations for PA-DE-0100.0000-RR-16. Additionally, as HDD 620 is listed in Exhibit No. 3 to the Order, a reevaluation is required to be completed and submitted to DEP for PA-DE-0100.0000-RR-(20-inch line) in accordance with the Order.

This Notice of Violation is neither an order nor any other final action of 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.

I look forward to your cooperation in this matter. If you have any questions, please call Mr. Frank De Francesco, Compliance Specialist, at 484.250.5161.

Sincerely,



Domenic Rocco, P.E.
Regional Manager
Waterways and Wetlands

Enclosure(s): DEP Inspection Report

cc: Mr. Embry – Sunoco Pipeline
Mr. Prosceno – TetraTech
Ms. Wheeler – Delaware County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
Middletown Township
Re 30 (GJS17WAW)307-1