



February 1, 2018

**NOTICE OF VIOLATION**

Don Cupit  
Latex Construction Co  
PO Box 917  
Conyers, GA 30012

CERTIFIED MAIL NO. 7000 1670 0009 9780 8718

Williams Gas Pipeline  
Attn: Lynda Schubring, Level 11  
2800 Post Oak Blvd.  
Houston, Texas 77056

CERTIFIED MAIL NO. 7000 1670 0009 9780 8725

Re: Clean Streams Law Violation  
PF# 824278, Rem. ID# 49815  
ASR Spread 4 Green Creek Rd Hydraulic Oil Release Cleanup  
Jackson Township, Columbia County

Dear Mr. Cupit and Ms. Schubring:

This correspondence regards the release notification received by the Department on January 24, 2018, regarding a release of hydraulic oil from an excavator at the above-referenced property ("Site").

An inspection by the Department on January 25, 2018, revealed that a danger of pollution of the waters of the Commonwealth exists at the site. As a result of a broken hydraulic line, approximately 50 gallons of hydraulic oil was reportedly released contaminating soils of the Commonwealth. This contamination constitutes a creation of a danger of pollution as defined in the Clean Streams Law (CSL). The creation of the danger of pollution of the waters of the Commonwealth constitutes violations of Sections 307, 402, and 611 of the CSL, §§35 P.S. 691.307, 691.402, and 691.611 as follows:

- Section 691.307 of the CSL states, in part, that no person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth, unless such discharge is authorized by the rules and regulations of the Department. Additionally, a discharge of industrial wastes without a permit or contrary to the rules and regulations of the Department is hereby declared to be a nuisance.
- Section 691.402 of the CSL states, in part, that whenever the Department finds that any activity creates a danger of pollution of the waters of the Commonwealth, the

February 1, 2018

Department may establish the conditions under which such activity shall be conducted.

- Section 691.611 of the CSL states that it shall be unlawful to fail to comply with any rule or regulation of the Department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or to cause air or water pollution.

As the responsible party, you have the responsibility under Section 316 to correct any polluting condition at the Site, consistent with the Land Recycling and Environmental Remediation Standards Act (Act 2) and in a manner which is satisfactory to the Department.

You have responsibility under Section 601 of the CSL and Section 1917-A of the Administrative Code to abate any public nuisance at the site, consistent with the Land Recycling and Environmental Remediation Standards Act (Act 2) and in a manner which is satisfactory to the Department.

The Department observed that some of the impacted soil had been removed during the inspection. It was indicated that this material had been placed into a rolloff and taken to the staging yard for Latex Construction Co. However, the excavator remained on top of the trench soil pile and it is believed that additional impacted soil may exist in this location. Therefore, the Department requested that poly sheeting be used to cover any remaining impacted soil until such time that the excavator is removed and excavation can be completed. Once all impacted material is removed, confirmatory soil samples should be collected and analyzed for volatile organic and semi-volatile organic compounds. Also, any impacted material should be removed to an appropriate disposal facility.

The Department requests that you take appropriate steps to identify the full extent of soil contamination and to initiate corrective action. The corrective action should be conducted within 14 days of receipt of this NOV. In accordance with the provisions of the CSL, a report providing specific site information to fully address the extent of contamination, corrective actions already taken or underway, and a plan for future action, where needed, should be provided to the Department. The Department anticipates receipt of this information by March 26, 2018.

The resolution of this problem may require the assistance of a qualified consultant and/or a knowledgeable contractor familiar with site cleanup activities. Enclosed is a list of environmental consultants for your convenience. Your prompt attention is encouraged.

The Department's Petroleum Spill Guidance is also enclosed. Please follow this when cleanup is complete and you are performing confirmatory sampling. This guidance also provides a listing of information which should be included in your cleanup report.

In accordance with the provisions of the CSL, you have the responsibility to continue taking appropriate steps to bring the remediation efforts at this site to closure. If you wish to receive a formal relief of liability for the property, Act 2 is available for you to use in obtaining closure.

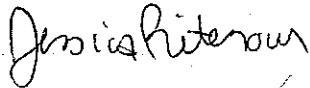
At this time, the Department is requesting your voluntary cooperation in resolving the situation at the Green Creek Rd site. This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes a mandatory obligation upon you to act

February 1, 2018

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.

If I can be of any assistance or if you have any questions concerning this matter, please do not hesitate to call me at 570.327.3569.

Sincerely,



Jessica Ritenour, P.G.  
Licensed Professional Geologist

Enclosure: Clean Streams Law, Petroleum Spill Guidance, Consultant List

cc: Cynthia Opdyke, Jackson Township  
Cheryl Sinclair, P.G.  
File

