



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

July 28, 2017

NOTICE OF VIOLATION

Via Certified Mail No. 7000 1670 0005 1024 0902 and First Class Mail

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

RE: Violations of the Clean Streams Law
Pennsylvania Pipeline/Mariner East II Project
DEP Permit Nos. ESG0500015001 and E65-973
PPP2-0016-02 and PPP2-0016-03
Derry Township
Westmoreland County

Dear Mr. Gordon:

On May 12, 2017 and May 24, 2017, the Department of Environmental Protection (“Department”) received notices of inadvertent returns (“IRs”) of drilling fluids along Livermore Road, 0.25 miles south of Ten School Road in Derry Township, Westmoreland County (“Site”). The May 12, 2017 release included approximately 300 gallons of drilling fluids to wetland W-045, a water of the Commonwealth. The May 24, 2017 release included approximately 300 gallons of drilling fluids to wetland W-045 and approximately 225 gallons of drilling fluids to Spruce Run, a water of the Commonwealth. The drilling fluids that comprised the IRs constitute industrial waste, and 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, and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611. The Department did not authorize any IRs at the Site by permit or other authorization.

DEP permits E65-973 and ESG0500015001 require permittee(s) to follow their ‘*HDD Inadvertent Return, Assessment, Preparedness, Prevention, and Contingency Plan*’, (“PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

Pursuant to Section 6.3 of the PPC Plan, you are required to submit Interim Reports on the May 12, 2017 and May 24, 2017 IRs. The Department requests that you submit these reports to the attention of Aileen Evan, by email at aevan@pa.gov, within 5 business days of the date of this letter. The Interim Reports should include, but not be limited to, the following items:

1. A complete list of materials, with MSDS sheets, used in the drilling fluids utilized at this site and the total quantity of drilling fluids released;
2. A description of the actions taken by Sunoco, including dates to contain and remove this discharge from waters of the Commonwealth and a plan for any additional measures necessary to complete remediation;
3. A discussion of the Site-specific measures that have been or will be implemented to prevent future discharges;
4. A detailed analysis/explanation of the root cause or causes of the unpermitted discharges; and
5. An assessment of the initial impacts to waters of the Commonwealth from the IRs and a plan to monitor these areas to determine if there are secondary impacts to the aquatic ecosystem.

As you know, you are required to submit additional interim progress reports until the situation is fully resolved in addition to a final report upon resolution.

Please be advised that the Department and/or the Westmoreland Conservation District ("WCD") will conduct additional inspections of the Site. If future inspections reveal that required corrective actions have not been taken and/or additional violations have occurred, the Department may initiate additional enforcement action.

This letter is only intended to inform you of the existence of a violation and of the ways in which you may move into compliance with the law. It shall not be construed to waive or impair any rights of the Department, including the right to take an action in the future. Finally, this letter shall not be construed to waive either expressly or by implication, the power or authority of the Commonwealth of Pennsylvania to prosecute for any and all violations of the law arising prior to or after the issuance of this letter, or for the conditions upon which this letter is based.

This letter should not be considered as a final appealable action of the Department of Environmental Protection.

I look forward to your cooperation in this matter. If you have any questions, please contact me at 412-442-5219 or aowoc@pa.gov.

Sincerely,



Abbey Falcone Owoc
Environmental Group Manger
Conservation, Restoration, and Inspection
Waterways and Wetlands Program

cc: WCD
Christopher Embry, *via email*