

July 31, 2018

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 9590 9402 1222 5246 4974 42

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

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 July 30, 2018, the Department of Environmental Protection (“DEP”) received notice of inadvertent returns (“IR”) of drilling fluids occurring at the S3-0620 Glen Riddle Horizontal Directional Drilling (“HDD”) Site (PA-DE-0100.0000-RR-16) located in Middletown Township, Delaware County. The notice involved a discharge of approximately fifty (50) gallons total of drilling fluid at two different locations. The first location was in an upland grass area outside of the existing containment identified as the Upland Tunbridge Apartments (“Upland T.A.”). The second area was in multiple locations (cracks and seams) in an adjacent apartment building parking lot area. Drilling fluid (exact amount unknown) then entered a storm drain inlet and discharged at the same storm drain outlet (S-I4) as identified in the July 20, 2018, Initial IR Notification report. A DEP representative confirmed the site’s clean-up.

The drilling fluids that comprised the IR constitute “Industrial Waste” under Section 1 of the Clean Stream Law, 35 P.S. § 691.1. The unauthorized discharge of Industrial Waste to waters of the Commonwealth is a violation of Section 301 of the Clean Stream Law, 35 P.S. § 691.301.

DEP Permits E23-524 and ESG-01-000-15-00, and paragraph 5 of the Stipulated Order (“Order”) entered by the Environmental Hearing Board on April 16, 2018, require the permittee to follow its “HDD IR Assessment, Preparedness, Prevention and Contingency Plan” (revised April 16, 2018) (“IR PPC Plan”) to reduce, minimize, or eliminate pollutants arising from HDD activities.

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.

DEP requests that you submit the following to the attention of Mr. Frank De Francesco via e-mail at fdefrances@pa.gov by **August 3, 2018**:

1. Any initial or interim IR reporting form(s) for the Site as required by Section 6.3 of the HDD IR PPC Plan.
2. 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.
3. A "restart report" meeting the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that has been prepared and sealed by a Pennsylvania Licensed Professional Geologist.

Please be reminded that DEP approval is required before restarting drilling operations for PA-DE-0100.0000-RR-16. Additionally, a reevaluation report is required to be submitted to DEP for the second line, PA-DE-0100.0000-RR, in accordance with paragraph 3 of the August 10, 2017, Corrective Stipulated 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,



John Hohenstein, P.E.
Acting Regional Manager
Waterways and Wetlands

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 (GJS18WAW)212-10