



March 19, 2018

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0133 7722 15

Mr. Benjamin Ploederl
Michels Pipeline Construction
PO Box 128
Brownsville, WI 53006

CERTIFIED MAIL NO. 9171 9690 0935 0133 7722 22

Re: Violations of The Clean Streams Law, and the
Dam Safety and Encroachments Act
Pennsylvania Pipeline / Mariner East II Project
DEP Permit Nos. ESG0300015002 and E07-459
DEP File No NOV 07 18 102
Frankstown Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On March 17, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) that the drill pit at the entry location of Horizontal Directional Drill No. PA-BL-0122.0000-WX in Frankstown Township, Blair County (“Site”) was overflowing, resulting in a discharge of diluted drilling fluids into the adjacent Frankstown Branch Juniata River (Stream S-M31) that was visible for 1.5 miles downstream. At its initial report, Sunoco attributed the overflow of the drill pit to the fact that the drilling activities were causing groundwater to be released into the drill pit at a rate of 500 gallons per minute, which exceeded onsite capacity to effectively manage it. On March 17, 2018, the Department conducted an inspection of the Site and documented that the drilling fluids were being discharged into the Frankstown Branch Juniata River (Warm Water Fishes, Wild Trout), a water of the Commonwealth. The drilling fluids constitute Industrial Waste. 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. The Department did not authorize any discharges of drill fluid at the Site by permit or other authorization.

Department permits E07-459 and ESG030015002 require permittee(s) to follow their ‘*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*’, (“HDD IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event. The current version of the HDD IR PPC Plan contains a revision date of February 6, 2018 and addresses the production of groundwater at horizontal directional drilling operations at Section 5.1.6.

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.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to the attention of Andrea Blosser by email at ablosser@pa.gov by March 26, 2018:

1. A written incident report that contains the following:
 - a. a detailed description, including photographs, documenting the discharge of drilling fluids, containment and cleanup activities, and current conditions at the Site,
 - b. the length of time that the drill pit was overflowing,
 - c. the volume of diluted drilling fluid that was released from the drilling pit,
 - d. the volume of diluted drilling fluid that entered any waters of the Commonwealth, along with the names and resource identification numbers for those resources,
 - e. actions taken to stop or slow groundwater entering the drill pit and/or prevent the drill pit from overflowing,
 - f. actions taken to contain and recover any diluted drilling fluids released from the drill pit,
 - g. and actions taken to and remove the discharged drilling fluid from any waters of the Commonwealth,
2. Documentation that Sunoco has notified all public water suppliers with a source located downstream from where the drilling fluids entered waters of the Commonwealth or otherwise within 450 feet of the horizontal directional drill alignment and every landowner with a private water supply within 450 feet of the alignment that a surfacing of groundwater occurred and that their water supply may be impacted.
3. A report prepared and prepared and sealed by a Pennsylvania licensed Professional Geologist ("PG") that describes the cause of the encountered groundwater and presents a plan for managing any future groundwater discharges at the Site. In accordance with Section 5.1.6 of the HDD IR PPC Plan:

"If the volume of produced water exceeds the demand for continued drilling, the contractor will capture and haul away all produced water for treatment until test results show that the water can be discharged at a suitable location at the horizontal directional drill location to minimize the potential for any future overflows. The Environmental Project

Mr. Matthew Gordon
Mr. Benjamin Ploederl

- 3 -

March 19, 2018

Manager will obtain any required authorizations for on-site discharge of excess produced water."

As discussed with Mr. Chris Embry of Sunoco during a March 17, 2018 telephone conversation, the Department is requesting that horizontal directional drilling operations at the Site remain suspended until item number 3, above, is presented to the Department.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes 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.

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

Sincerely,



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

cc: Diane Thomas –Blair County Conservation District
Captain Alan Robinson - PA Fish and Boat Commission, Southcentral Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Frankstown Township, Blair County