



October 16, 2018

**NOTICE OF VIOLATION**

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

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2189 18**

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

**CERTIFIED MAIL NO. 9171 9690 0935 0150 2189 25**

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 18 110  
Woodbury Township, Blair County

Dear Mr. Gordon & Mr. Ploederl:

On the evening of October 12, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, L.P. (“Sunoco”) of an unquantified discharge of turbid water to Piney Creek that had occurred earlier in the day at the Piney Creek Horizontal Directional Drill, PA-BL-0126.0000-RD in Woodbury Township, Blair County (“Site”). On the afternoon of October 14, 2018, the Department received notice from Sunoco another unquantified discharge of turbid water Piney Creek at the Site that had occurred earlier in the day during drilling activities. The Department conducted an inspection of the Site on October 14, 2018 and documented that clean-up activities for the above-described dischargers were in process. Additionally, the Blair County Conservation District (“BCCD”) conducted an inspection of the Site on October 15, 2018 and observed turbid water in Piney Creek outside of the approved containment areas that occurred when the contractor started grouting activities. The drilling fluids that comprised these inadvertent returns (“IR’s”) 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 IRs 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 April 2018.

Mr. Matthew Gordon  
Mr. Benjamin Ploederl

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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.

On October 13, 2018, and October 16, 2018, Sunoco submitted the initial reporting forms for the October 12, 2018, and October 14, 2018 IR's to the Department as required by Section 6.3 of the HDD IR PPC Plan.

On October 13, 2018, and October 15, 2018, Sunoco submitted "restart reports" to the Department to meet the requirements of Section 5.1.5 (Monitoring Protocol for Condition 3) of the April 2018 HDD IR PPC Plan, that were prepared and sealed by a Pennsylvania licensed Professional Geologist for the IR's that occurred on October 12, 2018, and October 14, 2018.

In order to develop an appropriate enforcement strategy, the Department requests that you submit the following to me by email at [reberts@pa.gov](mailto:reberts@pa.gov) by October 19, 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 photographs 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 remedial 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 Department approval is required before restarting drilling operations for PA-PA-BL-0126.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BL-0126.0000-RD-16 in accordance with Paragraph 3 of the August 10, 2017 Corrected Stipulated Order.**

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

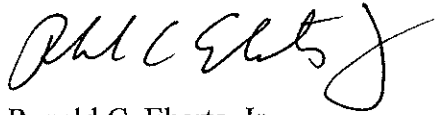
DEP looks forward to your cooperation in this matter. If you have any questions, please contact me at 717.705.4819.

Mr. Matthew Gordon  
Mr. Benjamin Ploederl

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Sincerely,



Ronald C. Eberts, Jr.  
Environmental Protection Compliance Specialist  
Conservation, Restoration, and Inspection Section  
Waterways & Wetlands Program

cc: Diane Thomas—Blair County Conservation District  
Captain Anthony Quarracino—PA Fish and Boat Commission, Southcentral Region  
Debby Nizer—US Army Corps of Engineers, Baltimore District  
Monica Styles—Sunoco Pipeline, LP  
Chris Embry—Sunoco Pipeline, LP  
Larry Gremminger—Sunoco Pipeline, LP  
Woodbury Township, Blair County