

September 18, 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 2186 11

Mr. Andrew Mack
Welded Construction, L.P.
PO. Box 470
Perrysburg, OH 43552

CERTIFIED MAIL NO. 9171 9690 0935 0150 2186 28

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 E06-701
DEP File No NOV 06 18 106
Caernarvon Township, Berks County

Dear Mr. Gordon & Mr. Mack:

On September 18, 2018, the Department of Environmental Protection (“Department”) received notice from Sunoco Pipeline, LP (“SPLP”) of a 30,000-gallon inadvertent return of drilling fluids (“IR”) that impacted Wetland BA10 in Caernarvon Township, Berks County associated with Horizontal Directional Drill PA-BR-0181.0000-RD, aka Joanna Road HDD, (“Site”). On September 18, 2018, the Department conducted an inspection of the Site and documented that the IR discharged to Wetland BA10, a water of the Commonwealth. The drilling fluids that comprised the IR 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 E06-701 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.

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.

Mr. Matthew Gordon
Mr. Andrew Mack

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In order to develop and appropriate enforcement strategy, the Department requests that you submit the following to me by email at ablosser@pa.gov by September 25, 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 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-BR-0181.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-BR.0180.0000-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 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: Eric Hout – Berks County Conservation District
Captain Raymond Bednarchik - PA Fish and Boat Commission, Southeast Region
Debby Nizer - US Army Corps of Engineers, Baltimore District
Chris Embry - Sunoco Pipeline, LP
Monica Styles - Sunoco Pipeline, LP
Larry Gremminger – Sunoco Pipeline, LP
Caernarvon Township