

November 3, 2017

**NOTICE OF VIOLATION**

**CERTIFIED MAIL NO. 7001 2510 0006 1769 7048**

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

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 October 27, 2017, the Department of Environmental Protection (“DEP”) received notice of an inadvertent release of drilling solution near the staging area of Horizontal Directional Drill (“HDD 620”) located near 224 Martins Lane Media in Middletown Township, Delaware County. DEP is concerned that the above-cited inadvertent return (“IR”) is the sixth known IR from this Drill. On October 27, 2017, DEP conducted an inspection of this area; a copy of the inspection report is enclosed. The drilling solution from the IR was discharged to an unnamed tributary to Chester Creek (SC-12), a water of the Commonwealth. Drilling solution is an “industrial waste” under Section 301 of the Clean Streams Law, 35 P.S. Section 691.301. The discharge of industrial waste to waters of the Commonwealth is a violation of the Clean Streams Law.

DEP Permits E23-524 and ESG 01 000 15 001, and paragraph 15 of the Corrected Stipulated Order (“Order”) entered by the Environmental Hearing Board on August 10, 2017, require permittee(s) to follow their revised “*HDD Inadvertent Return Assessment, Preparedness, Prevention and Contingency Plan* (revised August 8, 2017) (“IR PPC Plan”) that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

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. Section 691.301 and constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S.

Section 691.611 and Section 18 of the Dam Safety and Encroachments Act, 32 P.S. Section 693.18.

To demonstrate an appropriate compliance strategy, DEP requests that you submit the following to the attention of Mr. Frank De Francesco by e-mail at [fdefrances@pa.gov](mailto:fdefrances@pa.gov) by **November 17, 2017**:

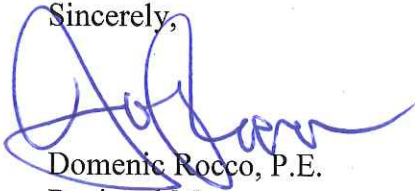
1. A detailed description, including photos documenting current site conditions, of the actions taken to contain and remove the IR from waters of the Commonwealth and a plan for any additional measures necessary to complete remediation.
2. An assessment by a qualified professional geologist of the events, circumstances, and/or site conditions that caused or contributed to the IR. The assessment should also include a discussion and evaluation of the effectiveness of all measures that have been employed to prevent or minimize the occurrence of an IR at the site, including, but not limited to, reduced drilling pressures, thickened drilling fluid mixture, and/or addition of pre-approved loss circulation materials. **Finally, this assessment must list the actions or measures that will be taken to prevent future IRs of 50 gallons or more pursuant to Section 5.15 of the IRC Plan.** The assessment must be completed, signed, and sealed by a qualified professional geologist licensed to practice in the Commonwealth of Pennsylvania.

**Please note that DEP approval is required before Sunoco may restart drilling operations for PA-DE-0100.0000-RR-16. Additionally, as HDD 620 is listed in Exhibit No. 3 to the Order, a reevaluation is required to be completed and submitted to DEP for PA-DE-0100.0000-RR-(20-inch line) in accordance with the 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,



Domenic Rocco, P.E.  
Regional Manager  
Waterways and Wetlands

Enclosure(s): DEP Inspection Report

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 (GJS17WAW)307-1



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

## FIELD NARRATIVE FORM

<b>FACILITY/SITE NAME</b> Martins Ln. HDD 620	<b>DATE</b> 10-27-17	<b>COUNTY</b> Delaware	<b>PROGRAM</b> CLW
<b>SITE ADDRESS/LOCATION</b> 224 Martin's Ln		<b>MUNICIPALITY (TWP. BORO)</b> Middletown Twp	
<b>ACTIVITY</b>	<input type="checkbox"/> CONSULTATION	<input type="checkbox"/> ENFORCEMENT	<b>FOLLOW UP ACTIVITY</b>
<input type="checkbox"/> PLANNING	<input type="checkbox"/> INVESTIGATION	<input checked="" type="checkbox"/> INSPECTION	<input checked="" type="checkbox"/> NONE <input type="checkbox"/> REINSPECTION
<input type="checkbox"/> COMPLAINT	<input type="checkbox"/> PROGRAM EVALUATION	<input type="checkbox"/> OTHER, _____	<input type="checkbox"/> LETTER <input type="checkbox"/> RETURN
			<input type="checkbox"/> OTHER, Referred to ECB _____

**NARRATIVE:** (Include as appropriate: direction to site; indicate all individuals present; list points discussed; describe conditions observed; diagram site; note sampling activities.)

On this date, I inspected the Mariner East 2 HDD 620 site after they reported an Incidental Return. I spoke with James Bowen of Cleveland Integrity Services. Mr. Bowen stated that the return released approximately 1 gallon of mud. The release was kept within the contained area that had been established during prior releases. According to Mr. Bowen, the site had been directed by WCO Ron Evancho to setup containment around the releases, dam the storm channel upstream from the releases and pump the clean water around the affected area directly to Chester Creek. The site had complied with Mr. Evancho's direction resulting in this release being contained. I observed contaminated water being pumped from the channel to frack tanks and the clean water being pumped to Chester Creek.

<b>SIGNATURE OF WQS PERSONNEL</b> 	<b>SIGNATURE OF RECIPIENT</b>
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# FIELD NARRATIVE FORM

## Photographs



10-27-17 IR location



Dammed Channel



Upstream Dam with Pump



Downstream Dam



# FIELD NARRATIVE FORM

## Photographs



Contaminated Water Pumping Location



Confluence of Channel with Chester Creek



Clean Water Discharge from Upstream Pump to Chester Creek