



October 27, 2017

NOTICE OF VIOLATION

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2507 72

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

CERTIFIED MAIL NO. 9171 9690 0935 0150 2507 89

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 E38-194
DEP File No NOV 38 17 103
West Cornwall Township, Lebanon County

Dear Mr. Gordon & Mr. Mack:

On August 31, 2017, the Department of Environmental Protection ("Department") received notice of an inadvertent return ("IR") of drilling fluids in Snitz Creek located in West Cornwall Township, Lebanon County associated with Horizontal Direction Drill PA-LE-0055.0000-RD ("Site"). On August 31, 2017, the Department conducted an inspection of the Site and documented that the IR occurred within Snitz Creek, a water of the Commonwealth (Trout Stocking, Migratory Fishes). After the Department authorized the resumption of drilling operations on the morning of September 20, 2017, the Department received notice of a second IR to Snitz Creek at the Site on the afternoon of September 20, 2017. The drilling fluids that comprised the IRs 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 E38-194 and ESG030015002 require permittee(s) to follow their '*HDD Inadvertent Return, Preparedness, Prevention, and Contingency Plan*', ("IR PPC Plan") that is part of the approved plans in the aforementioned permits to reduce, minimize, or eliminate a pollution event.

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Mr. Andrew Mack

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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.

Pursuant to Section 5.1.5 of the IR PPC Plan, drilling operations must remain suspended until a restart of drilling operations has been approved by the Department. On September 26, 2017, the Department received an IR assessment and drilling alternatives analysis for the Site completed by Chris Brixius, PG. The Department has reviewed the submittal and understands that SPLP proposes to proceed with drilling operations via a strategy to contain and treat (rather than prevent) future IRs—however dilute—that are expected to occur during the remainder of the drilling operations. Prior to the Department entertaining a proposal involving the discharge of Industrial Waste to waters of the Commonwealth, the Department requests you to develop and submit for Department review a more rigorous exploration of alternatives. If SPLP cannot develop a plan for preventing IRs which concludes that further drilling will not result in additional returns of 50 gallons or greater, then alternative construction methods for completing the pipe installation should also be incorporated into this analysis. Such an analysis should evaluate other potential construction techniques for accomplishing all or part of this permitted HDD.

Pursuant to Section 6.3 of the IR PPC Plan, you are required to submit Interim and Final Reports for this IR through final restoration of the Site. Please submit the required reports to the attention of Andrea Blosser by email at ablosser@pa.gov.

Please be reminded Department approval is required before restarting drilling operations for PA-LE-0055.0000-RD. Additionally, as an IR occurred during the first pipe installation at this location, a re-evaluation is required for PA-LE-0055.0000-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.

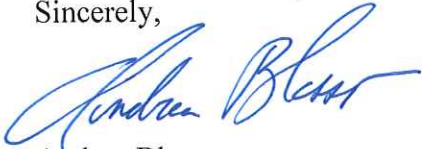
Mr. Matthew Gordon
Mr. Andrew Mack

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DEP 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: Karl Kerchner- Lebanon 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
West Cornwall Township