

May 9, 2017

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7015 0640 0002 3145 0400

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

Re: Violations of the Clean Stream Law
Pennsylvania Pipeline Project (a.k.a. Mariner East II)
Permit No. E23-524
Brookhaven Borough
Delaware County

Dear Mr. Gordon:

On May 3, 2017, the Department of Environmental Protection (DEP) received notice of an inadvertent release of drilling solution near 5005 Chester Creek Road in Brookhaven Borough, Delaware County. On May 4, 2017, DEP conducted a follow-up inspection; a copy of the inspection report is enclosed. Drilling solution by definition is an industrial waste which was discharged to Chester Creek, a water of the Commonwealth (Warm Water Fisheries). The discharge of industrial waste to waters of the Commonwealth is a violation of Section 301 of the Clean Streams Law, 35 P.S. Section 691.301.

DEP acknowledges your timely response to the above-referenced violation. Moving forward, please be advised that upon the occurrence of any incidents resulting in discharges into "Waters of this Commonwealth," Sunoco shall:

- A. Immediately notify the pertinent DEP Regional Office 24-hour Emergency Response Line. For the Southeast Regional Office, the telephone number is 484.250.5900.
- B. Within 5 business days, submit a written response to this office (to the attention of Mr. John Hohenstein by e-mail at jhohenste@pa.gov), including the following information:
 1. A complete list of materials used in the drilling fluids utilized at this site and an estimation of the amount of drilling fluid released.

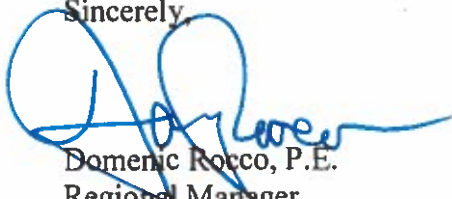
2. A description of immediate actions taken by Sunoco to contain and remove this discharge from waters of this Commonwealth.
3. A discussion of any revisions and/or updates to your Inadvertent Return (IR) Contingency Plan that can be implemented to prevent and respond to future discharges.
4. A detailed analysis/explanation of the root cause or causes of the unpermitted discharges.
5. A plan to monitor these areas to determine if there are secondary impacts to the aquatic ecosystem and hydrology.

Please be advised that DEP and/or the Delaware County Conservation District will conduct additional inspections of the site. If future inspections reveal that required corrective actions have not been made and/or additional violations have occurred, DEP may initiate enforcement action.

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 my office at the telephone number located in the first page footer.

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
Brookhaven Borough
Re 30 (GJS17WAW)129

bcc: Mr. Hohenstein – DEP (via e-mail)
Mr. Knorr – DEP (via e-mail)
Mr. Nassani – DEP (via e-mail)
Ms. Henning-Dudley – DEP (via e-mail)
Mr. De Francesco – DEP (via e-mail)
Mr. C. Smith – DEP (via e-mail)
Re 30 (GJS17WAW)129



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERSHED MANAGEMENT

DEP Data Records	Inspection Record #
Complaint Record #	Enforcement Record #
Permit #	E23-524

WATER OBSTRUCTION AND ENCROACHMENT INSPECTION REPORT

DEP/CCD Office	23-524	Phone	484-250-5160	Project Type	Inadvertent Return
Address	2 East Main Street Norristown, PA 19401		Location	5005 Chester Creek Road	
Owner/Permittee	Sunoco Logistics Partners, L.P.	Phone		Municipality	Brookhaven Township
Mailing Address	535 Fritztown Road Sinking Springs, PA 16908		Water Course or Body of Water	Chester Creek	
		Latitude:	39° 51' 58.7" N		
		Longitude:	75° 24' 23.5" W		
Type of Inspection:	<input type="checkbox"/> ADMIN - Administrative / File Review <input type="checkbox"/> CEI - Compliance Evaluation <input type="checkbox"/> COMPL - Complaint Inspection		<input type="checkbox"/> CONST - Construction Progress <input type="checkbox"/> FUI - Follow-up Inspection <input checked="" type="checkbox"/> INCDT - Incident response		<input type="checkbox"/> OTHER _____

INSPECTION FINDINGS

Failure to:	Violation? (Check if yes)	Failure to:	Violation? (Check if yes)
Obtain a Chapter 105 permit	<input type="checkbox"/> [105.11] 693.6/18	Perform work according to specifications	<input type="checkbox"/> [105.44] 693.18
Operate or maintain permitted project	<input type="checkbox"/> [105.51] 693.13/18	Implement Erosion and Sediment Control Plan	<input type="checkbox"/> [105.46] 693.18
Acknowledge permit conditions	<input type="checkbox"/> [105.42] 693.18	Obtain Department approval for Environmental Assessment	<input type="checkbox"/> [105.15] 693.18
Maintain a valid permit	<input type="checkbox"/> [105.43] 693.18	Other:	<input checked="" type="checkbox"/> [Discharge under CSL]

Inspection Results Code:	<input type="checkbox"/> NOVIO (No violations noted)	<input type="checkbox"/> OUTST (Outstanding violations)	<input type="checkbox"/> RECUR (Recurring violations)
	<input type="checkbox"/> VIOIC (Violations noted and immediately corrected)	<input checked="" type="checkbox"/> VIOLS (Violation(s) noted)	<input type="checkbox"/> VOV (New and outstanding violations noted) <input type="checkbox"/> VRV (New and recurring violations noted)

Describe site conditions and violations, including all pertinent dimensions and the actual or planned impacts to watercourses or bodies of water. For permitted work, confirm compliance or specify violations.

The Department conducted an incident response inspection at the above noted location. An inadvertent return had occurred along SPLP PPP pipeline at stream crossing H-41(Chester Creek). The return occurred in uplands and discharged into Chester Creek via a nearby STW inlet. This is a violation of the Clean Streams Law, 35 P.S. Section 691.301. Upon the site visit, all discharged material was removed from the uplands and stream. A sandbag containment area was installed around the return area and also the STW outlet in Chester Creek. The in stream containment and inlet protection will be removed prior to coming rain Friday. Attached is the map, initial email incident response and the incident report.

Sketch attached? Yes No Photos taken? Yes No Additional information attached? Yes No

Inspector name (print): Christian M Vlot	Inspector Signature: <i>Christian M. Vlot</i>	Date and Time: 5/4/17
Inspector was accompanied by: <input type="checkbox"/> Owner <input type="checkbox"/> Permittee <input checked="" type="checkbox"/> Other: Environmental Inspector	Signature of Owner/Permittee: Print Name: Joseph Proscenia	Date: 5/4/17

The Owner/Permittee's signature acknowledges that they have read the report and received a copy and that they were given the opportunity to discuss it with the inspector. The signature does not necessarily mean that they agree with the report.

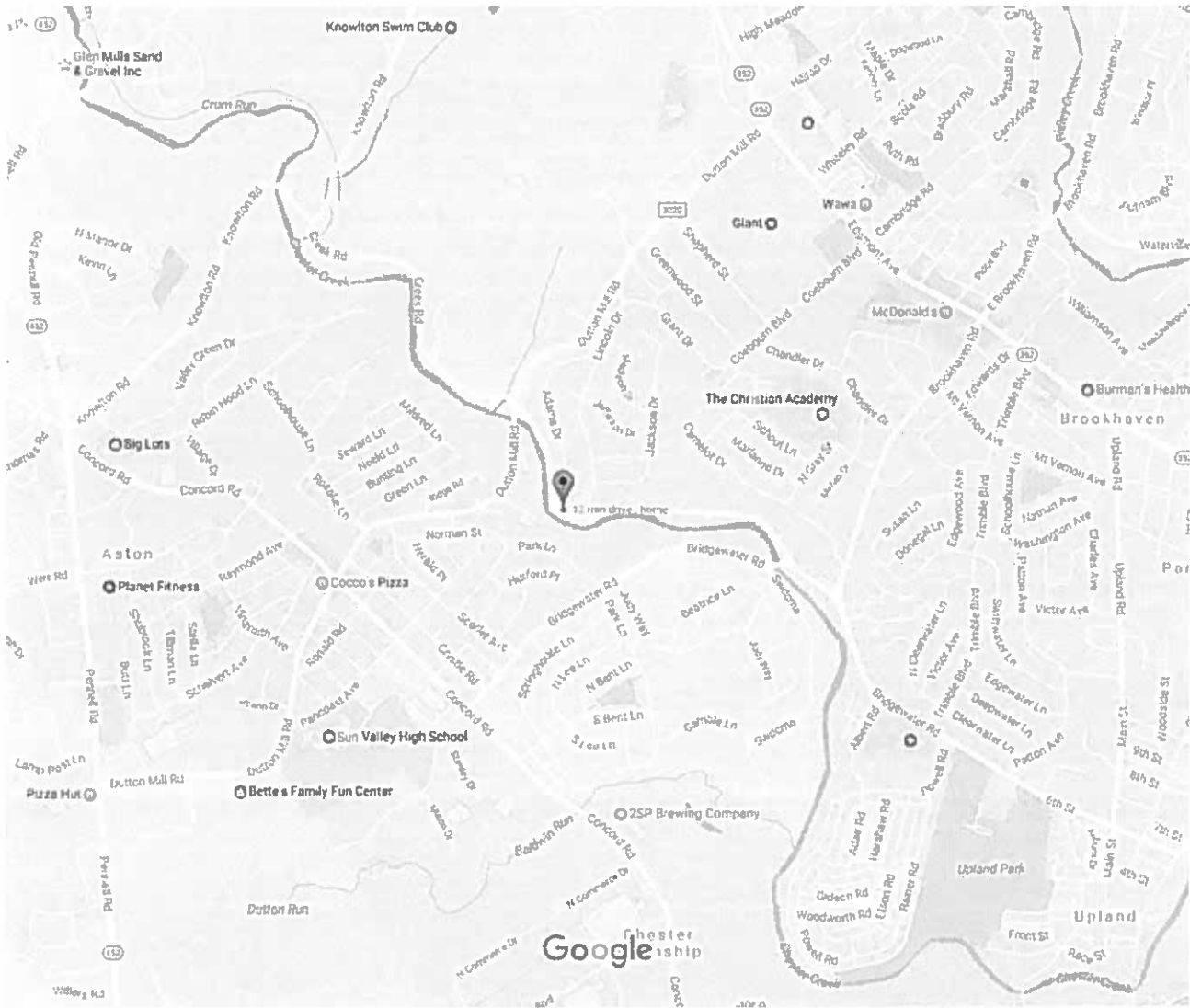
White - DEP

Yellow - Owner/Permittee

Google Maps

39°51'58.7"N 75°24'23.5"W

Sunoco PPP Inadvertent Return 5-3-17



39.866309, -75.406539

39°51'58.7"N 75°24'23.5"W

From: [Vlot, Christian](#)
To: [Knorr, Donald](#); [Hohenstein, John](#); [Rocco, Domenic](#)
Cc: [Bauer, Robert](#); [Miller, Rex](#)
Subject: Re: Incident Report
Date: Thursday, May 04, 2017 10:01:48 AM
Attachments: [Image-1.png](#)
[Image.png](#)

I visited the site this morning. The return was is uplands but right next to an inlet to Chester creek. Everything is cleaned up pretty well and they have containment around return area. They estimated 500 gals fracked out.

They did say they have lost about 20,000 gals of of fluid over the past days so who knows where that went. Will see

They have contacted home owners to see if there basements are filled with fluid. The house closest to site is vacant.

Josh also said a formal report will be sent.

Pics of return area are attached.



Outlet of STW inlet



Containment around return area.

Christian M. Vlot | Water Pollution Biologist II
Department of Environmental Protection | Waterways and Wetlands
2 East Main Street | Norristown, PA 19401
Phone: 484.250.5153 | Fax: 484.250.5971
www.depweb.state.pa.us

From: Knorr, Donald
Sent: Thursday, May 4, 2017 8:52:34 AM
To: Rocco, Domenic; Hohenstein, John
Cc: Bauer, Robert; Miller, Rex; Vlot, Christian
Subject: FW: Incident Report

Donald F. Knorr, PWS | Water Pollution Biologist 3
Department of Environmental Protection | Waterways and Wetlands
2 East Main Street | Norristown, PA 19401
Phone: 484.250.5147 | Fax: 484.250.5971
www.depweb.state.pa.us

From: Majett, Carrie
Sent: Thursday, May 04, 2017 8:44 AM

To: Knorr, Donald <doknorr@pa.gov>

Subject: Incident Report

Hi Don,

Please see the attached Incident Report that was sent to us this morning; however while talking to him, I found out that it went into a creek. He said that he spoke to you last night or contacted you.

Thanks Don.

Carrie

DEP INCIDENT NOTIFICATION REPORT
REVISED 1/26/17

Received By	Carrie Majett	
Date Received	May 4, 2017	
Time Received	8:16am	
Reported During	<input type="checkbox"/> After Hours	<input checked="" type="checkbox"/> Work Hours

CALLERS NAME/ORGANIZATION		TELEPHONE NUMBER
1.	Chris Embry/Sunoco Logistics	610-670-3237
2.		
BRIEF DESCRIPTION OF INCIDENT <i>(See NOTES AND CALL LOG on reverse)</i>		Incident Date
		5/3/2017
		Incident Time
		3:00 pm

INCIDENT LOCATION		
County:	Delaware	ADDRESS / DIRECTIONS:
Township:	Aston Township	Intersection of Beatrice&Judy Lane/ Aston, PA

POTENTIALLY RESPONSIBLE PARTY		
NAME/ORGANIZATION:	Sunoco Logistics	PHONE NUMBER
ADDRESS:	535 Fritztown Road, Sinking Spring, PA 19608	610-670-3237

INCIDENT CONTAMINANT INFORMATION			
INCIDENT CLASSIFICATION:	Water Contamination	MEDIA CONTAMINATED:	
TYPE OF RELEASE:	Release/Discharge	Primary	Surface Water
SUBSTANCE:	Bentonite Clay&Water	Secondary	Surface Water
MATERIAL INVOLVED:	Other	QUANTITY/UNITS:	Appx. 500 Gallons
WATERWAY IMPACT:	Affected	WATER SUPPLY:	Yes
WATERWAY NAME:	Chester Creek	SOURCE OF MATERIAL:	Other/Natural
TOTAL POTENTIAL RELEASE AMOUNT, even if none actually got out.		500 Gallons	
TOTAL RELEASE AMOUNT, whether or not any was contained or recovered:		500 Gallons	
TOTAL AMOUNT KNOWN TO BE CONTAINED AND/OR RECOVERED:		500 Gallons	

INCIDENT REFERRAL			
INCEDENT REFERRED FOR:	Program Follow-Up/Information	DATE REFERRED:	5/4/2017
PROGRAM(S) REFERRED TO:	Water Supply	WATER SUPPLY	

REMEDIAL ACTION(S) TAKEN: (Source Control, Containment, Counter Measure, Clean-Up)			
Contained it and clean it up. Us vac truck to remove the material.			
CLEANUP CONTRACTOR RETAINED BY:	Responsible Party		
CLEANUP CONTRACTOR NAME:		PHONE NUMBER:	

ENVIRONMENTALLY RELATED EVACUATIONS/CASUALTIES: Choose an item.				
NUMBER EVACUATED	N/A	NUMBER INJURED		NUMBER OF FATALITIES

MATERIALS USED (Adsorbent, Test strips, Samples, PPE, etc.)				
Sand Bags				
HOURS WORKED:		MILEAGE:		PAY GRADE:

ADDITIONAL INCIDENT DETAILS
<p>They were installing horizontal direction drills, and there were an inadverant return, causing the clay to go into the creek.</p>