



# TOWNSHIP OF EDGMONT

1000 Gradyville Road  
PO Box 267  
Gradyville, Pennsylvania 19039  
610-459-1662 phone 610-459-3760 fax

## NOTICE TO CEASE AND DESIST NOTICE OF VIOLATION

November 5, 2019

**Sent Regular and  
Certified Mail No. 7015 0640 0007 7208 9763**

**To:** Sunoco Pipeline, L.P.  
Attention: Matthew Gordon  
535 Fritztown Road  
Sinking Spring, PA 19608

**Subject:** **Violation of the Edgmont Township Grading and Stormwater Management Ordinances – Failure to Maintain Erosion and Sediment Control Measures**

Dear Mr. Gordon,

On November 2, 2019, the Township was notified by Sunoco Representatives that drilling mud had overtopped the bore pit and entered Chester Creek. The Township Engineering Inspector and Pennsylvania Department of Environmental Protection (PA DEP) investigated the incident. According to the Emergency Response Incident Report from PA DEP about a drill pit overflow of water and drilling fluid, which took place at the Mariner East II HDD Right-of-Way (Site 580) on November 2, 2019, “The drilling pit overflowed with water and drilling fluids. The material went 450 feet, across a farm field towards the beginning of the affected unnamed tributary. The drilling fluid/water width is approximately 25 feet where it leaves the source, but spreads of laterally to triple the width closer to the stream. ... [The crew hired to maintain the pumps overnight] failed to operate the pumps to prevent the onsite drainage controls from having to be used”. Failure to maintain erosion and sediment control measures is a violation of the Grading Ordinance No. 221 of 2012. Allowing discharges, which are not composed entirely of stormwater, to release into the Waters of the Commonwealth is a violation of the Stormwater Management Ordinance No. 220 of 2012.

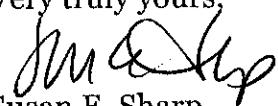
**NOTICE OF VIOLATION:** The Mariner East II HDD Right-of-Way (Site 580) located approximately 3000 feet in length between and Sweetwater and Valley Roads is in violation of the Grading Ordinance No. 221, Section 5.G. for erosion and sediment control failure and the Stormwater Management Ordinance No. 220 for allowing

discharges, which are not composed entirely of stormwater, to discharge into the Waters of the Commonwealth.

**CORRECTIVE ACTION REQUIREMENT:** CEASE AND DESIST ALL OPERATIONS IMMEDIATELY. In order to resume operations and bring the Mariner East II HDD Right-of-Way (Site 580) into compliance, Sunoco shall pay a fine of \$1,000.00 per day the violation has occurred/exists and remediate the site immediately. The site remediation must be approved by the PA DEP, Delaware County Conservation District, and Township Engineer and proper reports provided to the Township. To date, the violation has occurred on November 2, 2019. Sunoco must immediately remediate the site and pay the total fine of \$1,000.00 to Edgmont Township within fifteen (15) days of the date of this Notice. Additionally, Sunoco and its contractors must immediately cease and desist construction activity and coordinate a site visit with the Township to develop and implement a plan for additional E & S controls. Please note, each day that the violation continues without an inspection report from the Township Engineer, stating the site has been remediated counts as a separate \$1,000.00 fine.

**ENFORCEMENT:** Failure to remediate the site immediately and pay the \$1,000.00 fine to Edgmont Township within fifteen (15) days of the date of this letter will result in the filing of a Non-Traffic Citation with the District Justice at the Delaware County, Pennsylvania Magisterial District Court #32-2-48. Penalties may result in an amount not to exceed \$1,000.00 per day, plus all court costs, including reasonable attorney fees incurred by the Township, as permitted by law. Be aware that each day the violation exists constitutes a separate violation and may be pursued as such.

Copies of the Township Engineering Inspector and PA DEP reports of the incident are provided for your reference. Thank you for your anticipated cooperation. Please contact the Township office if you have any questions.

Very truly yours,  
  
Susan E. Sharp  
Building Code Official  
[Ssharp@edgmont.org](mailto:Ssharp@edgmont.org)

Enclosures

cc: Board of Supervisors  
Michael Pierce, Esq.  
Ivana Wolfe, Energy Transfer Partners  
Joseph Massaro, Energy Transfer Partners  
Michels

**YERKES ASSOCIATES, INC.**  
*a cirilli company*

1444 Phoenixville Pike  
 P.O Box 1568  
 WEST CHESTER, PA 19380-0078

P: (610) 644-4254 F: (610) 640-0771

To: Edgmont Township  
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DATE	11/02/19	JOB NO.	W-16-0304-8
PROJECT: Sunoco Pipe Line			
LOCATION: Several locations			
CONTRACTOR/BUILDER	Michels	OWNER	Sunoco
WEATHER	Sunny	TEMP	70° F
PRESENT AT SITE:			
TIME CHARGED:			
<input type="checkbox"/> PASS		<input type="checkbox"/> FAIL	

The following was noted: Sites were inspected by Jose Grande.

Shepherd Lane location: No inspection at site;

Meadow Ln. to Valley Rd. Easement Area location: No activity at site; No inspection conducted at site;

Sweetwater Rd. and Valley Rd. site: 10:30 am Contractor at site stopped reaming operation; Between the hours of 7:00 pm last night and 8:30 am this morning, the drill hole was overwhelmed with drilling mud. The drilling mud spilled out of the drill hole, flowed uncontrolled through the site to the low area E & S controls, overwhelmed the controls and spilled out of the LOD and out of the site, onto the adjacent field, onto the down area stream; DEP was contacted at 8:30 am and arrived at site at 10:00 am to inspect and record spill; Contractor crew was cleaning spill within site with water hose and vac truck; Spill contaminated field area and creek bed from site through field and on to creek bed crossing Sweetwater road; The spill occurred because the contractor did not manage spill on site; Contractor E & S controls were **INADEQUATE** (as had been mentioned before many times in reports and specifically advised contractor at a prior meeting to provide controls at drill hole location to contain any emergency spill occurrences as additional safe guard); Contractor had indicated that it would not be necessary...); The Sunoco work needs to **STOP IMMEDIATELY**, and secure the site temporarily until additional measure can be determined (approved by Township) and implemented **BEFORE** work can resume on the drilling operations of the project; Josh was advised of this approach and Ron Cummings of Sunoco was contacted (at approx.. 11:00 am) and advised to **Stop work** and proceed with above requirements; Josh advised that Ron would discuss issue with Sunoco and get back to him; (As of 2:45 pm, no response from Ron Cummings was received); This is the second spill event at this site and according to requirements, the project is to stop until adequate E & S measures are restored before work can be resumed; It was agreed that Josh would follow-up on having the drill hole area adequately secured with berm and sand bags (by end of day today), to adequately contain drill hole and provide a back-up pumping system to assure that breach **at drill hole** does not occur again;

Gradyville Rd. and Valley rd. Site: No inspection at site.

## FIELD REPORT

COPIES TO:

Edgmont Twp., DCCD, Sunoco, Tetra Tech

SIGNED:

Jose Grande, P.E.

ADDRESS: <u>Sunoco</u>	DATE/TIME: <u>11/02/19</u>
<b>Check:</b>	<b>Edgmont Township Stormwater Management Ordinance No. 220</b>
<input checked="" type="checkbox"/>	Sec. 102.A. – Inadequate managing of accelerated stormwater runoff.
<input checked="" type="checkbox"/>	Sec. 102.B. – Changing the natural hydrologic patterns.
<input checked="" type="checkbox"/>	Sec. 103.A. – Minimize the impacts on surface and groundwater.
<input checked="" type="checkbox"/>	Sec. 103.C. – Minimize increase in Runoff Stormwater volume.
<input checked="" type="checkbox"/>	Sec. 103.E. – Manage Stormwater and E & S problems.
<input checked="" type="checkbox"/>	Sec. 103.F. – Stormwater planning and management.
<input checked="" type="checkbox"/>	Sec. 103.G. – Preserve existing natural drainage systems.
<input checked="" type="checkbox"/>	Sec. 103.H. – Manage Stormwater impacts close to the Runoff source.
<input checked="" type="checkbox"/>	Sec. 103.I. – Prevent degradation of surface and Groundwater quality.
<input checked="" type="checkbox"/>	Sec. 103.J. – Protect base flows and quality of Streams and Watercourses
<input checked="" type="checkbox"/>	Sec. 103.K. – Meet legal water quality requirements under state law, including regulations at 25 Pennsylvania Code Chapter 93.4.a.
<input checked="" type="checkbox"/>	Sec. 103.L. – Address the quality and quantity of Stormwater discharge from the development site.
	Sec. 103.M. – NPDES MS4 permit requirements.
<input checked="" type="checkbox"/>	Sec. 103.N. – Elimination program that addresses non-Stormwater discharge into the township's MS4's.
	Sec. 103.O. – Preserve the Flood – Carrying capacity of Streams.
<input checked="" type="checkbox"/>	Sec. 103.P. – Prevent scour, erosion and sedimentation of stream channels.
<input checked="" type="checkbox"/>	Sec. 103.R. – Provide proper operation and maintenance of all permanent Stormwater Management facilities and BMPs that are implemented within the Township.
<input checked="" type="checkbox"/>	Sec. 301. – General Requirements.
	Sec. 302. – Permit Requirements by Other Government Entities.
	Sec. 303.A. – Earth disturbance without approval.
	Sec. 303.E. – Soil erosion and sediment control.
	Sec. 303.F. – Erosion and Sediment Control plan available on site at all times.
	Sec. 305. – Infiltration Control Requirements.
<input checked="" type="checkbox"/>	Sec. 306. – Water Quality Requirements.
	Sec. 307. – Stream Bank Erosion Requirements.
	Sec. 308. – Stormwater Peak Rate Control.
	Sec. 310. – Storm Sewer and Surface Drainage.
	Sec. 311. – Other Requirements.
	Sec. 501. – Inspections.
	Sec. 502. – As-built Plans, Completion Certificate, and Final Inspections.
<input checked="" type="checkbox"/>	Sec. 704. – Adherence to an Approved Stormwater Control and BMP Operations and Maintenance Plan
<input checked="" type="checkbox"/>	Sec. 801. – Prohibited Discharges.
	Sec. 802. – Prohibited Connections.
<input checked="" type="checkbox"/>	Sec. 804. – Alteration of BMPs.
	Sec. 902. – Public Nuisance.
	NO ISSUES
<b>Check:</b>	<b>Edgmont Township Grading Ordinance No. 221</b>
	Sec. 2. – Permit Required.
	Sec. 5.B. – No person or entity shall modify, fill, excavate, pave, grade or re-grade or otherwise disturb land within the Township, in any manner as to endanger or damage public or private property, or to cause physical damage or personal injury.
<input checked="" type="checkbox"/>	Sec. 5.C. – Maintenance of drainage facilities.
	Sec. 5.D. – Stabilization.
	Sec. 5.E. – Minimum slope.
	Sec. 5.F. – Dust control.
<input checked="" type="checkbox"/>	Sec. 5.G. – Erosion and Sediment Control measures.
	Sec. 6. – Inspections.
	Sec. 10. – Effect of Other Ordinances.
	NO ISSUES

**PA DEP – EMERGENCY RESPONSE  
 INCIDENT REPORT**

<b>INCIDENT</b>		
<b>Brief Description:</b>	Drill pit overflowed with water and drilling fluids	
<b>Incident Date &amp; Time:</b>	11-02-2019 0730 hours	
<b>Weather Conditions:</b>	Approx. 41 degrees Fahrenheit	
<b>LOCATION</b>		
<b>County:</b>	Delaware County	
<b>Municipality:</b>	Middletown Township	
<b>Address / Directions:</b>		
<b>Latitude / Longitude:</b>	Lat: 39.926312	Lon: -75.482116
	Data Source: Chris Embry report on discharge	
<b>POTENTIAL RESPONSIBLE PARTY</b>		
<b>Contact Person:</b>	Chris Embry	
<b>Company / Organization:</b>	Energy Transfer Partners, LP	
<b>Address:</b>		
<b>Phone Number:</b>	215-478-4144	
<b>PROPERTY OWNER / FACILITY CONTACT</b>		
<b>Contact Person:</b>	Josh Prosceno	
<b>Company / Organization:</b>	Tetra Tech	
<b>Address:</b>		
<b>Phone Number:</b>	570-336-9606	
<b>INSURANCE COMPANY INFORMATION</b>		
<b>Contact Person:</b>	N/A	
<b>Company:</b>		
<b>Phone Number:</b>		
<b>Policy Number:</b>		
<b>TRANSPORTATION RELATED INFORMATION</b>		
<b>Carrier Contact Person:</b>	N/A	
<b>Carrier Company:</b>		
<b>Carrier Address:</b>		
<b>Carrier Phone Number:</b>		
<b>License Plate:</b>	Truck / Tractor:	Trailer:
<b>Police Report:</b>	Police Dept.:	Report #:
<b>CLEANUP CONTRACTOR</b>		
<b>Contact Person:</b>	Joshua Prosceno, Chief Environmental Inspector	
<b>Company / Organization:</b>	TetraTech	
<b>Address:</b>	301 Ellicott Street Buffalo, NY 14203	
<b>Phone Number:</b>	570.336.9606	
<b>DEP Emerg. Contract:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   Estimated Cost: \$	
<b>OTHER AGENCIES INVOLVED</b>		
<b>Agency</b>	<b>Contact Person</b>	<b>Phone Number</b>

OBSERVATIONS / REMARKS
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The drilling pit overflowed with water and drilling fluids. The material went 450 feet, across a farm field towards the beginning of the affected unnamed tributary. The affected part of the field is the lowest elevation of the property. The field is believed to have a soy bean crop present. The drilling fluid/water width is approximately 25 feet where it leaves the source but spreads out laterally to triple the width closer to the stream. Water could be heard flowing through the drainage tiles close to the stream. The stream has a lot of turbidity present due to the release. Hay bales to act as filters were present in the stream. At the time of response the water flow was slow in the unnamed tributary. Most of the tributary's initial flow appears to be from the drainage tiles. The crew that was hired to maintain the pumps on the overnight shift from 1900 hours thru 0700 hours the next day was fired by the driller at 0730 hours. They had failed to operate the pumps to prevent the onsite drainage controls from having to be used. It is unknown when the off site flow occurred. Josh Prosceno stated that the PA Fish & Boat Commission was notified. Vac Truks are being utilized to remove impacted water from the stream, using a sand bag dam, before it crosses under Sweetwater Rd. There was a delay, of approximately 10 minutes in-between one truck departing and the next arriving. Mr Prosceno noted it and was pushing to have the change outs between vac trucks to take place immediately. The downstream side of the tributary, from Sweetwater Rd, appeared to be clear from a distance unlike the upstream side. The project has a total of 26 vac trucks and they remove their cargo at a facility in NJ.

The incident was clearly human error. The owner of the affected property is Sleighton Farm and the tenant is Rick Sclosberg (notified). Dogs may play in the tributary. Joe Grande of Yerkes Associates 610-644-4254 stated that a township official wanted work to stop until corrective actions are made because the incident has happened before. A phone call was made and the lawyers for the parties involved will have to discuss. PA DEP may be a part of the discussion. Stated that all overnight crews should be informed of the incident. Suggested that the new overnight crew email original pictures every hour on the overnight shift. They can also set alarms for every hour. Work stopped at 1900 hours the night before. When the driller came on site the overnight crew was fired. At the time of the response, confirmation was not obtained as to whether they were anywhere from 2 -4 personnel overnight. Prosceno received the call at 0800 hours. On Nov. 2 at 1740 hours Prosceno left a message that he was leaving the site and that a crew will still be out working. He will return in the morning. The stream was still a little turbid. At 0908 hours on Nov. 3 an update was provided with a picture showing the stream running clearer. Pocket areas where deposits are visible are being addressed. A macro study is being scheduled for this week. At 1654 hours received update that the stream was cleaned up and the dam was pulled. Prosceno was going to stick around until some of the turbidity from removing the sandbags settles.

[Nov. 2 - Departed 1048 hours, Arrived 1120 hours. Departed site at 1245 hours Arrived home at 1315 hours.]

## DEP INCIDENT TYPE

<input type="checkbox"/> Air Contamination	<input type="checkbox"/> Land Contamination / Waste	<input type="checkbox"/> Mining Incident	<input type="checkbox"/> Oil or Gas Well Incident
<input type="checkbox"/> Radioactive Material	<input type="checkbox"/> Storage Tank Incident	<input checked="" type="checkbox"/> Water Contamination	<input type="checkbox"/> Water Supply Contamination
<input type="checkbox"/> Other or Non-DEP Incident:			

## RELEASE TYPE

<input checked="" type="checkbox"/> Discharge / Release	<input type="checkbox"/> Dumping / Disposal	<input type="checkbox"/> Fire Related
<input type="checkbox"/> None	<input type="checkbox"/> Spill	<input type="checkbox"/> Unknown
<input type="checkbox"/> Other:		

## MEDIA AFFECTED

<input type="checkbox"/> Air	<input type="checkbox"/> Land	<input checked="" type="checkbox"/> Surface Water	<input type="checkbox"/> Ground Water	<input type="checkbox"/> Within Facility Only	<input type="checkbox"/> None
Waterway:	Unnamed tributary to Chester Creek			<input checked="" type="checkbox"/> Affected	<input type="checkbox"/> Threatened
Side of Stream Affected:	<input type="checkbox"/> None / Unknown <input type="checkbox"/> Left Descending Bank			<input type="checkbox"/> Right Descending Bank	
Public Water Supply:	N/A			<input type="checkbox"/> Affected	<input type="checkbox"/> Threatened
Public Sewage Treat.:	N/A			<input type="checkbox"/> Affected	<input type="checkbox"/> Threatened
Endangered Species Impacted:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown	Species:	
Endangered Species Habitat Impacted:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown	Species:	
Migratory Bird Impacted:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	Species:	
Cultural Resource Impacted:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown	Type:	

## SUBSTANCES(S) INVOLVED

Substance	CAS Number	Lowest Published Exp. Limit	Total Amt. Involved	Amt. Released	Amt. Recovered
Drilling mud/fluid					

## SOURCE OF MATERIAL

<input type="checkbox"/> Above Ground Storage Tank	<input type="checkbox"/> Highway – Cargo	<input type="checkbox"/> Highway – Fuel / Fluids	<input type="checkbox"/> Industrial / Commercial
<input type="checkbox"/> Mining / Quarry	<input type="checkbox"/> None	<input type="checkbox"/> Oil / Gas Well	<input type="checkbox"/> Pipeline
<input type="checkbox"/> Railway (Train)	<input type="checkbox"/> Residential / Community	<input type="checkbox"/> Underground Storage Tank	<input type="checkbox"/> Unknown
<input type="checkbox"/> Vessel (Boat)	<input checked="" type="checkbox"/> Other: Pipeline installation		

## MONITORING RESULTS

Air Monitoring:	%LEL:	%O <sub>2</sub> :	VOC:	CO:	H <sub>2</sub> S:	Other:
Radiation:	N/A	<input type="checkbox"/> Gamma (Nal Detector)	<input type="checkbox"/> Alpha/Beta/Gamma (Pancake Detector)			
Water Quality:	pH: N/A	DO:	Conductivity:	Chlorine:	Temp:	
Instrument(s) Used:	N/A					
Other Monitoring Conducted:	N/A					

## SAMPLE INFORMATION

Sample(s) Collected:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Sample Description(s):		

## DEP MATERIALS / EQUIPMENT USED (Sorbents, Test Strips, Meters, etc.)

None

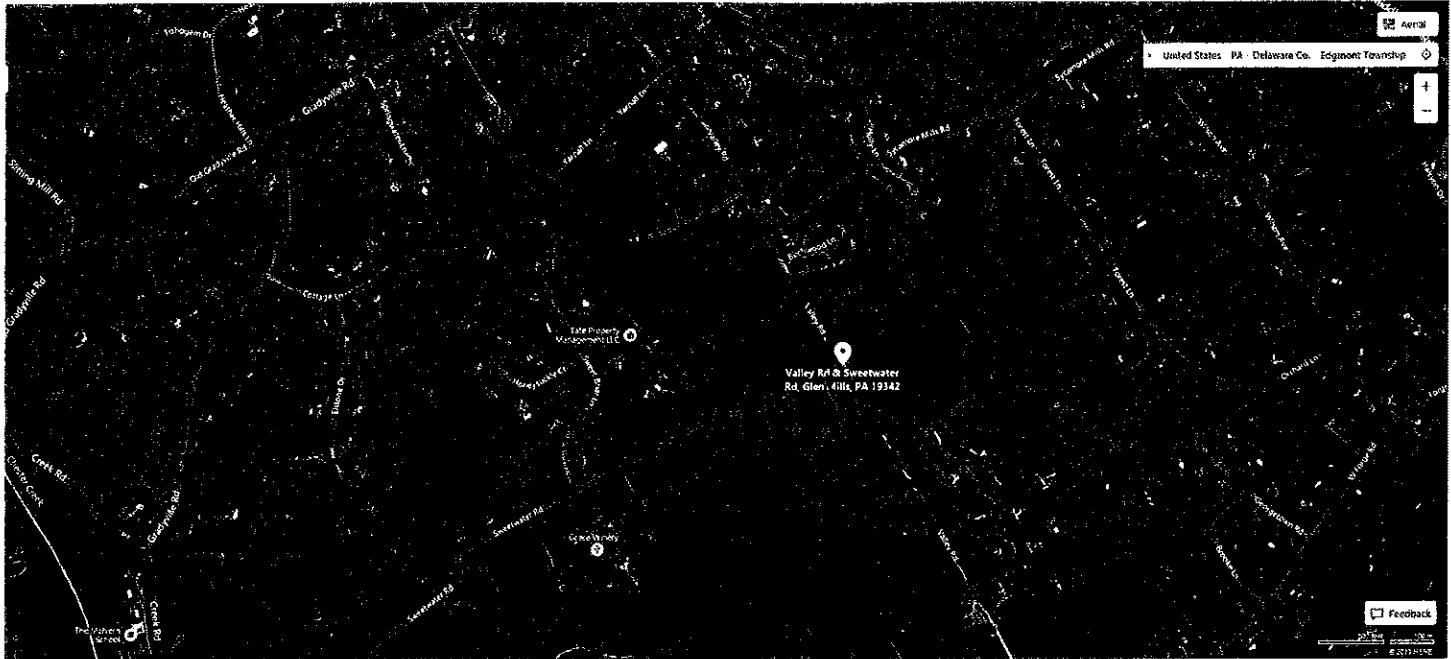
## DEP RESPONDER INFORMATION

Name	Title	Phone
Stephan Brown	Radiation Health Physicist 2	484.250.5842
Mileage: 17 miles (34 miles round trip)	Response Time: 34 minutes	

## PROGRAM REFERRAL (For Information and/or Follow up)

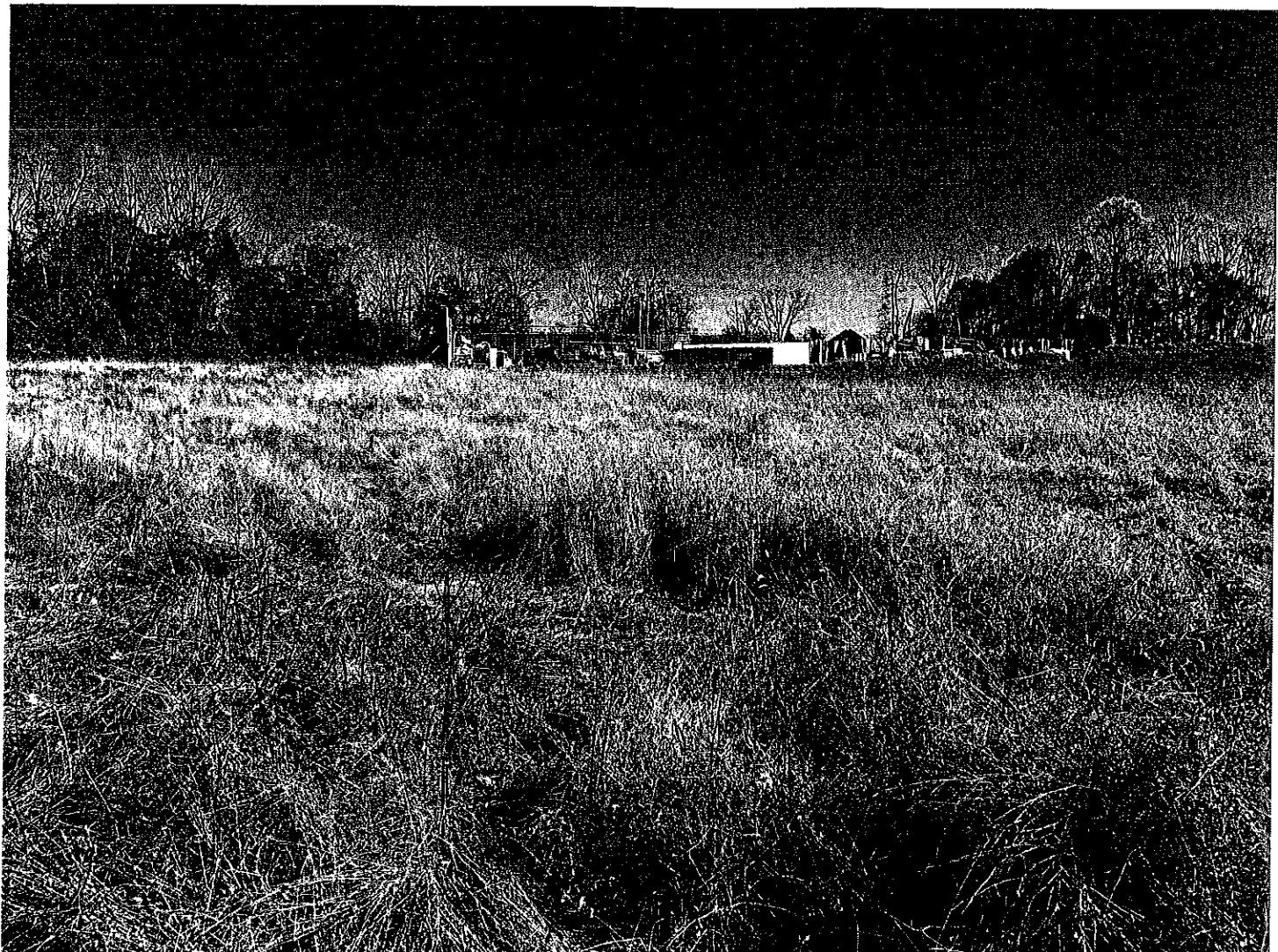
Program	Staff Notified	Date	Via
Dams & Waterways	John Hohenstein	11-04-2019	<input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> In Person
			<input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> In Person

MAPS / PHOTOGRAPHS / ATTACHMENTS





Vac truck location. One just left approx. three minutes ago.



Near the tree line where creek is present, looking toward area of release.