OHIO E.P.A.

JUN 16 2016

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Sunoco Pipeline L.P. 1818 Market Street, Suite 1500 Philadelphia, PA 19102	:	**Director's Final Findings and Orders**
Respondent		

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 6-16-16

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Sunoco Pipeline L.P. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6111 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. In accordance with ORC § 6111.04, no person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state without applying for and obtaining a valid permit.

2. Respondent is the owner and operator of the hydraulic directional drilling operations in various sites in Portage County, Ohio.

3. Site 1 is located in the vicinity of State Route 14 in Deerfield Township. Site 2 is located in the vicinity of State Route 183 in Atwater.

Site 1

4. While conducting horizontal directional drilling activities on August 20, 2014, Respondent and its subcontractor experienced a circulation loss of approximately 3,000 gallons of Slick Gel, a bentonite slurry, during the installation of a 12 inch pipeline in the vicinity of All Season Mobile Home Park located at 2300 State Route 14, Deerfield, Ohio, Portage County (lat. 41° 2' 52.86" N/ long. 81° 4' 47.06" W).

5. All Season Mobile Home Park is a "public water system" as defined by ORC Section 6109.01(A). (PWS ID# OH6700812).

6. The bentonite slurry migrated via fractures and bedding planes within the bedrock of the subsurface to public water supply wells operated by All Seasons Mobile Home PWS.

7. The bentonite slurry entered the PWS's water treatment system, and progressed into the distribution systems servicing the residents of the mobile home park.

8. Bentonite slurry, upon its uncontrolled release into the environment, became an "industrial waste" or "other waste" as those terms are defined in ORC § 6111.01

9. Pursuant to ORC § 6111.01, the groundwater upon which the bentonite slurry was released is a "water of the state".

10. Respondent's discharge of bentonite slurry into groundwater was done without a permit authorizing the pollution and therefore is a violation of ORC §§ 6111.04 and 6111.07.

11. Respondent took remedial action to address the unauthorized discharge and impact caused to the PWS which included providing temporary potable water to the residents and drilling and developing new drinking water wells, installing new piping from the well head to the water treatment plant.

Site 2

12. While conducting horizontal directional drilling activities during July through

August, 2014, Respondent and its subcontractor experienced numerous inadvertent releases of bentonite slurry in conjunction with the installation of a 12 inch steel pipeline.

13. The initial release was discovered on July 18, 2014 and was estimated to be 8,000 gallons. Respondent's contractor notified the United States Army Corps of Engineers but did not notify Ohio EPA. Containment and cleanup activities were commenced upon securing permission from the landowner.

14. Subsequent releases in this same vicinity occurred on July 23rd, July 24th, July 29th, August 7th, August 10th, and August 25th.

15. Clean up activities associated these releases continued through April of 2015 due to issues with the property owner denying access.

16. Ohio EPA did not learn of these releases until receiving a call to our Emergency Hotline on February 16, 2015 from a property owner upon whose land one of the releases occurred.

17. Bentonite slurry, upon its uncontrolled release into the environment, became an "industrial waste" or "other waste" as those terms are defined in ORC § 6111.01

18. Some of bentonite slurry released during these events impacted a wetland. Wetlands are waters of the state as defined by ORC § 6111.01.

19. Compliance with ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.

20. The Director has given consideration to and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

1. Within three (3) months after the effective date of these Orders, Respondent shall submit to Ohio EPA, Division of Surface Water, Northeast District Office, for review and approval, a Release Prevention and Emergency Response Plan ("the Release

Response Plan) that identifies measures to protect public health and the environment. The Release Response Plan shall, at a minimum:

a. Describe steps that will be taken to prevent releases from occurring. This shall include, but is not limited to, implementing protocols that require a geotechnical engineer or qualified geologist to determine the suitability of the soils to be bored to minimize the potential for an inadvertent release, ensuring all field personnel understand the signs that an inadvertent release has occurred and their responsibility for immediate response and reporting, and maintaining all response equipment on-site and in good working order;

b. Describe devices and mechanisms that will be installed and operated to ensure that Respondent is made aware of all clay releases. This shall include, but is not limited to, ensuring all directional drilling is attended by a biological monitor to watch for inadvertent release conditions or low pressure readings.

c. Establish procedures to be followed in the event of a clay release in order to ensure that releases are appropriately and immediately responded to; these shall include procedures to ensure immediate appropriate notification to the Ohio EPA. These procedures should be developed in consultation with potentially affected entities; and

d. Establish procedures to ensure that appropriate personnel are aware of and follow the Release Response Plan and are appropriately trained.

If Ohio EPA provides written comments to Respondent's Release Response Plan as originally submitted, Respondent shall submit to Ohio EPA a revised plan or other written response to Ohio EPA's comments within one (1) month after receiving Ohio EPA's comments.

Within seven (7) days of Ohio EPA's approval of the Release Response Plan, Respondent shall implement the Plan. The Plan shall be reviewed annually by the Respondent and updated if needed.

2. Respondent shall pay to the Ohio EPA the amount of $40,000.00 in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the amount of $20,000.00 within thirty (30) days of the effective date of these Orders. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying

Respondent and the Facilities, at the following address:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

3. In lieu of paying the remaining $20,000.00 of civil penalty, Respondent shall fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of $20,000.00 to the Ohio River Valley Water Sanitation Commission for the purpose of funding a project for a continuous monitoring station on the Ohio River to allow for collection of water quality data by remitting a check in the amount of $20,000.00 to ORSANCO within 30 days of the effective date of these Orders.

A copy of the check shall be sent to Mark Mann, Environmental Manager, Compliance and Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order No. 3, Respondent shall immediately pay to Ohio $20,000.00 of the civil penalty in accordance with the procedures in Order No. 2.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(F).

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative or a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler, Director

6/10/16
Date

IT IS SO AGREED:

Sunoco Pipeline L.P.

Signature

4/25/16
Date

D.R. CHALSON, VICE PRESIDENT
Printed or Typed Name and Title