



January 7, 2022

Mr. Nicholas J. Bryan, P.L.S.
Energy Transfer - Sunoco Pipeline, L.P.
101 West Third Street, 3rd Floor
Williamsport, PA 17701

Re: Notice of Violation Inadequate Response Received September 24, 2021
Violations of the Dam Safety and Encroachments Act (“DSEA”),
Clean Streams Law (“CSL”), and Regulations Promulgated under
the DSEA and CSL Pennsylvania Pipeline Project (a.k.a. Mariner East 2)
Permit Nos. E15-862 and ESG 01 000 15 001
West Whiteland Township
Chester County

Dear Mr. Bryan:

On September 24, 2021, the Department of Environmental Protection (“DEP”) received Sunoco Pipeline, L.P.’s (“SPLP”) response to Notices of Violations (“NOVs”) DEP issued on August 17, September 1, and September 10, 2021, concerning subsidence events along the bore path in Wetland B71 and Stream S-B81 (Briar Road) located in West Whiteland Township, Chester County (the “Wetland Bore”) (“Response”).

After reviewing the Response, DEP has determined that Sunoco’s response to Comment No. 2 of the September 1, 2021, NOV is inadequate. This comment was listed as response No. 5 in the Response.

Comment 2. *Conduct a geologic investigation and provide an assessment that explains why the August 27 subsidence occurred in the stream when no boring activity was taking place.*

SPLP Response 5. *Please see Attachment B for an assessment that provides reasons for the August 27 and September 3 events.*

Sunoco’s response provided in Attachment B, “September 22, 2021, Memorandum from Rettew Associates, Inc.” (attached), is inadequate and inaccurate. Sunoco did not indicate that it performed any geologic investigation, beyond the most cursory analysis possible. Given that the subsidences occurred directly along the bore path, Sunoco’s attempt to imply that the subsidences were naturally occurring earth features as opposed to being the result of Sunoco’s pipeline activities lacks any credibility. Sunoco’s cursory analysis fails to

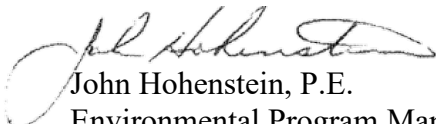
demonstrate that impacts to regulated water resources will not occur along this bore path in the future.

Sunoco is already conducting active geophysical testing at this location to address concerns raised by the PUC. That level of investigation should have been undertaken to address DEP's request that Sunoco conduct "a geologic investigation and provide an assessment that explains why the August 27 subsidence occurred in the stream when no boring activity was taking place." DEP requests that Sunoco submit all findings and reports detailing the results of all geophysical testing that has been done subsequent at this site since August 17, 2021, on or before **January 21, 2022**, for DEP review and consideration.

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

I look forward to your cooperation in this matter. If you have additional questions, please contact me at the telephone number located in the first page footer.

Sincerely,



John Hohenstein, P.E.
Environmental Program Manager
Waterways and Wetlands

Enclosure: Pages From 20210924 ME2 W-B71 NOV's Response
Env. Assessment Restore Monitoring Plan.pdf

cc: Mr. Embry – ETP
Ms. Styles – ETP
Mr. Prosceno – TetraTech
Mr. Sofranko – Chester County Conservation District
PA Fish and Boat Commission, Southeast Office
Mr. Caplan – U.S. Army Corps of Engineers, Philadelphia District
Mr. Hoernemann – U.S. Army Corp of Engineers, Philadelphia District
West Whiteland Township
Re 30 (GJS22WAW)7



SUNOCO PIPELINE
An ENERGY TRANSFER Partnership

Attachment B

MEMORANDUM

TO: Monica Styles, Energy Transfer
FROM: David M. Anderson, PG and Matt Bruckner, PG, RETTEW Associates, Inc.
DATE: September 22, 2021
PROJECT NAME: Energy Transfer Mariner East 2 **PROJECT NO.:** 096302015
SUBJECT: W-B71 (Library Bore) Response to PA DEP NOV's Item 2

The Pennsylvania Department of Environmental Protection (PA DEP) issued Notices of Violation (NOV) on September 1 and 9, 2021 regarding subsidence events which occurred within Stream S-B81 (Valley Creek). The events referenced in the NOV's occurred on August 27, 2021 and September 3, 2021.

Item 2 in both NOV's was the following request:

Conduct a geologic investigation and provide an assessment that explains why the August 27/September 3 subsidence occurred in the stream bed when no boring activity was taking place.

The W-B71 (Library Bore) site is underlain by the Ledger Formation (CI), which is composed of light-gray, locally mottled, massive, pure, coarsely crystalline dolomite, siliceous in the middle part. The Ledger Formation is carbonate and is well known for subsidence to occur. In this setting subsidence could occur at any time. A subsidence feature may have been developing in the subsurface for a long period of time before any visible surface feature occurs.

There have been thirteen subsidence features develop at the Library Bore site since February 2021. A review of these events indicates ongoing boring activity is not an accurate predictor or indicator of a potential subsidence event. The following is a summary of the site activity at the time a subsidence event occurred:

- No drilling activity 10 events
 Occurred at night/Sunday 7 events
 Drilling crew on standby 3 events

- Active drilling operations 3 events
 Augering 2 events
 Tripping auger bit into casing 1 event

Regarding the two features in the stream, other site conditions may have been a factor in the occurrence of the subsidence. On August 27, 2021, the flume which had been diverting the stream flow through the Library Bore site had just been removed. The returning stream flow and re-saturation of the stream bed material most likely caused this feature to present at the surface. On September 1 and 2, 2021, the remnants of Hurricane Ida passed through eastern Pennsylvania. A total of 9.8 inches of rainfall occurred at the site over these two days. Valley Creek overflowed its banks and flooded the area. In karst terrain it is not an unusual occurrence for subsidence features to surface after an extremely heavy precipitation event.

A review of the site setting and history indicates that status of drilling activity does not appear to influence the occurrence of subsidence features. The two most recent events occurred following a change in the stream flow conditions and/or significant rainfall event.

Certification

This assessment was prepared by a PG with the assistance of the horizontal directional drilling team, relying on information gathered and prepared by others. By affixing my seal to this document, I am certifying that the hydrogeologic and geologic information contained herein is true and correct, to my knowledge and belief. I further certify that I am licensed to practice in the Commonwealth of Pennsylvania.



David M. Anderson, PG
License No. PG001435G



Matthew T. Bruckner, PG
License No. PG004705

