

May 19, 2021



By Email

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Re: Comments on Report for HDD PA-CH-0199.0000-RD (HDD# S3-0360)

To whom it may concern:

Pursuant to the Corrected Stipulated Order entered on EHB Docket No. 2017-009-L on August 10, 2017 (“Order”), and on behalf of Clean Air Council, Mountain Watershed Association, Inc., and the Delaware Riverkeeper Network (“Appellants”), please accept these comments on the supplemental materials provided by Sunoco Pipeline L.P.’s (“Sunoco”) on its re-evaluation report (“Report”) for the horizontal directional drilling (“HDD”) indicated by drawing number PA-CH-0199.0000-RD (the “HDD Site”).

First, Appellants reiterate their previous comments on this HDD proposal concerning the possible corruption of the science presented as fact by Sunoco around the HDD operations in Chester and Delaware Counties and incorporate them by reference herein. Until the Department is able to ensure the proposal for this HDD Site is grounded in thorough scientific analysis which is based on complete and accurate data, it is the Department’s duty not to issue an approval for this HDD proposal. Appellants’ additional comments are as follows:

1. The comment period should be extended because the geophysical report is largely incomplete.

The Rettew geophysical survey refers to a series of “enclosed” Figures 1, 2, 3A, 3B, 4, 5, 6, 7A, and 7B, and Appendices A, B, and C. The figures are not enclosed or otherwise available, and the Appendices were just made available as of this writing. The narrative summary is impossible to fully and meaningfully evaluate without the information presented in the figures and appendices. The Department should extend the comment period beyond May 20, 2021, as these vital documents have not yet been made available, and/or were just made available.

2. The newly available reports appear to be later versions of reports the public should have had access to originally.

Curiously, several of the newly-available documents contain stamps re-dating them. Rettew’s geophysical survey report states that it was “PG Sealed” April 16, 2021, and its geotechnical support was “PG Sealed” April 20, 2021. The Intertek PSI reports were “re-issued” April 20,

2021. The public should have access to the original reports submitted to the Department, not just new versions of the reports. If Sunoco submitted earlier reports that the Department deems to be inaccurate, unverified, or insufficient, there is no reason that they should be shielded from public scrutiny. The Department should make these documents available and ensure that the public has time to review and comment on these materials before closing the comment period.

3. Several serious problems remain with the boring and surveying at the HDD Site.

Appellants incorporate by reference the comments of Virginia Marcille-Kerslake on the HDD Site. Ms. Marcille-Kerslake is a resident in the neighborhood who Sunoco has harmed repeatedly and extensively over several years, and who is a soil scientist who has identified major problems in Sunoco's investigation at the Site. In particular, she points out the areas of concern that the investigation identified but did not resolve. The investigation contains contradictory information about what lies below the proposed drill path and suggests that there may be karst along the path but lacks enough information to adequately resolve the concerns.

Ms. Marcille-Kerslake identifies specific needs for the investigation. Appellants agree and urge the Department to require Sunoco to proceed as specified in her comments.

4. The geophysical surveying Rettew conducted should have been more extensive.

The new information provided to supplement the Report includes a Rettew geophysical survey report and a follow-up geotechnical report. The survey report includes in the "Site Description" section the note that "A geophysical survey was conducted over accessible areas of the HDD exit/entry locations (Figure 2). The actual exit/entry areas were inaccessible due to wooden and plastic matting in the east, and inaccessible to ERI surveying in the west." Sunoco can remove the wooden and plastic matting that it put down in the first place; that is no excuse for shortchanging its surveying operation. The claimed inaccessibility in the western end is simply unexplained. The Department should require a complete survey, not one limited by Sunoco's lack of interest in moving a mat it placed down.

5. Sunoco mischaracterizes the extent of karst.

After reporting that "[t]he actual exit/entry areas were inaccessible," Rettew then concludes that "the karst does not extend to the HDD entry/exit or anywhere along the path." Rettew cannot know that, as it just admitted it did not survey the HDD exit and entry areas. Of course, Rettew has a motive to describe the area of karst as less extensive than it actually is, in order to let the Department's guard down and make a quick approval of the HDD plan more likely. This contradiction should lead the Department to scrutinize the veracity of the rest of the Rettew report, which should already be under scrutiny due to the whistleblower's revelation of falsified science.

6. The new materials do nothing to alleviate concerns about the seep.

As explained in earlier comments regarding this HDD Site, Sunoco's drilling has caused drainage of the aquifer underlying the neighborhood, which not only depletes fresh groundwater, but also results in localized flooding. Nowhere does Sunoco articulate a plan that would stop new

drilling from exacerbating this problem. This is unacceptable. The Department should not greenlight a plan that would flood neighbors' properties.

Thank you for considering these comments. Please keep us apprised of your next steps on the HDD Site.

Sincerely,

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