October 9, 2019

By Email
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Re: Sunoco's response to the Department's request for information on HDD PA-CH-0138.0000-RD (HDD# S3-0331)

Dear Mr. Williamson,

On September 30, 2019, the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling indicated by drawing number HDD CH-0138.0000-RD. Sunoco has submitted a response to that Request ("October Response"), supplementing the Report. 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 regarding the October Response.

1. **Sunoco should clarify that the protocols for loss of circulation set forth in the HDD IR PPC Plan will be followed in addition to proposals in the Report.**

The Department asked Sunoco to provide additional detail in regard to its best management practices for responding to LOCs. Specifically, the Department pointed out the requirement that a "responsible professional be on site to monitor the LOCs and make a determination as to which LOCs will require remediation." Sunoco's addition in the October Response, that "monitoring PGs and Drilling Specialists will assess the LOCs and make a determination as to which LOCS will require remediation and the method employed," is reasonable, but does not speak explicitly to the fact that necessary professionals will be present on site. The HDD IR PPC Plan, and "Monitoring Protocol for Condition 2 – Loss of Circulation" in particular, provide necessary context and additional detail. For clarity in the field and to make sure the best management practices in the Report will supplement but not replace the protocols in the HDD IR PPC Plan, the HDD IR PCC Plan protocols should be included or cross referenced in the best management practices portion of the Report.

2. **The Report as revised is not signed and sealed by a Professional Geologist.**

Paragraph 5 of the Order reads in part:

> Upon completion of Sunoco's re-evaluation of each HDD site referenced in Paragraphs 2 and 3 herein, Sunoco shall provide for each such site a report signed and sealed by a Professional Geologist, describing and presenting the results of its study for that location ("Report"). The Professional Geologist shall be a person trained and experienced in geotechnical and hydrogeologic investigation.

In response to the Department's inquiries, Sunoco revised the conclusion to its Report. However, both the revised and the original Reports are signed by the Professional Geologist and Professional Engineer on July 25, 2019. In fact, it is the exact same signature page for both. In other words, no Professional Geologist (or for that matter, Professional Engineer) has signed the Report as revised. It is not clear whether Sunoco even showed the revisions to its signatory PG and PE. Though in this instance the addition to the Report was small, it also goes directly to the responsibilities of the PGs, and it is critical the PGs be fully up to date. This is not a report the Department can accept, because it violates Paragraph 5 of the Order.

3. Sunoco has not addressed concerns raised in previous comments.

Appellants are concerned that the Department's October 4, 2019 request for information is incomplete. The public raised a number of issues in the first comment period for this site. They pointed out, among other things, that the reevaluation for this site is premature given the excessive, unexplained delay in completing the installation of the 16-inch pipe; that Sunoco has not provided adequate geotechnical data or engineering analysis to justify its chosen depth and path for the redesigned profile; and that Sunoco has not adequately addressed risks of groundwater discharge or threats to water supplies. None of these concerns -- which were share by residents, Chester County, a local elected official, and Appellants -- were raised in the Department's latest request for information. Appellants understand that the reevaluation process is multistep and that the Department may already be planning on requesting additional information. Appellants urge the Department to follow through and not to ignore the important issues raised in the first comment period.

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

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