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By Email

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Re: Comments on Report for HDD PA-BL-0001.0048-RR (HDD# S2-01210-16)

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 Sunoco Pipeline L.P.'s ("Sunoco") re-evaluation report ("Report") for the horizontal directional drilling ("HDD") indicated by drawing number PA-BL-0001.0048-RR (the "HDD Site").

Sunoco's reevaluation of this site is incomplete and cannot safely be approved. The installation of the 20-inch line at the Site was a mess and included a failed minor modification. Sunoco's proposed plans for the Site now contemplate open trenching through a wetland that it was previously going to drill under. This substantial change likely requires a major modification of Sunoco's permits. Far short of the analysis involved in the major modification process though, the Report does not even attempt to discuss the impacts Sunoco's proposal will have on the wetland. In addition, despite encountering a void during construction of the 20-inch line, Sunoco has refused to conduct geophysical testing, asserting it has enough to information to proceed without actually providing that information. Sunoco has also failed address risks to water supplies and, inexplicably, has listed two very different internal design pressures for the 16-inch line. As described more fully in the comments below, the Department must demand significantly more information and make that information available to the public for full review and comment before it can consider allowing any plans for this Site to go forward.

1. The troubled history of Sunoco's construction at this Site must be made available to the public and fully considered by the Department.

During the construction of the 20-inch line, Sunoco was responsible for multiple drilling fluid spills and ultimately sought a minor modification to change the length of the HDD and to switch part of the segment to FlexBor drilling. The minor modification, which was not supported by geophysical surveying, was inadequate, resulted in multiple additional spills, and full loss of circulation after drillers hit a void. On two separate occasions after the minor modification, sediment-laden groundwater was discharged into wetland BB-58.

Now Sunoco is changing its plans again, this time even more significantly. It is unclear whether Sunoco intends to apply for another minor modification and it appears a major modification application may be needed. Either way, Sunoco has provided too little information in the Report to determine whether its new proposal is safe and appropriate. To have a complete picture of what went wrong at the Site and prevent repeating those mistakes, Sunoco needs to include in the Report the original permitted plans, the minor modification application materials, and a discussion of how Sunoco's analysis of the Site failed during that minor modification process. Without understanding why the minor modification fell short, Sunoco can provide no assurance that the analysis behind the current proposal is any more reliable.

2. Geophysical surveying is needed, and in explaining its refusal to conduct the surveys, Sunoco appears to have revealed its violation of paragraph 5.i of the Order.

Sunoco acknowledges the presence of karst at the Site. Multiple voids were encountered while drilling test bores for the Site. Sunoco also hit a void while executing the already-modified drill for the 20-inch pipe, resulting in total loss of returns. And yet, Sunoco has refused to conduct geophysical surveys. In trying to justify its refusal to conduct geophysical surveying, Sunoco states: "...SPLP possesses vertical geotechnical data, and a complete log of the horizontal drilling profile of the 20-inch HDD. No additional data is needed to evaluate the adjusted 16-inch HDD profile."

First, if that is the case, then the Report does not comply with the Order, which specifies at paragraph 5.i that "The Report shall document in detail the information considered for the re-evaluation of the design of the HDD at that site." This "complete log" is nowhere to be found in the Report. Moreover, it does not appear to have been made available to Sunoco's hydrogeologists, who do not describe knowing what that "complete log" is and give no indication of having used such data.

Second, even assuming Sunoco does take the necessary step of updating the Report with the data from the 20-inch profile and explaining how its proposal was informed by that data, it still would not have obviated the need for geophysical testing. Geophysical surveys could help identify the voids that are almost certainly in the path of the 16-inch alignment. Depending on the extent of the voids, it may be necessary to move the profile. Having data from the 20-inch pipeline could theoretically be helpful in overall design, but cannot reveal where the voids will be in the path for the 16-inch line. The Department should require Sunoco to conduct geophysical surveys and to incorporate the results of those surveys into its plans for the Site. This may ultimately mean that Sunoco needs to alter the proposed drilling profile.

3. The Report does not discuss risks to water supplies.

Despite the problematic history of this Site, the Site's obvious hydrogeologic connectivity, and several wells being identified in the area, Sunoco's skeletal Report simply does not address the risk its plan presents to water supplies. Sunoco asserts it has reached out to landowners and offered water testing in conjunction with the construction of the 20-inch pipe and will do so again in conjunction with the 16-inch pipe. Those are necessary steps, but not the same as evaluating well production zones and determining the risk to local drinking water supplies.

Sunoco should discuss how far from the drilling alignment wells are at risk at this particular, karstified site, identify which wells are in that impact zone, and discuss how its proposal will minimize impacts to those wells. As it stands, not only does Sunoco not disclose risks to water supplies, it provides no plan for mitigating them. There is no discussion of impacts to wells or resident concerns raised during the drilling of the 20-inch line. Sunoco does not even know the depth of all the wells within 450 feet of the HDD alignment. The Report is incomplete without these details and a full analysis of risks to drinking water supplies.

4. Sunoco has missed the point of considering alternatives.

Ostensibly Sunoco's new proposal for the Site aims to avoid inadvertent returns. Setting aside for the moment the question of whether the proposal can actually achieve that end, Appellants acknowledge that avoiding drilling fluid spills is an important objective. It is not, however, the only or ultimate objective. The entire regulatory and statutory foundation for this reevaluation process (and the need for Sunoco to seek permits) is based more broadly on the protection of water resources. Sunoco's construction has had and continues to threaten environmental impacts well beyond inadvertent returns. All impacts must be considered and weighed when choosing an alternative. Regarding wetlands in particular, Chapter 105.18a directs permittees to assess and avoid adverse impacts to wetlands and demonstrate that there is no practicable alternative to proposed plans that would have less impact.

Here, Sunoco is proposing to change its plans for crossing wetland BB-58 from HDD to open cut without having ever evaluated the impacts. The new plan also moves one of the drilling pits right up to the edge of wetland BB60 and no consideration is given to the extra impacts the change might have on that wetland. Sunoco regards the wetland as mere "remaining footage": "... Reservoir Road will be crossed by a conventional auger bore; and the remaining footage between the end of the HDD and the end of the road bore will be completed by conventional open cut." Its entire analysis of wetland impacts consists of two short sentences: "The assessed area of impact by this open cut plan would directly affect 0.24 acres of emergent and shrub-scrub wetland and associated 100-year floodplain. Using open cut construction through these two resources is feasible and will eliminate the risk of IRs at these locations." Sunoco needs to explain what exactly the "direct impact" will be along with any indirect impacts. There is little doubt that the impacts to the wetland will be adverse impacts under any normal meaning of the words. The impacts associated with open trenching need to be weighed against the impacts of other construction methods. And, as noted previously, the change from HDD to trenching through a wetland also is very likely to require an application for a major permit modification.

On top of not evaluating the impacts of its proposed plan in relation to the permitted plan, Sunoco has failed to consider alternative trenchless technologies, such as FlexBor or guided bore, or extending the length of the HDD beyond the area where Sunoco previous caused spills. All of this analysis must be fleshed out in order for the Report to be complete.

5. Sunoco has reported two different internal design pressures for the 16-inch pipe.

Attachment 2 to the Report includes profiles for the proposed HDD alignment and auger bore. Those documents are internally inconsistent in regard to a critical piece of information:

internal design pressure of the 16-inch line. Figure 1, “Permitted 16-Inch HDD Plan and Profile”, at note 5, lists the internal design pressure of the 16-inch line as 1480 PSIG. Figure 2, “Revised 16-Inch HDD Plan and Profile,” at note 5, lists the internal design pressure for the 16-inch line as 2100 PSIG. The auger bore plan and profile at note 5 lists the internal design pressure as 1480 PSIG. This unexplained 50 percent increase in internal design pressure could have massive implications for pipeline integrity, and ultimately, the safety of the public and the environment. It also has implications for hydrostatic testing. The Department must demand answers. At best, this is an egregious oversight that calls into question the reliability of the rest of the Report.

Lest the Department be inclined to overlook this information on the premise that it does not directly regulate pipeline pressure, the Department is now on notice that Sunoco has placed this problem squarely in the Department’s lap by providing plainly contradictory information in the Report and seeking the Department’s approval. The Department is indisputably in the position to ask for more information and, if ultimately outside the Department’s expertise, the Department must also refer this serious issue to the proper authorities and secure full resolution before allowing any work to proceed. Anything less on the part of the Department would make the Department complicit in what appears to be a wildly dangerous plan and any consequences that follow.

6. Figure 1 is not the permitted plan and profile, despite saying it is.

As with some other recent reports, there are discrepancies between the plan and profile as permitted and as represented in Figure 1 in the Report. Figure 1 bills itself as “Figure 1. Permitted 16-Inch HDD Plan and Profile.” However, a review of the actual permitted plan on the Department’s website shows significant differences. *See* <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/Blair/07%20-%20Site%20Plans/Tab%207B%20HDDs/PA-BL-0001.0048-RR-16.pdf>. The revision history is different, indicating a different drawing. The text of the “Design and Construction” section differs as well. It appears that part of the difference between the two figures arises from post-permit modifications being included in Figure 1 of the Report. As discussed above, the history of modifications for this site and the basis for proposing them should be discussed in the Report in order to provide a complete picture of why previous analysis of the site has failed and how the new plan will be an improvement. Currently, Figure 1 is plainly not what its title indicates, and what it actually shows is unclear.

Sincerely,

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