

September 23, 2019



By Email

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Re: Sunoco's response to the Department's request for information on HDD PA-CH-0256.0000-RR (HDD# S3-0400)

Dear Mr. Hohenstein,

According to Sunoco's letter to the Department dated September 17, 2019 ("September Response"), the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling indicated by drawing number HDD PA-CH-0256.0000-RR. 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 September Response.

Preliminarily, Appellants note that the Department's request for additional information, which appears to have been shared with Sunoco in an email dated August 13, 2019, was never made public. This is unusual, especially given the high level of concern and public engagement surrounding the incidents at the site. Appellants ask the Department to make that request for information available to the public as has been done for previous sites. Appellants reserve the right to supplement these comments if anything in the Department's request differs from Sunoco's presentation of the requests in the September Response.

In addition, Appellants urge anyone at the Department who is assisting in the review of this site to keep in the forefront of their minds the impact Sunoco's previous failures have had on the neighbors there. Sunoco's faulty planning and misinformation to the Department quite literally cost families their homes and dissolved a community. Nothing in the Report reflects the gravity of these impacts. But the Department has the opportunity and obligation to do better for the public now.

1. Locations of Fill

The Department has reasonably expressed concern that the areas where Sunoco previously filled sinkholes could be disturbed by new construction and asked Sunoco to account for the filled areas in its plans. Sunoco has provided a diagram of the surface which indicates where it injected fill, but it has not provided a subsurface rendering. The diagram of the surface is of little

value. Substantial quantities of flowable fill were injected into the ground and it is unclear how far it might have reached, what shape the stabilized areas have taken, or how it may have altered the surrounding geology. Presumably the surface of the filled area will be visible to the naked eye for anyone working at or investigating the site. It is the subsurface that particularly requires mapping. Sunoco must also affirmatively demonstrate, per the Department's request, "that these fill areas will remain undisturbed at depth." This requires more than updated diagrams; it requires written analysis which Sunoco has not even attempted to provide.

2. Geophysical Surveying

The Department explained that electrical resistivity should be performed in the area of Direct Pipe installation, but Sunoco seems to have no intention of doing so. The Quantum Geophysics Report attached to the September Response explains that the metal pipes already in the ground could interfere with the survey, but does not rule out using electrical resistivity, and also presents guidance on how to overcome the interference. This might involve extending the survey area to outside the ROW. Given that Sunoco has now bought up much of the land in this area, needing to extend the survey area outside the ROW should not be automatically disqualifying. The information Sunoco includes does not justify its failure to perform the needed surveying. Sunoco should also explore the possibility of gathering the needed subsurface information using gravity methods, or a combination of gravimetry and electrical resistivity. Gravimetry could be performed on a smaller footprint and could produce complementary data. Regardless of which method is used, it is clear additional surveying is needed and the Department should not abandon this concern.

3. Contingencies for Earthen Collapse

The Department explained that Sunoco needs to develop contingencies for if fill material from earthen collapse is encountered during drilling. Sunoco claims that it will collect and recycle the cuttings. This misses the point. The Department should be able to presume that cutting materials are disposed of in accordance with the law. The bigger problem, and what the Department seemed to be getting at, is that there needs to be a contingency plan for a collapse associated with loss of fill material. If fill material is destabilized, this could lead to another sinkhole, threaten the integrity of the existing pipes, and cause other problems. Fill material in the cuttings could be indicative of having disrupted the filled area. Sunoco has ignored this issue entirely, and provided no contingency plan.

4. Monitoring

The Department requested that Sunoco "continuously monitor" "the ground surface along the entire length of the HDD" "during all Direct Pipe boring and trenching activities." One of the four bullet points Sunoco provides is just a few nouns without even a verb to describe what Sunoco says it will do. The HDD IR PPC Plan requires the actions in the other three bullet points. *See* Section 5.1.4 of the HDD IR PPC Plan. Copying them here misleadingly suggests that these are new commitments rather than pre-existing obligations.

Sunoco has outlined some additional details of how it intends to monitor the site going forward. In regard to the Direct Bore, it is unclear which monitoring practices were used

previously and failed when applied to HDD at the site, and if the current proposal represents an improvement. This is fundamental to determining the adequacy of the monitoring plan. In regard to open cutting, Sunoco asserts it will document there are no void spaces immediately adjacent to the new dig to demonstrate it is safe to proceed and will report if it encounters fill material. Notably, Sunoco gives no assurance that it will actually stop construction if it encounters a void or fill material. Sunoco's history suggests it will not. Instead, it is likely to proceed as quickly as possible, even if that means recklessly disregarding risks in order to finish its job before there is a chance an agency can come in and stop it. Since Sunoco does not indicate that it will report a detection of grout promptly or even before finishing the installation, its commitment to report provides little assurance.

Conclusion

Sunoco's cursory response to the Department's concerns is inadequate and dodges the most critical questions. The Department is well aware of the destruction Sunoco caused at this site last time around. It would be foolhardy to expect a safe result this time when Sunoco still has not bothered to provide necessary information and to conduct needed surveys. The proposal should be denied. Thank you for considering these comments. Please keep us apprised of your next steps on the HDD Site.

Sincerely,

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