

June 2, 2019



By Email

ra-eppipelines@pa.gov
kyordy@pa.gov



Re: Sunoco's response to the Department's request for information on PA-BR-0181.0000-RD-16 (HDD# S3-250-16)

Dear Mr. Williamson,

On April 1, 2019, the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling ("HDD") indicated by drawing number PA-DA-0005.0000-RD-16 (the "HDD Site"). Sunoco responded to the April 1, 2019 letter on May 23, 2019, 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 Sunoco's May 23, 2019 supplemental response ("May Response"). The comments are numbered to correspond to the numbering in the Department's April 1, 2019 requests and the May Response.

1. Justification of Drilling Path

As detailed in Appellants' previous comment, Sunoco's installation of the 20-inch line at this site was an utter failure of planning and engineering. If there is to be any hope of construction proceeding safely at this site, Sunoco must demonstrate that it has learned from its mistakes and provide substantial evidence and analysis demonstrating that the redesign of the 16-inch profile will avoid similar problems. To that end, the Department has made a number of requests related to Sunoco's lack of explanation or justification for the specifications it is proposing for the 16-inch profile.

First, the Department pointed out that Sunoco "failed to fully utilize information gathered during the HDD of the 20-inch bore as part of the HDD Re-evaluation for the 16-inch pipeline." The May Response does not address this concern. In the Report, Sunoco claimed it "possesses a complete geologic profile from the horizontal drilling and installation of the 20-inch pipeline." Such data, if available, could be helpful in determining whether the redesign of the 16-inch profile avoids problem areas, especially since Sunoco intends to install much of the length of the 16-inch profile in close proximity to the 20-inch pipe. Instead of using this data though, or data from the geologic and drilling logs as requested by the Department, the May Response disposes of the request by asserting the top of the bedrock has been depicted on its diagram of the

redesign of the 16-inch profile. It is not. The diagram Sunoco attached to the May Response includes only a couple hundred feet of approximate bedrock interface, spanning just a fraction of the HDD length. Presumably Sunoco has similar data for the entire profile. The fact that it has chosen to disclose only a small portion of that data is concerning. Is there something Sunoco is trying to hide or does it not actually possess a full data set? Either is problematic.

Moreover, even the limited data Sunoco does provide on the approximate bedrock depth seems to contradict comparable data provided in the Report. Figure 1 in Attachment 2 to the Report is also a diagram of the redesigned 16-inch profile. That diagram includes two small lengths of approximate bedrock, neither of which matches the bedrock depiction in the attachment to the May Response. These two incomplete, contradictory diagrams need to be reconciled.

In regard to Figure 1 in Attachment 2 to the Report, Sunoco also claims that diagram includes a graphical representation of the IRs that occurred during the drilling, reaming, and completion of the 20-inch HDD. That, quite simply, is false. Neither of the diagrams in Attachment 2 to the Report (both of which are labeled “Figure 1”) depict IRs. Including where the IRs occurred on the diagram of the redesign of the 16-inch profile should be straightforward; Sunoco has done it for other sites. Nevertheless, while providing the location of the IRs is a basic and necessary step, it is also not sufficient. The various other incidents that occurred while drilling for the 20-inch line, such as equipment breaking and getting lost underground, the presumed effluent line strike, and subsidence incidents, should also be reflected on the diagram of the redesigned 16-inch profile. All of this locational data must then be used in conjunction with the other information Sunoco acquired while drilling for the 20-inch pipe, including drilling logs and the complete geologic profile, to justify its redesign choice. Bedrock surface and IR locations, even if they had been included, are no substitute.

Sunoco also ignores the Department’s request to explain why the proposed bore path for the 16-inch line was chosen. A satisfactory response would discuss, with supporting detail, factors such as the integrity of the bedrock at the specific depth that was chosen for the horizontal run as compared to the integrity of the bedrock at other potential depths. No such discussion is provided. Sunoco claims the RDQ value of the bedrock it drilled through for the 20-inch line was “good.” This would appear to be inconsistent with Sunoco’s history of incidents at the site and demands explanation.

In terms of IRs, Sunoco’s claim that the root cause of the IRs was “repeated tripping and out of the reamer, which mechanically loosened the unconsolidated diabase/boulder spoil matric located above the HDD annulus” is only the start of an explanation—the proximate cause. Why was Sunoco repeatedly tripping in and out? It is safe to assume based on all previous experience with Sunoco’s ME2 construction that Sunoco intended to complete the 20-inch HDD as quickly as possible. Removing the drill string takes time. This unusual course of construction is related to the Sunoco’s many mechanical failures at the site, as described in the Geology and Hydrogeological Evaluation Report. As Appellants raised in their first comment, Sunoco has not explained the root cause of those failures (several lost drill cones, abandoned bore holes, etc.). The May Response only raises additional questions.

Not only must Sunoco explain how it will avoid IRs and future mechanical failures, it must also explain how it will prevent future subsidence incidents, striking other utilities such as the effluent pipe that was disturbed in previous construction, and flooding. David Anspach, a resident who is well familiar with the destruction Sunoco has caused at this site because it is in his backyard, has reported continued surfacing of groundwater which is likely flowing along the 20-inch line. He has documented the uncontrolled runoff at the site. Sunoco needs to explain how the redesign of the 16-inch line will address all of these very serious concerns.

2. Water Supplies

The Department asked Sunoco to evaluate and discuss how the proposal for the 16-inch profile will “minimize the potential for IR’s and impacts to water supplies,” as well as provide other information. Sunoco provides no such evaluation or discussion of minimization. Instead, it has provided incomplete information regarding a well contamination incident that occurred on Mr. Anspach’s property while drilling for the 20-inch line.

Sunoco’s claims, without providing any supporting documentation or analysis, that it was not responsible for the contamination of the Anspach family’s well. Despite saying that “Water quality samples were collected from the identified locations prior to the initiation of HDD activities” and during and after, no baseline information is included in the Anspach sampling results table. There is no question that the well tested positive for bacterial contamination and that the timing of that contamination coincided with Sunoco’s drilling. The testing results included with the May Response even demonstrate that. How exactly this contamination happened is far too important a question to simply rely on Sunoco’s self-serving and unsupported conclusion. The testing results attached to the May Response also show low-level bacterial contamination in other wells in the vicinity of the site. Sunoco has not addressed this at all.

Despite the clear risk to drinking water supplies revealed through the troubled history of this site, Sunoco has ignored the Department’s instruction to explain how the redesign of the 16-inch line will mitigate those risks. On the contrary, Sunoco seems to deny there was ever a risk to water supplies in the first place. This is a recipe for continued disaster at the site and the Department should continue to demand answers.

Thank you for considering these comments. Please keep Appellants apprised of any next steps.

Sincerely,

s/ Melissa Marshall, Esq.
Melissa Marshall, Esq.
PA ID No. 323241
Mountain Watershed Association
P.O. Box 408

s/ Joseph Otis Minott, Esq.
Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
PA ID No. 36463
joe_minott@cleanair.org

1414-B Indian Creek Valley Road
Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

Alexander G. Bomstein, Esq.
PA ID No. 206983
abomstein@cleanair.org

s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esq.
Pa. ID No. 312371
Delaware Riverkeeper Network
925 Canal Street, 7th Floor, Suite 3701
Bristol, PA 19007
Tel: 215.369.1188
aaron@delawareriverkeeper.org

Kathryn L. Urbanowicz, Esq.
PA ID No. 310618
kurbanowicz@cleanair.org

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
Tel: (215) 567-4004

cc: jrinde@mankogold.com
dsilva@mankogold.com
ntaber@pa.gov