

November 21, 2017

By Email

ra-eppipelines@pa.gov



Re: Comments on Report for HDD PA-CH-0212.0000-RD

To whom it may concern:

Pursuant to the Corrected Stipulated Order entered on EHB Docket No. 2017-009-L on August 10, 2017 (“Settlement”), 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-CH-0212.0000-RD (the “HDD Site”).¹

As Sunoco proposes a major modification, Appellants should be clear that these comments are not necessarily the final comments Appellants will make on the proposal. Appellants reserve the right to comment during the official public comment period on the fuller set of application materials.

¹ The Settlement reads, in pertinent part:

§ 6(ii) “For all recommendations for which a minor permit modification is required, including, but not limited to, certain changes from HDD to an open cut or certain changes to the Limit of Disturbance (“LOD”), the Department will have 21 days to review the submission and render a determination with respect to such minor permit modification, unless Sunoco agrees to extend the 21-day time period. *Appellants and private water supply landowners, who have received notice pursuant to Paragraph 7 below, shall submit comments, if any, within 14 days of the Department's posting of Sunoco's Reports on the Department's Pennsylvania Pipeline Portal website...The Department shall consider comments received and document such consideration.*” Emphasis added.

§ 6(iii) “For all other recommendations, including, but not limited to, recommendations of no change or of changes that do not require a minor permit modification, the Department will have 21 days to review the submission and render a determination with respect thereto, unless Sunoco agrees to extend the 21-day time period. *Appellants and private water supply landowners who have received notice pursuant to Paragraph 7 below, shall submit comments, if any, within 14 days of the Department's posting of Sunoco's Reports on the Department's Pennsylvania Pipeline Portal website...The Department shall consider comments received and document such consideration.*” Emphasis added.

The Department's Review

Pennsylvanians rely on the Department of Environmental Protection to protect them from dangerous activities that threaten their air, water, land, and health. The Department has recognized that the construction of Mariner East 2 has done damage to the public already. The purpose of Sunoco's re-evaluations of certain HDD sites is so that it does a better job avoiding harm to the public and the environment in its HDD construction. The Department's role is to review and assess Sunoco's Report before deciding what action to take on it.

It is the Department's duty to review and assess the Report with protecting the public and the environment placed first and foremost. Looking at the individual circumstances at the site in question is key. Critically important is accounting for input from those who live nearby, who have a deeper connection with and greater knowledge about the land than the foreign company building the pipelines through it.

A meaningful, objective and substantive review and assessment by the Department will ensure that new or further HDD operations at the re-evaluated sites will cause minimal, if any, harm to the public and the environment. Anything less than a full, careful, and objective review would endanger the public and the environment. Pennsylvanians place their trust in the Department to do a thorough, science-based assessment, taking into account these and other comments, and approving Sunoco's recommendation only if it would protect the public and the environment from any further harm.

Comments on HDD PA-CH-0212.0000-RD

1. Sunoco's private water supply information is still incomplete.

Sunoco has taken some important measures to identify and protect public water supplies. It has fallen short, however, in evaluating risks to private water supplies, despite a large known risk to quantity and quality of groundwater in the area generally.

Sunoco recognizes that groundwater is used at this locality for both private and public potable supply. Sunoco has also identified that public water supplies as far as 1,170 feet and 1,600 away from the alignment could be impacted by HDD. It further acknowledges extensive hydraulic connection throughout the local rock formation, and specifically, hydraulic interconnection at and very close to the surface—between 0 and 160 feet bgs. Especially given the level of interconnection at these shallow depths, Sunoco should have analyzed risks to water supplies and well production zones posed by the auger boring or open trenching methods. Inadvertent returns of drilling fluid are not the sole threat to water supplies posed by construction and large scale earth disturbance. Yet, despite the vulnerability of this highly connected hydrologic system, Sunoco has failed to identify and locate private water supplies.

Sunoco reports having conducted a survey within 150 feet of the right of way. Presumably this was the survey Sunoco described conducting prior to permit issuance in February of 2017. The Report does not reflect any effort made by Sunoco to contact landowners after the Settlement or in conjunction with this re-evaluation, or to reach landowners within 450 feet of the alignment. Instead, Sunoco has supplemented the original, limited landowner survey with a search of PaGWIS, which it knows to be an incomplete and inaccurate database. PaGWIS revealed several wells in the area and Sunoco has taken no steps to verify the locations. Given that public water supplies at distances of 1,170 feet and 1,600 away from the site were found to be hydraulically connected, the locations and pertinent details of private wells in that same radius also need to be identified so they can be protected.²

Again, the point of this re-evaluation process is to use better processes and information to plan these crossings, not to plan them and then produce paper justifying them. It is important that the Department ensure that these analyses are complete before approving them.

Because Sunoco has failed to identify the water supplies and the nature of the water supplies and groundwater near the HDD Site, it cannot determine whether any hydrogeological interference caused by the proposal would put water supplies at risk. Without that information, the Department cannot approve Sunoco's proposal.

2. Sunoco has not assessed the surface impacts of its proposal.

Sunoco's proposed change to open trenching and auger boring comes with significant increased surface impacts and multiple acres of additional disturbance. Sunoco has failed to address these impacts, but provides general, unsubstantiated assurances the impacts will be avoided. This is insufficient, especially when Sunoco initially selected HDD for this location to "avoid adverse impacts to the extensive urban development." The fact that it is now apparent HDD cannot be completed safely does not negate the adverse impacts that lead Sunoco to choose HDD to begin with. A complete discussion and analysis of these impacts is needed for DEP to be able to make an informed decision regarding the appropriateness of this approval.

In assessing the adverse impacts to urban development implicated by this proposal, it is important that Sunoco use up-to-date and complete information. In the Report, Sunoco's adjacent feature analysis is not based on a field study or other current information, but aerial photographs from 2015. Sunoco could not have properly considered impacts to adjacent features when it does not even know what is currently happening on the ground. Even a cursory map search reveals a children's education center and a senior living facility in very close proximity to the site, both serving vulnerable populations for whom construction could pose health risks.

² The same is true for private wells surrounding the Swedesford Road crossing – PA-CH-219.0000 – which is located less than two hundred feet from this Site, has comparable geological features, and is also under re-evaluation. Because of the extensive hydraulic connectivity of this area, private wells within 1600 feet of the Swedesford Road site should be identified, and the well production zones in that radius evaluated and protected.

Sunoco must also provide a discussion of how the proposed change to crossing methods would impact streams and other waterways. While Sunoco asserts that impacts will be avoided, construction of bridges, substantial earth disturbance, and trenching in close proximity to waterways undoubtedly will affect those waters. These impacts must be disclosed and understood.

This site is also immediately adjacent to the Swedesford Road crossing, which recently triggered an outpouring of community concern as residents learned about the plan to switch to open trenching there. A lot of those concerns apply here too. The Site is located in the heart of Exton, in a densely populated area surrounded by local business and residences which the pipeline threatens to disrupt with the proposed route.

3. The Report addresses only one of the two pipelines that needs to be re-evaluated at this location.

The Report addresses the plans for HDD PA-CH-0212.0000-RD, which is along the 20 inch pipeline. This is indicated by both the title of the report, and the fact that only one drilling alignment diagram was included as part of the Report. Under the Settlement though, the HDDs at this crossing for both the 20-inch and 16-inch pipeline needed to be reevaluated. It is unclear why the Report did not address both, but without clarification on the scope of this report and providing additional information, Sunoco is expected to submit a separate report detailing the plans for the 16-inch drill.

Conclusion

For these reasons, Appellants request that the Department seek more information from Sunoco about its re-evaluation recommendation for this HDD Site, as detailed above, before making its determination.

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

Sincerely,

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