

September 25, 2017

By Email

ra-eppipelines@pa.gov



Re: Comments on Report for HDDs PA-LA-0024.000-RD & PA-LA-0024.000-RD-16

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 numbers PA-LA-0024.000-RD and PA-LA-0024.000-RD-16 (the “HDD Site”).¹

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

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.

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 HDDs PA-LA-0024.000-RD & PA-LA-0024.000-RD-16

1. Changing plans for the HDD Site

The HDD Site was originally planned to be two conventional auger boring ("CAB") crossings rather than a single HDD crossing.² According to the Report, PennDOT denied a permit for the road CAB crossing "due to concerns of potential damage to the bridge foundation at the crossing location."

Sunoco then began to assess whether an HDD crossing would work, and apparently submitted to PennDOT an HDD design, which PennDOT approved, but never submitted the request for a permit modification to the Department. It is that unsubmitted HDD analysis that Sunoco presents in the Report. It is not clear from the Report that this is a re-evaluation of the plans for the HDD Site rather than simply the presentation of an analysis already undertaken.

2. The choice of a shifted CAB crossing at Route 897 appears sound.

Sunoco's recommendation to avoid HDD and simply shift the CAB crossing at Route 897 north to avoid possible structural damage to the bridge over Harnish Run appears sound from an environmental standpoint, based on Sunoco's conclusion that "[t]he subsurface characteristics in combination with the HDD design resulted in a conclusion that potentially uncontrollable IR's to the stream and wetland were likely... ."

² See <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/Lancaster/07%20-%20Site%20Plans/Tab%207C%20Auger%20Bore/PA-LA-0022.0000-RD.pdf> and <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/Lancaster/07%20-%20Site%20Plans/Tab%207C%20Auger%20Bore/PA-LA-0022.0000-AR.PDF>.

While the use of CAB will result in more surface disturbance than the proposed HDD, the risk of spills and water contamination from HDD appears too great to authorize. For future re-evaluation plans, it would be helpful to understand what threshold Sunoco uses for determining whether the risk from drilling fluid spills makes a proposal unacceptable.

3. The re-route analysis

Sunoco's re-route analysis rejects larger-scale re-routing, but selects smaller-scale re-routing, moving the crossing of Route 897 north from the earlier proposal. Provided Sunoco enters into a felicitous agreement with the landowner for the needed additional property rights, Appellants do not object to this re-route.

Sunoco has in other instances rejected out of hand re-routes deviating from the Mariner East 1 right-of-way such as this one, and justified that rejection based on the principles of colocation and minimizing new disturbance. While such principles are valuable, they should not be the end of the alternatives analysis. Too often that was the case for the original permit applications. Appellants suggest that the Department keep in mind that in instances such as these crossings, deviating from the Mariner East 1 route is sometimes worthy of consideration.

4. The limits of disturbance would shift east of Route 897.

In its conclusion, Sunoco writes that "[t]he existing limits of disturbance (LOD) are sufficient to accommodate this revise plan of construction." That is not correct, as can be seen in Attachment 2. Attachment 2 contains the "Original and Revised Construction Plans." In this instance, the "original" plan is in fact not the original plan, which was two CAB crossings, but instead was an intermediate HDD proposal. However, the LOD as seen there matches the LOD in the E&S plans submitted to the Department in the original permit applications. On the east side of the crossing of Route 897, the LOD clearly shifts in location between the original and the revised plans, including an expansion of the LOD immediately to the east of Route 897 and above the more northern of the two houses right around the right-of-way.

5. The earlier proposed HDD was shorter than Sunoco considers "feasible."

At page 10 of its Trenchless Construction Feasibility Analysis, Sunoco wrote "For this assessment, based on standard pipe radius and safety factors to accommodate drilling deviations during construction, the minimum HDD length considered feasible for the proposed 16" pipeline is 1,050 feet and 20" pipeline is 1,160 feet." Nonetheless, the proposed HDD was to be 968 long, not within the realm of feasibility. It would appear that either the Trenchless Construction Feasibility Analysis is wrong, or Sunoco proposed a too-short HDD. Indeed, the Report notes that Sunoco had "concerns on the short length and shallow profile of the HDD." It is unclear how serious a proposal the HDD was.

6. Identification of nearby water supplies

As Sunoco recommends CAB rather than HDD for the HDD Site, the identification of nearby water supplies is not as important as it would be had HDD been selected. However, the methodology for identifying water supplies where there is a large risk of water quality impacts would need to be better than that used here.

Here, Sunoco's contractor writes: "A survey of local wells was performed by viewing the properties from within the HDD ROW and through available access along public roads. The results of this visual reconnaissance effort identified four domestic supply wells to be located within the 450-foot buffer area. However, given the rural setting of the area, it is assumed that each residence is served by at least one private supply well. Because 10 private properties/residences were identified within 450 feet of the HDD ROW, we expect that a total of approximately 10 domestic water supply wells exist within the 450-foot ROW buffer of HDD 897."

The conservatism in the methodology—assuming each residence has a private well—is an appropriate start, but needs to have been followed up with outreach to landowners for verification. Appellants' own outreach to landowners within 450 feet of this drilling site indicated not all residents received mailers from Sunoco inquiring about well locations, and it appears Sunoco made no effort to speak with landowners. Residences outside the 450-foot radius may also have water supplies within that radius. And the characteristics of those water supplies (e.g. depth, yield, etc.) are unknown to Sunoco.

Conclusion

Sunoco's recommendation overall appears to be sound, based on the information available to Appellants. The Report, however, reveals problems in the process that Appellants ask the Department to have Sunoco address going forward, and questions that need answering, as detailed above.

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

Sincerely,

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