

September 29, 2017

By Email

ra-eppipelines@pa.gov



Re: Comments on Report for HDD PA-CH-0135.0000-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 number PA-CH-0135.0000-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 HDD PA-CH-0135.0000-RD-16

1. Sunoco failed to do a competent survey of water supplies.

One of the primary goals of Sunoco's re-evaluation is to protect water supplies. Sunoco's failure so far to protect water supplies has been egregious. It is thus baffling that Sunoco repeats the same errors in its re-evaluation for the HDD Site.

Sunoco's permit applications made clear that its methodology for identifying water supplies was limited to: (1) looking up information in Pennsylvania Department of Conservation and Natural Resources' Pennsylvania Groundwater Information System (PaGWIS); (2) accessing public water supply system information; and (3) "water supply data acquired from landowners during the pipeline easement negotiations." *See* Water Supply Assessment, Preparedness, Prevention and Contingency Plan at §§ 4.0-4.2. It restricted its PaGWIS search to within 150 feet of HDD alignments.

As an initial matter, Sunoco is well aware of the inaccuracy of PaGWIS, and has admitted as much at page 2 in its Water Supply plan. Moreover, it is woefully incomplete—so much so that Sunoco only identified 22 wells within 150 feet of the HDD alignments across the entirety of the state, fewer than the number of water wells Sunoco has contaminated so far.

Much of the damage done to water supplies has been outside the 150-foot radius from the HDDs. As part of the settlement, Sunoco is required to, among other things: "send a copy of the Report (by U.S. Postal Service Certified Mail and First Class Mail) to all landowners who have a private water supply that is located within 450 feet of the HDD addressed by the Report."

While Appellants are not saying that Sunoco failed to contact each such landowner, if it did so, it seems to have failed to then simply ask the landowners whether they had any water supplies that might be impacted by the HDD, and the nature of those supplies. That information is not in the Report.

The Report makes clear that Sunoco merely used PaGWIS to identify additional wells out to 450 feet from the HDD alignment. There is no excuse for Sunoco failing to ask landowners it already had to contact whether they have water supplies and what is the nature of their water supplies and groundwater.

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 HDD would put those water supplies at risk. Without that information, the Department cannot approve Sunoco's proposal.

2. Sunoco's groundwater analysis is misleading and incomplete.

Besides not determining what water supplies exist near the HDD Site, Sunoco also fails to do a meaningful investigation of groundwater resources. Sunoco notes that "Soils maps suggest that groundwater may exist within the top 6 feet of grade, but daily reports from observation of earlier HDD activities at this location make no suggestion of notable groundwater production." Sunoco elsewhere explains that the HDD for the 20" pipeline took "less than three days to complete." Less than three days of unknown meteorological conditions is not enough to determine whether shallow groundwater exists, especially where there are other indicators—soil maps, here—that suggest the presence of shallow groundwater.

Sunoco also fails to explain, and may not know, from what geological strata nearby wells draw their water. This is again a very basic piece of information needed to determine risks to water supplies.

3. Sunoco provides no explanation for its proposal to use HDD at the HDD Site despite Sunoco considering the plans too short to be feasible.

Sunoco's Trenchless Construction Feasibility Analysis in its permit applications, at page 10, defined a minimum feasible length of HDD for the 16" pipeline to be 1050 feet, "based on standard pipe radius and safety factors." Based on that minimum length, Sunoco ruled out the use of HDD at many crossings through sensitive environmental features, which by and large were planned to be open trenched, conveniently a cheaper option.

Despite this, Sunoco inexplicably plans to use HDD at the HDD Site despite its being 558 feet,² roughly half the minimum length Sunoco considers feasible. Sunoco provides no explanation for how this HDD could be both well engineered and half the minimum feasible length.

For this reason as well, the Department cannot approve Sunoco's proposal.

² Sunoco includes another metric below HDD length with its Report, which it calls "pipe stress radius." For clarity, Sunoco appears to be referring to the bend radius, or minimum radius of curvature of the pipeline. The term "pipe stress radius" has zero hits on Google besides webpages related to Mariner East 2.

4. Conventional auger boring should not be so readily dismissed.

The open-cut analysis too easily dismisses the use of conventional auger boring. The distance beneath which Sunoco would need to bore is certainly not too great for auger boring, but Sunoco claims that: “Considering the number and location of adjacent utilities, an excavation of sufficient size to accommodate the boring equipment could result in damages and disruption of service on these utilities; therefore the open cut alternative is dismissed.”

This appears to be incorrect. Sunoco’s conventional auger bore plans show pits 16 feet wide. Attachment 2 to the Report shows a distance of roughly 30 feet between utilities on both sides of the road needing crossing. It is not obvious why this is not enough.

The risk of inadvertent returns and other hydrogeological disruptions is not so low as Sunoco suggests. Sunoco claims no inadvertent returns occurred, but acknowledges that 30 gallons of drilling fluid fracked-out near the exit point of the HDD—which is an inadvertent return. The Report writes “This return event is readily associated with the shallow depth of the bore at this location and is not considered critical to the planned 16-inch diameter pipe installation.” This is a non sequitur. One of the consequences of doing such a short HDD is that the entirety of it is at shallow depth, with little overburden to keep the drilling fluid in place.

The Report’s alternatives analysis thus fails to convincingly dismiss conventional auger boring, which may be a safer alternative.

5. The drilling techniques discussed in the conclusion are simply a recitation of existing normal techniques, not a solution to the problems Sunoco has been having.

In the conclusion of the Report, Sunoco recites a series of drilling practices and procedures that it says it has implemented or “can be implemented.” This recitation appears designed to imply that Sunoco is taking measures to improve its drilling practices and make them safer. Notably, Sunoco does not actually say that these measures are new, or were not employed during its earlier, problematic phase of HDD across the Commonwealth. Based on inadvertent return reports, we know that at least the use of loss control materials on occasion was implemented during the drilling that has already occurred.

This is not to assail the use of improved drilling practices, if Sunoco is implementing any. But this recitation provides no assurance that the use of HDD at the HDD Site will be safe.

Conclusion

For these reasons, Appellants request that the Department not approve the HDD re-evaluation recommendation without first (1) requiring that Sunoco gather the needed missing information, as outlined above, and (2) determining that, in light of the newly gathered information, HDD as suggested is appropriate at the HDD Site.

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

Sincerely,

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