

November 10, 2017

By Email

ra-eppipelines@pa.gov



Re: Comments on Report for HDD PA-BL-0122.0000-WX & PA-BL-0122.0000-WX-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 HDD PA-BL-0122.0000-WX & PA-BL-0122.0000-WX-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-BL-0122.0000-WX & PA-BL-0122.0000-WX-16

1. HDD is inappropriate because of the high risk of inadvertent returns into waters of the Commonwealth.

Sunoco has implemented a number of changes to reduce the risk of inadvertent returns at these drill sites, including changing the angle of entry and exit, increasing the depth of drilling, and utilizing casing. Despite these improvements though, drilling at these sites continues to pose a high risk of inadvertent returns. Sunoco recognizes that even the casing procedure itself is "likely" to result in an inadvertent return into Stream M32. The crossing of the Juniata River is also noted in the report as one of the weakest points of the profile. Where even Sunoco's re-engineering of the drilling plans cannot prevent spills of drilling fluid into surface waters, it is apparent that the geology at this location is not suitable for horizontal directional drilling.

Similarly, the geology and topography of this site mean that drilling could lead to discharge of contaminated groundwater, further jeopardizing surface waters, and resulting in impacts to groundwater that have not been explored. Sunoco notes that the substantial difference in elevation between the entry and exit points of these drill sites could result in flowback of "significant quantities" of groundwater. To control these returns, Sunoco intends to use water filtration structures to filter the water before discharging it. Later in the Report, however, when discussing its filtration systems in the context of the alternatives analysis, Sunoco explains the limitations of these systems: "the current feasible filtration ability does not exceed 50 microns; therefore, cloudy water (from suspended fine clay and silt particles) would be discharged downstream regardless of all control methods employed for the entire duration of this crossing until completion." Thus, the substantial quantities of groundwater that would need to be filtered as a result of the drilling can also be expected to contain suspended clay and silt particles when they are discharged. Where

those discharges will happen and what their impact on surface waters will be is not addressed.

2. Re-Route Analysis

Sunoco has not adequately considered a re-route alternative. While Appellants agree that a minor re-route constrained to the survey areas Sunoco considered is unlikely to be a significant improvement over current plans, it is notable that the Frankstown Branch of the Juniata River could be avoided all together with a more substantial re-route. In fact, the current route through central Blair County almost appears to go out of its way to cut northward, crossing the Juniata River twice, before returning to a more southerly route. Given Sunoco's inability to adequately mitigate the risks to water resources associated with drilling at this site, it is especially important to fully consider re-reroute alternatives. Sunoco's single paragraph of re-route analysis, which fails to contemplate routes outside the immediate vicinity of its current plans, is insufficient.

3. Sunoco has failed to assess risks to water supplies.

Throughout the re-evaluation process, Sunoco has consistently failed to analyze risks to water supplies. In this Report, Sunoco has taken an important step in the right direction by having actually spoken to landowners about the locations of their private wells. Unfortunately though, the information gathered from landowners was not utilized to provide an analysis of risks to water supplies and does not even appear to have been shared with Sunoco's geology experts.

Sunoco describes having made contact with five landowners whose private drinking water supplies are within 450 feet of the HDD sites. The landowners reportedly did not know the depth of their wells and Sunoco made no further efforts to get that information. Rettew's discussion of site geology identifies only two wells within 0.5 miles of the HDD sites based on data from PaGWIS, a system which is known to be inaccurate and incomplete. Rettew's report wholly fails to recognize or incorporate the wells identified by Sunoco and nowhere in the report are the actual locations of those wells provided. Separate from Rettew's discussion, Sunoco describes the general direction of some of the wells as being to the northwest of the drill sites. This is especially concerning as Rettew has determined the "primary groundwater flow is downdip and to the northwest."

Despite the contradictions and the incompleteness of the Report, one thing is clear: there are several private drinking water wells within close proximity to the drill sites. It is critical that Sunoco provide an analysis of well production zones for these wells and risks to these wells, as the Corrected Stipulated Order requires.

4. It is not clear that the drilling techniques discussed in the conclusion are an improvement on earlier practices.

In the conclusion of the Report, Sunoco recites a series of drilling practices and procedures that it says it "will employ." This is an improvement on the language in

previous re-evaluation reports indicating those measures “may” be implemented. However, with the exception of the addition of casing, it is not clear whether these are new and/or improved measures. 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.

This is not to assail the use of improved drilling practices, if Sunoco is implementing any. But this recitation without more does not provide assurance that the use of HDD here will be safe.

Conclusion

For these reasons, Appellants maintain that horizontal directional drilling at this location is inappropriate and request that the Department not approve the HDD re-evaluation recommendation.

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

Sincerely,

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