

October 19, 2017

By Email

ra-eppipelines@pa.gov



**Re: Comments on Report for HDDs PA-BR-0181.0000-RD, PA-BR-0181.0000-RD-16 and PA-BR-0183.0000 (SPLP HDD# S3-0250)**

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-BR-0181.0000-RD, PA-BR-0181.0000-RD-16 and PA-BR-0183.0000 (the “HDD Site”).<sup>1</sup>

### **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

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<sup>1</sup> 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.

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 Report for HDDs PA-BR-0181.0000-RD,  
PA-BR-0181.0000-RD-16 and PA-BR-0183.0000 (SPLP HDD# S3-0250)**

**1. Sunoco cannot be allowed to continue drilling when it has not addressed the serious harm to the public that has already occurred at this site.**

Sunoco's re-evaluation entirely neglects to mention that there has already been severe contamination of a private water supply at this drilling location. The moving and deeply troubling account of the contamination of David Anspach's well, as shared in his personal comment on this re-evaluation, should give both the Department and Sunoco great pause. The extreme levels of bacteria in Mr. Anspach's previously safe drinking water well—which is a only a couple hundred feet from the HDD alignment—appeared only after Sunoco began drilling. His health has been seriously compromised. Yet Sunoco has not so much as verified the location of Mr. Anspach's well in its Report.

The harm that Mr. Anspach has suffered is exactly the sort harm that the re-evaluation process is designed to prevent. By failing to fully analyze what happened to Mr. Anspach's well, Sunoco would be putting other members of the public at risk if it continued drilling. It is incumbent upon the Department not to allow drilling to continue at the HDD Site until it completes its own investigation of Mr. Anspach's well, or, alternatively, requires Sunoco to provide a complete and accurate analysis of the contamination event, and then independently verify that analysis.

**2. Sunoco failed to do a competent survey of water supplies.**

The contamination of Mr. Anspach's well makes Sunoco's consistent failure to identify and verify locations of water supplies particularly egregious here.

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 plus visual observations 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.

**4. 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.**

At the end of its re-evaluation, Sunoco ultimately concludes that it should continue with horizontal directional drilling and that using best management practices will adequately mitigate risks. It is unclear which, if any, of these practices have already been used at this site and other sites, and what their success has been to date. It is unsettling to think that Sunoco would require a Board order to decide to implement best management practices that Sunoco deems necessary to mitigate the risks associated with HDD. And if Sunoco is already utilizing these practices across the HDD Site, clearly they have not worked, as there have been over a hundred inadvertent returns and, at the HDD Site, water supply contamination. The Department needs details about

how this best management practices have been utilized and what would make them effective at the HDD Site.

### Conclusion

The Department cannot responsibly allow drilling to continue at this site without first thoroughly investing the water supply contamination that has already happened there, requiring all private water supplies locations be identified and verified, and more details are provided regarding best management practices.

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

Sincerely,

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