

October 3, 2017

By Email

ra-eppipelines@pa.gov



Re: Comments on Report for HDDs PA-CA-0047.0000-SR & PA-CA-0047.0000-SR-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-CA-0047.0000-SR & PA-CA-0047.0000-SR-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. Sunoco's recommendation is a marked improvement, but it is premature to approve it without waiting first for more information to come in, and evaluating the danger to groundwater supply at the eastern end.**

Sunoco's recommendation to lengthen and deepen its planned HDDs appears to considerably improve on the original HDD plans in terms of reducing likelihood of inadvertent returns, and possibly also a reduction of surface impacts, although what right-of-way impacts have already taken place at the HDD Site is not specified in the Report.

However, there is more information needed to ensure that the revised HDD plan is the best option. Specifically, (1) new water supply information from neighbors of the HDD Site, and (2) additional study as suggested by the HDD Hydrogeologic Reevaluation Report. Moreover, as the hydrogeologic report notes, there is a risk that "the pilot hole could create a drain with a local lowering of the water table in the area of the eastern side of the drill." If the Department ultimately approves this plan, it should impose requirements to further revise the revised HDD plan, or require drilling practices that reduce the risk of water table impacts to insignificance.

It appears that at the Site, Sunoco has reached out to nearby landowners to get their water supply information. The HDD Hydrogeologic Reevaluation Report states, "In terms of the current well survey program, no data regarding wells within the extended 450 feet of ROW is available at this time; pending responses from property owners." The Department should require Sunoco to obtain this information first—and then evaluate it—before approving the recommendation, as the water supply information could require adjustments to or reconsideration of the revised plan.

Also, the hydrogeologic report explains that “installation procedures and/or additional revision to the boring design should be considered to further reduce the risk of IRs and reduce the risk of lowering the water table on the east end of the drill.” Sunoco proposes the use of certain best management practices at the HDD Site. These appear aimed more at IR prevention than groundwater management. Certainly it is better that Sunoco use these than not. However, they do not appear sufficient to mitigate the risk found by Sunoco’s geologist consultants. The Department should not approve this recommendation without requiring more measures be taken to mitigate that risk.

Some measures are suggested by the hydrogeologic report, which the Department should consider: “Some of the uncertainty associated with these conclusions could be reduced by advancing a geotechnical boring at the western entry/exit for the revised boring and installing water level piezometer at both entry/exit points for the revised boring to obtain more precise static water level measurements.”

Conclusion

Sunoco’s recommendation is a strong improvement to the pre-existing HDD plans, based on the information available to Appellants. However, there is more yet to be done before the Department can reasonably approve the recommendation, as detailed above.

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

Sincerely,

s/ Melissa Marshall, Esq.
Melissa Marshall, Esq.
PA ID No. 323241
Mountain Watershed Association
P.O. Box 408
1414-B Indian Creek Valley Road
Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esq.
Pa. ID No. 312371
Delaware Riverkeeper Network
925 Canal Street, 7th Floor, Suite 3701
Bristol, PA 19007
Tel: 215.369.1188
aaron@delawareriverkeeper.org

s/ Joseph Otis Minott, Esq.
Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
PA ID No. 36463
joe_minott@cleanair.org

Alexander G. Bomstein, Esq.
PA ID No. 206983
abomstein@cleanair.org

Kathryn L. Urbanowicz, Esq.
PA ID No. 310618
kurbanowicz@cleanair.org

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
Tel: (215) 567-4004

cc: Margaret Murphy, Esq.
Nels Taber, Esq.