

November 5, 2017

By Email

ra-eppipelines@pa.gov



Re: Sunoco's Responses to DEP's request for information for PA-BR-0181.0000-RD, PA-BR-0181.0000-RD-16, PA-BR-0183.0000, PA-LE-0001.0000-SR & PA-LE-0001.0000-SR-16

Dear Mr. Williamson,

On October 30, 2017, Sunoco submitted a letter to the Department in response to the Department's requests for additional information regarding horizontal directional drilling sites PA-BR-0181.0000-RD, PA-BR-0181.0000-RD-16, PA-BR-0183.0000, PA-LE-0001.0000-SR & PA-LE-0001.0000-SR-16. Pursuant to the Corrected Stipulated Order entered on EHB Docket No. 2017-009-L on August 10, 2017 ("Order"), and on behalf of Clean Air Council, Mountain Watershed Association, Inc., and the Delaware Riverkeeper Network ("Appellants"), please accept these comments in reply.

Thank you for holding Sunoco to the re-evaluation requirements of the Order. The HDD re-evaluation process that was ordered by the Environmental Hearing Board is critical to protecting drinking water supplies and natural resources across Pennsylvania and Appellants very much appreciate that the Department is treating the process with the seriousness it is due.

Appellants provide their comments on Sunoco's responses serially below, using the numbering employed by the Department:

1. Sunoco appears to have provided the Department the certified mail receipts from the letters it sent to residents within 450 feet of these drill locations. As no further documentation was provided in response to the Department's request, Appellants assume these letters represent the full extent of Sunoco's outreach to residents. This is concerning because the date on the letters, October 16, 2017, is well after the re-evaluation reports for these sites were sent to Department, October 5, 2017. It is thus clear that Sunoco did not even attempt to consider the locations of private water supplies as part of these re-evaluations. Verifying locations of private water supplies is not merely some box to check,

it is a critical step to protecting those water supplies.

2. Appellants strongly support the Department's request for information regarding the risks that the permitted activity poses to drinking water supplies. These requests are not only appropriate and unquestionably within the Department's authority, but really go to the heart and intent of Chapter 105 permitting and the Department's responsibilities to public.

Sunoco's drilling practices have contaminated water supplies across the state. At least one well, Mr. David Anspach's, was contaminated near the Berks County site that is the subject of one of the present re-evaluations. Sunoco has still not addressed that contamination and drilling should not be permitted to resume unless and until the Department understands exactly what happened to Mr. Anspach's well and all necessary measures are taken to remediate existing, and prevent future, contamination.

Sunoco's blanket refusal to respond to the Department's request for information regarding potential risks to private water supplies is unacceptable and defies both the terms and intent of the Order. The Order requires a re-route analysis, which cannot be complete in this context without first understanding where water wells are located relative to route options and then determining the risks any given route would pose to those water supplies. The Order also requires Sunoco discuss actions it will take to eliminate, reduce, or control impacts to water supplies. Any such actions are rendered meaningless—and impossible for the Department to evaluate—if not based on a discussion of the risks those actions seek to address. Even more explicit is that the Order requires an “analysis of well production zones.” Sunoco has not provided that analysis. Without that analysis, Sunoco's submittal does not meet the completeness standard set in the Order, and is not ready for Departmental evaluation.

Appellants urge the Department to stand by its requests and that the Department withhold approval of the newly submitted plans until they are complete and satisfactory information has been provided by Sunoco.

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

Sincerely,

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