

October 22, 2017

By Email

ra-eppipelines@pa.gov



Re: Sunoco's Responses to DEP's request for information for HDDs PA-CA-0047.0000-SR and PA-CA-0047.0000-SR-16.

Dear Ms. Drake:

On October 16, 2017, Sunoco submitted a letter to the Department in response to the Department's requests for additional information regarding a horizontal directional drilling site, HDDs PA-CA-0047.0000-SR and PA-CA-0047.0000-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.

First, 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's consultation with Rosebud Coal Mine Company is an important step in the right direction to make drilling at this location safe. Subsidence in close proximity to the Mariner East 2 pipelines poses a risk to the integrity of the pipelines. Damage to the pipelines, at best, would mean undertaking repairs that would have additional and potentially significant environmental impacts. There could also be catastrophic consequences if pipelines carrying highly volatile liquids are compromised. Sunoco's analysis of the risk of subsidence is a start, but incomplete. For example, Sunoco notes "Rosebud Mining has not observed evidence of mine subsidence at the surface in the region of HDD S2-0075 from E seam mine collapse." The scope of Rosebud's observations is unclear. It would be irresponsible for Sunoco or the Department to simply accept this conclusion without reviewing the underlying data and understanding the context and extent of Rosebud's conclusion, including how long mining operations have been underway in this area. And even if subsidence hasn't occurred in this area to

date, the risk of subsidence going forward needs to be addressed, especially in light of future planned activity. That is what the Department has requested. Sunoco does not claim that Rosebud has made any conclusions about the risks of future subsidence. This critical information is still missing.

Sunoco has also taken a step in the right direction by identifying distances between mining activity and the HDD alignment. This information needs more context, including an analysis of the specific geology that lies in between, and a frame of reference for understanding whether the distance described is safe.

2. The additional bore data that Sunoco has provided were gathered 450 feet away and 1,100 feet away from the ends of the HDD alignment. It is not clear that test bores taken at this distance sufficiently reflect the site-specific geology that must be analyzed to verify the safety of Sunoco's drilling plans. Interestingly, Sunoco does not even consider impacts to private water supplies in that range. If bore data gathered at that distance accurately and adequately reflects the geology at the HDD site, Sunoco should also identify private water supplies in that range, as Sunoco appears to suggest geological connectivity at that range.
3. It is encouraging that Sunoco believes "the impoundment is located over the HDD profile within the zone of least potential effect and greatest bedrock strength." However, missing from this conclusion again is data or a frame of reference. Sunoco has described the impoundment as being in the safest location relative to the rest of the HDD alignment, but this sort of comparison provides no assurance, and leaves open the possibility that the impoundment is in the safest position among what are still unacceptably dangerous positions along the alignment.

Similarly, Sunoco asserts that the calculated HDD pressure verses rock fracture pressure has a buffer of 60 psi. The Department should require Sunoco to show its work for this calculation, and in particular, to disclose what rock fracture pressure it has chosen and why. The Department needs to know what has gone into Sunoco's calculation and confirm that the calculation is correct before accepting this buffer as safe.

4. Sunoco's assertion that it has reached out to landowners and has not gotten responses is plainly insufficient to satisfy the Department's very reasonable request that documentation of Sunoco's specific outreach be supplied to the Department. Assuming Sunoco has reached out to these residents as described, it should be very easy for Sunoco to provide the certified mail receipts associated with this HDD site. Without the benefit of even knowing addresses or names of residents that Sunoco has identified as being within 450 feet of this location, the needed verifications cannot be efficiently ascertained from the piles of documentation Sunoco sent to Ms. Yorby.
5. Appellants strongly support the Department's request for information regarding the risks that the permitted activity poses to drinking water supplies. Especially in light of the known water supply contamination and damage that has already resulted from Sunoco's project, 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 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's refusal to provide this basic, critical information defies the spirit of the Order that was entered as a result of Sunoco's destruction of drinking water supplies.

Appellants urge the Department to stand by its requests and that the Department withhold approval of the newly submitted plans until complete and satisfactory answers have been provided by Sunoco. Sunoco's insistence that it does not have to assess the risks its drilling poses to drinking water is absurd, particularly now, after ongoing reports of drinking water contamination, over a hundred inadvertent returns, public outcry and political blowback, and the Environmental Hearing Board determining that the risks were so dangerous that a temporary ban of HDD activity was necessary.

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

Sincerely,

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