

December 19, 2017

*By Email*

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**Re: Sunoco’s response to DEP’s request for information and changes to the plans for HDD PA-BR-0181.0000-RD & PA-BR-0181.0000-RD-16**

Dear Mr. Williamson,

On November 23, 2017, Sunoco submitted a letter to the Department in response to the Department’s second set of requests regarding horizontal directional drilling sites PA-BR-0181.0000-RD, and PA-BR-0181.0000-RD-16 (“Site”). 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.

Appellants strongly support the Department’s requests for additional information and clarification regarding private water supplies. Sunoco’s re-evaluation report (“Report”) provided incomplete and even contradictory information regarding private water supplies, and thus lacks a meaningful risk analysis. Despite two subsequent requests from the Department, Sunoco has still failed to provide this critical information. We urge you not to make a final determination regarding the plans for this HDD site until Sunoco has provided that information and analysis and it has been made available to the public.

In the Report, Sunoco described three wells in very close proximity to the Site: “Water well records and a review of aerial photography indicate the presence of three (3) water wells within the 450 ft buffer around the HDD profile location.” It did not verify the locations of these wells or attempt to identify wells of other nearby landowners through direct outreach to landowners. As the Department recognized, these three wells also are not documented on the well map prepared by Sunoco’s hydrogeologists—Figure 3 of the hydrogeological assessment that was part of the Report—or even referred to in the hydrogeologists’ assessment. In fact, Figure 3 does not document any of the wells closest to the HDD, with the nearest being over 1400 feet away. Well production zones also have not been mapped or analyzed. Despite the hydrogeologists not including in their assessment the three wells Sunoco believes to be within 450 ft of the Site, or any production zones, Sunoco concluded: “These water wells are not directly within the area of influence of the HDD profile, and due to the nature of the geology at and surrounding this HDD

and groundwater movement patterns, an affect to these wells is highly unlikely.”

The Department has given Sunoco two opportunities to fix this fundamental flaw. Most recently, in its November 22, 2017 letter to Sunoco, the Department requested that Sunoco:

confirm that all water supplies and the project’s potential impact on their well production zones located within 450 feet of the HDD were included in the re-evaluation of this HDD. If the well production zones for the known water supplies were not included in the re-evaluations and/or the information contained in the re-evaluation report is not displayed accurately (ie: well location map), revise and resubmit to DEP the re-evaluation with application revisions.

Sunoco’s response, dated November 23, 2017, references nine landowners within 450 feet of the Site, but does not address their water supplies or well production zones. It also asserts “SPLP can affirm that all known water supply wells and their production zone known at the time of the preparation of the HDD reanalysis were included the submittal.” This is demonstrably false. Not only did the hydrogeologists’ assessment not include any of the three wells Sunoco believed it identified within 450 feet of the alignment, but it specifically did not include the well of David Anspach, located less than 350 feet from the alignment. There is no question Sunoco had knowledge of the Mr. Anspach’s well, and its contamination, prior to the submission of the Report.

Sunoco’s November 23, 2017 response goes on to say “two previously unknown private wells were identified to SPLP.” It describes one well 340 feet west-northwest of the western entry point (“Well No. 1”), and a second well 300 feet southwest of the HDD (“Well No. 2”). The actual locations of these wells are not provided, relevant well features are not discussed, and there is no information regarding the production zones for these supplies. In direct contravention of the Department’s request, Sunoco has not updated or revised its Report to address these purportedly unknown wells, and it has not updated Figure 3.

In regard to Well No. 1, Sunoco references “further studies by SPLP which have been provided to the Department previously.” If performed, these studies are highly relevant to the Report, and should have been included. But no such studies have been made available to Appellants or the public through the re-evaluation process or otherwise. This undercuts a key aspect of the re-evaluation process. Given Sunoco’s history of water contamination and spills, and the water contamination that has occurred in close proximity to this site in particular, transparency is especially important. Sharing studies that have already been generated would require very little effort from Sunoco. The fact that these studies have not been made public thus casts doubt on their reliability, if not existence. Sunoco also indicates the Department has accepted Sunoco’s conclusion that Well No. 1 is not at risk. If the Department has indeed accepted Sunoco’s conclusion that this well (or any well) is not at risk, that analysis too needs to be shared with the public, as it is a crucial to the re-evaluation process.

In regard to Well No. 2, Sunoco states “Based upon the information obtained for this water well,

and our analysis, SPLP believes there is no risk to the water production zone for this water supply relative to this HDD.” It is unclear what information or analysis this refers to, as information and analysis for this “previously unknown” well are plainly not included in the Report or either of Sunoco’s replies to the Department’s requests for additional information. If it exists, Appellants request that this information and analysis be made available to the public for review. If, on the other hand, Sunoco has simply reached a conclusion unsupported by information or analysis, that cannot be permitted to stand.

Based on the foregoing, it seems Sunoco’s replies raise more questions than they answer, and certainly cannot be said to address the admitted incompleteness of the Report. The information the Department has sought but not yet received is vital for the protection of the public. Please do not back down.

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

Sincerely,

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