

# **ANDOVER HOMEOWNERS' ASSOCIATION, INC.**

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May 27, 2018

Pennsylvania Department of Environmental Protection

Via e-mail to:

[ra-eppipelines@pa.gov](mailto:ra-eppipelines@pa.gov)

[wgerlach@pa.gov](mailto:wgerlach@pa.gov)

**Re: Public comment of impacted property owner re: DEP Permit HDD Reference # PA-CH-0421.0000-RD Sunoco Pipeline's Response (dated May 22, 2018) to PA DEP Comments Letter (dated February 22, 2018) on Sunoco's Hydrogeological Reevaluation Report Thornbury Township, Delaware County and Westtown Township, Chester County**

Dear Sir or Madam:

Pursuant to the Corrected Stipulated Order entered at Environmental Hearing Board Docket No. 2017-009-L on August 10, 2017 ("Order"), please accept these comments on Sunoco Pipeline L.P.'s ("Sunoco") re-evaluation report ("Report") for the horizontal directional drilling ("HDD") proposed under "DEP Permit HDD Reference # PA-CH-0421.0000-RD." ("Arch Bishop / South Chester Road Crossing" in Westtown Township, Chester County and Thornbury Township, Delaware County).

## **The Standard for the Department's Review**

Pennsylvanians rely on the Department of Environmental Protection (DEP) to protect them from hazardous industrial activities that threaten their air, water, land and physical safety. The Department has recognized (through approximately 53 separate Notices of Violation, two separate settlement agreements including monetary penalties, and a temporary permit suspension that alleged an unwillingness or inability on Sunoco's part to comply with state law and permit conditions) that Sunoco's construction of its proposed Mariner East 2 hazardous, highly volatile liquids export pipeline has already done enormous damage to the public, and to private property such as that of the Association.

DEP's role is to review and assess Sunoco's Response dated May 22, 2018, and to decide what action to take on it. This review must take place in accordance with the applicable statutory requirements, including those found in 25 Pa. Code Chapters 102 and 105. In considering whether to permit further construction to take place, it is DEP's responsibility to review and assess the Report with the primary goal of protecting the public, not to advance Sunoco's interests. The key is to look at the individual circumstances at the site in question. Critically important is accounting for input from those directly impacted by the proposed project, who have a deeper connection with and greater knowledge of the land and the area than the foreign corporation proposing to construct hazardous liquids transmission pipelines through it.

A meaningful, objective and substantive review and assessment by the DEP must ensure that any new or continued construction operations at the re-evaluated sites will cause minimal, if any, risk to the public safety and the environment. Anything less than a full, careful, and objective review will 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 accepting Sunoco's Response **only** if it protects the public safety and the environment from further harm.

In particular, DEP should respond to each point raised herein. Soliciting public comment but than failing to respond to apposite, jurisdictional comments received amounts to a betrayal of the public trust. Accordingly, the Association requests a specific response from the DEP to each of the following comments.

### **Comments on DEP Permit HDD Reference # PA-CH-0421.0000-RD**

As an initial matter, the Association observes that Sunoco's Response dated May 22, 2018 references only Westtown Township (Chester County) and "Edgemont" (*sic*: Edgmont) Township (Delaware County). In fact, the HDD operation purportedly addressed by Sunoco's response is proposed to take place in Westtown Township and **Thornbury Township**, Delaware County (and not in Edgmont Township at all). The fact that Sunoco is unable to even correctly identify or spell the name of the municipality in which it proposes to operate is alarming. At a bare minimum, DEP should closely review the entire Response for other gross errors (or errors directly caused by Sunoco's inability to correctly identify the location of the proposed operation), or, under 25 Pa. Code section 105.13(b), return the entire application to Sunoco.

This proposed HDD site stands out as being in one of the most densely populated areas along the entire pipeline route. It is also far longer than most other drills, at nearly 7,000 feet. The number of impacted residents and vulnerable water supplies is thus especially high. The hydrogeologists that Sunoco hired to review plans for the Site have made a number of recommendations geared toward avoiding complications during the construction process and protecting water supplies. Yet Sunoco has not adopted those recommendations, and instead proposes "no significant changes to the HDD plans" besides implementing standard "best management practices." The Report provides no explanation of why Sunoco has ignored its scientists' recommendations. It also appears, as with prior re-evaluation reports, that Sunoco has not provided its scientists with all necessary information regarding well locations and features. Critically, Sunoco has failed again to conduct a meaningful alternatives analysis as required by 25 Pa. Code section 105.13(e)(1)(viii). For these reasons, and as described in more detail below, the present proposal should be denied.

### **Sunoco has not conducted a meaningful alternatives analysis**

Sunoco has never provided a meaningful alternatives analysis as required by 25 Pa. Code section 105.13(e)(1)(viii). Sunoco's brief, generalized discussion of the re-route alternative in its previous response dated January 2, 2018 does not provide nearly enough information about alternative routes to determine whether re-routing is preferable. That response describes a potential route to the southwest as requiring clearing of "new greenfield" and then dismisses that alternative without providing any basis for comparing that route to the planned route. Sunoco's latest response doesn't address the applicable statutory alternative analysis **at all**. A meaningful alternatives analysis requires quantitative and qualitative details about the potential environmental impacts at each location, as well as the safety of each. 25 Pa. Code section 105.13(e)(1)(iii)(C) and 105.13(e)(1)(vii). Without such analysis, the appropriateness of the proposed route cannot be verified. Without such analysis, Sunoco

has simply not complied with the statutory requirements.

In fact, Sunoco's "new greenfield" terminology is misleading at best and factually incorrect at worst. The planned alignment involves the acquisition through eminent domain of a greatly expanded easement across private, preserved, residential property owned by the Association. This expanded easement is *next to* an existing easement; but because the expanded easement consists of treed, maintained open space, it is in fact "new greenfield" itself. Sunoco's argument that it has chosen the planned alignment for the purpose of avoiding the taking of "new greenfield" fails because it is simply wrong. Sunoco should be required to comply with the statutory requirements by analyzing alternative routings in meaningful detail, accurately quantifying the specific amount of "new greenfield" in each.

In addition, the Andover residential subdivision contains a historic site registered in the Historic Resource Inventory of Thornbury Township, Delaware County. This site contains two structures built in the 1700s, the foundations of at least four other structures, and a wide field of potential historic or cultural significance which has not been meaningfully evaluated by Sunoco, the Pennsylvania Historic and Museum Commission, or the U.S. Army Corps of Engineers. This site was previously determined to be eligible for listing in the National Register of Historic Places. The Association believes that items of significant historic and archeological significance, and possibly human remains as well, may be contained in the area which Sunoco proposes to disturb as part of the proposed HDD operation. In fact, grubbing activities by Sunoco in the vicinity of its proposed new greenfield easement have brought historical artifacts to the surface. Sunoco was observed not to take the slightest notice or care of these artifacts as it was disturbing them, but they were recovered by the Association and remain available for inspection by a competent authority. Sunoco should be required to discuss alternative routings in meaningful detail, evaluating and quantifying the effects on cultural and historic resources of each alternative. See 25 Pa. Code sections 105.13(e)(1)(ii), 105.14(b)(5), and 105.16(a).<sup>1</sup>

In terms of public safety risks, the planned HDD operation is contemplated to support the construction of two new hazardous, highly volatile liquid transmission pipelines, at open-trench depth, less than 100 feet from residences in a densely populated "high consequence" area. Every one of the 39 residences in Andover is within 800 feet of the proposed route. One expert model predicts blast and thermal impacts from a large release of highly volatile liquids could extend to 1,800 feet from the point of release.<sup>2</sup> Another expert model predicts "life-threatening effects or death" from heavier-than-air gas at 2,400 feet, and a "lower explosive limit" of flammable or explosive gas<sup>3</sup> extending to 3,900 feet from the point of release.<sup>4</sup> Corroborating these models, a 2015 accident involving a release of ethane, with ignition, from a 20-inch diameter new pipeline, resulted in thermal damage at 2,000 feet from the point of rupture. And Sunoco has reported more leaks from its pipelines than any other operator tracked by the federal government, at least 301 of them since 2006 alone. Many of these accidents have occurred in Pennsylvania, including a 2015 leak of hazardous

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<sup>1</sup> (a) If the Department determines that there may be an impact on natural, scenic, historic or aesthetic values of the environment, the Department will consult with the applicant to examine ways to reduce the adverse environmental impact. If, after consideration of mitigation measures, the Department finds that the adverse environmental impact will occur, the Department will evaluate the public benefits of the project to determine whether the public benefits outweigh the environmental harm.

<sup>2</sup> [http://docs.wixstatic.com/ugd/1e3b45\\_fd1018817f144a3e9f7db5a6a1a51127.pdf](http://docs.wixstatic.com/ugd/1e3b45_fd1018817f144a3e9f7db5a6a1a51127.pdf), last visited December 11, 2017.

<sup>3</sup> The concentration threshold at which the vapor could ignite in the presence of an ignition source.

<sup>4</sup> [http://proceedings.esri.com/library/userconf/petrol16/papers/petrol\\_22.pdf](http://proceedings.esri.com/library/userconf/petrol16/papers/petrol_22.pdf), last visited December 11, 2017, slides 18 and 24.

liquids in Edgmont Township; a 2016 rupture which released a reported 55,000 gallons of gasoline near Williamsport (Sunoco's fourth leak on that particular pipeline segment<sup>5</sup>) and a 2017 leak of hazardous, highly volatile liquids in Morgantown. Highlighting the trend of Sunoco pipeline accidents, in 2016 Sunoco reported leaking a greater quantity of hazardous liquids from its pipelines than in the previous six years (2010-2015) *combined*.

Sunoco has provided no credible plan to protect vulnerable, dense, immobile populations from a release of highly volatile liquids. On December 6, 2017, in New Mexico, a pipeline accident involving methane (a less dangerous material than highly volatile liquids) prompted the Eddy County Office of Emergency Management to advise, via Twitter at approximately 2:00 a.m., that residents should "self-evacuate" a four-mile diameter circle.<sup>6</sup> That's about 12.5 square miles, or the land area of a typical Pennsylvania municipality. In the case of heavier-than-air, extremely flammable highly volatile liquids, such self-evacuation must be carried out in the correct upwind direction and on foot—vehicles cannot safely be used. Such a scenario is certain to cause difficulties (to say the least) for seniors and families with children, especially at night or during inclement weather.

In the event of a large, unignited combustible vapor cloud, immediate self-evacuation is the only possible means of protection of life. Yet Sunoco has not established or identified any credible system by which residents would be warned of the need to begin a rapid self-evacuation, nor by which they could actually carry out such self-evacuation, particularly at night or in inclement weather.<sup>7</sup> This is an especially acute shortcoming in the area of Sunoco's proposed highly volatile liquids pipelines for seniors and families with children. See the Proclamations and Resolutions of Concern from various townships and school districts (including Westtown and Thornbury) at [www.middletoncoalition.org/copy-of-local-state-governments](http://www.middletoncoalition.org/copy-of-local-state-governments).

Sunoco should be required to discuss alternative routings in meaningful detail, quantifying (at a minimum) the public safety risks of each in specific terms of the area likely to be impacted in a worst-plausible-case release of hazardous, highly volatile liquids; the numbers of people reasonably expected to be in that area at various times of day; and the potential self-evacuation routes and obstacles to self-evacuation of each alternative.

## **Conclusion**

For these reasons, the Andover Homeowners' Association, Inc. requests that this proposal be denied.

Sincerely,

/s/

Eric Friedman  
President

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<sup>5</sup> DEP e-mail to Eric Friedman.

<sup>6</sup> [www.krqe.com/news/pipeline-explodes-in-eddy-county-residents-in-area-asked-to-self-evacuate\\_20180305061957906/1009328442](http://www.krqe.com/news/pipeline-explodes-in-eddy-county-residents-in-area-asked-to-self-evacuate_20180305061957906/1009328442), last visited May 27, 2018.

<sup>7</sup> See Emergency Order of Administrative Law Judge Elizabeth Barnes, granting Pennsylvania Sen. Andy Dinniman's petition for an injunction, shutting down operations of Mariner East 1 and halting construction of Mariner East 2 and 2X in West Whiteland Township, [www.puc.state.pa.us/pdocs/1568247.docx](http://www.puc.state.pa.us/pdocs/1568247.docx).