

December 13, 2017

By Email

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Re: Comments on Report for HDD PA-CU-0125.0000-WX & PA-CU-0125.0000-WX-16

To whom it may concern:

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 on Sunoco Pipeline L.P.’s (“Sunoco”) re-evaluation report (“Report”) for the horizontal directional drilling (“HDD”) indicated by drawing numbers HDD PA-CU-0125.0000-WX & PA-CU-0125.0000-WX-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 Order 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 HDD PA-CU-0125.0000-WX & PA-CH-0125.0000-WX-16

1. Sunoco has not provided a complete assessment of risks to water supplies or taken necessary measures to protect water supplies.

Sunoco has identified 19 landowners with parcels within 450 feet of the alignment and indicates that it sent mailers to those residents on October 30, 2017. While taking this most basic step prior to the submission of the Report is a move in the right direction, it appears Sunoco has not yet initiated direct contact with all of these land owners to determine the potable water source for each landowner. Sunoco indicated that if a landowner had not responded to the mailing by November 15, 2017, it would make direct contact with that landowner. There is no evidence that outreach actually happened.

Furthermore, even if outreach was conducted, it does not appear to have been considered by, and is not reflected in, the analysis provided by Sunoco's hydrogeologists; that analysis references only findings from the PaGWIS system. The incompleteness of the PaGWIS system is undisputed, and even highlighted in the Report. Yet, Sunoco seems to rely on its very *lack* of information to dismiss risks to wells instead of analyzing the information that is available or seeking verification.

In the Report, Sunoco admits drilling will penetrate fractured bedrock at the "same bedrock interval from which some of the wells are believed to derive their groundwater supplies." This finding must be thoroughly examined, and a data-driven discussion of the resulting risks needs to be provided to ensure the safety of the local wells. The fact that "the PaGWIS database does not provide detailed information regarding the water-bearing zone depths penetrated by the wells" makes direct outreach to landowners all the more important, but such information is absent from the Report. Sunoco gives no reason to

believe it has mitigated the risks associated with drilling at the depth where groundwater supplies are believed to be derived. Instead, startlingly, Sunoco concludes: “Given the lack of readily available water-bearing zone information, absence of identified groundwater supply wells within 1,000 feet of the proposed HDD, and local geologic structure, the potential for water supply impacts to occur as a result of the proposed HDD operations is considered to be negligible.” This conclusion, which is based on the *absence* of information, is plainly unreliable. More importantly though, to the extent Sunoco has used this conclusion to avoid addressing impacts to wells, it is dangerous.

Until the effort to make direct contact with landowners has been completed and all information gathered from that process is fully considered by Sunoco’s scientists, DEP, and the public, the proposal for this Site cannot be considered complete or determined to be safe. Simply planning to provide replacement water supplies is insufficient, as the goal of the re-evaluation process is to prevent damage.

2. Sunoco has not performed an adequate adjacent features analysis.

Appellants agree that Sunoco’s proposal to drill deeper, allowing more cover under some sensitive features and passing through more stable geology, is a marked improvement over the previous plans. The new entry and exit points, though, are very close to significant surface features, and Sunoco has not addressed how they will be protected.

The eastern end of the drill alignment, as originally planned, was placed near a large exceptional value wetland, J10. The new proposal puts the drilling setup and mud pit even closer to, if not directly in, that exceptional value wetland. Sunoco has not addressed the additional adverse impacts this will have on the wetland or what is being done to avoid those them. Those impacts only add to the threats already posed by Sunoco’s plans to open cut through the vast majority of wetland J10, using the wetland as a pullback area, and the fact that the neighboring HDD (PA-CU-0128.000-WX and PA-CU-0128-WX-16) is also planned to terminate in that same exceptional value wetland. This must all be taken into account both in Sunoco’s adjacent features analysis, and in its alternatives analysis. It does not appear Sunoco adequately considered re-routing around this wetland, or a longer HDD that would avoid the wetland.

On the opposite end of the Site, the new alignment puts the entry/exit point less than 100 feet away from what appears to be a private residence. Sunoco should specifically address the risks to this residence as well as any water supply associated with this residence, which could be even closer to entry/exit point or the drill alignment. Similarly, Sunoco should address impacts to the farm, livestock barns, and associated commercial property situated approximately 1000 feet away from the HDD entry point, which was identified as a “potential environmental receptor of concern” but never discussed.

3. Sunoco has not conducted a meaningful alternatives analysis.

Sunoco’s brief, generalized discussion of the re-route alternative does not provide enough information about alternative routes to determine whether re-routing is preferable. It states

that any re-route to the north or south would require clearing of “new greenfield” and then dismisses that alternative without providing any basis for comparing other routes to the proposed route. A meaningful alternatives analysis requires quantitative and qualitative details about the potential environmental impacts at each location, as well as the safety of each. Sunoco fails to discuss environmental and safety factors, and instead focusses on the legal difficulty it has encountered in its attempts to cut through preserved land tied to the National Park Service. While a relevant consideration, this is not sufficient. With no meaningful analysis having been conducted, the appropriateness of the proposed route cannot be verified.

4. The Geology and Hydrogeological Evaluation Report is Incomplete.

Within the Geology and Hydrogeological Evaluation Report is a statement that “From a geologic perspective, the laterally adjusted, the longer and deeper profile, in conjunction with the proposed engineering controls and/or drilling best management practices, will be used to reduce the risk of an IR.” This and surrounding statements described the revisions to the HDD design, but do not evaluate them or conclude that the specific revisions will actually achieve protection.

It is important for the geologists who analyzed the site to weigh in also on whether the revisions to the design will adequately address the risks present from the original design. At this stage, that is not clear.

Conclusion

For these reasons, Appellants request that this proposal not be approved unless and until Sunoco provides the important additional information and analysis described above for the Department and the public to consider.

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

Sincerely,

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