

January 11, 2019



By Email

ra-eppipelines@pa.gov
kyordy@pa.gov



Re: Comments on PA-WM2-0064.0000-WX-16 (HDD# S2-0010)

Dear Ms. Drake,

On January 3, 2019, Sunoco submitted a letter to the Department in response to the Department's December 17, 2018 request for additional information regarding horizontal directional drilling ("HDD") Site PA-WM2-0064.0000-WX-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"), we respectfully submit these comments in reply. These comments address Sunoco's response point by point for most points.

1. Contaminated Wells

The Department requires Sunoco to "demonstrate how ... SPLP will avoid impacts to all water supplies." Sunoco responds by listing "drilling best management practices" which it commits to using for the Site. These measures do not demonstrate how it will avoid impacts to all water supplies. Rather, they are BMPs attempting to lower the risk of impacts. Sunoco does not evaluate the remaining risk of impacts to water supplies, let alone conclude that impacts will have been avoided. Sunoco should provide a risk analysis sealed by a professional geologist for the remaining risk to water supplies. It bears repeating that any contamination of a water supply is an illegal trespass that should not be simply chanced.

3. Quarry Wall

The Department asks Sunoco to discuss the quarry wall that it lists as a potential cause of IRs during installation of the 20-inch line. Sunoco responds that the report of a quarry wall was "anecdotal" and "there is no evidence confirming this feature in vicinity to the HDD location." This may be the case. But Sunoco misses the point.

In the re-evaluation report, Sunoco through GES pointed to the potential quarry wall and also potential field drains as explanations of why there were so many IRs on the 20-inch line. That was the full extent of Sunoco's investigation as filtered through GES. In that report, GES described this as "accounts of historic land use relayed by local residents to GES

Professional Geologist (PG) staff members during the HDD S2-0010 20-inch line inspection work at Loyalhanna Lake.” Now, in Attachment 2 to the January 4 letter, GES revises its history and writes, “During the construction of the 20-inch pipeline at HDD S2-0010 and IRs that occurred east of Loyalhanna Lake it was rumored by local by-stander that the pilot boring may have passed through a former historic quarry high wall and quarry workings.” Suddenly, upon questioning by the Department, “accounts of historic land use” have turned into “rumor[s] by local by-stander[s]” that GES claims to rebut simply by looking at maps going back to 1902, in a county founded before the Declaration of Independence. This calls into question the reliability of the original GES report in Sunoco’s re-evaluation report for this Site.¹

But more importantly, it also leaves no explanation for why IRs occurred at this location during the installation of the 20-inch line. Sunoco cannot have done an adequate job planning to avoid IRs and water supply contamination at this site if it does not even know why they happened in the first place. The Department should require Sunoco to investigate and report on the cause of IRs during the installation of the 20-inch line at this Site and then adjust its plans going forward to avoid repeat incidents.

4. Relief Bore

The Department asked Sunoco to “consider the feasibility of using a relief bore as a preemptive measure to reduce the risk of IRs occurring during installation of the 16-inch line” given “the success of the relief bore during drilling of the 20-inch line.” Sunoco replied by implying that the relief bore was not successful but rather caused more problems than it was worth.

Again, this reveals problems with Sunoco’s GES report in its re-evaluation report. In the report at Section 3.1.2, GES writes, “On June 8, 2017, a vertical relief boring was installed and began to capture the lost returns and the IRs ceased. ... This action was highly effective in stopping all of the IRs.” The “temporary uncontrolled discharges to the land surface” that Sunoco acknowledges the relief bore caused *are* inadvertent returns.

Furthermore, Sunoco’s response does not actually analyze whether the relief bore would produce better results than not installing a relief bore. It simply lists some problems with the process. Sunoco has therefore not adequately responded to the Department’s request.

¹ Appellants note that the link on the HDD Reevaluation Table to the re-evaluation report for the Site points to only the second half of the report.

Conclusion

As noted in our earlier comments, this is a very risky site with a history of problems. The Department should not approve this re-evaluated HDD plan.

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

Sincerely,

s/ Melissa Marshall, Esq.
Melissa Marshall, Esq.
PA ID No. 323241
Mountain Watershed Association
P.O. Box 408
1414-B Indian Creek Valley Road
Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esq.
Pa. ID No. 312371
Delaware Riverkeeper Network
925 Canal Street, 7th Floor, Suite 3701
Bristol, PA 19007
Tel: 215.369.1188
aaron@delawareriverkeeper.org

s/ Joseph Otis Minott, Esq.
Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
PA ID No. 36463
joe_minott@cleanair.org

Alexander G. Bomstein, Esq.
PA ID No. 206983
abomstein@cleanair.org

Kathryn L. Urbanowicz, Esq.
PA ID No. 310618
kurbanowicz@cleanair.org

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
Tel: (215) 567-4004

cc: jrinde@mankogold.com
dsilva@mankogold.com
ntaber@pa.gov