

January 12, 2018

By Email

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Re: Comments on Report for HDD PA-BL-0126.0000-RD & PA-BL-0126.0000-RD-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-BL-0126.0000-RD & PA-BL-0126.0000-RD-16 (the “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 to do 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 the goal of 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-BL-0126.0000-RD & PA-BL-0126.0000-RD-16

1. The deeper profile is an improvement but it is not clear that it will be sufficient.

The proposed drilling profile appears to be an improvement over the original plans for this Site, going deeper to take advantage of more stable bedrock and attempting to limit drilling through fragmented layers. "At maximum depth of the revised profile," the Report says, "the geotechnical data is indicative of good overall rock quality, which assists in suppression of IRs." The geophysical data profiles and boring data Sunoco commissioned provide useful information on bedrock and karst features belowground. The Department should compare the collected data with the revised HDD profiles to ensure that the HDD lies within tight bedrock for the maximum possible length.

2. The high risk of HDD affecting water supplies is not adequately addressed.

Sunoco acknowledges, "The redesign of the HDD will not prevent all IRs." It has also identified several private wells within 450 feet of the HDD alignment, in an area featuring karst. This situation creates a high risk of illegal water contamination. The risk could be mitigated by, among other things, identifying the well production zones and ensuring the HDD avoids them. Sunoco has not done this. Sunoco nods toward the requirement in the Order that its Report analyze well production zones in an uninformative statement that "The production zone for waters wells in this geology is from the well bottom to highest point of water inflow from the water bearing seams, joints, and fractures in the rock formation." Sunoco has not attempted to ascertain from where the identified wells draw their water.

Sunoco also restricts its concern for the nearby wells to those within at most 175 feet of the HDD alignment. This restriction is claimed to be based on information from the hydrogeology report, but no such analysis appears in the hydrogeology report. In fact, given the karst terrain and the

occurrence of water contamination much farther away elsewhere along the Mariner East 2 route, that radius is not protective. For example, Scavello's Car Care in Exton, PA had its water contaminated at a distance of about 450 feet from Sunoco's drilling.

In its discussion of risks to water wells, Sunoco explains that drilling may "result in transport of diluted drilling fluids towards the withdrawn zone for individual wells." Sunoco also incredibly claims that, "while this does not present a health hazard, it can be unsightly to users and could affect taste." This claim is false. Bacterial contamination is known to result from drilling fluids or other sediment in drinking water. In fact, water contamination from Sunoco's HDD has already caused bacterial contamination in wells of residents in Exton, PA and in Berks County near the Joanna Road HDD Site. The resident by the Joanna Road HDD Site experienced severe health problems due to the contamination and previously commented to the Department on the re-evaluation.

Sunoco's suggestion to deal with the problem is not to build the pipeline in a more protective manner, but rather "to encourage landowners to make advance arrangements for the supply of alternative water sources as necessary during the HDDs." Residents nearby Sunoco's operations should not bear the burden of dealing with the consequences resulting from illegal conduct such as Sunoco's pollution of their wells. They are innocent bystanders. The Department has a legal obligation to not permit illegal pollution such as water well contamination, and may not approve construction techniques that are likely to result in such contamination.

In sum, Sunoco has not adequately identified the water contamination risks to nearby residents, and does not have an acceptable plan for avoiding harm to the residents.

3. The Geology and Hydrogeological Evaluation Report is Incomplete.

Within the Geology and Hydrogeological Evaluation Report is a statement that "From a geologic perspective, 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 HDD 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.

Similarly, Sunoco should indicate which of the best management practices it indicates it will follow that are above and beyond what it otherwise does, given that the status quo is not protective enough.

Conclusion

For these reasons, Appellants request that this proposal not be approved unless and until Sunoco provides the important additional information 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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