

June 7, 2018

By Email

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Re: Comments on Report for Spinner Road (PA-CA-0069.0000-RD, HDD# S2-0080)

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 number HDD PA-CA-0069.0000-RD (the “Site”).¹

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.

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 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-CA-0069.0000-RD

1. Mines vents should be identified and associated risks of drilling through or around mine vents should be assessed.

Several mine vents exist in the area of the proposed HDD alignment. At least one mine vent appears to be directly in the path of the HDD alignment. Sunoco's geologists have pointed out: "Three of the four mapped mine vents for the Cambria No. 33 Mine, proximal to the 20-inch and 16-inch alignments, *could not be identified* in the field and *would affect HDD construction* if encountered." (Emphasis added).

The extent of Sunoco's efforts to locate the vents is unclear. The Department should require Sunoco to describe exactly what was done in attempt to locate mine vents. If further measures can be taken to identify the vents, Sunoco should do so prior to any approval of plans for this site. The risks associated with encountering a mine vent during construction also need to be fully assessed and that assessment needs to be provided to the public and the Department in order to properly evaluate the proposed plans for the Site. This is especially important given that at least one of the vents that was identified appears to be directly in the path of the HDD alignment.

At a minimum, a mine vent would likely create a preferential pathway for the movement of drilling fluids and thus greatly increases the risk of inadvertent returns. Sunoco must supply a specific plan for avoiding and mitigating any risks associated with encountering mine vents.

Sunoco’s geologist cautioned that the drilling plan should “account for the potential to encounter one or more of the three deep mine vents that could not be located in the field.” Sunoco has not heeded this recommendation and must do so.

2. Sunoco must analyze risks associated with encountering natural gas.

Sunoco’s geologists pointed out “[a] natural gas odor was noted on the log at 26 to 28 ft bgs in boring B2-1E”. Sunoco should provide an explanation of the natural gas odor; encountering natural gas when drilling a test bore, which covers a very small area, suggests more natural gas could be encountered when executing the HDD, especially given the proximity to coal mines. Sunoco should also assess the risk associated with encountering natural gas during construction, and in particular, the risks to groundwater.

3. Subsidence complaints must be accounted for in Sunoco’s plans.

The report indicates that there have been no subsidence complaints relevant to the HDD site. However, a search on the Department’s eMAP feature reveals directly contradicting information. Sunoco’s report states:

The PADEP is responsible for maintaining an inventory of all abandoned mine related incidents in Pennsylvania. This includes mine subsidence incidents above closed mines such as Mine #33.

It is our understanding that their recording of these incidents began shortly after 1977. To our knowledge there have been no subsidence incidents reported to PADEP since 1977 anywhere near the planned HDDP. Attachment 2, p. 6.

The report also says that “No landowner complaints, including complaints associated with mine subsidence, were identified in the area of HDD-S2-0080 using PADEP eMapPA web site.” Attachment 1, section 2.2.6.

However, our search of the eMapPA website showed three subsidence complaints above Mine #33.² There was also a complaint of “Mine Water Damage” above the Mine #33 which was not

² The eMaps descriptions for the complaints read as follows:

Complaint ID: 263959
ER Related Incident: N
ICS Description: EP BAMR Cambria Dstr Off
Date Received: 6/4/2009
Resolution Date: 6/5/2009
Type Description: Mine Subsidence
County: Cambria

Complaint ID: 198422
ER Related Incident: N
ICS Description: EP BAMR Cambria Dstr Off
Date Received: 6/7/2004
Resolution Date: 6/7/2004
Type Description: Mine Subsidence

addressed in this report.³

And again, on page 8 of Attachment 2, the report states “Mr. Neff is still working at the facility (now owned by Arcelor Mittal) and there have been no incidents of surface subsidence above any abandoned gate-roads at this mine, of which he is aware.”

Even if, in fact, no subsidence above the *gateroads* portions have occurred, all subsidence events above Mine #33 should be investigated and taken into consideration in design of the HDD.

4. Sunoco should conduct additional tests to determine whether there will be further subsidence.

The predominant mining technique used in the vicinity of the Site relies on pillars collapsing as mining is completed and progresses to new portions of the mine. Accordingly, Sunoco has concluded most subsidence associated with such collapse has likely already occurred. There are some portions of the mines underlying the Site, however, where it is uncertain whether subsidence has occurred. While Sunoco’s geologists indicate that the pillar “probably failed soon after mining, and thus the subsidence due to yield pillar failure has probably already occurred,” they also report “if subsidence has not previously occurred, the possibility of future subsidence remains high.” Sunoco should do further analysis of these “Category 3” areas to determine whether pillar collapse and subsidence has indeed occurred. Sunoco could use geophysical methods to gather more information.

Conclusion

For these reasons, approval at this time would be premature and risky. Thank you for considering these comments. Please keep us apprised of your next steps on this HDD Site.

County: Cambria

Complaint ID: 198270
ER Related Incident: N
ICS Description: EP BAMR Cambria Dstr Off
Date Received: 4/15/2004
Resolution Date: 4/15/2004
Type Description: Mine Subsidence
County: Cambria

³ Complaint ID: 292276
ER Related Incident: N
ICS Description: EP BAMR Cambria Dstr Off
Date Received: 9/18/2012
Resolution Date: 11/16/2012
Type Description: Mine Water Damage
County: Cambria

Sincerely,

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