

October 15, 2018

By Email

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**Re: Sunoco’s Response to DEP’s request for information on
PA-YO-0063.0000-RR-16 (HDD# S2-0280)**

Dear Mr. Williamson,

On October 10, 2018, Sunoco submitted a letter to the Department in response to the Department’s request for additional information regarding horizontal directional drill (“HDD”) PA-YO-0063.0000-RR-16, HDD# S2-0280 (“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.

Appellants will focus on Sunoco’s response to the following request from the Department:

In the boring log for the Geobore B-2 in 2017, there is a note of petroleum odors at a depth of 13 to 15 feet below ground surface (ft bgs). However, there is no discussion in the report pertaining to the petroleum odors and what happens if the HDD drill encounters this layer. If the layer is contaminated, then steps must be taken to mitigate any spread of the contamination. For example, mitigation measures like casing off this layer or disposal of contaminated drilling mud. Please explain what steps will be taken if contamination is encountered.

Sunoco’s response to this request raises multiple concerns.

First, Sunoco claims that the petroleum order is not an issue because the test bore result does not reflect conditions along the drill alignment: “The location of Geobore B-2 is 135 foot (ft) north of the entry point of the 16-inch HDD; therefore the sub-surface ground

conditions at the geotech bore location are likely not representative of those at the HDD entry.” If this is indeed the case, then Sunoco needs to redo its geotechnical evaluation in its Skelly & Loy Hydrogeological Re-Evaluation Report, which relies extensively on the two new borings, B-1 and B-2. *Sees Skelly & Loy at Section 3.0 (hydrogeology), 5.0 (geotechnical evaluation), and 8.0 (conceptual hydrogeological model).* The Skelly & Loy report notes, referring to the new bores including B-2, “The borings were completed to investigate soil, residual soil, and bedrock conditions using hollowstem augers with split spoons for soil sampling and a core barrel/bit for rock coring.” Now Sunoco is claiming that B-2 is not representative for the very purpose for which it was commissioned. Presumably Sunoco would reach the same conclusion about B-1, approximately 100 feet from the alignment. In the sealed Skelly & Loy report, these borings were described as “located in the vicinity of the HDD limit of disturbance.”

Sunoco is trying to have it both ways, but either the sealed Skelly & Loy report is unreliable or the boring is representative of local subsurface conditions.

Second, Sunoco’s plan for responding to possible petroleum contamination is highly inadequate. While Sunoco claims it will follow the procedures set forth in Section 6.2 of the Water Supply Plan if a petroleum odor is detected during excavation, it has no intention of doing so once it begins drilling. Pursuant to Section 6.2 of the Water Supply Plan, if a petroleum odor is detected, construction must be stopped until the threat is contained. HDD construction is not exempt from this portion of the Water Supply Plan, despite Sunoco’s attempt to walk back protections in the Water Supply Plan in response to the Department’s inquiry. The separate HDD IR PPC Plan is designed specifically to address inadvertent returns of drilling fluid, not intercepting toxic hydrocarbons. As such, the two documents work together in the context of HDD construction and both must be followed here.

Sunoco’s proposal to collect one sample daily for lab testing provides no assurance of safety. Lab processing takes time, and to some extent, that timing is subject to Sunoco’s control. Sunoco’s lab testing of drinking water supplies for residents impacted by Sunoco’s drilling fluid spills has sometimes taken weeks if not months. Even if a lab test only takes a couple of days in this instance, that is a couple of days our waterways could be exposed to dangerous – and preventable – petroleum pollution. By the time a lab result comes back indicating contamination, drilling will have progressed, potentially further into the contaminated layers, compounding the threat. Moreover, under Sunoco’s current proposal, Sunoco has even more incentivize to drill as quickly as possible to complete work before potentially problematic lab results are returned, slowing its progress. The Department will eventually fine Sunoco for the contamination event after the fact, but as we have seen time and again, that is part of Sunoco’s cost of business and getting the pipelines in the ground takes precedence over preventing pollution when prevention means slower construction. The Department has an important opportunity to prevent pollution now, before it occurs, by requiring protective protocols and adequate testing to be in place before drilling begins.

Finally, given the history of Sunoco's repeated failures to prioritize safety and reporting, it would be foolish to trust Sunoco to make determinations regarding the safety of a site without Department involvement when a petroleum odor is detected. If a petroleum odor is detected, the Department should be notified immediately, be provided copies of any lab tests, and inspect the site prior to resuming construction, including drilling. Any nearby residents that might be impacted should also be notified. Sunoco's current proposal that "[c]onstruction may continue unless the SPLP Environmental Compliance Coordinator, in consultation with SPLP Rapid Response personnel, determines that proceeding with construction poses a threat to health, safety, or the environment" does not meaningfully protect the public or the waters of the Commonwealth from Sunoco's self-serving motives to rush forward with construction.

Sunoco's proposal for the Site should not be approved unless and until Sunoco fully addresses these concerns.

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

Sincerely,

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