

November 20, 2017

By Email

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Re: Comments on Report for HDDs PA-CH-0219.0000-RD and PA-CH-0219.0000-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 (“Settlement”), 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 PA-CH-0219.0000-RD and PA-CH-0219.0000-RD-16 (the “HDD Site”).¹

As Sunoco proposes a major modification, Appellants should be clear that these comments are not necessarily the final comments Appellants will make on the proposal. Appellants reserve the right to comment during the official public comment period on the fuller set of application materials.

¹ The Settlement 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 so that it does 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 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 HDDs PA-CH-0219.0000-RD and PA-CH-0219.0000-RD-16

1. The "flex-bore" proposal is not fully fleshed out in the Report and differs from what is presented in the revised plans.

At the HDD Site, Sunoco proposes to "utilize a new drilling and reaming technology that is a combination of HDD and conventional auger boring methods called 'flex-bore'." See "Inadvertent Returns Discussion" in the Report. Sunoco has not said so, but Appellants presume Sunoco means to refer to Barbco's FlexBor system.

Sunoco describes the system in its Inadvertent Returns Discussion. It writes, "A 'flex-bore' machine does not utilize bentonite as an additive to create a 'mud slurry' to carry cuttings during the pilot and reaming phases." But it is unclear whether a standard HDD setup with bentonite slurry is used to *drill* the pilot phase. Sunoco does not say. It does say, "During the pilot hole phase, a standard, but smaller, diameter drilling tool and bottom hole assembly is used to drill the designed profile." No mention is made of what, if any, lubricant is used for that phase.

The same odd omission is present in Barbco's promotional materials for FlexBor. See http://www.barbco.com/wp-content/uploads/2016/06/3988_FlexBor-Brochure_HR-2-1.pdf. "The pilot hole is obtained using conventional methods (i.e. utilizing a horizontal directional drill)." Presumably bentonite slurry is used there.

On July 27, 2017, Sunoco submitted an affidavit on EHB Docket No. 2017-009-L of David Runte, Senior Director Engineering / Senior Project Director of Energy Transfer Partners and Sunoco Pipeline L.P. In paragraph 8 of his affidavit, Mr. Runte testified that the pilot phase of HDD is the phase with the greater risk of an inadvertent return.

In order to understand the risks involved, the Department should request from Sunoco what exactly it is proposing with respect to “flex-bore” before making a determination as to the proposal.

Furthermore, the FlexBor materials linked to above indicate that a bore pit similar to that of a conventional auger bore is needed to operate its machinery, at least on one end of the drill. However, the revised plans and HDD profiles Sunoco attached do not show a bore pit at either end of the revised drill. If that is the case, the entry angle also is clearly wrong—it should be close to zero degrees at at least one end of each of the 20-inch and 16-inch revised designs.

Sunoco needs to explain what is happening with these revised plans or amend the plans to make them consistent with what would actually happen using “flex-bore” machinery.

Finally, while FlexBor is likely a safety improvement over conventional HDD, it should be noted that bentonite itself is not the primary driver in causing most of the water well contamination to-date. Rather, as the Report notes, at the mass contamination incident at the Shoen Road HDD location, “Local groundwater hydraulics and a large difference in elevation between the entry and exit points caused the water supply impact here.” HDD Hydrogeologic Reevaluation Report at 9. FlexBor may be one useful tool out of many needed to reduce risk.

Sunoco admits that “The implementation of engineering controls, alternate drilling technology, and drilling best management practices will be required to minimize the occurrence of IRs.” However, unlike in some re-evaluation reports, Sunoco has not committed to implement any best management practices. The Department should require such measures, given the known risk to a public water supply, and unknown risks to private water supplies.

2. Sunoco does not appear to have re-evaluated the HDD design since the settlement.

As reflected in Paragraph 2 of the Corrected Stipulated Order, “Sunoco will perform a re-evaluation of the 41 HDDs listed on Exhibit ‘2’ attached hereto.” However, Sunoco’s proposal appears to date from July, 2017, before the negotiations for the settlement even began. *See* Attachment 2 to the Report. The language of the Corrected Stipulated Order makes clear that Sunoco must do *new* evaluation, not simply rely on what it has already done.

Paragraph 4 of the Corrected Stipulated Order requires “re-examin[ation]” of geology, consideration of certain site-specific information, and use of certain scientific data and techniques.

It appears Sunoco made a decision in July as to how it wanted to re-work the HDD Site and has now created a Report affirming that pre-existing decision. This is not what was agreed to and ordered.

In particular, it is not clear that Sunoco has done anything to take into account the problems related to spills and private water well contamination besides what it incidentally did by agreement with Aqua America. The purpose of the re-evaluation is to provide further protections. Since the entry of the Corrected Stipulated Order, for this HDD Site, Sunoco does not appear to have undertaken that task.

3. The surface impacts and costs to the community are considerable, and alternative routes were not actually considered.

The analysis Sunoco has presented in its Report ignores the considerable and unacceptable surface impacts of the proposal. These impacts are not tallied in its Report, and not readily visible in the plans attached thereto.

However, this Report has garnered a stronger reaction from the public than Appellants have seen yet for an HDD re-evaluation report. The public—particularly Chester County residents who live nearby or frequent the area—have raised a host of concerns the Department should take seriously.

Sunoco now proposes to open-cut through Meadowbrook Manor Park and the Little League fields there. Sunoco also plans to clear a large area surrounding the Chester County Library and District Center, which is a major community center drawing hundreds of thousands of visitors annually. The trees and glade there are beautiful and mature, a major asset to the center.

The area between the Exton Square Mall, the Chester County Library and District Center, Route 30, and a residential neighborhood is also a floodplain highly prone to flooding where, according to reports from residents, two houses have already been lost to flooding.

Residents are concerned as well about the choice to build the project along this little sliver of greenery in a dense and heavily-populated area, with all the risks involved.

This is not even to get into the ecological impacts of deforesting a quarter acre of PFO wetlands.

With all this as background, one would think that Sunoco would take seriously the consideration of alternative routes. The “Re-Route Analysis” in the Report, however, clearly had no thought put into it. The first two sentences are a boilerplate description not site-specific. Sunoco then writes, “The Swedesford Road Crossing HDD is co-located within the existing SPLP 8” pipeline ROW and rerouting would cause new greenfield impacts.” The claim that re-routing would cause “new greenfield impacts” is demonstrably false. Sunoco has located this portion of the route along one of the greenest corridors in the area. Plenty of other locations could be considered.

For example, just a little farther south in Chester County, Sunoco has chosen a route largely under Ship Road and Boot Road. That choice created comparatively fewer “greenfield impacts” than routes Sunoco could have taken through woods and residential backyards. There are other asphalt-only options that Sunoco could have consider to avoid the precious few actual green fields in Exton. Pottstown Pike, the Exton Square Parkway, parking lots for the various commercial outlets in the area—Appellants are not saying any of these are the one correct route, but to claim that these “would cause new greenfield impacts” is either dishonest or ignorant.

Sunoco further claims in the “Re-Route Analysis” that “given the length and general perpendicular direction of streams S-B79 and S-B81 (unnamed tributary to Valley Creek and Creek, respectively), no practicable re-route option lies to the north or south of the proposed route that would not ultimately cross these streams.” This is misleading. The pipeline crosses this region north-to-south. Re-route options are necessarily east or west of the area, not north or south of it. The unnamed tributary could be completely avoided by re-routing to the west. Valley Creek would need to be crossed, but it could be crossed while doing less damage to the surrounding areas if it were crossed at a different location. Sunoco did none of this analysis.

Even a basic honest re-route analysis would consider some of these issues, but Sunoco’s did not. The Department should require actual, honest consideration and analysis of alternative routes with the possibility of choosing one, rather than simply and perfunctorily checking a box.

4. The proposed E&S plans suggest excessive and unneeded earth disturbance.

The conversion of HDD to auger boring in some locations should cut down on the temporary workspace needed. However, in some locations, Sunoco is proposing to take significantly more space than what was permitted. It is not clear what the need is for that additional space. In a densely built-up area and within a dangerous floodplain, Sunoco should not be proposing to use additional unneeded space.

Specifically, the workspace at the south end of Meadowbrook Manor Park is enlarged for no apparent reason, as is the area immediately south of the library (within a floodplain and in an area to be bored). South of Route 30, Sunoco proposes to shorten the HDD, ending it farther north. Barbco also advertises that that its FlexBor system can be used in a comparatively “small footprint.” See http://www.barbco.com/wp-content/uploads/2016/06/3988_FlexBor-Brochure_HR-2-1.pdf. Yet Sunoco proposes to extend the limits of disturbance all the way north to Route 30 and keep the existing extent of workspace south of the HDD endpoint, thereby increasing the amount of workspace for a shorter HDD.

There may be an explanation for this, but it is not apparent from Sunoco’s Report. This should be altered or justified before the Department approves the changes.

5. Sunoco’s private water supply information is still incomplete.

Sunoco performed extensive testing and geologic evaluation to ensure its construction would not result in contaminating the nearby Aqua public water well. This is proper. It has fallen short, however, in evaluating risks to private water supplies, despite a large known risk to quantity and quality of groundwater in the area generally.

Sunoco's landowner outreach plan, explained in the Report's "Adjacent Features Analysis," is stronger than what it conducted at other HDD Sites in that Sunoco will conduct follow-up for landowners who do not respond by mail. However, that has not yet happened. Without that information, Sunoco cannot conduct the well production zone analysis required for their wells by the Corrected Stipulated Order, paragraph 4.ii. Nor, generally speaking, can Sunoco do much to avoid impacts, since it does not know where those residents' wells are.

Again, the point of this re-evaluation process is to use better processes and information to plan these crossings, not to plan them and then produce paper justifying them. It is important that the Department ensure that these analyses are complete before approving them.

Because Sunoco has failed to identify the water supplies and the nature of the water supplies and groundwater near the HDD Site, it cannot determine whether any hydrogeological interference caused by the HDD would put those water supplies at risk. Without that information, the Department cannot approve Sunoco's proposal.

Conclusion

For these reasons, Appellants request that the Department deny Sunoco's re-evaluation recommendation for this HDD Site. It is clear based on the risks to water supplies and the damage that would be done by trenching that the choice of route is not appropriate.

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

Sincerely,

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