

January 23, 2018

By Email

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Re: Sunoco’s Response to DEP’s request for information related to the East Swedesford Road Horizontal Directional Drill Location (S3-0381/ PA-CH-0219.000), DEP permit No. E15-862

Dear Mr. Rocco:

On January 18, Sunoco submitted a letter to the Department in response to the Department’s requests for additional information regarding horizontal directional drilling (“HDD”) site S3-0381/ PA-CH-0219.000 (“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.

Thank you for holding Sunoco accountable to the re-evaluation requirements of the Order. The HDD re-evaluation process ordered by the Environmental Hearing Board is critical to protecting drinking water supplies and natural resources across Pennsylvania. Appellants sincerely appreciate that the Department is treating this process with commensurate seriousness and sense of purpose. The Department’s requests for additional information regarding the Swedesford Road site were particularly thorough and reflected many of the concerns shared by Appellants and other members of the public.

Having reviewed Sunoco’s response letter, Appellants continue to be concerned about the glaring lack of verifiable information regarding this Site. Sunoco has not yet provided adequate responses to the Department’s requests, thereby undermining the Department’s ability to meaningfully evaluate the proposed changes for the Site.

Alternatives analysis. The Order requires Sunoco to consider alternative routes to the one initially proposed. Once again, they have failed to do so. Their verbiage asserting that “no practicable re-route options” exist apart from the current proposal is simply a reiteration of

previous inadequate responses.

The Department must continue to insist that Sunoco do an evaluation of actual alternative proposed routes to either side of Exton, and for routes under paved areas through Exton, that Sunoco actually maps out and discusses in specific. This is what a majority of the comments submitted by the residents of this densely-populated area have requested. And Sunoco must consider alternatives that take into account county-wide impacts, not simply the impact of re-routing this single segment. In the history of this proposed pipeline, the company has not provided any evidence that it has ever done this. It unilaterally dismisses all alternatives as “not practicable”.

Notification of landowners and danger to wells. It is unfortunate that Sunoco failed to provide the Department with organized, site-specific documentation proving it offered proper and adequate notice to all property owners within 450 feet of the pipeline alignment. The fact the Sunoco now seems to believe further outreach, including the door-to-door survey that was initially recommended by Sunoco’s own experts, is unnecessary is especially troubling. Unsupported by scientific evidence, Sunoco has decided that its newly-outlined approach, based on “FlexBor” technology, would be “considered a conventional bore by industry standards” and that therefore “a response from these landowners was no longer necessary.” This is simply not the case. As the maker of FlexBor states, “The FlexBor system is a hybrid tool and *method of horizontal directional drilling* and auger boring” (emphasis added; *see* http://www.barbco.com/wp-content/uploads/2016/06/3988_FlexBor-Brochure_HR-2-1.pdf). FlexBor is horizontal drilling, and it is directional. There is no exception in the Order allowing Sunoco to escape its obligations simply by changing from one type of HDD to another—that is indeed exactly what the Order contemplates. Sunoco needs to be required to notify these landowners and to provide proof of that notification.

Furthermore, Sunoco has not provided adequate support for its conclusion that its new FlexBor approach is not likely to impact wells because it will not reach the water table. Even if the water table ultimately is not directly intercepted by drilling, that does not ensure that wells will not be affected, especially given the karst geology of the site. Sunoco needs to identify all the nearby wells and offer testing to the landowners, as required by the Order. Without identifying wells and well production zones, Sunoco cannot provide any meaningful assurance that those wells will be safe.

There have been several well contamination complaints since the August 9 settlement, which shows that Sunoco is still not doing a good job of mitigating this problem.

Concerns related to “FlexBor” technology. The FlexBor technology, from Barbco, Inc., is a new approach to reaming after a pilot hole is created. The first public demonstration apparently occurred in May of 2016 (see <https://trenchlesstechnology.com/flexbor-unveiled-in-pennsylvania/>).

Sunoco states that the FlexBor reaming system is “specifically designed to minimize the risk of discharges of any kind during the reaming phase.” If Sunoco has real-world evidence that it actually does minimize that risk, the company should be required to provide it. This technology

is so new that there is likely to be very little actual field experience involving it.

Sunoco states that the pilot hole will be created “using a FlexBor unit driving a 7-inch diameter percussion hammer”. We find nothing on the Barbco.com website suggesting that Barbco offers such a FlexBor percussion-hammer unit. That suggests some other equipment will be used. Sunoco should be required to clarify that point.

Additionally, if this percussion-hammer approach to creating the pilot hole is used, how will the drill be guided? The Sunoco proposal requires that the pilot hole remain in a relatively narrow part of the right-of-way (to avoid other pipes already present there) and that it remain almost perfectly horizontal over a distance of 497 feet, while passing only 5 feet below a stream and less than 8 feet underground at other points. When using a steerable HDD drill, this kind of precise positioning can be achieved. But what evidence does Sunoco have that it can be done with a percussion hammer drill? We also note that, in the past, there have been instances where the ME-1 pipeline turned out not to be located where Sunoco’s contractor thought it was. If that should be the case here, it creates the possibility that the percussion drill could damage the ME-1 pipe. Sunoco needs to address the steps it is taking to avoid this highly dangerous scenario.

Disclosure of additives. Sunoco discloses that it will use “Bara-Kade” bentonite and provides the MSDS for that product. With Sunoco’s phrasing, however, it is not clear that that will be the *only* product used. Sunoco regularly uses other additives, such as loss control materials or otherwise, in its bentonite solutions. Sunoco should clarify if this is the *only* substance besides water it will put in any solution it injects in the ground. If other substances are being used, the public and the Department need the MSDS for each in order to understand the risks they pose.

Excessive and unneeded earth disturbance. As we have indicated in previous comments, the new FlexBor approach that Sunoco proposes should result in a smaller requirement for workspace. However, Sunoco’s new proposal shows it taking far more workspace than permitted in some locations. In particular, the workspace indicated at the south end of Meadowbrook Manor Park and the area immediately south of the library (both of which contain wetlands, mature trees, and areas prone to flooding) should not be allowed to be used unless Sunoco can provide strong justification (which they have not done so far).

Geotechnical analysis. Sunoco claims that existing geophysical studies and one nearby test boring are sufficient to be confident that sinkholes and other karst-related problems are unlikely and have been adequately mitigated. We disagree. Sunoco’s own geologists felt that more testing was needed to better understand the karst geology.

Subsidence is a very real possibility in this karst landscape, and bending of the pipeline from subsidence could lead to disaster. Sunoco’s construction has already resulted in sinkholes. The increased connectivity of groundwater in karst areas also puts water supplies at this site at increased risk of contamination and other disruption. Appellants urge the Department to continue to hold Sunoco to the requirements of the Order by demanding geotechnical surveying.

The claim Sunoco now raises, that interference from traffic on nearby Lincoln Highway would

disrupt the use of their favored geotechnical tool, multichannel analysis of surface waves (MASW), does not negate the need for further study or relieve Sunoco's obligation under the Order to provide it. There are techniques for making MASW work in dense urban settings, with far more traffic than the Lincoln Highway has. Most simply, choosing the right time of day can generate better data. There is very little traffic on Lincoln Highway during the early morning hours, and MASW could be done then with minimal interference. There are also other geotechnical survey techniques that could be used, such as electrical resistivity. The rationale Sunoco has relied on for rejecting geotechnical surveying techniques at other sites—the depth of the pipe—does not apply here where construction is now planned closer to the surface. Geotechnical surveying could help avert grave ecological harm or even disaster in this highly populated area. Sunoco has not demonstrated otherwise and should follow the recommendations of its own scientists who felt further testing was needed.

Appellants remain concerned about a consistent pattern of Sunoco disclosing too little and rejecting opportunities to gather additional data. This results in an ongoing lack of information that renders the Department and the public unable to sufficiently evaluate Sunoco's proposed re-evaluation recommendations.

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

Sincerely,

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