

March 7, 2019



By Email

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**Re: Comments on Report for HDD PA-LE-0005.0000-RD-16 (HDD# S3-0091-16)**

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 number PA-LE-0005.0000-RD-16 (the “HDD Site”).

**1. The Report regards protection of water supplies as an afterthought.**

A troubling pattern has become apparent in Sunoco’s recent rush of HDD reevaluations: Sunoco is reporting less information regarding the water supplies in proximity to HDD sites and it is unclear whether Sunoco has been following required protocols for identifying wells and offering water supply testing. The present Report is one of multiple examples.

First, while some recent reports have provided minimal and contradictory information about the timing of landowner research, here, no information is provided in the Report about the timing of landowner outreach. Water testing should have been offered in conjunction with the restart of drilling for the 20-inch line and offered again in association with the 16-inch line. The Department should ensure that this took place.

Second, there is no discussion of whether any residents wanted their water tested, whether they wanted replacement water during drilling, whether there had been any water supply complaints during the 20-inch drill, or other such details related to specific water supplies. The Well Location Map indicates that Sunoco does not know the depths of any of the wells in the vicinity of the HDD Site. Such information helps provide a more complete picture of the risks to water supplies and is instructive as to whether Sunoco’s plans for the Site are sufficiently protective. The Department should require Sunoco to update the Report with details on when landowners were contacted, where water supply testing was requested and performed, well depths and other relevant details about specific wells, as well as any issues that arose regarding water supplies during drilling for the 20-inch line.

Third, a review of dates throughout the Report suggests that actual water supplies were not even taken into account when Sunoco redesigned the 16-inch line. The Well Location map was prepared 2/7/19. The Report describes the profile for the 16-inch line having been redesigned nearly three months prior to that, on November 16, 2018. Without information on the timing and results of landowner contact, and an explanation of how that information was used in the planning of the new profile, it appears water supplies were merely an afterthought.

Sunoco's increasingly lax approach toward reporting specifics on water supplies and considering them in its plans is drifting even further from both the requirements of the Order, which mandates Sunoco to evaluate well production zones, and one of the course purposes of the reevaluation process, which is to protect water supplies. The Department must not let this continue.

## **2. Sunoco has mischaracterized the inadvertent return that occurred during the drilling for the 20-inch line.**

During the drilling of the 20-inch line, an inadvertent return occurred "20 feet south of the limit of disturbance, when the drilling tool was approximately 50 ft before the exit point." The Report downplays this IR as a "Punch Out" IR and goes on to explain that such incidents are "difficult to prevent." Ultimately, Sunoco concludes the "redesign of the HDD will not prevent all IRs." Sunoco's characterization of the IR as a "Punch Out" is wrong and the Department should require Sunoco to take further action to prevent IRs at the Site.

The April 2019 HDD IR PPC Plan defines "Punch Out returns" as:

releases of drilling fluids in uplands that occur *within the HDD staging area as depicted in [the] approved erosion and sedimentation control plan*. Punch-out returns may occur when the HDD nears the exit point during pilot hole drilling as a result of reductions in the depth of the drill (less soil/bedrock) and unconsolidated soil conditions near the exit point.

(Emphasis added.) An IR that occurs outside of the limits of disturbance, such as the one that occurred at the Site during the drilling of the 20-inch line, is not a "Punch Out" IR and warrants a higher level of scrutiny. This sort of mischaracterization cannot be allowed to stand, especially as Sunoco seems to be relying on the terminology to justify future IRs. If Sunoco is claiming that IRs outside of the limits of disturbance cannot be prevented, it is effectively admitting in advance it will violate its permits. This requires a closer look.

The Department should also require Sunoco to provide a thorough discussion of which BMPs are appropriate for the Site, how they will be implemented, and how they will reduce the risk of IRs. The Report lists but does not discuss the BMPs Sunoco intends to use at the Site and they are mostly the same boilerplate BMPs that have proven inadequate at other sites. The Department should not allow Sunoco to shortcut the reevaluation process with incomplete analysis.

**3. The Report appears to not comply with paragraph 5.i of the Order requiring that it “document in detail the information considered for the re-evaluation of the design of the HDD.”**

The Report states: “SPLP possesses a complete geologic profile from the drilling of the 20-inch pipeline HDD, and vertical geotechnical data. No additional information is needed to reevaluate the installation of the 16-inch pipeline by HDD.” If that is the case, then the Report does not comply with the Order, which specifies at paragraph 5.i that “The Report shall document in detail the information considered for the re-evaluation of the design of the HDD at that site.” This “complete geologic profile” is nowhere to be found in the Report. Moreover, it does not appear to have been made available to Sunoco’s hydrogeologists, who do not describe knowing what that “full geologic profile” is.

Sincerely,

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