May 27, 2019

By Email

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Re: Sunoco's response to the Department's request for information on HDD PA-LE-0005.0000-RD-16 (HDD# S3-0091-16)

Dear Mr. Williamson,

On March 28, 2019, the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling ("HDD") indicated by drawing number PA-LE-0005.0000-RD-16 (the "HDD Site"). Sunoco responded to the March 28, 2019 letter on May 21, 2019, supplementing the Report. 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 regarding Sunoco's May 21, 2019 supplemental response ("May Response"). The comments are numbered to correspond to the numbering in the Department's March 28, 2019 requests and the May Response.

1. Justification of Drilling Path

The Department made a number of requests related to Sunoco's lack of explanation or justification for the specifications it is proposing for the 16-inch profile. First, the Department pointed out that Sunoco "failed to fully utilize information gathered during the HDD of the 20-inch bore as part of the HDD Re-evaluation for the 16-inch pipeline." The Department requested Sunoco gather this information, and, specifically that Sunoco include the "full geologic profile from the drilling of the 20-inch HDD." In the Report, Sunoco had claimed that because it had the full geologic profile from the drilling of the 20-inch HDD, it did need to collect additional geotechnical information. This makes it especially important that Sunoco provide the full geological profile from the 20-inch HDD and discuss how that data informed its plans for the 16-inch line.

Despite the Department specifically calling this out, Sunoco has still failed to provide the full geologic profile from the drilling of the 20-inch line or to discuss how it was used in any meaningful detail. In its May Response, Sunoco argues that it provided "cross section views" of IR events. While those data points were a helpful addition, it is not the same as or a substitute for the full geologic profile for the 20-inch drill. Sunoco needs to explain and provide the data to support what specific geological conditions it encountered along the entire path of the 20-inch

drill. Without that information, Sunoco's claim that it relied on the geologic profile from the 20-inch profile and that no additional geotechnical information is needed remains baseless. Sunoco should be required to provide this information as the Department requested, or if it cannot or refuses to, Sunoco should be required to conduct additional geotechnical testing.

Similarly, Sunoco refers to having relied upon daily drilling and HDD inspection reports. Sunoco does not provide any of them or their content, only general statements about what it considered. Sunoco also describes relying on review of annular pressure. What specific observations, findings, or other information from these sources was used in designing the new 16-inch profile? How did that specific information inform the design of the 16-inch profile? Again, the Department asks for such a discussion and Sunoco has failed to provide it.

Finally, Sunoco also ignores the Department's request to explain why the proposed bore path for the 16-inch line was chosen. A satisfactory response would discuss factors such as the integrity of the bedrock at the specific depth that was chosen for the horizontal run as compared to the integrity of the bedrock at other potential depths. No such discussion is provided.

Sunoco's continued refusal to provide specific, data-driven support for its plans suggests that a well-reasoned justification for its proposal simply may not exist and that it is approaching the reevaluation of this site with the same disregard for detail and risk that has spurred destruction across the state.

Moreover, Sunoco's justification for not using the direct pipe method includes a claim that "the elevation changes across the length of the profile do not permit the use of this technology, since a Direct Pipe Bore is limited to 4 degrees of steering or less." This does not make sense, as the topography of the Site is flat. Sunoco plans to use direct pipe at the Glen Riddle Road HDD Site across a steep decline as well, regardless of that slope.

2. Water Supplies

The Department asked Sunoco to evaluate and discuss how the proposal for the 16-inch profile will "minimize the potential for IR's and impacts to water supplies." Sunoco provides no such evaluation or discussion. Instead, it merely attaches summary tables of well testing results. Those results raise additional concerns.

First, despite Sunoco's claims that this information about wells was considered before submitting the proposal, it does not appear the well testing results were shared with or used by Sunoco's hydrogeologists. The Geological and Hydrogeological Evaluation Report prepared by Sunoco's consultant, Rettew, does not even acknowledge that these tests were done, much less discuss the results. The May Response discusses a water supply complaint that Sunoco had previously failed to disclose, but still does not illuminate what if anything Sunoco has done to protect private water supplies in its proposal. Given the focus of the Department and the public on the threat Sunoco's construction practices poses to private water supplies, it is unclear why Sunoco would not take advantage of an opportunity to demonstrate that it fully accounted for these concerns if it had indeed done so.

Second, the timing of Sunoco's water testing results shows that the majority of residents who received testing never received water testing after drilling was finished. Those residents have not received a complete picture. For many residents in the vicinity of the Site, the parameters for the tests also did not include testing for bacteria, as detailed in the Water Supply Plan. Though the Order requiring these testing parameters be used was not in effect when drilling at the Site started for the 20-inch line, there is no question that the more comprehensive testing is required now. Additional data is needed to establish baseline readings before drilling for the 16-inch line can commence. Per the Order, residents also need to be offered water testing before, during, and after the drilling of 16-inch line. Sunoco should make clear that it intends to follow through on this obligation.

3. Analysis of Geological Depth and Profile Strength

The Department has rightly pointed out that the Report provides no analysis "tying the revised drill path to any specific zones noted in the core boring logs or why the revised 16-inch path was chosen." The May Response fares no better. Continuing its pattern of evading discussion supported by specific facts and data, Sunoco again provides only general statements about having chosen the path for the 16-inch bore based on the 20-inch bore, the data for which it is has still not disclosed. If Sunoco's proposal is sound, it should be not be difficult to provide an analysis "tying" its conclusions to the specific data that supports them. The Department and the public cannot be expected to trust empty claims.

4. Communication between the 20-inch Borehole and the 16-inch Borehole

The Department has asked Sunoco to address the potential for increased risks of communication associated with the close proximity of the 20-inch and 16-inch boreholes. Sunoco has all but dismissed this concern, arguing that the lack of incidents while drilling for the 20-inch line means it is safe to proceed with the 16-inch line. If Sunoco had actually provided a full geologic profile for the 20-inch line, this argument might provide some comfort. However, even what we do know about the 20-inch line demonstrates that there was an IR, and that a similar IR is likely to occur again with the drilling for the16-inch line. Sunoco argues that the IR was not the result of bedrock integrity and that there "would be no means for any drilling fluid to migrate from the 16-inch HDD to communicate with the 20-inch HDD." Sunoco is ignoring the possibility that the borehole for the 20-inch line has created an additional preferential pathway through the overburden material making another IR even more likely if drilling for the 16-inch line happens close by. Sunoco itself has provided an example of this in the HRR for the Glen Riddle Road Re-evaluation Report. There, it described how the swabbing of the 16-inch borehole removed excessive material, creating subsurface voids. Such voids need not have resulted in LOCs or LORs for there to be interference with another adjacent borehole. Sunoco should evaluate this risk.

Thank you for considering these comments. Please keep Appellants apprised of any next steps.

Sincerely,

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