

February 28, 2019



By Email

ra-eppipelines@pa.gov
kyordy@pa.gov



Re: Comments on Report for HDD PA-CA-0069.0000-RD-16 (HDD# S2-0080-16)

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-CA-0069.0000-RD-16 (the "HDD Site").

1. The Department should require Sunoco to clarify what it is committing to.

While Sunoco makes several statements in the Report about what it will do if the Department approves its revised 16-inch drill plan that will be protective of the environment and private property, it makes a distinct and contradictory set of commitments in the conclusory section "Reconsideration of the Horizontal Directional Drill." The Department needs clarity from Sunoco about what exactly it is proposing before it can consider giving approval.

Sunoco noted in the Report that

During the 20-inch HDD at this location, SPLP drilling specialists altered the response to LOCs by mandating an immediate stop of drilling; tripping out of the drilling tool; tripping in with an open stem, and grouting of the pilot hole using a sand/cement grout. After allowing 12 or more hours for setting of the grout, the driller was allowed restart [sic] the pilot drill, drill through the grouted annulus and return to the pilot hole face.

Sunoco continued,

Sunoco Pipeline, L.P. (SPLP) HDD consultants reviewed the HDD design, previous IR events, and geotechnical data for this area and determined that the risk of IRs to the waters overlying the 16-inch HDD could be reduced by increasing the depth of the profile and

implementing the proactive grouting program outlined in the paragraph above. The proactive response practices will be used to control LOCs and help to prevent IRs.

However, that procedure does not appear in its conclusion, which instead says: “It is SPLP’s intent to modify the current permitted profile design (revised 1/29/18) and to pursue a deeper and longer revised HDD profile (revised 1/31/19) and employ the above-referenced drilling best BMPs.” Those BMPs do not include the loss of circulation response protocol. Quite the contrary. The BMPs listed are Sunoco’s new boilerplate BMPs, which include the provision: “During all drilling phases, the use of Loss Control Materials (LCMs) will be implemented upon detection of a Loss of Circulation (LOC) or indications of a potential IR are noted or an IR is observed.” This contradicts the “proactive grouting protocol” Sunoco detailed earlier. As a result, it is not clear what Sunoco is proposing. The Department should require the “proactive grouting protocol” that Sunoco determined to be effective in preventing more IRs at this HDD Site rather than the boilerplate that it uses for HDD sites generally.

2. The Department should add certain conditions before considering approval.

In addition to clarifying what is being proposed, the Department should ensure that certain additional conditions are imposed if the Department approves the revised 16-inch HDD plans.

In the July 19, 2018 approval letter, the Department added the following condition to the approval: “SPLP shall monitor the mine pool elevation during the HDD operation to ensure the HDD does not intercept the mine pool.” For some reason, Sunoco does not propose to do the same in the Report. However, the Report notes that “Because the lowest elevation of the revised profile is 1,547 ft amsl there is a theoretical possibility that a drill could intersect the mine pool under permitted conditions and affect mine pool hydrology.” If Pristine Resources is correct, “under normal operating conditions” the mine pool would not intersect with the drill profile. However, sometimes normal operating conditions do not obtain. There is no harm in monitoring the mine pool elevation just in case. The Department should make the condition it added before a condition to any approval it considers here.

Also, curiously, in this Report, Sunoco removed the best management practice that it put in place for the 20-inch line upon re-evaluation of converting the drill to an intercept drill. Sunoco in its 20-inch re-evaluation report wrote “This lowers the pressures required to maintain return flows to the entry points, compared to a single HDD pilot hole through the exit radius to the land surface.” Presumably the same logic would apply here, where the proposed revised profile is very similar to that of the 20-inch pipe.

It is unclear why Sunoco removed this BMP. Sunoco does not analyze or even mention the possibility in its Report. The only notes in the Report are that the 20-inch was an intercept drill, and the earlier site drawing included an instruction no. 12 that it should be an intercept drill which Sunoco removed in the revised version. The Department should require an analysis from Sunoco of the propriety of using that BMP here as well.

Finally, the Hydrogeologic Report at Section 2.2.6 stated: “HDD construction plans should account for the possibility that Vent 2 is still open and the decommissioned condition of Vents 1,

2, 3, and 4, as all four are located proximal to the HDD.” Sunoco does not take the recommendation of its hydrogeologists. Rather, the main Report stated: “Based on the location data for the mine vents, no direct intercept of a vent by the HDDs is anticipated. There was no indication of an influence on HDD construction from the mine vents during the installation of the 20-inch pipeline.” The fact that the vents are mapped to be slightly outside the direct path of the 16-inch line does not mean that there is no substantial risk of hitting a vent. HDDs veer off path regularly, and mapping data is not perfect. Furthermore, if the installation of the 20-inch pipeline *had* been influenced by the mine vents, that would make it *less* likely the same would happen with the 16-inch pipe, given the small size of the vents. The Department should add to any approval a condition requiring extra precautions in the vicinity of the mine vents.

3. Sunoco’s statements on the significance of depth of overburden lead it to be unclear whether its proposed revision will better protect the North Branch Little Conemaugh River.

In Sunoco’s June 28, 2018 response to a Department request that Sunoco determine depth to bedrock under the North Branch Little Conemaugh River, it wrote,

The depth of alluvium in the North Branch Little Conemaugh River valley is irrelevant to implementation of the planned HDDs. This is why this statement was removed from the Hydrogeologic report attachment of the Reevaluation report. HDDs are regularly completed without incident in all types of soil and rock strata.

Now, in the new Report, Sunoco writes,

Shallow overburden at the pilot bore entry was the cause of the IR that occurred near the western entry/exit. For the three (3) IRs that occurred on the eastern edge of the flood plain of the North Branch Little Conemaugh River, the thickness of bedrock over the HDD annulus may be as little as 15 ft. with approximately 35 ft. of unconsolidated alluvium above the bedrock to the land surface. Losses of circulation (LOC) immediately preceded the IRs. Likely the fluid losses were to bedrock fractures which allowed for fluid migration to the land surface during the east side pilot drill.

Thus, Sunoco’s statement in June of 2018, intended to expedite approval of its 20-inch HDD installation, underplays the risk of shallow overburden. Sunoco got what it wanted, which was approval. Sunoco later pinpointed that same shallow overburden as the cause of drilling fluid spills which ultimately occurred.

Sunoco now proposes to put the pipe deeper underground into what it believes would be more competent bedrock. If putting the pipe deeper puts it in more competent bedrock, that would be good; but the proposal to put it deeper also introduces the possibility that it may intersect with a mine pool at a level the mine pool is permitted to occur. This could spread the hazardous water along the borehole, even after construction is completed, and presents a danger. The Department should evaluate whether the proposed depth is the best balancing of the risks.

4. Sunoco has not offered water testing associated with the construction of the 16-inch pipeline.

The Report indicates Sunoco's outreach to landowners in the vicinity of this HDD—which consisted of sending letters, not door-to-door surveys—took place in October 2017, in preparation for construction of the 20-inch pipe. Drilling for the 16-inch line presents a new set of risks, separate from the risks associated with the construction of the 20-inch line, and the Department must not allow Sunoco to shortcut water testing protocols. Even if the water testing done in years prior serves as baseline testing, it does not stratify the requirement of the Order that testing be offered *during* and *after* construction. Sunoco must make renewed efforts to contact landowners, offer testing as required, and document these communications.

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

Sincerely,

s/ Melissa Marshall, Esq.
Melissa Marshall, Esq.
PA ID No. 323241
Mountain Watershed Association
P.O. Box 408
1414-B Indian Creek Valley Road
Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

s/ Aaron J. Stemplewicz
Aaron J. Stemplewicz, Esq.
Pa. ID No. 312371
Delaware Riverkeeper Network
925 Canal Street, 7th Floor, Suite 3701
Bristol, PA 19007
Tel: 215.369.1188
aaron@delawareriverkeeper.org

s/ Joseph Otis Minott, Esq.
Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
PA ID No. 36463
joe_minott@cleanair.org

Alexander G. Bomstein, Esq.
PA ID No. 206983
abomstein@cleanair.org

Kathryn L. Urbanowicz, Esq.
PA ID No. 310618
kurbanowicz@cleanair.org

Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
Tel: (215) 567-4004

cc: jrinde@mankogold.com
dsilva@mankogold.com
ntaber@pa.gov