

September 8, 2019



By Email

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



**Re: Sunoco's response to the Department's request for information on HDD PA-DA-0063.0000-RD-16 (HDD# S3-0081)**

Dear Mr. Williamson,

On April 2, 2019, the Department requested additional information from Sunoco regarding its reevaluation ("Report") of the horizontal directional drilling ("HDD") indicated by drawing number HDD PA-DA-0063.0000-RD-16 (the "Site"). Sunoco responded to the April 2, 2019 letter on August 30, 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 the Department's request and Sunoco's August 30, 2019 response ("August Response").

**1. Sunoco has not provided necessary data or analysis to support the specifics of its redesign.**

The Department correctly pointed out that "SPLP 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." Accordingly, the Department asked Sunoco to use information gathered during the drilling of the 20-inch line to describe to demonstrate that inadvertent returns and impacts to water supplies have been minimized with its redesign. Sunoco has largely ignored this request.

In the August Response, Sunoco asserts it "utilized all available information obtained during installation of the 20-inch HDD including the Daily Drilling Reports of annular pressure, geotechnical investigations, IR Restart Reports, and HDD Inspection Daily Reports." It does not, however, provide these documents, detail their content, or explain how specific information from these documents informed its redesign. The Department and the public are thus left to rely blindly on Sunoco's internal review with no means of verifying its analysis. Sunoco needs to provide the documents it relied on or, at a minimum, to explain their content. This is especially important because Sunoco has cast doubt on what documents it actually possesses.

In the Report, Sunoco explicitly stated "SPLP possesses a full geologic profile from the drilling of the 20-inch pipeline and vertical geotechnical core data." Sunoco, however, never

provided the full geologic profile from the drilling of the 20-inch line and makes no mention of it in the August Response, despite the Department specifically calling out its failure to utilize data from the 20-inch drill. When pushed on this same issue in relation to another drilling site – the Lewisberry Road crossing in York County – Sunoco ultimately disparaged the utility of such data, stating that the cuttings from the 20-inch drill could not be accurately tied to specific locations in the profile. If the same holds true for this site, Sunoco needs to explain why it claimed to have possession of the full geologic profile to begin with.

The documentation Sunoco *has* provided is insufficient. Figure 1 in Attachment 2 includes IR locations, but does not provide information about the conditions encountered during the drilling of the 20-inch line. None of the test bores Sunoco conducted appear to go as deep as the redesigned profile is planned to, with the deepest test bores being fifty feet shallower than the planned profile. Even if it requires new testing, Sunoco must explain the conditions at the particular depth it has chosen for the horizontal run of the redesigned profile and why that depth is preferable to other depths. The Department should continue to push Sunoco to provide the actual evidentiary basis for its analysis of the redesign and to address the Department’s question regarding how the redesign minimizes IRs and risk to water supplies.

## **2. Sunoco’s plans leave water supplies in danger.**

Appellants thank the Department for requiring Sunoco to provide more information regarding water supplies. It is clear from the August Response that Sunoco withheld troubling and highly relevant information regarding water supplies from the Report. It is equally clear that this reevaluation cannot be approved. Numerous wells are located in the vicinity of the Site, forty-five within 450 feet by Sunoco’s count. Protecting these water supplies should be highest priority for the Department and Sunoco. Sunoco has demonstrated it has no such intention.

First, Sunoco admits there are three outstanding water supply contamination complaints associated with the Site. This should be reason enough for the Department to deem Sunoco’s reevaluation incomplete. On top of that though, the August Response discloses that there were previous complaints associated with the Site as well. None of this was included in the Report. Sunoco’s failure to disclose five well complaints demonstrates an utter disregard for the safety of local residents and their water supplies. The fact that Sunoco did not even reference these complaints in the Report is also strong evidence that it did not consider any of these incidents when redesigning the 16-inch profile.

The information provided in the August Response about well complaints is deeply concerning. Regarding the first well complaint at 110 Laurel Drive, Sunoco’s sampling does not appear adequate to have ruled out Sunoco’s drilling activity as the cause of the well contamination. Sunoco’s investigation of the complaint seems to rely largely on water testing conducted in September 2017. The well complaint was received nearly six months later, in March 2018, when drilling was still ongoing and yet five months from completion. While Sunoco claims to have investigated this complaint, there is no indication that it actually performed water testing after receiving the complaint; the latest well testing it has disclosed is the September 2017 test. The resident’s own water testing, however, which was conducted April 6, 2018, revealed bacterial contamination. Sunoco provides no information regarding what else the independent testing might have shown. Instead, Sunoco references – but does not provide – a

report Sunoco prepared concluding it was not responsible for the contamination. The Report was prepared April 13, 2019, only a week after the resident's independent testing. It is unclear what investigation was done in that time. But by Sunoco's own account, the April 13 report was based on Sunoco's "pre-construction and during water construction sampling events." It is no surprise then that Sunoco's investigation did not reveal a "significant change in water quality"; it appears to have focused on samples taken six months or more before the complaint. Sunoco asserts the Department agreed with Sunoco's conclusion but Appellants remain skeptical the Department was ever provided a full opportunity or information to evaluate this complaint. The questionable timeline and lack of transparency surrounding this investigation, and Sunoco's failure to include the independent test results in its summary, only compound Appellants' concerns. Moreover, Sunoco has now received another well complaint from the residents of 110 Laurel Drive. Sunoco has provided no details whatsoever about this subsequent complaint.

The handling of the well complaints at 322 Laurel Drive is similarly concerning. Again, Sunoco appears to have concluded it is not responsible for well contamination based on tests conducted six months or more before the first complaint was received. Sunoco again has provided no details regarding the investigation it claims to have conducted. According to the summary of its well testing results for this location, Sunoco does appear to have conducted testing again in April 2019, but that would have been over a year after the complaint was received. There is no evidence that Sunoco tested the water in an appropriate timeframe in response to the complaint. And again, there is a second well complaint at the same address which is unresolved and about which Sunoco has provided no information.

Sunoco also admits to a recent well complaint at 308 Laurel Drive, but that investigation is still under review, thus leaving no basis for Appellants to conclude that Sunoco's drilling was not the cause of that contamination.

Sunoco proposes to submit the results of two of the investigations at an unspecified future date under future cover. This approach effectively eliminates Sunoco's accountability to the public and seems to be an attempt to shortcut the reevaluation process. All water supply complaints must be fully investigated and results of the investigations incorporated into the reevaluation before it can be deemed complete. The investigative reports themselves also need to be made part of the Report. Sunoco has already revealed the addresses of names of residents associated with the contaminated wells along with the nature of the contamination. Sunoco cannot now withhold the investigation reports on the basis of confidentiality. If there is other sensitive information in the investigation reports, the Department can redact that information as appropriate before making them public.

In addition to Sunoco's inadequate analysis of well complaints, Sunoco has mischaracterized well testing results and does not appear to be telling the whole story when it comes to testing of other wells in the vicinity of the Site. Despite there being forty-four wells within 450 feet of the alignment, Sunoco has submitted summaries of water testing results for over fifty wells. Appellants, of course, support performing water supply testing over a greater area; risks to water supplies are not confined to a radius of 450 feet. However, the number of wells testing in this area far exceeds most other sites and this warrants explanation. If there was an elevated level of concern about contamination to water supplies at this location, whether from the community, Sunoco, or the Department, that should be addressed in the Report. Not only is the number of

individual wells tested unusually high, but Sunoco’s testing timeline was erratic. Five or less of the approximately fifty wells were tested three times, approximately half were tested twice, and the rest were tested only a single time. It is not clear that any of these tests fulfill the requirements or the Order to test before, during, and after drilling. Most of the sites were tested for the last and/or only time just a couple of weeks after the start of the eleven-month drilling process. Such an early test neither serves a true baseline, nor can necessarily be relied upon to accurately indicate how water quality may have changed over the course of drilling.

Sunoco’s claim that “none of these locations exhibited elevated concentrations of the parameters (suspended solids, turbidity, iron, manganese) typically associated with drilling fluid impacts” requires further discussion. To start, Sunoco should explain what concentrations of these parameters are associated with drilling fluid impacts. Sunoco does not even provide the safe drinking water standards for all of these parameters, much less the concentrations that would be associated with drilling contamination. As it stands, the test result summaries show elevated parameters for a number of wells and it is misleading to claim otherwise without further explanation.

Finally, Sunoco does not appear to have accounted for any of these water concerns in its redesign. Sunoco does not include any demonstration of how the redesign will minimize impacts to water supplies going forward despite the fact that the Department specifically requested such an analysis. As with previous reevaluations, Sunoco has also failed to discuss relevant well production zones and has not provided any specific discussion of potential communication between the local wells and Sunoco’s drilling area. There are numerous wells in the vicinity of the Site and Sunoco’s plans put them at risk. The Department cannot responsibly approve this reevaluation.

Finally, it is not clear to Appellants how the Department evaluated the claims of harm done from the drilling to the water supplies, but it is concerning that multiple well contamination complaints came in during drilling from neighboring houses and that the Department concluded that they were not the fault of the largest underground disruption going on in the neighborhood. It is possible that conclusion is correct, but it would be quite the coincidence. Appellants believe the public deserves to know the details of the Department’s investigation, including whether the Department analyzed each complaint individually or considered the fact that there were multiple complaints at the same time in the same neighborhood.

Thank you for considering these comments. Please keep us apprised of your next steps on the HDD Site. Please also let us know the details of the Department’s investigation into these water supply complaints.

Sincerely,

s/ Melissa Marshall, Esq.  
Melissa Marshall, Esq.  
PA ID No. 323241  
Mountain Watershed Association  
P.O. Box 408

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

1414-B Indian Creek Valley Road  
Melcroft, PA 15462  
Tel: 724.455.4200  
mwa@mtwatershed.com

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

s/ Maya K. van Rossum  
Maya K. van Rossum  
The Delaware Riverkeeper  
Delaware Riverkeeper Network  
925 Canal Street, 7th Floor, Suite 3701  
Bristol, PA 19007  
Tel: 215.369.1188  
keepermaya@delawareriverkeeper.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