

DEP Permit # E06-701
DEP Permit HDD Reference # PA-BR-00181.0000-RD
DEP HDD # S3-0250
Township – Caernarvon
County – Berks
HDD Site Name – Joanna Road Crossing

3rd Public Comment Period

Commentator ID #	Name and Address	Affiliation
1.	David Anspach 609 Joanna Road Morgantown, PA 19543	
2.	Melissa Marshall, Esq. P.O. Box 408 1414-B Indian Creek Valley Road Melcroft, PA 15462	Mountain Watershed Association
3.	Aaron J. Stemplewicz, Esq. 925 Canal Street 7 th Floor, Suite 3 Bristol, PA 19007	Delaware Riverkeeper Network
4.	Joseph Otis Minott, Esq. 135 South 19 th Street, Suite 300 Philadelphia, PA 19103	Clean Air Council
5.	Alexander G. Bomstein, Esq. 135 South 19 th Street, Suite 300 Philadelphia, PA 19103	Clean Air Council
6.	Kathryn L. Urbanowicz, Esq. 135 South 19 th Street, Suite 300 Philadelphia, PA 19103	Clean Air Council

1. Comment:

I have attached a response to the comment period open until December 19, 2017 on HDD S3-0250. I have been unable to drink my well water for 130 days due to the levels on contamination present therein. I believe this contamination is due directly as the result of Sunoco's HDD operations and their failure to respond to a contamination event. I have, on numerous occasions, requested assistance of the DEP and of Sunoco in rectifying the situation and returning my well to the drinkable state, which was the case previous to Sunoco activity. I have repeatedly submitted that the well was new, drilled on September 2012 and tested free and clear of biological contamination prior to drilling and showed a direct correlation of spikes in contamination during drilling which drastically subsided at the suspension of activity. Furthermore, the well itself is not contaminated but rather it is tapped into a contaminated aquifer, a status which prior to Sunoco HDD activity did not exist.

I plead with the DEP and all regulatory agencies and legislative representatives to assist me in acquiring clean water for myself and my family. I feel that as a resident of the state of Pennsylvania my basic constitutional right to clean water has been taken from me, as a human being I have been cast aside by a corporate entity whom is ignoring the facts that they have created a pollution even that could have very well killed someone, and as veteran of foreign wars I have fought for these very rights.

I continue to plead for a prompt conclusion to these infractions against myself and my family. I ask that Sunoco be held accountable for their actions and make myself and my family whole again.

I am writing to submit my comments on the Keystone Mariner East 2 Pipeline and in particular HDD No. S3-0250 Joanna Road Crossing/PA-BR-0181.0000-RD, PA-BR-0181.0000-RD-16 and PA-BR-083.0000. I would like to initially express my concern that a rebuttal was presented by Sunoco, SPLP, on November 23, 2017 and was not posted to the HDD Reevaluation Reports page until December 14, 2017. An approval was issued to Sunoco by the DEP to commence drilling prior to posting the SPLP response. It was upon a phone call I placed to Mr. Edward Muzic, which revealed Sunoco had in fact replied. It was not until the following day December 15, 2017 that the approval was withdrawn from the site and a comment period was made available to the public. It seems to be a rather strange course of events, but as I have been told the HDD on my property is being managed much different the rest of the HDDs in the project.

As I had identified in the previous comment period, the Sunoco letter dated October 30, 2017 does not contain the requested information about notification to landowners within the area of this HDD. It contains those notices provided to landowners in the Palmyra and Elizabethtown area. Furthermore, in this same letter Sunoco has claimed to have provided bottled water to any resident with well issues:

SPLP has followed all of these requirements for any and all its HDDs, and as you may know, has provided in other instances alternate water supplies (e.g., bottled water and water buffaloes) to any landowner who makes a water supply complaint. In this way, SPLP has properly, and in accordance with the Order and Department-approved Water Supply Plan, considered and mitigated any potential risks to private water supplies.

I have clearly made a water supply complaint and have not received a single drop of water from Sunoco. They have on numerous occasions offered and began discussions about supplying water but have never completed their offer nor been able to answer questions asked of them, (i.e. is the water safe when the plumbing supplies and pipes have had contamination, how will the tanker be filled, or where does the water come from?). All these questions and others asked of Sunoco are legitimate and in consideration of the health and safety of my family.

In the last correspondence which I have directly received from Sunoco, dated October 16, 2017 states: "This letter is intended to inform you that this HDD activity will begin as soon as ten (10) days of the date of this letter" As it has now been more than one month following this notification I would anticipate that a new notification will be issued making me aware of the restarting of this drill.

The DEP response dated November 22, 2017 confirmation of well supply and impact of the overall project upon these well production zones. Sunoco failed to provide this information as it is not part of the Order, however they did identify that there were two additional wells that were not accounted for. A point of confusions lies that Sunoco says they were not included yet they were examined.

As stated in SPLP's date response letter dated October 26, in accordance to the Order letters were sent to the nine landowners within 450 ft of this HDD profile. As a result of this effort and other communications, two previously unknown private water wells were identified to SPLP.

The examination elaborated that a well located west- northwest was up gradient and due to direction of groundwater flow it was not subject to impact. It is in my best assumption that this is my well but as there is no further identifiers placed on this marker I can only assume.

Well No. 1 is located 340 ft west-northwest of the west entry point of the Joanna Road HDD, and is up gradient of the HDD entry and planned profile of pipeline installation. This water well has been subject to further studies by SPLP which have been provided to the Department previously. Due to this well's physical location, depth, and direction of groundwater movement, SPLP has concluded that SPLP's has not and will not impact this well and this conclusion has been accepted by the Department.

As testing was requested on August 10, 2017, tested on August 14, 2017 and October 19, 2017, I find it extremely difficult to understand that Sunoco was previously unaware of my well. Especially, in addition it is located in Figure 3 half mile excel spreadsheet of Sunoco's own HDD reevaluation report submitted to myself on October 5, 2017. As this is one of many shortcomings identified in the initial evaluation report it would a feasible expectation to request a full and complete reevaluation report to be conducted. Furthermore, in the letter dated November 23, 2017 by SPLP, it twice references a letter SPLP provided to the DEP dated October 26, 2017. There is not a letter of this date provided anywhere within the reevaluation documents. I would request that SPLP or the DEP provide this letter for analysis and public comment.

I would also like to illuminate to the DEP that the ground topography does have an elevation change of approximately 40 feet but this factor is hardly a factor for consideration. The depth of the well, being 240 feet, negates the topographic differences. As the depth to bedrock is 70 feet below grade surface and a static water

level is at 40 feet below grade surface, it puts the topographic level of the drill in a plane identical to my well water flow. This is directly evident as the construction site is placed in a wetlands and has had to have a significant amount of decking placed to prevent the sinking of heavy equipment into the marshy soils. It was presented that the ground water flow is away from my well but the influence of bentonite drilling mud could have a significant effect in redirecting the groundwater table.

In speaking of the exceptionally wet area of the construction project I also have a significant concern for the displacement of flora and fauna of the area. Wetlands J48, which is conveniently adjacent and supposedly not influenced by the construction activity is the home of a multitude of aquatic wildlife and other fauna. I have had a significant increase in the presence of Eastern Grey Tree Frogs whom have been displaced by construction as well as have noted that the local families of Cooper Hawks and Sharp-shinned Hawks have been driven from the area through the elimination of their nesting habitats. In addition, I no longer see the presence of the Eastern Box Turtles, Snapping Turtles or the Eastern Painted Turtles that once frequented the property for nesting grounds. No doubt the endangered Bog Turtle, which has a focused nesting area in Berks County, has also had an effect even though there was not a presence noted during the Phase 1 study.

In regard to my well I find it difficult to understand that while the DEP may not regulate private wells they require to have private wells registered with the DEP. Furthermore, I would like to recognize that my well specifically is not contaminated, it is drawing water from a contaminated aquifer. The aquifer is under the jurisdiction of the DEP. A potential source of this contamination is the very bentonite clay that Sunoco is injecting into the ground. Bentonite may act as a food source for the naturally occurring bacteria within the ground allowing for a bloom of bacteria to occur or act as a shelter bonding to bacteria allowing its proliferation. This is a very real and significant event that can be verified by the direct correlation between drilling activity and the spikes in bacteria found in my well water. In a protective environment, below ground, even a small amount of bacteria given a large food source or adequate shelter can proliferate exponentially.

While much of this project management has fallen upon the shoulders of the DEP to regulate I have not been made aware of nor heard of any permits being filed with the Delaware River Basin Commission or due to the expansive nature of the project the Chesapeake Bay Commission. As my property alone has been subject to 2 (two) separate erosion and sediment violations, I find it hard to believe they would not have a vested interest in the amount of nutrients being washed into their respective estuaries. Sunoco has also failed to communicate their intentions with the local legislative groups including the Caernarvon Township Supervisors. During a Supervisors meeting, December 12, 2017, it was indicated that the Supervisors were notified by Sunoco that they had concluded their work in its entirety in our area. As the HDD has not been conducted nor the topsoil been rectified this is an outright misleading of facts to the local governance.

During the course of activities surrounding this HDD and its reevaluation, DEP representative Andrea Blosser identified that the Department has conducted their own investigation which concluded that Sunoco is not responsible for the contamination. Sunoco is now using this specific information to deny their responsibility. In return I have filed a Right to Know Request for the investigatory documents, testing methods, and testing results on November 13, 2017. As it was after 4pm it should have been “received” the following day November 14, 2017. Per DEP guidance a time period of 5 business days must elapse before a RTK is “deemed denied”, this would take the date to close of business on November 20, 2017. I filed an appeal on November 21, 2017 where I was denied an appeal as the DEP claimed to have until the close of business on the 21st to request an extension, I believe this is an inaccurate statement. Regardless the DEP filed an extension that expires on December 22, 2017. It was also conveyed to me by Mr. Edward Muzic, of the DEP, that Sunoco is drafting me a letter directly. In addition I will be requesting further water testing and requiring the 30 days’ notice required by the Water Supply and Assessment Plan to restart the HDD drilling. As the last water test was conducted two months prior I find it feasible to retest and convey those results prior to the restart of the HDD.

I concur with the DEP’s request that significant hydraulic testing is required in order to confirm or deny the potential impact of drilling activities upon my well water source. If the Order does not require testing, and in light of pending draft legislation requiring the mitigation of damages by any construction activity, I respectfully request that the DEP continue to suspend HDD activities until such time that all testing has been adequately conducted, results properly conveyed and correspondences have been concluded. In addition I would like to request that Sunoco be responsible for mitigation and remediation of my well, up to and including instillation of a disinfection system, cleaning of the well and house piping, and confirmation of clean drinking water through testing. Once these items have been achieved I would further like to request that testing of well water supply be conducted on a regular basis such as weekly during the commencement of drilling activity to confirm that the well remains in a safe drinkable condition.

I do not believe I have made any unreasonable requests throughout the duration of these events and to remain without a clean drinking water source for 130 days seems outright absurd. I did nothing to create this situation and am requesting that Sunoco be held responsible for making me whole again.

Thank you for your time and assistance. (1)

2. Comment:

On November 23, 2017, Sunoco submitted a letter to the Department in response to the Department’s second set of requests regarding horizontal directional drilling sites PA-BR- 0181.0000-RD, and PA-BR-0181.0000-RD-16 (“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”), please accept these comments in reply.

Appellants strongly support the Department’s requests for additional information and clarification regarding private water supplies. Sunoco’s re-evaluation report (“Report”) provided incomplete and even contradictory information regarding private water supplies, and thus lacks a meaningful risk analysis. Despite two subsequent requests from the Department, Sunoco has still failed to provide this critical information. We urge you not to make a final determination regarding the plans for this HDD site until Sunoco has provided that information and analysis and it has been made available to the public.

In the Report, Sunoco described three wells in very close proximity to the Site: “Water well records and a review of aerial photography indicate the presence of three (3) water wells within the 450 ft buffer around the HDD profile location.” It did not verify the locations of these wells or attempt to identify wells of other nearby landowners through direct outreach to landowners. As the Department recognized, these three wells also are not documented on the well map prepared by Sunoco’s hydrogeologists—Figure 3 of the hydrogeological assessment that was part of the Report—or even referred to in the hydrogeologists’ assessment. In fact, Figure 3 does not document any of the wells closest to the HDD, with the nearest being over 1400 feet away. Well production zones also have not been mapped or analyzed. Despite the hydrogeologists not including in their assessment the three wells Sunoco believes to be within 450 ft of the Site, or any production zones, Sunoco concluded: “These water wells are not directly within the area of influence of the HDD profile, and due to the nature of the geology at and surrounding this HDD 2

and groundwater movement patterns, an affect to these wells is highly unlikely.” The Department has given Sunoco two opportunities to fix this fundamental flaw. Most recently, in its November 22, 2017 letter to Sunoco, the Department requested that Sunoco:

confirm that all water supplies and the project’s potential impact on their well production zones located within 450 feet of the HDD were included in the re-evaluation of this HDD. If the well production zones for the known water supplies were not included in the re-evaluations and/or the information contained in the re-evaluation report is not displayed accurately (ie: well location map), revise and resubmit to DEP the re-evaluation with application revisions.

Sunoco’s response, dated November 23, 2017, references nine landowners within 450 feet of the Site, but does not address their water supplies or well production zones. It also asserts “SPLP can affirm that all known water supply wells and their production zone known at the time of the preparation of the HDD reanalysis were included the submittal.” This is demonstrably false. Not only did the hydrogeologists’ assessment not include any of the three wells Sunoco believed it identified within 450 feet of the alignment, but it specifically did not include the well of David Anspach, located less

than 350 feet from the alignment. There is no question Sunoco had knowledge of the Mr. Anspach's well, and its contamination, prior to the submission of the Report.

Sunoco's November 23, 2017 response goes on to say "two previously unknown private wells were identified to SPLP." It describes one well 340 feet west-northwest of the western entry point ("Well No. 1"), and a second well 300 feet southwest of the HDD ("Well No. 2"). The actual locations of these wells are not provided, relevant well features are not discussed, and there is no information regarding the production zones for these supplies. In direct contravention of the Department's request, Sunoco has not updated or revised its Report to address these purportedly unknown wells, and it has not updated Figure 3.

In regard to Well No. 1, Sunoco references "further studies by SPLP which have been provided to the Department previously." If performed, these studies are highly relevant to the Report, and should have been included. But no such studies have been made available to Appellants or the public through the re-evaluation process or otherwise. This undercuts a key aspect of the re-evaluation process. Given Sunoco's history of water contamination and spills, and the water contamination that has occurred in close proximity to this site in particular, transparency is especially important. Sharing studies that have already been generated would require very little effort from Sunoco. The fact that these studies have not been made public thus casts doubt on their reliability, if not existence. Sunoco also indicates the Department has accepted Sunoco's conclusion that Well No. 1 is not at risk. If the Department has indeed accepted Sunoco's conclusion that this well (or any well) is not at risk, that analysis too needs to be shared with the public, as it is a crucial to the re-evaluation process.

In regard to Well No. 2, Sunoco states "Based upon the information obtained for this water well, and our analysis, SPLP believes there is no risk to the water production zone for this water supply relative to this HDD." It is unclear what information or analysis this refers to, as information and analysis for this "previously unknown" well are plainly not included in the Report or either of Sunoco's replies to the Department's requests for additional information. If it exists, Appellants request that this information and analysis be made available to the public for review. If, on the other hand, Sunoco has simply reached a conclusion unsupported by information or analysis, that cannot be permitted to stand.

Based on the foregoing, it seems Sunoco's replies raise more questions than they answer, and certainly cannot be said to address the admitted incompleteness of the Report. The information the Department has sought but not yet received is vital for the protection of the public. Please do not back down.

Thank you for considering these comments. Please keep us apprised of your next steps on the Site. (2-6)

Letter – [Clean Air Council – 12-19-17 – Joanna Road Crossing](#)