

December 15, 2017

By Email

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Re: Comments on Report for HDD PA-PE-0002.0000-RD & PA-PE-0002.0000-RD-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 numbers HDD PA-CU-0203.0000-WX & PA-CU-0203.0000-WX-16 (the “HDD Site”).¹

The Department’s Review

Pennsylvanians rely on the Department of Environmental Protection to protect them from dangerous activities that threaten their air, water, land, and health. The Department has

¹ The Order reads, in pertinent part:

§ 6(ii) “For all recommendations for which a minor permit modification is required, including, but not limited to, certain changes from HDD to an open cut or certain changes to the Limit of Disturbance (“LOD”), the Department will have 21 days to review the submission and render a determination with respect to such minor permit modification, unless Sunoco agrees to extend the 21-day time period. *Appellants and private water supply landowners, who have received notice pursuant to Paragraph 7 below, shall submit comments, if any, within 14 days of the Department’s posting of Sunoco’s Reports on the Department’s Pennsylvania Pipeline Portal website...The Department shall consider comments received and document such consideration.*” Emphasis added.

§ 6(iii) “For all other recommendations, including, but not limited to, recommendations of no change or of changes that do not require a minor permit modification, the Department will have 21 days to review the submission and render a determination with respect thereto, unless Sunoco agrees to extend the 21-day time period. *Appellants and private water supply landowners who have received notice pursuant to Paragraph 7 below, shall submit comments, if any, within 14 days of the Department’s posting of Sunoco’s Reports on the Department’s Pennsylvania Pipeline Portal website...The Department shall consider comments received and document such consideration.*” Emphasis added.

recognized that the construction of Mariner East 2 has done damage to the public already. The purpose of Sunoco's re-evaluations of certain HDD sites is so that it does a better job avoiding harm to the public and the environment in its HDD construction. The Department's role is to review and assess Sunoco's Report before deciding what action to take on it.

It is the Department's duty to review and assess the Report with protecting the public and the environment placed first and foremost. Looking at the individual circumstances at the site in question is key. Critically important is accounting for input from those who live nearby, who have a deeper connection with and greater knowledge about the land than the foreign company building the pipelines through it.

A meaningful, objective and substantive review and assessment by the Department will ensure that new or further HDD operations at the re-evaluated sites will cause minimal, if any, harm to the public and the environment. Anything less than a full, careful, and objective review would endanger the public and the environment. Pennsylvanians place their trust in the Department to do a thorough, science-based assessment, taking into account these and other comments, and approving Sunoco's recommendation only if it would protect the public and the environment from any further harm.

Comments on HDD PA-PE-0002.0000-RD & PA-PE-0002.0000-RD-16

1. The redesigned HDD is much improved and better than non-HDD installation methods.

Appellants believe the dramatically increased depth of cover over sensitive surface features, done through locating the borehole in deeper rock with more structural strength, is a strong improvement over the original HDD design. Appellants support that change.

Appellants also agree that, based on the information of which we are aware about the redesign and the few water wells nearby, the redesigned HDD is a better choice for environmental protection than alternative installation methods.

2. Sunoco should analyze risks to the private water well it identified.

Sunoco appears to have properly reached out to landowners near the HDD alignment and determined that there are no water wells within 450' of the alignment, which is an improvement over many of the re-evaluation reports we have seen so far.

Sunoco did identify the existence of one water well at 539' southwest of the HDD alignment. While this is not within 450', it is still well within the zone that, given certain hydrogeological conditions, would be susceptible to contamination from HDD operations. Sunoco acknowledges that "[t]he redesign of the HDD will not prevent all IRs." It would be the best practice for Sunoco to do a well production zone analysis for the identified well to determine whether the redesigned HDD would pose an unacceptable risk to the identified well.

3. Risks to the nearby impoundments should be addressed.

The Report discloses that there are two impoundments at the Site, between a third and a half acre each. The Report does not describe the use of the impoundments or contain analysis of whether there is risk to the structural integrity of the impoundments due to the revised HDD plans. Appellants have received reports from several homeowners who live along active Sunoco HDD sites that their houses have shaken from the drilling and they are concerned about their foundations. Any risk to the integrity of the impoundments should be investigated first and minimized.

4. The Geology and Hydrogeological Evaluation Report is Incomplete.

Within the Geology and Hydrogeological Evaluation Report is a statement that “From a geologic perspective, the longer and deeper profile, in conjunction with the proposed engineering controls and/or drilling best management practices, will be used to reduce the risk of an IR.” This and surrounding statements described the revisions to the HDD design, but do not evaluate them or conclude that the specific revisions will actually achieve protection.

It is important for the geologists who analyzed the site to weigh in also on whether the revisions to the design will adequately address the risks present from the original design. At this stage, while the revisions appear to be an improvement, that is still not clear.

5. DEP should require implementation of measures to handle and mitigate the risks of produced groundwater.

The Geology and Hydrogeological Evaluation Report notes the possibility of groundwater coming up to the surface due to the more than 80-foot elevation difference between the entry and exit holes for the HDD. The eastern end is lower, which means that the groundwater would likely be produced on the eastern end. Moreover, the eastern exit hole will be on a slope. Even if the temporary grading for the HDD pad levels the ground, the volumes of groundwater could require handling that results in the produced groundwater running downslope. At the bottom of the slope lies Stream S-L6, the perennial Horse Valley Run. Horse Valley Run is a High Quality cold water fishery with migratory fishes, and is in a naturally-reproducing trout watershed.

This is not a speculative concern. In Delaware County, a similar problem on Mariner East 2 resulted in large inadvertent returns into Chester Creek due to greater volumes of produced groundwater than Sunoco was equipped to handle. This produced groundwater will typically be sediment-laden and liable to cause erosion and pollute waters. *See* photos in attached Affidavit of Faith Zerbe.

DEP should require Sunoco to have the needed staff and equipment onsite during the time when produced groundwater is the greatest concern. Equipment for handling produced groundwater should ideally deal with the groundwater at a location where an overflow would not pollute a stream, pond, or wetland, and would cause minimal erosion.

Conclusion

For these reasons, the HDD re-design appeared to be a marked improvement over the original design, but Appellants encourage the Department to require the additional safety measures noted above and request the additional information identified above so that the environmental and public safety risks are fully known before HDD proceeds.

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

Sincerely,

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AFFIDAVIT OF FAITH ZERBE

Pursuant to 18 Pa. C.S. §4904, I, Faith Zerbe, state as follows:

1. I have personal knowledge of the statements contained herein and could competently testify to them if called as a witness.

2. I work for the Delaware Riverkeeper Network as Water Watch Director. In my capacity as a biologist, I have been coordinating DRN's environmental monitoring program since February of 1999.

3. I earned a Bachelor of Science degree in Biology from Ursinus College in 1996.

4. Prior to working for DRN, I worked for Entrix, Inc. for two years as an environmental consultant. At Entrix, I served as an assistant staff scientist conducting assessments for Natural Resource Damage Assessments.

5. Since the summer of 2011, I have performed visual assessments and environmental quality monitoring of several large linear gas pipeline projects and in my capacity at DRN, recruit, train, and coordinate volunteer monitors to document conditions along the ROW before, during and after construction.

6. In obtaining environmental data and reaching conclusions based upon my observations, I have employed principles and methods that are generally accepted in

the scientific community. The observations and conclusions that I offer herein are made with a reasonable degree of scientific certainty.

7. On July 18, 2017, I traveled to the location within Middletown Township, Delaware County, off of Glen Riddle Road, where Sunoco Pipeline had recently released drilling fluid that went into Chester Creek.

8. At that location, I observed cloudy brown sediment-laden water in a containment pond, and overflowing from that pond down the right-of-way and into vegetation off of the right-of-way. I observed sediment and silver substance from the drilling fluids in the water and on the ground on and adjacent to the pipeline right-of-way.

9. A second containment pond was being built downhill and adjacent from the first overflowing dewatering structure.

10. From the top of the hill off landowner's property using binoculars I observed another dewater structure that was empty near the base of the hill near Chester Creek. I observed sediment laden water on the ground around the empty basin adjacent Chester Creek. I observed non-deployed blue compost filter socks that were piled up near the basin. I observed wooden timber matting across Chester creek that had sediment on it likely from vehicles tracking mud or from the HDD

release. I observed what appears to be two temporary work spaces on both sides of the ROW adjacent Chester Creek. The pipeline company gated and locked the access road off Martins Lane so close inspection was not possible at the time.

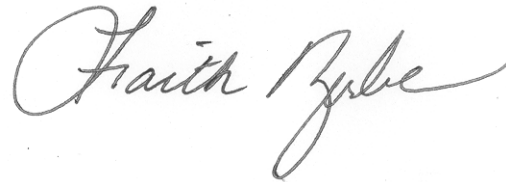
11. I observed other potential Erosion and Sedimentation (E&S) deficiencies in the vicinity of the detention ponds including: lack of adequate straw mulch on disturbed steep slopes and soils; compromised compost filter socks with evident erosion gullies near the adjacent stream; compromised silt fencing along timbers crossing the adjacent intermittent stream, lack of signage and potentially lack of proper stockpiling of topsoil and subsoil depending on permit requirements, and the continued use of “temporary work spaces” that include clearing of mature forest on sensitive steep slopes.

12. I observed along the pipeline access road, Martins Lane, and Glen Riddle Road tracked clumps of mud from construction vehicles and sediment staining and tracks on the adjacent roads located off of the ROW. I observed a street sweeper sweeping up some of the mud tracks and clumps. I observed compost filter socks on the pipeline access road off of Martins Lane with holes and the need for maintenance.

13. I took photographs and video of what I observed and have attached some of them to this affidavit.

I, Faith Zerbe, declare that the foregoing is true and correct to the best of my knowledge, information, and belief. I understand that any false statements made are subject to the penalties of 18 Pa C.S. § 4904 relating to unsworn falsification to authorities.

Executed on July 19, 2017.



FILED
07/30/2017



APPROVED
CONTRACT
LOCATION



**APPROVED
DEWATER
LOCATION**





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