

January 8, 2018

By Email

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**Re: Sunoco's Response to DEP's request for information for PA-WM1-0088.0000-RR**

Dear Ms. Drake:

On December 29, 2017, Sunoco submitted a letter to the Department in response to the Department's requests for additional information regarding horizontal directional drilling ("HDD") Site PA-WM1-0088.0000-RR. 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"), we respectfully submit these comments in reply.

Thank you for holding Sunoco accountable to the re-evaluation requirements of the Order. The HDD re-evaluation process ordered by the Environmental Hearing Board is critical to protecting drinking water supplies and natural resources across Pennsylvania. Appellants sincerely appreciate that the Department is treating this process with commensurate seriousness and sense of purpose.

Having reviewed Sunoco's response letter, Appellants continue to be concerned about the glaring lack of verifiable information regarding this Site. Sunoco has not yet provided adequate responses to the Department's requests, thereby undermining the Department's ability to meaningfully evaluate the proposed changes for the Site. It is unfortunate that Sunoco failed to provide the Department with documentation proving it offered proper and adequate notice to all property owners within 450 feet of the HDD alignment. Instead, Sunoco simply directed the Department to contact its Central Office, which allegedly received certified mail receipts for such letters previously. In addition, rather than providing, as requested by the Department, the property owners' responses to such notifications or providing results of the door-to-door survey that was initially recommended by Sunoco's own experts, Sunoco instead provided only limited, conclusory details with no supporting evidence. The Department has acknowledged that

Sunoco has lied to it regarding its Mariner East-related activities and evaded Departmental regulations and court orders. *See* January 3, 2018 Administrative Order, available at <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/OrderSuspendingConstructionActivities010318.pdf>. The Department should require evidence here, not just say-so.

Regarding Point No. 2, Sunoco responded that wells located outside a 150-foot radius have “no potential risk” of contamination from HDD simply due to that distance. That assertion is simply false, and not substantiated by the science of hydrogeology or the sealed report of any hydrogeologist. In fact, wells outside of that radius have already been contaminated by Sunoco’s HDD for Mariner East 2. For example, Scavello’s Car Care in Exton, PA had its water contaminated at a distance of about 450 feet from Sunoco’s drilling. Sunoco’s conclusion that contamination is possible clearly applies to the nearby wells it identified.

Furthermore, Sunoco claims that “While this does not present a health hazard, it can be unsightly to users and could affect taste.” This too is false. Water contamination from Sunoco’s HDD has already caused bacterial contamination in wells of residents in Exton, PA and in Berks County near the Joanna Road HDD Site. The resident by the Joanna Road HDD Site experienced severe health problems due to the contamination and previously commented to the Department on the re-evaluation.

Appellants are also concerned to see that, while Sunoco has now provided a limited chronology of drilling and IR activity from June 27 through July 15, 2017, there is still no mention of the quantity of fluid released during this period or the full extent of locations where inadvertent returns occurred. There remains no explanation for why Sunoco failed to notify the Department of either the inadvertent return or the drill design reevaluation that it undertook. It remains unclear whether Sunoco’s revised July 2017 plans were ever submitted to, or approved by, the Department.

The Department also requested that Sunoco “describe in detail how it was discovered that the [ME-1 pipeline] was not accurately located and why it was not located where Sunoco believed it to be located.” Sunoco responded by stating “the Department may have misunderstood” the issue and this was merely “a drafting error made by the driller . . . In short, the drilling tool was not where the driller thought it should have been.” With no further justification or explanation, Sunoco adds that it “has no concerns that other portions of the ME-1 pipeline are not properly located . . .” These vague and conclusory statements do not shed any light on why these problems occurred or why the Department should adequately be assured that they will not recur. Appellants reiterate that this Site clearly presents a series of geological concerns and is in close proximity to a particularly vulnerable and well-populated Environmental Justice area.

While Appellants appreciate Sunoco having disclosed any information – pursuant to court order and relevant to the protection of public health and the environment – we remain concerned about a consistent pattern of Sunoco disclosing as little as possible

and with as little detail as possible. This results in an ongoing lack of information that renders the Department unable to sufficiently evaluate Sunoco's proposed re-evaluation recommendations.

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

Sincerely,

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