

March 6, 2018

By Email

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



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

Dear Ms. Drake:

On March 1, 2018, 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.

Appellants respond to particular points with reference to the point designations used in the Department's letter of January 29, 2018, and Sunoco's March 1 response.

Point No. 2.c.

In attempting to downplay the risk to two water wells confirmed by landowners to be located within 450 feet of the HDD profile, Sunoco writes "[h]owever, both well are located topographically upslope of the north HDD entry/exit location, and are not perpendicular to any point of the HDD underground profile." This statement does not provide any assurance. A comparison of the altitude of the top of the well compared to the drill pit is not the relevant consideration except with respect to concerns over surface water contamination. An understanding of the potential for contamination from the HDD

through geologic features, as opposed to through surface features, requires consideration of what happens at depth. The two wells within 450 feet of the HDD profile have a depth to their bottoms of 183 feet and roughly 150 feet, respectively. This is far greater than the mild upslope location of the tops of the wells, which is less than 40 feet above the HDD entry/exit location based on examination of a topographical map of the area. *Compare* the center of the attached map with Sunoco's Attachment 2, "Water Supply Illustration." In other words, there is no reason to believe based on the topography that these wells are not at hydrogeologic risk from the HDD. The further statement that the wells "are not perpendicular to any point of the HDD underground profile" is geometrically incoherent. The relevant point is that the wells are close to the drilling and are at risk.

Point No. 4.

Sunoco fails to "provide justification, sealed by a Pennsylvania Professional Geologist, that wells outside of 150 feet of the profile will not be impacted." It fails to do so because its claim is false and unsupportable.

Sunoco instead suggests that its compliance with the February 8 Consent Order and Agreement should quell any concerns with water contamination because nearby landowners will be offered a temporary water supply.

Damage to a resident's private water supply is illegal and actionable trespass to property and nuisance, as well as a violation of environmental protection laws. The provision of a temporary water supply before contaminating someone's well is like offering someone aspirin after beating them up—it's the least you can do, but by no means makes the offense acceptable. The Department must *prevent* harm, not merely try to *dampen* it. The Department should not authorize HDD operations which are at high risk of causing an illegal trespass and contamination of water wells. Rather, the Department should demand an actual evaluation of risk, and if the risk is too high, a change in plans.

Additionally, Appellants continue to be concerned about the nearby abandoned mine land and high variability of rock strength at the location, which heighten the risk to water supplies of Jeanette-area residents.

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

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

Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

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

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

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
ntaber@pa.gov

