

November 2, 2018

By Email

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Re: Sunoco’s October 29, 2018 letter regarding PA-CH-0413.0000-RD/S3-0520

Dear Mr. Hohenstein:

On October 29, 2018, Sunoco submitted a supplemental letter to the Department in response to the Department’s March 13, 2018 request for additional information regarding horizontal directional drilling (“HDD”) Site PA-CH-0413.0000-RD (“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”), we respectfully submit these comments in reply. Our comments first address point by point Sunoco’s letter, then discuss additional matters.

1. Geophysical Surveys

Though very late in the game, Sunoco’s commitment to conduct surface geophysics at the Site is an important step in the right direction. It is critical, however, that the Department ensure the geophysical surveys are adequate in scope and the results are fully incorporated into the construction plans for the Site. Sunoco has a history of ignoring and obscuring the findings and recommendations of its own scientists in the context of these HDD reevaluations. Commenters and the Department have identified this practice on multiple occasions. Sunoco also cannot be trusted to fully utilize the results of geophysical studies when it has vehemently rejected the usefulness of precisely such studies: in its previous supplemental filing for this Site, Sunoco claimed, “geophysics will provide no functional information at this HDD location.” To avoid Sunoco undermining the value of the geophysical surveying, both the raw data and the expert analysis of the results (including recommendations regarding construction) must be made available to the public with an opportunity to comment. There is also no reason such studies should not be shared, according to the sworn testimony of Sunoco’s Geologist, David Demko. May 12, 2018 Hearing Transcript, Pennsylvania State Senator Andrew E. Dinnman v. Sunoco Pipeline L.P., Pennsylvania Public Utility Commission Docket No. P-2018-3001453, 700: 2-4.

While Sunoco has committed to perform surface geophysics, it is still ignoring the Department's request to perform a suite of downhole geophysics and caliper testing at the Site. These are different survey techniques that provide different data and Sunoco still has neither agreed to perform these additional tests nor provided a valid reason as to why they cannot be performed. The Department should continue to require Sunoco to conduct downhole testing.

2. Proactive Measures

The proactive measures Sunoco describes in point 2 are not "supplemental" to Sunoco's previous, inadequate submissions, but merely a recitation of practices that Sunoco is already required to use, has committed to using, or both. For example, in this October 29, 2018 letter, Sunoco describes using Annular Pressure Monitoring (APM) as a method of data collection; however, in its first supplemental response, submitted May 12, 2018, Sunoco stated: "Upon the start of this HDD the use of an APM tool is mandatory." Moreover, the HDD IR Plan plainly requires the use of APM: "The following requirements shall be placed upon each HDD contractor with respect to drilling fluid control: Instrumentation – The HDD contractor shall monitor the annulus pressure of returns during the HDD pilot hole phase of HDD using an annular pressure monitor." Similarly, the explanations of "tool face pressure" and "tracking of cuttings removal," are not new or additional preventative measures; they are standard operating procedures that, while necessary, have proven inadequate for this site.

3. Grouting

In point 3, Sunoco describes two grouting measures it may generally use at HDDs, under the heading "Proactive Treatment by Annulus Grouting." These grouting plans appear to conflict with earlier grouting plans Sunoco described to the Department, which involve the injection of bentonite chips rather than cement or sand/cement. It is unclear if both protocols will co-exist or this is intended to supplant the old protocol. If both protocols will co-exist, it is unclear when one will be used versus the other. They conflict, and so cannot both be operative. For example, Sunoco previously indicated that minor loss of circulation events can be effectively treated with loss control materials. Here, Sunoco says that they "are less effective below 70 ft of the ground surface," which is where "[m]any of SPLP's HDD profiles are." Sunoco should clarify what it intends to follow.

Additional Deficiencies

Other critical deficiencies in Sunoco's reevaluation of the Site remain. Sunoco has still not committed to follow all the recommendations its scientists made in the hydrogeological report, including that door-to-door surveying be performed, and the survey area be extended beyond 450 feet based on geological features. Even at this late date, it remains unclear whether all water supplies have been correctly identified and Sunoco continues to be unwilling to notify all residents whose water may be at risk. Identification of at-risk waters supplies must be completed prior to any plans for this site being approved.

The summary of water supply testing results submitted by Sunoco still does not comply with the Order. A number of wells were not analyzed for E. coli, total coliform, and fecal

coliform. Testing for such pathogens is explicitly required by the Water Supply Plan. Sunoco cannot rely on the incomplete tests it has summarized and landowners should be made aware that they are entitled to not only whatever testing Sunoco may have completed, but specifically testing for these bacteria.

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

Sincerely,

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