

December 11, 2017

By Email

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



Re: Comments on Report for HDD PA-CU-0203.0000-WX & PA-CU-0203.0000-WX-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 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

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.

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-CU-0203.0000-WX & PA-CU-0203.0000-WX-16

1. Sunoco has not gathered or considered necessary data on groundwater in its re-evaluation of the Site.

The proposed drilling profile appears to be an improvement over the original plans for this Site, going deeper to take advantage of more stable bedrock and attempting to limit drilling through loose and fragmented layers.¹ Despite this improvement, Sunoco still has determined the Site is prone to inadvertent returns, and drilling may result in a lowered groundwater table. This makes understanding the groundwater hydrology of the area especially important. The Report explains that water table mapping was not available for the Site:

Groundwater divides may be different for each zone of groundwater flow and therefore may not coincide with surface water divides. Based on our review of available reference sources, no regional water table mapping is available for the Yellow Breeches Creek HDD site or surrounding area. **As a result, no water table mapping was available for review or inclusion with this HDD re-evaluation report.**

(emphasis added). In the absence of existing data, Sunoco should have done its own study. Instead, the Report goes on to say: "No groundwater modeling was performed for the area surrounding HDD S2-0250." This information is needed to protect water supplies.

Specifically, Sunoco has identified that on the east side of the HDD, "there is the potential to create a drain for groundwater flows and temporarily lower the groundwater table." Sunoco intends to monitor two nearby wells for reduced water levels. Because

¹ The revised drill design summary for the 20-inch pipe lists a pipe design radius of 1,600 feet. The Department should clarify whether this isn't meant instead to be 2,000 feet.

these wells are upgradient of the nearby HDD exit, the potential for groundwater depletion is real. It is unclear what Sunoco means by “temporarily” in this context. Without having mapped and fully understanding the groundwater in the area, Sunoco cannot know how long it would take for the water supply to recover, and the two wells—and any other wells reliant on that source—are at risk of running dry for extended periods or permanently. Dry wells are susceptible to bacteriological contamination. Sunoco’s scientists have described the area generally as having low hydraulic conductivity and strong seasonal influence. These factors could both affect the rate of recharge. Further explanation is needed and this proposal should not be approved until Sunoco has completed a full groundwater analysis.

2. Sunoco has not adequately assessed risks to water supplies.

Sunoco appears to have taken an important, fundamental, step by reaching out to landowners regarding well identification and testing by mail prior to the filing of its Report. This is an improvement from other re-evaluations where Sunoco did not attempt to identify private wells until after it had completed and submitted its analysis. Sunoco also suggests it has made additional contact with at least some of the nearby residents. This too is a step in the right direction. But the analysis is not complete.

It is unclear from the Report whether Sunoco has attempted direct contact with all residents, and the Report describes at least some of the investigation related to private water supplies as ongoing. In order to have a fully informed re-evaluation, nearby water supplies need to be identified and investigated to the fullest extent possible. That means completing the direct outreach effort prior to making a determination regarding plans for the Site.

Also, it appears that the results of the outreach Sunoco has done have not been incorporated into the review provided by Sunoco’s scientists. The discussion of hydrogeology is still based on results of the PaGWIS system and does not reflect the necessary, site-specific information regarding locations of wells and corresponding details on well production zones. Identifying and understanding local water supplies is not only important for the sake of informing landowners and alerting them to potential risks, but also must be part of the scientific evaluation and planning for the Site if problems are to be prevented. Here, the Report does not utilize actual well data, and, as explained above, is missing basic information on groundwater. There is not enough information to determine whether the proposal is safe for local residents.

3. Risks to the nearby impoundment must be addressed.

The Report discloses that there is a 39.5 acre impoundment 450 feet away from the Site. It appears the size of the impoundment might have mistakenly been misstated, but regardless, a review of areal maps indicates that the impoundment is a significant local feature. The Report does not provide any analysis regarding potential risks to this impoundment, its water quality and quantity, and its physical / geotechnical integrity. That analysis is needed before it can be determined that drilling can be completed safely at the Site.

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, that is not clear.

Conclusion

For these reasons, Appellants request that this proposal not be approved unless and until Sunoco provides the important additional information described above for the Department and the public to consider.

Thank you for considering these comments. Please keep us apprised of your next steps on the 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
Melcroft, PA 15462
Tel: 724.455.4200
mwa@mtwatershed.com

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

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

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