

-----  
Glen Riddle Station, L.P.  
v.  
Sunoco Pipeline, L.P.  
Call-In Evidentiary Hearing  
-----

Docket No.: C-2020-3023129

Pages 442 - 753

Judge's Chambers  
Keystone Building  
400 North Street  
Harrisburg, PA  
July 13, 2021  
Commencing at 9:02 a.m.

INDEX TO EXHIBITS

NUMBER

Glen Riddle Station Statement:

No. 2                   Iacobucci - Direct  
No. 2SR                Iacobucci - Surrebuttal  
No. 3                   Culp - Direct with  
                          Exhibits  
No. 3SR                Culp - Surrebuttal  
                          With Exhibits  
No. 9SR                Deisher - Surrebuttal  
No. 10SR               Davis - Surrebuttal  
                          with Exhibits GRS-175  
                          through GRS-177

Glen Riddle Station Exhibit:

Amerikaner CX-1   11/25/20 E-mail  
Amerikaner CX-2   1/22/21 Letter  
Amerikaner CX-3   3/21/21 Letter  
Amerikaner CX-4   3/18/21 Letter  
Becker CX-1        E-mail  
(NOT ADMITTED/NOT ATTACHED)  
Becker CX-2        E-mail  
(NOT ADMITTED/NOT ATTACHED)  
Becker CX-3        Letter  
Becker CX-4        10/29/20 E-mail  
Becker CX-5        11/20/20 Letter  
Becker CX-6        Videos  
(NOT ADMITTED/NOT ATTACHED)

SPLP Statement:

No. 2R               Amerikaner - Rebuttal  
                          with Exhibits DA-1  
                          through DA-36

INDEX TO EXHIBITS (cont.)

NUMBER

Deisher CX-1	Water Pipe Email
No. 3R	Becker - Rebuttal with Exhibits JB-1 and JB-2
No. 4R	Fye - Rebuttal with Exhibits JF-1 and JF-2
No. 5R	Farabaugh - Rebuttal with Exhibits CF-1 through CF-7
No. 6R	Packer - Rebuttal with Exhibits JP-1 through JP-13
(CONFIDENTIAL)	
No. 7R	McGinn - Rebuttal with Exhibits JM-1 through JM-9
No. 8R	Harrison - Rebuttal with Exhibits SH-1 through SH-8
Harrison 1-RD	Video
Harrison 2-RD	Video
HM-1	Hearing Motion
(NOT ADMITTED/NOT ATTACHED)	

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**DIRECT TESTIMONY OF  
RAYMOND IACOBUCCI  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: March 15, 2021

GRS Statement No. 2

1 **DIRECT TESTIMONY OF**  
2 **RAYMOND IACOBUCCI**

3 **I. INTRODUCTION AND BACKGROUND**

4 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

5 **A.** My name is Raymond Iacobucci. My business address is One Raymond Drive – Suite  
6 Two, Havertown, PA 19083.

7 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

8 **A.** I am the sole member of AJI Properties Management LLC, which has a management  
9 contract with Glen Riddle Station, L.P. (“GRS”).

10 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**  
11 **EMPLOYMENT EXPERIENCE.**

12 **A.** I have a Bachelor of Science degree in Building Construction from Georgia Technical  
13 College of Architecture and over 40 years of experience in real estate development, home  
14 building, construction, property management, real estate marketing, conveying, and  
15 financing.

16 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PENNSYLVANIA**  
17 **PUBLIC UTILITIES COMMISSION (“PUC” OR “COMMISSION”)?**

18 **A.** No.

19 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

20 **A.** I am appearing on behalf of GRS in this proceeding. This proceeding concerns the impact  
21 of the work (the “Pipeline Project”) being performed by Sunoco Pipeline, L.P. (“Sunoco”)  
22 on the Glen Riddle Station Apartments in Middletown Township, Delaware County,  
23 Pennsylvania, Tax Parcel ID No. 27-00-00780-00 (the “Property”), the residents who live

1 at the Property (the “GRS Residents”), and the GRS employees who work at the Property  
2 (the “GRS Employees”).

3 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY AND**  
4 **SUMMARIZE THE KEY POINTS.**

5 **A.** My testimony will include a summary of the history of the Pipeline Project on the Property,  
6 including, without limitation, the action commenced by Sunoco via a Declaration of Taking  
7 in the Court of Common Pleas of Delaware County, Pennsylvania, captioned, In Re:  
8 Condemnation By Sunoco Pipeline L.P. Of Temporary Workspace Easement And For The  
9 Transportation Of Ethane, Propane, Liquid Petroleum Gas, And Other Petroleum Products  
10 In Middletown Township, Delaware County, Pennsylvania, Over the Lands of Glen Riddle  
11 Station, L.P., No. CV-2020-003193 (the “Taking Action”), the associated condemnation  
12 of temporary workspace easements and a temporary access road easement over the  
13 Property (the “Temporary Easement”), and the permanent easement on the Property that  
14 was recorded with the Delaware County Recorder of Deeds on July 14, 2016, in Volume  
15 5842, Page 1859 (the “Permeant Easement”). This background information will also  
16 include testimony regarding the Property, its layout and structures, the GRS Residents, and  
17 the existing pipeline on the Property.

18 **Q. PLEASE DESCRIBE THE PROPERTY GENERALLY.**

19 **A.** The Property is located in Middletown Township, Delaware County, and has a Tax Parcel  
20 ID No. 27-00-00780-00. The Property includes 5 buildings containing 124 residential  
21 dwelling units housing more than 200 residents. In addition to the Pipeline Project, the  
22 Property has an existing pipelines buried in the Permeant Easement. The Property is  
23 located on Glen Riddle Road, a busy two lane road that intersects with State Route 452

1 (Pennell Road) approximately 400 feet east of the Property. Across Glen Riddle Road  
2 from the Property is another residential apartment complex—Tunbridge Apartments.  
3 Tunbridge Apartments contains approximately 114 residential dwelling units, and  
4 approximately 200 residents reside at that property.

5 Exhibit **GRS-1** is a Satellite view of the Property showing its location on Glen Riddle Road  
6 in relation to Route 452.

7 The location of the pipeline that was on the Property prior to Sunoco’s work that is the  
8 subject of this proceeding is shown on Exhibit **GRS-2**.

9 **Q. PLEASE DESCRIBE HOW THE PERMEANT EASEMENT CAME TO EXIST.**

10 On June 20, 2016, Sunoco acquired a permanent easement on the Property that was  
11 recorded with the Delaware County Recorder of Deeds on July 14, 2016, in Volume 5842,  
12 Page 1859. As part of that Permanent Easement, Respondent agreed and acknowledged  
13 that its “construction, operation and maintenance of the [Pipeline Project] will be  
14 performed in compliance with all applicable environmental, health and safety laws,  
15 standards, and regulations.”

16 The recorded Permanent Easement is Exhibit **GRS-3**.

17 **Q. PLEASE DESCRIBE HOW THE TEMPORARY EASEMENT CAME TO EXIST.**

18 **A.** Sunoco filed the Taking Action condemning temporary easements over the Property. The  
19 Temporary Easement also includes a temporary access road easement across the Property  
20 that is 20 feet wide and extends for approximately 223 feet. The Taking Action is ongoing.  
21 A drawing indicating the location of the Temporary Easements as well as a description of  
22 the Temporary Easement is Exhibit **GRS-4**.

1 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

2 **A.** Yes. However, I reserve the right to supplement my testimony as additional issues arise

3 during the course of this proceeding.

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on March 15, 2021, I served a true and correct copy of the foregoing Direct Testimony of Raymond Iacobucci upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



\_\_\_\_\_  
Samuel W. Cortes, Esquire



**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**SURREBUTTAL TESTIMONY OF  
RAYMOND IACOBUCCI  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: June 14, 2021

GRS Surrebuttal Statement No. 2 -SR

**SURREBUTTAL TESTIMONY OF  
RAYMOND IACOBUCCI**

**I. INTRODUCTION AND BACKGROUND**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. My name is Raymond Iacobucci. My business address is One Raymond Drive – Suite Two, Havertown, PA 19083.

**Q. PLEASE DESCRIBE THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY.**

A. The purpose of my testimony is to respond to and rebut the rebuttal testimonies of John L. Packer, Joe Becker, Joseph McGinn, Jayme Frye, and David Amerikaner.

**Q. DID YOU REVIEW THE REBUTTAL TESTIMONY SUBMITTED BY JOHN L. PACKER?**

A. Yes.

**Q. ARE YOU FAMILIAR WITH THE EVENT ON NOVEMBER 25, 2020, THAT MR. PACKER DESCRIBED?**

A. Yes. I was personally involved in the events described.

**Q. DO YOU AGREE WITH MR. PACKER’S REPRESENTATION OF THE EVENTS THAT TOOK PLACE ON NOVEMBER 25, 2020?**

A. No. On November 25, 2020, I asked Sunoco representatives repeatedly to have Sunoco show me where the easement lines were physically marked so that I could understand the area that Sunoco was demanding GRS not enter. Although a representative from Sunoco asked me to leave the area where I was standing, no one could identify where the easement began and ended. Machinery was already running at this point, making Sunoco’s complete lack of signage or any type of physical boundary concerning. It was apparent to me that the Sunoco representatives did not know where the easement began and the surveyor

1 employed by Sunoco similarly refused to answer my questions. We cannot keep ourselves,  
2 our employees or help to keep our residents safe if we do not even know the location of the  
3 boundaries of the easement.

4 **Q. DID YOU REVIEW THE TESTIMONIES OF JOE BECKER, JOSEPH MCGINN,**  
5 **AND DAVID AMERIKANER?**

6 **A.** Yes.

7 **Q. MR. MCGINN [11:6-13:3], MR. BECKER [6:15-11:9], AND MR. AMERIKANER**  
8 **[generally] TESTIFIED REGARDING THE ALLEGED ADEQUACY OF THE**  
9 **COMMUNICATIONS BETWEEN SUNOCO AND GRS. HOW DO YOU**  
10 **RESPOND?**

11 **A.** In addition to the testimony of Stephen Iacobucci, I must add that Sunoco communicated  
12 with GRS only in reaction to GRS's complaints and, even then, they provided limited  
13 information. With respect to the allegations that GRS failed to ask specific safety related  
14 questions prior to the start of the work, Sunoco did not provide any plan for the safety of  
15 the residents at the 2019 meetings, or by the time construction began. Mr. Fye and Sunoco  
16 representatives informed us that they would work with us to create a proactive plan for the  
17 residents prior to construction to address safety items, including, without limitation, sound  
18 control, vehicular and pedestrian concerns.

19 These representations caused us to withhold safety questions until we had Sunoco's  
20 plans. By way of example, we did not inquire about the emergency access issue at this  
21 time because Sunoco informed us that there would not be full blockage of the loop through  
22 the Property. In fact, Mr. Fye informed me that Sunoco could conduct all of the work  
23 within 50 feet if it needed to.

1 Sunoco's testimony is also misleading because counsel for GRS, acting on GRS's  
2 behalf, repeatedly asked detailed questions regarding safety both before worked  
3 commenced and shortly thereafter. [See Exhibits **GRS-158** through **161, 166.**]

4 Sunoco only ever provided limited information, after all plans were finalized by  
5 Sunoco. This did not allow GRS the ability to plan for the safety and well-being of the  
6 GRS employees and residents. GRS was unable to work with its own experts to verify the  
7 accuracy of Sunoco's representations regarding safety because we did not receive these  
8 plans.

9 Further, a major safety concern for GRS has been the sound walls – from both an  
10 efficacy and fire safety standpoint. During meetings in May and July of 2019, I asked  
11 several questions of Sunoco regarding the effectiveness of the sound walls. Sunoco  
12 representatives assured me that they would work with GRS and present various sound wall  
13 options, and plans for relocating residents. Yet, Sunoco did not provide any sound wall  
14 options, nor did it inform us that the sound walls would block the second emergency access  
15 for both the eastern and western sides of the Property. Joseph Wittman testifies further on  
16 this issue.

17 **Q. DID YOU REVIEW THE TESTIMONY OF JAYME FYE?**

18 **A.** Yes.

19 **Q. MR. FYE TESTIFIED THAT SUNOCO TAKES PROACTIVE STEPS TO**  
20 **“ASSURE SAFETY OF UNDERGROUND UTILITIES,” [6:12-13], HAS GRS**  
21 **EXPERIENCED ANY ISSUES WITH SAFETY PERTAINING TO**  
22 **UNDERGROUND UTILITIES?**

1 A. Yes. GRS experienced a water main break on May 26, 2021. Stephen Iacobucci testifies  
2 in greater detail regarding the circumstances surrounding that danger. Additionally, Jason  
3 Culp, P.E, testifies regarding the hazardous conditions created by Sunoco caused the  
4 dangerous water main break. I raised concerns about the protection of existing utilities at  
5 various meetings including, without limitation the November 2020 field meeting. GRS’s  
6 counsel followed up with a letter. [Exhibit **GRS-161.**] We received no response to these  
7 concerns from Sunoco, as became typical.

8 **Q. IN RESPONSE TO ASSERTIONS IN GRS’S DIRECT TESTIMONY THAT**  
9 **SUNOCO FAILED TO COMMUNICATE ADEQUATELY WITH GRS, MR. FRYE**  
10 **TESTIFIED THAT AT ALL OF THE CONSTRUCTION MEETINGS HE**  
11 **ATTENDED WITH GRS, HE AND SUNOCO PROVIDED INFORMATION**  
12 **REGARDING “WHAT GRS COULD EXPECT DURING CONSTRUCTION [4:16-**  
13 **19], ANSWERED QUESTIONS AND DID A WALK-THROUGH OF THE SITE”?**  
14 **DO YOU AGREE WITH MR. FRYE?**

15 A. No. As set forth above, Sunoco failed to provide any detail regarding what GRS could  
16 expect in construction, but instead, represented that our questions would be answered  
17 before the work began.

18 By way of example, in 2019, Mr. Fye personally told me that GRS would have an  
19 opportunity to review sound wall specifics – location, types and effectiveness. Mr. Fye  
20 assured me that although the sound output of the equipment was in the 80s (decibels), the  
21 sound walls would lower the sound 12-15 decibels and the noise heard outside of the work  
22 area would be “no greater than background noise on the road.” He never mentioned that

1 the loudest equipment, the vacuum trucks, would be used. GRS learned this when the  
2 vacuum trucks arrived at the Property.

3 Based on my experience in real estate management and development, the location  
4 of the sound walls and impact on community emergency safety and resident  
5 hearing safety should have been thought through and planned for in the construction  
6 planning prior to submitting the DEP permit establishing the limit of disturbance and prior  
7 to the acquisition/condemnation of the required workspace easement area. Here,  
8 however, work began without GRS having any input regarding the sound wall location and  
9 without Sunoco considering roadway maneuverability or emergency access concerns in  
10 this planning.

11 Mr. Fye assured us on July 30, 2019, at a site meeting, that “at no time a full  
12 blockage” of the upper lot would occur and that the lower lot would only be blocked during  
13 the boring under Glen Riddle Road, which he estimated at 4 days to 3 weeks. Mr. Fye  
14 stated that we would only lose 10 parking spaces. The total blockage of the upper lot,  
15 which Mr. Fye stated would never happen, caused fire and emergency access to regress to  
16 an unsafe level as testified to by Jason Culp and Jim Davidson.

17 The only site plan we received prior to work starting is attached as Exhibit  
18 **GRS-157**. We received this plan in July 2019 and Mr. Fye represented that the loudest  
19 equipment, the separation plant, would be located at a distance from the buildings near the  
20 pool. Sunoco explained to us prior to construction that the separation plant was planned  
21 as far from any buildings as possible near the pool because the separation plant was  
22 extremely loud and the noise would be for the entire drilling phase. When work

1 commenced however, I personally observed that Sunoco moved the separation plant  
2 approximately 100 feet closer to Buildings F&G.

3 The location of the separation plant away from the buildings on the plan I received  
4 in 2019 is also what was used in the noise report conducted by Behrens and Associates,  
5 Inc., titled “Glen Riddle 620 South Site Noise Impact Assessment Report (August 20,  
6 2010) (Exh. SPLP SH-2 ) relied upon by Sunoco’s noise expert, Seth Harrison. GRS’s  
7 expert, Joseph Wittman, opines on this issue and Sunoco’s failure to follow the plans laid  
8 out in the Behrens Report.

9 Additionally, at several meetings, Mr. Fye informed me that Sunoco would work  
10 with GRS regarding relocating residents that had concerns about the disruption associated  
11 with Sunoco’s work, including residents with health concerns, night work concerns, and  
12 other issues. This never occurred. Sunoco failed to follow up with GRS about the specific  
13 units that would require relocation. Work began without any effort by Sunoco to work  
14 with those individuals who, for various reasons including health concerns, could have  
15 potentially been relocated.

16 **Q. IN RESPONSE TO GRS ALLEGATIONS THAT SUNOCO FAILED TO**  
17 **ADEQUATELY COMMUNICATE WITH GRS, MR. MCGINN TESTIFIED**  
18 **REGARDING SUNOCO’S COMMUNICATION WITH LOCAL OFFICIALS**  
19 **[8:19-9:13] AND THAT “SUNOCO GOES ABOVE AND BEYOND WHAT IS**  
20 **REQUIRED,” AND THAT SUNOCO “CONTINUE[S] TO SHARE UPDATES**  
21 **WITH [GRS] AND [ITS] LEGAL COUNSEL IN THE HOPE OF IT BEING**  
22 **PUBLISHED ON ITS WEBSITE [11:6-12:23]. HOW DO YOU RESPOND.**

1 A. Mr. McGinn has made communication more difficult. From the beginning, he said that he  
2 would help GRS “behind the scenes,” and assured me that Sunoco would consider the  
3 community with regard to safety and disturbance – including relocation of residents, if  
4 necessary. He represented that Sunoco management “understood the unique disturbance  
5 at GRS.” He assured me repeatedly that Sunoco was a safe company and that I did not  
6 need to worry about safety, including, without limitation, when I raised pedestrian safety  
7 concerns in early meetings.

8 Critically, Mr. McGinn advised me that if I asked for help from legislators, he  
9 would no longer assist me. This caused me to delay reaching out to legislators myself.  
10 GRS was planning to have a meeting with Mr. McGinn and the legislators and then  
11 proactively approach residents with details regarding explanation and relocation. This  
12 never occurred and Sunoco never worked with GRS to do any advanced planning.

13 Mr. McGinn also told me that I did not need to attend the hearings with the DEP  
14 pertaining to Sunoco’s work on the Property because it would not impact the GRS  
15 Residents or Property.

16 Finally, Mr. McGinn’s assertion that GRS is somehow impeding Sunoco from  
17 interacting with residents is untrue. As Stephen Iacobucci testified in greater detail, much  
18 of Sunoco’s alleged communication with residents came after and as a direct result of  
19 actions taken by GRS.

20 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

21 A. Yes. However, I reserve the right to supplement my testimony as additional issues arise  
22 during the course of this proceeding.



**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 14, 2021, I served a true and correct copy of the foregoing Surrebuttal Testimony of Raymond Iacobucci upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



\_\_\_\_\_  
Samuel W. Cortes, Esquire

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**DIRECT TESTIMONY OF  
JASON CULP, P.E.  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: March 15, 2021

GRS Statement No. 3

1 **DIRECT TESTIMONY OF**  
2 **JASON CULP, P.E.**

3 **I. INTRODUCTION AND BACKGROUND**

4 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

5 **A.** My name is Jason Culp, P.E. My business address is 116 East King Street, Malvern, PA  
6 19355.

7 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

8 **A.** I am Vice President of Uzman Engineering and have been employed in this position since  
9 January 2018.

10 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**  
11 **EMPLOYMENT EXPERIENCE.**

12 **A.** I attended and graduated from Penn State University in 2008 and am a licensed professional  
13 engineer with experience addressing fire safety, site design issues, structural and  
14 geotechnical related design and construction observation throughout the Delaware Valley.  
15 My CV is Exhibit **GRS-31**.

16 **Q. HAVE YOU PREVIOUS TESTIFIED BEFORE THE PENNSYLVANIA PUBLIC**  
17 **UTILITIES COMMISSION (“PUC” OR “COMMISSION”)?**

18 **A.** No.

19 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

20 **A.** I am appearing on behalf of Glen Riddle Station, L.P. (“GRS” or “Glen Riddle”) in this  
21 proceeding. I have been asked to specifically testify as to our evaluation of the safety  
22 conditions at GRS’s Property as it relates to the work undertaken there by or on behalf of  
23 Sunoco Pipeline, L.P. (“Sunoco”).

1 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY AND**  
2 **SUMMARIZE THE KEY POINTS.**

3 **A.** The purpose of my testimony is to highlight the life safety and public welfare concerns as  
4 it relates to the work ongoing and planned at the Glen Riddle Station Apartments by or on  
5 behalf of Sunoco. We have identified significant safety concerns relative to not only the  
6 work itself but also the design and scope of the construction project. A number of key  
7 safety issues have been brought to Sunoco's attention as set forth in the direct testimony of  
8 Stephen Iacobucci and Raymond Iacobucci.<sup>1</sup> My testimony will address these safety issues  
9 and demonstrate how alternative designs and similar reasonable modifications would  
10 obviate, mitigate, minimize or at least work around these safety concerns.

11 **II. DESCRIPTION OF THE PROPERTY**

12 **Q. PLEASE DESCRIBE THE PROPERTY GENERALLY.**

13 **A.** The property is an approximately 11-acre parcel with 5 apartment buildings of masonry  
14 and precast plank construction with related infrastructure including pool, parking areas and  
15 drive aisles spread out across the site. The drive aisles create a loop that connect at the top  
16 and convey down to the two access entrances near each side of the property. The site is  
17 approximately 50% pervious and 50% impervious steeply sloping from North to South. In  
18 general, the site has fairly large expanses of green/open lawn space (in comparison to a  
19 denser development or urban type development). The work area bisects the property in  
20 two halves (East half with two buildings and West half with three buildings) and the sound  
21 walls limit pedestrian and vehicle access to either half.

---

<sup>1</sup> All terms not otherwise defined herein have the meaning ascribed to them in the Direct Testimony of Stephen Iacobucci and Raymond Iacobucci.

1 **III. THE SAFETY ISSUES**

2 **Q. PLEASE DESCRIBE THE NOISE ISSUES.**

3 **A.** Glen Riddle requested to be provided with a sound mitigation plan designed by a  
4 professional engineer or a similarly qualified professional. What was provided by Sunoco,  
5 as I understand it after many requests, was a sound wall plan that showed the layout and  
6 panel type to be installed with little guidelines or details as far as the structural support,  
7 sound mitigation effectiveness or quantitative goals or similar calculations that would show  
8 the mitigation effectiveness based on the sound wall type. Additionally, this plan provided  
9 no information as to the anticipated sound sources (generator, excavators, drilling  
10 equipment etc.) and any run time limits or similar. Website links were provided to GRS  
11 by Sunoco to review, on its own, the sound wall products which fall in to two categories,  
12 movable and non-movable with various sound damping fabrics/assemblies. No product  
13 cut sheets and/or calculations have been provided even though GRS requested them.  
14 Through my review of the website links GRS received from Sunoco, it appears that there  
15 is different sound reduction provided by the sound walls depending on the sound  
16 frequency. Again, no sound source data has been provided, though it was requested, and  
17 as a whole, no sound mitigation strategy with calculations or similar has been provided to  
18 GRS or myself to demonstrate the effectiveness of the sound walls, if any, based on the  
19 sound sources themselves. Any professional engineer or at least an audio specialist is  
20 reasonably expected provide calculations and design for this use.

21 As no mitigation strategy, goals or limits have been provided to GRS, discrete samplings  
22 by myself and GRS have been conducted at various locations both indoors and outdoors  
23 around the site. These readings have averaged in the high 60 decibels with spikes over 90

1 and 100 decibels observed in shorter intervals. Certain of these readings are readings are  
2 part of **GRS-5**. Exhibit **GRS-33** is a photograph that I took of the equipment that I provided  
3 to GRS for measuring decibels. Additionally, the sound mitigation wall installation itself  
4 allowed routinely elevated noise levels for several weeks while these were installed (no  
5 provisions or sequencing noted this intermediary issue of wall installation sound  
6 abatement).

7 Based on Occupational Safety and Health Administration (OSHA) National Institute for  
8 Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), and The  
9 Environmental Protection Agency (EPA) (Information on Levels of Noise Requisite to  
10 Protect Public Health and Welfare with an Adequate Margin of Safety) studies and  
11 regulations, which provide guidance regularly relied on by professional engineers  
12 monitoring noise at construction sites, noise issues fall in to two categories: (1) annoyance  
13 level and speech interruption level; and (2) hearing loss levels. The NIOSH and CDC  
14 guidelines are primarily based on worker safety as these guide the OSHA standards (OSAH  
15 1910.95 Occupational noise exposure) for worker safety.

16 These studies and regulations are **GRS-27**. OSHA regulations (1910.95 Occupational  
17 Health and Environmental) limit occupation limit noise to an average 85 decibels over an  
18 8 hour period. Any greater requires noise protection or mitigation. As this is for  
19 occupations it is actually more permissive (the workers can wear hearing protection and  
20 are being contracted to be in that environment). The EPA standard recommends limits for  
21 the general population. These limits are lower (75 decibels for 8 hour exposure) as they  
22 are for the general public and were recommended to be utilized in setting limits in public  
23 spaces such as noise ordinance etc. The limits are also set assuming a 24 hour period (70

1 decibel average over 24 hour period). The limits are set assuming that a person in the  
2 public may have a job where noise exposure is an issue for the 8 hour work day. The work  
3 hours at the site along with the elevated noise levels pose a risk and a general nuisance to  
4 the residents especially where they may come home. This is particularly exacerbated  
5 during periods where kids and adult residents have been home during quarantines and  
6 school virtual settings. Exhibit **GRS-6** illustrates certain resident complaints that I have  
7 reviewed concerning noise levels at the Property.

8 In my professional opinion, the sound mitigation measures undertaken by Sunoco have not  
9 been effective and have created a situation that negatively affects those living and working  
10 at GRS's Property. They are allowing for unhealthy levels of sound to permeate the  
11 residences and offices at the Property as demonstrated by the sound readings and resident  
12 complaints. This puts the GRS residents and employees at an increased risk of hearing loss  
13 according to the NIOSH, CDC, and EPA (Information on Levels of Noise Requisite to  
14 Protect Public Health and Welfare with an Adequate Margin of Safety) studies and  
15 regulations and creates an unhealthy environment that could easily be avoided by Sunoco.

16 **Q. PLEASE DESCRIBE THE STRUCTURAL ISSUES.**

17 **A.** Sunoco performed pre-construction video and audio surveys of the existing conditions but  
18 failed to provide the final report of these studies so that GRS has all of the information and  
19 Sun then may selectively provide the data at the culmination of the project. It is important  
20 that GRS was to be provided this information so that further study could be requested or  
21 performed on GRS's on accord so that quantifying of any conditions may have been  
22 performed prior to work commencing. For instance if a crack was noted within the  
23 foundation then crack gauges could have been installed (GRS would provide at their own

1 expense if not agreed to by Sun) to ensure the conditions did not worsen following the  
2 work being completed.

3 GRS has been informed that seismic studies have been conducted during the work and that  
4 should vibrations above the safe threshold occur then work will stop and adjustments will  
5 be made. To date, no data or readings have been provided to GRS, though GRS has  
6 requested them. More importantly, the threshold for what is a safe vibration has not been  
7 provided to GRS so that we may review this and determine if it is acceptable. In fact,  
8 vibrations can affect soil conditions such that settlement occurs over a time period well  
9 after the work has been completed and the work in general may affect groundwater  
10 conditions that may result in an acceleration of consolidation settlement or similar that may  
11 have an adverse effect on the building foundations. It is reasonable to expect that third  
12 party reports and similar information will be provided to GRS of not only the safe threshold  
13 of vibrations but also the ongoing vibration study reports or data. At this point, the  
14 contractor is simply self certifying (without any actual reporting) that the vibrations are  
15 below tolerable limits (of which we have not been told what is deemed tolerable).

16 There is also a question on the sound walls themselves as for their structural capacity.  
17 Signed and sealed design documents with details and calculations are a standard  
18 requirement for thin, narrow structures that are over 30 feet in height. Structural  
19 calculations for both the wall foundations and the wall structural elements above grade  
20 should be provided by Sunoco. These would include wind loads, soil assumptions, and  
21 other similar information. A failure of these walls may cause damage to the buildings if  
22 they were to tip over or in an extreme case could cause injury or death. Further, as the  
23 walls have been constructed already, there is no third party documentation or observation



1 that the walls, as constructed meet whatever design plans and calculations required as much  
2 of the work is now below grade. In my professional opinion, this creates an unreasonable  
3 and easily avoidable threat to safety at the GRS property. Exhibit **GRS-21** is a photograph  
4 showing the sound walls, and **GRS-32** shows the proximity of the sound walls to the  
5 residential structures.

6 **Q. PLEASE DESCRIBE THE PARKING LOT ISSUES.**

7 A. The work has caused removal of 50 to 60 parking spots and also prevented adequate turn  
8 around room at the upper portions of the property (60 foot cul de sac or other T shape,  
9 hammerhead turn around or loop is a typical requirement of site planning of townships  
10 including Middletown). Additionally, the neighboring property – Tunbridge Apartments  
11 – has lost twice the number of spaces from Sunoco’s work, which results in GRS being  
12 subject to overflow from the neighboring property. Improper mark out of the temporary  
13 construction easement appeared to further impede the parking spaces and in fact reduced  
14 the drive aisle to less than 16 feet in a location with an over 12.5% grade and tight turning  
15 radius, which made it difficult to navigate and also reduced site distance. This improper  
16 mark out was only corrected after I insisted that the markout was incorrect despite Sunoco  
17 ensuring that their surveyors had correctly delineated the easement area. The work area  
18 was in fact almost 20 feet from the originally staked location. **GRS-28** is the original  
19 incorrect survey done by Sunoco.

20 There is also an issue regarding the drive aisles. Because the parking density is much  
21 tighter following the removal of spaces the drive aisle are busier and have reduced site  
22 distance than the pre-existing condition. Additionally, no mark-out or signage has been  
23 installed by Sunoco that would direct construction traffic from maintaining their travels

1 within the designated access easements. Without marking out the outside boundary of the  
2 access easement, it is impossible for the drivers to ensure they stay within the permitted  
3 boundary and impossible to GRS to ensure the construction traffic stays within its  
4 permitted boundary, i.e., it is unenforcable. This, too, in my professional opinion, creates  
5 an unreasonable and easily avoidable threat to safety.

6 **Q. PLEASE DESCRIBE THE PEDESTRIAN CROSSING ISSUES.**

7 **A.** The sound walls impacted the normal pedestrian access across the site including the drive  
8 aisles being closed between each property half (East and West) and in fact closed sidewalks  
9 and forced people to park where not easily accessible. Additionally, with the increase in  
10 construction traffic there is a greater risk to pedestrians crossing areas where there was no  
11 previously existing access. The work has changed the pedestrian traffic to less desirable  
12 patterns which require pedestrians to walk across steep grades of lawn area etc. A  
13 pedestrian access walkway, which has been requested by GRS, is absolutely required for  
14 safe pedestrian access. Thus far, Sunoco has not provided this. This, too, in my  
15 professional opinion, creates an unreasonable and easily avoidable threat to safety.

16 **Q. PLEASE DESCRIBE THE SIGNAGE/WARNING ISSUES.**

17 **A.** GRS and I, on behalf of GRS, have requested better visual mark out of the access roads  
18 and greater flaggers and signage provided to delineate the access easements, particularly  
19 in the parking areas where kids and elderly frequent, many times without properly looking  
20 before crossing these areas. There should be a greater visual deterrence to slow any  
21 pedestrian traffic from crossing in to the work area zones. Sunoco's general response to  
22 this has been that the area is a parking lot and thus people should be looking before crossing  
23 the drive aisle or similar. In my experience, traffic design is meant to capture the least

1 common denominator. Traffic design is not based upon a professional driver with perfect  
2 weather conditions and optimum equipment. In the same way that cross walks use  
3 graphical icons more easily understood versus “walk” or “stop” signage this site must  
4 incorporate better controls catered to all pedestrians to mitigate any accidents that may  
5 occur. Prior to this construction, the site was not frequented by large construction trucks  
6 with limited site lines or similar on a regular basis and most of the traffic was from residents  
7 familiar with where kids may be or where typical pedestrian crossings may happen. Due  
8 to the increase construction traffic, the completely different pedestrian circulations, etc., it  
9 is imperative that a traffic circulation plan with good signage and visual deterrents be  
10 provided. PennDOT and FHWA have guidelines on pedestrian circulation, signage etc.  
11 that clearly have not been consulted for the project.

12 The referenced PennDOT and FHWA guidelines are Exhibit **GRS-29**. In my professional  
13 opinion, these guidelines should be followed at GRS’s property and the failure to do so is  
14 both unreasonable and unsafe.

15 If a plan were to be provided by Sunoco, then GRS could better inform the residents as  
16 well as work off whatever initial plan to provide safe conveyance. This is another instance  
17 where Sunoco’s failure to communicate has put the safety of the GRS’s residents and  
18 employees in jeopardy.

19 **Q. PLEASE DESCRIBE THE HAZARDOUS LEAK ISSUES.**

20 **A.** GRS has observed several small releases including hydraulic oil leaks from equipment as  
21 well as apparent overflow from drill cutting plants. GRS has not been provided any release  
22 reporting documentation for these occurrences.

1           Additionally, it has been witnessed that Sunoco has been importing fill material (soil  
2           aggregate or similar) with no manifest, chain of custody or clean fill certification being  
3           provided that would indicate the material is not hazardous or been subjected to a release.  
4           In my professional opinion, this data is regularly provided for safety and health-related  
5           purposes.

6   **Q.   PLEASE DESCRIBE THE STORM WATER MANAGEMENT ISSUES.**

7   A.   Erosion and sedimentation controls are in place on the site, however, due to the filling of  
8           slopes and ground as well as installation of barriers (sound walls) stormwater patterns have  
9           likely changed. No pre-existing conditions versus construction conditions grading plans  
10          (and thus any altered watersheds or drainage paths could not be reviewed) have been  
11          provided to GRS and in fact there is large fills for construction platforms that have  
12          including retaining wall construction and similar that appears to have no design nor any  
13          third party oversight. Additionally, the site is to be restored to previous ground cover,  
14          however, no considerations or remediation have been presented to GRS that suggest the  
15          soil conditions will be amended to their previous non compacted conditions. It is typical  
16          to expect construction traffic and activities to significantly compact the existing ground,  
17          especially in areas where fill has been placed and compacted. This compactive effort may  
18          reduce infiltration and runoff absorption significantly and no provisions for this  
19          remediation has been provided. The Pennsylvania BMP manual for Stormwater, Exhibit  
20          **GRS-34**, recognizes the effect that construction has on the runoff absorption and has  
21          provisions for amending this conditions with various BMP (best management practices)  
22          methodologies that could be incorporated. Failure to properly repair this ground

1 compaction will cause unnecessary drainage issues, poor lawn conditions and similar  
2 avoidable conditions.

3 On November 28, 2020, Sunoco covered certain storm drain grates on the Property in an  
4 apparent attempt to manage storm water from the Property into the local storm sewer  
5 system. Sunoco's current management of storm water at the Property associated with its  
6 activities has already resulted in, and will continue to result in, discharges of storm water  
7 onto the Property that cause avoidable erosion and storm water damage. Additionally, this  
8 work may prevent stormwater conveyance from the subject property where these barriers  
9 are installed or where grading has prevented, increased or decreased the expected drainage  
10 amounts, rate and paths.

11 Exhibit **GRS-18** illustrates some of the storm water issues.

12 No provisions or demonstrations of the pre-existing drainage methods, patterns etc. as it  
13 relates to the temporary grading, structure installation (sound walls, silt sock etc.) have  
14 been provided. For example, the sound walls have been installed such that runoff overland  
15 and from any roof downspouts may back up against the sound walls barrier with inadequate  
16 conveyance. This would result in flooding of units, deterioration of ground conditions and  
17 cover and accelerated deterioration of infrastructure in areas outside of the work zone.

18 Sunoco's current management of storm water at the Property will likely create safety  
19 hazards for the Property residents, especially as colder weather results in icing. Sunoco  
20 may not disregard the current impact of its storm water management on the Property and  
21 its residents simply because it may, at some future undetermined time, apply site restoration  
22 measures.

23

1 **Q. PLEASE DESCRIBE THE FIRE HAZARD ISSUES.**

2 **A.** Prior to GRS’s objection, Sunoco planned to locate its sound walls as little as 5 feet from  
3 the residences. At 35 feet tall, this would have prohibited access via ladder rescue to the  
4 upper and mid levels from bedrooms. Typical residential code requires egress windows to  
5 be installed in bedrooms areas (at a minimum) so that emergency personnel (fire fighters)  
6 can access these dwellings for rescue when the typical access is blocked or similar. I  
7 initially highlighted this concern in late November when the work was planned to start.  
8 Had this not been highlighted then, the walls would have been installed with no access for  
9 emergency personnel, putting the GRS residents and employees and the GRS Property  
10 itself at an unnecessary and unacceptable risk.

11 Further, the Sunoco plan (the “Plan”) violates at least three of the International Fire Code.  
12 The Plan violates Section D106 because it deprives the GRS property and those who live  
13 there and access it of two separate and approved fire apparatus access roads in violation of  
14 Section D106 of IFC to all areas/buildings on the site. The failure of the Plan to allow for  
15 two separate fire apparatus roads with access roads is evident from the diagram attached.  
16 **[GRS-20.]** This violation of D106 of the IFC is particularly serious at the GRS property  
17 because the GRS property does not have fire sprinklers and uninterrupted ingress and  
18 egress for emergency vehicles is of paramount concern. The “movable” sections of the  
19 sound walls violate Section D103.5 of the IFC pertaining to fire apparatus access road  
20 gates. The “movable” sections of the sound walls identified in the Plan are not “gates.”  
21 Instead, the “movable” sections of the sound walls identified in the Plan can be moved only  
22 manually and only by multiple people. In any event, on the other side of these “movable”  
23 sections of the sound walls are trenches that require some type of bridging or covering for

1 emergency vehicles to access the GRS property. Further, these “movable” sections of the  
2 sound walls exist only on the eastern side of the property – the western side lacks even a  
3 “movable” section to allow for emergency vehicle access. This violation, too, is of  
4 paramount concern at the GRS property because it interrupts ingress and egress for  
5 emergency vehicles. The western side of the property does not have the turnaround space  
6 required by Section D103.4 (figure 103.1) of the IFC. In fact the movable gate on the  
7 eastern side is only in place to allow for a cumbersome turn around of emergency vehicles.  
8 Technically this turn around space does not even meet the requirements of D103.4. If there  
9 was a movable gate installed on both sides of the sound wall it would solve both the D106  
10 violation by ensuring two access points are viable and would negate the D103.4  
11 requirement as no turnaround space would be required as the community loop would be  
12 restored. This violation allows for the possibility that emergency vehicles, like fire trucks,  
13 will not maneuver as necessary in the time of an emergency. The foregoing violations are  
14 serious and put lives in immediate danger. As highlighted above, there exists an alternative  
15 design that would not violate the code requirements of IFC by incorporating this movable  
16 gate. It is unclear why Sunoco would not incorporate this alternative when it is deemed  
17 easily possible. In my professional opinion, Sunoco’s failures in this regard have created  
18 an unacceptable and unreasonable threat to the safety of the lives of those living and  
19 working at the GRS Property and to the GRS Property itself.

20 The referenced sections of the IFC are attached as Exhibit **GRS-30**.

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

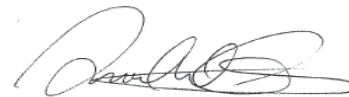
GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on March 15, 2021, I served a true and correct copy of the Direct Testimony of Jason Culp, P.E., upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



\_\_\_\_\_  
Samuel W. Cortes, Esquire



**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**SURREBUTTAL TESTIMONY OF  
JASON CULP, P.E.  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: April 16, 2021

GRS Surrebuttal Statement No. 3 -SR

1  
2

**SURREBUTTAL TESTIMONY OF  
JASON CULP, P.E.**

3 **I. INTRODUCTION AND BACKGROUND**

4 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

5 **A.** My name is Jason Culp, P.E. My business address is 116 East King Street, Malvern, PA  
6 19355.

7 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

8 **A.** I am Vice President of Uzman Engineering and have been employed in this position since  
9 January 2018.

10 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**  
11 **EMPLOYMENT EXPERIENCE.**

12 **A.** I attended and graduated from Penn State University in 2008 and am a licensed professional  
13 engineer with experience addressing fire safety, site design issues, structural and  
14 geotechnical related design and construction observation throughout the Delaware Valley.  
15 My CV is Exhibit **GRS-31**.

16 **Q. HAVE YOU PREVIOUS TESTIFIED BEFORE THE PENNSYLVANIA PUBLIC**  
17 **UTILITIES COMMISSION (“PUC” OR “COMMISSION”)?**

18 **A.** Yes. I provided Direct Testimony on March 15, 2021.

19 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY AND A**  
20 **SUMMARY OF THE SALIENT POINTS.**

21 **A.** I will address the rebuttal testimony of Sunoco witnesses pertaining to vibrations,  
22 stormwater, and certain communication failures. I will also address two dangerous

1 situations that have occurred at the Property<sup>1</sup> since I provided my Direct Testimony. I will  
2 testify regarding the water main break that occurred at the Property on May 26, 2021 (the  
3 “Water Main Break”). My testimony will address the potential dangers associated with  
4 failing to adequately secure exposed pipelines in a work area such as Sunoco’s. My  
5 testimony will also address the potential dangers associated with Sunoco’s use of sound  
6 walls in a manner that is inconsistent with their intended usage. These occurrences and  
7 Sunoco’s responses also rebut Sunoco’s rebuttal testimonies pertaining to communication  
8 with GRS and the safety of Sunoco’s activities at the Property.

9 **Q. WHAT DID YOU REVIEW IN PREPARATION FOR YOUR SURREBUTTAL**  
10 **TESTIMONY?**

11 **A.** In addition to the materials I reviewed for my Direct Testimony, I reviewed the rebuttal  
12 testimonies of Joe Becker, Jayme Fye, and David Amerikaner.

13 **Q. HOE DO YOU RESPOND TO THE REBUTTAL TESTIMONY OF JOE BECKER**  
14 **THAT “THERE IS NO BASIS TO CONCLUDE THAT [SUNOCO] WAS**  
15 **INDIFFERENT TO SAFETY CONCERNS BEFORE CONSTRUCTION**  
16 **COMMENCED” AND GRS’S ALLEGED FAILURE TO RAISE “SPECIFIC**  
17 **CONCERNS AND PROBLEMS” [8:13-22]?**

18 **A.** There were no plans showing height of walls type of walls movable or non-movable etc.  
19 as well as the expected traffic patterns associated with the walls. We only uncovered  
20 conflicts after discovering the wall height and survey markings at the start of construction.  
21 Additionally, Sunoco never asked us about location of bedrooms for purposes of egress  
22 from the apartments. If Sunoco was concerned with safety, Sunoco at least would have

---

<sup>1</sup> All terms not otherwise defined have the meaning ascribed to them in GRS’s Direct Testimonies.

1           been interested in the emergency access required from each building. Sunoco had no  
2           concerns about this.

3   **Q.   WHY IS THE TYPE OF PRE-CONSTRUCTION COMMUNICATION YOU**  
4   **DISCUSSED CRITICAL TO GRS’S ABILITY TO ASK SPECIFIC QUESTIONS?**

5   **A.**   Without a pre-construction meeting, important details like the bedroom locations for egress  
6           go without review. The typical parking patterns and access for older residents can be  
7           reviewed and coordinated with the township. There is no way to incorporate proper safety  
8           measures at a property without knowing details about the property, including, without  
9           limitation, safety patterns and designing around this.

10 **Q.   IN YOUR PROFESSIONAL OPINION, DOES THIS IMPACT THE SAFETY OF**  
11 **THE GRS RESIDENTS?**

12 **A.**   Without proper notification and full cooperative review with GRS, it is not possible to have  
13           all safety aspects reviewed and incorporated in the design of the community flow and safety  
14           patterns (egress windows for bedrooms etc.). With further notification, GRS may have  
15           been able to relocate residents with health issues or other needs pertaining to work  
16           schedules etc. GRS could have also added sidewalk access, etc. Construction was quickly  
17           started with no opportunity to install any of these during the poor weather conditions and  
18           congested site.

19 **Q.   MR. BECKER TESTIFIES THAT SOME DISRUPTION ASSOCIATED WITH**  
20 **CONSTRUCTION IS “UNAVOIDABLE” [BECKER, 5:11-15]. DO YOU AGREE**  
21 **WITH MR. BECKER?**

22 **A.**   Yes, but better communication with the community would have reduced the confusion,  
23           anger, and uncertainty for the residents. It also would have made the site more safe. GRS

1 may have elected to add temporary walkways etc. if they had known prior to construction  
2 starting how the construction would have impacted the community access, both ordinary and  
3 emergency.

4 **Q. MR. FYE AND MR. BECKER RESPOND TO STEPHEN IACOBUCCI'S**  
5 **TESTIMONY REGARDING THE ESCALATING NOISE ON THE PROPERTY [**  
6 **FYE 9:11-24; BECKER 11:11-12:9]. HOW DO YOU RESPOND TO THAT**  
7 **TESTIMONY?**

8 **A.** At the start of construction, Sunoco used what we have found to be the loudest point source  
9 of the construction, the vacuum trucks, continuously over a full working day to install the  
10 sound walls. Obviously, it is counterintuitive to use exceptionally loud equipment to install  
11 noise protection structures. Temporary protection should have been incorporated to  
12 alleviate this noise. GRS should have had the opportunity to evaluate whether residents  
13 needed to be temporarily displaced to account for this work. This work was the start of the  
14 construction and without a full accounting of the sequence of construction on a set of plans  
15 or a narrative GRS had no ability to review how this would affect the site and residents

16 **Q. IN RESPONSE TO YOUR DIRECT TESTIMONY PERTAINING TO CLEAN**  
17 **FILL, MR. FYE RESPONDS REGARDING MICHEL'S ALLEGED**  
18 **PROCEDURES PERTAINING TO CLEAN FILL [15:20-16:9]. IN YOUR**  
19 **PROFESSIONAL OPINION IS THIS PROCEDURE ADEQUATE?**

20 **A.** No. All fill brought to the site must meet the requirements set forth in DEP's Management  
21 of Fill Policy. The authority for this policy is as follows: this document is established in  
22 accordance with the Solid Waste Management Act, 35 P.S. §§ 6018.101 et seq. (SWMA);  
23 the Clean Streams Law, 35 P.S. §§ 691.1 et seq.; Section 1917-A of the Administrative

1 Code, 71 P.S. § 510-17; and the Land Recycling and Environmental Remediation  
2 Standards Act, 35 P.S. §§ 6026.101 et seq.

3 GRS has not received any documentation that the material dumped by Sunoco is  
4 clean fill, which the above-cited law mandates must exist. A clean fill certification should  
5 be provided to the receiving site. The clean fill certification should be provided to the  
6 receiving site. It must also now be registered online per changes to DEP Management of  
7 fill policy in last approximately 2 years. The management of fill policy is intended to  
8 regulate the movement of fill within the Commonwealth for environmental safety  
9 purposes. The purpose, and thus the goal of the policy, is to ensure material that may not  
10 meet statewide health standards is not taken from a site with levels above these limits to a  
11 site below these limits. Sunoco's failure to provide the required information is  
12 unreasonable and entirely avoidable by a contractor actually concerned about safety.

13 **Q. HOW DO YOU RESPOND TO THE REBUTTAL TESTIMONIES OF JOE**  
14 **BECKER [13:13-14:15]; PERTAINING TO VIBRATIONS?**

15 **A.** I was present during the preconstruction inspection survey. This survey captured all the  
16 common and non-dwelling unit spaces of the apartment buildings where apparent  
17 deficiencies such as cracks or similar were verbally described and photographed. Although  
18 the majority of these were superficial drywall cracks and corner bead delamination any  
19 cracks in foundation or similar structure deserved further study and monitoring. In order  
20 to monitor these areas, crack monitor and similar could have been installed but were not.  
21 The seismic monitoring, in plan form or at least in a written description of the scope was  
22 never provided to myself for review so that additional monitoring or alternative locations  
23 could be chosen. Further, it is our understanding that no third party monitoring is included.

1 In fact, Vibratex, Sunoco's consultant for the preconstruction survey, can provide seismic  
2 monitoring and recording but was not retained to provide these as a third party consultant.  
3 This brings in to question the validity of the sampling if no third party is providing a  
4 summary report or similar periodic reporting. Further, it would seem most logical to install  
5 this monitoring on the buildings themselves, however, none were installed on the apartment  
6 buildings.

7 It would stand to reason that vibrations would be assumed to be less the further  
8 away from the source however because the vibrations transmit through a variable soil  
9 medium you cannot assume the readings at one monitoring point is the same throughout  
10 the site. A review of the monitoring plan and monitoring results would have provided GRS  
11 the ability to consult with their own vibration consultants to determine what is safe and  
12 what should be changed or altered with the monitoring.

13 **Q. DID YOU REVIEW THE REBUTTAL TESTIMONIES OF JOE BECKER [17:16-**  
14 **18:20] AND JAYME FYE [13:4-14:10] PERTAINING TO WARNING SIGNS?**

15 **A.** Yes.

16 **Q. HOW DO YOU RESPOND?**

17 **A.** The ongoing issue at the Property is how the work interacts with the community  
18 outside of the sound walls, particularly with the construction traffic and the access and  
19 associated safety concerns. Primarily, how the community must react around the Property.  
20 As stated previously, with the normal parking affected pedestrians must walk greater  
21 distances and cross parking lots and drive aisles that are shared by the construction  
22 vehicles.

1 Further, although there are sometimes flaggers at the entry points to the site there  
2 are no flaggers along the access road. We have recommended markings, signs, cones, etc.  
3 to delineate these access roads and provide visual deterrents/warnings to pedestrians  
4 however, flaggers within line of site of one another may be another possible solution. This  
5 was not considered or designed for in any of the design documents or previous  
6 correspondence.

7 It should also be noted that the original sound wall location prior to my and GRS's  
8 complaints was obstructing the sidewalk to B building. It was only following our  
9 comments on the emergency fire access that these were revised.

10 **Q. DID YOU REVIEW THE REBUTTAL TESTIMONY OF JAYME FYE [16:11-**  
11 **17:13] REGARDING STORM WATER MANAGEMENT?**

12 **A.** Yes.

13 **Q. HOW DO YOU RESPOND?**

14 **A.** The restoration of the groundcover from pre-existing grass to post existing grass only  
15 solves part of the problem. The affect of this type of construction will cause significant  
16 compaction of the soil and thus affect the absorption of runoff and will therefore lead to  
17 excessive runoff ponding etc. Without more robust restoration requirements that may have  
18 taken in to account the pre-existing conditions it will be difficult to restore to pre-existing  
19 conditions.

20 Regarding the storm inlets, the protection does protect against sedimentation,  
21 however, no sediment should reach some of these inlets if the site is properly maintained  
22 and protected. Additionally, the efficiency of this inlet with all these protections is



1 significantly reduced and thus flow will bypass the inlet leading to runoff downstream and  
2 potentially into undesirable areas.

3 Further, I am concerned that Sunoco's storm water management plan has not taken  
4 into account the ground conditions post-construction. Again, as set forth in prior  
5 testimony, if GRS had executed the grading and erosion permit as property owner, GRS  
6 could have been involved in this planning process to protect its Property.

7 **Q. DO YOU HAVE ANYTHING ELSE TO ADD REGARDING SUNOCO'S**  
8 **ACTIVITIES RELATING TO STORMWATER MANAGEMENT/EROSION AND**  
9 **MR. FYE'S ASSERTIONS THAT SUNOCO WORKS WITH MICHELS' TO**  
10 **"RESOLVE STORMWATER ISSUES," "COMPLIANCE WITH ALL**  
11 **APPLICABLE PERMITS"?**

12 **A.** The contractor would typically be on any permit and thus it would also be Michel's  
13 responsibility to maintain erosion and sediment control ("E&S"). Also, there are areas of  
14 the site where heavy storms will bypass/overtake this existing E&S measures. The sound  
15 walls work to channelize flow and therefore make the situation a point discharge where the  
16 silt sock is likely ineffective.

17 **Q. HAVE THERE BEEN ANY INCIDENTS AT THE PROPERTY THAT YOU HAVE**  
18 **OBSERVED SINCE THE DATE OF YOUR LAST TESTIMONY BEFORE THE**  
19 **PUC THAT, IN YOUR PROFESSIONAL OPINION, NEGATIVELY IMPACT**  
20 **THE HEALTH AND SAFETY OF THE GRS RESIDENTS?**

21 **A.** Yes. A water main break that occurred on May 26, 2021, and an issue pertaining to the  
22 integrity of the sound walls.

1 **Q. CAN YOU DESCRIBE WHAT YOU OBSERVED WITH RESPECT TO THE**  
2 **SOUND WALLS?**

3 **A.** There was a recent blow out of the lower portion of the sound walls (the “Sound Wall  
4 Integrity Issue”). Soil that was improperly placed against these sound walls (the walls are  
5 for dampening sound not holding back soil per the manufacturer) pushed the bottom of the  
6 sound walls out and slid out beyond the sound walls. It is apparent that there is soil placed  
7 along these sound walls along with steep slopes dipping down towards the base of the  
8 sound walls.

9 **Q. IN YOUR PROFESSIONAL OPINION, ARE THERE ANY SAFETY RISKS**  
10 **ASSOCIATED THE SOUND WALL INTEGRITY ISSUE?**

11 **A.** If the soil were to slide and erode there could be damage to the property and given that this  
12 would occur during a storm it is likely that drainage patterns may change drastically  
13 resulting in channelized flow towards the buildings possibly flooding out the buildings and  
14 restricting access to the buildings. The soil also adds additional stress to the wall in  
15 addition to the wind and seismic loads that the wall is normally subjected to. Even if  
16 Sunoco did review the structural integrity of the sound walls when they were installed –  
17 given this usage that does not comply with the manufacturer’s recommendations, we do  
18 not have enough information to understand the current integrity of the structure. Failure  
19 of any of the components – which is now being evidenced by this improper loading, poses  
20 a potential safety hazard to the GRS Residents and Property. Had GRS been involved in  
21 the permitting process and had signed the relevant permits then this issue would have been  
22 reviewed by GRS’s consultant and studied prior to construction commencing. Issues like

1 this would have been addressed and the required redesign could have taken place, if  
2 necessary so that GRS did not face these safety issues.

3 **Q. WHAT EXPERIENCE/QUALIFICATIONS DO YOU HAVE THAT QUALIFIES**  
4 **YOU TO GIVE THESE OPINIONS PERTAINING TO THE WATER MAIN**  
5 **BREAK?**

6 **A.** I direct and inspect trench utility work often as a project manager for a construction  
7 materials company. Soil compaction and pipe work is a main scope of work for myself  
8 and my firm.

9 **Q. HOW DID YOU BECOME AWARE OF THE WATER MAIN BREAK?**

10 **A.** I was notified by Steven Iacobucci of Glen Riddle that there was a water main break.

11 **Q. WERE YOU ABLE TO OBSERVE THE BROKEN WATER MAIN LINE?**

12 **A.** Yes. As they were excavating the broken line and following the repair we were able to  
13 witness the excavation from topside of the trench.

14 **Q. WHAT OBSERVATIONS DID YOU MAKE?**

15 **A.** Per Sunoco, its pipeline centerline was more or less underneath of the bell/spigot end of  
16 the 4 inch ductile iron pipe. It appeared that no water was flowing from the connection  
17 which you would expect is a typical location of failure. When further excavated, it was  
18 found that the pipe had snapped just outside of the previous trench excavation. I estimate  
19 that the break was approximately 4 feet short of the aforementioned connection, in general  
20 the pipe appeared in good condition without significant scaling or rust on the outside. The  
21 soil excavated around the pipe was notably to me for two reasons: first, that it was saturated  
22 and second, that it was very soft. It appeared that soft saturated material was placed under  
23 and around the pipe. I was told that this was standard operation procedure for Sunoco. I

1 indicated that my typical recommendations and that most recommendations are that the  
2 water line pipe be backfilled to at least the spring line (halfway up the pipe depth) with  
3 flow fill or similar non compressible material. It was apparent that the break was caused  
4 by settlement of soil below the pipe within the trench Michels had excavated and  
5 backfilled. The weight of the soil above and below pushed the pipe down where it was soft  
6 and it snapped just outside the trench where the soil below the pipe was stiff and did not  
7 'give' with the excessive deflection of the pipe. In other words, Sunoco caused this break.

8 **Q. DID YOU TAKE ANY PHOTOGRAPHS TO DOCUMENT YOUR**  
9 **OBSERVATIONS?**

10 **A.** Yes. I have photos of the pipe before fully excavated and following the patching. [Exhibit  
11 **GRS-183.**]

12 **Q. IN YOUR PROFESSIONAL OPINION, ARE THERE ANY SAFETY RISKS**  
13 **ASSOCIATED WITH THE WAY THAT THE WATER MAIN WAS SECURED?**

14 **A.** As set forth above, when I spoke with Sunoco representatives concerning the securing of  
15 the pipes, I pushed to recommend that the pipe be at least cradled with flowable fill or lean  
16 concrete to support it and minimize settlement. I was informed that Sunoco does not use  
17 this method because it does not allow grass to grow post-construction.

18 Instead, as I set forth above, Sunoco indicated that it would use structural foam  
19 under and around the pipe. GRS did not receive any information as to whether structural  
20 foam was ever installed. I do not believe there are any safety concerns with the securing  
21 of the pipe repair if installed in the manner they indicated, however there was/are concerns  
22 as to the integrity and safety of the remaining water supply and water supply pipes. Prior  
23 to uncovering the break in the water line the water valve at the street was turned off

1 completely. In doing this, there is the potential for contamination to enter the line following  
2 re-establishing service.

3 It is typical practice to leave some pressure on the line until exposed in order to  
4 ensure that backflow does not reenters the line which would contaminate it. I brought this  
5 up to the master plumber Sunoco hired to repair the line and he didn't think it was necessary  
6 nor did he think it was typically done. The plumber, from Horn Plumbing, contacted his  
7 Aqua Water Authority contact who did in fact confirm that if the pressure was completely  
8 shut off then they would typically flush and chlorinate their lines.

9 **Q. IN YOUR PROFESSIONAL OPINION, CAN YOU SAY WITH A REASONABLE**  
10 **DEGREE OF PROFESSIONAL CERTAINTY THAT A FAILURE BY SUNOCO**  
11 **TO ADEQUATELY PROTECT AND RESTORE THE UTILITY LINES WITHIN**  
12 **ITS WORKSPACE CAUSED THE WATER MAIN BREAK?**

13 **A.** Yes. The backfill of the line is impossible to do properly without using a flowable material  
14 or maybe a jumping jack compactor to compact the material. Also, GRS did not receive  
15 any information indicating that the fill was tested to meet compaction requirements for  
16 support of the pipe. The way the pipe failed it is obvious to me what occurred, settlement  
17 of the trench and pipe and failure of the overstressed pipe.

18 **Q. IN YOUR PROFESSIONAL OPINION, DOES SUNOCO'S FAILURE TO**  
19 **ADEQUATELY SECURE THE UTILITY LINES POSE ANY OTHER**  
20 **POTENTIAL DANGERS TO THE SAFETY OF THE GRS RESIDENTS?**

21 **A.** We don't know if there are other breaks or integrity issues. From my knowledge they never  
22 pressure tested the water service to know if there are not any other areas of damage to the

1 water lines. I do not know what Sunoco did, if anything, to ensure the integrity of the other  
2 lines.

3 **Q. MR. BECKER TESTIFIED THAT “[SUNOCO] HAS ALWAYS RESPONDED**  
4 **SWIFTLY TO ANY REASONABLE REQUEST MADE BY GRS, AND HAS MADE**  
5 **MULTIPLE AND ONGOING EFFORTS TO WORK JOINTLY WITH GRS**  
6 **MANAGEMENT TO PROTECT RESIDENTS AND COOPERATE WITH**  
7 **RESIDENTS AND GRS MANAGEMENT TO MINIMIZE THE**  
8 **INCONVENIENCE TO RESIDENTS AND DISRUPTION TO THEIR DAILY**  
9 **LIVES.” [18:9-13.] IN YOUR PROFESSIONAL OPINION, WERE THE ACTIONS**  
10 **OF AND COMMUNICATIONS FROM SUNOCO WITH RESPECT TO THE**  
11 **SOUND WALL INTEGRITY ISSUE AND THE WATER MAIN BREAK**  
12 **ADEQUATE?**

13 **A.** For failures like this it would be reasonable to get certification reports from either third-  
14 party engineers or representatives thereof. If the sound walls issues and water main break  
15 occurred during proper or improper work, then it should be documented, and the repairs  
16 and repair designs should be documented by third parties such as an engineer or similar.

17 **Q. WHAT EXPERIENCE/QUALIFICATIONS DO YOU HAVE THAT QUALIFIES**  
18 **YOU TO GIVE THESE OPINIONS PERTAINING TO THE WATER MAIN**  
19 **BREAK?**

20 **A.** As an Engineer I have overseen ten thousands of feet of utility trench work including storm,  
21 water and sanitary lines. My old firm and current firm provide construction materials  
22 testing in which you are asked to oversee, test and certify the installation of these utilities  
23 either for the owner/developer or the contractor.

1 Q. DO YOU WISH TO OFFER ANYTHING ELSE?

2 A. I reserve the right to supplement my testimony based on Sunoco's testimony.

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 16, 2021, I served a true and correct copy of the Surrebuttal Testimony of Jason Culp, P.E., upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



\_\_\_\_\_  
Samuel W. Cortes, Esquire



**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**SURREBUTTAL TESTIMONY OF  
EDWARD J. DEISHER  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: June 14, 2021

GRS Surrebuttal Statement No. 9 -SR

**SURREBUTTAL TESTIMONY OF  
ED DEISHER**

**I. INTRODUCTION AND BACKGROUND**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

**A.** My name is Edward J. Deisher. My business address is One Raymond Drive – Suite Two, Havertown, PA 19083.

**Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

**A.** I am an employee of Glen Riddle Station, L.P. (“GRS”), and have been since 11/16/2011. I am the Property Manager for GRS.

**Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?**

**A.** Attended Widener University 1978-1981, Business Management. Have been a licensed Realtor in Pennsylvania since 1984 and Broker in Delaware since 2015. Emphasis in residential property management and residential new construction and existing home sales.

**Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE PENNSYLVANIA PUBLIC UTILITIES COMMISSION (“PUC” OR “COMMISSION”)?**

**A.** No.

**Q. PLEASE DESCRIBE THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY.**

**A.** The purpose of my testimony is to respond to the rebuttal testimony submitted by Joe Becker and Jayme Fye specifically concerning GRS Resident concerns and communication with GRS. My testimony will focus on the factual inaccuracies in the testimonies based on my firsthand knowledge of the events. I reviewed the testimonies of Joe Becker, Jayme Fye (without exhibits), and the direct testimony of Stephen Iacobucci and a portion of the surrebuttal testimony of Stephen Iacobucci.

**Q. HAVE YOU REVIEWED THE TESTIMONY OF JOE BECKER?**

1 A. Yes.

2 Q. ARE YOU FAMILIAR WITH THE HOTLINE THAT MR. BECKER  
3 REFERENCES FOR THE REPORTING OF RESIDENT CONCERNS?

4 A. Yes.

5 Q. DO YOU KNOW WHETHER ANY GRS RESIDENTS UTILIZE THE HOTLINE?

6 A. GRS Residents have expressed concerns to me about how they do not trust Sunoco's  
7 hotline and "self-policing." They have expressed frustration at limited response from  
8 Sunoco Hotline and that they prefer to report issues to GRS management and then we pass  
9 the concerns to Sunoco. Others have expressed a higher level of frustration and do not  
10 report issues. I concur with the testimony of Stephen Iacobucci on this point.

11 Q. MR. FYE TESTIFIED THAT HE WAS PRESENT AT THREE  
12 PRECONSTRUCTION MEETINGS WITH GRS MANAGEMENT IN 2019 AND  
13 2020 DURING WHICH SUNOCO GAVE AN OVERVIEW OF THE  
14 CONSTRUCTION PROCESS AND PROVIDED OTHER SAFETY  
15 INFORMATION. HOW DO YOU RESPOND.

16 A. I personally attended each of the meetings referenced by Mr. Fye. At the first, in the fall  
17 of 2019. Mr. Fye did not provide enough information regarding Sunoco's plan for GRS to  
18 ask specific safety questions. GRS was assured that this information was forthcoming.

19 Sunoco failed to provide sufficient information at the November 18, 2020 meeting  
20 to prepare GRS Residents before the disruption and unsafe conditions that arose from  
21 Sunoco's work on the Property. The detailed questions that GRS asked regarding  
22 construction are set forth in **GRS-161**. I was there as Mr. Fye failed to respond  
23 substantively to GRS's safety concerns, including his remark, "trucks don't usually hit

1 children, but they hit pets,” and his comments about how useless the Sound Walls were,  
2 but that if GRS wanted them it could not expect to have both Sound Walls and emergency  
3 access to the Property. I concur with Stephen Iacobucci’s testimony on this point.

4 **Q. HAVE YOU REVIEWED THE SURREBUTTAL TESTIMONY OF STEPHEN**  
5 **IACOBUCCI AS IT PERTAINS TO THE PRESENCE OF THE VACUUM**  
6 **TRUCKS ON THE PROPERTY?**

7 **A.** Yes.

8 **Q. DO YOU HAVE ANY RESPONSE?**

9 **A.** I concur with Mr. Iacobucci. I also personally witnessed the presence of the vacuum trucks  
10 on the Property on the dates set forth in his testimony.

11 **Q. ARE YOU FAMILIAR WITH THE TOWN HALL THAT TOOK PLACE ON**  
12 **FEBRUARY 23, 2021?**

13 **A** Yes, I attended the Town Hall. The Town Hall was the result of our counsel filing an  
14 emergency petition before the Pennsylvania Utility Commission.

15 **Q. DO YOU AGREE WITH MR. BECKER’S DESCRIPTION OF THE TOWN HALL?**

16 **A.** No. Mr. Becker asserts that he only received a few questions from GRS Residents,  
17 however, this is an incomplete statement. I concur with Stephen Iacobucci’s testimony on  
18 this point.

19 **Q. JOE BECKER TESTIFIED THAT SUNOCO REGULARLY COMMUNICATES**  
20 **WITH GRS REGARDING ITS CONSTRUCTION AND THE IMPACT OF ITS**  
21 **CONSTRUCTION ON THE GRS RESIDENTS. [BECKER, 6:19-7:7.] HOW DO**  
22 **YOU RESPOND TO THAT TESTIMONY?**

1 I did not communicate directly with Sunoco very often, however, I received the  
2 first call regarding the water main break that Stephen Iacobucci testifies regarding,  
3 around 1:15 pm on May 26, 2021, from Sunoco. The individual who called me did not  
4 have any further communications with GRS that I am aware of, however, I was left with  
5 the impression that the water main was broken by Sunoco in their work area. I reported  
6 this to Stephen Iacobucci and authorized GRS staff to turn the water off.

7 Around 4:00 pm that day, Debbie Knight, a GRS employee who reports to me on  
8 issues pertaining to GRS, received a call from Lance Vaught who asked GRS to turn the  
9 water within B Basement back onto test it. Mrs. Knight took the message and reported it  
10 to me and Stephen Iacobucci. I witnessed Stephen Iacobucci instruct Debbie to return  
11 Mr. Vaught's call and request that Mr. Vaught have counsel from Sunoco reach out to  
12 counsel for GRS in writing. Soon after, GRS discovered that Sunoco turned the water  
13 back on. I am not aware of anyone working for GRS turning the water back on, and this  
14 is something that I would be aware of if it occurred. Stephen Iacobucci directed me to  
15 contact the State Police. Stephen Iacobucci, Joseph Massaro of Sunoco, and I met with  
16 the State Police later that afternoon. Mr. Massaro stated to the State Police that GRS  
17 gave permission to turn the water back on. This is untrue. GRS' engineer was concerned  
18 about water contamination. I was concerned about the lack of communication to  
19 residents and possible contamination.

20 **Q. DO YOU WISH TO OFFER ANYTHING ELSE?**

21 **A.** I reserve the right to supplement my testimony based on Sunoco's testimony.

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 16, 2021, I served a true and correct copy of the foregoing Surrebuttal Testimony of Edward J. Deisher upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



---

Samuel W. Cortes, Esquire

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

---

**SURREBUTTAL TESTIMONY OF  
JEFFREY A. DAVIS  
ON BEHALF OF  
GLEN RIDDLE STATION, L.P.**

---

Dated: June 14, 2021

GRS Statement No. 10 -SR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**SURREBUTTAL TESTIMONY OF  
JEFFREY A. DAVIS**

**I. INTRODUCTION AND BACKGROUND**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

**A.** My name is Jeffrey A Davis, MD. My business address is 2185 Oregon Pike, Lancaster, PA 17601.

**Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

**A.** I am an otolaryngologist partner with Rosenfeld, Belser and Davis-Ear, Nose and Throat and have been in this position since 2004.

**Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND EMPLOYMENT EXPERIENCE.**

**A.** I attended and graduated from University of Pennsylvania as an undergraduate in 1984, Jefferson Medical College as a Doctor of Medicine in 1988 and completed my Residency in Otolaryngology at Case Western Reserve University in 1994. I am a licensed medical doctor in the field of otolaryngologist with experience addressing damage to hearing caused by excessive noise throughout the Central PA region. My CV is Exhibit **GRS-175**.

**Q. DO YOU HAVE ANY PROFESSIONAL CERTIFICATIONS?**

**A.** I am board certified in Otolaryngology-Head and Neck Surgery and serve as the division chief of Otolaryngology at Penn Medicine-Lancaster General Hospital.

**Q. CAN YOU HIGHLIGHT YOUR WORK EXPERIENCE AS IT RELATES TO DAMAGE TO HEARING CAUSED BY NOISE OR SOUND LEVELS?**

**A.** I have seen and cared for many patients during my 27-year career who have suffered from acute and chronic noise exposure with resulting hearing loss and tinnitus.



1 **Q. HAVE YOU PUBLISHED ANY TEXTS OR ARTICLES ON THE SUBJECT OF**  
2 **DAMAGE TO HEARING CAUSED BY CERTAIN NOISE OR SOUND LEVELS?**

3 **A.** No

4 **Q. HAVE YOU EVER TESTIFIED BEFORE?**

5 **A.** Yes

6 **Q. WHEN YOU TESTIFIED PREVIOUSLY, WERE YOU QUALIFIED AS AN**  
7 **EXPERT AND, IF SO, IN WHAT FIELDS?**

8 **A.** Yes, in the field of Otolaryngology-Head and Neck Surgery

9 **Q. HAVE YOU PREVIOUS TESTIFIED BEFORE THE PENNSYLVANIA PUBLIC**  
10 **UTILITIES COMMISSION (“PUC” OR “COMMISSION”)?**

11 **A.** No.

12 **Q. GLENN RIDDLE OFFERS JEFFREY A DAVIS, MD AS AN EXPERT ON THE**  
13 **EFFECTS OF NOISE ON HEARING.**

14 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY AND**  
15 **SUMMARIZE THE KEY POINTS.**

16 **A.** I am appearing on behalf of Glen Riddle Station, L.P. (“GRS” or “Glen Riddle”) in this  
17 proceeding. I have been asked to specifically rebut Sunoco’s testimony with respect to the  
18 construction related noise issues at GRS’s Property relating to the work undertaken there  
19 by or on behalf of Sunoco Pipeline, L.P. (“Sunoco”). My testimony will specifically focus  
20 on the impact that certain decibels of sound can have on human hearing.

21 **Q. DID YOU REVIEW THE TESTIMONY OF JASON CULP, P.E. PERTAINING TO**  
22 **NOISE AT THE GRS PROPERTY, INCLUDING THE EXHIBITS TO HIS**  
23 **TESTIMONY PERTAINING TO SOUND [GRS-5]?**

1 A. Yes.

2 **Q. DID YOU REVIEW THE TESTIMONY PROVIDED BY SUNOCO IN REBUTTAL,**  
3 **INCLUDING THE TESTIMONY OF SETH HARRISON (WITH PUBLIC**  
4 **EXHIBITS ONLY) PERTAINING TO THE SAFETY OF THE NOISE LEVELS AT**  
5 **THE PROPERTY [6:5-8:4, 11:11-16, 12:15-22]?**

6 A. Yes, I have.

7 **Q. DID YOU REVIEW THE SURREBUTTAL OF JOSEPH WHITTMAN ON**  
8 **BEHALF OF GRS REGARDING THE NOISE LEVELS AT THE PROPERTY?**

9 A. Yes.

10 **Q. MR. HARRISON OPINES THAT THE “24-HOUR NOISE EXPOSURE LEVEL**  
11 **EXPERIENCED IN THE GLEN RIDDLE APARTMENTS IS NOT LIKELY TO**  
12 **EXCEED THE OSHA 24-HOUR NOISE EXPOSURE THRESHOLD OF 85 dBA**  
13 **FOR HEARING DAMAGE,” THAT THE SOUND LEVELS EXPERIENCED**  
14 **INSIDE THE APARTMENTS ARE NOT HIGH ENOUGH TO CAUSE HEARING**  
15 **DAMAGE AND THAT THEY ARE, THEREFORE, NOT UNSAFE. [HARRISON,**  
16 **PP. 7-8]. HOW DO YOU RESPOND?**

17 A. Mr. Harrison ignores the Center for Disease Control guidance on noise and the practical  
18 reality of hearing loss and tinnitus that can result from exposure to noise. At 80-85  
19 decibels, CDC indicates that hearing loss can occur after 2 hours of exposure. At 95-100  
20 decibels, hearing loss can occur after just 15 minutes of exposure. See GRS-176.  
21 Likewise, the National Institute for Safety and Occupational Health (“NIOSH”)  
22 recommends using ear protection whenever noise exceeds 85 decibels for any time period  
23 because of certain sensitivities to noise. See GRS-177. My understanding is that Sunoco

1 never communicated to any GRS employees or residents the need for ear protection at any  
2 time.

3 **Q. IN YOUR PROFESSIONAL OPINION, IS THE OSHA 24-HOUR NOISE**  
4 **EXPOSURE THRESHOLD REFERENCED BY MR. HARRISON THE ONLY**  
5 **RELEVANT SOUND GUIDELINE TO PROTECT THE SAFETY OF**  
6 **RESIDENTIAL COMMUNITIES SUCH THE GLEN RIDDLE APARTMENTS?**

7 **A.** No, it is not. The CDC guidance and NIOSH recommendations referenced in my testimony  
8 above are standards that Sunoco, in my professional opinion, should have followed here.

9 **Q. ARE ALL OF THE PROFESSIONAL OPINIONS THAT YOU PROVIDE IN YOUR**  
10 **TESTIMONY PROVIDED TO A REASONABLE DEGREE OF CERTAINTY?**

11 **A.** Yes.

12 **Q. DO YOU WISH TO OFFER ANYTHING ELSE?**

13 **A.** I reserve the right to supplement my testimony based on Sunoco's testimony.

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

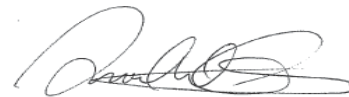
GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 14, 2021, I served a true and correct copy of the Surrebuttal Testimony of Jeffrey A Davis, MD, upon the persons listed below and by the methods set forth below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

**Email**

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Kevin J. McKeon, Esquire  
Bryce R. Beard, Esquire  
Hawke, McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
TJSniscak@hmslegal.com  
WESnyder@hmslegal.com  
kjmckeon@hmslegal.com  
brbeard@hmslegal.com



\_\_\_\_\_  
Samuel W. Cortes, Esquire

## Kuebler, Tara L.

---

**From:** Cortes, Samuel W.  
**Sent:** Wednesday, November 25, 2020 9:07 AM  
**To:** Amerikaner, David B.  
**Cc:** Chernesky, Jean C.; Kroculich, George J.  
**Subject:** Re: [EXT] Glen Riddle

David: your client needs to communicate better so you aren't sending us requests day of. We asked for a schedule to avoid this. You still haven't provided one. There are 124 families that live here. The status quo is untenable.

As to the security, they are there to ensure the residents are protected because your client has shown no willingness to even discuss the serious safety issues. They and have been documenting repeated safety violations by video and photograph. They will continue to do so. I'm aware of no authority precluding them from recording and raising safety concerns. My understanding is that they are doing a very good job given the lack of communication by your client and many threats created by your client. In fact, I understand that your client was so impressed by them that they called them to try to retain their services.

Thanks.

Sent from my iPhone

On Nov 25, 2020, at 8:48 AM, Amerikaner, David B. <DBAmerikaner@duanemorris.com> wrote:

Sam,  
Good morning. Two urgent requests to pass along from our client:

First, we need your assistance in having your client move the cars, PODS, containers, and other items that are within the limits of the permanent and temporary easements on the upper and lower parking lot. Could you please ask your client to assist in doing that, so that our client can complete utility location activities?

Second, we were told that employees of Signal88, the security company your client hired, have been harassing Sunoco Pipeline's contractor's workers at the site – asking for photos, asking for ID, things like that. This is a disruption to the work that is being done at the site and must stop. Please ask your client to instruct the security contractors to stop making contact with the workers.

Thanks,

**David Amerikaner**  
Special Counsel

Duane Morris LLP  
30 South 17th Street  
Philadelphia, PA 19103-4196  
**P:** +1 215 979 1939  
**F:** +1 215 754 4891  
**C:** +1 213 220 7365

DBAmerikaner@duanemorris.com  
[www.duanemorris.com](http://www.duanemorris.com)

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

Confidentiality Notice: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

**Kuebler, Tara L.**

---

**From:** Chernesky, Jean C. <JChernesky@foxrothschild.com>  
**Sent:** Friday, January 22, 2021 12:30 PM  
**To:** Kroculick, George J.; Amerikaner, David B.  
**Cc:** Cortes, Samuel W.; Beach, Ashley L.  
**Subject:** Glen Riddle Station  
**Attachments:** 118799737\_5.pdf

Counsel: Please see the attached correspondence from Samuel Cortes, Esquire. Thank you.

**Jean C. Chernesky**

Legal Administrative Assistant to  
Ronald L. Williams, Esquire  
Samuel W. Cortes, Esquire  
Ashley L. Beach, Esquire  
Kelsey M. O'Neil, Esquire

**Fox Rothschild LLP**

Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
Exton, PA 19341

(610) 458-4958 - direct

(610) 458-7337- fax

[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)



Please consider the environment before printing this e-mail.



Eagleview Corporate Center  
747 Constitution Drive  
Suite 100  
Exton, PA 19341-0673  
Tel (610) 458-7500 Fax (610) 458-7337  
www.foxrothschild.com

SAMUEL W. CORTES  
Direct No: 610.458.4966  
Email: SCortes@FoxRothschild.com

January 22, 2021

**VIA EMAIL**

George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

**Re: In Re: Condemnation By Sunoco Pipeline L.P. Of Temporary Workspace Easement And For The Transportation Of Ethane, Propane, Liquid Petroleum Gas, And Other Petroleum Products In Middletown Township, Delaware County, Pennsylvania, Over The Lands Of Glen Riddle Station, L.P., No. CV-2020-003193**

Dear George and David:

This letter follows up the Zoom meeting we had with you and representatives of Sunoco on January 15, 2021. The action items we identified during the call for follow up are identified below.

- Please let us know if you have any plans, certifications, reviews (e.g., by an acoustical engineer), frequencies assessed, or other information regarding the creation of the sound wall configurations and specific sound barrier material(s) used, taking into consideration the specific work and the layout of the property. If so, please provide us copies of same.
- Please provide us copies of applications or requests submitted to the Township with respect to the sound walls or grading and review letters received from the municipality (e.g., requests for permits, plans, etc.).
- Please identify the levels of sound that the sound wall plan was created to abate.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina **Pennsylvania** South Carolina Texas Virginia Washington



George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
January 22, 2021  
Page 2

- Please identify how Sunoco measures decibels for safety and what levels are considered safe or acceptable. You mentioned a testing plan on the call to assess safety for workers, but did not provide specifics.
- Please identify what loads the sound walls are built to withstand and provide signed and sealed calculations for their analysis assuming this is not part of the Township submittals.
- Please explain why the turnaround problem is not being addressed on the western side of the property.
- Please send us copies of the grading permit/plan and any supporting documentation, such as calculations for E&S measures, shoring, etc.
- Please identify any pedestrian safety plans with respect to the traffic flaggers or cross-property traffic/child safety, etc., and send us copies of same.
- For any fill used on the property, including, without limitation, flow fill, please provide the safety data sheets.
- Please explain why no emergency vehicle connection was provided between the west and east sides of the property.
- Please provide a pedestrian circulation plan with a temporary path between the west and east side on both the upper and lower lots.
- Please provide a striping plan and signage to separate the truck route and to identify pedestrian paths and crossings.
- Please let us know of the feasibility of any additional sound mitigation to meet the road background level.
- Please let us know if Sunoco would consider additional sound mitigation barriers at each of the following major sources:
  - Drill;

George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
January 22, 2021  
Page 3

- Separation plant; and
- Generators.
- Please let us know if you would consider a proposal for work hour limits.
- In the absence of work hour limits, please let us know if we can agree upon reduced sound levels in the hours of 7-8:30 am and 7-9 pm.
- Please provide any sensitivity analysis of work hour limits to overall project duration.
- Please provide a sketch, if any, for rearranging parking on the west side to accommodate an emergency vehicle connection between east and west side.

Thank you.

Very truly yours,



Samuel W. Cortes

SWC:jcc



Eagleview Corporate Center  
747 Constitution Drive  
Suite 100  
Exton, PA 19341-0673  
Tel (610) 458-7500 Fax (610) 458-7337  
www.foxrothschild.com

SAMUEL W. CORTES  
Direct No: 610.458.4966  
Email: SCortes@FoxRothschild.com

March 18, 2021

**VIA EMAIL**

George J. Kroculich, Esquire  
David B. Amerikaner, Esquire  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

**Re: Glen Riddle Station, L.P. (“GRS”) /Sunoco Pipeline, L.P. (“Sunoco”)**

Dear George and David:

I write on behalf of my client, GRS, regarding your client’s agents circulating airborne Calciment into the air and residences surrounding GRS’s property (the “Property”). GRS requests immediate action to contain the airborne Calciment, which Sunoco’s agents are using in a manner contrary to the uses identified on the SDS (defined below) and that raises questions regarding the representations provided by Sunoco to the Department of Environmental Protection (the “DEP”) in its August 27, 2020 response to the Notice of Violation dated August 20, 2020 (the “NOV Response”).

I am sending separately a link to a Kiteworks site with six videos taken at the Property this week. The videos depict Sunoco delivering many large bags of Calciment to Sunoco’s worksite, tearing them open, shaking the Calciment into mixing containers, and then using a large auger drill apparently to mix them without taking any steps to contain its airborne release. This has caused plumes of Calciment to release into the air surrounding and entering the residences on the Property. The Calciment is also settling on vehicles parked in the GRS parking lot, which is also troubling. GRS has received resident complaints regarding the airborne Calciment.

The videos also depict Sunoco’s attempts to block GRS from filming this safety concern. That activity is inappropriate and must cease immediately.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



George J. Kroculich, Esquire  
David B. Amerikaner, Esquire  
March 18, 2021  
Page 2

As you know, in the NOV Response (p. 11, ¶ 24), Sunoco represented that the “super sacks” referenced on Form B of its drilling logs contained Calciment, manufactured by Mintek Resources. Sunoco represented that it used the Calciment only to “solidify the consistency of the cuts/liquids before they are hauled for off-site disposal,” and confirmed that the Calciment was not being used “during any drilling operation ....” Sunoco also attached the Mintek Resources Safety Data Sheet for Calciment to the NOV Response (the “SDS”).

The SDS delineates, among other things, the many highly hazardous effects of airborne Calciment, ranging from permanent eye damage to cancer and respiratory ailments. See SDS, pp. 1-2. As evidenced by the videos taken by our client, Sunoco is releasing large plumes of airborne Calciment in extremely close proximity to and, in some cases into, the residences on the Property. No warnings were given to anyone as to this airborne Calciment.

In light of the potentially dire safety concerns posed by the foregoing, GRS demands that Sunoco stop all use of Calciment on its worksite until measures are taken to contain its airborne release. Given the seriousness of this matter, we need to hear from Sunoco ***by the close of business today, March 18, 2021.***

We appreciate your prompt reply and are copying Middletown Township’s Conflict Solicitor on this communication to put the Township on notice of this health and safety issue as well.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes'. The signature is fluid and cursive, with a large initial 'S'.

Samuel W. Cortes

SWC:jcc

Enclosures (by separate Kiteworks link)

cc: James Flandreau, Esquire



Eagleview Corporate Center  
747 Constitution Drive  
Suite 100  
Exton, PA 19341-0673  
Tel (610) 458-7500 Fax (610) 458-7337  
www.foxrothschild.com

SAMUEL W. CORTES  
Direct No: 610.458.4966  
Email: SCortes@FoxRothschild.com

March 18, 2021

**VIA EMAIL**

George J. Kroculich, Esquire  
David B. Amerikaner, Esquire  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

**Re: Glen Riddle Station, L.P. (“GRS”) /Sunoco Pipeline, L.P. (“Sunoco”)**

Dear George and David:

I write on behalf of my client, GRS, regarding your client’s agents circulating airborne Calciment into the air and residences surrounding GRS’s property (the “Property”). GRS requests immediate action to contain the airborne Calciment, which Sunoco’s agents are using in a manner contrary to the uses identified on the SDS (defined below) and that raises questions regarding the representations provided by Sunoco to the Department of Environmental Protection (the “DEP”) in its August 27, 2020 response to the Notice of Violation dated August 20, 2020 (the “NOV Response”).

I am sending separately a link to a Kiteworks site with six videos taken at the Property this week. The videos depict Sunoco delivering many large bags of Calciment to Sunoco’s worksite, tearing them open, shaking the Calciment into mixing containers, and then using a large auger drill apparently to mix them without taking any steps to contain its airborne release. This has caused plumes of Calciment to release into the air surrounding and entering the residences on the Property. The Calciment is also settling on vehicles parked in the GRS parking lot, which is also troubling. GRS has received resident complaints regarding the airborne Calciment.

The videos also depict Sunoco’s attempts to block GRS from filming this safety concern. That activity is inappropriate and must cease immediately.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



George J. Kroclic, Esquire  
David B. Amerikaner, Esquire  
March 18, 2021  
Page 2

As you know, in the NOV Response (p. 11, ¶ 24), Sunoco represented that the “super sacks” referenced on Form B of its drilling logs contained Calciment, manufactured by Mintek Resources. Sunoco represented that it used the Calciment only to “solidify the consistency of the cuts/liquids before they are hauled for off-site disposal,” and confirmed that the Calciment was not being used “during any drilling operation ....” Sunoco also attached the Mintek Resources Safety Data Sheet for Calciment to the NOV Response (the “SDS”).

The SDS delineates, among other things, the many highly hazardous effects of airborne Calciment, ranging from permanent eye damage to cancer and respiratory ailments. See SDS, pp. 1-2. As evidenced by the videos taken by our client, Sunoco is releasing large plumes of airborne Calciment in extremely close proximity to and, in some cases into, the residences on the Property. No warnings were given to anyone as to this airborne Calciment.

In light of the potentially dire safety concerns posed by the foregoing, GRS demands that Sunoco stop all use of Calciment on its worksite until measures are taken to contain its airborne release. Given the seriousness of this matter, we need to hear from Sunoco ***by the close of business today, March 18, 2021.***

We appreciate your prompt reply and are copying Middletown Township’s Conflict Solicitor on this communication to put the Township on notice of this health and safety issue as well.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes', written over a light blue horizontal line.

Samuel W. Cortes

SWC:jcc

Enclosures (by separate Kiteworks link)

cc: James Flandreau, Esquire



21 March 2021

Mr. Joseph McGinn  
VP Public Affairs & Government Relations  
Energy Transfer  
3807 West Chester Pike  
Newtown Square PA 19073  
*sent via email*

**Re: Glen Riddle Station L.P.**

Dear Joe -

At your request, I am sending this letter to you directly rather than through counsel. This letter is for settlement purposes only and shall be inadmissible in any proceeding. GRS reserves all rights, waiving none.

As you know, for more than one year, Glen Riddle Station, L.P. ("GRS"), has invested time and resources into addressing the various challenges created by the work (the "Project") of Sunoco Pipeline, L.P. ("Sunoco"), on GRS's property in Middletown Township, Delaware County (the "Property"). These issues fall primarily into the categories of safety and financial loss. What GRS forecasted would occur has occurred and continues to occur.

We understand that Sunoco would like to engage in settlement discussions concerning this dispute. GRS has always welcomed such discussions. GRS will make itself available for the next two weeks (ending on April 2, 2021) in an effort to achieve and finalize a global resolution addressing all issues currently in dispute. These issues are summarized below.

**I. RESOLUTION OF THE SAFETY ISSUES.**

As you know, GRS has monitored and continues to monitor Sunoco's activity on the site. That monitoring has resulted in a safer worksite when Sunoco has changed course because of hazards identified by GRS.

In its pursuit of safety, GRS has filed two actions: Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; Docket No. C-2020-3023129 (the "PUC Complaint") and Glen Riddle Station, L.P. v. Middletown Township; Civil Action No. 21-286 (the "Federal Action"). To resolve these lawsuits, insofar as they pertain to Sunoco's work on the Property, GRS and Sunoco must resolve, finally, the following issues (the "Safety Issues"):

- a. Sunoco's communication failures regarding the Project (the "Communication Failures"). Sunoco must establish a regular communication schedule pertaining to its work agreed upon by the parties. Resolution of the Communication Failures will involve a point of contact for both parties, as previously discussed, and an efficient procedure for elevating any issues that arise going forward.

- b. Unsafe levels of noise at the Property caused by Sunoco's work (the "Noise Issues"). Sunoco must agree to ensure that noise levels outside the sound walls remain within the guidelines set forth by the Occupational Safety and Health Administration (OSHA), National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), and the Environmental Protection Agency (EPA). If noise levels fall outside of those ranges, Sunoco must agree to stop work and resolve the problem immediately. As part of this resolution, Sunoco shall provide copies of all noise studies done at the Property, including, without limitation, the sound survey conducted on March 1, 2021. GRS will review information pertaining to the proposed "source mitigation" and "improvements to the wall" that Sunoco referenced during recent meetings with GRS after Sunoco provides it, but, regardless, measures must be taken by Sunoco to obtain compliance with the above-referenced standards.
- c. Unsafe vibrations and shaking of buildings caused by Sunoco's work and Sunoco's failure to provide information regarding its structural assessment of the Property (the "Structural Issues"). Sunoco shall take all reasonable steps necessary to ensure the ongoing safety of the structures on the Property. Vibration/structural studies conducted at the Property, including, without limitation, the study performed by VibraTech, any data or readings that Sunoco or its agents have taken pertaining to vibrations, and any structural calculations done for the sound wall foundations and the above grade sound wall structural elements will be shared. If, after reviewing those studies, GRS deems it appropriate, GRS may conduct its own vibration/structural study that will be factored into Sunoco's safety plan for vibrations at the Property.
- d. Dangerous parking conditions and traffic patterns created by Sunoco's work (the "Parking Lot Issues"). Sunoco will adhere to traffic plans and parking lot conditions that allow the residents and employees of GRS to safely access resident vehicles and school busses, and navigate and utilize the parking lots. This resolution would include, without limitation, Sunoco marking the drive aisles and parking areas, and appropriately directing construction traffic within the designated access easements. Due to the increased construction traffic, the completely different pedestrian circulations, etc., it is imperative that Sunoco implement a traffic circulation plan with appropriate signage and visual deterrents that fit within PennDOT and FHWA guidelines on pedestrian circulation, signage, etc.
- e. Dangerous pedestrian crossings created by Sunoco's work (the "Pedestrian Crossing Issues"). Sunoco shall construct a pedestrian crosswalk in a location and manner agreed upon by the parties.
- f. Dangerous fire hazard conditions caused by the installation of the sound walls at the property (the "Fire Hazard Issues"). Sunoco shall configure its worksite to allow the GRS residences to comply with the International Fire Code, including, without limitation, the appropriate means of accessibility for emergency access to the GRS residences.
- g. Dangerous conditions at the Property resulting from Sunoco's failure to adequately mark and partition its work area and the alarming message sent by Sunoco regarding the same (the "Signage/Warning Issues"). Sunoco shall clearly and accurately mark its work zones such that GRS residents and employees can effectively avoid these areas.
- h. Dangerous conditions arising from potentially hazardous leaks (the "Hazardous Leak Issues"). Sunoco shall provide release-reporting documentation for all releases on the Property.
- i. Dangerous conditions and code compliance issues associated with erosion control & storm water (the "Stormwater Issues"). Sunoco shall comply with the Township Erosion and Stormwater Management Codes,



- j. Dangerous conditions arising from the release of airborne Calciment in close proximity to the GRS residences and vehicles (the "Calciment Issues"). Sunoco shall immediately reconfigure its worksite with respect to the use of Calciment so that Sunoco and/or its agents are not releasing Calicment into the air or otherwise using Calciment in a manner that is a known safety-hazard as set forth in the Safety Description Sheet prepared by its manufacturer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

*[ These numbers assume that Sunoco completes the Pipeline Project and is off the Property in accordance with the current schedule.*

[REDACTED]

[REDACTED]

[REDACTED]

Again, GRS will devote the next two weeks working with Sunoco to reach a global resolution of the Safety Issues and Financial Losses so that the parties can both move forward with their businesses safely and efficiently. The settlement will put a system in place that will allow Sunoco to complete the Project without GRS having to continue to monitor the site and identify issues that require resolution because those issues will have been identified and resolved, and a process will be in place for anything unforeseen. The litigation will end and the parties will move forward with their respective businesses.

As set forth above, this letter is for settlement purposes only and shall be inadmissible in any proceeding. GRS reserves all rights, waiving none.

Thank you.

Regards,



Stephen Iacobucci

**From:** [Chernesky, Jean C.](#)  
**To:** [Chernesky, Jean C.](#)  
**Subject:** FW: [EXT] RE: Glen Riddle/Sunoco  
**Date:** June 11, 2021 1:39:56 PM

---

**Jean C. Chernesky**

Legal Administrative Assistant  
(610) 458-4958 - direct



Please consider the environment before printing this e-mail.

---

**From:** Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>  
**Sent:** October 30, 2020 1:42 PM  
**To:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>; Kroclic, George J. <[GJKroclic@duanemorris.com](mailto:GJKroclic@duanemorris.com)>  
**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>  
**Subject:** [EXT] RE: Glen Riddle/Sunoco

Sam,

With regard to the engineering pre-construction inspection/meeting, VibraTech would like to hold that meeting on Tuesday, Nov. 10 at 9:30 a.m. We will be sending the same personnel as the first meeting.

With regard to the separate pre-construction meeting, we are working to find a date and time on which the necessary Sunoco personnel are available. We anticipate bringing at least one person from the construction team, including the project manager, and at least one person from the land team, including at least one of the right of way supervisors. Attendance by others at this meeting will depend on scheduling. If you would like to throw out a few dates when your client is available, we can use that as a guide as we seek input from our folks.

And in terms of location, we think an on-site meeting makes the most sense, though that would make the meeting weather-dependent.

Best,

David

---

**From:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>  
**Sent:** Friday, October 30, 2020 11:20 AM  
**To:** Kroclic, George J. <[GJKroclic@duanemorris.com](mailto:GJKroclic@duanemorris.com)>; Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>  
**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>  
**Subject:** RE: Glen Riddle/Sunoco

The sooner, the better. Who do you plan to have at the meeting and where would you like to hold it?

---

**From:** Kroclic, George J. <[GJKroclic@duanemorris.com](mailto:GJKroclic@duanemorris.com)>  
**Sent:** Friday, October 30, 2020 9:45 AM  
**To:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>; Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>  
**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>  
**Subject:** [EXT] RE: Glen Riddle/Sunoco

Sam,

We will pass these dates and times along to our structural engineer regarding the pre-construction inspection. That engineer will not be able to answer any of the questions you have asked below. We are ready to have our team meet with yours to try to answer questions about the project. When can we have that meeting?

**George J. Kroclick**

Partner  
Co-Chair – Real Estate Practice Group

Duane Morris LLP  
30 South 17th Street  
Philadelphia, PA 19103-4196  
P: +1 215 979 1386  
F: +1 215 689 2910  
C: +1 609 217 1832

[GJKroclick@duanemorris.com](mailto:GJKroclick@duanemorris.com)  
[www.duanemorris.com](http://www.duanemorris.com)

---

**From:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>

**Sent:** Thursday, October 29, 2020 8:40 PM

**To:** Kroclick, George J. <[GJKroclick@duanemorris.com](mailto:GJKroclick@duanemorris.com)>; Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>

**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>

**Subject:** RE: Glen Riddle/Sunoco

My client and its engineer can do Monday 10/9 in the afternoon or Tuesday 10/10 at 9:30AM –

Comments from the engineer follow:

Questions/comments for Sunoco:

Do they have a site plan or a work phase plan they can provide. Will this plan show all the boundary controls such as fencing sound walls etc?

Can they describe the method of installation

We would like a weekly schedule look ahead by Friday AM to get an idea of where and what will be taking place

We would like a daily inspection report that includes a site walk to inspect any boundary control issues, e and s issues and what work was completed (just generally i.e. drilled pipe and stabilized disturbed area).

Duration of work and schedule including how many rain days are forecast and updated 'rain days' count by the end of the week.

What will the access through the site be like? Will there be flaggers present? How long at one time may access be restricted?

Will we have access through the work and final easement for things such as:

Surveying of the property

Emergency repair of utilities

Fire/medical emergencies that may require fire truck access etc.

How will existing utilities in the dig be supported and/or replaced if damaged?

Has the fire marshal reviewed the plan and the barriers related to fire truck access both for driving and any impact to window rescues etc.?

What is procedure for dust control, street sweeping and e and s control?

Is there an exhibit to share with the residents that shows the traffic access and safety plan related to the above comments on fire truck access.

We have no idea when the work is slated to start?

What is the plan for the seismograph set up/study that is slated? What methods etc.?

Thanks.

Sam

**Samuel Cortes**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

(610) 458-4966 - direct

(610) 458-7337- fax

[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

---

**From:** Kroculich, George J. <[GJKroculich@duanemorris.com](mailto:GJKroculich@duanemorris.com)>

**Sent:** Thursday, October 29, 2020 1:15 PM

**To:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>; Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>

**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>

**Subject:** [EXT] RE: Glen Riddle/Sunoco

Thanks for the reminder, Sam. Are we getting closer to having some dates to complete the preconstruction inspection?

**George J. Kroculich**

Partner

Co-Chair – Real Estate Practice Group

Duane Morris LLP

30 South 17th Street

Philadelphia, PA 19103-4196

**P:** +1 215 979 1386

**F:** +1 215 689 2910

**C:** +1 609 217 1832

[GJKroculich@duanemorris.com](mailto:GJKroculich@duanemorris.com)

[www.duanemorris.com](http://www.duanemorris.com)

---

**From:** Cortes, Samuel W. <[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)>

**Sent:** Thursday, October 29, 2020 1:09 PM

**To:** Kroculich, George J. <[GJKroculich@duanemorris.com](mailto:GJKroculich@duanemorris.com)>; Amerikaner, David B. <[DBAmerikaner@duanemorris.com](mailto:DBAmerikaner@duanemorris.com)>

**Cc:** Chernesky, Jean C. <[JChernesky@foxrothschild.com](mailto:JChernesky@foxrothschild.com)>

**Subject:** Glen Riddle/Sunoco

George and David:

I understand from our conversation yesterday that your client is evaluating the referenced matter in response to the recent correspondence that you received from me. I write to remind you that time is of the essence here because my client needs to complete its refinancing before 12/31. Anything that can be done to get a response to me this week or, at the latest, early next is appreciated. Going much beyond that will jeopardize the ability to close this year and result in a very significant loss to my client.

Thank you.

**Samuel Cortes**

Partner

**Fox Rothschild LLP**

Eagleview Corporate Center

747 Constitution Drive, Suite 100, PO Box 673

Exton, PA 19341

(610) 458-4966 - direct

(610) 458-7337- fax

[SCortes@foxrothschild.com](mailto:SCortes@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

Confidentiality Notice: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.



Eagleview Corporate Center  
747 Constitution Drive  
Suite 100  
Exton, PA 19341-0673  
Tel (610) 458-7500 Fax (610) 458-7337  
www.foxrothschild.com

SAMUEL W. CORTES  
Direct No: 610.458.4966  
Email: SCortes@FoxRothschild.com

November 20, 2020

**VIA EMAIL AND FIRST CLASS U.S. MAIL**

George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

**Re: In Re: Condemnation By Sunoco Pipeline L.P. Of Temporary Workspace Easement  
And For The Transportation Of Ethane, Propane, Liquid Petroleum Gas, And  
Other Petroleum Products In Middletown Township, Delaware County,  
Pennsylvania, Over The Lands Of Glen Riddle Station, L.P., No. CV-2020-003193**

Dear George and David:

I write as a follow-up to the November 18, 2020 on site meeting at the Glen Riddle Station property. Although we appreciate Sunoco meeting with us, the meeting raised serious concerns that must be addressed before any work proceeds. Sunoco's work cannot create unreasonable conditions impacting the safety of my client's tenants and property. As discussed below, Sunoco's current plan does just that.

1. We learned at the meeting for the first time that Sunoco intends to install sound walls in a manner that will block ingress and egress to emergency exit points for the residences, which was, frankly, unfathomable. Stating the obvious, this creates a serious hazard. Sunoco's plan prevents emergency service personnel from accessing the property to save lives in the case of a fire or other emergency and could trap residents in the buildings. Sunoco appeared surprised when we identified this obvious problem with its plan at the meeting. Sunoco responded by stating that it will not use the sound walls if that is our preference. That is not an acceptable solution.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada  
New Jersey New York North Carolina **Pennsylvania** South Carolina Texas Virginia Washington

George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
November 20, 2020  
Page 2

Sunoco's work must comply with noise requirements while exercising due care for the safety of others. We ask that Sunoco meet with us and township officials regarding these serious issues. We can be available next week for this meeting.

2. Has Sunoco met with local emergency response officials regarding safety and an emergency response plan? If so, please let us know if a plan is in place and share any existing or draft plan with us.

3. We have not received copies of many of the project documents referenced at the meeting. We request access to the design drawings, specifications, and any supporting documents for the sound walls as they pertain to their structural stability, a profiled or line diagram showing the lengths/heights, as well as modeling or something similar that demonstrates the appropriateness of the size/design of those systems for use at my client's property. Sunoco could not identify or explain this information at the meeting or identify if or how these systems will both ensure safety and control noise appropriately.

4. As we understand it, Sunoco intends to locate the power plant/mud mixer an estimated 40 feet in elevation above the lowest work area. This will allow sound to travel unabated in the downslope direction and almost certainly will require supplemental protection.

5. What measures are in place to ensure that my client may access the easement area when necessary in an emergency? Given the location of my client's building in relation to the sizable work area, such access will certainly be necessary for emergencies.

6. What is the movability of the panels for emergency access? How will this be addressed when Sunoco personnel is offsite?

7. Has the local municipality or fire marshal reviewed the work plan? Sunoco stated at the meeting that such a review is not warranted. We disagree.

8. If Sunoco breaks a utility line, please confirm that Sunoco will promptly repair and/or replace the line at its cost.

9. My client's tenants have a legal right to have all utilities function regularly. All interruptions in utility service must be resolved within 24 hours or my client must relocate the affected tenants. Accordingly, please respond to the following.



George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
November 20, 2020  
Page 3

- a. Does Sunoco commit to any completing such repairs or replacement within the easement area or caused by it within 24 hours of an interruption?
  - b. If Sunoco cannot complete the repairs and/or replacement within 24 hours, does Sunoco commit to assuming the expense of relocating the affected residents?
  - c. Should Sunoco decline to make the necessary repairs and/or replacement, what procedures are in place for my client to enter the work area to make the repair and/or replacement?
10. If utility problems require my client to access areas located within the easement, what process is in place for this?
11. If Sunoco repairs and/or replaces a utility line, who will verify such repairs and/or replacement (e.g., pressure testing, trench backfill, paving repairs, proper materials, etc.). These are private utility lines.
12. What are the parameters for the on site seismograph? Sunoco said that it records this data. Does a third party verify the data and the date stamps for the data? If so, who? What is the standard used to measure vibrations? What are the threshold standards for vibration damping/distance equations? If Sunoco is unwilling to share this information with my client, please direct your client to preserve all documents related to the seismograph and vibrations.
13. Sunoco stated that it will notify us whenever it locates a utility line. Please confirm this.
14. What measures are in place to ensure that Sunoco personnel operating the large trucks on my client's property will operate them safely? Sunoco stated that this would be left to "common sense." That is not acceptable, particularly here with the many safety flaws associated with Sunoco's work plan that fly in the face of what we understand to be common sense. Please advise Sunoco personnel that many young children and pets are on site.
15. Is Sunoco willing to meet virtually with the residents of Glen Riddle Station to address their concerns? If not, will Sunoco provide a written response to any of the residents' concerns? Our residents are angry that Sunoco has not responded to our prior communications

George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
November 20, 2020  
Page 4

that identified their concerns. Sunoco's continued failure to address these concerns will result in more disputes, more litigation, and more costs.

16. The following minor concerns may be addressed in the project documents that we have not yet seen, but we need to confirm that the following measures are in place: adequate dust control; erosion and sediment control repairs and/or replacement; temporary patching of any paving during the project; temporary and permanent seed and stabilization; and adequate traffic controls.

17. We understand that Sunoco's plan calls for an approximate loss of 50-60 parking spaces on site. This will obviously negatively affect the residents of Glen Riddle Station. What are Sunoco's plans in this regard? Have you confirmed compliance with parking ordinances on this point or obtained zoning relief? If so, please provide a copy of the documents demonstrating compliance or this relief.

18. Sunoco stated that no workers will park outside of the easement. Please confirm this. Please also notify Sunoco that any such conduct by its workers will be treated as a trespass.

19. Sunoco stated that no line-ups or idling trucks will be on the Glen Riddle Station property or outside of the easement. Please confirm this.

20. What are the allowable work hours? How will your client monitor and control that?

21. With regard to the relocation of residents necessitated by the work, whether because of noise, air quality, or utility issues, what is the process for relocating those residents and will Sunoco pay the costs associated with such relocation?

At the meeting, Sunoco told my client not to expect any work on site until after Thanksgiving. Yesterday, however, my client received a telephone call from Sunoco informing it that Sunoco now intends to begin its work on Saturday. No work is to begin until we have assurance that the work does not pose an unreasonable threat to lives and property. That is not the case at the moment as the planned work will result in an unreasonable safety risk to my client's residents and a risk to its property.



George J. Kroculick, Esquire  
David B. Amerikaner, Esquire  
November 20, 2020  
Page 5

This is an unusual situation given the size of the work area in relation to the size of the property and the proximity of the work area to the residences. Sunoco has a duty to undertake far more care with respect to its work on this site than exhibited to date. The failure to do so could be catastrophic.

Furthermore, no communication is to occur with my client directly until we have an agreement here. All communication should go through me.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Samuel W. Cortes'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Samuel W. Cortes

SWC:jcc

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REJOINDER TESTIMONY  
OF DAVID AMERIKANER  
ON BEHALF OF SUNOCO PIPELINE, L.P.  
SPLP STATEMENT NO. 2-RJ**

1 **Q: Please state your name, employer and title for the record.**

2 A: My name is David Amerikaner. I am employed by Duane Morris LLP. My title is special  
3 counsel.

4 **Q: Did you previously provide testimony in this matter?**

5 A: Yes, I provided rebuttal testimony in this matter on behalf of Sunoco Pipeline.

6 **Q: And what is your relationship with the parties in this matter?**

7 A: I am an attorney serving as outside counsel for Sunoco Pipeline. I have been primarily  
8 responsible for communications between Sunoco Pipeline and counsel for Glen Riddle,  
9 including all of the allegations at issue in this matter, and for representing Sunoco Pipeline  
10 in the eminent domain matter now pending in the Delaware County Court of Common  
11 Pleas.

12 **Q: Have you reviewed the surrebuttal testimony filed by Glen Riddle Station in this**  
13 **matter, including the surrebuttal testimony filed by Stephen Iacobucci and Raymond**  
14 **Iacobucci, as well as the exhibits attached to those surrebuttal testimonies?**

15 A: Yes, I have.

16 **Q: Turning to Stephen Iacobucci's surrebuttal testimony, do you have a response to his**  
17 **allegation on page 2 of his testimony that Zorion security guards were at the site as**  
18 **early as Saturday, November 21, 2020 and his implication that Zorion security guards**  
19 **were not sent to the site as a result of any actions taken by Glen Riddle or its**  
20 **employees?**

21 A: Yes. On November 20, 2020, after Sunoco Pipeline had given notice to Glen Riddle that  
22 Sunoco Pipeline intended to begin survey work on November 21, I received two emails  
23 from Sam Cortes, counsel for Glen Riddle, which purported to prohibit Sunoco Pipeline

1 from exercising its valid easement rights and beginning survey work. In any situation  
2 where a landowner evinces an intent to interfere with Sunoco Pipeline's easement rights, I  
3 pass this information along to the company, and the company often assigns security guards  
4 to that site for the safety of the workers. That is what happened at Glen Riddle on  
5 November 20 and 21, 2020.

6 **Q: Turning to page 7 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
7 **response to Mr. Iacobucci's assertion that he has never had anyone report to him**  
8 **about Glen Riddle personnel entering the Sunoco Pipeline worksite?**

9 A: Yes. On March 29, 2021, I sent an email to Mr. Cortes that included a photo of an employee  
10 of Glen Riddle who had entered the Sunoco Pipeline workspace and was hiding behind a  
11 dumpster, apparently to take noise readings with a handheld noise monitor. If Mr.  
12 Iacobucci had never heard of this before reading Sunoco Pipeline's surrebuttal testimony,  
13 his attorney was not keeping him apprised of our communications.

14 **Q: Turning to page 13 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
15 **response to Mr. Iacobucci's assertion that the surrebuttal testimony filed by Sunoco**  
16 **Pipeline is the first time he had heard of an allegation that Glen Riddle employees**  
17 **stepped in front of Sunoco Pipeline trucks as they maneuvered on the temporary**  
18 **access road easement through the Glen Riddle parking lot between the work space**  
19 **and Glen Riddle Road?**

20 A: Yes. On March 26, 2021, I sent a letter to Mr. Cortes informing him that Glen Riddle  
21 workers were intentionally walking into the path of trucks attempting to exit the property.  
22 On March 29, in response to Mr. Cortes' email inquiry regarding this matter, I sent an email  
23 with a photo of someone walking in front of a truck on the Glen Riddle property. If Mr.

1           Iacobucci had never heard of this prior to reading Sunoco Pipeline's surrebuttal testimony,  
2           his counsel failed to inform him of important safety violations committed by Glen Riddle's  
3           employees or agents, that we conveyed to counsel.

4   **Q:   Turning to page 20 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
5   **response to the testimony regarding the visit to the property by Seth Harrison of**  
6   **Harrison Acoustics and the email exchange that preceded that visit?**

7   A:   Yes. On March 31, I emailed Mr. Cortes on behalf of Sunoco Pipeline, informing him that  
8           Mr. Harrison would be visiting the property on April 1 to take sound readings from within  
9           Sunoco Pipeline's easements on the property. Sunoco Pipeline may invite whoever it  
10          pleases onto those easements for any purpose, including but not limited to taking sound  
11          readings for this proceeding. I also asked if Mr. Cortes's client would give permission for  
12          Mr. Harrison to take some sound readings from outside the easement boundaries. That  
13          permission was not granted. Mr. Harrison visited the property on April 1 and stayed  
14          entirely within the boundaries of Sunoco Pipeline's easements while taking sound readings.  
15          I also understand that Glen Riddle's motion for sanctions with respect to this incident has  
16          been denied.

17   **Q:   Turning to pages 25-26 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
18   **response to the statements regarding the email exchange with Glen Riddle counsel on**  
19   **April 26-28, 2021 regarding DEP-approved and –regulated borehole grouting at the**  
20   **property?**

21   A:   Yes. On April 26, 2021, Ashley Beach (counsel for Glen Riddle) sent me an email with  
22          an attached photo that had apparently been taken from a drone flying above the worksite,  
23          asking about certain activities at the site. I responded on April 27, 2021, explaining that

1 the activity in question was grouting of the borehole and groundwater management, which  
2 was being done in accordance with Sunoco Pipeline's permits and was regulated by the  
3 DEP. Ms. Beach responded later on April 27 by email with a series of unsupported  
4 accusations and misstatements regarding this activity, demanding an immediate response.  
5 On April 28, I responded by email to Ms. Beach, providing additional information  
6 regarding the activity taking place at the property and informing Ms. Beach of the  
7 opportunity that her client had been given to participate in the open public process  
8 permitting the modification in installation method at this site and that expressly allowed  
9 the activity in question. The email on April 27 from Ms. Beach followed a pattern: Glen  
10 Riddle would observe something occurring on the site, and immediately have their counsel  
11 send an email accusing Sunoco Pipeline of some crime or other misconduct, and demand  
12 an immediate response. As the activity taking place in late April was permitted and  
13 regulated by the DEP, and all of Ms. Beach's allegations were without basis, we informed  
14 her that we would not be responding to baseless accusations regarding Sunoco Pipeline's  
15 work at the site without expert support. Fortunately, this communication appears to have  
16 had the desired effect, as the flow of baseless accusations from Glen Riddle's counsel  
17 slowed considerably after this incident.

18 **Q: Turning to pages 27-29 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
19 **response to Mr. Iacobucci's characterization of communications between counsel for**  
20 **Sunoco Pipeline and counsel for Glen Riddle in October 2020?**

21 **A:** Yes. Mr. Iacobucci's testimony continues to intentionally conflate the pre-construction  
22 inspection conducted by Sunoco Pipeline's structural engineering consultant, Vibra-Tech,  
23 with the pre-construction meeting attended by Sunoco Pipeline's construction team and



1 land agents and Glen Riddle's representatives. The Vibra-Tech inspection was held on two  
2 dates: October 19, 2020 and November 12, 2020; it was divided between two dates because  
3 Glen Riddle's engineer, who attended the inspection, had to leave early and cut short the  
4 October 19 inspection. The purpose of the Vibra-Tech inspection was to assess and  
5 document the existing condition of the outdoor and indoor areas of the Glen Riddle  
6 property, so that any claims of damage resulting from construction at the property could be  
7 compared against existing conditions. The emails between Sunoco Pipeline counsel and  
8 Glen Riddle counsel in October and November 2020 made clear that the October 19 and  
9 November 12 meetings were for this purpose, and not to provide any additional information  
10 regarding construction. The pre-construction meeting held on November 18, 2020, by  
11 contrast, was attended by Sunoco Pipeline's construction manager and Michels' foreman,  
12 among other attendees, and was intended to provide information to Glen Riddle regarding  
13 construction details and to answer Glen Riddle's questions regarding the construction.  
14 Sunoco Pipeline did provide information to Glen Riddle at the November 18 meeting that  
15 was responsive to the concerns raised in the October 27, 2020 letter. It was made clear to  
16 Glen Riddle's counsel that the Vibra-Tech inspection was not intended to provide  
17 substantive information regarding construction plans and details, but Glen Riddle  
18 continues to mischaracterize the nature of these communications.

19 **Q: Turning to page 29 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
20 **response regarding the statements concerning the November 18, 2020 on-site meeting**  
21 **and the communications thereafter?**

22 A: Yes. Sunoco Pipeline provided a great deal of information to Glen Riddle at the November  
23 18 meeting, and answered all of the questions for which Sunoco Pipeline had answers at

1 the time, and explained the reasons why answers to some questions were not yet available.  
2 Sunoco Pipeline also received Glen Riddle's lengthy follow-up letter with additional  
3 questions on November 20, 2020. Though Sunoco Pipeline had already provided  
4 information responsive to many of the questions posed in that letter, and was under no  
5 obligation to provide additional information to Glen Riddle, Sunoco Pipeline was in the  
6 process of drafting a response to the November 20 letter when this action was filed in early  
7 December 2020.

8 **Q: Turning to pages 29-31 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
9 **response to the statements regarding Glen Riddle's communications in early**  
10 **December 2020 that linked monetary payments to Glen Riddle with the dismissal of**  
11 **this action or the filing of an emergency petition with the PUC?**

12 A: Yes. My previous testimony on this topic, and the emails attached to that testimony, stand  
13 for themselves. In several emails in early December 2020, counsel for Glen Riddle sent  
14 emails in which they threatened to file an Emergency Petition for Interim Relief with the  
15 PUC, and in other emails said that Glen Riddle would withhold filing the Emergency  
16 Petition for Interim Relief if Sunoco Pipeline agreed to monetary settlement demands that  
17 Glen Riddle had previously made for disputed claims regarding use of the temporary  
18 easement space during construction. As Glen Riddle knows, or should know, monetary  
19 damages are not available as a remedy in PUC actions, and demanding money in exchange  
20 for the withholding of an emergency filing at the PUC was entirely improper. In response,  
21 I sent emails informing Glen Riddle's counsel of the impropriety of these communications  
22 and establishing separate lines of communication regarding the safety allegations at issue

1 in this proceeding and the separate discussions regarding compensation due to Glen Riddle  
2 for use of the temporary easement space during construction.

3 **Q: Turning to page 34 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
4 **response to Mr. Iacobucci's statement that the letter marked as Exhibit GRS-134 was**  
5 **provided to counsel for Sunoco Pipeline?**

6 A: I have never seen the letter marked as GRS-134 before it was produced by Glen Riddle in  
7 this proceeding. The letter was addressed to Joe McGinn of Sunoco Pipeline, who is not  
8 an attorney. In addition, the letter states twice that it "shall be inadmissible in any  
9 proceeding," and yet Glen Riddle introduced it into evidence in this proceeding, with  
10 redactions.

11 **Q: Turning to pages 34-35 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
12 **response to Mr. Iacobucci's statements regarding Sunoco Pipeline's communications**  
13 **with Glen Riddle, including about the use of Calciment at the project site?**

14 A: Yes. Mr. Iacobucci's testimony attempts to cast aspersions on the quantity and quality of  
15 communications with Glen Riddle rest on an incorrect assumption: that Glen Riddle has  
16 the power to review, approve, or alter Sunoco Pipeline's construction methods and  
17 practices at the property. As a public utility constructing a utility infrastructure project that  
18 stretches across the Commonwealth, Sunoco Pipeline is highly regulated by federal, state,  
19 and local governmental agencies. Sunoco Pipeline's construction methods and plans are  
20 regulated by existing regulations, as well as by individual permits issued by the Department  
21 of Environmental Protection and other agencies. Glen Riddle is a property owner along  
22 the path of the project and, as with other property owners, Sunoco Pipeline provided  
23 information to Glen Riddle about the details of construction before the project commenced

1 at the property. In addition, Sunoco Pipeline responded to questions from Glen Riddle as  
2 construction proceeded, just as Sunoco Pipeline does for other property owners along the  
3 path of the project. In the case of Glen Riddle, the quantity and type of information  
4 provided by Sunoco Pipeline was far in excess of what Sunoco Pipeline is typically asked  
5 to provide by landowners along the path of the pipeline. As to the issue of Calciment,  
6 Sunoco Pipeline's use of the product was in accordance with its use of the same product at  
7 sites across the project. The product was used safely. When Glen Riddle asked for  
8 information about the product, Sunoco Pipeline provided that information. There was no  
9 safety risk to Glen Riddle's residents from the use of Calciment, as other witnesses will  
10 testify.

11 **Q: Turning to pages 35-36 of Stephen Iacobucci's surrebuttal testimony, do you have a**  
12 **response to the assertions about the communications with Glen Riddle regarding the**  
13 **water line break that occurred in late May 2021?**

14 A: Yes. Mr. Iacobucci mischaracterizes emails sent by me on May 26, 2021, the day the water  
15 line was broken and repaired, and May 27, 2021. In each of these emails, I was passing  
16 along information given to me by the people at the site and involved in the work to repair  
17 the water line. My understanding is that the people involved in the work at the site included  
18 representatives of Glen Riddle, representatives of Sunoco Pipeline, the plumbing  
19 contractor (Horn Plumbing), and representatives of Aqua Pennsylvania, the water utility.  
20 Mr. Iacobucci specifically mentions an email sent on the morning of May 27, the morning  
21 after the water line was repaired, in which I advised Glen Riddle's counsel that Sunoco  
22 Pipeline had been advised that the water was safe to use for all purposes but that if Glen  
23 Riddle was concerned about contamination, it could advise residents that they should boil

1 the water until a bacteria test came back negative. I included this advice in my email to  
2 Glen Riddle because I had been told that this was the consensus among the above-described  
3 participants, including an Aqua representative, in meetings at the site on May 26. I do not  
4 have the expertise to testify about water line breaks and contamination risk, but I will note  
5 that all testing of the water subsequent to the repair confirmed what we had said all along  
6 – there was no risk of water contamination to residents. Mr. Iacobucci also appears to take  
7 issue with the water samples that were taken on the morning of May 27, after the water line  
8 had been repaired, and my communication regarding the same. On the morning of May  
9 27, I attempted to contact Glen Riddle counsel several times to get permission for Sunoco  
10 Pipeline personnel to enter the buildings and collect water samples. That permission was  
11 never given. Instead, Aqua Pennsylvania collected its own water samples for testing.  
12 Given that the testing recommended by Aqua was already in progress, Sunoco Pipeline  
13 decided not to collect its own samples (if Glen Riddle had granted permission) and to let  
14 Aqua test the water.

15 **Q: Turning to the surrebuttal testimony filed by Raymond Iacobucci, do you have a**  
16 **response to the assertions made on page 2 of Raymond Iacobucci's surrebuttal**  
17 **testimony regarding the adequacy of communications by Sunoco Pipeline?**

18 A: Yes. These assertions are substantively identical to those made by Stephen Iacobucci. I  
19 have already responded to these assertions, above.

20 **Q. Does this complete your Rejoinder testimony?**

21 A. Yes.

Your safety is our top priority, so as we anticipate receiving the final results within the next few days, Glen Riddle residents are strongly advised to continue with the following general safety precautions:

-Before using the water for any purpose, residents must adequately flush the lines. You MUST run your hot water, where applicable for four minutes (sinks, showers, bathtubs, washing machines, and dishwashers), and cold water for 2 minutes

-Residents must REFRAIN from cooking, eating, drinking, teeth brushing, or using water in any other way that it would come into contact with their mouths until results of testing is available

-Showering is ok, but you MUST avoid getting water into your mouth. If there is any discoloration or odor stop showering and stop using the water in any way. Please make management aware immediately if this is to occur.

We also advise that you continue drinking the bottled water that has been provided at the front of Glen Riddle buildings. If you have any questions or concerns, please contact office management - we are always happy to help.

Thanks,

Edward J. Deisher | Director of Property Management

Glen Riddle Station Apartments and AJI Properties Management Company, Inc.

Direct: 610-358-2501 | Fax: 610-358-4313

<https://www.glenriddleapartments.com/>

Confidentiality Notice: The information contained in this electronic message is intended solely for the personal and confidential use of the designated recipient(s) named above and may contain information that is protected from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify the transmitting person/ department immediately by email or telephone (610-358-2501) and delete the message without making a copy. Thank you!

---

Sent At: 05/27/2021 02:44 PM

**From:** Ed Deisher <edeisher@iacobuccicompanies.com>  
**Subject:** RE: GLEN RIDDLE WATER SERVICE UPDATE  
**Message:**

Good Afternoon -

As you know yesterday there was a water line break within the Sunoco Pipeline work zone. The line has been repaired and a formal complaint has been filed with the State Police. Glen Riddle has notified the DEP and Aqua water company. Aqua has taken a sample of the water for testing. Glen Riddle is waiting on information regarding the parameters of that testing and the results. Glen Riddle will also have independent testing conducted if, in consultation with experts, it deems it necessary.

While Glen Riddle is awaiting testing results the water can be turned back on, however, Glen Riddle residents are strongly advised to follow the recommendations set forth below:

Before using the water for any purpose, residents must adequately flush the lines. You **MUST** run your hot water, where applicable for four minutes (sinks, showers, bathtubs, washing machines, and dishwashers), and cold water for 2 minutes

Residents must **REFRAIN** from cooking, eating, drinking, teeth brushing, or using water in any other way that it would come into contact with their mouths until results of testing is available

Showering is ok, but you **MUST** avoid getting water into your mouth. If there is any discoloration or odor stop showering and stop using the water in any way. Please make management aware immediately if this is to occur.

Please contact the management office with any questions or if you need any assistance with cleaning the water sources in your home. We apologize for this inconvenience. Please know that Glen Riddle is doing everything it can to ensure that water is accessible and safe. We will continue to hold Sunoco and their representatives accountable.

Thank you!

Edward J. Deisher | Director of Property Management

Glen Riddle Station Apartments and AJI Properties Management Company, Inc.

Direct: 610-358-2501 | Fax: 610-358-4313

<https://www.glenriddleapartments.com/>

Confidentiality Notice: The information contained in this electronic message is intended solely for the personal and confidential use of the designated recipient(s) named above and may contain information that is protected from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify the transmitting person/ department immediately by email or telephone (610-358-2501) and delete the message without making a copy. Thank you!

---

To: [REDACTED]

Sent At: 05/26/2021 07:57 PM

Bcc: [REDACTED]

From: Ed Deisher <edeisher@iacobuccicompanies.com>

Subject: RE: GLEN RIDDLE WATER SERVICE UPDATE

Message:

Good Evening -

As you know, there was a water main break inside the condemned, Sunoco Pipeline work zone today.

A repair was completed a couple of hours ago. The drinking water will need to be tested tomorrow to verify it is safe to use and drink.

The water will be turned off to the community shortly. Service will be restored as soon as Sunoco tests the water and can confirm it is safe.

You will find drinking water outside of your building tonight for your use.

We are working diligently to restore your service as soon as possible.

Thank you.

Edward J. Deisher | Director of Property Management

Glen Riddle Station Apartments and AJI Properties Management Company, Inc.

Direct: 610-358-2501 | Fax: 610-358-4313

<https://www.glenriddleapartments.com/>

Confidentiality Notice: The information contained in this electronic message is intended solely for the personal and confidential use of the designated recipient(s) named above and may contain information that is protected from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are



hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify the transmitting person/ department immediately by email or telephone (610-358-2501) and delete the message without making a copy. Thank you!

---

[REDACTED]  
**Sent At:** 05/26/2021 04:44 PM  
[REDACTED]  
[REDACTED]

**From:** Ed Deisher <edeisher@iacobuccicompanies.com>  
**Subject:** RE: GLEN RIDDLE STATION WATER SERVICE INTERRUPTION UPDATE  
**Message:**

Dear Residents -

Glen Riddle is working with Sunoco to troubleshoot the damaged pipe from within Sunoco's work zone. Sunoco is advising water be turned back on for testing purposes. You will see water back on. **DO NOT USE THE WATER IN ANY WAY.** This water has not been tested, and you should not drink or use this water until further notice.

We apologize for this inconvenience and will keep you informed as soon as information is made available to us from Sunoco.

Edward J. Deisher | Director of Property Management

Glen Riddle Station Apartments and AJI Properties Management Company, Inc.

Direct: 610-358-2501 | Fax: 610-358-4313

<https://www.glenriddleapartments.com/>

Confidentiality Notice: The information contained in this electronic message is intended solely for the personal and confidential use of the designated recipient(s) named above and may contain information that is protected from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify the transmitting person/ department immediately by email or telephone (610-358-2501) and delete the message without making a copy. Thank you!

---

**To:** [REDACTED]  
**Sent At:** 05/26/2021 03:29 PM

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REBUTTAL TESTIMONY  
OF JOE BECKER  
ON BEHALF OF SUNOCO PIPELINE L.P.**

**SPLP STATEMENT NO. 3-R**

Dated: May 12, 2021

1 **Q. Please state your name and occupation.**

2 A. I am Joe Becker, Senior Director, Engineering & Construction, Energy Transfer. In that  
3 capacity I oversee all of Energy Transfer's Mariner East 2 (ME2) construction, including  
4 the ME2 construction for Sunoco Pipeline L.P. (SPLP) at Glen Riddle Station Apartments  
5 (the Property).

6  
7 **Q. Please provide a brief overview of your work experience and educational background.**

8 A. I have been involved in energy industry project management for over 15 years and have  
9 led project teams to successfully complete projects totaling many billions of dollars.  
10 Beginning in 2013 I supervised capital projects at the Marcus Hook Industrial Complex  
11 (MHIC) as part of the Mariner East project, where Energy Transfer has made capital  
12 investments of approximately \$2 billion in order to transform the MHIC facility into what  
13 is now a world class natural gas liquids hub. I have decades of experience in the energy  
14 business. I have a BS in chemical engineering from Clarkson University and an MBA  
15 from SUNY Albany.

16  
17 **Q. What is the purpose of your testimony?**

18 A. I will respond to factual aspects of the testimony of Glen Riddle Station (GRS) witnesses  
19 Stephen Iacobucci (GRS Statement No. 2) and Jason Culp (GRS Statement No. 3) that  
20 make incorrect assertions about SPLP's handling of communications with GRS and its  
21 residents, and that impugn SPLP's approach to safety in managing the construction at the  
22 Property including the handling of construction noise, vibration, parking lot access and  
23 traffic, potential fire hazards, pedestrian safety, warning signage, hazardous leaks, and

1 storm water. Other SPLP witnesses are providing expert testimony that refutes Mr.  
2 Iacobucci's lay opinions and Mr. Culp's engineering opinions on those topics. Most of the  
3 factual assertions that form the bases for the various claims are found in Mr. Iacobucci's  
4 testimony, so most of my testimony is responsive to his rather than Mr. Culp's. My  
5 testimony is offered based on my experience and from SPLP's perspective just as Jayme  
6 Fye, the construction Superintendent on site, **SPLP Statement No. 4**, is speaking from the  
7 perspective as the contractor.  
8

9 **Q. Please briefly describe the current status of ME2 construction, and the role**  
10 **construction at the Property plays in the overall ME2 project.**

11 A. ME2 is over 95 % complete statewide. We have successfully installed the pipeline across  
12 most of the state and have just a few construction sites left in Chester and Delaware  
13 Counties, including the one at the Property. When ME2 is complete, it will allow SPLP the  
14 opportunity to return portions of ME 1 and the 2-Inch pipelines to other products such as  
15 refined petroleum, in addition to allowing natural gas liquids to be available over the ME2  
16 lines for the many uses by industry, businesses and society generally.  
17

18 **Q. What is the current status of the pipeline construction at the Property?**

19 A. The direct bore segment, which generates the most sound on a continuous basis, was  
20 completed on April 8<sup>th</sup>. If the weather continues to cooperate, we expect to be finished  
21 with all pipeline installation ahead of the current end of May schedule, and then commence  
22 demobilization and restoration.  
23

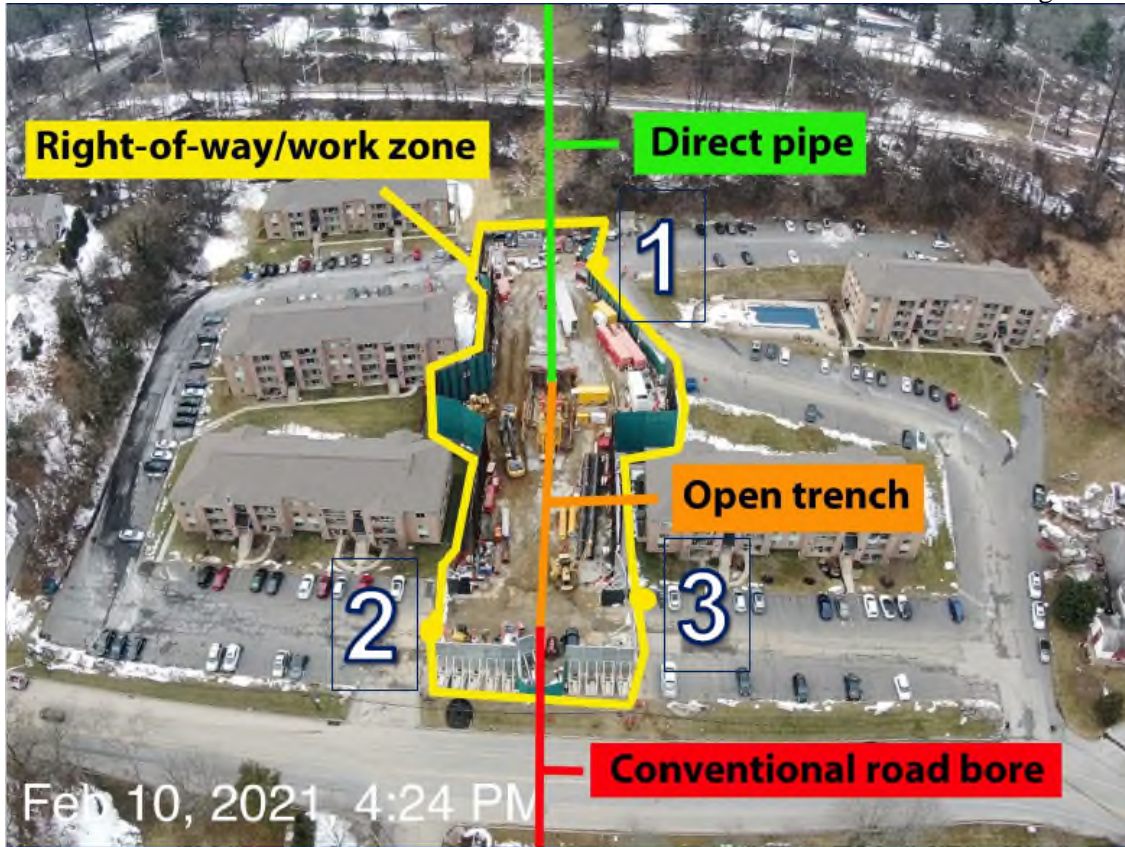
1 **Q. Why is ME2 being constructed through the Property?**

2 A. SPLP is installing ME2 in the same right of way, including through the Property, that is  
3 already occupied by SPLP's two other underground pipelines which have been safely  
4 operating for about 80 years. As Joe McGinn, Energy Transfer's Vice President of Public  
5 Affairs explains in his testimony, **SPLP Statement No. 7-R**, locating new pipeline in  
6 existing right-of-way is the practice recommended by Governor Wolf's Pipeline Task  
7 Force. The GRS apartment complex was constructed on top of the existing pipeline right  
8 of way about 50 years ago, which means that to do underground installation of ME2 in that  
9 right of way we need to install pipe under the Property.

10

11 **Q. Can you provide an overview of the techniques for pipeline construction that are**  
12 **being used at the Property?**

13 A. SPLP's original plan was to construct the pipeline through this section of Middletown  
14 Township using horizontal directional drilling (HDD). That technique proved  
15 unsatisfactory. SPLP proposed and the Department of Environmental Protection (DEP)  
16 approved a modification (Major Mod 620) that uses the present combination of techniques,  
17 which are the safest, most efficient, and timely methods for this specific site. The  
18 photograph below is an aerial view of the Property that has overlayed onto it the methods  
19 we are using to install pipe, and the location on the Property of the specific method we are  
20 using. The photo is oriented looking north. Across the bottom of the photo to the south is  
21 Glen Riddle Road. The Property with its five apartment buildings is located to the north  
22 of Glen Riddle Road.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

To bring the pipeline across Glen Riddle Road onto the Property, SPLP is using conventional boring, a technique typically used for road crossings, in which pits are excavated at either side of the road, a boring machine is lowered into the pit at one end and bores underneath the road to the other side, and then pipe is installed. That area of work, which is depicted in red on the photograph, is already completed.

Once on the Property, we are using the open cut method of pipeline installation, which consists of digging a trench with backhoes or wheel ditchers, lowering the pipe into the trench, and then backfilling the trench. This is the method most commonly used where enough workspace and land access are available. The open cut area at the Property is depicted in yellow on the photograph. It will be completed after the direct pipe process described next.

1 To install pipe in the remainder of the right of way on the Property and north up the hill,  
2 under the railroad tracks at the top of the photograph, and up to War Trophy Lane, SPLP  
3 is using the direct pipe method, which is a trenchless technology that combines elements  
4 of HDD and tunneling. Direct pipe combines a thruster with a steerable microtunneling  
5 machine to install steel pipes in one continuous pass. The direct pipe segment on the  
6 Property is depicted in green on the photograph. As I stated earlier, we finished installation  
7 of the casing pipe on April 8, 2021; the direct pipe crew will now start its tear down and  
8 demobilization process. An illustration of the three pipeline installation techniques is  
9 shown in **SPLP Exhibit JB-1**.

10  
11 **Q. Can the construction at the Property be conducted without causing temporary**  
12 **changes to the manner in which GRS residents may be accustomed to inhabiting and**  
13 **moving about the Property?**

14 A. Unavoidably, the construction is occurring on a path that bisects the Property, between  
15 apartment buildings. By necessity it temporarily creates noise near where residents live  
16 and displaces some areas where residents may be used to parking their cars. We understand  
17 this, and so our top priority after assuring residents' safety around the construction site is  
18 to minimize the disruption to their daily lives to the extent possible. The Property is not  
19 the only location where we face such challenges, and we have been successful in achieving  
20 those goals in situations similar to the circumstances presented at the Property. We  
21 complete construction in phases, restore the site and move on to the next. For example,  
22 just across Glen Riddle Road from the Property is another apartment complex, Tunbridge.  
23 We needed to do similar work at Tunbridge, and were able to do so without incident, largely

1 because we were able to communicate directly with residents and were able to work very  
2 cooperatively with management. We have now finished construction at Tunbridge, and we  
3 will permanently restore the area, as weather permits.

4  
5 **Q. Are SPLP or Energy Transfer employees doing the actual pipeline construction at the**  
6 **Property?**

7 A. Many SPLP and Energy Transfer employees are involved in various aspects of the project,  
8 and in my role I oversee all of the ME2 pipeline construction including the construction at  
9 the Property. Actual day-to-day pipeline construction is being done by Michels, Energy  
10 Transfer's contractor that has broad expertise and experience in constructing pipelines  
11 throughout North America. Jayme Fye, Michels' Superintendent for ME2 construction,  
12 addresses various aspects of the manner in which we are safely going about construction  
13 at the Property in his testimony, **SPLP Statement No. 4-R.**

14  
15 **I. Communication Issues**

16 **Q. When did SPLP start construction at the Property?**

17 A. In late November 2020.

18  
19 **Q. How did SPLP communicate with GRS concerning the planned construction?**

20 A. SPLP initially attempted to take the same approach with GRS that we do with all other  
21 affected properties on which we are constructing the pipeline, and the same approach we  
22 used successfully at Tunbridge. We attempt to establish a cooperative working relationship  
23 with municipal officials, property owners, and property residents in the communities



1 through which pipeline construction will occur so that people know how our construction  
2 work may affect their daily routines during the time we are working near where they live  
3 and work. Early on in the process at the Property, however, Stephen Iacobucci on behalf  
4 of GRS expressly requested that all communication from SPLP to GRS go through GRS's  
5 counsel. David Amerikaner, a lawyer who on behalf of SPLP has conducted much of the  
6 communication with GRS's lawyer throughout the process, provides an overview of SPLP-  
7 GRS communication in his testimony, **SPLP Statement No. 2-R**.

8  
9 **Q. Stephen Iacobucci states that GRS “[f]or many months prior to November 2020”**  
10 **requested “some of the most basic information regarding its planned work at the**  
11 **Property” including “work schedules, details of the installation of Sound Walls, and**  
12 **safety protocols” but that “Sunoco failed to provide any meaningful information and,**  
13 **if anything, expressed indifference to the safety concerns we expressed.” GRS**  
14 **Statement No. 2 at 3:4-15. Is this an accurate portrayal?**

15 **A.** That is not my understanding. It is true that GRS began making requests of SPLP many  
16 months before November 2020 but based on my review those requests were more focused  
17 on demands for additional compensation for the temporary easements on the Property  
18 rather than the planned work and safety protocols. David Amerikaner provides the details  
19 of these communication in his testimony.

20  
21  
22

1 **Q. How do you respond to Mr. Iacobucci’s assertion that SPLP “expressed indifference**  
2 **to the safety concerns we expressed”?**

3 A. Based on the communications I have reviewed from the time before I became responsible  
4 for the construction in late November 2020, I conclude that SPLP provided adequate  
5 information via email and telephone calls with GRS’s counsel beginning in April 2020 and  
6 continuing through the present, including but not limited to: SPLP’s permits applicable to  
7 the Property; details and plans for construction on the Property, including anticipated  
8 duration of construction; and answers to a multitude of GRS’s questions regarding  
9 construction. In addition, SPLP has provided all required notices to GRS and Middletown  
10 Township, met on site at the Property with Mr. Iacobucci and GRS counsel, has worked  
11 (and continues to work) closely with Middletown Township officials. As I have said, we  
12 strive, through safety measures and communication, to assure the safety of community  
13 residents in the areas around our worksites, and the Property is no exception. There is no  
14 basis to conclude that SPLP was “indifferent” to safety concerns before construction  
15 commenced in November 2020, and I can say from my own direct involvement since that  
16 the claim is simply not true. I participated in four meetings with GRS management from  
17 early February through late March. I went into those meetings with my usual approach  
18 which is to convey that “we are here to listen,” learn about specific concerns or problems,  
19 and then work constructively and collaboratively to either change procedures or make  
20 adjustments in order to fix problems going forward. But try as I might to get information  
21 about actual specific problems I could figure out how to fix or avoid going forward, GRS  
22 never gave me enough to work with.

23

1 **Q. Can you provide an example of what you mean?**

2 A. Yes. Mr. Iacobucci voiced general concerns about pedestrian safety but could point to no  
3 specific incidents or specific potential hazards that we could understand and develop  
4 specific strategies to address. If, for example, he had reported that at a particular location  
5 on the Property there was a blind spot that prevented pedestrians from seeing oncoming  
6 vehicles or drivers from seeing pedestrians, we would have studied the situation and done  
7 something about it to assure greater safety – for instance, put up a mirror so that pedestrian  
8 and driver could see around a corner, or widened a turning area so that there would be more  
9 room and thus greater visibility. But we never got any specifics. This lack of evidence of  
10 actual specific problems is confirmed by the fact that we never got complaints about the  
11 safety of pedestrian traffic on our hotline from residents who actually were walking or  
12 driving through the Property’s parking lot. In fact, the only “pedestrian safety” incident I  
13 am aware of is a manufactured incident that occurred when GRS’s security guard who  
14 roams the parking lot purposely stepped out in front of a fully loaded truck and forced the  
15 driver to jam on the brakes and screech to a stop.

16

17 **Q. Has GRS complained about circumstances that it characterizes as “safety” that you**  
18 **view differently?**

19 A. Yes. GRS brands some of its concerns as “safety” that are in actuality complaints about  
20 infrequent and short-lived inconveniences. For example, GRS complained about what it  
21 calls “stacking of trucks” at the upper entrance to the Property, that is, times when two or  
22 three trucks were waiting in line to enter or exit the work site and may have delayed a  
23 resident’s entry to or exit from the Property’s parking lot. I asked Mr. Iacobucci what the

1 safety concern was, and never got an answer. I believe the reason is that there is no safety  
2 concern, but rather an inconvenience of a few minutes. Nonetheless, my review of this  
3 situation with the construction personnel who are stationed at that entrance established that  
4 any such stacking of trucks is a rare occurrence. As I have said, we try very hard to  
5 minimize the inconveniences that our presence may cause residents, but the fact that  
6 inconveniences of this sort still may occur from time to time, just like in any road or public  
7 works construction or maintenance, does not elevate them to safety concerns.

8  
9 **Q. Did SPLP communicate with Property residents to address any concerns they may**  
10 **have had about the construction?**

11 A. That is our practice, and we certainly tried to do so at the Property. For example, SPLP  
12 offered to provide information regarding its construction to GRS to post on the Property  
13 for its residents' awareness of planned construction activities (as SPLP had done for the  
14 manager of the Tunbridge Apartments, across the street, to post for the Tunbridge  
15 Apartments residents), but GRS refused. We eventually were able to connect directly with  
16 residents on February 23, 2021, when we held a virtual Town Hall exclusively for Property  
17 residents. Michels Superintendent Jayme Fye, Energy Transfer Vice President of Public  
18 Affairs Joe McGinn, and I provided an overview of the ongoing construction, what to  
19 expect as it progresses, and expected completion date, and we welcomed and responded to  
20 residents' questions and concerns. We also have a dedicated 24-hour hotline for GRS  
21 residents and distributed refrigerator magnets, as SPLP witness McGinn explains in his  
22 testimony **SPLP Statement No. 7-R**, with the hotline number printed on it so that residents

1 would be able to contact us with issues and concerns. The virtual Town Hall video (edited  
2 to eliminate gaps) can be found at this link <https://vimeo.com/516385012/b8760dd9cd>.

3  
4 **Q. What kind of turn out did SPLP get at the virtual Town Hall?**

5 A. There are about 200 residents at the Property. As I said, it was billed as being for residents  
6 only, to air their concerns, ask questions, and get answers. The official count of virtual  
7 attendees was about 45, but some of them were Energy Transfer or Michels' employees,  
8 so I would estimate the number of actual residents to be about 35. Of those, we received  
9 questions from 6 people, and it appeared that half of those were from GRS management.

10  
11 **II. Noise**

12 **Q. Stephen Iacobucci states that “[i]n the past few months, the noise levels associated**  
13 **with Sunoco’s Pipeline Project on the Property have escalated to unsafe levels.” GRS**  
14 **Statement No. 2 at 6:4-5. How do you respond?**

15 A. Construction can be loud, as we all know. While Middletown Township has a “work hour”  
16 restriction rather than a numeric noise ordinance, SPLP spent the time to carefully place  
17 sound walls around the site that are designed for this type of construction and are the best-  
18 known technology. Before construction began, we hired an acoustical engineering  
19 consultant from the sound wall manufacturer, Behrens and Associates, Inc. to evaluate the  
20 potential levels of sound generated by the construction operations, and to model the  
21 potential sound created by the construction operations. A copy of that assessment has been  
22 provided to GRS. SPLP also then had Behrens perform subsequent measurements of the  
23 sound levels during active construction operations at the Property on two separate  
24 occasions to verify the effectiveness of the sound walls, and to evaluate potential

1 improvements. Of course, SPLP will continue to evaluate the effectiveness of the sound  
2 walls and any potential improvements as we move forward to completion of our  
3 construction activity at the Property. Finally, I note that SPLP witness Jayme Fye, **SPLP**  
4 **Statement No. 4-R**, provides details on sound monitoring that his employees regularly  
5 perform at the Property in his testimony.

6 As for Mr. Iacobucci's and Mr. Culp's assertions that the sound levels outside of the sound  
7 walls "have escalated to unsafe levels" SPLP witness Seth Harrison, **SPLP Statement No.**  
8 **8-R**, addresses and refutes those claims in his testimony. Mr. Harrison's **Exhibits SPLP**  
9 **SH-2, 3 and 4** are the Behrens materials I just mentioned.

10  
11 **Q. Has SPLP monitored the sound levels outside the sound walls that surround the work**  
12 **site?**

13 A. Yes, as I mentioned above, we utilized Behrens to evaluate potential sound levels generated  
14 by the construction activity before work began at the property, and to work to mitigate  
15 those sound levels, which included the design and installation of the sound walls at the  
16 Property. As we planned from the beginning, and informed GRS we would do, we also  
17 performed the follow-up sound monitoring during active construction operations that I  
18 have described, taking readings both inside the sound walls and outside the sound walls at  
19 locations where we could access the Property within Sunoco's easement and workspace.  
20 As expected, the sound monitoring inside the walls identified the most significant sources,  
21 which in turn enabled us to take point-source mitigation steps, thus further reducing sound  
22 levels. During the various surveys, when the acoustical engineers from Behrens, our  
23 employees, or Michels' employees have attempted to take measurements outside of the

1 sound walls – as a method to evaluate the potential levels of sound that the residents might  
2 be experiencing during active construction – GRS management and their security guard  
3 prevented us from taking regular readings outside of the work zone based on the claim that  
4 it is “trespassing” – even though the locations where we attempted to take the sound  
5 measurements were within Sunoco’s easement. GRS made a similar odd claim regarding  
6 “trespassing” in relation to Sunoco’s attempts to take sound readings as recently as last  
7 week when SPLP witness Mr. Harrison – who was specifically retained to respond to  
8 GRS’s testimony – was on site to perform sound monitoring in Sunoco’s construction  
9 workspace and easement area, both within the active construction area (i.e. inside the sound  
10 walls), and outside the active construction area (i.e. outside the sound walls), the results of  
11 which are summarized in Mr. Harrison’s testimony (**SPLP Statement No. 8-R**).

12  
13 **III. Vibration**

14 **Q. Stephen Iacobucci states that “GRS has experienced walls and ceilings cracking in**  
15 **several of residential units” that “[r]esidents have complained about the strong**  
16 **vibrations,” and that Sunoco commenced work at the Property before “studies**  
17 **pertaining to the impact that the vibrations” had been completed. GRS Statement**  
18 **No. 2 at 7. How do you respond?**

19 **A.** Based on experience with construction at other locations, we are confident that vibrations  
20 from SPLP’s construction at the Property are not strong enough to cause any major  
21 structural damage to the structures on the Property that would implicate the safety of the  
22 Property, the structures thereon, or the residents who occupy the structures. Nevertheless,  
23 to satisfy a term of the easement agreement between the parties, SPLP had a third-party  
24 contractor, Vibratex, perform a foundation inspection which will be the basis for a study

1 or report on all the buildings in the GRS complex. SPLP worked cooperatively with GRS  
2 on the inspection, including allowing GRS's engineer to accompany Vibratex personnel  
3 during the inspection. The intent of the inspection and resulting study is to have baseline  
4 documentation of the condition of the structures on the Property so it can be compared to  
5 a post-construction inspection to determine if any minor damage occurred due to  
6 construction. For safety purposes, however, it was neither necessary nor appropriate to do  
7 the inspection or the resulting study, so the fact that construction commenced before the  
8 study was completed has no bearing whatsoever on the safety of the ongoing construction.  
9 The final report will be turned over to GRS once it is complete. I would note that SPLP  
10 also performs ongoing vibration monitoring on site, using a seismic reader that is set to a  
11 strict vibratory threshold used for very old, historic buildings. To date, the monitor has not  
12 been triggered at the Glen Riddle Station worksite, meaning vibrations have not reached  
13 even that sensitive standard. SPLP witness Seth Harrison, **SPLP Statement No. 8-R**,  
14 provides more detail on this issue in his testimony, and the monitoring reports are attached  
15 to his testimony as **Exhibits SPLP SH-6, 7, and 8**.

16  
17 **IV. Parking**

18 **Q. Stephen Iacobucci voices a number of complaints related to parking, including**  
19 **reduction in available spaces at the Property, lack of communication as to when**  
20 **spaces will be unavailable, problems at the Property because of the reduction in the**  
21 **number of spaces at Tunbridge, failure to mark the boundaries of the access road to**  
22 **the Property which has caused "near miss" potential vehicle collisions, lack of in-lot**  
23 **traffic plan exacerbated by barricades, inability of emergency vehicles to access the**



1           **Property, and school bus pick up and drop off problems. GRS Statement No. 2 at 8-**

2           **9. Please address these issues.**

3    A.     There are approximately 50-60 parking spots on the Property that are within SPLP's  
4           permanent or temporary easements that are unavailable during construction, but ample  
5           parking remains. When SPLP asked GRS to provide information on the number of parking  
6           spaces available at the Property under normal circumstances as compared to those actually  
7           utilized, GRS refused to provide that information. SPLP has observed, however, that there  
8           are dozens and potentially up to 100 parking spaces at the Property that are empty during  
9           normal circumstances. A sampling of SPLP's aerial photographs of the Property taken by  
10          drone throughout the course of the construction on weekdays and weekends that we obtain  
11          and maintain in the normal course of business bear out the fact that ample parking has been  
12          available. Those aerial photographs are attached as **SPLP Exhibit JB-2**. Based on our  
13          ongoing monitoring of the parking situation, it does not appear to be an issue with residents.  
14          It has not been brought up on any hotline calls. Additionally, GRS invited non-residents  
15          on at least one occasion, "the Mama Bears Brigade," to come to its property to protest the  
16          pipeline construction and it would be illogical to invite them to the site without sufficient  
17          parking being available. As for the claimed lack of communication concerning when  
18          spaces will become unavailable, SPLP provided that information as part of the construction  
19          milestones that we provided to GRS on numerous occasions. Parking spaces that have  
20          been taken for the temporary construction will be returned to service when the construction  
21          is completed. At present, as I have said, we expect to be completing the piping work in  
22          May, removing sound walls in June, and performing restoration in July. With respect to  
23          Mr. Iacobucci's related point about the reduction in parking spaces at Tunbridge because

1 of our work there, thereby allegedly leaving insufficient parking in the general vicinity of  
2 the two adjacent apartment complexes, there is no evidence of insufficient parking at either  
3 the Tunbridge Apartments or, as I already have explained, at the Property, or “in the  
4 vicinity.” Moreover, we are in the process of finishing up restoration work at Tunbridge  
5 and the parking spaces have now been returned to available status.

6 Mr. Iacobucci’s points concerning “near miss” potential vehicle collisions because of  
7 SPLP’s alleged failure to properly mark the boundaries of the access road to the Property,  
8 and the lack of a safe in-lot traffic plan have been stated before yet never supported. SPLP  
9 has marked the boundaries properly and arranged the traffic patterns in the parking lot to  
10 handle all traffic safely. This point is supported in more detail in the testimony of SPLP  
11 witness Chad Farabaugh, Senior Engineer and Project Manager with Rettew Associates,

12 **SPLP Statement No. 5-R.**

13 On the issue of emergency vehicle access to the Property during the period of construction,  
14 SPLP worked hard with local first responders and Middletown Township to make sure all  
15 of our equipment allowed for emergency vehicles to enter and exit, as would occur at any  
16 construction site. The township and emergency responders are fully comfortable with the  
17 current routes. SPLP witness Gregory G. Noll, a nationally recognized emergency  
18 planning, emergency response and incident management expert, provides additional  
19 response to Messrs. Iacobucci and Culp on this issue, **SPLP Statement No. 1-R.**

20 Finally, school bus stops needed to be relocated for the safety of the students during  
21 construction. SPLP determined the relocation in coordination with Rose Tree Media  
22 School District. We worked on this from the outset before construction began, and there  
23 have been no issues. Joe McGinn, Energy Transfer’s Vice President of Public Affairs,

1 addresses this issue in more detail in his testimony, **SPLP Statement No. 7-R.**

2  
3 **V. Pedestrian Crossings**

4 **Q. Stephen Iacobucci complains that there is no way for residents, including children, to**  
5 **walk between the eastern and western sides of the Property and that Energy Transfer**  
6 **has failed to address GRS’s request for a pedestrian walkway. GRS Statement No. 2**  
7 **at 10:1-9. How do you respond?**

8 A. Given the south to north orientation of the right of way through the middle of the Property  
9 and the placement of the five apartment buildings, with 3 buildings on the west side of the  
10 right of way and two on the east side, there is no way to safely construct an east-west  
11 pedestrian walkway through the middle of the construction site. We recognize that this  
12 may inconvenience some residents who seek to follow familiar pedestrian pathways from  
13 one side of the complex to the other, but the inconvenience is temporary. Protecting the  
14 safety of residents by keeping them out of the construction site is paramount.

15  
16 **VI. Warning Signs**

17 **Q. Stephen Iacobucci complains that on “Friday, November 27, 2020, Sunoco left**  
18 **hazardous portions of its work area unenclosed for the entirety of the weekend**  
19 **presenting potential trip hazards for our residents” and that “[a]lthough Sunoco has**  
20 **since attempted to mark and rope off its work areas, like many of its attempted**  
21 **“corrections,” this has come “only after Sunoco’s failures endangered GRS residents**  
22 **and GRS employees and GRS has had to ask repeatedly for Sunoco’s cooperation and**  
23 **assistance.” GRS Statement No. 2 at 10:10-22. How do you respond?**

1 A. It is true that on Friday, November 27, 2020, SPLP left a portion of its work area  
2 unenclosed over the ensuing weekend. However, no construction activities were taking  
3 place in that area, and the failure to block off the area created no trip hazards or other  
4 dangers to residents. This was at the very outset of the project at the Property. Mr.  
5 Iacobucci concedes that throughout the project since, SPLP's work area has been closed  
6 off so that residents may not enter. Jayme Fye addresses this issue in his testimony.

7 As for Mr. Iacobucci's statements that SPLP's unnamed other failures endangered GRS  
8 residents and employees, and that these were only corrected when GRS "had to ask  
9 repeatedly for Sunoco's cooperation and assistance," I can only say that SPLP has always  
10 responded swiftly to any reasonable request made by GRS, and has made multiple and  
11 ongoing efforts to work jointly with GRS management to protect residents and cooperate  
12 with residents and GRS management to minimize the inconvenience to residents and the  
13 disruption to their daily lives. Unfortunately, our efforts have been largely stymied by  
14 GRS management, and communication has been slowed because of GRS's insistence that  
15 all communications between the parties be conducted through legal counsel. It is GRS's  
16 right to make this demand, but I can say with certainty, based on our experiences at virtually  
17 every other construction site, that direct communications between affected property  
18 owners/residents and SPLP and SPLP's contractor Michels is far more effective, efficient,  
19 and timely in anticipating, avoiding, and solving on-site issues before they become  
20 problems, than going through legal intermediaries, however well-intentioned they may be.

21  
22 **VII. Hazardous Leaks**

23 **Q. Stephen Iacobucci complains that SPLP failed to appropriately respond to the leak**  
24 **of hydraulic fluid from one of its trucks on November 27, 2020 and has since failed to**

1 **address other complaints about leakages from its construction site. GRS Statement**  
2 **No. 2 at 11-12. How do you respond?**

3 A. The hydraulic line break on the Michels' truck that was on site that day is addressed in  
4 Jayme Fye's testimony. No notifications were required. The truck was removed from the  
5 site and the very small leak (under 1 gallon) was cleaned up immediately and a courtesy  
6 notification was made to DEP. The hydraulic line break was not a violation of any law or  
7 regulation. SPLP's DEP-administered Preparedness, Prevention, and Contingency (PPC)  
8 Plan to which Mr. Iacobucci refers only applies to releases to surface water or groundwater.  
9 There was no release to surface water or ground water, so the PPC Plan does not apply.  
10 SPLP through counsel assured GRS management that there was no safety concern  
11 whatsoever, that the minor leak had been cleaned up according to project protocol, and that  
12 any required notifications had been made.

13 As for other alleged "leaks" depicted in photographs that are exhibits to Mr. Iacobucci's  
14 testimony, Mr. Fye addresses them in his testimony.

15  
16 **VIII. Fire Hazard**

17 **Q. Stephen Iacobucci complains that the placement of Sound Walls creates a fire hazard.**  
18 **GRS Statement No. 2 at 13-14. How do you respond?**

19 A. He is of course entitled to his opinion, but emergency response managers at Middletown  
20 Township and SPLP witness Mr. Noll, an emergency planning, emergency response and  
21 incident management expert, **SPLP Statement No. 1-R**, disagree. First, as Mr.  
22 Amerikaner and Mr. Fye state in their testimony, **SPLP Statement Nos. 2-R and 4-R**, at  
23 the November 18, 2020 on site meeting with GRS, SPLP related that SPLP sound wall  
24 location and design details were still in progress and could not be finalized until the survey

1 and utility location were completed. SPLP further explained that the temporary workspace  
2 easement barrier ends approximately five feet from certain of the apartment buildings. But  
3 SPLP never stated that SPLP had definitive plans to place the sound walls five feet from  
4 the apartment buildings.

5 Second, SPLP worked cooperatively with Middletown Township officials (including its  
6 Emergency Management Director, Engineer, and Fire Marshal) to finalize the location of  
7 the sound walls, which are no closer than 18 feet to any of the apartment buildings on the  
8 Property. The Township requested that SPLP move its sound walls a few feet in one  
9 location to ensure additional space for a fire truck to access the upper parking lot to reach  
10 the northern side of the building in the northeast corner of the Property. SPLP was  
11 agreeable to the Township's request. However, the Township's request would also have  
12 required GRS to leave nine parking spaces open for the duration of construction. GRS  
13 refused, despite SPLP's offer to compensate GRS for the nine parking spaces \$1,000 per  
14 month per parking space. SPLP then agreed to move the sound walls back even further to  
15 create enough space without the need to utilize any of GRS's parking spaces. On December  
16 22, 2020, Middletown Township brought firetrucks to the site to ensure SPLP's sound wall  
17 placement would allow for ingress and egress of the firetrucks on the Property. SPLP made  
18 minor changes the Township recommended, and the Township approved them. SPLP has  
19 continued to work cooperatively with the Township to ensure emergency vehicles and  
20 personnel are able to access the Property in the event of an emergency.

21 Finally, Mr. Noll has assessed the situation, and in his expert opinion as expressed in **SPLP**  
22 **Statement No. 1-R**, the placement of the sound walls does not create a fire hazard.

1 I am disappointed that GRS does not agree with the experts, and I have some concerns that  
2 residents may be needlessly fearful because of his claims, but I am confident that SPLP has  
3 taken all appropriate steps to assure that placement of the sound walls is not creating a fire  
4 hazard.

5

6 **Q. Does this conclude your testimony at this time?**

7 **A. Yes.**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REBUTTAL TESTIMONY  
OF JAYME FYE, SUPERINTENDENT, MICHELS  
ON BEHALF OF SUNOCO PIPELINE L.P.**

**SPLP STATEMENT NO. 4-R**

Dated: May 12, 2021



1 **Q. Please state your name and occupation.**

2 A. My name is Jayme Fye, Superintendent for Michels Pipeline, a division of Michels  
3 Corporation. Michels, one of the largest infrastructure contractors in North America, is  
4 Energy Transfer's pipeline construction contractor for the Mariner East 2 (ME2) project  
5 operated by Sunoco Pipeline L.P. (SPLP). I oversee all pipeline construction on the ME2  
6 project, including the ME2 construction at Glen Riddle Station Apartments (the Property)  
7 from initial ground disturbance to final restoration. I work hand-in-hand with our  
8 environmental, safety, quality, and construction workers along with overseeing all  
9 subcontractor work. Michels is a union contractor, and over half of all individuals working  
10 on this project come from local hiring halls, mainly from Chester and Delaware County.  
11 The majority of my management staff is from Pennsylvania.

12 **Q. Please provide a brief overview of your work experience and educational background.**

13 A. I have twenty years' experience in the industry. I started in the field as a teamster and also  
14 worked as a laborer, straw boss and operator prior to getting into the management aspect  
15 of the business. I worked 12 years as a Project Manager and 3 years as a Superintendent.  
16 I am a graduate of Juniata College and the University of Baltimore School of Law.

17

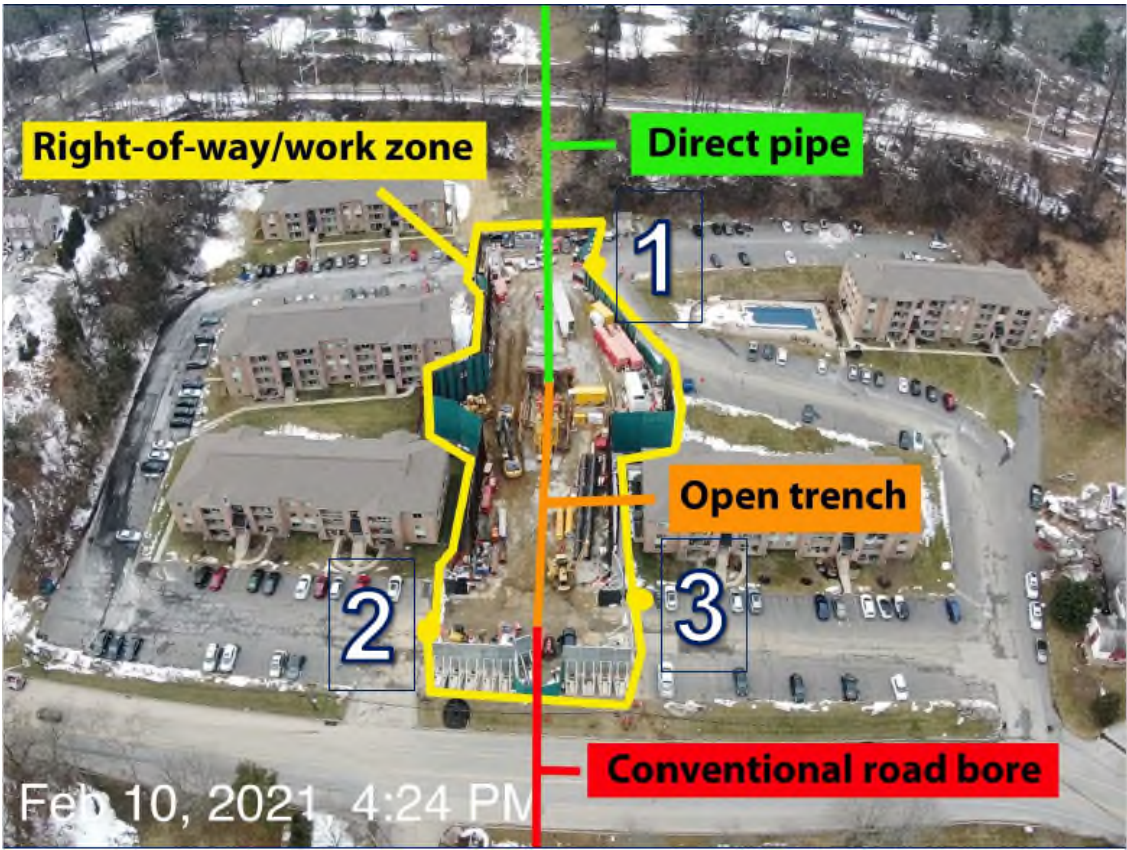
18 **Q. What is the purpose of your testimony?**

19 A. I will respond to certain factual aspects of the testimony of Glen Riddle Station (GRS)  
20 witnesses Stephen Iacobucci (GRS Statement No. 2) and Jason Culp (GRS Statement No.  
21 3) that make incorrect assertions about SPLP's handling of communications with GRS and  
22 its residents, and that concern SPLP's approach to safety in managing the construction at  
23 the Property including the mitigation of construction noise, parking lot access and traffic,

1 pedestrian safety, warning signage, hazardous leaks, use of imported fill material, and  
2 storm water. I am not providing any expert opinion testimony.

3 **Q. Please briefly describe the current status of construction at the Property.**

4 A. That is easiest to do with a visual. The photograph below is an aerial view of the Property  
5 that has overlaid onto it the methods we are using to install pipe, and the location on the  
6 Property of the specific method we are using. The photo is oriented looking north. Across  
7 the bottom of the photo to the south is Glen Riddle Road. The Property with its five  
8 apartment buildings is located to the north of Glen Riddle Road.



9  
10 Mr. Becker in his testimony, **SPLP Statement No.3-R**, explains the three methods we are  
11 using to construct the pipeline on the Property: conventional road bore (see red line), open

1 trench (see orange line), and direct pipe (see green line). We have already completed a  
2 significant amount of our construction. The pipeline has already been installed via  
3 conventional boring from the south under Glen Riddle Road, as depicted by the red line on  
4 the map. A short section with bends was welded onto the end of the bore pipe to get it  
5 closer to final elevation, and the area has been backfilled. The pit and machine have been  
6 installed along with the casing pipe for the direct pipe installation. At the end of February,  
7 we began the direct pipe installation. Once completed, the pipe end from the bore and the  
8 pipe end from the direct pipe operation will be connected to each other via the open trench  
9 method. The area will then be backfilled and restored with grass and asphalt.

10 The direct pipe installation of the casing pipe was completed on April 8, 2021. The direct  
11 pipe crew will now start its tear down and demobilization process. The product pipe will  
12 then be installed into the casing and the open cut installation will commence along with  
13 the final tie ins to make this area one continuous segment for both the 16” and 20” piping.  
14 After that is complete, clean-up operations will commence.

15  
16 **Q. On the aerial photograph that illustrates the three types of pipeline construction**  
17 **Michels is doing at the Property, there is a yellow line that is labelled “Right-of-**  
18 **way/work zone.” Can you explain what that signifies?**

19 A. It is the area on the Property SPLP is permitted to disturb. The yellow line depicts the  
20 outline of what is known as the limit of disturbance or “LOD.” The area within is  
21 completely sealed off from the rest of the Property by sound walls that both prevent GRS  
22 residents from entering the work site and diminish sound that otherwise would emanate  
23 from the work site. There are three ingress/egress points labelled on this photograph as 1,

1 2 and 3, where Michels workers and other authorized pipeline personnel and vehicles enter  
2 and exit using the temporary access road that includes the U-shaped interior road to the  
3 right (east) of the work site and the two driveway entrances to the Property from Glen  
4 Riddle Road that can be seen at the bottom (south) of the photograph. The entire work site  
5 is thus barricaded. From the perspective of keeping GRS residents and the surrounding  
6 community protected from potential construction hazards, the site is extremely well  
7 protected.

8  
9 **I. Communication Issues**

10 **Q. As the construction Superintendent, do you have responsibility for communicating**  
11 **with GRS management and residents concerning safety issues?**

12 A. Generally, no I do not communicate directly with residents or GRS management. Those  
13 communications are managed by employees of SPLP. I was, however, present at three  
14 SPLP pre-construction meetings with GRS management during 2019 and 2020. The last  
15 meeting was on November 18, 2020 just before we started construction. Outside of  
16 meeting with local township officials, I was involved with more meetings with GRS  
17 management than any other owner or resident across the ME2 project. At all of those  
18 meetings representatives of SPLP and I provided information on what GRS could expect  
19 during construction, answered questions and did a walk-through of the site. I also appeared  
20 at the virtual Town Hall for GRS residents that took place on February 23, 2021, where we  
21 gave an overview of the construction process, provided information concerning the training  
22 we provide our work force on safety issues, and answered questions from residents. Apart  
23 from those direct communications, however, I have not had the responsibility to  
24 communicate with GRS management or residents at the Property, as that is handled by

1 SPLP personnel. I will note however that at most other SPLP construction sites if residents  
2 have concerns or complaints about the way our work is affecting them, such as noise levels  
3 or parking or where we have lights positioned, my construction crew workers hear about it  
4 from the residents, and we make adjustments if we can. At the Property, however, my  
5 crews have not heard complaints from GRS residents.

6  
7 **Q. Stephen Iacobucci states that SPLP has “expressed indifference to the safety**  
8 **concerns” that GRS management has raised. GRS Statement No. 2 at 3:4-15. Is this**  
9 **an accurate portrayal in your view?**

10 A. In the meetings I just referenced that I attended it certainly was not the case. Worksite  
11 safety is a very high priority for Michels, and I know it is the same for SPLP. Based on  
12 what I have observed at the Property, it appears to me that it is GRS management that is  
13 indifferent to safety concerns.

14  
15 **Q. Please explain what you mean.**

16 A. I have seen what I would consider serious lapses in basic safety procedures at the Property  
17 unrelated to the SPLP construction. For example, there was a contractor hired by GRS  
18 working at the Property prior to our arrival, not in connection with the ME2 project, I  
19 believe it was in October / November of 2020. The crew was doing grade work near the  
20 northwest top apartment building. There was no traffic control for any of the vehicles  
21 coming in and out of the site – no signs, and no flaggers. They would leave equipment and  
22 materials in the top parking lot secured only by an orange cone. Any child or adult- resident  
23 could have walked right up to the equipment and or materials being used. They did not

1 utilize safety fence on any part of their work area. In addition, while I was at our Tunbridge  
2 site across Glen Riddle Road from the Property, a cement truck stopped halfway on Glen  
3 Riddle Road and halfway on the shoulder. I approached him to see if he needed any help.  
4 He told me he wasn't sure where he needed to go and asked me if I had seen any cement  
5 trucks leaving any sites near the area. I told him I had not seen any trucks, but I pointed  
6 up to the top parking lot at GRS and said they are doing some work up there. He thanked  
7 me and got into his truck and drove up into GRS. A few minutes later I observed him  
8 dumping his truck at the site. In contrast, SPLP and Michels are using protocols for traffic  
9 control, signage, and securing of the work area, equipment and materials in manners that  
10 exceed industry standard protocols so that residents and the surrounding community are  
11 protected while our work is in progress.

12 Another example of the proactive steps we take to assure safety involves underground  
13 utilities. At the November meeting I asked if GRS management had any records of the  
14 utilities within the complex. When I learned they did not, I asked GRS management if they  
15 would allow my utility/locating foreman access to their utility rooms in the apartments so  
16 he could see any utilities coming into the building to assist in the 4-way sweep and locating  
17 aspects of identifying every foreign utility within the ground prior to starting any  
18 excavation. Extra steps like these on our part make locating and avoiding existing  
19 underground facilities more certain and so makes the entire construction process more safe.

20 Another example is that prior to starting construction, I noticed an exposed electrical line  
21 in the bottom parking lot of GRS and asked SPLP for permission to patch that to ensure it  
22 did not cause any safety issues for residents or my workers. This line was exposed before  
23 we arrived on site and we patched over the exposed line prior to starting work. In addition,

1 I noticed a hole in the pavement near the storm water sewer in the parking lot near the  
2 storm drain across from the swimming pool. Prior to arriving on site, we also addressed  
3 this issue by securing the ground over top of this to ensure no safety issues arose during  
4 construction.

5  
6 **Q. Stephen Iacobucci also makes a number of allegations in his testimony about the  
7 November 18, 2020 on site meeting that SPLP held with GRS management to discuss  
8 the project. GRS Statement No. 2 at 3:16-5:6. These include claims that SPLP merely  
9 outlined a general work plan, that SPLP stated that sound walls would be placed five  
10 feet from apartment buildings, that no work would commence before Thanksgiving,  
11 that SPLP’s traffic management plan consisted of “common sense” and that SPLP  
12 provided no information concerning parking. Can you comment on these claims?**

13 **A.** During the November 18, 2020 meeting, I gave a description of the planned construction  
14 processes, in the order in which they would occur: survey and utility location, 4 way  
15 sweep/pothole of the Property; sound wall erection within the Property (dependent on the  
16 location of utilities); and construction within the sound wall barrier, including excavating  
17 a pit, a bore under Glen Riddle Road that would exit in the pit on the bottom parking lot,  
18 direct pipe installation beginning in the pit on the grassy knoll and exiting beyond the  
19 SEPTA property to the north at War Trophy, followed by tie ins of the bore and direct pipe  
20 loose ends. I cannot recall for certain, but I believe I provided a general timeline for these  
21 activities.

22 As of the November 18 meeting the sound wall location and design details were still in  
23 progress by the engineering firm and the final location of sound walls could not be made  
24 until the survey and utility location were completed. We explained that the edge of SPLP’s

1 temporary workspace easement would typically be where the sound walls would be erected  
2 minus a few feet for environmental control devices, but I do not recall providing an exact  
3 distance from the apartment buildings.

4 As for the initiation of construction, I explained that pre-construction work such as survey  
5 and utility location and potholing would begin as soon as the end of that week, but that no  
6 heavy construction work would begin until after the Thanksgiving holiday. As it happened,  
7 potholing began shortly before Thanksgiving, but no heavy construction commenced until  
8 after Thanksgiving.

9 As to our traffic plan and parking issues, I certainly used the phrase common sense in  
10 response to a question regarding how SPLP plans to avoid collisions between trucks and  
11 pedestrians on the temporary access road. I also explained, however, that we would have  
12 flaggers on site at all times directing traffic. I also said that two important factors ensuring  
13 safe driving were 1) safe driving is a condition of employment with Michels, and 2) the  
14 criminal justice system. If any worker was involved in hitting a pedestrian not only would  
15 they lose their job they would also face criminal penalties. Our worksite is no more  
16 susceptible to traffic accidents than other areas of traffic and in fact, is less hazardous in  
17 terms of traffic control than many others. For example, major retail parking lots involve  
18 more pedestrians and hazards than would be present at the GRS parking lot. Any time any  
19 construction vehicles have been present on site, ATSSA certified flaggers have been on  
20 site for traffic management.

21 Stephen Iacobucci states in his testimony that on November 25, 2020 SPLP implemented  
22 an unsafe parking and traffic plan. But on that date the only activities occurring at the site



1 were locating the foreign utilities. Our certified flaggers were on site at all times during  
2 that day managing traffic.

3 Additionally, on March 31, 2021, I was made aware from my site Foreman that there was  
4 a landscape crew working at the Property, presumably hired by GRS. I was informed that  
5 they had parked their vehicle and trailer within the driving zone of the parking lot and none  
6 of the workers were wearing masks. I was apprised of this information due to the fact that  
7 the crews know how sensitive of a work site this area is and they were wearing safety vests  
8 and wanted to be sure we were not being accused of parking in the parking lot and not  
9 wearing facial coverings.

10  
11 **II. Noise**

12 **Q. Stephen Iacobucci states that “[i]n the past few months, the noise levels associated**  
13 **with Sunoco’s Pipeline Project on the Property have escalated to unsafe levels.” GRS**  
14 **Statement No. 2 at 6:4-5. How do you respond?**

15 A. Michels performs sound level readings within the work site twice a day, which our safety  
16 department monitors in order to decide whether our workers will be required to have ear  
17 protection while in the work site pursuant to OSHA regulations. At no time did Michels  
18 Safety Department advise that the sound levels at the work site exceeded the threshold  
19 levels above which ear protection is required. In one study conducted on a laborer on site  
20 near the equipment, he wore a sound monitor to record his 8-hour average. This reading  
21 was determined to be 57.2 decibels. We have not had any of our workers complain about  
22 the noise levels or any noise-related issues from within the work site. A copy of Michels’  
23 log of twice-a-day sound readings during our construction at the Property is attached as  
24 **SPLP Exhibit JF-1.**

1 We attempted to measure sound levels outside the sound walls but still within the LOD,  
2 but after it became clear that onsite security personnel for GRS would badger my workers  
3 who were attempting to take outside the wall readings, we abandoned that effort.

4 Once work on the direct pipe commenced, SPLP engaged the company that designed the  
5 sound walls to come back out to the work site to check the effectiveness of the sound  
6 walls. Some areas of improvement were noted and Michels installed additional sound  
7 mitigation measures around louder objects within the site and added walls that were  
8 higher in the back corner and top of the parking lot to further reduce sound levels from  
9 travelling outside of the site.

10  
11 **III. Parking**

12 **Q. Stephen Iacobucci voices a number of complaints related to parking, including**  
13 **reduction in available spaces at the Property, lack of communication as to when**  
14 **spaces will be unavailable, problems at the Property because of the reduction in the**  
15 **number of spaces at Tunbridge, failure to mark the boundaries of the access road to**  
16 **the Property which has caused “near miss” potential vehicle collisions, lack of in-lot**  
17 **traffic plan exacerbated by barricades, inability of emergency vehicles to access the**  
18 **Property, and school bus pick up and drop off problems. GRS Statement No. 2 at 8-**  
19 **9. Please address these issues.**

20 A. Neither I, nor any of my workers, have observed a lack of available parking for residents  
21 at the Property, at least not during time periods during which we are allowed to be on the  
22 site working (7am – 9pm Monday through Saturday). There are available parking spaces  
23 observed at all times.

1 All vehicles, materials, etc that come to the GRS work site are within the Limits of  
2 Disturbance, no parking spaces are taken up by the construction outside of the LOD. Most  
3 of our parking occurs at an off-site location and workers are transported to the work site by  
4 van to lessen the amount of in and out traffic at GRS. Once at the Property they do not  
5 leave the worksite LOD. If they are in the GRS parking lot it is only to assist in bringing  
6 in a load of materials for the worksite. To the extent my workers are driving vehicles on  
7 the Property they are on the temporary access road for ingress to or egress from the work  
8 site and parking within the LOD.

9 With respect to potential collisions between residents and construction related vehicles, all  
10 of our drivers are trained in defensive driving, including being alert for pedestrians and  
11 third-party vehicles. All of our flaggers are trained and are ATSSA-certified, to direct  
12 traffic flow on Glen Riddle Rd and within the Property. The only “near miss” collisions I  
13 have been made aware of have been caused by the GRS security guard who seems to be a  
14 constant presence in the parking lot immediately outside of the work site and often stands  
15 behind or in front of our vehicles and fails to pay attention forcing sudden stops. Generally,  
16 the guard has a phone in one hand and a sound meter in his other hand and is constantly  
17 looking down at one or the other of these items. Additionally, on March 30, 2021 the  
18 security guard for GRS started to wear full PPE (vest, hard hat, etc.). He was observed by  
19 numerous individuals standing in the travel lane of the parking lot. While videotaping and  
20 looking down he walked into the traffic pattern impeding one of the residents who was  
21 trying to drive through the parking lot. After waiting for him to move and being  
22 nonresponsive the resident had to honk their horn to get him to move out of the way.

1 As for the temporary availability of parking spaces at Tunbridge because of SPLP pipeline  
2 construction there, I am unaware that there was ever a parking shortage at the Property as  
3 a result. From the hours of 7:00 am to 9:00 pm neither myself nor any other worker  
4 observed anyone parking at GRS and walking across Glen Riddle Road to Tunbridge.  
5 Construction is complete at Tunbridge and most of the parking spaces that were previously  
6 temporarily unavailable at Tunbridge are now available. There was no effect on GRS  
7 parking availability due to the work at Tunbridge.

8  
9 **IV. Pedestrian Crossings**

10 **Q. Stephen Iacobucci complains that there is no way for residents, including children, to**  
11 **walk between the eastern and western sides of the Property and that Energy Transfer**  
12 **has failed to address GRS's request for a pedestrian walkway. GRS Statement No. 2**  
13 **at 10:1-9. How do you respond?**

14 A. It is true that the worksite occupies most of the space on the Property that separates the  
15 eastern side of the property from the western side. For the safety of GRS residents, it needs  
16 to be inaccessible except to authorized construction personnel, and it is. This is the most  
17 secure site on the project as far as eliminating the work zone from pedestrian access.  
18 Jason Culp claims that the sound walls in fact closed sidewalks and forced people to park  
19 where the sidewalks are not easily accessible. The sound walls in fact did not close off the  
20 sidewalks as there were no existing sidewalks within the workspace. There is no sidewalk  
21 connecting the east and west side of the apartment complex anywhere on the site. Without  
22 the construction activities the residents would have to traverse the parking lot to get to the  
23 other side or walk in the grassy areas which has some significant elevation differences.

1 Currently it is possible to cross the top parking lot in the grassy area above our work site  
2 that has a very minimal grade to get between the east and west sides of the complex.

3  
4 **V. Warning Signs**

5 **Q. Stephen Iacobucci complains that on “Friday, November 27, 2020, Sunoco left**  
6 **hazardous portions of its work area unenclosed for the entirety of the weekend**  
7 **presenting potential trip hazards for our residents” and that “[a]lthough Sunoco has**  
8 **since attempted to mark and rope off its work areas, like many of its attempted**  
9 **“corrections,” this has come “only after Sunoco’s failures endangered GRS residents**  
10 **and GRS employees and GRS has had to ask repeatedly for Sunoco’s cooperation and**  
11 **assistance.” GRS Statement No. 2 at 10:10-22. How do you respond?**

12 **A.** Michels takes the safety of everyone around the construction site very seriously. We have  
13 daily meetings with all of our workers on site to discuss potential job site hazards faced  
14 that day and how they will be managed. At the time Mr. Iacobucci cites, construction was  
15 not yet underway other than a few composite mats in the grassy area for the hydro vac truck  
16 to locate existing utilities prior to commencing work. I do not know about the other alleged  
17 “failures” he refers to, but I do not believe our activities have endangered GRS residents  
18 and employees.

19 Mr. Iacobucci also states that Sunoco has since attempted to mark and rope off its work  
20 areas. This statement is incorrect. Since we have been allowed to have full access to the  
21 work site the LOD has either been marked off with orange safety fence and/or panel fencing  
22 with geotextile fabric and later with the sound walls. There is no work site I am aware of  
23 that is more demarcated than the GRS area. The only people that ever attempted or did  
24 come onto our workspace were the management and employees of GRS.

1 I reiterate that our work at the Property is completely contained. It is a very safe site.  
2 Looking back at the aerial photo of the worksite, the yellow outline on the map is our work  
3 zone inside the right-of-way. The majority of the site has walls erected around the  
4 perimeter of the work zone. These are our sound walls. In addition, as I have explained,  
5 the locations marked with numbers 1, 2 and 3 on the map are our three ingress/egress  
6 locations to traverse in and out of the worksite. When vehicles are not entering, we have  
7 plastic jersey barriers in place at these locations. All of our construction work is occurring  
8 within these walls and barriers. While the main function of the sound walls is to lessen  
9 noise escaping from the construction area, they also serve as a protective barrier to keep  
10 people from entering the site.

11  
12 **VI. Hazardous Leaks**

13 **Q. Stephen Iacobucci complains that SPLP failed to appropriately respond to the leak**  
14 **of hydraulic fluid from one of its trucks on November 27, 2020 and has since failed to**  
15 **address other complaints about leakages from its construction site. GRS Statement**  
16 **No. 2 at 11-12. How do you respond?**

17 A. The November 27 occurrence Mr. Iacobucci refers to involve a very small hydraulic fluid  
18 leak from a Michels hydro vac truck that was part of our potholing process to identify  
19 buried utility lines, including the existing pipelines. The truck is equipped to inject  
20 pressurized water to remove soil through a process called hydro excavation. It is a non-  
21 destructive method, using an air vacuum to evacuate soil in a controlled manner. It safely  
22 brings up the soil and transfers it to a debris tank. Because it is non-destructive, hydro  
23 excavation reduces the risk of damaging the underground pipes and cables and thus is a  
24 very safe and efficient method to use for exposing underground utilities and is the preferred

1 way to expose utilities per PA One Call. Although the vac truck did develop a hydraulic  
2 leak, the leak was less than the threshold PADEP requires to be reportable, but I believe  
3 SPLP provided a courtesy notice to DEP anyway. All Michels trucks and equipment have  
4 what are known as spill kits to quickly capture any potential leaks that may occur during  
5 construction. This leak was contained, cleaned up and the vehicle was temporarily  
6 stabilized by one of our mechanics and removed from the site. The response was  
7 instantaneous as the crew reacted quickly with the spill kits.

8 As for the other leaks to which Mr. Iacobucci refers, I will note that we have strict  
9 procedures in place to contain any disturbance within the work site and prevent leaks. We  
10 have a checklist that requires the equipment to be inspected for problems, including  
11 potential leaks, multiple times daily. Whenever we are filling tanks we have a spotter  
12 whose job it is to watch for spillage or leaks that may occur.

13 I believe, but am not certain, that the pictures for GRS-16 refer to water that escaped the  
14 site in March 2021. The weld for the hose clamp opened up on our freshwater tank and it  
15 was reported to me that approximately 20 gallons of fresh water leaked off of the site. It  
16 was addressed by the crew immediately. I do not know what they are referring to in GRS-  
17 17. It appears that it is just a sweeper truck cleaning the parking lot which is typical of all  
18 sites.

19  
20 **VII. Clean Fill**

21 **Q. Jason Culp states in his testimony that “it has been witnessed that Sunoco has been**  
22 **importing fill material (soil aggregate or similar) with no manifest, chain of custody**  
23 **or clean fill certification being provided that would indicate the material is not**  
24 **hazardous or been subjected to a release.” GRS Statement No. 3 at 11:1-3. Is this**

1           **accurate?**

2    A.     Any dirt hauled into any site on the project, including the GRS Property, is certified clean  
3           fill per PADEP Bureau of Waste Management. The soils are sampled by a third party,  
4           environmental/engineering firm who then sends it to an accredited PA laboratory and then  
5           analyzes the results to ensure compliance with PADEP guidelines. Once it is determined  
6           that the fill is acceptable, they then fill out the applicable PADEP forms. Once material is  
7           deemed clean fill, we treat it as usable on our project. An example of a PADEP certification  
8           form, Summary Of Laboratory Analytical Results, and Analytical Report is attached as  
9           **SPLP Exhibit JF-2.**

10  
11   **VIII. Storm Water Management**

12   **Q.     Jason Culp in his testimony states that “[o]n November 28, 2020, Sunoco covered**  
13           **certain storm drain grates on the Property in an apparent attempt to manage storm**  
14           **water from the Property into the local storm sewer system. Sunoco’s current**  
15           **management of storm water at the Property associated with its activities has already**  
16           **resulted in, and will continue to result in, discharges of storm water onto the Property**  
17           **that cause avoidable erosion and storm water damage. Additionally, this work may**  
18           **prevent stormwater conveyance from the subject property where these barriers are**  
19           **installed or where grading has prevented, increased or decreased the expected**  
20           **drainage amounts, rate and paths.” GRS Statement No. 3 at 12:3-10. Can you**  
21           **respond to his claims?**

22    A.     Michels’ environmental team works with SPLP’s environmental team to address and  
23           resolve stormwater issues and is within compliance of all applicable permits. There are  
24           environmental inspectors that ensure all activities are in compliance and the Delaware



1 County Conservation District does frequent inspections of sites, including the GRS area to  
2 ensure compliance.

3 There was a storm drain that was covered with geotextile fabric and rock to protect the  
4 inlet as it is within the work zone. This was to ensure that no sedimentation reaches the  
5 storm water system but still allows water to pass through and into the drain.

6 Post construction, if issues arise of the type Mr. Culp speculates about, Michels and SPLP  
7 will address them to ensure that the Site is properly restored to preexisting conditions.

8 There have not been any stormwater issues that I am aware of and SPLP is in compliance  
9 with the applicable permits.

10 Mr. Culp also testifies that large fills for construction platforms included a retaining wall  
11 that, in his opinion, appears to have no design nor any third-party oversight. This structure  
12 was designed and stamped by a Pennsylvania licensed third party engineer along with the  
13 pit design for the direct pipe entry hole.

14

15 **Q. Does this conclude your testimony?**

16 A. Yes.

17

18

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REBUTTAL TESTIMONY  
OF CHAD FARABAUGH, P.E.  
ON BEHALF OF SUNOCO PIPELINE, L.P.  
SPLP STATEMENT NO. 5-R**

Date: May 12, 2021

1 **Q: What is your full name and current occupation?**

2 A: My name is Chad Farabaugh and I am a Senior Engineer and Project Manager with  
3 RETTEW Associates, Inc., a regional engineering design and environmental consulting firm. I  
4 began my career at RETTEW Associates when I graduated from college in 2005.

5

6 **Q: Can you describe for me your educational background?**

7 A: I received a bachelor's degree in civil engineering from Penn State in 2005.

8

9 **Q: Do you have any professional licenses or certifications?**

10 A: Yes. I am a Pennsylvania licensed professional engineer (License No. PE079453). I have  
11 also completed both on-the-job training, and periodic training on various engineering topics,  
12 including for example training on PennDOT highway occupancy permitting, which I completed  
13 as recently as March 2021.

14

15 **Q: Can you highlight your work experience as it relates traffic planning and  
16 engineering?**

17 A: Over the last 9 years that I have been working as a licensed professional engineer in  
18 Pennsylvania, I have worked on dozens of projects specifically in the field of transportation  
19 engineering, including highway occupancy permitting (HOP) for residential, commercial, and  
20 industrial construction projects. Relating to the oil and gas industry, I have managed HOP phases  
21 for dozens of projects for well pad and pipeline construction. For approximately twenty projects,  
22 I have served as the engineer of record for HOP applications that involve highway improvements  
23 for private development, such as residential development, retail centers, and other commercial

1 sites. Typical highway and traffic improvements include lane or shoulder widening, safety  
2 improvements, turn lane installation, signage and pavement marking modifications, and drainage  
3 improvements.

4

5 **Q: Is a copy of your resume attached as Exhibit SPLP CF-1?**

6 A: Yes.

7

8 **Q: Sunoco offers Mr. Farabaugh as an expert in the field of transportation engineering.**

9

10 **Q: Have you looked at the testimony provided on behalf of Complainants regarding the**  
11 **ME2 pipeline construction and alleged concerns regarding traffic and pedestrian safety –**  
12 **including the testimony of Stephen Iacobucci and Jason Culp, P.E.?**

13 A: Yes, I have.

14

15 **Q: What is the purpose of your testimony?**

16 A: I will provide conclusions on my evaluation of the Complainant's concerns regarding  
17 traffic and pedestrian safety issues at the Glen Riddle Station Apartments during the ME2 pipeline  
18 construction, in particular I will respond to Complainant's alleged concerns that there is unsafe  
19 traffic and pedestrian patterns in place at the property during the construction activities.

20

21

22

1 **Q: Can you describe some of the concerns regarding traffic safety concerns that**  
2 **Complainants have raised in their testimony?**

3 A: Complainants claim that there are “dangerous parking conditions and traffic patterns” and  
4 “dangerous pedestrian crossings” that are “created by Sunoco’s work” (S. Iacobucci Direct Test.  
5 at 2:17-19); that Sunoco “implemented an unsafe parking and traffic plan” (S. Iacobucci Direct  
6 Test. at 4:17-18); that Sunoco has “failed to mark the boundaries of the access road to the Property  
7 adequately and accurately” resulting in a number of “near miss” accidents (S. Iacobucci Direct  
8 Test. at 8:15-18); that there are documented/photographed traffic concerns (S. Iacobucci Direct  
9 Test. at 8:18-20); that “Sunoco’s use of barricades has caused blockages, access, and traffic issues  
10 in the GRS parking lots” (S. Iacobucci Direct Test. at 9:7-8); that school buses do not have safe  
11 access to the property (S. Iacobucci Direct Test. at 9); and that there is not safe pedestrian access  
12 at the property (S. Iacobucci Direct Test. at 10). Mr. Jason Culp also claims that the construction  
13 work area at the property reduces drive aisles and creates tight turning radius that make the parking  
14 lot difficult to navigate and reduces site distances (Culp Direct Test. at 8). Mr. Culp claims that  
15 there is no signage or mark out to direct construction traffic on the property (Culp Direct Test. at  
16 8). Mr. Culp also claims that pedestrian access on the property is not safe (Culp Direct Test. at 9).  
17 Mr. Culp also states that there should be a better visual marking of access roads and “greater  
18 flaggers and signage,” and “greater visual deterrence to slow any pedestrian traffic from crossing  
19 in to the work zones” (Culp Direct Test. at 9:17-18, 20-21).

20

21

1   **Q:    Have you reviewed the traffic and pedestrian patterns in place for the construction of**  
2   **the ME2 pipeline project at the Glen Riddle Station Apartments, and do you have an opinion**  
3   **regarding those plans?**

4   A:    Yes, I have reviewed the traffic patterns in place at the Glen Riddle Station Apartments as  
5   they existed before the construction began, including review of maps and aerial images of the  
6   property, such as **Exhibit SPLP CF-2**, which illustrates the pre-construction condition of the  
7   property. I also visited the construction work area within Sunoco's right-of-way at the Glen Riddle  
8   Station Apartments on 3/29/2021 and reviewed aerial imagery that depicts the workspace, sound  
9   barrier wall arrangement, and traffic/pedestrian during construction (see **Exhibit SPLP CF-3**). It  
10  is my opinion, to a reasonable degree of engineering certainty, that Sunoco and its contractor  
11  Michels have taken reasonable, thorough steps to ensure that its employees and vendors have been  
12  educated on requirements for operating vehicles and equipment within the workspace and access  
13  routes within the GRS property.

14        It is an industry standard that all employees and vendors complete general safety training  
15  for the project and also specific training for their particular duties. Additionally, workers are  
16  expected to complete job safety analyses and daily tailgate safety meetings where activities of the  
17  day and safety points of emphasis are usually discussed. I have reviewed the testimony of Jayme  
18  Fye (**SPLP Statement No. 4**), which confirms that Michels is performing this safety training and  
19  that employees and vendors of Michels are required to complete defensive driver training, and, as  
20  a condition of their employment, are expected to operate vehicles safely.

21        Regarding the concerns raised about reduction of parking lot aisles, two applicable  
22  measurements were taken by my assistant, at my direction during my site visit. These  
23  measurements are shown on the map provided as **SPLP Exhibit CF-4**. Near the entrance at the

1 northern end of the workspace, the perpendicular distance between the sound barrier walls and the  
2 curb, which during this period is used solely for traffic and not for parking, was measured to be  
3 approximately 34'. Near the entrance at the southeastern side of the workspace (near Building B),  
4 the aisle width was measured to be approximately 33'. As reflected in Exhibit GRS-22, the  
5 Middletown Township Ordinance § 275-184.C establishes that 'the minimum aisle distance  
6 between roads or banks of parking spaces shall be not less than 25 feet for 90° parking...' The 34-  
7 foot and 33-foot perpendicular distances that were measured exceeds the 25-foot minimum  
8 requirement listed in the Township ordinance. Neither of these distances represent unsafe  
9 reduction of the travel lanes or aisle width. Because the construction workspace has created  
10 temporary dead ends, drivers are required to find available space to turn around, which is a  
11 departure from normal conditions. However, this does not appear to impose unreasonable or unsafe  
12 burdens on motorists for this temporary condition.

13

14 **Q: Did you also review additional information provided by Complainant about the “near**  
15 **mis” incident at the property that Stephen Iacobucci described in his testimony (S. Iacobucci**  
16 **Direct Test. at 8:15-18)?**

17 A: Yes, in addition to Mr. Iacobucci's testimony, I also reviewed the interrogatory responses  
18 from Complainant regarding a “near miss” incident on State Route 3030 (i.e. Glen Riddle Road)  
19 that Complainant identified occurred on 12/2/2020. From the limited description provided, it is  
20 unclear what the cause of this incident was, whether it was driver error or an issue with the flagging  
21 and traffic flow or signage in use at the time. More importantly, it does not appear that an actual  
22 traffic accident occurred. Even if a “near miss” event did occur on December 2, 2020, it is worth  
23 noting that construction has been occurring at the Glen Riddle Station Apartments for over four

1 months, and the Complainant has only identified one potential traffic incident at the site. Also, in  
2 my experience, when an incident like a “near mis” occurs, typically the flaggers and the contractor  
3 at a site work to mitigate the circumstances that contributed to the incident and to prevent any  
4 similar incidents in the future. Since there was no other testimony regarding similar incidents after  
5 this particular event on December 2, 2020, over four months ago, it appears that whatever the  
6 particular cause of the “near miss” incident was, that it was a one-time event.

7

8 **Q. Did you notice on aerial imagery or observe during your site visit any pre-existing**  
9 **traffic signage or pavement markings present on the GRS property that pre-dated Sunoco’s**  
10 **construction?**

11 A. During my site visit, I did not observe any site speed limit, traffic control signs or pavement  
12 markings that appeared to predate the construction project. The only signs that I noticed were those  
13 designating handicap parking spaces. The parking stall lines were faded but usually visible.

14

15 **Q: Mr. Culp asserts that “traffic design is meant to capture the least common**  
16 **denominator,” and that “[t]raffic design is not based upon a professional driver with perfect**  
17 **weather conditions and optimum equipment.” Do you agree with Mr. Culp’s description of**  
18 **the basis for traffic design for a construction work area?**

19 A: Mr. Culp is correct in stating that traffic design, like roadway geometry highway signage,  
20 is designed for people with somewhat slower perception-reaction times than those who have  
21 average or above-average perception-reaction times, or who are more vigilant or careful. However,  
22 licensed drivers, whether private or commercial, are expected to meet minimum standards of  
23 vision, alertness, and competency. Driving through a parking lot usually does not demand



1 professional driving skills and optimum equipment. It requires awareness, properly maintained  
2 equipment (i.e., a vehicle) and the appropriate standard of care for themselves and their  
3 surroundings. When I was at the site visit, I also spoke with and interviewed some of the workers  
4 at the site, to determine what Sunoco and its contractors' requirements were for driving through  
5 the parking lot. Just as the testimony of Jayme Fye explained (**SPLP Statement No. 4**) – that all  
6 Michels' employees are required to complete defensive driver training, and, as a condition of their  
7 employment, are expected to operate vehicles safely – these workers also confirmed that all  
8 workers and drivers were expected to drive as slow as possible through the parking lot, usually  
9 between 10 and 15 miles per hour. If traffic or weather conditions warrant, drivers would further  
10 reduce speed appropriately.

11       Furthermore, other than requiring that Sunoco's contractors and their employees take  
12 appropriate precautions and implement industry standard practices – including driving slowly  
13 through the parking lot – Sunoco or its contractors have no control over what residents, visitors,  
14 or other members of the public do when driving through the Glen Riddle Station Apartment  
15 complex. For example, during my site visit, I witnessed a USPS delivery truck that traveled to the  
16 vicinity of Buildings I and J, and it appeared to be traveling at a faster rate than any residential or  
17 construction traffic that I observed. But, I did not witness any condition caused by the construction  
18 activity that would make general traffic through the parking lot by the public, including residents,  
19 visitors, and deliveries like the USPS truck, inherently unsafe.

20

21 **Q: Mr. Culp claims that “[d]ue to the increase construction traffic, the completely**  
22 **different pedestrian circulations, etc., it is imperative that a traffic circulation plan with good**  
23 **signage and visual deterrents be provided,” and claims that PennDOT and FHWA guidelines**

1 on pedestrian circulation and signage “clearly have not been consulted for the project.”  
2 Based on your review of the construction workspace at the Glen Riddle Apartments, do you  
3 agree with Mr. Culp’s assertion that the construction workspace at the property is inherently  
4 unsafe?

5 A: I do not share Mr. Culp’s opinion that pedestrian circulations on the property are  
6 ‘completely different’ than prior to the time construction began. The construction does not close  
7 or disrupt any pedestrian sidewalk on the property. **SPLP Exhibit CF-2** is aerial imagery captured  
8 by drone camera that shows the pre-construction layout of sidewalks on the GRS property. **SPLP**  
9 **Exhibit CF-3** is aerial imagery captured on 3/30/21 by drone camera that shows the construction  
10 layout of the workspace on the GRS property. While the construction workspace does intersect  
11 two road/parking areas that are apparently used by pedestrians in addition to vehicles, the  
12 construction workspace does not block other means of ingress or egress to those buildings and  
13 parking lots where tenants park their cars. Also, based on my review of aerial imagery, the property  
14 does not appear to have any pre-existing sidewalks that connect different buildings throughout the  
15 property. *See SPLP Exhibit CF-2.* So, there are no sidewalks that previously connected the  
16 buildings that the construction workspace is blocking. In fact, barriers to pedestrian accessibility  
17 between the buildings has always existed – other than by walking through the open parking lot –  
18 and those conditions were present before the construction of the ME2 project.

19 While I disagree with Mr. Culp’s testimony that the construction workspace is unsafe for  
20 motorists and pedestrians, I understand that the presence of construction materials and equipment  
21 can be disconcerting for tenants who are accustomed to pre-construction surroundings. It would,  
22 therefore, be natural for a concerned tenant to alert SPLP or Michels of a perceived unsafe activity.  
23 However, Mr. Becker states in his testimony (**SPLP Statement No. 3**), that no pedestrian safety

1 concerns at the GRS apartments were conveyed via the project hotline. Furthermore, Mr. Becker  
2 states that Mr. Iacobucci was given several opportunities to explain specific incidents or hazards  
3 that SPLP and Michels could analyze and mitigate but no such examples were offered.

4 During my site visit, I also observed that Sunoco's contractor was using spotters who were  
5 located at each of the construction entrances, including at the entrances along the driveway at  
6 southern portion of the workspace along Glen Riddle Road and also at the entrance at the top of  
7 the parking lot in the northern portion of the workspace. I also observed the use of flaggers at  
8 Glen Riddle Road to assist traffic when necessary. Because of the spotters and ATSSA-flaggers  
9 that Sunoco's contractors employ and defensive driver-trained employees I did not observe the  
10 unsafe conditions Mr. Culp says are present at the property.

11

12 **Q: Mr. Culp claims that in his professional opinion, the PennDOT and FHWA guidelines**  
13 **“should be followed at GRS’ property and the failure to do so is both unreasonable and**  
14 **unsafe.” Do you agree with Mr. Culp’s opinion?**

15 A: No. In my view, PennDOT and Federal Highway Administration (FHWA) guidelines are  
16 aspirational, not a regulatory requirement applicable to the construction of the ME2 pipelines at  
17 this location. PennDOT and FHWA guidelines govern public right-of-way that includes streets,  
18 highways, bridges, public sidewalks/walkways, etc. Design guidelines listed in PennDOT and  
19 FHWA publications do not govern pedestrian walkways on private property. I agree that, if an  
20 engineer were to develop a traffic or pedestrian plan for the Glen Riddle Station Apartments, the  
21 PennDOT and FHWA literature are a useful reference but, such a plan would not be required to  
22 meet these guidelines because the Glen Riddle Station Apartments is not located on public  
23 property, and the construction of the ME2 are not under the jurisdiction of PennDOT or FHWA.

1 Had actual sidewalks been closed by construction, one could argue that SPLP and Michels should  
2 have made reasonable efforts to reroute pedestrians, as site conditions allow, but that is not the  
3 case here.

4  
5 **Q: Mr. Culp also references a PennDOT guideline regarding designing pedestrian**  
6 **facilities with consideration for the American Disabilities Act (Exhibit GRS-29). Does this**  
7 **guideline apply to the ME2 pipeline construction?**

8 A: No. This guideline does not apply to the ME2 construction, which is temporary  
9 construction activity at the property, rather than a permanent design of pedestrian access  
10 considerations for the Glen Riddle Station Apartments. In fact, the referenced document,  
11 PennDOT Publication 13M (Design Manual-2) Highway Design, Chapter 6 Pedestrian Facilities  
12 and the Americans with Disabilities Act, in Section 6.14 addresses Temporary Alternate  
13 Circulation Paths at Construction Sites (*see* Exhibit GRS-29 at page 6-59). The first sentence of  
14 this section of the document reiterates that pedestrian paths at construction sites are treated  
15 differently than overall permanent design considerations for pedestrian access and safety, stating  
16 that: “Construction or alterations affecting public right-of-way that affects pedestrian circulation  
17 elements, spaces or facilities must comply with the following provisions...” First, as noted above,  
18 this guideline is inapplicable to the ME2 project, because it is not a PennDOT highway or roadway  
19 project that is “affecting public right-of-way.” And even if ME2 was that type of project, which  
20 it is not, the manual goes on to establish that safe, alternate, and accessible pedestrian circulation  
21 comply to applicable design guidelines to the maximum extent possible and be provided around  
22 construction activities for the duration of the project. A circumstance where this guideline  
23 document and considerations with the ADA would apply would be if a public sidewalk existed

1 along State Route 3030 (i.e. Glen Riddle Road) and it was closed or affected because of the ME2  
2 construction project. In that circumstance, Sunoco would then be required to mitigate the closure  
3 of that public right-of-way sidewalk along the state road. But, no pre-existing sidewalk at the Glen  
4 Riddle Station Apartments exists along State Route 3030 (i.e. Glen Riddle Road). Moreover, the  
5 GRS property does not have any sidewalks that are obstructed or disturbed by construction  
6 workspace for the ME2 project – as shown on **SPLP Exhibit CF-3**. Although the absence of  
7 sidewalks between buildings forces residents to walk through the parking lot, it does not constitute  
8 such a pedestrian walkway that would normally be mitigated for a public project.

9

10 **Q: Are you aware that the Complainant has raised concerns regarding the school bus**  
11 **stop not being safe, and have you reviewed information regarding the bus stop location?**

12 A: Yes, I am aware of the concerns that Complainant raised and have reviewed information  
13 relating to the school bus stop locations, including the testimony of Joseph McGinn (**SPLP**  
14 **Statement No. 7**). I understand from that testimony, review of communications between Sunoco  
15 and the Rose Tree Media School District (**SPLP Exhibit CF-7**), an interview of Joe Massaro, the  
16 Sunoco employee who worked with the School District, and the photographs and maps that I have  
17 reviewed (**SPLP Exhibit CF-6**), that the school bus stops for the Glen Riddle Station Apartments  
18 were previously located in the parking lot near the eastern driveway entrance with the bus  
19 proceeding to loop through the apartment complex to a second bus stop located in the parking lot  
20 near the western driveway entrance. See **SPLP Ex. CF-6**. During construction, the bus stops for  
21 the Glen Riddle Station Apartments have been temporarily moved to the same general location, at  
22 the eastern and western driveways/entrances to the Glen Riddle Station Apartments – but the bus  
23 now does not make the loop inside the apartment complex, and the children are picked up from

1 the shoulder of Glen Riddle Road at the driveway entrances. See **SPLP Ex. CF-6**. The bus stop  
2 for the Tunbridge Apartments across the street also was slightly adjusted, and a second new bus  
3 stop was added for that complex along Martins Lane. See **SPLP Ex. CF-6**. I also understand that  
4 Sunoco worked with the local school district, Rose Tree Media School District, who selected the  
5 new temporary bus stop locations, to ensure the temporary bus stop relocation was safe and  
6 appropriate for the school children. I also understand that Sunoco has assisted the school district  
7 by hiring additional dedicated crossing guards at each bus stop for the school children at the Glen  
8 Riddle Station Apartments and Tunbridge Apartments across the road to ensure safety for school  
9 bus drop off and pick up times.

10 In addition, Chapter 75 of the Pennsylvania Code, Subsection 3345 establishes the  
11 requirements for drivers in the vicinity of a school bus when the red signal lights are flashing, and  
12 the side stop signal arm is extended. It clearly states that all drivers of vehicles (which would  
13 include construction vehicles), shall stop a minimum distance of ten feet from the school bus.  
14 Furthermore, the vehicles must remain stopped until either the flashing lights and stop sign are no  
15 longer activated and the children have reached a place of safety. Across the Commonwealth, school  
16 bus stops are located in many potentially unsafe locations – such as high traffic roads, roads with  
17 rolling terrain and limited sight distance, multi-lane thoroughfares – yet, school busses are able to  
18 safely pick up and drop off students without incident. A school bus stop location at a driveway  
19 entrance to an apartment complex along a roadway that is adjacent to a construction site – like the  
20 temporary bus stops at the Glen Riddle Station Apartments – is no different, and is not less safe  
21 just because of its proximity to a construction area or location at the driveway to the apartment  
22 complex. And here, Sunoco’s contractors are also using flaggers and spotters to assist with traffic  
23 flow at the property, so there are even more people in addition to the crossing guards who have

1 the duty to alert ingressing or egressing construction vehicles to the presence of children, busses  
2 or other pedestrians that are in the parking lot. These factors combine to make this location safer  
3 for school bus pick up and drop off, in fact much safer than many other typical and acceptable  
4 school bus stop locations.

5

6 **Q: Have you reviewed some of the photographs that Complaint provided that it alleges**  
7 **show the traffic and pedestrian safety concerns?**

8 A: Yes, I have reviewed the photographs provided by Complainants in GRS-10, and it is  
9 evident that the entire traffic control pattern is not shown in the images. It is not apparent if the  
10 flagger in the westbound shoulder is the only flagger or if there is another in the eastbound  
11 lane/shoulder. Furthermore, the images do not show the placement of any 'Road Work Ahead'  
12 warning signs. I see that the workers are wearing appropriate personal protective equipment and  
13 one flagger is utilizing the appropriate STOP/SLOW sign. The cone tapers may be less than  
14 PennDOT Publication 213 Temporary Traffic Control Guidelines establishes but it is difficult to  
15 determine decisively, based on the images presented. Also, based on my site visit and my review  
16 of the workspace plan overlain on aerial imagery, I did not observe any sidewalks that have been  
17 closed due to construction activities. There appears to be no pre-existing sidewalk that connects  
18 Buildings A & B to Buildings C & D or from Buildings A & B to Buildings E & F. **See SPLP**  
19 **Ex. CF-2.** It appears that prior to construction, the expectations for pedestrians traveling from one  
20 building to another – to the extent they needed to so do – was to either walk through grass or walk  
21 through the drive lanes in the parking lot. Now, pedestrians who want to access one building from  
22 another building on the property would need to drive (or walk along Glen Riddle Road) to travel  
23 from the west side to the east side, or vice versa, of the construction work space. **See SPLP Ex.**

1 **CF-3.** But it is important to note again, there is no pedestrian access that is obstructed from the  
2 parking lot adjacent or in front of a building to that building – so if a resident parked their car near  
3 the entrance of their building, they could walk into the building directly – that pedestrian pathway  
4 is not blocked or obstructed by the construction activity in any way. Given the lack of any pre-  
5 existing sidewalks connecting the buildings to one another, it seems as if pedestrian travel between  
6 buildings may not have been a common occurrence. GRS notes that dead ends currently exist at  
7 Buildings G & H and Buildings I & J. This is an addition of one to the pre-existing condition that  
8 is located Buildings G & H. See **SPLP Ex. CF-3**. While it may be a temporary inconvenience,  
9 the dead end at Building G & H actually serves to slow vehicular traffic through the parking lot.  
10 The pre-existing condition of the parking lot – which does not have any speed limit signs or  
11 pavement markings to show the drive lanes or indicate driving direction – could have allowed  
12 traffic to travel from one side of the property to the other via this area, creating an unsafe condition;  
13 because of the construction, that route is currently closed.

14       Regarding Complainant’s alleged concerns about traffic and pedestrian safety, when I  
15 reviewed the construction work space and during my site visit review of the construction work  
16 space and temporary access roads, I noticed that GRS could consider temporarily restricting  
17 parking or limiting vehicles to compact cars only in two locations at the property that are likely  
18 for potential conflict between either vehicle-to-vehicle or vehicle-to-pedestrian. These two  
19 locations, which are shown on the photographs provided in SPLP Exhibit CF-5, which have  
20 demarcated parking stalls all the way out to the corner, could have had sight lines improved by  
21 taking the simple step of restricting them to compact cars. See **SPLP Ex. CF-4 and CF-5**. No  
22 signage or pavement markings were observed for either the parking stalls or motorist traveling in



1 the vicinity. Such improvements could have been made by the property owner, irrespective of the  
2 construction project.

3

4 **Q: Are all of the opinions that you provide in your testimony provided to a reasonable**  
5 **degree of engineering certainty?**

6 A: Yes.

7

8 **Q: Do you wish to offer anything else?**

9 A: I reserve the right to supplement my testimony based on Complainant's surrebuttal  
10 testimony.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REBUTTAL TESTIMONY  
OF JOSEPH McGINN  
ON BEHALF OF SUNOCO PIPELINE, L.P.**

**SPLP STATEMENT NO. 7-R**

Date: May 12, 2021

1 **Q: What is your full name and current occupation?**

2 A: My name is Joseph McGinn. From May 2019 to the present, I have been Vice President  
3 of Public and Government Affairs for Energy Transfer Partners (formerly Sunoco  
4 Pipeline). From 2017 to 2019, I was a principal in McGinn Public Strategies, LLC and  
5 from 2013 to April 2017 I was Senior Manager of Public Affairs and then Senior Director  
6 of Public and Government Affairs for Energy Transfer and Sunoco Logistics Partners, L.P.  
7 (“SPLP”).

8 **Q: What did you do relative to ME2 in your capacity of Senior Manager and Senior**  
9 **Director of Energy Transfer and SPLP?**

10 A: I led our public affairs activities under Sunoco Logistics until it merged with Energy  
11 Transfer in 2017. This included our community affairs, media relations and local  
12 government outreach. After the merger, I led our government affairs for the combined  
13 partnerships in Pennsylvania and the general Mid-Atlantic region.

14 **Q: What did you do relative to ME2 in your capacity as Principal for McGinn Public**  
15 **Strategies, LLC?**

16 A: During this time, I was a consultant for Energy Transfer. I helped support their government  
17 and public affairs outreach in Pennsylvania.

18 **Q: What do you now do relative to ME2 in your capacity as Vice President of Public and**  
19 **Government Affairs for Energy Transfer Partners.**

20 A: Since rejoining Energy Transfer in May 2019, I have led our public and government affairs  
21 efforts in our Northeast and Midwest operational areas. This includes community relations  
22 and communications, and local, state and federal government outreach.

23 **Q: What is your educational background?**

1 A: I have a bachelor's degree from Columbia University and a Master of Public  
2 Administration from the University of Pennsylvania.

3 **Q: Is your curriculum vitae attached as Exhibit SPLP-JM-1?**

4 A: Yes.

5 **Q: Are you familiar with Delaware County?**

6 A. Yes, very familiar. I was born and raised in Delaware County where I grew up near Marcus  
7 Hook. I currently live in Aston Township, Delaware County, with my wife and children.  
8 Consequently, I am very familiar with the region and how it has developed, including local  
9 and county government, schools, and the community generally.

10 **Q: Did you serve on the Governor Wolf's Pipeline Infrastructure Task Force?**

11 A: Yes from 2015 to 2016.

12 **Q: Is there anything notable regarding locating pipelines that came from the Task  
13 Force?**

14 A. Yes. The task force, which was comprised of a broad group of environmental, industry,  
15 governmental and regulatory representatives, including the PUC's Chairman and Vice  
16 Chairman and other stakeholders including representatives of the PA Historical  
17 Commission, the U.S. Army Corps of Engineers, a Chester County Commissioner, the  
18 Secretary of Community and Economic Development, the Department of Conservation and  
19 Natural Resources, the PA Game Commission, the Federal Energy Regulatory  
20 Commission Outreach Coordinator, State Representatives, PA One Call, opponents of  
21 pipeline projects, Citizens for Pennsylvania's Future, the Penn State Extension, the  
22 Secretary of DEP as chairman of the task force, the Turnpike Commission, the PA  
23 Department of Agriculture, the Delaware River Basin Commission, the PA Environmental

1 Council citizens group, , concluded in its report issued on February 18, 2016 that it is  
2 recommended to locate new pipelines to be constructed within existing rights-of-way to  
3 minimize new separate clearings and minimize aesthetic and environmental impacts, and  
4 to reduce disturbances that would otherwise occur in a separate pipeline corridor. Final  
5 Report at 80, 149.

6 **Q: What came first, the pipeline right-of-way at the property or the apartments at Glen**  
7 **Riddle Station?**

8 A. The pipeline right-of-way held by our company has existed since approximately 1931 and  
9 predates Glen Riddle Station's (Glenn Riddle Station or GRS) ownership of the property.  
10 Glen Riddle Station management knew, or should have known, of its existence when its  
11 owners decided in approximately 1971 to construct its apartments right against the right-  
12 of-way and straddling the right-of-way or easement area (SPLP Exhibit JM-9). The  
13 location of the Glen Riddle Station apartments can be seen in the photograph at SPLP  
14 Exhibit JM-2.

15 **Q: In your capacity as a Vice President of Governmental affairs are you aware of any**  
16 **existing regulations by the Pennsylvania Public Utility Commission ("Commission")**  
17 **regulating construction or communication practices for public utility pipelines that**  
18 **carry the commodities that ME2 does?**

19 A. No. However, there is an existing rulemaking at Commission docket L-2019-3010267  
20 that proposes regulations to which all stakeholders can comment or propose revisions  
21 thereto on that subject. To my knowledge, the Commission has not yet adopted regulations.  
22  
23

1 **Public Awareness**

2 **Q: Have you read the Complaint by Glen Riddle Station and its testimony by S.**  
3 **Iocobucci, R. Iocobucci, and J. Culp and regarding allegations that Sunoco does not**  
4 **communicate with it or its residents or follow its Standard Operating Procedures as**  
5 **it is obligated to do so?**

6 A. Yes.

7 **Q: Does Sunoco have a public awareness program?**

8 A. Yes.

9 **Q: What has Sunoco considered in developing its Public Awareness program?**

10 A. We have considered the guidance provided by the federal Pipeline and Hazardous  
11 Materials Safety Administration (PHMSA) regulations relating to public awareness plans  
12 and programs for Hazardous Volatile Liquids (“HVL”) pipelines that are intrastate or  
13 interstate.

14 **Q: Are you also familiar with PHMSA’s guidance document, API RP-1162?**

15 A: Yes. PHMSA adopted the guidance document by the American Petroleum Institute (API)  
16 into its regulations.

17 **Q: What guidance does API RP-1162 provide?**

18 A: It makes recommendations for baseline public awareness programs for pipelines.

19 **Q: Does API RP-1162 also make recommendations for enhancements to public**  
20 **awareness programs for certain circumstances, including Highly Volatile Liquid**  
21 **(HVL) pipelines and pipelines located in High Consequence Areas (“HCAs”)?**

22 A: Yes.

1 **Q: Are you aware that GRS, in its complaint beginning at paragraph 41 claimed that**  
2 **Sunoco is not in compliance with its public awareness program obligations?**

3 A. Yes. First, that is simply not true. Second, Sunoco is not only in compliance with these  
4 obligations but goes above and beyond what is required.

5 **Q: Please explain.**

6 A. First as to the allegations being untrue, they lack proper context. The complainant treats  
7 the term “public awareness” as if it were a catch-all that refers to broad communications  
8 with the general public on any subject matter, or the subject matter that GRS has interest  
9 in, or subjectively believes should occur relative to its property or business. That is not  
10 what the term means. Both 49 CFR 192.616 and 49 CFR 195.440 incorporate by reference  
11 the API’s Recommended Practice 1162, Public Awareness Programs for Pipeline  
12 Operators, First Edition. That is commonly referred to as API RP 1162, or RP1162. The  
13 objectives and scope of RP1162 are very clear on what it applies to and what it does not.  
14 In section 1.2 Scope of the 1st edition of RP1162 it explicitly states “This guidance is  
15 intended for use by pipeline operators in developing and implementing Public Awareness  
16 Programs associated with the normal operation of existing pipelines. This guidance is not  
17 intended to focus on public awareness activities appropriate for new pipeline construction,  
18 or for communications that occur immediately after a pipeline-related emergency.”

19 In short, the public awareness required under PHMSA regulations applies not to  
20 construction of pipelines, but to operating pipelines once in service, and the Complainant  
21 attempts to conflate the two. Nor does the term ‘public awareness’ mean that Glen Riddle  
22 Station’s subjective or preferred communications are valid, or that Energy Transfer is

1 required to get the Complainant's approval for construction or to follow how Complainant  
2 prefers construction activities to be done.

3 **Q: The complaint starting at page 6 faults Sunoco's public awareness practices for**  
4 **allegedly not following its Standard Operating Procedures (SOPs) at Glen Riddle, do**  
5 **you agree?**

6 A. No, I do not. I also note the SOPs to which they refer are procedures for operational  
7 pipelines, not pipelines under construction. We nonetheless communicate reasonably with  
8 the public regarding construction, and I will describe that later in my testimony.

9 **Q. Does Sunoco periodically provide information to the public, including Glen Riddle**  
10 **Station and its residents, regarding the pipelines?**

11 A. Yes. For instance, Exhibit JM3 is the latest public awareness brochure that we have sent  
12 in September of 2020 to residents who live or work near pipelines. We do this mailing  
13 every two years, and the messaging includes a broad array of information, much of which  
14 is outlined in RP1162. Our brochure highlights who we are; information about the pipelines  
15 we operate; how to recognize and respond to the rare event of a leak; pipeline locations;  
16 and information about the PA One Call system and how to reach us in an emergency. In  
17 addition, our brochure also includes a 24/7 non-emergency 800 phone number or numbers  
18 where any stakeholder can contact us with questions about our pipelines. Our records show  
19 these brochures were sent to Glen Riddle Station and its residents.

20 Specifically, our brochure states "If you would like more information, please visit  
21 us at [energytransfer.com](http://energytransfer.com) or call our non-emergency number."

22 **Q: Are there other steps that SPLP has taken or is considering as part of its public**  
23 **awareness plan?**



1 A: Yes. I manage a statewide team at Sunoco/Energy Transfer that provides outreach to local  
2 officials at the county and township level, including first responders. In addition, SPLP  
3 has implemented additional social media channels (Facebook, Twitter and Instagram) and  
4 a website, under the title PA Pipeline Safety, to provide the general public with additional  
5 pipeline safety information.

6

### 7 **Construction Communications**

8 **Q: Have you done any outreach directly to the Township and the County regarding**  
9 **construction of ME2 that would include GRS?**

10 A: Yes, my group and I routinely interact with Middletown Township and Delaware County,  
11 including those responsible for emergency services. Our outreach includes general updates  
12 on our construction activity throughout the township and county, in addition to ongoing  
13 operations of our pipelines that are in service.

14 **Q: Various witnesses for Complainant Glen Riddle Station in its direct pre-submitted**  
15 **testimony and exhibits have alleged that SPLP does not engage in sufficient**  
16 **communication and notification with it and to its residents. Did SPLP engage in**  
17 **outreach to Glen Riddle Station in addition to the API RP 1162 baseline**  
18 **requirements?**

19 A: Yes. When an event that impacts a municipality or its residents occurs, or is scheduled to  
20 occur, SPLP engages in direct, personal communications (face-to-face, electronic,  
21 telephonic) with the relevant local and County officials. For example, SPLP recently  
22 notified Middletown Township of upcoming construction, as well as:

23 • Then-State Senator Killion

- 1 • State Senator Kane
- 2 • State Representative Chris Quinn
- 3 • State Representative Carolyn Comitta
- 4 • State Representative Kristine Howard
- 5 • PADEP
- 6 • PUC
- 7 • Delaware County Department of Emergency Services

8 SPLP keeps these entities apprised of the locations where major work will take  
9 place in their municipality, including scheduled operations and maintenance work and  
10 construction. And because SPLP often has to obtain permits or other approvals from the  
11 municipality for its work, the municipality also learns about it through the permitting  
12 review process. Further, SPLP participates in bi-weekly meetings with townships across  
13 Delaware County, including Middletown Township.

14 **Q: Have you done anything else to assist municipalities and emergency responders?**

15 A: Yes. Between 2016 to present SPLP has provided grants through its First Responder to  
16 recipients in Delaware County. For just a few examples of First Responder Fund grants  
17 provided in Delaware County:

- 18 a. Reliance Hook and Ladder Company – 10 sets of turnout gear, hose reel,  
19 gas meters, thermal imaging cameras.
- 20 b. Boothwyn Fire Co. No. 1 – 5 self-contained breathing apparatus and facility  
21 upgrades.
- 22 c. Aston Township Volunteer Fire Department – gas meters.
- 23 d. Lower Chichester Volunteer Fire Department – utility terrain vehicle and  
24 10 sets of turnout gear.
- 25 e. Rocky Run Volunteer Fire Department – upgrades to firehouse.
- 26 f. Delaware County Department of Emergency Services – RAE deployment  
27 kit/ruggedized host.
- 28 g. Ogden Volunteer Fire Department – 12 sets of PPE and hose.
- 29 h. Upper Chichester Township Police Department – drone.

- 1                   i.       Marcus Hook Trainer Fire Department – 3 defibrillators, 10 portable radios,  
2                                   10 sets of turnout gear.

3  
4                   The specific list is:  
5

Organization	County	State	Year	Grant Amount
Boothwyn Fire Company No. 1	Delaware	PA	2016	33,965
Reliance Hook & Ladder	Delaware	PA	2016	33,535
Aston Township VFD	Delaware	PA	2017	37,319.90
Delaware Cty Depart. Of Emergency Serv.	Delaware	PA	2017	63,000
Lower Chichester VFD	Delaware	PA	2017	50,000
Middletown Fire Company #1	Delaware	PA	2017	29,694.18
Ogden Fire Company No. 1	Delaware	PA	2017	14,668.48
Rocky Run Fire Company	Delaware	PA	2017	25,000
Boothwyn Fire Company No. 1	Delaware	PA	2019	25,000
Lower Chichester VFD	Delaware	PA	2019	34,700
Marcus Hook Trainer Fire Dept	Delaware	PA	2019	51,901
Reliance Hook & Ladder	Delaware	PA	2019	25,000
Upper Chichester Township PD	Delaware	PA	2019	28,816.05
Aston Township VFD	Delaware	PA	2020	44,014.80
Chester Heights Fire Co. No. 1	Delaware	PA	2020	20,503.58
Ogden Fire Company No. 1	Delaware	PA	2020	20,000
Rocky Run Fire Company	Delaware	PA	2020	29,931
Aston Township Police Department	Delaware	PA	2020	25,379
Lower Chichester Police Department	Delaware	PA	2020	20,000

6  
7       **Q:     Did SPLP provide, or does it intend to provide, any other support?**

8       A:     Yes. In addition to our Mariner Emergency Responder Outreach program (MERO)  
9             training, which is explained by Sunoco witness Noll, as part of a negotiated easement  
10            agreement, SPLP provided funding to Middletown Township for emergency response  
11            training in Oklahoma. In 2020, SPLP sent out requests for applications to municipalities  
12            to apply for grants to refresh their emergency response plans. And recently, Timothy  
13            Boyce, the Director of Delaware County's Department of Emergency Services, reached  
14            out to SPLP for assistance in response to the Coronavirus crisis. Specifically, Delaware  
15            County identified a need to have a portable shelter and support equipment for local police

1 officers. SPLP provided the \$25,000 shelter, a Zumro Shelter Model 216, with lighting,  
2 stakes, ID panels and a containment pool. Mr. Boyce stated in a letter that “I appreciate  
3 Energy Transfer’s commitment to public safety over the years . . .” and extended his  
4 “gratitude to all your coworkers who continue to serve during this crisis,” which is attached  
5 as Exhibit SPLP JM-4.

6 **Q: You mentioned previously that Sunoco goes above and beyond its Public Awareness**  
7 **obligations, is there anything else you would like to add regarding communications**  
8 **regarding construction with GRS and its residents?**

9 A. Yes. Sunoco goes above and beyond what is required. Examples include:

- 10 • Providing letters, including a willingness to provide rent relief, fact sheets and  
11 diagrams/maps about our construction activity to Glen Riddle Station residents  
12 Exhibit SPLP JM-5 and to the apartment management Exhibit SPLP JM-6 as well  
13 as periodic updates as we finish and restore the site.
- 14 • Providing updates to Middletown Township, who has shared them on its social  
15 media and web site.
- 16 • We continue to share updates with Glenn Riddle Station and their legal counsel in  
17 the hopes of it being published on its website.
- 18 • Establishing a 24/7 community hotline toll free number regarding any questions or  
19 concerns a resident of the apartment complex may have about the work being  
20 undertaken.
- 21 • We have made 250 refrigerator magnets (more than the number of apartments)  
22 available in the Glen Riddle management office that has the toll free hotline number

1 for questions from residents. A drawing of the magnet appears as Exhibit SPLP  
2 JM-7.

- 3 • We have fielded a number of hotline calls from Glen Riddle Station residents so  
4 far, which we appreciate.
- 5 • We communicated and worked with the Rose Tree Media School District regarding  
6 the relocation of bus stops at the apartment area, and the School District has selected  
7 the relocations and flaggers/crossing guards and we have paid the costs for all of  
8 that. SPLP Exhibit JM-8 depicts the prior and temporary bus stop locations.
- 9 • We worked with local first responders and Middletown Township to make sure  
10 emergency vehicles can enter and exit the construction site. In fact, emergency  
11 responders have been able to do so when called to assist residents.
- 12 • Our website has comprehensive information regarding our pipelines that are at Glen  
13 Riddle Station and what to do in the event of an emergency.
- 14 • More information for the public is available at [www.papipelinesafety.com](http://www.papipelinesafety.com).
- 15 • On the evening of February 23, 2021, I and others on behalf of the project at Glen  
16 Riddle Station participated in a Virtual Town Hall to answer questions from  
17 residents regarding construction including signage at the site. I understand that  
18 notice and information to participate in that meeting was provided by the company  
19 to Glen Riddle Station who in turn provided that to its residents. In our presentation,  
20 which may be viewed at <http://marinerpipelinefacts.com/majormod620/>, we  
21 provided information that was publicly available regarding construction as well as  
22 information regarding our 24/7 community hotline number, which we encouraged  
23 residents or members of the public to call regarding construction questions.

1 **Q. Do you have any additional rebuttal to offer at this time?**

2 A. No I do not, but I reserve the right to supplement my testimony in response to any surrebuttal  
3 testimony or exhibits produced by Complainant.

# Joe McGinn

3807 West Chester Pike ♦ Newtown Square, PA 19073 ♦ (215) 977-6237 ♦ joseph.mcgin@energytransfer.com

## Skills Summary

- ♦ Communications
- ♦ Community Relations
- ♦ Constituent Services
- ♦ Crisis Communications
- ♦ Government Relations
- ♦ Human Resources
- ♦ Labor Relations
- ♦ Media Relations
- ♦ Public Policy
- ♦ Public Relations
- ♦ Recruiting
- ♦ Regulatory Affairs
- ♦ Social Media Development
- ♦ Speech Writing
- ♦ Talent Development

## Employment History

ENERGY TRANSFER – Newtown Square, Pa.; Harrisburg, Pa.  
**Vice President of Public & Government Affairs, May 2019 to present**

MCGINN PUBLIC STRATEGIES, LLC  
**Principal, September 2017 to May 2019**

SUNOCO, INC., ENERGY TRANSFER PARTNERS& SUNOCO LOGISTICS PARTNERS, L.P. – Newtown Square, Pa.; Harrisburg, Pa.; Philadelphia, Pa.; Marcus Hook, Pa.; Westville, N.J.  
**Senior Director of Public & Government Affairs, April 2017 to September 2017**

**Senior Manager of Public Affairs, 2013 to April 2017**

**Manager of Public Affairs, 2012 to 2013**

**Communications/Community Relations Specialist, 2010 to 2012**

**Recruiting Analyst, 2009 to 2010**

**Educational Outreach Consultant, 2009**

**Public Affairs Representative, 2004 to 2009**

UNITED STATES HOUSE OF REPRESENTATIVES – Washington, D.C.; Upper Darby, Pa.  
**District Representative, 2003 to 2004**

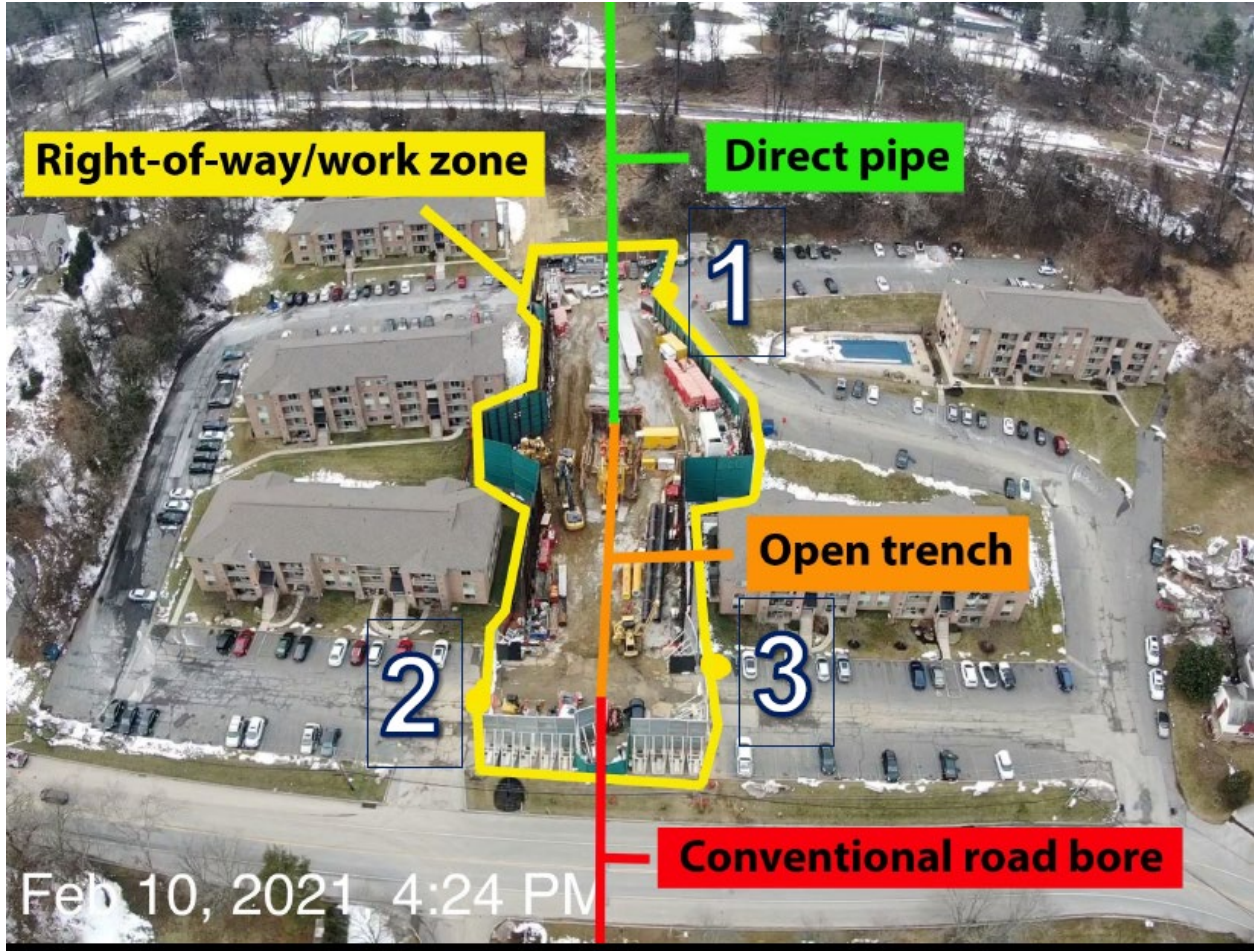
## Education

UNIVERSITY OF PENNSYLVANIA – PHILADELPHIA, PA  
**Master's of Public Administration, 2008**

Certificate in Politics  
Class of 2008 Executive Leadership Award Recipient

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK – NEW YORK, NY  
**Bachelor's Degree in English Literature, 2003**

Concentration in History







# FACTS ABOUT PIPELINE SAFETY IN YOUR COMMUNITY

*HECHOS ACERCA DE LAS TUBERÍAS SEGURO EN SU COMUNIDAD*

## Know, Recognize, Respond

Infórmese, Reconozca, Responda

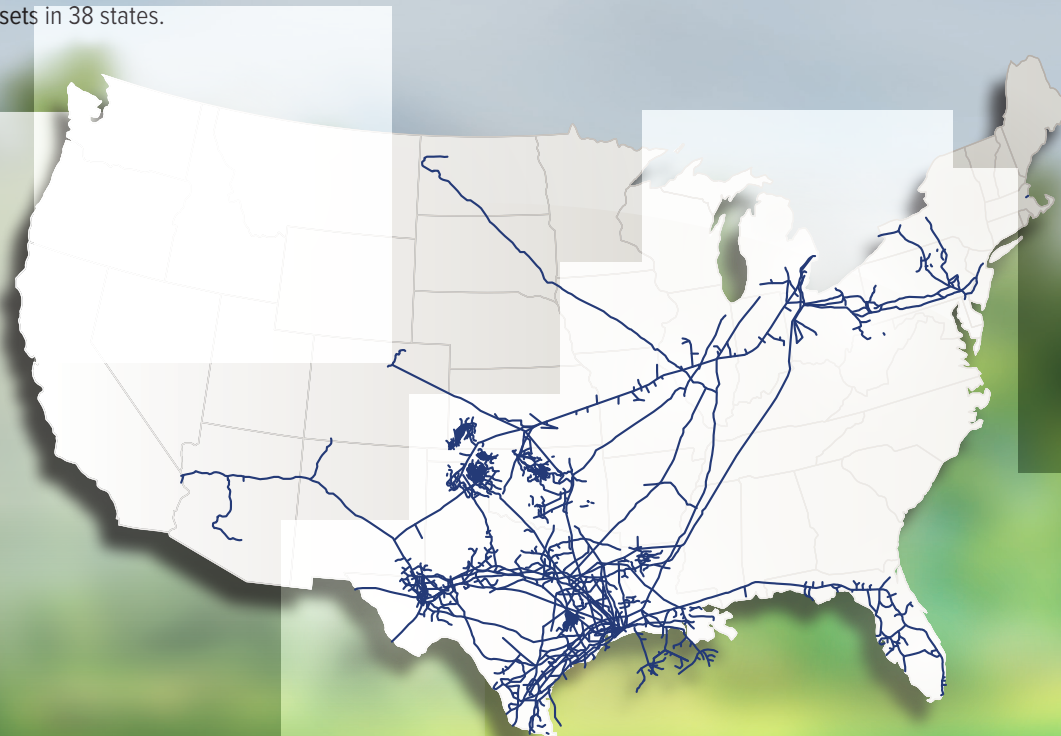




Energy Transfer, a Texas-based energy company founded in 1995 as a small intrastate natural gas pipeline company, is now one of the largest and most diversified master limited partnerships in the United States. Strategically positioned in all of the major U.S. production basins, the company owns and operates a geographically diverse portfolio of energy assets, including midstream, intrastate and interstate transportation and storage assets. Energy Transfer operates more than 90,000 miles of natural gas, crude oil, natural gas liquids and refined products pipelines and related facilities, including terminalling, storage, fractionation, blending and various acquisition and marketing assets in 38 states.

Approximately two-thirds of the natural gas and petroleum products we use every day are transported through underground pipelines – making them an essential part of the nation’s critical transportation infrastructure. Studies have confirmed that pipelines are the safest way to transport energy in the United States.

You are receiving this information because Energy Transfer, or one of its affiliates, may operate or maintain a pipeline in your community. We ask that you review the following important safety information, encourage you to share it with others and retain for future reference.





We are strongly committed to operating a safe, reliable pipeline system. As part of that commitment, we strive to enhance public safety and environmental protection through increased public awareness and knowledge.

**Sunoco Pipeline** operates a geographically diverse portfolio of energy assets including, pipelines, terminalling and marketing assets. Crude oil, refined products, natural gas and natural gas liquids are transported through a 12,000-mile pipeline system that traverses 21 states.

**24-HOUR  
EMERGENCY NUMBER:  
800-786-7440**

**PRODUCT: PETROLEUM**



CONTACT

KNOW

RECOGNIZE

RESPOND

If you would like more information, please visit us at [energytransfer.com](http://energytransfer.com) or call our non-emergency number at 877-795-7271.

RESPONDA

RECONOZCA

INFÓRMESE

COMUNÍQUESE



Estamos muy comprometidos a operar un sistema de tuberías seguro y confiable. Como parte de nuestro compromiso, nos esforzamos por mejorar la seguridad del público y la protección del medio ambiente a través de un aumento del conocimiento y concientización del público.

**Sunoco Pipeline** opera una cartera de activos energéticos en diversos puntos geográficos que incluyen tuberías, distribución y comercialización. Petróleo crudo, productos refinados, gas natural y líquidos de gas natural son transportados a través de un sistema de tuberías de 12,000 millas que cruza 21 estados.

**TELÉFONO DE EMERGENCIA  
LAS 24 HORAS:  
800-786-7440**

**PRODUCTO: PETRÓLEO**



Si desea obtener más información, visítenos en [energytransfer.com](http://energytransfer.com) o llame a nuestro número que no es para emergencias al 877-795-7271.



We are strongly committed to operating a safe, reliable pipeline system. As part of that commitment, we strive to enhance public safety and environmental protection through increased public awareness and knowledge.

**Sunoco Pipeline** operates a geographically diverse portfolio of energy assets including, pipelines, terminalling and marketing assets. Crude oil, refined products, natural gas and natural gas liquids are transported through a 12,000-mile pipeline system that traverses 21 states.

**24-HOUR  
EMERGENCY NUMBER:  
800-786-7440 or 877-839-7473**

**PRODUCT: NATURAL GAS LIQUIDS**



**CONTACT**

Please keep in mind, the company operates more than one pipeline in some areas. Each pipeline has a unique name and emergency phone number. We encourage you to keep our emergency phone number nearby for future reference.

If you would like more information, please visit us at [energytransfer.com](http://energytransfer.com) or call our non-emergency number at 877-795-7271.



Estamos muy comprometidos a operar un sistema de tuberías seguro y confiable. Como parte de nuestro compromiso, nos esforzamos por mejorar la seguridad del público y la protección del medio ambiente a través de un aumento del conocimiento y concientización del público.

**Sunoco Pipeline** opera una cartera de activos energéticos en diversos puntos geográficos que incluyen tuberías, distribución y comercialización. Petróleo crudo, productos refinados, gas natural y líquidos de gas natural son transportados a través de un sistema de tuberías de 12,000 millas que cruza 21 estados.

**TELÉFONO DE EMERGENCIA  
LAS 24 HORAS:  
800-786-7440 o 877-839-7473**

**PRODUCTO: LÍQUIDOS DE GAS NATURAL**



Si desea obtener más información, visítenos en [energytransfer.com](http://energytransfer.com) o llame a nuestro número que no es para emergencias al 877-795-7271.

La compañía opera más de un oleoducto en algunas áreas. Cada tubería tiene un nombre y número telefónico de emergencia único. Le animamos a mantener nuestro número de teléfono de emergencia para futuras consultas.

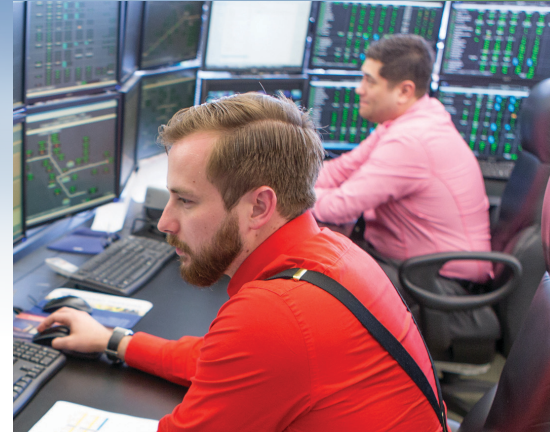
**COMUNÍQUESE**

## National Pipeline Mapping System

Everyone can contribute to safety and security by knowing where pipelines are in their community and recognizing unauthorized activity. To find out who operates transmission pipelines in your area, visit the National Pipeline Mapping System at [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov). To download the mobile application to your iOS device free of charge, visit the App Store and search for “NPMS Public Viewer.”

## Pipeline Safety

Our pipelines are regularly tested and maintained using cleaning devices, diagnostic tools and cathodic protection. We perform regular patrols, both on the ground and in the air, along our routes to ensure the security and integrity of our lines. For the safety of our system and for the people around it, we monitor pipeline operations 24 hours a day, 365 days a year.



## Special Protective Measures

Certain pipelines are designated as being in “High Consequence Areas” (HCA) due to their location in high population or environmentally sensitive areas. In accordance with regulations, we have developed and implemented a written Integrity Management Program that addresses the risks on certain pipeline segments. Baseline and periodic assessments are conducted to identify and evaluate potential threats to our pipelines. Any significant defects discovered are remediated and the company monitors program effectiveness so that modifications can be recognized and implemented.

## Along the Right-of-Way

Rights-of-way provide a permanent, limited access to privately owned property to enable us to operate, inspect, repair, maintain and protect our pipeline. Rights-of-way must be kept free of structures and other obstructions. Property owners should not dig, plant, place or build anything on the right-of-way without first calling 811 and receiving authorization from our company personnel, who must be present for all excavation.

## See Something, Say Something

Neighbors like you can help us maintain a safe, secure and reliable pipeline system and keep your community safe by alerting us to potential problems before they become pipeline emergencies. If you observe any unusual or suspicious persons, vehicles, or activities near our pipeline facilities, such as unauthorized digging, people loitering, recording/monitoring activities, showing unusual interest or tampering with equipment, please call us immediately at the emergency number in this brochure. In the event of an emergency or immediate threat, you should always call 911.

CONTACT

KNOW

RECOGNIZE

RESPOND

## Sistema Nacional de Mapas de Tuberías

Todos pueden contribuir a la seguridad y protección sabiendo dónde se encuentran las tuberías en sus comunidades y reconociendo si hay actividad no autorizada. Para averiguar quién opera tuberías de transmisión en su zona, visite el Sistema Nacional de Mapas de Tuberías en [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov). Para descargar la aplicación móvil en su dispositivo iOS sin cargo alguno, visite el Apple Store y busque “NPMS Public Viewer.”

## La seguridad de las tuberías

Realizamos pruebas y mantenimiento periódicos a nuestras tuberías usando dispositivos de limpieza, herramientas de diagnóstico y protección catódica. Patrullamos regularmente, tanto por tierra como por aire, nuestras rutas para garantizar la seguridad y la integridad de nuestras líneas. Para conservar la seguridad de nuestro sistema y de las personas a su alrededor, monitoreamos las operaciones de las tuberías las 24 horas del día, los 365 días del año.

## Medidas especiales de protección

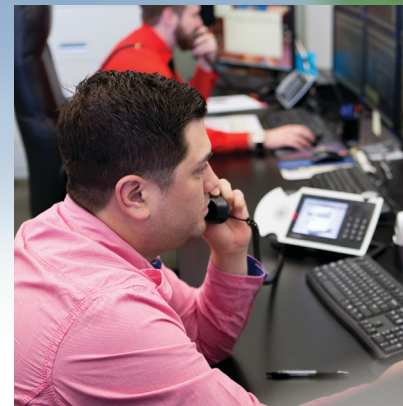
Ciertas tuberías son designadas como “Áreas de altas consecuencias” (High Consequence Areas, HCA) debido a su ubicación en áreas de mucha población o con ecosistemas frágiles. En conformidad con las normas, hemos desarrollado e implementado por escrito un Programa de Gestión de Integridad que trata los riesgos de ciertos segmentos de tuberías. Se realizan evaluaciones iniciales y periódicas para identificar y analizar las amenazas potenciales a nuestras tuberías. Se corrigen todos los defectos significativos detectados y la compañía monitorea la eficacia del programa para que se puedan reconocer e implementar las modificaciones.

## En el derecho de paso

El derecho de paso provee un acceso limitado y permanente a una propiedad privada para permitirnos operar, inspeccionar, reparar, mantener y proteger nuestra tubería. El derecho de paso se debe mantener libre de estructuras y otras obstrucciones. Los dueños de la propiedad no deben excavar, plantar, colocar o construir nada sobre el derecho de paso sin llamar primero al 811 y recibir autorización de los miembros del personal de la compañía, quienes deben estar presentes para toda la excavación.

## Si ve algo, diga algo

Vecinos como usted pueden ayudarnos a mantener un sistema de tuberías seguro y confiable, y mantener a nuestra comunidad segura al informarnos acerca de posibles problemas antes de que se conviertan en emergencias de las tuberías. Si observa algo inusual, o personas, vehículos o actividades sospechosos cerca de las instalaciones de nuestras tuberías, como excavaciones no autorizadas, gente merodeando, actividades de grabación/vigilancia, gente que muestra interés inusual o que esté manipulando el equipo, por favor llámenos inmediatamente al número de emergencia que aparece en este folleto. En caso de emergencia o una amenaza inmediata, siempre debe llamar al 911.





Pipelines are typically made of steel, covered with a protective coating and buried several feet underground. For your safety, markers are used to indicate the approximate location of pipelines. The markers contain the name of the pipeline operator, products transported and emergency contact information. Keep in mind that pipelines may not follow a straight line between markers, nor do markers indicate the exact location and depth of the pipeline.

**Leaks from pipelines are unusual, but you should know what to do in the unlikely event one occurs. The table below describes the types of products transported by our pipelines. Refer to the Contact page to find out which products may be transported in your area. You may be able to recognize a leak by the following signs:**

	Natural Gas	Natural Gas Liquids (Butane, Ethane, Propane, Olefins)	Petroleum (Crude Oil, Gasoline, Diesel, Jet Fuel, Kerosene, Vacuum Oil Gas)	Hydrogen Sulfide (H <sub>2</sub> S)
Hazards	<ul style="list-style-type: none"> <li>Natural gas is flammable and can ignite when it comes into contact with an ignition source. In confined spaces, exposure can cause dizziness or asphyxiation and may be toxic, if inhaled at high concentrations. Natural gas may contain hydrogen sulfide (H<sub>2</sub>S).</li> </ul>	<ul style="list-style-type: none"> <li>NGL is flammable and can ignite when it comes into contact with an ignition source. Exposure can cause moderate irritation including headaches and dizziness. NGL may contain hydrogen sulfide (H<sub>2</sub>S).</li> </ul>	<ul style="list-style-type: none"> <li>Petroleum is a flammable liquid and can ignite when it comes into contact with an ignition source. Exposure can cause skin irritation, dizziness or asphyxiation and may be toxic, if inhaled at high concentrations. Fire may produce irritating and/or toxic gases. Requires use of positive pressure self-contained breathing apparatus (SCBA) or supplied air. Runoff may cause pollution or other hazards.</li> </ul>	<ul style="list-style-type: none"> <li>H<sub>2</sub>S is flammable and can ignite when it comes into contact with an ignition source. Exposure can affect both oxygen utilization and the central nervous system of the human body. H<sub>2</sub>S exposure may result in asphyxiation. The severity of health effects can vary depending on the level and duration of exposure however, exposure to low concentrations can deaden the sense of smell. Requires use of positive pressure SCBA or supplied air.</li> </ul>
By Sight	<ul style="list-style-type: none"> <li>Continuous bubbling in wet or flooded areas.</li> <li>Dead or discolored vegetation in a green area.</li> <li>Dust blowing from a hole in the ground.</li> <li>Flames, if a leak has ignited.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous bubbling in wet or flooded areas.</li> <li>Dead or discolored vegetation in a green area.</li> <li>Dust blowing from a hole in the ground.</li> <li>Flames, if a leak has ignited.</li> <li>Ice around a leak.</li> <li>Vapor cloud or mist.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous bubbling in wet or flooded areas.</li> <li>Dead or discolored vegetation in a green area.</li> <li>Flames, if a leak has ignited.</li> <li>Pool of liquid on the ground.</li> <li>Rainbow sheen on the water.</li> <li>Vapor cloud or mist.</li> </ul>	<ul style="list-style-type: none"> <li>Continuous bubbling in wet or flooded areas.</li> <li>Dead or discolored vegetation in a green area.</li> <li>Dust blowing from a hole in the ground.</li> <li>Flames, if a leak has ignited.</li> </ul>
By Sound	<ul style="list-style-type: none"> <li>Blowing or hissing sound.</li> </ul>	<ul style="list-style-type: none"> <li>Blowing or hissing sound.</li> </ul>	<ul style="list-style-type: none"> <li>Blowing or hissing sound.</li> </ul>	<ul style="list-style-type: none"> <li>Blowing or hissing sound.</li> </ul>
By Smell	<ul style="list-style-type: none"> <li>Odorless unless mercaptan, a chemical odorant, is added to give it a distinctive smell.</li> </ul>	<ul style="list-style-type: none"> <li>Odorless in its natural state, however a faint smell may be present.</li> </ul>	<ul style="list-style-type: none"> <li>An unusual smell or gaseous odor.</li> </ul>	<ul style="list-style-type: none"> <li>Foul sulfur odor, similar to rotten eggs.</li> <li>H<sub>2</sub>S exposure may result in asphyxiation (suffocation) and exposure to low concentrations can deaden the sense of smell.</li> </ul>

Las tuberías son típicamente de acero, tienen un revestimiento protector y se entierran a varios pies. Para su seguridad, la ubicación aproximada de las tuberías se indica con señales. Las señales contienen el nombre del operador de la tubería, los productos transportados y la información de contacto en caso de emergencia. Recuerde que la tubería quizá no siga una línea recta entre una señal y otra o quizá las señales no indiquen la ubicación y la profundidad exactas de la tubería.

**Las fugas de tuberías son poco comunes pero usted debe saber qué hacer si ocurre este evento poco probable. El cuadro de abajo describe los tipos de productos que nuestras tuberías transportan. Consulte la página de Contacto para averiguar cuáles productos pueden ser transportados en su zona. Es posible que reconozca una fuga por las siguientes señales:**

	<b>Gas Natural</b>	<b>Líquidos de Gas Natural</b> (Butano, Etano, Propano, Olefinas)	<b>Petróleo</b> (Petróleo crudo, Gasolina, Diesel, Combustible pesado, Kerosén, Gasoil de vacío)	<b>Sulfuro de Hidrógeno (H<sub>2</sub>S)</b>
<b>Peligros</b>	<ul style="list-style-type: none"> <li>El gas natural es inflamable y puede encenderse cuando entra en contacto con una fuente de ignición. En espacios confinados, la exposición puede causar mareos o asfixia, y puede ser tóxico, si se inhala en altas concentraciones. El gas natural también puede contener sulfuro de hidrógeno (H<sub>2</sub>S).</li> </ul>	<ul style="list-style-type: none"> <li>El LGN es inflamable y puede encenderse cuando entra en contacto con una fuente de ignición. La exposición puede causar irritación moderada que incluye dolor de cabeza y mareo. El LGN también puede contener sulfuro de hidrógeno (H<sub>2</sub>S).</li> </ul>	<ul style="list-style-type: none"> <li>El petróleo es un líquido inflamable y puede encenderse cuando entra en contacto con una fuente de ignición. La exposición puede causar irritación de la piel, mareos o asfixia y puede ser tóxico si se inhalan en altas concentraciones. El fuego puede producir gases irritantes y/o tóxicos. Exige el uso de un aparato de respiración autónomo de presión positiva (SCBA, por sus siglas en inglés) o aire suministrado. El escurrimiento puede causar contaminación u otros peligros.</li> </ul>	<ul style="list-style-type: none"> <li>El H<sub>2</sub>S es inflamable y puede encenderse cuando entra en contacto con una fuente de ignición. Su exposición puede afectar tanto el uso de oxígeno como el sistema nervioso central del cuerpo humano. La exposición al H<sub>2</sub>S puede causar asfixia. La gravedad de los efectos en la salud puede variar, dependiendo del nivel y la duración de la exposición. Sin embargo, la exposición a bajas concentraciones puede reducir el sentido del olfato. Exige el uso de un SCBA de presión positiva o aire suministrado.</li> </ul>
<b>Por la vista</b>	<ul style="list-style-type: none"> <li>Burbujeo continuo en áreas húmedas o inundadas.</li> <li>Vegetación muerta o descolorida en un área verde.</li> <li>Polvo que vuela de un orificio en la tierra.</li> <li>Llamas, si la fuga se encendió.</li> </ul>	<ul style="list-style-type: none"> <li>Burbujeo continuo en áreas húmedas o inundadas.</li> <li>Vegetación muerta o descolorida en un área verde.</li> <li>Polvo que vuela de un orificio en la tierra.</li> <li>Llamas, si la fuga se encendió.</li> <li>Hielo alrededor de una fuga.</li> <li>Una nube de vapor o neblina.</li> </ul>	<ul style="list-style-type: none"> <li>Burbujeo continuo en áreas húmedas o inundadas.</li> <li>Vegetación muerta o descolorida en un área verde.</li> <li>Llamas, si la fuga se encendió.</li> <li>Charco de líquido en el suelo.</li> <li>Mancha de brillo policromo en el agua.</li> <li>Una nube de vapor o neblina.</li> </ul>	<ul style="list-style-type: none"> <li>Burbujeo continuo en áreas húmedas o inundadas.</li> <li>Vegetación muerta o descolorida en un área verde.</li> <li>Polvo que vuela de un orificio en la tierra.</li> <li>Llamas, si la fuga se encendió.</li> </ul>
<b>Por el sonido</b>	<ul style="list-style-type: none"> <li>Sonido de soplido o silbido.</li> </ul>	<ul style="list-style-type: none"> <li>Sonido de soplido o silbido.</li> </ul>	<ul style="list-style-type: none"> <li>Sonido de soplido o silbido.</li> </ul>	<ul style="list-style-type: none"> <li>Sonido de soplido o silbido.</li> </ul>
<b>Por el olfato</b>	<ul style="list-style-type: none"> <li>Es inodoro a menos que se agregue mercaptano, un odorante químico, para darle un olor característico.</li> </ul>	<ul style="list-style-type: none"> <li>Es inodoro en su estado natural, sin embargo, puede haber un leve olor presente.</li> </ul>	<ul style="list-style-type: none"> <li>Un olor inusual u olor a gas.</li> </ul>	<ul style="list-style-type: none"> <li>Olor desagradable a azufre, similar a huevos podridos.</li> <li>La exposición al H<sub>2</sub>S puede causar asfixia (sofocación) y la exposición a bajas concentraciones puede reducir el sentido del olfato.</li> </ul>



**Know what's below.  
Call before you dig.**

## Don't ever assume you know where the underground utilities are located.

One of the greatest single challenges to safe pipeline operations is the accidental damage caused by excavation. In accordance with state and federal guidelines, a damage prevention program has been established to prevent damage to our pipelines from excavation activities, including mechanical and non-mechanical equipment, explosives and activities below existing grade. Laws vary by state, but most require a call to 811 between 48 to 72 hours before you plan to dig. Check with your local One-Call Center for specific guidelines in your state. Your local One-Call Center will let you know if there are any buried utilities in the area, and the utility companies will be notified to identify and clearly mark the location of their lines at no cost to you. Company personnel must be present for all excavation near our facilities.



**ALWAYS CALL 811 BEFORE YOU DIG.**



**WAIT THE REQUIRED AMOUNT OF TIME.**



**RESPECT THE MARKS.**



**DIG WITH CARE.**

If you should happen to strike the pipeline while working in the area, it is important that you call us immediately from a safe location. Even seemingly minor damage, such as a dent or chipped pipeline coating, could result in a future leak if not promptly repaired.

## What should I do if I suspect a leak?

- Leave the area immediately, on foot, if possible, in an uphill, upwind direction. Follow direction of local emergency response agencies.
- Abandon any equipment being used in or near the area.
- Avoid any open flame or other sources of ignition.
- Warn others to stay away.
- From a safe location, call 911 or local response agencies, and notify the pipeline company.
- Do not attempt to extinguish a pipeline fire.
- Do not attempt to operate pipeline valves.

Wait for the site to be marked. Marking could be either by paint, flags or stakes.

### APWA Color Code

- Proposed excavation
- Temporary survey markings
- Electric power lines, cables, conduit and lighting cables
- Gas, oil, steam, petroleum or gaseous materials
- Communication, alarm or signal lines, cables or conduit
- Potable water
- Reclaimed water, irrigation and slurry lines
- Sewers and drain lines

CONTACT

KNOW

RECOGNIZE

RESPOND



Determina lo que está **bajo tierra.**  
**Llama antes de excavar.**

## Nunca suponga que sabe dónde están los servicios públicos subterráneos.

Uno de los retos más grandes a las operaciones seguras de las tuberías es el daño accidental causado por una excavación. En conformidad con las pautas federales y estatales, se ha establecido un programa de prevención de daños para prevenir daños a nuestras tuberías de actividades de excavación, incluyendo equipo mecánico y no mecánico, explosivos y actividades subterráneas existentes. Las leyes varían de estado a estado, pero la mayoría de los estados requieren que haga una llamada al 811 de 48 a 72 horas antes de cuando piensa excavar. Verifique las directrices específicas para su estado en el centro One-Call de su localidad. Su centro One-Call local le informará si hay algún servicio público enterrado en el área, y se notificará a las compañías de servicios públicos para que identifiquen y señalen claramente la ubicación de sus líneas sin costo para usted. Debe haber personal de la empresa presente en toda excavación cercana a nuestras instalaciones.



**SIEMPRE LLAME 811 ANTES DE EXCAVAR.**



**ESPERE LA CANTIDAD DE TIEMPO EXIGIDA.**



**RESPETE LAS SEÑALES.**



**EXCAVE CON CUIDADO.**




Si llegara a golpear la tubería mientras trabaja en el área, es importante que nos llame inmediatamente desde un lugar seguro. Incluso los daños que parecen mínimos, como una abolladura o el raspón del recubrimiento de la tubería, podrían causar una fuga en el futuro si no se reparan rápidamente.

## ¿Qué debe hacer si sospecha que hay una fuga?

- Retírese del área inmediatamente, en lo posible a pie, cuesta arriba y en contra del viento. Siga las instrucciones de las agencias de respuesta a emergencias locales.
- Abandone cualquier equipo que esté utilizando en el área o cerca de ella.
- Evite llamas abiertas u otras fuentes de ignición.
- Advierta a otras personas que se mantengan alejadas.
- Desde un lugar seguro, llame al 911 o a las agencias de respuesta a emergencias locales y notifique a la compañía de la tubería.
- No intente extinguir un incendio de una tubería.
- No intente manipular las válvulas de la tubería.

Aguarde la marcación del sitio. Las marcas pueden ser con pintura, banderas o estacas.

### Código de colores de APWA

-  Excavación propuesta
-  Señales temporales de relevos topográficos
-  Líneas de energía eléctrica, cables, conductos y cables de iluminación
-  Gas, aceite, vapor, petróleo o materiales gaseosos
-  Comunicación, líneas de señales o de alarma, cables o conductos
-  Agua potable
-  Agua recuperada, líneas de irrigación
-  Líneas de drenaje y alcantarillado

Energy Transfer, una compañía energética con sede en Texas, fundada en 1995 como una pequeña compañía interestatal de tuberías de gas natural, es ahora una de las sociedades de responsabilidad limitada más grandes y más diversificadas de los Estados Unidos. Ubicada en una posición estratégica en una de las principales zonas de producción de los EE. UU., la compañía posee y opera una cartera geográficamente diversa de activos de energía, que incluyen activos de transporte y almacenamiento intermedio, intraestatal e interestatal. Energy Transfer tiene operaciones en más de 90,000 millas de tuberías de gas natural, petróleo crudo, líquidos de gas natural y productos refinados, así como instalaciones relacionadas, que incluyen instalaciones de terminales, almacenamiento, fraccionamiento, mezcla y varios activos de adquisición y marketing en 38 estados.

Aproximadamente dos tercios del gas natural y de los productos del petróleo que usamos a diario se transportan a través de tuberías subterráneas, convirtiéndose en una parte esencial de la infraestructura de transporte fundamental del país. Los estudios han confirmado que las tuberías son la manera más segura para transportar energía en los Estados Unidos.

Usted está recibiendo esta información porque es posible que Energy Transfer, o uno de sus socios, opere o realice el mantenimiento de una tubería en su comunidad. Le pedimos que repase la siguiente información de seguridad importante, lo alentamos a que la comparta con otros y la conserve para consulta en el futuro.

**Please share this  
important safety  
information with others –  
anyone who plans to dig.**

**Sírvase compartir esta importante  
información de seguridad con los demás o  
con cualquiera que tenga planeado hacer  
trabajos de excavación.**

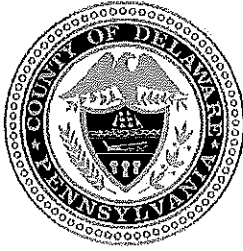


1300 Main Street  
Houston, Texas 77002

PRST STD  
U.S. Postage

**PAID**

Houston, TX  
Permit NO. 2597



**Delaware County Emergency Services**

360 North Middletown Road

Media, PA 19063

610-565-8700

Fax: 610-892-9583

Timothy A. Boyce, Director

Mr. Joseph McGinn  
Vice President, Public Affairs  
Energy Transfer  
Newtown Square, PA

April 6, 2020

Ref: Request for support during Covid-19 crisis

Mr. McGinn,

In response to the Coronavirus crisis, Delaware County has had a significant increase in demand for services related to responding to hazardous and biological events within the County and Region. We have activated our Major Incident Response Team to respond to support our police, firefighters, medical providers and the public through advanced on-scene remediation and decontamination of hazards.

In standing up a new 24/7 response unit staffed by local police, we have identified the need to have a portable shelter for the officers to operate safely. We are asking if Energy Transfer could donate a shelter and it's support equipment that would be utilized throughout the region as a resource to protect the public. We have identified a Zumro Shelter Model 216 with lighting, stakes, ID panels and a containment pool (7819 Inflatable floor for model 216) as resource that would meet our immediate needs.

I appreciate Energy Transfer's commitment to public safety over the years and ask that you consider this request in these extraordinary times of crisis.

Thank you and please extend our gratitude to all your coworkers who continue to serve during this crisis.

Regards,

A handwritten signature in black ink that reads "Timothy A. Boyce". The signature is written in a cursive style with a large, sweeping "T" and "B".

Timothy A. Boyce

Director

Department of Emergency Services

SENT TO ALL GLEN RIDDLE STATION RESIDENTS



Dear Neighbor,

Jan. 28, 2021

I am writing to provide you an update on the pipeline construction activity in your area. This work relates to the "620 Major Mod," which we have shared previous information on. As a reminder of the overall scope of work, enclosed please find a fact sheet providing an overview of the work, a map, and a description of the construction methods.

Crews have completed the Glen Riddle Road bore and are now shifting their work to the direct pipe from Glen Riddle Apartments toward Riddlewood Drive. Within the next two weeks, our contractor, Michels, will begin mobilizing equipment onto the Glen Riddle Station Apartment complex worksite to support the direct pipe bore operations.

If you have any questions, please contact our community hotline: (855) 430-4491.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Massaro".

Joseph Massaro  
Lead Specialist, Public Affairs  
Energy Transfer



# Mariner East 2 Project Modification - HDD 620 Middletown Township, Delaware County.

Sunoco Pipeline, a subsidiary of Energy Transfer, received approval from the Pennsylvania Department of Environmental Protection to change the installation method for a portion of the 20-inch pipeline and portions of the 16-inch pipeline in the Glen Riddle section of Middletown Township, Delaware County.

The company will change from a horizontal directional drill (HDD) to a combination of **direct pipe, conventional bore** and **open cut** installation methods on a section of the route spanning 3,500 feet in the area of Glen Riddle Road in Middletown Township. See below for a map of the route. *See the next page for diagrams and descriptions of the construction methods.*

The modification includes the following components:

- Conventional bore under Glen Riddle Road, near the intersection of Glen Riddle Road and Pennell Road
- Direct pipe bore under Riddlewood Drive, between Pennell Road and War Trophy Lane
- Direct pipe bore under the SEPTA railroad track that runs between and parallel to Riddlewood Drive and Glen Riddle Road
- Open cut installation limited to portions of the parking lots at Tunbridge Apartments and Glen Riddle Station Apartments adjacent to Glen Riddle Road as well as section tie-ins.

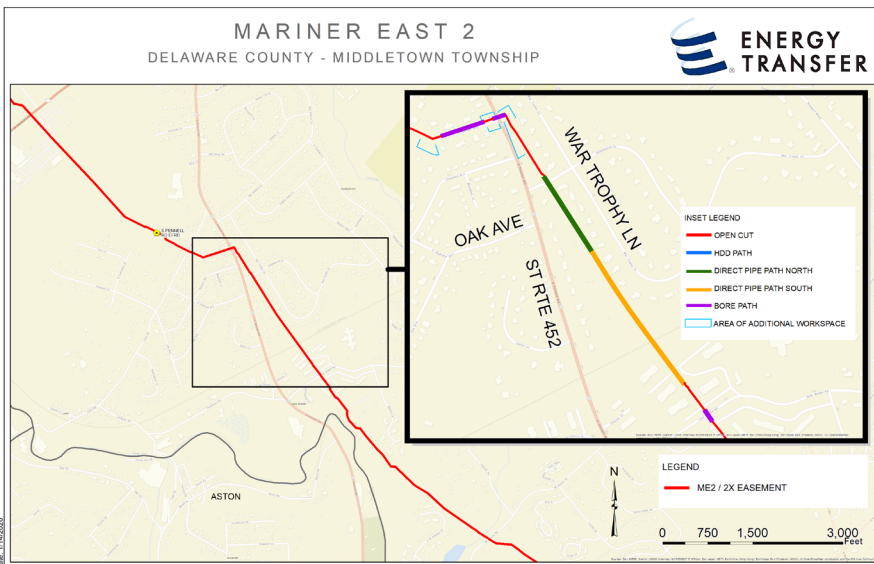
The modification in construction method will minimize the potential for inadvertent returns of water and clay drilling fluid or other effects and will shorten the time that construction is inconveniencing the local community to an estimated four months — excluding site preparation and restoration — versus the general estimated frame of more than one year for HDD installation.

**NOTE:** Construction methods, completion times and exact locations are subject to change due to the inherent fluidity of the construction process and outside factors.

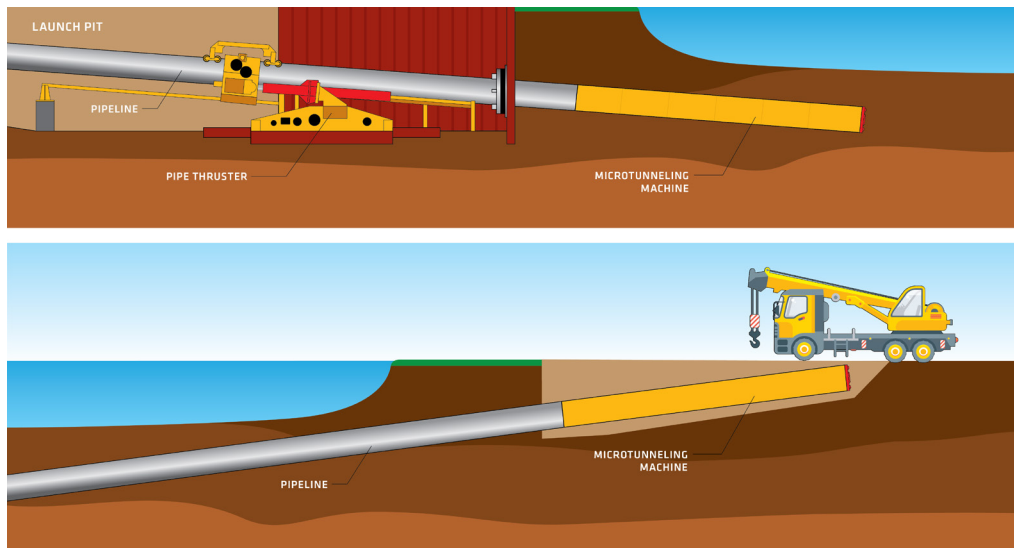
**Additional information and updates can be found at:**  
[www.marinerpipelinefacts.com/majormod620](http://www.marinerpipelinefacts.com/majormod620)

## WHAT IS A MAJOR MODIFICATION?

This change is classified as a “major modification,” which is a change to an existing environmental permit issued for pipeline construction that exceeds a minor revision. It could be a change of the construction method, the specific pipeline route or workspace within the right-of-way. In the case of Mariner East 2, such environmental permits are issued by the Pennsylvania Department of Environmental Protection (DEP).

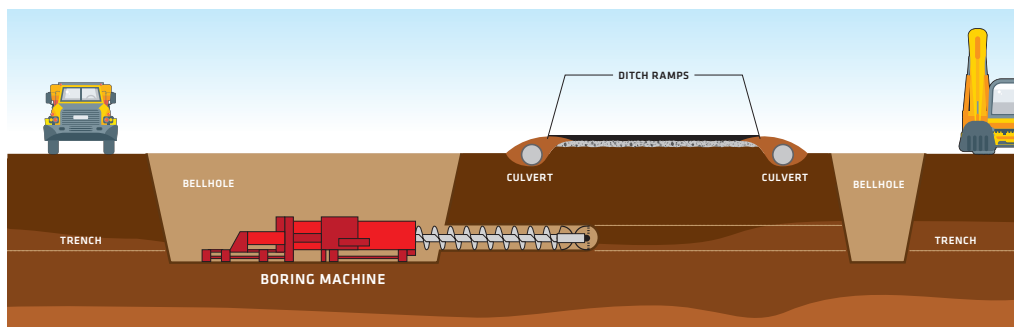


## Direct Pipe Installation



Direct pipe boring is a trenchless technology that combines elements of HDD and tunneling. Direct pipe combines a thruster with a steerable microtunneling machine to install steel pipes in one continuous pass. The direct pipe bore method is effective in all soil conditions, and it uses significantly less bentonite than other trenchless methods, dramatically reducing the possibility of inadvertent fluid returns.

## Conventional Bore Installation

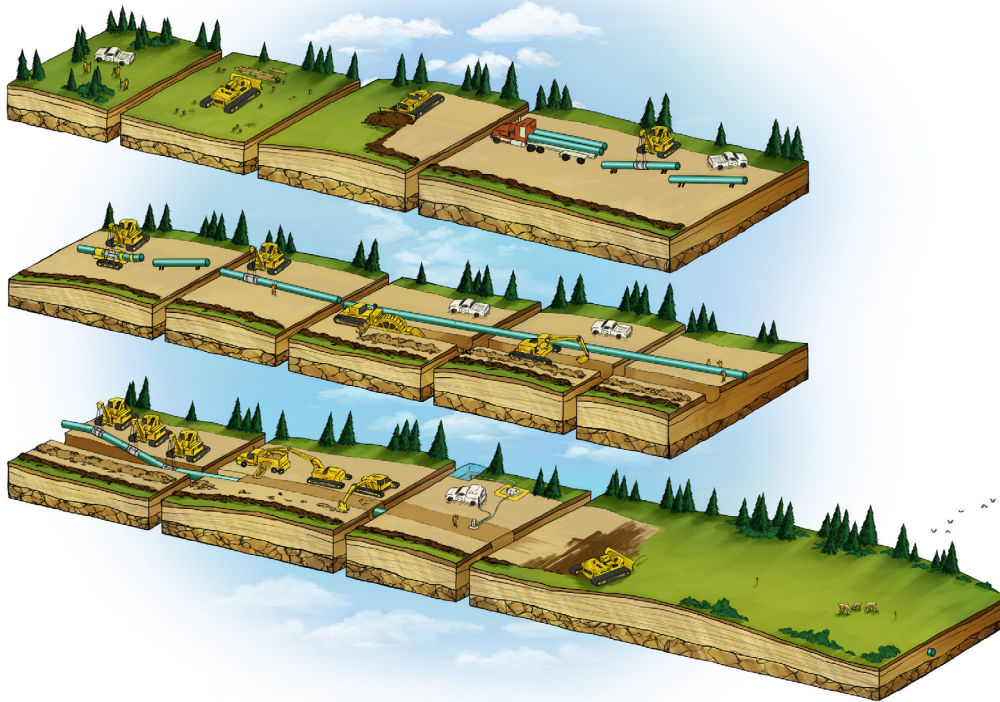


Conventional boring — which typically is used for stream, river and road crossings — consists of creating a shaft/tunnel for a pipe or conduit to be installed to minimize surface disturbance. This is accomplished by first excavating a bore pit and a receiving pit. A boring machine is then lowered to the bottom of the bore pit to tunnel using a cutting head mounted on an auger, which rotates forward through a bore tube. The pipeline is installed through the bored hole and welded to the adjacent pipeline.

## Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
marinerpipelinefacts.com

## Open Cut/Open Trench Installation



Where workspace and enough land access are available, open trench installation is the typical method used for construction, repair and replacement of various utilities, such as pipelines and sewer and water lines. Open trench installation excavation consists of: digging a trench with backhoes or wheel ditchers; lowering the pipe into the trench; and backfilling the subsoil and separated topsoil, where applicable.

### Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)



Dear Neighbor,

Feb. 9, 2021

I am writing to provide you with an update on the pipeline construction activity in your area. This work relates to the “620 Major Mod,” which we have shared previous information on. As a reminder of the overall scope of work, enclosed please find a fact sheet providing an overview of the work, a map, and a description of the construction methods.

**Riddlewood Drive work:**

- Our contractor, Michels, has completed casing installation beneath Riddlewood Drive.
- Over the next couple of weeks, crews will begin mobilizing the direct bore equipment and begin the direct bore beneath Riddlewood Drive and toward the Glen Riddle Station apartments.
- This work is expected to be completed May 2021. \*
- Once complete, crews will demobilize equipment, cleanup and begin final restoration of the area.

\*The duration to complete these drills is always subject to change due to weather and other factors.

**Glen Riddle Station apartments work:**

- Michels is continuing to set up equipment to support the direct bore toward Riddlewood Drive.
- The direct pipe bore is expected to begin within the next two weeks.
- This work is expected to be completed May 2021. \*
- Once complete, crews will demobilize equipment, cleanup and begin final restoration of the area.

\*The duration to complete these drills is always subject to change due to weather and other factors.

**Tunbridge Apartments:**

- Michels has completed the Glen Riddle Road bore and has restored the front parking lot where the entry pit was located.
- Crews have also completed the open cut portion of pipeline installation at the rear of the parking lot.
- Currently, crews are working to cleanup and restore the worksite.

If you have any questions, please contact our community hotline: (855) 430-4491.

SENT TO ALL GLEN RIDDLE STATION RESIDENTS

Sincerely,

A handwritten signature in blue ink that reads "Joseph Massaro". The signature is written in a cursive style with a long, sweeping underline.

Joseph Massaro  
Lead Specialist, Public Affairs  
Energy Transfer

# Mariner East 2 Project Modification - HDD 620 Middletown Township, Delaware County.

Sunoco Pipeline, a subsidiary of Energy Transfer, received approval from the Pennsylvania Department of Environmental Protection to change the installation method for a portion of the 20-inch pipeline and portions of the 16-inch pipeline in the Glen Riddle section of Middletown Township, Delaware County.

The company will change from a horizontal directional drill (HDD) to a combination of **direct pipe**, **conventional bore** and **open cut** installation methods on a section of the route spanning 3,500 feet in the area of Glen Riddle Road in Middletown Township. See below for a map of the route. *See the next page for diagrams and descriptions of the construction methods.*

The modification includes the following components:

- Conventional bore under Glen Riddle Road, near the intersection of Glen Riddle Road and Pennell Road
- Direct pipe bore under Riddlewood Drive, between Pennell Road and War Trophy Lane
- Direct pipe bore under the SEPTA railroad track that runs between and parallel to Riddlewood Drive and Glen Riddle Road
- Open cut installation limited to portions of the parking lots at Tunbridge Apartments and Glen Riddle Station Apartments adjacent to Glen Riddle Road as well as section tie-ins.

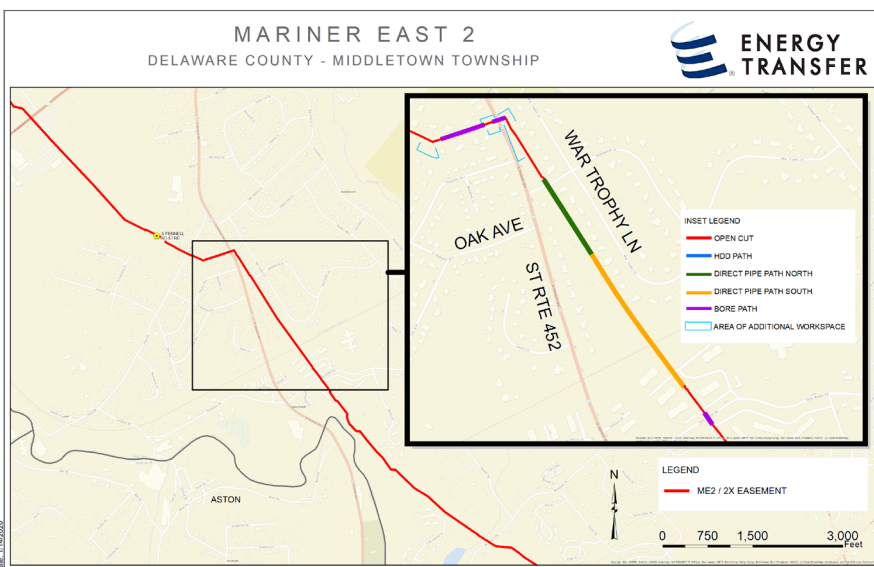
The modification in construction method will minimize the potential for inadvertent returns of water and clay drilling fluid or other effects and will shorten the time that construction is inconveniencing the local community to an estimated four months — excluding site preparation and restoration — versus the general estimated frame of more than one year for HDD installation.

**NOTE:** Construction methods, completion times and exact locations are subject to change due to the inherent fluidity of the construction process and outside factors.

**Additional information and updates can be found at:**  
[www.marinerpipelinefacts.com/majormod620](http://www.marinerpipelinefacts.com/majormod620)

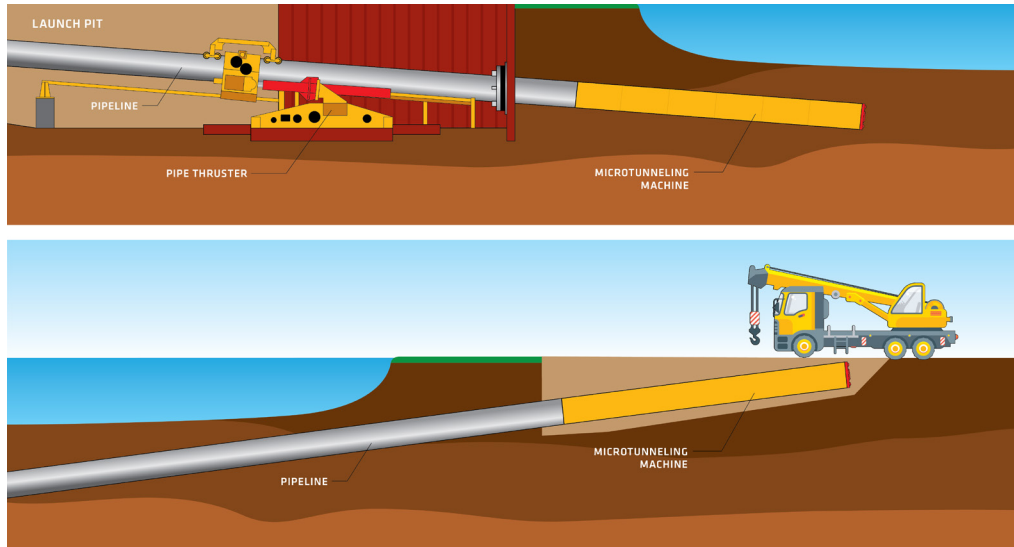
## WHAT IS A MAJOR MODIFICATION?

This change is classified as a “major modification,” which is a change to an existing environmental permit issued for pipeline construction that exceeds a minor revision. It could be a change of the construction method, the specific pipeline route or workspace within the right-of-way. In the case of Mariner East 2, such environmental permits are issued by the Pennsylvania Department of Environmental Protection (DEP).



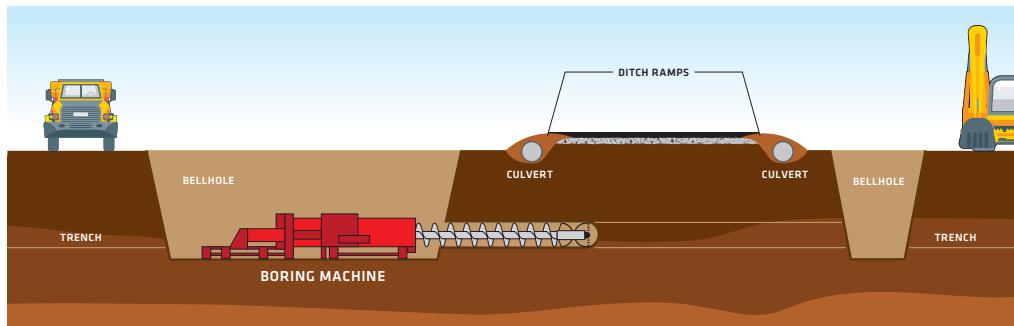
Graphics should be used as general references. Specific tools and execution in the field may vary.

## Direct Pipe Installation



Direct pipe boring is a trenchless technology that combines elements of HDD and tunneling. Direct pipe combines a thruster with a steerable microtunneling machine to install steel pipes in one continuous pass. The direct pipe bore method is effective in all soil conditions, and it uses significantly less bentonite than other trenchless methods, dramatically reducing the possibility of inadvertent fluid returns.

## Conventional Bore Installation

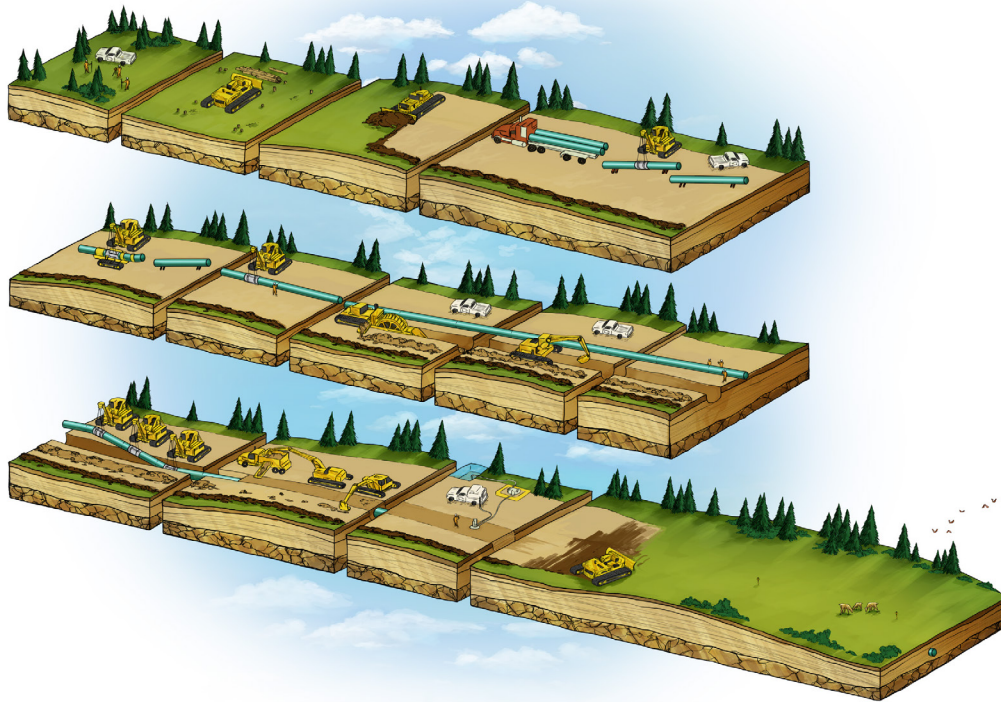


Conventional boring — which typically is used for stream, river and road crossings — consists of creating a shaft/tunnel for a pipe or conduit to be installed to minimize surface disturbance. This is accomplished by first excavating a bore pit and a receiving pit. A boring machine is then lowered to the bottom of the bore pit to tunnel using a cutting head mounted on an auger, which rotates forward through a bore tube. The pipeline is installed through the bored hole and welded to the adjacent pipeline.

## Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)

## Open Cut/Open Trench Installation



Where workspace and enough land access are available, open trench installation is the typical method used for construction, repair and replacement of various utilities, such as pipelines and sewer and water lines. Open trench installation excavation consists of: digging a trench with backhoes or wheel ditchers; lowering the pipe into the trench; and backfilling the subsoil and separated topsoil, where applicable.

### Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)



SENT TO ALL GLEN RIDDLE STATION RESIDENTS



Dear Neighbor,

March 1, 2021

I hope you were able to join us for last week's virtual town hall for Glen Riddle Station residents. I want to thank you for participating, and I hope you found it valuable in answering your questions about Mariner East pipeline construction at the Glen Riddle Station work site.

If you were not able to join us virtually, you can find a full recording of the program, as well as a copy of the project fact sheet we previously distributed, at the link below:

[www.marinerpipelinefacts.com/majormod620](http://www.marinerpipelinefacts.com/majormod620)

We also encourage you to stop by the apartment management office and pick up a refrigerator magnet with our community hotline number, **(855) 430-4491**. As always, you can call this number 24/7 and reach a live person who will address your question or concern promptly.

As we discussed during the town hall and in recent communications, our contractor, Michels, will begin the boring process within the week. We currently expect to complete this bore by the end of May, weather permitting, and to restore the site by the end of June. We will continue to provide updates as our work progresses.

Sincerely,

A handwritten signature in blue ink that reads 'Joseph Massaro'.

Joseph Massaro  
Lead Specialist, Public Affairs



Dear Neighbor,

Mar. 25, 2021

I am writing to provide you with an update on the pipeline construction activity in your area. This work relates to the “620 Major Mod,” which we have shared previous information on. As a reminder of the overall scope of work, enclosed please find a fact sheet providing an overview of the work, a map, and a description of the construction methods.

**Riddlewood Drive work:**

- Our contractor, Michels, has completed the direct bore at this location.
- Crews have demobilized part of the Riddlewood Drive worksite and have begun pull pipe through the complete borehole. This evolution of work is expected to be completed in the next few weeks. \*
- Once complete, crews will demobilize equipment, cleanup and begin final restoration of the area.

\*The duration to complete this work is always subject to change due to weather and other factors.

**Glen Riddle Station apartments work:**

- Michels has begun the direct bore toward Riddlewood Drive. Crews are over 50 percent complete with this evolution of work.
- Michels is continuing to work on sound mitigation around certain equipment within the worksite.
- This work is expected to be completed May 2021. \*
- Once complete, crews will demobilize equipment, cleanup and begin final restoration of the area.

\*The duration to complete these drills is always subject to change due to weather and other factors.

**Tunbridge Apartments:**

- Michels is has completed pipeline installation and are working to restore the area.
- Crews are currently working on restoring the parking lot, specifically the islands within the parking lot.
- Full restoration is expected to be completed in May 2021.

SENT TO ALL GLEN RIDDLE STATION RESIDENTS

If you have any questions, please contact our community hotline: (855) 430-4491.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Massaro". The signature is written in a cursive style with a long, sweeping underline.

Joseph Massaro  
Lead Specialist, Public Affairs  
Energy Transfer

# Mariner East 2 Project Modification - HDD 620 Middletown Township, Delaware County.

Sunoco Pipeline, a subsidiary of Energy Transfer, received approval from the Pennsylvania Department of Environmental Protection to change the installation method for a portion of the 20-inch pipeline and portions of the 16-inch pipeline in the Glen Riddle section of Middletown Township, Delaware County.

The company will change from a horizontal directional drill (HDD) to a combination of **direct pipe, conventional bore** and **open cut** installation methods on a section of the route spanning 3,500 feet in the area of Glen Riddle Road in Middletown Township. See below for a map of the route. *See the next page for diagrams and descriptions of the construction methods.*

The modification includes the following components:

- Conventional bore under Glen Riddle Road, near the intersection of Glen Riddle Road and Pennell Road
- Direct pipe bore under Riddlewood Drive, between Pennell Road and War Trophy Lane
- Direct pipe bore under the SEPTA railroad track that runs between and parallel to Riddlewood Drive and Glen Riddle Road
- Open cut installation limited to portions of the parking lots at Tunbridge Apartments and Glen Riddle Station Apartments adjacent to Glen Riddle Road as well as section tie-ins.

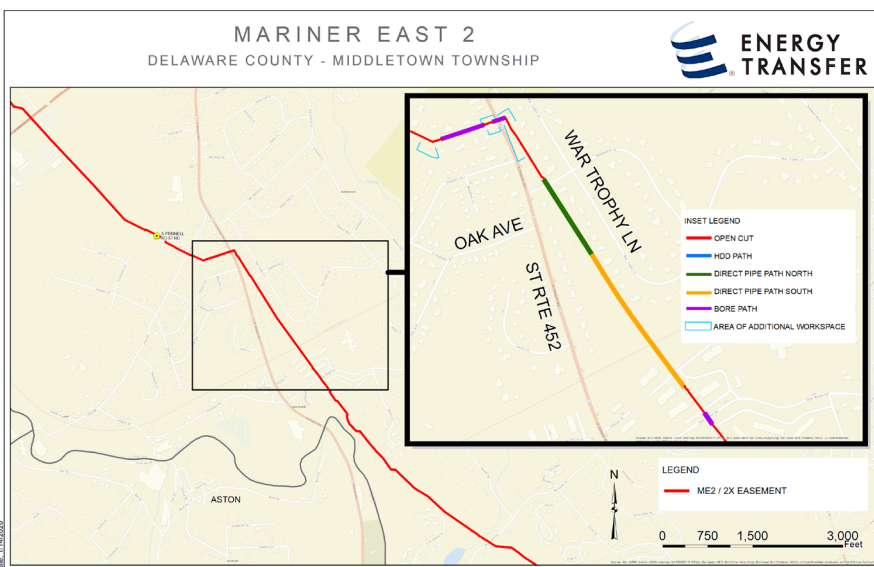
The modification in construction method will minimize the potential for inadvertent returns of water and clay drilling fluid or other effects and will shorten the time that construction is inconveniencing the local community to an estimated four months — excluding site preparation and restoration — versus the general estimated frame of more than one year for HDD installation.

**NOTE:** Construction methods, completion times and exact locations are subject to change due to the inherent fluidity of the construction process and outside factors.

**Additional information and updates can be found at:**  
[www.marinerpipelinefacts.com/majormod620](http://www.marinerpipelinefacts.com/majormod620)

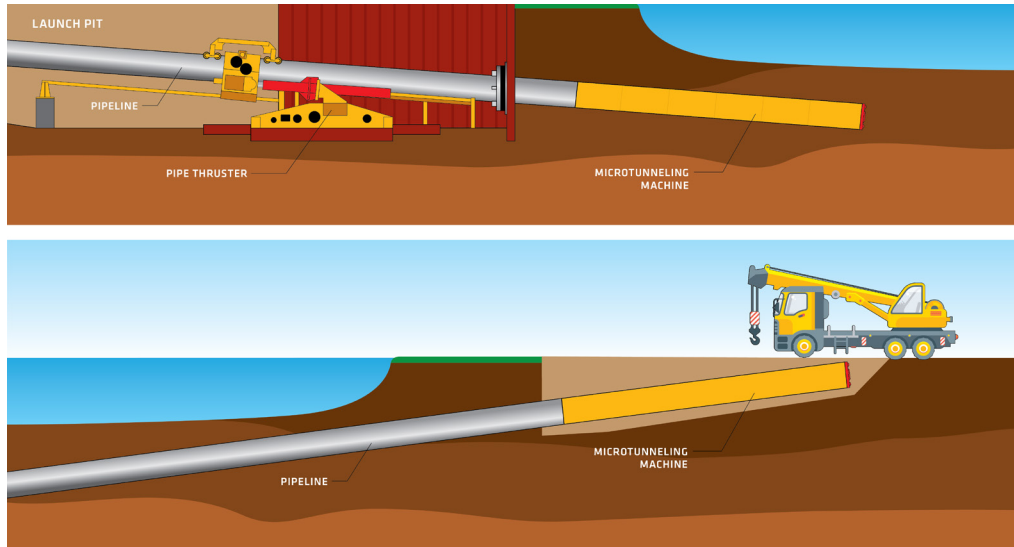
## WHAT IS A MAJOR MODIFICATION?

This change is classified as a “major modification,” which is a change to an existing environmental permit issued for pipeline construction that exceeds a minor revision. It could be a change of the construction method, the specific pipeline route or workspace within the right-of-way. In the case of Mariner East 2, such environmental permits are issued by the Pennsylvania Department of Environmental Protection (DEP).



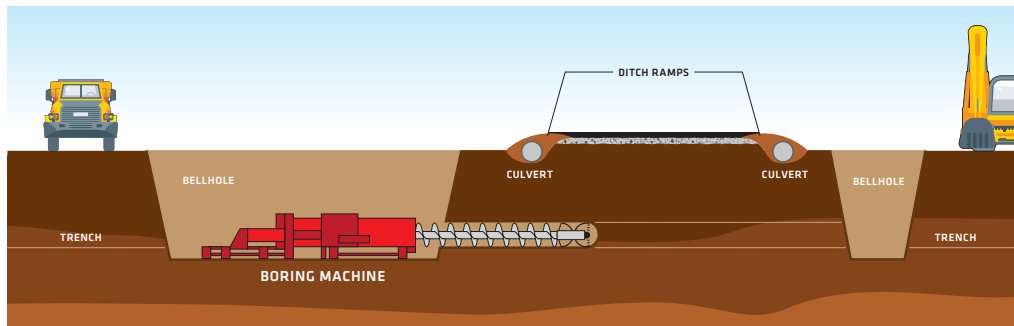
Graphics should be used as general references. Specific tools and execution in the field may vary.

## Direct Pipe Installation



Direct pipe boring is a trenchless technology that combines elements of HDD and tunneling. Direct pipe combines a thruster with a steerable microtunneling machine to install steel pipes in one continuous pass. The direct pipe bore method is effective in all soil conditions, and it uses significantly less bentonite than other trenchless methods, dramatically reducing the possibility of inadvertent fluid returns.

## Conventional Bore Installation

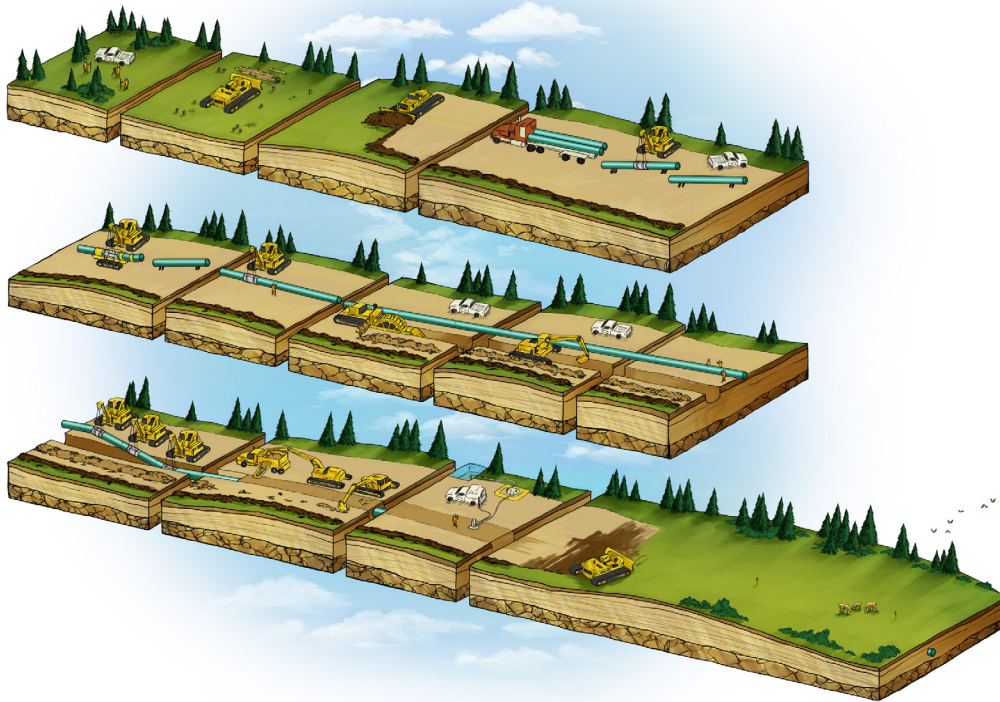


Conventional boring — which typically is used for stream, river and road crossings — consists of creating a shaft/tunnel for a pipe or conduit to be installed to minimize surface disturbance. This is accomplished by first excavating a bore pit and a receiving pit. A boring machine is then lowered to the bottom of the bore pit to tunnel using a cutting head mounted on an auger, which rotates forward through a bore tube. The pipeline is installed through the bored hole and welded to the adjacent pipeline.

## Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)

## Open Cut/Open Trench Installation



Where workspace and enough land access are available, open trench installation is the typical method used for construction, repair and replacement of various utilities, such as pipelines and sewer and water lines. Open trench installation excavation consists of: digging a trench with backhoes or wheel ditchers; lowering the pipe into the trench; and backfilling the subsoil and separated topsoil, where applicable.

### Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)

SENT TO ALL GLEN RIDDLE STATION RESIDENTS



Dear Neighbor,

March 27, 2021

I am reaching out to share a few updates on Mariner East pipeline construction at the Glen Riddle Station work site.

*Construction over 50% Complete*

We appreciate your patience as we work to safely complete construction. We're happy to report that our boring activity is more than halfway complete at this site. With this progress, we are on track to *complete boring in May and remove the sound walls in June.*

*Noise Mitigation*

Until we complete construction, we are committed to finding ways to reduce the disruption to your daily lives. In addition to the sound walls already in place around our work site, we have installed source mitigation on certain pieces of equipment to further address noise.

*Traffic Safety*

As we continue to work, we remain focused on making sure traffic flows safely and smoothly in and around the apartment complex. We have crossing guards in place each weekday morning for the bus stop, and we have at least five flaggers stationed on Glen Riddle Road every day to safely direct traffic.

To further ease the disruption from our activity, we have attempted to engage apartment management in a more cooperative, collaborative relationship. Among other things, we have offered to construct a pedestrian pathway across the right-of-way just uphill from the construction area. We have a design ready and have offered to complete the installation. An access agreement, which is required for us to proceed has been drafted and presented to Apartment ownership. Up to this point, they have yet to execute the agreement.

*Rent Relief*

In addition to the pedestrian pathway, we have also offered to provide rent relief to you, a tenant of Glen Riddle Station apartments. The rent relief would cover a significant portion of your monthly rent and would be retroactive to January 1, 2021.

SENT TO ALL GLEN RIDDLE STATION RESIDENTS

We are doing this because while there are no safety issues related to our construction activity, we do realize that it is impactful to the daily lives of residents of the Glen Riddle Station apartments and we want to help alleviate that disruption.

Even though apartment management has walked away from the table of our discussions, *we still intend to support the residents with rent relief.* As it is, the process will likely now require a little more effort from residents and a longer time to get the checks in each of your hands as we will need to do this on our own but remain committed to the process.

To begin the process to request rent relief, please contact our community hotline, provide your address, best contact info, and your interest in pursuing rent relief. The number is: **877-872-1288**. This number has been set up specifically to address this issue and all calls will be returned within 24-hours.

If you have general construction questions, please continue to use our Mariner East 2 community hotline **(855) 430-4491**.

Again, thank you for your patience and understanding as we advance our work.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Massaro". The signature is written in a cursive, slightly slanted style.

Joseph Massaro  
Lead Specialist, Public Affairs



SENT TO GLEN RIDDLE STATION MANAGEMENT



Dec. 10, 2020

Dear Neighbor,

I am writing to let you know about upcoming pipeline construction activity in your area. This work relates to the “620 major mod” we informed you about in September. As a reminder of the overall scope of work, attached please find a fact sheet providing an overview, map, and a description of the construction methods.

At this time, our contractors have begun preliminary survey work, tree clearing and potholing to prepare for installation, and we are beginning to mobilize equipment onto our work sites. After this, in the coming weeks we will begin pipeline installation with the bore beneath Glen Riddle Road.

If you are an online landowner and you have any questions, please contact your designated right-of-way agent. If your property is not directly involved in construction (off of the right of way), please contact our community hotline: (855) 430-4491.

Sincerely,

A handwritten signature in blue ink that reads 'Joseph Massaro'.

Joseph Massaro  
Lead Specialist, Public Affairs  
Energy Transfer

# Mariner East 2 Project Modification - HDD 620 Middletown Township, Delaware County.

Sunoco Pipeline, a subsidiary of Energy Transfer, received approval from the Pennsylvania Department of Environmental Protection to change the installation method for a portion of the 20-inch pipeline and portions of the 16-inch pipeline in the Glen Riddle section of Middletown Township, Delaware County.

The company will change from a horizontal directional drill (HDD) to a combination of **direct pipe, conventional bore** and **open cut** installation methods on a section of the route spanning 3,500 feet in the area of Glen Riddle Road in Middletown Township. See below for a map of the route. *See the next page for diagrams and descriptions of the construction methods.*

The modification includes the following components:

- Conventional bore under Glen Riddle Road, near the intersection of Glen Riddle Road and Pennell Road
- Direct pipe bore under Riddlewood Drive, between Pennell Road and War Trophy Lane
- Direct pipe bore under the SEPTA railroad track that runs between and parallel to Riddlewood Drive and Glen Riddle Road
- Open cut installation limited to portions of the parking lots at Tunbridge Apartments and Glen Riddle Station Apartments adjacent to Glen Riddle Road as well as section tie-ins.

The modification in construction method will minimize the potential for inadvertent returns of water and clay drilling fluid or other effects and will shorten the time that construction is inconveniencing the local community to an estimated four months – excluding site preparation and restoration – versus the general estimated frame of more than one year for HDD installation.

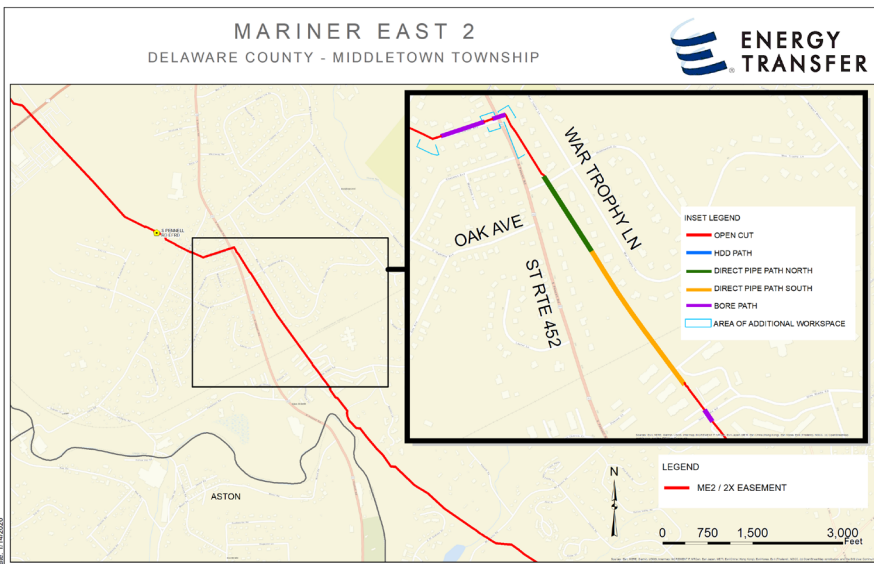
**NOTE:** Construction methods, completion times and exact locations are subject to change due to the inherent fluidity of the construction process and outside factors.

**Additional information and updates can be found at:**

[www.marinerpipelinefacts.com/majormod620](http://www.marinerpipelinefacts.com/majormod620)

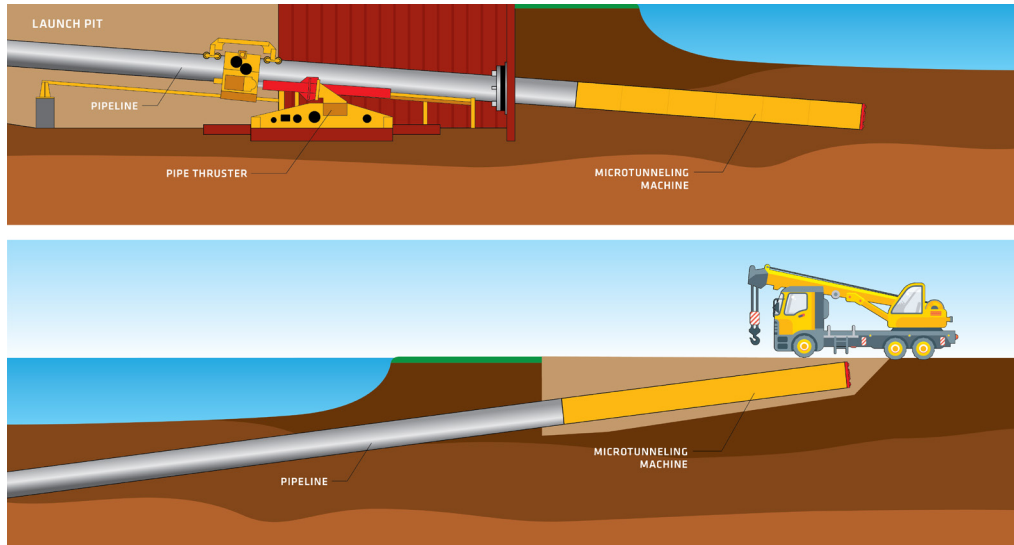
## WHAT IS A MAJOR MODIFICATION?

This change is classified as a “major modification,” which is a change to an existing environmental permit issued for pipeline construction that exceeds a minor revision. It could be a change of the construction method, the specific pipeline route or workspace within the right-of-way. In the case of Mariner East 2, such environmental permits are issued by the Pennsylvania Department of Environmental Protection (DEP).



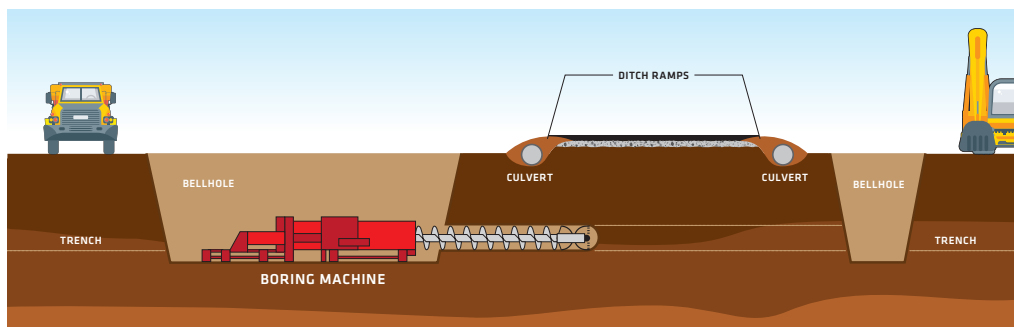
Graphics should be used as general references. Specific tools and execution in the field may vary.

## Direct Pipe Installation



Direct pipe boring is a trenchless technology that combines elements of HDD and tunneling. Direct pipe combines a thruster with a steerable microtunneling machine to install steel pipes in one continuous pass. The direct pipe bore method is effective in all soil conditions, and it uses significantly less bentonite than other trenchless methods, dramatically reducing the possibility of inadvertent fluid returns.

## Conventional Bore Installation

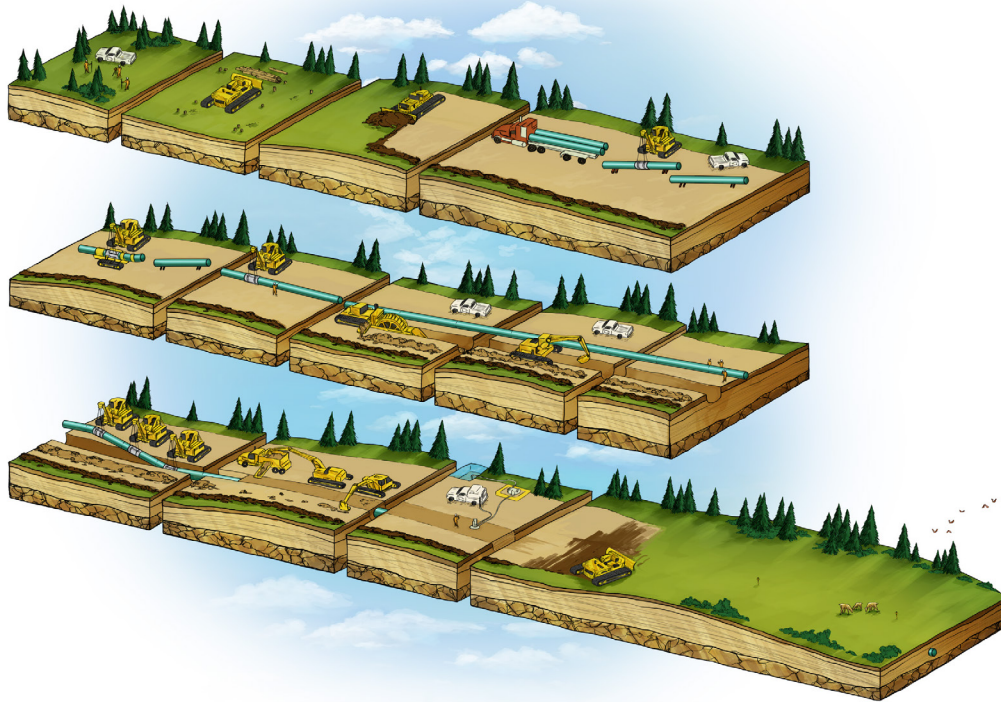


Conventional boring — which typically is used for stream, river and road crossings — consists of creating a shaft/tunnel for a pipe or conduit to be installed to minimize surface disturbance. This is accomplished by first excavating a bore pit and a receiving pit. A boring machine is then lowered to the bottom of the bore pit to tunnel using a cutting head mounted on an auger, which rotates forward through a bore tube. The pipeline is installed through the bored hole and welded to the adjacent pipeline.

### Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
marinerpipelinefacts.com

## Open Cut/Open Trench Installation



Where workspace and enough land access are available, open trench installation is the typical method used for construction, repair and replacement of various utilities, such as pipelines and sewer and water lines. Open trench installation excavation consists of: digging a trench with backhoes or wheel ditchers; lowering the pipe into the trench; and backfilling the subsoil and separated topsoil, where applicable.

### Information and Inquiries

Energy Transfer  
Mariner East  
Pipeline Project  
3807 West Chester Pike  
Newtown Square, PA 19073  
855.430.4491  
[marinerpipelinefacts.com](http://marinerpipelinefacts.com)



Dear Neighbor,

Sept. 22, 2020

I am writing to let you know that we recently received approval from the Pennsylvania Department of Environmental Protection to modify the construction methodology for pipeline installation in the Glen Riddle section of Middletown Township, Delaware County, which means we can soon begin work at one of the few remaining construction sites in the county.

We will be changing from a horizontal directional drill (HDD) to a combination of direct pipe, conventional bore and open cut. The modification in construction methods will minimize the potential for inadvertent returns. This change in methodology will also shorten the length of time that construction is inconveniencing the local community.

Within the next few weeks you will begin to see our contractor, Michels mobilize equipment into the area and begin the final evolution of work to complete pipeline installation in your area.

If you are an online landowner and you have any questions, please contact your designated right-of-way agent. If your property is not directly involved in construction (off of the right of way), please contact our community hotline: (855) 430-4491.

Sincerely,  
Joseph Massaro

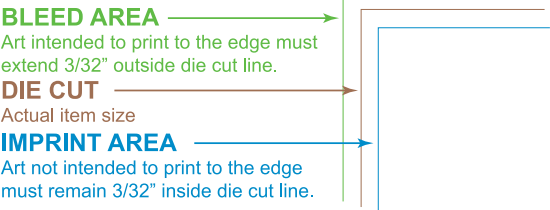
A handwritten signature in blue ink that reads 'Joseph Massaro'.

Lead Specialist, Public Affairs

**Item Number: BCE1**

**Item Size: 3.5" x 2"**

**Imprint Area: 3.312" x 1.812"**



**ENERGY  
TRANSFER**

Questions about activity in your area?  
Call our 24/7 Community Hotline:  
**855-430-4491**



Glen Riddle Station Apartments

Original Bus Stop

New Temporary Bus Stop w. Crossing Guard

New Temporary Bus Stop w. Crossing Guard

Original Bus Stop

Original Bus Stop

New Temporary Bus Stop w. Crossing Guard

Tunbridge Apartments

Penns Grove Ct

452

© 2021 Google

Google Earth

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
FEBRUARY 8, 2021

Minutes of the Regular Meeting of Township Council held on February 8, 2021 at 7:00 P.M., as a virtual meeting during the COVID-19 Social Distancing.

---

Present: Stephen Byrne, Bibiana Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Norman Shropshire, Joseph A. Damico, Jr. Esq., John McMullan, Vince Visoskas, Eric Janetka

---

**1. OPENING/CONVENE ONLINE MEETING:** Review Virtual Meeting Rules.

Chairman, Mr. Kirchgasser, called the meeting of the Council to order at 7:06 P.M. and stated during the COVID-19 crisis, meetings will be held virtually according to the State recommendations. Mr. Kirchgasser stated Council met in Executive Session to discuss legal matters facing the Township. Mr. McMullan stated tonight's meeting is hosted by Middletown Township via Zoom. He stated residents will be on mute and will be unmuted during Public Comments and for any questions. He asked when addressing Council please state your name and address clearly for the record.

Mr. Kirchgasser stated Council met in Executive Session this evening to discuss legal issues directly pertaining to the Township.

**2. APPROVAL OF MINUTES:**

Mr. Shropshire made a motion to approve the draft Township Council Minutes of November 23, 2020. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0

**3. PUBLIC COMMENTS**

Mr. Kirchgasser read aloud a prepared statement. "In recent weeks, there has been considerable controversy regarding the installation of the Mariner East pipeline across the land of Glen Riddle Station Apartments and Tunbridge Apartments in Middletown Township. The Township citizens who are residents of Glen Riddle Station Apartments have been suffering with a miserable situation since the pipeline installation started just before Thanksgiving. This construction is loud, it is dirty, and it is very disruptive. This one is no exception, and it is made worse by the close proximity of the construction to the apartment buildings. The Township is highly sympathetic to the awful plight of the affected citizens and we continue to provide whatever resources we can to help ameliorate their condition. Middletown Township has been carefully monitoring the work on this site since its inception. It cannot be emphasized strongly enough that the Township's paramount concern at all times is the health, safety, and welfare of its citizens. Mr. Stephen Iacobucci, representing the Glen Riddle Station Apartments, submitted a letter to the editor of the Delaware County Daily Times that was printed on February 5, 2021 under the headline 'Why is Middletown Township siding with Mariner East pipeline'. The misleading headline as well as multiple inaccurate assertions contained in the letter compel this response from Middletown Township. A Sunoco pipeline right-of-way was installed through the Glen Riddle area in 1931. In 1971,



the owners decided to construct the Glen Riddle Station Apartments by straddling the pipeline easement. This has turned out to be a great misfortune for the current residents because the pipeline right-of-way runs directly through the apartment complex. In 2016, Mr. Iacobucci's company gave Sunoco expanded easement rights through the property. Sunoco made a payment of at least \$99,280 to Mr. Iacobucci's company for that privilege. At the time of the granting of the permanent easement, all parties concerned anticipated the Mariner pipelines would traverse the Glen Riddle Station property deep underground using horizontal directional drilling. Unfortunately, Sunoco's attempt to use horizontal directional drilling failed necessitating that Sunoco apply to the DEP for permits to install the Mariner pipelines using installation methods that are very disruptive to residents. The DEP granted these permits authorizing Sunoco to proceed with these intrusive construction methods. Because of the location of the easements, disruption occurs right in the center of the property completely dissecting the apartment complex. In addition, the change in installation method required Sunoco to obtain additional temporary workspace and additional temporary access roads on the Glen Riddle Station property. Negotiations between Sunoco and Mr. Iacobucci's company for additional easements were unsuccessful. Sunoco elected to condemn the additional workspace and access roads, which it has the power to do as a public utility. Sunoco and Mr. Iacobucci's company have been unable to agree on appropriate compensation for the condemned property. The case to determine appropriate valuation is proceeding in the Delaware County Court of Common Pleas. It is the position of the Township to require Sunoco to adhere to all enforceable Ordinances. It is important to understand that Sunoco has been deemed a public utility by the Pennsylvania Public Utility Commission and by Pennsylvania courts. Therefore, the Township has severely restricted options when it comes to regulating the installation of Mariner pipelines by a certified public utility. The Township Engineer, the Township Emergency Management Coordinator, and both Township Fire Departments have conducted appropriate reviews of the worksite and checked emergency service access. These reviews have been conducted in the presence of Mr. Iacobucci and his representatives. The review process has included numerous site visits by Township officials as well as three separate test runs by the fire companies using the actual firefighting apparatus that will be employed on the property in the event of an emergency. The fire companies established they have no difficulty in reaching the apartment dwelling of each and every resident of the property. This unrestricted access has been further demonstrated by the fire departments' response to two separate 911 emergencies that have occurred at Glen Riddle Station Apartments since the start of the construction, one on December 12, 2020 and one on January 17, 2021. In both instances, emergency personnel were able to make an unobstructed response to the involved apartment buildings and appropriately address the emergencies. Mr. Iacobucci noted in his letter "Sunoco pipeline unfortunately cannot be stopped" and that may be true, but the Township remains committed to exercising the authority that it has subject to Sunoco's public utility status, to ensure the wellbeing of its citizens. Aggrieved citizens have made their concerns known during the comment period at Township Council Meetings and through communications directly to the Township Manager. The Township will continue to receive and address appropriately all of the concerns of the residents whose lives have been significantly

disrupted by this construction. The path forward is to make the best of a bad situation and for all parties concerned to work together to maximize safety and minimize intrusion until the installation is concluded. As a final comment, the Township has been served suit in Federal Court by the owners of the Glen Riddle Station Apartments and as such we will limit any comment at this meeting and future meetings to the statement I just read until that lawsuit is resolved. We will have no further comment directly to that matter”.

Mr. Dave Johnson, 213C Lungren Road, stated he wrote to several members of Council asking for remedies that are being discussed or planned for the stormwater runoff that runs between 213 and 217 Lungren Road. He stated at the meeting Mr. Kirchgasser and Mr. McMullan stated they will be discussing this later in the week and asked for what remediation has been discussed. Mr. McMullan stated his suggestion based on the Engineer’s assessment is to request for consideration from Council to reach out on behalf of the administration to PennDOT to evaluate the culvert. Mr. Janetka stated he agrees with Mr. McMullan that this is a PennDOT culvert and there have been changes over the years and should be evaluated by PennDOT. Mr. Kirchgasser asked Mr. Damico if Council needs to make a formal authorization. Mr. Damico replied in light of the significance of the culvert, it would help if Council made a motion to authorize the Township Manager to notify PennDOT of the situation and the citizens’ concerns as well as the Township’s concerns and action be taken as quickly as possible. Mr. Kirchgasser asked Mr. Shropshire to amend the agenda between 6 C and 6 D under new business.

Mr. Stephen Iacobucci, owner 275 Glen Riddle Road, stated he has a statement about the noise and nuisance codes in Middletown as well as permit codes. He stated it is important to point out that it was observed the normal sound decibels and readings at Glen Riddle are between 30 and 45 decibels outside and since November 2020, noise decibels readings have reached 100 decibels outside and as high as 80 decibels inside homes. He stated the noise has been consistent all day from the Sunoco work. Mr. Iacobucci stated the Township was notified on numerous occasions of the noise complaints. He stated a reading at Glen Riddle from January 22, 2021 indicates the noise levels were up to 96 decibels. He stated work was permitted in the Township up to 9 p.m. on weekdays. He stated the upcoming drilling is suspected to be extremely loud. Mr. Iacobucci stated he has read the September 26, 2016 letter between Sunoco and the Township which states Sunoco must mitigate noise. He stated the Engineer’s letter from November 13, 2020, condition number 6 reads “temporary walls must be utilized as needed to reasonably suppress excessive sound and light and screen construction activity from residential properties where work is being completed in close proximities to those properties”. He stated he believes the Township has the authority and a duty to intervene on noise issues and the condemned expanded workspace by Sunoco at Glen Riddle is approximately 15 feet from some Middletown Township resident’s bedroom windows. He stated a petition will be sent to the Township tomorrow where 50 (+-) residents are requesting the Township to monitor and intervene on the commonsense sound issues at Glen Riddle and ask the Township to establish the standards with Sunoco and monitor the activity daily on site to enforce the standards that Sunoco did agree to.

Ms. Wendy Hunsicker, 208 S. Pennell Road, stated she spoke concerning the speed issues on Pennell Road and asked if the Roads, Highways and Public Safety Committee meeting is pending. Mr. Kirchgasser stated he reached out to Trooper Tobin, but she was not available and will reschedule when she is available.

#### 4. **REPORTS**

##### A. CHAIRMAN

Mr. Kirchgasser stated he wants to thank the Public Works Department for the work performed during the recent snowstorms and icing conditions. Mr. Kirchgasser shared the passing of long-time Middletown Township resident, Bob Bond. He stated he was a longtime volunteer and chief of Lima Fire Company. Mr. Kirchgasser asked for a moment of silence to honor Mr. Bond.

##### B. COMMITTEE

Land Planning Committee met on January 25, 2021 – discussion of residential development of Sleighton Farms.

Mrs. Powell reported the Land Planning Committee met on January 25, 2021 to review an updated plan for the Sleighton property. She stated the next step is to present the plan at a public meeting. Mr. McMullan stated he is working with Mr. Joseph Riper in planning the public meeting and will share dates with Council.

##### C. MANAGER

SEPTA Manager of Federal Affairs: Update on Elwyn to Wawa Service Restoration. Mr. McMullan announced that attending tonight's meeting is Joe Connolly who is the Manager of Federal Affairs for SEPTA. Mr. Connolly thanked Council for letting them appear at tonight's meeting. He stated he was before Council in November 2020 to request permission to work outside of normal hours for work that was needed to be done at the culvert. He stated at the time he committed to meeting with the local residents and provide a sense of what the work will be during the night hours and what the potential impact would be. He stated he met with a group of residents and walked them through the work that will be done and gave them a sense of what the noise impact would be. Mr. Connolly stated they are digging a new culvert under the railroad tracks. He stated this work will be done primarily by hand. He stated he also met on Saturday with a representative of the swim club. He stated the reason he is coming before Council is to request permission to work two shifts because it will shorten the time before baseball season opens as well as the swim club. He stated the hours will be 7 am to 3:30 pm and 3:30 pm to midnight during the week and weekend one shift from 7 am to 5 pm. He stated he is requesting to work from tomorrow until March 5, 2021. He stated he does not think they will need this long but wanted to have ample time to finish the project. Ms. Dussling thanked Mr. Connolly and Mr. Neckerman for the sessions and stated she attended the Thursday session. She stated there were many questions asked and felt the residents were getting a good sense of the work to be done. She stated everyone left the meeting with a full understanding of the work and she has not received any negative feedback. Ms. Dussling asked for clarification that the work done on the weekend will

be Saturday only. Mr. Connolly replied this is correct, no work to be done on Sunday. Mr. McMullan stated the Township has an established administrative order for the Township Manager to approve work outside of permitted work hours and this request does not require a motion from council to approve. Mr. Kirchgasser told Mr. Connolly he is approved to proceed and asked for intermittent updates for the residents.

#### STATE POLICE MONTHLY UPDATE

Trooper Jessica Tobin reported crashes January 2020 were 55 and in 2021 there were 29 which is down 47%. DUI arrests in 2020 were one but increased in 2021 to 2. Traffic stops in 2020 were 146 and in 2021 they were 79. The criminal incidents in Middletown Township are zero for both 2020 and 2021 for burglaries. Criminal mischief increased from 2 to 4 in 2021. Trooper Tobin reported thefts decreased from 7 to 3 which is down 57%. Retail theft stayed the same at 5. Fraud incidents decreased from 7 to 5 which is down 29%. Domestic incidents increased from 6 to 10 which is an increase of 67%. Trooper Tobin shared a big drug arrest made on January 10, 2021. She stated Troopers made a traffic stop at the 1400 block of Baltimore Pike. During the stop, evidence of criminal activity was observed, and a consent search of the vehicle revealed the operator was in possession of 108 THC cartridges estimated between 7,400 to 14,800 individual cartridges. She stated this is possession with intent to deliver which is a felony. She stated there were 500 cannabis infused chocolate bars and 300 Psilocybin chocolate bars which are "magic mushrooms". Trooper Tobin stated the operator was taken into custody and the items were seized. She stated the next day, January 11, 2021, the Bureau of Criminal Intelligence made a control delivery of the drugs that were seized, a search warrant was executed at the residence in Havertown and they seized \$23,000, a Glock 29, 40 caliber pistol, numerous packages of marijuana, and other paraphernalia. She stated two residents were arrested on that date and this is an on-going investigation. Trooper Tobin reported they conducted 154 domestic security checks. She stated any pro-active traffic stops initiated by the Troopers and demographic data will be sent to a collection program and analyzed by researchers at the University of Cincinnati to identify any potential patterns with racial or ethnic disparages. On January 8, 2021, the PSP welcomed 51 new Troopers of which 6 will be at the Media Barracks. Mr. Kirchgasser congratulated Trooper Tobin for taking the drugs off the street. She reported on the 4th quarter drug seizures collected \$500 million worth of drugs. Trooper Tobin reported on the Amber Alert program started in 2002 with 500 alerts resulting in the recovery of 115 children.

#### D. ENGINEER

##### 1. January 2021 Report

#### SEE ATTACHED REPORT

Mr. Ray Iacobucci, owner Glen Riddle Station Apartments, in response to the Engineer's report, stated he would like to clarify the disrupted construction at Glen Riddle was accomplished through the condemnation process, not an easement. The easement referenced was the easement underground for the pipeline to run underground that has nothing to do with the work that causes the noise and safety concerns. He stated he is concerned not with what occurs underground but what is

happening above ground caused by Sunoco condemning the land for a large work zone to allow for the unplanned open trenching and drilling. He stated they tried to negotiate with Sunoco over the safety and payments for the residents. He stated the matter was made worse when Sunoco instituted a plan with the Township's blessing that fails to meet the bare minimum emergency safety standards required by Pennsylvania law. He stated he will not sit silent while the Township shirks its responsibility to Township residents, lies about our dealings with Sunoco and continues to help Sunoco to push forward with its work without regards to safety. He stated the Township should start doing the right thing now and that is what is asked tonight regarding the noise which will be starting soon.

### 5. **OLD BUSINESS**

- A. Consideration of Ordinance 825: Authorizing Purchase of Easements for Constructing a Multi-Purpose Paved Trail (Westlake Real Estate Easement on Folios 27-00-01181-00 and 27-00-1180-00). (Negotiations have been ongoing for a considerable amount of time and will continue indefinitely; therefore, Consideration for Approval from Council to remove from old business and re-advertise when appropriate).

---

Mr. Damico stated that agenda items 5 A and B have to do with Ordinance 825 and 826 that have been introduced but not passed for obtaining easements in connection with the paved trail that the Township was trying to complete. He stated the negotiations have been going on for a considerable amount of time and because the easements were introduced and advertised, the hearing has to be a date certain that is continued each time and is not brought forth in a particular evening for a hearing. He stated this has gone on for 4-5 months and discussed the possibility to continue to a date uncertain and will re-advertise at least two weeks prior to the Ordinances coming up for a vote at a public hearing.

Mr. Shropshire made a motion to continue item 5A to a date uncertain. Mrs. Powell seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

- B. Consideration of Ordinance 826: Authorizing Purchase of Easement for Constructing Multi-Purpose Paved Trail (Chester Creek Properties Easement on Folio 06-00-00040-00). (Negotiations have been ongoing for a considerable amount of time and will continue indefinitely; therefore, Consideration for Approval from Council to remove from old business and re-advertise when appropriate).

---

Mr. Shropshire made a motion to continue to a date uncertain. Mrs. Powell seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

### 3. **NEW BUSINESS**

- A. Consideration for Approval: Resolution 2021-03, Authorizing John McMullan, Township Manager to submit a PennDOT Traffic (TE-160) Signal Application for Baltimore Pike and Riddle Hospital, West Entrance.
-

Mr. McMullan stated before Council is consideration to approve Resolution 2021-03. He stated it is not for a new traffic signal but to add an installation of a supplemental emergency vehicle preemption for Riddle Hospital West entrance.

Mr. Shropshire made a motion to approve the Resolution. Ms. O'Connell-Bell seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

B. Consideration for Approval: Citizen Board Appointments.

- 1) Parks and Recreation Board Vacancy - Term: Present - 1/3/2022.
- 2) Fire Police Vacancy - Term: Present - 1/3/2022.

Mr. McMullan asked for Council to approve the appointment of Ms. Danielle Friel to the Parks and Recreation board for a term expiring January 3, 2022.

Mr. Shropshire made a motion to approve. Ms. Dussling seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. McMullan asked for Council to approve the appointment of Mr. Dave Evens to the Fire Police vacancy for a term ending January 3, 2022.

Mr. Shropshire made a motion to approve. Mr. Byrnes seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. Kirchgasser stated there are openings for fire police at both Middletown Fire Company and Rocky Run Fire Company if anyone wants to be involved.

C. Consideration for Approval: Waiver of Conflict of Interest, Patrick M. McKenna, Esq., Re: Sleighton Farms Development.

Mr. McMullan stated the waiver of conflict-of-interest letter was provided to Council from Mr. Patrick M. McKenna, Esq. who currently serves as a conflict solicitor for Middletown Township for the former Franklin Mint project. He stated Mr. McKenna will be representing Edgmont Township for the development of Sleighton Farms. Mr. Shropshire made a motion to approve. Mr. Byrne seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. Shropshire made a motion to amend the agenda. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. Shropshire made a motion to notify PennDOT to address the issue on Lungren Road. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

D. Approval of February 8, 2021 Bill List.

Mr. Kirchgasser read the bill list aloud.

**GENERAL FUND**

Aqua Pennsylvania, Inc.	December Hydrant Bills	\$ 9,375.86
A. J. Blosenski, Inc.	December Recycling/Yard Waste	\$ 37,041.75
Independence Blue Cross	January Health Insurance	\$ 20,450.19
	Recreation Insurance	\$ 2,530.97
		<u>\$ 22,981.16</u>
Kelly & Close Engineers	Professional. Services 11/21/20 - 12/25/2020	\$ 9,010.47
Keystone Municipal Services	Construction. Services 11/30-12/31/20	\$ 16,875.00
Travelers CL Remittance Ctr.	Liability Ins. Installment	\$ 10,775.25
	General Fund Total	<u>\$ 106,059.49</u>
	<b>CAPITAL RESERVE 2019 G.O. BOND-ROOSEVELT</b>	
AJM Electric, Inc.	Roosevelt Community Center App. #5	\$ 82,272.00
Domus Construction	Roosevelt Community Center Invoice #6	\$ 20,124.82
DWD Mechanical Contractors	Roosevelt Community Center App. #3	\$ 19,613.25
Uhrig Construction, Inc.	Roosevelt Community Center App. #5	\$ 93,528.00
	Roosevelt Community Center Inv. 20281	\$ 70,057.55
		<u>\$ 163,585.55</u>
West Chester Mechanical	Roosevelt Community Center #5	\$ 216,129.20

Capital Reserve Roosevelt Total \$ 501,724.82

**2019 G.O. BOND - TRID**

Century Engineering Wawa Recreation Trail -Invoice. #4 \$ 26,185.56

**2019 GO ISSUE NON-ELECTORAL STATE ADID**

Kelly & Close Engineers Smedley Park Stage 2 11/21/20 -12/25/20 \$ 7243.61

**STATE AID**

Eastern Salt Co., Inc. Rock Salt \$ 9,730.21

Mr. Shropshire made a motion to approve the Bill List. Mrs. Powell seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 7-0.

Mr. Kirchgasser adjourned the meeting at 7:59 p.m.

Respectfully Submitted,



Sharon Browne





## Middletown Township Engineer's Report

February 8, 2021  
Council Meeting

### MARINER 2 PIPELINE

MT100-Ea

- Drilling of the 20-inch pipeline (Drill #591) began in early October 2019, but is presently on hold until geologic investigation of Valley Road (in relation to four subsidence events in the area) has been reviewed by the PADEP/PUC and the drilling process is approved by PADEP/PUC to move forward. The pilot hole for 20-inch pipeline, which was approximately 90% complete was grouted closed on both ends and plugged with foam. Geophysical study information related to the subsidence events was previously reviewed by the Township's Geophysics/Geology consultant, Applied Geosciences and Engineering (AG&E), and found to be satisfactory. A monitoring plan has been agreed upon by ETP and AG&E, and includes geophysical studies, surface elevation monitoring, and ground water monitoring, on a continuous basis, before, during and for a period of time after completion of the HDD. Monitoring plan is in the process of being implemented and will be completed (with results submitted to the Township for review), including baseline data acquisition, prior to re-start of drilling operations. Groundwater monitoring wells have already been installed. The purpose of this plan is to monitor the entry point of the 20-inch HDD for earth features. This monitoring plan will permit early detection of potential earth features, should they arise during and after directional drilling. In addition, metal casing has been installed to reduce the possibility of inadvertent returns at the entry point as well as earth features (subsidence). Anticipated date of re-start of this drilling operation remains unknown. It should be noted that geophysical study (including borings) were recently completed at this drill location, as mandated by PUC, and it is our understanding this information will be shared with AG&E upon completion of reports. It is also our understanding that no issues were identified during this recent PUC-mandated study.
- "Major" modification and "minor" modification of NPDES and other PADEP Permits for #620 Section of Pipeline have been approved by PADEP. An amended Grading and Excavating (G&E) Permit and Street Opening Permits, have been approved by the Township. Issuance of "minor" modification approval by PADEP and G&E permit by the Township was necessary to complete utility investigation ("potholing"), which was necessary to finalize location of sound walls and

1786 Wilmington West Chester Pike,  
Suite 300  
Glen Mills, Pennsylvania  
19342-8198

☎: 610.358.9363    ☎: 610.358.9376

other equipment staging areas within the approved limit of disturbance for the project. Upon receipt of detailed sound wall/staging information from Sunoco/ETP (which was developed after completion of utility investigation), the Township identified potential concerns related to emergency services access, that Sunoco/ETP has agreed to address. Sound wall installation related to the approved "Major" modification work is mostly complete, with the exception of a few locations where pipeline construction has not yet started.

- Glen Riddle Road - The auger bore of Glen Riddle Road is complete and pipe has been installed under the road. Work area for the auger bore in the Tunbridge Apt. parking lot has been temporarily restored with paved parking spaces. Permanent restoration will be completed in the spring.
- Tunbridge Apartments – Sunoco/ETP has completed open-trench pipe installation in a portion of the parking lot and has temporarily restored this area to paved parking. Traffic patterns and parking space configuration has been transitioned to "Phase 2" and work has begun to install open-trench pipe in the remainder of the parking area. It is anticipated this work will be complete in approximately 2 weeks at which time the right-of-way and temporary work spaces will temporarily be restored and it is our understanding the parking lot will be temporarily restored to pre-construction configuration of parking and traffic movements. Permanent restoration is tentatively scheduled for the spring.
- Riddle Junction Valve Station – Open-trench pipe installation is on-going between the valve station and Tunbridge Apartments and is expected to be complete in approximately 2 weeks, at which time the right-of-way and temporary work spaces will temporarily be restored. Permanent restoration is scheduled for the spring.
- Glen Riddle Station Apartments – It is our understanding sound wall installation is complete. Wall installation has been assessed by the Township so that emergency vehicles can access the entire site and all buildings for firefighting and other emergency services capability, as would normally occur, absent construction activity. Sunoco/ETP is mobilizing direct pipe installation equipment and it is anticipated that direct pipe installation process will begin in approximately 1 week.
- Riddlewood Drive – Sunoco/ETP has completed installation of casing under the road and is mobilizing direct pipe installation equipment and it is anticipated that direct pipe installation process will begin in approximately 1 to 2 weeks.

- Drill #610 (State Police Barracks/Granite Farms Estates) – Typical post-drill-completion geophysical study work was recently completed by Sunoco/ETP (Rettew) and it is our understanding no concerns were identified. This work was routine follow-up testing of completed HDDs (directional drills) completed voluntarily by Sunoco/ETP.
- 20-Inch diameter Drill #631 (Gun Club) – This work, including tie-in to previously installed Mariner 2 pipeline, is complete. Sunoco/ETP has completed “winter restoration” of the site and will return in the spring to complete final site restoration.
- This office has updated the overall project status report and exhibits, which we typically do on a quarterly basis (approximately). These exhibits graphically depict all work that is complete, partially complete, temporarily restored or incomplete, including stormwater controls, permanent stabilization, landscape plantings, and approximate pipe installations, including directional drills and bores. Engineering certifications have been received for all permanent stormwater controls proposed with this project for compliance with Township Code Chapter 198, Stormwater Management. Although controls include both structural (e.g. surface or underground basins) and non-structural improvements (e.g. plantings, amended soils, brush seeding), controls are predominantly non-structural due to the linear nature of the work. Underground infiltration basin was recently completed near the west side of Valley Road, approximately 1/8<sup>th</sup> of a mile north of W. Forge Road.

## **PIPELINE MAINTENANCE PROJECTS**

---

- Sunoco Pipeline LP (SPLP) – Linvilla Cathodic Protection – This project flanks W. Knowlton Road and is approximately 2.2 acres of ground disturbance, extending over a length of approximately 3,300 feet. Permit applications have been reviewed and permit issued for the work. Work is on-going and is anticipated to be complete in approximately 1 to 2 weeks at which time the site will be temporarily restored. Permanent restoration is anticipated to occur in the spring.
- Sunoco Pipeline LP (SPLP) – Wawa Upgrade – Cathodic Protection - Darlington and Valley Road area. A permit has been granted by the Township but the work is currently on hold.
- Sunoco Pipeline LP (SPLP) – Riddlewood CP System - Cathodic Protection – Riddlewood Drive and Pennell Road Area. Permit applications have been reviewed and permit issued for the work. This work is currently on hold.

- Sunoco Pipeline LP (SPLP) – Linvilla Orchards Washout – This project was recommended for and granted permit in 2018, but work was never started at that time. Work consists of the replacement of approximately 1,200 feet of 12" pipeline on the Linvilla Orchard property. Work also included lowering of existing 8" pipeline within the same workspace. Updated permit applications have been reviewed and permit issued for the work. Lowering of the 8" line is complete. Installation of the new 12" line to replace a portion of the existing 12" line is complete and the work area will now be temporarily restored until permanent restoration can be completed in the spring.
- Sunoco Pipeline LP (SPLP) – Lenni Repair – This project is to repair and protect a portion of the existing 12" pipeline located between Lenni Road and Rt. 1, in proximity to Glenwood Elementary School. Permit application has been reviewed by the Township and Grading and Excavating Permit has been issued. Work has started and it is anticipated to be complete the week of February 17, 2021. All excavation work associated with this maintenance project is taking place at night, when Glenwood Elementary is out of session, due to the proximity to the work to the school property. Material deliveries and non-excavating activity may occur during permitted day time work hours, pursuant to Township Ordinances.

**SEPTA R3-2**

**MT120-Bwa**

- Construction activity is ongoing from near Elwyn Station to just north of the right-of-way intersection with Rt. 1. Work includes the replacement or rehabilitation of numerous stormwater culverts, replacement of bridges, installation of new bridges, widening and reprofiling of tracks, roadway improvements, and stormwater management facilities installation.

**SEPTA R3-3**

**MT120-Bwa**

- A Grading and Excavation Permit has been issued to SEPTA for grading work associated with the R3-3 Land Development, specifically including the parking garage, driveway and station building. None of the work contemplated with the R3-3 Land Development related to the Lenni welfare building site has begun. None of the structures or buildings associated with the land development (including Lenni welfare building, Wawa Station Building and Parking Garage) are approved to begin construction as the land development plan is not yet recorded.

## **TOWNSHIP GUIDERAIL PROGRAM**

**MT124-E**

- The guiderail program is for the installation and/or replacement of guiderail along the following 6 segments of Township roadway (including the segments associated with the recently completed 2019 contract): Howarth Road, E. Knowlton Road (North), E. Knowlton Road (South), Darlington Road (East), Darlington Road (West) and Valley Road.
- Preliminary design plan is complete for E. Knowlton Road (South), Darlington Road (West) and Valley Road. Bid letting for this work has not yet been scheduled and is now projected for 2021. Significant utility pole relocation and tree removal is required for these projects.
- The Township applied for an A.R.L.E. grant for the completion of guiderail projects in 2021; however, the Township was notified recently that the grant was not approved, due to limited funding. A.R.L.E. is the Automated Red-Light Enforcement Transportation Enhancements Grant Program established in 2010 as a PennDOT-administered competitive grant program in accordance with PA Vehicle Code (75 Pa.C.S.) §3116(l)(2) and §3117(m)(2). Funding for the program is generated from the net revenue of fines collected through Automated Red Light Enforcement Systems. Grant applications are accepted annually during the month of June. The Township will re-apply for this grant in June 2021.

## **TOWNSHIP CODE AMENDMENTS**

**MT110 SERIES**

- The following Codes are in the process of being amended prior to the end of 2021: Chapter 186 (Soil Erosion and Sedimentation Control), Chapter 204 (Streets and Sidewalks), Chapter 210 (Subdivision and Land Development) and Township Standards (construction standards, details and specifications).
- Chapter 198 (Stormwater Management Ordinance) – Amended Ordinance was adopted by Council and went into effect starting on January 9, 2020.
- Preparation of Draft revisions to Chapter 186 (Soil Erosion and Sedimentation Control), has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants.
- Preparation of a new Township Code, Chapter 77 (Building Permit Procedures) is nearly complete. Chapter 77 is intended to establish requirements and procedures for obtaining building permits and requirements for approval of Certificates of Occupancy for occupiable structures.

- "Township Standards and Specifications" has been reviewed by Township Staff and revisions to the document, as well as various Township application forms, is in process. This document is to formally update/upgrade and replace numerous construction details and policy documents utilized by the Township over the last many years. It is anticipated that upon review by Township staff, this document will be presented to Council for review. This document can (and should) be updated periodically to include additional construction details, guidance documents, forms, etc. if they become necessary.

---

**STORM SEWER REPAIR – 12 GLEN RIDDLE ROAD MT100-M**

- Replacement of severely deteriorating storm sewer traversing the private property of #12 Glen Riddle Road (through a Township easement) is complete. Permanent driveway paving restoration (overlay) will be scheduled for the spring of 2021. A quotation for this work will be solicited in March of 2021. The estimated amount to complete this project is \$8,500.00.

---

**ROOSEVELT SCHOOL MT100-O**

- The Township has completed survey of the entire school property. The plan will be updated in the near future to show the location of an underground tank that was demolished by the Township several years ago; and additional sanitary sewer information recently discovered at the site (both brought to our attention by Vince Visoskas).
- A plan is being prepared for the replacement of the existing domestic water service to both buildings at the complex, after Aqua PA completed new water main installation along the front of the property.
- Design of additional parking (within the island at the entrance of the property) and related stormwater management facilities is 90% complete, but is currently on hold. The proposed modification would result in the addition of 10 parking spaces, including two handicapped accessible spaces. The design will preserve the large tree at the entrance to the site.

---

**SUNNY BRAE STORMWATER BASIN REVITALIZATION MT100-K**

- Awarded Mariner East 2 Pipeline Corridor Grant Funds (\$198,472.00).

- The Township has submitted a PA DCED Flood Mitigation Program Grant application for \$275,000.00 and is awaiting review of the application by the State.
- Basin area is located on land owned by the Township to the rear of #38 Gallant Fox Drive.
- Draft construction plan of the basin revitalization is complete, including a recent revision to the basin embankments (behind #38 Gallant Fox Drive, requested by the property owner) and has been reviewed with Township Staff.
- DRAFT temporary construction easement plans have been prepared and will be the basis of acquiring permission from three property owners to complete the project. The Township has begun negotiating with property owners for access to adjoining properties to complete the work and approval of scope of work on each impacted property.
- This project has been delayed due to COVID-19. It is desired to commence construction in early 2021.
- The Township Landscape Architect, Thomas Comitta Associates, has completed a basin planting and seeding plan.
- This basin revitalization work will be submitted to PADEP as a means to reduce sediment (PRP - Pollutant Reduction Plan) in conjunction with the NPDES Permit for the Township's MS4 (permit term from 2018 to 2023). The basin revitalization work will address approximately 90% of the Township sediment reduction requirement within the Chrome Run watershed, for the 5-year term of the PRP approval. It is our understanding the Township has 5 years from the date of PRP approval (February 7, 2020) to complete stormwater improvement identified in the plan, including survey, engineering, and construction.

#### **SMEDLEY PARK**

#### **MT100-A.2**

- Contract for completion of Stage 2 and Stage 3 of the project has been awarded to MECO Constructors in the amount of \$1,365,151.00. Notice to Proceed was issued for work to begin and must be complete by December 2, 2020. Stage 2 work includes the bulk field and parking lot grading work and awarded Stage 3 work includes the installation of parking lots, driveways and some of the approved paved trails. Alternate Bid items for baseball/softball infields was not awarded. Stage 2/3 work is approximately 95% complete. The deadline for completion of work has been extended to the end of April 2021, but activity may continue periodically throughout the winter, until complete, depending on weather conditions. Deadline was extended to permit

permanent grass stabilization and wearing course overlay (installation of which is temperature dependent).

- A final construction phase is anticipated for 2021 or 2022 and must include the following work: conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent stormwater basin condition, installation of approximately 800 feet of pedestrian trail (that could not be completed with the current stages of construction), asphalt paving of approximately 400 feet of paved trail (that was only completed to stone subbase to permit future construction access for basin conversion), installation of softball infield areas, and removal of all erosion and sedimentation controls. The Township has applied for a grant (in the amount of \$250,000.00) to partially fund completion of the project.
- The NPDES Permit for the Park project expires on December 19, 2022. PennDOT Highway Occupancy Permits have been extended to September 2021 and will be extended yearly as needed.

---

**MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN      MT300-18**

Pollutant Reduction Plan (PRP) for the PADEP NPDES Permit term of 2018-2023 was submitted to PADEP on December 4, 2019 and final approval of the PRP was issued on February 7, 2020. Although the NPDES permit term is 2018 to 2023, the Township has 5 years (from the date of PRP approval) to complete design, permitting, and construction of all of the proposed stormwater facilities (BMPs) described in the PRP. The PRP includes an estimation of cost to complete all stormwater facilities required by the State as part of the approved PRP, prior to the end of the PRP approval term (February 2025). It is anticipated that Sunny Brae Basin revitalization will be the first stormwater BMP from the PRP, to be completed (in 2021). The Township has submitted a PA DCED Watershed Restoration and Protection Program Grant application for \$296,905.00 for construction of a second stormwater BMP in Township open space north of Highpoint Drive and south of the Franklin Mint, and is awaiting review of the application by the State. If approved, this project could feasibly be constructed in late 2021 or early 2022, after completion of engineering design and permitting.

---

**FORGE ROAD/HANSON QUARRY PAVING REPAIRS      MT105-B**

- Temporary repairs made to Forge Road in front of Hanson Quarry in late 2018. Material for the repair was donated by the quarry. Repairs appear to be holding up well.



- Field information has been collected in order to prepare a permanent paving repair design including underdrain to mitigate wet conditions contributing to paving deterioration.
- Hanson Quarry has informally agreed to participate in permanent paving repairs contemplated in front of the Quarry entrance.
- Schedule for completion of permanent repairs has not been determined at this time since the temporary repair completed late in 2018 continues to withstand truck traffic.

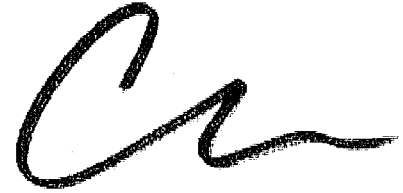
#### **SUBDIVISIONS/LAND DEVELOPMENTS**

#### **MT305 SERIES**

- Riddle Hospital Expansion (Pavilion) - Conditional final approval granted by Council. Plan has been recorded and construction has commenced on the pavilion building.
- SEPTA R3-3 Land Development Plan - Conditional final approval granted by Council. Zoning variances required for the project were approved in August 2019 by the Zoning Hearing Board. The plan has been recorded and construction has commenced on the station building and parking garage (building permits have been approved).
- ARTIS Senior Living Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. Anticipated commencement of construction is late-2020. The land development plan has not yet been recorded. We are awaiting additional minor plan revisions before the project is able to be recorded.
- 227 Howarth Road Subdivision and Land Development (Mancill Builders) – Conditional final approval granted by Council. Plan has been recorded and construction has commenced.
- Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. Plan has been recorded but construction has not yet commenced.
- Promenade at Granite Run Land Development - Amended final approval has been granted by Council and recordation of the plan is complete. Construction pursuant to the approved (and recorded) final plan is on-going.
- Darlington Pointe II Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced.
- 312 Lenni Road Subdivision - Conditional final approval granted by Council. Plan has not yet been recorded.

- 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. Plan has not yet been recorded. The plan was approved on August 22, 2016.
- Penncrest High School Life Skills Center and Parking Lot Subdivision and Land Development – Conditional final approval has been granted by the Township Planning Commission and Council. The plan has not yet been recorded.
- 345 Valley Road Subdivision – Conditional final approval has been granted by the Township Planning Commission and Council. The Subdivision plan has not yet been recorded.
- Glenwood Elementary School Parking Lot – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission on May 12, 2020 and granted conditional final approval by Township Council in June 2020. The plan has not yet been recorded.
- Westlake Lot Line Change – Plan has been reviewed by Township staff and was recommended for approval by the Township Planning Commission on March 10, 2020. The plan was granted conditional final approval by Township Council on July 13, 2020. The plan has not yet been recorded.
- Congregation Beth Yeshua Land Development – Plan has been recommended for final approval by the Planning Commission and granted conditional final plan approval by Township Council. It is our understanding the applicant desires to being construction in the near future and has obtained PennDOT Highway Occupancy Permit. Review comments on a revised plan submission were forwarded to the applicant's engineer in late July 2020.
- Sleighton School Tract Minor Subdivision (Valley and W. Forge) – Final approval has been granted by Council and the plan has been recorded.
- 416 W. Forge Road Minor Subdivision - Final plan has been reviewed by Township consultants and it is our understanding that layout revisions will be completed and submitted to the Township for review in the near future.
- Williamson College of the Trades Dormitory Land Development Phase 4 - Conditional final approval has been granted by the Township Planning Commission and Council. The plan has not yet been recorded.
- Williamson College of the Trades Student Activity Center Land Development Phase 5 – Plan is under review by Township Consultants and is tentatively scheduled for review by the Planning Commission in February.

- Indian Lane Elementary School Parking Lot and Baseball Field Relocation – Plan is under review by Township Consultants and is tentatively scheduled for review by the Planning Commission in February.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of connected loops and a horizontal tail.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.	:		
	:	Docket No.	C-2020-3023129
v.	:		
	:		
SUNOCO PIPELINE L.P.	:		

**REBUTTAL TESTIMONY  
OF SETH HARRISON, P.E.  
ON BEHALF OF SUNOCO PIPELINE, L.P.  
SPLP STATEMENT NO. 8-R**

Date: May 12 2021

1 **Q: What is your full name and current occupation?**

2 A: My name is Seth Harrison, and I am the founder and managing principal of Harrison  
3 Acoustics, a consulting firm that specializes in architectural and engineering acoustics, noise, and  
4 vibration control.

5

6 **Q: Can you describe for me your educational background?**

7 A: I have a bachelors' degree in mechanical engineering from Penn State University that I  
8 received in 2003, and a master's degree in engineering mechanics from the University of  
9 Cincinnati that I received in 2008.

10

11 **Q: Do you have any professional licenses or certifications?**

12 A: Yes, I am a licensed professional engineer in Pennsylvania, New York, and Illinois.

13

14 **Q: Can you highlight your work experience as it relates to acoustical design and  
15 engineering, including noise measurement and mitigation?**

16 A: I have been working in the field of acoustical design and engineering for the last 19 years,  
17 since I graduated from college. I began my career in research and development of noise control  
18 technologies for turbofan aircraft engine exhaust. For the past 18 years, I have been a consulting  
19 engineer in architectural and environmental acoustics. As part of my services, I regularly predict  
20 sound levels from equipment and determine the impact of this sound on building occupants and  
21 property lines for noise ordinance compliance.

22

1 **Q: Does your work include evaluating noise from equipment and designing mitigation**  
2 **for that noise?**

3 A: Yes, I regularly consult with clients looking for noise and/or vibration control related to  
4 HVAC equipment and machinery. For example, I recently measured noise levels from roadways  
5 and rail lines and determined the impact of this noise on a planned commercial building in  
6 Baltimore, MD. I have consulted on projects related to control of road noise, HVAC equipment  
7 noise, industrial and manufacturing equipment noise such as rubber chippers, emergency electrical  
8 generator noise, helicopter noise, train noise, and foundry noise – and their impact on building  
9 occupants. I’ve designed sound barriers and other custom solutions for noise control.

10

11 **Q: Are you a member of any professional organizations?**

12 A: Yes. I am a member of several professional organizations in the field of acoustical design  
13 and engineering. I am an active member of the Acoustical Society of America, and currently serve  
14 as the Vice Chair of the Philadelphia Chapter, and previously served as the chapter’s treasurer. I  
15 Also am a member of the American Society for Testing and Materials (“ASTM”) – a national  
16 standards organization that develops and publishes voluntary consensus technical standards for  
17 various industries, products, and services, including in the field of acoustics. I am a voting member  
18 for ASTM’s Committee E33 on Building and Environmental Acoustics, and also a member of  
19 seven of its eight subcommittees, including: Subcommittee E33.01 on Sound Absorption,  
20 Subcommittee E33.02 on Speech Privacy; Subcommittee E33.03 on Sound Transmission;  
21 Subcommittee E33.04 on Application of Acoustical Materials and Systems; Subcommittee E33.06  
22 on International Standards; Subcommittee E33.08 on Mechanical and Electrical System Noise;  
23 and the Subcommittee E33.10 on Structural Acoustics and Vibration. The ASTM E33 Committee

1 on Building and Environmental Acoustics, and its various subcommittees, work to develop and  
2 has jurisdiction over 50 standards published in the Annual Book of Standards, which have  
3 established the characteristics and performance of materials, products, systems, and services  
4 relating to acoustics. I am also a member of the technical committee that works in conjunction  
5 with the International Organization for Standardization (“ISO”) Technical Committee 43/SC2 on  
6 Building Acoustics, which works to develop international standards in the field of building  
7 acoustics. I am also a member of the Institute of Noise Control Engineering, a non-profit  
8 organization of Noise Control Engineers.

9

10 **Q: Have you published any texts or articles on the subject of acoustical design and**  
11 **engineering?**

12 A: Yes, several, including, for example, a paper on an innovated way to control building  
13 exhaust fan noise using passive noise cancelation and one on the acoustical design challenges of  
14 hospital operating rooms.

15

16 **Q: Have you taught classes or given training to others in the field of acoustical design**  
17 **and engineering?**

18 A: Yes, I have been an adjunct professor in the field of acoustics at the Moore College of Art  
19 and Design where I taught a portion of a course in acoustics to graduate level interior design  
20 students. I have also served as a guest lecturer at Drexel University for an undergraduate physics  
21 class in acoustics. I have also given numerous presentations and training in the field of acoustical  
22 architecture and engineering.

23

1 **Q: Is a copy of your resume attached as Exhibit SPLP SH-1?**

2 A: Yes.

3

4 **Q: Sunoco offers Mr. Harrison as an expert in the field of noise control engineering.**

5

6 **Q: Have you looked at the testimony provided on behalf of Complainants regarding the**  
7 **Mariner East 2/2X pipeline construction at the Glen Riddle Apartments, and the alleged**  
8 **concerns regarding noise issues – including the testimony of Stephen Iacobucci and Jason**  
9 **Culp, P.E.?**

10 A: Yes, I have reviewed and evaluated that testimony and the relevant exhibits.

11

12 **Q: What is the purpose of your testimony?**

13 A: To provide conclusions on my evaluation of the Complainant's concerns on construction-  
14 related noise issues, and to summarize my own independent evaluation of the construction-related  
15 noise at the Glen Riddle Station Apartments.

16

17 **Q: Can you describe some of the concerns regarding noise issues that Complainant has**  
18 **raised in the direct testimony?**

19 A: Complainant claims that the ME2/2X pipeline construction at the Glen Riddle Station  
20 Apartments is causing "unsafe levels of noise at the property" (S. Iacobucci Direct Test. at 2:14),  
21 and that "sound mitigation measures undertaken by Sunoco have not been effective" (Culp Direct  
22 Test. at 6:8-9), and that the construction is "allowing for unhealthy levels of sound" (Culp Direct  
23 Test. at 6:10), that Complainants allege "puts the GRS residents and employees at an increased



1 risk of hearing loss according to the NIOSH, CDC, and EPA . . . studies and regulations and creates  
2 an unhealthy environment that could easily be avoided by Sunoco” (Culp Direct Test. at 6:12-15).

3

4 **Q: First, does Middletown Township regulate or restrict the total volume of noise or**  
5 **sound that applies to construction work?**

6 A: No. While Chapter 155 of the Middletown Township Code includes provisions on noise,  
7 it does not limit the total volume of noise from construction work. Instead, Section 155-2.D  
8 prohibits construction-related noise from “any type of machinery, appliance, equipment or hand  
9 or power tool for construction purposes which emits noise beyond the premises upon which said  
10 machinery, appliance, equipment or hand or power tool is being operated or used between the  
11 hours of 9:00 p.m. and 7:00 a.m., current time or on any Sunday or legal holiday.” This is what  
12 we typically refer to as a “work hour” restriction, rather than a restriction based on the total volume  
13 of sound measured in either decibels (dB) (unweighted) or dBA (weighted according to curves  
14 based on human perception), which is how some other municipal ordinances attempt to regulate  
15 and restrict noise levels for construction or other industries or mechanical equipment in their  
16 municipality. Also, the Middletown Township noise provision related to construction focuses on  
17 noise generated from construction that goes “beyond the premises.” Some other township codes  
18 use the wording of “beyond the property line.” So, here, the relevant consideration for Middletown  
19 Township’s ordinance would be the level of the construction sounds measured after work hours  
20 (i.e. 9:00 p.m. to 7:00 a.m.), and at a location that is beyond the property of the Glen Riddle  
21 Apartments. But, as I will discuss in further detail in my testimony below, Complainant appears  
22 to be measuring and focusing on noise levels measured during work hours and within the property.  
23 Moreover, many of the measurements were made in close proximity to the noise sources or in

1 direct line-of-sight and are not indicative of the sound pressure levels experienced by residents of  
2 the Glen Riddle Apartments who are much farther away from the noise sources and shielded by  
3 the sound barriers.

4

5 **Q: Have you reviewed the photographs of the sound meter readings that are attached as**  
6 **Exhibit GRS-5 to Stephen Iacobucci 's Direct Testimony, and also referenced in Jason Culp's**  
7 **testimony, as well as the videos that Complainant produced in discovery that are apparently**  
8 **documented in those still photographs?**

9 A: Yes, I have reviewed both the still photographs and the backup videos of the sound meter  
10 readings. I have several issues with these photos and the videos that lead me to conclude they are  
11 inaccurate, and unusable for the purpose of determining the safety of construction-related noise at  
12 the Glen Riddle Station Apartments. The sound readings were primarily taken at gates or other  
13 openings in the sound barrier. Monitoring the sound at these locations will yield higher sound  
14 levels than those experienced at the façade of and within the apartment buildings. In addition, the  
15 loudest measurements appear to be of the hydrovac truck, which only visits the site periodically  
16 throughout the day and for a few minutes at a time based on my observations while on-site and  
17 feedback from the contractor. These momentary measurements are not indicative of the sound  
18 levels over the course of the work day. As a result, I would expect the 24-hour noise exposure  
19 level to be significantly lower than these peak levels. Based on my measurements, the sound level  
20 outside the construction area behind the sound barrier was approximately 75 dBA during  
21 construction, which suggests the 24-hour exposure level is below the 85 dBA threshold identified  
22 in the OSHA standard for hearing damage.

1           Stephen Iacobucci states that the measurements were taken on the “device depicted in  
2 GRS-33 and BAFX3608 Digital Sound Level Meter.” (S. Iacobucci Direct Test. at 6:7-8). Mr.  
3 Culp states in his testimony that he provided this meter to Complainants (Culp Test. at 5:2).  
4 However, it is unclear if the meter was calibrated prior to each day of measurements. The  
5 calibrator should have been used to verify that the sound level meter returned 94 or 114 dB,  
6 depending on the setting on the calibrator. No video or log has been provided showing any  
7 calibration data. In addition, the photos and videos of the recordings show that the sound level  
8 meter was often placed upon a window sill, car trunk, or other surface. Placing the sound level  
9 meter near these surfaces results in a rise in sound level due to the addition of sound that reflects  
10 from the surface. Typically, acoustical measurements are made at least 1 meter from a reflecting  
11 surface. As a result, GRS’s sound readings may be inflated by as much as 3 dBA.

12           I also note that Mr. Culp apparently took sound readings himself, as he described in his  
13 testimony, and that he claims the readings averaged “in the high 60 decibels with spikes over 90  
14 and 100 decibels observed in shorter intervals” and that certain of these readings were provided in  
15 the screenshot photographs of Exhibit GRS-5. (Culp Direct. Test. at 4:21-5:2). These statements  
16 actually support our position that the sound levels varied significantly during the course of the day  
17 – such that looking at one meter reading at a particular point in time is not indicative of the sound  
18 levels over the course of the work day. With sound levels in the high 60s for large amounts of  
19 times and only “spikes” at higher levels, the 24-hour noise exposure level is likely to be much  
20 closer to the level experienced for the majority of the time. Furthermore, with windows shut, the  
21 façade of the apartment buildings will greatly reduce the sound level experienced inside the  
22 apartment at least 1 meter from the window. For these reasons, it is my professional opinion, to a  
23 reasonable degree of engineering certainty, that the 24-hour noise exposure level experienced in

1 the Glen Riddle Apartments is not likely to exceed the OSHA 24-hour noise exposure threshold  
2 of 85 dBA for hearing damage. Therefore, it is my professional opinion to a reasonable degree of  
3 engineering certainty that the sound levels experienced inside the apartments are not high enough  
4 to cause hearing damage, and are therefore not “unsafe” as Complaint claims.

5

6 **Q: Have you also reviewed the testimony of Jason Culp as it relates to noise concerns?**

7 A: Yes, I have. Mr. Culp claims the Glen Riddle Station Apartment owner was not provided  
8 with an adequate sound wall plan, claims that no product information was provided, no source data  
9 was provided, and that no audio specialist performed an analysis of potential sound mitigation  
10 before construction began. It is my understanding that Sunoco did, in fact, engage an  
11 environmental acoustics consultant to study the sound from the construction site and that a sound  
12 wall and sound mitigation plan was developed and implemented. When I visited the site, I was  
13 particularly impressed by the height of the sound barrier at Buildings B, D, and F.

14

15 **Q: Did Sunoco perform an evaluation of potential sound mitigation before construction**  
16 **at the Glen Riddle Station Apartments began?**

17 A: Yes, I reviewed a report prepared by Behrens and Associates, Inc. titled “Glen Riddle 620  
18 South Site Noise Impact Assessment Report (August 20, 2020), a copy of which is attached as  
19 **Exhibit SPLP SH-2**. That report reflected a study that was used to assess the potential noise levels  
20 from the construction at the Glen Riddle Station Apartments. I found this report to be well-done,  
21 thorough, and in-line with the standard of care for noise control engineering.

22

1 **Q: In your experience, are temporary sound walls, like the ones that Sunoco has installed**  
2 **at the Glen Riddle Station Apartments, required for construction projects?**

3 A: No, it is my understanding that noise control measures are not typically taken unless a noise  
4 ordinance establishes a specific quantitative sound level limit. Also, typical equipment noise does  
5 not produce enough sound for the sound pressure level within a building some distance away to  
6 exceed OSHA limits for 24-hour noise exposure.

7  
8 **Q: Have you reviewed any sound level surveys that Sunoco performed at the Glen Riddle**  
9 **Station Apartments during active construction?**

10 A: Yes, I reviewed a report prepared by Behrens and Associates, Inc. titled “Glen Riddle 620  
11 South Direct Pipe Operational Sound Level Survey Results (March 10, 2021), a copy of which is  
12 attached as **Exhibit SPLP SH-3**. That report reflects that there were more installed noise sources  
13 in the construction area than originally modeled, and a portion of the wall was installed as 12’ high  
14 vs. 24’ high as modeled. As a result, the measured sound levels were 4.4 to 12 dBA higher than  
15 the predicted levels, ranging from 59.1 to 66.9 dBA. But, more importantly, despite these slight  
16 variations in the predictive modeling and the actual measured sound levels, this report  
17 demonstrates that the actual measured levels also support the position that the sound outside the  
18 construction are below the OSHA 24-hour noise exposure threshold of 85 dBA for hearing  
19 damage.

20 I also reviewed a second report prepared by Behrens and Associates titled “Glen Riddle  
21 620 South Direct Pipe Operational Sound Level Survey Results (April 9, 2021)”, a copy of which  
22 is attached as **Exhibit SPLP SH-4**. This report also reflects that the active equipment in the  
23 construction area changes as the construction progresses and that the sound levels outside the

1 sound wall continue to fall in the mid to upper 60 decibels with the exception of the measurement  
2 near the hydrovac truck, which was 74.2 dBA 100' from the truck. These measurements add more  
3 evidence that the sound levels outside the construction area are below the 85 dBA OSHA 24-hour  
4 noise exposure threshold for hearing damage.

5

6 **Q: Did you also perform your own independent evaluation of the sound levels during**  
7 **active construction at the Glen Riddle Station Apartments?**

8 A: Yes, on April 1, 2021, I visited the construction workspace and Sunoco's easement area at  
9 the Glen Riddle Station Apartments at approximately 11 a.m. and took sound measurements at  
10 various locations in Sunoco's construction workspace and easement area, both within the active  
11 construction area (i.e. inside the sound walls), and outside the active construction area (i.e. outside  
12 the sound walls). A summary of my measurements is provided as **Exhibit SPLP SH-5** and which  
13 reflect the sound level outside the barrier is significantly quieter than the level inside the barrier,  
14 showing that the barrier is providing meaningful noise mitigation. Comparing my measurements  
15 from other pipeline construction sites, the Glen Riddle site was louder than sites with less  
16 equipment and different methods of pipe installation, but it was not as loud as the Exton site.  
17 Furthermore, it is important to note that the measurements that I took on April 1, 2021 reflect the  
18 sound levels based on the particular equipment operating that day at the various construction sites,  
19 including the Glen Riddle Apartments. As different phases of the construction process conclude at  
20 the property, the measured sound levels of sound will also change as equipment is removed from  
21 the active workspace, and therefore will likely decrease from the levels that I measured. In fact, I  
22 visited the Glen Riddle Apartments site again on May 7, 2021 and took additional follow-up  
23 measurements. As compared to my first visit in April 1, 2021, the work site was much less active.

1 I observed that the boring operations were complete and the two pipelines were installed, the  
2 drilling equipment was no longer on site. The only work occurring in the construction work area  
3 when I visited on May 7<sup>th</sup> was equipment that was being used to remove a retaining wall around  
4 the bore entry pit. I took additional measurements of the construction work on May 7<sup>th</sup> from both  
5 inside the active work zone and outside the sound barrier at the same location where I took  
6 measurements on April 1<sup>st</sup>. These additional follow-up measurements are reflected in **Exhibit**  
7 **SPLP SH-5**, and which again reflect that the sound level outside the sound barrier is significantly  
8 quieter than the level inside the barrier, showing that the barrier is continuing to provide  
9 meaningful noise mitigation during the next phase of construction.

10

11 **Q: Do you have an opinion regarding whether the Mariner East 2/2X pipeline**  
12 **construction at the Glen Riddle Station Apartments creates an “unsafe” level of noise, as**  
13 **Complaint suggest?**

14 A: It is my opinion to a reasonable degree of engineering certainty that the sound levels  
15 experienced outside the active construction area (i.e. outside the sound walls) do not exceed OSHA  
16 limits for noise exposure and are not unsafe.

17

18 **Q: Did you also perform an independent evaluation of the sound levels during active**  
19 **construction at other locations in Delaware County and Chester County where the Mariner**  
20 **East 2/2X pipeline is currently in active construction?**

21 A: Yes, on April 1, 2021, I went to several other locations where the ME2/2X pipeline is in  
22 active construction, and which reflect various stages and forms of pipeline construction. A  
23 summary of my measurements is provided as **Exhibit SPLP SH-5**, and that reflects that sound

1 levels vary from one pipeline construction site to another depending on the amount of equipment  
2 operating at any given time and the distance the receiving position is from the construction site. It  
3 is my opinion, to a reasonable degree of engineering certainty, that the construction site at Glen  
4 Riddle Station Apartments was among the most active of the sites I visited; however, the noise  
5 mitigation strategies that were installed were reasonable and effective at reducing the sound levels  
6 outside of the active construction area (i.e. outside the sound walls) to levels that I would expect  
7 to be below the OSHA limits.

8

9 **Q: Do you have an opinion regarding whether the Mariner East 2/2X pipeline**  
10 **construction at any of the other locations in Chester and Delaware County that you visited**  
11 **creates an “unsafe” level of noise?**

12 A: It is my opinion to a reasonable degree of engineering certainty that none of the  
13 construction sites I visited create an unsafe level of noise outside of the active construction areas.

14

15 **Q: Mr. Culp also cites to and references certain OSHA regulations, EPA standards, and**  
16 **CDC studies in his testimony (Culp Direct Test. at 5-6). Do you have a response to Mr.**  
17 **Culp’s testimony on this topic?**

18 A: While the referenced regulations are the correct resources to consult, the sound pressure  
19 levels I measured outside of the active construction area (i.e. outside the sound walls) are well  
20 below the noise limits in these regulations and standards. As a result, it is my opinion to a  
21 reasonable degree of engineering certainty that the sound levels outside the active construction  
22 area are not loud enough to cause hearing damage to the residents in their apartments.

23



1 **Q: Have you reviewed any of the monthly vibration monitoring reports, and what**  
2 **conclusions can you draw from them?**

3 A: Yes, I reviewed vibration monitoring reports from the months of January, February, and  
4 March 2021, attached as **Exhibit SPLP SH-6, SH-7, SH-8**. There are three vibration monitoring  
5 locations included in these reports, one of which is in close proximity to the GRS Apartment  
6 Building B. The peak vibration level from each monitor was reported. The peak level from each  
7 monitor was found to be below the vibration threshold for building damage in each month. The  
8 vibration threshold for residential building damage is based on the industry standard reference  
9 document from the US Dept. of the Interior entitled, *Report of Investigations 8507 - Structure*  
10 *Response and Damage Produced by Ground Vibration From Surface Mine Blasting*. The monthly  
11 vibration monitoring reports include a page titled, Event Report, for each monitor, which includes  
12 a graph plotting the vibration velocity threshold as a function of vibration frequency. The vibration  
13 events are plotted on this graph and are shown to be below the threshold established by this  
14 reference document. The conclusion from these monthly reports is that the monitored vibration  
15 levels should not have been strong enough to cause damage to the surrounding structures. Based  
16 on my review of the data and these reports, I agree with the conclusions listed in the reports.

17

18 **Q: Are all of the opinions that you provide in your testimony provided to a reasonable**  
19 **degree of engineering certainty?**

20 A: Yes.

21

22

23

1 **Q: Do you wish to offer anything else?**

2 A: I reserve the right to supplement my testimony based on Complainant's surrebuttal  
3 testimony.