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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
JOSEPH J. WITTMAN, P.E.
ON BEHALF OF
GLEN RIDDLE STATION, L.P.

Dated: June 14, 2021

GRS Statement No. 4-SR

1
2

**SURREBUTTAL TESTIMONY OF
JOSEPH J. WITTMAN, P.E.**

3 **I. INTRODUCTION AND BACKGROUND**

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

5 **A.** My name is Joseph J. Wittman, P.E. My business address is 118 Burrs Road, Suite C-1,
6 Westhampton, NJ 08060.

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

8 **A.** I am employed by Dayton Inspection Services as Director of Engineering and have been
9 in this position since 2019.

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

12 **A.** I attended and graduated from Villanova University in 2014 with a Bachelor of Science
13 degree in Civil Engineering, cum laude. The focus of my studies included design and
14 analysis of concrete and steel structures. I am a licensed professional engineer with
15 experience addressing noise issues throughout the New Jersey and Pennsylvania region,
16 including the Delaware Valley region. My CV is Exhibit **GRS-174**.

17 I started my professional career working under a licensed PE at a general
18 contracting and construction management firm. Our largest accounts included banking
19 institutions, such as TD Bank, JP Morgan Chase, Wells Fargo, and Bank of New York
20 Mellon. Many projects included alterations of employee occupied buildings. The banking
21 institutions had a zero tolerance for noise from construction operations during working
22 hours. Our project approach included noise mitigation measures such as off-hours work
23 and modified construction means and methods.

1 I later transitioned out of construction and began employment at a consultant
2 engineering firm designing highway bridges and retaining walls. Our clients included New
3 Jersey Department of Transportation, Pennsylvania Department of Transportation and
4 local municipalities. Our heavy civil construction projects had the potential to generate
5 noise that would disturb adjacent business operations and reduce the quality of life of
6 adjacent residents. Our consulting efforts included impact assessments to identify these
7 risks so that solutions may be explored in conceptual and preliminary design phases.

8 I left the consultant world for the niche industry of construction monitoring. I have
9 created and implemented a wide variety monitoring control programs in the residential,
10 public and healthcare sectors. Many of the monitoring control programs I am responsible
11 for include noise control to ensure that adjacent operations and/or residents are not
12 overwhelmingly impacted by construction operations.

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

14 **A.** I am a licensed professional engineer in several states, including New Jersey and
15 Pennsylvania. I have the OSHA-30 certification as well as several railroad safety
16 certifications.

17 **Q. CAN YOU HIGHLIGHT YOUR WORK EXPERIENCE AS IT RELATES TO**
18 **ACOUSTICAL DESIGN AND ENGINEERING, INCLUDING NOISE**
19 **MEASUREMENT AND MITIGATION?**

20 **A.** In my construction management role in the banking sector, my projects were typically
21 burdened with a zero-tolerance policy for construction noise during business operations.
22 The simplest solution is performing noise generating work outside of the working hours of
23 the institution, which was the single largest measure taken to eliminate noise disruptions.

1 This solution is expensive, as it requires night shift work and lengthened construction
2 timelines, however, banking institutions are willing to pay the higher labor rates and plan
3 for longer completion timelines to provide for this environment.

4 Other measures include modified means and methods, such as favoring hand tools
5 over pneumatic, electric and gas-powered tools.

6 As an engineering consultant for state DOTs, part of our scope was performing an
7 impact assessment of the proposed construction project. Noise generated by heavy civil
8 construction is extremely disruptive to adjacent businesses and residences and can create
9 an unsafe environment. In many instances an adjacent residence or business was so close
10 to the operations, and the impacts of construction would be so burdensome to the residents,
11 that the DOTs would temporarily relocate the residences to suitable housing at the sole
12 expense of the DOT.

13 Other, more common, approaches to reduce noise impacts include avoiding
14 overnight hours. Night work results in noise during typical sleeping hours of residents.
15 From a traffic management perspective, night work would reduce disruptions to traffic
16 flow and shorten travel time of motorists, however, in my experience, the negative impacts
17 to traffic rarely outweigh the negative impacts of night work to adjacent residents' ability
18 to sleep.

19 As a monitoring consultant and provider, I have been responsible for providing
20 sound monitoring and ambient sound studies for several sensitive projects. My firm is
21 repeatedly called upon to provide sound studies and monitoring for hospital construction
22 projects to reduce disruptions to healthcare providers, patient and research projects
23 involving animals and insects. We also have experience providing sound monitoring to

1 private universities to reduce the impact of construction noise on the students, professors
2 and other university staff.

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

5 **A.** No.

6 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY AND**
7 **SUMMARIZE THE KEY POINTS.**

8 **A.** I am appearing on behalf of Glen Riddle Station, L.P. (“GRS” or “Glen Riddle”) in this
9 proceeding. I have been asked specifically to rebut Sunoco’s testimony with respect to the
10 construction related noise issues at GRS’s Property relating to the work undertaken there
11 by or on behalf of Sunoco Pipeline, L.P. (“Sunoco”).

12 **Q. HAVE YOU REVIEWED THE TESTIMONY PROVIDED ON BEHALF OF GRS**
13 **REGARDING THE MARINER EAST 2/2X PIPELINE CONSTRUCTION AND**
14 **GRS’S CONCERNS REGARDING NOISE ISSUES, INCLUDING THE**
15 **TESTIMONIES OF STEPHEN IACOBUCCI AND JASON CULP, P.E.?**

16 **A.** Yes, I have.

17 **Q. DID YOU REVIEW THE TESTIMONY PROVIDED BY SUNOCO IN REBUTTAL,**
18 **INCLUDING THE TESTIMONIES OF SETH HARRISON AND JAYME FYE?**

19 **A.** Yes, I have.

20 **Q. HAVE YOU HAD THE OPPORTUNITY TO REVIEW ANY DOCUMENTS**
21 **RELATING TO THE PIPELINE CONSTRUCTION AT THE GLEN RIDDLE**
22 **APARTMENTS?**

23 Yes.

1 Q. WHAT DID YOU REVIEW?

2 A. I reviewed three sound reports/studies prepared by Behrens & Associates (Noise Impact
3 Assessment; Operational Sound Level Survey Results – data collected March 10th 2021;
4 and Operational Sound Level Survey Results – data collected March 4th and 24th); the letter
5 summarizing conclusions and findings dated May 10, 2021 prepared by Harrison
6 Acoustics; testimony of Stephen Iacobucci, Jason Culp, PE, Jayme Fye, and Seth Harrison,
7 PE; sound recording video documentation, photo archived version of same (GRS-5) and
8 the tabulated archive of videos; three vibration monitoring data reports by SSI dated 12/21-
9 12/31 2020, 1/1-1/31 2021 and 2/1-2/28 2021 (SPLP EXHIBITS SH-6, 7, and 8).

10 I. GRS'S MEASUREMENTS

11 Q. **SUNOCO'S WITNESS, SETH HARRISON, TESTIFIES THAT THE SOUND**
12 **METER READINGS THAT ARE ATTACHED AS EXHIBIT GRS-5 TO STEPHEN**
13 **IACOBUCCI'S DIRECT TESTIMONY, AND THE VIDEOS THAT GRS**
14 **PRODUCED IN DISCOVERY DOCUMENTING THOSE STILL PHOTOGRAPHS**
15 **ARE "INACCURATE, AND UNUSABLE FOR THE PURPOSE OF**
16 **DETERMINING THE SAFETY OF CONSTRUCTION-RELATED NOISE AT**
17 **THE GLEN RIDDLE STATION APARTMENTS." [HARRISON, P. 6]. DO YOU**
18 **AGREE OR DISAGREE?**

19 A. I disagree. I find no reason to believe these readings are any less accurate or useable than
20 those performed by Behrens and Associates and Harrison Acoustics. Seth Harrison
21 questions if the unit used in exhibit GRS-5 was properly calibrated. I reviewed GRS-33
22 which depicts five photographs of a sound level calibrator unit which, based on the
23 calibration label, was calibrated itself as recently as 12/5/2020. Calibration units must be

1 calibrated from a reference source traceable to the National Institute of Standards and
2 Technology (NIST). The sound level calibrator presented in GRS-33 is NIST traceable.
3 Therefore, the calibration of the unit depicted in GRS-5 should not be questioned. I did
4 not see documentation showing the calibration units used by Harrison Acoustics and
5 Behrens and Associates were themselves within calibration. Just like the sampling units
6 require timely calibration, so too do the calibration units. For this reason, I have concerns
7 regarding the accuracy of the units used in the studies performed by Behrens and
8 Associates and Harrison Acoustics.

9 The study documented in GRS-5 offers the advantage of video context for the
10 readings, which the readings provided by Behrens and Associates and Harrison Acoustics
11 lack. It is easy to observe which pieces of construction equipment are actively producing
12 noise. I cannot ascertain from the Behrens and Associates and Harrison Acoustics studies
13 which pieces of installed equipment were actively producing noise at the time of the
14 sampling at the measurement point locations. Although Behrens and Associates provides
15 the sound levels produced by each individual piece of equipment at certain distances (see
16 Table 2 - SPLP00036263), it is unclear which pieces of equipment were operational during
17 the "outside wall" samplings (see Table 2 – SPLP00036263) and the "Measurement Point
18 locations (see Table 3 – SPLP00036267). Similarly in the data provided by Harrison
19 Acoustics (SPLP Exhibit SH-5), it is unclear which pieces of installed equipment were
20 producing noise at the time of the samplings outside of the sound walls.

21 **Q. SUNOCO'S WITNESS, SETH HARRISON, TESTIFIES THAT "THE RELEVANT**
22 **CONSIDERATION FOR MIDDLETOWN TOWNSHIP'S ORDINANCE WOULD**
23 **BE THE LEVEL OF THE CONSTRUCTION SOUNDS MEASURED AFTER**

1 WORK HOURS (I.E., 9:00 P.M. TO 7:00 A.M.) AND AT A LOCATION THAT IS
2 BEYOND THE PROPERTY OF THE GLEN RIDDLE APARTMENTS.” MR.
3 HARRISON FURTHER TESTIFIES THAT GLEN RIDDLE “APPEARS TO BE
4 MEASURING AND FOCUSING ON NOISE LEVELS MEASURED DURING
5 WORK HOURS AND WITHIN THE PROPERTY. MOREOVER, MANY OF THE
6 MEASUREMENTS WERE MADE IN CLOSE PROXIMITY TO THE NOISE
7 SOURCES OR IN DIRECT LINE-OF-SIGHT AND ARE NOT INDICATIVE OF
8 THE SOUND PRESSURE LEVELS EXPERIENCED BY RESIDENTS OF THE
9 GLEN RIDDLE APARTMENTS WHO ARE MUCH FARTHER AWAY FROM
10 THE NOISE SOURCES AND SHIELDED BY THE SOUND BARRIERS.”
11 [HARRISON, PP. 6-7]. HOW DO YOU RESPOND TO MR. HARRISON’S
12 TESTIMONY?

13 A. I disagree with him. My interpretation of the Middletown Township noise ordinance
14 differs from that of Seth Harrison. First, I am curious if all the noise sources were necessary
15 at the times at which they were active (see Middletown Township Ordinance 155-1). For
16 example, it is unclear to me why work after daylight hours was necessary. The work after
17 daylight hours was made possible, in part, by as many as seven light plants, which
18 undoubtedly contributed to the noise produced by the project. During the impact
19 assessment and preliminary planning of the project, consideration should have been given
20 to putting unnecessary and undue burden on the people that live and work adjacent to the
21 project. A modified approach to the construction should have been considered to avoid the
22 need for after daylight work and hence reduce or eliminate the need for running seven light

1 plants in close proximity to dozens of residences after daylight hours. I understand that
2 GRS requested an accommodation from Sunoco on hours of operation and Sunoco refused.

3 My second difference in interpretation from that of Seth Harrison is in regards to
4 the portion of 155-2.D.1 that prohibits construction noise “beyond the premises upon which
5 said machinery... is being operated”. It is my understanding that the SPLP project is
6 operating within right-of-way acquired by SPLP from GRS. I believe the intent of this
7 section of the ordinance is to prevent the controlling party of the noise source from
8 burdening adjacent third parties with noise. In this scenario, it is my interpretation that the
9 word “premises” written in the ordinance should be taken to include “right-of-way”.

10 Although I agree with Seth Harrison that many of the residents reside in apartments
11 that are further away from the recording locations in GRS-5, there are a significant number
12 of apartments that are as close to the source as the sampling location. One recording of
13 particular concern is 5529, which was taken on a second or third floor apartment balcony
14 directly behind the noise wall. This sampling showed noise levels in excess of 80 dBA.
15 This highlights a partial incompleteness regarding the modeling performed by Behrens and
16 Associates. The Behrens and Associates’ Noise Impact Assessment Report states that
17 modeling was based on an assumed receiver location of 5 feet above grade. Many of the
18 apartments adjacent to the site are three to four stories above grade and are closer to the
19 top of the noise walls. Noise levels are likely higher as the receiver elevation increases
20 from 5 feet above grade, approaching the limits of the noise wall. Additional modeling
21 should have been done to consider the upper-level apartments’ noise exposure near the
22 limits of the wall. Similarly, the measured locations should have also included higher

1 elevation locations to better represent the conditions imparted on the upper level
2 apartments.

3 Several videos of sound samplings provided in GRS-5 did show the absence of
4 noise walls as Seth Harrison describes. However, they are a valid representation of the
5 conditions relating to the apartments in the video. Video 63027398263 depicts a vacuum
6 truck operating near an apartment, with no sound wall between the truck and apartment.
7 Video 4384 depicts a vacuum truck operating before the sound wall panels are installed.
8 Video 5721 depicts sound samplings in excess of 85 dBA taken from the front porch/patio
9 of an apartment. Sound walls are not erected between this apartment and the noise source;
10 it appears that the video depicts one of the construction site entrance locations which puts
11 the apartment in the video within direct line of site of the noise source.

12 **Q. MR. HARRISON OPINES THAT THE MEASUREMENTS TAKEN BY GRS ON**
13 **THE DEVICE DEPICTED IN GRS-33 AND BAFX-3608 DIGITAL SOUND LEVEL**
14 **METER MAY BE "INFLATED BY AS MUCH AS 3 dBA." [HARRISON, P. 7]. DO**
15 **YOU AGREE WITH THIS TESTIMONY?**

16 **A.** Seth Harrison describes the possibility that surfaces such as the building façade and the car
17 trucks may create a condition where sound waves reflect off the surface, causing the
18 potential to increase the dBA levels sampled by the instrument. While this possibility does
19 exist, I only observed the potential existence of this condition in four of the thirty videos I
20 observed (63027228020, 4589, 4593, 28511689) where the readings may inflate slightly
21 in a way that would not likely be experienced by residents. However, should this condition
22 exist on the porches or patios, it would contribute to the noise in a manner that would likely
23 be experienced by residents. Therefore, increased noise levels from this condition should

1 be considered because they do impact the residents. I agree with Seth Harrison in his
2 statement that a decibel difference of 3 dBA is "just noticeable" as he describes in his May
3 10, 2021 presentation of findings; should the readings in the four videos I referenced above
4 be inflated by 3 dBA due to this reflecting condition, it would not be considerable enough
5 to misrepresent the discomfort and unrest experienced by the residents.

6 **II. SUNOCO'S PURPORTED "SOUND MITIGATION PLAN"**

7 **Q. MR. HARRISON TESTIFIES THAT SUNOCO ENGAGED AN**
8 **ENVIRONMENTAL ACOUSTICS CONSULTANT TO STUDY THE SOUND**
9 **FROM THE CONSTRUCTION SITE AND PROVIDED GRS WITH A SOUND**
10 **WALL AND SOUND MITIGATION PLAN. IS THIS YOUR UNDERSTANDING?**

11 **A.** Yes, this is my understanding. The Noise Impact Assessment performed by Behrens and
12 Associates offered was partially incomplete in my opinion. The model used to predict the
13 decibel levels assumed a receiver location of 5 feet above grade. Considerations should
14 have been made for the units on the third and fourth stories of the apartment buildings that
15 are closer to the top of the sound walls. Based on several of the videos of the sound
16 samplings I observed, taken from higher elevation apartments, the installed sound
17 mitigation plan did not provide equal protection to those higher elevation apartments.

18 The sound wall layout (Scenario 1 – page 11 of the Noise Impact Assessment
19 Report by Behrens and Associates) originally proposed by Behrens and Associates
20 included approximately 312 linear feet of 24 feet high, free standing portable acoustical
21 panels with STC of 43 to be installed at the northern end of the worksite. The models
22 generated under this scenario showed a noise level of approximately 55 dBA. Based on
23 aerial photos and the Installed Mitigation Layout provided on page 5 of the Operational

1 Sound Level Survey Results dated March 10, 2021, the northern end of the job site received
2 considerably less sound barrier protection than Behrens and Associates initially
3 recommended. The installed condition instead included 100 linear feet of wooden walls
4 and approximately 180 linear feet of acoustic panels ranging from 16 to 12 feet in height.
5 This reduction in overall surface area of acoustical panels undoubtedly contributed to
6 higher noise levels, as evident the noise map shown in Figure 5 of the Operational Sound
7 Level Survey displaying data collected on March 10th. The noise map shows noise contours
8 as high as 80-82 dBA impacting the buildings to the west of this northern-most end of the
9 job site. The failure of Sunoco to implement the original sound wall plan as designed by
10 Behrens and Associates resulted in an unnecessary and exorbitant level of noise imparted
11 on the GRS residents and staff.

12 There was a sampling performed prior to March 10th on March 4th. This sampling
13 shows no contours in the northwestern exterior of the job site, allegedly due to reading
14 interference by apartment staff. However, the area covered by the 90 dBA and above
15 contours is considerably greater than in the March 10th data, which suggests that the amount
16 of noise generated during the March 4th reading is considerably greater than the noise
17 generated during the March 10th reading. I would expect that the buildings that experienced
18 between 76 and 82 dBA on March 10th would have experienced significantly higher noise
19 on March 4th as compared to March 10th.

20 **Q. IN YOUR PROFESSIONAL OPINION, SHOULD SUNOCO HAVE TAKEN**
21 **ADDITIONAL STEPS – BEYOND WHAT MR. HARRISON TESTIFIES TO – IN**
22 **ORDER TO MITIGATE THE IMPACT OF SOUND ON THE RESIDENTS OF**
23 **THE GLEN RIDDLE APARTMENTS?**

1 A. Yes. Sound barriers are not the only means of mitigating noise. Part of a comprehensive
2 sound mitigation plan may include staging work such that sensitive hours, such as
3 nighttime and early morning hours, are avoided for operating louder equipment. I did not
4 observe any discussions of considerations for staging operations around sensitive hours.

5 Another component of a comprehensive sound mitigation plan includes modifying
6 the means and methods of the work. For example, while vacuum trucks offer the advantage
7 of a relatively impact-free and safe way of locating underground utilities, there are other
8 options available that have virtually no noise impact, such as ground penetrating radar and
9 electromagnetic locating. These technologies should have been considered as part of a
10 comprehensive sound mitigation plan.

11 Additionally, Sunoco failed even to implement the Sound Wall Plan that Behrens
12 required. They abandoned it for an unreasonable alternative. More planning should have
13 occurred and better means should have been put in place. Sunoco failed here.

14 **Q. IN YOUR EXPERIENCE SHOULD THE OWNERS OF THE GLEN RIDDLE**
15 **APARTMENTS HAVE BEEN CONSULTED DURING SUNOCO'S SOUND**
16 **MITIGATION PLANNING PROCESS?**

17 A. Yes. A responsible feasibility study and impact assessment presents the project concept to
18 and solicits input from all stakeholders, which includes the public most impacted by the
19 work, which in this case is the residents and management of the Glen Riddle Apartments.
20 This is another Sunoco failure.

21 **Q. IN YOUR PROFESSIONAL OPINION, WOULD THIS HAVE IMPROVED THE**
22 **SAFETY OF THE RESIDENTS OF THE GLEN RIDDLE APARTMENTS?**

1 A. Yes. It is nearly impossible for design professionals themselves to identify all adverse
2 impacts of a proposed project. The residents and management of the GRS apartments
3 would very likely have raised inconspicuous but legitimate concerns with the project as it
4 impacts their daily lives and work days, and provided the project with an opportunity to
5 address those concerns.

6 **Q. IN YOUR PROFESSIONAL OPINION WAS THE SOUND MITIGATION PLAN**
7 **DESCRIBED BY MR. HARRISON IMPLEMENTED TIMELY?**

8 A. It is my understanding that there was a significant period of time when vacuum trucks were
9 in use without the sound walls in place. Seth Harrison states that he observed vacuum
10 trucks being active “for a few minutes at a time”. I have been involved in many vacuum
11 truck efforts that took several hours to reach a desired utility, whether due to missing the
12 utility on first attempt or subterranean obstructions such as large stones. It is highly likely
13 that some of the potholing efforts at this site took significantly longer than a few minutes.

14 **III. HARRISON’S MEASUREMENTS**

15 **Q. DID YOU REVIEW THE MEASUREMENTS TAKEN BY MR. HARRISON,**
16 **WHICH HE DISCUSSES AT PAGE 6 OF HIS TESTIMONY? [HARRISON, P. 6].**

17 A. Yes.

18 **Q. HAVE YOU IDENTIFIED ANY ISSUES OR CONCERNS WITH RESPECT TO**
19 **THE METHODS THAT MR. HARRISON USED TO TAKE THOSE**
20 **MEASUREMENTS OR THE MEASUREMENTS THEMSELVES?**

21 A. Yes. Sound levels could have been recorded by Sunoco nearly continuously for 24 hours
22 per day, 7 days per week, with the results plotted against time to show at which hours of
23 the day the noise increases, peaks, decreases and bottoms. Half-hourly or hourly averages

1 could have been plotted versus time, along with peak readings within a given time
2 increment to better convey the noise circumstance at the property. A study of this nature
3 would have provided significantly more insight to the project team to use in responding to
4 the GRS residents' and employees' concerns. It is not clear if the reports of Behrens and
5 Associates present singular discrete sound samplings, averaged values, or peak
6 measurements. In reviewing the report from Harrison Acoustics, it appears that the
7 readings performed were discrete samples taken at one specific time of day at a specific
8 location, rather than near-continuous sampling over numerous hours.

9 **Q. DID YOU REVIEW THE SUMMARY OF THE SOUND MEASUREMENTS THAT**
10 **MR. HARRISON TOOK AT THE PROPERTY ON APRIL 1, 2021, WHICH ARE**
11 **EXHIBIT SPLP SH-5?**

12 **A.** Yes.

13 **Q. DO YOU AGREE OR DISAGREE WITH THE CONCLUSIONS THAT MR.**
14 **HARRISON REACHED WITH RESPECT TO THESE MEASUREMENTS?**

15 **A.** I disagree with his opinion that the sound levels experienced outside of the active
16 construction area do not exceed OSHA limits for noise exposure. The OSHA standard is
17 a permissible time-averaged noise exposure dosage. Without a nearly-continuous sound
18 sampling over the entirety of the working hours, at minimum, it is my opinion that one
19 cannot determine that OSHA limits were not exceeded. More importantly, it is my opinion
20 based on the available evidence that Sunoco regularly exceeded the limits deemed
21 hazardous by the Centers for Disease Control ("CDC"). See GRS-27.

1 **IV. THE BEHRENS REPORTS**

2 **Q. DID YOU HAVE AN OPPORTUNITY TO REVIEW THE PRE-CONSTRUCTION**
3 **REPORT PREPARED BY BEHRENS AND ASSOCIATES, INC., DATED**
4 **AUGUST 20, 2020, WHICH WAS PREPARED AT SUNOCO'S DIRECTION?**

5 **A. Yes.**

6 **Q. DO YOU AGREE WITH MR. HARRISON'S ASSESSMENT THAT THE**
7 **BEHRENS REPORTS WERE "WELL-DONE, THOROUGH, AND IN-LINE WITH**
8 **THE STANDARD OF CARE FOR NOISE CONTROL ENGINEERING?"**
9 **[HARRISON, PP. 8-9].**

10 **A. The Behrens Noise Impact Assessment Report had some positives to offer to the project,**
11 **however, in my opinion, it failed to consider the third and fourth story apartments in the**
12 **modeling used as a basis for the sound mitigation design. Considering the noise impacts**
13 **to the upper level apartments in a separate model may have altered the comprehensive noise**
14 **mitigation approach. It also did not address the other problem that plagued the site from a**
15 **noise standpoint identified in my testimony. In any event, Sunoco failed to follow Behren's**
16 **plan.**

17 **Q. DID YOU ALSO HAVE AN OPPORTUNITY TO REVIEW THE REPORTS**
18 **PREPARED BY BEHRENS AND ASSOCIATES, INC. WHICH WERE**
19 **CONDUCTED DURING ACTIVE CONSTRUCTION AND WHICH ARE DATED**
20 **MARCH 10, 2021 AND APRIL 9, 2021?**

21 **A. Yes.**

22 **Q. WHAT COMMENTS, IN ANY, DO YOU HAVE WITH RESPECT TO THESE**
23 **REPORTS?**

1 A. The two Operational Sound Level Survey Result reports were unclear regarding which
2 pieces of installed equipment were operational at the time of the sampling, and if the
3 measured dBA data presented represented single discrete samplings, time weighted
4 averages or peaks. The usefulness of these reports, as it relates to concluding whether
5 OSHA noise dosage limits were exceeded, is extremely limited without time weighted
6 averages and peak decibel readings to consider. Again, the OSHA limits are tied to time
7 weighted averages. In my professional opinion, the CDC is the better source when
8 considering safety of the residents.

9 V. CONCLUSION

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. Based on the available data, I would not be comfortable offering an opinion that the OSHA
18 noise limits were not likely exceeded. It is my opinion that there is extremely limited data
19 to support this opinion, and there is no data to rule out the possibility of the OSHA noise
20 limits being exceeded throughout the course of the project. Again, however, in my opinion,
21 CDC guidelines, specifically those in **GRS-27**, are the more appropriate standard as to
22 health and safety and those guidelines were clearly violated by Sunoco here.

1 Per the CDC, noise is considered hazardous when it reaches 85 decibels or higher,
2 or if a person has to raise his or her voice to speak with someone 3 feet away (arm's length).
3 CDC also states that damage to hearing is possible after two hours of exposure to a noise
4 level of 80 to 85 decibels. There is definitive evidence that the noise level exceeded 85
5 decibels outside of the construction site boundaries and it is extremely likely that two-hour
6 or longer periods of 80 to 85 decibels frequently existed outside of the construction site
7 boundaries.

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

12 **A.** No. The CDC offers guidelines to follow for the public to protect itself from possible
13 hearing damage. Sunoco failed to even consider these guidelines apparently (from a review
14 of Sunoco's testimony).

15 **Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF**
16 **CERTAINTY, DOES SUNOCO'S CONSTRUCTION OF THE ME2/2X**
17 **PIPELINES AT THE GLEN RIDDLE STATION APARTMENTS CREATE AN**
18 **UNSAFE LEVEL OF NOISE?**

19 **A.** Based on the data available, the nature of the work and equipment installed on site, and the
20 guidelines offered by the CDC, in my professional opinion to a reasonable degree of
21 certainty, the ME2/2X Pipeline operations at the GRS jobsite created situations that
22 otherwise would not have existed in which the GRS residents and staff could suffer hearing

1 loss. There is hard, irrefutable evidence that noise levels outside of the limits of the
2 construction site exceeded 85 decibels, which CDC considers to be hazardous noise levels.

3 **Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF**
4 **CERTAINTY, DO THE SOUND MITIGATION DEVICES IMPLEMENTED BY**
5 **SUNOCO ADEQUATELY ADDRESS THE UNSAFE LEVEL OF NOISE**
6 **CREATED BY SUNOCO'S CONSTRUCTION?**

7 **A.** No. Based on my review of the data, it is my professional opinion to a reasonable degree
8 of certainty that the measures implemented by Sunoco did not adequately address the
9 hazardous noise levels present outside of the jobsite limits. The two apartment buildings
10 outside of the northwest corner of the jobsite appear to have been exposed to particularly
11 high levels of noise due to the nearby concentration of noise producing equipment and
12 Sunoco's divergence from the mitigation measures initially prescribed by Behrens and
13 Associates.

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

16 **A.** Yes.

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

18 **A.** Yes. I reviewed three vibration data reports provided by SSI and have concerns regarding
19 their contents and the conclusions drawn by Seth Harrison. First, Seth Harrison states that
20 "the vibration threshold for residential building damage is based on the industry standard
21 reference document from the US Department of the Interior entitled *Report of*
22 *Investigations 8507 – Structure Response and Damage Produced by Ground Vibration*
23 *from Surface Mine Blasting*" commonly referred to as USBM-RI8507. I question the

1 accuracy of this statement. In looking at page 2 at each of the three vibration reports
2 presented by SSI, none of the threshold limits include those outlined in USBM-RI8507.
3 Instead, the threshold limits only consider PPV and not frequency. The reports reference
4 a Vibration Monitoring Plan (VMP) which likely describe the vibration limits, and why
5 such limits were chosen. I do not have the VMP to review to understand how the threshold
6 limits were selected as presented on page 2 of each of the three vibration data reports.

7 Second, while I agree with Seth Harrison that this is the most widely referenced
8 standard in the world of vibration monitoring, it is not always the most appropriate standard
9 to follow. As the title of the document suggests, this empirical study was based on
10 vibrations imparted on single family structures by blasts. Blasts are short duration events
11 that cause short duration vibration events. In contrast, construction operations, such as
12 vibratory pile driving, are significantly longer duration and emit a steady, long duration
13 vibration events. Newer standards, such as the Federal Transit Administration's *Transit*
14 *Noise and Vibration Impact Assessment 12.2.2 – Construction Vibration Criteria*, offer
15 damage criteria specifically tailored to construction applications. These criteria
16 recommend a limit of 0.3 in/sec, independent of wave frequency, for engineered concrete
17 and masonry buildings. This limit was exceeded at least five times according to the
18 vibration data collected by the seismograph installed adjacent to the GRS apartments.

19 Third, there is missing vibration data from the seismograph installed adjacent to the
20 GRS apartments due to the unit not recording between 12/23/20 at 5:06 AM and 12/28/20
21 at 1:40 PM. It is unknown what levels of vibrations existed in the vicinity of the GRS
22 apartments within this timeframe.

1 Last, the threshold PPV limits presented on page 2 of each of the three vibration
2 reports for the unit installed at the GRS apartment is considerably more generous (less
3 conservative) at 0.8 in/sec than the limit for the units installed at 2 Riddlewood Drive and
4 the Turnbridge Apartments, which both have a limit of 0.25 in/sec (except in the report
5 dated March 5th, in which the limit for the unit installed at the GRS apartments is indicated
6 at 0.25 in/sec). It is unclear why the unit installed at the GRS apartments had an
7 inconsistent vibration threshold limit, and why at times the limit was significantly higher
8 than the other two units installed in support of the project.

9 For these reasons, I have serious concerns that the GRS structures sustained serious
10 damage resulting from construction vibrations.

11 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 Joseph J. Wittman, 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

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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
JAY ETZEL, P.E.
ON BEHALF OF
GLEN RIDDLE STATION, L.P.

Dated: June 14, 2021

GRS Statement No. 7 -SR

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**SURREBUTTAL TESTIMONY OF
JAY T. ETZEL, P.E.**

I. INTRODUCTION AND BACKGROUND

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Jay T. Etzel, P.E. My business address is 530 Walnut Street, Philadelphia, PA, 19106.

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

A. I am and have been employed by Urban Engineers, Inc., in the "Traffic and Intelligent Transportation Systems (ITS) Department" for twenty-five years. I am currently the Deputy Practice Leader of the Traffic and ITS Department. I am a Registered Professional Engineer in four states – Pennsylvania, New Jersey, Delaware, and Maryland. My Pennsylvania registration number is PE056843E. I have significant experience addressing traffic safety issues throughout the Greater Delaware Valley Region. My CV is Exhibit **GRS-170.**

Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.

A: I attended and graduated from Drexel University in 1996. I then went to work at Urban Engineers.

Q. DO YOU HAVE ANY PROFESSIONAL CERTIFICATIONS OR TRAINING?

A. In addition to being a professional engineer I have taken numerous training courses related to traffic engineering, safety, and other relevant subjects. Some of the courses I have recently participated in include Roadway Traffic and Safety Improvements, Road Safety Audits, Design of Pedestrian Curb Ramps and Pedestrian Access Routes, Pedestrian Road Safety Audits and Engineering Solutions and Strategies for Safe Routes to School.

1 Q. CAN YOU HIGHLIGHT YOUR WORK EXPERIENCE AS IT RELATES TO
2 TRAFFIC AND INTELLIGENT TRANSPORTATION SYSTEMS?

3 A. My primary responsibilities involve the design and assessment of traffic signals and related
4 facilities, pedestrian access routes, and safety related projects. Some recent projects I've
5 been involved with include the Roosevelt Boulevard Route For Change study, where we
6 participated in a study to improve the overall safety and efficiency of this route through
7 Philadelphia – this project has now entered the design phase. I was the Project Manager for
8 the Woodland Avenue Intersection redesign in southwest Philadelphia that included the
9 redesign of 26 signals including trolley and pedestrian improvements. I was the Project
10 Manager for a Highway Safety Improvement Project in New Jersey to examine
11 intersections with known safety issues and provide quick fixes that could be implemented.
12 And currently I'm the Project Manager for a 15 mile, 26 intersection upgrade that is in
13 construction on Route 73 in New Jersey to install adaptive signal controls to improve the
14 efficiency and safety of this congested corridor. Additional project are listed on my CV.

15 Q. HAVE YOU RECEIVED ANY AWARDS IN THIS FIELD?

16 A. I have not but numerous projects I've been involved with have including the Marlton Circle
17 Replacement project in Marlton, NJ and recently the Lafayette Avenue Extension project
18 through Norristown, PA.

19 Q. HAVE YOU EVER TESTIFIED AS AN EXPERT BEFORE?

20 A. Yes. I have testified as an expert in traffic engineering as a representative of the New
21 Jersey Department of Transportation several times.

22 Q. HAVE YOU PREVIOUS TESTIFIED BEFORE THE PENNSYLVANIA PUBLIC
23 UTILITIES COMMISSION ("PUC" OR "COMMISSION")?

1 A. No.

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

3 A. I am appearing on behalf of Glen Riddle Station, L.P. ("GRS" or "Glen Riddle") in this
4 proceeding. I have been asked to testify specifically as to my evaluation of the traffic safety
5 issues at GRS's Property as it relates to the work undertaken there by or on behalf of
6 Sunoco Pipeline, L.P. ("Sunoco").

7 **Q. PLEASE DESCRIBE THE PURPOSE OF YOUR TESTIMONY AND**
8 **SUMMARIZE THE KEY POINTS.**

9 A. The purpose of my testimony is to rebut the Rebuttal Testimony of Chad Farabaugh and
10 Rebuttal Testimony of Gregory G. Noll. Specifically, it is my professional opinion to a
11 reasonable degree of certainty that contrary to their testimonies (1) Sunoco did not
12 adequately address the traffic circulation problems at Glen Riddle; (2) Sunoco did not
13 adequately address the interaction of construction vehicles with residents; (3) Sunoco did
14 not adequately address the problems the construction vehicles caused in the parking lot of
15 Glen Riddle; (4) Sunoco did not adequately address the problems the construction caused
16 to bus stops; (5) Sunoco did not adequately communicate with the residents regarding the
17 impact construction would have on pedestrian and vehicular traffic; and (6) Sunoco did not
18 adequately address fire safety access at Glen Riddle and Sunoco.

19 **Q. HAVE YOU VISITED THE PROPERTY?**

20 A. Yes, on June 1, 2021.

21 **Q. DID YOU MAKE OBSERVATIONS DURING THAT VISIT THAT HELPED YOU**
22 **DEVELOP YOUR CONCLUSIONS REGARDING THE TRAFFIC PATTERNS AT**
23 **GLEN RIDDLE?**

1 A. Yes.

2 Q. DID YOU REVIEW ANYTHING ELSE IN FORMULATING YOUR OPINIONS?

3 A. Yes. In addition to my site visit, I reviewed the Complaint in this matter, Rebuttal
4 Testimony of Chad Farabaugh, P.E. and the Rebuttal Testimony of Gregory G. Noll. I also
5 reviewed the Direct Testimony of Stephen Iacobucci and the Direct Testimony of Jason
6 Culp, P.E. as well as numerous exhibits submitted by Glen Riddle. [GRS-10, 11, 12, 22,
7 23, 28, 29, 108, 110, 112.] I also reviewed photographs and video provided to me by GRS.
8 [GRS-171, 172.]

9 II. DESCRIPTION OF THE PROPERTY

10 Q. PLEASE DESCRIBE THE PROPERTY GENERALLY.

11 A. I visited the property on June 1, 2021. The property is an approximately 11-acre parcel
12 with 5 apartment buildings of masonry and precast plank construction with related
13 infrastructure including pool, parking areas and drive aisles spread out across the site. The
14 drive aisles create a loop that connects at the top and conveys down to the two access
15 entrances near each side of the property. The site is approximately 50% pervious and 50%
16 impervious steeply sloping from North to South. In general, the site has fairly large
17 expanses of green/open lawn space (in comparison to a denser development or urban type
18 development). The work area bisects the property in two halves (East half with two
19 buildings and West half with three buildings) and the sound walls limit pedestrian and
20 vehicle access to either half.

1 **III. CIRCULATION ISSUES**

2 **Q. DO YOU AGREE WITH MR. FARABAUGH'S CONCLUSION THAT THE**
3 **PEDESTRIAN CIRCULATION ON THE GLEN RIDDLE SITE IS NOT**
4 **COMPLETELY DIFFERENT AND THUS NOT INHERENTLY UNSAFE?**

5 **A.** No, I do not. He is incorrect. Although all pedestrian circulation patterns throughout the
6 complex may not be completely different than they were prior to Sunoco's construction,
7 there is no doubt that many circulation patterns have been affected by the construction and
8 that they are less safe because of it. Moreover, even those circulation paths that are
9 relatively unchanged now are forced to share the road with heavy construction vehicles
10 that are maneuvering through a residential parking lot.

11 **Q. CAN YOU PROVIDE AN EXAMPLE OF SUCH AN UNSAFE CONDITION?**

12 Yes. Residents that live on the western side of the complex that need to visit the rental
13 office can no longer reach the rental office through interior circulation. If the residents
14 choose to drive they must exit via the western driveway, make a left onto Glen Riddle
15 Road, and a quick left into the eastern driveway, and share the unmarked construction
16 easement with construction vehicles using the access gate near the north eastern section of
17 the construction zone. If residents choose to walk, they must follow a similar path except
18 the residents are forced to use the shoulder of the road along Glen Riddle Road to reach
19 the eastern driveway.

20 **IV. INTERACTION WITH CONSTRUCTION VEHICLES**

21 **Q. DO YOU AGREE WITH MR. FARABAUGH'S CONCLUSION THAT**
22 **ALLOWING VEHICLES TO HAVE ACCESS FROM BUILDINGS G & H TO**
23 **BUILDING I WAS CREATING AN UNSAFE CONDITION?**

1 A. No, I do not. He is incorrect. This connection is now blocked by the construction zone.
2 Mr. Farabaugh implies that the construction zone makes the parking lot safer. However,
3 this conclusion lacks any evidentiary backing and fails simple logical reasoning.

4 **Q. WHY?**

5 A. Forcing vehicles to make multi point k-turns to exit, share drive aisles, and limit them to
6 one means of ingress/egress makes a situation less safe. Any type of incident – whether
7 a crash, vehicle breakdown, spill, natural occurrence (e.g. a fallen tree) could potentially
8 eliminate any access to residents along that section. Although this could be a minor
9 inconvenience if it occurred at the wrong time, it could also be catastrophic.

10 **Q. DO YOU AGREE WITH MR. FARABAUGH THAT TRAFFIC DESIGN “IS**
11 **DESIGNED FOR PEOPLE WITH SOMEWHAT SLOWER PERCEPTION-**
12 **REACTION TIMES”?**

13 A. Yes, I do. Understanding and accepting this concept as the basis for design should lead
14 to a design that anticipates the confusion created by construction traffic and pre-emptively
15 handles it.

16 **Q. HOW CAN YOU AVOID CONFUSION DURING CONSTRUCTION AT GLEN**
17 **RIDDLE?**

18 A. The logical extension of the concept that traffic design is for people with slower
19 perception and reaction is to clearly mark the construction easement access roads. Per
20 attachment GRS-28, Sunoco has condemned a 20' wide temporary access road that
21 meanders through the parking lot to two distinct construction access points. Without
22 markings in the parking lot, there is no way to ascertain where this roadway is or whether
23 construction vehicles are staying within their prescribed construction zone.

1 Q. DID SUNOCO INCREASE THE LIKELIHOOD OF CONFUSION AND A
2 TRAFFIC ACCIDENT?

3 A. Yes, by not clearly marking the areas where the construction vehicles would operate they
4 introduced unneeded confusion on the site and made the site unsafe in this respect.

5 V. PARKING LOT BEHAVIOR

6 Q. IN YOUR OPINION, DID SUNOCO PROPERLY COMMUNICATE WITH GLEN
7 RIDDLE RESIDENTS ABOUT THE CHANGES THE CONSTRUCTION WOULD
8 CAUSE TO THE PARKING LOT?

9 A. No, Sunoco did not properly communicate with Glen Riddle residents about changes in
10 the parking lot patterns. Although Mr. Farabaugh states that “driving through a parking
11 lot does not demand professional driving skills and optimum equipment” (Page 6, line
12 23 to Page 7, line 1), he also admits that all Sunoco drivers are required to complete
13 “defensive driver training” (Page 7, line 6). Unfortunately, Sunoco did not afford this
14 same training to the residents, drivers, and pedestrians that are forced to interact with the
15 heavy construction equipment that has been on site for over six (6) months because of
16 Sunoco’s construction activities.

17 Q. IN YOUR EXPERIENCE HOW CAN A PARTY ENGAGING IN
18 CONSTRUCTION COMMUNICATE WITH RESIDENTS?

19 A. Typical of many construction projects, websites can be set up to inform the public in
20 addition to regularly scheduled meetings to provide a two-week look ahead schedule so
21 everyone knows what to expect and when to expect it. Planning is key and Sunoco did
22 not do that here or, more accurately, shared none of that with those who also needed to
23 know it, i.e. the GRS residents.

1 Q. **DID THAT HAPPEN HERE?**

2 A. It appears that little to no communication has occurred between Sunoco and their
3 representatives and the residents of the apartments to inform the residents of what to
4 expect, and when, and the proper means to navigate the Property during construction.

5 Q. **IN YOUR OPINION, WHOSE RESPONSIBILITY IS IT TO DRIVE THESE**
6 **COMMUNICATIONS?**

7 A. Sunoco has caused the hazardous conditions on the Property and Sunoco should address and
8 remedy it. Although Mr. Farabaugh states that "GRS could consider temporarily
9 restricting parking or limiting vehicles to compact cars only in two locations" (page 14,
10 lines 16-17) and "improvements could have been made by the proper owner, irrespective
11 of the construction project."(page 15, lines 1-2), I do not agree with him. Sunoco caused
12 these hazardous conditions by mixing pedestrians, residential vehicles, and delivery
13 vehicles with construction vehicles. Simply put, these concerns regarding traffic patterns
14 and pedestrian safety do not exist without construction vehicles on site. Additionally,
15 this location is open to visitors and others that might not be familiar with the construction
16 issues. If Sunoco provided additional information about the site conditions, the overall
17 safety of the job site would improve.

18 **VI. IMPACT ON BUS STOPS**

19 Q. **DID SUNOCO'S CONSTRUCTION CAUSE A CHANGE IN THE SCHOOL BUS**
20 **STOP FOR CHILDREN?**

21 A. Yes. As Mr. Farabaugh acknowledges (page 12) the bus stop was moved from inside the
22 parking lot in a directional pattern where the school bus entered the property at one

1 driveway and exited the driveway at the other driveway to the shoulder of Glen Riddle
2 Road.

3 **Q. WAS THIS CHANGE MADE IN COORDINATION WITH ROSE TREE MEDIA**
4 **SCHOOL DISTRICT (RTMSD)?**

5 **A.** Mr. Farabaugh claims it was, but I do not believe that to be true.

6 **Q. WHY NOT?**

7 **A.** A review of the emails attached to his Rebuttal Testimony show that the initial email
8 between Joe Massaro and RTMSD was on December 1, 2020. However, aerial
9 photographs dated November 28, 2020 (also included in Mr. Farabaugh's Rebuttal
10 Testimony) show Sunoco was already on-site doing work and progressing. It is
11 disingenuous to state that Sunoco reached out ahead of time to work with the school district
12 and come to a proper work plan for the buses. In fact, Mr. Massaro's email from December
13 8, 2020, states "we would like to get this moving ASAP as we are already impacting some
14 of these bus stops."

15 **Q. IN YOUR OPINION, DID SUNOCO PROPERLY ANTICIPATE AND PLAN FOR**
16 **CHANGES TO THE BUS STOP AT GLEN RIDDLE?**

17 **A.** No. Sunoco clearly did not anticipate or plan for the confusion and disruption it would
18 cause to the buses. When Sunoco realized the problem, Sunoco did not stop or delay its
19 work. Rather, Sunoco forged on, leaving the bus drivers and students to fend for
20 themselves. An example of this is shown in Exhibit GRS-23 where a resident informed
21 Sunoco of students not being aware of proper bus drop off locations and students missing
22 the bus (GRS-171).

1 Q. DO YOU AGREE WITH MR. FARABAUGH'S CONCLUSION THAT THE NEW
2 BUS STOP IS SAFE?

3 A. No. A school bus stop that is safer than an unsafe location does not in and of itself make
4 this location "safe." Mr. Farabaugh fails to mention that there is a reverse curve less than
5 100' from the western driveway with a reduced speed placard of 20 MPH for this curve.
6 The curve is also wooded and adjacent to a vertical stone wall. Chevron markers are
7 present to alert drivers to the roadway curvature. In talking with GRS representatives, I
8 was also informed that buses have again begun entering the parking lot for student
9 pickup/discharge, making a k-turn, and exiting the property (at each driveway) rather than
10 waiting on the shoulder. In my professional opinion, this would be an indication that the
11 drivers feel loading and unloading of students is safer and more appropriately done within
12 the parking area while being separated from roadway traffic.

13 Q. IN YOUR OPINION, WHAT SHOULD SUNOCO HAVE DONE TO PROVIDE
14 SAFETY AT THE SCHOOL BUS STOP?

15 A. To alleviate confusion, Sunoco could have performed early interaction with RTMSD, had
16 a site visit with school and GRS representatives to properly locate a bus stop, installed
17 temporary bus stop markers to inform children where to wait, prepared a communication
18 packet for residents and drivers, and had guards on site for the first day that buses were
19 impacted. Sunoco did not take any of these safety measures prior to commencing
20 construction.

21 VII. FIRE SAFETY ACCESS

22 Q. IN YOUR OPINION, DID THE CONSTRUCTION AT GLEN RIDDLE AFFECT
23 THE ABILITY OF FIRE SAFETY VEHICLES TO REACH GLEN RIDDLE?

1 A. Yes. Although Mr. Noll opines that the construction is only a temporary construction
2 project (Page 9, line 22), it only takes one incident to result in a catastrophe. Moreover,
3 construction has already exceeded the six (6) months. Six (6) months is not "temporary"
4 as suggested by Mr. Noll. Any event that led to a fire near buildings G & H could also
5 easily result in a blockage to the only access point to these buildings. Whether a car
6 accident, vehicle breakdown, or fallen tree, with only one access point, this could be
7 catastrophic.

8 **Q. IN YOUR OPINION, ARE THERE ANY OTHER CONCERNS WITH THE FIRE
9 SAFETY ACCESS AT GLEN RIDDLE?**

10 Yes. Mr. Noll states that Middletown Township Fire Company and Rocky Run Fire
11 Company were on site and able to reach the buildings (page 10, lines 19-21). However,
12 it is my understanding that these field visits only were completed for the buildings on the
13 east side of Sunoco construction work, not those on the western side of Sunoco's
14 construction work.

15 **VIII. STACKING OF TRUCKS**

16 **Q. DID YOU ALSO REVIEW JOE BECKER'S OPINION REGARDING THE
17 STACKING OF TRUCKS?**

18 A. Yes.

19 **Q. DO YOU AGREE WITH HIS OPINION THAT THERE IS NO SAFETY ISSUE
20 WITH STACKING TRUCKS?**

21 A. No, I do not. Because of the way the construction site is set up the primary access for
22 many of the trucks is at the top of the project site and requires vehicles to navigate through
23 the parking lot and potentially block parking spots and cartways. Ideally in a situation

1 where only one vehicle can access the site at a time the remaining vehicles would have
2 an alternate staging area off site and would be directed onto the property when they do
3 not have to wait for others vehicles to leave. Having vehicles idling in the parking lot to
4 wait for entrance into the job site introduces obstacles that do not have to be there at the
5 moment.

6 Additionally, I was provided with videos [GRS-171, 172] showing a tanker truck entering
7 the site and proceeding to the northern entrance. Because of the location of the entrance
8 the vehicle entered into the lower lot and made a k-turn so it could traverse the lot in
9 reverse. The vehicle did this maneuver without any traffic directors visibly directing it
10 through the lot. In at least one of the videos non-construction vehicles can be seen driving
11 around the truck causing a safety issue. [Id.]

12 **IX. CONCLUSIONS**

13 **Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF**
14 **CERTAINTY, DID SUNOCO ADEQUATELY ADDRESS THE CIRCULATION**
15 **PROBLEMS AT GLEN RIDDLE?**

16 **A.** No.

17 **Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF**
18 **CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY ADDRESS THE**
19 **CIRCULATION PROBLEMS AT GLEN RIDDLE CREATE A SAFETY**
20 **PROBLEM AT GLEN RIDDLE?**

21 **A.** Yes.

1 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
2 CERTAINTY, DID SUNOCO ADEQUATELY ADDRESS THE INTERACTION
3 OF CONSTRUCTION VEHICLES WITH RESIDENTS?

4 A. No.

5 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
6 CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY ADDRESS THE
7 INTERACTION OF CONSTRUCTION VEHICLES WITH RESIDENTS CREATE
8 A SAFETY PROBLEM AT GLEN RIDDLE?

9 A. Yes.

10 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
11 CERTAINTY, DID SUNOCO ADEQUATELY ADDRESS THE PROBLEMS THE
12 CONSTRUCTION VEHICLES CAUSED IN THE PARKING LOT AT GLEN
13 RIDDLE?

14 A. No.

15 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
16 CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY ADDRESS THE
17 PROBLEMS THE CONSTRUCTION VEHICLES CAUSED IN THE PARKING
18 LOT CREATE A SAFETY PROBLEM AT GLEN RIDDLE?

19 A. Yes.

20 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
21 CERTAINTY, DID SUNOCO ADEQUATELY ADDRESS THE PROBLEMS THE
22 CONSTRUCTION CAUSED TO BUS STOPS?

23 A. No.

1 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
2 CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY ADDRESS THE
3 PROBLEMS THE CONSTRUCTION CAUSED TO BUS STOPS CREATE A
4 SAFETY PROBLEM?

5 A. Yes.

6 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
7 CERTAINTY, DID SUNOCO ADEQUATELY COMMUNICATE WITH THE
8 RESIDENTS REGARDING THE IMPACT THE CONSTRUCTION WOULD
9 HAVE ON TRAFFIC?

10 A. No.

11 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
12 CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY COMMUNICATE
13 WITH THE RESIDENTS REGARDING THE IMPACT THE CONSTRUCTION
14 WOULD HAVE ON TRAFFIC CREATE A SAFETY PROBLEM?

15 A. Yes.

16 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
17 CERTAINTY, DID SUNOCO ADEQUATELY ADDRESS FIRE SAFETY ACCESS
18 AT GLEN RIDDLE?

19 A. No.

20 Q. IN YOUR PROFESSIONAL OPINION TO A REASONABLE DEGREE OF
21 CERTAINTY, DID SUNOCO'S FAILURE TO ADEQUATELY ADDRESS FIRE
22 SAFETY ACCESS CREATE A SAFETY PROBLEM AT GLEN RIDDLE?

23 A. Yes.

1 Q. DO YOU WISH TO OFFER ANYTHING ELSE?

2 A. I reserve the right to supplement my testimony based on any additional testimony by

3 Sunoco.

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

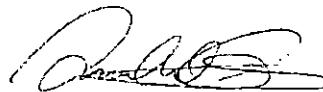
GLEN RIDDLE STATION, L.P.,	:	DOCKET NO. C-2020-3023129
Complainant,	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.,	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that, on June 14, 2021, I served a true and correct copy of the Surrebuttal Testimony of Jay Etzel, 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

Kuebler, Tara L.

From: Chernesky, Jean C.
Sent: Monday, March 15, 2021 8:39 AM
To: Kuebler, Tara L.
Subject: FW: [EXT] Fwd: Vibration - Pipeline

Jean C. Chernesky
Legal Administrative Assistant
(610) 458-4958 - direct

 Please consider the environment before printing this e-mail.

From: Stephen Iacobucci <steve@iacobuccicompanies.com>
Sent: Friday, March 12, 2021 11:15 AM
To: Beach, Ashley L. <abeach@foxrothschild.com>; Cortes, Samuel W. <SCortes@foxrothschild.com>; Raymond Iacobucci <raymond@iacobuccicompanies.com>
Subject: [EXT] Fwd: Vibration - Pipeline

----- Forwarded message -----

From: Steve Iacobucci @ Glen Riddle <steve@glenriddleapartments.com>
Date: Fri, Mar 12, 2021 at 9:13 AM
Subject: Fwd: Vibration - Pipeline
To: Stephen Iacobucci <steve@iacobuccicompanies.com>

Glen Riddle Station Apartments
610.358.2501

From: Steve Iacobucci @ Glen Riddle <steve@glenriddleapartments.com>
Sent: Friday, March 12, 2021 9:13:28 AM
To: Dennis Vasquez <vasquez.dennis@hotmail.com>; Johanna Rincon <rinconjohanna16@gmail.com>; Property Manager <manager@glenriddleapartments.com>
Subject: Re: Vibration - Pipeline

Good Morning -

Thank you for letting us know. We passed this info along to our team to discuss any options we might have to assist with this concern you expressed. I'm glad you reported it to the township and ETP. The township does allow those work hours.

I might recommend reaching out to the contact below.

Middletown Council Chairman Mark Kirchgasser: mark.kirchgasser@middletowndelcopa.gov

We will be back in touch early next week. I'm sorry that this disruption is occurring.

Thank you
Steve

Glen Riddle Station Apartments
610.358.2501

From: Dennis Vasquez <vasquez.dennis@hotmail.com>
Sent: Thursday, March 11, 2021 11:09:18 AM
To: Johanna Rincon <rinconjohanna16@gmail.com>; Steve Iacobucci @ Glen Riddle <steve@glenriddleapartments.com>
Subject: Re: Vibration - Pipeline

I also called middle township, Sunoco and the attorney general. Sunoco claims that they are authorized to work from 7am- 9pm.

Is this true?

Get [Outlook for iOS](#)

From: Johanna Rincon <rinconjohanna16@gmail.com>
Sent: Thursday, March 11, 2021 12:33:44 PM
To: Steve Riddle <steve@glenriddleapartments.com>
Cc: Dennis Vasquez <vasquez.dennis@hotmail.com>
Subject: Vibration - Pipeline

Hi Steve!

Past few days my entire apartment has been vibrating, it's happened before during different hours but for two days straight, it's constant from 730am - 8pm sometimes. I've already had to move all my work calls with closing all windows, but now it even interrupts us with everything closed. The tv has to be raised in order to hear it well. My son has been spending a few days away Bc his room faces the side of building H where the work spotlight is on all until they past his bedtime.

I haven't emailed before regarding the vibration, but these past two days, especially right now - it's TOO much. I can't even work correctly! Help Steve

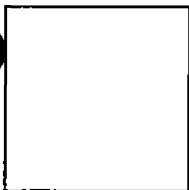
-Johanna Rincón
(Apt H11)

Sent from my iPhone

--
Stephen A. Iacobucci
Managing Director

One Raymond Drive - Suite Two
Havertown Pennsylvania | 19083
[Webpage](#)

Sales Center: 610.496.7135



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Joseph J. Wittman, PE

Director of Engineering

Mr. Wittman has worked on every side of the construction and engineering industry. After graduating with honors from Villanova University, he began his career working for a premier commercial construction management and general contracting firm where he serviced several Fortune 100 companies. He managed a variety of ground-up and renovation construction projects from estimation through project closeout.

Mr. Wittman transitioned out of construction and into design when he joined a longstanding and highly respected engineering firm. His design experience ranges from retaining walls to multi-span highway bridges. He designed several bridges for NJDOT and PennDOT and routinely assisted local governments with emergency bridge repairs and other infrastructure engineering services.

Mr. Wittman was introduced to structural vibration and movement monitoring during the construction of several of his design projects. As the design engineer, he was responsible for reviewing submittals containing critical vibration and movement monitoring data. As part of his reviews, he studied the mathematics and physics principals behind waves and vibrations and researched the sciences' applicability to construction projects. Mr. Wittman joined Dayton shortly after collaborating with the firm on one of his design projects.

Education: B.S. *cum laude*, Civil Engineering – Villanova University

Certifications: Professional Engineering License
OSHA – 30 Hour Training

Work History:

Vericon Construction

Managed/co-managed a yearly commercial construction volume of \$15M+. Project types ranged from interior fit outs to accelerated ground up construction.

Taylor Wiseman & Taylor

Designed retaining walls, abutments, piers, bridge superstructures, roadways and other infrastructure. Responsible for structural calculations and designs, surveying coordination, submittal review, scheduling, estimating and preliminary and final design plans.

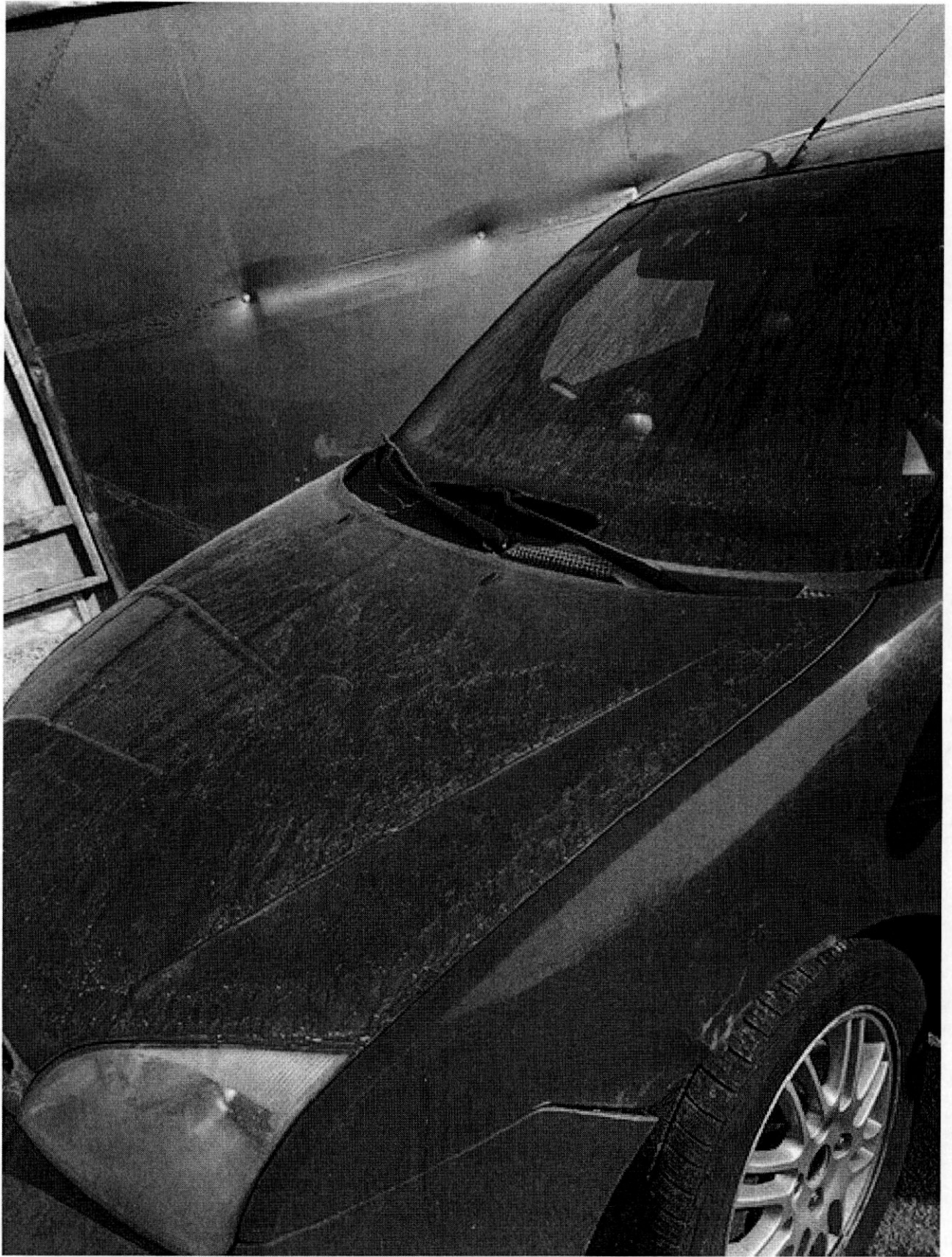
DAYTON

Dayton

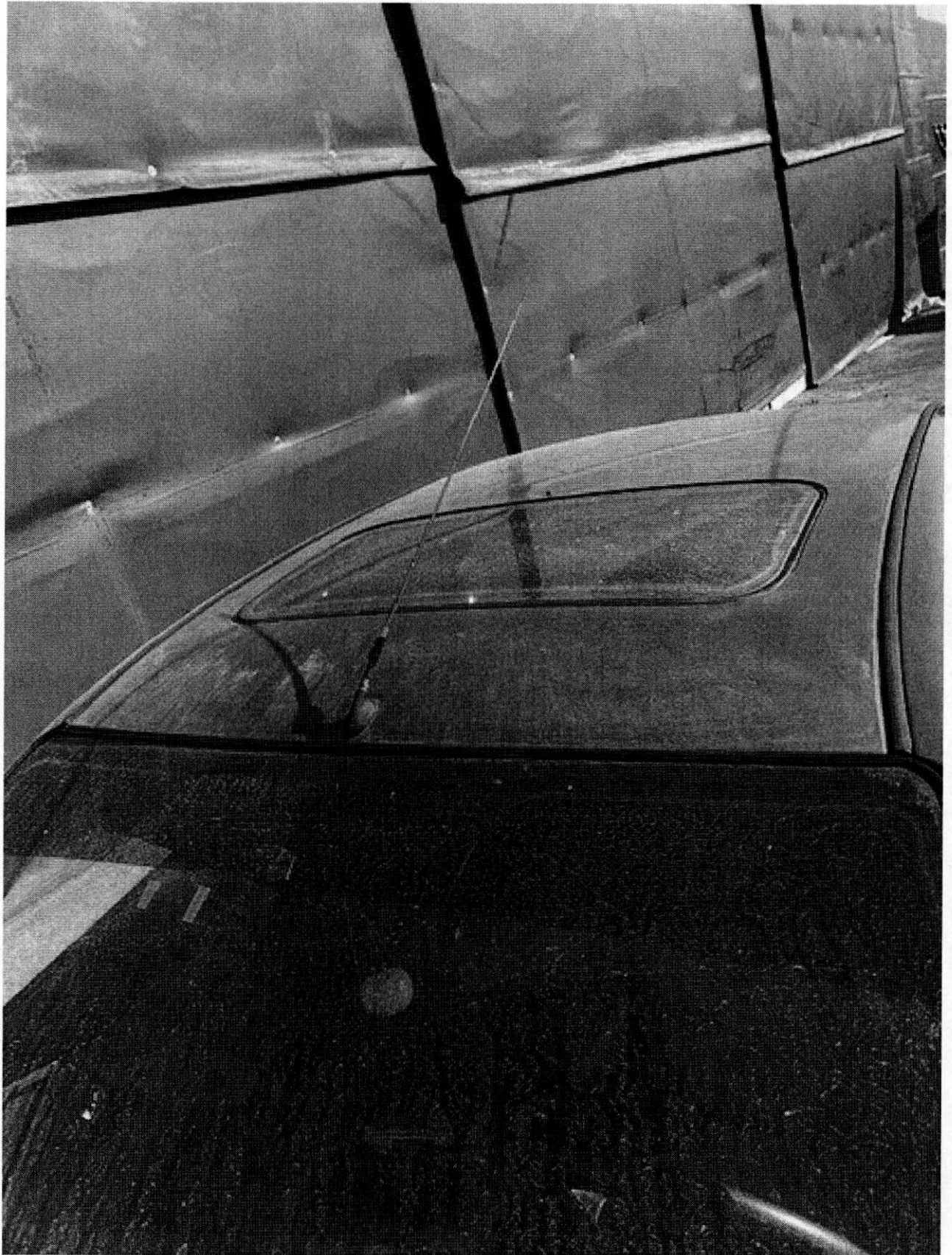
As the Director of Engineering, Mr. Wittman oversees Dayton's procedures and practices to ensure the highest level of accuracy and excellence. His construction and design experience are called upon to provide key insight and context to meet each project's unique vibration and movement monitoring needs.

Brief Summary of Projects Completed/Under Construction:

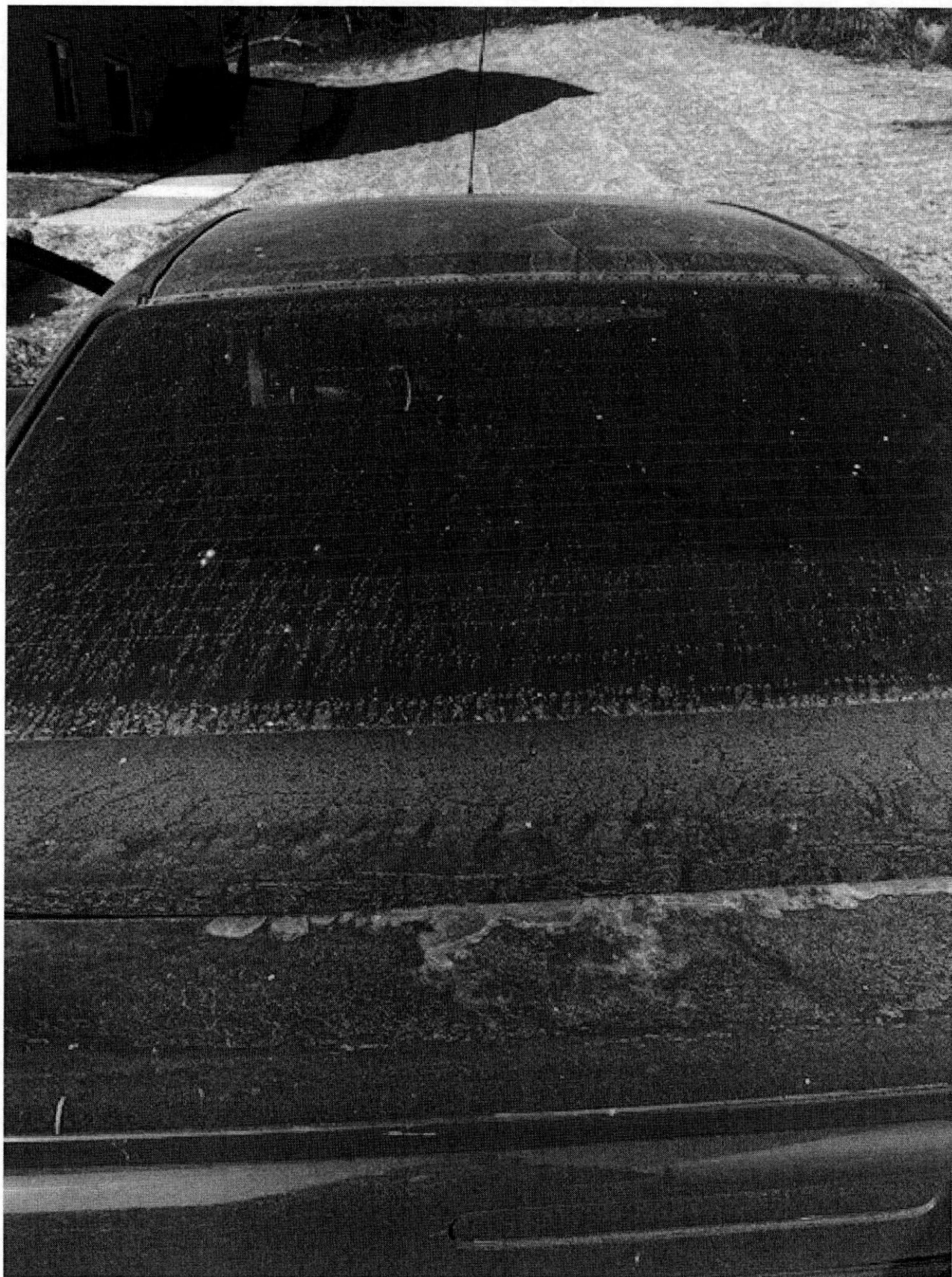
Aramingo Avenue Bridge Replacement – Philadelphia, PA
Betsy Ross Bridge/I-95 Access Ramps – Philadelphia, PA
Children's Hospital of Philadelphia Annex – Philadelphia, PA
The Hill at Whitemarsh – Whitemarsh, PA
Assumpink Creek – Trenton, NJ
Absecon Inlet Jetty Repair – Atlantic City, NJ
CHOP PAOB – Philadelphia, PA
Renovation of Times Square Theater - Manhattan, NY
Bayonne Drydock – Bayonne, NJ
The Dunes of Shoal Harbor – Port Monmouth, NJ
215 West 42nd Street (Historic Theater) – New York, NY
233 West 125th Street (Historic Theater) – New York, NY
Admiral's Row Development (Historic) – Brooklyn, NY
Sunbury Generation Plant Demolition – Shamokin Dam, PA
NJ Executive State House Comprehensive Renovation – Trenton, NJ
Grand View Hospital Demolition & Construction – Sellersville, PA
Haskell Avenue Implosion – Dallas, TX
Newark Bay Bridge Pier Repairs – Newark, NJ
SEPTA Conshohoken Deep Foundations – Conshohoken PA
SEPTA Neshaminy Stone Arches Rehabilitation – Bucks County, PA
Grand View Hospital Expansion Project – Sellersville, PA
Route 34 Bridge Deck Replacement – Manasquan, NJ
PATH Hoboken Yard Redevelopment – Hoboken, NJ
Route 44 Dupont Port Access – Gloucester County, NJ
Cotton Mill Bridge Replacement – Hamilton Township, NJ

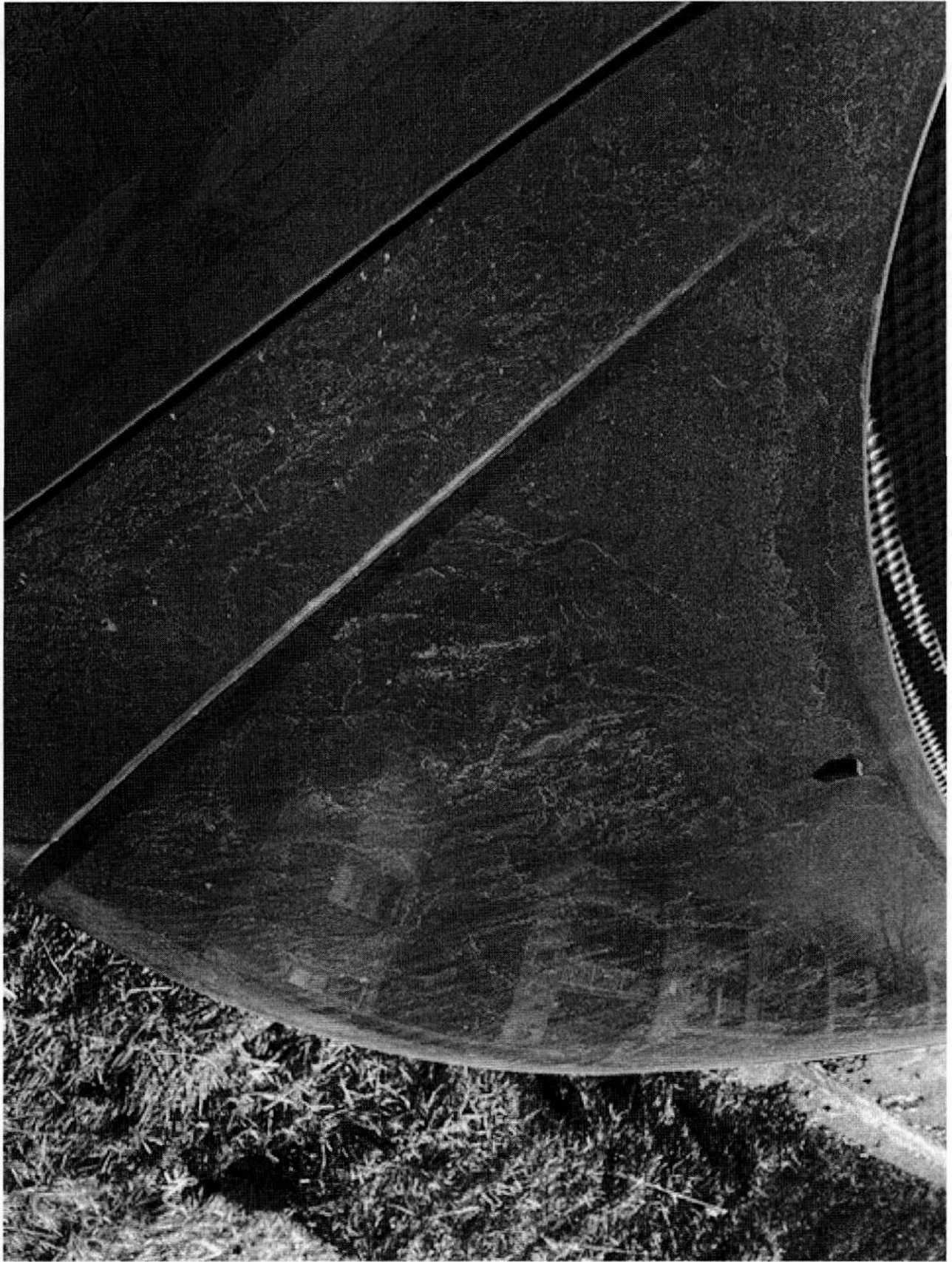














**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.

v.

SUNOCO PIPELINE L.P.

:
:
:
:
:

Docket No. C-2020-3023129

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

SPLP STATEMENT NO. 7-RJ

Dated: June 9, 2021

1 Q: **Have you testified once previously in this matter?**

2 A: Yes.

3 Q: **Please address the new claims and factual contentions by GRS that SPLP and Mr.**
4 **McGinn did not communicate sufficiently with GRS on its concerns. (S. Iacobucci**
5 **Surrebuttal at 6:8-10, 12:14-16, R. Iacobucci Surrebuttal at 6:16-22)**

6 A: ME2 is a statewide project and Sunoco has a well developed communications practice that
7 we apply across the project, tailored to local circumstances. We followed that in
8 Middletown Township and with GRS. The numerous communications with Middletown
9 Township are available on the Township's website <https://middletowndelcopa.gov/sunoco>,
10 including communications regarding the construction at GRS. SPLP also participated in
11 various Township meetings with the public and answered questions from GRS residents
12 among others. Communications started with GRS in early 2019 and have continued to
13 present. SPLP provides right of way agents for communications and support for property
14 owners. GRS has been and continues to be far more demanding than any other site or
15 property owner anywhere in Middletown Township or for that matter, the entire state, in
16 its complaints, requests for additional information, and requests for day-to-day
17 modifications of our usual procedures that others have appreciated or at least not
18 complained about. We have been as responsive as we can be given the circumstance of
19 being in litigation with GRS in at least three legal proceedings, one before the PUC that
20 GRS commenced in late 2020; a right to know proceeding; and a common pleas court
21 proceeding involving SPLP's need for Easements for a Temporary Work Space and
22 Temporary Access Roads. The appraised value of the Temporary Easements by SPLP
23 was \$32,000 and SPLP posted a bond of \$34,000. Yet, we cannot seem to please GRS.

1 When I initially communicated with Ray Iacobucci, well before these actions were in
2 existence, he asked at that early stage for my help. It was clear that if we did not pay an
3 exorbitant amount of money, to the tune of near double digit millions, he would not be
4 satisfied. The conversations he relays in his surrebuttal never started with or emphasized
5 the safety concerns he raised in his surrebuttal. They started with the need for a large sum
6 of money. The emails he claims I did not respond to were sent after active litigation
7 commenced, after which communications were required to occur between the GRS
8 attorney and the SPLP property attorney. In fact, while we have cooperated with GRS'
9 insistence to communicate through its attorney, we feel it has not helped with
10 communications. To my knowledge, GRS never emailed or put in writing to SPLP the
11 complicated set of communications rules in Stephen Iacobucci's surrebuttal testimony at
12 page 33. Many of SPLP's communications are made in response to GRS's
13 communications with us. I would prefer that GRS be pleased with the exchange, but
14 regardless, I am satisfied that we did our job in responding given the backdrop of litigation
15 and willingness to mediate.

16 **Q: Please address the allegation by GRS of withholding rent relief (S. Iacobucci**
17 **Surrebuttal 30:19-23).**

18 A: More than 100 residents of GRS have received rent relief.

19 **Q. Do you have any additional second round testimony to offer?**

20 A. No.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.

v.

SUNOCO PIPELINE L.P.

:
:
:
:
:

Docket No. C-2020-3023129

REJOINDER TESTIMONY – EXPERT QUALIFICATIONS

BRIAN H. MAGEE, Ph.D.

ON BEHALF OF SUNOCO PIPELINE, L.P.

SPLP STATEMENT NO. 9-RJ

Date: July 9, 2021

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

2 A: My name is Brian Harrison Magee, Ph.D., and I am a Senior Vice President and Principal
3 Toxicologist with Arcadis U.S., Inc., which is an international environmental consulting firm. I
4 have over 35 years' experience in the fields of toxicology and risk assessment. A copy of my
5 curriculum vitae is attached as **SPLP Exhibit BM-1**.

6
7 **Q. Can you describe your educational background?**

8 A: I have a bachelors' degree in chemistry from the University of Virginia that I received in
9 1973. I have a master's degree in chemistry from the University of California – San Diego that I
10 received in 1975. I also have a master's degree in public administration with a focus on science
11 and public policy, that I received from the University of Washington – Seattle in 1978, and I
12 received by doctorate degree in toxicology from the Massachusetts Institute of Technology –
13 Cambridge, in 1986, otherwise known as MIT.

14
15 **Q: Are you a member of any professional associations?**

16 A: Yes, several that are reflected on my CV. To highlight a few: I am a member of the
17 Massachusetts Department of Agricultural Resources Pesticide Board; I am a member of the
18 Society of Toxicology; I am a member of the International Society for Regulatory Toxicology and
19 Pharmacology; I am a member of the Society for Risk Analysis; and I am a member of the Society
20 for Environmental Toxicology and Chemistry.

21
22 **Q: Do you have experience with writing regulations for state and federal agencies?**

1 A: Yes, in several substantive areas. I have written or been asked to review proposed
2 regulations for the federal Environmental Protection Agency ("EPA") Office of Water as well as
3 EPA's Office of Toxic Substances. I have also written and/or been asked to write or review
4 proposed regulations for the Pennsylvania Department of Environmental Protection ("PADEP")
5 regarding the Act 2 hazardous waste regulations. I have also participated in the notice and
6 comment process for dozens of proposed environmental regulations, toxicological summary
7 documents, and toxicological reference values at both the state and federal level.

8

9 **Q: In what states have you worked on projects in the field of toxicology and risk**
10 **assessment?**

11 A: Forty-seven U.S. states (all states other than South Dakota, Utah, Nebraska), as well as
12 eight Canadian provinces.

13

14 **Q: In what countries have you worked on projects in the field of toxicology and risk**
15 **assessment?**

16 A: At least eight countries – United States, Canada, Japan, United Kingdom, Italy, France,
17 Brazil, Mexico, Norway – and others.

18

19 **Q: Can you specifically describe your experience working in Pennsylvania and with**
20 **PADEP?**

21 A: I worked directly as a consultant for PADEP on several occasions, including specifically
22 regarding Pennsylvania's Land Recycling and Environmental Remediation Standards Act

1 (known as “Act 2”), which is Pennsylvania’s voluntary cleanup program for contaminated
2 properties. I was involved with several projects on behalf of PADEP to develop the Act 2
3 regulations. I also was hired by PADEP as a consultant to help train PADEP staff in the review
4 of human health risk assessments that are submitted to PADEP by potentially responsible parties
5 at waste sites.

6

7 **Q: How many projects have you worked on that dealt specifically with the risks**
8 **associated with airborne dust particles?**

9 A: Hundreds of projects, likely close to 1,000. For example, I have performed human health
10 risk assessments for waste sites, which included an evaluation of windblown dust. I have also
11 performed human health risk assessments related to dust created by construction projects. I have
12 also performed human health risk assessments of planned and operating facilities to assess
13 chemicals in the stack emissions and fugitive dust emissions from ground-level sources.

14

15 **Q: How many projects have you worked on that dealt specifically with drinking water**
16 **contamination issues or the evaluation of drinking water as an exposure pathway for**
17 **human health?**

18 A: Hundreds of projects, because more than half of the projects that I have worked on in my
19 35+ year career involved drinking water in one way or another, whether it was from surface
20 water, groundwater, or both. For example, I have performed numerous human health risk
21 assessments for contaminated properties where groundwater was a concern as a potential
22 drinking water source, and I have also evaluated soil to groundwater as a potential exposure

1 pathway. Other projects I have worked on have also assessed incidental ingestion of water from
2 ponds, streams, and other aquatic resources.

3

4 **Q: Sunoco offers Dr. Magee as an expert in the field of human health toxicology and risk**
5 **assessment.**

Kuebler, Tara L.

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: June 18, 2021 4:11 PM
To: Cortes, Samuel W.; Beach, Ashley L.; jflandreau@pfblaw.com
Cc: Kroculich, George J.
Subject: [EXT] RE: Glen Riddle Station
Attachments: FW: Glen Riddle Water Main Repair 2-26-21

Sam,

Attached please see the email that Michels received from Horn Plumbing, with description of the work performed attached to that email.

David

From: Cortes, Samuel W. <SCortes@foxrothschild.com>
Sent: Friday, June 18, 2021 4:04 PM
To: Amerikaner, David B. <DBAmerikaner@duanemorris.com>; Beach, Ashley L. <abeach@foxrothschild.com>; jflandreau@pfblaw.com
Cc: Kroculich, George J. <GJKroculich@duanemorris.com>
Subject: Re: Glen Riddle Station

David- we are still waiting for a response to my June 4th letter on this subject. Will one be provided?

From: Amerikaner, David B. <DBAmerikaner@duanemorris.com>
Sent: Friday, June 18, 2021 4:00:56 PM
To: Cortes, Samuel W. <SCortes@foxrothschild.com>; Beach, Ashley L. <abeach@foxrothschild.com>; jflandreau@pfblaw.com <jflandreau@pfblaw.com>
Cc: Kroculich, George J. <GJKroculich@duanemorris.com>
Subject: [EXT] Glen Riddle Station

Sam, Ashley, Jim –

Please see the attached letter relating to the water service at Glen Riddle Station.

Thanks,

David Amerikaner Duane Morris LLP
Special Counsel 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
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For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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Kuebler, Tara L.

From: Jayme Fye <jfye@michels.us>
Sent: June 18, 2021 4:11 PM
To: rg banach; Cummings, Ronald T
Cc: Kent A Stewart
Subject: FW: Glen Riddle Water Main Repair 2-26-21
Attachments: Job Description For Michels (Glen Riddle Apartments 5-26-21).pdf

Jayme Fye
Superintendent
Pipeline Construction Operations

office: 920.924.4300 | fax: 920.924.4344 | cell: 920.539.0872
jfye@michels.us
PO Box 128 | 817 Main Street | Brownsville, WI 53006



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From: Jesse Horn <jhorn@hornplumbing.com>
Sent: Wednesday, May 26, 2021 9:59 PM
To: Jayme Fye <jfye@michels.us>
Subject: Glen Riddle Water Main Repair 2-26-21

Hello Mr Fye,

Attached I have included a description of Horn Plumbing & Heating's involvement in the repair of the water main at 275 Glen Riddle. It's currently in Google Docs format. If you have any problems with it or are more comfortable with it in Word format, please let me know and I will resend it. Feel free to let me know if there are any particulars or additional information that you'd like me to include. It was a pleasure getting to work on the project alongside your crew today..

Thank you for your trust in us,

Jesse Horn

Job Description:

Crew Foreman Jesse Horn arrived on site at Glen Riddle apartments at 1:30pm on 5-26-21. He began to work with Aqua America to shut off the water at the main valve in the street. He stayed on site as Michels excavated the presumed location of the leak. He determined the outside diameter of the pipe to be 4.85". Once pipe size and material was determined, he called a crew from the Horn Underground Sewer and Water Division to the job site equipped with the correct materials to repair the water main to the apartments. Michels continued to excavate to ensure a safe work environment for the repair. The crew installed a length of 4" inside diameter ductile iron water pipe to match the exact specifications of the existing water line. The connections of the repair were made with Aqua America approved and Universal Plumbing Code Approved 'Macro' mechanical couplings. Scott Horn, owner of Horn Plumbing, turned the main water valve in the street on slowly as the crew checked for leaks. No additional leaks were found and the repair was complete. The crew stayed on site to observe Michels supporting the water line with sand bags as temporary support. Michels representatives assured that permanent pipe support would be made the following day once the area of the leak dried out. Horn Plumbing suggested that residents of the Glen Riddle Apartments were safe to use the potable water supplied by the main for showers and other conventional use aside from drinking for the night until the water is tested by Aqua America the next day.

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ALLIANCES IN MEXICO
AND SRI LANKA

June 18, 2021

VIA E-MAIL

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Fox Rothschild LLP
Eagleview Corporate Center, Suite 100
747 Constitution Drive
Exton, PA 19341-0673
Email: scortes@foxrothschild.com
abeach@foxrothschild.com

Re: Water Line Repair at Glen Riddle Station Apartments

Dear Sam and Ashley:

I write regarding the break and immediate repair of the water line at Glen Riddle Station Apartments ("GRS") on May 26, 2021, and the testing of potable water at the property that occurred thereafter. Though you have not communicated with us, it is our understanding that the testing of the water performed by Aqua, and the extra testing requested by GRS, is complete and that none of the tests showed any constituent in the water at levels that would make the water unsafe to drink. Please confirm.

Because the water has now been deemed safe to drink by GRS, Sunoco Pipeline's contractor will cease providing bottled water to residents. We assume that your client will communicate with residents regarding the safety of the water.

Very truly yours,

/s/ David B. Amerikaner

David B. Amerikaner

DUANE MORRIS LLP

30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196

PHONE: +1 215 979 1000 FAX: +1 215 979 1020

DuaneMorris

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
June 18, 2021
Page 2

cc: James R. Flandreau, Esq.
Curtis N. Stambaugh, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GLEN RIDDLE STATION, L.P.

v.

SUNOCO PIPELINE L.P.

:
:
:
:
:

Docket No. C-2020-3023129

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

SPLP STATEMENT NO. 4-RJ

July 11, 2021 ERRATA

Dated: July 9, 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.

4 **Q. Did you present rebuttal testimony in this proceeding in the form of SPLP Statement
5 No. 4-R?**

6 A. Yes.

7 **Q. Have you reviewed the surrebuttal testimony of GRS witnesses Stephen Iacobucci,
8 Raymond Iacobucci, Jason Culp, and Edward Deisher concerning the events of May
9 26, 2021 at GRS related to a water line break at GRS?**

10 A. Yes.

11 **Q. Are you familiar with how the water line break came to the attention of Sunoco and
12 Michels and how Sunoco and Michels responded to it?**

13 A. Yes.

14 **Q. How did you come to be familiar with those events?**

15 A. I oversee all pipeline construction on the ME2 project, including the ME2 construction at
16 Glen Riddle Station Apartments (the Property) from initial ground disturbance to final
17 restoration. I work hand-in-hand with our environmental, safety, quality, and construction
18 workers along with overseeing all subcontractor work. Although I was not on site on the
19 day of the water line break, I was informed of the issue in real time by the crew I supervise,
20 was involved in directing our response, and made it a point to investigate the timeline of
21 events after the fact.

1 Q. **Can you summarize what happened?**

2 A. Yes. The summary version is that at about midmorning on May 26, 2021, Michels
3 personnel saw water bubbling up to the surface within our work area at the Property, and
4 from late morning when we determined it was likely a water line leak, until we had it
5 located, repaired, the Aqua PA main turned on again, and the GRS pipe ready to be tested
6 and placed back in service, it took about 5 hours. As part of our response we delivered
7 bottled water and Port-a-Potties to the Property to minimize any inconvenience to the
8 residents of the Property, and we involved all of the stakeholders in the repair process
9 decision making, from GRS, to DEP, to Aqua Pa, and informed the Township. Our team
10 believed that GRS had given Horn plumbing permission to turn the GRS line back on, and
11 Horn did so. It was not until all of that was accomplished that GRS complained that we
12 lacked their permission and called the Pennsylvania State Police to investigate what GRS
13 alleged to be a trespass. When we arrived at the Property the next morning to test the water,
14 GRS refused to let us do so. They decided to test the water themselves, and the testing
15 process apparently dragged on for more than two weeks. SPLP supplied bottled water for
16 the residents during that entire time.

17 Q. **Can you provide a more detailed timeline of the SPLP/Michels response?**

18 A. Yes. Based on my review of events they unfolded as follows:

- 19 • Michels personnel observed water bubbling up from the ground in our work site mid-
20 morning and thought at first that it was groundwater from the adjacent hillside
- 21 • 11:30 AM: Michels personnel realized water was probably result of a water line leak
22 or break, but did not know whether it was an Aqua line or a GRS line
- 23 • 11:40 AM: Michels foreman Donnie Thurbor called Aqua to cut off the water

- 1 • 11:40 AM: Michels on-site project manager Kent Stewart called Horn plumbing, a
- 2 contractor used by Aqua, and asked him to come to the Property to repair the pipe
- 3 • 11:45 AM: Michels dug a trench to divert the water flow so it would not run on to the
- 4 road
- 5 • Noon: Aqua employee arrived at Property
- 6 • 1 PM: Aqua located the Aqua valve that serves the Property and closed it, shutting off
- 7 Aqua feed into the Property
- 8 • 1:20 PM: Aqua and DEP determined water was chlorinated
- 9 • 1:25 PM: GRS maintenance worker shut off GRS's line that connected to Aqua
- 10 • 1:30 PM: Sunoco began to supply GRS residents with bottled water and suggested to
- 11 GRS that Sunoco could also supply Port-a-Potties
- 12 • 1:35 PM: Scott Horn, plumbing contractor authorized to work on Aqua projects, arrived
- 13 at Property
- 14 • 1:37 PM: Michels personnel started excavation to expose the leak
- 15 • 2:15 PM Ray Banach (Michels contractor) and Kevin Weigle (Michels safety), spoke
- 16 with Steven Iacobucci, Ed Deisher (GRS maintenance), Jason Culp (GRS engineer),
- 17 Scott Horn (Horn plumbing), and Aqua rep on phone in basement of Building B;
- 18 discussed safety of water once pipe was fixed; agreed the water could be turned back
- 19 on in basement once pipe was fixed
- 20 o Steven Iacobucci agreed GRS would email residents once pipe repaired to instruct
- 21 residents to flush system and to inform them they could use water to shower, etc.,
- 22 but to wait until water was tested to drink it and use bottled water in the interim;
- 23 GRS maintenance man said he didn't want to stay around all day, so would leave

1 basement door open so Horn could go back in and turn GRS valve back on to test
2 the repair

3 o Everyone agreed Aqua would test sink in apartment the following morning, and
4 GRS would also perform themselves

5 • 2:40 PM: Michels exposed water line within the pipeline excavation area and began
6 excavating the previously undisturbed area outside of the pipeline excavation zone in
7 order to follow the pipe to discover the source of the leak

8 • 3:00 PM: Michels found that break in GRS pipe, which was 2 feet outside the area of
9 pipeline excavation, and observed section of pipe where break occurred had been
10 installed on top of a rock bed

11 • 4:00 PM: Horn cut out damaged section of pipe and installed new section and used
12 macro couplings; complied with all standards and specs

13 • 4:20 PM: Horn turned Aqua main back on, authorized by Aqua

14 • 4:25 PM: Horn partially opened the GRS 4" line as agreed to by Steven Iacabucci,
15 Culp, and Ed Deisher at 2:15 meeting in the Building B basement discussion –GRS
16 maintenance man had said he didn't want to stay around all day, so left door open so
17 Scott Horn could go back and turn GRS valve back on

18 • 4:40 PM: Horn turned the valve on all the way, restoring water service to GRS

19 • 5:45 PM: PA State Police, having been called by GRS, arrive at Property to investigate
20 complaint that SPLP turned GRS water back on in basement of B Building and had no
21 permission to do so

22 • Once pipe excavation hole dried up, re-backfilled it

- 1 • Next morning 8AM: Scott Horn set to meet Michels assistant and Josh Perosceno to do
- 2 sampling with bottles; GRS refused to permit it
- 3 • SPLP continued to provide bottled water until GRS completed testing and advised
- 4 residents that the water contained no abnormalities in mid June

5 **Q. Do you have anything to add?**

6 A. Only that Michels and SPLP acted swiftly and reasonably under the circumstances to
7 remediate the situation and to get water service restored, and did so with the understanding
8 that all agreed, including GRS, that once the pipe was repaired Horn was permitted to turn
9 the water back on so that residents had water for toilets and showers, and that it would be
10 tested for drinking safety the following morning.

11 **Q. Mr. Fye, GRS witnesses Stephen Iacobucci and Ed Deisher also allege for the first**
12 **time that at the on-site meeting on November 18, 2020, you made the “snide” remark**
13 **that “trucks don’t usually hit children, but they hit pets.” GRS Surrebuttal Statement**
14 **No. 1 at 18:20. Do you have a response?**

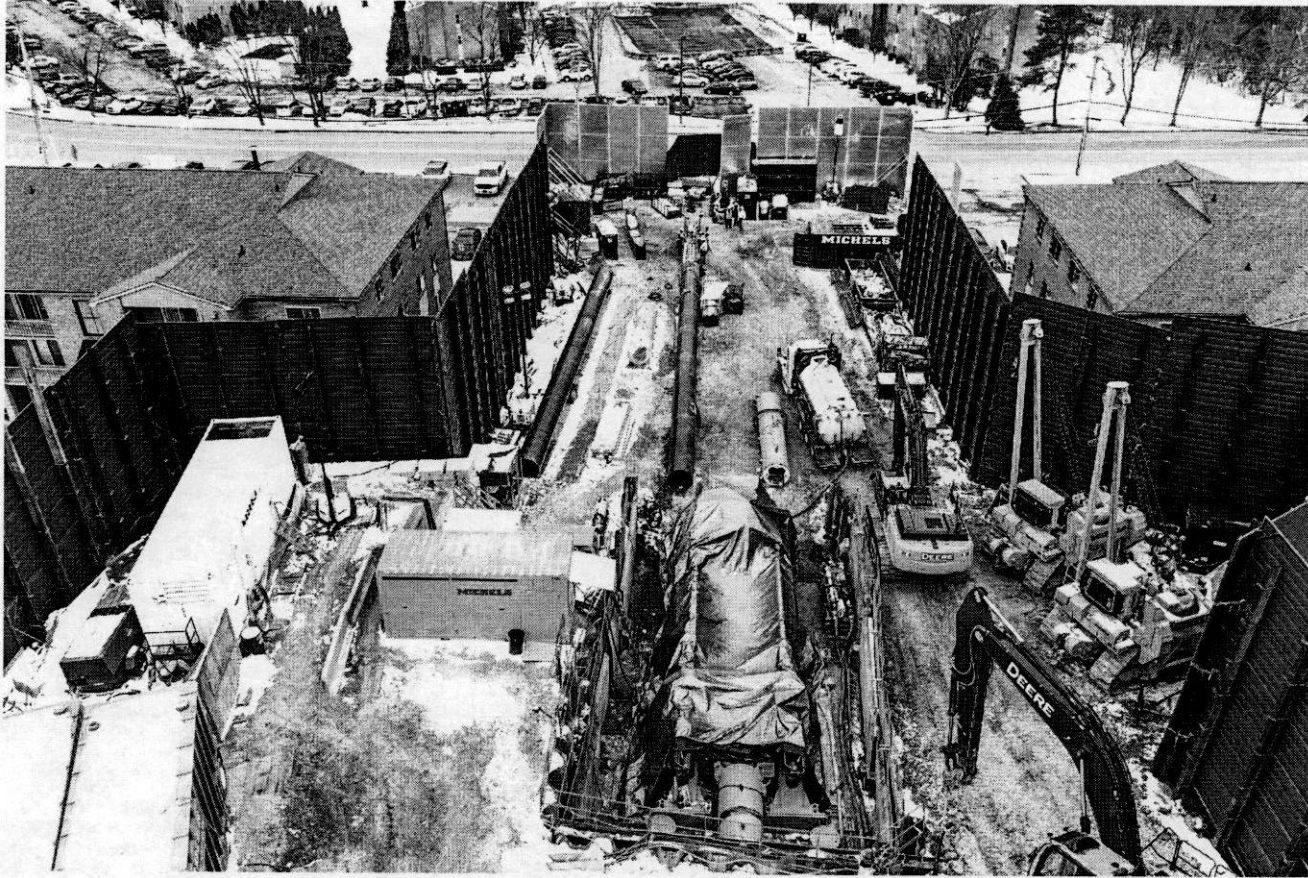
15 A. During that meeting Ray Iacobucci asked how we would prevent drivers from hitting
16 pedestrians. My response initially was to say common sense as all people from the time
17 they can drive know to be on the look out for pedestrians when driving in a parking lot, no
18 different than when you are at a Walmart or Home Depot. I said we would have certified
19 flaggers on site at all times and that two other substantial factors involved the criminal
20 justice system and job employment, if a driver were to hit a pedestrian they would go to
21 jail and lose their job. All drivers for Michels are required to go through defensive driving
22 class. Mr. Iacobucci had stated that his residents like to walk their-pets in and around the
23 parking lot so I mentioned that he may want to tell the residents to put their pets on leashes

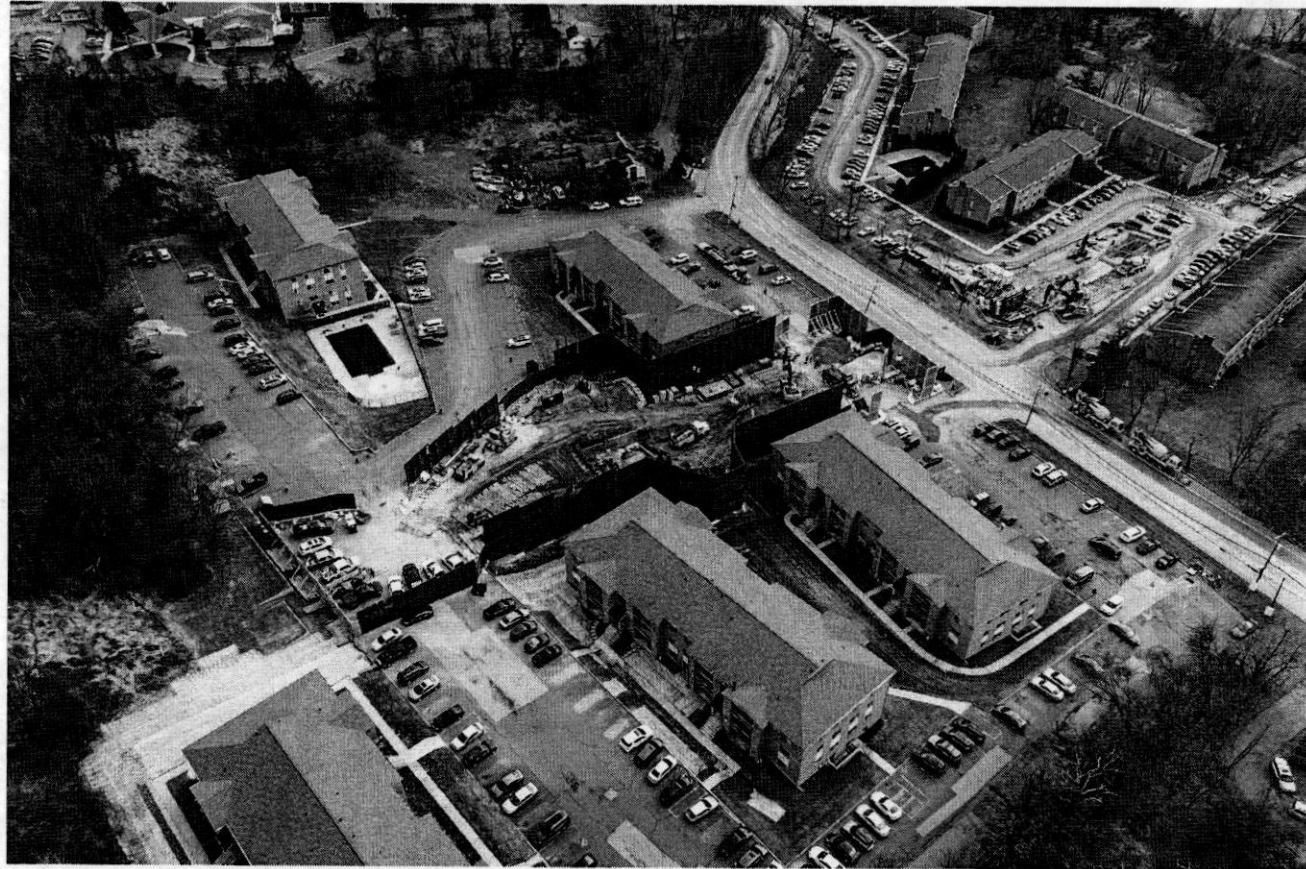
1 because on past projects we have had incidents where loose pets have darted onto roadways
2 and been hit. In no way was my comment intended to be snide or dismissive of safety
3 concerns, and I am surprised that a listener could have remembered it that way.

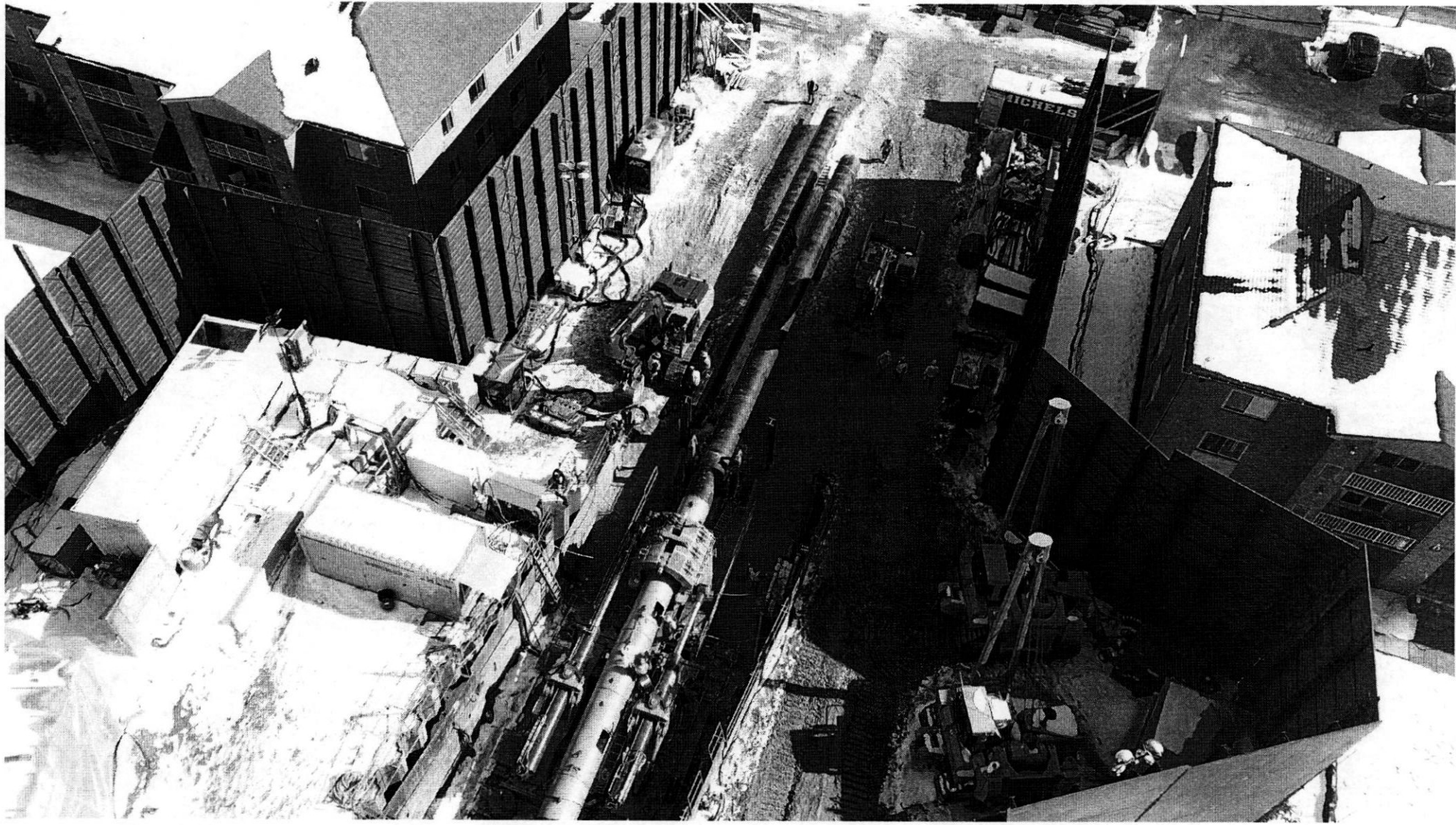
4 **Q. Does this conclude your testimony?**

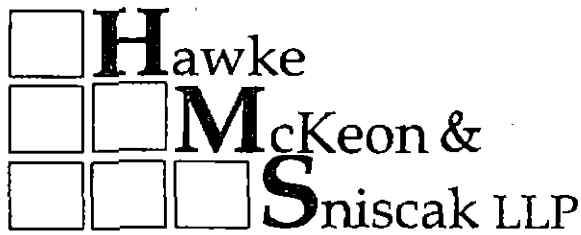
5 **A. Yes.**











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June 22, 2021

Via Electronic Mail Only

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Fox Rothschild LLP
747 Constitution Drive, Suite 100
Exton, PA 19341
scortes@foxrothschild.com
abeach@foxrothschild.com

RE: Glen Riddle Station, L.P. v. Sunoco Pipeline L.P.; Docket No. C-2020-3023129;
**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION,
L.P.'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS, SET III**

Dear Mr. Cortes & Ms. Beach:

Enclosed you will find Sunoco Pipeline L.P.'s Responses to Glen Riddle Station, L.P.'s Interrogatories and Requests for Production of Documents, Set III.

The responses are being served electronically only pursuant to the COVID-19 Suspension Emergency Order dated March 20, 2020 and ratified March 26, 2020.

If you have any questions, please feel free to contact the undersigned counsel.

Respectfully submitted,

/s/ Bryce R. Beard

Thomas J. Sniscak
Whitney E. Snyder
Kevin J. McKeon
Bryce R. Beard

Counsel for Sunoco Pipeline L.P.

BRB/das

Enclosures

Cc: Rosemary Chiavetta (efiling of Letter and Certificate of Service only)

**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION, L.P.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III**

1. Identify if Sunoco used flowable fill, or any other grout or grout related substance, at Glen Riddle. For each instance of such use identify the following:
 - a. The purpose of the use;
 - b. The party initiating the use;
 - c. The date of the use;
 - d. A description of the substance used; and
 - e. The outcome and/or result of each use.

RESPONSE: Yes, SPLP has used cement grout and flowable fill material within the workspace at the Glen Riddle Station Apartments at various times as necessary and required by construction and field conditions, as follows:

- December 2, 2020 – 2 cubic yards of Flowable Fill Type B for utility locating/potholing work
- January 20-21, 2021 – 153 cubic yards of Flowable Fill Type B for closing of the casing pipe for the road bore and backfill material in the parking lot of Glen Riddle Station Apartments
- February 2, 2021 – 25 cubic yards of 4500 PSI Concrete for construction of pads and beams to anchor and support the direct pipe machine
- April 15, 2021 – 4 cubic yards of PennDOT 1:3 Grout for well point casing
- April 16, 2021 – 9 cubic yards of PennDOT 1:3 Grout for utility locating/potholing work
- April 22, 2021 – 7 cubic yards of PennDOT 1:3 Grout for utility locating/potholing work
- May 18, 2021 – 3 cubic yards of Flowable Fill Type B for direct pipe process
- May 25, 2021 – 108 cubic yards of Flowable Fill Type B for backfilling of open cut trench area in bottom of parking lot of Glen Riddle Station Apartments.
- June 7, 2021 – 27 cubic yards of Flowable Fill Type B for casing end of direct pipe

Use of Flowable Fill and Grout in the construction workspace is also reflected in daily inspection reports, copies of which were previously produced in response to GRS's Request for Production Set 1, Request No. 8, for time period December 5, 2020 through March 8, 2021 (Bates Nos. SPLP SPLP00034960-SPLP00036192); supplemental daily inspection reports for

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

**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION, L.P.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III**

the time period from March 8, 2021 through June 17, 2021 are produced
herewith.

PROVIDED BY: Ron Cummings

DATE: June 22, 2021

**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION, L.P.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III**

2. Identify all contacts and communications made by Sunoco with any residents of the Property.

RESPONSE: SPLP objects to this Interrogatory on the basis that it is duplicative of GRS'S Set I, Interrogatory No. 3, and SPLP incorporates its March 9, 2021 response thereto by reference as if set forth fully herein, including the documents produced therewith. Subject to and without waiver of any objections, SPLP provides a supplemental list of SPLP's communications to Glen Riddle Residents as follows:

- 2016, 2018, 2020 – Public awareness mailings for operational pipelines
- September 22, 2020 – Letter regarding approval from PADEP to begin construction, sent to GRS management.
- December 10, 2020 – Letter sent to residents to inform SPLP would be conducting preliminary work in the area.
- January 28, 2021 – Letter sent to residents that provided an overview of work, mobilization schedule and copy of the HDD 620 Major Modification fact sheet.
- February 9, 2021 – Letter sent to residents that provided update on each worksite area.
- February 22, 2021 – Delivery of refrigerator magnets for residents that included SPLP's community hotline number, provided to SPLP representatives to the GRS rental/management office for residents to pick up at their convenience.
- February 23, 2021 – Glen Riddle Station Tele Town Hall.
- March 18, 2021 – Letter sent to residents regarding alleged concerns about dust.
- March 19, 2021 – SPLP delivery of car wash gift cards to residents with copy of 3/18/21 letter to residents.
- March 27, 2021 – Letter to residents providing an update on construction.
- April 19, 2021 – Letter to residents providing an update on construction.
- May 24, 2021 – Letter to residents providing an update on construction.
- June 1, 2021 – Letter to residents providing a timeline of events surrounding water line issue.

Copies of the corresponding letters provided to GRS Residents were previously produced in response to GRS'S Set I, Interrogatory No. 3 a noted above, and supplemented with documented produced herewith. In addition, SPLP received contacts directly from GRS Residents on SPLP's community hotline. A spreadsheet summarizing those calls and SPLP's response is also produced herewith.

PROVIDED BY: Joseph McGinn

DATE: June 22, 2021

**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION, L.P.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III**

**REQUEST FOR PRODUCTION OF
DOCUMENTS FROM GLEN RIDDLE TO SUNOCO – SET III**

- I. All Material Safety Data Sheets or similar documentation for all materials used by Sunoco within the easement on the Property.

RESPONSE: In accordance with OSHA requirements, SPLP's contractors maintain copies of MSDS at the work site for all products that are on site and could potentially be used during the construction process, whether or not the products were in fact used during the construction process. Copies of all MSDS sheets maintained at the work site at the Glen Riddle Station Apartments – whether or not the products were in fact used within the easement – are produced herewith.

PROVIDED BY: Ron Cummings

DATE: June 22, 2021

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

**SUNOCO PIPELINE L.P.'S RESPONSES TO GLEN RIDDLE STATION, L.P.'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET III**

2. All documents identifying any contacts or communications made by Sunoco with any residents of the Property.

RESPONSE: See Response to Interrogatory No. 2 above, which is incorporated by reference as if set forth fully herein.

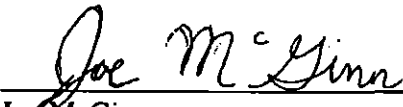
PROVIDED BY: Joseph McGinn

DATE: June 22, 2021

VERIFICATION

I, Joe McGinn, Vice President of Public Affairs for Sunoco Pipeline L.P., hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: June 22, 2021




Joe McGinn
Vice President of Public Affairs
Sunoco Pipeline L.P.

VERIFICATION

I, Ron Cummings, Project Manager on behalf of Sunoco Pipeline L.P., hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: June 22, 2021



Ron Cummings
Project Manager
Sunoco Pipeline L.P.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

Samuel W. Cortes, Esquire
Ashley L. Beach, Esquire
Fox Rothschild LLP
747 Constitution Drive, Suite 100
Exton, PA 19341
(610) 458-7500
scortes@foxrothschild.com
abeach@foxrothschild.com

/s/ Bryce R. Beard
Thomas J. Sniscak, Esq.
Whitney E. Snyder, Esq.
Kevin J. McKeon, Esq.
Bryce R. Beard, Esq.

Dated: June 22, 2021



Eleanor Dimarino-Linnen <edimarino@rtmsd.org>

RE: School Bus Access at Glen Riddle Station Apartments

1 message

Massaro, Joseph P <JOSEPH.MASSARO@energytransfer.com>

Tue, Dec 8, 2020 at 9:16 AM

To: Thomas Hauptert <thauptert@rtmsd.org>

Cc: Eleanor Dimarino-Linnen <edimarino@rtmsd.org>, Bonnie Kinsler <bkinsler@rtmsd.org>, Vanessa Scott <vscott@rtmsd.org>

Tom – just left you a voicemail. At your earliest convenience please give me a call (610) 340-8741.

Bonnie – Thanks for taking a look at the site and advising. We are good to move forward with these crossing guards ASAP. While we are still setting up both worksites we are impacting the current bus routes.

Best,

Joe Massaro

From: Thomas Hauptert <thauptert@rtmsd.org>

Sent: Monday, December 7, 2020 4:22 PM

To: Massaro, Joseph P <JOSEPH.MASSARO@energytransfer.com>

Cc: Eleanor Dimarino-Linnen <edimarino@rtmsd.org>; Bonnie Kinsler <bkinsler@rtmsd.org>; Vanessa Scott <vscott@rtmsd.org>

Subject: Re: School Bus Access at Glen Riddle Station Apartments

Joe,

Please contact me by telephone at 610-627-6040 as I wish to speak with you about the logistics of placing a guard at the bus stop. The District is using a new vendor for security guards and management wants to discuss how the placement of the guard will work, the time minimum for the placement of the guard, who they will be invoicing and payment method.

Thank you,

Tom Hauptert

Thomas P. Haupt
Director of Human Resources
Rose Tree Media School District
308 North Olive Street
Media, PA 19063
(P) 610-627-6040
thaupt@rtmsd.org

Confidential Requirement: This email message, including any attachment(s), is for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please immediately contact the sender by email.

On Mon, Dec 7, 2020 at 3:50 PM Bonnie Kinsler <bkinsler@rtmsd.org> wrote:

Joe, I drove to the site. It looks like we are going to need 3 guards. One at Glen Riddle x Martins Lane, and one at each of the entrances at Glen Riddle Apts. No one will cross Glen Riddle Rd. I will have our buses that currently pick up and drop off in the lot at Glen Riddle Apts. turn around further down the road and drop off and pick up on the proper side.

Tom, Joe's company will be paying for the guards. Below are the hours they will be needed. Can you arrange for 3 guards and can you see if they will bill Joe's company directly? Can you also let me know in advance when they can start so I can contact parents? Currently they are setting up, Joe when will the work really begin? I am assuming we want guards asap even in the preparing stage.

Joe, What would be your billing address? The guards will need to be at the stops from 6:20 am till 8:45 am then again at 1:40 pm till 4pm

Penncrest Am bus 44 guard at 1st Glen Riddle Apts entrance (one by Pennell Rd.) at 6:20 am Bus stop time 6:39

Penncrest Am bus 44 guard at Martins Lane x Glen Riddle Rd. 6:20 am bus stop time 6:39

Penncrest Am bus 44 at 1st Glen Riddle Apt. entrance @ 1:40 bus stop time 1:50

Penncrest PM bus 44 at Martins Lane x Glen Riddle Rd. x 1:40 bus stop time 1:50

Springton Lake Am bus 48 7:12 am bus stop time guard at 1st Glen Riddle Apts entrance (one by Pennell Rd.)

Springton Lake Am bus 48 7:12 am bus stop time guard at Glen Riddle Rd. x Martins Lane

Springton Lake PM bus 48 2:45 pm bus stop time Glen Riddle x Martins and Glen Riddle x 1st entrance to Glen Riddle Apts.

Glenwood Am Bus 48 8:21 am Glen Riddle x Martins and Glen Riddle x 1st entrance to Glen Riddle Apts.

Glenwood PM Bus 48 3:25x 1st entrance to Glen Riddle Apts.

Indian Lane AM bus 50 8:32 am Glen Riddle x Martins Lane

Indian Lane PM bus 50 3:58 pm Glen Riddle Rd. x Martins Lane

On Mon, Dec 7, 2020 at 2:09 PM Massaro, Joseph P <JOSEPH.MASSARO@energytransfer.com> wrote:

Bonnie – good speaking with you earlier today. Please let me know how the site visit goes and what you need from us to make sure kids are able to be picked up during this construction. As a reminder we are currently setting up a worksites at Glen Riddle Apartments and Tunbridge so the sites are subject to change as we bring equipment and jersey barriers in.

We are more than willing to stage crossing guards wherever we need them and pay that expense.

Best,

Joe Massaro

Lead Specialist, Public Affairs

Energy Transfer

100 Green Street

Marcus Hook, PA 19061

Cell: (610) 340-8741

From: Bonnie Kinsler <bkinsler@rtmsd.org>

Sent: Monday, December 7, 2020 11:18 AM

To: Massaro, Joseph P <JOSEPH.MASSARO@energytransfer.com>

Cc: Eleanor Dimarino-Linnen <edimarino@rtmsd.org>; Thomas Hauptert <thauptert@rtmsd.org>

Subject: Fwd: School Bus Access at Glen Riddle Station Apartments

Hi Joe, Can you read the below email and see what can be done? I was not informed that this project had restarted. I will be taking a ride to the apts shortly to see how we can drop off and pick up. You may need guards at this location also. Bonnie

----- Forwarded message -----

From: Stephen Iacobucci <steve@iacobuccicompanies.com>

Date: Sun, Dec 6, 2020 at 8:48 AM

Subject: School Bus Access at Glen Riddle Station Apartments

To: <bkinsler@rtmsd.org>, <dsimpson@rtmsd.org>, <swalls@rtmsd.org>

Good Morning -

I write to you on behalf of the management of Glen Riddle Station Apartments. Glen Riddle is part of Rose Tree Media School District with location at 275 Glen Riddle Road. The Sunoco pipeline is being installed down the center of Glen Riddle Station Apartments. This work is being conducted in large part through temporary condemnation of the property. As a result, Glen Riddle has no operational control over the impact of the project on our

property. Yesterday, we alerted Sunoco to a potential safety concern after observing Rose Tree Media School District buses struggle to maneuver and drop children off at the property.

The buses were forced to drop children off while blocking the entrance intersection. Typically the buses enter one side of the community and exit through the other. This pattern allows for safe drop off of students, safe turn around to return to Pennel Road and no need for reversing or multiple point turns. Last week, Sunoco blocked through access on the property. As we understand it, Sunoco's plan is to permanently block all access through the center of the property's drive path during the project. Sunoco is only planning to allow one-way drive access to either side of the community which will be split down the center. This blocking interferes with the normal turn around areas for school buses, drop offs/pick ups and normal traffic flow.

It does not sound like Sunoco has alerted your department or submitted a plan to the School District considering the impact of transportation safety for the school children. I would like to invite you to meet at the property tomorrow to review Glen Riddle's concern. I am also available for a phone call at your convenience. We hope to ensure that you have an opportunity to review Sunoco's plan and instruct them on a safe drop off / pickup route for the school children residing at Glen Riddle.

Thank you,

Steve

--
Stephen A. Iacobucci

Managing Director

Iacobucci Companies

One Raymond Drive - Suite Two

Havertown Pennsylvania | 19083

Webpage

Sales Center: 610.496.7135

Corporate Office: 484.899.9333



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Raymond Iacobucci Real Estate, LLC

Lisc. in PA

--
Bonnie Kinsler

Rose Tree Media School District

Supervisor of Transportation

610-627-6475

Fax 610-627-6476

Private and confidential as detailed here. If you cannot access hyperlink, please e-mail sender.

--
Bonnie Kinsler

Rose Tree Media School District

Supervisor of Transportation

610-627-6475

Fax 610-627-6476

Private and confidential as detailed here. If you cannot access hyperlink, please e-mail sender.



Eleanor Dimarino-Linnen <edimarino@rtmsd.org>

Signed crossing guards document

1 message

Eleanor Dimarino-Linnen <edimarino@rtmsd.org>

Sat, Jan 2, 2021 at 6:04 PM

To: CarrollM@usscinc.com

Cc: vscott@rtmsd.org, joseph.massaro@energytransfer.com, thaupert@rtmsd.org

Hello Ms.Carroll,

Attached is the signed agreement. Both the Board President and Board Secretary, who are the only individuals authorized to sign contracts on behalf of the District, have signed the document.

Regards,

Eleanor DiMarino-Linnen

 SHU(no E).pdf
1742K



**STATEMENT OF WORK
SECURITY OPERATIONS**

THIS STATEMENT OF WORK IS EXECUTED IN ACCORDANCE WITH, AND IS AT ALL TIMES SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE CONSULTATORY AND EXECUTIVE PROTECTION SERVICES AGREEMENT BY AND BETWEEN U.S. SECURITY CARE, INC. AND CLIENT.

General Information

- Billing information as follows:**
Rosh Tree Media School District
Thomas P. Maupat, Director of Human Resources
308 North Olive Street
Media, PA 19063
Tel: (810) 627-6040
tmaupat@rtmsd.org
- Conduct security guard operations at the following bus stops Monday through Friday (5 days per week).
- Recurring bilable security operations shall be conducted as set forth on the following schedule:

Date	Times	Agent
TBD - 06/18/2021	Penncrest Am bus 44 guard at 1st Glen Riddle Apts entrance (on by Pennell Rd) 6:20 am Bus stop time 6:39 (0620 - 0639) (1 guard)	1 UAP
	Penncrest Am bus 44 guard at Martins Lane x Glen Riddle Rd. 8:20 am bus stop time 8:39 (0820 - 0839) (2 guards)	2 UAP
	Penncrest PM bus 44 at 1st Glen Riddle Apt. entrance @ 1:40 bus stop time 1:50 (1340 - 1350) (1 guard)	1 UAP
	Penncrest PM bus 44 at Martins Lane x Glen Riddle Rd. 1:40 bus stop time 1:50 (1340 - 1350) (2 guards)	2 UAP



Springton Lake Am bus 48 7:12 am bus stop time guard at 1st Glen Riddle Apts entrance (one by Pennell Rd.) (0712 - 0722) (1 guard)	1 UAP
Springton Lake Am bus 48 7:12 am bus stop time guard at Glen Riddle Rd. x Martins Lane (0712 - 0722) (2 guards)	2 UAP
Springton Lake PM bus 48 2:45 pm bus stop time Glen Riddle x Martins and Glen Riddle x 1st entrance to Glen Riddle Apts. (1445 - 1455) (2 guards)	2 UAP
Glenwood Am Bus 48 8:21 am Glen Riddle x Martins and Glen Riddle x 1st entrance to Glen Riddle Apts (0821 - 0831) (2 guards)	2 UAP
Glenwood PM Bus 48 3:25x 1st entrance to Glen Riddle Apts. (1525 - 1535) (1 guard)	1 UAP
Indian Lane AM bus 50 8:32 am Glen Riddle x Martins Lane (0832 - 0842) (2 guards)	2 UAP
Indian Lane PM bus 50 start 3:48 pm Glen Riddle Rd. x Martins Lane (1548 - 1558) (2 guards)	2 UAP

Notes:

- Agent attire is USSC "Soft" uniform -- Polo, khakis
- Agent will be positioned at the posts listed above to provide security and safety.

4. Security operations may extend beyond normal operating hours if warranted by police involvement due to incident or apprehension.



Deliverable(s)

Client will be informed verbally or in writing in the event of an incident that involves the police, fire or EMS.

Performance Period

All work is to begin on the date specified by the Client. Security operations are to be performed within the above mentioned time period, unless extended at the Client's request. This Statement of Work is valid upon U.S. Security Care, Inc. receiving a signed original of the Consultatory and Executive Protection Services Agreement.

Billable Rates and Payment Terms

1. Security agent personnel are billed at a rate of \$40.00 per hour, per unarmed agent (four (4) hour minimum).
2. Payment for services is due 30 days after the date of invoicing.

Conditions

Above prices are valid for 30 days from the date of execution of this Statement of Work. USSC, Inc. reserves the right to negotiate additional fees for services rendered above and beyond those enumerated herein. All material utilized above during the performance of the services set forth herein and any travel, lodging and meals will be billed as pass through expenses.

If these terms are acceptable to you, please enclose both copies of this Statement of Work and return one to U.S. Security Care Inc., P.O. Box 618, Blue Bell, PA. 19422. Fax: (215) 642-8503 Voice: (215) 642-7789.

Richard Wolfson, President
U.S. Security Care, Inc.

Date:

~~Eleanor DIMARCO-Jimian, Ph.D.
Superintendent of Schools~~

Date: January 2, 2001

Jim Wolfson Board President
Janet A. Smith Board Secretary

Rose Tree Bus Stop Security

OSOW

12/29/2000

