

PAGE 1.

PLEASE ACCEPT THIS  
AS MY MAIN BRIEFS FOR MY  
CASE

WILMER BAKER  
VS  
SUNOCO PIPELINE L.P  
CASE (2018-3004294)

I INCLUDED MY EVIDENCE  
NUMBERED C1, THRU C25 AND  
EXHIBIT ONE (VETERANS AFFAIRS  
AND EMERGENCY PREPAREDNESS  
COMMITTEE)

- PAGE 20, LINES 11 THRU 24.
- PAGE 22, LINES 11 THRU 25
- PAGE 23, LINES 1 THRU 7
- PAGE 28, LINES 8 THRU 18
- PAGE 38, LINES 16 THRU 23
- PAGE 40, LINES 24, 25.
- PAGE 46 LINES 8 THRU 14
- PAGE 48, LINES 6 THRU 10.

THESE WERE OF SPECIAL  
INTEREST TO ME  
EXHIBIT 33 (EMINENT DOMAIN)  
TESTIMONY FROM MY HEARING  
PAGE 26, LINES 1, 2, MANUAL  
FIVE YEARS AGO.

PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

2019 AUG 30 PM 1:07

RECEIVED

PAGE 2

PAGE 90, LINES 21, 22, SUNOCO  
ADMITS, SENDING TO MC FIVE YEARS  
AGO!

PAGE 92 LINES 7, THRU 25  
(WELDING OF COLLARS ON  
X 70 PIPES) (C-16 PICTURE)  
(C-15) PLAINS, JUSTICE, SUBSTANDARD  
STEEL) U.S PIPELINE INDUSTRY.  
WARNS, KINDER MORGAN IN  
2007 TO 2009, THAT THEIR  
PIPES EXPANDED.

PAGES 3, 12, KINDER MORGAN  
REMOVES SOME, DOWN GRADES  
SOME TO X-65

PAGE 94 LINES 8 THRU 20  
(WELDING COLLARS, SHOWS  
COLLARS, AND RIVETS ON  
PIPES) (C-16 PICTURE) (C-17 BAD WELDS

PAGE 113 LINES 8 THRU 25  
DUMPING FOREIGN STEEL (C-18)

PAGE 114 LINES 1 THRU 3 (C-18)

DUMPED STEEL (CORINTH  
PIPEWORKS PIPE INDUSTRY)  
(SPLP EXHIBIT 5) KINDER MORGAN  
PLACES THIS ORDER.

THE STUPP CORPORATION  
WHO IS SUPPLYING X-70 PIPE

PAGE 3

(S.P.L.P. EXHIBIT 4) IS  
PARTY TO THIS COMPLAINT  
C-18, PAGE TWO (FACT SHEET)  
ALSO INCLUDED IS DURA

C-18 PAGE

2

BOND INDUSTRIES (STEELTON PA.)  
ARCELOR MITTAL (STEELTON PA.)  
ARCELOR MITTAL (S.P.L.P. EXHIBIT  
5) IS MAKING (X-16) PIPE IN  
FRANCE!

AND DUMPING IT/MADC IN GREECE  
PAGE 114 (LINES 9, THRU 15 (19 THRU 21)  
(C-19) PIPELINE SAFETY.

CLASS LOCATION CHANGE  
REQUIREMENTS!

LINES 19 THRU 21 (C-15) (C-16)  
BELOW STANDARD (X-65)

PAGE 114 IS ANSWERED

PAGE 294 (LINES 6 THRU 14)

C-16 PICTURES (RIVETS, WELDED  
SLEEVE'S) MR. ZURCHER IS TESTIFYING

PAGE 295 (LINES 19 THRU 21

C-16 PICTURES)

PAGE 334 (LINES 1 THRU 25)

MR. ZURCHER TESTIFYING

PAGE 371 (MR. PEREZ) REDIRECT  
TESTIFYING LINES 20 THRU 25

PAGE 372 LINES 1 THRU 3

PAGE 4

PAGE 372 LINE 1 THRU 3  
MY HOUSE IS OUTSIDE 1,000 FT,  
BUT MY LAND ISNT, AND NOW  
THEY HAVE TWO MORE PIPES  
THAT ARE MORE POWERFUL!

PAGE 231 MR NOLL TESTIFYING  
LINES 1 THRU 4 SPLP EXHIBIT 12  
EXHIBIT 18 REFUSES (C-8)

PAGE 235 LINES 22 THRU 25  
JIM BURKHOLDER REFUSES  
TO BE FIRST RESPONDER (C-8)

PAGE 236 LINES 10 THRU 16  
JIM BURKHOLDER REFUSES (C-8)  
"WE HAVE NO-ONE IN TOWNSHIP"  
CROSS-EXAMINATION (NOLL)

PAGE 237 LINES 10 THRU 25

PAGE 238 LINES 15 THRU 25  
(C-5) WORTHLESS

PAGE 239 LINES 23 THRU 24 (C-8)

PAGE 240 LINES 6 THRU 25 (C-8)

PAGE 241 LINES 1 THRU 11 (C-8)

PAGE 241 LINES 21 THRU 25  
SPLP EXHIBITS (12, 18, 13, 14, 15, 16, 17)  
INFLATED NUMBERS (SPLP, 13, 14, 15, 16, 17)

PAGE 242 LINES (7 THRU 16)

LYING ONE MEETING OVER  
EIGHT PEOPLE!

PAGE 3

PAGE 243 (LINE 1 THRU 25)  
LEAK DETECTION IS POSSIBLE!

PAGE 244 (LINES 1 THRU 8)  
DETECTION IS POSSIBLE

PAGE 244 (LINES 18 THRU 22) C-8

PAGE 245 (LINES 2 THRU 7) C-8  
(LINES 12 THRU 19) C-8

PAGE 248 (LINES 7 THRU 14)  
SPLP EXHIBITS (13, 14, 15, 16, 17) INFLATED

PAGE 249 (LINES 1 THRU 14)  
SPLP EXHIBITS (13, 14, 15, 16, 17) INFLATED

PAGE 250 (LINES 10 THRU 15)  
SPLP EXHIBIT (12, 13, 14, 15, 16, 17, 18)  
INFLATED

PAGE 254 (LINES 21 THRU 25)  
(C-1, C-2)

PAGE 255 (LINES 20 THRU 25)  
(C-1, C-2)

PAGE 256 (LINES 1, 2, 5 THRU 12, 16 THRU  
20, 24, 25) C-1, C-2

PAGE 257 (LINES 1, 3, 16, 18, 20, 21, 23)  
(C-1, C-2)

PAGE 259 (LINE 20 THRU 24)  
(10 FEET APART) (MR. ZURCHER)

PAGE 260 (LINES 17 THRU 24)  
(MR. ZURCHER, TESTIFIED) 10 FEET

PAGE 6

PAGE 261 (LINES 4 THRU 14)  
(DELAWARE COUNTY RESOLUTION  
RESOLUTION 2019-06)

PAGE 263 (LINES 15 THRU 17).

DELAWARE COUNTY RESOLUTION (2019-06)

PAGE 264 (LINES 1, THRU 7, 13 THRU 24)

EXHIBIT ONE

PAGE 265 (LINES 7 THRU 11)

DELAWARE COUNTY RESOLUTION (2019-06)

EXHIBIT ONE.

PAGE 267 (LINES 12 THRU 17, 23 THRU 25)

(DELAWARE COUNTY RESOLUTION (2019-06))

(EXHIBIT ONE)

PAGE 268 (LINES 4 THRU 6, 12, 13, 14,

17 THRU 25) EXHIBIT ONE,

DELAWARE COUNTY RESOLUTION (2019-06)

PAGE 269 (LINES 14 THRU 22)

SPLP EXHIBIT 13

I FEEL MY EVIDENCE SPEAKS  
FOR ITSELF

C1, C2, SHOWS TOWNSHIP DOESNT  
RECEIVE, SAFETY MANUALS

C3 SHOWS HOW LONG SUNOCO  
RESPONSES TO CALLS

C4 SHOWS PIPES IN WATER

PAGE 7

C-5 SHOWS WORTHLESS

CERTIFICATE (TWO HOUR COURSE)

C-6 PAMPHLET (UPPER FRANKFORD TOWNSHIP)

C-7 SUNOCO DOESNT SHOW

C-8 BURKHOLDER, REFUSES FIRST RESPONDER

C-9 COMMISSIONER ENTER THIS

C-10 ANSWER FROM SUNOCO, TO

COMMISSIONER AND BACK AGAIN

C-11 GLADYS BROWN, BOB YOUNG

C-12 ZACK HOOPES

C-13 MY TRAINING

C-14 S.O.S. PAMPHLET

C-15 PLAIN JUSTICE (FREEDOM OF INFORMATION)

C-16 (PHOTOGRAPHS OF BAD

STEEL PIPES, AND BAD WELDED ONE)

C-17 FEDERAL REGISTER (X-70 PIPES

WELDED, NEEDS COLLARS SO THEY DONT EXPAND

C-18 FACT. SHEET, IMPORTED STEEL!

C-19. PIPELINE SAFETY (CLASS LOCATION)

C-20. PHOTO OF BLUES PROPERTY

C-21 AERIAL PHOTOS

C-22. PHOTO OF CELL TOWER

400 FEET AWAY FROM PIPES.

PAGE 8

C-23 STATE IMPACT

INCREASE OF PRESSURE!

C-24 KIMS FOUR PICTURES OF  
PIPES STILL IN WATER, AND TO  
CLOSE TOGETHER (LESS 10 FEET APART)

C-25 (CHRISTINA DIGIULIO RESUME)

SO I BELIEVE THAT WITH  
MY EVIDENCE, AND EXTRA EXHIBITS  
THAT ASKING FOR AN ORDER TO BE MADE  
ALARM SYSTEM, AMERICAN MADE  
PIPES. OPEN PUBLIC MEETING,  
A THEIR SAFETY POLICY FIRST  
WOULD BECOME A REALITY.

Sincerely yours  
Wilmer G Baker

WILMER BAKER

VS

SUNOCO PIPELINE L.P  
CASE (2018-3004294)



# EXHIBIT

- 1 C-1, TOWNSHIP LETTER (JUNE 11, 2018)
- 2 C-2, SAFETY PAMPHLET
- 3 C-3, E-MAIL,
- 4 C-4, (PHOTOGRAPHS OF PIPES)
- 5 C-5, CERTIFICATE OF COMPLETION!
- 6 C-6, BUCKEYE PARTNERS (PAMPHLET)
- 7 C-7, SUNOCO, A NO SHOW 7/17/18
- 8 C-8, JAMES BURKHOLDER 12/10/18
- 9 C-9, CUMBERLAND COUNTY COMMISSIONERS,
- 10 C-10, AUGUST, SEPTEMBER, OCT.
- 11 C-11, GLADYS BROWN BOB YOUNG
- 12 C-12, (ZACK HODGES)
- 13 C-13, UNITED STEELWORKERS
- 14 C-14, PAMPHLET / S.O.S. RALLY
- 15 C-15, PLAINS JUSTICE)
- 16 C-16, PHOTOGRAPHS
- 17 C-17 (FEDERAL REGISTER EXCERPT
- 18 C-18, (FACT SHEET, I.T.A
- 19 C-19 PIPELINE SAFETY (CLASS LOCATION)
- 20 C-20 (PHOTO, BLUME PROPERTY)
- 21 C-21 (AERIAL PHOTOS,
- 22 C-22 (PHOTO, CELL TOWER.
- 23 C-23, (STATE IMPACT (3, 21, 19)
- 24 C-24, (KIMS 4 PICTURES)
- 25 C-25, (CHRISTINA DIGIULIO, RESUME)  
SPLR CROSS-EXAMINATION EXHIBIT  
P.K. 01 (1/25/19) ARTICLE  
BY BILL RETTEW) NEVER  
REC IT (NO DISCOVERY THERE)

**LOWER FRANKFORD TOWNSHIP**

1205 Easy Road

Carlisle, PA 17015

(717) 243-0855

FAX (717) 258-4715

e-mail: [lowerfrankford@comcast.net](mailto:lowerfrankford@comcast.net)



June 11, 2018

Wilmer Baker  
430 Run Road  
Carlisle, PA 17015

RE: Pipeline Questions

Mr. Baker:

Thank you for attending the Board of Supervisors meeting on Tuesday, June 5, 2018. I reached out to Sunoco Logistics. The plan is for them to send at least one representative to the next Board of Supervisors meeting that will be held on Tuesday, July 10, 2018 at 7PM. I asked them to bring copies of the "Important Safety Message" flyers.

Respectfully,

A handwritten signature in black ink that reads "Karen M. Heishman".

Karen M. Heishman, secretary  
Lower Frankford Township

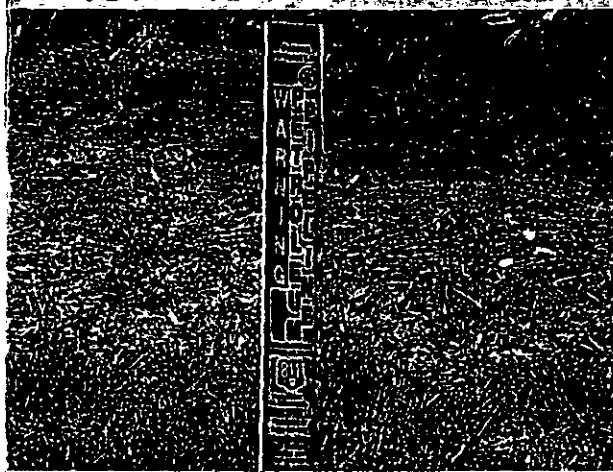
CC: Wilmer Baker  
Dave McGinnis  
Thomas Nelson

(717) 258-5281

EXHIBIT C1

# Important Safety Message

*for your neighborhood*



**Sunoco Logistics**

Sunoco Pipeline L.P.

*Operator of the Inland and Harbor pipeline systems*



**24-Hour Emergency Number: 800-786-7440**

Non-Emergency Number: 877-795-7271

You are receiving this brochure because Sunoco Pipeline L.P. operates a pipeline in your community. Our underground pipelines provide a safe and efficient method of transporting a variety of products, including crude oil, gasoline, diesel fuel, kerosene, heating oil, jet fuel, butane, ethane, propane, and natural gas.

## Petroleum Pipelines In Your Community

There are almost 200,000 miles of petroleum pipelines in the United States. According to the U.S. Department of Transportation, pipelines are the most reliable and safest way to transport the large volume of natural gas and petroleum used in the United States. Pipelines transport two-thirds of all the crude oil and refined products in the United States. Pipelines are made of steel, covered with a protective coating and buried underground. They are tested and maintained through the use of cleaning devices, diagnostic tools, and cathodic protection. Since Americans consume over 700 million gallons of petroleum products per day, pipelines are an essential component of our nation's infrastructure.

### Keeping you safe

Maintaining safe pipeline operations is critical in all areas where we operate. In high population and environmentally sensitive areas known as High Consequence Areas, we perform additional inspections and analyses as part of our Integrity Management Program (IMP). Additional information on our IMP efforts is available on our website: [www.sunocologistics.com](http://www.sunocologistics.com).



### Always call 811 before you dig

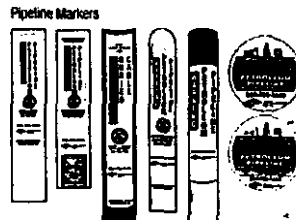
One easy phone call to 811 starts the process to have your underground pipelines and utility lines marked. When you call 811 from anywhere in the country, your call will be routed to your state One Call Center, who will contact underground facility owners in the area. So you can dig safely, Sunoco Pipeline personnel will contact you if one of our pipelines are in the area of the planned excavation. More information about 811 is at [www.call811.com](http://www.call811.com).

### How to know where pipelines are located

Most pipelines are underground, where they are more protected from the elements and minimal interference with surface uses. Even so, pipeline rights-of-way are clearly identified by pipeline markers along pipeline routes that identify the approximate—NOT EXACT—location of the pipeline.

Every pipeline marker contains information identifying the company that operates the pipeline, the product transported, and a phone number that should be called in the event of an emergency.

**Markers do not indicate pipeline burial depth, which will vary.** Markers are typically seen where a pipeline intersects a street, highway or railway. For any person to willfully deface, damage, remove, or destroy any pipeline marker is a federal crime.



**Pipeline Marker** — This marker is the most common. It contains Sunoco Pipeline information, type of product, and our emergency contact number. Size, shape and color may vary.

**Aerial Marker** — These skyward facing markers are used by patrol planes that monitor pipeline routes.

**Casing Vent Marker** — This marker indicates that a pipeline (protected by a steel outer casing) passes beneath a nearby roadway, rail line or other crossing.

## How would you recognize a pipeline leak?

While pipelines are the safest method of transporting the fuel and products we use every day, knowing how to recognize a pipeline leak is important. The following may indicate a pipeline leak:

- **Sight:** Liquid pools, discolored or abnormally dry soil/vegetation, continuous bubbling in wet or flooded areas, an oily sheen on water surfaces, and vaporous fogs or blowing dirt around a pipeline area can all be indicative of a pipeline leak. Dead or discolored plants in an otherwise healthy area of vegetation or frozen ground in warm weather are other possible signs.
- **Sound:** Volume can range from a quiet hissing to a loud roar depending on the size of the leak and pipeline system.
- **Smell:** An unusual smell, petroleum odor, or gaseous odor will sometimes accompany pipeline leaks.

## What to do in the event a leak were to occur:

- Public safety and protecting the environment are the top priorities.
- **Turn off** any equipment and eliminate any ignition sources without risking injury.
- **Leave the area** by foot immediately. Try to direct any other bystanders to leave the area. Attempt to stay upwind.
- From a safe location, **call 911** or your local emergency response number and call the 24-hour emergency number for the pipeline operator. Provide your name, phone number, a brief description and location of the incident so a proper response can be initiated.

## What not to do in the event a leak were to occur:

- **DO NOT** cause any open flame or other potential source of ignition such as an electrical switch, vehicle ignition, light a match, etc. Do not start motor vehicles or electrical equipment. Do not ring doorbells to notify others of the leak. Knock with your hand to avoid potential sparks from knockers.
- **DO NOT** come into direct contact with any escaping liquids or gas.
- **DO NOT** drive into a leak or vapor cloud while leaving the area.
- **DO NOT** attempt to operate any pipeline valves yourself. You may inadvertently route more product to the leak or cause a secondary incident.
- **DO NOT** attempt to extinguish a petroleum product fire. Wait for local firemen and other professionals trained to deal with such emergencies.

## What to do in case of damaging/disturbing a pipeline

If you cause or witness even minor damage to a pipeline or its protective coating, please immediately notify the pipeline company. Even a small disturbance to a pipeline may cause a future leak. A gouge, scrape, dent or crease is cause enough for the company to inspect the damage and make repairs.

All damages to underground gas or hazardous liquid pipeline facilities are required by law to be reported to the operator. Excavators must notify the pipeline company immediately upon damaging a pipeline.

## What is a right-of-way and can I build or dig on it?

Sunoco Pipeline works diligently to establish written agreements, or easements, with landowners to allow for ease of construction and maintenance when they cross private property. Rights-of-way (ROW) are often recognizable as corridors that are clear of trees, buildings or other structures except for the pipeline markers. A ROW may not have markers clearly present and may only be indicated by cleared corridors of land, except where farmland or crops exist. County Clerk or Recorder of Deeds offices may also have records of the pipeline easements.

Encroachments upon the pipeline right-of-way inhibit the pipeline operator's ability to reduce the chance of third-party damage, provide right-of-way surveillance and perform routine maintenance and required federal/state inspections. In order to perform these critical activities, pipeline maintenance personnel must be able to easily and safely access the pipeline right-of-way, as well as areas on either side of the pipeline. Keeping trees, shrubs, buildings, fences, structures and any other encroachments well away from the pipeline ensures that the pipeline integrity and safety are maintained.

Before any excavation project on or near Sunoco Pipeline's right-of-way, contact Sunoco Pipeline at 377-795-7271.

## How can you help?

While incidents involving pipeline facilities are very rare, awareness of the location of the pipeline, the potential hazards, and what to do if a leak occurs can help to minimize the impact of a pipeline release. A leading cause of pipeline incidents is unauthorized excavation near pipelines. Pipeline operators are responsible for the safety and security of their respective pipelines. To help maintain the integrity of pipelines and their rights-of-way, it is essential that pipeline and facility neighbors protect against unauthorized excavations or other destructive activities. Here's what you can do to help:

- **Become familiar with the pipelines and pipeline facilities in the area (marker signs, fence signs at gated entrances, etc).**
- **Record the operator name, contact information and any pipeline information from nearby marker/facility signs and keep in a permanent location near the telephone.**
- **Be aware of any unusual or suspicious activities or unauthorized excavations taking place within or near the pipeline right-of-way or pipeline facility; report any such activities to the pipeline operators and CALL 911.**

## Transmission Pipeline Mapping

The U.S. Department of Transportation's Office of Pipeline Safety has developed the National Pipeline Mapping System (NPMS) to provide information about gas transmission and liquid transmission operators and their pipelines. The NPMS website is searchable by zip code or by county and state, and can display a county map that is printable. For a list of pipeline operators with pipelines in your area and their contact information, go to [www.npms.phmsa.dot.gov/](http://www.npms.phmsa.dot.gov/).



Usted está recibiendo este folleto porque Sunoco Pipeline L.P. opera una línea de tuberías en su comunidad. Nuestras líneas de tuberías subterráneas proveen un método más seguro y eficiente para el transporte de varios productos, incluyendo el petróleo crudo, la gasolina, el combustible diesel, querosén, aceite para calefacción, combustible para jets, butano, etano, propano y el gas natural.

## Oleoductos en su comunidad

Existen más de 200,000 millas de líneas de petróleo en los Estados Unidos. De acuerdo al Departamento de Transporte de EE.UU., las líneas de tuberías son el método más fiable y seguro de transportar el gran volumen de gas natural y petróleo utilizado en los Estados Unidos. Los oleoductos transportan dos tercios de todo el petróleo crudo y productos refinados en los Estados Unidos. Están fabricados de acero, cubiertos con un revestimiento protector y enterados. Se someten a pruebas y se mantienen mediante el uso de aparatos de limpieza, herramientas de diagnóstico y protección catódica. Debido a que los estadounidenses consumen más de 700 millones de galones de productos de petróleo por día, los oleoductos son un componente esencial de la infraestructura de nuestra nación.

## Manteniendo su seguridad

Mantener operaciones seguras de nuestros ductos es primordial en todas las áreas donde operamos. Nosotros ejecutamos inspecciones y análisis adicionales como parte de nuestro Programa de "Manejo de Integridad (IMP)" en áreas de alta población y en áreas ambientalmente sensibles establecidas como "Áreas de Altas Consecuencia." La información adicional sobre nuestros esfuerzos de IMP está disponible en nuestro sitio web: [www.sunocologistics.com](http://www.sunocologistics.com).

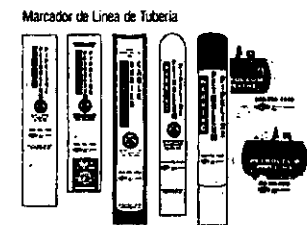


## Siempre llame al 811 antes de excavar

Una fácil llamada al número 811 da comienzo al proceso para que marquen sus líneas de tuberías subterráneas y de servicios de utilidades. Cuando usted llama al 811 desde cualquier lugar del país, su llamada será transferida al Centro de One-Call (Una-Llamada) de su estado, quienes contactarán a los dueños de esas facilidades en su área. Para que usted pueda excavar con seguridad, un representante de Sunoco Pipeline se contactará con usted si una de nuestras líneas de tuberías se encuentra en el área donde se propone excavar. Usted puede encontrar más información acerca del 811 en el sitio web [www.call811.com](http://www.call811.com).

## Como puede usted saber donde se encuentran localizadas las líneas de tuberías

La mayoría de las líneas de tuberías se encuentran debajo de la tierra, donde están mejor protegidas de los elementos y donde minimizan la interferencia con usos en la superficie. Aun así, los derechos de paso de las líneas de tubería están claramente identificados con marcadores de líneas de tuberías a lo largo de la ruta de la línea de tubería, los cuales identifican la ubicación aproximada—NO EXACTA—de la línea de tubería. Cada marcador de la línea de tubería contiene información que identifica la compañía que opera la línea de tubería, el producto transportado y un número de teléfono al cual se debe llamar en caso de una emergencia. **Los marcadores no indican la profundidad a la cual una línea de tubería se encuentra enterrada, la cual puede variar.** Los marcadores se pueden ver típicamente donde una línea de tubería atraviesa una calle, autopista o ferrocarril. Es un delito federal que una persona voluntariamente estropee, dañe, quite o destruya un marcador de una línea de tubería.



**Marcador de Líneas de Tuberías** — Este tipo de marcador es el más común. Contiene la información de Sunoco Pipeline, tipo de producto y nuestro número de contacto en caso de una emergencia. El tamaño, forma y color pueden variar.

**Marcador Aéreo** — Estos marcadores colocados mirando hacia el cielo son usados por los aviones de patrullas que monitorean las rutas de las líneas de tuberías.

**Marcador de Tubos de Ventilación** — Este marcador indica que una línea de tubería (protegida por un revestimiento de acero) pasa por debajo de una carretera, ferrocarril u otro cruce.

## ¿Cómo puede usted reconocer una fuga en una línea de tuberías?

Aun cuando los oleoductos son el método más seguro de transportar el combustible y los productos que usamos todos los días, saber reconocer una fuga en la tubería es importante. Lo siguiente puede indicar una fuga en la tubería:

- **Vista:** Charcos de líquido, terreno/vegetación descolorida o anormalmente seca, burbujeo o vapor en áreas mojadas o inundadas, un brillo aceitoso en la superficie del agua, niebla de vapor o tierra volando en el aire pueden ser muestras de que ocurre una fuga en la línea de tubería. Otras posibles indicaciones son la presencia de plantas descoloridas o muertas, o terreno congelado durante temporadas calientes.
- **Sonido:** El volumen del ruido puede ser desde un silbido silencioso hasta un rugido fuerte, dependiendo del tamaño de la fuga y del sistema de líneas de tuberías.
- **Olor:** Un olor inusual, olor a petróleo o un olor gaseoso puede a veces salir de una fuga en una línea de tuberías.

## Lo que si debe hacer en el caso de que ocurriese una fuga:

- Las prioridades principales son la seguridad del público y la protección del medio ambiente.
- **Apague** cualquier equipo y elimine cualquier fuente de encendido sin ponerse en riesgo a sí mismo.
- Inmediatamente **salga del área** caminando. Trate de avisar a otras personas que se encuentren cerca para que se alejen del área. Intente mantenerse en contra del viento.
- Desde un lugar seguro, **llame al 911** o a su número local de respuesta a emergencias y llame al número de emergencias de 24-horas del operador de la línea de tuberías. Provee su nombre, número de teléfono, una breve descripción del incidente y la ubicación para así poder iniciar una respuesta apropiada.

## Lo que no debe hacer en el caso de que ocurriese una fuga:

- **NO** cause ninguna llama ni use otras fuentes potenciales de encendido tales como los interruptores de electricidad, vehículos de ignición, fósforos, etc. No encienda ningún vehículo de motor ni equipo eléctrico. No toque ningún timbre de casa para notificar a las personas acerca de la fuga. Golpee la puerta con su mano para evitar crear chispas con la aldaba.
- **NO** se ponga en contacto directo al gas o líquido que se esté escapando.
- **NO** maneje hacia ninguna fuga o nube de vapor cuando esté saliendo del área.
- **NO** intente operar usted mismo ninguna válvula. Sin quererlo, usted podría dirigir más producto hacia la fuga o causar otro incidente.
- **NO** intente extinguir un fuego de productos de petróleo. Espere a que los bomberos locales y otros profesionales entrenados manejen la emergencia.

## Lo que usted debe hacer en el caso que dañe/disturbe una línea de tubería

Si usted ocasiona o tiene conocimiento de algún daño, por más mínimo que sea, a una línea de tubería o al revestimiento protector de la tubería, por favor notifique inmediatamente a la compañía de la línea de tubería. Cualquier daño pequeño a una línea de tubería, puede causar una fuga en el futuro. Un agujero, arañazo, dobladura o una arruga pueden ser una causa suficiente para que la compañía tenga que inspeccionar el daño y hacer reparaciones.

Esta requerido por la ley que todos los daños causados a tuberías subterráneas de gas o facilidades líquidas peligrosas sean reportado a la compañía que opera esas tuberías. Los excavadores deben comunicarse con la compañía de esas tuberías inmediatamente al causar daños.

## ¿Qué es un derecho de paso y puedo yo construir o excavar en ellos?

Sunoco Pipeline trabaja diligentemente para establecer acuerdos escritos, o servidumbres con los dueños de terreno para así permitir y facilitar el acceso de construcción y mantenimiento cuando atravesamos esas propiedades privadas. Los derechos de paso usualmente se reconocen al ver caminos de terreno que están libres de árboles, edificios y de otras estructuras, con excepción de los marcadores de líneas de tuberías. Un derecho de paso puede que no tenga marcadores claramente visibles y puede que solo sean evidentes al ver solo los caminos de terreno libres, con excepción de granjas o tierras de cultivo.

Las oficinas del Secretario del Condado mantienen los registros de las servidumbres, los cuales son información pública. Ocupando espacio en los derechos de paso de las líneas de tubería impiden la habilidad del operador de la línea de tubería de poder reducir los daños por terceras personas, de proveer vigilancia en el derecho de paso y de hacer mantenimiento rutinario e inspecciones requeridas federalmente y estatalmente. Para poder ejecutar estas actividades críticas, el personal de mantenimiento de la línea de tubería necesita poder tener acceso de una manera fácil y segura al derecho de paso de la línea de tubería, y a las áreas a cada lado de la línea de tubería. Para poder conservar la integridad y seguridad en las líneas de tubería, se debe mantener distancia entre los árboles, arbustos, edificios, cercas, estructuras y otros impedimentos y las líneas de tubería.

Antes de cualquier proyecto de excavación cerca de los derechos de paso de Sunoco Pipeline al 877-795-7271.

## ¿Cómo usted puede ayudar?

Aunque incidentes que implican facilidades de oleoductos son muy raros, el conocimiento de la ubicación de la tubería, el potencial de los peligros, y qué hacer si una fuga ocurre puede ayudar a minimizar el impacto de una emisión de la tubería. La causa principal de incidentes en las tuberías subterráneas es excavaciones sin autorización. Los operadores de las líneas de tuberías son responsables por la seguridad de sus respectivas líneas de tuberías. Para poder conservar la integridad de las líneas de tuberías y de los derechos de paso, es esencial que los vecinos cerca de las facilidades y de las líneas de tuberías protejan contra excavaciones sin autorización y contra actividades destructivas. A continuación listamos lo que usted puede hacer para ayudar:

- **Familiarícese con las líneas de tuberías y las facilidades de líneas de tuberías en el área** (señales de marcadores, señales en las cercas de los lugares cercados, etc.).
- **Escriba el nombre del operador o compañía, información de contacto y cualquier otra información de la línea de tubería que se encuentran en las señales o marcadores cerca de usted y mantenga esa información cerca de su teléfono.**
- **Esté al tanto de cualquier actividad inusual o sospechosa o de excavaciones no autorizada tomando lugar dentro o cerca del derecho-de-paso de la línea de tuberías o instalación de línea de tuberías: informe cualquiera de estas actividades a los operadores de la línea de tuberías y LLAME AL 911.**

## Mapas de Líneas de Tubería de Transmisión

La Oficina Estadounidense del Departamento de Transporte de Seguridad de Líneas de Tubería ha desarrollado el Sistema Nacional de Mapas de Líneas de Tubería ("NPMS" por sus iniciales en inglés) para proporcionar información acerca de los operadores de líneas de tubería y de sus mismas líneas de tuberías. El Sitio web de "NPMS" puede ser buscado en el internet usando el CÓDIGO POSTAL o el nombre del condado y estado, y en el mismo sitio usted puede adquirir un mapa del condado, el cual puede ser impreso desde cualquier impresora personal. Para obtener una lista de los operadores con líneas de tuberías en su área y su información de cómo contactarlos, visite la página [www.npms.phmsa.dot.gov/](http://www.npms.phmsa.dot.gov/).



For more information regarding pipeline safety and an overview of the pipeline industry please visit the following websites:

**Pipeline Resources and Information**

- 811 - [www.call811.com](http://www.call811.com)
- Pipeline 101 - [www.pipeline101.com](http://www.pipeline101.com)
- Association of Oil Pipe Lines (AOPL) - [www.aopl.org](http://www.aopl.org)
- American Petroleum Institute (API) - [www.api.org](http://www.api.org)
- Common Ground Alliance (CGA) - [www.commongroundalliance.com](http://www.commongroundalliance.com)

**Government/Regulatory Agencies**

- Pipeline Hazardous Materials Safety Administration (PHMSA) - [phmsa.dot.gov](http://phmsa.dot.gov)
- Department of Transportation (DOT) - [www.dot.gov](http://www.dot.gov)

To learn more about Sunoco Pipeline L.P., or to take our survey, visit our website at: [www.sunocologistics.com](http://www.sunocologistics.com)

Sunoco Pipeline L.P. operates the Inland and Harbor pipeline systems.

**PRODUCTS THAT MAY BE TRANSPORTED IN YOUR AREA**

PRODUCT	LEAK TYPE	VAPORS
HIGHLY VOLATILE LIQUIDS [SUCH AS: BUTANE, PROPANE, ETHANE, E/P MIX]. ONLY IN GLOUCESTER COUNTY, NJ: NATURAL GAS	Gas	Initially heavier than air, spread along ground and may travel to source of ignition and flash back. Product is colorless, tasteless and odorless.
<b>HEALTH HAZARDS</b>	May be ignited by heat, sparks, or flames and may form combustible mixture with air. Vapors may cause dizziness or asphyxiation and be toxic if inhaled at high concentrations. Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite.	
HAZARDOUS LIQUIDS [SUCH AS: CRUDE OIL, DIESEL FUEL, JET FUEL, GASOLINE, AND OTHER REFINED PRODUCTS]	Liquid	Initially heavier than air and spread along ground and collect in low or confined areas. Vapors may travel to source of ignition and flash back. Explosion hazards indoors, outdoors or in sewers.
<b>HEALTH HAZARDS</b>	Inhalation or contact with material may irritate or burn skin and eyes. Fire may produce irritating, corrosive and/or toxic gases. Vapors may cause dizziness or suffocation. Runoff from fire control or dilution water may cause pollution.	

**LOS PRODUCTOS QUE TRANSPORTAMOS EN SU ÁREA**

PRODUCTO	TIPO DE FUGA	VAPORES
LIQUIDOS ALTAMENTE VOLÁTILES [TALES COMO: BUTANO, PROPANO, ETANO, E/P MIX]. SOLO EN GLOUCESTER COUNTY, NJ: GAS NATURAL	Gas	Inicialmente más pesado que el aire, se propaga en el suelo y puede viajar hasta fuentes de encendido y ocasionar retrocesos de llamas. El producto no tiene color, sabor ni olor.
<b>RIESGOS A LA SALUD</b>	Puede incendiarse con calor, chispas o con llamas y puede formar una mezcla inflamable con el aire. Los vapores pueden causar mareos o asfixia si estos son inhalados en concentraciones altas. El contacto con el gas o con el gas licuado puede causar quemaduras, lesiones graves y/o congelación.	
LIQUIDOS PELIGROSOS [TALES COMO: PETROLEO CRUDO, COMBUSTIBLE DIESEL, COMBUSTIBLE PARA JETS, GASOLINA Y OTROS PRODUCTOS REFINADOS]	Líquido	Inicialmente más pesado que el aire y se propaga en el suelo y se acumula en áreas bajas o confinadas. Los vapores pueden viajar hasta fuentes de encendido y ocasionar retrocesos de llamas. Los peligros de explosión ocurren adentro, afuera o en los alcantarillados.
<b>RIESGOS A LA SALUD</b>	La inhalación o el contacto con el material pueden irritar o quemar la piel y los ojos. El fuego puede producir gases irritantes, corrosivos y tóxicos. Los vapores pueden causar mareos o asfixación. La escorrentía que proviene del control del fuego o de las aguas de dilución puede causar contaminación.	

**24-Hour Emergency Number: 800-786-7440**



**Sunoco Logistics**  
Sunoco Pipeline L.P.

**Non-Emergency Number: 877-795-7271**  
**Website: [www.sunocologistics.com](http://www.sunocologistics.com)**

C3

**Date:** Wed, 24 May 2017 14:28:44 +0000 [05/24/2017 10:28:44 AM EST]  
**From:** Woods, Ian (PHMSA) <ian.woods@dot.gov>  
**To:** kvanfleet@pa.net <kvanfleet@pa.net>  
**Cc:** lynda@pscoalition.org <lynda@pscoalition.org>, Gentile, Karen (PHMSA) <karen.gentile@dot.gov>  
**subject:** Sunoco logistics exposed Mariner I pipeline

Hi Kim,

This is the latest information that I have received from Sunoco Logistics regarding their actions in responding to the exposed pipeline;

"Sunoco Pipeline's Engineering Group has been working with Er-Con Technologies to develop an engineering solution to address this erosion-exposed location.

Background investigation work is completed and a final engineering design is expected soon.

An environmental evaluation of the area is underway.

After conclusion of the environmental evaluation, the PA DEP permitting can begin.

General Timing for the overall project is as follows:

1Q2017 - Complete Engineering Design / Complete Environmental Evaluation / Submit PA DEP Permit application(s) needed to allow work

3Q2017 to 4Q2017 - Timing for progress and installation is uncertain due to timing for PA DEP Permits needed.

Once PA DEP permits are obtained we can begin work.

4Q2017 - Sunoco estimates this project should be completed sometime in 4Q2017 or sooner if PA DEP Permits come sooner."

It appears that they do have a plan in place and are working towards a remedy for the exposed pipeline. Unfortunately, due to the location of the exposure, the operator requires specific permits from the state before they start digging, excavating etc. I understand that this can be quite frustrating, as far as safety concerns and timeliness of operator response, but I see this quite frequently, especially where environmental issues are in question. I did have additional questions for the operator though that are still being addressed and when I hear back from them, I will forward the answers to you. Thank you for your time and your patience as it is greatly appreciated. Please don't hesitate to contact me if you have any other questions or concerns.

Regards,

Ian



Exposed segment of mariner 1

April 2016

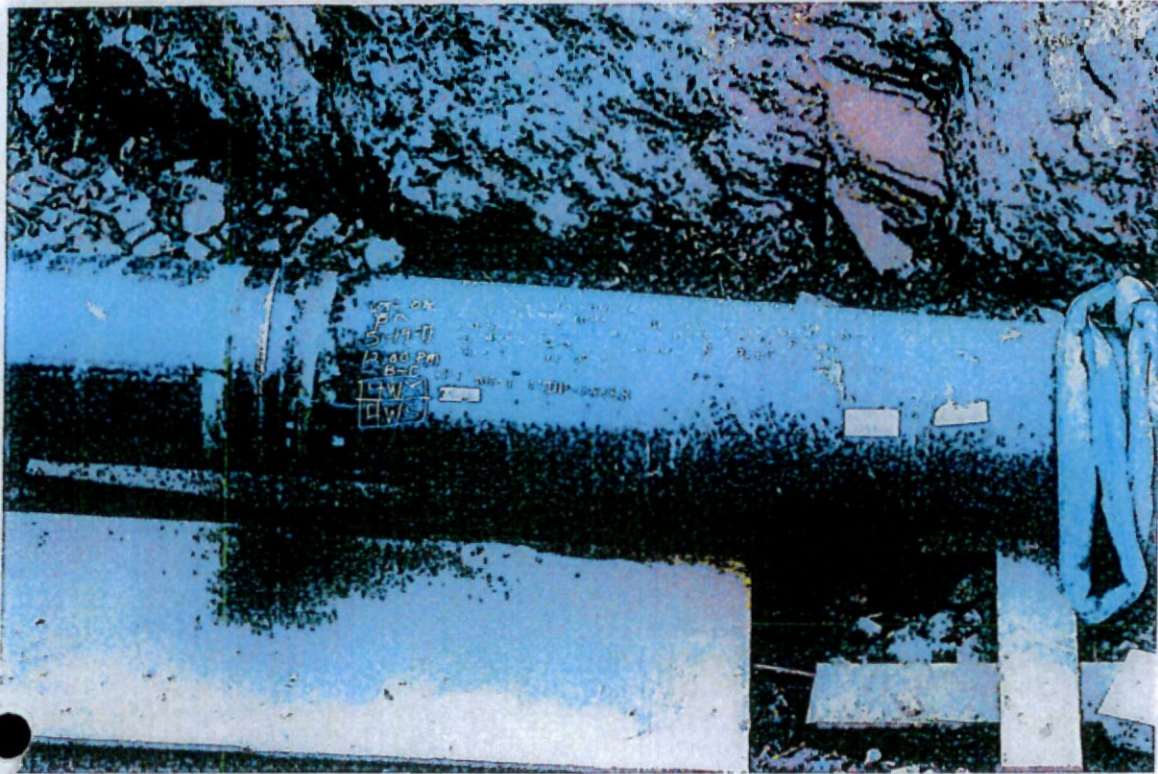


1705 MacClure's Exp  
Rd.  
Carlisle PA 17015

January 2017 the company had someone put the snow fence and red warning tape around this during late fall of 2016



C \$

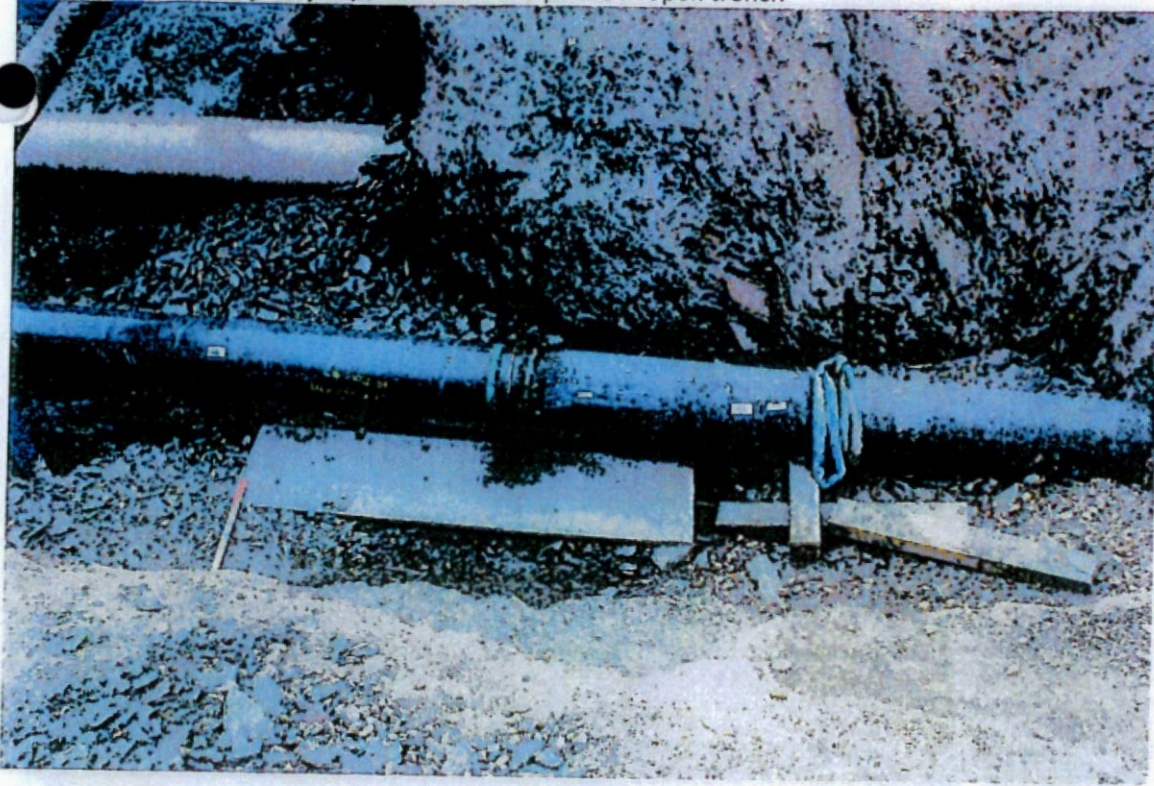


C4

Note the upper left-hand corner of this image. There is a gouge in the coating



Images taken Sunday May 14, 2017 X70 16" Pipeline in open trench



1705 McClures  
Greg Rd.  
Charlisle PA  
17015

C4

June 2018: When I took this photo in June the growth was too thick to get a close photo. Words on the yellow sign states "Danger Exposed Pipe" To date this pipe is still exposed.



May 2017

Various sections of coated and bare 16' and 20" inch pipeline laying in field at 1705 McClures Gap Rd. Carlisle, PA before installation.



1705 McClures  
Gap Rd.  
Carlisle PA  
17015

Closer view of same bare pipeline segments.



C410

C-5

E3C

# CERTIFICATE OF COMPLETION



*Awarded to:*

**STEVE ARMOLD**

---

*for attendance of the following program:*

**Pipeline Emergency Response & Awareness for Excavator Operations**

*Attended:* September 24, 2014 Chambersburg, PA



*Steve Roberts*

---

Steve Roberts  
Director of Corporate Training

Buckeye Partners, L.P.

Five TEK Park

9999 Hamilton Boulevard

Breinigsville, Pennsylvania 18031

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

## PIPELINES IN YOUR COMMUNITY

The energy transportation network of the United States consists of over 2 million miles of natural gas and petroleum pipelines. According to National Transportation Safety Board statistics, pipelines are the safest method of transporting petroleum products. Pipelines transport two-thirds of the crude oil and refined product in the United States.

Pipelines are made of steel, covered with a protective coating and buried underground. They are tested and maintained through the use of regular inspections, diagnostic tools, and corrosion protection. Since our nation consumes over 800 million gallons of petroleum products every day, pipelines are an essential component of our transportation infrastructure.

- To learn more about pipelines, visit [www.pipeline101.com](http://www.pipeline101.com).
- To view a list of pipeline operators in your community and obtain pipeline location information, visit [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov).
- Emergency responders can obtain free training materials at [www.pipelineemergencies.com](http://www.pipelineemergencies.com).
- Additional information about Buckeye is available at [www.buckeye.com](http://www.buckeye.com).

**Know what's below.  
Call before you dig.**

0309 v1

# PIPELINES IN YOUR COMMUNITY

LINEAS DE TUBERIAS EN SU COMUNIDAD



## BUCKEYE PARTNERS, L.P.

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

For More Information/Para Más Información

**1-866-432-4960**

Toll Free/Peaje Libremente

APRIL 8 2014  
UPPER FRANK FORD  
TOWNSHIP MARTIN

## CALL BEFORE YOU DIG

We need your help in preventing pipeline emergencies. If your company does excavation work, or if you are a homeowner or farmer and dig on your property, you must call your local One Call System prior to beginning your excavation. Statistics show that damage from excavation-related activities, particularly from equipment digging into pipelines, is a leading cause of pipeline accidents. Without proper coordination, excavation activities near underground pipelines can result in dangerous conditions. Calling before you dig is now easier than ever before - as simple as calling 8-1-1.

Always remember to

**"Call 811 before you dig!"**



Know what's below.  
Call before you dig.

## SIGNS OF A PIPELINE RELEASE

While pipelines are the safest method of transporting the fuel we rely on every day, and pipeline releases are rare, here is how to recognize a pipeline leak:

- ✓ **Sight** - A pool of liquid or discolored vegetation on the ground near a pipeline, a rainbow sheen on water, a dense white cloud or fog over a pipeline, or blowing dirt, grass or leaves near a pipeline.
- ✓ **Sound** - An unusual noise coming from the pipeline, such as a hissing or roaring sound.
- ✓ **Smell** - An unusual petroleum, chemical or natural gas smell.

## WHAT TO DO IF A LEAK OCCURS

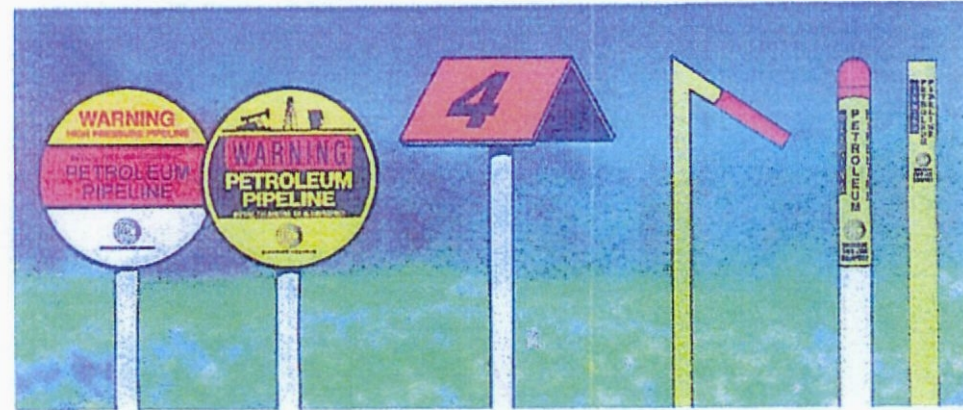
- Leave the area immediately and stay upwind.
- Warn others to stay away.
- Do not touch, breathe, or make contact with leaking liquids.
- Do not light a match, start an engine, use a telephone, operate on/off switches, or do anything that may create a spark.
- From a safe location, call 9-1-1 or your local emergency response number and the pipeline company. Provide your name, phone number, a description of the leak, and its location.
- Do not drive or enter into a leak or vapor cloud area.

## PIPELINE MARKERS

The U.S. Department of Transportation requires the use of pipeline markers to indicate the presence of pipelines. Markers indicate the general location of pipelines, and not their exact location. Markers are located at road, railroad, and navigable waterway crossings. Markers are also posted along the pipeline right-of-way. It is a federal crime to damage or remove a pipeline marker.

Pipeline markers display:

- The material transported in the pipeline
- The name of the pipeline operator
- A telephone number where the pipeline operator can be reached in the event of an emergency



## PIPELINE RIGHT-OF-WAY

A pipeline right-of-way, or easement, is a written agreement that provides certain rights within a strip of the owner's land to the pipeline company. This includes, but is not limited to, installation, operation, maintenance, inspection, and repair or replacement of pipeline facilities. The agreement also provides for reasonable access to our right-of-way across the owner's land.

Buckeye does not allow certain activities within our right-of way such as unauthorized excavation, the placement of buildings or structures, the planting of trees or large shrubs and other types of activities which could damage or prevent access to our pipeline facilities. Public Safety is Buckeye's highest priority. For additional information on our pipeline safety actions and for permissible safe uses and activities within our rights-of-way, please visit our website, [www.buckeye.com](http://www.buckeye.com) (Pipeline Awareness tab).

IN CASE OF A PIPELINE EMERGENCY CALL:

**1-800-331-4115**

E 310

**BREAKING** Nikki Haley resigning as ambassador to United Nations

C 7

[https://cumberlandlink.com/news/local/sunoco-a-no-show-in-lower-frankford-as-contamination-complaints/article\\_9d848001-4d61-5edb-b257-60e0709a7252.html](https://cumberlandlink.com/news/local/sunoco-a-no-show-in-lower-frankford-as-contamination-complaints/article_9d848001-4d61-5edb-b257-60e0709a7252.html)

TOP STORY

Lower Frankford Township

# Sunoco a no-show in Lower Frankford as contamination complaints, safety concerns pile up

Zack Hoopes The Sentinel Jul 14, 2018

TRY 1 MONTH FOR 99¢





Vern Leach inspects his property where Sunoco Pipeline LP placed a pipeline in Lower Frankford Township.

Sunoco Pipeline LP officials did not show up as promised to a public meeting Tuesday night with the Lower Frankford Township supervisors, leaving roughly 20 residents of the rural municipality concerned that their safety questions about the Mariner East pipelines would not be addressed.

“They called us about an hour ago and said they won’t be coming, so we won’t be discussing the pipeline tonight,” Supervisor James Burkholder said during the meeting.

The township will attempt to schedule Sunoco officials to attend another meeting, Burkholder said, ideally when the township’s attorney is available to discuss the municipality’s control over the pipeline process, which is limited.

At Tuesday’s meeting, the township also approved an invoice from Brehm-Lebo Engineering for inspections along the pipeline construction routes, a process that will help determine how much the township gets reimbursed for damage to its roads.

“Beyond that, the process is pretty much all in the hands of the DEP [Pennsylvania Department Environmental Protection],” Burkholder said.

The Mariner East 2 pipeline will carry liquefied gas, hydrofracked from shale formations in western Pennsylvania, to the Marcus Hook Industrial Complex near Philadelphia for processing.

Throughout most of Cumberland County, Mariner East 2 is being built alongside Mariner East 1, a line that was installed in 1931 to carry oil, but was recently repurposed to transport higher-pressure liquefied gases.

## Limited information

According to Lower Frankford residents, communications from Sunoco have provided limited safety information about either pipeline, with communications focusing on marketing the economic benefits of the pipeline.

This appears to be a significant departure from previous communications, resident Wilmer Baker said.

Baker provided a safety pamphlet from Sunoco he said he received years earlier when he moved into his property. The pamphlet gives dire warnings about what to do if you suspect a pipeline leak near your home, including not starting your car, or even using a door knocker, for fear of sparks.

“I have a wood stove that runs 24 hours a day,” Baker said. “What am I supposed to do if this thing gives out? They’re cranking up the pressure on an iron line from the 1930s, but all we get now is the propaganda, no new safety information.”

The state’s Public Utility Commission and administrative law judge appear to agree with Baker.

In March, the administrative court shut down Mariner East 1 flow after Mariner East 2 construction in Chester County caused massive sinkholes that exposed the original Mariner East 1 line.

The court allowed the pipeline to resume operation on May 3, but shut it down again three weeks later over safety concerns similar to those voiced by Lower Frankford residents on Tuesday night. As of June 14, Sunoco is again allowed to operate the pipeline

In the May 21 shutdown order, Administrative Judge Elizabeth Barnes found that “Sunoco has made deliberate managerial decisions to proceed in what appears to be a rushed manner in an apparent prioritization of profit over the best engineering practices available in our time that might best ensure public safety.”

In the past year, Mariner East 1 has experienced three leaks, all of which Sunoco failed to identify and report. In one instance it took Sunoco officials 90 minutes to close off Mariner I after being informed of a leak in Berks County that resulted in a 1,000-gallon spill of liquefied gas, Barnes said.

In reference to Mariner East 1 being strong enough for conversion from low-pressure oil to high-pressure liquefied gas, Barnes found that “there is insufficient evidence to show whether the pipe has been properly tested for repurposing.”

## 1931 line

Sunoco has submitted no reports that would indicate the line, built in 1931, would be able to accommodate high-pressure loads of shale gas liquids, known as highly volatile liquids, according to the shutdown order.

“I question whether the [Mariner I] pipe meets today’s engineering standards to hold the HVLs of ethane, butane and methane gases, especially so close to dwellings,” Barnes wrote.

She also found that “there is a substantial issue regarding whether Sunoco has adequately created and trained its personnel and first responders of townships along its route regarding proper emergency response and evacuation procedures.”

That would seem to be the case in Lower Frankford. Burkholder said the township supervisors have had “no direct report” from Sunoco, beyond pamphlets the company gave them to hand out to residents.

The company’s June newsletter contains no concrete emergency response information, but it does devote considerable space to complaining about the Mariner East 1 shutdown decision, calling Barnes’ ruling “a significant departure from the law and the due

process procedures that the PUC follows.”

The newsletter even contains a graphic of sizzling steaks with the tagline “restarting Mariner East 1 will make cookouts more affordable” due to lower energy transport costs.

“They send us all this stuff about energy prices, but they still can’t tell the township what we’re supposed to do when this thing blows up,” Baker said, referencing the explosion of the Columbia Gas Transmission line in West Virginia last month.

“Remember, that line was brand new, not 80 years old,” Baker said.

In response to the shutdowns, Sunoco has submitted exhibits to the PUC detailing safety measures. These include safety literature similar to that which Baker had received in the past, and details of training sessions for local emergency responders.

If Lower Frankford officials or residents feel Sunoco isn’t actually carrying through on those plans, they can take action through the PUC, PUC spokesman Nils Hagen-Frederiksen said.

“There are state and federal requirements for [Sunoco] to have outreach campaigns and interaction with emergency responders,” Hagen-Frederiksen said. “If people don’t feel they’re getting the necessary information or interaction from Sunoco, we encourage them to raise that issue with the PUC.”

Other Lower Frankford residents voiced concern with ongoing environmental remediation and access issues.

Vern Leach said that Sunoco had cut his fences to run Mariner East 2 under his farm, and now wants to put in gates so that workers can access the line in the future, even though the company doesn't have right-of-way.

Drilling fluid and mud has leaked to the surface of the wetlands surrounding Locust Creek, which abuts Leach's property, leaving a hardened layer of silt under the marshes, he said.

"They cut our fences, so we can't use it for pasture, and they destroyed the wetlands," Leach said. "It's as hard as a rock just below the surface."

Two incidents involving Locust Creek and its associated wetlands, referred to by the state as Wetlands J35, are cited in the April 27 "consent assessment" between Sunoco and the DEP, which fines Sunoco \$355,622 for dozens of instances of "inadvertent return" during the construction of Mariner East 2.

"Inadvertent return" is an industry term for incidents in which underground drilling fluid and mud escape the drilling path and cause contamination, either by entering underground aquifers or soil voids, or by flowing up to the surface.

Locust Creek and Wetland J35 experienced a 500-gallon inadvertent return on Sept. 27, 2017, and another 100-gallon incident on Feb. 27, 2018, according to the consent assessment.

DEP records show 31 incidents of inadvertent return in Cumberland County since April 2017, with problems still ongoing.

The most recent violation was issued this week — July 9 — in which the DEP and county conservation district documented a one-gallon inadvertent return in Wetland I32 along LeTort Spring Run in Middlesex Township.

Many of the inadvertent returns are of small volumes. But one stands out, an incident between May 6, 2017, and May 19, 2017, in which 170,000 gallons of inadvertent return flowed into Wetlands I30 and I32.

One Cumberland County incident was also cited in the DEP's \$12.6 million penalty assessment against Sunoco in February.

That incident did not involve inadvertent returns. On Dec. 18, 2017, county officials discovered that Sunoco officials were conducting directional drilling near North Locust Point Road in Silver Spring Township even though Sunoco officials were told to install pipe using open trench cuts and had not obtained permits for horizontal drilling at that site.

But with the sheer volume of violations and fines piling up, local residents have expressed doubt that the state has the tools to force Sunoco to stop acting recklessly, let alone fix the damage.

"They make a big deal out of a \$12 million fine, but that's a drop in the bucket for a company like Sunoco," Leach said. "They have no incentive to stop doing what they're doing."

Sunoco did not return requests for comment.

Email Zack at [zhoopes@cumberlandlink.com](mailto:zhoopes@cumberlandlink.com).

MORE INFORMATION

**LOWER FRANKFORD TOWNSHIP**

1205 Easy Road  
Carlisle, PA 17015  
(717) 243-0855  
FAX (717) 258-4715  
e-mail: [lowerfrankford@comcast.net](mailto:lowerfrankford@comcast.net)



CS

December 10, 2018

To Whom it May Concern:

The Board of Supervisors of Lower Frankford Township invited Sunoco Pipeline to its regularly scheduled meeting on Tuesday, July 10, 2018 at 7PM to discuss pipeline safety. Mr. Wilmer Baker and other concerned residents planned to attend the meeting to ask questions about personal safety.

Sunoco Pipeline backed out of the meeting at the last moment.

The very next day Sunoco Pipeline offered to train the Board of Supervisors on pipeline safety. The Board declined this invitation. It is of the opinion of the Board that first responders should be the ones that are trained.

Respectfully,

James W. Burkholder, Jr., Chairman  
Board of Supervisors  
Lower Frankford Township

C-9

[https://cumberlink.com/news/local/cumberland-county-commissioners-push-for-meeting-with-sunoco/article\\_05622556-ec4f-57da-8fda-4567f210a9c9.html](https://cumberlink.com/news/local/cumberland-county-commissioners-push-for-meeting-with-sunoco/article_05622556-ec4f-57da-8fda-4567f210a9c9.html)

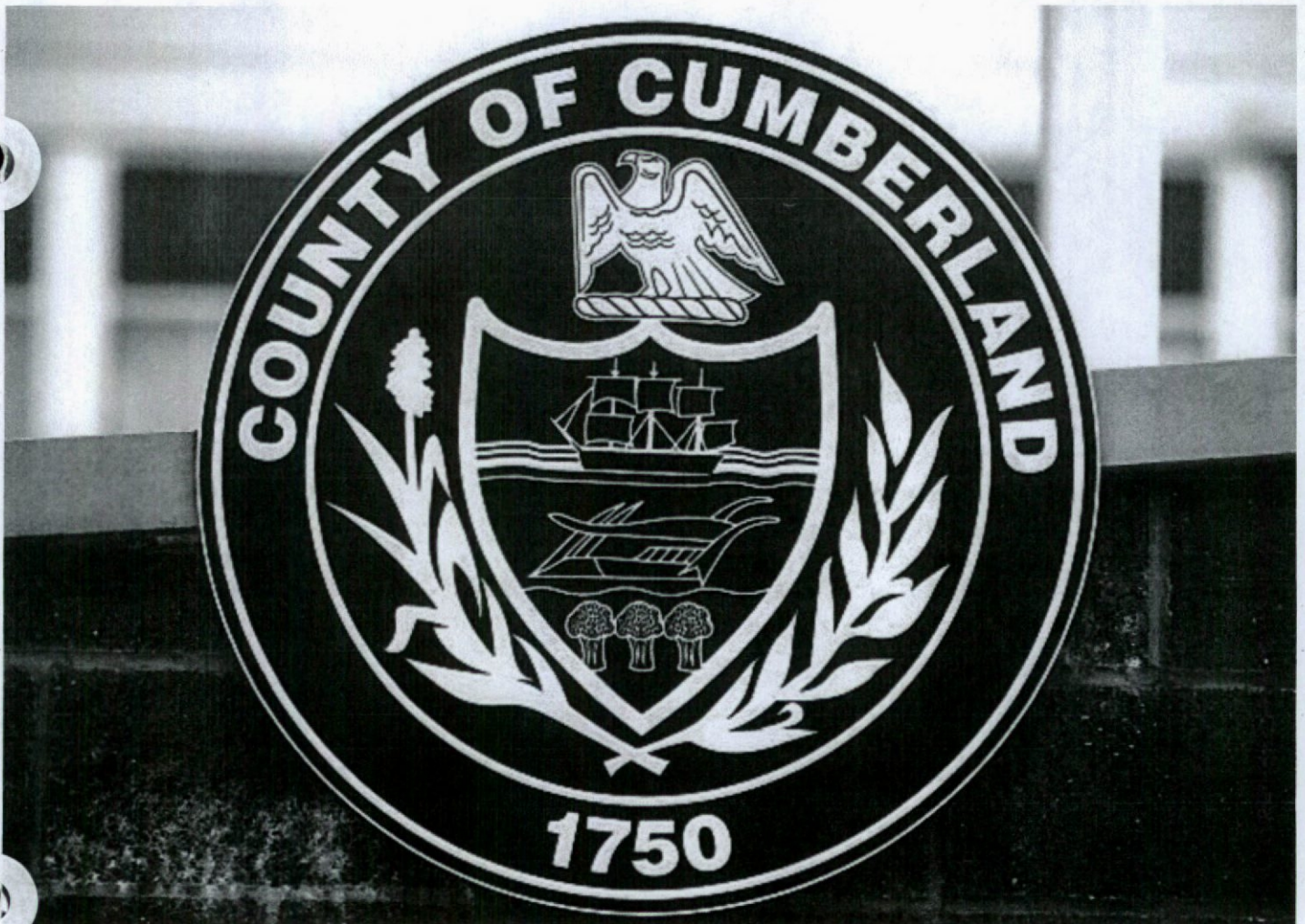
FEATURED

Cumberland County

## Cumberland County Commissioners push for meeting with Sunoco

Zack Hoopes The Sentinel Aug 15, 2018

TRY 1 MONTH FOR 99¢





The Cumberland County Commissioners are throwing their weight into an effort to get Sunoco officials to hold a public meeting in the county regarding the Mariner East pipeline projects, following the abrupt cancellation of an appearance in Lower Frankford Township last month.

The county commissioners sent a letter on Monday to Sunoco, formally requesting a session.

“We were disappointed to learn that your company recently cancelled, apparently at the last minute, its expected attendance at a July 10 meeting of the Lower Frankford Township Board of Supervisors that was intended to address questions and safety concerns posed by Lower Frankford Township residents,” the commissioners wrote.

“In light of that unfortunate occurrence, we hope you and Sunoco LP officials will now accept our invitation to attend a meeting hosted by the county to address citizen concerns,” the commissioners continued.

The county’s request comes after Sunoco bowed out of a July 10 township supervisors meeting in Lower Frankford, apparently notifying the supervisors only an hour before the meeting that company representatives did not plan to show up.

Residents had gathered to voice their concerns regarding the Mariner East pipelines, which run through Lower Frankford as well as several other municipalities in Cumberland County.



Sunoco a no-show in Lower Frankford as contamination complaints, safety concerns pile up

Energy Transfer Partners — the company under whose banner Sunoco Logistics is operating — is constructing the Mariner East 2 pipeline roughly along the same route as the existing Mariner East 1, which was completed in 1931. The lines carry liquefied gases, hydrofracked from shale formations in Western Pennsylvania, to the Marcus Hook Industrial Complex near Philadelphia for processing.

Several Lower Frankford landowners have been vocal in their concerns over the environmental impact of Mariner East 2 construction, as well as safety issues regarding Mariner East 1.

As documented by The Sentinel last month, escaped drilling fluid and debris have turned wetlands and pasture “hard as a rock” with silt and shale fragments, according to Lower Frankford farmer Vern Leach.

This is the effect of frequent “inadvertent returns,” an industry term for incidents in which underground drilling fluid and mud escape the drilling path and cause contamination, either by entering underground aquifers or soil voids, or by flowing up to the surface.

Records from the Pennsylvania Department of Environmental Protection show 33 incidents of inadvertent return in Cumberland County having occurred since April 2017 in conjunction with Sunoco’s Mariner East 2 construction.

Problems are still occurring as recently as two weeks ago, with a 5- to 10-gallon release of drilling fluids in Middlesex Township listed by the DEP on Aug. 3.

Middlesex has also seen one of the largest inadvertent returns in the state, according to DEP records – a leak of 170,000 gallons of drilling fluid into Wetlands I30 and I32 along LeTort Spring Run between May 6 and May 19, 2017.

Residents have also voiced concerns over the re-purposing of Mariner East 1.

Originally built to carry oil, Mariner East 1 has been converted to carry shale gas liquids at much higher pressure. The line was shut down for two periods of time earlier this year after complaints were lobbied through the Pennsylvania Public Utility Commission.

In those cases, the administrative law judge found that Sunoco had provided insufficient evidence that the 1931 line could handle high-pressure liquefied gases. Three leaks along Mariner East 1’s length had occurred in the past year, the judge found, with

Sunoco apparently not noticing one leak and taking 90 minutes to close it off after they were notified, resulting in a 1,000-gallon chemical spill.

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Email Zack at [zhoopes@cumberlink.com](mailto:zhoopes@cumberlink.com).

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**Zack Hoopes**

Reporter

Reporter for The Sentinel.



August 24, 2018

Cumberland County Board of Commissioners  
One Courthouse Square  
Room 200  
Carlisle, PA 17013

C-10  
26  
**Cumberland County Commissioner**



F.Y.I.  
*[Handwritten signature]*

**Jim Hertzler**  
Commissioner  
One Courthouse Square  
Carlisle, PA 17013

Office  
Mobile

(717) 240-6150  
(717) 991-7985

jhertzler@ccpa.net  
www.ccpa.net

Dear Cumberland County Board of Commissioners,

I received your August 13, 2018, letter to Matt Ramsey, which was forwarded to me. I look forward to the opportunity to continue our communications with the Lower Frankford Township Board of Supervisors and your first responder organizations about the Mariner East project as we have been doing since 2014.

An integral part of this communications is the "Mariner Emergency Response Outreach (MERO)" training program that was launched in 2014 to ensure that first responders along the Mariner East corridor were trained on pipeline safety and the characteristics specific to transporting natural gas liquids. Since that time, Sunoco Pipeline has conducted more than 80 MERO Training sessions with over 2,000 first responders across the pipeline footprint including Cumberland County. In Cumberland County specifically, more than 150 responders have participated in six training sessions since 2014. This includes participation from 12 Cumberland County government representatives and representatives from Upper and Lower Frankford townships.

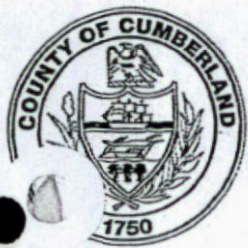
To that end, we offered on multiple occasions to schedule additional meetings and trainings for representatives from Lower Frankford Township to further ensure your local emergency preparedness organizations are equipped with the knowledge and training to safeguard the community. That offer still stands today.

Additionally, we invite you and members from the Cumberland County first responder community to attend the upcoming *Paradigm Core-Ex Emergency Response Training* to be held at the Harrisburg Best Western at 800 E. Park Drive at 5:30pm on Wednesday September 12, 2018.

At Sunoco Pipeline, safety is our top priority at all times and that begins with our rigorous integrity management program and first responder outreach. Attached you will find additional information on pipeline safety and operations and how the Mariner East project has gone above and beyond to ensure safe operations in your community.

Sincerely,

Matthew Gordon  
Senior Director, Pipeline Operations  
Sunoco Pipeline



# COMMISSIONERS OF CUMBERLAND COUNTY

Vincent T. DiFilippo  
*Chairman*

Jim Hertzler  
*Vice Chairman*

Gary Eichelberger  
*Secretary*

September 13, 2018

Attn: Mr. Matthew Gordon,  
Senior Director, Pipeline Operations  
Sunoco Pipeline (Energy Transfer Partner)  
525 Fritztown Road  
Reading, PA 19608

Dear Mr. Gordon:

Thank you for your August 24 letter of response to our communication to Sunoco LP Chairman Matt Ramsey earlier last month.

While we appreciate the efforts Sunoco Pipeline has undertaken to provide training to first responders in the event of an accident or emergency associated with your company's pipeline operations, we find it inexplicable that you did not respond to the primary request of our letter.

We will assume that since you did not respond to our request to attend a county-hosted meeting to answer individual questions and concerns from our constituents about pipeline safety that your company isn't interested in addressing those individual citizen questions and concerns.

At a time when your company is spending money on television and radio advertising to convince the public, as your letter states, that "safety is (your) top priority at all times," we find it difficult to understand why company representatives would not want to participate in any such meetings that can be arranged with the public at large to detail all of the safety precautions that the company has taken to prevent leaks, explosions and other emergencies from occurring in the first place.

If you are sincerely interested in convincing the public that your pipeline operations are as safe as safe can be, then we would respectfully request, as the good corporate neighbor that we would expect you to be, that you reconsider and agree to attend a public meeting hosted by the county for the purpose of granting the company the opportunity to detail safety measures and to permit citizens to ask questions and voice any concerns.

Thank you again for your attention to this request.

## CUMBERLAND COUNTY BOARD OF COMMISSIONERS

Vincent T. DiFilippo  
Chairman

Jim Hertzler  
Vice-Chairman

Gary Eichelberger  
Secretary

cc: Honorable Gladys Brown, Chairman  
Pennsylvania Public Utility Commission  
State Senators:  
Honorable Richard L. Alloway  
Honorable John H. Eichelberger  
Honorable Mike Regan  
Honorable Jim Burkholder, Chairman  
Lower Frankford Township

State Representatives:  
Honorable Stephen Bloom  
Honorable Sheryl M. Delozier  
Honorable Dawn W. Keefer  
Honorable Mark K. Keller  
Honorable Will Tallman  
Honorable Greg Rothman



E-8

# COMMISSIONERS OF CUMBERLAND COUNTY

Vincent T. DiFilippo  
*Chairman*

Jim Hertzler  
*Vice Chairman*

Gary Eichelberger  
*Secretary*

October 8, 2018

Honorable Gladys M. Brown, Chairman  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Bldg.  
400 N. Street, 3<sup>rd</sup> Fl., Room N-304  
Harrisburg, PA 17120

Dear Chairman Brown:

As you are aware, a number of our county's citizens have raised safety questions and concerns with respect to Sunoco Pipeline's Mariner East project that crosses through nearly a dozen municipalities in Cumberland County.

In an effort to have the company address those questions and concerns, the Board of Supervisors of one of our townships, Lower Frankford Township, had scheduled a July 10 meeting with Sunoco Pipeline representatives only to have the company cancel at the last minute. Subsequently, we invited the company, in letters dated August 24 and September 13, to attend a county-hosted meeting so that any of our county's citizens who live in close proximity to the pipeline could have their questions and concerns addressed. Unfortunately, we have yet to receive a direct, formal response.

As such, we are respectfully requesting that the Public Utility Commission take whatever policy and/or regulatory action necessary to enhance the minimum federal "public awareness" safety rules, promulgated by the federal Pipeline and Hazardous Materials Safety Administration, to require Sunoco Pipeline, as a regulated Pennsylvania public utility, to conduct regional and periodic public outreach meetings to address any citizen questions and concerns.

We find it inexplicable that a large enterprise like Sunoco Pipeline that touts "safety" as a "top priority at all times," would refuse to send representatives to attend a coordinated county-hosted meeting to detail safety measures taken and advise citizens of any precautions they should take and to address any other questions and concerns.

In addition to other elements of the company's "public awareness" efforts, we believe a requirement for periodic regional outreach meetings directly with the public is a reasonable request. We hope you will agree. Thank you for your attention to this request.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**

Vincent T. DiFilippo  
Chairman

Jim Hertzler  
Vice-Chairman

Gary Eichelberger  
Secretary

cc: All PUC Commissioners  
Cumberland County State Legislative Delegation

One Courthouse Square • Room 200 • Carlisle, PA 17013 • 717.240.6150 • Fax: 717.240.6448

E-mail: [commissioners@ccpa.net](mailto:commissioners@ccpa.net) • Web: [www.ccpa.net](http://www.ccpa.net)



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

CHR CORR  
2018-0261

NOV 15 18 PM 2:19

November 8, 2018

Honorable Vincent T. DiFilippo, Chairman  
Honorable Jim Hertzler, Vice-Chairman  
Honorable Gary Eichelberger, Secretary  
Commissioners of Cumberland County  
One Courthouse Square, Room 200  
Carlisle, Pennsylvania 17013

E 14

C-11

Re: Mariner East Pipeline Project

Dear Commissioners:

Thank you for your letter to Chairman Gladys Brown of the Pennsylvania Public Utility Commission (PUC or Commission) regarding Sunoco Pipeline L.P.'s (Sunoco) Mariner East Pipeline project located in several municipalities in Cumberland County. You stated that Sunoco had not adequately responded to your invitation to attend a county-hosted meeting. Your letter requests the Commission to take "whatever policy and/or regulatory action necessary to enhance the minimum federal 'public awareness' safety rules ... to require PUC regulated pipelines to hold periodic regional "public outreach meetings to address any citizen questions and concerns."

Sunoco has to comply with the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration's (PHMSA) public awareness regulation at 49 CFR Section §195.440, which the Commission has adopted through a PUC regulation, 52 Pa.Code Section 59.33.

<https://www.pacode.com/secure/data/052/chapter59/s59.33.html> . Section 195.440 adopts the American Petroleum Institute's Recommended Practice 1162 <https://primis.phmsa.dot.gov/comm/publicawareness/PARPI1162.htm> (API RP 1162).

The pipeline operator's obligations under 195.440/1162 include, among other requirements, "provisions to educate the public, appropriate government organizations and persons engaged in excavation related activities on ... [p]ossible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline ... [s]teps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release..." Section 195.440 further specifies that a public awareness "program must include activities to advise affected municipalities, school districts, businesses and residents of pipeline facility locations." 49 CFR §195.440(e).



API RP 1162 identifies the "affected public" as one of four primary stakeholder audiences towards whom a pipeline operator must direct its public awareness efforts. The other three primary stakeholder audiences are emergency officials, local public officials and excavators. Section 5 of API RP 1162 identifies several methods for a pipeline operator to use for effective public awareness. In particular, and relevant to your concerns, are the discussions in API RP 1162 regarding various types of group meetings as an effective method of providing public awareness. See API RP 1162, Section 5.2 (Personal Contact) and Appendix D (D.2.3-D.2.5).<sup>1</sup> A county-hosted meeting for citizens who live in proximity to the pipeline appears consistent with the group meetings described in API RP 1162.

After discussing these issues with Vice-Chairman Hertzler and subsequently discussing his concerns with counsel for Sunoco, I believe that the cancellation of the July 10 meeting with the Board of Supervisors of Lower Frankford Township, and Sunoco's reluctance to participate in a county-hosted public meeting, was based on Sunoco's expectation that a formal complaint would be filed by a resident of Lower Frankford Township regarding Sunoco's public awareness compliance.

The complaint was filed and is pending before the Commission's Office of Administrative Law Judge at Docket No. C-2018-3004294. Out of an abundance of caution related to the *ex parte* provisions of the Public Utility Code, I am providing a copy of your letter and this response to the Commission's Secretary for docketing at C-2018-3004294.

Sunoco must continue to meet its public awareness obligations while a complaint is pending. However, the existence of the complaint creates legal issues which could affect the methods Sunoco chooses to implement its public awareness efforts. Accordingly, I have strongly suggested to Sunoco that they engage in discussions with your office to find a way to accommodate your request for Sunoco to participate in a county-hosted group meeting while addressing Sunoco's concerns about pending litigation.

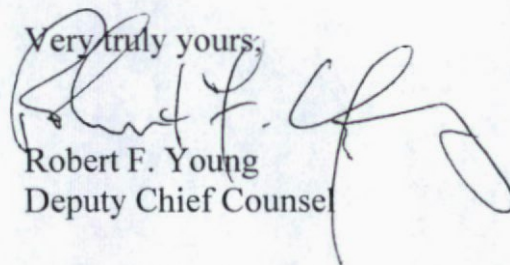
The legal and technical staff of the Commission are reviewing the Commission's current regulations governing the transportation of hazardous liquids by pipeline public utilities. Staff intends to make recommendations for the Commission's consideration at a forthcoming public meeting. We appreciate your request that the Commission enhance the PHMSA's public awareness standards by including a requirement for periodic regional outreach meetings and we will consider including it among our recommendations.

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<sup>1</sup> Unfortunately, API RP 1162 is online as a view-only file on API's website and I cannot enclose a copy. But it is viewable in full at the link provided above.

Please contact me if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert F. Young', written over the typed name and title.

Robert F. Young  
Deputy Chief Counsel

cc: Rosemary Chiavetta, Secretary (for filing at Docket No. C-2018-3004294)

# Officials seek Sunoco meeting

Commissioners say company never fully responded to request

**ZACK HOOPES**  
The Sentinel

The Cumberland County commissioners are still pressing for a meeting with Sunoco LP officials after receiving a boiler-plate response to the county's last plea for a public meeting.

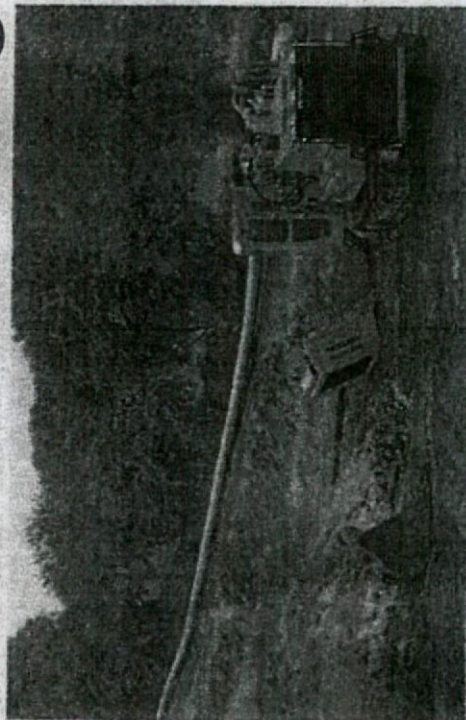
The county sent a letter on Sept. 13 to Sunoco expressing dismay at the pipeline's response to the county's initial request made on Aug. 13.

"We find it inexplicable that

you did not respond to the primary request of our letter," the commissioners wrote. "We will assume that since you did not respond to our request to attend a county-hosted meeting to answer individual questions and concerns from our constituents about pipeline safety that your company isn't interested in addressing those individual citizen questions and concerns."

The county asked Sunoco to "reconsider and agree to attend a public meeting."

The county's request came after Sunoco bowed out of a July 10 township supervisors meeting



SENTINEL FILE  
Crews work on Sunoco's Mariner East 2 pipeline project in Silver Spring Township in 2017.

Please see **SUNOCO**, Page A2

that company representatives did not plan to show up.

Residents had gathered to voice their concerns regarding the Mariner East pipelines, which run through Lower Frankford, as well as several other municipalities in Cumberland County.

Sunoco's Aug. 24 response to the county's initial letter did not respond to the request for a public meeting one way or the other, but included information about first-responder training provided by Sunoco.

"We found it a little inexplicable that they didn't really respond, they just told us about training opportunities involving first responders," said county commissioner Jim Hertzler.

## Hertzler

"We realize we don't have any jurisdiction over this," Hertzler continued, "but good public relations would seem to dictate that sending some representation to a public meeting would just be a matter of being a good corporate citizen."

Energy Transfer Partners — the company under whose banner Sunoco Logistics is operating — is constructing the Mariner East 2 pipeline roughly along the same route as the existing Mariner East 1, which was completed in 1931. The lines carry liquefied gases, hydrofracked from shale formations in western Pennsylvania, to the Marcus Hook Industrial Complex near Philadelphia for processing.

Lower Frankford landowners, along with many others in Cumberland County and the state as a whole, have voiced concerns over the environmental impact of Mariner East 2 construction, as well as safety issues regarding Mariner East 1.

As documented by The

This is the effect of frequent "inadvertent returns," an industry term for incidents in which underground drilling fluid and mud escape the drilling path and cause contamination, either by entering underground aquifers or soil voids, or by flowing up to the surface.

Records from the Pennsylvania Department of Environmental Protection show 37 incidents of inadvertent return in Cumberland County having occurred since April 2017 in conjunction with Sunoco's Mariner East 2 construction.

The last violation issued by the DEP to Sunoco was just last week, with an inadvertent return of 7 gallons into LeTort Spring Run in Middlesex Township occurring on Sept. 13.

Middlesex has also seen one of the largest inadvertent returns in the state, according to DEP records — a leak of 170,000 gallons of drilling fluid into Wetlands I30 and I32 along LeTort Spring Run between May 6 and May 19, 2017.

Residents have also voiced concerns over the re-purposing of Mariner East 1.

Originally built to carry oil, Mariner East 1 has been converted to carry shale gas liquids at much higher pressure. The line was shut down for two periods of time earlier this year after complaints were lobbied through the Pennsylvania Public Utility Commission.

In those cases, the administrative law judge found that Sunoco had provided insufficient evidence that the 1931 line could handle high-pressure liquefied gases. Three leaks along Mariner East 1's length had occurred in the past year, the judge found, with Sunoco apparently not noticing one leak and taking 90 minutes to close it off after they were notified, resulting in a 1,000-gallon chemical spill.

C-12



# United Steelworkers of America

Five Gateway Center  
Pittsburgh, PA 15222

AFL-CIO/CLC

(412) 562-2400 • FAX (412) 562-2484

August 28, 1991

Wilmer Jay Baker  
Local Union 4442, District 7  
United Steelworkers of America  
95 Beagle Club Road  
Carlisle, PA 17013

CB

Dear Brother Baker:

This letter is to notify you that District 7 Director John Reck has recommended you for a four (4) day course in Hazardous Waste and Chemical Emergency Response training, September 29-October 4, 1991. This training is conducted under a National Institute of Environmental Health Sciences (NIEHS) grant to a consortium of the International Chemical Workers Union (ICWU), the United Steelworkers of America, the Greater Cincinnati Occupational Health Clinic and the University of Cincinnati. The course will be held at the Center for Worker Health and Safety Education in Cincinnati, Ohio. I am forwarding your name and address to the Center. You will be receiving a letter from them with all the details shortly.

The training is authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA) for the education of workers engaged in activities related to hazardous waste removal, containment and emergency response. Your International Health, Safety and Environment Department selected plants where we believe workers should be trained, based on questionnaires returned to us by your Local Union and our experience with assisting members with safety and health problems in similar plants.

If your emergency response team has deficiencies or if no emergency response team currently exists in your plant, we are certain there should be one. This course will give you the education to return to the plant and inform other workers and management what programs are necessary or can be improved. It is still management's responsibility to establish or upgrade the programs.

3M

# 3M RESPIRATOR TRAINING

3M



C13

This Is To Certify That W. J. BAKER

Has Been Trained In The Use, Limitations And Maintenance Of 3M Brand Respirator(s)

Has Passed a Qualitative Fit Test Using The 3M FT-10 With 3M Brand Respirator(s)

WITH BEARD BUT WAS INSTRUCTED REGARDING RESSES

Could Not Be Fit Tested Due To

BEARD

1/30/98  
Date



[Signature]  
Instructor

3M

# 3M RESPIRATOR TRAINING

3M

I acknowledge having received this Respirator Training

while an employee of FSM

(Name of Company)

[Signature]  
Employee Signature

Employer's Copy

Who was in your office today?


# United Steelworkers District 10 Leadership

**District 10 Director**      **Rapid Response Coordinator**

Robby Mac McAuliffe      George Brasecki

945 Lincoln Highway      600 North Second Street

North Versailles, PA 15137      5th Floor

(12) 824-8140      Harrisburg, Pa 17101

(12) 824-9124 (Fax)      Office: (717) 232-0805

[macauliffe@usw.org](mailto:macauliffe@usw.org)      Cell: (610) 368-9970

[brasecki@usw.org](mailto:brasecki@usw.org)

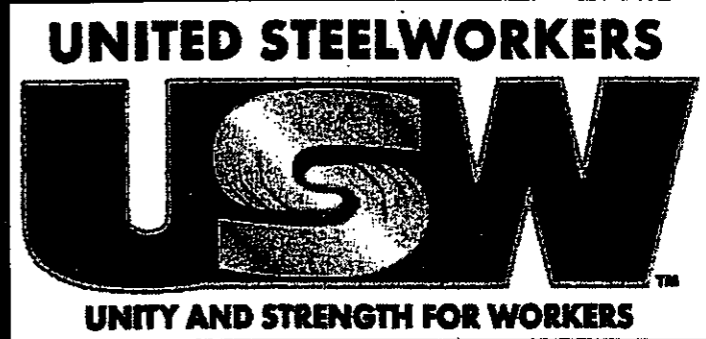
# WHO ARE WE?

## WE ARE...



Rapid Response is the Steelworkers' nonpartisan grassroots education, communication, and action program that provides the necessary structure to inform every USW member about pending legislation concerning labor and work-related issues. Rapid Response provides opportunity for all USW members to have a strong voice and an active part in the legislative activities that affect their daily lives and allows USW members to fight back on a daily basis on issues that affect them, their families, and their communities.

<sup>C-13</sup>  
**Thank You**  
for your time today.



As the voice of over 52,000 active members of the United Steelworkers Union from all across Pennsylvania, the Rapid Response activists that came to your office today would like to thank you for your time.

Here is a few of our key issues so that you may remember why we were here to see you today.



# USW District 10 State Issues

## Right to Work Laws

- “Right to Work” Laws were designed specifically to undermine the rights of the American worker. Despite its misleading name, these laws do not create or protect jobs. We strongly oppose “Right to Work” (RTW) Laws that restrict workers rights by prohibiting employee organizations from negotiating union security agreements. Right to Work Laws are an attack on unions by those seeking to undermine the power of hard working employees . Only CEO’s and those in powerful management positions benefit from these laws. Existing Pennsylvania labor laws already protect job applicants and incumbent employees who do not want to belong to a union and the rights of the majority of workers who want to negotiate worker fairness provisions in their contracts.
- State and Federal laws promote collective bargaining to ensure democracy by majority rule in workplaces. Nothing protects individual workers better than collective bargaining and a strong union.

## Paycheck Deception

- Paycheck Deception laws that weaken the ability of working people to advance their issues are being proposed around the country. This type of legislation requires public sector unions to seek written permission from their workers before using their dues money for politics. Proponents say that what they call “Paycheck Protection” laws will keep unions from using members dues for political activities against the members wishes. The reality is that members choose whether or not they want their dues to be used for political and legislative activities, and they have the power to change that at any time during their membership.

- We are opposed to Paycheck Deception laws that would interfere with union members rights to participate in the political and legislative process.

## Workers Rights

- The choice to form a union should be left to employees without interference or intimidation from the employer. Companies should not deny their workers the opportunity to organize together on the job.
- We support legislation to assure that all workers—public and private, professional and non-professional, part time and full time, guards, production and service employees—have the legally protected right to union representation.
- We also support legislation to assure that once a labor agreement is reached, the agreement will be enforceable for its term and that employers and their successors will not be permitted to evade their contractual obligations.
- Additionally, we are in favor of legislation to assure that both sides in a collective bargaining dispute have equal economic, judicial and political resources and legislation that prohibits the hiring of permanent replacements of strikers during a labor dispute.

## Public Employee OSHA

- The Occupational Safety and Health Act (OSHA) was signed into law in 1970, safeguarding the health and safety of private sector workers. Currently, there are approximately 500,000 public workers in Pennsylvania who do not have any protections under OSHA. State legislation is needed to protect public workers in the workplace.

- Public employees build and maintain our highways, work in sewage plants, guard our over-crowded prisons, fight fires, protect against crime, work in state hospitals and perform a variety of hazardous jobs without OSHA safeguards.
- Pennsylvania needs a well balanced public sector Safety and Health law that would provide needed safeguards by establishing safety and health committees, setting staffing levels for fire fighters, implementing a safety plan to remove asbestos dangers in public places, and provide many other safeguards that are provided by Federal OSHA.

## Infrastructure

- Pennsylvania has been in desperate need of transportation funding. Whether its our aging bridges, crumbling roads or underfunded public transportation, all aspects of Pennsylvania’s transportation infrastructure need improvement.
- The United Steelworkers supports funding that will provide, continuous, sustainable and appropriate funding levels for all sources of transportation. Using the Federal Highways Administrations conservative job multiplier, we can expect the creation of 30,000 jobs for every \$1 billion invested, that means nearly 100,000 jobs will be created with a \$3 billion proposal.
- Additionally, we oppose any efforts to privatize portions of our transportation system, such as mass transportation, which is the life-blood to so many communities and businesses.



Sen. Andy Dinniman (Pa.19)

**Concerns expressed by Pennsylvania citizens fostered these legislative proposals:**

(Bills pending co sponsors) Sen Dinniman:

**Hazardous Liquids Pipelines Moratorium Act**

**Moratorium: Pipelines and Eminent Domain**

**Pipeline Safety Monitoring and Reporting**

**Pipeline Pre-Construction Safety Standards Act (Sen. Muth )**

**Certification of Land Agents (Friel-Otten)**

Current bills (Dinniman and Killion) or as noted:

**Pipeline Safety Package (Quinn)**

**Bill 258 –Pipeline Emergency Notification**

**Bill 257-Regulation of Land Agents**

**Bill 262– Pipeline Siting and Review**

**Bill 263-Pipeline Safety Valves**

**Bill 260– Pipelines Located near schools**

**Bill 284– Pipeline Safety & Advanced Leak Detection**

*Sponsors of the SOS People's Rally urge citizens to contact your State Senators and Representatives to support these bills. Vote for those who protect your health and welfare.*

## Citizens Organizing

C14

**Our " SOS Rally" is demanding relief from The clear and present danger of Mariner East –from Marcellus Shale to Marcus Hook**

*Our State Constitution and Title 35 laws demand that our elected officials protect citizens and our environment for the generations. Our hand out on Title 35 details these deficiencies.*

1. Mariner East's history of violations demonstrates that Sunoco is not trustworthy. They have proved to be inept and dishonest.
2. This project causes irreparable harm to water, air, soil and land.
3. Over 105,000 Pennsylvanians live within the pipelines' blast zone.
4. Mariner East endangers students in more than 40 schools located in the thermal impact zone
5. The fracked gas in Mariner goes to Europe to produce plastic and therefore contributes to damaging the global environment
6. Mariner East compromises our democratic process when government action, fueled by lobbyist's money, serves corporate interests over the public interest.

## Across Pennsylvania

*We call on our state officials to serve and protect our lives and property by permanently halting the construction and operations of all Mariner East pipelines. At the very least, a two year moratorium in in order, considering the state wide criminal investigation by our State Attorney General and citizen lawsuits against Sunoco.*

A list of Groups that have signed our petition can be found here :

[W.facebook.com/Voices-Of-Mariner-East](http://W.facebook.com/Voices-Of-Mariner-East)

**Our Speakers :**

**Jerry Mc Mullen—Orientation**

**Andy Dinniman - Pipeline Safety Caucus**

**Danielle Friel-Otten— Grassroots political power**

**Rebecca Britton—Title 35 and PEMA**

**Wilmer Baker—Pipeline integrity and labor**

**Ellen Gerhard—Eminent domain**

**Ginny Kerslake— PUC / Call to action**



Ray Kemble of Dimock, PA



**Save Our Students**

**Save Our Streams**

**Save Our Land**

**Save Our Future**

**Safety Over SUNOCO**

# SOS

## People's Rally

The group sponsors of this rally urge a two year moratorium of Mariner East until all health and safety issues have been resolved. Our state has failed the citizens of Pennsylvania in the permitting and oversight of this project.

Citizens demand a clean sustainable energy future.

**SOS RALLY** March 19  
Harrisburg  
*from Marcellus Shale to Marcus Hook*

Washington  
Allegheny  
Westmoreland  
Indiana  
Cameron  
St. Clair  
Huntingdon  
Juniata

Perry  
Cumberland  
York  
Dauphin  
Lebanon  
Lancaster  
Berks  
Chester  
Delaware

**SOS**

**SAFETY OVER SUNOCO**  
#ResistMarinerEast

### Our Message :

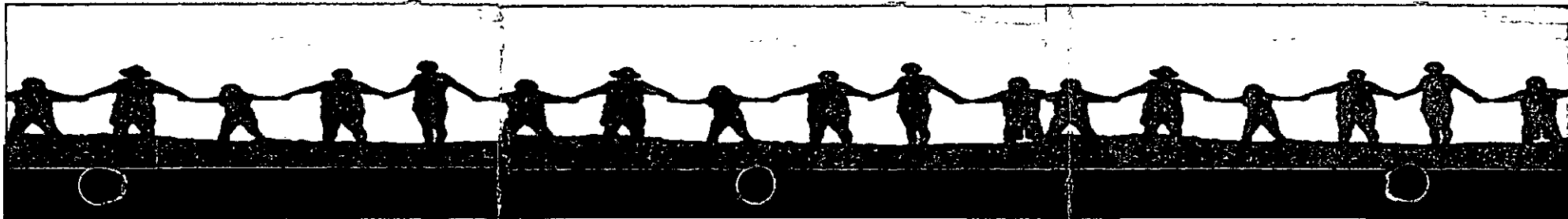
**Citizens Demand Relief**

Citizen Groups Across PA  
Harrisburg March 19th, 2019

17 Pennsylvania Counties Affected

From Marcellus Shale to Marcus Hook

Protect our Right to a Clean Environment





C-15

# **USE OF SUBSTANDARD STEEL BY THE U.S. PIPELINE INDUSTRY 2007 TO 2009**

---

**Plains Justice  
June 28, 2010**

**310 North 27th Street  
Billings, MT 59102  
406-696-8700**

**100 First Street SW  
Cedar Rapids, IA 52404  
319-362-2120**

**100 East Main Street  
Vermillion, SD 57069  
605-659-0298**

**Fax: 866-484-2373    [info@plainsjustice.org](mailto:info@plainsjustice.org)    <http://plainsjustice.org>  
*Printed on recycled paper***

## SUMMARY

**Between 2007 and 2009 a number of pipe mills produced substandard steel pipe for U.S. pipeline companies.** This pipe failed to comply with the American Petroleum Institute Grade 5L X70 standard (API 5L X70 Standard). In response to this discovery of defective pipe, on May 21, 2009, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued Advisory Bulletin ABD-09-01, entitled "Potential Low and Variable Yield and Tensile Strength and Chemical Composition Properties in High Strength Line Pipe" (Advisory Bulletin). The Advisory Bulletin described the low strength steel pipe issue and recommended an industry response to it in very general terms.

To learn more about this problem, a number of groups submitted a Freedom of Information Act Request to PHMSA on September 2, 2009, which requested documents related to PHMSA's investigation of and response to this problem. In response, in March and May of 2010, PHMSA sent 3,710 pages of information, including test results and reports, emails, letters, presentations, and other documents. This report is intended to summarize the material disclosed by PHMSA, discuss its implications, and identify a number of concerns that may not have been fully addressed by PHMSA and the industry.

The documents provided show that PHMSA investigated a total of seven pipelines, four constructed by Boardwalk Partners, LP (Boardwalk), and three by Kinder Morgan, Inc. (Kinder Morgan). PHMSA confirmed that five of these pipelines contained significant amounts of defective pipe. Specifically, the documents show that the pipe stretched under pressure, creating "expansion anomalies" that indicate use of low-strength steel. To repair their pipelines, the affected companies removed and replaced hundreds of pipe joints.

A number of companies are implicated in producing defective pipe, but it appears that Welspun Corp. Ltd (Welspun), an Indian steel pipe manufacturer, produced most of it. For example, according to released documents, Welspun was responsible for 88% of pipe with expansion anomalies provided to Boardwalk. This being said, other pipe mills also provided defective pipe, some in significant amounts. **Globalization of steel pipe supply chains has made quality control more challenging and increased the need for greater domestic measures to ensure discovery of defective pipe.**

Even though the documents released show that certain pipe mills provided most of the defective pipe, none of the documents describe any systematic approach to defining the scope of this problem or identify the final disposition of pipe provided by these mills during this time period. Thus, it is not clear that PHMSA has tracked down all of the potentially defective pipe joints and confirmed that they have been tested and, where necessary, replaced. Accordingly, this report provides recommended actions, accomplishment of which would assure the public that PHMSA has responded fully to the threat created by low-strength steel.

**New natural gas and hazardous liquid pipelines are larger, higher pressure, and more dangerous than earlier generations of pipelines.** It is critical that PHMSA fully investigate the root cause of the industry's failure to comply with pipe steel standards so that appropriate solutions are implemented. **It is also critical that large high-pressure pipelines be regulated more stringently than smaller lower pressure pipelines, including measures that increase certainty of the industry's compliance with written standards.**

Public confidence in pipeline safety will be increased only through greater regulatory transparency, increased opportunities for public participation, and a demonstration that PHMSA will respond aggressively to the increasing need to update and improve pipeline safety standards.

## INDUSTRY USE OF SUBSTANDARD STEEL PIPE

Between the third quarter of 2007 and the fourth quarter of 2009, Kinder Morgan Inc. and Boardwalk Pipeline Partners, L.P., constructed a number of new large, high-pressure natural gas pipelines. The approximate construction schedules for these pipelines are shown below.

Pipeline Construction Schedules	Defective Pipe Steel Investigation Period									
	3Q 07	4Q 07	1Q 08	2Q 08	3Q 08	4Q 08	1Q 09	2Q 09	3Q 09	4Q 09
Kinder Morgan Louisiana Pipeline			■	■	■	■				
Kinder Morgan Midcontinent Express Pipeline						■	■	■	■	
Kinder Morgan Rockies East Pipeline					■	■	■	■	■	
Boardwalk East Texas Pipeline	■	■	■	■						
Boardwalk Gulf Crossing/MS Loop Pipeline					■	■	■	■		
Boardwalk Southeast Pipeline			■	■	■	■	■	■		
Boardwalk Fayetteville/Greenville Pipelines					■	■				

Upon completion, each of these pipelines was "hydrotested," meaning that each new pipeline was filled with water and pressurized to find out if it had any leaks. Five of these pipelines failed their hydrotests, including the Louisiana Pipeline, the East Texas Pipeline, the Mississippi Loop portion of the Gulf Crossing Pipeline, and the Fayetteville Pipeline. As described below, these tests triggered an investigation by PHMSA, which ultimately determined that these companies had incorporated significant amounts of defective steel pipe into their pipelines.

### Kinder Morgan Investigation

PHMSA investigated three Kinder Morgan pipelines:

- Kinder Morgan Louisiana Pipeline (Louisiana Pipeline) – 137 mile 42 inch diameter natural gas pipeline constructed between January 2008 and December 2008;<sup>1</sup>
- Midcontinent Express Pipeline – approximately 500 mile long natural gas pipeline with 40 miles of 30 inch pipe, 197 miles of 36 inch pipe, and 257 miles of 42 inch pipe, constructed between September 2008 and August 2009;<sup>2</sup> and
- Rockies Express Pipeline – East Project (REX East) – a 639 mile 42 inch diameter natural gas pipeline constructed between June 2008 and November 2009.<sup>3</sup>

Investigation of each of these pipelines is discussed below.

<sup>1</sup> Kinder Morgan, Presentation, *Kinder Morgan Louisiana Pipeline (KMLP) – Pipe Issues*, December 15, 2008 (KMLP December 15 Presentation) at 2; *Kinder Morgan 10-K*, February 23, 2009. Given the danger of natural gas leaks and ruptures, initial pressure tests are conducted with water rather than natural gas.

<sup>2</sup> U.S. Dept. of Transportation, *Special Permit for the Midcontinent Express Pipeline*, April 4, 2007; *Kinder Morgan 10-K*, February 23, 2009.

<sup>3</sup> *Kinder Morgan 10-K*, February 23, 2009.

## Kinder Morgan Louisiana Pipeline

Sometime in late 2008 the Louisiana Pipeline failed a hydrotest.<sup>4</sup> This failure triggered PHMSA's investigation. Little is known about this hydrotest failure because PHMSA did not release documentation disclosing the location, time, or circumstances of this failure.

In its initial investigation of what caused this failure, Kinder Morgan determined that some of the pipe joints in the Louisiana Pipeline had expanded beyond specification.<sup>5</sup> Expansion was of concern because it indicated that the steel pipe might not have been strong enough to withstand the very high pressures under which this pipeline would operate. Accordingly, Kinder Morgan conducted a high resolution caliper survey of the entire pipeline to identify all expanded substandard pipe joints.<sup>6</sup> PHMSA did not supply the data collected by these high resolution caliper surveys in response to the FOIA Request, nor did it identify the pipe and steel mills that supplied the expanded pipe joints.

Once Kinder Morgan identified specific pipe joints that had expanded, it tested 30 of these joints for chemical composition and strength.<sup>7</sup> It also tested 30 random pipe joints that had not been subject to pressures sufficient to expand them.<sup>8</sup> It found that 43% of the samples from expanded pipe failed to meet strength specifications contained in the API 5L X70 Standard. The data table containing these results describes the pipe as "NPS 42 x 0.864" WT API Grade X70 Welspun LMLP Linepipe."<sup>9</sup> It also found that 13% of the samples from non-expanded Welspun pipe did not meet specification.<sup>10</sup>

Kinder Morgan concluded that "[t]he variability in the pipe yield properties is a result of deviation from plate controlled rolling parameters,"<sup>11</sup> meaning that the steel had been formed improperly. PHMSA provided us with no data or information supporting this conclusion.

~~To ensure pipeline integrity, Kinder Morgan ultimately removed approximately 7,100 feet (19.7%) of installed pipe due to diameter variability.<sup>12</sup> Kinder Morgan also requested that Welspun investigate this matter and recertify substandard steel pipe joints based on its records.<sup>13</sup> Welspun recertified an undisclosed number of pipe joints as API 5L X56, X60, and X65 pipe, meaning that it downgraded different segments of pipe from the API 5L X70 Standard to lower standards.<sup>14</sup>~~

Even though PHMSA did not provide data beyond that contained in generalized Kinder Morgan presentations, it is clear that a substantial number of pipe joints expanded to a degree that caused Kinder Morgan and/or PHMSA to remove and replace these joints. Also, Welspun is the only one of Kinder Morgan's pipe suppliers implicated by the released documents.

<sup>4</sup> Email, S. Nanney, PHMSA to A. Mayberry, PHMSA, transmitting undated Kinder Morgan presentation on KMLP use of defective steel.

<sup>5</sup> Id. at 5.

<sup>6</sup> Kinder Morgan, *KMLP Presentation*, December 15, 2009, at 8. A high resolution caliper survey is performed by sending a device through the pipeline that measures the diameter of the steel pipe. Such test can determine with precision if and where the pipeline has stretched under the pressure of a hydrotest.

<sup>7</sup> Id. at 5.

<sup>8</sup> Id. at 6.

<sup>9</sup> Id. at 11.

<sup>10</sup> Id. at 7.

<sup>11</sup> Id. at 12.

<sup>12</sup> Id. at 5.

<sup>13</sup> Id. at 13.

<sup>14</sup> Id. at 13. ~~The "X" classifications in the API 5L Standard are based on pressure ratings. X70 steel pipe is designed to withstand a pressure of 70,000 psi. X65 steel pipe is designed to withstand 65,000 psi, etc.~~

### Kinder Morgan Midcontinent Express Pipeline

Due apparently to the failure of the Louisiana Pipeline, PHMSA investigated whether or not Kinder Morgan also used substandard pipe in its Midcontinent Express Pipeline.<sup>15</sup> Specifically, it tested 30 samples of steel from API 5L X70 42-inch pipe manufactured by Man Industries in India.<sup>16</sup> Man Industries contracted to supply 257 miles of 42-inch pipe to Midcontinent Express Pipeline, which is the length of the entire 42-inch segment of this pipeline.<sup>17</sup> Kinder Morgan found that all 30 steel samples complied with strength standards.<sup>18</sup> It appears that Kinder Morgan did not test the steel from pipe manufactured for the Midcontinent Express Pipeline by other companies. These companies included Welspun, which provided a majority of the 197 miles of 36-inch pipe,<sup>19</sup> and JSW, IVLA, and Evra OSM Portland, which provided smaller amounts of pipe.<sup>20</sup>

Even though Kinder Morgan ran a "construction type" caliper tool immediately after construction of the Midcontinent Express Pipeline,<sup>21</sup> apparently this tool was not considered adequate to test for pipe expansions, because Kinder Morgan also tested this pipeline with a high resolution caliper tool owned by TDW Magpie.<sup>22</sup> This high resolution tool discovered one 42-inch pipe joint that expanded 2.08%, which was removed and replaced. Kinder Morgan also reported that 1,906 feet of 42-inch pipe joints had expanded between 0.6% and 1.32%, but it deemed these pipe joints to be safe.<sup>23</sup> None of the documents we received indicate that Kinder Morgan tested the 36-inch diameter Welspun pipe with the high resolution tool.

Kinder Morgan's detailed test results for the Midcontinent Express Pipeline have not been disclosed. Further, Kinder Morgan may not have tested the 36-inch Welspun pipe in this pipeline with a high resolution caliper tool. Therefore it is not possible to compare these test results to test results from other pipelines. Nonetheless, it is clear that PHMSA required the removal of at least one defective pipe joint. It also appears that the pipe produced by Man Industries did not suffer a large number of significant expansions because perhaps only a few dozen pipe joints expanded modestly.

### Kinder Morgan Rockies Express Pipeline – East Project

PHMSA also investigated whether Kinder Morgan had used substandard steel in the construction of its Rockies Express Pipeline (REX). As it did for other pipelines, PHMSA required that Kinder Morgan test the pipeline with high resolution deformation tool.<sup>24</sup> Kinder Morgan reported inconsistently that one pipe joint had expanded 1.07%<sup>25</sup> but also found that that no pipe joints showed an expansion of greater than 0.79% of pipeline diameter.<sup>26</sup> Otherwise, PHMSA provided no detailed documentation related to investigation of the steel in this pipeline or the source of this steel. However, press reports indicate that Kinder Morgan contracted with Oregon Steel Mills, Inc. to supply all or most of the 42 inch

<sup>15</sup> Email, J. Torres, Kinder Morgan, to J. Mendoza, PHMSA, January 5, 2009; Email, J. Mendoza, Project Manager, PHMSA, to T. Binns, PHMSA, June 3, 2009.

<sup>16</sup> Kinder Morgan Metallurgical Investigation Report NGI-09-01, January 8, 2009.

<sup>17</sup> Business Line, Man Ind. Bags Rs 1,000-cr Order from Midcontinent of US, March 30, 2007.

<sup>18</sup> Kinder Morgan Metallurgical Investigation Report NGI-09-01, January 8, 2009.

<sup>19</sup> Email, J. Mendoza, PHMSA, to J. Torres and K. Kahncke, PHMSA, May 4, 2009.

<sup>20</sup> Id.; Kinder Morgan Metallurgical Investigation Report NGI-09-01, January 8, 2009 at 11.

<sup>21</sup> Email, J. Mendoza, PHMSA, to J. Torres and K. Kahncke, PHMSA, May 4, 2009.

<sup>22</sup> Email, D. Burton, VP Kinder Morgan, to A. Mayberry, PHMSA, October 1, 2009.

<sup>23</sup> Letter, D. Burton, VP Kinder Morgan, to A. Mayberry, PHMSA, August 25, 2009 (Appendix A, Technical Discussion for Pipe Diameters in Excess of 0.6% of Pipe Body Diameter For Midcontinent Express Pipeline at 3-4).

<sup>24</sup> Letter, D. Burton, VP Kinder Morgan, to I. Huntoon, PHMSA, August 27, 2009.

<sup>25</sup> Email, D. Burton, VP Kinder Morgan, to I. Huntoon, PHMSA, August 17, 2009.

<sup>26</sup> Letter, D. Burton, VP Kinder Morgan, to I. Huntoon, PHMSA, August 27, 2009. There may be a reasonable explanation for this inconsistent reporting, but the information received did not provide it.

pipe used in REX.<sup>27</sup> Despite a lack of detailed data, the documents provided do indicate that the steel pipe provided by Oregon Steel Mills showed little expansion.

### **Kinder Morgan Investigation Summary**

Kinder Morgan constructed the Louisiana, Midcontinent Express, and REX pipelines between mid-2008 and the end of 2009. One of these, the Louisiana Pipeline, suffered a rupture during a hydrotest. In response, PHMSA ordered Kinder Morgan to investigate each of these pipelines to determine if they contained substandard steel, and Kinder Morgan used a high resolution caliper tool to test each pipeline for excessive expansion. Kinder Morgan determined that Welspun provided defective steel pipe for construction of this pipeline, and after testing the pipe for strength, removed 7,100 feet of defective pipe joints and left others in place but with down-graded ratings. With regard to the Midcontinent Express and REX pipelines, Kinder Morgan discovered limited expansions in pipe provided by Man Industries and Oregon Steel Mills and ordered the removal of only one pipe joint. It does not appear that PHMSA required Kinder Morgan to inspect the 36-inch Welspun pipe used in the Midcontinent Express Pipeline, such that it is not possible to evaluate the performance of this pipe.

### **Boardwalk Pipeline Partners Investigation**

From 2007 to 2009 Boardwalk Pipeline Partners (Boardwalk) constructed a number of natural gas pipelines in the south central U.S. including:

- East Texas Pipeline – a 238 mile long 42-inch diameter natural gas pipeline constructed between July 2007 and June 2008;
- Gulf Crossing/Mississippi Loop Pipeline – 355 miles of 42-inch diameter natural gas pipeline constructed between June 2008 and February 2009;
- Southeast Pipeline – a 111 mile 42-inch natural gas pipeline constructed between December 2007 and February 2009; and
- Fayetteville/Greenville Pipelines – two 36-inch natural gas lateral pipelines<sup>28</sup> with a combined length of 263 miles constructed between March 2008 and January 2009.

The East Texas, Gulf Crossing, and Southeast pipelines were mostly constructed with 42-inch diameter pipe, although some 36-inch pipe was used in these projects. The Fayetteville/Greenville Pipelines were comprised of 36-inch diameter pipe, although some 20-inch pipe was used as well. All of these pipelines were to be constructed using steel in conformance with the API 5L X70 Standard.

PHMSA's investigation of Boardwalk's use of defective steel appears to have been triggered by a series of failed hydrotests in Boardwalk's pipelines.<sup>29</sup> Three of these failures were caused by defective end welds.<sup>30</sup> The fourth failure, in the Mississippi Loop Pipeline on December 5, 2008, was caused by use of substandard steel in pipe number 07388793.<sup>31</sup> In response to these failed hydrotests, PHMSA

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<sup>27</sup> Press Release, Oregon Steel Mills, Inc., *Oregon Steel Announces Receipt of 510,000 Ton Large Diameter Pipe Order*, March 1, 2006.

<sup>28</sup> The Fayetteville and Greenville Pipelines are in fact separate pipelines, but since much of the Boardwalk data for these pipelines is reported together, this report treats them as one project.

<sup>29</sup> The East Texas Pipeline failed a hydrotest in February 2008, the Southeast Pipeline failed on April 24, 2008, the Mississippi Loop Pipeline failed on December 5, 2008, and the Fayetteville Pipeline failed on March 11, 2009.

<sup>30</sup> Pipelines are constructed by welding joints of pipe end-to-end. Here three of these types of welds failed.

<sup>31</sup> Boardwalk Partners Update, November 6, 2009, Deformation Lab Results for Mississippi Loop Pipeline.

ordered Boardwalk to conduct a high resolution caliper test for each pipeline. similar to the tests performed by Kinder Morgan. This investigation produced surprising results.

First, Boardwalk determined that a mill owned by the Mittal Steel Company in Mexico (Mittal) accidentally substituted three slabs of API 5L X70 steel with three slabs of low grade steel, thereby mistakenly providing steel that did not conform to the API 5L X70 Standard to the JSW pipe mill owned by Jindal Pipes Limited.<sup>32</sup> One of these pipe joints, number 07388793, burst during the Mississippi Loop hydrotest.<sup>33</sup> The other two pipes containing switched slabs expanded but did not burst.<sup>34</sup>

The high resolution caliper testing also determined that an Essar steel mill in India accidentally switched one slab provided to Welspun (pipe number D08132667).<sup>35</sup> This slab ultimately ended up in the Gulf Crossing Pipeline.<sup>36</sup>

The fact that only one switched slab burst when hydrotested suggests that hydrotests alone cannot be relied upon as the only means to discover even grossly substandard steel, and that high resolution caliper testing is also necessary.

Second, the high resolution caliper tests identified 550 expansion "anomalies" in Boardwalk's pipelines.<sup>37</sup> The following chart<sup>38</sup> summarizes the numbers and severity of these expansion anomalies for each Boardwalk pipeline.

Pipeline	Total Miles	% of Total Miles	Expansions /mile	Expansions > 2%	Expansions >1%<2%	Expansions 0.25"-1%	Expansions <0.25"	Total Exp's - All Sizes	% of Total Exp's
East Texas	238	25%	0.55	9	48	56	18	131	24%
Gulf Crossing/ MS Loop	355	37%	0.08	2	9	16	3	30	5%
Southeast	111	11%	0.04	0	2	2	0	4	1%
Fayetteville/ Greenville	263	27%	1.46	53	150	173	9	385	70%
<b>Total</b>	<b>967</b>	<b>100%</b>	<b>0.57</b>	<b>64</b>	<b>209</b>	<b>247</b>	<b>30</b>	<b>550</b>	<b>100%</b>

This data shows that the expansion anomalies were not evenly distributed among the pipelines, as would be expected if the cause of the expansions was based on random variability in steel quality. In fact, the East Texas and Fayetteville/Greenville Pipelines together accounted for 94% of the excessive expansion anomalies. Further, a full 70% of the expansion anomalies were in the Fayetteville/Greenville Pipelines even though they accounted for only 27% of total pipeline length.

The number of expansions per mile ranged from a high of about one and one-half expansions per mile in the Fayetteville/Greenville Pipeline, to a low of one expansion every 25 miles in the Southeast

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> Id. Deformation Lab Results for Gulf Crossing, Paris to Mira Segment.

<sup>36</sup> Id.

<sup>37</sup> Boardwalk Pipeline Partners Update, November 6, 2009.

<sup>38</sup> Id. Expansion anomaly data provided herein are based on Boardwalk's November 6, 2009, Update, which is the most recent Boardwalk Update provided by PHMSA in response the FOIA request.



Pipeline, making the anomaly rate in the Fayetteville/Greenville lines over 36 times higher than that in the Southeast Pipeline.

Boardwalk also identified the pipe manufacturers and steel mills that provided plate steel to the pipe manufacturers for each of the investigated pipelines,<sup>39</sup> and this information is summarized in the following table. Small amounts of pipe were also provided by Durabond and IPSCO.

Pipe Supplier	Steel Mills Supplying Slab Steel to Pipe Supplier	Total Miles of Pipe Installed	Percent of Pipe Installed
Jindal/JSW (India)	Azovstral (Ukraine)	536	55%
	Mittal (Mexico)		
	Essar (India)		
	Jindal (India)		
Welspun (India)	Essar (India)	363	38%
	POSCO (Korea)		
	BAOSTEEL (China)		
	TISCO (China)		
Camrose (US)	Mittal (Mexico)	68	7%

Jindal and Welspun provided 93% of the pipe for these pipelines. Jindal sourced its steel from the Ukraine, Mexico, and India. Welspun sourced its steel from China, Korea, and India. The only steel mill that provided steel to both Jindal and Welspun was the Essar steel mill.

Boardwalk also identified the pipe manufacturers that provided expanded pipe for each pipeline.<sup>40</sup>

Pipeline	Camrose Total Expansions	Camrose % of Total Expansions	Welspun Total Expansions	Welspun % of Total Expansions	Jindal Total Expansions	Jindal % of Total Expansions
East Texas	0	0%	93	71%	38	29%
Gulf Crossing/MS Loop	0	0%	7	23%	23	77%
Southeast	0	0%	0	0%	4	100%
Fayetteville/Greenville	0	0%	385	100%	0	0%
<b>Total</b>	<b>0</b>	<b>0%</b>	<b>485</b>	<b>88%</b>	<b>65</b>	<b>12%</b>

Thus, 88% of the recorded expansion anomalies were in pipe provided by Welspun. Moreover, as shown below, it appears that the Welspun pipe stretched more than the Jindal pipe.<sup>41</sup>

Pipe Supplier	Expansion >2%	Expansion >1% <2%	Expansion 0.25" - 1%	Expansion <0.25"	Total Expansions
Jindal/JSW	2	17	35	11	65
Welspun	62	192	212	19	485

This data shows that 13% of the Welspun anomalies exhibited expansion greater than 2%, whereas only 3% of the Jindal anomalies exhibited expansions of this amount. Further, 40% of the Welspun anomalies

<sup>39</sup> Boardwalk, Summary of Pipe and Slab/Coil Sources Used on Boardwalk Expansion Projects, March 2, 2009.

<sup>40</sup> Boardwalk Pipeline Partners Update, November 6, 2009.

<sup>41</sup> Id.

exhibited expansion of between 1% and 2%, whereas only 26% of the Jindal expansions were in this range. This data shows that Welspun pipe varies more in quality than Jindal pipe.

Even though PHMSA did not provide any systematic analysis showing which steel mills provided the steel used in each defective pipe joint,<sup>42</sup> it did provide some test data indicating that Boardwalk and PHMSA focused their testing efforts on steel provided by certain steel mills.<sup>43</sup> The following table summarizes the number of tests performed on expanded pipe joints by pipe manufacturer and steel mill.

Pipe Mill	Tests on Welspun Pipe							Tests on Jindal Pipe				
Steel Mill	Anshan	Baosteel	Essar	Mittal	POSCO	TISCO	Welspun Total	Azovstal	Mittal	Essar	JSW	Jindal Total
<b>Pipelines</b>												
<b>East Texas</b>												
Carthage to Hall Summit								2	2			4
Hall Summit to Vixen								2	4			6
Tullulah to Harrisville	2		69	2			73	1	6			7
Vixen to Tallulah								4	2			6
<b>Gulf Crossing</b>												
Bennington to Paris									1			1
Mira to Sterlington								1	2			3
Paris to Mira									4	1	5	10
Sterlington to Tallulah					1	6	7					
<b>Mississippi Loop</b>								3	3			6
<b>Southeast</b>								2	2	1		5
<b>Fayetteville</b>												
Bald Knob to Lula			23				23					
Grandville to Bald Knob		2	2				4					
<b>Greenville</b>		7	5				12					
<b>Total Tests</b>	2	9	99	2	1	6	119	15	26	2	5	48

For Welspun, 119 pipe joints were tested; for Jindal 48 pipe joints were tested.

<sup>42</sup> It appears that PHMSA and Boardwalk determined that the defective steel could be traced to certain steel mills, because Boardwalk requested a variance from its Special Permit Modification Agreement for Welspun pipe manufactured with POSCO steel since only one pipe joint manufactured with POSCO steel had expanded. Letter, D. Goodwin, VP Boardwalk Pipeline Partners, to A. Mayberry, PHMSA, July 22, 2009.

<sup>43</sup> Boardwalk Pipeline Partners Update, November 6, 2009.

The following table shows Boardwalk tested pipe made with Essar steel almost four times more than pipe made with steel from any other mill.

Steel Mill	# Tests	% of Tests
Anshan	2	1%
Azovstal	15	9%
Baosteel	9	5%
Essar	101	60%
JSW	5	3%
Mittal	28	17%
POSCO	1	1%
TISCO	6	4%
<b>Total</b>	<b>167</b>	<b>100%</b>

This data shows that PHMSA and Boardwalk focused most of the strength testing on pipe produced by the Welspun-Essar combination.

That there is a correlation between pipe expansions and pipe strength is shown by metallurgical test data for the Fayetteville/Greenville Pipelines provided by Boardwalk to PHMSA on October 7, 2009.<sup>44</sup> This test data shows results for strength tests of 46 Welspun pipe joints, all of which were fabricated using steel from the Essar steel mill.<sup>45</sup> Boardwalk strength tested 28 joints that had expanded more than 1.5%, 10 joints that had expanded approximately 1%, and eight joints that were "control joints" that showed no expansion. Each joint was subjected to nine separate tests.<sup>46</sup> Almost all of the joints that had expanded more than 1.5% failed most of the strength tests.<sup>47</sup> The joints that expanded approximately 1% also failed most of the strength tests.<sup>48</sup> In contrast, six of the eight control joints exceeded strength standards by substantial margins.<sup>49</sup> The two control joints that did not pass all of the strength tests failed in only a few sample runs by narrow margins but generally passed almost all of the strength tests.<sup>50</sup> This data shows a clear correlation between pipe expansions and the use of substandard steel.

Even though it appears that PHMSA could order Boardwalk to trace each expansion anomaly to a specific steel mill, PHMSA did not provide such information in response to the FOIA Request. Further, the absence of a root-cause analysis in the information provided in response to the FOIA Request suggests that PHMSA did not conduct, report on, and/or disclose such analysis. Therefore, based on the documents provided by PHMSA it is not possible to determine the full extent of the low-strength steel problem or trace all possible low-strength steel from particular steel and pipe mills to particular pipelines.

Tracing defective steel back to each steel mill is important because other PHMSA data suggests that one of the causes of the substandard steel was mis-formulation during alloying of the steel. In a September 8, 2009, report by the Microalloyed Steel Institute to PHMSA, the Institute determined that the pipe in the Fayetteville Pipeline (provided by Welspun) and Mississippi Loop Pipeline (provided by Jindal) had improper steel chemistry.<sup>51</sup> The report noted low manganese levels and no vanadium,

<sup>44</sup> Email, D. Goodwin, VP Boardwalk Pipeline Partners, to S. Nanney, PHMSA, October 7, 2009.

<sup>45</sup> Id.

<sup>46</sup> Id. Tests applied included flat strap yield, flat strap tensile, flat strap elongation, round bar yield, round bar tensile, round bar elongation, Charpy toughness, Charpy shear, and grain size tests.

<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Id.

<sup>50</sup> Id.

<sup>51</sup> Letter, J.M. Gray, Microalloyed Steel Institute, to S. Nanney, PHMSA, September 8, 2009.

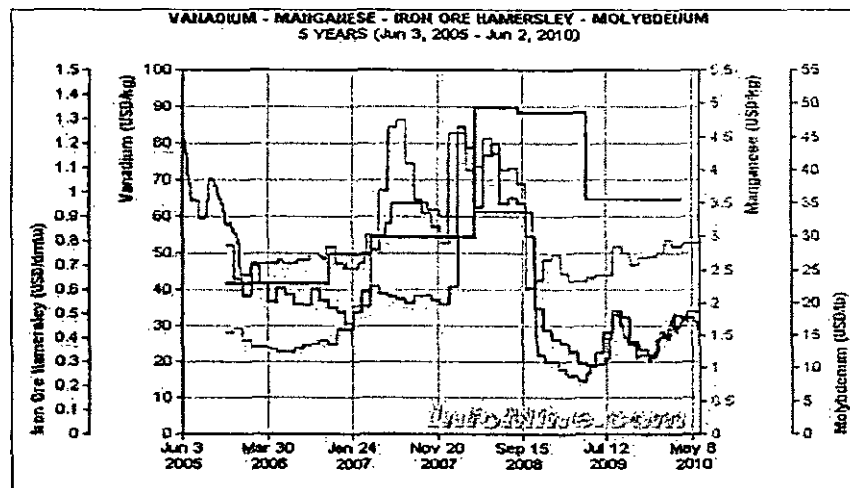
niobium, and molybdenum in steel samples from the Mississippi Loop pipeline, and an absence of vanadium in the Fayetteville Pipeline.<sup>52</sup> The data in Boardwalk's November 6, 2009, Update also indicates that low strength pipe (including the switched slabs) had low levels of vanadium, niobium, and Titanium.<sup>53</sup>

In summary, it appears that 88% of the pipe that expanded was provided to Boardwalk by a single pipe manufacturer, Welspun, even though in terms of length it provided only 38% of the pipe for all the new Boardwalk pipelines combined. Welspun provided a total of 363 miles of pipe that contained 485 expansion anomalies, for a rate of over one anomaly per mile. In contrast, the Jindal pipe had an expansion anomaly rate of about one anomaly every eight miles, and pipe provided by Camrose exhibited no expansion anomalies at all. Also, the expansion anomalies found in the Welspun pipe were markedly worse than the anomalies in the Jindal pipe. Another difference is that Welspun and Jindal sourced their steel from different steel mills, except that they both acquired steel from the Essar steel mill. That Boardwalk and PHMSA focused their attention on pipes made by Welspun-Essar is also indicated by the fact that 60% of all tested pipe joints were made from steel produced by Essar. Further, it appears that mis-formulation of the steel alloy for this pipe may have been a cause of the weakness of some of the Welspun steel pipe.

Ultimately, Boardwalk agreed to remove 305 pipe joints, including all pipe joints in the East Texas, Southeast, Gulf Crossing Pipelines that expanded more than 0.25" (148 pipe joints), and all pipe joints in the Greenville/Fayetteville Pipelines that expanded more than 1.5% (157 pipe joints).

## Commodity Prices, Pipe Steel Market Growth and Quality Control

During the period when the defective pipe was fabricated, commodity prices soared, including prices for most metals. The following chart shows that the price for manganese more than tripled in 2007 and the price for iron ore and vanadium more than doubled in 2008.



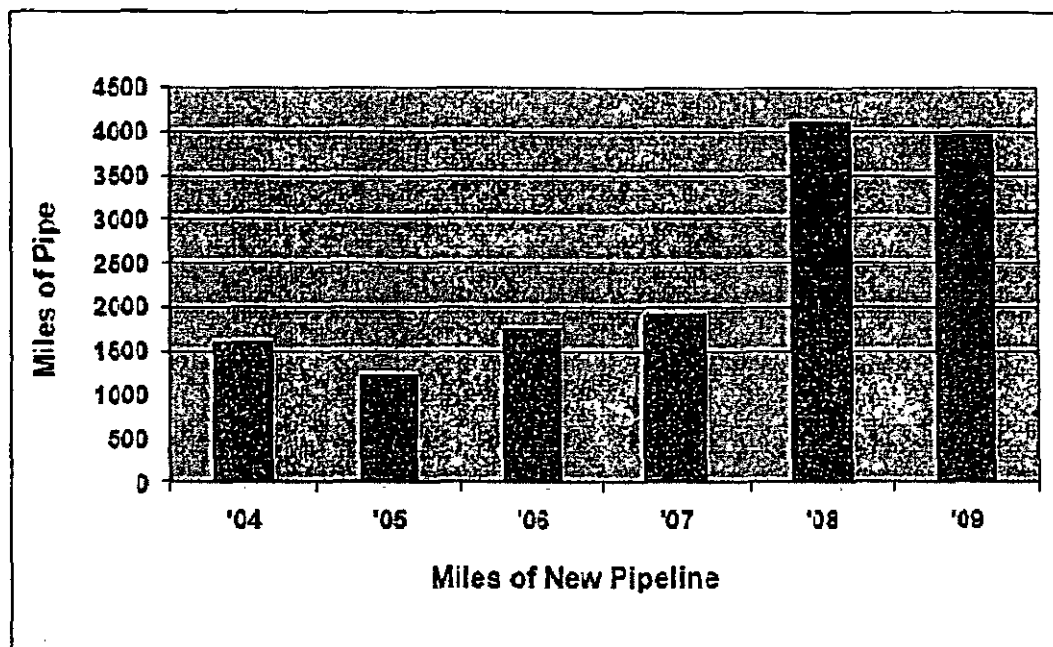
This market evidence indicates that steel mills faced substantially higher prices for raw materials than they likely anticipated. It is reasonable to question whether these dramatic changes in commodity prices shifted steel mill priorities toward meeting production and price goals and away from quality control, including control over the quality of raw materials and steel formulation. However, in the absence of

<sup>52</sup> Id.

<sup>53</sup> Boardwalk Pipeline Partners Update, November 6, 2009.

systematic metallurgical analysis, it is not possible to know with certainty that a pattern of production of mis-alloyed steel existed, and that this was the root cause of the production of substandard pipe by manufacturers.

During this same time period, demand for steel increased dramatically. According to the industry graph below, between 2007 and 2008 the miles of new pipe installed by the industry doubled.<sup>54</sup>



Source: ICF International

This increase in installed miles of pipe is reflected in a corresponding growth in sales of pipe by pipe mills. For example, from 2006 to 2009, Welspun increased its pipe production rapidly, registering nearly 50% increases in sales in fiscal years 2007 and 2008.<sup>55</sup> Its pipe volume production rate increased by 34% in the third quarter of 2008 alone.<sup>56</sup> This rapid growth likely required the retention and training of new employees, pressed steel and pipe mill infrastructure to its limits, and resulted in substantial management pressure on personnel to meet production deadlines. Such production conditions could have adversely impacted quality control.

PHMSA knew about quality control problems at a Jindal pipe mill as early as May 2007.<sup>57</sup> Specifically, PHMSA conducted a visit of a Jindal mill to review quality control problems.<sup>58</sup> PHMSA produced a list of concerns related to pipe rolling and coating, mill hydrotest equipment failures, seam inspection equipment failures, steel plate rejections, pipe end quality, pipe repair quality, pipe tracking, and oil and chloride contamination.<sup>59</sup> Also, in September, 2007, Boardwalk was informed of allegations

<sup>54</sup> Presentation, M. Hereth, INGAA Foundation, *Best Practices in Procurement and Manufacturing Workshop*, June 9, 2010, at 2.

<sup>55</sup> KJMC Institutional Research, *Research Updates, Welspun Gujarat Stahl Rohren Limited*, June 3, 2009 and April 29, 2010.

<sup>56</sup> Hindu Business Line, *Welspun Gujarat Stahl Rohren: Buy*, November 23, 2008.

<sup>57</sup> Email, H. Wang, Boardwalk, to S. Nanney, PHMSA, June 25, 2007.

<sup>58</sup> Id.

<sup>59</sup> Id.

by two former Jindal pipe mill employees that Jindal's production of steel for the East Texas Pipeline could impact the pipeline's integrity.<sup>60</sup> Although PHMSA provided no detail on these allegations, Gulf South, the initial developer of this pipeline, responded to them by conducting:

- a review of current inspection procedures,
- a review of recordkeeping and data storage practices,
- cross-checks on pipe data across multiple independent sources including: Jindal, Gulf South, and third party suppliers for Jindal (double-joint contractors, NDE contractors),
- a physical audit of selected pipe with alleged issues,
- a spot audit of inspection areas in question, and
- immediate implementation of an independent tracking and verification database for pipe procedures beyond the pipe mill to assure an independent check of pipe specification conformance, quality, and disposition through final shipment and receipt at Gulf South's field yards.<sup>61</sup>

Unfortunately, PHMSA provided very limited information about these early reports of pipe mill quality control problems. Nonetheless, the limited information provided indicates that the steel pipe industry was experiencing quality control challenges in 2007.

## Summary of Industry Production and Use of Defective Steel Pipe

The information provided by PHMSA in response to the FOIA Request is not as comprehensive as expected. Nonetheless, it indicates that most pipe mills provide limited numbers of joints of substandard pipe, but in 2007 to 2009 the Welspun-Essar mill combination produced an unusually large amount of defective pipe, and that the Jindal-Mittal-Azovstal mill combinations also produced a significant amount of defective pipe.

Even though PHMSA did not provide data tracing the defective pipe steel to specific steel mills, it appears that PHMSA, Kinder Morgan, and Boardwalk may very well have such data. In any case, the data provided by PHMSA shows that the problem here was not caused by random quality variation within the pipe manufacturing industry but rather the vast majority of the substandard steel provided to Boardwalk and Kinder Morgan can be attributed to the Welspun-Essar and Jindal-Mittal-Azovstal mill combinations.

The information provided by PHMSA also identifies that at least three distinct mechanisms are believed to have caused the low-strength steel pipe provided to Boardwalk and Kinder Morgan: (1) improper steel chemistry; (2) improper rolling of steel plate; and (3) a lack of proper segregation of slabs of different grades of steel at steel mills. Other causes are possible. ~~All of the identified mechanisms can result in violations of the API 5L X70 Standard and would impact the quality of large diameter X70 pipe regardless of the specific size. Also market conditions during this time period may also have contributed to steel and pipe mill quality control failings.~~

While the low-strength steel problem was first discovered after investigation of two failed hydrotests caused by low-strength steel pipe, hydrotesting did not identify the full scope of this problem. Only two of hundreds of defective pipe joints burst during the hydrotests. Instead, the scope of this

<sup>60</sup> Emails, W. Bennett and J. Earley, Boardwalk, to S. Nanney et al., PHMSA, September 10-11, 2007.

<sup>61</sup> Id.; Email, J. Garris, Boardwalk, to S. Nanney, PHMSA, September 24, 2007 (further describing Boardwalk's response).

problem was identified only through high resolution caliper testing. Ultimately, PHMSA and the industry concluded that this problem was of sufficient gravity to require the removal and replacement of hundreds of pipe joints.

Unfortunately, it does not appear that PHMSA has yet conducted a comprehensive root-cause analysis of this problem, given that it provided no such analysis in response to the FOIA Request. It also appears that PHMSA may not have conducted a comprehensive study of the possible flow of defective steel pipe from steel and pipe mills noted herein to new natural gas and hazardous liquid pipelines constructed in the U.S. from 2007 to 2009. Instead it appears that PHMSA limited its investigation to only Kinder Morgan and Boardwalk.

## INDUSTRY TRADE ASSOCIATION RESPONSE

PHMSA's first formal action related to the defective pipe steel problem was to issue the Advisory Bulletin.<sup>62</sup> In response, the industry convened a meeting on or about June 11, 2009, to which PHMSA was not invited.<sup>63</sup> Apparently, one product of this meeting was a September 2009 White Paper by the Interstate Natural Gas Association of America Foundation (INGAA Foundation) entitled, "Identification of Pipe with Low and Variable Mechanical Properties in High Strength, Low Alloy Steels" (INGAA White Paper). By way of background to this issue, the INGAA White Paper states the following:

During 2007 and 2008 there was a significant increase in new pipeline construction in the United States. This construction boom put almost unprecedented demands on both pipe and other material manufacturers and pipeline constructors. To meet the demands for high yield line pipe, both traditional and newer pipe mills, utilizing plate and coil from both established and nontraditional steel suppliers, were used. During post-commissioning test (field hydrostatic test) inspection of some of these lines, a small number of pipe joints were detected that had expanded well beyond the dimensional tolerance limits of the pipe manufacturing specification, API Specification 5L. In most cases, the point at which this expansion occurred has not been definitively determined. As the investigation of this phenomenon progressed, it became apparent that it was not limited to one pipe mill, one steel supplier, or one manufacturing process. Through experience of a limited number of operators, it appeared that this issue was a rarity, affecting an extremely small percentage of pipe joints produced. However because the phenomenon could not be isolated or traced to a single source, PHMSA issued [the] Advisory Bulletin.<sup>64</sup>

Thus, due to a boom in pipeline construction, the industry admits that it acquired pipe from "newer," and presumably less experienced pipe mills, and that some pipe mills acquired steel from "nontraditional" steel mills, which could be less familiar with the exacting quality control standards that regulate the construction of pipelines in the United States. It is reasonable to believe that unprecedented demands for high-strength steel pipe and high commodity costs increased the risk of production of substandard pipe in 2007 and 2008.

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<sup>62</sup> PHMSA Advisory Bulletin ABD-09-01, *Potential Low and Variable Yield and Tensile Strength and Chemical Composition Properties in High Strength Line Pipe*, 74 Fed. Reg. 23930, May 21, 2009. PHMSA also conducted a workshop on pipeline construction issues on April 23, 2009, which addressed a variety of pipeline construction failings.

<sup>63</sup> Emails, P. Lidiak, API, to J. Wiese, PHMSA, May 21, 2009.

<sup>64</sup> INGAA White Paper at 1.

Rather than seek or provide greater clarity about the cause and sources of the pipe joints that "expanded well beyond the dimensional limits of the pipe manufacturing specification, API Specification 5L," the industry merely stated that the "point" of expansion (presumably this means time and cause of expansion) had not been "definitively determined." It also stated that the expansions were not limited to one pipe mill, one steel mill, or one manufacturing process, thereby implying that problems linked to only a single supplier should be of concern (which makes no logical sense). It did not support its statements with any data. It also stated that industry operators believe that the quality control problems were a "rarity, affecting an extremely small percentage of pipe joints produced." but failed to reference or provide any data supporting this statement or discuss the risks created by small amounts of defective pipe. After all, it only takes one bad pipe joint to create an environmental and economic disaster. In short, the INGAA White Paper ignored any detailed discussion of the root causes of the substandard pipe and offered only unfounded generalizations about the problem rather than solid explanations.

The industry attempted to justify a limited response to this problem by discussing historical pipeline failures occurring prior to the events that precipitated the Advisory Bulletin.<sup>65</sup> Historical data is not relevant when current evidence suggests new types of industry failings in "unprecedented" market conditions. Historical data does not justify a lack of robust response by PHMSA or the industry to specifically identified problems.

Finally, the INGAA White Paper contains two flow charts intended to guide an operator of an existing pipeline in its determination of whether it has a "potential issue with pipe quality and if so, what actions should be taken to address those issues."<sup>66</sup> Figure 1 indicates that existing pipelines intended to operate at an 80% design factor are subject to the review included in process B1.<sup>67</sup> Figure 2 and its accompanying text describe the B1 process as being:

- 1) a determination of whether there is a known history of low mechanical properties or excessive expansion found during normal operations;<sup>68</sup>
- 2) if such history exists, then a company should conduct an in-line inspection (ILI) during its next assessment; and
- 3) if such investigation shows expansions greater than "X%" amount (X%" is not specifically defined by the INGAA White Paper, which states only that it may be about 1%) then the company must "evaluate and mitigate" the expansions, apparently within one year of the analysis, however the industry has not identified what "evaluate and mitigate" means, when the one-year period tolls, or what actions might be required based on differing degrees of pipe failings.<sup>69</sup>

Thus, it appears that the industry recommends that operators of existing pipelines, including pipelines constructed between 2007 and 2009, conduct an inspection for expansion anomalies only if their "normal" review of pipe data or information discovered during normal operations indicates that a threat of expanded pipes exists. However, the INGAA White Paper makes no recommendations about the type of

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<sup>65</sup> INGAA White Paper at 2.

<sup>66</sup> Id. at 3.

<sup>67</sup> Id.

<sup>68</sup> Id. The INGAA White Paper describes this history as, "Regardless of the preceding steps, if the company, through its normal review of the pipe data, such as is conducted during pipe production, and any other operational data or field observations, such as during tie-ins, installing taps, making coating repairs or performing pipe replacements, has made a determination that the threat of expanded pipe exists, then it must look further for such deformation during the next in-line inspection of the pipeline. If there is no evidence of low strength or excessively expanded pipe, no further action is required. Examples of such evidence include coating flaws caused by pipe strain and improper tie-in of a repair due to strain. This step does not contemplate extraordinary evaluations or inspections, but rather relies on those normally conducted as operations and maintenance activities."

<sup>69</sup> Id. at 6-9.



in-line inspection required, and it specifically states, "This step does not contemplate extraordinary evaluations or inspections, but rather relies on those normally conducted as operations and maintenance activities."<sup>70</sup>

The INGAA Foundation's recommendation is essentially to allow operators of pipelines constructed between 2007 and 2009 to determine by and for themselves whether or not they need to conduct high resolution deformation testing and how to redress any problems found. Its response provides no assurance of any systematic investigation of or response to the defective steel problem. Thus, it appears that the industry makes no recommendation that such operators do any initial investigation beyond normal operations and also does not recommend particular responses.

## RECOMMENDED PHMSA ACTIONS

Since this report is based only on documents released pursuant to the FOIA Request, it is not possible to fully know about all of the actions taken by PHMSA in response to the defective steel problem. With this caveat in mind, we recommend that PHMSA take the following actions, if it has not already done so:

- Investigate and provide a public report on the use of defective steel in U.S. hazardous liquid and natural gas pipelines that:
  - identifies the number of defective pipe joints discovered;
  - provides a description of each defective pipe joint;
  - provides any test results performed on each pipe joint;
  - identifies the pipe and steel mill sources for each defective joint;
  - identifies the root cause or causes of the defective pipe joints; and
  - presents recommended improvements in safety regulations, safety enforcement, pipe steel standards, pipeline testing, quality control surveillance, and other appropriate responses to this problem.
- Order all operators of natural gas and hazardous liquids pipelines constructed between 2007 and 2009 to conduct high-resolution in-line deformation caliper testing and provide the results of such inspections to the public on the PHMSA website;
- Order all operators of natural gas and hazardous liquids pipelines constructed between 2007 and 2009 using API 5L X70 and higher grades of pipe to trace pipe from pipe and steel mills with a history of supplying defective API 5L X70 and higher pipe to all U.S. pipelines that contain such pipe, regardless of pipe diameter, and provide a report to PHMSA and the public describing the use of such pipe in U.S. pipelines.
- Post all hydrotest results provided by pipeline operators on the PHMSA website; and
- Reduce the operating pressure of newly conducted hazardous liquid and natural gas pipelines to a design factor of 72% or lower pending completion of PHMSA investigation of possible use of defective pipe steel, any necessary fitness for service determinations, and opportunity for public review and participation in these activities.

All of the foregoing recommendations include easily accessible information disclosures by PHMSA and greater opportunities for public participation in PHMSA activities. Greater transparency in PHMSA operations is necessary to ensure public participation in and support for PHMSA activities. A lack of transparency will result in a lack of trust and risk greater opposition to pipeline development.

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<sup>70</sup> Id. at 8.

The growing number of high-pressure, large diameter hazardous liquid and natural gas pipelines are putting increasing numbers of citizens at risk. New large pipelines must be built to the highest standards and be fully tested using the best available technology to ensure that they comply with safety requirements. Existing pipelines, especially large diameter pipelines, must be tested with greater frequency as they age.

To avoid further fatalities, injuries, and property damage, PHMSA must adapt its safety standards, regulations, and enforcement activities to protect citizens and their property from the greater risk posed by new large high-pressure pipelines. To gain greater public trust and public support for its activities, PHMSA must allow citizens to easily learn what it is doing and increase opportunities for citizens to participate in PHMSA's efforts to protect them.



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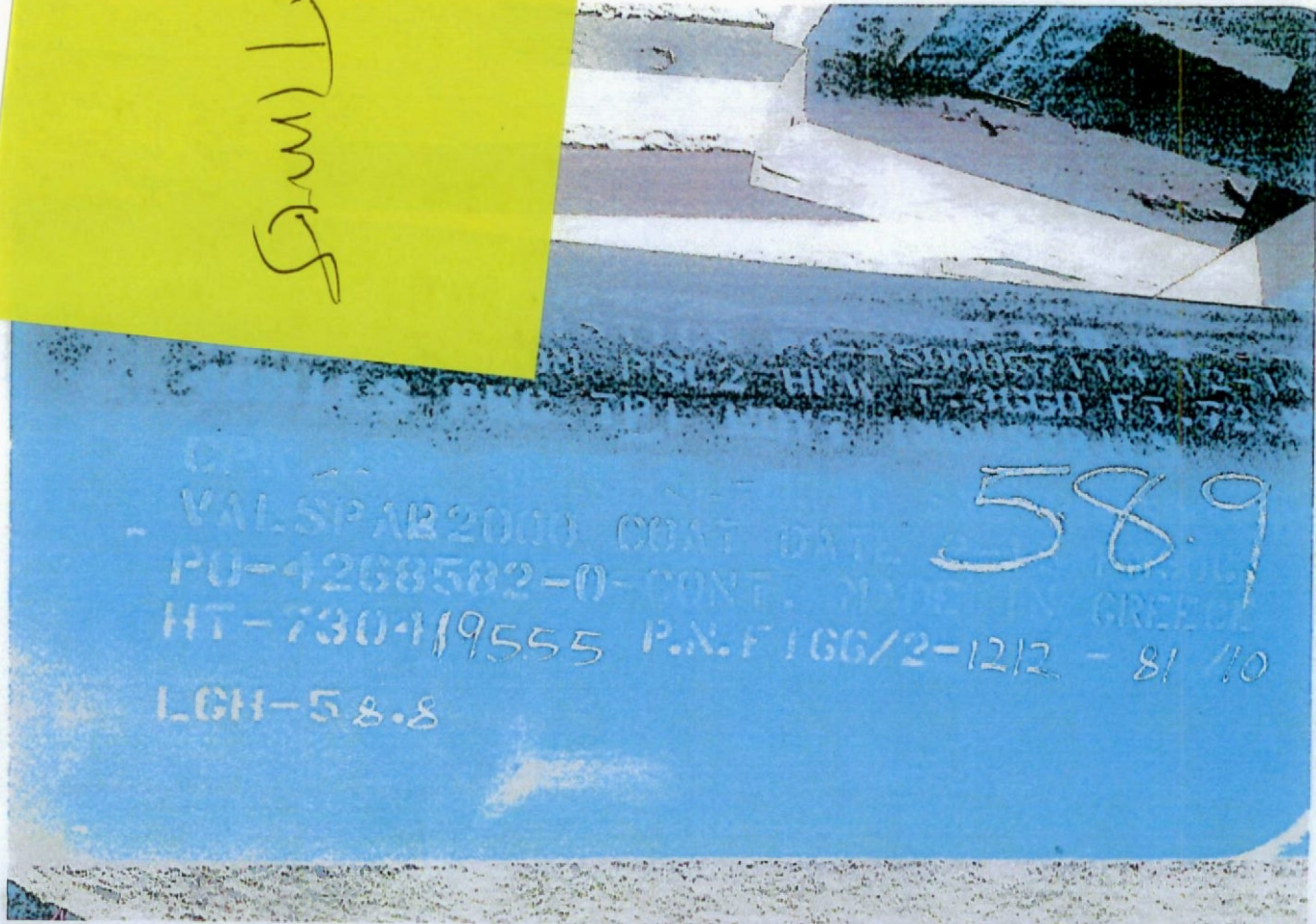
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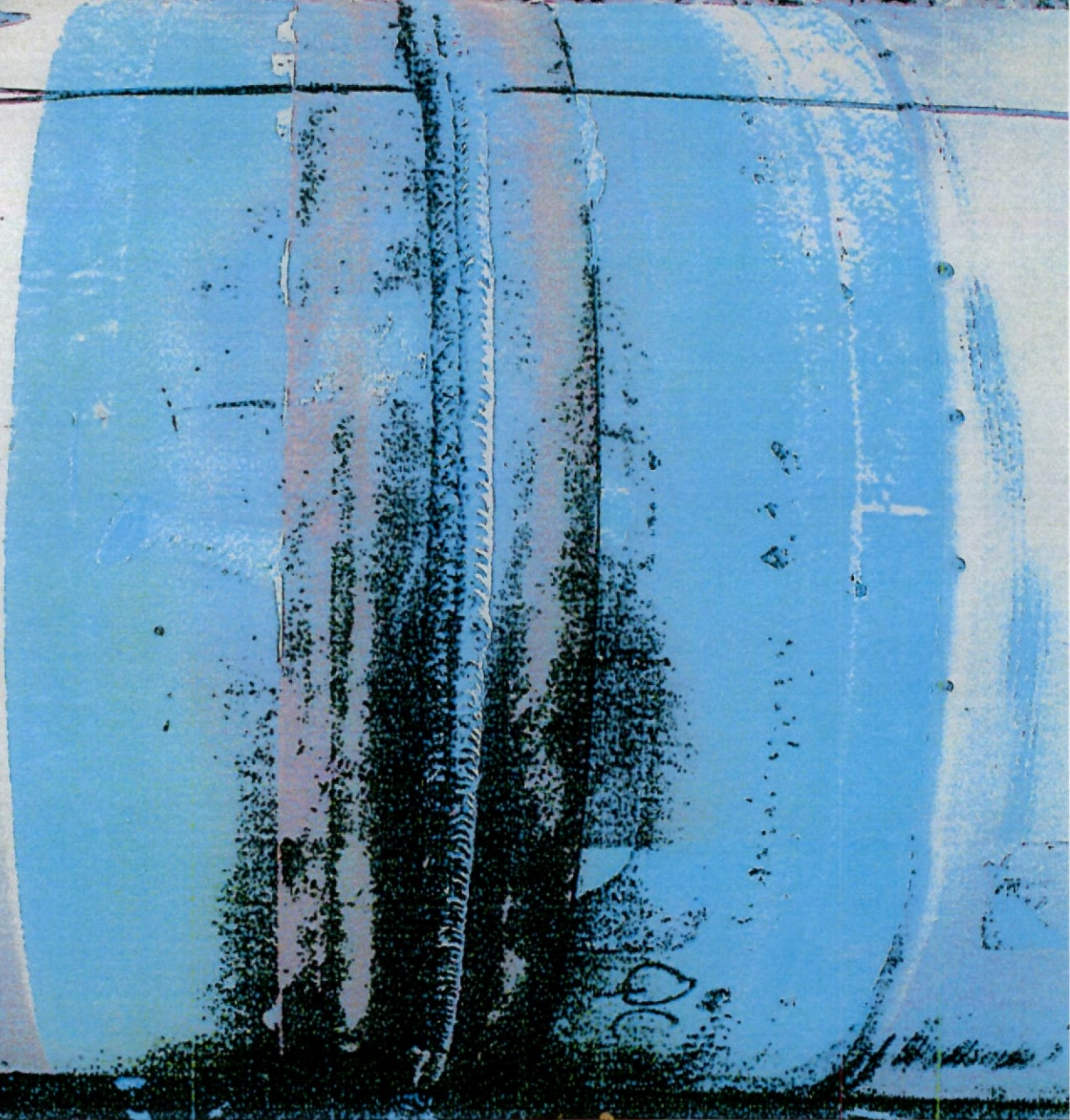




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business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-NYSEArca-2010-14 and should be submitted on or before April 8, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

Florence E. Harmon,  
Deputy Secretary.

[FR Doc. 2010-6507 Filed 3-23-10; 8:45 am]

BILLING CODE 8011-01-P

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 35359]

**Pacific Rim Railway Company, Inc.—  
Acquisition and Operation  
Exemption—City of Keokuk, IA**

Pacific Rim Railway Company, Inc. (PRIM), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from the City of Keokuk, IA and to operate approximately 2,894 feet of railroad trackage (.544-mile) consisting of a 2,194 foot-long railroad bridge over the Mississippi River, commonly known as the Keokuk Municipal Bridge, approximately 600 feet of land and track at the approach to the bridge at Hamilton, IL and approximately 100 feet of land and track at the approach to the bridge at Keokuk (collectively, the Bridge). The Bridge connects trackage at Keokuk with trackage at Hamilton.<sup>1</sup>

The transaction is expected to be consummated on or shortly after April 7, 2010 (the effective date of the exemption).

PRIM certifies that its projected annual revenues as a result of the transaction do not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected

annual revenue will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than March 31, 2010 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35359, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: March 18, 2010.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

Kulanie L. Cannon,  
Clearance Clerk.

[FR Doc. 2010-6414 Filed 3-23-10; 8:45 am]

BILLING CODE 4915-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Research, Engineering And  
Development Advisory Committee**

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

*Agency:* Federal Aviation Administration.  
*Action:* Notice of Meeting.

*Name:* Research, Engineering & Development Advisory Committee.

*Time and Date:* April 21, 2010—9 a.m. to 5 p.m.

*Place:* Federal Aviation Administration, 800 Independence Avenue, SW—Round Room (10th Floor), Washington, DC 20591.

*Purpose:* The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at (202) 267-8937 or [gloria.dunderman@faa.gov](mailto:gloria.dunderman@faa.gov). Attendees will have to present picture ID at the security desk and be escorted to the Round Room.

Members of the public may present a written statement to the Committee at any time.

Dated: Issued in Washington, DC on March 17, 2010.

Barry Scott,  
Director, Research & Technology  
Development.

[FR Doc. 2010-6254 Filed 3-23-10; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials  
Safety Administration**

[Docket No. PHMSA-2010-0078]

**Pipeline Safety: Girth Weld Quality  
Issues Due to Improper Transitioning,  
Misalignment, and Welding Practices  
of Large Diameter Line Pipe**

AGENCY: Pipeline and Hazardous  
Materials Safety Administration  
(PHMSA); DOT.

ACTION: Notice; issuance of advisory  
bulletin.

SUMMARY: PHMSA is issuing an advisory bulletin to notify owners and operators of recently constructed large diameter natural gas pipeline and hazardous liquid pipeline systems of the potential for girth weld failures due to welding quality issues. Misalignment during welding of large diameter line pipe may cause in-service leaks and ruptures at pressures well below 72 percent specified minimum yield strength (SMYS). PHMSA has reviewed several recent projects constructed in 2008 and 2009 with 20-inch or greater diameter, grade X70 and higher line pipe. Metallurgical testing results of failed girth welds in pipe wall thickness transitions have found pipe segments with line pipe weld misalignment, improper bevel and wall thickness transitions, and other improper welding practices that occurred during construction. A number of the failures were located in pipeline segments with concentrated external loading due to support and backfill issues. Owners and operators of recently constructed large diameter pipelines should evaluate these lines for potential girth weld failures due to misalignment and other issues by reviewing construction and operating records and conducting engineering reviews as necessary.

FOR FURTHER INFORMATION CONTACT:  
Alan Mayberry by phone at 202-366-5124 or by e-mail at [alan.mayberry@dot.gov](mailto:alan.mayberry@dot.gov).

SUPPLEMENTARY INFORMATION:

<sup>19</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> PRIM states that, because the Bridge is part of a through route for rail transportation, it is a "railroad line" under 49 U.S.C. 10901(a)(4). Rail transportation over the Bridge is currently being performed by Keokuk Junction Railway Company (KJRY), a Class III rail carrier. PRIM does not propose to operate over the Bridge, but acknowledges that, as owner of the Bridge, it would have a residual common carrier obligation to provide rail transportation in the event KJRY ceases to do so. PRIM seeks an exemption for operation on that basis.

practices are conforming to API 5L, API 1104, ASME B31.4 or ASME B31.8 and operator procedures for weld bevel, pipe alignment, back welding, and transitions. If any bends are cut, the operator must have procedures to ensure that the pipe or bend cut ends are acceptable for welding in accordance with the listed specifications. Procedures, inspection, and documentation must be in place to ensure that when pipe, fittings, bends, and other appurtenances are welded, the field girth welds are made and non-destructively tested in accordance with 49 CFR §§ 192.241, 192.243, 192.245, 195.228, 195.230, and 195.234. NDT procedures including film type and radiation source selection should be optimized for weld defect detection and repairs completed in accordance with established welding procedures. When there is a variation in wall thickness between line pipe and a segmented fitting, bend, or other appurtenance, consideration should be given to the installation of a segment of intermediate wall thickness pipe. Additionally, efforts should be taken to ensure pipe girth weld alignment is optimized by utilizing experienced and trained welders, suitable pipe and detailed procedures.

Each material component of a pipeline such as line pipe, fittings, bends, and other appurtenances must be able to withstand operating pressures and other anticipated external loadings without impairment of its serviceability in accordance with 49 CFR §§ 192.143 and 195.110. In order to ensure pipeline integrity, the operator must take all practicable steps to protect each transmission line from abnormal loads while backfilling and other work continues along the right-of-way and to minimize loads in accordance with 49 CFR §§ 192.317, 192.319, 195.246(a), and 195.252. Operators should give special attention to girth welds with variations in wall thickness when located in pipeline segments where significant pipe support and backfill settlement issues after installation may be present, specifically in hilly terrain and high stress concentration locations such as at crossings, streams, and sloping hill sides with unstable soils.

Even if no girth weld concerns are identified by reviewing construction records, if an operator has any knowledge, findings or operating history that leads it to believe that its newly constructed, high material grade, large diameter, line pipe segments contain these type girth weld transitions, the operator should conduct engineering reviews as described above with those operating pipelines to ensure that

material, engineering design, and field construction procedures were in compliance with 49 CFR Parts 192 and 195. Failure to conduct engineering reviews and to remediate findings may compromise the safe operation of the pipeline.

Authority: 49 U.S.C. chapter 601 and 49 CFR 1.53.

Issued in Washington, DC, on March 18, 2010.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2010-6528 Filed 3-23-10; 8:45 am]

BILLING CODE 4910-60-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Voluntary Intermodal Sealift Agreement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Voluntary Intermodal Sealift Agreement (VISA).

**SUMMARY:** The Maritime Administration (MARAD) announces the extension of the Voluntary Intermodal Sealift Agreement (VISA) until October 1, 2011, pursuant to the Defense Production Act of 1950, as amended. The purpose of the VISA is to make intermodal shipping services/systems, including ships, ships' space, intermodal equipment and related management services, available to the Department of Defense as required to support the emergency deployment and sustainment of U.S. military forces. This is to be accomplished through cooperation among the maritime industry, the Department of Transportation and the Department of Defense.

**FOR FURTHER INFORMATION CONTACT:** Jerome D. Davis, Director, Office of Sealift Support, Room W25-310, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-2323, Fax (202) 366-5904.

**SUPPLEMENTARY INFORMATION:** Section 708 of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2158), as implemented by regulations of the Federal Emergency Management Agency (44 CFR Part 332), "Voluntary agreements for preparedness programs and expansion of production capacity and supply", authorizes the President, upon a finding that conditions exist which may pose a direct threat to the national defense or its preparedness programs, " \* \* \* to consult with representatives of industry, business, financing, agriculture, labor and other interests \* \* \*" in order to provide the

making of such voluntary agreements. It further authorizes the President to delegate that authority to individuals who are appointed by and with the advice and consent of the Senate, upon the condition that such individuals obtain the prior approval of the Attorney General after the Attorney General's consultation with the Federal Trade Commission. Section 501 of Executive Order 12919, as amended, delegated this authority of the President to the Secretary of Transportation (Secretary), among others. By DOT Order 1900.9, the Secretary delegated to the Maritime Administrator the authority under which the VISA is sponsored. Through advance arrangements in joint planning, it is intended that participants in VISA will provide capacity to support a significant portion of surge and sustainment requirements in the deployment of U.S. military forces during war or other national emergency.

The text of the VISA was first published in the *Federal Register* on February 13, 1997, to be effective for a two-year term until February 13, 1999. The VISA document has been extended and subsequently published in the *Federal Register* every two years. The last extension was published on November 7, 2007. The text published herein will now be implemented. Copies will be made available to the public upon request.

Text of the Voluntary Intermodal Sealift Agreement:

#### Voluntary Intermodal Sealift Agreement (VISA)

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FACT SHEET

C 18

**Commerce Finds Dumping and Countervailable Subsidization of Imports of Large Diameter Welded Pipe from Canada, Greece, Korea, and Turkey**

- On February 21, 2019, the Department of Commerce (Commerce) announced its affirmative final determinations in the antidumping duty (AD) and countervailing duty (CVD) investigations of imports of large diameter welded pipe from Canada (AD only), Greece (AD only), Korea, and Turkey.
- The AD and CVD laws provide U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market-distorting effects caused by injurious dumping and subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of an AD investigation, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of a CVD investigation, a countervailable subsidy is financial assistance from foreign governments that benefits the production of goods from foreign companies and is limited to specific enterprises or industries, or is contingent either upon export performance or upon the use of domestic goods over imported goods.
- In the Canada investigation, Commerce assigned a dumping rate of 12.32 percent for mandatory respondent Evraz Inc. NA. Commerce assigned a dumping rate of 12.32 percent to all other producers and exporters of large diameter welded pipe from Canada.
- In the Greece investigation, Commerce assigned a dumping rate of 9.96 percent for mandatory respondent Corinth Pipeworks Pipe Industry S.A. Commerce assigned a dumping rate of 9.96 percent to all other producers and exporters of large diameter welded pipe from Greece.
- In the Korea investigation, Commerce assigned a dumping rate of 14.97 percent for mandatory respondent Hyundai RB Co., Ltd.. Commerce assigned a dumping rate of 7.03 percent for mandatory respondent SeAH Steel Corporation. Commerce assigned a dumping rate of 20.39 percent for mandatory respondent Samkang M&T Co., Ltd., based on adverse facts available. Commerce assigned a dumping rate of 9.30 percent to all other producers and exporters of large diameter welded pipe from Korea.
- In the Turkey investigation, Commerce assigned a dumping rate of 4.55 percent for mandatory respondent Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Commerce assigned a dumping rate of 5.05 percent for mandatory respondent HDM Celik Boru Sanayi ve Ticaret A.S. Commerce assigned a dumping rate of 4.68 percent to all other producers and exporters of large diameter welded pipe from Turkey.
- In the Korea investigation, Commerce has calculated a subsidy rate of 0.01 percent (*de minimis*) for mandatory respondent Husteel Co., Ltd., 0.44 percent (*de minimis*) for mandatory respondent Hyundai Steel Company and 27.42 percent for mandatory respondent SeAH Steel Corporation based on adverse facts available. Commerce calculated a rate of 9.29 percent for all other Korean producers and exporters.
- In the Turkey investigation, Commerce has calculated a subsidy rate of 3.72 percent for mandatory respondent HDM Celik Boru Sanayi ve Ticaret A.S. and 0.92 percent (*de minimis*) for mandatory

respondent Borusan Mannesmann Boru Sanayi ve Ticaret A.S. Commerce calculated a rate of 3.72 percent for all other Turkish producers and exporters.

Upon publication of the final affirmative AD determinations, Commerce will instruct U.S. Customs and Border Protection (CBP) to collect AD cash deposits equal to the applicable final weighted-average dumping rates. Further, as a result of the affirmative final CVD determinations, if the U.S. International Trade Commission (ITC) makes affirmative injury determinations, Commerce will instruct CBP to resume collection of CVD cash deposits equal to the applicable above-*de minimis* subsidy rates.

- The petitioners are American Cast Iron Pipe Company (Birmingham, AL), Berg Steel Pipe Corp. (Panama City, FL), Berg Spiral Pipe Corp. (Mobile, AL), Dura-Bond Industries (Steelton, PA), Skyline Steel (Parsippany, NJ), and Stupp Corporation (Baton Rouge, LA).
- The merchandise covered by the **Canada, Greece, Korea, and Turkey** investigations is welded carbon and alloy steel pipe (including stainless steel pipe), more than 406.4 mm (16 inches) in nominal outside diameter (large diameter welded pipe), regardless of wall thickness, length, surface finish, grade, end finish, or stenciling. Large diameter welded pipe may be used to transport oil, gas, slurry, steam, or other fluids, liquids, or gases. It may also be used for structural purposes, including, but not limited to, piling. Specifically, not included is large diameter welded pipe produced only to specifications of the American Water Works Association (AWWA) for water and sewage pipe.

Large diameter welded pipe used to transport oil, gas, or natural gas liquids is normally produced to the American Petroleum Institute (API) specification 5L. Large diameter welded pipe may also be produced to American Society for Testing and Materials (ASTM) standards A500, A252, or A53, or other relevant domestic specifications, grades and/or standards. Large diameter welded pipe can be produced to comparable foreign specifications, grades and/or standards or to proprietary specifications, grades and/or standards, or can be non-graded material. All pipe meeting the physical description set forth above is covered by the scope of these investigations, whether or not produced according to a particular standard.

Subject merchandise also includes large diameter welded pipe that has been further processed in a third country, including but not limited to coating, painting, notching, beveling, cutting, punching, welding, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope large diameter welded pipe.

Excluded from the scope of the **Korea AD** and **Turkey AD** investigations are any products covered by the existing antidumping duty orders on welded line pipe from Korea and Turkey, respectively. *See Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056 (December 1, 2015). Also excluded from the scope of the **Korea AD** investigation are any products covered by the existing antidumping order on welded ASTM A-312 stainless steel pipe from Korea. *See Welded ASTM A-312 Stainless Steel Pipe from South Korea: Antidumping Duty Order*, 57 FR 62300 (December 30, 1992). Also excluded from the scope of the **Turkey CVD** investigation are any products covered by the existing countervailing duty order on welded line pipe from the Republic of Turkey. *See Welded Line Pipe from the Republic of Turkey: Countervailing Duty Order*, 80 FR 75054 (December 1, 2015).

The large diameter welded pipe that is subject to these investigations is currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, 7305.19.5000, 7305.31.4000, 7305.31.6010, 7305.31.6090, 7305.39.1000 and 7305.39.5000. While the HTSUS

subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

In 2017, imports of large diameter welded pipe from Canada, Greece, Korea, and Turkey were valued at an estimated \$179.9 million, \$10.7 million, \$150.9 million, and \$57.3 million, respectively.

- The Final Decision Memoranda are on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. Please refer to AD case numbers A-122-863 for Canada, A-484-803 for Greece, A-580-897 for Korea, and A-489-833 for Turkey and CVD case numbers C-580-898 for Korea and C-489-834 for Turkey.

**NEXT STEPS**

- The ITC is scheduled to make its final determinations on or about April 5, 2019.
- If the ITC makes affirmative final determinations that imports of large diameter welded pipe from Canada, Greece, Korea, and/or Turkey materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders. If the ITC makes negative determinations of injury, the investigations will be terminated.

**FINAL DUMPING RATES:**

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES
Canada	Evraz Inc. NA	12.32%
	All Others	12.32%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES
Greece	Corinth Pipeworks Pipe Industry S.A.	9.96%
	All Others	9.96%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES	CASH DEPOSIT
Korea	Hyundai RB Co., Ltd.	14.97%	12.86%
	SeAH Steel Corporation	7.03%	4.92%
	Samkang M&T Co., Ltd.	20.39%	18.28%
	All Others	9.30%	7.19%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES	CASH DEPOSIT
Turkey	Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	4.55%	4.55%
	HDM Celik Boru Sanayi ve Ticaret A.S.	5.05%	4.05%
	All Others	4.68%	3.68%

\*Rates are adjusted for export subsidies.

### FINAL SUBSIDY RATES

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATES
Korea	Husteel Co., Ltd.	0.01% ( <i>de minimis</i> )
	Hyundai Steel Company	0.44% ( <i>de minimis</i> )
	SeAH Steel Corporation	27.42%
	All Others	9.29%

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATE
Turkey	Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	0.92% ( <i>de minimis</i> )
	HDM Celik Boru Sanayi ve Ticaret A.S.	3.72%
	All Others	3.72%

\* *de minimis* = less than 1% for developed countries, less than 2% for developing countries.

### CASE CALENDAR:

EVENT	CVD	AD
Petitions Filed	January 17, 2018	January 17, 2018
DOC Initiation Date	February 9, 2018	February 9, 2018
ITC Preliminary Determinations	March 6, 2018	March 6, 2018
DOC Preliminary Determinations	June 29, 2018	August 27, 2018
DOC Final Determinations	February 19, 2019	February 19, 2019
ITC Final Determinations	April 5, 2019	April 5, 2019
Issuance of Orders*	April 12, 2019	April 12, 2019

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a)(1) of the Tariff Act of 1930, as amended (the Act). For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a) of the Act. These deadlines may be extended under certain circumstances.

\*This will take place only in the event of affirmative final determinations from Commerce and the ITC.



## IMPORT STATISTICS

CANADA	2015	2016	2017
Volume (metric tons)	306,779	61,385	158,039
Value (USD)	413,431,361	65,951,912	179,945,124
GREECE	2015	2016	2017
Volume (metric tons)	182,657	82,375	12,568
Value (USD)	197,195,473	69,974,420	10,708,760
KOREA	2015	2016	2017
Volume (metric tons)	227,916	174,452	184,866
Value (USD)	187,218,815	150,306,695	150,872,938
TURKEY	2015	2016	2017
Volume (metric tons)	115,629	108,546	56,690
Value (USD)	136,213,672	116,081,404	57,274,624

Source: U.S. Census Bureau, accessed through Global Trade Atlas. (HTSUS 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.1060, 7305.19.5000, 7305.31.4000, 7305.31.6010, 7305.31.6090, 7305.39.1000, and 7305.39.5000.) Note: Currently there are AD and CVD orders on welded line pipe from Turkey and an AD order on welded line pipe from Korea. These three orders cover welded line pipe not more than 24 inches in nominal outside diameter. The above import statistics include HTSUS subheadings that may also be covered under the AD and CVD orders; therefore, the above import statistics for imports of large diameter welded pipe from Korea and Turkey may be overstated.

C-19

# Pipeline Safety: Class Location Change Requirements

A Proposed Rule by the Pipeline and Hazardous Materials Safety Administration on 07/31/2018

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## DOCUMENT DETAILS

**Printed version:**

PDF (<https://www.govinfo.gov/content/pkg/FR-2018-07-31/pdf/2018-16376.pdf>)

**Publication Date:**

07/31/2018 (/documents/2018/07/31)

**Agencies:**

Pipeline and Hazardous Materials Safety Administration (<https://www.federalregister.gov/agencies/pipeline-and-hazardous-materials-safety-administration>)

**Dates:**

Persons interested in submitting written comments on this ANPRM must do so by October 1, 2018.

**Comments Close:**

10/01/2018

**Document Type:**

Proposed Rule

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49 CFR 192

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## DOCUMENT DETAILS

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## DOCUMENT STATISTICS

**Page views:**

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## DOCUMENT STATISTICS

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## ENHANCED CONTENT

[regulations.gov](https://www.regulations.gov)

**Docket Number:**

PHMSA-2017-0151 (<https://www.regulations.gov/docket?D=PHMSA-2017-0151>)

**Docket Name:**

Pipeline Safety: Class Location Change Requirements

**Docket RIN**

2137-AF29

**Public Comments:**

26 comments (<https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=PHMSA-2017-0151>)

**AGENCY:**

Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:**

Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:**

PHMSA is seeking public comment on its existing class location requirements for natural gas transmission pipelines as they pertain to actions operators are required to take following class location changes due to population growth near the pipeline. Operators have suggested that performing integrity management measures on pipelines where class locations have changed due to population increases would be an equally safe but less costly alternative to the current requirements of either reducing pressure, pressure testing, or replacing pipe. This request for public comment continues a line of discussion from a Notice of Inquiry published in 2013 and a report to Congress in 2016 regarding whether expanding integrity management requirements would mitigate the need for class location requirements.

**DATES:**

Persons interested in submitting written comments on this ANPRM must do so by October 1, 2018.

**ADDRESSES:**

You may submit comments identified by the Docket: PHMSA-2017-0151 by any of the following methods:

*E-Gov website:* <https://www.regulations.gov> (<https://www.regulations.gov>). This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail:* Hand Delivery: U.S. DOT Docket Management System, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Identify the Docket ID at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA has received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <https://www.regulations.gov/> (<https://www.regulations.gov/>).

*Note:* Comments are posted without changes or edits to <https://www.regulations.gov> (<https://www.regulations.gov>), including any personal information provided. There is a privacy statement published on <https://www.regulations.gov> (<https://www.regulations.gov>).

**FOR FURTHER INFORMATION CONTACT:**

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## Outline of This Document

- I. Class Location History and Purpose
  - A. Class Location Determinations
  - B. Class Location—"Cluster Rule" Adjustments
- II. Changes in Class Location Due to Population Growth
- III. Class Location Change Special Permits
  - A. Special Permit Conditions
- IV. Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011—Section 5
  - A. 2013 Notice of Inquiry: Class Location Requirements
  - B. 2014 Pipeline Advisory Committee Meeting, Class Location Workshop, and Subsequent Comments
  - C. 2016 Class Location Report
- V. INGAA Submission on Regulatory Reform—Proposal To Perform IM Measures In-Lieu of Pipe Replacement When Class Locations Change
- VI. Questions for Consideration
- VII. Regulatory Notices

## Background

### I. Class Location History and Purpose

The class location concept pre-dates Federal regulation of gas transmission pipelines<sup>[1]</sup> and was an early method of differentiating areas and risks along natural gas pipelines based on the potential consequences of a hypothetical pipeline failure. Class location designations were previously included in the American Standards Association B31.8-1968 version of the "Gas Transmission and Distribution Pipeline Systems" standard, which eventually became the American Society of Mechanical Engineers (ASME) International Standard, ASME B31.8 "Gas Transmission and Distribution Pipeline Systems." The class location definitions incorporated into title 49, Code of Federal Regulations (CFR) § 192.5 were initially derived from the designations in this standard and were first codified on April 19, 1970.<sup>[2]</sup> These definitions were like the original ASME B31.8 definitions for Class 1 through 3 locations but added an additional Class 4 definition and, with some modifications, still apply today.

Gas transmission pipelines are divided into classes from 1 (rural areas) to 4 (densely populated, high-rise areas) that are based on the number of buildings or dwellings for human occupancy in the area. This concept is to provide safety to people from the effects of a high-pressure natural gas pipeline leak or rupture that could explode or catch on fire. PHMSA uses class locations in 49 CFR part 192 (/select-citation/2018/07/31/49-CFR-192) to implement a graded approach in many areas that provides more conservative safety margins and more stringent safety standards commensurate with the potential consequences based on population density near the pipeline. When crafting the natural gas  regulations, DOT's Office of Pipeline Safety (OPS) determined that these more stringent standards were necessary because a greater number of people in proximity to the pipeline substantially increases the probabilities of personal injury and property damage in the event of an accident. At the same time, the external stresses, the

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potential for damage from third parties, and other factors that contribute to accidents increase along with the population; consequently, additional protective measures are often needed in areas with greater concentrations of population.

The most basic and earliest use of the class location concept focused on the design (safety) margin for the pipeline. As pipelines are designed based, in part, on the population along their pipeline route and therefore the class location of the area, it is important to decrease pipe stresses in areas where there is the potential for higher consequences or where higher pipe stresses could affect the safe operation of a pipeline in larger-populated areas. Pipeline design factors are derating factors that ensure pipelines are operated below 100 percent of the maximum pipe yield strength. From an engineering standpoint, they were developed based on risk to the public<sup>[3]</sup> and for piping that may face additional operational stresses.<sup>[4]</sup> Pipeline design factors vary, ranging from 0.72 in a Class 1 location to 0.40 in a Class 4 location. They are used in the pipeline design formula (§ 192.105) to determine the design pressure for steel pipe, and are generally reflected in the maximum allowable operating pressure (MAOP) based upon a percentage of the specified minimum yield strength (SMYS) at which the pipeline can be operated.<sup>[5]</sup> Design factors are used along with pipe characteristics in engineering calculations (Barlow's Formula) to calculate the design pressure and MAOP of a steel pipeline. More specifically, the formula at § 192.105 is  $P = (2St/D) \times F \times E \times T$ , where  $P$  is the design pressure,  $S$  is the pipe's yield strength,  $t$  is the wall thickness of the pipe,  $D$  is the diameter of the pipe,  $F$  is the design factor per the class location,  $E$  is the longitudinal joint factor,<sup>[7]</sup> and  $T$  is the temperature derating factor.<sup>[8]</sup> The formula in § 192.105 can be used to calculate the MAOP of a 1000 psig pipeline with the same operating parameters (diameter, wall thickness, yield strength, seam type, and temperature) but in different class locations (and therefore different design factors), and the MAOP of that pipeline in the different class locations would be as follows:

- No class location—design factor = 1.0 (none); MAOP = 1000 psig
- Class 1—design factor = 0.72; MAOP = 720 psig
- Class 2—design factor = 0.60; MAOP = 600 psig
- Class 3—design factor = 0.50; MAOP = 500 psig
- Class 4—design factor = 0.40; MAOP = 400 psig

As therefore evidenced, pipelines at higher class locations will have lower operating pressures and maximum allowable operating pressures due to more stringent design factors to protect people near the pipeline.

As natural gas pipeline standards and regulations evolved, the class location concept was incorporated into many other regulatory requirements, including test pressures, mainline block valve spacing, pipeline design and construction, and operations and maintenance (O&M) requirements, to provide additional safety to populated areas. In total, class location concepts affect 12 of 16 subparts of part 192 and a total of 28 individual sections.<sup>[9]</sup>

#### **A. Class Location Determinations**

Pipeline class locations for onshore gas pipelines are determined as specified in § 192.5(a) by using a "sliding mile." The "sliding mile" is a unit that is 1 mile in length, extends 220 yards on either side of the centerline of a pipeline, and moves along the pipeline. The number of buildings<sup>[10]</sup> within this sliding mile at any point during the mile's movement determines the class location for the entire mile of pipeline contained within the sliding mile. Class locations are not determined at any given point of a pipeline by counting the number of dwellings in static mile-long pipeline segments stacked end-to-end.

When higher dwelling concentrations are encountered during the continuous sliding of this mile-long unit, the class location of the pipeline rises commensurately. As it pertains to structure counts, a Class 1 location is a class location unit along a continuous mile containing 10 or fewer buildings intended for human occupancy, a Class 2 location is a class location unit along a continuous mile containing 11 to 45 buildings intended for human occupancy, and a Class 3 location is a class location unit along a continuous mile

with four or more stories above ground are prevalent. Whenever there is a change in class location that will cause an apparent overlapping of class locations, the higher-numbered class location applies.

## B. Class Location—"Cluster Rule" Adjustments

After proposing the initial natural gas safety regulations in 1970, OPS received several comments stating that the proposed class location definitions could create 2-mile stretches of higher class locations for the sole protection of small clusters of buildings at crossroads or road crossings. Because part 192 regulations become more stringent as class locations increase from Class 1 to 4 locations, pipelines in higher class location areas such as these can result in increased expenditures to the pipeline operator in areas where there is no population. When finalizing the class location definitions as a part of establishing part 192 on August 19, 1970 (35 FR 13248), OPS added a new paragraph to allow operators to adjust the boundaries of Class 2, 3, and 4 locations. Under this provision, operators can choose to end Class 4 location boundaries 220 yards from the furthest edges of a group of 4-story buildings, and operators can choose to end Class 2 and 3 boundaries up to 220 yards upstream and downstream from the furthest edges of a group or "cluster" of buildings.<sup>[12]</sup> "Clustering," therefore, is a means of reducing the length of a Class 2, 3, or 4 location in a sliding mile unit that requires a Class 2, 3, or 4 location; in other words, it allows operators to cluster or reduce the amount of pipe that is subject to the requirements of a higher class location.<sup>[13]</sup>

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It is important to note that while clustering allows for the adjustment of the length of class locations in certain areas, it does not change the length of class location units themselves nor the method by which class location units are determined. Further, clustering does not exclude "buildings for human occupancy" in a class location unit/sliding mile, so all buildings within a specified class location unit must be protected by the maximum class location level that was determined for the entire class location unit. This concept becomes especially important when other buildings for human occupancy are built within a class location unit/sliding mile where a cluster exists and an operator has adjusted the class location length to exclude certain lengths of pipe outside of the cluster area.

For instance, assume there is a class location unit/sliding mile containing 47 homes close to one another. The class location unit would be a Class 3 location per the definition provided at § 192.5(b). An operator can consider these homes a "cluster" and appropriately apply the adjustment at § 192.5(c) so that the boundaries of the Class 3 location are 220 yards upstream and downstream from the furthest edges of the clustered homes (buildings for human occupancy). Therefore, while the entirety of the pipeline is in a Class 3 class location unit, the only pipe subject to Class 3 requirements is the length of the cluster plus 220 yards on both sides of the cluster. The remaining pipe in the class location unit/sliding mile, the pipe that is outside of this clustered area, could therefore be operated at Class 1 requirements rather than at the otherwise-required Class 3 requirements.

However, what would happen if new buildings were built within that sliding mile but away from that single cluster? If, per the example above, there is a cluster of 47 homes at one end of a class location unit/sliding mile, and 3 homes are built at the other end of the class location unit, the operator must count and treat those 3 homes as a second cluster, with the length of the cluster plus 220 yards on both sides of the cluster subject to Class 3 requirements. The pipeline between these two clusters would still be in a Class 3 location per its class location unit, as there would be 50 homes within the sliding mile, but the pipeline between the clusters could be operated under Class 1 location requirements. If the 220-yard extensions of any two or more clusters intercept or overlap, the separate clusters must be considered a single cluster for purposes of applying the adjustment.

An operator must use the clustering method consistently to ensure that all buildings for human occupancy within a class location unit are covered by the appropriately determined class location requirements. Any new buildings for human occupancy built in a class location unit where clustering has been used must also be clustered, whether they form a new, independent cluster or are added to the existing cluster. Note that even a

single house could form the basis of a second cluster under this requirement, as all dwellings within a specified class location unit must be protected by the maximum class location level that was determined for the entire class location unit.

PHMSA's interpretation to Air Products and Chemicals, Inc., issued on March 11, 2015,<sup>[14]</sup> explains and diagrams this concept further.

## II. Changes in Class Location Due to Population Growth

Class locations can change as the population living or working near a pipeline grows and, as outlined earlier, are specifically determined based on the density of dwellings within the 440-yard-wide (quarter-mile-wide) sliding mile down the pipeline centerline. Class locations are used to determine a pipeline's design factor, which is a component of the design formula equation at § 192.105 and ultimately factors into the pressure at which the pipeline is operated. As population around a pipeline increases and the pipeline's class location increases, the numeric value of the design factor decreases, which translates, via the formula at § 192.105, into a lower MAOP for the pipeline. To illustrate this, a Class 4 location containing a prevalence of 4-or-more-story buildings has a safety factor of 0.4, whereas a Class 2 location containing 11 to 45 dwellings has a safety factor of 0.6. If a Class 2 location is very quickly developed to a point where there is a prevalence of 4-or-more story buildings, the corresponding difference in safety factor when the class location changes, from a 0.6 to a 0.4, equates to a 33% reduction in MAOP per the design formula equation.

A change in class location requires operators to confirm safety factors and to recalculate the MAOP of a pipeline. If the MAOP per the newly determined class location is not commensurate with the present class location, current regulations require that pipeline operators (1) reduce the pipe's MAOP to reduce stress levels in the pipe; (2) replace the existing pipe with pipe that has thicker walls or higher yield strength to yield a lower operating stress at the same MAOP; or (3) pressure test at a higher test pressure if the pipeline segment has not previously been tested at the higher pressure and for a minimum of 8 hours.<sup>[15]</sup> Depending on the pipeline's test pressure and whether it meets the requirements in §§ 192.609 and 192.611 ("Change in class location: Required study," and "Change in class location: Confirmation or revision of maximum allowable operating pressure," respectively), an operator can base the pipeline's MAOP on a certain safety factor times the test pressure for the new class location as long as the corresponding hoop stress of the pipeline does not exceed certain percentages of the specified minimum yield strength (SMYS) of the pipe.<sup>16</sup> This is often referred to as a "one-class bump," as an operator can use this method when class locations change from a Class 1 to 2, a Class 2 to a 3, or a Class 3 to a 4.

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The §§ 192.5 and 192.611 requirements to change-out pipe, re-pressure test, or de-rate pipe to a lower MAOP when population growth occurs and requires a class location change are the most significant reasons that operators request that class locations be revised or eliminated. Throughout the process of considering class location changes,<sup>[17]</sup> comments PHMSA received from the trade associations state that reducing a pipeline's operating pressure below that at which the pipeline historically operated may unacceptably restrict deliveries to natural gas customers. These same commenters suggest that pressure testing pipelines may be practicable in select cases, but the test pressure required for higher class locations may exceed what a pipeline is designed to accommodate. Operators also contend that they should not have to change out pipe when a class location change occurs if the operator can prove that the pipe segment is fit for service through integrity assessments.<sup>[18]</sup>

## III. Class Location Change Special Permits

As population growth occurs around pipelines that were formerly in rural areas, some operators have applied for special permits to prevent the need for pipe replacement or pressure reduction when the class location changes. A special permit is an order issued under § 190.341 that waives or modifies compliance with regulatory requirements if the pipeline operator requesting it demonstrates a need and PHMSA determines that granting the special permit would be consistent with pipeline safety. PHMSA performs extensive technical analysis on special permit applications and typically grants special permits on the condition that

publishes a notice and request for comment in the **Federal Register** for each special permit application received and tracks issued, denied, and expired special permits on its website.

Since 2004, PHMSA has approved over 15 class location special permits based on operators adopting additional conditions, including certain operating safety criteria and periodic integrity evaluations.<sup>[19 20]</sup> Generally, the additional conditions PHMSA requires are designed to identify and mitigate integrity issues that could threaten the pipeline segment and cause failure, especially given the fact that the majority of class location special permits it receives and reviews are for older pipelines that may have manufacturing, construction, or ongoing maintenance issues, such as seam or pipe body cracking, poor external coating, insufficient soil cover, lack of material records, dents, or repairs not made to class location design safety factors.

Typically, PHMSA requires operators to incorporate the affected segments into the company's O&M procedures and integrity management plan, perform additional assessments for threats to the pipeline segments identified during an operator's risk assessment, perform additional cathodic protection<sup>[21]</sup> and corrosion control measures, and repair any discovered anomalies to a specified schedule. Therefore, the additional monitoring and maintenance requirements PHMSA prescribes through this process help to ensure the integrity of the pipe and protection of the population living near the pipeline segment at a comparable margin of safety and environmental protection throughout the life of the pipe compared to the regulations as written. The class location change special permits that PHMSA has granted have allowed operators to continue operating the pipeline segments identified under the special permits at the current MAOP based on the previous class locations. PHMSA notes that it developed its class location special permit process by adapting Integrity Management (IM) concepts and published the typical considerations for class location change special permit requests in the **Federal Register** in 2004.<sup>[22]</sup> Based on its experiences when renewing some of the earliest class location change special permits, PHMSA has extended the expiration date of its class location change special permits from 5 years to 10 years. This extension should provide additional regulatory certainty to operators that apply for these permits. Further, throughout the renewal process of existing special permits, PHMSA has not significantly changed the original conditions imposed on individual operators. While PHMSA can make modifications to its special permit conditions when it is in the interest of safety and the public to do so, PHMSA has determined that the present special permit conditions and process are consistent with public safety.

#### **A. Special Permit Conditions**

In the special permit conditions and criteria PHMSA published in the **Federal Register** on June 29, 2004, PHMSA outlines several "threshold conditions" pipelines must meet to be considered for a special permit when class locations change. For instance, PHMSA does not consider any pipeline segments for a special permit where the class location those segments are in changes to a Class 4 location. Typically, PHMSA receives special permit requests  for pipeline segments where the class location is changing from Class 1 to Class 3. PHMSA also does not consider for class location change special permits any segments that have bare pipe or wrinkle bends. Other manufacturing- and construction-related items PHMSA considers include whether the applicable segments have certain seam types that may be more prone to defects and failures, whether the pipe has certain coating types that provide an adequate level of cathodic protection, and the design strength of the pipe.

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There are also operation and maintenance factors that PHMSA considers when evaluating pipeline segments for class location change special permit feasibility. For example, PHMSA doesn't consider for a Class 1 to Class 3 location change special permit any pipe segments that operate above 72 percent SMYS. Operators also need to produce a hydrostatic test record showing the segment was tested to 1.25 times the MAOP. Also, operators are required to have pipe material records to document the pipelines diameter, wall thickness, strength, seam type and coating type. For operators who do not have these records, PHMSA requires they make these records per the special permit conditions. PHMSA often requires operators to operate each applicable segment at or below its existing MAOP as well.



pipeline segments into their IM program and inspect them on a regular basis according to the operator's procedures. As an extension of this requirement, operators must perform in-line inspections on the applicable segments, and the segments must not have any significant anomalies that would indicate any systemic problems. Additionally, PHMSA's published special permit criteria defines a "waiver inspection area," also known as a "special permit inspection area," as up to 25 miles of pipe on either side of the applicable segment. Operators must incorporate these areas into their IM programs as well and inspect and repair them per the operator's IM program procedures. Some of the factors PHMSA uses when deciding the length of special permit inspection areas are based on factors including what class location the surrounding pipe is in and whether class location "clustering" has been used. For both the special permit segments and the special permit inspection areas, PHMSA also typically requires operators to perform assessments and surveys to identify pipe that may be susceptible to certain issues, especially seam or cracking issues in the pipe seam or pipe body, based on the coating type, vintage, or manufacturing of the pipe. Pipelines in the special permit segments or in the special permit inspection areas that have had a leak or failure history are also taken into consideration when PHMSA develops an individual special permit's conditions so as to prevent similar issues in the future. Further, PHMSA looks at the enforcement history of an operator applying for a special permit as a benchmark for how the operator has followed the Federal Pipeline Safety Regulations when developing the conditions following a special permit request.

In class location change special permit requests, PHMSA also ensures that integrity threats to pipelines in special permit segments and special permit inspection areas are addressed in operator operations and management plans, including a systematic, ongoing program to review and remediate pipeline safety concerns. Some of the typical integrity and safety threats PHMSA would expect operators to address include pipe coating quality, cathodic protection effectiveness, stress corrosion and seam cracking, and any long-term pipeline system flow reversals. To this end, PHMSA often requires coating condition surveys, the remediation of coating, and cathodic protection systems for pipelines where the operator has requested a class location change special permit. Any data gathered on the special permit area and special permit inspection area would have to be incorporated into the operator's greater IM program.

PHMSA incorporates these conditions into class location change special permit requests to ensure that operators meet or exceed the threshold requirements with equivalent safety to the provisions in the Federal Pipeline Safety Regulations that are being waived and ensure that granting the special permit will not be inconsistent with safety.

#### **IV. Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011—Section 5**

On January 3, 2012, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90 (<https://api.fdsys.gov/link?collection=plaw&congress=112&lawtype=public&lawnum=90&link-type=html>)) was enacted. Among the many provisions of the Act, Section 5 required PHMSA to evaluate whether IM system requirements, or elements thereof, should be expanded beyond high-consequence areas (HCA) and, with respect to gas transmission pipeline facilities, whether applying IM program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements. PHMSA was required to report the findings of this evaluation to Congress and was authorized to issue regulations pursuant to the findings of the report following a prescribed review period.

##### **A. 2013 Notice of Inquiry: Class Location Requirements**

In August 2013, through a Notice of Inquiry, PHMSA solicited comments on whether expanding IM requirements would mitigate the need for class locations in line with the Section 5 mandate of the 2011 Pipeline Safety Act.<sup>[23]</sup> Several topics were discussed, including whether class locations should be eliminated and a single design factor used, whether design factors should be increased for higher class locations, and whether pipelines without complete material records should be allowed to use a single design factor if class locations were to be eliminated.<sup>[24]</sup>

lead to improvement to pipeline safety. Further, commenters noted that establishing a single design factor in lieu of class location designations might be too complicated to implement. Many commenters noted that any changes in class location requirements would impact not only the classifications of many pipelines but would also possibly create several unintended consequences within part 192, as the class location requirements are referenced or built upon throughout the natural gas regulations.

Several industry trade groups had suggestions for changing the class location regulations, and these suggestions were developed further through subsequent discussions at advisory committee meetings and at public workshops. The Interstate Natural Gas Association of America (INGAA) noted that IM should be extended beyond HCAs with the caveat that PHMSA should examine the effects of such a change on other areas of the pipeline safety regulations. Along with this, it suggested that PHMSA revise certain operations and maintenance requirements that may no longer be necessary given technological advances and IM activities.□

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## **B. 2014 Pipeline Advisory Committee Meeting, Class Location Workshop, and Subsequent Comments**

On February 25, 2014, PHMSA hosted a joint meeting of the Gas and Liquid Pipeline Advisory Committees. <sup>[25]</sup> At that meeting, PHMSA updated the committees on its activities regarding the Section 5 mandate of the 2011 Pipeline Safety Act, and committee members and members of the public provided their comments.

INGAA, reinforcing its comments on the 2013 Notice of Inquiry, noted that the original class location definitions in ASME B31.8 were intended to provide an increased margin of safety for locations of higher population density and stated that IM is a much better risk management tool than class locations. INGAA reiterated that it intends for its members to perform elements of IM on pipelines outside of HCAs.

On April 16, 2014, PHMSA sponsored a Class Location Workshop to solicit comments on whether applying the gas pipeline IM program requirements beyond HCAs would mitigate the need for gas pipeline class location requirements. Presentations were made by representatives from PHMSA, the National Energy Board of Canada (NEB), National Association of Pipeline Safety Representatives (NAPSR), pipeline operators, industry groups, and public interest groups. <sup>[26]</sup>

During the workshop, INGAA representatives noted that the current class location regulations require changes that result in the replacement of "good pipe," and the special permit process for class location changes should be embedded in part 192. Representatives from the American Gas Association (AGA) noted that applying the current class location change requirements can cost more than \$1 million per change. AGA claimed the special permit process for class location changes is burdensome, the renewal process is increasingly complex, and the outcome is uncertain. <sup>[27]</sup> Therefore, AGA suggested eliminating the special permit process for class location changes and incorporating specific requirements for special permits into part 192 as part of the base regulations. AGA recommended two approach methods, one based on IM and the other using the current class location approach.

Public interest groups including Accufacts and the Pipeline Safety Trust (PST) pointed out how deeply the concept of class locations is embedded in part 192, while also noting that IM requirements and class locations overlap in densely populated areas to provide a redundant, but necessary, safety regime. The PST also suggested that, in time, the older class location method potentially could be replaced with an IM method for regulation. However, the PST noted that incidents and data suggest there is room for improvement in the IM regulations, as data shows higher incident rates in HCAs than in non-HCAs, and noted that pipe installed after 2010 has a higher incident rate than pipe installed a decade earlier. Similarly, Accufacts noted that the incident at San Bruno, CA, exposed weaknesses in the operator's IM program and demonstrated that the consequences resulting from the incident spread far beyond the potential radius in which they were expected to occur. <sup>[28]</sup> Therefore, Accufacts suggested that shifting the class location approach to solely an IM approach might decrease the protection of public safety.

advancements in IM technology and processes have superseded the need for mandatory pipe replacement following a class location change. It noted that, in the past, it was logical to replace a pipeline when class locations changed because of the widespread belief that thicker pipe would take longer to corrode and would withstand greater external forces, such as damage from excavators, before failure. However, given current technology, improvements in pipe quality, and ongoing regulatory processes such as IM, operators can mitigate most threats without the need for pipe replacement. Therefore, INGAA offered an approach to class location changes to not require pipe replacement for existing pipelines if pipe segments meet certain requirements that are in line with current IM requirements. Specifically, INGAA suggested that pipelines meeting a "fitness for service" standard in 18 categories of requirements could address potential safety concerns and preclude the need for pipe replacement.<sup>[29]</sup> The 18 categories are very similar to the special permit conditions that PHMSA uses for a Class 1 to 3 location special permit as noted in the 2004 Federal Register notice.<sup>[30]</sup>

### C. 2016 Class Location Report

The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 required that PHMSA evaluate whether IM should be expanded beyond HCAs and whether such expansion would mitigate the need for class location requirements. In its report titled "Evaluation of Expanding Pipeline Integrity Management Beyond High-Consequence Areas and Whether Such Expansion Would Mitigate the Need for Gas Pipeline Class Location Requirements,"<sup>[31]</sup> which was submitted to Congress in April 2016 concurrently with the publication of the NPRM titled "Safety of Gas Transmission and Gathering Pipelines" (81 FR 20722 (/citation/81-FR-20722)), PHMSA noted that the application of IM program elements, such as assessment and remediation timeframes, beyond HCAs would not warrant the elimination of class locations.

PHMSA notes that class locations affect all gas pipelines and are integral to determining MAOPs; design pressures; pipe wall thickness; valve spacing; HCAs, in certain cases; and O&M inspection, surveillance, and repair intervals. While IM measures are a critical step towards pipeline safety and are important to mitigate risk, the assessment and remediation of defects do not adequately compensate for these other aspects of class locations. Thus, as outlined in the report, PHMSA determined the existing class location requirements were appropriate for maintaining pipeline safety and should be retained. Therefore, any revisions to the class location requirements would have to be forward-looking (i.e., applying to pipelines constructed after a certain effective date) and would have to comport with the existing regulatory regime to provide commensurate safety if any changes are made to aspects of pipeline safety related to design and construction, which is where key safety benefits of class locations are realized.<sup>[32]</sup>

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As a part of the continuing discussion on class location changes and subsequent pipe replacement, PHMSA summarized at the end of the Class Location Report the concerns operators expressed regarding the cost of replacing pipe in locations that change from a Class 1 to a Class 3 location or a Class 2 to a Class 4 location. As discussed throughout the document, operators submitted that the safe operation of pipelines constructed in Class 1 locations that later change to Class 3 locations can be achieved using current IM practices.

However, over the past decade, PHMSA observed problems with pipe and fitting manufacturing quality, including low-strength material;<sup>[33]</sup> construction practices; welding; field coating practices; IM assessments and reassessment practices;<sup>[34 35]</sup> and record documentation practices.<sup>[36 37]</sup> These issues give PHMSA pause in considering approaches allowing a two-class bump (Class 1 to 3 or Class 2 to 4) without requiring pipe replacement, especially for higher-pressure transmission pipelines.

PHMSA stated in the conclusion of its Class Location Report that it would further evaluate the feasibility and the appropriateness of alternatives to address issues pertaining to pipe replacement requirements, continue to reach out to and consider input from all stakeholders, and consider future rulemaking if a cost-effective and safety-focused approach to adjusting specific aspects of class location requirements could be developed to address the issues identified by industry. In doing so, PHMSA would evaluate alternatives in the context of other issues it is addressing related to new construction quality- and safety-management systems and will

PHMSA has initiated this rulemaking to gain further information on analyzing the current requirements resulting in pipe replacement and alternatives to that practice.

## V. INGAA Submission on Regulatory Reform—Proposal To Perform IM Measures in Lieu of Pipe Replacement When Class Locations Change

On July 24, 2017, INGAA submitted comments to a DOT docket regarding regulatory review actions (Docket No. OST-2017-0057). In its submission, INGAA estimated that gas transmission pipeline operators incur annual costs of \$200-\$300 million<sup>[38]</sup> nationwide replacing pipe solely to satisfy the class location change regulations and requested PHMSA consider revising the current class location change regulations to include an alternative beyond pressure reduction, pressure testing, or pipe replacement.

INGAA's proposed alternate approach focuses on recurring IM assessments that would leverage advanced assessment technologies to determine whether the pipe condition warrants pipe replacement in areas where the class location has changed. INGAA states that such an approach would further promote IM processes and principles throughout the nation's gas transmission pipeline network, improve economic efficiency by reducing regulatory burden, and help fulfill the purposes of Section 5 of the 2011 Pipeline Safety Act.

INGAA claims that the current alternatives to pipe replacement following a class location change do not reflect the substantial developments in IM processes, technologies, and regulations over the past 15-plus years. More specifically, in-line inspection (ILI) technologies, such as high-resolution magnetic flux leakage tools, can precisely assess the presence of corrosion and other potential defects, allowing an operator to establish whether a pipeline segment requires remediation or replacement.<sup>[39]</sup>

INGAA further notes that PHMSA's proposed rulemaking titled "Safety of Gas Transmission and Gathering Pipelines" aims to expand IM assessments to newly defined "Moderate Consequence Areas" (proposed § 192.710), and such an expansion provides a framework for developing an alternative for managing class location changes. INGAA suggests that the costs saved from avoiding pipe replacement using such an alternative could mitigate, to some degree, part of the costs of the proposed rulemaking. Additionally, INGAA notes that the proposed rulemaking contains several new provisions that will require operators to better manage the integrity of their pipelines by implementing more preventative and mitigative measures to manage the threat of corrosion. INGAA states that the inclusion of such corrosion control measures as a part of a program for managing the integrity of pipeline segments, including ones that have experienced class location changes, would further justify the development of an IM-focused alternative to class location changes.

Based on those statements, INGAA recommends PHMSA develop an alternative approach to § 192.611 that leverages the proposed § 192.710 for areas outside of HCAs and the IM requirements at § 192.921 to require recurring IM assessments and incorporation of those affected pipeline segments into IM programs. Further, INGAA suggests this approach require operators to reconfirm pipeline MAOP in a changed class location for any pipeline segment without traceable, verifiable, and complete records of a hydrostatic pressure test supporting the segment's previous MAOP.

PHMSA acknowledges that the class location change regulations predate the development of modern pipeline inspection technology such as ILI, above-ground surveys, and modern integrity management processes. In fact, it wasn't until the mid-1990s that PHMSA, following models from other industries such as nuclear power, started to explore whether a risk-based approach to regulation could improve public and environmental safety. PHMSA finalized the IM regulations for gas transmission pipelines on December 15, 2003,<sup>[40]</sup> in response to tragic incidents on pipelines in Bellingham, WA, in 1999 and near Carlsbad, NM, in 2000, which killed 3 people and 12 people, respectively. The IM regulations designated HCAs where operators would perform periodic assessments of the condition of their pipelines and make necessary repairs within specific timeframes if discovered anomalies met certain criteria. More specifically, the IM regulations outline the risk-based processes that pipeline operators must use to identify, prioritize, assess, evaluate, repair, and validate the integrity of gas transmission pipelines.

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flow to clean the inside of their pipelines. This pigging concept was later adapted through the application of technology to measure and record irregularities in the pipe and welds that may represent corrosion, cracks, deformations, and other defects. Now operators use ILI technology ("smart pigging or ILI") as a backbone of the modern IM program. ILI tools are inserted into pipelines at locations, such as near valves or compressor stations, that have special configurations of pipes and valves where the ILI tools can be loaded into launchers, the launchers can be closed and sealed, and the flow of the product the pipeline is carrying can be directed to launch the tool down the pipeline. A similar setup is located downstream where the tool is directed out of the main line into a receiver so that an operator can remove the tool and retrieve the recorded data for analysis and reporting. ILI tools come in several different varieties that have distinct advantages and disadvantages over other methods of pipeline assessment. For instance, while some ILI tools might be able to reliably determine whether a pipeline has internal corrosion, the same tool might not be able to determine whether the pipeline has any crack indications. In selecting the tools most suitable for inline inspections, pipeline operators must know the type of threats that are applicable to the pipeline segment. Threats that ILI tools can identify typically include existing pipe wall thickness, pipe wall changes, pipe wall loss, cracking, and dents.

At the time the class location regulations were promulgated, it was logical to replace a pipeline when population growth resulted in a class location change in order to restore the safety margin appropriate for that location because the industry did not have the technology that is available today to learn the *in situ* material condition of the pipe. Further, since the existing pipe would not achieve a similar safety margin as replaced pipe, operators would need to use applicable inspection technology and pressure testing to ensure pipe has the correct wall thickness; strength; seam condition; toughness; no detrimental cracking or corrosion in the pipe body or seam; and a pipe coating that has not deteriorated or shields cathodic protection currents to allow corrosion or cracking issues such as girth weld cracking, stress corrosion cracking, or selective seam weld corrosion.

Currently, operators are not required to inspect pipelines or otherwise perform IM on those portions of pipelines unless they are within high consequence areas (HCAs) or the operator otherwise voluntarily assesses them and performs remediation measures for threats to the pipeline. As such, while prudent operators may know the characteristics and conditions of their pipelines outside of HCAs and can be confident that they can manage class location change expectations through the performance of IM measures, some operators may not.

PHMSA notes that while class locations and HCAs both provide additional protection to areas with high population concentrations, they were designed for different purposes. Unlike class locations, which provide blanket levels of safety throughout the nation's pipeline network at all locations by driving MAOP and design, construction, testing, and O&M requirements, the purpose of the IM regulations is to provide a structure for operators to focus their resources on improving pipeline integrity in the areas where a failure would have the greatest impact on public safety. Whereas over time the safety margins that class locations provide can be reduced due to corrosion or other types of pipe degradation, IM requirements provide a continuing minimum safety margin for more densely populated areas because operators are required to inspect and repair those applicable pipelines at a minimum of every 7 years and more frequently based upon risk assessments of threats to the segment in the HCA.

PHMSA acknowledges that applying modern IM assessments and processes could potentially be a comparable alternative to pipe change-outs. PHMSA notes that if operators perform integrity assessments on significant portions of non-HCA pipe mileage, PHMSA could further consider operators using such assessments to determine whether pipe in a changed class location is fit for service rather than having to replace it.

PHMSA is concerned, however, that some issues that result in pipeline failures, including poor construction practices<sup>[41]</sup> and operational maintenance threats, are not always being properly assessed and mitigated by operators, whether due to lack of technology or other causes. Further, as the incident at San Bruno in 2010 showed, operators may not have traceable, verifiable, and complete records of pipe properties, such as pipe

that are critical and necessary for IM processes and pipeline safety in Class 3 and 4 locations and HCAs where there are higher population densities. PHMSA also points out that there might be instances where a pipeline may be in "good condition" from a visual standpoint, but it may not have the initial pipe manufacturing, pipe strength, construction quality, and O&M history requirements that add the extra level of safety required by the regulations for the higher population density area and the MAOP.<sup>(42)</sup> Section 192.611 already allows a "one-class location" bump for pipeline class locations that are in satisfactory physical condition and have the required pressure test.

Because of these factors, PHMSA seeks comment on the potential safety consequences of altering the current class location methodology and moving to an IM-only method in certain areas. □

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## VI. Questions for Consideration

PHMSA is requesting comments and information that will be used to determine if revisions should be made to the Federal Pipeline Safety Regulations regarding the current requirements operators must meet when class locations change. The list of questions below is not exhaustive and represents an effort to help in the formulation of comments. Any additional information that commenters determine would be beneficial to this discussion is also welcomed.

Q1—When the population increases along a pipeline route that requires a class location change as defined at § 192.5, should PHMSA allow pipe integrity upgrades from Class 1 to Class 3 locations by methods other than pipe replacement or special permits? <sup>(43)</sup> Why or why not?

1a.—Should part 192 continue to require pipe integrity upgrades when class locations change from Class 1 to Class 3 locations or Class 2 to 4 locations? Why or why not?

1b.—Should part 192 continue to require pipe integrity upgrades from Class 1 to Class 3 locations for the "cluster rule" (see § 192.5(c)) when 10 or fewer buildings intended for human occupancy have been constructed along the pipeline segment? Why or why not?

1c.—Should part 192 continue to require pipe integrity upgrades for grandfathered pipe (e.g., pipe segments without a pressure test or with an inadequate pressure test, operating pressures above 72% SMYS, or inadequate or missing material records; see § 192.619(c))? Why or why not?

Q2—Should PHMSA give operators the option of performing certain IM measures in lieu of the existing measures (pipe replacement, lower the operating pressure, or pressure test at a higher pressure; see § 192.611) when class locations change from Class 1 to Class 3 due to population growth within the sliding mile? Why or why not?

2a.—If so, what, if any, additional integrity management and maintenance approaches or safety measures should be applied to offset the impact on safety these proposals might create?

Q3—Should PHMSA give operators the option of performing certain IM measures in lieu of the existing measures (pipe replacement with a more conservative design safety factor or a combination of pressure test and lower MAOP) when class locations change due to additional structures being built outside of clustered areas within the sliding mile, if operators are using the cluster adjustment to class locations per § 192.5(c)(2)? Why or why not?

3a.—If so, what, if any, additional integrity management and maintenance approaches or safety measures should be applied to offset the impact on safety these proposals might create?

3b.—At what intervals and in what timeframes should operators be required to assess these pipelines and perform remediation measures?

locations change from Class 1 to Class 3, should some sort of "fitness for service" standard determine which pipelines are eligible? Why or why not?

4a.—If so, what factors should make a pipeline eligible or ineligible?

(i) Should grandfathered pipe (lacking records, including pressure test or material records) or pipe operating above 72% SMYS be eligible? Why or why not?

(ii) Should pipe that has experienced an in-service failure, was manufactured with a material or seam welding process during a time or by a manufacturer where there are now known integrity issues or has lower toughness in the pipe and weld seam (Charpy impact value) be eligible? Should pipe with a failure or leak history be eligible? Why or why not?

(iii) Should pipe that contains or is susceptible to cracking, including in the body, seam, or girth weld, or having disbonded coating or CP shielding coatings be eligible? Are there coating types that should disqualify pipe? Should some types of pipe, such as lap-welded, flash-welded, or low-frequency electric resistance welded pipe be ineligible? Should pipe where the seam type is unknown be ineligible? Why or why not?

(iv) Should pipe with significant corrosion (wall loss) be eligible for certain IM measures, or should it be replaced? Why or why not?

(v) Should anomalies be repaired similar to IM, allowed to grow to only a 10-percent safety factor <sup>[44]</sup> (§ 192.933(d)) before remediation in high population areas such as Class 2, 3 and 4 locations, or should they have an increased safety factor for remediation should these class location factors be eliminated? Why or why not?

(vi) Should pipe that has been damaged (dented) or has lost ground cover due to 3rd party activity (excavation or other) be eligible? Why or why not?

(vii) Should pipe lacking cathodic protection due to disbonded coating be eligible? Why or why not?

(viii) Should pipe with properties such as low frequency electric resistance weld (LF-ERW), lap welded, or other seam types that have a history of seam failure due to poor manufacturing properties or seam types that have a derating factor below 1.0 be eligible? Why or why not?

4b.—Should PHMSA base any proposed requirements off its criteria used for considering class location change waivers (69 FR 38948 (/citation/69-FR-38948); June 29, 2004), including the age and manufacturing and construction processes of the pipe, and O&M history? Why or why not?

4c.—In the 2004 **Federal Register** notice (69 FR 38948 (/citation/69-FR-38948)), PHMSA outlines certain requirements pipelines must meet to be eligible for waiver consideration, including no bare pipe or pipe with wrinkle bends, records of a hydrostatic test to at least 1.25 times MAOP, records of ILI runs with no significant anomalies that would indicate systemic problems, and agreement that up to 25 miles of pipe both upstream and downstream of the waiver location must be included in the operator's IM program and periodically inspected using ILI technology. Further, the criteria provides no waivers for segments changing to Class 4 locations or for pipe changing to a Class 3 location that is operating above 72% SMYS. Should PHMSA require operators and pipelines to meet the threshold conditions outlined earlier in this document (Section 3A; "Class Location Change Special Permits—Special Permit Conditions) or other thresholds to be eligible for a waiver when class locations change? Why or why not?

Q5—As it is critical for operators to have traceable, verifiable, and complete (TVC) records to perform IM, should operators be required to have TVC records as a prerequisite for performing IM measures on segments instead of replacing pipe when class locations change? Why or why not?

yield strength, seam type, and wall thickness; coating type; O&M history; leak and failure history; pressure test records; MAOP; class location; depth of cover; and ability to be in-line inspected?

5b.—If operators do not have TVC records for affected segments and TVC records were a prerequisite for performing IM measures on pipeline  segments in lieu of replacing pipe, how should those records be obtained, and when should the deadline for obtaining those records be?

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Q6—Should PHMSA incorporate its special permit conditions regarding class location changes into the regulations, and would this incorporation satisfy the need for alternative approaches? Why or why not? (Examples of typical PHMSA class location special permit conditions can be found at <https://primis.phmsa.dot.gov/classloc/documents.htm> (<https://primis.phmsa.dot.gov/classloc/documents.htm>).

6a.—What, if any, special permit conditions could be incorporated into the regulations to provide regulatory certainty and public safety in these high population density areas (Class 2, 3, and 4)?

Q7—For all new and replaced pipelines, to what extent are operators consulting growth and development plans to avoid potentially costly pipe change-outs in the future?

Q8—What is the amount of pipeline mileage per year being replaced due to class location changes for pipelines: (1) Greater than 24 inches in diameter, (2) 16-24 inches in diameter, and (3) less than 16 inches in diameter?

8a.—Of this mileage, how much is being replaced due to class locations changing when additional structures for human occupancy are built near clustered areas, if operators are using the cluster adjustment to class locations per § 192.5(c)(2)?

8b.—At how many distinct locations are pipe replacements occurring due to class location changes and that involve pipe with these diameters?

8c.—What is the average amount of pipe (in miles) being replaced and cost of replacement at the locations described in question 8b. and for these diameter ranges due to class location changes?

Q9—Should any additional pipeline safety equipment, preventative and mitigative measures, or prescribed standard pipeline predicted failure pressures more conservative than in the IM regulations be required if operators do not replace pipe when class locations change due to population growth and perform IM measures instead? Why or why not?

9a.—Should operators be required to install rupture-mitigation valves or equivalent technology? Why or why not?

9b.—Should operators be required to install SCADA systems for impacted pipeline segments? Why or why not?

Q10—Should there be any maximum diameter, pressure, or potential impact radius (PIR) limits that should disallow operators from using IM principles in lieu of the existing requirements when class locations change? For instance, PHMSA has seen construction projects where operators are putting in 42-inch-diameter pipe designed to operate at up to 3,000 psig. The PIR for that pipeline would be over 1,587 feet, which would mean the total blast diameter would be more than 3,174 feet.

## VII. Regulatory Notices

**A. Executive Order 12866, Executive Order 13563, ([/executive-order/13563](#)) Executive Order 13771, ([/executive-order/13771](#)) and DOT Regulatory Policies and Procedures**



a “reasoned determination that the benefits of the intended regulation justify its costs,” and to develop regulations that “impose the least burden on society.” Executive Order 13771 (/executive-order/13771) (“Reducing Regulation and Controlling Regulatory Costs”), issued January 30, 2017, provides that “it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.” One way to manage the costs of rulemakings is to propose new regulations that are deregulatory in nature, *i.e.* regulations that reduce the cost of regulatory compliance. PHMSA seeks information on whether this rulemaking could result in a deregulatory action under E.O. 13771, (/executive-order/13771) meaning that a potential final rule could have “total costs less than zero.”<sup>[45]</sup> We therefore request comments, including specific data if possible, concerning the costs and benefits of revising the pipeline safety regulations to accommodate any of the changes suggested in the advance notice.

#### **B. Executive Order 13132 (/executive-order/13132): Federalism**

Executive Order 13132 (/executive-order/13132) requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial, direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. PHMSA is inviting comments on the effect a possible rulemaking adopting any of the amendments discussed in this document may have on the relationship between national government and the States.

#### **C. Regulatory Flexibility Act**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 (<https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent&section=601&type=usc&link-type=html>) *et seq.*), PHMSA must consider whether a proposed rule would have a significant impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. If your business or organization is a small entity and if adoption of any of the amendments discussed in this ANPRM could have a significant economic impact on your operations, please submit a comment to explain how and to what extent your business or organization could be affected and whether there are alternative approaches to the regulations the agency should consider that would minimize any significant negative impact on small business while still meeting the agency’s statutory objectives.

#### **D. National Environmental Policy Act**

The National Environmental Policy Act of 1969 requires Federal agencies to consider the consequences of Federal actions and that they prepare a detailed statement analyzing them if the action significantly affects the quality of the human environment. Interested parties are invited to address the potential environmental impacts of this ANPRM, including comments about compliance measures that would provide greater benefit to the human environment or any alternative actions the agency could take that would provide beneficial impacts.

#### **E. Executive Order 13175 (/executive-order/13175): Consultation and Coordination with Indian Tribal Governments**

Executive Order 13175 (/executive-order/13175) requires agencies to assure meaningful and timely input from Indian Tribal Government representatives in the development of rules that “significantly or uniquely affect” Indian communities and that impose “substantial and direct compliance costs” on such communities. We invite Indian Tribal governments to provide comments on any aspect of this ANPRM that may affect Indian communities.

#### **F. Paperwork Reduction Act**

Under 5 CFR part 1320 (/select-citation/2018/07/31/5-CFR-1320), PHMSA analyzes any paperwork burdens if any information collection will be required by a rulemaking. We invite comment on the need for any collection of  information and paperwork burdens related to this ANPRM.

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#### **G. Privacy Act Statement**

of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19477 (/citation/65-FR-19477)).

Issued in Washington, DC, on July 25, 2018, under authority delegated in 49 CFR 1.97 (/select-citation/2018/07/31/49-CFR-1.97).

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

## Footnotes

1. *The Department of Transportation first proposed class location regulations on March 24, 1970 (35 FR 5012). The proposal was part of a series of NPRMs published in response to the Natural Gas Pipeline Safety Act of 1968 (Pub. L. 90-481). The NPRMs were directed at developing a comprehensive system of Federal safety standards for gas pipeline facilities and for the transportation of gas through such pipelines. The class location rulemaking was finalized on August 19, 1970, as part of a consolidated rulemaking establishing the first minimum Federal safety standards for the transportation of natural gas by pipelines (35 FR 13248).*

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2. *35 FR 13248.*

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3. *For instance, the number of human dwellings near the pipeline or the type of dwelling (hospital, school, playground, nursing care facility, etc.).*

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4. *This can include piping at compressor stations, metering stations, fabrications, and road or railroad crossings.*

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5. *Design factors for steel pipe are listed in § 192.111. Class 1 locations have a 0.72 design factor, Class 2 locations have a 0.60 factor, Class 3 locations have a 0.50 factor, and Class 4 locations have a 0.40 design factor.*

6. *SMYS is an indication of the minimum stress a pipe may experience that will cause plastic, or permanent, deformation of the steel pipe.*

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7. *The seam type of a pipeline, per this formula, has a limiting effect on the MAOP of the pipeline. While it is typically "1.00" and does not affect the calculation, certain types of furnace butt-welded pipe or pipe not manufactured to certain industry standards will have factors of 0.60 or 0.80, which will necessitate a reduction in design pressure.*

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8. *The temperature derating factor ranges from 1.000 to 0.867 depending on the operating temperature of the pipeline. Pipelines designed to operate at 250 degrees Fahrenheit and lower have a factor of 1.000, which does not affect the design pressure calculation. Pipelines designed to operate at higher temperatures, including up to 450 degrees Fahrenheit, will have derating factors that will lower the design pressure of the pipeline.*

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9. *§§ 192.5, 192.8, 192.9, 192.65, 192.105, 192.111, 192.123, 192.150, 192.175, 192.179, 192.243, 192.327, 192.485, 192.503, 192.505, 192.609, 192.611, 192.613, 192.619, 192.620, 192.625, 192.705, 192.706, 192.707, 192.713, 192.903, 192.933, and 192.935.*

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residence, for business, or for another purpose. For the purposes of this rulemaking, a "building" may be interchangeably referred to as a "home," a "house," or a "dwelling."

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11. Under § 192.5, Class 1 locations also include offshore areas, and Class 3 locations contain areas where the pipeline lies within 100 yards of a building or a small, well-defined outside area (including playgrounds, recreation areas, and outdoor theaters) that is occupied by 20 or more persons at least 5 days a week for 10 weeks in any 12-month period. The days and weeks need not be consecutive.

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12. See § 192.5(c)(1) & (2).

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13. For example, if all buildings for human occupancy in a sliding mile containing enough buildings to require a Class 3 location were clustered in the middle of that sliding mile, the Class 3 area would end 220 yards from the nearest building (on either side of the cluster through which the pipeline passes) rather than at the end of the 1-mile class location unit that would otherwise be the basis for classification. Thus, if the cluster were 200 yards in length, the total length of the Class 3 area would be 640 yards (220 + 200 + 220).

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14. PHMSA Interpretation #PI-14-0017, available at [https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/legacy/interpretations/Interpretation%20Files/Pipeline/2015/Air\\_Products\\_PI\\_14\\_0017\\_10\\_01\\_2014\\_Part\\_192.5.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/legacy/interpretations/Interpretation%20Files/Pipeline/2015/Air_Products_PI_14_0017_10_01_2014_Part_192.5.pdf)

([https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/legacy/interpretations/Interpretation%20Files/Pipeline/2015/Air\\_Products\\_PI\\_14](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/legacy/interpretations/Interpretation%20Files/Pipeline/2015/Air_Products_PI_14)

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15. See § 192.611 as appropriate to one-class changes (e.g., Class 1 to 2 or Class 2 to 3 or Class 3 to 4). As an example, for a Class 1 to Class 2 location change, the pipeline segment would require a pressure test to 1.25 times the MAOP for 8 hours. Following a successful pressure test, the pipeline segment would not need to be replaced with new pipe, but the existing design factor of 0.72 for a Class 1 location would be acceptable for a Class 2 location.

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16. See § 192.611. Specifically, if the applicable segment has been hydrostatically tested for a period of longer than 8 hours, the MAOP is 0.8 times the test pressure in Class 2 locations, 0.667 times the test pressure in Class 3 locations, or 0.555 times the test pressure in Class 4 locations. The corresponding hoop stress may not exceed 72% of SMYS of the pipe in Class 2 locations, 60% of SMYS in Class 3 locations, or 50% of SMYS in Class 4 locations.

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17. See Section IV of this document. In the context of this rulemaking, PHMSA has been considering issues related to class location requirements since publishing an ANPRM on the gas transmission regulations in 2011. Following that, PHMSA published a notice of inquiry soliciting comments on expanding gas IM program requirements and mitigating class location requirements (78 FR 46560 (/citation/78-FR-46560); August 1, 2013) and held a public meeting on the notice of inquiry topics on April 16, 2014 (both actions under Docket Number PHMSA-2013-0161). PHMSA also received comments on the issues discussed in this rulemaking in the docket titled "Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulations Affecting Transportation Infrastructure Projects" which was noticed in the **Federal Register** on June 8, 2017 (82 FR 26734 (/citation/82-FR-26734); Docket Number OST-2017-0057).

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18. Operators did not outline the type of integrity assessments that would be appropriate from their perspective nor the factors that should be considered to determine whether a pipeline segment is fit for service (such as pipe, pipe seam, or coating conditions; O&M history; material properties; pipe depth of cover; non-destructive testing of girth welds; type pipe coatings used and if they shield cathodic protection; seam type; failure or leak history; and pressure testing or acceptance criteria and any re-evaluation intervals).

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19. Special permit conditions are implemented to mitigate the causes of gas transmission incidents and are based on the type of threats pertinent to the pipeline. The conditions are generally more heavily weighted on identifying: Material, coating and cathodic protection issues, pipe wall loss, pipe and weld cracking,

patrols, pressure tests and documentation, data integration of integrity issues, and reassessment intervals.

20. Examples of PHMSA's class location special permit conditions can be found at:

[https://primis.phmsa.dot.gov/classloc/docs/SpecialPermit\\_ExampleClassLocSP\\_Conditions\\_090112\\_draft1.pdf](https://primis.phmsa.dot.gov/classloc/docs/SpecialPermit_ExampleClassLocSP_Conditions_090112_draft1.pdf)

([https://primis.phmsa.dot.gov/classloc/docs/SpecialPermit\\_ExampleClassLocSP\\_Conditions\\_090112\\_draft1.pdf](https://primis.phmsa.dot.gov/classloc/docs/SpecialPermit_ExampleClassLocSP_Conditions_090112_draft1.pdf)),

and more information about PHMSA's special permit process for class location changes can be found at:

<https://primis.phmsa.dot.gov/classloc/documents.htm>

(<https://primis.phmsa.dot.gov/classloc/documents.htm>)

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21. Cathodic protection is a technique used to control the corrosion of a metal surface by making it the cathode of an electrochemical cell. This can be achieved with a special coating on the external surface of the pipeline along with an electrical system and anodes buried in the ground or with a "sacrificial" or galvanic metal acting as an anode. In these systems, the anode will corrode before the protected metal will.

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22. **Federal Register** (69 FR 38948 (/citation/69-FR-38948), June 29, 2004). Additional guidance is provided online at: <http://primis.phmsa.dot.gov/classloc/index.htm>

(<http://primis.phmsa.dot.gov/classloc/index.htm>). Public notices were published in **Federal Register**: 69 FR 22115 (/citation/69-FR-22115) and 69 FR 38948 (/citation/69-FR-38948), dated April 23, 2004 and June 29, 2004; Docket No. RSPA-2004-17401—Pipeline Safety: Development of Class Location Change Waiver (Special Permit).

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23. **Federal Register** (78 FR 46560 (/citation/78-FR-46560), August 1, 2013).

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24. Regarding these questions, PHMSA received 30 comment letters, available at [www.regulations.gov](http://www.regulations.gov) (<http://www.regulations.gov>) at docket PHMSA-2013-0161.

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25. The Pipeline Advisory Committees are statutorily mandated advisory committees that advise PHMSA on proposed safety standards, risk assessments, and safety policies for natural gas and hazardous liquid pipelines (49 U.S.C. 60115 (<https://api.fdsys.gov/link?collection=uscode&title=49&year=mostrecent&section=60115&type=usc&link-type=html>)).

These Committees were established under the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1-16) and the Federal Pipeline Safety Statutes (49 U.S.C. chap. 601-603). Each committee consists of 15 members, with membership divided among Federal and State agency representatives, the regulated industry, and the public.

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26. Meeting presentations are available online at: <http://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=95> (<http://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=95>).

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27. PHMSA notes that the special permit process is outlined in § 190.341 and is no different for the class location regulations than for any other pipeline safety regulation. Of the 18 special permits up for renewal from 2010-2017, 9 of them were for class location changes. When reviewing the class location change permits up for renewal, PHMSA found no safety reason to extensively modify any of the prior permits and made no major revisions to any of the previously imposed safety conditions.

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28. The potential impact radius for the ruptured pipe segment involved in the San Bruno incident was calculated at 414 feet. However, the NTSB, in its accident report (NTSB/PAR-11/01), noted that the subsequent fire damage extended to a radius of about 600 feet from the blast center.

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29. Those 18 categories were as follows: Baseline Engineering and Record Assessments—Girth Weld Assessment, Casing Assessment, Pipe Seam Assessment, Field Coating Assessment, Cathodic Protection, Interference Currents Control, Close Interval Survey, Stress Corrosion Cracking Assessments, In-line Inspection Assessments, Metal Loss Anomaly Management, Dent Anomaly Management, Hard Spots

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30. See also: <http://primis.phmsa.dot.gov/classloc/index.htm>

(<http://primis.phmsa.dot.gov/classloc/index.htm>).

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31. <https://www.regulations.gov/document?D=PHMSA-2011-0023-0153>

(<https://www.regulations.gov/document?D=PHMSA-2011-0023-0153>).

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32. In its comments following the public workshop on Class Locations in 2014, INGAA noted that, after further analysis, it appears that applying the Potential Impact Radius (PIR) method to existing pipelines may be unworkable.

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33. PHMSA has documented pipe material low-strength issues through an advisory bulletin and the following website link: <http://primis.phmsa.dot.gov/lowstrength/index.htm>

(<http://primis.phmsa.dot.gov/lowstrength/index.htm>).

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34. IM and operational procedures and practices were issues in the Pacific Gas & Electric (PG&E) San Bruno, CA, rupture in September 2010 and the Enbridge Marshall, MI, rupture in July 2010.

35. PHMSA issued Advisory Bulletins ADB-11-01 and ADB-2012-10 to operators regarding IM meaningful metrics and assessments on January 10, 2011, and December 5, 2012, respectively, which can be reviewed at: <http://phmsa.dot.gov/pipeline/regs/advisory-bulletin> (<http://phmsa.dot.gov/pipeline/regs/advisory-bulletin>).

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36. PHMSA issued Advisory Bulletin, ADB-12-06, concerning documentation of MAOP on May 7, 2012,

which can be reviewed at: <http://phmsa.dot.gov/pipeline/regs/advisory-bulletin>

(<http://phmsa.dot.gov/pipeline/regs/advisory-bulletin>).

37. Also note PHMSA's Advisory Bulletin titled "Deactivation of Threats," issued March 16, 2017 (82 FR 14106 (/citation/82-FR-14106)).

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38. PHMSA requests further substantiation of this estimate. In extrapolating the national data, PHMSA estimates this number is the cost incurred for all pipe replacement projects on transmission lines, not just those projects triggered in response to class location changes.

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39. PHMSA notes that ILI and in-the-ditch evaluation technologies for crack identification are under development and could further be improved.

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40. 68 FR 69778 (/citation/68-FR-69778); Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipelines).

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41. PHMSA has met with operators constructing new pipelines on several occasions to discuss issues found during inspection. To reach out to all members of the pipeline industry, PHMSA hosted a public workshop in collaboration with our State partners, the Federal Energy Regulatory Commission (FERC) and Canada's National Energy Board (NEB) in April 2009. The objective of the workshop was to inform the public, alert the industry, review lessons learned from inspections, and to improve new pipeline construction practices prior to the 2009 construction season. This website makes available information discussed at the workshop and provides a forum in which to share additional information about pipeline construction concerns. This workshop focused on transmission pipeline construction.

<http://primis.phmsa.dot.gov/construction/index.htm>

(<http://primis.phmsa.dot.gov/construction/index.htm>).

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establish the pipelines operating pressure, anomaly repair criteria, safety surveys for leaks, 3rd party encroachments, etc. When Class locations change (from additional dwellings for human occupancy) from one level to a higher level there are cut-off levels that may require a different design factor, pressure test, or maintenance criteria. For pipe to be replaced the class location change would have to be from a Class 1 to 3 or Class 2 to 4, which is a large increase in dwellings along the pipeline.

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43. Sections involving class location requirements include §§ 192.5, 192.609, 192.611, 192.619 and 192.620.

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44. Section 192.933 has anomaly repair requirements based upon a predicted failure pressure being less than or equal to 1.1 times the MAOP.

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45. See OMB Memorandum M-17-21, "Guidance Implementing Executive Order 13771, (/executive-order/13771) Titled 'Reducing Regulation and Controlling Regulatory Costs,' " (April 5, 2017).

Back to Citation

[FR Doc. 2018-16376 (/r/2018-16376) Filed 7-30-18; 8:45 am]

BILLING CODE 4910-60-P

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PUBLISHED DOCUMENT

Blume property, house and buildings

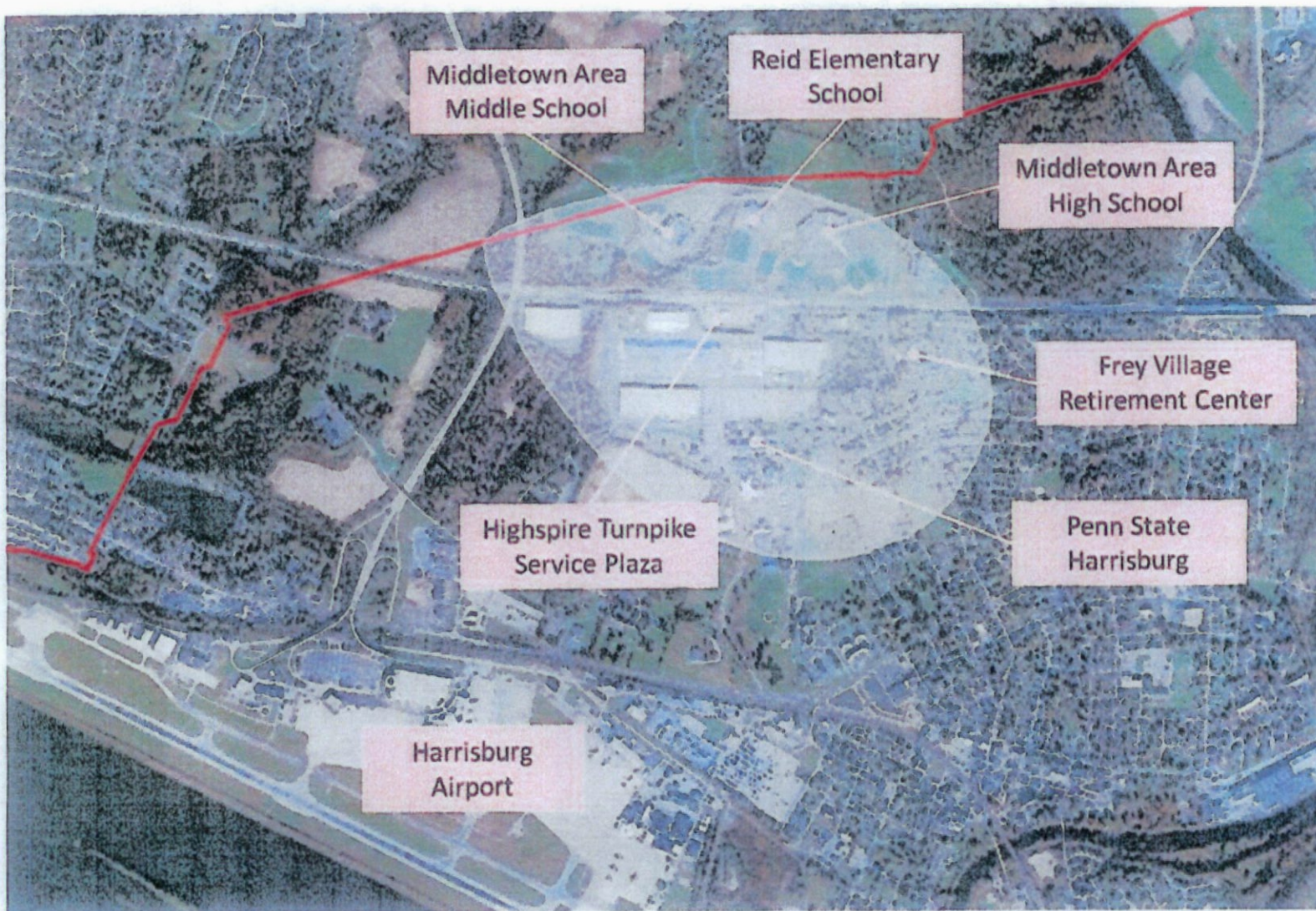
School 5



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Middletown (Dauphin County), showing the area potentially within a flammable cloud from a Mariner East pipeline rupture.

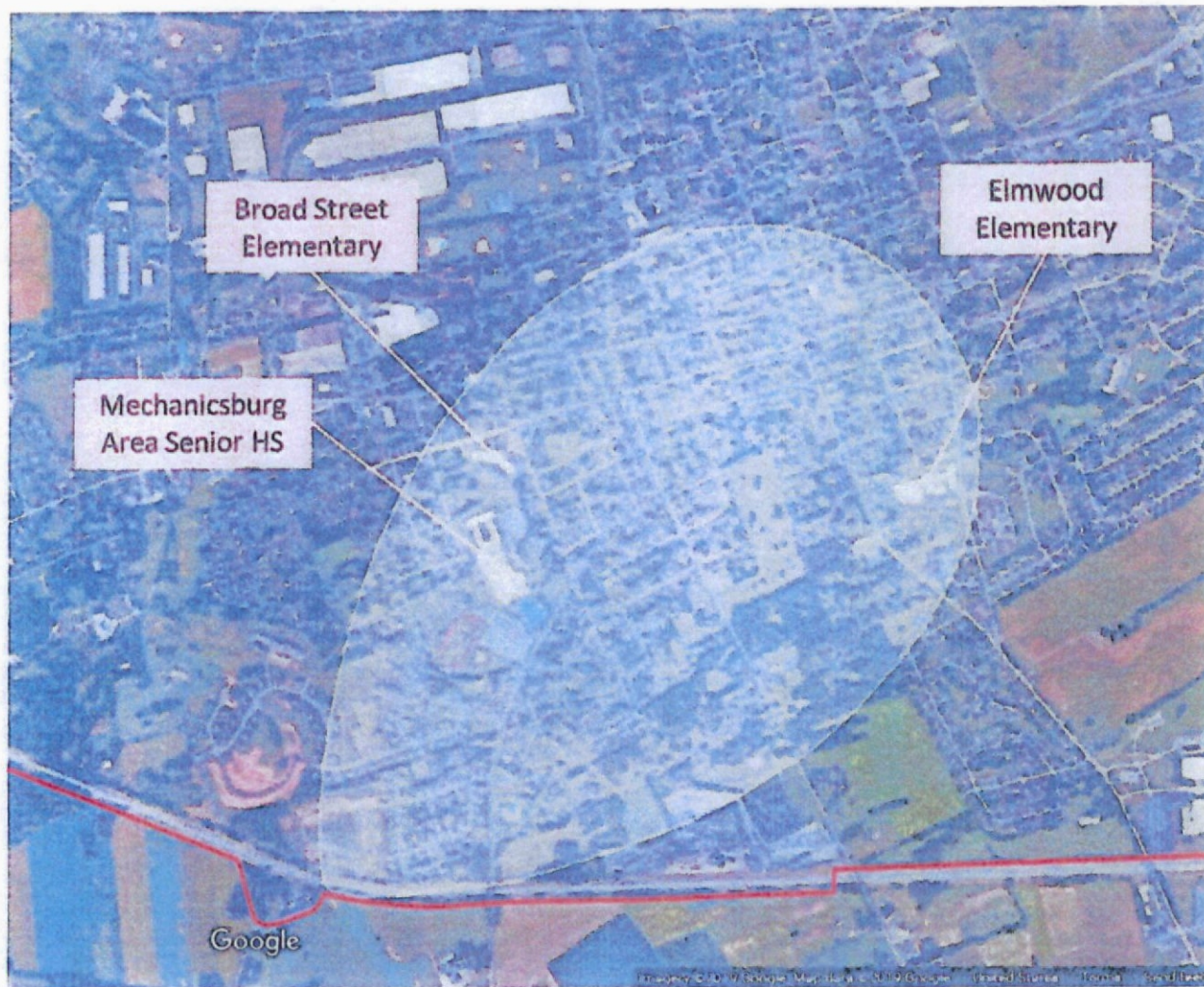


C-21

For details on the consequences of the ignition of a cloud like this, and for the assumptions that went into this diagram, see: <https://dragonpipedriary.com/2018/12/12/the-pipeline-threat-to-the-three-middletown-area-schools-south-of-harrisburg/>



Downtown Mechanicsburg, showing the area potentially within a flammable cloud from a Mariner East pipeline rupture.



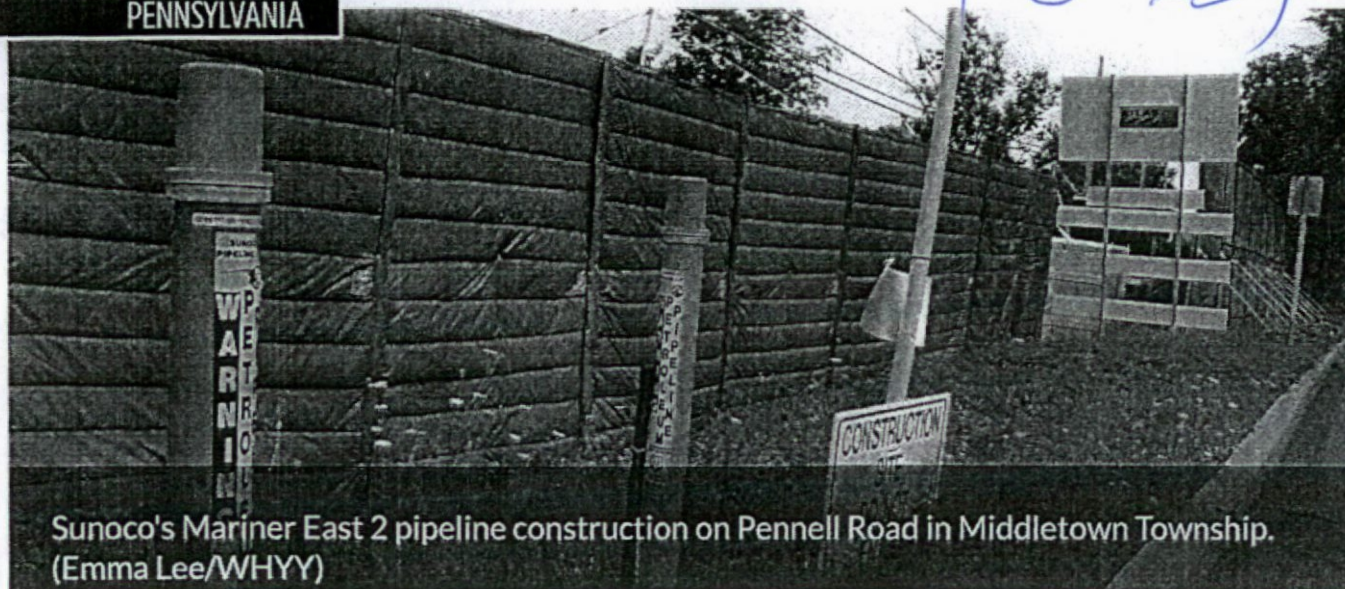
C-21

For details on the consequences of the ignition of a cloud like this, and for the assumptions that went into this diagram, see: <https://dragonpipediary.com/2019/01/30/mechanicsburg-could-suffer-a-pipeline-catastrophe/>

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(C-23)



Sunoco's Mariner East 2 pipeline construction on Pennell Road in Middletown Township.  
(Emma Lee/WHYY)

MARCH 21, 2019 | 06:06 PM

# Higher operating pressure prompts new safety concerns over Sunoco's Mariner East 2X pipeline

Pipeline safety advocates worry the pressure on the 16-inch Mariner East 2x would pose greater dangers

Susan Phillips ⊕

Reid Frazier / The Allegheny Front

A tree clearing crew member on a property in Huntingdon County along the Mariner East pipeline path.

Pipeline opponents are raising new concerns about the safety of Energy Transfer/Sunoco Logistics' Mariner East 2x natural gas liquids line, which the company says will have a maximum operating pressure much higher than that of the Mariner East 1 and 2 lines.

The pressure on the Mariner East 2x had previously been reported in public documents as equal to the pressure of parallel Mariner East 2, which uses the same right-of-way. A pipeline's "Maximum Allowable Operating Pressure," <[http://www.puc.state.pa.us/transport/gassafe/pdf/Gas\\_Safety\\_Seminar\\_2016/PPT-PUC\\_MAOP\\_Ver.pdf](http://www.puc.state.pa.us/transport/gassafe/pdf/Gas_Safety_Seminar_2016/PPT-PUC_MAOP_Ver.pdf)> or MAOP, is set by the Department of Transportation <<https://www.federalregister.gov/documents/2012/05/07/2012-10866/pipeline-safety-verification-of-records>> and, for safety reasons, is lower than what the design characteristics of the pipe can withstand.

In permit applications filed in 2016 with the Pennsylvania Department of Environmental Protection <[http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/C%20Project%20Descr/Penn%20Pipeline%20Project%20Description\\_032116.pdf](http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/C%20Project%20Descr/Penn%20Pipeline%20Project%20Description_032116.pdf)>, and with the Delaware River Basin Commission in 2015, Sunoco stated the MAOP for Mariner East 2 and 2x would be 1480 psig, or pounds per square inch gauge.

But a footnote in recent reports filed with the Pennsylvania Department of Environmental Protection point to a much higher number: 2100 psig.

Clean Air Council attorney Alex Bomstein, who says he discovered the difference while analyzing Sunoco's new horizontal directional drilling plans filed with DEP, said a risk assessment conducted of the pipeline project was based on a lower pressure.

"Every risk assessment done on Mariner East has used the 1480 psig figure in calculating destructive potential, because that's what Sunoco has always represented to the public and to regulators," Bomstein said.

Bomstein's organization hired Quest Consultants to do a [risk assessment](https://stateimpact.npr.org/pennsylvania/2018/08/29/risk-assessment-quantifies-mariner-east-hazards-for-residents-in-two-counties/) <https://stateimpact.npr.org/pennsylvania/2018/08/29/risk-assessment-quantifies-mariner-east-hazards-for-residents-in-two-counties/> on the line. Quest's senior engineer Jeff Marx, who conducted the assessment, says the risks are greater with a higher pressure.

"Something up in the 2100 psi range would be a significant increase and will increase the hazard because the release rate of material is largely driven by pressure," Marx said.

What are natural gas liquids, and what happen...



Bomstein says air emissions are also impacted by the pressure, and in air permits [filed with DEP](http://files.dep.state.pa.us/RegionalResources/SCRO/SCROPortalFiles/Co%20Mount%20Union%20Pump%20Station%20%E2%80%93%2021-17%20DEP%20Addendum%20Memo%20and%20Revised%20Draft%20S) <http://files.dep.state.pa.us/RegionalResources/SCRO/SCROPortalFiles/Co%20Mount%20Union%20Pump%20Station%20%E2%80%93%2021-17%20DEP%20Addendum%20Memo%20and%20Revised%20Draft%20S>

[Only%20Operating%20Permit%2031-03036.pdf](#)> for pumping stations, the pressure is reported by Sunoco as 1480 psig.

"If the pressure were 2100, that would increase emissions, meaning Sunoco's estimates would be off, meaning DEP's determination around air permitting of this would also be legally erroneous," Bomstein said.

Sunoco spokeswoman Lisa Dillinger confirmed in an email that the maximum operating pressure of the Mariner East 2x is 2100, but insists that is not a change.

"The pipe being used to construct ME2X is designed to safely accommodate a MOP up to 2100 psig," Dillinger wrote. "Its valves, wall thickness, grade, and [hydrostatic testing](#) <  
<https://primis.phmsa.dot.gov/comm/factsheets/fshydrostatictesting.htm>> are all designed to that pressure. This is recognized in our documentation with the DEP, PUC and PHMSA. We tested the pipe at approximately 2600 psig – way above the design pressure and operating pressures."

In a review of public documents submitted to the DEP as part of their permit applications in 2016 and to the Delaware River Basin Commission in 2015, StateImpact Pennsylvania could find no reference to the 16-inch Mariner East 2x line operating at 2100 psig. The only references are from the footnotes in recent drawings submitted to DEP as part of the revised construction plans involving horizontal directional drilling. The company was forced to revise its HDD plans after dozens of drilling mud spills resulted in DEP penalties and a lawsuit by Clean Air Council.

"Our greatest concern is that Sunoco has put into the ground pipeline that has not been properly tested," Bomstein said. "And if it can't withstand those pressures, that means there's a great and needless risk of rupture and explosion."

Sunoco's Dillinger said the currently operating Mariner East 2 pipeline is designed for 1480 psig and the line was tested at about 2160 psig. The parallel Mariner East 2x remains under construction, as do sections of the Mariner East 2. Although the Mariner East 2 is operational, construction accidents and delays forced the company to use an older section of pipe as a workaround while work on the rest of the line continues.

The Mariner East pipeline project includes three lines that carry natural gas liquids from eastern Ohio and western Pennsylvania about 350 miles across the state to Marcus Hook, Delaware County. The Pennsylvania Public Utility Commission shut down the Mariner East 1 line earlier this year after a sinkhole exposed the pipe in Chester County.

A spokesman for the Pipeline and Hazardous Materials Safety Administration said the agency is unaware that the maximum operating pressure on the Mariner 2x is now 2100 psig.

The Pennsylvania Public Utility Commission's Pipeline Safety Division, Bureau of Investigation and Enforcement said it cannot discuss the specific pressures of pipelines because they "are confidential security information." The PUC said federal safety regulations do not change based on the maximum operating pressure of a line.

A spokesperson for the DEP said pipeline safety and operations are not a part of their jurisdiction.

Pipeline safety consultant Richard Kuprewicz of Accufacts, which conducted a [safety review of the lines running through West Goshen Township](https://stateimpact.npr.org/pennsylvania/2017/01/16/consultants-report-endorses-safety-of-mariner-east-2-critics-unmoved/) <

<https://stateimpact.npr.org/pennsylvania/2017/01/16/consultants-report-endorses-safety-of-mariner-east-2-critics-unmoved/>> ,

said that historically, the pressure limits for natural gas liquids pipelines is at 1440 or 1480 psig.

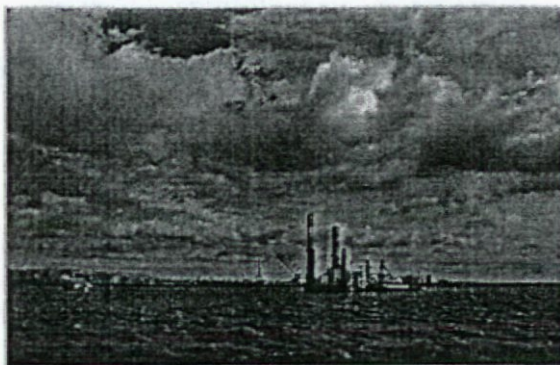
A pressure of 2100 psig, Kuprewicz says, is "in a whole different ball game." He says components like valves and flanges may not be adequate for such a high maximum operating pressure.

"All I can say is federal regulations wouldn't prevent you from running it at 2100, but you would be out of your mind," Kuprewicz said.

Both Kuprewicz and Marx said failure at a higher pressure translates to greater safety risks.

Kuprewicz says his review of Sunoco's practices for the lines running through, or close to, West Goshen Township show the company exceeded federal safety standards with regard to the construction and operation of the Mariner East lines. He said he has not seen detailed information about the Mariner East 2x line.

## EXPLAINERS



Delaware Watershed

<

<https://stateimpact.npr.org/pennsylvania/tag/delaware-watershed/>>





**Kim Van Fleet response to Rebuttal**  
**24 June 2019**

C 24

All previously submitted photographic images were taken by me on the property located at 1705 McClures Gap Rd. Carlisle, Cumberland County PA from 2017 through 2019 including two more being provided with this addendum. The original photos are date/time stamped and are stored on an external hard drive for my computer.

The first photo (taken yesterday evening (24 June 2019) shows the current condition of the still exposed pipeline on the property which individuals representing Energy Transfer Partners/Sunoco Logistics/Energy Transfer Equity claimed to PHMSA that they had applied to and were awaiting a response from the Pennsylvania Department of Environmental Protection (DEP) on a permit to remedy the issue. Although there is now a lot of sediment in the streambed close examination of this image shows the exposed Mariner 1 pipeline.

The second photo shows another view of the side-by-side pipeline segments (submitted previously) in the trench traversing the wetland. Note the landscape in the background is that of two neighboring properties to the east of the McClures Gap Rd. property.

I have also included multiple documents concerning safety and safety issues. in support of a public siren warning system (Like Metropolitan Edison, GPU Nuclear, and Excelon energy have been responsible for installing and their cost and maintaining the system across the years), adding an odorant (ethyl mercaptan) to the NGLs being transported through these pipelines, product safety information for butane and propane and ETPs recommendations regarding what to do in the event of a leak. They are as follows:

**ETP violations**

1. table of Energy Transfer PHMSA violations (Nationwide record of violations). PA violations highlighted in yellows.
2. table of Energy Transfer EPA and OSHA violations (PA only record of violations)
3. Notice of Probable Violation and Proposed Compliance order (violation of safety regulations) Mariner 1 pipeline; Honeybrook, PA; February 4, 2019

**Removal of Ethyl Mercaptan from NGLs**

first pages of three documents supporting the recommendation that the odorant (ethyl mercaptan) can be removed from NGL products. this is in support of my previous recommendation that ethyl mercaptan be put into products transported in Mariner 1, 2 and 2X pipelines for the purpose of detection and public safety across the state.

4. international patent application for the process,
5. front page of article: Mercaptans removal from gases by absorption into amines and caustic
6. front page of article: remove mercaptans from hydrocarbons condensates and NGL streams

**NGL pipeline products safety and what to do and not do in the event of a leak**

7. Product information sheets for Butane and propane from the 2008 Emergency response Guidebook
8. ETP recommendations

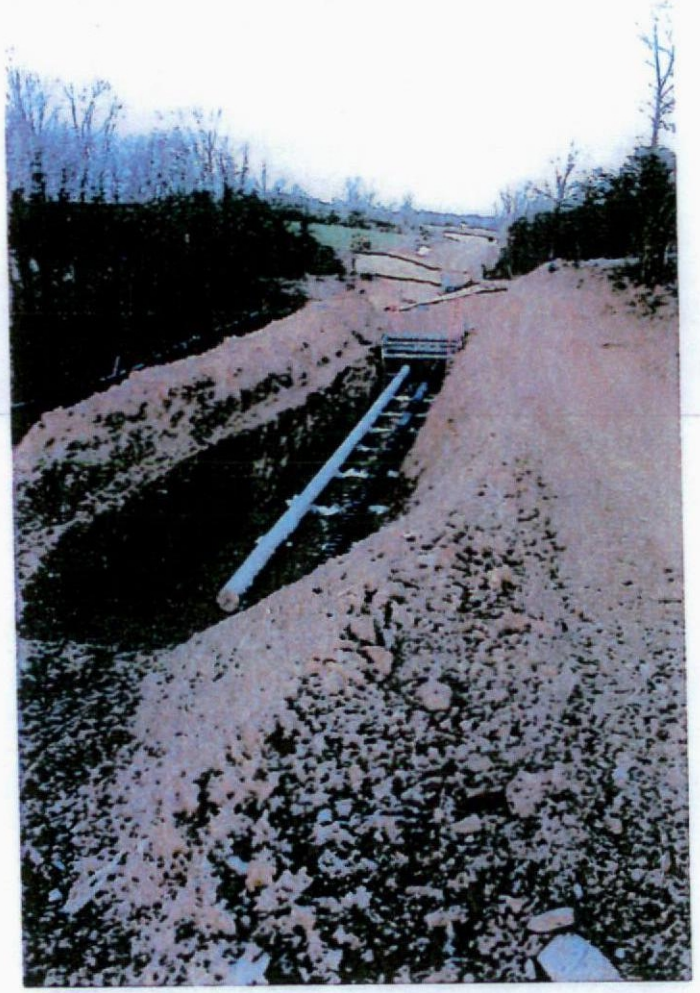
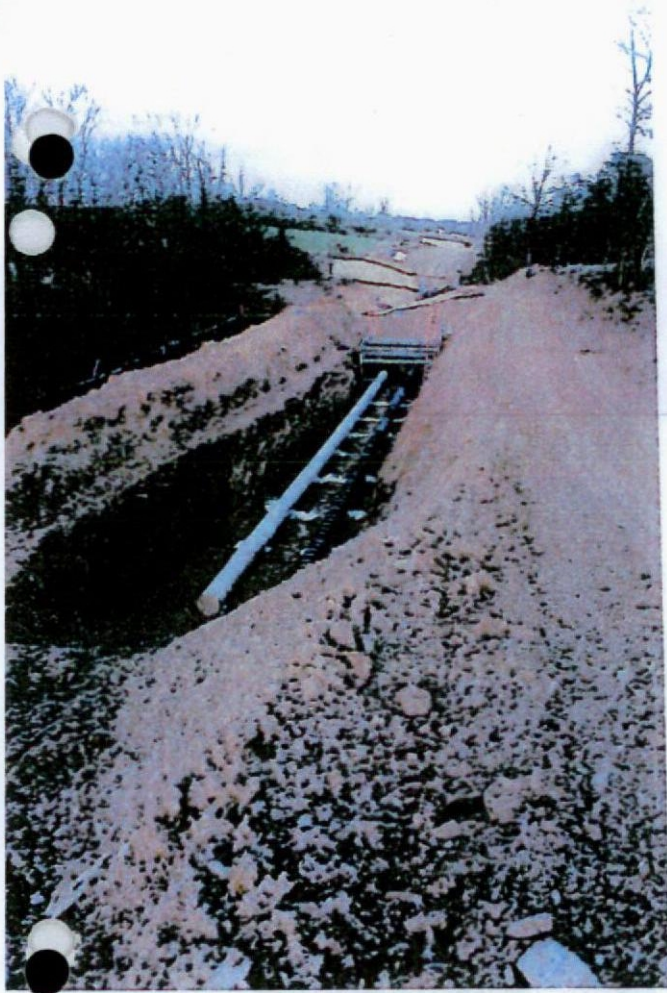
**Exposed Pipeline on McClures Gap Rd. property**

pertinent pages from PHMSA's Operation and Enforcement Guidance's for

9. **49 CFR 190-199** (note sections highlighted in yellow on both)
  - A. *Part 192 Subparts L and M*
  - B. *Part 195 Subpart F*



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June 20, 2019

To whom it may concern,

I recently discovered a mistake on the original resume I sent in for Wilmer Bakers case file # C-20181300-4294. Submission dated: May 23, 2019. I am submitting a corrected version of the same resume. Please withdraw the resume submitted on May 23 of 2019, and replace it with the corrected resume I am providing to you now.

Regards,



20 June 2019

Christina Lynn DiGiulio

WILMER J. BAKER

VS

SUNOCO PIPELINE L.P

CASE (C-2018-3004294)

Sincerely Yours  
Wilmer J Baker

**Christina Lynn DiGiulio**

chrisdigiulio@gmail.com

## **Skills and Abilities**

Able to operate and maintain the following instruments: GC, GC/MS, ICP, ICP/MS, IC, NIR, FT-IR, UV-Vis, thermal desorption-GC/MS, HPLC, FAAS/GFAAS/EAAS, FIMS, MARS, JFTOT, and vapor sorption.

Familiar with MALDI-TOF and LC/MS.

Worked in a class 100 clean room.

Experience with Scanning Electron Microscopy.

Chemometrics: Experience with Python and MATLAB software (attended a class on PLS Toolbox).

Experience with LIMS (Laboratory Information Management System).

Experienced with EPA OSW's SW-846 manual, EPA drinking water test methods, air test methods, multi media test methods, pesticides and toxic substances test methods.

Strong research and analytical skills developed through experience.

## **Education and Certifications**

2000, B.S. (Biology-Chemistry, minor in Criminal Justice) Lock Haven University of Pennsylvania, Lock Haven, Pennsylvania

2003, Calculus Harford County Community College, Bel Air, MD

2011, ICS Training, Dionex, Fort Belvoir, Va

2011, Acquisition Certification, SPRDE - SCIENCE AND TECHNOLOGY MGR LEVEL 2

2010, Acquisition Certification, SPRDE - SCIENCE AND TECHNOLOGY MGR LEVEL 1

2008, COR, Fort Belvoir, Va.

2005, Chemometrics, Eigenvector Research, Inc., FACSS, Quebec City, Quebec, Canada

2004, Dissolution Training Course, United States Pharmacopeia, Rockville, MD

2003, ICP/MS Training Course, A. Gutierrez Inc., Aberdeen, MD

2003, 40 Hour Hazwoper Certification, 29 CFR 1910.120(e), Compliance

Solution, Columbia, MD

2000, EMT, Commonwealth of Pennsylvania Department of Health, Lock Haven, Pennsylvania

## **Employment**

### **05/2008- ~05/2013, DB-03, 1320- Chemist for NVESD-ST-CM**

Chemist for the US Army, CERDEC, RDECOM, Science and Technology Division, Countermine Branch, Chemistry Team. Primary duties include COR for several contracts, maintaining and expanding the analytical chemistry laboratory, creating and implementing quality control measures for sampling and analysis, developing sampling and test methods for the analysis of explosives, and research in the area of explosives detection. Duties also include adjusting existing test methods for use in specific applications as needed by the Department of Defense, evaluation of new and existing technologies for stand-off explosive detection, and supporting any of Night Vision's analytical chemistry needs.

### **/2007, Chemist, Alion, Fort Belvoir, VA**

Contractor for the US Army, CERDEC, RDECOM, Science and Technology Division, Countermine Branch, Chemistry Team. Primary duties include maintaining and expanding the analytical chemistry laboratory, creating and implementing quality control measures for sampling and analysis, developing sampling and test methods for the analysis of explosives, and research in the area of explosives detection. Duties also include adjusting existing test methods for use in specific applications as needed by the Department of Defense, evaluation of new and existing technologies for stand-off explosive detection, and supporting any of Night Vision's analytical chemistry needs. Acquired necessary clearance.

### **/2007, Analytical Chemist, Aerotek, Inc., Fort Belvoir, VA**

Contractor for the US Army, CERDEC, RDECOM, Science and Technology Division, Countermine Branch, Chemistry Team. Primary duties include maintaining and expanding the analytical chemistry laboratory, creating and



implementing quality control measures for sampling and analysis, developing sampling and test methods for the analysis of explosives, and research in the area of explosives detection. Duties also include adjusting existing test methods for use in specific applications as needed by the Department of Defense, evaluation of new and existing technologies for stand-off explosive detection, and supporting any of Night Vision's analytical chemistry needs. Acquired necessary clearance.

**8/2004-11/2006, Staff Scientist, Nova Research, Inc., Alexandria, VA**

Worked within the Chemistry Division for the Chemical Dynamics and Diagnostics Branch, Chemical Sensing/Chemometrics Section at the Naval Research Laboratory in Washington DC. Focus has been primarily in the area of analytical chemistry and chemical sensing. Performed analytical method development and validation. Proficient in quality control measures. Instruments being used on a daily basis include GC (Agilent/HP and Varian), GC/MS (Agilent/HP and Varian), NIR, ICP-MS (Thermo Element), and Thermal Desorption -GC/MS. Other projects focused in the area of metals analysis via ICP-MS and SEM (located in NRL's Institute for Nanoscience).

**8/2003-8/2004, Chemist, United States Pharmacopeia, Rockville, MD**

Worked for the research and development group at USP. Performed routine chemical analyses of reference standard materials to determine the chemical composition and purity of substance. Selected appropriate established methods and procedures for testing by considering the chemical identity of the sample, its physical state, and the type of data required. Performed routine statistical calculations. Referred unusual observations or data to supervisor and recommended minor modifications to established procedure, or the use of an alternative. Prepared written reference standard evaluation reports for review by the supervisor and senior technical staff. Followed standard operating procedures and instrument procedures. Proficient in laboratory documentation procedures. Tasked to maintain the ICP and creation of the standard operating procedure for the ICP. Instruments used on a daily basis include HPLC, UV-VIS, ICP, NIR, Vapor sorption, and FT-IR.

Christina DiGiulio, K.J. Johnson, S.L. Rose-Pehrsson, Abstract: "Analysis of Surface Wipes for the Detection of 2,6-di-tert-butyl-4-nitrophenol on Navy Submarines" FACSS, Quebec City, Canada, October 2005.

K.J. Johnson, S.L. Rose-Pehrsson, Christina DiGiulio, "USS Toledo Atmospheric Sea Trials: Analytical Results" *Naval Research Laboratory*, NRL/MR/6112-05-8889, Naval Research Laboratory, Washington DC, July 18, 2005.

K.J. Johnson, S.L. Rose-Pehrsson, Christina DiGiulio, "USS Virginia Atmospheric Sea Trials: Analytical Results" *Naval Research Laboratory*, NRL/MR/6180-06-8940, Naval Research Laboratory, Washington DC, March 6, 2006.

Robert E. Morris, K.J. Johnson, Christina DiGiulio, "Examination of JP-8 Fuels for Contaminants Responsible for KC-130J Nozzle Fouling" NRL/MR/6180--06-8960, Naval Research Laboratory, Washington DC, May 16, 2006.

## Areas of Research

Present:

Method development for sampling, extraction, and analysis of explosives.

Stand-off detection for explosives.

Vapor and surface studies for a better understanding of the behavior of explosives on a variety of surfaces under a variety of conditions.

Past:

Fuels analysis by GC, GCMS, NIR, FT-Raman and JFTOT (JFTOT analysis examines the oxidation rates of fuels to determine any differences in insoluble formation propensities.)

Diesel-range alkane sampling and analysis method (sampling is via Tenax TA air sampling tubes, analysis is done using thermal desorption-GCMS).

Metals analysis (working with nanorods) by ICP-MS, SEM, UV-VIS, and FT-IR.

Quantitative surface wipe analysis for DTBNP (2,6-di-tert-butyl-4-nitrophenol) and 2-butoxyethanol on navy submarines.

Real-time chemical sensing.


 20 Jun 2019

EXHIBIT 1

pp 28 (10-14)  
pg 48 (8-14)

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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE

DELAWARE COUNTY COMMUNITY COLLEGE  
MARPLE CAMPUS  
901 S. MEDIA LINE ROAD, MEDIA, PA

THURSDAY, MAY 30, 2019  
10:07 A.M.

PUBLIC HEARING ON  
THE PUBLIC SAFETY ASPECTS OF PIPELINE SYSTEMS

BEFORE: REPRESENTATIVE, STEPHEN BARRAR  
MAJORITY CHAIRMAN  
REPRESENTATIVE MATT GABLER  
REPRESENTATIVE CHRISTOPHER B. QUINN  
REPRESENTATIVE FRANCIS X. RYAN  
REPRESENTATIVE JENNIFER O'MARA  
REPRESENTATIVE JOE WEBSTER  
MINORITY CHAIRMAN  
REPRESENTATIVE CAROLYN T. COMMITTA  
REPRESENTATIVE DAN K. WILLIAMS

ALSO PRESENT:  
REPRESENTATIVE DAVID M. DELLOSO  
REPRESENTATIVE KRISTINE C. HOWARD  
REPRESENTATIVE DANIELLE FRIEL OTTEN

1 lack of consideration for their areas. I think public  
2 safety's paramount. I think that that's really what we  
3 need to focus on today.

4 Chairman Barrar, I want to thank you for  
5 holding this hearing.

6 CHAIRMAN BARRAR: Thank you,  
7 Representatives.

8 Our first testifier is Mr. Tim Boyce,  
9 Director, Delaware County Department of Emergency  
10 Services and County Emergency Management Coordinator.

11 Tim, thanks for taking time out of your  
12 day today to be here. Either one is good.

13 We did invite the Chester County  
14 Emergency Management people and Lancaster County  
15 Emergency Management. But because they may have  
16 pending legal action, they did not want to testify  
17 today. So that's why, Tim, we're glad that you're here  
18 today. So begin when you're ready.

19 MR. BOYCE: Well, thank you, sir. Thank  
20 you. And welcome all to Delaware County. Sir, you're  
21 no stranger to public safety. I know Mr. Quinn and Ms.  
22 O'Mara both have been strong advocates for public  
23 safety. And that's the position I'm going to take  
24 today.

25 Just - my comments are going to begin

1 with opportunities and burdens. I'm a lifelong  
2 resident of Delaware County. My career in public  
3 safety began as a young person. I joined the volunteer  
4 fire department at 18. I'm much older than that now.  
5 And I was blessed with a 27-year career in the Upper  
6 Darby Fire Department as a Deputy Chief. So my public  
7 safety experience in seeing emergencies and seeing -  
8 when people tell you nothing will happen, I've spent a  
9 career responding to people telling me it will be fine,  
10 don't worry about it. So I approach everything in this  
11 position.

12 I also served ten years as the Homeland  
13 Security Coordinator for the District Attorney's  
14 Office. They manage a program before we appointed the  
15 Delaware County Council about two-and-a-half years ago.

16 My role here is really twofold. I'm the  
17 County Emergency Manager, and I'm also the Director of  
18 the 911 Center for the county.

19 Opportunities and burdens. Obviously,  
20 Delaware County benefits greatly from all the industry  
21 that we celebrate here. I often like to praise that  
22 the - the people that work on these pipelines, that  
23 work in our facilities are our neighbors, many proud  
24 union members, many great people. Many serve also on  
25 our volunteer fire departments, our local elected

1 committees. So when I speak about the people that  
2 maintain the pipeline or work in the facilities, I  
3 really do speak about neighbors that are committed to  
4 public safety. That said, accidents happen, terrorism  
5 happens, and it leads us to where we're at.

6                   Burdens. The County of Delaware has  
7 stepped up under Chairman McBlain's leadership, Ms.  
8 Morrone's, Mr. Culp, Mr. Zidek and Mr. Madden, all  
9 committed to doing whatever they can to make sure all  
10 hazards are seen.

11                   We spend a lot of money in the county of  
12 Delaware and we take a lot of burdens on it, and also,  
13 like our volunteer fire departments across Delaware  
14 County who are struggling, we're asking more and more  
15 people to do things. We pump highly volatile liquids.  
16 Our fire companies are struggling to respond to fires,  
17 to fire alarms. They're responding to more calls than  
18 ever. They're professional. Whether they're paid or  
19 volunteer, they're all professional. But at some  
20 point, the capacity, this belief that there's an  
21 overwhelming force of folks that are going to be able  
22 to respond is really a fallacy. And as you've alleged,  
23 sir, the idea that we need to do something to support  
24 our first responders is critical.

25                   By example, this morning, we have a

1 Certified Hazardous Materials Team, where eight of the  
2 members are now in Montgomery County assisting our  
3 brothers and sisters there. So where is the next line  
4 of defense when there's an emergency.

5                   Things Delaware County has done has  
6 really been on the certification end. We've certified  
7 the Emergency Management Center under my direction,  
8 certified our plan, and we developed the first county  
9 Hazardous Materials Team in Delaware County, certified  
10 that. These are priorities we've done.

11                   We've led a comprehensive risk analysis  
12 of the pipelines, both the Mariner East and the  
13 Adelpia Gas pipeline with the really twofold concept  
14 of what is the likelihood, the risk. And again, while  
15 that's - it could be subjective, if it - if it leaks,  
16 it's the one we're going to worry about, whether it's  
17 one in a million or one. And then a general lot of  
18 consequences, you know, what could we expect from a  
19 small leak, a two-inch rupture, which is the idea that  
20 somebody puts a backhoe through it, or full rupture of  
21 the pipeline. Those values obviously show that, you  
22 know, a leak of those magnitudes would be catastrophic  
23 here in Delaware County, our ability back to our first  
24 responders, which we usually think of police or fire  
25 departments, but our police officers. Our police

1 officers are going to go into harm's way with very  
2 little additional training, no expert protective  
3 equipment to address these things, but they're going to  
4 rush in and try and evacuate people.

5                   Our fire department's going to be faced  
6 with trying to - if you were to textbook this problem,  
7 you know, assess the situation, set boundaries. And  
8 the reality, you know, we're going to have mass  
9 evacuations. We're going to have injuries. We're  
10 going to have overwhelming - and shutdowns. So we're  
11 up against it.

12                   And my advocacy really is to look at our  
13 first responders, and if you could - to the  
14 Representative's comments about planning, so many of  
15 our local emergency managers are volunteers. And for  
16 them to commit to starting from scratch on what a  
17 comprehensive plan is in Springfield to Brookhaven to  
18 Marple Townships independent, it's an added duty to  
19 that person. They're looking at best practices. But  
20 even those that work really, really hard often just  
21 come up with a boilerplate template that says, you  
22 know, self-evacuate.

23                   Other issues that Delaware County is  
24 addressing, but recognizing it's the first issue is our  
25 large community with access and functional means.



1 Delaware County Council supported a plan specifically  
2 for those communities. And again, our community is  
3 rich with institutions and facilities that care for  
4 those that can't care for themselves. The reasonable  
5 expectation that they're going to be able to walk away,  
6 understand the threat or communicate the threat is -  
7 it's just not reality.

8           So while I've had the opportunity and I  
9 did want to come in and brag a little bit about  
10 Delaware County and the people that work here and live  
11 here, I've toured the steamfitters' facility, we  
12 frequently work at the facilities on exercise and  
13 training and drills and believe in prevention, but  
14 whether that incident is from, most unlikely, a failure  
15 of a well or a crazed person that goes after a valve,  
16 we're looking at a pretty catastrophic situation.

17           CHAIRMAN BARRAR: Okay.

18           You're prepared for questions?

19           MR. BOYCE: Yes, sir.

20           CHAIRMAN BARRAR: How much coordination  
21 is there between - there are pipelines all through  
22 Delaware County. If you've ever taken a look at a map,  
23 there's I don't know how many miles of pipeline going  
24 through our county, but there's quite a few. Is there  
25 - is there a yearly, annual type of coordination with

1 the pipeline - the companies that run the pipelines to  
2 talk to - to do any discussions on emergency  
3 preparedness, emergency response? Is there any - are  
4 there any revenues that are - that can be obtained by  
5 like the Hazmat Unit that you have? I assume that's  
6 not funded by anything other than county tax dollars at  
7 this point, which if there are any - I mean, what type  
8 of activities do you have that actually help us plan  
9 for this better?

10 MR. BOYCE: Again, Delaware County I  
11 think is a little unique that, while many counties in  
12 Pennsylvania have the transmission lines, they end  
13 here. The storage facilities are located in Delaware  
14 County. The ships that dock to take the product  
15 overseas, the trains that - you know, if the pipeline  
16 is not operational, the train comes rolling through our  
17 municipalities, the trucks.

18 So back to planning. We do plan with  
19 them. Prevention is really not our role because  
20 without some type of regulatory planning, I really have  
21 no way other than taking somebody's good word that this  
22 meets their standards. And as you know, sir, the -  
23 going to the PUC or PHMSA or somebody chasing that  
24 down, you have to operate - the pipeline wouldn't be in  
25 operation if it wasn't safe. But for me to ensure that

1 is just impossible. So we do train and we do prepare  
2 with our local responders. They're not getting  
3 expertise. And I think we spoke before, and Energy  
4 Transfer is a good part of it. We work with them. We  
5 drill with them. We meet with them. We do not have an  
6 adversarial relationship in any way with them. But  
7 we're in this position now where do I go hat in hand  
8 and ask them for funding for something. And then the  
9 public expectation - and the public is a very informed  
10 person. So to take a meter from them in their  
11 generosity is also seen at the other side as taking  
12 from somebody. So I think that methodology where we  
13 went from grants from any of the providers hurts our  
14 confidence with the community, and I'm just not  
15 comfortable with it anymore.

16 I'd rather the Commonwealth, you know,  
17 support these programs. Our Hazmat Team - again, our  
18 Hazmat Team's duties is assigned by my staff. So when  
19 we go out, it's - again, hopefully there's nothing else  
20 going on. And we have great partnerships with all five  
21 counties. And I know the PEMA Director, acting  
22 Director, has been a leader ever since he's been  
23 serving in that role and making sure we're  
24 collaborating and speaking. But at the core it's  
25 probably the same 20 people that meet at every meeting.

1 And I doubt very seriously if any of us are going to be  
2 that person behind the fire truck at two o'clock in the  
3 morning.

4 CHAIRMAN BARRAR: Thank you.  
5 Representative, would you mind  
6 introducing yourself?

7 REPRESENTATIVE FRIEL OTTEN: Thank you.  
8 Thank you, Representative Barrar. My name is Danielle  
9 Friel Otten. I'm the Representative for the 155  
10 District in Chester County. Also I'm an impacted  
11 member of the Mariner East Project. So it's a really  
12 important opportunity for me to sit here along with  
13 this group, and I appreciate the opportunity.

14 CHAIRMAN BARRAR: Great. If the other  
15 Representatives have questions, we're going to go to  
16 questions from the Representatives. I'm going to start  
17 with Chairman Webster.

18 CHAIRMAN WEBSTER: Thanks. Thanks, Mr.  
19 Chairman.

20 This may be a really broad kind of  
21 question, and I apologize on th record - in my opening  
22 remarks about new topics and new areas of interest, but  
23 I do have one experience around oil and gas and that is  
24 as an old Air Force officer, I once accompanied a  
25 Congressional delegation to Valdez, Alaska. It was

1 after, you know, the sinking of the Exxon Valdez and  
2 all the environmental damages there. All that aside,  
3 what was really interesting from my observation was in  
4 the next six months, in the next four years, safety and  
5 accountability in that part of Alaska obviously  
6 skyrocketed, because if they had another problem, you  
7 know, it would change Alaska and the oil and gas  
8 industry. Can you talk to a little bit about what  
9 you're seeing in terms of like the cycle of we're  
10 really safe, now we're not paying attention, or you  
11 know, your observation of the last few years of how  
12 we're really approaching that level of safety on these  
13 issues?

14 MR. BOYCE: You know, I can speak to it  
15 from my experience with the elected officials and the  
16 community members. Sometimes we can be dull with  
17 hundreds of years of - and I actually use the word  
18 refineries, with facilities, with such a long history  
19 in Delaware County of the pipelines and people working  
20 there and their fathers or their grandparents or their  
21 mothers working there, with very little experience with  
22 catastrophic failures. I think we've become that  
23 everything is the same. These liquids, gases, are  
24 different, and it's been the community members that  
25 have really rallied the cry to bring that attention to

1 us. We face a lot of hazards in Delaware County. I'm  
2 sure you've seen the opioid panels, the gun violence  
3 panels. You know, we face a lot of these issues, but I  
4 think the awareness of the community members to  
5 challenge us, to say you have a plan, have you  
6 practiced the plan, does the plan make sense for  
7 everyone, and I really think that's where the  
8 leadership in committees like this can really advance  
9 the cause.

10 Whether we have a pipeline or not, it's  
11 not my choice. How I could plan for reasonably 90  
12 percent of the population to be evacuated, I can't look  
13 somebody in the eye and tell you that if you're  
14 immobile or you have an intellectual disability, that I  
15 can do it for you. And I think that's an honest  
16 conversation that we either have to have with our  
17 community groups and say, you know, at some point I  
18 can't solve that for you. You know, things - I believe  
19 that the pipeline is sincerely safe and tested and  
20 built my good people and managed by good people. I've  
21 never seen anything different than that. But I know  
22 that the world - bad things happen to good people. So  
23 our plan and perspective needs to address everyone.  
24 And I think that's the - really what the spirit of this  
25 meeting is about.

1                    CHAIRMAN BARRAR: Representative Quinn?

2                    REPRESENTATIVE QUINN: Thank you, Mr.  
3 Chairman. First of all, you mentioned the idea of a  
4 backhoe and a two-inch gash in the pipe. And I'd love  
5 to think that that was completely farfetched, but we  
6 actually had an incident where a backhoe did strike a  
7 pipe here in Delaware County. What additional things  
8 would you look for in order to prevent that? I mean,  
9 Representative Web (sic) mentioned the Exxon Valdez.  
10 And I think we moved to double-hull tankers after that.  
11 Are there any additional steps where - that we could  
12 take or should take, especially where the pipeline is  
13 actually exposed in the way of a valve station and/or  
14 where it's closer to the surface?

15                    MR. BOYCE: Well, again, engaging the  
16 public is part of this, their awareness program, of  
17 what to look for, that's out there. But again,  
18 pipelines and facilities sit in a very unique domain.  
19 They're out of bounds for many people. They're not on  
20 the public thoroughfare. They're in yards, they're  
21 right-of-ways, often in State Police jurisdictions.  
22 They don't try and put everyone right down the main  
23 road. So this access to those areas is certainly  
24 difficult. And that someone can do it is not beyond  
25 the pale.

1           So when we looked at the two-inch thing,  
2 that's the - you know, the well-meaning construction  
3 accident, that things do happen, to the person with a  
4 bad intent, we're not going to be discussing the who in  
5 the first few minutes. So the way you detect - you  
6 spoke of - it's just common physics. If we could put  
7 smaller segments of a line to release less product at  
8 any given time, that makes sense.

9           You can think of the rail car analogy,  
10 and there's a lot of risks to rail cars, but are you  
11 really going to puncture 25 rail cars or one? And if  
12 you put the pipeline together, that's a lot of rail  
13 cars. So the valves are an issue. The security of the  
14 valves are an issue. I know they have to have them,  
15 but they're also seen sometimes as the most risky  
16 place. So it's not a panacea to say put a valve every  
17 block because it does make it - it safer underground.  
18 So between those two, but as we talked ~~about~~ our first  
19 responders again, our law enforcement and how we're  
20 supporting our police officers, the tools, maybe the  
21 right-of-way access for them to go in there.

22           REPRESENTATIVE QUINN: Well, let me ask  
23 this from a different standpoint. How about from a  
24 reporting standpoint? You recently had another  
25 incident at the State Police barracks right on



1 Baltimore Pike. Was the reporting that you received  
2 sufficient? Was it in a timely manner? How can we  
3 improve that?

4 MR. BOYCE: No, the long and short of  
5 it. We're fortunate. Again, in Delaware County, with  
6 our familiar relationship with the facilities, we  
7 happen to receive a call from them directly. It's not  
8 uncommon for them to call us directly. The reporting  
9 mechanism, however, goes up to the National Reporting  
10 Center. From there, an e-mail is sent. PEMA will also  
11 send us an e-mail.

12 We recently addressed following an  
13 incident that we've now got that e-mail into a text  
14 alert to all senior stuff. But an issue like that,  
15 where it's a slow start to a problem or maybe there's  
16 two problems at one time, the direct ownership for a  
17 person who reports it or facility reports it, is not to  
18 us, by rule. It goes up. And some of these incidents  
19 are first responders are the last to know.

20 So that reporting mechanism is a little  
21 slow. And I don't fault PEMA because PEMA is pushing  
22 it to us as soon as they can. But that up and down and  
23 then it's - it's also one of those things where with  
24 border crossings - maybe I don't know or maybe there's  
25 not a pattern where we haven't engaged law enforcement

1 that lots of subsidence or a sinkhole or an unusual  
2 activity. How are we bringing all that intelligence  
3 together so that others are looking out for it.

4                   But the realtime recording, if you go  
5 and see the marker and you call that 1-800 number,  
6 while that's the rule, my preference is you call 911.  
7 But it's - it's still a little bit of a gray area of  
8 who needs to know. And when we receive that  
9 information, it's for official use only. So you - on  
10 this fine line of sharing it or not.

11                   REPRESENTATIVE QUINN: Well, I  
12 appreciate you being here today. And if you have any  
13 recommendations, any way that we can improve or if you  
14 think about something after today, please let us know  
15 and I'll share it with the committee.

16                   CHAIRMAN BARRAR: Next for a question,  
17 Representative O'Mara.

18                   REPRESENTATIVE O'MARA: Thank you, Mr.  
19 Chairman. And thank you, Mr. Boyce, for all you do  
20 with Delaware County.

21                   So how long have you been in this role?

22                   MR. BOYCE: Approximately two-and-a-half  
23 years.

24                   REPRESENTATIVE O'MARA: Okay.

25                   So were you - my question is, and

1 perhaps one of my colleagues can weigh it with the new  
2 bill. Because, like you mentioned, this pipeline - the  
3 Mariner East 2 pipeline, which is something that's very  
4 present on everyone's mind in Delaware County - my  
5 constituents call and ask about it - contains a  
6 different - a liquid gas that is part - you don't smell  
7 it and it will be hard to identify in case of a leak.  
8 So I assume that most of the elected officials on the  
9 local township board were aware of how different that  
10 was when they were approving it. So my question is,  
11 and I know a lot of you in the room, but do you know if  
12 Delaware County emergency services were included in the  
13 process or aware of what was happening as the local  
14 board was approving this?

15 MR. BOYCE: No.

16 REPRESENTATIVE O'MARA: You were not?

17 MR. BOYCE: No. We wouldn't be a  
18 stakeholder. I know I spoke early on in Middletown  
19 concerning this, but it was never in the opinion of  
20 whether we were for or against it or -.

21 REPRESENTATIVE O'MARA: Were you just  
22 considering what would happen as a result of an  
23 emergency?

24 MR. BOYCE: Yes.

25 REPRESENTATIVE O'MARA: And I'm hoping,

1 and this could just be a comment, but in the piece of  
2 legislation you're passing we can have the local  
3 agencies includes as well when the site is specific.  
4 Thank you.

5 CHAIRMAN BARRAR: Thank you,  
6 Representative.

7 Who's next? Representative Gillen?

8 REPRESENTATIVE GILLEN: Thank you for  
9 your distinguished service and your testimony. In the  
10 plethora of challenges that you face as an emergency  
11 responder yourself, and as the Director, in the  
12 taxonomy of concerns that you have, where lies  
13 pipelines? And you've got Bakken crude coming through  
14 here. You've got rail, and you have fire, any manner  
15 of emergencies.

16 I think I heard you use the word safe in  
17 terms of pipeline thus far. You spoke well of your  
18 relationship with Energy Transfer Partners, and they've  
19 participated actively in support of training for the  
20 community. And so, as we sit here today, in the litany  
21 of concerns that you have, what keeps you up at night?  
22 Is pipeline safety at the top of the list or is it  
23 something else?

24 MR. BOYCE: Well, thank you.

25 You know, the risk - the frequency as we

1 look at it, obviously, today is a great example.  
2 Weather is, without a doubt, the number one damaging  
3 factor in Pennsylvania. Weather emergencies are what  
4 we prepare for the most.

5                   We don't have a lot of experience with  
6 these leaks. We've had small events. We did manage a  
7 gasoline leak that we saw associated with these  
8 pipelines. Different product. So while it's - you  
9 know, it's gun violence, it's opioids, they're probably  
10 equal to dealing with literally everything in Delaware  
11 County and our response to that from the public.  
12 Public health issues are a concern. I don't think it's  
13 the most likely to happen, but it's - you cannot ignore  
14 that with, again, the pipeline that many counties have  
15 and the facilities, it comes above ground in Delaware  
16 County. It starts to be pushed around and shipped. So  
17 the ability to leak, our responders' capability to  
18 evacuate smalls I think we're okay with. We can work  
19 with those. But propane - as a first responder, you  
20 know, I've been to a couple of things. And when you  
21 say - propane igniting is one of the ones that, you  
22 know, I always worried about. So it's kind of  
23 balancing that need.

24                   REPRESENTATIVE GILLEN: Just a quick  
25 follow-up, Mr. Chairman. If you had additional

1 resources, and I don't think the committee is offering  
2 the panel today, but respectfully, and that's why you  
3 have the hearing, if you had additional resources,  
4 where would you put that in terms of pipeline safety?

5           MR. BOYCE: Well, I would put it in our  
6 wheelhouse of emergency preparedness and emergency  
7 management planning. Again, we have - there are always  
8 two avenues. I mean, like all Pennsylvanians, you  
9 know, we serve on several boards and several  
10 committees, but as we ask first responders, local  
11 police, local emergency management, firefighters who  
12 are tasked with what we've been doing forever, they're  
13 just out of time, to independently develop ways to do a  
14 plan and to make that plan consistent, in a mutual aid  
15 system that we all enjoy in Pennsylvania, your plan is  
16 different than mine. I evacuate when it leaks and you  
17 don't. We still don't have that kind of common  
18 guidance.

19           If someone were to call up right now and  
20 say, you know, grass is shooting up in the air, each  
21 municipality, and frankly, even who responds first, may  
22 look at that differently. So I think in a common  
23 operating picture that is we - we deal with this.  
24 These are the people you need to move. These are the  
25 actions you need to take immediately. These are the

1 warning systems.

2                   The one offs are just taking up a lot of  
3 time with good intent people. So an effective model  
4 that you can produce that we can guide all plans and  
5 not a boilerplate that just says it's on the shelf -  
6 and that's what happens a lot of places. You got to  
7 have a plan, but no one's ever opened it in a million  
8 years. But a plan that we could, A, add value to. And  
9 that plan could be all hazards, comprehensive. What do  
10 I do to evacuate a flood or a fire or these things?  
11 But the planning process is not meeting the current  
12 needs. And they're all paper based as well. So I  
13 mean, that's another issue you're going to ask in the  
14 technology world, you know, who's got the plan in the  
15 trunk of their car?

16                   REPRESENTATIVE GILLEN: Thank you, Mr.  
17 Chairman.

18                   CHAIRMAN BARRAR: So to follow up on his  
19 question and your comments about planning, would it  
20 make sense for us to have you require to require  
21 semi-annual planning meetings with the pipeline - the  
22 people that are running these pipelines through the  
23 counties that the management - emergency management  
24 director and then do an annual or semi-annual review  
25 and update their plans every year? I mean, we saw what

1 happened in New Orleans. There was a great plan.  
2 Spent like 10, 12 million dollars creating a plan for  
3 flooding. When the flood occurred, nobody looked at  
4 the book. So I imagine maybe there's a need for  
5 planning in drilling to - you know, to drill to make  
6 sure that our plan works.

7 MR. BOYCE: Well, planning - I would  
8 say, again, that the ownership of any of the pipelines  
9 is their right-of-way. They don't own the next block  
10 over once you get to the public. So practicing the  
11 planning - it's people, you know, whatever the  
12 emergency is, it's really about people these first few  
13 minutes. So a comprehensive planning tool for our  
14 first responders that focuses on the correct  
15 priorities.

\* 16 You know, we have firefighting plans, we  
17 have hazard control plans, we have air monitoring  
18 plans, but we don't have a commonality people plan, and  
19 I'll just return over and over again, to those that are  
20 limited needs. You know, not everybody has the smart  
21 phone. Not everyone can self-evacuate. The criticism  
22 is true when people say if your plan is to get up and  
23 walk away, I'm failing, sir. So I think that idea that  
24 we help people plan on these most vulnerable  
25 communities will be better off served on all the things



1 we've addressed.

2 REPRESENTATIVE GILLEN: Thank you.

3 CHAIRMAN BARRAR: Representative  
4 Comitta?

5 REPRESENTATIVE COMITTA: Thank you, Mr.  
6 Boyle (sic). And thanks very much for being here.  
7 Yeah, it's all about planning. Right? So I imagine  
8 communicating the plan and practicing the plan. So to  
9 that point, I know that in Chester County that Energy  
10 Transfer turned over an emergency management plan - is  
11 that what it was called - and you have the same?

12 MR. BOYCE: Yes.

13 REPRESENTATIVE COMITTA: And so do you  
14 find that that - the information in that plan is  
15 actionable, adequate, for your emergency planning and  
16 is there - and/or is there additional information - you  
17 need the right information in order to make a plan.  
18 Otherwise your plan doesn't - it won't work. So how do  
19 you see the information that you have from Energy  
20 Transfer? Is there anything else that would help you  
21 in planning more effectively for an evacuation  
22 response, et cetera?

23 MR. BOYCE: Yes. The plan is protected.  
24 So that's one of those challenges that - you know,  
25 what's behind the curtain? You know, I've looked

1 what's behind the curtain. I've read it. Those plans  
2 are really technical plans that, best served maybe  
3 after the first 30 minutes, how we're going to shut  
4 down a plan, how we're going to remediate the area, how  
5 we're going to control things, and how we're going to  
6 communicate. So those plans existed and they're  
7 practiced and they're technical.

8                   And I'll reference the gasoline leak we  
9 had. Those plans work well. We practice them. But  
10 they're not the first 30-minute plans. They're just  
11 not designed that way, that the - and the other issues  
12 that we faced with all the pipelines, and I'm sure most  
13 of you know, pardon the pun, is clearly what's in the  
14 pipelines. What products are in there, what pressure's  
15 in there, what assumptions are being made are based on  
16 us communicating real time with the control centers.  
17 Again, we visited te control centers. We've tested the  
18 numbers. But that's dynamic. The pressure that's  
19 happened. And the X factor in all this is, despite all  
20 those procedures, plans and practices, something's  
21 going wrong. So in those first 30 minutes you're  
22 trying to say all of these failsafe systems I'm  
23 supposed to count on, this was never supposed to  
24 happen. So again, I think those plans are okay and  
25 they're technical and they work, but they do not

1 address the first minutes of the release, who's  
2 communicating, what were communicated, what's the best  
3 action and what tools are available realtime to get you  
4 there.

5 REPRESENTATIVE COMITTA: And so who do  
6 you meet at the table to come up with that  
7 communication plan, that first aid communication plan?

8 MR. BOYCE: Well, I think it gets back  
9 to what's the common operating picture. You know, with  
10 the county emergency manager, the local municipality  
11 develops their plans. And to a degree, most of them  
12 are very good. And some are robust and some are, you  
13 know, maybe not as forward thinking, but they're  
14 meeting the letter of the law. So I think a review of  
15 what the Commonwealth expects in an emergency plan that  
16 I can enforce, what you and the Commonwealth and the  
17 PEMA Director expects from me and my plan, a  
18 comprehensive review of that, and we're already  
19 addressing these realtime issues, let's us go and train  
20 and practice in that value, but it's - the basic plan  
21 is just - it really is too basic and not helpful in the  
22 30 - first 30 minutes.

23 REPRESENTATIVE COMITTA: So there's a  
24 county plan, but what you're saying is that a specific  
25 community, maybe even down to the neighborhood or

1 retirement home that has a particular population that  
2 might not be able to get away or whatever, in talking  
3 to Chester County Emergency Management Director, he  
4 said he thought it would be really helpful for  
5 communities, you know, neighborhoods that have a  
6 specific topography, a specific demographic, would work  
7 with the county to come up with their specific plan,  
8 together with their local township emergency management  
9 people so that they would know what they specifically  
10 were going to do because it would be different than the  
11 people across the highway or whatever. And so I'm  
12 wondering what you think about that.

13                   In addition, the idea was that if the  
14 neighborhood had an emergency response, an evacuation  
15 plan, not only would it help in the event of a pipeline  
16 incident, but it would also help in the event of  
17 weather incident, some other emergency that, as you  
18 said, might be more likely to happen, but you know,  
19 that it would be good for the community in general to  
20 have that plan. What do you think about that?

21                   MR. BOYCE: I think that it's important  
22 to have a common plan. And a lot of what we do is all  
23 hazard. You know, run high, fight, shelter in place,  
24 evacuate. There's not a lot of confidence when you  
25 tell people to shelter in place if these products are

1 leaking. So that one kind of goes out the window.  
2 There's enormous risk of evacuating certain populations  
3 because it may be needed, nursing home facility,  
4 children. Our plans - I mean, we have schools that are  
5 practicing every day. I commend many of my school  
6 districts of being in a leadership position. But at  
7 the end of the day our plans are you're going to walk  
8 up the same highway our police and fire trucks are  
9 coming down. It just needs to be looked at more  
10 comprehensively. And while all hazards work, the  
11 active shooter plan is not the same tornado plan as  
12 these type of products. And just - the ability to  
13 communicate with everyone is just not as simple.

14                   Many of our systems you voluntarily set  
15 up for. People get tornado warnings in the middle of  
16 the night, and I don't think they run to the basement,  
17 but we'd encourage you to look at both the people that  
18 we serve and understand the needs of the people that  
19 are responding, technology aside. You need to have  
20 both of those supported and connected.

21                   REPRESENTATIVE COMITTA: Thank you very  
22 much.

23                   CHAIRMAN BARRAR: Thank you.  
24 Representative Ryan? Is there anybody else that's  
25 going to ask a question after Representative Ryan?

1                   REPRESENTATIVE: So I want to go back to  
2 the first 30 minutes because that's my great concern as  
3 well. So we have a situation - first I want to point  
4 out that as we're all sitting here, the eight-inch  
5 Mariner East 1 pipeline is actively moving product as  
6 we sit here and discuss the fact that there's no real  
7 plan if there's an emergency. And so in the first 30  
8 minutes, that's my greatest area of concern.

9                   I've had some specific incidents  
10 personally that I've been involved in that have led me  
11 to the question. So in September in Beaver County  
12 there was an explosion on the Revolution pipeline. It  
13 was in operation for one week. And the Rizotti family  
14 is the family that lived closest. They were 500 feet  
15 away from that pipeline. They were evacuated in the  
16 middle of the night. They actually weren't - they  
17 heard the explosion and they ran in the middle of the  
18 night. And I just recently read the account of the  
19 Rizotti family and their testimony to our Auditor  
20 General DePasquale and what they said was that the  
21 emergency management services needed to be convinced  
22 that a pipeline exploded. It didn't even know that the  
23 pipeline was in operation. They didn't know what  
24 products were in the pipeline. And they didn't believe  
25 that that was what happened.

1                   Now, in the middle of an explosion I'm  
2 not real sure that matters all that much, but we here  
3 in Chester County have had a similar experience of  
4 where land subsidence around pipelines have been a  
5 concern, both in Chester County and Delaware County.  
6 And so when it happened in Chester County most recently  
7 I actually got on the phone with Chester County, who's  
8 here today, and I asked him why people were calling me  
9 to ask me what was going on from the neighborhood where  
10 the land subsidence was occurring, because nobody had  
11 communicated with the neighbors in that neighborhood  
12 what was happening.

13                   And so my question to Bill was, you  
14 know, like I'm three miles away. I can't really do  
15 much for these people if there was a major emergency  
16 related to the land subsidence, and so I want to know  
17 what - like what happened. Where was the breakdown?  
18 Why did these neighbors who live in that neighborhood  
19 not know what was happening literally three doors away  
20 from them. And so his answer to me was that emergency  
21 services relies on operators to tell them whether it's  
22 an emergency or it's not an emergency. And like you  
23 said, their response plans are very technical. And  
24 their response plans are related to, you know,  
25 mitigating the risk to the pipeline, that's not to the

1 people. And so when the first responder who was  
2 trained at the township level responded to the incident  
3 that was called into 911, the person that was there  
4 that first responded to the operator told that first  
5 responder that there was no emergency and there was no  
6 need to trigger a response. And so that had closed out  
7 in the Chester County system.

8                   And so to me, I see this major, major  
9 hole in that first 30 minutes in communication, but  
10 also should that communication be in the hands of the  
11 operator? Should we, while standing really close to  
12 this - these pipelines be at the mercy of the operator,  
13 whose primary objective is to secure the pipeline.  
14 It's not to secure the people who live there.

15                   So do you have any thoughts on that  
16 first 30 minutes? Like I know there was some  
17 legislation that's within some of the packages that  
18 have been presented that talk about tying in the  
19 response systems for the pipeline operator to the  
20 emergency services facilities so that they know when  
21 there's a lot of pressure or something that's happening  
22 on a pipeline. I've gotten a lot of resistance on that  
23 idea because they said that there would be lots of  
24 false alarms in that case. So I don't really know what  
25 the answer is, but I do know, especially as a mother



1 who has two small kids, if you do find one of these  
2 pipelines, that that first 30 minutes could be my  
3 family's life. Could be, you know, a lot of families'  
4 lives in Chester and other counties.

5           MR. BOYCE: You know, I would just  
6 reference it this way. We do practice with the  
7 intention of shutting the pipeline down. But to your  
8 example, that fire chief needs to - mock the current  
9 system. Everybody's on the same sheet of music. The  
10 Fire chief says, hey, this needs to be shut down. They  
11 call me. I call the operator. You shut it down or I -  
12 they don't want to. Or I call PEMA and they shut it  
13 down. Those systems are still bent on the person  
14 making the decision, am I a hundred percent in charge  
15 of this if it's not leaking catastrophically? So my  
16 understanding of the pipeline operator is they have a  
17 metric that they decide to turn it down. I don't  
18 approve that metric if it loses one pound of pressure  
19 or a hundred pounds. I believe that's their decision  
20 to shut it down or send a crew. It's a decision, three  
21 part there. So there could be. I mean, I'm not being  
22 specific, but if there's a pressure drop, you might be  
23 able to regulate them, that they had to shut it down.  
24 But you know, at a technical level, the other method  
25 that you're speaking of is people calling each other.

1 And we're past 30 minutes if you call me and your  
2 neighbor calls you. So any type of thing that takes -  
3 I always say take me out of the loop. If this is a  
4 life safety decision, let's have an automatic trigger  
5 that does something.

6 REPRESENTATIVE: And let me use that.  
7 You don't know what that metric is in terms of whether  
8 it's a 10 percent drop, 20 percent drop, 30 percent  
9 drop, that triggers that decision to trigger an  
10 emergency response. Correct?

11 MR. BOYCE: I don't.

12 REPRESENTATIVE: Thank you.

13 CHAIRMAN BARRAR: Just one more  
14 follow-up questions from Chairman Webster.

15 CHAIRMAN WEBSTER: I'll try to make it  
16 quick. In the aftermath of, you know, 911, September  
17 11th, I was privy to a whole bunch of information  
18 technology companies swirling around, and the idea was,  
19 you know, there's an app for something. And if first  
20 responders and county and state officials all were  
21 connected, you could have everything on there and drop  
22 down a menu and you say it's a highway accident, it's a  
23 weather accident, and a checklist, and people would be  
24 notified automatically, you know, based on priority,  
25 and all of that stuff could be in - I know our Guard

1 and Reserve units try to do that around their own bases  
2 in terms of the civil engineering capability response.  
3 Have you seen anything like that in terms of homeland  
4 security?

5 MR. BOYCE: There are axial learning  
6 systems. Some are voluntary, you have to sign up for.  
7 Many, unfortunately, want money and they want the  
8 proprietary information in keeping it safe and reverse  
9 911 and things like - so systems exist to a degree.

10 A decision has to be made. Someone has  
11 to draw the polygon, someone has to act. We're never  
12 going to get away from that. But again, I'm going to  
13 beat on it a little bit, those persons with access and  
14 functional needs often do not have the funds.  
15 Hearing-impaired communities, they just don't have the  
16 money for these technology solutions. So - and what  
17 percentage of people are we willing to say we're pretty  
18 good?

19 REPRESENTATIVE WEBSTER: But it'd be  
20 nice if the first responder knew there was a community  
21 that you need to go pay attention to?

22 MR. BOYCE: Correct. And those systems  
23 we do. And the commonwealth, through homeland security  
24 running in the region, we support a program called  
25 Evergreen. So we are improving those messaging, but it

1 needs to be, again, more realtime and not a third-hand  
2 report.

3                   CHAIRMAN BARRAR: Director Boyce, thanks  
4 for your participation here today. Your testimony was  
5 very, very useful. Thank you very much.

6                   MR. BOYCE: Thank you very much.

7                   CHAIRMAN BARRAR: I will tell you last  
8 night I had a meeting on the Conchester Highway with a  
9 group of residents. And about 6:30 just about every  
10 phone in the place went off from the people who had  
11 signed up for these emergency alerts. And it was like  
12 - I mean, it was almost like something you'd see on TV.  
13 My phone - my phone went off, started beeping, then  
14 everybody else's came off with that, because I'm signed  
15 up for four different emergency alerts around the  
16 state. And they all started going off at once about  
17 the tornado warnings coming through and - that was  
18 pretty neat to see because every - you know, it raised  
19 everybody's concern about what kind of weather was  
20 coming towards us.

21                   Again, thank you for being here. I  
22 understand you're leaving for vacation.

23                   MR. BOYCE: I'm supposed to go to  
24 Ireland, but there's an event going on. So I'm going  
25 to excuse myself and see if I'm going to go to Ireland.

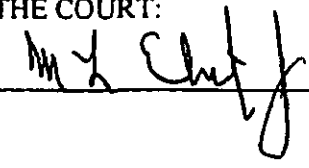
EXHIBIT - 33

IN THE COURT OF COMMON PLEAS  
OF CUMBERLAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION-IN REM

IN RE: CONDEMNATION BY SUNOCO	:	Docket No. 2015-05516
PIPELINE L.P. OF PERMANENT AND	:	
TEMPORARY RIGHTS OF WAY FOR	:	
THE TRANSPORTATION OF	:	
ETHANE, PROPANE, LIQUID	:	
PETROLEUM GAS, AND OTHER	:	EMINENT DOMAIN—IN REM
PETROLEUM PRODUCTS IN THE	:	
TOWNSHIP OF UPPER FRANKFORD,	:	
CUMBERLAND COUNTY,	:	
PENNSYLVANIA, OVER THE LANDS	:	
OF ROLFE W. BLUME AND	:	
DORIS J. BLUME	:	

ORDER

AND NOW, this 26<sup>th</sup> day of Oct, 2016, upon consideration of the Revised Petition to Deposit Estimated Just Compensation, it is hereby ORDERED and DECREED that the sum of \$13,000.00, representing the amount of just compensation estimated by Sunoco Pipeline L.P. due to the Condemnees and/or interested parties on subject property shown on the attached Proposed Schedule for Distribution, be paid into the Court by deposit to the Prothonotary in an interest bearing account, if available. No fee shall be charged against these funds. It is further ORDERED that the sum shall be held until further Order of Court directing full or partial payment to the Condemnees and/or interested parties entitled to it pursuant to Sections 307, 521, and/or 522 of the Eminent Domain Code of 2006, as amended, 26 Pa.C.S. Sections 307, 521, and/or 522, as applicable.

BY THE COURT:  
  
 \_\_\_\_\_ J.

Case# 2015-05516-21 Received at Cumberland County Prothonotary Office on 08/10/2016 9:38 AM, Fee = \$0.00

1 Township, Cumberland County, and five years ago he received  
2 a safety manual from Sunoco Pipeline about his, in his  
3 words, the old iron pipeline.

4 Since then, he claims Sunoco put in two larger  
5 pipes and backflowed the old pipe from 800 pounds per square  
6 inch of pressure to 1400 psa.

7 Mr. Baker avers that the Mariner East 1  
8 pipeline is unsafe as it is over 80 years old, and he  
9 requests that Sunoco be directed to, first, put in an alarm  
10 system for all residents residing within 1000 feet of the  
11 blast zone of Mariner East 1; second, to train emergency  
12 personnel; and third, replace the Mariner East 1 pipeline  
13 with, in his words, American made steel pipe.

14 Mr. Baker avers he tried to complain to Sunoco  
15 before filing this complaint at a township meeting held,  
16 that was scheduled for July 10, 2018, but Sunoco canceled  
17 the meeting one hour before it was set to begin.

18 Sunoco filed an answer denying that it is a  
19 gas utility but avers it is instead a public utility that  
20 transports petroleum products and natural gas liquids.

21 Sunoco admits to sending the Important Safety  
22 Message pamphlet to the complainant five years ago. Sunoco  
23 denies that the Mariner East 1 was an old iron pipe when it  
24 is a steel pipe originally constructed with domestically  
25 manufactured steel pipe.

1 applies to the ME2 pipeline.

2 He's made no nexus. There's no facts, no  
3 proof, no foundation that the two are related. He's just  
4 saying that this was issued. So what? It's not relevant.

5 THE WITNESS: Your Honor, I --

6 JUDGE BARNES: You may respond.

7 THE WITNESS: I can prove my points, Your  
8 Honor, really I can. I mean, if you go back to the  
9 pictures, there are two pictures that I have here. One says  
10 "Bradley." The picture beside that is a bigger picture of a  
11 weld, if you see that in your records.

12 JUDGE BARNES: Yes, I see it.

13 THE WITNESS: Alrighty. If you look at the  
14 second picture, the big picture, take notice about how they  
15 have riveted the one pipe. And they put a collar over both  
16 ends of the pipe, and they welded it, and then welded this  
17 section here where they don't have pop rivets in to hold the  
18 thing into the pipe.

19 Well, I may be stupid, but when you put rivets  
20 in a pipe, you break down its integrity. You break down its  
21 ability. You put holes in it to put a collar on it to weld  
22 these pipes together.

23 On the other end, they have it welded and they  
24 ground it down. So apparently Sunoco is taking very serious  
25 about these X70 pipes expanding --

1 because --

2 JUDGE BARNES: Well -- okay.

3 THE WITNESS: Because they found that the X70  
4 was expanding, and to protect --

5 JUDGE BARNES: That's your theory.

6 THE WITNESS: Pardon?

7 JUDGE BARNES: That's your theory, that --

8 THE WITNESS: No, no. It's in the Federal  
9 Register, that it says that the X70 pipes expand. And it  
10 says that, you know, they should take them out of service or  
11 put them down to an X65.

12 Sunoco has bought all these pipes that are  
13 foreign made, and maybe or not -- I can't speculate that  
14 they fear -- they put collars over the ends of these pipes.  
15 They put rivets on the one end of that picture and they slid  
16 a collar over the end of the pipe to reinforce it.

17 And they welded it in the center, this collar,  
18 and they welded on the other end where they don't have the  
19 rivets to hold it in place. So they're reinforcing these  
20 X70 pipes that they have a speculation may be weak.

21 JUDGE BARNES: All right.

22 THE WITNESS: Now, as an expert witness, I  
23 don't want to overstep my terms here, but when you weld a  
24 piece of metal --

25 MR. SNISCAK: Objection, Your Honor. He can't



1 THE WITNESS: Their government?

2 JUDGE BARNES: Their government.

3 THE WITNESS: I could not tell --

4 JUDGE BARNES: Is that just the general  
5 definition of dumping, is where a government --

6 THE WITNESS: Our government -- I'm sorry, go  
7 ahead.

8 JUDGE BARNES: No, like the foreign  
9 government, France or Greece, I don't know; is that what  
10 you're saying, is --

11 THE WITNESS: Some of their governments are  
12 subsidizing --

13 JUDGE BARNES: -- so they can compete and  
14 offer price in America less, is what you're saying?

15 THE WITNESS: They're buying it, they're  
16 dumping it --

17 JUDGE BARNES: Less than market price --

18 THE WITNESS: -- and they're paying less than  
19 what they would if Archer Mitchell here in Steelton would  
20 pay for it. And they're only 20 miles away from the  
21 pipeline. Archer Mitchell in France is hundreds of miles  
22 away.

23 It doesn't make sense to me that you would  
24 take a pipe and make it in France, dump it with a Greek  
25 letterhead on it and bring it to this country, and all the

1 other companies, the X65, Stuit (phonetic), Durabond, all  
2 have charges against the fact that they're dumping this  
3 steel and then they all knew what was going on.

4 JUDGE BARNES: I just wanted some  
5 clarification. Thank you. Go ahead.

6 MR. SNISCAK: Thank you. Just a few more  
7 questions.

8 BY MR. SNISCAK:

9 Q. You've referenced in I believe some of the  
10 responses to Her Honor that you were critical of SPLP for  
11 using X65 pipe and also availing itself allegedly of a  
12 loophole relative to population. I guess my question is,  
13 relative to that use of the X65 and also the loophole about  
14 the population, first question, who did you talk to at  
15 Sunoco?

16 A. About them using a loophole?

17 Q. Well, your characterizing that. I'm not agreeing  
18 with that.

19 A. Right. It's in the article, because when I started  
20 the question about X70 and X65 being minimum standard, the  
21 response came back to me that they go by population.

22 Q. Okay. Couple questions.

23 A. Okay.

24 Q. The article, are you talking about a newspaper  
25 article?

1 JUDGE BARNES: Are they rivet markings? I  
2 thought they were -- go ahead.

3 THE WITNESS: They're just scrapes of the  
4 coating, is all they are, Your Honor. There is no  
5 detrimental aspect to that at all.

6 JUDGE BARNES: Scrapes of the coating where  
7 rivets were?

8 THE WITNESS: They are not rivets, they are  
9 just scratches in the coating.

10 JUDGE BARNES: You're saying rivet?

11 THE WITNESS: Rivet, a pop rivet or a welding  
12 rivet.

13 JUDGE BARNES: I understand. Rivet markings  
14 are from a sleeve or a cuff?

15 THE WITNESS: Yeah, they're not from that  
16 either.

17 JUDGE BARNES: They're not from that.

18 THE WITNESS: Not from that.

19 JUDGE BARNES: Okay. Thank you.

20 THE WITNESS: If you will turn to the next  
21 picture in that exhibit, the next picture there, -- is there  
22 a second one in your --

23 JUDGE BARNES: Yes.

24 THE WITNESS: -- you'll see the pipe there.  
25 Those marks that you're looking at, Your Honor -- it's

1 Exhibit 27.

2 JUDGE BARNES: Twenty-seven, second page. I  
3 have it.

4 THE WITNESS: Yes. That is what caused those  
5 marks in the pipeline coating. You will see that this is  
6 what's called a line-up clamp. This is used on the pipeline  
7 projects, so as I'm about to weld two pieces of pipe  
8 together, I put this clamp around it to hold it in place,  
9 and you can see the chain on that clamp, and that chain is  
10 what left those marks in the coating. Now, that coating  
11 will be completely removed and replaced with new coating  
12 before the pipeline is put in the ground, and the coating  
13 quality will be checked again before that pipeline is put in  
14 the ground. So this is not an issue at all. This has  
15 nothing to do with pipe integrity or manufacture. It's a  
16 mark on a coating from a line-up clamp that would be or was  
17 -- the coating was replaced.

18 BY MS. SNYDER:

19 Q. Is there any kind of sleeve used on this pipeline?

20 A. No, there is not, none of these pipelines. No  
21 sleeve at all.

22 Q. Thank you. Yesterday we also heard complainant  
23 explain that he is an arc welder, but he's not qualified as  
24 a hazardous liquids pipeline welder. Could you briefly  
25 explain the qualification requirements to be a hazardous

1 achievable, that's why it's a standard practice instead of a  
2 written standard.

3 So there are times that it's going to have to be closer  
4 to each other. And this whole topic was really about any  
5 effectiveness of one pipeline failure to the other, so it's  
6 not about a spacing standard, because there is none.  
7 There's no requirement in the regulations or a written  
8 standard, but it is a standard practice within the industry  
9 to attempt to place them ten feet apart.

10 Q. You testified that based on scientific evidence,  
11 same distance if you're going to blast near a pipeline.  
12 That is your testimony, sir?

13 A. I said that there was scientific evidence to say  
14 that a pipeline that was ten feet away from another, if  
15 there was blasting near that pipeline, it would not be  
16 affected if it was at least ten feet away.

17 Q. So if you have two pipelines, sir, the ME and the  
18 ME2X, whether it be here or wherever, you're saying that if  
19 one of those would explode, that it would be safe as long as  
20 it's ten feet away, the scientific evidence shows?

21 A. Well, let's be careful here, because we're talking  
22 about blasting near a pipeline versus the explosion of a  
23 pipeline, so the science is around the blasting of the  
24 pipeline and a blasted charge next to a pipeline. So that's  
25 where that scientific evidence is about the blasting. Okay?

1 MR. SNISCAK: Thank you, Your Honor.

2 MR. BAKER: Next question, Your Honor?

3 JUDGE BARNES: Yes. Do you have any more  
4 questions?

5 MR. BAKER: Oh, yes.

6 BY MR. BAKER:

7 Q. Can you tell me why Delaware County would be  
8 calling for a moratorium on the --

9 MR. SNISCAK: Your Honor, same objection.

10 JUDGE BARNES: Yes. This proceeding pertains  
11 to Cumberland County. Sustained.

12 MR. BAKER: Then I will say that I'm done with  
13 this witness, Your Honor.

14 JUDGE BARNES: All right. Any redirect?

15 MR. SNISCAK: Your Honor, if I may approach  
16 the witness, I have one question on redirect.

17 JUDGE BARNES: You may.

18 **REDIRECT EXAMINATION**

19 BY MR. SNISCAK:

20 Q. Mr. Perez, I would like to draw your attention to  
21 paragraph 1 of our answer to the complaint of Mr. Baker, and  
22 could you read that into the record?

23 A. "No answer is required to this paragraph, and in  
24 any event, respondent is without knowledge as to the  
25 accuracy of the representations in this paragraph and, as

1 such, it is denied. By way of further response,  
2 complainant's property is approximately over 1,300 feet from  
3 the Mariner East 1 pipeline route."

4 MR. SNISCAK: Thank you.

5 JUDGE BARNES: Is that the answer that Sunoco  
6 filed to the complaint?

7 MR. SNISCAK: Yes, it's from our answer.

8 JUDGE BARNES: Okay.

9 MR. BAKER: That was to me, sir, my property?

10 JUDGE BARNES: Yes, you have a copy of the  
11 answer.

12 BY MR. SNISCAK:

13 Q. And is that true and correct, Mr. Perez, to the  
14 best of your knowledge, information, and belief?

15 A. That's correct.

16 MR. SNISCAK: Thank you.

17 JUDGE BARNES: Is that all?

18 MR. SNISCAK: That's it. That's all we have.

19 JUDGE BARNES: Thank you, sir. You may step  
20 down. You're also excused.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness excused.)

23 JUDGE BARNES: You may call your next witness,  
24 Mr. Sniscak.

25 MR. SNISCAK: If I can just have a moment to

1 Q. Referencing SPLP Exhibit 13, did anyone from Lower  
2 Frankford Township attend the MERO training?

3 A. Jim Burkholder is listed as an attendee from Lower  
4 Frankford Township.

5 Q. Was the program you presented at the 2017 MERO  
6 program in Cumberland County in 2017 the same as what's  
7 shown in Exhibit 8?

8 A. Yes, except for the county-specific maps that show  
9 the pipeline right-of-way.

10 Q. Thank you. Could you please briefly describe how  
11 the MERO training program was run?

12 A. Pretty much the process would be that we would  
13 start with a meal, we would have introductions, and then go  
14 through the prepared program. It was a PowerPoint  
15 presentation with one video clip, if you will, that was  
16 included. We tried to make it a very open program with  
17 opportunities for questions, for discussions. A big part of  
18 it was having the Sunoco Pipeline folks in the room. I  
19 would typically rely on them for technical questions that  
20 would pertain to the design, the construction, and the  
21 operation of the pipeline itself, while I would focus  
22 primarily on the emergency response policies and procedures  
23 and protocols.

24 Q. What were attendees taught at the MERO program in  
25 2017 in Cumberland County?



1           A.    The objectives -- there were essentially five broad  
2 objectives for the programs.  The first was to describe the  
3 general path or the right-of-way of the Mariner East  
4 Pipeline through their respective county, to identify the  
5 component parts of a pipeline operation, so talking about,  
6 essentially pipeline operations 101, describing the hazards  
7 that are associated with natural gas liquids.  Specifically,  
8 we would look at their physical and their chemical  
9 properties.  We would talk about the types of incident  
10 scenarios that could potentially occur that might involve  
11 the Mariner pipeline operations, and then to describe  
12 emergency response procedures that would be pertinent to  
13 those incident scenarios.

14           Q.    Is it important, as part of the MERO process, to  
15 develop relationships among the pipeline operator and the  
16 local emergency response community?

17           A.    Yes.  Relationships are everything in terms of  
18 working in the emergency services community, because they  
19 provide a foundation for when you have that emergency, you  
20 already have the credibility of the individuals, of the  
21 players; they know each other.  Even if they don't know each  
22 other personally, they recognize them or they have that  
23 affiliation that they can go back to a training or meeting,  
24 and it helps provide an effective foundation for the  
25 response, as well as the plan.

1 Q. In your opinion, did Sunoco do that through the  
2 MERO trainings?

3 A. Yes. At each of the MERO sessions that I  
4 conducted, Sunoco personnel, operators, and supervisors were  
5 available and readily exchanged contact information with the  
6 emergency responders that were in the room, as well as with  
7 their peers.

8 Q. In your opinion, and to a reasonable degree of  
9 professional certainty, does MERO provide all of the  
10 specific information to the emergency responders to allow  
11 them to develop a pre-incident plan?

12 A. Yes. Again, the pre-incident plan is developed by  
13 the fire department or by the jurisdiction, but the  
14 information that we provided in the MERO program are key  
15 elements in the development of that pre-incident plan.

16 Q. As part of that pre-incident plan and provision of  
17 information, does MERO also provide public protective action  
18 procedures?

19 A. Yes. As I testified at the previous hearing, the  
20 MERO course does discuss public protective action options,  
21 and specifically when we talk about protective action  
22 options, we're referring to either evacuation or sheltering  
23 in place as strategies for protecting the public-at-large.

24 Q. Thank you. I think you mentioned this; I just want  
25 to make sure it's clear for the record. Is it Sunoco or the

1 local emergency responders who are responsible for  
2 developing the pre-incident plans?

3 A. There are several plans that are developed. There  
4 is an emergency operations plan that is developed at the  
5 county level, usually through the county emergency  
6 management agency, and that plan will include information on  
7 public protective action options, and then there are  
8 community and pre-incident action plans that get into more  
9 detail as it would relate to a specific facility or hazard.

10 Q. In your opinion, and to a reasonable degree of  
11 professional certainty, are the emergency planning and  
12 emergency response and public awareness activities you've  
13 conducted for Sunoco through MERO compliant with PHMSA  
14 regulations?

15 A. Yes.

16 Q. Do you work with other pipeline operators in  
17 Pennsylvania?

18 A. Yes. I have done work, emergency response training  
19 for Williams Pipeline in Lancaster County. I have provided  
20 emergency response consulting for Monroe Energy at their  
21 Trainer Refinery in Delaware County, as well as for their  
22 pipeline organization, which is known as MIPC, LLC. I've  
23 also done work for Chester County Department of Emergency  
24 Services in facilitating two pipeline emergency tabletop  
25 sessions.

1 I've also facilitated a pipeline planning meeting on  
2 behalf of the Pennsylvania Emergency Management Agency in  
3 southeastern Pennsylvania. I also serve as a member of the  
4 Pennsylvania Pipeline Emergency Response Initiative, which  
5 is a PHMSA-developed program whose goal is to enhance local  
6 emergency preparedness to pipeline emergencies by bringing  
7 pipeline operators and the emergency response community  
8 together.

9 Q. Thank you. Regarding the Pennsylvania Pipeline  
10 Emergency Response Initiative, could you give us a few more  
11 details on that, please?

12 A. PA PERI, as it is known, was created approximately  
13 18 to 24 months ago. It's an initiative that is being  
14 pushed at the national level by PHMSA, and the goal is to  
15 advance the abilities of emergency responders to both plan  
16 for, manage and train for pipeline emergencies through  
17 improved training, cooperation, and communication. In  
18 simple terms, it's an initiative to bring all the  
19 stakeholders from both the pipeline community and the  
20 response community together and maintain or establish a  
21 consistent dialogue.

22 In Pennsylvania, the Pennsylvania Office of the State  
23 Fire Commissioner administers the program, and then various  
24 government and private entities participate, which would  
25 include, for example, Pennsylvania Emergency Management

1 Agency, Energy Transfer Partners, and I would say virtually  
2 all of the pipeline operators have a representative or  
3 monitor the PA PERI initiative.

4 Q. In your opinion, and to a reasonable degree of  
5 professional certainty, are the emergency planning and  
6 emergency response activities that you've conducted for  
7 Sunoco and the Mariner East project consistent with other  
8 pipeline operators in Pennsylvania?

9 A. Yes.

10 Q. In your opinion, and to a reasonable degree of  
11 professional certainty, have the emergency planning and  
12 emergency response activities that you've conducted for the  
13 Mariner East project for Sunoco provided local emergency  
14 responders, county officials, township officials, and others  
15 who attended the means for them to create emergency action  
16 plans in their communities?

17 A. Yes.

18 Q. Now, I just have a couple more questions. I'd like  
19 to discuss what the complainant here has referred to as a  
20 public alarm system for pipelines. In your experience, is  
21 there any regulatory or legal requirement that pipelines  
22 install a public alarm system?

23 A. I am not aware of any.

24 Q. And in your experience, are you aware of any  
25 natural gas liquid pipelines that have a public alarm

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2 all of the pipeline operators have a representative or  
3 monitor the PA PERI initiative.

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16 plans in their communities?

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19 to discuss what the complainant here has referred to as a  
20 public alarm system for pipelines. In your experience, is  
21 there any regulatory or legal requirement that pipelines  
22 install a public alarm system?

23 A. I am not aware of any.

24 Q. And in your experience, are you aware of any  
25 natural gas liquid pipelines that have a public alarm

1 system?

2 A. No. Again, I am not aware of any.

3 MS. SNYDER: Thank you, Mr. Noll.

4 Your Honor, the witness is now available for  
5 cross-examination.

6 JUDGE BARNES: Mr. Baker, you may cross-  
7 examine.

8 MR. BAKER: Alrighty.

9 **CROSS-EXAMINATION**

10 BY MR. BAKER:

11 Q. Good morning, Mr. Noll.

12 A. Good morning, Mr. Baker.

13 Q. How are you today?

14 A. I am fine. It's a nice sunny day in Myrtle Beach.

15 Q. In front of you, sir, do you have anything from  
16 rebuttal testimony that we can refer to?

17 A. I do.

18 Q. You do?

19 A. Yes.

20 Q. Alrighty. Yes, sir. Can we start on rebuttal page  
21 459?

22 MS. SNYDER: Could you give him the exhibit  
23 number, please?

24 MR. BAKER: Oh, for rebuttal testimony, it  
25 begins on page 459.

1 system?

2 A. No. Again, I am not aware of any.

3 MS. SNYDER: Thank you, Mr. Noll.

4 Your Honor, the witness is now available for  
5 cross-examination.

6 JUDGE BARNES: Mr. Baker, you may cross-  
7 examine.

8 MR. BAKER: Alrighty.

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10 BY MR. BAKER:

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16 rebuttal testimony that we can refer to?

17 A. I do.

18 Q. You do?

19 A. Yes.

20 Q. Alrighty. Yes, sir. Can we start on rebuttal page  
21 459?

22 MS. SNYDER: Could you give him the exhibit  
23 number, please?

24 MR. BAKER: Oh, for rebuttal testimony, it  
25 begins on page 459.



1 MS. SNYDER: The exhibit.

2 MR. BAKER: What do you mean?

3 MS. SNYDER: Let me find it.

4 (Pause.)

5 MS. SNYDER: Exhibit 3.

6 BY MR. BAKER:

7 Q: I'm sorry; I was on the wrong page, page 459.  
8 Let's go to page 466, sir.

9 A. Bear with me as I try to find this.

10 MS. SNYDER: This is -- may I talk?

11 Greg, this is SPLP Exhibit No. 3. This is  
12 your Flynn testimony.

13 THE WITNESS: Okay, I have it in front of me.

14 BY MR. BAKER:

15 Q. Alrighty. So that -- it says that the management  
16 agencies -- "The classes were approximately two to two-and-  
17 a-quarter hours in length, and I believe it was a total of  
18 23 programs," which you already testified to.

19 A. Yes.

20 Q. Alrighty, you already testified to. So you have  
21 these meetings for MERO and everything and you give a  
22 certificate out for two-and-a-half hours and say that these  
23 people are experts, sir?

24 A. No. It is true that we give a certificate out.  
25 The certificate reflects that they've been provided training

1 that's specific to pipeline emergencies. If we go back to  
2 the HAZWOPER training or the levels of responders to  
3 hazardous materials incidents, the training content is  
4 focused towards providing the information to operations  
5 level responders. If an operations level responder had the  
6 need for additional information on any HAZMAT emergency, not  
7 just pipelines, they would turn to the members of the county  
8 hazardous materials response team or they would go to  
9 technical specialists who may be on scene on behalf of the  
10 responsible party. That could be a pipeline operator, it  
11 could be a railroad, could be a fixed facility, it could be  
12 a representative from a transporter on a highway incident.

13 Q. Alrighty, sir. In the same exhibit, would you go  
14 to page 468?

15 A. Yes, sir.

16 Q. Lines 13 to 22, the local emergency planning  
17 committee is a requirement that was originally enacted in  
18 1986 for the Superfund Amendments, and down to line 22,  
19 there is funding that comes to each of us through the state,  
20 specifically through the Pennsylvania Emergency Agency, to  
21 support these activities. Do you remember that, sir?

22 A. Yes.

23 Q. Alrighty. Now, the local townships have opted out  
24 of this first response --

25 MS. SNYDER: Objection; assumes facts not in

1 that's specific to pipeline emergencies. If we go back to  
2 the HAZWOPER training or the levels of responders to  
3 hazardous materials incidents, the training content is  
4 focused towards providing the information to operations  
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7 just pipelines, they would turn to the members of the county  
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10 responsible party. That could be a pipeline operator, it  
11 could be a railroad, could be a fixed facility, it could be  
12 a representative from a transporter on a highway incident.

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14 to page 468?

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18 1986 for the Superfund Amendments, and down to line 22,  
19 there is funding that comes to each of us through the state,  
20 specifically through the Pennsylvania Emergency Agency, to  
21 support these activities. Do you remember that, sir?

22 A. Yes.

23 Q. Alrighty. Now, the local townships have opted out  
24 of this first response --

25 MS. SNYDER: Objection; assumes facts not in

1 evidence.

2 JUDGE BARNES: Was there testimony about what  
3 you're saying, Mr. Baker?

4 MR. BAKER: Yes, there was, Your Honor. I was  
5 just re-doing it again.

6 MS. SNYDER: No. He represented that  
7 townships have opted out of I guess receiving funds. That's  
8 not --

9 MR. BAKER: No, no. I'm testifying to the  
10 fact that the township, my township where I'm at, Lower  
11 Frankford, turned around and Mr. Burkholder, he went to one  
12 of your --

13 MS. SNYDER: Object. He can't testify. This  
14 is cross-examination. The facts are not in the record.

15 JUDGE BARNES: He's trying to refresh my  
16 recollection about what was -- I'm just going to hear him  
17 out.

18 Go ahead, Mr. Baker.

19 MR. BAKER: Yes, ma'am. Thank you.

20 BY MR. BAKER:

21 Q. Mr. Burkholder and local township turned around and  
22 they received some of your training, and then Mr. Burkholder  
23 opted out of your MERO.

24 JUDGE BARNES: You can ask him if he has  
25 knowledge that Mr. Burkholder opted out; okay?

1 BY MR. BAKER:

2 Q. Do you have any knowledge of Mr. Burkholder  
3 stepping out of being a first responder?

4 A. I have no knowledge of what you're referring to,  
5 other than the point that Mr. Burkholder attended the MERO  
6 session in Hampden Township. I'm uncertain, when you say  
7 that they are opting out of the MERO program, what that  
8 means.

9 Q. They came to your meeting, partaked in it twice in  
10 a period from 2014 to 2017, and then when asked to be first  
11 responders, they refused.

12 MS. SNYDER: Objection and move to --

13 JUDGE BARNES: You can ask him if he knows  
14 whether they refused or not.

15 BY MR. BAKER:

16 Q. Do you know that they refused, sir?

17 A. No.

18 MR. BAKER: I had sent this paperwork to you  
19 and counsel before about his testimony.

20 BY MR. BAKER:

21 Q. Alrighty. So you turned around and you have these  
22 logs of the MERO, okay, for sign-in sheets, sir, and you  
23 have a number, I believe 154, people, and yet part of them  
24 were Sunoco people, so you're sort of like inflating the  
25 numbers of the people that partake in your MERO program. Do

1 you know that, sir?

2 MS. SNYDER: Objection; mischaracterizes the  
3 testimony.

4 JUDGE BARNES: You can ask the witness, out of  
5 the number of people that attended, how many were Sunoco  
6 representatives.

7 MR. BAKER: Alrighty.

8 BY MR. BAKER:

9 Q. Sir, out of all the meetings, could you tell me how  
10 many people were Sunoco representatives to your MERO?

11 A. I do not know the answer to that in total, but I  
12 can tell you that at all the sessions that I was involved  
13 in, that the maximum number of Sunoco folks who may have  
14 been attending the program never exceeded three to five.

15 Q. But my question was that they are inflating the  
16 numbers --

17 MS. SNYDER: Asked and answered.

18 JUDGE BARNES: Sustained. You can ask another  
19 question.

20 BY MR. BAKER:

21 Q. Could we go to page 476, sir?

22 A. Okay.

23 Q. Lines 14 through 22.

24 A. Yes.

25 Q. So, in this you testified that they're to have --

1 the HAZMAT teams to have access to monitoring and detection  
2 equipment.

3 MS. SNYDER: Objection; mischaracterizes --

4 JUDGE BARNES: What is the question?

5 MR. BAKER: The question is that he testified  
6 to the access of monitoring and detection equipment.

7 BY MR. BAKER:

8 Q. Sir, did you testify to that?

9 A. It is very common for emergency responders,  
10 specifically in the fire service, to have portable air  
11 monitoring and detection equipment on their apparatus. The  
12 reason for this is that one of the most common emergency  
13 scenarios that the fire service goes to in any community are  
14 probably natural gas incidents and flammable liquid spills.  
15 The only way that you can safely and effectively  
16 characterize both the hazards and the risks and then make  
17 decisions to effect the protection of the public is to have,  
18 essentially, a science-based foundation to make that  
19 decision. If you don't have air monitoring equipment, you  
20 cannot effectively make that decision. This is something  
21 that, while pipelines is part of the discussion, goes well  
22 beyond emergency response just to pipelines. It's a fact  
23 that influences what the fire service does every day.

24 Q. So they have monitoring that they can detect a  
25 leak?

1 A. I cannot speak for your local fire department, but  
2 I can say unequivocally that I know that the Cumberland  
3 County HAZMAT team has a fairly robust capability to provide  
4 portable monitoring and detection at a hazardous materials  
5 incident. It's part of their requirements to be a state-  
6 certified hazardous materials response team in Pennsylvania.

7 Q. So what you're saying is yes, they do have  
8 monitoring where they can detect a leak on the pipeline;  
9 correct?

10 MS. SNYDER: Objection; mischaracterizes the  
11 testimony.

12 THE WITNESS: Correct.

13 JUDGE BARNES: Well, he answered. He said  
14 "correct."

15 BY MR. BAKER:

16 Q. Alrighty, sir. Can we go to page 480?

17 A. Yes.

18 Q. On page 480, lines 13 through 14, you said that  
19 they developed county emergency management agency, which is  
20 PEMA, and the planning requirements that exist at the local  
21 jurisdiction of the townships, the towns, and the boroughs.  
22 You testified to that, sir?

23 A. I did not say that PEMA is responsible for the  
24 development of an emergency operations plan.

25 Q. So in your opinion, who is responsible for these



1 plans?

2 A. Under Pennsylvania regulations, each county  
3 emergency management agency is responsible for the  
4 development of a county-level emergency operations plan.

5 Q. So, sir, what do you do when you don't have a fire  
6 company in your township and the county commissioners don't  
7 want to partake in any meetings anymore? How does the --

8 MS. SNYDER: Objection; assumes facts not in  
9 evidence.

10 JUDGE BARNES: I'll sustain it.

11 BY MR. BAKER:

12 Q. Sir, in your opinion, all the townships and  
13 counties are supposed to be part of this plan; correct?

14 A. I am not versed to speak on the specific  
15 regulations, however, my experience is that each county  
16 develops a county emergency operations plan and then works  
17 with each of the legislative bodies within their county,  
18 i.e., boroughs, towns, townships, to ensure that there is a  
19 local-based emergency plan at that level.

20 Q. Bear with me here, sir.

21 (Pause.)

22 MR. BAKER: Alrighty. Could I admit this into  
23 evidence, Your Honor?

24 JUDGE BARNES: You must show it to opposing  
25 counsel. What is it?

1 MR. BAKER: Just the -- they already have a  
2 copy of this.

3 Do you want to take a look?

4 (Document shown to Counsel Snyder.)

5 MS. SNYDER: Oh, the exhibit we've been  
6 discussing?

7 MR. BAKER: Yes.

8 MS. SNYDER: That's already been admitted.

9 MR. SNISCAK: It's ours. It's already in.

10 MR. BAKER: It's already been admitted. Okay.

11 BY MR. BAKER:

12 Q. Sir, can we switch over to Sunoco Pipeline's  
13 rejoinder witnesses' statements?

14 MS. SNYDER: You're referencing SPLP Exhibit  
15 No. 23?

16 MR. BAKER: It's your exhibits. Exhibit 77.

17 MS. SNYDER: So the exhibits you're going to  
18 reference are exhibits within Exhibit 23.

19 (Pause.)

20 MR. BAKER: You say that's Exhibit 77, 78?

21 MS. SNYDER: Exhibit 77 within Exhibit No. 23  
22 starts at page 281 of 318.

23 THE WITNESS: I have it.

24 MR. BAKER: I found it. Thank you.

25 BY MR. BAKER:

1 Q. Seventy-seven, page 2 of the MERO. Okay, 77 is  
2 your résumé on this. Alrighty. Page 78 --

3 MR. SNISCAK: Exhibit 78.

4 MR. BAKER: Pardon?

5 JUDGE BARNES: Exhibit, not page.

6 BY MR. BAKER:

7 Q. Page 77, Exhibit 78, page 2.

8 MS. SNYDER: So that's page 283 of 318.

9 BY MR. BAKER:

10 Q. So this is you, sir, 77, 78, training the MERO  
11 people?

12 A. No.

13 Q. That's not you at all?

14 A. No.

15 Q. Can we go to Exhibit 81 for Cumberland County?

16 MS. SNYDER: And this is page 293 of 318.

17 JUDGE BARNES: What exhibit are we in? I'm  
18 sorry.

19 MS. SNYDER: We're still in Exhibit 23. We  
20 can provide our hearing binders, Your Honor.

21 (Exhibit binder handed to Judge Barnes.)

22 JUDGE BARNES: Thank you.

23 BY MR. BAKER:

24 Q. Are you still with me, Mr. Noll?

25 A. Yes.

1 Q. They have a number down for Cumberland County here.  
2 They say there's 154 people that have taken in this from  
3 2014 to 2017, and divided up for four years, that's less  
4 than 40 people a year that attend this; is that correct,  
5 sir?

6 A. I can't speak to that because I can only speak to  
7 what I know about the sessions that I delivered. I would  
8 guess, however, that the same people probably attended some  
9 of the multiple sessions that took place over the 2014 to  
10 2017 timeframe.

11 Q. So out of 154 people that were trained by you, sir,  
12 I counted at least, oh, 14, maybe 15, Sunoco people also  
13 attended this, and that drops the total, so the totals are  
14 inflated for the MERO process?

15 MS. SNYDER: Your Honor, I object to this line  
16 of questioning on relevance. We've already heard Mr. Noll  
17 asks the variance agencies to invite people. We can't  
18 control whether they come or not. We're showing the people  
19 who have come.

20 JUDGE BARNES: Can there be maybe a  
21 stipulation as to fact as to what the 154 number represents?

22 MR. BAKER: They have a total of 154 for their  
23 MERO project, and --

24 JUDGE BARNES: Does the figure include Sunoco  
25 representatives, or is it the 154 emergency responders?

1 That's what I'm trying to figure out.

2 MR. BAKER: Yes, that's basically what my  
3 question was, Your Honor, that --

4 JUDGE BARNES: Perhaps there could be a  
5 stipulation.

6 MS. SNYDER: Your Honor, there actually are  
7 exhibits in the record that could demonstrate that. We have  
8 each of the sign-in sheets from each of the MERO sessions in  
9 Cumberland County, so you could count those, and they have  
10 who the person was, whether they were from Sunoco, et  
11 cetera. We'll be entering those exhibits. So that's  
12 something that could be briefed based on documents that are  
13 in the record. I don't know if we want to waste time right  
14 now figuring that out.

15 JUDGE BARNES: My concern is the question  
16 Mr. Baker had, it seemed to assume that there are annual  
17 meetings?

18 MR. BAKER: Yes, ma'am.

19 JUDGE BARNES: Is that true or not?

20 MS. SNYDER: No.

21 JUDGE BARNES: That's a false premise?

22 MS. SNYDER: There were four. We have each of  
23 the MERO sessions in this. Mr. Perez will be discussing  
24 each of those other MERO sessions. That evidence will come  
25 into the record, when they were held.

1 JUDGE BARNES: So there's a misunderstanding.

2 Okay.

3 BY MR. BAKER:

4 Q. Alrighty, sir. We're still on Exhibit 82, page 6,  
5 7, 8.

6 MS. SNYDER: This is page 300 of 318 of  
7 Exhibit No. 23.

8 JUDGE BARNES: Okay. Go ahead with your  
9 question.

10 MR. BAKER: Thank you, Your Honor.

11 BY MR. BAKER:

12 Q. This is Cumberland County, the MERO, and it has the  
13 numbers of all the people. Page 6, 7, 8, and 9, you go the  
14 whole way over to 9, to the top. Now, the totals here are  
15 142, sir.

16 JUDGE BARNES: Let's get clarity here.

17 MR. BAKER: Your Honor, --

18 JUDGE BARNES: Mr. Baker, I see on the bottom  
19 of page 301 a MERO session on April 29, 2015. There was  
20 one, I guess, on page 300 in 2014, and one in May 2017,  
21 Silver Spring Township, and the October 16, 2017 one which  
22 Ms. Snyder referred to in Hampden Township, which Mr. Noll  
23 testified took place in Hampden Township.

24 So, I guess, can the question be: has there  
25 been a MERO training in Cumberland County since October 16,

1 2017, Mr. Noll, or a refresher training?

2 THE WITNESS: Not that I have (inaudible).

3 JUDGE BARNES: Not that you're aware of?

4 THE WITNESS: Not that I'm aware of, Your

5 Honor.

6 BY MR. BAKER:

7 Q. My point to you, Mr. Noll, is the paperwork went  
8 from 154 people attending these meetings to 142?

9 MS. SNYDER: Objection; he's mischaracterizing  
10 the exhibit.

11 If you look at the exhibit, the total for the  
12 county is listed directly across from the county name.  
13 You're referring to the Dauphin County total, not the  
14 Cumberland County total.

15 MR. BAKER: West Pennsboro Township is 142  
16 people out of Cumberland County.

17 MS. SNYDER: No. There's a "1" beside that  
18 number.

19 JUDGE BARNES: That's Dauphin. You're looking  
20 at -- you're on the wrong line, Mr. Baker. It's in bold,  
21 page 303. The number 142 is not a total of the numbers  
22 above it, it's -- if you look to the left, it says Dauphin,  
23 and then it's a breakdown under.

24 MS. SNYDER: If you look back at page 300,  
25 Mr. Baker, directly across from the word "Cumberland" is the

1 total for Cumberland County.

2 JUDGE BARNES: So it's reversed. Instead of  
3 the total being at the bottom, like a summation, it's at the  
4 top, and then it's broken down. Okay?

5 BY MR. BAKER:

6 Q. Are you still with me, Mr. Noll?

7 (No response.)

8 Q. Mr. Noll?

9 A. Yes, I am.

10 Q. Alrighty. A few questions.

11 MR. BAKER: I would like to add this into  
12 evidence, Your Honor, the rejoinder, where I got these from.

13 JUDGE BARNES: Exhibit 23?

14 MR. BAKER: That's what the exhibit is.

15 JUDGE BARNES: Is it already admitted?

16 MR. BAKER: Not the rejoinder as a whole.

17 JUDGE BARNES: Any objection to SPLP Exhibit  
18 No. 23?

19 MS. SNYDER: No.

20 MR. SNISCAK: He hasn't identified it  
21 correctly, Your Honor.

22 MS. SNYDER: Yes, let me identify this.  
23 This is the public awareness excerpt of Sunoco Pipeline,  
24 LP's June 22, 2018 compliance filing in the Dinniman matter  
25 with the Pennsylvania Public Utility Commission.



1 JUDGE BARNES: That's a long title, say  
2 Dinniman compliance filing.

3 All right. Hearing no objection, SPLP Exhibit  
4 No. 23 is admitted.

5 (Whereupon, the document was marked as SPLP Exhibit  
6 No. 23 for identification, and was received in  
7 evidence.)

8 MR. BAKER: I don't have copies of that, Your  
9 Honor. Sunoco didn't send me any more than what I have  
10 here.

11 JUDGE BARNES: Our court reporter has a copy.

12 MR. BAKER: They're Sunoco Pipeline rejoinder  
13 witness statements and exhibits of July 10.

14 MR. SNISCAK: Do we have another copy?

15 MS. SNYDER: Yes, we have a copy.

16 MR. BAKER: Well, I don't need a copy. I was  
17 putting that into the record.

18 JUDGE BARNES: The court reporter has a copy.  
19 Don't worry about that.

20 MR. SNISCAK: That's our exhibit.

21 JUDGE BARNES: I have a question for Mr. Noll.

22 Mr. Noll, is there any kind of timeline  
23 whereby refresher MERO training courses are possibly  
24 upcoming? And specifically, I'm talking about for  
25 Cumberland County. Is there any anticipated -- let me start

1 over. Is there any MERO training anticipated in the near  
2 future for Cumberland County?

3 THE WITNESS: Your Honor, nothing that I am  
4 aware of. I would add, though, -- and this ties back into  
5 my comment on the Pennsylvania MERO program -- that pipeline  
6 emergency training is available through a number of  
7 different venues. Our focus here today is obviously on the  
8 MERO project, but the MERO project content is based upon the  
9 Pipeline Emergencies curriculum, and training courses that  
10 use that curriculum are available at no cost online, are  
11 provided through what's been known as the paradigm process,  
12 as well as through the training that's provided by the  
13 individual operators. So while we're focusing here on the  
14 MERO training, there are probably other -- there are other  
15 training numbers that take place that aren't reflected in  
16 this discussion, and those training numbers are likely  
17 substantial.

18 JUDGE BARNES: Any further questions,  
19 Mr. Baker?

20 MR. BAKER: Yes, ma'am.

21 BY MR. BAKER:

22 Q. Mr. Noll, if your outreach program is so  
23 educational, why did Lower Frankford Township request a  
24 Sunoco mailing that's supposed to be sent out every two  
25 years?

1 MS. SNYDER: Objection; assumes facts not in  
2 evidence. I don't know what this mail --

3 MR. BAKER: This was put in.

4 MS. SNYDER: The fact that someone requested  
5 it.

6 MR. BAKER: We had put that in evidence, too,  
7 as far as I know.

8 MS. SNYDER: We objected. That would be  
9 hearsay.

10 MR. BAKER: It's right there. I sent you a  
11 copy of all this because the man's on the telephone. Does  
12 he have a copy of what I'm talking about?

13 MS. SNYDER: He does.

14 MR. BAKER: So then I can --

15 MS. SNYDER: Can you reference the exhibit,  
16 maybe? Then we could be clear about what we're talking  
17 about.

18 MR. BAKER: I couldn't tell you what the Court  
19 put as the exhibit on this.

20 JUDGE BARNES: Just describe the letter.

21 MR. BAKER: "Thank you for attending the Board  
22 of Supervisors meeting," it was dated June 11.

23 JUDGE BARNES: Was that from Lower Frankford  
24 Township?

25 MR. BAKER: Yes.

1 MS. SNYDER: This is Exhibit C-1, and I can  
2 ask the witness to reference it.

3 The filing you have, Mr. Noll, is Exhibit  
4 AE2B.

5 MR. BAKER: So what is your exhibit then?

6 MS. SNYDER: C-1.

7 MR. BAKER: C-1. And we've already put this  
8 into evidence?

9 JUDGE BARNES: I don't think that particular  
10 letter went in, did it?

11 MR. BAKER: Well, this whole -- I have a  
12 package here of everything I put together for Mr. Noll.

13 JUDGE BARNES: I'm asking Ms. Snyder.

14 MS. SNYDER: Yes, it was admitted. I have a  
15 list from yesterday.

16 BY MR. BAKER:

17 Q. Yes, sir. So the question remains about your  
18 outreach program where Lower Frankford doesn't even know  
19 what the important safety message is that I was telling them  
20 about. Can you explain that?

21 MS. SNYDER: Objection; outside the scope.

22 JUDGE BARNES: Please rephrase your question.

23 MR. BAKER: Alrighty.

24 BY MR. BAKER:

25 Q. The important safety message is supposed to be sent

1 every two years, sir?

2 JUDGE BARNES: Is that a question?

3 MR. BAKER: Yes.

4 THE WITNESS: I'm unable to answer the  
5 question because it's outside of the scope of my duties on  
6 this program, on the project, rather.

7 BY MR. BAKER:

8 Q. But I thought your duties was to outreach to the  
9 local government officials and everything, sir.

10 MS. SNYDER: Objection; mischaracterizes  
11 what --

12 JUDGE BARNES: His expertise is in emergency  
13 preparedness and planning, not necessarily public outreach  
14 through the issuance of pamphlets to the public.

15 BY MR. BAKER:

16 Q. Let's go on to another question then, sir. If  
17 Sunoco's outreach to educate [sic], why didn't they show at  
18 the Lower Frankford meeting?

19 A. Outside of my scope of assignments.

20 Q. So your assignments are nothing with anything of  
21 the township's not coming to meetings, county commissioners  
22 not being involved? Your outreach program is not reaching  
23 these public officials?

24 MS. SNYDER: Objection; argumentative.

25 JUDGE BARNES: Sustained.

1 BY MR. BAKER:

2 Q. Alrighty, sir. Is your program, the MERO program,  
3 everywhere across the state?

4 A. It's not my program, it's the Sunoco program for  
5 which I was asked to deliver it, and the MERO program has  
6 been delivered in every county across the Commonwealth in  
7 which the pipeline right-of-way exists.

8 Q. So that's a yes?

9 MS. SNYDER: Objection; asked and answered.

10 JUDGE BARNES: Sustained.

11 BY MR. BAKER:

12 Q. Twenty-four people from Cumberland County to this  
13 event. How many different townships did they come from,  
14 sir?

15 A. That can be determined by going back and looking at  
16 the sign-in sheets, which lists what their organizational  
17 affiliation is.

18 Q. Do you have any concerns about the quality of the  
19 training, concerns about the response to the first 30  
20 minutes from the Director of Management Service?

21 A. Do you want to rephrase your question, please?

22 Q. I'm asking you if you have concerns about the  
23 quality of the training and concerns about the response  
24 time, especially for the first 30 minutes, from the Director  
25 of Management Services.

1           A.    I can't address what the quality of the response  
2 is, because that's outside of my scope and I have no  
3 influence on that. I can attest to the quality of the  
4 training, and I would note the following: I mentioned  
5 previously that the Pipeline Emergencies curriculum is a  
6 national curriculum that was developed through both the  
7 PHMSA and through the pipeline industry to provide a uniform  
8 curriculum for the delivery of Pipeline Emergencies training  
9 content. If you look at the textbook, Pipeline Emergencies,  
10 which is now in its third edition, and you look at the  
11 reviewers of the course curriculum, of which there were  
12 probably 50 to 60, they represent subject matter experts and  
13 technical specialists from both the response community, the  
14 pipeline industry, and government, who reaffirm what the  
15 content of the curriculum is.

16           In my case, I am simply presenting a consensus-based,  
17 nationally accepted, uniform curriculum focused on pipeline  
18 emergencies. I have no doubt in my mind as to the quality  
19 of the content which we are presenting.

20           Q.    Yes, sir. As part of your training for MERO, were  
21 you made aware by Sunoco when Sunoco changes the  
22 construction methods or operations of the pipeline, for  
23 example, placing pipes so many inches from each other or  
24 three feet apart from each other?

25           MS. SNYDER: Objection; outside the scope of

1 the witness' testimony.

2 JUDGE BARNES: Well, it may have some  
3 relevance as to the training, so I'll allow the question.

4 MR. BAKER: Relevance is --

5 JUDGE BARNES: I'm allowing the question,  
6 Mr. Baker.

7 MR. BAKER: Okay.

8 BY MR. BAKER:

9 Q. Sir?

10 A. In the training that was provided, as I noted, I  
11 would focus on the emergency response aspects of the  
12 training, and then we would have representatives from Sunoco  
13 Pipeline who would be available to discuss what I would  
14 characterize as the operational aspects of the pipeline  
15 operations. There were numerous questions that were asked  
16 throughout the training programs as to the points that you  
17 were just asking, how deep is the pipeline, what is the  
18 separation of the distances between pipelines if there are  
19 multiple lines in a right-of-way, and so forth. So while I  
20 may not be personally aware of that, I would say that those  
21 questions, when they came up, that information was provided  
22 to the responders.

23 Q. So, sir, you don't know the distance between the  
24 pipes and everything?

25 A. Again, my focus is on the emergency response



1 issues. When those questions came up, and they did come up,  
2 they were readily answered by the Sunoco pipeline operations  
3 folks who were part of the instructional team.

4 Q. Were you well aware that the Delaware Commissioners  
5 put a moratorium in?

6 MS. SNYDER: Objection; relevance.

7 JUDGE BARNES: You can explain the purpose of  
8 your question.

9 MR. BAKER: That they were not -- okay. That  
10 the Delaware Commissioners are not -- they were very  
11 concerned about the outreach and the safety of this  
12 pipeline.

13 JUDGE BARNES: What moratorium are you talking  
14 about?

15 (Brief pause.)

16 MS. SNYDER: Your Honor, the witness [sic] is  
17 being coached by somebody. We don't even know if it was an  
18 attorney.

19 (Inaudible statement from audience.)

20 MR. SNISCAK: She can't provide legal advice.  
21 And secondly, how can this witness speak for the Delaware  
22 County Commissioners as to what they allegedly did or did  
23 not do? We're spinning our wheels here.

24 JUDGE BARNES: I'm just asking for an offer of  
25 proof.

1                   What's the purpose of your question? Explain  
2 your question.

3                   MR. BAKER: Yes, Your Honor. He testified  
4 that the emergency response trainings are similar in several  
5 areas, and yet Delaware has put a moratorium into effect,  
6 and Chester County, about this pipeline.

7                   MS. SNYDER: There's no evidence --

8                   JUDGE BARNES: You just said Cumberland  
9 County, now you're saying Chester and Delaware. I don't  
10 know what you're talking about.

11                   MR. BAKER: Well, he had said that the MERO  
12 project was the same all across the State of Pennsylvania.

13 BY MR. BAKER:

14                   Q. Is that correct, sir?

15                   A. I said that the content of the emergency response  
16 aspects of the MERO program was identical across the  
17 Commonwealth. The only thing that was different were maps  
18 which indicated where the pipeline right-of-way went through  
19 the respective county.

20                   Q. Would you testify that the emergency planning and  
21 emergency response plans are currently sufficient?

22                   A. It is beyond my scope to testify to that fact.

23                   Q. You're not part of --

24                   A. I'm assuming you are referring to the county-based  
25 emergency operations plans.

1 Q. Yes. Are you happy with that, sir? I mean, are  
2 you satisfied with the emergency planning and emergency  
3 response plans?

4 A. It's not my responsibility to assess the  
5 operational capabilities and effectiveness of the county-  
6 based emergency operations plans. The premise which we  
7 operate on is that if the county develops the plan, and the  
8 plan is accepted by the state emergency management agency,  
9 then it certainly would be sufficient.

10 Q. But I'm asking you your opinion as a --

11 MS. SNYDER: Asked and answered.

12 JUDGE BARNES: I'm going to agree with that.

13 That is the answer, Mr. Baker.

14 MR. BAKER: Alrighty.

15 BY MR. BAKER:

16 Q. And you can't explain why Delaware County is  
17 calling for a moratorium?

18 MS. SNYDER: Objection; assumes facts not in  
19 evidence; relevance.

20 JUDGE BARNES: All right.

21 MR. BAKER: Your Honor, at this time, I would  
22 like to put this into evidence. He had said that the MERO  
23 was the same across the state.

24 JUDGE BARNES: What is it?

25 MR. BAKER: I'd like to put this in evidence.

1 Q. Yes. Are you happy with that, sir? I mean, are  
2 you satisfied with the emergency planning and emergency  
3 response plans?

4 A. It's not my responsibility to assess the  
5 operational capabilities and effectiveness of the county-  
6 based emergency operations plans. The premise which we  
7 operate on is that if the county develops the plan, and the  
8 plan is accepted by the state emergency management agency,  
9 then it certainly would be sufficient.

10 Q. But I'm asking you your opinion as a --

11 MS. SNYDER: Asked and answered.

12 JUDGE BARNES: I'm going to agree with that.  
13 That is the answer, Mr. Baker.

14 MR. BAKER: Alrighty.

15 BY MR. BAKER:

16 Q. And you can't explain why Delaware County is  
17 calling for a moratorium?

18 MS. SNYDER: Objection; assumes facts not in  
19 evidence; relevance.

20 JUDGE BARNES: All right.

21 MR. BAKER: Your Honor, at this time, I would  
22 like to put this into evidence. He had said that the MERO  
23 was the same across the state.

24 JUDGE BARNES: What is it?

25 MR. BAKER: I'd like to put this in evidence.

1 JUDGE BARNES: What is it?

2 MR. BAKER: It's the Emergency Preparedness  
3 Committee of Delaware County.

4 JUDGE BARNES: Is it an exhibit?

5 MR. BAKER: Yes, it is an exhibit.

6 JUDGE BARNES: What number is it?

7 MR. BAKER: I don't have a number on it.

8 JUDGE BARNES: Do we need to take a recess?

9 MR. BAKER: Yes, please.

10 JUDGE BARNES: All right. We're off the  
11 record.

12 (Recess.)

13 JUDGE BARNES: We are back on the record.

14 Mr. Baker has provided counsel and Mr. Noll  
15 and myself with a copy of what appears to be a transcript of  
16 a hearing in front of the Veterans Affairs and Emergency  
17 Preparedness Committee at Delaware County Community College  
18 in Media, Pennsylvania, dated Thursday, May 30, 2019. It's  
19 entitled a "Public Hearing on the Public Safety Aspects of  
20 Pipeline Systems."

21 Should we pre-mark this as Complainant's Cross  
22 Exhibit 1? Let's do that.

23 (Whereupon, the document was marked as Complainant's  
24 Cross-Examination Exhibit No. 1 for identification.)

25 JUDGE BARNES: Go ahead with your question.

1 MR. SNISCAK: Your Honor, I would like to  
2 interpose an objection first, if I may?

3 JUDGE BARNES: Yes. Are you objecting to the  
4 admission of this exhibit?

5 MR. SNISCAK: Yes, I'm objecting to the  
6 attempted cross-examination also, and here are the bases,  
7 and there are several of them. First of all, the proffer,  
8 to the extent it was a proffer, was Delaware County doesn't  
9 like something, or Chester, or somebody wants a moratorium.  
10 We're dealing with Cumberland County here. Again, our  
11 witness has testified that he provides education and  
12 information to first responders and to county emergency  
13 preparedness divisions, and then they take it from there,  
14 and it's not up to him to approve those plans, it's up to  
15 others such as PEMA. So he would have no knowledge, he  
16 would have no personal knowledge, concerning what Delaware  
17 County or Chester County may or may not be thinking.

18 There is a Rule of Evidence in Pennsylvania  
19 precisely on point, which it's Rule 602 of the Pennsylvania  
20 Rules of Evidence. It says, "A witness may not testify to a  
21 matter unless evidence is introduced sufficient to support a  
22 finding that he has personal knowledge." There's no  
23 personal knowledge. He may not know these people who are  
24 testifying. I doubt he was at the hearing. We're spending  
25 a lot of time and we're running out of daylight for getting

1 this case concluded. That's point number one.

2 Secondly, this isn't a transcript from a legal  
3 proceeding, and here's what's really fatal to this. Under  
4 Pennsylvania Rule of Evidence 803.1, this document, again,  
5 contains hearsay, and at some points hearsay on hearsay.  
6 All the testimony is essentially hearsay because it's from a  
7 declarant who is not here in the courtroom, and it also  
8 references in the document what other people may have said  
9 to them.

10 Now, under Rule 803.1, the declarant who  
11 testifies at trial concerning prior testimony has to be  
12 present, and that is exactly what we did with our testimony.  
13 The testimony from other hearings -- and they were sworn  
14 hearings subject to cross-examination -- we put them into  
15 the record, and every one of our declarants is here in this  
16 proceeding relative to what we incorporated to be cross-  
17 examined. That's a huge difference. This is just not  
18 allowable under the Rules of Evidence in Pennsylvania. And  
19 again, it's not pertinent to either what this witness has  
20 testified to, and secondly, to Cumberland County.

21 JUDGE BARNES: At this point, we do not know  
22 if the witness attended the meeting or not, and I think he's  
23 free to answer those questions. It appears to be a public  
24 meeting. It says a public hearing.

25 MR. SNISCAK: It is, Your Honor, but it

1 doesn't change that it's hearsay.

2 JUDGE BARNES: I understand the hearsay. This  
3 is an agency proceeding, it is not a court of law. The  
4 Rules of Evidence are somewhat relaxed for an agency  
5 proceeding. I'm not saying how much weight I'm going to  
6 give this, but I am inclined to allow it into evidence at  
7 this point.

8 Mr. Baker, do you have any questions for the  
9 witness?

10 MR. BAKER: Yes, Your Honor. I'll be brief on  
11 this.

12 BY MR. BAKER:

13 Q. Are you aware that the Delaware Commissioners have  
14 a resolution for a moratorium on the ME project directly  
15 related to your testimony in this document that they're not  
16 adequately, they feel, protected in this instance, in these  
17 instances?

18 MS. SNYDER: Objection to the characterization  
19 of Mr. Noll's testimony.

20 JUDGE BARNES: Could you make it just a simple  
21 question?

22 MR. BAKER: Okay.

23 BY MR. BAKER:

24 Q. Are you aware that the DelCo community has a  
25 resolution for a moratorium on the ME project?



1 A. Yes, but through the public media only.

2 Q. Was any of this related to your testimony, sir?

3 A. No.

4 MR. BAKER: Well, then, Your Honor, I move to  
5 admit this as evidence, and other than that, I'm finished  
6 with this witness.

7 MS. SNYDER: Your Honor, we renew our  
8 objection. He didn't even ask a question about the  
9 document. If he wants the fact of the moratorium in the  
10 record, he has that fact through our witness. Nothing else  
11 in this entire document has been discussed.

12 JUDGE BARNES: Do you still wish for the  
13 transcript to be admitted into evidence?

14 MR. BAKER: Yes, ma'am, I do.

15 MS. SNYDER: On what basis?

16 JUDGE BARNES: What is it to show?

17 MR. BAKER: It's to show that even with all  
18 the outreach, MERO, and everything, the county commissioners  
19 in that area have asked for a moratorium on any more  
20 construction because they're afraid of this project.

21 JUDGE BARNES: I'm going to allow it into  
22 evidence. Complainant's Cross Exhibit No. 1 is admitted.

23 **(Whereupon, the document marked as Complainant's Cross-**  
24 **Examination Exhibit No. 1 was received in evidence.)**

25 JUDGE BARNES: Does that conclude your





939, 947 (Pa. 2004) (holding, in part, that notwithstanding the statutory maxim of 2 Pa. C.S. § 505, which mandates a relaxation of the strict rules of evidence in agency hearings and proceedings, the “evidentiary Rules 602, 701, and 702 are applicable to agency proceedings in general...”). To the extent a witness is found to possess specialized knowledge to qualify as an expert on certain subject matters, **the witness’s expert testimony is limited to those issues within their specific expertise.** See *Bergdoll v. York Water Co.*, No. 2169 C.D. 2006, 2008 WL 9403180, at \*8–9 (Pa. Cmwlth. 2008) (unreported) (prohibiting independent contractors from offering expert testimony on water source and cause of sewer blockage; while witnesses were qualified to offer certain testimony as to facts and the extent of damage at issue, the source of the water and cause of the sewer blockage at issue “was not within their expertise”); see also, *Application of Shenango Valley Water Co.*, No. A-212750F0002, 1994 WL 932364, at \*19 (Jan. 25, 1994) (President of water company was “not qualified to provide expert testimony regarding the ratemaking value of utility property” when, notwithstanding his skills and expertise as to the operation of a public utility, he was “...not a registered professional engineer and has never been a witness concerning valuation of utility property in any proceeding before the Commission... lacks of knowledge regarding standard ratemaking conventions concerning capital stock as an item of rate base, cash working capital and the ratemaking requirements of Section 1311 of the Public Utility Code.”)(internal record citations omitted).

**B. Lay Witness Testimony is Limited to Direct Personal Knowledge**

Lay opinions on matters requiring scientific, technical or specialized knowledge are not competent evidence to support a finding of fact. Pa. R.E 701(c) (“If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is ... not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.”). Although the Pennsylvania Rules of Evidence are not strictly adhered to by the Commission, **the Pennsylvania**

**Supreme Court has recognized that any relaxation of the rules of evidence in administrative settings cannot permit lay witnesses to testify to technical matters “without personal knowledge or specialized training.”** *Gibson v. W.C.A.B.*, 861 A.2d 938, 947 (Pa. 2004) (holding Rules of Evidence 602 (personal knowledge), 701 (opinion testimony by lay witnesses) and 702 (testimony by expert witnesses) generally applicable in agency proceedings); Nancy Manes, C-20015803, 2002 WL 34559041, at \*1 (May 9, 2002) (the Commission abides by the Pennsylvania Supreme Court's standard “that a person qualifies as an expert witness if, through education, occupation or practical experience, the witness has a reasonable pretension to specialized knowledge on the matter at issue.”). Accordingly, **the Commission has consistently found that a lay witness is not qualified to testify or offer exhibits related to any issues outside of direct personal knowledge.** *Lamagna v. Pa. Elec. Co.*, C-2017-2608014, 2018 WL 6124353, at \*20 (Oct. 30, 2018) (lay witness was “not qualified to testify or offer exhibits related to health and safety issues outside of her direct personal knowledge.”). Moreover, **to the extent a lay witness offers references to reports or conclusions of others, these may not be considered as substantial evidence because a lay witness cannot rely on such information in reaching a conclusion** – rather, that is the role of a qualified expert witness. *Compare* Pa. R.E. 701 *with* Pa. R.E. 703.

While a fact finder may weigh the opinion testimony of a qualified expert, any such testimony of an unqualified lay witness must be excluded and should not be given any evidentiary weight. *Gibson v. W.C.A.B.*, 861 A.2d 938, 947 (Pa. 2004); *Miller v. Brass Rail Tavern, Inc.*, 664 A.2d 525, 528 (Pa. 1995). Accordingly, **the Commission has consistently found that lay witness testimony on technical issues such as health, safety, and the probability of structural failure as these necessarily “require expert evidence to be persuasive enough to support the**

**proposing party's burden of proof.**” *Application of PPL Elec. Utilities Corp.*, A-2009-2082652, 2010 WL 637063, at \*11 (Jan. 14, 2010) (emphasis added); *Pickford v. Pub. Util. Comm'n*, 4 A.3d 707, 715 (Pa. Cmwlth. 2010) (**ALJ “properly disregarded” testimony from 13 lay witnesses related to concerns and personal opinions about damage to pipes, lead leaching, toxicity to fish and home filtration expenses because “the nature of these opinions ... was scientific and required an expert.”**); *Lamagna v. Pa. Elec. Co.*, C-2017-2608014, 2018 WL 6124353, at \*20 (Oct. 30, 2018) (finding that **lay witness testimony and exhibits regarding technical health and safety issues “carry no evidentiary weight and ... were properly objected to and excluded.**).

Moreover, **that a lay witness may possess some level of knowledge and education in a related subject does not make him an expert on specialized and technical matters such as geology, pipeline construction, pipeline safety, or emergency response, and such unqualified testimony is not credible evidence.** See Opinion and Order, *Amended Petition of State Senator Andrew E. Dinniman for Interim Emergency Relief*, P-2018-301453 *et al.* (June 14, 2018) (acknowledging lack of expert testimony regarding technical geological concerns, thereby necessarily rejecting testimony of lay witness on geological issues without regard for lay witness’s purportedly related education and experience.); *see also*, Joint Statement of Commissioners Coleman and Kennard, *Amended Petition of State Senator Andrew E. Dinniman for Interim Emergency Relief*, P-2018-301453 *et al.* (June 14, 2018) (acknowledging “no credible evidence of record to indicate that a clear and present danger exists with respect to the construction activities on ME2 and ME2X in West Whiteland Township” when hearing transcript was “devoid of any expert witness testimony that, to a reasonable degree of scientific certainty, there is a credible and immediate harm with the construction of these lines.”).

**C. Authenticating an item of evidence**

Pursuant to Rule 901 of the Pennsylvania Rules of Evidence, parties to a hearing are required to satisfy the requirement of authenticating or identifying an item of evidence. To do so, “the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.” Pa.R.E. 901. The rationale for requiring authentication is that it provides a measure of protection against fraud or mistaken attribution of a writing to a person who fortuitously has the same name as the author. *Commonwealth v. Brooks*, 508 A. 2d 316 (Pa. Super. 1986); *Commonwealth v. Harrison*, 434 A.2d 808 (Pa. Super. 1981). Improper authentication can lead to reversal on appeal. *Kopytin v. Aschinger*, 947 A.2d 739 (Pa. Super. 2008). As it is the duty of the ALJ to ensure that the evidentiary record is solid and reliable, permitting improper authentication is a breach of that duty.

*Evangeline Hoffman-Lorah v. PPL Electric Utilities Corporation*, Docket No. C-2018-2644957,

Initial Decision at 16 (Nov. 14, 2018)(ALJ Barnes).

**D. Hearsay**

Hearsay is an out-of-court statement made by a declarant that is offered by a party to prove the truth of the matter asserted in the statement. See Pa.R.E. 801. The general rule against hearsay is that hearsay is inadmissible at trial unless it falls into one of the recognized exceptions to the hearsay rule pursuant to the Pennsylvania Rules of Evidence, other rules prescribed by the Pennsylvania Supreme Court, or statute. See Pa.R.E. 801, 802, 803, 803.1, 804. The rationale for the rule against hearsay is that hearsay lacks the guarantees of trustworthiness to be considered by the trier of fact; however, exceptions have been fashioned to accommodate certain classes of hearsay that are substantially more trustworthy than hearsay in general, and thus merit exception to the rule against hearsay. See e.g. *Commonwealth v. Kriner*, 915 A.2d 653 (Pa. Super. 2007); *Commonwealth v. Cesar*, 911 A.2d 978 (Pa. Super. 2006); *Commonwealth v. Bruce*, 916 A.2d 657 (Pa. Super. 2007).

Under the relaxed evidentiary standards applicable to administrative proceedings, see 2 Pa. C.S. § 505, it is well-settled that simple hearsay evidence, which otherwise would be inadmissible at a trial, generally may be received into evidence and considered during an administrative proceeding. *D’Alessandro v. Pennsylvania State Police*, 937 A.2d 404, 411, 594 Pa. 500, 512 (2007) (D’Alessandro). The Supreme Court of Pennsylvania stated: “Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Pa.R.E. 801(c). Hearsay evidence is normally inadmissible at trial unless an exception provided by the Pennsylvania Rules of Evidence, jurisprudence, or statute is applicable. Pa.R.E. 802. Complicating this general rule in the administrative law context, however, is Section 505 of the Administrative Agency Law: “Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination shall be permitted.” 2 Pa. C.S. § 505. Therefore, hearsay evidence may generally be received and considered during an administrative

proceeding. See *A.Y. v. Pa. Dep't of Pub. Welfare, Allegheny County Children & Youth Serv.*, 537 Pa. 116, 641 A.2d 1148, 1150 (1994).

However, whether simple hearsay may support a finding of an agency depends on whether the evidence meets the criteria of the *Walker/Chapman* rule. The *Walker/Chapman* rule provides that simple hearsay evidence may support an agency's finding of fact so long as the hearsay is admitted into the record without objection and is corroborated by competent evidence in the record. See *Walker v. Unemployment Compensation Board of Review*, 367 A.2d 366, 370 (Pa. Cmwlth. 1976) (*Walker*) (citations omitted); see also *Chapman v. Unemployment Compensation Board of Review*, 20 A.3d 603, 610, n.8 (Pa. Cmwlth. 2011) (*Chapman*).

Under Pennsylvania's *Walker/Chapman* Rule, it is well-established that "[h]earsay evidence, properly objected to, is not competent evidence to support a finding." Even if hearsay evidence is "admitted without objection," the ALJ must give the evidence "its natural probative effect and may only support a finding . . . if it is corroborated by any competent evidence in the record," as "a finding of fact based solely on hearsay will not stand." *Walker* at 370 (citations omitted).

To be "properly objected to" in an administrative proceeding, the hearsay evidence must not fall within one of the recognized exceptions to the rule against hearsay. Hearsay that falls within one of the recognized exceptions to the hearsay rule is competent evidence that may be relied upon by the agency. See *Chapman*, supra, n. 8 (finding that the Board properly relied upon a party's admission as competent evidence as a recognized exception to the hearsay rule); see also *Sanchez v. PPL Electric Utilities Corporation*, Docket No. C-2015- 2472600 (Order entered July 21, 2016) (*Sanchez*) (finding that testimony related to the issuance of a termination letter fell within the business records exception to the hearsay rule, and, therefore, was not simple hearsay, and was competent evidence to be relied upon in the proceeding to determine whether the complainant satisfied her burden of proof); see also Pa.R.E. 802, 803, 803.1 and 804.

Moreover, hearsay cannot corroborate hearsay. See *Sule v. Philadelphia Parking Authority*, 26 A.3d 1240, 1244 (Pa. Cmwlth. 2011), citing *J.K. v. Department of Public Welfare*, 721 A.2d 1127, 1133 (Pa. Cmwlth. 1998) (noting substantial evidence did not exist because there was no non-hearsay evidence to corroborate hearsay testimony).

*Evangeline Hoffman-Lorah v. PPL Electric Utilities Corporation*, Docket No. C-2018-2644957, Initial Decision at 16-18 (Nov. 14, 2018)(ALJ Barnes).



**CUSTOMER**  
**Sunoco Logistics Partners, LP**  
**CUSTOMER ORDER SXL4500055301**

HYDROSTATIC		ULTRASONIC		SEAM ANNEALED TEMP
PRESSURE	DURATION	DRILL HOLE	NOTCH	MINIMUM
2,480 PSI	15 Seconds	0.125 In	N10	1,650° F

**ORDER DESCRIPTION**  
**HFW / Fine Grained Steel / Aluminum Killed / Continuously Cast / Melted and Manufactured in U.S.A.**

OD 20.000 Inches  
 WALL 0.380 Inch  
 GRADE API5L-X65M-PSL2  
 SPEC API-5L  
 VERSION 45th December 2012  
 QUANTITY  
 STEEL PO 6764-15

**FRACTURE TOUGHNESS CRITERIA**  
**CVN-46-32F (35 ft.lb. minimum per 3/4-size).**

Flattening tests acceptable per specifications.

**CHEMICAL FORMULA**  
**CE=C+Mn/6+Cr/5+Mo/5+V/5+Ni/15+Cu/15**  
**Pcm=C+Si/30+Mn/20+Cu/20+Cr/20+Ni/60+Mo/15+V/10+5B**

CE Max=0.42% ; Pcm Max=21% ; Pipe manufactured, sampled, tested, and inspected in accordance with the specification(s) and meets requirements. Steel cast and coils rolled at US Steel, Gary, IN. Pipe manufactured at Stupp Corporation, Baton Rouge, LA.

TENSILE TESTS (in PSI)	SPECIMEN SIZE	12.0 In	X 2" (1.5" x 1)
COIL PIPE TEST TYPE	YIELD	TENSILE	ELONG% Y.T. Ratio
2764 5 PIPE LONGITUDINAL	78,300	91,700	31 0.85
2764 5 TRANS PIPE	67,300	93,500	31 0.72
2764 5 TRANS PIPE WELD		91,700	
2766 5 TRANS PIPE	73,200	91,900	29 0.80
2766 5 TRANS PIPE WELD		91,600	

DROP WEIGHT TESTS				TRANSVERSE FULL SIZE		
COIL PIPE LOCATION	TEMP	SHEAR PERCENT				
		1	2	AVG		
2764 5 BODY	32°F	100	100	100.0		

CHARPY TESTS		SHEAR PERCENT				ENERGY IN FT-POUNDS					
COIL PIPE ORIENTATION	LOCATION	SIZE	TEMP	1	2	3	AVG	1	2	3	AVG
2764 5 TRANSVERSE	BODY	3/4	32°F	100	100	100	100	134	117	158	136.3
2764 5 TRANSVERSE	WELD	3/4	32°F	100	100	100	100	116	158	228	167.3
2766 5 TRANSVERSE	BODY	3/4	32°F	100	100	100	100	207	189	186	194.0
2766 5 TRANSVERSE	WELD	3/4	32°F	100	100	100	100	198	219	206	207.7
2952 5 TRANSVERSE	BODY	3/4	32°F	100	100	100	100	227	178	217	207.3
2952 5 TRANSVERSE	WELD	3/4	32°F	100	100	100	100	224	208	206	212.7

HARDNESS SURVEY							
COIL PIPE TEST TYPE	BM	HAZ	WELD	HAZ	BM		
2764 5 VICKERS 10 KGF	211	177	178	178	210		
2764 5 VICKERS 10 KGF	218	176	190	184	220		
2764 5 VICKERS 10 KGF	212	182	168	194	226		

CHEMICAL TESTS																				
COIL PIPE	CE	Pcm	TYPE	C	Mn	P	S	Si	Al	Co	V	Ti	N	Cr	Mo	Cu	Ni	B	Ca	Sn
	0.273	0.124	LADLE	0.050	1.270	0.016	0.004	0.220	0.038	0.069	0.001	0.015	0.004	0.040	0.004	0.020	0.010	0.0001	0.0020	0.005
2764 5	0.279	0.121	PROD	0.043	1.350	0.016	0.001	0.218	0.038	0.069	0.003	0.015	0.007	0.039	0.004	0.021	0.009	0.0000	0.0019	0.004
2766 5	0.283	0.127	PROD	0.049	1.340	0.016	0.003	0.223	0.037	0.068	0.002	0.015	0.007	0.038	0.004	0.022	0.010	0.0000	0.0023	0.004

The undersigned, on behalf of Stupp Corporation, hereby certifies that the above materials have been inspected and tested in accordance with the methods prescribed in the applicable specifications, and the results of such inspection and tests are shown above. In determining properties or characteristics for which no methods of inspection or testing are prescribed by said specification, the standard mill inspection and testing practices of Stupp Corporation have been followed. Unless it appears otherwise in the results of such inspection and tests shown above, the undersigned employee of Stupp Corporation believes that said materials conform to said specification.

Jeff Jones  
 Stupp Corporation, Authorized Insp. Rep  
 10/9/2015  
 Appr: *[Signature]*

Robert Stupp / *[Signature]* Inspected 10/22/2015  
 SPLP 1-X111BIT  
 4

**MILL TEST CERTIFICATE**  
ACC TO EN 10204-2004 / 3.1

Head Office: 33 Amaraoussou- Halandriou Str. 151 25 Marousi Athens  
Tel: (+30) 210-6787111, Fax: (+30) 210-6787510  
Registered Office: 2-4 Mesogeion Av., 115 27 Athens, Greece 22210  
Plant: V.La. Thess - 320 10 Domvra, Viotia  
Tel: (+30-22640) 22777, 22388 Fax: (+30-22640) 22210

<b>Customer / Contract No:</b>	KINDER MORGAN CO2 COMPANY L P 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No 4268582-0-CONT CPW AMERICA Co Purchase Order No 31-1187 Rev3	<b>Certificate No:</b>	15-023
<b>Pipe Spec. and description:</b>	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV 1 Pipes inside bars and outside coated with FBE+ARO according to ITP_62_14_ARO_REV 1	<b>Date:</b>	16/3/2015
<b>Dimensions / Grade:</b>	16 000" OD X 0 438" WALL THICKNESS / X70M PSL2 GRADE ITEM 3	<b>Revision:</b>	0
<b>Quantity:</b>	PIECES: 111 FEET: 6,498.9 WEIGHT IN LBS: 493,379	<b>Page:</b>	1
<b>Test results are indicated in the attached documents:</b>		<b>Process Sheet No/subNo:</b>	F166/2

Test results are indicated in the attached documents:		REMARKS	
Impact report No:	SN 5194 (2 pages)	<b>External FBE+ARO Coating Tests Passed:</b> <ul style="list-style-type: none"> <li>• Pipe inspection before blasting.</li> <li>• Surface inspection after blasting (SSPC-SP10 min).</li> <li>• Salt contamination test after blasting.</li> <li>• Control of Roughness (2.0-4.4mils).</li> <li>• Phosphoric acid wash treatment.</li> <li>• Uncoated pipe ends (1.5-3.0in).</li> <li>• Visual inspection of coating.</li> <li>• Holiday examination at 4.5kV min.</li> <li>• Coating thickness (FBE: 14-25mils/16mils nominal, ARO: 40mils min).</li> <li>• Flexibility test (FBE+ARO: 1.0o, @-22oF; FBE: 2.5o, @-22oF).</li> <li>• Impact resistance test (FBE+ARO: 3.0J min, @-22oF; FBE: 1.5J min, @-22oF).</li> <li>• Cathodic disbondment test (FBE, FBE+ARO: Max radius 4.5mm, @149oF).</li> <li>• Adhesion test (FBE, FBE+ARO: Rating 1-3, @167oF).</li> <li>• Interface contamination (FBE, FBE+ARO: 30% max).</li> <li>• Cross-section porosity test (FBE, FBE+ARO: Rating 1-3).</li> <li>• Interface porosity test (FBE, FBE+ARO: Rating 1-3).</li> <li>• DSC cure test (FBE, FBE+ARO: ΔTgs5oC).</li> <li>• Residual magnetism (Averages 30Gauss, Individuals ≤ 35Gauss).</li> </ul>	
Tensile report No:	SN 5381 (7 pages)		
Chemical report No:	SN 5389 (8 pages)		
-All pipes passed a hydrostatic test at minimum 3,660 psi (95% of SMYS) for 10 sec minimum. -Flattening test carried out according to the specification with acceptable results -All pipes have undergone a weld seam heat treatment with minimum temperature 860°C -Residual Magnetism less than 30 Gauss (average) -Visual / dimensional and marking inspection carried out according to specification with acceptable results. -Macro / micro examination according to specification with acceptable results.	<b>Ultrasonic Inspection</b> - 100% of pipes on weld seam for longitudinal imperfections (calibration standard: 1 RDH Ø0.125" located on the fusion line, 2 x N5 notches (1 ID & 1 OD) parallel to the weld)  <b>Steel making mill location</b> Arcelor Mittal FOS mill, France  <b>Coil rolling mill location</b> Arcelor Mittal FOS mill, France	We hereby certify that the material described herein has been made in accordance with the applicable standard and the customer's requirements.	
<b>THIRD PARTY INSPECTOR</b>	<b>CUSTOMER'S INSPECTOR</b>		
NAME: DATE: SIGNATURE: <i>E. Agos</i> AGOS GQS USA	NAME: DATE: SIGNATURE:	NAME: DATE: SIGNATURE:	CORINTH PIPEWORKS S.A. P.I.P.E. INDUSTRY AND REPAIR STATE P. VASILEIOU L. TASSIOS

SPLP EXHIBIT  
5

**ΔΕΛΤΙΟ ΔΟΚΙΜΩΝ ΚΡΟΥΣΗΣ (IMPACT TEST REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

L: Longitudinal specimen ; T: Transverse specimen

Run Coil No	Coil No	Heat No	Specimen Orientation	Temp 0 °C								Specimen Orientation	Temp 0 °C								Specimen Orientation	Temp 0 °C								Pipe No	Pipe Counter per Heat
				Body				Av					Weld				Av					HAZ				Av					
				Filbs	%	Filbs	%	Filbs	%	Filbs	%		Filbs	%	Filbs	%	Filbs	%	Filbs	%		Filbs	%	Filbs	%	Filbs	%	Filbs	%		
Spec Limits	min	max	90	90	90	120	85	40	40	40	40	90	90	90	120																
1	8458087	730419644	T	217	100	202	100	209	100	209	100	T	97	106	97	101	T	204	221	241	222					1211112	12/99				
2	8505114	730419556	T	222	100	232	100	198	100	218	100	T	108	87	103	103	T	236	251	281	248					191211	1/99				
3	8505115	730427735	T	228	100	217	100	205	100	218	100	T	114	105	97	105	T	281	251	217	250					401316	8/99				
5	8465083	730419555	T	195	100	196	100	194	100	193	100	T	94	96	95	95	T	248	233	230	237					711617	7/99				
8	8325031	730419340	T	190	100	183	100	195	100	193	100	T	91	97	103	97	T	267	269	285	274					871616	8/99				
8	8458076	730427736	T	185	100	185	100	190	100	190	100	T	87	89	88	91	T	249	260	224	245					1171817	7/99				
9	8445084	730419846	T	212	100	211	100	200	100	208	100	T	103	92	100	99	T	218	231	209	219					1321817	7/99				
10	8251144	730427405	T	214	100	201	100	204	100	206	100	T	85	84	86	88	T	204	208	201	204					14811017	7/99				
12	8251122	730419167	T	195	100	199	100	204	100	193	100	T	109	112	98	106	T	229	215	229	224					17511216	8/99				
13	8307086	730419344	T	200	100	189	100	184	100	181	100	T	102	111	106	106	T	240	220	203	221					19011316	8/99				
14	8251127	730427403	T	193	100	191	100	203	100	185	100	T	94	87	91	90	T	211	228	209	218					20511416	6/99				
15	8302061	730427458	T	204	100	208	100	195	100	202	100	T	105	108	114	109	T	206	197	192	198					21811511	1/9				
17	8280078	730427406	T	185	100	183	100	188	100	188	100	T	115	123	111	116	T	221	200	204	208					24611711	1/8				
18	8325045	730427537	T	184	100	180	100	207	100	194	100	T	96	90	93	93	T	212	189	140	193					28011811	1/99				
19	8255070	730419166	T	214	100	182	100	181	100	189	100	T	109	95	98	101	T	181	205	174	187					27511911	1/99				
20	8109042	730427209	T	228	100	215	100	212	100	216	100	T	88	99	86	91	T	209	198	178	185					28912011	1/9				
22	8257088	730427484	T	187	100	190	100	181	100	186	100	T	75	82	83	80	T	187	198	175	166					31812211	1/99				
23	8257078	730427487	T	218	100	219	100	219	100	219	100	T	100	106	98	102	T	217	224	209	217					33312311	1/99				
24	8109040	730427213	T	226	100	234	100	232	100	231	100	T	114	100	94	103	T	230	204	228	221					35312416	6/9				
25	8121067	730418581	T	240	100	238	100	237	100	237	100	T	85	77	88	83	T	240	221	216	228					36812516	8/9				
26	8233131	730427215	T	181	100	215	100	215	100	207	100	T	90	74	81	82	T	198	200	220	209					38012616	8/9				



Laboratory Assistant



Laboratory Supervisor

**ACES-GQS**

 S. J. G. G.  
 Third Part Inspection

Client's Representative

1 / 2







ΣΥΣΤΗΜΑ ΔΙΑΧΕΙΡΙΣΗΣ ΠΟΙΟΤΗΤΑΣ  
(Quality Management System)

CPW-T-HS-190.0.1 Rev.1

A/A(S/N): 5381  
HM/NIA(Dat) 9/3/2015

ΔΕΛΤΙΟ ΔΟΚΙΜΩΝ ΕΦΕΛΚΥΣΜΟΥ ΚΑΙ ΣΚΛΗΡΟΜΕΤΡΗΣΕΩΝ (TENSILE AND HARDNESS TEST REPORT)

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1: Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Coil No	Heat No	Raw Material					Pipe										Pipe No	Pipe Counter per Heat								
			Specim Size mm	Sp eci m an	Yield Strength Psi	Tensile Strength Psi	Elg. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi	Body YS/TS	Elg. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi			Elg. % G.L.	Hardness Max HV10			Bend Test			
																					HAZ	Base	Weld				
		Spec	min						70300	82700		22				82700											
		Limits	max						92100	110200	0,90							250	250	250							
20	8109042	730427209						39.145X11.136	T	76725	91229	0,84	32	38.921X10.690	T		87893		210	220	204			28912011	1/9		
22	8257088	730427494						39.320X11.122	T	79626	91229	0,87	31	39.115X11.053	T		87748		204	220	198			31812211	1/99		
23	8257078	730427497						39.263X11.132	T	79771	93114	0,86	31	39.070X10.882	T		87168		201	217	203			33312311	1/99		
24	8109040	730427213						39.304X11.086	T	78755	93684	0,84	31	38.819X10.777	T		88328		210	216	204			35312416	8/9		
25	8121067	730418561						39.330X11.049	T	77160	91229	0,85	33	38.848X10.806	T		85572		208	220	189			36812516	8/9		
26	8233131	730427215						39.140X11.089	T	78901	92534	0,85	33	38.901X10.374	T		88763		203	215	203			38012816	8/9		
28	8302066	730427458						38.904X11.041	T	77015	92679	0,83	31	39.201X10.830	T		88908							40812816	51/9		
31	8307078	730419340						38.901X11.092	T	76725	92969	0,83	32	39.251X10.715	T		87023							45413115	51/99		
33	8348089	730419339						39.517X11.092	T	76338	93549	0,85	32	38.521X10.884	T		86878		213	214	201			48113311	1/9		
35	8255068	730427493						39.093X11.093	T	76290	89343	0,85	36	38.881X10.989	T		85282		210	220	199			51513513	3/9		
36	8250080	730419242						39.289X11.083	T	77450	92099	0,84	34	39.228X10.832	T		87023		204	212	199			52713811	1/99		
39	8257053	730427495						39.290X11.117	T	77885	90213	0,86	31	38.817X10.866	T		85137		208	215	198			57213911	1/99		
42	8458074	730419845						39.487X11.029	T	77160	91229	0,85	32	38.584X10.859	T		85862		200	215	201			61714211	1/99		
43	8257082	730427497						39.262X11.055	T	78465	95580	0,82	32	39.328X10.894	T		86007							63514314	51/99		
49	8511105	730419557						39.255X11.042	T	76000	88618	0,88	33	38.287X10.880	T		85717		203	216	200			72014911	1/88		



Laboratory Assistant



Laboratory Supervisor

ACES-GQS

S. DSA

Third Part Inspection

Client's Representative 217



**ΣΥΣΤΗΜΑ ΔΙΑΧΕΙΡΙΣΗΣ ΠΟΙΟΤΗΤΑΣ**  
(Quality Management System)

**CPW-T-HS-190.0.1 Rev.1**

A/A(S/N):	5381
HM/NIA(Dat)	9/3/2015

**ΔΕΛΤΙΟ ΔΟΚΙΜΩΝ ΕΦΕΛΚΥΣΜΟΥ ΚΑΙ ΣΚΛΗΡΟΜΕΤΡΗΣΕΩΝ (TENSILE AND HARDNESS TEST REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Coil No	Heat No	Raw Material					Pipe										Pipe No	Pipe Counter per Heat								
			Specim Size mm	Sp eci m an	Yield Strength Psi	Tensile Strength Psi	Eig. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi	Body YS/TS	Eig. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi			Eig. % G.L.	Hardness Max HV10			Bend Test			
																					HAZ	Base	Weld				
		Spec	min						70300	82700		22				82700											
		Limits	max						92100	110200	0,90							250	250	250							
52	8310047	730419341						39.561X11.047	T	79481	91954	0,86	31	38.375X10.680	T		87313		208	217	199			766\62\1	1/99		
58	8458059	730419645						38.871X11.029	T	79626	93984	0,85	30	39.371X11.271	T		83832							859\58\6	51/99		
61	8251140	730419167						38.628X10.991	T	77595	91809	0,85	31	39.237X10.830	T		86442							805\81\6	52/99		
64	8250077	730419237						39.235X11.042	T	77450	92869	0,83	33	38.443X10.823	T		86007		206	221	201			951\64\6	6/9		
65	8257054	730427495						38.721X10.976	T	78175	93114	0,84	32	39.071X10.946	T		86442							868\65\6	51/99		
66	8251133	730419170						39.013X11.099	T	77015	91954	0,84	31	39.124X10.971	T		88152		205	215	200			981\66\6	6/99		
67	8251112	730427403						38.642X11.141	T	79481	95435	0,83	32	38.874X11.121	T		85427							995\67\5	51/99		
71	8458070	730427735						38.861X11.041	T	78320	92099	0,85	32	39.082X10.802	T		85282							1059\71\8	51/99		
73	8251137	730419166						38.671X11.043	T	77740	91954	0,85	33	38.591X11.087	T		85282							1088\73\7	51/99		
75	8511098	730419644						38.936X10.985	T	82526	97900	0,84	28	38.994X10.713	T		88473							1114\75\3	51/99		
78	8307084	730419343						38.830X11.116	T	76870	91864	0,84	31	39.092X10.833	T		86733		201	218	200			1163\78\6	6/99		
82	8264057	730427496						38.646X11.042	T	78030	91374	0,85	32	38.863X11.009	T		85572		205	212	199			1222\82\8	6/99		
86	8325052	730419340						38.779X10.951	T	81366	95870	0,85	29	38.926X10.855	T		88038							1286\86\9	101/98		
93	8251118	730419170						38.808X10.912	T	75420	90068	0,84	33	38.818X10.823	T		85717							1388\93\5	51/99		
97	8345064	730427542						38.459X11.068	T	79046	93549	0,84	34	38.645X10.720	T		88442		201	210	198			1450\97\6	6/99		



Laboratory Assistant



Laboratory Supervisor



Third Part Inspection

Client's Representative 3\7









ΔΕΛΤΙΟ ΔΟΚΙΜΩΝ ΕΦΕΛΚΥΣΜΟΥ ΚΑΙ ΣΚΛΗΡΟΜΕΤΡΗΣΕΩΝ (TENSILE AND HARDNESS TEST REPORT)

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 6L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes Inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Coil No	Heat No	Raw Material					Pipe											Pipe No	Pipe Counter per Heat							
			Specim Size mm	Spec m an	Yield Strength Psi	Tensile Strength Psi	Elg. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi	Body YS/TS	Elg. % G.L.	Specim Size mm	Specimen Orientation	Yield Strength Psi	Tensile Strength Psi	Elg. % G.L.			Hardness Max HV10			Bend Test			
																					HAZ	Base	Weld				
		Spec	min							70300	82700		22														
		Limits	max							92100	110200	0,90							250	250	250						
238	8353079	730419242						39.261X11.095	T	80061	96305	0,83	31	39.407X10.741	T		89053								3568 \ 238 \ 10	101 / 99	
239	8511106	730419557						39.036X11.082	T	78901	92969	0,85	32	38.881X10.885	T		84847								3583 \ 239 \ 10	102 / 99	
240	8257073	730427496						39.172X11.076	T	78610	95435	0,82	33	39.165X10.912	T		86588								3598 \ 240 \ 10	101 / 99	
241	8528085	730419555						39.472X11.101	T	78916	95870	0,83	31	39.152X10.834	T		88442								3615 \ 241 \ 12	101 / 99	
245	8251123	730419171						39.012X11.099	T	79916	92989	0,86	31	39.346X10.891	T		86427								3675 \ 245 \ 11	101 / 99	
247	8318029	730427542						38.458X11.086	T	75565	93404	0,81	32	39.361X10.724	T		85862								3704 \ 247 \ 10	101 / 99	
261	8465096	730427736						38.941X11.125	T	79336	93984	0,84	31	38.844X11.001	T		85427								3916 \ 261 \ 12	101 / 99	
262	8458068	730427735						38.898X11.119	T	76145	90213	0,84	34	39.481X10.955	T		84557								3923 \ 262 \ 5	151 / 99	
267	8458079	730427736						39.425X11.131	T	76725	89778	0,85	34	39.046X10.821	T		86007								3997 \ 267 \ 4	152 / 99	

L: Longitudinal T: Transverse

YS: Yield Strength TS: Tensile Strength EL: Elongation



Laboratory Assistant



Laboratory Supervisor



Third Part Inspection

Client's Representative 7 \ 7

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 46th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run	Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	ITW%	Nb+V	Cr+Mo	Al/N	Sample	Pipe
Coil			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	+Ti%	+Ni		from	Counter
No			100	100	1000	1000	100	100	100	100	100	100	1000	1000	1000	1000	1000	1000	1000	100	100		+Cu%			per Heat
Spec		min																								
Limits		max	12,80	200,00	25,00	15,00	48,00	50,00	50,00	50,00	50,00			80,00				10,00		20,00	40,00	0,15				
1	8458067	730419644	5,80	151,80	13,40	2,00	21,30	2,00	2,00	0,10	0,80	1,87	58,00	1,00	26,30	1,00	1,32	2,90	0,10	14,30	31,70	0,078	0,049	9,07	HEAT	
1	8458067	730419644	5,80	151,80	13,00	1,80	21,20	2,10	2,00	0,10	0,80	1,85	58,00	1,00	26,40	1,00	1,36	2,70	0,10	14,20	31,60	0,078	0,050	9,78	121112	12/99
1	8458067	730419644	5,70	151,60	13,00	1,70	21,10	2,00	1,90	0,10	0,80	1,85	58,00	1,00	25,60	1,00	1,27	3,20	0,10	14,10	31,50	0,078	0,048	8,00	131113	13/99
2	8505114	730419558	5,60	153,80	17,00	1,60	20,90	3,10	1,80	0,60	1,00	1,69	58,00	1,00	24,20	1,00	2,18	4,10	0,10	14,20	32,10	0,078	0,065	5,90	HEAT	
2	8505114	730419558	5,50	153,30	16,70	1,40	21,00	3,10	1,80	0,60	1,00	1,68	58,00	1,00	24,40	1,00	2,13	3,50	0,10	14,10	32,00	0,078	0,065	6,97	191211	1/99
2	8505114	730419558	5,50	153,20	16,70	1,60	21,00	3,10	1,80	0,60	1,00	1,68	58,00	1,00	24,20	1,00	2,32	3,70	0,10	14,10	32,00	0,078	0,065	6,54	201212	2/99
3	8505115	730427735	5,60	146,90	11,90	2,00	19,00	1,70	1,70	0,40	0,80	1,76	57,00	1,00	36,20	2,00	1,62	3,20	0,10	14,00	30,90	0,070	0,046	11,31	HEAT	
3	8505115	730427735	5,60	146,40	11,60	1,80	19,10	1,80	1,80	0,40	0,80	1,74	56,00	1,00	36,80	2,00	1,62	3,00	0,10	13,80	30,70	0,074	0,048	12,27	401316	6/99
3	8505115	730427735	5,60	146,70	11,60	1,90	19,20	1,80	1,80	0,50	0,80	1,76	57,00	1,00	36,40	2,00	1,69	3,20	0,10	13,80	30,70	0,078	0,049	11,38	411317	7/99
5	8465093	730419555	5,70	150,20	17,50	1,40	20,80	3,20	1,70	0,48	0,80	1,82	60,00	1,00	26,10	1,00	2,45	3,60	0,10	14,20	31,70	0,077	0,062	7,48	HEAT	
5	8465093	730419555	5,80	151,00	17,80	1,30	20,70	3,20	1,70	0,50	0,80	1,64	61,00	1,00	26,00	1,00	2,47	3,70	0,10	14,30	31,90	0,078	0,062	7,03	711617	7/99
5	8465093	730419555	5,70	151,10	17,30	1,20	20,90	3,20	1,80	0,50	0,80	1,63	61,00	1,00	26,20	1,00	2,37	3,60	0,10	14,20	31,80	0,078	0,064	7,28	721618	8/99
6	8325051	730419340	5,40	153,80	13,60	2,30	19,30	2,30	1,90	0,78	1,30	1,66	59,00	1,00	28,10	1,00	2,21	1,80	0,10	14,00	31,80	0,077	0,063	15,81	HEAT	
6	8325051	730419340	5,20	154,00	13,60	1,80	19,40	2,30	2,00	0,80	1,30	1,66	59,00	1,00	28,00	1,00	2,19	2,10	0,10	13,80	31,70	0,077	0,064	13,33	871618	8/99

  
Laboratory Assistant

  
Laboratory Supervisor

  
Third-Party Inspection

Client's Representative 1 / 8

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

<b>Πελάτης/Customer</b>	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	<b>Εντολή Παραγωγής/PSN</b>	F166/2
<b>Προδιαγραφή/Spec</b>	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	<b>Οδηγία/Procedure</b>	CPW-T-HS-190.0
<b>Διάσταση/Size</b>	16.000" X 0.438"	<b>Ποιότητα/Grade</b>	X70M PSL2

Run	Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	IIW%	Nb+V	Cr+Mo	Al/N	Sample	Pipe
Coil	No	No	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	+Ti%	+Ni		from	Counter
No	No	No	100	100	1000	1000	100	100	100	100	100	100	1000	1000	1000	1000	1000	1000	1000	100	100		+Cu%			per Heat
			min																							
			max	12,00	200,00	25,00	15,00	45,00	50,00	50,00	50,00			80,00				10,00		20,00	40,00	0,15				
6	8325051	730419340	5,20	154,20	13,40	1,60	19,50	2,30	2,00	0,80	1,30	1,67	59,00	1,00	27,80	1,00	1,99	2,40	0,10	13,80	31,70	0,077	0,064	11,58	881619	9/99
8	8458078	730427736	5,70	150,40	14,60	1,10	20,90	1,70	1,70	0,38	0,70	1,80	55,00	1,00	34,30	1,00	2,16	3,40	0,10	14,10	31,30	0,074	0,045	10,09	HEAT	-
8	8458076	730427738	5,70	151,10	14,90	1,00	20,90	1,70	1,80	0,40	0,70	1,81	56,00	1,00	33,80	1,00	1,94	3,50	0,10	14,10	31,40	0,075	0,044	9,66	1171817	7/99
8	8458076	730427736	5,50	150,40	14,50	1,00	20,90	1,70	1,60	0,40	0,70	1,80	55,00	1,00	33,80	1,00	1,93	3,30	0,10	13,90	31,20	0,074	0,044	10,24	1181818	8/99
9	8445084	730419846	5,70	150,90	10,70	2,30	19,80	1,60	1,90	0,51	0,90	1,65	54,00	1,00	31,40	1,00	2,24	2,50	0,10	14,10	31,50	0,072	0,049	12,56	HEAT	-
9	8445084	730419846	5,70	151,40	10,80	1,90	20,10	1,60	1,90	0,50	0,90	1,66	55,00	1,00	31,10	1,00	1,95	3,50	0,10	14,10	31,60	0,073	0,049	8,89	1321917	7/99
9	8445084	730419846	6,40	148,60	9,90	1,80	19,60	1,60	1,90	0,50	0,90	1,59	51,00	1,00	31,20	1,00	2,12	2,10	0,10	13,70	30,80	0,068	0,049	14,86	1331918	8/99
10	8251144	730427405	6,00	153,20	14,60	1,60	19,00	2,40	1,50	0,29	0,90	2,13	60,00	1,00	29,60	1,00	1,94	5,20	0,10	14,50	32,30	0,082	0,051	5,69	HEAT	-
10	8251144	730427405	6,00	153,70	14,70	1,50	19,20	2,40	1,50	0,30	0,90	2,12	60,00	1,00	29,70	1,00	1,87	4,80	0,10	14,50	32,30	0,082	0,051	6,06	14811017	7/99
10	8251144	730427405	5,90	153,50	14,50	1,40	19,40	2,40	1,50	0,30	0,90	2,13	60,00	1,00	30,00	1,00	1,84	5,00	0,10	14,40	32,20	0,082	0,051	6,00	14711018	8/99
12	8251122	730419167	6,00	152,10	15,10	2,10	20,30	2,20	1,40	0,13	0,80	1,66	58,00	1,00	30,80	11,00	1,94	5,00	0,10	14,40	32,00	0,076	0,045	6,16	HEAT	-
12	8251122	730419167	5,90	151,20	14,80	1,80	20,50	2,30	1,50	0,10	0,90	1,63	57,00	1,00	31,10	11,00	1,91	5,10	0,10	14,30	31,70	0,074	0,048	6,10	17511216	6/99
12	8251122	730419167	5,80	152,10	14,90	2,10	20,60	2,30	1,50	0,20	0,90	1,65	58,00	1,00	31,30	11,00	1,94	4,70	0,10	14,30	31,80	0,076	0,049	6,66	17611217	7/99
13	8307086	730419344	6,00	152,50	14,40	1,40	20,80	1,80	1,50	0,47	0,70	1,76	55,00	1,00	38,30	1,00	1,66	4,60	0,10	14,50	32,00	0,074	0,045	7,89	HEAT	-



Laboratory Assistant



Laboratory Supervisor

**ACES-GQS**


Third Part Inspection

Client's Representative 218

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 46th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside-bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Se%	Ca%	N%	B%	PCM%	IITW%	Nb+V +Ti%	Cr+Mo +Ni +Cu%	Al/N	Sample from	Pipe Counter per Heat
Spec Limits	min	max	12,00	200,00	25,00	15,00	45,00	50,00	50,00	50,00	60,00			80,00				10,00		20,00	40,00	0,15				
13	8307096	730419344	6,00	152,40	14,30	1,40	20,80	1,80	1,50	0,50	0,70	1,78	56,00	1,00	38,30	1,00	1,68	4,40	0,10	14,50	32,00	0,075	0,045	8,25	19011318	6/99
13	8307096	730419344	5,90	152,80	14,30	1,30	20,90	1,80	1,50	0,50	0,70	1,77	56,00	1,00	35,90	1,00	1,56	3,80	0,10	14,40	32,00	0,075	0,045	9,97	19111317	7/99
14	8251127	730427403	6,00	153,70	15,20	1,80	19,30	1,50	1,40	0,13	0,70	1,65	57,00	1,00	33,60	1,00	1,69	4,00	0,10	14,50	32,10	0,075	0,037	8,40	HEAT	-
14	8251127	730427403	5,90	153,90	15,40	1,90	19,50	1,50	1,50	0,10	0,70	1,64	57,00	1,00	34,00	1,00	1,74	4,50	0,10	14,40	32,10	0,074	0,038	7,58	20511418	6/99
14	8251127	730427403	5,90	153,70	15,30	1,70	19,20	1,60	1,40	0,10	0,70	1,62	57,00	1,00	33,70	1,00	1,65	4,10	0,10	14,40	32,00	0,074	0,038	8,22	20611417	7/99
15	8302061	730427458	7,80	153,60	13,00	1,50	18,90	2,00	1,40	0,31	1,00	1,66	57,00	1,00	32,10	1,00	2,03	5,10	0,10	16,30	34,10	0,075	0,047	8,29	HEAT	-
15	8302061	730427458	7,80	152,90	12,70	1,50	19,00	2,00	1,50	0,30	1,00	1,63	56,00	1,00	32,20	1,00	1,99	5,20	0,10	16,00	33,70	0,073	0,048	6,19	21611511	1/9
15	8302081	730427458	7,60	153,50	12,90	1,60	19,10	2,00	1,50	0,30	1,00	1,65	56,00	1,00	31,90	1,00	2,03	5,30	0,10	16,10	33,80	0,074	0,048	6,02	21711512	2/9
17	8250076	730427406	6,00	148,30	12,60	0,90	20,30	1,80	1,40	0,19	0,70	2,53	58,00	1,00	25,30	1,00	1,88	4,80	0,10	14,20	31,30	0,084	0,041	5,27	HEAT	-
17	8250076	730427406	5,90	148,60	12,70	0,90	20,30	1,80	1,40	0,20	0,70	2,54	58,00	1,00	25,30	1,00	1,89	5,00	0,10	14,20	31,20	0,084	0,041	5,08	24811711	1/9
17	8250076	730427406	5,90	148,60	12,60	0,80	20,50	1,80	1,40	0,20	0,70	2,52	58,00	1,00	25,20	1,00	1,88	5,00	0,10	14,20	31,20	0,084	0,041	5,04	24711712	2/9
18	8325045	730427537	5,60	149,00	12,00	1,20	19,90	2,40	1,90	0,78	1,80	1,78	56,00	1,00	38,40	1,00	1,80	4,20	0,10	14,00	31,30	0,075	0,069	9,14	HEAT	-
18	8325045	730427537	5,50	149,20	11,90	1,30	19,90	2,40	2,00	0,60	1,80	1,78	56,00	1,00	38,60	1,00	1,80	3,80	0,10	13,90	31,20	0,075	0,070	10,18	26011811	1/99
18	8325045	730427537	5,50	148,60	11,70	0,90	19,80	2,40	2,00	0,80	1,80	1,76	55,00	1,00	37,80	1,00	1,64	4,10	0,10	13,90	31,10	0,074	0,070	9,22	26111812	2/99



Laboratory Assistant



Laboratory Supervisor



Third Part Inspection

Client's Representative 3/8

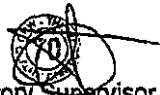
**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run	Coil No	Heat No	C%	Mn%	P%	S%	SI%	Cr%	NI%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	TIW%	Nb+V	Cr+Mo	Al/N	Sample	Pipe
Coil	No	No	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	+Ti%	+Ni		from	Counter
No	No	No	100	100	1000	1000	100	100	100	100	100	100	1000	1000	1000	1000	1000	1000	1000	100	100		+Cu%			per Heat
			min																							
			max	12,00	200,00	25,00	15,00	45,00	50,00	50,00	50,00			80,00					10,00		20,00	40,00	0,15			
19	8255070	730419168	5,80	151,30	16,50	1,40	20,40	2,10	1,40	0,10	0,70	1,62	58,00	1,00	31,40	1,00	1,84	3,90	0,10	14,20	31,60	0,075	0,043	8,05	HEAT	-
19	8255070	730419168	5,70	151,20	16,30	1,30	20,50	2,10	1,40	0,10	0,70	1,61	58,00	1,00	31,20	1,00	1,83	4,10	0,10	14,10	31,50	0,075	0,043	7,61	275\19\1	1/99
19	8255070	730419168	5,70	151,40	16,20	1,20	20,60	2,10	1,40	0,10	0,70	1,62	58,00	1,00	31,60	1,00	1,79	4,30	0,10	14,10	31,50	0,075	0,043	7,35	276\19\2	2/99
20	8109042	730427209	5,90	154,90	15,40	0,90	20,10	1,70	1,40	0,18	0,80	1,49	60,00	1,00	29,00	1,00	1,90	4,00	0,10	14,60	32,30	0,076	0,041	7,25	HEAT	-
20	8109042	730427209	5,90	155,00	15,20	0,80	20,30	1,70	1,40	0,20	0,80	1,50	60,00	1,00	29,40	1,00	1,95	4,30	0,10	14,50	32,30	0,076	0,041	6,84	289\20\1	1/9
20	8109042	730427209	5,70	154,50	15,00	0,70	20,20	1,80	1,40	0,20	0,80	1,49	60,00	1,00	29,20	1,00	1,90	4,10	0,10	14,20	32,00	0,076	0,042	7,12	290\20\2	2/9
22	8257086	730427494	5,90	156,00	16,60	1,10	20,60	2,80	1,40	0,16	0,80	1,63	56,00	2,00	27,80	1,00	2,16	4,90	0,10	14,60	32,70	0,074	0,052	5,69	HEAT	-
22	8257086	730427494	5,90	155,80	16,50	1,10	20,60	2,80	1,40	0,20	0,80	1,61	56,00	1,00	27,80	1,00	2,08	5,00	0,10	14,80	32,60	0,073	0,052	5,52	318\22\1	1/99
22	8257088	730427494	5,80	155,90	16,40	1,00	20,80	2,80	1,50	0,20	0,80	1,61	56,00	1,00	28,10	1,00	2,18	5,20	0,10	14,50	32,50	0,073	0,053	5,40	319\22\2	2/99
23	8257078	730427497	6,10	151,30	12,50	1,00	19,70	1,50	1,30	0,15	0,70	1,65	58,00	1,00	35,20	1,00	1,75	4,20	0,10	14,50	31,80	0,074	0,037	8,38	HEAT	-
23	8257078	730427497	6,20	151,70	12,70	1,10	20,00	1,50	1,40	0,20	0,70	1,67	57,00	1,00	35,60	1,00	1,79	4,80	0,10	14,80	31,90	0,075	0,038	7,42	333\23\1	1/99
23	8257078	730427497	6,00	150,50	12,20	0,90	19,80	1,50	1,30	0,20	0,70	1,62	56,00	1,00	35,50	1,00	1,87	3,90	0,10	14,40	31,60	0,073	0,037	8,10	334\23\2	2/99
24	8109040	730427213	6,60	154,60	14,40	1,90	20,70	1,80	1,30	0,15	0,70	1,76	60,00	1,00	52,30	1,00	1,86	4,50	0,10	15,10	32,80	0,079	0,038	11,62	HEAT	-
24	8109040	730427213	6,40	154,80	14,20	1,90	20,90	1,60	1,30	0,20	0,70	1,76	60,00	1,00	52,60	1,00	1,91	4,80	0,10	15,00	32,70	0,079	0,038	10,96	353\24\6	6/9



Laboratory Assistant



Laboratory Supervisor



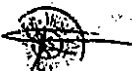
Third Part Inspection

Client's Representative 4\8

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	TTW%	Nb+V +Ti%	Cr+Mo +Ni +Cu%	Al/N	Sample from	Pipe Counter per Heat	
Spec Limits		min																								
		max	12,00	200,00	25,00	16,00	45,00	60,00	60,00	60,00	50,00		60,00				10,00		20,00	40,00	0,15					
24	8109040	730427213	8,30	154,80	14,10	1,80	20,90	1,60	1,40	0,20	0,70	1,75	60,00	1,00	52,90	1,00	1,91	4,30	0,10	14,90	32,70	0,079	0,039	12,30	35412417	7/9
25	8121067	730418561	8,00	151,10	15,30	1,80	19,50	2,00	1,30	0,10	0,60	1,54	57,00	1,00	33,40	1,00	1,80	4,60	0,10	14,40	31,70	0,073	0,040	7,26	HEAT	-
25	8121067	730418561	5,90	150,40	15,20	2,00	19,50	2,00	1,40	0,10	0,70	1,53	58,00	1,00	33,50	1,00	1,68	5,00	0,10	14,20	31,50	0,072	0,042	6,70	36812518	6/9
25	8121067	730418561	5,90	150,50	15,10	1,80	19,40	2,00	1,40	0,10	0,60	1,53	57,00	1,00	33,00	1,00	1,85	5,50	0,10	14,20	31,50	0,073	0,041	6,00	36712517	7/9
26	8233131	730427216	6,50	151,90	14,70	0,90	21,30	1,70	1,40	0,13	0,70	1,83	57,00	1,00	36,00	1,00	1,96	4,30	0,10	15,00	32,40	0,074	0,039	8,37	HEAT	-
26	8233131	730427216	6,40	151,70	14,80	1,00	21,30	1,70	1,40	0,10	0,70	1,82	58,00	1,00	35,90	1,00	1,98	4,30	0,10	14,80	32,20	0,073	0,039	8,35	38012818	6/9
26	8233131	730427216	6,30	150,70	14,30	0,90	21,20	1,70	1,40	0,10	0,70	1,80	55,00	1,00	35,60	1,00	1,97	4,60	0,10	14,70	31,90	0,072	0,039	7,72	38112817	7/9
33	8348069	730418339	6,00	149,70	13,80	3,60	19,80	1,30	1,40	0,10	1,00	1,82	63,00	1,00	41,80	4,00	1,95	6,20	0,10	14,30	31,40	0,082	0,038	6,74	HEAT	-
33	8348069	730418339	6,10	150,30	14,20	3,70	19,70	1,30	1,40	0,10	1,00	1,84	64,00	1,00	41,70	4,00	2,00	6,40	0,10	14,40	31,60	0,083	0,038	6,52	48113311	1/9
33	8348069	730418339	6,00	149,70	14,00	3,30	19,60	1,30	1,40	0,10	1,00	1,82	63,00	1,00	41,10	4,00	1,79	6,30	0,10	14,30	31,40	0,082	0,038	6,52	48213312	2/9
35	8255068	730427493	6,60	162,90	16,90	1,20	21,10	1,60	1,60	0,10	0,80	1,58	57,00	1,00	29,40	1,00	2,03	6,40	0,10	14,10	31,60	0,074	0,040	5,44	HEAT	-
35	8255068	730427493	6,60	163,30	16,60	1,30	21,00	1,60	1,50	0,10	0,80	1,59	58,00	1,00	29,30	1,00	1,97	4,10	0,10	14,00	31,50	0,075	0,040	7,15	51513513	3/9
35	8255068	730427493	6,40	163,70	16,60	1,30	21,10	1,60	1,50	0,10	0,80	1,58	58,00	1,00	29,30	1,00	1,91	4,30	0,10	14,00	31,60	0,075	0,040	6,81	51813514	4/9
36	8250060	730418242	6,60	164,70	18,10	2,40	19,50	2,20	2,00	0,11	1,60	1,64	59,00	1,00	29,30	5,00	1,74	2,50	0,10	15,20	33,10	0,076	0,059	11,72	HEAT	-



Laboratory Assistant



Laboratory Supervisor

**ACES-GQS**  
S. JORJA  
Third Part Inspection

Client's Representative 518



ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 46th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	NI%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Se%	Ca%	N%	B%	PCM%	IIW%	Nb+V	Cr+Mo	Al/N	Sample from	Pipe Counter per Heat
		X 100	X 100	X 1000	X 1000	X 100	X 100	X 100	X 100	X 100	X 100	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	X 1000	X 100	X 100	+Ti%	+Ni +Cu%			
Spec Limits	min.																								
	max	12,00	200,00	25,00	15,00	45,00	50,00	50,00	50,00	50,00			80,00				10,00		20,00	40,00	0,15				
36 8250080	730419242	6,50	155,10	18,30	2,10	19,30	2,20	2,00	0,10	1,60	1,64	59,00	1,00	28,40	5,00	1,66	3,20	0,10	15,20	33,10	0,076	0,059	8,66	527\136\1	1 / 99
36 8250080	730419242	6,40	154,60	18,30	2,10	19,60	2,10	2,00	0,10	1,60	1,65	60,00	1,00	28,90	5,00	1,70	2,80	0,10	15,00	32,90	0,078	0,058	10,32	529\136\3	3 / 99
39 8257053	730427495	5,60	152,30	14,30	1,60	19,80	1,60	1,90	0,32	0,70	1,70	58,00	1,00	33,40	1,00	1,69	2,10	0,10	14,00	31,50	0,076	0,045	15,90	HEAT	-
39 8257053	730427495	5,60	152,80	14,20	1,50	20,00	1,60	1,90	0,40	0,70	1,72	58,00	1,00	33,90	1,00	1,69	2,10	0,10	14,00	31,60	0,076	0,046	16,14	572\139\1	1 / 99
39 8257053	730427495	5,50	152,50	14,10	1,50	19,90	1,60	1,90	0,40	0,70	1,71	58,00	1,00	33,40	1,00	1,77	1,80	0,10	13,90	31,50	0,076	0,046	16,56	573\139\2	2 / 99
42 8458074	730419645	5,70	152,00	12,30	1,30	19,80	2,20	1,80	0,10	0,90	1,74	58,00	1,00	35,80	1,00	1,57	2,40	0,10	14,20	31,70	0,076	0,050	14,92	HEAT	-
42 8458074	730419645	5,70	151,90	12,30	1,20	19,80	2,10	1,90	0,20	1,00	1,74	57,00	1,00	36,00	1,00	1,51	2,60	0,10	14,10	31,60	0,075	0,052	13,85	617\142\1	1 / 99
42 8458074	730419645	5,70	151,90	12,20	1,10	19,80	2,20	1,90	0,10	0,90	1,73	57,00	1,00	35,60	1,00	1,50	2,80	0,10	14,10	31,60	0,075	0,051	13,69	618\142\2	2 / 99
49 8511105	730419557	5,60	152,20	12,70	2,10	19,40	2,40	1,70	0,10	0,90	1,58	56,00	1,00	26,00	1,00	1,81	2,90	0,10	14,10	31,80	0,073	0,051	8,97	HEAT	-
49 8511105	730419557	5,50	151,70	12,50	2,20	19,40	2,40	1,70	0,10	0,90	1,57	56,00	1,00	26,20	1,00	1,83	2,70	0,10	14,00	31,50	0,073	0,051	9,70	720\149\1	1 / 99
49 8511105	730419557	5,40	151,30	12,30	2,00	19,30	2,40	1,70	0,10	0,90	1,56	56,00	1,00	25,70	1,00	1,73	2,60	0,10	13,90	31,30	0,073	0,051	9,88	721\149\2	2 / 99
52 8310047	730419341	6,00	150,60	13,70	1,20	19,00	1,70	1,40	0,21	0,90	1,63	55,00	1,00	25,50	1,00	1,58	1,90	0,10	14,30	31,80	0,072	0,042	13,42	HEAT	-
52 8310047	730419341	5,80	150,60	13,60	0,90	19,10	1,70	1,40	0,20	0,90	1,63	55,00	1,00	25,40	1,00	1,50	2,10	0,10	14,20	31,50	0,072	0,042	12,10	766\152\1	1 / 99
52 8310047	730419341	5,80	150,00	13,50	0,90	19,10	1,70	1,40	0,20	0,90	1,61	55,00	1,00	25,30	1,00	1,52	1,90	0,10	14,20	31,40	0,072	0,042	13,32	767\152\2	2 / 99

Laboratory Assistant

Laboratory Supervisor

Third Part Inspection

Client's Representative 6 \ 8

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 46th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

Run	Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	ITW%	Nb+V	Cr+Mo	Al/N	Sample	Pipe
Coil			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	+Ti%	+Ni		from	Counter
No			100	100	1000	1000	100	100	100	100	100	100	1000	1000	1000	1000	1000	1000	1000	100	100		+Cu%			per Heat
Spec		min																								
Limits		max	12,00	200,00	25,00	15,00	45,00	50,00	50,00	50,00	50,00			80,00				10,00		20,00	40,00	0,15				
64	8250077	730419237	6,70	151,20	12,70	1,50	20,10	1,50	1,40	0,10	0,70	1,77	55,00	1,00	33,40	1,00	1,99	3,90	0,10	15,10	32,40	0,075	0,037	8,56	HEAT	
64	8250077	730419237	6,70	150,20	12,50	1,80	20,20	1,50	1,40	0,10	0,70	1,74	55,00	1,00	32,70	1,00	1,90	5,10	0,10	15,10	32,20	0,073	0,037	6,41	95116416	6 / 9
64	8250077	730419237	6,60	150,20	12,10	1,60	20,20	1,50	1,40	0,10	0,70	1,74	55,00	1,00	33,40	1,00	1,96	3,70	0,10	14,80	32,00	0,073	0,037	9,03	95216417	7 / 9
66	8251133	730419170	5,90	153,30	17,30	1,20	20,00	1,70	1,50	0,10	0,80	1,73	58,00	1,00	24,10	1,00	1,85	2,40	0,10	14,40	31,90	0,076	0,041	10,04	HEAT	
66	8251133	730419170	5,80	153,50	17,00	1,20	20,10	1,80	1,50	0,10	0,80	1,75	57,00	1,00	24,10	1,00	1,73	3,00	0,10	14,30	32,00	0,076	0,042	8,03	98116616	6 / 99
66	8251133	730419170	5,70	152,70	16,60	1,30	20,20	1,70	1,50	0,10	0,80	1,71	57,00	1,00	24,10	1,00	1,73	3,10	0,10	14,20	31,70	0,075	0,041	7,77	98216617	7 / 99
78	8307084	730419343	5,90	152,60	14,90	1,20	20,20	1,90	1,60	0,19	0,80	1,79	57,00	1,00	31,70	1,00	1,82	3,10	0,10	14,40	31,90	0,076	0,045	10,23	HEAT	
78	8307084	730419343	5,80	152,70	14,90	1,30	20,20	1,90	1,60	0,20	0,80	1,78	56,00	1,00	31,60	1,00	1,76	2,40	0,10	14,30	31,90	0,075	0,045	13,17	116317816	6 / 99
78	8307084	730419343	6,00	153,30	14,70	1,00	20,20	1,90	1,60	0,20	0,80	1,84	57,00	1,00	31,60	1,00	1,66	2,60	0,10	14,50	32,10	0,076	0,045	12,15	116417817	7 / 99
82	8264057	730427496	5,60	154,70	13,70	1,90	19,90	1,30	1,40	0,10	0,70	1,66	57,00	1,00	30,10	1,00	1,63	2,30	0,10	14,10	31,80	0,075	0,035	13,09	HEAT	
82	8264057	730427496	5,50	154,60	14,00	1,90	19,80	1,40	1,40	0,10	0,70	1,67	57,00	1,00	29,90	1,00	1,69	2,00	0,10	14,10	31,70	0,075	0,036	14,95	122218216	6 / 99
82	8264057	730427496	5,40	154,50	13,60	1,70	19,80	1,40	1,30	0,10	0,70	1,66	56,00	1,00	29,80	1,00	1,69	2,30	0,10	13,90	31,50	0,074	0,035	12,96	122318217	7 / 99
97	8345084	730427542	5,90	150,90	12,00	1,40	20,60	1,90	1,60	0,18	0,80	1,70	54,00	1,00	35,50	1,00	1,71	3,20	0,10	14,30	31,60	0,072	0,045	11,09	HEAT	
97	8345084	730427542	5,80	151,30	12,10	1,40	20,60	1,90	1,60	0,20	0,80	1,71	55,00	1,00	35,50	1,00	1,77	3,30	0,10	14,20	31,60	0,073	0,045	10,75	145019716	6 / 99



Laboratory Assistant



Laboratory Supervisor


 Third Party Inspection

Client's Representative 7 / 8

**ΔΕΛΤΙΟ ΧΗΜΙΚΩΝ ΑΝΑΛΥΣΕΩΝ (CHEMICAL ANALYSIS REPORT)**

Πελάτης/Customer	KINDER MORGAN CO2 COMPANY L.P. 1001 LOUISIANA SUITE 1000 HOUSTON TEXAS 77002 Purchase Order No. 4268582-0-CONT CPW AMERICA Co Purchase Order No. 31-1187 Rev6 ITEM 3	Εντολή Παραγωγής/PSN	F166/2
Προδιαγραφή/Spec	Longitudinally High Frequency Induction Welded Steel Line Pipe ERW/HFI according to API 5L 45th Edition PSL2, ITP_60_14_HFW_REV.1. Pipes inside bare and outside coated with FBE according to ITP_62_14_ARO_REV.1.	Οδηγία/Procedure	CPW-T-HS-190.0
Διάσταση/Size	16.000" X 0.438"	Ποιότητα/Grade	X70M PSL2

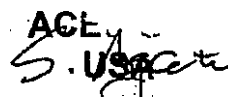
Run	Coil No	Heat No	C%	Mn%	P%	S%	Si%	Cr%	Ni%	Mo%	Cu%	Ti%	Nb%	V%	Al%	Sn%	Ca%	N%	B%	PCM%	IIW%	Nb+V	Cr+Mo	Al/N	Sample	Pipe
Coil	No	No	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	+Ti%	+Ni		from	Counter
No			100	100	1000	1000	100	100	100	100	100	100	1000	1000	1000	1000	1000	1000	1000	100	100		+Cu%			per Heat
	Spec	min																								
	Limits	max	12,00	206,00	26,00	15,00	45,00	50,00	50,00	60,00	60,00			80,00						10,00		20,00	40,00	0,15		
97	8345064	730427642	5,70	150,90	11,80	1,20	20,70	1,90	1,60	0,20	0,80	1,70	54,00	1,00	35,60	1,00	1,73	3,30	0,10	14,10	31,40	0,072	0,045	10,79	1451\97\17	7 / 99
106	8318033	730419269	6,00	150,60	13,60	1,30	20,10	1,70	1,50	0,16	0,90	1,63	57,00	1,00	32,10	1,00	1,71	3,20	0,10	14,30	31,60	0,074	0,043	10,03	HEAT	-
106	8318033	730419289	5,90	150,60	13,50	1,10	20,10	1,80	1,50	0,20	0,90	1,61	57,00	1,00	31,70	1,00	1,60	3,00	0,10	14,20	31,50	0,074	0,044	10,57	1582\106\11	1 / 99
106	8318033	730419289	5,80	151,10	13,50	1,10	20,10	1,80	1,40	0,20	0,90	1,63	58,00	1,00	31,90	1,00	1,60	3,00	0,10	14,20	31,80	0,075	0,043	10,63	1583\106\12	2 / 99
126	8445079	730419171	5,90	150,80	11,00	1,60	20,80	1,70	1,50	0,10	0,70	1,69	55,00	1,00	24,80	1,00	1,72	2,10	0,10	14,10	31,40	0,073	0,040	11,81	HEAT	-
126	8445079	730419171	5,60	151,30	11,00	1,40	21,20	1,70	1,50	0,10	0,70	1,70	56,00	1,00	24,70	1,00	1,55	2,80	0,10	14,10	31,40	0,074	0,040	8,82	1883\126\11	1 / 99
126	8445079	730419171	5,60	149,80	10,80	1,50	20,90	1,70	1,50	0,10	0,70	1,68	54,00	1,00	24,60	1,00	1,74	3,10	0,10	13,90	31,00	0,072	0,040	7,94	1884\126\12	2 / 99
153	8445071	730427801	6,10	158,40	16,60	2,20	19,30	2,00	1,90	0,10	0,70	1,73	66,00	1,00	30,60	1,00	1,71	3,70	0,10	14,80	33,10	0,084	0,047	8,27	HEAT	-
153	8445071	730427801	6,20	157,50	16,70	2,40	19,20	2,00	1,90	0,10	0,70	1,71	64,00	1,00	30,20	1,00	1,74	3,80	0,10	14,90	33,00	0,082	0,047	7,95	2291\153\16	6 / 91
153	8445071	730427801	6,10	158,10	16,60	2,10	19,20	2,10	1,90	0,10	0,70	1,71	65,00	1,00	29,80	1,00	1,62	3,70	0,10	14,80	33,10	0,083	0,048	8,05	2292\153\17	7 / 91
230	8129076	730427244	5,70	154,00	13,30	1,80	20,90	1,70	1,30	0,10	0,70	1,67	62,00	1,00	33,10	1,00	1,70	4,40	0,10	14,20	31,80	0,080	0,038	7,52	HEAT	-
230	8129076	730427244	5,60	153,50	13,20	1,70	21,10	1,70	1,40	0,10	0,70	1,67	61,00	1,00	33,00	1,00	1,66	4,80	0,10	14,20	31,70	0,079	0,039	6,88	3440\230\11	1 / 9
230	8129076	730427244	6,70	154,00	13,40	1,80	20,80	1,70	1,30	0,10	0,70	1,67	62,00	1,00	32,60	1,00	1,64	4,50	0,10	14,30	31,90	0,080	0,038	7,24	3441\230\12	2 / 9



Laboratory Assistant



Laboratory Supervisor



Third Part Inspection

Client's Representative 8\8

Attachment A.6 – Cumberland County and Lower Frankford Twp. Attendees at MERO Session

Agency/Individual	5/1/2014 ME1 MERO	3/28/2015 ME1 Pump Station Orientation	4/29/2015 ME1 MERO	10/29/2015 ME1 Pump Station Orientation	5/16/2017 ME2 MERO	10/16/2017 ME2 MERO	Grand Total
<b>Cumberland County DPS</b>	<b>3</b>				<b>2</b>	<b>3</b>	<b>8</b>
Amy Nye					1		1
Justin Shaulis						1	1
Michele Parsons	1				1	1	3
Mike Taylor						1	1
Robert Shively Jr.	1						1
Ted Wisz	1						1
<b>Cumberland County Hazmat</b>	<b>1</b>				<b>1</b>		<b>2</b>
Bill Shirky					1		1
Robert Kauffman	1						1
<b>Cumberland County LEPC</b>		<b>1</b>				<b>1</b>	<b>2</b>
Jim Stickney						1	1
Steve Spangler		1					1
<b>Lower Frankford Twp</b>	<b>1</b>					<b>1</b>	<b>2</b>
Jim Burkholder	1					1	2

SPLP (12)  
EXHIBIT

## Attachment A.0 - Agencies at MERO Trainings in Cumberland County, PA

Agency	Total Attendees From Agency	5/1/2014 ME1 MERO	3/28/2015 ME1 Pump Station Orientation	4/29/2015 ME1 MERO	10/29/2015 ME1 Pump Station Orientation	5/16/2017 ME2 MERO	10/16/2017 ME2 MERO
Camp Hill Borough	1						1
Carlisle Borough	1						1
Citizen Fire	5		5				
Cumberland County DPS	8	3				2	3
Cumberland County FTF	1	1					
Cumberland County Hazmat	2	1				1	
Cumberland County LEPC	2		1				1
Cumberland Navy Fire	5	1	2				2
East Pennsboro Fire	3		1				2
Friendship Hose (Cumberland)	8			7	1		
Hampden Twp Fire Co	17	3	9				5
Hampden Twp. Police	2		2				
Lower Allen Twp Fire Co #1	1	1					
Lower Frankford Twp	2	1					1
Lower Mifflin Twp	1	1					
Mechanicsburg EMA	1						1
Middlesex Twp	1	1					
New Kingston Fire Company (NKFC)	9					9	
North Middleton Twp	1	1					
North Middleton Twp Fire Co	1	1					
PA State Police - Cumberland Co.	1	1					
Penn and Cooke Twp (Cumberland)	2						2
Penn Twp. VFC (Cumberland)	2			2			
Shiremanstown Borough	3	1					2
Shiremanstown Fire	4		4				
Silver Spring Ambulance	4					4	
Silver Spring Fire Department	1					1	
Silver Spring Twp	2					2	
Silver Spring Twp EMA	5	1				3	1
Silver Spring Twp PD	2					1	1
South Newton Township VFC	4			4			
Upper Allen Fire	7		7				
Upper Frankford Fire Co	29	4		15	10		
US Dept. Homeland Security	1		1				
West Pennsboro EMA	1				1		
West Pennsboro VFC	14	2		4	7		1
<b>Grand Total</b>	<b>154</b>	<b>24</b>	<b>32</b>	<b>32</b>	<b>19</b>	<b>23</b>	<b>24</b>

SPLP EXHIBIT  
18



Sunoco Logistics Mariner East-1 Emergency Responder Attendance List



March 28, 2015 Mechanicsburg Pump Station Orientation

Name <small>(print clearly)</small>	State	County	Township/Municipality	Agency/Department Title	Position	Email	Phone
Doug Gocherour	PA	Cumberland	Hampden Twp	Hampden Twp	FAO		
Timothy Sheely	PA	Cumberland	U.S. Navy	NAVY FIRE			
David Cuddihy	PA	Cumberland	U.S. NAVY	NAVY FIRE			
Mike Taylor	PA	Cumberland	Hampden Twp / Cumberland County	Hampden Fire / County			
Jim WIBLE	PA	Cumberland	HAMPDEN TWP	HAMPDEN FIRE			
Frank Coate	PA	Cumberland	Hampden	"			
Steve Spangler	PA	Cumberland	Hampden/Lomax	CUMBERLAND LEPC			
TONY BAKER	PA	Cumberland	HAMPDEN TWP	HAMPDEN FIRE			
Tiffany Robinson	PA	Cumberland	Hampden Twp.	Hampden Fire			
ANTHONY DAMUSITI	PA	Cumberland	HAMPDEN TWP	HAMPDEN TWP FIRE			
ERIK OWEN	PA	Cumberland	EAST PENNSYLVANIA	CUMBERLAND FIRE			
STEVE WHITE	PA	Cumberland	-	U.S. DIES I P			
SHAWN FELT	PA	Cumberland	HAMPDEN	HAMPDEN PD			
Karl Heebolt	PA	Cumberland		HEPACO			
RICHARD COENMAN	PA	Cumberland	MBC	CITIZEN 27-FF			
Simon Hertzler	PA	Cumberland	SHIREMANSTOWN	SHIREMANSTOWN 22			
Meaghan Hertzler	PA	Cumberland	Shiremanstown	Shiremanstown 22	FF		
BRAD WRIGHT	PA	Cumberland	SHIREMANSTOWN	AST CHIEF			
JIM SALTER	PA	Cumberland	UPPER ALLEN TWP	Chief			
Kevin Priest	PA	Cumberland	UPPER ALLEN TWP	FIREFIGHTER			
Jerry Hertzler	PA	Cumberland	UPPER ALLEN TWP	ASST. ENGINEER			
Zachary Shumberger	PA	Cumberland	UPPER ALLEN TWP	SERGEANT			
DANIEL FLINT	PA	Cumberland	HAMPDEN TWP.	FIREFIGHTER			
	PA	Cumberland					



Sunoco Logistics Mariner East-1 Emergency Responder Attendance List

April 29, 2015 Upper Frankford / Newville Cumberland County PA

Name (Please print clearly)	State	Township/Municipality	Agency/Department Position Title	Email	Phone
Dan Burkett	PA	South Newton Twp	South Newton Twp VFC - Chief		
David Durff	PA	"	South Newton Twp VFC - Firefighter		
Will Davis	PA	"	South Newton Twp VFC - Lt.		
Brian Hockenberry	PA	"	South Newton Twp VFC - Firefighter		
ANGELIA MILLER	PA	UPPER FRANKFORD	UFFC		
Kalie Bistline	PA	Upper Frankford	UFFC		
Chuck Bistline	PA	Upper Frankford	UFFC		
Gravin Stets	PA	Upper Frankford	UFFC - Firefighter		
Tess Shapp	PA	Upper Frankford	UFFC - Firefighter		
Jena Baum	PA	Upper Frankford	UFFC - Firefighter		
Christa Beidel	PA	Upper Frankford	UFFC - EMS		
Nikki Stocum	PA	Upper Frankford	UFFC - EMS Coordinator		
Russell C Kulp JR	PA	West Pennsboro	WSPVFC		
Mike Wolf	PA	Newville Borough	Friendship hose - Newville		
Elmer Turnbaugh	PA	Newville Borough	Friendship hose - Newville		
Jim Ryan	PA	West Pennsboro	West Pennsboro VFC chief		
Blaine Hoary	PA	West Pennsboro	" " Assistant Chief		
Dave Wickard	PA	West Pennsboro	" " Deputy Chief		
Chris Allen	PA	Penn twp.	Penn twp Vol Fire Co. Dept. Chief		
Dan Sturm	PA	Penn twp.	Penn twp Vol Fire Co. Asst Chief		
Timber Miller	PA	Upper Frankford	UFFC		
Nate Bigler	PA	Newville Borough	Friendship Hose Newville		
Daniel Lettman	PA	Lower Mifflin Twp.	Friendship Hose - Firefighter		
Wade Bean	PA	Newville Boro	Friendship hose Firefighter		

UP-30-2412  
03:25:24 A.M.



APR 12 (3)  
29 UPPER FRANK

Sunoco Logistics Mariner East-1 Emergency Responder Attendance List

April 29, 2015 Upper Frankford / Newville Cumberland County PA

Name (Please print clearly)	State	Township/Municipality	Agency/Department Position-Title	Email	Phone
Troy L. WISER	PA	NEWVILLE BOROUGH	FRIENDSHIP HOSE CO FF/EMT	fhc717@aol.com	(717) 446-1155
DeLicia W Bobb	PA	NEWVILLE BOROUGH	FRIENDSHIP HOSE CO FF		(717) 386-9816
Matthew Helm	PA	Upper Frankford	Upper Frankford Fire Co.	1:ttkmatt48@hotmail.com	(717) 385-8297
Byre Whitten	PA	UPPER FRANKFORD	UPPER FRANKFORD FIRE CO	bbyrewhitten46@gmail.com	(717) 713-4652
Diane Ruth	PA	UPPER FRANKFORD	UPPER FRANKFORD FIRE CO.	DLRUTH@CC.PA.NET	(717) 226-4358
RICK E SHOEMAKER	PA	UPPER FRANKFORD	UFFC C-48	RICK.SHOEMAKER@USASAPPS.COM	717 226-7282
Stephanie Welch	PA	Berks	SXL HES	smwelch@SunocoLogistics.com	215 778 2223
Logan JONES	PA	Upper Frankford	Upper Frankford fire CO	Wackler4833@gmail.com	717-713-9351
MATTHEW SETS	PA	UPPER FRANKFORD	UFFC - PRESIDENT	usmcdavildog76@comcast.net	717-444-2266
Mark A Martin	PA	Lancaster	SXL - OPERATIONS	martina@SunocoLogistics.com	610-212-2574
Frank Reckage	PA	Delco	SXL - ERTP		
	PA				
	PA				
	PA				
	PA				
	PA				
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	PA				
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### Sunoco Logistics Mariner East-1 Emergency Responder Attendance List

October 29, 2015 ME-1 Plainfield Pump Station Carlisle / Cumberland County PA

Name (Please print clearly)	State	County	Township/Municipality	Agency/Department Position Title	Email	Phone
Frank Reznage	PA	DEWES	SXL	SXL ER+P	/	
Mark Martin	PA	Lancaster	JFL	OPS Supervisor	/	
Sherry Bonawitz	PA	Dauphin	SXL	SXL Gov't Aff	/	
Curt Starbaugh	PA	Cumberland	SXL	Asst Gen Counsel	/	
Steph Welch	PA	Berks	SXL	HES	/	
Dan Lehman	PA	Cumberland	Lower Mifflin Twp.	Friendship Hose Co. (Newville)	/	
Jeff Shopp	PA	Cumberland	Upper Frankford	Upper Frankford		
WIKKI SIKUM	PA	Cumberland	West Pennsboro	Upper Frankford EMT		
Tena Baum	PA	Cumberland	Upper Frankford	UFFC Interior FF		
Katie Bistline	PA	Cumberland	Upper Frankford	UFFC Exterior FF		
RICK SKEMAUER	PA	CUMBS	" "	" CHIEF 483		
Duane Ruth	PA	Cumb	Upper Frankford	Deputy chief		
Angie Miller	PA	Cumb.	Upper Frankford	Fire Personnel		
Chick Bistline	PA	Cumb.	Upper Frankford	UFFC Interior FF		
STEVE KRATZ	PA	Dauphin	SXL	Brown Group / SXL	/	
WAYNE MUEERS	PA	CUMBS	WEST PENNSBORO	EMC		
Lonnie McMillip	PA	Cumb.	West Pennsboro	FuE		
Earl Bigler	PA	Cumb.	West Pennsboro	ENC		
Kerthi Derr	PA	Cumb	West Pennsboro	Fire Personnel		
David Weckhard	PA	Cumb.	West Pennsboro	Asst Chief		
Blair Harry	PA	"	" "	" "		
REARL	PA	"	" "	" "		
Timber Miller	PA	"	Upper Frankford	FF		
Logan Jones	PA	Cumb	Upper Frankford	Capt		





3

### Meeting Sign-in Form

Session Name: Silver Spring Township, Cumberland County MERO

Date: 5/16/2017

Location: Silver Spring TWP Building

Meeting/Attendee/Contact	Organization	Phone	Email
Paul Bloom	SXC	/	
Michael Keyerize	SXL	/	
PAUL ESWORTHY	SXL	/	
Curtis Hall	New Kingstown Fire Co		
Michele Parsons	Cumb Co DPS		
Malini Singer	SSARA		
mike ott	Silver Spring, community, fire		
Amy Nye	Cumb Co DPS/Hazmat		
Katelyn Hooker	Silver Spring Twp		
Brian Brenneman	New Kingstown Fire		

**PLEASE PRINT YOUR INFORMATION CLEARLY AS A CERTIFICATE OF ATTENDANCE WILL BE SENT TO YOU**



# Meeting Sign-in Form

Session Name: Silver Spring Township, Cumberland County MERO

Date: 5/16/2017

Location: Silver Spring TWP Building

Meeting/Attendee/Contact	Organization	Phone	Email
Bill Shirley	Cumberland County SHOT		
Kenn Dechert	SXL	1	
KEELAN TOOT	NKFC		
Michael Gutschall	NKFC		
Bailey Horning	NKFC		
Jacoby Hutchison	NKFC		
Debbie Hoffman	Chief of Silver Spring Ambulance		
Glen Hostetler	SS TWP EMA		
Doug McDonald	SS TWP EMA		
MATTHEW HANCK	SILVER SPRING EMS		

**PLEASE PRINT YOUR INFORMATION CLEARLY AS A CERTIFICATE OF ATTENDANCE WILL BE SENT TO YOU**



### Meeting Sign-in Form

**Session Name: Silver Spring Township, Cumberland County MERO**

**Date: 5/16/2017**

**Location: Silver Spring TWP Building**

Meeting/Attendee/Contact	Organization	Phone	Email
Matt Hinken	New Kingstown Fire		
Christian Bletz	NKFC		
Carter Heckler	NKFC		
Brindle Fuller	SSABA		
Shelly Hurt	SUNOCO	/	
Steve Kratz	SUNOCO	/	
BRAD Bonvou	SR	/	
Jason Foster	SSTWP		
Leroy Hippensteel	SSTWP Police		
Ben McDonald	Silver Spring Fire Dept		

**PLEASE PRINT YOUR INFORMATION CLEARLY AS A CERTIFICATE OF ATTENDANCE WILL BE SENT TO YOU**



## Public Awareness Meeting Sign-in Form

Session Name:

Date: 10/16/17

Location: Cumberland County - Hampden Township FD

Meeting Attendee/Contact (Please Print Legibly)	Organization & Municipality	Phone	Email
Brad Wright	Shiremanstown Boro		
Joseph mittermeier	Shiremanstown Boro		
STEVE STILO SR	HAMPDEN TWP.		
Chad Kirch	Hampden Twp		
Jim Stickney	CC LEPC		
ERLOWAY	EAST PENNSYLVANIA		
TONY BAKER	HAMPDEN TWP. FIRE CO.		
John Owen	EAST PENNSYLVANIA		
Randy O'Donnell	NAVY FIRE		
Tyler M. George	Navy Fire		



**SUNOCO PIPELINE**  
An ENERGY TRANSFER Partnership

**MERO**

## Public Awareness Meeting Sign-in Form

Session Name:

Date: 10/16/17

Location: Cumberland County - Hampden Township FD

Meeting Attendee/Contact (Please Print Legibly)	Organization & Municipality	Phone	Email
Justin Shaulis	Cumberland Co DPS		
Michele Parsons	Cumberland Co DPS		
WAYNE E. MYERS	WEST PENNSBORO TWP		
WARD ADAMS	CAMP HILL BOROUGH		
Jim Burkholder	Luck Frank Round Twp		NO RESPONSE
Doug Cochran	Hampden Township		
Leroy Hippensteel	Silver Spring TWP PD		
Jeffrey S Suptel	Carlisle Boro		
Robert Kough, Jr	Penn & Cooke Twp		
ERNEST BEECHER	PENN & COOKE DEPUTY		
A. THOMAS HOPPECKER	Hampden Twp. Vol. Fire		





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1

**MERO**

## Public Awareness Meeting Sign-in Form

**Session Name:**

**Date:** 10/16/17

**Location:** Cumberland County - Hampden Township FD

Meeting Attendee/Contact (Please Print Legibly)	Organization & Municipality	Phone	Email
Glen Hostetler	SST EMA		
Mike Taylor	Cumberland DPS		
Nate Wardle	Mechanicsburg EMC		
Gina Greenplate	Energy Transfer	/	

2-11  
N



**SUNOCO PIPELINE**  
An ENERGY TRANSFER Partnership

2

**MERO**

## Public Awareness Meeting Sign-in Form

**Session Name:**

**Date:** 10/16/17

**Location:** Cumberland County - Hampden Township FD

Meeting Attendee/Contact (Please Print Legibly)	Organization & Municipality	Phone	Email
Curtis Stambaugh	Sunoco Pipeline / Dickinson Township	/	
Sherry Bonowitz	ETP	/	

1 management agencies along the pipeline right-of-way and to  
2 work with them on the scheduling, coordination and the  
3 logistics of the delivery of the classes.

4 The classes were approximately two to two and a quarter  
5 hours in length, and I believe it was a total of 23 programs  
6 that were delivered along the right-of-way, including three  
7 of those -- two of those were in Ohio and one was in West  
8 Virginia.

9 Q. And was there already some materials that had been  
10 drafted as the training as part of the MERO?

11 A. That is correct. There was already a basic MERO  
12 program that was already in existence and had previously  
13 been used for the training of responders along the right-of-  
14 way, in I think the 2015-2016 time frame.

15 Q. And what was your role with respect to reviewing  
16 that existing MERO paperwork?

17 A. I reviewed the previous program and then made some  
18 modifications to reflect several areas. One was just  
19 personal teaching preferences, how the material is  
20 developed, what makes sense. Second was the inclusion of  
21 what we refer to as risk based response. And third was to  
22 ensure that the materials, what we were teaching was  
23 consistent with the latest edition of the pipeline  
24 emergencies textbook and curriculum.

25 Q. I think you mentioned this, but just for emphasis,

1 Q. Does that provide the emergency response procedures  
2 for non-ignition?

3 A. Yes, it does.

4 Q. And it lists what you're supposed to do. Can you  
5 just tell me generally what you're supposed to do in this  
6 circumstance as reflected in your MERO training?

7 A. Control ignition sources, do not start motor  
8 vehicles or electrical equipment. And then we also note  
9 that there are special considerations associated with butane  
10 in cold temperatures.

11 Q. And it goes on on 89 with more information about  
12 what not to do in the case of non-ignition?

13 A. That is correct.

14 Q. And actually, it also talks about air monitoring  
15 considerations on page 90. Could you explain that?

16 A. In this respective, as was noted yesterday in the  
17 testimony, it's very common for emergency responders, both  
18 the engine companies and for the hazmat teams, to have  
19 access to monitoring and detection equipment.

20 So as we say, this bring science to the process in terms  
21 of determining where, in a scenario where the vapors are not  
22 visible, where the vapors are at and at what concentration.

23 Q. Could you turn to page 91?

24 (Pause.)

25 Q. Does it also provide training to the emergency

1 A. Yes.

2 Q. And as part of that pre-incident plan, does the  
3 MERO also provide public protective action procedures?

4 A. Yes. There are discussions on evacuation versus  
5 sheltering in place.

6 Q. We'll get to that specific question in a second. I  
7 think this is an important point because I think there's  
8 some confusion on this issue, and I know in our discussions  
9 this is critical, and I want to be clear on this. Who  
10 actually develops the emergency response and evacuation  
11 plans? Is it Sunoco or is it the local emergency  
12 responders?

13 A. Within the Commonwealth of Pennsylvania, each  
14 county is responsible for the development of an emergency  
15 operations plan. That is typically developed through the  
16 county emergency management agency, and that would  
17 incorporate many of the questions that were asked yesterday.

18 After that point, there are also planning requirements  
19 that exist at the local jurisdiction level, i.e. the  
20 townships, the towns and the boroughs.

21 Q. So just to be clear on this, the obligation on the  
22 pipeline operator is to provide information sufficient for  
23 the local or county planning and emergency responders to  
24 develop their emergency response plan?

25 A. Yes.

1 events? That's independent of depth.

2 So when I look at all those threats, the only one that  
3 can possibly come to the surface is the possibility of an  
4 excavation damage incident. And like I say, we have the  
5 data that shows it's not driven by depth at all.

6 Q. How about in the, what I'm taking is the highly  
7 unlikely event that a pipeline were to fail? Would depth  
8 matter in terms of the extent of the damage?

9 A. Again, it does not matter. Whenever --

10 Q. And explain why.

11 A. I'm sorry, Your Honor. Whenever that fluid -- it's  
12 going to come to the surface whether it's 12 inches deep,  
13 two feet deep or three feet deep. That fluid's under  
14 pressure. It's going to find the path of least resistance,  
15 which is usually straight up.

16 It may be a millisecond or two longer if it's down three  
17 feet versus one foot, but it's a negligible amount as far as  
18 timing goes. It's going to come to the surface.

19 Q. There was I think a question by Ms. Kerslake -- I  
20 don't think there's been testimony of this -- but there was  
21 a question about the danger of a catastrophe to the ME2 line  
22 if there were a failure of the ME1 line and vice versa. Do  
23 you have an opinion within a reasonable degree of certainty  
24 about that risk?

25 A. Yes. I think you heard this morning, the testimony

1 was that Sunoco placed their pipelines, I believe he said  
2 ten feet apart. I couldn't quite hear in the back of the  
3 room, but I think he said ten feet apart.

4 And I will represent that that is a standard within the  
5 industry, as he suggested. And all that is based, again, on  
6 scientific evidence. It's the same distance, by the way, if  
7 you're going to blast near a pipeline. As long as you're  
8 more than ten feet away, you won't damage the pipeline from  
9 the blast.

10 So this all goes to say that there has never been a  
11 pipeline failure or one pipeline failing caused another one  
12 to fail. That has never happened. So as long as we  
13 maintain that proper separation, the one pipeline failure is  
14 not going to affect another.

15 Q. There's been an allegation by Senator Dinniman that  
16 the depth of ME1 creates a safety risk during construction  
17 of ME2 and ME2X. Do you agree with that allegation?

18 A. Again, yes, I do not agree with the allegation.  
19 Again, depth is irrelevant. But in addition to that, I've  
20 looked at the company's procedures for construction. They  
21 locate the exact position of that pipeline. It is marked.

22 And then they call the One Call Center as well, so all  
23 the other utilities are marked. And then during the  
24 construction process, there's a spotter out there that's  
25 watching that existing pipeline and is watching the

1 completed, that are in accordance with our plan, and these  
2 items are taken very seriously, and we are very involved  
3 with the work that has taken place to make these activities  
4 take place.

5 The primary goal, as everybody can see, is to raise  
6 awareness with the public and other stakeholders with the  
7 presence of our pipelines that are associated -- and the  
8 other associated facilities within the community, and to  
9 ensure that everybody understands where those pipelines are,  
10 for what we operate.

11 So stakeholders, with regard to stakeholders, RP 1162  
12 talks about the various stakeholders that we have to engage  
13 with. As you can see, the emergency response organizations  
14 and excavators, we meet with them annually to comply with  
15 the recommended practice.

16 From a standpoint of the affected public, that is done  
17 every other year. It's on a two-year basis. And then we  
18 also meet with our public officials on a three-year  
19 frequency.

20 So with regard to the program inspections and what we've  
21 done so far, we've met with PHMSA and the Pennsylvania  
22 Public Utility Commission on multiple occasions to talk  
23 about the activities that we've completed as part of the  
24 ME1, 12-inch, and the ME2 lines, and they have reviewed our  
25 public awareness plan and have not had any issues with the



1 plan as it is today. As a matter of fact, in November of  
2 2016, the Public Utility Commission reviewed the plan and  
3 had no citings.

4 JUDGE BARNES: Can I ask one question of  
5 clarity on that last slide regarding the affected public,  
6 every two years?

7 THE WITNESS: Yes, ma'am.

8 JUDGE BARNES: What does that mean? Does that  
9 mean you mail out the pamphlet every two years or does it  
10 mean you have a town meeting, or what does that mean?

11 THE WITNESS: Yes, Your Honor. Thank you.  
12 Good question. These are the mailings. The mailings that  
13 everybody received and that's been covered today, that is  
14 what's sent out every two years.

15 Okay. Moving on to the next slide, so with  
16 regard to the mailings, so pipeline safety messages shared  
17 with the stakeholders, so the affected public. This kind of  
18 goes into some of the question Your Honor just had.

19 So we're not just looking at those that are  
20 the affected public that have pipelines on their property,  
21 but also addresses that extend 1,000 feet from the pipeline.

22 So this includes our residents, businesses,  
23 farms, schools, other places of congregation. And again,  
24 it's a 1,000 mailing zone either side of the pipeline, is  
25 the criteria that we use.

1 BY MR. SNISCAK:

2 Q. If I may interrupt, is that beyond the guideline,  
3 or is it less than the guideline?

4 A. Yes. API 1162 refers to a 660 foot criteria. We  
5 utilize the 1,000 feet. What we've seen is, during our  
6 conversations with our peers, that is something that's  
7 consistent, and we made a decision to go above and beyond  
8 the recommended practice with that number.

9 Q. Thank you.

10 A. With regard to public officials, governmental  
11 departments, officials within the county where the pipeline  
12 is located, so those bodies within a ten-mile mailing zone  
13 are sent the mailings.

14 We want to make sure that the neighboring counties are  
15 notified, and they will be done based on that criteria.  
16 Excavators, so companies who routinely and periodically  
17 engage in excavation as part of their normal business,  
18 they're sent out the same brochures, so they know and  
19 understand the requirements of our plan.

20 And then lastly, on the emergency responders side, it's  
21 the organizations in the county where the pipeline is  
22 located, and again, the emergency organizations within a  
23 ten-mile mailing zone.

24 So, next slide. So with regard to the 2018 annual  
25 public awareness mailing that was sent in mid-September,

ORIGIN ID:MDTA (717) 236-1300  
WHITNEY SNYDER  
HAWKE MCKEON & SNISCAK LLP  
100 N 10TH ST  
NONE  
HARRISBURG, PA 17101  
UNITED STATES US

SHIP DATE: 22JUL19  
ACTWGT: 1.00 LB  
CAD: 5875206/NET4160

BILL SENDER

TO **WILMER BAKER**

**430 RUN ROAD**

**CARLISLE PA 17015**

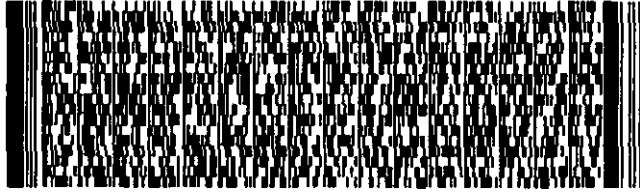
(717) 258-5281

REF: 1337.0005 WES/DAS

INV.  
PO:

DEPT:

567.02/46F9J05A2

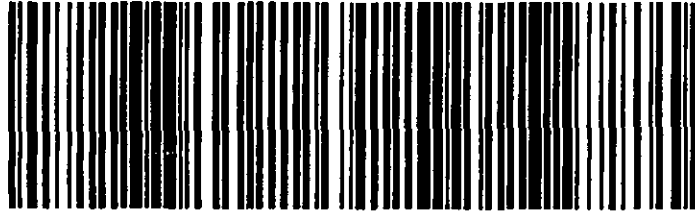


TRK# 7758 0190 5105  
0201

TUE - 23 JUL 10:30A  
PRIORITY OVERNIGHT

RES  
17015  
PA-US MDT

**16 GTYA**



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  **M**cKeon &  
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100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

July 22, 2019

**BY OVERNIGHT FEDERAL EXPRESS**

Wilmer Jay Baker  
430 Run Road  
Carlisle PA 17015

Re: Wilmer Baker v. Sunoco Pipeline L.P.; Docket No. C-2018-3004294; **SUNOCO PIPELINE L.P.'S HEARING EXHIBIT NOS. 31 and 32**

Dear Mr. Wilmer:

Enclosed you will find copies Sunoco Pipeline L.P.'s Exhibit Nos. 31 and 32 added to the record at the July 17 and 18, 2019 hearings.

If you have any questions, please contact me.

Very truly yours,

*Whitney E. Snyder*

Thomas J. Sniscak  
Kevin J. McKeon  
Whitney E. Snyder  
*Counsel for Sunoco Pipeline L.P.*

WES/das  
Enclosure

cc: Hon. Elizabeth Barnes (By email only [ebarnes@pa.gov](mailto:ebarnes@pa.gov))  
Judith Shuller, Court Reporter (By email only [reportco@commonwealthreporting.com](mailto:reportco@commonwealthreporting.com))  
Rosemary Chiavetta, Secretary (via electronic filing of Letter & Certificate of Service only)  
Per Certificate of Service



SPLP Ex 31

49CFR 195

$$P = 2 * wt * SMYS / Dia$$

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Stupp ME-2

$$P = 2 * 380 * 65,000 / 20$$
$$= 2,470$$

Corrosion ME2X

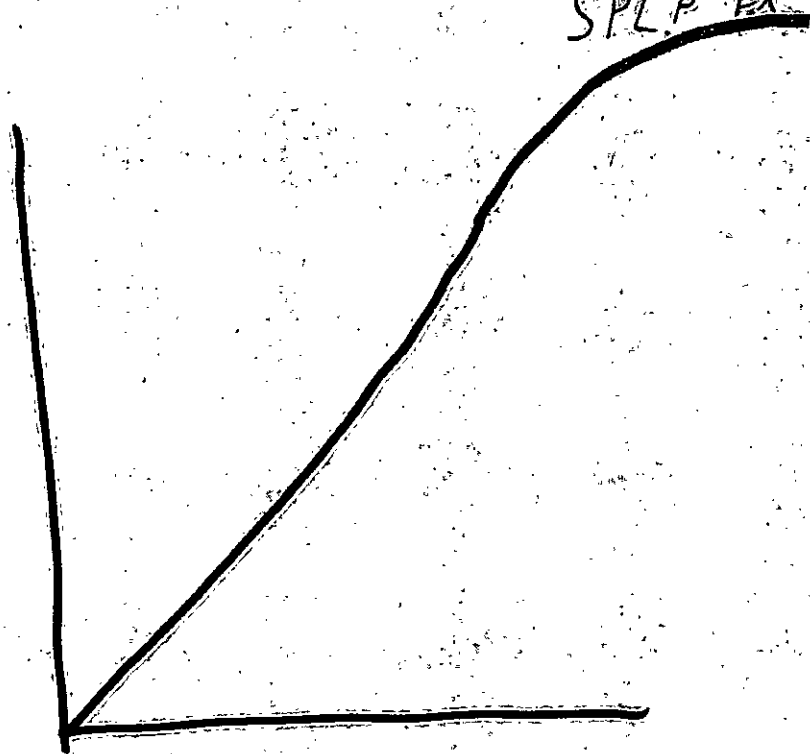
$$P = 2 * 438 * 70,000 / ~~20~~ 16$$
$$= ~~3,660~~ 3,832$$

ADOLEN

2471 EX 7T

SPLP EX 32

Pressure



Strokes

**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). The letter and certificate of service have been filed electronically on the Commission's electronic filing system and served on the following:

**VIA OVERNIGHT FEDERAL EXPRESS**

Wilmer Jay Baker  
430 Run Road  
Carlisle PA 17015

*Whitney E. Snyder*  
Thomas J. Sniscak, Esquire  
Kevin J. McKeon, Esquire  
Whitney E. Snyder, Esquire

Dated: July 22, 2019

August 7  
July 10

My Name is Eric A. Robinson and have Attended Several Township Meetings Concerning the Pipeline and Nearby Residents that live within 1000 feet or less. I read the Plains Justice Article on Substandard steel and seen the Photographs showing the open Trench with Pipes installed But not covered or Back Filled. I can Collaborate on the Photos i was shown. Mr. Blome and Kim van Fleets Photographs. The Pipes in the Trench i saw were about 3 feet apart. and said Made in Greece / should have been made in America with American Steel / they could have been made in the Steelton pipe mill - Bethlehem Steel. Any Pipeline that carry's HVL or Gases under pressure is Inherently Dangerous and that is a Concern of Mine.

Eric A. Robinson 8-28-19



I, Jon Baker am writing this in regards to Docket # C- 2018-3004294, Wilmer J Baker v Sunoco Pipeline LP. I have attended several local township meetings in which the subject of safety and outreach have been discussed. But said meetings never had an official representative of Sunoco LP.

I am not a first responder, I'm a taxpaying citizen of Cumberland County. I have no knowledge of MERO meetings (which should not count as public outreach seeing that it was not advertised.) My local township has little to no knowledge regarding this issue.

We are unprepared in my township without an alarm system, living within the blast-zone. A lack of trained township personnel is a genuine concern of mine. I testified to this on the first day of proceedings, July 17th 2019.

Sincerely,

Jon Baker

Brief for Rolfe and Doris Blume

for Docket # C-2018-3004294

Wilmer J. Baker v. Sunoco Pipeline LP

Page 373 of transcript testimony of Curtis Stambaugh

Page 374 line 5 - page 377 line 6

Mr. Stambaugh's statement is false regarding the number of communications between Sunoco and me or my wife. The first physical encounter with Sunoco representatives was when Bart Mitchell and Curtis Stambaugh showed up at my gun shop requesting the right to survey my property which my wife and I refused. They had agreed to get back in touch with me within three days; that never occurred. The next communication was a writ of possession that had originally been filed in December of 2016, but we didn't receive it in the mail until May of 2017.

Between May of 2017 and the time they started construction on my property we were visited several more times by the land agent to tell us roughly what was going to happen and when it was going to occur. It is true that a land agent was on our property every day during the construction period but little to no communication between us happened. They were on my property but refused to tell me anything. the only thing they did do was make certain that we didn't talk with any of the pipeline workers. The main things the land agent did was either sit in his air conditioned vehicle or that of the constables that they also posted on my property every day.

Mr Stambaugh also referred to an additional check for \$18,700 and change that was paid directly to me and my attorney. To date neither me nor my attorney have ever seen or received this supposed check. In fact, we are not aware of what it was for.

*Rolfe Blume 8/22/17*



↑  
Courtola

↑  
Land agent  
Rusty Bennett

August 21, 2019

Honorable Elizabeth H. Barnes  
Administrative Law Judge  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dear Judge Barnes,

Please see the enclosed copies of actual correspondence via USPS and email that occurred between me and a few folks affiliated with Sunoco.

Please note that on the May 19, 2017 letter I received from David Chalson, Senior Vice President of Sunoco Pipeline LP stated that I gave them (Sunoco) survey permission. I did not give them permission on this or any other occasion. The phone calls he mentions were just to tell us that they would be on our property that is all.

Sincerely,

Rolfe Blume  
43 Wildwood Road  
Newville PA 17214

May 10, 2017

David R. Charlson  
Senior V.P. of Operations  
Sunoco Logistics Partners  
3087 West Chester Pike  
Newtown Square, PA 19073

Dear Mr. Chalson,

I am writing to you to express my dismay and disgust in the way that you and your company representatives have mistreated my wife, of 60 plus years, and me since your company announced the Mariner 2 Pipeline Project. When this first started the only two people to come to my door were Bart Mitchell and Curt Stambaugh requesting the right to survey my property. I initially refused and was told they'd be back in contact with me within three days but that never happened. In fact since then no one has come to my doorto talk with me about what the plans were in regards to the pipeline location on my property. Instead, every communication has been through packages or letters in the mail and many of those contained threats.

It is reprehensible that you and your company, Sunoco Logistics (now ETP), which claims to never use the threat of eminent domain unless there's no other option has stooped to exactly thatsince the first papers were received in the mail. Three of the letters I received were from the court threatening me with jail the remainder threatening eminent domain if we didn't sign on the dotted line. More recently you went so far as to falsely accuse me of putting in a septic system and drain field to block the ME2 pipeline through my property. The truth of the matter is that the septic system was put in back in 1962 when it was just the Atlantic pipeline and no PA1call existed. Atlantic had no issues with it when it was first installed,yet you try to make me out to be the guilty one.

It is shameful that your company, Sunoco Logistics (now ETP), has stooped to such measures as harassing, bullying, and threatening hard working Americans with eminent domain just to get its way without any consequences on your part.This ordeal that you've been putting us through because of your need to make a profit overseas has caused us undue stress and has taken a physical toll onboth of us over the past several years.

You need to know that my wife's parents owned our farmlong before we took over the operation after my discharge from the Navy. As such she has pretty much lived on this land since she was a year old (since 1940). To her this farm was always a place she felt secure; it was her safe haven and home, but now you've taken that from her. She's so distraught and fearful of the potential risk of a pipeline accident because your company's horrible record of leaks and accidentsthat she can't sleep at night and is afraid to stay in the house where she grew up. Plus she's handicapped

and can't walk a 100 feet let alone 1000 feet to get beyond the danger zone if something goes wrong. This whole ordeal and the resulting stress have also affected my physical health. I've been in the hospital four times just for heart related issues and have made an additional number of visits to the hospital for other stress related health problems. If you're trying to kill you're doing a good job.

We've spent a good deal of time on our farm making a living and planning for our future. Our ultimate goal was to build a small retirement home up in the upper field so that we'd have a view of the surrounding landscape. Because of your pipelines, that plan has been destroyed and you've taken another piece from us. We can't build our dream home on our own land because no matter where we would put it, it would be within the impact zone if and when something goes wrong. In fact you are welcome to come to my property to witness first hand everything you plan to destroy.

Some final thoughts: I am a Navy veteran and was willing to give my all for this country I love and this is the treatment I receive in return. It's a sad and shameful legacy for you and your company. So I'll end this letter with a question: Do you have a conscience and if so how would you feel if this happened to you and your family?

Sincerely,



**Sunoco Logistics**

**Sunoco Pipeline L.P.**  
4041 Market Street  
Aston, PA 19014

May 19, 2017

Blume's Gun Shop  
43 Wildwood Road  
Newville, PA 17241

Dear Mr. and Mrs. Blume:

Thank you for your letter of May 10, 2017 outlining your displeasure about your interaction with my company relative to negotiations for an easement for our Mariner East pipelines.

I'm sorry that you feel that you were mistreated; I have directed my staff to treat landowners with respect and dignity at all times and we hold our land agents accountable to those standards.

I cannot agree that our agents, managers and attorneys have not tried to reach out to you. We have done so on numerous occasions, including:

- We contacted you on October 25, 2013 and you gave us survey permission.
- We contacted you November 11, 2013 and you denied survey permission.
- In March of 2014 you retained counsel.
- On April 29, 2014 Curt Stambaugh and Bart Mitchel met with you, your wife and your attorney to discuss survey permission.
- We have reached out to you on numerous occasions via telephone to advise you of various survey activities on the property. In November of 2016 we again contacted you via telephone regarding upcoming survey work.
- In December 29, 2016 and May 9, 2017, our Land Agent, Chris Montanye, drove to your property and spoke with you regarding your property and concerns about your septic system and water testing.

Our other communications have been through your attorney, as requested by your attorney, Mr. Faherty, whose job it is to relay information to you. I don't know whether Mr. Faherty did this or not. We have met with him on four separate occasions since last August, where we discussed settlement of your case. I attended two of those meetings.

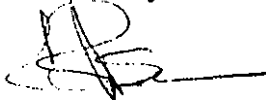
I am also aware that we made a number of offers to you that significantly exceeded the market value of the easement. According to your attorney, you refused to counter many of those offers; however, you did counter our last offer of \$500,000 with an amount that was 10 times that amount. This indicated to us that a negotiated settlement with you was not possible.

In those circumstances, the only course available was to continue to proceed under the Pennsylvania Eminent Domain code. We understand this is not the first nor the best option for you or for the company, but it was established to ensure that projects benefitting residents of the Commonwealth get built. The fact that thousands of other residents have willingly signed easement agreements is proof positive that we have negotiated in good faith across the state.

With respect to safety, we are building a brand new line using the latest standards and codes, which we meet in all instances and exceed in many others. This pipeline will be safe; we will operate it in accordance with well established procedures and practices and in compliance with Federal regulations. As such, the impacts that you describe in your letter are disproportional to the actual risk involved with this operation.

I note from your letter that you are a Navy veteran. I am a veteran as well, and I want to sincerely thank you for your service. I also want to reiterate that we remain open to negotiation if you are willing to engage in an open and fruitful dialogue.

Sincerely,



David R. Chalson  
Senior Vice President  
Sunoco Pipeline LP



May 31, 2017

Dear Mr. Chalson,

As per your letter that I received on May 24, 2017, the offer was for \$500,000.00. We never got that information. Our attorney has tried to contact ETP/Sunoco Logistics regarding your offer; no response. The only thing received from your company was an email to our attorney stating that your workers are coming through on Thursday or Friday of this week and destroying my building that protects my hay bales (see below). This is my living making hay (are you trying to put me on welfare?)

I'm 77 years old, have a bad heart, and don't need these bullying tactics. I'll protest the destruction of the building, it was there before the initial survey of my property. The writ of possession was filed December 16, 2016; I didn't receive it until May of 2017. We have been bullied since the start of all this just because we had the guts to stand up to you.!

The Sunoco construction boss was out to my property and thought that some things could be done to save my buildings. Never heard back from him. Since then my attorney has sent a proposal (see enclosed) to the lawyers representing your company and their response was that the buildings will be torn down.

At this point we don't have any contact information for anyone but you.. We have no way of contacting your attorneys directly. We need answers ASAP to settle this matter peacefully. You said in your letter that you remain open to negotiations. Is your word worth anything?

---

From: Carfley, Stephanie <SCarfley@mcneeslaw.com>  
Sent: Wednesday, May 31, 2017 8:14 AM  
To: Mike Faherty  
Subject: RE: Blume

Mike,

Sunoco plans to be on the Blume property on Thursday or Friday of this week for construction clearing and removal of the pole barn/hay shed. Please let the Blumes know. Thank you.

Stephanie

Stephanie Carfley, Esquire  
McNees Wallace & Nurick LLC  
570 Lausch Lane  
Suite 200  
Lancaster, PA 17601-3057  
Direct Telephone: 717.581.3724  
Direct Fax: 717.260.1790  
[scarfley@mwn.com](mailto:scarfley@mwn.com)

Sincerely,

Ralph and Doris Blume  
43 Wildwood Rd.  
Newville PA 17241  
717-776-5237

cc: Michael Faherty

Honorable Elizabeth H. Barnes  
Administrative Law Judge  
PA Public Utility Commission

Post-Hearing Comments  
of Kim Van Fleet

regarding  
Wilmer J. Baker v. Sunoco pipeline L.P.  
Docket No. C-2018-3004294

28, August 2019

Honorable Elizabeth H. Barnes  
Administrative Law Judge  
PA Public Utility Commission  
400 North St  
Harrisburg, PA 17120-0211

Dear Judge Barnes,

I am not a lawyer and would not even begin to know how to format and write a post-hearing brief. In addition, neither Mr. Baker or any of us who provided testimony on his behalf were represented by a lawyer hence no post hearing brief per say. What I am able to and can do is provide comments on various aspects of the testimony and provide a few more documents and information that are pertinent to the hearing Wilmer J. Baker v. Sunoco pipeline L.P. held on 17 & 18 July 2019, Docket No. C-2018-3004294

I didn't provide an original letter of support, rebuttal or agree to be a witness on behalf of Mr. Baker to provide opinions or opinion testimony although I can understand why Sunoco and their lawyers tried to dismiss as much of my submissions and testimony as possible. As stated in the small amount of testimony I was permitted to provide it is important to reiterate that I am and have been a visiting instructor at Dickinson College (for 8yrs) where I teach Environmental Science among other subjects. I hold both a Bachelors and Master's Degree in Biology. Since earning my M.S. in 1997 I have been employed in the science field as a lab technician in a microbiology lab specializing in bioremediation, adjunct or visiting instructor at several area colleges and universities, and as a Biologist with a nationally recognized NGO. As a consequence of my education and work experiences I am well versed in the scientific method and adept at researching legitimate sources of information including peer-reviewed scientific literature, professional journals, websites [e.g. Government agency websites like Pipeline and Hazardous Materials Safety Administration (PHMSA), Environmental Protection Agency (EPA), Toxic Release Inventory (TRI) and Enforcement and Compliance History Online (Echo)] as well as Industry trade journals and valid clearinghouses that collect and make information available to the public. I then read through these various sources, scrutinize the legitimacy of it the information and arrive at valid conclusions based on facts, not opinions.

### ***Sunoco safety violations***

If I had submitted a review paper on pipeline safety in the gas and petroleum industry to a professional journal containing the same information that I provided in my PUC correspondence along with similar materials pertaining to other industry-wide companies and cited those sources then more than likely, after peer-review and edits, it would be accepted for print. It would go to print not because I was an expert but because it was researched and presented in the appropriate manner.

The tables that were provided along with my rebuttal contained information regarding various safety violations that I acquired from two websites PHMSA and Violation Tracker. The Pipeline and Hazardous Material Safety Administration sites where this information was found can be accessed and/or downloaded through these two links:

[https://primis.phmsa.dot.gov/comm/reports/enforce/NOPVClose\\_opid\\_0.html?nocache=6155](https://primis.phmsa.dot.gov/comm/reports/enforce/NOPVClose_opid_0.html?nocache=6155)  
and

[https://primis.phmsa.dot.gov/comm/reports/operator/OperatorIE\\_opid\\_18718.html?nocache=8212#OuterPanel\\_tab\\_2](https://primis.phmsa.dot.gov/comm/reports/operator/OperatorIE_opid_18718.html?nocache=8212#OuterPanel_tab_2).

Please note that it was Sunoco Pipeline L.P. who provided the information found in the PHMSA table of safety violations. A literate person could easily read through the list of violations and recognize that there is indeed a long record of violations associated with this corporation. This is why I submitted this information. I thought that you or anyone else at the PUC reading them could readily discern the facts in regards to Sunoco Pipeline LP; not so that I could give an opinion. The only two things I did relative to the csv table downloaded from PHMSA were 1.) I highlighted the background of the PA violations so that they would stand out and 2.) I reduced the total number of columns by removing columns containing other information pertaining to each violation for the sake of making it a manageable sized document. If you go to the second link above you will be able to download the csv file in its entirety.

The table I submitted regarding EPA and OSHA violations came from Violation Tracker at this website link: <https://violationtracker.goodjobsfirst.org/parent/energy-transfer>. I've also included a second link to this organization so that you may read about them regarding the following: who they are along with what, how and why of their origins and mission:

<https://www.goodjobsfirst.org/about-us>. Again, a literate person can read through this list of violations and come to similar conclusions as stated above for PHMSA.

If one examines all of the safety violations committed by Sunoco and all of the various entities associated with it [Energy Transfer Equity (ETE)/Energy Transfer Partners (ETP)/Sunoco Logistics L.P./Sunoco Pipeline L.P.] and compare these to safety violations documented at Three Mile Island (TMI) nuclear power plant over the years the results would show that Sunoco is the worst of the two. In that respect I stand by my original written statement on that topic.

Bottom line, the information I submitted is harmful to Sunoco Pipeline L.P. and they don't want it in the record. If it is part of the record it would, in part, provide the legitimacy needed in support of a public siren/alarm system similar to what the different corporate owners of TMI (Metropolitan Edison, GPU Nuclear and Exelon) paid for out of pocket and upgraded over the years to ensure greater public awareness and safety. An alarm system such as this would not be cost prohibitive for a multi-billion-dollar corporation such as ETE/ETP/Sunoco Logistics LP/Sunoco Pipeline L.P. Therefore, I ask you to please reinstate these documents pertaining to safety as part of the record.

**Day 1: line 19 page 161 - line 18 page 164, e-mail correspondence with Ian Woods at PHMSA**

There were actually several emails that were sent between Ian Woods and me. It was a complaint not an inquiry regarding the exposed pipeline in a streambed located on the farm

property at 1705 McClures Gap Rd. Carlisle PA 17015 as stated by Sunoco's lawyers. In this situation Sunoco's lawyers are giving an opinion on something they have limited knowledge about since they are not aware of all of the circumstances and contents of the emails. Therefore, they are not qualified to interpret these emails as an inquiry. I have attached all of the email correspondence at the end of this letter.

**Day 2 line 11 page 299 - line 2 page 303: *Mr. Zurcher's statements on the amount of exposed pipelines***

Mr. Zurcher testified that there are hundreds of thousands of locations across the country where there are exposed portions of pipelines above ground implying that it's not an issue "*for the most part.*" What about the lower number of situations where it is an issue? I would pose the following questions that require further examination and or explanation: How many of these exposed portions of pipeline are part of a system transporting HVLs/NGLs? How many of these are LNG lines like the one photographed near the capitol building? How many of these exposed pipelines are 85 + year-old pipelines that have been repurposed and the flow reversed to transport HVLs, are exposed above-ground in a streambed but below water level and should a leak develop at that type of exposure then an explosion would result if the HVL product comes into contact with water?

**Day 2 Line 21 Page 357 – line 8 page 359: *Mr. Perez's testimony regarding Sunoco Pipeline safety mailers***

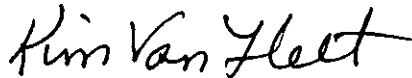
Once again Sunoco's lawyers are not fully aware of the circumstances involved in whether or not we (the Van Fleets) actually received the mailers they claimed to have sent to the address. There are two residences located at this address, the main farmhouse and the rental unit where we lived. This property is co-owned by John M. and Stephen J Bixler, father and son respectively. Since 2014 immediate members of the Bixler family have resided in the main farmhouse at different times. The period of occupation by these family members has varied from relatively short to extended periods of time on an almost continuing basis from 2014 to present. Length of stay varied depending on the circumstances surrounding their relocation to the Carlisle area (e.g. looking for a home to buy, building a new home or becoming a permanent resident at the farm). This would include both of John's Bixler's daughters including one with her spouse and currently Stephen's daughter who has been there for almost three years. There is only one mailbox at this property, which is shared by both households. We have rural mail carriers that occasionally make an error and put mail in the wrong box because one piece of mail intended for an address may stick to someone else's mail. This often happens with items printed on glossy coated stock. Sometimes we have received two of the same bulk mail items indicating to me that someone else didn't receive theirs. With two families sharing a mailbox it's possible that whoever took the mail out of the mailbox may have kept the supposed mailer since they were now living there as a resident or it may have ended up in another addressee's mailbox up or down the road. These things can and do happen.

The only mailer from Sunoco regarding pipeline safety that my husband or I ever found in the mailbox was in 2018. It was addressed to "resident" not Kim Van Fleet, Glen Van Fleet, John Bixler or Stephen Bixler, it was sent bulk mail not first class and there was no tracking number associated with it. I will say that during the early years we lived at the farm (1980s) we received a photocopy of a mailer once from John Bixler. It had originally been sent to his address in

Bethesda, MD and he thought that we should have a copy of it. The point here is it is presumptuous of Sunoco and their lawyers to state that a mailer was sent specifically to me (line 9 page 357) that I definitely received it or that every mailer they purportedly sent to that or any address was delivered and received by the intended resident unless there is a tracking number associated with each mailing.

I realize this may or may not be accepted as part of the post hearing documents since it likely would not be considered a brief. But as stated in the beginning of this letter I am not a lawyer nor were we represented by one at the hearing. Thank you for your time and consideration regarding these matters.

Respectfully,

A handwritten signature in cursive script that reads "Kim Van Fleet". The signature is written in black ink and is positioned below the word "Respectfully,".

Kim. Van Fleet


**Date:** Fri, 21 Oct 2016 16:04:24 -0400 [10/21/2016 04:04:24 PM EDT]

**From:** kvanfleet@pa.net <kvanfleet@pa.net>


**To:** ian.woods@dot.gov

**Cc:** lynda@pscoalition.org

**Subject:** email 1 exposed pipeline images

**Attachment(s):**  2 IMG\_1491.JPG 5,613.40 KB

 3 IMG\_1494.JPG 5,479.41 KB

 1 unnamed 2.68 KB

Ian,

After an extensive search of my 3 email accounts I finally found the originals emails I thought I had sent the end of September (in my drafts folder). I knew my email capacity is 20 MB so that's why the confusion and frustration on my end as to why you never received them. I'm also cc'ing Lynda Farrell on these.

So with that said here is the first of several emails (due to image size) containing images of the exposed pipeline on the property where we live. the street address of the farm property is 1705 McClures Gap rd. Carlisle PA 17015


The approximate location in decimal degrees is as follows:

Latitude: 40.241792 Longitude: 77.25825

Note the location of the original re-purposed exposed ME1 pipeline and the proposed location of the two ME2 pipelines on the image I created in GIS and put into a word document. As per our original conversation; This reinforces why I think Sunoco Logistics was hoping to get approval to start construction on the ME2 before doing anything to rectify this situation despite being informed by our landlord this past spring

Finally, once I send the final document i would appreciate a confirmation from both of you that you've received them. Thank you for your patience and understanding.

Best regards,  
Kim

 1.1 Plaintext Version of Message 1.25 KB

**Date:** Mon, 17 Apr 2017 18:30:06 -0400 [04/17/2017 06:30:06 PM EDT]

**From:** kvanfleet@pa.net <kvanfleet@pa.net>




**To:** ian.woods@dot.gov

**Cc:** lynda@pscoalition.org

**Subject:** exposed pipelines in PA

**Priority:** 1 (Highest)

**Part(s):**

 2 exposed pipeline 1.png	247.21 KB
 3 exposed pipeline 2.png	251.66 KB
 4 oct. images exposed pipeline.jpg	41.69 KB

 1 unnamed 3.61 KB

Hi Ian,

I haven't heard back from you since our last correspondence in late October so, I figured I would reconnect with you to update you on what hasn't occurred and see what if any action PHMSA has taken or will take regarding the exposed ETP/Sunoco Logistics Mariner 1 pipeline that I originally reported to your agency in October 2016. I have no idea what if anything ETP/Sunoco representatives told you or anyone at your agency but what I do know is as follows:

They did send people out shortly after you got in touch with them. However, the only thing they did was to put a little bit of snow fencing and red tape with the words "danger do not enter" around it (see attached photos that I took this past winter plus a few sent to you in October). I checked the site again this past Friday April 14th, and can verify that other than the snow fence and red tape they have still done absolutely nothing to correct this situation.

It was a generally mild winter with ample opportunities to fix this so one can only assume that ETP/Sunoco Logistics representatives throughout this period of time (over 5 months) have knowingly and deliberately chosen to disregard human health and safety and knowingly remain in violation of Federal Regulation CFR title 49 (parts 190-199). From our perspective (mine and my husband's) it is really quite frustrating and disconcerting that they've done absolutely nothing and have been allowed to get away with continuing to violate regulations meant to protect us.

Please let me know what if any actions your agency will take regarding this matter. As always thank you for your time and consideration.

Best regards,  
Kim

 1.1 Plaintext Version of Message 1.64 KB



**Date:** Wed, 24 May 2017 14:28:44 +0000 [05/24/2017 10:28:44 AM EDT]

**From:** Woods, Ian (PHMSA) <ian.woods@dot.gov>

**To:** kvanfleet@pa.net <kvanfleet@pa.net>

**Cc:** lynda@pscoalition.org <lynda@pscoalition.org>, Gentile, Karen (PHMSA) <karen.gentile@dot.gov>

**Subject:** Sunoco logistics exposed Mariner I pipeline

Hi Kim,

This is the latest information that I have received from Sunoco Logistics regarding their actions in responding to the exposed pipeline;

"Sunoco Pipeline's Engineering Group has been working with Er-Con Technologies to develop an engineering solution to address this erosion-exposed location.

Background investigation work is completed and a final engineering design is expected soon.

An environmental evaluation of the area is underway.

After conclusion of the environmental evaluation, the PA DEP permitting can begin.

General Timing for the overall project is as follows:

2Q2017 - Complete Engineering Design / Complete Environmental Evaluation / Submit PA DEP Permit application(s) needed to allow work

3Q2017 to 4Q2017 - Timing for progress and installation is uncertain due to timing for PA DEP Permits needed.

Once PA DEP permits are obtained we can begin work.

4Q2017 - Sunoco estimates this project should be completed sometime in 4Q2017 or sooner if PA DEP Permits come sooner."

It appears that they do have a plan in place and are working towards a remedy for the exposed pipeline. Unfortunately, due to the location of the exposure, the operator requires specific permits from the state before they start digging, excavating etc. I understand that this can be quite frustrating, as far as safety concerns and timeliness of operator response, but I see this quite frequently, especially where environmental issues are in question. I did have additional questions for the operator though that are still being addressed and when I hear back from them, I will forward the answers to you. Thank you for your time and your patience as it is greatly appreciated. Please don't hesitate to contact me if you have any other questions or concerns.

Regards,

Ian

**Ian Woods**

Community Liaison, Eastern Region

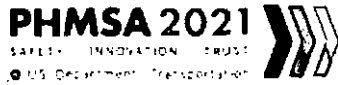
U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Outreach and Engagement Division

e-mail: [ian.woods@dot.gov](mailto:ian.woods@dot.gov)

Tel: 609-468-9478



**Date:** Tue, 30 May 2017 09:58:25 -0400 [05/30/2017 09:58:25 AM EDT]

**From:** kvanfleet@pa.net <kvanfleet@pa.net>

**To:** Woods, Ian (PHMSA) <ian.woods@dot.gov>

**Cc:** lynda@pscoalition.org <lynda@pscoalition.org>, Gentile, Karen (PHMSA) <karen.gentile@dot.gov>

**Subject:** Re: Sunoco logistics exposed Mariner I pipeline

Hi Ian,

Nothing personal but, am I to understand that even though ETP/Sunoco Logistics has been aware of the situation for over a year and have knowingly been in direct violation of CFR 49 (190-199) that they are just now filing permits with DEP to rectify the situation? Especially since the only reason they are doing this is because I made you and your agency aware of the issue and you in turn contacted them. As a consequence, now they are compelled by law to go through the proper permitting channels instead of trying to slip through unnoticed.

Furthermore, am I also understanding that because ETP/Sunoco Logistics have provided your agency with this explanation of doing the right thing despite their ongoing negligence up to this point, that this is deemed to be okay? In addition do I also understand that the powers that be at PHMSA intend to do nothing, including fines regarding this blatantly illegal violation of laws meant to protect us?

One final question: What is it about this pipeline (ME1) and it's sister project (ME2) in particular that compels enforcement (PHMSA) and state agencies (DEP) to neglect their responsibilities when it comes to laws and permit deficiencies respectively?

I just want to make certain that I have the facts straight before I go to the media with this. As such I hope that you will respond to my email in a more timely manner. Thank you.

Best Regards,  
Kim

Quoting "Woods, Ian (PHMSA)" <ian.woods@dot.gov>:

- > Hi Kim,
- > This is the latest information that I have received from Sunoco
- > Logistics regarding their actions in responding to the exposed
- > pipeline;
- >
- > "Sunoco Pipeline's Engineering Group has been working with Er-Con
- > Technologies to develop an engineering solution to address this
- > erosion-exposed location.
- > Background investigation work is completed and a final engineering
- > design is expected soon.
- >
- > An environmental evaluation of the area is underway.
- > After conclusion of the environmental evaluation, the PA DEP
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- >
- > General Timing for the overall project is as follows:
- >
- > 2Q2017 - Complete Engineering Design / Complete Environmental
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- > 3Q2017 to 4Q2017 - Timing for progress and installation is uncertain
- > due to timing for PA DEP Permits needed.
- > Once PA DEP permits are obtained we can begin work.
- > 4Q2017 - Sunoco estimates this project should be completed sometime
- > in 4Q2017 or sooner if PA DEP Permits come sooner."
- >

> It appears that they do have a plan in place and are working towards  
> a remedy for the exposed pipeline. Unfortunately, due to the location  
> of the exposure, the operator requires specific permits from the  
> state before they start digging, excavating etc. I understand that  
> this can be quite frustrating, as far as safety concerns and  
> timeliness of operator response, but I see this quite frequently,  
> especially where environmental issues are in question. I did have  
> additional questions for the operator though that are still being  
> addressed and when I hear back from them, I will forward the answers  
> to you. Thank you for your time and your patience as it is greatly  
> appreciated. Please don't hesitate to contact me if you have any  
> other questions or concerns.

>  
> Regards,  
> Ian

>  
>  
> Ian Woods  
> Community Liaison, Eastern Region  
> U.S. Department of Transportation  
> Pipeline and Hazardous Materials Safety Administration (PHMSA)  
> Outreach and Engagement Division  
> e-mail: [ian.woods@dot.gov](mailto:ian.woods@dot.gov)  
> Tel: 609-468-9478

>  
> [Call 811 Logo]  [cid:image004.png@01D2D478.838F5B20]  
>  
>

**Date:** Thu, 1 Jun 2017 14:30:43 +0000 [06/01/2017 10:30:43 AM EDT]

**From:** Woods, Ian (PHMSA) <ian.woods@dot.gov>

**To:** kvanfleet@pa.net <kvanfleet@pa.net>

**Cc:** lynda@pscoalition.org <lynda@pscoalition.org>, Gentile, Karen (PHMSA) <karen.gentile@dot.gov>

**Subject:** RE: Sunoco logistics exposed Mariner I pipeline

Hello Kim,

Thank you for your reply to verify that you received the information regarding Sunoco Logistics plan to address the exposed portion of the Mariner East pipeline that you are concerned about. Please be assured that I do not take any email responses from the public personally. We are all afforded the right to free speech, one of many great freedoms that we all have under our country's constitution and I have had the pleasure of serving our country and protecting those freedoms that we all have for many years. I, along with my fellow community liaisons receive a multitude of calls regarding pipeline safety on a daily basis and we always make an honest attempt to answer the publics' concerns as promptly as possible. However, this being said, at times we have to rely on information that we need to request from the operators. Normally, we will get quick answers from the operators, but in other times the requested information takes a while to get to us, for whatever reason. I don't make excuses for the operators, I just keep on requesting the information until I receive it and then pass it on.

Unfortunately, sometimes this means a delay in getting responses back to the initial inquiry from the public. In some circumstances, such as yours, the answers may take quite a while to receive. I do not like to keep folks waiting and I do not like unfinished business, but at the same time I have a preference to give the public the best answers that I can and there are times that the operators initial reply is not the answers that I need and I kick it back to them. This is the reality of our job as community liaisons. Your patience, as always, has been greatly appreciated.

I will try to answer the questions that you posed to me in your last email. Specifically, you had mentioned several times that the operator has been in violation of CFR 49 (190-199) and you stated that it was your understanding that the powers to be at PHMSA intend to do nothing, including fines regarding this blatantly illegal violation of laws meant to protect us. I assure you that PHMSA takes the subject of pipeline safety and the protection of life, the environment, and property very seriously. When there is a violation of the applicable pipeline safety laws, we will hold the operator accountable each and every time. I have found that it is frustrating to many people to observe what may be considered a violation of law regarding pipeline safety only to find out that there are no laws being broken. Knowing what the laws states and what PHMSA holds the operators accountable for can be similar to what the public perceives or it can be very different. Stating that an operator is in violation of 49 CFR 190-199 covers a very wide area of applicability and an even wider range of specific subjects and cannot be a sound basis for a violation of law. If you can please provide a specific violation that the operator has committed or at least expand on what law has been violated, I can help you understand what steps can be taken by PHMSA or if there is no violation of law at all. Simply having an exposed pipeline is not a violation of law. Taking months to provide a plan of action on addressing an exposed pipeline, in itself, is not a violation of law, although not a preferred way of conducting business. Operators will usually show good faith and will cooperate with PHMSA, but again, there are circumstance where an operator may be slow in providing information or taking action, but if no law is being violated, PHMSA is very limited in what it can do. Please let me know how you would like to proceed with this and I will help you as much as I possibly can.

In regards to your question regarding what is it about the ME1 and ME2 pipeline that compels enforcement agencies such as PHMSA and PADEP to neglect their responsibilities when it comes to laws and permit deficiencies respectively, I cannot truthfully answer that question due to the fact that I have no knowledge of PHMSA being neglectful in their responsibilities in any way. In addition, I cannot speak for the Commonwealth of Pennsylvania Department of Environmental Protection as it does not fall under PHMSA jurisdiction. Any questions regarding a state entity should be directed directly to the respective state. In the case of the PA DEP you may choose to contact them at the following address:

Pennsylvania Department of Environmental Protection Headquarters

Racheal Carson State Office Building

400 Market Street

Harrisburg, PA 17101

(717) 783-2300

In addition, if you would like to make a complaint to the PA DEP there is a specific phone line set up to report environmental complaints. This number is 1-888-723-3721

I hope that my response helps to clarify things for you. I will be happy to assist you in any way that I can.

Regards,

Ian

**Ian Woods**

Community Liaison, Eastern Region

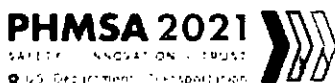
U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Outreach and Engagement Division

e-mail: [ian.woods@dot.gov](mailto:ian.woods@dot.gov)

Tel: 609-468-9478



**DELAWARE COUNTY COUNCIL**  
**RESOLUTION 2019-06**

**RESOLUTION IN SUPPORT OF PUBLIC SAFETY**

WHEREAS the health, safety and welfare of the residents of Delaware County are of the utmost concern and responsibility of Delaware County Council (Council);

WHEREAS Council commissioned a risk assessment of Sunoco Pipeline's (Sunoco) proposed Mariner East 2 (ME2), highly volatile liquids (HVL) pipeline completed for Council by G2 Integrated Solutions and released publicly in November 2018, evaluated potential accident events, the consequences and likelihood of such events, and estimated risk measures;

WHEREAS it is evident to Council that a large release of HVLs in Delaware County could result in mass casualties and mass destruction of property;

WHEREAS Sunoco has reported repeated hazardous liquids pipeline accidents in Delaware County, including the most recent "subsidence" that occurred in Middletown Township on April 24, 2019;

WHEREAS Council has acted to obtain intervenor status in an action brought before the Pennsylvania Public Utility Commission (PUC) by seven residents of Delaware and Chester Counties;

WHEREAS, in its petition to intervene in the citizens' complaint, Council wrote "Sunoco's lack of adequate emergency planning and public awareness directly affects the ability of Delaware County to devise and implement an emergency evacuation plan...Delaware County will be irreparably harmed if Sunoco does not ensure the safety and reasonableness of facilities located within Delaware County...Delaware County has a direct and substantial interest in the instant proceeding which is not, and cannot be, adequately represented by any other party;"

WHEREAS other Delaware County political subdivisions, including Middletown, Edgmont, and Thornbury Townships, and Rose Tree Media and West Chester Area School Districts have also petitioned to intervene in the aforementioned action before the PUC;

NOW THEREFORE BE IT RESOLVED that Delaware County Council joins and supports the bipartisan calls from fourteen (14) Members of the General Assembly representing Delaware and Chester Counties, who on March 11, 2019, wrote to Governor Tom Wolf, "We respectfully reach out to you today to urge you to take action to preserve the health, welfare and safety of our constituents who live, work and raise their families in the high consequence areas of Chester and Delaware Counties within the potential impact radius of the Mariner East pipeline project."

BE IT FURTHER RESOLVED that Delaware County Council hereby calls on Governor Wolf to institute an immediate moratorium on the operation and transmission of all Sunoco current and proposed HVL pipelines in Delaware County, continuing until there is a credible and practicable public response program and emergency response plan that accounts for the unique hazards of these HVL's and the density and immobility of vulnerable populations within the impact radius.

**Ralph**

---

**From:** "Eric Friedman" <eric.law.friedman@gmail.com>  
**Date:** Tuesday, July 16, 2019 09:56 PM  
**To:** <mariner-east-organizers@googlegroups.com>  
**Attach:** ATT00017.pdf  
**Subject:** Fwd: Cumberland County Resolution 2019-21

**Subject:** Cumberland County Resolution 2019-21  
**Importance:** High

I am resending the original email below due to a broken link for the PUC website. Please see email below with corrected link for access if you wish to file your resolution or other supporting documentation electronically.

Dear Public Officials,

Please see the attached resolution (Resolution No. 2019-21), adopted by the Cumberland County Board of Commissioners, providing for comment in support of the Public Utility Commission's consideration and final adoption of a regulation that would require natural gas and hazardous liquid pipeline operators to conduct "periodic public awareness meetings with municipal officials and the public" for the purpose of outlining safety precautions and to address any citizen questions and concerns about pipeline operations.

A copy of this resolution is being transmitted to the Public Utility Commission, pursuant to the PUC's Advance Notice of Rulemaking Order (Docket No. L-2019-3010267), as well as to municipalities throughout Cumberland County, our region's two Council of Governments, Cumberland County's state Senate and House delegation, and to the County Commissioner's Association of Pennsylvania (CCAP).

The Commissioners are requesting that other governmental jurisdictions consider supporting Cumberland County Resolution No. 2019-21 with the adoption of similar resolutions, or other forms of supporting communication, and transmit such supporting comment to the PUC, along with a copy to the Cumberland County Board of Commissioners, by **August 27, 2019**.

If you wish to file your resolution or other supporting documentation electronically, please go to the PUC website :  
<https://www.puc.state.pa.us/efiling/default.aspx> and follow the

07/17/2019



instructions for efilng. If you wish to send your documentation to PUC via the mail please submit your documentation to :

Secretary  
Pennsylvania  
PUC  
Commonwealth  
Keystone  
Building -  
2<sup>nd</sup> Floor  
400 North  
Street  
Harrisburg PA  
17120

Please remember to include the PUC Docket No. L-2019-3010267 when filing your support documentation.

Sincerely,

## **Sandy Moyle**

Chief Clerk/Chief Operations Officer  
Cumberland County Commissioners' Office  
1 Courthouse Square, Room 200 | Carlisle, PA 17013  
Phone: 717-240-6150 | Direct: 717-240-6153  
[smoyle@ccpa.net](mailto:smoyle@ccpa.net)

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To post to this group, send email to [mariner-east-organizers@googlegroups.com](mailto:mariner-east-organizers@googlegroups.com).

To view this discussion on the web visit <https://groups.google.com/d/msgid/mariner-east-organizers/193ECA21-99B4-4E18-AE74-31A82481306B%40gmail.com>.

For more options, visit <https://groups.google.com/d/optout>.

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07/17/2019

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For more options, visit <https://groups.google.com/d/optout>.

>>> Subject: Cumberland County Resolution 2019-21

>>> Importance: High

>>>

>>> Notice

>>>

>>> I am resending the original email below due to a broken link for the PUC website. Please see email below with corrected link for access if you wish to file your resolution or other supporting documentation electronically.

>>>

>>>

>>>

>>> Dear Public Officials,

>>>

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>>>

>>> If you wish to file your resolution or other supporting documentation electronically, please go to the PUC website : <https://www.puc.state.pa.us/efiling/default.aspx> and follow the instructions for efilng. If you wish to send your documentation to PUC via the mail please submit your documentation to :

>>>

>>> Secretary

>>> Pennsylvania PUC

>>> Commonwealth Keystone Building - 2nd Floor

07/17/2019

>>> 400 North Street  
>>> Harrisburg PA 17120

>>>  
>>> Please remember to include the PUC Docket No. L-2019-3010267 when filing your support documentation.

>>>  
>>> Sincerely,

>>>  
>>> Sandy Moyle  
>>> Chief Clerk/Chief Operations Officer  
>>> Cumberland County Commissioners' Office  
>>> 1 Courthouse Square, Room 200 | Carlisle, PA 17013  
>>> Phone: 717-240-6150 | Direct: 717-240-6153  
>>> smoyle@ccpa.net

>>>  
>>>

>>> The information in this message may be privileged and confidential and protected from disclosure. If the reader of this message is neither the intended recipient, nor an employee or agent responsible for delivering this message to the intended recipient, then you are hereby notified that any dissemination, distribution, unauthorized use, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this message and deleting it from your computer. Thank you, Cumberland County, PA.

>>

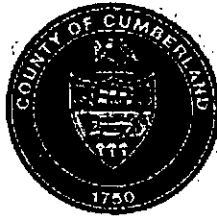
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To post to this group, send email to [mariner-east-organizers@googlegroups.com](mailto:mariner-east-organizers@googlegroups.com).

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For more options, visit <https://groups.google.com/d/optout>.



**Resolution No. 2019-21**

**A Resolution Urging Public Awareness Meetings by Hazardous Liquids Pipeline Operators**

WHEREAS, the Pennsylvania Public Utility Commission has launched a review of its safety regulations governing the operation of natural gas and other hazardous liquids pipelines; and

WHEREAS, the protection of the public's health, safety and welfare is paramount in our responsibilities as public officials at all levels of government; and

WHEREAS, without adequate safety precautions and necessary regulatory oversight, the operation of hazardous materials pipelines could pose a danger to the public; and

WHEREAS, enhancing the public's trust in the safe operation of natural gas and hazardous materials pipelines is a critical component of the responsibility of those who operate these pipelines and of those who have regulatory oversight of these operations; and

WHEREAS, the operators of one of these pipelines, Sunoco Pipeline/Energy Transfer Partners, has refused -- on at least three occasions -- invitations to attend community and county-hosted meetings to address citizen questions and concerns regarding their pipeline operations in Cumberland County; and

WHEREAS, while we appreciate the company's efforts to train first responders in the case of an emergency, and to mail general informational materials to the public residing within close proximity to pipeline operations, we believe the company should be required to hold periodic public outreach meetings to address any individual citizen questions and concerns; and

WHEREAS, order and decorum can easily be accomplished by requiring the company to work in cooperation with municipal and county officials to host such sessions; and

WHEREAS, the Public Utility Commission has the authority to enhance the minimum federal "public awareness" safety rules, promulgated by the federal Pipeline and Hazardous Materials Safety Administration, to require pipeline operators to conduct regional and periodic public outreach meetings; and

WHEREAS, because of the transient nature of our population, with new citizens moving in and others moving out on a regular basis, we believe the requirement of public outreach meetings should occur on a local or regional basis at least once a year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County does hereby respectfully request that the Public Utility Commission order hazardous liquids pipeline operators to conduct public outreach meetings, at least once a year on a local or regional basis, for the purpose of outlining safety precautions and to address any individual citizen questions and concerns; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Pennsylvania Public Utility Commission, to municipalities throughout Cumberland County, to our region's Councils of Governments, to Cumberland County's state Senate and House delegation, and to the County Commissioners Association of Pennsylvania for distribution to other jurisdictions.

Adopted this 15<sup>th</sup> day of July, 2019.

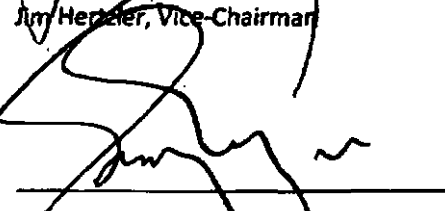
ATTEST:

  
Sandy Moyle, Chief Clerk

CUMBERLAND COUNTY  
BOARD OF COMMISSIONERS

  
Vincent T. DiFilippo, Chairman

  
Jim Hertzler, Vice-Chairman

  
Gary Eichelberger, Secretary

Seal:

**Chiavetta, Rosemary**

---

**From:** Chiavetta, Rosemary  
**Sent:** Wednesday, July 10, 2019 4:17 PM  
**To:** Kim Doan  
**Subject:** RE: [External] Docket Number C-2018-3004294

Thank you Ms. Doan. Your comments will be placed in the Public Comment Folder of the docket.

**Secretary Rosemary Chiavetta, Esq.**  
**Pennsylvania Public Utility Commission**  
**Commonwealth Keystone Building**  
**400 North Street**  
**Harrisburg, Pennsylvania 17120**  
[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)  
717-787-8009



**From:** Kim Doan <kdoan@uwchlan.com>  
**Sent:** Wednesday, July 10, 2019 2:35 PM  
**To:** Chiavetta, Rosemary <rchiavetta@pa.gov>  
**Subject:** [External] Docket Number C-2018-3004294

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Hello Secretary Chiavetta,

I would like to submit this letter for public record for Docket Number C-2018-3004294

Thanks,  
Kim Doan  
Supervisor  
Uwchlan Township

July 10, 2019

Re: Docket Number C-2018-3004294  
Baker vs. Sunoco Pipeline, LLC

Dear PUC and Ms. Chiavetta, Secretary of PUC:

I am writing in support of Mr. Baker and his case filed against Sunoco Pipeline, LLC. I am a Uwchlan Township Supervisor so I cannot ignore the dangers of the Sunoco pipelines which could affect the safety of approximately 19,000 Uwchlan township residents. I ask that you grant Mr. Baker -his request for the following reasons:

1. Sunoco/Energy Transfer is currently in the process of installing Mariner East 2 and 2x through the entire length of Uwchlan Township. Some of the pipeline crosses waterways and the Marsh Creek Reservoir which provides drinking water to residents in the county, including in Uwchlan Township. When the pipeline leaks (which I believe is not an if, but when), our drinking water may be tainted with chemicals. Contaminated water does not stay in one place but leaks to surrounding areas. This is evident in the case at the joint Naval Air Station in Willow Grove in which residents are now suffering the effects of the chemicals used to put out fires on the base 50 years ago ([open link to read story.](#)). Remediation of contaminated water is difficult and residents will incur the risks of the contamination when a leak occurs. Water is a precious resource in Chester County and should be protected.
2. According to Sunoco/ET, the ME 2 and 2x pipelines will carry propane, butane, and ethane which are all highly flammable gasses. This is evident by the explosion at the Philadelphia Energy Solutions (PES) refinery on June 21, 2019 which is attributed to the propane and butane the refinery processes. There is no doubt that the gasses the ME2 and 2x will carry are flammable. The ME2 and 2x runs through a highly populated area; the likely catastrophe would be immeasurable. It is by a stroke of luck that the explosion at the PES refinery did not take any lives. No one can guarantee that a similar explosion in residential neighborhoods in which many homes sit just 6ft away from the pipeline will not cost any lives. Sunoco has not shared emergency plans with residents and has failed to share complete information for the county's first responders to use to create an emergency plan should the pipeline leak or an explosion occur. Until an independent agency can assure the public that a leak will not occur and that no lives will be lost or injured, the installation of the pipeline cannot continue.

According to the PUC website, the duties of the PUC include "balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest." I am asking that you "ensure the safe and reliable service" that is in your mission statement and you "protect the public interest" by granting Mr. Baker his request.

Sincerely,

*Kim Doan*

Kim Doan, Ph.D.  
Supervisor, Uwchlan Township

## Chiavetta, Rosemary

---

**From:** Chiavetta, Rosemary  
**Sent:** Tuesday, July 09, 2019 8:36 AM  
**To:** Margaret Quinn  
**Subject:** RE: [External] Wilmer Baker vs Sunoco Pipeline

Ms. Quinn:

I will place your comments in the Public Comment Folder of this docket.  
Thank you.

Secretary Rosemary Chiavetta, Esq.  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120  
rchiavetta@pa.gov  
717-787-8009

-----Original Message-----

From: Margaret Quinn <mcqfirst@gmail.com>  
Sent: Monday, July 08, 2019 8:06 PM  
To: Chiavetta, Rosemary <rchiavetta@pa.gov>  
Subject: [External] Wilmer Baker vs Sunoco Pipeline

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Ms Rosemary Chiavetta  
Secretary Pennsylvania Public Utilities  
Commonwealth Keystone Building  
400 North Street, Second Room  
Harrisburg PA. 17120

Re: William Baker vs Sunoco Pipeline  
L P Flynn Formal Complaint and Petition  
Complaint No. C-2018 -300-4294  
Docket Number C-2018-300-4294

Dear Secretary Chiavetta,

I am writing this letter in support of Mr. Bakers case against Sunoco/ET Mariner Pipeline. I do agree with demand that Sunoco/ET needs to replace old iron pipe with new American steel.

I support his demand for an alarm system and training of first responders. According to PUC current regulations § 59.33. Safety.

(a) Responsibility. Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employees, customers and others may be subjected to by reason of its equipment and facilities.

Sincerely yours,



Margaret Quinn  
503 Carmarthen Drive  
Exton PA. 19341

Sent from my iPhone

## Chiavetta, Rosemary

---

**From:** Chiavetta, Rosemary  
**Sent:** Wednesday, July 10, 2019 8:13 AM  
**To:** mtendy@verizon.net  
**Subject:** RE: [External] Docket#C-2018-3004294

Thank you. This will be placed in the Public Comment Folder of the docket.

*Secretary Rosemary Chiavetta, Esq.*  
*Pennsylvania Public Utility Commission*  
*Commonwealth Keystone Building*  
*400 North Street*  
*Harrisburg, Pennsylvania 17120*  
*[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)*  
*717-787-8009*



**From:** mtendy@verizon.net <mtendy@verizon.net>  
**Sent:** Tuesday, July 09, 2019 9:46 PM  
**To:** Chiavetta, Rosemary <rchiavetta@pa.gov>  
**Subject:** [External] Docket#C-2018-3004294

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Letter of Support to PUC Secretary R Chiavetta for Wilmer Baker's PUC Complaint  
Docket#C-2018-3004294

Dear Ms. Chiavetta:

We are writing this letter in support for Wilmer Baker's PUC Complaint. This complaint is asking for warning systems, proper first responders' training, safe pipes and proper installation of the pipelines. This complaint's request for inclusion of safety issues seems, to me, a reasonable request for the saving of lives is paramount in our commonwealth. We support this complaint and hope that the PUC sees fit to grant the inclusion of these safety measures.

Thank you.

Maxine Endy  
21031 Valley Forge Circle  
King of Prussia, 19406  
484-883-1316

July 8, 2019

Ms. Rosemary Chiavetta,  
Secretary Pennsylvania Public Utility Commission Commonwealth Keystone Building  
400 North Street, Second Room  
Harrisburg, PA 17120

RE: Wilmer Baker v. Sunoco Pipeline  
L.P. FLYNN FORMAL COMPLAINT AND PETITION Complaint No. C-2018-3004294  
Docket No. C-2018-3004294

Secretary Chiavetta:

I am writing in support of the complaint referenced above by Wilmer Baker. I am also directly impacted by the Mariner East Pipeline Project as I live and work within approximately 100 feet of this danger. I have learned that other states have setback laws and pipeline siting that would not allow this danger so close to densely populated areas.

As you know, these highly explosive Natural Gas Liquids are colorless, odorless and heavier than air. We have no early warning system. Our first responders are not prepared. Sunoco is lacking in transparency. They have not even give our emergency personnel full access to their risk assessment. The safety of the public needs to be put before the profits of these large corporations. Many experts have already testified to the insanity of this. Expert John Zurcher, when asked if it is ok to run HVL pipelines through school yards in Downingtown replied, "I don't know how that would be possible, how that would be allowed".

These pipelines currently being installed in my neighborhood in Uwchlan Township have been sitting out exposed to sunlight and elements for TWO years, against manufacturer recommendations. The coatings have clearly been compromised.

It is time to put the "public" in the Public Utility Commission.

Carrie Gross

**Petition to Intervene**

**Public Utility Commission**

**Commonwealth Keystone Building**

**2nd Floor, Room N-201 Harrisburg PA 17120**

**I am petitioning to intervene in the matter of Wilmer Baker's Formal Complaint against Sunoco PUC Docket no C-2018-3004294**

**I live in West Whiteland Township, Chester County in the potential impact zone of Mariner East. Mariner East 1, 2, 2X and the 12" line pass within 250 feet of our home and there is an HDD drill site across the road. There is water flowing underground on our property along Mariner East 1, compounding our concerns for the integrity of the eighty plus year old pipe, and two Sunoco pipelines exposed in a stream across the road from my house.**

**Mariner East puts my family, neighbors and community at heightened risk. While I do not live in Cumberland County, the concerns expressed by Wilmer Baker in his formal complaint are shared by residents, communities, and municipalities across the state. I share his concerns over the lack of public warning system and the inadequacy of Sunoco's Public Awareness Plan for emergency responders and the public living within the potential impact zone. This is of heightened concern in a High Consequence Area such as West Whiteland Township where I live.**

**Virginia Marcille-Kerslake**

**103 Shoen Road**

**Exton PA**

**19341**

**Virginia Marcille-Kerslake**

**103 Shoen Road**

**Exton PA**

**19341**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Wilmer Jay Baker

v.

Sunoco Pipeline L.P.

:  
:  
:  
:  
:

C-2018-3004294

**INTERIM ORDER**

**Denying Virginia Marcille-Kerslake's Petition to Intervene, Closing the Evidentiary  
Record, and Establishing a Briefing Schedule**

Petition to Intervene

On July 17-18, 2019, evidentiary hearings were held regarding the above-captioned matter. Transcripts of the hearings have been filed on July 22-23, 2019, respectively. At the hearing on July 17, 2019, Virginia Marcille-Kerslake attempted to intervene in this proceeding. She argued her filing on July 16, 2019 with the Secretary's Bureau was in a similar timeframe to her filings for intervention in two prior cases, where she was granted intervenor status in *Senator Dinniman v. Sunoco Pipeline L.P.* at Docket No. C-2018-3001451, currently in interlocutory review before the Commonwealth Court at *Sunoco Pipeline L.P. v. Pennsylvania State Senator Andrew E. Dinniman and Public Utility Commission*, 1169 C.D. 2018, and the consolidated complaint proceedings at *Flynn et al. v. Sunoco Pipeline, L.P.* at Docket No. C-2018-3006116. Tr. 36. Ms. Kerslake stated that she did not intend to testify, only that she requested intervention because the other two cases will not be heard for another year and she has similar concerns as Wilmer Baker (Complainant) regarding exposure of the ME1 pipeline in her community. Tr. 36-37.

Conversely, Sunoco Pipeline, L.P. (Sunoco, SPLP or Respondent) objected to treating the letter as a petition to intervene as it was not properly verified or served. Tr. 30. SPLP argued that even if the letter was treated as a petition to intervene, it was untimely filed the day before the hearing without any showing of good cause. Tr. 31. Further, the petition did not contain a statement of issues and should be denied because Ms. Marcille-Kerslake resides in Chester County and already has Intervenor status in two cases against SPLP, where her issues are being addressed. SPLP argued Ms. Marcille-Kerslake has not identified different issues, but even if she did, they should be outside the scope of the proceeding as Sunoco has been denied opportunity to conduct discovery regarding any new issue or claim in the proceeding. Tr. 34-35.

Section 5.72 of the Commission's regulations governs intervention. This Section provides that "a petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought." 52 Pa.Code § 5.72(a). Section 5.72 also provides that the right or interest supporting intervention may be one of the following:

- (1) A right conferred by statute of the United States or of the Commonwealth.
- (2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.
- (3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa.Code § 5.72(a)(1)-(3). Commission regulations also govern the form, content and timing of Petitions to Intervene.

In particular, Section 5.74 provides deadlines by which Petitions to Intervene shall be filed. This includes filing the Petition no later than the date fixed for the filing of responsive pleadings in an order or notice with respect to the proceedings and no later than the date fixed for filing protests as published in the *Pennsylvania Bulletin*. 52 Pa.Code § 5.74(b)(1)-(2). Both of these provisions, however, include "absent good cause shown" provisions that allow

for exceptions to the regulations under certain circumstances. *Id.*; *see also*, 52 Pa.Code § 5.74(c) (“intervention will not be permitted once an evidentiary hearing has concluded *absent extraordinary circumstances.*”) (emphasis added); *Pennsylvania Public Utility Comm’n. Bureau of Investigation and Enforcement v. West Penn Power Co.*, Docket No. C-2012-2307244, (Opinion and Order entered August 29, 2013) (“The Commission has been liberal in interpreting this ‘good cause’ requirement, particularly where the grant of intervention will not delay the orderly progress of the case, significantly broaden the issues or shift the burden of proof.”).

In the instant case, Ms. Marcille-Kerslake has failed to show good cause for intervening in an untimely manner. Her pleading was filed eleven months after the Complaint was filed on August 10, 2018, mainly because she is seeking expedited judgment on her issues raised in two other pending proceedings. The Petition to Intervene was not properly served upon Respondent in a timely manner, was not verified, and failed to adequately state the issues. Further, it would prejudice Respondent to allow intervention with no notice or opportunity to conduct discovery regarding an Intervenor prior to an evidentiary hearing. Ms. Marcille-Kerslake is an intervenor in two similar cases and although a hearing was held in the instant case before hearings expected to be held in October, 2019 and July, 2020, in the *Flynn et al.* consolidated proceeding, this alone is insufficient to show “good cause” needed for granting a last-minute intervention well-beyond 60 days from the date the Complaint. It may appear on the surface that judgment will be rendered on some overlapping issues first in the instant case; however, it is unknown the length of time the Commission will take to ultimately decide these cases as there is no statutory deadline and the Commission is not required to review and issue decisions regarding exceptions to presiding officers’ decisions in the order they are rendered. For these reasons, I am denying the Petition to Intervene.

However, as there have already been three comments filed to the instant case and Ms. Kerslake and approximately twenty other interested individuals sat in the audience during these proceedings, anyone not a party to the instant proceeding but who may have some insight bearing on the issues in this case may file a brief in *Amicus Curiae*<sup>1</sup> on or before August 30, 2019, the same date main briefs are due in this proceeding. Any party may file a response to the

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<sup>1</sup> *Amicus Curiae* is a Latin phrase meaning “friend of the court.” Tr. 387.

*Amicus Curiae* briefs and main briefs through reply briefs due on or before September 18, 2019. Tr. 39, 388-389. Copies of any briefs should be sent to the parties and the presiding officer. The briefs should reference evidence in the record, not extra-record evidence.

Closing the Evidentiary Record for the Filing of Briefs

At the hearing on July 18, 2019, SPLP Exhibit Nos. 31 and 32, depicting Sunoco Pipeline L.P.'s (SPLP) witness Mr. Zurcher's handwritten notes on an easel were admitted. Tr. 339. Counsel for SPLP took photographs of the Exhibits and submitted them to Wilmer Baker (Complainant) via overnight mail and to the presiding officer via e-mail. On July 25, 2019, I sent a memorandum to the Secretary of the Commission, requesting the photographs of Exhibits 31 and 32 be attached to Docket No. C-2018-3004294. Tr. 339.

Accordingly, the evidentiary record is now closed and the parties are given leave to file main briefs on or before August 30, 2019 and reply briefs on or before September 18, 2019. Tr. 387. The parties are reminded that proposed findings of fact, conclusions of law, and ordering paragraphs should be included in the initial briefs to improve the chances of inclusion in the ensuing initial decision. These and all findings, conclusions or argument should include specific references to their occurrence in the record.

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene filed by Virginia Marcille-Kerslake on July 16, 2019 is hereby denied.
2. That Virginia Marcille-Kerslake and any other interested individual/entity who wish to assist the Commission by offering insight bearing on the issues in this proceeding is permitted to file an *Amicus Curiae* brief on or before August 30, 2019.



3. That the parties are given leave to file main briefs on or before August 30, 2019.

4. That the parties will be permitted to file reply briefs on or before September 18, 2019, in response to main briefs and any *Amicus Curiae* briefs filed .

5. That the evidentiary record at Docket No. C-2018-3004294 is closed for the filing of briefs, *Amicus Curiae* briefs, reply briefs, and decision writing.

6. That briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502. The page limitation appearing in Section 5.501(c) is specifically waived to permit the parties to use the number of pages deemed to be necessary for a thorough discussion of the factual and legal issues in this case.

7. That due dates are in-hand and may be by electronic means on the due date if transmission occurs before 4:00 pm and notice of electronic availability on the case-specific website or hard copies follow.

8. Electronic service upon the administrative law judge shall include a version in WORD format.

Dated: July 25, 2019

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/s/  
Elizabeth H. Barnes  
Administrative Law Judge

C-2018-3004294 - WILMER BAKER v. SUNOCO PIPELINE, L.P.

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