

PAGE
ONE

TO THE ADMINISTRATIVE
LAW JUDGE, ELIZABETH
H BARNES,

RECEIVED

MAR 31 2020

IN THE CASE
WILMER BAKER

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VS
SUNOCO PIPELINE

DOCKET (C-2018-300429)

PLEASE DENY SUNOCO'S
MOTION TO STRIKE PORTIONS
OF MY REPLY EXCEPTIONS.

TO BEGIN WITH I WOULD
LIKE TO THANK YOU FOR YOUR
DECISION DECEMBER 18 2019,
I BELIEVE IT WAS A FAIR
DECISION BASED ON THE FACTS
THAT WERE PRODUCED.

I ALSO BELIEVE THAT
SUNOCO'S LAWYERS USED THE
LAW TO TAUNT THIS HEARING.

BEGINNING PAGE 6 OF THEIR
MOTION TO STRIKE PORTIONS
OF COMPLAINTS REPLY EXCEPTIONS
PAGE 6, 7, 8, 9 ALL TALK ABOUT

PAGE
TWO

A FULL AND FAIR HEARING,
THIS CAN NOT BE UNLESS
ALL THE EVIDENCE IS SUBMITTED.

PAGE 1, MY HOME IS 1,030 FEET
FROM PIPELINE (FROM THEIR MOTION)

PAGE 2 I NEVER RECEIVED
MAILING, 2016, 2018, AND MY HOME
IS 1,030 FEET FROM PIPELINE

PAGE 3 HOME IS 1,030 FEET
FROM PIPELINE, LAND IS WITHIN
BLAST ZONE

ALSO NEVER RECEIVED
MAILING 2016, 2018

PAGE 5 YOU DID HAVE STATE
POLICE THERE! (INITIAL HEARING)

P. 42, 43 LINES 24 PAGE 43 LINES
1, THRU 8) ALSO PAGE 44 LINES

6, 7, 16, 17) PAGE 47, LINES 20 THRU
24) PAGE 120, LINES 13, THRU 25.

PAGE 5, ALSO OF THEIR MOTION
TO STRIKE PORTIONS OF COMPLAINANT
REPLY EXCEPTIONS, ABOUT MY
MENTAL HEALTH, THIS WAS
NOT AN ADMINISTRATIVE ERROR
BUT NEGLECT!

PAGE 6 MENTAL HEALTH

PAGE 6 LIVING IN BLAST
ZONE, AND POLLUTION OF MY
PROPERTY

CODE SECTION 5.431(B)
(E) OFFICAL NOTICE OF FACTS
(I REQUEST TO SHOW FACTS
ARE NOT PROPERLY NOTICE, OR
THAT ALTERNATIVE FACTS SHOULD
BE NOTICED

LINE 3. DEP PAPERS
SHOWS SPILL IN MY CREEK
COLLABORATED BY ZACK HOOPES
ARTICLE (NO SHOW, PAGE 6, IS
STILL IN THE RECORD.

LINE 4. ALARM AT PUMP
HOUSE, TO PROTECT SUNOCO'S
ASSET'S, NOT THE PUBLIC.

LINE 5. MY CIVIL RIGHTS
COLLABORATED BY MY LETTER
HEAD. FOR MY REPLY TO SUNOCOS
MOTION TO, STRIKE PORTIONS
COMPLAINTS MAIN BREIF
ALSO EXHIBIT ONE
VETERANS AFFAIRS AND

PAGE
FOUR

EMERGENCY PREPAREDNESS
COMMITTEE (ALREADY IN RECORD)
PAGE 1, PAGE 22, 23 PAGE 28
PAGE 38.

FINDING OF FACT
PAGE 39, 40.

AMERICANS, WITH DISABILITIES
NO JURISDICTION, FOR ME AND
MRS BLUME,

INCLUDED ARE MY
PAPERS FOR DISCRIMINATION
FROM THE STATE

ALSO MRS BLUME HANDICAP
PAPER

PLEASE FIND ALREADY
IN RECORD. EXHIBIT ONE V.A. COMMITTEE
JUDGE BARNES DECISION
PAGES 4, 5, 30, 39, 40, 58
PAGE 4, FINDING OF FACT, I LIVE
IN BLAST ZONE.

PAGE 5. ITEM SIX, DID NOT RECEIVE
MANUAL EVERY TWO YEARS.

ITEM 8 NEVER RECEIVED
ITEM 10 NO RECORD:

PAGE 30 PARAGRAPH, 1, 2, SHOWS

I RECEIVED A PAMPHLET
SHOWS I LIVE IN BLAST ZONE
PAGE 39 LAST PARAGRAPH,
SHOWS LACK OF JURISDICTION.
PAGE 40 DOES THE SAME THING,
PAGE 58 ITEM 17, SHOWS RESIDENCE
NEXT WITNESS STATEMENT

JON BAKER, WITHIN ZONE ALREADY
IN RECORD.

G-7 ALREADY IN RECORD PAGE 6,
SHOWS MY WETLANDS POLLUTED
NOT IN RECORD, BUT SHOWING
MY LAND BEING POLLUTED. DEP PAPER
NEXT, MARTSONS, NOT IN RECORD
SHOWING ALARM. (CARES ABOUT ASSETS
NEXT ALREADY IN RECORD, ITEM
FROM REPLY TO SUNOCO'S MOTION
SHOWS MY HANDICAP.

NOT IN RECORD 6 PAGES FROM
STATE AND COUNTY LOWERING MY
TAXES BECAUSE I LIVE IN BLAST ZONE
WITNESS STATEMENT IN RECORD

ROLFE BLUME, ABOUT WIFE'S HANDICAP
BRIEF, VIRGINIA MARCILLE, TWO
PAGES SHOWS HANDICAP, PARAGRAPH
FOUR SHOWS, MRS BLUMES, HANDICAP

PAGE 6

MRS BLUMES HANDICAP STICKER
SHOWING SHE'S HANDICAP

I BELIEVE THIS WILL
GET ME AND THE PUBLIC
A FULL AND FAIR HEARING
THAT INCLUDES ALL INFORMATION
PERTAINING TO THIS CASE.

I REQUEST THAT
YOU DENY THEIR MOTION
TO STRIKE PORTIONS OF MY
REPLY EXCEPTIONS.

Sincerely yours
Wilma J. Baker

**NO SCANNED IMAGES ARE
AVAILABLE**

**COMPLETE ATTACHMENTS
AND/OR EXHIBIT(S)
MAY BE VIEWED IN THE
COMMISSION'S
FILE ROOM**

Transcripts were filed on July 22 and 23, 2019, respectively. By Interim Order, the evidentiary record closed on July 25, 2019, for the filing of briefs, *Amicus Curiae* briefs, and decision writing. On August 29, 2019, Susan Britton Seyler filed a comment. On August 30, 2019, Complainant and Respondent filed their Main Briefs and Virginia Marcille Kerslake filed an *Amicus Curiae* brief. On September 18, 2019, Sunoco filed a Motion to Strike portions of the Complainant's Main Brief. Also on September 18, 2019, Respondent and Complainant filed their Reply Briefs. On September 24, 2019, Sunoco filed Attachment A to its Motion to Strike Portions of Complainant's Main Brief. On October 1, 2019, Sunoco filed a Motion to Strike Portions of Reply Brief. On October 7, 2019, Complainant filed a Reply to Sunoco's Motion to Strike Portions of Complainant's Main Brief. On October 21, 2019, Complainant filed a Reply to Sunoco's Motion to Strike Portions of Complainant's Reply Brief. This matter is ripe for a decision.

III. FINDINGS OF FACT

1. Complainant Wilmer Baker is an adult individual residing within 1,000 feet of the Mariner East 1 pipeline right-of-way at 430 Run Road, Carlisle in Lower Frankford Township, Cumberland County, Pennsylvania. N.T. 25, 42, 372.

2. Jon Baker, Complainant's son, is an adult individual also residing at 430 Run Road, Carlisle, Pennsylvania. N.T. 42, 128.

3. Respondent Sunoco Pipeline, L.P. (SPLP) is a public utility pipeline operator certificated at Docket No. A-140111 to operate the Mariner East 1 (ME1) pipeline, which currently transports hazardous volatile liquids (HVLs)¹ intrastate and interstate.

4. Wilmer Baker received a safety manual entitled, "Important Safety Message" from Respondent five years ago. N.T. 42, 356-357, 372. Complainant Exhibit 2.

¹ A highly volatile liquid is defined in pipeline safety regulations as a hazardous liquid that will form a vapor cloud when released to the atmosphere and has a vapor pressure exceeding 276 kPa (40 psia) at 37.8 degrees C (100 degrees F). 49 CFR § 195.2.

5. SPLP generally completes a mass mailing of the safety manual every two years; however, many of the mailings go to "Resident" instead of named individuals at the street addresses. SPLP 28.

6. Mr. Baker did not receive the manual every two years. N.T. 42, 369-370.

7. Joseph Perez is the Vice President of Technical Services for Operations and Engineering for Energy Transfer/Sunoco. SPLP Exhibit No. 2.

8. Joseph Perez testified in a separate proceeding that SPLP mailed public outreach brochures in September 2018 to the affected public including all residents, businesses, farms, schools, and other places of congregation within 1,000 feet of each side of the pipeline, excavators, public officials, and emergency response organizations. SPLP Exhibit No. 2 at N.T. 590-592.

9. Mr. Perez neither confirmed nor denied Mr. Baker's claim that he received the safety manual five years ago. N.T. 341-366, 370.

10. As of the date of the hearing, Mr. Perez had not gotten Mr. Baker's address or reviewed business record to determine whether or not a mailer was sent to Mr. Baker's address. N.T. 370.

11. John Zurcher, Principal at Process Performance Improvement Consultants, LLC (P-PIC), Managing Director at The Blacksmith Group, and Sunoco's expert witnesses regarding public awareness, hazard warnings, and pipeline safety, testified in a separate proceeding on May 10, 2018, that flyers were mailed to residents within a quarter of a mile of the Mariner East pipelines. *Dinniman*, Transcript dated May 10, 2018 at 419-420.

12. A quarter mile converts into 1,320 feet.

13. An eighth of a mile converts into 660 feet.

It is possible that the mailing communication buffer is decreasing from 1,320 in May 2018 to 1,000 in July 2019. That might reconcile the conflicting testimony between Mr. Perez and Mr. Zurcher as to the parameters of the mailings. Possibly one of them is mistaken. Even if 1,000 feet surpasses a 660 foot basic minimum requirement, the inconsistency of the communications buffer is of concern. If there is a conflict of opinion, perhaps there are inconsistent mailings to individuals residing between 1,000 and 1,320 feet.

Regardless, if it is Sunoco's policy to mail safety pamphlets to those individuals residing within 1,000 or 1,320 feet of a pipeline right of way, then the fact that Mr. Baker received a pamphlet in the mail at least one time, is substantial evidence that he resides within the prescribed limit and should have been receiving the pamphlet or other written materials from Sunoco on a two-year interval as per Sunoco's public awareness plan. I find Mr. Baker has met his burden of proving his claim that Sunoco should have been but did not send him public information on a two-year interval per its public awareness plan in violation of the recommended practice of API 1162 as incorporated in 49 CFR § 195.440, as incorporated in 52 Pa. Code §59.33 and 66 Pa. C.S. § 1501.

Regarding testimony pertaining to mailings to 1705 McClures Gap Rd., while I agree SPLP generally mailed a safety pamphlet every two years from 2014 - 2018, the mailing was addressed to "Resident" instead of named individuals at the street addresses. SPLP 28. This outreach through printed materials could be improved if the company was made aware of apartments or shared mailboxes through a response card (API 1162, D.1.4) attached to its safety pamphlet. API 1162 addresses this at B.1.1 (affected public):

These databases [geo-spatial and zip-code] generally provide only the addresses and not the names of the persons occupying the addresses. Broad communications to this audience are typically addressed to "Resident." It is important to note that when contacting apartment dwellers, individual apartment addresses should be used, not just the address of the apartment building or complex.

API 1162, B.1.1.

L-2019-3010267, ANOPR Order at 19-20 (Order entered Jun. 13, 2019) (requesting comments on “notification criteria” and “odorant utilization”).

Sunoco argues that the Commonwealth Documents Law and the Independent Regulatory Review Act require that regulatory change must take place through the notice and comment procedures with accompanying governmental review, not administrative adjudications. Thus, what witnesses may think the law or regulations should require in terms of safety is not and cannot be the standard for adjudicating this Complaint.

Disposition

Mr. Baker’s requests for an early warning alarm system for residents residing within 1,000 feet of the pipeline and an odorant are worthy of consideration; however, further notice and opportunity to be heard ought to be provided to interest groups and stakeholders to ensure due process rights are not violated before there are such requirements. There are no current federal regulations nor any state regulations specific to Pennsylvania requiring Sunoco to either place an early warning system at specific distance intervals across its pipelines, nor to place an odorant in the HVLs being transported. The Commission’s Bureau of Investigation and Enforcement has submitted a comment requesting odorization or in the alternative enhance leak detection to identify small leaks. *See Bureau of Investigation and Enforcement (I&E) Safety Division’s Comments to Advance Notice of Proposed Rulemaking Order, Docket No. L-2019-3010267, ANOPR Order at 19-20 (comments submitted August 28, 2019) (requesting “odorant utilization” on page 9).*

Mr. Blume testified that his wife is handicapped and it will take considerable time to escape from an HVL pipeline-related emergency. He requests an odorant and alarm system for these reasons. N.T. 142. However, the Commission’s regulatory standards must be sufficiently definite to permit decisions to be fairly predictable and the reasons for them to be understood. Additionally, the Commission is not a federal court, which is designed to make such

determinations regarding violations of the Americans With Disabilities Act.⁹ *See also, Mid-Atlantic Power Supply Assoc. v. PECO Energy Co.*, Docket No. P-00981615, 1999 Pa. PUC LEXIS 30 (entered May 19, 1999) (*MAPSA*), and *Mid-Atlantic Power Supply Assoc. v. Pa. Pub. Util. Comm'n*, 746 A.2d 1196 (Pa.Cmwlt. 2000), wherein the Commonwealth Court affirmed that the Commission did not have jurisdiction to find a violation of the federal Unfair Trade Practices Act. Accordingly, the Commission has no jurisdiction to find Mrs. Blume to be disabled within the meaning of the ADA or to direct Sunoco to provide her with an ADA accommodation for her walking disability, such as an alarm or odorant as requested by Mr. Blume.

While I agree with Mr. Blume and Mr. Baker that a Sulphur odorant (similar to one added to natural gas distribution service lines) might notify Mr. and Mrs. Blume and Mr. Baker of a small leak in the pipeline through the olfactory sense of smell, this alone is insufficient to support a finding that the operator has violated a statute, regulation or Commission order requiring same.

Their testimony is refuted by Mr. Zurcher, an odorant expert in the industry who testified that the PHMSA and the National Transportation Safety Board (NTSB) concluded that the addition of odorant to transmission pipelines in the United States is of lesser value than performing inline inspection and other integrity management program requirements to find any defects in the pipe before it leaks. N.T. 304. Additionally, he testified that "they" have no record of any incident that could have been prevented or was in any way related to odorization or lack of odorization on a transmission pipeline. N.T. 305. Further, Dr. Zurcher testified odorant is Sulphur based and corrosive to the internal surface of the pipe, which may cause more problems than solving as a warning system. N.T. 305.

⁹ The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009. The ADA is published in the United States Code. The Federal Communications Commission is the federal agency regulating telephone relay services.

15. The API RP 1162 at 6.1 recommends a “one-size-fits-all” public awareness program across all pipeline systems is not the most effective approach and recommends: 1) increased frequency to stakeholder audiences on a more frequent basis (shorter interval); 2) enhanced message content and delivery/media efforts to reach intended audience; 3) broadened coverage areas along the pipeline route; and 4) consideration of other relevant factors including high consequence areas, environmental consideration, farming activity, results from previous public awareness program evaluations, etc. API RP 1162 at 6.1 – 6.3.

16. API RP 1162 at 8.3 provides that the operator should complete an annual audit or review of whether its public awareness plan has been developed and implemented according to the guidelines.

17. Complainant has met his burden of proof to show that SPLP’s violated its public awareness program by not sending him public awareness printed materials on a 2-year interval within the past 5 years even though Complainant resides within 1,000 feet of the ME1 right of way.

18. The Commission lacks jurisdiction over trade and import laws, which are within the federal jurisdiction of the U.S. Department of Commerce and the U.S. International Trade Commission. *See* 19 U.S.C.A. § 1330 *et seq.*

19. There is no Commission regulatory requirement that SPLP obtain its steel or pipe from U.S. manufacturers.

20. 49 CFR Part 195 contains relevant and applicable standards regarding steel, pipe, and pipeline design, including incorporating the API 5L standard. *See, e.g.,* 49 CFR Part 195.106.

21. Complainant failed to prove that SPLP’s ME2 and ME2X pipelines do not meet applicable standards for steel, pipe, and pipeline design.

G3

To whom it may concern:

12/8/2018

I, Tom Baker have attended several meetings of the Lower Frankford township. In these said meetings, an alarm system (for the marine pipeline) was discussed. This is an important issue, seeing my family and I live within 1,000 feet of the line.

Sunoco set up a meeting in said township, and later failed to appear. This bothers me, after seeing all which has gone wrong with pipelines across the country.

Sincerely,

Tom Baker

(717) 253-5281

(717) 526-8175

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MAR 31 2020

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-7

BREAKING Nikki Haley resigning as ambassador to United Nations

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https://cumberlink.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

Hoopes The Sentinel Jul 14, 2018

TRY 1 MONTH FOR 99¢



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.

purposed 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.”

931 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,

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.”

Remediation

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.

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@cumberlink.com.

MORE INFORMATION

Date	DEP HDD # or DEP Permit HDD Reference #	County	Location	Description	Status
2/27/2018	PA-CU- 0062.0000-WX	Cumberland	40.2447, -77.3306	~100 gallon release to stream S-J41 (UNT to Locust Creek--WWF) and wetland J35	IR stopped. Containment/clean-up in progress. NOV issued 2/28/2018.
3/15/2018	PA-LE-0055.0000- RD	Lebanon	40.2904, -76.4278	~50 gallon release to stream S-A17 (Snitz Creek--TSF)	IR stopped. Containment/clean-up in progress. NOV issued 3/16/2018.
3/15/2018	PA-BL-0001.0094- WX-16	Blair	40.0000, -78.3247	~200 gallon release into wetland L54	IR stopped. Containment/clean-up in progress. NOV issued 3/16/2018.
3/23/2018	PA-HU- 0106.0000-RD	Huntingdon	40.321145, - 77.789497	<1 gallon release into wetland K69 (PEM)	Drilling stopped. Containment/clean-up in progress. NOV issued 3/26/2018.
3/29/2018	PA-PE-0002.0000- RD	Perry	40.2928, -77.6498	< 1 gallon release to wetland L1 (PFO)	IR stopped. Containment/clean-up in progress. NOV issued 3/30/2018.
4/4/2018	PA-BL-0001.0094- WX-16	Blair	40.4444, -78.3247	~10 gallon release to wetland L54	IR stopped. Containment/clean-up in progress. NOV issued 4/6/2018.

JOHN B. FOWLER III
DANIEL K. DEARDORFF**
THOMAS J. WILLIAMS*
IVO V. OTTO III†
HUBERT X. GILROY
GEORGE B. FALLER JR.*
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WILLIAM F. MARTSON
1926 - 2016

*BOARD CERTIFIED CIVIL TRIAL SPECIALIST

**BOARD CERTIFIED WORKERS'
COMPENSATION SPECIALIST

†MASTER OF LAWS IN TAXATION

August 6, 2018

VIA EMAIL (lowerfrankford@comcast.net)

Board of Supervisors
Lower Frankford Township
1205 Easy Road
Carlisle, PA 17015

Re: Sunoco Pipeline Issues
Our File No. 12378.13

Gentlemen:

I spoke with Karen Heishman with respect to some requests township residents have made relative to the Sunoco Pipeline.

As you may know, the pipeline is regulated by the Pennsylvania Public Utility Commission ("PUC") and in almost all circumstances PUC rules and regulations will preempt local municipal ordinances or regulations that may impact the pipeline. Enclosed is a memorandum I received from the attorney for Sunoco that I have been dealing with in the past in this matter. We have reviewed the memorandum and confirmed the authorities referenced in this memo and, again, we believe the memo supports the position that the Township is not able to impose additional regulations or safeguards on its own.

In my discussions with Karen, she mentioned that some residents have requested a "alarm system" that would alert them if there is any problem with the pipeline. I spoke with Attorney Andrews on that issue, and he was not aware of any specific requests relative to an alarm system nor was he aware of the availability of such a system. He did, however, note that there are alarm systems on the pump station site which directs notifications to Sunoco's security who would then in turn notify local emergency personnel. If the Township would like me to pursue this issue further with Attorney Andrews, I am happy to do so.

www.martsonlaw.com

MAIN OFFICE:
10 EAST HIGH STREET
CARLISLE, PA 17013
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BRANCH OFFICE:
621 WEST MAIN STREET • P.O. BOX 300
THOMPSONTOWN, PA 17094
TEL: (717) 535-2100 FAX: (717) 535-2103

TO THE HONORABLE
ELIZABETH BARNES
ADMINISTRATIVE LAW JUDGE

PLEASE ACCEPT THIS AS MY
REPLY TO SUNOCO'S MOTION
TO STRIKE PORTIONS OF
COMPLAINANT'S MAIN BRIEF
IN CASE.

WILMER BAKER

VS

SUNOCO PIPELINE L.P.

C-2018-3004294

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

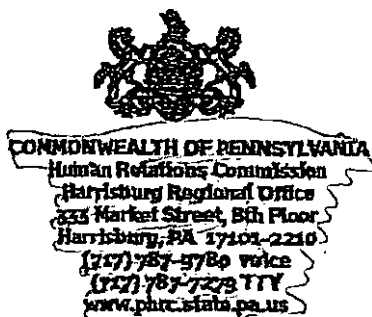
I, WILMER BAKER, RESPECTFULLY
REQUESTS YOUR HONOR TO DENY
THEIR MOTION IN THIS MATTER.

TO BEGIN WITH I WOULD LIKE
TO INFORM ALL PARTIES INVOLVED
WITH THESE HEARINGS, THAT I AM
A PERSON THAT IS DISABLED, I
HAVE HAD SEIZURES FOR ALMOST
A YEAR!

I'M TAKING (LEVETIRACETAM)
WHICH INTERFERES WITH MY
MENTAL ABILITY'S (ORGANIZATION)

① THEIR FIRST REQUEST OF
USING THEIR COPY OF MY BRIEFS,
LEAVES ME A LITTLE SHAKEN!
AFTER THE FIRST DAY OF THE

Fax 717-214-0584



RECEIVED

MAR 31 2020

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear: To whom it may concern:

This letter is in response to your recent communication to the Commission regarding your desire to pursue a complaint of discrimination with us. ~~Thank~~ you.

The Pennsylvania Human Relations Commission is empowered by law to accept and investigate complaints of certain types of discrimination in employment, housing, and commercial property, public accommodations and schools. The Commission also has a one hundred and eighty (180) day statute of limitations, which means that a complaint generally has to be filed with this agency within one hundred and eighty (180) days of the alleged act of discrimination.

Enclosed please find a Pennsylvania Human Relations Commission Questionnaire which is designed to obtain information from you so that we can determine whether or not we are able to assist you, that is, whether or not we have jurisdiction over your concern.

While you may have been harmed and/or treated differently than someone else, those actions may or may not constitute unlawful discrimination. Unlawful discrimination means that you were harmed and/or treated differently because of your race, color, familial status (housing and commercial property only), religion, ancestry, age (40 and older; not covered in public accommodations or school cases), sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, general education development certificate (GED), and/or the handicap or disability of the person with whom the individual is known to have a relationship or association. Please note that you must identify at least one of the above reasons why you were harmed and/or treated differently in order to have a legally sufficient complaint of discrimination.

For example, if a female is treated differently than a male, the discrimination is based upon a person's sex, or if a person who is African American is treated differently than someone who is not African American, the discrimination is based upon the person's race, etc. Generally, we would not be able to assist you if you were harmed and/or treated differently because of personal reasons, favoritism, or nepotism.

If you feel that you were harmed and/or treated differently because of one or more of the reasons listed in paragraph #4 above, kindly complete and return the questionnaire. It is necessary that you SIGN AND DATE the questionnaire before you return it.

When we receive your completed questionnaire in our office, it will be reviewed by our Intake Staff. If the Intake Staff determines that we have jurisdiction to assist you, a time will be scheduled to prepare your complaint of discrimination, which will then be provided to you for your review and signature.

If the Intake Staff cannot determine from your completed questionnaire whether or not we have jurisdiction to assist you, you will be contacted by telephone and/or mail to obtain further information from you so that we can determine if we can continue to assist you with your concern.


If the Intake Staff determines that we do not have jurisdiction to assist you, you will be informed by staff as to the reasons why we cannot.

So that we may assist all the individuals who contact us on a fair and timely basis, all of our appointments, whether in person or by telephone, need to be scheduled. Thank you for your cooperation with our process.

Finally, by your returning the completed questionnaire you are beginning the process of filing a complaint with the Commission. Please note however, the questionnaire is NOT considered a complaint.

Again, thank you,

Mark Matakò, Intake Supervisor
Harrisburg Regional Office
Pennsylvania Human Relations Commission 1

 **pennsylvania**
HUMAN RELATIONS COMMISSION
Executive Offices
333 Market Street, 8th Floor
Harrisburg, PA 17101-2210

PRESORT
FIRST CLASS

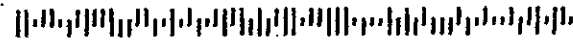
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ZIP 17104
011D12603807

Wilmer Baker
430 Run Rd.
Carlisle, PA 17015

CBGQSEB 17015



 **pennsylvania**
HUMAN RELATIONS COMMISSION
Harrisburg Regional Office
333 Market Street, 8th Floor
Harrisburg, PA 17101-2210

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US POSTAGE \$000.38³



ZIP 17120
041M12250196

Wilmer Jay Baker
430 Run Road
Carlisle, PA 17015

CBGQSEB 17015





pennsylvania
HUMAN RELATIONS COMMISSION

Wilmer Jay Baker
430 Run Road
Carlisle, PA 17015

May 22, 2019

RE: Wilmer Jay Baker Vs. Sunoco Logistics Partners LP
Case No. 201803471

Dear Wilmer Jay Baker,

This letter is to acknowledge receipt of your questionnaire/letter in the Harrisburg Regional Office on May 20, 2019.

Thank you for contacting our office regarding your concern. Please note that in order to insure an efficient and fair method of processing all of the documents received in our office, all of the documents we receive are assessed on a "first-come, first-served" basis.

We anticipate assessing your document **within six to eight months** of its receipt. After your questionnaire has been assessed, you will be contacted by a member of the Intake Staff as to whether the Commission has jurisdiction to assist you. If our staff determines we need additional information to proceed or that we do not have jurisdiction over your complaint, you will be notified of such at that time.

Again, thank you for contacting us, and we appreciate your patience with our processes.

Respectfully,

Regina Young
Clerk Typist II, Clerical Staff
(717) 783-8498
reyoung@pa.gov

Cumberland County Board of Assessment Appeals

PROPERTY OWNER INFORMAL REVIEW ACCEPTANCE OR REJECTION FORM

As of Sept 5, 2019 (date), I/we have requested an appeal of our assessment.

As of the above date, I/we have met with an official assessment representative to discuss my/our property assessment in question.

The parcel/account number of the subject property is as follows:

14-05-0419-001

Parcel/Account Number

The current Market Value of this property is \$ 33,800.

The current Clean and Green value (if applicable) of this property is \$ _____.

Review Appraiser's Recommendation:

New market value \$ 28,800

Effective c/t 11/20 sch 7/1/20

Property Owner's Decision:

I/we accept the recommendation of the review appraiser and understand that if the Board approves the recommendation, a formal appeal hearing will not be scheduled and any previous request for a formal appeal will be considered to be withdrawn. Checking this box constitutes an appeal of my/our assessment and a withdraw of that appeal by my/our acceptance of the recommendation. I/we further understand that if the Board does not approve the recommendation, an appeal hearing will be scheduled.

I/we reject the recommendation of the review appraiser and understand that if I/we have filed a request for a formal hearing by the appeal deadline, as stated on the notice, an appeal hearing will be scheduled.

Property Owner(s) Signature(s):

William J. Baker
Cathy Baker

Review Appraiser's Signature:

Sylvia Barnett
AV-00297-L

Certification Number

I/we acknowledge receipt of a duplicate signed copy of this form. Y WJB (initials)
CLB

Cumberland County Assessment Office
 One Courthouse Square Room 107
 Carlisle, PA 17013
 (717) 240-6350

Cumberland County Board of Assessment Appeals
 George A. DeMartyn
 Kristin Lehman
 Lloyd W. Bucher

Hours: 8:00am to 4:30pm

Sean M. Shultz, Solicitor
 Bonnie M. Mahoney, Chief Assessor

Parcel Identifier:
14-05-0419-011.

BAKER, WILMER J & CATHY L
 430 RUN ROAD
 CARLISLE PA 17015

MAILING DATE: SEPTEMBER 26, 2019
 APPEAL DEADLINE: NOVEMBER 05, 2019

CHANGE OF ASSESSMENT NOTICE - THIS IS NOT A TAX BILL

This is a notice of a change to the assessed valuation or status of this property.

REASON FOR CHANGE: 01 - INFORMATION UPDATED

RIGHT TO FORMAL APPEAL: If you disagree with the values, tax status, or C&G status on this notice, you may file a formal appeal with the Board of Assessment Appeals, in writing, within 40 days of the date of this notice. Appeals must be received at the address above by the deadline. Appeal Forms, Instructions and Rules and Regulation are available at www.ccpa.net or at the Assessment Office, 1st Floor Old Courthouse, Carlisle

FUTURE TAX BILLING BASIS		
ASSESSMENT	OLD	NEW
TAX STATUS	33,800	28,800
C&G STATUS	Taxable	Taxable

**EFFECTIVE: 01/01/2020 for County/Munic
 07/01/2020 for School**

PROPERTY DESCRIPTION
Munic.: 14 - LOWER FRANKFORD TWP School: 1 - BIG SPRING SD
Control Number: 14000230 Password for free Web Access: CUDGMRA <small>(My Property at CourthouseOnline.com/pa-cu-ap)</small>
Property Location: RUN ROAD
LOT 3 Unit/Lot ID: L-0003 Land Size: .85 acres
Property Type: RO Residential - Out-Buildings

MARKET-BASED ASSESSMENT		
Land	OLD	NEW
Improvements	32,800	27,800
TOTAL	1,000	1,000
	33,800	28,800

100% of Market Value at 2010 Base Year Rates.

CLEAN AND GREEN (C&G) ASSESSMENT		
Land	OLD	NEW
Improvements	N/A	N/A
TOTAL	N/A	N/A

Land value based on rates provided by the State.

CHANGE OF TAX BASIS - NET CHANGE		
	COUNTY/MUNIC	SCHOOL
Land	-5,000	-5,000
Improvements	0	0
TOTAL	-5,000	-5,000

Effects Future Billing Cycles Only

Cumberland County Commissioners
 Vincent T. DiFilippo
 Jim Hertzler
 Gary Eichelberger

{note_all}

ORIGINAL



December 9, 2018

Honorable Elizabeth H Barnes
Administrative Law Judge
P.O. Box 3265
Harrisburg PA 17105-3265

Dear Judge Barnes;

My name is Rolfe Blume, I live at 43 Wildwood Rd. In Cumberland County PA. I am one of many property owners who has the Mariner 2 pipeline crossing my land. In am submitting this letter in support of Wilmer J. Baker's case regarding the Mariner 2 pipeline (docket number C-2018-3004294). I would like to tell you what I have see on our property during the time they were constructing the pipeline.

Every day we watched the workers in the construction of this pipeline at our location. Periodically I would take it upon myself to take picture in order to document what they were doing just in case something goes wrong in the future. I discovered that the 16" pipe that they used was made in Greece and was was labeled as X70 which is minimum standard. The 20 inch pipe was labeled as X-65 which is below minimum standard. This is very concerning considering the products they plan to send through tjis line under high pressure.

As far as safety issue of concern to me and my wife; we would like some sort of an alarm system installed along this pipeline so that we at least might have a chance to evacuate if something goes wrong. Also there should be some sort of odorant put in these products like mercaptan so if nothing else we would be able to detect a leak near our home. Other than their generic pamphlet on their pipeline safety we have never received any type of information or notice on what we should actually do if the pipeline would leak. We know through communication with other folks that the danger zone is at least 1000 feet. My wife can't walk 10 feet let alone 1000 to reach a place of safety. Finally we have had no luck or communication of any kind with individuals directly associated with ETP/Sunoco Logistics. Instead any communication that has occurred was through Precision Pipeline's right of way agent.

Thank you for your time and consideration regarding these issues.

Sincerely,

Rolfe Blume
43 Wildwood Rd
Newville PA 17241
717-776-5237

RECEIVED

MAR 31 2020

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED

MAR 31 2020

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BRIEF

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor Room N-201, Harrisburg PA 17120

August 30, 2019

I am submitting this brief amicus curiae in the matter of Wilmer Baker's Formal Complaint against Sunoco Pipeline (PUC Docket no. C-2018-3004294).

I will focus solely on the emergency preparedness aspect of this case. In short, Sunoco's emergency training and our municipalities' ability to develop credible and practical emergency plans are insufficient. There are no credible plans in place to protect the public, especially those with limited mobility who cannot self-evacuate a half mile, upwind, on foot.

Witness Ralph Blume testified that the Upper Franklin Township fire chief informed him that in the training they received from Sunoco they were trained to block traffic and residents would have to self evacuate in the event of an accident on Mariner East: "The deal was blockade the road, and anybody in blast zone they're on their own" (transcript page 139, 15-18). With the local fire station being in the blast zone, he expressed concern if even this minimal response was even possible (transcript page 140, 10-11).

Mr. Blume expressed particular concern for his wife who lives in their home 80 feet from the pipes. She is disabled and "can't walk ten feet without help" let alone a half mile (transcript page 146, 21-25).

These concerns for the lack of emergency preparedness are corroborated by the testimony of Tim Boyce, Director of Delaware County Department of Emergency Services and County Emergency Management Coordinator at a Pennsylvania State House Veterans Affairs and Emergency Preparedness Committee Hearing on May 30, 2019 (Complainant's Cross Exhibit 1).

Mr. Boyce specifically expressed the following concerns for Mariner East and our most vulnerable populations:

- The first responders on the scene are typically police officers who "are going to go into harm's way with very little additional training, no expert protective equipment to address these things..." (exhibit page 22,1-4)
- Local emergency managers who are largely volunteers are being charged with developing emergency plans, "but even for those that work really, really hard often just come up with a boilerplate template that says, you know, self evacuate". (exhibit page 22, 20-22)

- There is no plan to protect those that can't self evacuate. "I can't look someone in the eye and tell you that if you're immobile or you have an intellectual disability, that I can do that for you" (exhibit page 28, 12-15). And "Not everyone can self evacuate. The criticism is true when people say if your plan is to get up and walk away, I'm failing sir" (exhibit page 38, 20-23)
- Sunoco's emergency plans are technical, "but they do not address the first minutes of the release, who's communicating, what were communicated, what's the best action and what tools are available realtime to get you there" (exhibit page 40, 24-25 and page 41, 1-4)
- Sunoco's responsibility is to protect its asset, not the public. "Should we, while standing really close to this – these pipelines- be at the mercy of the operator, whose primary objective is to secure the pipeline? It's not to secure the people who live there" (exhibit page 46, 11-14).

This lack of emergency preparedness is reason enough for operation of the Mariner East 1 and the cobbled together Mariner East 2 "workaround", and construction of the Mariner East 2 and 2x be halted immediately, until credible and practical emergency plans are in place. Delaware County Council signed a resolution for a moratorium on June 12, 2019 stating that "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....". Based on the evidence from the hearings in this matter and from the PA Public Utility Commission itself on more than one occasion referring to the potential for catastrophic event, it is clear that Mariner East poses a serious risk of death to those who live, work, shop, and play in the communities along the right-of-way.

Respectfully submitted,
Virginia Marcille-Kerslake
103 Shoen Road, Exton PA 19341

DRIVING VEHICLE



PENNSYLVANIA

DORIS J BLUME
43 WILDWOOD RD
NEWVILLE, PA 17241

892700P

03/2016



DORIS J BLUME
43 WILDWOOD RD
NEWVILLE, PA 17241

P869856

03/2011

EXPIRES
LAST
DAY OF 03-2-

P25446M

03/2021

DORIS J BLUME
43 WILDWOOD RD
NEWVILLE, PA 17241

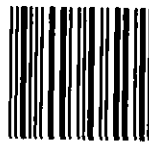
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PERMANENT

Mr Wilmer Baker
430 Run Rd
Carlisle, PA 17015



1000



17120

U.S. POSTAGE PAID
FCM LG ENV
NEWVILLE, PA
17241
MAR 31, 20
AMOUNT

\$2.60

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Rosemary Chiavetta, Secretary
c/o Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Fifth Floor
Harrisburg Pa 17120