

5. The Association avers that Sunoco Pipeline L.P. (“Sunoco”) is currently transporting hazardous, highly volatile liquids (“HVL”) across the Andover open space using a 1930s-era repurposed, reverse-flowed pipeline marketed by Sunoco as Mariner East 1 (“ME1”).

6. The Association avers that these materials consist primarily of ethane, propane, or butane, or mixtures thereof. An industry term for this family of materials is “natural gas liquids” (“NGL”). The federal Pipeline and Hazardous Materials Safety Administration (“PHMSA”) classifies them as “hazardous, highly volatile liquids.” *See* 49 CFR § 195.2.

7. These materials have properties which make them much more hazardous than either methane (“natural gas”) or non-highly volatile hazardous liquids such as gasoline.

8. Specifically, these materials are pressurized to be transported through pipelines as liquids, but upon pressure reduction, accidental or otherwise, tend to vaporize or boil into the vapor state, expanding hundreds of times in the process.

9. In this vapor state, ethane, propane and butane are colorless, odorless, heavier than air, and extremely flammable or explosive. They tend to concentrate in low-lying areas and can move downwind or downhill for long distances while remaining in combustible concentrations. In a densely populated area there are many ordinary objects that might serve as ignition sources.

10. The Association avers that Sunoco is about to begin additional transportation of HVLs across the Andover open space using a second 1930s-era repurposed, reverse-flowed pipeline. This segment is known to PHMSA as the 12” Point Breeze to Montello pipeline.

11. Sunoco proposes to cobble it together with various sections of partially completed 20-inch and 16-inch newer pipe segments, marketed by Sunoco as Mariner East 2 (“ME2”) and Mariner East 2X (“ME2X”) respectively, to construct what *Flynn et. al.* refer to in

their complaint and petition for emergency relief as the workaround pipeline. (The Association will use the same terminology).

12. Sunoco has constructed a valve site on Association property that it uses or proposes to use for both ME1 and the workaround pipeline.

13. This valve site is within 100 feet of Andover residences; the kitchen and parking lot of an adjacent restaurant and bar; and Pennsylvania State Route 352 (Middletown Road).

14. The Association believes, and therefore avers, that above-ground valve sites are particularly high-risk locations.

15. On September 26, 2018, a vehicle accident resulted in a car leaving the Middletown Road in the vicinity of this valve site. The vehicle overturned and came to rest on its roof across Middletown Road from the valve site.

16. On information and belief, Sunoco's valve site on Association property is not protected from vehicle strikes.

17. This valve site is clearly visible to occupants of vehicles traveling on Middletown Road, Association residents and visitors, and patrons and workers at the adjacent restaurant.

18. The Association avers that at some point in the future Sunoco may restart its currently abandoned efforts to construct ME2 and ME2X.

19. An accident involving HVLs in or near the Andover subdivision could cause substantial economic and other harm to the Association and its Members including loss of life, injury to life, damage or destruction of property and disruption from loss of access to roadways, transportation services and utilities upon which Association members rely.

20. Every residence in the Andover subdivision is within 800 feet of each pipeline discussed above, including ME1, the workaround pipeline; and the proposed locations of ME2 and ME2X. The closest residences are less than 100 feet from these pipelines.

21. The Association avers that both ME1 and the workaround pipeline have leaked or ruptured repeatedly near the Andover subdivision. Sunoco failed to detect that many or all of these accidents were occurring.

22. Highlighting the inadequacies of both Sunoco's leak detection systems and proposed means of notifying the public of a leak, the manager of Thornbury Township, Delaware County met with a vendor of combustible vapor detection equipment on November 2, 2018 to explore the procurement of a municipal-scale leak detection system coupled to an intrinsically-safe warning system such as an air raid siren and strobe lights. The Association president also attended this meeting.

23. The Association believes that Thornbury Township, Delaware County sought this meeting because of known and documented inadequacies of Sunoco's plans to warn the public in the event of a potentially catastrophic release from one of these pipelines or the valve site on Association property.

24. The Association is not a party to any Petition before the Commission at this time.

25. However, the Association is a party to an existing Complaint before the Commission and an intervenor in a separate action, both related to Sunoco and its proposed Mariner East.

26. The Association avers that it has interests that are directly affected by the instant complaint and petition for emergency relief; that those interests may not be fully represented by the existing participants; and that it may be bound by the action of the Public Utility

Commission. Accordingly, the Association avers that it is eligible to intervene pursuant to 52 Pa. Code § 5.72(a)(2).

27. Should the Association's petition to intervene be granted, the Association intends to support the positions of petitioners/complainants *Flynn et. al.* 52 Pa. Code § 5.73(a)(3).

SPECIFIC SAFETY CONCERNS

28. The preceding paragraphs 1-27 are incorporated by reference as though set forth at length.

29. The Association's interest in its property, and in the lives and property of its Members, is substantial.

30. Past accidents involving HVLs have resulted in fatalities, injuries and property damage over large areas. Three such representative accidents are cited in the complaint and petition of *Flynn, et. al.*

31. Such an accident on or near Association property is likely to have substantial negative economic impacts on the Association and its Members.

32. The Association intends to demonstrate the magnitude of its economic exposure through expert estimates of potential property damage, injuries, and loss of life that would be experienced by Association Members, their families, guests, visitors and others in and near the Andover community that could result from an accident involving hazardous, highly volatile liquids.

33. Like the complainants in *Flynn, et. al.*, the Association seeks PUC review of Sunoco's public awareness program for Andover residents, visitors, neighbors and passers-by and a determination of whether this program is competent, credible, plausible, useful, and

capable of being put into practice by persons near Sunoco's hazardous, highly volatile liquids transportation infrastructure.

34. To the extent Sunoco may express an economic interest, the Association asserts a substantial countervailing economic interest, and a risk of substantial economic harm, from the proposed transport of hazardous, highly volatile liquids through the residential Andover subdivision.

35. Andover Members work hard to own their homes and sustain their families, work and effort that is now at risk because of Sunoco's project.

36. The Association avers that the lives and property of its Members are of critical importance to them.

37. The Association observes that ME1 leaked hazardous, highly volatile liquids three times in less than one year, and denies that it has ever operated "safely."

38. The Association, as host of Sunoco HVL current and proposed valve sites and significant lengths of current and proposed Mariner East pipeline, are concerned that it and its Members would be disproportionately exposed to hazardous conditions in the event of a failure of any or all Mariner East pipelines.

39. The Association's insurance carrier has informed the Association in writing that it is unwilling to insure the Association against the liability associated with Sunoco HVL pipelines on Association property.

SPECIFIC PUBLIC AWARENESS PROGRAM CONCERNS

40. The preceding paragraphs 1-39 are incorporated by reference as though set forth at length.

41. “In the event of a leak that it manages to detect, Sunoco intends to notify county emergency response agencies. In Chester and Delaware Counties, these agencies intend to activate their “reverse 911” capabilities. These services allow an operator to trigger hundreds or thousands of phones in the area of a problem. Both Sunoco and PHMSA, however, advise that phones should not be used. PHMSA’s warning is explicit: “DO NOT! Use a telephone or cell phone (these can ignite airborne gases).

<https://primis.phmsa.dot.gov/comm/emergencyresponse.htm>.” Complaint of *Flynn et. al.* at 15.

42. Sunoco’s sole recommendation in its public awareness program is that, in the event of a known or suspected leak, residents should “leave the area immediately on foot.” Sunoco has not explained how Andover residents who are elderly, very young, or infirm should carry out this recommendation, especially at night or during inclement weather.

43. Accordingly, the Association intends to seek Commission review of Sunoco’s boilerplate, implausible, one-size-fits-all public awareness program in consideration of the economic impacts suffered by and threatened upon the Association, its Members and neighbors (including travelers on nearby State Route 352 and State Route 926).

44. Counsel for the Association has consulted with counsel for complainants *Flynn et. al.*, and represents that complainants do not object to the Association’s petition to intervene.

45. Moreover, counsel for the Association and counsel for *Flynn et. al.* have agreed that, should Andover’s petition to intervene be granted, neither will request any additional time or witnesses at the hearing scheduled for November 29-30 concerning the instant petition for interim emergency relief.

46. The Association otherwise agrees to follow the existing order concerning the scheduling of the hearing scheduled for November 29-30, 2018 without requesting modification.

47. Respective counsel has agreed to coordinate and amicably share the presently allotted time, given that their interests in this matter substantially overlap.

REQUEST FOR RELIEF

WHEREFORE, the Andover Homeowners' Association, Inc. respectfully requests that the Pennsylvania Public Utility Commission grant its petition to intervene; grant the interim relief requested in the emergency petition of *Flynn, et.al.*; allow Association counsel to participate in the hearings scheduled for November 29 and 30, 2018 in coordination with petitioners *Flynn et. al.*, and grant such further relief as it may deem warranted and appropriate.

Respectfully Submitted,

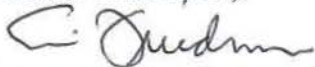


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Dated: November 23, 2018

VERIFICATION

I Eric Friedman, hereby state that the facts set forth above are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Eric Friedman
President
Andover Homeowners' Association, Inc.

Nov, 23, 2018

Date

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: MEGHAN FLYNN	:	
ROSEMARY FULLER	:	
MICHAEL WALSH	:	
NANCY HARKINS	:	
GERALD MCMULLEN	:	Docket No. P-2018-3006117
CAROLINE HUGHES and	:	Docket No. C-2018-3006116
MELISSA HAINES	:	
	:	
	:	
v.	:	
	:	
Sunoco Pipeline L.P.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Petition to Intervene of Andover Homeowners' Association Inc. in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant) to the counsel listed on the following page. This document has been filed electronically on the Commission's electronic filing system, with a paper copy bearing original signatures also filed by U.S. Mail with the Commission's Secretary.

Respectfully Submitted,



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Dated: November 23, 2018

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