



December 7, 2018

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120

RE: *Flynn et.al. v. Sunoco Pipeline L.P.*  
Dockets P-2018-3006117, C-2018-3006116

Dear Secretary Chiavetta,

Please find the attached Brief of Intervenor, Andover Homeowners' Association, Inc., attached to this filing. Judge Elizabeth Barnes and opposing counsel have been served this Brief as indicated on the attached Certificate of Service. Thank you.

Sincerely,

/s/ Rich Raiders

Rich Raiders, Esq.

cc: Hon. Elizabeth Barnes  
Counsel

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: MEGHAN FLYNN, ROSEMARY FULLER, MICHAEL WALSH,	:	Docket C-2015-2516051
NANCY HARKINS, GERALD MCMULLEN, CAROLINE HUGHES, and	:	C-2016-2530475
MELISSA HAINES	:	
	:	
v.	:	
	:	
SUNOCO PIPELINE L.P.	:	

**BRIEF OF INTERVENOR, ANDOVER HOMEOWNERS’ ASSOCIATION, INC. CONCERNING  
EMERGENCY HEARINGS OF NOVEMBER 29 and 30, 2018**

AND NOW, comes Intervenor, Andover Homeowners’ Association, Inc., (“Association”), by and through its below-signed attorney, and files pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations, this Intervenor’s Brief concerning the Emergency Hearings held November 29 and 30, 2018 before the Commission’s Administrative Law Judge Elizabeth Barnes in the above-captioned matters. The Association incorporates by reference any contemporaneous brief filed by the Complainants, Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines (“Complainants”) as if fully recited herein. The Association adopts the Complainants’ Findings of Fact and Conclusions of Law by reference.

A. Concise Statement of the Case. Any regulated public utility is required to provide adequate, efficient safe and reasonable service and facilities. 66 Pa. C.S. § 1501. The Public Utility Commission (“Commission” or “PUC”) may enjoin unsafe operations. 66 Pa. C.S. § 1501(a). Pipeline operators must “avoid, as far as practicable, areas containing private dwellings, industrial buildings, and places of public assembly.” 49 C.F.R. § 195.210(a); incorporated by reference at 52 Pa. Code § 59.33(b).

Sunoco Pipeline L.P., (“Sunoco”) operates a hazardous, highly volatile liquids (“HVL”) pipeline system through Delaware and Chester Counties, Pennsylvania. This consists of an existing eight-inch (8”) pipeline, marketed by Sunoco as “Mariner East 1” (“ME1”), constructed in the 1930s and converted from an east-to-west hazardous liquids pipeline to a west-to-east HVL pipeline in or about 2014. Sunoco proposes to use an additional twelve-inch (12”) pipeline, known as the “Point Breeze to Montello” pipeline as part of a “Mariner East 2 Work-Around” pipeline in place of its apparently abandoned 20-inch “Mariner East 2” pipeline system. The original Point Breeze-to-Montello pipeline, also constructed in the 1930s, transported hazardous liquids from southeast-to-northwest, from Point Breeze, Philadelphia, Philadelphia County to Montello, Spring Township, Berks County. Montello is identified as a tariff point for several hazardous transported by Sunoco and other pipeline operators.

Sunoco has proposed to construct an additional twenty-inch (20”) HVL pipeline (“Mariner East 2” or “ME2”) and an additional sixteen-inch HVL pipeline (“Mariner East 2X” or “ME2X”) (collectively known as “ME2”). Neither of these pipelines have not been constructed on Association property in Thornbury Township, Delaware County, though Sunoco has proposed to at some point commence construction. However both ME1 and the workaround pipeline are on Association property along with an above-ground valve site associated with each pipeline.

Sunoco has proposed to construct above-ground valve sites for ME2 and ME2X near the same location on Association property. *See*, Plaintiff’s Exhibit 1-C, RT-223.

Duffer’s Tavern, a restaurant and bar, is less than one hundred (100) feet south of the ME1/workaround pipeline valve site on Association property. *Id.* Andover residences are less than one hundred (100) feet north of the ME1/workaround pipeline valve site on Association

property, the current and proposed HVL pipeline route on Association property, or both. The Association believes that Sunoco operates additional valve sites at intervals of approximately five miles or more from Andover property. A five-mile segment of ME1 would contain approximately 68,000 gallons of hazardous, highly volatile liquids. A five-mile segment of 12-inch diameter workaround pipeline would contain additional amounts of HVL. In two situations, Sunoco could be required to remove the entire contents of these pipelines at the valve site on Association property without opportunity for notice to residents. First, if a valve site failure or pipeline failure were to occur, the entire contents of a pipeline segment would immediately be discharged from the pipeline. RT at 299-300. In the event of a pipeline failure, substantially the entire contents of the failed segment will be released regardless of valve position. This is an inevitable consequence of the nature of highly volatile liquids, and one that makes them especially hazardous. Second, if, for any reason Sunoco would be required to remove the contents (“deinventory”) a pipeline segment, the entire contents of the pipeline would likely be routed to relief at a valve site. *Id.*

B. Summary of Argument. The Association shares Complainants’ concerns regarding the complete inadequacy of Sunoco’s “public awareness program,” but to highlight a specific concern about the valve site upon its property. Specifically, this valve site includes valve assemblies for both existing pipelines and may possibly at some point become burdened with valve sites for ME2 and ME2X. This industrial valve complex, less than fifty feet from an active restaurant and bar and less than one hundred feet from the nearest Andover residence, is expected to serve as a vent point in the event that one or more of these pipelines must be deinventoried or suffers an incident anywhere along the respective segments. Sunoco cannot

assure that it can safely manage the large amount of ethane, propane or butane that would be released in a pipeline accident or deinventory event. Therefore, the Commission should stop all HVL operations unless Sunoco can present a credible plan to safely remove the entire contents of any HVL pipeline within the Andover community.

C. Argument. In the event of a release or a deinventory event at or near the ME1 valve sites upon Association property, the massive contents of an entire HVL pipeline segment, 68,939 gallons of HVL would be released, either through the valve site relief or point of failure. RT at 299-300. The Association asserts that, in no conditions, can Sunoco safely deinventory a pipeline segment at the valve site on Association's property while assuring that an ignition event from a restaurant, less than one hundred feet away, would not occur.

The Association further asserts that, if the pipeline in question was the Point Breeze to Montello or either ME2 line, that the amount of material subject to deinventory would dramatically surpass the amount expected to be released from ME1. At no point in testimony did Sunoco present how it might manage such a deinventory event. Sunoco's lack of redirect examination to this point speaks volumes, in that Sunoco is incapable of assuring that it could possibly manage such amounts of boiling material without creating a substantial vapor cloud that would likely ignite and destroy the Association's community and surrounding areas. Such an operation is fully unsafe and should never be allowed to operate for any reason without any reasonable method to manage an incident of such magnitude. The existence of any other pipelines, operations, public awareness programs or emergency response programs presented by Sunoco during the Emergency Hearing are entirely irrelevant to the magnitude of this very real risk to life, health and property.

Therefore, the Association requests that the Commission enjoin operation of ME1, ME2, ME2X, and the or the Point Breeze to Montello Work-Around pipeline unless and until Sunoco has presented appropriate facts, studies and documentation that demonstrate Sunoco is capable of managing valve sites, including but not limited to the site upon property owned by the Association, in a manner to avoid placing a vapor cloud in close proximity to a known and documented collection of ignition sources at a place of dense public assembly closer than the expected travel distance of an ignitable or explosive vapor cloud. Absent such proof, such pipelines should not be permitted to operate for any reason whatsoever and any such operating pipelines should be decommissioned.

D. Proposed Findings of Fact.

1. The Association incorporates by reference all Findings of Fact presented by Complainants/Petitioners.
2. Sunoco Pipeline L.P. has not shown that it can contain the contents of Mariner East 1 in the event that is required to deinventory the contents of ME1 to respond to an incident or if ME1 suffers a breach or failure at or near the valve site located upon the property of the Andover Homeowners' Association, Inc. in Thornbury Township, Delaware County.
3. Any deinventory event at this valve location would be discharged within one hundred feet of Duffer's Restaurant, likely to cause ethane, propane and/or butane to travel into the kitchen, the smoking area and other operational areas of the restaurant within a very short period of time following such a release.
4. Sunoco has no viable plan to safely and efficiently deinventory ME1 or any other HVL pipeline at or near the valve site upon the property

E. Proposed Conclusions of Law.

1. The Association incorporates by reference all Conclusions of Law presented by Complainants/Petitioners.
2. Sunoco Pipeline L.P. is unable to demonstrate that its Mariner East 1 or Work-Around pipelines can safely operate utilizing the valve site on property owned by Andover Homeowners' Association, Inc. in Thornbury Township, Delaware County.
3. The potential deinventory of a Mariner East 1 or Work-Around pipeline segment commencing or terminating at the pipeline valve site upon property owned by Andover

Homeowners' Association, Inc. represents an unsafe operation of utility service in violation of 66 Pa. C.S. § 1501(a).

4. Sunoco cannot at this time demonstrate how it would comply with 66 Pa. C.S. § 1501(a) in a manner that would allow operation of Mariner East 1 or the Work-Around pipeline.
5. Sunoco's proposed Mariner East 2, Mariner East 2X and Point Breeze to Montello Work-Around hazardous, highly volatile liquids pipelines cannot be safely operated at the proposed or existing valve sites upon lands owned by Andover Homeowners' Association, Inc. in Thornbury Township, Delaware County.
6. Sunoco cannot at this time demonstrate how it would comply with 66 Pa. C.S. § 1501(a) in a manner that would allow operation of its proposed Mariner East 2 pipeline.
7. Sunoco cannot at this time demonstrate how it would comply with 66 Pa. C.S. § 1501(a) in a manner that would allow operation of its proposed Mariner East 2X pipeline service.
8. Sunoco cannot at this demonstrate how it would comply with 66 Pa. C.S. § 1501(a) in a manner that would allow operation of its proposed Point Breeze to Montello Work-Around pipeline.
9. Therefore, Sunoco is hereby enjoined from operating highly volatile liquids pipelines transportation on Association property, including Mariner East 1, Mariner East 2, Mariner East 2X and the Point Breeze to Montello Work-Around pipeline until further order of the Commission.

Respectfully Submitted,

Date: December 7, 2018

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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: MEGHAN FLYNN, ROSEMARY FULLER, MICHAEL WALSH, : Docket C-2015-2516051  
NANCY HARKINS, GERALD MCMULLEN, CAROLINE HUGHES, and : Docket P-2018-3006117  
MELISSA HAINES :  
: v. :  
SUNOCO PIPELINE L.P. :

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically served the foregoing upon the following:

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Respectfully Submitted,

Date: December 7, 2018

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