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January 18, 2019

*Via Electronic Filing*  
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: In Re: Meghan Flynn, et al. v. Sunoco Pipeline, L.P.  
**Docket Numbers: C-2018-3006116; P-2018-3006117**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find the Petition to Intervene of the Rose Tree Media School District, Delaware County, Pennsylvania with regard to the above-captioned proceeding.

All parties of record have been served pursuant the attached Certificate of Service. If you have any questions or concerns, please do not hesitate to contact this office.

Thank you very much for your cooperation and assistance.

Very Truly Yours,

LAMB MCERLANE PC

By: /s/ Guy A. Donatelli  
Guy A. Donatelli  
Counsel for Rose Tree Media School  
District

GAD/ajb  
Enclosures  
cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Meghan Flynn, Rosemary Fuller	:	
Michael Walsh, Nancy Harkins, Gerald	:	Docket No. C-2018-3006116
McMullen, Caroline Hughes and	:	
Melissa Haines	:	Docket No. P-2018-3006117
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

**PETITION TO INTERVENE OF THE ROSE TREE MEDIA SCHOOL DISTRICT,  
DELAWARE COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code §§ 5.71-5.75 the Rose Tree Media School District, Delaware County, Pennsylvania (“the School District”) hereby petitions to intervene in the above-captioned proceeding. In support thereof, the School District submits as follows:

**A. THE SCHOOL DISTRICT**

1. The School District is a school district of the second class with an address of 308 North Olive Street, Media, PA 19063 and a telephone number of (610)-627-6000.
2. The School District and the municipalities it serves are located entirely within Delaware County, Pennsylvania.
3. The School District currently operates one high school, a Youth Academy, one middle school and four elementary schools, (“the District Schools”).
4. The School District Schools service the attendance areas of the Borough of Media, Edgmont Township, Middletown Township and Upper Providence Township, and as of January, 2019, had a student enrollment of 3,946.
5. The School District, as a school district of the second class, is governed, *inter alia*, by the

Pennsylvania Public School Code of 1949, 24 P.S. § 1-101 *et seq.*

6. The School District's attorneys in this matter are:

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7. The School District petitions to intervene in the above-captioned proceeding.
8. The School District requests to receive all documents electronically to the above listed email addresses as allowed by 52 Pa. Code § 1.54(b)(3).

**B. THE ABOVE-CAPTIONED PROCEEDING.**

9. On November 19, 2018, Petitioners/Complainants Meghan Flynn, Rosemary Fuller, Michael Walsh, Nancy Harkins, Gerald McMullen, Caroline Hughes and Melissa Haines (collectively the "Flynn Complainants") filed a Complaint against Respondent Sunoco Pipeline, L.P. ("Sunoco") at Docket No. C-2018-3006116, and concurrently therewith, a Petition for Interim Emergency Relief against Sunoco at Docket No. P-2018-3006117, which have been consolidated.<sup>1</sup>

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<sup>1</sup> On December 11, 2018, Administrative Law Judge Elizabeth Barnes issued Order denying relief to the Flynn Complainants that would affect the temporary cessation of operations of ME1 and construction of the ME2 workaround pipeline and certified that Order to the Commission.

10. The Flynn Complainants averred that their properties in Chester and Delaware Counties were in close proximity to the Mariner East 1 (“ME1”) pipeline and/or a work-around 12-inch diameter pipeline that circumvents stopped construction on the Mariner East 2 (“ME2”) and Mariner East 2X (ME2X).<sup>2</sup> At times, these Sunoco pipelines are referred to collectively as “the ME Pipelines”.
11. The Flynn Complainants also averred that ME1, ME2, ME2X and the workaround pipelines carrying or intended to carry HVLs are inherently dangerous and due to their location in Chester and Delaware Counties (high consequence areas), a pipeline rupture there would be catastrophic.
12. The Flynn Complainants further contend that ME1 is being operated and the work-around pipeline is about to be operated without an adequate public awareness program, emergency notification system, or credible emergency management plan in violation of 49 CFR § 195.440. The Flynn Complainants contend that Sunoco is violating 49 CFR § 195.248 in that ME1 and the workaround pipeline are located within 50 feet of private dwellings or industrial buildings or places of public assembly without at least 4 feet of cover.
13. The Flynn Complainants’ three-count Complaint requested that the Commission enter an Order directing Sunoco permanently to (a) cease operation of the 8-inch ME1 pipeline; (b) cease operation of the workaround pipeline, ME2, and ME2X; and (c) grant such other and further relief as may be appropriate.

### **C. THE SCHOOL DISTRICT’S INTEREST IN INTERVENTION**

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<sup>2</sup> ME1 is currently operational. ME2 and ME2X are not currently operational. The workaround 12 inch pipeline is a 1930s era pipeline that had been carrying petroleum products such as gasoline until Sunoco repurposed it to connect to ME2 in order to carry highly volatile liquids (HVLs).

14. The School District has one school, Glenwood Elementary School, Middletown Township, Delaware County, Pennsylvania, located in close proximity to the ME2 pipeline identified above, all within the “blast zone,” which might extend to more than 2,000 feet from the ME Pipelines. In addition to buildings and classrooms, this elementary school has playing fields, play grounds and other facilities which are places of public assembly and which are used and enjoyed by the community in general.
15. Attached as Exhibit “A” is a document which contains a map image representing the approximate proximity of the ME2 Pipeline relative to the Glenwood Elementary School.
16. The ME2 pipeline is approximately:
  - i. 600 feet away from the western boundary of the Glenwood Elementary School; and
  - ii. 900 feet away from the Glenwood Elementary School building;
17. Glenwood Elementary School is subject to an additional risk. In addition to the ME2 pipeline, there exists a Sunoco valve station located immediately behind Glenwood Elementary School, and which increases the risk of harm to the students, staff and visitors resulting from leak, mechanical failure, purposeful damage or other failure of the valve station.
18. The School District has a direct, substantial and immediate interest in this matter related to its obligation to educate its students and to protect the health, safety and welfare of its students, staff and users of the School District facilities, that is unique, and not represented by any other party in the proceeding in which the ME Pipelines are physically located. 52. Pa. Code §69.1101.
19. The School District has a direct, substantial and immediate interest in this proceeding as a municipal entity obligated under the Pennsylvania Public School Code of 1949, 24 P.S. §

1-101 *et seq.* to promote the education, health, safety and welfare of the School District's children and to assure the proper operation of the schools, including disaster prevention and response.

20. Participation by the School District in this proceeding is in the public interest.
21. No other party to this proceeding possesses an interest identical to that of the School District.
22. The School District possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.
23. The School District's Intervention is timely pursuant to the prescripts of 52 Pa. Code. § 5.53.

#### **D. REQUESTED RELIEF**

24. The School District seeks intervention to request the following relief:
  - a. That the Commission order Sunoco to perform continued and ongoing line inspection and geophysical testing and analysis in the areas of School District's school where the ME Pipelines are operating and/or are in the process of construction;
  - b. That the Commission order Sunoco to provide to the School District on a timely basis the results of that continued and ongoing line inspection and geophysical testing;
  - c. That the Commission order that in the absence of either the above testing or inspection, or the delivery of the result of same, or in the absence of testing or inspection results that establish that the ME Pipelines or the valve station are determined by the Bureau of Inspection and Enforcement ("BI & E") and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") to not pose any risk to the School District's properties, that the ME Pipelines shall immediately cease operations until such time as Sunoco performs all necessary corrective actions and acquires approval of BI & E and PHMSA prior to receiving Commission approval to resume operation and/or construction;
  - d. That the Commission order Sunoco to develop and submit testing and inspection protocols appropriate to ensure the safe operation and maintenance of ME Pipelines

in close proximity to School District's school, to be approved by BI & E and PHMSA on a regular basis;

- e. That the Commission order Sunoco to develop and install a mass early warning notification system at all potentially affected School District Schools which would provide immediately notice of a leak, potential explosion or other failure in the pipeline system;
- f. That the Commission order Sunoco provide a School District-specific public education or awareness plan designed to inform and education the students, families and School District Staff on proper and effective disaster prevention and response;
- g. That the Commission order Sunoco to engage in emergency planning with the School District and Delaware County emergency responders to develop a pipeline-specific hazard response plan, which said engagement includes, but is not limited to, participation in "tabletop" activities designed to provide emergency responders with opportunities to work through a variety of hazard scenarios;
- h. That the Commission Order Sunoco to relocate the valve station located immediately behind Glenwood Elementary School, and;
- i. Such further relief as may become available during the proceedings on this Application.

WHEREFORE, the Rose Tree Media School District respectfully requests that this Honorable Commission grant this petition to intervene, providing the School District with full-party status in this proceeding.

Respectfully submitted,

LAMB MCERLANE PC

By: /s/ Guy A. Donatelli

Guy A. Donatelli  
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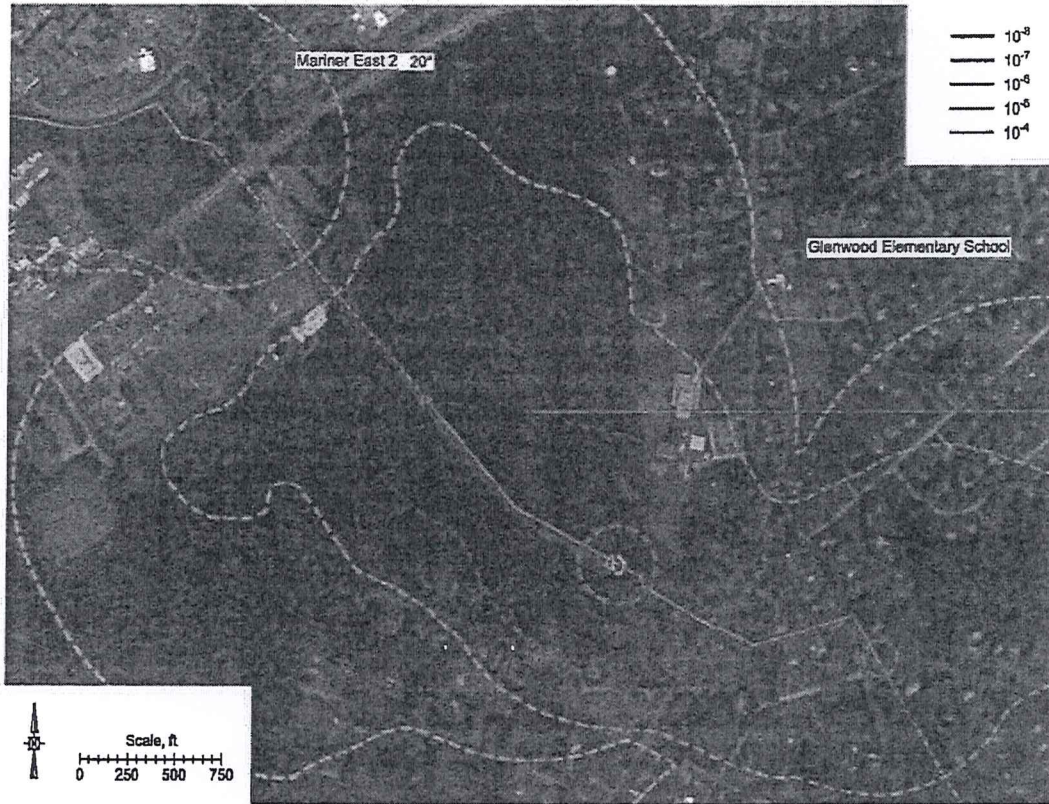
Alex J. Baumler  
Attorney I.D. # 315760  
abaumler@lambmcerlane.com

*Attorneys for Intervenor  
Rose Tree Media School District*

Dated January 18, 2019

# **EXHIBIT A**





**Figure 5-2**  
**Risk Contours for the *Indoor* Public Due to the Mariner East 2 Pipeline Transporting Propane  
Glenwood Elementary School Area**

**Interpreting the Results – ME2, Glenwood Area, Indoor**

In Figure 5-2, the fatality risk contours are ONLY applicable to persons who are indoors, and so are only truly representative where there are buildings.

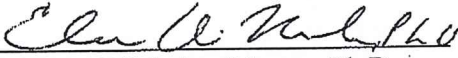
Indoor risk at Glenwood Elementary school is less than  $1.0 \times 10^{-6}$  per year (one chance in one million per year) assuming a person stays in that location 24 hours a day, 364 days per year.

The risk contours extend further in forested areas due to the potential for damaging vapor cloud explosions.

VERIFICATION

I, Eleanor DiMarino-Linnen, Ph.D., hereby states that I am the Acting Superintendent of Schools for the Rose Tree Media School District, Delaware County, Pennsylvania and am duly authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: 1/17/19

  
Eleanor DiMarino-Linnen, Ph.D.  
Acting Superintendent of Schools for  
Rose Tree Media School District

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In Re: Meghan Flynn, Rosemary Fuller	:	
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	:	
Petitioner,	:	
	:	
v.	:	
	:	
Sunoco Pipeline, L.P.,	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of the Rose Tree Media School District's Petition for Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a party).

**Via First Class Mail**

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Dated: January 18, 2019

/s/ Guy A. Donatelli  
Guy A. Donatelli, Esq.