

March 4, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pa 17105

RE: Meghan Flynn, et al. v. Sunoco Pipeline, L.P.  
Docket Nos. C-2018-3006116 and P-2018-3006117

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission please find Petition to Intervene of West Chester Area School District, Chester County, Pennsylvania with the corresponding certificate of service in the above-referenced matter.

Very truly yours,



James C. Dalton

JCD/lcs  
Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PETITION TO INTERVENE OF WEST CHESTER AREA SCHOOL DISTRICT,  
CHESTER COUNTY, PENNSYLVANIA**

Pursuant to 52 Pa. Code §§ 5.71-5.75, the West Chester Area School District, Chester County, Pennsylvania (“School District”), by and through its undersigned counsel, respectfully 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 constituted under the laws of the Commonwealth of Pennsylvania, with business offices located at 782 Springdale Drive Exton, PA 19341.
2. The School District and the municipalities it serves are located entirely within Chester County, Pennsylvania.
3. The School District currently operates three high schools, three middle schools and ten elementary schools, (“the District Schools”). The School District is one of the largest geographically diverse school districts in Chester County.

4. The District Schools service the attendance areas of West Chester Borough and the surrounding townships of East Goshen Township, West Goshen Township, East Bradford Township, Thornbury Township, West Whiteland Township, and Westtown Township.

5. For the 2018-2019 school year, the School District had a student enrollment of approximately 11,950 students.

6. 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.

7. The School District's attorney in this matter is:

James C. Dalton, Esquire  
PA I.D. # 45150  
Unruh, Turner, Burke & Frees, P.C.  
P.O. Box 515  
West Chester, PA 19381-0515  
jdalton@utbf.com

8. The School District petitions to intervene in the above-captioned proceeding.

9. 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.**

10. 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 an 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.

11. The Flynn Complainants averred that their properties in Chester and Delaware County 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".

12. The Flynn Complainants also averred that ME1, ME2, ME2X and the workaround pipelines carrying or intended to carry highly volatile liquids (HVLs) are inherently dangerous and due to their location in high consequence areas, a pipeline rupture there would be catastrophic.

13. 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 four feet of cover.

14. The Flynn Complainants' Complaint requested that the Commission enter an Order directing Sunoco to permanently (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 and ME2 are currently operational. ME2X is 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).

15. The ME Pipeline passes through the general service areas of the School District. Attached as Exhibit "A" is a map of Chester County showing generally the location of the ME Pipelines.

16. The School District's administration building and the following school buildings are located in close proximity to the various ME Pipelines identified above and a number of which are within the "blast zone," to the best of the School District's knowledge:

- a. Exton Elementary School;
- b. Penn Wood Elementary School;
- c. East Goshen Elementary School; and
- d. East High School and Fugett Middle School.

17. In addition to the buildings and classrooms, these schools have playing fields, play grounds and other facilities which are places of public assembly and are used and enjoyed by the community in general.

18. Attached as Exhibit "B" are map images from the Pipeline Information Center Mapping Application representing the approximate proximity of a Sunoco pipeline to a number of the School District's buildings and facilities.

19. The School District has a direct, substantial and immediate interest in this matter related to its obligation 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.

20. 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.

21. The School District's participation in this matter will allow it to be privy to additional, specific information on the ME Pipelines which in turn will allow it to better protect its students and staff members from leaks, potential explosions or other failures in the pipeline system.

22. Participation by the School District in this proceeding is in the public interest.

23. The School District possesses a sufficient legal interest in this matter so as to permit the filing of this intervention.

24. No other party to this proceeding possesses an interest identical to that of the School District.

25. The School District's intervention will not prejudice the parties to this action nor cause undue delay.

26. Therefore, the foregoing circumstances establish good cause for why the School District's intervention should be permitted as required under 52 Pa. Code §5.74(b)(1).

27. Therefore, the School District satisfies the Commission's standards for intervention. *See* 52 Pa. Code § 5.72(a)(2).

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

28. 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 the School District's schools 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 schools, 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 immediate 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 educate the students, families and School District Staff on proper and effective disaster prevention and response and;
- g. Such further relief as may become available during the proceedings on this Application.

WHEREFORE, Petitioner, West Chester Area School District respectfully requests that this Honorable Commission grant this petition to intervene and authorize its intervention and participation with full-party status in this proceeding.

Respectfully Submitted,

UNRUH, TURNER, BURKE & FREES, P.C.

Dated: 3/4/2019

By: 

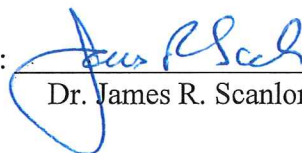
James C. Dalton, Esquire  
*Attorney for West Chester Area  
School District*  
P.O. Box 515  
West Chester, PA 19381-0515  
(610) 692-1371  
Attorney I.D. No. 45150

**VERIFICATION**

I, James R. Scanlon, hereby state that I am the Superintendent of Schools for the West Chester Area School District, Chester 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.

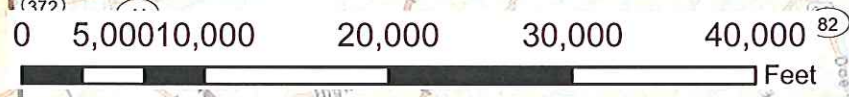
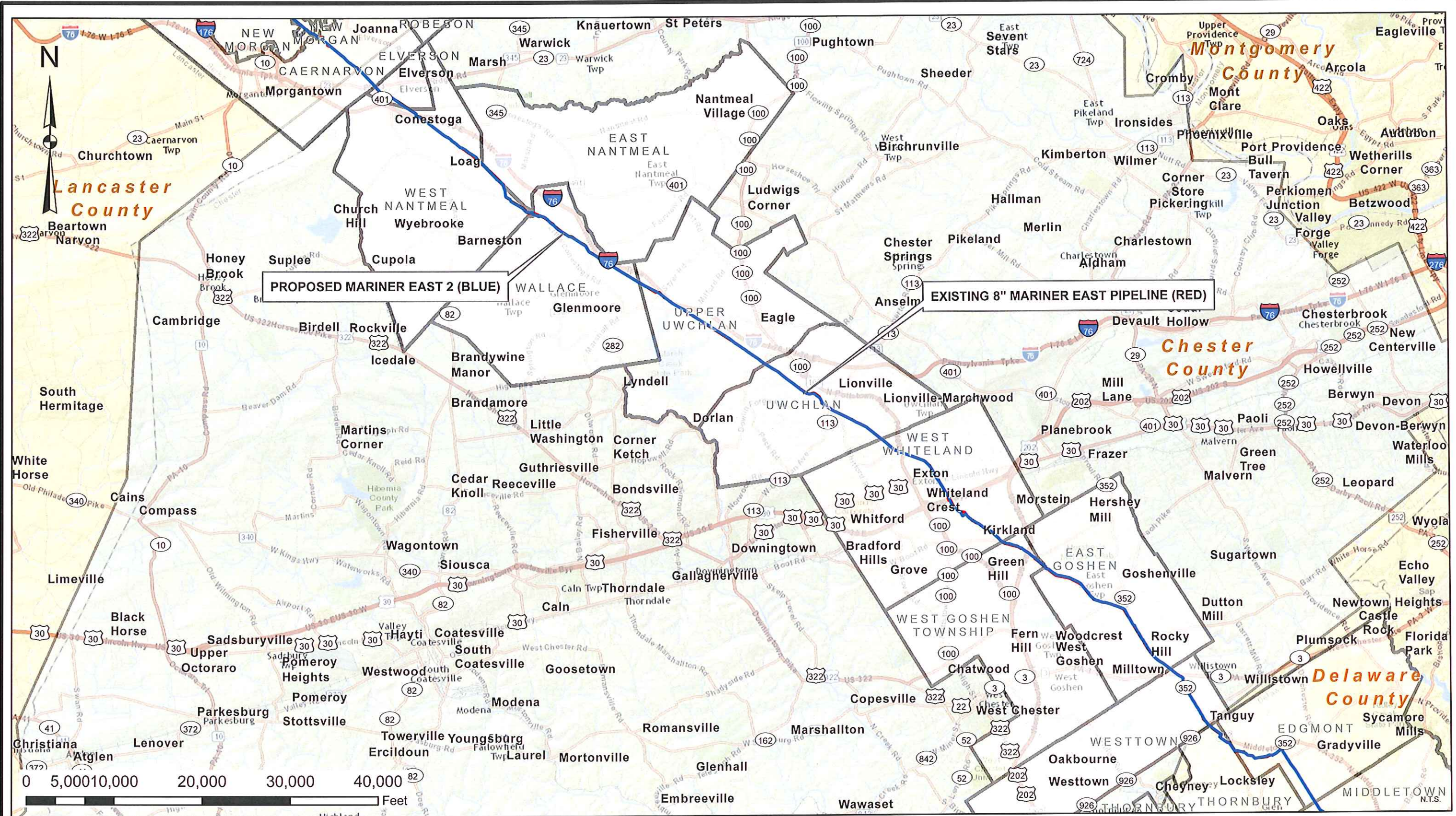
I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: 2-28-19

BY:   
Dr. James R. Scanlon, Superintendent



# EXHIBIT “A”



**LEGEND**

**GENERAL NOTES**

1. ROONEY ENGINEERING, INC. AND/OR SUNOCO PIPELINE L.P. ARE NOT RESPONSIBLE FOR THE LOCATION OF THIRD-PARTY PIPELINES AND UTILITIES SHOWN ON THIS DRAWING. THIS INFORMATION IS PRESENTED ON A BEST-EFFORTS BASIS AND IS PROVIDED WITHOUT LIABILITY ON THE PART OF ROONEY ENGINEERING, INC. AND/OR SUNOCO PIPELINE L.P. FOR ANY DAMAGES RESULTING FROM ERRORS OR OMISSIONS IN THIS INFORMATION.

2. PRIOR TO COMMENCING ANY ACTIVITIES WHICH COULD IMPACT PIPELINES OR UTILITIES, CONTACT PENNSYLVANIA ONE CALL AT 811 OR 1-800-242-1778.

**REVISIONS**

REV	DESCRIPTION	DWN	CHKD	DATE
0	ISSUED FOR REVIEW	RMB	DCM	03/16/15

**PENNSYLVANIA PIPELINE PROJECT  
STATE: PENNSYLVANIA  
COUNTY: CHESTER**

**TETRA TECH ROONEY**



**PENNSYLVANIA PIPELINE PROJECT  
CHESTER COUNTY, PA**

DRAWN: RMB	DATE: 03/11/15	CHECKED: CG
ENGINEER: DCM	SCALE: AS SHOWN	

CHESTER COUNTY

# EXHIBIT “B”

# Pipeline Information Center Mapping Application

Legend Details Basemaps

374 ft

Exton Elementary School

IRON LAKE BL  
ABERDEEN AV  
UNNAMED A RD  
GREYSTONE CT  
IRON LAKE BL  
DERBY DR

0 100 200ft

1 Mile  
Measureme  
0.16 Miles

(2 of 3)

Operator Name	SUNOCO PIPELINE (ENERGY TRANSFER)
Operator Contact	todd.nardozzi@energytra
Operator Phone	713-989-7126
Operator Website(s)	<a href="#">More info</a>
Operator Website(s)	<a href="#">More info</a>
Product Type	Hazardous Liquid (Non-Hazardous Product)
Interstate/Intrastate	Interstate

County of Chester, Esri, HERE, Garmin, INCREME

# Pipeline Information Center Mapping Application

Legend Details Basemaps

- TE PRODUCTS PIPELINE COMPANY,LP/ENTERPRISE PRODUCTS PARTNERS LP
- TEXAS EASTERN TRANSMISSION CORPORATION/DUKE/SPECTRUM ENERGY (ENBRIDGE)
- COLONIAL PIPELINE CO
- TRANSCANADA/COLUMBIA GAS TRANSMISSION
- EASTERN SHORE NATURAL GAS CO
- LAUREL PIPELINE COMPANY/BUCKEYE PARTNERS
- PECO ENERGY CO
- INTERSTATE ENERGY COMPANY
- SUNOCO PIPELINE (ENERGY TRANSFER)
- WILLIAMS GAS PIPELINE - TRANSCO

Municipalities (see Bookmarks)

**Key**

**Spellman Administration Building - .45 Miles from Sunoco Pipeline**

Operator Name	SUNOCO PIPELINE (ENERGY TRANSFER)
Operator Contact	todd.nardozzi@energytransfer.com
Operator Phone	713-989-7126
Operator Website(s)	<a href="#">More info</a>
Operator Website(s)	<a href="#">More info</a>
Product Type	Hazardous Liquid (Non-Hazardous Product)
Interstate/Intrastate	Interstate

0 0.2 0.4mi

0 0.45 Miles

County of Chester, DVRPC, Esri, HERE, Garmin, INCREMENTAL

# Pipeline Information Center Mapping Application

Legend Details Basemaps

0 300 600ft

0.63 Miles

1 Mile

Measureme

Key	
<b>Penn Wood Elementary School - .63 Miles from Sunoco Pipeline</b>	

Operator Name	SUNOCO PIPELINE (EN TRANSFER)
Operator Contact	todd.nardozzi@energytra
Operator Phone	713-989-7126
Operator Website(s)	<a href="#">More info</a>
Operator Website(s)	<a href="#">More info</a>
Product Type	Hazardous Liquid (Non-t Product)
Interstate/Intrastate	Interstate

County of Chester, DVRPC, State of New Jersey, Esri, HERE, Garmin, INCREMEN

# Pipeline Information Center Mapping Application

Legend Details Basemaps

0.92 Miles

**Key**

**East Goshen Elementary School - .92 Miles from Sunoco Pipeline**

Operator Name	SUNOCO PIPELI TRANSFER)
Operator Contact	todd.nardozzi@
Operator Phone	713-989-7126
Operator Website(s)	<a href="#">More info</a>
Operator Website(s)	<a href="#">More info</a>
Product Type	Hazardous Liqui Product)
Interstate/Intrastate	Interstate

0 0.1 0.2mi

County of Chester, DVRPC, State of New Jersey, Esri, HERE, Garmin, INCREMENTAL

# Pipeline Information Center Mapping Application

The screenshot displays a web-based mapping application interface. On the left, a legend lists various pipeline operators and products, including TE PRODUCTS PIPELINE, TEXAS EASTERN TRANSMISSION CORPORATION/DUKE/SPECTRUM ENERGY (ENBRIDGE), COLONIAL PIPELINE CO, TRANSCANADA/COLUMBIA GAS TRANSMISSION, EASTERN SHORE NATURAL GAS CO, LAUREL PIPELINE COMPANY/BUCKEYE PARTNERS, PECO ENERGY CO, INTERSTATE ENERGY COMPANY, SUNOCO PIPELINE (ENERGY TRANSFER), and WILLIAMS GAS PIPELINE - TRANSCO. Below the legend, there is a section for 'Municipalities (see Bookmarks)'. The main map area shows a satellite-style view of Goshenville, NJ, with a blue line representing a Sunoco pipeline. A green pin is placed on the pipeline, and a callout box provides details for 'East High School and Fugette Middle School - 1.19 Miles from Sunoco Pipeline'. A pop-up window for the selected feature displays the following information:

Operator Name	SUNOCO PIPELINE (ENERGY TRANSFER)
Operator Contact	todd.nardozzi@energytransfer.com
Operator Phone	713-989-7126
Operator Website(s)	<a href="#">More info</a>
Operator Website(s)	<a href="#">More info</a>
Product Type	Hazardous Liquid (Non-Hazardous Product)
Interstate/Intrastate	Interstate

The map also includes a scale bar (0 to 0.2 miles), a north arrow, and a 'Basemaps' button in the top right corner. The map shows various streets and landmarks, including East Goshen Elementary School and West Chester East High School.



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**CERTIFICATE OF SERVICE**

I hereby certify that this day I have served a copy of the West Chester Area 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*

Thomas J. Sniscak, Esq.  
Kevin J. McKeon, Esq.  
Whitney E. Snyder, Esq.  
Hawk McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Anthony D. Kanagy, Esq.  
Garrett P. Lent, Esq.  
Post & Schell PC  
17 North Second Street,  
12th Floor  
Harrisburg, PA 17101-1601


Rich Raiders, Esq.  
Raiders Law, PC  
606 North 5th Street  
Reading, PA 19601

Robert D. Fox, Esq.  
Neil S. Witkes, Esq.  
Diana A. Silva, Esq.  
Manko, Gold, Katcher & Fox, LLP  
401 City Avenue, Suite 901  
Bala Cynwyd, PA 19004

Michael S. Bomstein, Esq.  
Pinnola & Bomstein  
Suite 2126 Land Title Building  
100 South Broad Street  
Philadelphia, PA 19110

UNRUH, TURNER, BURKE & FREES, P.C.

Dated: 3/4/2019

By:   
James C. Dalton, Esquire  
*Attorney for West Chester Area  
School District*