



March 5, 2025

Via Electronic Mail – tmagee@pa.gov

Thomas L. Magge
Environmental Program Manager
Clean Water Program
Pennsylvania Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

**Re: Mount Eyre Neighborhood
Washington Crossing LNAPL Incident Investigation
Twin Oaks – Newark 14”-Diameter Pipeline
Upper Makefield Township, Bucks County**

Dear Mr. Magge:

On February 18, 2025 Energy Transfer, on behalf of its affiliate, Sunoco Pipeline L.P. (“SPLP”), received a Notice of Violation (“NOV”) from the Department concerning a release of petroleum products from the 14”-diameter Twin Oaks – Newark Pipeline, which is owned and operated by SPLP. This response is being provided by SPLP. As the Department is aware, on February 13, 2025, SPLP submitted a Notice of Intent to Remediate (“NIR”) under Pennsylvania’s Land Recycling Program, known and referred to as “Act 2,” to perform cleanup efforts to achieve the statewide health standards for soils and groundwater, which the Department acknowledged informally on February 15, 2025, and by letter dated February 19, 2025.

The NOV asserts that the release resulted in violations of Section 401, 35 P.S. § 691.401, and is alleged to constitute unlawful conduct under and 611 of the Clean Streams Law, 35 P.S. § 691.611, and subject to enforcement under Section 605 of the Clean Streams Law, 35 P.S. § 691.605. The Department requested specific information be provided within fifteen (15) days of the NOV. Energy Transfer responds to each of the Department’s requests for information, as follows:

- 1. A description of the circumstances causing the incident and how the circumstances were determined, including historical investigations of the pipeline in this area.**

Response: On September 25, 2023, SPLP responded to an odor complaint near the location of the pipeline along Glenwood Drive in Upper Makefield Township. Five (5) employees of SPLP probed the location of the pipeline with a photo ionization detector (“PID”) (*see Attachment 1*), and SPLP’s consultant performed water testing at multiple locations in the immediate vicinity of the odor complaint (*see Attachment 2*). SPLP returned the

following day on September 26, 2023, and performed an excavation of the pipeline near Glenwood Drive, and no sheens or odors were observed in the excavation area by the eight (8) employees and one (1) contractor present during the excavation. The soils in this location were also sampled, and laboratory results were non-detect for petroleum-related compounds (*see Attachment 3*). SPLP also initiated and completed a static pressure test on the pipeline, which included the section in the Upper Makefield area, and the results were within established criteria.

On June 28, 2024 and July 21, 2024, SPLP staff responded to two separate odor complaints at two separate properties and inspected the pipeline right-of-way ("ROW") for the appearance of any visual indications of a potential leak, and none were observed. SPLP staff also used a gas detector while inspecting the pipeline ROW and to sniff the water at the two properties; there were no readings on the gas detector.

On November 21, 2024, SPLP received an odor complaint, to which SPLP staff responded during nighttime hours and inspected the pipeline ROW. During the response to that complaint, the landowner provided the SPLP staff member with a copy of water sampling that was completed at that residence by the Department. The SPLP staff member then returned to the location the following morning, and again inspected the pipeline ROW for the appearance of any visual indications of a potential leak, and none were observed. At that time, SPLP performed an additional static pressure test on the pipeline, which included the section in the Upper Makefield area, and the results were within established criteria.

Beginning the week of January 20, 2025, and continuing throughout the week of January 27, 2025, SPLP continued to respond to odor complaints in coordination with the Department and the federal Pipeline and Hazardous Material Safety Administration ("PHMSA"). SPLP staff inspected the pipeline ROW, located the pipeline center line, and used a T-bar that was inserted to the depth on the top and on both sides of the pipeline, creating a hole through which a photo ionization detection ("PID") monitor/probe is inserted to obtain a reading for the presence of volatile organic compounds ("VOCs") (*see Attachment 4*). This probing and use of PID monitor/probe was completed in over 1,000 locations, at intervals of approximately ten (10) feet, which included not only vegetated areas of the pipeline ROW but also areas where the ROW was beneath pavement, where holes were drilled to perform the work.

On January 21, 2025, PHMSA advised SPLP that free product was observed in one (1) well along Spencer Drive. On January 22, the Department also advised SPLP of the observation of free product in one (1) well at a residential property on Spencer Drive. On January 23, 2025, SPLP's consultant, Groundwater & Environmental Services ("GES")

collected samples of the free product together with the Department who performed a split-sample, and the samples were submitted for laboratory analysis (*see Attachment 5*).¹

Beginning on January 23, 2025, SPLP's consultant, GES, collected water samples from residences in the Mt. Eyre neighborhood. Approximately thirty (30) homes had water sampling performed between January 23-31, 2025, with all samples submitted for laboratory analysis (*see Attachment 6*). SPLP provided bottled water to residences during this time period.

On January 29, 2025, GES and a SPLP staff member collected samples of free product from two (2) wells on Spencer Drive (which included a repeat sample from the location sampled on January 23, 2025), which samples were also submitted for laboratory analysis (*see Attachment 5*).

On January 23, 29, and 30 2025, SPLP performed additional static pressure tests on the pipeline.

On January 30, 2025, SPLP excavated the pipeline at a location near Bruce Road and Glenwood Drive within the pipeline ROW, but did not observe any leaks at that location.

On January 31, 2025, SPLP excavated the pipeline along Glenwood Drive near the intersection with Walker Road and discovered the release. On February 2, 2025, SPLP cut out the affected section of the pipeline and removed impacted soils from the immediate vicinity of the release location. Samples of the soil were taken within the excavation area, which were submitted for laboratory analysis (*see Attachments 7-8*). The stockpiled soils were also sampled for the purposes of characterization for off-site disposal, and submitted for laboratory analysis (*see Attachment 9*).

2. Description and estimated quantity, by weight, volume, or measurement of materials or wastes involved.

Response: It is unclear what the Department is requesting regarding an estimated quantity of "materials or wastes involved." To the extent that the Department is requesting an estimate of the volume of petroleum products released from the pipeline, the precise volume is still in the process of being determined. On January 31, 2025 SPLP made an initial notification to the National Response Center ("NRC") of an estimated volume of the release of 50 barrels of product, based on the limited information available to SPLP immediately after the discovery of the release. This was a conservatively estimated volume for the purpose of the immediate reporting requirement to NRC, which requires a pipeline operator to place a call within one hour of discovery of a release. Within 48 hours of the

¹ Note, the date on the report for the January 23, 2025 sample contains a typographical error on the sample date, which lists in the heading "Date Sampled" as 1/24/25, but below the "Sample ID, Type & Description" reflects "01.23.2025 Submitted," which is the correct date.

initial notification to NRC, on February 2, 2025, SPLP revised the release volume to an estimated 156 barrels, based on the observed leak rate once the soil surrounding the pipeline was removed.

As of March 3, 2025, SPLP has recovered a total of 58.76 gallons (1.38 bbls) of free product (i.e., light non-aqueous phase liquid, "LNAPL") from residential wells in the Mt. Eyre neighborhood. Additional de minimis amounts of LNAPL are continuing to be recovered from residential wells each day, and which volume is being reported to the Department (*see Attachment 10*).

Further, approximately 400 cubic yards soil were removed from the excavation at the release location, as well as in areas laterally down the pipeline for further inspections of the coating of the pipeline. This soil was removed for off-site disposal (*see Attachments 7-9*).

An estimate was performed using industry-accepted methodologies² to determine the potential petroleum hydrocarbons entrained in soil and removed during excavation activities, based on the results from the waste characterization analysis, coupled with the contemporaneous site sketches of the extent of excavation. This analysis resulted in a conservative estimate of a maximum recovered volume of 644 gallons (15.33 bbls) of petroleum product in the excavated soil.

3. An assessment of any contamination of land, surface water, groundwater, or air that has occurred since January 1, 2023.

Response: Regarding the assessments performed in 2023 and 2024, and immediately upon discovery of the release from January 31, 2025 to February 2, 2025, *see* Response to No. 1 above and the identified documents, which is incorporated by reference.

As the Department is aware, both before and since the discovery of the release, SPLP's environmental consultants have been performing potable water sampling at residences throughout Upper Makefield within one (1) mile of the release location, and at locations beyond the 1-mile radius upon request, the results of which have also been shared with the particular resident(s), and also with the Department daily, Mondays-Saturdays (*see Attachment 6*).

² Recovered liquid volume was not included in this estimate, which aligns with field observations taken at the time of the excavation. Because stockpiled soils were staged and quickly sampled, evaporation models for the amount of product recovered but subsequently volatilized were also not included in this estimate. The samples were analyzed for Total Petroleum Hydrocarbons (TPH) by USEPA Method 8015D for gasoline range organics (GRO) and diesel range organics (DRO), C6 to C10 with a boiling range of 60C-170C, and C10 to C28 with a boiling range of approximately 170C, respectively. Product components outside this range were not included in this estimate.

On February 3, 2025, SPLP performed a geoprobe evaluation of the area in the immediate vicinity of the release location. SPLP also performed ground penetrating radar (GPR) at eight (8) locations on Spencer Road and Glenwood Drive. No GPR anomalies that would be classified as free product or petroleum saturated soil were found.

On February 5, 2025, SPLP performed product recovery testing at a location along Glenwood Drive.

On February 10, 2025, SPLP's environmental consultants performed downhole geophysical analyses at one (1) location in the immediate vicinity of the release location (*see Attachment 11*). The results for the first downhole geophysical analysis were previously shared with the Department. A second downhole geophysical analysis was performed on February 17-18, 2025, and the results from the second location will also be shared with the Department when the corresponding report is finalized.

On February 25, 2025, SPLP's environmental consultants performed indoor air sampling at five (5) residences near the immediate vicinity of the release location. SPLP will share the results of the indoor air sampling with the Department once results are received.

On February 28, 2025, SPLP's environmental consultants performed a GPR survey along Spencer Road, as part of SPLP's efforts to locate and install product recovery wells (*see Attachment 12*).

SPLP's environmental consultants are also in the process of completing electrical resistivity imaging (ERI) (*see Attachment 13*), and near soil gas sampling throughout the Mt. Eyre neighborhood (*see Attachments 14-15*), the results of which will be shared with the Department when complete.

SPLP's environmental consultants are also performing visual assessments of any potential impacts to surface water on a daily basis.

Moreover, as the Department is aware, on February 13, 2025, SPLP submitted a Notice of Intent to Remediate to begin the Act 2 process, and which reflects that SPLP will perform cleanup efforts to achieve the statewide health standards for soils and groundwater (*see Attachments 16-18*). SPLP will continue to perform additional site characterization and environmental investigation efforts as part of the Act 2 process, including, but not limited to, installation of product recovery wells and monitoring wells, and will share the results of those investigations with the Department.

SPLP has also developed and is implementing several plans to perform investigation, response, and site characterization work, which include the following Plans and Standard Operating Procedures ("SOPs"), copies of which are attached to this Response:

- Potable Water Well Sampling and Analysis Plan (CTEH) (**Attachment 19**)
- Visual Assessment Plan (CTEH) (**Attachment 20**)
- Drilling Protocol SOP (GES) (**Attachment 21**)
- Soil Sampling in Test Pits and Trenches SOP (GES) (**Attachment 22**)
- Indoor Air Sampling & Analysis Plan (CTEH) (**Attachment 23**)
- Waste Management Plan (CTEH) (**Attachment 24**)
- Use of Passive Soil Gas for Identifying Fuel in the Subsurface (GES) (**Attachments 14-15**)
- Electrical Resistivity Imaging Workplan for Washington Crossing (RETTEW) (**Attachment 13**)

4. Estimated quantity and disposition of all recovered materials or wastes that resulted from the incident and plans for ultimate disposal.

Response: It is unclear what the Department is requesting regarding “all recovered materials or wastes” related to the pipeline release. As noted in Response No. 3 above, which is incorporated by reference, impacted soils from the immediate vicinity of the release location were excavated and transported for off-site disposal. During the investigation and excavation work activities, investigative-derived waste (“IDW”) was containerized and collected for off-site disposal. The LNAPL that has been removed from residential wells has been containerized each day, and will be taken for off-site disposal. SPLP has developed a Waste Management Plan that applies to all wastes generated during the investigation and remediation efforts (*see Attachment 24*).

5. A detailed description of response actions, and remedial actions that were taken or are intended to be implemented (date and time of implementation), and how these actions will prevent a similar occurrence in the future.

Response: *See Responses No. 1 and No. 3 above, which are incorporated by reference.* Furthermore, as the Department is aware, SPLP has submitted a Notice of Intent to Remediate under the Act 2 program that reflects SPLP will perform cleanup efforts to achieve the statewide health standards for soils and groundwater (*see Attachments 16-18*). Investigations into the cause of the pipeline release and any further evaluations of the pipeline that may be necessary will occur under the oversight and guidance of PHMSA.

6. A copy of any geotechnical, potholing, vapor monitoring, exploratory excavations, soil sampling, or other investigations done since January 1, 2023.

Response: The investigations and sampling that has been performed since 2023 are described in detail in Responses No. 1 and 3 above, which are incorporated by reference, and copies of which are attached to this Response

7. **Any and all soil, groundwater, surface water or other sample or screening data collected in the impacted area. This data should be provided from January 1, 2023.**

Response: See Responses to No. 1, 3, and 6 above, which are incorporated by reference, as well as the attachments provided with this Response.

8. **An outline of the steps Energy Transfer will take, including action items, if an actual or suspected pollution event was to happen in the future.**

Response: Investigations into the cause of the pipeline release and any further evaluations of the pipeline that may be necessary will occur under the oversight and guidance of PHMSA. Regarding SPLP's response to actual or suspected pollution events, an incident involving the Twin-Oaks to Newark pipeline is included within the Philadelphia District - Trenton Warehouse Response Zone Facility Response Plan ("FRP") (March 2023) (*see Attachment 25*),³ which is a component of SPLP's emergency preparedness and response protocols and complies with 49 C.F.R. Part 194. PHMSA reviewed and approved the FRP, and SPLP will implement the FRP for any event that occurs in the future.

Please note that nothing in this response should be construed either as an admission of any of the legal conclusions set forth by the Department in the NOV or as a waiver of any legal defenses Energy Transfer may possess.

If you have any questions or need additional information regarding this response and the attached documents, please contact me via email at matthew.gordon@energytransfer.com.

Thank you,



Matthew Gordon
Vice President of Operations
Energy Transfer

³ The FRP Contains Confidential Security Information not subject to disclosure to third parties under the provisions and procedures specified in the "The Public Utility Confidential Security Information Disclosure Protection Act" (35 P.S. §2141.1 to 2141), and the Pennsylvania Public Utility regulations implementing such Act at 52 Pa. Code §§102.1-102.4.

List of Attachments:

1. September 2023 PID Results
2. September 25, 2023, September 26, 2023, and September 28, 2023 Water Well Sampling (Laboratory Analytical Reports)
3. September 28, 2023 Post-Excavation Soil Sampling (Laboratory Analytical Reports, Summary Table of Results, and Figure of Sampling Locations)
4. January 2025 PID Results
5. January 23, 2025 AMSPEC Sampling Report; January 29, 2025 Texas Oil Tech Laboratories Sampling Report
6. Summary Table of Water Sampling (updated through 3/3/2025)
7. Lab Data Report – Post-Excavation Soil Sampling (2/10/2025)
8. Summary Table of Post-Excavation Soil Sampling (2/4/2025 and 2/11/2025) and Figure
9. Lab Data Report – Waste Characterization Sampling (2/5/2025)
10. Summary Table of Gauging and Recovery (updated through 3/3/2025)
11. Geophysical Analysis Report – Borehole Logging (2/10/2025)
12. GPR Summary (2/28/2025)
13. Electrical Resistivity Imaging Workplan for Washington Crossing (RETTEW)
14. Use of Passive Soil Gas for Identifying Fuel in the Subsurface (GES)
15. Passive Soil Gas Sampling Location Plan (GES)
16. Notice of Intent to Remediate (2/13/2025)
17. PADEP Acknowledgement of Notice of Intent to Remediate (2/19/2025)
18. Upper Makefield Township Letter to PADEP re: Notice of Intent to Remediate (2/26/2025)
19. Potable Water Well Sampling and Analysis Plan (CTEH)
20. Visual Assessment Plan (CTEH)
21. Drilling Protocol SOP (GES)
22. Soil Sampling in Test Pits and Trenches SOP (GES)
23. Indoor Air Sampling & Analysis Plan (CTEH)
24. Waste Management Plan (CTEH)
25. Philadelphia District - Trenton Warehouse Response Zone Facility Response Plan⁴

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