



Pennsylvania
Department of Environmental Protection

April 15, 2025

Mr. Gus Borkland
Energy Transfer
100 Green Street
Marcus Hook, PA 19061

Re: Letter of Deficiency for Public Involvement Plan
SPLP Pipeline Release
eFACTS PF No. 881609
eFACTS Activity No. 60986
Glenwood Drive and Walker Road
Upper Makefield Township
Bucks County

Dear Mr. Borkland:

The Department of Environmental Protection (DEP) has received and reviewed the March 21, 2025, document titled “Public Involvement Plan” for the Sunoco Pipeline, LP (SPLP) Twin Oaks–Newark 14”-diameter pipeline release response. The public involvement plan (PIP) was submitted in accordance with DEP’s March 6, 2025, administrative order. DEP received comments on the PIP from Upper Makefield Township on April 4, 2025 and from the Mt. Eyre resident task force on April 9, 2025; those comments are attached and have been incorporated here.

Upon initial review, DEP finds the submission is deficient and offers the following comments:

1. The PIP is undated. All submitted documents should be dated because they are subject to revision.
2. The PIP states that SPLP will designate a point of contact. It later says that Joseph Massaro and Brad Fish are the central points of contact. The PIP must clearly identify SPLP’s points of contact with names, titles, mailing addresses, phone numbers, and email addresses.
3. The PIP does not include a “description and schedule for public hearings and meetings” as required by DEP’s order (Section 2.d.iii.). SPLP says meetings will be scheduled “on an as needed basis,” which may have conflicting interpretations from different stakeholders. Meetings should occur around milestone events, such as the submission of reports required by DEP’s March 6, 2025 administrative order. Meetings should take place at least quarterly through 2025.

4. The PIP refers to notifications sent only to the township and published in a local newspaper. These methods are insufficient to inform the public of developments in the environmental investigation and remediation of the site. SPLP should create a distribution list for public notices. Notices should be sent by electronic mail at a minimum. Known stakeholders (property owners whose wells have been sampled and elected officials) should be included on the distribution list, and any member of the public should be able to request to join the list.
5. The PIP states that only Act 2 reports will be made available for public review and comment. As per DEP's order (Section 2.d.i. and v.), additional documents required by the order must also be provided for public review and comment. At a minimum, those documents must include all site characterization and remedial action plans and reports, all Act 2 reports and requests, and all addendums and responses to DEP decision and comment letters.
6. SPLP proposes placing documents for public review at the Bucks Pump Station. DEP recommends that documents be available in a public location not under the control of SPLP, such as a public library or the township building.
7. SPLP references the company's "Upper Makefield Response" website. Provide the website address in the PIP.
8. SPLP proposes a 30-day comment period for each report. DEP recommends a 45- to 60-day comment period for the site characterization report(s), which will encompass a large quantity of data and will require more time to review.
9. DEP also recommends a 45- to 60-day comment period for the Act 2 final report, which will be comprehensive of all work performed and inclusive of the data for demonstrating attainment of the cleanup standard. Because Act 2 provides only for a 60-day review by DEP of Statewide health standard final reports, SPLP should arrange to make the report available for public review at least 30 days before submission to DEP to permit time for public comment, responses, and DEP's review of the responses. DEP is willing to consider a modification to SPLP's implementation schedule for submittal of the final report to ensure adequate time for public comment and DEP review.
10. SPLP states that it will submit "a summary of the comments received" for each report. SPLP must provide all received comments in full (not summaries) and respond to each.
11. SPLP proposes submitting responses to the comments to DEP and the township within 15 days of the end of the comment period. This is an appropriate timeframe.
12. SPLP suggests that DEP's review period ends 60 days after submission of each report. This is only true of the Act 2 final report. DEP's order does not limit our review time for

the site characterization report, remedial action plan, and other submittals required by the March 6, 2025 order.

13. SPLP states that it “plans” to send notifications of significant disruptive activities such as road closures, large excavations, and well drilling to DEP and the township. The PIP should be revised to state that SPLP “will” send such notifications.
14. SPLP states that notifications of significant disruptive activities will be posted on SPLP’s “Upper Makefield Response” website. DEP has not found any such notifications on the website or an area of the website where they would be posted and readily found by the public. DEP recommends that such notifications also be sent to the stakeholder distribution list described in Comment 4 above.
15. SPLP held a “teletownhall” meeting on March 27, 2025. The PIP and current website only refer to “telephonic” meetings. This format is insufficient for public involvement because it does not allow for presentation of visuals and submitting written questions in the chat. SPLP should make use of a conventional presentation platform such as Zoom or Microsoft Teams for virtual meetings and hearings. At least some meetings should be conducted in person. Enough time must be allocated to respond to stakeholders’ questions.

Pursuant to DEP’s order, SPLP must respond to the above comments and submit a revised Public Involvement Plan within 14 days of the date of this letter. We are willing to work with you to develop an approvable submittal. If you have any questions or would like to meet regarding this matter, please contact me by email at cdbrown@pa.gov or by telephone at 484.250.5792.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://www.ehb.pa.gov> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,

C. David Brown, P.G.
Regional Manager
Environmental Cleanup and Brownfields

Enclosures

cc: Mr. Gordon, Energy Transfer
Upper Makefield Township
Bucks County Health Department
Mr. Fennimore, P.G., Earth Data Northeast
Mr. Langan, Esq.
Mr. Lipik, P.G.
Ms. Budnovitch
Ms. Strobridge, P.G.