



Pennsylvania
Department of Environmental Protection

April 8, 2025

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

Re: Letter of Deficiency for the Proposed Implementation Schedule
SPLP Pipeline Release
eFACTS PF No. 881609
eFACTS Activity No. 60986
Glenwood Drive & Walker Road
Upper Makefield Township
Bucks County

Dear Mr. Borkland:

The Department of Environmental Protection (DEP) has received and reviewed the March 14, 2025, document containing your proposed implementation schedule for the Sunoco Pipeline, LP (SPLP) Twin Oaks – Newark 14”-diameter pipeline release response. The implementation schedule was submitted in accordance with DEP’s March 6, 2025, administrative order.

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

1. SPLP proposes submitting the site characterization work plan by April 18, 2025. DEP accepts this deadline for submittal of the work plan.
2. SPLP proposes estimating the schedule for submittal of the interim site characterization report in the site characterization work plan.
 - a. DEP response: The implementation schedule must provide a specific date for submittal of the interim site characterization report, which should be no later than 180 days of the issuance of DEP’s administrative order, or September 2, 2025. The purpose of the interim site characterization is to define, in a substantial measure but not completely, the nature, extent, direction, rate of movement, volume, and composition of contamination in affected environmental media. The interim site characterization report should establish the information known, relevant data gaps, plans for further characterization, and the ability of the data to support development of remedial actions.
 - b. Please refer to Sections II.A.4. and II.B.3(c) and (h) of the Land Recycling Program Technical Guidance Manual for further site characterization reporting guidelines.

3. SPLP proposes to submit the remedial action plan within 90 days of completion of site characterization work and the evaluation and testing of remedial feasibility options.
 - a. DEP response: The remedial action plan must be submitted within 60 days of DEP's written approval of the interim site characterization report. This remedial action plan will account for site knowledge at the time, and it may be subject to revision as additional characterization, monitoring, and pathway investigation is performed.
4. SPLP's proposed schedule for submission of the Act 2 final report uses anticipatory language stating that "SPLP *anticipates* that it will be in a position to submit the Act 2 Final Report within 90 days after completion of the required attainment monitoring."
 - a. DEP response: Anticipatory language cannot be used. The implementation plan language must be defining with hard deadlines. An Act 2 Final Report must be submitted within 90 days of the completion of required attainment monitoring.
5. SPLP stated that you will submit progress reports to DEP every 90 days, as specified by the order. DEP acknowledges this schedule, with the first progress report submitted by June 12, 2025.

DEP requests that you correct the deficiencies and submit a revised work plan by **April 16, 2025**. 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

cc: Mr. Gordon, Energy Transfer
Ms. Stephanie Grillo, GES
Upper Makefield Township
Bucks County Health Department
Mr. Langan, Esq.
Ms. Budnovitch
Mr. Lipik, P.G.