



April 29, 2025

**Via Electronic Mail**

C. David Brown, P.G.  
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**Re: Response to Letter of Deficiency for the Public Involvement Plan  
eFACTS PF No. 881609  
eFACTS Activity No. 60986  
Twin Oaks – Newark 14”-Diameter Pipeline  
Upper Makefield Township, Bucks County**

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Dear David:

Sunoco Pipeline LP (“SPLP”) provides this response to the Letter of Deficiency that SPLP received via email on April 15, 2025 (the “Letter”) for the Public Involvement Plan that SPLP submitted to the Department on March 21, 2025, in accordance with paragraph 2.d of the Department’s March 6, 2025 Administrative Order (the “Order”).

Please note that SPLP disputes that its Public Involvement Plan (“PIP”) was deficient, as the Department suggests in the Letter, and nothing in this letter or the attached revised version of the PIP should be construed as an admission of any such deficiencies. Nevertheless, SPLP is providing a response to each of the comments provided in the Department’s Letter and a revised PIP, as follows:

**Department Comment:**

1. The PIP is undated. All submitted documents should be dated because they are subject to revision.

**SPLP Response:** Neither the Order nor 25 Pa. Code § 250.6 require that the PIP be dated. Nevertheless, the revised PIP has been updated to reflect that it was submitted on March 21, 2025, and a revision date has also been added.

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Department Comment:

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.

**SPLP Response:** The revised PIP has been updated to include the titles, phone numbers, and email addresses for Joseph Massaro and Brad Fish (please note that a dedicated email [UpperMakefieldAct2@energytransfer.com](mailto:UpperMakefieldAct2@energytransfer.com), has also been created specifically for the PIP and public comment process). SPLP’s office address where written comments may be sent has also been added to the revised PIP.

Department Comment:

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.

**SPLP Response:** 25 Pa. Code § 250.6 does not require public meetings,<sup>1</sup> and the Order does not require meetings at any specific milestones or intervals. Moreover, SPLP disagrees that the PIP did not include a description or schedule for public hearings and meetings pursuant to Section 2.d.iii of the Order. The PIP identified the then-next public meeting to provide general updates and answer resident questions, that was scheduled (and ultimately held) on March 27, 2025. SPLP hosted another public meeting to provide general updates and respond to resident questions on April 24, 2025. SPLP has scheduled the next public meeting to provide general updates and respond to resident questions, for May 29, 2025. SPLP is also willing to provide public meetings on a quarterly basis through 2025, and those meetings are proposed to be held on July 31, 2025, and October 30, 2025, as reflected in the revised PIP.

While not required by 25 Pa. Code § 250.6 or the Order, SPLP will hold public meetings to obtain public comments and input on its reports required by the Order. Those reports are the interim site characterization plan, the remedial action plan, and the Act 2 final

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<sup>1</sup> 25 Pa. Code § 250.6(c)(3) requires using “a location near the remediation site for any public hearings and meetings that may be part of the public involvement plan.” (emphasis added).

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report. Public meetings will be scheduled once the drafting of those submittals is underway.

Department Comment:

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.

**SPLP Response:** SPLP disagrees with the Department’s assertion that “notifications sent only to the township and published in a local newspaper...are insufficient” outreach to “inform the community and Township of significant project activities and the availability of documents for public review” as required by Section 2.d.iv of the Order. SPLP also notes that notification to the Township and publication in a local newspaper is consistent with the notice and review provisions established under Section 303(h) of Act 2. Nevertheless, SPLP will also develop a distribution list for providing notices through electronic communications to known interested members of the public and will supplement that distribution list by allowing others to sign up for it in person at future public meetings and through SPLP’s dedicated website.

Department Comment:

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.

**SPLP Response:** Section 2.d.v of the Order indicated that public comments must be received for “the documents defined in (a) above,” but there is no general section (a) in the Order, Section 1(a) deals with providing bottled water, and Section 2(a) establishes the requirement to remediate the “Pipeline Release in accordance with the remediation standards of Act 2 and the requirements of this Order.” Notwithstanding the ambiguity in the Order, SPLP will post drafts of, and accept public comments on, “all site characterization and remedial action plans and reports, all Act 2 reports and requests, and

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all addendums and responses to DEP decision and comment letters” to its dedicated website <https://uppermakefield.incidentupdates.com>.

Department Comment:

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.

**SPLP Response:** In accordance with the Department’s comment, SPLP will provide hard copies of the documents to be placed in a dedicated area at the Upper Makefield Township Building, in coordination with the Township, instead of providing them at the Bucks Pump Station.

Department Comment:

7. SPLP references the company’s “Upper Makefield Response” website. Provide the website address in the PIP.

**SPLP Response:** SPLP’s dedicated website for this response effort is <https://uppermakefield.incidentupdates.com>. The website address has been added in the updated PIP.

Department Comment:

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.

**SPLP Response:** SPLP is committed to expediting its continued investigation and remediation efforts in Upper Makefield and extended review and comment periods impede those efforts. Nevertheless, SPLP is amenable to accommodating the Department’s request and will provide a 45-day public comment period for the site characterization report(s). SPLP has noted the extended time frame in the updated PIP.

Department Comment:

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

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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.

**SPLP Response:** Again, SPLP is committed to expediting its continued investigation and remediation efforts in Upper Makefield and pre-submittal or extended review and comment periods impede those efforts. Nevertheless, SPLP is amenable to accommodating the Department’s request and will provide a 45-day public comment period and 75-day PADEP review period for the Act 2 final report. SPLP has noted the extended time frame in the updated PIP.

Department Comment:

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.

**SPLP Response:** As noted in the revised PIP, SPLP will prepare and provide a comment-response document that lists each comment received and SPLP’s responses to each comment, which will be submitted to the Department and Upper Makefield Township, which will also be posted on SPLP’s dedicated website.

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.

**SPLP Response:** SPLP acknowledges the Department’s comment and is committed to providing the comment-response document within 15 days of the close of the public comment period.

Department Comment:

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.

**SPLP Response:** SPLP acknowledges the Department’s comment and understands that the Department is also committed to expediting SPLP’s investigation and remediation efforts in Upper Makefield. SPLP’s therefore believes that a 60 to 75-day period for the

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Department’s review after submission of each Act 2 report is appropriate and will allow for the continued expedited remediation process to continue.

Department Comment:

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.

**SPLP Response:** SPLP acknowledges this comment and has updated the PIP to reflect that SPLP will provide notice electronically to its distribution list a minimum of one week in advance of any anticipated road closures, large excavations, or well drilling activities, and will post a corresponding notice on SPLP’s dedicated website.

Department Comment:

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.

**SPLP Response:** To date, there has been only one event that has occurred in the Mt. Eyre Manor neighborhood that included road closures, excavation, or well drilling, which was the installation of the recovery well at a property on Spencer Road, which occurred from March 18 to March 20, 2025. SPLP referenced that upcoming activity on its website on March 3, 2025,<sup>2</sup> a letter about those activities was also posted to the Township website on March 10, 2025,<sup>3</sup> and SPLP made door-to-door notifications to residents in the Mt. Eyre Manor neighborhood on March 11 and 12, 2025. For future events that will involve anticipated road closures, large excavations, or well drilling activities, SPLP will provide at least one-week advanced electronic notice to its distribution list and will post a corresponding notice on its dedicated website as reflected in the updated PIP.

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<sup>2</sup> <https://uppermakefield.incidentupdates.com/press-releases.html>

<sup>3</sup> [https://uppermakefield.org/wp-content/uploads/2025/03/3-10-25Letter-for-Residents-Packer-Testing\\_Recovery-Wells\\_3.10.25\\_FINAL-003.pdf](https://uppermakefield.org/wp-content/uploads/2025/03/3-10-25Letter-for-Residents-Packer-Testing_Recovery-Wells_3.10.25_FINAL-003.pdf)

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Department Comment:

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.

**SPLP Response:** SPLP fundamentally disagrees that a telephonic meeting is an “insufficient” format for public involvement. SPLP also notes that these meetings are only one aspect of the public involvement contemplated in the PIP. Specifically, the PIP affords opportunities for public involvement through the review of documents and submittal of written comments in addition to the public meetings that will occur. However, SPLP is willing to utilize Zoom or another platform that allows for the presentation of visuals and a chat function for future public meetings. Despite the pending litigation that has been filed, including both a class action and individual lawsuits, and that directly impacts the ability for SPLP to provide an open-ended forum for questions and comments from the public, SPLP will use in-person meetings to obtain public comments and input on its draft reports required by the Order (i.e., the interim site characterization plan, the remedial action plan, and the Act 2 final report) prior to their submittal to the Department.

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The Department offered to meet and confer with SPLP regarding these alleged deficiencies. SPLP appreciates that offer and would like to schedule a meeting with the Department to further discuss these matters.

Thank you,



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Gus Borkland  
Sr. Director- Environmental Compliance and Asset Security  
Energy Transfer