



September 2, 2026

Via Electronic Mail

Gregg Schuster
Township Manager
Upper Makefield Township
1076 Eagle Road
Newtown PA 8940
GSchuster@uppermakefield.org

**Re: Multi-Phase Extraction Pilot Test
Upper Makefield Township, Bucks County**

Gregg:

This letter responds to both your August 28, 2026 email correspondence, and also serves as a follow-up to the meeting held on August 27, 2026 between representatives of Sunoco Pipeline LP (“SPLP”) and Upper Makefield Township,¹ regarding coordination and potential permitting for SPLP’s proposed Multi-Phase Extraction (“MPE”) Pilot Test. In scheduling and holding the August 27th meeting, the Township raised, for the first time, issues regarding potential zoning approvals for the MPE Pilot Test. This letter also responds to the Township’s request to SPLP to fund a public water system for the Mt. Eyre Manor neighborhood.

Given the belated nature of the Township raising the zoning issue for the first time after a two-month process of engagement with SPLP, and the Township’s request that SPLP fund a public water system, it is necessary for SPLP to provide a detailed chronology of its discussions with the Township regarding the MPE Pilot Test, as follows:

- **May 29, 2026** – First meeting held between Neil Ketchum (Verdantas, SPLP Environmental Consultant), Brad Fish (SPLP), and Dave Fennimore (Earth Data Northeast, Township’s Environmental Consultant) to discuss and review MPE as the selected remedial option, and to discuss a MPE Pilot Test concept plan. David Fennimore agreed that MPE was the appropriate remedial method given the site-specific conditions, and SPLP therefore moved forward with finalizing the selection of MPE and related analyses to prepare and submit the Remedial Action Plan to PADEP.
- **June 4, 2026** – Second SPLP and Township meeting regarding MPE as the selected remedial option, and deployment of MPE Pilot Test. A detailed discussion was held regarding the MPE Pilot Test and related logistical considerations, as documented in

¹ A PADEP representative also attended the August 27, 2026 meeting.

contemporaneous meeting minutes that have been provided to the Township. Drawings of the MPE Pilot Test system, related equipment, plumbing, and electrical connections were shared with the Township. The Township noted the primary issues of concern were the length of time the MPE Pilot Test would take place, the electrical generator, driveway access, and mitigating landowner inconvenience. Among other things, the participants discussed that the MPE Pilot Test will last approximately 30 days, after which all equipment will be removed, the results of the test will be analyzed, and if successful, the results will be used for fully-designed longer-term MPE remediation system that will be implemented at a separate and future stage of remediation.

- Significantly, the Township ***did not raise any zoning concerns*** (despite the Zoning Officer, Denise Burmester attending) during this meeting, but rather focused exclusively on whether the activity would fall within the scope of the existing License Agreement between the Township and SPLP.
- **June 18, 2026** – Third SPLP and Township meeting regarding MPE Pilot Test, with detailed discussion regarding the logistical considerations and potential Township approvals that would be necessary for the MPE Pilot Test, as documented in contemporaneous meeting minutes that have been provided to the Township. Drawings of the MPE Pilot Test system, related equipment, plumbing, and electrical connections were shared with the Township. The participants engaged in significant discussion regarding the logistical considerations for the MPE Pilot Test, including that: the MPE Pilot Test will last approximately 30 days; the test must occur in the late-summer/early-fall, when the water table is the lowest, but before ground freeze; that a longer-term final MPE remediation system would be designed based on the results of the MPE Pilot Test; and what approvals SPLP might need to obtain to deploy the MPE Pilot Test.
 - Significantly, the Township ***did not raise any zoning concerns*** (despite the Zoning Officer attending) during this meeting, and confirmed ***that the only approval needed for the MPE Pilot Test was a Road Occupancy Permit***.
 - Indeed, SPLP specifically asked the Township if there was any other permit or approval that would be necessary for the temporary, approximately 30-day MPE Pilot Test. The Township did not identify anything other than the Road Occupancy Permit, and a potential permit for the generator and plumbing connections.
- **June 19, 2026** – Remedial Action Plan (“RAP”) submitted to PADEP, selecting MPE as the remedial option, and noting a pilot test would occur late-summer/early fall 2026.
- **June 24, 2026** – Township Public Water Survey by Probolsky Research Commences.

- **July 6, 2026** – Conference call between Diana Silva, Esq. (SPLP outside counsel) and Will Oettinger, Esq. (Township Solicitor), to discuss MPE Pilot Test, potential amendment to License Agreement, concerns from Township regarding noise mitigation and electrical connection; zoning issues are not raised; amendment to License Agreement deemed not necessary given the temporary nature of the MPE Pilot Test.
- **July 8, 2026** – Public Hearing on RAP. Drawings of the MPE Pilot Test system, related equipment, plumbing, and electrical connections were shared with the public at the meeting. Gregg Schuster presented Township’s statements, as reflected on transcript, and raised Township’s concern that the RAP does not consider public water supply for the Mt. Eyre Manor neighborhood. Township Supervisor Ben Weldon also presented a statement, also advocating for a public water connection.
 - Significantly, the Township ***did not raise any zoning concerns*** during the public hearing on the RAP, or in their written public comments submitted over a month later on August 17, 2026 (*see below*).
- **July 13, 2026** – Email from Gregg Schuster to SPLP RE: RAP Work Plans; noting that the Township’s approvals will require an agreement, that SPLP should be aware of Township Board of Supervisors meeting dates, and to “not expect a quick turnaround.”
 - Despite warning of potential delays in reviewing materials, the Township ***did not raise any zoning concerns*** for the MPE Pilot Test.
- **July 18, 2026** – Township Public Water Survey by Probolsky Research Completed.
- **July 21, 2026** – Email from Diana Silva, Esq. (SPLP outside counsel) and Will Oettinger, Esq. (Township Solicitor), as follow-up from 7/6/26 conference call, providing minutes from 6/4/26 and 6/18/26 meetings, summarizing temporary nature of MPE Pilot Test, SPLP’s engagement of acoustical engineering firm, and assessment of electrical connection.
- **July 22, 2026** - Township requests extension of public comment period on RAP.
- **July 27, 2026** – PADEP email communicating Township request for 2-week extension of public comment period on RAP.
- **July 28, 2026** – SPLP responds to PADEP, agreeing to 2-week extension of public comment period on RAP.

- **July 30, 2026** – PADEP confirms public comment period on RAP extended to 9/17/26 extended and public-comment response document due by 9/4/26.
- **July 30, 2026** – SPLP submits MPE Pilot Test design to Township.
- **July 31, 2026** – Fourth SPLP and Township Meeting to review MPE Pilot Test design; attended by Brad Fish, Neil Ketchum, David Fennimore, and Amanda Fuller (UMT Engineer); Gregg Schuster did not attend as he was on vacation and Denise Burmester (UMT Zoning Officer) cancelled her attendance.
- **August 16, 2026** – SPLP submits Road Occupancy Permit Package to Township.
- **August 17, 2026** – extended public comment period for RAP concludes. Township submits written comments asserting (incorrectly) that SPLP excluded 10 of 16 cleanup methods because the neighborhood is served by private wells, that 60% of remediation technologies were screened out because of private wells, and that according to the Township’s survey, residents have a preference for public water. The Township’s comments also reflect that the Township received the “Pilot Test Work Plan” on 8/16/26 (referring to the Road Occupancy Permit Package), and that the Township would review for consistency with Township ordinances and requirements before issuing permits or approvals.
 - As SPLP will state in the Public Comment-Response document that will be submitted to the PADEP this Friday, September 4th, the Township’s assertions are inaccurate. As noted in Section 4.0 of the RAP (see pg. 15) and Table 4-1, SPLP used four different considerations in its initial screening of potential remediation methods, only one of which was complexities with groundwater usage (e.g., potential adverse effects on water supply quality or quantity). Moreover, no potential remediation methods failed that screening process solely on the basis of complexities with local groundwater usage, as reflected in Table 4-1. SPLP also notes that its NIR indicated that it will be pursuing statewide health standards under Act 2. The installation of a public water supply for the Mt. Eyre Manor neighborhood would constitute pathway elimination, which would allow contamination to remain in groundwater at higher concentrations than the statewide health standards, nor is a public water connection required for demonstrating attainment of the statewide health standards.

- **August 25, 2026** – Email from Gregg Schuster to SPLP, raising alleged potential zoning concerns with the MPE Pilot Test for the first time, claiming the proposed uses are not permitted in the planned location, that at least one use requires a special exception, and that the next Zoning Hearing Board meeting was September 22, 2026. The Township also noted that “[e]ven if the ZHB grants you the relief you seek, we will not grant permission unless we are satisfied that the operation is conducted in a manner that is safe, legal, and with clear benefits.”
- **August 27, 2026** – Fifth SPLP and Township meeting on MPE Pilot Test, during which Township first discusses public water issue, and then MPE Pilot Test, raising specific potential zoning issues as reflected in contemporaneous meeting minutes that have been provided to the Township. On public water, Township notes that Congressman Fitzpatrick requested over \$9 million in federal appropriations for FY 2027 for public water issues in the Township, and that SPLP should fund the balance of the public water costs. Township demands SPLP respond within next two weeks, that Township wants to “get going” on the public water issue, and that it has concerns with the MPE Pilot Test and whether it is feasible. Township states that the Zoning Officer will provide the Township’s analysis of zoning issues in writing, but that the initial evaluation was that pumping of water from wells, filtering, and storing water and product is a F1 – utility operating facility, which would need a special exception from the Zoning Hearing Board, and H6 – outside storage, which would need a variance.
 - This was the first time, in over two-months of engagement with the Township, over five in-person meetings, that a specific zoning issue was raised regarding the MPE Pilot Test.
- **August 28, 2026** – Email from Gregg Schuster to SPLP, again raising the public water system, noting the Township Zoning Officer was still reviewing the MPE Pilot Test work plan, and would provide written position on the zoning issues, and suggesting that SPLP submit a Zoning Hearing Board application, which could “always be withdrawn,” and requesting a response.
- **September 1, 2026** – Email from Gregg Schuster, requesting response to 8/28/26 email, that Township Building Inspector had reviewed MPE Pilot Test plan, and stating for the first time SPLP needed to obtain 3 additional permits: (1) Mechanical Permit; (2) Electrical Permit; and (3) Plumbing Permit.

As the detailed chronology above reflects, during SPLP's two months of active engagement with the Township regarding the MPE Pilot Test, SPLP has consistently expressed three crucial points:

- (1) The MPE Pilot Test is a ***temporary activity***, lasting a maximum of 30-45 days.
- (2) If the MPE Pilot Test demonstrates that MPE is an effective remedial approach, a final and longer-term ***MPE system will be fully designed, based on the results of the MPE Pilot Test***. Put plainly, if SPLP cannot perform the MPE Pilot Test, SPLP cannot properly select, design, or implement a final remedy.
- (3) The MPE Pilot Test ***must occur in September-October***, when the water table is naturally low, and before the freezing weather sets in. If the MPE Pilot Test does not take place in September-October, progress in selecting, designing, and implementing a final remedy ***will be delayed for up to a year***.

Despite SPLP's clear, unequivocal, and repeated communications, the Township has now raised alleged zoning issues for the first time on the eve of SPLP's anticipated schedule to begin the MPE Pilot Test. The Township is now requesting that SPLP obtain three other permits in addition to the Road Occupancy Permit, which were never identified during any of the prior meetings between SPLP and the Township over the last two months. Nevertheless, SPLP is preparing those three permit applications – (1) Mechanical Permit, (2) Electrical Permit, and (3) Plumbing Permit – and submitting them to the Township as expeditiously as possible. The Township appears to be putting up roadblocks to prevent SPLP from moving forward with the MPE Pilot Test, despite acting like the Township was working cooperatively to move the remediation process forward during the past two months.

It also appears that the Township may now be walking back its prior endorsement of MPE as the preferred remedial method, despite the Township's selected environmental consultant agreeing that MPE was the appropriate remedial option given site-specific circumstances. It is also important to note that while the Township's public comments on the RAP suggest that installation of public water could open up a broader range of remedial options, that is not accurate. Even if it were, the Township has already acknowledged that if the Township were to pursue a public water system for the Mt. Eyre Manor Neighborhood, the time period for completing the connection to public water is more than 2 years. Waiting until a public water connection occurs for SPLP to complete further remediation in the neighborhood would be directly contrary to the fundamental goal of addressing and remediating the contamination in as expeditious a manner as is technically and scientifically possible.

While SPLP awaits the Township's formal position regarding potential zoning considerations, given the issues raised during the August 27th meeting, and the Township's August 28th email, SPLP formally responds to state its position that the Township's initial interpretation of the Zoning Code is incorrect, for the following reasons:

- The MPE Pilot Test is a temporary activity with temporary structures, and therefore a permitted use under the Zoning Code. *See* § 802.B of the Zoning Code. As noted above and described to the Township since May, the MPE Pilot Test will last a maximum of 30-45 days. Sections 802.B and Section 803.H-7 of the Zoning Code provide the only reasonably applicable provisions in the Zoning Code for temporary remediation activities. Section 803.H-7 provides for temporary structures “during construction or other special circumstances of a non-recurring nature.” SPLP’s remediation efforts, specifically the MPE Pilot testing timed with the season water table levels, are special circumstances of a non-recurring nature. SPLP acknowledges the Township’s concern with the potential length of the potential inconvenience to neighbors from the MPE Pilot testing. Although Section 803.H-7.1 provides a six-month time limit on the initial permit for a temporary structure, SPLP would accept a shorter time period as a condition of the Road Occupancy Permit given the limited amount of time (i.e. 30-45 days) that is needed for the MPE Pilot Test.
- SPLP notes that it is peculiar for the Township to raise the zoning question at this time, and to attempt to regulate temporary remediation or construction activities through zoning. The Township did not require a zoning permit or otherwise attempt to apply the Zoning Code to the drilling of wells for remediation efforts within the rights-of-way of Walker Road and Glenwood Drive. Those remediation efforts within street rights-of-way were permitted and regulated solely through the Township’s Road Occupancy Permit, the License Agreement, and the Township’s Well Permit. As you know, SPLP submitted a Road Occupancy Permit application for the MPE Pilot Test equipment, following the already established permitting protocols established in the License Agreement between SPLP and the Township.
- The MPE Pilot Test is not a “utility operating facility” as that activity is defined in the Zoning Code, which is permitted by special exception in the CM District and CR-1 District. This use category regulates large-scale, permanent infrastructure improvements (e.g. transformer station, substation, sewage treatment plant, etc.) that are factually dissimilar to the MPE Pilot Test equipment. More importantly, SPLP does not meet the key legal requirement of a “utility operating facility.” The term “Utility Operating Facility” is not defined in the Zoning Code. However, the term “Public Utility Operating Facility” is defined in the Zoning Code, as follows: “Any building or structure or extension thereof used, or to be used, by a public utility, corporation, or authority for public utility purposes.” [Emphasis added]. The term “public utility” is not defined in the Zoning Code, but the

term “Utilities” is defined, and includes the following: “Those services customarily rendered by public utility corporations, municipalities, or municipal authorities,” Obviously, SPLP is not a municipality nor is it a municipal authority.

- While SPLP is a certificated public utility in Pennsylvania, some of its pipeline assets are not public utility assets subject to certificates of public convenience or tariffs issued by the Pennsylvania Public Utility Commission (“PUC”). For example, SPLP has never operated public utility assets in Bucks County, as the segment of the Twin Oaks-Newark 14” Pipeline was only used to support interstate pipeline deliveries into New Jersey, which is not governed by SPLP’s PUC certificate of public convenience; rather, the Pipeline is governed by the Federal Energy Regulatory Commission.
 - Even if the pipeline was a public utility, which it is not, then the common law exemptions to local zoning applies, and SPLP’s MPE Pilot Test would be exempt from the Township’s zoning restrictions.
 - More fundamentally, if merely pumping water from wells, filtering that water and product, and temporarily storing the water/product constitutes a “utility operating facility,” as the Township suggested during the August 27th meeting, then the periodic pumping, gauging, and bailing that SPLP has been performing in the neighborhood, multiple days per week over the last 18 months would also constitute a “utility operating facility.” But the Township has never suggested SPLP’s remediation activity needed to obtain zoning approvals.

SPLP cannot be declared a public utility by the Township and cannot be shoe-horned into the Zoning Code’s use category that is limited to public utilities.

For all other Road Occupancy Permits that SPLP has submitted to install monitoring and recovery wells in the neighborhood, the Township has reviewed and responded promptly, typically requesting no more than two weeks to review and issue the permit. SPLP fundamentally does not understand the Township’s apparent hesitancy to issue the Road Occupancy Permit for the MPE Pilot Test at this late hour, particularly when the Township issued several prior Road Occupancy Permits that involved drilling rigs and equipment that also generated sound, involved pumping, storing, and hauling of water and petroleum product, and required temporary road closures in the neighborhood – all to achieve the ultimate objective of completing the investigation, characterization, and remediation of the contamination in a prompt and efficient manner.

Given the proximity in timing of the Township raising the public water issue, and recent significant emphasis that the Township has placed on public water, it certainly gives the impression – perhaps unintentionally so – that the Township is connecting the public water funding request with the MPE Pilot Test and the approval of a Road Occupancy Permit. But as the Township is

aware, conditioning the approval of a standard permit and ministerial action on something beyond the limited scope of that permit is improper, an abuse of discretion, and inappropriate.

As to the Township's request that SPLP fund a public water system, SPLP previously expressed its position on public water for the Mt. Eyre Manor neighborhood in its September 11, 2025 letter to the Township. As the impacts to groundwater from the pipeline release are limited to only a handful of properties located in a discrete area in immediate proximity to the release location, and where point of entry treatment ("POET") systems have already been installed for those properties, as well as hundreds of other properties in the neighborhood (despite there being no impacts to those properties) – public water is not warranted. SPLP's position has not changed. Likewise, the Township's survey (flawed as it may be), is not scientific evidence that a public water system is warranted.

In conclusion, SPLP requests the Township evaluate the information that SPLP has provided over the last two months, as well as the additional details and considerations provided in this correspondence, confirm that no zoning approvals are needed, and promptly issue the Road Occupancy Permit, and any other necessary permits, so that SPLP can commence the MPE Pilot Test in mid-September. If the Township does not approve the Road Occupancy Permit, and the other necessary permits or approvals expeditiously, SPLP will be unable to commence the MPE Pilot Test next month. As a result, the Township will have caused up to a full year of delay in the remedial process.

Thank you,

A handwritten signature in blue ink, appearing to read 'Matthew Gordon', with a horizontal line underneath.

Matthew Gordon
Vice President of Operations
Energy Transfer

cc: David Brown, PADEP