



September 11, 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 Cancellation
Upper Makefield Township, Bucks County**

Gregg:

We understand that yesterday afternoon the Township solicitor informed Sunoco Pipeline LP's ("SPLP's") counsel that the Township is still insisting that SPLP (a) submit a zoning permit application and appear before the Zoning Hearing Board, and (b) obtain a series of other Township permits in connection with SPLP's proposed Multi-Phase Extraction ("MPE") Pilot Test. Because obtaining the zoning and other permits will delay the initiation of the MPE Pilot Test beyond the September and October time window when pilot testing is feasible (i.e., when the water table is low and before the freezing weather season begins), the purpose of this letter is to inform the Township that SPLP no longer plans to implement the MPE Pilot Test this fall. Accordingly, please accept this letter as a withdrawal of the Road Occupancy Permit Application that SPLP filed on August 16, 2026.

SPLP is disappointed in the Township's decision to block MPE pilot testing at the eleventh hour and after months of discussions. As outlined in my September 2nd letter to you, SPLP and the Township engaged in a series of discussions about the MPE Pilot Test which began back in May, and the Township did not assert that a zoning permit would be required until August 25th and first asserted that mechanical, electrical, and plumbing permits would be required on September 1st. As I explained in my September 9th letter, Section 902(a) of Act 2 specifically states that local approvals are not required in connection with Act 2 remedial activities at a site.¹ Despite SPLP confirming with PADEP the applicability of Section 902(a) to the proposed remedial activities, we understand that the Township's solicitor indicated yesterday that the Township is refusing to recognize this explicit statutory preemption and has effectively blocked SPLP's ability to implement the MPE Pilot Test this fall.

The Township's decision to block the MPE Pilot Test eliminates SPLP's ability to accelerate its remediation of the release from the pipeline. As the Township is aware from our

¹ "A State or local permit or permit revision shall not be required for remediation activities undertaken entirely on the site if they are undertaken pursuant to the requirement of [Act 2]." 35 P.S. § 6026.902(a).

prior discussions and submittals, the purpose of the proposed MPE Pilot Testing was to evaluate whether MPE would be an effective remedial approach for the site and to gather additional characterization data that would allow for the design of an MPE system. As the Township also knows, MPE Pilot Testing would have the added benefit of accelerating the recovery of light non-aqueous phase liquid (“LNAPL”) and dissolved phase petroleum constituents from the site during that testing.² Accordingly, that accelerated recovery would have shortened the duration of remedial activities at the site.

In conclusion, SPLP echoes its disappointment with the Township’s course of action and its decision to block the proposed 30-day MPE Pilot Test this fall. SPLP will re-evaluate whether MPE pilot testing is warranted in the fall of 2027 when the water table again drops. In the meantime, SPLP will continue its ongoing site characterization activities and will also continue recovering LNAPL with active and passive methods (i.e., bailing, skimming, and pumping). Despite the Township’s decision to block the proposed MPE Pilot Test, please note that SPLP remains in full compliance with the Act 2 regulations and the Order.

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

² In fact, the Township’s own technical consultant agreed that MPE pilot testing was appropriate and should be conducted this fall.