

Upper Makefield *Township*

Bucks County, Pennsylvania

RESOLUTION NO. 2025-02-13-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER MAKEFIELD TOWNSHIP, BUCKS COUNTY, FORMALLY ARTICULATING SERIOUS CONCERNS REGARDING THE RESPONSE BY ENERGY TRANSFER TO THE FUEL PIPELINE LEAK IN UPPER MAKEFIELD TOWNSHIP AND INSISTING UPON ADDITIONAL ACTIONS AND REMEDIATION EFFORTS WHICH PRIORITIZE THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS.

WHEREAS, the Constitution of the Commonwealth of Pennsylvania, Article I § 27, declares the people have a right to clean air, pure water and a healthy environment, among other things; and

WHEREAS, the Upper Makefield Township Board of Supervisors (the “Board of Supervisors”), the governing body of Upper Makefield Township, is charged with preserving the environmental resources of Upper Makefield Township, acting in the best interest of the health, safety, and welfare of residents of Upper Makefield Township, and acting as a protector of the water supply and environmental resources of Upper Makefield Township; and

WHEREAS, Energy Transfer, the parent company of Sunoco, (“Energy Transfer”) operates a circa 1956 pipeline which carries various types of fuels on an interstate route through a portion of Upper Makefield Township (the “Pipeline”); and

WHEREAS, in the evening hours of Friday, January 31, 2025, Energy Transfer notified the Bucks County Emergency Management Agency and the National Response Center that they discovered a leak in the portion of the Pipeline that runs through the Mount Eyre Manor neighborhood (“Mount Eyre Manor”) of Upper Makefield Township; and

WHEREAS, on February 2, 2025, Energy Transfer restored the Pipeline to service, but did not notify Upper Makefield Township or provide details regarding the length of time and amount of fuel released, did not complete an adequate investigation of the environmental impact of the hazardous fuel leak, and did not confirm that the remainder of the Pipeline is safe to operate; and

WHEREAS, in ensuing meetings held by the Board of Supervisors on February 4, 2025, and by Energy Transfer, the Pennsylvania Department of Environmental Protection (“DEP”), and the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) on February 6, 2025, it has become abundantly clear to the Board of Supervisors that the residents’ and Upper Makefield Township officials’ questions, comments, concerns, and needs are not being adequately addressed; and

WHEREAS, to date, Energy Transfer, DEP, and residents of Mount Eyre Manor have made the Board of Supervisors aware of several water wells which are polluted with dangerous levels of fuel products from the Pipeline; and

WHEREAS, to date, Energy Transfer has not instilled confidence in the Board of Supervisors and residents of Mount Eyre Manor that the tests being performed on water wells are adequate to determine the presence of fuel products and other hazardous substances; and

WHEREAS, since the Pipeline leak was reported in the Mount Eyre Manor, other Upper Makefield Township residents outside of Mount Eyre Manor have reported unexplained odors similar to gasoline; and

WHEREAS, on February 6, 2025, officials from PHMSA stated to the Board of Supervisors and Township residents that they had no confidence in Energy Transfer's ability to identify leaks in the Pipeline given the abundance of concerning information disclosed by residents; and

WHEREAS, on February 7, 2025, the Board of Supervisors received notice from Energy Transfer that in lieu of shutting down the Pipeline, pressure was reduced by 20% which the Board of Supervisors does not find to be adequate to protect the health, safety, and welfare of Upper Makefield Township; and

WHEREAS, the Board of Supervisors demands immediate action to shut down the Pipeline; to provide residents with clean, potable water in their homes for all needs; to complete remediation of all environmental impacts in the soil and groundwater; and to formulate and implement a long-term solution that will make all impacted residents whole.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Upper Makefield Township that the Board has grave concerns with the response to the Pipeline leak by Energy Transfer and PHMSA, and has the following demands for immediate action on behalf of the residents of Upper Makefield Township:

1. Energy Transfer and PHMSA shall immediately coordinate to shut down operation of the Pipeline until there is conclusive evidence that no other areas of the Pipeline are leaking, including all previous repair sites throughout Upper Makefield Township. The Pipeline shall not be restarted without prior notification to Upper Makefield Township and all impacted residents.
2. Energy Transfer shall coordinate with Upper Makefield Township to develop a system to allow the Township residents to conduct independent tap water and well water testing at Energy Transfer's sole expense. All water tests performed by Energy Transfer or its independent consultants shall be provided to Upper Makefield Township for independent review.
3. Energy Transfer shall conduct regular re-testing of tap water and well water, including those upon which filtration equipment has been installed, to ensure that the drinking water supply continues to be safe for residents' use.

4. Energy Transfer has made a public commitment to have people on the ground to make contact with residents who may be impacted by the Pipeline leak. Upper Makefield Township formally requests a log which includes the name, address, date, and time of each resident interaction to ensure compliance with that commitment.
5. Energy Transfer shall, by whatever means necessary, immediately provide all impacted residents with clean potable water for drinking, bathing, cooking, and all other needs until it can be confirmed by the appropriate authorities that the investigation is complete, and all residents have access to a permanent clean water supply.
6. Energy Transfer, PHMSA, DEP, and the Pennsylvania Department of Health shall commit to regularly scheduled public meetings in which the Board of Supervisors and residents of Upper Makefield Township may receive updates on the remediation efforts and get pertinent questions answered.
7. Energy Transfer shall reimburse Upper Makefield Township for any and all costs expended to assist residents, review test results, and to respond to the Pipeline leak.
8. Energy Transfer shall conduct a detailed investigation of the condition of the Pipeline and shall implement any recommendations of PHMSA with regard to available technology which can improve the safe operation of the Pipeline in order to ensure an incident such as this one does not occur again.
9. Energy Transfer shall make a public commitment to work with the Board of Supervisors, PHMSA, DEP, and residents of Upper Makefield Township to develop a long-term remediation plan that ensures clean soil and water in all impacted areas, that ensures a reliable and safe water supply for impacted residents, and that makes all impacted residents financially whole.

For the reasons set forth above, the Upper Makefield Township Board of Supervisors insists that Energy Transfer, PHMSA, and all other stakeholders take the immediate actions that are required to ensure the health, safety, and welfare of residents of Mount Eyre Manor, and all residents of Upper Makefield Township.

SO RESOLVED by the Board of Supervisors of Upper Makefield Township this 13th day of the month of February, 2025.

UPPER MAKEFIELD TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Judy Caporiccio
Judy Caporiccio,
Assistant Township Manager

BY: *Yvette E. Taylor*
Yvette E. Taylor, Chair

BY: *Ben Weldon*
Ben Weldon, Vice Chair

BY: *J. Brian Taylor*
J. Brian Taylor, Treasurer

BY: *Thomas F. Cino*
Thomas F. Cino, Member

BY: *Tim Thomas*
Tim Thomas, Member