

# [***Energy Transfer Affiliates Plead No Contest To Spill Charges***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6642-K461-JBWC-W1DY-00000-00&context=1516831)

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**Section:** COMPLIANCE, CONSTRUCTION, CONSUMER PROTECTION, ENERGY, ENVIRONMENTAL

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**Highlight:** Affiliates of Energy Transfer LP have pleaded no contest and were convicted of Clean Streams Law violations in two criminal cases related to their construction of two major pipelines in Pennsylvania, state Attorney General Josh Shapiro announced on Friday.

**Body**

Affiliates of Energy Transfer LP have pleaded no contest and were convicted of Clean Streams Law violations in two criminal cases related to their construction of two major pipelines in Pennsylvania, state Attorney General Josh Shapiro announced on Friday.

Sunoco Pipeline LP pleaded no contest to 14 such counts for spills of drilling fluid that prosecutors say went unreported to state regulators during the construction of the Mariner East 2 pipeline. ETC Northeast Pipeline LLC pleaded no contest to nine counts of failing to control erosion along its Revolution Pipeline, culminating in a September 2018 landslide and pipeline rupture that caused a fiery explosion in Beaver County, Pennsylvania.

As a part of its plea agreement, Energy Transfer will pay $10 million toward projects that improve the health of water sources along the pipelines' routes, pay for independent evaluations of potential water quality impacts for homeowners in the area of the Mariner East 2 pipeline, and offer solutions for restoring the private water supplies that were impacted, Shapiro said.

In October 2021, an investigating grand jury in Pennsylvania returned 48 criminal charges against Energy Transfer LP, finding that fluids allegedly escaped and contaminated waterways and wells during the horizontal-drilling process used for much of the pipeline's construction across the southern portion of Pennsylvania - spills that went unreported to the state Department of Environmental Protection.

The grand jury recommended that Energy Transfer be charged under the Clean Streams Law with 22 counts of prohibited discharges of industrial waste, 22 counts of prohibited other pollutants, two misdemeanor counts of unlawful conduct and one felony count of unlawful conduct.

The pipeline had been under construction since 2017, crossing from the Marcellus Shale gas wells in the southwest corner of the state to refining and shipping facilities in Marcus Hook, at the southeast edge, the grand jury noted.

Most of it followed the path of the existing Mariner East pipeline, and portions were constructed with horizontal drilling, which uses a mix of pressurized water, chemicals and bentonite clay inside the drilling shaft for lubrication, stability and removal of cut rock and dirt, the grand jury report said. But the fluid can escape the drilling shaft through cracks in the rock, and when it does, DEP regulations and the permits the department issues for construction require those leaks to be reported. Sunoco allegedly told regulators such leaks were rare and should not be a problem.

The grand jury said it reviewed evidence related to spills at 21 sites along the pipeline's 17-county route and found indications that while the company did report some incidents, far more went unreported. For example, contractors reported to Sunoco that they had lost fluid 22 times while drilling a portion of the route beneath Raystown Lake in Huntingdon County, but Sunoco passed along only two of those reports to the DEP, according to court documents.

In February, ETC Northeast Pipeline LLC, which built the 43-mile-lomg, 24-inch-wide gas pipeline across four southwest Pennsylvania counties, was hit with nine charges of violations of the Clean Streams Law for failure to use proper erosion control measures during construction of the Revolution Pipeline.

Those violations increased runoff into local streams and contributed to landslides - including one that broke the underlying pipeline on Sept. 10, 2018, and caused a major fire, according to the grand jury presentment and criminal complaint the Pennsylvania attorney general released.

The predawn explosion and fire in Center Township, Pennsylvania, destroyed a house, a barn, multiple vehicles, 2 acres of trees and six high-voltage power line towers, but no one was killed, the presentment said.

A month after the explosion, the state Department of Environmental Protection denied permission for ETC to do any work other than repairing and stabilizing the pipeline right-of-way - a halt that eventually expanded to other pipeline projects around the state. The agency then hit the company with a $30.6 million fine for the erosion-control failures before allowing it to resume its work.

"We have a constitutional right in Pennsylvania to clean air and pure water," Shapiro said in a release on Friday. "It's a right that was enshrined in our state constitution at a time when the people of Pennsylvania learned a tough lesson first-hand - the health of our children, and our economic future, depended on protecting our ***environment*** from reckless profit and unchecked corporate interests."

A spokesperson for Energy Transfer told Law360 in an email that the company is pleased to bring the matters to a close.

"It is always our priority to work in a manner that lawfully complies with all applicable rules and regulations," the spokesperson said. "Our focus remains on the safe operation of our pipelines and related facilities that run throughout the Commonwealth of Pennsylvania. This important infrastructure is critical to Pennsylvania's economy and to ensuring our country's energy independence."

Counsel information for the parties was not immediately available on Friday.

The Mariner East case is Commonwealth of Pennsylvania v. Energy Transfer LP, case number MJ-12202-CR-0000302-2021, in the Court of Magisterial District Judge Kenneth A. Lenker of Dauphin County, Pennsylvania. The Revolution case is Commonwealth of Pennsylvania v. ETC Northeast Pipeline, case number MJ-12202-CR-0000023-2022, in the Magisterial District Court of Kenneth A. Lenker, Dauphin County, Pennsylvania.

--Additional reporting by Matthew Santoni. Editing by Kristen Becker.

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