COMMONWEALTH OF PENNSYLVANIA POLICE CRIMINAL COMPLAINT COUNTY OF: DAUPHIN COMMONWEALTH OF PENNSYLVANIA Magisterial District Number: 12-2-02 VS. MDJ: Hon. Kenneth A. Lenker (NAME and ADDRESS): Address: 102 Agnes St., Harrisburg, PA 17104 **ETC NORTHEAST PIPELINE** LLC. First Name Middle Name Last Name Gen 6051 Wallace Rd. Ext, Suite 300 Telephone: (717)939-6996 Wexford, PA 15090 NCIC Extradition Code Type ☐ 1-Felony Full ☐ 5-Felony Pending Extradition ☐ C-Misdemeanor Surrounding States ☐ Distance: 2-Felony Limited ☐ 6-Felony Pending Extradition Determ. □ D-Misdemeanor No Extradition ☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending Extradition 4-Felony No Extradition B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition DEFENDANT IDENTIFICATION INFORMATION Docket Number **Date Filed** OTN/LiveScan Number Complaint/Incident Number Request Lab Services? 211193 K-336 ☐ YES ☐ NO 49-1235 **GENDER** DOB POB Add'i DOB Co-Defendant(s) ☐ Male First Name Middle Name Last Name Gen. ☐ Female AKA RACE White Asian Black Native American Unknown Hispanic Unknown ETHNICITY П Noп-Hispanic GRY (Gray) RED (Red/Aubn.) SDY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown) Hair ONG (Orange) BLK (Black) ■ WHI (White) XXX (Unk./Bald) GRN (Green) PNK (Pink) Color ☐ BLN (Blonde / Strawberry) BLK (Black) BLU (Blue) BRO (Brown) Eye GRN (Green) GRY (Gray) Color ☐ HAZ (Hazel) MAR (Maroon) PNK (Pink) ☐ MUL (Multicolored) XXX (Unknown) DNA ☐ YES ☐ NO **DNA Location** WEIGHT (lbs.) FBI Number **MNU Number Defendant Fingerprinted** ☐ YES ☐ NO Ft. HEIGHT In. Fingerprint Classification: DEFENDANT VEHICLE INFORMATION State Registration Haz Comm'l Veh. School Veh. Oth, NCIC Veh, Code Reg. mat Plate # Ind. Sticker (MM/YY) same as П Def. VIN Year Make Model Style Color (The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507). SDAG COURTNEY BUTTERFIELD (Name of the attorney for the Commonwealth) SA BRUCE GEARHART 810 (Name of the Affiant) (PSP/MPOETC -Assigned Aftiant ID No Pennsylvania Office of Attorney General PA0222400 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number) FEB 0 1 2022 do hereby state: (check appropriate box) 1. I accuse the above named defendant who lives at the address set forth above DISTRICT COURT 12-2-02 ☐ I accuse the defendant whose name is unknown to me but who is described as ☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [202] Center Township (Place-Political Subdivision) on or about JANUARY 22, 2018 THROUGH SEPTEMBER 10, 2018

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	n	TN/LiveScan Number	1	Complaint/Incident Number
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Defendant Name:					
	ETC NORTHEAST		PIPELINE		
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- 2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- 3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- 4. This complaint consists of the preceding page(s) numbered 1 through 7.
- 5. I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently that non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

(Date)

AND NOW, on this date

2/1/22

I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

12-2-02

(Magisterial District Court Number)

(Issuing Authority)



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DISTRICT COURT 12-2-02

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The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a <i>brief</i> summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)											
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POLICE CRIMINAL COMPLAINT

Docket Number: CQ-∂3-∂C∂∂	Date Filed:	OTN/LiveScan Number		Complaint/Incident Number 49-1235
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Defendant Name:	ETC NORTHEAST	PIPELINE	LLC.	•

AFFIDAVIT of PROBABLE CAUSE

Your affiant, Bruce Eric Gearhart, Special Agent, Pennsylvania Office of Attorney General (hereinafter: OAG), being duly sworn, deposes and states:

Your affiant has been conducting an investigation into criminal activity associated with the construction and ultimate failure of the Revolution Pipeline project ("project") in Beaver County. The project is owned by ETC Northeast Pipeline, LLC ("ETC"). On July 16, 2021, the 46th Statewide Investigating Grand Jury issued Presentment No. 16 recommending that criminal charges be filed against ETC for violations of the Pennsylvania Clean Streams Law. The aforementioned Presentment was accepted by the Honorable, Anthony M. Mariani Supervising Judge of the 46th Statewide Investigating Grand Jury by Order dated July 22, 2021. Your Affiant has reviewed the above cited Presentment and having been present at all proceedings, finds that the factual findings described therein correspond to the OAG Investigative findings.

Your affiant is adopting the presentment and incorporating it into this Affidavit of Probable Cause (a copy of the presentment is attached hereto). Your affiant has reviewed the sworn testimony given by the witnesses before the Grand Jury and finds that it is consistent with the information contained within the Presentment. Your affiant has reviewed the evidence presented to the Grand Jury and finds that it comports with the results of the OAG investigative efforts and findings as to the allegations contained in this instant criminal complaint. Your affiant believes based upon the evidence presented to the Grand Jury that the Presentment contain sufficient probable cause to charge all nine recommended charges at each of five sites listed in the Presentment. Your affiant states that based upon the above facts, there is probable cause to believe that the defendant, ETC, committed the acts alleged therein, in violation of Pennsylvania law and respectfully requests the issuance of a summons.

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DISTRICT COURT 12-2-02

I, SA BRUCE GEARHART, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

Sworn to me and subscribed before me this day of Feb , Magister 1 District 1

AOPC 411C - Rev. 07/18

Page 1 of ___



POLICE CRIMINAL COMPLAINT

PIPELINE, LLC

OFFENSE CONTINUATION PAGE Docket Number: Date Filed: OTN/LiveScan Number Complaint/Incident Number A 4000A CK-22-2022 49-1235 First: Middle: Last:

OFFENSE DESCRIPTION CONTINUATION

NORTHEAST

Offense #1: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any industrial waste. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defenfant did fail to implement effective erosion and sediment control devices, which did allow industrial waste in the form of stockpiled soil to overwhelm erosion control devices and enter waters of the commonwealth at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract. Located in Beaver Co.

Offense #2: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defenfant did allow pollution in the form of stockpiled soil to overwhelm erosion control devices and enter waters of the commonwealth at: station #1494+79-1497. station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract. Located within Beaver County.

Offense #3: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did conduct activities related to erosion and sedimentation control without a permit, or contrary to the terms and condition of a permit, or conducted activty contrary to the rules and regulations of the department or conducted an activity contrary to an order issued by the department. This activity is declared to be a nuisance. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defendant failed to construct and implement erosion and sedimentation control devices as they were detailed in their permit, thereby allowing the potential for pollution to enter waters of the Commonwealth, which was a violation of their permit at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract. Located within Beaver County.

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DISTRICT COURT 12-2-02

Defendant Name:

ETC



Docket Number: CC-23さい	Date Filed: 2/1/2022	OTN/LiveScan Number	Complaint/Incident Number 49-1235
Defendant Name:	First:	Middle:	Last:
	ETC	NORTHEAST	PIPELINE, LLC

OFFENSE DESCRIPTION CONTINUATION

Offense #4: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did fail to comply with any rule or regulation of the department, or fail to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty hereunder. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defenfant did violate its Chapter 102 permit and/or conditions contained therein by failing to implement erosion and sedimentaion control devices as stated in the permit at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract located within Beaver County.

Offense #5: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any industrial waste. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defendant did fail to implement temporary stabilization of disturbed earth, which did allow industrial waste in the form of stockpiled soil to overwhelm erosion control devices and enter waters of the commonwealth at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract in Beaver County.

Offense #6: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared to be a nuisance. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defendant did fail to implement temporary stabilization of disturbed earth, which allowed pollution to enter waters of the Commonwealth at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract. Located within Beaver County.

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DISTRICT COURT 12-2-02



POLICE CRIMINAL COMPLAINT OFFENSE CONTINUATION PAGE

Docket Number:
C2-23-20-20
Defendant Name:

Date Filed:
OTN/LiveScan Number
Complaint/Incident Number
49-1235

Middle:
NORTHEAST
PIPELINE, LLC

OFFENSE DESCRIPTION CONTINUATION

Offense #7: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did conduct activities related to erosion and sedimentation control without a permit, or contrary to the terms and condition of a permit, or conducted activty contrary to the rules and regulations of the department or conducted an activity contrary to an order issued by the department. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defenfant failed to temporarily stabilize disturbed earth and potentially allowing pollution to enter waters of the Commonwealth, which was a violation of its Chapter 102 permit at: station #1494+79-1497, station #1215+00, station #1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract. Located within Beaver County.

Offense #8: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did fail to comply with any rule or regulation of the department, or fail to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty hereunder. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defendant did violate its Chapter 102 permit and/or conditions contained therein by failing to temporarily stabilize disturbed earth at: station #1494+79-1497, station #1215+00, station #1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract located within Beaver County.

Offense #9: The defendant, ETC Northeast Pipeline, LLC, by its own conduct or the conduct of another pursuant to 18 Pa. C.S.A. § 307, did fail to comply with any rule or regulation of the department, or fail to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty hereunder. To wit: on one or more occasion between January 22, 2018 and September 10, 2018, the defendant did fail to follow the terms and conditions of its Chapter 102 permit at: station #1494+79-1497, station #1215+00, station # 1631+00-1643, station #1807+75-1809 and station #1116. Known respectively as; Hwy 151, Penny Hollow Road, Backbone Road, Clinton Frankfurt Road, and the Rosati tract located within Beaver County.

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DISTRICT COURT 12-2-02