



Environmental Crimes Section

Energy Transfer Criminal Conviction Fact Sheet

Timeline

October 5, 2021 - Energy Transfer Charged With 48 Environmental Crimes Associated with Mariner East Pipeline for repeatedly contaminating our lakes, rivers, streams and groundwater with drilling fluid from 21 drill sites across Pennsylvania. Additional charges showed Energy Transfer's failure to report environmental damage and criminal use of unapproved additives in drilling fluid. Evidence showed more than 150 families made complaints that their drinking water was contaminated by construction.

February 2, 2022 - Energy Transfer Charged With 9 Environmental Crimes Associated with Revolution Pipeline Explosion for repeatedly ignoring environmental protocols that contributed to the devastating 2018 pipeline explosion in Butler County.

June 17, 2022 - Energy Transfer Waives Preliminary Hearing Recognizing Evidence Against Is Sufficient Enough To Proceed

August 5, 2022 - Energy Transfer Convicted of Environmental Crimes

Conviction

Today, Energy Transfer, the company that Sunoco merged its pipeline business into in 2017, has announced it will not attempt to defend its behavior or dispute OAG's evidence at trial. Energy Transfer has pleaded no contest, meaning the company will be convicted of the charges and will be presumed guilty of those charges beyond a reasonable doubt. This marks a landmark agreement that addresses unlawful impacts on water quality as a result of pipeline construction, which is at the heart of our criminal case. As part of the plea:

- **FREE REVIEW OF RESIDENTS WATER** - Anyone who believes their drinking water was impacted by the construction of the Mariner East 2 Pipeline can receive a free review of their water supply, including conducting any recommended testing at no cost to homeowners.
- **FREE, INDEPENDENT TESTING OF WATER** - PA Office of Attorney General will hire independent, professional geologists to perform this review and any recommended testing. OAG has confirmed these geologists have no background working for Energy Transfer.
- **REQUIRED REMEDIATION OF IMPACTED WATER SUPPLIES** - If independent testing determines construction of the Mariner East pipeline damaged residents' water supplies, Energy Transfer's permits require the company to fully restore safe water.
- **PERMANENT CRIMINAL RECORD FOR ENERGY TRANSFER** - This conviction will appear on Energy Transfer's criminal record and can be found anytime the company bids for a new project.

■ **IMPROVED WATER QUALITY** - In addition to free, independent testing of residents' drinking water, this plea includes \$10 million to make the water sources most damaged by construction cleaner and safer. This funding is more than six times the maximum penalty under state law for the charges we originally brought — and will be dedicated to raising the quality of the watersheds and streams most impacted by pipeline construction above the quality level they were at before construction began.

NOTE: Energy Transfer is already required to restore the land they built through; none of these funds can be used for projects Energy Transfer is already required to complete.

What Impacted Communities Should Do

RESIDENTS - Anyone who lives in the immediate right-of-way of the Mariner East Two Pipeline was already sent a letter <https://www.attorneygeneral.gov/vrf> from PA Office of Attorney General and the Office of Victim Advocate. The information provided in the response from these letters, which arrived in early July, has been critical to securing this unprecedented conviction. Residents interested in having their water tested should reach out to the Pennsylvania Office of Attorney General as soon as possible. The deadline to sign up for water testing is Friday, August 19th.

Contact Information for Water Testing:

By email- watertesting@attorneygeneral.gov

By phone- 570-904-2643

By mail- Environmental Crimes Section
16th Floor, Strawberry Square
Harrisburg, PA 17120

**** Deadline is Friday, August 19th ****

COMMUNITY GROUPS – Pennsylvanians from all walks of life made this conviction possible. And the best way to restore our natural resources is with the work of volunteers and citizen-groups all across the length of the pipeline. Community organizations including watershed associations, the Conservancy groups, Trout Unlimited chapters or other volunteer organizations in one of the 17 counties impacted by the pipeline should prepare project proposals to make our water cleaner and safer.

Funds resulting from this plea will be directed through existing Commonwealth programs such as DCNR's Grant Program, Growing Greener Plus, the Coldwater Heritage Partnership, and others. This way we can ensure projects are impactful, funding is used effectively, and we can limit redundancy and ensure projects which wouldn't have been possible without this compensation are completed.

Trial vs. Plea

Clear evidence and the high cost of trial compels many defendants to choose not to dispute criminal charges made against them and instead negotiate a plea. Often, this process can save resources for prosecutors and deliver greater restitution, compensation or changes in defendant behavior than a successful trial. In this major case against Energy Transfer, the corporate successor to Sunoco's pipeline business, some of the specific reasons to negotiate a plea are:

- **STATE ENVIRONMENTAL LAWS ARE TOO WEAK** - Pennsylvania's criminal statutes for environmental crimes simply do not allow consequences high enough to deter major companies from breaking our laws. The fine for a violation of our Clean Streams Law can be as low as \$2,500 and cannot be higher than \$50,000. In this case, the maximum penalty for the dozens of documented violations add up to only \$1.45 million.
- **LENGTHY LITIGATION HAS REAL RISK** - Every trial costs the Commonwealth significant resources and no outcome is ever guaranteed. Trials can be lengthy and both defendants and prosecutors can change their strategies years later. Corporations may receive new direction from their board, or see shareholder sentiment toward litigation change. Companies also have access to many tools to limit liability, including our bankruptcy laws.
- **LANDMARK AGREEMENT DELIVERS MORE** - This criminal conviction delivers more for victims and more to clean up our water than the penalties the Commonwealth could secure at trial.



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