

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WASHINGTON

Magisterial District Number: 27-3-06

MDJ: Hon. Louis J. McQuillan

Address: 3441 Millers Run Road,
Suite #103
Cecil, PA 15321

Telephone: (724)746-8515



DEFENDANT:

SHELL
First Name

(NAME and ADDRESS):

PIPELINE
Middle NameCOMPANY
Last NameLP
Gen150 North Dairy Ashford
Houston, TX 70779POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

NCIC Extradition Code Type

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 5-Felony Pending Extradition | <input type="checkbox"/> C-Misdemeanor Surrounding States | <input type="checkbox"/> Distance: _____ |
| <input type="checkbox"/> 2-Felony Limited | <input type="checkbox"/> 6-Felony Pending Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending Extradition | |
| <input type="checkbox"/> 4-Felony No Extradition | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition | |

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-88-14	Date Filed 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	DOB / /	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>	
First Name		Middle Name		Last Name	
AKA					
RACE <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown					
ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown					
Hair Color <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)					
Eye Color <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)					
DNA		<input type="checkbox"/> YES <input type="checkbox"/> NO		DNA Location	
FBI Number		MNU Number		WEIGHT (lbs.)	
Defendant Fingerprinted		<input type="checkbox"/> YES <input type="checkbox"/> NO		Ft. HEIGHT in.	
Fingerprint Classification:					

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved because: _____

(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).

CDAG REBECCA FRANZ

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

04/19/2024

(Date)

I, SPECIAL AGENT JEFFREY PRATT

(Name of the Affiant)

559/23014

(PSP/MP/ETC -Assigned Affiant ID Number & Badge #)

of Pennsylvania Office of Attorney General

(Identify Department or Agency Represented and Political Subdivision)

PA0222400

(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above☐ 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 [217] Mount Pleasant Township
(Subdivision Code) (Place-Political Subdivision)in WASHINGTON County [63]
(County Code)

on or about APRIL 22, 2019 THROUGH AUGUST 05, 2020



POLICE CRIMINAL COMPLAINT

Docket Number: OK-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint/Incident Number
Defendant Name:	First: SHELL	Middle: PIPELINE	Last: COMPANY LP

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 *brief* 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____			
<input checked="" type="checkbox"/>	1	691.611	of the	35	1	M2	
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code
							UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE							
Acts of the accused associated with this Offense: See Continuation Page							

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____			
<input type="checkbox"/>	2	691.611	of the	35	1	M2	
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code
							UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE							
Acts of the accused associated with this Offense: See Continuation Page							

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____			
<input type="checkbox"/>	3	691.611	of the	35	1	M2	
Lead?	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code
							UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE							
Acts of the accused associated with this Offense: See Continuation Page							



POLICE CRIMINAL COMPLAINT

Docket Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint/Incident Number 49-001254
Defendant Name	First: SHELL	Middle: PIPELINE	Last: COMPANY LP

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated. When there is more than one offense, each offense should be numbered chronologically (Set forth a brief 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	4	691.611		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE									

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	5	691.611		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE									

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	6	691.611		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEMEANOR OF THE SECOND DEGREE									

Acts of the accused associated with this Offense: See Continuation Page



POLICE CRIMINAL COMPLAINT

Docket Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint/Incident Number #49-120054
Defendant Name	First: SHELL	Middle: PIPELINE	Last: COMPANY LP

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 *brief* 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 7	691.301		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST DISCHARGE OF INDUSTRIAL WASTES, 35 P.S. §691.301, A MISDEMEANOR OF THE SECOND DEGREE								

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 8	691.401		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST OTHER POLLUTIONS, 35 P.S. § 691.401, A MISDEMEANOR OF THE SECOND DEGREE								

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 9	691.301		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST DISCHARGE OF INDUSTRIAL WASTES, 35 P.S. § 691.301, A MISDEMEANOR OF THE SECOND DEGREE								

Acts of the accused associated with this Offense: See Continuation Page



POLICE CRIMINAL COMPLAINT

Docket Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint/Incident Number #49-001254
Defendant Name	First: SHELL	Middle: PIPELINE	Last: COMPANY LP

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 brief 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	10	691. 401		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		

Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST OTHER POLLUTIONS, 35 P.S. § 691.401, A MISDEMEANOR OF THE SECOND DEGREE

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	11	691.301		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		

Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST DISCHARGE OF INDUSTRIAL WASTES, 35 P.S. §691.301, A MISDEMEANOR OF THE SECOND DEGREE

Acts of the accused associated with this Offense: See Continuation Page

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	12	691.401		of the	35	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		

Statute Description (include the name of statute or ordinance): CLEAN STREAMS LAW, PROHIBITION AGAINST OTHER POLLUTIONS, 35 P.S. §691.401, A MISDEMEANOR OF THE SECOND DEGREE

Acts of the accused associated with this Offense: See Continuation Page



POLICE CRIMINAL COMPLAINT

Docket Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint/Incident Number 49-001254
Defendant Name	First: SHELL	Middle: PIPELINE	Last: COMPANY LP

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 brief 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.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	13	691.611		of the	35	1		M2	
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): CLEAN STRAMS LAW, UNLAWFUL CONDUCT, 35 P.S. § 691.611, A MISDEAMNOR OF THE SECOND DEGREE									

Acts of the accused associated with this Offense: See continuation page									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance):									

Acts of the accused associated with this Offense:									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance):									

Acts of the accused associated with this Offense:									



POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE

Docket Number: CR-88-J4	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254
Defendant Name:	First: SHELL	Middle: PIEPELINE	Last: Company LP	

OFFENSE DESCRIPTION CONTINUATION

Offense # 1: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On April 22, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 21,000 gallon LOC at the Houston #7 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #2: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On April 24, 2019, April 25, 2019, and May 9, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report multiple IRs at the Houston #2 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #3: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On July 7, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 50 gallon IR at the Houston #10 HDD, as required under Title 25 Pa Code §78a.68a(i).



POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE

Docket Number: CP-85-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254
Defendant Name:	First: SHELL	Middle: PIEPELINE	Last: Company LP	

OFFENSE DESCRIPTION CONTINUATION

Offense # 1: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On April 22, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 21,000 gallon LOC at the Houston #7 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #2: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On April 24, 2019, April 25, 2019, and May 9, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report multiple IRs at the Houston #2 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #3: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On July 7, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 50 gallon IR at the Houston #10 HDD, as required under Title 25 Pa Code §78a.68a(i).



POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE

Report Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254
Defendant Name:	First: SHELL	Middle: PIEPELINE	Last: Company LP	

OFFENSE DESCRIPTION CONTINUATION

Offense # 4: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: From September 28, 2019 to November 7, 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report multiple IRs at the Houston #1 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #5: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On February 3, 2020, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 19,116 gallon LOC at the Houston #8 HDD. On May 13, 2020, Shell Pipeline Company LP failed to report a 2,800 gallon IR at the Houston #8 HDD, as required under Title 25 Pa Code §78a.68a(i).

Offense #6: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: On February 25, 2020, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently hinder the department by failing to report a 200 gallon IR at the Houston #3 HDD. On August 4, 2020, Shell Pipeline Company LP did fail to report a 6,184 gallon LOC at the Houston #3 HDD, as required under Title 25 Pa Code §78a.68a(i).



POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE

Docket Number: CR-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254
Defendant Name:	First: SHELL	Middle: PIPELINE	Last: COMPANY LP	

OFFENSE DESCRIPTION CONTINUATION

Offense # 7: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did place, or permitted to be placed, or discharged or permitted to flow, or continued to discharge or permit to flow, into any waters of the Commonwealth any industrial wastes. To Wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently discharge drilling fluid, an industrial waste, into waters of the Commonwealth on April 22, 2019 and May 29, 2019 at the Houston #7 HDD. The Shell Pipeline Company LP experienced two (2) IRs at this location, resulting in a release of drilling fluids to two (2) UNTs to Potato Garden Run, (S-PA-160405-JLK-001 and S-PA-161205-WRA-001) and a wetland (W-PA-160405-JLK-001).

Offense #8: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did put or place into any waters of the Commonwealth, or allowed or permitted to be discharged from property owned or occupied by such person or municipality into any waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared a nuisance. To wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently allow or permit the discharge of drilling fluid, a substance resulting in pollution, into waters of the Commonwealth on April 22, 2019 and May 29, 2019 at the Houston #7 HDD. The Shell Pipeline Company LP experienced two (2) IRs at this location, resulting in a release of drilling fluids to two (2) UNTs to Potato Garden Run, (S-PA-160405-JLK-001 and S-PA-161205-WRA-001) and a wetland (W-PA-160405-JLK-001).

Offense #9: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did place, or permitted to be placed, or discharged or permitted to flow, or continued to discharge or permit to flow, into any waters of the Commonwealth any industrial wastes. To Wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently discharge, permit to flow, or continue to discharge or permit to flow drilling fluid, an industrial waste, into waters of the Commonwealth on July 22, 2019 at the Houston #9 HDD. The Shell Pipeline Company LP experienced an IR at this location, resulting in a release of drilling fluids to Raccoon Creek (S-PA-15103-MRK-002) and a wetland (W-PA-151013-MRK-003).

Offense #10: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did put or place into any waters of the Commonwealth, or allowed or permitted to be discharged from property owned or occupied by such person or municipality into any waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared a nuisance. To wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently allow or permit the discharge of drilling fluid, a substance resulting in pollution, into waters of the Commonwealth on July 22, 2019, at the Houston #9 HDD. The Shell Pipeline Company LP experienced an IR at this location, resulting in a release of drilling fluids to Raccoon Creek, (S-PA-15103-MRK-002) and a wetland (W-PA-151013-MRK-003).



POLICE CRIMINAL COMPLAINT
OFFENSE CONTINUATION PAGE

Docket Number: OK-88-24	Date Filed: 4/19/24	OTN/LiveScan Number	Complaint Number	Incident Number 49-001254
Defendant Name:	First: SHELL	Middle: PIEPELINE	Last: COMPANY LP	

OFFENSE DESCRIPTION CONTINUATION

Offense # 11: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did place, or permitted to be placed, or discharged or permitted to flow, or continued to discharge or permit to flow, into any waters of the Commonwealth any industrial wastes. To Wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently discharge, permit to flow, or continue to discharge or permit to flow drilling fluid, an industrial waste, into waters of the Commonwealth on September 20, 2019, at the Houston #11 HDD. The Shell Pipeline Company LP experienced an IR at this location, resulting in a release of drilling fluids to a wetland (W-PA-151123-JKL-001).

Offense #12: The Defendant, Shell Pipeline Company LP, by its own conduct or conduct of another, pursuant to 18 Pa C.S.A. §307, did put or place into any waters of the Commonwealth, or allowed or permitted to be discharged from property owned or occupied by such person or municipality into any waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined. Any such discharge is hereby declared a nuisance. To wit: During the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did negligently allow or permit the discharge of drilling fluid, a substance resulting in pollution, into waters of the Commonwealth on September 20, 2019, at the Houston #11 HDD. The Shell Pipeline Company LP experienced an IR at this location, resulting in a release of drilling fluids to a wetland (W-PA-151123-JLK-001).

Offense #13: The Defendant, Shell Pipeline Company LP, by its own conduct or 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, violated any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, caused air or water pollution, or hindered, obstructed, prevented, or interfered with the department or its personnel in the performance of any duty hereunder or violated the provisions of 18 Pa C.S. § 4903 or §4904. To wit: From April 2019 to on/about November 2019, during the construction of the Shell Falcon Pipeline, the Defendant, Shell Pipeline Company LP, did fail to comply with the DEP permit conditions which required real-time data logging capabilities on the HDD drilling rigs operated by Ellingson Trenchless, as per the HDD IR Plan.

1. Your Affiant is employed as a Special Agent (SA), assigned to the Environmental Crimes Section (ECS) as a criminal investigator by the Bureau of Criminal Investigations, Pennsylvania Office of Attorney General (PA OAG), located at 2515 Green Tech Drive, State College, PA 16803. Your Affiant has been so employed since 2018. Prior, Your Affiant served as a Municipal Police Officer from 1995 to 2018. In the course of employment, Your Affiant has conducted hundreds of criminal investigations. As a Special Agent, Your Affiant is authorized to conduct investigations into suspected criminal violations of the Pennsylvania Crimes Code and the Pennsylvania Environmental Statutes. The OAG ECS Agents work cooperatively with local law enforcement officials and Pennsylvania regulatory agencies such as the Department of Environmental Protection (DEP) which do not have the resources or jurisdiction to investigate potential environmental violations which are criminal offenses.
2. On October 16th, 2019, the Office of Attorney General (OAG), Environmental Crimes Section, assumed jurisdiction in this matter, pursuant to the Commonwealth Attorney's Act, 71 P.S. § 732-205 (a)(6). This case was referred to the OAG at the request of Deputy General Counsel Ann Gingrich Cornick, of the Office of General Counsel in a formal request dated October 2nd, 2019.
3. The referral from the Department of Environmental Protection (DEP) alleges potential violations of the Clean Streams Law and the Dam Safety Encroachments Act by the Shell Pipeline Company, LP (SPLC), and Minnesota Limited, LLC (MLL) for crimes occurring in Allegheny, Beaver, and Washington Counties. SPLC and MLL are co-permittees of the Falcon Ethane Pipeline System ("Falcon Pipeline" or "Pipeline"). A former environmental inspector for the Falcon Pipeline accused SPLC and MLL of failing to report and/or false-reporting of inadvertent returns (IRs) of drilling fluids associated with horizontal directional drilling (HDD) activities.
4. Glossary of terms used in this Criminal Complaint, as defined by "Trenchlesspedia.com":

Horizontal directional drilling (HDD) is a trenchless construction method used to install pipes underground without disturbing the ground surface. The drill is launched from one end of the designed bore path and retrieved at the other end, and except for the launch and retrieving spaces above ground, the entire process takes place underground, out of sight. HDD has become a choice alternative to conventional pipe-laying methods that require opening up the earth's surface up to the depth of installation for the entire pipeline route. Horizontal directional drilling is ideal for use where trenching needs to be avoided such as under a railroad, an embankment, highway, and beneath lakes and rivers. With advanced HDD steering technology, it is also now possible to install pipelines under busy city streets without disrupting the flow of traffic and affecting businesses.

Drilling fluid or drilling mud is a mix of water and other components, such as bentonite, that helps a bore maintain its shape throughout the boring process while loosening the material you're drilling through.

Loss of Circulation (LOC) or Loss of Returns (LOR) can be defined as the loss of drilling mud underground and into the rock formation during drilling operations. Mud loss is noticed when there is a lack of drilling mud returning to the surface into the pre-determined entry or exit pits.

An inadvertent return (IR) is the unintended surfacing of drilling mud to the surface of the ground, outside of the entry or exit pit during boring machine operations.

5. Overview of the Shell Falcon Ethane Pipeline System: Shell Pipeline Company, LP (SPLC) built, owns, and operates the Shell Falcon Ethane Pipeline System. The Falcon Pipeline consists of an approximately 97.43 mile common carrier ethane supply that is located in southwestern Pennsylvania, Ohio, and West Virginia. The pipeline connects three (3) major ethane sources in Houston, Pennsylvania, Scio, Ohio, and Cadiz, Ohio to Shell Chemical's Pennsylvania Petrochemical Plant located in Potter Township, Beaver County, Pennsylvania. The Pennsylvania portion of the Falcon Pipeline is approximately 45.5 miles in length. The pipeline crosses 9 Pennsylvania municipalities, which are as follows: Chartiers Township, Mount Pleasant Township, Robinson Township, North Fayette Township, Findlay Township, Independence Township, Raccoon Township, Potter Township, and Greene Township. Chartiers, Mount Pleasant, and Robinson Townships are located in Washington County, Pennsylvania. North Fayette and Findlay Townships are located in Allegheny County, Pennsylvania. Independence, Raccoon, Potter and Greene Townships are located in Beaver County, Pennsylvania. The Falcon Pipeline consisted of a total of 16 Horizontal Directional Drill sites (HDDs) within the Commonwealth of Pennsylvania. According to SPLC's original timeline for the Shell Falcon Project, construction and tree-clearing commenced in January of 2019. Site restoration was to be taking place by the fall of 2019/spring of 2020, and the pipeline was to have been commissioned into service by the spring of 2020.
6. On November 20, 2019, Your Affiant met with DEP officials to discuss the aforementioned referral. Chief among the DEP concerns was that Shell and the sub-contractors for the Shell Falcon Project were not following the Inadvertent Return (IR) Plan which had been previously submitted to the DEP as a pre-condition for the DEP permits for the project. As part of the IR plan, Shell is required to notify the DEP of any IRs, regardless of the amount of drilling fluid that surfaces. At a certain IR volume, Shell is required to notify the DEP and cease drilling operations until DEP approves a re-start report. These conditions are as follows:
- An IR of 200 gallons or greater, defined as an upland area with no surface waters or wetlands.
 - An IR of 50 gallons or greater in an area with surface waters or wetlands.
 - A 2nd or subsequent IR of any quantity into surface waters or wetlands.

Work may not resume at that location until the DEP approves the re-start report. The DEP advised that the review and approval process takes anywhere from 1 to 2 weeks. DEP received information from former employees of the Falcon Project that work stoppages cost Shell approx. \$40,000 per day. DEP officials explained that the maximum fine amounts that they can assess on Shell for violations on this project are in the amount of \$10,000 per day. DEP officials indicated that there is a financial motive for Shell to be in non-compliance and ignore the work stoppage provisions contained in the IR plan. The DEP was made aware of several instances where Shell failed to report IRs and under-reported IR quantities in an apparent attempt to avoid work stoppages which would require DEP approval to resume work. The DEP referenced one such incident on the Houston #1 HDD. On/about October of 2019, there was an ongoing IR with a total return of approx. 48,000 gallons occurring over a period of 2 to 3 weeks. DEP dealt with an Environmental Lead Inspector identified as Eric DeLong, who initially reported nominal IR amounts. DeLong dismissively referred to the incident as "...a controlled release once we set up containment." DEP described DeLong as "... argumentative, not contrite, and repeatedly tried to argue the point." The DEP stated this incident was much more serious than reported, and would have resulted in a work stoppage, according to the IR plan. There is no language in the IR response plan which defines an on-going IR as a "controlled release." In addition, the DEP Bureau of Investigations (BOI) was contacted by a former Environmental Safety Consultant who was terminated from the Falcon Project. The subject informed the DEP that Shell was under-reporting or failing to reports IRs to avoid mandatory shut-down provisions contained in the IR plan. DEP located suspect entries in the

"Daily Environmental Logs" for the Houston #2 HDD site on the following dates: April 24, 2019, April 25, 2019, April 30, 2019, and May 9, 2019. DEP explained that the report dated 04-24-2019 estimated an IR of approx. 150 gallons in an upland area, although photos of the IR indicated a larger volume release. Shell's estimate allowed drilling to continue. The report dated 04-25-2019 contained a photo of an IR, but Shell did not report an IR for this date. Further, The Chief Inspector's report lists an IR, but Shell did not submit a report for this date. The previous DEP point of contact for the Falcon Pipeline project, identified as a Sean Larson, confided to the DEP that Shell has a strategy of under-reporting IRs volumes so as not to arouse DEP suspicions and to avoid work stoppages. Larson was the former HDD Coordinator for the Shell Falcon Project, who was terminated on/about September of 2019. DEP identified the construction subcontractor as Minnesota Limited LLC (MLL) as the co-partner with Shell as listed on DEP permits. The HDD subcontractor was identified as a firm known as Ellingson Trenchless.

7. On December 5, 2019, Your Affiant and DEP BOI interviewed Sean Arnold Larson, the former HDD Coordinator for the Falcon Pipeline. Larson was relieved from his position and released from his contract with Shell on/about September 16, 2019. Larson indicated that as the HDD Coordinator, his role was to assist on or consult on drilling plans, with specific hands-on direction of high-profile drills. One of these high profile drills, the Houston #9, was near the Beaver County Conservation District (BCCD) offices. He advised that this HDD was taking place near the BCCD offices (a regulatory agency), in an area prone to IRs in addition to wetland concerns. Larson's plan called for casing of the borehole, and placing a berm near the exit side of the borehole due to an elevation change of approx. 80 feet from the drilling rig to the borehole. These suggestions were disregarded by Ellingson Trenchless, resulting in an IR on the Houston #9 HDD, on a Sunday, on/about July 2019. According to Larson, in the event of an IR or LOC Ellingson Trenchless would go on stand-by pay at a rate of \$40,000 per day. With such a provision, Larson advised "...there was no motivation to do the right thing." Larson stated that he attempted to take proactive steps to prevent IRs and LOCs. In instances where the proactive measures suggested by Larson were ignored, Larson argued that Shell should not pay stand-by pay to Ellingson for incidents which were deemed preventable. As an example, Larson referenced the Houston #11 HDD in which Ellingson lost over 1,200 gallons, (LOC) and didn't report same until the following day. As a result, Larson developed the Daily Fluid Circulation Report (DFCR) to better track fluid losses. Larson recalled that the Falcon Pipeline was supposed to be different from previous pipeline projects, in that the Lead Environmental Inspector (DeLong) would report directly to Shell, while the HDD Lead Inspector would report to the DEP. Larson referred to this practice as "...setting the standard" for future pipeline construction. Larson claimed that there has been chronic under-reporting to the DEP with regard to IRs. Larson advised that he warned Shell about under-reporting on the project. When interacting with the DEP, Larson was given specific instructions from Doug Scott, the Shell Project Manager. Scott told Larson "...the less we give them (DEP), the better off we are." Larson believes he was fired from the project for being "...too open and honest with the DEP."
8. On December 5, 2019, Your Affiant and DEP BOI interviewed Erica Lillian Kasundra, a Regional Project Manager in a Senior Pipeline Engineering role for Shell. Kasundra stated that she filed an ethics complaint with Shell, alleging that MLL was under-reporting fluid losses to the DEP. She advised that inspector's reports of volumes lost through IRs which were discussed at the daily leadership meetings were different than the loss volumes which were being reported to the DEP. Kasundra contended that MLL was submitting IR loss volume reports just under what would require a field visit from the DEP. After her ethics complaint, Kasundra explained "I was cut out of the loop. The leadership meetings, which were previously held in trailer #1 were relocated. I was

no longer invited to those meetings.” According to Kasundra, the under-reporting began on the Houston #1 HDD, while the SCIO IV HDD was on stand-by. She advised that shut-downs cost Shell approx. \$40,000 per day. These shut-downs were detrimental to Shell, but due to language in the contract for the pipeline, contractors received stand-by pay provisions during shut-down periods. HDD Inspectors Anthony Bourassa and Paul Leisten routinely reported IRs of 180 gallons or LOCs of 4,800 gallons, just under DEP requirements for a work stoppage. Kasundra advised that Eric DeLong would have been responsible for weekly reports prior to the Houston #1 HDD. DeLong failed to submit these weekly reports. DeLong eventually submitted a final report for the Houston #1 HDD which indicated fluid losses of approx. 48,000 gallons. DeLong claimed there was at least 1 vacuum truck on-scene which cleaned up the fluids because it was an on-going spill. Kasundra believes that DeLong was responsible for the bulk of non-reporting and under-reporting to the DEP. She described DeLong as “...a negative personality, not a problem solver.”

9. On March 10, 2020, Your Affiant and DEP BOI interviewed a Frank Jacob Chamberlin IV, a former HDD Environmental Inspector. Chamberlin advised that he worked on the Falcon Pipeline from January of 2019 to May 9, 2019. Chamberlin's spouse, identified as a D'Layne Carite was also employed on the pipeline as a HDD Environmental Inspector. In the event of an IR, the HDD Utility Inspector, the HDD Environmental Inspector, and a foreman from the HDD contractor, Ellingson Trenchless, would meet and determine the size of the IR and estimate the volume. All parties had to be in agreement concerning the number of gallons. Chamberlin stated that he disputed the volume of an IR at the SCIO III HDD which was under-reported on the first day of the drill. Chamberlin advised “...from that day forward, I was given the cold shoulder from the other inspectors.” Chamberlin was moved to the Houston #2 HDD. While on the Houston #2 HDD, Chamberlin described a large IR which he estimated to be 1500 gallons or more. The IR flowed beneath the rig mats and off the limits of disturbance (LOD). Chamberlin said there were 2 vacuum trucks on site all day attempting to contain the release. According to Chamberlin, a HDD inspector named Tom Larson responded to the site and told him that “...Sean (Larson) said to make it 75 gallons.” When asked specifically “who were the officials responsible for under-reporting of IRs to the DEP,” Chamberlin replied: “The HDD Environmental Lead Eric DeLong and the HDD Utility Lead Sean Larson.” Chamberlin confronted DeLong once regarding under-reporting to the DEP, and DeLong responded: “That was all Sean.” Chamberlin indicated he had knowledge of un-reported IRs which occurred at the Houston #2 HDD on/about April 25th, 2019. Shell reported an initial IR at the Houston #2, but Chamberlin advised there were 2 to 3 additional IRs which occurred on the same date. These additional IRs were not reported to the DEP. Chamberlin advised that the motivation for under-reporting is done to avoid shut-downs, which costs Shell time and money. Chamberlin and Carite were released from the pipeline on/about May 9, 2019.
10. On May 14, 2020, Agents conducted a second interview with Sean Arnold Larson. Larson advised that if an IR occurred, the Environmental HDD Inspector had the authority to determine the volume of the release and if a work stoppage was required. If there was a dispute regarding the size of the release, the Environmental HDD Inspector, The HDD Coordinator (Larson) and a representative of Ellingson Trenchless would have to agree on the size of the spill. Larson indicated that there was an unspoken understanding amongst the HDD inspectors to minimize the volume of a release because it would result in less down time while waiting for DEP to say they could resume drilling. He explained that “...when Doug Scott came on as the new Project Manager, things went bad.” Larson recalled one specific incident prior to his termination when Doug Scott warned him: “I’m not going to let you have the DEP jeopardize this project.” Larson

stated he was responsible for the reporting of IRs and LOCs to the DEP. The HDD Environmental Reports were maintained by DeLong. DeLong had the individual HDD Environmental Inspectors send their reports to DeLong electronically via Drop-Box. After submittal to DeLong, the reports were transferred to another Drop-Box, so the inspectors were unable to access or examine their reports after submittal to DeLong. When asked if DeLong ever instructed inspectors to "...don't put anything bad in reports", Larson responded: "Yeah, I heard him say that all the time. That, and keep your opinions out of your reports."

11. On July 15, 2020, Agents interviewed a Thomas Lowell Larson, who was employed as a HDD Inspector on the Falcon Pipeline from January of 2019 to October 10, 2019. Larson advised that his brother, Sean Larson was responsible for reporting IRs and LOCs to the DEP. In addition to the DEP, Larson would have to notify Eric DeLong, the Lead Environmental Inspector, and the Construction Manager, Greg Wilson. According to Larson, Ellingson Trenchless didn't care about spills. If there was mud inside the LOD, it was considered okay. Just clean it up." Larson advised that Ellingson would drill until there was a problem due to a stand-by pay provision, which allowed them to be paid the whole time, whether they were drilling or not. Larson theorized that this pay structure provided no incentive to do things the right way. Larson stated that "...Ellingson didn't follow the IR Plan. They thought it was a joke. They didn't adhere to it even after Sean shut them down several times." Larson maintained that since Ellingson was not following the IR Plan, Shell did not have to pay stand-by pay. Larson believed that shutdowns due to IRs and/or LOCs were preventable, if Ellingson had been proactive about problem solving.
12. On July 16, 2020 Your Affiant spoke with a Susan D'Layne Carite via telephone. A follow-up in person interview with Carite was conducted by Agents on July 24, 2020. Carite reports that initially she and her spouse, Frank Chamberlin IV were welcomed on the Falcon Pipeline. The Lead Environmental Inspector, Eric DeLong, stated: "...we need you on this project. You and Frank have the most experience here." According to Carite, most of the other Environmental Inspectors had no experience with HDD. Carite recalled several IRs on the pipeline which company officials attempted to minimize. Carite referenced the Houston #7 HDD, and stated there was an IR which occurred along Route 576 in Imperial, PA. They shut-down the HDD after an IR of approx. 2,000 gallons went under the roadway and into underground caverns. Carite advised she was with another Inspector, identified as a Keifer Tabaka on this date. Tabaka phoned Sean Larson to report the spill. Carite could only hear what Tabaka said on the phone call. Tabaka stated: "Delayne's next to me. It can't be 50 gallons." Carite stated that from what she personally observed, it was obviously more than 50 gallons, it was well over 300 gallons. Later this date, she received a text from Tabaka which read "...put it at 150 gallons", referring to the IR. When asked about the discrepancy in the totals, (2,000 gallon estimate versus what she personally observed at over 300 gallons) Carite explained that there was a series of IRs that day. She observed another IR across the highway at the HDD exit point. She stated that an unknown laborer communicated directly to her "...we've got a total of 7 IRs." DeLong directed her to remain at the entrance to the HDD site because "...he didn't want me to see the size of the IR. From what I could see from the entrance, it went from the entrance to the pond, into a wetland, over a series of rocks, to the other side of the wetland, and into a stream." DeLong subsequently called a remediation company to the scene to clean it up. According to Carite, "...they installed a curtain in the pond to stop the flow, but it was installed backwards, the wrong way. It had to be re-installed." DeLong summoned a "brand new" Inspector identified as a Jacob Rievel to document the spill. Carite advised that the Construction Manager Greg Wilson set the tone for the project and authored the "Daily Action Report." Wilson left this report intentionally vague, and did not call out problems in the report. As an example, Carite referenced the series of IRs on the Houston #7 HDD, which occurred on/about

05-08-2019. In the Daily Action Report for the date, Wilson advised "...not to go to the exit side" of Houston #7." Carite suspects they didn't want additional persons observing the multiple IRs at that location.

13. On September 23, 2020, Your Affiant interviewed a Water Quality Specialist (WQS) within the Bureau of Waterways and Wetlands at the DEP SWRO. The WQS stated that the DEP was unaware of problems on the Falcon Project until the end of July, possibly early August of 2019. During this time, a Supervisor in the Program notified the WQS of a "whistle-blower" complaint filed by an Environmental Inspector. The complainant, identified as a Frank Chamberlin, had come forward to allege under-reporting and non-reporting of IRs to DEP on the pipeline. Chamberlin had text messages, documents, and photos. As a result, The Program Supervisor requested additional documentation from Shell, to include daily and weekly logs from the company. The WQS advised that the company must submit weekly reports to the DEP, but the submission of daily reports is not compulsory, unless the DEP requests such information. The WQS noted that the DEP had concerns with several dates associated with the Houston #2 HDD site in particular. The dates of concern and a summation of the circumstances surrounding each date are as follows:
- On April 24, 2019, Chamberlin had photos of an IR. It was reported to the DEP at one-hundred and fifty gallons (150 gals.). From its review of photographs, the DEP felt it was larger in volume, but the IR had been cleaned up.
 - On April 25, 2019, there were photos of an IR. No notification was made to the DEP. The daily report indicated a clean-up. The IR appeared again on the same date. The site was cleaned again, but it was not reported to the DEP.
 - On April 30, 2019, there were photos of an IR. The DEP was not notified, nor did the event appear in the weekly summation report.
 - On May 9, 2019, Chamberlin provided a photo of an IR on the drilling pad. The spill appears to be coming up through the timber matting. DEP was not notified. The daily report to DEP was not provided until on/about December 19, 2019, after a request from DEP. Shell describes the spill as "a punch-out release, which was confined to the bore-box..." They describe the release as only seventy-five gallons (75 gals.) and a clean-up of an IR on the pad.

The WQS went on to state that the "weekly report" is a report "...of anything IR related." These reports are supposed to include a description of the IR, cumulative amount, containment measures, how the materials were recovered, where it was disposed of, preventative measures taken before the drill, and photos depicting the event. These reports are intended to be a summary of events which is submitted on a weekly basis. The "final report" is submitted upon the completion of a drill. Shell failed to provide these weekly reports as required, but submitted all the reports upon the completion of the drill. On/about November 8, 2019, the DEP received a series of weekly reports covering the period from 10/05/2020 to 11/06/2020. This report was submitted by the Environmental Lead, Eric DeLong. These reports dealt with another drill identified as Houston #1 HDD. The WQS advised that DeLong had notified DEP of an initial IR of approx. one-hundred gallons (100 gals.). He (DeLong) reported two (2) IRs very close together on/about October 4, 2019. The IRs were reported at forty-six gallons (46 gals.) and sixty-seven gallons (67 gals.) for a combined total of approx. one-hundred and fourteen gallons (114 gals.) Roughly one month later, on/about November 8, 2019, in the "final report" submission, DeLong reported the IRs totaled approx. forty-eight thousand gallons (48,000 gals.) and thirteen thousand gallons (13,000 gals.) respectively. Eric DeLong sent these reports to the DEP on/about November 9th, 2019, after the drill was finished.

According to the WQS, the IR plan required DEP notification on every IR. In an upland area, if the spill was less than two-hundred (200) gallons, notification was required, but there was no work stoppage. If the spill was greater than two-hundred (200) gallons, there would be DEP notification, a work stoppage for clean-up, and written approval from DEP to resume work. There was an in-person meeting with Shell which took place on/about November 11th, 2019. DEP addressed previous IRs and questioned why they weren't being notified until after the fact. DeLong attempted to argue the point that "...if an IR happens in the same spot, that's expected. It's not an IR anymore, it's a controlled release." The WQS had never heard this term used before, and stated it does not comport with DEP's definition of an inadvertent return. DEP defines an IR as "...when drilling mud comes to the surface." DeLong claimed the drilling fluids were "...sucked up by a vacuum truck on scene." The WQS advised that Shell never proposed a revision to the IR plan for a "controlled release", nor would such a provision have been approved by the DEP. The WQS explained that the permit does not allow for IRs to happen. The IR plan spells out the steps the company must take to alleviate the IR, to include further preventative measures. The WQS gave examples of preventative measures, including: the reduction of pressure, placing clotting materials in the path of the drill, cleaning equipment more frequently, or casing the drill if the IR is close to the surface. Shell was supposed to take such preventative measures, instead of merely allowing the IR to come to the surface. As a result, DEP sent an IR reporting clarification letter to Shell on/about November 15, 2019. The DEP received Shell's response in writing via e-mail on/about December 6th, 2019. The WQS advised that Shell was very vocal about shut-downs costing money. The WQS advised that after a DEP shut-down, the process "...would take about a week or so to get the re-start order. The WQS recalled a conversation with Eric DeLong at the SCIO IV drill site, which was being drilled from August to November, 2019 in Beaver County, PA where DeLong told the WQS that shutdowns cost the company forty-thousand dollars (\$40,000) per day. The drill along the SCIO IV was shut-down for approx. three (3) weeks. The WQS suspects "...that the company (Shell and/or Ellingson Trenchless) made a financial decision to continue to drill and not report IRs. It was more beneficial to keep going and face the penalties." The WQS spoke with the former HDD Coordinator Sean Larson after his firing, when he explained a spread-sheet that he had developed to track losses of drilling mud. In this meeting, Larson expressed his frustration with Ellingson Trenchless for "...eyeballing IRs, and not measuring LOCs. In addition, they were not following the IR plan, nor listening to Larson's directions." The WQS conducted an inspection at the Houston #2 HDD site on/about August 26, 2019. The WQS examined the IR plan, which called for the use of meters to measure the amount of mud discharge on site. During the inspection, the WQS noted "...the workers went ahead and started without the required meters, the workers were unaware they needed them." They subsequently had a LOC which required a shutdown. When the WQS quizzed the workers on site, "...the workers on the drill didn't know the IR plan." Larson subsequently shut the project down to re-train Ellingson Trenchless employees on the IR plan. When the WQS learned that Larson had been fired, she was told that "...he lost his temper and had anger issues." The WQS advised that there was disagreement with Shell and the DEP over what "significant LOC" meant in the IR plan. Shell wanted the term "significant" to be set at ten-thousand (10,000) gallons. DEP decided that "significant" would be five-thousand (5,000) gallons. The five thousand (5,000) gallon thresh-hold for a significant LOC was adopted by the DEP in the revised IR plan. The WQS received information from Frank Chamberlin that "...there was a culture of keeping IRs low..." on the Falcon Project.

14. On September 23, 2020, Your Affiant interviewed a Supervisor within the Bureau of Waterways and Wetlands Program at the DEP SWRO. This Supervisor has worked on 3 major pipelines during the course of their employment at the DEP, to include the Mariner East #2 Pipeline, the Revolution Pipeline, and the Falcon Pipeline. As it relates to the Falcon Pipeline, the supervisor

indicated that Shell had issues with transparency, which was a concern. The first issues arose in August of 2019, when DEP received a "whistle-blower complaint" from a former project employee, known as Frank Chamberlin. Chamberlin came forward to allege the under-reporting and/or non-reporting of IRs on the project, specifically in Washington County, PA. The complaint which Chamberlin lodged with the DEP dealt with the Houston #2 HDD. The Houston #2 HDD was active from March to May 2019. The Supervisor explained that daily reports are not required to be submitted to the DEP, unless specifically requested. Weekly reports are required to be submitted to the DEP. The Supervisor subsequently compared the information provided by Chamberlin to the reports submitted by Shell, and found discrepancies in the reporting. As a result, the Supervisor requested Daily HDD reports from Shell. In one of those reports, dated on/about April 24th, 2019, Shell reported an IR of one-hundred and fifty (150) gallons to an upland area. In this instance, Shell could stop drilling, clean the IR, and resume drilling. If the IR is more than two-hundred (200) gallons, Shell is required to stop. Chamberlin advised the IR was greater than one-hundred and fifty (150) gallons and submitted photos as proof. The Supervisor advised it is difficult to tell from the photos the true volume of the IR. On/about April 25 and 26, 2019, Chamberlin's report indicates that the aforementioned IR re-occurred the following day. This IR was never reported to the DEP. Chamberlin provided texts to/from Bruce Barger indicating that the IR continued. Weekly reports should have stated whether the IR continued. The reports for this week did not. The second and subsequent IRs on April 25th and 26th were never reported to the DEP. The Supervisor advised that the reports submitted by Shell are false, in that the weekly report did not mention the additional IRs. For the April 24th, 2019 date, DEP has a text message from Eric DeLong, which reads "...Sean says to keep it under 200 gallons." These texts describe the IR as "30 gallons each time and re-occurring." Eric DeLong responds: "Keep up with it and keep cleaning." The Supervisor explained that the DEP looks at IRs, and that "...they all need to be counted. If not, it's a violation of the work plan and the permits." Each 30 gallon IR was never reported to the DEP. There is no work stoppage provision for 2nd or subsequent IRs in an upland area, only in a wetland or waterway area. If an IR starts and stops for "a few days", it's a new IR. If an IR continues, it's the same IR and the volume should be added to the total volume. The Supervisor advised that in this case, Shell "...should have shut-down and waited for the re-start order." The Supervisor advised these shut-downs "...typically last a week or two." The Supervisor advised that the term "managed release" and/or "controlled release" is not an industry term. The Supervisor is of the opinion that "...Shell created it to excuse their non-reporting behavior." The next questionable reporting date was May 9th, 2019, on the Houston #2 HDD. On this date, there was an IR along the perimeter of the drill into an upland area. The weekly report dated May 10th, 2019, references a clean-up, but the IR on May 9th, 2019 was never reported to the DEP. During this time frame, Sean Larson was responsible for reporting to the DEP. The Supervisor added that she was surprised to learn he was under-reporting or not reporting IRs to the DEP. The Supervisor believes he was fired from the project in "...October or early November". Larson subsequently contacted the Supervisor immediately after his firing to discuss the project and his concerns with same. At this meeting, they discussed LOCs. The IR plan, which was agreed upon by both parties, indicated that Shell is required to stop and report to the DEP "any significant loss." Shell wanted "significant" to be quantified as 10,000 gallons. DEP set the amount at 5,000 gallons. Shell could request a higher volume on a case by case examination. Larson devised a spread sheet to track losses, and explained same to the DEP. Larson told the DEP that he was fired because of hostility, as he was accused of yelling and using obscenities to a fellow employee. Larson suspected this was merely a pre-text, and the real reason behind his termination was because he went to the DEP and advised the contractor was not listening regarding tracking fluid losses and stopping with the thresholds noted in the IR plan. The DEP Supervisor sent out a "shut down order" until these issues could be addressed. During the shut-down, employees were re-

educated on the IR plan. In the eyes of Shell, Larson was instrumental in getting the project shut-down. This shut-down lasted two (2) weeks. Larson was fired three (3) to four (4) weeks thereafter. Larson expressed his frustration that Ellingson Trenchless was not following the IR plan. Shell informed the Supervisor that a shut-down costs the company approx. twenty-five thousand dollars (\$25,000) per day. The Clean Streams Law allows a maximum penalty of ten-thousand dollars (\$10,000) per day. The Supervisor reasoned that it's cheaper for Shell not to comply with the law and continue to drill. The Supervisor suspects that someone from Shell made the financial decision to drill and "...wait and see if they got caught." The Supervisor added that without Frank Chamberlin's complaint, the DEP "...would never have known." Someone at Shell "looked at the cost versus the benefit. In most instances, we (DEP) don't catch them." Eric DeLong took over reporting to the DEP after Larson was fired. DeLong was to contact the DEP in the case of an IR, and submit weekly reports to the DEP. The Supervisor advised they would speak with Shell via conference calls every two (2) weeks to discuss the status of the project. The Supervisor explained that during shut-downs, "DeLong would contact me multiple times per day." The Supervisor advised there was a "gross violation of the plan" which occurred on the Houston #1 HDD site which began on/about September 30, 2019. An IR to an upland area was reported as one-hundred (100) gallons on 09-30-2019. The IR was subsequently cleaned and drilling resumed. DeLong failed to submit the weekly reports from October 7, 2019 until the DEP requested same on/about October 31st, 2019. In the reports they submitted after-the fact, the reports indicated the IR was approx. forty-eight thousand (48,000) gallons in total over the course of the drill. The IRs were not reported, there was no shut-down, and they failed to maintain "best management practices" in containment. DEP had a meeting with Shell where the term "controlled release" was coined by the company. This was under Eric DeLong's tenure as the person responsible for reporting to the DEP. The Supervisor subsequently sent out a clarification e-mail, indicating that a controlled release was in fact an IR. The Supervisor stated that Heather Brewster, from AE Comm. was one of the Project Managers employed by Shell. Brewster responded to the Supervisor's e-mail, attempting to explain a "managed release" and/or "maintaining an IR." The Supervisor noted that this was the first time taking such a position, and that Shell knew exactly what an IR was. The Supervisor discussed the IR plan for the project. The IR plan explains all the HDD drills, geological formations, protocols for IRs and LOCs, time frames, and precautions and protections in place to prevent IRs and LOCs. The plan is subsequently reviewed during the permitting process. Shell and its contractors are responsible for educating their employees on the plan, and ensuring adherence to the plan. The IR plan for the Shell Falcon went through at least eight (8) revisions. One of the topics of contention on the plan was measuring an IR, which the Supervisor described as "vague". The DEP suggested that the IR be measured with a measuring tape, using the formula length x width x depth to determine an amount in volume. The Supervisor stated that the DEP "...wouldn't have approved another revision of the IR plan with language similar to a "contained or managed release." The Supervisor explained that all IRs should be reported to the DEP, regardless of quantity. The reasoning behind this was because "...the DEP would go out and inspect an IR when reported." The Supervisor stated that the DEP issued seven (7) NOVs on the Shell Falcon Pipeline. As examples, she noted that Shell didn't stabilize two (2) miles of pipeline right of way, 1.8 miles of which ran through slip-prone areas. Shell failed to install recording equipment on drill rigs, failed to report IRs, and failed to submit weekly IR reports on time. She described these NOVs as "...more egregious than the other pipelines."

15. On March 17, 2021, Eric Scott DeLong testified before the 46th Investigating Grand Jury, located in Pittsburgh, PA. DeLong has been involved with the Oil & Gas Industry/Pipelines since 2011. DeLong started in the industry side, moved to safety consultant work, and transitioned to

Environmental Inspection(s). He has worked numerous pipeline projects in several states. DeLong spoke about the itinerant nature of pipeline work, stating: "...once the project is complete, you move along to another company." Mary Gerschefski from Shell originally contacted him about working as an Environmental Inspector (EI) on the Shell Falcon Project. DeLong indicated he was not interested in a regular EI position, but had been an Environmental Lead. He suggested "...I could help with reporting and stuff like that." DeLong was subsequently hired as the Lead Environmental Inspector by a third-party provider known as Global Edge. Gerschefski allowed DeLong to form his own team of Environmental Inspectors. According to DeLong, EIs "...check the job sites, check containments, leaks, and spills. They would monitor the right of way along the drilling path, check resources, road crossings, streams, wetlands, environmental compliance with ECD (environmental control devices) in them (sic) areas, stuff like that. Daily reporting." DeLong described his duties as "...check in with my field staff, look over the daily reports, tour job sites, attend morning meetings, daily meetings, management meetings, field inspections, timesheets." DeLong differentiated EIs "... as the environmental inspectors were there for environmental compliance, while HDD Inspectors were there for more of the technical knowledge of what was going on with the drilling equipment and the functions of that equipment. They were more knowledgeable in the drilling process, where environmental is more out on the ground monitoring our resources and right of ways." DeLong identified the Lead of the HDD Inspectors as a Lane Greenwalt. Sean Larson had been the initial Lead HDD Inspector, but he was replaced by Greenwalt. DeLong testified "I would work hand in hand with Sean and Lane every day, and his inspection staff would work hand in hand every day with the inspectors on their site." Sean Larson was responsible for reporting IRs and LOCs from the beginning of the project until September 2019. All the inspectors noted IRs in their daily reports. The LOC reports came from the HDD Inspector. Both sets of Inspectors reported IRs and LOCs. Once Sean left the project, DeLong advised "...they pushed me into the role of reporting to the agencies that information." DeLong was subsequently given the responsibility of reporting IRs and LOCs to the DEP. In the event of an IR, the drillers would stop immediately. The inspector, along with the contractor, "would go out, contain, and evaluate the size of the IR, then it was reported up to Sean. My inspector let me know, hey this is how much it is." DeLong would respond to IRs on some occasions, in instances where a resource was impacted or when DEP would respond to the location. DeLong stated that the process used for measuring the volume of IRs was typically a visual estimation; sometimes they would be paced off "...to give the best estimate possible." Later in the project DEP requested the IR be measured with measuring tapes. In the event of an IR, EIs would go to the site for inspection, photos, and documentation. In the event of an LOC, EIs would walk the bore path, and perform checks for impacts to streams, wetlands, and roads. Drones were used when they were available. DeLong reported to Mary Gerschefski from Shell HSSE. DeLong stated that Larson and later Greenwalt reported to the Construction Manager (a third-party hire), Scott Adams, a Shell Engineer, and Eric Skonberg, the HDD Specialist. DeLong identified a Ken Davidson as being the HSSE Manager at the site. Davidson was in charge of site safety, security, and would be responsible for requesting drones for IRs or monitoring the right-of-ways for night-shift work. If there was a concern within his work group or on site, DeLong would go to Mary Gerschefski. If there was a compliance issue, Gerschefski told DeLong to contact Heather Brewster or Scott Adams. Some minor compliance issues would be handled with Sean Larson or Lane Greenwalt, such as which inspectors would be assigned to a particular site. DeLong estimated that 50% of his time was spent in the office, and 50% of his time was in the field. A workday was typically 12 hours. DeLong's reports would be sent to Kathy Gillie at Global Edge. Gillie would subsequently upload them to Shell's SharePoint system. DeLong stated: "I think they came to me and I just put them in a group e-mail and forwarded them." Kathy Gillie left the project, and Mary Gerschefski directed DeLong to get SharePoint access to upload reports. DeLong talked to his inspectors

"...all the time on the phone, text messages, group text messages." DeLong was trained in the IR plan. He stated: "We went over it with Mary, Scott Adams, Eric Skonberg, Sean Larson, Heather Brewster". DeLong stated that the meeting reviewed reporting requirements and the responsibilities of the inspectors. DeLong said Sean Larson, Mary, and Heather were responsible for leading the meeting and walking the inspectors through every step of the IR Plan. DeLong recalled that he was only provided one version of the IR Plan. DeLong advised that anytime there is an IR, drilling should immediately stop, until it is contained or until the proper notifications have been made. DeLong said the threshold for a LOC on the project had been established at 5,000 gallons, an agreement which had been worked out between Sean Larson and the DEP. Initially, a reportable amount for a LOC was a "significant amount". DeLong indicated that an IR of over 200 gallons, over 50 gallons in a wetland, or outside the LOD or ROW requires a restart report from the DEP to allow drilling to resume. When asked how long restart reports take, DeLong replied: "It varied. Sometimes a couple days, sometimes, a few weeks." DeLong stated that the contractor/crews were getting paid regardless of whether or not drilling was occurring. DeLong advised that shut-downs cost Shell anywhere from \$40,000 to \$80,000 per day. DeLong heard these numbers from people in the field, but he is unsure of the accuracy of these figures. DeLong recalls sharing these figures with a DEP employee in the field. DeLong testified that until 09/2019, Sean Larson was responsible for sending weekly IR reports to the DEP. DeLong advised he may have sent a weekly report for Larson when asked. DeLong described Sean Larson, Tom Larson, and Paul Leisteen as "[t]hey all come from the drilling industry. Very knowledgeable." DeLong stated that his inspectors called him every time there was an IR. DeLong would typically ask "...Is it (the IR) impacting resources in the right of way?" DeLong was asked about an IR which occurred on 04-24-2019. DeLong remembered the incident. DeLong was asked about a text message he sent saying: "Sean sent word to keep it under 100 gal. That truck just got here. The second vac truck could not get out past Minnesota at Miller Road access. They are cleaning it up now. Will take the rest of the day. Then Dave will completely trip out dry. That is what has been said." Rather than an attempt to minimize the IR, DeLong said "I see keep it under 100 gallons as keep it the containment under 100 gallons of accumulation, not give the IR without cleaning it up a chance to escape containment that's put in place." DeLong acknowledged that the volume reported for an IR wasn't dependent on whether or not it was vacuumed up and that it was the total volume released that should have been reported. DeLong was asked whether it was his understanding that drilling could continue during an ongoing IR, so long as all the mud was being vacuumed up. He stated: "That's -- when we were briefed on the IR plan, that once it continued, that was a reoccurring release, not the initial. As long as it went to containment and was being removed, drilling could continue per Shell's guidance." DeLong agreed that the spill or release (IR) is not supposed to happen. He agreed that Step #2 is to stop the release and then ensure that it doesn't happen again. DeLong acknowledged that it was Heather Brewster, Mary Gerschefske, Sean Larson and Lane Greenwalt who proposed that drilling could continue while managing the IR. DeLong claimed that that this interpretation concerning continuing IRs was in place when he reviewed the IR Plan. DeLong was unable to recall this interpretation in writing within the IR Plan. When asked: "Was this something Shell interpreted and passed on to you?" DeLong replied: "Yes." DeLong was shown a series of texts from Chamberlin where Chamberlin questioned if they were good to continue drilling when the IR was coming out at the same location as the original IR, and they are vacuuming it up immediately. DeLong responds with a thank you and said: "Just like Sean said this morning, as long as they keep up with it and it stays under 200 gallons." DeLong explained his response by testifying, "I believe that Sean had the conversation with the inspection staff and said if the IR continues within containment and it stays under 200 gallons of total accumulation, they could continue drilling so that doesn't escape the containment." DeLong could not recall if he went to the IR site. DeLong confirmed that the containment he was

referring to was a silt fence put around the bottom of the spill. DeLong agreed that there was nothing stopping this material from going into the soil that is on the ground or seeping down into groundwater. DeLong stated that drillers "...made a couple of complaints" about Chamberlin. DeLong said the contractor's complaint was that he (Chamberlin) wasn't giving them enough time to fix the violations that he saw. DeLong stated that the 04-24-2019 IR was reported to the DEP. Sean Larson told DeLong he made a report to the DEP. On 04-25-2019, DeLong reported that the IR from 04-24-2019 was continuing based on information received from Chamberlin. DeLong stated that such information would need to be included in a weekly report to the DEP because the IR was recurring. DeLong did not recall an IR on 04-30-2019. On 05-09-2019, Chamberlin reported a 75 gallon IR on the right-of-way (ROW) when they were pulling pipe. According to DeLong, he sent this information to Larson, who said it did not need to be reported to the DEP, as it was under 200 gallons and on the ROW. DeLong went on to describe a large IR on the Houston #1 HDD. DeLong stated that there were ongoing IRs which were reported at 100 gallons initially to Shell and DEP. He indicated that drilling continued while the mud continued to come to surface and get vacuumed up. He indicated that the inspector on site did keep a tally of the total volume that came to surface and inputted that information into the weekly report. DeLong stated these weekly reports were being sent to him, and he saved them on his computer. The DEP sent an email to Gerschefski requesting these weekly reports. Gerschefski asked DeLong if he had the reports and he sent them to her immediately. Sasha Steele was the EI on site who was keeping up with the volumes of the IRs on Houston #1. DeLong denied that DEP sent emails to Gerschefski indicating that he (DeLong) hasn't been sending in reports and that it was a violation. DeLong claimed that no one told him that weekly reports had to be sent to the DEP on a weekly basis. DeLong testified that he knew he was taking over reporting to the DEP, and he was to be reporting IRs and LOCs. DeLong subsequently attended a meeting with the DEP in 11/2019, where the Houston #1 HDD was discussed in detail. DeLong recalled Casey Talento jumping in and telling DEP that the IR that occurred at Houston #1 wasn't actually an IR and was instead a "controlled release" or a "managed return". DeLong acknowledged that this term was first discussed by Heather Brewster, Mary Gerschefski, Scott Adams, and Sean Larson months prior to this meeting with DEP.

16. On June 13, 2022, Your Affiant interviewed a Heather Lynn Brewster, a Senior Project Manager with AECOM in Harrisburg, PA. Brewster advised that on/about April of 2018, she was asked to assist with technical issues and/or responses involving the PA Department of Environmental Protection (DEP) and the US Army Corps of Engineers (USACOE) on the Shell Falcon Pipeline Project. The scope of Brewster's work on the Shell Falcon Project was as follows: (1) anti-degradation erosion and sedimentation control measures, (2) cumulative environmental impact, and (3) environmental assessment. Brewster added that she had familiarity in dealing with the aforementioned issues in her previous experience in filings with the Federal Energy Regulatory Commission (FERC). Brewster said that as an Environmental Consultant on the Falcon Pipeline, her duties consisted of the following responsibilities: (1) procure environmental permits, (2) advise on engineering components (environmental concerns), and (3) collaborate on geo-technical assessment. Brewster was asked if she was consulted about HDD problems, such as inadvertent returns (IRs) and subsequent shut-downs. Brewster advised that "...this was a collaborative process, involving Shell and Ellingson Trenchless. We would ask what the problem is, and provide a solution. Yes, I was involved in this process." She explained that she would be consulted when they were laying trench, if there were HDD issues, and if there were erosion concerns. She stated: "It was about what the EI (Environmental Inspector) saw in the field. Then we would get together to problem solve, and yes, I would provide an opinion." When asked about her primary point of contact with Shell, Brewster advised that she most often dealt with Doug

Scott, the Project Manager for Shell Falcon, Scott Wooten, the Land Manager, and to a lesser extent, Ken Davidson from Health, Safety, and Environmental (HSSE). She believed that Doug Scott would make decisions regarding losses of circulation (LOCs) and IRs, and the subsequent work stoppage provisions contained in the IR Plan. She was subsequently asked if there was a HDD issue involving IRs or LOCs, who would have the ultimate authority over those situations, and Brewster replied "Doug Scott." In the event of an IR or LOC requiring a work stoppage, Brewster advised that those decisions were made by the construction team, per the IR plan. Brewster advised that she would have been notified or informed because she had two responsibilities in such an event: (1) to notify nearby well owners of a potential water impact(s), and (2) to assist in getting the process underway to restart in the form of a re-start report submittal to the DEP. In the event of a work-stoppage or a shut-down, a re-start report was required to be sent to the DEP. DEP approval of the re-start report was necessary to resume HDD activities. Brewster worked on permit modifications, which she described as minor modifications involving best management practices (BMPs) with respect to IRs. She worked on the erosion and sedimentation (E & S) plans to update the BMPs for these re-start reports. The E & S modifications included items such as silt socks and hay bales. When asked about the use of relief wells on the project, Brewster replied: "They were discussed, but were not practiced to the best of my knowledge." When asked about her interactions with Eric DeLong, Brewster replied "He was the HDD Environmental Inspector. He knew what he was doing." When asked if she was receiving any feedback from Shell on the project, Brewster stated: "Yes. The drills were taking longer. They were longer than expected." Brewster reiterated that most of her interaction was with Doug Scott, but that she also dealt with a Scott Adams, "...who was the overall Project Manager from Houston, TX. They were the most concerned with work stoppages." Part of her responsibilities was to facilitate communication between Shell and the DEP. Brewster eventually became the person that would relay questions and/or information with the DEP. Brewster stated that she was involved with discussions with the DEP on changing the language in the IR Plan from "significant LOC or LOR" to assigning a specific numeric value in terms of volume. Brewster recalled attending a meeting with DEP which took place in November of 2019 regarding IR reporting, instrumentation (water meters), and LOC amounts. Mary Gerschefski from Shell was present. The main focus of the meeting was the DEP's concern(s) with IR reporting, in that "...the IR amounts which were being removed were not small." Brewster is unable to recall if Eric DeLong was at this meeting. Eric DeLong "...should have been reporting those losses as they were occurring." DeLong had the reports, but for unknown reasons, failed to send them to the DEP. Brewster claimed that DeLong did not send them to her, but was to send them directly to DEP. She reported that the DEP shut down the project. This meeting with the DEP took place approx. one (1) week after the work stoppage, and was over a conference call. DEP was concerned that they had not received IR reports, and "...that the IR was continuing until DEP received the IR reports." Brewster recalled that Mary Gerschefski, Doug Scott, Scott Adams, and Casey Talento were on the call in addition to her. When asked, Brewster stated that Eric DeLong and Lane Greenwalt from Ellingson Trenchless "...were most likely at the meeting, but I can't be one-hundred percent (100%) sure." When asked, Brewster indicated that officials from the Shell Falcon Project had a "pre-meeting" the day prior to meeting with DEP to discuss a response to DEP concerns. At this meeting, Brewster advised they discussed the term "managed release." According to Brewster, Eric DeLong coined the term "managed release" to describe "...an IR which is continuing to occur, with BMPs in place, and a vac-truck on scene containing the spill." When asked, Brewster stated "...I had not heard the term before, but I was always on the permitting side. This was my first time on the construction side. DeLong sold the idea by describing it as an industry standard. This is a common practice. Everyone agreed, as it seemed like a logical practice." The persons from Shell who participated in the meeting included: Mary

Gerschefski, Doug Scott, Scott Adams, Casey Talento, Eric DeLong, and Lane Greenwalt. When asked if the term "managed release" was found anywhere in the approved IR Plan by Hull, Brewster responded: "No, it is not in accordance with the plan." When asked whose job it was to make certain employees on the Shell Falcon Pipeline understood the IR Plan, Brewster indicated that there was an environmental compliance checklist, and that was one component of inspections, which would have been part of Casey Talento's responsibilities. Brewster advised that AECOM did not provide any environmental training or IR training on this project. Brewster stated that if there were questions about the IR plan, Eric DeLong would contact her with questions. Prior to DeLong, Sean Larson would "courtesy copy (cc)" her on documents occasionally, but not all the time, according to Brewster. When asked about the term "managed release", Brewster advised that she never heard Sean Larson use that term, and that Eric DeLong did not use that term prior to the meeting with Shell officials just one (1) day before the meeting with DEP.

17. On June 29, 2022, Your Affiant interviewed a Casey Ann Talento of AECOM. Talento was asked to describe how she became involved in the Shell Falcon Pipeline. Talento replied that near the end of the permitting process, the client account manager for Shell asked her to provide a high level project assessment. She was to look at the permits they had, and examine political and economic factors. Talento estimated she was asked to perform this review in September or October of 2018, several months prior to construction. Talento stated she performed "...a high level review of the permit matrix. Permits received vs. permits outstanding." Talento was asked to work with the Construction Lead and the Project Manager to examine compliance and inspection. Talento advised that Pipeline Inspection was within her scope of work. She was the Project Manager for Environmental Compliance. She stated that this group was not responsible for HDD. Talento's group suggested and proposed to do both HDD and pipeline, but only got the pipeline portion of the project. The contractor and Shell chose to run only one (1) spread, while Talento had assumed the project was to be broken down into three (3) separate spreads. This meant that instead of three (3) leads, there was one (1) lead. Talento explained "...that Shell wanted to have more direct control, ownership, and involvement by having Bruce Barger in as the Lead Inspector to coordinate with the (AECOM) environmental team." . The Shell Falcon Plan called for a dedicated EI for HDD activities. Talento claimed the EIs for HDD were hired directly by Shell under a separate management structure. These HDD EIs would be the field personnel walking along the drill path looking for IRs. Talento said this was not within her scope of work. Talento claimed to have nothing to do with IR reporting. Talento was asked if she recalled attending a meeting where the term "managed release" was used. Talento responded, "Yes, but I think the phrase used was a 'controlled collection'. First, it's an IR, then if it continues, it becomes a controlled collection point." Talento acknowledged that this term was not in the HDD Manual compiled by AECOM for the Shell Falcon Pipeline. On July 20, 2022, Talento testified before the 48th Statewide Investigating Grand Jury in Pittsburgh, PA. Talento stated that she did not recall being trained in the HDD Plan, nor trained with regard to IRs or responses. Talento attended a meeting with the DEP regarding the Houston #1 HDD. Talento was asked: "Do you recall what prompted you to say: 'That activity you're describing is a controlled release, it's an industry standard.'" Talento replied: "For me, it just seemed like a non-issue, that it is usually something that happens when an IR occurs in the field and I couldn't help myself to add my two cents." Talento was asked: "Do you recall having a conversation with Eric DeLong regarding IRs that continuing in the same spot-Do you recall telling Eric DeLong that it was okay because you knew that to be a controlled release?" Talento replied: "I don't believe we had that conversation before that DEP meeting." Talento advised that she was not in a position of authority to make the final determination if an incident was reportable or not.

18. On September 6, 2022, Your Affiant interviewed a Todd James Weed. Weed advised that he is a union HDD Operator and Steer Hand. Weed advised that he transitioned from the industry-side of HDD to HDD Inspections on/about 2017." Weed estimates that he worked on the Shell Falcon as a HDD environmental inspector from January of 2019 to approx. March of 2020, when he took a voluntary lay-off to return home. Weed advised that his immediate supervisor on the Shell Falcon was Sean Larson. After Larson was fired from the project, Weed worked for Larson's replacement, identified as Lane Greenwalt. When asked if there were problems on the Shell Falcon, Weed replied "...without a doubt, yes. When asked to explain what he meant, Weed stated that "...Sean (Larson) was trying to hold contractors accountable to the conditions in the permits. Minnesota Limited never worked in Pennsylvania. They had guys from North and South Dakota, who did whatever they wanted to. No conditions on the drills. It was an adjustment for them. Pennsylvania has tighter regulations." Weed explained that in the beginning of the project, he worked "...smaller drills because I knew about road crossings. After those were completed, I moved on to the bigger drills." When asked about training on Pennsylvania environmental regulations, Weed stated that "...everyone was trained in the regulations on hiring." The training was given to the HDD Environmental Inspectors (EIs) and the drilling crews, and focused on the Pennsylvania Department of Environmental Protection (DEP) regulations. In spite of this training, Weed stated: "IRs got out of control. In the beginning, The HDD Inspectors weren't allowed in the drill cab, and the drillers were just continuing to run in spite of the losses. You can watch a mud-man, and know what's going on if you see they are adding material and water, but you have to be paying attention. Sean (Larson) introduced the mud-meters because of that, to better track any losses. Ellingson pushed-back on that. They brought in a mediator to be, like a buffer between Ellingson and Sean. Weed continued: "They had a stand-by pay provision. Sean (Larson) was a stickler. If they weren't doing procedures correctly or following recommendations, Sean said there would be no stand-by pay." Sean Larson was reporting to the DEP, according to Weed. After Sean Larson got fired from the project, Eric DeLong began reporting to the DEP. When asked if there was ever a directive that an IR was not considered an IR if they had vacuum trucks in place, Weed responded: "Yes, that sounds familiar." When asked why DeLong was submitting reports to the DEP after Larson, Weed advised: "Because Lane (Greenwalt) was lost, and he had no idea." When asked about the flow of HDD reports, Weed stated that the reports went to Sean Larson, and subsequently to the Shell Office. Weed was asked if there was ever a directive issued in the event of an IR, if you have a vac-truck there, you can keep drilling, as it is no longer considered an IR. Weed replied: "Yes, we were told that we could keep drilling. That came from Eric's (DeLong) environmental side." When asked who would have made that decision, Weed stated: "It would have probably come from the office. That's sounds like the drill where they hit the coal seam. The IR was losing fluid from both ends. I think they ran casing to stop it." Weed stated: "Look, Eric's (DeLong) guys would not get out of their trucks. I still did what I was supposed to as far as readings. I checked the water meters, drilling mud, and additives. I would check the approved list to make sure any additives used were approved by the DEP." From the beginning of the project to about the mid-way point, "...the contractors had no idea about IRs. They started to become competent at drilling about ½ way through the project. I would say the latter half of this project went much better."
19. On September 29, 2022, Your Affiant interviewed a Jacob Bernard Rievel. Rievel worked as an Environmental Inspector (EI) on the Shell Falcon from January of 2019 to January of 2020. When asked to explain what his typical work day consisted of, Rievel stated that he would attend a Job Safety Analysis (JSA) meeting in the morning, which described the work plan for the day. Rievel would "...fill out waste manifests for disposal, inspect containment(s), watch the mud pit for

returns, in order to watch out for a loss or circulation (LOCs), and to walk the bore path for a minimum of four times (4X) in a ten (10) hour shift to watch for IRs (Inadvertent Returns)." Rievel added "...that you would watch the mud-man mixing bags of mud to ensure that there were no unauthorized additives being used. We had a list of approved additives they were supposed to use." Rievel indicated that he generated multiple reports during his work day. This included a bore path log, a daily report and a waste manifest report. The daily reports included the general contractor name, activity logs, pictures of the site, and pictures of the waste manifests." When asked about HDD Inspectors, Rievel advised that he most often worked with Lane Greenwalt and Todd Weed. He described the HDD Inspectors as "...having more of a background in HDDs. They were concerned more with the bore path, checking for IRs, and tracking the disposal of wastes." When asked, Rievel claimed the HDD Inspectors were present in the cab with the drill rig operator. Rievel stated that while he had experience in the construction field, he had no specialized environmental experience and/or training. Rievel advised that most of his training consisted of "on the job training" under the direction of Dylan Setzer. He advised that there was "semi-formal" training conducted on the IR Response Plan, which was contained in a binder in the work trucks. When asked, Rievel advised there was no training concerning the Department of Environmental Protection (DEP) regulations. If Rievel had job-related questions, he would direct those questions to Eric DeLong, the Lead EI. In the event of an IR or an LOC, Rievel reports that drilling would stop and the problem would be evaluated. Typically, Rievel would contact a foreman. A determination would be made if the release made it to the surface or was underground. If the release made it to the surface, an effort would be made to quantify the release volume through visual estimation. The IR response plan was then enacted. When asked, Rievel was unable to recall the IR or LOC amounts which would have required a work stoppage. Only two (2) of the HDD locations which Rievel worked experienced an IR and/or a LOC. On Houston #7 HDD, Rievel advised there was an IR while he was working. There were two (2) additional EIs on the site, identified as Dlayne Carite and Lane Greenwalt. Rievel described the IR as "...a side punch-out. We lost steady returns, and made notifications. It was an IR into a wetland, which ran over some rocks and into a storm-water retention pond, along Rt. 576. We cleaned it out with vac-trucks. The company came out of Apollo, PA. McCutcheon was the company." Rievel advised that he was never given a directive to minimize IRs to avoid work stoppages. When asked, Rievel stated: "...If the IR Reports were not accurate, Eric DeLong would have been responsible because we submitted our report(s) to him." Rievel explained that there was another IR on Houston #7 HDD that happened while he was off to get married, so he found out about the incident after-the-fact. That IR occurred on the exit-side of the pilot hole. That area was a trash dump. Timothy Wibbens and Todd Weed would have been the EIs on site the date and time of the incident. Weed would have been the HDD EI. He described the IR "...as a punch-out release to an upland area. They stopped work." Rievel recalled a LOC at this location while he was present. Rievel stated that DEP was notified of the LOC. When asked, Rievel stated that he did personally observe animosity between the HDD Inspectors and the drilling contractor on the Shell Falcon. He explained: "The HDD guys were know-it-all types. They didn't like the way that Ellingson was operating." Rievel stated that he never heard of the terms "managed release" and/or "controlled release." Rievel said that neither term was contained in the IR Response plan that he was familiar with. When asked, Rievel could not recall what he put in his reports about the Houston #7 IR. He did confirm that this was the first IR which he encountered after approx. three (3) to four (4) months on the job. Rievel did not have any training on how to estimate the volume of the IR. When asked how to estimate the volume of an IR, Rievel slouched, hesitated, and said: "I'm not too sure. There's no real way to get a number on it. I guess I would look at the HDD binders." Rievel added that he was required to put an estimate as to the IR volume in his reports. Rievel continued: "This was one of the first drills, so they didn't have a mud meter. It wasn't very major,

as we were there and caught it right away." Rievel was asked if the aforementioned IR at Houston #7 required a work stoppage and DEP shut-down, Rievel responded: "Yes, we sat idle for a few days waiting for DEP to come out to the site." Rievel claimed "I don't recall anyone asking me to minimize or under-report the IR volume."

20. On October 5, 2022, Your Affiant interviewed a Kenneth Brooks Davidson. Davidson began working on the Shell Falcon Project in 2017, as the third-party manager for Health Safety Security and Environmental (HSSE). On the Shell Falcon project, Davidson identified his immediate supervisor as a Mary Gerschefski, a Shell employee. He described her "...as a direct line report, while Doug Scott, Shell Project Manager, was a dotted report line." Davidson said that he was never asked to investigate any reporting irregularities, non-reporting, or under-reporting of IRs and/or LOCs. Environmental concerns and Inspectors were largely handled by Christopher Haux of Minnesota Limited. Mary Gerschefski would have been the Shell employee responsible for environmental oversight. Davidson theorized that if there was non-reporting or under-reporting that occurred on the project, it would have been due to a break-down between Ellingson, Minnesota Limited, and the environmental function. He went on to state that because of the volume and the amount of drilling, the potential existed for anything to happen. When asked if there were any management concerns that the field personnel were not taking environmental regulations seriously, Davidson responded: "At the Minnesota Limited Level, on the pipeline construction, the standards were so much higher than what those guys were used to, and there were lots of instances or issues about the inspectors or public safety professionals telling them that things weren't right. They had never been required to work under such demanding specifications."
21. On November 15, 2022, Your Affiant interviewed a Sashanna (AKA Sasha) Rial Tabaka. Tabaka has married since her initial work on the Shell Falcon, where she was referred to in documents as "Sasha Steele." Tabaka was hired on/about March or April of 2019, shortly after construction began on the Shell Falcon Pipeline. Tabaka described a typical work day as follows: She would attend a job-safety analysis (JSA) meeting in the morning, followed by walking the bore path of the HDD. Tabaka would subsequently check erosion control devices (ECDs), look for any leaks on the equipment on site, and examine the site to ensure everything was in proper containment. Tabaka added that she would maintain contact with the driller and the "mud-man" to ascertain if there were any losses of returns to the drilling rig. When Tabaka would arrive at a new site, she would make certain that all the contingency plan materials were on hand in the event of an environmental incident such as an IR and/or an LOC. When asked to identify what type of contingency materials were required to be on hand, Tabaka stated that these items consisted of straw bales, silt fencing, sandbags, tarps, plastic wrap, and hand tools such as shovels, rakes. She added: "Anything that would be used to contain an IR as quickly as possible. I would go a little farther, with my experience as a mud-tech. I would look at the additives to make sure they weren't trying to sneak in any un-approved additives, and I would look at the returns pit to see if there was any oil on top of it, which would indicate a leak. I knew what to look for, so it was helpful." Tabaka described the geology that the Shell Falcon traversed as being "...a challenging area to drill. The area had mining voids, fractures, sand, and rock, a little bit of everything." In her opinion "...the Houston #1 HDD should have been a lot deeper drilling profile and that had a lot to do with what happened there. They were only twenty (20) feet below the surface. Being in that field, it had been tilled. We could tell there was going to be some problems. It was shallow going up the hill." Tabaka stated that she and the Utility Inspector on site, who she identified as Paul Leisten, talked about the shallow depth of the profile. When asked if they shared any of their

concerns with the driller, Tabaka replied: "That wouldn't have been our place. It was out of our lane." Tabaka advised that she was present for most of the Houston #1 HDD, but was off-site for approx. seven (7) days to fill in for a Utility Inspector on another site. Tabaka advised that she reported directly to Eric DeLong. She submitted daily reports, which documented what happened throughout the work day. They would document walking the bore path, who may have come to the job-site, any IRs, etc. After the IRs on Houston #1, Tabaka advised they developed a weekly report with picture documentation of before and after photos. Pictures were a part of both the daily and weekly reports. Tabaka advised they also compiled waste manifests for the disposal of drilling mud and drill cuttings. The manifest(s) would not contain weights or volumes. Tabaka advised that these materials would be contained in a vacuum truck or dump truck. The materials would have been weighed or measured at the disposal facility, which would have been a facility known as LWS LLC., located in Steubenville, OH. Reports were submitted to Eric DeLong in an electronic format. The reports would use a Word format, but they would be submitted in a PDF format. When asked, Tabaka stated these reports "...could have been altered or edited, but I don't think that they were." Tabaka stated that she has copies of all of her reports in her sent emails. She stated that as an Inspector, she knew that there would be questions about what happened on Houston #1, and she kept them in the event that she was ever sat down at the table with authorities. She added: "It's better to be safe than sorry." Tabaka advised that Eric DeLong was great to work with. She stated that he was hard to get ahold of at times. She described him as very knowledgeable about the environmental side of things, but was lacking in his understanding of HDD. Tabaka felt that she had more working knowledge of HDD than DeLong. She noted that she was the sole EI that had any HDD experience on the environmental team. Tabaka studied the environmental side on her own time to educate herself on that aspect of the industry. Tabaka received "...a few hours" of training on the IR response plan from Larson and DeLong. She stated that she knew a lot about that subject already. There was additional training in the form of Shell safety training, which dealt with topics such as CPR, OSHA 30, API 1169, etc. There was additional IR training after Houston #1, because the IR plan was revised and updated. When asked what changed after Houston #1, Tabaka replied: "The first initial IR happened; it was like one-hundred gallons (100 gal). In the final report, it was like thirty-three thousand gallons (33,000 gal). DEP was not pleased. It went from, it's fine if it's in containment; to all IRs over two-hundred gallons (200 gal) need to be reported. So, the first IR continued, so it was a continuing IR the whole time, and when the final numbers came in, it was way too high." Tabaka indicated that it would have been Lane (Greenwalt), Eric (DeLong), or Paul (Leisten) who told her that drilling could continue so long as the IR was in containment. When asked, Tabaka stated that she never heard of the term(s) controlled release and/or managed release. Tabaka was asked to describe what happened on scene. She recounted that the initial IR was on a downhill slope, so they erected a silt fence, dug a three-inch (3") hole in the ground, cleaned it up, and took photographs. They did not measure the IR with a measuring tape. She reports that they had to clean up the IR with five gallon (5 gal) buckets because they couldn't move the heavy equipment off the ROW. The following day, they got the approval to start tripping out dry to release pressure from the hole. They started pumping a little mud because the drill bit was stuck. The majority of mud that came to surface occurred when they were pulling pipe to get it done. She advised that she doesn't remember who told her it was ok to keep going once the IR was contained. Someone on site got permission from the landowner, due to the IR being off the right-of-way. When asked to describe the IR, Tabaka stated: "It wasn't one IR, it was multiple IRs. It was quite a few. It was contained in a plywood structure off the ROW. It was sturdy." Tabaka was unable to recall the IR thresholds which would have mandated a work stoppage. She thought "...the original plan called for a stoppage if the IR was over two-hundred gallons (200 gal), then, you know, you stop, put in a re-start letter, it goes to Eric, and Eric submits the re-start report. That was all above me." According

to Tabaka, on Houston #1, the initial IR was less than one-hundred gallons (100 gal). Then nothing came out for a while until the bit got closer to that location. The second IR was like sixty gallons (60 gal). She stated: "Someone thought the IR was around three-hundred and fifty gallons (350 gal). It wasn't close to three-hundred and fifty gallons (350 gal). Eric (DeLong) would tell us that over-reporting was good, and under-reporting wasn't. I was submitting my daily and weekly reports to Eric during this time. Once they went to Eric, I assumed that he was sending them to the DEP. We even referenced the DEP in our reports." After containment was established on Houston #1, Tabaka was asked how the drilling contractor was keeping up with the flow. Tabaka responded: "We were using vac-trucks. They would pump the mud back up the hill and put it in the reclaimers. Normally, there would only be one (1) vac-truck per drill. On this one, we had two (2) to four (4) vac-trucks on the exit-side returns pit. The vac-trucks would put it back in the entry pit. There were quite a few IRs in the field at one time. It was something like holes in a dam." Tabaka did not recall that the IR plan required work stoppage for a second and subsequent IR. Tabaka added that there were no weekly reports which were required, unless there was an issue such as an IR or an LOC. The Circulation Reports started before Sean Larson started working with the DEP. The focus on LOCs or LORs didn't happen until after Houston #1. Mud meters came during this drill, during a shut-down. Tabaka recalled having to go to the yard and review the IR Plan but didn't view it as official training. Tabaka offered that it did not appear that Ellingson Trenchless knew what they were doing on this project. She went on to explain, "Southeast Directional was experienced; Ellingson was not. Ellingson shifted everyone around a lot. They would move drillers from rig to rig. They had different sizes and brands of rigs, drilling in different formations; they would move equipment and waste time setting up rigs. On Houston #1, the same driller (Southeast Directional) would have taken 2 ½ to 3 days to set-up a drill rig. They (Ellingson) took 10 to 14 days. Trucking was horrible. Getting the right amount of equipment was a problem. There were silt fence shortages." As another example, Tabaka cited the Houston #7 HDD. She advised: "My husband was there. There was a big IR, and they (Ellingson) hired someone to clean-up the IR while their crew sat there and didn't touch a shovel. That's part of being on a drill. The superintendent, Kurt Peterson isn't smart when it comes to drilling. He made up his own rules. Sean (Larson) had him kicked off the project, but he's still with Ellingson. When asked whose responsibility it was to monitor for a LOC or LOR, Tabaka advised "...that would have been the Foreman or the Mud-man. The Utility Inspector was the one who filled out all the LOC reports. As an EI, we would get the numbers for the day. If there was a LOC, I would get a call, but Utility took care of that." When asked if anyone on the project expressed any concerns over the amount of LOC's on the project, Tabaka replied: "No, it's typical for the formation. It's scary because when you lose returns, it could go into a creek or groundwater."

22. On November 15, 2022, Your Affiant interviewed a Mary Garza Gerschefski. Gerschefski was the HSSE Manager for the "Shell Falcon Project" in Pennsylvania, from approx. 2015 to November of 2020. Gerschefski identified the contractor selection process as a major component of the pre-construction phase. She stated that Shell's contractor selection vetting process is fairly rigorous. Shell regarded the Falcon Project as difficult due to the terrain. Gerschefski noted the process took months, and Minnesota Limited (MLL) was selected as the main contractor for the Falcon Project. According to Gerschefski, Minnesota Limited was responsible for the overall construction of the pipeline. Minnesota Limited hired sub-contractors for the project. Gerschefski stated that "...anything Minnesota Limited did not have expertise in, they were permitted to hire sub-contractors to perform this function. Ellingson Trenchless was hired for the HDDs." Gerschefski added that Shell had to approve of the sub-contractors hired by the main contractor. The criteria for evaluation of the sub-contractors consisted of examining their health and safety statistics, what was their background, and if the firm had done similar HDDs prior to the project. She explained

that the Ohio River Drill was a complex drill, which was designed to be drilled from either side of the river and meet in the middle. Shell wanted to be certain that whoever was hired had the proven capability to complete a technical, complex drill. When asked if the "stand-by pay" provision in the Ellingson Trenchless contract was a concern to her, Gerschefski claimed "I don't know anything about that." When asked who on the Falcon Project would have had the role of looking into Ellingson Trenchless as a sub-contractor, Gerschefski stated that Scott Adams would have looked into Ellingson more thoroughly. In addition, Shell hired a third-party HDD expert, identified as an Eric Schonberg. Gerschefski explained that Global Edge was a third-party company utilized because Shell needed a large number of employees for a short period of time. Gerschefski said that Shell encountered problems finding experienced inspection candidates to fill positions. Eric DeLong became responsible for assigning Environmental Inspectors to certain drills. Gerschefski noted that MLL was not the lowest bidder on the Shell Falcon Project. She added that Shell did not see what the HDD company (sub-contractor) was bidding on the project. As an example, she said that Shell would not have known about the stand-by provisions in the contract with Ellingson Trenchless. Gerschefski advised that Environmental Inspectors had very specific training. By January of 2019, Shell had hired most of the EIs required for the project. These inspectors went to AECOM offices in Greentree, PA to walk through all of the HDD plans. The HDD plans included the IR Response plan dealing with IRs and LOCs. Inspectors went through these documents page by page. Gerschefski did not attend these trainings. Gerschefski was asked to describe the Environmental Inspection Team on the Shell Falcon Project. Environmental Inspection included both Sean Larson's team and Eric DeLong's team. DeLong's people were referred to as HDD Environmental Inspectors. The environmental people had more experience when it came to environmental inspection, controls, and mitigation. Larson's people were called HDD Inspectors, but they also performed environmental duties. She referred to this as "double hatting." The HDD Inspectors had more of a background and experience with HDD Operations. The HDD EIs were out walking the bore path, looking for potential IRs. They were also looking at ECDs, containment, the quality and location(s) of environmental controls, and the condition of these controls. Part of their role was to ensure the materials were on hand to respond to any potential IRs. The HDD Inspectors were the only persons authorized to speak to the driller. They would speak to the driller about progress of the drill, observation in the drill cab, etc. Gerschefski stated "...they could approach the drill cab, but generally weren't in the drill cab." When asked if she received any reports from the field about Inspectors not being permitted in the drill cab, she responded: "No. I've never heard any complaints about this happening." She also denied any knowledge of drillers not being responsive to the recommendations from the HDD Inspectors. Gerschefski stated that the HDD Coordinator (Sean Larson) was supposed to report to the DEP in the plan. Eric DeLong's role was not enumerated in the original plan, as the Lead HDD EI wasn't in the original plan. Eric suggested this role to her during the interview process. She added that it was her belief that DeLong would give Shell a more informed view of what was happening at the different HDD locations. Originally, Sean Larson was reporting to the DEP in the form of phone notifications most often, and sometimes via email. After Sean Larson's dismissal from the project, Eric DeLong assumed the role of reporting to the DEP. Gerschefski and Scott Adams talked about the issue and agreed that it made sense for Eric to handle the reporting requirements. Gerschefski could not recall any additional training which was provided to DeLong for this new role. Shortly after Eric was assigned the reporting responsibilities, there was a significant problem with Houston #1. Gerschefski recalled that the DEP asked for the reports. According to Gerschefski, Eric DeLong didn't realize that he needed to send these reports to DEP. She stated that they went back and looked at the IR Plan where it specifies the need to put together weekly reports and it wasn't clear. When asked if she told DeLong to submit the weekly reports to DEP, she replied: "He reported to me for the project, but I wasn't in charge of him HR

wise. When he took over, we told him to start notifying the DEP on new IR and LOCs." When asked about the term "managed or controlled release", Gerschefski stated that she first heard the term used by Casey Talento of AECOM. She admitted that DEP was surprised by this decision and wanted the opportunity to review the way that an IR is being managed. Gerschefski acknowledged that a second or subsequent IR would require a work stoppage and notification to DEP. When asked if LOCs were considered a big deal on this project, Gerschefski responded "...they are in the HDD Plan. Whenever you have a LOC, you are being very diligent looking for a potential IR on the surface." Gerschefski acknowledged that the IR Plan had requirements for reporting LOCs to the DEP but it didn't lay out specific volumes that triggered reporting. She explained that the IR Plan required reporting of "significant losses" but that the term "significant" wasn't defined and varied depending upon the drill. If the loss was a total loss, it had to be reported.

23. On December 1, 2022, Your Affiant interviewed Anthony Jerome Bourassa. Bourassa stated that he started on the Shell Falcon Project on/about January 21, 2019 as a HDD Inspector. He worked on the Shell Falcon until February of 2020, when he took a voluntary lay-off from the project to return home to Minnesota. When asked about his knowledge of the IR Plan on the Shell Falcon, Bourassa described the plan as "...a nightmare which nobody understood. It evolved and got worse due to the revisions to the plan. In the event of an IR, we were supposed to stop, take pictures, and wait for a re-start. We were required to take twenty (20) pictures per day. The problem with the plan, or the rules per say, was nobody went through it." Bourassa advised that in the event of an LOC, "...we were supposed to treat it as an IR, because an LOC will most likely lead to an IR. We were supposed to notify Sean Larson, and wait for approval to continue. This varied on the location of the drill. In environmentally sensitive areas, we were more cautious. Areas like a resource, such as wetlands or a waterway." Bourassa indicated that Ellingson Trenchless lacked the experience and knowledge required to perform the HDDs on the Shell Falcon project. Bourassa indicated that Ellingson Trenchless employees did not appreciate suggestions from the Utility Inspectors and did not welcome them into the drill cab. He went on to state that the inspectors suspected that Ellingson Trenchless was hiding LOCs or LORs. Bourassa indicated that their concern was why Sean (Larson) requested water meters to monitor usage. Bourassa noted that the contract favored Ellingson Trenchless. When asked to explain, he stated: "Ellingson got stand-by-time if there was a shut-down. It cost a lot of money. This was not the correct practice, and it wasn't good for Shell. I heard several figures of what it cost Shell per day in a shut-down. The figure I heard most was fifty-thousand dollars (\$50,000) per day. If you have poor drilling, which leads to a shut-down, they are thinking 'I still get paid.' There was no motivation to do the right thing." Bourassa indicated that DeLong and the Environmental Inspectors on the project didn't understand drilling and "were there for a paycheck and to goof-off." When asked about disputes over the size of IRs, Bourassa stated "...estimates of IRs were harder. We often over-estimated. Ellingson wanted us to minimize IRs. They would say things like: 'Oh, come on. You're overplaying it.'" Bourassa said no one from management ever asked him to under-estimate an IR. Bourassa added: "I was asked about falsifying documents at that Shell meeting. I told them I did not. Bourassa was asked if he ever heard the term(s) managed release and/or controlled release. Bourassa stated: "No. If you have a release, it's not controlled, and it happened inadvertently. It's a misnomer, unless you drill a geo-drill or a relief well. I was not on Houston #1, but that's not in the IR Plan, and that's not how you drill. If you have a release, you trip-out, clean the hole, and trip-in. I don't agree with that. It's not in the plan."

24. On December 7, 2022, Agents interviewed a Phillip Mateusz Oleskiak. On November 5, 2018, he was hired as a Chief Inspector for the Shell Falcon. The job was supposed to be a two spread job

with ½ in Pennsylvania and the other ½ in Ohio and West Virginia. Oleksiak was to be the Chief Inspector for the Ohio portion, that was until the contract was signed with Minnesota Limited (MLL) and the project became a (1) spread. However, they still had two chiefs and two assistant chiefs. Oleksiak provided he would oversee all the construction inspectors, not the environmental inspectors or the HDD inspectors. The HDD inspectors fell under the Chief Inspector; in practice they were highly specialized so they reported to Scott Adams who was a Shell employee and a subject matter expert and Eric Schonberg who was an outside Shell consultant. The only thing he had to do with the HDD inspectors, was sign Sean Larson's time sheet. Oleksiak would attend MLL's weekly meeting, although he didn't recall any discussions that MLL personnel weren't taking environmental regulations seriously. Similarly, he didn't recall any discussions with MLL about re-training their employees on environmental regulations. Oleksiak did confirm that there were conversations about shut downs and how much they were paying for stand-by pay. Oleksiak said it was either \$25,000 or \$40,000 per day. The initial deadline to complete the project was 2019. Oleksiak advised that he was not involved in anything environmental. He recalled his administrative assistant being pulled and told to assist Delong with pulling reports and pictures and placing it on a document which could be given to the DEP. When the HDD coordinator (Larson) was let go, it was a chaotic period. Larson was the primary point of contact. When the Larson changeover occurred, everybody was scrambling.

25. On December 7, 2022, Agents interviewed a Scott Jay Adams. Adams is the former Project Engineering Manager for the Shell Falcon Pipeline, who retired from Shell on/about July 31, 2021. Adams stated that as the Project Engineering Manager for the Shell Falcon Pipeline, people came to him with technical questions regarding the design. Adams was concerned because the Falcon Pipeline route went through a historic dump and numerous environmentally sensitive areas. Adams noted that he did not design the drilling profiles for the project, but rather reviewed them after they had been completed. The drilling profiles were done by AECOM. Adams has not worked any previous pipeline projects in Pennsylvania. He described the geology in Pennsylvania as significantly different, and more challenging. The geology in Pennsylvania is less homogeneous, characterized by fractures, layers, and less cohesive. Adams stated these factors make the HDD process more difficult, but it also make the open trench installation of a pipeline more difficult as well. When asked, he stated approx. ten-percent (10%) to twenty-percent (20%) of the Shell Falcon pipeline was to be HDD. Adams described his knowledge of HDD as "...pretty good. I did a lot of them in Texas, Louisiana, and California. This was my first time in Pennsylvania." He stated that he has "...about twenty-five (25) years of experience, off and on, in HDD." Adams was careful to point out that he was not working the Shell Falcon Project from the beginning. Most of the design of the pipeline had been completed prior to Adams becoming involved in the project. He reviewed the existing plans as part of the onboarding process. There was a limited amount of design which took place after Adams joined the project. AECOM did the design, the designs were sent to a HDD Consultant, then submitted to Adams. Adams stated that the HDD Consultant had a ten (10) year relationship with Shell, and was hired to provide "...another level of review outside of Shell." Adams joined the Falcon Project on/about 2017, and he was there throughout construction. At this time, he was based in Houston, TX. When asked where he was during the construction phase, Adams replied: "For the most part, I had a bird's eye view from Texas. I took trips to the site two (2) times per month, but as a rule, I was in meetings with the Shell Pipeline Projects Team." In addition, there were call-in meetings with his counterpart at Minnesota Limited, identified as a Mylan Koski, every two (2) to three (3) days. When on site in Pennsylvania, meetings took place at the construction trailers on the project office site. Adams indicated that Shell desired to have project leaders have an on-site presence. Adams was unable to recall any problems which required him to travel to Pennsylvania. Adams

was asked about the contractor selection process. Adams stated that Minnesota Limited (MLL) requested Ellingson Trenchless. Ellingson Trenchless was subsequently vetted and approved by Eric Schonberg, the outside HDD Consultant, Charles Rolston, the former Construction Manager, and AECOM. This team reviewed Ellingson's data to ensure that they were capable of doing the work. Adams was asked if he had any professional concerns about the "stand-by pay provision" for Ellingson Trenchless. Adams replied, "No, not that I can recall. It was discussed, and it wasn't something we normally did. I don't remember anyone else questioning it. It put more of a monetary risk on Shell." When asked if it became a problem during the construction phase, Adams responded: "No. I'm happy we did it that way. It took away the motivation for Minnesota Limited and Ellingson Trenchless to try to cut corners and under-report. The way it was set up, as long as they followed the processes, if something happened, they got paid. If they did something that was incorrect, they wouldn't get paid." If there were any HDD issues with a technical piece, those questions were directed to Adams. He elaborated that such questions would go to the HDD Lead, Sean Larson and/or Lane Greenwalt first, then elevated to him. If there was an IR or a LOC, Adams and the HDD Lead would review the mitigation plan prior to re-start. Adams was asked if Larson ever voiced any concerns to him regarding the competency of Ellingson Trenchless. Adams replied: "Sean didn't like Ellingson from the beginning. I'm not sure why. I remembered asking him if there was something wrong with them. I don't recall if he ever told me why he didn't like them. If he told me there was a competency issue, we would have worked to solve it, or get rid of them." When asked if he had any involvement with the IR Plan, Adams advised that it was put together before his involvement with the project. When he was hired on to the Falcon Project, he reviewed the IR Plan. He recalled having at least one (1) meeting with the DEP. On/about 2017, DEP had Shell come to discuss IR plans. Adams believes that Shell followed the IR Plan. He is unable to recall any meetings with the DEP where they felt that Shell wasn't following the IR Plan. Adams indicated that the DEP "...told us what real-time instrumentation meant." When asked to explain, Adams stated: "I'm not sure I remember, but it had to do with instrumentation which had to be added to the drill rigs. It had more data logging capabilities. It logged data continually." When asked what type of data was logged or recorded, Adams said "I'm not sure, but I assume that pressures and perhaps volumes in the holes were being measured." Adams was asked about the term "managed or controlled release". He stated that he had heard of that term but wouldn't use it to describe the Houston #1 incident. He recalled having a meeting with DEP where that term was discussed. Adams was uncertain whether the IR Plan for the project included this term or not, or whether it was contemplated by Pennsylvania's environmental regulations. Adams did acknowledge that a second or subsequent IR that popped up in the same spot as a previous IR would need to be documented and reported as a new IR. Adams stated that initially, the Falcon Pipeline was expected to be completed in nine (9) months. Adams advised that he did not review the drilling logs compiled by Ellingson Trenchless. When asked if there was anyone at Shell or the AECOM team looking at those logs, Adams answered: "The HDD Inspectors should have been looking for stuff; Sean (Larson) and his guys. Later in would have been Lane (Greenwalt).

26. On December 7, 2022, Agents interviewed a Melvin Douglas Scott Jr. (AKA Doug Scott). Scott explained that he initially started on the Shell Falcon Pipeline as the Engineering Manager, from 2016 to 2018. He submitted his name for consideration as the Project Manager and got the job, in the first quarter of 2018. Scott was asked to explain his responsibilities as the Project Manager on the Shell Falcon. He defined his role as "...leading a group of managers in certain disciplines to execute the project and to meet the goals. Health and safety, quality, environmental, and cost goals. Scott was asked where he was running the Shell Falcon Project from. Scott replied that it depended on the stage of the project. Prior to construction, he operated from Houston, Texas but

came to Pennsylvania twice per month. He added that once construction began, he was based in Pennsylvania for the first three (3) months and then slowly pulled back the amount of time he was in Pennsylvania. Scott identified Scott Adams, the Lead Engineer, as the internal subject matter expert at Shell. He stated that Eric Schonberg was the external consultant. Schonberg ran a firm known as Trenchless Engineering. Shell in turn hired AECOM of Pittsburgh, PA as the engineering contract, and they had a HDD Specialist reviewing their work. Scott identified the elevation changes in Pennsylvania as the biggest challenge for the project. Scott indicated that Shell chose Minnesota Limited after extensive research into the company and reviewing the bids that were submitted. Minnesota Limited bid the project differently than most other bids, which made them more cost effective. Once Minnesota Limited was selected, they requested Ellingson Trenchless as a sub-contractor for HDD. Scott said this was due to a 1.3 mile HDD which required an intersecting drill beneath the Ohio River. Scott indicated that he had no serious concerns about the "stand by pay" provisions within the contract and stated that he wasn't sure how much a DEP work stoppage cost per day. Scott indicated that he was not involved in the day to day workings of the pipeline. He indicated that that responsibility fell to the construction manager. The construction manager reports on the project, provides support, and compiles HSSE reports. Minnesota Limited is running the project, while Shell is providing the assurance and fulfilling reporting responsibilities. The Minnesota Limited construction manager is running the show on a day to day basis and is reporting to Shell's construction manager. When there were issues with an HDD, Scott claimed if there was a LOC or an IR they had a rule of "...three (3) to agree, meaning someone from Minnesota Limited, Ellingson, and a Sean or a HDD Inspector had to agree on what was going on. You had to have three (3) at each rig, and they had to agree on a number, then call the DEP, and report. If they had to stop, they stop and wait for a re-start." Scott indicated that he would get a text alerting him to an LOC or IR, the volume, whether work was stopped and if DEP had been notified. Scott described a later meeting with the DEP that involved a discussion about real-time data loggers not being present at the HDD rigs. DEP wanted to know where the equipment was and no one from Shell could answer. Scott explained, "[w]e were missing equipment on the rigs. DEP would allow the re-start once the proper equipment had been installed. That plan was reviewed by a lot of people. Scott Adams, Eric Schonberg, and environmental lawyers all missed that in the plan." Scott said that in addition to the real-time data loggers on the HDD rigs, water meters were discussed. Scott thought that the meters were standard equipment, but Ellingson Trenchless did not have the water meters on the HDD rigs either. Scott denied knowing what the term "managed or controlled" release meant and acknowledged that he is completely unfamiliar with the IR Plan and has never read it.

27. On December 8, 2022, Your Affiant interviewed a DEP Supervisor from the Waterways and Wetlands Program at the SWRO regarding notifications that Shell submitted to them for IRs and LOCs on the Falcon Pipeline construction project. DEP indicated that Shell documentation included three (3) incidents that were not reported to DEP, in violation of Shell's permit. These incidents are as follows: (1) A LOC of 6,185 gallons which occurred at Houston #3 on 08/04/2020. The notification was to have been made by Eric DeLong via voicemail. (2) A "hose spill" of approx. 10 gallons into a stream which occurred at Houston #8 on 05/15/2020. The notification was to have been made by Eric DeLong via voicemail. (3) A "punch-out" IR of approx. 50 gallons on Houston #10 on 07/09/2019. The notification should have been made by Sean Larson. In the Shell document, Larson claimed it was a "punch-out IR" and no IR report was required and no notification was made. The DEP indicated Shell failed to submit weekly reports once Eric DeLong took over the reporting requirements. This issue was brought up with Shell and subsequently remedied.

28. On/about January 18, 2023, DEP pointed out additional incidents that Shell failed to report to the agency, in violation of the permit. These incidents included: a 21,000 gallon LOC on the Houston #7 HDD was unreported. A 19,116 gallon LOC on the Houston #8 HDD was under-reported to the DEP as 4,909 gallons. A 2,800 gallon IR on the Houston #8 HDD was not reported initially, but contained within a subsequent weekly report submittal.
29. On January 20, 2023, Your Affiant interviewed a Paul William Leisteen. Leisteen worked for Michel's Corporation from approx. 07/2012 to 01/2019. Leisteen worked in the Horizontal Directional Drilling (HDD) Crossings section of the company. Leisteen started in a general laborer's position, and eventually worked his way up to a foreman's position on a drilling rig. He left his employment and Michel's and started on the Falcon Project on 01/20/2019 in Pittsburgh, PA. Leisteen was one of the original six (6) hires for the HDD Inspector team headed by Sean Larson. He described his training for this position as "...a series of e-documents, videos, presentations, and on-boarding materials. We discussed the IR and HDD Plans in depth, like how to respond to IRs and environmental inspections." There was nothing specific in this training regarding Pennsylvania regulations. Larson quizzed the HDD Inspectors on what to do in the event of an IR, such as call a supervisor, estimate the volume, and follow written procedures. When asked about his professional opinion of Ellingson Trenchless, Leisteen indicated that Ellingson handled things differently than other companies but that they were not incompetent nor were they trying to get away with anything. Leisteen was asked to recall if there were any problems on Houston #7. Leisteen replied that there was an IR near a sound wall off the right-of-way (ROW) at the start of the drill. There were also approx. two (2) LOCs. They tried a couple of things to restore the flow. There were also some issues with getting the drill intersected from both sides. They struggled with this, but eventually got it done. When asked, Leisteen remembered that Ellingson lost some teeth from the drill bit on the drill, but was unable to recall any of the specific details. Leisteen was asked if there were any problems on the Houston #1 HDD. Leisteen stated that he worked that location with a Sasha Steele as the Environmental Inspector, and there were "...lots of IRs there." He claimed there were no issues until they lost all returns and the mud popped up on the opposite side in a farm field near the exit side. According to Leisteen, most of the problems on Houston #1 came up after Sean Larson had been fired. Lane Greenwalt subsequently assumed Larson's position as the HDD Coordinator. Leisteen was asked if any of the IRs would have been over the work stoppage thresholds as defined by the IR Plan and the DEP. Leisteen responded: "Any mud that came to the surface should have been reported to the DEP." Leisteen advised that he would only report to Lane Greenwalt in his chain of command. Leisteen stated that his reporting responsibilities ended with reporting the IRs to his immediate supervisor (Lane Greenwalt) and documenting same in his report. Leisteen was asked if he ever heard the term(s) managed and/or controlled release. Leisteen replied that he didn't hear that term used on Houston #1, but that this concept is nothing new and he had heard it before. The concept is that you contain the IR, collect it to prevent the IR from spreading, pump it back to the drilling rig, re-circulate it, and continue drilling. Leisteen stated: "I didn't hear that term being used on Houston #1 specifically. It wasn't ever said that it was a recurring IR and they were going to run with it. That terminology wasn't used. No." Leisteen described the mud as "...coming out into an alfalfa field about three-hundred feet (300') from the exit point. Laborers with shovels and squeegees attempted to contain the IR. They put plastic sheeting under hay bales. They would collect the mud with a vacuum truck, take it back to the mud pit and re-circulate the mud. Leisteen advised that when they got the re-start letter from DEP, Lane Greenwalt said: "Tell Ellingson we're good to go." Leisteen recalled "It didn't make any sense to me that we had another two hundred and fifty gallons (250 gals) of mud come up. We measure it, it was reported, and the mud keeps coming out. I asked specifically if we could have more mud come up and it

was okay. Lane said yes. I asked him (Lane) if there is a threshold, and we report, and then once we report, it's okay to have a million gallons (1,000,000 gals) to come up? I didn't think that was accurate, but that's what Lane said. Lane said as long as it was coming out in the same spot, then it was okay. I took a picture of the letter and the report. Lane and Eric (DeLong) were talking to the DEP, so I just assumed the DEP was aware of it." Leisteen continued: "There were two (2) major reports of IRs on that one, and the distance between the two (2) of them was thirty (30) to forty feet (40'), which is arbitrary, and there is practically no difference. We got to report this as a second one to Lane. I went to my supervisor, who was Lane, and I questioned him twice. Lane said it was fine to keep going and that the DEP was aware of it." When asked, Leisteen stated that DEP was not present on that location. Leisteen advised that the numbers contained in the Fluid Circulation Report were accurately reported by him. He reported the numbers provided to him by Sasha Steele. Weekly Reports/Summaries were compiled by Sasha Steele. Leisteen added: "I've read stuff on the Shell Falcon after the fact. I think there's some confusion over the numbers. The mud, IR wise, I read that it was like forty-nine thousand gallons (49,000 gals). That sounds like a lot, but there was only like two-hundred (200), three-hundred (300), or four hundred (400) gallons of mud on the ground at any one time. It was all washed down. It sounds a lot worse that it was in reality. I bet if you go back to that spot on the ground now, it's just a green spot on a farmer's field." According to Leisteen, nothing changed when Lane Greenwalt took over as the HDD Coordinator. He described Greenwalt as educated in HDD and sophisticated. Leisteen stated "In my opinion, Ellingson was not a top-notch HDD company. It was not a matter of incompetency, it was more like inexperience. I would sometimes ask the foreman, why don't you trip out and put on a jet. They had the equipment, jet-tools and other bits. They would just blow and go. They didn't seem to be in a hurry to do anything. It was like when they were working, the thought was what we get done, we get done." Leisteen stated that on Houston #1, "...it seemed to me that Lane (Greenwalt) and Eric (DeLong) followed everything that the DEP told them. I don't think anyone told me to cover-up, lie, or withhold information. We would stop and report the mud on the ground." Leisteen was asked why Sean Larson wanted to install water meters on the rigs. Leisteen replied: "They were required for the HDD Plan. We should have had them."

30. On January 25, 2024, Your Affiant interviewed a Jeremy Ellingson, the Chief Operations Officer of Ellingson Trenchless via a WebEx teleconferencing application. Four (4) additional employees of Ellingson Trenchless were also on the call. They are as follows: Alfredo Padilla (DOB 01/24/1980), Operations Superintendent, Curt Peterson (DOB 01/20/1969), Operations Superintendent, Robert Hotz (DOB 01/18/1985), Project Manager, and a Michael Schibursky (DOB 12/15/1970), Project Manager. Ellingson provided examples of prior work that the company had performed both within and outside of Pennsylvania. They indicated that seventy-five percent (75%) of their work has been in Pennsylvania. When asked if there were challenges to HDDs in Pennsylvania, Jeremy replied: "Yes. The terrain comes to mind. It's steep, you have elevation changes, and it's tough to be done with open cut. The soil conditions are rocky, you have changes in sub-soils, and you have abandoned coal mines. The geology is not simple. You have inconsistency in the rock formation. It changes throughout a single bore." Ellingson advised that every drill in Pennsylvania is challenging. Having a system to manage IRs is important. Jeremy added that the system and the process structure that was set-up on the Shell Falcon was two-fold and better than any other job they had done in Pennsylvania. There was a lot of sensitivity around environmental issues and impacts. When asked about the hierarchy and/or chain of command on the Shell Falcon Project, Jeremy said that Ellingson was a subcontractor for Minnesota Limited. Ellingson predominantly interacted only with Minnesota Limited. Jeremy stated that the project called for two (2) sometimes three (3) environmental inspectors on the HDD sites every day.

When asked if water meters were required from the start of the project, Ellingson stated that they were. Freddy Padilla recalled that there was a delay in the project because Ellingson didn't have them on site at the start of the project. They placed a rush order on the meters and weren't allowed to begin drilling until the meters were on the equipment. When asked about the reporting threshold for losses of circulation (LOCs), Ellingson responded: "We could lose up to five-thousand gallons a day before we had to make notification and a shut-down was required. If there were IRs, the inspectors on the job site were watching. The two (2) inspectors would notify Shell, and Ellingson would notify Minnesota Limited." In addition, there was a drone company known as Cyberhawk which was looking for releases in the form of IRs. He added that Minnesota Limited had people out in the field too. Ellingson would send notices of IRs in the Daily Fluid Circulation Report (DFCR). The notifications to Minnesota Limited was typically made via phone. They brought inspection people in to stay with the drill rig so there would be a rapid response to fluid losses. If there was a fluid loss above the threshold, it took time to get a response from the DEP. The IR threshold was determined by Minnesota Limited and the lead environmental inspector. Ellingson added that there were times when they were shut-down for ten (10) to twelve (12) days until there was some sort of clearance from Shell or Minnesota Limited. When asked if Ellingson was provided "stand-by pay", Ellingson said "...yes, there was some stand-by pay, but not much. There were times we received stand-by pay, but then there were other times that we didn't get it. We submitted for every hour to get paid." Ellingson said that he was uncertain if they were actually compensated for every day they were on stand-by or not without looking back at the data. When asked directly if the DEP shut down the Falcon Project a few times for remedial training related to the HDD Plan, Jeremy claimed: "I never heard of this before." He explained that they would simply communicate the fluid losses and they would be on stand-by until they were given the greenlight to start up again. Ellingson said if there was something going on with DEP, it wouldn't have involved them. He subsequently confirmed by looking at daily logs that this training did occur on Houston #11. Mike Schibursky stated that the HDD Plan was reviewed with Ellingson employees prior to the start of each HDD. Ellingson confirmed that IRs on the LOD also required cessation of drilling. Ellingson was asked to recall what precipitated the Houston #3 mud-reporting training. Ellingson recounted that it was on-the-job instruction. If they were getting close to the five-thousand gallon (5,000 gal) threshold for the day, they were to ask for permission to get a new five-thousand gallon (5,000 gal) threshold to continue. They called this a re-set. They were told when LOCs reach the five-thousand gallon (5,000gal.) per day threshold, they were to stop work and document the situation. They would be asked questions like how deep is the drill bit, how many gallons lost, etc. This information would be sent and they would wait several hours to get permission to re-set the threshold and start over. When asked what the work stoppage threshold was for an IR, Ellingson responded that at the beginning of the project, they started at a threshold of two-hundred and fifty (250) gallons for Pennsylvania. The pipeline went through multiple states, so they had other reporting thresholds for those other states. When they were required to notify the DEP, Shell and the DEP were communicating directly. Ellingson did not have a part in this process. Ellingson's practice was to notify the general contractor (Minnesota Limited) no matter what the number was. Whether the operator notified the DEP was up to them. After consulting some documents, Jeremy Ellingson said they began work in earnest on the Shell Falcon on March 1, 2019 in the State of West Virginia. He added that the meeting regarding IRs and fluid reporting took place at the Houston #11 site on September 06, 2019. This stand-down day was described as a training day. When the group was asked if they ever heard of the terms "managed and/or a controlled release" Curt Peterson advised that he had heard that term used to describe a planned bore hole. Robert Hotz indicated that another term for it would be a relief well, but he wasn't aware of any such method being used on Houston #1. Freddy Padilla stated that he was unaware of the term(s). Jeremy Ellingson advised that the HDD for Houston #1 didn't mention the use of a

relief well. The superintendent for Houston #1 was a former employee who was no longer with Ellingson. He was identified as a Clark Cogburn. Eric DeLong would have been the Chief Environmental Inspector. DeLong would have been responsible for making all of the notifications to the DEP. In the event of an IR, shut-down authority was with environmental from Shell. Ellingson's practice was to shut-down and deal with an IR, so the drilling superintendent would also have the ability to shut-down the drill. According to Jeremy, the environmental inspector would have ultimately given Ellingson the green-light to begin drilling again; they wouldn't start drilling again without the inspector giving them this approval. When asked specifically about the Houston #1 HDD, Mike Schibursky stated that the HDD would have been in September and October of 2019. When asked if there was a continuous and ongoing IR on the drill which far exceeded the two-hundred gallon (200 gal.) threshold for an upland area, necessitating a work stoppage on this site, Freddy Padilla said they had fluids coming out on the exit side. Clark Cogburn would have been visiting another site when this happened. Since it was an upland location and they were able to contain it and use vac trucks to collect, they said: "You're on the ROW so you can contain it and keep going." The word came from environmental. It would have been from the Lead Environmental Inspector. Ellingson explained that the IR happened really close to where they were punching out. It was an IR, but not really. They were able to collect the mud at the end and put it back into the bore pit. They said that there was no day during this process that they lost more than the five-thousand gallons (5,000 gal.) per day reporting threshold to the DEP. The group indicated that it was like a normal exit pit, but the pit was just extended up the hill a little bit. When asked, Jeremy Ellingson said that he was surprised that the DEP took issue with this plan. The Chief Environmental Inspector on site, identified as "Sasha", stated that they could continue drilling. Freddy Padilla advised that they installed a silt fence on the low-side of the IR to make sure to control it and prevent the IR from flowing down-slope. Eric DeLong, the Lead Environmental Inspector gave the green-light to continue drilling "...as long as they could control it." The Inspectors who were assigned on-site to the Houston #1 HDD were a Paul Leistein and a Sasha (Steele). Ellingson advised that no one from Ellingson Trenchless attended nor called-in to a meeting with DEP on/about November 11th, 2019. This meeting was intended to address the reporting issues(s) on Houston #1. According to Ellingson, Minnesota Limited would have been required to invite Ellingson. Without an invite, Ellingson had no reason to know such a meeting even occurred. Ellingson had no real interaction(s) with the DEP. Ellingson merely communicated with the environmental inspectors which were on site.

31. On February 6, 2024, Your Affiant interviewed a Clark Cogburn. Cogburn advised that he had previously been employed by Ellingson Trenchless. Cogburn stated that he has worked on pipeline projects all over the world. He left Ellingson Trenchless in early 2021. He estimates that he left the Shell Falcon Project about the same time, on/about March of 2021. Cogburn was a drilling superintendent on the Shell Falcon. He reports that Curt Peterson was his immediate supervisor on this project. Cogburn stated that he performed a total of six (6) HDDs on the Shell Falcon, to include the "Cracker Plant", "Interstate Crossing" and "Houston #1". Cogburn stated that the Spread Manager from Minnesota Limited (MLL) was very conscientious. He was identified as a Michael Buric. Buric is no longer with MLL, as he is currently employed by a firm known as Precision Pipeline. Cogburn said: "Mike didn't like the drill surveys. They were done using Google Maps. You know, everybody these days wants to save money, so they use Google Maps. Buric wanted boots on the ground. He didn't trust Google Maps. So I walked the bore path, and found that the original drilling surveys were off by twenty-three feet (23') to the northwest. Our equipment sat for a week before we got the bore path corrected." When asked about the prevalence of IRs on the Shell Falcon in comparison to the other pipeline projects he worked, Cogburn responded: "It was a little above average. There were more IRs on this project. Anyone

who tells you that you're going to do HDDs in Pennsylvania and you're not going to have IRs is telling you a blatant lie. It's really bad from Pittsburgh, PA south to the state line." When asked about LOCs on the Shell Falcon Project, Cogburn replied: "Shell had a procedure for dealing with LOCs. We would pump a pill of twenty (20) bags of Magna-Fiber. The pill would be pumped down. If that didn't work, then we would pump four-hundred (400) grit grout, and let that set-up. They make an eight-hour (8 hr.) polymer that gets twelve times (12X) its natural size. It's all natural, made from honeycombs, but you're not allowed to use it in Pennsylvania." When asked if there was a continuous, ongoing IR on the Houston #1 site, near the exit side, Cogburn replied: "Yes. Environmental came up and lined a pit with plastic. They put up sand bags, filter socks, silt fence, and flat bales. We had four (4) vac trucks standing by. When we would drill, and the mud came out, we vacuumed it up and took it to the dump or recycled the mud. DEP approved it. There was a guy from DEP, his name was Mark. He had a heavy moustache. Shell Environmental was there. That would have been Eric DeLong. Minnesota Limited Environmental was there too." Cogburn referenced the pit near the exit side of Houston #1 as "...it's an engineer's box. At least that's what they called it. It was about a twenty-five foot (25') box we had to work in. I remember the area because it had to have been a dump of some kind years ago. There were glass needles, glass vials, test tubes, and like medical waste from a long time ago. The ground was very loose." When asked, Cogburn said "...if we had an IR, we would immediately stop and clean it up. Ellingson would never call a state official. That was up to Shell to do that." When asked who he would make notifications to in the event of an LOC, Cogburn replied: "From what I remember, if we were at thirty-five hundred gallons (3,500 gals), we would make notifications to the inspectors on site. Utility and Environmental. I notified the Environmental Inspector with one (1) call, because I had one-hundred and twenty-seven (127) employees on my phone."

32. On February 13, 2024, Your Affiant interviewed an Eric Russell Skonberg via the WebEx teleconferencing application. Skonberg founded his own HDD Consulting firm known as Trenchless Engineering in 2001. Skonberg was asked how he first came to be involved in the Shell Falcon Project. He indicated that he has done work for Shell related to HDDs since 2004 or 2005. Skonberg did not perform the engineering portion of the Shell Falcon Pipeline. AECOM of Pittsburgh, PA performed the engineering study. He stated that Shell has the expertise to design the HDDs. Skonberg continued: "A lot of times, they would come to me when there's two (2) options. The designers don't have the construction experience that I do. So, I'm throwing darts at it: Have you thought about this? I want to highlight the riskier crossings to the client." Skonberg explained that he became involved with the Shell Falcon in 2016 when he was asked to opine on the feasibility of some of the HDD designs. Shell had some target HDDs in mind. A few of these crossings were big and challenging. As an example, he cited the Ohio River HDD. The Ohio River crossing was six thousand (6,000) to seven thousand (7,000) feet out, at a significant elevation. Skonberg was involved with the actual construction component of the Shell Falcon from late 2018 to approx. 2020. He stated that he was a small part in a much larger machine. According to Skonberg, "...Shell just felt better if I'm involved. I save them money when I'm involved early-on in a project. They (Shell) trust me." When asked about some of the challenges associated with the Shell Falcon Pipeline, Skonberg replied: "You have geo-technical conditions, abandoned mines, and the complexity of the geology with elevation changes. Drilling in rock is fine if the rock is homogenous. In western Pennsylvania, it's not that way. There's lots of fractures, voids, and folding. It's inconsistent." When asked where he fit into the chain of command on the Shell Falcon Project, Skonberg stated: "I don't think I've ever seen my name on an organizational chart. There is usually only one (1) name or person who will approve my invoices. Scott Adams was the Engineering Manager on the Project. He is probably my best

guess as to who I reported to on this project, but I would talk to and meet with others. If Scott (Adams) had an issue or concern(s), it would be common for him to come to me for support." Skonberg advised that during the construction phase, he would come to Pennsylvania once a month for three (3) to five (5) days at a time. In addition, he had weekly meetings with the whole project team. Skonberg received daily reports from the contractor. These reports detailed items such as drilling conditions, how hard they're pulling, how much they're pumping, the equipment on site, and rendering or drawings which were indicative of drilling progress. As a HDD Consultant, he is typically more interested in mud weights, viscosity of the mud, and the things that the drilling contractor is looking at. Skonberg indicated that he identified the most technically challenging drills. He subsequently compiled a list of the top three (3) to five (5) HDD Contractors. Shell disregarded his suggestions and went with Ellingson Trenchless. Skonberg stated that he had never heard of Ellingson prior to Shell's selection but that he found them to be a good, reputable contractor. Skonberg was asked about the HDD Coordinator's Position. Skonberg explained that the Shell Falcon Project was very large, with multiple crossings utilizing several drilling rigs that were operating simultaneously. Given this amount of activity, Skonberg suggested having a HDD Coordinator that oversaw all of the HDD inspectors on the various drills. This would provide for uniform reporting and not allow for anything superfluous in the daily reports. Shell agreed with Skonberg. Skonberg subsequently brought Sean Larson's name to Shell. Larson's replacement was Lane Greenwalt. He commented that Lane stepped right in to the position, and never missed a beat. Skonberg advised that he did receive Inspector Reports and Daily Reports, in addition to drilling data, and records of mud testing. Skonberg stated that he didn't typically see the Daily Fluid Circulation Report (DFCR). Skonberg said that this report went to the Environmental side and was used to determine whether or not there was a potential loss of fluid. Skonberg was less interested in that. There were IRs on this project. According to Skonberg, Shell would call him and ask is there anything else we should be doing? I told them: "We are following protocols, to contain them, and report them. I thought they were doing everything they should be doing. Based upon the number of HDD crossing on the project, it seemed there were more IRs, but that's because there were more HDDs running at the time. There were twenty (20) crossings, so there were more IR events." When asked what happened in the event of a LOC, Skonberg replied: "There were various thresholds for IRs throughout the length of the project. When a LOC was noticed, we would shut-down the pumps, stop drilling, and trip-out of the hole. We would notify Shell Environmental. I didn't hear anyone saying we should look the other way. We would make remediation suggestions. Prior to initiating drilling at a given HDD crossing, Shell would have a meeting with the HDD Superintendent, the HDD (Utility) Inspector, and the Environmental Inspector for that specific crossing. Ellingson would subsequently go through the details of the plan with the inspectors so they could ask questions and be familiar with the plan. Skonberg advised that he provided a "HDD 101" class to inspectors and others on the project team at the beginning of the project. In addition, the Ellingson drill plan would be reviewed at each crossing to make sure there were no issues.

33. On February 15, 2024, Your Affiant interviewed a Dalton (AKA Dino) Darden. Darden was previously employed by Ellingson Trenchless and worked on the Shell Falcon Pipeline Project. When asked what type of problems he encountered on the Shell Falcon, Darden responded: "First off, most of the drill sites were very small. Ellingson said they couldn't get their rigs into them. I took a look at them, and told them how to get into the sites. There were frack-outs. When you have a frack-out, you mitigate and contain them as best you can. Ellingson was drilling very slowly. They were short on their daily footage. Ellingson lacked tooling, leadership, and their drill mud was not right. Their mud mix was not correct. What I mean is the drill cuttings were not coming up. You want the drill cuttings to come up so you don't fill your hole with cuttings. Once I

got there, I straightened them up. I had a deadline to meet of 12-31-2019." According to Darden, Chris Haux "...was having issues with Ellingson." When asked about the prevalence of IRs on the project, Darden replied: "Frack-outs were about normal from other projects. We would notify DEP, and the job would be shut-down until they investigated. They were quick about investigations most of the time." When asked about LOCs, Darden said: "We had LOCs. Several times, the job was stopped. It's difficult terrain. I drilled there before when I was with Michel's. I'm pretty familiar with the area. One LOC had us shut-down for about thirty (30) days. We had multiple HDDs going at once. If a site got shut down, we would move to another job-site." Darden was asked what a typical day on the pipeline was like. He responded: "When I got there, I started attending daily meetings with the crew at 6AM. We would estimate the footage for the day, and estimate when the product pipe would be going in. One section of pipe was pulled they day before I got there. I ended up fixing the problem because the pipe wasn't pulled far enough. I met with MLL once a week. When I got there, I met with Sean Larson and went over all the drill sites... There was no communication before I got there. They (Ellingson) just started drilling." Darden advised that he liked Sean Larson. He stated that "...Sean could sometimes be a little strong with communication, but he was pretty sharp when it came to drilling. You could think of him as pretty rough around the edges. He had a mouth and he got black-balled from the project. The guy was doing his job. The higher-ups at MLL didn't like Sean, and they wanted him gone. If you want my opinion, Sean wasn't treated fairly at all. He was the only one that had any sense about drilling on this project." Darden stated that Larson's replacement was Lane Greenwalt. He described Greenwalt as knowledgeable but less mature than Larson and not a great communicator. When asked if he participated in any re-training on this project, Darden replied: "Yes, there was re-training. There was a frack-out, and somebody wanted re-training for remediation and clean-up training. The DEP wanted measurements of IRs. That's when they wanted to install flow-meters to determine losses too. Around this time, I came up with a form, too. They were pull-back pipe sheets. Everybody had to sign-off on the sheets to ensure we were ready to pull pipe." When asked if there were instances where Ellingson Trenchless was hesitant to report IRs and LOCs, Darden advised that they were at times hesitant because they were so far behind schedule. When asked about a relief pit on Houston #1, Darden said: "I think that was Clark Cogburn (as the Superintendent). That one may have been mine. It was called a controlled IR, and they continued drilling." When asked if he has ever heard the term(s) a managed or controlled release, Darden responded: "Yes, I've heard it before. I have used these on other projects, and drilled a lot of holes. It can be done correctly. MLL told us to keep drilling, or we wouldn't have. It would have been decided at the 6AM meeting. They were all there. Lane Greenwalt and Eric DeLong would have been there." Darden advised that the word to continue drilling would have come from Eric DeLong directly, because it was his responsibility to report frack-outs and LOCs to the DEP." Darden advised that he worked on the Shell Falcon from July of 2019 to approx. January of 2020.

34. Your Affiant reviewed Daily Operations Reports compiled by Ellingson Trenchless for the Shell Falcon Pipeline Project. These reports document any environmental incident that occur on the project on any given day. Some of the Daily Operations Reports document incidents that were not reported to the DEP, in spite of a requirement to do so. These notable incidents include:
 - a. A Daily Operations Report dated Monday, April 22, 2019 for the Houston #7 HDD located in Findlay Township, Allegheny County, which indicated there was a 21,000 gallon LOC this date. Such a LOC would constitute a "significant LOC" as indicated the earlier version(s) of the IR Plan. The aforementioned LOC was not reported to the DEP, and subsequently resulted in a 300 gallon IR into surface waters of the Commonwealth.

- b. A Daily Operations Report, dated Wednesday, April 24, 2019 for the Houston #2 HDD located in Mount Pleasant Township, Washington County which indicated there was an IR in the amount of 150 gallons this date at approx. 1315hrs. The initial IR was reported to the DEP. At approx. 1430hrs, a 2nd IR was located. This 2nd IR was not reported to the DEP. The El Frank Chamberlin IV on site advised there were 3 IRs this date. Each time the IR appeared, it was an additional 30 gallons. The cumulative total for the IR on this date would have required a work stoppage.
- c. A Daily Operations Report dated Thursday, April 25, 2019 for the Houston #2 HDD which did not indicate any losses for this date. However, your Affiant reviewed the HDD Daily Environmental Report compiled by Frank Chamberlin IV for this same day, which indicated the IR from the previous day resumed at approx. 0953hrs. Chamberlin was told not to document the IR. He recorded the IR at 50 gallons. Chamberlin estimated the IR to be 500 to 600 gallons. The IR was not reported to the DEP. In communication to the DEP dated 12-06-2019, Shell explained that the 04-24-2019 IR resumed, and the additional erosion control devices (ECDs) and vac-truck were still in place and were used to clean the IR on 04-25-2019.
- d. A Daily Operations Report , dated Thursday, May 9, 2019 for the Houston #2 HDD indicated a 50 gallon IR occurred at approx. 1010hrs this date. A 2nd IR occurred this date at approx. 1045hrs, in the amount of 25 gallons. The El Sasha Steele noted "the clean- up of 75 gallons of drilling fluid on the pad." Neither of the two (2) IRs were reported to the DEP.
- e. A Daily Operations Report , dated Tuesday, July 9, 2019 for the Houston #10 HDD located in Independence Township, Beaver County indicated there was a 50 gallon IR at approx. 1337hrs this date. The IR is described as "...we had drilling fluid come up through the mats 30 ft. in front of the drilling rig." The IR was not reported to the DEP.
- f. A Daily Operations Report, dated Saturday, September 28, 2019 for the Houston #1 HDD located in Mount Pleasant Township, Washington County, indicated a 100 gallon IR occurred at 1402hrs this date. A Daily Operations Report dated September 30, 2019 indicated another IR at 60 gallons. A Daily Operations report dated October 2, 2019 indicated another IR at 75 gallons. A Daily Operations report dated October 21, 2019 indicated another IR at 350 gallons. A Daily Operations Reports dated October 30, 2019 indicated another IR at 164 gallons. The aforementioned IRs were reported to the DEP. A Daily Operations Report dated November 2, 2019, does not report any IRs, but in the job description it is noted that mud was coming to surface outside of the intended locations. The Houston #1 HDD was completed on/about November 7, 2019. The weekly and final reports for Houston #1 HDD indicated that there were IRs into containment, with the volume totaling 48,028 gallons and 13,604 gallons. These large losses went unreported to the DEP. The volumes of losses would have required a work stoppage and re-start reports from the DEP. Eric DeLong submitted these reports to the DEP after the drill had been completed, on/about November 8, 2019. Eric DeLong and Lane Greenwalt told employees at the site that the DEP had been notified and given permission to continue to drill.
- g. A Daily Operations Report, dated Monday, February 3, 2020 for the Houston #8 HDD located in Independence Township, Beaver County, indicated a 19,116 gallon LOC with

losses occurring throughout the day. A LOC of only 4,909 gallons was under-reported to the DEP.

- h. A Daily Operations Report, dated Thursday, May 13, 2020, indicated there was an IR in the amount of 2, 800 gallons at approx. 1600hrs. The IR was not reported to the DEP immediately. The IR was reported in a subsequent weekly report.
 - i. A Daily Operations Report, dated Tuesday, February 25, 2020 for the Houston #3 HDD located in Robinson Township, Washington County, indicated a 200 gallon IR at approx. 1355hrs this date. The IR was not reported to the DEP.
 - j. A Daily Operations Report, dated August 4, 2020, indicated that a 6,184 gallon LOC occurred at approx. 1251hrs this date. The LOC was not reported to the DEP.
35. In addition to a review of the Daily Operations Reports for environmental incidents that were not reported to DEP, a review was undertaken to determine whether or not any of the inadvertent returns that occurred during construction had an impact on Waters of the Commonwealth. Several of these impacts were discovered:
- a. On April 22, 2019 there was a 300 gallon IR at the Houston #7 HDD in Findlay Township, Washington County. The IR caused pollution to water of the Commonwealth. Drilling fluids were discharged into two (2) UNTs to Potato Garden Run (S-PA-160405-JLK-001 and S-PA-161205-WRA-001) and into a wetland (W-PA-160405-JLK-001).
 - b. On May 29, 2019 there was a 1, 500 gallon IR at the Houston #7 HDD in Findlay Township, Washington County. The IR caused pollution to water of the Commonwealth. Drilling fluids were discharged into two (2) UNTs to Potato Garden Run (S-PA-160405-JLK-001 and S-PA-161205-WRA-001) and into a wetland (W-PA-160405-JLK-001).
 - c. On July 22, 2019, there was a 500 gallon IR at the Houston #9 HDD in Independence Township, Beaver County. The IR caused pollution to waters of the Commonwealth. Drilling fluids were discharged into Raccoon Creek (S-PA-15103-MRK-002) and a wetland (W-PA-151013-MRK-003).
 - d. On September 20, 2019, there was an 800 gallon IR at the Houston #11 HDD in Raccoon Township, Beaver County. The IR caused pollution to waters of the Commonwealth. Drilling fluids were discharged into a wetland (W-PA-151123-JKL-001).
36. From April 2019 to on/about November of 2019, Shell failed to ensure that Ellingson Trenchless HDD rigs were equipped with real time, data logging instrumentation to record the following information: borehole annular pressure during pilot bore operation, drilling fluid discharge rate, the spatial position of the drilling bit or reamer bit, and the drill string axial and torsional loads. These data loggers were a condition of the DEP permit as defined in the HDD IR Plan.
37. Your Affiant contacted the DEP SWRO located in Pittsburgh, PA and received a certification of records that states no record was found to exist which indicates that Shell Pipeline Company LP or Shell Pipeline GP, LLC, or any other person, company or business, has ever applied for, or

received, a permit pursuant to the Clean Streams Law, 35 P.S. § 610.691.1 et seq., to discharge any waste from any source, except water discharged from hydrostatic testing, at or near the Shell Falcon Pipeline Project located in Allegheny, Beaver and Washington Counties, Pennsylvania, or to discharge any waste from that project site(s) into any waters of the Commonwealth.

38. The Clean Streams Law, 35 P.S. § 691.101 provides the following definitions:

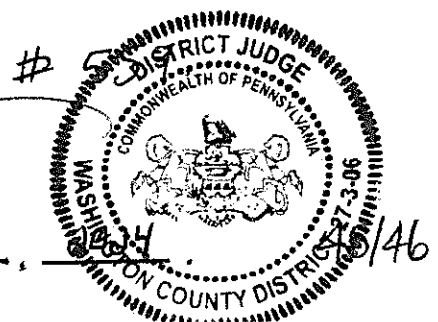
- a. "Industrial waste" shall be construed to mean any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment, as herein defined, and mine drainage, refuse, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. "Industrial waste" shall include all such substances whether or not generally characterized as waste.
- b. "Person" shall be construed to include any natural person, partnership, association or corporation or any agency, instrumentality or entity of Federal or State Government. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall not exclude the members of an association and the directors, officers or agents of a corporation.
- c. "Pollution" shall be construed to mean contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The department shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined.
- d. "Waters of the Commonwealth" shall be construed to include any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

39. Based upon the aforementioned facts and circumstances, and information gathered through official investigation, Your Affiant has probable cause to believe that Shell Pipeline Company LP has committed criminal violations of the Clean Streams Act.

40. As may be required by Rule 507(a) of the Pennsylvania Rules of Criminal Procedure, Chief Attorney General Rebecca Franz has reviewed and approved the affidavit of probable cause and criminal complaint for the issuance of a summons.

41. This information is made subject to the penalties of the Pennsylvania Crimes Code, 18 Pa C.S. § 4904, unsworn falsification to authorities.

I, Jeffrey J. Pratt, Being duly Sworn According
to the law, depose & say that the facts
set forth in the foregoing Affidavit
are true and correct to the best of
my knowledge, information, & belief
Sworn to me & subscribed before me this 19th day of April,
4/19/14 date
Magisterial District Judge



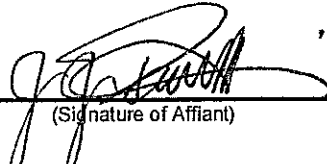


POLICE CRIMINAL COMPLAINT

Booklet Number: CR-88-24	Date Filed: 4/18/24	OTN/LiveScan Number		Complaint/Incident Number
Defendant Name:	First: SHELL	Middle: PIPELINE	Last: COMPANY LP	

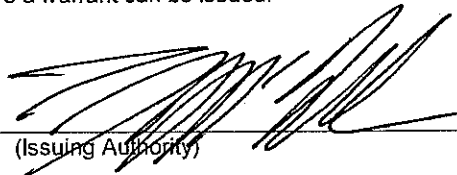
- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through 46
- 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.)


 (Signature of Affiant)

AND NOW, on this date April 19, 2024 (Date) 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.

27-3-06
 (Magisterial District Court Number)


 (Issuing Authority)

