

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

ETC Northeast Pipeline, LLC	: Violations of the Pennsylvania Air
101 Technology Drive	: Pollution Control Act
Pittsburgh, PA 15275	: and 25 Pa Code § 122.3

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 24th day of July 2025, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and ETC Northeast Pipeline, LLC (“ETC”).

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act of January 8, 1960, P.L. 2119 (1959), *as amended*, 35 P.S. §§ 4001-4015 (“Air Pollution Control Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the regulations (“Regulations”) promulgated thereunder.

B. ETC Northeast Pipeline, LLC is a limited liability company with a mailing address of 101 Technology Drive, Pittsburgh, Pa 15275. ETC is a “person” as that term is defined in Section 3 of the Air Pollution Control Act, 35 P.S. § 4003.

C. ETC owns and operates the Revolution Cryogenic Plant, a natural gas processing plant in Smith Township, Washington County Pennsylvania (“Facility”), pursuant to the terms and conditions of General Permit (GP)-1 (GP1-63-01001A) and GP-5 (GP5-63-01001A [aka AG5-63-00004A]) (“Permit”). On June 9, 2023, ETC applied for a State-Only Operating Permit. On June 30, 2025 the State-Only Operating Permit was issued.

D. The Facility includes a 906 MMBtu/hr Plant Flare (“Plant Flare”) (Source ID C202) to control emissions from venting, blowdowns, and pigging operations.

E. The Facility is subject to the New Source Performance Standards, 40 C.F.R. Part 60, promulgated by the Administrator of the US EPA under Section 111 of the Clean Air Act (42 U.S.C. § 741), and adopted in their entirety by the Department in 25 Pa. Code § 122.3. Accordingly, violations of 40 C.F.R. Part 60 are violations of 25 Pa. Code § 122.3.

F. Specifically, 40 C.F.R. § 60.18(c)(1), states “[f]lares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.”

G. On the following twenty-nine separate days between June 27, 2024, and March 12, 2025, the Facility allowed visible emissions from the Plant Flare for periods that exceeded a total of 5 minutes during any 2 consecutive hours, with exceedances occurring during 107 distinct observation periods.

6/27/2024	9/15/2024	9/26/2024	10/6/2024	1/14/2025
9/10/2024	9/16/2024	9/27/2024	10/7/2024	1/23/2025
9/11/2024	9/17/2024	9/28/2024	10/10/2024	2/24/2025
9/12/2024	9/23/2024	9/29/2024	12/4/2024	2/25/2025
9/13/2024	9/24/2024	10/3/2024	12/6/2024	3/12/2025
9/14/2024	9/25/2024	10/4/2024	1/13/2025	

H. By operating the Plant Flare in a manner that allowed visible emissions to occur for periods exceeding five minutes during two consecutive hours on the dates identified in Paragraph G, above, ETC failed to comply with the requirements of 40 C.F.R. § 60.18(c)(1), which constitutes violations of 25 Pa. Code § 122.3.

I. On April 2, 2025, the Department sent ETC a Notice of Violation identifying the violation set forth in Paragraph H, above. Also on April 2, 2025, the Department sent ETC a

request for ETC to submit by April 17, 2025, a written control plan to comply with the visible emissions standards 40 C.F.R. § 60.18.

J. On May 1, 2025, ETC submitted to the Department an NOV Response and Facility Flare Control Plan in which ETC proposed to install new facility Plant Flare tips by July 2025 (“Flare Tip Replacement”).

K. On May 23, 2025, ETC submitted to the Department a Supplemental Response and Facility Flare Control Plan in which it proposed to replace the existing Plant Flare blower system to increase the smokeless capacity of the Plant Flare system, by July 2025 (“Flare Blower System Upgrade”).

L. On June 27, 2025, ETC submitted to the Department a Request for Determination in which ETC requested that the Department determine whether the Flare Tip Replacement and Flare Blower System Upgrade qualifies for an exemption from plan approval under 25 Pa. Code § 127.14(a)(9).

M. The Department determined that the Flare Tip Replacement and Flare Blower System Upgrade qualifies for an exemption from plan approval under 25 Pa. Code § 127.14(a)(9).

N. The violations identified in Paragraph H, above, constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and a public nuisance under Section 13 of the Air Pollution Control Act, 35 P.S. § 4013, and subjects ETC to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

ORDER

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid

litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by ETC as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Sections 4(9)(i) and 10.1 of the Air Pollution Control Act, 35 P.S. §§ 4004(9)(i) and 4010.1, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. Findings.

a. In any matter or proceeding involving ETC and DEP, ETC shall not challenge or deny DEP's assertion of the truth, accuracy or validity of Paragraphs A through N.

b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action.

a. ETC shall take all actions necessary to ensure that visible emissions from the Plant Flare comply with the standard in 40 C.F.R. § 60.18(c)(1).

b. The actions to be taken to comply with the visible emission standard in 40 C.F.R. § 60.18(c)(1) shall include without limitation the following:

(1) ETC shall complete the Flare Tip Replacement by July 31, 2025.

(2) ETC shall complete the Flare Blower System Upgrade by July 31, 2025.

c. *Performance Evaluation and Alternative Control Plan*

(1) Upon installation of the Flare Tip Replacement or Flare Blower System Upgrade, whichever is earlier, ETC shall perform the monitoring set forth in Paragraph 4, below.

(2) Thirty (30) days after installation of both the Flare Tip Replacement and Flare Blower System Upgrade, ETC shall provide an interim report summarizing the performance of both the Flare Tip Replacement and the Flare Blower System Upgrade. Ninety (90) days after installation of both the Flare Tip Replacement and Flare Blower System Upgrade, ETC shall submit to the Department a final report detailing the performance of both the Flare Tip Replacement and the Flare Blower System Upgrade, including without limitation a detailed third-party engineering report, summary of monitoring data, and photos of the installed equipment. The third-party shall have expertise in the design, construction, and operation of flare systems similar to the Plant Flare.

(3) After the Department's review of both the interim and final reports described in the preceding paragraph, the Department, in its sole discretion, will determine whether ETC has demonstrated that the Plant Flare is being operated in compliance with the visible emission standards in 40 C.F.R. § 60.18(c)(1). If the Department, in its sole discretion, determines that the Flare Tip Replacement and Flare Blower System Upgrade have not been effective in ensuring compliance with the visible emission standard in 40 C.F.R. § 60.18(c)(1), ETC shall submit an alternative control plan proposal within thirty (30) days of the Department's written determination.

4. Monitoring and Reporting. Upon installation of the Flare Tip Replacement or Flare Blower System Upgrade described in Paragraph 3.b., above, whichever is earlier, and until termination of this Consent Order and Agreement, ETC shall comply with the following monitoring requirements:

a. Use a video surveillance camera to continuously record (at least one frame every 15 seconds with time and date stamps) images of the Plant Flare flame and a reasonable distance above the flare flame at an angle suitable for visual emissions observations. ETC shall provide real-time video surveillance camera output to the control room or other continuously manned location where the camera images may be viewed at any time. Monitoring shall be recorded, retained, and made available upon request from the Department to demonstrate compliance with applicable standards.

b. For a period of three (3) consecutive days after resumption of operation of the plant flare following implementation of the flare tip replacement and blower repair, ETC shall have a Method 9 observer present onsite during daylight hours. If any visible emissions from the Plant Flare are observed, the observer shall immediately conduct a Method 9 observation of the Plant Flare. If any visible emissions from the Plant flare are observed during these three (3) consecutive days in excess of the standards in 40 C.F.R § 60.18(c)(1) or 25 Pa. Code § 123.41, the three-day monitoring period shall restart, beginning the following day. The monitoring period shall only be considered satisfied after three (3) consecutive days with no visible emissions in excess of the standards in 40 C.F.R § 60.18(c)(1) or 25 Pa. Code § 123.41 during daylight hours.

c. Within ninety (90) days after execution of this Consent Order and Agreement, ETC shall have Method 9 certified staff available onsite at all times, during daylight hours when the Plant Flare is in operation.

d. Following the three (3) consecutive days of monitoring outlined in Paragraph (b) above, and prior to the expiration of the ninety (90) days period set forth in Paragraph (c) above, if visible emissions from the Plant Flare are observed for a duration of one hour or more during daylight hours, a Method 9 certified observer shall conduct a Method 9 observation of the

Plant Flare. The observation shall occur within four (4) hours of when visible emissions first began. In the event a Method 9 certified observer is not present onsite at the time of the observation or is otherwise unable to conduct a valid Method 9 observation, the visible emissions event shall be treated as a reportable malfunction under applicable permit conditions and may be subject to stipulated penalties.

e. Notwithstanding the provisions of Paragraph (d) above, if at any time, visible emissions events exceed the standards in 40 C.F.R. § 60.18(c)(1) or 25 Pa. Code § 123.41, the visible emissions event shall be treated as a reportable malfunction under any applicable permit for the Facility. With each malfunction report relating to visible emissions events, ETC shall identify without limitation the duration of visible emissions and the process conditions at the Facility and Plant Flare.

f. ETC shall submit reports summarizing the monitoring activities conducted during the previous month, no later than the tenth (10th) day of the following month. Each report shall include any visible emissions observations, exceedances of applicable regulatory limits, or reportable malfunctions, and shall include all relevant supporting documentation.

g. The monitoring requirements in Paragraph 4.a., above, shall be incorporated into any State-Only Operating Permit that is issued in response to the application referenced in Paragraph C, above.

5. Civil Penalty Settlement. ETC consents to the assessment of a civil penalty of \$91,550.00, which shall be paid in full upon signing this Consent Order and Agreement. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph G, above, covering the period from June 27, 2024, to March 12, 2025. The payment shall be made by corporate check or the like made payable to "Commonwealth of Pennsylvania,

Clean Air Fund” and sent to the Air Quality Program Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

6. Stipulated Civil Penalties.

a. In the event ETC fails to comply in a timely manner with any term or provisions of this Consent Order and Agreement, ETC shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount of \$1,500.00 per day for each violation.

b. Upon execution of this Consent Order and Agreement, in the event that ETC allows visible emissions from the Plant Flare that exceed the visible emissions standards of 40 C.F.R § 60.18, ETC shall pay the following civil penalty amounts:

- (i) Violations 1-3: \$1,500 per exceedance
- (ii) Violations 4-5: \$2,000 per exceedance
- (iii) Violations 6-10: \$2,500 per exceedance
- (iv) Violations 10 and beyond: \$5,000 per exceedance

c. Upon execution of this Consent Order and Agreement, in the event that ETC allows visible emissions from the Plant Flare that exceed the standards in 25 Pa. Code § 123.41, ETC shall pay the following civil penalty amounts:

- (i) Violations 1-3: \$1,500 per exceedance
- (ii) Violations 4-5: \$2,000 per exceedance
- (iii) Violations 6-10: \$2,500 per exceedance
- (iv) Violations 10 and beyond: \$5,000 per exceedance

d. Stipulated civil penalty payment shall be payable monthly on or before the fifteenth day of each succeeding month and shall be forwarded as described in Paragraph 5 (Civil Penalty Settlement) above.

e. Any payment under this paragraph shall neither waive the ETC's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel ETC's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only ETC's liability for civil penalties arising from the violation of this Consent Order and Agreement for which the payment is made.

f. Stipulated civil penalties shall be due automatically and without notice.

7. Additional Remedies.

a. In the event ETC fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

b. The remedies provided by this paragraph and Paragraph 6 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated penalty is paid.

8. Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. ETC reserves the right to challenge any action which the Department may take to require those measures.

9. Liability of Operator. ETC shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. ETC shall also be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

10. Transfer of Facility.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Facility or any part thereof.

b. If ETC intends to transfer any legal or equitable interest in the Facility which is affected by this Consent Order and Agreement, ETC shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Regional Office of the Department of such intent.

11. Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Environmental Group Manager – Air Quality Operations
Air Quality, Southwest Region
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-5215; Facsimile 412-442-4194

12. Correspondence with ETC.

All correspondence with ETC concerning this Consent Order and Agreement shall be addressed to:

ETC Northeast Pipeline, LLC
101 Technology Drive
Pittsburgh, PA 15275

Doug Frisco, Sr. Manager Environmental Compliance
(215)-630-5563
Email: Doug.Frisco@energytransfer.com

ETC shall notify the Department whenever there is a change in the contact person's name, title, or address. ETC agrees that service of any notice, document, or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made electronically by email to the above email address or by mailing a copy by first class mail to the above address.

13. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

14. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

15. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

16. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

17. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph but shall not be treated as controlling.

18. Decisions Under Consent Order. ETC waives its rights to appeal to the

Environmental Hearing Board any decision that the Department makes under the provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. The Department agrees that any objection that ETC may have to any such decision may be raised as a defense in any Court where the Department enforces this Consent Order and Agreement.

21. Termination. The obligations of this Consent Order and Agreement shall terminate when the Department determines in writing that ETC has complied with the requirements of Paragraphs 3 and 4 and has paid any civil penalty and stipulated civil penalty amounts due under this Consent Order and Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of ETC certify under penalty of Law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of ETC; that ETC consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that ETC hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law. (Signature by ETC's attorney certifies only that the agreement has been signed after consulting with counsel.)

FOR ETC NORTHEAST PIPELINE, LLC:

Name
Title

Stephen Schuman
Stephen D. Schuman
Vice President - Operations

Curtis Stambaugh
Curtis Stambaugh, Esq.
Assistant General Counsel for ETC

FOR THE COMMONWEALTH OF
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