

HAROLD BELLA and DEBORAH BELLA, : IN THE COURT OF COMMON PLEAS  
FREDERICK D. HENGIN and EUDOXIA : OF FAYETTE COUNTY,  
JEAN HENGIN, KENNETH E. ROSE, JOSEPH : PENNSYLVANIA  
UHLER, JERRY L. YEAGER and BONNIE J. : CIVIL DIVISION  
YEAGER, :

: Docket No.: 2734 of 2012

*Plaintiffs,* :

-against -

THE WILLIAMS COMPANIES, INC. and :  
LAUREL MOUNTAIN MIDSTREAM, LLC, :

*Defendants.* :

2013 SEP - 3 A 10:32  
FILED

**FIRST AMENDED VERIFIED COMPLAINT AT LAW**

Plaintiffs, by and through their undersigned attorneys, Napoli Bern Ripka Shkolnik, LLP,  
for their First Amended Complaint allege the following:

**INTRODUCTION**

1. Plaintiffs complain of property damage, environmental contamination and  
polluting events upon their property caused by the conduct and activities of Defendants herein.
2. Defendants have caused the emissions, releases and discharges of numerous air  
pollutants, including acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene,  
methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes,  
naphthalene, polycyclic aromatic hydrocarbons, ethylbenzene, and other hazardous air  
pollutants, the knowledge of which is in the exclusive possession of the Defendants, from its oil  
and natural gas compressor station facility, as more fully described herein.
3. The aforementioned emissions, releases and discharges have caused air pollutants  
to be transported from Defendants' compressor station to Plaintiffs' properties, thereby  
damaging Plaintiffs' properties, exposing Plaintiffs' properties and residences to noxious gases

and malodors in a manner or concentration inimical to the Plaintiffs' health, safety and welfare, which is injurious to property and unreasonably interferes with the comfortable enjoyment of life and property.

4. Defendants, in operating their compressor station, have negatively impacted the ambient air quality in and around Plaintiffs' homes and have caused excessively loud noise to be heard in and around Plaintiffs' homes, thereby causing Plaintiffs to suffer loss of use and enjoyment of their properties, an invasion in Plaintiffs' right to the sole possession of their properties, loss of quality of life, inconvenience damages and other injuries.

#### PARTIES

5. At all times mentioned herein, Plaintiffs HAROLD BELLA and DEBORAH BELLA were and are citizens of the Commonwealth of Pennsylvania, residing, owning property and in exclusive possession of property at 4860 Morgantown Road, Point Marion, PA 15474.

6. At all times mentioned herein, Plaintiffs FREDERICK D. HENGIN and EUDOXIA JEAN HENGIN were and are citizens of the Commonwealth of Pennsylvania, residing, owning property and in exclusive possession of property at 146 Honor Roll Road, Lake Lynn, PA 15451.

7. At all times mentioned herein, Plaintiff KENNETH E. ROSE was and is a citizen of the Commonwealth of PA, residing, owning property and in exclusive possession of property at 156 Honor Roll Road, Lake Lynn, Pennsylvania 15451.

8. At all times mentioned herein, Plaintiff JOSEPH UHLER was and is a citizen of the Commonwealth of Pennsylvania, residing, owning property and in exclusive possession of property at 146 Honor Roll Road, Lake Lynn, PA 15451.

9. At all times mentioned herein, Plaintiffs JERRY L. YEAGER and BONNIE J. YEAGER were and are citizens of the Commonwealth of Pennsylvania, residing, owning property and in exclusive possession of property at 146 Honor Roll Road, Lake Lynn, PA 15451.

10. Plaintiffs HAROLD BELLA and DEBORAH BELLA, FREDERICK HENGIN and EUDOXIA HENGIN, KENNETH E. ROSE, JOSEPH UHLER, and JERRY L. YEAGER and BONNIE J. YEAGER, are hereinafter collectively referred to as "Plaintiffs."

11. At all times mentioned herein, Defendant THE WILLIAMS COMPANIES, INC. ("Williams") was and is a Delaware corporation, with its headquarters and principal place of business located at One Williams Center, Tulsa, OK 74172. Williams engages in various energy services in the Commonwealth of Pennsylvania, including ownership and operation of the compressor station at issue.

12. At all times mentioned herein, Defendant LAUREL MOUNTAIN MIDSTREAM, LLC ("Laurel Mountain") was and is a Pennsylvania company, with its headquarters and principal place of business located at 1550 Coraopolis Heights Road, Moon Township, PA. Laurel Mountain, at all times mentioned herein, has operated a significant natural gas gathering system in the Commonwealth of Pennsylvania.

13. Upon information and belief, at all times mentioned herein, Defendant Laurel Mountain is a joint venture owned and/or operated in predominant part by Defendant Williams.

14. Defendants THE WILLIAMS COMPANIES, INC. and LAUREL MOUNTAIN MIDSTREAM, LLC, including their officers, principals, partners, agents and employees, are hereinafter collectively referred to as "Defendants."

### NATURE OF THE ACTION

15. At all times mentioned herein, Defendants have owned and operate a natural gas compressor station at or near 585 Hope Hollow Road, Lake Lynn, in Springhill Township, Fayette County, PA (the "Compressor Station" or "Springhill Compressor Station").

16. Upon information and belief, the Springhill Compressor Station is in close proximity to and adjoins Plaintiff's property, located within approximately 500 feet from the HENGIN, ROSE, UHLER, and YEAGER Plaintiffs' residences, and 1000 feet from the BELLA Plaintiffs' residence.

17. Upon information and belief, Plaintiffs' properties neighbor and adjoin Defendants' Compressor Station in the rural community of Lake Lynn, in Springhill Township, Fayette County, PA.

18. Upon information and belief, and at all times mentioned herein, Defendants have owned and operated machinery, including but not limited to motors, engines and turbines at the Springhill Compressor Station to pressurize natural gas for transport through its associated pipelines.

19. The aforesaid compressor station has been designed, constructed, owned and operated without sufficient noise, odor and pollution control equipment so as to unreasonably interfere with the public's comfortable enjoyment of life and property, including the Plaintiffs herein.

20. Defendants' natural gas compression operations, which occur twenty-four hours each day and seven days each week, have resulted in the emission of abnormal and unreasonable levels of noise, as well as numerous hazardous air pollutants and contaminants, including those listed below, and others, the knowledge of which is in the exclusive possession of the

Defendants, that causes significant harm, including inconvenience, annoyance and discomfort sufficient to unreasonably interfere with the Plaintiffs' comfortable enjoyment of life and property and resulting in a real and appreciable invasion of the Plaintiff's interests, including but not limited to preventing the Plaintiffs' ability to carry on their daily activities.

21. Upon information and belief, Defendants failed to obtain the proper permits prior to construction of the Springhill Compressor Station and/or violated the permits during and after construction of the Springhill Compressor Station.

22. Upon information and belief, Defendants violated Fayette County Ordinance Art. II, Sec. 1000-202 and 1000-203 and Art. X Sec. 1000-1001 and 1000-1004.

23. Defendants have operated the Springhill Compressor Station in such a way as to violate the emissions limitations outlined in the General Plan Approval/Operating Permit for Natural Gas Production Facilities, issued by the Commonwealth of Pennsylvania Department of Environmental Protection and in violation of The Pennsylvania Air Pollution Control Act, 35 P.S. 4001, *et seq.*, and current and proposed air quality regulations promulgated by the Commonwealth of Pennsylvania Department of Environmental Protection, resulting in the contamination of the Plaintiffs' properties.

24. Upon information and belief, Defendants have operated the Springhill Compressor Station in such a way as to violate the minimal risk levels ("MRLs"), established jointly by the United States Environmental Protection Agency ("EPA") and the Agency for Toxic Substances and Disease Registry ("ATSDR") and in violation of The Pennsylvania Pollution Control Act, 35 P.S. 4001, *et seq.*, resulting in the contamination of Plaintiffs' properties.

## GENERAL AVERMENTS

25. Defendants' design, construction, operation, maintenance, control, emissions and use of the Springhill Compressor Station has caused the invasion by excessive noise odors and the deposit of particulates formed by gases and chemicals, upon or to the Plaintiffs' personal and real property, twenty-four hours a day, seven days each week..

26. The operation of Defendants' Springhill Compressor Station has been the subject of numerous and constant complaints of the residents and Plaintiffs, all of which has failed to compel Defendants to cease or alter the offending operation of the Springhill Compressor Station and/or install practical and appropriate devices to reduce or eliminate Defendants' continued invasion and trespass of Plaintiffs' properties by noise air contaminants, odors, chemicals, and particulates which thereby cause damage to Plaintiffs and to Plaintiffs' properties.

27. The Springhill Compressor Station is owned and operated by Defendants, and is the only industrial facility in Plaintiffs' area which emits hazardous air pollutants and unreasonable and unnecessary annoying noise.

28. The operation of Defendants' Springhill Compressor Station has caused, is presently causing and will in the future cause hazardous air pollutants and unreasonable and unnecessary annoying noise to be emitted personally to the Plaintiffs and into the ambient atmosphere, which particulate will fall and has fallen upon Plaintiffs and Plaintiffs' properties. Defendants' particulate is described as a red film/dust on property.

29. All emissions from Defendants' Springhill Compressor Station, whether gaseous, chemical, or particulate, will immediately combine with each other, or with the atmosphere, or atmospheric dust, or water particles, to form industrial particulate which falls and will continue to fall onto Plaintiffs' properties thereby causing damage to Plaintiffs' properties.

30. Defendants have installed only limited technology to reduce or eliminate emissions from the Springhill Compressor Station which have not abated either the emissions nor the complained of noise, despite the availability of alternative and reasonable technologies.

31. At all relevant times for this Amended Complaint, Defendants have knowingly and/or intentionally allowed noise and emissions to invade, trespass, and damage Plaintiffs and Plaintiffs' properties in violation of defendants' permit to operate, which does not allow Defendants' operations, including emissions, to damage private property.

32. On occasions too many to list, Plaintiffs' person and property were physically invaded by fallout, particulate, noise, odor and air contaminant.

33. The fallout particulate and air contaminants which invaded Plaintiffs' person and property originated from Defendants' Springhill Compressor Station.

34. Defendants, as part of their normal business operations knowingly generate, utilize, and discharge into the open atmosphere chemicals, gases, and particulates, including but not limited to acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons, ethylbenzene, and other hazardous air pollutants known exclusively to Defendants.

35. Defendants knew or should have known that some of the chemicals Defendants generate, utilize and discharge into Plaintiffs' neighborhood and on Plaintiffs and their properties during Defendants' operations, which run twenty-four (24) hours a day, every day of the year, include but not limited to, acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons, ethylbenzene, are extra hazardous and

are known human carcinogens.

36. Defendants, as part of its normal business operations, have admitted that they have discharged into the atmosphere chemicals and particulates including, but not limited to, acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons, ethylbenzene.

37. Defendants are within one thousand (1,000) feet of Plaintiffs and Plaintiffs' properties and Defendants' unreasonably loud noise and gaseous, chemical, and particulate discharges have invaded and caused substantial annoyance, unreasonable interference with normal activities, damage to, substantial loss of use of, and substantial interference with Plaintiffs and Plaintiffs' properties.

38. The chemicals, gaseous and particulates, released by Defendant into Plaintiffs' properties, and discharged by Defendants, during all times, except minor down times for maintenance or repair, are harmful and noxious and have caused substantial damage to, substantial loss of use of, and substantial interference with, Plaintiffs' properties.

39. The fallout types emitted by Defendants' facility, as a result of normal business operations into Plaintiffs' properties, have been described by Plaintiffs as a red particulate or powder that requires constant cleaning, is hard to remove, and that makes Plaintiffs virtual prisoners in their homes and has precluded them from full use and enjoyment of their properties.

40. It is Plaintiffs' information and belief that Defendants know of the improper operation and emissions of the facility, which allows discharge of chemicals, odors, air pollutants, noise and particulates, or allowed the improper construction, or maintenance and operation of the Springhill Compressor Station, which allows discharge of chemicals, odors, air



pollutants, and particulates into Plaintiffs' properties, and exercises exclusive control and or ownership over the Station.

41. Defendants knowingly and/or intentionally continue to operate the Springhill Compressor Station without proper or best available technology, or any proper air pollution control equipment, and thereby knowingly allow Plaintiffs properties within one thousand (1000) feet of the facility to be invaded and damaged by chemicals, air pollutants, odors, noise and particulates emitted by the facility thereby causing damage to the Plaintiffs' properties.

42. As a direct and proximate result of Defendants' negligence in constructing and or engineering and or designing and or operation and or maintenance of the facility, Plaintiffs' person and or property have been invaded by unreasonable levels of noise, particulates and contaminants.

43. The invasion of Plaintiffs' personal real property by particulates, odors, noise and air contaminants has caused Plaintiffs to suffer property damages.

44. The invasion of Plaintiffs' personal and real property by particulates, odors, unreasonable levels of noise and air contaminants has caused Plaintiffs to suffer unreasonable annoyance and inconvenience, including but not limited to inability to sleep through the night, inability to converse at normal levels, inability to hear television or radio unless at unreasonable sound levels, inability to converse via telephone, inability to enjoy meals or simply relax without jarring noises that, at times, shake Plaintiffs' homes and rattle windows, inability to relax or recreate outside their homes or even hang laundry out to dry.

45. The invasion of Plaintiffs' property by particulates, odors, noise and air contaminants has caused and will cause continuous diminution in the market value of Plaintiffs' property and has interfered with Plaintiffs' use and enjoyment of their property.

46. The invasion of Plaintiffs' property by particulates, odors, noise and air contaminants has caused Plaintiffs to suffer property injuries including, but not limited to, exposure to horrific particulates and air contaminants. Defendants are liable for all damages suffered by Plaintiffs, caused by Defendants' employees, representatives and agents, who, during the course and scope of their employment, allowed or failed to correct the problem or problems with the Springhill Compressor Station which knowingly causes and knowingly allows unreasonable noise levels, particulates, odors, and air contaminants to physically invade Plaintiffs' person and property.

47. Defendants, at its Springhill Compressor Station, knowingly emit as a result of Defendants' industrial operations acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons and ethylbenzene into Plaintiffs' neighborhood. These include the following:

a. On June 11, 2012, hazardous air pollutants emanating from Defendants' Compressor Station were detected in the air at Plaintiffs' properties at levels two (2) times or greater than MRLs. These contaminants include:

- i. chloromethane, at a level of 1.2 micrograms per cubic meter of air ("ug/m<sup>3</sup>");
- ii. 1,1,2-trichloro-1,2,2-trifluoroethane, at a level of .6 ug/m<sup>3</sup>;
- iii. 2-butanone (MEK), at a level of 2.9 ug/m<sup>3</sup>; and
- iv. carbon tetrachloride, at a level of .64 ug/m<sup>3</sup>.

b. On June 11, 2012, contaminants emanating from Defendants' Compressor Station were detected in the air at Plaintiffs' properties at levels in excess of MRLs. These pollutants include, but are not limited to:

- i. acetone, at a level of 12 ug/m<sup>3</sup>; and
- ii. trichlorofluoromethane (CFC 11), at a level of 1.4 ug/m<sup>3</sup>.

c. On June 11, 2012, other hazardous air pollutants emitted by Defendants' Compressor Station were detected in the air at Plaintiffs' properties at unsafe levels exceeding the MRLs. These contaminants are bromomethane, chloroethane, 1,1-Dichloroethene, methylene chloride, trans-1,2-Dichloroethene, 1,1-Dichloroethane (1,1-DCA), Methyl Tert-Butyl Ether (MTBE), chloroform, benzene, toluene, 1,1,1-trichloroethane (TCA), trichlorethene (TCE), tetrachloroethene (PCE), ethylbenzene, chlorofluorocarbons (CFCs), bromides and xylenes.

48. Chloromethane, also known as methyl chloride, is a clear, colorless gas with a faint, sweet odor that is noticeable only at toxic levels, that as a direct and proximate result of Defendants' activities invaded and damaged, and continues to do so, Plaintiffs' property as described above. It is extremely flammable. Exposure may cause dizziness, nausea, vomiting; visual disturbance, stagger, slurred speech, convulsions, coma; liver damage, kidney damage. Chloromethane targets the central nervous system, liver, kidneys and reproductive systems and is known to cause latent injury, especially after regular and prolonged exposure. The MRL of chloromethane is .64 ug/m<sup>3</sup>.

49. 1,1,2-trichloro-1,2,2,-trifluoroethane (CFC-113), also known as Chlorofluorocarbon-113, Halocarbon 113, Refrigerant 113, Genetron® 113, Freon® 113, or TTE is a man-made colorless to water-white liquid or gas (at 118°F) that has a strong odor in large amounts, that as a direct and proximate result of Defendants' activities invaded and damaged,

and continues to do so, Plaintiffs' property as described above. Exposure may cause skin irritation, throat irritation, headache, confusion, recent memory loss, drowsiness, dermatitis, central nervous system depression, cardiac arrhythmias and narcosis and is known to cause latent injury, especially after regular and prolonged exposure. The MRL of CFC-113 is .24 ug/m<sup>3</sup>.

50. 2-butanone (MEK), also known as methyl ethyl ketone (MEK), is a colorless liquid with a sharp, sweet odor, that as a direct and proximate result of Defendants' activities invaded and damaged, and continues to do so, Plaintiffs' property as described above. Exposure to MEK can cause irritation of the nose, throat, skin and eyes. The MRL of MEK is .92 ug/m<sup>3</sup>.

51. Carbon tetrachloride, also known as carbon chloride, carbon tet, Freon® 10, Halon® 104 and tetrachloromethane, is a man-made chemical, that as a direct and proximate result of Defendants' activities invaded and damaged, and continues to do so, Plaintiffs' property as described above. It is a clear liquid with a sweet smell that can be detected even at low levels. It evaporates quickly into the air upon release and is very stable, remaining in air for 30-100 years. Exposure may cause eye and skin irritation, central nervous system depression, nausea, vomiting, liver and kidney damage, drowsiness, dizziness, incoordination, coma and death, and is known to cause latent injury, especially after regular and prolonged exposure. The MRL of Carbon tetrachloride is .099 ug/m<sup>3</sup>.

52. Acetone, also known as dimethyl ketone, ketone propane and 2-Propanone, is a colorless liquid with a fragrant, mint-like odor, that as a direct and proximate result of Defendants' activities invaded and damaged, and continues to do so, Plaintiffs' property as described above. It evaporates easily and is flammable. Once inhaled, Acetone enters the blood stream and is carried to all organs. Breathing moderate- to-high levels of Acetone for short periods of time can cause nose, throat, lung and eye irritation, headaches, confusions, dizziness,

increased pulse rate, nausea, vomiting, unconsciousness and coma. The MRL for Acetone is 7.1  $\mu\text{g}/\text{m}^3$ .

53. Trichlorofluoromethane (CFC 11), also known as fluorotrichloromethane, Freon® 11, Monofluorotrichloromethane, Refrigerant 11, and trichloromonofluoromethane, is a colorless to water-white, nearly odorless liquid or gas, which as a direct and proximate result of Defendants' activities invaded and damaged, and continues to do so, Plaintiffs' property as described above. Exposure may cause incoordination, tremor, dermatitis, cardiac arrhythmias, cardiac arrest, asphyxia. The MRL for Trichlorofluoromethane is .87  $\mu\text{g}/\text{m}^3$ .

54. Upon information and belief, other hazardous air pollutants emitted by Defendants' Compressor Station, the full knowledge of which is in the exclusive possession of the Defendants, causing injury to Plaintiffs and their properties include, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, naphthalene, polycyclic aromatic hydrocarbons, and particulate matter.

55. Plaintiffs' persons and properties are constantly bombarded by clouds of chemicals and particulates, sometimes visible to the naked eye, entering their properties from the neighboring Springhill Compressor Station.

56. Upon information and belief, and at all times mentioned herein, the deterioration of air quality at and surrounding Plaintiffs' properties was caused by Defendants' unreasonable operation of the Springhill Compressor Station.

### EXCESSIVE NOISE

57. As discussed above, the Springhill Compressor Station emits excessively loud noises, surpassing the occasional hum, ping or bang, and instead resulting in a constant rattling occasioned with frequent high-pitched whistling.

58. Upon information and belief, these excessively loud, unreasonable noises persist day and night.

59. Upon information and belief, these noises are emitted from Springhill Compressor Station from 55-100 decibels.

60. Chronic exposure to noise such as that experienced by Plaintiffs has led to hearing impairment, hypertension, ischemic heart disease, poor school or work performance, sleeplessness, awakening, and mood swings and has otherwise deprived Plaintiffs of the quite use and enjoyment of their properties.

61. As a result of the foregoing and other acts or omissions by Defendants which may be revealed through reasonable discovery, Plaintiffs seek, *inter alia*: (i) an order and/or judgment requiring Defendants to pay compensatory damages, inconvenience damages, punitive damages, diminution in value of the property, and litigation fees and costs including attorneys' fees; and (iii) any further relief, at law or in equity, the Court may deem just and appropriate.

### CAUSES OF ACTION

#### **AS AND FOR A FIRST CAUSE OF ACTION: NEGLIGENCE**

62. Plaintiffs repeat and reallege the allegations of paragraphs "1" through "61" of this Complaint, as though set forth in this paragraph at length.

63. In constructing, maintaining, operating, controlling, engineering and/or designing the Springhill Compressor Station, Defendants have a duty to exercise ordinary care and

diligence so that particulates, malodors, excessive noise and hazardous air contaminants do not invade Plaintiffs' person or property.

64. Defendant knowingly breached its duty to exercise ordinary care and diligence when they improperly constructed, maintained, operated, engineered and/or designed the Springhill Compressor Station and knew, or should have known, that such actions would cause Plaintiffs' person and property to be invaded by particulates, malodors, excessive noise and hazardous air contaminants.

65. The laws and regulations of the Commonwealth of Pennsylvania also impose a duty on Defendants to construct, maintain, operated engineer and/or design the Springhill Compressor Station in a manner that would not jeopardize the health, safety and well-being of persons living in the area surrounding the Compressor Station, including Plaintiffs, and otherwise to operate the Compressor Station in such a manner as not to contaminate the ambient air.

66. As a direct and proximate result of the failure of Defendants to exercise ordinary care, Plaintiffs' person and property are physically invaded by particulates, malodors, excessive noise and hazardous air contaminants.

67. As a direct and proximate result of Defendants negligence in operating and/or constructing and/or engineering and/or maintaining its facility, Plaintiffs' person and property are exposed to and invaded by particulates, malodors, excessive noise and hazardous air contaminants, in violation of the common law and various statutes, codes, permits and ordinances..

68. As a direct and proximate result of the invasion of Plaintiffs' person and property by particulates, malodors, excessive noise and hazardous air contaminants, Plaintiffs have

suffered injuries.

69. As a direct and proximate result of Defendants' release of particulates, malodors, excessive noise and hazardous air contaminants, the Plaintiffs' have suffered mental anguish, anxiety, embarrassment, humiliation, distress, undue annoyance and other related nervous conditions and emotional sequelae.

70. The conduct of Defendants in knowingly allowing conditions to exist, which caused particulates, malodors, excessive noise and hazardous air contaminants to physically invade Plaintiffs' person and property, constitutes gross negligence as Defendants' conduct demonstrates a substantial lack of concern for whether an injury resulted to Plaintiffs, and at least constitutes recklessness.

71. Defendants are directly and/or vicariously liable for the negligence and/or gross negligence of their employees, representatives, and agents, who, during the course and scope of their employment, allowed or failed to correct the problem which caused particulates, malodors, excessive noise and hazardous air contaminants to physically invade Plaintiffs' person and property.

72. Defendants knew, or in the exercise of reasonable care should have known, of the unreasonable, dangerous, offensive, noxious, hazardous, toxic and carcinogenic nature of the emissions, noise and air pollutants released by their operations of the Compressor Station, and that said air pollutants were capable of contaminating Plaintiffs' air supplies, damaging Plaintiffs' persons and properties and decreasing the value of their properties.

73. Defendants have the means and duty to prevent or substantially mitigate such dangerous, offensive, noxious, hazardous and toxic emissions, and Defendants have the means to



prevent or substantially mitigate the exceedingly loud noises emanating from the Springhill Compressor Station.

74. Defendants have breached the duties owed to Plaintiffs by failing to own and operate the Springhill Compressor Station in a manner that comports with established industry standards for owners and operators of natural gas compressors and that complies with applicable laws for noise and particulate/polluting emissions.

75. Defendants' acts and/or omissions mentioned herein were and continue to be the direct and proximate cause of Plaintiffs' damages, as alleged herein.

76. Defendants should have taken reasonable precautions and measures to prevent or substantially mitigate such dangerous, offensive, noxious, hazardous and toxic emissions and exceedingly loud noises from the Springhill Compressor Station but failed to do so.

77. Defendants' recklessness and/or intentional conduct entitle Plaintiffs to an award of punitive damages, as it was engaged in with willful disregard for Plaintiffs and constitutes outrageous conduct.

78. Plaintiffs in no way contributed to the damages and injuries they have sustained.

WHEREFORE, Plaintiffs pray this Honorable Court to enter judgment in their favor and against Defendants for an amount in excess of the jurisdictional limits of compulsory arbitration.

**AS AND FOR A SECOND CAUSE OF ACTION:  
PRIVATE NUISANCE**

79. Plaintiffs repeat and reallege the allegations of paragraph "1" through "78" of this Complaint, as though set forth in this paragraph at length.

80. In the operation of their Springhill Compressor Station, Defendants utilize and create chemicals and chemical compounds.

81. In the operation of the Springhill Compressor Station, Defendants discharge fallout, odors, chemicals and chemical substances onto the Plaintiffs' properties which are invasive and have caused and continue to cause damage to Plaintiffs' personal and real property and some of which are extra hazardous.

82. Defendants by and through current technological processes and current engineering standards could and should preclude the discharge of any particulates, unreasonable levels of noises and extra hazardous substances onto Plaintiffs' properties.

83. A condition or activity which unreasonably interferes with the use of property is a nuisance.

84. Defendants, by their acts and/or omissions in operating the Springhill Compressor Station, have caused particulates, malodors, excessive noise and hazardous air contaminants in such quantities that are offensive and unreasonable outside the Compressor Station facility.

85. Defendants, by their acts and/or omissions in operating the Springhill Compressor Station, have caused particulates, malodors, excessive noise and hazardous air contaminants in such persistence and at such volume to create an intolerable condition that is and offensive and unreasonable intrusion of Plaintiffs' properties.

86. Plaintiffs did not consent for particulates and air contaminants to physically invade their person and property.

87. The aforementioned particulates, malodors, excessive noise and hazardous air contaminants have traveled from the Springhill Compressor Station onto Plaintiffs' neighboring properties, thereby proximately causing the invasion of Plaintiffs' interests in the private use and enjoyment of their properties.

88. Defendants possess and/or control the property upon which the Springhill Compressor Station is located, as well as all equipment operated at the Compressor Station.

89. Defendants have the duty, ability and means to control the level and types of air emissions, releases and discharges from the Springhill Compressor Station.

90. Defendants' invasion of Plaintiffs' property interests are negligent, reckless, intentional and/or unreasonable in that Defendants knew their operation of the Springhill Compressor Station was substantially certain to result in the emissions of noxious and unpleasant gas particles, particulates, and the emission of chronic high frequency, high volume noise into the areas surrounding the Compressor Stations, including Plaintiffs' properties, or in the alternative Defendants' invasions are unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.

91. Defendants have created and perpetuated a continuing nuisance in the area surrounding the Springhill Compressor Station by operating the Compressor Station in a manner that emits particulates, malodors, excessive noise and hazardous air contaminants and by allowing these emissions, their resultant malodors, and the noise to continue to spread beyond the lot lines of the tract occupied by the Compressor Station, to neighboring properties, including Plaintiffs' properties, resulting in exposure to unsafe levels of toxic pollutants and noise resulting, in part, to injuries to Plaintiffs' interests in the private use and enjoyment of their properties, as well as personal injuries to the plaintiffs that occur at the cellular level and have yet to manifest.

92. Defendants have also created and perpetuated a continuing nuisance in the area surrounding the Springhill Compressor Station by operating the Compressor Station in such a

manner which constitutes an extreme annoyance to a person of ordinary sensibility to sound, resulting in a material interference with the ordinary comfort of Plaintiffs' lives thereby impairing the reasonable enjoyment of Plaintiffs' habitation and invading Plaintiffs' private use and enjoyment of their properties.

93. Defendants' invasion is negligent, reckless, intentional and/or unreasonable in that they knew their operation of the Compressor Station was substantially certain to result in the creation of particulates, malodors, excessive noise and hazardous air contaminants that would constitute annoyance to a person of ordinary sensibility to sound living in the area surrounding the Compressor Station, including Plaintiffs' properties, or in the alternative Defendants' invasion is unintentional and otherwise actionable under the rules controlling liability for negligent or reckless conduct, or for abnormally dangerous conditions or activities.

94. The aforementioned nuisances for particulates, malodors, excessive noise and hazardous air contaminants continue to this day, and are likely to continue into the future, thereby significantly impacting Plaintiffs' right to the use and enjoyment of their properties and their health and wellbeing.

95. By causing particulates and air contaminants accumulated and controlled by Defendants to physically invade Plaintiffs' personal and real property, Defendants substantially and unreasonably interfered with Plaintiffs' use and enjoyment of their property.

96. Defendants' substantial and unreasonable interference with Plaintiffs' use and enjoyment of their property constitutes a nuisance for which the Defendants are liable to Plaintiffs for all damages arising from such nuisance, including compensatory and exemplary, relief.

97. Defendants, by reason of these private nuisances, are jointly and severally liable for all of the damages and injuries to Plaintiffs proximately caused by the particulates, malodors,

excessive noise and hazardous air contaminants originating at the Springhill Compressor Station and invading Plaintiffs' properties.

WHEREFORE, Plaintiffs pray this Honorable Court to enter judgment in their favor and against Defendants for an amount in excess of the jurisdictional limits of compulsory arbitration.

**AS AND FOR A THIRD CAUSE OF ACTION:  
PUBLIC NUISANCE**

98. Plaintiffs repeat and reallege the allegations of paragraph "1" through "97" of this Complaint, as though set forth in this paragraph at length.

99. Defendants, by their acts and/or omissions in operating the Springhill Compressor Station have caused emissions and releases of particulates, malodors, excessive noise and hazardous air contaminant in quantities that are offensive to the public surrounding the Compressor Station, proximately causing an invasion of the public's rights to breathe clean air and enjoy land near and surrounding the Compressor Station.

100. The particulates, malodors, excessive noise and hazardous air contaminant contain chemicals that impose significant interference with the public health and safety by exposing the public to symptoms and complications set forth above. Furthermore, the loud noises produced by the Compressor Station unreasonably endanger the health and well-being of the public, including the plaintiffs herein, causing otherwise scenic, rural lands to be marred by excessively loud unnatural noises, particulate matter and hazardous air contamination.

101. Defendants possess and/or control the property upon which the Springhill Compressor Station is located and the equipment at the Compressor Station.

102. Defendants have the ability and means to control the level and types of air emissions, releases and discharges from the Springhill Compressor Station.

103. Upon information and belief, Defendants have the ability to mitigate the particulates, malodors, excessive noise and hazardous air contaminants emitted from the Springhill Compressor Station.

104. Defendants, by their acts and/or omissions in operating the Springhill Compressor Station, have unreasonably interfered with the rights of the public, including the plaintiffs herein, to breathe non-hazardous air, to smell non-malodorous air, and to enjoy land surrounding the Compressor Station without the annoyance of excessive noise from nearby properties, rights which are common to the general public, including Plaintiffs herein.

105. Plaintiffs, due to their proximity to the Springhill Compressor Station, have suffered peculiar harm in the loss of use of their properties for enjoyment and recreation, the loss of sleep and the fallout of particulate matter onto their properties, due to the fact that their proximity to the Compressor Station causes Plaintiffs to suffer exposure to the noxious, malodorous gases and exceedingly loud noises all day every day, as opposed to the general public, which may be exposed for lesser periods of time.

106. Defendants' interferences with the public's rights are unreasonable in that their conduct involves a significant interference with the public health, public safety, public peace, public comfort and/or the public convenience, including those of the Plaintiffs.

107. Defendants' interferences with the public's rights are unreasonable in that their conduct is proscribed by the General Plan Approval/Operating Permit for Natural Gas Production Facilities, issued by the Commonwealth of Pennsylvania Department of Environmental Protection and the Constitution of the Commonwealth of Pennsylvania.

108. By using their property in such an unreasonable, unwarranted and/or unlawful manner, Defendants are obstructing the rights of the public, including Plaintiffs, to enjoy the land

surrounding the Compressor Station and are producing such annoyance, inconvenience, discomfort and/or harm to the public and the Plaintiffs alike.

109. Defendants' invasions are continuing because every minute the Compressor Station is in operation, more noxious, malodorous gases are released and more bars of excessively loud noises are emitted and transported through the air and sound waves to areas beyond Defendants' boundary.

110. Defendants have created and perpetuated a continuing nuisance in the area surrounding the Springhill Compressor Station by operating the Compressor Station in such an intentional, negligent, reckless, or otherwise wanton manner that it emits noxious and unpleasant gas particles and by allowing these emissions and their resultant malodors to continue to spread outside of the Compressor Station property.

111. Plaintiffs, by virtue of living in such close proximity to the Springhill Compressor Station and because they are continuously exposed to such noxious particulate matter, malodors and excessive noise, are specifically injured by the foregoing continuing nuisances over and above the injuries suffered by the general public and suffer harms of a kind different from that suffered by other members of the public.

112. Defendants, by reason of these public nuisances are jointly and severally liable for all damages and injuries to Plaintiffs proximately caused by the air contamination, malodors, and noise originating at the Springhill Compressor Station, and should be required to eliminate, remediate and/or substantially mitigate the emissions and releases from the Compressor Station and install noise abatement devices.

WHEREFORE, Plaintiffs pray this Honorable Court to enter judgment in their favor and against Defendants for an amount in excess of the jurisdictional limits of compulsory arbitration.

**AS AND FOR A FOURTH CAUSE OF ACTION:  
TRESPASS**

113. Plaintiffs repeat and reallege the allegations of paragraph "1" through "112" of this Complaint, as though set forth in this paragraph at length.

114. Upon information and belief, through their operation of the Springhill Compressor Station, Defendants have caused the unsafe and excessive emissions, releases and discharges of numerous air pollutants, including acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons, ethylbenzene, particulate matter and other hazardous air pollutants, the knowledge of which is in the exclusive possession of the Defendants, to the airspace in the area surrounding the Compressor Station, as previously set forth, herein.

115. Through the operation of the Springhill Compressor Station and by virtue of causing the aforementioned emissions and releases from the Compressor Station, Defendants have proximately caused those emissions and releases to enter into and be deposited on Plaintiffs' properties in unsafe levels, as previously set forth, herein.

116. The aforesaid emissions and releases emanating from Defendants' Compressor Station entered and were deposited upon Plaintiffs' land without the consent of Plaintiffs and without any authority or privilege to do so.

117. The particulates, air contaminants, and airborne pollutants which entered, settled, physically invaded, and damaged Plaintiffs' land and property interfered with and damaged Plaintiffs' interests in the exclusive possession of Plaintiffs' land and property and constituted a continuous trespass upon Plaintiffs' properties.



118. Through their actions, Defendants have caused Plaintiffs' properties to be saturated and dirtied by a film of toxic contaminants that, upon information and belief, is difficult, if not impossible to remove from Plaintiffs' properties. Indeed, due to the ongoing nature of Defendants' negligent, reckless, willful and/or knowing intrusion on to Plaintiffs' property of noxious, malodorous gases, any attempt by Plaintiffs to repair the damage to their properties is fruitless.

119. Defendants knew or should have known that operating the Springhill Compressor Station would cause particulates, malodors, excessive noise and hazardous air contaminants to be released from the Compressor Station, and that said particulates, malodors, excessive noise and hazardous air contaminants would travel and settle in the area surrounding the Compressor Station, including Plaintiffs' properties.

120. Defendants have intentionally entered the land possessed by Plaintiffs by desiring to cause the aforementioned consequences of their acts, or in the alternative, have reason believe that the consequent harms to Plaintiffs and their right and ability to enjoy and utilize their properties were substantially certain to result from their operation of the Springhill Compressor Station.

121. Defendants' intentional acts have both constituted and resulted in the physical invasion of Plaintiffs' properties and their ambient air, such that Plaintiffs have suffered injuries in the form of property damage, potential health complications due to exposure to toxins and interference with the right to peaceful and exclusive possession of their properties.

122. Defendants, by reason of their continuing trespasses, are liable for all of the damages and injuries caused by the invasion of Plaintiffs' properties and the resultant property damage, as well as the right to peaceful and exclusive possession of their properties, and should be required

to eliminate, remediate and/or substantially mitigate the emissions and releases from the Springhill Compressor Station.

**AS AND FOR A FIFTH CAUSE OF ACTION:  
HAZARDOUS SITES CLEANUP ACT**

123. Plaintiffs repeat and reallege the allegations of paragraphs "1" through "122" of this Complaint, as though set forth in this paragraph at length.

124. The location of the releases of hazardous substances as set forth above, the Springhill Compressor Station, constitute a "site" as defined by the Pennsylvania Hazardous Sites Cleanup Act (hereinafter "HSCA"), 35 P.S. §§ 6020.101, *et. seq.*

125. The particulates, malodors, excessive noise and hazardous air contaminants set forth above constitute "releases" of hazardous substances and contaminants under HSCA.

126. At all relevant times, defendants owned and/or operated the Springhill Compressor Station.

127. Defendants are "responsible persons" responsible for the releases of hazardous substances, under HSCA.

128. As set forth above, defendants have caused and, upon information and belief, continue to cause releases or substantial threats of releases of hazardous substances or contaminants, including but not limited to, acetone, acetaldehyde, acrolein, benzene, formaldehyde, methanol, toluene, methylene chloride, 1,3-butadiene, 2,2,3-trimethylpentane, hexane, cyclohexane, xylenes, naphthalene, polycyclic aromatic hydrocarbons and ethylbenzene, which present a substantial danger to the public health or safety or the environment, under HSCA.

129. Pursuant to Section 507, 702 and 1101 of HSCA, 35 P.S. §§ 6020.507, 6020.507 and 6020.1101, defendants are strictly liable for costs incurred by plaintiffs to respond to defendants

releases of hazardous substances and contaminants, including but not limited to the cost of a health assessment or health effects study, medical monitoring and interest.

130. The levels of hazardous substance to which plaintiffs have been exposed are greater than normal background levels.

131. As a proximate result of their exposure to such hazardous substances, plaintiffs have a significantly increased risk of contracting a serious latent disease.

132. A monitoring procedure exists that makes the early detection of the disease possible.

133. Such early detection will help to ameliorate the severity of the disease. The prescribed monitoring regime is different from that normally recommended in the absence of the exposure.

134. A prescribed monitoring regime is reasonably necessary according to contemporary medical opinion.

135. The above releases of hazardous substances and contaminants by defendants constitute public nuisances under Section 1101 of HSCA, 35 P.S. §6020.1101.

136. The above releases of hazardous substances by defendants constitute unlawful conduct under Section 1108 of HSCA, 35 P. S. §6020.1108.

137. The above releases hazardous substances and contaminants by defendants have caused and threaten to cause personal injuries to plaintiffs.

138. Defendants, by reason of these releases, are liable for all the response costs, damages and injuries to plaintiffs proximately caused by the releases and to remediate the releases, threats of future releases and resultant contamination.

WHEREFORE, upon the aforesaid Causes of Action, Plaintiffs seek the following relief:

- i. A judgment awarding Plaintiffs the reasonable and necessary costs for remediation of the ambient air quality and cleanup of hazardous air pollutants settling on Plaintiffs' properties, which has been contaminated and continues to be contaminated due to Defendants' operation of the Springhill Compressor Station facility;
- ii. A judgment awarding Plaintiffs damages for the invasion of their right to peaceful and exclusive possession, use and enjoyment of their properties;
- iii. A judgment awarding Plaintiffs damages for the invasion of their interests in the private use and enjoyment of their properties;
- iv. A judgment awarding Plaintiffs damages for the diminution in value of their properties;
- v. A judgment requiring Defendants to create a medical monitoring program for Plaintiffs;
- vi. A judgment requiring Defendants to abate or substantially mitigate the aforementioned nuisances, wrongful acts, statutory and regulatory violations, and injuries created due to their careless and/or reckless operation of the Springhill Compressor Station;
- vii. Plaintiffs' litigation costs and fees, including attorneys' fees; and
- viii. Any additional relief that the Court may deem just and appropriate.

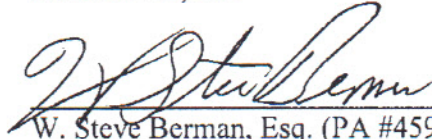
**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand that the trial of all issues be heard by a Judge sitting with a jury.

Dated: August 30, 2013  
New York, New York

Respectfully Submitted,

NAPOLI BERN RIPKA SHKOLNIK &  
ASSOCIATES, LLP



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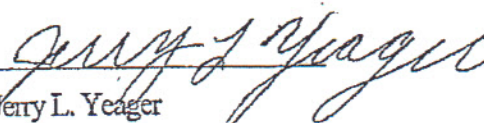
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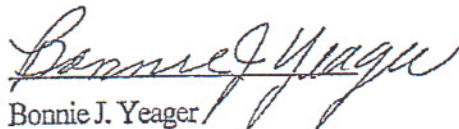
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**VERIFICATION**

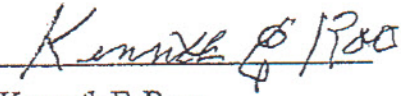
I hereby depose and say that I am the plaintiff in the foregoing action, and that the facts set forth in the foregoing Amended Complaint are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

  
Jerry L. Yeager

  
Bonnie J. Yeager

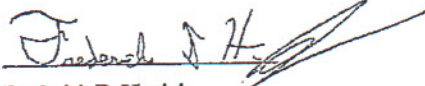
**VERIFICATION**

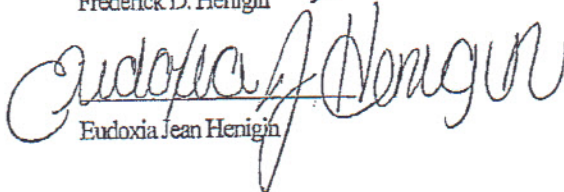
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Kenneth E. Rose

**VERIFICATION**

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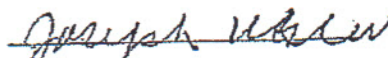
  
Frederick D. Henigin

  
Eudoxia Jean Henigin



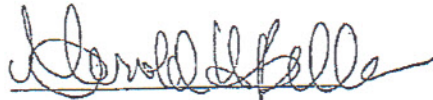
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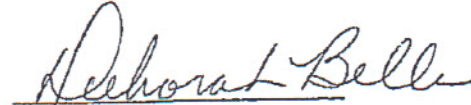
  
Joseph Uhler

**VERIFICATION**

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Harold Bella



Deborah Bella