

By Email

May 21, 2020

The Honorable Patrick McDonnell
Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101

Dear Secretary McDonnell,

We are writing to convey a recommendation of the Environmental Justice Advisory Board. At the February 20, 2020 Environmental Justice Advisory Board meeting in Harrisburg, the Board heard public comment from Edith Abeyta, a resident of North Braddock and a representative of the community organization North Braddock Residents for Our Future, concerning a pending Pennsylvania Department of Environmental Protection permit review process for a proposal by Merrion Oil & Gas to construct an unconventional well pad on a site that spans multiple municipalities, including North Braddock and the borough of East Pittsburgh.

Ms. Abeyta presented to the Board a letter from East Pittsburgh Borough rescinding Merrion Oil & Gas's conditional use permit based on inactivity. Ms. Abeyta asked the Board to help her and the residents of the affected communities understand what East Pittsburgh's action of rescinding Merrion's conditional use permit meant for DEP's consideration of Merrion's pending permit application. Based on Ms. Abeyta's presentation, the Board discussed and voted to send recommendations to the Office of the Secretary.

RECOMMENDATION: Pursuant to a motion, unanimously approved by the Board members present at the February 20, 2020 EJAB meeting, we are writing to recommend to the Office of the Secretary as follows:

- That the Department provide a formal written response to any part of Ms. Abeyta's attached statement to the Board that is not covered in the anticipated Comment-Response document for Merrion's proposed activity;
- That the Department, through appropriate staff, meet with North Braddock Residents for Our Future to learn more about their concerns; and
- That the Department provide another public engagement meeting in the community to allow residents to engage DEP staff and the applicant about the project.

As Chair and Vice Chair of the Board, we recognize the challenges to scheduling any in-person meetings under the Governor's current Covid-19 orders, but we suggest that telephonic and/or other electronic means (including Webex) could be employed as a substitute for an in-person gathering.

The Board appreciates your consideration of our recommendations and looks forward to your response. On a personal note, we hope that you and your family, and the entire DEP team, are staying healthy and well, and we hope to see you again soon in person at an upcoming meeting.

Respectfully,



Adam H. Cutler, Chair



Dr. Allison Robinson, Vice Chair

Attachment: 2/20/2020 Written Statement of Edith Abeyta

cc: Allison Acevedo, Office of Environmental Justice (via email)

February 20, 2020

Environmental Justice Advisory Board
Rachel Carson State Office Building 400
Market Street
Harrisburg, PA 17101

Re: Merrion Oil and Gas Corporation, ET Braddock Well Pad, East Pittsburgh Borough, North Braddock Borough, and North Versailles Township, Allegheny County – Erosion and Sediment Control Permit Application No. ESP070218-001; GP-05 Utility Line Stream Crossings Application No. GP05020718002; Drill and Operate Well Permit Application No. 003-22563

Dear Advisory Chair and Board Members:

My name is Edith Abeyta. I live [REDACTED], Pennsylvania [REDACTED]. I am a founding member of North Braddock Residents For Our Future. In 2013, I began working with my neighbors and residents in surrounding communities to advocate for health, safety, air and water quality, as well as quality of life for myself and other Mon Valley communities, particularly around fracking.

I come before you today to ask that the Environmental Justice Advisory Board (EJAB) make a recommendation to the Office of Environmental Justice (OEJ) and the Pennsylvania Department of Environmental Protection (DEP) Oil and Gas Division to deny all permit applications submitted by Merrion Oil and Gas for development of the ET Braddock Well Pad, based on the decision of the Borough of East Pittsburgh to rescind Merrion's local conditional use permit.

The Borough of East Pittsburgh Zoning Ordinance requires that conditional use approval shall expire two years after the Borough Council decision unless the applicant applies for and obtains an occupancy permit and commences the use which is subject of the conditional use approval. On January 22, 2020 the Borough of East Pittsburgh rescinded the conditional use permit granted to Merrion Oil and Gas on December 19, 2017 for an "Oil or Gas Wells Site" on parcel number 376-G-1 and 376-A-100 due to a failure to take action within two (2) years of the granting of said permit. See attached letter from Borough of East Pittsburgh to Merrion Oil and Gas (January 22, 2020). Without any DEP permits approved, it is clear that to date Merrion has not commenced the approved use of the site.

I also ask that the EJAB consider recommending revocation of Merrion's permit applications based on their clear inability to satisfy the requirements of the applications. As of this date Merrion has received a total of eleven deficiency letters. The most recent on January

24, 2020. Their lack of experience is evident in their inability to satisfy the administrative requirements of drilling an unconventional well for the purposes of natural gas extraction. If they cannot get it right on paper how will their inexperience play out in the preparation, construction and operation of the well in a densely residential area? Myself and other community members throughout the Mon Valley and Pittsburgh fear for our lives.

For these reasons, we request that the Department deny all permit applications submitted by Merrion Oil and Gas for development of the ET Braddock Well Pad.

It is with great anticipation that I await your response,

Edith Abeyta

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



22 January 2020

Mr. T. Greg Merrion, President
Merrion Oil and Gas Corporation
610 Reilly Avenue
Farmington, NM 87401

RE: Conditional Use Permit within East Pittsburgh Borough, Allegheny County, Pennsylvania

Mr. Merrion:

The Borough of East Pittsburgh is rescinding the conditional use permit as applied for on 21 November 2017 and granted to Merrion Oil and Gas on 19 December 2017 for an "Oil or Gas Wells Site" on parcel number 376-G-1 and 376-A-100, due to a failure to take action within two (2) years of the granting of said permit. This action is consistent with Section 806 of the Borough's Zoning Ordinance.

Merrion Oil and Gas is able to reapply for a new conditional use permit in the future should it decide to move forward with the construction of its "Oil or Gas Well Site".

Sincerely,

Seth Abrams
Borough Manager

cc: Ryan Davis, Operations Manager via email

SECTION H. PERMIT COORDINATION

1. Are there pending permits or any other permits, approvals or planning requirements for this project?

Yes No If yes, list each permit or approval, permit number, and description.

PA DEP Permits:

- E&S Permit No. ESP070218-001 - *Pending*
- GP-5 Water Encroachment Registration GP05020718-002 - *Pending*
- Unconventional Well Drilling Permit - *Pending*

PA DEP Plans:

- Water Management Plan
- PPC
- Emergency Response Plan

Allegheny Department of Health:

- Air Quality Request for Determination - *Pending*

Municipal Permits:

- East Pittsburgh Conditional Use Permit - *Approved 12/19/2017*
- North Versailles Conditional Use Permit - *Approved 5/29/2018*

2. Does the project involve any of the following: placement of fill and/or excavation within or a placement of a structure located in, along, across, or projecting into a water course, floodway or body of water (including wetlands)?

Yes No If yes, identify which authorization under Chapter 105 is applicable.

Joint Permit

General Permit

Waiver

3. What is the project's 537 Plan status? Please note that 537 Plan approval is required prior to initiation of earth disturbance activity.

Pending

4. Is the project associated with a brownfield remediation and/or requires an Act 2 approval? Yes No If yes, please indicate any coordination to date with the Department's Environmental Cleanup Program.