

September 6, 2023

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room IA  
Washington, DC 20426

RE: Docket No. CP23-507-000; Equitrans, L.P.; Notice of Scoping Period Requesting Comment on Environmental Issues for the proposed Swarts and Hunters Cave Well Replacement Project; Greene County, Pennsylvania

Secretary Bose:

The Pennsylvania Department of Environmental Protection Office of Oil and Gas Management (DEP) has reviewed the notice posted on August 2, 2023, regarding the preparation of a National Environmental Policy Act (NEPA) document by the Federal Energy Regulatory Commission (FERC) to analyze the potential impacts of the Swarts and Hunters Cave Well Replacement Project (Project) involving abandonment, construction, and operation of facilities by Equitrans, L.P. (Equitrans) in Greene County, Pennsylvania.

As described, the proposed action would consist of:

- Abandonment by-sale of a series of 19 injection/withdrawal wells at Equitrans' Hunters Cave Storage Field and abandonment in-place of the associated well pipelines and any associated facilities;
- Construction and operation of a new horizontal well, associated pipelines, and ancillary facilities at the Hunters Cave Storage Field;
- Construction and operation of a new horizontal well, associated pipelines, and ancillary facilities at the Swarts Complex;
- Expansions of the existing Morris Interconnect and Pierce Gates Valve Yards at the Hunters Cave Storage Field;
- Acquisition of non-jurisdictional gathering assets from EQM Gathering Opco, LLC (pipelines and related equipment) for operation of the new Swarts Horizontal Storage Well; and
- The sale of 580 million cubic feet of base gas from the Swarts Complex.

Based upon the notice, DEP has the following comments and concerns.

- The scoping notice lacks detail.
- The "Summary of the Proposed Project" section of Equitrans' submission presents Equitrans' intentions but fails to denote mining has been planned or occurring in the vicinity of the Swarts field since June 22, 2013. Equitrans did not timely submit to DEP a complete Verified Statement (described in 58 Pa. C.S.

- Section 3234(b)) which identifies, among other items, gas wells, including storage wells, that would be impacted by mining.
- Equitrans has not complied with Pennsylvania's oil and gas regulations; specifically, by failing to plug wells prior to mining activity reaching 2000 feet of the reservoir protective area (RPA) which is defined by the Pennsylvania Oil and Gas Act. *See* 58 Pa. C.S. Section 3234(a)(2). Equitrans instead has relied upon CONSOL Coal Resource, L.P to plug wells on CONSOL's mining schedule, causing plugging to occur after mining had reached a point well within 2000' of the RPA.
  - Equitrans' Swarts field wells have been abandoned per Pennsylvania statutes and regulations for several years and the wells have not been timely plugged. *See* 58 Pa. C.S. Section 3220. Equitrans submitted a plugging schedule to DEP as part of a Consent Order and Agreement executed with DEP on October 30, 2019 but has not adhered to that plugging plan/schedule.
  - Wells in Hunters Cave also remain unplugged despite being abandoned under Pennsylvania law. According to Equitrans' Hunters Cave Verified Statement, provided to DEP on August 24, 2023, Equitrans does not intend to plug a number of the wells within the field until the 2040's, despite them being abandoned—contrary to Pennsylvania regulations.
  - Equitrans has not provided an explanation for why it has not plugged the abandoned wells in both storage facilities.
  - DEP is still currently reviewing Equitrans' Erosion and Sedimentation Control General Permit application, under 25 Pa. Code Chapters 102 and 105, for earth disturbance activities. This permit is required for construction associated with Equitrans' proposed project.
  - At the time of this letter, Equitrans has not applied for a permit to drill an oil and gas well in either storage field.
  - Equitrans states their intention to install non-jurisdictional pipelines, specifically the EQM OPCO pipeline. However, Equitrans has not demonstrated that the EQM OPCO pipeline is of sufficient integrity to support the gas volumes, flows, and pressures required to maintain the field and proposed wells.

DEP is concerned with Equitrans' proposed abandonment by sale to CONSOL because Equitrans has not explained how it will conduct operations in accordance with Pennsylvania law, specifically DEP's laws and regulations concerning plugging and drilling new wells. Because it appears the wells in the Swarts and Hunters Cave storage fields have been abandoned for over a year and should have already been plugged and abandoned per Pennsylvania law, DEP is concerned Equitrans will utilize this FERC process to further delay its plugging obligations.

DEP welcomes the opportunity to discuss further. Please feel free to contact Kurt Klapkowski at [kklapkowski@pa.gov](mailto:kklapkowski@pa.gov) or (717) 783-9644.

Sincerely,



Richard Negrin  
Secretary