

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

IN THE MATTER OF:

Equitrans, L.P.	:	The 2012 Oil and Gas Act
2200 Energy Drive	:	The Solid Waste Management Act
Canonsburg, PA 15317	:	Rager Mountain Gas Storage Reservoir
	:	George L. Reade 1 Gas Storage Well
	:	Jackson Township, Cambria County

CIVIL PENALTY ASSESSMENT

NOW, this 4th day of April 2024, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the 2012 Oil and Gas Act, Chapter 32 of Title 58 of the Pennsylvania Consolidated Statutes, 58 Pa. C.S. §§ 3201 – 3274 (“2012 Oil and Gas Act”); the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101-6018.1003 (“Solid Waste Management 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 rules and regulations promulgated thereunder.

B. Equitrans, L.P. is a Pennsylvania limited partnership engaged in natural gas transmission, gathering, transportation, and storage in Pennsylvania, West Virginia and Ohio and has a business address of 2200 Energy Drive, Canonsburg, PA 15317 (“Equitrans”).

C. Equitrans is the “storage operator” as this term is defined in Section 3203 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3203, of the Rager Mountain Gas Storage Reservoir (“Rager Field”), which is located in Jackson Township, Cambria County, Pennsylvania.

D. Equitrans is the “owner” and “well operator,” as those terms are defined in Section 3203 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3203, of, the George L. Reade 1 gas storage well, permit number 021-20005 (the “Well”). The Well is located on its “Well Site,” as that term is defined in 25 Pa. Code § 78.1.

E. On November 6, 2022, the Well began venting natural gas to the atmosphere and vented continuously until Equitrans brought it under control by flooding the well to stop the flow of gas and setting a plug on November 19, 2022, and by setting a secondary plug and pumping cement into the wellbore above the plugs on November 20, 2022 (“Well Control Incident”).

F. Throughout the Well Control Incident, Equitrans made several attempts to bring the well under control using fresh water on November 11, 2022 and then a heavy brine on November 14 and November 19, 2022. Approximately 50-100 barrels of heavy brine were discharged onto the ground, some of which ran off into conveyance channels and wetlands (the “Release”).

G. Heavy brine that is discharged on the ground is a “residual waste” as that term is defined in Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103.

H. On December 7, 2022, the Department issued Equitrans a Compliance Order that ordered Equitrans to remediate several areas at and in the vicinity of the Well Site, including roadside ditches and wetlands, from the Release despite outstanding Notices of Violation (“Spill Order”). Equitrans appealed the Spill Order to the Environmental Hearing Board on or about January 5, 2023.

I. Throughout the Well Control Incident, Equitrans had vehicles and equipment traveling to the Well and Well Site in its efforts to regain control of the Well along with other earth disturbance activities. As of December 7, 2022, Equitrans caused or allowed sediment-laden

water from an unmaintained access road to travel off the access road and into a roadside ditch, a “Water of the Commonwealth” as that term is defined at 25 Pa. Code § 102.1. In addition, several sections of compost filter sock (“CFS”), which were necessary measures to protect nearby streams and waterways, were not installed correctly, several other sections of CFS were not maintained properly, and the CFS was not properly staked.

J. On December 8, 2022, the conditions identified in Paragraph I, above, were ongoing, and the Department issued Equitrans an administrative order to correct violations related to Equitrans’ inadequate erosion and sediment control measures (“E&S Order”). On January 5, 2023, Equitrans appealed the E&S Order to the Environmental Hearing Board.

K. On the dates and locations set forth in Paragraphs E through J, Equitrans:

1. Violated 25 Pa. Code §§ 78.53 and 102.22(b)(1), by failing to temporarily stabilize the Well Site to protect it from accelerated erosion and sedimentation;
2. Violated 25 Pa. Code §§ 78.53, 102.4(b)(1), 102.4(b)(2) and 102.11(a)(1), by failing to implement and maintain effective E&S BMPs to minimize accelerated erosion and sedimentation;
3. Failed to control and dispose of heavy brine in a manner that prevents pollution of the waters of the Commonwealth in violation of 25 Pa. Code § 78.54 and discharged heavy brine on or into the ground in violation of 25 Pa. Code § 78.57; and,
4. Disposed of heavy brine onto the ground in a manner not authorized by the Department in violation of Sections 301 and 302 of the Solid Waste Management Act, 35 P.S. §§ 6018.301 and 6018.302.

L. As of the date of this Civil Penalty Assessment and based upon information known to the Department, Equitrans has fully complied with the requirements in both the Spill Order and the E&S Order. Currently, Equitrans is working with the Department’s Environmental Cleanup and Brownfields Program under the Land Recycling and

Environmental Remediation Standards Act with regard to ongoing site remediation.

M. The violations described in Paragraph K, above, constitute unlawful conduct pursuant to Section 3259 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3259, Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610, and subject Equitrans to civil penalty liability under Section 3256 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3256, Section 605 of Solid Waste Management Act, 35 P.S. § 6018.605.

Assessment

NOW, THEREFORE, pursuant to the Department's authority under Section 3256 of the 2012 Oil and Gas Act, 58 Pa. C.S. § 3256, Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605, the Department hereby assesses a civil penalty of SEVEN HUNDRED AND SIXTY-FOUR THOUSAND DOLLARS (\$764,000.00), which includes the amount of FIVE HUNDRED FORTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$549,500.00) as reimbursement to the Department for the Department's expenses incurred throughout the Well Control Incident and remediation pursuant to the Spill Order and E&S Order , against Equitrans for the violations identified above. Payment of this Civil Penalty shall be made by certified check or the like, payable to the "Commonwealth of Pennsylvania" and sent to the Department of Environmental Protection, Bureau of Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second
Floor 400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483.

The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



Daniel F. Counahan
Director
Bureau of District Oil & Gas Operations