

**CENTER FOR COALFIELD JUSTICE**

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September 1, 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

Dear Secretary Bose:

The Center for Coalfield Justice (“CCJ”) is a Pennsylvania-incorporated not-for-profit organization with federal Internal Revenue Service §501(c)(3)-status recognition located in Washington, PA. Our mission is to “improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower and organize coalfield citizens; and to protect public and environmental health.” CCJ has over three thousand members and supporters and is governed by a volunteer Board of Directors.

Thank you for the opportunity to provide input on 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. CCJ respectfully submits the following comments.

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

## **Gas Operators Do Not Have an Accurate Accounting of Existing Gas Infrastructure, Which Poses a Threat to the Health and Safety of the Community and the Environment.**

Pennsylvania has the fourth largest capacity in the United States for underground natural gas storage.<sup>1</sup> Currently, the state has approximately 48 active underground gas storage fields with a combined 774,309 million cubic feet of storage capacity.<sup>2</sup> These storage fields are primarily made from depleted hydrocarbon reservoirs. These formations require specific characteristics, such as a layer of porous and permeable rock to hold the gas and an impermeable rock to trap the gas from escaping.<sup>3</sup>

This is problematic in Pennsylvania, especially in the western part of the state, where most of these gas storage facilities are located. Pennsylvania has historically invested in fossil fuel extraction, the physical practice of removing and altering underground characteristics to produce oil, gas, and coal. The method of removing these resources varies and changes the make-up and subsurface structure. These practices can result in natural gas migrating from its intended storage facility into groundwater and existing gas and water wells. This was the case in California with the Aliso Canyon UGS facility near Porter Ranch, California. An estimated 99,638 metric tons of methane was released over 118 days.<sup>4</sup> This resulted in the evacuation of nearly 6,000 households.

Pennsylvania is not a stagnant state. The PA Department of Environmental Protection (“Department”) has reported that approximately 350,000 conventional oil and gas wells and 13,000 unconventional natural gas wells exist in the state, with only more development applications coming in. Again, an unconventional well’s sole purpose is to change the very characteristics of the geology to produce more gas. These operations do not happen without issue, either. Fracking operations will continue communicating with existing orphaned, abandoned, and active gas wells.

The most recent case of this very scenario happened in June 2022 in Greene County, PA. Here, EQT, a natural gas operator in Southwest Pennsylvania, was notified by a landowner that their EQT Lumber 13H well, communicated with an offset well (now known as Fox Hill 1).<sup>5</sup> It is reported in the inspection report that “EQT investigated and determined hydraulic fracturing operations at the Lumber well site communicated to an offset well.”<sup>6</sup> This communication event is still under investigation to fully understand how the event came to be. Additionally, as of the date of this comment (14 months after the event), EQT has not been able to successfully cap the Fox Hill 1 well due to the integrity of the casing. This gives evidence that current operators, though they may be experts in developing wells, are not experts in preventing and mitigating future harm to the health and safety of communities and the environment. It also shows that even

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<sup>1</sup> David Hess, PA Environment Digest, Dec. 2015, found at:

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=34375#:~:text=Pennsylvania%20has%20774%2C309%20million%20cubic,the%20U.S.%20Energy%20Information%20Agency>.

<sup>2</sup> Id., and PADEP, Underground Gas Storage Fields in Pennsylvania, Fact Sheet 8000-FS-DEP2319, Rev.5/2021.

<sup>3</sup> Michaela Jellicoe & Michael Delgado, Quantifying the Risks of Underground Natural Gas Storage, NARDeP, Brief 24, June 2014.

<sup>4</sup> Drew R. Michanowicz et al. A National Assessment of Underground Natural Gas Storage: Identifying Wells with Designs Likely Vulnerable to a Single-Point-of-Failure, Environmental Research Letters 12 (2017).

<sup>5</sup> Pennsylvania Department of Environmental Protection, Inspection Report Stimulation, Inspection Record No. 3384307, Permit No. 059-28088, Lumber Well Pad.

<sup>6</sup> Id. at page 4.

with the most cautious steps taken in gas development, current operators are unaware of existing harms. The Fox Hill 1 well is a legacy well that the operator had no idea existed until the communication event occurred. To operate under the belief that this was a one-off is simply being blind to the fact that Pennsylvania has documented and undocumented orphaned and abandoned wells all over the place, many of which are not capped. A catastrophic consequence only awaits if the proper steps are not taken today to protect communities, workers, and the environment.

Therefore, CCJ requests that FERC deny any permit to Equitrans on the proposed project until it can properly account all existing documented and undocumented wells. CCJ also requests that Equitrans find the rightful owner of said wells or adopt them to depressurize and cap them properly once a proper accounting is conducted.

### **Equitrans' History as an Operator in Pennsylvania Proves that it Should Not Be Permitted to Operate Or be Permitted to Develop Further Gas Wells.**

On November 6, 2022, Equitrans George L Read storage well in Jackson Township, PA, began to vent natural gas uncontrollably.<sup>7</sup> It was reported that an estimated 100 million cubic feet of natural gas was leaked per day.<sup>8</sup> This leak happened for two weeks and resulted in a “no-fly zone” being put in place due to the potential harm to air travel.<sup>9</sup> Equitrans had reported several times that it had fixed and plugged the well, when in fact, it did not. At the end of the fourteen days, when Equitrans finally was able to plug the well, the Department estimated that 1 billion cubic feet of natural gas escaped from the facility. During the Department’s March 13, 2023, Oil and Gas Technical Advisory Board meeting, Kurt Klappowski, Deputy Secretary of the Office of Oil and Gas Management for the Department, reported this event as a “disaster.”<sup>10</sup> He continued to state that this was “one of the more significant well control incidents over the last ten years...” He even compared this to the Aliso Canyon well incident.

In response, the Department issued several orders to Equitrans to ensure that the operator and the storage wells were safe to operate and up to state standards. Instead of being a reasonable operator and following these orders, Equitrans pushed back. Equitrans challenged these orders and filed an appeal with the PA Environmental Hearing Board.<sup>11</sup> Again, Klappowski, acting in his role to protect the environment and public safety, shared in a statement that there has been “inadequate cooperation from Equitrans...”<sup>12</sup> When it

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<sup>7</sup> Commonwealth of Pennsylvania Department of Environmental Protection v. Equitrans LP, Dec. 8, 2022 Order by Daniel F. Counahan, District Manager Southwest District Manager, Southwest District Oil and Gas Operations, 1-10,4, found at: [https://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/Equitrans\\_Rager\\_Mountain\\_Order\\_12-8-2022.pdf](https://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/Equitrans_Rager_Mountain_Order_12-8-2022.pdf).

<sup>8</sup> Id. at 4.

<sup>9</sup> Id.

<sup>10</sup> Oil and Gas Technical Advisory Board, Pa Department of Environmental Protection, March 13, 2023, recording at 1:14:50, found at:

<https://www.dep.pa.gov/Business/Energy/OilandGasPrograms/OilandGasMgmt/OilGasTech/Pages/default.aspx>.

<sup>11</sup> Equitrans, LP v. Commonwealth of Pennsylvania, Department of Environmental Protection, found at:

<https://ehb.courtapps.com/efile/documentViewer.php?documentID=58557>.

<sup>12</sup> PA Environment Digest, DEP Issues Orders to Equitrans to Plug Additional Wells at Cambria County Underground Natural Gas Storage Facility, bring Other Wells Up to Current Casing Standards and Take Other

comes to such a consequential event, the public, the state, and the environment cannot afford to have an operator who is set against pushing back on regulations and safeguards. Instead, operators should conduct their work in a good faith effort to follow the regulations and ensure they are taking every step necessary to comply with the law.

Equitrans was also found to have violated several inspections in addition to this incident—violations such as uncontrolled release of brine and improper erosion and sediment control of the site. The investigation into this incident is ongoing, and all earth disturbance activities have been ceased by order of the Department.

In conclusion, it would be irresponsible to allow Equitrans to develop in one county when it has significant outstanding violations and issues in another. Equitrans should not be permitted to move forward with any development, including drilling more wells, in Pennsylvania until it has ensured the state it has fully mitigated all issues with all other ongoing violations and operating failures.

**The PA Department of Environmental Protection Does Not Have a Current Record of Existing Abandoned, Orphaned, or Inactive gas Wells in the Proposed Area, and Future Development in This Area Must be Paused Until a Detailed Investigation Takes Place.**

During the Fall 2022 open public comment period for the Harvey Mine CMAP No. 30121301, community member Charles S. Warren testified to his experience and knowledge of the area. During litigation he had with EQT and Equitrans, he received two maps of the Hunters Cave Storage Field and the Swartz Complex Storage Fields beginning around 1903 through 2011. The maps also included an inspection record from the Pa. Department of Environmental Protection of wells within the Hunters Cave Gas Storage Field and Protective Area dated November 15, 2000.

He noted in his testimony that the map entitled Hunters Cave Storage Reservoir, first revised July 27, 1907, and last revised June 7, 1957, shows approximately fifty vertical wells of various kinds within the storage field and protective perimeter: active gas wells, abandoned gas wells, storage gas wells, and combination oil and gas wells down into the Big Injun Sands comprising the Hunters Cave Storage Field.

However, the Department inspection reports for November 15, 2000, show only 30 wells within the same storage field: 21 storage wells, seven observation wells, and two producing wells. As Mr. Warren continued, he shared that the report specifically noted zero abandoned, orphaned, or inactive gas wells and zero gas wells of any kind prior to 1956. This suggests that there are about twenty historical vertical wells at least which are unable to be identified. Additionally, Mr. Warren testified that even more discrepancies exist with the documentation of current gas wells. In that very map referenced above, only one gas well shows on his property. Yet, records from Equitable Gas Company documented three gas wells on his property during that same time period. This gives trepidation that there could be as many as three times as many vertical gas wells in the Hunters Storage Field alone, which are completely undocumented. Even more concerning was the response from the Department when this testimony was shared. Documented in the Department's February 13, 2023, response memo, the Department stated, "CalDMO is not aware of any studies being conducted

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Actions, 12.22.2022, found at:

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=57021&SubjectID=58>.

regarding the impact longwall mining will have on the oil and gas and coal reserves above and below the Pittsburgh coal.”<sup>13</sup>

This approach is extremely problematic for the public, the state, the environment, and the operator. The state actively turning a blind eye to its own data of how many wells are located within the proposed development area is unconscionable. The concept that the Department is not asking for or aware of any studies of the potential impact longwall mining will have on the existing gas fields when the very Department has been put on notice (using its own documents) of potential dozens of undocumented and unplugged gas wells is unacceptable.

Lastly, the 2012 Oil and Gas Act (“Act 13”) requires the locations and conditions of wells used in the operation of UGS fields and the locations of underground coal mines must be communicated. This means that the Department has been put on notice of the issue, has documents that show the issue, and it is not following through on the requirements before it. Even if the state as a fiduciary of the Commonwealth’s natural resources, environment, and public health, fails at its duty to require an operator to report such items, does not provide a waiver for the operator to do the same. This shows that Equitrans is also just as egregious by not following the duties laid out in its existing permit to follow the requirements of Act 13.

**There Must Be a Full Investigation and Accounting on the Cumulative Impacts to This Already Overburdened Community Prior to Any Future Permits Being Issued.**

The Hunter and Swarts storage fields and accompanying infrastructure are in communities overburdened with fossil fuel development. The footprint of the Harvey and Bailey coal mines sprawl underground from Waynesburg to the Pennsylvania-West Virginia border. Hundreds of active and unplugged abandoned and orphaned wells litter the landscape (see Image 1 attached below). The residents in the proposed development site are currently burdened with significant air and water quality issues. Therefore, before FERC approves new wells and pipelines in this area, they should perform a cumulative impact assessment to ensure that community members are not at a heightened risk of harm.

Additionally, with the constant threat of expanded fossil fuel development, residents can't be aware of every project proposed in their community. There needs to be more time for a resident in the affected communities to become aware of, learn about, and draft comments on such a complex project - thirty days is not nearly enough. Thus, FERC should extend the comment period beyond September 1 to allow all interested parties to submit relevant, thoughtful comments on the matter. The people who know this area the best are those who live there.

In conclusion, the Center for Coalfield Justice requests the following:

- FERC should deny any permit to Equitrans on the proposed project until it can do a proper accounting of all existing documented and undocumented wells. Once this is done, Equitrans must either find the rightful owner or adopt them to depressurize and cap them properly.

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<sup>13</sup> Pa Department of Environmental Protection, February 13, 2023, Memo, From Karen L. McCoy Geoscientist, Re: Informal Public Conference – held September 8, 2022 Permit revision to add 3,744 acres (D1 through D6) for Development only submitted by CONSOL Pennsylvania Coal Company LLC Permit No. 30121301 Harvey Mine.

- FERC should not allow Equitrans to develop in Greene County when it has significant outstanding violations and issues in another. Equitrans should not be permitted to move forward with any development, including drilling more wells, in Pennsylvania until it has ensured the state it has fully mitigated all issues with all other ongoing violations and operating failures.
- The PA Department of Environmental Protection does not have an accurate record of existing abandoned, orphaned, or inactive wells in the proposed area and all earth moving development must be put on hold until a detailed investigation takes place to ensure the safety of the community and environment.
- The location of this project takes place in an already overburdened community and a full investigation into the existing and proposed cumulative impacts must be taken to ensure the safety and health of the community and the environment.

Thank you for your consideration. If you have any questions, please contact me anytime.

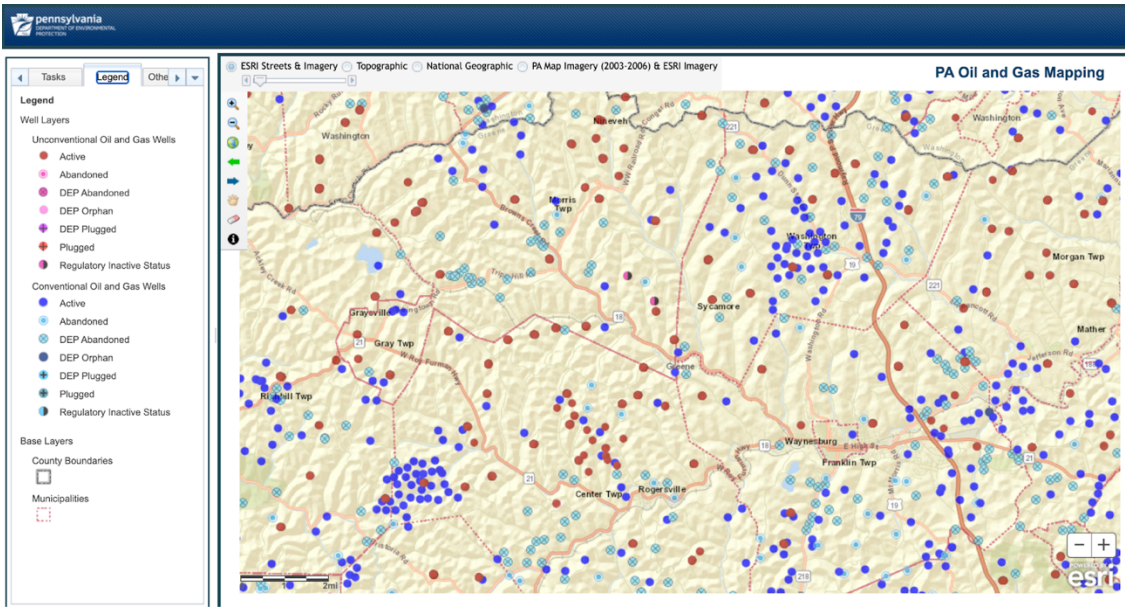
Sincerely,

/S/

Ethan Story

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Image 1:



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