

# The PIOGA Press

The monthly newsletter of the  
Pennsylvania Independent Oil & Gas Association  
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## With IRRC approval, RGGI clears final regulatory hurdle

Governor Tom Wolf's unilateral push to join a multistate program limiting CO2 emissions from fossil fuel-powered electric generators cleared its last regulatory hurdle on September 1 when the Independent Regulatory Review Commission (IRRC) voted along party lines to approve a rulemaking enabling Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI).

Although the Republican-led legislature will attempt to block implementation via a concurrent resolution disapproving the rulemaking, it's more likely that the courts will ultimately decide the fate of the regulations.

IRRC's deliberation on the regulation lasted the entire day. The commission repeatedly made it clear what its authority is when reviewing regulations and specifically that IRRC does not rule on questions of a regulation's constitutionality or the underlying policy. Before making its final decision, IRRC heard testimony from DEP regarding the specific proposal and why the Wolf administration is focused on reducing greenhouse gas emissions, and from members of the General Assembly, advocacy organizations and the general public advocating for and against the regulation. IRRC commissioners, in their questioning of DEP, sought clarification on the studies that were relied upon and how and when those studies were updated to account for the changes made to the regulation and how assumptions changed as the regulation progressed from a proposed regulation to a final regulation.

In the end, the regulation was approved by a vote of 3-2, with Commissioners Murray Ufberg (appointed by Governor Wolf), George Bedwick (appointed by the House Democratic Caucus) and Dennis Watson (appointed by the Senate Democratic Caucus) voting in favor of the proposal. Commissioners John Mizner (appointed by the Senate Republican Caucus) and John Soroko (appointed by the House Republican Caucus)



voted to disapprove the regulation.

Prior to the final vote, a motion was made by Commissioner Soroko to disapprove the regulation. Soroko's motion failed by a vote of 2-3. In support of the motion to disapprove the regulation, Commissioners Soroko and Mizner were concerned that DEP did not

*Continues on page 3*

Joint comments focus on RGGI's impact on conventionals. . . . .	3
PIOGA testifies on importance of pipelines. . . . .	4
Broad opposition to U.S. Senate methane tax proposal. . . . .	5
EPA, Corps revert to pre-2015 WOTUS definition. . . . .	6
A look back at our Water & Waste Management PIOGATech. . . . .	7
The huge impact of oil & gas on jobs and GDP. . . . .	8
Enhance your PIOGA Buyers' Guide listing. . . . .	8
Recent news from DEP: TGDs and cement blend approval. . . . .	10
PIOGA Member Profile: BYO Energy. . . . .	12
New and returning PIOGA members. . . . .	12
Coming in October: Pins & Pints. . . . .	13
Thanks to our PIOGA Partners. . . . .	13
Committee field trip to Penneco's new UIC facility. . . . .	14
Members talk about the value of membership. . . . .	14
Scenes from the 24th Annual Divot Diggers Golf Outing. . . . .	15
Oil & Gas Dashboard. . . . .	16
Calendar of Events. . . . .	19





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## **RGGI approval** *Continued from page 1*

have the statutory authority to promulgate the regulation. Further, even if the department had the statutory authority, the commissioners expressed concern that the process by which the department developed the regulation was flawed and did not provide the public with an easy opportunity to participate in the public debate.

The vote allows Pennsylvania, through regulation, to join a multistate RGGI consortium, which sets a price and declining limits on carbon dioxide emissions from power plants. Under the cap-and-trade program, dozens of Pennsylvania power plants fueled by coal, oil and natural gas would be forced to buy hundreds of millions of dollars in credits in the coming years that the state could then spend on clean energy efforts.

PIOGA and other critics of Wolf's RGGI push point out that Pennsylvania is the only state that has not sought legislative approval in order to join the 11-state consortium, that the fees imposed under the program amount to a tax that only the legislature has the power to levy and that with the use of more natural gas for generating electricity, Pennsylvania already met the governor's stated goal of reducing CO2 levels by 26 percent between 2005 and 2016.

## **Reactions**

PIOGA President and Executive Director Dan Weaver issued the following statement on the day of the IRRC vote:

"Today's decision by the state Independent Regulatory Review Commission clearing the way for the Wolf Administration's unilateral action to join the Regional Greenhouse Gas Initiative is disastrous for the hard-working people, families and communities in many Western Pennsylvania counties, as well as energy consumers throughout the Commonwealth. The administration has ignored months of calls from across the Commonwealth for legislative review and consideration of this program, which was the case in every state that has decided to join RGGI, which has to lead an objective observer to ask what Governor Wolf fears in allowing a review by an equal branch of government.

"PIOGA implores the General Assembly to continue to fight against this power grab and rejection of science and data by pursuing action through the third equal branch of government, our state court system."

Republican legislative leaders had much the same reaction following the IRRC decision.

"For the first time in Pennsylvania's history, a decision

*Continues on page 18*

## **Association comments focus on RGGI's impact on conventional industry**

An overlooked aspect of Governor Wolf's push for Pennsylvania to join the Regional Greenhouse Gas Initiative (RGGI) is the impact the CO2 cap-and-trade program would have on the state's conventional oil and gas operators. In anticipation of the September 1 vote on RGGI regulations by the Independent Regulatory Review Commission (IRRC), PIOGA along with the Pennsylvania Independent Petroleum Producers (PIPP) and the Pennsylvania Grade Crude Oil Coalition (PGCC) submitted comments expressing concerns not only about the rulemaking itself but also that the conventional industry was snubbed by the Department of Environmental Protection during the regulatory process.

PIOGA, PIPP and PCGG are the three trade associations represented on the Pennsylvania Grade Crude Development Advisory Council (CDAC), created by Act 52 of 2016 and tasked with, among other things, assisting DEP and providing input on "new departmental policy that will impact the conventional oil and gas industry...including economic consequences." At a recent CDAC meeting, a DEP representative said he did not believe RGGI would impact conventional operators and the department did not intend to involve the council in the process of written comments.

The associations' comments to IRRC point out, however, that the RGGI CO2 emissions fees imposed on natural gas-powered electricity generators would discourage the continued operation of these facilities, as well as the development of new facilities.

"Such tipping of the scales by the rulemaking will have a direct 'economic consequence' upon the conventional oil and gas industry by diminishing the market for the sale of natural gas in Pennsylvania," the joint comments stated. "Given that the rulemaking is intended to raise over \$2 billion in the span of less than ten years the harmful economic consequence wrought upon the conventional oil and gas industry will be both swift and severe."

Because of such impacts, the associations pointed out, the rulemaking falls squarely under Act 52's obligation for DEP to involve CDAC.

The PIOGA/PGCC/PIPP comments also emphasized the crucial role natural gas plays in the electricity generation mix and the role that the increased use of natural gas in generating electricity has played in reducing Pennsylvania's greenhouse gas emissions. Between 2005 and 2018, the state's CO2 emissions fell by 33 percent.

"For these reasons, it is the position of PGCC, PIOGA and PIPP that there is no demonstrated need to reduce the amount of CO2 emissions by imposing emission fees upon natural gas-powered electricity generation in Pennsylvania. Indeed, the preceding facts show that natural gas is a remarkable and reliable energy source. The rationale to discourage the use of such a remarkable and reliable energy source via the imposition of CO2 emissions fees has not been demonstrated," the three associations concluded.





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## House committee hears about benefits of Pennsylvania pipelines

Pennsylvania's extensive network of pipelines is a safe and reliable means of transporting energy and will remain necessary for the foreseeable future. That was the message delivered by PIOGA and others during an August 17 hearing on the benefits of pipelines held in Harrisburg by the House Environmental Resources and Energy Committee.

PIOGA board member David Marks of Eastern Energy Field Services was among those testifying. He told state lawmakers he recognizes the growing pressure for a transition to cleaner energy sources, but electricity isn't the only resource fossil fuels provide.

"You can't walk out of your house without touching a thousand things made out of natural gas and oil," Marks said. "Natural gas and oil is the feedstock for so many things."

"We're probably going to stop burning fossil fuels some day and probably because we need to," he continued. "I don't know if it's going to be in our lifetime, but the transition has already started. Until we do that, we are going to need pipelines anyway."

Keith Coyle of Babst Calland, chair of the Marcellus Shale Coalition Pipeline Safety Workgroup, also emphasized the necessity of pipelines.

"My advice would be is that we can't solve a climate crisis by creating an energy crisis," Coyle said. "As long



*PIOGA Market Development Committee co-chairs David Marks and Sandy Spencer at the Capitol.*



as we are relying on fossil fuels to produce power, we need pipelines to deliver them safely.”

He added, “It’s pretty clear we are going to be relying on natural gas and petroleum for some time,” he said. “There is no other way to do this safely and to move product in bulk besides these pipelines.”

Others testifying during the two-hour hearing in Harrisburg emphasized that natural gas production not only has made Pennsylvania a top energy exporter, but also has lowered greenhouse gas emissions and decreased the nation’s dependency on foreign oil. The testimony was interrupted at times by climate activists from the Better Path Coalition, who were eventually

removed from the room by Chairman Daryl Metcalfe (R-Butler).

Paul Hartman, a senior policy advisor for the American Petroleum, said fossil fuels will represent up to 70 percent of the nation’s energy mix for the next 30 years, even as the federal government pursues decarbonization policies on a broader scale.

Others offering testimony included David Horn, of the Laborers’ International Union of North America and David Butterworth of Pipeliners Local 798. PIOGA Market Development Committee co-chair Sandy Spencer of Appalachian Construction Services LLC provided written testimony. ■

## **PIOGA joins with energy, manufacturing, labor and business groups in urging U.S. Senate to oppose punitive natural gas tax**

**P**IOGA along with 130 other energy, manufacturing, business and labor trade organizations across the natural gas and oil supply chain sent a letter earlier this month to the U.S. Senate Committee on Environment and Public Works opposing legislation that would place a fee on methane. The organizations, led by the American Petroleum Institute, explain that the proposal is a “pay-for” that “could jeopardize affordable and reliable energy with likely little reduction in greenhouse gas (GHG) emissions” and that cost-effective regulation is a better approach.

“The undersigned organizations, on behalf of their diverse memberships and representing a substantial cross-section of the U.S. economy as producers, distributors, and users of oil, natural gas, and natural gas liquids, join together to oppose the Methane Emissions Reduction Act due to the adverse environmental and economic impacts it will likely cause and because methane emissions are already being mitigated via appropriate regulatory programs,” the groups wrote.

“To impose a misguided punitive tax on natural gas could significantly undermine any purported effort of this legislation to reduce GHG emissions,” the groups continued. “In addition to potentially detrimental environmental outcomes, the Methane Emissions Reduction Act could have adverse and disproportionate economic impacts nationwide. The potential direct cost of the bill to the economy, not including import fees, could initially be as high as \$14.4 billion, increasing 5 percent above inflation annually. As many as 155,000 jobs could be impacted by the tax, with the largest impacts concentrated in the health care and social assistance industries.”



Thanks to innovation and industry actions, U.S. methane emissions rates in the largest producing regions have declined 70 percent in the past decade, even as America produces more affordable, reliable and cleaner natural gas.

“If the objective is to reduce methane emissions, direct regulation of methane is the best method to


implement such a government policy and do so in an equitable manner that is tied to actual emissions,” the groups wrote in the letter. “EPA is best-suited to address the challenges in reducing methane emissions because regulation stipulates the installation of cost-effective control technologies—as well as leak detection and repair requirements—that prevent and reduce methane emissions at oil and natural gas facilities.” ■

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# EPA and Corps revert back to pre-2015 definition of ‘waters of the United States’

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers announced, on September 3 that they had halted implementation of the current definition of “waters of the United States” (WOTUS) effective immediately and reverted back to the pre-2015 definition until further notice. The switch follows an August 30 order from the U.S. District Court for the District of Arizona, which remanded and vacated the definition of WOTUS promulgated by the Trump administration in 2020 (commonly referred to as the Navigable Waters Protection Rule (NWPR)) in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*. While there was speculation that the court’s *vacatur* could be narrowly interpreted to apply only to states where the plaintiffs in the case were located (i.e., Arizona, Minnesota, Washington and Wisconsin), EPA and the Corps are applying the change in WOTUS definition nationwide.

## Importance of the definition of WOTUS

The definition of WOTUS identifies which waters are federally-regulated under the Clean Water Act (CWA), and therefore determines when a federal permit is required for projects (e.g., pipelines, access roads, well pads) that involve dredging or filling of a waterbody (i.e., a Section 404 permit). The WOTUS definition also affects federal spill reporting and spill prevention planning.

With regard to Section 404 permitting, the more expansive the definition of WOTUS, the more waters that are federally-regulated. The extent of WOTUS impacts resulting from a project determines whether an individual or a general Section 404 permit is required, with the process for obtaining an individual permit typically resulting in more Corps involvement, delay and expense.

## Significance of the change in WOTUS definition

When the Trump administration promulgated the NWPR in 2020, environmental groups criticized and challenged the new WOTUS definition, claiming it was too narrow and did not federally regulate enough types of waters. For example, the NWPR did not federally regulate ephemeral streams or other waters based on Justice Anthony Kennedy’s “significant nexus” test, introduced in the seminal Supreme Court opinion *Rapanos v. United States and Carabell v. United States*.

By vacating the NWPR, WOTUS are again described under a definition promulgated in the late 1980s and interpreted in subsequent EPA/Corps guidance that was

issued following the *Rapanos* and *Solid Waste Agency of Northern Cook County (SWANCC) v. United States* Supreme Court decisions. This earlier definition and subsequent interpretations are generally considered to be more expansive and inclusive than the NWPR. Subsequently, reverting to this earlier definition is expected to result in more waters being federally regulated.

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Bruderly

—  
Babst Calland

## Biden administration’s plan to revise the WOTUS definition

President Biden has always intended to revise the definition of WOTUS. In his first week in office, he asked EPA and the Corps to consider revising or rescinding the current definition. On June 9, EPA and the Corps announced their intent to revise the WOTUS definition “to better protect our nation’s vital water resources.” The agencies identified a two-step rulemaking process, which would first restore protections in place prior to 2015 with updates to reflect relevant Supreme Court decisions, and a second rulemaking that would continue to “refine and build” on the prior definition. In addition to developments in science, EPA and the Corps identified that the new rulemaking would consider, among other things, the effects of climate change and input received from disadvantaged communities with environmental justice concerns.

On the same day, the Department of Justice (DOJ) filed a motion to request remand of the NWPR to EPA and the Corps. DOJ also asked courts to stay judicial challenges to the current WOTUS definition while the Biden administration reconsidered the definition. However, the court in the *Pascua Yaqui Tribe* case, instead remanded and vacated the NWPR definition. This *vacatur* prompted the EPA/Corps decision on September 3 to revert to the pre-2015 WOTUS definition.

## Anticipated impact and timing

While the WOTUS definition proposed by the Biden administration will certainly be more expansive than the NWPR, it is yet unclear how far the pendulum will swing with the proposed rulemakings. The agencies have expressed their intent to develop a “durable” definition of WOTUS based on input from “diverse perspectives and based on an inclusive foundation.” To start this process, the agencies solicited pre-proposal written recommendations about how to define WOTUS and implement this definition. In addition, the agencies held several public meetings, during which the public could provide verbal recommendations. More public engagement is anticipated, including 10 geographically focused roundtables for stakeholders.

Among other things, the Biden administration’s definition of WOTUS will most likely regulate waters (including ephemeral streams) that are considered to have a “significant nexus” to traditionally navigable waters. This definitional change is expected to require more energy infrastructure projects to obtain federal CWA permitting, thus extending the time and increasing cost of permitting for many projects that impact waters.



No timeframe for the new rulemakings has been announced. While EPA's Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions identified revision of the definition of WOTUS as a "long-term action," with unspecified dates for the proposed and final actions, it is unclear whether this most recent change in WOTUS definition will change the schedule for proceeding with

the proposed rulemakings. ■

*Babst Calland will continue to track developments related to the federal regulation of waters and will provide necessary updates. If you have any questions or would like any additional information, please contact Lisa M. Bruderly at 412-394-6495 or lbruderly@babstcalland.com.*

## August's PIOGATech on Water and Waste Management

The Environmental Committee hosted its fifth annual Water and Waste Management PIOGATech on August 18, and it was another very valuable training on the management of water, wastewater and solids in the oil and gas industry for conventional and unconventional operators.

A crowd of more than 60 attendees heard from Chris Solloway of the Pennsylvania Department of Environmental Protection on the latest proposed and recently changed regulations. In addition, industry experts shared their expertise on water sharing trends, storage options and permitting hurdles, legal updates, water treatment technologies, critical element recovery, and the current status of UIC wells.

The day closed out with an Operators Panel where representatives from Seneca Resources, JKLM Energy and Diversified Energy Company shared their current strategies and lessons learned on water sharing, disposal and waste management for their unconventional and conventional wells.

Our special thanks go out to all the presenters and to our partners Diversified Energy Company, Babst Calland and TD Connections, Inc. for their support of this training.

*Top right: Chris Weddermann of Perma-Fix provided an update on NORM and TENORM. Bottom right: Thank you to Eureka Resources for sponsoring the networking reception.*



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## The undeniable impact of oil & gas on Pennsylvania's economy

**T**oss these numbers out next time someone tries to tell you that our industry is not a major contributor to the state's economy: Oil and natural gas are responsible for 9.7 percent of Pennsylvania's gross domestic product and 6.1 percent of total employment.

The September edition of PIOGA's Just the Facts series explains that the American Petroleum Institute (API) released a study in July analyzing the economic contributions made by natural gas and oil production across the United States in 2019, utilizing independent data from the U.S. Departments of Labor (Bureau of Labor Statistics) and Commerce (Bureau of Economic Analysis), the U.S. Census Bureau and Federal Reserve Board. The study, conducted by PriceWaterhouseCoopers, highlights the industry's importance to the economies of both Pennsylvania and the nation, especially as both emerge from impacts of the COVID pandemic.

According to the findings, in 2019 Pennsylvania's oil and gas industry:

- Supported 480,300 total jobs (102,500 direct and 377,800 indirect), or 6.1 percent of the state's total employment.
- Generated an additional 3.7 jobs elsewhere in the Commonwealth's economy for each direct job in the state's natural gas and oil industry.
- Provided \$40.5 billion in labor income (\$14.5 billion direct and \$25.9 billion indirect) to Pennsylvania, or 7.9 percent of the state's total.
- Contributed \$78.4 billion to Pennsylvania's gross domestic product (\$39.4 billion direct and \$38.9 billion indirect), or 9.7 percent of the state's total.

Pennsylvania ranked among the highest states for the share of economic contributions by our industry—a story we need to share with colleagues, neighbors, policymakers and those who downplay the importance of what we do and the products we produce. Go to the Latest News and Blog section at [pioga.org](http://pioga.org) for more and to download a printable/sharable version of our September Just the Facts.

## Secure your Buyers' Guide listing or advertisement soon!

**P**IOGA is pleased to partner again with Strategic Value Media—a leading nationwide provider of print and digital media solutions for national, state, and local trade and membership associations—to produce the 2021 edition of PIOGA Buyers' Guide, the premier resource of relevant products and services for oil and gas professionals.

The Buyers' Guide is accessible through the PIOGA website at [www.pioga.org](http://www.pioga.org) and will be updated soon with new advertisements and updated information.

"For seven years now PIOGA's Buyers' Guide has served as a one-stop-shop for purchasing needed oil and gas products and services," said PIOGA's President & Executive Director Dan Weaver. "We're pleased to continue to offer this much-needed resource and help link our members together to help maximize the selling/purchasing options."

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Like the 2020 version, the 2021 edition of the Buyers' Guide will feature updated and expanded company and product listings, in addition to other valuable information relating to the oil and gas industry. The Buyers' Guide provides users with an efficient way to browse for goods and services and offers exceptional visibility by showcasing their products and services to a targeted, industry-specific buyer group.

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## DEP publishes final guidance on area of review for unconventional well permitting

The Department of Environmental Protection published notice in the September 4 *Pennsylvania Bulletin* that the final technical guidance document (TGD) is now available on Implementing the Area of Review Regulatory Requirement for Unconventional Well Permitting.

DEP developed the 54-page guidance to facilitate appropriate risk mitigation for unconventional well operators. The document includes a risk-based classification scheme for offset well locations and commensurate levels of monitoring; communication incident management, reporting and resolution; and operational alternatives and technical considerations for different anticipated incident scenarios. The guidance also provides an overview of the department's well adoption permitting process.

Based on the approximately 55 comments from 10 commenters received during the 60-day comment period on this technical guidance, DEP indicated it made several editorial and substantive changes to the guidelines. These changes included clarifying the ability for operators to survey an area that extends beyond the prescriptive area of review regulatory language, removing language assigning responsibility for recently plugged offset wells to the operator who had completed the plugging, relocating language pertaining to briefing the hydraulic fracturing operations team about adjacent operator coordination, updating incident reporting lan-

guage and modifying operator coordination with DEP field inspection staff ahead of hydraulic fracturing.

The final document (ID: 800-0810-001) is available in the eLibrary section of DEP's website, [www.depgreenport.state.pa.us/elibrary](http://www.depgreenport.state.pa.us/elibrary).

## Final technical guidance on chain pillar development published

The Department of Environmental Protection published in the August 28 *Pennsylvania Bulletin* a final technical guidance document (TGD) entitled Guidelines for Chain Pillar Development and Longwall Mining Adjacent to Unconventional Wells. The guidelines, according to DEP, facilitate appropriate unconventional well inactivation and reentry procedures in advance of and subsequent to longwall panel removal that allow for continuous isolation of gas from workable coal seams, protection of mining personnel and prevention of pollution of waters.

The guidelines were published as an interim final TGD in December 2017, with a 30-day public comment period. DEP also collaborated with the Oil and Gas Technical Advisory Board and its Industry-Agency Coal-Gas Workgroup in developing this final guidance. The department has been implementing the interim final TGD since 2017 and has incorporated changes to the final TGD based on that field experience. In response to the comments received and field experience, several editorial and substantive changes were made to the final guidance document:

- Clarified the recommended number of wells to be designated for logging on multi-well pads with total well counts in excess of 10.
- Inserted "monthly averages" as a modifier of production histories to indicate that surface-measured pressures and flow rates can be provided as monthly averages.

- Introduced a risk assessment process for addressing partially cemented production strings in advance of mining.

- Clarified that all wells on a pad being managed under the process in the guidelines must be pressure tested.

- Clarified that wells that are permanently decommissioned in advance of mining must have a functioning vent, if not plugged to mine-through standards.

- Added test borehole programs allowing for the collection of subsidence and deformation data in advance of mining by an unconventional gas well that might inform the development of proposals that deviate from the Department Model Plan outlined in the TGD.

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- Updated plugging schematics to reference current conventions for plugging a well solid (plugging to mine-through standards), as dictated by DEP's Bureau of Mine Safety and the federal Mine Safety and Health Administration.

The document (ID: 800-0810-004) is available in DEP's eLibrary, [www.depgreenport.state.pa.us/elibrary](http://www.depgreenport.state.pa.us/elibrary). Questions can be directed to Seth Pelepko at [mipelepko@pa.gov](mailto:mipelepko@pa.gov) or 717-772-0220.

## Update on new cement blend approved for use by DEP

The Department of Environmental Protection reported in the late-August edition of its Oil and Gas News Line e-newsletter that the department recently received a request regarding use of newly formulated Class L cement in the construction and plugging of oil and gas wells. Joppa Class L cement is a low CO<sub>2</sub> (lower environmental impact) oil well cement designed for normal slurry applications for cementing oil and gas wells.

In 2019, the American Petroleum Institute (API) added the Class L designation to Annex B of Specification 10A. Class L composite well cement is manufactured by intergrinding Portland cement clinker and one or more forms of gypsum with pozzolanic material. Fly ash, silica fume and natural pozzolans all qualify as pozzolanic materials. API also allows the addition of suspension agents in Class L cements. The API Monogram is pending.

After review of available laboratory testing data, DEP has determined that the Class L blend of cement "meets or exceeds the ASTM International C 150, Type I, II or III Standard or API Specification 10" and also meets requirements of Section 78.85(a)(1)-(5) and 78a.85(a)(1)-(5) of the Commonwealth's oil and gas regulations when used in accordance with the manufacturer's specifications and standards for well cementing. This determination has been made based on a detailed review of laboratory testing data for the blend and comparison of laboratory performance to Class A blends.

Accordingly, operators may use the Class L blend to meet the requirements of Sections 78.85 and 78a.85. This determination applies for use in Pennsylvania at any oil and gas well sites, either previously permitted, in the process of permitting or at future permitted wells, DEP reported. ■

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**H**ouston, Texas-based BYO Energy is on a mission to power data centers with the most reliable, lowest cost green electricity rates possible to meet the high-performance computing needs of 21st century technology. In doing so, they are redefining sustainable practices with ESG approaches in the oil and gas industry by reducing emissions and generating carbon neutral power with renewable energy certificates.

Founded in 2019 by a team of energy and technology experts, BYO Energy is merging the two industries to solve the lack of infrastructure for gas takeaway capacity and the lack of power supply for data center demands. As regulations become stricter and criticism from the public grows, producers that have stranded, associated or flared gas have the perfect partner in BYO Energy to solve these challenges.

Through a turnkey process called Digital Energy System™, mobile power plants are deployed to oil and gas fields, generating low-cost, off-grid electricity to power data centers also located on-site. The team of experts at BYO Energy oversee and manage the engineering, construction and power generation process from start to finish while meticulously adhering to all safety protocols.

Pennsylvania has provided a warm welcome for BYO Energy, where a new 5-megawatt site began generating off-grid electricity for a Bitcoin mining data center in less than 60 days. This time frame included constructing, engineering and installing mobile power plants and data centers. An additional 3.5-MW site in Pennsylvania will be fully operational in late September 2021.

BYO Energy is increasingly becoming the go-to option for oil and gas companies looking to solve

their challenges and monetize their otherwise wasted natural gas. Three of the four members of the leadership team spent decades in the oil and gas industry building, operating and executing a combined \$50 billion in projects. Al Kaplan, Chief Operating Officer, served as Vice President of Major Projects for Marathon Oil, Project Manager for ExxonMobil and LNG Project Manager for Anadarko. Eric Carlos, President, spent his 30-plus year career as an executive at Solar Turbines and Siemens building gas compression and power plants internationally. Frank Benton, Executive Vice President, spent over 30 years working for KBR, McDermott, Gulf Island Fabrication and Southport as Director of Business Development and Vice President of Business Development.

BYO Energy is led by Devin Blitzer, Chief Executive Officer. He has nearly a decade of experience as a software engineer working for IBM and the Weather Company. Devin is passionate about using technology to solve many of the oil and gas industry challenges.

To learn more about how BYO Energy can bring value to your operation, visit [byo-energy.com](http://byo-energy.com), follow them @byoenergy on social media or contact Devin at [dblitz@byo-energy.com](mailto:dblitz@byo-energy.com).



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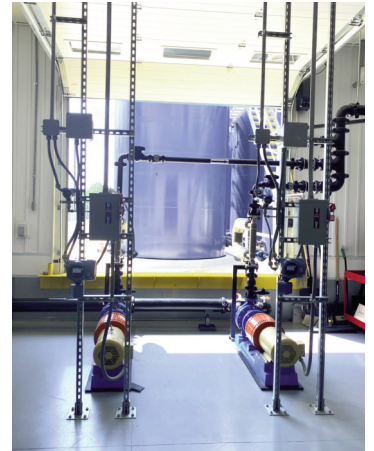


## Market Development Committee visits Penneco's new UIC facility

**P**IOGA member Penneco hosted more than 20 members of the Market Development Committee and PIOGA staff for an August 12 visit to the company's newly opened wastewater disposal facility in Plum Borough, Allegheny County.

The event began at Penneco's nearby field office, where company officials provided lunch and talked about development of the facility. Committee member Dan Billman of Billman Geologic Consultants explained disposal well siting and permitting in Pennsylvania. The group then visited the impressive disposal facility itself.

Thanks to the Penneco team for their hospitality and sharing their knowledge! ■



*Left: The group at the UIC facility. Above left: Penneco's Ben Wallace. Above right: Some of the equipment needed to make it all happen. "This state-of-the-art facility is manned with exceptional people whose high level of training was evident," observed Market Development Committee co-chair David Marks.*



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### Members talk about the value of PIOGA

RJR Safety Inc. is a workplace safety consulting and training company partnering with companies to reduce the number of worker injuries. RJR Safety audits workplaces for hazards, conditions, behaviors and risks that can lead to worker injuries, then develops the necessary controls to address the hazards, conditions, behaviors and risks so workers do not get injured.

As a member of PIOGA since 2009 and involved with the PIOGA Safety Committee since becoming a member, the benefits of being an active member are many, to the industry, to my company and to myself personally.

PIOGA has been involved in and supported the industry for more than 100 years. PIOGA supports the industry and members by taking up legal issues through the legal system, addressing issues with the regulators, participating on various regulatory boards and lobbying the lawmakers for the good of the industry. PIOGA works with other industry organizations in surrounding states, regional organizations and national organizations for the benefit of the industry.

RJR Safety has benefitted from membership in the many opportunities to network with, meet, work beside and benefit from access to many other companies in the industry. RJR Safety continues to thrive, supporting the efforts of the industry to ensure that workers go home to their families at the end of each day or shift. The many technical and networking events provide opportunity for building business relationships within the oil and gas industry.

As a safety professional involved with the PIOGA and our Safety Committee, I have access to many other safety professionals, operations professionals and executives in the industry from which to build a professional network. This access has increased my knowledge and understanding of the industry as well as providing continued opportunities for supporting the industry with the networking events, technical seminars and presentations at PIOGA-sponsored events.

**Wayne Vanderhoof | Sr. Consultant/President  
RJR Safety Inc.**



# Divot Diggers 2021

Thanks to all who made the 24th edition of this event a success! Visit the Photo Galleries section at [www.pioga.org](http://www.pioga.org) for more scenes from the day.



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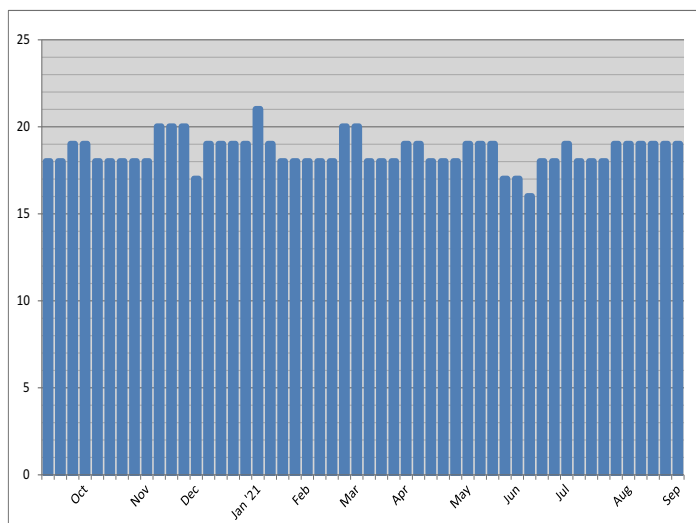
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## Oil & Gas Dashboard

### Pennsylvania Rig Count



### Penn Grade Crude Oil Prices



### Natural Gas Futures Closing Prices

Month	Price
October	\$5.002
November	5.044
December	5.132
January 2022	5.191
February	5.078
March	4.716
April	3.831
May	3.713
June	3.753
July	3.786
August	3.794
September	3.779

Prices as of September 9

#### Sources

American Refining Group: [www.amref.com/Crude-Prices-New.aspx](http://www.amref.com/Crude-Prices-New.aspx)  
Ergon Oil Purchasing: [www.ergon.com/crudeoil](http://www.ergon.com/crudeoil)  
Gas futures: [quotes.ino.com/exchanges/?r=NYMEX\\_NG](http://quotes.ino.com/exchanges/?r=NYMEX_NG)  
Baker Hughes rig count: [bakerhughesrigcount.gcs-web.com/na-rig-count](http://bakerhughesrigcount.gcs-web.com/na-rig-count)  
Appalachian fixed price moving averages: David Marks, BHE Eastern Energy Field Services

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## Northeast Pricing Report – September 2021

Front month trading was mixed for September. Transco Leidy and Dominion South increased by \$0.24 and \$0.19 per MMBtu respectively. All other trading points decreased. Transco Z6 decreased the most by \$0.10 per MMBtu. Algonquin decreased the least at \$0.01 per MMBtu. One-year term showed some volatility. Algonquin increased a substantial \$0.49 per MMBtu. Transco Leidy and Dominion South increased by \$0.20 and \$0.17 per MMBtu respectively. Transco Z6 was not far behind with an increase of \$0.15 per MMBtu. The full term trading period saw very little change from August. Algonquin, which rose by \$0.20 per MMBtu, was the only point that had a significant difference.

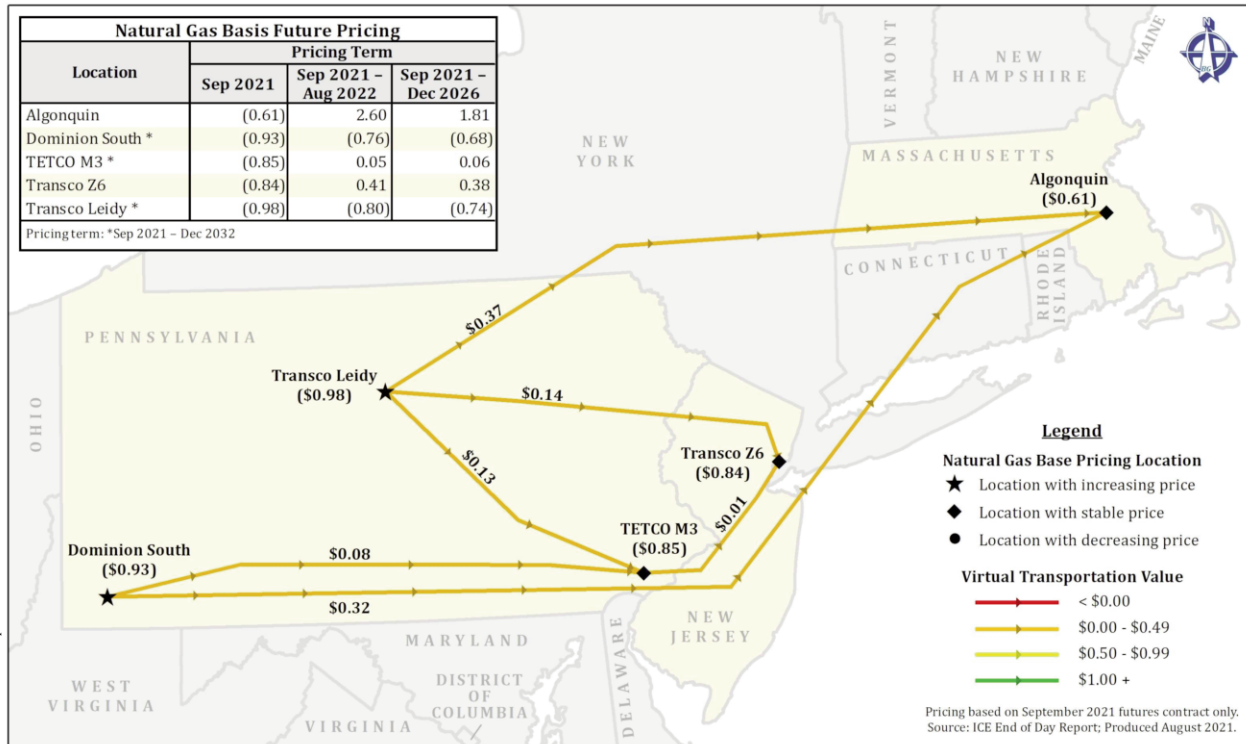
Transportation values decreased consistently across the board. Transco Leidy to TETCO Z6 decreased the most by \$0.34 per MMBtu. TETCO M3 to Transco Leidy Z6 decreased the least at \$0.05 per MMBtu. Natural gas prices have been trending higher. Several indicators show the potential for continued strengthening. In addition, approximately 91% of the Gulf of Mexico production remains shut in.

### Transportation Value Market Indicator

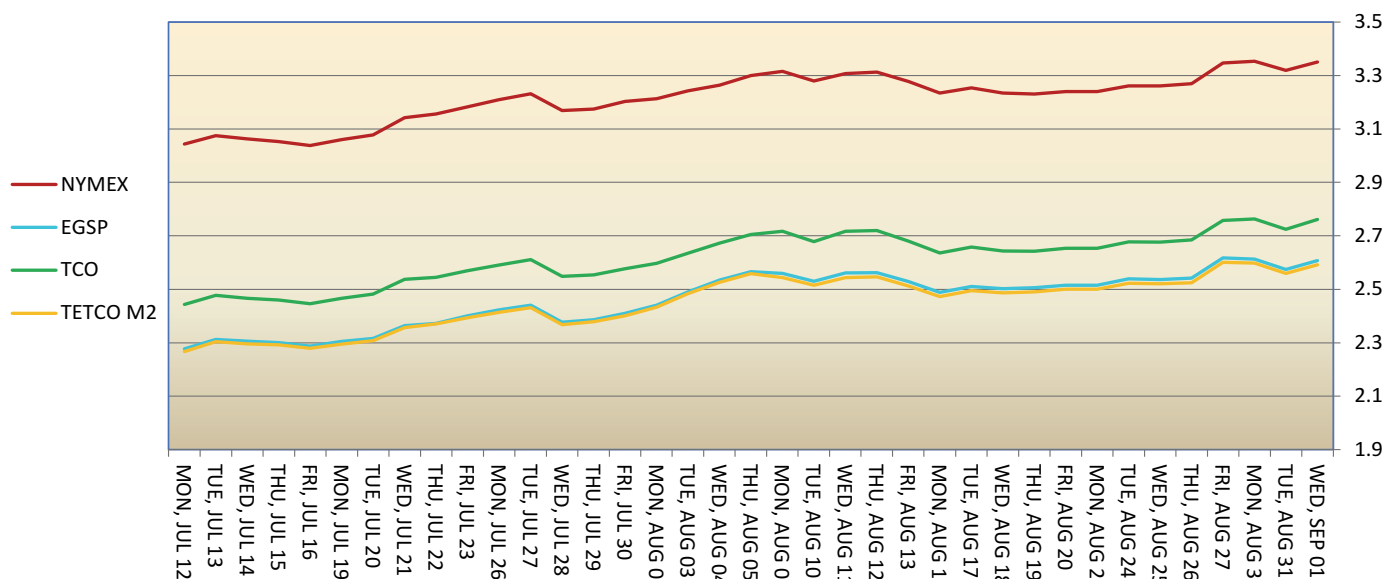


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## 36-Month Appalachian Fixed Price Moving Averages



# Spud Report: August 2021



The data show below comes from the Department of Environmental Protection. A variety of interactive reports are

available by going to the Office of Oil and Gas Management page at [www.dep.pa.gov](http://www.dep.pa.gov) and choosing Report from the menu. The table is sorted by operator and lists the total wells reported as drilled last month. **Spud** is the date drilling began at a well site. The **API number** is the drilling permit number issued to the well operator. An asterisk (\*) after the API number indicates a conventional well.

OPERATOR	WELLS	SPUD	API #	COUNTY	MUNICIPALITY
Argeny Oil LLC	1	8/17/21	123-48554*	Warren	Warren City
Blackhawk Energy LLC	1	8/3/21	083-57234*	McKean	Wetmore Twp
Cabot Oil & Gas Corp	15	8/6/21	115-22864	Susquehanna	Auburn Twp
		8/6/21	115-22872	Susquehanna	Auburn Twp
		8/6/21	115-22873	Susquehanna	Auburn Twp
		8/6/21	115-22874	Susquehanna	Auburn Twp
		8/12/21	115-22865	Susquehanna	Auburn Twp
		8/12/21	115-22866	Susquehanna	Auburn Twp
		8/12/21	115-22867	Susquehanna	Auburn Twp
		8/12/21	115-22868	Susquehanna	Auburn Twp
		8/12/21	115-22869	Susquehanna	Auburn Twp
		8/17/21	115-22883	Susquehanna	Brooklyn Twp
		8/17/21	115-22884	Susquehanna	Brooklyn Twp
		8/17/21	115-22885	Susquehanna	Brooklyn Twp
		8/17/21	115-22886	Susquehanna	Brooklyn Twp
		8/17/21	115-22887	Susquehanna	Brooklyn Twp
		8/17/21	115-22876	Susquehanna	Brooklyn Twp
Cameron Energy Co	2	8/4/21	053-30925*	Forest	Kingsley Twp
		8/19/21	053-30929*	Forest	Kingsley Twp
Chesapeake Appalachia LLC Chief Oil & Gas LLC	1	8/12/21	115-22877	Susquehanna	Auburn Twp
		8/17/21	115-22870	Susquehanna	Lenox Twp
		8/17/21	115-22871	Susquehanna	Lenox Twp
CNX Gas Co LLC	3	8/1/21	125-28938	Washington	East Finley Twp
		8/18/21	125-28936	Washington	East Finley Twp
		8/31/21	125-28933	Washington	East Finley Twp
Curtis Oil Inc	1	8/24/21	053-30934*	Forest	Howe Twp
INR Opr LLC	2	8/13/21	051-24724	Fayette	Springhill Twp
		8/13/21	051-24725	Fayette	Springhill Twp
KCS Energy Inc	5	8/2/21	123-48410*	Warren	Watson Twp
		8/6/21	123-48414*	Warren	Watson Twp

OPERATOR	WELLS	SPUD	API #	COUNTY	MUNICIPALITY
Labella Michael	1	8/16/21	123-48411*	Warren	Watson Twp
		8/19/21	123-48412*	Warren	Watson Twp
		8/24/21	123-48413*	Warren	Watson Twp
MSL Oil & Gas Corp	3	8/12/21	053-30935*	Forest	Jenks Twp
		8/23/21	083-57290*	McKean	Hamilton Twp
		8/26/21	083-57294*	McKean	Hamilton Twp
Pennhills Resources LLC	2	8/31/21	083-57293*	McKean	Hamilton Twp
		8/5/21	083-57280*	McKean	Wetmore Twp
		8/16/21	083-57281*	McKean	Wetmore Twp
Seneca Resources Co LLC	6	8/19/21	117-22115	Tioga	Sullivan Twp
		8/19/21	117-22113	Tioga	Sullivan Twp
		8/20/21	117-22114	Tioga	Sullivan Twp
		8/20/21	117-22112	Tioga	Sullivan Twp
		8/20/21	117-22111	Tioga	Sullivan Twp
		8/20/21	117-22110	Tioga	Sullivan Twp
Snyder Bros Inc	6	8/2/21	005-31388	Armstrong	South Buffalo Twp
		8/2/21	005-31389	Armstrong	South Buffalo Twp
		8/2/21	005-31390	Armstrong	South Buffalo Twp
		8/2/21	005-31394	Armstrong	South Buffalo Twp
		8/2/21	005-31395	Armstrong	South Buffalo Twp
Wilmoth Interests Inc	1	8/2/21	005-31396	Armstrong	South Buffalo Twp
		8/9/21	123-48544*	Warren	Mead Twp

	August	July	June	May	April	March
Total wells	52	53	56	32	62	67
Unconventional Gas	35	37	43	23	54	55
Conventional Gas	1	0	0	0	0	0
Oil	14	14	13	9	8	12
Combination Oil/Gas	2	2	0	0	0	0

## RGGI approval *Continued from page 3*

by the Independent Regulatory Review Commission has opened the door for Pennsylvania to join an interstate initiative without legislative approval,” said Senator Gene Yaw (R-Lycoming), who serves as chairman of the Senate Environmental Resources and Energy Committee. “Today’s decision by IRRRC means Pennsylvania will lose control over our energy production, economic development, energy security and environmental protection. Instead of engaging with the General Assembly, the Wolf administration, with IRRRC’s approval, will allow the decisions on these important matters to be determined by the likes of New York, New Jersey and other states who thumb their nose at Pennsylvania energy. To participate in RGGI is to ignore the positive environmental impacts that are taking place right here in Pennsylvania, which include a dramatic reduction in carbon emissions over the past two decades. Moreover, Pennsylvania will lose thousands of skilled and good paying jobs and untold millions of dollars in its tax base for CO2 emissions reductions stated to be less than 1 percent.”

Yaw added, “For a step of this magnitude, which affects consumers, business, industry and public policy, the state legislature should have been involved in the dialogue on joining RGGI. Instead, it was a unilateral action, and sadly, one that will have dire consequences.”

Representative Ryan Warner (R-Fayette/Westmoreland), a member of the House Environmental Resources and Energy Committee, commented: “There is no question if Pennsylvania is forced to join this multi-state compact, everyone will see higher energy bills and many of our friends and neighbors who make a living working in the energy industry will lose their jobs. The governor is once again ignoring the ramifications of his decisions and showing how out of touch he is with the people he is supposed to be serving.

“He is also showing—again—his disdain for our Constitution and the legislative process by trying to force membership in RGGI on his own and without the approval of the General Assembly. Every other state involved in RGGI is there because their legislatures approved it. This is imposing taxes without the consent of the people. Implementing a tax without the approval of this House and Senate is nothing short of a direct attack on democracy. In this Commonwealth and in the United States of America, laws are not created by bureaucrats and state departments. They are not created by governors. Laws are not created by courts. They are created by the democratically elected people of this Commonwealth.”

## What’s next

The House Environmental Resources and Energy Committee met on September 2, the day after the IRRRC



vote, to adopt a concurrent resolution to disapprove the regulation, block its implementation and prohibit the DEP from further promulgating a regulation on RGGI. The proposed resolution will next be presented to the full House of Representatives for its consideration. The House and the Senate each have the greater of 30 calendar days or 10 legislative days to pass the concurrent resolution, which must be presented to Governor Wolf for his consideration. Legislative action is anticipated when the General Assembly returns to session later this month.

It is also expected that the governor will veto the resolution, thereby setting up a future legal challenge on the regulation and whether the Wolf administration has the legal authority to enter Pennsylvania into the Regional Greenhouse Gas Initiative. ■

## Calendar of Events

### PIOGA events

**Event information:** [pioga.org/events/pioga-events](http://pioga.org/events/pioga-events)

#### Birds & BBQ Sporting Clays

September 14, West Penn Sportsmen's Club, Murrysville

#### Annual Membership Meeting & Reception

September 15, The Chadwick, Wexford

#### Pins & Pints Networking Event

October 21, Zone 28, Pittsburgh

#### PIOGATech: Safety Topic TBA

October 26, venue TBA

#### Annual Oil & Gas Tax and Accounting Seminar

November 17, virtual event

#### Wine Tasting Networking Event

November 18, venue TBA

#### PIOGATech: Air Quality Compliance

December 16, The Chadwick, Wexford

#### Mix, Mingle & Jingle Holiday Party

December 16, The Chadwick, Wexford

### Other events

#### GO-WV Sports Weekend

September 17-18, Bridgeport & Morgantown, WV

Info: [www.gowv.com/events](http://www.gowv.com/events)

#### KOGA Fall Meeting

September 20, Mount Vernon, IN

Info: [members.kyoilgas.org](http://members.kyoilgas.org)

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