

The PIOGA Press

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Pennsylvania Independent Oil & Gas Association
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EQB to consider revised final VOC rulemaking at June 14 meeting

The Environmental Quality Board (EQB) is set to consider on June 14 a revised final version of its volatile organic compounds (VOC) rulemaking, this time applying only to unconventional wells and facilities.

The EQB in March had adopted a final regulation imposing requirements intended to reduce VOC emissions at both conventional and unconventional facilities, with the rulemaking scheduled to go before the Independent Regulatory Review Commission (IRRC) at the commission's May 19 meeting. However, on May 4 EQB withdrew the final rule, stating that the "rulemaking would be submitted at a later time" (*May PIOGA Press, page 1*).

Prompting the withdrawal, according to the Department of Environmental Protection, was an objection raised by the Republicans on the House Environmental Resources and Energy Committee that the regulation did not comply with provisions of Act 52 of 2016 requiring separate rulemakings for conventional oil and gas operations.

Prior to the withdrawal, PIOGA had joined with the Pennsylvania Grade Crude Oil Coalition and the Pennsylvania Independent Petroleum Producers in a lawsuit before the Commonwealth Court seeking to immediately halt final publication of the rulemaking known as "Control of VOC Emissions from Oil and Natural Gas Sources" unless the scope of the rule was clarified to follow the provisions of Act 52 requiring that rulemakings concerning conventional oil and gas wells and unconventional wells be undertaken separately. The original version of the rulemaking was undertaken without considering sources of VOC emissions from conventional oil and gas wells, well sites, and associated equipment separately and independently from those related to unconventional wells.

It is not clear what role the lawsuit filed April 25 in

Commonwealth Court (No. 249 MD 2022) by the three trade associations representing conventional oil and gas producers played in DEP's decision to withdraw the VOC rulemaking from IRRC's May 19 meeting and to resubmit to EQB, as that lawsuit sought not to jeopardize the Commonwealth's receipt of Federal Highway funds by not asking for the rulemaking to be invalidated completely. The lawsuit asked that the rulemaking be invalidated only to the extent it applies to conventional oil and gas wells, well sites, and associated equipment and emission sources.

PIOGA General Counsel Kevin Moody stated: "While the revised rule's limitation to only unconventional oil and gas wells, well sites, and associated equipment and emission sources provides some of the relief our lawsuit seeks, DEP's position that the Act 52 provision we're relying on applies only to rulemakings under the Oil and Gas Act is still a problem."

In the executive summary of the revised regulation applying to only unconventional facilities, DEP continues to contend that Act 52 is not a factor in the rulemaking, stating that "Act 52 applies to rulemakings promulgated under title 58 Pa.C.S. Since this final-form rulemaking is being promulgated under the [Pennsylvania Air Pollution Control Act] in Title 35, the requirements of Act 52 do not apply. Even so, the Board amended this

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DEP takes public comments on revised Environmental Justice Policy

The Pennsylvania Department of Environmental Protection on March 12 shared an updated draft of its Environmental Justice (EJ) Policy for public comment. Among the many changes, the draft EJ Policy expands the role of the Office of Environmental Justice (OEJ), creates new requirements for unconventional oil and gas, and creates new enforcement priorities for the department. Comments were accepted through May 11.

Author:



Sean M. McGovern

— Babst Calland

Pennsylvania's Environmental Justice Policy

The OEJ oversees environmental justice initiatives and policies in the state. The primary goal of the OEJ is to increase communities' environmental awareness and involvement in DEP's permitting process. In 2004, the department created the Environmental Justice Public Participation Policy to provide citizens in environmental justice communities enhanced public participation opportunities during certain permit application processes. The EJ Policy is a critical part of DEP's environmental justice initiatives, providing guidelines for the agency's approach to public engagement for permit application reviews in environmental justice areas as defined under the current EJ Policy.

In 2018, DEP circulated a draft revision to the current EJ Policy for public comment. Ultimately, the department withdrew the proposed draft revisions after public comments were received, and the current 2004 version of the EJ Policy remained in effect. DEP continued to evaluate revisions to the EJ Policy and in 2021 proposed to update the policy by incorporating, refining and expanding upon the withdrawn 2018 revisions. On March 12, DEP released the draft EJ Policy for a 60-day public comment period with several public meetings and informational webinars.

Significant revisions and additions to the draft EJ Policy

The draft EJ Policy proposes to make significant changes to the current policy. Below are some of the most significant changes recommended by DEP:

1. Incorporation of executive order on EJ

The draft EJ Policy cites and incorporates the requirements Governor Tom Wolf's Executive Order on Environmental Justice (Executive Order 2021-07), which was issued in October 2021 and formally established the OEJ. This contextualizes the draft EJ Policy into the broader effort to address environmental justice across

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PIOGA highlights concerns with proposed revisions to EJ policy

In formal comments submitted in response to proposed substantive revisions to the Department of Environmental Protection's Environmental Justice Policy, PIOGA raised several concerns ranging from the impracticality of provisions for unconventional wells to the need to expressly exempt conventional well permits from the policy.

But before explaining those specific concerns, the association emphasized that Sections II (Permit Review Process) and III (Community Input) encourage actions by DEP that are contrary to and inconsistent with the law applicable to oil and gas permits.

"It is PIOGA's understanding that those sections are not intended to apply to oil and gas permits, but the Policy must provide that clarification," the association wrote. "If those sections are intended to apply to oil and gas permits, they must be revised substantially to comply with express statutory requirements for well permits under Act 13 of 2012."

PIOGA also raised the following red flags about the policy as proposed:

1. The provisions for unconventional wells are impractical.

DEP developed Section IV of the draft policy specifically for public engagement related to unconventional oil and gas operations. Rather than a permit policy, this appears to be a plan for DEP to "conduct an annual assessment of operators" and a request that identified operators provide an overview of projects in EJ Areas for distribution at a community meeting, posting on a website and emailing to government authorities.

"No such overview is required under applicable law and may be impractical or misleading, given the complexities and uncertainties around the planning for and the development of unconventional gas resources," PIOGA said in its comments, adding that operators already commit a great deal of time and resources to engage in communities where their operations are located. PIOGA recommended that DEP delete Section IV and invite unconventional producers to meet to discuss public engagement in EJ Areas. Such a discussion will likely yield a more productive approach to accomplish DEP's goals, if those goals are not already being met.

2. The policy should expressly exempt conventional well permit applications.

The policy assigns financial and logistical burdens on permit applicants that DEP deems warrant special consideration—burdens including public outreach and interactions with various unidentified stakeholders, public meetings, and the creation and dissemination of project summaries in multiple languages and formats.

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An overview of the well, pad and pipeline PIOGATech training

By Ken Fleeman, Co-chair
PIOGA Environmental Committee

Momentum is growing for in-person events. The first environmental PIOGATech session of 2022 was well attended following on the heels of a successful sporting clay event in early May. Thirty-seven persons attended the May 17 training, which covered a range of topics related to well, pad and pipeline development.

After PIOGA President & Executive Director Dan Weaver welcomed attendees to the morning session, Dan Billman of Billman Geologic Consultants, Inc. addressed the serious need for UIC disposal wells in Pennsylvania. Dan dispelled the myth that Pennsylvania geology is not conducive to injection. He highlighted current successful projects and provided an update on those pending approval by the Department of Environmental Protection. Dr. Tom Jordan, Key Environmental, followed with an overview of induced seismic activity. He explained various seismic wave types and their relative ability to cause surface damage. Dr. Jordan also explained how seismic monitoring equipment is used to determine the cause and epicenter of earthquakes.

Jeff Walentosky, Moody & Associates, Inc., spoke about predrill considerations including baseline water supply surveys, water sourcing and area of review requirements. Paul Kanouff, Civil & Environmental Consultants, Inc. (CEC), provided an update on DEP erosion and sediment control permits and covered issues related to wetlands and streams, threatened and endangered species, and cultural resources. Jeffrey Woodcock, CEC, wrapped up the morning session addressing geohazard assessments. Preventing landslides on steep terrain and avoiding acid-producing rock from coal and deep mines are of growing concern.

The afternoon session also was engaging. Mark Limbruner, Range Resources Corporation, provided an overview of the GIS methodology the company uses to locate and field verify abandoned wells. Dr. Tom Jordan joined Mark in presenting a case study in Washington County. Range Resources undertook locating and plugging the R.A. Geary #6 well, once the deepest well in the United States. The Geary was spud November 7, 1911, by Peoples Natural Gas Company and reached a total depth of 7,248 feet. Well records indicted it was partially plugged. No wellhead was visible at the surface. The Range Resources project ultimately was successful using a combination of GIS, magnetometer and electromagnetic induction technologies to locate the well.

Michael Schumaker, CEC, circled back to the geohazard assessment topic to explain how to take the desk-top assessment, perform field verification and successfully communicate findings to regulators and contractors.

Kevin Moody, PIOGA, closed the afternoon session with highlights from Chapter 78, UIC, and air quality litigation. He also stated concerns about the impact of



Dan Billman discusses issues surrounding disposal wells.

environmental justice policies currently under development.

PIOGA extends a huge “Thank you” to the planning committee, speakers, sponsors and attendees. Wilkes University graciously continues to provide CEU credits and professional development hours for our technical sessions. My personal thanks go to Deana McMahan, PIOGA Administrative Assistant & Committee Liaison, for the outstanding logistical support. Check out more great training and networking opportunities under the Events section of our website, pioga.org. ■

Speaker opportunities: Water & Waste Management – September 15

PIOGA is proud to offer potential speakers the opportunity to provide a technical presentation, regulatory update, academic, legal or other water/wastewater updates that impact the conventional and unconventional natural gas industry in Pennsylvania.

Please note that presentations are to be technical in nature and not a sales pitch. If selected, we will require a photo and brief bio of the person(s) presenting ASAP.

If you or your company would like to be considered for a time slot at this event, please provide the following information:

- Company/institution name
- Person(s) to be presenting
- Background/history of company
- Topic title
- Brief description of topic(s) to be covered
- Approximate time needed to give presentation
- Will the speaker use PowerPoint presentation?

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Call for 2022-2025 Board of Directors nominations

PIOGA's Executive Committee is calling for the next leaders in the industry to step forward. The PIOGA Board of Directors is instrumental in providing leadership and direction for the association and for the oil and gas industry in Pennsylvania. The Executive Committee is now soliciting nominees to fill open board seats.

Nominees will serve a three-year term, 2022-2025. Under the bylaws, any **Full PIOGA Member** (this excludes Associate, Royalty Owner, Student and Emeritus members) is eligible for nomination and election.

If you would like to nominate someone or self-nominate, email Danielle Boston at danielle@pioga.org with the name, contact information and, if possible, bio/resume of the candidate. **The nominations deadline is June 30 at 5 p.m.** It is recommended that each nominator review the General Board Expectations at pioga.org/publication_file/PIOGA_General_Board_Expectations.pdf prior to making a nomination.

Please don't hesitate to contact Dan Weaver at 724-933-7306 ext. 30 if you would like to discuss the board position or potential nominees. ■

PIOGA board welcomes new BHE Eastern Energy Field Services representative

BHE Eastern Energy Field Services has a new representative on the PIOGA Board of Directors. **Joseph O'Donnell** began his career working in the natural gas industry in 2008 with then Dominion Retail, Inc., focusing on end user retail gas marketing. In this role, Joe had the opportunity to see some of the vast applications and industries which are fueled by natural gas.

In 2016, he joined Dominion Field Services, now called Eastern Energy Field Services Inc. (EEFS). In his current role as Appalachian Supply Coordinator, he works closely with independent producers and has come to appreciate the knowledge and skill required to produce natural gas. As a part of the EEFS team, Joe's longstanding relationships in the industry and knowledge of wholesale marketing have provided many opportunities to mutually advocate for the industry alongside PIOGA.

O'Donnell has a B.A. in business management from Grove City College and his M.B.A. with market develop-





JUST THE FACTS



Fossil fuels vital to four essential materials that support civilization

Time Magazine published an analysis recently by Vaclav Smil, a scientist, policy analyst and Distinguished Professor Emeritus at the University of Manitoba, which demands amplification by Pennsylvania’s oil and gas industry and others interested in facts about the importance of fossil fuels in a modern society. Smil identifies four materials as the pillars of our current civilization—cement, steel, plastics and ammonia—and explains that they are needed in larger quantities than are other essential inputs, and will remain in high demand in the future.

The June edition of PIOGA’s Just the Facts series discusses each of these materials and their importance to modern society. Ammonia, for example, may be the most important of the four, as it allows us to efficiently meet the basic human need of nutrition. Ammonia is synthesized into all nitrogen fertilizers, and its current production levels are essential to grow the food that meets the needs of about half of the world’s population of 8 billion people.

A theme that equals the huge global demand for these four materials is the fact that they cannot be replaced anytime in the near future, particularly on a worldwide scale. Any objective analysis also points to the undeniable fact that we will need more of them in the future, and their production on a large scale requires the use of fossil fuels. To quote Smil’s *Time Magazine* analysis: “organic fertilizers cannot replace synthetic ammonia: their low nitrogen content and

worldwide mass are not enough even if all manures and crop residues were recycled. No other materials offer such advantages for many lightweight yet durable uses as plastics. No other metal is as affordably strong as steel. No other mass-produced material is as suitable for building strong infrastructure as concrete, which is often reinforced with steel.”

Vaclav Smil deserves the credit for pointing out the hard, cold fact that fossil fuels remain indispensable to manufacturing these four materials, now and into the future. It is also a fact that oil, natural gas and coal from Pennsylvania will continue to support their production.

To read more from this month’s Just the Facts—and to share it with friends and colleagues—visit the Latest News and Blog section at pioga.org.

May JTF: Hydrogen initiatives

We weren’t able to report last issue on the May edition of Just the Facts, which focuses on the emerging growth and long-term benefits of hydrogen production, both here and around the globe, including plans by the federal government to ramp up research and development of the technology through an \$8 billion allocation through the Department of Energy in the recent Infrastructure Law into the creation of four “hydrogen hub” regions in the U.S.

If you haven’t done so, we encourage you to check it out as well. It too can be found in the Latest News and Blog section of our website.

ment emphasis from Waynesburg University. Joe is a lifelong Pittsburgher and enjoys spending time with his wife and four children.

“As a member of the PIOGA Board of Directors, I look forward to expanded opportunities for serving the independent producer community in my home state of Pennsylvania,” said O’Donnell.

O’Donnell replaces **David Marks**, who served on the PIOGA board representing EEFS for the past four years.



PIOGA President & Executive Director Dan Weaver stated, “We thank David for his contributions to the board and appreciate his leadership to the organization. We are pleased David will continue to be engaged with PIOGA and remain as our Market Development Committee chair and wish him well with his new career endeavors with PA Energy Fuels.” ■

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Cryptocurrency mining ventures

While cryptocurrency has been around for over a decade, a significant number of companies that produce cryptocurrency have recently focused on companies producing natural gas as potential business targets. Crypto-mining companies are largely seeking a dependable and cheap source of energy to power their cryptocurrency mining operations. As a result, oil and gas producers seek to learn more about the crypto-mining business in order to evaluate how their companies should best approach this new opportunity.

Cryptocurrency is a term that describes digital assets with money-like characteristics. CoinMarketCap, a price-tracking website, identifies approximately 17,000 cryptocurrencies with a combined market cap of \$1.8 trillion. The top half-dozen cryptocurrencies make up more than 80 percent of that market. Bitcoin currently is the highest-valued cryptocurrency, trading over the past year in the range of \$29,807 to \$67,566 and averaging \$47,273 per coin in 2021. There are two ways to acquire cryptocurrencies: (i) existing tokens of cryptocurrency can be purchased through a currency exchange, and (ii) new tokens of cryptocurrency can be received as a reward for participating in the transaction validation process. The second method requires a source of electricity to power the computers that contribute processing power to the network.

There are several different ways transactions can be structured involving the use of natural gas to generate electricity at or near the well pad for use in cryptocurrency mining. In recent years, we have seen an interest in crypto-mining utilizing both stranded natural gas (which includes both associated natural gas that is being vented or flared from oil wells, and natural gas wells for which there is no existing infrastructure or insufficient takeaway capacity) as well as opportunistic natural gas (i.e., gas for which the economics of a crypto-mining venture are potentially more attractive than the available or perceived/predicted returns for selling gas into the market). Crypto miners deploy data centers in modular containers in close proximity to oil or gas wells, make arrangements with the producer to secure the natural gas, convert that gas to electricity using generators and power onsite operations.

The scope of the operator's desired ownership or involvement in the overall venture must be determined for purposes of negotiating and drafting the appropriate documentation. Generally, the venture will involve

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the following: (i) production of natural gas; (ii) delivery of natural gas to localized generators; (iii) production of electricity; (iv) delivery of electricity to localized crypto-mining equipment; and (v) operation of mining equipment/facilities and resulting generation of cryptocurrency. The operator needs to evaluate the components of this process and determine those over which it wants operational control and those in which it wants to have an ownership interest, keeping in mind that the answers may be different. Operators can be involved in such ventures in varying capacities, including (i) as a seller of natural gas, (ii) as a provider of electricity, (iii) as a joint venture partner or project co-owner, or (iv) as an owner of the entire venture. Whichever manner the operator chooses to structure its transaction, one item of particular importance in the negotiation is the method of compensation and whether to receive some compensation based on, or maybe even in the form of, the cryptocurrency generated by the project.

There are a number of legal issues to consider when structuring the transactional documents for a project involving natural gas sourced from a producing well and the localized production of electricity to power crypto-mining computers. Operators need to carefully review any applicable agreements to ensure they have all of the rights needed from the property owner(s) for the proposed business venture. Operators also will need to evaluate whether any other existing contractual agreements contain obligations implicated by the planned project, such as acreage dedication, area of mutual interest, joint development and joint operating agreements. Several important deal terms need to be evaluated and drafted appropriately, including the term of the project; the identification and valuation of assets being contributed to the venture; the source of capital; a clear outline of the steps, timing and budget for the performance of the venture; whether there is an opportunity for future development and expansion and, if so, each party's obligation to participate; how the venture will be managed; how operating expenses will be allocated; how each party will be compensated; and how parties to the venture can ultimately exit their investment.

Additional considerations include regulatory oversight at the local, state and federal levels, as well as challenges by non-governmental organizations and third parties. As the operator and crypto-mining company discuss the potential venture, they should be mindful of whether the structure of their planned activity will expose one or more parties to undesirable regulation and the anticipated challenges to the venture from outside groups that object to the planned project specifically or as a project involving hydrocarbons generally.

Crypto-mining projects provide an interesting opportunity for many operators and in particular for those whose wells are producing natural gas that has no takeaway capacity or market. As with any venture that involves relatively new technologies and evolving legal regimes, it is important to understand the risks and to negotiate the structure of the transaction to meet the

company's objectives while anticipating and mitigating the negative consequences of future changes affecting the deal's fundamental assumptions. ■

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Safety Committee Corner



**By Eric Staul, CIT, STS – Diversified Energy
Co-Chair, PIOGA Safety Committee**

April 8 marked the effective date for OSHA's new National Emphasis Program (NEP) on Outdoor and Indoor Heat-Related Hazards to protect employees from all heat-related injuries and illnesses in the workplace.

An NEP is a temporary program focusing OSHA's resources on a particular hazard evaluated by inspecting data and injury/illness cases and used to immediately improve enforcement regarding various topics. Past NEP's have been in support of trench/excavation safety, combustible dust awareness and COVID-19 to name a few.

Heat-related workplace fatalities are on an upward trajectory and a growing hazard for our workplaces. OSHA has noted this and will up their enforcement around safety in the heat. We, as employers and employees, should do the same. OSHA.gov/heat states "18 of the last 19 summers were the hottest on record."

OSHA's take

"Our goal is to make it safe for workers in hot indoor and outdoor environments, so that they can return home safe and healthy at the end of each day," said Assistant Secretary for Occupational Safety and Health Doug Parker.

When the heat index reaches above **80 F or higher or the National Weather Service has issued a heat warning/advisory for your area**, OSHA can initiate inspections of worksites and will be checking to ensure:

- Does your company have a Heat Illness Prevention Program?
- Is there unlimited cool water that is accessible to all employees?
- Are additional hydration breaks provided?
- Is training provided for heat-related illnesses?
- Is the "buddy system" utilized on hot days?
- Are administrative controls (earlier start times, worker rotation and allowing new/returning workers time to acclimatize to heat) being utilized?

What we can/should do

Ensure workers have been provided with the three key words: **water, rest, and shade**. New or returning workers should be given time to acclimatize to working in heat; use administrative controls such as earlier start times; require mandatory rest breaks; job rotation among crews; and have an emergency plan specifying what to do if heat stress illnesses occur or if emergency personnel need to get involved.

Safety trainers should train employees on:

- a. Hazards of heat-related illnesses.
- b. How to avoid heat-related illnesses by recognizing and avoiding situations that can lead to heat-related illnesses.
- c. Recognition of signs and symptoms of heat-related illnesses.
- d. First aid procedures.
- e. Employer's program to address heat-related illnesses

Information on this OSHA National Emphasis Program can be found at www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf. ■

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Madison "Maddy" Guntrum was the first recipient of the **PIOGA/LCCTC Oil and Gas Technician Program Work Ethic Award**. The award was given based on the work ethic shown by Miss Guntrum during her three years in the program at the Lawrence



County Career and Technical Center. She chose the Oil and Gas Technician program as because of her interest in learning about different careers and as a fallback career if her future plans do not pan out. She said she will always be grateful for the experience she has gotten at LCCTC and the leadership opportunities that were presented to her.

"Before I got into this shop," she said, "I was an average girl in a boring high school. When I came here in 10th grade, I knew as soon as I entered the shop this was meant for me. I am very blessed to say I was part of this shop. I think my favorite thing I learned from my time was how my teacher pushed me to be successful." Miss Guntrum will be attending Mercyhurst University in Erie this fall to study forensic anthropology.

Miss. Guntrum is pictured here with Jay Parsons, oil and gas instructor at the Lawrence County Career and Technical Center.



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Now, we have broadened that relationship to include advertising in the PIOGA eWeekly, the electronic newsletter that all member company contacts (more than 900 individuals) receive every Monday. We have expanded the sizes of and number of advertising positions in the eWeekly, giving companies enhanced opportunities to let PIOGA members know about their products and services.

If you are interested in learning more about putting Multiview's experience to work by advertising in the eWeekly or at pioga.org, please reach out to Multiview at pioga@multiview.com or 972-402-7023. ■

Marginal Well Credit for 2020 natural gas production announced

The Internal Revenue Service announced on May 10 in Notice 2022-18 that the Marginal Well Production Credit (MWC) for natural gas production from qualifying wells in calendar year 2021 is \$0.67 per Mcf for the first 18 Mcf of daily production.

The MWC rates for prior years were 2020 production, \$0.66; 2019 production, \$0.08; 2018 production, \$0.00; 2017 production, \$0.51; and 2016 production, \$0.14 per Mcf for the first 18 Mcf of daily production from a marginal well.

The credits may be used to offset regular income tax but may not offset alternative minimum tax. Any unused credit in a year is carried back five years to obtain refunds. Any remaining unused credits are carried forward up to 20 years to offset future years' income tax.

If you have questions about this announcement or the application of these tax credits, please contact Marlin Witt at marlin.witt@bakertilly.com or 304-346-0441, or Bill Phillips at bill.phillips@bakertilly.com or 304-624-5471.

— Bill Phillips, Baker Tilly
PIOGA Tax Committee Chair

PIOGA
Pennsylvania Independent Oil & Gas Association

Pins & Pints

A Luau-Themed Evening of Networking Fun

Thursday, July 21
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pioga.org > PIOGA Events

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pioga.org/publication_file/2022_PIOGA_Partners_flyer.pdf

McDonnell leaving DEP, Ziadeh named Acting Secretary

Governor Tom Wolf announced May 23 that Department of Environmental Protection Secretary Patrick McDonnell will leave his position on July 2 after 25 years of service with the department. The governor also announced his intention to name Ramez Ziadeh to serve as Acting Secretary.

McDonnell's career with DEP began in 1998. Prior to becoming secretary in 2016, he served as the agency's director of policy. He also ran the State Energy Office, coordinating renewable energy and energy efficiency issues. McDonnell previously served as DEP's Deputy Secretary for Administration, overseeing the agency's budget, human resource and information technology programs.

In addition, he spent more than three years as executive policy manager for former Public Utility Commissioner Pamela A. Witmer, focusing on electric, natural gas and water issues. McDonnell has served several roles with the Environmental Council of the States, including president, vice president, treasurer and vice chair of the Innovation and Productivity Committee.



Patrick McDonnell



Ramez Ziadeh

Ziadeh, meanwhile, has served as DEP's Executive Deputy Secretary of Programs since June 2017 and was Director of the Bureau of Waterways Engineering and Wetlands. He is a licensed professional engineer in Pennsylvania and California and received his B.S. in civil engineering from the University of Pittsburgh in 1993. Ziadeh started his career in DEP in 1994. He has more than 28 years of experience in environmental permitting, compliance, policy and regulatory rulemaking. ■

PIOGA Member News

Pittsburgh International Airport, CNX announce strategy to reduce emissions and costs for transportation and other industries

Pittsburgh International Airport (PIT) officials on May 20 announced a new phase of their ongoing partnership with locally based natural gas exploration, production, midstream and technology company CNX Resources Corporation aimed at further reducing carbon emissions in the transportation industry and related sectors by using natural gas produced at the airport and converted into alternative fuel with CNX proprietary technology.

"We feel that natural gas and derivative products provide a path for the transportation industry both to reduce carbon emissions in the short-term while working toward a goal of net-zero in the long-term as hydrogen and other potential solutions mature," said

Christina Cassotis, CEO, Pittsburgh International Airport. "This is Pittsburgh innovation at work. We believe this strategy can have a global impact."

The agreement comes on the heels of an announcement earlier the same week from Pennsylvania Governor Tom Wolf about a statewide initiative to secure a hydrogen hub and large-scale carbon storage system in Pennsylvania, bringing further partnership opportunities to PIT.

CNX has developed proprietary technology to cost-effectively convert onsite dry natural gas into liquified natural gas (LNG), compressed natural gas (CNG) and electricity for various uses including as a hydrogen feedstock. These technologies will reduce local emissions

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and further reduce operating costs at the airport.

The strategy also envisions a sustainable fuel hub at PIT utilizing locally sourced, lower-cost, lower-carbon intensity LNG and CNG fueling depots for airlines, transit, cargo, fleet, military and other energy-intensive business purposes.

CNX President and CEO Nick Deluliis commented, "CNX views its innovative public-private partnership with PIT as the beachhead market to showcase this technology, and the associated economic development opportunities, through on-site development of low-cost and lower-carbon intensity natural gas derivative products. We will produce, process and consume these natural gas-based products locally first, and in doing so unleash countless downstream economic opportunities and help jumpstart the hydrogen economy, leverage the region's unrivalled work ethic, create family-sustaining jobs, better the region's underserved communities and revitalize Appalachia's middle class in a new, lower carbon economic ecosystem."

As part of the agreement, CNX will develop the Utica Shale on airport property representing the first wells from this formation completed and brought into production in Allegheny County. The Utica Shale yields a dry gas which is more easily converted into LNG and CNG alternative fuels and hydrogen.

The airport will work with CNX to identify local, end-use opportunities that would benefit from using natural gas derivative products to reduce emissions.

CNX began its natural gas development-related activities at the airport in 2014, bringing its Marcellus Shale wells into production in 2016 with the airport sharing the resulting revenue. The airport would similarly collect revenue from new drilling within the new agreement.

Pittsburgh International Airport already is leading the way in energy innovation. Last June, the airport became the first in the world to be powered completely with its own microgrid, fueled by natural gas and more than 10,000 solar panels. Officials are planning to double the size of the solar field, which is built atop an old landfill.

Airport officials noted that the microgrid alone is forecast to reduce emissions by about 8.2 million pounds of carbon dioxide per year within the region. ■

New PIOGA members — welcome!

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Allies & Providers

Patriot Companies

1555 Fairview Road, Zanesville, OH 43701
220-270-9785 • www.gopatriot.us

Allies & Providers—metal-based product production and modifications

Shale POWER

4259 Kehrer Hill Road, Montoursville, PA 17754
570-244-1128 • www.shalepower.org

Associate

Environmental justice *Continued from page 3*

the state executive agencies and federal EJ initiatives. The draft EJ Policy has been altered throughout to ensure OEJ will meet the requirements of the order.

2. OEJ expanded roles and responsibilities

The draft EJ Policy describes the purpose and responsibilities of the OEJ. The draft policy gives DEP new roles and responsibilities and dictates how OEJ will engage with stakeholders and communities going forward. This marks a large expansion of the responsibilities of the OEJ, including coordinating an interagency council on environmental justice for the Commonwealth. By way of example, OEJ will provide training to DEP staff, maintain and reassess every two years the EJ Area Viewer, issue an annual report, develop strategic plans every five years, and help create and implement a Language Access Plan for the department.

3. DEP maintains broad discretion on opt-in permits

While listed trigger permits automatically trigger the application of the current policy, DEP maintains the

broad discretion to apply the requirements of the draft EJ Policy to any permits it believes "warrant special consideration," even if beyond the area of concern. The draft EJ Policy provides additional guidance to what permits the department will likely consider an opt-in permit, including a list of permits in Appendix A.

However, the draft policy further specifies that projects with permit applications that warrant special consideration based on their "reasonably anticipated significant adverse cumulative impacts" may trigger the application of the policy. DEP uses the phrases (1) "reasonably anticipated significant adverse cumulative impacts," (2) "reasonably anticipated cumulative impacts," and (3) "anticipated cumulative impacts" in the draft EJ Policy. None of these three iterations of "cumulative impacts" are defined in the draft EJ Policy.

DEP indicated that it evaluated federal and other state environmental justice law and policy in scoping this draft policy. Notably, the department evaluated the recent New Jersey Environmental Justice Law, which became effective in September 2020. Under the New Jersey law, applications that may "cause or contribute to

adverse cumulative environmental or public health stressors” shall be denied a permit. The New Jersey EJ law does not define “cumulative environmental or public health stressors.”

Without a definition of “cumulative impacts” in the draft EJ Policy, or under Executive Order 2021-07, it is unclear whether DEP will interpret that phrase similar to the New Jersey law. However, the department’s broad discretion under a subjective standard (“warrant special consideration”) and an undefined cumulative impacts standard make the applicability of the opt-in permit process hard to predict.

4. Updated definitions of “EJ Area” and “Area of Concern”

Under the current EJ Policy, an EJ Area was defined as census tract with 30 percent or greater minority population or 20 percent or greater population below the poverty line. The draft policy defines an EJ Area as “the geographic location where Department’s EJ Policy applies.” Further, it states that the methods for identifying EJ Areas will be specific outside the policy for easier amendment. Because the definition of an EJ Area will live outside the policy, it will be more frequently amended to reflect recent data and definitions used in other agencies and community groups. Thus, the draft EJ Policy’s application and scope are not clearly defined or entirely predictable.

The draft EJ Policy simplifies the current definition of Area of Concern, which now is defined as the area within a half-mile of the proposed permit activity. The draft directs applicants to use the new EJ Area Viewer mapping tool to determine if a project is in an EJ Area and the project’s Area of Concern.

5. Unconventional oil and gas now included

Oil and gas unconventional well permits (and change in use) are now considered trigger permits and the draft EJ Policy includes new, specific provisions for unconventional oil and gas public engagement. Under the draft policy these permits will automatically trigger the policy requirements. Unconventional well permits are included in the draft EJ Policy’s list of trigger permits, at Appendix A. While permits listed in Appendix A trigger Sections II (“Permit Review Process”) and III (“Community Input”) of the draft EJ Policy, unconventional well permits will only trigger the application of Section IV (“Oil and Gas Public Engagement”). The draft policy’s Section IV proposes unique public participation requirements for unconventional oil and gas operations. The requirements of Section IV will apply retroactively to unconventional well permits already issued by DEP and create continuing obligations such as annual reports on active and anticipated drilling operations—even though such operations are not subject to an actual permit application submitted to the department.

6. EJ Areas Viewer mapping tool

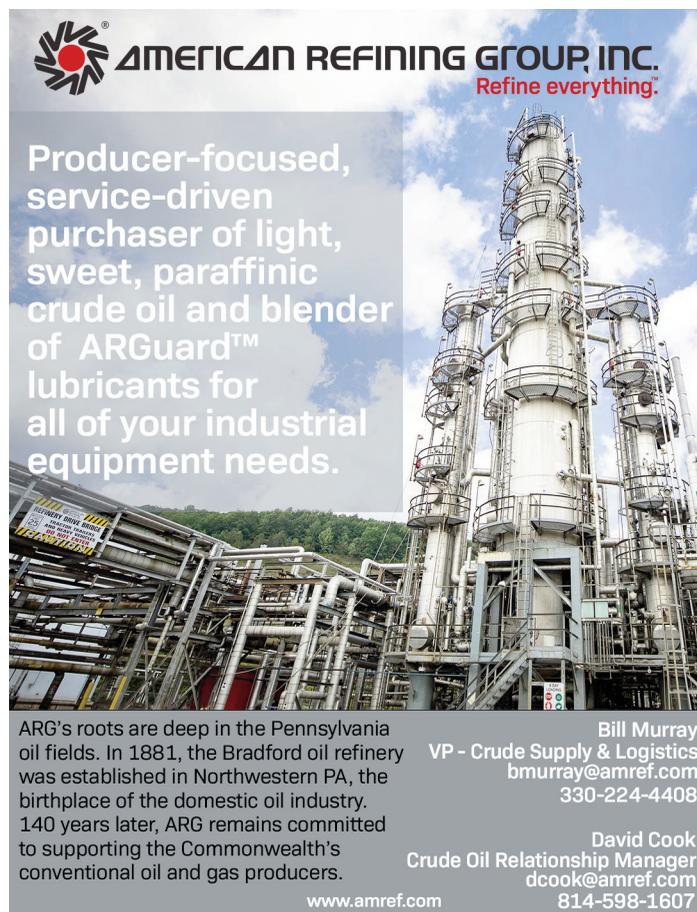
The draft policy requires the use of the new EJ Areas Viewer, which is available at pa.gov/EJViewer. The EJ Areas Viewer is an interactive mapping tool that contains environmental and demographic indicators, which can be updated and modified by DEP at any time based

on new environmental justice related data. Along with other mapping tools, the department should use the EJ Areas Viewer to assist in decisions regarding all aspects of environmental justice, including determining if a potential opt-in permit should fall under the draft EJ Policy. Overall, the use of this and other mapping tools will allow DEP and OEJ to consider much more data—environmental, demographic, health, etc.—than under the existing policy.

7. Climate initiatives

New requirements will push OEJ and DEP to harmonize the environmental justice initiatives with climate change initiatives. This focus will cut across the department—programs, rulemaking, policies and enforcement. DEP commits in the draft policy to ensure climate-related initiatives will consider and prioritize communities disproportionately impacted by climate change. The department also will ensure the Climate Action Plan addresses environmental justice and the impact of climate change on EJ Areas. Further, DEP will implement strategies for outreach and engagement with environmental justice and climate change vulnerable communities. ■

Babst Calland will be tracking the draft EJ Policy as the department responds to comments and moves to finalize the policy this year. If you have questions about the environmental justice developments described above, please contact Sean McGovern at 412-394-5439 or smcgovern@babstcalland.com,



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PIOGA EJ comments *Continued from page 3*

“Subjecting conventional well permits applications, which are not lengthy, complicated or controversial, to a new public participation process would bury the industry under conferences, meetings, comment periods, consultations and administrative tasks that could bring permitting to a complete halt,” PIOGA commented. “The conventional oil and gas industry cannot bear the burden of such a process, which is unnecessary and unwarranted for the scope and impact of this activity, to which the Commonwealth has been accustomed for over 150 years.”

Given the uncertainty of what “Opt-In” permits may include, PIOGA recommended that DEP provide an express exemption from the policy for conventional oil and gas well permits.

3. The policy provides unlimited discretion for DEP to identify Opt-In Permits and apply the policy outside Environmental Justice Areas.

The policy provides the department with the discretion to apply the policy to any permit application—or “project” in the words of the policy—that DEP believes warrants “special consideration,” regardless of whether the project is within a defined EJ area or not. This provision creates considerable uncertainty for permit applicants, PIOGA pointed out in its comments.

“Any permit application, or even an application to modify a permit, that could potentially affect the environment or concern a community could be subject to the Policy. That scope is too broad and too subjective of a standard to be workable or clearly understood by a permittee or the public. The uncertainty caused by this subjectivity prevents the opportunity for permit applicants to plan or budget for the permit application process,” the association cautioned.

Also, as proposed, the policy could apply to any area within the Commonwealth, “which renders meaningless the use of census data to map EJ Areas and further calls into question the scope of the Policy,” PIOGA pointed out. Adding further uncertainty is a reference to an unsupplied “separate document supplementing this policy” in the definition of “Environmental Justice Area.”

PIOGA recommended that DEP provide objective criteria to clarify when a project will be deemed to be an Opt-In Permit, expressly revise the scope of the policy to limit Trigger Permits and Opt-In Permits to those EJ Areas only, and provide a consistent and comprehensible definition of EJ Areas.

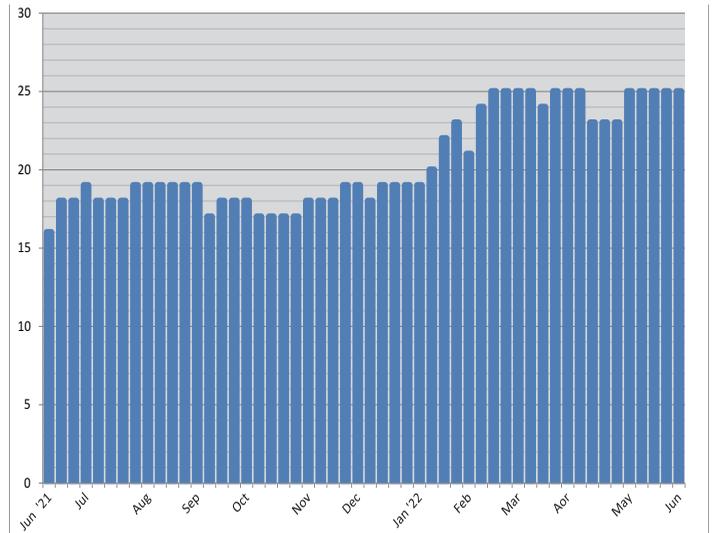
4. Underground injection control (UIC) facilities should not be subject to the policy.

The policy identifies waste transfer station permits as Trigger Permits subject to the permit review and community input provisions. PIOGA commented that if this policy were applied to UIC facilities that require waste transfer facility permits, it would impose duplicative and unnecessary steps to an already lengthy and costly permitting process. The UIC permitting process now

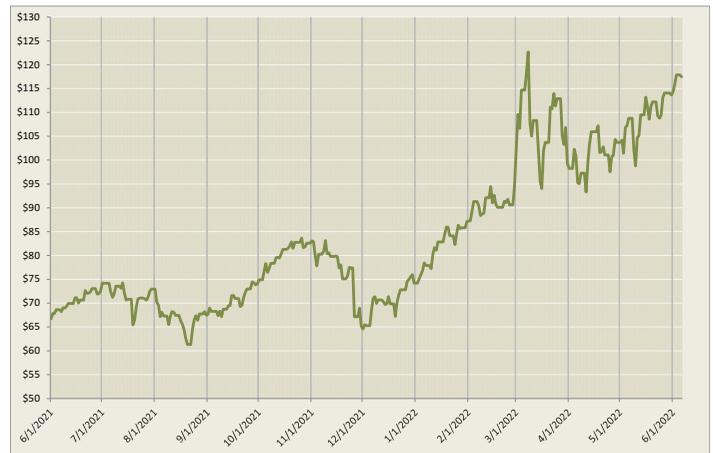
Continues on page 18

Oil & Gas Dashboard

Pennsylvania Rig Count



Penn Grade Crude Oil Prices



Natural Gas Futures Closing Prices

Month	Price
July	\$9.335
August	9.347
September	9.304
October	9.289
November	9.343
December	9.390
January 2023	9.467
February	9.130
March	8.050
April	5.923
May	5.707
June	5.755

Prices as of June 7

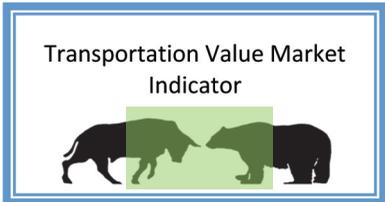
Sources

American Refining Group: www.amref.com/Crude-Prices-New.aspx
 Ergon Oil Purchasing: www.ergon.com/crudeoil
 Gas futures: quotes.ino.com/exchanges/?r=NYMEX_NG
 Baker Hughes rig count: bakerhughesrigcount.gcs-web.com/na-rig-count
 NYMEX strip chart: Mid American Natural Resources

Northeast Pricing Report — June 2022

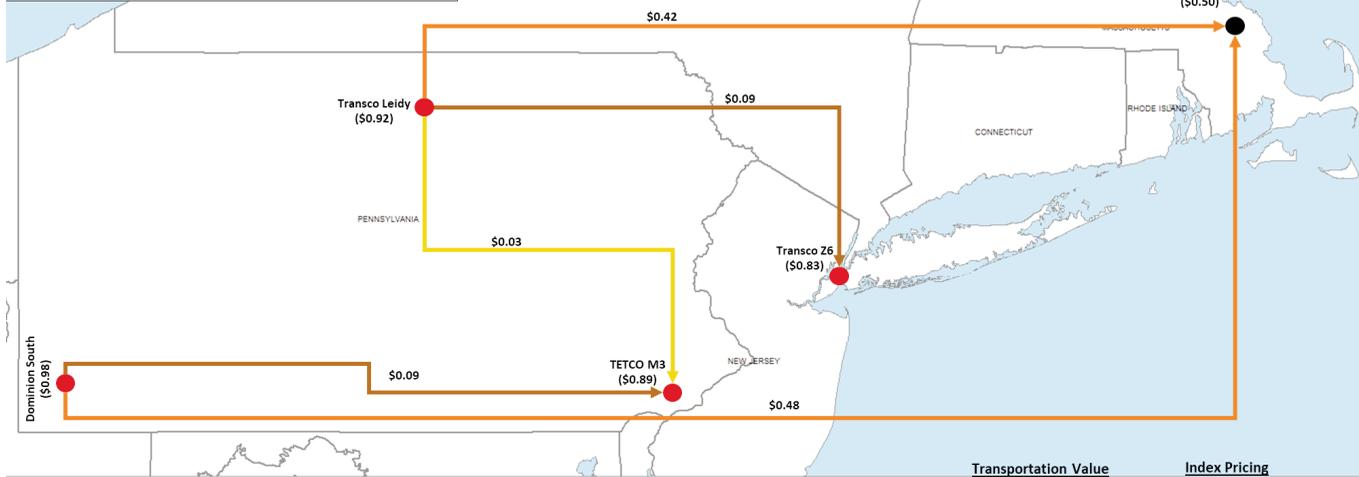
Pricing terms were mixed for the beginning of June. Most front month averages were down, while rolling one-year average pricing was up. At the same time full term pricing saw some unusual activity. Algonquin was the only index to increase, albeit only \$0.03 per MMBtu. TETCO M3 decreased the most at \$0.15 per MMBtu. For the rolling one-year average, Dominion South had an unusual \$0.91 per MMBtu increase. And TETCO Z6 increased \$0.52 per MMBtu having the second largest gain. Algonquin decreased the most at \$0.09 per MMBtu. For long-term trading, Algonquin decreased the most by \$0.87 per MMBtu, while Transco Z6 increased \$0.16 per MMBtu. Transco Z6 is seeing higher prices over time.

Transportation values finally saw some value come back to the market. Dominion South to Algonquin increased the most at \$0.13 per MMBtu. Transco Leidy to Algonquin and TETCO M3 to Transco Z6 also increased by \$0.09 and \$0.05 per MMBtu. Transco Leidy to TETCO M3 decreased the most by \$0.09 per MMBtu. Dominion South to TETCO M3 and Transco Leidy to Transco Z6 both decreased by \$0.05 and \$0.04 per MMBtu, respectively.



Provided by Bertison-George, LLC
www.bertison-george.com

Location	Natural Gas Basis Future Pricing		
	Pricing Term		
	6/2022	6/2022-5/2023	6/2022-12/2027
Algonquin	-0.5	5.65	3.07
Dominion South #	-0.98	-0.103	-0.96
TETCO M3 #	-0.89	1.42	0.33
Transco Z6	-0.83	1.72	0.71
Transco Leidy #	-0.92	-1.04	-0.97

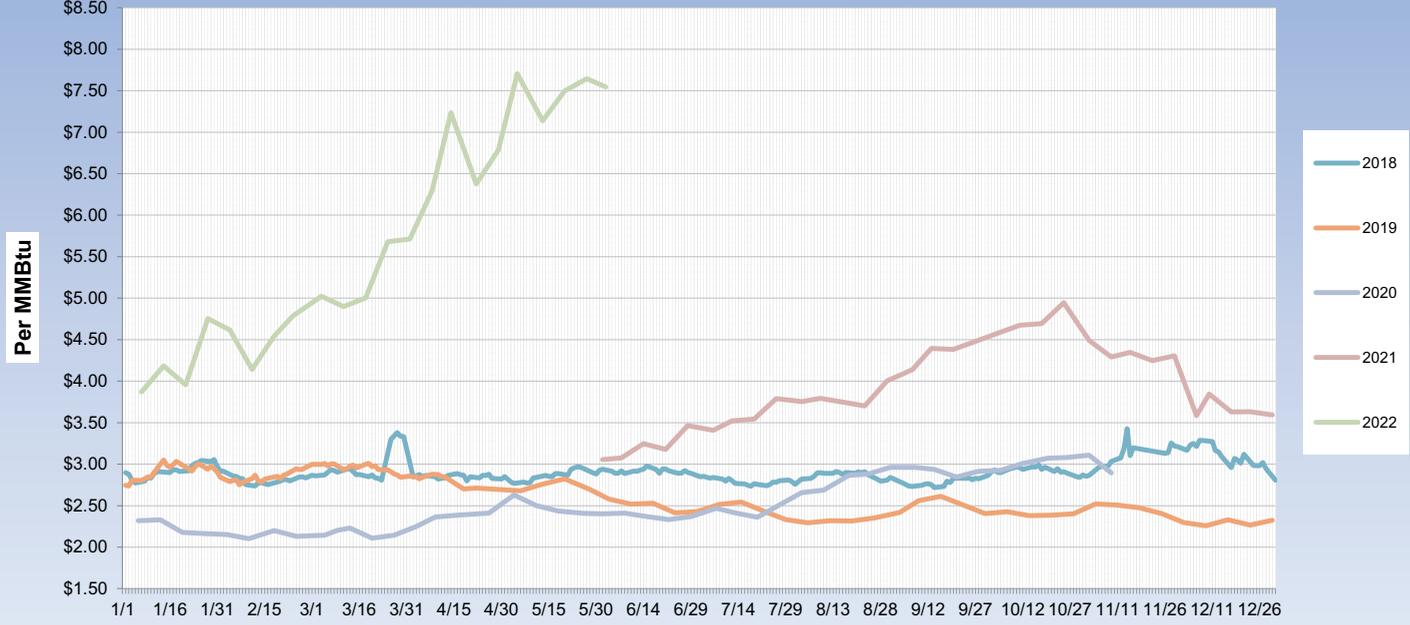


Pricing as of May 26, 2022, Future contract only; Source ICE End of Day Report

Transportation Value
 High (Orange arrow)
 Middle (Brown arrow)
 Low (Yellow arrow)

Index Pricing
 Increasing (Black circle)
 Decreasing (Red circle)

NYMEX Annual Strip Price



Spud Report: May



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

OPERATOR	WELLS	SPUD	API #	COUNTY	MUNICIPALITY
Blackhawk Energy LLC	1	5/14/22	083-57380*	McKean	Hamilton Twp
Blackhill Energy LLC	3	5/6/22	015-23733	Bradford	Springfield Twp
		5/6/22	015-23732	Bradford	Springfield Twp
		5/6/22	015-23734	Bradford	Springfield Twp
Cameron Energy Co	2	5/2/22	053-30953*	Forest	Howe Twp
		5/10/22	053-30957*	Forest	Howe Twp
Chesapeake Appalachia LLC	1	5/9/22	115-22982	Susquehanna	Auburn Twp
Coterra Energy Inc	8	5/15/22	115-22943	Susquehanna	Bridgewater Twp
		5/15/22	115-22944	Susquehanna	Bridgewater Twp
		5/15/22	115-22945	Susquehanna	Bridgewater Twp
		5/15/22	115-22946	Susquehanna	Bridgewater Twp
		5/15/22	115-22947	Susquehanna	Bridgewater Twp
		5/15/22	115-22948	Susquehanna	Bridgewater Twp
		5/15/22	115-22949	Susquehanna	Bridgewater Twp
		5/15/22	115-22950	Susquehanna	Bridgewater Twp
Curtis & Son Oil Inc	2	5/10/22	123-48659*	Warren	Farmington Twp
		5/16/22	123-48660*	Warren	Farmington Twp
EQT Prod Co	6	5/16/22	059-28217	Greene	Springhill Twp
		5/16/22	059-28214	Greene	Springhill Twp
		5/16/22	059-28215	Greene	Springhill Twp
		5/16/22	059-28216	Greene	Springhill Twp
		5/17/22	059-28218	Greene	Springhill Twp
		5/17/22	059-28219	Greene	Springhill Twp
INR Opr LLC	2	5/2/22	063-37540	Indiana	Armstrong Twp
		5/2/22	063-37538	Indiana	Armstrong Twp
Jett Oil LLC	2	5/6/22	123-48591*	Warren	Pleasant Twp
		5/26/22	123-48604*	Warren	Pleasant Twp
Kylander Oil Inc	2	5/2/22	123-48662*	Warren	Glade Twp
		5/10/22	123-48663*	Warren	Glade Twp
Olympus Energy, LLC	4	5/28/22	129-29140	Westmoreland	Penn Twp
		5/28/22	129-29143	Westmoreland	Penn Twp
		5/29/22	129-29145	Westmoreland	Penn Twp
		5/29/22	129-29144	Westmoreland	Penn Twp
PennEnergy Resources LLC	6	5/17/22	007-20644	Beaver	Economy Boro
		5/17/22	007-20645	Beaver	Economy Boro
		5/17/22	007-20646	Beaver	Economy Boro

available by going to the Office of Oil and Gas Management page at 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	
		5/18/22	007-20647	Beaver	Economy Boro	
		5/18/22	007-20648	Beaver	Economy Boro	
		5/18/22	007-20649	Beaver	Economy Boro	
Pennhills Resources LLC	10	5/24/22	053-30961*	Forest	Howe Twp	
		5/3/22	083-57347*	McKean	Hamilton Twp	
		5/6/22	083-57399*	McKean	Hamilton Twp	
		5/6/22	083-57403*	McKean	Hamilton Twp	
		5/10/22	083-57402*	McKean	Hamilton Twp	
		5/10/22	083-57348*	McKean	Hamilton Twp	
		5/13/22	083-57398*	McKean	Hamilton Twp	
		5/13/22	083-57343*	McKean	Hamilton Twp	
		5/20/22	083-57344*	McKean	Hamilton Twp	
		5/25/22	083-57345*	McKean	Hamilton Twp	
PVE Oil Corp Inc	1	5/2/22	083-57262*	McKean	Sergeant Twp	
Range Resources Appalachia	3	5/12/22	007-20640	Beaver	Independence Tw	
		5/12/22	007-20641	Beaver	Independence Tw	
		5/12/22	007-20642	Beaver	Independence Tw	
Repsol Oil & Gas USA LLC	4	5/19/22	015-23747	Bradford	Columbia Twp	
		5/23/22	015-23748	Bradford	Columbia Twp	
		5/25/22	015-23745	Bradford	Columbia Twp	
		5/27/22	015-23746	Bradford	Columbia Twp	
SWN Prod Co LLC	3	5/6/22	115-22998	Susquehanna	Great Bend Twp	
		5/7/22	115-23000	Susquehanna	Great Bend Twp	
		5/8/22	115-22999	Susquehanna	Great Bend Twp	
Weldbank Energy Corp	4	5/9/22	123-48624*	Warren	Clarendon Boro	
		5/12/22	123-48622*	Warren	Clarendon Boro	
		5/18/22	123-48623*	Warren	Clarendon Boro	
		5/25/22	123-48626*	Warren	Clarendon Boro	
William Southwell & Son Oil	1	5/27/22	123-48561*	Warren	Conewango Twp	
Total wells	65	April 69	March 61	February 51	January 65	December 49
Unconventional Gas	40	57	43	41	54	39
Conventional Gas	0	0	0	0	0	0
Oil	17	12	18	9	6	7
Combination Oil/Gas	8	0	0	1	5	3

PIOGA EJ comments *Continued from page 16*

includes submission of a robust application package, public hearings and detailed online information readily available to the public.

The public already has been quite engaged in every UIC permit issued in Pennsylvania for the past decade, and PIOGA recommended that DEP expressly exempt UIC waste transfer facilities from the policy.

5. DEP should provide facts and information of the disproportionate impacts to be avoided or mitigated.

DEP's stated purpose for the policy is to address "minority and low-income communities that have been disproportionately impacted by environmental hazards in their communities and have not had had equitable opportunities to participate in decisions that may adversely affect their environment." PIOGA commented that it would be helpful for all stakeholders—including the department, permit applicants and the public—if DEP would provide evidence, data or descriptions of the disproportionate impacts to be avoided or mitigated. The department, the public and industry will be unable to gauge progress in addressing disproportionate

impacts without understanding the problem to be solved.

6. The policy refers to "federal and state models" to prioritize inspections and compliance in EJ Areas without identifying such models.

PIOGA recommended that DEP clarify the models it intends to use and the sources of information upon which such models are based.

7. The department may not have the resources and training necessary to carry out this policy.

The policy assigns at least 18 new responsibilities to be undertaken by DEP without identifying what program, division or office will carry out the step. The likely result will be confusion and delay in processing and issuing permits, PIOGA cautioned. The association recommended that DEP clarify that the department program responsible for issuing the permit is also responsible for coordinating the EJ review. The regional program offices and/or district office with jurisdiction over the permittee's proposed activities are best suited to undertake this responsibility because they know and have experience working with permitting programs, permittees and residents in their regions.

— PIOGA staff report

VOC rulemaking *Continued from page 1*

final-form rulemaking to clarify that the control measures are only applicable to unconventional sources of VOC emissions.”

The preamble to the revised final rulemaking states that DEP will develop a separate rulemaking for VOC emissions at conventional well sites.

The department has been working against a deadline that potentially could mean loss of federal highway funding for Pennsylvania. DEP indicated it would make the required submissions for both the conventional and unconventional rulemakings by December 16 to avoid federal sanctions. ■

Calendar

PIOGA events

Information: www.pioga.org > PIOGA Events

Oil Patch Classic Golf Outing

June 16, Wanango Country Club, Reno

Pins & Pints/Summer Bowling Bash

July 21, Zone 28, Harmarville

PIOGATech: safety topic TBA

August 3, venue TBA

25th Annual Divot Diggers Golf Outing

August 18, Tam O'Shanter Golf Course, Hermitage

PIOGATech: Water and Waste Management

September 15, venue TBA

Fall Festival and Marcellus to Manufacturing

October 19, venue TBA

Annual Meeting and clay shoot

October 20, venue TBA

Annual Oil & Gas Tax and Accounting Seminar

November 16, venue TBA

PIOGATech: Air Quality

December 15, venue TBA

Mix, Mingle & Jingle Holiday Party

December 15, venue TBA

Other events

LDC Gas Forum Northeast

June 13-15, Boston. \$125 discount for PIOGA members
Info: pioga.org/event/2022-ldc-gas-forum-northeast

Ohio Oil & Gas Association Annual Meeting

June 21, Columbus, OH
Info: www.ooga.org/event/2021-annual-meeting

IOGANY 41st Annual Summer BBQ and Golf Outing

July 14, Holiday Valley, Ellicottville, NY
Info: iogany.org

GO-WV Summer Meeting

August 7-9, The Greenbrier, White Sulphur Springs, WV
Info: gowv.com/events/2022-summer-meeting-registration

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