

The PIOGA Press

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Brief Industry and Association Outlook

Interview with PIOGA President & Executive Director

Author - Meghan Keely

Towards the end of April, I had a chance to sit down with Daniel Weaver, President and Executive Director of PIOGA, to discuss the many opportunities, changes and issues facing the oil and gas industry. As a membership association, PIOGA realizes the need to keep our members abreast of industry-related current events and policies; and association-related goals and ideals.

The Interview with Daniel Weaver

Q: *What are the issues the Oil and Gas industry are facing this year and in the upcoming year?*

A: (Daniel Weaver) Regulatory uncertainty – especially dealing with the Department of Environmental Protection (DEP), on multiple fronts.

One key point is the permit reform. Being able to get permits in a timely manner is a big deal. The DEP is pushing permitting reform but as an industry we need regulatory certainty – this is what allows industry businesses to grow. This is definitely a challenge.

As an association we are going to focus on the change in administration at a state level. We will continue to work with new administration in the areas where we can and continue to promote growth in Pennsylvania. Pennsylvania has the possibility of continuing and growing as a leader in the industry, if the right choices are made. PIOGA will be there to push those ‘right’ choices.

Q: *What are the advantages and positives the Oil and Gas Industry are facing this year? In the upcoming year?*

A: (Daniel Weaver) Administrative change is actually a good thing – obviously we just had 8-years of an idealist that was not one to compromise. The problem with the past administration is that Wolf had ideologies he was not willing to back down from. Shapiro, in his speeches and discussions, really wants to see Pennsylvania grow. Energy companies need to be part of that growth. We are the second largest natural gas producer in the nation – 17% of the nation’s natural gas comes from our state.

We also need to keep working on plugging abandoned wells and utilizing the Infrastructure Investment and Jobs Act (IIJA). These funds are a positive for the industry and I think we will continue to see more positives like the development of hydrogen hubs, which will have more take aways for natural gas.

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Q: *How do current events, politics and policies prove that our industry is needed?*

A: (Daniel Weaver) When you start having brownouts and blackouts in places it is proving that our industry is always there to provide the power. We can supplement those areas when there are failures. We (the country/citizens) need fossil fuels to create these other alternative forms of energy in a multitude of ways, whether it be from mining the minerals to the use of fossil fuels for the components that go into a windmill.

Society needs to realize that it is not a 'this or that' scenario – it needs to be an 'all the above' strategy that is done with the least amount of impact on the environment.

Recently in a meeting, Ben Wallace with Penneco Oil Company and Penneco Environmental Solutions, LLC., challenged those in the room and those who criticize the industry to "see the impact". It was one of the greatest statements – he was saying that the industry is all around you, wells are all around, wells are being drilled all around – but people don't even realize they are there. "I challenge you to find the industry, to see the impact."

I think what people need to realize is that if tomorrow the industry were to go away, there would be over 6,000 products that we use everyday that we can't get anywhere else.

Q: *What does the public need to realize about our industry?*

A: (Daniel Weaver) It is critical for people to realize that we are very close, if the wrong decisions are made, people will not be able to afford energy. This is a shame because of the amount of natural resources we have available to us.

I think the public needs to know that our industry is evolving too. Our industry is not what it was 20 years ago, and it is not what it was 5 years ago. All of the giants are gone for the most part. It is Pennsylvanians working in Pennsylvania – Appalachians working in Appalachia.

Q: *How do you think hydrogen will play a factor in the future? For our industry?*

A: (Daniel Weaver) This is the next evolution, but it is not there yet. It requires infrastructure on a lot of levels, but I do believe it is the next evolutionary

step. There is a benefit in that you need natural gas to make hydrogen at scale and to make it cost effective you need natural gas.

Q: *What are the goals of PIOGA in the upcoming year/5 years?*

A: (Daniel Weaver) The goals are simple – we are here to advocate for our members and continue to push for a strong energy-minded society and economy.

In Pennsylvania, we have the natural resources and if properly allowed to develop, we could be an energy leader.

Q: *Why is it important to be an active member of PIOGA? Why are the Committees through PIOGA important?*

A: (Daniel Weaver) You get out of it, what you put into it. Simply put – let me expand on that. If we (PIOGA) don't understand the issues members are facing it is very difficult for us to react – it is much better for us to be proactive than reactive.

If we can get out in front of the issues and challenges, we have a larger chance for success.

Members need to get involved and that will then give them a forum to share their issues as well as the ability to understand what we are doing as a collective.

Committees are extremely important and serve as forums for challenges. Members can come and get information to what is currently being worked on.

Q: *What do you think members of PIOGA should focus on? What can members be doing outside of the association?*

A: (Daniel Weaver) We have over 50 new legislators – PIOGA members need to make sure they get engaged with their local legislators. Members need to reach out to these legislators and let them know you are from Pennsylvania and that you are operating in their area. They are making decisions on your behalf that will benefit or adversely effect your ability to work in the future.

My main message is don't be afraid to engage. It is a clean slate right now with these newly elected legislators – we are early into this new administration. Let's not wait to be told, let's try to make it happen. ■

We Must Improve Appreciation of Oil and Gas Production, Transportation and Use

Article written by Ken Komoroski, Partner, Earth & Water Law



The United States has within its borders the resources it needs to be the greatest global power. This is no different today than it was in the 1500s or in every century since then. What is preventing this and what is dragging us from leadership to mediocrity? The answer is – a failure to pursue priorities that are in our country's and the world's best interest. Meanwhile, we are helping other countries to become more powerful than the United States. These countries are not our friends and are aggressively contributing to our failures.

The US's best days are not too distant in the rearview mirror. The good news is that we have the talent, the resources and the skills to resume our position at the head of the pack. So, what is holding us back? It is a combination of a lack of truthful information being readily available and also a desire to have the rest of the world serve us. The world certainly wasn't perfect in the 1950s, the 1960s or the 1970s, but the US held an enormous leadership position throughout those years. That position allowed the US to be the centerpiece of financial investment and industrial growth. By all measures, that position has faded and continues to deteriorate. Who is taking our place and having the largest say on world politics, economic approaches, social issues and manufacturing/energy production? The answer is below.

The geopolitical history of the world is fascinating. In every instance where a country attempted to take over greater control, they seized energy and manufacturing sources. In each world war, sustainability of these capabilities was the central focus and necessarily so. Without these capabilities, there is no hope for the ability to hold both power and control. Of course, the global situation continues to evolve, but for the foreseeable future, with dwindling energy and manufacturing capabilities, the US and its allies are fading in global power and influence. That influence is not disappearing. It is being transferred elsewhere.

This is all more setup than you might have felt was necessary to a discussion of appreciation of the oil and gas industry. However, more setup is

needed. If we properly inform others of the truth, convincing them of the message will be simple and obvious. If we continue to fail to properly inform others, there is no chance to convince them. Thus, more setup is provided below.

Oil and gas production is critical to the future of the US and the world. By itself, oil and gas production is of little global importance. But oil and gas's role in sustainability and the development of global economic and political power is, and will continue to be, massive. Alternatively, you must know that China and India will not divorce themselves from Russia because of Russia's fossil-fuel energy resources. Neither will Saudi Arabia, Qatar or Iran flip to the approaches of the US and its allies. It isn't worth it for them to do so and they risk too much to try.

At this point in the discussion, I will provide an off-ramp. If you would prefer to debate those points, stop reading this article and spend your valuable time elsewhere. With that choice, you will be leaving the outcome of your future to the rest of us. Please feel free to apply for readmission when you come to your senses. We need your help when you are ready to provide it.

Here is another off-ramp. If you feel you have done enough because you voted for fill-in-the-blank, please join the splinter group described above and we look forward to receiving your readmission application in the future.

With that dead-weight cast aside, it is on to the critical business at hand. The following are some critical facts that must be shared consistently and continuously. I will warn you that some of you who are very pro-oil and gas will be prepared to share this information but you will also question its validity. That makes you part of the problem. This is my offer to resolve that problem. Send me an email with your concern and I will respond thoughtfully. These facts are so well-researched that I am confident that you will remain part of the group and not become a splinter group member.

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CNX Assisting with Cave Identification, Ventilation & Bat Box Installation To Combat White Nose Syndrome and Related Bat Die-Off

The innovation and technology applied to protecting and increasing Pennsylvania's bat population reflect CNX's Appalachia First commitment to the health and vitality of the local communities where we live and work.

Bats get a bad rap, but as a species they are critical to the health of our ecosystem. They serve as natural pest control, consuming their body weight in insects every night, and many species provide crucial pollination and seed dispersal. Over the last 15 years, however, hundreds of bat species have been decimated due to white nose syndrome, a fungal disease first identified in 2006. The syndrome is responsible for the loss of millions of bats across North America.

"It's hard to imagine, but because of this multi-specie die-off, ecosystems are already falling out of balance," said Dan Bitz, the surface strategies Director on CNX's New Technologies team. "The extreme loss of bats that has already occurred is affecting our daily lives, via overpopulation of insects and the harm they bring."

Over the last several years, CNX has been collaborating with the Pennsylvania Game Commission (PGC) to combat white nose fungus where it's believed it begins—in the areas where bats hibernate. The PGC and their non-game mammal biologist, Greg Turner, have embraced innovation and technology to help prevent the extinction of multiple bat species from white nose syndrome. Research projects have demonstrated that lowering the temperature in bat hibernation sites can result in reduced mortality from white nose syndrome.

The PGC has worked systematically to improve both manmade and naturally occurring bat hibernation sites throughout the state. The hope is that these mitigation efforts will help reduce white nose syndrome and inspire other states to take similar action, ultimately contributing to the rebuilding of bat populations.

With an unparalleled breadth and depth of knowledge about the landscape and geography of the

region, CNX joined forces with PGC to provide some financial, technical and project management support for two different cave projects within abandoned limestone mines in Fayette County. Through the first project, Casparis Mine, CNX and PGC worked with a consulting organization to provide 3D mapping services for the project, which showed the full extent of the mine. From there, they worked with an air ventilation engineer to identify a location to drill a large vent, allowing warmer air to escape the mine. CNX then oversaw the operations and drilling of the vent.

The goal for the second mine, the Dunbar mine, was to fill a preexisting sinkhole, install a large vent pipe for airflow, make it bat (and human) accessible and install an additional vent. The needs for this project ranged from additional 3D mapping, developing a venting plan, hiring a contractor and coordinating project management and construction.

"Our goal with both of these projects is that the resulting temperature reduction will allow hibernating bats a stronger chance to survive while attracting additional bats to these safe winter roosts," said Bitz.

In addition to the PGC projects, CNX supports the installation of bat houses in local communities, and has coordinated an annual outreach program. CNX is in the fourth year of the bat box community program, which aims to install bat houses in local communities, where forested areas are often more limited. Each PGC bat house installed, which utilizes a seven-chamber plan designed and endorsed by the PGC, can accommodate several hundred bats. For the 2023 program, CNX is partnering with Peters Township High School to install boxes on their campus, with installations planned for May 15th. ■

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New Uncertainties About WOTUS Definition

Published by Babst Calland - Authored by Lisa M. Bruderly, Esq.

Babst Calland
Attorneys at Law

An April 12, 2023, ruling by the U.S. District Court for the District of North Dakota has created a regulatory patchwork across the nation in which the definition of ‘waters of the United States’ (WOTUS), and subsequently, the jurisdiction of the Clean Water Act, now differs by state. For example, West Virginia and Pennsylvania currently rely on different WOTUS definitions to determine Clean Water Act jurisdiction.

This split creates more uncertainty about the extent that a project will impact WOTUS (if at all), what permitting will be required, and how much cost/time will be necessary to obtain appropriate permitting. It also creates inconsistencies from state to state on how the jurisdiction of the Clean Water Act is applied. For example, the Corps may determine that a water is regulated under the Clean Water Act based on the definition of WOTUS effective in one state, while the same water would not be federally-regulated based on the definition of WOTUS effective in another state. It will be difficult for regulating agencies to consistently differentiate between the two definitions, especially when a Corps District regulates WOTUS across states with differing effective definitions.

The nationwide split occurred when the North Dakota district court granted a preliminary injunction that halted the implementation and enforcement of the Biden administration’s new definition of WOTUS (2023 Rule) in the following 24 states: Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming.

In granting the preliminary injunction, the North Dakota district court had harsh criticism for the 2023 Rule, noting that “the new 2023 Rule is neither understandable nor ‘intelligible,’ and its boundaries are unlimited.” It also stated that the 2023 Rule “raises a litany of other statutory and constitutional concerns.” The district court went further to state that the changing definitions of

WOTUS “have created nothing but confusion, uncertainty, unpredictability, and endless litigation.”

The 2023 Rule was published as final in the Federal Register on January 18, 2023, (88 Fed. Reg. 3004) and became effective on March 20, 2023 in 48 states. A March 19, 2023, preliminary injunction granted in the U.S. District Court for the Southern District of Texas had already enjoined the new WOTUS definition in Texas and Idaho prior to the definition becoming effective.

A third judicial challenge to the 2023 Rule is pending. In April 2023, the Commonwealth of Kentucky and certain industry groups appealed the decision of the U.S. District Court for the Eastern District of Kentucky, which denied a motion for preliminary injunction to stop the enforcement of the 2023 Rule in Kentucky until May 10, 2023. On May 10, the Sixth Circuit granted an injunction, staying the enforcement of the 2023 Rule in Kentucky, one day after the district court denied the Commonwealth’s motion for an emergency injunction of the 2023 Rule pending the appeal. Therefore, as of May 11, 2023, the 2023 Rule is not effective in Kentucky while the appeal is pending.

As of May 11, 2023, the 2023 Rule is effective in 23 states, while the 1986 definition of WOTUS (which was in effect nationwide prior to the 2023 Rule) is in effect in the remaining 27 states.

The two definitions of WOTUS are conceptually similar, with both being based on the 1986 definition, as interpreted by early-2000s U.S. Supreme Court decisions regarding WOTUS, primarily the seminal *Rapanos v. U.S.* case. The U.S. Supreme Court in *Rapanos* identified two tests for determining WOTUS, with the more narrow test being established by Justice Antonin Scalia (i.e., relatively permanent waters and wetlands with a continuous surface connection to such waters), and the broader test being asserted by Justice Anthony Kennedy (i.e., the significant nexus test). Under the 1986 definition, the regulated community and regulators could base their jurisdictional arguments on either the Scalia or Kennedy test for

Continues on next page

identifying WOTUS. However, because the 2023 Rule codifies both Rapanos tests, it, arguably, requires the more inclusive, significant nexus test to be considered.

It is unclear whether additional judicial actions will occur in advance of the highly-anticipated U.S. Supreme Court decision in *Sackett v. EPA*, which will opine on whether the Ninth Circuit set forth the proper test to determine whether wetlands are WOTUS. The Supreme Court's decision may significantly affect the 2023 Rule and USEPA's ability to define WOTUS. The *Sackett* decision is expected to be issued by early summer 2023.

Babst Calland will continue to stay up-to-date on the developments related to WOTUS and the Clean Water Act, in general. ■

If you have any questions or would like any additional information, please contact Lisa Bruderly at (412) 394-6495 or lbruderly@babstcalland.com.



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PIOGA Op-Ed: Increased bonding will not plug Pennsylvania's abandoned oil and natural gas wells

The following editorial was written by PIOGA's President & Executive Director Daniel J. Weaver.
Published May 1, 2023 by The Center Square

A significant debate is starting this legislative session in Harrisburg over a long-standing and misrepresented issue facing Pennsylvania in its role as the birthplace of the world's oil and natural gas industry, with oil exploration dating to 1859 near Titusville and commercial natural gas production to 1878 in Murrysville.

At the heart of the current debate is legislation that would increase bonding amounts that must be paid to the state Department of Environmental Protection by small, independent energy producers that drill "conventional" wells, with the rationale for that increase being the belief that low bonding rates "encourage" those producers to walk away from some wells, shirking a responsibility to operate and then properly plug them when they stop bringing oil or natural gas to the surface. It is claimed by some individuals that "hundreds" of conventional wells are abandoned every year, leaving taxpayers with the liability to plug them.

A review of the facts shows that there is no evidence that such a practice is taking place.

It is important to begin an analysis of this issue with a couple of important facts. First, the companies that produce oil and gas from conventional wells – almost all of them in about 19 western Pennsylvania counties – have been doing so for decades, providing good jobs to local residents, being good stewards of the environment and responsible members of their communities. The natural gas those companies produce is used locally to heat homes in the winter, and the oil is sent to local refineries and made into gasoline, lubricants and a range of other products we use every day.

Second, as with any number of other examples in U.S. history, there are lessons learned from the past and challenges in dealing with a legacy of under-regulation. Every segment of our economy and society has dealt with similar realities. It is a reality that oil and gas wells drilled decades ago in Pennsylvania and no longer producing need to be identified and plugged, just as the commonwealth needs to address thousands of acres of abandoned mine lands. The people and companies that

drilled those wells and mined that coal are no longer here, and we are left to manage what remains.

Those legacy wells, drilled and abandoned before bonding requirements were established in 1984 and for which there is no responsible party, are called "orphan" wells. Wells drilled since that time that have been neglected for one reason or another, or are no longer producing, but belong to a known responsible party, are referred to as "abandoned" wells. Orphan wells are certainly a problem. Abandoned wells are not. And they are not the same thing, as some observers tend to believe.

DEP's statistics tell the story. The agency notes that there are currently 1,836 wells classified as abandoned, with only 121 of them being drilled after the 1984 bonding requirements. That amounts to the abandonment of about three wells each year over the course of the 39 years since bonds were required.

Next, let's look at what little impact a bond amount increase would have on abandoned wells, starting with the fact that more than 60 percent of the state's conventional wells were drilled before 1984, with no bonding requirement. The number of abandoned wells that fall within the pre-1984 regulations is 1,715, or more than 93 percent of the 1,836 abandoned inventory. That means an increase in bonding amounts would impact less than seven percent of that inventory.

Returning to the fact that virtually all of the state's oil and gas operating companies are long-established companies that are local employers and responsible members of their community, it is highly likely that they want to avoid DEP enforcement actions, and there are a number of legal tools at DEP's disposal to encourage compliance with environmental laws, including well plugging requirements. Those tools include administrative orders, civil penalties amounting to \$25,000 coupled with additional daily penalties of \$1,000, the imposition of a lien on some or all of an operator's property and wells. DEP also has the big stick of

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Weaver Op-Ed *Continued from page 8*

criminal penalties, which include imprisonment for up to one year and daily fines of \$5,000.

A conventional oil and gas producer that flaunts environmental regulations or irresponsibly abandons wells should be penalized according to the laws of the commonwealth, just like any individual or entity forced to defend their actions in an administrative process or court of law. Any objective assessment of Pennsylvania's conventional oil and gas companies would reach the conclusion, however, that they are providing an essential product to their neighbors – energy to power their lives – and doing it responsibly.



Photo: This is the well near Titusville, Pennsylvania which pumped the petroleum industry into existence 100 years ago. The picture was taken four years after Col. Edwin L. Drake struck oil on August 27, 1859 near Titusville, Pennsylvania. Seated in the foreground is 'Uncle' Billy Smith, Drake's drilling foreman, who was first to notice a dark green liquid bubbling at the top of the hole. His cry of 'Oil, struck oil.' Signaled success of the world's first oil well and set off the world's first oil boom. The Drake well with a depth of 69½ feet, pumped 3 barrels a day.

Anonymous | AP Photo file



Daniel J. Weaver, President & Executive Director PIOGA

Link to full article: https://www.thecentersquare.com/opinion/article_d35f2312-e829-11ed-834d-2ba4e50e36e3.html?fbclid=IwAR0TbftzzFWQ-zzwP5S9vqRSJuEYQokT3w63IU8hDv2hCh44Z_eKpxV_U

PIOGA Member Benefit

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Kevin Moody, Esq., General Counsel & Vice President of Government Affairs at PIOGA, has been providing legal counsel to the association and its members since April 2011. First as outside counsel for 11 years and now General Counsel.

Moody is the core legal and business advisor to our association, bringing a broad skillset and industry knowledge to the resolution of matters affecting our industry, association, and members. He manages PIOGA's legal representation in litigation in state and federal courts, including personally representing PIOGA in most of our litigation, as well as PIOGA's trademarks.

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Moody can provide legal advice and guidance to members on industry matters involving: public utility mergers/acquisitions & rates, terms and conditions of service; state and federal pipeline safety laws and regulations; PA One Call; Act 13 impact

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Contacting Moody can save members possibly hundreds of dollars in legal fees - these savings can repay the cost of their membership dues!

**To contact Kevin Moody – kevin@pioga.org
717.234.8525**



Articles of Interest

Editorial Published by Williamsport Sun-Gazette on May 1.

Impact of obstacles to gas production frustrating

We all should find the news that natural gas production in Pennsylvania slipped slightly in 2022 troubling.

“Pipeline constraints — mostly due to political and extreme activism — constrict flow to key demand centers, including the Northeast, limiting the ability for more Americans and allies abroad to benefit from clean affordable Pennsylvania-produced natural gas,” David Callahan, president of the Marcellus Shale Coalition, explained to a reporter for the Center Square in an article in Tuesday’s Sun-Gazette.

(<https://www.sungazette.com/news/top-news/2023/04/pa-s-natural-gas-production-curbed-by-capacity-limits/>)

The development of natural gas has been a blessing for our region — bringing new, family-sustaining jobs, along with tax revenue for vital projects and a more diverse menu of ways to heat and power our homes and businesses.

We recognize that any sector of our economy, even one as integrated throughout the other sectors as energy, will see fluctuations — peaks and valleys on a line graph charting its growth.

But what is troubling about the dip in natural gas production is the likelihood to which Callahan alluded — that it is not a product of the ebb and flow of free markets but a self-imposed obstacle.

Building the pipelines to transport our domestically produced natural gas in no way impedes development of renewable energy. In fact, many of the same bureaucratic hurdles to pipeline construction are applied to renewable energy projects by “not-in-my-backyard” activists.

It is frustrating to see this sort of inefficient and bureaucratic morass hinder an industry that has done so much, both for our region and for the world. We hope our state’s leaders can overcome the hostility an extremist fringe has toward gas production and reform the permitting process so that pipelines can enable our energy needs to be met. ■

Link to Article: <https://www.sungazette.com/opinion/editorials/2023/05/impact-of-obstacles-to-gas-production-frustrating/>

Articles of Interest

Opinion Article Published by Pittsburgh Post-Gazette on April 22. Authored by Gordon Tomb.

Gordon Tomb: Save the Homer City power plant

During his campaign, Gov. Josh Shapiro expressed concern over a new carbon tax initiated by his predecessor, Tom Wolf, noting the impact on energy jobs and already soaring energy prices.

“I have real concerns about the impact it will have on consumer prices, hurting families at a time when many are struggling really to put food on the table,” candidate Shapiro said, in reference to the tax.

But since taking office, Gov. Shapiro hasn’t worked with the legislature to oppose the carbon tax. The consequences are clear: Most recently,

Pennsylvania’s largest coal-fired power plant, Homer City, is shutting down. With even more jobs and further increases in energy prices on the line, Pennsylvanians need their governor to block this tax on energy.

The tax is part of Pennsylvania’s proposed participation in the Regional Greenhouse Gas Initiative (RGGI) — currently tied up by lawsuits because Wolf acted without legislative approval. It adds an unnecessary burden to companies already under serious financial pressure.

In explaining the closing, Homer City’s owners pointed to economic factors like low natural gas prices and the rising price of coal, plus the added burden of federal regulations. The “ongoing uncer-

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Homer City *Continued from page 10*

tainty" caused by the state's move toward joining the RGGI may be the straw that broke the camel's back.

Businesses under financial stress need to be able to plan for a future in which they can operate, and not one where their work will be continually undermined. "RGGI will severely limit Homer City's ability to plan long-term, and it will handcuff the business in making further investments with an uncertain regulatory future," said plant owners.

"Since RGGI was initiated, we have seen disinvestment in the plants," said Aric Baker, president of Local 459, International Brotherhood of Electrical Workers, which represents 2,000 workers, 40 percent of whom work in power plants and power-line maintenance. "The closing of Homer City will be a crushing blow to the community."

Shapiro's first state budget proposal includes more than \$600 million in carbon-tax receipts, and he reportedly plans to hire staff to administer RGGI. His administration claims it's not a back-track on Shapiro's RGGI campaign concerns, rather an accounting measure should it move forward.

However, he's yet to answer how he'll address the far-reaching consequences of RGGI — to jobs, communities, and families.

The Homer-Center School District receives more than \$720,000 in tax revenue from the power plant, reports Gregg Kalemba, district business manager. The lost revenue requires a 14 percent tax increase if other measures are not taken. "It will be a difficult challenge to overcome its loss," he said.

Mark Hilliard, president of the Indiana County Chamber of Commerce, said there have been challenges to finding alternative uses for the plant site, which has a connection to the power grid. "We were hoping to have more time to prepare for a closure so people could transition to new jobs rather than suffer unemployment."

The plant's economic contribution goes well beyond the 130 people directly employed, said Hilliard. Numbering in the thousands is the indirect employment of maintenance contractors, truck drivers, vendors, and others.

Most concerning is the impact of Homer City's closure on energy prices and availability—especially at a time when Pennsylvania voters overwhelmingly believe the state's most pressing issue regarding energy and the environment is rising energy costs.

The 2,000-megawatt Homer City plant, which invested \$750 million in pollution controls in the past decade, produces enough electricity for two million homes. Responsibility for ensuring an adequate power supply resides with the PJM Interconnection, which has expressed concern about coal plants retiring before adequate replacement power is available.

"The impacts of this closure will be felt by communities throughout Indiana County and the entire region in Western Pennsylvania," said state Sen. Joe Pittman, who represents workers at four coal-fired stations. "Beyond our area, this troubling news is a realization that we as a nation are at risk of losing the reliability of our power grid. Removing this source of electricity ... will certainly not help to keep down costs for consumers."

Homer City is among the first victims of RGGI — but may not be the last. As Rep. Jim Stuzzi (R-Indiana County) aptly puts it, "Like his predecessor... [Shapiro] has no plan to address the pending job losses in local communities, the inevitable rise in statewide energy prices and recognition of Pennsylvania's existing natural resources as part of a balanced energy portfolio."

Shapiro tacitly kills jobs and damages the region's economy by allowing RGGI to stand. It's past time to pull the plug. ■

Gordon Tomb is a senior fellow with the Commonwealth Foundation and a senior advisor with the CO2 Coalition in Arlington, Va.



Link to full article: <https://www.post-gazette.com/opinion/guest-columns/2023/04/22/natural-gas-coal-regulation-shapiro-pa/stories/202304220002>

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JUST THE FACTS

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More CO2 is Good. Less is Bad.

PIOGA's "Just the Facts" is pleased to turn the pen over this month to Gregory Wrightstone, Executive Director of the CO2 Coalition. We thank him for taking the time to provide us with the facts about an important and topical issue.

People should be celebrating, not demonizing, modern increases in atmospheric carbon dioxide (CO2). We cannot overstate the importance of the gas. Without it, life doesn't exist. Rare, exotic exceptions are anaerobic life forms dwelling at out-of-the-way places like ocean-bottom volcanic vents.

First, a bit of history: During each of the last four glacial advances, CO2's concentration fell below 190 parts per million (ppm), less than 50 percent of our current concentration of 420 ppm. When glaciers began receding about 14,000 years ago – a blink in geological time – CO2 levels fell to 182 ppm, a concentration thought to be the lowest in Earth's history

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.



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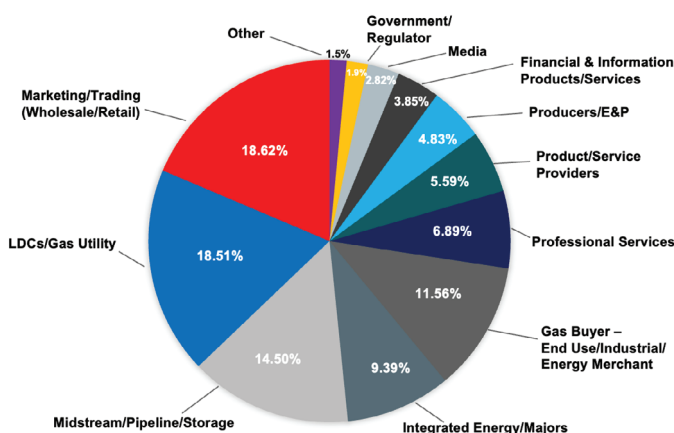
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PIOGA's Diversity Committee Lunch & Learn Series for 2023

PIOGA's Diversity Committee's Lunch & Learn Series for 2023 Focusing on ESG



On April 26, PIOGA members virtually attended the Diversity Committee's fourth and final Lunch & Learn series for 2023 focused on the G (Governance) of ESG. Don Racey, CEO, Engage Energy & Industrial Consulting, Inc. and President, Marketing, American Energy Partners, Inc., was the presenter.

Racey's presentation 'Governance - Six Key Steps in Developing Your ESG Roadmap' provided participants with a definition of governance, an explanation of the primary governance factors in ESG reporting and gave an explanation of the six key steps and organization can take in developing its strategy, roadmap and implementation plan.

The PIOGA ESG Lunch and Learn series provided a four-part training focused on ESG to our members. The series first gave an overview of what ESG is and then each following session broke down a segment of ESG (Environmental, Social and Governance). The debate over ESG has been at the forefront of the new congress and the intent of the lunch & learn series was to inform not persuade.

Did you miss any of the ESG Lunch & Learn series? Below are links to recording for all four (4) parts of the ESG series.

Part 1: https://pioga.org/publication_file/Lunch_and_Learn_ESG_Series_Part_1_Baran_Recording.mp4

Part 2: https://pioga.org/publication_file/Lunch_Learn_%20ESG_Part_2.mp4 (session does not start until two (2) minutes into the recording)

Part 3: https://pioga.org/publication_file/ESG_Lunch_Learn_Part_3.mp4

Part 4: https://pioga.org/publication_file/ESG_Lunch_Learn_Part_4_Racey.mp4

PIOGA extends a sincere thank you to Deana Stephens for her efforts to bring the Diversity Committee's awareness in a new and positive light. An ESG Subcommittee is currently being planned and formed.

Anyone interested in joining the ESG Subcommittee should reach out to Deana McMahan - deana@pioga.org .

PIOGA Members in the Community

PIOGA is looking for more Members in the Community feature stories! If you are a PIOGA member and have a positive community story to share - please reach out to meghan@pioga.org.

We are looking for stories of community impact - education programs, volunteering, positive industry outreach, donations, etc.

It is time to showcase all the good in our industry and shed light on the positives! These feature stories/articles will be used in PIOGA's social media and future marketing materials!

If you have any questions or suggestions for articles - please reach out! Together we can educate and promote the Oil & Gas industry!

PIOGATech - Spill Prevention, Planning and Response

On April 25th, PIOGA's Environmental and Safety Committees held the Spill Prevention, Planning and Response PIOGATech training at The Loft Conference Center in Canonsburg.

PIOGA would like to thank the presenters: Angelo Albanese - Diversified Energy; Jeff Walentosky - Moody and Associates; Megan Ponzo - Civil & Environmental Consultants, Inc.; Lisa Raffle - Diversified Energy; Melissa Heike - RJR Safety, Inc.

Check out some of the event photos below and make sure to visit the Photo Galleries section at [pioga.org](https://pioga.org/about/photo-galleries/) to view all photos from the event! (<https://pioga.org/about/photo-galleries/>)



PIOGA's 2023 Promise Land Clay Shoot

On May 4th, PIOGA held its annual Clay Shoot Networking Event at the Promise Land Sporting Clays Club in Freeport, Pa. The sold-out event was a huge success and enjoyed by all!

PIOGA would like to thank the sponsors of the event and all participants!

Check out some of the event photos below and make sure to visit the Photo Galleries section at [pioga.org](https://pioga.org/about/photo-galleries/) to view all photos from the event! (<https://pioga.org/about/photo-galleries/>)



World's road out of poverty is paved by energy — and plenty of it

The current banking crisis is the latest domino to fall in a long line of economic impacts resulting from shutting down much of the global economy during the pandemic. Another domino is economic poverty. In fact, one of the greatest challenges facing the world today is the overwhelming number of people still living in various stages of economic poverty. Over 4 billion people still live on less than \$7 a day.

When looking at underlying indicators of economic poverty, lack of access to energy looms large. The wealthiest nations in the world enjoy the greatest energy security — affordable, available and reliable — and the poorest nations are essentially energy starved.

After Russian President Vladimir Putin's invasion of Ukraine — in which he weaponized energy both economically and physically through attacks on power plants — global leaders began saying publicly what their actions had indicated all along: Climate goals will not trump energy security.

Emerging economies like Pakistan and Bangladesh have announced significant increases in coal consumption over natural gas, solar and wind. More overwhelmingly, developing nations such as China and India continue to grow their consumption of coal to a point where Asia now consumes 80 percent of the world's coal. The blame can't fall all to Asia. To protect energy security, Germany increased coal consumption when Russia shut off the natural gas supply.

The best way out of economic poverty is to create jobs. And for the 4 billion to 6 billion people living in various stages of economic poverty globally, many of those jobs will involve manufacturing, agriculture and other highly energy- and emission-intensive industries. In other words, the road out of economic poverty is paved by energy — a lot of energy.

The energy needed cannot just come from electricity created by solar panels and wind turbines. It also needs to come from other sources. Dense energy, provided by burning fuels like coal, oil and natural gas, is needed to make the high levels of heat required to manufacture steel, cement and other materials that underpin manufacturing economies. And to move large vehicles like airplanes and ships.

Asia provides a vast majority of the products that the

developed economies — led by the EU and the U.S. — consume. We are essentially asking (with our dollars and euros) China, India and other manufacturing nations to produce our stuff, use coal to keep it cheap and emit CO2 so we can be “clean.” This CO2 shell game does not reduce emissions into our single global atmosphere.

Is this dual challenge of energy security and climate protection intractable? No. But it does require more than the oversimplified and singular focus on a climate catastrophism narrative.

Wealthy nations should consider the relatively limited number of affordable and timely technologies that can actually reduce CO2 emissions and begin to turn us toward a “net-zero” situation in which the amount of greenhouse gases removed from the atmosphere is equal to the amount emitted. At the same time, they must put equal attention and investment into helping the rest of the world emerge from poverty.

China has been investing in global infrastructure, most recently via its massive Belt and Road Initiative. In return, it has gained access to processing a vast majority of the critical metals and rare earth elements needed to make solar panels, wind turbines and batteries. China now controls the global supply chains for so-called clean energy. Good for China, good for poor nations that need infrastructure, but not so good for human rights of miners, U.S. energy security and the environment.

The U.S. could assist various nations with energy development, including oil, gas, nuclear, hydro, wind, solar and even coal by supporting U.S.-based energy industries that bring technologies that accelerate energy access and help keep emissions low. The silver lining is that newly healthy nations will then be able to afford to invest in the environment, including its climate.

Net-zero poverty to accelerate net-zero emissions. Now that's something young people can rally around and that can make a tangible difference in the lives of billions. ■

Scott Tinker is the director of the Bureau of Economic Geology at The University of Texas at Austin and host of “PBS Energy Switch,” an energy and climate talk show appearing on over 200 PBS stations nationwide.

Link to full article: <https://thehill.com/opinion/energy-environment/3939151-worlds-road-out-of-poverty-is-paved-by-energy-and-plenty-of-it>

Here are the FACTS:

FACT – Oil and gas production does not adversely impact the environment.

I start with this one because you think you know this, but you doubt your ability to convince others of this fact and may not be convinced yourself. The industry has been in existence in this country for more than 160 years. Furthermore, in over 160 years there has been no major environmental incident or long-term problem associated with production and use of oil and gas in this country. Yes, there have been large spills of transported tanker or pipeline oil and these had a substantial but only temporary impact on the environment. Because oil and natural gas are substances that evolve from decaying plants and animals, these naturally produced materials cannot cause long-term effects.

I can see your faces – this information is straining your belief muscles. And therein lies the problem. We are terrible at explaining the facts because we don't do it as well as we can. Meanwhile, other countries that don't need to convince their public and government are crushing us right before our very eyes. The truth will keep us free!

I do know of what I speak. For example, I personally handled a very large portion of the Dimock I-can-light-my-water-on-fire situation. That role placed me in four books, a few movies and countless media reports. I am well-known in the media for providing understandable information and for saying "the only comment you will never hear from me is 'no-comment.'" That is because "no-comment" is cowardly and suicidal. I was able to handle literally hundreds of media interviews and was filmed for such shows as Gasland, Gasland 2, NBC Nightly News and 60 Minutes. And yet the interviews never made it into the movie or news show and that is because I spoke the truth and they had no answer for it. People COULD light their water on fire and had been able to do so long before oil and gas development began in Susquehanna County. Norma Fiorentino's water well did not explode. Scott Ely did not discover hidden errors. Cabot Oil & Gas did nothing wrong.

Of course, my experience is not limited to Susquehanna County. My services were utilized across the entire Commonwealth of Pennsylvania,

NY, WV, OH, IN, KY, MD, TX, LA, WY, CO and elsewhere. I know of what I speak. And I learned what I know from you all. So, let's turn the tables and have you do what I have done, only better.

FACT – Oil and gas production is one component of US and global commercial and social success.

(Note: Each of these FACTS must be included in every discussion. I promise you that your audience will disagree. They are wrong when they do and that is a part of the problem. Prepare to be politely persistent.)

There are several forms of energy production in the world, but the most expansive is oil and gas production and use. It is essential for:

- Production of electricity
- Heating and cooling homes and businesses
- Use as a feedstock material
- Supplying energy to manufacturing businesses

The world cannot replace oil and gas production and use and yet some countries continue to try to ban or limit its use – for very wrong reasons.

FACT – Global climate change is occurring.

Natural global climate change has always occurred and will always occur. Climate change caused by humans also occurs but the extent to which this is the case is minimal. (Not insignificant – just minimal.) I have read many reports from many sources about climate change. None of these reports is able to scientifically quantify the extent to which human activity is contributing to climate change. The most controversial reports include the least science and rely heavily on unprovable inferences. Trust me on this one – do not get into this argument. Accept that human activity does affect the environment and support more study of the situation. It is an important topic that deserves credible scientific evaluation. You will never get on to the other FACTS without addressing this one.

FACT – Shifting energy production and manufacturing to other countries is hurting the environment and is killing innocents.

The US has the most comprehensive and effective environmental and occupational health

Continues on page 18

Komoroski Article *Continued from page 17*

requirements in the world. The most prolific non-US producers of energy and manufactured goods in the world have the least restrictive environmental and occupational health requirements. Yet every day, the US does more to shift energy and manufacturing business to these polluting nations. Admittedly, this is the most finger-poked-in-the-eye FACT. Something dramatic and immediate must occur. So

GET OUT THERE IN EVERY WAY POSSIBLE AND DISCUSS THESE FOUR FACTS. Learn what you need to learn to ensure you believe these FACTS. Don't talk about one or three of these – include all four in every discussion. Convincing someone of three of these FACTS will result in no change and in failure. Hammer away at all four FACTS and don't quit too soon – or at all. Environmental Justice and NIMBYs control the US. They are small and poorly informed groups with loud and effective false commentary. They will always find people to agree with them for reasons that are killing the US. Let's drown them out with the truth. ■



**Ken Komoroski (kskomoroski@gmail.com) was a partner for more than 20 years at two of the largest and most prestigious law firms in the world, K&L Gates and later Morgan, Lewis & Bockius, before moving his practice to E&W Law.
<https://www.earthandwatergroup.com/our-professionals/ken-komoroski/>*



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 Baker Hughes rig count: bakerhughesrig-count.gcs-web.com/na-rig-count
 NYMEX strip chart: Mid American Natural Resources
 Basis futures values: BHE Eastern Energy Field Services

Penn Grade Crude Oil Prices

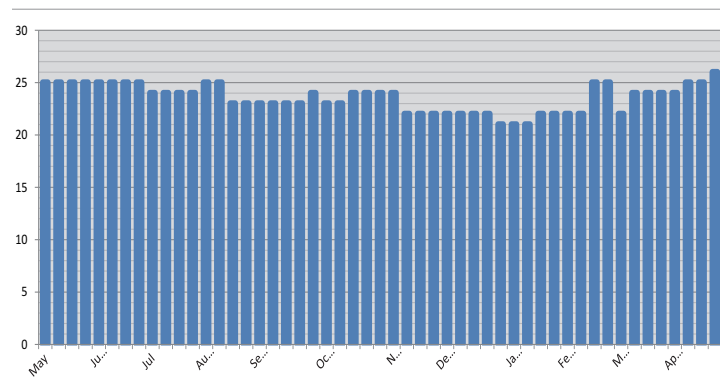


Natural Gas Futures Closing Prices

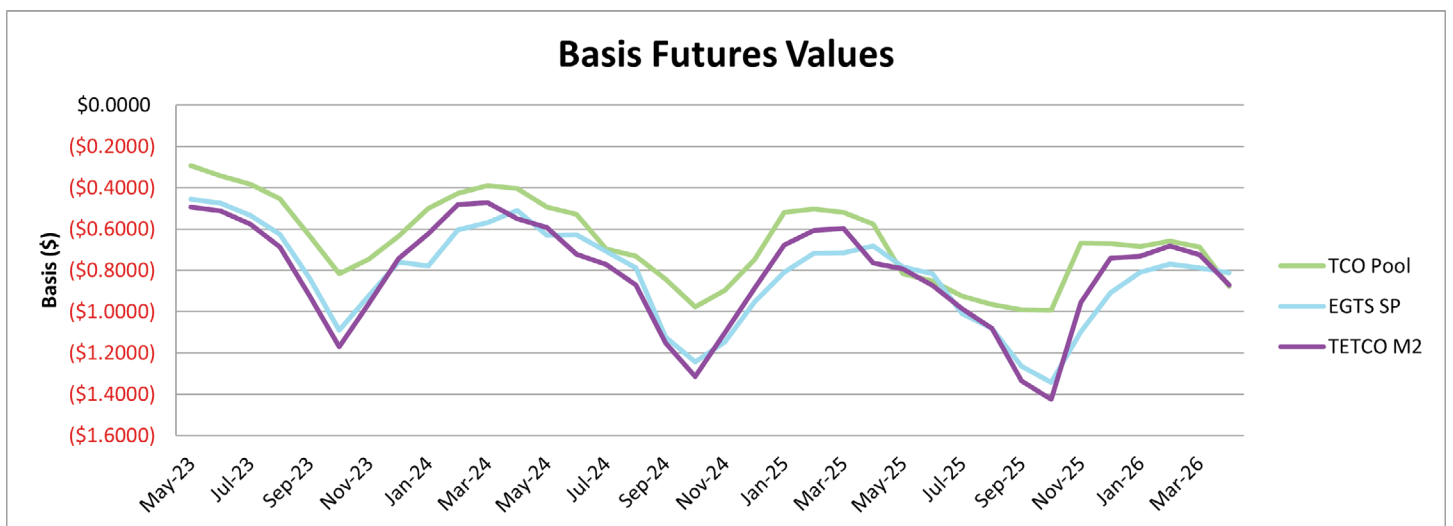
June 2023	2.157
July	2.347
August	2.417
September	2.400
October	2.518
November	3.005
December	3.485
January 2024	3.739
February	3.657
March	3.352

Prices as of May 4, 2023

Pennsylvania Rig Count



Basis Futures Values



Northeast Pricing Report — April 2023

The market continues to drop yet another month. Colder weather is turning more mild for May implying little fundamental support. For front month trading, every trading point declined. There was little variability across the market area. Algonquin decreased the most by \$0.25 per MMBtu. Transco Leidy decreased the least by \$0.17 per MMBtu. For the rolling 12 month term, Algonquin increased by \$0.76 per MMBtu, which was the greatest growth in the region. Dominion South and Transco Leidy decreased \$0.08 and \$0.06 per MMBtu. TETCO M3 and Transco Z6 increased by \$0.08 and \$0.07 per MMBtu. The full term trading period saw above average variability. Algonquin increased \$0.23 per MMBtu. Transco Z6 increased \$0.12 per MMBtu. Dominion South, TETCO M3, and Transco Leidy dropped by \$0.07, \$0.01, and \$0.04 per MMBtu respectively.

Dominion South to TETCO M3 was the only route that stayed neutral from last month. Other than that, it's the fourth month in a row where every other transportation value dropped. The rate of decline has leveled off from previous months. Transco Leidy to Transco Z6 and to Algonquin dropped the most by \$0.07 and \$0.08 per MMBtu respectively. TETCO M3 to Transco Z6 dropped the least at \$0.01 per MMBtu.

Transportation Value Market Indicator

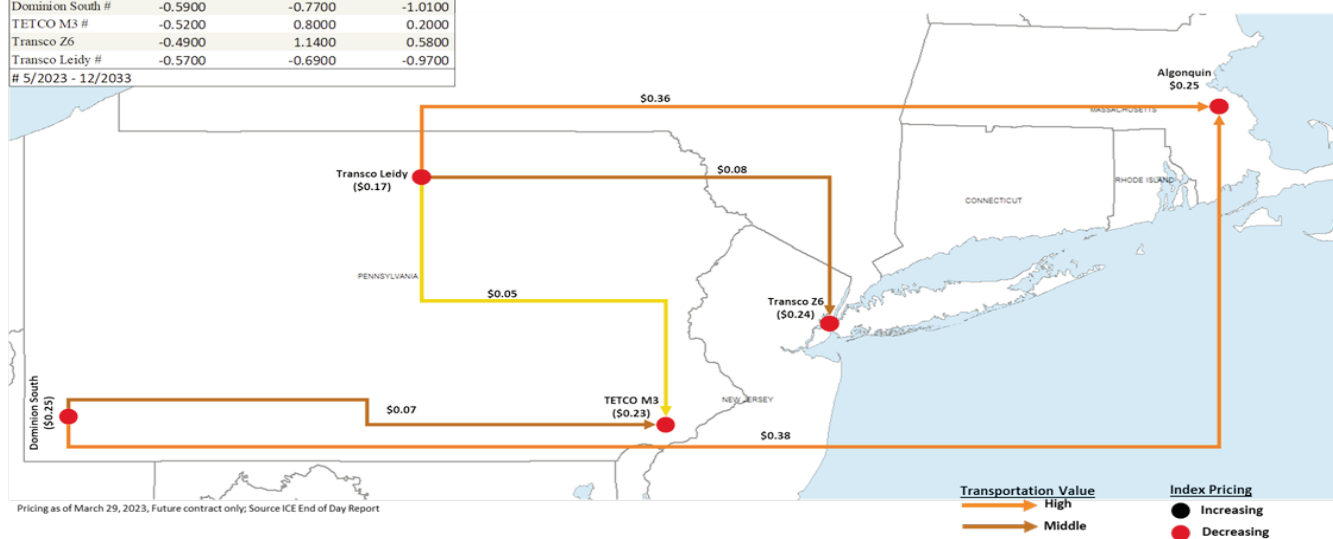


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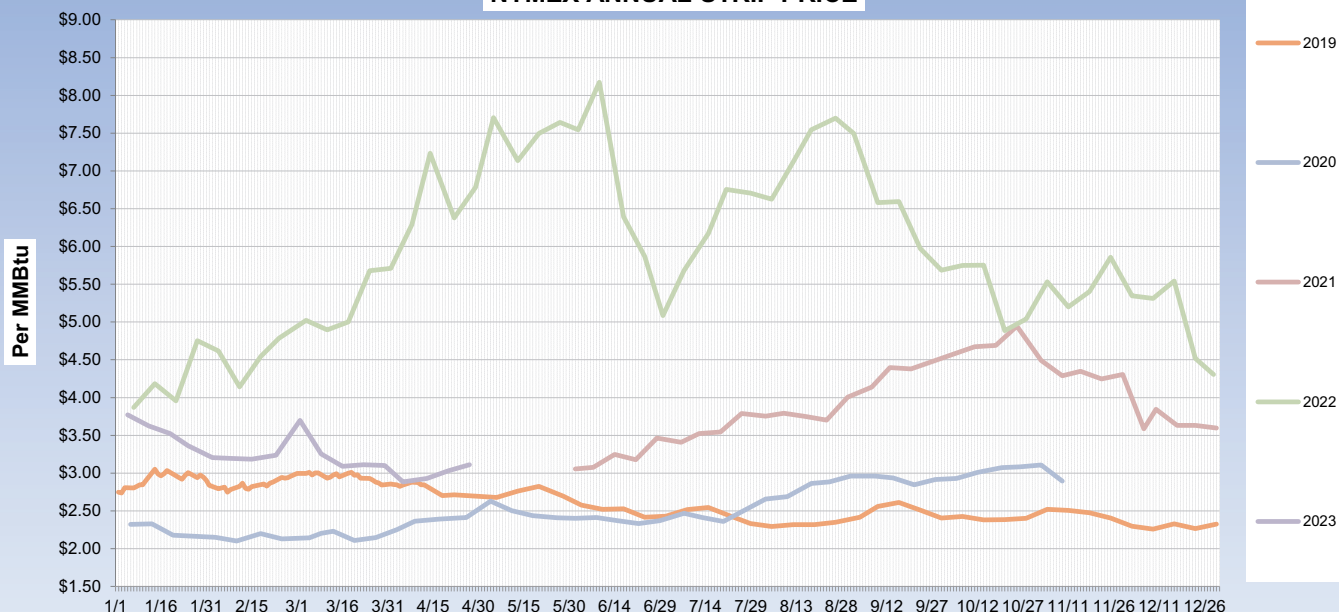
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Location	Pricing Term		
	5/2023	5/2023-4/2024	5/2023-12/2028
Algonquin	-0.2100	4.0900	3.1200
Dominion South #	-0.5900	-0.7700	-1.0100
TETCO M3 #	-0.5200	0.8000	0.2000
Transco Z6	-0.4900	1.1400	0.5800
Transco Leidy #	-0.5700	-0.6900	-0.9700

5/2023 - 12/2023



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The information in this report was obtained from reliable sources but is not guaranteed for accuracy. The views and opinions set forth are solely those of the author(s), and are subject to change without notice.

Spud Report: April



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 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	Date	API#	County	Municipality	Operator	Wells	Date	API#	County	Municipality
APEX Energy (PA) LLC	4	4/3/2023	129-29190	Westmoreland	Hempfield	Respol Oil & Gas USA	6	4/10/2023	015-23836	Bradford	Columbia
		4/5/2023	129-29189	Westmoreland	Hempfield			4/10/2023	015-23837	Bradford	Columbia
		4/11/2023	129-29217	Westmoreland	Hempfield			4/10/2023	015-23838	Bradford	Columbia
		4/13/2023	129-29216	Westmoreland	Hempfield			4/10/2023	015-23839	Bradford	Columbia
Bearcat Oil CO LLC *		4/25/2023	123-48699	Warren	Mead Twp			4/10/2023	015-23840	Bradford	Columbia
Branch John D *		4/4/2023	123-48726	Warren	Warren City			4/10/2023	015-23841	Bradford	Columbia
Cameron Energy Co *	2	4/19/2023	083-57558	McKean	Hamilton Twp	Snyder Bros Inc.	5	4/20/2023	005-31460	Armstrong	East Franklin
		4/27/2023	083-57557	McKean	Hamilton Twp			4/20/2023	005-31461	Armstrong	East Franklin
Chesapeake Appalachia	2	4/13/2023	015-23844	Bradford	W Burlington			4/21/2023	005-31462	Armstrong	East Franklin
		4/13/2023	015-23843	Bradford	W Burlington			4/21/2023	005-31463	Armstrong	East Franklin
Coterra Energy Inc.	5	4/17/2023	115-23076	Susquehanna	Springville			4/14/2023	015-23842	Bradford	Herrick Twp
		4/17/2023	115-23077	Susquehanna	Springville	SWN Prod Co LLC	2	4/14/2023	015-23847	Bradford	Herrick Twp
		4/17/2023	115-23078	Susquehanna	Springville			4/14/2023	015-23848	Bradford	Herrick Twp
		4/17/2023	115-23079	Susquehanna	Springville	Whilton Brooks A *		4/17/2023	123-48658	Warren	Mead Twp
		4/17/2023	115-23081	Susquehanna	Springville						
Holden Oil & Gas *		4/28/2023	123-48672	Warren	Watson Twp						
INR OPR LLC		4/2/2023	063-37548	Indiana	Armstrong Twp						
Range Resources Appalachia	5	4/1/2023	081-21974	Lycoming	Cogan House						
		4/2/2023	081-21973	Lycoming	Cogan House						
		4/3/2023	081-21972	Lycoming	Cogan House						
		4/7/2023	125-29054	Washington	Buffalo Twp						
		4/8/2023	125-29055	Washington	Buffalo Twp						

	April	March	Feb.	Jan.	Dec.
Total Wells	36	55	41	64	45
Unconventional Gas	30	41	33	51	37
Conventional Gas	0	0	0	0	0
Oil	6	14	8	13	8
Combination Oil/Gas	0	0	0	0	2

New PIOGA members — welcome!

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bmurray@amref.com
330-224-4408

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Calendar

PIOGA events

Information: www.pioga.org > PIOGA Events

PIOGA Oil Patch Classic Golf Outing & Steak Fry

June 6. Wanango Country Club, Reno.

PIOGATech - Safety/Fall Protection

June 27. TBD (venue)

26th Annual Divot Diggers Golf Outing & Steak Fry

August 17. Tam O'Shanter of PA Golf Course

Other events

MSC's Pipeline Safety Seminar. May 17.

<https://pioga.org/event/mscs-pipeline-safety-seminar/>

The Appalachian STEPS Network - 2nd Qt Meeting. May 18.

<https://pioga.org/event/the-appalachian-steps-network-2nd-qtr-meeting-in-person-virtual/>

LDC Gas Forum - Northeast Forum. 28th Annual. June 12-14 - Boston, MA.

<http://mwhendersonconsulting.com/webinar/>

Gas & Oil Association of WV Summer Meeting. August 13-15 - White Sulphur Springs, WV.

<https://gowv.com/events/calendar-of-events/#>

PIOGA Members and Industry Partners - Please email meghan@pioga.org to advertise upcoming events.

Recruit a New Member

Earn a credit equal to 10% of the dues of every new PIOGA member you bring in, and use the credits toward reducing your own dues, event fees, advertising and more. Find out more by clicking "Join PIOGA" at www.pioga.org and scrolling to the list of member benefits.

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