

The PIOGA Press

The monthly newsletter of the
Pennsylvania Independent Oil & Gas Association
October 2025 • Issue 186

TOP NEWS

- **Judicial Elections 2025**
- **PIOGA Event Updates**
- **Industry News**
- **and much more!**

Judicial Elections 2025: What's at Stake for Pennsylvania's Energy Sector

As Pennsylvania voters prepare for the November 4th election, they'll decide who will fill open seats on the Commonwealth Court and Superior Court — two powerful intermediate appellate courts whose rulings influence everything from environmental regulation to business and property rights.

While judicial races may not grab the same headlines as gubernatorial or legislative contests, their outcomes can significantly impact the state's energy and natural resources industries. The Commonwealth Court, in particular, plays a central role in resolving cases involving government regulation, permitting, and policy — issues that directly affect oil and gas operators, service companies, and landowners across the Commonwealth.

Judges serve initial 10-year terms, and because Pennsylvania holds partisan state-wide judicial elections, candidates campaign under political party banners. Though judicial hopefuls are restricted from making campaign promises, their records and legal experience offer valuable insight into their philosophies and understanding of industry-related issues.

Candidates for the Courts

Commonwealth Court: The Commonwealth Court of Pennsylvania hears civil cases involving the state, and appeals related to state departments and local governments. It often rules on regulation, permitting, taxation, and administrative law—issues with major impact on energy companies, landowners, and public agencies.

One seat is open on the Commonwealth Court this year, following the retirement of Judge Ellen Ceisler. The election will determine whether Republicans maintain their current

five-to-three advantage on the nine-member panel or whether Democrats close the gap.

- **Democratic Candidate: Stella Tsai**, Philadelphia Court of Common Pleas judge, rated “Highly Recommended” by the Pennsylvania Bar Association (PBA).

- **Republican Candidate: Matthew Wolford**, environmental law attorney from Erie, also rated “Highly Recommended.”

Superior Court: The Superior Court of Pennsylvania hears appeals from County Courts of Common Pleas in criminal, family, and civil cases. As one of the nation's busiest appellate courts, it helps shape legal precedents affecting Pennsylvanians. In the energy sector, it plays a key role in interpreting contracts, resolving company-landowner disputes, and setting legal standards that impact oil and gas business decisions statewide.

One seat is also open on the Superior Court, following the election of Daniel McCaffery to the state Supreme Court.

- **Democratic Candidate: Judge Brandon P. Neuman** of Washington County, a sitting judge and former state legislator, rated “Highly Recommended” by the PBA.

- **Republican Candidate: Maria Battista** of Clarion County, a former assistant general counsel for the Pennsylvania Departments of Health and State and a past prosecutor in Franklin and Venango Counties.

- **Liberal Party Candidate: Daniel Wassmer** an attorney and educator with experience in criminal defense and constitutional law, and a longtime advocate for judicial independence and civil liberties.

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PIOGA Member Spotlight BLX, Inc.

Headquartered in Kittanning Pennsylvania, BLX, Inc. is an independent natural gas producer with deep roots in the Appalachian Basin. Founded in 1989 through the acquisition of 64 Upper Devonian Wells BLX, Inc grew significantly from purchasing and drilling wells to keeping pace with the ever changing Oil and Gas industry as it relates to the development of deep shale.

When it became difficult to contract rigs to drill wells BLX, Inc, with a few partners purchased a couple RD 20's and started drilling wells and became one of the first independent operators to drill Vertical Marcellus wells and set a record for depth drilled with an RD 20. For the past few years our focus has been on developing acreage positions for the development of Marcellus and Utica wells. With the help of other independent operators and individuals, we have been able to aggregate a significant amount of acreage. Mostly in Armstrong County.

Under the leadership of President and PIOGA Board Member Stan Berdell, BLX has built a reputation as one of the region's most efficient and respected producers. The company's personal, responsive approach---combined with technical expertise and local knowledge---has made BLX a stand out operator in the Appalachian Basin.

We're proud to feature BLX, Inc. in this month's Member Spotlight and thank them for their continued commitment to responsible energy development in Pennsylvania.

Learn more at: www.blxinc.net



PIOGA invited all candidates for Commonwealth and Superior Court to share their perspectives on issues affecting Pennsylvania's energy and natural resources sectors. Below are responses from Maria Battista, Matthew Wolford, and Judge Brandon P. Neuman. Additional responses from Stella Tsai and Daniel Wassmer, if received, will be featured in an upcoming eWeekly.

Candidate Interviews

Matthew Wolford – Republican Candidate, Commonwealth Court

1. What should PIOGA members know about you and your background, particularly related to Pennsylvania's energy and natural resources sectors? I have been working in oil and gas law since the 1990s. As an Assistant Counsel for the Pennsylvania Department of Environmental Resources (now DEP), I supported the dual purposes of the 1984 Oil and Gas Act — promoting responsible development while protecting the environment.

Since entering private practice, I have represented PIOGA (and previously POGAM), PGCC, PIPP, and numerous member and non-member companies in landmark cases, including *Minard Run Oil Co. v. U.S. Forest Service* and, more recently, *Clean Air Council et al. v. Commonwealth of Pennsylvania*. I am also a PIOGA member myself.

2. Why should members of the oil and gas community consider voting for you? I have been an advocate for the oil and gas community for over 25 years and am a strong proponent of personal freedoms and private property rights.

3. What experiences have prepared you to understand the legal and regulatory landscape affecting Pennsylvania's energy industries? Representing the conventional oil and gas industry has been central to my private law practice. I've served as chair of the Pennsylvania Bar Association's Oil and Gas Committee, council member and chair of the Environmental and Energy Law Section (EELS), and lecturer on oil and gas law for the Pennsylvania Bar Association and Pennsylvania Bar Institute.

4. How do you approach balancing environmental stewardship and economic development? The environment can be protected without destroying the economy. Achieving this requires reasonable and consistent regulation, timely permitting, and a cooperative relationship between government and industry.

5. How would you describe your judicial philosophy? Judges must respect the Rule of Law — upholding the Constitution, applying statutes as written, and refraining from legislating from the bench. I consider myself guided by judicial restraint, which promotes consistency, predictability, and public confidence in the courts

Maria Battista – Republican Candidate, Superior Court

1. What should PIOGA members know about you and your background, particularly related to Pennsylvania's energy and natural resources sectors? I have an understanding and appreciation for your energy and natural resource industries. In my private practice, I did real estate matters, including those related to the oil and gas industry. I also completed an internship as an abstractor before law school at a law firm that had a primary focus on oil and gas clients.

In 2011, I designed, organized, and hosted a legal symposium on the Marcellus Shale Industry that drew over 400 attendees and aired statewide on PCN. Since then, I've stayed informed about the Utica Shale layer and received support from those in your industry in this Superior Court race.

2. Why should members of the oil and gas community consider voting for you? You want a judicial candidate who will uphold our laws as written and our Pennsylvania and U.S. Constitutions as intended. I am committed to doing both. I am the only candidate, to my knowledge, who has practiced in your industry and who took the time to educate communities statewide about Marcellus Shale development. I will be fair and impartial to all who appear before me and will keep politics out of the courtroom.

3. What experiences have prepared you to understand the legal and regulatory landscape affecting Pennsylvania's energy, oil, and gas industries? No other attorney in Pennsylvania took the time to learn about your industry and host a 20-statewide legal symposium on Marcellus Shale. I also became certified in Bradford County to go on active sites and completed Basic Safety Awareness Orientation training (PEC Premier Safety Management, Inc., March 2011).

4. How do you approach balancing environmental stewardship and economic development? I would approach every case the same — with fairness, impartiality, and without bias. I will take the time to understand each issue before me and treat all litigants with respect, regardless of who they are or the nature of the case.

5. How would you describe your judicial philosophy? It's important that Pennsylvanians have trust in our judicial system. If elected, I will review each case fairly and impartially, without personal bias or prejudice. My judicial philosophy aligns closely with the late U.S. Supreme Court Justice Antonin Scalia — a strict constructionist approach where the law and the Constitution are interpreted as written.

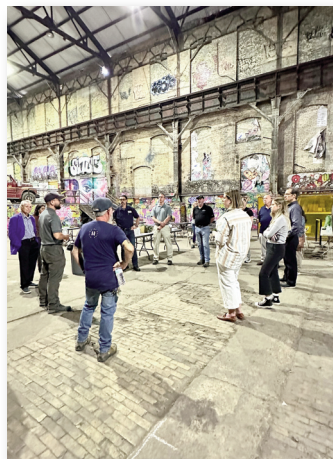
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Building Memories, Connections & Momentum — Together

From educational workshops and advocacy efforts to networking receptions and industry celebrations, every PIOGA event is more than just a date on the calendar — it's an opportunity to learn, connect, and create lasting memories with colleagues who share your passion for Pennsylvania's oil and gas industry. Whether we're tackling complex industry challenges, sharing insights from experts, or simply enjoying good company over a drink, these moments reflect the strength, dedication, and unity of our membership.

Looking back over the past year, the snapshots you see here tell a story of collaboration, innovation, and community. They remind us that PIOGA is not just an organization — it's a network of professionals who care about each other, our industry, and the future of energy in Pennsylvania. Every handshake, every conversation, and every shared experience contributes to a stronger, more connected community that is ready to meet challenges head-on.

As we reflect on these moments, we hope they inspire you to stay engaged, bring others into the fold, and continue helping us build a stronger, more resilient future for Pennsylvania's oil and gas sector. Together, we can amplify our impact, share knowledge, and create opportunities that benefit not just our members, but the industry as a whole.



Judicial Election *Continued from page 3*

Brandon Neuman – Democratic Candidate, Superior Court

1. What should PIOGA members know about you and your background, particularly related to Pennsylvania's energy and natural resources sectors? I am the only candidate for Superior Court who is Highly Recommended by the Pennsylvania Bar Association, I am also the only candidate with judicial experience. I have a proven record of being fair and impartial as it relates to issues concerning PIOGA members. I am very efficient with cases and successfully resolve most matters that pertain to energy and natural resources. I have a very unique and diverse background which prepared me to be an appellate judge on the Superior Court. I've been fortunate to be in a position to write and pass laws as a legislator and then review and rule on the interpretation of laws as a judge. I have the judicial temperament and experience to handle the important issues that come before the Superior Court.


2. Why should members of the oil and gas community consider voting for you? The PA Bar Association stated the following when determining I am Highly Recommended, *"The Candidate's opinions demonstrate knowledge of substantive and procedural legal issues and the ability to provide good factual backgrounds and well-developed legal arguments..."* I have a proven record of being fair and impartial. As a judge, I have the experience to properly rule on any case presented to the PA Superior Court. As a legislator, I wrote laws to protect victims of sexual assault. Pennsylvanians deserve a judge who has broad experience. During my time on the bench, I presided over Veterans Court, family law matters, criminal matters, dependency cases, and civil cases. My experience sets me apart from the other candidates, making me to be the best candidate for Judge on the PA Superior Court. I have been an advocate for the oil and gas community for over 25 years and am a strong proponent of personal freedoms and private property rights.

3. What experiences have prepared you to understand the legal and regulatory landscape affecting Pennsylvania's energy industries? I've been fortunate to be in a position to write and pass laws as a legislator and then review and rule on the interpretation of laws as a judge. I am the only candidate who makes decisions on complex cases that involve statutory interpretation. Many of the cases involving the energy sector are complex and involve an in-depth analysis of the law. I am the only candidate with the judicial experience to handle the important issues that come before the Superior Court.

4. How do you approach balancing environmental stewardship and economic development? Judges must follow the Constitution and the law. Generally, the law and

Constitution address how to balance these issues and it is the judge's duty to follow the law. I will not have any preconceived opinions prior to having heard all of the information. I have a proven record as a judge of patiently listening to each party and applying the law equally and appropriately. I am a judge who understands that parties deserve and expect an impartial ruling which follows the law. Once a case is properly presented to the PA Superior Court, each party is entitled to be heard as the law allows. I am the best candidate for the PA Superior Court based on my unique experiences and proven record as a judge.

5. How would you describe your judicial philosophy? As a Judge, I've taken an oath to follow the Constitution and the law. I have no preconceived opinion about any case that comes before me. The PA Bar Association stated the following about me, *"The Candidate's opinions demonstrate knowledge of substantive and procedural legal issues and the ability to provide good factual backgrounds and well-developed legal arguments..."* I have a proven record of being fair and impartial. I am the only candidate to be thoroughly evaluated by the Pennsylvania Bar Association and determined to be Highly Recommended as a Judge for the Pennsylvania Superior Court. ■



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Bill Murray
VP - Crude Supply & Logistics
bmurray@amref.com
330-224-4408

David Cook
Crude Oil Relationship Manager
dcook@amref.com
814-598-1607

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In the Courts

PA Supreme Court Rules No Republican Senate, House Intervention in Act 96 Lawsuit

Court: Pennsylvania Supreme Court

Issue: Intervention by state lawmakers in Act 96 constitutional challenge

Update (August 2025): On August 4, 2025, the Pennsylvania Supreme Court denied efforts by all PA Senate Republicans and all PA House Republicans to intervene in a lawsuit challenging the constitutionality of Act 96, which froze well bonding rates for conventional wells. The court ruled that state lawmakers cannot interfere in the abandoned oil and gas wells bonding case, affirming the Commonwealth Court's decision. This ruling limits the legislative caucuses' involvement to filing amicus briefs, while the Attorney General's Office may still seek to enter the case directly.

Next Steps: The case continues to progress in Commonwealth Court, with oral arguments expected later this year.

Delek Sues Marex and BTX Over \$30 Million Refinery Damage from Contaminated Crude

Court: Texas District Court

Issue: Contamination of crude oil leading to refinery damage

Update (October 6, 2025): Delek US Holdings has filed a lawsuit against Marex Group and BTX Energy, alleging that contaminated crude oil supplied by these companies caused over \$30 million in damages to one of Delek's refineries. The crude oil, purchased from Pinnacle Fuel and delivered through BTX Energy's terminal in Winnie, Texas, was found to contain abnormally high levels of organic chlorides—up to 5,668 parts per million, nearly 1,000 times above the contractual limit. Delek claims the contamination damaged its Heavy Naphtha Hydrotreater unit, reduced processing rates, and tainted approximately 300,000 barrels of clean oil. The case, initially filed in Texas' Chambers County district court, may be moved to federal court following a petition by Marex, which acted as the guarantor for the supply contract. Marex declined to comment, and BTX Energy has not responded publicly.

Next Steps: The case may proceed in federal court, with further legal proceedings anticipated.

BP Wins Arbitration Case Against Venture Global Over LNG Cargoes

Court: International Chamber of Commerce Court of Arbitration

Issue: Breach of liquefied natural gas (LNG) delivery contract

Update (October 9, 2025): BP has won an arbitration case against Venture Global over the latter's failure to deliver liquefied natural gas (LNG) under a long-term contract expected to begin in late 2022. The International Chamber of Commerce's Court of Arbitration found that Venture Global breached its obligations by failing to timely declare commercial operations at its Calcasieu Pass LNG plant and by not acting as a "reasonable and prudent operator." BP is seeking over \$1 billion in damages plus interest, costs, and attorneys' fees. This ruling comes in contrast to a prior ruling in a similar dispute filed by Shell, which Venture Global won. Venture Global expressed disappointment in the decision and is evaluating its options. A separate hearing in 2026 will determine the extent of BP's damages, which may exceed the original contract's cap on claims.

Next Steps: A separate hearing in 2026 will determine the extent of BP's damages.

Maryland Supreme Court to Hear Climate Deception Case

Court: Maryland Supreme Court

Issue: Allegations of climate change deception by fossil fuel companies

Update (October 2, 2025): Maryland's top court will hear arguments on lawsuits alleging fossil fuel companies covered up their knowledge about climate change. The lawsuits—by Baltimore City, Annapolis, and Anne Arundel County—have landed at the state's high court after years of pre-trial litigation in both state and federal courts, including the U.S. Supreme Court. The local governments allege that fossil fuel companies misled the public about the risks of climate change, leading to damages from sea-level rise and extreme weather events. The outcome of this case could have significant implications for climate litigation in the United States.

Next Steps: Oral arguments are scheduled, with a decision expected in the coming months.

Federal and State Budget Impasses: October 2025 Update



As of mid-October 2025, both the federal government and Pennsylvania remain in budgetary deadlock, creating uncertainty across public services and the energy sector.

Federal Government: The U.S. federal government entered a shut-down on October 1 after Congress failed to pass appropriations for FY2026. Roughly 900,000 federal employees have been furloughed, with another 700,000 working without pay. While essential services continue, agencies such as the CDC and NIH face partial or full suspensions. The shutdown has also slowed permitting and regulatory

oversight for oil and gas operations on federal lands, delaying development projects and potentially affecting energy supply and infrastructure timelines.

Pennsylvania State: The state budget impasse has now surpassed 100 days, the longest in state history. The Democratic-led House passed a \$50.25 billion spending plan, representing a 5.1% increase over last year, but Senate Republicans have rejected it over spending and policy concerns. The delay has forced reductions in funding to the Department of Environmental Protection, impacting staffing and slowing approvals for permits, inspections, and enforcement actions across the state's oil and gas sector. Other state agencies are also operating with limited resources, delaying grant programs and other support initiatives. The ongoing stalemate creates uncertainty for energy companies, municipalities, and other stakeholders who rely on timely regulatory guidance and state support.

Impact on Energy: Combined, these impasses are creating uncertainty for the oil and gas industry. Regulatory delays, postponed permits, and funding reductions could slow new projects, complicate compliance, and create ripple effects for energy markets in Pennsylvania and nationwide.



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Don't Miss It! PIOGA's Annual Meeting is Almost Here!

Depending on when this newsletter reaches you...You may be reading it after the PIOGA Annual Meeting — and if so, we hope you were there and had a great time! For those of you who receive it before the big day, what are you waiting for? Make sure you're signed up and ready to join us — and don't come alone! Bring a friend, a colleague, or anyone who should be part of Pennsylvania's oil and gas community.

There's no better time to come together, celebrate our wins, and look ahead to the future of Pennsylvania's oil and gas industry than **PIOGA's 2025 Annual Membership Meeting & Reception — happening Thursday, October 23 at the Pittsburgh Event Center in Harmony, PA.**

This is more than a meeting — it's your chance to get informed, get inspired, and get connected with fellow industry leaders. But time is running out!

Why You Should Be There:

- 2:00 PM – Member Meeting: Hear crucial updates on PIOGA's work in legislation, regulation, and market development that directly affects your business. Plus, we'll introduce your newly elected Board of Directors!
- 4:00–6:00 PM – Reception: Relax, reconnect, and celebrate another year of progress. It's a great time to swap stories, make new connections, and raise a toast to our shared successes.


Bring a Guest — Help Grow Our Voice. Know someone who should be part of PIOGA? Bring them along! Whether it's a colleague, client, or potential new member, this is the perfect event to show what we're all about and expand our community of advocates.

Sponsor the Mission — Limited Spots Left! Get your brand in front of Pennsylvania's oil and gas movers and shakers. With sponsor levels starting at just \$250, there's a fit for every budget — and premium levels offer table space, speaking time, and prime logo placement.

The Clock's Ticking... RSVP now before it's too late! Registration is FREE for all members and guests, but space is limited.

Still have time? Maybe. But don't wait to find out —

Call Deana today at **724-933-7306 ext. 23** or email deana@pioga.org to grab your spot!



ANNUAL MEETING


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October 23, 2025
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4 PM to 6 PM Reception
Pittsburgh Event Center - 232 Wise Rd Harmony, PA 16037


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Edith Naegele
IPAA President & Chief Executive Officer

To register, please contact Deana McMahan at
deana@pioga.org or 724-933-7306


Judicial Candidates



Brandon Neuman
Superior Court



Matt Wolford
Commonwealth Court



Maria Battista
Superior Court



Event Details:

Date: Thursday, October 23, 2025

Location: Pittsburgh Event Center, 232 Wise Road,
Harmony, PA

Member Meeting: 2:00 PM – 4:00 PM

Reception: 4:00 PM – 6:00 PM

FREE for Members + Guests | RSVP Required

Learn more & sign up to sponsor:

<https://pioga.org/event/pioga-annual-meeting/>

Let's show the strength of our industry — together.

Sign up. Show up. Speak up. See you there!



Two Big Events, One Day - December 17th!

Mark your calendars — **Wednesday, December 17th**, is shaping up to be a day full of learning, networking, and celebration for the Pennsylvania oil and gas community! PIOGA is bringing together two exciting events at the stunning Shakespeare's at Olde Stonewall Golf Club in Ellwood City, Pa. Whether you're looking to sharpen your technical expertise or celebrate the holiday season with colleagues, this day has something for everyone.

PIOGATech: Air Quality Compliance

 **9 AM – 4 PM**

Start your day with a deep dive into one of the most important issues facing the industry today: air quality compliance. This full-day **PIOGATech** seminar is designed to give you practical insights and actionable knowledge to help your business navigate the complex world of environmental regulations.

Attendees can expect expert-led sessions covering the latest updates in air quality standards, compliance strategies, and best practices for staying ahead of evolving regulations. Whether you're new to environmental compliance or a seasoned professional, this seminar offers valuable information that could save time, reduce risk, and strengthen your operational strategy.

Location: Shakespeare's at Olde Stonewall Golf Club, 1495 Mercer Rd, Ellwood City, Pa.

PIOGATech Event Page: <https://pioga.org/event/piogatech-air-quality/> (More information and registration coming soon!)

This is a prime opportunity to connect with fellow industry professionals, ask questions, and gain insights directly from experts in the field. Don't miss out on the chance to get ahead in 2026 and beyond.

PIOGA JINGLE BALL

 **4 PM – 7 PM**

After a full day of learning and technical discussion, it's time to relax, celebrate, and have some fun! The **PIOGA Jingle Ball** is your chance to kick back with cocktails, delicious bites, and holiday cheer.

This festive reception is the perfect way to close out a busy year — mingle with colleagues, celebrate industry successes, and make connections that could last a lifetime. Whether you want to catch up with old friends or meet new ones, the Jingle Ball offers a welcoming, energetic atmosphere where networking meets holiday spirit.

Location: Shakespeare's at Olde Stonewall Golf Club, 1495 Mercer Rd, Ellwood City, Pa.

Jingle Ball Event Page: <https://pioga.org/event/holiday-jingle-ball/>

With music, drinks, and seasonal treats, the Jingle Ball is designed to be the perfect end to a productive and informative day.

Come for the tech in the morning, stay for the fun in the evening — you won't want to miss a moment!

Two Events, One Great Location

The combination of PIOGATech and the Jingle Ball makes December 17th a not-to-be-missed date on the PIOGA calendar. From expanding your knowledge to celebrating the season with your peers, this day captures the spirit of what makes PIOGA special: learning, connection, and community.

Whether you're attending both events or just one, you'll leave with valuable takeaways, new connections, and plenty of holiday cheer.

Don't wait — mark your calendar and plan to join us at Shakespeare's at Olde Stonewall Golf Club on December 17th. Come for the tech, stay for the fun, and celebrate a year of progress in Pennsylvania's oil and gas industry!

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EPA Will Retain PFOA and PFOS CERCLA Hazardous Substance Designation

On September 17, 2025, EPA announced¹ that it will retain the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance designation for PFOA and PFOS, two PFAS compounds. The final rule² designating PFOA and PFOS (and their salts and structural isomers) as hazardous substances under CERCLA became effective on July 8, 2024. Substances designated as hazardous under CERCLA are subject to release reporting requirements, specific spill rules, release tracking requirements, and additional reporting mandates under other environmental statutes. Further, EPA may require potentially responsible parties – PRPs – to clean up or pay for the cleanup of hazardous substances. In conjunction with EPA's announcement, the U.S. Department of Justice submitted a filing in Chamber of Commerce of the United States of America v. EPA, No. 24-1193 (D.C. Cir.) (ongoing litigation, currently in abeyance, challenging the CERCLA designation of PFOA and PFOS), asking the court to lift the abeyance and propose an amended briefing schedule.

Prior to its 2024 PFOA and PFOS designation, EPA's CERCLA hazardous substance list was comprised solely of substances designated under other environmental statutes (e.g., Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, and the Toxic Substances Control Act). EPA's 2024 designation of PFOA and PFOS represented the first time the Agency used its authority under CERCLA Section 102(a) to list specific hazardous substances that were not designated under another environmental statute. In this week's announcement, EPA stated its intention to initiate a rulemaking to "establish a uniform framework governing designation of hazardous substances under section 102(a) of CERCLA moving forward." Such a "Framework Rule" would establish a uniform approach to guide future CERCLA hazardous substance designation, including EPA's method for considering the costs of proposed designation.

EPA further stated that it will prioritize holding polluters accountable while still providing certainty for passive receivers (such as water utilities) that did not manufacture or generate PFOA or PFOS, and that it believes new statutory language will be necessary to fully address concerns regarding passive receiver liability. This statement is

aligned with EPA's PFAS strategy, issued³ on April 28, 2025, which expressly acknowledged the Agency's intention to protect passive receivers of PFAS. EPA noted at the time that it intended to work with Congress and industry to establish a liability framework that operates on a "polluter pays" principle to provide greater certainty to passive receivers. ■

Babst Calland's Environmental Practice Group is monitoring EPA's PFAS actions and can advise on how evolving regulations may impact your business.

Contact Sloane Wildman at swildman@babstcalland.com or Alexandra Graf at agraf@babstcalland.com.

¹ <https://www.epa.gov/newsreleases/trump-epa-announces-next-steps-regulatory-pfoa-and-pfos-cleanup-efforts-provides>

² <https://www.federalregister.gov/documents/2024/05/08/2024-08547/designation-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-as-cercla-hazardous>

³ <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>

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Appeal could make it easier for companies to spread drilling fluids on Pennsylvania roadways

Pennsylvania regulators have tried to clamp down on roadway spreading of tens of millions of gallons of oil and gas “brines.” The industry is pushing back.

In rural Western Pennsylvania, communities routinely spray briny fluids on unpaved backroads to control dust in the warmer months and ice in the winter. Often, those liquids are drilling byproducts from nearby conventional oil and gas wells.

That mostly comes courtesy of a loophole in state law that opponents say poses a risk to human and environmental health, and that they fear may soon become larger.

A potentially landmark legal case on the practice is currently before the state Environmental Hearing Board, a quasi-judicial body that hears appeals to state Department of Environmental Protection (DEP) regulations. The matter follows a previous case before the board that prompted the DEP in 2018 to impose a moratorium on formal approvals for such “roadspreading” using wastes from oil and gas wells.

But that left open the door for companies to try a second route, by instead claiming the liquids are a “coproduct.” Under that process, they test their fluids, which can contain toxic metals and radioactive materials, to ostensibly ensure they are comparable to existing commercial products. When the DEP called the coproduct testing of a northwest Pennsylvania company “invalid” this year, the firm appealed to the board.

The fight could have sweeping ramifications, said David Hess, a former DEP secretary who authors a newsletter tracking environmental issues in Pennsylvania.

“It has the potential to really open up a whole can of worms,” Hess said.

Siri Lawson, a resident of rural Warren County in northwest Pennsylvania, is also concerned. Lawson has crusaded against roadspreading—and the gas industry more widely—for decades, linking industry pollutants to respiratory health problems she suffers. Lawson was at the center of the 2018 case in which the DEP concluded it should use a stricter permitting system and subsequently suspended approvals statewide.

For several weeks, Lawson held her breath as DEP

engaged in board-mandated settlement talks with appellant BCD Properties, fearing the prospect that state policy could swing back the other direction.

“If DEP meets them in the middle, it’ll be more like winner-take-all,” Lawson said. “You know, give them an inch and they’ll take a mile.”

The attorney listed for BCD Properties did not return requests for comment from Inside Climate News. A DEP spokesperson said the agency “does not comment on active litigation.” But on Thursday, the department filed a motion to dismiss BCD’s appeal, potentially signaling that the settlement talks failed.

For its part, the ***Pennsylvania Independent Oil & Gas Association (PIOGA)***, a trade group for conventional well operators, said that “spreading brine” on rural roadways has been a practice for decades, not only valued by industry but also communities for which dust from unpaved roads is a primary air pollutant. In an email, the group suggested DEP has long conducted analysis of the practice and found it safe, only to change course in recent years.

“Some individuals seem to make the incorrect assumption that people with the responsibility for spreading brine do so haphazardly and without training, which is not the case,”

Dan Weaver, PIOGA president and executive director, said via email. *“The municipal leaders and employees who do so follow best management practices that have been in place for years in those communities. These individuals live, work and raise their families in those communities and are stewards of the local environment. To claim otherwise is simply untrue.”*

Most concerns raised about roadspreading are about the content of the wastewater itself. A 2022 Pennsylvania State University study, conducted for the DEP in a laboratory, found that brine produces runoff with problematic levels of chlorides, sodium and cancer-causing radium—and doesn’t control dust any better than rainwater. The sodium could actually damage the roads getting brine treatments, the researchers found, although PIOGA contends the study was “flawed” and did not mimic real-world conditions.

A spreading concern

The BCD appeal is just the latest development in a decades-long effort by the state to regulate the use of

drilling wastes for roadspreading, said John Quigley, who served as DEP secretary under Democratic Gov. Tom Wolf from 2015 to 2016. He notes that the agency issued regulations in 2016 banning roadspreading from fracking, also known as unconventional oil and gas. But a simultaneous push to also ban it from conventional operations failed amid political pressure, Quigley said.

“The conventional industry operates on very thin margins, and habitually claims that pretty much any regulation—like requiring them to properly dispose of their wastewater and not dump it on roads—will kill the industry,” Quigley told Inside Climate News in an email. “Their supporters in the [Pennsylvania state legislature] take that as gospel, and fight tooth and nail against any meaningful regulation of the industry, despite ample evidence of the harms caused to public health and the environment.”

DEP has been left in unsettled territory, Quigley said, in which it “discourages” roadspreading using fluids from conventional drilling wells, but “lacks the resources to adequately enforce against the practice.” That’s also complicated by the “coproduct” loophole, which, critically, leaves it to companies themselves to perform chemical analysis and only requires the results be made available to DEP if the agency requests them.

Enter BCD Properties’ action against the state. In its legal filings, the company says DEP has failed to establish any legal standard under which a company can obtain a permit to use conventional drilling byproducts for roadspreading, and claims the agency explicitly told BCD it would not receive one.

Instead, the company says it went the coproduct route, hiring an environmental consultant in 2019 to compare the fluids from wells it draws from in Erie County to the fluids produced by Seneca Mineral Co., a roadspreading firm whose 2007 permit BCD claims gives its competitor a monopoly. After BCD’s analyst determined the products were similar, the company says it continued to sell its roadspreading products.

That is, until 2023, when a third party hired by a northwest Pennsylvania township to use BCD’s products for roadspreading was threatened with nonpayment by the township over concerns the material was not approved for use, the company said in its legal filings.

After that, DEP and a special agent from the Pennsylvania Attorney General’s Environmental Crimes Section contacted BCD, the company alleges. It says it then provided the

state with a copy of its coproduct analysis, but DEP in April issued an “invalidation” letter contending that the study was flawed.

BCD filed its appeal with the state Environmental Hearing Board the following month. It said it had to cancel contracts for the summer season.

What happens next

Exactly where things stand now is uncertain: The merits of BCD’s case have yet to be adjudicated.

DEP’s April letter to BCD says the company’s analysis was “insufficient to support a coproduct determination,” but the agency doesn’t explicitly state why. BCD’s 2019 analysis appears to have considered just five constituents of its fluids: chloride, calcium, sodium, magnesium and a measurement of total dissolved solids. Not apparent was an analysis of any other potentially concerning constituents, such as radium.

But that’s also true of 2010 testing results from Seneca’s wells, included in BCD’s appeal, which include a wider analysis of salts but no tests for metals or other radioactive materials.

Hess said his read is that BCD’s analysis was judged insufficient because it looked at only five of 39 parameters the state requires in its oil and gas wastewater general permits, and did not evaluate the “threat of harm to the environment and public health.”

“It’s blatantly obvious they did not do what the regulations require at all,” Hess said.

PIOGA said it cannot comment on the merits of BCD’s case and noted that the company is not a member. But the trade group disputes the recent research on the safety of roadspreading conducted by the DEP and scientific partners and argues it contradicts prior studies the agency conducted in the field in the 1990s and 2010s.

In DEP’s latest filing in the case, it argues that its April letter to BCD simply told the company its coproduct testing was “insufficient” and was not issuing a final determination, a prerequisite for appeal. DEP also argued that the company’s other complaints, including that Seneca Minerals holds a monopoly over competitors, were not germane to the coproduct question.

Still, Hess said he’s watching the case closely because it has the potential to widen the circumstances in which road-

Continued on page 14

Roadway Spreading *Continued from page 13*

spreading from conventional oil and gas operations can be approved.

The case may also have important implications for enforcement. As it stands, Hess said DEP data indicates the agency doesn't know where about 85 percent of wastewater from conventional oil and gas wells produced in Pennsylvania is disposed of. Low staffing levels limit DEP's enforcement ability, and a decision in BCD's favor could further restrict the agency's ability to rein in the practice.

There's a lot of waste that DEP doesn't have information about, Hess noted: "If you do the math, that's about 145 million gallons of wastewater on an annual basis."

Democratic State Rep. Greg Vitali, chair of the House Environmental & Natural Resource Protection Committee, is now perennially introducing legislation to outright ban roadspreading from conventional wells. That would settle the legal question, Hess and Quigley say, and the legislation has the explicit support of Democratic Gov. Josh Shapiro's administration.

But all observers, including Vitali, say the legislation is highly unlikely to pass through the commonwealth's divided government, or even a razor-thin Democratic majority in the House.

"That fact, that even some of our [Democratic] House members are serving in Republican or very close districts, makes it difficult to even get a floor vote in the House on an issue like this," Vitali said.

Elsewhere, Hess is tracking the formation of a new "produced water" subcommittee consisting of members from several obscure state government entities and an effort by a northwest Pennsylvania company to convince DEP to issue a permit for roadspreading after processing the fluids through treatment technology.

To Lawson, the Warren County resident, it's more of the same.

"These guys go from one to the other, to the other, to the other until they find their loophole," she said. ■

This article originally appeared on Inside Climate News, a nonprofit, non-partisan news organization that covers climate, energy and the environment.

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Historical Figure in Oil & Gas

Pennsylvania's First Lady of Oil: Anna McWilliams

From the very beginning, women helped shape Pennsylvania's oil and gas story—Anna McWilliams was one of the first.

In the earliest days of Pennsylvania's oil boom, when wooden derricks dotted the hillsides of Titusville and fortunes could be made almost overnight, Anna McWilliams emerged as a remarkable figure, earning her place in history as one of the first women to take charge in the nascent petroleum industry. At a time when the oil fields were dominated almost entirely by men, McWilliams demonstrated a rare combination of courage, intelligence, and business acumen that allowed her to succeed where few women had ventured. After the death of her husband in the 1860s, McWilliams inherited producing wells near Titusville—the very birthplace of America's oil industry. Rather than stepping aside or entrusting her inheritance to male relatives or managers, she took the reins herself. She personally oversaw the operations of drilling crews, managed complex finances, negotiated leases, and made crucial business

decisions in an environment that could be harsh, unpredictable, and fiercely competitive. Though local accounts often referred to her simply as "Mrs. Anna," her influence and capabilities were anything but ordinary. She quickly gained the respect of her peers, who recognized her as a savvy operator and a determined leader. Her success challenged prevailing social expectations and proved that leadership, resilience, and strategic thinking were not limited by gender. Anna McWilliams's story serves as a powerful reminder that women were active participants in Pennsylvania's oil and gas industry from its very beginnings. Her courage, determination, and pioneering spirit not only shaped her own legacy but also laid the groundwork for future generations of women in energy. Today, her example continues to inspire, reflecting the enduring tenacity and innovation that still drive our industry forward.

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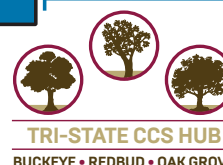
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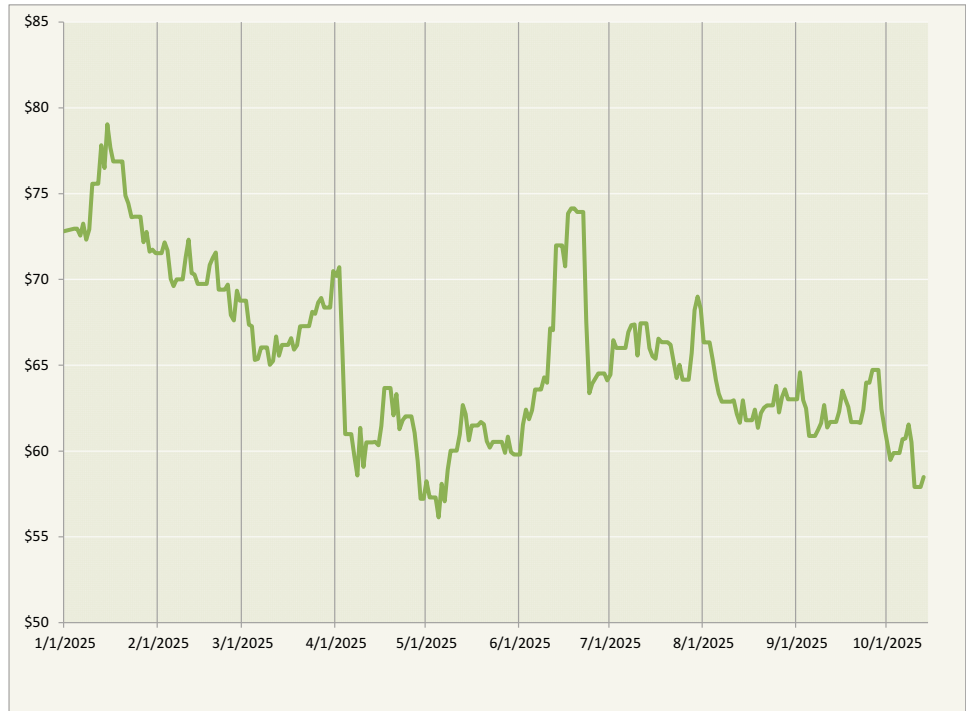


Oil & Gas Dashboard

Sources

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Penn Grade Crude Oil Prices

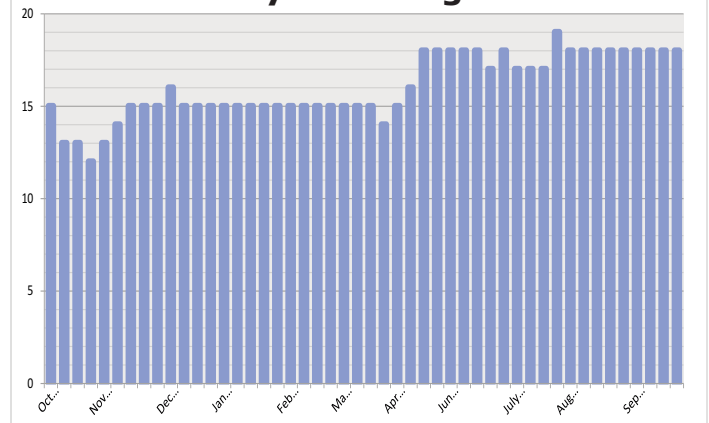


Natural Gas Futures Closing Prices

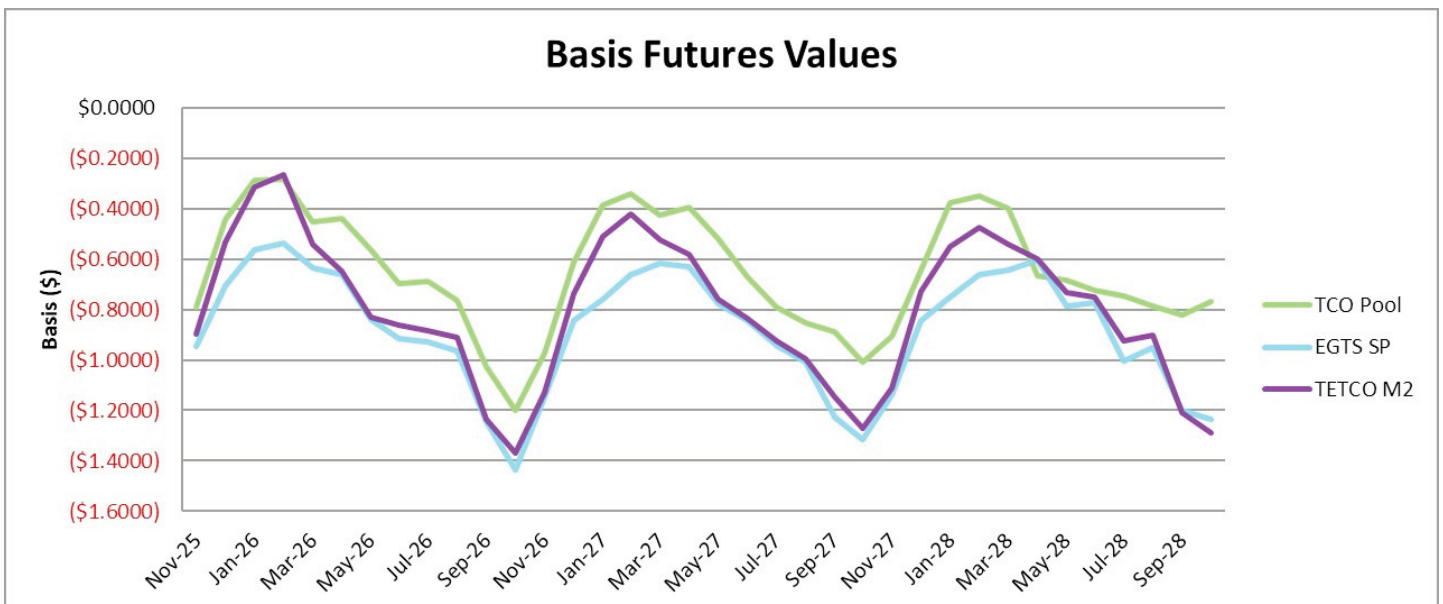
November 2025	\$3.118
December	\$3.775
January 2026	\$4.114
February	\$3.925
March	\$3.594
April	\$3.506
May	\$3.546
June	\$3.724
July	\$3.929
August	\$3.981

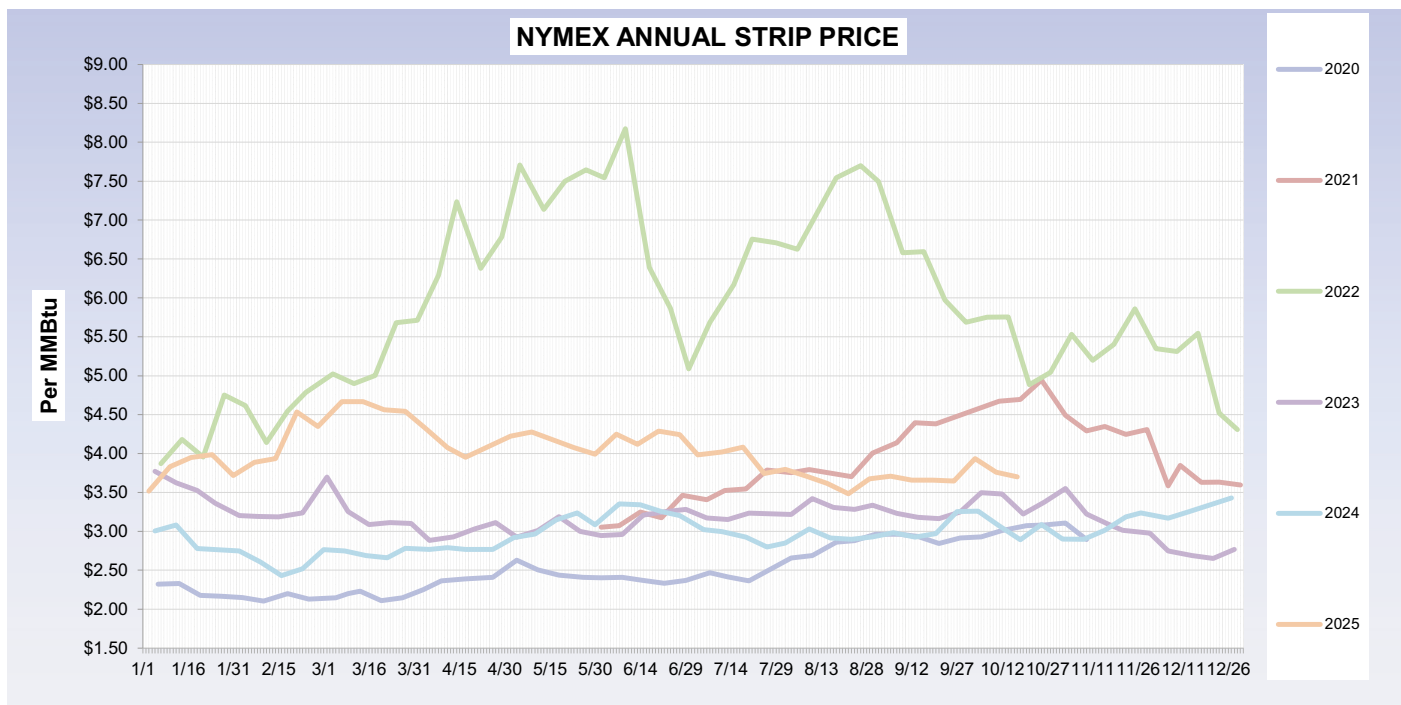
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Pennsylvania Rig Count



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Spud Report: September



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 Operator indicates a conventional well.

Operator	Wells	Date	API#	County	Municipality	Operator	Wells	Date	API#	County	Municipality
BKV Opr LLC	3	9/5/25	131-20683	Wyoming	Washington			9/30/25	123-49197	Warren	Cherry Grove
		9/5/25	131-20684	Wyoming	Washington	Pennhills Resources	3	9/18/25	053-31179	Forest	Kingsley Twp
		9/5/25	131-20685	Wyoming	Washington			9/9/25	083-57876	McKean	Bradford Twp
Branch, John D*		9/3/25	123-49050	Warren	Pleasant Twp			9/2/25	123-49142	Warren	Sheffield Twp
Bull Run Res.*	3	9/3/25	123-49202	Warren	Pleasant Twp	Range Resources	4	9/23/25	125-29230	Washington	Nottingham
		9/26/25	123-49200	Warren	Pleasant Twp			9/23/25	125-29231	Washington	Nottingham
		9/17/25	123-49201	Warren	Pleasant Twp			9/23/25	125-29232	Washington	Nottingham
Cameron Energy*	2	9/3/25	123-49054	Warren	Sheffield Twp			9/23/25	125-29233	Washington	Nottingham
		9/23/25	123-49069	Warren	Sheffield Twp	Sabre Energy Dev.	2	9/8/25	113-20493	Sullivan	Davidson Twp
Chesapeake	2	9/16/25	015-23950	Bradford	Wyalusing			9/8/25	113-20496	Sullivan	Davidson Twp
		9/16/25	015-23951	Bradford	Wyalusing	Scorpio Energy *		9/3/25	053-31117	Forest	Howe Twp
Curtis & Son Oil *	3	9/15/25	123-49073	Warren	Farmington	Seneca Resources	12	9/8/25	117-22289	Tioga	Delmar Twp
		9/22/25	123-49182	Warren	Farmington			9/8/25	117-22290	Tioga	Delmar Twp
		9/4/25	123-49072	Warren	Farmington			9/8/25	117-22291	Tioga	Delmar Twp
Elder Oil & Gas *		9/2/25	031-25876	Clarion	Perry Twp			9/8/25	117-22292	Tioga	Delmar Twp
EQT Prod Co.	12	9/2/25	059-28490	Greene	Wayne Twp			9/8/25	117-22293	Tioga	Delmar Twp
		9/2/25	059-28491	Greene	Wayne Twp			9/8/25	117-22294	Tioga	Delmar Twp
		9/2/25	059-28492	Greene	Wayne Twp			9/22/25	117-22252	Tioga	Richmond
		9/2/25	059-28493	Greene	Wayne Twp			9/22/25	117-22300	Tioga	Richmond
		9/3/25	059-28495	Greene	Wayne Twp			9/22/25	117-22301	Tioga	Richmond
		9/3/25	059-28494	Greene	Wayne Twp			9/22/25	117-22302	Tioga	Richmond
		9/4/25	129-29287	Westmoreland	Allegheny			9/22/25	117-22303	Tioga	Richmond
		9/4/25	129-29282	Westmoreland	Allegheny	Wilmoth Interests*		9/22/25	117-22304	Tioga	Richmond
		9/4/25	129-29283	Westmoreland	Allegheny			9/3/25	123-49173	Warren	Sheffield Twp
		9/4/25	129-29284	Westmoreland	Allegheny						
		9/4/25	129-29285	Westmoreland	Allegheny						
		9/4/25	129-29286	Westmoreland	Allegheny						
Expand Oper LLC	5	9/22/25	131-20687	Wyoming	Mehoopany						
		9/22/25	131-20688	Wyoming	Mehoopany						
		9/22/25	131-20689	Wyoming	Mehoopany						
		9/22/25	131-20690	Wyoming	Mehoopany						
		9/22/25	131-20686	Wyoming	Mehoopany						
Mead oil LLC*	3	9/17/25	123-49195	Warren	Cherry Grove						
		9/23/25	123-49196	Warren	Cherry Grove						

	Sept	Aug	July	June
Total Wells	58	59	48	48
Unconventional Gas	40	43	33	30
Conventional Gas	0	0	0	0
Oil	15	12	11	13
Combination Oil/Gas	3	4	4	5

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Calendar

PIOGA events

Information: www.pioga.org > PIOGA Events

PIOGA 2025 Events

PIOGA - Annual Meeting
October 23

PIOGATech - Air Quality
December 17th

PIOGA - Holiday Jingle Ball
December 17th

Other events

2025 E+AMP: Pathways Career Awareness

October 22

(<https://pioga.org/event/2025-eamp-pathways-career-awareness/>)

2025 Society of Petroleum Engineers Eastern Regional Meeting

October 28-30

(<https://pioga.org/event/2025-society-of-petroleum-engineers-eastern-regional-meeting/>)

Michigan Oil and Gas Association Trade Show & MGRRE Workshop

November 5

(<https://pioga.org/event/michigan-oil-and-gas-association-trade-show-mgrre-workshop/>)

Full Calendar - PIOGA Event & Meeting Schedule -

https://pioga.org/publication_file/2025-PIOGA-Calendar.pdf

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Pennsylvania Independent Oil & Gas Association

100 Allegheny Drive, Suite 104. Warrendale, PA 15086
724-933-7306 • www.pioga.org

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