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Sent by Email and First Class U.S. Mail

Secretary Patrick McDonnell
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Secretary McDonnell,

We are writing to you on behalf of the members of our organizations and concerned citizens in the state of Pennsylvania. The Beaver Run Reservoir in Washington Township, Westmoreland County is operated by the Municipal Authority of Westmoreland County (MAWC) and **serves as a primary drinking water source for over 130,000 people**. The mineral rights surrounding and beneath the Reservoir have been leased to CNX Gas Co., and the company has since drilled more than 50 unconventional Marcellus and Utica gas wells near the reservoir. Many wells have been drilled less than 1000 feet from the shore of the reservoir.

Every unconventional natural gas well site presents a risk to the health and safety of residents living in close proximity to the wellbores. These sites, however, present a substantially greater risk in that **impacts to the Beaver Run Reservoir translate into impacts on the more than 130,000 customers of the Municipal Authority of Westmoreland County.**

In January 2019, CNX experienced a catastrophic loss in pressure in their Shaw 1GHSU well, and several nearby conventional wells spiked in pressure. To remediate the situation, nine shallow wells were flared, collectively for more than three weeks, and the Shaw 1GHSU well was “killed” by an outside team. CNX has reported that the incident was likely caused by a casing issue. **Well site operators are required to follow very specific cementing and casing procedures in order to protect health, safety and, the environment.** Failure to meet those standards puts citizens of the Commonwealth, as well as their drinking water sources, directly at risk.

The Chapter 78a regulations governing unconventional well sites require well casing sufficient to prevent failures during fracking, or completion operations. 25 Pa. Code § 78a.71(a). Those same regulations require that “[t]he operator shall construct and operate the well in accordance with this chapter and ensure that the integrity of the well is maintained and health, safety,

environment and property are protected.” 25 Pa. Code § 78a.73. Operators are further required to install casing “*that can withstand the effects of tension, and prevent leaks, burst and collapse during its installation, cementing and subsequent drilling and producing operations*”. 25 Pa. Code § 78a.84. CNX failed to fulfill these standards and maintain the integrity of the well casings and thus endangered users of this drinking water source.

In cases such as this where there is a potential gas migration incident, the operator is required to conduct an investigation in close coordination with the Department, and if certain levels of combustible gas are detected, the operator and the Department are obligated to “*mitigate any hazard posed by the concentrations of stray natural gas*” to protect public health, safety and the environment as laid out in 25 Pa. Code § 78a.89.

In certain cases, the Department also has the authority to require the operator to conduct an evaluation of the operator’s adjacent gas wells to determine cementing and casing integrity. 25 Pa. Code § 78a.89 (e). The Department must require this evaluation be conducted for the other wells on the Shaw site and should also conduct evaluations of other nearby conventional and unconventional wells. This is especially important considering CNX’s history of casing integrity violations, 33 as recorded by DEP, including 11 casing violations related to a failure to protect groundwater.

Since the incident in January, the Department of Environmental Protection has been investigating the case/event/occurrence and has issued a notice of violations. However, previous to this incident, CNX already had 17 reported violations at their operations near the Reservoir in addition to hundreds of violations at their other sites. Through these incidents, CNX has proven that they are not capable of operating in accordance with regulations established by DEP. Since CNX has proven their inability to operate within the regulations established by the DEP, the Department must exercise its authority to require CNX take steps to plug the remaining wells on the Shaw Site in addition to 1G. According to 25 Pa. Code §78a.86, “*The operator shall correct the defect or submit a plan to correct the defect for approval by the Department within 30 days. If the defect cannot be corrected or an alternate method is not approved by the Department, the well shall be plugged under §§ 78a.91 -- 78a.98.*” The operator failed to correct the defect or submit a DEP-approved plan within the allotted time. Therefore, the Department has a duty to see that the well is plugged. The Department also has the clear authority to file for an injunction to restrain any violations of the statute and regulations governing unconventional gas sites. 58 Pa. C. S. § 3254.

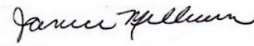
By permitting the continued operations of CNX in such close proximity to the Beaver Run Reservoir, DEP is jeopardizing clean drinking water for over 130,000 people. We cannot continue waiting for yet another violation by CNX that leads to the contamination of this critical water source for so many Pennsylvanians. We are requesting that the Department utilize their broad authority to protect the public health, safety and environment by suspending all permits for CNX’s operations at the Shaw Well Site and all other permits granted to CNX Energy near the Beaver Run Reservoir. We also request the DEP deny the issuance of any future permits near this site.

DEP should have never permitted shale gas development that puts thousands of peoples' drinking water at risk. Our rights to clean water have been ignored for too long. **You must take action now to ensure that our rights to clean water are protected.**

Sincerely,



Gillian Graber
Executive Director
Protect PT



Jan Milburn
President
WMCG



Beverly Braverman
Executive Director
Mountain Watershed Association

CC: Governor Tom Wolf
CC: Daniel Coughan
CC: Ron Schwartz
CC: Kareen Milcic
CC: Renee Diehl