

08/28/2025

*Sent by Certified Mail and Email*

Jessica Shirley, Secretary  
Pennsylvania Department of Environmental Protection  
400 Market Street  
Harrisburg, PA 17101

cc: Eric Gustafson, Southwest Regional Office Director  
Pennsylvania Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

Dear Secretary Shirley,

Protect PT (Penn-Trafford) is a nonprofit organization dedicated to ensuring residents' safety, security, and quality of life by engaging in education and advocacy to protect the economic, environmental, and legal rights of the people in Westmoreland and Allegheny counties. We are writing to express our appreciation to your office and the Department's Southwest Regional Office for their discovery of a series of willful, severe violations found at EQT Prod. Co.'s Porter Well Pad in Allegheny Township, Westmoreland County. We write further to formally request that the Department follow these violations with a consent assessment of civil penalty or an assessment of civil penalties to EQT Prod. Co. of an amount at least equivalent to the gross profits resulting from EQT's refusal to delay fracking operations at the Porter Well Pad from July 10, 2025 to July 28, 2025 to conduct environmental remediation in compliance with the law in order to deter willful, knowing, and severe violations of Pennsylvania law and the degradation of Pennsylvania's environment. Given the Department's issuance of six Drill & Operate permits for unconventional wells at the Porter Well Pad on July 30, 2025, the DEP must eliminate EQT's incentive to violate the law with these new wells for private profit. Otherwise, unjust enrichment from knowingly violating the law will be a regular business strategy for serial violators like EQT.

For [background](#), a hose rupture at the Porter Well Pad on June 27, 2025, sprayed between one and three barrels of fracking waste fluid onto the gravel and containment material on the pad. On June 30, 2025, the DEP found elevated conductivity levels in the incident area and underneath a clean water aboveground storage tank (referred to as an impoundment in the report on the June 30 inspection), indicating that *prompt cleanup* was required to remove contaminated gravel and ground material. A representative of EQT instead indicated that EQT would *willfully refuse to clean up the contaminated ground* until after July 11, 2025, due to a fracking operation scheduled to commence between July 10 and 11.

During [a follow-up inspection](#) on July 16, 2025, the Department observed that EQT had not updated its Emergency Response Plan and Preparedness, Prevention and Contingency Plan to reflect ongoing operations at the Porter Well Pad. The Department further observed an exposed ditch filled with fracking fluid next to the edge of a secondary containment liner, indicating *again* that an immediate cleanup was required to remove the contaminated fluid and ground material from the ditch that was leaking from underneath the secondary containment liner. EQT, knowing of this exposed liquid and underlying contaminated ground, repeated its intention to refuse to clean up the contaminated ground for *another eight to ten days* because of continued drilling activity at the pad. This was on top of EQT's continued refusal to submit a detailed written incident response to the first violations found by the Department on June 30, 2025.

By this point, it likely was apparent to the Department that EQT was refusing to remediate known environmental violations at the Porter Well Pad and concealing information from the public in order to expedite EQT's profitable drilling and fracking operations. In case the multiple violations discovered during these two inspections were not sufficiently illuminating, [EQT then reported another spill](#) at the Porter Well Pad on July 28, 2025. During a July 29, 2025, inspection, the Department *again* observed that EQT had not updated its Emergency Response Plan and Preparedness, Prevention and Contingency Plan to reflect ongoing operations at the Porter Well Pad. It turns out that the spill reported on the 28th was not so much one spill, as it was a latent seepage of fracking fluid left uninvestigated for a significant period of time.

EQT inspected only the edges of the secondary containment liner despite knowing since July 16, 2025 that fracking fluid was seeping through, demonstrating that EQT remained *willfully negligent* towards the spill of fracking waste under its defective secondary containment. EQT did not, or would not, determine how long this fracking waste had been seeping into the ground under the Porter Well Pad. This seepage under the center of the liner belied EQT's specious explanation of the similar seepage at the edge of the liner being due to mere rainfall. EQT also left contaminated piping sitting in an open pile adjacent to contaminated ground, further contaminating the ground even as the Department insisted that EQT clean up the contaminated area. Violations like these illustrate EQT's carelessness and disregard for the constitutional rights of the people of Pennsylvania and the natural environment.

There is no indication that EQT has fully remediated these waste spills to this date, as required by 25 Pa. Code § 78a.66(c)(2). Instead, EQT repeatedly left contaminated ground material saturated with toxic fracking fluids at the Porter Well Pad between June 27, 2025 and the removal of the secondary containment liner on July 28, 2025. Even when the Department advised EQT to *promptly* remediate its violations as required by law, EQT *refused* to do so. Even after EQT knew of the inadequate performance of its secondary containment due to the contamination of the ditch adjacent to the secondary liner, EQT continued to inspect only

around the edge of its secondary containment in order to remain *willfully ignorant* of contamination underlying the secondary containment layer.

There is no reason EQT should be permitted to profit from these repeated, willful, intentional violations that contaminated Pennsylvania's natural environment and resources. EQT fracked and drilled multiple wells at the Porter Well Pad while refusing to clean up contaminated materials, each of which are capable of producing millions of cubic feet per day of gas, which [sells for approximately \\$10,600 per million cubic feet](#) in the Pennsylvania industrial market. Any profits from these wells being drilled and fracked during the time EQT was obligated to postpone its operations to promptly remediate contamination should be collected by the Department from EQT because of EQT's willful, knowing, and intentional refusal to abide by the Department's regulations. Unless the Department takes further enforcement actions, EQT and other fracking corporations will have a fiscal incentive to *willfully ignore* Pennsylvania law.

The Department should calculate the difference between EQT's profits and the profits EQT would have obtained if EQT had postponed its operations at the Porter Well Pad in order to fully and promptly remediate EQT's ground contamination as required by law, and penalize EQT *at least* the difference between these two amounts. The Department should increase the penalty on EQT further because of EQT's willful violation of the law, the impact of EQT's intentional delay on Pennsylvania's natural environment, EQT's non-cooperation with the Department's recommendations to comply with § 78a.66(c)(2), and the costs to the Commonwealth of engaging in repeated inspections and issuances of notices of violation due to EQT's persistent noncompliance.<sup>1</sup> Any penalty less than this will continue to encourage EQT to violate the law for private profit. This would directly contradict the Department's mission of protecting Pennsylvania's natural environment for present and future generations.

The Department has a duty to safeguard Pennsylvania's natural environment, and so should promptly hold violators accountable in order to protect our public health, conserve our natural resources, and uphold its mission as a state regulatory agency. Protect PT requests that the Department hold EQT fully accountable for its willful misconduct and violation of Pennsylvania law.

Sincerely,

*Dylan Basescu*

Dylan Basescu  
Staff Attorney, Protect PT



Gillian Graber  
Executive Director, Protect PT

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<sup>1</sup> See Civil Penalty Assessments in the Oil and Gas Management Program, Department Of Environmental Protection Bureau of Oil and Gas Management Doc. No. 550-4180-001 (Jan. 12, 2002), <http://www.depgreenport.state.pa.us/elibrary/PublicAccessProvider.ashx?action=ViewDocument&overlay=View&overrideFormat=NativeOptional> (last visited Aug. 26, 2025).