

August 6, 2021

EQT CHAP LLC Response to Public Comments Re: WMGR123SW025

The Pennsylvania Department of Environmental Protection acted properly in approving renewed coverage under the WMGR123 for the Dogbone facility in Fayette County, Pennsylvania. The earth work has been completed but the facility has not been built. The presence of freshwater tanks on site is irrelevant to the permit. As explained below, the application materials provided all information necessary for the authorization. In addition, the Department cannot impose obligations through a general permit that are above and beyond applicable regulatory requirements.

As requested by the Department, EQT CHAP LLC provides the following responses to public comments regarding the WMGR123SW025 for the Dogbone facility.

Commenters:

1. Environmental Integrity Project
2. James E. Rosenberg, Grindstone PA

Issue: Requirement to meet the concentration limits of Appendix A in accordance with Condition C.1.b. (1)

Response: EQT need not meet the concentration limits of Appendix A under the WMGR123 unless it chooses to dewater the oil and gas liquids under that provision. This proposed facility is a mix and settle process. No dewatering process was proposed, anticipated, or approved. There is no factual or legal basis to justify or require a permit condition in the Dogbone WMGR123 for ongoing sampling for Appendix A constituents.

Contrary to the EIP comment, Conditions C.1.a and C.1.b do not require EQT to establish anything. These conditions explain *when* the liquid waste processed or stored under the authority of the permit is no longer considered as waste under 25 Pa. Code Section 287.1.

Issue: The entity to whom the authorization was issued (1)(2)

Response: In 2020, EQT Corporation acquired Chevron Appalachia, LLC, which included the Dogbone Facility asset. In December 2020, a Certificate of Amendment was filed with the Pennsylvania Department of State to formally change the name of the limited liability company to EQT CHAP LLC. EQT CHAP LLC filed the Oil and Gas Operator Ownership and Control Information form OOGM0118 with the Department in February 2021. The entity has existed since 2006; the name changed in December 2020.

Contrary to the comment from Mr. Rosenberg, there is no reason for EQT CHAP LLC to resubmit its application. The entity is the same, before and after the name change.

Issue: Facility compliance history (1)

Response: The Dogbone facility permitted under the WMGR123 has not been built, so there is no compliance history for the facility. The compliance history of the Permittee at production facilities in West Virginia, Ohio or Pennsylvania does not indicate that the Dogbone facility, if built, would present harm to health, safety or welfare of persons or the environment.

Issue: Open top freshwater tanks (1)(2)

Response: The freshwater tanks were placed at the site after the site was constructed in accordance with an NPDES permit for stormwater discharges associated with construction activity issued by the Fayette County Conservation District in 2017, as amended in 2019. The earthwork under that permit was completed in 2018. The authorization acknowledges the placement and use of freshwater tanks with no prohibition against open top tanks. The presence or use of such tanks does not violate any condition of the WMGR123 because the tanks were not built pursuant to the WMGR123 and store only freshwater.

Contrary to the comments from Mr. Rosenberg, obtaining a stormwater permit for construction under the County NPDES program and installing freshwater tanks on the site do not warrant any action with respect to the Dogbone WMGR123 authorization. If EQT CHAP LLC chooses to amend its permit application, it may do so.

Issue: Secondary containment for freshwater tanks (1)

Response: The relevant NPDES approvals allow for the freshwater tanks without secondary containment. The lack of secondary containment for the freshwater tanks does not violate any condition of the WMGR123.

Issue: "Current" information (1)

Response: The 2020 renewal application included relevant information for a facility that had not been built but for which the earthwork had been completed in 2018 under the NPDES permit. Some forms included information from the 2017 application because that information had not changed in 2020. For example, there would be no reason to conduct new PNDI, wetland or geotechnical reviews when the earthwork had already been completed. Bonding calculations would not have changed. Form 27R is a form provided by the Department for use by the applicants.

Issue: PPC Plan data (1)

Response: The Department had and has sufficient information regarding spills to properly review and authorize the Dogbone facility PPC Plan. Section 1.4 requests a “history of incidents at the installation.” There is no history of incidents at the installation because it has not been constructed. Nonetheless, the types of spills or accidents described in the application are sufficient for the development of an appropriate PPC Plan.

Issue: Material delivered by pipeline (1)(2)

Response: Contrary to the statement by Mr. Rosenberg, Chapter 78a does address well development pipelines in Section 78a.68b. In addition, Section 78a.58 requires an action plan for monitoring and responding to radioactive material at the well site, and the WMGR123 Condition 9 requires a DEP-approved Radiation Protection Plan for the facility to address the management of TENORM during all phases of operations at the facility. There is no need for a separate condition in the WMGR123 regarding radioactivity related to pipeline transfers.

The Dogbone RPAP states that waste streams generated at the permittee’s sites will be sampled for characterization in accordance with applicable state and federal waste management requirements before being transported offsite, and that third parties will be required to supply information about the origin of the water and its chemical makeup.

The Department’s January 2021 response to comments regarding pipeline transfers was appropriate and sufficient. In addition, the Department cannot impose obligations under the WMGR123 that are not within its statutory and regulatory authority.