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# Water Withdrawal: Pennsylvania Department of Environmental Protection and CNX Gas Co. Enter Into Consent Assessment and Settlement Agreement Addressing Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The Pennsylvania Department of Environmental Protection ("DEP") issued a December 17<sup>th</sup> news release stating that it had signed a Consent Assessment and Settlement Agreement ("CASA") with CNX Gas Company, LLC ("CNX") to address alleged violations of the State's:

- Oil and Gas Act
- Fish and Boat Code

The Pennsylvania Fish and Boat Commission was also a party to the CASA.

The news release states that CNX did not:

... adhere to its approved plan, and DEP determined it exceeded its approved daily withdrawal limits from a reservoir in North Franklin Township, Washington County on 43 days between October 23, 2011 and June 8, 2013.

Pennsylvania requires that oil and gas operators removing water from water sources or drilling or simulation of any unconventional natural gas well submit a Water Management Plan ("WMP") for approval by DEP. The WMP designates:

- The sources to be used
- The peak daily withdrawal limits
- The instantaneous withdrawal rates

CNX is stated to have obtained a draw-down permit from the Pennsylvania Fish and Boat Commission that set further limits on how much water could be removed from the reservoir in order to protect aquatic life and dam stability.

The CASA requires that CNX pay \$345,750.00 to DEP and \$105,000.00 to the Pennsylvania Fish and Boat Commission.

[Click here to download a copy of the news release.](#)

