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CNX Gas Co. Will Pay DEP and Fish and Boat Commission More Than \$450,000 for Water Withdrawal Violations in Washington County

In a joint action, the Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission (PFBC) have signed a consent assessment and settlement agreement (CASA) with CNX Gas Company LLC (CNX) to settle violations of the state's Oil and Gas Act and the Fish and Boat Code. As a result of the agreement, CNX will pay \$345,750 to DEP and \$105,000 to PFBC.

"Protecting the waters of the Commonwealth is a core function of both DEP and the PFBC and this agreement underscores the fact that, together, we take this responsibility very seriously, said Eric Gustafson, manager for Oil and Gas Operations in the Southwest Oil and Gas District Office. "We expect that operators will follow their WMP's and draw-down permits to the letter. DEP appreciates the assistance provided by the PFBC in resolving this case."

PFBC Executive Director John Arway added that "water is one of our most precious public resources, which must be protected and responsibly managed. DEP water management plans are engineered to ensure that water is allocated in proper amounts so that all water users can appropriately share the abundant supplies provided by our Commonwealth's streams, rivers and lakes. Non-compliance with the plans and permits could result in harm to other water users like aquatic life and public water supplies."

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.

In order for oil and gas operators to remove water from water sources in Pennsylvania for the drilling or stimulation of any unconventional natural gas well, a Water Management Plan (WMP) must be approved by DEP. The WMP designates the sources to be used, the peak daily withdrawal limits and the instantaneous withdrawal rates (how quickly water can be removed from the stream) to prevent impacts to the waterway. A number of different sources can be included in the WMP.

CNX obtained a draw-down permit from PFBC that set further limits on how much water could be removed from the reservoir in order to protect aquatic life and dam stability. However, on 164 days between October 21, 2013 and December 23, 2014, during the restricted time period, CNX withdrew water from the reservoir contrary to the restrictions in their WMP and "draw down" permit. This water withdrawal resulted in low water levels within the reservoir, drying out the shallow shoreline areas of the reservoir and the surrounding forested wetlands.

In addition, the company failed to keep proper records relating to water withdrawals and reservoir levels.

CNX has instituted changes in their procedures to ensure that water withdrawal reporting is accurate and that WMPs are followed exactly.

For more information, visit www.dep.pa.gov (<http://www.dep.pa.gov>) and www.fishandboat.com (<http://www.fishandboat.com>).

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