



September 15, 2017

Via Electronic Mail

Mark Gorog, Regional Air Quality Manager
Alan Binder, Environmental Engineer Manager (Permits)
Southwest Regional Office
Pennsylvania Department of Environmental Protection
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RE: Comments of the Environmental Integrity Project, et al., Regarding MarkWest's Application to Construct and Operate the Harmon Creek Gas Plant Under GP5, GP1, Permits GP5-63-01011A, GP1-63-01011A, and Request for Determination

Dear Mr. Gorog and Mr. Binder:

The Environmental Integrity Project (“EIP”), Earthworks, Clean Air Council, and local residents Cathy Lodge, Brenda Vance, and Nolan Vance (together, “Commenters”) submit these comments to respectfully request that the Pennsylvania Department of Environmental Protection (“PADEP” or the “Department”) deny MarkWest Liberty Midstream & Resources, L.L.C.’s (“MarkWest”) applications for coverage under GP-5, GP-1, and Request for Determination (“RFD”) to construct and operate its Harmon Creek Gas Plant in Smith Township, Washington County, Pennsylvania (“Harmon Creek” or the “Plant”). MarkWest submitted its applications to construct and operate Harmon Creek, a new natural gas processing plant, under the General Permit GP-5,¹ General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities, GP-1, General Plan Approval and/or General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units, and an RFD for pig launchers and receivers, emergency generator engines, and a heater less than 10 mmbtu/hr in June 2017.²

¹ Note that the PADEP has proposed significant revisions to the GP-5 permit by releasing a draft GP-5/GP-5A permit for public comment. See 47 Pa. Bull. 733 (Feb. 4, 2017) <http://www.pabulletin.com/secure/data/vol47/47-5/200.html>. EIP submitted comments regarding these revisions on June 5, 2017. EIP et al, Comments of the Environmental Integrity Project et al Regarding the Proposed General Plan Approval/General Operation Permit GP-5 and GP-5A (June 5, 2017), <http://www.environmentalintegrity.org/wp-content/uploads/2017/02/2017.06.05-EIP-et-al-Proposed-GP5GP5A-Comments-FINAL-w-figures.pdf>.

² Letter from Nathan M. Wheldon, P.E., Senior Env'tl. Manager, Air Programs, MarkWest to Mark Gorog, Bureau of Air Quality, PADEP, Re: Harmon Creek Gas Plant - GP-5 Application (submitted June 8, 2017) [hereinafter Harmon Creek GP-5 Application]; Letter from Nathan M. Wheldon, P.E., Senior Env'tl. Manager, Air Programs, MarkWest to Mark Gorog, Bureau of Air Quality, PADEP, Re: Harmon Creek Gas Plant - GP-1 Application (submitted June 8, 2017) [hereinafter Harmon Creek GP-1 Application]; Letter from Nathan M. Wheldon, P.E.,

Although general permit applications do not require formal public comment opportunities, Commenters have reviewed the available documents and appreciate DEP's careful review of these comments prior to deciding whether to issue these permits.

DEP should deny MarkWest's applications because they contain numerous technical deficiencies and omissions as well as information that does not match other public statements that have been made by MarkWest officials about the size and scope of the proposed Harmon Creek plant. Taken together, these deficiencies and inconsistencies render these applications incomplete, in large part because they underestimate impacts on air quality by undercounting anticipated emissions. Specifically:

- MarkWest's application fails to disclose emissions from the de-ethanization fractionator;
- MarkWest's application claims this facility will have only half the number of processing plants and half the number of de-ethanizers compared to the numbers MarkWest listed on the application it submitted to local township officials to obtain local conditional use approval as well as the application it submitted to PADEP's other offices for erosion and sediment control approval;
- MarkWest's RFD does not justify having a mismatched number of pig launchers and receivers; and
- MarkWest should not be granted GP-1 coverage or an RFD exemption it seeks for 6 heaters that, together, would greatly exceed the threshold of 50 million btu/hour, the maximum allowable to be eligible for a GP-1 permit.

These and several other concerns regarding MarkWest's applications for air permitting and exemptions for its Harmon Creek Plant are detailed below.

I. Legal Background

When an application for a plan approval to construct a source is submitted, PADEP is required to consider whether the region is in nonattainment or attainment of air quality criteria for regulated pollutants and use the facility's potential to emit ("PTE") to determine whether major source thresholds of the non-attainment new source review ("NSR") program (for pollutants in non-attainment) or prevention of significant deterioration ("PSD") program (for pollutants in attainment) have been exceeded.³ GP-5 permits are available only to sources that do not exceed major source thresholds of the Clean Air Act⁴ for any regulated pollutant.⁵

Senior Env'tl. Manager, Air Programs, MarkWest, to Mark Gorog, Bureau of Air Quality, PADEP, Re: Harmon Creek Gas Plant – Request for Determination (submitted June 8, 2017) [hereinafter Harmon Creek RFD].

³ 25 Pa. Code § 127.211. The NSR requirements apply to sources in non-attainment areas and the PSD requirements apply to sources in attainment areas. *See* 25 Pa. Code § 127, Subchapter E (NSR requirements) and Subchapter D (PSD regulations, which adopt in their entirety the federal PSD regulations contained at 40 C.F.R. § 52.2 and 52.241).

⁴ 42 U.S.C. § 7401 et seq.

⁵ General Plan Approval and/or Operating Permit BAQ-GPA/GP-5, Natural Gas Compression and/or Processing Facilities, Section A.4: Prohibited Uses of GP-5, at 2 (stating that GP-5 permits "may not be used" for any proposed sources of emissions that are at a Title V facility or that are subject to Title V requirements or prevention of significant deterioration or nonattainment new source review requirements) [hereinafter "GP-5 Permit"]; General Plan Approval and/or General Operating Permit Application Instructions, General Permit (BAQ-GPA/GP-5) Natural Gas Compression and/or Processing Facilities, at 1, <http://www.eibrary.dep.state.pa.us/dsweb/Get/Document->

The proposed Harmon Creek Plant, located in Smith Township, Washington County, PA, would be considered a major source of emissions if it were to have a potential to emit more than 100 tons per year (“tpy”) of nitrogen oxides (“NOx”) or 50 tpy of volatile organic chemicals (“VOCs”) because Pennsylvania (and thus this facility) is in the ozone transport region and is therefore deemed to be in nonattainment for these pollutants.⁶ It would also be a major source if it had the potential to emit any regulated pollutant, including carbon monoxide, lead, ground-level ozone, nitrogen dioxide, particulate matter, and sulfur dioxide, above 250 tpy,⁷ or if it had the potential to emit more than 10 tpy of any hazardous air pollutants (“HAPs”) or more than 25 tpy total HAPs.⁸ Exceeding any one of these thresholds would make this facility ineligible for a GP-5 permit, and could require the imposition of additional requirements on this facility.

In addition, the Clean Air Act and Pennsylvania regulations prohibit the circumvention of NSR requirements through incremental or phased planning and construction, with the latter stating:

Regardless of the exemptions provided in this subchapter, an owner or other person may not circumvent this subchapter by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.⁹

II. MarkWest Is Significantly Underreporting Estimated Emissions to PADEP’s Air Permitting Program.

MarkWest’s air permitting applications to the PADEP accounted for only half the number of gas processing plants and half the number of de-ethanizers that would be present at the Harmon Creek Plant when compared with the number of these sources the company disclosed in other applications, namely MarkWest’s application to Smith Township officials for the purposes of obtaining a local conditional use permit and MarkWest’s Erosion and Sediment Control General Permit application submitted to PADEP’s Offices of Water Management and Oil and Gas Management.¹⁰ In its GP-5 application to the PADEP air division, MarkWest claims that the

[105848/2700-PM-BAQ0205%20GP-5%20Application%20Instructions.pdf](#) (“In accordance with Condition 4 of Section A of the General Permit, an authorization to construct, modify or operate cannot be issued to a facility if the total emissions from all air contamination sources located at the facility including other sources determined by DEP to be a single source (for the purpose of New Source Review, Title V or Prevention of Significant Deterioration) exceed a the major facility threshold during any consecutive 12-month rolling period.”).

⁶ See 42 U.S.C. § 7511c; 40 C.F.R. Pt. 81.339.

⁷ 40 C.F.R. § 52.21(b)(1)(i)(b).

⁸ 40 C.F.R. § 63.a (defining “major source” under the National Emissions Standards for Hazardous Air Pollutants (“NESHAP”) program of the Clean Air Act).

⁹ 25 Pa. Code § 127.216.

¹⁰ Letter from Jeffrey Zoka, Civil and Env'tl. Engineers, to William Tohey, Zoning Officer, Act 14, 67, 68, and 120 Notification, Harmon Creek, Notice of Intent for Coverage (NOI) Under the Erosion and Sediment Control General Permit ESCGP-2 for the Harmon Creek Plant (June 30, 2017) (including NOI, although the NOI itself is not dated), *which is contained in* MarkWest, Application for Conditional Use Approval to Smith Township (Feb. 8, 2016 and subsequent submissions), *available at* https://drive.google.com/open?id=0B27Dv_dFydZAU1pPaEIXSVU2b0U (see PDF page 136 of 162) (“**The proposed development plans currently include two De-Ethanizer plants, up**

facility will include two natural gas processing plants and one de-ethanizer.¹¹ However, the plan submitted to the township and reported by media, as well as the erosion and sediment control application submitted to PADEP’s Offices of Water and Oil and Gas Management, assert that this facility will actually contain four cryogenic plants and two de-ethanizers.¹² See Figure 1.

Figure 1: Excerpt from MarkWest’s ESCGP-2 Application, Detailing Double the Number of Plants Disclosed in MarkWest’s GP-5 Application.

3. Project Type (Check all that apply)		
<input type="checkbox"/> Oil/Gas Well	<input type="checkbox"/> Transmission Facility	<input type="checkbox"/> Gathering Facility
<input type="checkbox"/> Centralized Fresh Water Impoundment	<input type="checkbox"/> Centralized Wastewater Impoundment	<input type="checkbox"/> Water Pipeline
<input type="checkbox"/> Ground/Surface Water Withdrawal Site	<input type="checkbox"/> Other	
If Oil/Gas well, is the well conventional or unconventional?		
<input type="checkbox"/> Conventional	<input type="checkbox"/> Unconventional	
<u>Project Description</u>		
MarkWest Liberty Midstream & Resources, LLC (MarkWest) is proposing to develop the Harmon Creek Natural Gas Processing Plant in Smith Township, Washington County, Pennsylvania. The proposed development plans currently include two De-Ethanizer plants, up to four Cryo Plants, a Flare Pad, Slug Catcher, Substation, and other structures housing equipment that will support gas processing activities. Three main access roads are also proposed to service the development. A PNDI review was conducted for the proposed limits of disturbance and resulted in no known impacts to threatened and endangered species and/or special concern species and resources within the project area.		

In fact, MarkWest official Nathan Wheldon very recently testified to confirm at a local conditional use approval hearing on August 2, 2017 that MarkWest’s full buildout for the Harmon Creek Plant includes four cryogenic plants.¹³ In other words, MarkWest presented plans to Smith Township for a facility that could potentially be double the size compared to what MarkWest presented to PADEP in its GP-5 application.

Pennsylvania regulations define “*potential to emit*” as “[t]he *maximum capacity* of a source to emit a pollutant under its physical and operational design. . . .” 25 Pa. Code 127.1 (emphasis

to four Cryo Plants, a Flare Pad, Slug Catcher, Substation, and other structures housing equipment that will support gas processing facilities.” (emphasis added)) [hereinafter “MarkWest’s Local Zoning Application”].

¹¹ See, e.g., Harmon Creek GP-5 Application, at 1.

¹² See, e.g., Gideon Bradshaw, “MarkWest resumes push for Smith cryogenic Plant,” *The Observer-Reporter* (May 24, 2017) (“Plans the company submitted to the township include two proposed de-ethanizers and four cryogenic plants.”), http://www.observer-reporter.com/20170524/markwest_resumes_push_for_smith_cryogenic_plant; Gideon Bradshaw, “MarkWest outlines plans for processing plant” (Aug. 3, 2017) (“The plans MarkWest submitted to the township include four cryogenic units and two de-ethanizers, but representatives stressed the company’s current plans are to build half of that – two cryogenic units and one de-ethanizer.”), http://www.observer-reporter.com/20170803/markwest_outlines_plans_for_processing_plant; MarkWest’s Local Zoning Application (see above, footnote 10, stating that (“[t]he proposed development plans currently include two De-Ethanizer plants, up to four Cryo Plants.”).

¹³ See Testimony of Nathan M. Wheldon, P.E., Senior Env’tl. Manager, Air Programs, MarkWest, before the Smith Township Board of Supervisors, Conditional Use Permit Hearing (Aug. 2, 2017) (video on file with local resident Brenda Vance). MarkWest’s Nathan Wheldon also presented drawing number C200, entitled “Overall Site Layout Key Plan” at this hearing and explained that it shows four cryogenic plants (unfortunately, Commenters’ photograph of this map is blurry and PADEP should request a copy from MarkWest). See **Attachment 1**: MarkWest, Drawing C200, “Overall Site Layout Key Plan” (presented to Smith Township Board of Supervisors on Aug. 2, 2017 hearing). While the photograph is blurry, it appears to present the same buildout as another map that had been obtained by EIP in a file review at Smith Township, which is attached as Attachment 2. See **Attachment 2**: MarkWest, Drawing C200, “Overall Site Layout Key Plan” (Apr. 10, 2017) (obtained in file review at Smith Township by EIP on July 12, 2017). EIP did not see any version of this map when it conducted file reviews at the PADEP for the application materials for this site.

added).¹⁴ MarkWest spokesman Rob McHale said they “presented the total *maximum capacity* that the site could handle in the interest of transparency” to Township officials.¹⁵ Why was this same transparency not afforded to PADEP, to which MarkWest presented only half the number of processing plants and de-ethanizers? PADEP is the regulatory authority required to determine—and sign off on—the potential to emit based on the maximum capacity of this plant. By withholding its buildout plans—plans publicly announced, and reported on by the media—MarkWest is preventing PADEP from determining a realistic, defensible potential to emit.

MarkWest’s failure to accurately and fully disclose the scope of this project and its decisions to instead present only half the planned build-out renders this application incomplete and potentially misleading. For these reasons, MarkWest’s application may also constitute a deliberate attempt to circumvent the NSR requirements of the Clean Air Act, an attempt PADEP must not leave unaddressed.

For example, total estimated emissions for this plant as presented in this application include 21.95 tpy VOC.¹⁶ If MarkWest plans to double the number of processing plants and double the number of de-ethanizers and these plans result in the doubling of total emissions, this facility’s emissions would be extremely close to the major source threshold of 50 tpy for VOCs. PADEP must issue a deficiency letter for this reason and require full disclosure of this facility’s sources and potential to emit in order to make a proper permitting decision.

III. MarkWest Failed to Disclose De-Ethanization Fractionator Emissions, Falsely Reducing Its Emissions to Zero.

MarkWest’s application provides for zero emissions from the de-ethanization fractionator equipment. While Section H5 of MarkWest’s GP-5 application indicates a fractionator will be used, and while some information about its operation is included, no emissions information is provided. Moreover, the potential emissions tables throughout the application do not include any emissions from a fractionator.¹⁷ Lastly, Section H5, the portion of the GP-5 application that fails to disclose emissions and other data for the fractionator, instructs the applicant to “[a]lso use appropriate form(s) under section H8. to provide further details.” MarkWest’s Harmon Creek GP-5 application, however, does not include a section H8.¹⁸ PADEP should issue a technical deficiency letter to MarkWest on this serious omission, which it has done for similar facilities that also failed to disclose emissions from a source.¹⁹

Fractionation equipment is a potentially large source of emissions that could increase the total emissions of any of the threshold pollutants above major source limits and disqualify

¹⁴ See also, e.g., Memorandum from Terrell E. Hunt and John S. Seitz, EPA, “Guidance on Limiting Potential to Emit in New Source Permitting” 5 (June 14, 1989) (“Potential emissions are defined as the product of a source’s emission rate at maximum operating capacity, capacity utilization, and hours of operation.”), https://www3.epa.gov/ttn/atw/pte/june13_89.pdf.

¹⁵ *Id.*

¹⁶ Harmon Creek GP-5 Application, Section H11, at 19.

¹⁷ See, e.g., Harmon Creek GP-5 Application, Section H, at 9 (with all blank spaces for fractionator emissions).

¹⁸ *Id.*

¹⁹ See Letter from Alexander Sandy, Air Quality, PADEP to Nicholas Bryan, Energy Transfer Partners, L.P., Re: Technical Deficiency Letter for the ETC Revolution Plant, GP-63-01001 (Mar. 4, 2016).

MarkWest's Harmon Creek Plant from coverage under GP-5. For example, an application for an extraction and fractionation plant in West Virginia ("Natrium") that was available online estimates emissions that come close to exceeding major source thresholds. VOC emissions from the West Virginia fractionator are estimated to be 43.6 tpy.²⁰ If Harmon Creek's fractionator emissions are similar, major source thresholds could be exceeded for this reason alone. For example, if this facility's emissions from the fractionation equipment are equal to or greater than the Natrium Plant's estimated VOC emissions, this facility's total emissions from all sources would exceed the major source threshold of 50 tpy, requiring MarkWest to obtain a Title V permit and rendering it ineligible for a GP-5.

Without the missing emissions data for its fractionation equipment, MarkWest's application is technically incomplete. At this time, PADEP lacks the information necessary to determine whether the Harmon Creek facility's emissions would exceed major source thresholds and would therefore be disqualified from obtaining coverage under a GP-5 permit. Because this application is deficient, and because PADEP cannot confirm that emissions from MarkWest's Harmon Creek Plant will not exceed major source thresholds due to missing emissions data regarding the fractionation equipment, PADEP should not approve this project.

IV. MarkWest Assumes a Flare Efficiency of 98%, Which Is Overly Optimistic.

MarkWest assumes a flare control efficiency of 98 percent, which is overly optimistic from a plant flare for this type of facility. While a 98 percent destruction efficiency for flares is a common assumption by the oil and gas industry, this assumption is largely based on downstream facilities, such as refineries and petrochemical plants. Upstream and midstream components in the production segment, such as Harmon Creek, tend to handle a less-processed gas stream with a higher level of contaminants and water vapor. While the science on the actual destruction efficiency of flares in the oil and gas industry's upstream and midstream segments is still developing, the U.S. Environmental Protection Agency ("EPA") recently observed that the high content of water and condensate of gas in the production segment affects the destruction efficiency of flares, making 95 percent efficiency more likely.²¹ EPA noted that "[c]oncerns have been raised" in applying the standard industrial flare requirements of 98 percent efficiency "within the oil and gas industry including for the production segment."²²

In fact, the Air Pollution Control Division of the Colorado Department of Public Health and Environment commented on EPA's 2012 Clean Air Act rulemaking for the oil and gas industry, raising the same concern. According to EPA:

We received compelling information (i.e., source test data) from the commenter on the performance of combustion control devices located at oil and natural gas

²⁰ See Apex TITAN (for BlueRacer Midstream), Rule 13 Air Permit Modification Application, Natrium Extraction and Fractionation Processing Plant, at 3 (Apr. 2015), http://www.dep.wv.gov/daq/Documents/May%202015%20Applications/051-00142_APPL_13-2896D.pdf.

²¹ See EPA, *Oil and Natural Gas Sector: Standards of Performance for Crude Oil and Natural Gas Production, Transmission, and Distribution, Background Technical Support Document for Proposed Standards 4-19* (2012) [hereafter EPA, *Technical Support Document*], available at <http://www.epa.gov/airquality/oilandgas/pdfs/20110728tsd.pdf>.

²² *Id.*

production facilities, controlling emissions from storage vessels and glycol dehydrators. The data brings into question the ability of these combustion control devices to reliably achieve that 98 percent control cannot be achieved in the field. Therefore, we have lowered the control efficiency for manufacturer tested combustion control devices to 95 percent in the final rule.²³

In other words, both EPA and state authorities lacked faith in the ability of flares to achieve 98-percent efficiency in the production segment—ultimately leading EPA to downgrade its efficiency requirements to 95 percent.

If the control efficiency of the flare at MarkWest’s Harmon Creek facility is actually 95 percent, the emissions from this source would be much higher than currently estimated for all pollutants controlled, and would increase the likelihood that VOC emissions in particular could exceed major source thresholds. PADEP must require MarkWest to submit detailed, accurate emissions estimates from the flare and in particular correct the flare emissions estimates based on a realistic, EPA-supported 95 percent efficiency rate.

V. MarkWest’s RFD Application Requests an Exemption for an Uneven Number of Pig Launchers and Receivers.

MarkWest’s RFD anticipates the use of three high pressure receivers and two high pressure pig launchers that will be tied to the flare (and one 10-mmbtu heater). However, Commenters have noticed that other applications and approvals for similar plants typically have the same number of launchers and receivers for pigging operations.²⁴ PADEP should require MarkWest to provide additional information supporting the uneven number of launchers and receivers proposed in MarkWest’s application for Harmon Creek? Commenters are concerned that the three receivers will necessitate three launchers, thereby increasing the equipment at this facility and the potential emissions, or that there may have been an error in this application that led to this uneven number being provided.

VI. MarkWest Is Requesting an Exemption for a Large Number of Heaters, which, Would Not Qualify for An Exemption if Combined.

While a GP-1 permit is available for heaters with a rated capacity less than 50 million btu/hour, MarkWest is requesting to have five heaters permitted under GP-1 and another heater exempted

²³ See EPA, *Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews 40 CFR Parts 60 and 63, Response to Public Comments on Proposed Rule August 23, 2011 (76 FR 52738)* at 303 (2012), available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-4546>; see also Comments of Air Pollution Control Division, State of Colorado Department of Public Health and Environment, to EPA, Docket ID No. EPA-HQ-OAR-2010-0505 (Nov. 30, 2011), available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-4191> ; Air Pollution Testing, Inc., *Source Emissions Testing Report, ETC Canyon Pipeline, LLC, Four (4) TCI Enclosed Flares - NMOC Control Efficiencies, Various Sites, Western Colorado* (2010), available at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2010-0505-4469>.

²⁴ See, e.g., Alexander Sandy, PADEP, to AQ Permit File, GP5-63-01001 for the ETC Revolution Cryogenic Plant, at 3 (Aug. 2, 2016) (approving one pig launcher and one pig receiver).

under the RFD. Together, these heaters would have a combined capacity of well over 100 mmbtu/hour:

Heater	Capacity (mmbtu/hr)
H-1711 (GP-1)	10.25
H-2711 (GP-1)	10.25
H-1767 (GP-1)	41.22
H-1768 (GP-1)	41.22
H-1769 (GP-1)	10.37
H-1775 (RFD)	5.79
TOTAL	119.10

The GP-1 states that “If the combustion units at the facility cannot be regulated by the requirements of this general permit, an applicant must apply for a plan approval under Chapter 127, Subchapter B in lieu of this general plan approval BAQ-GPA/GP-1.”²⁵ Since the combined capacity is more than double the threshold above which the GP-1 would not be available and above which an individual permit would be required, MarkWest should be required to apply for and obtain an individual plan approval and an individual operation permit for emissions from its heaters, rather than be granted a GP-1 based on dividing capacity among several heaters while far exceeding the capacity at which acquiring the GP-1 permit would be permissible. Again, this is another attempt by MarkWest to manipulate the general permitting process to avoid the requirement to seek and obtain an individual permit.

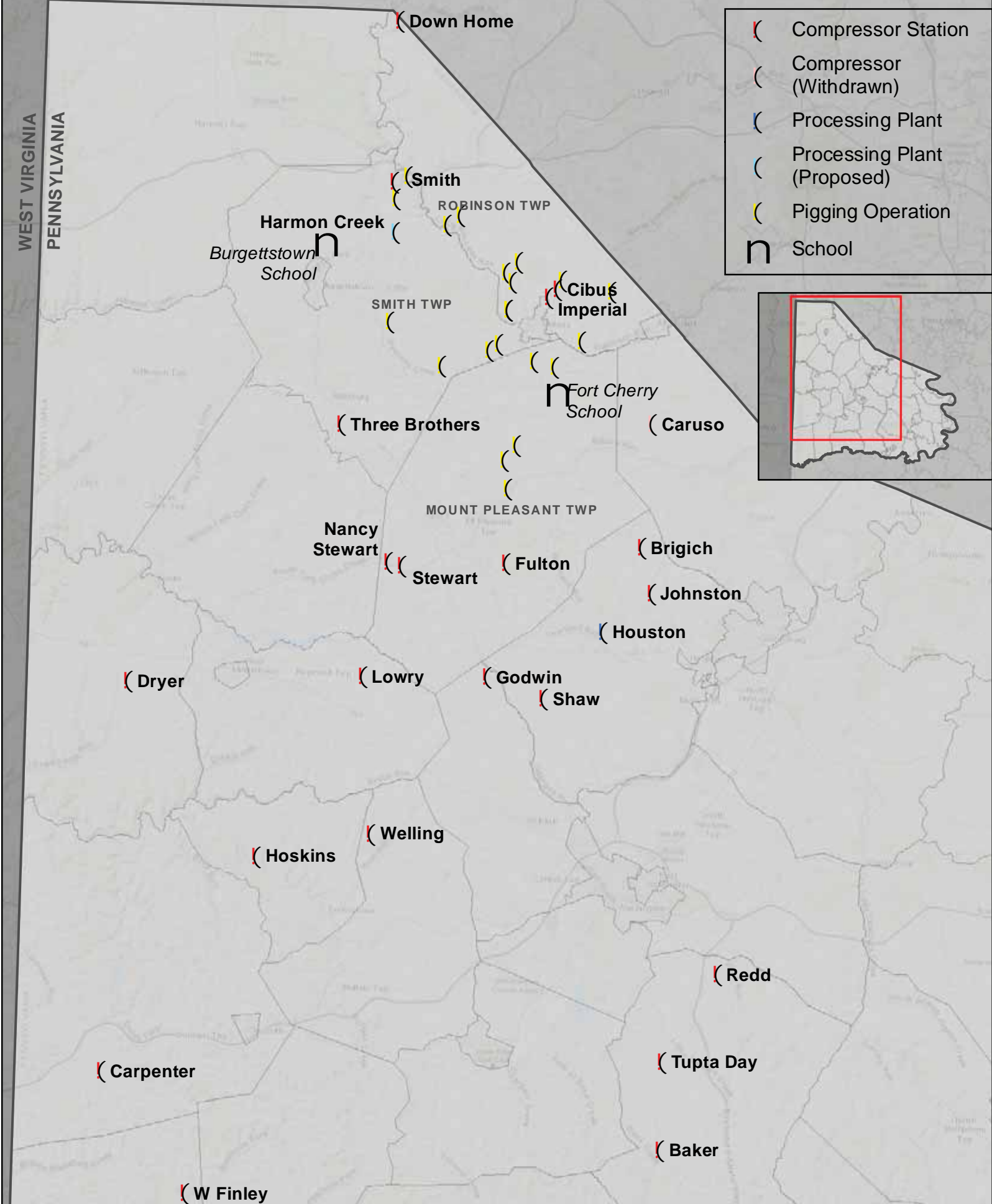
VII. Aggregation Analysis

MarkWest did not provide detailed information regarding whether the Harmon Creek Plant’s emissions should be aggregated with any other sources, but aggregation may be appropriate given the high density of MarkWest natural gas facilities in and around Smith Township, Washington County.

Figure 2 was created by EIP for submission with its comments on the draft GP-5/GP-5A permit and shows MarkWest facilities that EIP was able to accurately identify prior to June 5, 2017. Commenters would like PADEP to confirm and provide a detailed analysis of all facilities that it reviewed for potential aggregation with the Harmon Creek Plant. This includes, specifically, the nearby Smith Compressor station. The high density of emissions sources from MarkWest facilities in this region of Washington County is extremely troublesome for local residents and it is imperative that emissions from nearby facilities are subject to aggregation wherever applicable in order to best protect nearby residents. In addition, the question of deliberate circumvention of Clean Air Act requirements discussed above applies to aggregation, raising legal concerns.

²⁵ PADEP, GP-1 Instructions, Paragraph 8, http://files.dep.state.pa.us/air/AirQuality/AQPortalFiles/Permits/gp/gp1_instruction.pdf.

Figure 2. MarkWest Natural Gas Facilities in Northcentral Washington County



Note: Map displays sites EIP has been able to identify and confirm locations for. Coordinates are from PADEP website and/or public files from PADEP offices and company documents.

VIII. Additional Falsehoods, Errors, and Underreporting of Emissions in MarkWest’s Application

A. Outstanding Compliance Issues Regarding Pigging Operation Permitting and Leak Detection and Repair at MarkWest’s Houston and Other Plants.

Commenters are concerned that there are outstanding compliance issues regarding permitting of pig launchers and receivers at multiple plants and regarding leak detection and repair at MarkWest’s Houston Plant and other gas plants that may have implications for the permitting and potential operation of the Harmon Creek Plant. Although Commentators understand that MarkWest’s consent order negotiations are confidential, the public nonetheless deserves some details regarding this company and how PADEP intends to monitor MarkWest’s future compliance and veracity as it continues to seek and ultimately operate new projects, including Harmon Creek.

Figure 3. Excerpt from Compliance Review Submitted by MarkWest in Its GP-5 Application.

List all incidents of deviations of the APCA, regulations, terms and conditions of an operating permit or plan approval or order by applicant or any related party, using the following format grouped by source and location in reverse chronological order. This list must include items both currently known and unknown to the Department. Attach additional sheets as necessary. See the definition of "deviations" for further clarification.				
Date	Location	Plan Approval/ Operating Permit#	Nature of Deviation	Incident Status: Litigation Existing/Continuing Or Corrected/Date
July 6, 2015	Various	--	Pig Launcher/Receiver Permitting	Ongoing consent order negotiations with USEPA.
2016	Houston Plant and Other Gas Plants	PA-63-00936F	LDAR	Ongoing consent order negotiations with USEPA.

CONTINUING OBLIGATION. Applicant is under a continuing obligation to update this form using the Compliance Review Supplemental Form if any additional deviations occur between the date of submission and Department action on the application.

B. MarkWest Has Not Received Local Zoning Approval, Despite Checking the Box that It Has.

Question #4 of the GP-1 application states that the proposed project meets zoning requirements. However, there is no municipal or county approval letter to this effect in the PADEP file for Harmon Creek, only municipal notification letters dated June 1, 2017. Consequently, this box should not have been checked in the affirmative.

C. Checking Both Boxes

To the question “Have you informed the surrounding community and addressed any concerns prior to submitting the application to the Department?,” MarkWest checked BOTH the “yes” and “no” boxes on the GP5 Application. GP5 Application, at General Information Form, at 3. This is an error that PADEP should require MarkWest to correct.

IV. Conclusion

For the foregoing reasons, Commenters respectfully request that PADEP issue technical deficiency notices to MarkWest in order to obtain and correct the missing and inaccurate data and information detailed above. PADEP should additionally deny any and all permit applications for the Harmon Creek facility until this plant’s eligibility for GP-5 can be confirmed and PADEP has been fully informed of the accurate estimated planned buildout, estimated emissions sources and equipment, and estimated emissions for the Harmon Creek facility.

Sincerely,

/s/ Lisa Hollowell

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ATTACHMENT 1

ATTACHMENT 2

