

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Civil Action No. 2:24-cv-1596

UNITED STATES OF AMERICA
and
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiffs,

v.

HILCORP ENERGY COMPANY,

Defendant.

COMPLAINT

Plaintiffs, the United States of America, by authority of the Attorney General of the United States and acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the Commonwealth of Pennsylvania, Department of Environmental Protection (“PADEP”) (collectively “Plaintiffs”) allege:

NATURE OF ACTION

1. This is a civil action against Hilcorp Energy Company (“Hilcorp” or “Defendant”) pursuant to Section 113(b) of the Clean Air Act (the “Act”), 42 U.S.C. § 7413(b), and Section 4(1), (10) of the Pennsylvania Air Pollution Control Act of January 8, 1960, P.L. 2119 (1959), *as amended*, 35 P.S. § 4004(1), (10) (the “Pennsylvania APCA”).

2. Plaintiffs seek injunctive relief and civil penalties for violations of the Act, the Pennsylvania APCA, and Pennsylvania's Federally approved State Implementation Plan ("SIP"), which resulted in unlawful emissions of volatile organic compounds ("VOC") and other air pollutants.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and pursuant to 28 U.S.C. §§ 1331 (Federal Question), 1345 (United States as Plaintiff), and 1355 (Fine, Penalty, or Forfeiture).

4. This Court has supplemental jurisdiction over the state law claims asserted by PADEP pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this District under Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b) and 1395(a), because the violations that are the basis of this Complaint occurred in this District and the facilities at issue are operated by Hilcorp in this District.

NOTICES

6. Notice has been given to Hilcorp and the appropriate air pollution control agency in the Commonwealth of Pennsylvania in accordance with Section 113 of the Act, 42 U.S.C. § 7413.

DEFENDANT

7. Hilcorp is an oil and natural gas exploration and production company incorporated and headquartered in the State of Texas and registered to do business in Pennsylvania.

8. Hilcorp owns and operates central processing facilities and wells in the Appalachian Basin in western Pennsylvania that extract condensate (a type of oil) and natural gas from the Marcellus and Utica shale formations.

9. Hilcorp is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

STATUTORY AND REGULATORY BACKGROUND

The Clean Air Act

10. The Clean Air Act establishes a regulatory scheme to protect and enhance the quality of the nation’s air to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1).

Pennsylvania SIP

11. Pursuant to Sections 108 and 109 of the Act, 42 U.S.C. §§ 7408 and 7409, EPA must establish air quality criteria for air pollutants that “may reasonably be anticipated to endanger public health or welfare,” known as “National Ambient Air Quality Standards (“NAAQS”).

12. Ground-level ozone, commonly known as “smog,” is one of the criteria pollutants for which EPA has established NAAQS. Ground-level ozone is formed by chemical reactions between VOCs and oxides of nitrogen in the presence of heat and sunlight.

13. Pursuant to Section 110(a) of the Act, 42 U.S.C. § 7410(a), each state must adopt and submit to EPA for approval a plan that provides for the implementation, maintenance, and enforcement of the NAAQS. This plan is known as a state implementation plan or “SIP.” Section 110(a)(2)(A) of the Act, 42 U.S.C. § 7410(a)(2)(A), requires that each SIP include enforceable emissions limitations and other “control measures, means, or techniques” to ensure attainment of

the NAAQS. After enforceable state emission limitations are approved by EPA, these SIP provisions are federally enforceable under Section 113 of the Act, 42 U.S.C. § 7413.

14. Pennsylvania's federally approved SIP regulations are identified in 40 C.F.R. § 52.2020(c).

15. The PA SIP provisions governing Hilcorp's facilities are codified in 25 Pa. Code Chapter 127. In relevant part, the PA SIP requires PADEP approval of the construction of any air contamination source and requires such sources to be operated in accordance with the specifications included in the application for such approval and any conditions issued by PADEP. 25 Pa. Code §§ 127.11, 127.25. In addition, the PA SIP prohibits operation without a permit to operate issued by PADEP and requires such operation to be in accordance with the application and the terms of the approval or permit issued by PADEP. 25 Pa. Code §§ 127.402(a), 443(a), 444.

16. The PA SIP further provides that PADEP may issue a general approval or permit for any category of stationary air contamination sources if PADEP determines that sources in the category are similar and can be adequately regulated using standardized specifications and conditions. 25 Pa. Code § 127.611. A source operating under such a general approval or permit must comply with the terms and conditions established thereunder. 25 Pa. Code §§ 127.622(a).

17. PADEP has issued such a general permit for certain natural gas, compression, and processing facilities, which is known as a "GP-5 Permit." The GP-5 Permit requires compliance with the specifications included in the application for the GP-5 Permit as well as the terms and conditions of the GP-5 Permit. Among other conditions, the GP-5 Permit requires compliance with performance standards established by EPA for crude oil and natural gas production facilities as specified in 40 C.F.R. Part 60, Subpart OOOO. These standards apply to specified facilities

(referred to as “affected facilities”), including storage vessels, that are, in the case of NSPS OOOO, constructed or modified after August 23, 2011 and on or before September 18, 2015, or, in the case of NSPS OOOOa, constructed or modified after September 18, 2015 and on or before December 6, 2022. 40 C.F.R. §§ 60.5360-5430, 5360a-5432a.

FACTUAL BACKGROUND

A. Marcellus and Utica Formations

18. The Marcellus and Utica shale formations are rock formations within the Appalachian Basin that underlie large portions of Pennsylvania, Ohio, and West Virginia. The Marcellus formation lies at various depths from the surface to approximately 8,000 feet. The Utica formation is located below the Marcellus formation. In Pennsylvania, the Marcellus and Utica formations contain trillions of cubic feet of natural gas and millions of barrels of natural gas liquids, known as “condensate.”

B. Hilcorp Facilities

19. Hilcorp is one of many companies that extract natural gas and condensate from the Marcellus and Utica shale formations via extraction wells.

20. The surface site from which a well is drilled is known as a well pad. Hilcorp owns and operates numerous wells in western Pennsylvania that produce a mixture of condensate, natural gas, and produced water.

21. Hilcorp owns and operate central processing facilities that receive the condensate, natural gas, and produced water from surrounding well pads. The natural gas is pressurized and sent offsite via a sales line, while at most of the facilities the condensate and process water are separated out and stored onsite in above ground storage tanks. At one facility (Mahoning-

Buckner), only produced water is sent to storage tanks, with the oil and gas remaining in the pipeline.

22. The storage tanks are kept near atmospheric pressure and hence are often referred to as atmospheric storage tanks.

23. When pressurized condensate and produced water is transferred into an atmospheric storage tank, the pressure drops quickly. This causes some of the hydrocarbons in the condensate, including VOCs, Hazardous Air Pollutants (“HAP”), and methane, to vaporize in a phenomenon known as “flashing.” After flashing occurs, the condensate and produced water (which still contains some condensate, even after initial separation) continue to emit vapors due to liquid level changes and temperature fluctuations.

24. Hilcorp is required to capture and control the vapors from its storage tanks. Hilcorp does this by routing the vapors through a series of pipes or vent lines to a combustion device or a vapor recovery unit.

25. The term “vapor control system” is used herein to refer to the vent lines from a storage tank or group of connected storage tanks to a combustion device or Vapor Recovery Unit, and all connections, fittings, pressure relief devices (including thief hatches on the storage tanks), and any other appurtenance used to contain and collect storage tank vapors, and to transport or convey the vapors to a control device or vapor recovery unit.

C. Storage Tank Thief Hatches

26. The tops of storage tanks have openings called “thief hatches.” Thief hatches are equipped with gaskets that are supposed to seal tight when closed.

27. Thief hatches serve two primary purposes. First, they provide access to the contents of a storage tank for taking samples and measuring the liquid level in the tank (known

as “gauging”). Second, they provide a means of (a) relieving pressure from a storage tank to prevent over pressurization and (b) eliminating excessive vacuum.

28. To prevent over pressurization, thief hatches are designed to open (i.e. vent) when the pressure inside the tank exceeds the pressure setting of the thief hatch.

29. Hilcorp uses “spring loaded” thief hatches. The pressure setting is determined by the stiffness of the pressure spring.

30. When the pressure inside a storage tank approaches the pressure setting of the thief hatch, the spring begins to compress, causing the thief hatch to open. When the pressure drops below the pressure setting, the spring expands causing the thief hatch to close.

D. EPA and PADEP Investigation

31. In October 2018, EPA and PA DEP inspected eight facilities at which Hilcorp conducts oil and natural gas production operations in the Appalachian Basin in Pennsylvania. Using an optical gas-imaging infra-red camera (“IR camera”) and a photoionization detector, EPA and PA DEP inspectors observed VOC emissions emanating from the storage vessel and closed vent system pressure relief devices at six of the facilities (North Beaver NCD, Shenango-Radkowski, Mahoning-Siegel, Pulaski-Carlisle, Lackawannock-Larmon, and Mahoning-Buckner).

32. The first five facilities (North Beaver NCD, Shenango-Radkowski, Mahoning-Siegel, Pulaski-Carlisle, and Lackawannock-Larmon) were operated by Hilcorp pursuant to a GP-5 permit. In its GP-5 permit applications for these five facilities, Hilcorp represented that 100 percent of VOC emissions from storage tanks at each facility was captured and routed to a control device.

33. The sixth facility (Mahoning-Buckner) lacked a GP-5 permit. Hilcorp purported to be operating the facility pursuant to an exemption from the GP-5 requirement, which required operation of an enclosed combustion device to control vapors from the storage tanks. However, EPA and PA DEP inspectors observed that Hilcorp used an open flare at this facility, rather than an enclosed combustion device. As a result, the facility does not qualify for exemption from the Pennsylvania SIP's plan approval and permitting requirements and, therefore, Hilcorp is operating its Mahoning-Buckner facility without a required plan approval or permit authorization.

34. These six facilities at which VOC emissions were observed are identified in Table A, below.

Table A. Hilcorp Facilities at Which Emissions Were Observed

Facility Name	Latitude	Longitude	County	GP-5 Permit
North Beaver NCD	40.990192	-80.431974	Lawrence	Yes
Shenango-Radkowski	41.139656	-80.432744	Mercer	Yes
Mahoning-Siegel	41.0518	-80.47311	Lawrence	Yes
Pulaski-Carlisle	41.11214	-80.46115	Lawrence	Yes
Lackawannock-Larmon	41.2032	-80.347492	Mercer	Yes
Mahoning-Buckner	41.030837	-80.447462	Lawrence	No

35. Further investigation indicated that Hilcorp had failed to ensure that each of its vapor control systems was adequately designed and sized to route all storage tank vapors to an emissions control device.

GENERAL ALLEGATIONS

36. At all times relevant to the Complaint, Hilcorp conducted oil and natural gas production operations in the Appalachian Basin in Pennsylvania.

37. At all times relevant to the Complaint, Hilcorp owned and/or operated the facilities identified in Table A, above.

FIRST CLAIM FOR RELIEF (GP-5 Violations)

38. Paragraphs 1 through 37 are incorporated herein by reference.

39. Hilcorp's North Beaver NCD, Shenango-Radkowski, Mahoning-Siegel, Pulaski-Carlisle, and Lackawannock-Larmon facilities are air contamination sources subject to plan approval requirements set forth in the PA SIP at 25 Pa. Code Chapter 127.

40. Hilcorp failed to comply with the specifications in its GP-5 applications and the terms and conditions of its GP-5 permits at the North Beaver NCD, Shenango-Radkowski, Mahoning-Siegel, Pulaski-Carlisle, and Lackawannock-Larmon facilities, because it failed to capture and route to a control device 100 percent of VOC emissions from the storage tanks at each of these facilities.

41. Hilcorp's failure to comply with GP-5 requirements at these facilities is a violation of federally approved SIP provisions set forth at 25 Pa. Code §§ 127.25, 127.444, and 127.622(a).

42. Pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), Hilcorp is liable for injunctive relief and civil penalties up to the statutory maximum per day for each violation. *See* 88 Fed. Reg. 89,309, 89,312 (Dec. 27, 2023).

SECOND CLAIM FOR RELIEF

(Failure to Obtain GP-5 Permit at Mahoning-Buckner)

43. Paragraphs 1 through 37 are incorporated herein by reference.

44. Hilcorp's Mahoning-Buckner facility is an air contamination source subject to plan approval requirements set forth in the PA SIP at 25 Pa. Code Chapter 127.

45. Hilcorp failed to obtain a plan approval or GP-5 permit authorization for Mahoning-Buckner in violation of federally approved SIP provisions set forth at 25 Pa. Code §§ 127.402(a) and 127.443.

46. Pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), Hilcorp is liable for injunctive relief and civil penalties up to the statutory maximum per day for each violation. *See* 88 Fed. Reg. 89,309, 89,312 (Dec. 27, 2023).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

A. Permanently enjoin Defendant from further violating the Act, the Pennsylvania APCA, the PA SIP, and applicable GP-5 permits;

B. Order Defendant to take appropriate actions to remedy, mitigate, and offset the harm to public health and the environment caused by such violations;

C. Assess a civil penalty against Defendant for each violation up to the statutory maximum per day for each violation;

D. Award Plaintiffs their costs of this action; and

E. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

/s Jason A. Dunn
Jason A. Dunn
Assistant Section Chief
U.S. Department of Justice
Environmental Enforcement Section
Environment and Natural Resources Division
PO Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Phone: (202) 514-1111
Fax: (202) 514-8865
Email: Jason.Dunn@usdoj.gov

ERIC G. OLSHAN
United States Attorney
Western District of Pennsylvania

PAUL SKIRTICH, Bar No. 30440
Assistant United States Attorney
U.S. Post Office and Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
Phone: (412) 894-7418
Fax: (412) 644-6995
Email: Paul.Skirtich@usdoj.gov

OF COUNSEL:

ROBERT KLEPP
KRISTIN TERRY
Attorneys
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

A.J. D'ANGELO
Senior Assistant Regional Counsel
Office of Regional Counsel, Air & Toxics Branch
U.S. Environmental Protection Agency

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

/s Carl D. Ballard
(Signed by Filing Attorney with consent)
Carl D. Ballard, Bar No. PA320830
Assistant Counsel
Northwest Regional Counsel
230 Chestnut Street
Meadville, PA 16335-3407
Phone: 814-332-6070
Fax: 814-332-6996
Email: caballard@pa.gov

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

USA and Commonwealth of Pennsylvania, Dept. of



(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment A

DEFENDANTS

Hilcorp Energy Company

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See Attachment A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights		FEDERAL TAX SUITS	<input checked="" type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	IMMIGRATION	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
	PRISONER PETITIONS			
	Habeas Corpus:			
	<input type="checkbox"/> 463 Alien Detainee			
	<input type="checkbox"/> 510 Motions to Vacate Sentence			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	Other:			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			
	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Clean Air Act, 42 U.S.C. § 7401

Brief description of cause:

Hilcorp violated requirements of the Clean Air Act, the Pennsylvania APCA at storage vessels located at processing facilities and well pads.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/21/2024

JASON DUNN

Digitally signed by JASON DUNN
Date: 2024.11.21 10:45:32 -0500

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44A REVISED June, 2009

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
THIS CASE DESIGNATION SHEET MUST BE COMPLETED**PART A**This case belongs on the (☐ Erie ☐ Johnstown ☒ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____. Short Caption _____.
2. ☐ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

I. CIVIL CATEGORY (Select the applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas corpus
4. ☐ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☒ All other federal question cases
8. ☐ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

s/ Jason A. Dunn

Date: 11/21/2024

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH FORMS MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

Attachment A

Attorney for Plaintiff United States of America:

Jason A. Dunn
Assistant Section Chief
U.S. Department of Justice
Environmental Enforcement Section
Environment and Natural Resources Division
PO Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Phone: (202) 514-1111
Fax: (202) 514-8865
Email: Jason.Dunn@usdoj.gov

Paul Skirtich
Assistant United States Attorney
U.S. Post Office and Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
Phone: (412) 894-7418
Fax: (412) 644-6995
Email: Paul.Skirtich@usdoj.gov

Attorney for Plaintiff Commonwealth of Pennsylvania, Department of Environmental Protection:

Carl D. Ballard
Assistant Counsel
Northwest Regional Counsel
230 Chestnut Street
Meadville, PA 16335-3407
Phone: 814-332-6070
Fax: 814-332-6996
Email: caballard@pa.gov

Attorney for Defendant Hilcorp Energy Company:

Gina Falaschi Buchman
Babst Calland Attorneys at Law
505 9th Street NW, Suite 602
Washington, DC 20004
gbuchman@babstcalland.com
Phone: 202-853-3455
Attorney for Defendant