



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



Good Samaritan Application Preparation, Review Process, and Liability Protection for Oil or Gas Well Plugging Projects

Applicant Training Webinar

March 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Outline

- Documentation/Inventory of Application Receipt
- Preliminary Considerations
- Administrative Review
- Public Notice/Public Comment Period
- Technical Review
- Approval/Denial of Application
- Liability Relief

Preliminary Considerations

- In most cases, applicants should allow 60 to 90 days of lead time between the submission of the application and the intended start date for the plugging project.
- The applicant should also allot the necessary time to secure all required permits to access the location and manage the site during well plugging.
- DEP expects that each applicant will have completed some work related to determining whether or not a responsible party is associated with any wells that will be addressed in the project – API Numbers should be assigned prior to application submission.
 - Information associated with well ownership searches should be submitted with the application – DEP can complete this work, but will need additional time to conduct an abandoned well investigation.

➤ Application Inventory

- DEP must document and inventory all complete applications – well plugging projects are considered Land Reclamation Projects under the Good Samaritan Act
 - Projects are entered into eFACTS and assigned an ID number
 - Records will be posted using DEP's web GIS service:

<http://www.depgis.state.pa.us/PaOilAndGasMapping/>

Application Inventory

PA Oil and Gas Mapping Tool:

Oil & Gas Well Layer

Tasks Legend

Active DEP Orphan

Plugged DEP Plugged

Abandoned DEP Abandoned

Regulatory Inactive

Select All Status Clear All Status

Select All Clear All

Well Selection is Now Displayed on Map

Search for Oil and Gas Wells

Environmental Good Samaritan Projects

Project Status

Select at least one project status from this list.

Issued Denied

Pending Withdrawn

Cancelled Revoked

Select All Clear All

Selected Project Status EGSP Shown

Turn EGSP Layer Off

Search for Environmental Good Samaritan Projects

by EGS ID

PA Oil and Gas Mapping

ESRI Streets & Imagery Topographic National Geographic PA Map Imagery (2003-2006) & ESRI Imagery

0 15 30mi

esri

Application Inventory

PA Oil and Gas Mapping Tool:

The screenshot displays the PA Oil and Gas Mapping Tool interface. At the top, there are map style selection options: ESRI Streets & Imagery, Topographic, National Geographic, and PA Map Imagery (2003-2006) & ESRI Imagery. The map shows a geographic area with roads and a red dot indicating a well location. A red box highlights an information icon on the map's toolbar. A large popup window titled "Environmental Good Samaritan Projects" provides detailed information for a specific well. A secondary popup window, also titled "Environmental Good Samaritan Projects", is overlaid on the right, featuring a red box around the "Display Authorization Documents" button and other document-related options.

Environmental Good Samaritan Projects

Permit Number: 047-25004
Well Name: CHEM TRADE 1
Operator: UNKNOWN OPR
Operator Number: OGO-99999
Well Type: UNDETERMINED
Storage Field Name:
Well Status: Plugged OG Well
Original Permit Issuance Date: 11/9/2011
Permit Expiration Date:
SPUD Date: 1/1/1800
Date Plugged: 11/14/2017
Conservation Well: N
County: Elk
Municipality: Ridgway Twp
Latitude DD: 41.478806
Longitude DD: -78.671472
Latitude DMS: 41° 28' 43.7016"
Longitude DMS: -78° 40' 17.2992"
Primary Facility ID 820841
Unconventional Well: N
Surface Elevation:
Well Configuration: Undetermined
Coal:
Well Pad Name - ID: -
UIC ID:
UIC Type Description:
Site ID: 824728
Site Name: CHEM TRADE 1 OG WELL
EGS ID: EGS047-25004
Applicant Name: CHEMTRADE LOGISTICS US INC
Project Status: Issued

Environmental Good Samaritan Projects

Applicant Name: CHEMTRADE LOGISTICS US INC
Project Status: Issued

Display Authorization Documents

Display Inspections

Display Production Report

Display Waste Report

Display Well Pad Info

Display Mechanical Integrity Assessment

[Zoom to](#)

Administrative Review

- Is the application administratively complete?
Applications must include:
 - Project description.
 - Project location (map or narrative).
 - List of APIs and coordinates.
 - If no API is assigned, applicants must coordinate with District Oil and Gas Staff to identify the wells and have an API assigned.
 - List of contractors.
 - List of project site landowners.
 - List of project participants.
 - List of adjacent landowners.
 - Landowner access agreement (must include right of entry for project participants and DEP representatives).

Administrative Review

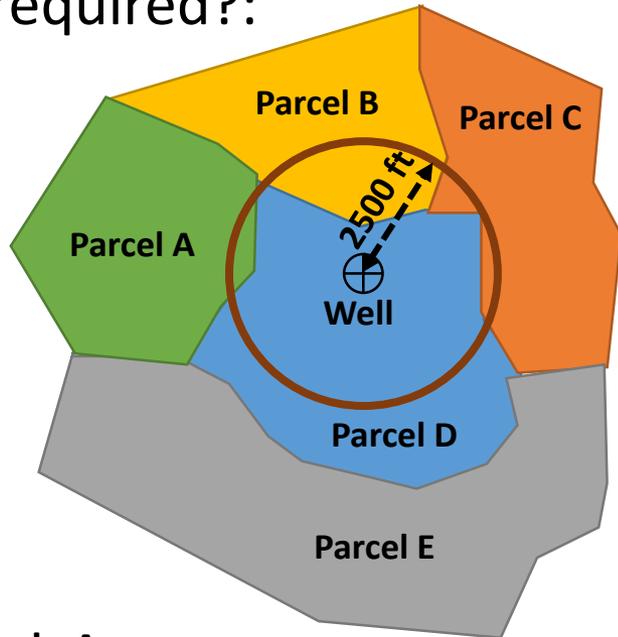
- Applicant may need to submit additional information if DEP determines that the application is incomplete.
- Other considerations:
 - If an applicant is not a client in eFACTS, a General Information Form will be required as part of the application process.
 - An applicant may focus solely on the plugging operation, i.e., the applicant does not have to reclaim areas affected by historical spills, as they are not the responsible party. Liability relief only applies to the activities addressed in the application.
 - If a release occurs during the course of the plugging project, the applicant is responsible for cleanup and stabilizing the well to the satisfaction of DEP.

Public Notice

- Once application is considered Administratively Complete:
 - DEP or applicant must provide public notice via publication in a newspaper of general circulation **or** certified mailing to adjacent landowners.
 - “Adjacent” will be limited to the nearest abutting parcels at a radial distance not to exceed 2,500 feet.
 - If notice is given via newspaper publication, notice must be published once per week for 4 consecutive weeks.
 - If the applicant completes the certified mailing or newspaper publication, they must provide DEP with the date the last certified letter is received or the date of the first newspaper publication.

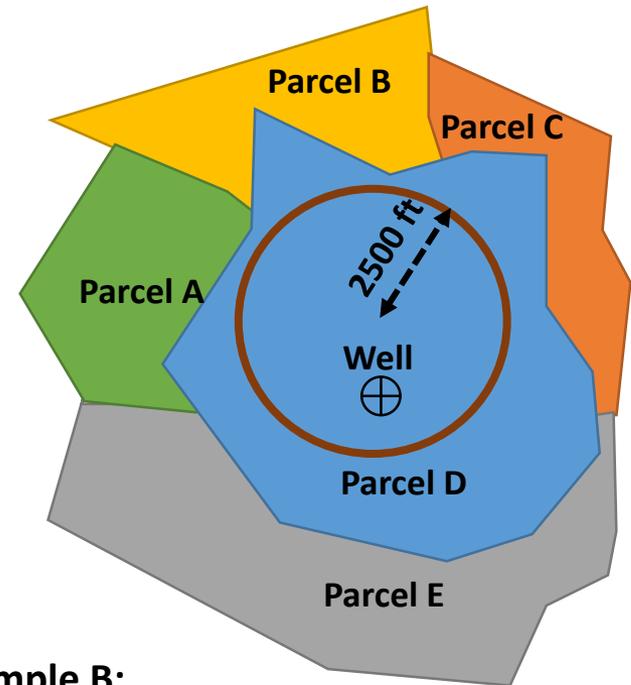
Public Notice

When are either certified mailings or newspaper publications required?:



Example A:

- Certified mailings must be sent to the landowners of Parcels A, B, and C, as they fall within 2500 feet of the oil or gas well.
- In lieu of certified mailings, publication of the project notice in a local newspaper is acceptable.
- The landowner for Parcel D must still consent to access (as well as any other landowner where access is required).



Example B:

- Neither certified mailings nor publication of the project notice in a local newspaper are required since the oil or gas well is completely contained within a larger parcel.
- The landowner for Parcel D must still consent to access (as well as any other landowner where access is required).

Public Notice

- DEP must publish notice of the application in the PA Bulletin.
 - This must be done by staff with access to the appropriate submission folder locations (Regional Clerical Staff).
 - Notices are submitted to the Policy Office as a “Special Notice.”

Public Notice

- A 30-day public comment period begins after the date of last notice.
 - DEP must provide all comments received to applicant.
 - No formal Comment Response document is needed.

Technical Review

DEP OG staff conduct a technical review of the application.

- Field inspection of well site(s) is conducted.
- Application qualifications are assessed:
 - Do the proposed plugging methods conform to DEP laws and regulations?
 - <https://www.pacode.com/secure/data/025/chapter78/subchapDtoc.html> (see sections 78.91-78.98)
 - <https://www.pacode.com/secure/data/025/chapter78/s78.124.html>
 - <http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/2012/act13.pdf> (see section 3220)
 - Does the applicant have the necessary experience and equipment to complete the work?
 - Have required permits been secured, or are they in process?
 - Will the proposed project improve, or at a minimum not worsen, site conditions?

Application Approval/Denial

- DEP may request submittal of supplemental material from applicant, as needed.
- After the 30-day comment period has elapsed, DEP will:
 - 1a. Complete the approval form (last page of application) and send to applicant, or
 - 1b. Send a letter to the applicant denying approval.
 2. DEP must also submit letters to commentators informing them of the final decision.
- DEP will update eFACTS/Inventory with decision.

Liability Relief

Landowners who provide access to the project area are not responsible for:

- Injury or damage to a person who is restoring the land or treating the water pollution while the person is on the project area.
- Injury or damage to a person that is caused by the people restoring the land or treating the water pollution.
- Injury or damage to a person as a result of the project.

Liability Relief

Participants in a land reclamation project are not responsible for:

- Injury or damage that occurs during work on the project.
- Pollution associated with water treatment facilities.
- Operating, maintaining or repairing water treatment facilities.

Applicants who provide equipment, materials or services **at no charge or at cost** for the project, “may be immune from civil liability and may raise protections afforded by this chapter (Chapter 81) in any subsequent legal proceeding which is brought to enforce environmental laws or otherwise impose liability.”

- Contractors hired by applicants to plug wells are not afforded protection unless they are providing services at no cost or at cost.

Liability Relief

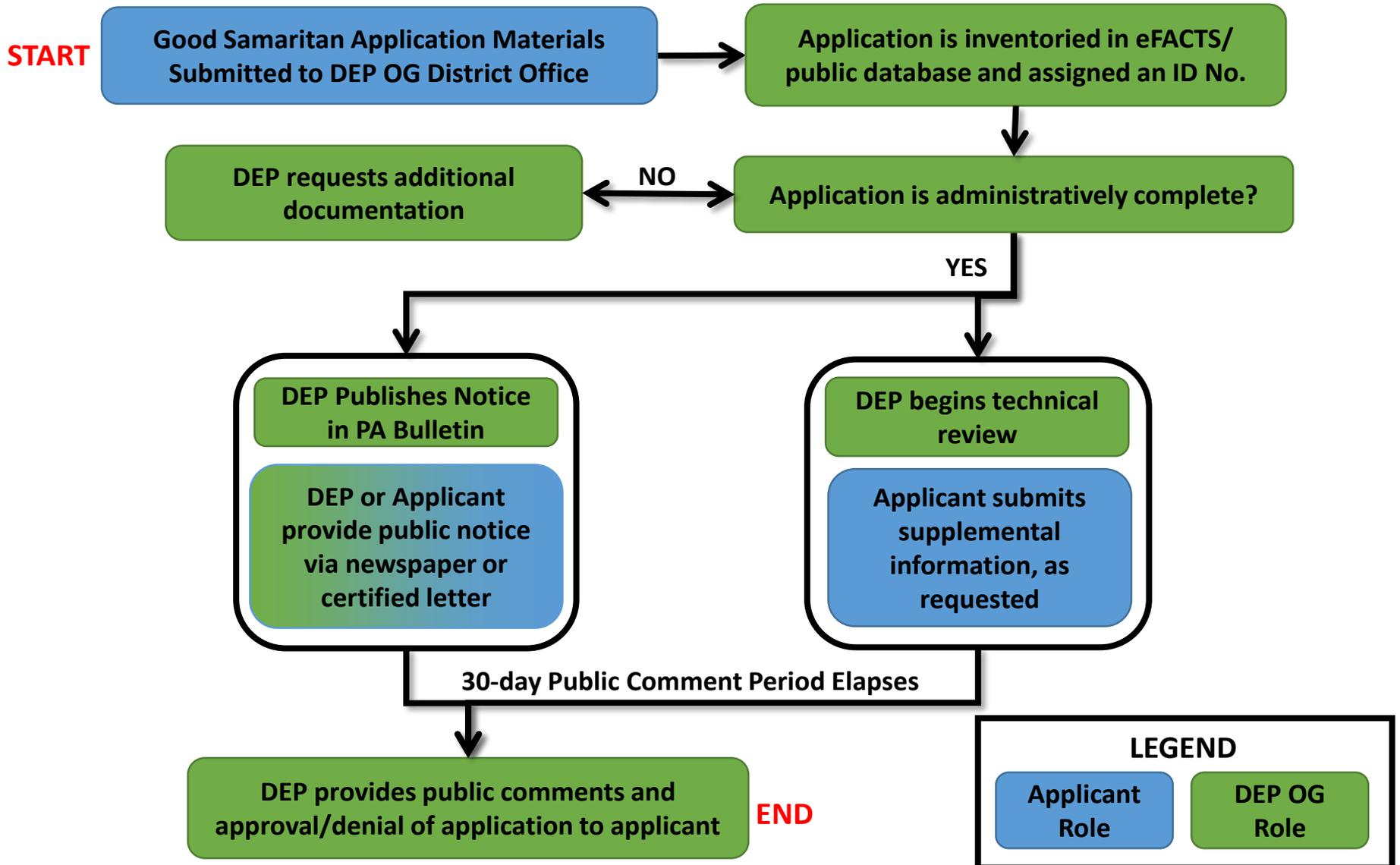
Exceptions to immunity include instances where:

- Injury or damage is caused by recklessness, gross negligence, willful misconduct, or unlawful activities.
- A landowner charges an access fee or receives something of value for granting access.
- A contractor is executing the project for a profit.

Resources

- Environmental Good Samaritan Law:
<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/27/00.081..HTM>
- Application Instructions and Form:
<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=3897>
- PA Bulletin Examples (bottom of page):
<http://www.pabulletin.com/secure/data/vol47/47-37/1522d.html>
- Certified Letter Example:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/2017/GOOD_SAMARITAN/Good_Samaritan_Letter_Redacted.pdf

Application Review Flow Chart





Thanks for your attention! For more information, please contact DEP:



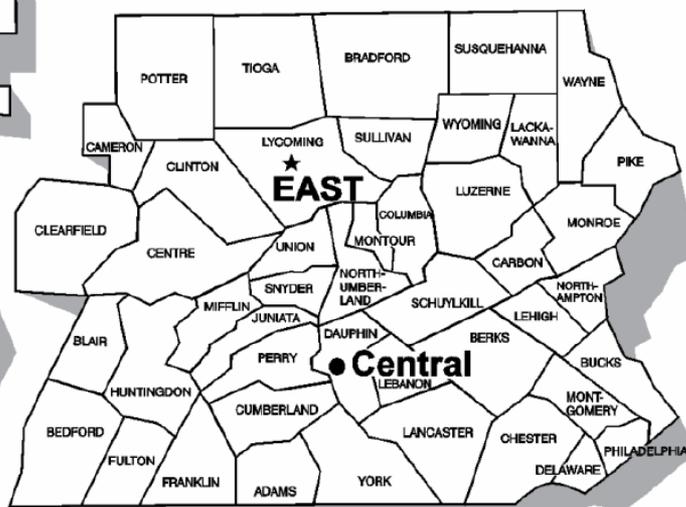
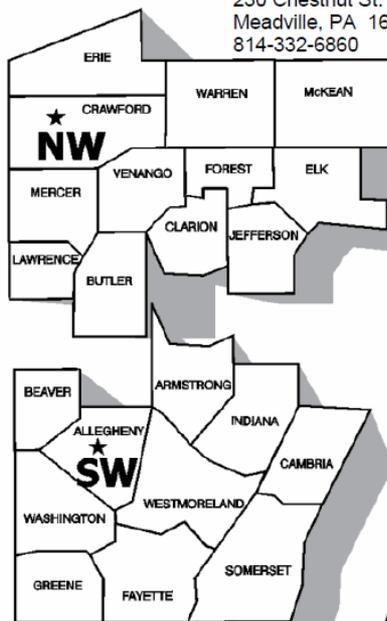
Oil and Gas Districts

★ **Northwest District**

230 Chestnut St.
Meadville, PA 16335-3481
814-332-6860

★ **Eastern District**

208 West Third St.
Williamsport, PA 17701-6448
570-327-3636



★ **Southwest District**

400 Waterfront Drive
Pittsburgh, PA 15222-4745
412-442-4024

● **Central Office**

Bureau of Oil and Gas Planning and Program Management
P.O. Box 8765
Harrisburg, PA 17105-8765
717-772-2199