



February 18, 2016

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RE: Act 9 Emergency Response Plan Submissions
[REDACTED]

Dear operator,

This letter serves as an update to the Department of Environmental Protection's (DEP) guidance regarding the submission of Emergency Response Plans (ERP) dated February 11, 2013. The Act of February 2, 2012, No. 9, P.L. 67 (Act 9) (35 Pa.C.S. § 7321), provides that DEP "shall adopt emergency regulations directing operators of all unconventional wells within this Commonwealth" to develop and implement ERPs. Those regulations were published on January 26, 2013. Operators of unconventional wells were required to develop and submit ERPs for existing well sites to DEP by April 26, 2013. 25 Pa.Code § 78.55(f)(6). To allow for greater transparency, efficiency, and accessibility; DEP will be requiring operators to submit the ERPs electronically.

The web-based solution for the electronic submission of ERPs will be through DEP's online Oil and Gas Reporting Electronic (OGRE) system, accessed via DEP GreenPort. OGRE was updated in 2014 to accept ERPs. Operators must upload PDF copies of their unconventional well site ERPs in OGRE, required pursuant to Section 78.55(f)(5)(i). In accordance with Section 78.55(f)(5)(i), operators have two options for submitting these plans as described in the regulations:

Option 1: Operators may submit a separate comprehensive site-specific ERP for each well site that contains all of the required elements.

Option 2: Operators may submit a single ERP common to all of the operator's well sites statewide that contains some of the required Section elements. In addition, operators must submit site-specific ERPs for each well site that contain the remaining required elements.

In accordance with 78.55(f)(5)(iv), plans submitted during a given calendar year will be valid until March 1 of the following calendar year (unless deficiencies are noted by DEP). Operators will need to review each plan and submit an update or submit an electronic statement indicating the review was completed and updates to the plan(s) were not necessary prior to March 1. Because the ERP covers all aspects of well site and unconventional well development, the ERP for new well sites must be submitted prior to the construction of the access road to a well site.

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The next ERP renewal cycle is March 1, 2016. For an existing well site, if the required ERP or update statement is not submitted in OGRE by March 1, 2016, DEP will consider operators to be out of compliance with the regulatory requirements. For well sites constructed after March 1, 2016, the initial submission of the required ERP must be made to OGRE as described above.

If you have any questions or concerns about the content of this letter, please contact Lucas Swanger at 717.772.2199 or lswanger@pa.gov.

Sincerely,



Lucas Swanger
Environmental Group Manager