

Act 9 of 2012
Draft Emergency Regulations

§ 1 Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Access Road - A private road connecting a public road to an unconventional well site.

Department – the Department of Environmental Protection.

Emergency Responder – Police, firefighters, emergency medical technicians, paramedics, emergency management personnel, public health personnel, state certified hazardous materials response teams, Department of Environmental Protection emergency personnel, and other personnel authorized in the course of their occupations or duties, or as an authorized volunteer, to respond to an emergency.

Entrance - The point where the access road to an unconventional well site intersects a public road.

GPS Coordinates - Global positioning system coordinates in latitude and longitude as expressed in decimal format of degrees, minutes and seconds based upon the World Geodetic System 1984 Datum standard or any subsequent generally-accepted standard.

PEMA- the Pennsylvania Emergency Management Agency

Operator – The person who has a permit to drill an unconventional well.

Private Road - A road that is not a public road.

Public Road – A road owned and maintained by the Commonwealth of Pennsylvania, a county within the Commonwealth, a municipality within the Commonwealth, or any combination thereof.

Reflective - Reflectorized sheeting and lettering of engineer grade having 80 candlepower reflectivity at a minimum.

Unconventional formation - A geological shale formation existing below the base of the Elk sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by:

- (1) Hydraulic fracture treatments.
- (2) Using multilateral well bores.
- (3) Other techniques to expose more of the formation of the well bore.

Unconventional well or well – Except for purposes of Section 6, a bore hole drilled or being

drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

Unconventional well site or well site – The area occupied by the equipment or facilities necessary for or incidental to the drilling, production or plugging of an unconventional well.

Well name – The farm name used to designate the well site by the operator on the permit application submitted to the Department for an unconventional well.

§ 2 Registration of Addresses.

- (a) The operator of an unconventional well shall obtain a street address for the entrance from the county or municipality responsible for assigning street addresses.
- (b) The operator of an unconventional well shall adopt a unique GPS coordinate address for each well, for both the entrance and the well site.
 - (1) If entry to the well site is made directly from a public road, that entry point shall be the entrance.
 - (2) If there is more than one well on a well site, the same GPS coordinate address shall be used for each well.
 - (3) If a series of two or more connected private roads connect a public road to a well site, then the access road shall be the series of private roads.
 - (4) If two or more well sites are accessed by the same entrance, each well site shall utilize the same GPS coordinate address of the entrance.
- (c) The operator of an unconventional well shall register each GPS coordinate address with PEMA, the Department and the county emergency management organization within the county where the well site is located, using methods required by each, including electronic registration if required.
- (d) The well name, the entrance address GPS coordinates and the well site GPS coordinates shall be retained at the well site for reference when contacting emergency responders.

§ 3 Signage.

- (a) The operator of unconventional well shall display a reflective sign at the entrance.
- (b) The sign shall meet the following:
 - (1) The sign shall be fabricated with approved retroreflective sheeting material as described in the Pennsylvania Department of Transportation Publication 35 Section 1103.02(c).
 - (2) The sign shall have a white background with a four (4) inch red border and black numbers and letters.

- (3) The sign shall be of sufficient size to accommodate the required information described in this section, but at a minimum shall be forty-eight (48) inches in height and forty-eight (48) inches in width.
 - (4) The sign shall follow the format of Figure 1, and shall contain the following:
 - (i) The street address number for the entrance required by Section 2(a), displayed horizontally on the first line of the sign in text no smaller than four (4) inches in height.
 - (ii) The full street address of the entrance required by Section 2(a), including the county and municipality in which the entrance is located.
 - (iii) The well operator's company name and logo.
 - (iv) The twenty-four hour emergency contact telephone information for the operator of the well site.
 - (v) The GPS coordinates for the entrance.
 - (vi) The well site name.
 - (vii) The GPS coordinates for the well site.
 - (viii) The API numbers for the unconventional wells at the well site.
 - (5) The sign shall be mounted independently from other signage.
 - (6) The bottom of the sign shall be positioned a minimum of five (5) feet above ground level.
 - (7) The sign shall contain no other markings.
- (c) The operator shall display additional directional signs at each intersection that exists between any entrance and the well site, to direct emergency responders to the well site where appropriate, including the following circumstances.
- (1) A series of two or more connected private roads connect a public road to an unconventional well site.
 - (2) Two or more well sites are accessed by the same entrance.
- (d) Signs required under paragraph (c) shall contain the well site name, the GPS coordinates for the well site, and an arrow clearly indicating the direction to the location of the well site. The sign shall have a light-colored background with dark, contrasting letters and be a minimum of twelve (12) inches in height and twenty-four (24) inches in width.
- (e) Signs, as viewed from the applicable road, shall not be obstructed from view by landscaping, shrubs, vegetation, equipment, vehicles or any other plant or structure.
- (f) During drilling operations, the American Petroleum Institute (API) permit numbers of the wells at the site may be posted on a non-reflective sign below the principal sign. The API sign can be removed after the drilling phase is completed, provided that it is not otherwise required to be posted.

Sample Site Entrance Signage:

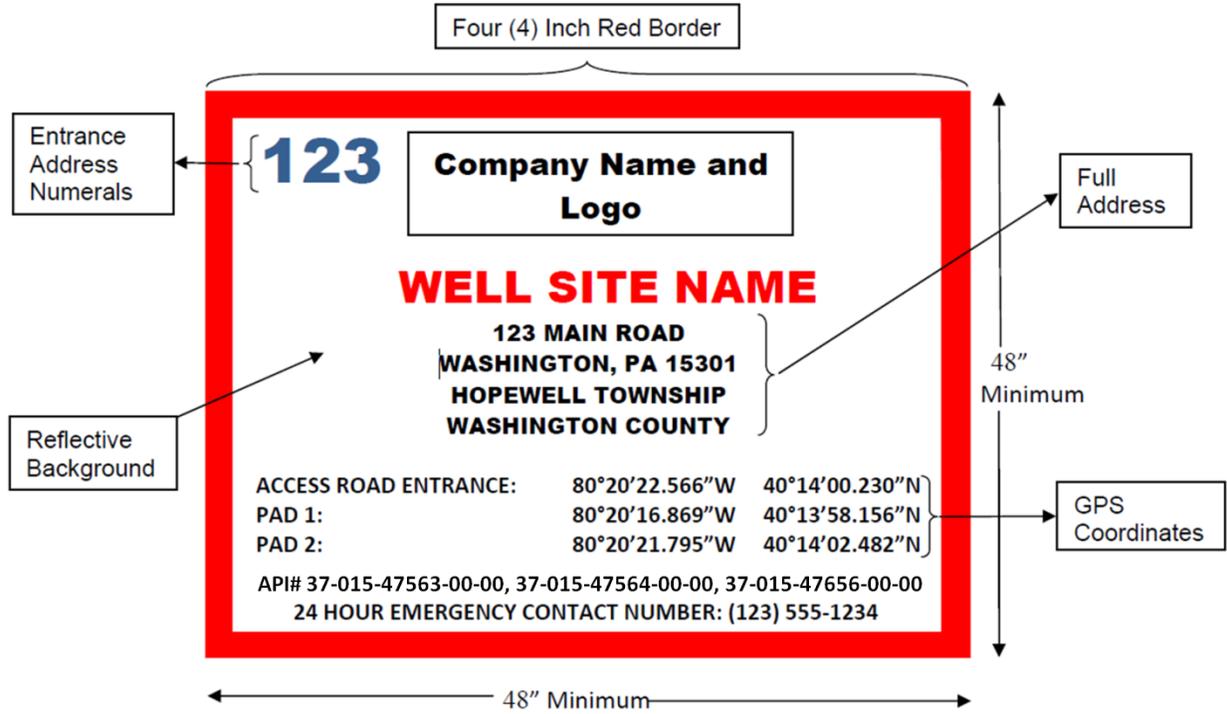


Figure 1
(Not to scale)

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§ 4 Emergency Response Planning.

- (a) The operator of an unconventional well, or an operator planning to drill a bore hole, shall develop an emergency response plan that provides for equipment, procedures, training and documentation to properly respond to emergencies that threaten human health and safety for each well site or planned well site. The plan shall utilize the concepts of the National Incident Management System (NIMS) to the maximum extent practicable, and shall include the following:
- (1) Emergency contact information, including phone numbers, for the well operator's local representative, and the well operator's 24-hour emergency phone number.
 - (2) The emergency notification procedures that the operator will utilize during an emergency to contact emergency responders.
 - (3) A concept of operations to control conditions that would lead to the following well site emergencies:
 - (i) Fire.
 - (ii) Medical emergency.
 - (iii) Explosion or similar event.
 - (iv) Spill.
 - (v) Security breach or other security event.
 - (4) A list of materials and/or wastes in any physical form, used, stored, or collected at the well site, which can be found on the EPA List of Lists in quantities and concentrations which require reporting to the Pennsylvania Department of Labor and Industry's Tier Two Reporting System because of the risk they pose to workers, emergency responders, and the public. The list shall provide the following information for each such material:
 - (i) Chemical name using either its common name or International Union of Pure and Applied Chemistry name,
 - (ii) Chemical Abstract Service number (CAS #s),
 - (iii) Principle and secondary hazards of each chemical or waste: (explosivity, poisonous by inhalation, flammability, spontaneous combustibility, water reactivity, oxidizer, toxicity, radioactivity, corrosivity, and/or other.)
 - (iv) The quantity of each expected to be on site, and
 - (v) Locations where each is stored, the types of container for each, and any safety markings, placards, labels, signs, etc. identifying each.
 - (5) A description of the procedure to be used to provide the most current information regarding the types of materials described in subparagraph (a)(4) to emergency responders in the event of an emergency. This shall include the name of the individuals at the well site who are responsible during an emergency to provide the information to emergency responders.

- (6) A list of the emergency equipment at the well site which the operator maintains.
 - (7) A list of the storage locations for the emergency equipment.
 - (8) A description of how the emergency equipment shall be deployed in a prompt manner.
 - (9) A summary of the risks and hazards presented for each well site and the associated planning assumptions.
 - (10) A description of the essential operational procedures of the well site and a designation of the individuals responsible for such procedures.
 - (11) A designation of the well site's drilling process as vertical or horizontal.
 - (12) An outline of the training and exercise plan that the operator has established.
- (b) The requirements in paragraph (a) can be met by implementing guidance issued by the Department in coordination with PEMA.
- (c) The operator of an unconventional well site shall submit a copy of the current emergency response plan for that well site. The operator shall review the plan and submit an update annually by the date of the initial submission after the effective date of this subchapter. In the event that no updates are made to the plan for that review period, the operator shall submit a statement indicating the review was completed and no updates to the plan were necessary. The plan and updates shall be submitted to the following:
- (1) PEMA.
 - (2) The Department.
 - (3) The county emergency management agency with jurisdiction over the well site.
- (d) A copy of the plan shall be available at the well site during all phases of operation, including completion activities.
- (e) The emergency response plan shall address response actions for the following stages of operation at the unconventional well site:
- (1) Preparation of the access road and well site.
 - (2) Drilling of the well.
 - (3) Hydraulic fracturing and stimulation of the well.
 - (4) Well site restoration.
 - (5) Plugging of the well.

§ 6 Transition.

- (a) This regulation shall be effective immediately upon publication in the *Pennsylvania Bulletin*, except as provided in (b) – (d).
- (b) For a well site containing a well that is being drilled or has been drilled as of the effective date of this regulation, or a well site for which a well permit has been issued but no wells have commenced drilling as of the effective date of this regulation, or a well site for

which an administratively complete application is pending as of the effective date of this regulation as provided in (a), the following applies:

- (1) The requirements of Section 2 shall be effective on _____ [30 days after the effective date of the regulation].
 - (2) The requirements of Section 3 shall be effective on _____ [60 days after the effective date of the regulation].
 - (3) The requirements of Section 4 shall be effective on _____ [90 days after the effective date of the regulation].
- (c) For all other applications, the requirements of this section shall be effective upon publication in the *Pennsylvania Bulletin*.

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