

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Temporary storage (§ 78a.56)

The purpose of this Frequently Asked Questions (FAQ) document is to highlight changes in and address questions about the new regulations. This FAQ should not be used in lieu of reference to the 2012 Oil and Gas Act, 25 Pa.Code Chapter 78a and other applicable laws and regulations. The answers outlined in this FAQ are intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements.

This document is not an adjudication or a regulation. There is no intent on the part of the Department to give this document that weight or deference. The Department may supplement or amend this document at any time as necessary without notice.

- 1) What is the tank specific approval and siting approval process for the installation of a modular aboveground storage structure? What is the turnaround time on this approval? The operator may not know the exact siting location on the well pad or tank pad; this may not allow for locational adjust. Why is siting approval even needed?

New approvals of modular aboveground storage structures will be completed through the submission of an OG-71A. That particular modular aboveground storage structure will then be added to the Department of Environmental Protection's (DEP) approved list. As an initial matter, DEP notes that approval for a modular aboveground storage structure is only required if the structure exceeds 20,000 gallons capacity. 25 Pa.Code § 78a.56(a)(2).

For siting approval, the operator will submit either an OG-71A for a modular aboveground storage tank not on the approved list or an OG-71B for one that is on the approved list. This submission will also need to include information such as a site map showing the proposed location of the structures, a topographic map of the well site, soil types, any type of geotechnical testing that has been performed, etc. If this information is already contained in an ESCGP-2 on file, then the operator only needs to submit the OG-71A or OG-71B.

The turnaround time for siting approval can vary depending upon the complexity of the location, the completeness of submitted material, and if the storage structure has been previously approved. For minimal turnaround times, operators should plan ahead when designing their site layouts to allow for locational adjusts.

Some of these aboveground modular structures can be relatively large. Even if the engineering structure of the tank has been approved, DEP still needs to look at the siting of that tank at a particular site to make sure there are no site structural stability concerns, such as landslide or stabilization issues, which have been experienced on unconventional well sites in Pennsylvania. For example, is a 5,000,000-gallon storage structure being placed on the fill slope in a soil area where the site was not engineered to bear that type of load? (posted 10/19/16)

- 2) What is the approval timeframe for an OG-71?

OG-71A approval timeframes vary from one OG-71A to the next, depending on the complexity of the submittal. It is recommended to contact DEP's District Office where the well site is located as early as possible to provide expeditious review of the application. (posted 10/19/16)

- 3) Please clarify whether mobile storage tanks that are complete – that is, are not assembled on site but are moved from site to site and linked together as needed, (for example, multiple 21,000-gallon storage tanks manifolded together) - are not modular aboveground storage structures and therefore are exempt from siting approval.

This is correct. Tanks that are complete and structurally intact, are moved from site to site, and require only hooking up or manifolding together at the destination location are not required to be approved through an OG-71. Modular aboveground storage structures are storage structures that are taken to a site in multiple sections, assembled on site, used for well development activities, disassembled, and taken to the next site. (posted 10/19/16)

- 4) If the modular aboveground storage structure is to hold freshwater only to be used for storage for fracturing then, is it necessary to get siting approval and adhere to the same criteria as those storing produced fluids?

No. "Modular aboveground storage structure" is defined in section 78a.1 as "An aboveground structure **used to store wastewater...**" (emphasis added). (posted 10/19/16)

- 5) Will all open top tanks that are on average 500bbl (around 21,000 gallons) need to be registered as an aboveground storage tank?

No, as long as the open top tank is not a "modular aboveground storage structure" as defined in section 78a.1. The exemptions under the Storage Tank and Spill Prevention Act and the tank regulations in Chapter 245 still apply even after these regulations take effect. The only thing that would need to be done in terms of open top tanks used for temporary storage is what is in section 78a.56, and that section does not require registration of any aboveground storage tanks. Open top storage tanks may not be used for the storage of brine or other fluids produced during operation of a well, as outlined in section 78a.57(a). (posted 10/19/16)

- 6) Does the DEP have a list of approved modular aboveground storage structures? If not, when will the review/approval process start?

A list will be populated on DEP's website of approved modular aboveground storage structures as they are reviewed and approved. The list will be made available and updated as structures are approved. (posted 10/19/16)

- 7) Modular aboveground storage structures - Will specific manufacturer names and model numbers be included on the list or will the list only be inclusive of general tank types/styles?

This will be similar to the way liners are currently handled. Listings will be specific to the manufacturer and model number of the modular aboveground storage structure. The goal of DEP's website is to include the documentation from the actual approval that shows the specifications and other technical specs of that storage structure, process, or procedure. (posted 10/19/16)

- 8) What are some examples of "reasonable measures to prevent unauthorized access by third parties" for both temporary tanks and permanent production storage tanks at an unmanned site? Please also provide some examples of what would not be acceptable?

This is an equipment specific, site-specific question. Operators need to assess their operations and equipment to take appropriate steps to prevent unauthorized access by third parties at their particular sites. Generally, these measures would include those that prevent simple interaction with tanks, valves, ladders, etc. This could include fencing, locks, bull plugs, removable handles, retractable ladders, etc. DEP will work with vendors and operators to come up with further examples, but it will not be an exhaustive list, allowing operators the flexibility to handle situations at their sites as appropriate. (posted 10/19/16)

- 9) Who at the Department will be approving above ground storage structures and what qualifications do they have to approve such structures? Example: Will the reviewer be a P.E.?

DEP will ensure that the review and approval process will be conducted by staff members who have the proper education, training, and qualifications to evaluate the structural strength and stability of modular aboveground storage structures by examination of the submitted technical specifications. (posted 10/19/16)

- 10) If a storage tank meets the requirements of the OSHA Hazard Communication Standard 29 CFR 1910.1200, does this meet the signage requirements of section 78a.56(a)(8)?

Yes, if a tank or other approved storage structure is marked identifying its contents and, if applicable, displays an appropriate warning for the contained material, it meets the requirement of section 78a.56(a)(8). (posted 10/19/16)