

**FREQUENTLY ASKED QUESTIONS**  
**Environmental Protection Performance**  
**Standards at Oil and Gas Well Sites**  
Impoundment embankments  
(§ 78a.59a)

*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) Is there a minimum height requirement in which the embankment standards outlined in section 78a.59a apply? Some impoundments are dug into the ground and may have a minimal embankment height.

No, but subsection (b) allows for the owner or operator to request approval from DEP to deviate from the requirements in section 78a.59b if the request can demonstrate that the alternate practice provides superior or equivalent protection to the requirements of this section. (posted 10/19/16)

- 2) Is an individual NPDES permit required for the discharge of a well development underdrain?

No, as long as the outfall of the underdrain does not discharge directly to surface waters of the Commonwealth. (posted 10/19/16)