

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Well development impoundments (§ 78a.59b)

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) When can operators begin registering fresh water impoundments?

Section 78a.59b(b) requires registration of well development impoundments to be completed by December 7, 2016. The Department has developed a [well development impoundment registration form](#). This form is available on the Department's eLibrary and operators may submit it at any time. (posted 10/19/16)

- 2) For existing well development impoundments which were built per DEP construction standards and permitted accordingly, is it necessary to update these impoundments to well development impoundment standards, including geotech standards, or can these be grandfathered?

For existing well development impoundments, the operator must register the location of the well development impoundment by December 7, 2016 and certify that the well development impoundment meets the requirements under subsections (d), (e) and (h). This is accomplished by the operator marking off check boxes on the form certifying to the best of their knowledge these requirements have been met. Department staff will follow up with field inspections to verify this information. Any well development impoundment found to be deficient must be upgraded to meet these requirements or be restored in accordance with subsection (g) by October 8, 2017.

Existing well development impoundments do not have to meet the geotechnical requirements under section 78a.59a, but any well development impoundments constructed after the effective date of the regulation will have to meet those requirements, as outlined in section 78a.59b(a). (posted 10/19/16)

- 3) What are the requirements for existing fresh water (fresh only) impoundments that service multiple pads?

The requirements are exactly the same as for well developments impoundments that only service one well pad. Each time a well development impoundment is used for stimulation of a well, that information will be reported on the completion report for that

particular well. (posted 10/19/16)

- 4) In many cases, multiple well development impoundments are used to complete a hydraulic fracture. Will multiple impoundments be able to be reported electronically?

For construction and reporting purposes, each well development will be registered individually.

For wells being stimulated using water from multiple well development impoundments, the completion report allows for operators to report such information. (posted 10/19/16)

- 5) Is there a specific fencing requirement for freshwater impoundments (for example, must it be 6-foot chain link or is cattle style fencing acceptable)?

No, there are no specific fencing requirements. This is being left up to the discretion of the operator to address their particular sites, as this can affect the type of fencing that could be installed. The regulation requires the operator to make a reasonable effort in their selection of fencing. Both types of fencing listed in the question would be likely be adequate if appropriate for the location of the well development impoundment. If the operator is not sure, the operator should contact the Oil and Gas District Office where the well development impoundment is located for compliance assistance. (posted 10/19/16)

- 6) Do soil scientists need to be a registered professional soil scientist? If not, what constitutes qualified?

No, they do not have to be registered as professional soil scientists. section 78a.59b(f) states a soil scientist or similarly trained person using accepted and documented scientific methods shall make the determination of the seasonal high groundwater table. The qualifications of the person making the determination will be submitted along with the determination. The Department plans on offering training in the future to allow operator employees to become qualified. (posted 10/19/16)

- 7) How is water usage from well development impoundments that is not for fracturing – for example, dust suppression or hydroseeding – going to be captured to show usage of the water impoundment? These uses are not reported on a completion report. (posted 10/19/16)

The important piece for the Department's purposes involving tracking the use of well development impoundments has to do with restoration. The key for completion reports is that the well development impoundment has been used in the last 9 months to hydraulically fracture a well and not so much in tracking what each drop of water in a well development impoundment has been used for at the well site. The well site restoration requirements are tied to the final use of the impoundment for hydraulic fracturing (section 78a.59b(g)). Uses such as those included in the question do not extend this requirement, although the operator may apply for a twenty-four-month extension of the restoration requirement in accordance with section 78a.65(c). (posted 10/19/16)

- 8) Does freshwater need to be tested prior to storage in an impoundment?

Normal water withdrawal sources listed in a Water Management Plan do not need to be tested prior to storage in a well development impoundment. This does not include mine influenced water, which does require a specific approval under subsection (h). (posted 10/19/16)