

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Disposal of drill cuttings (§ 78a.61)

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) Can an operator still disperse cuttings from conductor drilling? Does section 78a.61 apply to conductor material, or is conductor material considered similar to virgin, excavated material at the site such that it can be used in the construction of the pad without restriction?

Uncontaminated drill cuttings from above the casing seat are not considered a residual waste and may be disposed of in accordance with section 78a.61. Alternate methods for onsite disposal are allowed under section 78a.61(d) but the process will need to be approved by the DEP on a *Request for Alternative Waste Approval*, form OG-71 A. (posted 10/20/16)

- 2) How should an operator determine if drill cuttings are contaminated?

Only cuttings from above the casing seat are allowed to be used and the operator should be aware of the drilling process they are using to ensure the cuttings are not contaminated. If there are any doubts about the cuttings being in contact with regulated substances, they will need to be sampled and analyzed by an independent Pennsylvania accredited laboratory prior to onsite disposal. (posted 10/20/16)

- 3) Does the operator need to notify the landowner for all disposals (landfilling) or land application only?

Landowner notification is only for all onsite disposals. This means onsite disposals in a pit, land application or other alternate onsite disposal method approved by DEP. (posted 10/20/16)

- 4) Section 78a.61(e) – Is the 3-day notice to Department for disposal of drill cuttings related to onsite or offsite cuttings disposal; or both? Is the 10-day notification to the landowner related to onsite or offsite cuttings disposal?

The initial 3 business days' notice to DEP prior to the disposal of drill cuttings and the 10 business days' notification to the surface landowner after completion of disposal activities is only for onsite disposal of drill cuttings. (posted 10/20/16)

- 5) Section 78a.61 – Is an operator required to comply with the “drill cuttings from above the casing seat-land application” requirements for material brought to the surface during conductor hole drilling (therefore are these requirements only for material above the surface casing seat-land application)?

All solid materials brought to the surface as a result of drilling a well are considered drill cuttings, including those brought to the surface while drilling a hole for the conductor casing and are subject to the regulations found in sections 78a.56, 78a.58, 78a.61-78a.63a. (posted 10/20/16)

- 6) If placing conductor material onsite, would operator be required to submit the 3-day notice to DEP and 10-day landowner notice?

Yes. Also, If the operator is proposing to dispose of the materials in any manner other than those prescribed in section 78a.61, the operator would need to initially submit an OG-71A form for approval of the proposed alternate method for the onsite use of the material at the first well site and an OG-71B form for the implementation of the same authorized method at any additional well sites. (posted 10/20/16)