

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Alternative waste management
(§ 78a.63a)

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) In OG-71A, it appears that the form is only needed if the liner is shredded and disposed of? If the liner is not being shredded, but simply cleaned before moving to another site, is the form needed? If it is moved and reused, is the form needed? Is an OG-71A form needed to “handle and wash” to move a liner to another well site for reuse?

Yes, an OG-71 A or B form is needed for the onsite “processing” of liners. Handling and washing liners meets the definition of “processing” as defined in section 78a.1, which references section 103 of the Solid Waste Management Act (35 P.S. § 6018.103). Therefore, an OG-71A form will need to be submitted to DEP for approval of the proposed processing method. Subsequently an OG-71B form may be used if the operator wants to use the approved process at other locations. Also, in order for the liner material to be recycled or reused; transported as a non-waste material; be stored at a facility that is not permitted as a residual waste facility and for it not to need to be stored/managed as a residual waste at every point in between, the operator will also need the Permit-by-rule/De-wasting determination by the DEP Waste Management Program, even if the onsite processing is covered under OG-71. (posted 10/20/16)

- 2) Can you provide a better explanation and example of "modular aboveground storage structures?"

The term “modular aboveground storage structure” is defined in section 78a.1 as “An aboveground structure used to store wastewater that requires final assembly at a well site to function and which can be disassembled and moved to another well site after use.” An example is a tank that has interlocking ribs with a liner over it or interlocking panels with rings to hold it together. These structures are assembled onsite and then taken apart to be reassembled and used at another site. (posted 10/20/16)

- 3) Will the violations on the OG-71 form prohibit an applicant from receiving approval?

DEP will take into consideration any violations associated with specific alternate waste management practices approval while reviewing the OG-71B form seeking continued use of that approved practice at other well sites. DEP will expect that any open

violations associated with that specific approved alternate waste management practice be addressed prior to the operator employing the same practice at other well sites. The nature and frequency of past violations will also be part of DEP's decision-making process on whether an operator should be allowed to continue to be able to engage in that specific previously approved alternate waste management practice. The violations review will focus solely on the violations associated with the approved alternate waste management practice under review and not operator or operations wide. (posted 10/20/16)

- 4) Is offsite drill cuttings disposal an alternative waste disposal practice? Is onsite solidification of drill cuttings that will be disposed of offsite subject to section 78a.63a?

The term "alternative waste management" refers to any waste management practices *on a well site* that is done in any manner other than provided in sections 78a.56 – 78a.63. While landfilling drill cuttings is not an alternate waste management practice, the "processing" of drill cuttings *on a well site* is considered an alternate waste management practice. Therefore, an OG-71A will need to be submitted to DEP for approval of the proposed processing method. (posted 10/20/16)

- 5) Please further explain the purpose of the OG-71B form.

The purpose of the OG-71B form is to allow for an operator to request continued use of an alternate waste management practice that has already been authorized by DEP at another well site. This will streamline the OG-71 approval process since all subsequent approvals for the same alternate waste management practice will not need a technical review, provided that the operator agrees to follow the same alternate waste management practices associated with DEP's authorization number provided on the form. (posted 10/20/16)

- 6) When will the Department post the approved list of solidifiers and approved structures?

As solidifiers and aboveground modular storage structures are approved after October 8, 2016, they will be added to the Department's website. (posted 10/20/16)

- 7) When referring to solidifiers, does the Department mean companies or material/products?

The materials/products used for solidifying drill cuttings. (posted 10/20/16)

- 8) Can provide specific examples of regulated substances?

The term "regulated substance" is defined in section 103 of the Land Recycling and Environmental Remediation Standards Act (35 P.S. § 6026.103) and includes: Hazardous substances and contaminants regulated under the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, and substances covered by the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, the act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law, and the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act. (posted 10/20/16)

9) Will we need an OG-71 to mix off cuttings on pad to be transported to a landfill?

Yes, since this is “processing” a residual waste on a well site, which is an alternate waste management practice being conducted on a well site. (posted 10/20/16)

10) Can you provide a specific description and/or definition for "processing drill cuttings?"

The definition of processing is defined in section 103 of the Solid Waste Management Act (see *above*). Solidification, centrifuging and shaking drill cuttings are examples of processing drill cuttings. (posted 10/20/16)

11) Can you provide more clarification on the distinction between “solidifying” drill cuttings vs “bulking” drill cuttings, where I think you said that solidifying is processing but bulking is not.

DEP has decided to stop making the distinction between solidifying and bulking because they *both* meet the definition of processing waste. DEP requires the submission of an OG-71A or B form when an operator intends to process waste on a well pad. DEP will maintain a list of approved solidifiers on its web site. The operator does not need to request approval from DEP for use of approved solidifiers. An OG-71 will not be needed to use approved solidifiers. (posted 10/20/16)

12) What does beneficially used mean?

The term “beneficial use” is defined in 25 Pa. Code § 287.1 as: Use or reuse of residual waste or residual material derived from residual waste for commercial, industrial or governmental purposes, if the use does not harm or threaten public health, safety, welfare or the environment, or the use or reuse of processed municipal waste for any purpose, if the use does not harm or threaten public health, safety, welfare or the environment. (posted 10/20/16)