

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Borrow pits
(§ 78a.67)

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) If the disturbance from a borrow pit is less than one acre how would it be required to adhere to Chapter 102 and Chapter 78 Waterways Restoration Team (WRT) E&S controls. Would it simply need to be registered?

Yes, it would have to be registered. Also, Chapter 102 requires all earth disturbance activities to be performed in compliance with erosion and sedimentation requirements through the proper implementation of E&S Control BMPs, regardless if an erosion control permit is required or not (minimum threshold for construction requiring an NDPEs Permit activities is one acre and oil and gas related activities minimum threshold for earth disturbance requiring an ESCGP Permit is 5 acres). (posted 10/11/16)

Additionally, 3273.1(b) of the 2012 Oil and Gas Act states that Noncoal Surface Mining (including Borrow Pits for Oil and Gas Activities) obligations under the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, or a regulation promulgated under the Noncoal Surface Mining Conservation and Reclamation Act, for any borrow area where minerals are extracted solely for the purpose of oil and gas well development, including access road construction, shall be considered to have been satisfied if the owner or operator of the well meets the conditions imposed under 3273.1(a)(1) and 3273.1(a)(2) and maintains compliance with the Oil and Gas Act and applicable regulations of the Environmental Quality Board. (posted 10/11/16)

- 2) If a borrow pit area is within an approved ESCGP permit's limit of disturbance (LOD), does it need to be registered?

Yes. The borrow pit must be registered in accordance with Chapter 78a.67, even if it is located within the border of an ESCGP's LOD. (posted 10/11/16)