ESCGP-3

Oil and Gas Industry Training

September 25, 2018

Dial-in number for Audio: 1-877-668-4493
Event Number: 649 619 207
WebEx Technical Support: 866-229-3239

Note: You will not hear any audio until the beginning of the webinar. To receive a call back, provide your phone number when you join the event.
ESCGP-2 to ESCGP-3
Background and Process
Regulatory Authority

• 102.5(m) The Department may issue general permits for activities not subject to NPDES requirements

  • (1) Authorization – Department may issue a general permit on a regional or statewide basis or limited to specific watersheds, particular categories of streams or designated geographic regions, for a category of activities not subject to the NPDES requirements, but regulated under this chapter if; (i through iv).
Regulatory Authority continued

• 102.5(c) A person proposing oil and gas activities that involve 5 acres or more of earth disturbance over the life of the project shall obtain an E&S Permit under this chapter prior to commencing the earth disturbance activity.
Background

• Based on ESCGP-2
• No significant regulatory changes
• Electronic permit
• Expedited review eligibility and process
• Changes to NOI Form and Instructions
Workgroups

• Permit Documents
  • June 25, 2018
  • September 28, 2018

• Prioritized Review
  • Fall 2018 and continue into 2019

• Beta Testing of ePermit application
  • O&G permit review and administrative staff
  • Industry
ESCGP-2 to ESCGP-3 Transition Plan
Where to find the General Permit & associated documents

www.dep.pa.gov > Businesses > Energy > Oil and Gas Programs > Office of Oil and Gas Management > Public Resources
PUBLIC RESOURCES

EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES (ESCGP-3)

On July 14, 2018 the Department published the notice of availability of the draft Erosion and Sediment Control General Permit for formal public comment, which is available on the PA Bulletin. The formal public comment period on this Authorization of Coverage is open until Monday, August 13. Directions for submitting public comments are in the Bulletin notice, and comments may be submitted through the Department's eComment system. Updated draft versions of the following documents associated with ESCGP-3 are now available for review at the links provided below:

- the ESCGP-3 Transition Plan (PDF),
- the Notice of Intent (NOI) for Coverage under the Erosion and Sediment Control General Permit (ESCGP-3) (PDF),
- The Instructions for the Notice of Intent (NOI) for Coverage under the Erosion and Sediment Control General Permit (ESCGP-3) (PDF), and the
- Notice of Intent (NOI) Administrative Completeness Checklist (PDF).
## ESCGP-2 transition to ESCGP-3

<table>
<thead>
<tr>
<th>October 2018</th>
<th>December 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>14</td>
<td>15</td>
</tr>
<tr>
<td>21</td>
<td>22</td>
</tr>
<tr>
<td>28</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>30</td>
<td>31</td>
</tr>
</tbody>
</table>

- **October 2018**
  - Last day for new ESCGP-2 NOIs
  - ESCGP-3 PA Bulletin

- **December 2018**
  - ePermit goes live
  - ESCGP-2 finalize deficiencies
  - ESCGP-2 Expires
# ESCGP-3 Training Schedule

## September 2018

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>7</td>
<td>11</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>26</td>
<td>27</td>
<td>28</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 9/11, 12 = DEP BWEW/CDs
- 9/18 & 19 = DEP O&G
- 9/19 = Industry ePermit (BIT)
- **9/25 & 27 = Industry ESCGP-3**
- 9/25 = DEP BCW SCRO Roundtable

## October 2018

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>26</td>
<td>27</td>
</tr>
<tr>
<td>28</td>
<td>29</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 10/2 = DEP BCW NWRO Roundtable
- 10/3 = DEP BCW SWRO Roundtable
- 10/10 = Industry - Pittsburgh
- 10/16 = DEP BCW NERO Roundtable
- 10/18 = Industry – State College
- 10/30 = DEP BCW SERO Roundtable

## November 2018

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>5</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
</tr>
<tr>
<td>25</td>
<td>26</td>
<td>27</td>
<td>28</td>
</tr>
</tbody>
</table>

- 11/6 = DEP BCW SCRO Roundtable

**Legend:**
- **BLUE** = Webinars
- **YELLOW** = In-person training
ESCGP-3
General Permit and Authorization of Coverage
AUTHORIZATION OF COVERAGE UNDER THE EROSION AND SEDIMENT CONTROL GENERAL PERMIT (ESCGP-3) FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

AUTHORIZATION NUMBER: __________________________

Project Name & Location

Permittee Name & Address

In compliance with the provisions of Pennsylvania’s Clean Streams Law, as amended, 35 P.S. §§.691.1 et seq.; 58 Pa. C.S. §§.3201-3274 (2012 Oil and Gas Act) and regulations promulgated thereto, including 25 Pa Code Chapters 78, 78a. 93 and 102, and sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929, 71 P. S. §§.510-5, 510-17 and 510-20, the Department of Environmental Protection (Department) hereby authorizes the Notice of Intent
PUBLIC RESOURCES

EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES (ESCGP-3)

On July 14, 2018 the Department published the notice of availability of the draft Erosion and Sediment Control General Permit for formal public comment, which is available on the PA Bulletin. The formal public comment period on this Authorization of Coverage is open until Monday, August 13. Directions for submitting public comments are in the Bulletin notice, and comments may be submitted through the Department’s eComment system. Updated draft versions of the following documents associated with ESCGP-3 are now available for review at the links provided below:

- the ESCGP-3 Transition Plan (PDF),
- the Notice of Intent (NOI) for Coverage under the Erosion and Sediment Control General Permit (ESCGP-3) (PDF),
- The Instructions for the Notice of Intent (NOI) for Coverage under the Erosion and Sediment Control General Permit (ESCGP-3) (PDF),
- and the Notice of Intent (NOI) Administrative Completeness Checklist (PDF),
## Recently Closed Comment Periods

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Category</th>
<th>PA Bulletin</th>
<th>Period Start</th>
<th>Period End</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Consistency Notice under the Coastal Zone Management Act: a proposal to construct a groin on the Lake Erie shoreline at 3777 Lake Front Drive in Millcreek Township, Erie County</td>
<td>Other</td>
<td>9/1/2018</td>
<td>9/1/2018</td>
<td>9/17/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Final-Flushed Rulemaking: Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications</td>
<td>Reg</td>
<td>8/21/2018</td>
<td>8/21/2018</td>
<td>8/21/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Draft Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-3)</td>
<td>Other</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>8/13/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Draft Stream Evaluation Report: Paradise Creek, Monroe County</td>
<td>Other</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>8/13/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Draft Stream Evaluation Report: Cranberry Creek, Monroe County</td>
<td>Other</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>8/13/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Draft Stream Evaluation Report: Clyde Run, Elk County</td>
<td>Other</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>8/13/2018</td>
<td>View comments</td>
</tr>
<tr>
<td>Draft Stream Evaluation Report: UNT 28168 to Oley Creek, Lancaster County</td>
<td>Other</td>
<td>7/14/2018</td>
<td>7/14/2018</td>
<td>8/13/2018</td>
<td>View comments</td>
</tr>
</tbody>
</table>
GENERAL PERMIT

Comments Received

• 19 commentators
• 82 comments on the General Permit
• Enhancements to expedited review
• Extension of ESCGP-2
• Support and opposition to electronic permitting
• Act 14 Notifications
• Phased projects
GENERAL PERMIT

Changes from ESCGP-2 to ESCGP-3

• Expedited review process
• ePermit
• Site-specific PPC Plan
• PHMC notification prior to submitting application
• Resource delineation responsibility
• Housekeeping/language edits
GENERAL PERMIT

Changes from ESCGP-2 to ESCGP-3 continued

- Training requirement added (new section 8)
- PHMC (new section 9)
- PNDI T&E Species (new section 10)
- Long term operation and maintenance with no well permit (edited section 23)
- Long term operation and maintenance with well permit (new section 24)
ESCGP-3

GENERAL PERMIT

Non-Changes from July 14, 2018 to present

• Extend ESCGP-2
• Certification of the General Permit
• Habitat Conservation Plan
• Act 14 Notification
GENERAL PERMIT

4. RENEWAL, MODIFICATION, TERMINATION OR REVOCATION AND REISSUANCE

a. The Department will publish a notice of any draft, renewed, or reissued general permit or of any amendments to this general permit in the Pennsylvania Bulletin. After a comment period notice, the final, renewed, reissued or amended general permit will be published in the Pennsylvania Bulletin. Any person with an unexpired authorization of coverage under the general permit shall be responsible for complying with the final renewed, reissued or amended general permit. Such persons shall be covered by the general permit even if the permittee has not submitted a separate NOI to be covered by such final renewed, reissued or amended general permit.

b. This general permit may be modified, suspended, revoked, reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapter 102, or to require compliance with updated water quality standards or impaired water listings.
4. RENEWAL, MODIFICATION, TERMINATION OR REVOCATION AND REISSUANCE

C. The filing of a request by the permittee for a permit-authorization of coverage under this general permit or coverage modification, revocation, reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not eliminate any existing permit conditions.

d. Permit-Authorization of coverage under ESCGP-3 modification or revocation will be conducted according to 25 Pa. Code Chapter 102.
NOTICE OF INTENT (NOI) SUBMITTAL

I. Authorization of coverage under this permit does not authorize well site preparation for the following: *(unless a waiver is granted by the Department)*

(1) Well setback - Conventional 100 feet & unconventional 300 feet from solid blue lined stream on USGS Quad.

(2) Unconventional earth disturbance setback 100 feet from the edge of any solid blue lined stream, spring or body of water as identified on USGS Quad.

(3) Unconventional well 300 foot setback from wetlands greater than 1 acre and edge of the disturbed area of any well site must maintain a 100-foot setback from the boundary of the wetlands.

58 Pa.C.S. § 3215(b)(4).
ESCGP-3 GENERAL PERMIT

6. NOTICE OF INTENT (NOI) SUBMITTAL

1. Authorization of coverage under this permit does not authorize well site preparation for the following: (unless a waiver is granted by the Department)

   (1) Well setback – Conventional 100 feet & unconventional 300 feet from solid blue lined stream on USGS Quad.
   (2) Unconventional earth disturbance setback 100 feet from the edge of any solid blue lined stream, spring or body of water as identified on USGS Quad.
   (3) Unconventional well 300 foot setback from wetlands greater than 1 acre and edge of the disturbed area of any well site must maintain a 100-foot setback from the boundary of the wetlands.

58 Pa.C.S. § 3215(b)(4).
6. NOTICE OF INTENT (NOI) SUBMITTAL

m. The expedited review process will not be available to persons seeking an ESCGP-3 for the following activities:

(1) HQ & EV Watersheds. *Exceptional value wetlands (105.17). Impaired surface waters (siltation).*
(2) Well pad will be constructed in or on a floodplain.
(3) Earth disturbance on lands known to be currently contaminated by the release of regulated substances as defined in Section 103 of The Pennsylvania Land Recycling and Remediation Standards Act (Act 2)
(4) *Hazardous geologic conditions*
(5) *An applicant who has existing unresolved non-compliance issues with the Department.*
(6) *Project that is part of a transmission pipeline or associated facilities or is regulated by FERC.*
6. NOTICE OF INTENT (NOI) SUBMITTAL

m. The expedited review process will not be available to persons seeking an ESCGP-3 for the following activities:

(4) Hazardous geologic conditions may provide hazards or have the potential to cause or contribute to pollution when disturbed, including, but not limited to:

- land sliding & steep slopes,
- karst/sinkhole formation,
- acid producing rock (including coal seams)
- radioactive or arsenic bearing formations,
- surface mines, deep mines, mine spoil dump area, abandoned mine drainage, or abandoned mine drainage treatment systems.
6. NOTICE OF INTENT (NOI) SUBMITTAL

o. NOIs through the expedited permit process shall be prepared and certified by a licensed professional who has attended up-to-date training provided by the Department’s Office of Oil and Gas Management on erosion and sediment control and post construction stormwater management for oil and gas activities, including trainings provided on the Department’s website.
8. TRAINING

a. Permittee must provide training on the requirements of the permit to personnel responsible for;
   - installation maintenance and/or repair of E&S and PCSM BMPs
   - application and storage of treatment chemicals
   - conducting inspections
   - taking corrective actions

b. Permittee is not required to provide or document training for subcontractors, but they are responsible for ensuring that contractors and subcontractors are aware of the permit and its conditions.
GENERAL PERMIT – New Section

8. TRAINING

c. The permittee must provide training to personnel if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections)

(1) The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
(2) The location of all stormwater controls on the site required by this permit and how they are to be maintained;
(3) The proper procedures to follow with implementation of the PPC Plan; and
(4) When and how to conduct inspections, record applicable findings, and take corrective actions.
8. TRAINING

d. A training log must be kept onsite and made available upon request from the Department or conservation district.

e. All personnel must have access at all times to;
   • electronic or paper copy of this permit,
   • approved copies of the E&S and PCSM Plans, as well as
   • PPC Plans, and
   • other relevant documents or information that must be kept with these plans.
9. PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (PHMC) GENERAL CONDITIONS

a. If the permittee encounters archaeological specimens or historic resources, as defined by 37 Pa.C.S. § 103, during earth disturbance activities, the permittee shall immediately cease earth disturbance activities and shall immediately notify the Department and shall concurrently notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947.

b. During earth disturbance activities, the permittee shall protect historic, cultural and archaeological sites as identified in the Pennsylvania Inventory of Historical Places and the National Register of Historical Places in accordance with applicable State and Federal laws.
10. THREATENED AND ENDANGERED SPECIES PROTECTION

a. If applicable, the permittee shall comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect State or Federal threatened and endangered species.
10. THREATENED AND ENDANGERED SPECIES PROTECTION

b. If any potential impact is identified on the PNDI receipt to State or Federal threatened or endangered species, the permittee shall implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable State and Federal laws pertaining to the protection of State or Federal threatened and endangered species.

c. When conducting earth disturbance activities, the permittee has a continuing obligation to ensure compliance with applicable State and Federal laws pertaining to the protection of State or Federal threatened and endangered species.
20. PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLANS

b. Oil and gas activities associated with unconventional well development PPC Plans must comply with 25 Pa. Code § 78a.55. Under 25 Pa. Code § 78a.55(a), permittees conducting unconventional oil and gas activities shall prepare an implement a site-specific PPC Plan according to 25 Pa. Code §§ 91.34 and 102.5(l). Under 25 Pa. Code § 78a.55(b), in addition an unconventional well operator shall prepare and develop a site-specific PPC Plan prior to storing, using, or generating a regulated substance on an unconventional well site from the drilling, alteration, production, plugging or other activities associated with a gas well or transporting those regulated substances to, on or from an unconventional well site.
20. PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLANS

c. Under 78a.55(f), copies of an unconventional well operator’s PPC Plan shall be provided to the Department, the Fish and Boat Commission or the landowner upon request and shall be available at the site during drilling and completion activities for review.
20. PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLANS

d. Under 25 Pa. Code § 78.55(a), conventional well operators are required to prepare and implement a control and disposal plan. Conventional operators may meet this regulatory requirement by developing and implementing a site-specific PPC Plan.
21. POST CONSTRUCTION STORMWATER MANAGEMENT PLANS/SITE RESTORATION

d. In accordance with 25 Pa. Code § 102.8(n), the portion of a site reclamation or restoration plan that identifies PCSM BMPs to manage stormwater from oil and gas activities permitted in accordance with Chapters 78 and 78a, pipelines; or other similar utility infrastructure may be used to satisfy the PCSM requirements if the PCSM, reclamation or restoration plan meets the requirements of §§ 102.8(b), (c), (e), (f), (h), (i) and (l), and when applicable, (m). For unconventional well sites, in accordance with 25 Pa. Code § 78a.65(d), disturbed areas associated with well sites that are not included in a restoration plan, and other remaining impervious surfaces, must comply with all requirements in Chapter 102 (relating to erosion and sediment control). For these projects, the PCSM Plan provisions in 25 Pa. Code § 102.8(n) apply only to the portions of the restoration plan that provide for restoration of disturbed areas to meadow in good condition or better or otherwise incorporate ABACT or nondischarge PCSM BMPs.
GENERAL PERMIT

23. LONG-TERM OPERATION AND MAINTENANCE FOR PROJECTS THAT DO NOT REQUIRE A WELL PERMIT

a. For projects that do not require a well permit under the 2012 Oil and Gas Act, the permittee shall be responsible for long-term operation and maintenance of PCSM/SR BMPs unless a different person is identified in the NOT and has agreed to long-term operation and maintenance of PCSM/SR BMPs.

b. For any property containing a PCSM/SR BMP, the permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM/SR BMP and the related obligations in the ordinary course of a title search of the subject property.
a. For projects requiring a well permit under the 2012 Oil and Gas Act, the permittee must restore the well site within 9 months after the completion of drilling in accordance with the 2012 Oil and Gas Act and Chapters 78 and 78a.

b. For Commonwealth owned property, a covenant not required until the transfer of the land. Upon transfer of the Commonwealth-owned property containing, the deed must comply with § 102.8(m)(3).
24. LONG-TERM OPERATION AND MAINTENANCE FOR WELL SITE CONSTRUCTION REQUIRING A WELL PERMIT

c. Post Drilling Requirements:

(1) Post-drilling Restoration Report must be filed within 60 days after drilling is completed in accordance with § 78.65(3) and § 78a.65(e)

(2) Written Consent of the surface landowner; satisfies post-drilling restoration requirements

Post-Drilling Landowner Waiver of Well Site Restoration Form
d. Post Plugging Requirements:

(1) Post plugging restoration report must be filed within 60 days after plugging in accordance with § 78.65(3) and § 78a.65(f).

(2) Written consent of the surface landowner satisfies post-plugging restoration requirements.

Post-Plugging Landowner Waiver of Well Site Restoration Form

PCSM Plan must be provided to the surface landowner.

Surface landowner records instrument with the recorder of deeds for remaining PCSM BMPs.
ESCGP-3
Division of Duties
National Pollutant Discharge Elimination System (NPDES)

Oil and Gas Stormwater Permitting

Clean Water Act (CWA) section 402(l)(2) provides that EPA shall not require, nor force a state to require a CWA section 402 permit for discharges of stormwater runoff from oil and gas* exploration, production, processing or treatment operations, or transmissions facilities, composed entirely of flows that are from conveyances or systems of conveyances used for collecting and conveying precipitation runoff, and that are not “contaminated by contact with any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations.” This exemption applies to both construction and industrial activities associated with oil
Types of Oil and Gas Activities and Facilities that are Either Exempt or Non-Exempt from Stormwater Permitting

**Exempt Facilities and Activities**

The types of oil and gas facilities and activities subject to the waiver for stormwater permitting fall under “exploration, production, processing or treatment operations, or transmission facilities”. These terms are further explained in Amendments to the National Pollutant Discharge Elimination System (NPDES) Regulations for Storm Water Discharges Associated With Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (bottom page 33835). The list of exempt facilities/activities includes (list not exhaustive):

- Well sites and drill pads
- Access and maintenance roads including haul / maintenance roads solely servicing exempt activities
- Local “borrow pits” to provide sand, gravel, and soil for maintenance of service roads and infrastructure necessary to operate producing oil and gas fields, crude oil pipelines, and natural gas transmission lines. To receive the exemption the facility can only supply material to the exempt oil and gas project.
- **Gathering line systems**
- **Transmission line systems**
- Staging areas for oil and gas operations that are contiguous to the exempt project (areas/locations where pipe, sand, etc., are staged for drilling activities)
- Water lines, electric utility lines and railroad infrastructure servicing field exploration and production activities
- Storage tanks and oil-water separators
- Midstream processing plants
Non-Exempt Facilities and Activities

The following facilities and activities (list may not be exhaustive) are not exempt and must have CWA section 402 permit coverage to discharge stormwater (if they do not qualify for the conditional no exposure waiver). These are typically downstream from an oil and gas exploration, production, processing or treatment operation, or transmission facility, and they involve or support the physical and/or chemical transformation of raw materials into final manufactured products for sale.

- Improvements to public roads for access to projects
- LNG re-gasification terminals
- Conventional petroleum and petrochemical refineries (as defined in 40 CFR 419)
- Fischer-Tropsche “Clean Fuels” synthetic fuel plants
- Ethanol plants
- Oil shale refineries, Cracking Plants
- Natural gas utility or city-owned “end-user” distribution systems connecting industrial, commercial and residential customers
- Offshore jack-up rigs, semi-submersible drill ships, dynamically positioned drill ships, production platforms and LNG re-gasification terminals subject to regulation of deck drainage (40 CFR 435) and Ocean Discharge Criteria (CWA 403)
- Refined products pipelines (connecting refineries with local and distant product storage facilities)
- Company and/or privately owned hotels, RV parks, campgrounds, worker camps, barracks and airport facilities servicing oil and gas exploration drilling and production operations
- Centralized equipment maintenance and storage facilities owned by oil and gas drilling contractors, oilfield service companies (for example, Halliburton, Baker-Hughes, Schlumberger) and operating companies (for example, Devon Energy, BP-Amoco, El Paso) that are not contiguous to an exempt facility/activity
Program Duties Related to Oil and Gas Development

This is for visual reference guide. See narrative for additional explanation and guidance. Permit requirements shown below are subject to regulatory requirements and may not be required in all situations.

BLUE – DEP-BWEW, DEP-BCW: Conservation District Delegated Responsibility
(102/105 Permit / Plan Review, Inspection, Complaint Handling)

Water Truck Staging area used other than Oil and Gas EBS Plan/NPDES
Construction Permit

Intake Structure not used for Oil and Gas

Intake Structure exclusively used for Oil and Gas

Water Lines

Utility Line GP-5 or JPA

Well Site ESCGP

Gathering Line

Compressor or Meter Station/ESCGP

Wastewater Storage Structure

Wastewater Structure

Stream

Water Storage Structure

~ 10 ~

Figure 3: Illustration of division of program duties related to oil and gas activities
Project Types and Division of Duties for Oil & Gas Related Projects

EPA NPDES Guidelines

NPDES NONEXEMPT LIST (Not eligible for ESCGP)

Activity not on either list (contact regional office)

NPDES EXEMPT LIST (ESCGP eligible)

SPECIAL CIRCUMSTANCES
Projects that do not meet Water Quality Standards (Not eligible for ESCGP)

FERC Regulated

Not FERC Regulated

TYPICAL OIL & GAS PROGRAM RESPONSIBILITIES INCLUDE

Utility Lines:
- Gathering Pipeline
- Storage Field Pipeline
- Well Development Pipeline
- Wastewater Transfer Pipeline
- Water Transfer Pipeline (buried)
- Fiberoptic/Electrical

Other Facilities:
- Well Pad
- Storage Facility Site
- Well Development Impoundments
- 1-2-3 Permitted Waste Facilities
- Waste Transfer Stations
- Mine Influenced Water Impoundment
- Freshwater Impoundment
- Tank Farms
- Compressor Stations
- Meter Stations
- Valve Sites
- Pig Launchers

Other petroleum treatment, processing, storage, etc. (pre-transmission point of sale)

Chapter 102 permit/authorization
1Bureau of Clean Water / delegated County Conservation District

Chapter 105 permit/authorization
2Bureau of Waterways Engineering & Wetlands / delegated County Conservation District

1Chapter 102 and 105 responsibilities are combined in the Waterways & Wetlands Program in the regional offices
GEOGRAPHIC INFORMATION SYSTEMS (GIS) MAPPING TOOLS

OPEN DATA PORTAL

PA DEP's GIS open data portal provides access to all of our publicly published, non-sensitive GIS data, which includes over 300 data layers relative to abandoned mine lands, air quality, water pollution control, coal mining, hazardous waste, operations, oil & gas, streams and lakes, industrial minerals mining, integrated report, municipal wastes, radionuclides, storage tanks, stormwater, Chapter 63, TMDLs, water resources, and more! Select a category by clicking on the data topics to the left or right or use the search tool above to discover our data.
Additional Sources of Information

eMAP PA

eMapPA is a GIS based application that provides a display of environmental and geographic data. Contractors and the general public can use this application to view over 50 map layers containing information on land use, transportation network, buffer, and address matching are available.

2016 INTEGRATED WATER QUALITY REPORT MAP VIEWER

This interactive web mapping application shows the best attaining streams in Pennsylvania, which correspond to the 2016 Integrated Water Quality Monitoring and Assessment Report. It allows the user to see the impairment sources and causes, the TMDL information, the stream names, and much more. The user can print or export the information into a pdf.

WAVE TOOL

WAVE is the GIS based website that shows related resources within the Commonwealth. For best results, Internet Explorer should be used.
Water Attribute Viewer for the Enterprise (WAVE)
QUESTIONS?

Joe Kelly
Office of Oil and Gas Management
Bureau of Oil and Gas Planning and Program Management
Well Development and Surface Activities Division
717-783-9893
josephkel@pa.gov
PLEASE STAND BY

We will be back shortly