



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



# Final Rulemaking for Environmental Protection Standards at Oil & Gas Well Sites

January 6, 2016

**Dial-in number for Audio:** 1-877-668-4493

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Tom Wolf, Governor

John Quigley, Secretary

# Agenda

- Introductions
  - Neil Shader, DEP Press Secretary
- Overview of Proposed Rulemaking
  - John Quigley, DEP Secretary
- Key Areas of Change
  - Scott Perry, DEP Deputy Secretary of Oil and Gas Management
- Q&A for credentialed media
  - Please type your questions into the chat window

# Unprecedented Public Participation

- April 2011: DEP Initiated Rulemaking
- August 27, 2013: Environmental Quality Board (EQB) adopted as proposed
- 20 Advisory Board/Committee Meetings
- 2 public comment periods
- 135 days of public comment
- 12 public hearings
- Almost 28,000 public comments received

# Bifurcation

- Based on extensive public comment and Act 126 of 2014, regulations relating to conventional oil and gas are being finalized separately from regulations relating to unconventional wells
  - Chapter 78 – Conventional
  - Chapter 78a – Unconventional

# New Public Information

- EQB website updated with regulation package and supporting documents
  - Executive Summary
  - Order
  - Annex A
  - Regulatory Analysis Form
  - Comment Response Document
  - Regulation Fact Sheet

# Key Areas of Change

Overall, balances needs of industry with appropriate level of public health and environmental protections

- Improves protection of water resources
- Adds public resources considerations
- Protects public health and safety
- Addresses landowner concerns
- Enhances transparency and improves data management

# Key Areas of Change - Similarities

## Public Resource Protection

Act 13 requires DEP to promulgate regulations to better protect public resources such as state parks and forests. DEP added playgrounds, schools and DEP approved well head protection areas to this requirement (those areas included in a public water supply's ground water wells zone of influence). The purpose of this statutory amendment is to require DEP to evaluate impacts beyond the agency's traditional mission and include concepts such as recreation and aesthetics.

# Key Areas of Change - Similarities

## Pre-drilling Review

- The new regulations require both conventional and unconventional operators to evaluate the potential for their hydraulic fracturing operations to impact abandoned and operating wells. This rule is based on a recommendation of DEP's well construction regulations by the STRONGER organization.

# Key Areas of Change - Similarities

## Water Supply Restoration Standards

- If oil and gas development degrades a water supply, the operator must restore or replace the supply with one that meets Safe Drinking Water Act standards or is as good as pre-drilling conditions if the water supply was better than the Drinking Water Act standards. This restoration standard is more stringent than other programs such as mining and storage tanks and is the result of changes made by Act 13.

# Key Areas of Change - Similarities

## Spill Reporting and Clean-up

- Spills greater than five gallons of any substance that can pollute the environment must be reported to DEP. Spills greater than 42 gallons (one barrel) must be cleaned up in accordance with the Land Recycling and Environmental Remediation Standards Act (Act 2). Cleaning up spills to the scientifically based standards established by Act 2 is required of all industries.

# Key Areas of Change - Differences

## Vandal-Proofing Tanks

- The unconventional industry will be required to install valve locks, open end caps, retractable ladders or other similar protective measures to prevent vandalism to their tanks. No such requirement exists for the conventional industry.

# Key Areas of Change - Differences

## Use of Pits

- The unconventional industry will be prohibited from utilizing pits to store drill cuttings and waste fluids.
- The conventional industry will continue to be able to use pits that are less than 3,000 square feet and store less than 125,000 gallons of fluid under a permit by rule. Larger pits will require an individual permit.

# Key Areas of Change - Differences

## Disposal of Drill Cuttings

- The unconventional industry will be required to obtain an individual permit to dispose of drill cuttings at the well site. This practice is permitted by rule for the conventional industry and no changes to this practice are proposed.

# Key Areas of Change - Differences

## Secondary Containment

- The unconventional industry will be required to employ secondary containment around all storage vessels, trucks used to store pollutional substances and drill rigs. Secondary containment is only required at new, replaced or refurbished brine tanks at conventional sites.

# Key Areas of Change - Differences

## Gathering Lines

- The proposed unconventional rules contain new sections on gathering line construction and horizontal directional drilling beneath streams. The conventional rules do not contain these sections.

# Key Areas of Change - Differences

## Temporary Pipelines

- The proposed unconventional rules contain a new section on the installation and use of temporary lines used to transport freshwater and wastewater. The conventional rules do not contain this provision.

# Key Areas of Change - Differences

## Water Management Plans

- The proposed unconventional rules require operators to obtain a water management plan before they withdraw water for drilling or hydraulic fracturing purposes. The conventional rules do not contain this requirement.

# Key Areas of Change - Differences

## Beneficial Use of Brine

- Conventional operators have the ability to beneficially use their brine for dust suppression and de-icing purposes. Waste fluid from unconventional wells may not be used.

# Key Areas of Change - Differences

## Reporting

- Unconventional operators must report their product (gas and condensate) and waste on a monthly basis. Conventional operators must report annually.

# Finalizing the Rule

- EQB meeting – February 3, 2016
- IRRC meeting – Spring 2016
- Effective – Summer 2016

# DEP's Mission

“To protect Pennsylvania’s air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments, and businesses to prevent pollution and restore our natural resources.”