

**BYLAWS of the OIL [and] AND GAS TECHNICAL ADVISORY BOARD to the  
BUREAU OF OIL [&] AND GAS PLANNING AND PROGRAM MANAGEMENT of the  
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**ARTICLE I. Name.**

The name of this Advisory Board shall be the Oil and Gas Technical Advisory Board (Advisory Board).

**ARTICLE II. Authorization.**

This Advisory Board is authorized under Section 3226 of 58 Pa.C.S. §§ 3201-3274 (2012 Oil and Gas Act).

**ARTICLE III. Purpose.**

The Pennsylvania Department of Environmental Protection ([the] Department) shall consult with the Advisory Board in the formulation, drafting and presentation stages of all regulations **pertaining to oil and gas operations** of a technical nature promulgated under the 2012 Oil and Gas Act. [and the] **The** Advisory Board shall be given reasonable opportunity to review and comment on all **such** regulations of a technical nature prior to submission to the Environmental Quality Board.

**A. Scope of Review**

**The scope of review of the Advisory Board shall pertain to regulations of a technical nature related to oil and gas operations and activities promulgated under the 2012 Oil and Gas Act. The Advisory Board may, after consultation from the Department pursuant to Section 3226(d) of the 2012 Oil and Gas Act, defer the opportunity for review and comment on regulations of a technical nature related to conventional oil and gas operations to the Pennsylvania Grade Crude Development Advisory Council, created by Act 52 of 2016.**

**ARTICLE IV. Advisory Board Membership**

The Advisory Board shall consist of five members, all of whom shall be [chosen] **appointed** by the Governor and shall be residents of Pennsylvania. Three members shall be either petroleum engineers, petroleum geologists or experienced driller representatives of the oil and gas industry with three years of experience in Pennsylvania. One member shall be a mining engineer from the coal industry with three years of experience in Pennsylvania. One member shall be a geologist or petroleum engineer with three years of experience in Pennsylvania, who shall be chosen from a list of three names submitted by the Citizens Advisory Council to the Governor and who shall sit as a representative of the public interest.

Members shall serve for a period of four years or until such time as a successor has been named.

Each member may designate one alternate annually to serve in their absence. Each member choosing to designate an alternate must annually submit to the chairperson **and DEP liaison to the Advisory Board** the name of his or her alternate. Alternates are subject to concurrence by the Secretary of the Department.

#### **ARTICLE V. Subcommittees**

Subcommittees may be formed to address specific technical issues, at the direction of the Advisory Board. A subcommittee will include one member of the Advisory Board, who shall act as Chair of the Subcommittee. Other members of the Subcommittee shall be individuals deemed by the Advisory Board to possess technical competence in the specific subject area and asked to serve on the Subcommittee by the Chair of the Subcommittee. Instructions to the Subcommittee from the Advisory Board shall include a definition of the specific technical subject involved, the issues in question and direction as to the type and due date for reports.

#### **ARTICLE VI. Officers.**

The members of the Advisory Board shall [select] **elect** a Chair, by majority vote. The term of the Chair shall be two years. **If the Chair resigns or is unable to serve the full term as Chair, the Advisory Board shall elect another Chair.**

##### **A. Absence of the Chair.**

In the absence of the duly elected Chair at an Advisory Board meeting, prior to the meeting the Chair may designate another member to serve as the Chair for that meeting.

#### **ARTICLE VII. Voting.**

Each member of the Advisory Board's membership shall be entitled to exercise one vote in each matter placed before the Advisory Board for which a vote is called. Designated alternates, while serving in the absence of a member, shall have the authority to perform the duties and exercise the powers of that member. Designated alternates of members shall be entitled to one vote in person, **or via teleconference if available**, in each matter placed before the Advisory Board for which a vote is called. Decisions of the Advisory Board shall be by vote of the majority.

##### **A. Quorum.**

Four members or their designated alternates shall constitute a quorum. A quorum must be present to conduct any Advisory Board business requiring a vote.

#### **ARTICLE VIII. Meetings.**

The Advisory Board shall meet upon the call of the Secretary of the Department, but not less than semiannually. Meetings may be called by the Chair as deemed appropriate by at least three members of the Advisory Board.

## **A. Meeting Participation**

The Advisory Board meetings shall be open to the public. The Advisory Board may receive and/or solicit input from those in attendance at the meetings and/or by written submission from the public desiring to bring matters to the attention of the Advisory Board. Should a member of the public wish to place a substantive issue before the Advisory Board for formal discussion at a meeting, that individual or organization shall advise the Chair of the Advisory Board, in writing, of the issue sufficiently in advance of the meeting so that it can be considered for placing on that meeting agenda. It shall be solely at the discretion of the Advisory Board to determine if matters placed before it by the public lie within its authority and are germane for discussion.

## **ARTICLE IX. DEP Administration**

The Department of Environmental Protection, Bureau of Oil **[&] and** Gas Planning and Program Management, shall provide program and administrative support to the Advisory Board. Program support shall include framing of issues for the Advisory Board, providing necessary information for Advisory Board discussions, assisting with the development of agendas and meeting schedules and providing input into nominees for the Advisory Board.

Administrative support shall include transcribing, sending **[,]** and maintaining a permanent record of meeting minutes, sending agendas and materials to Advisory Board members prior to meetings, posting agendas, handouts and meeting minutes on the DEP **[web site] website** and the review and approval of travel and subsistence expenses.

## **ARTICLE X. Amendment of Bylaws**

These Bylaws may be amended, repealed or altered in whole or in part by a majority vote of the **[all the]** voting members, provided that a copy of the proposed amendment shall be provided to each member at least one month prior to the date of the meeting. The amendment **[s]** must be provided by a delivery method allowing for verification of receipt.

## **ARTICLE XI. Issues not covered by the Bylaws**

Substantive matters that are not covered by the Bylaws shall be addressed by the Advisory Board for a determination of how they will be handled. Meeting procedure shall be according to Robert's Rules of Order.