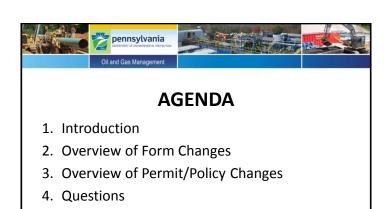


DEP 2012 Industry Training

Erosion & Sedimentation Control General Permit for Oil & Gas Activities

August 22, 2012





ESCGP-2 Revisions

- 1. November 2010 Revisions to Chapter 102
- 2. Recent Settlement Agreement with Chesapeake Bay Foundation, Talisman Energy and Ultra Resources
- 3. Improve Program Implementation



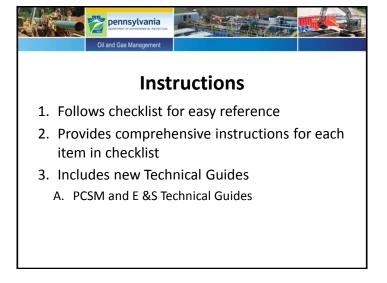
- 1. Published as draft on January 21, 2012.
 - A. E &S Policy
 - B. ESCGP-2 Permit
 - C. ESCGP-2 NOI, Checklist and Instructions
- Public comment period ended March 21, 2012. Has <u>NOT</u> been finalized.

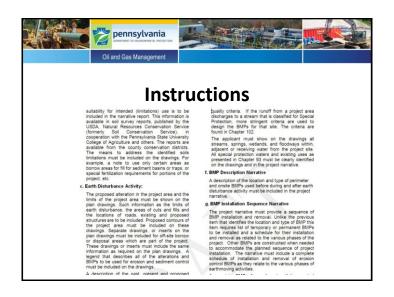


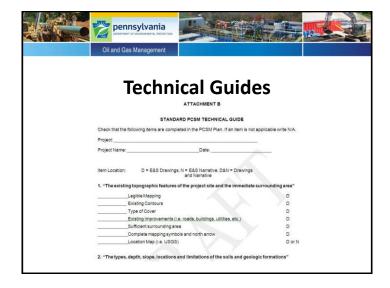
- 1. CBF Settlement agreement stakeholder group -3 meetings
 - Industry
 - **Environmentalist Groups**
 - Department
- 2. Significant revisions to
 - Checklist
 - NOI
 - Instructions



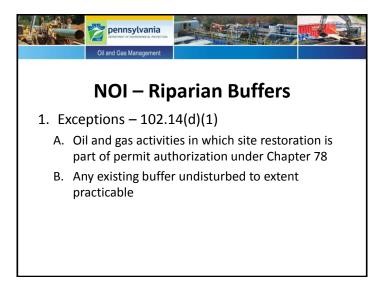














NOI – Riparian Buffers

- 1. Waivers -102.14 (d)(2)
 - A. Available for:
 - Linear projects
 - Projects restored to original conditions
 - Projects where riparian buffers are infeasible
 - B. Available when:
 - Existing riparian buffer undisturbed to the extent practicable.
 - Demonstrate reasonable alternatives for compliance



NOI – Distance Waivers

- Construction of a well site with earth disturbance proposed within 100 feet, or 300 feet (unconventional well) of a blue-line stream or 1 acre wetland requires waiver (OG-0057)
- 2. Submission of waiver approval is not required



Expedited Review Process

- 1. No longer available for Projects:
 - A. Projects in HQ/EV watersheds.
 - B. Projects with a well pad constructed in a floodplain.
 - Projects on lands that are known to be currently contaminated.



Expedited Review Process

- 1. NOIs for projects not eligible for the expedited review process must be prepared by a licensed professional.
- 2. The licensed professional does not have to attend DEP training for projects not undergoing expedited review.



Sediment Impaired Waters

- Activities with the potential to discharge to sediment impaired waters required to use ABACT BMPs.
 - Applicable to waters listed on Integrated List as impaired by sediment.



Act 167 Plan Consistency

- 1. Applicants required to verify consistency with any current, DEP approved Act 167 Plan.
 - Current plans are plans approved on or after <u>January</u> 1, 2005
- 2. If no current, DEP approved plan exists, compliance with 102.8 is required
- 3. Consistency letter from municipality is <u>NOT</u> required but is acceptable.



Act 167 Plan Consistency Verification Report

- 1. Summary of Act 167 Plan
- 2. Identification of watersheds with more stringent release rates
- 3. Calculations to demonstrate consistency with the plan



Post Construction Stormwater Management

- 1. Assumption that gravel surfaces are 100% pervious is removed
- 2. Calculations not needed for areas restored to meadow in good condition or better



Post Construction Stormwater Management

1. A site restoration plan meeting the requirements of §§ 102.8(b), (c), (e), (f), (h), (i) and (l), and when applicable, (m) may be used to satisfy the PCSM requirements for stormwater from oil and gas activities permitted in accordance with Chapter 78, pipelines; or other similar utility infrastructure

Restoration and PCSM Plans

- (b) General PCSM planning and design-
- 1. Preserve the integrity of stream channels and maintain and protect the physical, biological and chemical qualities of the receiving stream
- 2. Prevent an increase in the rate of stormwater runoff.
- 3. Minimize any increase in stormwater runoff volume.
- 4. Minimize impervious areas.



Restoration and PCSM Plans

- (b) General PCSM planning and design- (cont.)
- 5. Maximize the protection of existing drainage features and existing vegetation.
- 6. Minimize land clearing and grading.
- 7. Minimize soil compaction
- 8. Utilize other structural or nonstructural BMP's that prevent or minimize changes in stormwater runoff.



Restoration and PCSM Plans

(c) <u>Consistency with existing E&S Plan</u>-The PCSM Plan must be planned, designed and implemented to be consistent with the existing E&S Plan. The plans should not contradict one another.



Restoration and PCSM Plans

- (e) <u>PCSM Plan preparer requirements</u>- The PCSM plan must be prepared by a person trained and experienced in PCSM design methods.
- (f) <u>PCSM Plan contents</u>- The PCSM Plan must contain drawings and a narrative consistent with the requirements of Chapter 102. (See Chapter 102.8(f) for details).



Restoration and PCSM Plans

(h) <u>PCSM Implementation for special protection waters</u>-To satisfy the anti-degradation implementation requirements in 93.4c(b) the permitee must evaluate non-discharge alternatives unless non-discharge alternatives do not exist for the project. If non-discharge alternatives do not exist ABACT BMP's should be implemented as listed in the *Pennsylvania Stormwater Best Management Practices Manual No.* 363-0300-002.



Restoration and PCSM Plans

(i) <u>Complaint or site inspection</u>- Upon complaint or site inspection, the Department or conservation district may require that the PCSM Plan be submitted for review and approval to ensure compliance with this chapter.



Restoration and PCSM Plans

(I) <u>Final Certification</u>- The permitee shall include with the notice of termination "Record Drawings" with a final certification statement from a licensed professional. (See Chapter 102.8(I) for the final certification statement verbatim)



Restoration and PCSM Plans

(m) <u>PCSM long-term operation and maintenance</u> requirements (when applicable)

 Generally this section ensures that long-term PCSM are maintained by the permitee or co-permitee or and that they are responsible to record an instrument with the recorder of deeds which will assure that the long-term PCSM BMP's are managed into the future indefinitely. (See Chapter 102.8(m) for a more detailed explanation)









Pre-Construction Conferences

- Pre-construction conferences are required for all projects unless notified in writing by the Department.
- 2. Department must be invited with at least 7 days notice.
- 3. Permittees, co-permittees, operators and licensed professionals or designees must attend the conference.



Notification Requirements

- 1. ESCGP-2 requires notification to the DEP or CCD for the following:
 - 7 days prior to pre-construction conferences
 - 7 days prior to commencing earth disturbance
 - 3 days prior to commencing bulk earth disturbance after placing perimeter BMPs



