




**DEP 2012 Industry Training**


**Erosion & Sedimentation Control  
General Permit  
for Oil & Gas Activities**

August 22, 2012




**AGENDA**

1. Introduction
2. Overview of Form Changes
3. Overview of Permit/Policy Changes
4. Questions



**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



**Timeline**

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




## New Forms

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




## Checklist

1. Revised to include new regulatory requirements
2. Provides comprehensive requirements for entire package




## Checklist

APPLICANT	APPLICANT Check if Included	Official Use Only				
PROJECT and PHASE NAME (if applicable)						
1. Fully completed, properly signed and notarized Notice of Intent form (1 original and 2 copies). (Not required for subsequent phases)	<input type="checkbox"/>	<input type="checkbox"/>				
2. Complete <b>Erosion and Sediment Control (E&amp;S) Plans</b> . (1 original and 2 copies) NOTE: Identify Locations as Drawings (D), Narrative (N). (Identify Not Applicable as 'N/A') The E & S Plan must contain, at a minimum, the following:	<input type="checkbox"/>	<input type="checkbox"/>				
<b>a. Topographic Features</b> Existing topographic features of the project site and immediate surrounding area. <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Location: _____</td> <td style="width: 20%;">Page: _____</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>			
<b>b. Soil Characteristics</b> Types, depth, slope, locations and limitations of the soils including methods for resolution of all soil limitations. <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Location: _____</td> <td style="width: 20%;">Page: _____</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>			
<b>c. Earth Disturbance Activity</b> The characteristics of the earth disturbance activity, including the past, present and proposed land uses and proposed alteration to the project site. <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Location: _____</td> <td style="width: 20%;">Page: _____</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>			
<b>d. Project Site Runoff</b> The Volume and rate of runoff from the project site and its upstream watershed area. <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Location: _____</td> <td style="width: 20%;">Page: _____</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>			
<b>e. Surface Water Classification</b> The Location of all surface waters of this Commonwealth which may receive runoff within or from the project site including their classification under <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Location: _____</td> <td style="width: 20%;">Page: _____</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Location: _____	Page: _____	<input type="checkbox"/>	<input type="checkbox"/>			



## Instructions

1. Follows checklist for easy reference
2. Provides comprehensive instructions for each item in checklist
3. Includes new Technical Guides
  - A. PCSM and E & S Technical Guides



## Instructions


suitability for intended (limitations) use is to be included in the narrative report. This information is available in soil survey reports published by the USDA, Natural Resources Conservation Service (formerly Soil Conservation Service), in cooperation with the Pennsylvania State University College of Agriculture and others. The reports are available from the county conservation districts. The means to address the identified soil limitations must be included on the drawings. For example, a note to use only certain areas as borrow areas for fill for sediment basins or traps or special fertilization requirements for portions of the project, etc.

**c. Earth Disturbance Activity:**  
The proposed alteration in the project area and the limits of the project area must be shown on the plan drawings. Such information as the limits of earth disturbance, the areas of cuts and fills and the locations of roads, existing and proposed structures are to be included. Proposed contours of the project area must be included on these drawings. Separate drawings, or inserts on the plan drawings must be included for off-site borrow or disposal areas which are part of the project. These drawings or inserts must include the same information as required on the plan drawings. A legend that describes all of the alterations and BMPs to be used for erosion and sediment control must be included on the drawings.

**f. BMP Description Narrative**  
A description of the location and type of perimeter and onsite BMPs used before during and after earth disturbance activity must be included in the project narrative.

**g. BMP Installation Sequence Narrative**  
The project narrative must provide a sequence of BMP installation and removal. Unlike the previous item that identifies the location and type of BMP this item requires list of temporary or permanent BMPs to be installed and a schedule for their installation and removal as related to the various phases of the project. Other BMPs are constructed when needed to accommodate the planned sequence of project installation. The narrative must include a complete schedule of installation and removal of erosion control BMPs as they relate to the various phases of earthmoving activities.

**A. description of the next revised and improved**



## Technical Guides

**ATTACHMENT B**

**STANDARD PCSM TECHNICAL GUIDE**

Check that the following items are completed in the PCSM Plan. If an item is not applicable write N/A.


Project: \_\_\_\_\_  
Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Item Location: D = E&S Drawings, N = E&S Narrative, D&N = Drawings and Narrative

**1. "The existing topographic features of the project site and the immediate surrounding area"**


_____ Legible Mapping	D
_____ Existing Contours	D
_____ Type of Cover	D
_____ Existing Improvements (i.e. roads, buildings, utilities, etc.)	D
_____ Sufficient surrounding area	D
_____ Complete mapping symbols and north arrow	D
_____ Location Map (i.e. USGS)	D or N

**2. "The types, depth, slope, locations and limitations of the soils and geologic formations"**




## NOI

1. Revised to include new regulatory requirements
2. New sections for E&S plan as well as PCSM and SR plans




## NOI – Riparian Buffers

1. Exceptions – 102.14(d)(1)
  - A. Oil and gas activities in which site restoration is part of permit authorization under Chapter 78
  - B. Any existing buffer undisturbed to extent practicable




## 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

1. 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.
  - C. 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

1. 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 January 1, 2005
2. If no current, DEP approved plan exists, compliance with 102.8 is required
3. Consistency letter from municipality is NOT 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) Consistency with existing E&S Plan- 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) PCSM Plan preparer requirements- The PCSM plan must be prepared by a person trained and experienced in PCSM design methods.

(f) PCSM Plan contents- 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) PCSM Implementation for special protection waters- To satisfy the anti-degradation implementation requirements in 93.4c(b) the permittee 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) Complaint or site inspection- 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

(l) Final Certification- The permittee shall include with the notice of termination "Record Drawings" with a final certification statement from a licensed professional. (See Chapter 102.8(l) for the final certification statement verbatim)



## Restoration and PCSM Plans

### (m) PCSM long-term operation and maintenance requirements (when applicable)

- Generally this section ensures that long-term PCSM are maintained by the permittee or co-permittee 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)



## Temporary Stabilization

1. Upon temporary cessation of activity for a period greater than 4 days the project site must be stabilized.



## Non-Compliance Self Reporting

1. When BMPs are found inoperative or ineffective the permittee must notify the Department.



## Pre-Construction Conferences

1. 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

- 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





## Other New Things

- Definitions
- Additional Clarifications
  - Signatory Requirements
  - Permit Transfers
  - Permit Termination



## QUESTIONS?

## Contact Information:

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