



Oil and Gas Management

# Revised Rulemaking Proposal for Environmental Protection Standards at Oil and Gas Well Sites

John Quigley, Secretary

Scott Perry, Deputy Secretary  
for Oil and Gas Management

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

**Access code:** 643 652 562

**WebEx Technical Support:** 866-229-3239

# Unprecedented Public Participation

- April 2011: DEP Initiated Rulemaking
- August 27, 2013: Environmental Quality Board adopted as proposed
- 90-day public comment period
- 2014:
  - Nine public hearings
  - 24,500 public comments received

# Bifurcation

- Summer 2014: Act 126 of 2014 requires regulations relating to conventional oil and gas wells to be promulgated separately from regulations relating to unconventional wells
  - DEP is proceeding with one process to promulgate separate rules
  - Chapter 78 – Conventional
  - Chapter 78a – Unconventional

# Advanced Notice of Final Rulemaking

- 2015 – *additional* 45 day public comment period
- Three *additional* public hearings – 129 people testified
- Almost 5,000 *additional* Public Comments Received

# Advanced Notice of Final Rulemaking

- Overall:
  - 12 Public Hearings
  - Almost 30,000 comments

# 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

# Finalizing the Rule

- Public Meeting Dates
- Significant Revisions
- Clarifying Changes
- Next Steps

# Public Meeting Dates

- August 27, 2015 – Conventional Oil and Gas Advisory Committee (COGAC) – Ch. 78 (conventional)
- September 2, 2015 Technical Advisory Board (TAB) – Ch. 78a (unconventional)

# Significant Revisions

- Noise Regulation (Unconventional Only)
  - Technical Challenges
  - Best Practices Guidance to be adopted
  - Future rulemaking considerations
- Centralized Tank Storage (Unconventional and Conventional Operations)
  - Off site waste issues regulated by DEP waste management program

# Clarifying Changes

- New and Revised Definitions for:

- Oil and Gas Operations
- Primary and Secondary Containment

## PUBLIC RESOURCE PERMITTING:

- Other Critical Communities
- Playground, School Property, Wellhead Protection
- PA Natural Diversity Inventory
- Public Resource Agency

# Permitting

- Water Resources
  - Well site within 100 feet from all bodies of water (includes wetlands) in HQ or EV watershed, must demonstrate protection of water quality.
- Public resources section amended for clarity
- Permit may be renewed only one time for a two year period

# Water Supply

- Pre Drill Survey
  - Submit after survey at least 10 days prior to drilling
- Protection of Water Supplies
  - Rules make it explicit that water supply must be restored to the better of pre-drill conditions or Safe Drinking Water Act standards.

# Area of Review

- Identify plugged wells
- Certified mail for notification
- Notification to other operators clarified
- DEP responsive action section added

# Waste Management

- Clarify when waste processing permit is required
- Add radiation action plan for onsite processing
- Quarterly inspections for conventional

# Next Steps

- October 27, 2015 – TAB
- October 29, 2015 - COGAC
- Winter 2015 – Environmental Quality Board
- March 2016 – Independent Regulatory Review Commission
- Second Quarter 2016 – Final Rule

# DEP 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.”