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

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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
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
• 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
"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."