



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



Chapter 78a Training Permit Application Requirements and Public Resources

September 1, 2016

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

Event Number: 641 919 356

WebEx Technical Support: 866-229-3239

Note: You will not hear any audio until the beginning of the webinar. To receive a call back, provide your phone number when you join the event.

Tom Wolf, Governor

Patrick McDonnell, Acting Secretary

Legal Authority

- PIOGA Litigation
- Section 3215(c) of the 2012 Oil and Gas Act
- Section 215 of the 1984 Oil and Gas Act
- Article I, § 27
- Other Statutes

▶ Permit Application Requirements

§ 78a.1 Definitions:

- Abandoned water well
- Body of water
- Certified mail
- Common areas of a school's property
- Other critical communities
- PPC plan
- PNDI
- PNDI receipt
- Playground
- Public resource agency
- Threatened and endangered species
- Water purveyor
- Wellhead protection area

▶ Permit Application Requirements

§78a.15(a)&(b)

- Electronic submission – DOES NOT APPLY TO CONVENTIONAL WELL PERMITS
- Complete application requirements:
 - Fee (§ 78a.19)
 - Bonding (§§ 78a.301-310)
 - Proof of notification (§ 78a.15(b))
 - Watercourse/Body of Water Protection Demonstration (§ 78a.15(b.1))
 - Parent and subsidiary business information (§ 78a.15(c))
 - T&E Species Impacts Analysis (§ 78a.15(d))
 - Consideration of Public Resources Form (§ 78a.15(f))
 - E&S Plan (§ 78a.15(h))

▶ Permit Application Requirements

§78a.15(b.1)

- If proposed limit of disturbance of the well site – within 100 feet measured horizontally
 - Watercourse
 - HQ/EV body of water
 - Wetland one acre or greater
- Well permit application must demonstrate well site location will protect those waters.

▶ Permit Application Requirements

§ 78a.15(b.1)

- E&S Plan / Ch.102 permit
- Ch.105 permit
- PPC plan (78a.55(a)-(b))
- Emergency response plan (78a.55(i))
- Site containment plan

Well Location Restrictions

§78a.15(b.2)

Abandoned water well does not constitute a water well.

Well Location Restrictions

Abandoned water well—A water well that is no longer equipped in such a manner as to be able to draw groundwater. This term includes a water well where the pump, piping or electrical components have been disconnected or removed or when its use on a regular or prescribed basis has been discontinued. The term does not include a ***water well that is not currently used, but is equipped or otherwise properly maintained*** in such a manner as to be able to draw groundwater as an alternative, backup or supplemental water supply.

Corporate Disclosure

§78a.15(c)

- Identify parent and subsidiary business corporations operating in this Commonwealth with the first application after effective date.
- Update any changes to this information with each subsequent application.

T & E Species Impact Analysis

§78a.15(d)

- T & E Species impact analysis, including PNDI receipt
- If potential impacts on PNDI receipt, **must** resolve impact with applicable public resource agency:
 - Avoidance/mitigation plan
 - Clearance letter
 - Other correspondence with public resource agency resolving possible impacts

Pennsylvania Conservation Explorer

Conservation Planning and PNDI Environmental Review



Welcome to **Pennsylvania Conservation Explorer**—a one stop shop for conservation planning and PNDI environmental review. The Explorer provides conservation information on biological diversity, protected lands, streams and other natural resources for planning purposes and also allows users to screen a project area for potential impacts to threatened, endangered, and special concern species.

Important Notice for PNDI Users. If you already had an account on the PNDI Environmental Review Tool you will need to [request a new password](#) to activate your Conservation Explorer account. Your old username and password will no longer work. Follow this [link](#) for step by step instructions on requesting a new password. If you have any issues accessing your account contact us at RA-HERITAGEGIS@state.pa.us. The Conservation Explorer is not compatible with the Microsoft Edge browser. Please use an alternative browser (Internet Explorer, Chrome or Firefox) to use the site.

Conservation Planning: The Explorer allows users to access conservation planning information without having to log in. Here, users will see locations of natural heritage areas, protected lands and high quality streams. Users can prepare a conservation report for use in local planning or project specific assessment. Click here for [Conservation Planning](#).

PNDI Environmental Review: To access Pennsylvania Natural Diversity Inventory (PNDI) information for environmental review purposes, users will be required to register and login. To register, click on [Create new account](#). After logging in, users will be able to view the same information as Conservation Planning, but they will also see PNDI species and habitat information. After viewing information in their project area, users can screen their project for potential impacts to PNDI species and obtain a PNDI Receipt with conservation measures, avoidance measures and next steps. If users obtain a PNDI receipt, a convenience charge of \$40 per project using Visa, MasterCard or Discover Card will be applied. Click here for [PNDI Environmental Review](#).



User login

E-mail or username *

Password *

- [Create new account](#)
- [Request new password](#)

Log in

Well Location – Recent PNDI

§78a.15(e)

Locate a well on an existing well site –

May comply with subsections (b.1) and (d)

- If the permit under §102.5 was obtained **within two years** from the receipt of the well permit application

Public Resources Impact Screening

Section 78a.15(f) screening:

- NOT A SETBACK – screening for probable harmful impacts to public resources
- Screening measured from the limit of disturbance (LOD), not the vertical wellbore
- Public nature of protected resources
- Condition well permits when necessary to protect against a probable harmful impact

Public Resources Impact Screening

PROCESS:

- Identify the public resource
- Notify the public resource agency
- Submit proof of notification and any measures proposed to avoid, minimize or mitigate impacts to the Department.

Public Resources Impact Screening

§78a.15(f)(1): List of Public resources (existing)

- LOD in or within 200 feet of a publicly owned park, forest, game land or wildlife area
- LOD in or within the corridor of a State or National scenic river
- LOD within 200 feet of a National natural landmark
- LOD in a location that will impact “other critical communities”
- LOD within 200 feet of a historical or archeological site listed on the Federal or State list of historical places

Public Resources Impact Screening

§78a.15(f)(1): List of Public resources (new)

- Within 200 feet of common areas on a school's property or playground
- Within zones 1 or 2 of a wellhead protection area
- Within 1,000 feet of a water wells, surface water intake, reservoirs or other water supply extraction points used by a water purveyor.

Public Resources Impact Screening



Public Resources Impact Screening

Notification guidelines:

- Notify 30 days prior to submitting well permit application
- Public Resource Agency has 30 days to provide written comments to DEP and the applicant
- Applicant may provide a response to DEP

Public Resources Impact Screening

Well Permit Application Requirements:

- Submit proof of notification to the public resource agency
- Identify public resource(s).
- Describe measures proposed to be taken to avoid, minimize or otherwise mitigate impacts, if any.

Public Resources Impact Screening

§78a.15(g): Criteria for Conditioning a well permit:

- Compliance with all applicable statutes and regulations
- Proposed measures to avoid, minimize or otherwise mitigate possible impacts
- Necessary measures to protect against a harmful impact to the functions and uses of the public resource.

Public Resources Impact Screening

§78a.15(g): Criteria for Conditioning a well permit:

- Comments and recommendations submitted by public resource agencies and the applicant's response.
- The optimal development of the oil and gas resources
- Property rights of oil and gas owners.

Public Resources Impact Screening

XXXX-XX-OGXXX DRAFT



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OIL & GAS MANAGEMENT PROGRAM

DEP USE ONLY	
Auth #	AFS #
Site #	Facility #
FX Client #	Sub-loc #

COORDINATION OF A WELL LOCATION WITH PUBLIC RESOURCES

Well Operator [REDACTED]		DEP ID [REDACTED]		Well Farm Name and No. [REDACTED]	
Address [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	County [REDACTED]	Municipality [REDACTED]
Phone No. [REDACTED]		Fax No. [REDACTED]		Latitude N ° ' "	Longitude W ° ' "
Contact e-mail: [REDACTED]					
A) Is the limit of disturbance of the proposed well located as follows:					
1) Within 200 feet of a publicly owned park, forest, game land or wildlife area? <input type="checkbox"/> Yes <input type="checkbox"/> No					
2) In or within the corridor of a State or National Scenic River? <input type="checkbox"/> Yes <input type="checkbox"/> No					
3) Within 200 feet of a National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No					
4) That will impact other critical communities? <input type="checkbox"/> Yes <input type="checkbox"/> No					
5) Within 200 feet of a historical or archeological site on Federal/State list of historical places? <input type="checkbox"/> Yes <input type="checkbox"/> No					
6) Within Zones 1 or 2 of a wellhead protection area approved under § 109.713? <input type="checkbox"/> Yes <input type="checkbox"/> No					
7) Within 200 feet of common areas on a school's property or playground? <input type="checkbox"/> Yes <input type="checkbox"/> No					
8) For unconventional wells , within 1000 feet of water wells, surface water intakes, reservoirs or other water supply extraction points used by a water purveyor? <input type="checkbox"/> Yes <input type="checkbox"/> No					
<i>If all the answers to questions 1) thru 8) are "No", proceed to Section C.</i>					

Module 9 : Public Resources

B) List each public resource identified in paragraph A) above with its name and location. Include the name, address and phone number of the person responsible for management of the public resource. Also include functions and uses of the public resource and describe the measures proposed to be taken to avoid, minimize or otherwise mitigate impacts. Include PNDI status for other critical communities. (Attach additional sheets if necessary)

Public Resource 1

Public Resource Name:	Location:
Jurisdictional Agency Name:	Contact Person:
Contact Address and phone No.:	
Contact e-mail:	
Describe functions and uses of the public resource:	
Describe the measures proposed to be taken to avoid, minimize or otherwise mitigate impacts:	
Date of Notification :	
Attach proof of notification:	
Did the Jurisdictional Agency respond: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, provide the response with this form:	

Public Resource 2

Public Resource Name:	Location:
Jurisdictional Agency Name:	Contact Person:
Contact Address and phone No.:	
Describe functions and uses of the public resource:	
Describe the measures proposed to be taken to avoid, minimize or otherwise mitigate impacts:	
Date of Notification :	
Attach proof of notification:	
Did the Jurisdictional Agency respond: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, provide the response with this form:	

Erosion & Sedimentation Control

§78a.15(h):

Submit erosion and sediment control plan with permit application if:

- Use of enhanced drilling or completion technologies
- Earth disturbance limit : 1 to less than 5 acres
- HQ/EV watershed

Erosion and sediment control plan must be:

- Consistent with Ch.102
- Submit with well permit application
- Review and approval by DEP



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



Question and Answer Session

Kurt Klapkowski

Director

Bureau of Oil & Gas Planning & Program Management

717.783.9893

(kklapkowski@pa.gov)



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



We will be back shortly!

Kurt Klapkowski

Director

Bureau of Oil & Gas Planning & Program Management

717.783.9893

(kklapkowski@pa.gov)