



Oil and Gas Management



DEP Webinar

April 10, 2012



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Oil and Gas Management

AGENDA

1. Welcome
2. Environmental Protections & Enhancements
3. Questions & Comments

Note: WebEx Technical Support is available at
866-229-3239

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Environmental Protections & Enhancements

Well Location Restrictions

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Setbacks Increased for Unconventional Wells (3215)

- From 200 ft. to 500 ft. from buildings or water wells
- 1,000 ft. from water supply (unless authorized by water purveyor)
- From 100 ft. to 300 ft. from any stream, spring, body of water or wetland greater than 1 acre in size
- Well site pads must maintain setback of 100 ft. from the edge of disturbance and any stream, spring, body of water or wetland greater than 1 acre in size

Well Location Restrictions

Restrictions in Floodplains (3215(f))

- Prohibits well site or well bore within floodplain if site will have:
 - A pit or impoundment containing drilling cuttings, flowback water, produced water or hazardous materials, chemicals or wastes within the floodplain
 - A tank containing hazardous materials, chemicals, condensate, wastes, flowback or produced water within the floodway

Waivers (3215(f))

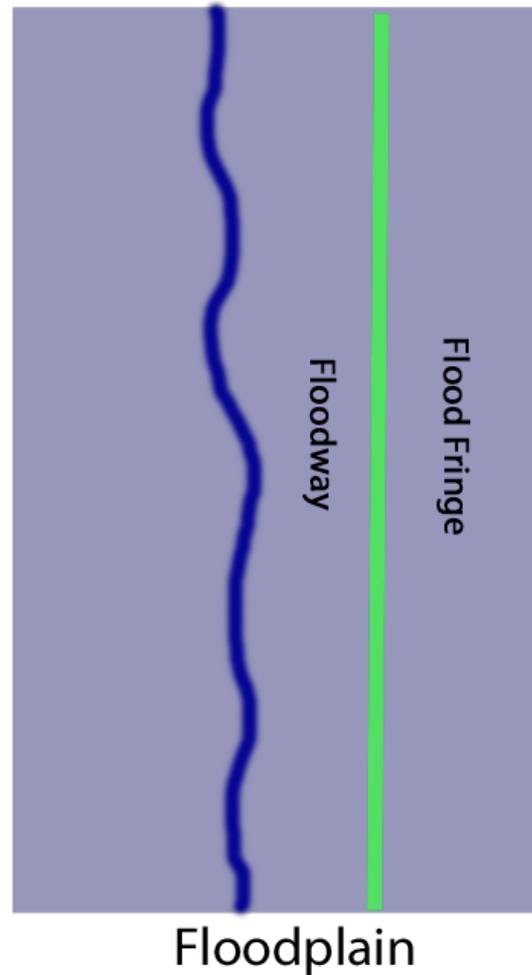
- DEP may issue waiver if additional protective measures employed
- Waiver not available to tanks in flood fringe unless floodproofing standards achieved

Exemptions (3215(g))

- Restrictions do not apply to existing well sites with existing well permit

Well Location Restrictions

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Protection of Water Supplies

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Rebuttable Presumption (3218(c.2))

- Increases distance and duration of rebuttable presumption. An unconventional well operator is responsible for pollution of a water supply as follows:
 - From 1,000 ft. to 2,500 ft. of the water supply
 - From 6 months to 12 months after the later of well completion, drilling, stimulation or alteration
- Operator must notify landowner or water purveyor that rebuttable presumption may be void if the landowner or water purveyor refuses to allow operator to conduct pre-drilling or pre-alteration survey (3218(e.1))

Restoration of Water Supplies (3218(c.1))

- Operator must provide temporary water supply if the affected water supply is:
 - Within the rebuttable presumption area
 - Covered by a valid rebuttable presumption
 - Without an alternate source of water

Protection of Water Supplies

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Quality of Replacement Water Supplies (3218(a))

- Restored or replaced water supply must meet Safe Drinking Water Standards or pre-drilling conditions if the water quality did not meet those standards

Reporting Water Contamination (3218(b.2))

- DEP established a toll-free telephone number for reporting alleged cases of water contamination.
- 1-866-255-5158
- Telephone number also listed on DEP Website (“Act 13” link)

Transparency (3218(b.4))

- If any case of subterranean water supply contamination is confirmed, it will be reported on DEP’s website.

Containment Practices

Construction and Practices (3218.2)

- Well pad site must be designed & constructed to prevent spills.
- Containment practices shall be:
 - Instituted during both drilling and hydraulic fracturing operations
 - Sufficiently impervious to contain spilled materials
 - Compatible with the waste material or waste stored or used within containment
- Containment Plans
 - Shall be submitted to DEP that describe containment practices to be used
 - Containment areas must be capable of holding the volume of the largest container plus 10%
 - “Well site” is defined as the area occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging a well
- DEP may establish additional protective measures for storage of hazardous chemicals within 750 ft. of stream, spring, body of water

DEP Spill Policy

Draft DEP Spill Policy has been prepared

- Presented to the Oil and Gas Technical Advisory Board in October 2011 and February 2012

Pennsylvania Bulletin Notice

- Draft DEP Spill Policy is scheduled to be published in the *Pennsylvania Bulletin* on April 14, 2012 and will include a 30-day public comment period

DEP Spill Policy

What Spills Must be Reported?

- Specific requirements for spills/releases of brine greater than five (5) gallons (25 Pa.Code § 78.1, §78.66)
- All spills or releases of a pollutorial substance on areas of a well site without secondary containment should be reported to DEP regardless of volume spilled/released (25 Pa. Code §91.33, § 78.66(a))
- If secondary containment is in place where the spill/release occurred, the responsible party should notify DEP of spills/releases greater than 42 gallons

DEP Spill Policy

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How do I notify DEP?

- Call appropriate DEP Regional Office by telephone to report a spill/release
- Regional phone numbers are listed in Appendix A of draft policy and are also listed on DEPs website (Select “Report an Incident” from main web page)
- If you don’t know your DEP region call 1-800-541-2050

DEP Spill Policy

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How do I remediate the spill/release?

- Small Spills (Less than 42 gallons) where no waters impacted
 - Remove and dispose of impacted soil
- Voluntary Cleanups Using Act 2 Process
 - Cleanup to Act 2 standards (background, Statewide health, site specific)
 - Follow administrative process set forth in Act 2
 - If DEP approves the Final Report, relief from liability
- Alternative Process
 - Does NOT follow administrative process set forth in Act 2
 - Must meet background or Statewide health standard
 - Relief from liability is not available

Transportation Records

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Unconventional well operator must: (3218.3)

- Maintain records of wastewater fluids transported (for 5 years)
- Make records available to DEP on request
- Comply with residual waste 26R reporting requirements

Records required to be maintained: (3218.3(a))

- Number of gallons of wastewater fluids produced
- Name of person or company that transported wastewater fluids
- Location where wastewater fluids were disposed of or transported and volumes disposed of at the location, and
- Method of disposal

Corrosion Control

Operator and pipeline operator must comply with the following requirements: (3218.4)

- All buried metallic pipelines shall be installed and placed in operation in accordance with federal corrosion protection requirements ([49 CFR Part 192, Subpart I](#))
- Permanent aboveground & underground tanks must comply with corrosion control requirements of DEP's storage tank regulations ([25 Pa.Code Chapter 245](#))
- Corrosion control procedures carried out under direction of qualified person

Gathering Lines

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“Gathering Lines” :

- A pipeline used to transport natural gas from a production facility to a transmission line (3218.5(a))

Owners or operators of gathering lines shall:

- Comply with the Underground Utility Line Protection Law (3218.5(a)) ([PA One Call](#))
 - Be a member of and give facility location notice to One Call System
 - Response to requests from designers, excavators and operators to mark line in a timely manner

Well Control Emergency Response

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DEP may:

- Enter into contracts with well control specialists to provide response services in the event of an emergency (3219.4(a))

The Well Control Specialist:

- Shall be immune from civil liability for good faith actions (except for breach of contract, intentional tort or gross negligence) (3219.4(b),(c))

Chemical Disclosure

Within 60 days of commencement of hydraulic fracturing:

- The hydraulic fracturing service provider or vendor that supplies hydraulic fracturing additives shall provide the well operator with the identity of chemicals or concentration of chemicals used to hydraulically fracture the well (3222.1(b)(1))

Within 60 days following conclusion of hydraulic fracturing:

- The well operator shall complete the chemical disclosure registry form and post it on the chemical disclosure registry in a format that does not link chemicals to their respective hydraulic fracturing additive (3222.1(b)(2))

Chemical Disclosure

Chemical Disclosure Registry

- All operators must use the chemical disclosure registry at www.FracFocus.org – Pennsylvania operators should be registering now to be able to input data after April 16
- This registry was developed jointly by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission
- Data began being input as of Jan.y 1, 2011
- Many well operators are already utilizing this tool voluntarily
- Other states are also currently accepting this registry as the vehicle for chemical disclosure

Chemical Disclosure

Chemical Information is Public Record

- Chemical information disclosed to DEP or the registry is considered a public record, unless protected as a trade secret or confidential proprietary information (CPI) (3222.1(b)(5))
- Exceptions to trade secret and CPI provision:
 - Any health professional who requests information for the purpose of diagnosing or treating a patient, or where a patient may have been subject to exposure, or where knowledge will assist in the diagnosis or treatment shall be entitled to receive the information (3222.1(b)(10))
 - Nothing shall prohibit the following individuals from obtaining information that may be necessary to respond to a spill or release: (3222.1(d)(2))

DEP Official

A Public Health Official

An Emergency Manager

A Spill Responder

Chemical Disclosure

Evaluation of Registry

- By Jan. 1, 2013, DEP shall determine if the registry allows for the search and sorting of PA chemical disclosure information by geographic area, chemical ingredient, chemical abstract number, time period and operator (3222.1(b)(6))
- If DEP determines that the registry is deficient it shall investigate the feasibility of making this information available on DEP's website (3222.1(b)(6))

Air Contaminant Emissions

Air Source Reporting

- Owners or operators of facilities conducting natural gas operations in unconventional formations shall submit to DEP a source report identifying and quantifying actual air contaminant emissions (3227(a))
- Source reports must be submitted to DEP annually by March 1 for air contaminant emissions during the preceding calendar year (unless otherwise directed by the federal Clean Air Act or other regulation adopted under Act 13) (3227(b))
- Under federal law, DEP is required to submit to the U.S. EPA total statewide air pollution emissions every three years
- Pennsylvania's inventory is due to EPA on Dec. 31, 2012.

April 3 Webinar Correction

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Proper method for providing notice to necessary parties as part of the well permit application:

- Notice must still be provided to the listed parties via certified mail. DEP will not accept mail slips from commercial vendors such as UPS or FedEx.
- DEP will return any such submissions to the applicant and consider the permit application administratively incomplete.
- Refer to the Frequently-Asked-Questions document for more information.



Oil and Gas Management

For more information, visit:
www.depweb.state.pa.us

click on the  graphic.



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Questions?

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