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

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How Did We Get Here?

• April 2011: DEP Initiated discussions with Oil and Gas Technical Advisory Board (TAB) on Chapter 78
• Summer 2013: TAB convened work groups
• August 27, 2013: Environmental Quality Board adopted as proposed
• December 14, 2013: DEP opened 90-day public comment period (Nine public hearings; more than 300 people testified)
• March 14, 2014: DEP closed 90-day public comment period (24,500 public comments received)
• 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
Current Status

• March 20, 2015: Oil and Gas Technical Advisory Board (TAB) – Chapter 78a (Unconventional)

• March 26, 2015: Conventional Oil and Gas Advisory Committee in formation (COGAC) – Chapter 78 (Conventional)
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
Protects Water Resources

• Requires operators to demonstrate that streams and wetlands will be protected if the edge of the pad is within 100 feet of the resource

• Eliminates the use of waste storage pits for unconventional operators
• Requires centralized wastewater impoundments to be permitted through more appropriate Residual Waste Regulations
• Requires existing centralized wastewater impoundments to be upgraded and re-permitted, or closed within 3 years of the rule’s effective date
• Adds a new section to create a centralized tank storage permit
• Expands impacts analysis of public resources
• Includes additional public resources for consideration:
  ▪ Schools
  ▪ Playgrounds
  ▪ DEP-approved wellhead protection areas
• Requires operators to identify active and inactive wells within a specific area of the well bore and submit a report and plan to DEP at least 30 days prior to drilling

• Adds a monitoring plan component

• Makes explicit that water supply must be restored to the better of pre-drill conditions or Safe Drinking Water Act standards
• Creates new Noise Mitigation section for unconventional only
• Requires operators to prepare and implement a site-specific noise mitigation plan for drilling, stimulation and servicing activities
• Gives DEP the ability to suspend operations and modify the plan
• Adds requirements to inform surface landowners of certain activities
• Adds new notification requirements
• Requires all notifications to be submitted electronically
• Requires all documents and reports to be filed electronically
• Provides efficiencies for DEP inspections
• Sets the stage for more use of Internet-based submission and management
Next Steps

• March 2015: Advisory committee discussions

• April 2015: Advanced Notice of Final Rulemaking

• Summer 2015: Additional advisory committees discussions

• Late 2015: Final form to Environmental Quality Board

• Spring 2016: Rules become effective
“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.”