

**Standard Operating Procedure**<sup>1</sup>  
**FOR IMPLEMENTATION OF THE OIL AND GAS SPILL POLICY**

PA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENVIRONMENTAL CLEANUP AND BROWNFIELDS  
LAND RECYCLING PROGRAM

January 29, 2014

<sup>1</sup> **DISCLAIMER:** The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP should affect regulatory requirements. The process, procedures, and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give rules in this SOP that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

## **Purpose and Applicability:**

This Standard Operating Procedure (SOP) documents the procedures that Environmental Cleanup and Brownfields (EC&B) program personnel will follow when implementing the Technical Guidance Document, Addressing Spills and Releases at Oil and Gas Well Sites, 550-5000-001 (Oil and Gas Spill Policy) and 25 Pa. Code 78.66. This procedure identifies responsibilities for activities that EC&B program personnel and Oil & Gas (O&G) program personnel perform in completing duties under the Oil and Gas Spill Policy.

The Oil and Gas Spill Policy establishes three options for remediation of releases of regulated substances; Small Spills, Act 2, and Alternative Remediation. This procedure establishes EC&B program responsibilities under the Act 2 and Alternative Remediation options. The O&G program is responsible for the Small Spills option.

EC&B program personnel are responsible for reviewing and acting on reports submitted under Pennsylvania's Land Recycling and Remediation Standards Act (Act 2) for releases of regulated substances at oil and gas well sites when those releases are addressed under the Solid Waste Management Act or the Clean Streams Law. In addition, EC&B program personnel will evaluate interim remedial actions and review reports submitted under the Alternative Remediation process as outlined in the Oil and Gas Spill Guidance and this SOP.

## **Release Notification and Interim Remedial Actions:**

When the release notification is received by the Department of Environmental Protection (DEP) it will be evaluated by O&G or Emergency Response personnel according to procedures and practices established under those programs. O&G program personnel may request EC&B program personnel participation during inspections of the spill location to assist in evaluating interim remedial actions conducted by the responsible party, assist in sampling environmental media, or to confer on sampling methods and laboratory analysis of contaminants. The O&G program will prepare the inspection reports and records and enter information concerning the release, inspection and compliance activities in eFACTS as required by the procedures and practices established in the O&G program.

Responsible persons are required to notify the O&G program of what remediation option will be pursued, along with other required information, within 15 days of the release. The O&G program will take appropriate enforcement action relating to release notification and the implementation of interim remedial responses and enter and track enforcement actions in eFACTS according to procedures and practices established under the O&G program.

EC&B personnel shall document activities they perform in field log books and/or EC&B program site visit inspection forms, when those activities are not fully documented by O&G personnel in their inspection reports.

## **Act 2:**

For cases proceeding under the Land Recycling Act (Act 2), EC&B personnel will follow the regulations, guidance, and policies established for the review, approval, and disapproval of Act 2 reports. This also includes procedures established in the EC&B Standard Operating Procedures for Notice of Intent to Remediate and Report Submissions (Act 2 SOP) issued in 2013.

EC&B program personnel will enter all Land Recycling Program information into eFACTS that is required under established EC&B program guidance and procedures within 5 business days. For O&G spills and releases where the remediator has opted to pursue cleanup under Act 2, EC&B program personnel should select 'Oil & Gas Land Recycling Program (OGLRP)' or 'Oil & Gas BFRS or WFRS within 90 Days – No NIR (OGL90)', as appropriate, as the NIR Type when entering date into eFACTS for the purposes of tracking these cases. (Note – Site information should previously exist within eFACTS from O&G data entry.)

EC&B program personnel shall copy O&G personnel on all deficiency, disapproval and approval letters, and other relevant correspondence. After consultation with regional EC&B personnel, O&G personnel will be responsible for the evaluation of the timeliness of remediation progress and the decision to take further compliance and enforcement actions to ensure cleanup. Any reports or requirements outside the scope of the Land Recycling Program (LRP) are the responsibility of the O&G Program. The LRP will provide the O&G Program with queries within the Land Recycling Activities module of eFACTS to facilitate tracking of required submittals.

## **Alternative Remediation:**

For cases following the Alternative Remediation option in the O&G Spill Policy, the responsible parties will, within 15 days of the spill or release, submit an initial report that, among other items, identifies the remediator's desire to remediate their spill/release utilizing the alternative process.

The Oil & Gas Program will refer the case to the regional EC&B program manager. The EC&B program manager will assign personnel to the case and advise the O&G program of the assignment. Alternative Remediation reports will be submitted to the EC&B program. The EC&B program will send an acknowledgement letter (Attachment 1) to the applicant upon receipt of Alternative Remediation reports. O&G personnel will track deadlines required in the policy and regulations for submittal of alternate remediation reports and implement compliance and enforcement actions as necessary.

The EC&B program will review submitted reports based on the background and statewide health remediation standards, prepare technical review memos, and forward the technical review memos to O&G program personnel. Any required correspondence with the remediator in regards to report submittal will be prepared by the EC&B program and provided to the O&G program for signature. The EC&B program will be copied on all correspondence related to the Alternative Remediation process. The LRP will provide the O&G Program with queries within the Land Recycling Activities module of eFACTS to facilitate tracking of required submittals.

EC&B program personnel will enter all Land Recycling Program information into eFACTS that is required under established EC&B program guidance and procedures within 5 business days. For spills and releases following the Alternative Remediation process, EC&B program personnel should select 'Oil & Gas Alternative Remediation' (OGALT) as the NIR Type.

The combination of the aforementioned OGLRP and OGALT codes in the NIR TYPE field will allow DEP to separately track traditional Land Recycling cases, Oil & Gas spills following Act 2 procedures, and Oil & Gas spills following the Alternative Remediation process.

The following Milestone Codes should be used to track report submittals under the Alternative Remediation Process:

- OSCRS – Oil & Gas Site Characterization Report Submitted
- ORAPS – Oil & Gas Remedial Action Plan Submitted
- ORCRS – Oil & Gas Remedial Action Completion Report Submitted

Site characterization reports shall meet the applicable technical requirements established in Chapter 250 including Chapter 250.204 b-e.

Remedial actions proposed shall meet the applicable technical requirements established in the Land Recycling Act and Chapter 250 for the background standard or the Statewide health standard.

Final remedial actions and the completion reports shall meet the applicable technical requirements established in the Land Recycling Act and Chapter 250 for the background standard (Chapter 250.204 (f) and (g)) or the Statewide health standard (Chapter 250.312 (b) – (h), 250.311(a) and 250.312(a)).

EC&B program will prepare a technical review memo (Attachment 2) and forward the technical review memos to O&G program. Technical review memos will include a recommendation that a deficiency letter (Attachment 3) or approval letter (Attachment 4) be sent to the remediator. EC&B personnel will prepare these letters for the O&G program manager's signature. It will be the responsibility of the O&G program to track cases where deficiencies or disapprovals have been issued for follow-up compliance.

EC&B personnel will complete their review of submittals/reports under the Alternative Remediation process within 60 days.

### **Waste Disposal and Restoration:**

The O&G program will be responsible for tracking the disposal of any waste generated during O&G spill remediation, and monitoring revegetation of O&G spill area.

## **Attachments**

- 1) Acknowledgement of Receipt of Report under Alternate Remediation Process template
- 2) Technical Review Memo template
- 3) Technical Deficiency template
- 4) General Report/Plan/Request Approval template

ATTACHMENT 1

Acknowledgement of Receipt of Report under Alternate Remediation Process

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Receipt of (CHOOSE: Site Characterization/Remedial Action Plan/  
Remedial Action Plan Completion Report

(SITE NAME)

eFACTS PF #(xxxxxx)

eFACTS Activity #(xxxx)

(SITE ADDRESS, CITY)

(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (DEP) has received the subject document. The document will be handled in accordance with Alternative Remediation provision of the department policy document 800-5000-001 Addressing Spills and Releases at Oil & Gas Well Sites or Access Roads.

Response actions conducted under the Alternative Remediation provision do not qualify for the relief of environmental liability provided by the Land Recycling and Environmental Remediation Standards Act. If you would like to take the additional actions necessary to meet all of the requirements and receive the relief of liability provided by the Land Recycling and Environmental Remediation Standards Act you should contact the Regional Program Manager of the Environmental Cleanup and Brownfields Program.

DEP will review and respond to your report submission within 60 days of the receipt date. You will receive a letter advising you of the DEP's action on your submission. If you have any questions or need further clarification of our procedures, please contact (NAME) by e-mail at (EMAIL ADDRESS) or by telephone at (PHONE NUMBER).

Sincerely,

(SIGNER)

(TITLE)

Regional Program Manager  
Oil and Gas Program

cc: (CONSULTANT)

Address | City, PA Zip Code

Phone | Fax

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

(EC&B PROJECT MANAGER)  
(REGIONAL FILE)

typist's initials

Address | City, PA Zip Code

Phone | Fax

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

ATTACHMENT 2

Technical Review Memo template



## MEMO

**TO** Environmental Program Manager  
Licensed Professional Geologist Manager  
or Environmental Group Manager

**FROM** DEP Project Manager

**DATE** [date]

**RE** Alternative Remediation Review  
Addressing Spills and Releases at Oil & Gas Well Sites  
or Access Roads  
Technical Memo Summary  
eFACTS PF #(xxxxxx)  
[site name]  
[municipality, county]

**Property Owner Name and Site Address:** [Basic site and location information.]

**Standard Sought:** Alternative Remediation under department policy document 800-5000-001  
Addressing Spills and Releases at Oil & Gas Well Sites or Access Roads

**Property Size:** [acres]

**Project Site History:** [Explain site history. Past uses, past owners, past practices. etc.]

**Site Findings:** [Summarize site findings. Nature and extent of contamination.]

**Site Cleanup History:** [Summarize history of actions, NIR, site characterization report, final report, etc.]

**Discussion of Cleanup Involved and Demonstration of Attainment:** [Explain remediation and demonstration of attainment. Explain post remediation care and environmental covenants if applicable.]

**DEP Action Approval/Technical Deficiency Letter:** [Explain approval or technical deficiency letter and date drafted for EPM signature.]

**DEP Contact:** DEP Contact

**Phone:** Phone Number

**Site Contact:** Site Contact

**Phone:** Phone Number

**Site Consultant:** Site Consultant

**Phone:** Phone Number

bcc: bcc copies

reference initials

ATTACHMENT 3

Technical Deficiency template

OIL AND GAS PROGRAM

(DATE)

CERTIFIED MAIL NO. (XXXXXX)

(NAME & ADDRESS of remediator/property owner)

Re: Letter of Technical Deficiency  
(SITE NAME)  
eFACTS PF #(XXXXXX)  
eFACTS Activity #(XXXX)  
(SITE ADDRESS, CITY)  
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (DEP) has received and reviewed the (DATE OF REPORT) document titled "(NAME OF REPORT)" (report), for the property referenced above. The report was prepared by (NAME OF CONSULTANT) and submitted to DEP. The report has been reviewed in accordance with Alternative Remediation provision of the department policy document 800-5000-001 Addressing Spills and Releases at Oil & Gas Well Sites or Access Roads.

The document includes the following technical deficiencies: [inserted or attached]

(DESCRIBE DEFICIENCIES AND NOTE REGULATORY CITATIONS).

Response actions conducted under the Alternative Remediation provision do not qualify for the relief of environmental liability provided by the Land Recycling and Environmental Remediation Standards Act. If you would like to take the additional actions necessary to meet all of the requirements and receive the relief of liability provided by the Land Recycling and Environmental Remediation Standards Act you should contact the Regional Program Manager of the Environmental Cleanup and Brownfields Program.

We look forward to assisting you in the remediation of this property and encourage you to contact us throughout this process. If you have any questions or need further information regarding this matter, please contact (EC&B PROJECT MANAGER) by e-mail at (EMAIL ADDRESS) or by telephone at (PHONE NUMBER).

Sincerely,

(SIGNER)

Regional Program Manager  
Oil and Gas Program

cc: Consultant  
(REGIONAL FILE)  
(EC&B PROJECT MANAGER)

typist's initials

Address | City, PA Zip Code

Phone | Fax

[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

ATTACHMENT 4

General Report/Plan/Request Approval template

OIL AND GAS PROGRAM

(DATE)

(NAME & ADDRESS of remediator/property owner)

Re: Approval of (CHOOSE) Site Characterization/Remedial Action Plan/  
Remedial Action Plan Completion Report  
(SITE NAME)  
eFACTS PF #(xxxxxx)  
eFACTS Activity #(xxxx)  
(SITE ADDRESS, CITY)  
(MUNICIPALITY), (CHOOSE) County

Dear (NAME):

The Department of Environmental Protection (DEP) has reviewed the (DATE) document titled “(TITLE OF PLAN, REPORT, or REQUEST)” for the property referenced above. (OPTIONAL: one sentence describing release details) The (PLAN/REPORT/REQUEST) was prepared by (NAME OF PREPARER, USUALLY THE CONSULTANT'S COMPANY NAME) and submitted to DEP.

DEP has reviewed the subject document in accordance with Alternative Remediation provision of the department policy document 800-5000-001 Addressing Spills and Releases at Oil & Gas Well Sites or Access Roads. No technical deficiencies were noted.

Response actions conducted under the Alternative Remediation provision do not qualify for the relief of environmental liability provided by the Land Recycling and Environmental Remediation Standards Act. If you would like to take the additional actions necessary to meet all of the requirements and receive the relief of liability provided by the Land Recycling and Environmental Remediation Standards Act you should contact the Regional Program Manager of the Environmental Cleanup and Brownfields Program.

Please feel free to contact (EC&B PROJECT MANAGER) by e-mail at (EMAIL ADDRESS) or by telephone at (PHONE NUMBER) with any questions or if further clarification is needed regarding this matter.

Sincerely,

Address | City, PA Zip Code

Phone | Fax

www.depweb.state.pa.us

(SIGNER)

Regional Program Manager  
Oil and Gas Program

cc: (CONSULTANT)  
(EC&B PROJECT MANAGER)  
(REGIONAL FILE)

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