

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance

Standards at Oil and Gas Well Sites

Inactive Status

(58 Pa. C.S. § 3214 and 25 Pa. Code §§ 78.101-105 & 78a.101-105)

The purpose of this Frequently Asked Questions (FAQ) document is to address questions about the Department's regulations. This FAQ should not be used in lieu of reference to the Oil and Gas Act, 25 Pa. Code Chapters 78 and 78a, or other applicable laws and regulations. The answers outlined in this FAQ are intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements.

This document is not an adjudication or a regulation. There is no intent on the part of the Department to give this document that weight or deference. The Department may supplement or amend this document at any time as necessary without notice.

Inactive Status

Inactive Status is an option for an operator to idle activity at a well after completion of drilling when the well meets the applicable requirements in Section 3214 of Oil and Gas Act, 58 Pa.C.S. § 3214, and 25 Pa. Code § 78.102 (relating to criteria for approval of inactive status for conventional wells) or 25 Pa. Code § 78a.102 (relating to criteria for approval of inactive status for unconventional wells). For wells not yet placed into production, the Department interprets the inactive status requirements as applying to wells that have been drilled to total depth to the producing formation (i.e., no further drilling is planned) and are ready for stimulation/completion activities. To obtain inactive status for these wells, an operator must demonstrate that production is waiting on construction of a pipeline or other future use of the well such as primary or enhanced recovery, gas storage, approved disposal, or other appropriate uses related to oil and gas well production. The Department may consider market conditions in determining future use, but the operator should provide an explanation in its inactive status request of historical commodity prices and anticipated future commodity prices. Inactive status is also an option for operators of unconventional wells in coal areas where well inactivation is recommended during adjacent longwall mining. (See [DEP Technical Guidance Document 800-0810-004](#)). .

1) When is a well eligible for inactive status?

In accordance with 25 Pa. Code §§ 78.101 and 78a.101, upon submission of an [Application for Inactive Well Status](#) (Document No. 8000-FM-OOGM0056), the Department will grant inactive status for a permitted or registered well if the application meets the requirements of 58 Pa.C.S. § 3214 and 25 Pa. Code §§ 78.101-105 (for conventional wells) and 25 Pa. Code §§ 78a.101-105 (for unconventional wells). Inactive Status does not apply to operators seeking to extend the timeframe for well permit expiration. Rather, operators seeking to extend well permit expiration may submit a request to the Department in accordance with 25 Pa. Code §§ 78.17(a) or 78a.17(a)

The Department interprets the inactive status requirements as applying to wells that have been drilled to total depth to the producing formation (i.e., no further drilling will be occurring or is planned) and are ready for stimulation/completion activities. Although the Department may have previously granted inactive status for certain partially drilled wells, the Department will no longer accept applications for inactive status for wells not drilled to the permitted producing formation.

Until a well is drilled to total depth to the producing formation and is ready for stimulation/completion activities, operators must follow the requirements related to well permit expiration in 58 Pa.C.S. § 3211(i) and 25 Pa. Code §§ 78.17 and 78a.17(a). Once an operator commences drilling, the well permit will expire one year after issuance unless the operator is drilling with due diligence. The Department interprets [due diligence](#) relating to well permit expiration to mean completion of drilling the well to total depth within 16 months of the permit issuance. Inactive status does not apply to operators seeking to extend the timeframe for well permit expiration.

In accordance with 25 Pa. Code § 78a.102(4), an operator requesting inactive status for an unconventional well must certify that the well has future utility and provide a viable plan for producing the well within the requested inactive status period. For wells not yet placed into production, the viable plan should include estimated timeframes for stimulating the well and placing the well in production. If the inactive status request relates to anticipated construction of a gathering pipeline, the operator should provide a viable plan that includes information and timeframes for activities relating to the installation of the gathering pipeline, including but not limited to, permitting and construction activities.

For a well that is already in production, or otherwise utilized for its permitted use for storage, observation, or disposal, the Application for Inactive Well Status should include justification for placing the well on inactive status (e.g., service or repair of the well or pipeline, loss of pipeline access, etc.) in addition to the plan for returning the well to active status and to its permitted use within the requested inactive status period.

2) Are gas storage wells, observation wells, and waste disposal wells eligible for inactive status?

Yes, provided that the well meets the requirements for inactive well status (58 Pa.C.S. § 3214 and 25 Pa. Code § 78.102) and the operator provides a viable plan to recondition or repair the well and/or resume use of the well for its permitted use for storage, observation, or waste disposal within a reasonable period of time. The Department may require additional information or documentation to process an application for inactive well status for a gas storage or observation well or a waste disposal well.

In addition to the well inspection, monitoring, and integrity testing required for gas storage and observation wells (25 Pa. Code §§ 78.402-403), the well operator will also be required to comply with the annual mechanical integrity assessment, monitoring, and reporting requirements for inactive wells (58 Pa.C.S. § 3214(d) and 25 Pa. Code § 78.103).

The operator of a waste disposal well granted inactive status will also be required to comply with the annual mechanical integrity assessment, monitoring, and reporting requirements for inactive wells (58 Pa.C.S. § 3214(d) and 25 Pa. Code § 78.103). This is in addition to any mechanical integrity testing and tubing/casing annulus pressure testing required by an Underground Injection Control permit administered by the U.S. Environmental Protection Agency's Underground Injection Control Program.

3) How long can a well be on inactive status?

Upon initial application for inactive status for a permitted or registered well, the Department may approve an automatic five-year inactive status period. By the end of the five-year inactive status period, the owner or operator shall plug the well or return the well to active status, unless the Department grants an application for a one-year extension. To request an extension of inactive status, the operator will utilize the [Application for Inactive Well Status](#) form, and in the section that states "Is this an application for annual extension of inactive status?" check the box for "Yes." The application for extension of inactive status should be submitted at least sixty (60) days prior to the expiration of inactive status to allow the Department sufficient time to review and process the application. If an operator applies for an extension of inactive status, the Department may grant the extension on a year-to-year basis if the operator demonstrates the ability to continue to meet the requirements of 58 Pa.C.S. § 3214 and 25 Pa. Code §§ 78.101-105 (for conventional wells) and 25 Pa. Code §§ 78a.101-105 (for unconventional wells) and the operator certifies that the well will be of future use within a reasonable time. The inactive status extension request should include an updated plan with an explanation of why the well was not returned to Active status during the initial inactive status period, and sufficient information to document how the well will be returned to Active status and returned to its permitted use for production, storage, observation, or waste disposal during the requested one-year extension period.

4) What about wells currently on inactive status?

Wells that are currently on inactive status will remain on inactive status until the expiration of the current inactive status period or until the well is returned to Active status, unless the Department revokes inactive status in accordance with 58 Pa.C.S. 3214(e) and 25 Pa. Code §§ 78.105 and 78a.105. If the well meets the criteria to remain on inactive status and if the operator has met mechanical integrity assessment notification and reporting requirements during the approved inactive status period, the operator may apply for a one-year extension of inactive status. Partially drilled wells that were previously granted inactive status may remain on inactive status until the end of the previously approved inactive status period. Prior to the expiration of that previously approved inactive status period, the operator should apply for and receive a permit alteration to drill the well to total depth or plug the well.

5) If a well has previously been granted inactive status and the well was returned to production, is the well eligible for inactive status again in the future?

Yes, however, any subsequent applications for inactive status will be considered on a year-to-year basis. A well is only granted the initial five-year inactive status period one time for the life of the well, regardless of whether the well is transferred to another operator.

Section 3214(d) of the Oil and Gas Act, 58 Pa.C.S. § 3214(d), provides, in relevant part (with emphasis added):

“An owner or operator who has been granted inactive status for a well which is returned to active status prior to expiration of the five-year period set forth in subsection (a) shall notify the department that the well has been returned to active status and shall not be permitted to apply for another automatic five-year period of inactive status for the well. The owner or operator may make application to return the well to inactive status, and the application may be approved on a year-to-year basis if the department determines that the owner or operator has demonstrated an ability to continue meeting the requirements of this section and the owner or operator certifies that the well will be of future use within a reasonable period of time.”

For any subsequent one-year inactive status renewal application, if the plan to return the well to its permitted use for production, storage, observation, or waste disposal, is projected to exceed two years (*i.e.*, two, one-year inactive status renewal periods), the Department may request, or require, that the operator enter into a Consent Order and Agreement to ensure the well is returned to its permitted use in a mutually agreed-upon, enforceable schedule. Each request will be reviewed on its own merits and case-specific information will dictate the appropriate decision for the request.

6) What is the annual monitoring requirement for inactive status wells?

Wells on inactive status are subject to annual monitoring and mechanical integrity testing, as required by 25 Pa. Code §§ 78.103 and 78a.103. The Department recommends that the owner or operator of a well granted inactive status monitor the integrity of the well on a quarterly basis. At a minimum, all wells granted inactive status must be monitored for integrity at least once per year and the results reported annually to the Department by March 31 of the following year.

Additionally, the owner or operator of a well on inactive status is required to give the Department three (3) business days prior notice of the annual monitoring and mechanical integrity testing.

Operators may fulfill the inactive status monitoring and reporting requirements through submission of the Mechanical Integrity Assessment (MIA) data via the DEP GreenPort Oil and Gas Reporting Electronic (OGRE) application. The monitoring requirements include the standard mechanical integrity assessment reporting elements for oil and gas wells. Reporting MIA data in OGRE would consist of the manual addition of inactive status wells onto Form C, since they are not prepopulated as part of the mechanical integrity assessment reporting requirement. The Department encourages operators to utilize the DEP GreenPort reporting portal, however the Department continues to allow operators to fulfill the inactive status mechanical integrity monitoring and reporting requirements by electronic submittal via mail or email to the appropriate District Oil and Gas Office:

- Eastern District Oil and Gas Office
208 West Third Street, Suite 101
Williamsport, PA 17701
RA-EPEASTERNOGPRG@pa.gov
- Northwest District Oil and Gas Office
230 Chestnut Street
Meadville, PA 16335
RA-EPOILGASDROPBOX@pa.gov
- Southwest District Oil and Gas Office
400 Waterfront Drive
Pittsburgh, PA 15222
RA-EPSW-OGSUBMISSION@pa.gov

7) How is an inactive status well returned to Active status?

The Department prefers that operators submit a 58 Pa.C.S. § 3214(d) notification via OGRE application through the DEP GreenPort system to return a well to Active status. An operator may also complete and submit a [Notification of Return of Well\(s\) to Active Status](#) form (8000-FM-OOGM0123) to the appropriate District Oil and Gas Office at the email address identified above.

8) Is a well eligible for an extension of inactive status if the intent is to plug the well within the requested inactive extension period?

No. Inactive status is an option to idle activity at a well with the intent of returning the well to its permitted use within the requested inactive status period. Inactive status does not apply to operators seeking to extend the timeframe for the plugging obligations of an “abandoned well,” as defined in 58 Pa.C.S. § 3203.

9) If a well has been granted inactive status and the operator fails to plug or produce the well, or request an extension of inactive status prior to the expiration of inactive status, is the well considered Abandoned?

Yes. Upon expiration of inactive status for a well, if the operator has not submitted a Notification of Return of Regulatory Inactive Well to Active Status in accordance with 58 Pa.C.S. §3214(d), submitted a Notice of Intention by a Well Operator to Plug a Well in accordance with 58 Pa.C.S. § 3220(c), or submitted an application for extension of regulatory inactive well status in accordance with 58 Pa.C.S. § 3214(d), the well is considered Abandoned.

10) Does inactive status transfer with a well?

Yes. If an operator transfers a well that has been granted inactive status and the well is in compliance with the requirements of 58 Pa.C.S. § 3214 and 25 Pa. Code §§ 78.101-105 (for conventional wells) and 25 Pa. Code §§ 78a.101-105 (for unconventional wells), the inactive status period granted to the former operator will transfer to the new operator. The inactive status period expiration will remain the same upon transfer of the well (*i.e.*, the inactive status period does not restart when the well transfer is approved).

11) Can inactive status be revoked prior to expiration?

Yes. Pursuant to 58 Pa.C.S. § 3214(e) and 25 Pa. Code § 78.105 (for conventional wells) and 25 Pa. Code § 78a.105 (for unconventional wells), the Department may revoke inactive status and order immediate plugging of a well if the well is in violation of Ch. 32 of the Oil and Gas Act or rules or regulations promulgated under Ch. 32 of the Oil and Gas Act or if the owner or operator demonstrates inability to perform obligations under Ch. 32 of the Oil and Gas Act or becomes financially insolvent, or upon receipt by the Department of notice of bankruptcy proceedings by the permittee.