



Oil and Gas Management

Addressing Spills and Releases at Oil & Gas Well Sites

PA DEP Oil & Gas Industry Training
2012

▶ PA DEP Oil & Gas Spill Policy Authority

- ✓ The Act of February 15, 2012, P.L. 87, No. 13
(58 Pa. C.S. §§ 2301 – 3504) (Act 13)
- ✓ The Clean Streams Law
(35 P.S. §§ 691 – 691.1001)
- ✓ The Solid Waste Management Act
(35 P.S. §§ 6018.10 – 6018.1003)
- ✓ The Pennsylvania Land Recycling and
Environmental Remediation Standards Act
(35 P.S. §§ 6026.101 – 6026.908) (Act 2)



▶ Spill Policy - Background

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The public comment period closed on
May 14, 2012

12 commentators with a total of
67 comments received

The Spill Policy is still in draft form



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DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Oil and Gas Planning and Program Management

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TITLE: Addressing Spills and Releases from Oil & Gas Wells and Related Operations

AUTHORITY: The Act of February 15, 2012, P.L. ____, No. 13 (58 Pa.C.S. §§ 2301 – 3504) (Act 13), The Clean Streams Law (35 P.S. §§ 691 – 691.1001), The Solid Waste Management Act (35 P.S. §§ 6018.10 – 6018.1003), and The Pennsylvania Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101 – 6026.908) (Act 2).

POLICY: Persons responsible for spills and/or releases from and related to oil and gas well operations should follow this policy in responding to those spills and releases to ensure protection of people and the environment.

PURPOSE: This policy is developed to facilitate a consistent and uniform general response by those working in and for the oil and gas industry to respond to spills and releases related to oil and gas well operations regulated by the Pennsylvania Department of Environmental Protection (DEP or Department).

APPLICABILITY: This policy applies to any and all parties responsible for spills and releases from oil and gas wells and related operations.

DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies 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.

PAGE LENGTH: 8 pages

Addressing Spills and Releases at Oil & Gas Well Sites

The Related Operations was removed and will remain covered under CH 91

▶ PA DEP Oil & Gas Spill Policy - Purpose

This policy is developed to facilitate a consistent and uniform general response by those working in and for the oil and gas industry.

The Spill Policy establishes expectations of the operators:

- 1) Have plans in place to be prepared to react when spills and releases occur.
- 2) Notify the Department if spills or releases occur.
- 3) Remediate those spills and releases to the substantive Act 2 standards, regardless of the process used to demonstrate that they have accomplished that goal.



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▶ Responding to a Spill or Release

How can an operator meet the Department's expectations?

Operators can meet these requirements by developing and implementing a site specific Preparedness, Prevention and Contingency (PPC) Plan.

▶ Contents of a PPC Plan

A PPC Plan concerning a spill or release should identify:

- ✓ The appropriate regional office contact numbers
- ✓ Procedures for reporting spills, releases and all emergencies to DEP
- ✓ The immediate response and clean-up activities associated with spills, releases and emergencies

PPC Plan

Copies of the PPC Plan must:

- 1) Be provided to the Department upon request.
- 2) Be available at the well site during drilling, completion and alteration activities.
- 3) Include a list of emergency contact phone numbers. These emergency contact phone numbers must be prominently displayed at the well site during drilling, completion or alteration activities.



IMMEDIATE ACTION

- 1) Cease the spill or release of the pollutorial substance
- 2) Prevent the migration of the pollutorial substance from the site of the spill or release
- 3) Prevent the pollutorial substance from reaching or impacting surface water or groundwater.
- 4) If reasonably possible to do so, notify known downstream users of the waters.



▶ What Spills are Reported to DEP

- ✓ A spill or release causing or threatening pollution of the waters of this Commonwealth must be reported to the Department.
- ✓ In accordance with 25 Pa. Code § 78.66(b), if a reportable release of brine on or into the ground occurs at the well site, the Responsible Party must notify the Department.

▶ What Spills are Reported to DEP

Reportable release of brine....

More than 5 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids (TDS) concentration of the brine is *equal or greater than 10,000 mg/L*,

or

More than 15 gallons of brine within a 24-hour period on or into the ground at the well site where the TDS concentration of the brine is *less than 10,000 mg/L*.



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What Spills are Reported to DEP

A reportable release of **brine** must be reported as soon as practicable, but no later than **two hours** after detecting or discovering the release.

25 Pa. Code § 78.66(b)

▶ What Spills are Reported to DEP

In addition to the reportable brine releases and due to the requirements in § 78.66 and § 91.33 along with the difficulty in ascertaining the exact quantity of a spill or release or the danger such a spill or release poses to the environment,

the Responsible Party **should report** a spill or release of any pollutional substance to the Department **regardless of the quantity spilled.**



What Spills are Reported to DEP

The Responsible Party **must immediately** notify the Department of a spill or release causing or threatening pollution of waters of this Commonwealth in accordance with 25 Pa. Code §§ 91.33(a) and 78.66(a).

▶ Secondary Containment

- ✓ If secondary containment is in place, including a competent well pad liner, when the spill or release occurs on a well site, notification the Department if the quantity of material exceeds **42** gallons.
- ✓ If the secondary containment is sufficient to contain the spill or release, the Responsible Party should remove the spilled/released material from the secondary containment within **24** hours.



▶ When to Notify DEP

- ✓ The Responsible Party should report all other spills and releases, including spills and releases related to transportation of oil and gas wastes, to the Department within **two hours**, if practicable, after detecting or discovering the spill or release.
- ✓ Report spills to secondary containment as soon as practicable.

How to Notify DEP

The Responsible Party should notify the Department by telephone.

Voicemail messages, e-mails, text messages or mailed letters do not fulfill the notification requirement.



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How to Notify DEP

Spills and releases should be reported to the appropriate DEP Regional Office.

Appendix A
DEP Regional Emergency Contact Numbers

Northwest Region

230 Chestnut Street
Meadville, PA 16335-3481
814-332-6945
(8:00 a.m. to 4:30 p.m. M-F)
1-800-373-3398
(After hours, weekends and holidays)
Counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren

Northcentral Region

208 W. Third Street, Suite 101
Williamsport, PA 17701
570-327-3636
(24-hour number including weekends and holidays)
Counties: Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union

Northeast Region

2 Public Square
Wilkes-Barre, PA 18701-1915
570-826-2511
(24-hour number including weekends and holidays)
Counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming

Southwest Region

400 Waterfront Drive
Pittsburgh, PA 15222
412-442-4000
(24-hour number including weekends and holidays)
Counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland

Southcentral Region

909 Elmerton Avenue
Harrisburg, PA 17110
877-333-1904
(24-hour number including weekends and holidays)
Counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York

Southeast Region

2 East Main Street
Norristown, PA 19401
484-250-5900
(24-hour number including weekends and holidays)
Counties: Bucks, Chester, Delaware, Montgomery and Philadelphia

▶ Additional Notifications

Under certain circumstances, as specified under applicable law and in accordance with the control and disposal plan and/or PPC plan,

the Responsible Party must **immediately notify** local emergency responders, federal authorities, other state authorities and downstream users **of impacted or threatened waters.**



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▶ Remediation of a Spill or Release - Options

- 1) Small Spills Cleanup – Spills < 42 gallons and do not threaten pollution to the waters of the Commonwealth.
- 2) Act 2 Process. Person should notify DEP in writing within 15 days of intent to follow Act 2.
- 3) Alternative Cleanup Process – May use Act 2 Background Standard or Statewide Health Standard. Site-Specific Standard may not be used for the Alternate Cleanup Process. Submit report within 15 days.



▶ Remediation of a Spill or Release

The Responsible Party must remediate the affected area by demonstrating attainment of one of the following remediation standards available under the Act 2/Land Recycling Program regulations in Chapter 250 of Title 25 of the Pennsylvania Code:

- 1) Background Standard
- 2) Statewide Health Standard
- 3) Site-Specific Standard



▶ Remedial Action Plan

If the interim remedial actions taken did not adequately address the spill or release to attainment of an either the background or statewide health standard, the Responsible Party must develop and submit a remedial action plan to DEP.

The plan is due within 45 days of the site characterization.

Restoration

- ✓ In addition to the cleanup requirements for a spill or release in accordance with the Solid Waste Management Act, the Clean Streams Law, Act 2 and 25 Pa. Code § 91.33, well **owners or operators are required to restore the well site** under Section 3216 of Act 13, 58 Pa. C.S. § 3216.
- ✓ Act 13, 58 Pa. C.S. § 3216(a) requires well owners and operators to restore the land surface within the area disturbed in siting, drilling, completing and producing a well.



Restoration

- ✓ The Department considers an area impacted by a spill or release at the well site to have been disturbed and to require restoration.
- ✓ Under Section 3216(c), well site restoration must be undertaken within 9 months after the completion of drilling any well.
- ✓ Therefore, if any of the spilled material leaves the well pad, the off-pad area impacted by the spill must also be restored within 9 months of completion of drilling.



Restoration

- The Responsible Party is expected to consult with the landowner of any area affected by a spill or release.
- The Department considers a well site to be restored under Act 13 when the well site is restored to conditions that support the same potential uses of the land that existed prior to the spill or release, including the vegetation of those areas.





Oil and Gas Management

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