

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Permit requirements (§ 78a.11)

The purpose of this Frequently Asked Questions (FAQ) document is to highlight changes in and address questions about the new regulations. This FAQ should not be used in lieu of reference to the 2012 Oil and Gas Act, 25 Pa.Code Chapter 78a and 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.

- 1) If an operator has a permit to drill a well prior to the effective date of the rulemaking but has not drilled the well yet, will the operator be allowed to drill the well when the rulemaking becomes effective?

Yes, however, operators must follow all provisions of Chapter 78a relating to the new well, including subsequent submissions such as the well record and completion report. (posted 09/23/16)

- 2) Will the Department transition from paper permitting to e-permitting or will there be a drop dead day?

The deadline will be when the regulation becomes effective. DEP does not expect much difficulty for the well operators to switch over to the electronic reporting system. The electronic system may be easier, for example, because submission of the certified mail receipts will not be required. A simple check-box will be used to certify that the required notifications were delivered. A definition of "certified mail" has also been included in section 78a.1 to allow delivery options equivalent to United States Postal Service (USPS) certified mail but from other delivery services in addition to the USPS. (posted 09/23/16)

- 3) What is the anticipated start date for well permit applications to be filed electronically? What is the deadline for the entering the files in the new electronic data base?

Operators must submit well permit applications electronically beginning on the effective date of the rulemaking. (posted 09/23/16)

- 4) Will the Department be available to work with IT solutions for e-reporting/permitting uploads rather than data entry?

Yes. (posted 09/23/16)

- 5) If well permit applications are submitted prior to publication of the final-form rulemaking, will they be grandfathered?

Yes, DEP will process applications under the regulations that were effective when the applications are submitted, so long as the application is administratively complete before the publication of the final rulemaking. (posted 09/23/16)

- 6) Will the process to change well type be revised, such as to change the well type to observation well?

Chapter 78a does not change the process of revising a well type. (posted 09/23/16)