

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Permit expiration and renewal
(§ 78a.17)

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) Does submitting a well transfer form meet the requirements of notification in writing?

Yes; submitting the well transfer form within 30 days after the sale, assignment, transfer, conveyance or exchange of a well would satisfy the requirement to notify the Department of that event. (posted 09/23/16)

- 2) How will the Department review requests to renew a permit issued under the existing Chapter 78 regulations when the renewal request is made after the effective date of the new Chapter 8a regulations, in light of the new public resources considerations, etc.?

Renewal applications must meet the requirements of section 78a.17(b), including the permit fee and surcharge, an affidavit affirming that the information on the original application is still accurate and complete, that the well location restrictions are still met and that the entities required to be notified under Section 3211(b)(2) of the 2012 Oil and Gas Act (relating to well permits) have been notified of this request for renewal. (posted 09/23/16)

- 3) Please define “good cause” in regards to the extension request under section 78a.17.

Good cause will be evaluated on a site-specific basis. The request should indicate the reason why the well drilling cannot be completed within the allotted 16 months. A possible example of good cause would be that the vertical portion of a well is drilled, but a rig capable of drilling horizontal will not be available for another three months.

Drilling must be pursued with due diligence, or the permit will expire. Drilling pursuant to a permit must be commenced during the 12 months following permit issuance to be eligible for a due diligence period extension.

[Due Diligence for Drilling a Well FAQ \(PDF\)](#) (posted 09/23/16)

- 4) When will the extension request form be available? When will the updated Well Permit Form be available?

The forms will be available in eLibrary when the rulemaking is published in the *Pennsylvania Bulletin*. (posted 09/23/16)

5) Will well permit renewals be required to be submitted electronically?

Yes, the new electronic submission systems required for the current rulemaking are in development and internal testing. DEP has scheduled training on the new systems on October 4 and 5.

eNotifications: This will be very similar to what operators currently use for spud dates, cementing casing strings, and pressure testing wells. The well operator will log in through GreenPort, indicate via a drop-down menu what kind of notification, and then provide the appropriate details.

eSubmissions: The goal is to have electronic applications online. This system will operate in the interim as a file upload portal. The operator will log in through GreenPort, access the eSubmission portal, select a submission, select a document file on the well operator's computer, and finally upload and submit the file to the Department electronically.

eWell: The electronic well permitting application has already been available for well operators to use for about 18 months for submitting DOW permit applications. It will include renewals, modifications (e.g., changes to the BHL, changes to the wellbore path, drilling deeper, alterations, change in use, etc.), and re-drilling of plugged wells. (posted 09/23/16)

6) Can well permitting, extensions, renewals, and back-to-back new drill permits be used to defer site restoration through inactive drilling periods? >16 months and 24 months / > 30 months

Yes. (posted 09/23/16)

7) Please explain the fee and good cause requirements as they pertain to permit renewals and extensions.

Renewal includes a permit fee but no "good cause" criteria. A permit extension has no fee but requires "good cause." (posted 09/23/16)

8) Should a permit be allowed to expire and no renewal or extension filed; can the permit be reapplied for if the permit fee is paid? Or is the well "dead forever"

The permit would be dead, which is why DEP advises operators to contact the permitting office in advance of the expiration. (posted 09/23/16)