

FREQUENTLY ASKED QUESTIONS
Environmental Protection Performance
Standards at Oil and Gas Well Sites
Onsite processing
(§ 78a.58)

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.) How are you defining “processing” under section 78a.58?

Process or processing is defined in section 78a.1 as having “the same meaning as ‘processing’ as defined in section 103 of the Solid Waste Management Act 35 P.S. § 6018.103),” section 3273.1(a) of the 2012 Oil and Gas Act ties onsite management of waste back to the Solid Waste Management Act, so it was important to make sure the definitions and requirements were aligned between the two statutes. This was also why the exemptions under section 78a.58(b) were added. Arguably, those exemptions could be included under the Solid Waste Management Act definition of “processing,” and DEP felt those actions were appropriate to be allowed without prior Department approval. (posted 10/19/16)

- 2.) Is water simply flowing through a sand filter and separator consider processed by rule?

Water simply flowing through a sand filter or separator is not considered to be “processing.” However, if any type of coagulate or other chemical additive is added, then this would be considered “processing” and require prior DEP approval.

- 3.) If waste leaving a site is going to a facility outside of PA for treatment or disposal, is characterization required? If yes, can you explain why characterization is required?

Yes, the Waste Management Program requires the characterization for the transportation of the waste withing Pennsylvania borders under the residual waste regulations. (posted 10/19/16)

- 4.) When should operators use “Request for Approval of Alternative Waste Management Practices (Unconventional Operations Only),” Document No. 8000-PM-OOGM071aU, or “Request for Approval of Previously Approved Alternative Waste Management Practices (Unconventional Operations Only),” Document No. 8000-PM-OOGM0071bU?

Section 3273.1(a) of the 2012 Oil and Gas Act, 58 Pa.C.S. § 3273.1, provides for a limited exemption from the obligation to obtain a permit and post a bond under the Solid Waste Management Act for methods or facilities used for the disposal, processing or storage of residual waste generated by drilling or production of oil and gas wells which is located on the well site. OOGM developed the OOGM0071aU and OOGM0071bU forms to facilitate the review and approval of waste management practices on well sites that fall within the scope of this provision and for waste management practices employed in any manner other than provided in 25 Pa. Code §§ 78a.56 58, 78a.59b, 78a.59c and 78a.60 78a.63. Unconventional operators should use this form for:

- (1) disposing, storing, treating or processing residual waste generated by an unconventional well at the well site where that residual waste was generated; or,
- (2) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where those fluids were generated; or,
- (3) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where all of the fluids are intended to be beneficially used to develop, drill or stimulate a well at that well site; or
- (4) storing, treating or processing mine-influenced water at the well site where all of the mine-influenced water is intended to be beneficially used to develop, drill or stimulate a well at that well site.

If approval is granted under this request, the applicant does not have an obligation to obtain a permit or post a bond under the Solid Waste Management Act in addition to the permit and bond required under the 2012 Oil and Gas Act.