

**FREQUENTLY ASKED QUESTIONS**  
**Environmental Protection Performance**  
**Standards at Oil and Gas Well Sites**  
Secondary containment around oil and condensate tanks  
(§ 78a.64)

*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) What is the definition of “harmful discharge” as used in section 78a.64(d)(1)?**

Drainage of secondary containment is acceptable if the accumulation of liquids in secondary containment consists of “only precipitation directly to the secondary containment and drainage will not cause a harmful discharge or result in a sheen.” Examples of a harmful discharge could be situations where the result of the discharge is an issue such as erosion, staining, stressed or dead vegetation, excessive pooling, safety issues, and interference with existing land uses. (posted 09/26/16)

**2) Can secondary containment precipitation water be drained at production/brine tanks in same manner and conditions as allowed for oil and condensate tanks?**

Yes. Section 78a.57(c) addresses secondary containment on production sites and states that “[c]ompliance with section 78a.64 (relating to secondary containment around oil and condensate tanks) or using double walled tanks capable of detecting a leak in the primary containment fulfills the requirements in this subsection.” Drainage of secondary containment around oil and condensate tanks is addressed by section 78a.64(d):

...drainage of secondary containment is acceptable if: (1) The accumulation in the secondary containment consists of only precipitation directly to the secondary containment and drainage will not cause a harmful discharge or result in a sheen. (2) The secondary containment drain valve is opened and resealed, or other drainage procedure.

It is therefore acceptable to drain accumulated uncontaminated precipitation inside secondary containment at production fluid/Brine tanks in a manner as prescribed by section 78a.64(d). (posted 04/27/17)

**3) I have equipment on my well site used for processing hydrocarbons (for example, a dehydrator). This equipment uses “regulated substances” as part of the process and these substances are stored with the equipment. Does this equipment require**

**secondary containment? If the answer is yes, do I need to add secondary containment to equipment on existing well sites, or only for equipment installed after October 8, 2016?**

Yes, secondary containment is required for this production equipment if it stores regulated substances. Section 78a.64a(b) states:

All regulated substances, including solid wastes and other regulated substances in equipment or vehicles, shall be managed within secondary containment. This subsection does not apply to fuel stored in equipment or vehicle fuel tanks unless the equipment or vehicle is being refueled at the well site.

The glycol in the GPU is a regulated substance in equipment that needs to be managed within secondary containment.

Section 78a.64a(b) is not explicitly retroactive, however, and regulatory construction principles do not favor retroactive application absent clear language or explicit intent. Therefore, secondary containment is only required for production equipment brought onto a well site after October 8, 2016. (posted 04/27/17)