

MEETING MINUTES
Oil and Gas Technical Advisory Board
December 22, 2015

TAB MEMBERS PRESENT

Voting Members: Bryan McConnell, P.G. (Chair), Fred Baldassare, P.G., Robert Hendricks, P.G., Casey Saunders, P.E., David Yoxtheimer, P.G.

Non-voting Advisors: Emily Krafjack, John Walliser, Esq.

DEP STAFF PRESENT

Scott Perry, Kurt Klapkowski, Elizabeth Nolan, Joe Adams, Seth Pelepko, Myron Suchodolski, Todd Wallace, Jessica Shirley, Joe Kelly, Ann Mathew

CALL TO ORDER

A meeting of the Oil and Gas Technical Advisory Board (TAB) was conducted via a webinar format on December 22, 2015 at 1:00 pm. Members of TAB participated remotely via the webinar tool. DEP staff administered the webinar from the Rachel Carson State Office Building, Harrisburg, Pennsylvania. This meeting was open to the public; however, all meeting participants, including the public, were required to register to attend the webinar meeting.

Todd Wallace (Wallace) stated the December 22, 2015 meeting will be recorded and an audio file of the meeting will be made available to the public on the TAB page of the DEP website within about two weeks.

A role call was taken by DEP to determine which voting and non-voting advisors of TAB were present on the webinar. All members of the public were asked to mute their telephone lines in order to minimize background noise.

Bryan McConnell (Chair) called the meeting to order at 1:11 pm.

OPENING REMARKS

McConnell stated that the meeting was being conducted via webinar and announced that public comment would be accepted during the meeting via the use of the webinar "chat" feature. McConnell stated that public comments would be accepted from the time that the meeting began until 1:45 pm. This would allow TAB sufficient time to review and respond to public comments that were received during the public comment period of the meeting.

DISCUSSION OF REGULATORY TIMELINE FOR ENVIRONMENTAL QUALITY BOARD (EQB) TO RECEIVE AND CONSIDER FINAL RULEMAKING PACKAGE

Kurt Klappkowski (Klappkowski), Director Bureau of Oil and Gas Planning and Program Management, provided a general summary of the timeline associated with the approval of the Chapter 78/78a, Subchapter C rulemaking.

COMMITTEE COMMENTS ON THE FINAL RULEMAKING AMENDING CHAPTER 78 AND 78a FOR SUBMISSION TO THE ENVIRONMENTAL QUALITY BOARD, INCLUDING PUBLIC COMMENT

By way of background, McConnell stated that he solicited input and comments from the voting members of TAB to assist him in the development of the report that TAB intends to submit to the Environmental Quality Board (EQB). McConnell stated that he is currently in the process of drafting the report concerning DEP's proposed amendments to Chapter 78/78a, Subchapter C. McConnell explained that TAB intends to include the comments or report that is developed by the Conventional Oil and Gas Advisory Committee (COGAC) as part of the report that TAB submits to the EQB.

McConnell asked DEP to advise him on the appropriate process for submitting the TAB report to the EQB. DEP advised that TAB should submit their report to DEP and it will post the report on the Department's website before forwarding the report to the EQB.

McConnell stated that the December 22, 2015 TAB webinar meeting was intended to allow TAB to seek public comment on the TAB report. TAB intends to consider all public comment as it prepares the TAB report.

John Walliser (Walliser) asked McConnell if the offer to receive comments extends to the non-voting advisors of TAB to submit comments for inclusion in the TAB report. McConnell responded that TAB will not exclude anyone access to submit comments to TAB.

Walliser asked McConnell whether TAB might choose to not include comments that are submitted to TAB by the public. Emily Krafjack (Krafjack) interjected and asked McConnell if the public comments that are submitted to TAB will be shared with the non-voting advisors of TAB. McConnell responded that he intends to adhere to the provisions of the TAB bylaws.

Krafjack stated that it is unclear to her why TAB intends to accept comments from COGAC for inclusion in the final TAB report; however, comments from TAB's non-voting advisors would be excluded. McConnell responded that by way of a formal motion and approval at the October 25, 2015 TAB meeting, TAB voted by resolution to accept formal comments from COGAC for inclusion in the TAB report.

Scott Perry (Perry) explained that TAB is not be prevented from making a similar motion to allow non-voting advisors the opportunity to submit comments to TAB for inclusion in the TAB report.

Walliser explained that as a non-voting advisor he is unable to make a formal motion and stated that a voting member of TAB would need to advance such a motion.

Fred Baldassare (Baldassare) so moved. David Yoxtheimer (Yoxtheimer) seconded. McConnell stated that a motion was on the floor to accept comments from the non-voting advisors of TAB for inclusion in the TAB report. McConnell asked if there was further discussion. Hearing none, McConnell called for a vote. Since the meeting venue occurred via a telephone webinar, TAB members were asked to identify themselves by stating their name and nature of their vote. Baldassare, Yoxtheimer, Hendricks, Saunders and McConnell voted in favor of the motion; therefore, the motion passed unanimously.

Walliser and Krafjack thanked the voting board members for their willingness to advance the motion for passage.

McConnell stated that TAB would forward a copy of the final draft report to voting and non-voting advisors for review.

McConnell stated that he was seeking a motion to allow the TAB chair the opportunity to submit the final report to DEP by January 6, 2016. Hendricks made a motion to allow the chair of TAB to prepare and finalize the report along the schedule that DEP described so that TAB can submit its report to EQB at about the same time that DEP submits its final form rulemaking to EQB on January 6, 2016. Baldassare seconded the motion. The members identified themselves by stating their name and nature of their vote. Baldassare, Yoxtheimer, Hendricks, Saunders and McConnell voted in favor of the motion; therefore, the motion passed unanimously.

Perry asked McConnell if TAB intends to make the draft TAB report available to the public for comment. McConnell explained that TAB intends to solicit comments from the public regarding the Chapter 78/78a, Subchapter C rulemaking and suggestions for what to include on the TAB report; however, it is not TAB's intent to accept comments on the draft TAB report itself. Perry responded that DEP would include a note on the DEP website indicating that TAB intends to seek such comment.

NEW BUSINESS

Yoxtheimer asked if the January 14, 2016 TAB meeting is still scheduled to occur. DEP responded in the affirmative.

Hendricks asked DEP to identify the topics that are currently intended to be discussed at the January 14, 2016 TAB meeting. Klapkowski provided a verbal summary of the proposed meeting topics. McConnell requested that the following topics be added to the meeting agenda: *New Residual Waste Codes (developed by the Bureau of Waste*

Management); Coal Pillars; New Completion Report Form (*developed by the Bureau of Oil and Gas Planning and Program Management*). Klapkowski responded that the Coal Pillar issue will be included in the topic devoted to the discussion of Coal and Gas Coordination Issues that is currently on the draft meeting agenda. Klapkowski agreed to add the other two agenda topics as requested.

Walliser stated that he received a text message from a member of the public who is participating in today's webinar meeting. The individual asked if TAB would clarify for the record what type of comments will be accepted by TAB for inclusion in the report. McConnell stated that TAB will receive any public comments on the Chapter 78/78a, Subchapter C proposed rulemaking. TAB will take all public comments under consideration; however, TAB does not intend to consider comments that are directed to the language of the report itself. McConnell agreed to receive comments submitted by the public.

Saunders inquired about the status of the JT Boyd coal pillar study. Perry responded that DEP has almost completed its review of the study and will be prepared to discuss this matter during the January 14, 2016 TAB meeting.

PUBLIC COMMENT:

McConnell asked DEP if any public comments had been received via the webinar chat feature. DEP responded that only one comment was received from the public during the webinar. The commenter stated "*The conversation appears to have skipped the board's comments on the final rulemaking since we're talking about 2016 business. Can the Department verify with the board whether or not there were any comments that will be made today? And further, if there are no comments to be made by the board, the question is whether or not the board is fulfilling its duties.*"

Perry responded that from his perspective, TAB has the right, rather than a duty, to submit a report to EQB regarding the Chapter 78/78a, Subchapter C rulemaking. TAB plans to exercise this right; which was already voted on and approved by TAB on October 25, 2015.

Perry asked if there are any additional comments from the public, voting members of TAB or non-voting advisors of TAB regarding the proposed Chapter 78/78a, Subchapter C rulemaking. No additional comments were received via the chat feature.

Adjournment

McConnell called for a motion to adjourn the meeting. Hendricks made a motion to adjourn the meeting and the motion was seconded by Saunders. Motion passed and meeting was adjourned at about 1:48 pm.