

MEETING MINUTES

Oil and Gas Technical Advisory Board Meeting

April 30, 2026

TAB MEMBERS PRESENT

Voting Members: Fred Baldassare, PG, Casey Saunders, PE, John Wang, Ph.D., Carrie Crumpton, Edwin Pinero

Non-voting Advisors: Susan Brantley, Ph.D.

DEP STAFF PRESENT

Seth Pelepko, PG, Kurt Klapkowski, Todd Wallace, Joe Kelly, Ann Mathews, Don Hegburg, Myron Suchodolski, Andy Klinger, Andrea Mullen

CALL TO ORDER

A hybrid meeting of the Oil and Gas Technical Advisory Board (TAB) was held in Room 105 at the Rachel Carson State Office Building, 400 Market Street, Harrisburg and also via Microsoft Teams. This meeting was open to the public. Wallace stated at the outset of the meeting that the meeting is recorded in its entirety and in accordance with the state Wiretapping and Electronic Surveillance Control Act and participation in the meeting convey an individual's implied consent to be recorded.

Seth Pelepko called the meeting to order at about 10:00 a.m. and introduced Carrie Crumpton, Edwin Pinero and Dr. John Wang as new voting members of TAB. This was followed by introductions of Pennsylvania Department of Environmental Protection (DEP) staff and a roll call of the TAB members.

HOUSEKEEPING MATTERS

Election of Chairperson

Wallace reminded TAB members that due to the resignation of Dr. Yoxtheimer who served as chair of the board, TAB voting members must appoint another chairperson.

Baldassare nominated Casey Saunders as chairperson of TAB. Crumpton seconded the motion to nominate Saunders as chairperson of TAB. Wallace asked all TAB members who are in favor of this nomination to indicate so by saying "aye" and all opposed to indicate so by saying "nay." All voting members indicated favorably and no voting members were opposed; therefore, Saunders was unanimously elected chairperson.

Discussion of Bylaws

Wallace stated the TAB bylaws allow for alternates and reminded the voting board members of the process for doing so as provided for in the bylaws.

Wallace reminded the TAB members that the bylaws currently requires 4 of 5 voting members to be present in order to establish a voting quorum. Wallace suggested that the TAB members consider adjusting this provision of the bylaws to require only 3 of 5 voting members to allow more flexibility in achieving a quorum in future meetings.

APPROVAL OF MEETING MINUTES

Wallace explained that since a quorum was not established at the September 11, 2025 TAB meeting, the board was unable to vote to accept the meeting minutes from the June 25, 2025 TAB meeting. Wallace stated that during the September 11, 2025 TAB meeting Saunders noted there was a typographical error in the draft meeting minutes from June 25, 2025. On the second line of page 3 the word “competed” should be “completed.”

Wallace asked if any TAB members would make a motion to accept the June 25, 2025 meeting minutes as amended to correct this typographical error. Baldassare moved and Saunders seconded. The TAB members voted unanimously to accept the June 25, 2025 meeting minutes.

Wallace asked if any TAB members would make a motion to accept the September 11, 2025 meeting minutes. Saunders moved and Baldassare seconded. The TAB members voted unanimously to accept the September 11, 2025 meeting minutes.

PUBLIC COMMENT

No members of the public pre-registered to provide public comment and no individuals attending in person signed the sheet to provide public comment; therefore, no public comment was received.

STATUS OF DRAFT EROSION AND SEDIMENTATION POLICY & STORMWATER POLICY

Kelly updated the board on the current status of the development of this policy. Kelly explained that the policy has been updated to address numerous changes that have occurred since the initial policy was published in 2012. Since that time, the regulations at Chapter 78a were published in 2016 and the Erosion and Sediment Control General Permit has gone through two updates (i.e., ESCGP-3 and ESCGP-4).

DEP reorganized the draft policy into two major sections to address regulatory requirements and the permitting process. The draft policy was published on December 6, 2025 with a 45-day comment period. DEP received 55 comments from six commentators and the Office of Oil and Gas Management has since been reviewing all comments received and preparing responses to the comments.

Klapkowski stated that DEP will present the final version of the draft policy to TAB in the future when the Comment/Response Document is completed and any final revisions are made to the draft policy.

STATUS OF 6-MONTH REGULATORY & NON-REGULATORY AGENDA

Klapkowski provided a thorough overview of the status of the 6-month regulatory and non-regulatory agenda. Klapkowski reported that DEP is undergoing a strategic goal setting initiative so both agendas are subject to change.

The regulatory agenda includes the following proposed rulemakings: Carbon Sequestration & Class VI Underground Injection Control (UIC) Wells rulemaking, Unconventional Permit Fee rulemaking, Chapter 78 and Chapter 78a rulemakings. Klapkowski noted that the Chapter 78 rulemaking is not currently moving forward due to the receipt and consideration of the rulemaking petitions that were received and accepted by the Environmental Quality Board. Klapkowski informed TAB members that DEP will bring to the board any future proposed rulemaking(s).

Klapkowski informed TAB members that due to a publication glitch, not all of the non-regulatory documents appear in the 6-month agenda that was published in the *Pennsylvania Bulletin*. Klapkowski provided an overview of all of the documents that are currently in process and should have appeared on the agenda. The documents include the Draft Erosion and Sedimentation Policy that Kelly presented to TAB during today's meeting. Klapkowski explained that the Office of Oil and Gas Management transitioned three technical guidance documents to the status of Standard Operating Procedures (SOPs) since these documents are more accurately internal guidance for DEP staff. Those three documents include the Compliance and Enforcement SOP and two SOPs related to civil penalty assessments for conventional and unconventional operations. DEP published these three SOPs on the DEP Oil and Gas Website at the "Industry Resources" page for access by the public.

Klapkowski stated the agenda should also include the Integrated Contingency Planning (ICP) Technical Guidance Document (TGD) that was presented to TAB on multiple prior occasions and this TGD will soon be published as final. Klapkowski said a TGD to address the dewatering of impoundments is under development and DEP is currently reviewing comments that were received from the public and is preparing a Comment/Response document.

Finally, Klapkowski reported that the draft Policy for Prioritized Review of Erosion and Sedimentation Control General Permits is being rescinded since this policy is no longer needed or applicable. As a result of management restructuring and the efforts of the Office of Oil and Gas Management permitting program to eliminate its permit backlog and to routinely review and issue oil and gas permits in accordance with the DEP Permit Decision Guarantee Policy, the need for prioritized review of permits is now a moot point.

UPDATE – INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) AND METHANE EMISSIONS REDUCION PROGRAM (MERP)

Hegburg provided a high-level overview of the IIJA and MERP programs. Hegburg informed TAB that in addition to well plugging projects the IIJA Formula Grant allows DEP to address other things such as methane monitoring, locating undocumented abandoned wells and environmental cleanups. DEP published requests for proposals for “multi professional services” and “well plugging services” and DEP is in the process of issuing awards to selected vendors.

Klinger updated TAB members of the current number of wells that have been plugged using IIJA funding since 2023. Since 2023, DEP has facilitated the plugging of 389 abandoned wells and this number will increase as additional wells are plugged. Saunders asked where the wells that have been plugged are located. Klinger responded that most abandoned wells are in the Northwest region of Pennsylvania so that is where most of the wells that have been plugged are located. Brantley asked what companies are plugging wells in Pennsylvania. Klinger responded that DEP publishes the names of companies that plug each well on the DEP website so this information is available to the public for review. Baldassare asked if contractors are experiencing difficulty plugging any wells. Klinger explained that some contractors have difficulty reaching the attainable bottom of some abandoned wells.

UPDATE – PRIMACY FOR CLASS VI (CARBON DIOXIDE STORAGE) WELLS

Hegburg informed TAB that for DEP to receive primacy from the U.S. Environmental Protection Agency (EPA) to administer the Class VI program in Pennsylvania, DEP must develop regulations that are at least as stringent as federal laws and regulations. DEP is in the process of preparing draft regulations and the goal is to complete them by the end of 2026. Hegburg stated that when the draft rulemaking is completed, it will be brought to TAB for review. Hegburg also stated that DEP received a \$1.9 million grant from EPA to assist DEP with offsetting the costs of seeking federal primacy.

Saunders asked Hegburg to provide a brief explanation of the process of drilling a well to store carbon dioxide. Hegburg explained that the permitting process is quite involved and requires modeling and an evaluation of the cap rock to ensure carbon dioxide is contained. Klapkowski mentioned that Act 87 of 2024 (Carbon Capture and Sequestration Act) includes notification requirements to mineral interest owners whereby they can raise objections that must be considered by DEP.

Saunders asked if carbon dioxide wells are considered unconventional wells under the Pennsylvania Oil and Gas Act. Hegburg explained that DEP counsel is currently reviewing the applicability of this matter. Neyhart explained that DEP is entering into a novel area for DEP so it is still evaluating working through many of the implementation issues related to carbon dioxide storage wells.

Brantley said she understands DEP's motivation to pursue UIC Class II (waste disposal) primacy as a means to improve permit review efficiency and to reduce redundancies experienced by separate federal and state reviews. Brantley asked what the driver is on the part of DEP to pursue UIC Class VI primacy since this process is more novel to DEP. Pelepko responded that pursuing Class VI (carbon dioxide storage) primacy would provide an opportunity to help address emissions mitigation in Pennsylvania and reduce climate impacts. Currently, the Commonwealth is advancing an "all-in" energy strategy and by pursuing Class VI primacy, it will give Pennsylvania more control in the process and could result in greater reductions of greenhouse emissions via carbon capture.

RULEMAKING PETITIONS UPDATE

Klapkowski reminded TAB members that the Administrative Code enables anyone to petition DEP to develop a rulemaking. This is common practice in the designation of streams in Pennsylvania.

Klapkowski explained there are currently multiple petitions that are under review by DEP including:

Bonding Petitions

A bonding petition for unconventional wells and another similar petition for conventional wells. Act 96 removed DEP's authority to set bonds for 10 years. There is currently ongoing litigation with regard to conventional well bonding, but not for unconventional well bonds.

Well Setback Petition

Klapkowski reminded TAB that the Well Setback Petition included 42 scientific studies that must be reviewed by DEP. DEP has engaged a DEP toxicologist to assist with the review; however, this effort requires significant staff resources. DEP hopes to complete the review of the scientific studies by the end of 2026.

Additional Petitions

Klapkowski explained there are three additional petitions that are currently under review by DEP – Processing Shale Gas Wastewater Petition, Attainable Bottom Petition, and a petition that would allow the posting of emergency contact information at a well site in a manner that would not require hard-copy papers to be stored on the physical well site.

WELL PLUGGING SUBCOMMITTEE UPDATE

Hegburg provided a comprehensive update to TAB about the efforts of the Well Plugging Subcommittee. Hegburg reminded TAB that this subcommittee was formed to address the issue of "attainable bottom." Industry stakeholders expressed concerns about the consistency of DEP reviews related to the determination of the attainable bottom of an abandoned well. The attainable bottom is the depth to which an abandoned well can be cleaned out after a reasonable attempt is made to clean out the well. There are differing opinions on what constitutes a reasonable effort on the part of well plugging contractors

so the subcommittee was formed to attempt to reach an agreed approach to addressing this matter.

The subcommittee developed two work products including an attainable bottom SOP and a Well Plugging Frequently Asked Questions (FAQ) document. The attainable bottom SOP was shared with industry members in November 2025 and there has been some back-and-forth discussion about this document. The FAQ questions were based on suggested scenarios that were discussed by industry and DEP staff. The questions were assembled and shared with industry members. Both the SOP and FAQ document will be shared with the subcommittee members in advance of the next meeting scheduled for June 3, 2026. Both documents will be further discussed at that meeting and will ultimately be made publicly available.

NEW BUSINESS

Cancellation of June 17 TAB Meeting

Wallace reminded TAB members that the first meeting of 2026 was rescheduled from March 18 to April 30 and this resulted in “losing” one month between the April 30 meeting and the next regularly scheduled TAB meeting (June 17). Wallace explained there is not sufficient time to prepare a meeting package and circulate it for internal review and approval prior to the June 17 meeting, so DEP plans to cancel the June 17 TAB meeting. The two remaining TAB meetings will stay on schedule for 2026 (September 16 and December 9). Chairperson Saunders expressed agreement with this approach.

In-Person Meeting

Wallace said that since 2020, TAB has been meeting virtually and suggested that TAB consider meeting in person at either the next regularly scheduled meeting (September 16) or the final meeting of the year (December 9). Wallace encouraged TAB members to consider this and place a hold on calendars, if possible.

Gas on Annual Space of Storage Wells

Baldassare mentioned TAB requested this topic be placed on the meeting agenda, but it was not. Baldassare asked if DEP can provide an update on its interpretation of Section 78.402(d) of 25 PA Code Chapter 78 (related to inspections by the gas storage operator). Pelepko responded that an SOP is under development to address this matter and progress has been made; however, due to competing priorities this project has been delayed. Baldassare asked if there is an estimated timeframe for finalizing the SOP and Pelepko responded that DEP hopes the SOP will be drafted by the end of 2026.

ADJOURNMENT

Chairperson Saunders asked for a motion to adjourn the meeting. Baldassare made a motion and Pinero seconded. The motion passed unanimously, and the meeting was adjourned.

DRAFT