

**MEETING MINUTES**  
**Conventional Oil and Gas Advisory Committee**  
**December 22, 2015**

**COGAC MEMBERS PRESENT**

Voting Members: David Ochs (Chair), Mark Cline, Bruce Grindle, Burt Waite, David Yingling

Non-voting Members: None participated

**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 Conventional Oil and Gas Advisory Committee (COGAC) was conducted via a webinar format on December 22, 2015. Members of COGAC 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 COGAC page of the DEP website within about two weeks.

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

David Ochs (Chair) called the meeting to order at 10:09 am.

**OPENING REMARKS**

Ochs opened the meeting and invited introductions of Department of Environmental Protection (DEP) staff and members of the Oil and Gas Technical Advisory Board (TAB) who were on the call. Bryan McConnell, chair of TAB, and Robert Hendricks, TAB member, identified themselves.

Ochs 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. Ochs stated that public comments would be accepted from the time that the meeting

began until 10:45 am. This would allow COGAC 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 FOR SUBMISSION TO THE ENVIRONMENTAL QUALITY BOARD, INCLUDING PUBLIC COMMENT**

By way of background, Ochs stated that he wanted to provide some background and explained the purpose for hosting the webinar meeting. Specifically, Ochs outlined the following events that previously occurred prior to the December 22, 2015 webinar meeting:

- On October 3, 2015, the voting members of COGAC requested an opportunity to report its findings and recommendations to the EQB for the proposed changes to Chapter 78, Subchapter C.
- At its meeting on November 17, 2015, EQB voted unanimously to allow COGAC an opportunity to submit a report to the board.
- On October 27, 2015, TAB unanimously adopted a resolution which provides that TAB would incorporate comments or reports on Chapter 78 developed by COGAC into a written report concerning DEP's proposed amendments to Chapter 78. The report would be presented to EQB.
- On December 16, 2015, the draft report was submitted to all members of COGAC, TAB and DEP. DEP posted the draft report on the COGAC webpage of the DEP website.

Ochs explained that the December 22, 2015 webinar meeting was intended to allow the public an opportunity to comment on the draft report.

As editor of the draft report, Ochs stated that he solicited comments from voting members of COGAC and consulted with industry and trade groups. Ochs stated that he attempted to capture comments from non-voting members of COGAC particularly as it related to site restoration issues. Ochs explained that he also relied on notes and comments received during previous COGAC meetings.

Ochs explained that the report is comprised of five sections:

- Executive Summary
- Matters of Procedural Concerns
- Matters of Substantive Concerns
- Exhibit A (Copy of COGAC Resolution adopted on October 29, 2015)
- Exhibit B (Summary of Advance Notice of Final Rulemaking changes that are referenced in the draft report)

## **NEW BUSINESS**

In undertaking consideration of the draft report, Ochs stated that the meeting format would follow Robert's Rules of Order and that motions could be moved after discussion of the topic. Ochs invited voting members, non-voting members and DEP to comment on the report as desired.

Burt Waite (Waite) stated that he believes the report accurately captures the issues of concern and would like to see it adopted by the end of the December 22 webinar meeting.

Bruce Grindle (Grindle) stated that he felt the report was very detailed and would also like to see the report adopted before the close of the webinar.

Mark Cline (Cline) agreed with Waite and Grindle and said that the report is a wonderful document and should be adopted by COGAC.

David Yingling (Yingling) stated that he agreed with the other voting members of COGAC.

Ochs invited comment from non-voting members, but no voting members were present on the webinar so no comments were provided.

Ochs invited comment from DEP and Perry responded that DEP did not have any comments.

## **PUBLIC COMMENT:**

Ochs inquired if any comments were received from the public. Wallace responded that no public comment had been submitted via the webinar chat feature. The public was reminded that public comment would continue to be accepted via the webinar chat feature.

Waite made a motion to adopt the draft report dated December 16, 2015 as a draft final report for submittal to DEP for inclusion in the package of material that DEP will submit to EQB on or about January 16, 2016. Grindle seconded the motion. The motion passed unanimously.

Klapkowski advised COGAC that they should submit the report directly to EQB. DEP agreed to provide the proper e-mail address to COGAC so it can forward the report directly to EQB.

Ochs pointed out that COGAC covered the agenda topics more quickly than anticipated; therefore, he asked DEP if there was any reason under the “sunshine-related” requirements that the webinar meeting must continue until 12:00 pm to allow the public further opportunity to comment. DEP responded that there are no such requirements that prevent COGAC from concluding the meeting prior to noon.

Ochs asked DEP a final time whether any public comments were received via the webinar chat tool. Wallace responded that no public comments had been received.

Adjournment

Waite made a motion to adjourn the meeting and the motion was seconded by Grindle. Motion passed and meeting was adjourned at 10:36 am.