



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Oil and Gas Management



# Revised Rulemaking Proposal for Environmental Protection Standards at Oil and Gas Well Sites

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# How Did We Get Here?

- April 2011: DEP Initiated discussions with Oil and Gas Technical Advisory Board (TAB) on Chapter 78
- Summer 2013: TAB convened work groups
- August 27, 2013: Environmental Quality Board adopted as proposed
- December 14, 2013: DEP opened 90-day public comment period (Nine public hearings; more than 300 people testified)
- March 14, 2014: DEP closed 90-day public comment period (24,500 public comments received)

# Bifurcation

- Summer 2014: Act 126 of 2014 requires regulations relating to conventional oil and gas wells to be promulgated separately from regulations relating to unconventional wells
  - DEP is proceeding with one process to promulgate separate rules
  - Chapter 78 – Conventional
  - Chapter 78a – Unconventional

# Current Status

- March 20, 2015: Oil and Gas Technical Advisory Board (TAB) – Chapter 78a (Unconventional)
- March 26, 2015: Conventional Oil and Gas Advisory Committee in formation (COGAC) – Chapter 78 (Conventional)

# Key Areas of Change

Overall, balances needs of industry with appropriate level of public health and environmental protections

- Improves protection of water resources
- Adds public resources considerations
- Protects public health and safety
- Addresses landowner concerns
- Enhances transparency and improves data management

# Protects Water Resources

- Requires operators to demonstrate that streams and wetlands will be protected if the edge of the pad is within 100 feet of the resource
- Eliminates the use of waste storage pits for unconventional operators

## Protects Water Resources (cont.)

- Requires centralized wastewater impoundments to be permitted through more appropriate Residual Waste Regulations
- Requires existing centralized wastewater impoundments to be upgraded and re-permitted, or closed within 3 years of the rule's effective date
- Adds a new section to create a centralized tank storage permit

# Adds Public Resources Considerations

- Expands impacts analysis of public resources
- Includes additional public resources for consideration:
  - Schools
  - Playgrounds
  - DEP-approved wellhead protection areas



# Protects Public Health and Safety

- Requires operators to identify active and inactive wells within a specific area of the well bore and submit a report and plan to DEP at least 30 days prior to drilling
- Adds a monitoring plan component
- Makes explicit that water supply must be restored to the better of pre-drill conditions or Safe Drinking Water Act standards

# Addresses Landowner Concerns

- Creates new Noise Mitigation section for unconventional only
- Requires operators to prepare and implement a site-specific noise mitigation plan for drilling, stimulation and servicing activities
- Gives DEP the ability to suspend operations and modify the plan
- Adds requirements to inform surface landowners of certain activities

## Enhances Transparency and Data Management

- Adds new notification requirements
- Requires all notifications to be submitted electronically
- Requires all documents and reports to be filed electronically
- Provides efficiencies for DEP inspections
- Sets the stage for more use of Internet-based submission and management

# Next Steps

- March 2015: Advisory committee discussions
- April 2015: Advanced Notice of Final Rulemaking
- Summer 2015: Additional advisory committees discussions
- Late 2015: Final form to Environmental Quality Board
- Spring 2016: Rules become effective

# DEP Mission

“To protect Pennsylvania’s air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments, and businesses to prevent pollution and restore our natural resources.”