

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS MANAGEMENT**

**FREQUENTLY ASKED QUESTIONS
Division of Duties for Oil and Gas Activities**

The purpose of this document is to assist persons seeking to conduct earth disturbance activities and/or construct water obstructions and encroachments associated with oil and gas activities with the applicable permitting requirements. See 25 Pa. Code Chapters 78 (relating to oil and gas wells), 78a (relating to unconventional wells), 102 (relating to erosion and sediment control) and 105 (relating to dam safety and waterway management). Additionally, this document is intended to assist permit applicants by outlining the permitting and enforcement responsibilities of the Department of Environmental Protection’s Bureau of District Oil and Gas Operations, Regional Permit Coordination Office, regional Waterways and Wetlands Program, and delegated Conservation Districts (CD).

This document is intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements. The explanations in this document are not an adjudication or a regulation. DEP does not intend to give this document that weight or deference. DEP reserves the right to deviate from this document and amend the explanations contained therein at any time. Applicants are encouraged to contact the applicable Bureau of District Oil and Gas Operations office to determine how permitting requirements may affect their proposed project.

1. What are oil and gas activities?

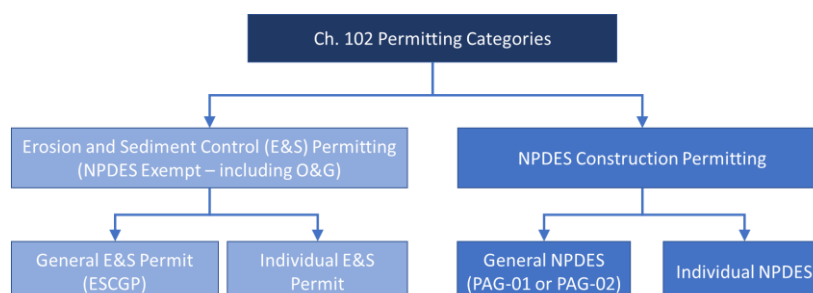
In accordance with 25 Pa. Code § 102.1 (relating to definitions), the term “oil and gas activities” is defined as: “Earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.”

2. When is an Erosion and Sediment Control (E&S) Permit from DEP required for earth disturbance activities associated with oil and gas activities?

In accordance with 25 Pa. Code § 102.5(c), “[a] person proposing oil and gas activities that involve 5 acres (2 hectares) or more of earth disturbance over the life of the project shall obtain an E&S Permit under this chapter prior to commencing the earth disturbance activity.” As discussed in response to question #1 above, under 25 Pa. Code § 102.1, the term “oil and gas activities” is defined as “[e]arth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.” This requirement is not limited to earth disturbance activities associated with construction of a well site and, therefore, the E&S Permit (see question #3 below) is not limited to well sites. The Department interprets this permitting requirement to apply to earth disturbance activities associated with the construction of well sites as wells as oil and gas activities not located on a well site including but not limited to pipelines, water storage facilities, wastewater storage facilities, staging areas and waste processing facilities.

The Department interprets “project” to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities. Well pads, impoundments and pipelines etc. may be permitted separately but are considered together solely to determine whether the total project acreage limit of 25 Pa. Code § 102.5(c) has been met and a permit is required.

Both the [Individual E&S Permit for Discharge of Stormwater Associated with Construction Activities](#) and an authorization of coverage under [Erosion and Sediment Control General Permit \(ESCGP\)](#) for earth disturbance associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities are E&S Permits for purposes of complying with the permitting requirement in 25 Pa. Code § 102.5(c). All other activities must obtain an NPDES stormwater construction permit and/or other federal permits as required. Visit <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting#undefined> for more information.



3. What is an ESCGP?

The [Erosion and Sediment Control General Permit \(ESCGP\)](#) is an E&S permit that applies to earth disturbance activities associated with oil and gas activities that involve 5 acres or more of earth disturbance over the life of the project. ESCGP has been developed in accordance with laws and regulations that include Clean Streams Law and regulations promulgated thereto, including Chapters 78, 78a, 93 and 102. An authorization of coverage under an ESCGP authorizes a permittee to conduct oil and gas activities subject to the requirements and conditions of the ESCGP and implementation of the plans and additional associated information submitted as part of the Notice of Intent.

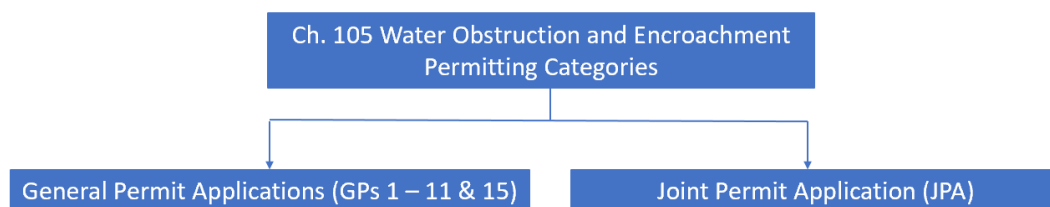
The ESCGP only authorizes earth disturbance activities under Chapter 102 and does not include or provide any necessary Chapter 105 authorizations for water obstructions, encroachments, or dams in waters of the Commonwealth, including wetlands. As per 25 Pa. Code § 102.4(d), a person proposing or conducting an earth disturbance activity shall obtain other necessary permits and authorizations from DEP or Conservation District, related to the earth disturbance activity, before commencing the earth disturbance activity.

4. What is an Individual E&S Permit?

An [Individual Erosion and Sediment Control Permit for Discharge of Stormwater Associated with Construction Activities](#) is an E&S permit that applies to earth disturbance activities associated with oil and gas activities that involve 5 acres or more of earth disturbance over the life of the project (as well as timber harvest activities and road maintenance activities with 25 acres or more of earth disturbance). The individual permit applies when a project does not qualify for ESCGP coverage.

5. What activities require Water Obstruction and Encroachment permits?

A Water Obstruction and Encroachment Permit under Chapter 105 is needed for any structure or activity which is located in, along, across or projecting into any watercourse, floodway, or body of water or any structure or activity which changes, expands, or diminishes the course, current or cross section of a watercourse, floodway or body of water. Bodies of water include wetlands. There are two types of Water Obstruction and Encroachment Permit applications: (1) Registration for the use of a General Permit(s) and (2) an individual Water Obstruction and Encroachment Permit, more commonly known as a “Joint Permit Application” (JPA). In addition, certain projects may be waived from Chapter 105 permitting requirements if the project meets the conditions of 25 Pa. Code § 105.12. Although waived from permitting requirements, however, these structure and activities are still regulated under Chapter 105 and operators may wish to seek confirmation of eligibility from the Department to eliminate the risk of constructing a project without proper authorization(s). See also FAQ #6 regarding federal authorization. Please note that each Chapter 105 General Permit has its own set of terms and conditions, including eligibility requirements, which the proposed project must meet to be eligible to register for the use of the specific General Permit. A JPA is required when a regulated activity is not eligible either for a waiver of permit requirements under 25 Pa Code § 105.12 or does not meet the terms and conditions of a General Permit.



The following Chapter 105 General Permits (GPs) may apply to oil and gas activities:

- GP-3: Bank Rehabilitation, Bank Protection, and Gravel Bar Removal
- GP-4: Intake & Outfall Structures
- GP-5: Utility Line Stream Crossings
- GP-7: Minor Road Crossings
- GP-8: Temporary Road Crossings
- GP-11: Maintenance, Testing, Repair, Rehabilitation, or Replacement of existing Water Obstructions & Encroachments

More information such as permit conditions and exclusionary criteria for various Chapter 105 General Permits (GPs) can be accessed from the [DEP eLibrary](#).

6. What Chapter 105-regulated structures and activities also require a federal permit under Section 404 of the Federal Clean Water Act?

DEP has independent authority under the Dam Safety and Encroachment Act and the Chapter 105 regulations. The US Army Corps of Engineers (USACE) regulates similar structures and activities under

Section 404 of the Federal Clean Water Act, covering activities when there is a potential for the discharge of dredged, excavated or fill materials or structures into the waters of the United States, and Section 10 of the Rivers and Harbors Act, which regulates obstructions and other activities that may affect navigation. In Pennsylvania, both agencies have worked cooperatively to efficiently regulate activities where there is common jurisdiction. DEP is authorized by USACE to verify and provide notice of federal authorization for most qualifying activities in the form of the Pennsylvania State Programmatic General Permit (PASPGP). Structures and activities eligible for Chapter 105 permit waivers and General Permits, or authorized via individual Water Obstruction and Encroachment Permits, typically qualify as “Non-Reporting Activities” where DEP may verify PASPGP applicability and attach it to its state permit or authorization. For more information on the PASPGP, please visit [USACE’s website](#) and read through the current PASPGP document which describes the eligibility requirements and the thresholds that differentiate “Reporting Activities” (USACE verifies PASPGP) from “Non-Reporting Activities” (DEP verifies PASPGP).

In certain cases where a structure or activity is otherwise eligible for a Chapter 105 permit waiver, operators may want to seek confirmation of waiver eligibility or may register for the use of a Chapter 105 general permit to which DEP can attach the federal permit (PASPGP) to its waiver eligibility determination letter or general permit authorization letter. This may save operators time as such activities most often qualify as “Non-Reporting Activities” under the PASPGP, and the operator can work with one agency to obtain all its approvals for the project. When submitting a JPA associated with Oil and Gas activities, three identical copies of the application should be sent to the appropriate Bureau of District Oil and Gas Operations office, RPCO or Regional Waterways and Wetlands program serving the location. A JPA can also be submitted for DEP’s review via electronic document submission system, [OnBase](#). However, a submission should not be made through OnBase whose intended recipient is anyone other than DEP, such as USACE.

7. What are the permitting and enforcement responsibilities of the Bureau of District Oil and Gas Operations relating to Chapters 102 and 105?

Bureau of District Oil and Gas Operations:

- Conduct pre-application meetings at the request of the applicant(s). A pre-application meeting is not a requirement for E&S permits or ESCGP coverage but is highly recommended. A pre-application meeting provides an opportunity for the person proposing a project to discuss the project details with the Department and be informed about the permitting requirements.
- Review, process and provide authorizations for Chapter 102 E&S Permits and Chapter 105 permits, including ESCGP, where the primary purpose of the activity is associated with oil or gas exploration, production, processing, or treatment operations.
- Review, process and provide authorizations for permits for gathering systems which include all pipelines and treatment facilities from the well head up to and including the last compressor or treatment facility prior to a FERC regulated pipeline.
- Review, process and provide authorizations for permits for gas storage fields and connecting pipelines. These pipelines are directly connected to inter/intrastate transmission lines and are regulated by FERC/Pennsylvania Public Utility Commission (PUC).
- Conduct inspections, complaint response, and enforcement for oil and gas activities regulated under Chapters 102 and 105 where the primary purpose of the activity is associated with oil or gas exploration, production, processing, or treatment operations and gas storage fields.

8. What are the permitting and enforcement responsibilities of the Regional Permit Coordination Office, regional Waterways and Wetlands Program, or delegated Conservation District (CD) relating to Chapters 102 and 105?

Regional Permit Coordination Office:

- Conduct pre-application meetings at the request of the applicant(s). A pre-application meeting is not a requirement but highly recommended. A pre-application meeting provides an opportunity for the person proposing a project to discuss the project details with the Department and be informed about the permitting requirements.
- Review, process, and provide authorizations for Chapter 102 E&S permits, Chapter 105 permits and State Water Quality Certifications, where the primary purpose of the activity is associated with natural gas transmission pipelines requiring a FERC certificate.
- Review, process, and provide authorizations for Chapter 102 E&S permits and Chapter 105 permits, where the primary purpose of the activity is for intrastate oil and gas transmission pipeline projects, and when the project traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Conduct pre-application meetings at the request of the applicant(s). Pre-application meeting is not a requirement but highly recommended. Pre-application meeting provides an opportunity for the person proposing a project to discuss the project details with the Department and be informed about the permitting requirements.
- Chapter 102 E&S permits and Chapter 105 permits for intrastate oil and gas transmission pipeline projects (i.e. non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions will be managed by the delegated CD or regional Waterways and Wetlands Program.
- Review, process, and provide authorizations for NPDES permits and Chapter 105 permits, where the primary purpose of the activity is associated with oil or gas distribution lines.
- Conduct inspections, complaint response, and enforcement, for all oil or gas interstate or intrastate transmission lines, distribution lines, and associated compressor stations or other treatment facilities regulated under 25 Pa. Code Chapters 102 and 105.

9. What are the permitting requirements under Chapters 102 and 105 for a minor road crossing of a stream or wetland? Who is responsible for issuance of the necessary permits?

A minor road crossing is a road constructed across a wetland where the length of the crossing is less than 100 feet and the total wetland area disturbed is less than 0.1 acre, or a road constructed across a stream utilizing a bridge, culvert, or ford crossing where the watershed drainage area is 1.0 square mile or less. A minor road crossing may qualify for a GP-7 (see other eligibility criteria and conditions). When a project is ineligible for or cannot meet the terms and conditions of a GP then a Joint Permit application will be required.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 - GP-7 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a road constructed to service oil and gas extraction and gathering activities excluding FERC-regulated transmission pipelines.
- Review, process, and provide authorizations for an existing road not originally constructed for oil and gas activities that now requires reconstruction to accommodate oil and gas extraction, gathering and plugging activities.
- Review, process, and provide authorizations for an existing road owned and operated by a gathering or well company, not originally constructed for oil and gas activities that require maintenance to accommodate oil and gas activities.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a road constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for an existing road not originally constructed for oil and gas activities that now requires reconstruction to accommodate FERC-regulated operations or is associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a road constructed to service an intrastate oil and gas transmission pipeline project (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a road constructed for uses other than oil and gas activities and any oil and gas activity related to an intrastate oil and gas transmission pipeline project (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions is incidental to the road's primary use.
- Review, process, and provide authorizations for an existing road, not originally constructed for oil and gas activities that require maintenance to accommodate oil and gas activities.

10. What are the permitting requirements under Chapters 102 and 105 for a temporary road crossing of a stream or wetland? Who is responsible for issuance of the necessary permits?

A temporary road crossing is a road installed for a period of time not to exceed ONE YEAR across a wetland or across or along a stream utilizing a pipe culvert or a series of culverts, a bridge, timber mats, a causeway,

or a ford. The one-year time limit may be extended in writing by the Department upon request by the applicant (see 25 Pa Code § 105.43 and Condition a. of the GP-8).

Permit Requirements: Chapter 102 - E&S permit if the project area triggers the permit requirements (see 25 Pa Code § 102.5); Chapter 105 - GP-8 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a road constructed to service oil and gas activities excluding FERC-regulated transmission pipelines.
- Review, process, and provide authorizations for an existing road not originally constructed for oil and gas activities that now requires reconstruction to accommodate oil and gas activities excluding FERC-regulated operations.
- Review, process, and provide authorizations for an existing road owned and operated by a gathering or well company, not originally constructed for oil and gas activities that require maintenance to accommodate oil and gas activities.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a road constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for an existing road not originally constructed for oil and gas activities that now requires reconstruction to accommodate FERC-regulated operations or is associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a road constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a road constructed for uses other than oil and gas activities and any oil and gas activity related to intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions is incidental to the road's primary use.
- Review, process, and provide authorizations for an existing road, not originally constructed for oil and gas activities that require maintenance to accommodate oil and gas activities.

11. What are the permitting requirements under Chapters 102 and 105 for a utility line crossing of a stream or wetland? Who is responsible for issuance of the necessary permits?

A utility line is any pipe or pipeline for the transportation of a gaseous, liquid, liquefiable or slurry substance or, any cable, conduit, line or wire for the transmission of electrical energy, telephone, telegraph, radio, or television signals, including cathodic corrosion protection. Utility lines can be aerial or buried either by open trench method or trenchless technology.

Permit Requirements: Chapter 102 - E&S permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 - GP-5 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a utility line constructed to service oil and gas activities excluding FERC-regulated transmission pipelines.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a utility line constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a utility line constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.

- Review, process, and provide authorizations for a utility line constructed for uses other than oil and gas activities and any oil and gas related activity is incidental to the utility line's primary use.

12. What are the permitting requirements under Chapters 102 and 105 for a water intake structure? Who is responsible for issuance of the necessary permits?

A water intake is a temporary or permanent structure located in, along or across, or projecting into a watercourse, floodway, or body of water.

Permit Requirements: Chapter 102 - E&S permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 - GP-4 or JPA. Please note that the Chapter 105 GP-4 does not apply in wetlands, or in streams specified as high-quality (HQ) or exceptional value (EV) in 25 Pa Code Chapter 93 (relating to water quality standards).

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a water intake structure constructed to service oil and gas activities excluding FERC-regulated transmission pipelines.
- Review, process, and provide authorizations for an existing water intake structure not originally constructed for oil and gas activities that now requires reconstruction to accommodate oil and gas activities excluding FERC-regulated operations.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a water intake structure constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for an existing water intake structure not originally constructed for oil and gas activities that now requires reconstruction to accommodate FERC-regulated operations or is associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a water intake structure constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a water intake structure constructed for uses other than oil and gas activities and any oil and gas related activity is incidental to the water intake structure's primary use.
- Review, process, and provide authorizations for an existing water intake structure, not originally constructed for oil and gas activities that require maintenance to accommodate oil and gas activities.

13. What are the permitting requirements under Chapters 102 and 105 for a permanent storage area? Who is responsible for the issuance of the necessary permits?

A permanent storage area is used for the storage or staging of equipment and/or supplies and is not intended to be removed or restored.

Permit Requirements: Chapter 102 - E&S Permit or NPDES Permit. For Chapter 102 E&S Permits, pursuant to 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five acres or more of earth disturbance over the life of the project must obtain an E&S Permit under Chapter 102 prior to commencing the earth disturbance activity. As used in § 102.5(c), DEP interprets "project" to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities, including permanent storage areas. A permanent storage area may be permitted separately but is considered in determining whether the total project acreage limit of § 102.5(c) has been met and a permit is required. All portions of a project area of 5 acres or more must obtain permit coverage prior to commencing earth disturbance activity; Chapter 105 Permit.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for storage areas used exclusively for the staging and/or storage of oil and gas related equipment for oil and gas activities excluding FERC-regulated transmission pipelines. A storage area that is substantially connected to that well site and part of the well site project for permitting purposes under 25 Pa. Code § 102.5(c).

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a storage area constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for storage area constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for storage area used for staging and/or storage of oil and gas related equipment in addition to non-oil and gas equipment or the storage area is operated by a third-party non-oil and gas operator. If the storage area is not exclusively for oil and gas activities and the disturbed area exceeds 1 acre, an NPDES permit is required from the responsible delegated CD or regional Waterways and Wetlands Program.

14. What are the permitting requirements under Chapters 102 and 105 for a temporary equipment staging area? Who is responsible for issuance of the necessary permits?

A temporary equipment staging area is used during earth disturbance activities, is designated for the staging of construction equipment and supplies and is not intended to be permanent.

Permit Requirements: Chapter 102 - E&S Permit or NPDES Permit. For Chapter 102 E&S Permits, pursuant to 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five acres or more of earth disturbance over the life of the project must obtain an E&S Permit under Chapter 102 prior to commencing the earth disturbance activity. As used in § 102.5(c), DEP interprets “project” to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities, including temporary equipment staging areas. A temporary equipment staging area may be permitted separately but is considered in determining whether the total project acreage limit of § 102.5(c) has been met and a permit is required. All portions of a project area of 5 acres or more must obtain permit coverage prior to commencing earth disturbance activity; Chapter 105 Permit.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for temporary staging areas used exclusively for the staging of oil and gas related equipment and supplies for oil and gas activities (excluding FERC-regulated transmission pipelines).

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a staging area constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for temporary storage area constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for temporary staging areas used for staging and/or storage of equipment used for oil and gas activities in addition to non-oil and gas activities or the storage area operated by a third-party non-oil and gas operator. If the storage area is not exclusively for oil and gas activities and the disturbed area exceeds 1 acre, an NPDES permit is required from the responsible delegated CD or regional Waterways and Wetlands Program.

15. What are the permitting requirements under Chapters 102 and 105 for a water truck staging area? Who is responsible for issuance of the necessary permits?

A water truck staging area is any area that has been improved to facilitate access by water trucks for the withdrawal of water from a water source.

Permit Requirements: Chapter 102 Permit. For Chapter 102 E&S Permits, pursuant to 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five acres or more of earth disturbance over the life of the project must obtain an E&S Permit under Chapter 102 prior to commencing the earth disturbance activity. As used in § 102.5(c), DEP interprets “project” to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities, including water truck staging areas. A water truck staging area may be permitted separately but is considered in determining whether the total project acreage limit of § 102.5(c) has been met and a permit is required. All portions of a

project area of 5 acres or more must obtain permit coverage prior to commencing earth disturbance activity; Chapter 105 - GP-4 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a water truck staging area constructed to service oil and gas activities (excluding FERC-regulated transmission pipelines).

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a water truck staging area constructed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a water truck staging area constructed to service an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a water truck staging area used for other activities in addition to oil and gas activities.

16. What are the permitting requirements under Chapters 102 and 105 for a water/wastewater pipeline? Who is responsible for issuance of the necessary permits?

A water/wastewater pipeline transports water/wastewater to/from the well site, well development impoundment, water truck and/or wastewater treatment facility.

Permit Requirements: Chapter 102 E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 - GP-5 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a water/wastewater pipeline that is primarily used for oil and gas operations excluding FERC-regulated transmission pipelines.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a water/wastewater pipeline that is primarily used for a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a water/wastewater pipeline that is primarily used for an intrastate oil and gas transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a water/wastewater pipeline that is used for other activities in addition to oil and gas activities.

17. What are the permitting requirements under Chapters 102 and 105 for earth disturbance activities for the construction of wastewater treatment facilities? Who is responsible for issuance of the necessary permits?

A wastewater treatment facility treats wastewater generated at the well site or from multiple well sites to be beneficially reused at the well site. This facility may be on or contiguous to a well site to collect and treat wastewater prior to reuse or disposal. This temporary facility is not to be confused with produced water and/or brine wastewater treatment facilities.

Permit Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 - GP-4 or JPA.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for a wastewater treatment facility used for treating oil and gas wastewater.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for a wastewater treatment facility that is constructed or installed to service a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for a wastewater treatment facility that is constructed or installed to service an intrastate transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.
- Review, process, and provide authorizations for a wastewater treatment facility used for other purposes in addition to oil and gas operations.

18. What are the permitting requirements under Chapters 102 and 105 for a pipeline Pigging/Meter/Valve Pads? Who is responsible for the issuance of the necessary permits?

A Pigging/Meter/Valve Pads is an area to facilitate pigging, meter, or valve operations.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 Permit.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations if the facilities are associated with gathering systems.

Regional Permit Coordination Office:

- Review, process, and provide authorizations when the facilities are associated with a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline project that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations when the facilities are associated with intrastate transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.

19. What are the permitting requirements under Chapters 102 and 105 for a processing facility and/or gas treatment facility? Who is responsible for the issuance of the necessary permits?

A processing facility separates and removes impurities from hydrocarbons and transforms them to meet the specifications of the purchaser.

A gas treatment facility is part of a gathering system or transmission pipeline that changes the chemical and/or physical attributes of produced gas which includes, but is not limited to, compressor stations, gas purification and scrubbing facilities.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 Permit.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for the processing facility and/or gas treatment facility if it is part of the gathering facility or is prior to pre-transmission point of sale.

Regional Permit Coordination Office:

- Review, process, and provide authorizations for the processing facility and/or gas treatment facility if it is part of a natural gas transmission pipeline project requiring a FERC Certificate or if associated with an intrastate oil and gas transmission pipeline that traverses 3+ counties and 2+ DEP regions.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for the processing facility and/or gas treatment facility if it is part of an intrastate transmission pipeline projects (i.e., Non-FERC regulated pipelines) that do not traverse 3+ counties and 2+ DEP regions.

20. What are the permitting requirements under Chapters 102 and 105 for a residual waste storage facility for residual waste generated from the development, drilling, stimulation, operation or plugging of oil and gas wells? Who is responsible for the issuance of the necessary permits?

For the purposes of this document, this answer is intended to apply to residual waste storage facilities permitted under 25 Pa. Code Chapter 299 to store wastewater generated from the development, drilling, stimulation, operation or plugging of unconventional wells.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5) or NPDES; Chapter 105 Permit.

Responsible Program:

Bureau of District Oil and Gas Operations:

- Review, process, and provide authorizations for the facility if exclusively used for the purpose of storing oil and gas waste streams and is operated by an oil and gas operator.

Delegated CD or regional Waterways and Wetlands Program:

- Review, process, and provide authorizations for the facility if used for the purpose of processing oil and gas waste streams as well as waste from non-oil and gas activities.

21. What are the permitting requirements under Chapters 102 and 105 for a FERC-Regulated Transmission Pipeline? Who is responsible for the issuance of the necessary permits?

A FERC-Regulated Transmission Pipeline is an interstate transmission pipeline that include connecting pipelines located downstream from DEP regulated gathering systems.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 Permit, and State Water Quality Certification.

Responsible Program:

Regional Permit Coordination Office:

- Review, process, and provide authorizations for all FERC-regulated transmission pipeline with the exception of gas storage facilities; see Figure No. 2. Permitting the gas storage facilities is the responsibility of Bureau of District Oil and Gas Operations office.

Delegated CD or regional Waterways and Wetlands Program:

- Conduct inspections, complaint response, and enforcement.

22. What are the permitting requirements under Chapters 102 and 105 for earth disturbance activities for the construction of a well site?

A well site is the area occupied by the equipment or facilities necessary for or incidental to the drilling, production, or plugging of a well.

Permits Requirements: Chapter 102 - E&S Permit depending on the size of the site (See 25 Pa Code § 102.5); Chapter 105 – A permit may be required based on the location of the well site or associated construction activities.

Responsible Program:

- The Bureau of District Oil and Gas Operations is responsible for permitting activities.

23. What are the permitting requirements under Chapters 102 and 105 for earth disturbance activities for the construction of a well development impoundment?

A well development impoundment is a natural topographic depression, manmade excavation or diked area formed primarily of earthen material lined with synthetic material and designed to hold surface water, fresh groundwater and other fluids approved by the Department for the purpose of servicing the development of multiple well sites. See 25 Pa. Code §§ 78a.1 and 78a.59b. These structures typically do not require a permit under 25 Pa. Code § 105.3.

Permits Requirements: Chapter 102 - E&S Permit. For Chapter 102 E&S Permits, pursuant to 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five acres or more of earth disturbance over the life of the project must obtain an E&S Permit under Chapter 102 prior to commencing the earth disturbance activity. As used in § 102.5(c), DEP interprets “project” to be substantially connected well sites, access roads, pipelines, other service lines, support facilities, and/or other oil and gas activities, including well development impoundments. A well development impoundment area may be permitted separately but is considered in determining whether the total project acreage limit of § 102.5(c) has been met and a permit is required. All portions of a project area of 5 acres or more must obtain permit coverage prior to commencing earth disturbance activity; Chapter 105 - A permit may be required based on the location of the impoundment.

Responsible Program:

- The Bureau of District Oil and Gas Operations is responsible for permitting activities.

24. What are the permitting requirements under Chapters 102 and 105 for well development pipelines?

Well development pipelines are pipelines used for oil and gas operations that transport materials used for the drilling or hydraulic fracture stimulation, or both, of a well and the residual waste generated as a result of the activities. Well development pipelines lose their functionality after the well site it serviced has been restored.

Permits Requirements: Chapter 102 - E&S Permit depending on the size of the site; Chapter 105 – A permit may be required based on the location of the well development pipelines.

Responsible Program:

- The Bureau of District Oil and Gas Operations is responsible for permitting activities.

25. What are the permitting requirements under Chapters 102 and 105 for a gathering system?

A gathering system typically includes a series of pipelines, treatment facilities and compressor stations upstream of the last treatment, processing or compressor facility prior to a FERC regulated transmission pipeline. Gathering systems are used to transport oil, liquid hydrocarbons or natural gas from individual wells to an intrastate transmission pipeline regulated by the Pennsylvania Public Utility Commission or interstate transmission pipeline regulated by FERC.

Permits Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 Permit.

Responsible Program:

- The Bureau of District Oil and Gas Operations is responsible for permitting activities.

26. What are the permitting requirements under Chapters 102 and 105 for wastewater processing facilities that require a WMGR 123 permit?

For the purposes of this document, wastewater processing facilities that require a WMGR 123 permit are facilities that process, transfer and beneficially use wastewater generated from the development, drilling, stimulation, operation and plugging of oil and gas wells.

Permit Requirements: Chapter 102 - E&S Permit if the project area triggers the permit requirements (See 25 Pa Code § 102.5); Chapter 105 Permit.

Responsible Program:

- The Bureau of District Oil and Gas Operations is responsible for permitting activities.

27. What are the permitting requirements under Chapters 102 and 105 for buildings/structure for housing or offices related to oil and gas development? Who is responsible for the issuance of the necessary permits?

For the purposes of this document, this answer is intended to address other buildings and structures for housing and offices associated with oil and gas well development.

Permits Requirements: Chapter 102 - NPDES; Chapter 105 Permit.

Responsible Program:

- Delegated CD or regional Waterways and Wetland program is responsible for permitting activities.

Division of Duties for Oil and Gas Activities

This is for visual reference/guide. See narrative for additional explanation and guidance. Permit requirements shown below are subject to regulatory requirements and may not be required in all situations.

BLUE – Delegated CD and DEP Regional Waterways and Wetlands Program
(Permitting and Inspections/Compliance)

GREEN – DEP RPCO
(Permitting Only)

RED – DEP District O&G Office
(Permitting and Inspections/Compliance)

GREY – Call DEP District O&G Office

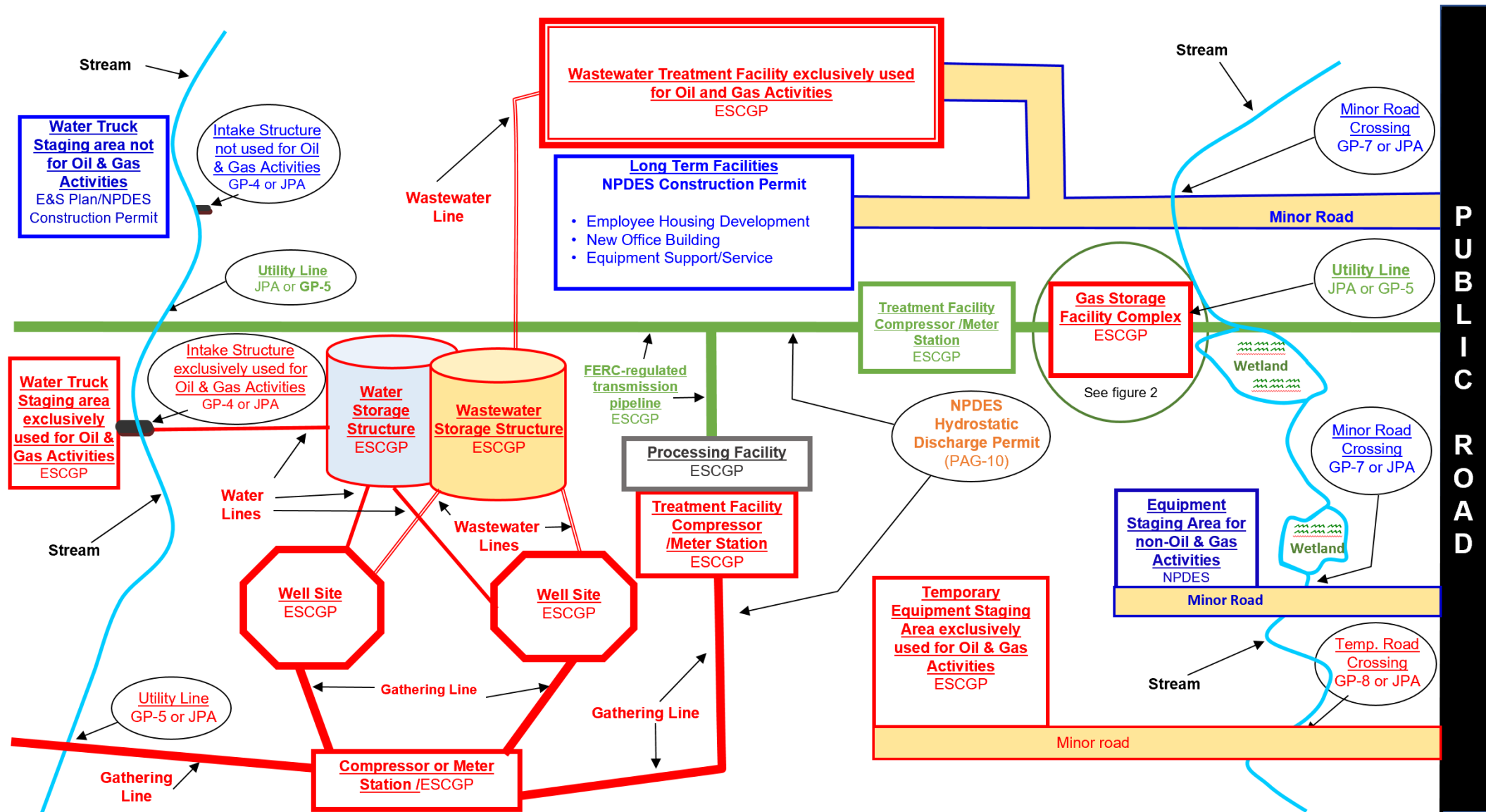


Figure 1: Illustration of division of duties related to oil and gas activities

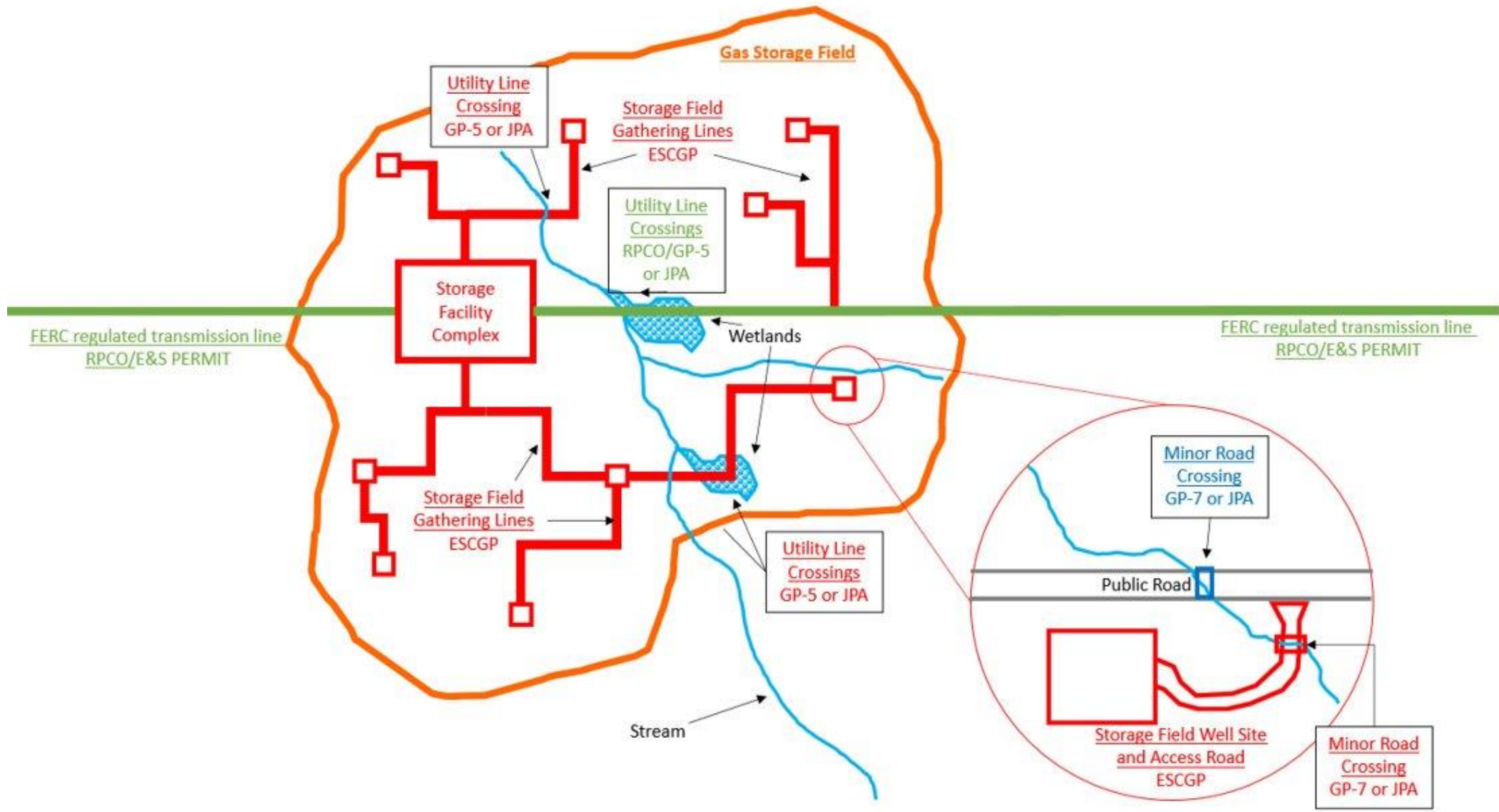


Figure 2: Gas Storage Field

DOCUMENT REVISION HISTORY

DATE	REMARKS
June 09, 2023	Initial publication.