

Pennsylvania Environmental Quality Board
Proposed Requirements for Oil and Gas Surface Activities
(Amendments to 25 Pa. Code Chapter 78, Subchapter C)

Plain Language Summary

In this document, the words “rules” and “regulations” have the same meaning.

Pennsylvania’s Environmental Quality Board (EQB) proposed new regulations regarding surface activities related to oil and gas well development. These new regulations propose to establish new requirements for the following activities to assure increased protection of public health, safety and the environment:

- Permitting
- Considering impacts to public resources
- Identifying orphaned and abandoned wells
- Water supply replacement
- Temporary Storage
- Waste management (processing and disposal)
- Freshwater impoundments
- Centralized impoundments
- Containment systems and practices
- Spill response
- Site restoration
- Pipelines
- Borrow pits
- Water withdrawals
- Road-spreading of brine from conventional wells

Background Information

In 2012, Governor Corbett signed the 2012 Oil and Gas Act (Chapter 32, Act 13 of 2012). This new law significantly revised Pennsylvania’s oil and gas laws to address unconventional well (for example, Marcellus and Utica Shale wells) development in the Commonwealth. The purpose of the law is to ensure the safe and responsible development of oil and gas resources. The law included many new environmental safeguards and directed EQB to establish new rules for certain activities at well sites.

Additionally, since 2008, the oil and gas industry has developed new practices to extract natural gas from shale formations. These new practices require proper oversight and applicable standards and controls.

For these reasons, new requirements are needed to ensure that the Commonwealth oil and gas resources are developed safely, responsibly and in an environmental protective manner.

Summary and Benefits of the Proposed Regulations

Consideration of Public Resources

These proposed rules establish a process for considering impacts to public resources (forests, parks, national natural landmarks, game lands, wildlife areas) to address probable harmful impacts of a proposed well.

Enhanced Notification

The new rules will propose additional notifications of activities to landowners and the Department of Environmental Protection (DEP). These notifications will ensure that landowners understand their rights and that DEP has timely information to enhance inspections and DEP efficiency.

Identification of Orphaned and Abandoned Wells

The proposed regulations require operators to identify orphaned and abandoned wells in proximity to the well prior to hydraulic fracturing activities. The proposed rule requires operators to monitor these wells and take action to prevent pollution in the event that hydraulic fracturing activities impact the orphaned or abandoned well.

New Containment Requirements

The proposed rules require containment practices at unconventional well sites that prevent spills and releases, including use of secondary containment.

Prohibits Outdated Practices

These rules will ban outdated industry practices that pose unnecessary threats to the environment and public health and safety, including unapproved underground tanks and permanent production fluid pits. These proposed changes ensure that antiquated methods for storage of fluid are no longer used and are replaced with better, more protective methods.

Clear Spill Response Requirements

This proposed regulation outlines the appropriate response for spills or releases that occur on or adjacent to oil and gas well sites and access roads. The proposed rules clarifies what spills must be reported, how to report a spill, and the necessary corrective measures.

Site Restoration for Unconventional Well Sites

The proposed rule clarifies the restoration requirements for multiple wells drilled on a single well pad. The rule also outlines the process to obtain a two- year extension from the restoration requirements. Operators are required to restore well sites and other storage facilities unless otherwise authorized by the landowner.

Addressing Activities Beyond the Well Site

The proposed regulations seek to codify existing permit requirements for centralized impoundments. Additionally, the proposed regulations seek to impose new requirements for freshwater impoundments, temporary pipelines, gathering pipelines, and horizontal directional drilling for oil and gas pipelines.

Public Participation

Whether you are mineral landowner, surface landowner, neighbor, or just an interested member of the public, the Environmental Quality Board (EQB) and the Department of Environmental Protection (DEP) encourage your participation in this rulemaking process. Like with all EQB/DEP regulatory packages, members of the public can submit comments to EQB and DEP to ensure their perspectives are considered in this rulemaking.

Once your comments are submitted, each one is considered with regard to the finalization of this rulemaking. DEP will provide a response to each comment once the rulemaking is finalized. This comment and response document will be provided to the EQB and made available to the public, including publication online when the rulemaking is made final. If you provide a written one-page summary of your comments, the summaries will also be distributed to the EQB and available publicly prior to the meeting when the final rulemaking will be considered.

Public Hearings

The EQB will be hosting seven public hearings across the state. Each hearing will begin at 6 p.m. Persons wishing to present verbal testimony at a hearing are requested to contact the EQB (at 717-787-4526) at least one week in advance of the hearing to reserve time to present testimony. Witnesses are limited to five minutes of testimony and are requested to submit three written copies of their testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Northeast

Jan. 7, 2014, Tunkhannock High School Auditorium, 135 Tiger Drive, Tunkhannock, PA 18657

Southeast

Jan. 9, 2014, West Chester University of Pennsylvania's Sykes Student Union Theater, 110 West Rosedale Avenue, West Chester, PA 19383

North Central

Jan. 13, 2014, Pennsylvania College of Technology's Klump Academic Center, One College Avenue, Williamsport, PA 17701

Northwest

Jan. 15, 2014, Meadville Area Senior High School Auditorium, 930 North Street, Meadville, PA 16335

South Central

Jan. 16, 2014, Good Hope Middle School Auditorium, 451 Skyport Road, Mechanicsburg, PA 17050

Southwest

Jan. 22, 2014, Washington and Jefferson College's Rossin Campus Center / Allen Ballroom, 60 South Lincoln Street, Washington, PA 15301

Southwest

Jan. 23, 2014, Indiana University of Pennsylvania's Convention and Athletic Complex, 711 Pratt Drive, Indiana, PA 15705

Online Comments

Comments, including the one page summary, may be submitted to EQB by accessing the EQB's new Online Public Comment System at <http://www.ahs.dep.pa.gov/RegComments>.

Email Comments

People can also submit comments to RegComments@pa.gov. If an acknowledgement of comments submitted online or by email is not received by the sender within two business days, the comments should be re-sent to the EQB to ensure receipt.

Written Comments

The public is invited to submit written comments to EQB regarding the proposed rulemaking by Feb. 12, 2014. Along with their comments, people can submit a one-page summary of their comments to EQB. Written comments and summaries should be mailed to Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477.

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