

Regulatory Citation(s):

Section 78.52. Predrilling or prealteration survey.

(d) An operator electing to preserve its defenses under section 3218(d) of the act shall provide a copy of the results of the survey to the Department and the landowner or water purveyor within 10-business days of receipt of the results. Test results not received by the Department within 10 business days may not be used to preserve the operator's defenses under section 3218(d) of the act.

Question:

As operators become more pro-active in delineating background groundwater conditions, more incidents of elevated methane in the groundwater and/or in the headspace of water wells may be recognized. Background concentrations may be related to natural conditions, a legacy problem, or recent activity by another operator. What is the Department's position regarding reporting if an operator discovers methane while conducting their background analyses?

Response:

The regulations require operators to provide the Department with their pre-drill survey data within 10 days of receipt from the lab. Although the operator is not *required* to call the Department's attention to "anomalous" occurrences of methane (i.e., concentrations at or in excess of 7 mg/L), the Department is requesting that operators notify the responsible Oil and Gas Office when such anomalous methane levels are detected during pre-drill surveys. In addition, there is no obligation for the operator to conduct any kind of further investigation envisioned by Section 78.89 if they discover anomalous gas readings during the pre-drill survey. If, however, the operator receives a complaint about gas in a water supply, they must respond and cannot use the pre-drill survey as a defense regarding the obligations imposed by Section 78.89.