

Regulatory Citation(s):

Section 78.89. Gas migration response.

(a) When an operator or owner is notified or otherwise made aware of a potential natural gas migration incident, the operator shall immediately conduct an investigation of the incident. The purpose of the investigation is to determine the nature of the incident, assess the potential for hazards to public health and safety, and mitigate any hazard posed by the concentrations of natural stray gas.

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.