

MINUTES
OIL AND GAS TECHNICAL ADVISORY BOARD MEETING
March 20, 2015

A meeting of the Oil and Gas Technical Advisory Board (TAB) was held on March 20, 2015 in Room 105 of the DEP Rachel Carson State Office Building, Harrisburg.

TAB MEMBERS PRESENT

Bryan McConnell, Robert Hendricks, Casey Saunders, Fred Baldassare, David Yoxtheimer. Non-voting members present: John Walliser, W. Michael Griffin, Emily Krafjack. Barbara Kutchko was participating via webinar.

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Deputy Secretary Scott Perry, Kurt Klapkowski, Elizabeth Nolan, Joseph Adams, Joseph Kelly, Seth Pelepko, Myron Suchodolski, Susan Ghoweri, Ann Mathew, Todd Wallace, Jessica Shirley, and Darek Jagiela.

INTRODUCTION AND OPENING REMARKS

Deputy Secretary Perry called the meeting to order at 10:01 a.m. and introductions followed.

REVIEW OF BYLAWS

Deputy Secretary Perry began by discussing the origins of the bylaws from 1984 that formed the Oil & Gas Technical Advisory Board and the guidelines for who the Board would consist of. Perry said DEP Secretary John Quigley wanted an initiative to include additional non-voting members to the advisory board. TAB decided not to discuss the bylaws at this meeting in order to have more time to review proposed changes. Robert Hendricks requested another meeting in April for TAB to provide their comments to the public on the bylaws. Perry stated he would like to implement a term limit on board members. Bryan McConnell made a request for a chair and vice chair to be named, but no decision was made.

REVIEW OF DRAFT FINAL RULEMAKING, 25 PA.CODE CHAPTER 78A

Klapkowski stated the Public Advanced Notice of Final Rulemaking would be published April 4, 2015, initiating the formal 30-day public comment period the same day and described the process going forward, stating the final rulemaking might be published in the Bulletin in May 2016.

Klapkowski discussed substantive changes to setbacks due to the Robinson Township decision.

Major changes to permit expiration and renewal, permit will expire within 1 year of issuance if drilling has not commenced, if drilling has commenced, the permit expires unless drilling is pursued with due diligence (total depth within 16 months of issuance).

Klapkowski discussed a new section, Noise Mitigation, and the requirements of operators during

the different stages of drilling.

Klapkowski spoke about the substantive changes to water supplies. The statute was changed with Act 13, and DEP felt it was important to write that change into its regulations.

There has been a major change to Temporary Storage; the use of pits at unconventional sites will be banned. Joseph Adams discussed the determination of the quality of water being put into freshwater impoundments and noted that if mine influenced water is being put in these impoundments that it must meet fresh water standards.

Centralized impoundments were removed from Chapter 78a, they will only be allowed if permitted through residual waste regulations.

Major changes to site restoration, post plugging, within nine months the well should be restored to approximate original conditions.

DEP has removed the alternate method of remediation from the draft final rule, requiring a modified Act 2 process instead.

Subchapter X, Statement of Policy is outdated and has been replaced by Oil and Gas Compliance and Enforcement Policy.

PUBLIC COMMENT

Jim Welty of the Marcellus Shale Coalition asked why the Chapter 78 waste requirements are more stringent than those on hazardous waste.

Kevin Moody of the Pennsylvania Independent Oil & Gas Association expressed concern that the meeting was being held without formalized bylaws or members actually being sworn in. He expressed that the rulemaking fails to provide accurate costs to the industry.

Nathan Bennett, Anadarko, sent a written comment about T&E and Critical Communities.

Tom Yarnick of XTO Energy requested clarification on T&E and the expansion of it. Elizabeth Nolan responded that DEP's intent is not to expand beyond what is done now.

Mr. Bennett also asked what conditions would be required for someone to produce an orphan or abandoned well. Klapkowski said the Commonwealth will not exercise eminent domain to take over wells.

Barbara Kutchko asked what the decibel standard would be for noise. Klapkowski responded that DEP would be doing further analysis on that issue but that decibel limits may not be an accurate indicator of impacts and are difficult to enforce.

Aaron Jacob Smith of the Clean Air Council voiced support for the expansion of TAB. As some of these people do not have a direct financial interest, and how the only comments on strengthening the regulations came from non-voting members and he saw this as important.

FUTURE MEETING DATES

Future meeting dates were set for April 23, August 25 and October 27, 2015.

Adjournment: The meeting was adjourned at 3:06 p.m.

DRAFT