

FREQUENTLY ASKED QUESTIONS

Environmental Protection Performance Standards at Oil and Gas Well Sites

Pipelines and Horizontal Directional Drilling

(§§ 78a.68, 78a.68a, 78a.68b)

The purpose of this Frequently Asked Questions (FAQ) document is to highlight changes in and address questions about the new regulations. This FAQ should not be used in lieu of reference to the 2012 Oil and Gas Act, 25 Pa.Code Chapter 78a and other applicable laws and regulations. The answers outlined in this FAQ are intended to supplement existing requirements. Nothing in this document shall affect statutory or regulatory requirements.

This document is not an adjudication or a regulation. There is no intent on the part of the Department to give this document that weight or deference. The Department may supplement or amend this document at any time as necessary without notice.

§ 78a.68

- 1) Will county conservation districts receive training in regards to reviewing linear ESCGP-2 projects?

The Department offers Chapter 102 and Chapter 105 related trainings to county conservation district staff several times a year. These regulations relate to a number of industries including construction for residential and commercial development, agriculture and timber harvesting as well as oil and gas related activities. The Department anticipates that training will be necessary for District Oil and Gas staff as well as county conservation district staff after the Chapter 78a regulation is promulgated, including the issues related to pipeline projects. (posted 10/14/16)

- 2) Does the requirement for “highly visible flagging, markers, or signs” along the gathering pipeline in section 78a.68(b), require “reflective material” as is the case in section 78a.55(i)(4)(i) which specifies “reflective” signs for well site access road entrances?

For gathering pipelines, there is no explicit, across-the-board requirement that the flagging, markers or signage used to demarcate the boundaries of the limit of disturbance, wetlands and locations of threatened or endangered species habitat, be of reflective material to meet the “highly visible” standard in section 78a.68(b). (posted 10/14/16; edited 11/18/16)

§ 78a.68b

- 1) Does DEP approval for a well development pipeline crossing a bridge, satisfy the need to obtain Pennsylvania Department of Transportation (PADOT) approval? (posted 10/14/16)

No, DEP approval is a separate authorization from the PADOT approval.

- 2) How do you refuel pumps when constructing a stream crossing that requires the pump to be located near the stream for a pump around? (50-foot fueling restriction).

Section 78a.68a(e) states:

Materials staging areas shall be located outside of a floodway, as defined in section 105.1 (relating to definitions), of any watercourse or greater than 50 feet from any body of water, unless otherwise approved in writing by the Department.

Therefore, refueling of pumps or any other mechanical devices must be done beyond the floodway of a stream or 50 feet beyond top of bank, unless authorized by the Department in writing. (posted 10/14/16)

- 3) Are the pipelines on well sites considered to be “well development pipelines?”

Well development pipelines move fluids between well pads and between wells and associated facilities. Well development pipelines stop at the well pad so therefore the term “well development pipeline” does not include those portions of pipelines that are located within the boundaries of unconventional well sites subject to the containment system requirements of section 78a.64a. (posted 10/14/16)

- 4) Once the new regulations are passed, will existing well development pipelines that are in operation be grandfathered for a certain period of time?

In accordance with subsection (l), these existing pipelines need to be restored when the well sites they service are restored. (posted 10/14/16)

- 5) Can there be an alternative approach to a well development pipeline having to pass the 125 percent for 2-hour pressure test?

There is no approved alternate approach to the 125 percent pressure test. The Department believes that the pressure testing requirements in the final-form rulemaking represent appropriate and reasonable testing standards (see, e.g., [49 CFR 195.304](#)). (posted 10/14/16)

- 6) Will butt-fused (heat fused) high-density polyethylene (HDPE) connections be allowed at stream crossings OR a fusion weld across a wetland?

Yes, heat fused connections between two HDPE pipes is not considered to be a joint by DEP; rather, it is considered a weld and therefore would constitute a single piece of pipe. (posted 10/14/16)

- 7) Are shut off valves required at all stream crossings or just perennial and intermittent crossings?

Shut off valves are required and shall be installed on both sides of all well development pipelines crossing a watercourse or body of water, including wetlands. A watercourse is defined in section 78a.1 via reference to section 105.1 as “a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.” In addition, perennial is defined as a stream that has continuous flow and intermittent is defined as a stream that has flows only during certain times of

the year – there are no other types of streams other than perennial or intermittent.
(posted 10/14/16)

- 8) Please clarify that fresh water transfer is not regulated as a “well development pipeline?”

According to section 78a.68b(b) operators shall install well development pipelines that transport fluids other than fresh ground water, surface water, water from water purveyors or other department-approved sources aboveground except when crossing pathways, roads or railways where the pipeline may be installed below ground surface, or crossing a watercourse or body of water where the pipeline may be installed below the ground surface with prior department approval. (posted 10/14/16)

- 9) Regarding well development pipelines - the regulations are intended to regulate the transfer of impaired fluid between well sites, not between facilities on a well site such as transfer from an on-site above ground storage tank (AST) pad to the hydraulic fracking working tanks. Correct?

Yes, that is correct. (posted 10/14/16)

- 10) How would existing buried produced water transfer pipelines be regulated? Will existing, buried functioning well development pipelines in shared rows with other pipelines need to be reclaimed or placed above ground?

Existing underground well development pipelines transferring produced water must be removed in coordination with the well site restoration timeline of the well site the pipeline serviced.

Please note that the definition of “well development pipelines” in section 78a.1 is limited to those pipelines that lose functionality when the well site serviced by the pipeline is restored. If an existing pipeline maintains functionality after the well site is restored (for example, servicing multiple well sites or moving produced fluids back to an impoundment), it is not defined as a “well development pipeline” and this section does not apply. (posted 10/14/16)

- 11) All well development pipelines not transferring fresh water must be constructed above ground. Is this true for double-walled pipelines with leak detection?

Yes. (posted 10/14/16)

- 12) Does a well development impoundment only store freshwater? Does a well development pipeline transport materials other than freshwater?

The answer to both questions is yes. (posted 10/14/16)

- 13) Is a freshwater-only temporary aboveground pipeline not subject to the well development pipeline requirements?

Regulated well development pipelines (aboveground and buried) **do** include those used to move freshwater. There are additional requirements for aboveground well development pipelines moving fluids other than freshwater in section 78a.68b(b) and section 78a.68b(e). (posted 10/14/16; edited 11/18/16)

- 14) Does the requirement for “highly visible flagging, markers, or signs” along the pipeline in section 78a.68b(f), require “reflective material” as is the case in section 78a.55(i)(4)(i) which specifies “reflective” signs for well site access road entrances?

For well development pipelines, there is no explicit, across-the-board requirement that the flagging, markers or signage used to demarcate the boundaries of the limit of disturbance, wetlands and locations of threatened or endangered species habitat, be of reflective material to meet the “highly visible” standard in section 78a.68b(f). (posted 10/14/16; edited 11/18/16)