



September 23, 2025

The Honorable Jessica Shirley
Secretary of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Secretary Shirley:

On behalf of the Marcellus Shale Coalition, please find attached a completed Petition Form.

The Petition Form seeks review by the Department of Environmental Protection and consideration by the Environmental Quality Board of suggested regulatory language pertaining to the issue of maintaining copies of an oil or gas operator's PPC plan on site.

Attached to the Petition Form is a narrative and suggested regulatory amendment language.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Welty".

Jim Welty, President
Marcellus Shale Coalition

Attachment

**COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL QUALITY BOARD**

PETITION FORM

I. PETITIONER INFORMATION

Name: Marcellus Shale Coalition

Mailing Address: 400 Mosites Way, Suite 101

Pittsburgh, PA 15205

Telephone Number: 412-706-5160

Date: September 23, 2025

II. PETITION INFORMATION

A. The petitioner requests the Environmental Quality Board to (check one of the following):

☐ Adopt a regulation

☒ Amend a regulation (Citation 25 Pa.Code 78a.55)

☐ Repeal a regulation (Citation _____)

Please attach suggested regulatory language if request is to adopt or amend a regulation.

B. Why is the petitioner requesting this action from the Board? (Describe problems encountered under current regulations and the changes being recommended to address the problems. State factual and legal contentions and include supporting documentation that establishes a clear justification for the requested action.)

Current regulatory language requires operators to maintain certain records, including copies of PPC plans, 'on-site' during various phases of activity at a well site. The regulatory language has historically been interpreted as maintaining a paper copy of the record. There are several challenges to maintaining paper records, which can be compromised by weather, animals or vandals and become outdated quickly, with frequent updates for changes of contacts and other pertinent information. The evolution of technology allows for the storage, frequent updates and easier access and utilization of records in an electronic format on site. PA DEP recognizes these benefits, and has, for example, authorized the maintenance of E&S permits, and related documents, including PPC plans, on site electronically. Current practice, however, is only reflected in operating conditions of a permit, and lack the force and effect of a regulatory change. The MSC believes this request is consistent with DEP's evolving

policy and will provide greater certainty for both the Department and regulated community.

- C. Describe the types of persons, businesses and organizations likely to be impacted by this proposal.

The proposed amendment would impact operators as well as PA DEP by providing greater flexibility and efficiencies in the storage and access of important information on a well site.

- D. Does the action requested in the petition concern a matter currently in litigation? If yes, please explain.

No.

- E. For stream redesignation petitions, the following information must be included for the petition to be considered complete. Attach supporting material as necessary.

1. A clear delineation of the watershed or stream segment to be redesignated, both in narrative form and on a map.
2. The current designated use(s) of the watershed or segment.
3. The requested designated use(s) of the watershed or segment.
4. Available technical data on instream conditions for the following: water chemistry, the aquatic community (benthic macroinvertebrates and/or fishes), or instream habitat. If such data are not included, provide a description of the data sources investigated.
5. A description of existing and proposed point and nonpoint source discharges and their impact on water quality and/or the aquatic community. The names, locations, and permit numbers of point source discharges and a description of the types and locations of nonpoint source discharges should be listed.
6. Information regarding any of the qualifiers for designation as high quality waters (HQ) or exceptional value waters (EV) in §93.4b (relating to qualifying as High Quality or Exceptional Value waters) used as a basis for the requested designation.
7. A general description of land use and development patterns in the watershed. Examples include the amount or percentage of public lands (including ownership) and the amount or percentage of various land use types (such as residential, commercial, industrial, agricultural and the like).
8. The names of all municipalities through which the watershed or segment flows, including an official contact name and address.
9. Locational information relevant to items 4-8 (except for contact names and addresses) displayed on a map or maps, if possible.

All petitions should be submitted to the
Secretary of the Department of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

PETITION NARRATIVE

Well operators are required to maintain multiple documents on site to aid in responding to potential incidents or emergencies which may occur. These documents include important contact details of company and regulator personnel, protocol steps to take in the event of an incident, details on materials stored on site, and other information.

The most prominent of these documents is the Preparedness, Prevention and Contingency Plan (PPC Plan).

Current regulations require that a copy of the PPC Plan shall be “*available at the site during drilling and completion activities for review.*” PA DEP has interpreted and applied this section to mean a paper copy of the PPC Plan, which is typically stored in a mailbox at the well site.

Despite best efforts by operators, paper documents are still subject to degradation and may be manipulated or vandalized by any number of individuals. Additionally, information within the PPC plan may change frequently, such as contact personnel. This can lead to constant revisions to paper copies that would more efficiently be effectuated through electronic records.

It is more reliable, safe, and convenient for operators, Department inspectors and other on-site personnel to have access to these documents electronically. For example:

- For inspectors and emergency response officials, electronic documents provide ease of access. They allow personnel to more efficiently locate the information pertinent to the issue at hand, and allow multiple users access to the same information at the same time – a significant limitation of a paper copy.
- For operators, electronic documents eliminate the problem of damage by weather, wildlife, or third-party manipulation. They also allow for easier, real-time updates when information changes (e.g. the Emergency Response Plan within the PPC).

Given the evolution in the use of technology by both well operators and Department personnel, this option for maintenance of the PPC Plan in electronic format seems to be a logical next step. This would be consistent with the Department’s recent decision to allow operators to maintain copies of Chapter 102 erosion and sediment control general permits, and other documents (including a PPC Plan) on a well site electronically. However, the Department’s effectuation of this is via a condition in an operating permit, while the proposed language would provide regulatory clarity by including this option within the Pennsylvania Code.

It is noted that while this Petition suggests this option for PPC Plans, there may be additional opportunities impacting both well operators and midstream facilities that would benefit from a similar option.

Suggested Regulatory Language

Amend 25 PaCode §78a.55(f) as follows:

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§ 78a.55. Control and disposal planning; emergency response for unconventional wells.

(f) *Copies.* A copy of the well operator's PPC plan shall be provided to the Department, the Fish and Boat Commission or the landowner upon request and shall be available at the site during drilling and completion activities for review. A well operator may satisfy the requirement to have the PPC plan on site by maintaining an electronic copy of the PPC plan at the site which is accessible in the form of a QR code or other comparable two-dimensional code approved by the Department, provided the well site is equipped with sufficient and reliable Internet access.