

Comments of the Independent Regulatory Review Commission



Environmental Quality Board Regulation #7-483 (IRRC #3022)

Oil and Gas Well Fee Amendments

November 14, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the September 14, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Section 78.1. Definitions. – Clarity and lack of ambiguity; Need.

Conventional well

EQB proposes to define *conventional well* as “a bore hole drilled or being drilled for the purpose of or to be used for the production of oil or gas from a conventional formation.” Commentators question whether secondary and tertiary recovery or disposal injection wells would be considered conventional wells under this definition. The commentators further state that both the regulated community, as well as regulators, would benefit from a more detailed definition of a conventional well. Specifically, commentators suggest using the description of a conventional well in Section E of the Preamble as the basis for a more detailed definition of conventional well in the regulation.

We ask EQB to consider the commentators’ suggestion or ensure that the definition of a conventional well in the final-form regulation is clear and lacks ambiguity for the regulated community.

Subsection (a)

EQB proposes to delete the current subsection (a) which states that certain words and terms used in the chapter are defined by other statutes. EQB did not address this deletion in the Preamble. We ask EQB to explain the need for removing this subsection in the final-form regulation.

