

Cooper, Kathy

3042

From: RegComments@pa.gov
Sent: Wednesday, March 12, 2014 3:35 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites



Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Nathan Bennet
Anadarko Petroleum Corporation (nathan.bennet@anadarko.com)
1201 Lake Robbins Drive
The Woodlands, TX 77380 US

2014 MAR 12 AM 4:08

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Comments entered:

Gentlemen:

Please find attached a copy of the comment document that was sent to your attention earlier today via UPS Overnight delivery.

On behalf of Anadarko, I would like to thank the Department and the Environmental Quality Board for extending the invitation to participate in this rulemaking. We look forward to continuing these discussions in hopes of developing a meaningful set of environmental standards to guide future development of Pennsylvania's oil and natural gas resources.

Please feel free to contact me should you have any questions or need additional information. Your time and consideration in this matter is appreciated.

Respectfully,
Nathan

These links provide access to the attachments provided as part of this comment. You are advised to save the attachments to your local computer or a network share when prompted by your browser.

Comments Attachment: [ANADARKO.pdf](#)

ANADARKO PETROLEUM CORPORATION

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March 11, 2014

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Honorable E. Christopher Abruzzo, Chairperson
Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Mr. Scott Perry, Esq.
Deputy Secretary, Oil and Gas Management
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8765
Harrisburg, Pennsylvania 17105-8765

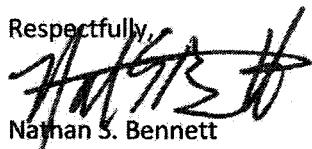
RE: Comments on PA DEP's Proposed Regulatory Changes
25 Pa. Code Chapter 78, Subchapter C dated December 14, 2013

Dear Mr. Abruzzo and Mr. Perry:

Anadarko Petroleum Corporation (Anadarko) has reviewed the proposed regulatory changes for inclusion within Chapter 78, Subchapter C – *"Environmental Protection Performance Standards"*. We understand and support the Department's mission to protect Pennsylvania's natural resources and to provide for the health and safety of its citizens. With that mindset, we have carefully considered these proposed changes and respectfully submit our comments and suggestions.

On behalf of Anadarko, I appreciate this opportunity to participate in the regulatory process and look forward to working with the Department to responsibly develop Pennsylvania's oil and natural gas resources. Please feel free to contact me if you have any questions or concerns.

Respectfully,


Nathan S. Bennett
Regulatory Manager
Nathan.Bennett@anadarko.com
(832) 636-3283

Enclosures: Comments on Proposed Regulatory Changes (Chapter 78)

Cc: Frank Davis, Director, Regulatory Affairs, Anadarko
Robert Gough, HSE Manager, Anadarko

Definitions:

- Approximate original conditions — we ask that consideration be given to better defining “approximate original conditions”. Is the intent to restore the site to conditions that existed immediately prior to oil and gas activities? Also, there should be significant latitude built into this requirement to allow input from and negotiation with the Lessor and/or surface owner.
- Oil and Gas Operations—The terms “oil and gas activities” and “oil and gas operations” are used throughout the draft interchangeably. It is suggested to use one term/phrase throughout the regulation to remain consistent.
- Regulated substance —“Any substance defined as a regulated substance in section 103 of The Pennsylvania Land Recycling and Environmental Remediation Act (Act 2) (35 P.S. §6020.103).” This definition appears throughout the draft regulation. The concern is that referencing the Act 2 definition makes this unnecessarily broad and potentially affecting any substance stored or used.
- Temporary Pipelines— is this definition inclusive or exclusive of fresh water temporary pipelines? As written, the definition is inclusive but § 78.68b is exclusive in certain circumstances.

§ 78.52 Predrilling or prealteration survey.

§ 78.52 (c): It is our opinion that clarification is needed regarding the role of the certified laboratory. “Report” and “survey” should be stricken from any reference to the lab so that it can’t be misconstrued that the laboratory is required to prepare the summary report, which in our case is prepared by a consultant. We also take issue with the caveat that a third-party consultant (“person independent of the well owner or well operator”) must be vetted by an accredited laboratory to collect water samples. It is the laboratories primary function to analyze the samples, not to collect the samples, and especially not to conduct a site investigation and document environmental conditions. Those functions are a necessary part of the “survey” and are best left to professional environmental consultants. Sub-section 78.52(c) should be revised to clarify that the laboratory does not need to conduct the survey itself, but simply analyze the samples collected. This section could be misinterpreted as stating that only laboratory employees can perform the surveys.

Our suggested amendatory language:

The analysis of pre-drill samples shall be completed by an independent accredited laboratory. The sample may be collected by either a technician employed by the accredited laboratory or an independent third-party consultant/contractor. Sample collection, preservation, and documentation must be performed in accordance with approved and recognized protocol developed with the cooperation and approval of the accredited laboratory.

§ 78.52 (d): Anadarko supports the open and transparent exchange of drinking water quality information among the property owners and the Department. With that being said, we suggest that the 10-day report requirement for pre-drill analytical data should be reconsidered since this timeframe could potentially impair the quality and completeness of the submitted data. We also take issue with the cross-reference of “sample results” and “survey results”....these are two distinct products. Providing sample (analytical) results to the Department within the 10-day timeframe is possible but will not provide the Department with a full set of data relative to site conditions. Providing a full survey report, inclusive of the laboratory sample results and the

consultants observations and conclusions, within the 10-day timeframe is much more difficult to achieve given the amount of work and the degree of detail that goes into preparing a summary / survey report. It would be better to either restrict the 10-day reporting requirement specifically to laboratory analytical reports / results or to propose language wherein the operators are required to provide full summary reports to the property owner within 10-days of receiving them from the consultant (or lab, if so capable) and to the Department upon request after receiving a complaint.

§ 78.52 (e): Relative to the above comments, there is an abrupt change in language whereas “sample results,” “survey results,” and “report” are used interchangeably. This creates uncertainty in what exactly is to be provided to the Department and to the property owner in the prescribed time frame.

§ 78.52a(b): Anadarko is supportive of the Department’s desire to proactively locate, document, and address abandoned and orphaned oil and gas wells in the stipulated vicinity of a well that will be hydraulically fractured. We propose two (2) changes/clarifications to what has been proposed.

Our suggested amendatory language:

- 1) It is recommended that the Department develop similar, but different distance requirements for horizontal and vertical wells; for example:
 - a) *Unconventional wells – within 1000 feet measured horizontally from the surface projection of any portion of the wellbore whose true vertical depth is known or reasonably expected to be less than 1,500 feet above the shallowest vertical depth to be perforated or isolated for hydraulic fracturing*
 - b) *Conventional wells – within 500 feet measured horizontally from the surface projection of the wellbore whose true vertical depth is known or reasonably expected to be less than 500 feet above the shallowest vertical depth to be perforated or isolated for hydraulic fracturing*
- 2) We ask that a notification and response period be established to ensure that future operations are not unnecessarily delayed by non-responsive property owners. A property owner will need to complete and return the questionnaire within the specified time frame to have the historic penetration included in the official documentation sent to the Department.

§ 78.59b. Freshwater impoundments

§ 78.59b (f): In Anadarko’s opinion, it appears as though the oil and gas industry is being regulated more stringently than other industries that utilize freshwater impoundments. The proposed requirements that are above and beyond what other industries are subjected to should be removed from these subsections.

§ 78.65. Site restoration.

§ 78.65: The historic requirements of this section never contemplated multi-well development from a well site. Additionally, the space needed to safely operate and service multiple, unconventional wells located on a well site is greater than what was required in the past. As such, complete site restoration is not achievable until production ceases and all wells on the well site are plugged and abandoned.

Our suggested amendatory language:

- (a) *The owner or operator shall restore the land surface within the area disturbed pursuant to Section 3216 of the Act (58 Pa. C.S. §3216) and 25 Pa. Code Chapter 102.*
 - (1) *Post-Drilling Site Restoration Plan (also referred to as interim site restoration) – the plan shall provide for restoration of those areas of the well site not needed for production. Areas needed for production include but are not limited to the following: areas used for service vehicle and rig access; areas used for storage tanks and secondary containment facilities; areas used for well head(s) and appurtenant processing facilities; areas used for any necessary safety buffer(s); areas used to store any supplies or equipment consented to by the surface land owner; and/or areas used for the implementation and management of the permanent post-construction stormwater control features as identified in the Post-Construction Stormwater Management Plan.*
 - (2) *Post Plugging & Abandonment Site Restoration Plan (also referred to as final site restoration) – the plan shall provide for restoration of the well site within 9 months after the plugging and abandonment of the last well on the well site.*
- (b) *General Requirements*
 - (1) *The owner or operator shall restore the land surface within the area disturbed during siting, drilling, completing and producing a well.*
 - (2) *A drill hole or bore hole used to facilitate the drilling of a well shall be filled with cement, soil, uncontaminated drill cuttings or other earthen material before moving the drilling equipment from the well site.*
 - (3) *If a well site is constructed and a well is not drilled, the well site shall be restored within 30 calendar days after the expiration of the well permit unless the Department approves an extension.*
- (c) *Post-Drilling (Interim) Site Restoration – within 9 months after completion of drilling and stimulating all wells on a well site, the owner or operator shall restore the well site, remove or fill all pits used to contain produced fluids or residual wastes and remove all drilling supplies, equipment and containment systems not needed for production. A site will be considered to be restored in the Interim if the following conditions are met:*
 - (1) *All permanent post construction stormwater control features as identified in the PCSM plan or Post-Drilling Site Restoration Plan are in place consistent with the requirements in 25 Pa. Code §102.8.*
 - (2) *Remaining impervious areas are minimized. Impervious areas are limited to those areas that do not exhibit infiltration capacity.*
 - (3) *All areas of the well site not needed for production have been restored to the approximate conditions that existed immediately before disturbance by well site construction activities and/or to the satisfaction and requirements of the surface owner.*

(4) The well site is permanently stabilized according to 25 Pa. Code §102.22(a).

(d) Post-Plugging & Abandonment (Final) Site Restoration –within 9 months after plugging and abandoning the last well on the well site, the owner or operator shall remove all production or storage facilities, supplies and equipment and restore the well site according to the approved Post-Plugging & Abandonment (Final) Site Restoration Plan.

(1) Within sixty (60) days after restoration of the well site, the operator shall submit a final well site restoration report to the Department. The report shall be made on forms provided by the Department and shall identify the following:

- (i) The date of land application of any tophole water, the results of pH and specific conductance tests and an estimated volume of discharge.*
- (ii) A description of the method used for disposal or reuse of the free liquid fraction of the waste, and the name of the hauler and disposal facility, if any.*
- (iii) The location, including GPS coordinates, of the pit in relation to the well, the depth of the pit, the type and thickness of the material used for the pit subbase, the type and thickness of the pit liner, the type and nature of the waste, the type of an approved solidifier, a description of the pit closure procedures used and the pit dimensions.*
- (iv) The location of the area used for land application of the waste, and the results of a chemical analysis of the waste soil mixture if requested by the Department.*
- (v) The types and volumes of waste produced and the name and address of the waste disposal facility and waste hauler used to dispose of the waste.*
- (vi) The name of the qualified professional, qualifications and basis for determination that the bottom of a pit used for encapsulation is at least 20 inches above the seasonal high groundwater table.*
- (vii) The test results required by §78.62 and §78.63 for all unconventional wells or any conventional wells with a horizontal well bore.*

(2) The well operator shall forward a copy of the well site restoration report to the surface landowner if the well operator disposes of drill cuttings or residual waste at the well site.

§ 78.68b. Temporary pipelines for oil and gas operations.

It is recommended that the Operator be given latitude when identifying temporary infrastructure based on local variables and unique characteristics of a given locale.

Our suggested amendatory language.

“Temporary pipelines shall be identified and marked at regular intervals over its entire course including special demarcation at all crossings.”