

Erosion and Sediment Control Requirements for Oil and Gas Activities

What is Soil Erosion?

Erosion is a natural process by which the surface of the land is worn away by water, wind, or chemical action. Accelerated erosion is the removal of the surface of the land through the combined action of human activities and natural processes at a rate greater than would occur from natural processes alone.

How is the Control of Erosion and Sediment (E&S) Regulated?

Pennsylvania utilizes 25 Pa. Code Chapter 102 (related to E&S Control) in regulating accelerated erosion. These regulations were promulgated under the Pennsylvania Clean Streams Law, 35 P.S. §§691.1-691.1001 (*Clean Streams Law*) and prohibit the discharge of any pollutant to waters of the commonwealth. Under the Chapter 102 regulations, anyone conducting earth disturbance activities must use Best Management Practices (BMPs) to minimize the amount of sediment leaving the disturbed area. Section 78.53 of Pennsylvania's oil and gas regulations incorporates the Chapter 102 regulations by reference. The Department of Environmental Protection (DEP) is responsible for the administration and enforcement of Chapters 102 and 78 regulations and the Clean Streams Law.

What is a Best Management Practice (BMP)?

BMPs are necessary to ensure protection of Pennsylvania's water resources. Examples of BMPs include minimizing earth disturbances, silt fences, filter socks, mulch, diversion ditches, sediment traps, sediment basins and the establishment of grasses for permanent stabilization. The Erosion and Sediment Control Plan (E&S Plan) must show the site location of BMPs and the timing and sequence of their installation for maximum effectiveness. The Bureau of Oil and Gas Planning and Program Management and county conservation districts are able to provide guidance for E&S Plan development. Guidance for preparing a plan and various BMPs that meet Chapter 102 requirements can be found in DEP's *Erosion and Sediment Pollution Control Program Manual* (E&S Manual), Technical Guidance No. 363-2134-008, as well as the *Oil and Gas Well Operators Manual* Technical Guidance No. 550-0300-001. For earth disturbance activities in special protection watersheds, additional BMPs are required, as set forth in DEP's *Water Quality Antidegradation Implementation Guidance*, Technical Guidance No. 391-0300-002.

Where Should Plans be Displayed and When Must They be Prepared?

An E&S Plan that meets the requirements of Chapters 102 and 78 must be properly designed, implemented, and available on site for all oil and gas earth disturbance activities. The plan must show how land and water resources are to be protected against accelerated erosion through the use of BMPs. An Erosion and Sediment Control General Permit (ESCGP-2) must be obtained before commencing earth disturbance activity of five or more acres related to oil and gas exploration, production, processing, treatment, and transmission facilities. In addition, oil and gas operators proposing to construct a well site or access road must also obtain a permit to drill and operate a well prior to commencing earth disturbance.

Where to Submit an ESCGP-2 Permit Application

An applicant seeking an ESCGP-2 should submit a *Notice of Intent* form 8000-PM-OOGM005 to either the appropriate conservation district, district oil and gas operations office, or DEP regional office depending on the proposed activity to be authorized. All applicants must submit a complete acceptable application package that contains all of the items listed in the *Instruction For a Notice of Intent (NOI) Authorization Package For Coverage Under the Erosion and Sediment Control General Permit (ESCGP-2) for Earth Disturbance Associated With Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities*, form 8000-PM-OOGM0005.

NOIs for activities involving construction of transmission facilities should be submitted to conservation districts that have the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the E&S and stormwater management programs in this commonwealth. For activities proposed in a county that is not delegated, the DEP regional office will conduct the review and processing of the ESCGP-2 for oil and gas activities.

NOIs for activities involving exploration, production, processing, or treatment facilities including, but not limited to, well sites, gas gathering or production lines, gathering system compressor stations, impoundments, and access roads for those facilities should be submitted to the appropriate district oil and gas operations office.

Who Conducts Inspections and Responds to Complaints?

The district oil and gas operations is responsible for inspection and complaint response for all earth disturbance activities associated with oil and gas exploration, production, processing, and treatment facilities.

Delegated conservation districts will be responsible for inspection and complaint response for all transmission facility earth disturbances. Transmission facilities include transmission lines, compressor locations, and gas purification and scrubber locations. For non-delegated counties, the appropriate DEP district office is responsible for conducting inspections and investigating complaints.

How to Determine Five Acres of Earth Disturbance

For information and guidance in determining when an ESCGP-2 is required, please refer to the *Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbances Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities*, policy 800-2100-008.

What Can the Applicant Do?

Proper planning and use of BMPs is the key to a successful project and the protection of the state's water resources. Before beginning the project, become familiar with the E&S requirements as referenced in Chapters 102 and 78. Inform the contractor or equipment operator of the need for an E&S Plan or an ESCGP-2 permit as part of the project. For assistance or more information, contact the appropriate district oil and gas operations office or the local county conservation district.

If sediment pollution is occurring, or if there is evidence that sediment pollution has occurred due to an on-going oil and gas earth disturbance activity, contact the appropriate conservation district, district oil and gas operations office, or DEP regional office. Applicants will need to provide the location, type of activity, name of the project, and permit number (if known), and whether sediment pollution is occurring.

All forms referenced can be found at www.dep.pa.gov/O&G_forms.

All fact sheets referenced can be found at www.dep.pa.gov/O&G_factsheets.

All Statutes and Regulations referenced can be found at www.dep.pa.gov/O&G_regs.



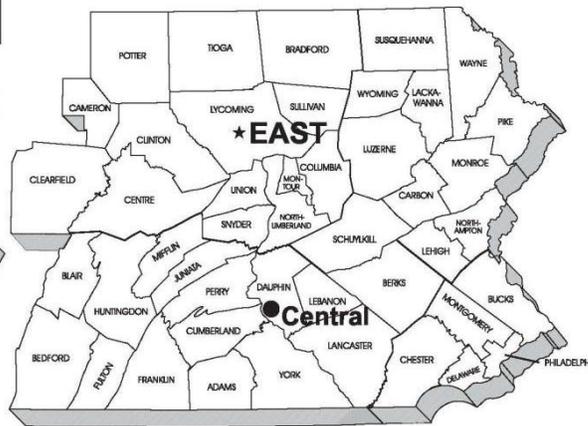
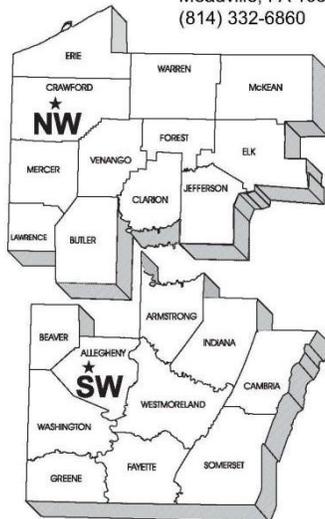
Oil and Gas Districts

★ Northwest District

230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6860

★ Eastern District

208 West Third Street
Williamsport, PA 17701-6448
(570) 327-3636



★ Southwest District

400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

● Central Office

Bureau of Oil and Gas Planning and Program Management
PO Box 8765
Harrisburg, PA 17105-8765
(717) 772-2199

For more information, visit www.dep.pa.gov.