

PA Environment Digest

An Update On Environmental Issues In PA

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STRONGER Review Of DEP Drilling Program: Well Managed, Some Changes Needed

A 203-page [review of DEP's Oil and Gas Regulatory Program](#) released by the State Review of Oil and Natural Gas Environmental Regulations (**STRONGER**) this week found Pennsylvania's program is "well-managed, professional and meeting its program objectives."

At the same time, the group said DEP needs to develop a standardized way of tracking violations and enforcement actions, should develop a consistent method to determine surface casing depths to protect groundwater and develop guidance for pre-drilling water sampling.

The STRONGER voluntary and independent review program has conducted [four other reviews](#) of Pennsylvania's program, this most recent review was done in May by a panel including industry, government and environmental representatives.

The STRONGER report also identified several strengths in Pennsylvania's Program--
-- **Staff Resources:** Commended DEP for increasing its staff and resources to address additional permitting, inspection and enforcement activities as well as noting the passage of new legislation ([Act 13 of 2012](#)) to distinguish regulation of Marcellus Shale and conventional oil and gas wells.

-- **Abandoned Wells:** DEP was commended for their public participation activities associated with the abandoned sites program. Public participation activities with respect to abandoned wells have been occurring for many years by local individuals and environmental groups. These groups have been especially proactive in searching for abandoned oil and gas wells. Two such groups are the [PA Senior Environmental Corp](#), who searched for abandoned wells in [Oil Creek State Park in Venango County](#) and "[Save Our Streams PA](#)," who is involved in finding abandoned wells in Potter and McKean Counties.

-- **Radiation Study:** The report noted DEP's [comprehensive study of radiation levels](#) specifically associated with Marcellus Shale well development (TENORM study) now underway is the first of its kind in the nation.

-- **Stormwater Management:** Commended DEP for its stormwater management program and the adoption of a [new stormwater management policy](#) that relies on the use of Best Management Practices

for the control of erosion and sedimentation at drilling and related sites.

-- **Hydraulic Fracturing Program:** DEP was commended for its hydraulic fracturing program. Standards for well casing and cementing require that the operator conduct those activities to control the well at all times, prevent migration of gas or other fluids into sources of fresh groundwater; and prevent pollution of fresh groundwater. The report noted the well completion report requirements and chemical disclosure requirements exceed public disclosure and reporting requirements of the STRONGER Guidelines.

A complete copy of the report [is available online](#).

DEP Reaction

“This review demonstrates that the oil and gas industry in Pennsylvania is matched by world-class oil and gas management and regulations,” DEP Acting Secretary Chris Abruzzo said. “Pennsylvanians can be assured that DEP is protecting their health and environment while oil and gas operations continue to grow.

“This STRONGER review is a very positive reflection on the shared commitment of Gov. Corbett and the members of the General Assembly who have worked hard to adopt environmental standards that are now national standards,” added Abruzzo. “DEP’s Office of Oil and Gas Management will be working to implement STRONGER’s recommendations to further protect Pennsylvania’s natural resources.”

PEC Disagrees: Drilling Industry Says DEP Rules Are Regulations For Regulations Sake

The [Pennsylvania Environmental Council](#) takes issue with comments attributed to Katherine Klaber, outgoing president of the [Marcellus Shale Coalition](#), who was quoted as saying, "The pendulum has swung to regulation for the sake of regulation" at this week’s Marcellus Shale Insight Conference in Philadelphia. (Source: *EnergyWire*, [September 26, 2013 article](#) by Mike Soragham.)

The following statement was issued by Paul King, President of the PA Environmental Council--

“The idea that regulation of the shale gas industry is some sort of exercise is ill-advised and baseless. PEC and many other organizations have spent years working to ensure that responsible and effective legislative and regulatory measures are enacted that will protect Pennsylvanians and the environment.

“The development of shale gas in Pennsylvania is complicated and not only presents opportunities for economic benefits as well as some environmental benefits in fuel switching, it also directly impacts Pennsylvania’s lands, water, air and communities.

“PEC has worked with a broad array of stakeholders - including industry - over the last four years to understand and work to address the impacts of unconventional shale development. While the proposed regulations are not perfect, in fact we believe they can be further improved, they greatly strengthen Pennsylvania’s ability to manage the development of the unconventional shale gas industry. Indeed, many of the proposed regulations have been endorsed by members of the MSC through the recommendations of the [Governor’s Marcellus Shale Advisory Commission](#), whose report provided part of the framework for Act 13.

“Act 13 was the result of more than two years of deliberation. Enactment of regulations to realize the new protections afforded by Act 13 won't take place until two years or more of in depth collaboration and discussions after passage of the law. Industry has been heavily involved in every step of that dialog. To characterize this as an onslaught of regulation is severely misguided and not at all accurate.

“The idea of “regulation for the sake of regulation” needs to be dismissed out of hand and replaced with the understanding that the DEP and all stakeholders are working hard to develop regulations that balance the complicated and often competing demands of environmental protection and economic development.”

For more information, visit [PEC's Marcellus Shale](#) webpage.