

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 Regulated?

Pennsylvania utilizes 25 Pa. Code Chapter 102 in regulating accelerated erosion. These regulations were promulgated under the Pennsylvania Clean Streams Law, 35 P.S. §§691.1 *et seq.*, 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. Pennsylvania's oil and gas regulations, Pa Code Chapter 78.53, incorporate 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 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 plan development. Guidance for preparing a plan, as well as various BMPs that meet Chapter 102 requirements, can be found in DEP's "Erosion and Sediment Pollution Control Program Manual" (363-2134-008) as well as the Oil and Gas Well Operators Manual. (550-0300-001). For earth disturbance activities in Special Protection Watersheds, additional BMPs as set forth in DEP's Water Quality Antidegradation Implementation Guidance (391-0300-002) are required.

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

A plan which 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. For oil and gas exploration, production, processing, treatment and transmission activities that disturb five or more acres, an Erosion and Sediment Control General Permit (ESCGP-2) must be obtained before commencing any earth disturbance activities.

Where to Submit an ESCGP-2 Permit Application

An applicant seeking an E&S General Permit for Oil and Gas Activities should submit a Notice of Intent (NOI) to either the conservation district, DEP regional Waterways Engineering and Wetlands Program, or DEP district Oil and Gas Program 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 (DEP document # 8000-PM-OG0005).

NOIs for activities involving construction of transmission facilities should be submitted to conservation districts, which 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 review and processing of the E&S General Permit for Oil and Gas Activities will be conducted by the Waterways Engineering and Wetlands Program in the appropriate DEP regional office.

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 Oil and Gas Program at the appropriate DEP regional 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 regional DEP Waterways Engineering and Wetlands program 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 (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 erosion and sediment control requirements as referenced in Chapters 102 and 78. Inform the contractor or equipment operator of the need for erosion and sediment plans or an ESCGP-2 permit as part of the project. For assistance or more information, contact the district DEP Oil and Gas Program 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 DEP regional Watershed Management or Oil and Gas Programs, or the local county conservation district. 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.



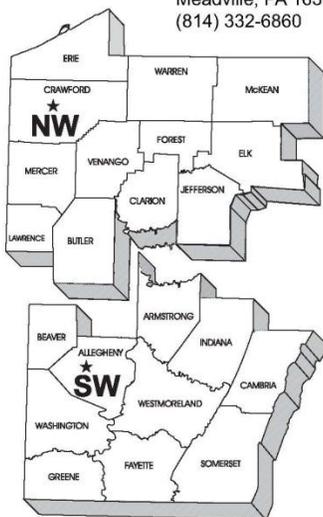
Oil and Gas Districts

★ 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.state.pa.us, keyword: Oil and Gas or Stormwater.