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Press Release

## Pennsylvania DEP Changes Administration of Oil And Gas Regulatory Program

The Pennsylvania Department of Environmental Protection is creating a stand alone "Oil and Gas Bureau" for Marcellus Shale gas development. The way the new program is set up, as announced by DEP Secretary Michael Krancer, this will be an independent part of DEP, reporting to the Central Office. Currently, only DEP's Mining Bureau is set up this way, and the difference with other environmental regulatory programs is that regulation is not through DEPs six region offices.

While no changes in staffing are planned, there are permitting advantages for the regulated community, in that permit coordination within DEP, at the state level, is simpler, where coordination of permits occurs more easily. Recently, as part of a settlement with the Chesapeake Bay Foundation, and, announced more widely in industry seminars, some drilling activities have taken place proximal to streams and/or wetlands, without proper advance permitting. In addition, some wells placed near or in floodways or floodplains, were not properly approved.

Past experience with DEPs' administrative approaches to environmental regulations suggest that the new approach will only work effectively if those in the new Oil and Gas Bureau reach out to other agencies. They also need to be highly skilled and trained in all the types of environmental permitting sometimes needed under State and Federal programs, which regulate gas exploration, extraction, and transmission. If the skill level is not there, there is a possibility that permitting times could actually slow down.

The reason for this is fairly simple - DEP's regional offices have established programs of communication with other agencies who can frequently be involved in exploration, extraction, and transmission line permitting. These agencies include the US Army Corps of Engineers, environmental groups, the Susquehanna River Basin Commission, and Delaware River Basin Commission, among others. If the new Bureau does not coordinate aggressively with those involved with other State and Federal permitting, the objective of coordinated and integrated permitting for oil and gas activities may not be realized.

### **ANALYSIS**

*Coordinated and integrated permitting is critical to environmentally appropriate gas drilling activities, completed in a cost effective and timely manner.*

*Indications in the last several months have indicated a rising number of regulatory hurdles, is arising during gas exploration, extraction, and transmission permitting, which the industry is indicating are significant barriers to production business plans. To date, although both DEP and the industry have identified issues, problems, and environmental barriers which are unexpected, other statewide trade organizations, particularly those in the construction industry, have placed much more emphasis on working with DEP officials at the highest levels, to establish better rapport with DEP, as well as, issuing Best Management Practices approaches and completing training, so that both field operations and permitting operate at a high environmental permitting and awareness level. Since DEP's Management reorganization in the 1990s, DEP's activities have generally been viewed as efficient, and many proactive industry trade groups, such as those in highway, utility, and earthwork construction, have benefited by working with DEP, frequently involving liaison with the Pennsylvania Chamber of Business and Industry.*

*Although we have not seen the Marcellus gas industry rise to the same level of interest in making field operations and environmental permitting more efficient and timely, the opportunity is clearly there. If the industry can work nimbly with DEP, and with other regulatory organizations involved in the approval process to improve permitting and field operations, extracting Marcellus gas and bringing it to market can occur in a more sensitive and efficient way, helping keep the gas production rates closer to producer's business plans.*

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