

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Office of Oil and Gas Management**

**DOCUMENT NUMBER:** 800-2100-001

**TITLE:** Prioritized Review Process Under the Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP).

**EFFECTIVE DATE:** Upon publication of notice as final in the *Pennsylvania Bulletin*.

**AUTHORITY:** The Clean Streams Law (35 P.S. §§ 691.1, *et seq.*); 2012 Oil and Gas Act (58 Pa.C.S. §§ 3201-3274); 25 Pa. Code Chapter 102.; 25 Pa. Code Chapter 78a.; 25 Pa. Code Chapter 78.

**POLICY:** The Department of Environmental Protection (Department or DEP) will follow the guidance presented in this document to evaluate Notices of Intent (NOI) for Authorizations of Coverage (AOC) under the Erosion and Sediment Control General Permit (ESCGP) issued by the Department's Bureau of District Oil and Gas Operations for eligibility for priority NOI review (Prioritized Review Process).

**PURPOSE:** The Prioritized Review Process seeks to encourage persons preparing NOIs for an AOC under ESCGP to voluntarily develop and implement superior environmental enhancements to proposed projects by providing priority status in the NOI review process to qualifying applicants. This document provides guidance to persons submitting NOIs for consideration for the Prioritized Review Process.

**APPLICABILITY:** This guidance applies to persons seeking NOI consideration under the Prioritized Review Process for an AOC under ESCGP issued by the Department's Bureau of District Oil and Gas Operations.

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. DEP does not intend to give this guidance that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 27 pages

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## **1.0 Background**

In accordance with 25 Pa. Code § 102.5(c), a person proposing oil and gas activities that involve five (5) acres or more of earth disturbance over the life of the project must obtain an Erosion and Sediment Control Permit (E&S Permit) prior to commencing the earth disturbance activity. The Erosion and Sediment Control General Permit (ESCGP) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities is an E&S Permit under Chapter 102 issued pursuant to 25 Pa. Code § 102.5(m) for earth disturbances associated with oil and gas activities. An applicant seeking coverage under ESCGP must submit a Notice of Intent (NOI) to either the Department's Bureau of District Oil and Gas Operations, Regional Waterways and Wetlands Program, or to the applicable Conservation District(s). Earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations, gathering facilities, and gas storage fields and connecting pipelines require authorization of coverage under ESCGP from the Department's Bureau of District Oil and Gas Operations.

The Department is offering to persons seeking Authorization of Coverage (AOC) under ESCGP from the Department's Bureau of District Oil and Gas Operations an option to receive prioritized review for proposed projects that include superior environmental enhancements (Prioritized Review Process).

The Department has developed 14 categories that may be selected and incorporated into proposed projects for superior environmental enhancement (Scoring Categories). A person seeking an AOC under ESCGP may request the Prioritized Review Process by selecting a combination of the Scoring Categories in the NOI and preparing an Environmental Enhancement Plan (EE Plan). The EE Plan outlines the selected Scoring Categories and provides additional information applicable to the selected Scoring Categories for the project site (Environmental Enhancement). DEP will consider whether the NOI qualifies for the Prioritized Review Process based on the NOI Standards and Submission Requirements, see Section 2.0; the proposed project's total points on the selected Scoring Categories provided in Attachment F to the NOI, see Section 3.0; and the applicant's certification on Attachment F to the NOI.

Qualifying projects will receive priority status in the Department's process to complete the NOI review to determine whether the Department should issue an AOC for the proposed project. Other than providing priority review, there is no distinction between NOIs and AOCs for qualifying projects and other proposed projects provided standard review.

This document provides guidelines and recommendations for those applicants planning to submit an NOI to request prioritized review by the Department's Bureau of District Oil and Gas Operations.

## **2.0 Prioritized Review NOI Standards and Submission Requirements**

NOI standards are the same for all NOIs, including NOIs submitted through the Prioritized Review Process. To request the Prioritized Review Process, applicants must also submit NOIs containing all of the following through the Department's electronic permitting system:

- An accurate and complete Resource Assessment - See Section 2.1;

- PNDI Receipt or PNDI clearance, as applicable to the Scoring Categories - See Section 2.2;
- Administratively complete, accurate, properly signed and notarized NOI - See Section 2.3;
- A completed copy of Attachment A (Standard E&S Control Plan Technical Review Checklist) and Attachment B (Standard PCSM Technical Guide) with the NOI;
- Completed and signed Attachment F (NOI Prioritized Review Checklist) identifying the superior environmental practices proposed for the project.

## 2.1 Resource Assessment

Applicants seeking the Prioritized Review Process must submit a Resource Assessment that identifies all waters of the Commonwealth, Threatened and Endangered Species, Special Concern Species and Resources, and their associated habitat located within the permit boundary, as well as in close proximity to the project. The Resource Assessment must specifically reference identified resources that are part of any of the Scoring Categories selected by the applicant in Attachment F and explain how these resources will be enhanced in accordance with the selected Scoring Categories in Section 3.0. In addition to identifying resources, it must also comprehensively address how the construction practices will impact the identified resources:

- 1) Before construction begins
- 2) During construction activities
- 3) During and after site restoration
- 4) During production (*for well sites*)
- 5) After production/Final restoration (*for well sites*).

### 2.1.1 Wetlands/Streams

Delineation of waters of the Commonwealth must be completed during the growing season. A Resource Assessment that identifies the location of all surface waters of this Commonwealth which may receive runoff within or from the project site and their classification under 25 Pa. Code Chapter 93 must be included. The report must include all data sheets to confirm the presence or absence of wetlands within the area and any other supporting documentation for resource determination. In addition, the applicant must address secondary/indirect impacts to wetlands which are outside the permit boundary. Applicants should consider using the [Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol Version 2.0](#). The applicant is responsible for the determination of resources.

### 2.1.2 Ecological Survey

If an applicant selects Scoring Categories 3.2, 3.3, 3.4, 3.5, and/or 3.7, the applicant must identify the ecological communities that exist within the proposed permit boundary and immediately adjacent areas. In addition to identifying habitat/[plant communities](#) located in the project area, the applicant must include any species identified in the PNDI receipt through consultation with jurisdictional agencies. Consideration will be given to how the applicant proposes to avoid,

mitigate or minimize the impacts in accordance with a clearance letter or other documentation from a jurisdictional agency. The proposed measures should not only protect the affected ecological community but also enhance habitat conditions for those plant and animal species. Applicants should use the PA Conservation Explorer to determine if the project overlaps with a Natural Heritage Area as these typically provide some recommendations for species/habitat management.

### **2.1.3 Environmental Impact Assessment**

Applicants must consider the likelihood of environmental impacts and incorporate avoidance and mitigation measures wherever possible. Examples include landslides in slide-prone areas, habitat loss to species living within and near the project area and increased sedimentation issues after each rain event.

## **2.2 Pennsylvania Natural Diversity Inventory (PNDI) Clearance**

All NOIs require applicants to consult with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of state or federal threatened or endangered species on the project site. See [25 Pa. Code § 102.6\(a\)\(2\)](#) for more information. The Department's technical guidance document, titled "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation," [Document No. 021-0200-001](#), provides two options to applicants for handling PNDI coordination in conjunction with the Department's permit review process - sequential or concurrent review. While concurrent PNDI Reviews will be available for NOIs seeking the Prioritized Review Process, applicants are encouraged to opt for sequential PNDI Reviews in order to avoid any unintended delays when the Department performs its review of the NOI. To qualify for the Prioritized Review Process, applicants that select Scoring Categories 3.3 and/or 3.4 must opt for a sequential PNDI Review.

All applicants submitting NOIs must submit proof of consultation with PNHP regarding the presence of state or federal threatened or endangered species on the project site. In addition to the proof of consultation with PNHP, applicants must submit, for any potential impact identified on the PNDI receipt to threatened or endangered species, a demonstration of how the impact will be avoided or minimized and mitigated in accordance with state and federal laws pertaining to the protection of threatened or endangered species and their critical habitats. The applicant must provide written documentation to the Department supporting this demonstration, including any avoidance/mitigation plan, clearance letter, determination or other correspondence resolving the potential species impact with the applicable public resource agency through the Department's electronic permitting system.

Additionally, if the applicant plans to provide habitat enhancement, as approved by a jurisdictional agency, for threatened or endangered species or special concern species and resources, the habitat protection/enhancement plan must be included in the EE Plan.

### **2.3 Administratively Complete and Accurate NOI**

In order to qualify for the Prioritized Review Process, applicants must submit an administratively complete NOI through the Department's electronic permitting system. This includes all the required documents that must be submitted with the NOI, i.e. Erosion and Sedimentation Plan, PCSM/SR Plans (if required), Proof of Act 14 Notification and PNDI Receipt. NOIs that do not meet this requirement will not be accepted for the Prioritized Review Process, and the applicant will be notified.

### **2.4 Compliance Status**

To qualify for the Prioritized Review Process, an applicant must be in compliance with the laws administered by the Department or, if the applicant is in continuing noncompliance of the laws administered by the Department, the applicant must include information in the NOI providing that the applicant is addressing the noncompliance to the satisfaction of the Department.

### **2.5 Pre-Application Meeting**

An applicant seeking the Prioritized Review Process should allow sufficient time and coordinate with the District Oil and Gas Office and should schedule a pre-application meeting. Meeting attendees should include the applicant, their consultant, and representatives of appropriate Department programs. It is beneficial for the Department to remain available to the applicant throughout the development of the project details and technical design to ensure a thorough understanding of the plans, adherence to applicable regulatory and statutory requirements, and to gain insight into potential regulatory concerns and identify potential solutions. While it is not mandatory to have a pre-application meeting to qualify for the Prioritized Review Process, doing so is recommended. A pre-application meeting is an opportunity for the applicant to discuss projects and regulatory requirements with Department staff and identify any potential deficiencies in the NOI package prior to formal submission. Applicants who participate in a pre-application meeting will be awarded one bonus point toward their total score.

## **3.0 Scoring Categories**

Scoring Categories are separated into two groups, Group A and Group B. Scoring Categories in Group A are each worth one point while Scoring Categories in Group B are worth two points. To qualify for the Prioritized Review Process, applicants must voluntarily select a combination of Scoring Categories that total a minimum of nine points. At least three points should be from Group A. The applicant must identify the selected Scoring Categories in Attachment F.

### **Group A**

Scoring Categories under Group A, Categories 3.1 through 3.9, include environmental enhancements that may be incorporated into the E&S and PCSM Plans. In certain cases, as provided below, additional information may be needed. Additional information, including any documentation, plan, or narrative explanation must be included in the EE Plan, see Section 4.0.

### 3.1 Forest Conservation - Minimizing Canopy Fragmentation

Continuous parcellation of forested land or fragmentation presents several potential issues for the wooded areas of the Commonwealth. Forest fragmentation impacts forest biological diversity, water resources and animal and plant habitats. (Some forest interior species are adversely affected by fragmenting features, creating smaller parcels of forested habitat that is less suitable to them. Other generalist species may utilize fragmenting or edge features, such as a pipeline right-of-way as habitat.) Well sites, access roads and pipeline locations should be located and designed to minimize adverse impacts to forested areas. In areas where adverse forest impacts cannot be avoided, mitigation measures may be implemented to protect forest ecosystems. The Department of Conservation and Natural Resources (DCNR) has developed [guidelines](#) for oil and gas activities on state forest lands and mitigation methods for well site development, access road construction, and pipeline installation to protect the forested areas, including:

1. Well sites should be co-located with existing earth disturbances to reduce additional impacts to core forested areas where applicable.
2. Well sites should be designed to fit within the landscape and minimize excessive cut and fill construction practices. In many cases, it may be appropriate to design well sites in an irregular shape.
3. Consider supplemental plantings of native conifers to establish or enhance vegetative screening or leaving a buffer. Conifers can limit edge effects of the corridor into the forest, such as light, sound, temperature, and relative humidity.
4. Establish a clear need for pipeline and access road rights-of-way and investigate alternative routes. The location of the preferred route should be justified.
5. Maintain connectivity between important habitats, such as wetlands and avoid fragmentation of forest.
6. Maintain connectivity of mid and overstory tree canopies over road and pipeline corridors.
7. Avoid long linear road segments. Bends in roads reduce aesthetic and wildlife impacts and help to maintain reduced vehicle speeds.
8. Seasonal timing of construction activities is important to reduce erosion and sedimentation concerns. Operators should avoid construction activities during spring thaw or during periods of heavy rain when soils are saturated and increased erosion risk is a potential.
9. Pipeline placement should be considered and incorporated into road modification or construction plans. If possible, place pipelines in the road shoulders to reduce conversion and fragmentation impacts.

10. Plant a variety of native shrubs, grasses and forbs in border zone to create vertical and structural diversity as well as to create transitional habitat. Supplemental plantings can be incorporated within the border zone of existing rights-of-way.
11. Retain stumps in temporary workspaces to promote re-sprouting of vegetation. Supplement with native plantings as necessary.
12. Minimize rights-of-way widths within riparian areas and retain stumps and vegetative cover. Supplement with plantings of native grasses, forbs, shrubs and trees. Plan waterbody crossings proactively and consider directional drilling or boring techniques when appropriate.
13. Incorporate downed woody debris within the corridor and along above-ground temporary pipelines to facilitate wildlife crossings.
14. Maintain soil productivity of stockpiles during construction and rip the soil to mitigate compaction where feasible.

Applicants selecting this Scoring Category must apply at least nine out of the fourteen guidelines listed in this section.

Applicants selecting this Scoring Category must provide information regarding the selected guidelines in the E&S Plans or PCSM/SR Plans, where applicable. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must also provide a narrative explanation in the EE Plan identifying the selected guidelines and how the guidelines will be applied to the proposed project. The appropriate box also needs to be checked in Attachment F.

### **3.2 Wetland Conservation and Protection**

Wetlands are areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Using this definition wetlands can include:

- Swamps,
- Forested wetlands,
- Bogs,
- Freshwater marshes and flats,
- Vernal pools and other ephemeral wetlands,
- Wet meadows and prairies,
- Riparian wetlands,
- Floodplain wetlands, and
- Lacustrine wetlands.



In order to minimize the impacts on wetlands, applicants seeking the Prioritized Review Process must apply at least five of the seven of the following into their planning and design strategy:

1. Control and eradicate novel and high threat invasive plant species populations and limit the spread of additional invasive plant species that threaten wetland ecosystems.
2. Construction of pads, access roads and pipelines should be scheduled seasonally to avoid erosion and sedimentation concerns. Construction should not occur during the spring thaw or during times of high precipitation. Also, construction of wetland crossings should be completed in short duration.
3. Create new wetland habitat, or manage, enhance, or restore existing wetland habitat
  - to benefit wetland dependent wildlife in general,
  - to improve water quality in the greater watershed,
  - to address hydrology issues or restore wetland hydrology, such as flooding or stormwater runoff, and
  - to contribute to adaptation to drought or changing climate patterns.
4. Recreate a wetland habitat of the same type as the wetland eliminated by development or of a rare wetland type needed in the region. Wetland design should follow the guidelines developed by DCNR in the Appendix D: Site Rehabilitation, Section VI: Wetland Rehabilitation Considerations of the [DCNR oil and gas guidelines](#) document.
5. Collect and propagate seeds or cuttings of native wetland vegetation from a wetland to be eliminated by development for use in the creation of a new wetland.
6. Segregate and store topsoil from clay sub soil. Stockpile the segregated soil within the wetland area.
7. Stabilize the wetland with parent material. Wetland soils have wetland seeds that should be replaced after construction instead of importing other topsoil.

Applicants selecting this Scoring Category must provide information regarding the selected guidelines in the E&S Plans or PCSM/SR Plans, if possible. Applicants must also provide a narrative explanation in the EE Plan identifying the selected guidelines and how the guidelines will be applied to the proposed project. It is the applicant's responsibility to obtain legal authority to create a wetland. If the applicant is not the surface landowner, the applicant must ensure that the created wetland will be protected and maintained. The Ecological Survey is required for this Scoring Category. The appropriate box also needs to be checked in Attachment F.

### **3.3 Species Protection/Enhancement - Threatened and Endangered Species (T&E Species)**

T&E Species are plants and wildlife with a current legal status of Pennsylvania Threatened or Endangered, previously extirpated species that have been found to exist and are treated as Pennsylvania Endangered, and federally T&E species. Endangered species are in danger of extinction throughout most of their natural range within Pennsylvania. Threatened species may become endangered throughout most or all of their natural range within Pennsylvania if critical habitat is not maintained to prevent their future decline.

To qualify for the Prioritized Review Process, applicants must incorporate the following into their planning and design strategy, as approved by the relevant jurisdictional agency, for the purpose of protecting or enhancing T&E species and their habitat:

1. PNDI clearance letter must be submitted with the NOI;
  - Potential impacts must be resolved,
  - Avoidance measures must be preferred over mitigation measures, and
  - Conservation measures must be incorporated into the final design.
2. Improve habitat for T&E species near confirmed locations. Activities could include rock piling, shrub planting or establishing crossings with escape cover.

If there is difficulty in determining habitat location or avoidance and conservation measures, collaboration with applicable jurisdictional agency(s) is required. If an applicant is proposing to improve or enhance habitat, applicants must work with the applicable jurisdictional agency to develop improvements or enhancement strategies for the habitat.

Applicants selecting this Scoring Category must include documentation of the habitat improvements or enhancement strategies approved by the applicable jurisdictional agency in the EE Plan. Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must also provide a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. It is the applicant's responsibility to obtain legal authority to develop, maintain and protect the habitat improvements or enhancement strategies. The Ecological Survey is required for this Scoring Category. The appropriate box also needs to be checked in Attachment F.

### **3.4 Species Protection/Enhancement - Special Concern Species and Resources**

Special Concern Species and Resources are plants, wildlife, or Rare and Significant Ecological Features that are not currently listed as threatened or endangered by a

jurisdictional agency but are identified as at risk and are present in the Pennsylvania Conservation Explorer and identified on a PNDI receipt. These include:

- Plant and animal species that are not listed as threatened or endangered by a jurisdictional agency but are identified on a PNDI Receipt as an at risk species. These include:
  1. plant and animal species that are classified as rare, vulnerable, tentatively undetermined or candidate;
  2. taxa of conservation concern; and
  3. special concern plant populations.
- Rare and Significant Ecological Features are non-species resources identified on a PNDI Receipt. These may include unique geological features, significant natural features or significant natural communities.

Applicants seeking the Prioritized Review Process selecting this Scoring Category must identify the habitats of Special Concern Species and Resources where the proposed project will be located. After the PNDI review, if there is any conflict with Special Concern Species and Resources, the applicant must coordinate with the jurisdictional agency identified on the PNDI receipt. The applicable jurisdictional agency may request the applicant to perform a survey for Special Concern Species and Resources, and the applicant must conduct the survey to qualify for the Prioritized Review Process.

Applicants selecting this Scoring Category must incorporate at least two of the three following guidelines into their planning and design strategy as approved by the applicable jurisdictional agency:

1. For any potentially impacted Special Concern Species and Resources, the applicant should include, a demonstration of how the impact will be avoided or minimized and mitigated. The applicant should provide written documentation supporting this demonstration, including any conservation measures, clearance letters, determination or other correspondence resolving the potential species impact with the applicable public resource agency.
2. Improve habitat for Special Concern Species and Resources near confirmed locations.
3. Applicants may consider boring operations to minimize/avoid impacts to Special Concern Species and Resources.

If there is difficulty in determining habitat locations, collaboration with the jurisdictional agency is required. If an applicant is proposing to improve or enhance habitat for Special Concern Species and Resources, applicants must work with the applicable jurisdictional agency to develop improvements or enhancement strategies for the habitat.

Applicants selecting this Scoring Category must include documentation of the improved habitat improvements or enhancement strategies approved by the applicable jurisdictional agency in the EE Plan. Applicants selecting this Scoring Category must provide

information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must also provide a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. It is the applicant's responsibility to obtain legal authority to develop, maintain, and protect the habitat improvements or enhancement strategies. The Ecological Survey is required for this Scoring Category. The appropriate box also needs to be checked in Attachment F.

### **3.5 Seeding and Mulching Using only Pennsylvania Native Species**

Native species provide enhanced wildlife habitat and forage, increase the biodiversity value of disturbed sites, and improve ecosystem integrity across landscapes. To qualify for the Prioritized Review Process, applicants must incorporate all of the following into their planning and design strategy for permanent stabilization:

#### ***Planting Requirements:***

- Any plant classified as a noxious weed by the PA Department of Agriculture or plants on [DCNR Invasive Plant list](#) should not be used for stabilization.
- Plants categorized by DCNR as potentially invasive in the [Pennsylvania Bureau of Forestry Planting and Seeding Guidelines](#) (plants that have shown invasive potential in other states) should be avoided whenever possible. If any special circumstances require the use of these plants, applicants must consult with DEP and monitoring may be requested after the planting.
- To increase the ecological value of the restoration process, combine native legumes, oats, wildflowers and forbs to native warm season grass seed mix for cover and stabilization.
  - The seed mix used should provide for immediate stabilization and reduce the chance of invasive plant species establishment. A cover crop must always be planted with a native grass and/or herbaceous seed mix.
  - Native species seed mixes should be planted from late April through May to assure successful establishment. When there is a need to plant outside this recommended window, utilize an annual cover crop to stabilize soils and over seed with a native seed mix the following spring.
  - Anticipate ordering seed 6 months in advance to ensure seed availability. Be sure to specify PLS (pure live seed) when ordering native seed. PLS factors in germination rates to ensure the amount of seed of an individual species is used to achieve adequate cover. The Department recommends seed mix with 99-100% PLS.
  - When choosing species for a seed mix, attempt to use species representative of the area and consider the management objectives (wildlife opening, road corridor, log landing revegetation, recreational

use) for the site. Any mix should have both warm-season and cool-season growing species. Plan for long-term maintenance of the species selected.

- Applicants should review DCNR Guidelines for Administering Oil and Gas Activity on State Forest Lands, Appendix B, *Planting and Seeding* for further information.
- Topsoil and subsoil should be segregated and piled before disturbance and returned to planned restoration contours with as little compaction as possible before seeding. Ripping the soil sublayer prior to spreading topsoil is recommended to lessen compaction and increase infiltration.
- Fertilizer is not generally recommended for native seed mixes, but if they are used, be sure to reduce the nitrogen content as this will promote weedy or invasive plants and can potentially kill or inhibit the germination of native seed.
- Use straw, not hay, to reduce the potential for introduction of weed seed.
- Erosion control matting should be made of biodegradable material. Synthetic erosion control matting should not be used.
- For permanent stabilization, use the seed mix with local genetic material, select PA Ecotypes (seed sourced from Pennsylvania), if available.

### ***Mowing Requirements:***

Seasonality:

- Mow native warm season grasses in late winter/early spring (February-March) or in October.
- Mow clover and grasses in August.

Frequency:

- Mow native mixes every 3-5 years.
- Mow clover and grass every 1-2 years.

Height:

- Mow to a 6-12-inch height.

### ***Monitoring Requirements:***

Potentially invasive plants will require monitoring, and non-invasive native plants may require monitoring. Monitoring should take place once within 3 years of planting, and the monitoring records must be available to the Department upon request. The permittee or designee of permittee will be responsible to perform the maintenance activities associated with monitoring.

### ***Mulching:***

- Loose soil to a depth of 24" is desired.
- Recommended 4-6% soil organic matter by weight.
- Recommended wood chips application rate – 4 tons/acre.
- Straw mulch application rate after seeding – 3 tons/acre.
- Preferred pH level is 5.5 to 6.
- Recommended calcium-aluminum ratio is greater than 1.0.
- Recommended Gypsum application rate ranges from 0.5-1.0 tons per acre depending on soil tests.
- Brush piles can be constructed along the edges of the site – recommended size: 15 feet wide and 6 feet tall. One brush pile every 300 feet along the edge of the site will benefit songbirds, small mammals, snakes, and some salamanders. Applicants must include proof of landowner acknowledgement of approval of brush pile placement.

Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must provide a narrative explanation in the EE Plan identifying the guidelines and how the guidelines will be applied to the proposed project. The Ecological Survey is required for this Scoring Category. The appropriate box also needs to be checked in Attachment F.

### **3.6 Stormwater Management - Non-discharge BMPs/ABACT BMPs**

Applicants selecting this Scoring Category, must apply at least three of the six guidelines to the proposed project to receive points for this category.

1. Maximize use of non-structural BMPs to the extent practicable in design for stormwater management.
2. When calculating PCSM design requirements, break down contributory drainage areas to the smallest size achievable to reduce the volume of water to be managed.
3. If site conditions exist for the proposed project that support infiltration BMPs, they should be employed throughout the project, with the exception of perimeter controls such as silt sock and Rock Construction Entrances (RCE)s.
4. The project design should incorporate treatment trains to the extent possible to reduce the overall footprint of E&S and PCSM BMPs.
5. Discharge from the project edge to an adequately sized and constructed level spreader that discharges to a riparian forested buffer meeting the requirements of § 102.14(e)(1) regarding “nondischarge alternative”.
6. ABACT BMPs and/or nondischarge alternative BMPs proposed for projects that are located in non-special protection watersheds will be required for credit for this

scoring category. This scoring category is not available for projects located in special protection (HQ or EV) watersheds.

Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Also show location(s) of the non-discharge and/or ABACT BMPs on the plan drawings. Applicants must provide a narrative explanation in the EE Plan identifying the selected guidelines and how the guidelines will be applied to the proposed project. The appropriate box also needs to be checked in Attachment F.

### **3.7 Invasive Species Management**

Invasive plant and animal species present several problems. Most notably, they can out-compete species native to Pennsylvania. Eradication of existing invasive species as well as prevention of spreading invasive species during construction activities and after restoration is a critical component for any project to have a minimized impact on the permitted area.

With regard to plants on the [DCNR Invasive Plant list](#), to qualify for the Prioritized Review Process utilizing this Scoring Category, the applicant must apply all of the following guidelines to the proposed project, as detailed in the DCNR Guidelines for Administering Oil and Gas Activity on State Forest Lands, Appendix C, *Invasive Plant Management*:

1. Clean all vehicles and construction or mowing equipment thoroughly.
2. Whenever possible, utilize on-site mulch materials (such as mulching trees marked for removal).
3. Examine sources of fill and quarry material.
4. Move equipment from uninvaded areas to areas of high invasion.
5. Clean seeding equipment prior to use.
6. Use straw following seeding. Mulching with hay is prohibited.
7. Consider more aggressive native species or seed at higher rates in areas of known infestations.
8. Conduct a pre-construction survey to establish the presence or absence of invasive plants at the site prior to earth disturbance:
  - Commit to following the DCNR Early Detection and Rapid Response Protocols (EDRR).
  - Assess the site for invasive plant species before completing design of the project/submitting NOI.

- Develop a plan including a strategy for eradicating known invasive plant species identified in the Resource Assessment that are located within the proposed permit boundary with the following methods:
  - Mechanical treatment
  - Bio-controls
  - Silvicultural techniques
  - Chemical treatment
- Communicate Findings:
  - Report to the Department’s Oil and Gas District Water Quality Specialist (WQS) and Surface Landowner ongoing invasive species monitoring and treatment planned to occur during project construction, restoration and post-project inspection for a period of 3 years.

9. Monitoring of Invasive Species

- Develop and enter into agreements with the Surface Landowner(s) for post-project invasive species control maintenance within the limit of disturbance plus a 100-foot buffer area, in accordance with DCNR Guidelines for Administering Oil and Gas Activity on State Forest Lands, Appendix C guidelines.
- Target plants for monitoring are those classified as invasive, including those on DCNR’s Invasive Plant List and Watch List. The operator should consider conducting inventories twice during the growing season to capture species that are conspicuous at different times during the growing season.

Additionally, for invasive animal species including aquatic invasive species management, applicants should do the following:

1. Conduct a pre-construction as well as periodic survey during and after construction in and 100 ft adjacent to the limit of disturbance (LOD) and identify and eliminate pathways used by invasive animal species in order to avoid an introduction and spread;
2. Regularly monitor and use Pennsylvania [iMapInvasive](#), a free online tool for information on invasive species in the Commonwealth;
3. Adopt applicable guidance from [Pennsylvania Invasive Species Management Plan](#) and [2015-2025 Wildlife Action Plan](#); and
4. Coordinate with Pennsylvania Game Commission and Fish and Boat Commission and/or other entity when necessary and develop invasive animal species management measures as deemed fit for the project site.



Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must also provide a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. The Ecological Survey is required for this Scoring Category. The appropriate box also needs to be checked in Attachment F.

### **3.8 Extended Setbacks**

Extending setback distances, beyond those required by the applicable law, may provide additional environmental protection. To qualify for this Scoring Category, applicants must choose at least seven of the following twelve setbacks, which should be extended to a distance chosen by the applicant. All setbacks must be measured from the LOD of the proposed project:

1. Permanently Occupied Dwelling; 500 *ft. (unconventional)*, 200 *ft. (conventional)*
2. Water Well; 500 *ft. (unconventional)*, 200 *ft. (conventional)*
3. Water Well used by a water purveyor; 1,000 *ft. (unconventional)*
4. Surface Water Intake used by a Water Purveyor; 1,000 *ft. (unconventional)*
5. Reservoir/other water supply extraction point; 1,000 *ft. (unconventional)*
6. Waters of the Commonwealth (as defined in Ch. 102); 200 *ft. (unconventional)*, 50 *ft. (conventional)*
7. Leased Camp Site Buildings and state forest-owned buildings; 500 *ft. (unconventional)*
8. Wetland, vernal pool, spring seep or other wet areas with threatened and endangered species and species of special concern; 300 *ft. (unconventional)*
9. Exceptional Value (EV) or High Quality (HQ) stream or body of water; 300 *ft. (unconventional)*
10. Trail or road; 300 *ft. (unconventional)*
11. State forest land boundary line; 300 *ft. (unconventional)*
12. Boundary line of state park lands, designated state forest wild and natural areas, designated picnic areas, and designated state forest camping areas; 300 *ft. (unconventional)*

Applicants selecting this Scoring Category must include a map identifying the selected setbacks and how they will be applied to the project in the EE Plan. The narrative should include a justification explaining why the increased setback provides an environmental enhancement. Location(s) of the setback from the project LOD must also be clearly

shown on the plan drawings in relation to the features listed above. The appropriate box also needs to be checked in Attachment F.

### **3.9 Restoration Practices**

#### **1. Decompaction**

All areas of the project that are compacted to achieve stable surface for construction traffic and equipment must be decompacted after the compacted stable surface is no longer necessary to allow for proper vegetation of the project area during site restoration activities as required by the Department's regulations. Decompaction activities should be completed in accordance with guidance provided by the Appalachian Regional Reforestation Initiative (ARRI) as detailed in the following document; [https://arri.osmre.gov/FRA/Advisories/FRA\\_No.4.pdf](https://arri.osmre.gov/FRA/Advisories/FRA_No.4.pdf).

The decompacted areas of the project site should be tested and measured for percent decompaction using an appropriate testing method. Compaction test methods include Dial Compaction Probe, Digital Compaction meters (ASTM D5778), Soil Penetrometer or Cone Penetrometer (ASTM D3441-16) which should be employed if the applicant chooses this scoring category. The level of decompaction achieved must be equal to the pre-construction level at a minimum. Operators are advised to run compaction tests before and after earth disturbance activities, because pre-construction compaction information will be needed during the restoration for comparison. The use of standardized testing procedures allows the Department to be confident about whether the operator achieved adequate decompaction. The increased decompaction will allow native grasses and other plants to thrive after the site is restored.

#### **2. Topsoil Management**

Topsoil should be removed from the project area prior to mass earthmoving activities. Where topsoil segregation is required, maintain separation of topsoil and subsoil throughout all construction activities. Removed topsoil should not have any vegetation and roots removed which should remain in place until topsoil is incorporated back into the project area prior to final restoration with seed and mulch. Once removed, topsoil stockpiles should be placed as close as possible to the location where it will be re-incorporated back into the project area. Ripping the soil sublayer prior to spreading topsoil is recommended to lessen compaction and increase infiltration.

Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features must also be clearly shown on the plan drawings. Applicants must provide a narrative explanation in the EE Plan identifying the selected guidelines and how the guidelines will be applied to the proposed project. The appropriate box also needs to be checked in Attachment F.

## **Group B**

Scoring criteria under Group B, Categories 3.10 through 3.15, are not typically associated with ESCGP permitting. Each Scoring Category under Group B will provide two points to the overall score, as accounted for in Attachment F. The applicant must provide additional information, including all plans and documentation as detailed in this section for each Scoring Category selected in the EE Plan.

### **3.10 Noise Management**

To qualify for this Scoring Category, the applicant must identify sources of noise related to oil and gas operations that may impact surrounding residents and implement mitigation measures. Noise control is most effectively addressed during the siting, design phase and production stages, especially with respect to centralized compressor stations and other downstream gas facilities. Noise impacts from oil and gas activities can most effectively be mitigated by planning properly before the project begins, particularly by assessing how noise may impact nearby residents.

Noise from oil and gas operations is caused by a number of sources, such as compressors, drill rigs and pump jacks. Noise can be a nuisance, or even harmful to nearby residents and wildlife. Efforts to achieve noise reduction to the point that it is widely acceptable will offer relief to nearby residents and reduce the likelihood of interruption of daily and nocturnal movement and activities of wildlife in the immediate adjacent area.

To qualify for this Scoring Category, applicants must:

1. Prior to preparation and construction of the well site or access road or oil and gas gathering systems, prepare and implement a site-specific noise mitigation plan to minimize noise during construction, drilling, stimulation, production and servicing activities.
2. The plan must include the following:
  - (a) An assessment of background noise in the area of the well site.
  - (b) An assessment of known and potential noise from oil and gas operations, taking into consideration the interests of nearby residents, including the effects on indoor noise levels for residents near the well site.
  - (c) A description of the operator's plans to mitigate noise. Oil and gas operators must incorporate noise management practices into their construction, drilling, stimulation, production and servicing activities procedures. The plan must be designed to reduce noise to a level of 60 dBA during the day and 50 dBA at night (9 p.m. to 7 a.m.) at the nearest property boundary or 500 linear feet from the noise source (construction sites, drilling sites, compressor stations, etc.). If a property is located within 500 feet of the noise source, it will take priority. Noise levels may be increased ten (10) dBA for a period not to exceed fifteen (15) minutes in any one (1) hour period.

3. Perform regular site inspections to evaluate the effectiveness of any noise mitigation measures.
4. Promptly address and correct deficiencies discovered in the course of inspections performed under paragraph (3).
5. The noise mitigation plan should be maintained by the operator at the well site where drilling, stimulation, completion and servicing activities are being conducted and be available to the Department upon request.
6. If a noise related complaint is received by the operator or the Department which is determined to be valid, the operator must correct the cause of the complaint as expeditiously as possible. The operator must also keep records of noise related complaints and the corrective actions taken.

If the proposed site is located within a jurisdiction that has noise ordinances in effect that the operator must comply with, the operator is not eligible to select this Scoring Category.

Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Location(s) of the relevant features, including all human dwellings must also be clearly shown on the plan drawings. Applicants selecting this Scoring Category must include a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. The appropriate box in Attachment F should also be checked. This Scoring Category is available only for those sites which the entire Permit Boundary is located in municipalities that do not have noise mitigation zoning ordinances or other noise related restrictions in place at the time of the permit acknowledgement.

### **3.11 Impaired Resource Enhancement - Water Resources**

As identified in the Department's [2018 Integrated Water Quality Monitoring and Assessment Report](#), a large number of the approximately 85,000 miles of stream segments in the Commonwealth are impaired for Aquatic Life Use. Primary causes of impairment are Abandoned Mine Drainage (AMD), siltation and nutrient runoff from agricultural activities and urban runoff storm sewers, although others exist as well.

Applicants seeking to qualify for this Scoring Category must have projects that fulfill all of the following:

- Projects to be completed will improve water quality in stream segments identified as impaired in the Department's most recent Integrated Water Quality Monitoring and Assessment Report for the cause listed for the report.
- Projects may not be used for this Scoring Category if they are the result of any type of consent action required by the Department, such as a consent order & agreement.

- Projects for this Scoring Category that will be constructed for water quality improvements must be nonpoint source-type activities.
- Projects must be located within whichever of the five major river basins of Pennsylvania where the proposed ESCGP is located. These river basins are the Susquehanna, Ohio, Potomac, Genesee and the Delaware.

Applicants selecting this Scoring Category must provide information about the selected guidelines in E&S Plans or PCSM/ER Plans, if possible. Include location(s) and all relevant details including plans or as-built drawings of the relevant features/BMPs/restoration or water quality improvement projects. Applicants selecting this Scoring Category must include a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. It is the responsibility of the applicant to also secure any permits that may be required for additional projects committed to in this section. The appropriate box in Attachment F should also be checked.

### **3.12 Impaired Resource Enhancement - Abandoned/Orphaned Wells**

Over a century and a half of oil and gas development in Pennsylvania has resulted in hundreds of thousands of abandoned wells across the western and northern portion of the Commonwealth. Wells that have not been properly decommissioned by plugging have the potential to adversely impact the environment and are a public safety concern.

The Office of Oil and Gas Management’s Division of Subsurface Activities maintains a list of abandoned and orphan wells in Pennsylvania which do not have a responsible owner. These wells are identified in eFACTS with the well status of “DEP Abandoned” or “DEP Orphan”. Each of these wells have been assigned a risk-based score. The higher scores indicate a greater or more immediate risk may be present at the well site. Applicants seeking the Prioritized Review Process must meet the following criteria in order to be eligible for this scoring category:

- Confirm the well status must be “DEP Abandoned” or “DEP Orphan” in the Department’s Well Inventory Database.
- Provide a Notice of Intent to Plug (8000-FM-OOGM0005) along with any required information. Notifications must be submitted between 3 and 30 days prior to the commencement of plugging operations.
- Plugging must comply with all appropriate requirements included in § 78/78a.91 - § 78/78a.98.
- Submit a Certificate of Plugging (8000-FM-OOGM0006) within 30 days after the well has been plugged.
- Plugging work must be completed within one year of the ESCGP-3 approval date.

Exclusions include:

- Well Plugging Certificates that are dated more than five years before the Prioritized Review NOI submittal do not qualify for this program.
- A well previously approved for this program will not be eligible for any future Prioritized Review Project.

An applicant selecting this Scoring Category must include applicable documentation in the EE Plan. The appropriate box in Attachment F should also be checked.

### **3.13 Air Quality Improvements - Use of Low or Zero Emission Technology**

Oil and gas activities, from earth disturbance to production and transportation of hydrocarbons, involve various processes and operations of numerous equipment including fossil fuel fired engines. During and after earth disturbance, the oil and gas activities and associated equipment release various air pollutants including methane (CH<sub>4</sub>), volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), hazardous air pollutants (HAPs), and sulfur oxides (SO<sub>x</sub>) into the atmosphere. These pollutants can also be emitted when a well is in production through leaks from equipment and the piping systems as well as during transportation. Fossil fuel fired engines used to support drilling and fracturing operations, offices, or other accommodations on site or transportation of materials emit NO<sub>x</sub>, VOCs, and SO<sub>x</sub>. NO<sub>x</sub> and VOCs react in the presence of sunlight and produce ground level Ozone.

Operators are advised to keep track of air pollution sources at the site in an effort to meet other (if any) obligations to comply with applicable laws and regulations relating to air quality. This may include obtaining a permit or demonstrating exemption status. An operator, who is required to obtain an air quality permit for oil and gas operations for which the Prioritized Review Process is being requested, does not qualify for this scoring category.

The applicant certifies that they will use low or no emission drilling and hydraulic fracturing technology. This can take the form of using natural gas fired engines or turbines, using Tier 4 compression ignition engines, or using electric drill rigs and fracturing pumps. Applicants must meet at least two of the four options, (a) through (d), to receive credit for this category.

To certify that the applicant will use a low or zero emission drilling or fracturing technology, they must submit a list of engine and/or turbine make and model with the manufacturer's specification sheet for each model that demonstrates the engine or turbine emission profile.

- a. The emission profile of a Tier 4 engine must match the emission standards for non-road compression ignition engines under [40 CFR § 1039.101](#) as shown in the table below (all units are in grams/KW-Hour).

Maximum engine power	Application	PM	NO <sub>x</sub>	NMHC	NO <sub>x</sub> + NMHC	CO
kW <19	All	<sup>1</sup> 0.40			7.5	<sup>2</sup> 6.6
19 ≤kW <56	All	0.03			4.7	<sup>3</sup> 5.0
56 ≤kW <130	All	0.02	0.40	0.19		5.0
130 ≤kW ≤560	All	0.02	0.40	0.19		3.5
	Generator sets	0.03	0.67	0.19		3.5
kW >560	All except generator sets	0.04	3.5	0.19		3.5

1, 2, 3- See [40 CFR § 1039.101](#)

- b. The emission standards of a natural gas-fired engine must meet the emission standards from the following table (adapted from the GP-5A).

Engine Type	Rate bhp	NO <sub>x</sub>	CO	NMNEHC (as propane, excluding HCHO)	HCHO
Lean-Burn	<100	1.0 g/bhp-h	2.0 g/bhp-h	0.70 g/bhp-h	-
	≥100 - ≤ 500	1.0 g/bhp-h	0.70 g/bhp-h	0.30 g/bhp-h	-
	> 500	0.50 g/bhp-h	0.25 g/bhp-h	0.25 g/bhp-h	0.05 g/bhp-h
Rich-Burn	<100	1.0 g/bhp-h	2.0 g/bhp-h	0.70 g/bhp-h	-
	≥100 - ≤ 500	0.25	0.30	0.20	-
	> 500	0.20	0.30	0.20	2.7 ppmvd@ 15% O <sub>2</sub> <b>or</b> 76% reduction

- c. The emission standards of a natural gas-fired turbine must meet the emission standards from the following table (adapted from GP-5).

Turbine Rating (bhp)	NO <sub>x</sub>	CO	NMNEHC (as propane)	Total PM
≥ 1,000 - < 5,000	25 ppmvd @ 15% O <sub>2</sub>	25 ppmvd @ 15% O <sub>2</sub>	9.0 ppmvd @ 15% O <sub>2</sub>	0.03 lb/MMBtu, HHV
≥ 5,000	15 ppmvd @ 15% O <sub>2</sub>	10 ppmvd @ 15% O <sub>2</sub>	5.0 ppmvd @ 15% O <sub>2</sub>	0.03 lb/MMBtu, HHV

- d. Electric drilling or fracturing technology shall be powered from the utility grid or a generator powered by an engine or turbine that meets the conditions of items b) or c) above.

Applicants seeking the Prioritized Review Process employing air quality improvements should include a detailed narrative description explaining how the guidelines listed in this section will be applied to the project in the EE Plan. The appropriate box in Attachment F should also be checked.

### **3.14 Carbon Neutrality**

Carbon emissions can be determined by calculating fuel consumption by various sources including vehicle operations. Carbon dioxide emission sources at the site may include vehicles, internal combustion engines, power generators and pumps, boilers, as well as any other equipment at the site powered by fossil fuels. Applicants may use [US EPA emission factors for greenhouse gases](#) from mobile and stationary sources to calculate total carbon dioxide emissions. Also, applicants may use US [EPA-AP 42](#) for more information regarding emission factors. Applicants should only calculate carbon dioxide that is directly emitted to the atmosphere. Emissions should be estimated and totaled for a calendar year.

Once the total annual carbon emissions have been calculated, at least 50 percent of the emitted carbon should be removed from the atmosphere. It is recommended that operators set goals to go above and beyond the 50 percent minimum carbon removal requirements of this category and become a carbon neutral operator by offsetting the 100 percent emitted carbon.

An effective method of further reducing the carbon footprint is by planting trees. On average, [a healthy full grown tree absorbs approximately 50 pounds of carbon dioxide](#) per year. Use this number to calculate the number of trees needed to offset the amount of carbon dioxide emitted from the project site. Landowner permission for tree planting is required to ensure that the trees will remain in place as planned, at least until the wells are plugged, and the project site is restored. It is recommended that operators plant 10-15 percent more trees than actually needed to account for any loss of trees. Trees planted to offset carbon emissions must be monitored for at least three years to ensure their survival rate. Trees can be planted off-site in a location that demonstrates a need and has the potential to provide maximum environmental benefits. The location should be coordinated with the Department.

Operators may contract a third-party for tree planting and maintenance. However, operators remain responsible for monitoring and recordkeeping regarding the quantity, health and overall well-being of the trees planted on a semi-annual basis. The monitoring record should be produced upon DEP's request.

Applicants selecting this Scoring Category must include a detailed narrative description explaining in the EE Plan how the guidelines listed in this section will be applied to the project. If the applicant is not the surface landowner, the applicant must obtain the legal authority for the tree planting. The appropriate box also needs to be checked in Attachment F.

### **3.15 Renewable Energy**

Using renewable energy sources for electric power consumption can greatly reduce the carbon footprint while meeting the energy demand of an oil and gas well site. Applicants selecting this scoring category must commit to consuming at least 50 percent of the electrical power needs at the site generated from a renewable source. Acceptable renewable energy sources include solar, wind or other sources that do not burn fossil fuels to generate electricity. To qualify for this Scoring Category, applicants must either



choose to install renewable energy generators, such as solar panels, windmills consistent with local applicable regulations, or purchase electrical energy from a renewable energy supplier. Whichever option an applicant chooses, a sustainable supply of fossil-fuel free energy is required to meet at least 50 percent of the total electrical power needs for the entire duration of site operations to qualify for this scoring category. To estimate the amount of energy that is required to be supplied by a renewable source, operators should estimate based on prior experience in operations of similar scale and scope. This estimate should be made on a monthly basis to account for daily fluctuations.

If an applicant plans to install their own renewable energy generator, the installation plan and date, the equipment specification, and a demonstration that all the regulatory obligations to install the equipment have been met must be included in the EE Plan. However, if an operator plans to purchase renewable energy instead, the purchase agreement with a renewable energy supplier must be included in the EE Plan. The appropriate box also needs to be checked in Attachment F.

## **4.0 Environmental Enhancement Plans and Notifications**

### **4.1 Environmental Enhancement Plans (EE Plan)**

Applicants seeking Prioritized Review shall prepare and develop a written EE Plan. The EE Plan is a site-specific plan developed to provide an explanation of how each selected Scoring Category and selected guidelines will be applied to the project to enhance the environment. The EE Plan shall provide the additional information, including plans, documentation and narrative explanations, specified in the Scoring Categories in Section 3.0.

Applicants seeking the Prioritized Review Process must implement and maintain the EE Plan including all guidelines selected for each Scoring Category in the NOI to obtain Priority Review as identified in Attachment F.

Applicants shall update the EE Plan as needed to address any changes to the implementation of the Scoring Categories.

The EE Plan shall be available to the Department upon request and shall be available at the project site.

### **4.2 Notifications**

The EE Plan shall contain a section outlining a schedule for providing notice to the Department of the commencement and completion of each guideline implemented for each Scoring Category.

## **5.0 Review Process**

DEP will review NOIs that qualify for the Prioritized Review Process before NOIs for standard review. All NOIs submitted to DEP must meet the applicable requirements. Applicants seeking the Prioritized Review Process must comply with all the applicable laws and regulations and should follow the Best Management Practice guidelines found in the Erosion and Sediment

Pollution Control Program Manual (E&S Manual), Technical Guidance No. 363-2134-008 or the Pennsylvania Stormwater Best Management Practices Manual (Stormwater BMP Manual), Technical Guidance No. 363-0300-002.

Please keep in mind the following related to the Prioritized Review Process:

- Does not offer specific review timeframes.
- Project applications that score a minimum of nine points are determined to be prioritized for both the administrative and technical reviews of the NOI and associated documents and attachments. Otherwise, no other status of the project is different in any other way compared to projects submitted as Standard Review with regard to any other facet of the project, i.e., project inspection, termination, major/minor modification.
- Complete and accurate NOIs with an Attachment F for Prioritized Review will receive reviews by DEP staff before NOIs submitted as Standard Review.

### **5.1 Scoring**

DEP staff will review the NOI and Attachment F to calculate the applicant's total score. If the applicant has met the requirements in the Prioritized Review checklist, the NOI will be accepted into the Prioritized Review Process.

### **5.2 Review**

NOIs submitted for the Prioritized Review Process will be reviewed on a first-come, first-served basis ahead of NOIs submitted for Standard Review. For example, if 15 new NOIs are received by a District Oil and Gas Permit review office on January 1st and 5 of those NOIs received are Prioritized Review projects that meet the requirements described in this guidance, those 5 NOIs will receive their initial technical review before the 10 NOIs submitted for Standard Review.

### **5.3 Permit Requirements**

In issuing an Authorization of Coverage under ESCGP, ESCGP provides: “[T]he Department of Environmental Protection (Department) hereby authorizes the Notice of Intent (NOI) submitted for coverage to conduct oil and gas activities that involve 5 acres (2 hectares) or more of earth disturbance over the life of the project . . . subject to the Department’s enclosed ESCGP[] which incorporates all requirements and conditions. Authorization to conduct oil and gas activities is subject to the implementation of the plans and additional associated information submitted as part of the NOI. This authorization is granted to conduct oil and gas activities in compliance with all representations set forth in the NOI and its supporting document and permit conditions attached hereto.”

The information and plans provided in Attachment F are for additional associated information submitted as part of the NOI. Therefore, the representations provided in Attachment F are included as a condition to the authorization of coverage under the ESCGP. Therefore, if an applicant seeks Prioritized Review, the permittee must follow

the commitments in Attachment F as a condition of the permit. For any project approved for the Prioritized Review Process, a permittee may be excluded from future submissions of prioritized review applications if the permittee fails to implement commitments included in Attachment F and the EE Plan. Permittees identified as having projects that do not meet commitments as detailed in Attachment F and the EE Plan for any ESCGP acknowledged through the Prioritized Review Process may request eligibility after a period of time not less than one year after being notified by the Department they are no longer eligible to submit NOIs to the Department for Prioritized Review.