



Pennsylvania Grade Crude Oil Coalition
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VIA ONLINE E-COMMENT (www.ahs.dep.pa.gov/eComment)

Sean Furjanic, Chief, NPDES Permitting
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: PADEP Draft PAG-01 NPDES General Permit for Stormwater Discharges
Associated with Small Construction Activities, Draft September 2019

Dear Mr. Furjanic:

The Pennsylvania Grade Crude Oil Coalition (PGCC) is a trade organization consisting of conventional oil and gas producers operating in Pennsylvania. PGCC submits this comment about the draft PAG-01 out of concern that the PAG-01 will be confusing as currently drafted.

Specifically, PGCC notes that Section II (“Eligibility Requirements”) of the Draft PAG-01 provides for certain exclusions; PGCC requests that you include in that list the following additional exclusion: “The project does not involve storm water discharges or earth disturbance activities associated with oil and gas activities, including oil and gas exploration, production, processing, or treatment operations or transmission facilities.” PGCC observes that such an addition would make clear that the PAG-01 NPDES General Permit is not in conflict with existing law and regulations.

The existing law and regulations that would cause confusion are the US Clean Water Act (CWA) and PADEP’s erosion and sediment control regulations. Specifically, Section 402(1)(2) of the CWA, and the Energy Policy Act of 2005, prohibit the EPA and states from requiring an NPDES permit for discharges of stormwater runoff from the oil and gas activities discussed in the proposed exclusion, above. PADEP’s erosion and sediment control regulations under 25 Pa.

Code Chapter 102 explicitly exclude oil and gas activities that involve under five acres of earth disturbance activities from erosion and sediment permitting requirements, as only persons proposing oil and gas activities that involve five or more acres of earth disturbance over the life of the project must obtain an erosion and sediment control general permit (ESCGP) prior to commencing the earth disturbance activities. Oil and gas activities involving less than five acres of earth disturbance activities must comply with other erosion and sedimentation regulations under Chapter 102, including developing erosion and sedimentation control plans, but are not required to apply for an ESCGP.¹

By inserting the additional exclusion suggested above, the relationship between the PAG-01 and the cited statute and regulations will be made clear. Thank you for the opportunity to comment.

Sincerely,



David Clark, President

¹ 25 Pa. Code § 102.5(k) (“A person proposing or conducting an earth disturbance activity who is not required to obtain a permit under this chapter shall comply with the other provisions of this chapter.”). See also 25 Pa. Code § 102.4.