

PADEP Announces Rescission of Oil and Gas Civil Penalty Technical Guidance Document and Replaces It with Two Civil Penalty Standard Operating Procedures

May 27, 2026

Pittsburgh, PA and Washington, DC

FNREL Mineral and Energy Law Newsletter

Pennsylvania – Oil & Gas

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On March 28, 2026, the Pennsylvania Department of Environmental Protection (PADEP) published a notice in the *Pennsylvania Bulletin* rescinding its technical guidance document (TGD) on civil penalty assessments in the agency's Office of Oil and Gas Management. 56 Pa. Bull. 1778 (Mar. 28, 2026). In the notice, PADEP also stated that it would replace its prior civil penalty assessment guide with two new standard operating procedure (SOP) documents relating to civil penalties for oil and gas violations, one for unconventional operations and one for conventional operations.

See Office of Oil & Gas Mgmt., PADEP, "[Standard Operating Procedure for Calculating Civil Penalty Assessments for Unconventional Oil and Gas Operations](#)" (Feb. 2026); Office of Oil & Gas Mgmt., PADEP, "[Standard Operating Procedure for Calculating Civil Penalty Assessments for Conventional Oil and Gas Operations](#)" (Feb. 2026).

PADEP also issued a new SOP for identifying, tracking, and resolving oil and gas violations, which supersedes the now-rescinded TGD "Standards and Guidelines for Identifying, Tracking, and Resolving Oil and Gas Violations" (Doc ID. No. 820-4000-001, issued Jan. 17, 2015). See Office of Oil & Gas Mgmt., PADEP, "[Standard Operating Procedure for Identifying, Tracking, and Resolving Oil and Gas Violations](#)" (Feb. 2026). Unlike TGDs, which undergo formal public comment periods, SOPs are internal agency documents that PADEP can revise at its discretion without public input.

Unconventional Civil Penalty SOP

This SOP guides PADEP staff in calculating civil penalties for violations related to unconventional oil and gas operations and includes statutory maximum penalties under the various environmental laws covered by the SOP: the Oil and Gas Act (\$75,000 plus \$5,000 per day that the violation continues), the Clean Streams Law (\$10,000 per day), the Solid Waste Management Act (\$25,000 per day), and the Dam Safety and Encroachments Act (\$10,000, plus \$500 for each day the violation continues). Among other things, this SOP determines base penalty amounts under these laws by the impacts related to the violation. For example, under the Oil and Gas Act, a "severe" violation (e.g., where a person is physically injured or killed, or there is major damage to property that endangers others) carries a higher base penalty range (\$25,000–\$75,000) than "significant" and "moderate" violations. PADEP can also consider other factors, including the willfulness of the violator's actions, costs to the commonwealth, economic benefits to the violator, the violator's history, and the violator's cooperation with PADEP.

Conventional Civil Penalty SOP

This SOP follows the same structure and methodology as the unconventional civil penalty SOP, but with two key differences: (1) lower statutory maximum penalty ranges under the Oil and Gas Act (\$25,000 plus \$1,000 per day the violation continues, compared to \$75,000 plus \$5,000 per day for unconventional); and (2) a violator's history cap of 10% (compared to 20% for unconventional).

SOP for Identifying, Tracking, and Resolving Oil and Gas Violations

This SOP introduces extensive procedural updates integrating environmental justice considerations throughout inspections, enforcement priorities, and water supply investigations. Key changes include a new 15-year baseline inspection cycle for all operational wells, elimination of road spreading inspections and related approvals, and

numerous new notification requirements for activities including horizontal directional drilling, modular storage installations, and gas storage well operations. Water supply investigation procedures have been significantly streamlined with a single notice of violation format for all cases and a formalized “notice of presumption” issued by senior officials when rebuttable presumption applies. For water supply investigations, PADEP has implemented a two-tier response approach providing immediate action within 24 hours when contamination is visually observable, or delayed response pending laboratory results when water appears normal. Additionally, when violations result in Community Environmental Projects—settlements involving environmental improvement work—in Environmental Justice (EJ) Areas, PADEP now requires consultation with Regional EJ Coordinators to ensure projects benefit affected communities.

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