

PADEP Considering Revising Applicable Regulations After Release Event at Natural Gas Storage Facility

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On December 9, 2022, the Pennsylvania Department of Environmental Protection (PADEP) announced that it had issued an administrative order and two compliance orders related to a natural gas storage facility release event that occurred in Jackson Township, Cambria County, Pennsylvania, in November 2022. See Press Release, PADEP, “DEP Issues Three Orders to Equitrans in Wake of Rager Mountain Storage Reservoir Natural Gas Release” (Dec. 9, 2022) (at which the three orders are available). In the press release, PADEP said its investigations into the event are ongoing.

At the December 1, 2022, Oil and Gas Technical Advisory Board (TAB) meeting, Kurt Klapkowski, Acting Deputy Secretary for PADEP’s Office of Oil and Gas Management, referenced the release event and indicated that it will inform PADEP actions in 2023. After praising Pennsylvania’s current regulations, which were adopted in 1994, as “very good” in terms of the requirements they place on the gas storage industry, Klapkowski said that in response to the release event, stakeholders can probably expect “significant development of potential proposed rule-makings, potential proposed statutory changes, [and] potential proposed administrative and implementation changes.” TAB Meeting at 29:10, 30:50 (Dec. 1, 2022). To achieve these goals, Klapkowski said that he expected significant interaction between PADEP and operators, as well as coordination with TAB and the Crude Development Advisory Council (CDAC). *Id.* at 32:13. CDAC, which reports to TAB, will be involved in any proposed rulemakings, guidance, or other administrative changes because storage wells are defined as conventional wells governed by 25 Pa. Code ch. 78.

Although Klapkowski did not provide specific details about PADEP’s potential actions and the form of the process, he said the changes may be proposed to chapter 78 and “[e]verything is on the table for consideration in terms of making sure that this industry is regulated appropriately and the public gets protected and the environment is protected from potential incidents like this happening again in the future.” *Id.* at 34:53. Prior to answering questions from attendees, Klapkowski said that PADEP is going to be spending significant effort on this in the coming weeks and months. *Id.* at 35:22. PADEP further addressed the release event and its response applicable to Pennsylvania gas storage operations, now under the new Shapiro administration, at CDAC’s February 16, 2023, meeting.

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