

Pennsylvania EQB Accepts Three Oil and Gas Rulemaking Petitions for Further Study

March 3, 2026

Pittsburgh, PA

FNREL Mineral and Energy Law Newsletter

Pennsylvania – Oil & Gas

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At its December 9, 2025, meeting, the Pennsylvania Environmental Quality Board (EQB) voted to accept three oil and gas-related rulemaking petitions for further study. A rulemaking petition by the Clean Air Council (CAC) and Environmental Integrity Project (EIP) seeks to amend 25 Pa. Code ch. 78a to increase unconventional gas well setback distances (CAC and EIP Petition). The CAC and EIP Petition proposes to increase the minimum setback distances for any new unconventional oil and gas well to 3,281 feet from any building (currently 500 feet) and drinking water well (currently 1,000 feet for water supply extraction points, water wells, surface water intakes, and reservoirs), 5,280 feet from the property boundary of any building serving vulnerable populations (not currently addressed), and 750 feet from any surface water of the commonwealth (currently 300 feet from a wetland greater than one acre and 750 feet from certain other waters). As reported in [Vol. 42, No. 2 \(2025\)](#) of this *Newsletter*, the EQB voted to table the CAC and EIP Petition at its April 8, 2025, meeting, and did not address it for three months, causing the petition to expire, after which CAC and EIP resubmitted it to the EQB on September 18, 2025. The EQB's acceptance of this rulemaking petition was published in the *Pennsylvania Bulletin* on December 27, 2025. See 55 Pa. Bull. 8758 (Dec. 27, 2025).

The EQB also voted to accept a petition submitted by Marcellus Shale Coalition (MSC), the Pennsylvania Coal Alliance (PCA), and the Pennsylvania Independent Oil and Gas Association (PIOGA), which requests a rulemaking to clarify how attainable bottom is determined during well plugging and how plugging of oil and gas wells should proceed from that point (MSC, PCA, and PIOGA Petition). This petition seeks clarifications concerning well plugging requirements, given the Pennsylvania Department of Environmental Protection's (PADEP) priority to plug orphan wells and to receive federal funding for that purpose. The proposed amendments to 25 Pa. Code chs. 78 and 78a would state that an operator is presumed to have made a reasonable effort to achieve the attainable bottom if the well has been cleaned out to at least 200 feet below the coal protective casing (or to the coal seam if no coal protective casing is present) or surface casing, whichever is deeper, and an additional 100 feet of well bore cannot be cleaned out within one eight-hour work shift. The EQB's acceptance of this rulemaking petition was also published in the *Pennsylvania Bulletin* on December 27, 2025. See 55 Pa. Bull. 8758 (Dec. 27, 2025).

The EQB also accepted a separate rulemaking petition from MSC that seeks to amend 25 Pa. Code § 78a.58(a) to allow fluids from various oil and gas operations to be processed and stored at the site at which they are produced, at the well site where they are used, or at a well site where they are distributed to other well sites for use in stimulating those wells (MSC Petition). This petition requests these changes to encourage efficient storage, handling, and reuse of fluids from oil and gas operations, arguing the current regulatory language limits PADEP's ability to authorize certain fluid processing activities. The EQB's acceptance of this rulemaking petition was also published in the *Pennsylvania Bulletin* on December 27, 2025. See 55 Pa. Bull. 8759 (Dec. 27, 2025). The CAC and EIP Petition, MSC, PCA, and PIOGA Petition, and MSC Petition are each available on the EQB website [here](#) under the December 9, 2025, meeting summary.

For each of these rulemaking petitions, next steps include PADEP's preparation of a report evaluating the petition that includes a recommendation whether the EQB should approve the actions requested in the petition, with the anticipated date EQB will consider the proposed rulemaking. Petitioners are sent a copy of PADEP's report and are permitted to submit a written response. PADEP prepares a recommendation to the EQB based on the report and comments received from the petitioner.

