

Shapiro Administration Revises PPC Plan Policy to Require Operators to Disclose Drilling Chemicals

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On January 26, 2024, the Pennsylvania Department of Environmental Protection (PADEP) announced that it would implement a policy requiring natural gas well operators to disclose chemicals they use in drilling and hydraulic fracturing operations before the chemicals are used on-site. See [Press Release](#), PADEP, “Shapiro Administration, DEP Requires All Fracking Companies to Be More Transparent About Chemicals Used in Drilling” (Jan. 26, 2024). To accomplish this, PADEP said it would revise the process by which an operator submits its site-specific preparedness, prevention, and contingency plan (PPC Plan). Regulations require that an operator prepare a PPC Plan before it stores, uses, or generates regulated substances on-site, but until this change, an operator was only required to submit its PPC Plan to PADEP upon request.

Now, PADEP’s policy is that operators must submit PPC Plans to the agency prior to conducting drilling operations so PADEP can post them online on its PA Oil and Gas Mapping website. PADEP has informed operators and industry groups of the change, and since January 3, 2024, has included the policy in cover letters attached to issued unconventional well permits. This change appears to respond to one of eight recommendations summarized in the report prepared by Pennsylvania’s 43rd Statewide Investigating Grand Jury on the unconventional oil and gas industry. See Office of the Att’y Gen., Commw. of Pa., [Report 1 of the Forty-Third Statewide Investigating Grand Jury](#) (June 2020). The grand jury was convened, and the PPC Plan policy subsequently implemented, under then-Attorney General and current Governor Josh Shapiro.

Specifically, the grand jury recommended “that all chemicals employed in any stage of the unconventional oil and gas process must be publicly disclosed before they can be used.” *Id.* at 95. Among other things, the grand jury also recommended expanding no-drill zones, aggregating smaller sources together for the purpose of assessing air pollution, and implementing a “cooling off” period during which former PADEP employees are restricted from being employed by oil and gas operators. *Id.* at 10–11.

At the moment, PADEP’s change to the PPC Plan submission process appears to be strictly policy-based and unconnected to existing or proposed regulations. However, the change follows the Shapiro administration’s voluntary agreement with CNX Resources Corp. (CNX), whereby CNX announced its intention to publicly disclose chemicals and additives used in drilling operations at two of its wells, real-time air monitoring data, and other information. See [Press Release](#), Gov’r Josh Shapiro, “Shapiro Administration and Leading Natural Gas Company CNX Resources Announce First-of-Its-Kind Collaboration on Environmental Monitoring and Chemical Disclosures” (Nov. 2, 2023); “[Statement of Mutual Interests](#)” (Nov. 2, 2023). These actions broadly mirror many of the grand jury’s recommendations.

In the announcements for both the CNX collaboration and the PPC Plan change, the Shapiro administration said that it has directed PADEP to implement formal rulemaking and policy changes mirroring the collaboration, including improved control of methane emissions to align with federal standards for oil and gas emissions sources, stronger drilling waste protections, and protections for gathering lines that transport natural gas. As such, new or revised regulations to respond to the recommendations summarized in the grand jury report and applicable to the oil and gas industry may be forthcoming.

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