

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78]

Emergency Response Planning at Unconventional Well Sites

[43 Pa.B. 526]

[Saturday, January 26, 2013]

The Environmental Quality Board (Board) amends §§ 78.1 and 78.55 (relating to definitions; and control and disposal planning; emergency response for unconventional well sites) to read as set forth in Annex A.

Notice of proposed rulemaking is omitted as provided under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit notice of proposed rulemaking if the agency finds for good cause that the notice is contrary to the public interest. The proposed rulemaking procedure for this rulemaking is contrary to the public interest for the following reasons.

In addition, this is an emergency-certified regulation as provided under section 6(d) of the Regulatory Review Act (71 P. S. § 745.6(d)). Section 745.6(d) of the Regulatory Review Act provides for issuance of emergency regulations based on, among other things, a certification by the Governor that a final-omitted rulemaking is required to protect the public health, safety and welfare. In this case, the Governor issued a Certification of Need for Emergency Regulation on December 27, 2012, that this final-omitted rulemaking is required to protect the public health, safety and welfare. In addition, that Certification of Need for Emergency Regulation is consistent with the statute authorizing the regulation.

This order was adopted by the Board at its meeting of November 20, 2012.

A. *Effective Date*

This final-omitted rulemaking is effective upon publication, with the exception of § 78.55(f)(3)—(5). Section 78.55(f)(3) will be effective on February 25, 2013. Section 78.55(f)(4) will be on effective July 25, 2013. Section 78.55(f)(5) will be effective on April 26, 2013.

B. Contact Persons

For farther information contact, Kurt Klapakowski, Director, Bureau of Oil and Gas Planning and Program Management, Rachel Carson State Office Building, 15th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199; or Douglas Brennan, Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, 400 Market Street, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us.

C. Statutory Authority

This final-omitted rulemaking is being made under the authority of act of February 2, 2012 (P. L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. § 7321 (relating to unconventional well 911 emergency response information), which requires the Department and the Pennsylvania Emergency Management Agency (PEMA) to adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth to take certain actions for emergency response. The final-omitted rulemaking is also adopted under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. Background of the Final-Omitted Rulemaking

Governor Tom Corbett called the Marcellus Shale natural gas play an "economic cornerstone" of this Commonwealth's recovery from the recession, which has impacted the Nation over the past 4 years. The development of vast natural gas resources trapped beneath more than half of this Commonwealth has created tens of thousands of new jobs, generated billions of dollars in tax and lease revenues for the Commonwealth and its citizens, infused billions of additional dollars in bonus lease and royalty payments to landowners and significantly expanded access to clean, affordable energy sources for residential, commercial and industrial customers.

Along with the economic and energy independence and security potential of the Marcellus Shale natural gas reserve comes a heightened awareness of and concern for the activity's impact on local communities within the shale development regions. While this Commonwealth has an extensive history of oil and natural gas development, particularly in its western region, natural gas development is relatively new to regions such as the Northern Tier and northeastern Pennsylvania. Additionally, the size, scale and accelerated pace of development of the Marcellus Shale natural gas reserve is a new phenomenon for this Commonwealth.

In 2011, Governor Corbett issued Executive Order 2011-01, codified at 4 Pa. Code Chapter 6, Subchapter H, to establish the Marcellus Shale Advisory Commission (Commission). The Governor charged it to identify, prioritize and craft recommendations

regarding the safe, efficient and environmentally responsible extraction and use of unconventional natural gas reserves in this Commonwealth.

As outlined in Executive Order 2011-01, the Commission undertook a broad review of a multitude of issues regarding Marcellus Shale natural gas development. As part of this, the Commission formed a Local Impact & Emergency Response Work Group (Work Group). The Work Group closely examined emergency response issues, which included meeting with various experts and local government officials.

In the final Commission report to the Governor, the Commission noted that

. . . municipalities have a legal responsibility for planning for and responding to all types of emergencies. Drilling activity leads to the potential for many types of incidents for which response may be necessary including: fires, well blowouts, chemical and fuel spills, and traffic accidents attributed to an overall increase in vehicular traffic. Emergencies at drilling locations have occurred and until emergency specialists retained by drilling companies arrive on site, volunteer fire companies and other local first responders must secure a site and take appropriate action. . . . Responding to natural gas incidents requires additional emergency management planning at the local, county, and regional levels and appropriate equipment and training, particularly with respect to natural gas well operations.

The Commission made two recommendations that relate to this final-omitted rulemaking:

9.3.1: Oil and gas well pads and related facilities should be assigned a 9-1-1 address for emergency response purposes, and oil and gas operators should be required to provide GPS coordinates for access roads and well pad sites, and post this information, along with appropriate emergency response contact information, in a conspicuous manner at the well pad site.

9.3.2: In coordination with PEMA and [the Department], emergency plans for responding to incidents on well development sites should be standardized across the Commonwealth to ensure an acceptable level of expectation for safety and response coordination. The emergency plan should be distributed to the county emergency management coordinator.

On February 2, 2012, Governor Corbett signed into law Act 9, which adopted these recommendations from the Commission. Act 9 provides that the Department and PEMA "shall adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth" to register street and GPS addresses, post signs and develop and implement emergency response plans. The Department and PEMA have worked closely in developing this final-omitted rulemaking.

The Department presented this final-omitted rulemaking to its Oil and Gas Technical Advisory Board (TAB) at meetings on August 15 and September 17, 2012. Changes were made to this final-omitted rulemaking to reflect concerns raised by TAB.

E. Summary of Final-Omitted Rulemaking

This final-omitted rulemaking adds two definitions to § 78.1 and adds § 78.55(f). The Department is currently developing other changes to Chapter 78 (relating to oil and gas wells) to address a variety of topics, including changes needed to implement 58 Pa.C.S. §§ 3201—3274 (relating to development). As part of that effort, the Department expects that subsection (e) will be integrated into a more comprehensive § 78.55 in the future.

The new definitions in § 78.1 are for "unconventional formation" and "unconventional well," which are taken verbatim from 58 Pa.C.S. § 3203 (relating to definitions).

Section 78.55(f)(2) contains definitions of terms used in Act 9 and others that are needed to clarify the requirements of the regulation. These definitions only apply to subsection (f). The definitions include several terms to ensure clarity of the requirements for signs ("access road," "entrance," "private road" and "public road").

Section 78.55(f)(3) requires registration of street addresses and GPS coordinate addresses that are needed to assist emergency responders in locating well sites. This paragraph provides details on how those requirements apply in different scenarios.

Section 78.55(f)(4) contains signage requirements for the same purpose. The standards are largely borrowed from Department of Transportation regulations. An example sign is provided in Figure 1.

Section 78.55(f)(5) contains requirements for emergency response planning. Emergency response planning is a central part of ensuring that the impacts of emergencies are minimized. The plan must utilize the concepts of the National Incident Management System to the maximum extent practicable. The key elements are described in this paragraph. The plan must contain a description of the procedure used to provide current information to emergency responders in the event of an emergency, including current Material Safety Data Sheets for materials located at the well site.

Emergency response plans may consist of a base plan common to all of an operator's well sites, along with site-specific plans for each well site with information relevant to that site. The initial emergency response plan shall be submitted to PEMA, the Department, the county emergency management agency and the Public Safety Answering Point prior to drilling operations. Updates shall be submitted annually. If changes are not needed to the plan, the operator shall submit a statement to that effect.

Act 9 explicitly applies to both new and existing unconventional wells within this Commonwealth. In recognition of that fact, § 78.55(f)(6) contains a transition to allow for existing operations, and others, to meet the new requirements within a reasonable time period after the effective date of the final-omitted rulemaking. The transition allows for delayed effective dates for well sites containing a well that is being drilled or has been drilled, well sites for which a well permit has been issued but wells have not started drilling and well sites for which an administratively complete well permit application is pending.

G. Benefits and Costs

Benefits

The public will benefit from this final-omitted rulemaking because it enhances emergency response at unconventional well sites. This has a direct benefit to public health, safety and welfare. This is particularly beneficial to first responders and employees at the well sites, who are the people most vulnerable to injury when there is an emergency.

Local governments will benefit because this final-omitted rulemaking will enhance their ability to manage emergency response. They will have emergency response plans that meet a Statewide standard in hand when an emergency occurs. In addition, there will be signs that meet the same standard to direct their response personnel to the well site as quickly as possible.

The regulated community will also benefit because there will be clear and uniform Statewide requirements for emergency response planning and the use of signs and addresses to direct emergency responders to the well site.

Costs

This final-omitted rulemaking will not impose additional costs on the Department.

Industry will incur costs in preparing the emergency response plans and posting signs. However, responsible operators already do both. Therefore, the expense should not be significant. The Department estimates that for existing unconventional well sites the cost to industry to provide the required signage may run between \$250,000 and \$1.1 million, depending on the material used to manufacture the sign (\$150 per sign for fiberboard and \$600 per sign for aluminum).

Compliance assistance plan

A compliance assistance plan will be implemented, including regional training sessions by the Department and PEMA on the new requirements. The training will be targeted to Department and PEMA staff, local governments, first responders and unconventional well operators.

Paperwork requirements

This final-omitted rulemaking will require operators to prepare written emergency response plans. They will also need to submit annual updates, although for the vast majority of well sites this will simply involve notification that the plans are still current.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on November 29, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

J. Findings

The Board finds that:

(1) Use of the final-omitted rulemaking procedure is appropriate because the proposed rulemaking procedure specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, under the circumstances, contrary to the public interest.

(2) Use of proposed rulemaking procedures is contrary to the public interest because the subject of the regulations, emergency response, has a direct and immediate impact on human health and safety at unconventional well sites.

(3) Use of the emergency certified rulemaking procedure provided in section 6(d) of the Regulatory Review Act is appropriate because it is required to protect the public health, safety and welfare.

(4) Use of the emergency certified rulemaking procedure is required to protect the public health, safety and welfare based on the Governor's Certification of Need for Emergency Regulation dated December 27, 2012. This is also indicated by the underlying statute in which the General Assembly directed the Department and PEMA to issue an emergency regulation containing the explicit provisions in the regulations.

(5) The regulations are necessary and appropriate for administration of the authorizing acts identified in Section C of this preamble and in the public interest.

K. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 78, are amended by amending §§ 78.1 and 78.55 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form as required by law.

(c) The Chairperson shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately, with the exception of § 78.55(f)(3)—(5). Section 78.55(f)(3) shall take effect February 25, 2013. Section 78.55(f)(4) shall take effect July 25, 2013. Section 78.55(f)(5) shall take effect April 26, 2013.

MICHAEL L. KRANCER,
Chairperson

Fiscal Note: 7-479. No fiscal impact; (8) recommends adoption.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Certification

As Director of the Pennsylvania Emergency Management Agency (PEMA), I fully endorse the regulation entitled "Emergency Response Planning at Unconventional Well Sites," amending 25 Pa. Code 78, which was approved by the Environmental Quality Board (EQB) on November 20, 2012. I attended the EQB meeting and jointly presented the regulation to the EQB along with Scott Perry, the Deputy Secretary for Oil and Gas Management at the Department of Environmental Protection (DEP).

I am aware of the statutory provision authorizing the regulation, contained in the Act of February 2, 2012, P. L. 67, Act 9 (Act 9), which provides that "[PEMA] and the Department of Environmental Protection shall adopt emergency regulations" such as the regulation approved by the EQB on November 20, 2012. PEMA and DEP worked together in concert to develop the regulation. I agree that the EQB should adopt the regulation because DEP inspectors will be responsible to enforce the well site requirements of the regulation.

November 29, 2012

GLENN M. CANNON, Esq.,
Director

GOVERNOR'S OFFICE

Certification of Need for Emergency Regulation

Whereas, the Commonwealth Department of Environmental Protection engages in the permitting, regulation and inspection of all unconventional well sites within this Commonwealth; and

Whereas, the Commonwealth Department of Environmental Protection, the Pennsylvania Emergency Management Agency and local political subdivisions engage in emergency response activities at unconventional well sites; and

Whereas, timely emergency response is fundamental to the safety of the public, unconventional well site employees, and emergency responders as well as to the protection of the environmental resources throughout Pennsylvania; and

Whereas, local first responders and emergency management officials have cited concerns that it may be difficult to find unconventional well sites should an emergency occur particularly in the vast, undeveloped regions of the Commonwealth and that unconventional well site activities may pose unforeseen risks and hazards to response efforts; and

Whereas, many unconventional well sites lack adequate addressing and signage, which has the potential to delay emergency response, threatening the public, unconventional well site employees, and emergency responders in the event of an emergency; and

Whereas, no existing regulations of the Department of Environmental Protection or the Pennsylvania Emergency Management Agency require that unconventional well operators report their latitude and longitude or street address to the Department of Environmental Protection, the Pennsylvania Emergency Management Agency or local county Emergency Management Agencies; and

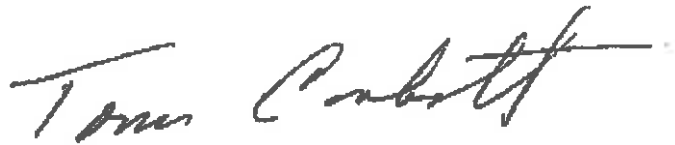
Whereas, the Act of February 2, 2012, P. L. 67, No. 9 requires the Department of Environmental Protection and the Pennsylvania Emergency Management Agency to adopt emergency regulations related to the emergency response at all unconventional well sites across this Commonwealth; and

Whereas, without immediate amendment of the regulations, emergency response activities may be severely hampered to the detriment of the safety of the public, unconventional well site workers, and emergency responders, and to the protection of the environmental resources of the Commonwealth; and

Now Therefore, I do hereby certify that the regulatory amendments to 25 Pa. Code, Chapter 78, following hereto as ANNEX A are required to meet the emergency conditions enumerated in the recitals above and to safeguard the public health, safety and welfare as described therein.

Further, I hereby authorize the Secretary of the Department of Environmental Protection to publish these amendments in the *Pennsylvania Bulletin* as an Emergency Final-Omitted Rulemaking consistent with the provisions of Section 6(d) of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this 27th day of December in the year of our Lord two thousand and twelve, and of the Commonwealth the two hundred and thirty seventh.



Governor

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE I. LAND RESOURCES
CHAPTER 78. OIL AND GAS WELLS
Subchapter A. GENERAL PROVISIONS**

§ 78.1. Definitions.

* * * * *

(b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise, or as otherwise provided in this chapter:

* * * * *

Tow—A workshift in drilling of a well.

Unconventional formation—A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

Unconventional well—A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

Vertical well—A well with a single vertical well bore.

* * * * *

Subchapter C. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 78.55. Control and disposal planning; emergency response for unconventional well sites.

(a) *Preparation and implementation of plan.* Prior to generation of waste, the well operator shall prepare and implement a plan under § 91.34 (relating to activities utilizing pollutants) for the control and disposal of fluids, residual waste and drill cuttings, including tophole water, brines, drilling fluids, additives, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids and drill cuttings from the drilling, alteration, production, plugging or other activity associated with oil and gas wells.

(b) *Requirements.* The plan must identify the control and disposal methods and practices utilized by the well operator and be consistent with the act. The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and §§ 78.54, 78.56—78.58 and 78.60—78.63. The plan must also include a pressure barrier policy that identifies barriers to be used during identified operations.

(c) *Revisions.* The operator shall revise the plan prior to implementing a change to the practices identified in the plan.

(d) *Copies.* A copy of the plan shall be provided to the Department upon request and shall be available at the well site during drilling and completion activities for review.

(e) *Emergency contacts.* A list of emergency contact phone numbers for the area in which the well site is located must be included in the plan and be prominently displayed at the well site during drilling, completion or alteration activities.

(f) *Emergency response for unconventional well sites.*

(1) *Applicability.* This subsection applies to unconventional wells.

(2) *Definitions.* For the purposes of this subsection, the following definitions apply:

Access road—A road connecting a well site to the nearest public road, private named road, administrative road with a name and address range, or private unnamed road with an address range.

Address—A location, by reference to a road or a landmark, made by a county or municipality responsible for assigning addresses within its jurisdiction.

Administrative road—A road owned and maintained by the Commonwealth open to the public at the discretion of the Commonwealth that may or may not have a name and address range.

Emergency responder—Police, firefighters, emergency medical technicians, paramedics, emergency management personnel, public health personnel, State certified hazardous materials response teams, Department emergency personnel and other personnel authorized in the course of their occupations or duties, or as an authorized volunteer, to respond to an emergency.

Entrance—The point where the access road to a well site connects to the nearest public road, private named road, administrative road with a name and address range, or a private

unnamed road with an address range.

GPS coordinates—The coordinates in latitude and longitude as expressed in degrees decimal to at least six digits after the decimal point based upon the World Geodetic System 1984 Datum or any other datum approved by the Department.

PEMA—The Pennsylvania Emergency Management Agency.

Private named road—A private road with a name and address range.

Private road—A road that is not a public road.

Private unnamed road—A private road that is not a private named road.

Public road—A road owned and maintained by the Commonwealth, a county within this Commonwealth, a municipality within the Commonwealth or any combination thereof that is open to the public.

Public safety answering point—An entity operating in cooperation with local municipalities and counties to receive 9-1-1 calls for a defined geographic area and process calls according to a specific operational policy.

Well site name—The name used to designate the well site by the operator on the well permit application submitted to the Department.

(3) *Registration of addresses.*

(i) Prior to construction of an access road to a well site, the operator of an unconventional well shall request a street address for the well site from the county or municipality responsible for assigning street addresses.

(ii) The operator shall determine the GPS coordinates for both the well site and the entrance to the well site. The GPS coordinates must have a horizontal accuracy of plus or minus 6.67 feet or better. If there is more than one well on a well site, one set of GPS coordinates must be used for the well site.

(iii) The operator shall register the following with PEMA, the Department, the Public Safety Answering Point and the county emergency management organization within the county where the well site is located:

(A) The well site name.

(B) The well site address.

(C) The GPS coordinates for the entrance and the well site.

(iv) When there is a change of well site address, the operator shall register the new address as provided in subparagraph (iii).

(v) When there is a change of the entrance due to a change in the well site address or otherwise, the operator shall register the GPS coordinates for the entrance as provided in subparagraph (iii).

(vi) The following shall be retained at the well site for reference when contacting emergency responders:

(A) The well site name.

(B) The well site address.

(C) The GPS coordinates for the entrance and the well site.

(4) *Signage.*

(i) Prior to construction of the access road, the operator of an unconventional well shall display a reflective sign at the entrance.

(ii) The sign must meet the following requirements:

(A) The sign must be fabricated with approved retroreflective sheeting material meeting ASTM 4956 Type III.

(B) The sign must have a white background with a 2-inch red border and black numbers and letters. Signs for entrances on administrative roads may use other colors provided that the signs use contrasting colors between the background, border, numbers and letters.

(C) The sign must be of sufficient size to accommodate the required information described in this section. The minimum size of a sign must be 36 inches in height and 48 inches in width.

(D) The sign must follow the format of Figure 1 and contain:

(F) The address number for the well site displayed horizontally on the first line of the sign in text no smaller than 4 inches in height.

(H) The full address of the entrance, including the county and municipality in which the entrance is located.

(III) The well operator's company name.

(IV) The 24-hour contact telephone information for the operator of the well site.

(V) The GPS coordinates for the entrance.

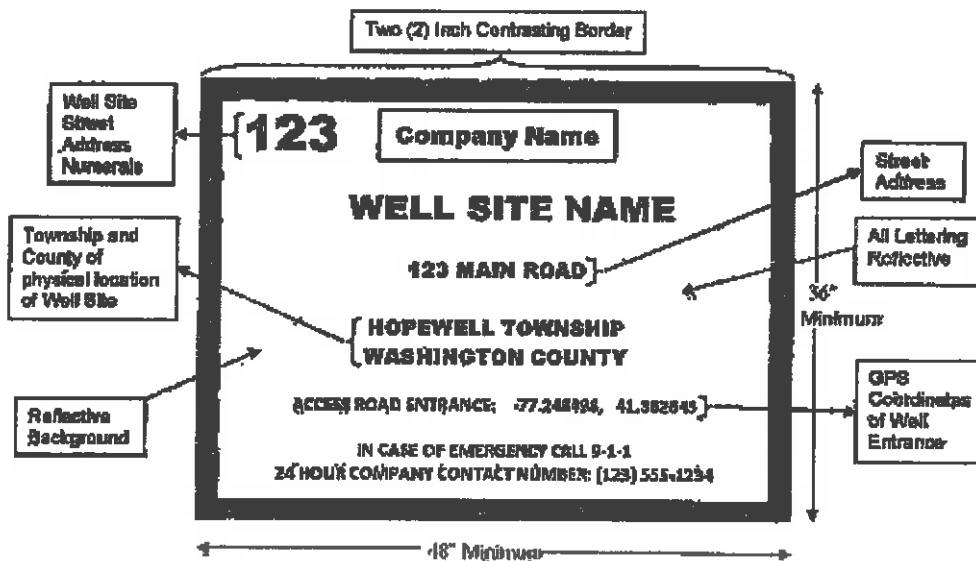
(VI) The well site name.

(VII) The wording "In Case of Emergency Call 9-1-1."

(iii) The sign must be mounted independently from other signage.

- (iv) The bottom of the sign must be positioned a minimum of 3 feet above ground level.
- (v) The sign may not contain other markings.
- (vi) A sign, as viewed from the applicable road, may not be obstructed from view by vegetation, equipment, vehicles or other obstruction.
- (vii) During drilling operations, the American Petroleum Institute (API) permit numbers of the wells at the site may be posted on a nonreflective sign below the principal sign. The API sign may be removed after the well is completed, provided that it is not otherwise required to be posted.

Figure 1. Sample Site Entrance Signage



(Not to scale)

(5) *Emergency response planning.*

(i) The operator of an unconventional well shall develop and implement an emergency response plan that provides for equipment, procedures, training and documentation to properly respond to emergencies that threaten human health and safety for each well site. The plan shall incorporate National Incident Management System planning standards, including the use of the Incident Command System, Incident Action Planning and Common Communications Plans. The plan must include:

(A) The emergency contact information, including phone numbers, for the well operator's local representative for the well site and the well operator's 24-hour emergency

phone number.

(B) The emergency notification procedures that the operator shall utilize to contact emergency responders during an emergency.

(C) A description of the well site personnel's response to the following well site emergencies:

(I) Fire.

(II) Medical emergency.

(III) Explosion or similar event.

(IV) Spill.

(V) Security breach or other security event.

(VI) Any other incident that necessitates the presence of emergency responders.

(D) A description of the procedure to be used to provide the most current information to emergency responders in the event of an emergency, including the following:

(I) The current Material Safety Data Sheet (MSDS) required under law to be present at the well site.

(II) The location of the MSDSs at the well site.

(III) The name of the position in the operator's organization responsible for providing the information in subclauses (I) and (II).

(E) A list containing the location of any fire suppression and spill control equipment maintained by the well operator at the well site.

(F) A description of any emergency equipment available to the operator that is located off of the well site.

(G) A summary of the risks and hazards to the public within 1/2 mile of the well site and the associated planning assumptions.

(H) An outline of the emergency response training plan that the operator has established.

(i) The emergency response plan in subparagraph (i) may consist of two parts:

(A) A base plan common to all of the operator's well sites containing some of the elements described in subparagraph (i).

(B) A site-specific plan containing the remaining elements described in subparagraph (i).

(ii) The operator shall submit a copy of the current emergency response plan for that

well site unless the permit provides otherwise. For plans using the approach in subparagraph (ii), the operator may submit one base plan provided that the site-specific plans are submitted for each well site.

(iv) The operator shall review the plan and submit an update annually on or before March 1 each year. In the event that updates are not made to the plan for that review period, the operator shall submit a statement indicating the review was completed and updates to the plan were not necessary.

(v) The plan and subsequent updates shall be submitted to:

(A) PEMA.

(B) The Department.

(C) The county emergency management agency.

(D) The Public Safety Answering Point with jurisdiction over the well site.

(vi) A copy of the plan shall be available at the well site during all phases of operation.

(vii) The emergency response plan must address response actions for the following stages of operation at the well site:

(A) Preparation of the access road and well site.

(B) Drilling of the well.

(C) Hydraulic fracturing and stimulation of the well.

(D) Production.

(E) Well site restoration.

(F) Plugging of the well.

(viii) The requirements in subparagraphs (i)—(vii) may be met by implementing guidance issued by the Department in coordination with PEMA.

(6) *Transition.*

(i) This subsection is effective January 26, 2013, except as provided in subparagraph (ii).

(ii) For a well site containing a well that is being drilled or has been drilled as of January 26, 2013, or a well site for which a well permit has been issued but wells have not started drilling as of January 26, 2013, or a well site for which an administratively complete application is pending as of January 26, 2013, as provided in subparagraph (i), the following applies:

(A) Paragraph (3) is effective on February 25, 2013.

(B) Paragraph (4) is effective on July 25, 2013.

(C) Paragraph (5) is effective on April 26, 2013.

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