



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

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Summary of Amendment # A07338 to Senate Bill 1303

Amendment Sponsor: Senator MJ White

- Clarifies that in addition to exemptions already recognized in regulation, the Department of Environmental Protection (DEP) may not require an NPDES permit for Stormwater Discharges Associated with Construction Activities for oil and gas activities
- Incorporates DEP regulatory definition of oil and gas activities, which is: “*Earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities*”

Notes:

- Amendment is consistent with federal law and current DEP practice
- Other exemptions to the permit requirement include: agricultural plowing or tilling activities, animal heavy use areas, timber harvesting activities and road maintenance activities
- 33 U.S. Code §1342(1)(2) (*related to requirements for NPDES permit for Stormwater Discharges Associated with Construction Activities*):

Stormwater runoff from oil, gas and mining operations. The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.