



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. N/A

Date: April 17, 2012

Notice No. 12-22

Closing Date: N/A

Oil and Gas Information Paper

The geographical boundary of the U.S. Army Corps of Engineers (USACE) Pittsburgh District, Regulatory Branch, includes portions of Pennsylvania, Ohio, and West Virginia. This notice informs the public of the basic USACE Regulatory role in oil and gas activities. Our regulatory program includes two primary authorities: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) (RHA) and Section 404 of the Clean Water Act (33 USC 1344) (CWA).

Section 10 of the Rivers and Harbors Act: USACE is directed by Congress under Section 10 of the RHA to regulate all work or structures in, over, under **navigable waters** of the United States. Navigable waters are defined at 33 CFR 329. The Pittsburgh District maintains a list of navigable waters within our regulatory boundaries and is available on our website: <http://www.lrp.usace.army.mil/or/or-f/Documents/PNs2012/PN12-2.pdf>

Section 404 of the Clean Water Act: USACE is directed by Congress under Section 404 of the CWA to regulate the discharge of dredged and fill material into all waters of the United States (WOUS). WOUS are defined in 33 CFR 328 and may include lakes, rivers, streams (ephemeral, intermittent, perennial), mudflats, vegetated shallows, ditches, ponds, and wetlands.

WOUS Identification: While some aquatic resources are clearly subject to USACE jurisdiction, in many instances, the determination of whether an aquatic resource is a WOUS can only be made after a site-specific analysis. Wetlands are identified by using the criteria described in the USACE 1987 Wetland Delineation Manual and the appropriate Regional Supplement. There are two regional supplements within the Pittsburgh District regulatory boundary: the Eastern Mountains & Piedmont Regional Supplement and the Northcentral and Northeast Regional Supplement. See the following link to determine which region your project occurs in: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx

Oil & Gas Activities: Examples of oil and gas activities that may impact WOUS and require authorization from USACE, include, but are not limited to: pipelines, access roads, well pads, water impoundments, and intake/outfall structures. Development of injection wells and disposal of frack water is not a regulated activity by USACE unless there is a placement of fill into WOUS.

Permits: The types of USACE permits that may be required for oil and gas activities can include, but are not limited to Nationwide Permits (NWP) 3, 7, 12, 14, and 39, Pennsylvania State Programmatic General Permit-4 (PA SPGP-4), or a standard permit (S.P.) (Permits Link - <http://www.lrp.usace.army.mil/or/or-f/permits.htm> - Pittsburgh District Forms and Publications). The Pittsburgh District is available to discuss project specifics at any time. Requesting a pre-application meeting is often the best means of obtaining preliminary feedback on proposed projects and facilitating project compliance.

Potential Permit Types by Activity Type/State within Pittsburgh District			
Activity Type	Pennsylvania	Ohio *	West Virginia
Well Pad	PA SPGP-4, S.P.	NWP 39, S.P.	NWP 39, S.P.
Pipeline	PA SPGP-4, NWP 12, S.P.	NWP 12, S.P.	NWP 12, S.P.
Access Road	PA SPGP-4, S.P.	NWP 14, S.P.	NWP 14, S.P.
Substation	PA SPGP-4, S.P.	NWP 12, S.P.	NWP 12, S.P.
Land Slips/Land Slides (Indirect fills of WOUS)	PA SPGP-4, S.P., NPR	NWP 3, 12, 33, S.P., NPR	NWP 3, 12, 33, S.P., NPR
Waterfront Facility (Section 10 Waters)	NWP, S.P.	NWP, S.P.	NWP, S.P.
Impoundments	PA SPGP-4, NWP, S.P.	NWP 39, S.P.	NWP 39, S.P.
Intakes/Outfall Structures	PA SPGP-4, NWP 7,12, S.P.	NWP 7, 12, S.P.	NWP 7, 12, S.P.
Notes:			
1. Unless in Section 10 Waters, Horizontal Directional Drill (HDD) does not require a Corps permit			
2. The overall project purpose needs to identify a single and complete project with independent utility			
3. Corps determines the appropriate permitting tool (commensurate with environmental impact) to ensure efficiency and adequate environmental protection			
4. For pipeline projects in PA, NWPs are suspended unless in listed Section 10 waters			
* Category 3 Wetlands in Ohio may not be eligible for state Section 401 certification and subsequent Corps authorization			
Key: PA SPGP-4 (PA State Programmatic General Permit 4), NWP (Nationwide Permit), S.P. (Standard Permit), NPR (No Permit Required)			
Links: Nationwide Permits and PA SPGP-4 = http://www.lrp.usace.army.mil/or/or-f/permits.htm (Pittsburgh District Forms and Publications)			

Enforcement: Pursuant to the 1989 Memorandum of Agreement between the Department of the Army and the U.S. Environmental Protection Agency (EPA), concerning Federal enforcement for the Section 404 program, the EPA may request to be the lead enforcement agency on a class of cases. In 2011, EPA Region III requested the lead on all oil and gas related violations in the USACE Pittsburgh District (WV & PA).

U.S. Army Corps of Engineers – Pittsburgh District
1000 Liberty Avenue, Pittsburgh, PA 15222

For other information or assistance, please call the Pittsburgh District Regulatory general line at (412) 395-7155 or the individuals below.

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FOR THE DISTRICT ENGINEER:

// SIGNED //

Scott A. Hans

Chief, Regulatory Branch

