



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-23-003
Oil and Gas Well Plugging

Permittee and Facility Information

Permit Issued To:

All applicable entities

Facility:

Oil and Gas Well Sites Identified in
Plans Approved in Project-Specific
Authorizations Granted Under this
General Permit

Applicable DEC Region(s): 7, 8, 9, 6

General Permit Authorized Activity: This permit authorizes the activities identified below, associated with the plugging of orphan, abandoned, and marginal oil and gas wells, occurring within state-regulated freshwater wetlands and their associated 100-foot adjacent areas, within the bed or banks of state-protected streams, or within navigable waters of the state, in accordance with the approved plans and special conditions in this permit:

1. Installation and removal of temporary access roads constructed of gravel placed on geotextile fabric and/or gap-free wetland mats, including temporary grading and associated site restoration to pre-existing conditions;
2. Construction of temporary work platforms (plugging pads) at the well site, including temporary grading and the temporary placement of clean fill over geotextile fabric within wetland areas and streams;
3. Construction of temporary stream and wetland crossings, including the installation of temporary bridges and wetland matting;
4. Temporary and limited use of existing stream fords of firm rock or gravel; and
5. Well decommissioning activities, including;
 - a. excavation and use of well fluids retention basins (pits),
 - b. removal of well casings, pipes, and other well components,
 - c. well plugging activities in accordance with DEC well plugging requirements, and
 - d. stabilization and restoration of affected wetlands and stream bed and banks.



Permit Authorizations

Freshwater Wetlands - Under Article 24

Effective Date: 11/08/2023 Expiration Date: 11/07/2028

Stream Disturbance - Under Article 15, Title 5

Effective Date: 11/08/2023 Expiration Date: 11/07/2028

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 11/08/2023 Expiration Date: 11/07/2028

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: SCOTT E SHEELEY , Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Authorized Signature: *Scott E. Sheeley* Date: 11/08/2023

This permit is not effective without the signature below:

Validation under this General Permit

Authorized By: _____

Authorized Signature: _____ Date / /

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; STREAM DISTURBANCE; FRESHWATER WETLANDS

1. Request for Authorization The project described in the Joint Application Form, plans, and attachments will be reviewed to determine if the project can be authorized under this General Permit. The application must include those items required in the Joint Application Form Instructions. The Department retains the right to exclude a proposed activity from authorization under this General Permit and require the applicant to obtain an individual permit.

No work is authorized, including site preparation, until the Permittee has received a countersigned authorization under this General Permit from DEC. The specific project activities authorized under this permit and described in the countersigned authorization cannot be modified unless approved in writing by the Regional Permit Administrator or an authorized DEC representative.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or their designated representative.

3. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

4. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

5. Time of Year Restrictions - Fisheries All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the fish spawning and incubation period specified in the description of specific activities authorized by this permit. At the written request of a Permittee, work restriction windows may be temporarily modified by the Regional Natural Resource Supervisor or their designee to address extenuating circumstances.

The restriction period(s) that shall apply, when so specified, are as follows:

Specification	Time of Year Restriction
A	None
B	Natural spawning brook and brown trout, commencing September 15 and ending May 15
C	Natural spawning rainbow trout, commencing January 1 and ending June 15
D	Natural spawning brook trout, brown trout, and rainbow trout, commencing September 15 and ending June 15
E	Walley and warmwater fish (bass and sunfish) spawning, commencing March 1 and ending June 30
F	Warmwater fish (bass and sunfish) spawning only, commencing May 1



and ending June 30

- 6. Tree Removal** To reduce the potential for adverse impacts to state-listed bat species (Indiana bats and Northern long-eared bats), the removal of trees greater than 3 inches in diameter shall only occur from November 15 to March 31.
- 7. Work In One Continuous Operation** Work within the streams, wetlands, and adjacent areas must be completed in one continuous operation. Continuous operation shall be defined as conducting work associated with site preparation, well plugging activities and site reclamation until all such activities are completed, without extended periods of time between work phases and de-mobilizing the rig or equipment.
- 8. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 9. Install, Maintain Erosion Controls** Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of any disturbed area. This sediment barrier is to be put in place before any disturbance of the ground occurs and is to be maintained in good and functional condition until thick vegetative cover is established.
- 10. Water Clarity** Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.
- 11. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.
- 12. Equipment in Wetland** Heavy equipment, including bulldozers, backhoes, payloaders, etc., shall only be operated on the wetland mats and cannot be operated in wetland areas. However, if a site requires the temporary placement of fill within wetland areas to ensure safe working conditions, heavy equipment may be used to spread temporary fill prior to matting installation. Any temporary fill must be placed on geotextile fabric. In addition, such operations shall minimize impacts to the wetland areas to the greatest extent possible.
- 13. Wetland Matting** The contractor shall identify all poorly drained soils where matting will be used. This includes wetland areas, as well as any areas outside of the wetland where the soil is poorly drained and rutting can occur over high traffic areas. In deep or open water wetland areas, headers and stringers must be installed. If "pumping" effect is observed from matting in inundated areas, matting will need to be re-installed. Any turbidity or siltation created from this activity will be a violation of the permit and mitigation measures must be put in place.
- 14. Wetland Mats for Access** Wetland mats shall be laid on top of existing wetland vegetation where feasible. Woody vegetation may be selectively trimmed to facilitate mat placement, but elimination or destruction of vegetation is prohibited. The use of additional fill for access road construction is prohibited unless illustrated within the approved plans or approved in writing by Department staff. Wetland mats and any temporary fill or geotextile fabric must be completely removed as soon as site access for the project is no longer necessary or before the permit expires, whichever comes first.



15. Wetland Mat Stream Crossings Wetland matting for stream crossing shall not cause a stream flow alteration resulting in stream bed or bank erosion, and shall not restrict fish movement. The mats must be removed if high stream flows are anticipated.

16. New Stream Crossings with Equipment The number of in-water stream crossings must be kept to the minimum necessary. Water depth at the time of crossing use must be lower than the undercarriage of the equipment using the crossing. Crossings must be located in an area with a firm streambottom. Any cuts in the stream bank made to facilitate access must be restored to original slope and bank height as soon as the crossing is no longer needed for the project. Access areas shall be restored to pre-existing conditions and be made non-usable after the project is completed or the permit expires, whichever comes first.

17. Temporary Equipment Access Ford This General Permit authorizes the temporary use of one in-stream crossing (ford site), if needed, to be used for temporary access to install and remove a temporary bridge, wetland matting, and for other site access purposes, subject to the following restrictions:

- a. Fords must be located where stream banks are low and the stream bed consists of firm rock or gravel. Use of fords is prohibited in locations where stream beds or banks are unstable.
- b. No rock may be brought into the stream, nor may any rock from the stream channel or banks be used to improve the ford site.
- c. Machinery shall not cause the stream bank to collapse.
- d. For use for the crossing shall be during periods of low or no stream flow, and may not be used during the Fisheries Time of Year restriction period(s) specified in the project authorization under this General Permit.

18. Work Pads Construction Construction of work pads must be located and sized to minimize impacts to natural resources (wetlands and streams) to the greatest extent practicable.

19. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

20. Siltation Prevention Measures Siltation prevention measures, such as silt fencing, sediment traps or settling basins, shall be installed and maintained during the project, to prevent movement of silt and turbid waters from the project site into any watercourse, stream, water body or wetland.

21. Containment and Removal of Well Fluids All well plugging fluids and fluids displaced out of the well during plugging and closure operations must be contained on site and disposed of properly. Any waste fluids must only be transported by a waste transporter with a valid New York State Part 364 Waste Transporter Permit.



22. Well Fluids Retention Pits Any well fluids retention pits used for well plugging must strictly conform to the following requirements:

- a. all pits must be properly constructed, lined and maintained to ensure stability. Pits must fully contain well water and any other fluids that may accumulate during plugging operations, including natural precipitation;
- b. a synthetic pit liner must be installed with adequate excess material to accommodate the weight and volume of all fluids and maintained in a leak-free condition;
- c. on completion of the project and removal of all fluids from pits, all materials to line or stabilize the pits must be removed from the site and the site restored to pre-existing grades and conditions; and
- d. use of pits for anything other than approved operations is prohibited.

23. Control Monitoring An inspector shall be on site daily while activities authorized by this permit are being conducted. If hydraulic fluid or wet cement enter the wetland, stream or water body, all operations must cease and may only recommence when the contaminants are contained, removed for proper disposal/handling, and the issue causing the contamination has been resolved.

24. Fueling Equipment All equipment, including pumps, must be fueled in a location at least 100 feet from the wetland. If any pump is operated closer than 100 feet from the wetland, it must be on an impervious surface or plastic liner with absorbents capable of containing any leakage of petroleum products. Any reportable leakage must be reported as per regulations. A spill kit must be on site to contain and clean up any leaks that may occur during work. For any leakage that meets reportable thresholds, the DEC spill reporting procedure must be followed by contacting the NYS Spill Hotline at 1-800-457-7362. Any leakage not meeting reportable thresholds, must be immediately cleaned up and disposed of properly.

25. Prevent Introduction of Invasive Plant Species To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris prior to entering and leaving the approved work area.

26. Disposal of Material Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated waterbody or wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

27. Site Restoration All access roads, work pads and excavated well fluids retention basins within regulated wetland areas, streams, or water bodies must be restored to pre-existing grades and conditions. All temporary fill and wetland matting must be removed upon completion of the project, or expiration of this general permit, whichever occurs first. Where necessary, erosion control structures, such as rip-rap placed along an eroding stream bank, may be left in place to protect the natural resource. DEC Region Division of Environmental Permits must review and approval all proposals to leave erosion control structures in place.



28. Stabilized Disturbed Areas All areas of soil disturbance resulting from an authorized project shall be stabilized immediately following project completion or prior to permit expiration, whichever occurs first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized in accordance with specifications on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within one (1) week of final grading. Temporary stabilization shall be maintained until successful vegetative cover (at least 75%) is established.

29. Seed, Mulch Stream Banks All disturbed stream banks and upland areas from which soil could erode into the stream shall be seeded and mulched immediately upon project completion.

30. Human or Archaeological Remains If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator

Listed on DEC Website at: <https://dec.ny.gov/about/39381.html>

Work shall not resume until written permission to do so has been received from the Department.

31. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

32. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

33. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.



34. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

35. 6 NYCRR Part 555, Permits to Plug and Abandon Pursuant to 6 NYCRR Part 555, any owner or operator plugging wells regulated under Environmental Conservation Law (ECL) Article 23 is required to file a Notice of Intention to Plug and Abandon with DEC's Division of Minerals Resources at least 10 days in advance of the anticipated commencement of plugging operations. Plugging cannot occur until DEC has issued to the owner or operator a Permit to Plug and Abandon. All plugging operations must comply with ECL Article 23, 6 NYCRR Part 555, and the issued Permit to Plug and Abandon.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator

Listed on DEC Website at <https://dec.ny.gov/about/39381.html>



4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Excavation & Fill in Navigable Waters.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

