

EVALUATION OF STATE
SURVEILLANCE AND
ENFORCEMENT METHODS

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Perceptions By Environmentalists

- **Environmental Organizations Have Used Quality of Inspections by State Oil and Gas Field Inspection Teams As a Principal Reason To Lobby for Increased Federal Overview**
- **State Inspection Programs Are Perceived to be Inconsistently Administered and May Lack Adequate Dedication In Many States**
- **State Inspectors Are Not Trained In the Fundamentals of Environmental Protection Principles; Are Employed For Their Knowledge of Oil and Gas Production**

OBJECTIVES OF PROPOSED STUDY

- **To Determine What Type of Surveillance and Enforcements (S&E) Procedures Used by States That Show Effective Results.**
- **Identify S&E Procedures That Have Proven Generally Ineffective and If Still Used, Why?**
- **Barriers to Implementation Of Effective Field Surveillance; Statutory? Regulatory? Technical Support? Climate?**

STUDY OBJECTIVES CONT.

- **To Determine What Level of Knowledge of Site Geology and Geomorphology Is Necessary For State Field Personnel to Acquire To Evaluate Compliance Situations, Facility Performance or Pollution Events.**
- **To Determine Whether All Oil and Gas State Agencies Are Structured To Provide Fast Response To Reports Of Potential Environmental or Water Resource Degradation.**
- **Effectiveness of Follow-up Procedures To Events Of Non-Compliance or Environmental or Water Pollution.**

TASK 1: Characterize State Inspection Programs

- 1) Evaluate Dynamics of Current State Oil and Gas Field Surveillance and Enforcement Programs.**
- 2) Review Inspection Information From Previous UIC and STRONGER Peer Reviews.**
- 3) Seek Permission to Interview State Inspection Personnel Who Conduct Routine Surveillance and Initiate Enforcement Actions Against Non-Compliance Events.**

TASK 2 : Surveillance Logistics; Records

- **1) Evaluate Whether Inspector Proximity To Regulated Activities Is An Advantage: Central Office Vs. District Office**
- **2) Frequency of Inspections, Level of Documentation Required of Field Staff for Routine Inspections;**
- **3) Is A Knowledge of Past Performance By Operators A Viable Guide For Routine Inspection Frequency?**

TASK 3: Inspector Knowledge And Training

- **Level of Formal Training For Field Surveillance; Geology, Engineering, Oilfield Practices; Environmental Principles**
- **Do State Agencies Train Inspectors in Principles of Public Relations Toward Landowners? Operators?**
- **To what Degree Does the Regulatory Agency Involve Inspectors in Enforcement Procedures, Mock Hearings? Training on Documentation? Chain Of Custody? Principles of Legally Based QA/QC?**

Task 4: Barriers to Effective Field Surveillance and Enforcement Activities

- **Lack of Funding for Adequate Number of Field Staff**
- **Physical Factors; Lease Distribution, Year-Round Accessibility;**
- **Legal Factors: Ingress-Egress Issues; Limited Unannounced Inspections; Degree of Central Legal Control on Non-Compliance Events.**
- **Multi-Agency Involvement on Inspections, Lease Closure**

TASK 5: Reports; State Review

- **Write Draft Report**
- **Send Draft Report to Participating States For Accuracy Review**
- **Complete Final Report**

SUMMARY

- **In Light Of Recent Concerns Over Hydraulic Fracturing; State Inspections and Enforcement Efforts Are Going To Come Into Question.**
- **Environmentalists Have A Mistaken Impression That Increased Federal Control Will Create Assurances of Higher Quality Inspections.**
- **The Link Between Field Surveillance and Appropriate Enforcement and Penalty Actions Is Not Understood.**

QUESTIONS?