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?